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## Los Angeles Regional Water Quality Control Board

### Notice of Public Meeting Jueves, 2 de mayo, 2013 9:00 a.m.

Meeting Location:  
**The Metropolitan Water District of  
Southern California - Salón de la Junta  
700 North Alameda Street  
Los Angeles, California 90071**

#### Agenda

The Los Angeles Regional Board strives to conduct an accessible, orderly, and fair meeting. The Chair of the Board will conduct the meeting and establish appropriate rules and time limitations for each agenda 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 Board meeting procedures is included after the last agenda item.

Generally, the Board accepts oral comments at the meeting on agenda items and accepts written materials regarding agenda items in advance of the meeting. For some items requiring public hearings, written materials and oral comments will be accepted only according to the procedures set forth in a previously issued public notice for the particular agenda item. To ensure a fair hearing and that the 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. el 22 de abril, 2013. Please consult the agenda item description 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. **Order of Agenda.** Note that the agenda items are numbered for identification purposes only and may not necessarily be considered in this order.

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

3. **Approval of draft Meeting Minutes for the 7 de marzo, 2013 Board meeting.**  
[Ronji Moffett, (213) 576-6612]
4. **Board Member Communications.**
  - 4.a. Ex Parte Disclosure. Board Members will identify any discussions they may have had requiring disclosure pursuant to Government Code section 11430.40.
  - 4.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.
5. **Executive Officer's Report.** [Samuel Unger, (213) 576-6605]
- 5.a. **Reporte sobre Aplicación de la Ley.** [Hugh Marley, (213) 620-6375]
6. **Update from State Board.** [Fran Spivy-Weber, (916) 341-5607]
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 three (3) minutes, unless otherwise directed by the Chair. If a person intends to use a PowerPoint presentation or other visual aid, you must contact Ronji Moffett, (213) 576-6612, at the Regional Board at least 48 hours prior to the meeting to arrange for equipment use and be prepared to load any PowerPoint presentation on the computer prior to the meeting to assure the orderly conduct of the meeting.

### **UNCONTESTED ACTION 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. **Items removed from the Uncontested calendar will be heard at a future meeting.**)*

#### **Requisitos de descargo de desperdicios (WDRs) que sirven como Permisos Individuales de NPDES (Sistema Nacional de Eliminación de Descargas Contaminantes)**

##### **Nuevo-**

- \*8. Nano H2O Inc., (NanoH2O Facility), El Segundo; NPDES No. CA0064602 (La fecha límite para presentar comentarios fue el 12 de abril, 2013) [Jau Ren Chen, (213) 576-6656]

##### **Renovación-**

- \*9. Equilon Enterprises, LLC dba Shell Oil Products US, Shell Service Station #204-1944-0100, Culver City; NPDES No. CA0064289 (La fecha límite para presentar comentarios fue el 12 de abril, 2013) [Thomas Siebels, (213) 576-6756]

##### **Renovación-**

- \*10. CEMEX Construction Materials Pacific, LLC (Moorpark Facility), Moorpark; NPDES No. CA0059315 (La fecha límite para presentar comentarios fue el 8 de abril, 2013) [Mazhar Ali, (213) 576-6652]

**Requisitos de descargo de desperdicios que no funcionan como NPDES**

**Nuevo-**

- \*11. Consideración de requisitos de descargo de desperdicios (WDRs) tentativos para Camp Hass Kramer (Wilshire Boulevard Temple), Ventura County (File No. 04-185) para descarga de aguas residuales domésticas. (La fecha límite para presentar comentarios fue el 18 de marzo, 2013) [Mercedes Merino, (213) 620-6156]

**Nuevo-**

- \*12. Eagle Rock Aggregates, Inc. (Maintenance Dredging), Long Beach; File No. 13-026 (La fecha límite para presentar comentarios fue el 11 de abril, 2013) [Michael Lyons (213) 576-6718]

**Modificación-**

- \*13. City of Los Angeles Bureau of Sanitation, Sheldon-Arleta Landfill, Orden No. 01-0070; File No. 60-100; Los Angeles. (La fecha límite para presentar comentarios fue el 15 de marzo, 2013) [Douglas Cross, (213) 620-2246]

- \*14. BKK Corporation, BKK Class III Landfill, West Covina; Orden No. 87-39, File No. 63-031 (La fecha límite para presentar comentarios fue el 11 de abril, 2013) [Wen Yang, (213) 620-2253]

**Otros Asuntos**

- \*15. Consideración de una Resolución Tentativa que adopta la Cuenta de EAR para Tanque Subterráneo de Almacenamiento de Petróleo para el Año Fiscal 2013-2014, Lista de Sitios de Prioridad para la Región de Los Angeles. (La fecha límite para presentar comentarios fue el año 2013.) [Dixon Oriola, (213) 576-6747]

