

Minutes of Meeting
January 23, 1998
Orange County Water District
10500 Ellis Avenue
Fountain Valley

1. Regional Board Chair Henriques called the meeting to order at 9:35 a.m.

BOARD MEMBERS PRESENT

Melody Henriques, Regional Board Chair
Jerry A. King
Evelyn Hart
John B. Withers (arrived at 12:00 p.m.)
Maurice Gallarda
Ann Atkinson
Rodger Siems

BOARD MEMBERS ABSENT

Karen Stein, Regional Board
Vice Chair

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
Joanne E. Schneider, Environmental Program Manager
Karen White, Executive Assistant
Hope Smythe, Chief of the Regional Board's Planning Section
Scott Dawson, Environmental Specialist III of the Regional Board's Planning Section
Gary Stewart, Chief of the Regional Board's Regulations Section
Ken Williams, Chief of the Regional Board's Pollutant Investigation Section

Legal Counsel

Ted Cobb

State Board Member

Mary Jane Forster

PUBLIC IN ATTENDANCE

Nancy Wheatley, County Sanitation Districts of Orange County
Jack Word, Battele
Angela Walters, Battele
Joseph Farber, City of Irvine
Don Schulz, Surfrider Foundation
Monica Mazur, Orange County Env. Health Division
Molly Van Caster, So. California Coastal Water Research Project
George Robertson, County Sanitation Districts of Orange County

Scott Johnson, EcoAnalysis, Inc.
Larry Ulvestad, Santa Ana
Rosaura Ulvestad, Santa Ana
Ron Wildermuth, Orange County Water District
David Kay, So. Cal Edison
David White, Arco Products
Al Masry, Hydroprobe
Dale Duhon, Great Lakes Chemical Corporation
Kathy Roush, Aquaterra, Inc.
Chuck Wehland, Jones Day
Joe Karkoski, United States Environmental Protection Agency
Seth Daugherty, Orange County Health Care Agency
Karen Hodel, Orange County Health Care Agency
Seema Shah, ESC
Larry Harlan, Cape Env.
Chris Crompton, Orange County Public Facilities and Resources Department
Robyn Stuber, United States Environmental Protection Agency
Roy Herndon, Orange County Water District
Allan Beek, Stop Polluting Our Newport
Dale Ratztaff, Caltrans, District 12
R. Gupta, Caltrans District 12
Jennifer Cohen Zir, CH2M Hill
Tim DeTurk, SWD
Ann Michael, SWD
Dave Belpso, Wastewater Remediation
Scott Taylor, Silverado Constructors
Macie Cleary-Milan, TCA
G. Fred Lee, GFL and Assoc.
Charles McGee, County Sanitation Districts of Orange County
Anne Thomas, Attorney, Best, Best and Krieger
John Hington, Co. of Orange Planning Dept.
Yvonne Shen, Orange County Water District
Mike Menger, County Sanitation Districts of Orange County
Bruce Mowry, CH2M Hill
Darrell Fah, Arco Products Co.

5. Resolution of Appreciation

Regional Board Chair Henriques presented a resolution of appreciation to Mr. Neil Cline, General Manager of the Santa Ana Watershed Project Authority, on the occasion of his retirement, for his dedication, service and leadership in implementing water quality projects in the Santa Ana River Basin.

Mr. Cline thanked the Board for their commitment and role in the water quality program.

2. Public Forum

- a. Larry Ulvestad stated that on October 8, 1997, he and his wife submitted a letter to Board staff requesting closure of his site located at 2074 South Main Street in Santa Ana. In response to his letter, Board staff denied his request for closure. Mr. Ulvestad emphasized that he has attended various educational seminars and activities related to site closure guidelines and has complied accordingly. Therefore, Mr. Ulvestad urged the Board to review the technical reports prepared for this site and requested closure.

Assistant Executive Officer Berchtold stated that he and staff would meet with Mr. Ulvestad to determine whether this site meets closure requirements.

