

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

**Minutes of December 14, 2012 Board Meeting
City of Loma Linda
25541 Barton Road
Loma Linda, CA 92354**

1. Chair Beswick called the meeting to order at 9:02 A.M.

Board Members Present

Board Members Absent

Carole H. Beswick, Chair
William Ruh
Fred Ameri
Linda I. Ackerman
Tom Rivera

Staff Members Present

Kurt V. Berchtold, Executive Officer
David Rice, Regional Board Counsel
Michael J. Adackapara, Supervising Water Resource Control Engineer
Stephen Mayville, Chief of Enforcement and Dairy Units
Hope Smythe, Chief of Basin Planning - Inland
Mark Smythe, Chief of Stormwater - Coastal
Gary Stewart, Chief of Permitting and Compliance
Kenneth R. Williams, Chief of Pollutant Investigations
Edward G. Kashak, Engineering Geologist
Felipa Carrillo, Executive Assistant
Kevin Heinemann, Staff Information Systems Analyst

Public in Attendance

Colin Kelly, Inland Empire Waterkeeper	Allison Mackenzie, E.S. Babcock & Sons, Inc.
Jennifer Shepardson, City of San Bernardino	Rebecca Franklin, City of San Bernardino MWD
Marsha Westropp, OCWD	Don Lee, Tetra Tech
Pat Boldt, WRCAC	Nanette Scott, Scott Bros Dairy Farms
Bruce Scott, Scott Bros Dairy Farms	Rob Vanderhevel, Mild Producers Council
Gayle Covey, San Bernardino Co. Farm Bureau	Jim Griffin, Western Unified Dairymen
Charles Robert, Highland	Pat Van Dam, Dairy farmer
Roger Turner, Consultant	

2. Public Forum
None

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

Chair Beswick announced that our new State Board Liaison, Felicia Marcus, was unable to join us at today's meeting.

4. Approval of the Minutes of October 26, 2012

Motion: It was moved by Board Member Ackerman, seconded by Board Member Ameri, and unanimously carried to approve the Minutes of the October 26, 2012 Board meeting as presented

5. Consent Calendar

- *6. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement - Stanley and Denise Sokoloski
- *7. Renewal of Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit (NPDES No. CA8000383) for City of Corona, Department of Water & Power, Water Reclamation Facility No. 1 Order No. R8-2012-0008
- *8. Renewal of Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit (NPDES No. CA8000100) for Lee Lake Water District, Lee Lake Water Reclamation Facility No. R8-2012-0028
- *9. Renewal of Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit (NPDES No. CA0105236) for City of Colton, Water Reclamation Facility - Order No. R8-2012-0050
- *10. Renewal of Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit (NPDES No. CA0105392) for City of San Bernardino Municipal Water Department, San Bernardino Water Reclamation Facility – Order No. R8-2012-0051

Motion: It was moved by Board Member Ameri, seconded by Board Member Ackerman, and unanimously carried to adopt Order Nos. R8-2012-0008, R8-2012-0028, R8-2012-0050, R8-2012-0051, and approve the exemption from the minimum lot size requirements requested by Stanley and Denise Sokoloski.

11. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement of Sara Friedman

Mr. Stewart explained to the Board of the events that led up to the adoption of the Minimum Lot Size Requirements (MLSRs) and how free-standing structures are addressed in the requirements. Mr. Stewart stated that Mrs. Friedman had converted a free-standing garage/workshop into a guesthouse without obtaining a permit from San Bernardino County. After extensive work had been done, the County stopped the work due to lack of a permit. Mrs. Friedman informed staff that it would be too costly to add the necessary structural components to continue with her plans to convert the structure into a guesthouse. Therefore, she plans to convert the structure back into a garage/workshop. However, she proposes to keep the bathroom and shower that had been constructed for the guesthouse. Staff denied Mrs. Friedman's request for a clearance because it would constitute a second structure on the lot, utilizing a septic tank when the lot is less than 1 acre. Mrs. Friedman appealed that denial to the Board.

Mr. Stewart noted that staff was initially recommending that the Board deny Mrs. Friedman's appeal. However, upon a site visit and further discussions with Mrs. Friedman, staff was now

recommending approval, with the following conditions; 1) that the final plans for re-conversion provide sufficient design factors to minimize the potential for the structure to be used as a residence as determined by the Executive Officer, and 2) that an agreement of restriction be recorded on the title of the property requiring the septic tank to be abandoned and connection to the sewer be made prior to the sale of the property.

Mr. Stewart noted that staff had discussed these conditions with Mrs. Friedman and that she had no objections to them. Mr. Stewart recommended that the Board grant Mrs. Friedman's request for an exemption from the MLSRs, with the two conditions.

Motion: It was moved by Board Member Ameri, seconded by Board Member Ruh and unanimously carried to approve the exemption from the minimum lot size requirements requested by Mrs. Friedman with the two conditions identified in Board staff's presentation.

12. Emerging Constituents Monitoring Program
This item was postponed.

13. Public Workshop on Renewal of General Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit (NPDES) for Confined Animal Feeding Operations (NPDES No. CAG0188001)

Mr. Stephen D. Mayville, Chief of the Dairy Unit, presented an overview of the proposed permit. The Board also received public comments on the draft waste discharge requirements for dairies and other related facilities within the Region. Mr. Mayville stated that the tentative permit had been released November 30, 2012, with public comments due by January 21, 2013.

Mr. Mayville stated that the current general NPDES permit expired September 6, 2012 and that staff is working toward renewing the permit with another general NPDES waste discharge requirement order. He said that there are regulatory options (due to recent court decisions) to regulate dairy waste management, but dairy operators within the region appeared to be in favor of the option of renewing the general NPDES permit.

Mr. Mayville stated that the proposed permit relied on the implementation of best management practices, as have the previous two general permits, to reduce the potential for discharge of pollutants to the Santa Ana River and San Jacinto watersheds due to only occasional occurrences during severe rain storm events. The proposed permit also implements the TMDL requirements for the Middle Santa Ana River, the Lake Elsinore and Canyon Lake water bodies.

Staff will continue to work with the dairy operators and environmental advocates in order to bring the proposed general NPDES permit back to the Board either in March or May for consideration of adoption.

Speakers:
Colin Kelly, Inland Empire Waterkeeper
Roger Turner, Environmental Consultant
Bruce Scott, Scott Bros Dairy Farms

14. Appointment of a Committee to Nominate Regional Board Officers for 2013

Chair Beswick appointed Board Members Ackerman and Ruh to serve as the nominating committee for regional board officers for 2013.

15. Board Meeting Dates and Locations for 2013

Changes were made to the list of proposed meeting dates for 2013. The new list will be posted on the website.

18. Regional Board Member and Executive Officer Communications

Mr. Berchtold provided comments on two recent newspaper articles brought to his attention by Board Member Rivera. The articles related to the Rialto perchlorate case and the San Bernardino County Vision Project.

Mr. Berchtold announced that new legislation regarding ex parte rules was adopted and would go into effect January 1, 2013. Mr. Rice provided an overview of the details of the legislation.

Chair Beswick announced that the WQCC in November was the best she had attended and was very productive.

Board Member Rivera offered a brief description of the Delta tour he took October 31st. He said it was an excellent tour and recommends it to everyone.

19. Closed Session

There was no closed session.

20. Adjournment

The meeting was adjourned at 11:20 a.m. to the regular Board meeting of March 22, 2013 at 9:00 A.M., in the City of Loma Linda, 25541 Barton Road, CA 92354.

Respectfully submitted:

KURT V. BERCHTOLD
Executive Officer

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