
Los Angeles Regional Water Quality Control Board

Notice of Public Meeting/Hearing

Tuesday, August 7, 2012

Tour:

8:00 a.m. to 9:30 a.m.

Leaving from Santa Clarita City Hall

Board Meeting Location:

Beginning at approximately 10:00 am

City of Santa Clarita City Hall

23920 Valencia Boulevard, Suite 300

Santa Clarita, California 91355

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.

Beginning at 8:00 a.m. Leaving from Santa Clarita City Hall

TOUR

- 1. Tour of Newhall Land and Farming Company's Proposed Resource Management and Development Plan (RMDP) site.** Regional Board members and staff will participate in a tour of Newhall Land and Farming Company's Proposed RMDP site. At the beginning of the tour, Regional Board staff will review procedures for the tour and provide a brief overview of the locations that will be included in the tour. Participants will then visit various locations at the site. Representatives of Newhall Land and Farming Company will be present to give brief overviews and explanations at each tour stop and to answer questions from the Regional Board members and its staff. While a quorum of the Regional Board may be present at the tour, there will be no action or voting taking place during the tour. To comply with state law regarding ex parte communications, individual conversations with Regional Board Members are not allowed during the tour or the hearing.

Interested persons are invited to attend the tour. As the tour will be conducted on private property, busses will be provided and there may be limited space. No private vehicles will be allowed on the tour. To ensure that adequate space is available for all participants, members of the public wishing to join the tour should RSVP by **5:00 p.m. on Tuesday July 31, 2012**. To RSVP, please send an email (preferred) with the subject line "Newhall Land Tour RSVP" to Theresa Rodgers at trodgers@waterboards.ca.gov. In the body of the email, please include a contact phone number along with the number of persons who will participate. Alternatively, you may call Ms. Rodgers at (213) 576-6789. Only those who have contacted Ms. Rodgers by the deadline will be allowed to attend the tour. Individuals who require special accommodations are also requested to contact Ms. Rodgers at the contact information above.

Beginning at approximately 10:00 a.m. at the City of Santa Clarita City Hall

INTRODUCTORY ITEMS

2. **Roll Call.**
3. **Order of Agenda.** The agenda items are numbered for identification purposes only and may not necessarily be considered in this order.
4. **Board Member Communications.**
 - . Ex Parte Disclosure. Board Members will identify any discussions they may have had requiring disclosure pursuant to Government Code section 11430.40.

ACTION ITEMS

5. **Clean Water Act Section 401 Certification/Waste Discharge Requirements**
Continuation of Hearing for Consideration of tentative Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements (WDRs) for the Newhall Land and Farming Company (Proposed Resource Management and Development Plan, Santa Clarita, Los Angeles County; File No. 11-168). Regional Board staff and representatives of Newhall Land and Farming Company will provide information in response to Regional Board Member questions and issues raised at the hearing on June 7, 2012. The Regional Board may adopt, modify, or deny the tentative Certification and WDRs, or continue the hearing to a later Board meeting. The Board is not intending to accept additional oral comments on the tentative Certification or WDRs. Board members may, however, ask questions of interested persons or provide brief opportunities for interested persons to speak. Time limits on any such statements will be imposed. The written comment period is closed. Written comment submittal deadline was April 5, 2012. [Questions concerning this item may be directed to Valerie Carrillo Zara, (213) 576-6759, vcarrillozara@waterboards.ca.gov]

CLOSED SESSION

6. As authorized by Government Code section 11126, the Regional Board may be meeting in closed session. Closed session items are not open to the public. Items the Board may discuss include the following: [Jennifer Fordyce (JF) (916) 324-6682; Frances McChesney (FM) (916) 341-5174; Nicole Johnson (NJ) (916) 322-4142]
 - 6.1 *State Department of Finance, State Water Resources Control Board and Los Angeles Regional Water Quality Control Board v. Commission on State Mandates*, Los Angeles County Superior Court Case No. BS130730. [Challenging the Commission's decision that portions of the LA MS4 permit created unfunded State mandates]. (JF)
 - 6.2 *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]. (JF)
 - 6.3 *In re: Los Angeles Region Water Permit- Ventura County*, Commission on State Mandate Test Claim No. 11-TC-01 [Regarding a test claim filed by Ventura County Watershed Protection District and the County of Ventura alleging that portions of Order No. R4-2010-0108 created an unfunded state mandate]. (JF)
 - 6.4 *In re: Petition of City of Redondo Beach for Review of Administrative Civil Liability Order No. R4-2008-0058-M, SWRCB/OCC File A-2124* [Challenging assessment of mandatory minimum penalties for violations of Order Nos. 99-057 and R4-2005-0016]. (FM)
 - 6.5 *In re: Petition of Signal Hill, Downey, et al, for Review of Order No. R4-2009-0130, SWRCB/OCC File A-2071* [Challenging the incorporation into the MS4 Permit of the Waste Load Allocations from the Los Angeles River Watershed Trash TMDL.] (JF)
 - 6.6 *In re: Kinder Morgan, Inc., Chevron Corp., et al for Review of Revised Cleanup and Abatement Order No. R4-2008-0006, SWRCB/OCC File A-2085* [Challenging the revised cleanup goals in the order]. (FM)
 - 6.7 *In re: Upper Santa Clara River Chloride Total Maximum Daily Load Requirements Imposed by the Los Angeles Regional Water Quality Control Board in Resolution R4-2008-0012*. Commission on State Mandates Test Claim No. 10-TC-09 [Regarding a test claim filed by the Santa Clarita Valley Sanitation District of Los Angeles County alleging that portions of Resolution R4-2008-0012 created an unfunded state mandate]. (JF)
 - 6.8 *Joan C. Lavine v. State Water Resources Control Board and Los Angeles Regional Board*, Los Angeles County Superior Court Case No. BS128989 [Challenging the Basin Plan Amendment prohibiting on-site wastewater disposal systems in the Malibu Civic Center Area]. (FM)
 - 6.9 *Charles Conway et al. v. State Water Resources Control Board and Los Angeles Regional Water Quality Control Board*, Ventura County Superior Court Case No. 56-2011-00399391-CU-WM-VTA [Challenging the McGrath Lake TMDL for polychlorinated biphenyls (PCBs), pesticides, and sediment toxicity]. (JF)
 - 6.10 *In re: Petition of Santa Monica Baykeeper and Heal the Bay, SWRCB/OCC File A-2175* [Challenging the Memorandum of Understanding between the City of Malibu, the Los Angeles Regional Board, and the State Water Resources Control Board regarding phased implementation of the Basin Plan amendment prohibiting on-site wastewater disposal systems in the Malibu Civic Center area]. (FM)

- 6.11 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. (JF/FM/NJ)
- 6.12 Consideration of the appointment, employment, or evaluation of performance about a public employee. (JF/FM/NJ)

7. Adjournment of Current Meeting. The next meeting will be in September, 2012. Date and location of the next meeting will be posted on <http://www.waterboards.ca.gov/losangeles/>

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

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. Generally, speakers are allowed three minutes for comments. Any requests for an alternate hearing process, such as requesting additional time to make a presentation, 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.

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.

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.

Accessibility: Individuals requiring special accommodations or language needs should contact Dolores Renick at (213) 576-6629 or 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.

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.

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.

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: Phil Wyels, Assistant Chief Counsel; 1001 "I" Street, 22nd Floor; Sacramento, CA 95814.