

Minutes of the March 31, 2000 meeting
Irvine Ranch Water District Board Room
15600 San Canyon Avenue
Irvine

1. Chair Withers called the meeting to order at 9:02 a.m.

Board Members Present

Board Members Absent

John Withers, Chair
Melody Henriques, Vice-Chair
Rodger Siems (entered at 9:15)
Carole Beswick
Jose Solorio
Irv Pickler

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
Robert L. Holub, Supervising Water Resource Control Engineer
Joanne E. Schneider, Environmental Program Manager
Barbara Laffoon, Secretary
Hope A. Smythe, Chief, Planning Section
Steve D. Mayville, Chief, Storm Water Section

State Board Representative

Mary Jane Forster

Legal Counsel

Ted Cobb

Public Attendance

Pat Kilroy, City of Lake Elsinore
Paul Mobley, United Strategies, Inc.
Greg Woodside, Orange County Water District
Jim Colston, Orange County Water District
Rod Cruze, City of Riverside
John Hingtgen, County of Orange
Judith M. Gielow, League of Women Voters
Marge England, League of Women Voters
Tom England, League of Women Voters
Norris Brandt, Irvine Ranch Water District
Mary Aileen Matheis, Irvine Ranch Water District
Al Kashani, Pollution Research and Technologies, Inc.
Larry Porter
Roberta Marshall, The Irvine Company
Robert Fraser
Laer Pearce
Ralph Bauer, City of Huntington Beach
George Hrebien, Alliance to Rescue Crystal Cove

Garry Brown, Orange County Coastkeeper

The Board Chair welcomed new member, Irv Pickler, representing Recreation, Fish and Wildlife. Board members introduced themselves.

Executive Officer Jerry Thibeault introduced staff members present.

2. There was no public comment.

CHANGE ORDER OF THE AGENDA

5. Chair Withers invited former Board member, Evelyn Hart, to stand, and read a resolution of appreciation for her service to the Santa Ana Regional Water Quality Board. He then presented her with a plaque commemorating the occasion. Board member Henriques praised Ms. Hart for her performance and professionalism during her tenure on the Board. State Board member, Mary Jane Foster, also took the opportunity to thank Ms. Hart for her service to the Santa Ana Regional Board and with environmental issues in general. Board member Irv Pickler also spoke on behalf of Ms. Hart's accomplishments.

3. Approval of Minutes of February 25, 2000 meeting

There being no additions or corrections, the minutes of the regular board meeting held on February 25, 2000, were approved as presented with Board member Pickler abstaining.

4. Approval of Consent Calendar Items

Appeal of Staff's Denial of an Exemption from the Minimum Lot Site Requirements - Mark and Lori Vanderweit, 2881 Mill Creek Road, Mentone, San Bernardino County

Executive Officer Thibeault recommended that the Board approve the Appeal. It was noted that the intent of the petitioners is merely to include a bathroom with a garage for cleanliness and convenience, and the building will not be used as a residence.

Board Member Solorio inquired whether the Board could require that a restriction be recorded in the property title that this building could not be used as a separate dwelling in the future. Executive Officer Thibeault responded that the Board had previously considered this option and could do so in the future.

Federal Fiscal Year (FFY) 2000 State Revolving Fund (SRF) Loan Program for the Santa Ana Region

Action: It was moved by Board Member Beswick, seconded by Board Member Henriques and unanimously carried to approve the Appeal of Staff Denial of the Exemption of Mark and Lori Vandeweit and adopt the FFY 2000 State Revolving Fund Loan Program Priority List for the Santa Ana Region.

Chair Withers shared a press release by Governor Davis last week announcing the appointment of Seymour D. Van Gundy to the Santa Ana Regional Board as a representative of Water Quality.

9. Dairy Regulatory Program

Robert Holub, Supervising Water Resource Control Engineer, presented a status report and a general overview of the Board's dairy regulatory program. Mr. Holub provided a brief background of the dairy regulatory program, noting the initial adoption of waste discharge requirements by the Board in 1972 and the subsequent adoption of a General NPDES Permit

for CAFOs (Concentrated Animal Feeding Operations) in 1994. The General NPDES Permit expired in 1999, and Mr. Holub summarized the primary issues associated with adoption of the new General NPDES Permit and cease and desist order later in 1999. Mr. Holub summarized the primary requirements associated with the new permit and cease and desist order, and the amendment to the cease and desist order adopted by the State Water Resources Control Board in February 2000.

