

Minutes of the November 17, 2000 meeting
City Council Chambers
2000 Main Street
Huntington Beach

1. Chair Withers called the meeting to order at 9:10 a.m.

Board Members Present

Board Members Absent

John Withers, Chair
Melody Henriques, Vice-Chair
Rodger Siems
Carole Beswick
Jose Solorio
Irv Pickler

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
Robert L. Holub, Supervising Water Resource Control Engineer
Joanne E. Schneider, Environmental Program Manager
Gary D. Stewart, Chief, Regulations
Dixie B. Lass, Chief, Land Disposal
Reza Ahktarshad, Associate Water Resources Control Engineer
Wanda K. Smith, Chief, Basin Planning (Coastal Waters)
Mark G. Adelson, Chief, Surveillance and Enforcement
Ken J. Theisen, Sanitary Engineering Associate
Linda M. Candelaria, Environmental Specialist III
Marc C. Doalson, Environmental Specialist III
Barbara Laffoon, Secretary
Kevin P. Heinemann, LAN Administrator

State Board Representative

Mary Jane Forster

Legal Counsel

Ted Cobb

Public Attendance

David L. Wysocki, Esq., Aklufi and Wysocki
John R. Dahlke, P.E.
Rudy Fandel, City of Corona
Ken Dills, City of Huntington Beach
Chris Weston, Orange County CoastKeeper
Michelle Randall, Resident, Temescal Canyon
Jack Skinner, SPON
Paul Mobley, United Strategies, Inc.
Katherine O'Conner, Orange County Water District
Gene Estrada, County of Orange

Victor Leipzig, Orange County Watch
George Muse, Metropolitan Water District of Southern California

New Board appointees Fred Ameri and Frank Williams were introduced.

2. Public Forum

Dave Garofalo, Mayor of the City of Huntington Beach, welcomed the Board, staff, and members of the public to the City of Huntington Beach.

3. Approval of Minutes of, 2000 meeting

There being no additions or corrections, the minutes of the regular board meeting held on October 6, 2000, were approved as presented.

4. Approval of Consent Calendar Items

Executive Office Thibeault requested that Item #5 and Item 6 be removed from the consent calendar.

Action: It was moved by Board Member Pickler and seconded by Board Member Henriques and unanimously approved that the Board adopt Item 7, Rescission Order No. 00-97.

5. Appeal of Staff's Denial of an exemption from the Minimum Lot Size Requirements - John and Karen Flynn, 11859 Silicon Avenue, Chino, San Bernardino County

Gary Stewart, Chief of Regulations, presented the reason for denial of the exemption request for Mr. and Mrs. Flynn to convert a shop to a 2 bedroom guest house and utilize a second septic tank that had been installed without an exemption from the minimum lot size requirement.

Mrs. Flynn explained that they were given incorrect information from the County, were not aware permits were needed, and when attempting to secure an offset, were told that the permitting agency was unaware of an offset program.

Action: It was moved by Board Member Solorio and seconded by Board Member Beswick and unanimously approved that the Board permit the Flynn's to continue their project and the Regional Board work with them to obtain an offset.

6. Revised Waste Discharge Requirements for Synagro Composting Company of California, Inc.

Reza Ahktarshad, Associate Water Resources Control Engineer, presented the background for the revised waste discharge requirements (WDRs). While investigating the natural clay material lining the Liston Pit, it was revealed that the natural clay soil beneath a portion of the Liston Pit is not sufficiently competent to allow the use of the Pit as an unlined storm water runoff water retention basin.

Order No. 98-35 is being revised to require the lining of Liston Pit, the installation of a series of groundwater monitoring wells, and the implementation of a groundwater monitoring program in accordance with requirements contained in the California Code of Regulations, Title 27. Additionally, the WDR revision will reflect a change in the named owner/operator.

Michelle Randall, residing in Temescal Canyon near the Composting Facility, urged the Board to consider the odors the facility generates as well as the seepage into the ground. Assistant Executive Officer Berchtold clarified that the conditions cited by Ms. Randall, while perhaps valid, are already addressed by the permit.

Action: It was moved by Board Member Beswick and seconded by Board Member Henriques and unanimously approved that the Board adopt Order No. 00-80.

8. Memorandum of Understanding (MOU) Santa Ana River Watershed Group (SARWG)

Executive Officer Thibeault advised that the Board has been requested to join in and sign the SARWG MOU, which provides for participation in the Watershed Group by local, State, and federal agencies and interests and describes a number of initiatives to be collaboratively addressed.

Lindell Marsh discussed the objectives and purposes of the SARWG.

