

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

# AGENDA

Wednesday, September 9, 2009  
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, August 26, 2009,\* 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, September 1, 2009 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](mailto: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, August 26, 2009.

**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](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: July 1, 2009.
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 former Board Members Kris Weber (tentative Resolution No. R9-2009-0154) and Gary Thompson (tentative Resolution No. R9-2009-0155) (*John Robertus*)

***Consent Item: Item 6 is considered a non-controversial issue. (NOTE: If there is public interest, concern or discussion regarding this item or a request for a public hearing, then the item will be removed from consent and considered after all other agenda items have been completed or at another time during the meeting, at the Chair's discretion.)***

6. Rescission of Waste Discharge Requirements: U.S. Navy Public Works, NASNI Bioremediation Facility; Rainbow Municipal Water District, Plant B; and John Konyn and Son Dairy (Tentative Order No. R9-2009-0098) (*Cathryn Henning*)

***Remainder of the Agenda (Non-Consent Items):***

7. Report: NPDES Permit application for reissuance of NPDES waste discharge requirements for Dynegy South Bay, LLC, South Bay Power Plant discharge to south San Diego Bay, Chula Vista, California (Order No. R9-2004-0154, NPDES NO. CA0001368). This item will include a discussion on the continued operation of the South Bay Power Plant and the proposed State Water Board Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling (*David Barker*)

8. Report: Southern California Bight Regional Monitoring 2008 Update. Bight'08 is a regional monitoring program conducted by a consortium of over 90 local organizations to assess the whole southern California Bight. The Southern California Coastal Water Research Project (SCCWRP) organizes and participates in this integrated and collaborative monitoring effort every 5 years. The Bight'08 effort focuses on the ocean, bays, and estuaries of the bight with particular attention to wetland and riparian areas, watersheds, rocky intertidal habitat, and marine shellfish. (*Bruce Posthumus*)
9. Report: Status of the City of San Diego's Recycled Water Program (*Robert Pierce*)
10. Report: Surface Water Ambient Monitoring Program (SWAMP). The program is a statewide monitoring effort designed to assess the conditions of surface waters throughout the State of California. The SWAMP was established in 2000 by the State Water Resources Control Board pursuant to AB 982. The purpose of the program is to collect information about the status of the physical, chemical, and/or biological characteristics of the environment that is collected to answer specific questions about the status and trends in water quality and/or beneficial uses of water. The SWAMP is implemented primarily by the Regional Boards and focuses on inland surface waters. (*Dave Gibson, Bruce Posthumus, and Cynthia Gorham-Test*)
11. Report: Overview of the Regional Board's Storm Water Program. This overview report will address specific issues and priorities in the Municipal, Construction, and Industrial components of the Board's storm water program. (*David Barker*)
12. Discussion: Regional Board Priorities. The Board intends to consider priorities for the Regional Board in light of the current budget cuts, staff furloughs, and anticipated budget deficit impacts. As part the discussion, the Board may provide guidance and direction to Board staff. (*John Robertus*)
13. *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 Melbourn*)

- 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 San Diego Gas & Electric Company (Reconsideration of Clean Water Act Section 401 Water Quality Certification No. 06C-026 and Waste Discharge Requirements for Discharge of Dredged and/or Fill Materials fo 5393 - SDG&E Access Road Repairs TM 3010, Torrey Pines, San Diego County), SWRCB/OCC File A-1951, filed September 2008. (In abeyance). (*Mike Porter*)
- g. 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*)
- h. 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*)
- i. 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*)
- j. 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*)
- k. 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*)

14. *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*)
15. *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)]
16. *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)]
17. Arrangements for Next Meeting and Adjournment  
Wednesday, October 14, 2009 - 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**

The Regional Board intends to issue a no further action letter for completion of cleanup of pollutants from a leaking underground storage tank (UST) at Green Oak Ranch, located at 1237 Green Oak Road, Vista, CA 92083. Additional details about the UST case at Green Oak Ranch are available from the GeoTracker website at ([https://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=T0607302362](https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0607302362)). Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter after October 9, 2009. (*Cheryl Prowell*)

### **DIRECTIONS TO REGIONAL BOARD MEETING**

- From Downtown:** I-15 north - take the Aero Drive exit - turn left (west). Proceed to the 3<sup>rd</sup> 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 2<sup>nd</sup> 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.

