



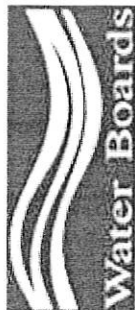
Environmental Protection Agency  
State Water Resources Control Board  
Los Angeles Regional Water Quality Control Board

## SIGN-IN SHEET

Regional Board Meeting

May 4, 2017

Name	Mail Address Company Name/Organization	E-Mail Address or Telephone Number	Add Name to Mail List
Rita Tania	FEOS	ritatania@fecseno	x
Nadko Munkata	LACSD nmunkata@lacsd.org		
Josh Westfall	LACSD	jwestfall@lacsd.org	
Danielle Potoczek	Larry Walker Associates	daniellep@lwa.com	
Judy Nelson	City of Glendora	nelsonjudy95@gmail.com	
ALISON SWEET	CITY OF GLENDORA	asweet@cityofglendora.org	
Gloria Crudgton	City of Monrovia	gloria@crudg.com	
Steve Slaten	NASA <sup>JPL</sup> 4800 Oak Grove Dr	sslaten@nasa.gov	

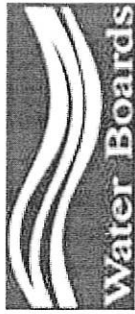


Environmental Protection Agency  
State Water Resources Control Board  
Los Angeles Regional Water Quality Control Board

## SIGN-IN SHEET

Regional Board Meeting  
May 4, 2017

Name	Mail Address Company Name/Organization	E-Mail Address or Telephone Number	Add Name to Mail List
Thien Ng	City of Oxnard		
Dan Rydberg	City of Oxnard		
Tim DAFETA	City of Los Angeles-Sanitation	(310) 648 5555	
Jenné Driscoll	Sanit2 Burbare ChannelKeeper 714 Bond Ave Sanit2 Burbare, CA 93103	805-503-3377x5 jenn2dc@sbck.org	
Abraham Razon	City of Los Angeles / Sanitation		
STEVEN NUNAKIDO	"		
HASSAN RAD	"		
Ann Heil	LACSD	ahel1@lacsd.org	

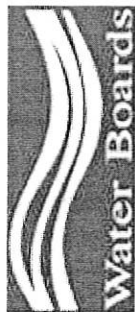


Environmental Protection Agency  
State Water Resources Control Board  
Los Angeles Regional Water Quality Control Board

## SIGN-IN SHEET

Regional Board Meeting  
May 4, 2017

Name	Mail Address Company Name/Organization	E-Mail Address or Telephone Number	Add Name to Mail List
Edward Kim	LADWP 111 North Hope St. Los Angeles, CA 90012	edward.kim@ladwp.com	X
Yavissa Martinez	600 Wilshire Blvd Ste 1460 Los Angeles CA 90017 EPA	213-367-4651 Yavissamartinez@epa.gov	
Enika Bensch	LACSD 1955 Workman Mill Whittier CA 91205	<del>enika.bensch@lacsd.org</del> enika.bensch@lacsd.org	X
Adriana Stovall	Larry Walker Assoc. 2151 Alessandro Dr, #100	AdrianaS@lwa.com	X
Amy Storm	Larry Walker Assoc. 2151 Alessandro Dr, #100 LADWP	AmyS@lwa.com	X
Jennifer Vabez	433 E. Temple St. Bldg, Room 101, LA, 90012	Jennifer.Vabez@ladwp.com	
Bob Sun	"	Bob.Sun@ladwp.com	
Mario Acevedo	"	Mario.Acevedo@ladwp.com	



Environmental Protection Agency  
State Water Resources Control Board  
Los Angeles Regional Water Quality Control Board

## SIGN-IN SHEET

Regional Board Meeting  
May 4, 2017

Name	Mail Address Company Name/Organization	E-Mail Address or Telephone Number	Add Name to Mail List
KATHLEEN MCGOWAN	McGOWAN CONSULTING BEACH CITY 1256 WY 6	kathleen@mcgowan-consulting.com	
AUSTIN STRAUS	433 E TEMPLE ST, LA, 90012	austin.straus@lacdpw.com	
Bruce Hamamoto	LACDPW	bhamamoto@lacdpw.lacounty.gov	
FERNANDO VILALBA	LACDPW	FVILALBA@DPW.LACOUNTY.GOV	
Geremew Amenu	LACDPW	gamenew@dpw.lacounty.gov	
Kathy Garcia	City of Rosemead 8838 E Valley Blvd, Rosemead 91770	k.garcia@cityofrosemead.org	
Eric Wolf	San Gabriel Valley Council of Govt	ewolf@sgvcoq.org	
Amber Bullert	WGR Southwest, Inc.	abullert@wgr-sw.com	✓

ahorn@wgr-sw.com ✓

WGR Southwest, Inc

Ana Horn

Steve Johnson

Sharon Joyce

Anita Kinnon

Eveline Mulkowski

Chloe Grison

Joe Yahner

Higinus Mmepa

Andre Goodridge

Jennifer Nasaczewski

Kangshi Wang

NEAL THE BAY

Manhattan Beach

City of Camarillo

County of Ventura

Los Angeles Department of  
Water & Power

City of Ventura

City of LA Public Works

LA SAN

John L Hunter

RW & CB

Johnston  
he@hoy.org

risoe@citymb.info

alex@hoy.org

eweline.mulkowski@ventura.org

chloe.grison@ladwp.com

jyahner@cityofventura.net

higinus.mmepe@cityofla.org

Jnasaczewski@JLHA.NET

kangshi.wang@waterboards.ca.gov

State of California  
Environmental Protection Agency  
Water Resources Control Board  
Los Angeles Regional Water Quality Control Board

Please Print Legibly

SPEAKER REQUEST CARD

Date: 5.4.17

I wish to speak during the Board Meeting:

- ☐ I wish to speak on Agenda Item No. 9  
☐ I wish to speak during Public Forum on a non-agenda item.

I do not wish to speak but I do want to express the following position:

- ☐ I support Agenda Item No. \_\_\_\_\_  
☐ I oppose Agenda Item No. \_\_\_\_\_

Name: Judy Nelson  
Representing Self  
☒ Representing: City of Glendora

*Unless exempted by the Board, comments are limited to three (3) minutes.*

8 min

\* Please Print Legibly

State of California



Los Angeles Regional Water Quality Control Board

SPEAKER REQUEST CARD

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- ☐ I SUPPORT Agenda Item No. \_\_\_\_\_ ☐ I OPPOSE Agenda Item No. \_\_\_\_\_

Name: Ann Heil Representing LA County Sanitation **12:6**

## State of California



Los Angeles Regional Water Quality Control Board

SPEAKER REQUEST CARD

Date:

5/4/2017

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Name:

EWELINA MURKOWSKA Representing COUNTY OF VENTURA

## State of California

Environmental Protection Agency

Water Resources Control Board

Los Angeles Regional Water Quality Control Board

SPEAKER REQUEST CARD

Date:

MAY 4

Please Print  
Legibly

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☐ I oppose Agenda Item No. \_\_\_\_\_

10 minutes

Name:

RAY TALLIN

Representing Self (CORRODTOL) CAMPENIA SAN

Representing: FERNANDO, AZUSA, ROSEMEAD

WILTTIER, SOUTH EL MONTE

Unless exempted by the Board, comments are limited to three (3) minutes.

State of California  
Environmental Protection Agency  
Water Resources Control Board  
Los Angeles Regional Water Quality Control Board

SPEAKER REQUEST CARD

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Date: 5/4

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☐ I oppose Agenda Item No. \_\_\_\_\_

Name: Bruce Hamamoto

- ☐ Representing Self  
☒ Representing: LA County Dept of Public Works

*Unless exempted by the Board, comments are limited to three (3) minutes.*

State of California  
Environmental Protection Agency  
Water Resources Control Board  
Los Angeles Regional Water Quality Control Board

SPEAKER REQUEST CARD

8 min

*Please Print Legibly*

Date: 5-4-17

I wish to speak during the Board Meeting:

*8 minutes requested*

- ☒ I wish to speak on Agenda Item No. 9  
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I do not wish to speak but I do want to express the following position:

- ☐ I support Agenda Item No. \_\_\_\_\_  
☐ I oppose Agenda Item No. \_\_\_\_\_

Name: Ann Heil

- ☐ Representing Self  
☒ Representing: LA County Sanitation Districts

*Unless exempted by the Board, comments are limited to three (3) minutes.*



State of California  
Environmental Protection Agency  
Water Resources Control Board  
Los Angeles Regional Water Quality Control Board

5 min

SPEAKER REQUEST CARD

Date: 5/4/17

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- ☐ I support Agenda Item No. \_\_\_\_\_  
☐ I oppose Agenda Item No. \_\_\_\_\_

Name: KATHLEEN MCGOWAN

- ☐ Representing Self  
☒ Representing: BEACH CITIES WMC

*(requested 5 min in advance)*  
Unless exempted by the Board, comments are limited to three (3) minutes.

State of California  
Environmental Protection Agency  
Water Resources Control Board  
Los Angeles Regional Water Quality Control Board

SPEAKER REQUEST CARD

Date: 5/4/17

*Please Print Legibly*

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☐ I oppose Agenda Item No. \_\_\_\_\_

Name: STEVEN JOHNSON

- ☐ Representing Self  
☒ Representing: HEAL THE BAY

Unless exempted by the Board, comments are limited to three (3) minutes.

Please Print Legibly



State of California



Los Angeles Regional Water Quality Control Board

SPEAKER REQUEST CARD

Date: 5/4/17

I wish to speak during the Board Meeting:

☐ I wish to speak during Public Forum (non-agenda item).

☒ I wish to speak on Agenda Item No. 9

I do not wish to speak, but express the following position:

☐ I SUPPORT Agenda Item No.        ☐ I OPPOSE Agenda Item No.       

Name: ALISON SWEET Representing CITY OF GLENDORA

State of California

Environmental Protection Agency

Water Resources Control Board

Los Angeles Regional Water Quality Control Board

SPEAKER REQUEST CARD

Please Print Legibly

Date: 5/4/17

I wish to speak during the Board Meeting:

☒ I wish to speak on Agenda Item No. 9? 303(d) Workshop

☐ I wish to speak during Public Forum on a non-agenda item.

I do not wish to speak but I do want to express the following position:

☐ I support Agenda Item No.       

☐ I oppose Agenda Item No.       

Name: Jenna Driscoll

Representing Self

☒ Representing: Santa Barbara Channelkeeper

Unless exempted by the Board, comments are limited to three (3) minutes.

State of California  
Environmental Protection Agency  
Water Resources Control Board  
Los Angeles Regional Water Quality Control Board

SPEAKER REQUEST CARD

Date: 5/4/17

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☐ I oppose Agenda Item No. \_\_\_\_\_

Name: Nancy Broschart

☐ Representing Self  
☒ Representing: Farm Bureau of Ventura County

*Unless exempted by the Board, comments are limited to three (3) minutes.*

*Please print legibly*

State of California



Los Angeles Regional Water Quality Control Board

SPEAKER REQUEST CARD

Date: 5/4/2017

I wish to speak during the Board Meeting:

☐ I wish to speak during Public Forum (non-agenda item).  
☒ I wish to speak on Agenda Item No. 9

I do not wish to speak, but express the following position:

☐ I SUPPORT Agenda Item No. \_\_\_\_\_ ☐ I OPPOSE Agenda Item No. \_\_\_\_\_

Name: Joe Deakin or Daniello Butrick Representing Calleguas Creek Watershed Stakehold **12-11**

State of California  
Environmental Protection Agency  
Water Resources Control Board  
Los Angeles Regional Water Quality Control Board

*EMM*

SPEAKER REQUEST CARD

Date: 5-4-17

*Please Print Legibly*

I wish to speak during the Board Meeting:

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☐ I oppose Agenda Item No. \_\_\_\_\_

Name: Joe Yahnner  
☐ Representing Self  
☒ Representing: City of Ventura

*Unless exempted by the Board, comments are limited to three (3) minutes.*

State of California  
Environmental Protection Agency  
Water Resources Control Board  
Los Angeles Regional Water Quality Control Board

SPEAKER REQUEST CARD

Date: 5/5/17

*Please Print Legibly*

I wish to speak during the Board Meeting:

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☐ I oppose Agenda Item No. \_\_\_\_\_

Name: Amata Kuhlman  
☐ Representing Self  
☒ Representing: City of Camarillo

*Unless exempted by the Board, comments are limited to three (3) minutes.*

Item 9 Workshop

Consideration of the Proposed Revisions to the  
Clean Water Act Section 303(d) List of Impaired  
Waterbodies in the Los Angeles Region

California Regional Water Quality Control Board  
Los Angeles Region  
May 4, 2017

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The 303(d) List and the Integrated Report

- Clean Water Act Section 303(d) } The Integrated Report
- Clean Water Act Section 305(b) }
- Listing Policy, Sept 2004
  - "Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List"
- CalWQA
  - California Water Quality Assessment database

2

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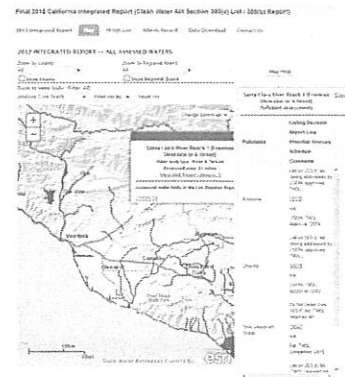
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303(d)  
List of  
Impaired  
Waters



3

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### 303(d) List of Impaired Waters

- Report to Congress
- Permitting/RAA
- TMDLs
- Useful information for regulator and stakeholders

Water Boards are not limited by the 303(d) list

4

### The Listing Policy

*Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List 2004, amended 2015*

- Weight of evidence approach
- Data organized into Lines of Evidence - LOEs
- Statistical methods
- Numbers of samples required
  - Fewer data and fewer exceedances to list a waterbody than to delist a waterbody

5

### Waterbody Categories in the Integrated Report Categories 4 and 5 = 303(d) list

Category	Description
1	All assessed beneficial uses supported and no beneficial uses known to be impaired.
2	There is insufficient information to determine beneficial use support.
3	There is insufficient data to make a beneficial use support determination but data indicate beneficial uses may be threatened.
4	At least one beneficial use is not supported, but a TMDL is not needed.
4a	One or more TMDLs have been developed and approved by USEPA for all pollutants causing impairment.
4b	Another regulatory program is reasonably expected to result in attainment of the water quality standard.
4c	The impairment is the result of pollution, not a pollutant.
5	At least one beneficial use is not supported and a TMDL is still needed.

6

## CalWQA database

### California Water Quality Assessment Database

- Lines of evidence (LOE) - Data are organized into LOEs:
  - water quality data for the specific pollutant
  - where and when monitoring took place
  - beneficial use affected,
  - water quality objective or guideline protective of the beneficial use,
  - the number of samples, and
  - how many samples exceeded the objective or guideline
- Decision - "list," "do not list," "delist," or "do not delist"
- Factsheet – Transparency, All the LOEs and justification for a "weight of evidence" decision is written into a factsheet
  - Links to data and other references
- Data is analyzed in other programs (eg Excel)

7

### CalWQA – about 60,000 LOEs, over 33,000 decisions

Location	Agency	Year	LOE Count	Decision	Notes
Alameda River	Alameda County	2015	10	Do Not List	Exceeds water quality objectives for various pollutants.
Alameda River	Alameda County	2016	10	Do Not List	Exceeds water quality objectives for various pollutants.
Alameda River	Alameda County	2017	10	Do Not List	Exceeds water quality objectives for various pollutants.
Alameda River	Alameda County	2018	10	Do Not List	Exceeds water quality objectives for various pollutants.
Alameda River	Alameda County	2019	10	Do Not List	Exceeds water quality objectives for various pollutants.

### CalWQA – about 60,000 LOEs, over 33,000 decisions

Location	Agency	Year	LOE Count	Decision	Notes
Alameda River	Alameda County	2015	10	Do Not List	Exceeds water quality objectives for various pollutants.
Alameda River	Alameda County	2016	10	Do Not List	Exceeds water quality objectives for various pollutants.
Alameda River	Alameda County	2017	10	Do Not List	Exceeds water quality objectives for various pollutants.
Alameda River	Alameda County	2018	10	Do Not List	Exceeds water quality objectives for various pollutants.
Alameda River	Alameda County	2019	10	Do Not List	Exceeds water quality objectives for various pollutants.

## History of 303(d) listing in California

- Comprehensive 303(d) lists since at least the early 90s

Data cutoff	List Year	Final EPA approval
June 2002	2002	July 25, 2003
	2004 Listing Policy	
June 2004 (some 2005)	2006	May 29, 2008
Feb 2007	2010	October 11, 2011
Aug 2010	2012	July 30, 2015
Aug 2010	2014/2016	

- Every iteration of the list has much more data than the previous list

State-wide decisions:

2002: 1,852

2016: 33,000

2002: 300

2006: 995

2010: 1115

Region 4 Decisions: 2010: 1115

2016: 5860

10

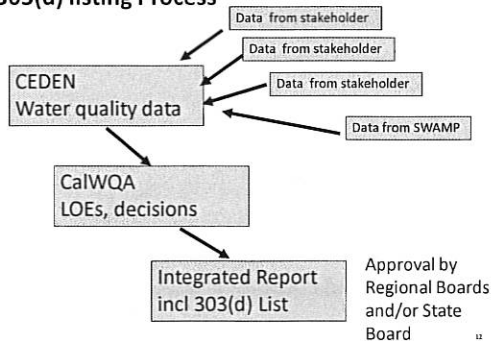
## Changes to the Listing Policy in 2015

- An Integrated Report every 2 years
  - 3 Regional Boards each Report
- A requirement to enter data into CEDEN
  - CEDEN California Environmental Data Exchange Network
- Either the Regional Boards can approve followed by the State Board OR the State Board can approve

	Region
1	North Coast
6	Lahontan
7	Colorado River
3	Central Coast
5	Central Valley
9	San Diego
2	San Francisco
4	Los Angeles
8	Santa Ana

11

### 303(d) listing Process





## Status of Los Angeles Region Draft Integrated Report

Category	Description	Waterbody Segments
1	All assessed beneficial uses supported and no beneficial uses known to be impaired.	38
2	There is insufficient information to determine beneficial use support.	55
3	There is insufficient data and/or information to make a beneficial use support determination but information and/or data indicates beneficial uses may be potentially threatened.	13
4	At least one beneficial use is not supported but TMDL is not needed.	
4a	A TMDL has been developed and approved by U.S.EPA for any waterbody-pollutant combination and the approved implementation plan is expected to result in full attainment of the water quality standard within a specified time frame.	77
4b	Another regulatory program is reasonably expected to result in attainment of the water quality standard within a reasonable, specified time frame.	0
4c	The non-attainment of any applicable water quality standard for the waterbody segment is the result of pollution and is not caused by a pollutant.	3
5	At least one beneficial use is not supported and a TMDL is needed.	134
Total Waterbodies Assessed		320

## Los Angeles Region Draft Change from 2010 303(d) list

category	2010	Draft 2016
1	0	38
2	26	55
3	23	13
303(d){ 4	28	77 (4a) 3 (4c)
5	161	134
total	238	320

2010:

189 waterbodies on the 303(d) list - 79% waterbodies in Category 5

2016:

214 waterbodies on the 303(d) list - 66% waterbodies in Category 5

## Comments Received

• 32 comment letters - municipalities, POTW agencies, other dischargers, and environmental non-profit organizations.

## • General Comment Categories:

- Specific and Technical comments
  - P\*MUN
- Missing LOEs submitted by data cutoff
- 2010 data cutoff

**Farm Bureau of Ventura County  
Stakeholders Implementing TMDLs in the  
Calleguas Creek Watershed**

Inclusion of Data from VCAILG Monitoring

Comment:

Data was evaluated which was designed to be used to understand discharges

Response:

Assessed as "insufficient information" until re-examined

16

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**County Sanitation Districts of Los Angeles  
County**

Mapping/Data misattributed to waterbody

Comment:

Data attributed to incorrect reach

San Gabriel tributaries  
Santa Clara reaches

Response:

Basin Plan map/ CalWQA map  
Revise the CalWQA underlying map – working with State Board staff

17

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**Wishtoyo Foundation and Ventura  
Coastkeeper  
Earth Law Center**

Flow

Comment: Waterbodies are Impaired due to reduced flows:

Santa Clara River Estuary and Reaches 1 and 2  
Ventura River (Reaches 3 and 4)

Response

No defined methodology for assessing

18

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### Next steps

- Los Angeles Water Board staff (in conjunction with State Board staff) work through remaining issues
- Los Angeles Water Board staff post update to response to comments and revised recommendations, when available
- State Board staff release the 2014/2016 303(d) list for comment (could be as early as June 9, 2017)
- Stakeholders comment on 2014/2016 list
- State Board approves the 2014/2016 303(d) list (October 2017)

These next steps provide:

- Additional scrutiny of recommended listing decisions
- Additional time to coordinate with State Board staff
- Greater opportunity for public engagement

19

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THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD

In the Matter of: \_\_\_\_\_ )  
 \_\_\_\_\_ )  
 Regular Board Meeting \_\_\_\_\_ )  
 \_\_\_\_\_ )

CITY OF PASADENA  
COUNCIL CHAMBERS  
100 NORTH GARFIELD AVENUE  
PASADENA, CALIFORNIA

THURSDAY, MAY 4, 2017

9:30 A.M.

Reported by:  
Martha Nelson

APPEARANCESBOARD MEMBERS

Irma Munoz, Chair

Madelyn Glickfeld, Vice Chair

Fran Diamond

James Famiglietti

Cynthia Guzman

Charles Stringer

Lawrence Yee (telephonically)

STAFF

Sam Unger, Executive Officer

Debbie Smith, Chief Deputy Executive Officer

Paula Rasmussen, Assistant Executive Officer

Ronji Moffett, Executive Assistant

Jennifer Fordyce

Renee Purdy

David Coupe

Frances McChesney

David Boyers

Mayumi Okamoto

Cris Morris

Dr. L.B. Nye

Dr. Jun Zhu

Dr. Kangshi Wang

PUBLIC SPEAKERS

Judy Nelson, Glendora City Council Member

Gloria Crudgington, Mayor Pro Tem, Monrovia

Steven Slaten, NASA Remedial Project Manager

Karen Larson, State Water Board

Ann Heil, Los Angeles County Sanitation Districts

Ewelina Mutkowska, City of Ventura

Kathleen McGowan, Beach Cities Watershed Management Group

Sean Ego, City of Manhattan Beach

Steven Johnson, Heal the Bay

Jenna Driscoll, Santa Barbara Channelkeeper

Ray Tahir, TECS Environmental

Bruce Hamamoto, L.A. County Department of Public Works

Nancy Broschart, Farm Bureau of Ventura County

Joey Yahner, City of Ventura Environmental Services

Danielle Potocek, Calleguas Creek Watershed

Anita Kuhlman, City of Camarillo

Hassan Rad, Los Angeles Sanitation District

Mario Acevedo, Los Angeles Department of Water and Power

Daniel Ryder, City of Oxnard

<u>INDEX</u>	<u>PAGE</u>
<u>Introductory Items</u>	
1. Roll Call	--
2. Order of Agenda. Note that the agenda items are numbered for identification purposes and may not necessarily be considered in this order.	--
3. Approval of draft meeting Minutes of the April 6, 2017 Board meeting. Ronji Moffett	--
4. Board Member Communications.	19
4.a. Ex Parte Disclosure. Board Members will identify any discussions they may have had requiring disclosure pursuant to Government Code section 11430.40.	
4.b. Board Member Reports. The Board Members may discuss communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction.	

