



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams,
Agency Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.swcb.ca.gov/rwqcb4>

Arnold Schwarzenegger
Governor

Meeting Minutes

Los Angeles Regional Water Quality Control Board
June 3, 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: Sam Unger, Deborah Smith, Ken Harris, Ronji Moffett, Jennifer Fordyce, Jeff Ogata, Jack Price, Paula Rasmussen, David Hung, Renee Purdy, Ginachi Amah, Don Tsai, Veronica Cuevas, Cassandra Owens, Jenny Newman, LB Nye, Rebecca Chou, Mazhar Ali, Rosario Aston, Russ Colby, Peter Raftery

Individuals whose Names Appear on the Sign-In Sheet

Mr. Kerjon Lee, L.A. County Flood Control Dist.	Ms. Chris Rowe, Rep. Self
Ms. Kirsten James, Heal the Bay	Ms. Ann Heil, L.A. County Sanitation District
Mr. Ray Tahir, Rep. City of Irwindale	Mr. Rodolfo Costella, Moon Shadows Restaurant
Ms. Cindy Garcia, CA Dept. of Water Resources	Dr. Mark Gold, Heal the Bay
Mr. Wayne Fishback, Representing self	Mr. Jim Thorsen, City of Malibu
Ms. Susie Santilena, Heal the Bay	Ms. Alexis Strauss, USEPA
Mr. Dan Sharp, LA County Flood Control District	Ms. Lori Blair, The Boeing Company
Mr. Dan Hirsch, Committee to Bridge the Gap	Mr. William Bowling, ACMELA.org
Mr. John Luker, West Hills Neighborhood Council	Mr. Paul Costa, The Boeing Company
Mr. Peter Weiner, The Boeing Company	Mr. Tom Gallagher, The Boeing Company
Mr. Rick Brausch, Department of Toxic Substances Control	Ms. Christina Walsh, CleanupRocketdyne.org
Ms. Bonnie Klea, Rep. All Sick Workers	Ms. Dorri Raskin, Rep. Self

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.

Ms. Jacqueline C. Young, WHNC Environmental Committee	Ms. Cindy Lin, U.S. Environmental Protection Agency
Mr. Shannon Grund, L.A. County Sanitation District	Ms. Joanne Yvanek-Garb, West Hills N.C.
Ms. Marie Mason, Rep. Self	Ms. Dawn Kowalski, Rep. Self
Ms. Jennifer Novak, CA Department of Justice	Ms. Helen Arens, CA Department of Justice
Mr. Phillip Hors, CA Department of Justice	Ms. Susan Paulsen, Flow Science
Ms. Holly Huff, Representing self	Mr. Miles Hogan, CA Department of Justice

Item 2. Order of Agenda.

*Item 8, The Boeing Company Termination of Waste Discharge Requirements is continued.
Item 12, Las Virgenes Metropolitan Water District is continued*

Item 3. Approval of draft meeting Minutes for May 6, 2010.

MOTION: To approve the draft May 6, 2010 draft Meeting Minutes.

First: Board Member Fran Diamond

Second: Board Member Steve Blois

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. (There was no Report from State Board)

Item 6. Public Forum.

- Mr. Dan Sharp, L.A. County Flood Control District
- Mr. Rodolfo Costella, Moon Shadows Restaurant (Malibu)
- Mr. Jim Thorsen, City of Malibu
- Ms. Chris Rowe, Representing self
- Mr. Ray Tahir, Representing City of Irwindale
- Mr. Wayne Fishback, Representing self
- Dr. Mark Gold, Heal the Bay

- Ms. Cindy Garcia, CA Dept. of Water Resources

Chair Lutz directed Interim EO Sam Unger to have staff look into issues raised by the owner of the Moon Shadows Restaurant and to come back to the Board with a report.

Approval of Uncontested Calendar.

Interim Executive Officer Sam Unger announced the Consent items as follows: Item 7

MOTION: To deem non-controversial and approve Agenda Item(s): Item 7

First: Board Member Maria Mehranian

Second: Board Member Fran Diamond

Vote: Approved by unanimous vote.

Item 9. Consideration of tentative Waste Discharge Requirements for Pilot Tests to evaluate Bioaugmentation of Volatile Organic Compounds (VOCs) in Groundwater at former NASA Industrial Plan.

Staff Report was waived.

Board Questions and Concerns:

- How do we find methodologies that are bound to be effective?
- Is there a substantial alternative?

MOTION: To adopt the tentative permit and proposed Resolution as recommended by staff with change sheets.

First: Board Member Madelyn Glickfeld

Second: Board Member Steve Blois

Vote: Approved by unanimous vote

Item 11. California Department of Water Resources (William E. Warne Power Plant)

Staff Report. Mr. David Hung (*Mr. Hung made but was not limited to the following points*):

- The facility is a hydroelectric generating station, that produces power to offset the State Water Project pumping costs
- Operates two electric
- Facility does not employ treatment nor provide any chemical addition to the once-through cooling water or drainage sump water
- Wastewater flows consists of a total of 1.95 mgd of once through cooling water
- There were no comments received by the deadline of May 7, 2010, however today the discharger would like to clarify language on page 11-67, paragraph B, third sentence.