Agenda Notice for September 9, 2009

NOTES:

A. GENERAL STATEMENT

The primary duty of the Regional Board is to protect the quality of the waters within the region for all beneficial uses. This duty is implemented by formulation and adoption of water quality plans for specific ground or surface water basins and by prescribing and enforcing requirements on all domestic and industrial waste discharges.

Responsibilities and procedures of the Regional Water Quality Control Board come from the State's Porter-Cologne Water Quality Act and the Nation's Clean Water Act.

The purpose of the meeting is for the Board to obtain testimony and information from concerned and affected parties and make decisions after considering the recommendations made by the Executive Officer.

All interested persons may speak at the Regional Board meeting and are expected to orally summarize their written submittals. Testimony should be presented in writing prior to the meeting and only a summary of pertinent points presented orally. Oral testimony (i.e., direct testimony or comment) will be limited in time by the Board Chair (typically 3 minutes for interested persons and no more than 10 minutes for designated parties). A timer may be used and speakers are expected to honor the time limits.

B. PROCEDURE FOR CONSENT (UNCONTESTED) CALENDAR (see also 23 C.C.R. § 647.2)

Consent or uncontested agenda items are items for which there appears to be no controversy and which can be acted upon by the Regional Board with no discussion. Such items have been properly noticed and all interested parties consent to the staff recommendation. The Regional Board Chair will recognize late revisions submitted by staff and will then call for a motion and vote on all of the consent calendar items by the Regional Board.

If any Regional Board member or member of the public raises a question or issue regarding an item that requires Regional Board discussion, the item may be removed from the consent calendar and considered separately in an order determined by the Chair. Anyone wishing to contest a consent item on the agenda is expected to appear in person at the Regional Board meeting and explain to the Regional Board the reason that it is contested.

C. PROCEDURE FOR INFORMATION ITEMS (see also 23 C.C.R. 649, et. seq.)

Information items are items presented to the Regional Board for discussion only and for which no Regional Board action or vote is normally taken. The Regional Board usually will hear a presentation by staff, but may hear presentations by others. Comments by interested persons shall also be allowed. Members of the public wishing to address the Regional Board on the topic under discussion should submit an attendance card beforehand indicating their request to speak to the Regional Board. Comment from the public should be for clarification or to add to the Regional Board's understanding of the item; such comment must not be testimonial in nature or argumentative, as speakers are not under oath and the proceeding is not adversarial. Time limits may be imposed on interested persons.

D. PROCEDURES FOR NON-CONSENT (CONTESTED) AGENDA ITEMS

Non-consent or contested agenda items are items to which the parties involved have not consented and the staff recommendation is in dispute. The procedure that applies to such items depends on the nature of the matter. Matters before the Regional Board may be quasi-legislative or quasi-judicial (adjudicative proceedings). Such items may require a public hearing and all interested persons will be provided an opportunity to make comments.

**Contested Adjudicative Matters**

Contested agenda items that are adjudicative, not quasi-legislative, are governed by the rules for adjudicative proceedings. State Water Resources Control Board (State Water Board) regulations setting forth the procedures for adjudicative proceedings before the State and Regional Water Boards are codified in Title 23, California Code of Regulations, Division 3. Adjudicative proceedings before the State and Regional Water Boards are governed by State Water Board regulations as authorized by Chapter 4.5 of the Administrative Procedures Act (commencing with section 11400 of the Government Code). State Water Board regulations further provide that, with certain exceptions, adjudicative proceedings will be conducted in accordance with sections 800-805 of the Evidence Code and section 11513 of Chapter 5 of the Government Code. (Other provisions of Chapter 5 of the Government Code do not apply to adjudicative proceedings before the State and Regional Water Boards). A copy of those regulations and Chapter 4.5 of the Administrative Procedures Act, section 11513 of the Government Code and sections 801-805 of the Evidence Code can be found at [http://www.waterboards.ca.gov/laws\\_regulations/](http://www.waterboards.ca.gov/laws_regulations/).

