



California Regional Water Quality Control Board

Los Angeles Region



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Environmental
Protection

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Gray Davis
Governor

**Los Angeles Regional Water Quality Control Board
Minutes of the December 7, 2000 Board Meeting
City of Westlake Village Council Chambers
4373 Park Terrace Drive, Westlake Village, California**

INTRODUCTION

1. The meeting was called to order by Chairman Nahai at 9:10 a.m.

Board Members Present

Susan Cloke, Francine Diamond, Robert Miller, Bradley Mindlin, H. David Nahai, Christopher Pak, Timothy Shaheen

Board Members Absent

None.

Staff Present

Dennis Dickerson, Jorge Leon, Deborah Smith, Dennis Dasker, Wendy Phillips, Arthur Heath, Jonathan Bishop, Ronji Harris, Laura Gallardo, Melinda Becker, Elizabeth Erickson, Jack Price, Jaydeb Das, Morton Price, Jose Morales, Casandra Owens, Tony Rizk, Paula Rasmussen, Robert Sams, David Bacharowski, Blythe Ponek-Bacharowski, David Koo, Rick Vergets, Michael Lyons, Mark Pumford, David Hung, Jeffrey Hu, Arthur Heath

Others Present

Jim Colbaugh, Las Virgenes Municipal Water District

Paul Tantet, BioSolutions, Inc.

Mark Subbotin, Newhall Land & Farming

Norman Wilkinson, City of Santa Paula

Matthew Freeman, Camulos Ranch Company

Charles Rogers, City of Thousand Oaks Water District

Albert Naber, Water Wheel Car Wash

Shirley Pak, CALTRANS

Maria Agustin, CALTRANS

Debra OHare, Las Virgenes Alternative Study Plan

Dan Detmes, United Water Conservation District

Grant Adamson, Serra Canyon Company

Fred Gaines, Gaines & Stacey

Mark Gold, Heal the Bay

Bert Rapp, City of Fillmore

Sam McIntyre, Berlywood Mutual Water

Bob Carson, City of Thousand Oaks

Robert Westdyke, Camarillo Sanitary

Jerry A. King, Psomas

Sharon Green, L.A. County Sanitation District

Nail Norcross, CENCO Refining Company

Matt Liao, CALTRANS

Michael Kleinbradt

Rod Crother, LFR

Sharon Rubalcava, Weston Benshoof

Jeffrey Dintzer, Gibson, Dunn & Crutcher

Marilyn Levin, Deputy Generals Office

Steven Braband, BioSolutions, Inc.

California Environmental Protection Agency



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

Bill Wallace, Pacific Water Quality Association

Marcia Torobin, Metropolitan Water District
of Southern California

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.

- *Items 10.1 and 10.2 be heard and voted on concurrently.*
- *Items 12 to be withdrawn.*
- *Items 18, 19, 20, 21, and 22 to be postponed to a future meeting.*

3. Approval of Regular Meeting Minutes of November 9, 2000.

A motion was made to adopt the minutes with the following amendments:

Item 8.3, Chateau de Ville LLC, add a sentence indicating that Mr. Dean Isaacson urged the Board to adopt the permit, and stated to the Board that he did not intend on using the septic system, but that he wanted it for legal reasons.

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

4. Board Ex Parte Communication Disclosure.

There was nothing reported on this matter.

5. Selection of Nominating Committee for Election of Officers.

Chairman Nahai selected Board members Diamond, Cloke, Shaheen, and Miller as the Committee members, to meet and nominate a Chairman, and Vice-Chair to be announced at the January 25, 2001 Regular Board Meeting.

6. Consent Calendar.

There was a motion to adopt the consent calendar as 9.2, 9.3, 9.4, 9.5, 9.6, 9.7, 9.8, 9.9, 9.10, 9.11, 9.12, 9.13, 9.14, 9.15, 9.16, 9.17, 9.18, 9.19, 9.20, 17

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

7. Public Forum.

Morag Logan, Consultant addressed the need for waivers (401 Water Quality Certification) of groundwater discharge limits. She asked the Board to direct staff in this matter, and stated that Board staff is highly capable of issuing these waivers.

