



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

May 21, 2012

Barb Irwin, Director Environmental
West Region Operations
Dynegy, Inc.
4140 Dublin Blvd, Suite 100
Dublin, CA 94568

In reply refer to / attn.: bmorris

Thomas A. Driscoll
Driscoll Inc.
2500 Shelter Island Drive
San Diego, CA 92106

Mark Stiefel
3270 Holland Road
Winchester, CA 92596

John Englehardt, President
Resource Environmental LLC
4700 Iao Hwy. 22, # 520
Mandeville LA 70471

Subject: Tentative Order No. R9-2012-0043

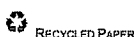
To Interested Persons:

Enclosed is a copy of tentative Order No. R9-2012-0043, *An Order Rescinding Orders Nos. R9-2008-0071, R9-2005-0148, R9-2004-0154, and R9-2007-009*. The tentative Order, if adopted, will rescind the waste discharge requirements prescribed in the following Orders:

1. Order No. R9-2008-0071 for Resource Environmental Limited Liability Corporation In-situ Chemical Oxidation Project at 105 and 112 South Rancho Santa Fe Road, San Marcos, San Diego County.
2. R9-2005-0148 (NPDES No. CA0109070) for the discharge from the Driscoll's West Boat Repair Facility to San Diego Bay.

GRANT DESTACHE, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

9174 Sky Park Court, Suite 100, San Diego, CA 92123 | (858) 467-2952 | www.waterboards.ca.gov/sandiego



3. R9-2004-0154 (NPDES No. CA0001368) for the Dynege South Bay, LLC, South Bay Power Plant discharge to San Diego Bay.
4. Order No. R9-2007-0009 (NPDES No. CA0109011) for the Jack and Mark Steifel Dairy in Riverside County.

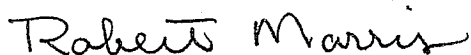
The tentative Order will be considered for adoption by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) at their scheduled meeting on Wednesday, June 13, 2012. The meeting will begin promptly at 9:00 AM and will be held at the following location:

Regional Board Room
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Please review and comment on the tentative Order at your earliest convenience. Written comments should be submitted by 5:00 p.m. on May 29, 2012. Per San Diego Water Board direction, written material submitted to the San Diego Water Board office after the submittal deadline date will not be provided to the San Diego Water Board.

In the subject line of any response, please include the information located in the heading of this letter: "in reply refer to." For questions or comments, please contact Mr. Bob Morris by phone at (858) 467-2962, or by email bmorris@waterboards.ca.gov.

Respectfully,



Robert W. Morris
Senior Water Resource Control Engineer

Enclosure: Tentative Order No. R9-2012-0043

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

TENTATIVE ORDER NO. R9-2012-0043

**AN ORDER RESCINDING ORDER NOS. R9-2008-0071, R9-2005-0148,
R9-2004-0154, AND R9-2007-0009**

The California Regional Water Quality Control Board, San Diego Region (hereinafter San Diego Water Board), finds that:

1. The following facts support rescission of Order No. R9-2008-0071, *Waste Discharge Requirements for Resource Environmental Limited Liability Corporation In-situ Chemical Oxidation Project at 105 and 112 South Rancho Santa Fe Road, San Marcos, San Diego County*.
 - a. Order No. R9-2008-0071 prescribes waste discharge requirements for in-situ chemical oxidation at the Rancho Santa Fe Gas Service Station (formerly a Texaco Service Station) located at 105 South Rancho Santa Fe Road and the Exxon Mobile Service Station (formerly a Shell Service Station) located at 112 South Rancho Santa Fe Road.
 - b. The attempted in-situ remediation authorized under Order No. R9-2008-0071 provided no additional benefit in the remediation of the existing waste. Therefore, URS Corporation, on behalf of Resource Environmental LLC has discontinued in-situ chemical oxidation at the site and has requested rescission of Order No. R9-2008-0071.
 - c. The San Diego County, Department of Environmental Health, Underground Storage Tank Local Oversight Program is the lead agency for cleanup at the site and has confirmed that in-situ chemical oxidation will no longer be used at the site.

