

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

Minutes of March 27, 2009 Board Meeting
25541 Barton Rd.
Loma Linda, CA

1. Chair Beswick called the meeting to order at 9:05 a.m.

Board Members Present

Board Members Absent

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

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
David Rice, Regional Board Counsel
Joanne Schneider, Environmental Program Manager
Robert L. Holub, Supervising Water Resources Control Engineer
Michael J. Adackapara, Supervising Water Resource Control Engineer
Gary Stewart, Chief of Surveillance and Enforcement
Jun Martirez, Chief of Permitting
Kevin Heinemann, Staff Information Systems Analyst
Felipa Carrillo, Executive Assistant

Public Attendance

Marsha Westropp, OCWD
Jeff Beehler, SAWPA
Jessica Chin, City of Riverside
Karen Baroldi, OCSD
Jack Nelson, Yucaipa Valley WD
Mark Bulot, San Bernardino VMWD

Al Lopez, Public & Water Board
Joe LeClaire, Wildermuth Environmental, Inc.
L.F. (Sandy) Caldwell, City of Riverside
Don Lee, Tetra Tech
Chris Crompton, County of Orange
Tim Moore, Risk Sciences

2. Public Forum

There were no speakers.

3. State Water Resources Control Board Liaison Report

Chair Beswick announced that Tam Doduc's flight to Southern California had been cancelled, but that she was taking a later flight. She also announced that Ms. Doduc was no longer serving as Chairman of the State Board, but had been reappointed as a member of the State Board and would continue as our Liaison.

Ms Doduc's Liaison Report was made after she arrived at the Board Meeting and appears after Agenda Item No. 13.

4. Approval of the Minutes

Action: It was moved by Member Ruh, seconded by Member Freschi, and unanimously approved that the Minutes of January 23, 2009 Board Meeting be approved as presented.

Agenda Update: It was noted that Item No. 10 had errata, and Items 11 and 15 had been postponed.

5. Consent Calendar: Member Freschi asked that consent Items 7 and 8 be pulled from the consent calendar, as he had some questions for staff.

*6. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Juana H. Reyes.

*10. Renewal of Waste Discharge Requirements for the Los Alamitos Race Course (NPDES No. CA0106348) Order No. R8-2009-0017.

Action: It was moved by Member Ruh, seconded by Member Freschi, and unanimously approved that the Board adopt Order No. R8-2009-0017 with errata and approve the exemption from the minimum lot size requirements requested by Juana H. Reyes.

During a discussion between staff and Member Freschi, his questions were satisfied.

*7. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Mohammad Ali, dba Lake Mathews Square, LLC.

*8. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Mustafa Abdelkarim and Attallah Abugherir.

Action: It was moved by Member Freschi, seconded by Member Ruh, and unanimously approved that the Board approve the exemption from the minimum lot size requirements requested by Mohammad Ali, dba Lake Mathews Square, LLC, and Mustafa Abdelkarim and Attallah Abugherir.

*9. General Waste Discharge Requirements (NPDES No. CAG998001) Order No. R8-2009-0003.

Note: Member Freschi recused himself from this item.

Action: It was moved by Member Ruh, seconded by Member PonTell, and unanimously approved that the Board adopt Orders No. R8-2009-0003.

11. Revised Request for Cleanup and Abatement Account Funding Related to Perchlorate Contamination - POSTPONED

12. Workshop Clarifying Board Allocation of Assimilative Capacity in Maximum Benefit Management Zones

Mr. Thibeault began his presentation by giving the Board the history and background of the Salt Management Plan adopted by the Regional Board in 2004. This was a Basin Plan Amendment that included all new designations for groundwater management zones, historic ambient water quality, and current ambient water quality. As required by the State Antidegradation Policy, the historic ambient water quality was the basis for setting the groundwater quality objectives in the

Basin Plan Amendment. He mentioned that whenever the current ambient water quality is better than the objectives, this means that there is assimilative capacity in the management zone, and when ambient quality is poorer than the objective, no assimilative capacity exists. He said that this was an extremely important concept because, in accordance with the State Board's Rancho Caballero Decision, when there is no assimilative capacity, the regional board may not set discharge limits in excess of the objective.

