

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

AGENDA

Wednesday, October 8, 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, September 24, 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, October 1, 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, September 24, 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 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. General Waste Discharge Requirements for In-situ Ground Water Remediation Projects within the San Diego Region (Tentative Order No. R9-2008-0081) (*Helen Yu*)
6. Resolution in Support of the "No Drugs Down the Drain" Campaign - 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*)

Remainder of the Agenda (Non-Consent Items):

7. **POSTPONED - PUBLIC HEARING:** A public hearing will be held regarding the Cleanup and Abatement Order issued to Dr. William Moritz for the unauthorized discharge of fill to an unnamed, ephemeral stream that is tributary to Rattlesnake Creek and ultimately Poway Creek in violation of Sections 13260(a) and 13264(a) of the California Water Code. The Regional Board will consider adoption of an order to affirm, modify, or rescind the CAO. (CAO No. R9-2008-0074) (*Christopher Means*)
8. Proposed settlement of \$69,000 Mandatory Minimum Penalty against the City of San Diego for discharges to San Diego Bay from the Convention Center Dewatering Project in violation of effluent limitations contained in NPDES Permit Order No. R9-2003-0050. The Regional Board will consider whether to approve or reject the settlement offer. The written comment period on the early conditional settlement offer closed on Monday, September 15, 2008. (*Joann Cofrancesco*)
9. Consideration of a Resolution Amending Resolution R9-2005-0271 (Delegating Certain Powers of this Regional Board to the Executive Officer) to Clarify the Delegation of Powers and Duties to the Executive Officer to Resolve Certain Administrative Civil Liability Complaints (tentative Resolution No. R9-2008-0135) (*Catherine Hagan*)
10. *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 Melbourne*)

Litigation filed by the Regional Water Board against other parties

- c. *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*)
11. *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*)
 12. *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)]
 13. *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)]
 14. Arrangements for Next Meeting and Adjournment
Wednesday, November 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

The Regional Board plans to concur with the No Further Action (NFA) determination for the following unimpacted portions of the Naval Air Station (NAS) North Island former Industrial Waste Pipeline (IWPL), Areas 1-8, Solid Waste Management Unit 80, which is located in Operable Unit (OU) 14:

- Silver Process Waste Line - NFA-1
- Pier J-K Waste Line -NFA-2
- Bldgs 469/466 Waste Line - NFA-3
- Building C-139 Waste Line -NFA-4
- Housing Area Waste Line -NFA-5
- Building 702 Waste Line -NFA-6
- Building 489 Waste Line -NFA-7
- Building 1471 Waste Line -NFA-8

Results of passive soil vapor and soil sampling investigation at NFA Areas 1-8 have verified that chemicals of potential concern in soil have not been released to ground water. All of the above areas of the IWPL with the exception of Area NFA-2 (which has been physically removed) have been abandoned in place and removed from service. All drains leading into the IWPL from these areas have been plugged with concrete, thus the IWPL no longer transports industrial wastewater through these sections of the pipeline. In selecting the no action remedy for these areas the DON has determined that the existing condition of the sites is protective of human health and the environment and complies with Federal and State requirements.

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 concur with the No Further Action determination for the unimpacted portions of the IWPL, NFA Areas 1-8, Solid Waste Management Unit 80. (A link to supporting text and a detailed map is on our web site in the electronic agenda.) (*Sherrie Komeylyan*)

B. 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 at the Aircraft Rescue and Fire Fighting (ARFF) Training Area, Marine Corps Air Station Camp Pendleton. The Site Assessment Report presents the results of subsurface soil investigation that delineated the vertical and horizontal extent of hydrocarbon impacts due to operation of the ARFF Training Area. 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 with respect to the remediation of petroleum hydrocarbon constituents. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter in October 2008. (*Robert Pierce*)

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.