

Los Angeles Regional Water Quality Control Board

Meeting Minutes

Los Angeles Water Board Meeting
October 3, 2013

Metropolitan Water District of Southern California
700 North Alameda Street
Los Angeles, California 90017

The meeting was called to Order by Chair Maria Mehranian at 9:12 am.

Roll Call.

Board Members Present: Maria Camacho, Fran Diamond, Madelyn Glickfeld, Maria Mehranian, Irma Muñoz, Charles Stringer, and Lawrence Yee

Board Members Absent: None

Staff Present: Samuel Unger, Deborah Smith, Paula Rasmussen, Frances McChesney, Jennifer Fordyce, Nicole Kuenzi, Ronji Moffett, Cynthia Miller, Alex Carlos, Renee Purdy, David Hung, Brandi Outwin-Beals, Eric Wu, Rebecca Chou, Cassandra Owens, Michael Lyons, Dr. Arthur Heath, Hugh Marley, Russ Colby, Veronica Cuevas, Rosario Aston, Dr. Yue Rong, Dr. L.B. Nye,

Individuals whose Names Appear on the Sign-In Sheet and/or Speaker Cards

Mr. Peter Shallenbarger, Heal the Bay	Ms. Viviana L. Heger, Tesoro Refining & Marketing
Ms. Kirsten James, Heal the Bay	Ms. Adrian Rosa, Tesoro Refining & Marketing
Mr. Matt Arms, Port of Long Beach	Ms. Rachel Richman, City of Alhambra
Councilman Kevin Sawkins, City of San Gabriel	Mr. Daren Grilley, City Engineer, San Gabriel
Dr. Susan Paulsen, Flow Science, Rep. Tesoro	Councilman Timben Bosostor, City of Santa Clarita
Mr. George De Lao, L.A. County Flood Control District	Mr. Adan Ortega, Jr., Main San Gabriel Basin Watermaster
Mr. David Kimbrough, Pasadena Water & Power	

2. Order of Agenda.

The Executive Officer, Samuel Unger asked for the following changes:

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- Item 3, draft Meeting Minutes for September 12, 2013 meeting are postponed.
- Asked that Item 12 is heard following Item 14

Item 4. Board Member Communications.

There was no communication that constituted disclosure.

Item 5. Executive Officer's Report. *(Presented by Executive Officer, Samuel Unger)*

Report and Addendum Report was given to the Board. The Report was posted on the Board's website:

<http://www.waterboards.ca.gov/losangeles>

Enforcement Report, by Me. Hugh Marley, Chief Enforcement. *(Mr. Marley made, but was not limited to the following points during his presentation):*

- Enforcement Report highlighted NPDES, Sanitary Sewer System Permit (MS4), and Stormwater compliance
- Gave da program overview on the 401 Water Quality Certification Program, which was concluded by Dr. L.B. Nye
- Discussed The City of Santa Clarita Valley Sanitation District Settlement Agreement
- Discussed the Enforcement Program's Expedited Payment Program

Dr. L.B. Nye, Unit Chief of 401 Certification Program *(Ms. Nye made, but was not limited to the following points):*

- Gave examples of 401 Certifications
- Talked about the development of a 401 case
- Indicated that staff gets referrals from water agencies
- Projects of 401 cases usually have permits from Army Corp of Engineers
- Many of the cases require follow-up
- 401's will additionally begin to work with Enforcement

Adoption of 2014 Board Meeting Schedule.

The Board adopted the schedule with one edit to the April Board meeting date, from April 4 to April 10, 2014.

Item 6. Update from State Board.

Ms. Fran Spivy -Weber gave an update/report to the Board. During her presentation Ms. Weber made, but was not limited to the following points:

- *WQCC meeting will be held in Sacramento October 24-25, 2013, and on October 23rd, there will be a field trip*
- *At the WQCC, there will be discussion on Climate and Environmental Justice from a Regional Board perspective*
- *Irma Muñoz will sit on a WQCC Panel on October 25th in Sacramento.*
- *State Board will be working on a Fracking Report. Have 18 months to create Standards for the Fracking Bill*
- *State Board is working on a Trash Policy*
- *Currently putting the finishing touches on CalTrans permit*

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- *Will soon be releasing the Groundwater Plan*
- *Asked Sam to send Fran-Spivy Weber the Groundwater Report for today's Groundwater presentation*

Public Forum.

