



**BOARD OF DIRECTORS
JUNE 22, 2007**

**AGENDA ITEM NO. 07-06-1A
ACTION REQUESTED - APPROVE**

**BOARD OF DIRECTORS DISCUSSION AND ACTIONS
MAY 11, 2007**

Chair Mary Sessom (Lemon Grove) called the meeting of the SANDAG Board of Directors to order at 10:03 a.m. The attendance sheet for the meeting is attached.

1. PUBLIC COMMENTS/COMMUNICATIONS/MEMBERS COMMENTS

There were no public comments.

REPORTS (2 THROUGH 4)

2. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (B): ANTICIPATED LITIGATION – ONE POTENTIAL CASE

Julie Wiley, General Counsel, announced that the Board of Directors would be convening into closed session to discuss anticipated litigation for one potential case. The purpose of the closed session is to confer with legal counsel pursuant to Government Code Section 54956.9, Subdivision (B).

Chair Sessom adjourned the meeting into a closed session at 10:05 a.m., and reconvened the meeting into open session at 10:31 a.m.

Ms. Wiley reported the following out of closed session: the SANDAG Board voted to reject the claim of Stacey and Witbeck.

3. URBAN PARTNERSHIP AGREEMENT AND FEDERAL TRANSIT ADMINISTRATION SECTION 5309 AND SECTION 5339 APPLICATIONS (APPROVE)

Mayor Jim Desmond (San Marcos) suggested for consideration next year the idea of combining senior transportation services in the North County area and having North County Transit District (NCTD) operate these services.

Councilmember Jim Madaffer (City of San Diego) pointed out that this item is relating to a different pot of money than what Mayor Desmond was referring to.

Action: Upon a motion by Councilmember Madaffer and a second by Second Vice Chair Jerome Stocks (Encinitas), the SANDAG Board approved the submittal of two Federal Transit Administration (FTA) Section 5309 (Urban Partnership Agreement [UPA] and Standard) Bus and Bus-Related Facilities grant applications and the Section 5339 Alternatives Analysis grant application consistent with FTA notices. Yes – 16 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (0%). Absent – La Mesa, National City, and Poway.

4. WORKSHOP ON REGIONAL WATER QUALITY AND STORM WATER MANAGEMENT (DISCUSSION)

Chair Sessom reviewed the format of the workshop indicating that First Vice Chair Lori Holt Pfeiler (Escondido) would introduce the item, and then there would be a panel on Existing Storm water Management Efforts, a second panel on the Stakeholders Perspective, and a presentation of the Scientific Perspective, followed by a question-and-answer period for Board members. The final panel will discuss Planning for the Future, and then Board discussion will be led by First Vice Chair Pfeiler.

First Vice Chair Pfeiler stated that since the beginning of the year, the Board has discussed three specific infrastructure areas identified in the Integrated Regional Infrastructure Strategy (IRIS) of the Regional Comprehensive Plan (RCP): storm water management, beach sand replenishment, and habitat preservation. The Board decided more information was necessary to determine whether SANDAG has a role in these areas. This meeting on storm water management is the first of three Board Policy meetings to discuss these infrastructure issues. Beach Sand Replenishment will be discussed on June 8 and Habitat Preservation will be the topic on July 13.

First Vice Chair Pfeiler said that we will hear from a panel of experts who will provide an overview on this subject as it is today, and its impacts on residents and stakeholders. We also will listen to the scientific perspective and how the region can work together to achieve clean water. Your RCP identified two water quality objectives: (1) restore, protect, and enhance the water quality and the beneficial uses of local coastal waters, inland surface waters, groundwater, and wetlands; and (2) reduce or eliminate pollutants at their source before they enter our region's water bodies. The issues of storm water management and compliance with water quality regulations have a significant financial impact as well as an environment impact on all of our jurisdictions.

First Vice Chair Pfeiler said that there are two tasks today: (1) become better informed about the implications of storm water (defined as rain that flows across the land into our beaches and bays), and (2) give staff a general sense about the degree of involvement we may or may not want SANDAG to take on this issue.

Panel 1: Existing Storm Water Management Efforts (John Robertus, Regional Water Quality Control Board; Chandra Wallar, County of San Diego, and Chris Zirkle, City of San Diego)

Mr. Robertus reviewed regulatory authority and programs in the federal Clean Water Act, the state Porter-Cologne Act, regional water quality control boards, and at the county and municipal levels. The San Diego Regional Water Quality Control Board (RWQCB) will be looking for actual pollutant reduction. Several existing programs are the Jurisdictional Urban Runoff Management Plan, the Watershed Urban Runoff Management Plan, and the Regional Urban Runoff Management Plan. He said that by working together we can more effectively deal with runoff issues. He targeted four areas to measure success: programs and behavior, pollutant sources and waste streams, receiving waters at the point of discharge, and measuring ambient waters with commingled discharges. He noted that you can only measure success over time.

