

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

# AGENDA

Wednesday, April 11, 2007  
9:00 a.m.

Mission Viejo Civic Center  
City Hall Council Chambers  
200 Civic Center  
Mission Viejo, California

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, March 28, 2007, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, April 4, 2007 will not be provided to the Regional Board members and will not be considered by the Regional Board.

**PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.**

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail must be submitted to: [rb9agenda@waterboards.ca.gov](mailto:rb9agenda@waterboards.ca.gov) to insure consideration by the Regional Board. Type the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.4, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, March 28, 2007.

***Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of order at the discretion of the Chairman.***

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Board regarding a matter within the Board's jurisdiction that is not related to an item on this Meeting agenda. **Comments will generally be limited to three minutes, unless otherwise directed by the Chair.** Any person wishing to make a longer presentation should contact the Executive Officer at least twenty days prior to the meeting. Comments regarding matters that are scheduled for a future Meeting will be restricted.
3. Election of Officers: The Board may conduct an election of Board Officers.
4. Minutes of Board Meeting: February 14, 2007.
5. 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.

***Consent Calendar: Items 6 through 8 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.)***

6. Update of Waste Discharge Requirements: Vallecito Municipal Water District, Meadowlark Facility (tentative Order No. R9-2007-0018) *(Eric Becker)*
7. Update of Waste Discharge Requirements and Master Reclamation Permit: Otay Water District – Ralph W. Chapman Water Reclamation Facility, San Diego County (tentative Order No. R9-2007-0038) *(Melissa Valdovinos)*
8. Rescission of Waste Discharge Requirements: An order rescinding the following waste discharge requirements (tentative Order No. R9-2007-0022) *(Eric Becker)*
  - a. Order No. 92-34 Waste Discharge Requirements for Otay Water District, Hidden Valley Estates Reclamation Plant, Spring Valley
  - b. Order No. 94-133, Waste Discharge Requirements for Simon Vander Woude Dairy, San Diego County
  - c. Order No. 96-11, Waste Discharge Requirements for the U.S. Marine Corps, Project P-552, San Diego County
  - d. Order No. 2000-0206, NPDES No. CA0109321, Waste Discharge Requirements for Jules Wesselink, Wesselink and Son Dairy, Riverside County
  - e. Order No. R9-2000-0004, NPDES No. CA0001228, Waste Discharge Requirements for Southern California Edison Company, San Onofre Nuclear Generating Station, Unit 1, San Diego County

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

9. **PUBLIC HEARING:** Reissuance of the Orange County Municipal Storm Water Permit, Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of Orange, the Orange County Flood Control District, and the Incorporated Cities of Aliso Viejo, Dana Point, Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, Mission Viejo, Rancho Santa Margarita, San Clemente, and San Juan Capistrano. (Tentative Order No. R9-2007-0002, NPDES Permit No. CAS0108740) (*Jeremy Haas*)

*The official public review and comment period for the Tentative Order began February 9, 2007. Written comments or testimony on the Tentative Order should be submitted to the Regional Board as soon as possible, but no later than April 4, 2007. Only written comments or testimony received by 5:00 PM on April 4, 2007 will be provided to the Regional Board members for their consideration prior to the April 11, 2007 public hearing. The Regional Board will receive and consider oral statements at the April 11, 2007 public hearing. Upon conclusion of testimony on April 11, 2007, the current schedule calls for closing the public hearing and comment period.*

The Regional Board has made available Tentative Order No. R9-2007-0002 and its corresponding Fact Sheet/Technical Report for public review and comment. The documents are available by request from the Regional Board or at:

[http://www.waterboards.ca.gov/sandiego/programs/oc\\_stormwater.html](http://www.waterboards.ca.gov/sandiego/programs/oc_stormwater.html)

10. *Executive Session* - Discussion of Ongoing Litigation

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

*Divers' Environmental Conservation Organization v. State Water Resources Control Board, San Diego Superior Court, Case No. GIC819689. Petition for Writ of Mandate challenging waste discharge requirements for U.S. Navy, Naval Station San Diego based on absence of numeric effluent limits for toxic pollutants in discharges of storm water.*

*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.

*San Diego Unified School District, a public school district, Plaintiff v. County of San Diego, a public entity, San Diego Regional Water Quality Control Board, a public entity and DOES 1 through 25, inclusive, Defendants.* Superior Court of the State of California for the County of San Diego, Case No. GIC840390; First Amended Complaint for: 1) Breach of Contract-Lease Agreement, 2) Breach of Contract-Sharing Agreement, 3) Quantum Meruit; 4) Express Indemnity; 5) Implied Indemnity and Contribution; 6) Equitable Indemnity Contribution; 7) Nuisance; 8) Trespass; 9) Inverse Condemnation; 10) Preliminary and Permanent Injunction; 11) Declaration of Relief Against the County of San Diego; and 12) Declaration of Relief Against the Regional Water Board and County.