Frank Williams expressed his desire to understand more about the agenda of the group prior to the Board's placing their approval on it.

Action: It was moved by Board Member Solorio and seconded by Board Member Pickler and unanimously approved that the Board authorize Chair Withers to sign the Memorandum of Understanding.

9. Request for Funds from the Cleanup and Abatement Account

Environmental Specialist Marc Doalson presented information regarding the discovery of *Caulerpa taxifolia*, an alga normally used in saltwater aquariums that has evidently been released into the Huntington Harbour area, and he outlined the steps being taken to control the spread of the alga.

When the alga was discovered in Agua Hedionda Lagoon in Carlsbad, San Diego Regional Board staff partnered with other State, Federal, and local agencies to launch a coordinated eradication effort, forming the Southern California Caulerpa Action Team (SCCAT). Santa Ana Regional Board staff have coordinated with SCCAT to develop an action plan. Staff recommends a request for an additional \$600,000 from the Cleanup and Abatement Account to support the eradication efforts in Huntington Harbour.

Action: It was moved by Board Member Pickler and seconded by Board Member Siems and unanimously approved that the Board adopt Resolution No. 00-99.

11. Mandatory Penalties Complaint (MPC), Western Riverside County Regional Wastewater Authority Wastewater Treatment Plant (WRCRWA), Riverside County

Information pertaining to this item is contained in a verbatim transcript.

Mark Adelson, Chief of Surveillance and Enforcement, presented the basis for Mandatory Penalties Complaint No. 00-88, which provides for a mandatory minimum penalty of \$117,000 for cited violations.

David L. Wysocki of Aklufi and Wysocki spoke for WRCRWA.

Action: It was moved by Board Member Pickler and seconded by Board Member Solorio that the Board affirm Mandatory Penalties Complaint No. 00-88. The vote was: Yes - 5; No - 2, Members Henriques and Siems opposing. The motion carried.

RECESS

The Board recessed at 11:20 and resumed at 11:40.

12. San Bernardino Special Districts Department, Citrus Plaza Wastewater Reclamation Facility, Redlands, Resolution 00-98.

Information pertaining to this item is contained in a verbatim transcript.

Counsel Ted Cobb and Executive Officer Thibeault explained the background of Order No. 97-11, NPDES No. CA8000388, and Resolution 00-98.

Christopher Garrett, Latham and Watkins, representing Majestic Realty/Redlands Venture, John Thornton, San Bernardino Special District/Majestic Realty, and Emil Marzullo, Director of San Bernardino County Special Districts, urged the Board to allow the original order to stand as adopted in 1997.

Frank Williams requested that the Board continue this item until the new Board Members take office and have an opportunity to consider any action.

Edward Strohbehn, Jr., McCutcheon Doyle Brown & Emersen, LLP, asked the Board to rescind the 1997 permit.

Action: It was moved by Board Member Siems and seconded by Board Member Beswick and unanimously approved that the Board continue consideration of this item to the meeting of June 1, 2001.

RECESS

The Board recessed at 12:40 and resumed at 1:00.

13. Public Workshop - Newport Bay/San Diego Creek Toxics Total Maximum Daily Load (TMDL) Problem Statement

Information pertaining to this item is contained in a verbatim transcript.

Ken J. Theisen, Sanitary Engineering Associate, discussed the October 6 public workshop results of toxic substance problems identified. He noted that no comments from interested parties were received at the workshop, but three parties had submitted comments prior to the workshop. The purpose of this presentation was to provide an update on staff's recent findings, the changes proposed to be made, and to discuss staff efforts with the U.S. Environmental Protection Agency to create a joint work plan for the development of toxic substance TMDLs.

Heather Hoecherl, representing Defend the Bay and NRDC, expressed concern that they could not comment properly since the staff comments had not been available far enough in advance, limiting comments.

Robert Caustin, Defend the Bay, stated that things need to be in writing so the public would be able to determine the status. He indicated that not having the process and progress in writing, but more "up in the air," was both ineffective and inefficient.

Environmental Program Manager Schneider responded to these concerns, pointing out the extraordinary efforts of staff to provide meaningful public participation opportunities.

Board Member Solorio requested that Ms. Schneider bring the item back to the Board at the January 2001 meeting.

14. Newport Bay Nutrient Total Maximum Daily Load (TMDL) Status Report

Executive Officer Thibeault introduced the item, noting that it is an information item and the Board has the Staff Report.

Dr. Jack Skinner, Environmental Member of a watershed committee, commended the Board for the time and effort staff has exerted in addressing the toxic TMDLs.

