

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

# AGENDA

**Wednesday, December 12, 2007**  
**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, November 28, 2007, 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, December 5, 2007 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, November 28, 2007.

***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 Meeting: November 14, 2007.
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.
5. Recognition: Resolution of Appreciation for Daniel Johnson (tentative Resolution No. R9-2007-0220) (*John Robertus*)

***Consent Calendar: Items 6 through 11 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.)***

6. Rescission of Cease and Desist Order No. 98-39 and addenda thereto: San Marcos Landfill, San Diego County (tentative Order No. R9-2007-0206) (*Amy Grove*)
7. New Waste Discharge Requirements: California Department of Transportation (Caltrans), Tecate Truck Inspection Station. The San Diego Regional Board will consider adoption of a tentative Order which would establish waste discharge requirements for the discharge of up to 500 gallons per day of waste from a conventional septic tank and leach field at the Tecate Truck Inspection Station, San Diego County. (Tentative Order No. R9-2007-0148) (*Michelle Mata*)
8. Administrative Assessment of Civil Liability against the San Diego Unified School District for violations of Statewide General Construction Storm Water Permit, at the Scripps Ranch Middle School, San Diego, California. The Regional Board will consider comments received during the public review period and decide on an order accepting the discharger's waiver of hearing and payment in full of the \$128,000 recommended liability. (Tentative Order No. R9-2007-0210) (*Pete Peuron*)
9. Administrative Assessment of Civil Liability against Eastern Municipal Water District, for violation of the Statewide General WDR for Sanitary Sewer Systems for the discharge of 1.07 million gallons of untreated sewage to Murrieta Creek, Temecula, Calif. The Regional Board will consider comments received during the public review period and decide on an order accepting the discharger's waiver of hearing and payment in full of the \$53,500 recommended liability. (Tentative Order No. R9-2007-0217) (*Charles Cheng*)

10. NPDES Permit Revision: SeaWorld San Diego. The Regional Board will consider amending SeaWorld's existing NPDES permit to establish waste discharge requirements for discharges of waste from SeaWorld's aerial fireworks displays to Mission Bay, San Diego. (Tentative Addendum No. 1 to Order No. 2005-0091, NPDES No. CA0107336) (*Michelle Mata*)
11. NPDES Permit Addendum: The Regional Board will consider adoption of Tentative Addendum No. 1 to Order No. R9-2007-0001, NPDES Permit 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. Tentative Addendum No. 1 to Order No. R9-2007-0001 will extend the deadlines of certain permit requirements by 60 days. The extension of the deadlines is necessitated by the recent wildfires of October 2007 and the unforeseeable delays in previously scheduled work required by Order No. R9-2007-0001 that has resulted from the wildfires. (*Christina Arias*)

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

12. Total Maximum Daily Loads for Indicator Bacteria, Project I - Beaches and Creeks in the San Diego Region. The Regional Board will deliberate and consider adopting and amendment incorporating the TMDLs into the Basin Plan. (Tentative Resolution No. R9-2007-0044) (*Benjamin Tobler*)
13. Reissuance of Waste Discharge Requirements and NPDES Permit CAG919001 for discharges from temporary groundwater extraction and similar waste discharges to San Diego Bay, tributaries thereto under tidal influence, and storm drains or other conveyance systems tributary thereto. If adopted, Tentative Order No. R9-2007-0032, would supersede the current WDR Order No. R9-2000-0090. (Tentative Order No. R9-2007-0032) (*Vicente Rodriguez*)
14. **PUBLIC HEARING:** Administrative Assessment of Civil Liability against Ashby USA, LLC for violation of its Clean Water Act Section 401 Water Quality Certification for the Roripaugh Ranch Residential Development, Temecula, California. The Regional Board will consider whether to raise, lower, or reject assessment of \$546,250 civil liability recommended in Complaint No. R9-2007-0064. 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. R9-2007-0221) (*Rebecca Stewart*)
15. **PUBLIC HEARING:** Administrative Assessment of Civil Liability against North County Transit District, violations of Statewide General Construction Storm Water Permit at the Sprinter Rail Project Site, San Diego County. The Regional Board will consider whether to raise, lower, or reject assessment of \$160,000 civil liability recommended in Complaint No. R9-2007-0093. 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. R9-2007-0219) (*Ben Neill*)

