



California Regional Water Quality Control Board

Los Angeles Region



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Environmental
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Gray Davis
Governor

Los Angeles Regional Water Quality Control Board

Minutes of the June 29, 2000 Regular Board Meeting

Richard H. Chambers, U.S. Court of Appeals
125 S. Grand Avenue
Pasadena, California

INTRODUCTION

1. The meeting was called to order by Chairman Nahai at 9:04 a.m.

Board Members Present

Susan Cloke, Jack Coe, Francine Diamond, Marilyn Lyon, Robert Miller, Timothy Shaheen, H. David Nahai

Board Members Absent

None.

Staff Present

Dennis Dickerson, Jorge Leon, Marleigh Wood, Dennis Dasker, Deborah Smith, Ronji Harris, Sonja Gettel, Wendy Phillips, Arthur Heath, Ejigu Solomon, Hugh Marley, Jack Price, Winnie Jesena, L.B. Nye, Rosario Aston, Blythe Ponek-Bacharowski, Arman Toumari, Cassandra Owens, Thizar Tintut-Williams, Mazhar Ali, Jose Morales, Gary Schultz, Rodney Nelson, Jonathan Bishop, Mark Pumford, Rod Collins, Rveen-Fang Wang, Shirley Birosik, Marianne Yamaguchi, Jaydeb Das, Elizabeth Erickson, Lisa Carlson

Others Present

Mark Gold, Heal the Bay
Mike Miller, M.L. Miller & Associates
Gregory Coppola, Geomatrix Consultants
Ranae Loveland, AES Redondo Beach
Santiago Chavez, AES Redondo Beach
F. William Hutton, Gallagher & Gallagher
Kelly McIntyre, Weston Benshoof
Chris Hansen, BKK Cori
Judy Wilson, City of Los Angeles
Alex Sanchez, NRC El Segundo
Joel D. Bendle, U.S. Navy
Jan K. Larson, U.S. Navy

Leslie Mintz, Heal the Bay
Jill Jefferson, Kinder Morgan Energy Partners
Janet Krolczyk, Southdown, Inc.
Jane M. Bray, Bray Consulting
Frank Kiesler, Simi Valley Landfill
Lucia Mc Govern, West Basin Municipal Water District
John Robinson, ASL Consulting Engineering
Greg Malz. Heal the Bay
Brian S. Gordon, U.S. Navy
Michael Curtis, MBC Applied Sciences
Robert A. Chichester, U.S. Navy

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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

<p>Water</p> <p>Ronald E. Zinner, GATX Earle Harling, L.A. County Sanitation</p> <p>Jeff Bouse, L.A. County Department of Public Works Vicki Conway, L.A. County Sanitation District Jim Colbaugh, Las Virgenes Municipal Water District</p> <p>David Kay, Southern California Edison Steve Doss, Azusa Land Reclamation Catherine Stites, McCutchen, Doyle Peter Nyquist, Weston, Benshoof Susan Damron, Los Angeles Department of Water & Power Ron Kawczynski, Equilon Enterprises LLC Mark B. Gilmartin, Attorney Mike Miller, Citizen Chris Hansen, BKK Corporation Frank Kiesler, Simi Valley Landfill</p>	<p>Jim Langley, City of Los Angeles Jacqy Gamble, Las Virgenes Municipal District Phyllis Stania, Todd Engineers Carol Williams, Main San Gabriel Basin Watermaster Susie Nissman, Rep. Supervisor Yaroslavsky Brian Mastin, Southdown, Inc.</p> <p>Jaqueline Lambrichts, Friends of the San Gabriel River Martin Medina, Equilon-L.A. Refining Company Laura Zareba, Department of Toxic Substances Control Tim Herrig, El Segundo Power LLC Jennifer Costanza, Baker & Hostetler Kelly McTigse, Weston, Benshoof David Snyder, County Sanitation Districts L.A. Estela de Llanos, Latham & Watkins Earle Hatling, Sanitation Districts of L.A. County</p>
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Pledge of Allegiance.

1. Roll Call.

A roll call was taken.

2. Order of Agenda.

The Executive Officer, Dennis Dickerson recommended the following changes to the Agenda.

