

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

**Minutes of February 10, 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  
Fred Ameri  
Richard Freschi  
Linda Ackerman

Staff Members Present

Kurt V. Berchtold, Executive Officer  
David Rice, Regional Board Counsel  
Michael J. Adackapara, Supervising Water Resource Control Engineer  
Joanne Schneider, Environmental Program Manager  
Gary D. Stewart, Chief of Permitting and Compliance  
Stephen Mayville, Chief of Enforcement  
Hope Smythe, Chief of Basin Planning - Inland  
Mark E. Smythe, Chief of Storm Water - Coastal  
Milasol Gaslan, Chief of Storm Water - Inland  
Michael S. Roth, Environmental Scientist  
Michael Kashak, Environmental Scientist  
Lenore Gamez, Office Technician  
Felipa Carrillo, Executive Assistant  
Kevin Heinemann, Staff Information Systems Analyst

Public In Attendance

Michael R. Welch  
Les Barton  
Mike Shetler, County of Riverside  
Samantha Adams, Wildermuth Env  
Joe Rosales, City of Montclair  
Jennifer Novak, CA DOJ  
Ken Seumalo, City of Lake Elsinore  
Kevin Beals, Castle & Cooke  
Roger Griffin, Ecology Auto Parts  
Paulie Tehrani  
Sharon Gallina  
Yogesh Gala  
Eric Savage, Six Pac Recycling  
Steve Horn, Riverside Co. Flood Control  
Ed Constante, Pacific Clay Products

Garry Brown, OC Coastkeeper  
Colin Kelly, OC Coastkeeper  
Robert Vasquez, Riverside Co. Flood Control  
Joseph Zoba, Yucaipa Valley Water District  
Debbie Burris, DDB Engineering, Inc.  
Tracy Egoscue, Egoscue Law Group  
George Adams, SA Recycling  
Ken Pretell, CRRC/KJP Consulting  
Marsha Westropp, Orange Co. Water District  
Emilio Acosta, Bruce Metal  
Marvin Sachse, Brash Industries  
Don Lee, Tetra Tech  
Allison Mackenzie, E.S. Babcock Labs  
Rebecca Franklin, SBMWD  
Jason Uhley, RCFC & WCD

2. Public Forum  
None.

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

Tam Doduc, SWRCB Liaison, updated the Board Members on some of the recent activities pertaining to the State Board. Ms. Doduc reported that Max Gomberg was recently hired by the State Water Board to work on climate-change mitigation issues, including methodology. Mr. Gomberg comes from the California Public Utilities Commission.

Ms. Doduc also reported that the proposed low-threat UST policy had been released to the public. She indicated that the Board has been interested in setting consistent criteria state-wide for closing petroleum underground storage tank sites that can be considered of minimum threat to public health and water quality. The draft policy is out for public comment and a public hearing at the State Water Board is scheduled for April 17, 2012 for consideration of adoption. Ms. Doduc acknowledged Kurt Berchtold, EO, for his very important contribution in this matter.

Ms. Doduc indicated that out of the six identified priority projects that the Board is focusing on since last year, one has been completed and the others are either on target or delayed. She concluded by saying that the Harbors TMDL by the Los Angeles Regional Water Board was adopted.

4. Approval of the Minutes of December 9, 2011

Motion: It was moved by Board Member Ruh, seconded by Board Member Freschi, and unanimously carried to approve the Minutes of the December 9, 2011 Board Meeting as presented.

5. Consent Calendar

Chair Beswick announced that there was an Errata sheet for item No. 7.

\*6. Rescissions – Order No. R8-2012-0011

<u>Order No.</u>	<u>Facility and Location</u>	<u>Reason for Rescission</u>
89-102	Harken Marketing Co. of California (former E-Z Serve of California, Inc.)	Facility in compliance with enforcement order
R8-2005-0113	Richland Meadowland, Ltd., Tract 27251, Moreno Valley	Project completed, WDR no longer required
R8-2003-0122	Western Municipal WD, March Wastewater Reclamation Fac.	Facility in compliance with enforcement order
R8-2010-0054	Hemet Hospitality Investments LLC, PM 36230, Hemet	Project completed. WDR no longer required
R8-2008-0073	Alvord Unified School District, High School No. 4, Riverside	Project completed. WDR no longer required

\*7. Public Hearing, Basin Plan Amendment, Update to the Salt Management Plan for the Santa Ana Region - Resolution No. R8-2012-0002 with Errata

Motion: It was moved by Board Member Ruh, seconded by Board Member Freschi, and unanimously carried to adopt Order No. R8-2012-0011 and Resolution No. R8-2012-0002 with Errata sheet as presented.

8. Renewal of Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit (NPDES No. CA8000403) for Poseidon Resources (Surfside) LLC, Huntington Beach Desalination Facility - Order No. R8-2012-0007 with Errata  
*(Information pertaining to this item is contained in a verbatim transcript of the proceedings)*

Chair Beswick announced that today, the Board would be considering adoption of this permit, but no more public comments would be accepted since the public hearing was closed during the last Board meeting held December 9, 2011.

Chair Beswick also announced that Board Member Ackerman would be recusing herself from this item. At this point Board Member Ackerman left the meeting room.

Kurt Berchtold, Executive Officer, added that after the hearing closed in December, staff prepared written responses to all the comments received and distributed those written responses to interested parties. He further explained that staff had taken the errata sheet changes that were presented at the December Board meeting and incorporated those changes into the current tentative order being presented today. He said staff's recommendation is to adopt Order No. R8-2012-0007.

