

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

Item: 4

**Minutes of July 24, 2015 Board Meeting  
Irvine Ranch Water District  
15600 Sand Canyon Avenue  
Irvine, CA 92618**

1. Chair Ruh called the meeting to order at 9:15 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  
Michael J. Adackapara, Supervising Water Resource Control Engineer  
Joanne Schneider, Environmental Program Manager  
Hope A. Smythe, Environmental Program Manager  
Mark E. Smythe, Chief of Basin Planning - Inland  
Steve Mayville, Chief of Enforcement  
Gary D. Stewart, Chief of Compliance, Regulations and Permits  
Milasol Gaslan, Chief of Inland Storm Water  
Michelle Beckwith, Chief of Coastal Storm Water Section  
Terri Reeder, Chief of Coastal Planning  
David Woelfel, Environmental Scientist  
Linda Candelaria, Environmental Scientist  
Michael Perez, Water Resource Control Engineer  
Chuck Griffin, Water Resource Control Engineer  
Kirk Larkin, Water Resource Control Engineer  
Kevin Heinemann, IT Services Supervisor  
Daniel Mefford, Assistant Information Systems Analyst  
Felipa Carrillo, Executive Assistant

Public in Attendance

Jeff Sims, Western MWD/WRCRWA  
Zeki Kayiran, AKM Consulting Engineers  
Kyle Warsinski, City of Beaumont  
Rob Hamers, CMSD  
Judith Marquez, Surfrider Foundation NB  
Marsha Westropp, Orange Co. Water District  
Adam Gale, Anchor QEA  
Rob Moddelmog, OC Coastkeeper  
Elizabeth Urtiaga-Gibbs, City of Beaumont  
Dindo Carrillo, OCSB  
Jack Nelson, Yucaipa Valley Water Dist.  
Richard Lee, IRWD  
Colin Kelly, OC Coastkeeper  
Chris Crompton, County of Orange  
Miryam Barajas, SWRCB  
Vada Yooh, Anchor QEA  
David Webb, Newport Beach

Brenda Meyer, Western MWD/WRCRWA  
Ray Hiemstra, Orange County Coastkeeper  
Kieran McKierney, Consultant  
Hisam Baqai, City of Beaumont Consultant  
Frank Sherren, Los Alamitos Race Course  
Larry McDaniel, Knotts Berry Farm  
Antonia Estevez-Olea, LWA  
Amanda Carr, City of Irvine  
Brenda Knight, City of Beaumont  
Terri Elliott, City of Huntington Beach  
Lyndy Lewis, IRWD  
George Murdoch, City of Newport Beach  
Arlene Schafer, CMSD  
Robert Ooten, CMSD  
Don Lee, Tetra Tech  
Ryan Friesen, Orange  
Leonie Mulvihill, Newport Beach

Public in Attendance (cont'd)

James Fortuna, County of Orange  
Judi Bingham, City of Beaumont resident  
Alan Burns, Attorney for CMSD  
Michael Zlotkin, Innermost Containment  
Systems

Mike Scheafer, CMSD  
Libi Uremovic, City of Beaumont resident  
Scott Carroll, CMSD

2. Public Forum

There were no speakers at the public forum.

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 June 19, 2015

Motion: It was moved by Board Member Ackerman, seconded by Board Member Rivera, and unanimously carried to approve the Board Meeting Minutes of June 19, 2015 as presented.

5. Consideration of Consent Calendar Items

It was noted that Item 10 was being removed from the consent calendar.

\*6. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement – George Kraus

\*7. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement – Raul Navarro

\*8. Renewal of Waste Discharge Requirements & National Pollutant Discharge Elimination Permit (NPDES No. CA0106348) for Los Alamitos Race Course - Order No. R8-2015-0002

\*9. Renewal of Waste Discharge Requirements & National Pollutant Discharge Elimination System Permit (NPDES No. CA0106496) for Knott's Berry Farm - Order No. R8-2015-0030

\*11 Renewal of Waste Discharge Requirements & Master Reclamation Permit & National Pollutant Discharge Elimination System Permit (NPDES No. CA8000316) for Western Riverside County Regional Wastewater Authority - Order No. R8-2015-0013

Motion: It was moved by Board Member Ackerman, seconded by Board Member Rivera, and unanimously carried to adopt Order Nos. R8-2015-0002, R8-2015-0030, R8-2015-0013, and approve the appeals for the exemption from the minimum lot size requirements requested by George Kraus and by Raul Navarro.