### UNCONTESTED ITEMS

*(Items marked with an asterisk are expected to be routine and noncontroversial. The Board will be asked to approve these items at one time without discussion. Any Board member or person may request that an item be removed from the Uncontested calendar. **Items removed from the Uncontested calendar may be heard at a future meeting.**)*

- |    |   |    |
|----|---|----|
| 5. | <u>Non-NPDES State Discharge Requirements</u>   | 35 |
|    | Termination-                                    |    |
|    | Consideration of tentative termination of Waste |    |
|    | Discharge Requirements for former Northrop      |    |
|    | Grumman Corporation, East Complex Facility,     |    |
|    | Hawthorne; File No. 06-089. [Peter Raftery]     |    |

### BOARD BUSINESS REPORTS

- |    |   |    |
|----|---|----|
| 6. | Executive Officer's Report [Samuel Unger] | 36 |
| 7. | Update from State Board                   | -- |

### PUBLIC FORUM

- |    |  |    |
|----|--|----|
| 8. | Any person may address the Board regarding any matter within the Board's jurisdiction provided the matter does not appear elsewhere on this agenda, has not been scheduled to appear on a future agenda, and is not expected to be imminently scheduled for the Board's consideration. | 99 |
|----|--|----|



### WORKSHOP

#### Basin Planning/TMDL

- |    |   |     |
|----|---|-----|
| 9. | Workshop on the proposed revisions to the Clean Water Act section 303(d) List of impaired water bodies in the Los Angeles Region.<br>[Dr. Jun Zhu, Dr. Kangshi Wang and Dr. L.B. Nye] | 120 |
|----|---|-----|

### INFORMATION ITEMS

- |     |  |     |
|-----|--|-----|
| 10. | Update on recycled water projects associated with Publicly Owned Treatment Works (POTWs)<br>[Cris Morris]                                | 211 |
| 11. | Discussion of the Regional Board's process For Settlement of Enforcement Actions [Paula Rasmussen]                                       | 54  |
| 12. | Update on groundwater cleanup at the National Aeronautics and Space Administration, Jet Propulsion Laboratory in Pasadena [Samuel Unger] | 102 |

### CLOSED SESSION

- |     |   |  |
|-----|---|--|
| 13. | As authorized by Government Code section 11126, the Regional Board will be meeting in closed session. Closed session items are not open to the public. Items the Board may discuss include the following: [Jennifer |  |
|-----|---|--|

Fordyce (JF); Frances McChesney (FM); David Coupe (DC)]

Litigation filed against the Los Angeles Regional Water Quality Control Board (Gov. Code, § 11126, subd. (e)(2)(A).):

- 13.1 *City of Redondo Beach v. Los Angeles Regional Water Quality Control Board and State Water Resources Control Board*, California Court of Appeal, Second Appellate District, Case No. B271631 [Challenging assessment of administrative civil liability in Order on Complaint No. R4-2008-0058M]. (FM)
- 13.2 *Balcom Ranch v. State Water Resources Control Board and Los Angeles Regional Water Quality Control Board*, Ventura County Superior Court, Case No. 56-2012-00419048-CU-MC-VTA [Challenging assessment of administrative civil liability in Order on Complaint No. R4-2010-0023]. (DC)
- 13.3 *City of Duarte v. State Water Resources Control Board and Los Angeles Regional Water Quality Control Board*, Orange County Superior Court, Case No. 30-2016-00833614-CU-WM-CJC [Challenging the Los Angeles County MS4 Permit, Order No. R4-2012-0175]. (JF)
- 13.4 *Natural Resources Defense Council and Los Angeles Waterkeeper v. State Water Resources Control Board and Los Angeles Regional Water Quality Control Board*, Los Angeles County Superior Court, Case No.

BS156962 [Challenging the Los Angeles County MS4 Permit, Order No. R4-2012-0175]. (JF)

13.5 *City of Gardena v. Los Angeles Regional Water Quality Control Board and State Water Resources Control Board*, Orange County Superior Court, Case No. 30- 2016-00833722-CU-WM-CJC [Challenging the Los Angeles County MS4 Permit, Order No. R4-2012-0175]. (JF)

13.6 *Barclay Hollander Corporation v. California Regional Water Quality Control Board, Los Angeles Region, et.al.*, Los Angeles County Superior Court, Case No. BS158024 [Challenging issuance of Revised Cleanup and Abatement Order No. R4-2011-0046 (Revised April 30, 2015)]. (DC)

13.7 *Wayne Fishback v. Michael D. Antonovich et al.*, United States District Court for the Central District of California, Case No. 2:15-cv-05719 [Seeking preliminary injunction, alleging violations of procedural and substantive due process and other claims for relief]. (DC)

13.8 *Wishtoyo Foundation v. State Water Resources Control Board and California Regional Water Quality Control Board, Los Angeles Region*, Los Angeles County Superior Court, Case No. BS159479 [Challenging issuance of waste discharge requirements/water reclamation requirements, Order No. R4-2011-0079-A01]. (DC)

13.9 *Tesoro Refining & Marketing Company LLC and Tesoro*

*SoCal Pipeline Company LLC v. Los Angeles Regional Water Quality Control Board*, Los Angeles County Superior Court, Case No. BS160502 [Challenging issuance of Cleanup and Abatement Order No. R4-2013-0064]. (JF)

13.10 *Los Angeles Waterkeeper v. California State Water Resources Control Board and Los Angeles Regional Water Quality Control Board*, Los Angeles County Superior Court, Case No. BS163391 [Challenging Resolution No. R15-004 establishing site specific water quality objectives for copper and lead in the Los Angeles River and tributaries]. (JF)

13.11 *Fishback et al. v. County of Los Angeles et al.*, Los Angeles County Superior Court, Case No. PC056481 [Alleging violations of procedural and substantive due process, violations of the state and federal takings clauses, and other claims for relief]. (DC)

Litigation filed by the Los Angeles Regional Water Quality Control Board against other parties (Gov. Code, § 11126, subd. (e)(2)(A).):

13.12 *State Department of Finance, State Water Resources Control Board and Los Angeles Regional Water Quality Control Board v. Commission on State Mandates*, Supreme Court of California, Case No. S214855 [Challenging the Commission's decision that portions of the 2001 Los Angeles County MS4

permit created unfunded state mandates]. (JF)

13.13 *California Regional Water Quality Control Board, Los Angeles Region v. United States Army Corps of Engineers; Lieutenant General Thomas P. Bostick, In his Official Capacity*, United States District Court for the Central District of California, Case No. 2:16-cv-01091 [Alleging unauthorized discharges of dredge and fill materials and other pollutants into waters of the United States in violation of Clean Water Act sections 301, 401, and 404]. (JF)

13.14 *People of the State of California ex rel. Regional Water Quality Control Board Los Angeles Region v. The Boeing Company*, Ventura County Superior Court Case No. 56-2010-00371686-CU-MC-SIM [Consideration of extension of Consent Judgment for stipulated penalties for future violations of Boeing's NPDES permit for the Santa Susana Field Laboratory]. (JF)

Petitions for Review of Los Angeles Regional Water Quality Control Board actions filed with the State Water Resources Control Board (Gov. Code, § 11126, subd. (e)(2)(A).):

13.15 *In re: Petition of Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay for Review of Executive Officer's Action to Conditionally Approve nine WMPs Pursuant to the*

*2012 MS4 Permit, SWRCB/OCC File A- 2386*

*[Challenging the Executive Officer's approval, with conditions, of nine Watershed Management Programs (WMPs) pursuant to the Los Angeles County MS4 Permit, Order No. R4-2012-0175]. (JF)*

13.16 *In re: Petition of Los Angeles Waterkeeper and NRDC for Review of Executive Officer's Action to Approve the North Santa Monica Bay EWMP, SWRCB/OCC File A-2477 [Challenging the Executive Officer's approval of the North Santa Monica Bay EWMP pursuant to the Los Angeles County MS4 Permit, Order No. R4-2012-0175]. (JF)*

13.17 *In re: Petition of Natural Resources Defense Council and Los Angeles Waterkeeper for Review of Los Angeles Regional Water Quality Control Board's September 7 Vote to Take No Further Action to Review Executive Officer's Approval of the North Santa Monica Bay Enhanced Watershed Management Program Pursuant to the L.A. County MS4 Permit, SWRCB/OCC File [TBD] [Challenging the Regional Board's decision to not review the Executive Officer's approval of the North Santa Monica Bay EWMP pursuant to the Los Angeles County MS4 Permit Order No. R4-2012-0175]. (JF)*

13.18 *In re: Petition of Los Angeles Waterkeeper for Review of Los Angeles Regional Water Quality Control Board's Adoption of Waste Discharge Requirements and NPDES Permit for the City of Los*

*Angeles, Hyperion Treatment Plant Discharge to the Pacific Ocean; Order No. R4-2017-0045. (FM)*

13.19 *In re: Petition of Los Angeles Waterkeeper for Review of Los Angeles Regional Water Quality Control Board's Adoption of Waste Discharge Requirements and NPDES Permit for the City of Los Angeles, Donald C. Tillman Water Reclamation Plant Discharge to the Los Angeles River; Order No. R4-2017-0062. (FM)*

13.20 *In re: Petition of Lawyers for Clean Water, Inc., and Los Angeles Waterkeeper for Review of Los Angeles Regional Water Quality Control Board's Adoption of Waste Discharge Requirements and NPDES Permit for the City of Burbank, Burbank Water Reclamation Plan and its associated wastewater collection system and outfalls, discharging to the Burbank Western Channel; Order No. R42017-0064. (FM)*

13.21 *In re: Petition of Lawyers for Clean Water, Inc., and Los Angeles Waterkeeper for Review of Los Angeles Regional Water Quality Control Board's Adoption of Waste Discharge Requirements and NPDES Permit for the City of Los Angeles, Los Angeles-Glendale Water Reclamation Plan and its associated wastewater collection system and outfall discharge to the Los Angeles River; Order No. R42017-0063. (FM)*

Test Claims filed with the Commission on State Mandates  
(Gov. Code, § 11126, subd. (e)(2)(A).):

13.22 *In re: Los Angeles Region Water Permit - Ventura County*, Commission on State Mandate Test Claim No. 110-TC-01 [Regarding a test claim filed by Ventura County Watershed Protection District and the County of Ventura alleging that portions of Order No. R4-2010-0108 created unfunded state mandates]. (JF)

13.23 *In re: Los Angeles Region Water Permit - Cities of Los Angeles County*, Commission on State Mandate Test Claim No. 13-TC-01 [Regarding a test claim filed by several cities within Los Angeles County alleging that portions of Order No. R4-2012-0175 created unfunded state mandates]. (JF)

13.24 *In re: Los Angeles Region Water Permit - County of Los Angeles*, Commission on State Mandate Test Claim No. 13-TC-02 [Regarding a test claim by the County of Los Angeles and Los Angeles County Flood Control District alleging that portions of Order No. R4-2012-0175 created unfunded state mandates]. (JF)

Other matters:

13.25 Consultation with counsel about:

- (a) A matter which, based on existing facts and circumstances, presents significant exposure



to litigation against the Regional Board  
(Government Code section (Gov. Code, § 11126,  
subd. (e)(2)(B).); or

(b) A matter which, based on existing facts and  
circumstances, the Regional Board is  
deciding whether to initiate litigation.  
(Gov. Code, § 11126, subd. (e)(2)(C).)  
(JF/FM/DC)

13.26 Consideration of the appointment, employment, or  
evaluation of performance about a public employee.  
(Gov. Code, § 11126, subd. (a).) (JF/FM/DC)

14. Adjournment of current meeting. The next regular 280  
meeting of the Board will be held on June 1, 2017  
at the Metropolitan Water District of Southern  
California, Board Room, 700 North Alameda Street,  
Los Angeles, CA, 90012, and beginning at 9:00 a.m.

\*\*\*

Ex Parte Communications: An ex parte communication is a  
communication to a board member from any person, about a  
pending matter, that occurs in the absence of other  
parties and without notice and opportunity for them to  
respond. The California Government Code prohibits the  
board members from engaging in ex parte communications  
during permitting, enforcement, and other "quasi-  
adjudicatory" matters. Ex parte communications are allowed  
on pending General Orders (such as general waste discharge

requirements, general waivers, and general Clean Water Act section 401 water quality certifications) subject to the disclosure requirements of Water Code section 13287 (for further information and disclosure forms, please visit <http://www.waterboards.ca.gov>

[/losangeles/laws\\_regulations/](http://www.waterboards.ca.gov/losangeles/laws_regulations/)). The Regional Board discourages ex parte communications during rulemaking and other "quasi-legislative" proceedings. The ex parte rules are intended to provide fairness, and to ensure that the board's decisions are transparent, based on the evidence in the administrative record, and that Board Meeting Agenda February 12, 2015, evidence is used only if stakeholders have had the opportunity to hear and respond to it. Ex parte rules do not prevent anyone from providing information to the water boards or requesting that the water boards take a particular action. They simply require that the information come into the record through proper channels during a duly noticed, public meeting. A board member who has engaged or been engaged in a prohibited ex parte communication will be required to publicly disclose the communication on the record and may be disqualified from participating in the proceeding. For more information, please look at the ex parte questions and answers document found at [www.waterboards.ca.gov/laws\\_regulations/docs/exparte.pdf](http://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf).

Procedures: The Regional Board follows procedures established by the State Water Resources Control Board.

These procedures are established in regulations commencing with section 647 of title 23 of the California Code of Regulations. The Chair may establish specific procedures for each item, and consistent with section 648, subdivision (d) of title 23 of the California Code of Regulations may waive nonstatutory provisions of the regulations. Generally, all witnesses testifying before the Regional Board must affirm the truth of their testimony and are subject to questioning by the Board Members. The Board does not, generally, require the designation of parties, the prior identification of witnesses, or the cross examination of witnesses. Generally, speakers are allowed three minutes for comments. Any requests for an alternate hearing process, such as requesting additional time to make a presentation, should be made to the Executive Officer in advance of the meeting, and under no circumstances later than 5:00 p.m. on the Thursday preceding the Board meeting. The provisions of this paragraph shall be deemed superseded to the extent that they are contradicted by a hearing notice specific to a particular agenda item.

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Written Submissions: Written materials (whether hand-delivered, mailed, e-mailed, or facsimiled) *must be received prior to the relevant deadline* established in the agenda and public notice for an item. If the submitted material is more than 10 pages or contains foldouts, color graphics, maps, or similar items, 12 copies must be

submitted prior to the relevant deadline.

Failure to comply with requirements for written submissions is grounds for the Chair to refuse to admit the proposed written comment or exhibit into evidence. (Cal. Code Regs. tit. 23, § 648.4(e).) The Chair may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. In an adjudicatory matter, where there is a showing of prejudice to any party or the Board from admission of the written testimony, the Chair may refuse to admit it.

\*\*\*

Administrative Record: Material presented to the Board as part of testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, charts, diagrams, etc. All Board files pertaining to the items on this Agenda are hereby made a part of the record submitted to the Regional Board by staff for its consideration prior to action on the related items.

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Accessibility: Individuals requiring special accommodations or language needs should contact Dolores Renick at (213) 576-6629 or [drenick@waterboards.ca.gov](mailto:drenick@waterboards.ca.gov) at least ten working days prior to the meeting. TTY/TDD Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

\*\*\*

Availability of Complete Agenda Package: A copy of the complete agenda package is available for examination at the Regional Board Office during regular working hours (8:00 a.m. to 5:00 p.m. Monday through Friday) beginning 10 days before the Board meeting. Questions about specific items on the agenda should be directed to the staff person whose name is listed with the item.

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Continuance of Items: The Board will endeavor to consider all matters listed on this agenda. However, time may not allow the Board to hear all matters listed. Matters not heard at this meeting may be carried over to the next Board meeting or to a future Board meeting. Parties will be notified in writing of the rescheduling of their item. Please contact the Regional Board staff to find out about rescheduled items.

\*\*\*

Challenging Regional Board Actions: Pursuant to Water Code section 13320, any aggrieved person may file a petition to seek review by the State Water Resources Control Board of most actions taken by the Regional Board. A petition must be filed within 30 days of the action. Petitions must be sent to State Water Resources Control Board, Office of Chief Counsel; ATTN: Phil Wyels, Assistant Chief Counsel; 1001 "I" Street, 22nd Floor; Sacramento, CA 95814.

P R O C E E D I N G S

9:30 a.m.

PASADENA, CALIFORNIA, THURSDAY, MAY 4, 2017

VICE CHAIR GLICKFELD: ...that we can get our -- we will be -- you will be lucky to have a ready-made plan in front of you from Deb to talk about when -- if we do that topic. So we're lucky to have Deb and her staff working so hard on that. And she came also to something at UCLA which I think helped a lot, so thank you for coming.

CHAIR MUNOZ: The meeting that our vice chair referred to, the WPCC, is an annual meeting of all the Board members throughout the state, all the regions participate, including executive officers.

VICE CHAIR GLICKFELD: Thank you for explaining my acronym.

And the last thing is that I had a lot of people talk to me about many different bills that affect us, and usually we get a list we get from the State Board, a compendium of bills pretty early in the session.

And this is for Sam and the staff. We have not gotten a compendium of bills that affect us in terms of water quality and things like that, so I would request that you ask the legislative director at -- to send it out to you and to all of the Board members as well.

So that's my request and my report.

1 CHAIR MUNOZ: Mr. Charlie.

2 BOARD MEMBER STRINGER: I don't have it in the  
3 report but I'm wondering do you want input on WQCC --

4 VICE CHAIR GLICKFELD: Yes.

5 BOARD MEMBER STRINGER: -- topics now or do you  
6 want to...

7 VICE CHAIR GLICKFELD: I think the sooner the  
8 better. You know, I don't think they're going to be rushing  
9 into anything but they will settle probably on these two  
10 topics and one more in the next couple months, so getting  
11 suggestions out soon that's of interest to all the boards  
12 and will educate all of us it important.

13 BOARD MEMBER STRINGER: I'm just wondering if we  
14 might want to add to the list of topics that I know you're  
15 working on, Madelyn, and that is the number of communities  
16 in California that don't have potable water.

17 CHAIR MUNOZ: Yeah.

18 VICE CHAIR GLICKFELD: So we did that a few years  
19 ago, but that was before we had the merger of the Department  
20 of Health drinking water permit with ours.

21 BOARD MEMBER STRINGER: It's now -- right.

22 VICE CHAIR GLICKFELD: And so it would be nice to  
23 get a progress report, so I think that would be good.  
24 Because there has been a lot of legislation, a lot of things  
25 done, but things are still very hard and slow moving.

1           BOARD MEMBER STRINGER: It's just extraordinary to  
2 me that so many people don't know that there are actually a  
3 number of communities in this state that, you know, we're  
4 living in the 21st Century now, that don't have drinkable  
5 water.

6           Anyway, that's my only issue.

7           CHAIR MUNOZ: Okay, great, we'll make sure we  
8 include it.

9           VICE CHAIR GLICKFELD: Or water period.

10          BOARD MEMBER STRINGER: Yeah, or water period.

11          BOARD MEMBER DIAMOND: Also, there was an article  
12 in today's, I think it was the front page maybe of today's  
13 *LA Times*, which I just glanced at precisely about that  
14 issue, the numbers of communities in California that don't  
15 have safe clean drinking water and the concern about that,  
16 so very timely, and I would say that's a very important  
17 topic for the WQCC.

18          I also think climate change is very important,  
19 especially at this particular time when we see that there  
20 are reductions in funding for climate change activities from  
21 the federal government and even a discussion of whether it  
22 exists or not, so I would like to see that happen in  
23 California since we are one of the leaders in that issue.

24          VICE CHAIR GLICKFELD: Right. And I think we can  
25 help a lot of the other regions because we're further ahead



1 on that.

2 BOARD MEMBER DIAMOND: Yeah.

3 VICE CHAIR GLICKFELD: So just another thing for  
4 the audience is these meetings are public meetings. They're  
5 noticed. It's a long trip to Sacramento but people do come.  
6 And if there's a topic of interest to you I'm sure that what  
7 we could do, Mr. Unger, is send out the agenda to  
8 stakeholders. If they want to come, they can attend. It's  
9 a really good educational program.

10 BOARD MEMBER DIAMOND: So I would just add I also  
11 was at the meeting yesterday -- was it Our Water or One  
12 Water? I think it was Our Water. And I was very encouraged  
13 by how many people were there and the energy that I felt in  
14 the room from people who really wanted to move forward and  
15 work together to solve this problem that all of us share.

16 The only other thing I have to report is, as a  
17 member of the Santa Monica Bay Restoration Commission  
18 representing the Regional Board, at the last meeting, which  
19 was about two weeks ago, one of the staff members of the EPA  
20 from the San Francisco office was there. And as you may  
21 know, the Santa Monica Bay is part of a national estuary  
22 program, and these NEPs, I don't know how many there are  
23 around the country.

24 Deb, do you know, like 12 or 14?

25 MS. SMITH: I don't know the number.

1 MR. COUPE: It's 20 something.

2 BOARD MEMBER DIAMOND: Twenty something.

3 VICE CHAIR GLICKFELD: Three in California.

4 BOARD MEMBER DIAMOND: David was at this meeting,  
5 of course, too.

6 VICE CHAIR GLICKFELD: Three in California.

7 BOARD MEMBER DIAMOND: So about 20 in the nation  
8 and Santa Monica Bay Restoration Foundation receives a lot  
9 of funding -- probably in the complete realm of things not  
10 that much, but about \$12 million, I believe, a year from  
11 this program to work on projects to enhance the bay, whether  
12 it's planting kelp in the ocean to clean up areas of the  
13 Santa Monica Bay that were previously dead zones and now  
14 thriving, various projects. Because of the EPA cutbacks we  
15 won't be able to do as much, so significant cutbacks.

16 So I'm just reporting to you that this very  
17 important program, National Estuary Program that funds  
18 scientific projects, many of them pilot projects to  
19 understand how we can protect our estuary.

20 Our national estuary right here in our region is  
21 being significantly cut back, which is of great concern.  
22 And this is only through September. We don't know after the  
23 end of this fiscal year how much more will be cut back, if  
24 any funding will be available for these programs. So I'm  
25 telling you this with a heavy heart about it, but I think

1 it's important that we recognize that this is going to have  
2 a big impact on our region, and I'll let you know going  
3 forward what happens.