Motion: It was moved by Board Member Freschi, seconded by Board Member Ruh, and unanimously carried to adopt Order No. R8-2012-0007 as presented.

9. Public Hearing on Administrative Civil Liability Complaint, Pacific Clay Products, Inc., Riverside County - Order No. R8-2012-0010  
*(Information pertaining to this item is contained in a verbatim transcript of the proceedings)*

Chair Beswick opened the public hearing by reading the Chair's Statement and swearing in those who would be testifying in this matter.

Michael Roth, RWQCB prosecution team, began his presentation of this item by providing the Board and the public with a general description of the facility, its activities, the regulatory basis for the proposed action, the enforcement process, the violations that triggered the enforcement action, the purpose of the hearing. Mr. Roth concluded with prosecution staff's recommendation to adopt Order No. R8-2012-0010.

Speakers: Jennifer Gunther, with Gresham Savage Nolan & Tilden, legal counsel for Pacific Clay; Barry Coley, Sr. Vice President of Pacific Aggregate and Chad Warren, Manager of Geology and Mining for Pacific Clay; Colin Kelly, IE Waterkeeper and Chris Carrigan, Director, Office of Enforcement, Attorney for the prosecution team.

Closing statement: Mr. Carrigan stated that the State Water Board works with staff to keep facilities in compliance. Any further violations would result in escalation of enforcement actions. He stated that Pacific Clay has been making efforts to stay in compliance and indicated that a time schedule order, a cleanup and abatement order or a cease and desist order are not necessary at this time.

Closing statement: Ms. Gunther stated that Pacific Clay has agreed to pay the fine. Additionally, they will continue to address issues and make improvements in order to be in compliance.

There was a question and answer discussion between members of the Board, the Executive Officer and Regional Board staff.

Motion: It was moved by Vice-Chair Murai, seconded by Board Member Ruh, and unanimously carried to affirm the ACL assessment proposed in ACLC No. R8-2011-0008 by adopting Order No. R8-2012-0010 as presented.

10. Public Hearing on Sector-Specific General Permit for Storm Water Runoff Associated with Industrial Activities from Scrap Metal Recycling Facilities Within the Santa Ana Region (NPDES No. CAG618001) - Order No. R8-2012-0012 with Errata sheet  
*(Information pertaining to this item is contained in a verbatim transcript of the proceedings)*

Mark Smythe, Sr. Environmental Scientist, RWQCB Coastal Storm Water, presented this item. He explained some of the events related to the draft permit that have taken place since the last consideration of this item at the Board meeting held on October 28, 2011. This draft permit is intended to cover discharges from scrap metal recycling facilities that are currently covered under the Statewide General Industrial Storm Water Permit. Mr. Smythe discussed the State Board's decision not to consider this permit for statewide adoption at this time, some of the changes that were made on the 6<sup>th</sup> draft permit that had been previously released, the comments on that 6<sup>th</sup> draft and the changes incorporated in the recently released 7<sup>th</sup> draft.

Mr. Smythe also said that public comments at the meeting were received from several scrap metal facility operators, environmental consultants and an environmental advocacy organization. Responses to those comments were made by Regional Board staff.

Speakers: George Adams, SA Recycling; Garry Brown, OC Coastkeeper; Nathaniel Franklin, Ken Pretell, CRRRC/KJP Consulting; Roger Griffin, Ecology Auto Parts and Marvin Sachse, Brash Industries

Motion: It was moved by Board Member Ameri, seconded by Board Member Ruh, and unanimously carried to adopt Order No. R8-2012-0012 with Errata sheet as presented.

11. Approval of Middle Santa Ana River Bacterial Indicator TMDL Dry Season Comprehensive Bacterial Reduction Plans - Resolution No. R8-2012-0015 (Riverside County) and Resolution No. R8-2012-0016 (San Bernardino County)

Chair Beswick announced that Board Member Ruh would be recusing himself from this item. At this point Board Member Ruh left the meeting room.

Bill Rice, Engineering Geologist, RWQCB Basin Planning Section, presented this item. He summarized permit and TMDLs requirements for the two plans. Mr. Rice provided background information on the TMDL adoption process and the process of incorporating the TMDLs into the MS4 permits. He also briefly described activities currently performed by the dischargers, which are relevant to the proposed plans. He then described the steps, elements, and components of the two plans and summarized the plans' implementation schedules. Finally, he recommended that the Regional Board adopt the two separate resolutions: Resolution R8-2012-0015, approving the Riverside County plan and Resolution R8-2012-0016, approving the San Bernardino County plan.

Speakers: Jason Uhley, Riverside County Flood Control & Water Conservation District (RCFC & WCD) commented on behalf of the cities and the County of Riverside.

Hope Smythe, Sr. Environmental Scientist, RWQCB Basin Planning section said there were no comments received in regards to these two plans.

Motion: It was moved by Board Member Freschi seconded by Board Member Ackerman, and unanimously carried to adopt Resolution Nos. R8-2012-0015 (Riverside County) and R8-2012-0016 (San Bernardino County) as presented.

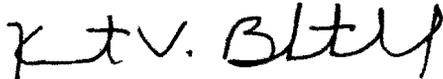
12. Regional Board Member and Executive Officer Communications  
None.

13. Closed Session  
None.

14. Adjournment

The meeting was adjourned at 12:43 p.m. to the next regular Board meeting of March 16, 2012 at 9:00 a.m., at the City of Loma Linda, Council Chambers, 25541 Barton Road, Loma Linda, CA 92354.

Respectfully submitted:



**KURT V. BERCHTOLD**  
Executive Officer

/fc