16. **PUBLIC HEARING:** Administrative Assessment of Civil Liability against the Cities of Vista and Carlsbad, for violation of the Statewide General WDR for Sanitary Sewer Systems for the discharge of 7.3 million gallons of untreated sewage to Buena Vista Lagoon. The Regional Board will consider whether to raise, lower, or reject assessment of \$1,095,000 civil liability recommended in Complaint No. R9-2007-0099. 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. R9-2007-0215) (*Eric Becker*)
17. **PUBLIC HEARING:** Administrative Assessment of Civil Liability against Fallbrook Public Utility District, for violation of Regional Board General WDR for Sanitary Sewer Systems for the discharge of 146,000 gallons of untreated sewage to Fallbrook Creek, San Diego County. The Regional Board will consider whether to raise, lower, or reject assessment of \$29,300 civil liability recommended in Complaint No. R9-2007-0101. 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. R9-2007-0216) (*Joann Cofrancesco*)
18. **STATUS REPORT:** State Route 125 Toll Road - Caltrans and South Bay Expressway; the Toll Road, scheduled to open on November 19, 2007, lacks fully vegetated post-construction Best Management Practices (BMPs) to prevent erosion and manage sediment and achieve an 80% removal efficiency for total metals and suspended solids. Such BMPs are required pursuant to Resolution No. 2001-51, Clean Water Act Section 401 Water Quality Certification for the State Route 125 South Toll Road Project, which was adopted by the Regional Board on April 23, 2001. The Regional Board will hear a report on the status of the implementation of the post-construction BMPs. (*Christina Arias*)
19. Approval of Year 2008 Board Meeting Schedule (*John Robertus*)
20. *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

*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)*

*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)*

*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). (*John Odermatt*)

*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

*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.*, 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*)

21. *Closed Session* - Consideration of Initiation of Litigation or Discussion of Significant Exposure to 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 or to discuss significant exposure to litigation [Authorized under Government Code Section 11126(e)] (*John Robertus*)
22. *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)]
23. *Closed Session* - Personnel  
 The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
24. Arrangements for Next Meeting and Adjournment  
 Wednesday, February 13, 2008 - 9:00 a.m.  
 Water Quality Control Board  
 Regional Board Meeting Room  
 9174 Sky Park Court  
 San Diego, California

**Notifications**

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

**Proposed UST Closure - Site 43535, MCB Camp Pendleton**

The Site Mitigation & Cleanup Unit has reviewed the "Final Soil Vapor Sampling Report and Request for Closure UST Site 43535 Marine Corps Base Camp Pendleton California" prepared by SES-TECH dated September 10, 2007. 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 UST. As a corrective action, soil excavation was performed at the site in August 2003. During this excavation activity, two confirmation soil samples collected at 25 and 27.5 feet below grade showed TPH-D concentrations of 7,700 and 4,700 mg/kg, respectively. In the following four quarters of ground water monitoring events, TPH-D concentrations in ground water were non-detectable (< 0.1 mg/L). In a recent soil vapor sampling activity conducted in June 2007, the concentrations of the contaminants of concern, e.g., benzene, toluene, xylene and naphthalene, were found below the California Human Health Screening Levels (CHHSL, Cal/EPA, 2005) for residential land use. Based on above 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. 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 December 19, 2007. (*Helen Yu*)

**B. Fleet & Industrial Supply Center (FISC), Naval Base Point Loma Fuel Depot Proposed Remedy – Fuel Plume from Multiple Fuel Storage tanks**

The Site Mitigation & Cleanup Unit reviewed the "Final Corrective Action Plan" (CAP) for multiple underground and aboveground storage tanks (USTs) at the FISC Fuel Facility, Naval Base Point Loma, California. The report, prepared by Shaw Environmental, Inc. and dated October 10, 2007, provides alternative remedies for petroleum hydrocarbon contaminated ground water and soil vapor as a result of an unauthorized release from multiple USTs at the Defense Energy Support Center Fuel Depot located at FISC. In the CAP, the consultant recommends removal of non-aqueous phase liquid petroleum hydrocarbons (NAPL or free product) through an extraction trench and horizontal and vertical wells. 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). (*Laurie Walsh*)

**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.