Mr. Thibeault said that, in many of the region's management zones with no assimilative capacity, the objectives would be too restrictive to permit the discharge of recycled water, or even in some cases, the discharge of imported water. He then told the Board that, in order to accommodate important water quality improvement and water supply programs, the Board adopted so-called Maximum Benefit objectives in certain basins, in conformance with the Antidegradation Policy. That Policy allows for water quality objectives to be changed if: (1) the resultant objective still protects all beneficial uses and (2) the change is to the maximum benefit of the people of the state.

Mr. Thibeault reminded the Board that, in the basins where the Maximum Benefit objectives were established, important water quality and integrated water supply projects were proposed, and these projects allowed for a finding that the change in water quality objectives was to the maximum benefit to the people of the state. However, these projects were also very costly. So, new water quality objectives, with resultant assimilative capacity, came at a great expense to the agencies requesting the Maximum Benefit Objectives. It had been the position of the Board, and implemented by staff, that the assimilative capacity generated by these water quality improvement and integrated water supply projects would be allocated specifically to the agencies that implemented these projects. Further, agencies in management zones with Maximum Benefit objectives that are not part of the Maximum Benefit projects would have their discharges regulated under the Antidegradation Objectives, rather than the Maximum Benefit Objectives. That is, agencies not part of the Maximum Benefit Process do not have the right to the Maximum Benefit Objectives.

The Board Members did not express any need to provide different direction to staff concerning the allocation of Maximum Benefit-derived assimilative capacity.

13. Storm Water Quality Standards Task Force Progress Report and Workshop

Joanne Schneider, Environmental Program Manager, gave the Board a brief overview of the rationale for the formation of the Storm Water Quality Standards Task Force and the work of the Task Force related to recreational water quality standards. Ms. Schneider added that the level of participation includes representative of environmental organizations, including the Orange County Coastkeeper and Inland Empire Waterkeeper. These organizations have been very active participants in the process and have shared with other environmental groups, relevant information about the Task Force and the recommendations being developed.

Jeff Beehler, Project Manager for the Santa Ana Watershed Project Authority (SAWPA), informed the Board that the task force is funded through the storm water programs in Riverside, San Bernardino and Orange Counties through their flood control districts, OCSD and SAWPA. He also expressed appreciation for the commitment of Regional board staff.

Tim Moore from Risk Sciences, presented the Board with an update on the work of the task force. He said the recommended language for the proposed Basin Plan amendment is done. And, the CEQA review and Staff Report will be prepared this summer. Mr. Moore used the balance of his presentation to describe the scientific basis for how EPA developed pathogen indicator objectives to protect water contact recreation, such as swimming. He noted that EPA guidance grants wide latitude to state authorities to determine what constitutes an "acceptable risk level" when selecting an appropriate *E. coli* standard. He explained how the current fecal coliform standards result in different levels of risk protection between marine waters and fresh waters. And, he

described how these probabilities can be used to estimate the actual number of excess illnesses that may occur among swimmers under different conditions.

The Board asked Mr. Moore to address the issue of how the public might perceive any proposed change in bacteria standards. Mr. Moore said that the Task Force has no intention of recommending less stringent standards where there are people coming into close contact with the water. He said the primary purpose of the proposed Basin Plan amendment was to ensure that available resources are allocated in such a way as to provide the lowest level of risk for the most number of people. He said that is best accomplished by focusing on improving water quality at the ocean beaches and at places like Lake Elsinore, Lake Perris, Big Bear Lake and the middle Santa Ana River, rather than on individual storm water channels where there is no swimming activity occurring. He concluded by noting that the residents of the Santa Ana watershed have understood and accepted the risks and benefits of using reclaimed water for many years. Therefore, he was confident that people would also understand and approve of the Task Force's recommendations that emphasize real reductions in swimming-related illness at public beaches, exactly as EPA's bacteria criteria were intended to be applied.

