

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

AGENDA

Wednesday, February 10, 2010
9:00 a.m.

**Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, 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 Tuesday, January 26, 2010* 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 Tuesday, February 2, 2010 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 Tuesday, January 26, 2010.

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: December 16, 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 Richard Wright (Tentative Resolution No. R9-2010-0011) (*David Gibson*)
6. Revised Total Maximum Daily Loads for Indicator Bacteria Project I – Twenty Beaches and Creeks in the San Diego Region (including Tecolote Creek). The San Diego Water Board will deliberate and consider adopting an amendment to incorporate the revised bacteria TMDLs into the Basin Plan. (Tentative Order No. R9-2010-001) (*Wayne Chiu*)
7. Information Item: Presentation by Chris Beegan, State Water Resources Control Board and Steve Bay, Southern California Coastal Water Research Program on the State Water Board's development and adoption of marine sediment quality objectives for enclosed bays and estuaries. (*Chris Beegan-SWRCB and Steve Bay-SCCWRP/ Julie Chan*)
8. Status Report: The Lake San Marcos owner, dischargers, and members of the community will provide updates to the Board on progress made in the past year to improve water quality in Lake San Marcos. (*Chiara Clemente*)
9. Information Item: Presentation by State Water Board Office of Enforcement on the 2009 Water Quality Enforcement Policy and Policy on Supplemental Environmental Projects (*Reed Sato/Jeremy Haas*)
10. Election of Chair and Vice Chair for 2010.

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:

Civil Actions

- 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. *William and Lori C. Moritz v. California Regional Water Quality Control Board, San Diego Region*, Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37-2009-00093097-CU-WM-CTL (filed June 2009) (*Christopher Means*)

Petitions for Review Pending Before State Water Resources Control Board

- f. Petition of NRDC, Inc. (Waste Discharge Requirements Order No. R9-2007-001 [NPDES No. CAS0108758] for Urban Runoff Discharges from the Municipal Storm Systems in the Incorporated Cities of San Diego, San Diego Unified Port District, and San Diego Regional Airport Authority, SWRCB/OCC File A-1830(c), filed February, 2007 (in abeyance).
- g. Petition of City of San Marcos (Investigative Order No. R9-2008-0118 for City of San Marcos Discharge of Material into Upper Copper Creek, San Marcos, San Diego County), filed October, 2008 (in abeyance).
- h. Petition of Natural Resources Defense Council and San Diego Coastkeeper (Executive Officer Approval of Countywide Model Standard Urban Stormwater

- Mitigation Plan for Development Applications), SWRCB/OCC File A-2010, filed April 2009 (in abeyance). (*Eric Becker*)
- i. Petition of San Diego Coastkeeper and Petition of Surfrider Foundation (Order No. R9-2009-0038 (Poseidon Resources Corporation, Carlsbad Desalination Plant, Order Amending Waste Discharge Requirements No. R9-2006-0065 [NPDES No. CA0109223]), SWRCB/OCC File A-2024 and A-2024(a), filed June 2009. (*Michelle Mata*)
 - j. Petition of Department of the Navy (Waste Discharge Requirements Order No. R9-2009-0081 [NPDES No. CA0109185] for the United States Department of the Navy, Naval Base Coronado, San Diego County), SWRCB/OCC File A-2032, filed July 2009. (*Vicente Rodriguez*)
 - k. Petition of South Coast Water District and South Orange County Wastewater Authority (Administrative Civil Liability Order No. R9-2009-0048 for South Orange County Wastewater Authority, South Coast Water District Groundwater Recovery Facility, San Diego County), SWRCB/OCC File A-2035, filed July 2009. (*Jeremy Haas*)
 - l. Petition of La Costa Town Square, LLC (Denial of Clean Water Act section 401 Water Quality Certification, La Costa Town Square Project, Application 09C-043, San Diego County), SWRCB/OCC File A-2039, filed August 2009 (in abeyance). (*Chiara Clemente*)
 - m. Petition of San Juan Capistrano (Revised Cleanup and Abatement Order No. R9-2009-0124 for Chevron USA, Inc., and the City of San Juan Capistrano at Chevron Service Station No. 9-3417, 32009 Camino Capistrano, San Juan Capistrano, Orange County), SWRCB/OCC File A-2051, filed October 2009 (in abeyance). (*Sue Pease*)
 - n. Petition of South Coast Water District and South Orange County Wastewater Authority (Failure to Act to Modify NPDES Permit for Brine Discharge and Groundwater Recovery Facility, San Diego County), SWRCB/OCC File A-2072, filed January 2010. (*Brian Kelley*)
 - o. Petitions of the City of Laguna Hills, the City of Laguna Niguel, the City of San Juan Capistrano, the City of Mission Viejo, the City of San Clemente, the City of Dana Point, the City of Laguna Woods, the County of Orange and Orange County Flood Control District, the City of Aliso Viejo, the City of Lake Forest, and the City of Rancho Santa Margarita (Waste Discharge Requirements Order No. R9-2009-0002 (NPDES No. CAS0108740), Orange County Municipal Separate Storm Sewer System (MS4) Permit), SWRCB/OCC Files A-(number not yet assigned), filed January 2010 (requests to hold in abeyance). (*Ben Neill*)
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 Act 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 the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee unless the employee requests a public hearing [Authorized under Government Code Section 11126(a)]

15. Arrangements for Next Meeting and Adjournment

Wednesday, March 10, 2010 - 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**

The Regional Board intends to issue a no further action letter for cleanup of an unauthorized release of petroleum fuel wastes from a leaking underground storage tank (UST) system at Hilltop High School, 555 Claire Avenue, Chula Vista, California. 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.

