

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

Minutes of November 21, 2008 Board Meeting
25541 Barton Road
Loma Linda, CA 92354

1. Chair Beswick called the meeting to order at 9:30 a.m.

Board Members Present

Board Members Absent

Carole Beswick, Chair
Seymour Van Gundy, Vice-Chair
Fred Ameri
Mary Cramer
William Ruh
Steven PonTell

Staff Members Present

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

Public Attendance

Mary Anne Skorpanich, County of Orange
Jennifer Weiland, County of Orange
Christy Norris, County of Orange
Kent Wegelin, City of Moreno Valley
Michael Yang, City of Irvine
Mike Loving, City of Irvine
Devin Slaven, City of Lake Forest
Shanda Beltran, Allen Matkins
Allen Matkins
Mary Lynn Coffee, Nossaman

Matt Yeager, San Bernardino Co SW Program
Latoya Cyrus, Charles Abbott Assoc.
Jeremy Jackson, City of Moreno Valley
James Forturn, County of Orange
David Crohn, UC Riverside
Dan Cruz, PBS & J for OC Great Park
Mark Grey, BIA/SL-CICWQ
Zeki Kaylrhn, AKM Consulting engineers
Larry McKenney, RBF Consulting
Jason Pereira, Calif. Watershed Engineering

Don Lee, Tetra Tech
Jeff Endicott, AEI-CASC Consulting
Albert Martinez, RCFC & WCD
Gene Estrada, City of Orange
Ken Jeske, Ontario, CDA, CBWM
Mike Shetler, County of Riverside
Jason Uhley, RCFC & WCO
Bob Collacott, URS Corp.
Aladdin Masry, ABC Environmental
Janice King, URS
Mark Baker, CONTECH
Vaikko Allen, CONTECH

Claudia Padres, Riverside Co Flood Control
Richard Boon, County of Orange
Blake Anderson, Newport Bay Naturalists & Friends
Mark Grey, BIA/CICWQ
John Kemmerer, US EPA R9
Joe Zoba, Yucaipa VWD
Marsha Westropp, OCWD
Sandy Caldwell, City of Riverside
Jessica Chin, City of Riverside
Alex Waite, City of Tustin
Patrick Bauer, City of Costa Mesa

2. Public Forum

Joe Zoba from Yucaipa Valley Water District described the District's approach to meeting maximum benefit commitments, including improvements to the District's wastewater treatment plant. He said that the District has a brine line that will be connected by 2012. New developments in the District's service area for which septic system use is proposed are required to install dry sewers so that connections to the sewer system can be made in the future. The goal is to reduce the pollution created by septic systems.

Aladdin Masry expressed his concern for the dairy farmers and the environment. He said that by building a prototype farm to recycle waste, dairy farmers can save money. He added that new modern technology is also available to protect the environment and the dairy farmers, and that many States are already using this new technology.

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

Tam Doduc, Chair of the SWRCB, reported on the state-wide draft septic system regulations, the upcoming public hearings and the deadline to submit public comment. Chair Doduc also reported on progress on the recycled water policy.

Tam Doduc encouraged all Board Members to attend the next WQCC workshop scheduled in the spring.

4. Approval of Minutes

Action: It was moved by Member Ruh, seconded by Member Van Gundy, and unanimously approved that the Minutes of September 5, 2008 Board Meeting be approved as presented.

Agenda Update: It was noted that Items No. 6 and No. 10 had been postponed, Items 8A and 8B had been added, and Item 9 had errata.

5. Consideration of Consent Calendar Items

- *7. Rescissions – Order No. R8-2008-0097
- *8. Amendment of Waste Discharge Requirements for the City of Redlands, California Street Landfill – Order No. R8-2008-0094

Action: It was moved by Member Ruh, seconded by Member Van Gundy, and unanimously approved that the Board adopt Order Nos. R8-2008-0097 and R8-2008-0094 as presented.

8A. Maximum Benefit Update

Mr. Thibeault mentioned that at our last Board Meeting, Board staff and Chino Basin Water Master (CBWM) representatives gave presentations concerning compliance with the maximum benefit requirements for the Chino Basin. He said that the outstanding issue related to the Chino Desalter Authority and Western Municipal Water District (WMWD) had been resolved. The City of Chino Hills has agreed to approve WMWD to join the Chino Desalter Authority. By doing so, the proposal by the CBWM and IEUA will bring them back into compliance. This will keep the process moving, and get the hydraulic control facilities in place faster.

Ken Jeske, City of Ontario, said they are moving forward and are working closely with staff on timelines to complete the hydraulic control projects. He said with today's economy the transfer from prior uses and agriculture to urban uses is not occurring as fast as expected. He said hydraulic control was about managing salt, cleaning up pollution, and protecting down-stream users. He asked the Board for their continued cooperation.

8B. Emergency Resolution Regarding the Use of Class A Biosolids and Green Waste Compost for Erosion Control Applications Within the Areas Burned During the November 2008 Fires in Orange, Riverside and San Bernardino Counties Within the Santa Ana Region – Resolution No. R8-2008-0100

This resolution was prepared in response to the Governor's declaration of emergency.

