

Minutes of the Regional Board October 7, 1999
City Council Chambers
815 West Sixth Street
Corona

1. Chair Stein called the meeting to order at 9:07 a.m.

Board Members Present

Board Members Absent

Karen Stein, Chair
John Withers, Vice-Chair
Evelyn Hart
Rodger Siems
Melody Henriques

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
Joanne E. Schneider, Environmental Program Manager
Karen Y. White, Executive Assistant
Gary Stewart, Chief, Regulations Section
Michael J. Adackapara, Chief, Stormwater Section
Robert L. Holub, Chief, SLIC and Dairies Section
Maneck Chichgar, Associate Engineering Geologist, SLIC and Dairies
Section
Hope A. Smythe, Chief, Planning Section
Scott Dawson, Environmental Specialist III, Planning Section
Cindy Li, Engineering Geologist, Planning Section
Tom Meregillano, Environmental Specialist II, Planning Section
Dixie B. Lass, Chief, Land Disposal Section
Keith Person, Water Resource Control Engineer, Land Disposal Section
Terri Reeder, Associate Engineering Geologist, Land Disposal Section

Legal Counsel

Tim Regan

Public Attendance

Bruce Livingstone, Livingstone Dairy Consulting
David A. Foster, Environmental Products and Technologies Corporation
Harry Gibbons
John Borges, Western United Dairymen
George Gutman, Hines Nurseries
Clifford Prater, Hines Nurseries
Bob Feenstra, Milk Producers Council
Don Williams, City of Corona

Mary Blake, Member, Alliance to Rescue Crystal Cove
Garry Brown, Orange County Coastkeeper
Cal Westra, Westra Dairy
George Hrebien, Member, Alliance to Rescue Crystal Cove
John Boere Jr., Menifee Resident
Greg Woodside, Orange County Water District
Dr. Doug Drury, Inland Empire Utilities Agency
John Graham, Environmental Products and Technologies Corp.
Katherine O'Connor, Orange County Water District
Robert Caustin, Defend the Bay
Novin Rashed, TetraTech

2. Public Forum

Mary Blake, Member, Alliance to Rescue Crystal Cove, stated that in recent years planned developments have begun surrounding the Crystal Cove State Park area. Discharge from these developments has resulted in excessive urban runoff and uncontrolled flows. Ms. Blake stated that she is aware of the State and Regional Board's decision to grant The Irvine Company a Waiver of 401 Certification to discharge runoff from planned developments into creeks that flow through Crystal Cove State Park beaches into the Ocean. She contended that this added discharge will result in further degradation to receiving waters and may pose a threat to environmental and biological resources and beneficial uses. Ms. Blake further emphasized that the Alliance to Rescue Crystal Cove does not support issuance of the 401 Certification Waiver for The Irvine Company project.

George Hrebien, Member, Alliance to Rescue Crystal Cove group, reiterated concerns expressed by Ms. Blake. Mr. Hrebien urged the Regional Board to consider the potential degradation of the receiving waters.

Ms. Blake further stated that on October 6, 1999, she witnessed drainage flowing from the Pacific Coast Highway into the Crystal Cove area. Ms. Blake submitted a photo album capturing ongoing activities surrounding the Crystal Cove State Park area for Regional Board staff review.

For clarification on comments received from Ms. Blake and Mr. Hrebien, Executive Officer Thibeault asked Environmental Program Manager Schneider to apprise the Regional Board of the ongoing activities.

Ms. Schneider stated that The Irvine Company submitted an application for a 401 Water Quality Certification for a development project that would affect creeks that flow to the Crystal Cove State Park beach waters. Upon review of the proposal, Regional Board staff recommended to the State Board denial of the request based on the Ocean Plan prohibition that there shall be no discharge to areas designated as "Areas of Special Biologic Significance" unless it can be demonstrated that the natural water conditions will not be modified. However, she indicated that upon State Board's Legal Counsel review of the Regional Board staff's recommendation, it was determined that the Ocean Plan does not apply to inland discharges of waste. In light of this determination,

Regional Board staff reconsidered its recommendation for denial without prejudice. Regional Board staff again considered the application in the context of the Regional Board's approval criteria for waivers from waste discharge requirements and found that the project complied. Accordingly, Regional Board staff issued a waiver for the project with conditions. Ms. Schneider emphasized that Regional Board staff is concerned with potential impacts this discharge may have on water quality and beneficial uses. Therefore, Regional Board staff conditioned the waiver on the implementation by The Irvine Company of a monitoring and reporting program to evaluate the impact of the discharge on receiving waters. Ms. Schneider pointed out that the Regional Board could use its regulatory authority to address problems, if any are identified by the monitoring program. Ms. Schneider answered questions from the Regional Board.

