

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

AGENDA

Wednesday, August 8, 2007
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, July 25, 2007, 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, August 1, 2007 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, July 25, 2007.

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: June 13, 2007.
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 Item:

5. Amendment of Waste Discharge Requirements, County of San Diego, Alpine II Burn Dump, San Diego County (tentative Addendum No. 6 to Order No. 97-11, General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Nonhazardous Waste Landfills Within the San Diego Region) (*Carol Tamaki*)

Remainder of the Agenda (Non-Consent Items):

6. **PUBLIC HEARING:** Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region. The San Diego Water Board will hear testimony and comments on the proposal to amend the Basin Plan to renew and revise conditional waivers, and adopt new conditional waivers for specific types of discharge. The San Diego Water Board will deliberate and consider adoption of an amendment incorporating the revised conditional waivers into the Basin Plan at a subsequent meeting. (Tentative Resolution No. R9-2007-0104) (*Wayne Chiu*)
7. **PUBLIC HEARING:** Administrative Assessment of Civil Liability against Dakota Ranch Development Co., LLC for violation of its Clean Water Act Section 401 Water Quality Certification issued on January 30, 2003 for the Dakota Ranch Subdivision, Santee, California. The Regional Board will consider whether to raise, lower, or reject assessment of \$140,000 civil liability recommended in Complaint No. R9-2005-0176. (Tentative Order No. R9-2007-0107) (*Frank Melbourn*)
8. **PUBLIC HEARING:** Terra Vac, Body Beautiful Car Wash Remediation Dewatering: Administrative Assessment of Civil Liability containing Mandatory Minimum Penalties for reported violations of effluent limitations prescribed in Order No. 2000-90, NPDES No. CAG919001, General Waste Discharge Requirements for Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay and Storm Drains or Other Conveyance Systems Tributary Thereto. If the discharger elects to waive their right to a hearing, the Regional Board will consider comments received during the public review period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2007-0089) (*Rebecca Stewart*)

9. Consideration of Investigative Order R9-2007-0092 issued on June 1, 2007, to the California Department of Transportation, District 11, and California Transportation Ventures, Inc. The Regional Board will consider the Investigative Order requiring an aerial deposition study to include the Sweetwater Reservoir Airshed to assess impacts on receiving waters from State Route 125. The Regional Board may affirm, modify, or rescind the Investigative Order. *(Christina Arias)*
10. *Closed Session* - Discussion of Ongoing Litigation
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:
 - Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region.* San Diego Superior Court, Case No. GIC 822750. Verified Petition for Writ of Mandate for Breach of Contract.
 - Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region.* San Diego Superior Court, Case No. GIC 824706. Verified Petition for Writ of Mandate for Breach of Contract.
 - People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al..* United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61.
11. *Closed Session* - Consideration of Initiation of 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. *(John Robertus)*
12. *Closed Session* - Discussion of Pending Litigation
The Regional Board may meet in closed session to discuss pending litigation.
13. *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)]
14. Arrangements for Next Meeting and Adjournment
Wednesday, September 12, 2007 - 9:00 a.m.
Mission Viejo Civic Center
City Hall Council Chambers
200 Civic Center
Mission Viejo, California

Notifications

A. Public Participation 30-day Notice

Proposed UST Closure - Site 1133, MCB Camp Pendleton

The Site Mitigation & Cleanup Unit has reviewed the "Final Ground Water Monitoring Report and Request for Closure UST Site 1133, Marine Corps Base Camp Pendleton" prepared by SES-TECH and dated April 9, 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 UST. In the latest site assessment conducted in January 2004 to assess the lateral and vertical extent of petroleum hydrocarbon contamination, a maximum concentration of 210 mg/kg as TPH-MO was found in a soil sample collected at 7 feet below ground surface. In the subsequent seven ground water monitoring events from February 2004 to April 2007, the petroleum hydrocarbon ground water plume has shown a stable trend with a maximum TPH-D concentration of 0.94 mg/L. The most recent groundwater samples indicate the residual concentrations of hydrocarbons at a maximum 0.46 mg/L would likely be naturally degraded. The current site conditions do not pose a threat to human health or the environment and the unauthorized release case may be closed. The case files 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 the proposed actions pursuant to the State and Regional Boards' Public Participation guidance document. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter after August 12, 2007. *(Helen Yu)*