**ASUNTOS PENDIENTES**

**Modificación del Plan de la Cuenca**

16. Consideración de Resolución tentativa que modifica el Plan de Control de Calidad del Agua (Basin Plan) para actualizar administrativamente el "Capítulo 3: Objetivos de Calidad del Agua" incorporando modificaciones previamente adoptadas y tablas actualizadas. (La fecha límite para presentar comentarios fue el 8 de abril, 2013) [Dr. Ginachi Amah, (213) 576-6685]

**PUNTOS DE INFORMACIÓN**

*(Los siguientes asuntos son solo para propósitos de información. La Junta no tomará ninguna acción sobre estos asuntos.)*

17. Actualización sobre Recursos Integrados del Agua y Política de la Junta Regional. [Celeste Cantu, Gerente General, Santa Ana Watershed Project Authority]

18. Actualización sobre el Estado de la Implementación del Programa de Gestión de Calidad de Agua de Lluvia a Nivel de Condado de Ventura (Orden R4-2010-0108), Ventura. [Ivar Ridgeway, (213) 620-2150; Tracy Woods, (213) 620-2095]
19. Actualización sobre la Implementación del Total de carga diaria máxima (TMDL) de Metal de la Cuenca de Calleguas Creek. [Thanhloan Nguyen, (213) 576-6689]
20. Actualización sobre el progreso de la Implementación del Programa Amplio de Monitoreo [Guangyu Wang, Santa Monica Bay Restoration Commission, (213) 576-6639]

### **CLOSED SESSION**

21. As authorized by 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: [Jennifer Fordyce (JF), (916) 324-6682; Frances McChesney (FM), (916) 341-5174; Nicole Johnson (NJ), (916) 322-4142; Lori Okun (LO), (916) 341-5165]
  - 21.1 *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 Los Angeles County MS4 permit created unfunded state mandates]. (JF)
  - 1.2 *In re: Halaco Engineering Company*, United States Bankruptcy Court Central District of California, Northern Division, No. ND-02-1255 RR [Regarding a cease and desist order and cleanup and abatement order at the Oxnard Property]. (JF)
  - 21.3 *In re: Los Angeles Region Water Permit – Ventura County*, Commission on State Mandate Test Claim No. 110-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 unfunded state mandates]. (JF)
  - 21.4 *In re: Petition of the Cities of Signal Hill, Downey, et al. for Review of Order No. R4-2009-0130, SWRCB/OCC File A-2071* [Challenging the incorporation of Waste Load Allocations from the Los Angeles River Watershed Trash TMDL into the Los Angeles County MS4 Permit]. (JF)
  - 21.5 *In re: Upper Santa Clara River Chloride Total Maximum Daily Load Requirements Imposed by the Los Angeles Regional Water Quality Control Board in Resolution R40-2008-0012*, 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 unfunded state mandates]. (JF)
  - 21.6 *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)
  - 21.7 *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)
  - 21.8 *Green Acres, LLC v. Los Angeles Regional Water Quality Control Board and State Water Resources Control Board*, Los Angeles County Superior Court Case

- No. BS138872 [Challenging the Basin Plan Amendment prohibiting on-site wastewater disposal systems in the Malibu Civic Center area]. (FM)
- 21.9 *Valetor, Inc. et al. v. Los Angeles Regional Water Quality Control Board*, Los Angeles County Superior Court Case No. BS138361 [Challenging Cleanup and Abatement Order No. R4-2011-0183 and associated Notice of Violation] (NJ)
- 21.10 *Balcom Ranch v. State Water Resources Control Board and Los Angeles Regional Water Quality Control Board*, Ventura County Superior Court Case No. 56-2012-00419048-CU-MC-VTA [Challenging assessment of administrative civil liability in Order on Complaint No. R4-2010-0023] (LO)
- 21.11 *In re: Petitions of the City of San Marino, et al. for Review of Order No. R4-2012-0175, SWRCB/OCC File A-2236(a)-(kk)* [Challenging the Los Angeles County MS4 Permit]. (JF)
- 21.12 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; or
  - (c) A matter which, based on existing facts and circumstances, the Regional Board is deciding whether to initiate litigation. (JF/FM/NJ)
- 21.13 Consideration of the appointment, employment, or evaluation of performance about a public employee. (JF/FM/NJ)
22. **Clausura de la reunión en curso.** La próxima reunión regular de la Junta (Board) será el 6 de junio de 2013, en el Metropolitan Water District of Southern California, Board Room, 700 North Alameda Street, Los Angeles, California 90071.

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**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. Ex parte communications are allowed on pending general orders (such as general waste discharge requirements, general waivers, and general Clean Water Act section 401 water quality certifications) subject to the disclosure requirements of Water Code section 13287 (for further information and disclosure forms, please visit [http://www.waterboards.ca.gov/losangeles/laws\\_regulations/](http://www.waterboards.ca.gov/losangeles/laws_regulations/)). 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).

**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.

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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. In an adjudicatory matter, where there is a showing of prejudice to any party or the Board 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: Phil Wyels, Assistant Chief Counsel; 1001 "I" Street, 22nd Floor; Sacramento, CA 95814.

