

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

# AGENDA

**Wednesday, October 11, 2006**  
**9:00 a.m.**

**Rancho California Water District  
District Board Room  
42135 Winchester Road  
Temecula, 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 27, 2006, 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 4, 2006 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, September 27, 2006.

***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. **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. Comments regarding matters that are scheduled for a future Meeting will be restricted.
3. Minutes of Board Meetings: September 13, 2006.
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 Item - non-controversial issue (NOTE: If there is public interest, concern or discussion regarding the consent item or a request for a public hearing, then the item will be removed from consent and considered after all other agenda items have been completed)***

5. Revision of Waste Discharge Requirements: Eastern Municipal Water District, Temecula Valley WRTF, Riverside County (tentative Addendum No. 3 to Order No. R9-2000-0165) (*Charles Cheng*)

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

6. The Regional Board will consider adoption of an Order concerning sewage collection agencies currently enrolled under Regional Board Order No. 96-04 and the transition to the recently adopted statewide general Order No. 2006-0003-DWQ (*Joann Cofrancesco*)
7. Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Standards Certification for Rancho Mission Viejo, LLC, Rancho Mission Viejo Ranch Plan Planning Area 1, Orange County (tentative Order No. R9-2006-0104) (*Jeremy Haas*)
8. CONTINUATION OF CONSIDERATION OF SETTLEMENT OFFER: City of Escondido, Hale Avenue Resource Recovery Facility: Administrative Assessment of Civil Liability against the City of Escondido for Violations of Order No. 99-72, NPDES No. CA0107981, Waste Discharge Requirements for the City of Escondido, Hale Avenue Resources Recovery Facility, Discharge to the Pacific Ocean Via the Escondido Land Outfall and the San Elijo Ocean Outfall. The Regional Board will continue its consideration of a proposed settlement in response to Administrative Civil Liability Complaint No. R9-2005-0265. 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. R9-2006-0095) (*Rebecca Stewart*)
9. **PUBLIC HEARING:** Request for Modification of Investigation Order No. R9-2006-076,

*Owners and Operators of Municipal Separate Storm Sewer Systems, California Department of Transportation, Hale Avenue Resource Recovery Facility, and North County Transit District Responsible for the Discharge of Bacteria, Nutrients, Sediment, and Total Dissolved Solids into Impaired Lagoons, Adjacent Beaches, and Agua Hedionda Creek.* The Regional Board will receive evidence and testimony relevant to determining whether Investigation Order No. R9-2006-076 should be amended to change the scheduled due dates, remove a directive, and provide a process to ensure the adequacy of the Order's directives to meet the overall goal of the Investigation Order. *(Wayne Chiu)*

10. **PUBLIC HEARING:** Excellent Coatings, Inc., 1285 Distribution Way, Vista: Administrative Assessment for Civil Liability for failure to submit the Fiscal Year 2004-05 annual storm water monitoring report required by Order No. 99-07-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 (General Permit). If the discharger elects to waive their right to a hearing, the Regional Board will consider comments received during the public review period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2006-0099) *(Rebecca Stewart)*
11. **PUBLIC HEARING:** A public hearing will be held regarding the issuance of Cleanup and Abatement Order No. No.R9-2006-0101 to Bill and Heidi Dickerson and Perry and Papenhausen Construction for the unauthorized discharge of fill to San Diego Bay in violation of Section 401 Water Quality Certification (File No. 05C-041). 501 First Street, Coronado, San Diego County. *(Christopher Means)*
12. **PUBLIC HEARING:** A public hearing will be held regarding the issuance of Cleanup and Abatement Order No. No. R9-2006-0102 to Larry and Penny Gunning and Perry & Papenhausen Construction, for the unauthorized discharge of fill to San Diego Bay. 505 First Street, Coronado, San Diego County. *(Christopher Means)*
13. **Executive Session - Discussion of Ongoing Litigation**  
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:

*WILLIAM P. JOHNSON, an individual; and VAIL LAKE USA, LLC, a California limited liability company v. REGIONAL WATER QUALITY CONTROL BOARD – SAN DIEGO, a State of California board and DOES 1-50.* Superior Court of the State of California for the County of San Diego, Case No. GIC815227; Petition for Writ of Mandate and Complaint for Damages in regards to Administrative Civil Liability Order No. R9-2002-0027 for violations of the statewide Construction Storm Water Permit, Order No. 99-08-DWQ.

*Divers' Environmental Conservation Organization v. State Water Resources Control Board, San Diego Superior Court, Case No. GIC819689.* Petition for Writ of Mandate challenging waste discharge requirements for U.S. Navy, Naval Station San Diego based on absence of numeric effluent limits for toxic pollutants in discharges of storm water.

*Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region.* San

Diego Superior Court, Case No. GIC 822750. Verified Petition for Writ of Mandate for Breach of Contract.

*Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region.* San Diego Superior Court, Case No. GIC 824706. Verified Petition for Writ of Mandate for Breach of Contract.

