

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION  
9174 Sky Park Court, Suite 100  
San Diego, California 92123

MINUTES OF MEETING  
OCTOBER 10, 2007

At 9:05 a.m. Chairwoman Ritschel called to order the meeting of the California Regional Water Quality Control Board, San Diego Region at the Regional Water Quality Control Board, 9174 Sky Park Court, San Diego, California.

**Item 1** – Roll Call and Introductions: Board Members Present: Susan Ritschel, Richard Wright, Eric Anderson, David King, and Elizabeth Pearson Schneider.

Staff Present: John Robertus, Michael McCann, David Barker, Lori Costa, Mark Alpert, Julie Chan, John Anderson, David Gibson, Chiara Clemente, Jimmy Smith, Brian Kelley, Frank Melbourn, Rebecca Stewart, Wayne Chiu, Eric Becker, Michelle Mata, Amy Grove, Brian McDaniel, Phil Hammer, Laurie Walsh, Deborah Woodward, and Vicente Rodriguez. Others Present on behalf of the Regional Board: State Water Resources Control Board – John Richards, Catherine George, and Frances Spivy-Weber. Kennedy Court Reporters: Gidgette Nieves.

Public Attendance:

Richard Runge – South Coast Water District; Jim Malot – Terra Vac; Ned McMahon; Gabriel Solmer – San Diego Coastkeeper; Eric Larson – County of San Diego; Robert Stone – Quantum Ozone; Bob Jordan – SMWD; Tom Lambert, Ron Coss – DEH; Cori Butler – USDA; Cora Long – City of Lemon Grove; Lisa Coburn-Boyd; Justin Haessly – MRCD; Tyson Rose – TRC; Ralph Vasquez – SCS Engineers; Martha Manical; Ed Kimura – Sierra Club.

**Item 2** – Public Forum

There were no requests to speak during the public forum.

**Item 3** – Minutes of Board Meeting of August 8, 2007

*This record of the minutes of the meeting on this date is not intended as the official record of events and is solely for administrative convenience. A more detailed account of the proceedings is available upon request, consisting of a tape recording and a court reporter transcribed record. Please contact the Regional Board office for assistance.*

Ms. Schneider moved approval of the August 8, 2007 minutes. The motion was seconded by Mr. Wright and approved with abstention by Mr. Anderson.

**Item 4** – Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

Mr. Wright reported that he toured the Sweetwater Authority facilities on September 28.

Chairman Ritschel reported that Ms. Schneider appeared in a Clean Beaches Program video prepared by the State Board.

Mr. Robertus reported that he attended a San Clemente Coastal Advisory Board meeting on August 9, an American Society of Civil Engineers luncheon on September 20, and the State Board meeting in Los Angeles on October 2. He also reported that he, Mr. Wright, and Mr. Anderson would be attending the Water Conservation Summit on October 12. Mr. Robertus announced that the October 26 South Toll Road tour was cancelled. He also reported that the parties that own homes in Coronado, the Dickerson's and Gunning's, filed a lawsuit against the Regional Board. He said the case would be listed on the November 14 meeting agenda under Closed Session.

*Consent Calendar: Items 5 and 6 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed.)*

**Item 5** – Amendment of Waste Discharge Requirements, County of San Diego, Alpine II Burn Dump, San Diego County (tentative Addendum No. 6 to Order No. 97-11, General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Nonhazardous Waste Landfills Within the San Diego Region) (*Carol Tamaki*)

**Item 6** – Rescission of Cease and Desist Order and Waste Discharge Requirements: El Morro Trailer Park, Orange County. The California Department of Parks and Recreation reported that discharges of domestic waste ceased in March 2006 and the wastewater treatment and disposal system at El Morro Trailer Park was decommissioned in September 2006. (Tentative Order No. R9-2007-0109) (*Joann Cofrancesco*)

- a. Rescission of Cease and Desist Order - The Regional Board will consider rescinding Order No. R9-2003-0285, against California Department of Parks and Recreation, Crystal Cove State Park, El Morro Trailer Park, Orange County, to establish a Time Schedule to comply with Waste Discharge Requirements Order No. R9-2003-0228.
- b. Rescission of Waste Discharge Requirements - The Regional Board will consider rescinding Order No. R9-2003-0228, Waste Discharge Requirements for California Department of Parks and Recreation, Crystal Cove State Park, El Morro Trailer Park, Orange County.

Ms. Schneider made a motion to approve Consent Items 5 and 6. The motion was seconded by Mr. Wright and approved by unanimous vote.