Board Member Beswick asked about the market for this manure and where it goes.

Executive Officer Thibeault explained that there were various locations including local composting facilities such as that operated by the Inland Empire Utilities Agency, hauling to farms in the Central Valley, and some is taken to local areas such as the San Jacinto Basin farmland. The problem is there are not enough legal areas for all the manure in our Region, and it is expensive to haul it to distant areas where it is needed.

Board Member Henriques commented that one desalter had just been dedicated with another soon to be built and asked what the time frame would be.

Executive Officer Thibeault responded that there was a problem due to the Chino Basin Watermaster not being too anxious to construct another one right now. They are under a court order currently to come up with a Basin management plan. Staff hopes the judge will keep "their feet to the fire" in requiring water quality programs that will actually start cleanup in the Basin. If that does not happen, options would be to re-evaluate all the sources of salts in the Basin, assign responsibilities by percentages and pursue cleanup options by individual discharge category. If that cannot occur, staff could implement some kind of TMDL approach. It would be far more efficient and cost effective to do it through the Watermaster.

Board Member Solorio asked about the size of the dairy industry. Executive Officer Thibeault said that although many dairies are being converted for residential development right now, about 270 remain in the Chino Basin.

Chair Withers read statistics that the Chino Basin has the highest concentration of dairy animals in the world, about 350,000, more than the entire state of Wisconsin and a total economic activity of one billion dollars.

Board Member Solorio asked how many employees of dairies are there. The estimation by Board staff would be anywhere from 5-15 per dairy. Board Chair Withers noted that it was highly automated and not an employee-intensive industry.

Board Member Pickler asked if there was any way to pressure the Chino Basin Watermaster?

Executive Officer Thibeault said Chino Basin Watermaster was supposed to issue an environmental document for the Basin Management Plan last week. After comments are requested and completed on that, time will be given for them to respond to the comments and indicate what they will do. CEQA requires that the Watermaster consider effects on the Santa Ana River and Orange County groundwater. They will have to provide rationale for choosing an alternative that does not adequately protect downstream beneficial uses. The second desalter would address this.

Board Member Pickler expressed concern that this would not become procrastination on their part and wanted the Board to take whatever steps it could to move this along.

Executive Officer Thibeault said he thought the Board would be asked to make a decision some time this summer regarding this situation.

8. Clean Water Enforcement and Pollution Prevention Act (SB 709)

Legal Counsel Cobb presented a report on SB709, noting that the bill had passed with little to no input from the State Board, and expressed disappointment with the contents of the Bill.

The bill says that under certain circumstances a penalty of at least \$3,000 is required.

The second part of the bill requires that when doing ACL actions, the economic benefit the person realizes from the violation must be recovered.

The third aspect of the bill allows the Board to require pollution prevention plans. Although we have done things like this in the past, this is more formalized, and deals with certain issues. It details what must be in the plans.

Instructions to Tour Participants

Legal Counsel Cobb advised all participants in the Crystal Cove Tour that the tour is merely to familiarize Board Members with the area and provide a better understanding when the issue comes before the Board. It is not an opportunity to lobby. No discussion regarding matters that may come before the Board is allowed. Board members will tour in separate vehicles.

Executive Officer Thibeault advised the Board that items 10 and 11 were informational items only and were contained in the Board's agendas.

10. Hazardous Waste and Sewage Spill Incident Report

11. Executive Officer's Report

12. Regional Board Member Communications

There were none.

13. Closed Session

There was none.

14. ADJOURNMENT

Board Chair Withers noted that at the conclusion of the Crystal Cove tour, the meeting would be adjourned to the regular meeting of May 19, 2000, at 9:00 a.m., at the City Council Chambers of Loma Linda.

15. Tour of Crystal Cove and Newport Coast

Board Members, Staff, and interested parties departed for a tour of the Crystal Cove area and the Newport Coast.

Respectfully submitted:

GERARD J. THIBEAULT
Executive Officer

/bjl