

**State of California  
California Regional Water Quality Control Board  
Santa Ana Region**

**March 22, 2019**

**ITEM: 14**

**SUBJECT: Executive Officer's Report**

- 1. Recycling and Reuse of Construction and Demolition Materials in California** - At the February 8 Regional Board meeting, Board member vonBlasingame requested information regarding requirements and regulations for recycling and reuse of construction and demolition materials. California regulations and requirements are summarized as follows:

Recycling and reuse of construction and demolition materials are required in accordance with CCR Title 24, Part 11, California Green Building Standards Code (CalGreen Building Code). These regulations are enforced by the local building agency. Depending upon the circumstances this enforcement agency may be any of the following:

- a. Local City or County,
- b. Calif Department of Housing and Community Development (HCD),
- c. Calif Division of the State Architect – Structural Safety (DSA-SS) (Schools), or
- d. Calif Office of Statewide Health Planning and Development (OSHPD) (Hospitals)

The enforcing agency usually has a threshold before the requirements apply. For instance, the threshold for the City of Ontario is \$200,000 worth of construction. Other jurisdictions may base their threshold on square footage, or number of units, or other criteria.

The basic mandatory requirement for residential and non-residential developments is that the developer must recycle and/or salvage for reuse a minimum of 65% (by weight or volume) of non-hazardous construction and demolition waste. This waste includes concrete, asphalt, lumber, drywall, metals, and more. There is an exception for excavated soil and land-clearing debris.

In addition, voluntary measures for residential development includes increasing the rate of recycling or salvaging of construction and demolition waste to 75% or more, as well as use of recycled or salvaged materials in construction. The incentive for this seems to be better environmental ratings for more attractive properties and perhaps tax breaks.

- 2. February 28, 2019 Public Meetings regarding the former Ford Aeronutronic Site, Newport Beach** – On February 28, 2019, Regional Water Board staff hosted two community meetings regarding the volatile organic compounds (principally trichloroethylene, a carcinogen) present in soil vapor beneath some residential and commercial properties at the former Ford Aeronutronics site in the City of Newport Beach. The meetings were held at the Newport Beach Civic Center (4-5:30 and 6-7:30 pm), with identical content presented. The sessions were moderated by Marina Perez of the SWRCB Office of Public Participation. Craig Communications, Ford's communication consultant, oversaw the distribution of notifications for the public meeting, reserving the venue and signing in the attendees. The total number of attendees for the two sessions was about 137.

Each session started with a 40-minute presentation by Jessica Law of the Site Cleanup Program, with Power Point slides similar to those presented to the Board on October 19, 2018 and the previous public meeting on November 10, 2018 with changes based on new results from the installation and sampling of additional soil gas probes and indoor air sampling. Each presentation was followed by an expert panel discussion. The panel included Jessica Law (RWQCB), Nick Amini (RWQCB), Amanda Palumbo (OEHHA), Mike Barnes (Wood, consultant to Ford Motors), and Lynn Tucker (Ford Motor Company). Ten frequently asked questions were discussed by the panel, followed by responses to direct questions from the audience. After the panel discussion, the audience members were given the chance to discuss any questions or concerns one-on-one with individual panelists. The overall feedback from the attendees was positive; however, some attendees had expected more specific conclusions regarding soil vapor risks and impacts to residents. The pace of the investigation is proceeding in an expedited manner, with consideration for maintaining the integrity and quality of data.

The main questions and concerns expressed by the attendees were related to property values, health risks, and if other attorneys would/should be involved with a class action lawsuit to ensure the investigation is being conducted appropriately. Ford did not offer any opinion regarding the home owners' concerns of a perceived decline in property values due to the presence of TCE in soil vapor. Board staff had previously requested that Ford provide a response regarding property value.

Amanda Palumbo, Ph.D. of OEHHA addressed questions regarding health risks. Water Board staff discussed the quality assurance measures that are in place for the vapor intrusion assessment and laboratory analysis. Ms. Law also explained that in order to ensure that the current and next phases of the vapor intrusion assessment are the most appropriate and protective of the health of the occupants of the buildings, Santa Ana Regional Water Board staff members have consulted with the authors of Cal EPA's proposed new vapor intrusion guidance, as well as with Water Board staff in Region 2, who developed the recently updated "environmental screening levels" for TCE and other contaminants in soil vapor.

The next public meeting regarding the results from the soil vapor investigation at the Ford site is scheduled for the evening of May 30, 2019 at the Newport Beach Civic Center. Staff will continue to keep the Board advised about this matter.

- 2. Dairy Program Update** – the Regional Board adopted the Confined Animal Feeding Operations General permit (CAFO or Dairy Permit) at the December 2018 Regional Board meeting (Order No. R8-2018-0001). The Dairy Permit requires that Annual Reports be submitted by Dairy operators by January 15 of each calendar year. Per the CAFO Permit Annual Reporting requirements, CAFO operators must provide a tabulation of animals, the total amount of manure produced, and the amount of manure spread on cropland or hauled away. The Dairy Permit also requires facilities to contain all wastewater and storm water runoff from a 25-year, 24-hour storm.

