

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

# AGENDA

**Wednesday, August 13, 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, July 30, 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, August 6, 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, July 30, 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 Meetings: June 11 & 25, 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 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. Mitigated Negative Declaration: Resource Environmental Limited Liability Corporation, In-situ Chemical Oxidation Project at 105 And 112 Rancho Santa Fe Road, San Marcos, San Diego County (tentative Resolution No. R9-2008-0069) (*Eric Becker*)
6. Waste Discharge Requirements: Resource Environmental Limited Liability Corporation, In-situ Chemical Oxidation Project at 105 And 112 Rancho Santa Fe Road, San Marcos, San Diego County (tentative Order No. R9-2008-0071) (*Eric Becker*)
7. Addendum to Waste Discharge Requirements: Mountain Meadow Mushroom Farm, 26948 North Broadway, Escondido, California - change in ownership and operator of the facility, and change in ownership of the land. (Tentative Addendum No. 1 to Order No. R9-2002-0115) (*Beatrice Griffey*)

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

8. NPDES Permit Reissuance: Waste Discharge Requirements for Continental Maritime of San Diego, Inc., San Diego County. This is a shipyard adjacent to San Diego Bay. (Tentative Order No. R9-2008-0049, NPDES Permit No. CA0109142) (*Vicente Rodriguez*)
9. NPDES Permit Revision: City of San Diego E. W. Blom Point Loma Metropolitan Wastewater Treatment Plant discharge to the Pacific Ocean through the Point Loma Ocean Outfall: amendment would add a toxicity re-screening requirement upon initiation of chlorination and would also add total residual chlorine monitoring to the Monitoring and Reporting Program (Tentative Addendum No. 2 to NPDES No. CA0107409) (*Melissa Valdovinos*)
10. Tijuana River Valley Funding Support – West Coast Estuaries Initiative for California Coast – Removal of Trash and Sediment (tentative Resolution No. R9-2008-0088) (*John Robertus*)
11. *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. *Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region*, Verified Petition for Writ of Mandate. San Diego County Superior Court, Case No. GIC 822750 (filed December 2003). (John Anderson)
- b. *Bajagua, LLC v. California State Water Resources Control Board, California Water Quality Control Board, San Diego Region, et al.*, Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37-2007-00067722-CU-WM-CTL (filed June 2007). (John Robertus)
- c. *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)
- d. *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

- e. *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)
12. *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)
  13. *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)]
  14. *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)]

- 15. Arrangements for Next Meeting and Adjournment  
 Wednesday, September 10, 2008 - 9:00 a.m.  
 Rancho California Water District  
 District Board Room  
 42135 Winchester Road  
 Temecula, California

**Notifications**

**A. Public Participation 30-day Notice**

**Proposed Site Cleanup Program Closure – Sycamore Estates, Site K**

The Regional Board has reviewed the “Supplemental Groundwater Investigation Report, Sycamore Estates Residential Community, San Diego, California” prepared by Environmental Resources Management (ERM) and dated March 16, 2008. The Report recommends no further action for residual soil and ground water pollution resulting from historic missile testing activities at Site K by the former General Dynamics. Sycamore Estates has been redeveloped as a residential community along Beeler Canyon, south of the City of Poway. Results from the ground-water investigation and supplemental soil sampling verified that perchlorate concentrations were below the primary maximum contaminant level of 6 ug/L. The most recent maximum concentration of perchlorate was 0.26 ug/L in a water sample collected from a subsurface drain. The drain contributes to hydraulic control of the fill slope containing former Site K soil and will be allowed to discharge collected infiltration water as designed. The current site conditions do not pose a threat to human health or the environment, and the site investigation may be closed. 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 issue a no further action letter after August 13, 2008. *(Robert Pierce)*

**B. Public Participation 30-day Notice**

**Proposed UST Closure - Site 16144, MCB Camp Pendleton**

The Regional Board intends to issue a no further action letter for cleanup of an unauthorized release of petroleum fuel wastes from a leaking underground storage tank (UST) at Building 16144 at Marine Corps Base Camp Pendleton, California. This notification is made pursuant to California Code of Regulations, Title 23, Chapter 16, Article 11, section 2728. Remedial actions completed to date include removal of free petroleum product and monitored natural attenuation. The verification monitoring of ground water showed that residual concentrations of hydrocarbons is minimal and stable. The most recent maximum concentration of hydrocarbons is 1.5 mg/L, and is limited to ground water perched approximately 45 feet below ground surface beneath the location of the former UST. Ground-water resources in this area are not a current or a probable future source of drinking water. The current site conditions do not pose a threat to human health or the environment, and the unauthorized release case can be closed. The case files are available for public review by submitting a file review request to the Regional Board office. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter after August 13, 2008. *(Robert Pierce)*

**Comment [s1]:** NOTE: 1.5 mg/L is above the solubility limit for some petroleum fuels (heating oil, bunker fuel). “Technically” this should result in presence of free product. How would we respond to that type of comment from the public? -see email

**C. 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 from a leaking underground storage tank (UST) case at

Building 53421 at Marine Corps Base Camp Pendleton, California. This notification is made pursuant to California Code of Regulations, Title 23, Chapter 16, Article 11, section 2728. After soil was excavated in 2001, diesel petroleum fuel wastes in ground water have naturally attenuated. Results from a recent soil vapor sampling event indicate the presence of volatile organic compound (VOC) constituents in concentrations below their respective California Human Health screening Levels for Residential Land Use. 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 can be closed. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter in early September 2008. *(Helen Yu)*

**D. 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 from a leaking underground storage tank (UST) case at Building 53433 at Marine Corps Base Camp Pendleton, California. This notification is made pursuant to California Code of Regulations, Title 23, Chapter 16, Article 11, section 2728. After soil was excavated in 2001, diesel petroleum fuel wastes in ground water have naturally attenuated. Results from a recent soil vapor sampling event indicate the presence of volatile organic compound (VOC) constituents in concentrations below their respective California Human Health screening Levels for Residential Land Use. 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 can be closed. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter in early September 2008. *(Helen Yu)*

**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.