

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

AGENDA

Wednesday, May 13, 2009
9:00 a.m.

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

The purpose of this meeting is for the Regional Board to obtain testimony and information from concerned and affected persons and to make decisions based on the information received. Persons who want to submit written comments or evidence on any agenda item must comply with the procedures described in the agenda and agenda notes. Persons wishing to speak at the meeting should complete an attendance card (see Note F, attached to this Notice). 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 noon on Wednesday, April 29, 2009,* 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., 15 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, May 6, 2009 will not be provided to the Regional Board members and may not be considered by the Regional Board (See Note D, attached to this Notice).

****PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS OR MAY HAVE A SEPARATE HEARING PROCEDURES DOCUMENT THAT ESTABLISHES DIFFERENT DEADLINES FOR SUBMITTING WRITTEN MATERIALS. IN THOSE CASES THE DIFFERENT 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 D, attached to this Notice, refers to the procedures that will be followed by the Regional Board in contested adjudicatory matters if a separate Hearing Procedures Document has not been issued for a particular agenda item. Parties requesting an alternate hearing process must do so in accord with the directions in NOTE D. Any such request, together with supporting material, must be received in the Regional Board's office no later than noon on Wednesday, April 29, 2009.

Copies of the agenda items to be considered by the Regional Board are posted on the Regional Board's website at http://www.waterboards.ca.gov/sandiego/board_info/agendas

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 ten days prior to the meeting.
3. Minutes of Board Meeting: April 8, 2009.
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 through 10 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. Revision of Waste Discharge Requirements, Oakzanita Springs Park, Ownership Change, San Diego County (Tentative Addendum No. 1 to Order No. 94-014) (*Fisayo Osibodu*)
6. Revision of Waste Discharge Requirements, Thousand Trails Pio Pico, Name Change, San Diego County (Tentative Addendum No. 1 to Order No. 84-06) (*Fisayo Osibodu*)
7. Rescission of Waste Discharge Requirements, Rescission of Order No. 94-75 for Northrop Grumman Space Technology and Mission Systems Corporation in San Clemente, Orange County and Rescission of Order No. 96-58 for Oak Grove Fish Farm in Descanso, San Diego County (Tentative Order No. R9-2009-0046) (*Cathryn Henning*)
8. Revision of Waste Discharge Requirements, California Department of Transportation, Tecate Truck Inspection Station, San Diego County (Tentative Addendum No. 1 to Order No. R9-2007-0148) (*Cathryn Henning*)

9. Administrative Assessment of Civil Liability, Mountain Water Ice Company, Oceanside Ice Plant. The Regional Board will consider adoption of a tentative Order that would impose a \$243,000 mandatory minimum penalty recommended in Amended Complaint R9-2008-0161 for violations of effluent limitations prescribed in Waste Discharge Requirements Order No. R9-2005-0015, NPDES No. CA0108391. The Regional Board may approve, modify, or reject assessment of the recommended penalty. If the Regional Board rejects the tentative Order, the matter may be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability. (Tentative Order R9-2009-0075) (*Rebecca Stewart*)
10. Time Schedule Order with Interim Effluent Limitations: Mountain Water Ice Company, Oceanside Ice Plant, Waste Discharge Requirements Order No. R9-2005-0015, NPDES No. CA0108391. (Tentative Order No. R9-2009-0047) (*Rebecca Stewart*)

Remainder of the Agenda (Non-Consent Items):

