

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

# AGENDA

**Wednesday, November 12, 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, October 29, 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, November 5, 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](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, October 29, 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: September 10, 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 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. Resolution in Support of the "No Drugs Down the Drain" Campaign – Consideration of a resolution in support of a campaign that seeks to minimize the discharge of pharmaceutical compounds to receiving waters through education on proper disposal alternatives. (Tentative Resolution No. R9-2008-0128) (*Chiara Clemente*)
6. Modification of Waste Discharge Requirements: South Orange County Wastewater Authority , Recycled Water Project, Orange County, A modification to regulate the discharge from the Horno Urban Water Recovery Facility (tentative Addendum No. 4 to Order No. 97-52) (*Amy Grove*)
7. Waste Discharge Requirements Revision – U.S. Navy Former Admiral Baker Field Landfill: Termination of Enrollment in Order No. 97-11, General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Landfills Containing Hazardous and Nonhazardous Wastes within the San Diego Region (tentative Addendum No. 6 to Order No. 97-11) (*Brian McDaniel*)
8. Administrative Assessment of Civil Liability: San Diego County Water Authority, San Vicente Pipeline Dewatering Project: The Regional Board will consider a tentative Order that would impose a \$135,000 Mandatory Minimum Penalty recommended in Complaint R9-2007-0014 for violations of effluent limitations established by Order R9-2001-96, NPDES No. CAG919002, *General Waste Discharge Requirements and Similar Waste Discharges from Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters Within the San Diego Region Except San Diego Bay*. The tentative Order recommends that \$75,000 of the \$135,000 recommended penalty be directed to a Supplemental Environmental Project implemented by the San Diego River Conservancy. The Regional Board may approve, raise, lower, or reject the recommended penalty. If the Regional Board rejects the tentative Order, the matter will be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability. (Tentative Order R9-2008-0142) (*Rebecca Stewart*)
9. Administrative Assessment of Civil Liability: South Orange County Wastewater Authority

(SOCWA), San Juan Ocean Outfall, San Clemente Water Reclamation Plant, Chiquita Water Reclamation Plant, and the San Juan Capistrano Reverse Osmosis Water Treatment Plant. The Regional Board will consider a tentative Order that would impose a \$60,000 Mandatory Minimum Penalty for violations of effluent limitations established in NPDES Permit Orders R9-2006-0054 and R9-2000-13, NPDES No. CA107417, *Waste Discharge Requirements and NPDES Permit for the South Orange County Wastewater Authority Discharge to the Pacific Ocean via San Juan Creek Ocean Outfall*. The tentative Order recommends that \$37,500 of the \$60,000 recommended penalty be directed to a Supplemental Environmental Project implemented by the Southern California Coastal Waters Research Project. The Regional Board may approve, raise, lower, or reject the recommended penalty. If the Regional Board rejects the tentative Order, the matter will be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability. (Tentative Order R9-2008-0144) (*Joann Cofrancesco*)

10. Administrative Assessment of Civil Liability: San Elijo Joint Powers Authority, San Elijo Ocean Outfall: The Regional Board will consider a tentative Order that would impose a \$9,000 Mandatory Minimum Penalty recommended in Complaint R9-2008-0006 for violations of effluent limitations established by Order R9-2005-0100, NPDES Permit No. CA0107999 *Waste Discharge Requirement for the San Elijo Joint Powers Authority, San Elijo Water Reclamation Facility Discharge to the Pacific Ocean Via the San Elijo Ocean Outfall, San Diego County*. The tentative Order recommends that \$4,500 of the \$9,000 recommended penalty be directed to a Supplemental Environmental Project implemented by the Southern California Coastal Waters Research Project. The Regional Board may approve, raise, lower, or reject the recommended penalty. If the Regional Board rejects the tentative Order, the matter will be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability. (Tentative Order R9-2008-0137) (*Jeremy Haas*)

