

**State of California
California Regional Water Quality Control Board
Santa Ana Region**

**Minutes of September 16, 2011 Board Meeting
Irvine Ranch Water District
15600 Sand Canyon Avenue
Irvine, CA 92618**

1. Chair Beswick called the meeting to order at 9:03 A.M.

Board Members Present

Carole Beswick, Chair
Steven PonTell, Vice-Chair
William Ruh
Richard Freschi
Mark Murai

Board Members Absent

Seymour Van Gundy
Fred Ameri
Linda Ackerman

Staff Members Present

Kurt V. Berchtold, Executive Officer
David Rice, Regional Board Counsel
Michael J. Adackapara, Supervising Water Resource Control Engineer
Joanne Schneider, Environmental Program Manager
Mark Smythe, Chief of Coastal Stormwater - Coastal
Hope Smythe, Chief of Basin Planning – Inland
Mary Bartholomew, Environmental Scientist
Michelle Beckwith, Environmental Scientist
Felipa Carrillo, Executive Assistant
Kevin Heinemann, Staff Information Systems Analyst

Public Attendance

Anna LeMay, Castellon & Funderburk, LLP
Mark Norton, SAWPA
Garry Brown, OC Coastkeeper
Lindsay Maine, SA Recycling
Terry Adams, SA Recycling
Eric Sprege, Six Pac Recycling
Colin Kelly, OC Coastkeeper
Ray Hiemstra, OC Coastkeeper
Jake Yooh, A & M Metals
Mark Baker, Contech Const. Products
Tom Bois, Bois & MacDonald
Michael Wellborn, FHBP
Scott Maloni, Poseidon Resources
Don Lee, Tetra Tech
Timothy Simpson, AMEC Geomatrix
Tim Mares, Frog Environmental, Inc.

Emilio Acosta, Bruce Metal
Yogesh Gala, Continental Recycling
Marsha Westropp, OCWD
Jayne Joy, EMWD
Debbie Burris, DDB Engineering, Inc.
Mario B. G.
Edward Filadelfia, City of Riverside
Tang Li, D&M Metals
Andy Malone, Wildermuth Environmental
Jack Nelson, Yucaipa Valley Water District
Kenneth J. Pretell, CRRC
George Camano, REA Stormwater Online
Jesus Garcia, Garcia Recycling
Haplan Christianson, PES Engineering
Roger Griffin, Ecology Auto Parts

2. **Public Forum**

None

3. State Water Resources Control Board (SWRCB) Liaison Report

Tam Doduc, State Water Board Member, thanked the EO, Kurt Berchtold for his participation in the stakeholder group to develop an underground storage tank policy. She is optimistic to be able to have the State Board consider a draft policy early next year.

Ms. Doduc indicated there are two bills on the Governor's desk regarding Underground Storage Tanks (USTs):

The first bill would extend, from January 1, 2012 until January 1, 2014, the sunset date of the \$0.006 per gallon fee that is deposited into the UST Cleanup Fund. The fee is used to reimburse eligible UST owners and operators for cleaning up soil and groundwater contamination resulting from the unauthorized release of petroleum from USTs, thereby protecting water quality and public health.

The second bill would require Regional Water Boards and all local agencies that oversee the cleanup of leaking USTs to electronically submit specified information on each UST site to the State Board and authorize the State Board to close UST sites that are under the jurisdiction of a local implementing agency (LIA), upon petition by a UST owner/operator.

Ms. Doduc said that Matt Rodriguez, the new CalEPA Secretary, may attend the next WQCC meeting, and has already attended the All-Staff meeting. The feedback from people about him is that he is experienced, knowledgeable and practical in his approach, and willing to help us achieve our goals. Ms. Doduc announced that the State Board is losing Reed Sato to DTSC as their new Chief Counsel.

Ms. Doduc announced that they are preparing to release a final draft version of the proposed regulations for onsite wastewater treatment systems. A workshop is being held to discuss and receive comments on October 19th, in Riverside.

Finally, a three-day State Board meeting/workshop/hearing is scheduled for next week to discuss proposed fees under the approved budget act for FY 11/12. A list of fee increases will be presented by staff.

Chair Beswick presented Steve PonTell with Resolution No.: R8-2011-0054, recognizing his valuable participation as a Board Member, and vice-chair in 2011. Steve PonTell was first appointed to the RWQCB in 2008 by Governor Schwarzenegger in the Recreation, Fish & Wildlife category.

She also noted that Member Seymour Van Gundy and Member Greg Morrison would no longer be serving on the Board and that their efforts on behalf of the Board and water quality would be recognized at a later date, when, hopefully, they could be present. They will all be missed.

4. Approval of the Minutes

Motion: It was moved by Member PonTell, seconded by Member Freschi, and unanimously approved that the Minutes of the July 15, 2011 Board Meeting be adopted as presented.

