



California Regional Water Quality Control Board

Los Angeles Region



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Secretary for
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Edmund G. Brown, Jr.
Governor

Meeting Minutes

Los Angeles Regional Water Quality Control Board
Tour:
The Boeing Santa Susana Field Lab (SSFL)
October 6, 2011
and
Board Meeting
City of Simi Valley
Council Chambers
2929 Tapo Canyon Road
Simi Valley, California

1. The Board Members participated in a Tour of the Santa Susana Field Lab (SSFL) from 9:00 am until 11:30 am; followed by a Board meeting.

The meeting was called to Order by Chair Fran Diamond at 12:21 pm.

Item 2. Roll Call. (Immediately following Roll Call, the Board and Counsel went into Closed Session.)

The meeting reconvened at 1:40.

Board Members Present: Steve Blois, Fran Diamond, Madelyn Glickfeld, Mary Ann Lutz, and Charles Stringer (Mr. Stringer did not attend the tour.)

Board Members Absent: Maria Mehranian (participated in the tour, but not the Board meeting.)

Staff Present: Sam Unger, Deborah Smith, Paula Rasmussen, Ronji Moffett, Jennifer Fordyce, Alex Carlos, Sarah Olinger, Frances McChesney, David Hung, Renee Purdy, Dr. Ginachi Amah, Cassandra Owens, Dr. Rebecca Chou, Dr. Yue Rong, Magdy Baiady, Dixon Oriola, Yi Lu, Dr. Arthur Heath, Hugh Marley, Andrew Choi,

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

Mr. Alex Landeros, Rep. Mr. Michael Kim	Mr. Richard Hwang, Rep. T & T family Trust
Ms. Zora Baharians, City of Los Angeles	Mr. Kevin Gieseher, City of Simi Valley
Mr. Paul Ahn, Southern California Edison	Mr. Hazen Galp, Southern California Edison

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.

Mr. Helge Ferchert, Southern California Edison	Ms. Amy Zimmer-Fayt, UCLA Envir. & Science
Mr. James Alamillo, Heal the Bay	Mr. David Boyers, Attorney General's Office
Mr. Thomas Hwang, T & T Family Trust	Mr. David Yun, Representing self
Ms. Ann Heil, L.A. County Sanitation District	Mr. G. Joseph Scatoloni, Consultant Rep. Mr. Thomas Hwang T & T Family Trust
Mr. Enrique Vela, Rep. Mr. Michael Kim	Mr. Alex Landeros, Rep.(in support of) Michael Kim

Item 3. Order of Agenda.

The Executive Officer stated that Item 12 is being continued to a future meeting, and Item 13 will be heard before Item 11.

Item 4. Approval of draft meeting Minutes for the September 1, 2011 Board meeting.

MOTION: To approve the draft meeting Minutes for the September 1, 2011 meeting

First: Board Vice Chair Mary Ann Lutz

Second: Board Member Steve Blois

Vote: Approved by unanimous vote

Item 5. Board Member Communications.

There were no communications that constituted disclosure.

Item 6. Executive Officer's 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 7. Enforcement Report. (Paula Rasmussen)

There was no verbal Report given during this meeting.

Item 8. Update from State Board.

Believe that ground water is next in a regional way. Stated that the Governor is turning his attention to water appointments, and he is extraordinarily interested in storm water.

On November 11, 2011 will announce \$82 million in grant money, and there is a recommendation to fund flood water or storm water.

Approval of Uncontested Calendar.

Executive Officer Sam Unger announced the Consent items as follows: Items 9, and 10

MOTION: To deem non-controversial and approve Agenda Item(s): Items 9, and 10.



First: Vice Chair Mary Ann Lutz
Second: Board Member Steve Blois
Vote: Approved by unanimous vote

Item 13. Information update on the Status of the Recreational Use re-evaluation of the Engineered Channels in the Los Angeles River Watershed.