*People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al.* United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61

*San Diego Unified School District, a public school district, Plaintiff v. County of San Diego, a public entity, San Diego Regional Water Quality Control Board, a public entity and DOES 1 through 25, inclusive, Defendants.* Superior Court of the State of California for the County of San Diego, Case No. GIC840390; First Amended Complaint for: 1) Breach of Contract-Lease Agreement, 2) Breach of Contract-Sharing Agreement, 3) Quantum Meruit; 4) Express Indemnity; 5) Implied Indemnity and Contribution; 6) Equitable Indemnity Contribution; 7) Nuisance; 8) Trespass; 9) Inverse Condemnation; 10) Preliminary and Permanent Injunction; 11) Declaration of Relief Against the County of San Diego; and 12) Declaration of Relief Against the Regional Water Board and County.

14. *Executive Session* - Consideration of Initiation of Litigation  
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act. (*John Robertus*)
15. *Executive Session* - Discussion of Pending Litigation  
The Regional Board may meet in closed session to discuss pending litigation.
16. *Executive Session* - Personnel  
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
17. Arrangements for Next Meeting and Adjournment  
Wednesday, November 8, 2006 - 9:00 a.m.  
Water Quality Control Board  
Regional Board Meeting Room  
9174 Sky Park Court  
San Diego, California

### **Notifications**

A. 30-day notice: Pursuant to California Code of Regulations, Title 23, Chapter 16, Article 11, §2728, the California Regional Water Quality Control Board, San Diego Region (Regional Board) is providing public notification of our intent to issue a no further action letter for a leaking underground storage tank (UST) case. The Regional Board intends to issue a no further action letter to the Inland Valley Regional Medical Center for an unauthorized release of petroleum fuel wastes at Inland Valley Regional Medical Center located at 36485 Inland Valley Drive in Wildomar, Riverside County, California. Since 1997, diesel petroleum fuel wastes have naturally attenuated and constituents of concern are at concentrations below water quality objectives. 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 late October 2006. (*Sue Pease*)

**B. Proposed UST Closure - Site 1282** - The Site Mitigation & Cleanup Unit has reviewed the "Groundwater Monitoring/Closure Report" (Closure Report) for Underground Storage Tank (UST) Site 1282, Marine Corps Base Camp Pendleton, California. The report was prepared by Navy Public Works Center dated February 2005. In the Closure Report, the consultant recommends no further action at the site of petroleum hydrocarbon contaminated soil as a result of an unauthorized release from the former UST. The case files and Closure Report 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 completed corrective action as required by California Code of Regulations (CCR), Title 23, Division 3, Chapter 16, Article 11, Section 2728(a). Provided no significant issues arise during the public notification period the Regional Board will notify the Marine Corps Base Camp Pendleton of our acceptance of the consultant's recommendation and issue a no further action letter. (*Robert Pierce*)

**C. Proposed UST Closure - Site 52651-52652** - The Site Mitigation & Cleanup Unit has reviewed the "Final Site Closure Report" (Closure Report) for Underground Storage Tank (UST) Site 52651-52652, Marine Corps Base Camp Pendleton, California. The report was prepared by Tetra Tech EC, Inc. dated June 7, 2004. In the Closure Report, the consultant recommends no further action at the site of petroleum hydrocarbon contaminated soil as a result of an unauthorized release from the former underground storage tanks. The case files and Closure Report 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 completed corrective action as required by California Code of Regulations (CCR), Title 23, Division 3, Chapter 16, Article 11, Section 2728(a). Provided no significant issues arise during the public notification period the Regional Board will notify the Marine Corps Base Camp Pendleton of our acceptance of the consultant's recommendation and issue a no further action letter. (*Robert Pierce*)

**D. Proposed UST Remedy - Site 14131** - The Site Mitigation & Cleanup Unit has reviewed the "Final Corrective Action Plan" (CAP) for Underground Storage Tank (UST) Site 14131, Marine Corps Base Camp Pendleton, California. The report was prepared by Sealaska Environmental Services LLC and Tetra Tech EC, Inc. (SES-TECH) dated May 26, 2006. In the CAP, the consultant recommends remediation by monitored natural attenuation of the plume of petroleum hydrocarbon contaminated soil as a result of an unauthorized release from the former underground storage tank (UST). The case files and CAP 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 activities contained in a CAP as required by California Code of Regulations (CCR), Title 23, Division 3, Chapter 16, Article 11, Section 2728(a). Provided no significant issues arise during the public notification period the

Regional Board will notify the Marine Corps Base Camp Pendleton of our acceptance of the consultant's recommendation of remediation by monitored natural attenuation. *(Robert Pierce)*