3. State Water Resources Control Board (SWRCB) Liaison Report

Tam Doduc, State Water Board Member, thanked the EO, Kurt Berchtold for his participation in the stakeholder group to develop an underground storage tank policy. She is optimistic to be able to have the State Board consider a draft policy early next year.

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4. Approval of the Minutes

Motion: It was moved by Member PonTell, seconded by Member Freschi, and unanimously approved that the Minutes of the July 15, 2011 Board Meeting be adopted as presented.

5. ***Consent Calendar**

*6. **Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Michael and Kaysie Smith**

Motion: It was moved by Member Ruh, seconded by Member Murai, and unanimously approved that the exemption From the minimum lot size requirements requested by Michael and Kaysie Smith be granted.

7. **Sector-Specific General Permit for Storm Water Runoff Associated with Industrial Activities From Scrap Metal Recycling Facilities within the Santa Ana Region (NPDES No. CAG618001) Order No. R8-2011-0011**

(Information pertaining to this item is contained in a verbatim transcript of the proceedings)

Mark Smythe, Chief of Storm Water (Coastal), presented the item. This was a public hearing on tentative Order No. R8-2011-0011, Sector-Specific General Permit for Storm Water Runoff Associated with Industrial Activities From Scrap Metal Recycling Facilities within the Santa Ana Region. The tentative Order was written based on a framework developed by a group of stakeholders and provides technology-based and water quality-based effluent limitations for approximately 50 scrap metal recycling facilities within Region 8, as well as an improved monitoring program.

Commenters:

Garry Brown, Coastkeeper; Lindsay Maine, SA Recycling; Terry Adams, SA Recycling; Timothy Simpson, AMEX Geomatrix; Anna LeMay, Castellón & Funderburk, LLP; Roger Griffin, Ecology Auto Parts; Tom Bois, Ecology Auto Parts; Kenneth Pretell, CRRRC, and Tim Mares, Frog Environmental Inc.

Executive Officer Berchtold asked for the opportunity to consider the comments that were heard today and consider whether to propose any further revisions to the permit based on those comments. His recommendation to the Board is to close the hearing and direct staff to bring a permit back for consideration of adoption at a future meeting.

Motion: It was moved by Member Ruh, seconded by Member Freschi and unanimously agreed to close the hearing and continue this item to the October 28, 2011 Board Meeting.

8. **Basin Monitoring Program Task Force: Determination of Groundwater Management Zone Ambient Quality (information item).**

Mr. Berchtold provided introductory comments concerning the regulatory significance of the update of ambient water quality for the region's groundwater management zones. He explained how the 2004 Salt Management Plan requires determination of TDS and nitrate-nitrogen ambient water quality every three years. The resulting calculation is compared to TDS and nitrate-nitrogen basin plan objectives to determine if assimilative capacity exists. Assimilative capacity findings are used to specify appropriate waste discharge requirements.

Mark Norton, of SAWPA and the Basin Plan Monitoring Program Task Force administrator, provided an introduction to the Task Force's activities to calculate TDS and nitrate-nitrogen ambient quality.

Andy Malone, Senior Scientist for Wildermuth Environmental, presented a brief background of how the Basin Monitoring Program Task Force re-calculated ambient quality. He said the Task Force utilized data results for a 20-year period. He discussed some of the methods used to gather and evaluate that data. The re-calculation uses the same methodology as was done for the 2004 Salt Management Plan which is very important for data comparison purposes.

Mr. Malone discussed the analysis conducted to interpret the ambient water quality results using key well analysis. As an example of the interpretive analysis, Mr. Malone mentioned the Orange County management zone, which showed an increase of TDS ambient quality as a result of new wells that have been drilled to monitor water quality near the Orange County seawater intrusion barrier project. However, an analysis of key wells in the Orange County recharge area (outside of the influence of seawater intrusion) indicates water quality is improving.

9. **Hazardous Waste Incident Report**
Informational item.
10. **Underground Storage Tanks Corrective Action Plans**
Informational item
11. **Underground Storage Tanks Site Closure Report**
Informational item
12. **Regional Board Member and Executive Officer Communications**
None.
13. **Closed Session**
No closed session.
14. **Adjournment**

The meeting was adjourned at 11:55 A.M. to the next regular Board meeting of October 28, 2011 at 9:00 A.M., at the City of Loma Linda, 25541 Barton Road, Loma Linda, CA 92354.

