

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

**ITEM: 4**

**Minutes of the February 8, 2019, Board Meeting  
City of Anaheim  
200 S. Anaheim Blvd.  
Anaheim, CA 92805**

1. Chair Ruh called the meeting to order at 9:11 a.m.

Board Members Present

Board Members Absent

William Ruh, Chair  
Tom Rivera  
William P. von Blasingame  
Lana Peterson  
Daniel P. Selmi  
Kris Murray

Linda Ackerman, Vice-Chair

Staff Members Present (this list current as of 12/2018)

Hope A. Smythe, Executive Officer  
Jayne Joy, Assistant Executive Officer  
Teresita Sablan, Regional Board Counsel  
Lauma Willis, Division Chief  
Mark E. Smythe, Division Chief  
Milasol Gaslan, Chief of Wastewater  
Michelle Beckwith, Chief of Storm Water – Coastal  
Terri Reeder, Chief of Coastal Planning – Coastal Waters  
Bill Rice, Engineering Geologist  
Michael Perez, Water Resources Control Engineer  
Julio Lara, Water Resources Control Engineer,  
Ryan Harris, Water Resources Control Engineer  
Christine Silken, Water Resources Control Engineer  
Daniel Mefford, Assistant Information Systems Analyst  
Felipa Montes, Executive Assistant

Public in Attendance

Joseph P. LeClaire  
Rich Haller, SAWPA  
William Shum, Citizen  
Gordon Thrupp, Geosyntec Consultant  
Mickey Totten, IUOE 12  
Sarah Spinuzzi, OC Coastkeeper  
Ray Angon, Local 583 Plum Fitting  
Tony Gianquinte, Cement Masons Local 570  
Eric Miller, MMSC  
Joe Geever, Residents for Responsible Desal.  
Rocket Rios, Kiwanis Club Inland Center (SB)  
Firoozeh Peimen, OC Coastkeeper  
Tom Luster, CA Coastal Commission  
Laura McLellan  
Jordan Brandman, Councilman City of Anaheim  
Art Montez, Lulac  
Dianne Thompson, Self  
Ernesto Medrano, LA/OC Building Trades

Scott Maloni, Poseidon Water  
Jose Rodriguez, SLHA  
Suze Knobler, Citizen  
John R. O'Neill, Garden Grove City Council  
Fredri Tores, Local 5  
Willow Green, Tetra Tech  
Robert James, LU582  
Kobe Pham, K&G Ready Mix  
Barbara Boxer, former U.S. Senator  
Ray Hiemstra, OC Coastkeeper  
Hal Schillinger, Bioclean  
Ben Neil, San Diego Water Board  
Steven Spade, OC Coastkeeper  
Shahla Farahnak, DWQ  
Jennifer Roy, Latham and Watkins  
Mike Posey, City of Huntington Beach Council  
Jill Cagle, OC Wise  
Grace Adams, Bolsa Chica Conservancy

2. Election of Regional Board Officers for 2019

The nominating committee, Board Members Peterson and Selmi, elected Mr. William Ruh to continue serving as Chairman and Ms. Linda Ackerman as Vice-Chairwoman for 2019.

Motion: It was motioned by Board Member Peterson, seconded by Board Member von Blasingame and unanimously carried to re-elect Mr. William Ruh and Ms. Linda Ackerman as Regional Board Officers for 2019.

3. Public Forum

Suze Knobler and William Shum were present to ask the Regional Board to consider approving Ms. Knobler's Additional Dwelling Unit (ADU) Project: 1619 Dwight St., Redlands. Ms. Knobler said that staff denied their request to install an ADU on Ms. Knobler's mother's property. William Shum, architect, and Ms. Knobler mentioned that the project has been reviewed and approved by the City of Redlands Planning Department, based on the compliance of land use and zoning.

The Regional Board suggested that this item be placed on the next calendar for further discussion. Executive Officer said they would discuss this.

4. State Water Resources Control Board (SWRCB) Liaison Report

None

5. Approval of the Minutes of the regular Board Meeting of December 7, 2018

Motion: It was moved by Board Member Peterson, seconded By Board Member Murray, and unanimously carried to approve the Minutes of the December 7, 2018 Board Meeting, as presented.

Abstained: Chair Ruh was not present at that meeting.

6. Consideration of \*Consent Calendar Items

- \*7. Renewal of Waste Discharge Requirements and National Pollution Discharge Elimination Permit (NPDES No. CA0106828) for Dos Cuadras Offshore Resources LLC, Platform Esther, Orange County R8-2018-0093

Motion: It was moved by Board Member von Blasingame, seconded by Board Member Rivera and unanimously carried to adopt Order Nos. R8-2018-0053, as presented.

8. Santa Ana Watershed Project Authority (SAWPA)

Ron Sullivan, Chair of SAWPA, thanked the Regional Board, the executive officer and staff for their cooperation, support and dedication for the projects in the watershed basin.

Rich Haller, General Manager of SAWPA. Mr. Haller extended an invitation to the Regional Board to attend the One Water One Watershed (OWOW) conference on March 29. Mr. Haller provided an update on the current activities at SAWPA.