4 CHAIR MUNOZ: Dr. J.

5 BOARD MEMBER FAMIGLIETTI: Good morning, everyone,  
6 thank you for coming. I marched for science on Earth Day.  
7 I hope that you did too.

8 Like Board Members Guzman and Glickfeld, I went to  
9 a similar workshop but it was in Cleveland, and so it was a  
10 great model and I would love for us to talk about in more  
11 detail what I learned. There is a group called the  
12 Cleveland Water Lines and that group has been working hard  
13 at putting together government and elected officials and  
14 water managers in the private sector, including hack type  
15 events where competitions are held. The focus in Cleveland  
16 was on Lake Erie and the (indiscernible) problems, but the  
17 concept is something that's transferrable to our region.  
18 And so I'll be talking to that group a little bit more and  
19 perhaps some of my fellow board members would like to be  
20 involved in those conversations.

21 So there are these sort of grass roots groups that  
22 are coming together. I heard of another one in LA, not the  
23 one that you mentioned, not the event that you went to, not  
24 the SCAG group. So there are a few groups that are  
25 springing up and we should keep our eye on them and try to

1 work with them and listen to what they have to say.

2 Thank you.

3 CHAIR MUNOZ: Great, thank you. Yes?

4 BOARD MEMBER YEE: Just one more topic for the  
5 WQCC. I'd like to hear an update on the Sigma and where we  
6 sit with that and like the interaction between DWR and State  
7 Board. So thank you.

8 VICE CHAIR GLICKFELD: Do we have -- in Ventura  
9 County we have several SGMA groups or one or two?

10 CHAIR MUNOZ: One.

11 BOARD MEMBER STRINGER: I think one.

12 VICE CHAIR GLICKFELD: And then we have one for  
13 the Santa Monica Basin in LA County as well. Okay, SGMA.

14 BOARD MEMBER DIAMOND: Maybe we should tell the  
15 audience what that is.

16 VICE CHAIR GLICKFELD: The Sustainable Groundwater  
17 Management Act, the first statewide legislation that  
18 requires planning for sustainable use of water resources in  
19 areas that are unsustainably using them now. So I think  
20 that's a huge issue for Ventura County and for certain areas  
21 and for just one area in LA County because we already have  
22 adjudicated basins.

23 CHAIR MUNOZ: Thank you. I have a couple things  
24 to report. I've been very busy since our last meeting.

25 I decided to call a meeting with SA Recycling, the

1 Metals Coalition and LA Waterkeeper, and Sam Unger joined me  
2 in the meeting.

3 As part of the listening sessions one of the  
4 things that became clear to me was that for industrial  
5 sites, many industrial sites when they go get their business  
6 license or permits are not required or asked for a permit  
7 from us, and I think that that's like a no brainer and I  
8 think that cities need to start doing that because it's  
9 going to help them with MS4 compliance.

10 I started with them because when I talked to both  
11 of these business entities, they had told me that they're  
12 just as concerned that their members are in compliance and  
13 they want all of the members in the industry to be in  
14 compliance and, unfortunately, that is not what's happening.

15 So we had a very good meeting, and they all loved  
16 the idea, because they said they've tried several ideas over  
17 the years, including going door to door to make sure that  
18 other industrial sites in the cities in which they're  
19 located. And some of them don't, a big percentage don't,  
20 and I'm sure staff can tell us what percentage don't because  
21 they have the numbers.

22 So LA Waterkeeper also has been working on this  
23 and they have not tried this. So our next meeting is going  
24 to be, I believe, in June, and the next step is we're going  
25 to invite some cities to join us so that we can...

1           The whole purpose of this besides addressing the  
2 whole issue of industrial sites is also to start getting  
3 cities, the environmental groups, the Water Board and  
4 businesses working together, and I think the more we focus  
5 on one issue that we all have in common that we can create a  
6 very powerful partnership collaboration, so I'm really  
7 looking forward to that.

8           I know there's a couple of cities here, so if you  
9 want to be a part of that, let us know, but you've got to  
10 make sure you have industrial businesses, otherwise it's  
11 kind of for naught for you to be attending the meeting.

12           I know that I'm going to include El Monte. I'm  
13 not sure what other cities, I'm going to sit down and talk  
14 to the staff, but if any of the board have any, please let  
15 me know.

16           The other thing is that some of the cities, when  
17 the whole conversation of the water resilience from the  
18 county came up -- as a matter of fact, the Councilwoman's  
19 here present -- she said, you know what, we need to meet  
20 with NRDC, Heal the Bay, and Waterkeeper, because this isn't  
21 their problem, this isn't our problem, this is our issue and  
22 we need to sit down and figure out how we work together to  
23 make sure that's successful.

24           So we're organizing the meeting. I've already  
25 talked to all three groups and they said absolutely, let's

1 do it, so I anticipate that happening in the next two weeks  
2 or so. The whole focus of that is working on the water  
3 resilience measure that County Supervisor Keuhl is leading.

4 And once again, it's all of the players, including  
5 business, all the players that all want this that can work  
6 together, because I don't see a lot of that happening since  
7 I've been on the Water Board. I see a lot of this happening  
8 and I think it's time for us to forget that and start  
9 working together and really start addressing the issues on a  
10 different tone.

11 I attended the Los Angeles Business Council annual  
12 summit they had over at the Getty Museum last week. Mayor  
13 Garcetti spoke. Attorney General Javier (indiscernible) and  
14 Senate Pro Tem (indiscernible) spoke. They invited me as  
15 the nonprofit but I kind of think they invited me because  
16 I'm on the Water Board.

17 It was an excellent meeting. They have it yearly.  
18 Businesses are talking more about water and I think that's  
19 really good, so now we've got everybody who's going to be  
20 involved, and so it was a full day meeting.

21 I also met with Mark Estrella [phonetic] from the  
22 County.

23 VICE CHAIR GLICKFELD: You were busy.

24 CHAIR MUNOZ: Yeah. With Sam Unger and Renee  
25 Purdy. And I was quite concerned about this water

1 resilience. I had been hearing a lot of rumors that -- I  
2 was hearing rumors from the cities, from one of our  
3 colleagues here on the dais, and so I wanted to understand  
4 what this really was about because I'd been involved with  
5 other bond measures throughout the state and usually a lot  
6 of things get figured out behind the doors and many people  
7 aren't at the table, so I wanted to understand it, so I  
8 thought let me go with Mr. Estrella and he could tell me.

9           It was a very good meeting. It's a measure that  
10 I'm supporting a hundred percent. He basically said that  
11 water is going to be major focus now for the county, it's  
12 not going to be a PS. He's putting together a water plan  
13 that connects all the dots. Every aspect of water that you  
14 can imagine is going to be included in this plan and they're  
15 working on it and it'll be out.

16           Sam, did he give us a date when it would be out,  
17 do you know?

18           EXECUTIVE OFFICER UNGER: No, he didn't.

19           CHAIR MUNOZ: No. And it's very inclusive.

20           And really when I heard him speak, he's talking  
21 about a culture change in the county, and I think that he's  
22 going to be successful because he has a very strong team and  
23 everybody who understands the significance and the  
24 importance of water through different perspectives and  
25 through a lens that this way as opposed to narrowing the



1 focus, will be supporting him.

2 And so I'm hoping to bring him here before the  
3 Water Board in a couple of months so he can talk to us about  
4 the paper and his vision. And I'm very confident and I  
5 believe he's going to be the trailblazer there for bringing  
6 all the folks together, because he talked about what's there  
7 for the cities, for the businesses, for the environs and the  
8 Water Board, so I was very hopeful for the meeting that we  
9 had with Mr. Estrella.

10 I went to the Chairs' Board Meeting in Sacramento  
11 and found out that we're not going to get any additional  
12 staff. There's been a one percent budget cut.

13 And it was really interesting because it's all of  
14 the board chairs and the executive officers from each region  
15 were there. We had a nice report from the Governor's  
16 Office. But it was a really crazy meeting because we had  
17 three fire alarms and we had to walk down, I think, two or  
18 three flights of stairs and go to a park, and every time we  
19 were settled to start over we had another fire alarm.

20 So it was interesting that US EPA, they were very  
21 organized, they made sure everybody was out and stayed, so  
22 it's very good to feel that nothing's going to happen to you  
23 there.

24 The next listening session is being organized by  
25 the director of public works and I in (indiscernible) Hills

1 and we're going to be working with those cities near and  
2 around there, and that should be taking place next month.

3 VICE CHAIR GLICKFELD: Do we have a date for that  
4 yet?

5 CHAIR MUNOZ: No, that's what we're working on  
6 right now, and I'll let everybody know about that.

7 VICE CHAIR GLICKFELD: Excuse me. On that issue,  
8 I think last meeting there were several Board members that  
9 decided to attend that meeting. You might have to notice it  
10 so people can go.

11 CHAIR MUNOZ: Well, I think that I would like to  
12 have one Board member attend with me, unless you are going  
13 to come and you're going to listen. It's not about talking,  
14 it's about listening. That's the power of these, is that  
15 you're going to listen to the cities. Obviously you're  
16 going to comment, but this is their time, so I just want to  
17 make it clear to my colleagues that it's about listening.  
18 You're welcome to come because it's really amazing what you  
19 learn from the cities what their issues are.

20 And then actually what happens is it's a listening  
21 session but it becomes a working session, trying to resolve  
22 some of their issues.

23 And I have found them pretty intriguing that we  
24 are able to develop senses of trust and transparency between  
25 us and the cities. And we have a couple who have been to

1    them, so I know they're going to speak, if they can talk  
2    about that so that I'm not thinking this all in my head.  
3    Because this is what my goal was and sometimes what I want  
4    to happen doesn't and someone has to clearly make it so we  
5    can change things.

6           And we're still working with Speaker Renden's  
7    staff from Sacramento to put together the meeting for his  
8    cities where we're going to have a listening session as  
9    well. I know some of you expressed interest and we'll get  
10   dates on that. That'll be in Los Angeles and we're going to  
11   be going up to the L.A. Caucus in Sacramento where we're  
12   going to be doing a listening session there.

13           So they're taking on, I have a lot of folks  
14   talking to me about them, and I'm hoping that when our vice  
15   chair becomes chair that she continues the listening session  
16   because I think they're very worthwhile.

17           VICE CHAIR GLICKFELD: Absolutely.

18           CHAIR MUNOZ: Okay. Let's see. I guess the last  
19   thing is my nonprofit did these telenovella's, these soap  
20   operas. We wrote a script and we've gone to a couple of  
21   cities, couple of neighborhoods, and we've had up to 300  
22   people attend them. And they talk about water conservation,  
23   sustainable tips and the drought, whether it's over or still  
24   going on and whatnot. And the theme is water as a way of  
25   life, as Governor Brown has stated.

1           And what I wanted to share with you is that our  
2 audience is between the ages of 5 and 85, and it's very  
3 clear to me that after the drought especially that everybody  
4 wants to know more about water. This is the everyday person  
5 that wants to know where it comes from, wants to know about  
6 the quality of the water, what cities are ensuring so that  
7 they don't have to worry about drinking poor water, how can  
8 we conserve more, how does it function. They want the whole  
9 picture on water.

10           So I'm saying this because we deal with the aspect  
11 of water quality but somehow we have to figure out how we  
12 have this whole conversation and educate members of the  
13 public, because the more they're educated and informed,  
14 you'll see more positive action there.

15           So for those folks who are leaders in the water  
16 world and have constituents, I would encourage you to get  
17 engaged and involved in that, because that's one of the  
18 lessons that we learned.

19           And that concludes several of the meetings I've  
20 had.

21           VICE CHAIR GLICKFELD: Wow.

22           CHAIR MUNOZ: I've got others but I pulled the  
23 other ones, so I've been very busy.

24           VICE CHAIR GLICKFELD: And how do you do anything  
25 else in your life? This is a volunteer job, so thank you.

1            Seriously, I think all of us and the staff owes a  
2        vote of thanks to the dedication that you give to this job,  
3        so I really appreciate it but I'm terrified of trying to  
4        follow you.

5            CHAIR MUNOZ: Well, planting the seeds, Madelyn.  
6        When I became chair, based on what I had observed and  
7        learned and what I had listened to folks is that you can't  
8        do things the same way because you'll get the same result.  
9        You have to be more inclusive, you've got to listen.

10           I know we're a regulatory agency, but I always was  
11        an activist and I was always the person in the audience, or  
12        better yet, banging on the door to get in, and so I  
13        understand that feeling. And so what I wanted to do was to  
14        put a human face on the word Water Board, that we would  
15        listen, we can listen, and we know how to listen. And one  
16        of my goals, I'm going to start planting the seeds and I  
17        already have, is for the cities, the environmentalists,  
18        business community start working together.

19           I don't like the idea of all the tension, what  
20        happens. I know sometimes it needs to happen, but we're at  
21        a point where we really need to pass this resilience measure  
22        and we need to start working as a team. And not that we're  
23        not going to have any disagreements, but we need to have a  
24        discord with respect and focus on a common goal, so that's  
25        the reason I feel like I've got to do all this and rushing

1 it. And believe me, people are responding and I do believe  
2 that I have faith in the human spirit and I do think that  
3 we're moving in the right direction. And I really  
4 appreciate when you come to these meetings and provide us  
5 with guidance, because this is what we're here for, is to  
6 listen to what your needs are, what your comments are so  
7 that we can make good policy.

8 Okay, so moving on, we are now at uncontested  
9 items. We have one item, Item Number 5. Is there any Board  
10 member that would like to pull it to ask questions? If not,  
11 may I have a motion for approval?

12 BOARD MEMBER GUZMAN: Motion to approve.

13 BOARD MEMBER YEE: Second.

14 CHAIR MUNOZ: Roll call vote, please.

15 MS. MOFFETT: Ms. Diamond?

16 BOARD MEMBER DIAMOND: Yes .

17 MS. MOFFETT: Mr. Famiglietti?

18 BOARD MEMBER FAMIGLIETTI: Yes.

19 MS. MOFFETT: Ms. Glickfeld?

20 VICE CHAIR GLICKFELD: Yes.

21 MS. MOFFETT: Ms. Guzman?

22 BOARD MEMBER GUZMAN: Yes.

23 MS. MOFFETT: Ms. Munoz?

24 CHAIR MUNOZ: Yes.

25 MS. MOFFETT: Mr. Stringer?

1 BOARD MEMBER STRINGER: Yes.

2 MS. MOFFETT: And Mr. Yee?

3 BOARD MEMBER YEE: Yes.

4 MS. MOFFETT: Motion carries.

5 CHAIR MUNOZ: Thank you. Item Number 6, Executive  
6 Officer's Report. Mr. Unger.

7 EXECUTIVE OFFICER UNGER: Okay. Good morning,  
8 Chair Munoz, Vice Chair Glickfeld and members of the  
9 Regional Board. This morning's report addresses the  
10 Carousel track cleanup (indiscernible) field laboratory that  
11 may affect our regulatory activities at that site. Our  
12 response to the first harmful outflow balloon notice in our  
13 region this year.

14 I'm going to, I think in the interest of time,  
15 truncate my report on the stormwater especially from  
16 industrial discharges as Chair Munoz has discussed that, but  
17 I will mention a few things there.

18 The meetings attended by our outreach program.  
19 And finally, a review of our enforcements procedures. This  
20 last item will be immediately followed by Information Item  
21 Number 14 which will provide more detailed information in  
22 response to the Board discussion on enforcement during the  
23 February 4 meeting.

24 MS. MCCHESENEY: Item 11.

25 EXECUTIVE OFFICER UNGER: Item 11, thank you. So

1 first Carousel.

2 The cleanup in the Carousel neighborhood continues  
3 with a third cluster of homes in the completion stages.

4 As reported to you previously, the cleanup is  
5 taking longer than anticipated. Shell, the responsible  
6 party, has studied the logistics of the cleanup operations  
7 and determined if changes to the number of homes in each  
8 cluster and changes to the sequence that new clusters are  
9 scheduled could expedite the cleanup.

10 That study was submitted to the Regional Board  
11 last month and it showed by doubling the number of homes in  
12 each cluster from roughly 10 to 20 and reordering the  
13 schedule of the clusters could result in a schedule in which  
14 the cleanup can be completed four years earlier than the  
15 ten-plus years presently estimated and that I've been  
16 reporting to you.

17 Staff reviewed the proposed plan, consulted with  
18 our attorney, and then approved the plan to reconfigure the  
19 clusters and expedite the cleanup. The community is being  
20 informed by both Shell's outreach team and our outreach  
21 team, and we plan to implement the new remediation plan on  
22 the next set of clusters later this year. And the new  
23 planned cleanup is now scheduled for completion around 2024.

24 And although not directly related to the cleanup,  
25 a final ruling in the Los Angeles County Superior Court has



1 been issued in the Barclay Hollander case in which Barclay  
2 Hollander, a subsidiary (indiscernible) foods sued the  
3 Regional Board for improperly naming Barclay as a  
4 responsible party on the cleanup and abatement order for the  
5 Carousel site. The court rules in favor of the Regional  
6 Board and upheld the Regional Board amended cleanup and  
7 abatement order.

8 This is a huge win for the Regional Board and the  
9 site cleanup program, and preparation for this litigation, I  
10 think as David said, truly involved a village.

11 Carol Boyd and John Sosaki from the Attorney  
12 General's office wrote a number of briefs and provided oral  
13 argument at the hearing. David Coupe also provided legal  
14 research and input on the briefs. Special thanks go to Deb  
15 Smith and Dr. (indiscernible) for the technical work and  
16 assistance, which included preparation of administrative  
17 record of more than 27,000 pages.

18 So any questions on Carousel?

19 VICE CHAIR GLICKFELD: Congratulations.

20 EXECUTIVE OFFICER UNGER: Yeah. The AGs were  
21 awesome.

22 Santa Susana Field Laboratory. The Santa Susana  
23 Field laboratory located eastern Ventura and western Los  
24 Angeles Counties sits within a habitat linkage that connects  
25 the Los Padres National Forest to the Santa Monica Mountains

1 and to the Pacific Ocean. Historically the site has served  
2 as a Department of Energy and NASA field laboratory for  
3 rocket propulsion and nuclear energy research.

4 The site, including groundwater beneath the site,  
5 is contaminated by radioactive materials and industrial  
6 solvents. Significant portions of the 2850 acre site remain  
7 undisturbed and are inhabited by wildlife, including  
8 mountain lions, red tail hawks, bobcat and mule deer. The  
9 Regional Board regulates stormwater runoff on the site under  
10 individual MPES permit and there have been a number of  
11 different innovative stormwater BMPs, best management  
12 practices, that have been implemented at the site.

13 Also, in 2009 the Board served as lead agency on  
14 contaminated soil removal action from subwatersheds at the  
15 site in order to improve the quality of stormwater runoff.

16 Boeing and NASA are the responsible parties for  
17 the cleanup at much of the site, and the DTSC is the lead  
18 agency for the cleanup.

19 Last week Boeing announced that it recorded a  
20 conservation easement to be held by North American Land  
21 Trust to designate nearly 2400 of the 2850 acres as open  
22 space habitat. The conservation easement preserves the land  
23 as open space to protect wildlife habitat and artifacts of  
24 the land's Native American history and restricts residential  
25 or agricultural uses of the property.

1           The North American Land Trust is a land trust that  
2 holds more than 480 conservation easements across the  
3 country in 18 states, will monitor and enforce the easement.  
4 And in addition, the California Attorney General has the  
5 authority to oversee the easement.

6           It is difficult now to speculate how this land use  
7 designation may affect our regulatory activities, but I  
8 think at the very least there will still be need to continue  
9 our regulation of stormwater discharges from the site.

10           Are there any questions?

11           CHAIR MUNOZ: Ms. Madelyn?

12           EXECUTIVE OFFICER UNGER: Yeah.

13           VICE CHAIR GLICKFELD: Yeah, could you find out  
14 more about the responsibilities that the North American Land  
15 Trust is taking over with regard to this easement. Are they  
16 going to be doing the management of this easement?

17           EXECUTIVE OFFICER UNGER: I don't know that.

18           VICE CHAIR GLICKFELD: Are they going to be doing  
19 the mitigation or are they going to turn over the mitigation  
20 responsibilities in the areas where the easement exists?

21           I do know that the National Park Service and Santa  
22 Monica Mountains Conservancy and the State Parks wouldn't  
23 touch it because of the difficulties with cleanup, so I just  
24 hope that, since they are very far away, they know what they  
25 are getting into, and I would hate for us to be involved

1 with an uninformed, inexperienced land owner to try and get  
2 this done.

3 EXECUTIVE OFFICER UNGER: I will reach out to our  
4 colleagues at DTSC as well as to Boeing to try to answer  
5 your questions.

6 VICE CHAIR GLICKFELD: I'd also talk, if you can,  
7 if it's acceptable to Boeing, it would be great to talk  
8 directly to the North American Land Trust.

9 EXECUTIVE OFFICER UNGER: Thank you. I will do  
10 so.

11 Frances, did you have anything to add?

12 MS. MCCHESENEY: No, I was just going to tell  
13 Charlie (indiscernible).

14 CHAIR MUNOZ: Please make sure that the record  
15 notes that Mr. Stringer stepped out of the meeting  
16 (indiscernible).

17 EXECUTIVE OFFICER UNGER: Okay. Sorry about that.

18 Harmful Algal Blooms. This month was the first  
19 confirmed HAB, harmful algal bloom, recorded in quite some  
20 time. The HAB was detected at El Dorado Parkway in Long  
21 Beach, a lake that is located in a public park which  
22 supports a number of recreational uses. Staff and local  
23 environmental and public health agencies worked to warn Long  
24 Beach residents and recreational uses of El Dorado Lake to  
25 exercise caution after testing confirmed the presence of the

1 harmful algal blooms, also known as blue-green algae blooms.

2 As a bit of background, scion bacteria are a  
3 common part of freshwater marine ecosystems. An increase in  
4 water stability, elevated water temperatures, high  
5 concentrations of nutrients, and low light intensity have  
6 been associated with an increase or dominance of scion  
7 bacteria in surface waters essentially across the country.  
8 Across the world, actually.

9 Regional Board staff worked with State Board staff  
10 and staff from the city of Long Beach Environmental Health  
11 Department to sample water along the shoreline. The  
12 sampling confirmed the presence of toxins that are  
13 associated with harmful algal blooms and high risk groups  
14 for HABs harmful algal blooms in El Dorado Lake.

15 The most high risk groups are really animals such  
16 as dogs and wildlife as they eat the algal material and  
17 drink the water.

18 Responding to HABs is the responsibility of the  
19 local agency and the regional and state boards have lent  
20 support to these agencies in the recent past.

