

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

**Minutes of April 27, 2012 Board Meeting
Orange County Water District
18700 Ward Street
Fountain Valley, CA 92708**

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

Board Members Present

Carole Beswick, Chair
Fred Ameri
Richard Freschi
Linda Ackerman

Board Members Absent

Mark Murai, Vice-Chair
William Ruh

Staff Members Present

Kurt V. Berchtold, Executive Officer
David Rice, Regional Board Counsel
Robert L. Holub, Supervising Water Resources Control Engineer
Joanne Schneider, Environmental Program Manager
Ann E. Sturdivant, Chief of Site Cleanup
Dave Woelfel, Environmental Scientist
Patricia Hannon, Engineering Geologist
Kevin Heinemann, Information Systems Analyst
Felipa Carrillo, Executive Assistant

Public In Attendance

Jason Uhley, RCFC & WCD
Curtis Paxton, CDA
Bob Page, County of San Bernardino
Debbie Burris, DDB Engineering, Inc.
Bill Kruger, CDA (City of Chino Hills)
Tracy Egoscue, CBWM Ag Pool
Lars Oldewage, IRWD
Jerry A. King, Tetra Tech, Inc.
Reni Keane-Dengel, Larry Walker Assoc.
Shawn Nelson, County of Orange

Don Lee, Tetra Tech
Amanda Griesbach, Heal the Bay
Allison Burns, Chino Basin Desalter
Grant Sharp, OC Public Works
David W. Pedersen, IRWD
Mary Ann Skorpanich, County of Orange
Ray Hiemstra, OC Coastkeeper
Matt Yeager, Yeager Environmental Assoc.
Gian Villarreal

2. Public Forum

Shawn Nelson, County Supervisor for Orange County's Fourth District, addressed an issue that has come up several times in their meetings regarding a bike path they want to create along Coyote Creek's flood channels. He said the new MS4 permit mandates they do a water-collection program for Low Impact Development (LID). Mr. Nelson said it is difficult to capture all of the water due to the clay-type soils and because it sloughs off into the drain. Mr. Nelson indicated this mandate is not required in the Los Angeles Region and the San Diego Region, and asked the Board to consider alleviating some of the mandate for this development plan.

Mr. Berchtold said staff would be happy to work together with County staff. He explained that there is a square footage threshold in the permit that qualifies this project as a 'Priority Project', which is subject to the new requirements. He also said that the issue about consistency between regional boards concerning MS4 permit requirements has been raised before, and stated that the

State Water Board is working on developing an MS4 permit template to promote consistency amongst regional boards throughout the State.

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

Tam Doduc, SWRCB Liaison, provided a brief update on some of the recent activities pertaining to the upcoming State Board Meeting. She said that the construction storm water permit was out for public comment.

Ms. Doduc said that at the next State Board meeting, the low threat UST closure policy will be considered for adoption. She thanked Kurt Berchtold for his involvement with the stakeholder group that helped develop that policy, along with Roy Herndon from the OCWD, who was also a member of that group, and other representatives who did an excellent job preparing some recommendations for the State Board. She said the day following the State Board meeting, they will revisit the septic tanks policy, which has been under development for almost a decade. She feels they have the policy to a point where it is reasonable and implementable and is looking forward to additional comments they might receive from stakeholders and the public.

Ms. Doduc stated that in BIA vs. State Board, in December of 2011, there was a superior court ruling on the Construction Stormwater permit to comply with a writ of mandate. The writ of mandate would remove the numeric effluent limits for pH and turbidity. She said a revised construction permit was out for public comment.

Ms. Doduc also said that three other draft state-wide stormwater permits (CalTrans, the Industrial General permit, as well as the MS4 Phase 2 permit), were released last year and have received extensive comments. She indicated that a lot of time and effort was spent revising the permits in order to address comments and concerns received before releasing revised drafts. Workshops and public hearings will be held throughout the summer.

