



# California Regional Water Quality Control Board

## Los Angeles Region



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Agency Secretary

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Arnold Schwarzenegger  
Governor

### Notice of Public Meeting/Hearing

Thursday, February 4, 2010

9:00 a.m.

Meeting Location:

**Metropolitan Water District of Southern California**

**Board Room**

**700 North Alameda Street**

**Los Angeles, California**

### Agenda

The Regional Board strives to conduct an accessible, orderly, and fair meeting. During the meeting, the Chair will conduct the meeting and establish appropriate rules and time limitations for each item. The Board will only act on items designated as action items. Action items on the agenda are staff proposals, and may be modified by the Board as a result of public comment or Board member input. Additional information about Regional Board meeting procedures is included after the last agenda item.

To ensure a fair hearing and that the Regional Board Members have an opportunity to fully study and consider written material, unless stated otherwise, written materials must be provided to the Executive Officer **not later than 5:00 p.m. on January 25, 2010. Please consult the agenda description for specific items, because certain items may have an earlier deadline for written submissions. If you are considering submitting written materials, please consult the notes at the end of the agenda. Failure to follow the required procedures may result in your materials being excluded from the hearing record; however, failure to timely submit written materials does not preclude a person from testifying before the Board.**

#### INTRODUCTORY ITEMS

1. **Roll Call.**
2. **Vote for Chair and Vice Chair for 2010.** *(The Board will vote on the selection for 2010 Chair and Vice Chair.)*
- 2.a. **Resolution of Stephen M. Cain, Senior Environmental Planner.** *(The Board will present a Resolution in appreciation of Stephen M. Cain.)*
3. **Order of Agenda.** The agenda items are numbered for identification purposes only and may not necessarily be considered in this order.
4. **Approval of November 5, 2009 and December 10, 2009 draft Meeting Minutes.**  
[Ronji Harris, (213) 576-6612]
5. **Board Member Communications.**
  - 5.a. Ex Parte Disclosure. Board Members will identify any discussions they may have had requiring disclosure pursuant to Government Code section 11430.40.

- 5.b. Board Member Reports. The Board Members may discuss communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction.
- 6.a. **Executive Officer's Report.**  
[Tracy Egoscue, (213) 576-6605]
- 6.b. Update on the Los Angeles Regional Water Quality Control Board Underground Tank Storage Program. [Yue Rong, (213) 576-6710].
- 6.c. **Board Checklist.**
- 6.d. **Update from State Board.** [Fran Spivy-Weber]
- 6.e. **Update on Enforcement and SEP Policies.** [Reed Sato, (916) 341-5889]
- 7. **Public Forum.** Any person may address the Board regarding any matter within the Board's jurisdiction provided the matter does not appear elsewhere on this agenda, has not been scheduled to appear on a future agenda, and is not expected to be imminently scheduled for the Board's consideration. Remarks will be limited to five (5) minutes, unless otherwise directed by the Chair.

### **UNCONTESTED ITEMS**

*(Items marked with an asterisk are expected to be routine and noncontroversial. The Board will be asked to approve these items at one time without discussion. Any Board member or person may request that an item be removed from the uncontested calendar. The Chair will determine the appropriate time to consider an item removed from the consent calendar.)*

#### **Waste Discharge Requirements that Serve as Individual NPDES Permits**

##### **Renewal-**

- \*8. Vopak Terminal Long Beach, Inc. (Vopak Terminal Long Beach), Long Beach; NPDES No. CA0064165 (Comment submittal deadline was January 18, 2010.) [Rosario Aston, (213) 576-6653]
- \*9. ConocoPhillips Company (ConocoPhillips Los Angeles Lubricants Terminal), Los Angeles; NPDES No. CA0059846 (Comment submittal deadline was January 15, 2010.) [Jau Ren Chen, (213) 576-6656]

### **ACTION ITEMS**

#### **Non-NPDES State Discharge Requirements**

- 10. Port of Long Beach, Middle Harbor Redevelopment Project; File No. 09-204 (Comment submittal deadline was January 15, 2010) [Michael Lyons, (213) 576-6718]

#### **Waste Discharge Requirements -**

- 11. County of Los Angeles, Maintenance Clearing of Engineered Earth-bottom Flood Control Channels; File No. 99-011 WDR. (Comment submittal deadline was November 12, 2009) [Valerie Carrillo, (213) 576-6759]
- 12. Consideration of a Report of Waste Discharge for Malibu La Paz Ranch, LLC, a proposed commercial development in the Civic Center area of the City of Malibu. *(The Regional Board will be asked to evaluate staff's findings that La Paz did not complete a Report of Waste Discharge (ROWD) for a proposed discharge and adopt a tentative Order specifying waste discharge requirements that prohibit discharge of waste from La Paz, without prejudice for La Paz to submit a future ROWD.)*(Comment submittal deadline was January 18, 2010) [Elizabeth Erickson, (213) 620-2264]

