

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

Minutes of the May 22, 2009 Board Meeting  
City of Loma Linda Council Chambers  
25541 Barton Road  
Loma Linda, CA

1. Chair Beswick called the meeting to order at 9:10 a.m.

**Board Members Present**

**Board Members Absent**

Carole Beswick, Chair  
Seymour Van Gundy, Vice-Chair  
William Ruh  
Steven PonTell  
Richard Freschi

Fred Ameri

**Staff Members Present**

Gerard J. Thibeault, Executive Officer  
Kurt V. Berchtold, Assistant Executive Officer  
David Rice, Regional Board Counsel  
Joanne Schneider, Environmental Program Manager  
Michael J. Adackapara, Supervising Water Resource Control Engineer  
Robert L. Holub, Supervising Water Resource Control Engineer  
Mark E. Smythe, Chief of Storm Water (Coastal Waters)  
Hope Smythe, Chief of Basin Planning (Inland Waters)  
Milasol Gaslan, Chief of Storm Water (Inland Waters)  
Marc Brown, Environmental Scientist  
Cindy Li, Engineering Geologist  
Maria Macario, Water Resources Control Engineer  
Keith Elliott, Water Resources Control Engineer  
Kevin Heinemann, Staff Information Systems Analyst  
Felipa Carrillo, Executive Assistant

**Public Attendance**

Ian Adam, Fuscoe Engineering  
Mark Baker, Contech  
Tim Carlstedt, Co. of Orange  
Mary Lynn Coffee, Nossaman LLP  
Terry Friedman, Menifee  
Peter Herzog, City of Lake Elsinore  
A3 Holmon III, City of Garden Grove  
Bart Lounsbury, NRDC  
Kristine Murray, OC Business Council  
Mike Recupero, Rempu  
Paul Singarella, Latham & Watkins  
Ron Smith, SWPPP Services  
Jason Uhley, Riverside Co. Flood Control  
Ken Watkins, Menifee  
Howard Wen, Fuscoe Engineering  
Mark Wildermuth, Wildermuth Env.  
Michael Yang, City of Irvine  
Vaikko Allen, Contech

Richard Boon, Co. of Orange  
Jessica Chin, City of Riverside  
James Fortuna, County of Orange  
Andrew Henderson, CICWQ  
Daniel Hsieh, City of Westminster  
John Kemmerer, U.S. EPA  
Larry McKenney, RBF Consulting  
Trung Phan, City of Fullerton  
Grant Sharp, Co. of Orange  
Mary Ann Skorpanich, Co. of Orange  
Eric Strecker, Geosyntec/CICWQ  
Gonzalo Vasquez, Cypress  
Mack Walker, Larry Walker Assoc.  
Howard Welpon, City of Yorba Linda  
Marsha Westropp, OCWD  
Bob Woodings, City of Lake Forest  
Matt Yeager, San Bernardino Co.

2. **Public Forum**

Terry Friedman and Ken Watkins, both from Menifee, expressed to the Board their disappointment with the Regional Water Quality Control Board staff in addressing their concerns regarding a package sewage treatment plant at Wilderness Lakes RV park for the last eighteen months.

Staff said a number of inspections have been made, and that the treatment plant has had two operational failures in the past 18 months, but is currently operating properly. Wilderness Lakes has been informed and is aware they need to upgrade the plant to make sure it is reliable, or connect to the EMWD sewer.

3. **State Water Resources Control Board Liaison Report**

Tam Doduc, State Board Liaison, reported that the Recycled Water Policy, the draft Construction General Statewide Storm Water Permit, the draft Water Quality Enforcement Policy and the draft Once-through Cooling (OTC) Policy may be up for consideration by the end of this year. Ms. Doduc stated that the OTC Policy is a very important policy for every coastal region, and it will be very helpful for the State Board to establish a State policy for OTC.

4. **Approval of the Minutes**

Action: It was moved by Member Ruh, seconded by Member Freschi, and unanimously approved that the Minutes of the April 24, 2009 Board Meeting be approved as presented.

**Agenda Update:** It was noted that Item No. 7 had errata and Item No. 8 had been postponed.

5. **Consent Calendar**

\*6. **Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use for Russ and Dawn Grove**

\*7. **Big Bear Lake Nutrient TMDL – Resolution No. R8-2009-0043**

\*9. **Renewal of Waste Discharge Requirements for Eastern Municipal Water District, Riverside County (NPDES No. CA8000188) - Order No. R8-2009-0014**

\*10. **Rescissions - Order No. R8-2009-0029**

Action: It was moved by Member Ruh, seconded by Member Freschi, and unanimously approved that the Board adopt Resolution No. R8-2009-0043 as amended by errata, Order No. R8-2009-0014, Order No. R8-2009-0029, and approve the exemption from the minimum lot size requirements requested by Russ and Dawn Grove.

