

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

AGENDA

Wednesday, July 1, 2009
9:00 a.m.

**Ocean Institute
Conference Center
24200 Dana Point Harbor Drive
Dana Point, California**

The purpose of this meeting is for the Regional Board to obtain testimony and information from concerned and affected persons and to make decisions based on the information received. Persons who want to submit written comments or evidence on any agenda item must comply with the procedures described in the agenda and agenda notes. Persons wishing to speak at the meeting should complete an attendance card (see Note F, attached to this Notice). 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 noon on Wednesday, June 17, 2009,* 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., 15 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, June 24, 2009 will not be provided to the Regional Board members and may not be considered by the Regional Board (See Note D, attached to this Notice).

****PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS OR MAY HAVE A SEPARATE HEARING PROCEDURES DOCUMENT THAT ESTABLISHES DIFFERENT DEADLINES FOR SUBMITTING WRITTEN MATERIALS. IN THOSE CASES THE DIFFERENT 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 D, attached to this Notice, refers to the procedures that will be followed by the Regional Board in contested adjudicatory matters if a separate Hearing Procedures Document has not been issued for a particular agenda item. Parties requesting an alternate hearing process must do so in accord with the directions in NOTE D. Any such request, together with supporting material, must be received in the Regional Board's office no later than noon on Wednesday, June 17, 2009.

Copies of the agenda items to be considered by the Regional Board are posted on the Regional Board's website at http://www.waterboards.ca.gov/sandiego/board_info/agendas

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 ten days prior to the meeting.
3. Minutes of Board Meeting: June 10, 2009.
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 former Board Chair Susan Ritschel (tentative Resolution No. R9-2009-0096) (*John Robertus*)

Consent Item: Item 6 is considered a non-controversial issue. (NOTE: If there is public interest, concern or discussion regarding this item or a request for a public hearing, then the item will be removed from consent and considered after all other agenda items have been completed.)

6. CONSIDERATION OF SETTLEMENT: Ametek Inc. - Administrative Assessment of Civil Liability against Ametek Inc. (former Ametek/Ketema Aerospace Manufacturing Facility) for violation of Cleanup and Abatement Order No. R9-2002-0201. The Regional Board will consider adoption of an Order Assessing Administrative Civil Liability in accordance with the terms of a settlement agreement between the Regional Board Prosecution Team and Ametek, Inc. The Order would resolve violations alleged in Complaint No. R9- 2008-0033. The settlement includes: (1) payment of \$600,000 to the Regional Board for reimbursement of staff costs and to the State Water Resources Control Board Cleanup and Abatement Account; and (2) suspension of the remaining civil liabilities pending Ametek, Inc.'s completion of specified actions set forth in an agreed upon Cleanup and Abatement Order to the satisfaction of the Regional Board. 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. R9-2009-0024) (*Laurie Walsh*)

Remainder of the Agenda (Non-Consent Items):

7. Administrative Assessment of Civil Liability, South Orange County Wastewater Authority, the South Coast Water District Groundwater Recovery Facility. The Regional Board will consider adoption of a tentative Order that would impose a \$204,000 mandatory minimum penalty recommended in Complaint No. R9-2009-0028 for violations of Order No. R9-2006-0054, NPDES No. CA0107417, Waste Discharge Requirements for the South Orange County Wastewater Authority, Discharge to the Pacific Ocean Via the San Juan Creek Ocean Outfall, Orange County. On May 13, 2009, the Regional Board conducted a public hearing on the matter. The Regional Board closed the hearing and directed the prosecution staff and the Discharger to each submit a summary legal brief by June 12, 2009 based on the evidence in the record. On July 1, 2009, the Regional Board will consider the briefs, continue its deliberation on the matter, and may take an action. The public comment period is closed. No testimony will be received at the July 1, 2009 meeting. The Regional Board may approve, modify, or reject assessment of the recommended penalty. (Tentative Order R9-2009-0048 (*Jeremy Haas*))
8. PUBLIC HEARING: 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 Board will hear comments as they pertain to Tentative Order No. R9-2009-0002 (formerly Tentative Order Nos. R9-2008-0001 and R9-2007-0002). Public review of the revised Order began on March 13, 2009, with the staff of the Northern Watershed Unit convening several meetings with the public and the Copermitees subsequent to public release. This Hearing continues the process of reissuing the MS4 Permit that began in 2007. The Board will not be taking an action on this item. (*Ben Neill*)
9. Information Item: Algalita Marine Research Foundation – Information item on reducing marine debris. (*Bruce Posthumus*)
10. *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:
 - a. *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*)
 - b. *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*)
 - c. *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*)

- d. *In re: Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2007-001, (NPDES 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 adopted on January 24, 2007. Test Claim filed by San Diego County, et al., with Commission on State Mandates, No. 07-TC-09 (filed June 2008). (Catherine George Hagan)*
 - e. *Surfrider Foundation v. California Regional Water Quality Control Board -- San Diego Region, (Poseidon Resources, Real Party-in-Interest), Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37-2008-00091983-CU-WM-CTL (filed September 2008). (Michelle Mata)*
11. *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 Act or the federal Clean Water Act or to discuss significant exposure to litigation [Authorized under Government Code Section 11126(e)] (*John Robertus*)
 12. *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)]
 13. *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)]
 14. Arrangements for Next Meeting and Adjournment
Wednesday, August 12, 2009 - 9:00 a.m.
Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

Notifications

Completed Corrective Action Public 30-day Notice. The Regional Board intends to issue a no further action letter for completion of cleanup of pollutants from a leaking underground storage tank (UST) at Building 1791 at Marine Corps Base Camp Pendleton. Additional details about the UST case at Building 1791 are available from the Regional Board web page (http://www.waterboards.ca.gov/sandiego/press_room/announcements/index.shtml) and the Geotracker database (https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0607301683#). Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter after July 20, 2009. (*Robert Pierce*)

DIRECTIONS TO REGIONAL BOARD MEETING

From San Diego – Take the I-5 N. Merge onto CA-1 via Exit 79 toward Beach Cities (1.6 mi). Turn left onto Dana Point Harbor Dr. (1.3 mi).