An adjudicative proceeding is a hearing to receive evidence for determination of facts pursuant to which the State or Regional Water Board formulates and issues a decision. A decision determines a legal right, duty, privilege, immunity or other legal interest of a particular person or persons. Examples of adjudicative proceedings include hearings to receive evidence concerning the issuance of waste discharge requirements or National Pollutant Discharge Elimination System (NPDES) permits, concerning cease and desist orders, and concerning orders imposing administrative civil liability. Adjudicative proceedings are not conducted according to the technical rules of evidence, and the Regional Board will accept testimony and comments that are reasonably relevant to the issues before the Board. Testimony or comments that are not reasonably relevant, or that are repetitious, will be excluded.

In some adjudicative matters, a separate Hearing Procedures Document has been issued. In those cases, the procedures set forth in that Document will apply, subject to discretionary modification by the Chairman. For other adjudicatory matters, the Chair may establish specific procedures for each item, and consistent with section 648, subdivision (d) of title 23 of the California Code of Regulations may waive nonstatutory provisions of the regulations. Generally, all witnesses testifying before the Regional Board must affirm the truth of their testimony and are subject to questioning by the Board Members.

## Agenda Notice for September 9, 2009

Absent a separate Hearing Procedures Document, the Board normally conducts adjudicative proceedings in an informal manner. That is, the Board does not, generally, require the designation of parties, the prior identification of witnesses, prior submission

of written testimony, or the cross examination of witnesses. Any requests for an alternate hearing process should be directed to the Executive Officer and must be received by the Regional Board by the deadline set forth on pages 1-2 of the Agenda.

When the Regional Board determines that a hearing will be formal (as opposed to informal, as described above), participants in a contested agenda item are either "designated parties" or "interested persons." Only designated parties will have the right to cross-examination, and may be subject to cross-examination. Interested persons (i.e., nondesignated parties) do not have a right to cross-examination, but may ask the Regional Board to clarify testimony. Interested persons may also be asked to clarify their statements at the discretion of the Regional Board.

Designated parties include:

- Staff of the Regional Board
- Discharger or Responsible Party
- Persons directly affected by the discharge

All other persons wishing to testify or provide comments for a formal hearing are "interested persons" and not "designated parties." Such interested persons may request status as a designated party for purposes of the formal hearing by submitting such request in writing to the Regional Board no later than the date specified at the beginning of the Agenda Notice or in the applicable Notice of Public Hearing or Hearing Procedures Document. The request must explain the basis for status as a designated party and, in particular, how the person is directly affected by the discharge.

All persons testifying must state their name, address, affiliation, and whether they have taken the oath before testifying. The order of testimony for formal hearings generally will be as follows, unless modified by the Regional Board Chair:

- Testimony and cross-examination of Regional Board staff
- Testimony and cross-examination of discharger
- Testimony and cross-examination of other designated parties
- Testimony by interested persons
- Closing statement by designated parties other than discharger
- Closing statement by discharger
- Closing statement by staff
- Recommendation by Executive Officer (as appropriate)
- Close hearing
- Deliberation and voting by Regional Board

Closing statements shall be for the purpose of summarization and rebuttal and are not to be used to introduce new evidence or testimony. After considering evidence, testimony, and comments, the Regional Board may choose to adopt an order regarding a proposed agenda item.



### **Quasi-legislative Matters**

Quasi-legislative matters include rulemaking and some informational proceedings. These matters may include hearings for the adoption or amendment of regulations, water quality control plans, and hearings to gather information to assist the State and Regional Water Boards in formulating policy for future action. They are not adjudicative proceedings and are subject to different procedures. (See PROCEDURE FOR INFORMATION ITEMS, above, and Cal. Code Regs. Tit. 23, § 649, et seq.)

#### **E. CONTRIBUTIONS TO REGIONAL BOARD MEMBERS**

Persons applying for or actively supporting or opposing waste discharge requirements or other Regional Board orders must comply with legal requirements if they or their agents have contributed or proposed to contribute \$250 or more to the campaign of a Regional Board member for elected office. Contact the Regional Board for details if you fall into this category.

#### **F. PROCEDURAL INFORMATION**

The Regional Board may meet in closed session to discuss matters in litigation, including discussion of initiated litigation, significant exposure to litigation, or decisions to initiate litigation [Authority: Government Code § 11126(e)]; deliberate on a decision to be reached based upon evidence introduced in an adjudicatory hearing [Authority: Government Code § 11126(d)]; or to consider the appointment, employment or dismissal of a public employee to hear complaints or charges brought against a public employee [Authority: Government Code §11126(a)].

