

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

AGENDA

Wednesday, August 12, 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, July 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 Tuesday, August 4, 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, July 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: July 1, 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 7 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. CONSIDERATION OF SETTLEMENT: Administrative Assessment of Civil Liability against Ametek Inc. (former Ametek/Ketema Aerospace Manufacturing Facility) for violation of Cleanup and Abatement Order No. R9-2002-0201. The Regional Board will consider adoption of an Order Assessing Administrative Civil Liability in accordance with the terms of a settlement agreement between the Regional Board Prosecution Team and Ametek, Inc. The Order would resolve violations alleged in Complaint No. R9-2008-0033. The settlement includes: (1) payment of \$600,000 to the Regional Board for reimbursement of staff costs and to the State Water Resources Control Board Cleanup and Abatement Account; and (2) suspension of the remaining civil liabilities pending Ametek, Inc.'s completion of specified actions set forth in an agreed upon Cleanup and Abatement Order to the satisfaction of the Regional Board. If the Regional Board rejects the settlement, the matter will be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability. (Tentative Order No. R9-2009-0024) (*Laurie Walsh*)

6. CONSIDERATION OF SETTLEMENT: William and Heidi Dickerson; Larry and Penelope Gunning; and Perry and Papenhausen, Inc. (Dischargers). Written public comments will be accepted until 5 p.m. on August 3, 2009. If the Regional Board rejects either proposed settlement, then the Petition for Writ of Mandate matter will return to Superior Court and consideration of Administrative Civil Liability (ACL) will be rescheduled for a future public hearing. (*Frank Melbourne*)
 - a. Settlement of Petition for Writ of Mandate (San Diego County Superior Court Case No. 37-2007-00075848-CU-WM-CTL, September 27, 2007) (tentative Resolution No. R9-2009-0125) Dischargers challenged the Regional Board's adoption of Amended Cleanup and Abatement Order (CAO) Nos. R9-2006-0101 and R9-2006-0102. In the proposed settlement the Regional Board will rescind the CAOs in exchange for the Dischargers dismissing the Superior Court case with prejudice, paying the Regional Board \$67,000 in staff costs, replacing riprap, and replanting eelgrass; and
 - b. Settlement of Administrative Civil Liability (Tentative Order No. R9-2009-0084). In the proposed settlement the Dischargers will pay a \$61,200 ACL that includes: \$24,000 in satisfaction of ACL Complaint No. R9-2008-0019 for eight alleged mandatory minimum penalty violations of the Dickerson's General NPDES Groundwater Dewatering Permit; and \$37,200 for alleged violations of Regional Board Basin Plan Prohibitions, the Clean Water Act, and Regional Board Water Quality Certification No. 05C-041.
7. Rescission of Waste Discharge Requirements: Oglebay Norton Industrial Sands, Inc., Mission Viejo Sand Plant, Orange County; Verger Dairy, San Diego County; and Vulcan Materials, Sloan Canyon Sand Plant (Tentative Order No. R9-2009-0106 rescinding Order Nos. 88-55, 94-126, and 96-51) (*Cathryn Henning*)

Remainder of the Agenda (Non-Consent Items):

8. a) NPDES Permit Reissuance: Waste Discharge Requirements for General Dynamics National Steel and Shipbuilding Company (NASSCO) Discharge to San Diego Bay (Tentative Order No. R9-2009-0099, NPDES No. CA0109134) (*Kristin Schwall*)
b) Time Schedule Order: An Order Requiring General Dynamics National Steel And Shipbuilding Company (NASSCO) Discharge to the San Diego Bay to Comply With Requirements Prescribed in Order No. R9-2009-0099 (NPDES No. CA0109134) (Tentative Order No. R9-2009-0117) (*Kristin Schwall*)
9. NPDES Permit Reissuance: Waste Discharge Requirements for the U.S. Navy, Naval Base San Diego (including the Graving Dock) Discharge to San Diego Bay (Tentative Order No. R9-2009-0100, NPDES Permit No. CA0109169) (*Vicente Rodriguez*)
10. NPDES Permit Reissuance: General Waste Discharge Requirements for Discharges of Hydrostatic Test Water and Potable Water to Surface Waters and Storm Drains or Other Conveyance Systems Within the San Diego Region (Tentative Order No. R9-2009-0094, NPDES No. CAG679001) (*Michelle Mata*)
11. Information Item: Mission Valley Terminal Cleanup Status Report. Kinder Morgan Energy Partners is in the process of cleaning up gasoline constituents in soil and groundwater that leaked from the Mission Valley Terminal to the adjacent Qualcomm

