

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
AGENDA

**Wednesday, May 12, 2010
9:00 a.m.**

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

The purpose of this meeting is for the San Diego Water 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 San Diego Water Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the San Diego Water Board members and staff have the opportunity to fully study and consider written material, comments should be received in the San Diego Water Board's office no later than noon on Wednesday, April 28, 2010* 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 Board members and staff. Written material submitted after 5:00 P.M. on Tuesday, May 4, 2010 will not be provided to the Board members and may not be considered by the San Diego Water 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 San Diego Water Board. Type the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.4, the San Diego Water Board may refuse to admit written testimony into evidence if it is not submitted to the San Diego Water 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 San Diego Water 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 San Diego Water Board's office no later than noon on Wednesday, April 28, 2010.

Copies of the agenda items to be considered by the San Diego Water Board are posted on the San Diego Water 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 Meetings: February 10, 2010 and April 14, 2010. (The Board lacked a quorum on April 14, 2010 so did not hold a meeting and took no action, but heard informational items.)
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 12 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 Revision: Barrett Lake Mobile Home Park, San Diego County (Ownership change) (Tentative Addendum No. 2 to Order No. 94-142) (*Cathryn Henning*)
6. NPDES Permit Recission: Mountain Water Ice Company, Oceanside, San Diego County - An Order Rescinding Order No. R9-2005-0015, NPDES Permit No. CA0108391 and Time Schedule Order No. R9-2009-0047 (Tentative Order No. R9-2010-0028) (*Joann Cofrancesco*)
7. NPDES Permit Reissuance: Waste Discharge Requirements for the Sweetwater Authority, Richard A. Reynolds Desalination Facility, discharge to the Lower Sweetwater Basin, San Diego County. (Tentative Order No. R9-2010-0012, NPDES Permit No. CA0108952) (*Michelle Mata*)

8. Administrative Civil Liability against the County of San Diego Municipal Storm Water Program. The San Diego Water Board will consider adoption of a tentative Order that would accept an offer to settle administrative civil liability proposed in Complaint No. R9-2009-0089 for violation of construction storm water “wet season” requirements within the San Diego Municipal Storm Water Permit, Order No. R9-2007-0001. The proposed settlement supports the assessment of \$57,350. If the San Diego Water Board rejects the tentative Order, the matter may be rescheduled to a future public hearing at which time the San Diego Water Board will receive evidence and testimony and consider assessment of liability. (Tentative Order R9-2010-0025) (*Frank Melbourn*)
9. Administrative Civil Liability against the San Diego Unified School District, Bell Jr. High Landfill. The San Diego Water Board will consider adoption of a tentative Order that would accept an offer to settle administrative civil liability proposed in Complaint No. R9-2009-0175 for failure to submit semi-annual monitoring reports required by Order No. 97-11, General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Nonhazardous Waste Landfills within the San Diego Region. The proposed settlement supports the assessment of \$155,000. If the San Diego Water Board rejects the tentative Order, the matter may be rescheduled to a future public hearing at which time the San Diego Water Board will receive evidence and testimony and consider assessment of liability. (Tentative Order R9-2010-0020) (*Rebecca Stewart*)
10. Administrative Civil Liability against the City of Carlsbad, Agua Hedionda Creek Emergency Dredge Project. The San Diego Water Board will consider adoption of a tentative Order that would accept a settlement reached in response to Notice of Violation No. R9-2008-0099 for alleged violations of Water Quality Certification No. 06C-0007. The proposed settlement supports the assessment of \$47,647 and requires the purchase of 3.58 acres of habitat mitigation. If the San Diego Water Board rejects the tentative Order, the matter may be rescheduled to a future public hearing at which time the San Diego Water Board will receive evidence and testimony and consider assessment of liability. (Tentative Order R9-2010-0008) (*Frank Melbourn*)
11. Administrative Civil Liability against the County of Riverside Municipal Storm Water Program. The San Diego Water Board will consider adoption of a tentative Order that would accept an offer to settle administrative civil liability proposed in Complaint No. R9-2009-0026 for violations of Order No. R9-2004-0001. The proposed settlement supports the assessment of \$234,291. If the San Diego Water Board rejects the tentative Order, the matter may be rescheduled to a future public hearing at which time the San Diego Water Board will receive evidence and testimony and consider assessment of liability. (Tentative Order R9-2010-0008) (*Christina Arias*)
12. NPDES Permit Revision: Carlsbad Desalination Project discharge to the Pacific Ocean via the Encina Power Station Discharge Channel, transfer of responsibility of Order No. R9-2006-0065, NPDES No. CA0109223, including implementation of the Flow, Entrainment and Impingement Minimization Plan, from Poseidon Resources Corporation to Poseidon Resources (Channelside) LLC (Tentative Order No. R9-2010-0073) (*Michelle Mata*)

Remainder of the Agenda (Non-Consent Items):

