

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

AGENDA

Wednesday, September 12, 2007
9:00 a.m.

**Mission Viejo Civic Center
City Hall Council Chambers
200 Civic Center
Mission Viejo, 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, August 29, 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, September 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 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, August 29, 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: August 8, 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 and 6 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. Amendment of Waste Discharge Requirements, County of San Diego, Alpine II Burn Dump, San Diego County (tentative Addendum No. 6 to Order No. 97-11, General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Nonhazardous Waste Landfills Within the San Diego Region) (*Carol Tamaki*)
6. Rescission of Cease and Desist Order and Waste Discharge Requirements: El Morro Trailer Park, Orange County. The California Department of Parks and Recreation reported that discharges of domestic waste ceased in March 2006 and the wastewater treatment and disposal system at El Morro Trailer Park was decommissioned in September 2006. (Tentative Order No. R9-2007-0109) (*Joann Cofrancesco*)
 - a. Rescission of Cease and Desist Order - The Regional Board will consider rescinding Order No. R9-2003-0285, against California Department of Parks and Recreation, Crystal Cove State Park, El Morro Trailer Park, Orange County, to establish a Time Schedule to comply with Waste Discharge Requirements Order No. R9-2003-0228.
 - b. Rescission of Waste Discharge Requirements - The Regional Board will consider rescinding Order No. R9-2003-0228, Waste Discharge Requirements for California Department of Parks and Recreation, Crystal Cove State Park, El Morro Trailer Park, Orange County.

Remainder of the Agenda (Non-Consent Items):

7. Reissuance of NPDES Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) draining the watersheds of the County of Orange, the Orange County Flood Control District, and the incorporated Cities of Aliso Viejo, Dana Point, Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, Mission Viejo, Rancho Santa Margarita, San Clemente, and San Juan Capistrano within the San Diego Region (South Orange County Municipal Storm Water Requirements). The California Regional Water Quality Control Board, San Diego

Region (Regional Board) will consider issuance of Tentative Order No. R9-2007-0002 containing the South Orange County Municipal Storm Water Requirements, as modified. A public hearing for this item was held before a Panel of the Regional Board, on April 11, 2007. Oral comments will be accepted on modifications to the Tentative Order that have been made following the initial public hearing. Time allotted for oral comments may be limited at the discretion of the Regional Board. If a quorum of Board Members is not available to consider adoption of Tentative Order No. R9-2007-0002, a Panel of Board Members may conduct a hearing to accept the public comment regarding this item described above; in that case, no action on the item would be taken by the San Diego Water Board. A panel hearing is authorized pursuant to Water Code section 13228.14. (Tentative Order No. R9-2007-0002, NPDES Permit No. CAS0108740) (*Jeremy Haas*)

8. **PUBLIC HEARING:** Terra Vac, Body Beautiful Car Wash Remediation Dewatering: Administrative Assessment of Civil Liability containing Mandatory Minimum Penalties for reported violations of effluent limitations prescribed 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. 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. R9-2007-0089) (*Rebecca Stewart*)

9. *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.

10. *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*)

11. *Closed Session* - Discussion of Pending Litigation

The Regional Board may meet in closed session to discuss pending litigation.

12. *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)]

13. Arrangements for Next Meeting and Adjournment

Wednesday, October 10, 2007 - 9:00 a.m.

Rancho California Water District

District Board Room

42135 Winchester Road

Temecula, California

Notifications

A. 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 for an unauthorized release of petroleum fuel wastes at 30218 Highway 78, Santa Ysabel, San Diego County, California. Since 1984, gasoline petroleum fuel wastes have naturally attenuated, and the constituents of concern for soil are at concentrations below soil screening 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 September 2007. (*Sue Pease*)

B. 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 Thatcher's Market for an unauthorized release of petroleum fuel wastes at 45560 Highway 79 South, Aguanga, Riverside County, California. Since 2001, gasoline petroleum fuel wastes have naturally attenuated, and the constituents of concern for soil are at concentrations that are soil screening objectives and 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 September 2007. (*Sue Pease*)

C. 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 Big City Liquor for an unauthorized release of petroleum fuel wastes at 3883 Euclid Avenue, San Diego, San Diego County, California. Since 1999, gasoline petroleum fuel wastes have naturally attenuated, and the constituents of concern for soil are at concentrations that are well below their respective U.S. EPA Region 9 Preliminary Remediation Goals (PRGs). 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 September 2007. *(Kelly Dorsey)*

D. 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 New Palace Associates for an unauthorized release of petroleum fuel wastes at 1814 5th Avenue, San Diego, San Diego County, California. Since 1992, gasoline petroleum fuel wastes have naturally attenuated, and the constituents of concern for soil are at concentrations well below their respective U.S. EPA Region 9 Preliminary Remedial Goals (PRGs). 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 September 2007. *(Kelly Dorsey)*

DIRECTIONS TO REGIONAL BOARD MEETING

From Interstate 5

- Exit La Paz Road and go east.
- Proceed over the hill to Marguerite Parkway and turn right (south).
- Turn right onto Civic Center.

Please park in the asphalt parking lot south of City Hall to help preserve parking between City Hall and the Library for Library patrons.