- b. Ed Golshani, Golshani/Toufigh Partnership, requested that the Board withdraw staff's request for additional soil investigation at the property site located at 2600-3000 Buena Vista Avenue in Riverside. Mr. Golshani stated that he has worked with the Riverside County Health Department, and the County has approved and monitored the cleanup progress at the site. Therefore, Mr. Golshani requested that the Board reconsider the request for additional cleanup activities.

Assistant Executive Officer Berchtold stated that staff agrees with Mr. Golshani that this site does not pose a threat to water quality. He also stated that staff is awaiting submittal of additional information and paperwork from Mr. Golshani. Upon submittal of the requested information, Mr. Berchtold stated that staff will proceed with site closure procedures.

Al Masry, Hydroprobe, consultant representing Mr. Golshani, emphasized that the site does not pose a threat to water quality and reiterated comments made by Mr. Golshani.

3. Approval of Minutes of Regular Board Meeting of December 5, 1997

There being no additions or corrections, the minutes of the regular meeting held on December 5, 1997 were approved as presented.

4. Consideration of Consent Calendar Items

OTHER BUSINESS

- Item 16 Prospective Purchaser Agreement - Cancilla Properties II, LLC, Santa Ana.
This item was postponed to the March 6, 1998 Board Meeting.

NEGATIVE DECLARATION

Great Lakes Chemical Company, Irvine, Orange County, Negative Declaration

NPDES PERMITS - New

Serrano Water District Collins-Murdock Water Filtration Plant, Orange County, NPDES No. CA8000265, Order No. 98-7

WASTE DISCHARGE REQUIREMENTS - Update

Rancho Caballero Mobile Home Park, Ltd., Riverside County, Order No. 98-6
Bel Air Homeowners Association, Corona, Riverside County, Order No. 98-36

WAIVER OF WASTE DISCHARGE REQUIREMENTS

Composting Operations, Resolution No. 98-30

ACTION: It was moved by Board Member King, seconded by Board Member Siems, and unanimously carried to adopt the Negative Declaration for Great Lakes Chemical Company in Irvine, Orders No. 98-28, 98-7, 98-6, 98-36, and Resolution No. 98-30, as recommended.

6. Orange County Water Reclamation Project

William R. Mills, General Manager of the Orange County Water District (OCWD), presented this item. Mr. Mills stated that OCWD and the County Sanitation Districts of Orange County have joined together to implement the Groundwater Replenishment System project. The goal of the project is to enhance the water supply for Orange County using highly treated recycled water. The project will produce high quality water with multiple barriers of protection that will improve water quality and provide a reliable source of water during periods of drought. Mr. Mills answered questions from the Board.

WORKSHOP

7. County Sanitation Districts of Orange County (CSDOC) 301(h) Permit Workshop

Information pertaining to this item is contained in a verbatim transcript.

Executive Officer Thibeault introduced this item.

Gary D. Stewart, Chief of the Regional Board's Regulations Section, presented the item along with Terry Fleming from the United States Environmental Protection Agency (USEPA). Mr. Stewart noted that the Regional Board and USEPA will jointly consider renewal of the permit because the ocean outfall is in federal waters, but the discharge can affect State waters. The purpose of the workshop is to receive information regarding Tentative Order No. 98-5, NPDES No. CA0110604, waste discharge requirements for the discharge of wastewater to the Pacific Ocean by CSDOC. Mr. Stewart stated that this permit contains a variance from the secondary treatment requirements under Section 301(h) of the Federal Clean Water Act. Mr. Stewart talked about the treatment plants operated by CSDOC and reviewed the various discharge outfall points. Next, Mr. Stewart asked Mr. Fleming to discuss Section 301(h) of the Clean Water Act.

Mr. Fleming reviewed the Section 301(h) process and the criteria used to evaluate CSDOC's discharge application. He noted that USEPA found that the 301(h) criteria were satisfied.

Steve Mayville, Associate Water Resource Control Engineer of the Regional Board's Surveillance and Enforcement Section, reviewed the monitoring and reporting program associated with the proposed permit and CSDOC's participation in the Southern California Bight Project.

Nancy Wheatley, Director of Technical Services for CSDOC, presented a slide and video presentation of the outfall, accompanied by George Robertson, manager of the ocean monitoring program for CSDOC, who discussed the monitoring program and the impacts of the discharge on the marine environment.