- *Remove Item 8.15 (Stocker Resources)*
- *Remove Item 12.1 (Quality Garage Door)*
- *Remove Item 9.8 (County of Los Angeles Fire Department)*
- *Remove Item 14 (Stipulated Agreement with Shell)*

The Board members recommended to following items be removed from the consent calendar.

Items 8.1 – 8.8, 8.10, 8.11, 9.6, 9.7, 9.10, 10, 11

The Consent Calendar was adopted as:

Items 8.9, 8.12 , 8.13, 8.14, 9.5, 9.11, 9.12, and 13.

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- Motion: By Mr. Nahai, seconded by Ms. Cloke, and approved on a voice vote.
3. Approval of Special Minutes of May 23, 2000 and Regular Meeting Minutes of May 25, 2000.

Motion: By Ms. Cloke, seconded by Mr. Coe, and approved on a voice vote.

4. Board Member ExParte Communication Disclosure.

Mr. Coe received a phone call from Mr. Vernon Valentine, member of the Board of Directors, Crescenta Valley County Water District, concerning a permit for discharge of high nitrate water during well redevelopment.

Chairman Nahai, received a phone call from a representative of Phaostron.

5. Annual Board Performance Awards.

Dennis Dickerson, Executive Officer introduced the recipients of the Board Performance Awards.

Chairman Nahai presented the awards to staff:

- Ruen Fang Wang
- the TMDL team

6. Public Forum.

Jim Colbaugh, Las Virgenes Municipal Water District gave the Board an update on the Constructive Wetland Project.

James Langley, City of Los Angeles Bureau of Sanitation addressed the Board regarding the City of Los Angeles' Innovative Water Quality Improvement Program. Mr. Langley indicated that letters were being sent out in three different languages, and that extensive Community Outreach is underway.

Susan Nissman, Senior Field Representative to Supervisor Yaroslavsky 3DS, gave brief presentation to the Board regarding the Santa Monica Bay Watersheds. She indicated that focus is on the issuance of waste discharge requirements, and the pursuit of resources to support this effort.

Mark Gold, Heal the Bay addressed the Board on recommendations for waste discharge requirements for the City of Malibu, and the funding issues. Mr. Gold also clarified other issues that were being discussed at the Task Force Committee meetings. He stated the cause and effect between septic tanks at Malibu and beach pollution has been established.

Mr. Coe Abstained from voting on items 8.13, 9.2, 9.3 and 9.4.



Chairman Nahai gave the Oath to those testifying before the Board.

8. Consideration of NPDES Permit Requirements.

8.1 Los Angeles Department of Water and Power (Haynes Generating Station).

Deborah Smith, Assistant Executive Officer gave the Board an overview of the power plants. Her presentation was based on the changes that were made to the proposed permits, and the similarity and common issues of the power plants. Ms. Smith responded to comments made in regards to priority pollutant monitoring and intake water monitoring.

Board member Shaheen questioned staff on changes made to the proposed permit.

Winnie Jesena, Board staff, responded to questions made by Mr. Shaheen.

Al Novak, Board staff, gave the staff presentation. Mr. Novak summarized the change sheets, and proposed additional changes to the proposed permit. Staff recommendation is that the Board adopts the proposed permit with changes.

Boardmember Cloke asked for clarification that the Board can mandate a "re-opener clause" somewhere in the permit, upon the occurrence of certain events, we can obligate a reopening when the study from 2002 is completed or that we obligate a re-opener when the State has either upheld its current policy or revised its policy with respect to dilution credits, or that we obligate a re-opener once there are two years of monitoring data as to fish impingement or monitoring have been completed.

Wayne Chiou, and Michael Lyons, Board staff responded to the Board's questions.

Jorge Leon answered legal questions made by the Board with regards to a "re-opener clause" in " paragraph J". Mr. Leon proposed language as follows:

"Following submission of the studies" .. (and then insert the names of the studies) "the Executive Officer shall either one, propose modifications to this permit as appropriate; or two, provide a report to the Regional Board summarizing the results of those studies and indicating why modifications to the permit are not proposed."

