

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

AGENDA

Wednesday, January 24, 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, January 10, 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, January 17, 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, January 10, 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: November 8, 2006.
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 Janet Keller (tentative Order No. R9-2007-0004, *previously tentative Order No. R9-2006-0114*) and John Minan (tentative Order No. R9-2007-0008) (*John Robertus*)

Consent Calendar: Items 6 through 10 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)

6. Waste Discharge Requirements: Sewage Collections Agencies in the San Diego Region. The Regional Board will consider adoption of an Order that will augment State Water Board Order No. R9-2006-003-DWQ and supersede current Regional Board Order No. 1996-004 reaffirming the Regional Board's prohibition of sanitary sewer overflows. (Tentative Order No. R9-2007-0005, *previously tentative Order No. R9-2006-0121*) (*Joann Cofrancesco*)
7. NPDES Permit Reissuance: Waste Discharge Requirements for the Jack and Mark Stiefel Dairy, Domenigoni Valley, Riverside County (tentative Order No. R9-2007-0009, NPDES Permit No. CA0109011, *previously tentative Order No. R9-2006-0096*) (*Charles Cheng*)
8. **Consideration of Settlement Offer:** Palmilla, LLC and Glenwood Development Co. Construction site at Jackson Avenue and Nutmeg Street, Murrieta. Alleged violation of Directive No. 3 of Cleanup and Abatement Order (CAO) No. R9-2005-0259. The Regional Board will consider adopting a resolution (tentative Resolution No. R9-2007-0010, *previously tentative Order No. R9-2006-0129*) consisting of:
 - A. Approval of Glenwood Development Co.'s payment of \$15,000 to the State Board's Cleanup and Abatement Account in settlement of all outstanding liability associated with the alleged violation of CAO Directive No. 3; and
 - B. Amendment of the CAO to extend the deadline for completion of CAO Directive No. 3 to July 31, 2008. (Tentative Addendum No. 1 to CAO No. R9-2005-0259.) (*Frank Melbourn*)

9. Rescission of Waste Discharge Requirements: United States Marine Corps, Class II Waste Management Unit, Marine Corps Base, Camp Pendleton (tentative Order No. R9-2007-0003, *previously tentative Order No. R9-2006-0086*) (*Amy Grove*)
10. Revision of Waste Discharge Requirements: Port of San Diego, Campbell Shipyard Bay Sediment Cap, Closure and Maintenance, San Diego Bay (tentative Addendum No. 2 to Order No. R9-2004-0295) (*Dat Quach*)

Remainder of the Agenda (Non-Consent Items):

Time Certain
10:30 a.m.

11. Water Permit, 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 (NPDES Permit No. CAS0108758). A public hearing for this item was held June 21, 2006: Oral comments will be accepted on modifications to the Tentative Order that have been made following the public hearing. Time allotted for oral comments may be limited at the discretion of the Regional Board. (Tentative Order No. R9-2007-0001, *previously tentative Order No. R9-2006-0011*) (*Phil Hammer*)
12. **Executive Session** - Discussion of Ongoing Litigation
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:

Divers' Environmental Conservation Organization v. State Water Resources Control Board, San Diego Superior Court, Case No. GIC819689. Petition for Writ of Mandate challenging waste discharge requirements for U.S. Navy, Naval Station San Diego based on absence of numeric effluent limits for toxic pollutants in discharges of storm water.

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

San Diego Unified School District, a public school district, Plaintiff v. County of San Diego, a public entity, San Diego Regional Water Quality Control Board, a public entity and DOES 1 through 25, inclusive, Defendants. Superior Court of the State of

California for the County of San Diego, Case No. GIC840390; First Amended Complaint for: 1) Breach of Contract-Lease Agreement, 2) Breach of Contract-Sharing Agreement, 3) Quantum Meruit; 4) Express Indemnity; 5) Implied Indemnity and Contribution; 6) Equitable Indemnity Contribution; 7) Nuisance; 8) Trespass; 9) Inverse Condemnation; 10) Preliminary and Permanent Injunction; 11) Declaration of Relief Against the County of San Diego; and 12) Declaration of Relief Against the Regional Water Board and County.