21 As far as regional board activities in other  
22 regions, Region 1, the North Coast Region, has had the most  
23 recent experience in responding to HABs. Region 1, North  
24 Coast Region, has supported local agencies by providing  
25 technical expertise and support and broad notification to

1 local populations, and we are essentially trying to follow  
2 their protocols.

3           Additionally, the state board has a portal on  
4 their website dealing with the science underlying response  
5 to HABs, and in this case at El Dorado Park staff provided  
6 sampling expertise, as I said, and assistance to the City of  
7 Long Beach's Environmental and Public Health Department and  
8 to the city of Long Beach's Department of Parks, Recreation  
9 and Marine Environment in implementing signage at the park.

10           State Board also participated in developing local  
11 environmental and public health department notices and  
12 recommended postings at the El Dorado Lake. And what you  
13 see is a media release regarding this incident in our region  
14 that we had posted on our website, and a little fuzzy  
15 picture of what an HAB looks like.

16           BOARD MEMBER DIAMOND: Sam.

17           EXECUTIVE OFFICER UNGER: Yes.

18           BOARD MEMBER DIAMOND: Is there an explanation for  
19 why this is happening now?

20           EXECUTIVE OFFICER UNGER: Well, I don't know that  
21 we know an explanation. Basically the one thing I think  
22 that we have most control over are levels of nutrients in  
23 the lake and I don't think at this point we know whether the  
24 nutrients are elevated at this site or whether it's other  
25 natural phenomenon that have created it. So we've really

1 been focusing our activities on supporting the city of Long  
2 beach.

3 BOARD MEMBER FAMIGLIETTI: So now I would just  
4 note after spending some time in Cleveland and up around the  
5 Great Lakes, I know just enough about the harmful algal  
6 blooms to be dangerous. So the main drivers are nitrogen  
7 and phosphorous and they come from sewage and agricultural  
8 activity. And so the Great Lakes region has been able to  
9 really control the problem by, first by sewage treatment and  
10 now they're really focused on agricultural runoff and in  
11 particular phosphorous applications. In this case it might  
12 be sewage.

13 EXECUTIVE OFFICER UNGER: Thank you, that's very  
14 helpful. I think if we do get involved in further sampling  
15 activities we can include those constituents.

16 BOARD MEMBER FAMIGLIETTI: At the risk of  
17 overcommitting my agency, we have planes that can fly and I  
18 think we're well suited to tracking this kind of stuff. And  
19 there's across NASA there's again up on Cleveland the Glen  
20 Research Center has done a lot of aircraft flying up and  
21 down rivers and around the lakes to try to track the various  
22 forcings and the size of the blooms and so on, and so we  
23 could -- if things get worse in the future, we could bring  
24 some of that technology to bear.

25 EXECUTIVE OFFICER UNGER: I think that would be a

1 great opportunity for our staff to work with NASA staff at  
2 the jet propulsion laboratory to try to get a better handle  
3 on this.

4 CHAIR MUNOZ: That's wonderful, thank you.

5 VICE CHAIR GLICKFELD: So also at the chairs'  
6 (indiscernible) we talked about these toxic (indiscernible)  
7 pools as a potential topic for WQCC because every region is  
8 having it. The Salton Sea, the wetlands in San Francisco  
9 Bay, and I wonder whether or not it's also a climate warming  
10 issue that's accelerating the impacts of nutrients in  
11 phosphorous. I don't know enough about chemistry to be --

12 BOARD MEMBER FAMIGLIETTI: Yeah, it's hard to  
13 know.

14 VICE CHAIR GLICKFELD: It's hard to know, but I  
15 think that when you meet with the other executive directors  
16 and the state board staff you might want to see whether  
17 there might be some resources that are being spent in the  
18 universities to look at this issue.

19 I know that we have a couple of professors at UCLA  
20 that are looking the Salton Sea.

21 EXECUTIVE OFFICER UNGER: Thank you.

22 BOARD MEMBER FAMIGLIETTI: So my take on this is  
23 that other regions are much further ahead than us and we can  
24 really benefit from their experiences, especially the Great  
25 Lakes region.



1 EXECUTIVE OFFICER UNGER: Thank you.

2 Deb, did you have something?

3 MS. SMITH: Yes, I just wanted to add that I  
4 participate recently in a series of calls with some other  
5 states, sort of a little subworking group under ACWA, the  
6 Association of Clean Water Administrators, and Karen Larson  
7 here is also a participant of that group. And they recently  
8 released some advisory levels for these toxins for waters.  
9 They're actually not as stringent as one we had in the  
10 working group in California that is made up of a whole  
11 variety of agencies interested in this have come up with on  
12 our own, so we've been commenting on that and working with  
13 EPA closely on that.

14 It is a national issue, it's bigger in other parts  
15 of the country. It's a drinking water issue, it's an  
16 aquatic life issue, it kills dogs if they drink the water.  
17 It's serious.

18 And I know EPA starting with the advisories and  
19 they've got that out for comment. They are working on  
20 implementation strategies for states. And then they're  
21 going to try to link it up with the criteria that we all,  
22 the states and EPA have been working on for about 20 years  
23 for nutrients to try to figure out the puzzle, you know, the  
24 relationship between those two.

25 So we'll keep you posted. And there's a whole

1 group of folks working on it with the state board and  
2 regional board, so quite a big issue.

3 BOARD MEMBER STRINGER: Is this a saltwater issue?

4 MS. SMITH: I think it's both but I think --

5 EXECUTIVE OFFICER UNGER: The ones of concern  
6 lately are freshwater issues.

7 MS. SMITH: Freshwater dominates the discussion.  
8 And one of the issues is how do you treat it if it only  
9 affects part of a water body? Sometimes the treatment might  
10 be something that causes a worse water quality problem. How  
11 do you do assessments (indiscernible) later today as a  
12 future issue down the road to deal with, but how do you  
13 figure out how to handle it through all the clean water  
14 programs?

15 EXECUTIVE OFFICER UNGER: So moving on, I think  
16 I'm going to shorten my discussion about the industrial  
17 general permit and industrial discharges because I think  
18 Irma covered it very well.

19 I just wanted to mention two other initiatives  
20 that we are undertaking at a staff level.

21 We have sent letters to each and every permittee  
22 in the MS4 permit reminding them that the cities must  
23 implement an industrial discharge program within their  
24 cities. We have sent letters to remind them that the  
25 responsibilities under the permit are to identify nonfilers

1 as required by the MS4; inspect DMPs that are in place,  
2 identify illegal connections in discharges, take progressive  
3 enforcement, and refer overcalcitrant nonfilers to the  
4 Regional Board, and so those letters have now been sent to  
5 all the permittees.

6 As a third activity moving forward with industrial  
7 general permit issues is last year at the WQCC Vice Chair  
8 Glickfeld and I participated in a workshop with Water Board  
9 members from the other eight regional boards, many of whom  
10 are using third party assistance for implementing their  
11 agricultural and their forestry discharge programs, as we  
12 also do for our agricultural program.

13 We discussed our challenges with the IGS,  
14 industrial general permit, and really sought some opinions  
15 from the other board members as to whether they think that  
16 working through some sort of third party compliance matrix  
17 might be effective.

18 The consensus of your peers in the other regions  
19 was that third party assistance could be feasible for  
20 regulating industrial discharges in our region.

21 Since that meeting we've been sort of putting the  
22 word out informally that we're interested in that, and at  
23 this point I would inform you that just recently we did  
24 receive a proposal for a third party group that could handle  
25 compliance and (indiscernible) inspection and BMP

1 (indiscernible) for all the IGSSs. We are now looking at  
2 that proposal to see whether we are interested in bringing  
3 it to you for your comment as to whether it's something you  
4 might want to include in the future.

5 CHAIR MUNOZ: Any questions or comments?

6 Please proceed.

7 EXECUTIVE OFFICER UNGER: Okay. And finally,  
8 other participation community outreach activities during the  
9 past month included the Regional Board participated in  
10 environmental health and enforcement symposium, which was  
11 held on April 10th and 11th at the California Endowment  
12 Center. The theme of the symposium this year was success  
13 stories, focusing on building robust enforcement  
14 partnerships in environmental justice communities.

15 Hughes Marley was a panelist on the community  
16 partnership panel and I participated along with  
17 (indiscernible) on the panel wrap-up, and the panel wrap-up  
18 is where we go from here.

19 We prepared research for upcoming quarterly  
20 meetings of the Florence Firestone Interagency Workshop  
21 group organized by the Los Angeles County Department of  
22 Public Health.

23 We organized and facilitated monthly Carousel  
24 community cleanup outreach communication meetings with the  
25 new cluster configuration will be discussed with members in

1 the forthcoming months.

2 And finally, we have shared information with  
3 (indiscernible) Pomona, a community group partnering on the  
4 industrial general stormwater permit pilot project in the  
5 San Jose Creek subwatershed and it's being headed up by the  
6 Regional Board's enforcement program at this time.

7 So for my last item you will recall that earlier  
8 this year staff provided an update on enforcement  
9 activities, including settlement of an enforcement action  
10 against the City of Industry regarding construction  
11 activities that affected waters of the state and the United  
12 States that we conducted without required 401  
13 certifications. I approved settlement under the Board's  
14 delegation.

15 After that update the Board had some questions  
16 regarding the matter focusing on two topics. The first  
17 topic was whether the Fallows Camp area could benefit from  
18 further restoration. And the second topic was what is the  
19 process for determining whether a settlement of an  
20 enforcement matter is approved directly by the Board or  
21 approved by the Executive Officer. I will first give you a  
22 brief update on Fallows Camp and then discuss the settlement  
23 approval process. And following this discussion David  
24 Boyers (indiscernible) will be providing further information  
25 on settlement processes.

1           So with respect to Fallows Camp, as we discussed  
2     in April, Deb Smith invited senior restoration staff from  
3     the Department of Fish and Wildlife representatives to visit  
4     Fallows Camp to evaluate the current condition of the river  
5     and whether restoration activities in the east fork of the  
6     San Gabriel River in an area that would be appropriate and  
7     viable.

8           City of Industry staff graciously led the tour of  
9     the areas of the camp adjacent to the river to help inform  
10    staff. Staff is working on a report to me of their visit  
11    but it is not yet complete.

12          In addition, I've reached out to the City of  
13    Industry representatives to discuss options for their  
14    participation in a potential restoration of the Fallows Camp  
15    area, and the city is interested in further discussions. I  
16    do not have specifics to talk about at this time but I will  
17    keep you informed.

18          And with respect to the City of Industry  
19    settlement, I want to first clarify that restoration  
20    projects that might occur in the future are independent of  
21    the settlement and will be dealing with the site as it now  
22    exists, not as it was five years ago at the time of the  
23    activities if we are so fortunate to be able to conduct  
24    further restoration at the site. The settlement is final  
25    and cannot be reopened.

1           Next, I want to provide some additional context on  
2 the enforcement of this matter before I turn it over to our  
3 office of enforcement staff.

4           Of the many governmental agencies that were  
5 involved in this matter, the Regional Board really was the  
6 only agency that enforced against the City of Industry. The  
7 settlement is a significant accomplishment for this Board  
8 and I did not want for us to lose sight of this.

9           The city's action was damaging to the environment.

10          The prosecution team responded with a complaint assessing a  
11 penalty amount that was extremely high to take into account  
12 the nature of the actions and the difficulty in repairing  
13 the damage caused. This is the highest penalty ever  
14 assessed by a Regional Board in a settlement and in fact the  
15 highest assessed in the entire state by all boards.

16          In addition to paying \$2.5 million into the  
17 cleanup and abatement account, the settlement includes \$2.5  
18 million for a project for the construction of stormwater  
19 retention facilities in the San Gabriel River basin to be  
20 made available in the area for reuse, and as you all know,  
21 this is a very important priority for this region.

22          I wanted to acknowledge the Regional Board's  
23 enforcement staff and the office of enforcement for  
24 achieving such an outstanding settlement in a very difficult  
25 situation and obtaining this agreement for such a large and

1 record penalty amount, it is really a great accomplishment.

2 CHAIR MUNOZ: I'd like to add to that.

3 EXECUTIVE OFFICER UNGER: Sure.

4 CHAIR MUNOZ: When the item came up, we focused on  
5 one particular aspect of the conversation and we really  
6 didn't take a moment to recognize this is a historic,  
7 historic action that took place, and it took place because  
8 we have an incredible leader in the enforcement, Mr. Hugh  
9 Marley. I want to especially thank you for your constant  
10 dedication and your hard work.

11 Because what doesn't happen is when we have these  
12 kinds of things happening we aren't told this took three  
13 years, which meant 5,000 staff hours. If we were told that,  
14 I think we would appreciate and value a lot more of the  
15 accomplishments that you make. And I wanted to let you know  
16 that when I thought about our conversation and the report  
17 that you gave, I really felt pretty bad that we did not  
18 focus on all the hard work that your department and you did  
19 to get this historic monies for us.

20 They're very hard to get in this day and age and  
21 because of urban (indiscernible) and some other things, so  
22 thank you so much and please convey that to members of your  
23 staff, because I didn't want them to feel -- walk away  
24 thinking that you're underappreciated because if anything we  
25 hold you in very high regard.



1 EXECUTIVE OFFICER UNGER: Thank you. So now we're  
2 going to move right to Item 11 and I turn it over to Paula  
3 to lead the discussion of Item 11.

4 And that concludes my report.

5 CHAIR MUNOZ: I'm going to take a five-minute  
6 break before she starts, if you don't mind. Thank you.

7 EXECUTIVE OFFICER UNGER: Thank you.

8 (Off the record at 10:48 a.m.)

9 (On the record at 10:59 a.m.)

10 CHAIR MUNOZ: We're going to start with Item 11,  
11 and that's the discussion of the Regional Board's process  
12 for settlement enforcement actions. And Ms. Rasmussen.

13 MS. RASMUSSEN: Good morning, everybody. I'm  
14 Paula Rasmussen, Assistant Executive Officer. I'd just like  
15 to take a minute or two to give you some context for Item  
16 11.

17 Many of you may have participated in the past on  
18 hearings involving enforcement matters, but these are few  
19 and far between, which we think is fortunate. Most of the  
20 cases are managed by the enforcement team settle, and as  
21 such, you do not see these cases or you hear about them  
22 after the fact either through the enforcement updates that  
23 Hugh provides or through the Executive Officer Report.

24 For example, so far this year we have had 55 cases  
25 settle for mandatory minimum penalties, MMPs, for almost

1 \$1 million without hearings. Cases that don't settle are  
2 provided a hearing, and we had brought three cases for MMP  
3 penalties to an Executive Officer hearing last October and  
4 we are set to hear another five next week.

5 Now, discretionary cases can be negotiated before  
6 we issue a formal complaint. These typically are larger  
7 complex and time-consuming cases that require coordination  
8 with investigators and other agencies and extensive support  
9 from the Office of Enforcement.

10 Now, today's presentation will inform you about  
11 what happens and will provide insight on the level of effort  
12 it takes to move a case through the enforcement process to  
13 resolution.

14 Presentation will have two parts. From the Office  
15 of Enforcement we have Mayumi Okamoto and David Boyers, and  
16 they will discuss how enforcement cases are settled. And  
17 then Francis McChesney from OCC will talk about what happens  
18 after the prosecution team presents a proposed settlement.

19 (indiscernible) will present a key concept today,  
20 which is separation of functions, which is in place to  
21 ensure that the prosecution and advisory teams remain  
22 separate and do not communicate inappropriately on matters  
23 regarding the case to be considered.

24 One tool that we have developed to facilitate this  
25 is a confidential list of all of our enforcement cases we've

1 put together at the direction of our attorneys which spells  
2 out both the prosecution team and the advisory team for the  
3 purpose of maintaining separation of functions. This is a  
4 living list, currently has more than 100 cases in different  
5 stages of development covering all of the Regional Board  
6 programs. We plan to maintain it and update it continuously  
7 as cases move through the process.

8 Frances is also going to discuss another  
9 management tool which is a framework that describes how  
10 settlements are considered for approval.

11 I will now turn this over to Mayumi and David.

12 CHAIR MUNOZ: Thank you.

13 MS. OKAMOTO: Thanks, Paula. Good morning, Chair  
14 Munoz and Board Members. My name is Mayumi Okamoto, I'm a  
15 senior attorney with the Office of Enforcement, and as Paula  
16 mentioned, I and the Chief Counsel David Boyers are here  
17 today to talk to you about the settlement process that your  
18 enforcement staff and our Office of Enforcement attorneys  
19 engage in and to answer any questions you may have about  
20 that process.

21 We will review the nuts and bolts of the  
22 procedural issues like the separation of functions and  
23 confidentiality. We'll talk about some of the  
24 considerations that we may take into account going into and  
25 during the settlement process. And we will review the ways

1 a paid liability may be offset by the completion of  
2 supplemental environmental project or an enhanced compliance  
3 action.

4           So I thought this little Wizard of Oz cartoon was  
5 appropriate to describe the purpose of this informational  
6 item. For you as Board members there's a lot of mystery  
7 surrounding what goes on behind the curtain during the  
8 settlement process.

9           The investigation of the case, the discussions by  
10 the parties during the negotiation and the compromises that  
11 are made to reach an agreement, they all happen outside of  
12 your view and scope of direct knowledge, and that's  
13 intentionally done given the need to preserve your  
14 impartiality as decision makers.

15           But it also has this unintentional side-effect of  
16 leaving you with a lot of questions like what exactly is  
17 happening behind that curtain? So for the purposes of this  
18 informational item please consider David and I as Toto as we  
19 ever so slightly pull this curtain back to demystify the  
20 settlement process. I'm probably making it sound more  
21 exciting than it actually is but...

22           Okay. Probably the foundational procedural issue  
23 in any enforcement matter settlement is the separation of  
24 functions, as Paula mentioned. The Board separates the  
25 advocacy and the advisory functions on a case-by-case basis

1 to guarantee that procedural due process requirements of a  
2 fair and impartial tribunal are met.

3 This process ensures that an impartial non-  
4 involved reviewer presides over a hearing or settlement  
5 approval by separating staff members into prosecution and  
6 advisory teams.

7 So most oftentimes the prosecution team is  
8 comprised of the following people.

9 So Assistant Executive Officer Paula Rasmussen,  
10 Compliance and Enforcement Supervisor Hugh Marley. Usually  
11 there's a Regional Board technical staff that assists us  
12 from the program in which we're doing enforcement. So for  
13 example, in the 401 Cert Program Dr. L.B. Nye is often on  
14 the prosecution team. And then your assigned Office of  
15 Enforcement counsel, which would be myself or any of the  
16 other attorneys in the Office of Enforcement.

17 And the advisory team typically consists of  
18 Executive Officer Sam Unger, Chief Deputy Executive Officer  
19 Doug Smith, usually also another Regional Board technical  
20 staff person if it's appropriate, and then your OCC Regional  
21 Board counsels.

22 So naturally what follows with the separation of  
23 functions is the prohibition of any ex parte communications  
24 between the prosecution team and the advisory team and the  
25 decision maker that are either substantive in nature. Or

1 even procedural issues in a case which may be controversial,  
2 we don't have ex parte communications regarding those.

3 As Paula mentioned in her opening remarks, the  
4 enforcement section has pulled together a list of their  
5 ongoing cases with staff designated as either prosecution  
6 staff or advisory staff. This really serves as a quick  
7 reference to guide staff communication throughout the  
8 ongoing enforcement process.

9 In the life cycle of a settle of an enforcement  
10 matter the roles and functions of each team are separated as  
11 follows.

12 David and I are going to discuss the prosecution  
13 team's involvement in the settle process up until this  
14 point, and that's the final proposed settlement agreement  
15 after it's gone through the public comment and review  
16 process.

17 And Frances is going to discuss the advisory  
18 team's involvement and role in the settlement process after  
19 that.

20 So why settle? What are some of the benefits of  
21 settling a case?

22 Certainty in outcome is one of the benefits.  
23 Settling a case eliminates the inherent risk of going to  
24 hearing or engaging in protracted litigation.

25 Typically settlements will use fewer staff

1 resources over the settlement's life cycle versus the  
2 hearing process life cycle.

3 Most settlements are front loaded with Regional  
4 Board staff resources and back loaded with attorney  
5 resources to memorialize the agreement, and I'll kind of  
6 explain what I mean by that in an upcoming slide.

7 The parties can incorporate terms into the  
8 agreement that are not otherwise authorized by the Water  
9 Code. So how can we do this?

10 Government Code Section 11415.60 is the tool that  
11 we use to incorporate aspects of a settle which may not be  
12 specifically authorized by the Water Code.

13 A good example of this is supplemental  
14 environmental projects or enhanced compliance actions which  
15 the agency would otherwise lack the power to include in a  
16 settlement agreement under the Water Code. And David's  
17 going to talk about these concepts in his portion of the  
18 presentation.

19 So there's two ways to initiate the settlement  
20 process. One is the pre-ACL complaint route, and this is  
21 typically the Office of Enforcement's preferred way to  
22 initiate settlement discussions and it's also one that your  
23 staff implements as well.

24 After the completion of the investigation, the  
25 staff and their assigned Office of Enforcement attorney

1 develop the proposed penalty methodology analysis based on  
2 the State Water Board's water quality enforcement policy,  
3 looking at the evidence in consultation with the prosecution  
4 team lead, most oftentimes Paula Rasmussen.

5           Once we arrive at our final proposed penalty, the  
6 Office of Enforcement attorney will send the discharger's  
7 representative a pre-complaint letter or email letting them  
8 know that the Regional Board staff has requested our  
9 assistance in bringing formal enforcement for the alleged  
10 violations.

11           And we also offer them the opportunity to meet  
12 with us and discuss the facts surrounding the alleged  
13 violations, including the option of settlement prior to  
14 formally issuing a complaint.

15           VICE CHAIR GLICKFELD: Excuse me, one question.

16           CHAIR MUNOZ: Please.

17           VICE CHAIR GLICKFELD: It's pre the ACL but it's  
18 got to be post the notice of a violation being posted.

19           MS. OKAMOTO: That's correct. So this would  
20 typically happen in the process of escalating enforcement,  
21 so we've already notified the discharger of violations  
22 through a notice of violation. Maybe we've even sent an  
23 investigative order under Water Code section 13267 to get  
24 additional information about the violations.

25           So now we're kind of post information gathering



1 stage, we're walking through the enforcement policy  
2 methodology to assign factors to the various violations, and  
3 now we're getting ready to sit down with them in our first  
4 settlement meeting.

5 And most oftentimes in the pre-ACL complaint stage  
6 dischargers do take us up on our offer to meet, so they'll  
7 come to the table and talk to us.

8 After they agree to meet with us we send them a  
9 confidential copy of the draft enforcement policy  
10 methodology, and this is really where the majority of the  
11 staff workload goes in this initial settlement process.  
12 They've looked at all of the facts, they've looked at all of  
13 the inspection reports, they've combed through the files and  
14 they've put together this draft enforcement policy  
15 methodology that comes up with the initial liability amount,  
16 and we use that as the basis for our first discussion.

