

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

**Minutes of December 9, 2011 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
Fred Ameri
Richard Freschi
Linda Ackerman
Mark Murai

Staff Members Present

Kurt V. Berchtold, Executive Officer
David Rice, Regional Board Counsel
Robert L. Holub, Supervising Water Resources Control Engineer
Gary D. Stewart, Chief of Permitting and Compliance
Hope Smythe, Chief of Basin Planning - Inland
Jane Qiu, Water Resources Control Engineer
Felipa Carrillo, Executive Assistant
Kevin Heinemann, Staff Information Systems Analyst

Public In Attendance

Joe Geever, Surfrider Foundation
Marylynn Coffee, Nossaman LLP
Dave Mayer
Allison Mackenzie, E. S. Babcock & Sons
Don Lee, Tetra Tech
Brett Barbre, MWD
H. Jimenez, Laborers Local/652 S.A.
Keith Boh, Huntington Beach City Council
Trudy Ohlig-Hall, Mesa Consolidated
Ronnie Guyer, Assemblyman Jim Silva
Scott Maloni, Poseidon Resources
Conner Everts, Desal Response Group
Dianne Thompson, Huntington Beach Chamber
Martin McIntosh, OC Assoc. of Realtors
Jim Adams, LA/OC Bldg & Const. Trades Council
Kate Klimow, OC Business Council
Jim Leach, South OC Regional Chamber
Tim Moore, Risk Sciences

Richard Bell, MWDOC
Mark Norton, SAWPA
Jack Nelson, Yucaipa Valley WD
Ray Hiemstra, OC Coastkeeper
Marsha Westropp, OCWD
Martin McIntosh
Cathy Green, OCWD
Devin Dwyer, Huntington Beach City Council
John Nam, Assemblyman Solorio
Emanuel Petrasco, Senator Tom Harmon
Paul Singarella, Poseidon
Jonathan Sim, Desal Response Group
Justin Finch, Cal Desal
Dallas Weaver, Ph.D., P.E.
Samantha Fitzgerald, OC Taxpayers Assoc.
Steve Greyshock, Assoc of Calif. Cities-OC
Kevin Hunt, MWDOC

2. Public Forum
None.

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

Tam Doduc, SWRCB Liaison, took a moment to congratulate Board Member Ruh on his recent reappointment. Ms. Doduc commented that at the last State Water Board meeting, one of the items discussed was the scrap metal permit, presented by Executive Officer Kurt Berchtold. Executive Director Tom Howard will be meeting individually with State Water Board Members to get their feedback and will reply back to Mr. Berchtold prior to the February Regional Board Meeting on this item. Ms. Doduc said the State Water Board is working on the three Stormwater permits (Industrial, Caltrans and the MS4 Phase II permit). She said staff was also working on updating the recycled water policy to incorporate recommendations made by the Contaminants of Emerging Concern (CEC) task force that prepares the recommendations for monitoring of CECs in recycled water.

Ms. Doduc said staff at the State Water Board are starting to work on the desalination policy. Ms. Doduc said that since the Mandatory Minimum Penalty (MMP) back-log resolution process was initiated, the MMP back-log is finally close to being erased thanks to the tremendous effort of all the Regional Boards. Ms. Doduc said attention was now being turned to the \$3.5 Million in uncollected Administrative Civil Liability (ACL) monies. She briefly discussed the process that TMDLs go through before being presented to the State Board. Ms. Doduc said they are working on streamlining the process in order to get the TMDLs approved and out the door faster.

4. Approval of the Minutes of Regular Board Meetings of September 16 and October 28, 2011

Motion: It was moved by Board Member Ruh, seconded by Board Member Ameri and unanimously carried to approve the Minutes of the September 16 and October 28, 2011 Board Meetings as presented.

5. Consent Calendar

*6. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for George and Malessa Cardenas

*7. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for John Ogami

*8. Rescissions - Order No. R8-2011-0058

| <u>Order No.</u> | <u>Facility and Location</u> | <u>Reason for Rescission</u> |
|------------------|--|--|
| R8-2003-0006 | Army Corps of Engineers, Lower Newport Bay Maintenance Dredging | Project now covered under order No. R8-2011-0050 |
| R8-2004-0063 | Lillo Service Station, 11095 Magnolia Ave., Riverside | Project not constructed, WDR no longer required |
| 95-074 | General WDR for fixed-site soil treatment facilities which receive petroleum hydrocarbon contaminated soil | Order is outdated and no longer utilized |

*9. New Waste Discharge Requirements for Southern California Landscape Supply, Riverside County - Order No. R8-2011-0047

(Consent Calendar – continued)

Motion: It was moved by Board Member Freschi, seconded by Board Member Ruh, and unanimously carried to adopt Order Nos. R8-2011-0058 and R8-2011-0047 and approve the exemptions for George and Malessa Cardenas and John Ogami.

Chair Beswick announced that Item 12 had been removed from the agenda, and that Items 13 and 14 would be considered before moving on to Item 10.