11. *Executive 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*)
12. *Executive Session* - Discussion of Pending Litigation  
The Regional Board may meet in closed session to discuss pending litigation.
13. *Executive Session* - Personnel  
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
14. Arrangements for Next Meeting and Adjournment  
Wednesday, April 25, 2007 - 9:00 a.m.  
Water Quality Control Board  
Regional Board Meeting Room  
9174 Sky Park Court  
San Diego, California

### **Notifications**

#### **A. Public Participation 30-day Notice**

##### **Proposed UST Closure - Site 1413, MCB Camp Pendleton**

The Site Mitigation & Cleanup Unit has reviewed the "Semiannual Groundwater Monitoring and Site Closure Report for Former UST Site 1413, Marine Corps Base Camp Pendleton" prepared by Battelle dated January 23, 2007. In the report, the consultant recommends no further action at the site of petroleum hydrocarbon contaminated soil as a result of an unauthorized release from the former underground storage tank (UST). Corrective action included the excavation and proper disposal of contaminated soil. The following groundwater samples indicate the residual concentrations of hydrocarbons were minimal and would likely be naturally degraded. The current site conditions do not pose a threat to human health or the environment, and the unauthorized release case may be closed. The case files are available for public review by submitting a file review request to the Regional Board office. This public notice fulfills the Regional Board's obligation to inform the public of completed corrective action as required by California Code of Regulations (CCR), Title 23, Division 3, Chapter 16, Article 11, Section 2728(a). Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter after April 18, 2007. (*Robert Pierce*)

#### **B. Public Participation 30-day Notice**

##### **Proposed UST Closure - Site 43574, MCB Camp Pendleton**

The Site Mitigation & Cleanup Unit has reviewed the "Final Site Assessment and Closure Report for Former Underground Storage Tank Site 43574, Marine Corps Base Camp Pendleton" prepared by ERRG dated December 2006. In the report, the consultant recommends no further action at the site of petroleum hydrocarbon contaminated soil as a result of an unauthorized release from the former UST. Site assessment was conducted in July 2006 to assess the lateral and vertical extent of petroleum hydrocarbon contamination. A maximum TPH-D concentration of 15 mg/kg was found in a soil sample collected at 20 feet below ground surface. Based on this information, the residual concentrations of fuel constituents do not pose a threat to human health or the environment and the unauthorized release case may be closed.

The case files are available for public review by submitting a file review request to the Regional Board office. This public notice fulfills the Regional Board's obligation to inform the public of the proposed actions pursuant to the State and Regional Boards' Public Participation guidance document. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter after April 11, 2007. *(Helen Yu)*

#### **C. Public Participation 30-day Notice**

##### **Proposed UST Closure - Site 1352, MCB Camp Pendleton**

The Site Mitigation & Cleanup Unit has reviewed the "Final Site Assessment Report for Former Underground Storage Tank Site 1352, Marine Corps Base Camp Pendleton" prepared by ERRG dated January 2007. Site assessment was conducted in July 2006 to assess the lateral and vertical extent of petroleum hydrocarbon contamination of soil and ground water as a result of an unauthorized release from the former UST at the site. A maximum TPH-D concentration of 240 mg/kg was found in a soil sample collected at 20 feet below ground surface. Based on this information, the residual concentrations of fuel constituents do not pose a threat to human health or the environment and the unauthorized release case may be closed. The case files are available for public review by submitting a file review request to the Regional Board office. This public notice fulfills the Regional Board's obligation to inform the public of the proposed actions pursuant to the State and Regional Boards' Public Participation guidance document. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter after April 11, 2007. *(Helen Yu)*

#### **D. Public Participation 30-day Notice**

##### **Proposed UST Closure - Site 14121, MCB Camp Pendleton**

The Site Mitigation & Cleanup Unit has reviewed the "Final Groundwater Monitoring Report and Request for Closure, UST Site 14121, Marine Corps Base Camp Pendleton, California" prepared by SES-TECH dated February 26, 2007. In the report, the consultant recommends no further action at the site of petroleum hydrocarbon contaminated soil as a result of an unauthorized release from the former underground storage tank (UST). Remedial action included the excavation and proper disposal of contaminated soil. The following groundwater samples indicated the residual concentrations of hydrocarbons were minimal and stable. The concentration of hydrocarbons in the source area is 1.4 mg/L, and down-gradient is 0.13 mg/L. The extent of contamination is estimated at less than 100 feet from the former UST. The current site conditions do not pose a threat to human health or the environment, and the unauthorized release case may be closed. The case files are available for public review by submitting a file review request to the Regional Board office. This public notice fulfills the Regional Board's obligation to inform the public of the proposed actions pursuant to the State and Regional Boards' Public Participation guidance document. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter after April 11, 2007. *(Robert Pierce)*