Respectfully submitted:

KURT V. BERCHTOLD
Executive Officer

/fc

**State of California
California Regional Water Quality Control Board
Santa Ana Region**

**Board Meeting Minutes of
October 28, 2011
25541 Barton Road
Loma Linda, CA 92354**

1. Chair Beswick called the meeting to order at 9:00 a.m.

Board Members Present

Carole Beswick, Chair
William Ruh
Fred Ameri
Richard Freschi
Linda Ackerman

Board Members Absent

Mark Murai

Staff Members Present

Kurt V. Berchtold, Executive Officer
Michael J. Adackapara, Supervising Water Resource Control Engineer
Joanne Schneider, Environmental Program Manager
Stephen Mayville, Chief of Enforcement
Mark E. Smythe, Chief of Stormwater - Coastal
Hope Smythe, Chief of Basin Planning - Inland
Milasol Gaslan, Chief of Storm Water - Inland
Doug Shibberu, Environmental Scientist
Mary Bartholomew, Environmental Scientist
Michael Roth, Environmental Scientist
Felipa Carrillo, Executive Assistant
Kevin Heinemann, Staff Information Systems Analyst

Legal Counsel

David Rice, Regional Board Counsel

Public Attendance

Joe Rosales, City of Montclair
Jason Uhley, RCFC & WCD
Terry Balog, Frog Environmental
George Carmano, Stormwater Online
Don Lee, Tetra Tech
Ken Pretell, KJP Consulting & CRRC
Tracy Egoscue, Paul Hastings
Len Barton, Advanced Steel Recovery
Gary Tavetian, Office of Attorney General
Steve N., City of Fontana
Todd Shibata, Riverside Co. Waste MD
George Adams, AC Recycling

Garry Brown, O. C. Coastkeeper

Marsha Westropp, OCWD
Claudio Padres, RCFC
Luis Ornelis, UMC
Jack Nelson, Yucaipa Valley WD
Gary Akers, San Bernardino City
Scott Maloni, Poseidon
Eric Mosolgo, Brown & Caldwell
Emilio Acosta, Bruce Metal
Bob Whitloch, City of San Bernardino
Larry McKenney, SAWPA
Tom Bois

Chair Beswick presented Resolution No. R8-2011-0055, to former Board Member Seymour Van Gundy, recognizing his valuable participation as a Board member since 2000, and serving as vice-chair in 2008 and 2009. Dr. Van Gundy was reappointed three different times by both Governor Davis and Governor Schwarzenegger in the category of Water Quality. As a Board

Member, Dr. Van Gundy gave his time and strong support generously to this region. His scientific expertise was a huge asset, and really did protect this region in a very unique way. He will be missed.

Seymour Van Gundy was grateful for the Resolution, and thanked everyone for putting up with him. He said he was glad to have been able to bring the science perspective to this region, and that he enjoyed working with everyone.

2. **Public Forum**

None.

3. **State Water Resources Control Board (SWRCB) Liaison Report**

Tam Doduc, State Water Board Member offered an update on several budget bills that are of great interest to the waterboards, which were recently signed by the governor.

Ms. Doduc stated that the draft onsite wastewater treatment septic system policy has been released, with public meetings scheduled throughout the state.

Ms. Doduc noted that a new fee schedule was adopted by State Water Board, raising fees significantly. She said an assessment was needed to determine where and how current funding resources are being used, to do a serious analysis to identify key priorities, to ensure funding and resources are directed toward those core activities, and to place some kind of a process for developing performance measures, targets and goals to priority activities that are being conducted. Staff put together a work plan proposing to focus only on NPDES and WDR programs and eventually included storm water and irrigated lands. She said transparency and accountability are needed and hopes to provide that to the fee payers, but also make sure that the activities that are of highest priority within our own internal organization are being funded.

Ms. Doduc answered some questions raised by Board members.

Chair Beswick announced that Executive Officer Kurt Berchtold would provide Board Members with a link to the Little Hoover Commission report.

Ms. Doduc added that the report highlights inconsistencies among the various state agencies in conducting economic analysis.

4. **Approval of the Minutes**

The Minutes of the September 16 and October 28, 2011, Board meetings will be presented at the December 9, 2011 Board Meeting for approval.

5. **Consent Calendar**

It was noted by Chair Beswick that there is an errata for item *7.

- *6. Rescissions – Orders for the following facilities are proposed to be rescinded because the discharge has ceased and/or the project has been completed, discharges are regulated by other Orders or the discharges pose an insignificant threat to water quality. Order No.: R8-2011-0052

