

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

ITEM: 4

**Minutes of March 16, 2012 Board Meeting
City of Loma Linda
25541 Barton Road
Loma Linda, CA 92354**

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

Board Members Present

Board Members Absent

Carole Beswick, Chair
Mark Murai, Vice-Chair
William Ruh
Richard Freschi
Linda Ackerman

Fred Ameri

Staff Members Present

Kurt V. Berchtold, Executive Officer overview
David Rice, Regional Board Counsel
Michael J. Adackapara, Supervising Water Resource Control Engineer
Joanne Schneider, Environmental Program Manager
Xinyu (Cindy) Li, Chief of Land Disposal
Mark G. Adelson, Chief of Regional Planning Programs
Wanda Cross, Chief of Basin Planning - Coastal Waters
Hope Smythe, Chief of Basin Planning - Inland
Mark E. Smythe, Chief of Stormwater - Coastal
David Woelfel, Environmental Scientist
Bill Rice, Engineering Geologist
Felipa Carrillo, Executive Assistant
Kevin Heinemann, Staff Information Systems Analyst

2. Public Forum
None

Public In Attendance

Jason Uhley, RCFC & WCD
Karen Cowan, Larry Walker Assoc.
Amanda Griesbach, Heal the Bay
Matt Yeager, Yeager Environmental Assoc.
Marsha Westropp, OCWD
Don Lee, Tetra Tech
Bobby Gustafson, City of San Bernardino WD
Jack Nelson, Yucaipa Valley WD
Gian Villarreal, RBF

Bob Tincher, SBVMWD
Susan Paulsen, Flow Science
Ray Hiemstra, OC Coastkeeper
Mary Anne Skorpanich, County of Orange
Chris Crompton, County of Orange
Larry McKenney, SAWPA
Tim Keyes, California Steel
Reni Keane-Denge, Larry Walker Assoc.

3. State Water Resources Control Board (SWRCB) Liaison Report
None

4. Approval of the Minutes of February 10, 2012

Motion: It was moved by Board Member Ruh, seconded by Board Member Freschi, and unanimously carried to approve the Minutes of the February 10, 2012 Board Meeting as presented.

5. Consent Calendar

"It was noted that Item No. 8 had a revised attachment.

*6. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement by David and Karen DeMauro

*7. Rescissions - Orders for the following facilities are proposed to be rescinded as the discharge has ceased and/or the project has been completed and WDRs are no longer required, or because the facility is in compliance with an enforcement order - Order No. R8-2012-0025

<u>Order No.</u>	<u>Facility and Location</u>	<u>Reason for Rescission</u>
1. 96-54	Lee Lake Water District Clay Canyon Mobile Home Park WTP, Riverside	Wastewater is now discharged to the regional plant, WDR no longer required.
2. 77-200	Hillyard Aluminum Recovery Corp/Alumax, Inc. Brine Facility, Fontana	Project completed, WDR no longer required.
3. 91-78	Janet & Len Slegers, Paul Van Leeuwen, Aspen Dairy 10241 Edison, Chino	Corrective actions have been implemented, enforcement order no longer applicable.
4. 84-13	Adriana Weeda, Daniel Weeda Dairy 15708 Pomona-Rincon, Chino	Facility no longer in business, enforcement order no longer applicable.
5. 85-19	Pablo Echeverria, Pablo Echeverria Dairy, 7481 Cleveland, Corona	Facility no longer in business, enforcement order no longer applicable.
6. 85-42	Jay TeVelde Jr. Jay TeVelde Dairy, 7565 Eucalyptus, Chino	Corrective actions have been implemented, enforcement order no longer applicable.
7. 84-15	Edward (Broer) Vander Dussen, West Coast Dairy 15993 El Prado, Chino	Corrective actions have been implemented, enforcement order no longer applicable.
8. 87-56	George Plantega, 6500 Hamner, Corona	Facility no longer in business, enforcement order no longer applicable.

