



# California Regional Water Quality Control Board

## Los Angeles Region



**Matt Rodriguez,**  
Agency Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.swcb.ca.gov/rwqcb4>

**Edmund G. Brown, Jr.**  
Governor

### Meeting Minutes

Los Angeles Regional Water Quality Control Board  
June 2, 2011 Board Meeting  
Metropolitan Water District of Southern California  
700 North Alameda Street  
Los Angeles, California

The meeting was called to Order by Chair Fran Diamond at 9:17 a.m.

Pledge of Allegiance.

Item 1a. Roll Call

Board Members Present: Steve Blois, Fran Diamond, Madelyn Glickfeld, Mary Ann Lutz, Maria Mehranian, and Charles Stringer,

Board Members Absent: None.

Staff Present: Sam Unger, Deborah Smith, Paula Rasmussen, Ronji Moffett, Jennifer Fordyce, Lori Okun, Sarah Olinger, Julie Macedo, Ann Carroll, Hugh Marley, Kristie Kao, Alex Carlos, David Hung, Renee Purdy, Dr. L.B. Nye, Jenny Newman, Dr. Arthur Heath, Dr. Ginachi Amah, Cassandra Owens, Rebecca Christmann, Augustine Anijielo, Enrique Casas, Dr. Rebecca Chou

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

Mr. Bruce Hamamoto, Los Angeles County Flood Control District	Mr. Rob Roy, Ventura County AG Water Quality Coalition
Dr. Steven Bachman, United Water Conservation	Ms. Susie Santilena, Heal the Bay
Mr. Gerry Greene, L.A. River Metals TMDL Steering & Technical Committee	Mr. Ken Farsing, L.A. River Metals TMDL Steering & Technical Committee
Ms. Ann Heil, L.A. County Sanitation District	Ms. Karina Hankins, Kinder Morgan Energy Partners
Ms. Katherine Wagner, Downey Brand	Ms. Donna Chen, City of Los Angeles
Mr. Peter Duchesneau, Representing, Casden	

Item 1.b. Order of Agenda.

*Executive Officer Sam Unger asked that Item 13 is being continued; Asks that Item 16 be heard prior to items 14 and 15; Item 10 to be moved to the Consent calendar, indicating that there was discussion between the Counsel for Kinder Morgan, Katherine Wagner of Downey Brand, and Regional Board staff, and there is no objection to this item being moved to the Consent calendar.*

### **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.*

Item 1.c. Approval of draft meeting Minutes for May 5, 2011 Board meeting.

MOTION: To approve the draft Meeting Minutes for the May 5, 2011 meeting with edits.

First: Board Member Charles Stringer

Second: Board Member Steve Blois

Vote: Approved by unanimous vote

Item 2. Board Member Communications.

*There were no communications that constituted disclosure.*

Item 3.a. Executive Officer's Report

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

[www.swrcb.ca.gov/~rwqcb4/html/eo\\_reports/eo\\_reports.html](http://www.swrcb.ca.gov/~rwqcb4/html/eo_reports/eo_reports.html)

Item 3.b. Enforcement Report. (Paula Rasmussen)

Item 3.c. Update from State Board.

*There was no Report given during this meeting.*

Item 3.d. Public Forum.

- Mr. Bruce Hamamoto, Los Angeles County Flood Control District

Approval of Uncontested Calendar.

*Executive Officer Sam Unger announced the Consent items as follows: Items 4.1, 4.2, 5, 6, 7, 8, 9, 10.1, and 10.2*

*Board Member Madelyn Glickfeld made a statement prior to the adoption of the Consent Calendar indicating that she had no bias' and disclosed for the record that she and her husband are part of a family partnership that owns stock in Kinder Morgan Energy Partners and Kinder Morgan Inc., and SFPP is a subsidiary of Kinder Morgan Energy Partners. She indicated that after consultation with our Board counsel, she determined that she does not have a conflict of interest that would preclude her from voting on Item 4.1, 4.2, or Item 10.1, and 10.2. She also stated that she will keep an open mind, and have not discussed either of the tentative permits with anyone, and has not engaged in any ex parte communications on either of the tentative permits. She is advised that she may legally vote on these matters unless there are any objections.*

