



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams,
Agency Secretary

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Arnold Schwarzenegger
Governor

Meeting Minutes

Los Angeles Regional Water Quality Control Board
May 6, 2010 Board Meeting
Metropolitan Water District of Southern California
Board Room
700 North Alameda Street
Los Angeles, California

The meeting was called to order by Chair Mary Ann Lutz at 9:10 a.m.

Pledge of Allegiance.

Item 1. Roll Call

Board Members Present: Chair Mary Ann Lutz, Vice Chair Madelyn Glickfeld, Steve Blois, Fran Diamond, Maria Mehranian, and Jeanette Lombardo

Board Members Absent: None.

Staff Present: Tracy Egoscue, Deborah Smith, Sam Unger, Ronji Moffett, Jennifer Fordyce, Jeff Ogata, Jack Price, Paula Rasmussen, David Hung, Rebecca Christmann, Renee Purdy, Ginachi Amah, Don Tsai, Veronica Cuevas, Don Tsai, Wen Yang, Enrique Casas, Cassandra Owens, Jenny Newman, Rebecca Veiga-Nascimento, Rebecca Chou, Don Tsai

Individuals whose Names Appear on the Sign-In Sheet

Mr. Kerjon Lee, L.A. County Flood Control Dist.	Mr. Gene Lucero, Latham & Watkins
Ms. Kirsten James, Heal the Bay	Ms. Ann Heil, L.A. County Sanitation District
Mr. Ray Tahir, TEC Environmental	Mr. Youn Sim, L.A. County Flood Control District
Ms. Alicia Ng, L.A. County Sanitation District	Dr. Mark Gold, Heal the Bay
Mr. Wayne Fishback, Representing self	Mr. Jim Thorsen, City of Malibu
Ms. Susie Santilena, Heal the Bay	Ms. Melissa Thorme, Downey Brand
Mr. James Kuykendall, City of Santa Paula	Mr. John Kemmerer, USEPA
Mr. Gus Dembegiotes, City of Los Angeles BOS	Mr. Dave Hansen, Representing self
Mr. Rodney Andersen, City of Burbank	Ms. Susie Santilena, Heal the Bay

Item 2. Order of Agenda.

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Item 11 is continued.

Items 12 and 13 are being heard as a joint presentation.

Item 3. Approval of draft meeting Minutes for April 1, 2010

MOTION: To approve the draft April 1, 2010 draft Meeting Minutes.

First: Board Member Fran Diamond

Second: Board Member Jeanette Lombardo

Vote: Approved by unanimous vote

Item 4. Board Member Communications.

There were no communications reported by the Board that constitute disclosure for this item.

Item 5. Executive Officers Report

Report and Addendum Report was given to the Board. The Report was posted on the Board's website:

www.swrcb.ca.gov/~rwqcb4/html/eo_reports/eo_reports.html

Item 5.a. Board Checklist.

There was no discussion or questions regarding the Board Checklist.

Item 5.b. Update from State Board.

Ms. Fran Spivy-Weber talked about the shortfall in April tax receipts, and indicated that the State Budget is not looking good at this time. She indicated that the State Board adopted the Once through Cooling for power plants at its May 4, 2010 Board meeting, and the general plan process will begin June 1, 2010.

Item 6. Public Forum.

- Mr. Ray Tahir, TEX Environmental Services
- Dr. Youn Sim, Ph.D., P.E.
- Mr. Wayne Fishback, Representing self
- Dr. Mark Gold, Heal the Bay

Approval of Uncontested Calendar.

Executive Officer Tracy Egoscue announced the Consent items as follows: 7, 8, and 9

MOTION: To deem non-controversial and approve Agenda Item(s): 7, 8, and 9.

First: Board Member Fran Diamond

Second: Board Member Steve Blois
Vote: Approved by unanimous vote.

Item 9. Panel Hearing Recommendation for Complaint No. R4-2008-0052 in the amount of \$939 against Guadalupe Reyes.

MOTION: To adopt the permit as recommended by staff with edit as proposed by staff.

First: Board Member Maria Mehranian
Second: Board Member Fran Diamond
Vote: Approved by unanimous vote

Item. 10. City of Los Angeles (Terminal Island Treatment Plant), San Pedro.