Susan Damron, City of Los Angeles, Department of Water and Power, was opposed to monitoring fish loss on the untake screens (impingement) because past monitoring showed only 30 to 40 fish per month were lost. She opposed biological/sediment monitoring because of changing conditions (storms) and mussel tissue monitoring because the species were not present.

After discussion by the Board, there was a motion to adopt the Permit with changes offered by staff and requested by the Board:



- *Page 8-70, order page T-12, Section 4 –C-5, change B-9 to B-12, on benthic monitoring station.*
- *Page 8.2, the re-opener language in paragraph J.*
- *Page 8.64, deletion of words “when possible in Section 3D, – should read “Executive Officer be empowered to require a continuation of such monitoring in his reasonable discretion.”*
- *Additional language for clarification from State Board to make a determination revising the policy of dilution credits*
- *Direction was also given to staff to consult with interested parties within 90 days and study additional benthic monitoring requirement and to make a proposal to the Regional Board with respect to benthic monitoring.*
- *Applicability to the Ocean Plan*

MOTION: By Chairman Nahai, seconded by Ms. Cloke, and approved on a voice vote.

8.2 AES Alamitos, LLC (Alamitos Generating Station)

Albert Novak gave the staff presentation. Mr. Novak recommended changes to the permit, with re-opener clause.

Mark Gold, Heal the Bay stated the Ocean Plan does not apply because cooling water is diverted from Alamitos Bay and discharged into the San Gabriel River.

Michael Curtis, MBC Environmental Sciences gave testimony to the Board on behalf of AES Alamitos.

*Leslie Mintz, Heal the Bay made comments to the Board (see transcript)
Ms. Mintz indicated that she would like to see monitoring continue longer than 3 years.*

After discussion by the Board, there was a motion to adopt the proposed permit with changes.

- *Page 8-201, B-7 changes to B-12*
- *Page 8-196, section 3B end of paragraph, “when possible” be deleted. Section 3A and read “Executive Officer be empowered to require a continuation of such monitoring in his reasonable discretion.”*
- *Re-opener clause*
- *Section 6 – Mussel analysis*
- *90-day Benthic monitoring*
- *State Board clarification of dilution credits*
- *EPA chlorine variance*

MOTION: By Chairman Nahai, seconded by Ms. Cloke, and approved on a voice vote.



8.3 City of Los Angeles Department of Water and Power (Scattergood Generating Station)

Albert Novak gave the staff presentation to the Board. He clarified the definition of monthly average limitations. (see Transcript) Mr. Novak requested language changes as appropriate and as needed to page 8-242 item B-2.

Ms. Cloke asked for clarification on the record of compliance for this facility. Winnie Jesena, Board staff replied to Ms. Cloke, indicating that the facility is in compliance.

Susan Damron, City of Los Angeles Department of Water and Power, gave testimony to the Board.

After discussion by the Board, there was a motion to adopt the proposed permit, with changes:

- *Page 8-242, Section D-2 the words “when possible” be deleted and read, “Executive Officer be empowered to require a continuation of such monitoring in his reasonable discretion.”*
- *Page 8-239, Section C, benthic monitoring program*
- *EPA chloride variance*
- *90 day benthic monitoring*
- *State Board clarification of dilution credits*
- *Re-opener clause*

MOTION: By Chairman Nahai, seconded by Ms. Cloke, and approved on a voice vote.

8.4 El Segundo Power, LLC (El Segundo Generating Station)

Albert Novak gave the staff presentation to the Board. Mr. Novak recommended that the Board adopt the proposed permit with changes.

Mr. Tim Henney, El Segundo Power, LLC gave testimony before the Board. He gave background information to the Board, and addressed the electrical reliability by the power plant.

After discussion by the Board, there was a motion to adopt the permit with changes:

- *Page 8-262, deletion of words “when possible” should read “Executive Officer be empowered to require a continuation of such monitoring in his reasonable discretion.*
- *EPA Chlorine variance*
- *90-day benthic monitoring program*
- *State Board clarification of dilution credits*



- *Re-opener clause*
- *Page 8-262, under 1.A 4.a of "Effluent Limitations", the 30-day average for silver and zinc were changed to 7 and 164, respectively, and the daily maximum for silver and zinc changed to 35 and 940 respectively.*

MOTION: By Chairman Nahai, seconded by Ms. Lyon, and approved on a voice vote.

