

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

AGENDA

Wednesday, May 14, 2008
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, April 30, 2008, 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, May 7, 2008 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, April 30, 2008.

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 twenty days prior to the meeting.
3. Minutes of Board Meeting: April 9, 2008.
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. NPDES Permit Reissuance: Waste Discharge Requirements for BAE Systems San Diego Ship Repair Inc. (formerly called Southwest Marine), San Diego County. This is a shipyard adjacent to San Diego Bay. (Tentative Order No. R9-2008-0048, NPDES Permit No. CA0109151) (*Vicente Rodriguez*)
6. NPDES Permit Reissuance: Waste Discharge Requirements for Continental Maritime of San Diego, Inc., San Diego County. This is a shipyard adjacent to San Diego Bay. (Tentative Order No. R9-2008-0049, NPDES Permit No. CA0109142) (*Vicente Rodriguez*)
7. NPDES Permit Reissuance: Waste Discharge Requirements for National Steel & Shipbuilding Company (NASSCO), San Diego County. This is a shipyard adjacent to San Diego Bay. (Tentative Order No. R9-2008-0050, NPDES Permit No. CA0109134) (*Vicente Rodriguez*)
8. **PUBLIC HEARING:** Amendment to the Water Quality Control Plan for the San Diego Basin to incorporate Implementation Provisions for Indicator Bacteria Water Quality Objectives to Account for Loading from Natural Uncontrollable Sources Within the Context of a Total Maximum Daily Load. The San Diego Water Board will hear testimony and comments on the proposed Basin Plan amendment. The San Diego Water Board may deliberate on and consider adoption of the Basin Plan amendment at the close of this public hearing. (Tentative Resolution No. R9-2008-0028) (*Amy Mecklenborg*)
9. State Grant Projects: Report on two completed grant projects funded through Proposition 13:
 - a. Restoration of Riparian / Wetlands Habitat in the Carlsbad Hydrologic Unit, San Elijo Lagoon Conservancy
 - b. Famosa Slough Wetland Restoration/Fill Removal, Friends of Famosa Slough

- Representatives for each project will provide a summary of the projects, accomplishments, and future work. *(David Gibson)*
10. Status Report: U.S. Coast Guard and U.S. Navy Report on Fuel/Oil Spills in San Diego Bay *(John Robertus)*
 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:
Litigation Filed against the Regional Water Board
 - a. *Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region, Verified Petition for Writ of Mandate. San Diego County Superior Court, Case No. GIC 822750 (filed December 2003). (John Anderson)*
 - b. *Bajagua, LLC v. California State Water Resources Control Board, California Water Quality Control Board, San Diego Region, et al., Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37-2007-00067722-CU-WM-CTL (filed June 2007). (John Robertus)*
 - c. *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)*
 - d. *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 Melbourn)*

Litigation filed by the Regional Water Board against other parties

 - e. *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)*
 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 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 personnel matters involving public employees [Authorized under Government Code Section 11126(a)]

15. Arrangements for Next Meeting and Adjournment

Wednesday, June 11, 2008 - 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

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 its intent to issue a no further action letter to Mobil Service Station 18-BX6 for an unauthorized release of petroleum fuel wastes at 39850 Los Alamos Road, Murrieta, Riverside County, California. In April 2001, petroleum hydrocarbons were detected in the soil samples taken at the site. Since 2005, groundwater monitoring results documents that natural attenuation has occurred and that the remaining low levels of petroleum hydrocarbons constituents do not pose a threat to human health or the environment.

Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter in late May 2008. (*Sue Pease*)

B. Notice of Opportunity for Public Comment

Administrative Civil Liability Complaint No. R9-2005-0265:

City of Escondido, Hale Avenue Resource Recovery Facility

A public hearing is scheduled for the August 13, 2008 Regional Board meeting to consider imposition of Administrative Civil Liability based on violations alleged in Complaint No. R9-2005-0265. The Complaint proposes \$1,335,000 in mandatory minimum penalties and \$462,150 in discretionary administrative civil liability for a total proposed assessment of \$1,797,150. Written comments regarding the allegations contained in Complaint No. R9 2005-0265, and/or acceptance of a waiver of hearing will be accepted through Monday, July 14, 2008. The Regional Board's August 13, 2008 meeting will be held at the Regional Board office located at 9174 Sky Park Court, San Diego, California. The meeting will begin at 9:00 a.m. Oral comments for this item may be made during the meeting upon receipt of a request to speak. Additional information pertaining to the matter can be found on the Regional Board's web site at <http://www.waterboards.ca.gov/sandiego/>. For more information regarding this matter please call Rebecca Stewart at (858) 467-2966 or by email at rstewart@waterboards.ca.gov.

C. Notice of Opportunity for Public Comment

Administrative Civil Liability Complaint No. R9-2007-0099:

City of Carlsbad & City of Vista; Sewage Spill to Buena Vista Lagoon

A public hearing is scheduled for the June 11, 2008, Regional Board meeting to consider imposition of Administrative Civil Liability based on violations alleged in Complaint No. R9-

2007-0099. The Complaint proposes \$1,095,000 in discretionary administrative civil liability. Written comments regarding the allegations contained in Complaint No. R9 2007-0099, will be accepted through Wednesday, May 21, 2008. The Regional Board's June 11, 2008, meeting will be held at the Regional Board office located at 9174 Sky Park Court, San Diego, California. The meeting will begin at 9:00 a.m. Oral comments for this item may be made during the meeting upon receipt of a request to speak. Additional information pertaining to the matter can be found on the Regional Board's web site at <http://www.waterboards.ca.gov/sandiego/>. For more information regarding this matter please call Frank Melbourn at (858) 467-2973 or by email at fmelbourn@waterboards.ca.gov.

D. Notice of Opportunity for Public Comment

Administrative Civil Liability Complaint No. R9-2008-0021:

North County Transit District; Sprinter Rail Project

A public hearing is scheduled for the June 11, 2008, Regional Board meeting to consider imposition of Administrative Civil Liability based on violations alleged in Complaint No. R9-2008-0021. The Complaint proposes \$685,000 in discretionary administrative civil liability. Written comments regarding the allegations contained in Complaint No. R9 2008-0021, will be accepted through Wednesday, May 21, 2008. The Regional Board's June 11, 2008, meeting will be held at the Regional Board office located at 9174 Sky Park Court, San Diego, California. The meeting will begin at 9:00 a.m. Oral comments for this item may be made during the meeting upon receipt of a request to speak. Additional information pertaining to the matter can be found on the Regional Board's web site at <http://www.waterboards.ca.gov/sandiego/>. For more information regarding this matter please call Frank Melbourn at (858) 467-2973 or by email at fmelbourn@waterboards.ca.gov.

E. Notice of Opportunity for Public Comment

Administrative Civil Liability Complaint No. R9-2008-0019:

William and Heidi Dickerson, and Perry & Papenhausen Construction, Inc.

501 First Street, Coronado, California

Groundwater Dewatering Discharges: Alleged Violations of Copper Effluent Limit

A public hearing is scheduled for the June 11, 2008, Regional Board meeting to consider imposition of Administrative Civil Liability based on violations alleged in Complaint No. R9-2008-0019. The Complaint proposes \$45,000 in mandatory minimum penalties. Written comments regarding the allegations contained in Complaint No. R9 2008-0019, will be accepted through Friday, May 16, 2008. The Regional Board's June 11, 2008, meeting will be held at the Regional Board office located at 9174 Sky Park Court, San Diego, California. The meeting will begin at 9:00 a.m. Oral comments for this item may be made during the meeting upon receipt of a request to speak. Additional information pertaining to the matter can be found on the Regional Board's web site at <http://www.waterboards.ca.gov/sandiego/>. For more information regarding this matter please call Frank Melbourn at (858) 467-2973 or by email at fmelbourn@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.