Stadium property. The Board will hear reports from staff, Kinder Morgan Energy Partners, and the City of San Diego on the status of the cleanup. (Cleanup and Abatement Order No. 92-01) *(Sean McClain)*

12. Status Report: Statewide Marina Permit: A status report on the tiered, risk-based general permitting mechanism being developed by the State Water Resources Control Board to capture discharges of waste associated with saline and brackish Marina activities. Marinas and mooring area in saline and brackish waterbodies along the California-coast, bays and estuaries that contain slips or mooring locations for 10 or more boats shall be subject to this General Permit Marinas Permit. The status report will describe the tentative requirements and the public process for consideration of adoption of the General Marinas Permit, the nexus with control of exotic invasive species, and the relationship of the statewide General Marinas Permit with adopted TMDLs. *(David Gibson)*
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:

Civil Actions

- 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 Melbourne)*
- 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. *William and Lori C. Moritz v. California Regional Water Quality Control Board, San Diego Region, Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37-2009-00093097-CU-WM-CTL (filed June 2009) (Christopher Means)*

Petitions for Review Pending Before State Water Resources Control Board

- f. Petition of San Diego Gas & Electric Company, Reconsideration of Clean Water Act Section 401 Water Quality Certification No. 06C-026 and Waste Discharge Requirements for Discharge of Dredged and/or Fill Materials fo 5393 - SDG&E Access Road Repairs TM 3010, Torrey Pines, San Diego County, SWRCB/OCC File No. A-1951, filed September 2008 (in abeyance). *(Mike Porter)*
 - g. Petition of Natural Resources Defense Council and San Diego Coastkeeper (Executive Officer Approval of Countywide Model Standard Urban Stormwater Mitigation Plan for Development Applications), SWRCB/OCC File No. A-2010, filed April 2009 (in abeyance). *(Eric Becker)*
 - h. Order No. R9-2009-0038 (Poseidon Resources Corporation, Carlsbad Desalination Plant, Order Amending Waste Discharge Requirements No. R9-2006-0065 [NPDES No. CA0109223])
 - (i) Petition of San Diego Coastkeeper, SWRCB/OCC File No. A-2024, filed June 2009; and
 - (ii) Petition of Surfrider Foundation, SWRCB/OCC File No. A-2024(a), filed June 2009. *(Michelle Mata)*
 - j. Petition of Department of the Navy (Waste Discharge Requirements Order No. R9-2009-0081 [NPDES No. CA0109185] for the United States Department of the Navy, Naval Base Coronado, San Diego County), SWRCB/OCC File No. A-2032
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, September 9, 2009 - 9:00 a.m.
Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

Notifications

Vacancy Announcement
EXECUTIVE OFFICER

San Diego Regional Water Quality Control Board
Exempt Position - (Do not have to be a State employee to apply)
Annual Salary: \$112,068-\$121,176
Final File Date: September 1, 2009*

MINIMUM QUALIFICATIONS

Experience: At least 10 years experience of broad, responsible, professional experience in one or more of the following: public administration; water quality program management; environmental management; environmental, civil, or sanitary engineering, or related fields providing similar experiences. At least 5 years of required experience must have included supervisory responsibility for a professional staff involving the direction, preparation and implementation of policies and programs in these fields.

Complete application requirements and submittal instructions are included in this agenda notice and can be acquired on the San Diego Regional Board Water Quality Control Board website:
www.waterboards.ca.gov/sandiego

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.