Regional Board staff has compiled animal and manure data that was reported for the 2017 and 2018 calendar years. The dairy industry in the Santa Ana Region continues to see a decline in the number of facilities. In 2017, there were approximately 114 facilities reported while, in 2018, there were 99. In 2017, dairy operators reported a total of 125,700 dairy animals which produced 422,900 tons of manure. In comparison, in 2018, dairy operators

reported a total of 128,400 animals that produced 379,800 tons of manure. Disposition of the manure in 2018 involved less than 10% of the manure being spread on local cropland or allocated to onsite stockpiles. The remaining manure was hauled elsewhere including Riverside and San Bernardino Counties, local compost facilities, and as far as counties in the state of Arizona.

In addition to reviewing annual reports and tracking manure handling practices, as noted below under the Winter Storm and Inspection discussion, Regional Board staff overseeing the CAFO permit are actively conducting pre- and post-inspections during the rainy season to ensure that manure or dairy washwater is not discharged to surface water.

**3. Winter Storms and Inspections** - So far in this rainy season (beginning October 1<sup>st</sup>) the Santa Ana Region has received a large amount of rain from several large storms. Currently the Region is above normal for precipitation volume. A summary of rainfall, days of rain, and the percentage above normal until February 25, 2019 is listed in Table 1. In addition to the rainfall, our local mountains have received several feet of snowfall. The mountains in Big Bear have received between 100-128 inches of total snowfall so far this season (according to Big Bear Mountain Resort and On the Snow), with an average base depth of 30 inches as of February 25th.

**Table 1: Summary of Rainfall Amounts  
October 1, 2018 to February 25, 2019**

Location	Rainfall	% of normal	Days of rain (>0.05 inches)
John Wayne Airport	16.05 inches	167	24
Cal State San Bernardino	23.72 inches	147	29
Ontario Airport	12.85 inches	122	23
Riverside Airport	11.21 inches	132	25

National weather service forecast office seasonal rainfall – [www.wrh.noaa.gov](http://www.wrh.noaa.gov)  
Western Regional Climate Center - <https://wrcc.dri.edu>  
On the Snow – [www.onthesnow.com/bi-bear-lake-skireport.html](http://www.onthesnow.com/bi-bear-lake-skireport.html)

Storm water staff have conducted 547 inspections this rainy season since October 1<sup>st</sup>, with 138 inspections performed during rain events (Table 2). In addition, 13 storm water runoff samples were collected to assess compliance with NPDES Storm Water Permit limits.

**Table 2: Summary of Inspections Conducted  
October 1, 2018 to February 25, 2019**

Inspection Type	Total	Rainy Day
Construction	342	94
Industrial	175	38
Municipal	16	6
Dairy	14	0
<b>Total</b>	<b>547</b>	<b>138</b>

**4. Trash Policy Update/Winter Storms** - As summarized in my [February 9, 2018 Executive Officer's Report](#), the State Water Board adopted statewide Trash Provisions on April 7, 2015 to address the impacts trash has on the beneficial uses of surface waters. These Provisions establish a statewide water quality objective for trash and a prohibition of trash discharge to surface waters of the State in amounts that impair beneficial uses. The Trash Provisions focus on MS4 Permittees (municipalities), and require them to comply through one of two options:

Track 1 - Install, operate, and maintain Full Capture System devices (devices that trap particles 5 mm or greater from a 1 year, 1-hour storm event) for all storm drains that capture runoff from high trash generating land uses such as high density residential.

Track 2 - Use any combination of controls to capture an equivalent amount of trash as Track 1 (called Full Capture System Equivalency)

Permittees who choose Track 2 were required by a June 2, 2017 Water Code section 13383 Enforcement Order to submit an implementation plan by November 30, 2018 that describes the controls that will be used to capture the equivalent amount of trash if Full Capture System devices were installed and all methodologies used to calculate the amount of trash captured.

Out of the Phase II non-traditional facilities, 10 have chosen Track 2 and submitted their implementation plans and 1 has chosen Track 1 and has submitted a jurisdictional map. Out of the Phase I municipalities, 5 have submitted implementation plans. Staff is currently in the process of reviewing the plans. Further requirements for Permittees will be written into the Region 8 MS4 Permit and the Statewide Phase II Permit. Full implementation of the Trash Provisions must be achieved before December 2, 2030.

Seal Beach received widespread attention in the news earlier in February due to the large amount of trash that washed up on the beaches after our recent rain events. Volunteer trash removal efforts took place at Seal Beach on February 16 hosted by Save Our Beach, according to the Orange County Register and the Seal Beach News, demonstrated in the pile of trash collected in the picture below.

Seal Beach Public Works department also organized cleanup activities, removing larger objects first by hand then removing smaller items with beach cleaning equipment. The trash was placed in piles away from beach goers and tides, then eventually hauled off to the City corporate yard to transfer to waste containers. According to Seal Beach Public Works, they operated 2 beach cleaning tractors, 1 backhoe, 1 front end loader, 2 dump trucks, 1 pick-up truck, and 8 employees working approximately 240 total hours with about 29 hours of overtime for this cleanup effort. They estimate that the amount of trash and debris that washed up on a mile beach from the storms was about 700 cubic yards and weighed approximately 230 tons. They are also planning to organize future beach cleanups with community members.



<https://www.ocregister.com/2019/02/16/seal-beach-long-beach-cleanups-on-saturday-make-a-dent-in-heaps-of-trash-left-by-storms/>

<https://www.sunnews.org/community-responds-to-beach-trash-crisis-after-storm/>