

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

AGENDA

Wednesday, February 9, 2011
9:00 a.m.

Water Quality Control Board
Board Meeting Room
9174 Sky Park Court
San Diego, California

The purpose of this meeting is for the San Diego Water 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 San Diego Water Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the San Diego Water Board members and staff have the opportunity to fully study and consider written material, comments should be received in the San Diego Water Board's office no later than noon on Tuesday, January 25, 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 Board members and staff. Written material submitted after 5:00 P.M. on Tuesday, February 1, 2011 will not be provided to the Board members and may not be considered by the San Diego Water 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 San Diego Water Board. Type the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.4, the San Diego Water Board may refuse to admit written testimony into evidence if it is not submitted to the San Diego Water 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 San Diego Water 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 San Diego Water Board's office no later than noon on Tuesday, January 25, 2010.

Copies of the agenda items to be considered by the San Diego Water Board are posted on the San Diego Water 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: January 12, 2011.
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. Rescission of Waste Discharge Requirements: U.S. Navy Milcon Project P-326, Milcon Project P-700, and Homeporting Project, San Diego County; and San Diego Unified Port District Tenth Avenue Marine Terminal Maintenance Dredging, San Diego County (Tentative Order No. R9-2011-0007) (*Fisayo Osibodu and Bob Morris*)
6. Modification of Waste Discharge Requirements: City of Escondido, Hale Avenue Resource Recovery Facility, Expansion of the Ultraviolet Disinfection System (tentative Addendum No. 1 to Order No. R9-2010-0032 (*Fisayo Osibodu*))

Remainder of the Agenda (Non-Consent Items):

7. Information Item: Briefing on State Water Resources Control Board's Enforcement Policy, the Compliance Oversight program, and Use of Expedited Payment Letters by the Regional Board (*Jeremy Haas/Catherine Hagan*)

8. Shipyards Sediment Cleanup and Abatement Order Status Report: The San Diego Water Board will receive a status report on the Shipyards Sediment Site Cleanup and Abatement Order, Tentative Order R9-2011-0001. The Board will receive an update on: 1) the schedule for consideration of the Tentative Order and Draft Technical Report by October 2011; 2) the progress on the programmatic Environmental Impact Report; and 3) an update on the status of the Remedial Action Plan and the Waste Discharge Requirements that will be required to implement the clean up of contaminated sediments in the shipyards and a discussion of some key technical issues that must be surmounted to achieve the clean up objectives in a timely manner. *(David Gibson)*
9. Administrative Assessment of Civil Liability, Lite Stone Concrete, Inc., Administrative Civil Liability, for violations of Order No. 97-03-DWQ. The San Diego Water Board will consider adoption of a tentative Order that would impose a \$3,766 penalty recommended in Complaint R9-2010-0127 for failing to submit the Fiscal Year 2008-09 Annual Report and failing to pay the Fiscal Year 2009-10 annual fee required by State Water Resources Control Board Order No. 97-03, NPDES Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities. Water Code section 13399.33 requires the San Diego Water Board impose a mandatory penalty of no less than \$1,000 plus staff costs for the annual report violation. The San Diego Water Board may approve, modify, or reject assessment of the recommended penalty. (Tentative Order R9-2011-0015) *(Laurie Walsh)*
10. Resolution proposing a Basin Plan amendment to include a definition of "agricultural and nursery operations" in Conditional Waiver No. 4. The San Diego Water Board will consider adoption of a resolution to amend Conditional Waiver No. 4 for Agricultural and Nursery Operations (one of 11 conditional waivers in the Basin Plan) to define the term "agricultural and nursery operations" as it appears in the waiver. The proposed definition specifies that only commercial operations that generate gross sales of at least \$1,000 per year, as an average, are subject to the waiver's requirements. The San Diego Water Board may approve, modify, or reject the proposed Basin Plan amendment. (Tentative Resolution No. R9-2011-0020) *(Peter Peuron)*
11. Election of Regional Board Chair and Vice Chair for 2011. *(David Gibson)*
12. *Closed Session* - Discussion of Ongoing Litigation [Authorized under Government Code Section 11126, subd. (e)]
The San Diego Water 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. Edward Drusina, 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). *(David Gibson)*