13. *Executive 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*)
14. *Executive Session* - Discussion of Pending Litigation
The Regional Board may meet in closed session to discuss pending litigation.
15. *Executive Session* - Personnel
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
16. Arrangements for Next Meeting and Adjournment
Wednesday, February 14, 2007 - 9:00 a.m.
Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

Notifications

Public Participation 30-day Notice

Proposed UST Remedy – Site 43333, MCB Camp Pendleton

The Site Mitigation & Cleanup Unit has reviewed the “Final Corrective Action Plan” (CAP) for underground storage tank (UST) Site 43333, Marine Corps Base Camp Pendleton, California. The report, prepared by General Dynamics and dated November 17, 2006, provides alternative remedies for petroleum hydrocarbon contaminated soil as a result of an unauthorized release from the former USTs. In the CAP, the consultant recommends monitored natural attenuation by monitoring petroleum hydrocarbon constituents in ground water on a quarterly basis for a year. The Site Mitigation & Cleanup Unit will re-evaluate this case for closure at that time. The case files and CAP 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 activities contained in a CAP as required by California Code of Regulations (CCR), Title 23, Division 3, Chapter 16, Article 11, Section 2728(a). (*Helen Yu*)

45-day Notice: Pursuant to California Code of Regulations, Title 27 §21730(b), the California Regional Water Quality Control Board, San Diego Region is providing the following notice to consider adoption of tentative Addendum No. 5 to Order No. 97-11 “General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Landfills Containing Hazardous and Nonhazardous Wastes within the San Diego Region.” The Regional Board will schedule an agenda item, to receive public comments and consider adoption of tentative Addendum No. 5, during its regularly scheduled meeting on February 14, 2007. Tentative Addendum No. 5 would, if adopted, terminate the enrollment of the U.S. Navy Survival, Evasion, Resistance, and Escape (SERE) Camp Landfill from Order No. 97-11. (*Amy Grove*)

LIST OF DISCHARGES/RELEASES OF MTBE (methyl tertiary butyl ether)

The list of discharges/releases of MTBE prepared pursuant to Water Code Section 13272.1 is now accessible via the on-line Geotracker database. You can access the MTBE search and report capability from our Regional Board web site at:

<http://www.waterboards.ca.gov/sandiego/units/tsmc/mtbe.html>

The Geotracker database contains detailed information on confirmed discharges/releases of and locations where MTBE (a gasoline additive) was detected in ground water and surface water as of December 2006. The information in Geotracker is cumulative and is updated, as the Regional Board and local agencies become aware of sites with confirmed MTBE releases. Please visit http://www.waterboards.ca.gov/ust/cleanup/electronic_reporting/ for more information on the Geotracker database.

Information on unauthorized release cases known to the State and local agencies, including locations with confirmed discharges of MTBE, is constantly updated into the Geotracker database. As of January 1, 2005, the State regulations (section 3890 et seq., Title 23, California Code of Regulations - see www.calregs.com) require Responsible Parties to report all analytical results electronically into the Geotracker database. On a quarterly basis the Regional Board will notify you by mail about the availability of MTBE data in the Geotracker database. This information is provided for your use and no action on your part is necessary. For more information regarding local agency lead sites, please contact the following representatives:

For Orange County sites contact Dr. Elizabeth Gonzalez at (714) 433-6011

For Riverside County sites contact Ms. Sandy Bunchek at (909) 358-5055

For San Diego County sites contact Mr. Mark McPherson at (619) 338-2201

If you have any questions, or need more information on San Diego Regional Board lead sites, please call John Odermatt at (858) 637-5595, or by e-mail at jodermatt@waterboards.ca.gov.

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.