

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

**Minutes of July 19, 2013 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 H. Beswick, Chair  
Fred Ameri  
Linda Ackerman  
Tom Rivera  
Susan Longville

William Ruh, Vice Chair

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 E. Smythe, Chief of Stormwater - Coastal  
Milasol Gaslan, Chief of Storm Water - Inland  
Nam Nguyen, Environmental Scientist  
Keith Person, Water Resources Control Engineer  
Felipa Carrillo, Executive Assistant  
Kevin Heinemann, Staff Information Systems Analyst

Public In Attendance

Jason Uhley, RCFC&WCD  
Melissa Thorne, SBMWD  
Rebecca Franklin, SBMWD  
Robert Vasquez, RCFC&WCD  
Don Lee, Tetra Tech  
Steve Hon, County of Riverside

Jennifer Shepardson, SBMWD  
Rebecca Franklin, SBMWD  
Marsha Westropp, OCWD  
Julianna Gonzalez, RCFC&WCD  
Ronnie Tabibnia, Tile Tech

2. Public Forum

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

Chair Beswick welcomed the new Liaison from SWRCB, Dorene "DeeDee" D'Adamo. Ms. D'Adamo congratulated the newest Board Member, Susan Longville on her appointment. Ms. D'Adamo provided a brief background about her experience with water quality, water supply, agricultural water quality issues, and other environmental issues. She said she intends on attending as many Regional Board meetings as possible. Ms. D'Adamo summarized some of the issues that are before the State Board: the industrial storm permit, the SRF Fund, the UST program and groundwater overdraft. She said the Water Quality Division is working on a groundwater strategic plan, and is anxious to hear what Board Members think of that plan once it comes out in draft form.

She also said that a number of bills were introduced into the legislature related to water issues. She said that some of the water quality issues have received a lot of attention and to expect a more integrated role for the Regional Water Boards.

Ms. D'Adamo also stated that with the changes to the ex-parte communications, she hopes to see a lot more interactions with the stakeholder community. She thanked everyone for the opportunity to be present and said she looks forward to meeting again.

4. Approval of the Minutes of June 7, 2013.

Motion: It was moved by Board Member Ameri, seconded by Board Member Longville, and unanimously carried to approve the Minutes of the June 7, 2013 Board Meeting as presented.

5. Consent Calendar

It was noted that items 9 and 10 had been removed from the consent calendar and that item 14 was also being removed.

\*6. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement - Daniel and Elaine Flanigan

\*7. Rescissions - Order No. R8-2013-0039

\*8. Waste Discharge Requirements for Mr. Curt Van Diest, dba Chino Valley Truck Wash, Class II Surface Impoundment, City of Ontario - Order No. R8-2013-0035

\*11. Renewal of Waste Discharge Requirements and National Pollutant Discharge Elimination Permit (NPDES No. CA8000304) for Colton/San Bernardino Regional Tertiary Treatment and Water Reclamation Authority, Regional Tertiary Treatment Rapid Infiltration and Extraction Facility – Order No. R8-2013-0032

Motion: It was moved by Board Member Ackerman, seconded by Board Member Ameri, and unanimously carried to adopt Order No. R8-2013-0039, Order No. 2013-0035 and R8-2013-0032, as presented, and approve the exemption from the minimum lot size requirements requested by Daniel and Elaine Flanigan.

12. Approval of Comprehensive Nutrient Reduction Plan for Lake Elsinore/Canyon Lake Nutrient TMDLs - Resolution No. R8-2013-0044 with errata

Hope Smythe, Chief of Inland Waters Planning Section, presented this item. In her presentation, Ms. Smythe provided background information on TMDLs, information on Lake Elsinore/Canyon Lake themselves, what the water quality problems are in both lakes, and then moved into the Lake Elsinore/Canyon Lake Nutrient TMDLs, in relationship with the Stormwater MS4 permit. Ms. Smythe briefly provided an overview of the MS4 agencies' proposed Comprehensive Nutrient Reduction Plan (CNRP) intended to meet their TMDL requirements and their proposed reporting schedule that includes various reporting commitments that would allow tracking of compliance with the TMDL's December 2020 compliance date and also track the restoration of water quality and beneficial uses. Ms. Smythe briefly touched on the comments received – indicating that comments on the proposed CNRP were received from Inland Empire Waterkeeper, City of Lake Elsinore, Riverside County Flood Control and Water Conservation District, Riverside County and

City of San Jacinto. Ms. Smythe indicated that the Staff Report contains responses to the comments received.

Staff recommended that the Regional Board adopt Resolution R8-2013-0044 with the errata, approving the MS4 Lake Elsinore/Canyon Lake Nutrient TMDL Comprehensive Nutrient Reduction Plan.

Speaker:

Jason Uhley, Riverside County Flood Control & Water Conservation District. Mr. Uhley provided an overview of the proposed activities to be undertaken by the MS4 agencies.

Motion: It was moved by Board Member Ackerman, seconded by Board Member Rivera, and unanimously carried to adopt Order No. R8-2013-0044 with errata as presented.

13. Mandatory Minimum Penalty Complaint, Tile Tech Pavers, City of Fontana, San Bernardino County – Order No. R8-2013-0037 with errata

Nam Nguyen, Board staff from the prosecution team, presented this item. Mr. Nguyen explained that Mr. Ronnie Tabibnia, owner of Tile Tech Pavers, is regulated under the State Water Resources Control Board's General Industrial Storm Water Permit (General Permit). The General Permit requires submittal of an annual report by July 1 of each year. Mr. Tabibnia failed to reply to certified letters and a number of phone calls and emails reminding him to submit the annual report. Staff also reminded Mr. Tabibnia regarding the mandatory minimum penalty for non-submittal of the annual report.

Board staff recommended adoption of Order No. R8-2013-0037 with the errata.

Mr. Tabibnia said that the application is 30 pages long, complicated to fill out, and he is unable to afford the cost of hiring someone to do sampling and monitoring as required by the Permit. He said he did not understand why he is being penalized when there is no runoff from his facility.

Nam Nguyen responded that the photographs taken during 2010-2011 rainy season indicated that there was discharge from his facility. He also mentioned that the actual numbers of pages to be filled out in the annual report are only ten.

Michael Adackapara, Division Chief with the Board, indicated that out of the 1500 permittees, all but two submitted their annual reports. He also stated that Board staff tries to work with the dischargers as much as possible; the dischargers are reminded via certified letter, emails and phone calls. When all those efforts fail, Board staff takes action that is firm, fair and consistent as required under the Enforcement Policy. Mr. Adackapara said that the proposed penalty is the minimum amount that the Board must impose under the California Water Code.

At this time, Chair Beswick closed the hearing and asked for a motion.

Motion: It was moved by Board Member Ameri, seconded by Board Member Longville, and unanimously carried to adopt Order No. R8-2013-0037, affirming the mandatory minimum penalty of \$1,450, as proposed Complaint R8-2013-0011, including the errata sheet as presented.

14. Regional Board Member and Executive Officer Communications

Chair Beswick reminded members about the WQCC meeting coming up October 24-25, 2013, with a possible tour October 23, 2013, and an agenda is being developed.

15. Closed Session

There was no closed session.

16. Adjournment

The meeting was adjourned at 10:55 A.M. to the regular Board meeting of September 13, 2013 at 9:00 A.M., at the City Council Chambers, City of Loma Linda, 25541 Barton Road, Loma Linda, CA 92354.

Respectfully submitted:

**KURT V. BERCHTOLD**

Executive Officer

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