*8. Chino Basin and Cucamonga Basin Maximum Benefit Hydraulic Control Monitoring Program - Resolution No. R8-2012-0026 with revised attachment

Motion: It was moved by Board Member Ruh, seconded by Board Member Ackerman, and unanimously carried to adopt Order No. R8-2012-0025, Resolution No. R8-2012-0026 with revised attachment, and approve the exemption from the minimum lot size requirements requested by David and Karen DeMauro.

9. Public Hearing: Basin Plan Amendments – Recreational Standards for Inland Surface Waters - Resolution No. R8-2012-0001
(Information regarding this item is contained in a verbatim transcript of the proceedings)

This item was presented by Joanne Schneider and David Woelfel of Regional Board staff, and Tim Moore of Risk Sciences. Ms. Schneider began with a brief review of the Stormwater Quality Standards Task Force process and objectives. She described the Task Force's operational principles and overall goal to develop a pathogen control strategy that would protect public health, meet regulatory requirements and allow/encourage finite public resources to be invested in prioritized fashion. She identified some of the tasks that the Task Force had undertaken and emphasized the volume of the work accomplished, as reflected in the extensive administrative record. She noted that the staff report prepared for the proposed amendments and the presentation here today represented only succinct summaries of that work, which led to the proposed amendments. Ms. Schneider then provided a review of "bacteria basics" and discussed the individual amendments, including changes to the bacteria objectives for inland fresh surface waters, changes to beneficial use terminology and definitions, and changes to the implementation plan.

Dave Woelfel, Environmental Scientist, presented and discussed the beneficial use changes that were being proposed by this Basin Plan Amendment in regards to REC 1 and REC 2 designations and re-designations based on Used Attainability Analyses (UAA).

Tim Moore, Risk Sciences, discussed the proposed high-flow suspension of recreational standards.

Ms. Schneider completed the description of the changes that are being proposed to be made to the Basin Plan and reviewed the analyses required as part of the Basin Plan amendment process. These analyses include consideration of the factors identified in Water Code Section 13241, CEQA, and conformance with antidegradation policies. Ms. Schneider also discussed the comments provided by the external scientific peer reviewers and staff's responses. She indicated that no changes to the proposed amendments were warranted based on the peer review comments. She stated that the proposed amendments would assure the reasonable protection of beneficial uses, would prevent nuisance, and would assure the protection of public health, and do so in a way that would be superior to the existing Basin Plan standards. Ms. Schneider discussed comments provided by other agencies and parties and staff's responses. She noted that negative comments had been received from the US Environmental Protection Agency, Region 9 and Heal the Bay. Ms. Schneider indicated that USEPA had asserted, in part, that some elements of the proposed amendments were not substantiated or clear. She stated that Board staff believes that USEPA's comments are not clear or substantiated.

Ms. Schneider's recommendation was to postpone the Board's consideration of adoption of the proposed amendments, pending discussion of USEPA's comments with USEPA staff. She added that an errata sheet would also be prepared to take care of some minor items.

The Board members posed questions to which Ms. Schneider responded.

Chair Beswick's suggestion to Board Members was to not close the hearing today and continue to keep the public hearing open until the next Board Meeting in April, so as to give staff and USEPA a

chance to meet. She also indicated that all of the comment letters received would be made a part of the public record of this meeting, and that the errata may be affected by the discussion with USEPA.

Speakers:

Larry McKenney, Jason Uhley, Mary Ann Skorpanich, Ray Hiemstra and Amanda Griesbach.

10. Lower Newport Bay Maintenance Dredge Project - Potential Use of Funds from Robinson-Skinner Newport Beach Account

Mr. Berchtold provided a brief summary of this item.

11. In Lieu Fee Enabling Instrument between Riverside-Corona Resource Conservation District and the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, the California Department of Fish and Game, and the Santa Ana Regional Water Quality Control Board

Mr. Berchtold provided a brief summary of this item.

- 11a. Hazardous Waste Incident Report
Written information item.

- 11b. Underground Storage Tanks Corrective Action Plans
Written information item.

- 11c. Underground Storage Tanks Site Closure Report
Written information item.