B. Public Participation 30-day Notice

Proposed UST Closure - San Diego and Imperial Valley Railroad Maintenance Facility

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 our intent to issue a no further action letter for a leaking underground storage tank (UST) case. The Regional Board intends to issue a no further action letter to Site San Diego and Imperial Valley (SD & IV) Railroad for an unauthorized release of petroleum fuel wastes at 2711 Beyer Blvd., San Ysidro, CA 92173. The property is owned by Metropolitan Transit Development Board, and is operated by SD & IV Railroad. An underground storage tank and product line was removed in 1998. Limited soil contamination exists at the site, and no groundwater was encountered. Based on 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. The case files are available for public review by submitting a file review request to the Regional Board office. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter after August 8, 2007. *(Sue Pease)*

C. Public Participation 30-day Notice

Naval Air Station (NAS) North Island Record of Decision (ROD)/Remedial Action Plan (RAP)

– The Site Mitigation and Cleanup Unit has reviewed the "Final No Action Record of Decision/Remedial Action Plan – Operable Units (OUs) 3, 6, 7, 13, and 22, Naval Air Station North Island, Coronado, California". The No Action ROD/RAP presents the selected remedial action, no action, for Operable Units (OUs) 3, 6, 7, 13, and 22. This document was developed in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 and in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP).

The OUs are defined as follows:

- OU 3 – Golf Course Maintenance Area;
- OU 6 – Seaview Heritage Park Area;
- OU 7 – Building 39 Light Industrial Area;
- OU 13 – combined Circular Runway Area; and
- OU 22 – former Polychlorinated Biphenyl (PCB) Management Area.

Results of investigations at OUs 6, 13, and 22 have verified that chemicals of potential concern (COPCs) in soil have not been released to ground water. Human Health Risk Assessments for OUs 3, 6, and 7 indicated that risk to human health from COPCs is below or within the NCP's generally acceptable risk management range. Impacted soil has been removed from OUs 13 and 22, thereby removing source areas and eliminating the need for performance of human health risk assessments. Ecological risk evaluation for OUs 3, 6, 7, 13, and 22 show that sensitive receptors, habitats, and/or pathways of exposure are not present at these sites.

The Department of the Navy (DON) has demonstrated through site history, visual inspections, field investigations, laboratory analysis results, evaluation or assessment of potential ecological and human health risks, and removal action and verification sampling that further remedial action is not required to protect public health or welfare or the environment at OUs 3, 6, 7, 13, and 22. In selecting the no action remedy for these OUs, the DON has determined that the existing condition of the sites is protective of human health and the environment and complies with Federal and State requirements.

The DON public-noticed the Proposed Plan for the above sites in the May 10-16, 2006 issue of the Coronado Eagle Journal. The proposed plan was mailed to all NAS North Island interested parties on April 30, 2006. The public-comment period for the Proposed Plan was from May 1-31, 2006, during which no comments were received. On May 16, 2006, a public-meeting was held at the Coronado Police Station; however no members of the public attended.

The case files 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 the proposed actions pursuant to the State and Regional Boards' Public Participation guidance document. Provided no significant issues arise during the public notification period, the Regional Board will concur with the No Action ROD/RAP. (*Sherrie Komeylyan*)

