

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

AGENDA

Wednesday, October 14, 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 Tuesday, September 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, October 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 Tuesday, September 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: September 9, 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 9 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. Waste Discharge Requirements: California Department of Transportation, Buckman Springs Rest Stop, San Diego County (Tentative Order No. R9-2009-0105) (*Fisayo Osibodu*)
6. Modification of Waste Discharge Requirements: Kathleen Rosenow and Frank Spevacek, Pinecrest Park, San Diego County (Tentative Addendum No. 3 to Order No. 86-48) (*Cathryn Henning*)
7. Administrative Civil Liability against Progressive Steel Fabricators, Inc. The Regional Board will consider adoption of a tentative Order that would impose a \$1,600 penalty required by California Water Code Section 13399.33 and recommended in Complaint R9-2009-0061 for failure to submit the FY 2007/08 annual storm water monitoring report of State Board Order No. 97-03-DWQ, NPDES No. CAS00001, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities. 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 receive evidence and testimony and consider assessment of liability. (Tentative

Order R9-2009-0161) (*Rebecca Stewart*)

8. Administrative Civil Liability against E & E Transportation, Inc. The Regional Board will consider adoption of a tentative Order that would impose a \$1,600 penalty required by California Water Code Section 13399.33 and recommended in Complaint No. R9-2009-0065 for failure to submit the FY 2007/08 annual storm water monitoring report of State Board Order No. 97-03-DWQ, National Pollutant Discharge Elimination System General Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities. 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 receive evidence and testimony and consider assessment of liability. (Tentative Order No. R9-2009-0162) (*Rebecca Stewart*)
9. Administrative Civil Liability against GMG Stone, Inc. The Regional Board will consider adoption of a tentative Order that would impose a \$1,600 penalty required by California Water Code Section 13399.33 and recommended in Complaint No. R9-2009-0062 for failure to submit the FY 2007/08 annual storm water monitoring report of State Board Order No. 97-03-DWQ, National Pollutant Discharge Elimination System General Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities. 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 receive evidence and testimony and consider assessment of liability. (Tentative Order No. R9-2009-0160) (*Rebecca Stewart*)

Remainder of the Agenda (Non-Consent Items):

10. Waste Discharge Requirements: Rite Time Pharmaceuticals Inc., Anza Commercial Center Onsite Wastewater Treatment System, Riverside County (Tentative Order No. R9-2009-0147) (*Fisayo Osibodu*)
11. Information Item: Status of the City of San Diego's Recycled Water Program (*Robert Pierce*)
12. Information Item: San Diego County Solid Waste Trust Fund. The Assistant Director for the Department of Public Works will report on the status of the Solid Waste Trust Fund, which was established in 1997 to cover the costs associated with post-closure oversight of inactive and closed landfills within San Diego County. (*Bob Morris/Amy Grove*)
13. Information Item: Tijuana River Valley Recovery Team (*Michael McCann*)
14. Information Item: Regional Harbor Monitoring Program (*Bruce Posthumus*)
15. *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. *Joye Goodwin and Hope Goodwin v. EDCO Disposal Corporation, a California Corporation, dba EDCO Waste & Recycling Services, State of California Water Resources Board, John P. Anderson, et al., San Diego County Superior Court No. 37-2007-00066373-CU-PO-NC (filed March 2009). (John Anderson, Catherine Hagan)*
- f. *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

- a. *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 A-1951, filed September 2008. (In abeyance). (Mike Porter)*
- b. *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 A-2010, filed April 2009 (in abeyance). (Eric Becker)*
- c. *Petition of San Diego Coastkeeper and Petition of Surfrider Foundation (Order No. R9-2009-0038 (Poseidon Resources Corporation, Carlsbad Desalination Plant, Order Amending Waste Discharge Requirements No. R9-2006-0065 [NPDES No. CA0109223]), SWRCB/OCC File A-2024 and A-2024(a), filed June 2009. (Michelle Mata)*

- d. 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 A-2032, filed July 2009. (*Vicente Rodriguez*)
 - e. Petition of South Coast Water District and South Orange County Wastewater Authority (Administrative Civil Liability Order No. R9-2009-0048 for South Orange County Wastewater Authority, South Coast Water District Groundwater Recovery Facility, San Diego County), SWRCB/OCC File A-2035, filed July 2009. (*Jeremy Haas*)
 - f. Petition of La Costa Town Square, LLC (Denial of Clean Water Act section 401 Water Quality Certification, La Costa Town Square Project, Application 09C-043, San Diego County), SWRCB/OCC File A-2039, filed August 2009. (In abeyance.) (*Chiara Clemente*)
16. *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*)
17. *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)]
18. *Closed Session* - Personnel
The Regional Board may meet in closed session to consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee unless the employee requests a public hearing [Authorized under Government Code Section 11126(a)]
19. Arrangements for Next Meeting and Adjournment
Wednesday, November 18, 2009 - 9:00 a.m.
Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

Notifications

Completed Cleanup Action Public 30-day Notice. The Regional Board intends to issue a no further action letter for completion of cleanup of legally applied residual pesticides on a 60-acre

former agricultural parcel known as the Stuart Mesa East Agricultural Fields Phase VI Housing Project, located between Stuart Mesa Road and Interstate 5 on Marine Corps Base Camp Pendleton, CA. Additional details about the case are available from the the [Geotracker website](https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T1000000991) at https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T1000000991.

Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter after November 14, 2009. *(Cheryl Prowell)*

Completed Cleanup Action Public 30-Day Notice. The Regional Board intends to issue a no further action letter for completion of cleanup of petroleum hydrocarbon wastes at the Front (Main) Gate at Marine Corps Base Camp Pendleton. Additional details about the cleanup case at the Front Gate are available from the [Geotracker website](https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000001226#) at https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000001226#.

Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter after November 14, 2009. *(Robert Pierce)*

Public Participation 30-Day Notice. The Regional Board has received a Corrective Action Plan (CAP) for cleanup of a leaking underground storage tank at Stan's Service Station, 41991 Ivy Street, Murrieta, California. The CAP is a compilation of the Ozone Sparging Work Plan, dated November 17, 2006, the Addendum to the Ozone Sparge Work Plan, dated December 13, 2006 and the Proposed Remedial Alternative, dated August 29, 2009. The CAP proposes to use ozone sparging and monitored natural attenuation to reduce petroleum hydrocarbon concentrations in groundwater. The documents listed and the case files are available for public review at the Regional Board office. This public notice is issued pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 11, section 2728(a). For more information regarding this matter please contact Ms. Sue Pease at (858) 637-5596 or by email at spease@waterboards.ca.gov.

Completed Cleanup Action 30-day Notice. The Regional Board intends to issue a no further action letter for completion of cleanup of an unauthorized release of gasoline from the Chevron Station located at 31669 Highway 79 South, Temecula, CA. The results from recent investigations indicated that soil beneath the site has not been impacted by adsorbed-phase hydrocarbons and contamination in groundwater is of limited extent. 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 November 2009. *(Sean McClain)*.

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.