12. Regional Board Member and Executive Officer Communications

Chair Beswick expressed thanks to Member Ruh for sitting on the Chairs' conference call. Member Ruh reported that during the conference call, the scrap metal item was discussed as well as Poseidon. Chair Beswick announced she would be attending the next Chairs meeting in Sacramento.

13. Closed Session
There was no closed session.

14. Adjournment

The meeting was adjourned at 1:00 p.m. to the regular Board Meeting of April 27, 2012 at 9:00 a.m., at the Orange County Water District, 18700 Ward Street, Fountain Valley, CA 92708.

Respectfully submitted:

KURT V. BERCHTOLD
Executive Officer

/fc

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

ITEM: 4

**Minutes of April 27, 2012 Board Meeting
Orange County Water District
18700 Ward Street
Fountain Valley, CA 92708**

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

Board Members Present

Carole Beswick, Chair
Fred Ameri
Richard Freschi
Linda Ackerman

Board Members Absent

Mark Murai, Vice-Chair
William Ruh

Staff Members Present

Kurt V. Berchtold, Executive Officer
David Rice, Regional Board Counsel
Robert L. Holub, Supervising Water Resources Control Engineer
Joanne Schneider, Environmental Program Manager
Ann E. Sturdivant, Chief of Site Cleanup
Dave Woelfel, Environmental Scientist
Patricia Hannon, Engineering Geologist
Kevin Heinemann, Information Systems Analyst
Felipa Carrillo, Executive Assistant

Public In Attendance

Jason Uhley, RCFC & WCD
Curtis Paxton, CDA
Bob Page, County of San Bernardino
Debbie Burris, DDB Engineering, Inc.
Bill Kruger, CDA (City of Chino Hills)
Tracy Egoscue, CBWM Ag Pool
Lars Oldewage, IRWD
Jerry A. King, Tetra Tech, Inc.
Reni Keane-Dengel, Larry Walker Assoc.
Shawn Nelson, County of Orange

Don Lee, Tetra Tech
Amanda Griesbach, Heal the Bay
Allison Burns, Chino Basin Desalter
Grant Sharp, OC Public Works
David W. Pedersen, IRWD
Mary Ann Skorpanich, County of Orange
Ray Hiemstra, OC Coastkeeper
Matt Yeager, Yeager Environmental Assoc.
Gian Villarreal

2. Public Forum

Shawn Nelson, County Supervisor for Orange County's Fourth District, addressed an issue that has come up several times in their meetings regarding a bike path they want to create along Coyote Creek's flood channels. He said the new MS4 permit mandates they do a water-collection program for Low Impact Development (LID). Mr. Nelson said it is difficult to capture all of the water due to the clay-type soils and because it sloughs off into the drain. Mr. Nelson indicated this mandate is not required in the Los Angeles Region and the San Diego Region, and asked the Board to consider alleviating some of the mandate for this development plan.

Mr. Berchtold said staff would be happy to work together with County staff. He explained that there is a square footage threshold in the permit that qualifies this project as a 'Priority Project', which is subject to the new requirements. He also said that the issue about consistency between regional boards concerning MS4 permit requirements has been raised before, and stated that the

State Water Board is working on developing an MS4 permit template to promote consistency amongst regional boards throughout the State.

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

Tam Doduc, SWRCB Liaison, provided a brief update on some of the recent activities pertaining to the upcoming State Board Meeting. She said that the construction storm water permit was out for public comment.

Ms. Doduc said that at the next State Board meeting, the low threat UST closure policy will be considered for adoption. She thanked Kurt Berchtold for his involvement with the stakeholder group that helped develop that policy, along with Roy Herndon from the OCWD, who was also a member of that group, and other representatives who did an excellent job preparing some recommendations for the State Board. She said the day following the State Board meeting, they will revisit the septic tanks policy, which has been under development for almost a decade. She feels they have the policy to a point where it is reasonable and implementable and is looking forward to additional comments they might receive from stakeholders and the public.

