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

Minutes of October 29, 2010 Board Meeting
City of Loma Linda
25541 Barton Road
Loma Linda, CA 92354

1. Chair Beswick called the meeting to order at 9:00 a.m.

Board Members Present	Board Members Absent
Carole Beswick, Chair	William Ruh, Vice-Chair
Seymour Van Gundy	
Fred Ameri	
Steven PonTell	
Richard Freschi	
Linda Ackerman	
Greg Morrison	
Mark Murai	

Staff Members Present

Kurt V. Berchtold, Executive Officer
David Rice, Regional Board Counsel
Robert Holub, Supervising Water Resources Control Engineer
Michael J. Adackapara, Supervising Water Resource Control Engineer
Hope Smythe, Chief of Basin Planning (Inland Waters)
Mark E. Smythe, Chief of Storm Water (Coastal Waters)
Felipa Carrillo, Executive Assistant
Kevin Heinemman, Staff Information Systems Analyst

Public Attendance

Colin Kelly, Orange Co Coastkeeper	Jane Joy, EMWD
Marsha Westropp, OCWD	Mary Jane Skorpanich, Co of Orange
Matt Yeager, San Bernardino Co FCD	Richard Boon, Co of Orange
A.J. Holmon III, City of Garden Grove	Don Schroeder, CDM
Darcy M. Burke, Municipal Water Dist of OC	Don Lee, Tetra Tech
Danielle Sakai, Best Best & Krieger LLP	Steven Elie, Musick, Peeler & Garrett, LLP
Bruce Scott, Agriculture	Jason Uhley, RCFC & WCD
Nanette Scott, Agriculture	Noah Garrison, NRDC
Matt Bennett, City of Yorba Linda	Charles View, City of Brea
Al Javier, EMWD	Wayne Praskins, USEPA

2. Public Forum
None

3. State Water Resources Control Board (SWRCB) Liaison Report

Tam Doduc, SWRCB Board Member, welcomed the new Board Members and Kurt Berchtold on their recent appointment.

Ms. Doduc provided an update on State Water Board activities. She reported that the State Board recently upheld the septic ban that was issued to Malibu by the Los Angeles Regional Board. The septic ban and prohibition in Malibu was very specific to that city's circumstances and its history. The decision was based on very specific site conditions and studies.

Ms. Doduc also reported that the AB 885 draft septic systems regulations are in the process of major changes and are among the top items the State Board would like to see accomplished next year. Staff is focusing on having the item ready for public comment soon. Other State Board priorities are the Stormwater permits: General Industrial Stormwater Permit; Phase II MS4 Permit for Small Municipalities; and the CalTrans MS4 Permit. The Bay-Delta Plan, another top priority, was adopted a few months ago, and State Board staff has been directed by the Legislature to produce a flow criteria report based on Delta inflows and outflows. Also, State Water Board staff will prepare an evaluation of San Joaquin River Flow and Salinity objectives. A public workshop on this item is likely to be scheduled for January 2011.

4. Approval of the Minutes of the Regular Board Meeting of September 16, 2010.

Action: It was moved by Member Freschi, seconded by Member Van Gundy, and unanimously approved that the Minutes of the September 16, 2010 Board Meeting be adopted as presented. (Board Member Murai abstained from this action)

5. Consent Calendar

*6. Rescission – Order No. R8-2010-0038

Action: It was moved by Member Morrison, seconded by Member Van Gundy, and unanimously approved that the Board adopt Order No. R8-2010-0038.

7. Amendment of Waste Discharge Requirements for the County of Orange, Orange County Flood Control District and the Incorporated Cities of Orange County, Areawide Urban Storm Water Runoff Permit (R8-2009-0030, NPDES No. CAS618030, MS4 Permit) – Order No. R8-2010-0062

Mark Smythe, Chief of Coastal Storm Water Section, introduced this item, and for the benefit of the new Board Members, he gave a brief background of the permit. He stated that the purpose of this proposed order was to extend the deadlines for updating the Model Water Quality Management Plan and other related documents by six months in order to coordinate with the Upper Santa Ana River MS4 permittees. He said the extension would allow collaboration between the three counties within this region, thereby reducing costs, and providing a uniform set of requirements for the municipalities as well as for the businesses and citizens of the Counties of Orange, Riverside and San Bernardino. He briefly explained the specific changes that were proposed and summarized the comments and responses. He stated that except for the proposed extensions, all other terms and conditions of Order No. R8-2009-0030 shall remain unchanged and in full force and effect.