Mr. Stewart concluded the presentation by stating that staff will receive comments regarding the proposed permit until the March 6, 1998 Board Meeting. At that time, the Board will be asked to consider adoption of Tentative Order No. 98-5.

NPDES PERMITS - New

11. Silverado Constructors, Eastern Transportation Corridor, Section 14, Denitrification Facility, Irvine, Orange County, NPDES No. CA8000390, Order No. 98-28

Information pertaining to this item is contained in a verbatim transcript.

Gary Stewart, Chief of the Regional Board's Regulations Section, presented this item. Mr. Stewart stated that Silverado Constructors is proposing to discharge treated, intercepted groundwater into Peters Canyon Wash. Silverado Constructors is currently building the Eastern Transportation Corridor, a 26-mile tollway connecting the 91 Freeway and Interstate 5 through the Santa Ana Mountains. Mr. Stewart stated that there have been concerns from interested parties regarding the potential adverse impacts to Newport Bay that may result from the discharge of nitrate in this water to the tributaries of Newport Bay. Mr. Stewart reviewed the general hydrology of the area. He stated that this discharge is not a new source of nitrogen to the Bay and the proposed treatment will result in a decrease in the nitrogen load. He discussed the proposed treatment process. He further noted that these limits are consistent with the proposed Nutrient TMDL. Mr. Stewart noted changes in the errata sheets, comments received from Dr. Jack Skinner, and answered questions from the Board.

Comments were received from the following:

Mr. Allan Beek, Stop Polluting Our Newport
Mark Wolfe, Natural Heritage Institute, Attorney for Defend the Bay
Bob Caustin, Defend the Bay
John Foster, Professor of Engineering Geology and Chair of the Department of Geological Sciences at California State University of Fullerton
Dr. Bruce Mowry, CH2M Hill
Macie Cleary-Milan, Eastern Transportation Corridor Agencies
Scott Taylor, Silverado Constructors

Environmental Program Manager Schneider summarized the various comments and responded accordingly. Staff recommended adoption of Tentative Order No. 98-28, as presented.

ACTION: It was moved by Board Member King, seconded by Board Member Gallarda and unanimously carried to adopt Order No. 98-28, as presented.

Regional Board Chair Henriques called for a 35-minute lunch break and a closed session.

Regional Board Chair Henriques reconvened the meeting.

Public Hearing

8. Newport Bay/San Diego Creek Watershed Nutrient TMDL Public Hearing

Information pertaining to this item is contained in a verbatim transcript.

Chairman Henriques read the Chairman's statement.

Scott Dawson, Environmental Specialist III of the Regional Board's Planning Section, presented this item.

Comments were received from the following interested parties. (These comments and Board staff's responses are included in Item No. 6, of the March 6, 1998 agenda packet).

Joe Karkoski, United States Environmental Protection Agency, Region IX
Mark Wolfe, Attorney for Defend the Bay
Dr. Alex Horne, Professor of Ecological Engineering at the University of California,
Berkeley
Dr. Keith Macdonald, CH2M Hill
Mr. Tousin
Anne Thomas, Attorney with Best, Best, and Krieger
Chris Crompton, Manager for Environmental Resources for the County of Orange

Discussion ensued among the Board Members. Based on the testimony received, the Board voted to continue the item to the March 6, 1998 meeting.

ACTION: It was moved by Board Member King, seconded by Board Member Gallarda and unanimously carried to continue the item to the March 6, 1998 meeting.

ENFORCEMENT ACTION

Cleanup and Abatement Order:

9. Southland Industries, Natis and Frank Lauda, and Bestway Disposal, Inc., Lakeview, Riverside County, Cleanup and Abatement Order No. 98-34

Regional Board Chair Henriques stated the discharger is in compliance and this item has been removed from the agenda.