Jim Langley, City of Los Angeles Bureau of Sanitation, briefed the Board on catch Basins. He stated that the design can be used with the Trash TMDL. He also informed the Board that the City of Los Angeles Hyperion Treatment Plant was received a prestigious Award recently.

Jim Colbaugh, Las Virgenes Municipal Water District made comments on the Creek Avoidance Study by the local agencies and the nearby cities. He stated that the National Resources Institute had also looked at the Study.

Mark Pumford, Board staff, informed the Board that staff is currently in the process of reviewing all of the data for Malibu Creek.

Chairman Nahai directed staff to produce a detailed Report with specifics about Malibu Creek studies and bring it to the next Board meeting.

Deborah O'Hare made comments on the Dry Canyon Creek Discharge Study. She wanted to know why the Creek Avoidance Study has not been completed, and when the study would be available.

Vic Peterson, City of Malibu, made comments on the results of the Malibu Investigation, and stated that the Board has not had the opportunity to hear Woodward Clyde's perspective on the Investigation.

The Executive Assistant read the opening statement and the Chairman gave the oath to those testifying before the Board.

9. Contested Items.

9.1 North Shore Mandalay Bay, LLC

Arthur Heath gave the staff presentation. He stated that the soil is heavily impacted by VOCs, and possibly impacts to surface water. He gave an overview of the regulatory issues, and made comments on the recommendation made by Department of Fish and Game.

Blythe Ponek-Bacharowski, Board staff, responded to questions by the Board Members. She clarified the reason she believes that no CAO is necessary.

Boardmember Diamond had concerns that the permit will come back before the Board, and that the terms of the WDRs will be met.

John Buse, Environmental Defense Center, expressed his concern that the WDRs adopted not undermine requirements of a settlement agreement between the EDC and the discharger. He stated that the Board should consider less impactful protection techniques.

Ron Smith, North Shore Mandalay Bay, LLC, clarified that North Shore has spent ten years doing site characterizations on the property. He also stated that there has been great cooperation from the Los Angeles Regional Board, and there has been 18 months of litigation on this matter. He stated that he believes that they have done all that can be done, and that you cannot partially clean property, it is not feasible.

After some discussion by the Board, there was a motion to adopt staff's recommendation with changes as noted:

- *Page 9.1-16 should read as follows, "These requirements shall not be construed to limit, waive or otherwise impair any additional or more stringent requirements imposed upon the discharger pursuant to the provisions of any agreement entered into by the discharger."*

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

BASIN PLANNING

10. Consideration of an Amendment to the Water Quality Control Plan for the Los Angeles Region, and a Resolution to provide a one-year extension of the interim chloride limits for the Santa Clara River and Calleguas Creek.

Jonathan Bishop, Board staff, gave the staff presentation. He stated that this matter is continued from the April 13, 2000 Board meeting, and staff must reconsider the recommendation to prescribe the 3 reaches discussed, which are Santa Clarita, Santa Paula, and Intermediate reaches. Mr. Bishop summarized the history, and gave an overview of the proposed Amendment of April 13, 2000.

Mr. Bishop responded to questions by the Board.

Bob Keller, Councilmember, City of Santa Clarita, stated that the Santa Clara River deserves our efforts to preserve it. He stated that the City has taken efforts to preserve the river and the City will educate the community on water softeners. Mr. Keller supports staff recommendation.

Victoria Conway, Los Angeles County Sanitation Districts, supports staff recommendation, and believes this is a correction for the objectives that were set in the 1980's. She stated that 143mg/L is reflective of the historic conditions of the River.