Ms. Doduc indicated that staff is still working on the San Joaquin flows and Selenium standards, and that staff will soon begin the scoping process for the remaining work on the Delta activities. She said a public notice will be released, outlining a series of public workshops, and during this time, they will gather information in order to proceed on the remaining Delta activities.

Ms. Doduc reported changes of Executive Officers at several of the regional water boards and stated that they are still two board members short at the State Board level.

4. Approval of the Minutes of March 16, 2012

5. Consent Calendar

- *6. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement - Juan and Nena Amaral
- *7. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement - Ravinder and Manbir Sidhu
- *8. Resolution Regarding Funding from the State Water Resources Control Board (SWRCB) Emergency, Abandoned and Recalcitrant Site Account – Resolution No. R8-2012-0032
- *8A. Irvine Ranch Water District, Michelson Water Reclamation Plant – Order No. R8-2012-0004

Motion: Due to a lack of a quorum the Minutes of March 16, 2012 and the Consent Calendar items were postponed until the subsequent Board meeting.

CHANGE IN ORDER OF AGENDA

10. Status Report on the Volatile Organic Compound Groundwater Plume at Chino Airport, San Bernardino County – information item.

An update was presented by Mr. Bob Holub of Regional Board Staff. He summarized the background regarding Chino Airport. He said that in the mid- to late- 1980s, trichloroethylene (TCE) was first discovered in several agricultural wells, up to 44 ppb, downgradient of Chino Airport. After an investigation, it was determined that Chino Airport was the likely source. A cleanup and abatement order was issued in 1990. In 1998, groundwater extraction wells were installed for the Chino I Desalter. TCE was initially detected in one of these wells, on the Airport property, at 15 µg/l in 2000.

Since then, Mr. Holub indicated, the County has installed monitoring wells during several phases of investigations, and a new cleanup and abatement order was issued in 2008. In 2011, the County submitted a work plan to install additional off-site wells to further delineate the plume and support the development of a remedial action plan. He said the Executive Officer concurred with the plan and required that the final report be submitted by May 1, 2012. In February 2012, the County notified Board staff that none of the wells had been installed due to the County not being able to obtain site access for the three well locations on Corps of Engineers' property. The County also requested six additional months to complete the work. In March 2012, the Executive Officer denied the County's request and issued a Notice of Violation. The Notice of Violation stated that the County's efforts to install all the wells as quickly as possible would be a factor in determining the extent of any additional enforcement action that may be taken for failing to comply with the May 1, 2012 completion date.

Mr. Holub indicated that no action was required of the Regional Board at this time. His recommendation was close monitoring of getting these wells installed and keeping the Board updated at future Board meetings of the County's progress.

Speakers:

James Jenkins, County of San Bernardino, Department of Airports. Mr. Jenkins apologized that the Board had to hear about them being out of compliance, but indicated they have obtained contracts to begin drilling on the well sites they currently have access to. They are waiting on their other permits to be approved by the City of Chino and the Army Corps of Engineers. Mr. Jenkins said they will be under contract on or about June 28, with a notice to proceed within fourteen days, thereafter. He said they would be in constant communication with Regional Board staff.

Curtis Paxton, General Manger of Chino Basin Desalter Authority. Mr. Paxton said they are on schedule in getting the Chino Creek wells installed to meet the hydraulic control issue. The well that is right in the middle of the plume has been drilled and cased, and they are getting ready to equip it in order to go into operation in 2013. He indicated that the product water from the desalters goes into the municipal drinking supplies and the TCE will need to be removed.

Tracy Egoscue, Legal Counsel for the CBWM Ag Pool. Ms. Egoscue said the Ag Pool was very frustrated at the lack of progress on the remediation of this plume. She appreciates the staff and the Executive Officer for drawing the line. She looks forward to remediation and cleanup, so that this valuable resource is reclaimed.