17 The second route in engaging in settlement  
18 discussions is after the ACL complaint has been issued.

19 After the complaint is issued the discharger has a  
20 statutory right to have a hearing on that complaint within  
21 90 days of issuance, but they may also choose to waive that  
22 right in order to engage in a settlement discussion with us  
23 to see if they can resolve the violations prior to hearing.

24 So what are the pros and cons of engaging in  
25 either one of these routes?

1           For the pre-complaint settlement route, it's  
2 typically a more efficient use of staff time. Like I said,  
3 a lot of time on the front end to create the proposed  
4 penalty methodology and then more attorney time on the back  
5 end to negotiate and memorialize. You have an opportunity  
6 to learn about case deficiencies prior to issuing ACL  
7 complaints.

8           The downside, you know, sometimes it results in a  
9 delay. Settlements can last well beyond that period of 90  
10 days, so it's incumbent upon the parties to be motivated in  
11 order to conclude the settlement.

12           Post complaint, you can show the discharger that  
13 you're serious, you want to issue that complaint, get it out  
14 into the public realm to demonstrate you're serious about  
15 taking this matter to hearing, you feel strongly about your  
16 case.

17           It provides leverage to settle by a date certain.

18           If you know you have to go to hearing in 90 days it kind of  
19 gives the parties that motivation they need to potentially  
20 settle the case prior to that.

21           The downside is it really does involve more staff  
22 resources. It's very, very draining on staff resources to  
23 have to both sit down and negotiate a case as well as  
24 prepare the evidentiary record for submittal and meet all  
25 the hearing procedure deadlines, so that is probably the

1 major downside of going the second route.

2 And so now I'll turn it over to Assistant Chief  
3 Counsel Boyers.

4 MR. BOYERS: Thank you, Mayumi, and thank you,  
5 Madam Chair and Board Members for this opportunity, and  
6 thank you for allowing me to put this presentation together.  
7 I'll do my best to work the bouncing parts.

8 So again, I'm David Boyers, Assistant Chief  
9 Counsel in the State Water Board's Office of Enforcement. I  
10 supervise the legal unit and the team of attorneys that  
11 assists all the regional boards in bringing enforcement  
12 actions and settling enforcement actions for the regional  
13 boards.

14 So one of the first things Mayumi talked about how  
15 we engage with the dischargers when we find a violation.  
16 When we finally get down to having a settlement meeting with  
17 the dischargers, one of the first formalities that the  
18 attorneys say is it's understood that these negotiations or  
19 this discussion is going to be confidential and protected  
20 under Evidence Code Section 1152 and 1154, and everybody  
21 nods and makes that agreement.

22 Why do we do that, why do we have that formality?

23 It's very important. There is a strong public  
24 interest to encourage consensual resolution of disputes, and  
25 to do that there needs to be freedom to communicate openly

1 and freely and make offers of compromises and other  
2 concessions in order to come to a resolution. You can  
3 imagine if everything that was discussed by the parties in a  
4 settlement context could then come back and be used if the  
5 matter didn't settle and we ended up at a hearing.

6           So we issue a complaint. We're proposing 500,000.  
7    The discharger says, 'Well, I'd be willing to pay 400,000,'  
8    and we don't end up settling. If we go to a hearing the  
9    discharger doesn't want us to say they offered to pay  
10   400,000, there must be some liability. So that's the  
11   purpose of keeping settlement negotiations confidential.

12           1152 essentially exists to protect the discharger,  
13   and the basic elements are that evidence and an offer of  
14   compromise, and that's just what I talked about, statements  
15   made during attempts to compromise and conduct during  
16   negotiation is inadmissible to prove liability, so we don't  
17   want to be able to come back and use that evidence and the  
18   conduct against the discharger if we end up at a hearing.

19           Section 1154, conversely, protects us and says  
20   evidence of an offer to accept a sum of money, statements  
21   made during our attempts to negotiate a resolution, and  
22   conduct during our negotiation sessions is also inadmissible  
23   to prove the invalidity of our claim.

24           So just how do we come to a compromise and what  
25   are the rules that surround how we justify that compromise?

1 Well, very frequently during a negotiation we  
2 learn of new information that we didn't gain from our  
3 investigation alone, and that could just a myriad of things.

4 That can be a new calculation of a discharge  
5 volume that the discharger has done after they've received a  
6 complaint. So they have an employee who reports a discharge  
7 volume, and then they get a complaint and they say, oh wow,  
8 we really need to do a refined analysis of this discharge  
9 volume.

10 We'll engage with them, we'll look at their  
11 analysis, and oftentimes that will change the way that we  
12 look at the violation; it's a change in facts.

13 We can also make a number of other modifications  
14 to the penalty methodology and the enforcement policy. And  
15 if any of you are familiar with that, there's a number of  
16 statutory factors that we look at when considering how to  
17 calculate a liability.

18 For instance, one of them is a discharger's  
19 ability to pay, and we often hear during settlement  
20 negotiations that we don't understand their financial  
21 circumstances. They have basically access to all their  
22 financial data, which we ask for. We have economists that  
23 can look at that and often we will adjust the liability  
24 based on their inability to pay.

25 There's obviously some inherent risk associated

1 with not settling and bringing a matter to a hearing.  
2 Oftentimes we can look at that risk and we can adjust the  
3 amount that we propose in a complaint versus the amount that  
4 we settle for and adjust for that risk inherent in going to  
5 a hearing.

6 One of the important things that I will say is  
7 when we do compromise and we do come to a resolution, the  
8 enforcement policy requires that we be transparent and that  
9 we explain the basis for our compromise. So we don't have  
10 any secret settlements, we don't have any secret  
11 methodology, we're not hiding the ball. Any of our  
12 analysis, whether we issue a complaint first and then a  
13 stipulated order after, or just a stipulated order is all  
14 there for you to see.

15 So the methodology requires that we show our work,  
16 and we do that. We say what the facts are and we say how we  
17 analyzed the evidence, we say what we think the discharger's  
18 conduct is worth, and we have that in any document that we  
19 put before you.

20 So Mayumi mentioned SEPs, ECAs, and there's  
21 another type of project called compliance projects, and  
22 these are a really important bargaining chip that the  
23 prosecution team has when trying to resolve a violation  
24 through settlement.

25 So a SEP is essentially, and there's a State Board

1 policy entirely on SEPs, but it essentially is a project  
2 that enhances the beneficial use of water, provides a  
3 benefit to the public at large, and is not otherwise  
4 required by law. So think of this as you habitat  
5 restoration or your monitoring program, your studies, your  
6 on-the-ground work that is doing something to improve water  
7 quality and enhance beneficial uses.

8 And these projects are available both to offset  
9 liability for MMPs and for discretionary liability. We can  
10 use these pretty much in any settlement.

11 The next type of action is what we call an  
12 enhanced compliance action --

13 BOARD MEMBER STRINGER: I have just a quick  
14 question on SEPs. It was sort of a passion of mine years  
15 ago.

16 Do you have a preference between cash and SEPs,  
17 just all things being equal?

18 MR. BOYERS: So I'll get into the amount that is  
19 allowed to be suspended on the next slide.

20 BOARD MEMBER STRINGER: Oh, okay.

21 MR. BOYERS: In terms of a personal preference --

22 BOARD MEMBER STRINGER: No, is there a policy  
23 preference?

24 MR. BOYERS: There is a policy preference.

25 BOARD MEMBER STRINGER: The agency that I worked

1 for had a preference for cash over SEPs.

2 MR. BOYERS: Yeah, so on the next slide I'll touch  
3 on that.

4 BOARD MEMBER STRINGER: Okay. Sorry to jump the  
5 gun.

6 MR. BOYERS: No worries.

7 So back to enhanced compliance actions. These  
8 essentially are capital or operational improvement projects  
9 that are beyond those required by law. They go above  
10 merely bringing the discharger back into compliance.

11 For these types of projects you're basically  
12 looking at the specific requirements of the discharger, and  
13 normally these come from them directly, they say, 'Well,  
14 rather than pay the money over, can we enhance our facility?  
15 Can we spend the money and make our treatment processes  
16 state of the art?'

17 And in some cases that makes sense to allow them  
18 to do that. As I said before, these are not strictly  
19 compliance projects, these are things that go above and  
20 beyond what is ordinarily required. These projects are  
21 available only for discretionary liabilities, to offset  
22 discretionary liabilities.

23 And then finally, the last type of project, which  
24 is called a compliance project, is very narrow in its  
25 applicant, it only applies to offset liability for mandatory



1 minimum penalties with respect to POTWs that serve a small  
2 community with a financial hardship.

3 A couple things about these types of projects  
4 before I move on.

5 It's important to remember that these are offsets  
6 to what would otherwise be paid liability, and the  
7 discharger remains on the hook for these penalties until the  
8 projects are complete.

9 These are projects also that are performed by the  
10 discharger or a third party hired by the discharger, these  
11 are not performed by the regional water board.

12 They're also overseen, and our role in many cases  
13 is to oversee the implementation of these projects. As an  
14 alternative, the discharger can hire a third party to do  
15 that function.

16 There are a number of reporting obligations, there  
17 is auditing provisions, we require budgets, schedules and  
18 deliverables. These are highly tracked types of projects.

19 So here's where I'm going to get into your  
20 question, Board Member Stringer.

21 I talked about the first bullet kind of already,  
22 when are SEPs and ECAs available in lieu of paid liability.

23 Basically in settlement. So SEPs for MMPs in discretionary  
24 liability and ECAs for discretionary liability only.

25 VICE CHAIR GLICKFELD: What does that mean,

1 discretionary liability?

2 MR. BOYERS: So any liability that's not required  
3 to be imposed under the Water Code. So the Water Code for  
4 POTWs under Section 13385, and these are routinely resolved.

5 VICE CHAIR GLICKFELD: That defines what they can  
6 propose as a SEP or ECA.

7 MR. BOYERS: We'll get into what they propose, but  
8 the mandatory versus discretionary is generally your \$3,000  
9 per effluent limitation violation under 13385, and then  
10 there's some stormwater enforcement act mandatory liability  
11 too. We can use SEPs to offset that pay liability.

12 When do SEPs and ECAs get discussed in the  
13 process? Normally, if we've come to a resolution on a  
14 dollar figure, we'll discuss SEPs and ECAs at that time as a  
15 means of offsetting some of that liability.

16 Although, many times in certain circumstances we  
17 can bring up the idea of, you know, we would be open to a  
18 SEP or we would be open to an ECA; think about that as we're  
19 going through the process.

20 So the concept can be throughout the settlement  
21 process but really the details of the specific project and  
22 the dollar figures are resolved at the end.

23 BOARD MEMBER DIAMOND: One question, just trying  
24 to understand it. If it doesn't get settled and you go to a  
25 hearing, is a SEP not allowed except during settlement

1 process?

2 MR. BOYERS: Generally that's correct. There are,  
3 as I said, for mandatory minimum penalties the statute  
4 itself does provide for SEPs, and I would defer to your OCC  
5 counsel on whether they thought including a SEP upon the  
6 agreement of the parties was an appropriate action for the  
7 Board to do in that context.

8 When we're looking at it and we're looking at it  
9 in a settlement context, yes, it generally is limited to  
10 settlement only of discretionary liability.

11 BOARD MEMBER DIAMOND: Is that to be an incentive  
12 to settle, is that the reason for that?

13 MR. BOYERS: It certainly does incentivize  
14 settlement. The legal reason is that the statute's limiting  
15 in terms of after you've gone through an adjudicatory  
16 hearing, the statute provides where those penalties go. And  
17 as I said, for certain types of projects, certain types of  
18 SEPs or MMPs and compliance projects, the statute provides  
19 that those can be offset.

20 When we're in settlement context and we're not  
21 going through an adjudicative proceeding, we're relying on  
22 that Government Code provision in order to justify the use  
23 of SEPs and enhanced compliance actions.

24 BOARD MEMBER DIAMOND: I guess my last question  
25 about that would be, is it possible if it doesn't settle and

1 it goes to trial, ostensibly, that a SEP can be used, is  
2 that still a possibility or just not if it's not done during  
3 settlement?

4 MR. BOYERS: So when you say trial you're talking  
5 about an adjudicative hearing --

6 BOARD MEMBER DIAMOND: Yes.

7 MR. BOYERS: -- in front of a board is it  
8 possible. I would say it is possible in the context when  
9 it's provided for in the statute. So if you've got an MMP  
10 that you're bringing to a hearing and the statute says for  
11 MMPs in excess of \$15,000 you can offset 50 percent of the  
12 total amount, then yes, I think. And again, that would be  
13 counsel that your OCC attorney would provide to you in terms  
14 of those authorities.

15 When we bring a case before you, we're generally  
16 out of the settlement context. We're not talking about SEPs  
17 with the dischargers, right, we've exhausted our settlement  
18 remedies. We're basically at the capacity of asking you to  
19 impose the statutory penalty which would then be deposited  
20 in the (indiscernible) bank account.

21 BOARD MEMBER DIAMOND: Okay. Thank you.

22 MR. BOYERS: Mm-hmm.

23 So now that question about how much can be offset.  
24 The SEP policy and the enforcement policy basically say  
25 that up to 50 percent of the total liability can be offset

1 in order to go to a SEP or an ECA. A hundred percent of an  
2 MMP for a small community can be used towards a compliance  
3 project. When we're talking SEPs and ECAs it's 50 percent  
4 unless the director of the Office of Enforcement decides  
5 that there's compelling justification and exceptional  
6 circumstances and has the authority to approve more than 50  
7 percent.

8 I think in the eleven or so years that our office  
9 has been in existence, I think the director has done that  
10 maybe only two or three times. The vast majority are  
11 limited to 50 percent.

12 So we talked a little bit about who proposes the  
13 project. These are proposed by the discharger.

14 BOARD MEMBER STRINGER: Sorry to interrupt you  
15 again, but just for clarification, is whether to do a SEP at  
16 all discretionary?

17 MR. BOYERS: It is, it's absolutely, it's 100  
18 percent discretionary.

19 BOARD MEMBER STRINGER: On the agency's part?

20 MR. BOYERS: Absolutely. And so Frances is going  
21 to talk about when you see a settlement and it's got a SEP  
22 in it, if you don't like it what do you do with it? You can  
23 say, 'This is a terrible project, we don't like this, go  
24 back and renegotiate.'

25 So to that extent it is within your discretion to

1 look at the SEP, decide whether it's a worthwhile offset of  
2 those paid liabilities, and either approve or reject it.

3 Does that answer your question?

4 BOARD MEMBER STRINGER: It does. So is there any  
5 kind of policy preference between a SEP and cash, or is it  
6 really just left up to the people --

7 MR. BOYERS: No, I will say the Office of  
8 Enforcement brought the enforcement policy to the State  
9 Board for updates last month and there was a discussion of  
10 SEPs and the percentage of offsets for SEPs, and at least  
11 Board Member Doduc was very adamant that the 50 percent cap  
12 be retained for SEPs.

13 So the State Board has this account, which is the  
14 cleanup and abatement account, which they use for doling out  
15 for their own environmental cleanup projects or whenever  
16 they get applications from regional boards or local agencies  
17 where there's a need for this money, they control and they  
18 distribute that money. So they see it as a very valuable  
19 account and asset for them to continue to have.

20 VICE CHAIR GLICKFELD: If I could also?

21 CHAIR MUNOZ: Yes, please.

22 VICE CHAIR GLICKFELD: One of the reasons we're  
23 having this discussion today is that what you mentioned  
24 earlier is not necessarily the case for our board. You said  
25 generally it's true that when there's litigation and there's

1 settlement of litigation it does come to our board, but  
2 there are lots of examples of cases that were in this pre-  
3 litigation settlement process and that also came to our  
4 board, and so one of the reasons that we asked for this is  
5 we didn't understand why some came and some others didn't,  
6 so that's the question I was most interested in, I don't  
7 know whether everybody else is, so I don't know if you have  
8 an answer to that but perhaps our own staff is going to  
9 address that issue sometime.

10 MR. BOYERS: I think that's correct, I think  
11 Frances is going to address that issue.

12 VICE CHAIR GLICKFELD: Good.

13 MR. BOYERS: You know, keep in mind that as the  
14 prosecution staff we are separated from the advisory team  
15 and we go about and we do our job of negotiating cases and  
16 settling the vast majority of cases with the designated  
17 parties, the dischargers, and then we bring those either  
18 through the Executive Officer or to the Board, and that's  
19 really not up to us how that's presented to you.

20 VICE CHAIR GLICKFELD: Okay. I've got it.

21 MR. BOYERS: So, yeah. So who evaluates the  
22 project? That's your prosecution team and then ultimately  
23 that's up to you and your advisory team to either sign off  
24 on it or not.

25 And that last bullet is really just these are

1 settlements and the parties have to agree.

2 All right. So the last slide that I have is once  
3 we come to an agreement, once we've drafted the terms of the  
4 stipulated order or the settlement, so to speak, we provide  
5 public notice, and for Clean Water Act violations that  
6 public notice is required by 40 CFR 123.27.

7 We don't limit our public notice to just Clean  
8 Water Act violations, we publicly notice all of our  
9 settlements for a 30-day period. And then if comments come  
10 in, we generally will prepare a response to comments. It's  
11 not your formal rulemaking response to comments but it is  
12 something that we can provide to whoever's going to look at  
13 the settlement for approval to know what the dialog and  
14 back-and-forth has been, or at least our perspective.

15 If we get a comment that is something that we  
16 really didn't know about and we want to rescind the matter  
17 and start over, we have that option too. It rarely happens  
18 but we do have that option.

19 And so once we've done that, once we've engaged in  
20 the public comment process, we will present the entire  
21 package to the advisory team, and Frances is going to talk  
22 about that process, but what happens next is the settlement  
23 can be either approved by the EO through the delegation or  
24 it can be presented in a public meeting like this to the  
25 entire Board, and both parties generally get up and give our



1 perspective and ask for your support on a settlement.

2 So with that, I will turn it over to Frances.

3 MS. MCCHESENEY: Hello, Board Chair Munoz and Board  
4 members my name is, as you know, Frances McChesney, and I am  
5 Senior Counsel for the State Water Resources Control Board's  
6 Office of Chief Counsel. And thank you David, Mayumi, and  
7 Paula.

8 So before we get started I wanted to bring to your  
9 attention you should have two handouts. One is just the  
10 PowerPoint presentation and the other one is what is labeled  
11 the Framework. And I'll be talking about the Framework, so  
12 it might be helpful for you.

13 So as David said I'm going to be talking about  
14 what happens once the settlement agreement reached by the  
15 parties gets handed off to the Board for approval. And then  
16 I'll talk a little bit about the scope of what the Board's  
17 and/or the Executive Officer's approval process entails.

18 So first, I'll just give you a little bit of  
19 background about the law. The Porter-Cologne Water Quality  
20 Control Act is the statute, as you know, that creates your  
21 authority and it's within the Water Code. And that law  
22 allows you to delegate some of your authorities. So you  
23 have delegated to the Executive Officer the authority to  
24 settle administrative civil liability complaint actions.  
25 And that delegation, is you put some constraints and

1 parameters on that delegation.

2 So first -- oh, let me do this. Oops.

3 EXECUTIVE OFFICER UNGER: Gerry's trying to work  
4 the temperature. Let me try to get (indiscernible) --

5 MS. MCCHESENEY: Okay. So the first is that the  
6 settlement amount or if the ACL complaint amount is either  
7 \$50,000, and the total amount of liability that could be  
8 assessed is under \$100,000, then the delegation that  
9 delegates to the Executive Officer is to just settle those  
10 on his or her own. And then the second category is if the  
11 settlement amount is more than those limits, then the  
12 Executive Officer may settle after consultation with the  
13 Chair if the settlement is not controversial and not likely  
14 to generate significant debate.

15 And I just wanted to say too that just back to the  
16 delegation, once when the Board delegates a duty to the  
17 Executive Officer, the Executive Officer is actually acting  
18 as the Board, not in lieu of it. It becomes the Board's  
19 action and so when the Executive Officer settles a  
20 complaint, you know, approves a settlement, it becomes a  
21 final action as if the Board acted.

22 So if after the consultation with the Chair, the  
23 Executive Officer determines the settlement is not  
24 controversial, not likely to generate significant debate,  
25 Executive Officer approves the settlement and informs the

1 parts. If it would be controversial or likely to generate  
2 significant debate amongst the Board then the settlement  
3 proposal would be brought to the Board.

4 So I also want to mention another section of the  
5 Water Code that allows the Executive Officer to sub-delegate  
6 this authority. So Mr. Unger has sub-delegated to the Chief  
7 Deputy Executive Officer and to the Assistant Executive  
8 Officer the authority to settle ACL or to approve  
9 settlements if the EO -- when the EO has a conflict. And  
10 yet when the sub-delegatee acts it's also acting as the  
11 Board and of course, would follow the parameters of the  
12 delegation.

13 So the kernel process is just outlined in this  
14 framework that I gave you. And this isn't some new process  
15 that's being done. This is actually what's been going on,  
16 but this actually puts it down on paper, so it's clear for  
17 all the staff to understand that might become involved in a  
18 settlement matter. So the first thing that happens is that  
19 the Prosecution Team attorney, the Lead Attorney, will  
20 provide to the Executive Officer and the Advisory Team  
21 attorney information regarding the settlement. And so this  
22 in step one it lists the kinds of information that's  
23 provided and that includes what were the alleged violations?  
24 What's the recommended liability and potential maximum  
25 amount? And then the active settlement itself, the summary

1 of the settlement terms, and as Dave had mentioned there's a  
2 public participation process. And so the Executive Officer  
3 also gets the comments and the response to comments and how  
4 the violations were developed or determined and lots of  
5 information.

6 So then when the settlements comes to the Advisory  
7 Team attorney that attorney's job is to first determine if  
8 the Executive Officer is authorized to approve without  
9 consultation with the Chair, so it has to check those  
10 amounts. And if no Chair consultation is required, the  
11 Executive Officer, the attorney and the Technical Advisor  
12 meet and review the settlement and then determine whether to  
13 approve it and then inform the parties.

14 If Chair consultation is required then the  
15 Advisory Team attorney and the Executive Officer provide  
16 that information to the Chair, the information that was  
17 provided the Prosecution Team. And we all as a team review  
18 that information and determine well do we need any  
19 additional information or are there questions that we might  
20 have about the settlement, which then the attorney would  
21 transmit those questions and might have a meeting with the  
22 Prosecution Team, Prosecution Team attorney and the  
23 attorneys for the parties to collect additional information  
24 as needed.

25 And then the Chair, the Executive Officer, and the

1 Advisory Team meet and discuss whether the settlement is  
2 controversial and why it would generate significant debate.  
3 If so, it would come to the Board, if not the Executive  
4 Officer determines -- it's up to the Executive Officer to  
5 determine after that consultation whether it's controversial  
6 or likely to generate significant debate and if not, the  
7 Executive Officer approves the settlement. And yes, if it  
8 is then the Advisory Team attorney would inform the  
9 Prosecution Team attorney and they would then schedule it  
10 for a public meeting.