Burt Rapp, City of Fillmore, indicated that he opposes staff estimates, and supports the staff recommendation to increase the objective in the Santa Paula reach from 80 to 100 mg/L. He asked the Board to allow mixing zones in the Basin Plan.

Mark Subbotin, Newhall Land and Farming, stated that he supports the earlier version of the staff recommendation. He also commented that there is no evidence of impairment to avocados, and no evidence of impairment to beneficial use.

Carolyn Meyer, Water Quality Association, addressed the issue of water softeners and the opportunity to put forth an educational system and programs on this issue.

Others who gave testimony on this matter:

*Sharon Green, Los Angeles County Sanitation Districts
Margaret Nellor, Los Angeles County Sanitation Districts
Sam Mc Intyre, Somis Pacific Agriculture
Dan Detmes, United Water Conservation District
Matthew Freeman, Camulos Ranch Company*

The Board took a lunch break at 12:50.

The meeting reconvened at 1:50.

Jonathan Bishop, Board staff clarified to the Board that the purpose for extension was to allow the administrative process to proceed.

After much discussion by the Board, there was a motion to adopt staff recommendations with revisions and the following changes:

- *Extend the interim chloride limits for discharges to the Santa Clara River until December 7, 2001 and modifies the limit to 143 mg/L based on a rolling 12-month average with an instantaneous maximum of 180 mg/L.*
- *Change the water quality objectives (for the Santa Clara River) in the reach between the Freeman Diversion and Fillmore Street A from 80 mg/L to 100 mg/L. Compliance will be measured as a 12 month rollong average with an instantaneous maximum of 180 mg/L.*
- *Amend the text in the Basin Plan Introduction (Chapter 1) on Water Supply and Drought Issues to add: "In response to Regional Board Resolution No. 97-02, staff conducted extensive public outreach efforts to evaluate agricultural supply needs within the Santa Clara River and Calleguas Creek watersheds to ensure that water quality objectives are fully protective of agricultural beneficial uses, and developed a long-term strategy to address this issue."*



- *One-year period staff provide quarterly reports to the Board regarding progress with respect to the adoption of the TMDL as to the Santa Clara reach, the formulation of Pollution Prevention Plans, and progress in connection with the identification of the impact of water softeners on the chloride component of the influent to the Santa Clara River dischargers.*
- *Come back to the Board at the next meeting and provide the Board with definitive timetable and TSO consideration in order to implement the time line and the activities that are supposed to take place.*

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

There was a motion to remove Item 12 from the calendar, and to continue Item 15.

MOTION: By Chairman Nahai, seconded by Christopher Pak, and approved on a voice vote.

16. Consideration of revision to the Time Schedule Order (TSO) No. 00-145, for CENCO Refining Company, Inc.

Jorge Leon, Staff Counsel, informed the Board of the inconsistencies surrounding this Order, and recommended the Board direct staff. He indicated that this is an attempt to correct an error on the CENCO Time Schedule Order the Board adopted, and for some reason the Board had before it a version of the proposal that the discharger did not have. Mr. Leon clarified that the Order adopted by the Board on October 12th, did not include this parenthetical statement that should read as follows "As storage and hydraulic capacity and as CSDLAC will allow." He stated, "the reason this is brought back to the Board today is to get clarification whether the Board intended to include the statement in the order that was adopted on October 12th, and the parenthetical language was not adopted in the permit on October 12th".

Sharon Rubalcava, Weston Benshoof, recommended that the language that was negotiated with staff be put back into the permit.

Mark Gold, Heal the Bay, only agrees with half of the modification to the permit.

After brief discussion by the Board, there was a motion to adopt the revised Time Schedule Order, and re-confirm the October 12th action.

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

Board Members Christopher Pak, and Bradley Mindlin abstained.

11. Consideration of tentative Revised Waste Discharge Requirements and a Time Schedule Order for the Malibu Bay Company, Inc. (Malibu Colony Plaza).