*Remainder of the Agenda (Non-Consent Items):*

**Item 7** – BASIN PLAN AMENDMENT: Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region. The San Diego Water Board will hear comments on, deliberate, and consider adopting Tentative Resolution No. R9-2007-0104 to amend the Basin Plan with the revised and new conditional waivers. (Tentative Resolution No. R9-2007-0104) (*Wayne Chiu*)

Mr. Robertus introduced the item and staff member Wayne Chiu gave the presentation.

Additional speakers:

Eric Larson – San Diego County Farm Bureau

Ed Kimura – Sierra Club

Gabriel Solmer – San Diego Coastkeeper

Board Members asked questions of staff.

Mr. Anderson recommended deleting the word “detailed” from Page 40, Supporting Document 5, in Items 8-D and 9-C. Mr. King said he did not support the recommendation made by Mr. Anderson. Mr. King also said there wasn’t enough technical data to support the conclusions made.

After Board Member discussion, Ms. Schneider made a motion to approve Resolution No. R9-2007-0104 with errata, leaving the word “detailed” in. The motion was seconded by Mr. Wright and approved by a vote of 4-1. Mr. King voted in opposition to the motion.

**Item 8** – PUBLIC HEARING: Terra Vac, Body Beautiful Car Wash Remediation Dewatering: Administrative Assessment of Civil Liability containing Mandatory Minimum Penalties for reported violations of effluent limitations prescribed in Order No. 2000-90, NPDES No. CAG919001, General Waste Discharge Requirements for Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay and Storm Drains or Other Conveyance Systems Tributary Thereto. If the discharger elects to waive their right to a hearing, the Regional Board will consider comments received during the public review period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2007-0089) (*Rebecca Stewart*)

Mr. Robertus introduced the item and staff member Rebecca Stewart gave the presentation.

Additional speaker:  
Jim Malot – Terra Vac

Board Members asked questions of Ms. Stewart. Mr. Malot made additional comments.

Mr. King made a motion to approve Order No. R9-2007-0089 with errata. The motion was seconded by Ms. Schneider and approved by unanimous vote.

**Item 9** – PUBLIC HEARING: Appeal of addendums to Cleanup and Abatement Order (CAO) No. R9-2000-22 issued to MKR Properties, Inc. The Regional Board will hear public testimony and comments regarding MKR's appeal on the directives specified in Addendums No. 1 and No. 2 to CAO No. R9-2000-22. (Addendum No. 1 and No.2 to CAO No. R9-2000-22) (*Tom Alo*)

Item 9 was postponed.

**Item 10** – Reissuance of Waste Discharge Requirements and NPDES Permit CAG919001 for discharges from temporary groundwater extraction and similar waste discharges to San Diego Bay, tributaries thereto under tidal influence, and storm drains or other conveyance systems tributary thereto. If adopted, Tentative Order No. R9-2007-0032, would supersede the current WDR Order No. R9-2000-0090. (Tentative Order No. R9-2007-0032) (*Vicente Rodriguez*)

Mr. Robertus introduced the item and staff member Vicente Rodriguez gave the presentation.

Mr. Robertus made comments.

Mr. Wright made a motion to approve Order No. R9-2007-0090 with errata. The motion was seconded by Ms. Schneider and approved by unanimous vote.

*The meeting recessed for lunch and Closed Session at 11:30 a.m.*

**Item 11** – *Closed Session* - Discussion of Ongoing Litigation

The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:

*Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 822750. Verified Petition for Writ of Mandate for Breach of Contract.*

*Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 824706. Verified Petition for Writ of Mandate for Breach of Contract.*

*People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al.. United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61.*

**Item 12 – Closed Session - Consideration of Initiation of Litigation**

The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act. (*John Robertus*)

**Item 13 – Closed Session - Discussion of Pending Litigation**

The Regional Board may meet in closed session to discuss pending litigation.

**Item 14 – Closed Session - Personnel**

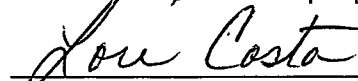
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]

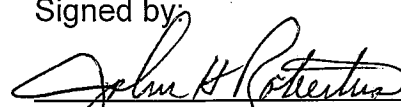
**Item 15 – Arrangements for Next Meeting and Adjournment**

Wednesday, November 14, 2007 - 9:00 a.m.  
Water Quality Control Board  
Regional Board Meeting Room  
9174 Sky Park Court  
San Diego, California

With there being no further business, the meeting was adjourned at 1:20 p.m.

These minutes were prepared by:

  
\_\_\_\_\_  
Lori Costa  
Executive Assistant

Signed by:  
  
\_\_\_\_\_  
John H. Robertus  
Executive Officer