11. NPDES Permit Revision and Approval of Flow, Entrainment and Impingement Minimization Plan: Poseidon Resources Corporation, Proposed Carlsbad Desalination Project (Order No. R9-2006-0065, NPDES No. CA0109223). The Regional Board will consider approval of a March 9, 2009 Flow, Entrainment and Impingement Minimization Plan, including a Marine Life Mitigation Plan, as revised March 27, 2009 (Minimization Plan), required by section VI.C.2.e. of Order No. R9-2006-0065 and will consider related amendments to Order No. R9-2006-0065 to require the Discharger to implement and comply with the Minimization Plan under specified conditions of operation. Order No. R9-2006-0065 is not being reopened for any other purposes. At its meeting on April 8, 2009, the Regional Board closed the public hearing in this matter and will not accept new evidence or testimony. The Regional Board will only accept written and oral comments on staff's proposed revisions made to the Tentative Order following the April 8, 2009 meeting. Any such written comments must be submitted by May 6, 2009 at 5:00 p.m. The Regional Board will also consider staff's responses to the comments that were previously submitted throughout the proceeding. (Tentative Order No. R9-2009-0038) (*Michelle Mata*)
12. Administrative Assessment of Civil Liability, South Orange County Wastewater Authority, the South Coast Water District Groundwater Recovery Facility. The Regional Board will consider adoption of a tentative Order that would impose a \$204,000 mandatory minimum penalty recommended in Complaint No. R9-2009-0028 for violations of Order No. R9-2006-0054, NPDES No. CA0107417, Waste Discharge Requirements for the South Orange County Wastewater Authority, Discharge to the Pacific Ocean Via the San Juan Creek Ocean Outfall, Orange County. The Regional Board may approve, modify, or reject assessment of the recommended penalty. The deadline for the submission of evidence and legal argument pertaining to the Complaint was Monday, April 27, 2009. (Tentative Order R9-2009-0048) (*Jeremy Haas*)
13. *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:
 - a. *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*)

- b. *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*)
 - c. *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 Melbourn*)
 - d. *In re: Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2007-001, (NPDES No. CAS0108758) Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the Incorporated Cities of San Diego County, the San Diego Unified Port District, and the San Diego County Regional Airport Authority adopted on January 24, 2007. Test Claim filed by San Diego County, et al., with Commission on State Mandates, No. 07-TC-09 (filed June 2008). (Catherine George Hagan)*
 - e. *Surfrider Foundation v. California Regional Water Quality Control Board -- San Diego Region, (Poseidon Resources, Real Party-in-Interest)*, Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37-2008-00091983-CU-WM-CTL (filed September 2008). (*Michelle Mata*)
14. *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 Act or the federal Clean Water Act or to discuss significant exposure to litigation [Authorized under Government Code Section 11126(e)] (*John Robertus*)
 15. *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)]
 16. *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)]
 17. *Arrangements for Next Meeting and Adjournment*
Wednesday, June 10, 2009 - 9:00 a.m.
Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

Notifications

A. Workshop - Tentative WDRs for the Gregory Canyon Landfill

A workshop has been scheduled on the tentative waste discharge requirements for the Gregory Canyon Landfill for April 29, 2009 from 2:30 to 5:00 at the Escondido City Council Chambers. The workshop will be conducted by staff, but Regional Board members may attend. The purpose of the workshop is for staff to briefly introduce the requirements in the Order and the public participation process, to receive oral comments, and to begin answering questions from the public and project proponent. You may visit our web site for more information: http://www.waterboards.ca.gov/sandiego/water_issues/programs/land_discharge/gregory_canyon_landfill.shtml (*Carol Tamaki*)

B. Public Participation 30-day Notice

The Regional Board intends to issue a no further action letter for cleanup of an unauthorized release of petroleum fuel wastes from a leaking underground storage tank case at Building 1255 at Marine Corps Base Camp Pendleton, California. This notification is made pursuant to California Code of Regulations, Title 23, Chapter 16, Article 11, section 2728. Approximately 1,952 cubic yards of diesel petroleum fuel waste contaminated soil was excavated and about 66 percent (7,359 pounds) of the total petroleum hydrocarbons – diesel mass present at the site was removed in September 2008. A maximum TPH-D concentration of 16,000 milligrams/kilograms was found at 35 feet below ground surface (bgs) in confirmation soil samples. Results from leachability analyses for volatile organic compounds and semi-volatile organic constituents of this sample showed limited leaching potential for volatile organic compounds and semi-volatile organic constituents to impact groundwater. Groundwater was not encountered within the depth of investigation (to 65 feet bgs). Based upon the existing information, the residual concentrations of fuel constituents do not appear to pose a threat to human health or the environment under current land use conditions, 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 June 2009. (*Helen Yu*)

