

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

# AGENDA

**Wednesday, May 9, 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, April 25, 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, May 2, 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, April 25, 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: April 25, 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.

***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. Update of Waste Discharge Requirements and Master Reclamation Permit: Otay Water District – Ralph W. Chapman Water Reclamation Facility, San Diego County (tentative Order No. R9-2007-0038) (*Melissa Valdovinos*)
6. Amendment of Waste Discharge Requirements: United States Marine Corps, Las Pulgas Landfill, Marine Corps Base, Camp Pendleton: Tentative Addendum No. 1 to Order No. 2000-54 (*Amy Grove*)
7. Settlement of Administrative Assessment of Civil Liability: South Orange County Wastewater Authority (SOCWA), San Juan Creek Ocean Outfall: The Regional Board will consider adoption of an order accepting settlement of a \$36,000 Mandatory Minimum Penalty against the SOCWA for violations of effluent limitations established by Order No. R9-2000-0013, Waste Discharge Requirements for the South Orange County Wastewater Authority, Orange County, Discharge to the Pacific Ocean through the South Orange County Wastewater Authority San Juan Creek Ocean Outfall. 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. R9-2007-0070) (*Rebecca Stewart*)

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

8. **PUBLIC HEARING:** Appeal of Water Quality Investigation Order No. R9-2006-0044, City of San Marcos Bradley Park/Old Linda Vista Landfill, San Diego County. The Regional Board will hear public testimony and comments regarding the City of San Marcos' appeal of Order R9-2006-0044. The Regional Board will be asked to affirm the Order as amended by tentative Addendum No. 3. (Tentative Addendum 3 to Order No. R9-2006-0044) (*Amy Grove*)

9. Rescission of Waste Discharge Requirements – The Regional Board will consider rescinding Order No. R9-2004-0015, Lake Cuyamaca Recreation and Park District, Lake Cuyamaca Public Recreation Area Southeast of Julian, San Diego County, and allowing commencement of a proposed discharge of sewage waste to groundwater through a subsurface disposal system at the Lake Cuyamaca Public Recreation Area under a waiver of waste discharge requirements. (Tentative Order No. R9-2007-0067) (*Michelle Mata*)

10. Status Report on Provision of Secondary Treatment for Effluent from the International Wastewater Treatment Plant. (*Art Coe*)

Time  
Certain  
1:00 p.m.

11. Strategic Plan Regional Outreach: To engage the public's perspectives on a Regional basis about input received during the statewide stakeholder Strategic Plan Summit held in Sacramento in March 2007. (*John Robertus*)

12. *Closed Session* - Discussion of Ongoing Litigation  
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:

*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.

13. *Closed 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*)

14. *Closed Session* - Discussion of Pending Litigation  
The Regional Board may meet in closed session to discuss pending litigation.

15. *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)]

16. Arrangements for Next Meeting and Adjournment  
Wednesday, June 13, 2007 - 9:00 a.m.  
Ocean Institute  
Conference Center  
24200 Dana Point Harbor Drive  
Dana Point, California

### **Notifications**

A. On March 29, 2007, the Executive Officer rescinded Cleanup and Abatement Order No. 98-50, issued to the City of San Diego for the discharge of sediment to Carmel Valley Creek and Los Penasquitos Lagoon from the municipal separate storm sewer system (MS4) that drains Arroyo Sorrento Road and El Camino Real. The City of San Diego has removed sediment from the MS4 and the area at its discharge point; has implemented short-term best management practices; and has implemented a long-term strategy to control and reduce sediment discharges to the maximum extent practicable. *(Phil Hammer)*

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

##### **Proposed UST Closure - Site 14107, MCB Camp Pendleton**

The Site Mitigation & Cleanup Unit has reviewed the "Final Closure Report (Includes Documentation of Additional Soil and Groundwater Sampling Activities) for Former UST Site 14107, Marine Corps Base Camp Pendleton, California" prepared by Battelle dated March 28, 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 underground storage tank (UST). Remedial action included the excavation and proper disposal of contaminated soil. The following ground-water samples indicated that any concentrations remaining in situ were below detection levels. The current site conditions 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 May 9, 2007. *(Robert Pierce)*