Dennis Dickerson briefed the Board on the septic systems in Malibu, which have been contributing to the problems in the Malibu area. He stated that the General Permit (currently in draft form), will set monitoring requirements, and will come before the Board soon. He also indicated that the new permit is not limited to Malibu only, but is Region wide. Therefore, as to the many facilities that are operating without a permit, the General permit will solve this problem.

Paula Rasmussen, Board staff, gave the staff presentation to the Board. She gave a background history of the existing system, and it's beneficial uses. She stated that the proposed requirements, establish effluent limitations. She also stated that these facilities' discharges from the waste water treatments infiltrate the groundwater, but that the impacts are a slightly different for each discharge.

Board Member Mindlin asked how the time requirements are determined for the TSO.

Rick Vergets, Board staff responded to Mr. Mindlin.

Chairman Nahai, asked for clarification regarding the differences in the proposed permits, and how the permits vary. For instance, ground water monitoring being imposed on one permit, and not on the others. Also, every permit identified bacteria and nutrients as pollutants of concern, yet only one of them has an effluent limit for nitrogen.

Board Member Cloke also mentioned her concerns about the permits.

Paula Rasmussen stated that the Board's questions would be clarified as she continues her presentation. Ms. Rasmussen summarized and addressed the comments made by the dischargers. The discharger disagreed with the 100 percent redundancy requirement. Staff believes that the 100 percent redundancy is important.

Rick Vergets summarized the proposed changes from the change sheets.

David Reznik, Malibu Bay Company, thanked staff and expressed his concerns regarding the redundancy issue and his objection to Page 8, Section D.

Board Member Mindlin, asked staff to comment on the differences on redundancy from staffs perspective, compared to Malibu Bay Company's perspective.

Paula Rasmussen responded to Mr. Mindlin's question.

Mark Gold, Heal the Bay stated that he was very pleased with the overall quality of the WDRs. He stated that the Section 5 of the tentative permit has a quote that is not in all of the WDRs, and should be. Mr. Gold also stated that none of these permits reflect the Assembly Bill 885 compliance.

Jorge Leon, Staff Counsel, informed the Board of the recommended provision to the WDRs relating to non-granting of vested rights.

After much discussion, there was a motion to adopt the proposed resolution with the changes in the change sheets.

- *The phrase "is proposing to" on pages 11.1-3, 11.1-7, 11.1-14, and 11.2-1, that the phrase "is proposing to" will be changed to "shall"*
- *The section of the permit that prohibits the detection of odors beyond the property, be changed to a prohibition on odors that are detectable.*
- *11.1-10, delete section and insert a new section to read, "The discharger shall ensure that the capacity of the disposal system is adequate for the discharge and that adequate steps are taken to accommodate system failures or to deal with loss of assimilative capacity of soils."*
- *The Executive Officer shall require the discharger to cause the treatment system to be inspected no less than twice during the life of the permit by an inspector to be retained and suggested by the discharger but subject to the approval of the Executive Officer";*
- *Page 11.1-12, new paragraph to read as follows: "In accordance with Water code Section 13263G, these requirements shall not create a vested right to continue the discharge. All discharges of waste into the waters of the state are privileges, not rights."*
- *Page 11.1-12, delete the words, "Within 90 days, if at any time the maximum daily waste flow exceeds 45,000 GPD." Replace with "At such time as the daily waste flow has reached 75 percent of 45,000GPD." The rest of the clause remains the same.*
- *Page 11.2-3 in paragraph 1, change the date "January 31, 2001", to "February 28, 2001".*

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

24. Adjournment of Current Meeting.

The meeting adjourned at 4:45 p.m. The next regular meeting is scheduled for February 22, 2001 at the Metropolitan Water District of Southern California, Board Room, located at 700 North Alameda Street, Los Angeles, at 9:00 a.m.

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

Written and submitted by: _____.

California Environmental Protection Agency



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