



# 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  
February 3, 2011 Board Meeting  
City of Simi Valley  
2929 Tapo Canyon Road  
Simi Valley, California

The meeting was called to Order by Chair Mary Ann Lutz at 9:12 a.m.

Chair Mary Ann Lutz introduced the newly appointed Board member, Mr. Charles Stringer.

Pledge of Allegiance.

Item 1. Roll Call

Board Members Present: Chair Mary Ann Lutz, Vice Chair Madelyn Glickfeld, Fran Diamond, Maria Mehranian, Steve Blois, and Charles Stringer.

Board Members Absent: None.

Staff Present: Sam Unger, Deborah Smith, Yue Rong, Ken Harris, Ronji Moffett, Jennifer Fordyce, Jeff Ogata, Jack Price, Paula Rasmussen, Hugh Marley, Russ Colby, Myumi Okamoto, David Hung, Brandi Outwin, Cassandra Owens, Rebecca Chou, Michael Lyons, Rosario Aston, Peter Raftery, Thizar Tintut-Williams, Veronica Cuevas, Enrique Casas, Angelica Castaneda-Jimenez

#### Individuals whose Names Appear on the Sign-In Sheet and/or Speaker Cards

Ms. Jessica Duboff, L.A. Chamber of Commerce	Mr. Rafael Holcombe, Tetra Tech
Ms. Kirsten James, Heal the Bay	Mr. Jim Kentosh, United Water
Dr. Mark Gold, President, Heal the Bay	Mr. Daniel Rynn, City of Burbank
Ms. Liz Crosson, Santa Monica Baykeeper	Mr. Tom Edgar, Six Flags Magic Mountain
Mr. Tony Morelli, Association of General Contractors of California	Ms. Hillary Mogler, LASOP
Mr. Ray Tremblay, L.A. County Sanitation District	Ms. Hessa Rad, City of Los Angeles, BOS
Ms. Ashli Desai, Latham Watkins Associates	Mr. Stephen Comley, BP Pipelines (North America)
Mr. Justin King, Parsons	

**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.*

The Board presented Chair Mary Ann Lutz with a Gavel Plaque for her service as Chair of the Los Angeles Regional Water Quality Control Board for 2009 through 2010.

Item 2. Vote for Chair and Vice Chair 2011. (*The Nominating Committee stated its nominations for Chair.*)

*Board Member Fran Diamond thanked and commended current Chair Mary Ann Lutz. Ms. Diamond indicated that she had spoken to each candidate and her nomination for Chair 2011 is Madelyn Glickfeld. Ms. Diamond discussed the history and chronology of the past selection process for Chair and Vice Chair, and she believe that the succession process should continue.*

*Board Member Maria Mehranian, also a Committee member gave clarification that she also read the history and chronology and does not believe that the current Board is bound, and there was not a clear pattern of succession which the Board has to observe or follow. She added that she built a matrix of a set of criteria such as technical expertise, objectivity, consensus building and Steve Blois at this time is her preferred candidate given the nature of the issues in the upcoming agenda of the Board for this year Her nomination is for Steve Blois.*

Statements by the Nominees:

*Vice Chair Madelyn Glickfeld does accept the Chair nomination. She stated that she has worked closely with Chair Lutz, and is willing and ready to serve.*

*Board Member Steve Blois indicated that he believes that he is experienced and qualified to serve as Chair. His attributes is his experience, he has good listening skills, and has the ability to lead. He indicated that the job of this Board is to improve water quality and to set overall policy direction. He also stated that it is very important to set priorities and engage or direct staff to achieve those goals to improve water quality. He believes that we must involve stakeholders and recognize that we have limited resources and must engage stakeholders and get buy-in if we expect our laws to be effective.*

Voice Vote:

Mr. Blois - Mr. Blois

Ms. Diamond - Ms. Glickfeld

Ms. Glickfeld - Ms. Glickfeld

Ms. Lutz - Mr. Blois

Ms. Mehranian - Mr. Blois

Mr. Stringer - Ms. Glickfeld

The vote was deadlocked after the first and second set of votes. After which time, a motion was made by Madelyn Glickfeld to nominate Board Member Fran Diamond as the Interim Chair until the Governor appoints a new member to the board or until a decision is made by the Nominating Committee to come back to the full Board by the committee to vote again. In addition, Mary Ann Lutz was added to the Nominating Committee.

Motion: Vice Chair Madelyn Glickfeld

Second: Board Member Charles Stringer

Vote: Approved by unanimous vote

Vice Chair Madelyn Glickfeld made a nomination for Mary Ann Lutz for Interim Vice Chair, and stipulated upon the same terms as pertaining to the Interim Chair.

