California Regional Water Quality Control Board
Santa Ana Region

Minutes of September 30, 2005
Orange County Sanitation District
10844 Ellis Avenue
Fountain Valley

1. Chair Beswick called the meeting to order at 9:05 a.m.

Board Members Present	Board Members Absent
Carole Beswick, Chair	
Fred Ameri, Vice-Chair	
William Ruh	
Jose Solorio	
John Withers	
Seymour Van Gundy	

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Staff Members Present

Gerard J. Thibeault, Executive Officer
Jorge Leon, Regional Board Counsel
Kurt V. Berchtold, Assistant Executive Officer
Joanne E. Schneider, Environmental Program Manager
Michael J. Adackapara, Supervising Water Resource Control Engineer
Mark E. Smythe, Chief of Storm Water (Coastal Waters)
Jun Martirez, Chief of Permitting
Wanda Marquis-Smith, Chief of Basin Planning (Coastal Waters)
Terri Reeder, Engineering Geologist
Kevin Heinemann, Staff Information Systems Analyst
Catherine A. Ehrenfeld, Staff Services Analyst

State Board Representative

None present

Public Attendance

Clare Fletcher, City of Anaheim
Nick Arhontes, Orange County Sanitation District
Mike Loving, City of Irvine
Angela Reid, Geotivity
Earl Sutton
Davin Diaz, Center for Community Action and Environmental Justice
Dindo Carrillo, Orange County Sanitation District
Larry McKenney, County of Orange
John Siller, J.J. Service Systems
Karen Hauptly, County of Orange
Norris Brandt, Irvine Ranch Water District
Chris Crompton, County of Orange
Paul Jones, Irvine Ranch Water District
Laura Larsen, RBF Consulting
John Perry, City of San Bernardino
Val Housel, City of San Bernardino

Public Forum

Nick Arhontes, Orange County Sanitation District.
Davin Diaz, Center for Community Action and Environmental Justice.

2. Approval of Minutes

Action: It was moved by Member Withers and seconded by Member Ameri that the Minutes of August 26, 2005 be approved as presented.

3. Consent Calendar

It was noted that Item Nos. 6, 8 and 9 had errata.

*5. **Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement** – Earl and Amy Sutton, 3173 Riverside Terrace, Chino, Tentative Parcel Map 16563, San Bernardino County, APN 1023-071-27.

*6 **Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement** – Ron and Maria Salony, 17808 Valencia Avenue, Fontana, San Bernardino County, APN 0246-121-64

*7 **Waste Discharge Requirements for Richland Meadowland, Ltd., Moreno Valley, Order No. R8-2005-0113.**

*8. **Renewal of Waste Discharge Requirements for the City of San Bernardino Water Reclamation Facility, San Bernardino County (NPDES No. CA0105392)**

*9. **Renewal of Waste Discharge Requirements for the City of Colton, Municipal Wastewater Treatment Facility, San Bernardino County (NPDES No. CA0105236)**

*11 **Amendment of General Waste Discharge Requirements, Order No. R8-2002-0007 (NPDES No. CAG918001)**

Action: It was moved by Member Ruh and seconded by Member Ameri that the Board adopt Order Nos. R8-2005-00113, with errata, R8-2005-0074, with errata, R8-2005-0075, with errata and Order No. R8-2005-0110, and approve the exemptions from minimum lot size requirements requested by Earl and Amy Sutton and Ron and Maria Salony.

12. **Waste Discharge Requirements for the City of Irvine, Groundwater Dewatering Facilities, Orange County (NPDES No. CA8000406)**.

This item was postponed.

16. **Prospective Purchaser Agreement.**

Kurt Berchtold briefed the Board on two Prospective Purchaser Agreements with the City of Anaheim. The City of Anaheim proposes to purchase two parcels of property to redevelop into a park. The Agreements allow property ownership transfer to occur without the transfer of liability for pollution. Mr. Berchtold also indicated some revisions to the language of the Prospective

Purchaser Agreement. Page 2, Item 9 of the Purchaser Agreement from: "Draft agreements have been prepared and these agreements are..." to: "It is appropriate to enter into agreements with the City of Anaheim that will facilitate real estate transactions...." And in the closing paragraphs from: "The Executive Officer is authorized to sign the two attached..." to: "The Executive Officer is authorized to negotiate and execute the two..."

Action: It was moved by Member Withers, seconded by Member Ruh and unanimously approved that the Board adopt Resolution No R8-2005-00115 with amended language.

Speaker on the item:

Clare Fletcher, Real Estate Manager for the City of Anaheim

13. **Orange County Storm Water Program Status Report.**

Mark Smythe, Sr. Environmental Scientist, discussed staff's Municipal Audit Program of the different permitees' Storm Water Programs within the Orange County MS4 Permit.

Speakers on the item:

Larry McKenney with Orange Resources Development and Management Department briefed the Board on the partnerships between the co-permitees within the watershed as it relates to their stormwater pollution prevention program.

14. **San Diego Creek/Newport Bay Watershed Selenium Total Maximum Daily Load (Se TMDL) Implementation.**

Terri Reeder, Engineering Geologist, provided an update on the Selenium TMDL, including background, effects of Selenium, and why a Se TMDL is necessary, Selenium studies, sources, implementation efforts, and the criteria for the revision process were described.

Speakers on the item:

Karen Hauptly, Environmental Scientist with Orange County

15. **Irvine Ranch Water District (IRWD) Natural Treatment System – Selenium Treatment Strategy.**

Paul Jones, General Manger, Irvine Ranch Water District, briefed the Board on their Selenium Treatment System and Strategy. The presentation included background, objectives, costs, treatment alternatives, testing, proposed Cienega Filtration Project and other project schedules.

17. **Administrative Civil Liability Complaint, SE Corporation, Riverside County.**

This item has been settled and no Board action was necessary.

18. **Administrative Civil Liability Complaint, Empire Capital, Riverside County.**

This item was postponed.

19. **Administrative Civil Liability Complaint, Standard Pacific Homes, San Bernardino County.**

This item was settled and no Board action was necessary.

19A. **Status Report on Rialto-Colton-Fontana Perchlorate Investigation.**

Kurt Berchtold, Assistant Executive Officer, informed the Board of the Special Board Meeting scheduled for November 16, 2005 at the City of Rialto Council Chambers to consider a settlement agreement and Consent Order for Goodrich.

Earlier this year the Board issued a Cleanup and Abatement Order to Emhart with the expectation that the Board would hold a hearing to review that Order. Staff has been working on preparing for such a hearing. Gerard Thibeault, Executive Officer, Jorge Leon, Regional Board Counsel and Kurt Berchtold will be members of the Advocacy Team, which will be presenting the case against Emhart. Other Staff will be serving as an Advisory Team, including a State Board Attorney. Once the hearing structure has been finalized, the Board Chair will issue a hearing notice. The Advocacy Team is recommending a 2-day hearing. The proposed location is Loma Linda Council Chambers.

Pyro Spectaculars are in the process in developing a workplan for a groundwater investigation on the effects of contamination below a concrete lined pit used by Pyro Spectaculars.

San Bernardino County has constructed a treatment system at the Rialto Airport to treat the flow from Rialto Well #3.

20. **General Permits**.

This was a written report.

21. **Executive Officer's Report**

There was no report.

22. **Regional Board Member Communications**

There were none.

23. **Closed Session**

There was no closed session.

24. **Adjournment**

The meeting was adjourned to the special meeting of November 16, 2005 at 6:00 p.m., at City of Rialto Council Chambers, 105 S. Palm Ave., Rialto.

Respectfully submitted:

GERARD J. THIBEAULT
Executive Officer

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