

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
AGENDA

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Wednesday, July 14, 2010
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, June 29, 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, July 6, 2010 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.***

*****THE BOARD WILL CONSIDER ITEM 9a. BEFORE CONSIDERING ITEMS 2-9. ITEMS 2-9 WILL BE CONSIDERED NO EARLIER THAN 11:00 A.M.***

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, July 6, 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 Meetings: May 12, 2010 and June 9, 2010.
Because the Board lacked a quorum to meet, the June 9, 2010 minutes are not minutes of the Board meeting but rather are notes of the subcommittee meeting that occurred in the absence of a quorum.
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 through 8 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. Update of Waste Discharge Requirements: City of Escondido, Hale Avenue Resource Recovery Facility (Master Reclamation Permit with Waste Discharge Requirements for the production and purveyance of recycled water) (Tentative Order No. R9-2010-0032) *(Robert Pierce)*
6. Resolution Requesting Funding from the Cleanup and Abatement Account for Lake San Marcos (Tentative Resolution No. R9-2010-0079) *(Chiara Clemente)*
7. Resolution Requesting Funding from the Cleanup and Abatement Account for County of San Diego, Beach Water Quality Monitoring (Tentative Resolution No. R9-2010-0091) *(Eric Becker)*

8. NPDES Permit Revision: Order No. R9-2009-0080, NPDES No. CA0109151, Waste Discharge Requirements for BAE Systems San Diego Ship Repair, Inc. Discharge to San Diego Bay (Tentative Order No. R9-2010-0090) (*Brian Kelley*)

Remainder of the Agenda (Non-Consent Items):

9. Hydromodification Management Plan adoption consideration. The San Diego Water Board will consider adoption of a Hydromodification Management Plan (HMP) for San Diego County. The HMP was developed as a requirement of Order No. R9-2007-0001, the San Diego County Municipal Storm Water Permit (Tentative Resolution No. R9-2010-0066) (*Christina Arias*)
- 9a. Prehearing Conference to Consider San Diego Water Board Cleanup Team Motion to Extend Discovery Schedule. The San Diego Water Board will consider ruling on the San Diego Water Board Cleanup Team Motion to Extend the Discovery Schedule in Tentative Cleanup and Abatement Order No. R9-2010-0002, San Diego Bay Shipyard Sediment Site. Responses to the Motion were due on or before June 24, 2010. (*Frank Melbourn*)
10. *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. 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). (*David Gibson*)
- 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. *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*)
- d. *Surfrider Foundation v. California Regional Water Quality Control Board, San Diego Region*, Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37-2010-0009-436-CU-WM-CTL (filed April 2010). (*Brian Kelley*)
- e. *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*)

Petitions for Review Pending Before State Water Resources Control Board

- f.* Petition of NRDC, Inc. (Waste Discharge Requirements Order No. R9-2007-001 [NPDES No. CAS0108758] for Urban Runoff Discharges from the Municipal Storm Systems in the Incorporated Cities of San Diego, San Diego Unified Port District, and San Diego Regional Airport Authority, SWRCB/OCC File A-1830(c), filed February, 2007 (in abeyance).
- 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 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*)
- i.* 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*)
- j.* 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*)
- k.* 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 (requests to hold in abeyance). (*Ben Neill*)
- l.* Petition of Chevron (Revised Cleanup and Abatement Order No. R9-2009-0124 for Chevron USA, Inc. at Chevron Service Station No. 9-3417, 32009 Camino Capistrano, San Juan Capistrano, Orange County), SWRCB/OCC File A-2074, filed January 2010. (*Barry Pulver*)
- m.* Petitions of American Salvage Inc., and Consolidated Electrical Distributors (CED) and Northbrook Properties, Inc. (NPI) (Cleanup and Abatement Order No. R9-2010-007), SWRCB/OCC Files A-2084 and 2084(a), filed February 2010 (requests to hold in abeyance). (*Lynn Berlad*)
- n.* 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 (request to hold in abeyance). *(Mike Porter)*

- o. Petition of California Independent System Operator Corporation (Order No. R9-2010-0062 Determining No Changes Are Warranted to Order No. R9-2004-0154 (Dynegy South Bay, LLC, South Bay Power Plant, NPDES Permit No. CA0001368) SWRCB/OCC File A-2103, filed June 2010. *(Kristin Schwall)*
11. *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)*
 12. *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)]
 13. *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)]
 14. Arrangements for Next Meeting and Adjournment
 Wednesday, August 11, 2010 - 9:00 a.m.
 Water Quality Control Board
 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. Public Participation 30-day Notice

The San Diego Water Board intends to issue a no further action letter for remediation of an unauthorized release of petroleum fuel from a leaking underground storage tank (UST) at Building 210560/58 at Marine Corps Base Camp Pendleton, California. This notification is made pursuant to California Code of Regulations, Title 23, Chapter 16, Article 11, section 2728. The residual concentrations of fuel constituents in soil and groundwater do not appear to pose a threat to human health or the environment and the unauthorized release case may be closed. Additional details about this UST case are available from the GeoTracker website at: https://geotracker.waterboards.ca.gov/regulators/screens/menu.asp?global_id=T0607302930. Provided no significant issues arise during the public notification period the San Diego Water Board will issue a no further action letter in August 2010. *(Helen Yu)*

C. Public Participation 30-day Notice

The San Diego Water Board intends to issue a no further action letter for remediation of an unauthorized release of petroleum fuel from a leaking underground storage tank (UST) at Building 21587 at Marine Corps Base Camp Pendleton, California. This notification is made pursuant to California Code of Regulations, Title 23, Chapter 16, Article 11, section 2728. Based upon the relatively small extent of soil and groundwater contamination, the residual concentrations of fuel constituents do not appear to pose a significant threat to human health or the environment under current site conditions and the unauthorized release case may be closed. Additional details about this UST case are available from the GeoTracker website at: https://geotracker.waterboards.ca.gov/regulators/screens/menu.asp?global_id=T0607300685. Provided no significant issues arise during the public notification period the San Diego Water Board will issue a no further action letter in August 2010. *(Helen Yu)*

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.