

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

# **MEETING NOTICE AND AGENDA**

**Wednesday, June 8, 2011  
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, May 24, 2011\* 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, May 31, 2011 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 OR PROCEDURES FOR SUBMITTING WRITTEN MATERIALS. IN THOSE CASES THE DIFFERENT DEADLINES OR PROCEDURES 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 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 or evidence into the record if it is not submitted to the San Diego Water Board in a timely manner and shall refuse to do so if admitting it would prejudice any party or the board, unless the proponent demonstrates 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, May 24, 2011.

**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](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: May 11, 2011.
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: 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.)***

5. Waste Discharge Requirements Revision: California Department of Transportation, District 11, Buckman Springs Safety Road Side Rest Area, San Diego County, amendments to Order No. R9-2009-0105 modifying requirements for submittal of a water quality investigation report. (Tentative Order No. R9-2011-0043) (*Fisayo Osibodu*)

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

6. Informational Item: Comision Estatal de Servicios Publicos de Tijuana (CESPT) will provide an update on sewage treatment operations south of the international border. (*Bob Morris and Bart Christensen*)
7. NPDES Permit Reissuance: Fallbrook Public Utility District, Wastewater Treatment Plant 1, Discharge to the Pacific Ocean. (Tentative Order No. R9-2011-0041, NPDES Permit No. CA0108031) (*Ben Neill*)

8. NPDES Permit Reissuance: SeaWorld Parks & Entertainment, Inc., Sea World -San Diego. (Tentative Order No. R9-2011-0032, NPDES Permit No. CA0107336) (*Michelle Mata*)
9. Hearing and Adoption Consideration: 2011 Basin Plan Triennial Review. The San Diego Water Board will consider adopting a short list of suggested Basin Plan revisions to serve as the basis of a three-year work plan. (Tentative Resolution No. R9-2011-0047) (*Deborah Woodward*)
10. TMDL Basin Plan Amendment Hearing: Resolution Amending the Water Quality Control Plan for the San Diego Basin (9) to Incorporate the Sediment Total Maximum Daily Load (TMDL) for Los Peñasquitos Lagoon. The San Diego Water Board will deliberate and consider adopting an amendment to incorporate the sediment TMDL into the Basin Plan. (Tentative Resolution No. R9-2011-0021) (*Cathryn Henning*)
11. San Diego Shipyard Sediment Site, Tentative Cleanup and Abatement Order No. R9-2011-0001, San Diego County, Third Amended Order of Proceedings Issued by Presiding Officer for Prehearing Proceedings on May 17, 2011. The Board may affirm, modify or reject the Third Amended Order of Proceedings. (Tentative Resolution No. R9-2011-0051) (*Frank Melbourne*)
12. *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. Edward Drusina, 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. *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*)
- c. *Surfrider Foundation v. California Regional Water Quality Control Board, San Diego Region*, Petition for Writ of Mandate [re: San Diego Water Board's adoption of Order No. R9-2009-0038 amending Order No. R9-2006-0065 for Poseidon Resources (Channelside), LLC, NPDES Permit No. CA0109223, approval of a Flow, Entrainment and Impingement Minimization Plan under the California Water Code]. San Diego County Superior Court, Case No. 37-2010-0009-436-CU-WM-CTL (filed April 2010). (*Brian Kelley*)

- d. *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)*
- e. *California Regional Water Quality Control Board, San Diego Region v. Bill and Heidi Dickerson, Larry and Penelope Gunning and Perry & Papenhausen, Inc. Complaint for Damages for Breach of Contract and for Specific Performance. San Diego County Superior Court, Case No. 37-2010-00096011-CU-CO-CTL (filed July 2010) (Jeremy Haas)*
- f. *State of California Department of Finance, State Water Resources Control Board, And California Regional Water Quality Control Board, San Diego Region v. Commission on State Mandates. Petition for Writ of Administrative Mandamus. Sacramento County Superior Court, Case No. 34-2010-80000604 (filed July 2010) (Catherine George Hagan)*

**Petitions for Review Pending Before State Water Resources Control Board**

*None at this time (all petitions are currently being held in abeyance).*

- 13. *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)*
- 14. *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)]
- 15. *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)]
- 16. Arrangements for Next Meeting and Adjournment  
Wednesday, August 10, 2011 - 9:00 a.m.  
Water Quality Control Board  
Regional 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](http://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. Completed Cleanup Action - 30-day Public Notice**

##### **Las Brisas Cleaners, 39840 Los Alamos Rd, Unit 2, Murrieta, CA 92652**

The San Diego Water Board intends to issue a no further action letter for cleanup of an unauthorized release of perchloroethene (PCE) from a dry cleaners operation in Murrieta, CA. This public notice fulfills the Regional Board's obligation to inform the public of completed corrective action as required by California Code of Regulations (CCR), Title 23, Division 3, Chapter 16, Article 11, section 2728. Five monitoring wells monitor the groundwater. PCE levels in groundwater have decreased from 48 ug/L to 6.2 ug/L. The current site conditions do not pose a threat to human health or the environment, and the unauthorized release case can be closed. The case files are available for public review by submitting a file review request to the San Diego Water Board office, or on-line from the Geotracker database. For additional information, please visit <http://www.geotracker.waterboards.ca.gov> to obtain recent groundwater and remediation status reports (go to "Advanced Search", type "2090023" in the CaseID/Global ID and choose "Search"). Provided no significant issues arise during the public notification period, the San Diego Water Board will issue a no further action letter after June 8, 2011. (Susan Pease)

#### **C. Completed Cleanup Action - 30-day Public Notice**

##### **Stan's Service Station, 41991 Ivy Street, Murrieta, CA 92562**

The San Diego Water Board intends to issue a no further action letter for cleanup of an unauthorized release of total petroleum hydrocarbons (TPH) from a former gas station in Murrieta, CA. This public notice fulfills the Regional Board's obligation to inform the public of completed corrective action as required by California Code of Regulations (CCR), Title 23, Division 3, Chapter 16, Article 11, section 2728. Five monitoring wells monitor the groundwater. Remediation by soil vapor extraction and ozone sparging reduced the TPH pollution concentrations in groundwater. The current site conditions do not pose a threat to human health or the environment, and the unauthorized release case can be closed. The case files are available for public review by submitting a file review request to the San Diego Water Board office, or on-line from the Geotracker database. For additional information, please visit <http://www.geotracker.waterboards.ca.gov> to obtain recent groundwater and remediation status reports (go to "Advanced Search", type "T0606501144" in the CaseID/Global ID and choose "Search"). Provided no significant issues arise during the public notification period, the San Diego Water Board will issue a no further action letter after June 8, 2011. (Susan Pease)

***DIRECTIONS TO 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.