8.5 AES Redondo Beach, LLC (Redondo Generating Station)

Albert Novak gave the staff presentation. Staff recommendation is that the Board adopts the permit with changes.

Michael Curtis, MBC Environmental Sciences gave testimony to the Board. He requested that the Board allow a two-year study for AES Redondo.

After discussion by the Board, there was a motion to adopt the permit with changes.

- *Page 326 "when possible" be deleted to read "Executive Officer be empowered to require a continuation of such monitoring in his reasonable discretion."*
- *Page 321, Section C, insert re-opener clause*
- *State Board clarification of dilution credits*
- *90-day Benthic monitoring program*
- *EPA chlorine variance*

MOTION: By Chairman Nahai, seconded by Ms. Cloke, and approved on a voice vote.

8.6 Equilon Enterprises, LLC (Mormon Island Marine Terminal Facility)

Albert Novak gave the staff presentation. Staff recommendation is that the Board adopts the proposed permit with tentative requirements.

Chairman Nahai questioned the changes that were made to the tentative permit.

Mark Pumford, of staff clarified to the Board, the reason for changes to the permit.

Ron Kawczynski, and Jennifer Castanza gave testimony to the Board on behalf of Equilon. They preferred to come under a "General Permit" with BMP's rather than a permit with numerical effluent limits.

After discussion by the Board, there was a motion to adopt the proposed permit with changes.

MOTION: By Chairman Nahai, seconded by Mr. Shaheen, and approved on a voice vote.



8.7 GATX Tank Storage Terminal Corp. (Carson Terminal)

Albert Novak gave the staff presentation to the Board. Staff recommendation is that the Board adopts the revised tentative order. Staff recommended that the daily maximum limit for phenol be changed from 5 to ~~400 mg/l~~ 1000 ug/l.

Boardmember Shaheen asked for clarification on the compliance history of GATX.

Ronald Zinner, GATX Tank Storage gave testimony to the Board on behalf of GATX Tank Storage.

Boardmember Coe had questions for staff.

Mark Pumford responded to Mr. Coe's questions.

Mark Gold, Heal the Bay stated that monitoring frequency should be increased.

After discussion by the Board, a motion was made to adopt the tentative Order with changes.

MOTION: By Mr. Coe, seconded by Ms. Cloke, and approved on a voice vote.

8.8 SFPP, LP (Norwalk Pump Station)

Albert Novak gave the staff presentation. Staff recommendation is that the Board adopts the tentative order with changes.

Jorge Leon, staff counsel, presented legal analysis to the Board, and answered legal questions by the Board.

Jill Jefferson, Kinder Morgan Energy Partners made some brief remarks to the Board on behalf of SFPP, LP.

After brief discussion by the Board, there was a motion to adopt the tentative order with changes.

MOTION: By Ms. Diamond, seconded by Ms. Lyon, and approved on a voice vote.

8.10 ARCO Products Company (Long Beach Marine Terminal1, Berth 121)

Albert Novak gave the staff presentation. He gave the Board background information on ARCO's discharges. Staff recommendation is that the Board adopts the tentative order with changes.

MOTION: By Ms. Diamond, seconded by Ms. Cloke, and approved on a voice vote.



8.11 United States Navy, NALF , San Clemente Island

Albert Novak gave the staff presentation. He gave a brief historical background to the Board. Staff recommendation is that the Board adopts the tentative order.

Winnie Jesena gave background information on the permit, and recommended changes to the Board.

Brian Gordon, Water Quality Manager, gave testimony to the Board representing United States Navy, NALF. Mr. Gordon gave historical background information to the Board. Mr. Gordon asked the Board to change monitoring from monthly to quarterly monitoring.

Jorge Leon answered legal questions from the Board.

After discussion by the Board, there was a motion to adopt the order with changes.

- *Changes regarding monitoring and reporting on Pages 8-476, 8-477, 8-479, and 8-485.*

MOTION: By Chairman Nahia, seconded by Ms. Lyon, and approved on a voice vote.

11. Consideration of Waste Discharge Requirements and a Cease and Desist Order for Santa Catalina Island Company (Two Harbors Sewage Treatment Plant).