### **CLOSED SESSION**

- 13. As authorized by the Government Code section 11126, the Regional Board will be meeting in closed session. Closed session items are not open to the public. Items the Board may discuss include the following: [Michael Levy (MJL), (916) 341-5193; Jennifer L. Fordyce (JLF) (916) 324-6682]

- 13.1 *Cities of Los Angeles, City of Burbank v. Los Angeles Regional Water Quality Control Board*, Los Angeles County Superior Court, Case Nos. BS 060957 and BS 060960. [Challenging the Burbank, Tillman, and Los Angeles-Glendale Water Reclamation Plants' NPDES permits]. (MJL)
- 13.2 *County of Los Angeles et al. v. Commission on State Mandates et al. and City of Artesia et al. v. State of California*, Los Angeles Superior Court Nos. BS 089769 & BS089785, Second District Court of Appeal No. B183981 [Alleging that the Los Angeles MS4 Permit created an unfunded state mandate]. (MJL)
- 13.3 *In re Halaco Engineering Company*, United States Bankruptcy Court, Central District of California, Northern Division, No. ND-02-12255 RR [Regarding a CDO and CAO at the Oxnard Property]. (JLF)
- 13.4 *Cities of Arcadia et al., v. Los Angeles Regional Water Quality Control Board*, Orange County Superior Court No. 06CC02974 [Challenging the 2004 Triennial Review]. (MJL)
- 13.5 *Cities of Bellflower et al., v. Los Angeles Regional Water Quality Control Board et al.*, Los Angeles Superior Court No BS101732 [Challenging the Los Angeles River and Ballona Creek Metals TMDLs]. (MJL)
- 13.6 *County of Los Angeles et al v. Los Angeles regional Water Quality Control Board and State Water Resources Control Board*, Los Angeles County Superior Court, Case No. BS122724 [Challenging the incorporation into the MS4 Permit of the Waste Load Allocations from the Santa Monica Bay Beaches Bacterial TMDL]. (MJL)
- 13.7 *In re: Petition of the Boeing Company for Review of Order No. R4-2009-0058* [Challenging the waste discharge requirements for the Santa Susana Field Laboratory] (MJL)
- 13.8 *In re: Petition of Committee to Bridge the Gap for Review of Order No. R4-2009-0058* {Challenging the waste discharge requirements for the Santa Susana Field Laboratory} (MJL)
- 13.9 *In re: Petition of the Building Industry Association of Southern California, Inc., et al for Review of Order No. R4-2009-0057* [Challenging the Ventura County MS4 Permit] (MJL)
- 13.10 *In re Lyondell Chemical Company, et al.*, United States Bankruptcy Court, Southern District of New York, Case No. 09-10023 [Regarding remediation obligations at the former Weber Aircraft site in Burbank].(JLF)
- 13.11 *In re: Petition of Signal Hill, Downey, et al, for Review of Order No. R4-2009-0130* [Amending the Los Angeles County MS4 Permit (Order No. 01-182) to incorporate the Los Angeles River Watershed Trash TMDL.] (MJL)
- 13.12 Consultation with counsel about:  
(a) A judicial or administrative adjudicatory proceeding that has been formally initiated to which the Regional Board is a party;  
(b) A matter that, based on existing facts and circumstances, presents significant exposure to litigation against the Regional Board;  
(c) A matter which, based on existing facts and circumstances, the Regional Board is deciding whether to initiate litigation. (JLF)
- 13.13 Consideration of the evaluation of performance about a public employee. (MJL)
14. **Adjournment of Current Meeting.** The next meeting will be held on March 4, 2010, beginning at 9:00 am, at the Metropolitan Water District of Southern California, located at 700 North Alameda Street, Los Angeles, California.

