

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

AGENDA

Wednesday, February 13, 2008
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, January 30, 2008, 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, February 6, 2008 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 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, January 30, 2008.

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: December 12, 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. NPDES Permit Reissuance: General Waste Discharge Requirements for Discharges of Groundwater Extraction Waste to Surface Waters Within the San Diego Region Except for San Diego Bay. (NPDES No. CAG919002, Tentative Order No. R9-2008-0002) (*Vicente Rodriguez*)
6. New Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certification: Paul Garret Enterprises Inc. and Temecula Properties, LLC, Temecula 84 Project in Riverside County. The Regional Board will consider adoption of a tentative Order establishing waste discharge requirements and Section 401 Certification for the fill of 0.07 acres (1,375 linear feet) of waters of the State and U.S. The proposed project is a commercial development including a Professional Hospital Supply warehouse, extension of Remington Road, and widening portions of both Winchester Road and Dendy Parkway. (Tentative Order No. R9-2008-0003) (*Kristin Schwall*)

Remainder of the Agenda (Non-Consent Items):

7. **PUBLIC HEARING:** Reissuance of NPDES 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 within the San Diego Region (South Orange County Municipal Storm Water Requirements). The California Regional Water Quality Control Board, San Diego Region (Regional Board) will consider issuance of Tentative Order No. R9-2008-0001 (formerly Tentative Order No. R9-2007-0002) containing the South Orange County Municipal Storm Water Requirements. A public hearing for this item was held before a Panel of the Regional Board, on April 11, 2007. (Tentative Order No. R9-2008-0001, NPDES Permit No. CAS0108740) (*Jeremy Haas*) The public review and comment period for the revised Tentative Order began on December 12, 2007 with the public distribution of the revised Tentative Order. Only

written comments received by 5:00 p.m. on January 24, 2008 will be provided to the Regional Board members for their consideration prior to the hearing. Oral comments will be accepted on modifications to the Tentative Order that have been made following the April 11, 2007 hearing. Time allotted for oral comments may be limited at the discretion of the Regional Board presiding officer.

8. *Closed Session* - Discussion of Ongoing Litigation [Authorized under Government Code Section 11126, subd. (e)]
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:

Litigation Filed against the Regional Water Board

- a. *Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region*, Verified Petition for Writ of Mandate. San Diego County Superior Court, Case No. GIC 822750 (filed December 2003). (*John Anderson*)
- b. *Bajagua, LLC v. California State Water Resources Control Board, California Water Quality Control Board, San Diego Region, et al.*, Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37-2007-00067722-CU-WM-CTL (filed June 2007). (*John Robertus*)
- c. *Surfrider Foundation v. California Regional Water Quality Control Board -- San Diego Region and California State Water Resources Control Board; (Cabrillo Power I, LLC, Real Party-in-Interest)*, Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37 2007-00069621-CU-PT-CTL (filed July 2007). (*John Odermatt*)
- d. *William G. Dickerson and Heidi Dickerson, Husband and Wife; Larry Gunning and Penelope L. Gunning, Husband and Wife; and Perry & Papenhausen, Inc., a California Corporation v. San Diego Regional Water Quality Control Board, a Public Entity*, Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37-2007-00075846-CU-WM-CTL (filed September 2007). (*Frank Melbourne*)

Litigation filed by the Regional Water Board against other parties

- e. *People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Carlos Marin, an individual in his capacity as Commissioner of the International Boundary and Water Commission, United States Section, et al.*, Complaint for Violations of the Clean Water Act and Related State Law Claims. United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS) (filed February 2001). (*John Robertus*)
9. *Closed Session* - Consideration of Initiation of Litigation or Discussion of Significant Exposure to 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 or to discuss significant exposure to litigation [Authorized under Government Code Section 11126(e)] (*John Robertus*)
10. *Closed Session* - Deliberation on a Decision to be Reached Based on Evidence Introduced in a Hearing
The Regional Board may meet in closed session to consider evidence received in an

adjudicatory hearing and to deliberate on a decision to be reached based upon that evidence [Authorized under Government Code Section 11126(c)(3)]

11. **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)]
12. **Election of Chair and Vice Chair.** Porter-Cologne Water Quality Control Act, Chapter 4, Article 2, paragraph 13220(b), Each regional board shall select one of its members as chairman at the first regular meeting held each year. Following the election of the Chair, the Board will elect a Vice Chair.
 - a. Election of Chair
 - b. Election of Vice Chair
13. **Arrangements for Next Meeting and Adjournment**
 Wednesday, March 12, 2008 - 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

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 Justa Nother Partnership (JNP) for an unauthorized release of petroleum fuel wastes at 9263 Mission Gorge Road, Santee, San Diego County, California. Four underground storage tanks were removed in January 1997, and soil and groundwater sampling and analysis performed in 2007 demonstrate low levels of petroleum pollution, except on the northeast corner of the lot where fuel pollution from the former EZServe Gas Station has migrated onto the JNP lot. 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 February 2008. (*Sue Pease*)

