

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

AGENDA

**Wednesday, March 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 Wednesday, February 24, 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, March 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 Wednesday, February 24, 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: February 10, 2010.
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. Waste Discharge Requirements Revision: Barrett Lake Mobile Home Park, San Diego County (Ownership change) (Tentative Addendum No. 2 to Order No. 94-142) (*Cathryn Henning*)
6. NPDES Permit Recission: Mountain Water Ice Company, Oceanside, San Diego County - An Order Rescinding Order No. R9-2005-0015, NPDES Permit No. CA0108391 (Tentative Order No. R9-2010-0028) (*Joann Cofrancesco*)
7. NPDES Permit Reissuance: Waste Discharge Requirements for the Sweetwater Authority, Richard A. Reynolds Desalination Facility, discharge to the Lower Sweetwater Basin, San Diego County. (Tentative Order No. R9-2010-0012, NPDES Permit No. CA0108952) (*Michelle Mata*)

Remainder of the Agenda (Non-Consent Items):

8. Information Item: Toribio Queva López, Subdirector de Saneamiento of the Comisión Estatal de Servicios Públicos de Tijuana (CESPT) will provide an update on sewage treatment operations south of the international border. Located in Baja California, CESPT is Northern Mexico's public services utility for Tijuana and is responsible for sewage collection and treatment along the Tijuana River Valley. *(Brian Kelley and Bart Christensen)*
9. Dynegy South Bay LLC, South Bay Power Plant Discharge to San Diego Bay, Order No. R9-2004-00154, NPDES No. CA0001368. The Regional Board will receive testimony, technical evidence, and supporting documentation relevant to determining:
 - a) Whether South Bay Power Plant intake and discharge operations endanger human health or the environment and can only be regulated to acceptable levels by NPDES permit modification or termination [see 40 Code of Federal Regulations, section 122.64(a)(3)]; and
 - b) Whether any effects identified in Item a) above provide a sufficient basis for the Regional Water Board to require that South Bay Power Plant discharges be terminated earlier than December 31, 2010 and prior to California Independent System Operators (CAISO's) release of Units 1 and 2 from "Reliability Must Run" (RMR) status.

No action will be taken at the hearing. Additional information concerning this matter, including background, procedures for hearing participation by designated parties and interested persons, deadlines and requirements for submission of testimony, exhibits, other evidence, and non-evidentiary policy statements, and other provisions, is contained in the Public Hearing Notice and Procedures, which can be found at the Regional Water Board's website at

http://www.waterboards.ca.gov/sandiego/water_issues/programs/npdes/southbay_power_plant/southbay_power_plant.shtml *(Kristin Schwall, Chad Loflen and Robert Pierce)*

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:

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-2073(a)-(j), filed January 2010 (requests to hold in abeyance). (*Ben Neill*)
 - p. Petition of Gregory Canyon, Ltd. (failure to take action at its meeting on November 18, 2009 on Gregory Canyon Landfill's Clean Water Act Section 401 water quality certification No. R9-2009C-073, San Diego County), SWRCB/OCC File A-2067, filed December 2009. (*Chiara Clemente*)
 - q. Petition of Chevron (Revised Cleanup and Abatement Order No. R9-2009-0124 for Chevron USA, Inc. at Chevron Service Station No. 9-3417, 32009 Camino Capistrano, San Juan Capistrano, Orange County), SWRCB/OCC File A-2074, filed January 2010. (*Sue Pease*)
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 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)]

- 14. Arrangements for Next Meeting and Adjournment
 Wednesday, April 14, 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 San Diego Water Board intends to issue five no further action letters for remediation of unauthorized releases of petroleum fuel wastes from leaking underground storage tanks (USTs) associated with five different building sites at Marine Corps Base Camp Pendleton, California. This notification is made pursuant to California Code of Regulations, Title 23, Chapter 16, Article 11, section 2728. Based upon the relatively small extent of soil and groundwater contamination at the four sites the residual concentrations of fuel constituents do not appear to pose a significant threat to human health or the environment under current site conditions and the unauthorized release cases may be closed. Additional details about these UST cases are available from the Geotracker website at <https://geotracker.waterboards.ca.gov/search.asp>

Building Number	Geotracker Global ID
16104	T0607301698
1641	T0607302923
1661	T0607302906
2481	T0607301772
2653	T0607301576

Provided no significant issues arise during the public notification period the San Diego Water Board will issue the no further action letters after March 10, 2010. (Robert Pierce)

B. Public Participation 30-day Notice

Madison Avenue Shell Gas Station, Murrieta
 The 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 Shell Gas Station #121641 in Murrieta, 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. Groundwater monitoring quarterly since September 2008 has not detected levels of total petroleum hydrocarbon (TPH), benzene, toluene, ethylbenzene, or xylenes from groundwater samples. Low levels of methyl tertiary butyl ether (MTBE) in groundwater samples were detected only in September 2008 and have not been detected since that time. All other oxygenates have been non-detect in groundwater. 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

San Diego Water Board office, or on-line from the [Geotracker database](#). Provided no significant issues arise during the public notification period, the San Diego Water Board will issue a no further action letter after March 10, 2010. (*Susan Pease*)

C. Public Participation 30-day Notice

Former Union 76 Gas Station Santa Ysabel

The 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 former Union 76 Gas Station in Santa Ysabel, 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. Eight monitoring wells monitor the groundwater at two depths. MTBE was detected in groundwater in concentrations up to 38 ug/L. The source of the MTBE detected in the groundwater is unlikely to be from the former Union 76 because the UST was removed before MTBE was an additive in gasoline. The most likely source is the former Santa Ysabel Chevron located upgradient from the former Union 76. Soil samples analyzed revealed no TPH as gasoline, benzene, toluene, ethylbenzene, xylenes, methyl tertiary butyl ether or other oxygenates. 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 San Diego Water Board office, or on-line from the [Geotracker database](#). Provided no significant issues arise during the public notification period, the San Diego Water Board will issue a no further action letter after March 10, 2010. (*Susan Pease*)

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.