Cleanup actions completed are removal of the UST and soil excavation. A maximum residual concentration of 0.029 mg/kg of naphthalene remains in the soil approximately 15 feet below the ground surface near the former UST excavation. Groundwater was not impacted by the release. The current site conditions do not pose a threat to human health or the environment, and the unauthorized release case can be closed. The case files are available for public review by submitting a file review request to the Regional Board office, or on-line from the [Geotracker database](#). Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter after February 11, 2010. (*Susan Pease*)

B. Public Participation 30-day Notice

The San Diego Water Board intends to issue no further action letter for completion of cleanup of pollutants from a leaking underground storage tank (UST) at Building 1441 at Marine Corps Base Camp Pendleton, California. Additional details about the UST case at Building 1441 are available from the GeoTracker website at:

(http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0607302186). Provided no significant issues arise during the public notification period, the Regional Board will issue no further action letters in March 2010. (*Cheryl Prowell*)

C. Public Participation 30-day Notice

The Regional Board intends to issue no further action letter for completion of investigations of

possible pollution at various Resource Conservation and Recovery Act (RCRA) Facility Assessment (RFA) Sites at Marine Corps Base Camp Pendleton, California. The 50 cases to be closed are listed in the following table. Additional details about the cases are available from the GeoTracker website at:

http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0607327317 Provided no significant issues arise during the public notification period, the Regional Board will issue no further action letters in March 2010. (Cheryl Prowell)

RFA Site Number	Camp Pendleton Building Number	GeoTracker Number	RFA Site Number	Camp Pendleton Building Number	GeoTracker Number
10	1292, 1299	T10000001040	168	43103	T10000000884
12	12102, 12108	T10000000743	170	43215	T10000001663
16	1334	T10000000909	175	43257	T10000000872
22	13116, 13122, 13123	T10000000914	177	43505	T10000000868
28	14126	T10000000878	179	43573, 43574	T0607301665
31	140178, 14162	T10000001046	185	51051	T10000000805
34	1504, 1530	T10000000755	190	52161	T10000000806
36	15061	T10000000758	192	52167	T10000000807
43	18412 - 18422	T10000000915	193	52171	T10000000808
44	20006	T10000000917	195	52588	T10000000809
51	21515	T10000000918	196	52588, 52590	T10000000809
54	21520	T10000000919	200	520400	T10000000813
63	21661	T10000000921	215	53471	T10000000847
86	210840, 210841	T10000000922	217	53650	T10000000841
96	2275	T10000000923	218	53670	T0607301608
100	22131	T10000000924	225	62555	T10000000816
110	220110	T10000000925	230	63121	T10000000817
116	23 Area Test Cell	T10000000928	233	64313	T10000000736
120	24106	T10000000895	236	64431	T10000000821
122	24 Area Haybarn	T10000000894	237	64458	T0607301787
124	2533	T10000000751	256	21 Area AT&SF Railroad	T10000000929
127	2581	T10000000781	272	52 Area Fire Fighter Drill Field	T10000000806
130	2652, 2654	T10000000893	278	430121	T10000000829
143	31850	T10000000799	279	430101	T10000000828
152	33380	T10000000886	280	52333	T10000000827

D. Public Participation 30-day Notice

The Regional Board intends to issue a no further action letter for cleanup of an unauthorized release of petroleum fuel wastes from a leaking underground storage tank (UST) system at

Chula Vista Middle School, 415 Fifth Avenue, Chula Vista, California. 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. Cleanup actions completed are removal of the UST and soil excavation. A maximum residual concentration of 96 mg/kg of total petroleum hydrocarbon remains in the soil approximately 5 feet below the ground surface near the UST piping. Groundwater was not impacted by the release. The current site conditions do not pose a threat to human health or the environment, and the unauthorized release case can be closed. The case files are available for public review by submitting a file review request to the Regional Board office, or on-line from the [Geotracker database](#). Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter after February 11, 2010. (*Susan Pease*)

E. Public Participation 30-day Notice

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) intends to issue a no further action letter for cleanup of an unauthorized release of petroleum fuel wastes from a leaking underground storage tank (UST) system at the ARCO Gas Station, 7974 University Avenue, La Mesa, California. This public notice fulfills the San Diego Water 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. Cleanup actions completed are replacement of the USTs, soil excavation, and dual phase extraction. The current site conditions do not pose a threat to human health or the environment, and the unauthorized release case can be closed. The case files are available for public review by submitting a file review request to the Regional Board office, or on-line from the [GeoTracker database](#) (global id=T0607300214). Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter by the end of February 2010. (*Sean McClain*)

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.