Mark Norton, Water Resources & Planning Manager of SAWPA, provided information to the Regional Board on the watersheds focused on improving water quality. Mr. Norton said that the homelessness symposiums conducted in 2017 brought together a lot of representatives from several cities interested in further discussions on how homelessness issues impact the water ways and what is being done to address the watershed concerns. He also mentioned all of the different task forces involved in this effort. Mr. Norton included information on Proposition 1 and its benefit on disadvantaged communities and supporting their needs of clean water.

There were several questions from the Board.

9. General Waste Discharge Requirements for Site Maintenance and Water Quality Monitoring at Inert Waste Disposal Facilities (IWDFs) Within the Santa Ana Region - Order No. R8-2019-0008

This was a workshop presented by Mr. Bill Rice, Engineering Geologist of the Santa Ana Regional Water Quality Control Board. Mr. Rice provided the Regional Board with information regarding inert waste disposal facilities and the purpose for the proposed waste discharge requirements.

Mr. Rice provided background information on the inert waste disposal facilities. He provided photographs of the waste facilities in this region, explained highlights of the proposed general waste discharge requirements, and informed the Board that out of the ten inert waste facilities, four of them were inactive.

Mr. Rice provided a list of materials that were prohibited at these inert landfills, as well as a list of materials that were accepted. He said that the inert facilities are currently being regulated under a general waiver of waste discharge requirements; however, he said the general waiver only provides minimal guidance and that there is a lack of monitoring.

Mr. Rice explained the necessity for a general waste discharge requirement for these facilities. He provided a list of the standard and proposed general discharge requirements; the application process of submitting a notice of intent; the regular reporting of their findings, the annual reporting and the technical reports.

Mr. Rice informed that staff of the Santa Ana Regional Water Quality Control Board has conducted public outreaches and have provided opportunity for review and comment to the proposed WDRs.

Board Member von Blasingame asked if Regional staff could inquire whether a state-wide requirement existed to recycle the inert waste, and then report it back to the Board.

10. Enforcement: Administrative Civil Liability Complaint, K&G Ready Mix, Inc. Orange County – Order No. R8-2019-0010.

*(Information pertaining to this item is contained in a verbatim transcript of the proceedings).*

Chair Ruh opened the hearing by reading the Chair's Statement. He then administered the oath to the people that would be speaking or providing testimony in this matter. He asked them to stand and be sworn in.

Those standing, were the Prosecution Team; Kaitlin Diaz, Bryan Elder, Naomi Kaplowitz, Jose Rodriguez, Michelle Beckwith and Jayne Joy, and on behalf of K&G Ready Mix, were; Chief Council Jeff Jacobs and Colby Phom, owner and discharger of K&G.

Ms. Diaz, Environmental Scientist with the Santa Ana Regional Board, explained the purpose of the presentation, she briefed the Regional Board on the reasons for issuing the proposed administrative civil liability in the amount of \$38,565 to K&G Ready Mix.

Ms. Diaz noted the violations of K&G Ready Mix to implement minimum best management practices (BMPs). She presented photographs and dates of the inspections from 2017. She indicated that several violations were issued and discussed with the discharger, but he failed to address the violations. She also indicated that the discharger had ample opportunity to clean up and cooperate and failed to do so.

Ms. Diaz said the City of Stanton staff conducted an inspection of K&G Ready Mix and noted that minimum BMPs were not being applied. Jose Rodriguez from the City of Stanton was present to confirm the violation on October 12, 2018.

Ms. Diaz said that the prosecution team recommends that the Regional Board adopt the proposed Administrative Civil Liability (ACL) Order No. R8-2019-0010 and impose the ACL amount of \$38,565 on K&G Ready Mix, Inc.

Mr. Jeff Jacobs from the defense team had some questions for the prosecution team, Ms. Diaz.

During the closing arguments, Ms. Kaplowitz pointed out that the violation of failing to comply with minimum BMPs has a direct negative effect on water quality, as the facility's discharges flow directly to the Bolsa Chica Channel, which is impaired for pH and flows to the National Wildlife Refuge. Ms. Kaplowitz indicated that it has taken more than one year of efforts to encourage the discharger to come into compliance prior to escalating to formal enforcement.

Speakers: Sarah Spinuzzi, staff attorney.

At 11:47 a.m., the Regional Board and Executive staff adjourned to a close session for further discussion of Item 10.

At 12:29 p.m., the Regional Board returned from the closed session with comments and a decision.

Board Member von Blasingame asked that it be made part of the record that staff from the SARWQCB make a visit to K&G Ready Mix site in a minimum of four months.