Ms. Doduc stated that in BIA vs. State Board, in December of 2011, there was a superior court ruling on the Construction Stormwater permit to comply with a writ of mandate. The writ of mandate would remove the numeric effluent limits for pH and turbidity. She said a revised construction permit was out for public comment.

Ms. Doduc also said that three other draft state-wide stormwater permits (CalTrans, the Industrial General permit, as well as the MS4 Phase 2 permit), were released last year and have received extensive comments. She indicated that a lot of time and effort was spent revising the permits in order to address comments and concerns received before releasing revised drafts. Workshops and public hearings will be held throughout the summer.

Ms. Doduc indicated that staff is still working on the San Joaquin flows and Selenium standards, and that staff will soon begin the scoping process for the remaining work on the Delta activities. She said a public notice will be released, outlining a series of public workshops, and during this time, they will gather information in order to proceed on the remaining Delta activities.

Ms. Doduc reported changes of Executive Officers at several of the regional water boards and stated that they are still two board members short at the State Board level.

4. Approval of the Minutes of March 16, 2012

5. Consent Calendar

- *6. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement - Juan and Nena Amaral
- *7. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement - Ravinder and Manbir Sidhu
- *8. Resolution Regarding Funding from the State Water Resources Control Board (SWRCB) Emergency, Abandoned and Recalcitrant Site Account – Resolution No. R8-2012-0032
- *8A. Irvine Ranch Water District, Michelson Water Reclamation Plant – Order No. R8-2012-0004

Motion: Due to a lack of a quorum the Minutes of March 16, 2012 and the Consent Calendar items were postponed until the subsequent Board meeting.

CHANGE IN ORDER OF AGENDA

10. Status Report on the Volatile Organic Compound Groundwater Plume at Chino Airport, San Bernardino County – information item.

An update was presented by Mr. Bob Holub of Regional Board Staff. He summarized the background regarding Chino Airport. He said that in the mid- to late- 1980s, trichloroethylene (TCE) was first discovered in several agricultural wells, up to 44 ppb, downgradient of Chino Airport. After an investigation, it was determined that Chino Airport was the likely source. A cleanup and abatement order was issued in 1990. In 1998, groundwater extraction wells were installed for the Chino I Desalter. TCE was initially detected in one of these wells, on the Airport property, at 15 µg/l in 2000.

Since then, Mr. Holub indicated, the County has installed monitoring wells during several phases of investigations, and a new cleanup and abatement order was issued in 2008. In 2011, the County submitted a work plan to install additional off-site wells to further delineate the plume and support the development of a remedial action plan. He said the Executive Officer concurred with the plan and required that the final report be submitted by May 1, 2012. In February 2012, the County notified Board staff that none of the wells had been installed due to the County not being able to obtain site access for the three well locations on Corps of Engineers' property. The County also requested six additional months to complete the work. In March 2012, the Executive Officer denied the County's request and issued a Notice of Violation. The Notice of Violation stated that the County's efforts to install all the wells as quickly as possible would be a factor in determining the extent of any additional enforcement action that may be taken for failing to comply with the May 1, 2012 completion date.

Mr. Holub indicated that no action was required of the Regional Board at this time. His recommendation was close monitoring of getting these wells installed and keeping the Board updated at future Board meetings of the County's progress.

Speakers:

James Jenkins, County of San Bernardino, Department of Airports. Mr. Jenkins apologized that the Board had to hear about them being out of compliance, but indicated they have obtained contracts to begin drilling on the well sites they currently have access to. They are waiting on their other permits to be approved by the City of Chino and the Army Corps of Engineers. Mr. Jenkins said they will be under contract on or about June 28, with a notice to proceed within fourteen days, thereafter. He said they would be in constant communication with Regional Board staff.

Curtis Paxton, General Manger of Chino Basin Desalter Authority. Mr. Paxton said they are on schedule in getting the Chino Creek wells installed to meet the hydraulic control issue. The well that is right in the middle of the plume has been drilled and cased, and they are getting ready to equip it in order to go into operation in 2013. He indicated that the product water from the desalters goes into the municipal drinking supplies and the TCE will need to be removed.