OTHER BUSINESS

17. Newport Bay Watershed Executive Committee Membership

Executive Officer Thibeault stated that at the Newport Bay Watershed Executive Committee Membership meeting on December 16, 1997, the committee voted to change its name and focus and become a Watershed Committee. The Committee also voted to add three additional member agencies to their committee, a member from the Irvine Ranch Water District, the City of Lake Forest and the Regional Board. Mr. Thibeault stated that he believes that membership in this group will be beneficial to the Regional Board, and recommended that the Regional Board appoint a member.

ACTION: It was moved by Board Member Withers and unanimously carried to appoint Board Member Jerry King to represent the Regional Board on the Newport Bay Watershed Executive Committee.

18. Underground Storage Tank Petitions

Ken Williams, Chief of the Regional Board's Pollutant Investigation Section, presented this item. Mr. Williams gave a brief review of the agencies involved in California's Underground Storage Tank (UST) Program and the petition mechanisms available to parties responsible for underground storage tank cleanups. He stated that although Regional Board staff can require cleanup of UST sites, the State Water Resources Control Board has the authority to review staff's recommendation and reconsider staff's request for additional cleanup or investigative activities. Since 1996, three responsible parties have filed petitions requesting review of either Orange County Health Care Agency or Regional Board staff decisions. These three petitioners are ARCO Station #1064 located in Westminster, Newport Research Center in Fountain Valley, and Metro Car Wash in Santa Ana. Mr. Williams stated that additional characterization off-site was required at the ARCO Station #1064 to complete the definition of the gasoline plume. After additional review of the Newport Research site, Mr. Williams stated that, due to the declining concentrations, this site meets site closure requirements. The Metro Car Wash site revealed MTBE levels of approximately 1000 ppb after extensive remediation. Mr. Williams answered questions from the Board.

Executive Officer Thibeault stated that it was staff's intent to provide comments at the State Water Resources Control Board meeting to consider the petitions remaining at issue.

Comments were received from the following:

Roy Herndon, Senior Geologist for Orange County Water District, stated his support of Board staff's recommendation. He strongly emphasized that OCWD's opinion is that sites with high concentrations of contaminants should require additional cleanup to protect water quality. Mr. Herndon stated his opposition to the Clean Water Program staff opinion that the Pressure Zone sediments act as a barrier for downward contamination migration. Mr. Herndon thanked Regional Board staff for their assistance and efforts in protecting water quality.

Alan Just, consultant with Delta Environmental, representing ARCO, stated that he submitted a letter of petition to the State Board Resources Control Board on December 4, 1995, and has not received a response. He stated that the letter requested review of the case to determine the best strategy to address the need for additional cleanup per the request of the Orange County Health Care Agency. Delta believes that installation of wells is not cost-effective and is unnecessary. Mr. Just answered questions from the Board.

Legal Counsel Ted Cobb reiterated the position of the Clean Water Program staff that these sites, being situated over the Pressure Zone, are not to be considered a threat to the underlying groundwater due to the perceived barrier that the Pressure Zone sediments provide.

Seth Daugherty, supervisor with Orange County Health Care Agency, provided clarification on comments made by Mr. Just. These comments pertained to the screened interval of the wells at the ARCO station, the consistency by which sites in Orange County are handled and the time elapsed within the petition process.

Assistant Executive Officer Berchtold stated that the purpose of the item is to inform the Regional Board of the disagreement that exists between State Board and Regional Board staff. He stated that Regional Board staff is prepared to receive direction from the Board on their position; otherwise, information presented on this item will be forwarded to State Board staff.

19. Underground Storage Tanks Site Closure Report

The Board accepted the report as submitted.

20. Water Quality Assessment

This item will be considered for adoption at the March 6, 1998 meeting.

21. Revision to the State Water Resources Control Board Water Quality Enforcement Policy Violations Report, December 5, 1997

The Board accepted the report as received.

22. Hazardous Waste and Sewage Spill Incident Report

The Board accepted the report as received.

23. Executive Officer's Report

The Board accepted the report as received.

24. ADJOURNMENT

Regional Board Chair Henriques adjourned the meeting at 5:15 p.m., to the regular meeting of March 6, 1998 at the City Council Chambers of Newport Beach, located at 3300 Newport Blvd., in Newport Beach.

Respectfully submitted:



GERARD J. THIBEAULT
Executive Officer

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