California Regional Water Quality Control Board
Santa Ana Region

Minutes of June 29, 2007 Board Meeting
at the City of Loma Linda
25541 Barton Road
Loma Linda

1. Chair Beswick called the meeting to order at 9:03 a.m.

Board Members Present

Carole Beswick, Chair
Deborah Neev, Vice Chair
William Ruh
Seymour Van Gundy
Mary Cramer
Maurice Gallarda

Board Members Absent

John Withers
Fred Ameri

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
Erik Spiess, Regional Board Counsel
Michael J. Adackapara, Supervising Water Resource Control Engineer
Mark E. Smythe, Chief of Storm Water (Coastal)
Hope Smythe, Chief of Basin Planning (Inland)
Milasol Gaslan, Chief of Storm Water (Inland)
Jun Martirez, Chief of Permitting
Wanda Cross, Chief of Basin Planning (Coastal)
Susan Beeson, Sanitary Engineering Associate, Permitting
Muhammad Bashir, Water Resources Control Engineer, Storm Water (Inland)
Kevin Heinemann, Staff Information Systems Analyst
Felipa Carrillo, Executive Assistant

State Board Representative

Tam Doduc

Public Attendance

Walt Coursen, W.H. Coursen & Assoc.
Marc Haraksin, Riverside Co. Env. Health
Robert Holt
Ken Jeske, City of Ontario
Aladdin Masry, ABC Environmental
Stan Murse, MDS Consulting
Arturo Pavez, Kal Farrah, Representative
Patirck Smeild, IEUA
Gian Villarreal, RBF/Caltrans
John Watkins, Riverside Co. Env. Health
Joseph Zoba, YVWD

Public Forum

Joseph Zoba, YVWD, provided an update of the improvements being made at the Yucaipa Valley Water District's sewage treatment plant.

3. Approval of Minutes

Action: It was moved by Member VanGundy, seconded by Member Ruh and unanimously approved that the Minutes of April 20, 2007 be approved as presented.

5. Consent Calendar

*5. **Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement - Gregg and Nancy Allen**

*6. **Water Recycling Requirements, Inland Empire Utilities Agency and Chino Basin Water Master, San Bernardino County**

*7. **Amendment of Order No. R8-2006-0010, NPDES No. CA0105279, Waste Discharge and Producer/User Reclamation Requirements for Inland Empire Utilities Agency Regional Water Recycling Plants No. 1 & No. 4, San Bernardino County**

*8. **Renewal of Waste Discharge Requirements for Dos Cuadras Offshore Resources (DCOR), LLC, Platform "Eva", Orange County (NPDES No. CA0105996)**

*9. **Trumark Companies' Canyon Hills Estates Specific Plan**

*10. **McCanna Hills Specific Plan Villages 1 and 2**

*11. **Parente/Chino Hills Co. L.P**

*12. **Waste Discharge Requirements for Homeland-Romoland Area Drainage Plan Corporation, Homeland-Romoland Area Drainage Plan, Phase 1**

*13. **Middle Santa Ana River Bacterial Indicator TMDLs**

*14. **Administrative Civil Liability Complaint, Memo and Rafaela Arauz, dba: Arauz Trucking Company, Riverside County**

Action: It was moved by Member Ruh, seconded by Member Gallarda, and unanimously approved that the Board adopt Orders No. R8-2007-0002, R8-2007-0011, R8-2007-0018, R8-2007-0039, R8-2007-0042, R8-2007-0043, R8-2007-0045, R8-2007-0046, R8-2007-0048, and approve the exemption from minimum lot size requirements requested by Gregg and Nancy Allen.

15. Appeal of Staff's Denial of the Use of Mound System by Art Pavez

Jun Martirez, Chief of Permits Section, presented this item. He indicated that a mound system at the site, as proposed, would not meet the requirements specified in the Board's guidelines for sewage disposal. The site is subject to inundation and the groundwater levels at the site are high. Riverside County Environmental Health Department (John Watkins and Marc Haraksin) answered questions from the Board regarding groundwater levels and indicated that they support staff's recommendation for denial of the use of a mound system at the site. Kal Farrah, Civil Engineer for the project proponent, stated that some of the groundwater information provided by the County at the Board meeting was never provided to him. He also indicated that the system as proposed would be protective of groundwater. Mr. Thibeault indicated that with proper engineering and additional filling and grading of the site, a mound system may function at the site. He suggested that staff would be willing to consider other proposals for a properly engineered mound system.

Action: It was moved by Member Gallarda, seconded by Member Neev and unanimously approved that the appeal for the use of a mound system by Art Pavez be denied without prejudice thereby providing an opportunity for submitting other proposals to meet the requirements specified in the guidelines.

16. General Waste Discharge Requirements For Concentrated Animal Feeding Operations (Dairies and Related Facilities) Within the Santa Ana Region

This item was postponed to the September 7, 2007 Board Meeting.

17. Administrative Civil Liability Complaint, New Basis, Riverside County

This item was settled and removed from the agenda.

18. Administrative Civil Liability Complaint, L & H Mold & Engineering, Ontario, San Bernardino County, Order No. R8-2007-0050 Affirming Administrative Civil Liability Complaint No. R8-2007-0021, WDID No. 8 361 016177

This item was settled and removed from the agenda.