Board Member Withers requested that Regional Board staff review the submitted material and provide a response to the Regional Board.

3. Approval of minutes of the Regular Meeting of August 20, 1999.

There being no additions or corrections, the minutes of the regular board meeting held on August 20, 1999, were approved, as presented.

4. Consideration of Consent Calendar Items

Revised Waste Discharge Requirements for Western Hills Golf and Country Club, San Bernardino County
Order No. 99-54

Rescission of Waste Discharge Requirements and Enforcement Orders for Specific Facilities in San Bernardino and Riverside Counties
Order No. 99-75

	<u>Order No.</u>	<u>Discharger</u>	<u>County</u>
1.	87-58	California Institution for Women Frontera	San Bernardino
2.	97-14	Pacific Southwest Farms, CRTransfer, Anaheim Disposal Company, Rainbow Transfer Recycling, Inc.	San Bernardino
3.	77-93	Ray Alger, Alger Cattle, Ontario	San Bernardino
4.	91-54	Riverside County Waste Mgmt. Belltown Landfill	
5.	84-123	Chevron U. S. A. Inc. Lake Elsinore	Riverside

Amendment to Waste Discharge Requirements, Order No. 85-131 for Waste Management Incorporated, El Sobrante Landfill, Riverside County
(with errata sheet)
Order No. 99-79

Rescission of Cease and Desist Orders for Specific Facilities in Riverside and San Bernardino County
 Order No. 99-77

	<u>Order No.</u>	<u>Discharger</u>	<u>County</u>
1.	96-8	City of Corona	Riverside
2.	96-38	Inland Empire Utilities Agency Regional Plant No. 1 Ontario/Upland	San Bernardino
3.	96-61	Eastern Municipal Water District Perris Valley Regional Water Reclamation Facility Hemet- San Jacinto Water Reclamation Facility	Riverside

Prospective Purchaser Agreements, Resolution No. 99-81

Action: It was moved by Board Member Henriques, seconded by Board Member Hart, and unanimously carried to adopt Order Nos. 99-54, 99-75, 99-79, 99-77, and Resolution No. 99-81, as presented.

24. Closed Session

Chair Stein requested that the Regional Board Members enter into a Closed Session to discuss litigation issues related to the Cajon Illegal Landfill located in San Bernardino County.

Chair Stein reconvened the meeting.

10. Revised Cease and Desist Order for Concentrated Animal Feeding Operations (Dairies and Related Facilities) within the Santa Ana Region - Cease and Desist Order No. 99-76

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

Chair Stein opened the hearing by reading the Chair's Statement.

Robert L. Holub, Chief of the SLIC and Dairies Section, presented the staff report. Mr. Holub began by presenting a summary of the activities and workshops that resulted in the adoption of the general permit for concentrated animal feeding operations (CAFOs) (Order No. 99-11), and Cease and Desist Order No. 99-65. Mr. Holub stated that Order No. 99-11 requires CAFOS to implement an engineered waste management plan (EWMP) to contain all wastewater on their facility.

Cease and Desist Order No. 99-65 was developed by staff to address facilities unable to comply immediately with requirements contained in Order No. 99-11. Therefore, this order contains a time schedule that provides additional time for facilities to meet the EWMP requirement. Mr. Holub noted that Attachment A of the order includes facilities that must comply immediately with the EWMP requirement. He also noted that Attachments B, C, and D of the order include facilities that must develop and implement

EWMPs in accordance with a time schedule. Mr. Holub reviewed the compliance dates for each category and explained that facilities were placed in one of the three attachments based on their geographic location. He then explained the submittal process for the draft and final EWMPs. For clarification, he noted that the time schedules for submittal of the EWMPs were designed to address limited staff resources for reviewing the documents and the limited number of experienced consultants available to develop the EWMPs.

Mr. Holub emphasized that those facilities planning to cease operations within the next two years will not be required to prepare an EWMP. However, he indicated that until the facility ceases operation, it will be required to comply with all other requirements of the order. Mr. Holub stated that this time schedule will result in all facilities having an approved EWMP by January 2003. Mr. Holub referenced an errata sheet prepared to reflect changes in the lists of facilities. Mr. Holub answered questions from the Regional Board.