Staff Report by Dr. Ginachi Amah. (*Ms. Amah made, but was not limited to the following points in her presentation.*)

- Gave a summary of potential outcomes
- Gave background on engineered channels
- Regulatory background
- KCET worked in partnership with Los Angeles Regional Water Quality Control Board (LARWQCB), and Council member Reyes on a Survey
- Coordinated Filed monitoring (City of Burbank, Friends of LA River, Council for Watershed Health, the Water Boards, and Generation Water)
- Supplemental Monitoring; to conduct flow measurements and have conducted Recreational Use surveys
- Lots of stakeholder participation including workshop coordinating committee meetings, supplemental data collection, and comments on the work plan
- Next steps are continued monitoring and sample collections
- Discussed recent revitalization efforts, including the Los Angeles River Boating Program

Public Comment:

- Mr. Zora Baharians, City of Los Angeles, Sanitation
- Mr. James Alamillo, Heal the Bay

Board Comments:

- Suggested we schedule something in Los Angeles to get more involvement and input
- What is being used as the threshold?
- Will these resources be applied to all of the tributaries
- Asked for clarification as to whether the high flow suspension amendment is still in force, and that no changes are being proposed to change it?
- Concern about potential of invigoration of water quality and the resources
- Encouraged staff to gather as much data as we can, as well as more collaboration
- Members would love to take a Field Trip and experience the Los Angeles River
- When results are received, what thresholds will be used to evaluate it and make a recommendation to the Board?

Executive Officer Sam Unger stated that there was discussion at the Water Quality Coordinating Committee (WQCC) in Sacramento and Executive Director Tom Howard has challenged some of the regional boards to set flow standards because he realized, and science shows that many of the beneficial uses are related to flow; in essence he was encouraging us to do more of that in order to protect and restore beneficial uses.



Item 11. Hearing on Complaint No. R4-20011-0094 to assess Administrative Civil Liability in the amount of \$118,710 against Mr. Michael Kim and the T & T Trust pursuant to CWC section 13350 for violations of Cleanup and Abatement Order No. R4-2008-0001.

Staff Report. Ms. Paula Rasmussen (*Ms. Rasmussen made, but was not limited to the following points, during her presentation.*)

- Gave site background
- Case history goes back to March 7, 2003, when the first 13267 was issued
- Gave Regulatory background
- Three Underground Storage Tanks (USTs) were removed from the site January of 2000
- Cleanup and Abatement Order (CAO) issued in 2008
- Revised CAO issued March 15, 2010
- To date, staff has only received a partial work plan for site investigation that was submitted late
- Discussed current conditions
- Discussed groundwater sampling results
- Discussed Methodology recommended by State Water Resources Control Board Office of Enforcement
- Discussed Liability Calculation Methodology
- Conclude that T & T Family trust owns other businesses and it is determined they have the ability to pay
- Recommend the Board affirm the complaint

Public comment.

- G. Joseph Scatoloni, Consultant Rep. Mr. Thomas Hwang, T & T Family Trust (*Asked if he would be allowed to submit the date of the Subsurface Investigation Report into the Record*)
- Mr. David Boyers, Counsel Prosecution Team (*Stated that he has no objection to the parties using the Subsurface Investigation report, but strongly objects to a continuance for this matter.*)

Board Member Blois asked the date of the Report, and Mr. Scatoloni replied, "September 26, 2011".

Counsel, Frances McChesney clarified that the Board is required to hold a hearing within 90 days of the issuance of a complaint, and that both parties would be necessary for them to waive their right to appearing within 90 days, and if it's not done, then the prosecution would be required to reissue the complaint and start the process all over and that that would be fairly burdensome.

The Board chose to move forward today on this matter.

Sarah Olinger asked Mr. Kim his native language to clarify whether or not a translator was needed. Mr. Kim indicated that his native language is Korean. Ms. Olinger asked Mr. Kim a series of questions to determine if he was able to read and understand English. Ms. Olinger also asked Mr. Kim's representatives, Mr. Vela and Mr. Landeros, how they generally communicate with Mr. Kim, and they both asserted that they speak with him in English. After establishing that Mr. Kim can speak and read English, Ms. Olinger asked Mr. Kim if he understands what is going on at the hearing. Mr. Kim replied, "yes".