The Regional Board may break for lunch at approximately noon at the discretion of the Chairman. During the lunch break Regional Board members may have lunch together. Other than properly noticed closed session items, Regional Board business will not be discussed.

Agenda items are subject to postponement. A listing of postponed items will be posted in the meeting room. You may contact the designated staff contact person in advance of the meeting day for information on the status of any agenda item.

Speaker Cards. All persons desiring to address the Regional Board are required to fill out a speaker card. Cards are normally provided near the entrance to the meeting room. Regional Board staff can assist you in locating the cards.

Please fill out a separate card for each item you plan to speak on. All relevant sections, including the oath, must be completed. Please use the appropriate color card, as indicated below:

Blue: Public Comments (for items requiring no Regional Board action - Public Forum, status reports, etc.).

Green: Public Testimony, in support of the tentative action.

Pink: Public Testimony, opposed to the tentative action.

Agenda Notice for September 9, 2009

G. AVAILABILITY OF EXECUTIVE OFFICER'S REPORT AND AGENDA MATERIAL

Visit our website at [www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego) to view the Executive Officer's Report over the internet two days prior to the Regional Board meeting. A copy can also be obtained by contacting the staff office. A limited number of copies are available at the meeting.

Copies of most 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](http://www.waterboards.ca.gov/sandiego/board_info/agendas).

Details concerning other agenda items are available for public reference during normal working hours at the Regional Board's office. The appropriate staff contact person, indicated with the specific agenda item, can answer questions and provide additional information. For additional information about the Board, please see the attached sheet.

H. PETITION OF REGIONAL BOARD ACTION

In accordance with California Water Code section 13320, any person affected adversely by most decisions of the California Regional Water Quality Control Board, San Diego Region (Regional Board) may petition the State Water Resources Control Board (State Board) to review the decision. The petition must be received by the State Board within 30 days of the Regional Board's meeting at which the adverse action was taken. Copies of the law and regulations applicable to filing petitions will be provided upon request.

I. HEARING RECORD

Material presented to the Board as part of testimony (e.g. photographs, slides, charts, diagrams etc.) that is to be made part of the record must be left with the Board. Photographs or slides of large exhibits are acceptable.

All Board files, exhibits, and agenda material pertaining to items on this agenda are hereby made a part of the record.

J. ACCESSIBILITY

The facility is accessible to people with disabilities. Individuals who have special accommodation or language needs, please contact Ms. Lori Costa at (858) 467-2357 or [lcosta@waterboards.ca.gov](mailto:lcosta@waterboards.ca.gov) at least 5 working days prior to the meeting. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

K. PRESENTATION EQUIPMENT

Providing and operating projectors and other presentation aids are the responsibilities of the speakers. Some equipment may be available at the Board Meeting; however, the type of equipment available will vary dependent on the meeting location. Because of compatibility issues, provision and operation of laptop computers and projectors for Power Point presentations will generally be the responsibility of the individual speakers. To ascertain the availability of presentation equipment please contact Ms. Lori Costa at (858) 467-2357 or [lcosta@waterboards.ca.gov](mailto:lcosta@waterboards.ca.gov) at least 5 working days prior to the meeting.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

Summary of Board Actions and Proceedings  
at the August 12, 2009 Board Meeting

**MINUTES**

Minutes of July 1, 2009 Board Meeting.

**REGIONAL BOARD ACTIONS**

Approved minutes.

**CONSENT ITEMS**

Item 5 - CONSIDERATION OF SETTLEMENT:  
Administrative Assessment of Civil Liability  
against Ametek Inc. (former Ametek/Ketema  
Aerospace Manufacturing Facility) for violation of  
Cleanup and Abatement Order No. R9-2002-  
0201. The Regional Board will consider  
adoption of an Order Assessing Administrative  
Civil Liability in accordance with the terms of a  
settlement agreement between the Regional  
Board Prosecution Team and Ametek, Inc. The  
Order would resolve violations alleged in  
Complaint No. R9- 2008-0033. The settlement  
includes: (1) payment of \$600,000 to the  
Regional Board for reimbursement of staff costs  
and to the State Water Resources Control Board  
Cleanup and Abatement Account; and (2)  
suspension of the remaining civil liabilities  
pending Ametek, Inc.'s completion of specified  
actions set forth in an agreed upon Cleanup and  
Abatement Order to the satisfaction of the  
Regional Board. If the Regional Board rejects  
the settlement, the matter will be rescheduled to  
a future public hearing at which time the  
Regional Board will consider assessment of civil  
liability. (Tentative Order No. R9-2009-0091)  
(Laurie Walsh)

Affirmed Order No. R9-2009-0091.