Motion: Board member Madelyn Glickfeld

Second: Board member Steve Blois

Vote: Approved by unanimous vote.

Speaker cards.

Mr. Leo Valenzuela, Representing himself

Mr. Glen Becerra, Representing Bizfed

Ms. Jessica Duboff, Rep. Los Angeles Chamber of Commerce

Mr. Ray Tahir, Rep. Cities of El Monte, So. El Monte and Baldwin Park

Item 3. Order of Agenda.

*Item 20, is being continued to the March 3, 2011 Board meeting.*

Item 4. Approval of draft meeting Minutes for November 4, 2010.

**MOTION:** To approve the draft Meeting Minutes for the November 4, 2010.

First: Board member Maria Mehranian

Second: Board Member Steve Blois

Vote: Approved by unanimous vote (*Board Member Charles Stringer abstained because he was not a member of the Board in November 2010.*)

Item 5. Board Member Communications.

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

Item 6. 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](http://www.swrcb.ca.gov/~rwqcb4/html/eo_reports/eo_reports.html)

Item 6.a. Enforcement Report. (Paula Rasmussen)

Item 7. Board Checklist.

*There was no discussion or questions regarding the Board Checklist, however the Board asked to be kept informed about the progress of items on the checklist.*

Item 7.a. Update from State Board.

*State Board Vice Chair Fran Spivy-Weber discussed the new budget. She indicated that there is nothing that significantly affects the Regional Boards or State Board within the new budget. She did indicate that there is a plan to shift in funding of program fees. The final budget is July 1, 2011.*

*Discussed the Funding Fair held on February 10, 2011 by L.A. County Flood Control. This fair is open to the public. Ms. Spivy-Weber also stated that on December 14, 2010, Dwight Russell was appointed to State Board.*

Item 8. Public Forum.

- Mr. Ray Tremblay, Santa Clarita Valley Sanitation District
- Mr. Jim Kentosh, United Water Conservation District
- Mr. Wayne Fishback, Representing himself
- Mr. Phil Doudar, L.A. County Flood Control District
- Mr. Terence O'Neill, Representing Wayne Fishback
- Dr. Mark Gold, Heal the Bay
- Ms. Kirsten James, Heal the Bay
- Ms. Liz Crosson, Santa Monica Baykeeper

Approval of Uncontested Calendar.

*Executive Officer Sam Unger announced the Consent items as follows: Items 10, 11, 12, 13, 14, and 15.*

**MOTION:** To deem non-controversial and approve Agenda Item(s): Items 10, 11, 12, 13, 14 and 15.

Item 9, Magic Mountain LLC was removed from the Consent calendar by Board member Maria Mehranian.

First: Board Member Mary Ann Lutz

Second: Board Member Steve Blois

Vote: Approved by unanimous vote.

Item 9. Consideration of tentative Waste Discharge Requirements and Time Schedule Order (TSO) for Magic Mountain LLC (Six Flags Magic Mountain).

Staff Report by Ms. Cassandra Owens, Unit Chief. *(In her presentation, she made but was not limited to the following points.):*

- Discharges up to 2.35 million gallons per day (gpd)
- Treated wastewater
- Discussed the regulatory background
- The permit expired May 10, 2010
- Discharge is regulated by the TSO issued June 29, 2005, and expired June 29, 2010
- Interim limit for chloride is 175 mg/l
- Discussed the compliance history
- Violations for various constituents at total of 318 violations
- On July 8, 2010 violation of chloride limit
- Proposed permit has new effluent limitations

- Nitrite and Nitrate were changed in accordance with TMDL
- Effluent monitoring in new permit is the same as the current permit
- In discussing the issues with the permit by the discharger, she indicated that the discharger cannot currently meet the proposed limits
- Changes to the permit include chloride limits associated with the TMDL
- The discharger proposed to prepare a workplan to show anticipated remedies, and evaluating implementation options to meet the limitations for chloride
- Senate Bill 1284, effective January 11, 2011 allows the Regional Board to extend the Time Schedule Order
- The TSO includes a two and a half year schedule
- The TSO will expire on August 3, 2013

Ms. Tracy Quinn, of Kennedy Jenks, Representing Six Flags Magic Mountain stated that they are in support of Regional Board staffs recommendation, and concur with the report.

Board Questions and Concerns:

- Have you looked into what you can put into the water before discharging?
- Is there a "worse case" treatment to take
- Concerns about combinations of problematic changes
- With the exception of chloride, has other constituents been addressed?
- Is the water being recycled by the discharger?