10. Renewal of Waste Discharge Requirements and Master Reclamation Permit and National Pollutant Discharge Elimination System Permit (NPDES No. CA0105376) for the City of Beaumont – Order No. R8-2015-0026

Gary Stewart, Chief of Compliance, Regulations, and Permits Section presented this item. He said this Order was very similar to other waste discharge requirements that the Board has adopted in the past for wastewater treatment plants, and that the permit allows the city to continue to discharge tertiary treated wastewater to the tributaries of San Timoteo Creek. He also said that this Order contains requirements for the future delivery of recycled water to users in the area. The proposed Order contains two sets of limits for Total Dissolved Solids (TDS) and Total Inorganic Nitrogen (TIN): one set of values represent the anti-degradation numbers and the second set represents the “maximum benefit” numbers consistent with the Basin Plan.

Mr. Stewart said that the Regional Board had revised the ground water quality objectives for the ground water management zones in the Beaumont/Yucaipa area to facilitate increased use of recycled water in the area. The use of recycled water would provide maximum benefit to the people. The Regional Board incorporated the “maximum benefit water quality objectives” in addition to the anti-degradation water quality objectives into the Basin Plan. He also said that just a few months ago, the Regional Board had made some minor revisions to the Basin Plan, addressing some of the maximum benefit issues.

Mr. Stewart said that the TDS limits in this Order are more restrictive than the previous Order and that currently, the City of Beaumont cannot comply with those TDS limits. He said that the City is proposing to install a reverse osmosis treatment system at the end of their tertiary system to reduce the TDS, comply with these new limits, and account for any discharges in excess of the TDS limits from now until that reverse osmosis unit is installed. The City has proposed an aggressive schedule for this and that schedule is incorporated into the Order.

Mr. Stewart informed the Regional Board that comments were received from Ms. Uremovic and Beaumont-Cherry Valley Water District and the tentative Order was revised in response to those comments. The comments and response to comments were included in the Board member agenda package.

Oral comments were provided by:

Judith Bingham, Beaumont resident

Libi Uremovic, Beaumont resident

Brenda Knight, Mayor for City of Beaumont

Hisam Baqai, Consultant for City of Beaumont

Elizabeth Urtiaga-Gibbs, acting City Manager for the City of Beaumont.

Motion: It was moved by Board Member Ackerman, seconded by Board Member von Blasingame, and unanimously carried to adopt Order No. R8-2015-0026.

13. 2015 Triennial Review of the Water Quality Control Plan - Santa Ana River Basin (Basin Plan) – Resolution No. R8-2015-0085

This item was presented by Environmental Scientist Dave Woelfel, Regional Board staff. Mr. Woelfel provided a summary of the 2015 Triennial Review of the Basin Plan to the Regional Board. A periodic review of Water Quality Control Plans (Basin Plans) is required by both Federal and State Regulations. Federal Regulations require a review of Water Quality Control Plans every three years, hence the term triennial review. Regional Board staff, with input from stakeholders, have developed nineteen Basin Planning issues, ranked in the order of priority to review and possibly adopt as amendments to the Basin Plan over the next three years. Staff

presented the FY2015-16 thru FY2017-18 Triennial Review Priority List and Work Plan. The triennial review priorities are included in Resolution No. R8-2015-0085.

Comments were provided by Ray Hiemstra of Orange County Coastkeeper and Joanne Schneider (Environmental Program Manager) provided some additional clarifications.

Motion: It was moved by Board Member Ackerman, seconded by Board Member Rivera, and unanimously carried to adopt Resolution No. R8-2015-0085.

14. Newport Bay Copper/Metals TMDLs (Information item)

This item was presented by Environmental Scientist Dr. Linda Candelaria, Regional Board staff. Dr. Candelaria stated that USEPA promulgated Metals TMDLs for Newport Bay in 2002. Since that time new studies have been completed, and Dr. Candelaria indicated that an Impairment Assessment study was conducted using new data (2002-2012). Dr. Candelaria explained that copper (Cu) exceeds water quality objectives in Upper and Lower Newport Bay; therefore, a Cu TMDL is required. In addition, Cu exceeds the sediment guideline in parts of Lower Newport Bay (sediment impairment).