Testimony of Mr. Thomas Hwang, T & T Family Trust (*During Mr. Hwang's testimony, he made, but was not limited to the following statements.*)

- He purchased the property in 1977, and owns 50% of the property
- Converted the gas station to a mini mart, but has never pumped gas or did any gasoline business
- In 1977 converted the building into a convenience store
- Leased property to a tenant
- In 2000, Michael Kim asked Mr. Hwang to improve the business by expanding into a gasoline business
- Mr. Kim removed the old tanks and bought new ones to improve the business
- Mr. Hwang never new about the contamination until 2010
- Removed from Cleanup Fund in 2001
- In 2007, the eligibility for cleanup fund was gone
- Paid \$72,000 cash money to clean up the site
- In 2007, hired Mr. Joe Scatoloni to clean up and submit and prepare a work plan
- Spent \$20,000 on soil and water reports
- In total, Mr. Hwang indicated that he has spent a total of \$107,000 for cleanup for this site

(Mr. David Boyers of the prosecution team cross-examined Mr. Hwang.)

Testimony of Mr. Michael Kim (*During Mr. Kim's testimony, he made but was not limited to the following statements.*)

- *Ms. Olinger asked Mr. Choi his native language, and Mr. Choi stated, "Korean", but that he also speaks and reads English and what is going on at the hearing today. Ultimately, Andrew Choi was provided to translate for Mr. Kim during this hearing.*
- *Ms. Sarah Olinger, Counsel/Advisory asked Mr. Michael Kim if he recalled her speaking to him about getting an attorney to represent him. Mr. Kim replied, "Yes." Afterwards, Ms. Olinger asked Mr. Kim why he did not get an attorney, Mr. Kim replied, "because he's charging too much, and I did not have any money."*
- *Ms. Olinger questioned Mr. Kim about the Complaint issued from the Los Angeles Water Board in July 2011, and if Mr. Kim received it, and read it. Mr. Kim indicated that he received it, but he did not open it.*

Chair Fran Diamond asked Mr. Kim if he wanted to make any statements or had any other testimony or questions, and he said "No."

Other speakers:

- Mr. Enrique Vela spoke on behalf of Mr. Kim, and explained that Mr. Kim hasn't leased the property for more than 5 years, and that he was a lessee from 1995 to 2005. He is therefore no longer a tenant at the property.
- Mr. Alex Landeros spoke on behalf of Mr. Kim, and explained that Mr. Kim has not leased the property since 2005, and that Mr. Kim tried his best to clean up whenever he was at the store. He also stated that Mr. Kim should be excluded from liability because he hasn't been a tenant since 2005.
- Mr. Kim spoke that he lost his money on trying to change the tank and save the gas, but hired the wrong contractor.



- Mr. David Yun, Co-owner, *Indicated that they are trying to do the right thing, and gave background on his father's interest in the property. (Mr. Yun's father was not present during the hearing.)*

Board questions and concerns:

- Asked if Mr. Hwang knew the tanks were on the site when he purchased it?
- Asks clarification of who is the current owner(s)?
- Who is the lessee of the property?
- Who is the tenant of the property?
- Asked clarification that Mr. Scatoloni if he contracted with Mr. Hwang to complete the work until it is done? *(Mr. Scatoloni replied, "Yes.")*
- Asked Mr. Scatoloni if he received a retainer? *(Mr. Scatoloni replied, "Yes".)*
- There were questions for clarification of ability to pay

There was a lot of discussion on this matter, and many questions and concerns were expressed before the motion was made.

MOTION: To approve the Administrative Civil Liability Order in the amount of \$118,710 solely to the T & T Family Trust.

The Board also will be issuing a new finding of fact that states the following: "That the Regional Board has decided to not assess administrative civil liability against Mr. Michael Kim, because there is no evidence in the record that establishes Mr. Kim's culpability for the contamination at the site."

First: Board Member Madelyn Glickfeld

Second: Vice Chair Mary Ann Lutz

Vote: Approved by unanimous vote.

(For more detailed information on any matter at our meetings, you may contact Ronji Moffett at (213) 576-6612 or rmoffett@waterboards.ca.gov and she may provide an electronic copy of the transcript or audio.)

The meeting was adjourned at 7:30 pm.

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