Board staff recommended adoption of Order No. R8-2010-0062.

Speakers:

Richard Boon. County of Orange: He went over some of the intensive activities that were taking place in responding to staff comments on the Updated Water Quality Management Plan and the

Permittees efforts to collaborate with permittees form the other two counties. Mr. Boon also answered questions from the Board.

Other speakers:

Mary Jane Skorpanich, Charles View, Matt Yeager, Jason Uhley, Colin Kelly and Noah Garrison. Both Colin Kelly and Noah Garrison indicated that the extension is unwarranted and should not be granted.

Action: It was moved by Member Ameri, seconded by Member Ackerman, and unanimously approved that the Board adopt Order No. R8-2010-0062, granting the extensions.

8. Public Hearing, Basin Plan Amendment, Nitrogen and Total Dissolved Solids Management Plan for the San Jacinto Upper Pressure Groundwater Management Zone – Resolution No. R8-2010-0039

Hope Smythe, Chief of Basin Planning, Inland Waters, briefly presented this item. She indicated that this item is related to the proposed Water Quality Objectives for Total Dissolved Solids (TDS) and nitrate-nitrogen for the San Jacinto Upper Management Zone. Eastern Municipal Water District (EMWD), which is the principal water supply and wastewater collection/treatment agency in the San Jacinto Basin, has proposed an alternate set of TDS and nitrate-nitrogen water quality objectives for the San Jacinto Upper Pressure Management Zone that are less stringent than the existing Basin Plan objectives. Hope Smythe indicated that the existing TDS objective would be raised from 350 mg/L to 500 mg/L and the existing nitrate-nitrogen would be raised from 1.6 mg/L from 7.0 mg/L. The proposed revised TDS and nitrate-nitrogen water quality objectives would create assimilative capacity and enable EMWD to utilize recycled water in this basin. The proposed objectives would allow degradation of water quality; therefore, compliance with the state's anti-degradation policy, Resolution No. 68-16, needs to be considered. Water quality consistent with "maximum benefit to the people of the State" will be maintained, provided that specific water and wastewater projects and programs are implemented by EMWD as detailed in the proposed Basin Plan amendment.

Board staff recommended adoption of Resolution No. R8-2010-0039.

Action: It was moved by Member Morrison, seconded by Member PonTell, and unanimously approved that the Board adopt Order No. R8-2010-0039 as presented.

9. B. F. Goodrich Superfund Site, Rialto, San Bernardino County

Mr. Berchtold informed the Board that last year USEPA added the B. F. Goodrich site to the Federal Superfund List. He said that Board staff is and has been actively involved in dealing with the perchlorate contamination problem for over eight years and there is extensive contamination of the groundwater in the Rialto and neighboring areas.

Mr. Berchtold advised that he would not serve in an advisory role to the Board in any future proceedings, because of his past involvement with the prosecution team in matters related to this issue. However, David Rice would be available to serve as an advisor to the Board if needed in future matters.

Wayne Praskins, USEPA, provided a brief background on the B. F. Goodrich site and how it ended up being part of the Federal Superfund List. He talked about what has been happening since this site was added to the Federal Superfund List. He also provided an update on the

progress USEPA is making to cleanup the groundwater contamination and their plans for the next few years. EPA, the lead agency, is in litigation and it us unclear who will end up paying for the cleanup. Currently EPA is paying for the investigation and development of the remedial action plan.

10. Appointment of a Committee to Nominate Regional Board Officers for 2011

    Members Ackerman, PonTell, and VanGundy agreed to act as nominating committee for next year's Board officers.

11. Proposed Board Meeting Dates for 2011

    Board Members will get back to Mr. Berchtold if there is any conflict with the proposed Board meeting dates for 2011.

12. Regional Board Member and Executive Officer Communications

    Mr. Berchtold informed the Board Members that the three ACLCs issued a couple months ago to agricultural property owners in the San Jacinto watershed had been resolved.

    Mr. Berchtold invited Board Members to attend the annual Holiday staff appreciation lunch on December 2, 2010.

    Chair Beswick said there may be some information available at the next Chairs' meeting concerning the next WQCC meeting.

13. Closed Session
    There was no closed session.

14. Adjournment

    The meeting adjourned at 11:20 a.m. to the regular Board meeting of December 9, 2010 at 9:00 a.m., at the Irvine Ranch Water District, at 15600 Sand Canyon Avenue, Irvine, CA 92618.

Respectfully submitted:

Kurt V. Berchtold

KURT V. BERCHTOLD
Executive Officer

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