Dr. Candelaria said that the largest source of Cu to the Bay is Cu antifouling paints used on boat hulls with an estimated dissolved Cu load of 36,000 lbs/yr. The next largest source of Cu to the Bay is urban runoff from tributary areas and it accounts for approximately 3,000 lbs/yr (wet year estimate). An 83% reduction in Cu discharges from boats is required to meet the proposed Cu TMDL that is being developed. This reduction in Cu discharges should be accomplished with a phased schedule (as soon as possible but not to exceed 15 years from USEPA's approval date of the TMDL); and should be accomplished by conversions to non-Cu containing hull paints, and through the use of BMPs for hull cleaning.

Regional Board staff is recommending that the revised Cu TMDL replace USEPA's Cu TMDL from 2002, which requires a 90% reduction in Cu discharges from boats. In addition, zinc and mercury exceed sediment guidelines in parts of Lower Newport Bay (sediment impairment), and arsenic and chromium exceed fish tissue guidelines in the Upper and Lower Bay (fish tissue impairment). These metals will be addressed with Non-TMDL Action Plans.

Regional Board staff is also recommending that USEPA depromulgate their TMDLs for zinc, lead and cadmium in Upper Newport Bay, and zinc and lead in Lower Newport Bay.

At the conclusion of Dr. Candelaria's presentation, she indicated that this was an informational item and it would be brought before the Board as a Basin Plan amendment at a future Board meeting.

Joanne Schneider, Environmental Program Manager (Regional Board staff) answered some of the questions from the Board.

Other speakers Included: David Webb, Director of Public Works, City of Newport Beach; Leonie Mulvihill, Assistant City Attorney, City of Newport Beach, and Michael Zlotkin, a diver for Innermost Containment, LLC.

At the conclusion of Item 14, a 45-minute break was observed. Upon reconvening, Chair Ruh recited the Chair's Statement for Item 15, and all those who were to testify concerning Item 15 were sworn in.

15. Administrative Civil Liability Complaint No. R8-2015-0025 Against Costa Mesa Sanitary District  
(Information pertaining to this item is contained in a verbatim transcript of the proceedings).

A hearing was conducted regarding Administrative Civil Liability Complaint No. R8-2015-0025, consistent with Hearing Procedures that were established for this matter. The designated parties for the hearing were: Regional Board Prosecution Team, Costa Mesa Sanitary District, and Orange County Coastkeeper. The designated parties provided opening statements, evidentiary presentations by witnesses, and closing statements. Cross examination of witnesses was conducted by designated parties. Designated parties also answered questions from the Board.

At the conclusion of the designated parties' presentations, Judith Marquez, Surfrider Foundation Newport Beach Chapter, provided a brief policy statement.

Chair Ruh closed the public hearing. He stated that an order in this matter would be scheduled for consideration by the Board at its next meeting on September 18, 2015.

Prosecution Team:

Julie Macedo, Sr. Staff Counsel from Office of Enforcement  
Steve Mayville, Chief of Enforcement Section, Regional Board staff  
James Fischer, Water Resources Control Engineer from Office of Enforcement  
Hope Smythe, Environmental Program Manager, Regional Board staff

Orange County Coastkeeper:

Colin Kelly  
Ray Hiemstra

Costa Mesa Sanitary District:

Alan Burns, Attorney  
Scott Carroll, General Manager  
Rob Hamers, District Engineer  
Robert Ooten, Civil Engineer  
George Murdoch, Municipal Operations Director for the City of Newport Beach  
Seki Kayiran, AKM Consulting Engineers

16. Closed Session

The Board adjourned to a closed session at 4:57 p.m. to consider evidence received during Item 15 and deliberate on a decision to be reached based on that evidence.

Resume Open Session

The Board returned at 5:22 p.m.

17. Regional Board Member and Executive Officer Communications

None.

Adjournment

Chair Ruh adjourned the meeting at 5:23 p.m. to the regular Board meeting of September 18, 2015, at 9:00 a.m., at Irvine Ranch Water District, 15600 Sand Canyon Avenue, Irvine, CA 92618.

Respectfully submitted:

**KURT V. BERCHTOLD**  
Executive Officer

/fc