3. State Water Resources Control Board Liaison Report

Tam Doduc, SWRCB, said Tim Moore's presentation was fascinating. She thanked Board Members for their attendance at the last WQCC. She said the recycled water policy that the State Board adopted in February had been the focus of the meeting, and that a panel will be put together regarding constituents of Emerging Concern (CEC). She had bad news and good news to report: The bad news is that the UST fund is in dire straits, and tough decisions will have to be made concerning site closures. The good news is that the economic stimulus fund for California is expected to include \$280 million of economic stimulus funds for water and wastewater infrastructure. Half of this amount will be distributed by June and the rest by next year. She said that before they would be able to disburse these funds, certain changes had to be made in State law. Currently, the State Revolving Fund program provides loans, not grants. Authority was given to State Board to issue grants under this program; the legislation to adopt this change is awaiting signature by the Governor today.

She also announced her reappointment to the Board for a 4-year term, along with Art Baggett as Board Members with the State Board, Charlie Hoppin as Chair, and Fran Spivey-Webber was elected as Vice-Chair, leaving one position vacant.

14. Emerging Contaminants Work Group

Mr. Thibeault informed the Board that SAWPA had established a Workgroup to recommend an appropriate approach for addressing the issue of Emerging Contaminants (EC) in the watershed. During the last year, the Workgroup worked closely with representatives from the California Department of Public Health (DPH) and the U.S.G.S. and heard presentations by experts in analytical chemistry, advanced treatment technology and risk analysis. Mr. Thibeault asked Tim Moore, the Workgroup's facilitator, to come forward and summarize their progress to date.

Mr. Moore discussed why the Workgroup was established and described some of the most important things they had learned from the various experts. He noted that the EC monitoring requirements in current permits were originally intended to implement DPH recommendations, but that the DPH staff had explained that their previous guidance had been misunderstood and that there was more flexibility to specify site-specific monitoring programs for individual recharge projects than initially assumed.

The Workgroup also learned that the analytical techniques needed to detect ECs were still being developed and that accurate and reliable methods currently exist for only about two dozen chemicals. However, the number of methods is rapidly increasing in response to greater demand for such testing. Mr. Moore also summarized some of the recent research showing the relative effectiveness of various treatment technologies (chlorination, UV & ozone) at reducing EC

concentrations in recycled water and noted some of the pros and cons for each treatment process.

Mr. Moore described several studies that were already being conducted to characterize EC concentrations throughout the Santa Ana watershed. In particular, he highlighted the research being sponsored by Orange County Water District, the Metropolitan Water District of Southern California and the National Water Research Institute. That study is just concluding, and the Workgroup intends to review the data this summer. He said that the results are critical to help the Workgroup establish appropriate priorities for the next phase of the investigation.

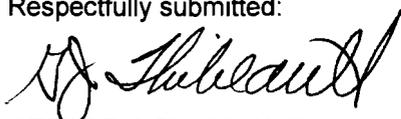
Mr. Moore called attention to the State Water Resources Control Board's recent decision, as part of the new Recycled Water Policy, to establish a Blue Ribbon Panel of Experts on the issues related to Emerging Contaminants. He said this allows local water agencies and regulatory authorities to focus on developing a proper monitoring program rather than trying to figure out which of several thousand different chemicals might be harmful to people or the environment. Mr. Moore reaffirmed the Workgroups commitment to submit such a plan for the Regional Board's consideration in the fall of 2009.

15. Presentation to the Board of the Results of the Most Recent Wasteload Allocation Analysis for the Santa Ana River - POSTPONED
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. Regional Board member and Executive Officer Communications
None.
20. Closed Session
There was no closed session.

Adjournment

The meeting was adjourned at 11:35 a.m. to the regular Board meeting of April 24, 2009 at 9:00 a.m., at the City of Santa Ana, Council Chambers, 22 Civic Center Plaza, Santa Ana, CA.

Respectfully submitted:



GERARD J. THIBEAULT
Executive Officer

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