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**NOTICE**

**Ex Parte Communications:** An ex parte communication is a communication to a board member from any person, about a pending matter, that occurs in the absence of other parties and without notice and

opportunity for them to respond. The California Government Code prohibits the board members from engaging in ex parte communications during permitting, enforcement, and other “quasi-adjudicatory” matters. The Regional Board discourages ex parte communications during rulemaking and other “quasi-legislative” proceedings. The ex parte rules are intended to provide fairness, and to ensure that the board’s decisions are transparent, based on the evidence in the administrative record, and that evidence is used only if stakeholders have had the opportunity to hear and respond to it. Ex parte rules do not prevent anyone from providing information to the water boards or requesting that the water boards take a particular action. They simply require that the information come into the record through proper channels during a duly noticed, public meeting. A board member who has engaged or been engaged in a prohibited ex parte communication will be required to publicly disclose the communication on the record and may be disqualified from participating in the proceeding. For more information, please look at the ex parte questions and answers document found at [www.waterboards.ca.gov/laws\\_regulations/docs/exparte.pdf](http://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf)

**Hearing Procedures:** The Regional Board follows procedures established by the State Water Resources Control Board. These procedures are established in regulations commencing with section 647 of title 23 of the California Code of Regulations. The Chair may establish specific procedures for each item, and consistent with section 648, subdivision (d) of title 23 of the California Code of Regulations may waive nonstatutory provisions of the regulations. Generally, all witnesses testifying before the Regional Board must affirm the truth of their testimony and are subject to questioning by the Board Members. The Board does not, generally, require the designation of parties, the prior identification of witnesses, or the cross examination of witnesses. Any requests for an alternate hearing process should be made to the Executive Officer in advance of the meeting, and under no circumstances later than 5:00 p.m. on the Thursday preceding the Board meeting. The provisions of this paragraph shall be deemed superseded to the extent that they are contradicted by a hearing notice specific to a particular agenda item.

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**Written Submissions:** Written materials (whether hand-delivered, mailed, e-mailed, or facsimiled) **must be received prior to the relevant deadline** established in the agenda and public notice for an item. If the submitted material is more than 10 pages or contains foldouts, color graphics, maps, or similar items, 12 copies must be submitted prior to the relevant deadline.

Failure to comply with requirements for written submissions is grounds for the Chair to refuse to admit the proposed written comment or exhibit into evidence. (Cal. Code Regs. tit. 23, § 648.4(e).) The Chair may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of the written testimony, the Chair may refuse to admit it.

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**Administrative Record:** Material presented to the Board as part of testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, charts, diagrams, etc. All Board files pertaining to the items on this Agenda are hereby made a part of the record submitted to the Regional Board by staff for its consideration prior to action on the related items.

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**Accessibility:** Individuals requiring special accommodations or language needs should contact Dolores Renick at (213) 576-6629 or [drenick@waterboards.ca.gov](mailto:drenick@waterboards.ca.gov) at least ten working days prior to the meeting. TTY/TDD/Speech -to-Speech users may dial 7-1-1 for the California Relay Service.

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**Availability of Complete Agenda Package:** A copy of the complete agenda package is available for examination at the Regional Board Office during regular working hours (8:00 a.m. to 5:00 p.m. Monday through Friday) beginning 10 days before the Board meeting. Questions about specific items on the agenda should be directed to the staff person whose name is listed with the item.

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**Continuance of Items:** The Board will endeavor to consider all matters listed on this agenda. However, time may not allow the Board to hear all matters listed. Matters not heard at this meeting may be carried over to the next Board meeting or to a future Board meeting. Parties will be notified in writing of the rescheduling of their item. Please contact the Regional Board staff to find out about rescheduled items.

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**Challenging Regional Board Actions:** Pursuant to Water Code section 13320, any aggrieved person may file a petition to seek review by the State Water Resources Control Board of most actions taken by the Regional Board. A petition must be filed within 30 days of the action. Petitions must be sent to State Water Resources Control Board, Office of Chief Counsel; ATTN: Elizabeth Miller Jennings, Senior Staff Counsel; 1001 "I" Street, 22nd Floor; Sacramento, CA 95814.

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**Electronic Information and Updates:** Our web site address is [www.waterboards.ca.gov/losangeles/](http://www.waterboards.ca.gov/losangeles/). The site can also be accessed through the State Water Resources Control Board's web site at [www.waterboards.ca.gov/](http://www.waterboards.ca.gov/), then clicking on "Regional Boards". Information available online includes the Regional Board's meeting schedule, a list of the Regional Board members, past and present Executive Officer reports, program information, a list of staff and phone numbers arranged by their work unit, and links to the Santa Monica Bay Restoration Commission's home page and other governmental agencies. Last-minute changes to the agenda, such as the continuance of an item, will be posted electronically. If you need further information, please contact Jack Price at (213) 576-6669.

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**Pending Water Quality Certifications:** A listing of pending water quality certification applications currently on public notice pursuant to Section 401 of the Federal Clean Water Act may be obtained by calling Valerie Carrillo at (213) 576-6759.

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**Settlement of Enforcement Actions:** A listing of settlement enforcement actions can be accessed by the following link: <http://www.waterboards.ca.gov/enforcement/index.html>

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