C. Public Participation 30-day Notice

The Regional Board intends to issue a no further action letter for cleanup of an unauthorized release of petroleum fuel wastes from a leaking underground storage tank (UST) case at Building 1313 at Marine Corps Base Camp Pendleton, California. This notification is made pursuant to California Code of Regulations, Title 23, Chapter 16, Article 11, section 2728. Approximately 387 cubic yards of diesel petroleum fuel waste contaminated soil was excavated and greater than 82 percent (2,277 pounds) of the total petroleum hydrocarbons - diesel mass present at the site was removed in November 2007. A maximum total petroleum hydrocarbons - diesel concentration of 13,000 milligrams/kilograms was found at 14 feet below ground surface (bgs) in confirmation soil samples. Following soil excavation, four quarters of groundwater monitoring were performed between January and October 2008. The pollution from diesel fuel wastes in groundwater was found to be stable, with a maximum total petroleum hydrocarbons – diesel concentration of 2.8 milligrams per liter detected in one monitoring well close to the source zone. Based upon the existing information, residual concentrations of diesel fuel constituents are likely to naturally attenuate to environmental screening levels that are protective of human health and environment under the current land use conditions (for example, 210 micrograms per liter of total petroleum hydrocarbons as diesel, SF Bay RWQCB ESLs, 2008). Further, the residual environmental pollutants do not appear to pose a threat to human health or the environment as long as the current land use condition remain unchanged, 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 June 2009. (*Helen Yu*)

D. Public Participation 30-day Notice

The Regional Board intends to issue a no further action letter for cleanup of an unauthorized release of petroleum fuel wastes from a leaking underground storage tank case at Building 43333 at Marine Corps Base Camp Pendleton, California. This notification is made pursuant to California Code of Regulations, Title 23, Chapter 16, Article 11, section 2728. Since monitored natural attenuation was approved as the corrective action for the site in November 2006, eight quarters of groundwater monitoring was performed between November 2006 and January 2009. The diesel fuel waste impacted groundwater plume was found to be stable, with a maximum total petroleum hydrocarbon - diesel concentration of 3.2 milligrams per liter detected in the monitoring well located within the source zone. Based upon the existing information, the residual concentrations of fuel constituents are likely naturally attenuated to environmental screening levels that are protective of human health and environment under the current land use conditions (for example, 210 micrograms per liter of total petroleum hydrocarbons as diesel, SF Bay RWQCB ESLs, 2008). Further, the residual environmental pollutants do not appear to 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 June 2009. *(Helen Yu)*

E. Public Participation 30-day Notice

The Regional Board intends to issue a no further action letter for cleanup of an unauthorized release of petroleum fuel wastes from a leaking underground storage tank (UST) at Building 1544 at Marine Corps Base Camp Pendleton, California. This notification is made pursuant to California Code of Regulations, Title 23, Chapter 16, Article 11, section 2728. Removal of the leaking underground storage tank and monitored natural attenuation are the cleanup actions completed to date. Verification monitoring of groundwater showed that residual concentrations of hydrocarbons are minimal and stable. The most recently observed maximum concentration of hydrocarbons in groundwater is 1.3 mg/L of total petroleum hydrocarbons quantified as diesel fuel (TPH-d). The residual concentrations of TPH-d are limited to groundwater perched approximately 20 feet below ground surface beneath the location of the former UST. Groundwater resources located beneath Building 1544 are not a current or a probable future source of drinking water. The current site conditions do not pose a threat to human health or the environment, and the unauthorized release case can be closed. The case files are available for public review by submitting a file review request to the Regional Board office. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter after May 13, 2009. *(Robert Pierce)*

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.