Ms. Schneider responded to concerns expressed by Dr. Skinner regarding long-term reliance on the Irvine Ranch Water District's wetlands treatment system to meet the nutrient TMDL, and the contribution of rising groundwater to nitrogen loading.

15. Newport Bay Fecal Coliform Total Maximum Daily Load (TMDL) - Resolution 00-100
16. Newport Bay Fecal Coliform Total Maximum Daily Load (TMDL) Monitoring & Reporting No. 00-101

Both Board items 15 & 16 addressed the Newport Bay Fecal Coliform Total Maximum Daily Load (TMDL) and were presented by Linda Candelaria, Environmental Specialist III.

Item 15 requested approval of Resolution 00-100, which addresses the approval of stakeholder plans for completion of the tasks outlined in the TMDL. The resolution calls for approval of Task 2 – Water Quality Model, Task 3 – Beneficial Use Assessment for REC 1, Tasks 4a & 4c – Source characterization and identification of fecal coliform inputs to the Dunes (4a) and to Newport Bay from agricultural runoff (4c); and nonapproval of Tasks 4b & 4d – Source characterization and identification of fecal coliform inputs to the Bay from urban runoff (4b) and natural sources (4d), and Task 1 – Routine Monitoring Program (of OCHCA). Board approval is necessary, since the implementation timeline is tied to Board approval. Instead of approving Task 1 – Routine Monitoring Program under Resolution 00-100, approval of Monitoring & Reporting Program 00-101 was requested under Item 16. This M&R Program calls for the addition of fecal coliform monitoring to the routine monitoring currently conducted by Orange County Health Care Agency (OCHCA) until such time that a relationship is demonstrated between fecal coliform and E coli. OCHCA currently conducts weekly monitoring for total coliform, E. coli and enterococci. The TMDL requires monitoring of total and fecal coliform and enterococci.

Heather Hoecherl commented that the public has not seen these plans and have not been involved in the process before the Board hears the items. She felt that the TMDL is basically meaningless and the time frame for compliance is too long. She encouraged the Board to implement the AB 411 bacterial quality standards in the TMDL.

Joanne Schneider responded to the concerns and noted that a lack of resources prevents some measures from being taken all at once.

Robert Caustin felt that the resources should be made available to include new standards and needs. He also requested that the Regional Board staff be directed to provide Defend the Bay and NRDC notice of these meetings and given the opportunity to attend. Mr. Caustin felt it imperative that Defend the Bay and NRDC, as stakeholders, be advised of the meetings and have input.

Action: It was moved by Board Member Beswick, seconded by Board Member Siems, and unanimously carried to adopt Resolution 100 and Monitoring and Reporting Program No. 00-101 with two changes as presented.

18. Election of Regional Board Officers for 2001

Member Van Gundy presented the recommendations of the Nominating Committee, which were that John Withers be nominated as Chair and Carole Beswick as Vice-Chair for 2001.

Action: It was moved by Board Member Van Gundy, seconded by Board Member Siems, and unanimously carried to approve the Regional Board Officers for 2001 as presented.

19. Board Meeting Dates and Locations for 2001

Executive Officer Thibeault requested that the Board change the April 20 meeting to April 19, 2001, to avoid conflict with the WQCC meeting.

Action: It was moved by Board Member Beswick, seconded by Board Member Solorio and unanimously carried to approve Board meeting dates and locations with one change as presented.

20. General Permits

Staff provided a list of all new permittees recently enrolled under the Region's general permits.

21. Hazardous Waste and Sewage Spill Incident Report

Staff provided the Board with a list of incidents occurring since those reported at the August 2000 Board meeting.

22. Underground Storage Tanks Site Closure Report

Staff provided the Board with a list of the underground storage tanks site closures since April 25, 2000.

23. Underground Storage Tanks Corrective Action Plans

Staff provided the Board with a list of the corrective action plans for underground storage tanks since April 6, 2000.

24. Executive Officer's Report

Executive Officer Thibeault added that the Senior Staff will host a staff appreciation winter holiday luncheon for all Regional Board staff and invited the Board Members to join them.

25. Board Member Communication

Counsel Ted Cobb reminded Board Members about 'ex parte' communications.

26. Closed Session

There was none.

27. Adjournment

Vice-Chair Henriques adjourned the meeting to the regular meeting of January 19, 2001 at the City Council Chambers of Loma Linda.

The meeting was adjourned at 2:50 p.m.

Respectfully submitted:

GERARD J. THIBEAULT
Executive Officer

/bjl