D. Public Participation 30-day Notice

Proposed UST Closure - Site 1656, MCB Camp Pendleton

The Site Mitigation & Cleanup Unit has reviewed the "Final Site Assessment Report for Former Underground Storage Tank Site 1656, Marine Corps Base Camp Pendleton, California" prepared by Battelle dated June 26, 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). The investigation did not encounter ground water below the site and remaining soil contamination lies at depths between 15 and 18 feet below ground surface which preclude a completed exposure pathway. A maximum concentration of 4,700 milligrams per kilogram petroleum hydrocarbons remains within the former tank cavity. The current site conditions do not pose a threat to human health or the environment, and the unauthorized release case may be closed. The case files 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 the proposed actions pursuant to the State and Regional Boards' Public Participation guidance document. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter after August 8, 2007. (*Robert Pierce*)

E. 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 our intent to issue a no further action letter for a leaking underground storage tank (UST) case. The Regional Board intends to issue a no further action letter to The Pep Boys # 647 for an unauthorized release of petroleum fuel wastes at 6714 El Cajon Boulevard, San Diego, San Diego County, California. Since 1998, gasoline petroleum fuel wastes have naturally attenuated and constituents of concern are at concentrations below soil screening objectives. 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 late August 2007. (*Sue Pease*)

F. ACL Complaint No. R9-2007-0061 for violations of the Construction Storm Water Permit at the Scripps Ranch Middle School in San Diego

On June 19, 2007, the Regional Board Executive Officer issued Administrative Civil Liability Complaint No. R9-2007-0061 recommending a \$128,000 assessment of civil liability against the San Diego Unified School District (District) for violations of California State Water Resources Control Board (State Board) Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity (Permit). The Complaint alleges that the District failed to prepare complete inspection reports required by the Permit, failed to implement adequate Best Management Practices, as required by the permit, and violated discharge prohibitions of the Permit. A public hearing is scheduled for September 12, 2007.

For more information regarding this matter please call Peter Peuron at (858) 637-71372735 or ppeuron@waterboards.ca.gov, or visit the Regional Board's web site at www.waterboards.ca.gov/sandiego.

G. Public Participation 30-day Notice

Pending Rescission of CLEANUP AND ABATEMENT ORDER NO. R9-2006-0084 Issued to Orange County Transportation Authority for the Bridge Project site, City of Lake Forest
The California Regional Water Quality Control Board, San Diego Region (Regional Board) is providing this 30-day notice public notification of its intent to rescind Cleanup and Abatement Order No. R9-2006-0084 issued to the Orange County Transportation Authority. The Cleanup and Abatement Order No. R9-2006-0084 was issued for unauthorized discharges of sediment into Aliso Creek from the Aliso Creek Bridge Project site located between Jeronimo Road and Muirlands Boulevard in the City of Lake Forest, Orange County (San Juan Hydrologic Unit).

Provided no significant issues arise during the public notification period, the Regional Board will rescind the Order on August 1, 2007. For more information regarding this matter please call Jeremy Haas at (858) 467-2735 or jhaas@waterboards.ca.gov, or visit the Regional Board's web site at www.waterboards.ca.gov/sandiego.

H. Public Participation 30-day Notice**Pending Rescission of CLEANUP AND ABATEMENT ORDER NO. R9-2005-0103 Issued to Black Mountain Ranch LLC Construction project at 9295 ½ Artesian Road, Rancho Bernardo, CA**

The California Regional Water Quality Control Board, San Diego Region (Regional Board) is providing this 30-day notice public notification of its intent to rescind Cleanup and Abatement Order No. R9-2005-0103 issued to Black Mountain Ranch LLC. The Cleanup and Abatement Order No. R9-2005-0103 was issued for the discharges of sediment and sediment laden runoff

from a construction project at 9295 ½ Artesian Road, Rancho Bernardo to unnamed tributaries to the San Dieguito River in violation of the Construction Storm Water Order No. 99-08-DWQ, resulting from construction activities associated with the Black Mountain Ranch Project.

Provided no significant issues arise during the public notification period, the Regional Board will rescind the Order on August 1, 2007. For more information regarding this matter please call Mr. Mark Alpert at (858) 467-2963, by email at malpert@waterboards.ca.gov, or visit the Regional Board's web site at www.waterboards.ca.gov/sandiego.

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.