

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

AGENDA

Wednesday, June 11, 2008
9:00 a.m.

Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, 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, May 28, 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, June 4, 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, May 28, 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 and is not scheduled for a future Meeting. **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.
3. Minutes of Board Meeting: May 14, 2008.
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 Item: (NOTE: If there is public interest, concern or discussion regarding this item or a request for a public hearing, then the item will be removed from consent and considered after all other agenda items have been completed.)

5. Rescission of Waste Discharge Requirements and NPDES Permits: Tentative Order No. R9-2008-0065 is an Order rescinding the following waste discharge requirements: *(Eric Becker)*
 - a) Order No. R9-2005-0226, Waste Discharge Requirements for Port of San Diego, Dredging Project at the Tenth Ave Marine Terminal Berth 10-3 to 10-6, San Diego County
 - b) Order No. R9-2005-0007, NPDES No. CA0107450, Waste Discharge Requirements for Culligan Water Conditioning of La Jolla, Inc., San Diego County
 - c) Order No. 93-126, Waste Discharge Requirements for Hiram Walker and Sons, Inc., Callaway Vineyard and Winery, Riverside County
 - d) Order No. R9-2003-0050, NPDES No. CA0109029, Waste Discharge Requirements for Groundwater Extraction Waste Discharges to San Diego Bay from the San Diego Convention Center, San Diego County

Remainder of the Agenda (Non-Consent Items):

6. Total Maximum Daily Loads (TMDLs) for Indicator Bacteria, Baby Beach in Dana Point Harbor and Shelter Island Shoreline Park in San Diego Bay. The San Diego Water Board will deliberate and consider adopting an amendment incorporating the TMDLs into the Basin Plan. (Tentative Resolution No. R9-2008-0027) *(Wayne Chiu)*
7. Consideration of a Resolution to Modify Resolution No. R9-2005-0271 Delegating Certain Powers of this Regional Board to the Executive Officer. (Tentative Resolution No. R9-2008-0067) *(John Robertus)*

8. **PUBLIC HEARING:** Administrative Assessment of Civil Liability against North County Transit District, for violations of the Statewide General Construction Storm Water Permit at the Sprinter Rail Project. The Regional Board will consider whether to approve, raise, lower, or reject assessment of \$685,000 civil liability recommended in Complaint No. R9-2008-0021. The written comment period on the allegations contained in the Complaint closed on Wednesday, May 21, 2008. (Tentative Order No. R9-2008-0068) (*Rebecca Stewart*)
9. *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). (*Brian Kelley*)
 - 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*)
10. *Closed Session* - Consideration of Initiation of Litigation or Discussion of Significant Exposure to Litigation
The Regional Board may meet in closed session to initiate or consider initiating litigation 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*)

11. *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)]
12. *Closed Session* - Personnel
The Regional Board may meet in closed session to consider personnel matters involving public employees [Authorized under Government Code Section 11126(a)]
13. Arrangements for Next Meeting and Adjournment
Wednesday, August 13, 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

The Regional Board has received a Corrective Action Plan (CAP) for a leaking underground storage tank site located at 40735 California Oaks Rd, Murrieta, California. The CAP, submitted by Shell Oil Products on September 13, 2007, proposes to use monitored natural attenuation to reduce petroleum hydrocarbon concentrations in ground water. The CAP and the case files are available for public review at the Regional Board office. This Notice is issued pursuant to California Code of Regulations (CCR), Title 23, Division 3, Chapter 16, Article 11, Section 2728(a). For more information regarding this matter please call Ms. Sue Pease at (858) 637-5596 or by email at spease@waterboards.ca.gov,

B. 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 gasoline, diesel and motor oil wastes at 635 Anita Street, Chula Vista, California. The results from recent investigation conducted from November 2007 to February 2008, indicated that contamination at the site is of limited extent and unlikely to have impacted ground water. 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 June 2008. (*Cheryl Prowell*)

C. Public Participation 30-day Notice

The Regional Board is providing public notification of its intent to issue a no further action letter to Thrifty Oil Company for an unauthorized release of petroleum fuel wastes at the Thrifty Service Station #112, 1484 East Washington Street, El Cajon, San Diego County, California. A High Vacuum Dual Phase Extraction Performance Report (HVDPE) and groundwater monitoring results document that the groundwater plume has decreased in size and

concentration, and that the remaining low levels of petroleum hydrocarbons constituents do not pose a threat to human health or the environment. The HVDPE Performance Report and the case files are available for public review at the Regional Board office. This Notice is issued pursuant to California Code of Regulations (CCR), Title 23, Division 3, Chapter 16, Article 11, § 2728(a). For more information regarding this matter please call Ms. Sue Pease at (858) 637-5596 or by email at spease@waterboards.ca.gov. (*Sue Pease*)

D. Public Participation 30-day Notice

The Regional Board intends to issue a no further action letter for remediation of an unauthorized release of petroleum fuel wastes from a leaking underground storage tank (UST) case at Chevron Service Station #20-4029, 31669 Highway 79 South, Temecula, Riverside County, California. This notification is made pursuant to California Code of Regulations, Title 23, Chapter 16, Article 11, section 2728. Since 2001, gasoline petroleum fuel wastes in ground water have naturally attenuated. 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 early July 2008. (*Kelly Dorsey*)

DIRECTIONS TO REGIONAL BOARD MEETING

From Downtown: I-15 north - take the Aero Drive exit - turn left (west). Proceed to the 3rd 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 2nd 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.