Ms. Wallar defined basic storm water concepts and reviewed activities covered under existing storm water programs, including construction and development, industrial and commercial business, municipal operations, pesticide application, and irrigation runoff. She agreed there is a need for change and mentioned several examples of behavioral changes that would be helpful such as washing cars over grass, proper disposal of hazardous chemicals, etc. She stated that the National Pollution Discharge Elimination Program (NPDES) was adopted in 1990, and has been renewed several times, with the last one in 2007. This program approaches urban runoff at three levels. The Jurisdictional Urban Runoff Management Program (JURMP) establishes extensive baseline requirements across all jurisdictions. Within the JURMP is a requirement for developments to conduct a Standard Urban Stormwater Management Plan (SUSMP). The Watershed Urban Runoff Management Program (WURMP) is developed for each watershed, identifying high priority water quality areas and activities to target those issues. The Regional Urban Runoff Management Program (RURMP) ensures regional coordination and defines regional initiatives. The Integrated Regional Water Management Plan (IRWM) builds on commitments already established and is a blueprint for programs that are beneficial to water supply, water quality, and natural resources. This program enables eligibility for Proposition 50 and Proposition 84 grant funding.

Mr. Zirkle provided a regulatory context with updated municipal storm water permit No. 2007-001, total maximum daily load (TMDL), and areas of special biological significance. He discussed the activities for the City of San Diego permit watershed areas. He noted that sources are ubiquitous and legal, and existing data suggest treatment is required. We need to either divert storm water from getting into the water system or treat it. He reviewed the city's preferred compliance strategy, which is a tiered approach: Tier 1, nonstructural, Tier II, structural best management practices, and Tier III, treatment where required. They will be initiating pilot projects to determine the efficacy of Tier 1 and II activities in achieving compliance standards. He reviewed the types of strategies that are already underway and the areas being affected.

Supervisor Roberts hoped we could get into some of the issues. The concern he has is that SANDAG is moving down a path in three areas simply because there is no funding for them. We need to understand that there is a lot going on and whether there is a role for SANDAG. There is an adjacent approach for water quality – how we deal with air quality, which has different results. We need to understand the issues with respect to the ongoing conflicts. At the end of this process, there should be a good reason identified for SANDAG to be involved.

Panel 2: The Stakeholders Perspective (Bruce Reznik, CoastKeeper; Ed Othmer, Industrial Environmental Association (IEA); and Jerry Livingston, Building Industry Association (BIA))

Mr. Reznik said that nonpoint source (NPS) pollution is the largest contributor of pollution to California and San Diego waters. He discussed the scope of the problem, the challenge with NPS, and addressing NPS pollution. The more we pave over land, the more urban runoff there is. We must engage in regional land use and water planning. He reviewed monitoring and enforcement efforts. There is no statewide consistency in data. He discussed changing behaviors starting with education programs for children and adults, and a general outreach. He talked about the types of treatment. He noted that regulations for urban runoff and storm water are getting more restrictive. For funding, we need to look at

multiple sources, including general fund monies, local or regional bond initiatives, amending the California Constitution, grant funding, or developer impact fees.

Mr. Othmer gave a brief overview of the industrial perspective of storm water runoff in San Diego County. He reviewed some of the requirements for permits, and the industrial position on storm water regulation: the need for a statewide consistent policy based on quality datasets and scientific methods; regulations should be incremental and achievable; and numeric limits should be realistic, attainable, and result in measurable environmental benefit. What happens when you can't meet the standards? You pay significant amounts of fines. Numeric limits are difficult to establish, what are they for end-of-pipe versus receiving water limitations, and we need to consider the economic impacts. He reviewed the industrial issues with the municipal permits: there are thousands of new businesses in the program resulting in the need for extensive education, and there is a need for clearly defined and updated best management practices and inspection criteria.

Mr. Livingston described the construction industry concerns with municipal permit requirements, including advanced treatment, grading limitations, hydromodification, and low-impact development. He reviewed the technical, financial, policy, and legal issues related to advanced treatment and the technical, financial, and legal issues related to grading limitations. He discussed the technical issues and grandfathering of hydromodification and low-impact development. Conclusions were identified as follows: advanced treatment will require greater focus on storm water pollution prevention plan (SWPPP) implementation and costs; grading limitations will add significant costs; hydromodification is extremely expensive; there are concerns with technical feasibility and long-term obligations; and low-impact development is costly and legally questionable.

The Scientific Perspective – What Can Science Achieve? (Stephen Weisberg, Southern California Coastal Water Research Project)

Mr. Weisberg stated that the primary modes of impact are: bacteria, chemistry/toxicity, and debris. Almost all storm water problems in Southern California are associated with bacteria. One concern is how much of this is natural bacteria. In some circumstances, you will get a false signal, but that is not the rule. He showed a comparison of how much contaminant load comes out of wastewater treatment factories versus how much goes into oceans from runoff. The conclusion is that most of the contamination comes from runoff.