**E. 45-day Notice:** Pursuant to California Code of Regulations, Title 27 §21730(b), the California Regional Water Quality Control Board, San Diego Region is providing the following notice to consider adoption of tentative Addendum No. 1 to Order No. 2000-54, "Waste

*Discharge Requirements for the U.S. Marine Corps, Marine Corps Base Camp Pendleton, Las Pulgas Landfill, San Diego County*". The Regional Board plans to schedule an agenda item, to receive public comments and consider adoption of tentative Addendum No. 1, during its scheduled meeting on May 9, 2007. Tentative Addendum No. 1 would, if adopted, amend composite liner requirements for existing waste discharge requirements in Order No. 2000-54. (Amy Grove)

**F. \$36,000 ACL Complaint Issued to South Orange County Wastewater Authority, San Juan Creek Ocean Outfall**

On February 9, 2007, the Regional Board Executive Officer issued Administrative Civil Liability Compliant No. R9-2007-0035 recommending a \$36,000 assessment of civil liability against South Orange County Wastewater Authority (SOCWA) for violations of effluent limitations contained in Order No. R9-2000-0013, NPDES No. CA0107417, Waste Discharge Requirements for the South Orange County Wastewater Authority, Orange County, Discharge to the Pacific Ocean through the South Orange County Wastewater Authority San Juan Creek Ocean Outfall, Orange County. The Complaint alleges that SOCWA exceeded the daily maximum and 7-day average effluent limitations for settleable solids on 10 occasions between May 25 and June 11, 2006 and the monthly average effluent limitation for TCDD (dioxin) on May 1 and 2, 2006.

On March 9, 2007, Mr. Tom Rosales, General Manager of SOCWA submitted a settlement offer, consisting of a signed waiver of the Agency's right to a public hearing and a \$10,500 check in partial payment of the ACL amount. SOCWA also requested the remaining \$25,500, portion of the ACL be used to pay for a yet to be identified Supplemental Environmental Project. The Regional Board will consider acceptance of the settlement offer at the May 9, 2007 Board meeting. Additional information can be found on the Regional Board's website at [www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego) or by contacting Rebecca Stewart at (858) 467-2966 or [Rstewart@waterboards.ca.gov](mailto:Rstewart@waterboards.ca.gov).

**G. \$27,000 ACL Complaint Issued to Terra Vac, Body Beautiful Car Wash Remediation Dewatering Project**

On January 25, 2007, the Regional Board Executive Officer issued Administrative Civil Liability Compliant No. R9-2007-0019 recommending a \$27,000 assessment of civil liability against Terra Vac for violations of effluent limitations contained 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. The Complaint alleges that Terra Vac exceeded effluent limitations for total suspended solids, tributyltin, and nickel on twelve occasions between October 2005 and November 2006. A public hearing is scheduled for May 9, 2007. Additional information can be found on the Regional Board's website at [www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego) or by contacting Rebecca Stewart at (858) 467-2966 or [Rstewart@waterboards.ca.gov](mailto:Rstewart@waterboards.ca.gov).

**H. Public Notice: Intent to Reissue Discharge of Groundwater Extraction Water to San Diego Bay**

A public hearing is scheduled for April 25, 2007, for the California Regional Water Quality Control Board, San Diego Region, (Regional Board) to receive comments and consider adoption of Tentative Order No. R9-2007-0032, General Waste Discharge Requirements and NPDES Permit 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 NPDES permit, Order no. R9-2000-0090.

The April 25, 2007 meeting is scheduled to begin at 9:00AM at the California Regional Water

Quality Control Board, Regional Board Meeting Room located at  
9174 Sky Park Court, Suite 100, San Diego, CA 92123.

Additional information can be found on the Regional Board's website at  
[www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego) or by contacting Vicente Rodriguez at (858) 627-3940 or  
[VRodriguez@waterboards.ca.gov](mailto:VRodriguez@waterboards.ca.gov).

#### DIRECTIONS TO REGIONAL BOARD MEETING

From Interstate 5

- Exit La Paz Road and go east.
- Proceed over the hill to Marguerite Parkway and turn right (south).
- Turn right onto Civic Center.

*Please park in the asphalt parking lot south of City Hall to help preserve parking between City Hall and the Library for Library patrons.*