Comments were provided from the following:

Bob Feenstra, Executive Director, Milk Producers Council (MPC), thanked the Regional Board for an acceptable time schedule to meet the EWMP requirements. He also expressed concern with the Cities of Upland and Ontario being excluded from the dairy permit and cease and desist order. He contended that excessive runoff received from these areas contribute to the flooding problems in the dairy area. He also asked the Regional Board to discern who the "responsible party" will be when dairymen sell their property to developers and the developers lease it to dairymen. He also asked whether new dairy owners would be required to prepare a new EWMP.

Nathan de Boom, Environmental Specialist, Milk Producers Council (MPC), thanked the Regional Board for a cooperative working relationship with MPC and the Dairy Industry. He requested that the Regional Board evaluate the appropriateness of the Dairy Quality Assurance Program in reviewing and approving EWMPs.

Cal Westra, Westra Dairy, requested that the Regional Board move his dairy from Attachment C to Attachment D. Mr. Westra stated that he has sold his dairy property to a developer and will be leaving the area by 2001. He also stated that the extended time will allow the developer time to identify solutions to address converting the detention pond on the property to a retention pond and working this out with the dairy facility owner below the property.

John Fleming, Consulting Engineer, Western United Dairymen (WUD), complimented Regional Board staff on setting attainable requirements on the dairy general permit and the cease and desist order. Mr. Fleming advised the Regional Board of WUD plans to meet with an engineering firm to develop the plan for implementing EWMPs. Mr. Fleming asked whether there would be any changes to the guidelines for developing EWMPs.

Mr. Holub stated that staff plans to work with interested parties to receive comments and review guidelines for preparation of the EWMPs. Staff anticipates completion of this review by December 1, 1999.

Executive Officer Thibeault requested Mr. Fleming to proceed with the development of EWMPs using the current guidelines.

John Boere, dairyman, informed the Regional Board that Eastern Municipal Water District is contaminating the drinking water wells in Hemet by illegally dumping wastewater into the San Jacinto Basin. Mr. Boere requested that the Regional Board staff investigate this issue.

Katherine O'Connor, Orange County Water District, submitted a card to speak but was not available when Chair Stein called her name.

Action: It was moved by Board Member Henriques to adopt Order No. 99-76, as presented.

Chair Stein asked for a roll call.

Ayes: Henriques, Siems, Hart, Stein

Noes: 0

Mr. Withers abstained from voting on this item.

Executive Officer Thibeault stated that adoption of a cease and desist order requires 5 affirmative votes, and therefore Cease and Desist Order No. 99-76 could not be adopted. He stated that interested parties have the option of appealing the failure of the Regional Board to act on this item to the State Board for further action.

Action: It was moved by Board Member Henriques, seconded by Board Member Hart, and unanimously carried to direct the Executive Officer to recommend that this matter be referred to the State Board for further action.

11. Chino Basin Desalters Status Report

Executive Officer Thibeault stated that this is an information item to provide a status report on the desalter facilities in the Chino Basin.

12. Nitrogen/TDS Task Force

Mark Norton, Project Manager for the Nitrogen/TDS Task Force, introduced this item. He reviewed tasks proposed by the Task Force with a schedule of completion dates. Mr. Norton noted that the Task Force will continue to keep the Regional Board apprised of their progress. Mr. Norton then introduced Tim Moore, consultant for the Task Force, to present the item.

Mr. Moore announced that the Task Force will be requesting the Regional Board to consider the adoption of the "Reclamation Guidance Document" at the November 19, 1999, meeting. Mr. Moore urged the Regional Board to consider the effort and dedication demonstrated by the Task Force over the last three to four years to prepare the document during the review period. He also emphasized that the Task Force has been willing to accommodate and respond to concerns of interested parties and affected groups expressing concerns with the document. In conclusion, Mr. Moore talked about possible controversial issues that may be presented during the public hearing. He further stated that the Task Force is prepared to address these issues. Mr. Moore answered questions from the Regional Board.

13. Basin Plan Amendment Workshop

This item has been postponed to the November 19, 1999, meeting.

