

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

# AGENDA

**Wednesday, October 10, 2007**  
**9:00 a.m.**

**Water Quality Control Board  
Regional Board Meeting Room  
9174 Sky Park Court  
San Diego, California**

***PLEASE NOTE CHANGE IN MEETING LOCATION***

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, September 26, 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, October 3, 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, September 26, 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. Minutes of Board Meeting: August 8, 2007.
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.

***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.)***

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*)
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.

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

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*)

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*)
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*)
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*)
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.
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*)

13. *Closed Session* - Discussion of Pending Litigation  
The Regional Board may meet in closed session to discuss pending litigation.
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)]
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

### ***Notifications***

#### **A. ACL Complaint No. R9-2007-0061 for violations of the Construction Storm Water Permit at the Scripps Ranch Middle School in San Diego**

Administrative Civil Liability Complaint No. R9-2007-0061 issued on June 19, 2007 recommends a \$128,000 assessment of civil liability against the San Diego Unified School District (District) for violations of California State Water Resources Control Board (State Board) Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity (Permit). The Complaint alleges that the District failed to prepare complete inspection reports required by the Permit, failed to implement adequate Best Management Practices, as required by the permit, and violated discharge prohibitions of the Permit. A public hearing is scheduled for November 14, 2007. For more information regarding this matter please contact Pete Peuron at (858) 637-7137 or visit the Regional Board's web site at <http://www.waterboards.ca.gov/sandiego>.

#### **B. ACL Complaint No. R9-2007-0093 for violations of the Construction Storm Water Permit at the Sprinter Rail Project in North San Diego County**

Administrative Civil Liability Complaint No. R9-2007-0093, issued on August 31, 2007, recommends a \$160,000 assessment of civil liability against the North County Transit District (NCTD) for violations of California State Water Resources Control Board (State Board) Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity (Permit). The Complaint alleges that NCTD failed to adequately conduct site inspections, failed to implement adequate Best Management Practices, and violated discharge prohibitions of the Permit. A public hearing is scheduled for November 14, 2007.

For more information regarding this matter please contact Ben Neill at (858) 467-2952 or visit the Regional Board's web site at <http://www.waterboards.ca.gov/sandiego>

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

Pursuant to California Code of Regulations, Title 23, Chapter 16, Article 11, §2728, the California Regional Water Quality Control Board, San Diego Region (Regional Board) is providing public notification of our intent to issue a no further action letter for a leaking underground storage tank (UST) case. The Regional Board intends to issue a no further action letter to for an unauthorized release of petroleum fuel wastes at 30218 Highway 78, Santa Ysabel, San Diego County, California. Since 1984, gasoline petroleum fuel wastes have naturally attenuated, and the constituents of concern for soil are at concentrations below soil

screening objectives. Based upon the existing 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. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter in late September 2007. (*Sue Pease*)

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

Pursuant to California Code of Regulations, Title 23, Chapter 16, Article 11, §2728, the California Regional Water Quality Control Board, San Diego Region (Regional Board) is providing public notification of our intent to issue a no further action letter for a leaking underground storage tank (UST) case. The Regional Board intends to issue a no further action letter to Thatcher's Market for an unauthorized release of petroleum fuel wastes at 45560 Highway 79 South, Aguanga, Riverside County, California. Since 2001, gasoline petroleum fuel wastes have naturally attenuated, and the constituents of concern for soil are at concentrations that are soil screening objectives and water quality objectives. Based upon the existing 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. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter in late September 2007. (*Sue Pease*)

#### **DIRECTIONS TO REGIONAL BOARD MEETING**

From Downtown: I-15 north - take the Aero Drive exit - turn left (west). Proceed to the 3<sup>rd</sup> stoplight, which is Ruffin Road – turn right. Turn left on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.

From the North: I-15 south - take the Balboa Ave. exit - turn right (west). Proceed to the 2<sup>nd</sup> stoplight, which is Ruffin Road – turn left. Turn right on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.