Staff Report. Ms. Rebecca Christmann. (*In her presentation, Ms. Christmann made but was not limited to the following points.*)

- Gave an Overview
- Talked about compliance history
- 8 constituents with dilution credit reduced to 4
- Discussed the City of Los Angeles' comments and responses
- Dilution credit cannot be granted to effluent temperature
- The City requested modification to footnote 24 on page 10-98
- Heal the Bay recommend "No Dilution Credit"

City of Los Angeles Presentation given by Mr. Gus Dembegiotes. (in support with inclusion of recommended changes proposed by the City)

- Overview of Record of Improvements
- 1930s built as a primary Treatment facility
- Discussed the Terminal Island Water Recycling Program (TIWRP)
- Current permit is consistent with recurring projects
- Requests 86 degrees to replace the 100 degrees

Public Comment:

- Ms. Susie Santilena, Heal the Bay (in support)

Board questions, concerns and comments:

- Why can't dilution credit be granted for temperature?
- Does staff agree with the numbers for the City of Los Angeles?
- What are the characteristics of the brine?
- How does the recycled water compare to the discharge before recycling?
- Why was biannual review selected instead of annual?
- Have concerns about going to bi-annual rather than annual.
- Is there a reopener for toxicity limits in the permit
- Asked clarification as to why the City is asking exemption credit?

MOTION: To adopt the staff recommendation with the following changes:

- Change footnote 26 on page 10-60 (Board package) to insert the following words before “Therefore” in the second sentence: Semiannual monitoring is the least frequent monitoring that this Board will allow, [t]herefore...
- Change the monitoring frequency for CECs to “annual” instead of biennial, on page 10-60 and in all other places necessary; and
- On page 10-99 paragraph I, third sentence, after the words “effluent limitation,” add: “or monitoring frequency of constituents of emerging concern,”...

First: Vice Chair Madelyn Glickfeld

Second: Board Member Fran Diamond

Vote: Approved by unanimous vote.

Closed Session Break taken at 12:00 am

Reconvened at 2:25 pm

Item 14 was moved to the Consent Calendar, there were no speaker contest cards, and a Motion was made by Board Member Fran Diamond, seconded by Board member Jeanette Lombardo, and unanimously approved.

Item 12, Malibu Cantina LLC and Item 13, Wavebreak LLC are being heard as a joint presentation.

Staff presentation. Ms. Rebecca Chou. (*During her presentation, Ms. Chou made, but was not limited to the following points.*)

- Pretreatment requirements
- Heal the Bay supports low effluent limitation of total nitrogen to 5 mg/L
- Flows will be 15,000 gpd

Public comment:

- Mr. Gene Lucero, Latham & Watkins (in support)
- Dr. Mark Gold, Heal the Bay (in support)

Board questions, concerns and comments:

- Has staff seen data about the status of pollutants and constituents?
- What happens if the baseline exceeds the water limits?
- Who will oversee the monitoring of tenants or ownership?
- Believe that trucking should be looked at as a last resort

MOTION: To approve staff’s recommendation.

First: Vice Chair Madelyn Glickfeld

Second: Board member Steve Blois

Vote: Approve by unanimous vote

Item 15. Consideration of proposed Basin Plan Amendment to revise the total Maximum Daily Load (TMDL) for metals in the Los Angeles River add its tributaries.

Staff presentation was given by Ms. Jenny Newman, Unit chief, TMDL 3 unit. (*Ms. Newman made but was not limited to the following points in her presentation*).

- *Discussed the L.A. River Water Effects Ratio (WER) Study*
- *The Study added dry and wet weather*
- *Allocation for all sources should be adjusted in accordance with the revised loading capacity of the receiving water*
- *Heal the Bay commented that the Regional Board should not incorporate the copper WER into this TMDL*
- *WER allows an increase of copper discharge by a factor of 4*
- *Cities of LA and Burbank support the inclusion of WER*

Public Comment.

- Mr. Gus Dembegiotes, City of Los Angeles (in support)
- M. Chris Mintz,
- Mr. Rodney Andersen, city of Burbank (in support)
- Mr. John Kemmerer, USEPA (in support)
- Ms. Kirsten James, Heal the Bay (opposed)

MOTION: To adopt the proposed resolution as recommended by staff.

First: Board Member Steve Blois

Seconded: Board Member Maria Mehranian

Vote: Approved by unanimous vote

The Board meeting was adjourned at 4:18pm. The Draft Minutes may be approved, rescinded or modified at the May 6, 2010 Board meeting.

Written and submitted by: _____, then finalized on
Ronji R. Moffett