He said that more than 50 percent of urban runoff samples have been found to be toxic, and many samples are even toxic after a 10:1 dilution. After a storm, toxic plumes often extend 2-4 miles from shore. He stated that runoff is a regional problem in two capacities: atmospheric deposition and land use patterns. He characterized the effects of impervious cover on channel enlargement and water quality.

Questions and Answers by Board Members

Chair Sessom asked for questions from the Board, but not comments or discussion.

Mayor Mark Lewis (El Cajon) asked if the individual homeowner is responsible for runoff when he/she changes the landscape of his/her home by adding something like a patio. Mr. Robertus replied that if it is determined that the quality of the water or the pollutants are contributing negatively to water quality objectives then regulations apply.

Mayor Lewis commented that he thought there should be a section in a project Environmental Impact Report (EIR) that indicates who will pay for the costs of storm water treatment.

First Vice Chair Pfeiler agreed that we need to consider the cost/benefits of storm water treatment.

Supervisor Roberts said there is already a lot of coordination related to storm water at the County of San Diego.

Mayor Lewis noted that the old permit system was geared around watersheds and the new permit has a regional perspective to it. So, who will pay for it? Mr. Robertus replied that under the old permit, the focus was on jurisdictional runoff. We've included the watershed approach for a lead permittee. The County had the lead, which is for the administrative process. The regional aspect is more administrative. Because of the TMDLs, the watershed should be the focus.

Councilmember Phil Monroe (Coronado) said that Mr. Othmer talked about the issue of costs. Mr. Othmer said that the cost has to be integrated into the process; the process now includes only minimal cost consideration.

Councilmember Monroe stated that we need to define cost.

Councilmember Crystal Crawford (Del Mar) asked Mr. Othmer about his statement indicating rainfall doesn't meet current water quality standards. Mr. Othmer said that was correct, based on aquatic standards.

Councilmember Crawford asked Mr. Robertus about the combined storm water and sewer systems in San Francisco. Mr. Robertus said that several U.S. cities decided to use combined systems. San Francisco just had the discharge remanded back to the city as it didn't meet water quality standards. All municipalities in the San Diego region use separate water and sewer systems. The problem with combined systems is that rain causes in fill infiltration.

Councilmember John Minto (City of Santee) asked about the responsibility of municipalities when it comes to runoff. Mr. Robertus responded that the way the permit is written, the city is responsible for all runoff in the city-owned storm drain system.

Mayor Desmond asked Mr. Weisberg from where the majority of the pollutants are coming. Mr. Weisberg said that it varies between watersheds; however, the amount is tenfold higher from roadways than away from roadways.

Panel 3, Planning for the Future (Gary Brown, Cities/County Managers Association (CCMA); and Chandra Wallar, County of San Diego)

Mr. Brown stated that copermittees will be developing an appeal to the state on the unfunded mandate related to this issue, and it needs to be submitted by June 2008. There are cities using a variety of methods to fund this issue. If we knew what was best, we would be doing it. It is an iterative process to search for what will work. There are legal challenges. The City of Encinitas went through a public vote for funds for this issue. The City of

Solana Beach settled outside of court on a lawsuit related to this subject. On May 10, 2007, there was a significant case in Los Angeles County where the court ruled in the city's favor indicating that storm water management efforts did come under the prohibition of state-unfunded mandates. Now we have to go back to the State Unfunded Mandate Board.

The question is: have we made enough improvements in the past 15 years? We have very dedicated people trying to clean up our water system. Maybe there are regional goals to be made. As a region, we could do better in pursuing state funds and other sources. Storm water is not an isolated problem. One thing we can do more efficiently on a regional basis with regard to costs is to combine databases. Are there regional infrastructure improvements we need to be undertaking? Are there ways to achieve regional goals? How can we do a better job by assigning the right tasks to the right level of government?

Ms. Wallar said that there are some important things we need to understand. There are a number of groups that are working on this problem. There are four pieces: establish program priorities, be broad and inclusive, manage the data, and look at various levels of water quality needs and how to integrate them. No one organization can resolve this problem. We all have a role to play.

Board Discussion Led by First Vice Chair Lori Holt Pfeiler

First Vice Chair Pfeiler suggested that Mr. Brown write down his questions as we need to find answers to them.

Mayor Pro Tem Mayda Winter (Imperial Beach) pointed out that on Wednesday, May 9, the RWQCB held a strategic workshop for statewide planning efforts. After the three-hour workshop, two things that became clear were that there is a conflict in policy and agency demands, and the need for collaboration is huge. Regional governance needs to step in and coordinate. She encouraged Mr. Robertus to send this workshop information to the SANDAG Board. There needs to be regional flexibility. She supported some type of regional structure to address these issues.