13. NPDES Permit Termination: Dynegey South Bay LLC, South Bay Power Plant Discharge to San Diego Bay, Order No. R9-2004-00154, NPDES No. CA0001368 The San Diego Water Board will consider adoption of Tentative Order No. R9-2010-0062 as proposed by staff. Alternatively, after hearing the evidence and testimony, the Board may decide to modify the Tentative Order to terminate the NPDES permit earlier than staff recommends, or the Board may decide not to take an action. Please note that the deadline for submitting written comments on this item was April 21, 2010 at noon in accordance with the Notice of Public Hearing which can be found at http://www.waterboards.ca.gov/sandiego/water_issues/programs/npdes/southbay_power_plant/docs/updates_032310/Final_Public_Hearing_Notice_South_Bay_Power_Plant_May_2010.pdf . The designated parties will be notified in advance how much time will be allowed for presentations. Interested persons are generally permitted 3 minutes to speak, but the time allowed may be modified at the discretion of the Chair. (Tentative Order No. R9-2010-0062) (*Kristin Schwall*)
(TIME CERTAIN: 10:00 A.M.)
14. Waste Discharge Requirements: United States Marine Corps, Las Pulgas Landfill, Marine Corps Base Camp Pendleton (Update of current waste discharge requirements in response to the design report for the Phase II lateral expansion of the landfill and in response to evidence of a release from the unlined portion of the landfill) (Tentative Order No. R9-2010-0004) (*Amy Grove*)
15. Adoption of Emergency, Abandoned, and Recalcitrant Annual Priority Site List: Former Santa Ysabel Chevron Service Station (Resolution No. R9-2010-0063) (*Craig Carlisle & Susan Pease*)
16. NPDES Permit Reissuance: U.S. Navy, Naval Base Coronado, San Diego County – Amendment to Order No. R9-2009-0081 for Steam Condensate Discharges (Tentative Order No. R9-2010-0057) (*Vicente Rodriguez*)
17. Informational Item: Groundwater Cleanup Activities at Marine Corps Base Camp Pendleton. Regional Board staff will provide a summary of the cleanup programs, status update on recent progress, and an explanation of current issues impacting groundwater at the only Federal Superfund Site in Region 9. (*Cheryl Prowell*)
18. *Closed Session* - Discussion of Ongoing Litigation [Authorized under Government Code Section 11126, subd. (e)]
The San Diego Water 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). (David Gibson)*
- 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 NRDC, Inc. (Waste Discharge Requirements Order No. R9-2007-001 [NPDES No. CAS0108758] for Urban Runoff Discharges from the Municipal Storm Systems in the Incorporated Cities of San Diego, San Diego Unified Port District, and San Diego Regional Airport Authority, SWRCB/OCC File A-1830(c), filed February, 2007 (in abeyance).
- 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 A-2010, filed April 2009 (in abeyance). (*Eric Becker*)
- h. 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*)
- i. 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*)
- j. 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*)

- k. Petition of San Juan Capistrano (Revised Cleanup and Abatement Order No. R9-2009-0124 for Chevron USA, Inc., and the City of San Juan Capistrano at Chevron Service Station No. 9-3417, 32009 Camino Capistrano, San Juan Capistrano, Orange County), SWRCB/OCC File A-2051, filed October 2009 (in abeyance). (*Barry Pulver*)
 - l. Petition of South Coast Water District and South Orange County Wastewater Authority (Failure to Act to Modify NPDES Permit for Brine Discharge and Groundwater Recovery Facility, San Diego County), SWRCB/OCC File A-2072, filed January 2010. (*Brian Kelley*)
 - m. Petitions of the City of Laguna Hills, the City of Laguna Niguel, the City of San Juan Capistrano, the City of Mission Viejo, the City of San Clemente, the City of Dana Point, the City of Laguna Woods, the County of Orange and Orange County Flood Control District, the City of Aliso Viejo, the City of Lake Forest, and the City of Rancho Santa Margarita (Waste Discharge Requirements Order No. R9-2009-0002 (NPDES No. CAS0108740), Orange County Municipal Separate Storm Sewer System (MS4) Permit), SWRCB/OCC Files A-2073(a)-(j), filed January 2010 (requests to hold in abeyance). (*Ben Neill*)
 - n. Petition of Chevron (Revised Cleanup and Abatement Order No. R9-2009-0124 for Chevron USA, Inc. at Chevron Service Station No. 9-3417, 32009 Camino Capistrano, San Juan Capistrano, Orange County), SWRCB/OCC File A-2074, filed January 2010. (*Barry Pulver*)
 - o. Petitions of American Salvage Inc., and Consolidated Electrical Distributors (CED) and Northbrook Properties, Inc. (NPI) (Cleanup and Abatement Order No. R9-2010-007), SWRCB/OCC Files A-2084 and 2084(a), filed February 2010 (requests to hold in abeyance). (*Lynn Berlad*)
 - p. Petition of Vulcan Materials Company (Reconsideration of Clean Water Act Section 401 Water Quality Certification No. 08C-051 for Poway Mining Site, Vulcan Materials, San Diego County) SWRCB/OCC File A-2088, filed March 2010 (request to hold in abeyance). (*Mike Porter*)
19. *Closed Session* - Consideration of Initiation of Litigation or Discussion of Significant Exposure to Litigation
The San Diego Water Board may meet in closed session to initiate or consider initiating litigation concerning matters within its jurisdiction or to discuss significant exposure to litigation [Authorized under Government Code Section 11126(e)] (*David Gibson*)
 20. *Closed Session* - Deliberation on a Decision to be Reached Based on Evidence Introduced in a Hearing
The San Diego Water 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)]
 21. *Closed Session* - Personnel

The San Diego Water 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)]

22. Arrangements for Next Meeting and Adjournment
Wednesday, June 9, 2010 - 9:00 a.m.
Water Quality Control Board
Board Meeting Room
9174 Sky Park Court
San Diego, California

Notifications

A. Public Participation 30-day Notice

The San Diego Water Board intends to issue a no further action letter for the cleanup of petroleum hydrocarbons released from the former J.J. Automotive site. The site is located at 30924 Mission Road, Bonsall, California 92003. Groundwater at the site was not affected by the release. The residual concentrations of petroleum hydrocarbons in soil do not pose a threat to human health or the environment, and the unauthorized release case may be closed. Additional details about the case are available from the Geotracker website at https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000001224. Provided no significant issues arise during the public notification period, the San Diego Water Board will issue a no further action letter after May 12, 2010. (*Robert Pierce*)

DIRECTIONS TO 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.