#### **C. Public Participation 30-day Notice**

##### **Proposed UST Closure - Site 1621, MCB Camp Pendleton**

The Site Mitigation & Cleanup Unit has reviewed the "Final Site Assessment Report for Former Underground Storage Tank Site 1621 at Marine Corps Base Camp Pendleton, California" prepared by Battelle dated March 26, 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 underground storage tank (UST). The assessment did not encounter groundwater below the site and the remaining low-level soil contamination lies at depths over 8 feet below ground surface. The current site conditions 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 May 9, 2007. *(Robert Pierce)*

**D. Marine Corps Base Camp Pendleton Record of Decision (RoD)**

The Site Mitigation and Cleanup Unit has reviewed the "Draft Final Operable Unit 4, Record of Decision for Sites 1D, 1E-1, and 30, Marine Corps Base Camp Pendleton, California." The RoD presents remedial alternatives selected by the Department of the Navy (DoN) for three sites at Marine Corps Base Camp Pendleton. The Sites are managed in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, a.k.a. Superfund Act). DoN proposes the excavation and off-base disposal of approximately 47,000 cubic yards (approximately 71,000 tons) of contaminated waste from Installation Restoration (IR) Sites 1D (20 Area Refuse Burning Ground) and 30 (31 Area Small Arms Firing Range Soil). Following waste excavation activities, the Sites will be backfilled with clean soil to original surface contours and revegetated with native plant species to restore the habitat and minimize erosion. DoN concludes that conditions at IR Site 1E-1 (32 Area Former Burn Pits) represent an insignificant threat to human health and ecological receptors, and proposes no further action for the Site. Provided no significant issues arise during the 30 day RoD review period, the Regional Board will notify DoN of our concurrence with the activities proposed in the RoD. *(Beatrice Griffey)*

**E. Public Hearing Notice: \$27,000 ACL Complaint Issued to Terra Vac, Body Beautiful Car Wash Remediation Dewatering Project**

On January 25, 2007, the Regional Board Executive Officer issued Administrative Civil Liability Compliant No. R9-2007-0019 recommending a \$27,000 assessment of civil liability against Terra Vac for violations of effluent limitations contained in Order No. 2000-90, NPDES No. CAG919001, General Waste Discharge Requirements for Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay and Storm Drains or Other Conveyance Systems Tributary Thereto. The Complaint alleges that Terra Vac exceeded effluent limitations for total suspended solids, tributyltin, and nickel on twelve occasions between October 2005 and November 2006.

The public hearing on the matter is scheduled for the June 13, 2007 Regional Board meeting. Written comments regarding this action will be accepted through May 18, 2007. Additional information can be found on the Regional Board's website at [www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego) or by contacting Rebecca Stewart at (858) 467-2966 or [Rstewart@waterboards.ca.gov](mailto:Rstewart@waterboards.ca.gov).

**F. Public Hearing Notice: \$120,000 ACL Complaint Issued to San Diego County Water Authority, San Vicente Pipeline Construction Dewatering Project**

On January 22, 2007, the Regional Board Executive Officer issued Administrative Civil Liability Compliant No. R9-2007-0014 recommending a \$120,000 assessment of civil liability against San Diego County Water Authority for violations of effluent limitations contained in Order No. 2001-96, NPDES No. CAG919002, General Waste Discharge Requirements and Similar Waste Discharges from Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters Within the San Diego Region Except San Diego Bay. The Complaint alleges that San Diego County Water Authority exceeded the instantaneous maximum and average monthly effluent limitations for total nitrogen on 43 occasions between December 2005 and November 2006.

The public hearing on this matter is scheduled for the June 13, 2007 Regional Board meeting. Written comments regarding this action will be accepted through May 18, 2007. Additional information can be found on the Regional Board's website at [www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego) or by contacting Rebecca Stewart at (858) 467-2966 or [Rstewart@waterboards.ca.gov](mailto:Rstewart@waterboards.ca.gov).

