

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

AGENDA

Wednesday, June 25, 2008
10:00 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, June 11, 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, June 18, 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 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, June 11, 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 Meeting: June 11, 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 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. 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*)

Remainder of the Agenda (Non-Consent Items):

7. **PUBLIC HEARING:** Administrative Assessment of Civil Liability against the Cities of Carlsbad and Vista for the alleged violation of Prohibition C.1. of Order No. 2006-0003-DWQ by discharging 7.3 million gallons of untreated sewage from March 31 to April 3, 2007, into Buena Vista Lagoon. The Regional Board will consider whether to approve, raise, lower, or reject assessment of the \$1,095,000 civil liability recommended in Complaint No. R9-2007-0099. The written comment period on the allegations contained in the Complaint closed on Wednesday, June 4, 2008. (Tentative Order No. R9-2008-0072) (*Frank Melbourne*)
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. Status Report: San Diego Integrated Regional Water Management Plan--The Regional Water Management Group will present an overview of the San Diego Integrated Regional Water Management Plan (IRWMP), the stakeholder involvement process that helped form the plan, a proposed Proposition 50 funding package, and future directions of the effort. IRWM Planning provides a framework for coordinating water quality, water supply, and natural resource management issues, as well as a pathway to project funding through Propositions 1E and 84. (*Dave Gibson*)

10. Workshop for persons and agencies interested in activities to restore the wetlands and to abate pollution in the Tijuana River Valley Watershed. The objective of the Workshop is to offer a public forum to exchange information on the activities of various federal, state, and local government agencies and non-governmental organizations. (*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, August 13, 2008 - 9:00 a.m.
Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

Notifications

A. ACL Complaint No. R9-2008-0019 for Mandatory Minimum Penalty against Bill and Heidi Dickerson, and Perry & Papenhausen Construction

On March 14, 2008, the Regional Board issued Complaint No. R9 2008-0019 against Bill & Heidi Dickerson, and Perry & Papenhausen Construction, Inc. in the amount of \$45,000 for copper effluent violations of their construction dewatering discharge permit to San Diego Bay, R9-2000-0090. A public hearing is scheduled for the August 13, 2008, Regional Board meeting. Written comments regarding the allegations contained in Complaint No. R9 2008-0009, will be accepted through Friday, July 11, 2008. For more information regarding this matter please call Frank Melbourn at (858) 467- 2973 or by email at fmelbourn@waterboards.ca.gov.

B. ACL Complaint No. R9-2008-0006 for Mandatory Minimum Penalty against San Elijo Joint Powers Authority

On May 16, 2008, the Regional Board issued Complaint No. R9-2008-0006 against the San Elijo Joint Powers Authority in the amount of \$9,000 for effluent violations of its San Elijo Ocean Outfall NPDES discharge permit to the Pacific Ocean, R9-2005-0100. A public hearing is scheduled for the August 13, 2008, Regional Board meeting. Written comments regarding the allegations contained in Complaint No. R9 2008-0009, will be accepted through Friday, July 25, 2008. For more information regarding this matter please call Jeremy Haas at (858) 467-2735 or by email at jhaas@waterboards.ca.gov.

C. ACL Complaint No. R9-2008-0056 for Mandatory Minimum Penalty against Promenade Mall Development Corporation

On May 20, 2008, the Regional Board issued Complaint No. R9-2008-0056 against Promenade Mall Development Corporation in the amount of \$15,000 for violations of effluent limitations contained in Order No. 2001-96, 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. A public hearing is scheduled for the August 13, 2008, Regional Board meeting. Written comments regarding the allegations contained in Complaint No. R9 2008-0056, will be accepted through Friday, July 25, 2008. For more information regarding this matter please call Jeremy Haas at (858) 467-2735 or by email at jhaas@waterboards.ca.gov.

From Downtown: I-15 north - take the Aero Drive exit - turn left (west). Proceed to the 3rd 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 2nd 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.