*Chair Diamond stated that if there is anyone who wishes to make an objection to Board Member Glickfelds's participation on either Item 4 or 10, to please approach the podium and make your objection known before the Board proceeds with the voting on those matters. However, there was no one who made known any objection(s).*

MOTION: To deem non-controversial and approve Agenda Item(s): Items 4.1, 4.2

First: Vice Chair Mary Ann Lutz  
Second: Board Member Steve Blois  
Vote: Approved by unanimous vote

MOTION: To deem non-controversial and approve Agenda Item(s): 5, 6, 7, 8, 9, 10.1 and 10.2.

First: Board Member Maria Mehranian  
Second: Board Member Steve Blois  
Vote: Approved by unanimous vote.

Item 11. Consideration of Complaint No. R4-2008-0199-M to assess Mandatory Minimum Penalties in the amount of \$675,000 pursuant to California Water Code 13385 subdivision (h), and 13385.1 against Casden Properties, LLC for violations of its waste discharge requirements contained in Order Nos. R4-2003-0111 and R4-2008-0032.

*Mr. Peter Ducheseau, Counsel Representing Casden made but was not limited to the following in his presentation:*

- The Hearing is untimely, and in accordance with Water Code section 13323, requests that the Hearing be dismissed
- Talked about the alleged violations, and Casden's responses to them
- Believes that the Hearing Panel changed its Report and Recommendation
- No explanation has been provided for change of the Hearing Panel decision
- Believe that SB 1284 applies
- The Mandatory Minimum Penalty (MMP) relief afforded by the Regional Board is inconsistent

*Staff Report by Ms. Julie Macedo, Sr. Staff Counsel (Ms. Macedo made, but was not limited to the following points.):*

- Discussed the legal issues of the MMP against Casden Properties
- Casden argues that its receiving disparaging treatment
- Casden argues that the Prosecution team rebuttal brief was late
- Casden argues its discharges were irrigation water and therefore did not violate the permits limits
- Recommend that the Board accept the Panel's recommendation

*Ms. Lori Okun, Counsel to the Board gave a recommendation that the board Rule on the procedures.*

*Ms. Macedo gave clarification that there was no ground water going into the sump, but that this type of discharge is also regulated.*

*(The Board went into Executive Session at 10: 45 am, and reconvened at 11:16 am.).*

*Ms. Okun asked the Panel Members (individually) if the record reflects the Panel's decision, and each Panel member said 'Yes' it did. (Mary Ann Lutz, and Madelyn Glickfeld were not on the Panel for this matter, and made no comment.).*

*Ms. Okun read Casden's letter into the record and indicated that the Regional Board will make available the reading files for Crescent Valley and Jamison for Casden's review of enforcement files, such as Administrative Complaints, Settlement Officers, and Notices of Violations. She then proceeded to read changes to Panel for findings in paragraph 8, page 2 of the draft Order..*

Board comments:

- The MMPs are something that cannot be changed
- Would like to make sure there is no parity between Crescent Valley and this matter
- The permit did uphold the discharge therefore in agreement with the Panel's recommendation

MOTION: To approve the Panel's recommendation with changes proposed today as read by Counsel Lori Okun.

First: Board Vice Chair Mary Ann Lutz

Second: Board Member Maria Mehranian

Vote: Approved by unanimous vote

Item 12. Consideration of Complaint No. R4-2010-0169-M to assess Mandatory Minimum Penalties in the amount of \$63,000 pursuant to California Water Code section 13385, subdivisions (h) and (i), and 13385.1 against the Port of Los Angeles (New Dock Street Pump Station) for violations of its waste discharge requirements contained in Order Nos. 97-138 and R4-2006-0086.