<u>Order No.</u>	<u>Facility and Location</u>	<u>County</u>
1. R8-2005-0051	Wasson Canyon Investments, LP, T31792, Lake Elsinore	Riverside
2. R8-2002-0027	Jack Tuls & Sons Dairy/R & J Dairy, 38980 Record Road, San Jacinto	Riverside
3. 82-142	Ameron Pipe Division, Southern California (Arrow Plant), Etiwanda	San Bernardino
4. R8-2004-0009	San Bernardino Valley Municipal Water district, Pilot Dewatering Program, San Bernardino	San Bernardino
*7.	Revised Waste Discharge Requirements for the Hemet Sanitary Landfill (HSL), Class III Solid Waste Disposal Site in Hemet, Riverside County – Order No.: R8-2011-0002.	
*8.	Waste Discharge Requirements and Technically Conditioned Clean Water Act (CWA) Section 401 Water Quality Standards Certification for U.S. Army Corps of Engineers (USACOE), Lower Newport Bay Maintenance Dredging Project – Order No.: R8-2011-0050.	
*9.	Waste Discharge Requirements for City of Fontana, Interstate 15/Duncan Canyon Road Interchange Project, City of Fontana, San Bernardino County – Order No.: R8-2011-0051.	

Motion: It was moved by Member Ruh, seconded by Member Freschi, and unanimously carried to adopt Order Nos. R8-2011-0052, R8-2011-0002 with errata, R8-2011-0050 and R8-2011-0051 as presented.

It was noted that Item 10 had an errata.

10. Sector-Specific General Permit for Storm Water Runoff Associated with Industrial Activities from Scrap Metal Recycling Facilities Within the Santa Ana Region (NPDES No. CAG618001 – Order No. R8-2011-0011)

(Information pertaining to this item is contained in a verbatim transcript of the proceedings).

Executive Officer, Kurt Berchtold, stated that at the last hearing, a number of comments were received. He said that at the conclusion of the hearing, Board members had directed staff to consider further changes to the permit based on the comments received during the hearing on the draft permit and to bring it back to them at this hearing.

However, since the last meeting, Mr. Berchtold stated he has had a series of conversations with Executive Director Tom Howard from State Water Board regarding the permit. Mr. Howard wrote a memo expressing his concerns about a regional sector specific permit creating some inconsistencies on a state-wide basis and believes that it would be more appropriate to consider a sector-specific permit on a state-wide basis.

Mr. Berchtold stated he was invited to attend a future State Board meeting to present the draft permit and the process used to develop the draft permit, to see whether the State Board would want to consider taking the permit up on a state-wide basis. He recommends the Board not take action at this time, until he is able to address the State Board, then report back on their reaction and see what would be the appropriate next steps for this permit.

Chair Beswick stated she had a similar conversation with Tom Howard, and she is willing to allow them time to look at the permit. She suggested that the matter be brought back to the Board in a few months.

Mr. Smythe answered questions raised by members of the Board and public participants.

Comments provided by the following participants:

George Adams, AC Recycling; Garry Brown, OC Coastkeeper; Terry Balog and Tom Bois.

Motion: It was moved by Member Ruh, seconded by Member Ackerman and approved by a 3 -2 vote to table this matter until the January meeting.

Chair Beswick asked staff to send a memo to Tom Howard explaining the Board's action.

11. **Public Workshop on the Riverside County Water Quality Management Plan**

and

12. **Public Workshop on the San Bernardino County Technical Guidance Document for Water Quality Management Plans**

Milasol Gaslan, Chief of Storm Water (Inland), provided a brief history of the municipal separate storm sewer system (MS4) permits. Ms. Gaslan stated that the renewed Waste Discharge Requirements for Areawide Urban Storm Water Runoff for Riverside and San Bernardino Counties were adopted in January 2010. She stated that in July 2011, the Permittees submitted updated WQMPs. The WQMPs were posted on the Region's website for a 30-day comment period.

Ms. Gaslan indicated no significant public comments were received; therefore no Board action was required.

Mr. Berchtold stated that staff would work with both counties to resolve staff's comments and approve the two plans once comments were resolved.

Presentations were made by Jason Uhley and Claudio Padres of Riverside County.

13. **Board Meeting Dates and Locations for 2012**

A listing of tentative dates and locations was presented. The item will be considered for adoption at the December Board meeting.

14. **Appointment of a Committee to Nominate Regional Board Officers for 2012**

Chair Beswick announced that Members Ruh and Ackerman agreed to serve as a committee to nominate Regional Board officers for 2012.

15. **Regional Board Member and Executive Officer Communications**

Member Ruh discussed topics covered at the WQCC meeting held in Sacramento in September. He also noted that a booklet called, *Citizen's Guide to Working with California Water Boards* had been made available at the meeting. He stated it was a very beneficial booklet for new and older members.

16. **Closed Session**

The Board went into a closed session to discuss an adjudicated matter.

17. **Adjournment**

The meeting was adjourned at 11:38 a.m. to the regular Board meeting of Friday, December 9, 2011 at 9:00 a.m., at the City of Loma Linda, 25541 Barton Road, Loma Linda, CA 92708.

Respectfully submitted:

KURT V. BERCHTOLD
Executive Officer

/fc

DRAFT