B. Public Participation 30-day Notice

Proposed UST Closure - Site 31511, MCB Camp Pendleton

The Site Mitigation & Cleanup Unit has reviewed the "Addendum to Ground Water Monitoring Report for UST Site 31511 Marine Corps Base Camp Pendleton California" prepared by BATTELLE dated October 15, 2007. In the report, the consultant recommends no further action at the site of petroleum hydrocarbon contaminated soil and ground water as a result of an unauthorized release from the former UST. Following the removal of approximately 93 yd³ of TPH-D impacted soil from the former UST cavity in July 2004, eight rounds of ground-water monitoring had been conducted at the site on a quarterly to semi-annual basis from October 2004 to July 2007. TPH-D has not been detected at concentrations greater than 0.1 mg/L since April 2006. Additionally, MtBE concentrations at the site have shown stable or decreasing trends; in the latest monitoring event (July 2007), all sampled wells showed MtBE concentrations less than the maximum contaminant level (i.e. 0.013 mg/L) for MtBE. Based on

the above 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 January 23, 2008. (*Helen Yu*)

C. Public Participation 30-day Notice

Proposed UST Closure - Site 41312, MCB Camp Pendleton

The Site Mitigation & Cleanup Unit has reviewed the "May 2007 Ground Water Monitoring Report UST Site 41312 Marine Corps Base Camp Pendleton, California" prepared by General Dynamics dated September 14, 2007. In the report, the consultant recommends no further action at the site of petroleum hydrocarbon contaminated soil and ground water as a result of an unauthorized release from the former underground storage tank (UST). The UST and associated piping were removed in 1997. Three monitoring wells (MWs) were installed at the site, with MW 2 located in the vicinity of the former tank excavation cavity and MW 1 and 3 within 20 to 30 feet downgradient of MW2. From November 1999 to May 2007, three rounds of ground-water monitoring were performed at the site, with TPH-D concentrations decreasing from 7.8 to 3.6 mg/L in MW 2, and varying between non-detect (i.e. < 0.1 mg/L) and 0.44 mg/L in MW 1 and 3. Considering the areal extent of the TPH-D ground-water plume and the magnitude of the residual TPH-D concentrations, the most recent ground-water samples indicate that TPH-D would likely naturally degrade over time. As long as the current site conditions are maintained, 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. If current site conditions change, MCB Camp Pendleton is obligated to inform the Regional Board of those changes. 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 January 23, 2008. (*Helen Yu*)

D. Public Participation 30-day Notice

Proposed UST Closure - Site 53334, MCB Camp Pendleton

The Site Mitigation & Cleanup Unit has reviewed the "Ground Water Monitoring Report UST Site 53334 Marine Corps Base Camp Pendleton, California" prepared by Ninyo & Moore dated August 5, 1999. In the report, the consultant recommends no further action at the site of petroleum hydrocarbon contaminated soil and ground water as a result of an unauthorized release from the former underground storage tank (UST). The UST and associated piping were suspected to be removed prior to 1995. The site (building 53334) has been demolished with the exact date of demolition not known. The maximum TPH-D concentration of 14,400 mg/kg was found in a soil sample collected at 10 feet below grade in 1995. Site assessment activities were conducted in March 1998 and three rounds of ground-water monitoring were performed at the site in March 1998, January 1999, and July 1999, respectively. The most recent ground-water samples indicate that the residual concentrations of TPH-D at levels less than 0.5 mg/L would likely naturally degrade over time. As long as the current site conditions are maintained, 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. If current site conditions change, MCB Camp Pendleton is obligated to inform the Regional Board of those changes. 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 January 23, 2008. *(Helen Yu)*

E. 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 its intent to issue a no further action letter for remediation of an unauthorized release of diesel and petroleum fuel wastes at 9525 Padgett Street, San Diego, California. Since 1998, diesel and gasoline petroleum fuel wastes have naturally attenuated, and the constituents of concern for soil are at concentrations below soil screening objectives and lateral and vertical migration is limited. 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 February 2008. *(Cheryl Prowell)*

F. Corrective Action Plan for Leaking Underground Fuel Tank Site

In accordance with Title 23, California Code of Regulations §2728, this is notification that the following activities are proposed in a Corrective Action Plan (CAP) dated September 2007 and submitted by Conoco Phillips to reduce petroleum hydrocarbon concentrations in soil and ground water at the Conoco Phillips Former Aztec Station #05680 located at 1540 East 8th Street, National City, California:

- Dual phase extraction of fluid and vapor phase petroleum hydrocarbons in a network of at least 19 SVE wells and six to eight groundwater wells for approximately 3 years.
- Monitored natural attenuation for approximately 5 additional years.

The CAP and supporting case files are available for public review at the RWQCB office or online through the GeoTracker Database at <http://geotracker.swrcb.ca.gov>. *(Cheryl Powell)*

G. Cleanup and Abatement Order

Cleanup and Abatement Order (CAO) No. R9-2007-0226 was issued to the North County Transit District Sprinter Rail construction site on December 31, 2007 for violations of State Water Resources Control Board Order No. 99-08-DWQ, NPDES General Permit for Storm Water Discharges Associated with Construction Activity. The CAO requires the District to implement measures to comply immediately and report to the Regional Board when compliance is achieved. The CAO also requires a prioritized schedule to achieve compliance and to submit status reports on measures taken to comply with that schedule. For more information regarding this matter please contact Peter Peuron at PPeuron@waterboards.ca.gov or (858) 637-7137.

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.