- b. *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)*
- c. *Surfrider Foundation v. California Regional Water Quality Control Board, San Diego Region, Petition for Writ of Mandate [re: San Diego Water Board's adoption of Order No. R9-2009-0038 amending Order No. R9-2006-0065 for Poseidon Resources (Channelside), LLC, NPDES Permit No. CA0109223, approval of a Flow, Entrainment and Impingement Minimization Plan under the California Water Code]. San Diego County Superior Court, Case No. 37-2010-0009-436-CU-WM-CTL (filed April 2010). (Brian Kelley)*
- d. *South Orange County Wastewater Authority and South Coast Water District, Petition for Writ of Mandate. Orange County Superior Court, Case No. 30-2010-00364016-CU-WM-CXC (filed April 2010) (Joann Cofrancesco)*
- e. *California Regional Water Quality Control Board, San Diego Region v. Bill and Heidi Dickerson, Larry and Penelope Gunning and Perry & Papenhausen, Inc. Complaint for Damages for Breach of Contract and for Specific Performance. San Diego County Superior Court, Case No. 37-2010-00096011-CU-CO-CTL (filed July 2010) (Jeremy Haas)*
- f. *State of California Department of Finance, State Water Resources Control Board, And California Regional Water Quality Control Board, San Diego Region v. Commission on State Mandates. Petition for Writ of Administrative Mandamus. Sacramento County Superior Court, Case No. 34-2010-80000604 (filed July 2010) (Catherine George Hagan)*

Petitions for Review Pending Before State Water Resources Control Board

- g. *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)*
- h. *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)*
- i. *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)*

- j.* 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 (in abeyance). (*Ben Neill*)
- k.* Petition of Vulcan Materials Company (Reconsideration of Clean Water Act Section 401 Water Quality Certification No. 08C-051 for Poway Mining Site, Vulcan Materials, San Diego County) SWRCB/OCC File A-2088, filed March 2010 (in abeyance). (*Mike Porter*)
- l.* Petition of City of Murrieta for reconsideration of denial of Clean Water Act Section 401 Water Quality Certification for Application No. 10C-009, Line D and D-1 Realignment (CIP #8157) project. SWRCB/OCC File A-2122, filed August 2010, (in abeyance). (*Chiara Clemente*)
- m.* Petition of American Salvage, Inc., (Revised Cleanup and Abatement Order No. R9-2010-0007 to Cleanup and Abate the Effects of Waste and Submit Technical Reports Pertaining to Corrective Actions at the Former Hebdon Electronics Facility, 2250 Meyers Avenue, 655 Opper Street, 665 Opper Street, Escondido, San Diego County, (SWRCB/OCC File A-2136), filed November 2010 (in abeyance). (*Jody Ebsen*).
- n.* Petition of U.S. Marine Corps Base Camp Pendleton for State Board review of Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the County of Riverside, the Incorporated Cities of Riverside County, and the Riverside County Flood Control and Water Conservation District within the San Diego Region, Order No.R9-2010-0016, NPDES No. CAS0108740, filed December 2010 (in abeyance). (*Chaira Clemente*)
- o.* Petitions of Riverside County Flood Control and Water Conservation District, County of Riverside and Cities of Murrieta, Temecula and Wildomar and Marine Corps Base, Camp Pendleton (Waste Discharge Requirements Order No. R9-2010-0016 [NPDES NO. CAS0108740] for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the County of Riverside, the Incorporated Cities of Riverside County, and the Riverside County Flood Control and Water Conservation District within the San Diego Region), (SWRCB/OCC File A-2142(a) and (b)) filed December 2010 (in abeyance). (*Ben Neill*)

Closed Session - Consideration of Initiation of Litigation or Discussion of Significant Exposure to Litigation

The San Diego Water Board may meet in closed session to initiate or consider initiating litigation concerning matters within its jurisdiction or to discuss significant exposure to litigation [Authorized under Government Code Section 11126(e)] (*David Gibson*)

- . *Closed Session - Deliberation on a Decision to be Reached Based on Evidence Introduced in a Hearing*
The San Diego Water 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)]
- . *Closed Session - Personnel*
The San Diego Water 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)]
- . *Arrangements for Next Meeting and Adjournment*
Wednesday, March 9, 2011 - 9:00 a.m.
Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

Notifications

A. Follow the Board Meeting on Twitter

Updates on the progress of the San Diego Water Board meeting will be posted on Twitter at www.twitter.com/SDWaterBoard. The San Diego Water Board's use of Twitter is a courtesy and is for informational purposes only. It is not always reliable, and is not a substitute for personal attendance at a Board meeting.

B. Completed Cleanup Action Public 30-Day Notice

The San Diego Water Board intends to issue a no further action letter for completion of cleanup of legally applied residual pesticides on a 221.9-acre portion of the 376-acre Stuart Mesa East Agricultural Fields (SMEAF). Pesticide contaminated soil wastes are being cleaned up in phases to facilitate redevelopment of the property. The portion being considered for closure at this time includes a proposed construction area, known as Phase VII, where excavation was conducted; and selected areas of the SMEAF which did not require corrective action. Corrective actions on the remaining portion of the SMEAF are being scheduled as a separate project. The site is located between Stuart Mesa Road and Interstate 5 on Marine Corps Base Camp Pendleton. Additional details about the case are available from the GeoTracker website at: (http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000001528). Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter in March 2010. (*Cheryl Prowell*)

DIRECTIONS TO 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.