11           Okay. Now, if it comes to a public meeting or  
12 even with the EO determining whether to approve the  
13 settlement there's no adjudicatory hearing, there's no  
14 presentation of evidence, there is no cross-examination.  
15 There's none of the adjudicatory procedures. Rather as Dave  
16 had mentioned, the parties will make a statement to the  
17 Board as part of the settlement, ask for the Board's  
18 questions, but there wouldn't be any hearing. And then  
19 whether the EO is approving the settlement or the Board, the  
20 option is either approve it or not approve it. But you  
21 could request -- you might want some changes and even  
22 request those changes. You might not like if there's a set.  
23 You might not like it and want to discuss that, so you could  
24 make those requests. But if the parties say no we're not  
25 going to make the changes, then your option is still are you

1 going to approve the settlement or not approve the  
2 settlement?

3 And if you approve it, it becomes a final action  
4 and it can't be changed after the fact.

5 Now, if the Board does not approve the settlement  
6 then the parties can go renegotiate something and come back  
7 to the Board again with a new settlement. And if the Board  
8 does hold a public -- so if the settlement isn't  
9 renegotiated to the satisfaction of the Board then it would  
10 eventually come to you for an administrative civil liability  
11 hearing. And then in this Board, the technical process is  
12 you have a panel hearing of three panel members of the Board  
13 and then there's a full evidentiary hearing with all the  
14 procedures that go along with that including presentation of  
15 evidence and cross-examination and then closing arguments.  
16 And then ultimately the Board adopts an administrative civil  
17 liability order.

18 So the next steps really are to if you have any  
19 questions or comments about the framework that we put  
20 together we have you hear those and then the next steps  
21 well, Mr. Unger is going to provide this to all the staff  
22 with a cover manual and it'll be helpful for staff to  
23 understand what the process is going forward.

24 And I think that's all I have to say, any  
25 questions?

1           CHAIR MUNOZ: Yes. No, but I would like to  
2 recommend that you review that process with the new Board  
3 members when they're appointed, because I think this is very  
4 important for them to know. I even think it would be  
5 important to present this to the colleagues (phonetic), so  
6 that they know what -- they know the process. And I believe  
7 we have a council member (indiscernible) and ask, because I  
8 think that everybody should know what the process is. That  
9 way they understand the very serious nature of this and all  
10 the steps that it takes.

11           Are there any questions or comments from our  
12 Board?

13           BOARD MEMBER DIAMOND: I have one.

14           CHAIR MUNOZ: Okay. Why don't we start with  
15 Ms. Frances?

16           BOARD MEMBER DIAMOND: At one point you talked  
17 about when there are certain -- is my mic on?

18           UNIDENTIFIED SPEAKER: Yes, it is.

19           BOARD MEMBER DIAMOND: At one point when we had a  
20 report several months about a settlement, I think it was  
21 with the City of Industry, and we asked -- and maybe that's  
22 the reason why we're having our information item today, if  
23 that isn't -- we talked about perhaps settlements that were  
24 that large should come before the Board just because they  
25 would rise to the level of perhaps the Board would want to

1 hear those. And I'm wondering if we're going to talk about  
2 that today or at a future time or I don't know.

3 MS. MCCHESENEY: Well, the delegation that you  
4 adopted has the process that I laid out of if it's over a  
5 certain amount to consult with the Chair. And I think given  
6 it's very rare, obviously that was the largest settlement in  
7 the region and the state as I understand it, that it's very  
8 rare. And you certainly could designate for (indiscernible)  
9 element any large settlements like that go -- or prefer they  
10 come to the Board. And that's totally reasonable to do  
11 that.

12 BOARD MEMBER DIAMOND: Okay. Thank you.

13 CHAIR MUNOZ: Any other -- yes, Madelyn?

14 VICE CHAIR GLICKFELD: So here are the concerns I  
15 have. You know, listening to Mr. Boyers and to Mayumi I am  
16 not convinced that within the negotiation process, thinking  
17 about this City of Industry settlement and others, that I'm  
18 worried about the fact that there may not be adequate  
19 consultation with all of the parties that would be  
20 interested in this, because it's not a regular hearing  
21 process. It's a solicitation for letters. People don't  
22 have full information about the issues.

23 When a settlement provision is dropped by the  
24 state from consideration within the settlement that's not  
25 what goes to the public. That's not what goes to the



1 Executive Director. That's not what goes to the Chair. So  
2 it's only after the fact, if at all, that we discover that  
3 process. And I think that's really the concern.

4 I think the other concern is in general we don't  
5 have hearings anymore, period. We don't have PAL (phonetic)  
6 hearings, which is adjudicatory. Not the settlement process  
7 that we were talking about, but I still think that there's  
8 an inconsistency with the pre-adjudicatory ACL consultations  
9 with the Board and what we get in terms of the ones that are  
10 conducted in the middle of litigation. We constantly get  
11 stuff that's done in litigation, but we had some SSOs that  
12 were not yet in litigation I believe. And that those came  
13 to us as well.

14 So I just think that that part of it needs to be  
15 clearer about what our role as advisors are and when you  
16 recommend to the Advisory Team that that you, me or others  
17 recommend to the Advisory Team that they bring it to the  
18 Board. So I think you need to think about that, so there's  
19 some consistency thinking about the fact that when you drop  
20 provisions from the settlement that it's very difficult for  
21 you to find all the people that might have real information  
22 about what the locations are.

23 MS. MCCHESENEY: Well, I wanted to just --

24 CHAIR MUNOZ: May I ask a clarification here based  
25 on didn't we as a Board ask that we not be participating in

1 hearings? I'm confused about that, so --

2 MS. MCCHESENEY: Well, I'll answer it, the  
3 question.

4 CHAIR MUNOZ: Okay. Good, thank you.

5 MS. MCCHESENEY: So the question about knowing what  
6 goes on behind the curtain, you know, that's (indiscernible)  
7 recent rule requirements of the evidence probe, that those  
8 discussions be confidential, so that as David and Mayumi  
9 describe the process, they can have full frank discussions.

10 But so that part and then there is the public  
11 process where there is an opportunity for the public. So  
12 I'm not sure if that was your question, but I mean obviously  
13 we can't go (indiscernible) --

14 (Traffic noise interferes with audio.)

15 VICE CHAIR GLICKFELD: You know, we can't fix what  
16 happened, but what I'm talking about is really important and  
17 that you understand it, is that because of confidentiality  
18 the only time that the enforcement team can really find out  
19 whether giving up on something is a good idea is to do a lot  
20 of outreach to people. But if they can't do it, because  
21 they're in the middle of confidential agreements, but it's a  
22 circle and it causes a lot of problems.

23 So bringing it to the Board, I think with the  
24 diversity of our Board and our participation we solved the  
25 problem right away. And so it would be helpful in bringing

1 it to the Board in a public hearing, I believe. I mean, we  
2 wouldn't hold public hearings if we only set things out for  
3 comment in some of that, but the public hearing itself on a  
4 big matter matters. It's an issue that more people will get  
5 involved. More people will give more information. We might  
6 not change our decision, but we might. So I think that's  
7 something to keep in mind.

8 CHAIR MUNOZ: I hate to interrupt the  
9 conversation, but I think we need to open up the rest of  
10 these windows, because (indiscernible) so if we can just  
11 take two minutes and open up the windows. And pull out the  
12 curtains.

13 UNIDENTIFIED SPEAKER: The air came back on. The  
14 air came back on and cool air is forming.

15 CHAIR MUNOZ: It is?

16 UNIDENTIFIED SPEAKER: Yeah.

17 CHAIR MUNOZ: Is it on?

18 UNIDENTIFIED SPEAKER: Yeah.

19 MS. SMITH: And the court reporter can't hear with  
20 the trucks going by, so she said (indiscernible).

21 (Colloquy regarding air conditioning.)

22 BOARD MEMBER DIAMOND: So trying to answer the  
23 question that you asked I don't believe, and the staff can  
24 correct me if I'm wrong, that we ever said we don't want to  
25 do hearings. I think we were having so many of the small

1 hearings, because of the MMPs right that we said we're not  
2 (indiscernible) that we shouldn't be sitting and hearing all  
3 of these, because it's just too much. And staff can handle  
4 these much more efficiently, but I don't think we ever said  
5 that the big ones shouldn't come before us. So I think  
6 that's the answer.

7 MS. OKAMOTO: And I wanted to address Board  
8 Member's Glickfeld's comments also. You had mentioned  
9 instances where the Board seems to be more engaged in the  
10 process of saying express mentioned instances where the  
11 Board seems to be more engaged in the process of saying  
12 (indiscernible) with the steps, really being involved in  
13 that review process.

14 And I do want to make the distinction between  
15 enforcement matters that are brought on by the Prosecution  
16 Team to be heard by you as a mutual decision maker versus  
17 cases that are brought by the Board through the Attorney  
18 General's Office where the Board and your advisors and often  
19 times your attorneys from the Office of Enforcement kind of  
20 sit more in that client position. So a lot of that is there  
21 are cases that this Board has done in the last couple of  
22 years have been that latter type of case where the Board is  
23 sitting in the client position. And so there's a lot more  
24 say in that review process of saying yes or no to certain  
25 types of projects. Of saying yes or no to a certain amount

1 of liability.

2 VICE CHAIR GLICKFELD: So is there litigation in  
3 place for every single one of the things that come before  
4 our Board, because I can think of some examples that we  
5 didn't litigate. We talked about it, but we didn't  
6 litigate.

7 MS. OKAMOTO: Correct. Yeah, so when we say  
8 litigation I mean, we think of litigation in the context of  
9 a civil action in Superior Court. And there has been those  
10 instances with certain centers who are overflow cases that  
11 we have tended to initiate in a civil court with the Board  
12 in the client position versus cases that are brought by your  
13 staff administratively before you where you have to remain  
14 neutral and really don't get a lot of say in terms of what  
15 happens prior to a case coming before you either in a  
16 settlement approval context or an adjudicative hearing.

17 And then just one other point that I want to  
18 clarify too about this lack of seeing enforcement hearings  
19 coming before this Board. You know, as Board Member Diamond  
20 was saying for a long time when we were doing the big  
21 mandatory minimum penalty push it felt like every Board  
22 meeting there was an MMP enforcement matter on the agenda.  
23 I think since we've gone past that initial MMP enforcement  
24 initiative and we're getting into the realm of larger  
25 discretionary cases those types of cases do tend to settle.

1     There's a will on the part of the Discharger to want to  
2     resolve these cases prior to going to a hearing, prior to  
3     expending lots of their resources and attorney time to  
4     adjudicate it before the Board.

5             So I think a lot of it has to do with the nature  
6     or the types of enforcement the unit is working on too,  
7     where we've kind of moved past that mandatory minimum  
8     penalty enforcement. So the cases that do come before you  
9     they're just going to be more difficult cases where a will  
10    to settle may not necessarily be there. And those kind of  
11    seem to be a little fewer and far between now.

12            VICE CHAIR GLICKFELD: If I could make a last  
13    comment? I think one of the things we're focusing on is how  
14    much information the EO and the Chairperson gets in order to  
15    decide whether it has to go to the Board or not. And it may  
16    be that they need to have information about what was not in  
17    the settlement in order to do that. But I think you're  
18    saying you can't give it to our advisors?

19            MS. OKAMOTO: Yeah, I mean without a waiver. You  
20    know, both parties have to essentially agree to waive that  
21    cloak of confidentiality.

22            VICE CHAIR GLICKFELD: Totally or for one specific  
23    item?

24            MS. OKAMOTO: Well, it depends on the nature, I  
25    guess of the clarifying questions that the Advisory Team may

1 have or the parties. But there does have to be that  
2 agreement, okay we do recognize there's a need to provide  
3 fuller information so that the advisors and the Board can  
4 make a decision. So we'll waive this very limited  
5 confidentiality over X, Y, and Z issues. But that does have  
6 to be done by both parties in order of us to give you kind  
7 of a broader peek behind the curtain.

8 VICE CHAIR GLICKFELD: Well, I would just  
9 recommend to you that the next time you waive mitigation,  
10 because they say it's going to be fine without it that's a  
11 red flag. That I think that the Board needs to know.

12 MS. OKAMOTO: Yeah, and I will say the process  
13 that the staff has developed, the framework that Frances has  
14 introduced or not really introduced but memorialized in this  
15 document, I think will really help also, so.

16 CHAIR MUNOZ: Okay. Well, in any case my  
17 observation is that we're overly concerned, because of what  
18 happened. But I don't think we want it to go quite where we  
19 want to be a fifth lawyer in the room. That's not the point  
20 of the Board here, is for us to look at all the work that  
21 was done. That's what they get paid for and they're very  
22 competent. What we're supposed to do is if we have more  
23 questions when it's presented to us or to the Board Chair if  
24 it goes to that point, that we ask those questions. And if  
25 there's any flags that are raised it's because the Chair and

1 the Executive Officer raised them though. Then we don't  
2 have a process.

3 I'm not undermining the intelligence of the Board,  
4 but this is a process that has a lot of complications in its  
5 negotiations and all of the factors and so on and so forth.  
6 You can't capture all that in a report; all those hours of  
7 going back and forth and so on and so forth. I'm not a  
8 lawyer, but I've gotten myself in complications in  
9 negotiations and I'm not sure I want everybody to be privy  
10 to all of that. So I'm trying to -- if someone on the Board  
11 can help me clarify what I'm trying to say here.

12 MS. MCCHESENEY: Well, I would just add that the  
13 framework that actually lists a bunch of things that might  
14 be things to consider in determining whether it should come  
15 to the Board and we didn't have that before. And I think  
16 that's pretty helpful to just kind of focus the kinds of  
17 questions that might be good to look at and take into  
18 account. And yeah, if you think of any others we can,  
19 because this is not a set-in-stone document we can add and  
20 make sure whatever seems appropriate to be considering our  
21 consultation process.

22 CHAIR MUNOZ: I also wanted to share with  
23 everybody that when Sam called me to inform me and to talk  
24 to me about the settlement I was so excited and happy about  
25 the large settlement, that I knew that would never happen,



1 that I focused on that case in thinking oh my god, we're  
2 here. As opposed to asking the questions how did we get  
3 here, how difficult it was and all of the various things and  
4 so the due diligence maybe I should have been more  
5 considerate of. But at that point I didn't even know my  
6 approval authority.

7 So I think that when you have a new Chair it has  
8 to be very clear as to what this means. And I'm assuming  
9 the responsibility, because as Chair I should be asking  
10 questions. What is my responsibility here? What is my role  
11 here? So once again I think that we need to let the lawyers  
12 do their work and they will bring things to our attention  
13 when it needs to be brought to our attention. And I'd like  
14 to hear from the other Board Members what they think,  
15 because I think we should be involved but not get into the  
16 minutiae stuff. I don't mean to be --

17 BOARD MEMBER STRINGER: I just had a couple of  
18 reactions. One is just on the issue of confidentiality, I  
19 understand it. But I think there should be a better  
20 appreciation for the need to provide for waivers around that  
21 to the extent that is necessary to make sure the Board is  
22 making an informed decision. And I think that that can be  
23 done in ways that respects the process, but I do think that  
24 it should almost be especially on complex sort of cases that  
25 have policy implications, I think there should almost be a

1 presumption that that should occur. And we can work it  
2 through on a case-by-case basis and again with respecting  
3 all of the need for that confidentiality, which I totally  
4 get having been in just about every role in this process  
5 that you're talking about.

6 The other reaction I had is this paper framework  
7 that we got today, I think we need a little time to digest  
8 it.

9 MS. MCCHESENEY: Oh, yes. So you can just give me  
10 a call or send me an email or whatever through.

11 BOARD MEMBER STRINGER: So and I think the  
12 presumption should always be that we as a Board need to be  
13 able to make informed decisions about what we're signing off  
14 on. That seems kind of self-evident, I think. Go ahead.

15 CHAIR MUNOZ: In the (indiscernible) but not  
16 necessarily today is the question was asked about were they  
17 going to restore the areas. And because I don't know and  
18 Frances, you did mention to me that it had been three years  
19 and that nature is restoring itself, and so I guess I need  
20 more of that kind of information and generally for other  
21 situations.

22 MS. MCCHESENEY: Right. Well, I think that the  
23 plan is as Sam mentioned in this report that Deb would  
24 continue to go look at the site and they're gathering  
25 information or working with the Department of Fish and

1 Wildlife to look at what if any work would be appropriate  
2 and will be reporting back to you. So on that specific one  
3 I would rather not get into more detail, because they need  
4 to do their --

5 CHAIR MUNOZ: Right. I was talking about  
6 generally.

7 MS. MCCHESENEY: Yeah, and generally I think you  
8 had mentioned interest in learning more about restoration  
9 projects in general. And I'd be happy to have an  
10 informational item about that.

11 CHAIR MUNOZ: That would be great, yes. Because I  
12 don't know --

13 EXECUTIVE OFFICER UNGER: And I think I guess I  
14 would like to make -- yeah, and we will report back to you  
15 when we get the report from Deb and Fish and Wildlife on  
16 what can be done and steps that we may be able to take to  
17 implement that at the Fallows Campsite. And Frances, just  
18 tell me to stop if I go -- but I think it might be  
19 appropriate at least as a first step to amend or revise the  
20 delegation authority to include specifically for 401 type of  
21 violations that some sort of component for restoration is  
22 considered in the decision to bring this before you or not.  
23 I think right now we have a dollar amount and

24 MS. MCCHESENEY: Right, well we can talk about it  
25 later, but I think it could just be in part of the -- you

1 know, add to the consultation that list of things to  
2 consider (indiscernible) --

3 EXECUTIVE OFFICER UNGER: (Overlapping) That's all  
4 I'm talking -- I mean that's exactly --

5 MS. MCCHESENEY: -- what the main (indiscernible)  
6 step is and all that.

7 EXECUTIVE OFFICER UNGER: Right, and that's  
8 exactly --

9 MS. MCCHESENEY: So instead of because what could  
10 be, I really want to just think that there is one type of  
11 matter that the Board might be particularly interested, but  
12 rather just pay more attention to that subject.

13 EXECUTIVE OFFICER UNGER: Yes, and thank you for  
14 clarifying. And I think maybe we could discuss that and  
15 bring it to the Board and possibly if it's appropriate  
16 revise the delegation memo.

17 CHAIR MUNOZ: Okay. Any additional comments or  
18 questions?

19 VICE CHAIR GLICKFELD: I just think that as  
20 Executive Officer and whoever the Chair is that it would be  
21 appropriate for at least when they're getting informed by  
22 the Enforcement Team and the attorney is getting informed by  
23 the Enforcement Team, the question should be asked was there  
24 any major points that the Enforcement Team tried to  
25 implement that weren't implemented and why weren't they

1 implemented? And that would mean that they would have to go  
2 back to the parties and seek a waiver.

3 So I think that if we were talking about something  
4 big where there is damage not only for interference with  
5 water ways, but other things that are big. Where there's a  
6 contention about whether or not we want to accept, whether  
7 we want money and how much money is right, I think it would  
8 be good to at least ask and if they don't want to disclose  
9 they don't disclose.

10 CHAIR MUNOZ: Yeah, okay.

11 MS. MCCHESENEY: Anything else?

12 CHAIR MUNOZ: Thank you, very much.

13 We're going to move on to public forum and we only  
14 have one card. The rest of the cards are for Item 9 and  
15 that's Councilwoman Judy Nelson from the City of Glendora.  
16 Please step forward.

17 COUNCILWOMAN NELSON: Thank you, Chair Munoz and  
18 Board members, I am Judy Nelson. A Council Member of the  
19 City of Glendora and the Vice Chair of the San Gabriel  
20 Valley Council of Government's Water Committee.

21 I wanted to respond to Chair Munoz's comments in  
22 her early report about her listening sessions, which when  
23 she came to the San Gabriel Valley COG was really  
24 transformational. It started a relationship that was more  
25 collaborative; that we feel that we are being listened to by

1 the Board and while we do have concerns that there are ears  
2 listening to those concerns. And Sam Unger and Renee Purdy  
3 also came and we've been able to speak with them further  
4 about those concerns.

5 I also wanted to say that your proposal, Chair  
6 Munoz, to facilitate meetings with businesses, NGOs, the  
7 Regional Board and cities would be highly enthusiastically  
8 received by the cities. We very much want to collaborate.  
9 I've learned from other experiences that when we collaborate  
10 with people that maybe we think are fighting with we  
11 actually, if we have a common goal, can get to that common  
12 goal once we start talking. So I think that's really  
13 important.

14 Lastly, regarding the industrial permit you asked,  
15 Chair Munoz, how our city handles it. We, when someone  
16 comes to the city for a permit to open a business they go to  
17 Public Works. If they're deemed to be one that needs an  
18 industrial permit we send them to the Regional Board to get  
19 that permit and then we monitor them. We monitor their  
20 compliance.

21 And my Public Works Director just informed me that  
22 an item is coming to our Council shortly to authorize  
23 \$25,000 for a consultant to follow up on a regular basis  
24 since we're required to make sure that those permits are  
25 being handled the way that they should. That they're in

1 compliance and it's more than we can handle within our city,  
2 so we're being asked to authorize additional funds to do  
3 that.

4           So thank you very much for what all of you are  
5 doing. I really appreciate it and we look forward to  
6 working together with you.

7           CHAIR MUNOZ: Thank you.

8           MR. COUPE: Chair Munoz, it just came to my  
9 attention, I think there's another public comment card. If  
10 you haven't received it we've got another request for public  
11 comment at this time.

12           CHAIR MUNOZ: Oh, okay. Please come forward,  
13 Councilwoman.

14           MAYOR PRO TEM CRUDGINTON: My name is Gloria  
15 Crudginton. Actually I got a promotion to sworn Mayor Pro  
16 Tem with the City of Monrovia.

17           CHAIR MUNOZ: Congratulations.

18           MAYOR PRO TEM CRUDGINTON: Thank you. I wanted to  
19 thank Vice Chair Glickfeld for her kind comments earlier. I  
20 did also attend the Atwater-L.A. Coalition kickoff. I woke  
21 up this morning sort of levitating on my bed from the energy  
22 of it. I had several -- actually I had five conversations  
23 with five separate environmental NGOs. And those  
24 conversations were about future possible collaboration, so  
25 it was definitely worth my while to be there and I was

1 really happy to do that.

2 In addition to that a couple of weeks ago I flew  
3 up to Sacramento to testify on behalf of Holden's AB 1180.  
4 This is a piece of legislation that would create a tire fee,  
5 specifically dedicate an ongoing fund, money that we're  
6 pouring into a fund specifically for stormwater cleanup.  
7 This is something that I have been talking to, particularly  
8 Heal the Bay about, and how we might look at ways to raise  
9 fees from anybody who uses a product that winds up polluting  
10 our stormwater. It's only fair. If they're going to put it  
11 in they ought to help us take it out. And after I testified  
12 I was just delighted to see that Heal the Bay had mustered a  
13 whole bunch of environmental health and support for it, so  
14 it was like the cavalry arrived at the end of the  
15 testifying. And it's worked its way through Committee and  
16 Assembly Appropriations, so hopefully this might be part of  
17 our first dedicated source ongoing for stormwater. And  
18 hopefully there will be a lot more.

