

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

AGENDA

Wednesday, December 10, 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, November 26, 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, December 3, 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 if a separate hearing procedures notice has not been issued for a particular agenda item. 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, November 26, 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: November 12, 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.

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. Negative Declaration: Skyline Ranch Country Club LLC., Recycled Water Project, San Diego County (Tentative Resolution No. R9-2008-0128) (*Bob Morris*)
6. Modification of Waste Discharge Requirements: Skyline Ranch Country Club LLC, Recycled Water Project, San Diego County (Tentative Addendum No. 1 to Order No. R9-2005-0258) (*Bob Morris*)
7. NPDES Permit Reissuance: Waste Discharge Requirements for Genentech, Inc. discharge to the Pacific Ocean via the Oceanside Ocean Outfall, San Diego County. (Tentative Order No. R9-2008-0082, NPDES Permit No. CA0109193) (*Michelle Mata*)
8. NPDES Permit Rescissions: (*Michelle Mata*)
 - a) An Order rescinding Waste Discharge Requirements for Van Ommering Dairy, San Diego County, Order No. R9-2004-0065, NPDES No. CA0109207 (Tentative Order No. R9-2008-0124);
 - b) An Order rescinding Waste Discharge Requirements for S & S Farms Swine Raising Facility, San Diego County, Order No. R9-2002-0067, NPDES No. CA0109371 (Tentative Order No. R9-2008-0123);
 - c) An Order rescinding Waste Discharge Requirements for the Tom Van Tol T.D. Dairy, San Diego County, Order No. 2001-28, NPDES No. CA0109339 (Tentative Order No. R9-2008-0122); and,
 - d) An Order rescinding Waste Discharge Requirements for Frank J. Konyon Dairy, San Diego County, Order No. 2000-163, NPDES No. CA0109053 (Tentative Order No. R9-2008-0117)

Remainder of the Agenda (Non-Consent Items):

9. Mitigated Negative Declaration: General Waste Discharge Requirements for Existing Dairy Animal Feeding Operations in the San Diego Region. (Tentative Resolution No. R9-2008-0129) (*Cathryn Henning*)
10. Waste Discharge Requirements: General Waste Discharge Requirements for Existing Dairy Animal Feeding Operations in the San Diego Region. (Tentative Order No. R9-2008-0130) (*Cathryn Henning*)
11. Administrative Assessment of Civil Liability: City of San Marcos, Bradley Park Landfill. The Regional Board will consider whether to approve, raise, lower, or reject assessment of the \$59,975 civil liability recommended in Complaint No. R9-2008-0080 for the alleged violation of Water Code section 13267 and Water Quality Investigative Order No. R9-2006-0044 by the City of San Marcos for failing to submit a complete Report of Waste Discharge for implementation of an investigation and corrective action program at the Bradley Park Landfill. The deadline for the submission of evidence and legal argument pertaining to the Complaint was Friday, November 21, 2008. (Tentative Order No. R9-2008-0155) (*Amy Grove/Bob Morris*)
12. Administrative Assessment of Civil Liability: SFPP, L.P., an operating partnership of Kinder Morgan Energy Partners, L.P., Mission Valley Terminal Remediation Dewatering Project. The Regional Board will consider a Tentative Order that would impose a \$222,000 penalty, including \$93,000 in mandatory minimum penalties, based on Complaint No. R9-2008-0046 for violations of Order No. R9-2001-0096, NPDES No. CAG919002, General Waste Discharge Requirements for Groundwater Extraction Waste Discharges From Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters Within the San Diego Region Except for San Diego Bay. The Regional Board may approve, modify, or reject the Tentative Order. If the Tentative Order is rejected, a hearing will be scheduled to be held at a future Board meeting. (Tentative Order No. R9-2008-0134) (*Jeremy Haas*)
13. **PUBLIC HEARING:** Administrative Assessment of Civil Liability, Santa Margarita Water District, Sewage Collection System: The Regional Board will consider adoption of a tentative Order that would impose \$133,190 in civil liability recommended in Complaint No. R9-2008-0057 for violations of Regional Board Order No. R9-2007-0005, Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region. The Regional Board may approve, raise, lower, or reject assessment of the recommended penalty. (Tentative Order No. R9-2008-0159) (*Joann Cofrancesco*)
14. Information Item: City of San Diego Point Loma Ocean Outfall 301(h) Waiver Public Participation/NPDES Permit Approval Process. The current NPDES permit and waste discharge requirements for the City of San Diego E. W. Blom Point Loma Metropolitan Wastewater Treatment Plant discharge to the Pacific Ocean through the Point Loma Ocean Outfall are based on a variance from federal secondary treatment standards at Title 40 of the Code of Federal Regulations Part 133 (40 CFR 30), as provided for improved discharges under Clean Water Act section 301(h) and 40 CFR 125, Subpart G. The United States Environmental Protection Agency, Region IX (USEPA) will discuss the integrated administrative and public participation processes USEPA and the Regional Board will use in considering permit reissuance at a future board meeting. (NPDES Permit No. CA0107409) (*Melissa Valdovinos*)
15. Information Item: Tijuana River Watershed – Abatement of Trash and Sediment Discharges (*John Robertus*)

16. *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:

- 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 Melbourne*)
 - 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. *Surfrider Foundation v. California Regional Water Quality Control Board -- San Diego Region, (Poseidon Resources, Real Party-in-Interest)*, Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37-2008-00091983-CU-WM-CTL (filed September 2008). (*Michelle Mata*)
17. *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*)
18. *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)]

19. *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)]
20. Arrangements for Next Meeting and Adjournment
Wednesday, January 21, 2009 - 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

The California Regional Water Quality Control Board, San Diego Region (Regional Board) is providing public notification of the Regional Board's concurrence with the Remedial Action Plan (RAP) /Record of Decision (ROD) for Installation Restoration Program (IRP) Site 6, Murphy Canyon Naval Housing, Naval Base San Diego. Naval Facilities Engineering Command Southwest (NAVFAC) identified the selected remedial action for unexploded ordnance and waste military munitions potentially present in soils at IRP Site 6, Murphy Canyon Naval Housing, San Diego. The selected remedy consists of land use controls including fencing and sign placement with long term management and inspections to identify any activity that may expose the public to potential ordnance remaining at this site. This public notice fulfills the Regional Board's obligation to inform the public of the proposed actions pursuant to the State and Regional Boards' Public Participation guidance document. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter after December 10, 2008. *(Brian McDaniel)*

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.