

State of California
Santa Ana Regional Water Quality Control Board
Board Meeting Minutes of December 11, 2015

Irvine Ranch Water District
15600 Sand Canyon Avenue
Irvine, CA 92618

1. Board Chair Ruh called the meeting to order at 10:02 a.m.

Board Members Present **Board Members Absent**

William Ruh, Chair
 Linda Ackerman, Vice-Chair
 Tom Rivera
 William P. von Blasingame
 James Famiglietti

Staff Members Present

Kurt V. Berchtold, Executive Officer
 David Rice, Regional Board Counsel
 Hope A. Smythe, Environmental Program Manager
 Michelle Beckwith, Chief of Stormwater – Coastal
 Kenneth R. Williams, Chief of Pollutant Investigations
 Valerie Jahn-Bull, Environmental Scientist
 Kevin Heinemann, Senior Information Systems Analyst
 Daniel Mefford, Assistant Information Systems Analyst
 Felipa Carrillo, Executive Assistant

Public in Attendance

Danielle Sakai, Best, Best & Krieger LLP Marsha Westropp, OCWD
 Michelle Damond, Tetra Tech

2. **Public Forum**

None

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

There was no State Board Liaison report.

4. **Approval of the Minutes of the Regular Board Meeting of October 30, 2015**

Motion: It was moved by Board Member Famiglietti, seconded by Board Member von Blasingame, and unanimously carried to approve the Board Meeting Minutes of October 30, 2015 as presented.

5. **Consideration of Consent Calendar Items**

It was noted that Item *6 had been postponed to the next Board Meeting.

*7. Renewal of Waste Discharge Requirements for the County of San Bernardino Solid Waste Management Division for the Miliken Sanitary Landfill - Order No. R8-2015-0040

Motion: It was moved by Board Member von Blasingame, seconded by Board Member Rivera, and unanimously carried to adopt Order No. R8-2015-0040.

Items 10, 11, 12, 13 and 14 were taken out of order, until the arrival of Board Member Ackerman.

10. Appointment of a Committee to Nominate Regional Board Officers for 2016

Chair Ruh appointed Board Member von Blasingame and Board Member Rivera, as the Nominating Committee for 2016.

Executive Officer Berchtold said that the Nominating Committee would make a recommendation to the Board at the January 29, 2016 meeting.

11. Board Meeting Dates and Locations for 2016

Executive Officer Berchtold said that Vice-Chair Ackerman had a conflict with two of the Board meeting dates and would not be able to attend the April or the July meeting. Mr. Berchtold also said that the option to adjust those dates to accommodate her was not possible. He asked the rest of the Board Members to confirm their availability. The Board accepted the schedule of meeting dates.

12. Underground Storage Tanks Corrective Action Plans

Information item.

13. Underground Storage Tanks Site Closure Report

Information item.

14. Regional Board Member and Executive Officer Communications

None.

A short recess was taken and the meeting resumed for Item 8 and 9 at 10:12 a.m.

8. Costa Mesa Sanitary District Administrative Civil Liability Order No. R8-2015-0037

(Information pertaining to this item is contained in a verbatim transcript of the proceedings)

Executive Officer Berchtold briefly reminded the Board that a hearing on this item was held at the July meeting and that it was brought back at the September meeting for Board action. He said that prior to the September meeting, he learned about the possibility that Costa Mesa Sanitary District wanted to participate in a SEP, so action in this item was postponed, but later Costa Mesa Sanitary District decided to challenge the Board's decision and so the item is back for Board action.

Before asking for a motion, Chair Ruh ruled on three evidentiary objections that had been made during the public hearing held on July 24, 2015.

The first objection was made by counsel for Costa Mesa Sanitary District, objecting to the use of certain photos that had been shown at the hearing and not submitted with the Prosecution Team's evidentiary submittal. The photos were excluded.

The second objection was made by counsel for the Prosecution Team, and it was an objection to Costa Mesa's use of certain photos of a generator and not submitted with Costa Mesa's evidentiary submittal. The photos were excluded.

The third objection was made by counsel for the Prosecution Team, and it was an objection to a slide by Costa Mesa that showed a chart from a document related to high volume discharges. Due to an incomplete citation to that document in Costa Mesa's brief, it made it impossible for the Prosecution Team to review it prior to the hearing. The document and the related power point slide were excluded.

Mr. Berchtold, Advisory Staff, recommended that the Board adopt Administrative Civil Liability Order No. R8-2015-0037, imposing administrative civil liability on Costa Mesa Sanitary District in the amount of \$364,130.

Board Member Famiglietti recused himself from this item, as he had missed the hearing.

Motion: It was moved by Board Member Rivera, seconded by Board Member von Blasingame, and unanimously carried to adopt ACL Order No. R8-2015-0037.

9. **Cleanup and Abatement Order No. R8-2015-0038, Restructure Petroleum Marketing Service of California, Inc., United El Segundo, Inc., et al.**

(Information pertaining to this item is contained in a verbatim transcript of the proceedings)

Chair Ruh opened the hearing by reading the Chair's Statement in regards to the public hearing on this draft Cleanup and Abatement Order.

Chair Ruh listed the designated parties to this proceeding: the Regional Board Prosecution Team, Restructure Petroleum Marketing Services of California, J and R Wong Family Limited Partnership, 6160 Arlington Avenue, My Montecito Incorporated, United El Segundo Incorporated, Rapid Gas Incorporated and CF United Propco LLC.

Each designated party was provided with an opportunity to provide testimony, cross examination, and time for closing statements within an allotted time. An official timekeeper was also present.

Speakers: Kenneth Williams, Prosecution Team
Valerie Jahn-Bull, Prosecution Team
Kailyn Ellison, Prosecution Team
David Boyers, Prosecution Team
Danielle Sakai, J and R Wong Family Limited Partnership
Sean Sherlock, 6160 Arlington Ave., LLC
Mark Gilmartin, United El Segundo, Inc., Rapid Gas, Inc., CF United Propco LLC

Chair Ruh closed the hearing.

15. **Closed Session**

The Board went into closed session to deliberate on evidence from the hearing on Cleanup and Abatement Order No. R8-2015-0038. No action was taken.

Adjournment

Board Chair Ruh adjourned the meeting at 1:30 P.M. to the regular Board meeting of January 29, 2016, at 9:00 a.m.

Respectfully submitted:

KURT V. BERCHTOLD
Executive Officer

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