Mr. Thibeault noted that a comment letter was received from the Integrated Waste Management Board, supporting this emergency resolution. He said the resolution is intended to facilitate rapid implementation of erosion control projects. He told the Board that if changes to the resolution become necessary, the resolution would be brought back to the Board at a future Board meeting. Staff recommended the adoption of this resolution.

Action: It was moved by Member PonTell, seconded by Member Ruh, and unanimously approved that the Board adopt Resolution No. R8-2008-0100.

9. Administrative Civil Liability Complaint, Carson Hall, Jr., Riverside County - Order No. R8-2008-0074

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

The Board conducted a hearing to receive relevant evidence and testimony regarding Administrative Civil Liability Complaint No. R8-2008-0082 issued to Carson Hall, Jr. The hearing was conducted with a separation of functions. Gerard Thibeault, David Rice and Frances McChesney served as advisory staff to the Board. The parties in the proceeding were the Board Prosecution Staff (David Boyers, Kurt Berchtold, Michael Adackapara, Steve Mayville, and Mary Bartholomew) and Mr. Hall.

Testimony was presented by Ms. Bartholomew and Mr. Hall. Mr. Hall requested that an additional document (a financial statement) be admitted into evidence. The Board decided to admit the document into evidence.

Board Prosecution Staff recommended that the Board adopt Order No. R8-2008-0074 with errata, affirming administrative civil liability in the amount of \$20,000. Mr. Rice recommended

that the order be revised under Factor B to reflect Mr. Hall's assertion of financial hardship and submittal of a document to support his claim.

Action: It was moved by Member Ameri, seconded by Member Ruh, and approved (with Member PonTell opposed) that the Board adopt Order No. R8-2008-0074 with errata and incorporating the revision recommended by Mr. Rice, affirming the administrative civil liability of \$20,000.

10. Workshop on Clean Water Act Section 305(b) Integrated Report/Clean Water Act Section 303(d) List of Impaired Water bodies
This item was postponed.

11. Public Workshop, Renewal of Waste Discharge Requirements, Orange County Resources and Development Management Department, the County of Orange and Incorporated Cities of Orange County, Areawide Urban Storm Water Runoff Management Program (NPDES No. CA8618030) – Order No. R8-2008-0030

Mark Smythe, Chief of the Coastal Storm Water Section, presented a brief history of the implementation of stormwater regulation via MS4 NPDES permits, which cover Orange, Riverside and San Bernardino Counties. He said the initial focus of NPDES regulation was on sewage treatment plants. He said later the focus shifted toward things like construction site runoff, municipal runoff and industrial site runoff. The focus continued to evolve into new development and redevelopment planning issues, service activities, commercial activities, and public education.

He explained how the Statewide General Construction stormwater permit, the Statewide General Industrial permit and the MS4 permits have been unique compared to all other water quality permits, and how "maximum extent practicable" is implemented through the stormwater permits.

There are major changes that have taken place since the MS4 permit for Orange County was adopted in 2002. TMDLs have been adopted that need to be addressed in the permit. The draft permit also includes new programs that are intended to reduce the amount of pollutants in stormwater inputs to surface waters.

He ended by saying that the draft MS4 permit for Orange County was recently distributed for comment, and that there would be additional workshops and opportunities for comment before a revised draft is presented to the Board for consideration of adoption in May or June of 2009.

Speakers:

Mary Ann Skorpanich, County of Orange
Richard Boon, County of Orange
John Kemmerer, USEPA
Mike Loving, City of Irvine
Michael Yang, City of Irvine
Jason Uhley, RCFC & WCO
Matt Yeager, San Bernardino Co SW Program
Larry McKenney, RBF Consulting
Gene Estrada, City of Orange
Mark Grey, BIA/CICWQ
Vaikko Allen, Contech
Blake Anderson, Newport Bay Naturalists & Friends

12. Regional Board Member and Executive Officer Communications

Chair Beswick announced that Board Members were invited to attend a State of the Santa Ana River Watershed event on 1-29-09 at the Convention Center

13. Appointment of a Committee to Nominate Regional Board Officers for 2009

Board Members Ruh and PonTell were appointed as the committee to Nominate Regional Board Officers for 2009.

14. Proposed Board Meeting Dates for 2009

Board Members discussed a couple of conflicts in the dates proposed for 2009. Modifications were made, and any future conflicts should be addressed to the EO.

15. List of New Enrollees under the General Permits
Information item.

16. Hazardous Waste Incident Report
Information item.

17. Underground Storage Tanks Corrective Action Plans
Information item.

18. Underground Storage Tanks Site Closure Report
Information item.

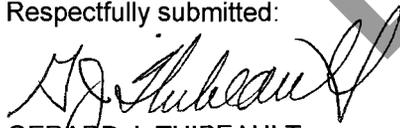
19. Closed Session

There was no closed session.

20. Adjournment

The meeting was adjourned at 1:30 p.m. to the regular Board meeting of January 23, 2009 at 9:30 a.m., in the City Council Chambers, 25541 Barton Road, Loma Linda, CA.

Respectfully submitted:



GERARD J. THIBEAULT
Executive Officer

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