13. Nomination and Election of Regional Board Officers for 2012 (action item).

The nominating committee, Board Member Ruh and Board Member Ackerman, recommended that Carole Beswick continue serving as the Board's Chair for another year, and that Board Member Murai serve as Vice-Chair. Board Member Ameri made alternate recommendations that were discussed by the Board.

Motion: It was seconded by Board Member Freschi and carried to accept the nominating committee's recommendation of Carole Beswick to continue serving as Board Chair, and for Board Member Murai to serve as Vice-Chair in 2012.

14. Board Meetings Dates and Locations for 2012 (action item).

The tentative list of Board meeting dates and locations for 2012 was approved as presented. The approved list will be distributed and placed on the Regional Board's website.

Board Member Ackerman recused herself from item 10 and left the meeting prior to this item.

10. Renewal of Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit (NPDES No. CA8000403) for Poseidon Resources (Surfside) L.L.C., Huntington Beach Desalination Facility – Order No. R8-2011-0046 with Errata Sheet (Information pertaining to this item is contained in a verbatim transcript of the proceedings).

Chair Beswick opened the hearing by reading the Chair's Statement and swearing in those who would be testifying.

Gary Stewart, Chief of Permitting and Compliance, made a presentation of this item. He provided the Board and the public with a general description of the facility and its operation. He spoke about the proposed waste discharge requirements and compared them with the current waste discharge requirements for this facility, Order No. R8-2006-0034. During his power point presentation, Mr. Stewart explained the reverse osmosis process. He discussed the similarities as well as the differences in the current and proposed permit.

Mr. Stewart also discussed the substantial volume of comments received on this order. Mr. Stewart said staff was working on completing a formal written response to all comments, and agreed that some modifications to the order were necessary as a result of comments that were received. These modifications are shown in the errata sheet.

Executive Officer Kurt Berchtold reiterated that a formal written response to comments was necessary and that the Board Members should be provided with those written responses before they act on this order. He said staff's recommendation to the Board was to proceed with the hearing today, accept comments on this item from all speakers who were here, close the hearing

(Item 10 – continued)

at the end of oral comment, provide written responses to comments to the Board Members, and continue the matter to the next Regional Board meeting in February for consideration of adoption.

Speakers:

Elected officials: Cathy Green, OCWD; Keith Bohr, Huntington Beach City Council; Devin Dwyer, Huntington Beach City Council; Trudy Ohlig-Hall, Mesa Consolidated; Bret Barbre, Municipal Water District of Orange County, John Nam, representing Assemblyman Solorio, Ronnie Guyer, representing Assemblyman Jim Silva, Emanuel Petrasco, representing Senator Tom Harmon.

Other Speakers; Scott Maloni, Poseidon Resources, Paul Singarella, Poseidon, Joe Geever, Surfrider Foundation, Ray Hiemstra, OC Coastkeeper, Conner Everts, Desal Response Group, Jonathan Sim, Desal Response Group, Dianne Thompson, Huntington Beach Chamber, Justin Finch, Cal Desal, Martin McIntosh, Orange County Assoc. of Realtors, Dallas Weaver, Ph.D., P.E., Jim Adams, LAVOC Building & Const. Trades Council, Samantha Fitzgerald, Orange County Taxpayers Assoc., Kate Klimow, Orange County Business Council, Steve Greyshock, Assoc. of California Cities – OC, Jim Leach, South OC Regional Chamber.

Closing comments were made by Executive Officer Kurt Berchtold recommending that the Board close the hearing and continue the matter to the next Board Meeting for the sole purpose of considering adoption of the permit, with no additional public comments being accepted unless legally required.

At this point, Chair Beswick closed the hearing, with no further comments being accepted, and the matter was continued to the next Board Meeting of February 10, 2012.

11. Emerging Contaminants Program Task Force (information item).

Mark Norton, from SAWPA, was pleased to announce that consultant Tim Moore would be providing the results of the second year's sampling.

Tim Moore briefed the Board on the efforts of the Emerging Contaminants Task Force, including a summary of the second year's monitoring program. He presented the results of the most recent annual sampling program and compared them with last year's results.

12. Cooperative Interagency Agreement between Tustin Unified School District (TUSD), the County of Orange and the Regional Board

It was announced earlier by Chair Beswick that Item 12 had been removed from the agenda.

**15. Hazardous Waste Incident Report
Information item.**

**16. Underground Storage Tanks Corrective Action Plans
Information item.**

**17. Underground Storage Tanks Site Closure Report
Information item.**

**18. Regional Board Member and Executive Officer Communications
None**

**19. Closed Session
There was no closed session.**

20. Adjournment

The meeting was adjourned at 12:12 p.m. to the regular Board meeting of February 10, 2012 at 9:00 a.m., City of Loma Linda, Council Chambers, 25541 Barton Road, Loma Linda, CA 92354.

Respectfully submitted:

A handwritten signature in black ink that reads "Kurt V. Berchtold". The signature is written in a cursive style with a large initial "K" and "B".

KURT V. BERCHTOLD
Executive Officer

/fc