

California Regional Water Quality Control Board
Santa Ana Region

Minutes of February 3, 2005
City of Santa Ana Council Chambers
22 Civic Center Plaza
Santa Ana

1. Vice-Chair Ameri called the meeting to order at 9:05 a.m.

Board Members Present

Fred Ameri, Vice-Chair
Seymour Van Gundy
Jose Solorio
William Ruh
John Withers

Board Members Absent

Carole Beswick, Chair

Staff Members Present

Gerard J. Thibeault, Executive Officer
Jorge León, Office of Chief Counsel
Kurt V. Berchtold, Assistant Executive Officer
Joanne E. Schneider, Environmental Program Manager
Michael J. Adackapara, Supervising Water Resource Control Engineer
Robert L. Holub, Supervising Water Resource Control Engineer
Mark E. Smythe, Chief of Storm Water (Coastal Waters)
Hope Smythe, Chief of Basin Planning (Inland Waters)
Mark G. Adelson, Chief of Regional Planning Programs
Jun Martirez, Chief of Regulations
Ken Williams, Chief of Underground Storage Tanks
Bill Rice, Engineering Geologist
Mary Bartholomew, Environmental Scientist
Aaron Buck, Environmental Scientist
Patrice Copeland, Engineering Geologist
Kevin Heinemann, Staff Information Systems Analyst
Catherine A. Ehrenfeld, Staff Services Analyst

State Board Representative

None present

Public Attendance

Donavan & Jeanette Villegas
Rod Cruze, City of Riverside
Mark Silvey, Newport Beach
Jeff Beehler, Santa Ana Watershed Project Authority
Valerie Housel, City of San Bernardino Municipal Water District
Rick Whetsel, Santa Ana Watershed Project Authority
R. Watson, R.A. Watson Construction
Joe Rosen
James Walker, Geo Trans, Inc.

Steve Farwell, Swales Anchorage
Don Schultz, Surfrider Foundation
Mary Jane Foley
Sonia Nasser
Marilyn Thoms
Marty Haber, Garden Grove, Power and Water Department
Nira Yamachika, Orange County Water District
Garry Brown, Orange County Coastkeeper
Tom Rheiner, Riverside County Flood Control
Geraldine Lucas, City of Huntington Beach
Larry Neishi, City of Huntington Beach
Jessica Bautista, University of California Riverside
Chris Crompton, County of Orange
Susan Brodey, County of Orange
Scot Scialpi, The Irvine Company
Ryan Hiete, MPG, LLP
Joel Hanson, Santa Monica Bay Restoration Foundation
Matt Yeager, San Bernardino County Flood Control
Michele Colbert, City of Corona
Van Vlahakis, Venus Labs
Bob Wa, Caltrans, District 7, Los Angeles

Public Forum

Jeanette Villegas provided the Board with a tape and blueprints for review and asked their assistance in not allowing her neighbor, Pete Katelaris, a permit to continue dumping pollutants onto her property and into the watershed tributary to Irvine Lake.

Sonia Nasser, Chief of Watershed & Coastal Programs for Orange County, brought to the Board's attention a new element of the Orange County Stormwater Program, the new Trash and Debris Task Force. The purpose of this Task Force is to have a regional coordinated strategy to deal with litter and trash in waterways and beaches.

Marilyn Thoms, Watershed Planner for the County of Orange, briefed the Board on the Water Use Efficiency Task Force, bringing together city representatives who are involved in implementing Best Management Practices for outdoor water use efficiency.

Mary Jane Foley invited Board Members to participate in the Trash and Debris Task Force. The next meeting is on March 3, 2005.

2. Approval of Minutes

Action: It was moved by Member Withers, seconded by Member Solorio and unanimously approved that the Minutes of December 20, 2004 be approved as presented.

3. Consent Calendar

It was noted that Item No. 9 had errata and Item No. 11 was removed from the Consent Calendar.

- *5. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement — Jeffrey Keat, 6557 Mulberry Street, Etiwanda, San Bernardino County, APN 0228-011-22.
- *6. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement — Susan Hubert, 8172 La Senda Road, Alta Loma, San Bernardino County, APN 1061-101-10
- *7. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement — Michael and Karen Lind, 9589 Rancho Drive, Cherry Valley, Riverside County, APN 401-100-039-6.
- *8. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement — James De Mase, 5515 Marlatt Street, Mira Loma, Riverside County, APN 161-081-010-6
- *9. Waste Discharge Requirements for the Nakase Brothers Wholesale Nursery For the discharge of irrigation and storm runoff from the Nursery into Serrano Creek, a tributary of San Diego Creek and Upper Newport Bay. Order No. R8-2005-0006
- *10. Amendment of Order No. 01-34, NPDES No. CAG 618005, Discharges of Storm Water Runoff Associated with New Developments in the San Jacinto Watershed to include an exemption from obtaining coverage under this Order if the project has a Water Quality Management Plan approved by the local agency. Order No. R8-2005-0038

Action: It was moved by Member Withers, seconded by Member Ruh and unanimously approved that the Board adopt Order Nos. R8-2005-0006, with Errata, R8-2005-0038 and approve the exemptions from minimum lot size requirements requested by Jeffrey Keat, Susan Hubert, Michael and Karen Lind, and James De Mase as presented.