14. Newport Bay Watershed Nutrient Total Maximum Daily Load (TMDL) – Approval of Agricultural Nutrient Management Plan - Resolution No. 99-64

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

Scott Dawson, Environmental Specialist III, Planning Section, presented this item. Mr. Dawson presented an overview of the proposed agricultural nutrient management plan for the watershed, submitted by the Orange County Farm Bureau. Mr. Dawson stated that staff has reviewed the proposed 5-phase plan and believes that it will be effective in addressing the nutrient levels and nutrient runoff. Mr. Dawson requested that the Regional Board adopt Resolution No. 99-64, as presented. Mr. Dawson answered questions of the Regional Board.

Comments were provided by the following:

Robert Caustin, Defend the Bay, expressed his support of Resolution No. 99-64, and concern with the need for additional funding to implement the proposed plan.

Action: It was moved by Board Member Hart, seconded by Board Member Withers, and unanimously carried to adopt Resolution No. 99-64, as presented.

15. Newport Bay Watershed Regional Monitoring Program

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

Scott Dawson, Environmental Specialist III, Planning Section, presented this item. Mr. Dawson reviewed the proposed monitoring program for the Nutrient TMDL. He stated that the monitoring program is divided into two phases, a routine monitoring component and special monitoring needed to refine the TMDL. Mr. Dawson showed a map depicting the nine specific areas that will be monitored. He noted that the proposed monitoring will provide data as to the effectiveness of the TMDL in the watershed. Mr.

Dawson reviewed an errata sheet and recommended adoption of Resolution No. 99-77. Mr. Dawson answered questions from the Regional Board.

Comments were provided by the following:

Robert Caustin, Defend the Bay, expressed his opposition to Resolution No. 99-77, and submitted written comments to the Regional Board. He stated that he has attended the Task Force meetings related to the proposed action, and has requested that the monitoring program also include chlorophyll A, algae bloom studies, and dissolved oxygen. Mr. Caustin expressed his frustration with his requests not being responded to by the Task Force. Mr. Caustin urged the Regional Board to postpone action on this item until additional studies are conducted and new data is presented. Mr. Caustin answered questions from the Regional Board.

George Gutman, Hines Nurseries, stated that the nurseries have concerns with the proposed regional monitoring system and the impact it will have on their requirements. He also expressed uncertainty about the proposed guidelines for monitoring chronic toxicity.

Executive Officer Thibeault stated that the documents submitted by Mr. Caustin had not been previously received by the Regional Board office. Environmental Program Manager Schneider pointed out that some of Mr. Caustin's requests were new, but some had already been considered by the Nutrient TMDL work group.

Action: It was moved by Board Member Withers, seconded by Board Member Henriques, and unanimously carried to adopt Resolution No. 99-77, as presented.

16. Newport Bay Watershed Nutrient Total Maximum Daily Load (TMDL) – Update on Urban Nutrient Management Program Submittal

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

Scott Dawson, Environmental Specialist III, Planning Section, presented this item. Mr. Dawson presented an overview of the urban nutrient management program submitted by the County of Orange. Mr. Dawson stated that staff reviewed the initial plan and requested that the plan be revised to effectively address the nutrient content of urban runoff. Mr. Dawson stated that the revised plan is improved but that staff believes that certain changes are still necessary. Staff will provide written comments to Orange County.

17. Newport Bay Watershed Sediment Total Maximum Daily Load (TMDL) - Monitoring and Reporting Program No. 99-74

This item has been postponed to a future meeting.

18. Quarterly Violations Report (information item)

The Regional Board accepted the report as presented.

19. General Permits (information item)

The Regional Board accepted the report as presented.

20. Hazardous Waste and Sewage Spill Incident Report

The Regional Board accepted the report as presented.

21. Appointment of a Committee to Nominate Regional Board Officers for 2000

This item was postponed to the November 19, 1999 meeting.

22. Board Meeting Dates and Locations for 2000

Executive Officer Thibeault requested that the Regional Board Members review the dates and notify staff of potential conflicting dates.

23. Executive Officer's Report (information item)

Executive Officer Thibeault informed the Regional Board of staff's meeting with State Board Member, Arthur Baggett. He stated that he and staff members would be giving Mr. Baggett a tour of the Chino Dairy Area.

25. ADJOURNMENT

Regional Board Chair Stein adjourned the meeting at 11:30 a.m., to the regular meeting of November 19, 1999, at 9:00 a.m., at the City Council Chambers of Loma Linda.

Respectfully submitted:

Gerard J. Thibeault
Executive Officer

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