19. Administrative Civil Liability Complaint, Die Cast Manufacturing Co., San Bernardino County

Milasol Gaslan, Chief of the Inland Storm Water Section, reviewed the requirement in the General Industrial Storm Water Permit to submit an annual report by July 1 of each year. She indicated that Die Cast failed to submit the annual report even after two notices of non-compliance and a number of phone calls reminding Die Cast to submit the annual report. She also provided a summary of Die Cast's non-compliance history and factors supporting the proposed penalty. Ms. Gaslan recommended that the Board adopt Order No. R8-2007-0051, with the errata, affirming ACL R8-2007-0023 assessing a penalty of $5,000.

Speakers on the item:
Aladdin Masry, ABC Environmental
Robert Muench, Vice-President of Die Cast Manufacturing Co.
Dave Muench, President of Die Cast Manufacturing Co.

Mr. Masry indicated that it was an unintentional failure on the part of Die Cast. He stated that Die Cast was under the impression that an annual report need not be submitted if there was no rain. Mr. Masry further stated that the problems started in 2001 when Mr. David Muench transferred

the business responsibilities to his son, Mr. Robert Muench. Mr. Masry provided a list of BMPs that were being implemented at the facility. Erik Spiess, Board counsel, asked Mr. Masry if the discharger's cost savings were approximately $5,000 by not collecting the samples. Mr. Masry estimated the cost savings to be $600. In response to questions from Members Cramer and Gallarda, Mr. Robert Muench indicated that the company casts aluminum and does some fabrication, it has 8 employees and is generally open only two to four days a week. Member Ruh wanted to confirm that there were no samples collected from 2001 to 2004. Mr. Masry stated that no sampling was done because there was no rain. Member Neev asked if staff worked with the discharger over the years and staff indicated that they worked with the discharger to bring the discharger into compliance. Mr. Robert Muench stated that he never received any notices and was not sure if his father did because of his father's illness. Mr. David Muench spoke briefly about his forgetfulness and other problems associated with his illness.

Mr. Gerard Thibeault, Executive Officer, stated that issues raised by Mr. Masry related to sample collection and the SWPPP, which Mr. Masry referred to as a BMP Plan, are not relevant to this complaint. Staff made extraordinary efforts to contact the facility to avoid this situation. The specific issues are the mandatory penalty for non-submittal of the annual report and the repeated violations. Mr. Thibeault stated that the proposed assessment is consistent with other liability complaints that have been issued and settled. Member Cramer stated that she would like to see an assessment of $500 and indicated that an assessment of $5,000 is a big burden for a small business.

Action: It was moved by Member VanGundy and seconded by Member Gallarda, that the Board adopt Order No. R8-2007-0051, with the proposed errata, affirming ACL No. R8-2007-0023 for $4,000, instead of $5,000.

Aye: Chair Beswick
Vice Chair Neev
Member Ruh
Member Gallarda
Member VanGundy

Oppose: Member Cramer

20. Mandatory Minimum Penalties Complaint, ITT Cannon, Orange County

This item was settled and removed from the agenda.

21. Mandatory Minimum Penalties Complaint, Colton/San Bernardino Regional Tertiary Treatment and Water Reclamation Authority, San Bernardino County

This item was settled and removed from the agenda.

22. Mandatory Minimum Penalties Complaint, City of Beaumont, San Bernardino County

This item was settled and removed from the agenda.

23. Mandatory Minimum Penalties Complaint, IEUA, RP#1, San Bernardino County

This item was settled and removed from the agenda.

24. San Diego Creek/Newport Bay Watershed Selenium Update

This item has been postponed to the September 7, 2007 Board Meeting.

25. Status Report on Rialto-Colton-Fontana Perchlorate Investigation

State Board Chair Tam Doduc left the meeting prior to this item.

It was noted that the Hearing Officer granted a continuance of the perchlorate hearings from July to August 2007, and that the Advocacy Team had no objections to the continuance of the hearings. In recent developments, the Center for Community Action and Environmental Justice (CCAEJ) will not be appearing as a Designated Party, but will continue to work with the community on this matter.

26. Hazardous Waste Incident Report

Information item.

27. Underground Storage Tanks corrective Action Plans

Information item.

28. Underground Storage Tanks Site closure Report

Information item.

29. State Water Resources Control Board Liaison Report

Tam Doduc, Chair for the State Water Resources Control Board, provided an update of programs and policies being considered by the State Board that may have a statewide impact. She talked about the State Board's efforts in seeking stakeholder input for developing a strategic plan for the next five years.

30. Executive Officer's Report

Mr. Thibeault indicated that because of the perchlorate hearing there was a need to reschedule the August 24, 2007 Board meeting to September 7, 2007.

31. Regional Board Member Communications

In the Chair's absence, the Vice Chair will be attending the next Chair's meeting.

Closed Session

The Board did not conduct a closed session.

32. Adjournment

The meeting was adjourned at 11:15 a.m. to the rescheduled Board meeting of September 7, 2007 at 9:00 a.m., at the City of Loma Linda, Council Chamber, 25541 Barton Road, Loma Linda.

Respectfully submitted:

GERARD J. THIBEAULT
Executive Officer

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