- 11. Vessel Waste Sewage Disposal Program — Consideration of the adoption of an order requiring implementation of provisions of the Vessel Waste Sewage Disposal Program by specific vessel terminal owner/operators, the Cities of Newport Beach and Huntington Beach and the County of Orange. Order No. R8-2005-011

Pavlova Vitale, Environmental Scientist, presented to the Board a proposed order that will require implementation of several provisions in Newport Bay and Huntington Harbour. These provisions pertain to pump-out use and include operation and maintenance, education on the use of and access to pump-outs, cost for use of and plumbing standards for the pump-outs.

Speakers on the item were:

Steve Farwell, owner/operator of Swales Anchorage
 Joe Rosen
 Garry Brown, Orange County Coastkeeper
 Larry Neishi, City of Huntington Beach
 Geraldine Lucas, City of Huntington Beach

Action: It was moved by Member Withers, seconded by Member Ruh and unanimously approved that the Board adopt Order No. R8-2005-011.

12. Storm Water Quality Standards Task Force Status Report —Report on the current status of the work being conducted by the Task Force to consider revised bacterial quality objectives to protect water contact recreational (REC-1) uses of inland and estuarine surface waters within the Santa Ana Region.

Jeff Beehler, Santa Ana Watershed Project Authority, introduced Tim Moore who updated the Board on the progress of the Task Force Phase I work on Beneficial Uses in the Watershed. A CD containing Task Force documents was given to Board and Staff.

13. Administrative Civil Liability Complaint, City of Stanton, Orange County — Consideration of whether to affirm, reject, or modify the administrative civil liability assessment proposed in Administrative Civil Liability Complaint No. R8-2004-0084.

This item was postponed.

14. Administrative Civil Liability Complaint, City of Buena Park, Orange County — Consideration of whether to affirm, reject, or modify the administrative civil liability assessment proposed in Administrative Civil Liability Complaint No. R8-2004-0083. Order No. R8-2005-0031

This item was postponed.

15. Administrative Civil Liability Complaint, City of La Habra, Orange County — Consideration of whether to affirm, reject, or modify the administrative civil liability assessment proposed in Administrative Civil Liability Complaint No. R8-2004-0082. Order No. R8-2005-0030

This item was postponed

18. Public Workshop - Incorporation of Total Maximum Daily Loads (TMDLs) for Bacterial Indicators for Specific Waterbodies in the Middle Santa Ana River Watershed —Public workshop to receive comments concerning a proposed amendment to the Water Quality Control Plan for the Santa Ana Region (Basin Plan) to incorporate TMDLs for bacterial indicators for several waterbodies in the Middle Santa Ana River Watershed.

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

Bill Rice, Engineering Geologist, summarized the proposed Basin Plan Amendment to include TMDLs for bacterial indicators for waterbodies in the Middle Santa Ana River Watershed.

Speakers on the Item were:

Tom Rheiner, Riverside County Flood Control
Matt Yeager, San Bernardino County Flood Control

The Board adjourned to Closed Session at 1:00 p.m. Jorge León, Regional Board Legal Council, recommended discussion of the Addendum to the Agenda Announcement for commencement of a proceeding against Emhart Industries, Inc. to preserve the Regional Board's interests in light of Emhart's dissolution. Authorized by Government Code 11126 sub-paragraph E. The Board returned to open session at 1:10 p.m. Mr. León proposed filing a proceeding to protect the Board's interests. The Board authorized the proceeding.

16. Mandatory Penalties Complaint, Hamid Farsai, Huntington Beach ARCO, 6002 Bolsa Avenue, Huntington Beach — Consideration of whether to affirm, reject, or modify the proposed mandatory penalties in Mandatory Penalties Complaint No. R8-2004-0077. (Postponed from the December 20, 2004 Board Meeting) Order No. R8-2005-042

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

Action: It was moved by Member Withers, seconded by Member Ruh and unanimously approved that the Board adopt Order No. R8-2005-042 as recommended by staff.

17. Mandatory Penalties Complaint, Venus Laboratories, Inc., 12601 Monarch Street, Garden Grove — Consideration of whether to affirm, reject, or modify the proposed mandatory penalties in Mandatory Penalties Complaint No. R8-2004-0075. Order No. R8-2005-0040.

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

Mark Smythe, Chief of Storm Water, Coastal Waters, summarized the history of Venus Laboratories' discharge violations of their NPDES permit.

Speakers on the item were:

Van Vlahakis, owner of Venus Laboratories

Action: It was moved by Member Withers, seconded by Member Ruh and unanimously approved that the Board adopt Order No. R8-2005-0040 as recommended by staff.

19. Newport Bay/San Diego Creek Watershed Toxics TMDLs and Proposed Regional Monitoring Program (RMP)

This item was postponed to the March 4, 2005 Board Meeting.

20. Executive Officer's Report

There was no report.

21. Adjournment

The Board was adjourned to the regular meeting of March 4, 2005 at 9:00 a.m., at City of Loma Linda Council Chambers, 25541 Barton Road, Loma Linda.

Respectfully submitted:



GERARD J. THIBEAULT
Executive Officer

/cae