Item 6 - CONSIDERATION OF SETTLEMENT:  
William and Heidi Dickerson; Larry and  
Penelope Gunning; and Perry and  
Papenhausen, Inc. (Dischargers). Written public  
comments will be accepted until 5 p.m. on  
August 3, 2009. If the Regional Board rejects  
either proposed settlement, then the Petition for  
Writ of Mandate matter will return to Superior  
Court and consideration of Administrative Civil  
Liability (ACL) will be rescheduled for a future  
public hearing. (Frank Melbourn)

a. Settlement of Petition for Writ of Mandate  
(San Diego County Superior Court Case No. 37-  
2007-00075848-CU-WM-CTL, September 27,  
2007) (tentative Resolution No. R9-2009-0125)  
Dischargers challenged the Regional Board's  
adoption of Amended Cleanup and Abatement  
Order (CAO) Nos. R9-2006-0101 and R9-2006-  
0102. In the proposed settlement the Regional  
Board will rescind the CAOs in exchange for the  
Dischargers dismissing the Superior Court case

Adopted Resolution No. R9-2009-0125.

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with prejudice, paying the Regional Board \$67,000 in staff costs, replacing riprap, and replanting eelgrass; and

b. Settlement of Administrative Civil Liability (Tentative Order No. R9-2009-0084). In the proposed settlement the Dischargers will pay a \$61,200 ACL that includes: \$24,000 in satisfaction of ACL Complaint No. R9-2008-0019 for eight alleged mandatory minimum penalty violations of the Dickerson's General NPDES Groundwater Dewatering Permit; and \$37,200 for alleged violations of Regional Board Basin Plan Prohibitions, the Clean Water Act, and Regional Board Water Quality Certification No. 05C-041.

Item 7 - Rescission of Waste Discharge Requirements: Oglebay Norton Industrial Sands, Inc., Mission Viejo Sand Plant, Orange County; Verger Dairy, San Diego County; and Vulcan Materials, Sloan Canyon Sand Plant (Tentative Order No. R9-2009-0106 rescinding Order Nos. 88-55, 94-126, and 96-51) (*Cathryn Henning*)

**NON-CONSENT ITEMS**

Item 8 - a) NPDES Permit Reissuance: Waste Discharge Requirements for General Dynamics National Steel and Shipbuilding Company (NASSCO) Discharge to San Diego Bay (Tentative Order No. R9-2009-0099, NPDES No. CA0109134) (*Kristin Schwall*)

b) Time Schedule Order: An Order Requiring General Dynamics National Steel And Shipbuilding Company (NASSCO) Discharge to the San Diego Bay to Comply With Requirements Prescribed in Order No. R9-2009-0099 (NPDES No. CA0109134) (Tentative Order No. R9-2009-0117) (*Kristin Schwall*)

Item 9 - NPDES Permit Reissuance: Waste Discharge Requirements for the U.S. Navy, Naval Base San Diego (including the Graving Dock) Discharge to San Diego Bay (Tentative Order No. R9-2009-0100, NPDES Permit No. CA0109169) (*Vicente Rodriguez*)

**REGIONAL BOARD ACTIONS**

Affirmed Order No. R9-2009-0084.

Approved Order No. R9-2009-0106.

Approved Order No. R9-2009-0099 w/errata and supplemental information.

Approved Order No. R9-2009-0117 w/errata and supplemental information.

The hearing was held. The item was continued for 90 days.

**POSTPONED ITEM**

Item 10 - NPDES Permit Reissuance: General Waste Discharge Requirements for Discharges of Hydrostatic Test Water and Potable Water to Surface Waters and Storm Drains or Other Conveyance Systems Within the San Diego Region (Tentative Order No. R9-2009-0094, NPDES No. CAG679001) (*Michelle Mata*)

**REGIONAL BOARD ACTIONS**

Postponed to a future meeting.