9. Public Hearing: Basin Plan Amendments - Recreational Standards for Inland Surface Waters – Resolution No. R8-2012-0001 (continuation of March 16, 2012 hearing on the proposed amendments) - Supplemental Staff Report and Errata.
(Information pertaining to this item is contained in a verbatim transcript of the proceedings)

Action on this item was postponed due to the lack of a quorum. Joanne Schneider of Regional Board Staff provided the Board an update. Ms. Schneider reminded Board Members about the detailed presentation given by Regional staff and a consultant to the Stormwater Quality Standards Task Force at the March 16, 2012 hearing. She said that on April 10, 2012, a discussion of concerns regarding the proposed amendments took place with USEPA Region 9 and State Board staff.

Ms. Schneider indicated that following the April 10, 2012 discussion, certain changes to the proposed amendments are being proposed. These are presented in the errata sheet for this item. Ms. Schneider reviewed the other documents included in the Board members' agenda packets, including a supplemental staff report that identifies the proposed changes to the amendments and the rationale for those changes. This report supplements the Basin Plan amendment documentation dated January 12, 2012, which includes a staff report, environmental analysis document and checklist, and the proposed Basin Plan amendments. Ms. Schneider reviewed the proposed changes presented in the Errata sheet and noted one additional proposed change, not shown in the Errata sheet, that pertains to the position of an asterisk in the REC1 and REC2 names.

Ms. Schneider advised that a copy of a message from Vicky Whitney, Deputy Director of the Division of Water Quality at the State Water Board, was also included in their packets, along with Board staff's responses to comments from USEPA and Heal the Bay, including responses to the additional comments submitted by Heal the Bay on April 20, 2012.

In closing, Ms. Schneider stated that, assuming that a quorum were present, Board staff's recommendation to the Regional Board would have been to adopt Resolution No. R8-2012-0001, confirming the preliminary determination by Regional Board staff that the proposed amendments could not have a significant effect on the environment and certifying the environmental checklist and analysis document, and adopting the basin plan amendments delineated in Attachment 1 and Attachment 2 to the Resolution, as modified by the Errata and with the additional recommended change to the position of the asterisk in the REC1 and REC2 names.

Speakers:

Jason Uhley, RCFC & WCD; Mary Ann Skorpanich, County of Orange; Ray Hiemstra, OC Coastkeeper, and Amanda Griesbach, Heal the Bay

Motion: Due to a lack of a quorum this item was postponed until the subsequent Board meeting. A formal action will be considered at that time.

11. Regional Board Member and Executive Officer Communications

Chair Beswick informed Board Members that a WQCC meeting had been scheduled for November and to mark their calendars.

Kurt Berchtold, Executive Officer, informed Board Members that he received a request from Orange County Sanitation District that the Board consider reissuance of their permit before the end of June. However, Mr. Berchtold said that the permit was still being drafted by EPA staff and was not ready for public review. He said that the soonest they would have the permit ready for

consideration would be June 15, 2012. Mr. Berchtold asked the Board Members if they would check their calendars to see if they would be willing and available to meet on June 15, so that the next meeting could be rescheduled from June 8, 2012 to June 15, 2012.

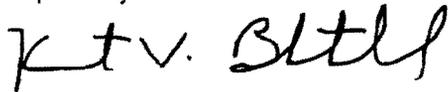
It was decided that the Board Meeting of June 8 would be *tentatively* changed to June 15, 2012. Board members that were present had no conflict with the new date. Mr. Berchtold will check with Board Members not present today to see if they have any conflict with the new date. If there is no conflict, a new date will be posted. (The next meeting date was subsequently changed to June 15.)

12. Closed Session
None

13. Adjournment

The meeting adjourned at 11:07 a.m. to the June 15, 2012 meeting at the Irvine Ranch Water District, 15600 Sand Canyon Ave., Irvine, CA

Respectfully submitted:



KURT V. BERCHTOLD
Executive Officer

/fc