**G. Public Hearing Notice: Intent to Reissue Discharge of Groundwater Extraction Water to Surface Waters Within The San Diego Region except For San Diego Bay.**

A public hearing is scheduled for June 13, 2007, for the California Regional Water Quality Control Board, San Diego Region (Regional Board) to receive comments and consider adoption of Tentative Order No. R9-2007-0071, General Waste Discharge Requirements and NPDES Permit No. CAG919002. If adopted, Tentative Order No. R9-2007-0071, would supersede the current NPDES permit, Order no. R9-2001-0096.

Written comments regarding this action will be accepted through May 18, 2007. Additional information can be found on the Regional Board's website at [www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego) or by contacting Vicente Rodriguez at (858) 627-3940 or [VRodriguez@waterboards.ca.gov](mailto:VRodriguez@waterboards.ca.gov).

#### **H. Public Hearing Notice: Intent to Reissue Discharge of Groundwater Extraction Water to San Diego Bay.**

A public hearing is scheduled for June 13, 2007, for the California Regional Water Quality Control Board, San Diego Region (Regional Board) to receive comments and consider adoption of Tentative Order No. R9-2007-0032, General Waste Discharge Requirements and NPDES Permit No. 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 NPDES permit, Order no. R9-2000-0090.

Written comments regarding this action will be accepted through May 18, 2007. Additional information can be found on the Regional Board's website at [www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego) or by contacting Vicente Rodriguez at (858) 627-3940 or [VRodriguez@waterboards.ca.gov](mailto:VRodriguez@waterboards.ca.gov).

#### **I. Public Participation 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 the proposed corrective action plan (CAP) to mitigate an unauthorized release of petroleum fuel wastes at a leaking underground storage tank (UST) site. The CAP is for mitigation at Mobil Service Station 18-A0J, 29500 Rancho California Road, Temecula, Riverside County, California. The CAP proposes the use of soil vapor extraction and enhanced biodegradation through diffused oxygen injection. The case files and CAP are available for public review by submitting a file review request to the Regional Board office. (*Jody Ebsen*)

#### **J. Public Participation 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 Ocean Beach Auto Repair for an unauthorized release of petroleum fuel wastes at 1955 Bacon Street, San Diego, San Diego County, California. Since 1998, gasoline 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 May 2007. (*Kelly Dorsey*)

#### **K. LIST OF DISCHARGES/RELEASES OF MTBE (methyl tertiary butyl ether)**

The list of discharges/releases of MTBE prepared pursuant to Water Code Section 13272.1 is now accessible via the on-line Geotracker database. You can access the MTBE search and report capability from our Regional Board web site at:

<http://www.waterboards.ca.gov/sandiego/units/tsmc/mtbe.html>

The Geotracker database contains detailed information on confirmed discharges/releases of and locations where MTBE (a gasoline additive) was detected in ground water and surface water as of April 2006. The information in Geotracker is cumulative and is updated, as the Regional Board and local agencies become aware of sites with confirmed MTBE releases. Please visit [http://www.waterboards.ca.gov/ust/cleanup/electronic\\_reporting/](http://www.waterboards.ca.gov/ust/cleanup/electronic_reporting/) for more information on the Geotracker database.

Information on unauthorized release cases known to the State and local agencies, including locations with confirmed discharges of MTBE, is constantly updated into the Geotracker database. As of January 1, 2005, the State regulations (section 3890 et seq., Title 23, California Code of Regulations - see [www.calregs.com](http://www.calregs.com)) require Responsible Parties to report all analytical results electronically into the Geotracker database. On a quarterly basis the Regional Board will notify you by mail about the availability of MTBE data in the Geotracker database. This information is provided for your use and no action on your part is necessary. For more information regarding local agency lead sites, please contact the following representatives:

For Orange County sites contact Dr. Elizabeth Gonzalez at (714) 433-6011  
For Riverside County sites contact Ms. Sandy Bunchek at (909) 358-5055  
For San Diego County sites contact Mr. Mark McPherson at (619) 338-2201

If you have any questions, or need more information on San Diego Regional Board lead sites, please call John Odermatt at (858) 637-5595, or by e-mail at [jodermatt@waterboards.ca.gov](mailto:jodermatt@waterboards.ca.gov).

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.