- Mr. David Kimbrough, Pasadena Water & Power
- Mr. Adan Ortega, Jr., Main San Gabriel Basin Watermaster
- Ms. Kirsten James, Heal the Bay
- Mr. George De Lao, Los Angeles County Flood Control District
- Mr. Timben Bososton, Councilmember City of Santa Clarita

Uncontested Items calendar:

The Executive Officer stated the Uncontested items as: 8, and 9

MOTION: To approve Items, 8, 10, 11, and 12.

First: Vice Chair Charles Stringer

Second: Board member Irma Muñoz

Vote: Approved by unanimous vote

Item 10.1, and 10.2 Consideration of tentative Waste Discharge Requirements (WDR) and Time Schedule Order (TSO) for Tesoro Refining & Marketing Company LLC

Staff Report. Ms. Cassandra Owens Gave the staff presentation. *(During Ms. Owens' presentation, she made, but was not limited to the following points):*

- Waste is discharged to Cerritos Channel
- Discharges 1.5 million gallons per day (mgpd) of treated wastewater
- Discussed the regulatory background of NPDES permit
- Processes green coke, which contains hydrocarbons
- Limits for bacteria are included in this permit
- Discussed the Monitoring Water Discharge Plan Requirements

Time Schedule Order:

- Lead was detected at a maximum level
- The proposed TSO does not include monitoring requirements for lead
- The permittee submitted a request for a TSO
- Discussed the TSO provisions
- The permittee requested that lead is included the list of pollutants addressed by the TSO
- Tesoro proposed monitoring thresholds in lieu of interim monitoring limitations:

Speaker cards:

Ms. Vivian L. Heger, Representing Tesoro Refining and Marketing Company, LLC *(made, but was not limited to the following remarks):*

- Tesoro is proposing new limits for the proposed TSO
- Tesoro opposes the monitoring associated with the Total Maximum Daily Load (TMDL)
- Calciner is not one of the sources of the contaminated sediment (DDT or PCBs)

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Mr. Adrian Rosu, Tesoro

- Discussed capture and use of stormwater on site
- The basin is designed to combine waters for recycling
- There is not a single data point that shows the facility discharges PCBs, and DDTs

Dr. Susan Paulsen, Flow Science

- Gave an Overview regarding DDT, and PCBs at the site
- TMDL focuses on legacy pollutants
- Atmospheric deposition is the main source
- Even eliminated discharge completely from Calciner would have no impact on DDT loads or concentration at the site

Board concerns:

- Asked how the water is treated at the site.
- Wouldn't the facility be in compliance since there is no discharge
- Has there been a Reasonable Potential Analysis (RPA) performed?

MOTION: To approve the permit as proposed by staff.

First: Board member Fran Diamond

Second: Board member Irma Muñoz

Vote: Approved by unanimous vote

Item 11. Consideration of Waste Discharge Requirements for Port of Long Beach, Five-year Maintenance Dredging.

Staff Report by Mr. Michael Lyons. (*Mr. Lyons made, but was not limited to the following points, during his presentation*):

- Dredging history
- Pier J Turning Basin
- Knockdown dredging is a quick inexpensive maintenance option
- Comments received by Heal the Bay, and Port of Long Beach
- Heal the Bay requests more frequent receiving water monitoring
- Concern that knockdown dredging can cause water quality impacts

Mr. Matt Barns, Representing Port of Long Beach made, but was not limited to the following points):

- Port of Long Beach is the second busiest seaport in the United States
- Maintenance dredging continued to remove accumulated sediment to restore permitted depth
- Before water is discharged, it goes through several phases of monitoring

Mr. Peter Shallenbarger, Heal the Bay (*Opposed as written*)

Board questions, and concerns:

MOTION: To approve the permit, and include language as requested by Heal the Bay. Chief Counsel Jennifer Fordyce read the changes into the record. (*These changes can be reviewed in the transcript*).

First: Board member Fran Diamond
Second: Vice Chair Charles Stringer
Vote: Approved by unanimous vote

Item 13. Hearing to consider a tentative Resolution authorizing Referral to the California Attorney General for Judicial Enforcement against City of Compton.

Assistant Executive Officer Paula Rasmussen made opening remarks and gave background and an overview for the three referrals to the Attorney General. Her background included permit compliance, and the discussion of Enforcement options. Previous referrals included City of Pasadena, and City of Los Angeles.