Tracy Egoscue, Legal Counsel for the CBWM Ag Pool. Ms. Egoscue said the Ag Pool was very frustrated at the lack of progress on the remediation of this plume. She appreciates the staff and the Executive Officer for drawing the line. She looks forward to remediation and cleanup, so that this valuable resource is reclaimed.

9. Public Hearing: Basin Plan Amendments - Recreational Standards for Inland Surface Waters –

Resolution No. R8-2012-0001 (continuation of March 16, 2012 hearing on the proposed amendments) - Supplemental Staff Report and Errata.
(Information pertaining to this item is contained in a verbatim transcript of the proceedings)

Action on this item was postponed due to the lack of a quorum. Joanne Schneider of Regional Board Staff provided the Board an update. Ms. Schneider reminded Board Members about the detailed presentation given by Regional staff and a consultant to the Stormwater Quality Standards Task Force at the March 16, 2012 hearing. She said that on April 10, 2012, a discussion of concerns regarding the proposed amendments took place with USEPA Region 9 and State Board staff.

Ms. Schneider indicated that following the April 10, 2012 discussion, certain changes to the proposed amendments are being proposed. These are presented in the errata sheet for this item. Ms. Schneider reviewed the other documents included in the Board members' agenda packets, including a supplemental staff report that identifies the proposed changes to the amendments and the rationale for those changes. This report supplements the Basin Plan amendment documentation dated January 12, 2012, which includes a staff report, environmental analysis document and checklist, and the proposed Basin Plan amendments. Ms. Schneider reviewed the proposed changes presented in the Errata sheet and noted one additional proposed change, not shown in the Errata sheet, that pertains to the position of an asterisk in the REC1 and REC2 names.

Ms. Schneider advised that a copy of a message from Vicky Whitney, Deputy Director of the Division of Water Quality at the State Water Board, was also included in their packets, along with Board staff's responses to comments from USEPA and Heal the Bay, including responses to the additional comments submitted by Heal the Bay on April 20, 2012.

In closing, Ms. Schneider stated that, assuming that a quorum were present, Board staff's recommendation to the Regional Board would have been to adopt Resolution No. R8-2012-0001, confirming the preliminary determination by Regional Board staff that the proposed amendments could not have a significant effect on the environment and certifying the environmental checklist and analysis document, and adopting the basin plan amendments delineated in Attachment 1 and Attachment 2 to the Resolution, as modified by the Errata and with the additional recommended change to the position of the asterisk in the REC1 and REC2 names.

Speakers:

Jason Uhley, RCFC & WCD; Mary Ann Skorpanich, County of Orange; Ray Hiemstra, OC Coastkeeper, and Amanda Griesbach, Heal the Bay

Motion: Due to a lack of a quorum this item was postponed until the subsequent Board meeting. A formal action will be considered at that time.

11. Regional Board Member and Executive Officer Communications

Chair Beswick informed Board Members that a WQCC meeting had been scheduled for November and to mark their calendars.

Kurt Berchtold, Executive Officer, informed Board Members that he received a request from Orange County Sanitation District that the Board consider reissuance of their permit before the end of June. However, Mr. Berchtold said that the permit was still being drafted by EPA staff and was not ready for public review. He said that the soonest they would have the permit ready for consideration would be June 15, 2012. Mr. Berchtold asked the Board Members if they would

check their calendars to see if they would be willing and available to meet on June 15, so that the next meeting could be rescheduled from June 8, 2012 to June 15, 2012.

It was decided that the Board Meeting of June 8 would be *tentatively* changed to June 15, 2012. Board members that were present had no conflict with the new date. Mr. Berchtold will check with Board Members not present today to see if they have any conflict with the new date. If there is no conflict, a new date will be posted. (The next meeting date was subsequently changed to June 15.)

12. Closed Session
None

13. Adjournment

The meeting adjourned at 11:07 a.m. to the June 15, 2012 meeting at the Irvine Ranch Water District, 15600 Sand Canyon Ave., Irvine, CA

Respectfully submitted:

KURT V. BERCHTOLD
Executive Officer

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