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

11. RESOLUTION: Regional Board consideration and adoption of a Resolution to honor and commemorate the dedication and contributions of Carlos Marin, the late Commissioner of the International Boundary and Water Commission, United States Section. (Tentative Resolution No. R9-2008-0146) (*John Robertus*)
12. RESOLUTION: Consideration of a resolution in support of the request for \$200,000 from the Cleanup and Abatement Account (CAA) for removal of marine vessel debris in San Diego Bay submitted by the Unified Port District of San Diego. (Tentative Resolution No. R9-2008-0145) (*John Robertus*)
13. NPDES Permit Revision: University of California, Scripps Institution of Oceanography wastewater discharge to the San Diego Marine Life Refuge, a designated Area of Special Biological Significance (ASBS), San Diego County, Order No. R9-2005-0008, NPDES No. CA0107239. (Tentative Resolution No. R9-2008-0139) (*Michelle Mata*)
14. General Waste Discharge Requirements for In-situ Ground Water Remediation Projects within the San Diego Region. (Tentative Order No. R9-2008-0081) (*Helen Yu*)
15. General Waste Discharge Requirements for discharges of treated groundwater from Volatile Organic Compound (VOC) Cleanup Sites to land in the San Diego Region. (Tentative Order No. R9-2008-0138) (*Cheryl Prowell*)

16. Master Reclamation Permit with Waste Discharge Requirements for the United States Marine Corps: Discharges of Reclaimed Water for Landscape Irrigation at Marine Corps Base Camp Pendleton, California. (Tentative Order No. R9-2008-0089) (*Robert Pierce*)
17. **PUBLIC HEARING:** Administrative Assessment of Civil Liability, Promenade Mall Development Corporation, Promenade Mall Dewatering Project. The Regional Board will consider adoption of a tentative Order that would impose \$9,000 in civil liability recommended in Complaint R9-2008-0056 for violations of effluent limitations prescribed in Order R9-2001-0096, NPDES No. CAG919002, *General Waste Discharge Requirements and Similar Waste Discharges from Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters Within the San Diego Region Except San Diego Bay*. The Regional Board may approve, raise, lower, or reject assessment of the recommended penalty. (Tentative Order R9-2008-0104) (*Rebecca Stewart*)
18. Administrative Assessment of Civil Liability, City of San Diego, Convention Center Dewatering Project: The Regional Board will consider adoption of a tentative Order for Administrative Assessment of Civil Liability containing \$69,000 in Mandatory Minimum Penalties for reported violations of effluent limitations prescribed in Order R9-2003-0050, NPDES Permit No. CA0109029, *Waste Discharge Requirement for Groundwater Extraction Waste Discharges to San Diego Bay from the San Diego Convention Center, San Diego County*. The Regional Board will consider acceptance of the City's hearing waiver and payment of \$69,000 liability. If the Regional Board rejects the tentative Order, the matter will be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability. (Tentative Order R9-2008-0140) (*Joann Cofrancesco*)
19. **PUBLIC HEARING:** Administrative Assessment of Civil Liability, City of Escondido Hale Avenue Resource Recovery Facility: The Regional Board will consider adoption of a tentative Order that would impose \$1,797,150 in civil liability recommended in Complaint R9-2005-0265 for violations of Orders 99-72, R9-2003-0394, and 93-70; and Cease and Desist Order 96-31. The Regional Board may approve, raise, lower, or reject assessment of the recommended penalty. (Tentative Order R9-2008-0143) (*Rebecca Stewart*)
20. Approval of Year 2009 Board Meeting Schedule (*John Robertus*)
21. *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. *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*)
  - b. *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*)

- c. *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*)

Litigation filed by the Regional Water Board against other parties

- d. *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*)

- 22. *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*)
- 23. *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)]
- 24. *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)]
- 25. Arrangements for Next Meeting and Adjournment  
Wednesday, December 10, 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  
Proposed UST Closure - Paradise Valley Hospital**

The Regional Board intends to issue a no further action letter to Paradise Valley Hospital for an unauthorized release of petroleum fuel wastes at 2400 East 4th Street, National City, CA 91950. One underground storage tank was removed in 1998, and soil sampling and analysis performed in 2008 demonstrate low levels of petroleum pollution. 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. This notification is made pursuant to California Code of Regulations, Title 23, Chapter 16, Article 11, section 2728. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter in late November 2008. *(Brian McDaniel)*

#### 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.