

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

AGENDA

Wednesday, March 12, 2008
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, February 27, 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, March 5, 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, February 27, 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. **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: February 13, 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 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. NPDES Permit Reissuance: General Waste Discharge Requirements for Discharges of Groundwater Extraction Waste to Surface Waters Within the San Diego Region Except for San Diego Bay. (NPDES No. CAG919002, Tentative Order No. R9-2008-0002) (*Vicente Rodriguez*)
6. Proposed settlement of Administrative Civil Liability Complaint against the Cities of Vista and Carlsbad for the discharge of 7.3 million gallons of untreated sewage from March 31 to April 3, 2007 from a 24-inch sewer main at the Buena Vista Pump Station to Buena Vista Lagoon, San Diego County. The Regional Board will consider a proposed settlement of violations alleged in Complaint No. R9-2007-0099. The settlement includes: (1) payment of \$200,000 to the State Water Resources Control Board; (2) payment of \$500,000 to fund a Supplemental Environmental Project; and (3) the suspension of \$395,000 in liability when the Cities complete specified actions to the satisfaction of the Regional Board. If the Regional Water Board rejects the proposed settlement, the matter will be scheduled for a public hearing at a subsequent Regional Board meeting (Tentative Order No. R9-2008-0004) (*Eric Becker*)
7. Proposed settlement of Administrative Civil Liability Complaint against Fallbrook Public Utility District, for the discharge of 146,000 gallons of untreated sewage to Fallbrook Creek, San Diego County. The Regional Board will consider a proposed settlement of violations alleged in Complaint 2007-0101. The settlement includes: (1) a payment of \$20,000 to the State Water Resources Control Board; and (2) suspension of \$9,300 in liability when the District completes specified actions to the satisfaction of the Regional Board. If the Regional Water Board rejects the proposed settlement, the matter will be scheduled for a public hearing during a subsequent Regional Board meeting. (Tentative Order No. R9-2008-0020) (*Joann Cofrancesco*)

Remainder of the Agenda (Non-Consent Items):

8. Watershed Reports: Staff will present an overview of the Watershed Reports recently completed for each of our 11 major watersheds. By documenting the status of water quality and ecological health in our watersheds, these reports provide an indication of the effectiveness of our programs, and a baseline from which we can chart future trends in water quality and beneficial use attainment. *(Cynthia Gorham-Test)*
9. State Grant Projects: Report on the following four completed grant projects funded through Proposition 13:
 - a. Upper Sulphur Creek Restoration, City of Laguna Niguel
 - b. Restoration and Recharge Projects, Lakeside River Park Conservancy
 - c. Restoration of Riparian / Wetlands Habitat in the Carlsbad Hydrologic Unit, San Elijo Lagoon Conservancy
 - d. Famosa Slough Wetland Restoration/Fill Removal, Friends of Famosa Slough

Representatives for each project will provide a summary of the projects, accomplishments, and future work. *(David Gibson)*

10. Report: California Water Plan Update 2009—a major element in the plan update will be the protection of water quality. The California Department of Water Resources, in developing this plan this year, will provide to the Regional Board an overview of the process to integrate water quality information in the plan update. Additional information on the 2009 Update can be accessed at the website www.waterplan.water.ca.gov/ *(Michael McCann)*
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). *(John Odermatt)*
 - 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 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*)

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)]

On May 9, 2007, a panel of the Regional Board conducted a panel hearing pursuant to Water Code section 13228.14 to consider the whether to affirm the issuance of Investigative Order R9-2006-044, as amended by Addendum No. 3, concerning the Bradley Park/Old Linda Vista Landfill, San Diego County. The panel will meet in closed session to finalize its proposed decision and order for consideration by a quorum of the Regional Board at a subsequent meeting. This closed session is authorized by Government Code section 11126(c)(3).

14. *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)]

15. Arrangements for Next Meeting and Adjournment

Wednesday, April 9, 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

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 its intent to issue a no further action letter for remediation of an unauthorized release of petroleum fuel wastes from a leaking underground storage tank (UST) case at Shell Redhawk (Formerly Texaco Redhawk), 44260 Redhawk Parkway, Temecula, Riverside County, California. Since 2001, gasoline petroleum fuel wastes in ground water have been treated and naturally attenuated. 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 early April 2008. *(Kelly Dorsey)*

Public Participation 30-day Notice

Proposed UST Closure - Site H-102, MCB Camp Pendleton

The Site Mitigation & Cleanup Unit has reviewed the "Quarterly Groundwater Monitoring Report, Third Quarter, September 2007; UST Site H-102, Marine Corps Base Camp Pendleton, California" prepared by General Dynamics Information Technology dated November 14, 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). Monitoring indicated that ground water is not significantly impacted, free product has not been detected and concentrations are below California Maximum Contaminant Levels. Twelve USTs were removed in 1994 and soil borings were drilled in 1995, 1997, 2002 and 2006 to assess the impact. An in situ bioventing system operated from October 1998 to July 2001 to remediate vadose zone soil. Depth to ground water is approximately 80 feet. Petroleum hydrocarbons in soil are limited to 20-50 feet below ground surface within the former tank cavity at a maximum concentration of 25,000 milligrams per kilogram. Residual pollution is at depth and therefore no complete exposure pathway exists. Under current site conditions, the residual pollutants do not pose a significant threat to human health or the environmental and the unauthorized release case may be closed. 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 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 issue a no further action letter after March 12, 2008. *(Robert Pierce)*

DIRECTIONS TO REGIONAL BOARD MEETING

- 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.