Board comments and concerns:

- What is the basis for the changes on page 11-3?
- On Item 7, how long was the quarterly monitoring done?

MOTION: To approve as modified.

First: Board Member Maria Mehranian

Second: Board Member Steve Blois

Vote: Approved by unanimous vote

Item 13. BP West Coast Products, LLC (Hathaway Tank Farm), Signal Hill

Vice Chair Madelyn Glickfeld recused herself from this matter.

Staff Report. The Staff Report was waived.

Board questions and concerns:

- Asked to clarify why increase the discharge in the permit if discharge will happen only once per year?
- How long has BP operated with this permit?
- Expressed concern about there being no mechanism in place for this volume of discharge.
- Is it better or worse for water quality to increase discharge to 75,000 gpd? If so, why or why not?
- Why such a big increase in permitted flow?
- Can the treatment system in place treat 7000,000 gpd?
- How much storage capacity is available?

MOTION: To continue this item to a future meeting.

First: Board Member Fran Diamond

Second: Board Member Maria Mehranian

Vote: Approved by unanimous vote

Closed session Break 11:45

Reconvened at 1:25

Item. 14. Informational update on the Status of TMDL Development and Implementation. *(No voting took place for this matter.)*

Staff Report. Ms. Renee Purdy, Chief Regional Programs section. *(In her presentation, Ms. Purdy made but was not limited to the following points.)*

- Talked about accomplishments to date
- The requirements
- Joint strategy for completion of the TMDL
- Regional Board staff will cooperate with USEPA due to the short time frame remaining
- One TMDL takes two staff up to 2 years to complete
- The Regional Board has adopted 34 TMDLs since Year 2000
- TMDL address 354 303(d) listings
- TMDLs are not self-implementing
- The TMDLs that are working for our region are being incorporated into the permits

- The difference between USEPA TMDLs and Regional Board TMDLs is that EPA's TMDLs do not have an Implementation Plan and an Implementation Schedule

Public Comment:

- Ms. Alexis Strauss, USEPA (*the schedule was amended, and USEPA will continue to work closely with Regional Boards and will still allow public input from Stakeholders.*)

Item 10. Consideration of tentative Waste Discharge Requirements for The Boeing Company, Santa Susana Field Lab.

Staff presentation. Ms. Cassandra Owens, Permitting Unit. (*During her presentation, Ms. Owens made, but was not limited to the following points.*)

- The Board considered this permit in 2009, but, the proposed reopener will incorporate new limits
- Historical operations from the 1950s contribute to contaminants
- The permit included compliance points with numeric effluent limitations at outfalls 003 – 010, 011, 018, and 019 (when operational)
- Monitoring with benchmarks at Outfalls 001 and 002
- Outfalls 012 - 014 are internal outfalls which have monitoring with benchmarks
- Gave clarification on the difference between benchmarks versus effluent limitations
- The current permit has benchmarks that expired on May 17, 2010 for Outfalls 008 and 009
- The Regional Board staff is requesting that benchmarks be left in place until June 2012 at Outfalls 008 and 009
- Benchmark exceedances at Outfall 008, and 009
- Temporary Treatment System implemented at Outfall 018 at Silvernale Pond
- Discussed the first quarter 2010 exceedances at outfall 018
- Committee to Bridge the Gap requested to postpone this hearing
- Discussed the responses to comments from Boeing, Heal the Bay, and other Stakeholders
- Summary of major changes include Outfall 019 being moved downstream
- Request for Benchmarks at Outfalls 008 and 009 through June 3, 2012
- Clarified Calculation of Dioxin Toxicity (TEQs)

Presentation by Boeing Representatives:

- Mr. Tom Gallagher, The Boeing Company (in support)
- Ms. Lori Blair, the Boeing Company
- (Expressed that the Boeing Company has taken aggressive efforts to improve flow at a variety of outfalls. In addition she gave some background information on the Boeing site, and an overview of Outfalls 008 and 009, and activities over this past year. Ms. Blair also discussed ISRA Project background and milestones, as well as the ISRA Outfall 008 accomplishments.)

Presentation by the Expert Panel:

- Dr. Michael Stenstrom,
- (ENTS and ISRA Integration. In May 2009 the panel started to maximize compliance with NPDES permit limits, ENT and ISRA should proceed concurrently.)