**E. Proposed UST Remedy - Site 14137** - The Site Mitigation & Cleanup Unit has reviewed the "Final Corrective Action Plan" (CAP) for Underground Storage Tank (UST) Site 14137, Marine Corps Base Camp Pendleton, California. The report was prepared by Sealaska Environmental Services LLC and Tetra Tech EC, Inc. (SES-TECH) dated June 9, 2006. In the CAP, the consultant recommends remediation by monitored natural attenuation of the plume of petroleum hydrocarbon contaminated soil as a result of an unauthorized release from the former underground storage tanks (USTs). The case files and CAP 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 activities contained in a CAP as required by California Code of Regulations (CCR), Title 23, Division 3, Chapter 16, Article 11, Section 2728(a). Provided no significant issues arise during the public notification period the Regional Board will notify the Marine Corps Base Camp Pendleton of our acceptance of the consultant's recommendation of remediation by monitored natural attenuation. *(Robert Pierce)*

**F. Proposed UST Closure - Site 43425** - The Site Mitigation & Cleanup Unit has reviewed the "Environmental Site Assessment Report Underground Storage Tank (UST) Site 43425 Marine Corps Base Camp Pendleton, San Diego County, California" prepared by Ninyo & Moore Geotechnical and Environmental Sciences Consultants dated December 1998. In the report, the consultant recommends no further action at the site of petroleum hydrocarbon contaminated soil as a result of an unauthorized release from the former underground storage tank (UST). 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 activities contained in a CAP as required by California Code of Regulations (CCR), Title, 23, Division 3, Chapter 16, Article 11, Section 2728 (a). Provided no significant issues arise during the public notification period the Regional Board will notify the Marine Corps Base Camp Pendleton of our acceptance of the consultant's recommendation and issue a no further action letter. *(Xueyuan Yu)*

**G. Proposed UST Closure - Site 2389** - The Site Mitigation & Cleanup Unit has reviewed the "Final Site Investigation Work Plan for UST Site 2389, Marine Corps Base Camp Pendleton, California" prepared by SES-TECH dated September 26, 2005. In the report, the consultant recommends no further action for soil and further ground-water monitoring at the site of petroleum hydrocarbon contaminated soil as a result of an unauthorized release from the former underground storage tank (UST). Upon review of the ground-water data, the Site Mitigation & Cleanup Unit has concluded that further ground-water monitoring is unnecessary and that this case warrants closure. 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 completed corrective action as required by California Code of Regulations (CCR), Title 23, Division 3, Chapter 16, Article 11, Section 2728(a). Provided no significant issues arise during the public notification period the Regional Board will notify the Marine Corps Base Camp Pendleton of our acceptance of the consultant's recommendation and issue a no further action letter. *(Xueyuan Yu)*

**H.** The San Diego RWQCB reviewed the "Final Corrective Action Plan, Former Building 1281, Site 12, Marine Corps Base Camp Pendleton, California" (CAP) prepared by Navy Public Works Center San Diego and dated July 2003. Based on a feasibility study, Navy Public Works recommend no further action for petroleum hydrocarbon contaminated soils and groundwater as

a result of an unauthorized release from the former UST at the Site. 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 public participation obligation outlined in the California Code of Regulations, Title 23, Division 3, Chapter 16, Article 11, Section 2728. Provided no significant issues arise during the public notification process, the RWQCB will notify the Base of our acceptance of the consultant's recommendation for future environmental activities at the site. *(Brian McDaniel)*

I. 45-day notice: Pursuant to California Code of Regulations, Title 27 §21730(b), the California Regional Water Quality Control Board, San Diego Region is providing the following notice to consider adoption of tentative Rescission Order No. R9-2006-0086 for Clean Closure of the Bioremediation Facility, Camp Pendleton, CA. The Regional Board plans to schedule an agenda item, to receive public comments and consider adoption of tentative Order R9-2006-0086, during its regularly scheduled meeting on December 14, 2006. Tentative Order No. R9-2006-0086 would, if adopted, rescind existing waste discharge requirements in Order No. 95-109. *(Amy Grove)*

J. On August 14, 2006, the Executive Officer issued Administrative Civil Liability (ACL) Complaint No. R9-2006-0105 in the amount of \$32,800 to Poway Unified School District, for alleged violations of the statewide general permit for discharges of storm water runoff associated with construction activity (Order No. 99-08-DWQ). The recommended liability for violations alleged in the Complaint include; failure to enroll in the storm water permit, failure to have or implement a Storm Water Pollution Prevention Plan (SWPPP), and sediment discharge to waters of the state for at least 2 days. On September 12, 2006, the Regional Board received a settlement offer from the school district in the form of a check for the full ACL amount, \$32,800, and a signed waiver of its right to a public hearing. The Regional Board will consider acceptance of the settlement offer at the November 8, 2006 Board meeting. *(Chiara Clemente)*

#### DIRECTIONS TO REGIONAL BOARD MEETING

From San Diego: I-15 North to Temecula and take the Winchester Road exit - turn left (West) on Winchester Road. Go past Jefferson then just after you pass Diaz (4-way stop) the Rancho Water building will be on the right.