Councilmember Madaffer agreed that collaboration needs to continue. To hear that potable water is a pollutant troubled him greatly. The public ought to have the benefit of seeing and hearing about this information. We should be designing for the future. This is in complete violation of Proposition 1A, and that has to be addressed. We ought to be concerned about the divergent ways the regional boards are interpreting things. This needs a state legislative solution. This doesn't belong at SANDAG except to be kept in the loop. Absent a funding or legislative solution, we all need to work with the same set of rules throughout the state. We need to be realistic in our expectations.

First Vice Chair Pfeiler reminded the Board that SANDAG has a role with regard to our RCP.

Councilmember Madaffer stated that we cannot cure all of the sins of the past by imposing conditions on new development for the future. Some existing development areas could share expenses of runoff.

Councilmember Monroe said that nonpoint sources are the major pollutant contributor. That makes it a regional issue. Any solution needs buy-in. He agreed that standards need to

be set. We have always tied smart growth to regional transit, and we need to bring this subject under that umbrella.

Councilmember Crawford thanked SANDAG staff and the panelists for this information. She reminded everyone that from a public health perspective, clean water is the reason we have good health. If we do not take this seriously and make changes, we are lost. Social change is essential here. Design and zoning changes will help in the future. We should require the use of pervious pavers and concrete as this would make a significant difference over time. Redevelopment at a certain level also would help. When we choose where we are going to purchase open space for transportation project mitigation, one criterion could be the impact of mitigation land on reducing storm water runoff. Small changes over time will be beneficial. Requirements from the RWQCB don't always make sense. Without clean water and adequate sewer systems we don't have public health. We have to come up with new technologies, and SANDAG can be a clearinghouse for these new technologies.

Mayor Lesa Heebner (Solana Beach) said that Solana Beach did a study to review the sources of urban runoff in its area, and the result of the study was that most of it came from solid waste. The city increased its solid waste fee by \$1.80 per month per trash can. Howard Jarvis and his organization sued the City of Solana Beach and we went to court; they then offered to settle and a settlement agreement was approved. There will be a mail ballot on this new solid waste fee, and the fee will be put to a vote, which requires 50 percent plus one. The Jarvis group won't contest the results, and if the city loses, it keeps the fees collected so far.

Action: This item was presented for information only.

5. UPCOMING MEETINGS

The next meeting of the Board of Directors is scheduled at 9 a.m. on Friday, May 25, 2007.

6. ADJOURNMENT

The meeting was adjourned at 12:37 p.m.

DGunn/M/DGU

ATTENDANCE SANDAG BOARD OF DIRECTORS' MEETING MAY 11, 2007

JURISDICTION/ ORGANIZATION	NAME	ATTENDING
City of Carlsbad	Matt Hall (Member)	Yes
City of Chula Vista	Jerry Rindone (Alternate)	Yes
City of Coronado	Phil Monroe (Member)	Yes
City of Del Mar	Crystal Crawford (Member)	Yes
City of El Cajon	Mark Lewis (Member)	Yes
City of Encinitas	Jerome Stocks, 2nd Vice Chair (Member)	Yes
City of Escondido	Lori Holt Pfeiler, 1st Vice Chair (Member)	Yes
City of Imperial Beach	Mayda Winter (2nd Alternate)	Yes
City of La Mesa	Art Madrid (Member)	No
City of Lemon Grove	Mary Sessom, Chair (Member)	Yes
City of National City	Ron Morrison (Member)	No
City of Oceanside	James Wood (Member)	Yes
City of Poway	Mickey Cafagna (Member)	Yes
City of San Diego – A	Jim Madaffer (1st Alternate)	Yes
City of San Diego – B	Toni Atkins (Member B)	No
City of San Marcos	Jim Desmond (Member)	Yes
City of Santee	John Minto (2nd Alternate)	Yes
City of Solana Beach	Lesa Heebner (Member)	Yes
City of Vista	Judy Ritter (Member)	Yes
County of San Diego – A	Ron Roberts (Member A)	Yes
County of San Diego – B	Bill Horn (Member B)	No
Caltrans	Pedro Orso-Delgado (Alternate)	Yes
MTS	Harry Mathis (Member)	No
NCTD	Ed Gallo (Member)	Yes
Imperial County	Victor Carrillo (Member)	No
US Dept. of Defense	CAPT Vacant (Member)	No
SD Unified Port District	Sylvia Rios (Member)	Yes
SD County Water Authority	Marilyn Dailey (Member)	No
Baja California/Mexico	Luis Cabrera Cuaron (Member)	No
Southern California Tribal Chairmen's Association	Robert H. Smith (Member)	No