- Dr. Mike Joselyn
 - (*Outcomes of modifications include established vegetation, impervious areas removed, in channel vegetation underway.*)
- Mr. Jonathan Jones
 - (*ISRA progress has been significant. Have been identifying and removing "Hot Spots" containing constituents that exceed permit limits.*)
- Dr. Bob Pitt
 - (*Reviewed investigation of various medias to be used at the facility for BMPs and ENTs*)

Public comment:

- Mr. Dan Hirsch, Committee to Bridge the Gap (opposed)
 - (*Exceedances doubled at Outfalls 008 and 009; dioxin increased from 3 to 11, and lead at least doubled; He recommend the Board require enforceable numeric limits for Outfalls 008 and 009, instead of benchmarks.*)
- Mr. William Bowling, ACMELA.org (opposed)
- Ms. Chris Rowe, Representing self (in support, but asked for more Outreach in West Hills)
- Mr. Rick Brausch, Department of Toxic Substances Control (expressed n position)
- Ms. Bonnie Klea, Representing all sick workers (opposed)
- Ms. Dorri Raskin, Resident representing self (opposed)
- Ms. Marie Mason, Resident (opposed)
- Ms. Dawn Kowalski, Resident (opposed)
- Ms. Holly Huff, resident (opposed)
- Ms. Susie Santilena, Heal the Bay (Opposed to benchmarks)

Board questions, concerns and comments:

- Asked clarification on the difference between benchmarks and effluent limits
- Have benchmarks made a difference for Boeing, or have they made improvements?
- Approximately how many ENTs have been built already?
- Is staff satisfied with Boeing's activities to date?
- Has Boeing been cooperative with the process the whole year?
- Asked staff, in their opinion, has the water quality improved to satisfaction over this past year?
- What was the purpose of the contractor job walk?
- Is cesium now a reasonable potential pollutant at the site?
- Where are the burm pits?
- Asked Boeing, what it's planning to do for next year to prevent the level of exceedances it's had for this year?
- Has NASA reconsidered its position to all the ENTs on the property?
- What happens if staff does not agree with BMPs?
- What is humanly possible to remedy this to make this successful for next time?

Second Amended Motion by Board Member Steve Blois that says, “We need to require the discharger to come up with a work plan on how they are going to obtain effluent limits by the end of the permit, that we need that work plan, at least 90 days”, and leave it up to them how they get it.

Senior Staff Counsel Jennifer Fordyce read language for the permit that says, “An updated best management practices plan that includes site-specific plans and procedures implemented to prevent hazardous waste materials from being discharged in the city. The BMPs shall be consistent with the general guidance contained in the USEPA guidance manual for developing best management practices, BMPs...

Vice Chair Madelyn Glickfeld indicated that it is important to not that this is a plan that synchronizes improvements in ISRA with improvements in mitigation. She asked staff to come up with language that will help confirm this, but she withdrew her motion.

Board member Fran Diamond indicated that she would only vote for the Motion for the permit with Numeric Limits. Fran made an amended motion to amend the motion to have numeric effluent limits for outfalls 8 and 9.

There was a Roll Call vote taken on this amendment.

Mr. Blois - No
Ms. Diamond - Yes
Ms. Glickfeld - Yes
Ms. Lombardo - Yes
Ms. Lutz - Yes
Ms. Mehranian - No

For the first amendment on page 10-149, under section # Add paragraph two to Section VI.C.3ii which reads “With input from the Expert Panel, the Discharger shall submit a workplan that describes and prioritizes BMPs, including measurable milestones and implementing Interim Source Removal Action (ISRA) and Engineered Natural Treatment Systems (ENTs) that will resolve exceedances from Outfalls 008 and 009. This workplan will describe the citing and phasing of BMPs.”

There was then another Roll Call vote for this motion.

Mr. Blois - Yes
Ms. Diamond - Yes
Ms. Glickfeld - Yes
Ms. Lombardo - Yes
Ms. Lutz - Yes
Ms. Mehranian - Yes

FINAL MOTION: To accept staff’s proposal with for the permit with modifications removing benchmarks and adding numeric limits to Outfalls 008 and 009; and bring permit back for evaluation in one year with an update on ISRA and ENTs, in addition to performance data.

The addition of the BMP proposal, the first amendment on page 10-149, under section # Add paragraph two to Section VI.C.3ii which reads “With input from the Expert Panel, the Discharger shall submit a workplan that describes and prioritizes BMPs, including measurable milestones and implementing Interim Source Removal Action (ISRA) and Engineered Natural Treatment Systems (ENTs) that will resolve exceedances from Outfalls 008 and 009. This workplan will describe the citing and phasing of BMPs.”

In addition, changes to the Order:

- On page 10-45 delete the word “benchmarks” in the title of Table F-4A;
- On page 10-134 where it says “subdivision 2,” cross out everything that is after “outfalls”; It will then state “Final effluent limitations - Outfalls 003-0010.”
- On Page 10-137, delete double asterisks footnote completely;
- Finally, on page 10-148, delete Section J completely.

Roll call Vote as follows:

Mr. Blois - Yes

Ms. Diamond - Yes

Ms. Glickfeld - Yes

Ms. Lombardo - Yes

Ms. Lutz - Yes

Ms. Mehranian - Yes

The Motion passed on a unanimous Roll Call vote.

The Board meeting was adjourned at 6:40pm. The Draft Minutes may be approved, rescinded or modified at the July 8, 2010 Board meeting.

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