*Ms. Ann Carroll, Prosecution Team stated that the Panel had made a recommendation to reduce the fine from \$63,000 to \$42,000. She indicated that the Prosecution Team supports the Panel's recommendation and asked that an appendix that is missing from the binder be added to the motion, and to the vote on this matter.*

*Counsel Jennifer Fordyce stated that she received an email from the Port indicating that they have no further comments on this matter.*

MOTION: To approve the Panel's recommendation.

First: Board Member Steve Blois

Second: Vice Chair Mary Ann Lutz

Vote: Approved by unanimous vote.

Closed session Break taken at 11:58 am

Reconvened at 1:42 pm

Information:

Item 16. Update on the status of Implementation activities for the Upper Santa Clara River Chloride TMDL.

Staff Report. Ms. Jenny Newman, Unit Chief in Regional Programs. (*Ms. Newman made, but was not limited to the following points in her presentation.*):

- Discussed the Sanitation District's failure to implement the TMDLs
- The Sanitation District missed several milestones and it is likely they will not meet the May 2012 limits

- Discussed the history of TMDL
- Discussed Alternative Water Resources Management (AWRM) Implementation
- Discussed Site Specific Objectives (SSOs) and TMDL
- Discussed current conditions of chloride in groundwater
- TMDL elements based on conditional SSOs
- Discussed the Implementation Status
- SCVSD rejects rate increase to fund AWRM
- Alternative Compliance Plan does not meet SSO conditions
- Regional Board Staff is considering several approaches to bring SCVSD into compliance by the May 4, 2015 deadline

Speaker cards:

- Mr. Robert Roy, Ventura County AG Water Quality Coalition
- Dr. Steven Backman, United Water Conservation District
- Mr. Michael Solomon, United Water Conservation District
- Mr. Ray Tremblay, L.A. County Sanitation District

Item 14. Update on Implementation of the State Water Resources Control Board's Policy on Supplemental Environmental Projects.

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

- History (how the SEP Policy was developed (02/09/02))
- SEP List updated six times between 2002 through 2007
- Policy on SEPs adopted February 28, 2009
- Each Region is required to post lists of suitable projects
- All SEPs must be imposed as Administrative Civil Liability Orders (ACL)
- Third parties must provide a report for expenditures
- Both dischargers and SEP proponents must provide progress reports to Board
- SEP Proponent List allowed by 2009 Policy
- Benefits of SEP Proponent List
- Next steps

Speaker card:

Ms. Donna Chen, City of Los Angeles Bureau of Sanitation *indicated that the City would like to see SEPs maximized at the local level. Believe the State should give the Regional Boards authority to determine the amounts that stay at the local level.*

Ms. Susie Santilena, Heal the Bay *indicated that she would like to see SEP Funds more available in coming years, and urged the board to keep the money locally. Board direction is that the SEP list is updated and brought back to the Board for input when it is completed.*

Item 15. Update on Implementation of the Los Angeles River and Ballona Creek Metals TMDLs.

Staff Report. Ms. Jenny Newman. (*Ms. Newman made, but was not limited to the following points in her presentation.*):

- Discussed the purpose of this item
- Discussed Regulatory History of TMDLs
- Implementation Status of the LA River Metals (LAR)TMDL
- Discussed the LAR Coordinated Monitoring Plan original submitted 4/11/06
- As of February 2011 all jurisdictional groups have provided Implementation Plans
- Regional Board must incorporate WLAs into permits
- Reconsider TMDLs after completion of Special Studies

Speaker cards.

- Mr. Ken Farsing, Rep. Los Angeles River Metals TMDL Steering & Technical Committees
- Mr. Gerry Greene, Rep. Los Angeles River Metals TMDL Steering & Technical Committees
- Susie Santilena, Heal the Bay

The meeting was adjourned at 3:33 pm.

Written and submitted by: \_\_\_\_\_, then finalized on  
Ronji R. Moffett