19 I wanted to thank you specifically for the  
20 emphasis that you're making on environmental NGOs and  
21 municipalities working together. And it is becoming  
22 increasingly clear to me that we're not going to be able to  
23 do this unless it's like a three-legged race. And if we're  
24 just smack at each other we're not going to get across the  
25 goal line. We need each other to get across this goal line.



1 And as Judy mentioned it is a lot easier to work this out as  
2 we learn from your example when on the talking, listening  
3 tour that you were doing. It is a lot easier to work things  
4 out with someone you have a relationship with than a  
5 stranger that you know nothing about.

6 So that's part of -- because I was in a prior  
7 career incarnation a marriage and family therapist for 30  
8 years, I really do believe in the power of relationship.  
9 That any kind of relationships can heal, that working  
10 together we're stronger. And I intend to continue to devote  
11 myself in that direction, so thank you so much for your  
12 example. We'll take it and do more. Thank you.

13 CHAIR MUNOZ: Thank you. Ms. Gloria, I need you  
14 to fill out a card, because I don't seem to find yours.

15 MAYOR PRO TEM CRUDGINTON: Okay. I'm happy to.

16 CHAIR MUNOZ: Okay. Thank you.

17 Moving on to Item 12, Mr. Unger, do you have  
18 opening remarks?

19 EXECUTIVE OFFICER UNGER: I think that Item 12 is  
20 NASA, NASA GPL.

21 (Off mic colloquy.)

22 EXECUTIVE OFFICER UNGER: Item 12 is an  
23 information item to provide you information regarding  
24 groundwater treatment at the Jet Propulsion Laboratory. And  
25 this is Steve Slaten who is the Program Manager for that

1 project for groundwater cleanup at both JPL and some of the  
2 downgraded offsite wells that are serving drinking water to  
3 the cities of Pasadena and Altadena. And I think that's it.

4 MR. SLATEN: Thank you.

5 EXECUTIVE OFFICER UNGER: Thank you.

6 MR. SLATEN: So I was thinking that I would have a  
7 pointer and be able to point to things. You can see what's  
8 on the screen that we can see, right?

9 CHAIR MUNOZ: Right.

10 MR. SLATEN: Okay. All right, so I can make this  
11 go pretty quickly. I mostly have some pretty photographs to  
12 tell kind of the story of the success that we've had. So  
13 let's just go ahead and go to the next slide.

14 So this is just to remind us all of where we are  
15 and where JPL is. You can see that this is most of L.A. and  
16 JPL is tucked right up against the mountains. We have  
17 Forest Service land right behind us and then all down below  
18 us between there and the ocean are millions and millions of  
19 people. The next slide?

20 This is taken at JPL from up above on the mesa  
21 above JPL looking towards Pasadena. And really pretty much  
22 right in the middle of those buildings is about where we are  
23 in Downtown Pasadena. So we're looking at JPL and the  
24 Arroyo Seco is there along the left, Altadena and then  
25 Pasadena to the south. Next slide?

1           So what we're talking about here is a groundwater  
2 basin. It's the Raymond Basin is a large groundwater basin  
3 up here. It's about 20 miles across. And what we call the  
4 Monk Hill sub-basin is where JPL is. It's partly in the  
5 basin, but kind of up above the most of the rest of it. JPL  
6 is sort of top left, the mountains behind it. And what we  
7 have underneath us, under Altadena and Pasadena is this  
8 wonderful aquifer that's up to about a thousand feet thick  
9 filled with this wonderful groundwater, which has been a  
10 very important resource for the area for well over a  
11 century. And it's in the Raymond Basin and it's an  
12 adjudicated basin where people's water rights are watched  
13 closely by the Raymond Basin Management Board.

14           The next slide tells you basically the big picture  
15 of what's going on. But going back to the 1940s when the  
16 U.S. Army ran JPL they dumped their liquid waste into pits  
17 into the ground. It went out of sight and out of mind and  
18 went down to the groundwater a couple of hundred feet below  
19 the surface. And then over the decades it migrated to the  
20 east and southeast towards our neighbors' drinking water  
21 wells, the City of Pasadena and Lincoln Avenue Water  
22 Company.

23           So what we have is a plume of dissolved chemicals  
24 about a mile long. Now, the good news about this is that we  
25 had relatively small amounts of chemicals. JPL was never a

1 big industry. It was small scientific endeavors where a few  
2 pounds of chemicals would be used at a time and then  
3 disposed. So in total we have a few thousand pounds total  
4 of chemicals and what that really means is this is a job  
5 that is doable. That it is not intractable. We know  
6 exactly what we need to do and how to clean it up. And what  
7 we have now that we're cleaning up are part per billion  
8 levels of a couple of chemicals in the groundwater. Of  
9 signature is perchlorate and carbon tet (phonetic) and we  
10 know what to do and how to clean them up.

11 And I'll talk more about our three plants now.  
12 There is a plant onsite on JPL that pumps up groundwater,  
13 cleans it up and reinjects that clean groundwater back into  
14 the ground at JPL, then two other treatment plants, which  
15 actually are for treating water for drinking water purposes.  
16 The City of Pasadena, what we call a multiple-treatment  
17 (phonetic) system. They've got four wells that go into  
18 there and that's a big system, it can handle 7,000 gallons a  
19 minute of water. And then out on what we call the leaving  
20 edge of the plume, the Lincoln Avenue Water Company has  
21 three wells out there. And we have a treatment plant out  
22 there as well.

23 So what we -- the way we approached this was when  
24 I got there we -- there had been a lot of studies. And we  
25 knew where things were, but we weren't sure how we were

1 going to finish the cleanup. So what I did is I went and  
2 talked to my neighbors that were impacted and some of their  
3 wells had been shut down and they were not able to access  
4 this resource. And I said to them, "What NASA can do is pay  
5 for a new treatment plant that will take all the chemicals  
6 out of the water, so you can go back to serving this water  
7 to your customers." So that's what we've done. We've built  
8 two offsite treatment plants for our neighbors.

9 So what we have is a partnership with them. It  
10 works very well. We get the treatment that we need to get  
11 the permanent solution of getting these chemicals out of the  
12 ground. And these water companies are able to go back to  
13 serving their customers. Next?

14 This is just a map of where the three treatment  
15 plants are. One is onsite, we call the source area, that's  
16 the top left photo. And what we call the mid-plume is the  
17 bottom left photo, that's the City of Pasadena treatment  
18 plant. And the picture on the top right and then the  
19 furthest right of the wells, that's for the Lincoln Avenue  
20 Water Company system. Next?

21 Now, I'm going to talk a little bit about the  
22 outreach that we've done, because a very, very important  
23 part of what we've done is not just the science and the  
24 engineering, but it's how we interacted with our neighbors  
25 and our stakeholders to make this happen. Because I always

1 said the best technical plan in the world won't work if  
2 people don't trust you to implement it, so Merrilee Fellows  
3 sitting back here is in the pink dress. We came on at about  
4 the same time, 13 1/2 years ago, and what we were told by  
5 NASA is we want to do the right thing and treat our  
6 neighbors right, so this has been a wonderful project to  
7 work on from that.

8           What I wanted to show is Fred Gregory who was a  
9 Senior Manager in Washington and an astronaut is talking to  
10 Bob Hayward, the General Manager of Lincoln Avenue Water  
11 Company there. And then that's me with my tie that I wear  
12 every once in a while. Next. (Laughter.)

13           On another picture, yes I have a tie on in that  
14 picture too. This shows the other part of other Lincoln  
15 Avenue Water Company, also Bob Hayward from Lincoln Avenue  
16 Water Company and some of my NASA Headquarters colleagues  
17 who helped to make this happen. The next photo?

18           This is the big tanks that are at the Monk Hill  
19 treatment system site for the City of Pasadena. In this  
20 picture is myself, also Yarissa Martinez is my EPA Remedial  
21 Project Manager we've worked closely with. And in that  
22 picture I can see half of Dave Connor's head. Dave Connor  
23 is my Field Geologist Engineer who actually built these  
24 plants. Next?

25           So we've had a very successful regulatory team and

1 I've been so very lucky. All of the people we've had to  
2 work with have just been wonderful for over the last decade  
3 and a half almost. EPA has had wonderful people to work  
4 with. Yarissa's been with us for a few years. DTSC, most  
5 recently Chand is our RPM there and at the Water Quality  
6 Control Board now it's back to Kwang Lee. It was Jeff  
7 Brooks for a while.

8           So we also have to work closely with Lincoln  
9 Avenue Water Company and Pasadena Water and Power. We have  
10 agreements in place. We've paid out millions of dollars a  
11 year to them to cover all the costs, all of our impact of  
12 having our chemicals in their water. We've had to work with  
13 the water permitting people as well and also all around us  
14 are other water agencies, which are very concerned about  
15 what may happen to them. So we have to work closely with  
16 them to make sure that we don't impact them as well.

17           Some more nice photos with people, some of my  
18 high-level headquarters people. The point of that is that  
19 NASA really paid attention to this all the way to the very  
20 top. And at the very top they said, "We need to do what it  
21 takes to make this right." Next?

22           Now this, we don't need to go into detail in this,  
23 but I'll just point out that this is not a new thing. That  
24 this issue was identified going back into the '80s and that  
25 there's been decades of investigations and cleanups going

1 on. So it's a really mature project and we know a lot more  
2 than most people know about their sites, because of the  
3 decades of information and work we've had on it. So really  
4 what I'll point out mostly is that starting in the 2000s we  
5 got the treatment plants on and all the treatment plants  
6 running. And we got an Interim Record of Decisions, which  
7 said yes putting the treatment plants on is the right thing  
8 to do.

9           So now we're through the process now. We've  
10 worked through this long circle process and we're down to  
11 where we've submitted a final ROD for signature and what  
12 that ROD says is what we're doing to do this cleanup is  
13 working. It's going to continue to work and we need to  
14 continue to use these three treatment plants until the job  
15 is finished. The job will be finished somewhere in the 10  
16 to maybe 13-year range, so there's still work to be done.  
17 But we've got the treatment plants in place to get the job  
18 done. Next slide?

19           This is just an example. This is only one of our  
20 wells, but all of our wells tell a similar story that before  
21 we put on the treatment we had perchlorate levels in this  
22 case, that were up in the 100 part per billion range or  
23 more. And after we put on the treatment, and this is what  
24 you always hope to see in a groundwater cleanup, is a curve  
25 that goes down like this. Usually, it goes down quickly at



1 first and then it flattens out and we're definitely seeing  
2 that. It projects right along where our theoretical curve  
3 said it would be when we started this. And that bottom line  
4 at the bottom is six parts per billion, which is drinking  
5 water standards so you can see we're still above drinking  
6 water standard. And when you get down near the tail end  
7 it's going to take several more years to finish and reach  
8 drinking water standards. Next.

9 A little bit more about the community outreach and  
10 this is just some photographs of some of our meetings and  
11 outreach and publications. I won't read all of this you can  
12 see, but we have literally spent millions of dollars and  
13 thousands of hours on community outreach and it's worth  
14 every penny. Because like I say we've gone from when  
15 Merrilee and I first got here where there was a lot of  
16 mistrust and a lot of misunderstanding and people were  
17 concerned. And we have put in a lot of effort in turning  
18 that around. We have great relationships with all kinds of  
19 neighbors, so we're really proud of that. And we continue  
20 doing that. We know that that's an important thing that you  
21 have to do. Next slide?

22 Now, this is another thing. Up Arroyo Boulevard  
23 is the Monk Hill treatment plants; the City of Pasadena lot  
24 where we put in that big 7,000 gallon a minute treatment  
25 plant. And the area frankly, it sort of borders Altadena

1 and Pasadena. It was kind of blighted for a long time and  
2 we came in and said, "We need to install a treatment plant  
3 in that location." It was the right place, the only place  
4 that we could put in a treatment plant. So we worked with  
5 neighbors, told them that we were going to do a good job of  
6 making that treatment plant fit in the neighborhood and not  
7 harming their enjoyment and their values in their  
8 neighborhood.

9           So you can see what was up on top. It was  
10 actually a lot worse than that at times. And down on the  
11 bottom it's actually better than that now, because we've had  
12 a few more years of that landscaping to grow in. We've put  
13 in landscaping all along that entire block. It's a block  
14 long there and it's grown in really, really nice and it's  
15 really pretty. And what's actually happened in the  
16 neighborhood, the neighborhood was kind of downtrodden. And  
17 after we cleaned up that one block down that side of the  
18 street, across the street and up and down the street, people  
19 started cleaning up and planting. And the whole  
20 neighborhood has really come back and I think it's -- I  
21 mean, the timing's right, things are (indiscernible) of  
22 course. And I think it's partly because of us being good  
23 neighbors and putting in a good-looking, nice coverage area  
24 for that new treatment plant. Next?

25           Now another thing that we did in the last year is

1 we drilled the new well for Lincoln Avenue Water Company.  
2 They had a well that's 100 years old and it's about to die  
3 and we said we need to make sure that there's a good well  
4 here that can finish this job for the NASA cleanup and then  
5 after that it belongs to the Lincoln Avenue. So they've got  
6 a new resource and we have a new well that we just put in  
7 and we actually did a lot of work with our neighbors. You  
8 can see we worked in the backyard of the Lincoln Avenue  
9 Water Company.

10 This is the middle of the neighborhood. There's  
11 no extra room and there's no empty lots, so we had to  
12 shoehorn it in to Lincoln Avenue's back parking lot. And we  
13 actually put up a 20-foot high sound wall fence, because on  
14 the lower picture, the right part of the lower picture is a  
15 home (indiscernible) that's just right across at the fence.  
16 And at the very top, that's a playground for a middle  
17 school. So we had to go and work with our neighbors,  
18 explain to them what we were going to be doing, and when you  
19 drill a well that goes almost 1,000 feet deep you have to  
20 run 24 hours a day for months. And it's an impact, so we  
21 did everything we could to lower the impact on the  
22 neighbors. Being careful about noise we made, we had to  
23 make some special equipment changes to make things quiet.  
24 So we really took into account the neighbors' quality of  
25 life there and what we needed to do. And we spent a lot of

1 money like on that high sound wall. That it was absolutely  
2 necessary for us to treat the neighbors right.

3 So the other thing we did about that and we worked  
4 with the Board, usually when you drill a new water well you  
5 have to develop it at first and pump out all of the sand and  
6 dirt and stuff that's in the well. And in every other case,  
7 everybody has to waste that water. They dump it into a pit  
8 or dump it down a stream or something. In our case since we  
9 were in the middle of the drought here we said, "We're going  
10 to treat that water," so we put it through double treatment.  
11 And it was added and used as a part of the water supply for  
12 Lincoln Avenue Water Company. So that 17 million gallons  
13 that it took to develop the well was saved. It did cost a  
14 lot of money to do that, but it was a good thing to do,  
15 because we didn't have a good place first of all to put the  
16 water. And so it was better then to use it and not waste  
17 it. Next slide.

18 Now, it's down to what I said is the Record of  
19 Decision. We've been through this long process for a couple  
20 of decades, went in a circle where you go through all your  
21 studies and you go through your plans. And then at the  
22 final you submit a final Record of Decision, which says,  
23 "We're committed to finishing this project. And this is the  
24 way we're going to finish it and our technology and  
25 everything is working to do that." So the good thing about

1 the ROD is it's sort of the final stamp on your project that  
2 says you know what you're doing, you're committed to do it  
3 and this commits the federal government to continue to fund  
4 this for another 10 to 13 years to finish the cleanup, so  
5 that the water's back where people can drink it without it  
6 needing treatment any more. Next.

7 That was it.

8 CHAIR MUNOZ: Thank you for a great presentation  
9 and very thoughtful and great. And I really enjoyed your  
10 commitment to key engagement and I think you're right.  
11 You've got to make sure everybody who lives near and around  
12 you is informed, so they can buy in and make the process a  
13 lot smoother. Because sometimes when folks don't do that it  
14 extends the time of what you're doing with them, so this is  
15 great representation.

16 Any other comments from the Board or questions?

17 BOARD MEMBER FAMIGLIETTI: Hi.

18 MR. SLATEN: Hi.

19 BOARD MEMBER FAMIGLIETTI: I'm (indiscernible)  
20 nice to meet you, (indiscernible) like that.

21 So where is the onsite treatment plant, where is  
22 that. I mean, like near what building numbers?

23 MR. SLATEN: Well, we call it Building 332 and  
24 then we have a map of that. And it's right up above the  
25 firehouse.

1 BOARD MEMBER FAMIGLIETTI: Okay. So it's up  
2 there?

3 MR. SLATEN: It is.

4 BOARD MEMBER FAMIGLIETTI: And so that's the  
5 source location?

6 MR. SLATEN: It's in the area where the old pits  
7 were that caused the original problems.

8 BOARD MEMBER FAMIGLIETTI: Okay. And then the  
9 Monk Hill site, is that down near the end of the old east  
10 lot?

11 MR. SLATEN: Yes, except up on top of the hill  
12 it's near -- you know the parking lot where all the  
13 bicyclers park at the top where Arroyo and Windsor  
14 (phonetic) (indiscernible) --

15 BOARD MEMBER FAMIGLIETTI: Yeah, yeah.

16 MR. SLATEN: -- it's right along the block south  
17 of there. And it must be well hidden if you don't know  
18 where it is.

19 BOARD MEMBER FAMIGLIETTI: Yeah, no I don't. I  
20 don't, but I don't go over there anymore now that there's no  
21 parking.

22 So for those of you in the audience we actually  
23 work together, but we've never met. I think I get, is it  
24 Merrilee who sends out the emails once a year?

25 MR. SLATEN: Yes.

1           BOARD MEMBER FAMIGLIETTI: Thank you so much for  
2 those. Do you have any modelers that work in your group?

3           MR. SLATEN: Groundwater modelers?

4           BOARD MEMBER FAMIGLIETTI: Yes.

5           MR. SLATEN: Yes. So just to kind of tell you  
6 about what my group is, my group is me and Merrilee are the  
7 federal civil servants that work on this. And we're the  
8 only federal --

9           BOARD MEMBER FAMIGLIETTI: So you actually work  
10 for NASA as opposed to me, right, because I work for  
11 Caltech.

12          MR. SLATEN: Yes. We're NASA Headquarters.

13          BOARD MEMBER FAMIGLIETTI: I masquerade as a  
14 government employee.

15          MR. SLATEN: What is?

16          BOARD MEMBER FAMIGLIETTI: I masquerade as a  
17 government employee.

18          MR. SLATEN: Oh, okay. The distinction doesn't  
19 really matter for this, but Merrilee and I, we get the work  
20 done through COP contractors. And so my main contractor is  
21 Tidewater and Dave works for Tidewater. And Tidewater is  
22 all over the country and when we need a groundwater modeler,  
23 they go out and get me the right, the best ones. And  
24 they've got great people and --

25          BOARD MEMBER FAMIGLIETTI: Okay. I think the best

1 ones are in my group, but that's okay. (Laughter.) No, we  
2 don't have any, just kidding. So did you say --

3 VICE CHAIR GLICKFELD: Are you volunteering your  
4 group?

5 BOARD MEMBER FAMIGLIETTI: No, no I'm not,  
6 Madelyn.

7 Do you inject that water back in then?

8 MR. SLATEN: At the onsite treatment plant that's  
9 the one treatment plant where the water is pulled up sort of  
10 downhill and down gradient, treated where it's clean enough  
11 to drink, but we don't drink it. Then we reinject it uphill  
12 and up gradient and it helps to wash out that underground  
13 sands that -- and so it's kind of a flushing. And so the  
14 levels have come way, way down there.

15 BOARD MEMBER FAMIGLIETTI: Sure, sure. So I have  
16 two more questions and I'll let you go. One, will you come  
17 and talk to our group sometime and tell us about all of this  
18 work? Because we're all hydrologists, but most of us are  
19 thinking about space and not thinking about the water that's  
20 actually underneath.

21 MR. SLATEN: Yes. That's definitely a part of my  
22 job is --

23 BOARD MEMBER FAMIGLIETTI: We'd love to have you  
24 over for a presentation. Okay, excellent and I had another  
25 question, but I just completely forgot it.



1           MR. SLATEN: Okay. Well, what I will offer to  
2 anybody on the Board however it works out for you is if you  
3 want to come and see the treatment plants I'll take you up  
4 if you want a tour.

5           BOARD MEMBER FAMIGLIETTI: That was the question.

6           MR. SLATEN: I took Sam a couple of weeks ago for  
7 a quick tour and we were out --

8           BOARD MEMBER FAMIGLIETTI: Sam, I can't believe  
9 you didn't invite me.

10          MR. SLATEN: We were out an hour and I --

11          EXECUTIVE OFFICER UNGER: I think you were  
12 traveling.

13          BOARD MEMBER FAMIGLIETTI: I probably was.

14          MR. SLATEN: We made it go pretty quickly there  
15 with Sam an hour and a half or something, and as much  
16 technical detail as you want. I mean, I could keep you busy  
17 for days with all the minutia of technical and how it works.  
18 But a couple of hours we can probably do a pretty nice tour  
19 if people want to do that, so just let me know.

20          BOARD MEMBER FAMIGLIETTI: Thank you.

21          MR. SLATEN: Otherwise our website has lots of  
22 information. It's [jplwater.nasa.gov](http://jplwater.nasa.gov).

23          BOARD MEMBER FAMIGLIETTI: Yeah, I know. I had a  
24 problem with that too, but we're going to talk about that  
25 later.

1 MR. SLATEN: Now, it's not perfect. But --

2 BOARD MEMBER FAMIGLIETTI: No, no, not the  
3 website, just the JPL water, so we wanted that and we went  
4 (indiscernible) water.jpl.

5 MR. SLATEN: Well, maybe it's for sale.

6 CHAIR MUNOZ: Well, once again thank you so much  
7 for your presentation. Oh, there is one more comment.

8 BOARD MEMBER YEE: Yeah, do you have a cost for  
9 reclaimed water per acre foot? I'm just curious.

10 MR. SLATEN: I could put a pen and pencil to it,  
11 but let me give you a couple of big picture numbers. We've  
12 spent almost \$150 million to date and we've got about \$65  
13 million more to spend. So it's not cheap to do this type of  
14 stuff.

15 BOARD MEMBER FAMIGLIETTI: And this is NASA that's  
16 spending that money?

17 MR. SLATEN: It's you if you're a taxpayer.

18 BOARD MEMBER FAMIGLIETTI: No, I don't pay taxes.  
19 (Laughter.)

20 MR. SLATEN: Okay. No, it's definitely taxpayer  
21 money that comes through NASA yes. And the good thing about  
22 this job is I've been able to get the resources I need to do  
23 things right, so that gives you an idea about just how much  
24 it costs.