11. **Presentation to the Board of the Results of the Most Recent Wasteload Allocation Analysis for the Santa Ana River**

Mark Wildermuth, consultant for the Nitrogen/TDS Task Force, presented this item.

Mr. Wildermuth's presentation described in detail the efforts by him and his associates to perform an updated analysis of the Nitrogen and TDS Wasteload Allocations included in the Basin Plan for the Santa Ana River and its major tributaries. The Nitrogen and TDS Wasteload Allocations were established more than 20 years ago and need to undergo periodic review and updates to address ever changing conditions. The presentation included several calibration scenarios regarding stormwater, hydrologic studies, and Nitrogen and TDS Wasteload Allocations.

The Wasteload Allocations are implemented through permit limitations in the NPDES permits issued to each of the publicly owned treatment works (POTWs) that discharge to the Santa Ana River or its major tributaries. Mr. Wildermuth said a proposed basin plan amendment will be prepared.

Staff said that this was the latest product that came from the stakeholder process.

12. **Renewal of Waste Discharge Requirements, County of Orange, Orange County Flood Control District, and Incorporated Cities of Orange County, Urban Storm Water Runoff Management Program (NPDES No. CAS618030) - Order No. R8-2009-0030**

*Information concerning this item is contained in a verbatim transcript of the proceedings.*

At the last meeting of April 24, 2009, the Board extended the public comment period on Section XII.C of the permit to May 8, 2009, and agreed to continue the public hearing to the May 22, 2009 meeting for Section XII.C only of the permit.

Mark Smythe, Chief of Storm Water (Coastal Waters), presented the comments that were submitted on Sections XII.C.1 and C.2 of the permit that had been received prior to May 8, 2009, plus Errata Sheet 2.

Mr. Smythe discussed in detail the changes in the Errata Sheet, which included changes in the language that allows the use of biotreatment systems as Low Impact Development (LID) BMPs if the other LID BMPs (infiltration, evapotranspiration and harvest/reuse) are not feasible. Staff recommended adopting the permit with the changes included in Errata Sheet 2, the inclusion of de-chlorinated swimming pool water as a non-storm water discharge that is not necessarily prohibited and that the appeal process for Executive Officer decisions, with regards to this permit, is to go to the Regional Board for consideration.

The Board received testimony from USEPA, NRDC, County of Orange, Latham and Watkins, Nossaman LLP, Riverside and San Bernardino County storm water program managers, Geosyntec, CICWQ, Larry Walker Associates, Contech, Orange County Water District and Rempu.

Speakers:

Richard Boon, Malcolm Walker, Mary Ann Skorpanich, Tim Carlstedt, John Kemmerer, Bart Lounsbury, Mary Lynn Coffee, Peter Herzog, Vaikko Allen, Jason Uhley, Matt Yeager, Andrew Henderson, Eric Strecker, Paul Singarella, Kristine Murray and Mike Recupero.

At the conclusion of the testimonies, the Board closed the public hearing on the permit. Some discussion among the Board members took place to clarify the appeal process.

Action: It was moved by Member PonTell, seconded by Member Van Gundy, and unanimously approved that the Board adopt Order No. R8-2009-0030 as amended by: Errata Sheet 2; replacing "or" with "and/or" in the second sentence of Section XII.C.2; adding the Mesa Consolidated Water District and Costa Mesa Sanitary District to Attachment 3; adding clarifying language regarding the non-applicability of the permit's de minimus permit language in Section III.3.ii.a to certain discharges in the

Newport Bay watershed; changing the LID waiver granting authority to the permittees; and, adding language clarifying that should the Executive Officer's decisions regarding document submittals and waivers be challenged by the permittees or the public, that challenge shall be brought before the Regional Board for consideration.

12A. **Hazardous Waste Incident Report**

Information item.

12B. **Underground Storage Tanks Corrective Action Plans**

Information item.

12C. **Underground Storage Tanks Site Closure Report**

Information item.

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

None.

14. **Closed Session**

None

15. **Adjournment**

The meeting was adjourned at 12:25 p.m., to the regular Board meeting of July 10, 2009 at 9:00 a.m., at the Orange County Sanitation District, 10844 Ellis Avenue, Fountain Valley, CA.

Respectfully submitted:

*for*   
GERARD J. THIBEAULT  
Executive Officer

/fc