

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

**Minutes of May 3, 2013 Board Meeting
Irvine Ranch Water District
15600 Sand Canyon Avenue
Irvine, CA 92618**

1. Chair Beswick called the meeting to order at 9:05 A.M.

Board Members Present

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

Board Members Absent

William Ruh
Susan L. Longville

Staff Members Present

Kurt V. Berchtold, Executive Officer
David Rice, Regional Board Counsel
Stephen Mayville, Chief of Enforcement and Dairy Units
Ann E. Sturdivant, Chief of Site Cleanup
Nick Amini, Water Resources Control Engineer
Felipa Carrillo, Executive Assistant
Kevin Heinemann, Staff Information Systems Analyst

Public In Attendance

David Garcia, City of Riverside
Stephanie S. Gray, HDR
Don Lee, Tetra Tech
Arshed Syed, City of Riverside
Mimi Johnson
Daniel Nunez, Regenesis

Ed Filadelfia, City of Riverside
Marisol Mork
Marsha Westropp, OCWD
Charlene Taylor
Grayson Carlton, Carlton Consulting
Maryam Azad, Advanced Chemical Labs

2. Public Forum

None.

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

None.

It was announced that our State Board Liaison, Dorene "DeeDee" D'Adamo, who replaced former State Board Liaison Felicia Marcus, was not able to make today's Board Meeting

4. Approval of the Minutes of March 22, 2013.

Motion: It was moved by Board Member Ackerman, seconded by Board Member Ameri, and unanimously carried to approve the Minutes of the March 22, 2013 Board Meeting as presented.

5. Consent Calendar

- *6. Appeal for Exemption from the Yucaipa-Calimesa Discharge Prohibition for Subsurface Disposal Use
- *7. Waste Discharge Requirements and Master Reclamation Permit for City of Riverside Public Utilities Department – Order No. R8-2013-0028

Motion: It was moved by Board Member Ackerman, seconded by Board Member Ameri, and unanimously carried to adopt Order No. R8-2013-0028 and approve the appeal for Exemption from the Yucaipa-Calimesa Discharge Prohibition for Subsurface Disposal Use as presented.

8. General Waste Discharge Requirements for *In Situ* Groundwater Remediation at Sites Within the Santa Ana Region – Order No. R8-2013-0029

Executive Officer Kurt Berchtold said this item was prepared by staff in order to give the Board a brief background on the proposed general waste discharge requirements for *in situ* groundwater remediation at sites within the region. Mr. Berchtold stated that other regional boards have been regulating these types of operations and thought it was appropriate to do the same. He asked Mr. Nick Amini to make a more detailed presentation to the Board.

Mr. Amini, Water Resources Control Engineer with the site cleanup program, explained the two approaches for groundwater remediation and some of the advantages and disadvantages for each approach. Mr. Amini explained how these Waste Discharge Requirements (WDRs) are in compliance with the Porter Cologne Act and how the built-in flexibility of these WDRs makes them easy to use for the Responsible Parties and also to update some of the requirements as deemed necessary. Mr. Amini also talked about some of the discharge prohibitions and limitations and the fee schedule for these WDRs, as well as the sequence of the events of how these WDRs came to be here today.

Mr. Amini provided additional information on the three attachments that are included in the WDRs: a list of authorized amendments (Attachment A), a report of waste discharge requirements (Attachment B) and a monitoring & reporting requirements template (Attachment C). He said they are designed to be customized for each enrollee based on the characteristics of the groundwater being treated, the amendment that is applied and can be modified if needed under the authority of the Executive Officer of the Regional Board on a case by case basis. He concluded with stating that this WDR provides a balanced approach in which elements of user-friendly and flexible application exist alongside strict requirements for remediation and monitoring.

Board staff recommended the adoption of Order No. R8-2013-0029, General Waste Discharge Requirements for in-Situ Remediation of Groundwater.

Mr. Amini and Mr. Berchtod provided answers to questions asked by several Board Members.

Motion: It was moved by Board Member Ackerman, seconded by Board Member Ameri, and unanimously carried to approve Order No. R8-2013-0029.

9. Water Quality Enforcement Policy – information item

Executive Officer Kurt Berchtold announced that the State Board had a new water quality enforcement policy that took effect in 2010 – a policy that influences how we conduct our enforcement. He said the new policy includes a methodology for establishing penalty amounts in the civil liability process. Mr. Berchtold thought it would be useful to have Cris Carrigan from the Office of Enforcement at the State Board to give us a briefing on this policy.

Mr. Carrigan explained the methodology for calculating Administrative Civil Liabilities (ACLs), along with other objectives in the enforcement policy and how the penalty amount is applied. He said it is fair, consistent and transparent when determining civil liability amounts and allows enough flexibility for different situations and circumstances.

Mr. Carrigan explained the penalty matrix and methodology set forth in the enforcement policy allowing the Board to make specific findings about individual things (harm to beneficial uses, cleanup and cooperation of the discharger) so that when they end up assessing civil liability people can see why and how they got to that number. He said another component of the enforcement policy is its design to eliminate economic and competitive advantages that arise from noncompliance.

He talked about the policy's separation of functions, and the procedures for ACL enforcement. He spoke about the waivers that can be signed by the discharger when responding to an ACL complaint. He presented several examples of the penalty matrix for discharge violations when applying it either on a per-day factor or a per-gallon factor. He explained some of the factors that would adjust a proposed penalty and how they affect the final liability amount.

Mr. Carrigan answered questions by Board Members.

10. Regional Board Member and Executive Officer Communications

Mr. Berchtold introduced Steve Mayville, with the enforcement section. He said he was going to briefly speak about an accident that occurred on Hwy 38, East of Angeles Oaks in the San Bernardino Mountains, involving an overturned fuel tanker. Gasoline and diesel fuel were spilled into Cold Creek (a flowing tributary of the Santa Ana River), which caused an interruption of water deliveries to those water agencies that rely on surface flow from the Santa Ana River. He said staff has been actively involved in the follow up and response in this incident.

Mr. Mayville offered an update on what has transpired since the spill. He said that approximately three thousand gallons of gasoline and approximately 1500 gallons of diesel fuel entered Cold Creek, and, thus, the Santa Ana River. Much of Cold Creek is inaccessible, causing difficulty for cleanup crews. He said they are not sure yet whether the water behind Seven Oaks Dam shows signs of fuel contamination. He said several water districts that draw water from the Santa Ana River are very concerned about the potential of fuel contamination in the water. Mr. Mayville said the water districts are having to purchase replacement water from expensive imported sources to provide service to their customers. Mr. Mayville said he would return with an update at the next Board meeting in June.

Mr. Berchtold said that the Recreational Standards Basin Plan Amendment that the Board adopted in June had not yet gone to State Board for approval, but we are continuing to work with USEPA staff and are making significant progress. He hopes this item will be scheduled for State Board consideration in July 2013. He said Board staff and Tim Moore met with USEPA last month and hopes that most of the elements of that amendment will be approved.

Chair Beswick stated that at the last Chairs' meeting, they discussed the schedule for the next WQCC meeting. Chair Beswick informed us that Felicia Marcus had recommended that Mr. Tim Moore be invited to the next WQCC meeting, so he can make a presentation regarding the emerging constituents monitoring program.

Chair Beswick announced that Region 8 has a new State Board Liaison, Dorene D'Adamo, who replaced Felicia Marcus, and hopes we see her at our next Board meeting.

11. Closed Session

There was no closed session.

12. Adjournment

The meeting was adjourned at 10:44 a.m. to the regular Board meeting of June 7, 2013 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

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