Mr. Chris Lopez, Environmental Scientist in Enforcement gave the presentation on this matter. During his presentation, Mr. Lopez made, but was not limited to the following points:

- The City of Compton has an inadequate sewer system Management Plan
- The City has repeatedly failed to report spills in the database
- The City has inadequate preventive maintenance and program management

There were no representatives for the City of Compton in attendance for this matter.

MOTION: To approve the proposed Resolution, approving this referral to the Attorney General.

First: Board member Lawrence Yee
Second: Board member Madelyn Glickfeld
Vote: Approved by unanimous vote

Item 14. Hearing to consider a tentative Resolution authorizing Referral to the California Attorney General for Judicial Enforcement against City of San Gabriel.

Ms. Barbara Guia, Water Resource Control Engineer, gave the presentation making, but was not limited to the following points:

- The City has no sewer fees to residents
- The City has no fats, oils, and grease program
- City failed to implement a Sewer Management Plan as required
- The City needs \$30 million to upgrade and get into compliance

Councilman Kevin Sawkins and Mr. Daren Grilley, City Engineer gave testimony on behalf of the City of San Gabriel expressing the following:

- There have been updates since the audit
- The City approved a proposal for a sewer maintenance fee
- The City has hired a financial consultant
- There will be fees of \$13.00 per household
- The City has plans to do capital improvement
- The City has a 5-year plan in place for capital improvement

Board questions:

- Asked clarification on the plan for the sewer fee
- Asked what the proposed 5-year plan entails

MOTION: To adopt the tentative Resolution for Referral to the Attorney General.

First: Board member Madelyn Glickfeld

Second: Board member Lawrence Yee

Vote: Approved by unanimous vote

(Board member Lawrence Yee left the meeting at 5 pm)

Item 12. Hearing to consider tentative Resolution authorizing Referral to the Attorney General against City of Alhambra.

Mr. Chris Lopez, Staff Environmental Scientist made, but was not limited to the following points during his presentation:

- Sewage Spill Overview
- Spills attributed by a variety of needed improvements
- The sewage spills continue
- Major sewer infrastructure projects have not been scheduled
- Recommend rehabilitation of aging infrastructure

Ms. Rachel Bachman, Representing City of Alhambra indicated that the City has a tax, and have increased the rate by ten percent over the last five years.

MOTION: To approve the tentative Resolution for Referral to the Attorney General.

First: Board member Madelyn Glickfeld

Second: Board member Irma Muñoz

Vote: Approved by unanimous vote.

Item 15. Prioritization of Cases in the Site Cleanup Program.

The staff report was given by Dr. Arthur Heath. *(Dr. Heath made, but was not limited to the following points during his presentation):*

- *Historical Prioritization Model for ground water cases*
- *Pre-2000 Case Prioritization Program (Aboveground Tank Program, Brownfield Program, DoD Program, and Well Investigation program for San Fernando Valley, and San Gabriel Valley)*
- *The Program has over 1,900 inactive cases*
- *Discussed general regulatory priority criteria*
- *Discussed Priority setting criteria*

Staff Counsel Frances McChesney discussed the Cleanup Policy Resolution 02-49 and what the Resolution entails. She indicated that Responsible Parties are required to pay oversight costs.

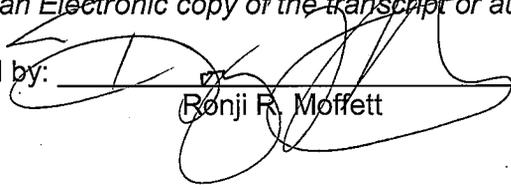
ITEM 16. Update on the Status of the Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certification for the Newhall Land & Farming Company Resource Management and Developing Plan for a Housing Development in Santa Clarita.

Staff Report. Dr. L.B. Nye gave the staff report. (*Dr. Nye, made, but was not limited to the following points during her presentation*):

- *Discussed the status: no ground has been broken yet*
- *Possibly will be on plan for June 2014*
- *Newhall has reporting requirements*
- *Newhall is in compliance with required submittals*

The meeting adjourned at 6:13 pm. (For more detailed information on any matter at our meetings, you may contact Ronji Moffett at (213) 576-6012 or rmoffett@waterboards.ca.gov, and she may provide an Electronic copy of the transcript or audio.)

Written and submitted by:


Ronji R. Moffett

, then finalized on

11/08/13