**MOTION:** To adopt the proposed permit and Time Schedule Order as recommended by staff.

First: Board Member Maria Mehranian

Second: Board Member Mary Ann Lutz

Vote: Approved by unanimous vote

Item 16. BP Pipelines (North America), Inc. (Hathaway Tank Farm)

*Board Member Madelyn Glickfeld recused herself from this matter.*

Staff Report. Cassandra Owens. *(Ms. Owens made, but was not limited to the following points in her presentation):*

- Discharger requested increase in the permitted flow from 50,000 gallons per day (gpd) of treated storm water to 700,000 gpd of treated storm water to the Los Cerritos Channel
- The increase would mitigate the potential for a tank to float from its foundation;
- Maintain access to the tanks for inspection and maintenance;
- Maintain safe working conditions in the tank farm, and to
- Reduce the potential for contamination of stored storm water by accidental spills or tank failures
- The proposed permit includes a discharge prohibition which states that "wastes shall not be discharged in volumes that cause or contribute to an overflow of the storm drain/drainage facilities to which they are discharged."

Public Comments.

- Mr. Steven Comley, BP Pipelines

MOTION: To approve the staff recommendation.

First: Board member Steve Blois

Second: Board member Charles Stringer

Vote: Approved by unanimous vote. (Board member Madelyn Glickfeld abstained from voting)

The Board went into Closed Session at 12:45

Reconvened at 2:02

Item 17. Consideration of tentative Time Schedule Order (TSO) for the City of Burbank (Burbank Water Reclamation Plant).

Staff Report. Ms. Brandi Outwin, Unit Chief. (*Ms. Outwin made, but was not limited to the following points during her presentation*):

- Gave background history of the site
- Discussed the Water Effects Ratio (WER)
- Discussed the interim Copper limits
- Indicated that the length of the TSO is as short as possible
- There were no comments received except by the City of Burbank
- The City of Burbank requested 3 minor changes in their comments
- The proposed TSO is consistent with Total Maximum Daily Load (TMDL)

MOTION: To approve the staff recommendation..

First: Interim Vice Chair Mary Ann Lutz

Second: Board member Madelyn Glickfeld

Vote: Approved by unanimous vote

Item 18. Panel Hearing Recommendation: Consideration of Complaint No. R4-2010-0115 to assess Administrative Civil Liability in the amount of \$39,000 against Coast United Property Management pursuant to section 13268. (This matter was heard before a panel of the Regional Board on October 27, 2010.)

*Interim Vice Chair Mary Ann Lutz was the Chair of the October 27, 2010 hearing Panel. Ms. Lutz gave a Report to the full Board, and provided the Panel's recommendation. The liability assessed was initially \$39,900 against Coast United Property Management, however the panel increased the amount to \$56,362.50, or until the company provided proof of workplans from a licensed consultant and provide them to the Regional Board staff.*

*Executive Officer Sam Unger agreed to the report and indicated that he would like a reduction to be granted because the workplans have been submitted and accepted by Regional Board staff.*

Public Comment.



*Mr. Bill Giamela, Owner of Coast United Property Management requested the Board to reduce the fine and allow him to make monthly payments up to approximately \$2,000 per month.*

Board questions:

- Asked Mr. Giamela, if it is his intention to go along with the workplan and move forward?
- Asked Mr. Giamela if he had contracted with the company that provided the workplan?
- Asked Mr. Giamela what will be his company's next steps?

Staff Counsel Jennifer Fordyce read into the record the findings, and indicated that the Regional Board has determined that the discharger has demonstrated good faith, and the discharger has requested a payment plan.

MOTION: To accept the findings, reduce the fine to \$50,752.50, based upon the demonstration of good faith, and allow a payment plan.

First: Interim Vice Chair Mary Ann Lutz

Second: Board Member Maria Mehranian

Vote: Approved by unanimous vote

Item 19. Panel Hearing Recommendation: Consideration of Complaint No. R4-2008-0069-M to assess a Mandatory Minimum Penalty in the amount of \$87,000 against the City of Burbank (Burbank Water Reclamation Facility) for violation of Water Code section 13376, specifically for violation of its waste discharge requirements contained in Order No. R4-2006-0085.

Mr. Daniel Rynn, Representing the City of Burbank stated that the temperatures were less than 80 degrees during grab sampling time. He does not believe this matter is an issue of environmental harm.

The Board meeting was adjourned at 4:05 pm. Draft Minutes may be approved, rescinded or modified at the March 3, 2011 Board meeting.

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