2. The following facts support rescission of Order No. R9-2005-0148, *Waste Discharge Requirements For Industrial Storm Water Discharges From Driscoll's West Boat Repair Facility To San Diego Bay*.
 - a. R9-2005-0148 (NPDES No. CA0109070) prescribes Waste Discharge Requirements to Driscoll's West for the discharge of storm water from the Driscoll's West Boat Repair Facility to San Diego Bay.
 - b. Driscoll's West requested rescission of Order No. R9-2005-0148 by e-mail dated February 13, 2012. Monitoring reports state that the boatyard was dismantled in September 2007.
 - c. PG Environmental, a United States Environmental Protection Agency contractor, conducted a site inspection on April 25 and May 5, 2011, of the Driscoll's West facility and confirmed that operations have been terminated.

3. The following facts support rescission of Order No. R9-2004-0154, *Waste Discharge Requirements For Dynegy South Bay, LLC, South Bay Power Plant, San Diego County*.
 - a. R9-2004-0154 (NPDES No. CA0001368) prescribes Waste Discharge Requirements to Dynegy South Bay, LLC for the discharge of up to 601.13 million gallons per day of heated once-through-cooling water from the South Bay Power Plant to San Diego Bay.
 - b. Dynegy South Bay, LLC requested rescission of Order No. R9-2004-0154 by letter dated December 29, 2010, informing the San Diego Water Board that the power plant would be shutting down all plant operations effective 11:59:59 PM on December 31, 2010.
 - c. On December 31, 2010, Dynegy South Bay, LLC ceased operations of the South Bay Power Plant following termination of its Reliability Must Run Status by the California Independent System Operator.
4. The following facts support rescission of Order No. R9-2007-0009, *Waste Discharge Requirements for Jack and Mark Steifel Dairy, Riverside County*.
 - a. Order No. R9-2007-0009 (NPDES No. CA0109011) established requirements for waste associated with manure and wash water from production areas, storage piles and land application areas and for discharges of nutrient laden storm water. The facility is permitted to discharge and manage waste volumes not exceeding those attributable to a mature milking cow herd of 1,500 cows being milked twice per day to retention ponds.
 - b. In 2003, the United States Environmental Protection Agency (USEPA) revised the effluent limitations and permitting regulations for confined animal feeding operations (CAFOs). The 2003 rule eliminated the exemption for operations that discharge only in a large 25-year, 24-hour storm event, and added requirements for land application areas under the control of the CAFO (68 FR 7176). The 2003 CAFO rule had required any CAFO with a potential to discharge manure, litter, or process wastewater to waters of the U.S. to apply for an NPDES permit. This requirement, however, was vacated in February 2005, as part of a decision by the Second Circuit in *Waterkeeper Alliance et al. v. EPA*.
 - c. General Order No. R9-2008-0130 prescribes waste discharge requirements for existing dairy animal feeding operations in the San Diego Region. Pursuant to the provisions of the General Order, existing dairies including the Jack and Mark Steifel Dairy, are automatically enrolled upon termination of their individual NPDES permits.
 - d. On March 14, 2012, Mr. Mark Steifel, the owner of Jack and Mark Steifel Dairy submitted a request for the rescission of Order No. R9-2007-0009.
5. The San Diego Water Board has notified all known interested parties of its intent to rescind Order Nos. R9-2008-0071, R9-2005-0148, R9-2004-0154, and R9-2007-0009.

6. The San Diego Water Board, in a public hearing, heard and considered all comments pertaining to the proposed rescission.

IT IS HEREBY ORDERED, THAT, Order No. R9-2008-0071, Order No. R9-2005-0148, Order No. R9-2004-0154, and Order No. R9-2007-0009 are rescinded.

I, David W. Gibson, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on June 13, 2012.

TENTATIVE

DAVID W. GIBSON
Executive Officer