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

9174 Sky Park Court, Suite 100  
San Diego, California 92123

Information: (858) 467-2952  
CALNET: (8) 734-2952

<u>BOARD MEMBERS</u>	<u>CITY OF RESIDENCE</u>	<u>APPOINTMENT CATEGORY &amp; DATE</u>	
Richard Wright – Chair	Jamul	County Government	11-30-01
David King – Vice Chair	San Diego	Recreation/Wildlife	12-19-06
Eric Anderson	Escondido	Irrigated Agriculture	11-30-01
Wayne Rayfield	Dana Point	Water Quality	11-28-07
Grant Destache	Chula Vista	Industrial Water Use	10-16-08
George Loveland	Escondido	Water Supply	11-03-08
Marc Luker	Temecula	Undesignated (Public)	02-09-09
Vacant		Municipal Government	
Vacant		Water Quality	

Executive Staff

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Michael McCann, *Assistant Executive Officer*  
Lori Costa, *Executive Assistant*

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Catherine Hagan  
Jessica Newman

State Board Member Liaison

Frances Spivy-Weber

**GROUND WATER BASINS BRANCH**

Julie Chan, *Supervising Engineering Geologist*

Orange and Riverside Co. Groundwater Unit

Robert Morris, *Sr. Water Resource Control Engineer*  
Carol Tamaki, *Water Resource Control Engr-D*  
Amy Grove, *Engineering Geologist-C*  
Fisayo Osibodu, *Water Resource Control Engr-B*  
Cathryn Henning, *Water Resource Control Engr-A*

Northern San Diego Co. Groundwater Unit

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Helen Yu, *Water Resource Control Engr-D*  
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Central San Diego Co. Groundwater Unit

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Beatrice Griffey, *Engineering Geologist-D*  
Lynn Berlad, *Environmental Scientist-C*  
Sean McClain, *Engineering Geologist-C*

South San Diego Co. Groundwater Unit

John Anderson, *Senior Engineering Geologist*  
Brian McDaniel, *Engineering Geologist-D*  
Barry Pulver, *Engineering Geologist-D*  
Tom Alo, *Water Resource Control Engr-C*  
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**WATER QUALITY RESTORATION AND STANDARDS BRANCH**

David Gibson, *Environmental Program Manager*

Total Maximum Daily Load

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Lisa Honma, *Environmental Scientist-C*  
Alan Monji, *Environmental Scientist-C*  
Benjamin Tobler, *Water Resource Control Engr-C*  
Cynthia Gorham-Test, *Environmental Scientist-C*

Water Quality Standards Unit

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Deborah Woodward, *Environmental Scientist-C*  
Charles Cheng, *Engineering Geologist-D*  
Amy Mecklenborg, *Environmental Scientist-B*  
Wayne Chiu, *Water Resource Control Engr-D*

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Bruce Posthumus, *Senior WRC Engineer*

Compliance Assurance Unit

Jeremy Haas, *Senior Environmental Scientist*  
Frank Melbourn, *Water Resource Control Engr-D*  
Rebecca Stewart, *Sanitary Engineering Associate*  
Joann Cofrancesco, *Water Resource Control Engr-C*

Information Systems Management

Bob Rossi, *Staff Information Systems Analyst*

Business Support Services

DiAnne Broussard, *Administrative Officer II*

Administrative Support Services:

Equilla Harris, *Staff Services Analyst*  
Sylvia Wellnitz, *Digital Composition Specialist I*  
Rachel Stewart, *Office Technician*  
Vacant, *Office Technician*  
Amy Cooper, *Associate Governmental Program Analyst*

Information Technology Unit:

Vacant, *Assistant Information Systems Analyst*

**SURFACE WATER BASINS BRANCH**

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**Northern Watershed Unit**

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Anthony Felix, *Water Resource Control Engr-C*  
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**Central Watershed Unit**

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Michael Porter, *Engineering Geologist-C*  
Laurie Walsh, *Water Resource Control Engr-C*  
Kristin Schwall, *Water Resource Control Engr-D*  
Christopher Means, *Environmental Scientist-C*

**Southern Watershed Unit**

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Dat Quach, *Water Resource Control Engr-D*  
Christina Arias, *Water Resource Control Engr-C*  
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**Core Regulatory Unit**

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Melissa Valdovinos, *Water Resource Control Engr-C*  
Whitney Ghoram, *Sanitary Engineering Associate*  
Michelle Mata, *Water Resource Control Engr-A*  
Linda Pardy, *Environmental Scientist-C*  
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