Ms. Teresita Sablan, legal counsel for the Board, said that as recommended by the Board, the culpability factor of 1.4, listed on page 3 of Attachment A, would be amended to reflect 1.3. On page 5 of Attachment A, the total base liability amount would be amended to reflect the change in culpability to 1.3, resulting in a total liability of \$27,040. On page 7, of Attachment A, it would be amended to reflect a final liability amount of \$36,485. Additionally, page 4 would be amended to strike grossly from the last sentence; the discharger's disregard to comply with the general permit requirements was negligent. In addition to that, the Order has been amended to reflect that the penalty amount is \$36,485, correcting paragraph 12 and in the final findings in the Order. Additionally, there is a new paragraph added to reflect that the discharger violated section X.H.1 of the general permit, by failing to implement minimum BMPs for a period of at least four days, specifically, the discharger violated section X.H.1 (a.ii, a.iii, and a.V).

Motion: It was moved by Board Member von Blasingame, seconded by Board Member Selmi and unanimously carried to adopt Order No. R8-2019-0010, with the amendments made by legal counsel.

Roll call was taken by Executive Officer Hope Smythe:  
Board Member Rivera: Aye.  
Board Member Murray: Aye  
Board Member Peterson: Aye  
Board Member Selmi: Aye  
Board Member von Blasingame: Aye  
Board Member Ruh:

Lunch break from 12:34 p.m. to 1:10 p.m.

11. Informational Item: Proposed Huntington Beach Desalination Plant (Poseidon) Update  
(Information pertaining to this item is contained in a verbatim transcript of the proceedings).

Chair Ruh said that Board Member Murray was going to read a statement.

Board Member Murray, disclosed in her statement, that she had recently served as a member of the Anaheim City Council from 2010-2018, as well as a Director on the Board of Directors for the Metropolitan Water District of Southern California, and as an appointee of the City of Anaheim from 2009-2013. She indicated that during this time she had made statements, supporting the local drought-proof water supplies for Orange County, including desalination opportunities. She indicated she did not advocate for or against a specific project. Ms. Murray indicated that her statements focused on the project's potential to provide a drought-proof local water supply. Ms. Murray also disclosed that she received contributions from Poseidon Water, during her campaign for Anaheim City Council in 2014, and that these are public record, predating her tenure on the Regional Board. She said this would not bias her decision on the project. Ms. Murray said none of these things that she mentioned preclude her from participating in proceedings related to the Huntington Beach Desalination Project. She also stated she did not have any ex parte communications with anyone about the project's permit, and just to be clear, she does not have a predetermined position on the project. Ms. Murray assured the Board of her responsibility on this Board to ensure these types of projects meet water quality laws and policies. Ms. Murray said that she would keep an open mind during the proceedings in making decisions based on information being presented.

Executive Officer Hope Smythe, of the SARWQCB, indicated that this was strictly an information item to provide an update on the proposed project that they have been working with Poseidon staff. Ms. Smythe indicated that they have been working closely with State Board staff as they review the project.

Speakers for this item were: Scott Seyfried, Kim Tenggardjaja and Daniel Ellis from State Board, and Jayne Joy and Terri Reeder from the Santa Ana Regional Water Quality Control Board (SARWQCB).

Staff available to answer questions were; Milasol Gaslan, Julio Lara, Lauma Willis, and Mark Smythe of the SARWQCB, as well as Tom Luster from the California Coastal Commission.

1. Jayne Joy, Assistant Executive Officer, presented an overview of the proposed Huntington Beach Desalination Project. Ms. Joy provided a description of the project, a review of the Ocean Plan Desalination Amendment that covers the regulatory requirements for the proposed project. Ms. Joy also provided the progress that has been made towards regulatory compliance and an update on CEQA. Ms. Joy explained that the goal of the presentation is to give the Board sufficient information to assist them in making a decision when the permit comes up for adoption. This is the first desalination project in Region 8, and one of the first facilities in California required to comply with the recently adopted Ocean Plan Desalination Amendment.
2. Kim Tenggardjaja presented an overview of the requirements in the Ocean Plan Desalination Amendment.
3. Terri Reeder presented the intake considerations for surface intake in determining best available site, feasible to minimize intake and mortality of all forms of marine life.

Executive Officer, Hope Smythe indicated that Regional Board staff is continuing to work with Poseidon on addressing the remaining elements of the water code determination and permit requirements. As these elements are completed by staff, the elements will be added to future agendas as information items to the Regional Board up until the proposed permit is ready for consideration. The questions raised by the Regional Board during the presentation will be

addressed as part of the informational items. In addition, the next steps and time required to complete the permit and water code determination was presented.

There were questions made by the Regional Board.

Other presentation: Scott Maloni with Poseidon and Ray Hiemstra with O.C. Coastkeeper.

Other speakers: former U.S. Senator, Barbara Boxer, Scott Maloni, Jennifer Roy, Ray Hiemstra, Joe Geever, Firoozeh Peiman, John O'Neil, Dianne Thompson, Grace Adams, Ernesto Medrano,

12. Executive Officer's Report  
Submitted.
13. Regional Board Member and Executive Officer Communications  
None.
14. Closed Session.  
None at this time.
15. Adjournment

The Regional Board meeting adjourned at 04:25 p.m. to the regular Board meeting of March 22, 2019, at 9:30 a.m. at the City of Huntington Beach, 2000 Main St., Huntington Beach, CA 92648.

Respectfully submitted:

**HOPE A. SMYTHE**  
Executive Officer

/fm