11.1 Consideration of Waste Discharge Requirements

11.2 Consideration of a Cease and Desist Order

Hugh Marley gave a brief presentation, and answered question of the Board.

Ms. Diamond requested future updates to the Board on this matter.

Wendy Phillips indicated that there would be an inspection and a report to follow in a few weeks.

After discussion by the Board, there was a motion to adopt the Waste Discharge Requirements, and the Cease and Desist Order with modifications on pages 11-7, 11-9, and 11-11.

MOTION: By Mr. Miller, seconded by Ms. Cloke, and approved on a voice vote.

10. Consideration of a Resolution Authorizing the Executive Officer to Execute a Prospective Purchaser Agreement & Covenant Not to Sue for the Golden West Refining Company and Golden Springs Development Company; and Consideration of Tentative Waste Discharge



Requirements for Remediation of Contaminated Soils for Process Unit Area at Golden West Refinery Site.

Jorge Leon, staff counsel made comments to the Board on the legal issues surrounding the Prospective Purchaser Agreement (PPA). Mr. Leon proposed some language change to the PPA.

Mark Gilmartin, Attorney for Golden West, answered questions by the Board regarding Golden West.

Boardmember Coe asked about cleanup of any contaminated soils below a depth of two feet and what remediation would be required (pages 10-36, and 10-37).

Arthur Heath, Board staff clarified soils assessment issues and addressed other findings to the Board.

David Hung, Board staff addressed information on Page 10-37 of the Agenda regarding soil issues.

Moshe Sassover, Golden West Refining, gave the presentation for Golden West.

After discussion by the Board, there was a motion to approve the Resolution with changes.

- *Page 10-14, delete "solid wastes"*
- *Page 10-36, A- Requirement section (contaminated soil cleanup)*
- *Page 10-37, section on soil cleanup issues*
- *Page 10-16, 10-17, 10-19, 10-33, 10-40*

MOTION: By Chairman Nahia, seconded by Ms. Cloke, and approved on a voice vote.

9.10 Churchill Downs California Company, Inc.

Wendy Phillips gave a brief presentation to the Board. She indicated that Southdown is not viewed as a "responsible party".

Brian Mastin, Southdown Inc., gave testimony before the Board. He informed the Board that Southdown is in compliance with the Basin Plan.

After discussion by the Board, there was a motion to adopt the proposed permit with amendments.

- *Page 9-206, delete the first line and replace with "based upon results of complete initial analysis of constituents listed above,"*

MOTION: By Mr. Coe, seconded by Mr. Miller, and approved on a voice vote.



9.7 Southdown, Incorporated

Wendy Phillips led a long discussion on monitoring, and the need for more wells.

The Board questioned the. Need for more wells and the duration of monitoring.

After discussion by the Board, there was a motion to approve the proposed permit with changes.

- *Language to include in the list of constituents, the full VOC analysis*
- *Amendment to Page 9-206, delete the first line and replace with “based upon results of complete initial/analysis of constituents listed above,”*

MOTION: By Mr. Coe, seconded by Mr. Miller, and approved on a voice vote.

Boardmember Shaheen left the meeting at 8:17 p.m..

9.6 County Sanitation Districts of Los Angeles County

Wendy Phillips. Board gave a brief presentation to the Board regarding the limits in the permit. Ms. Phillips indicated that the discharger objects to the limits for BOD and suspended solids.

After discussion by the Board, there was a motion to adopt the proposed permit.

MOTION: By Ms. Cloke, seconded by Ms. Diamond, and approved on a voice vote. Mr. Miller opposed.

9.9 County of Los Angeles Department of Public Works

Jeff Bouse, Los Angeles County Department of Public Works Civil Engineer, made brief comments to the Board.

After brief discussion by the Board, there was a motion to approve the amendment to the permit, incorporating the proposed changes on pages 9-292, and 9-295.

MOTION: By Mr. Coe, seconded by Chairman Nahai, and approved on a voice vote.

Adjournment of current meeting 9:07 p.m.

Minutes adopted at the _____ Regular Board Meeting submitted/amended.

Written and submitted by: _____.



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