25 Now, if you were to look at the tens of thousands

1 of acres of water that have been returned, treated and used,  
2 and do a cost I don't know how you'd do that. It's not  
3 cheap, but a few thousand acre feet per year costs us a few  
4 million dollars to treat. So I don't have a calculator with  
5 me.

6 BOARD MEMBER FAMIGLIETTI: It's a lot. It's a  
7 lot.

8 CHAIR MUNOZ: Any other comments or questions?  
9 Once again, thank you so much.

10 MR. SLATEN: You're very welcome.

11 CHAIR MUNOZ: This is very informative and  
12 actually wonderful.

13 MR. SLATEN: All right.

14 CHAIR MUNOZ: Okay. We are going to break for  
15 lunch. We're going to be back at 1:30 where we're going to  
16 go into Item 9 and do we need a report from (indiscernible)  
17 on what we're going to be doing in (indiscernible)?

18 MS. FORDYCE: Yes, during closed session the Board  
19 has set Items 13.3, 13.4, 13.5 through 13.13.

20 CHAIR MUNOZ: We'll see you all in one hour.

21 (Off the record at 12:34 p.m.)

22 (On the record at 1:37 p.m.)

23 (Colloquy between Board before meeting resumes.)

24 CHAIR MUNOZ: Good afternoon, we're going to get  
25 started with Item 9. We're going to have introductory

1 remarks from Deb Smith and Renee Purdy, but meanwhile if you  
2 could all stand and take the oath I'd appreciate.

3 MR. COUPE: Those that are providing testimony  
4 today.

5 CHAIR MUNOZ: Yeah, those who are providing  
6 testimony today.

7 (The Oath was given.)

8 CHAIR MUNOZ: Thank you. You may be seated.

9 MS. PURDY: Okay. Thank you very much. My name  
10 is Renee Purdy and I'm going to be introducing this item and  
11 then I'll turn it over, the presentation, to Dr. L.B. Nye.  
12 And before I turn the podium over to L.B. for the staff  
13 presentation I did want to provide some context for today's  
14 Board workshop on the Los Angeles Region's 303(d) List.

15 The Federal Clean Water Act requires states to  
16 periodically assess surface water quality and identify the  
17 surface waters that are not meeting water quality standards.

18 California's 303(d) Listing process is governed by  
19 state policy, which the State Water Board adopted in 2004  
20 and also then amended in 2015. The listing policy, as we  
21 refer to it, sets forth all data acquirements for making  
22 listing and delisting decisions, as well as the statistical  
23 approach that the Water Board needs to evaluate the date.  
24 It also establishes the administrative procedures that the  
25 Water Board used to develop and approve the state's list.

1           The Section 303(d) List of impaired water body is  
2 a valuable information resource for the Board and  
3 stakeholders and can have important consequences for future  
4 Board actions. It is our goal to produce the best list  
5 possible. Staff have been working diligently for over a  
6 year and a half to evaluate over 11,000 lines of evidence  
7 for water bodies in the Los Angeles region and to make  
8 recommendations regarding decisions to either list or delist  
9 water bodies from 303(d) List. The number of lines of  
10 evidence is well over double the number evaluated by most  
11 other regional boards.

12           In response to our public notice of proposed  
13 changes to the 303(d), which I think we issued in about the  
14 February or early March timeframe -- and because of the  
15 historical importance of the 303(d) List -- we of course  
16 received many written comments. Stakeholders identified  
17 several general areas of concern that L.B. will be touching  
18 on in her presentation. And we did agree with a number of  
19 these comments that were raised.

20           Making revisions in response to comments is of  
21 course as you know, a valuable part of our normal procedure  
22 in bringing an item to you for consideration. In this type  
23 of case however, because of the number of recommended  
24 decisions and associated lines of evidence that we are  
25 reevaluating in light of comments it has not been possible

1 to complete our revisions prior to this Board meeting. And  
2 due to deadlines to finalize our 2015 list for submittal to  
3 USEPA, who will make a final approving decision on the list,  
4 we're not able to put (indiscernible) item to a future  
5 Regional Board meeting.

6 As a result we determined that a change in the  
7 process to hold a Regional Board workshop instead of asking  
8 you to approve staff recommendations prematurely, was the  
9 best course of action. The benefit of a workshop today is  
10 that staff will be able to more completely respond to  
11 comments. Prior to a decision on the list, we need to have  
12 a better final product and stakeholders will have more time  
13 to review Regional Board staff's response to their comments,  
14 prior to a decision on the list.

15 This change in process remains consistent with the  
16 listing policy, which allows for the State Water Board to  
17 consider and approve our Regional Water Board's list. While  
18 the Regional Water Board will not be asked to approve the  
19 list during this present cycle stakeholders will get an  
20 additional comment period prior to State Board's action to  
21 approve the Los Angeles Region's list in order to review and  
22 comment on the recommended L.A. Region 303(d) List.

23 And we'll be able to do that once we've made  
24 revisions to the list in response to the comments that we  
25 received.

1           We've already been working diligently in  
2 collaboration with State Board staff to address a number of  
3 issues identified by commenters and will continue to do so  
4 over the next several weeks. And also you will have an  
5 opportunity to later this afternoon to hear from Karen  
6 Larson, the Deputy Director of the State Water Board, about  
7 this collaboration.

8           So just to recap, before I hand it over again  
9 today's item is a workshop, not a hearing where the Board is  
10 taking action. Therefore, you will not be adopting a  
11 resolution to approve staff's recommendations today.  
12 However, we look forward to discussion with you and also to  
13 your direction as we continue to work together with the  
14 State Board to produce the best 2016 list possible for the  
15 Los Angeles Region.

16           And with that, I'd like to hand it over to L.B.

17           CHAIR MUNOZ: Okay. Thank you.

18           DR. NYE: Good afternoon members of the Board.

19 I'm L.B. Nye. I'm one of the Unit chiefs one of the TMDL  
20 units at the Los Angeles Water Board. And with me today is  
21 Dr. Jun Zhu and Dr. Kangshi Wang, who are the principal  
22 staff who worked on this report. And of course Renee, the  
23 Chief of the Regional Programs section is here today also.

24           So I'm presenting the Los Angeles Region  
25 Integrated Report, which includes the Clean Water Act

1 Section 305(d) Report and the 2016 upgrade to the Section  
2 303(d) Report for the 303(d) List of impaired waters.

3 So for the first part of my presentation, I'm  
4 going to give you some of the regulatory background and  
5 history of the 303(d) List and the process that we used to  
6 develop the list. And then I'll talk about the list itself  
7 and how it's changed since the last time we developed the  
8 303(d) List. And then we'll discuss comments and our  
9 response to comments.

10 So for background on the 303(d) List I want to  
11 discuss the matters that are on this slide. What comprises  
12 the 303(d) List and integrated report, the listing policy  
13 and the CalWQA database.

14 So the term "303(d) List" is short for the state's  
15 list of impaired water's per Section 303(d) of the Clean  
16 Water Act as Renee was (indiscernible). Under the Clean  
17 Water Act Section 303(d) states are required to review, make  
18 changes as necessary, and submit to USEPA a list identifying  
19 the water bodies that are not meeting water quality  
20 standards and identifying the water quality parameter that  
21 is the pollutant that's not meeting the standards. And this  
22 is required every two years.

23 Under the Clean Water Act Section 305(b) states  
24 are required to report every two years to USEPA on the water  
25 quality conditions of their surface waters. The USEPA then



1 compiles these assessments into their national water quality  
2 inventory report, which they make as their report to  
3 Congress.

4 State of California does both of these assessments  
5 at the same time and we produce one report for the EPA,  
6 which is called the integrated report. How the State of  
7 California produces its 303 list is outlined in the listing  
8 policy. And I'll tell you more about the listing policy in  
9 a few minutes. And the other background thing I'll tell you  
10 about in a few minutes is the CalWQA database or the  
11 California Water Quality Assessment Database, which is the  
12 tool we use for the 303(d) List.

13 So this is just a screen shot of a part of the  
14 303(d) List as you would see it on the Water Board's  
15 website. It's pretty easy to navigate around, you know,  
16 clicking on different water bodies, moving up and down the  
17 state. And you can pretty easily see which water bodies are  
18 impaired by which pollutants. And in most cases, if you  
19 click on the links to the right you can get very detailed  
20 information about the pollutant in that water body data that  
21 supports the 303(d) List.

22 The 303(d) List triggers a certain regulatory  
23 process. Placement on the list for each water body  
24 pollutant impaired on the list generally triggers  
25 development of a pollution control plan of the total maximum

1 daily load, or TMDL. It may be possible in some cases to  
2 address the water body pollutant combination with another  
3 regulatory program, but usually a TMDL. The 303(d) List is  
4 also important, because of the USEPA's report to Congress  
5 (phonetic) and also because Congress may refer to the 303(d)  
6 List.

7 For example, generally MS4 permittees are required  
8 to do an analysis called a Reasonable Assurance Analysis or  
9 an RAA for any pollutant on the list in water bodies that  
10 they discharge to, to ensure that their discharge can meet  
11 the standard.

12 And it's useful for California and for the regions  
13 to keep the handle on the full scope of our waterways and  
14 how polluted or not polluted they are. It is important to  
15 note that the water boards are never limited by the 303(d)  
16 Lists. And by that I mean when we take a regulatory action  
17 we're not limited. For instance with TMDLs, like developing  
18 a TMDL we're not limited to the water bodies on the list.  
19 We can develop a TMDL anywhere it will be useful. And we're  
20 not limited to the data that's been assessed for the 303(d)  
21 List. We always use the most recent information and data.

22 So the principal of guidance for development of a  
23 303 list is the listing policy; the water quality control  
24 policy for developing California's Clean Water Act, Section  
25 303(d) List. The listing policy prescribes the use of a

1 weight of evidence approach in determining whether a water  
2 body goes on the list or not. Data are organized into lines  
3 of evidence or LOEs, and the LOEs are evaluated by a  
4 prescribed statistical methods. And the listing policy  
5 provides requirements for how many samples are needed to  
6 list. And how many samples are needed to delist or take the  
7 pollutant off the 303(d) List. And there are fewer data and  
8 fewer exceedances of standards requiring lists for water  
9 bodies pollutants than there are to delist a water body and  
10 its pollutant.

11           So, after all the data are evaluated and the water  
12 bodies are set per the listing policy, the water bodies are  
13 categorized for the integrated report. And the water body  
14 goes into one category. The integrated report includes both  
15 the impaired water bodies per Section 303(d) and the  
16 assessment of (indiscernible) water bodies per 305(b).

17           So these are the water bodies' categories that the  
18 State of California and the EPA agreed to. They're fairly  
19 standard among the states, so the EPA can easily combine  
20 assessments from all the states. Category 1 is that's  
21 really the category that we want the water bodies to be in,  
22 where all assessed beneficial uses are supported and no  
23 benefitted use is known to be impaired, so no pollutants  
24 beyond the standards.

25           Categories 2 and 3 are for water bodies with

1 insufficient information to be able to place them in one of  
2 the other categories. And Category 3 is for those water  
3 bodies where there's insufficient information list it, but  
4 perhaps we think there -- there is reason to think there may  
5 be a contaminant, just perhaps not sufficient data to make  
6 that conclusion for the listing policy. And Category 2 then  
7 is for water bodies where there's not sufficient data either  
8 way.

9 And that leaves Categories 4 and 5 and 4 and 5,  
10 are in fact the 303(d) List. Category 4a is for those water  
11 bodies where there's one or more impairments, but all of the  
12 identified impairments are already being addressed by a TMDL  
13 or on the regulatory programs. So an example of 4a would be  
14 Ballona Creek Estuary. Ballona Creek Estuary is impaired by  
15 several pollutants, but they're all addressed by TMDLs. So  
16 there's Ballona Creek Trash TMDL, Ballona Creek Metals TMDL,  
17 the Ballona Creek Estuary Toxics TMDL and so forth.

18 Not that many water bodies ever get categorized as  
19 4c or 4b. 4b is for water bodies where the impairments are  
20 being addressed by a regulatory program other than a TMDL.  
21 And 4c is for impairments that actually don't involve water  
22 quality. And we have just a few of those in our region for  
23 impairments due to pumping or a fish passage blockage.

24 And then Category 5 is for those water bodies  
25 where there's one or more impairment, but not all of the

1 identified impairments have yet been addressed by a TMDL or  
2 other regulatory programs. So an example of a water body in  
3 Category 5 could be Colorado Lagoon. There are a number of  
4 impairments for which there are TMDLs for Colorado Lagoon  
5 including chlordane, DTD, PCB, but -- and those are all  
6 addressed by a TMDL, but there is also an impairment due to  
7 fecal indicating bacteria. That's an impairment, which has  
8 not yet been addressed by a TMDL, so Colorado Lagoon gets  
9 categorized in Category 5.

10 So CalWQA database is the California Water Quality  
11 Assessment Database. And that's our principal tool in  
12 organizing and presenting the 303(d) List and the integrated  
13 report and all the supporting information.

14 The CalWQA data is -- in CalWQA data is organized  
15 into lines of evidence. The water quality data for the  
16 specific pollutant is part of the line evidence, where and  
17 when the monitoring took place, the beneficial use effected.  
18 The water quality objectives are a guideline that's  
19 protective of that beneficial use, the number of samples,  
20 and how many samples exceeded the objective or guideline.

21 And the CalWQA database also includes the  
22 recommended decision. And the decisions are list, do not  
23 list, de-list -- that's take something off the list -- or do  
24 not de-list. And all of the LOEs and the justification for  
25 the live evidence, weight of evidence decision is written

1 into a fact sheet. And the fact sheet has links to all the  
2 data and all the references.

3 The CalWQA database makes the list transparent.  
4 Anyone who can get to the final list as I showed in that  
5 third slide or to a proposed list like we made available to  
6 our stakeholders for comment, and drill down through the  
7 hyperlinks, to all the information if that's part of the  
8 listing decision including the data and all the references.

9 However data are not analyzed as a function of the  
10 database. Usually that's done by staff in Excel worksheets  
11 or other kinds of documents, which are then -- those  
12 documents are then linked to from the CalWQA database.

13 So just to give you a quick look at the CalWQA  
14 database this is a screen shot of what a Water Board staff  
15 sees when assessing data. It's web-based. Multiple people  
16 can work on the database at one time, people in Sacramento  
17 and all over the state at the same time. It's necessarily  
18 web-based just because of the sheer volume of data.

19 The CalWQA database for the full state and not  
20 just for our region, but for all of California, there's over  
21 60,000 lines of evidence and over 33,000 decisions for  
22 specific water body pollutant combinations, and over  
23 reported 4,300 references. And it also includes GIS mapping  
24 of all the state's water bodies.

25 This is just a (indiscernible) one of the

1 appendices to the integrated staff report that is publicly  
2 available. This is one of the appendices that was available  
3 to the public to comment on our list. This example is just  
4 a piece of Category 5 in the Los Angeles Region.

5           The Los Angeles Region and the State of California  
6 have been producing comprehensive 303(d) Lists at least  
7 since the early 1990s. And you can see though in these  
8 recent years, how the final list approval can lag not only  
9 the purported list year, but also be well after the cutoff  
10 date for data that's considered in that list year. And  
11 every iteration of the list has more data than the previous  
12 list.

13           So it's just a couple of numbers for you. In 2002  
14 statewide there were about 1,800 decisions or water body  
15 accommodations assessed. In 2016, right now in the state as  
16 I said there's about 33,000. And it would seem similar to  
17 the Los Angeles Region also. For this list we've made over  
18 5,800 decisions for specific water body pollutants.

19           So due to the need to improve the timeliness of  
20 the 303(d) List, and to manage the increasing amounts of  
21 data, the State Water Board made certain amendments to the  
22 listing policy in 2015. The changes were actually  
23 negotiated with the EPA and announced to stakeholders in  
24 2013, but they were incorporated into the listing policy  
25 formally in 2015.

1           For the 2012 listing cycle, the water boards  
2 realized that the magnitude of the data set and required  
3 analysis wasn't manageable on an every two-year schedule.  
4 So the strategy agreed on divides California into thirds, by  
5 regional water board. And an integrated report will be  
6 submitted for each third -- that is three regional water  
7 boards per the every other listing cycle. And this should  
8 allow for submittal of the integrated report in a timely  
9 manner.

10           Furthermore, pages to the listing policy included  
11 requiring data to be submitted to the California  
12 Environmental Data Exchange Network or CEDEN, which is the  
13 database that -- it's been around for a number of years.  
14 Many stakeholders already use it and upload data to it. The  
15 owner of the data, the producer of the data organizes it and  
16 uploads it into CEDEN themselves instead of giving it to  
17 somebody at the State Board or the Regional Board to  
18 organize and to analyze the data.

19           So CEDEN, having people do that themselves should  
20 really help automate and make more efficient the first part  
21 of data assessment. So consequently the 2002 integrated  
22 report and 303(d) List in the State of California included  
23 new data only from three regional boards: regional boards 1,  
24 6 and 7. The 2014 list will consist of data submitted for  
25 regional water boards 3, 5 and 9. And 2016 will consist of



1 new data from regional water boards 2, 4 and 8. So that's  
2 where we are now with the 2016 list.

3 In addition, the State Water Board determined that  
4 the August 2010 cutoff that was originally announced for the  
5 2012 list will be the cutoff for all three of these 303(d)  
6 Lists. And we won't solicit more data until all of the data  
7 that was submitted with the August 2010 data has been  
8 analyzed and evaluated in terms of 303(d) List. But the  
9 CEDEN is available to anybody right now, so anybody  
10 preparing for the next step of listing cycles can upload the  
11 data to CEDEN.

12 Also, the 2015 listing policy amendments clarified  
13 that either the Regional Board can approve a 303(d) List  
14 followed by the State Board approval, or the State Board can  
15 approve it, just the State Board alone.

16 So this is just a quick schematic of the process  
17 for future listing cycles, the water quality data from our  
18 stakeholders or from sources like the State of California  
19 SWAMP Program, Surface Water Ambient Monitoring Program,  
20 will be uploaded into CEDEN. And then CEDEN will then feed  
21 the CalWQA where the lines of evidence and decisions live.  
22 And then that will be used to do the integrated report,  
23 including the 303(d) List.

24 So this is a summary of the Los Angeles Integrated  
25 Report at this time. And because we're still reviewing some

1 of the comments received and finalizing staff  
2 recommendations, some of these numbers may change a little,  
3 but this is basically what it's going to look like. If you  
4 look at the bottom of that table you can see 320. We've  
5 assessed 320 water bodies in our region. And for the  
6 assessment we've reviewed about 11,000 LOEs and assessed  
7 about 5,800 water body pollutant combinations.

8           So Category 1, as you remember that's the water  
9 bodies that's are fully supported and that have no  
10 impairments; 2 and 3 are those categories for which we don't  
11 have enough information to confidently put the water body in  
12 another category. And 4 and 5 together are the 303(d) List,  
13 so that's -- I should have put it on the slide, but if you  
14 add those numbers together, 4, 5, it's 214. So right now,  
15 we have 214 water bodies on our draft list.

16           I wanted to compare our current draft to the 2010  
17 list. And so if you look at the totals again we -- 320 of  
18 the 2016 list, and it was 238 water bodies first added to  
19 the 2010 list.

20           And the increase in water bodies is generally  
21 tributaries for which we did not previously have data. So  
22 I'm not saying they're not new water bodies, they're new  
23 water bodies that have been newly assessed within the 303(d)  
24 List.

25           Category 1, you'll recall that's the water bodies

1 which are fully supported and there's an increase in that  
2 category in part because we've changed the approach we used  
3 to include water bodies in a Category 1 to be more like the  
4 other regions. In the 2010 list we only included a water  
5 body in Category 1 if we had data to assess for every type  
6 of beneficial use like recreation and aquatic life, fishing  
7 or drinking water, those apply. So a water body would have  
8 to be assessed as unimpaired in each of the beneficial use  
9 categories. So this listing cycle, we assigned a water body  
10 to Category 1 if all the assessments we've had shown  
11 unimpaired even if there were some beneficial use categories  
12 which were not assessed.

13           So several of these are beaches where people,  
14 there's monitoring for fecal indicating bacteria and we can  
15 say the beneficial use of recreation is protected, but we  
16 don't have data showing aquatic life. Or, you know, there's  
17 no toxics being monitored, so we can't say the beneficial  
18 use for protecting aquatic life has been that.

19           But there a couple of these that are -- have been  
20 where these water bodies were assessed in multiple  
21 beneficial uses. And these are mostly tributaries, small  
22 tributes that are in the mountains above sources of  
23 pollutants like Little Sycamore Canyon in Santa Monica  
24 Mountains or Elizabeth Lake Canyon, which is in the Angeles  
25 National Forest above Castaic Lake.

1           So that means our 4 and 5 are the 303(d) List. So  
2 what you'll note is that even though our 303(d) List is  
3 larger total, and we have 214 water bodies now to the 189,  
4 and we've assessed more water bodies, the number of water  
5 bodies in Category 4 has gone up. And the number of water  
6 bodies in Category 5 has gone down, which means there are  
7 more water bodies, which have been fully addressed by TMDLs.  
8 And fewer that still have some impairments left to address.  
9 And that's because this region, this Board, has been very  
10 effective in developing TMDLs.

11           So if we released a draft integrated report,  
12 including the 303(d) List on February 8th, 2017. And the  
13 public has had a 50-day comment period.

14           We received 32 comment letters from municipalities  
15 and POTW agencies, other dischargers, and environmental non-  
16 profit organizations. Most of the comments were very  
17 specific and technical, concerning the appropriateness of a  
18 specific pollutant or water body being included or not  
19 included on the 303(d) List and as Renee said were re-  
20 categorized or are addressing a lot of those right now.

21           And this included the assessment of some water  
22 bodies supporting a beneficial use for municipal drinking  
23 water and land, but a potential conditional drinking water  
24 beneficial use. And we have a number of water bodies in our  
25 basin plan that have been assigned this conditional asterisk

1 beneficial use. We called them P star MUN for short. And  
2 we should not have, because those are conditional beneficial  
3 use assignments. We shouldn't have assessed those water  
4 bodies as having municipal beneficial use and again the  
5 number (indecipherable) so we're correcting those at this  
6 time.

7 And we also found that there was some data that  
8 was submitted by the August 2010 cutoff that was never added  
9 into the CalWQA database. There aren't LOEs for it right  
10 now, so we're entering that data right now with a good deal  
11 of help from the State Water Board staff, so that that data  
12 can be fully assessed.

13 And then we did have a number of comments on the  
14 2010 data cutoff, with a (indiscernible) concern that the  
15 more recent data wasn't assessed. And both concerned from  
16 the point of view that you're going to be holding things on  
17 the list, which could be de-listed actually on the list.  
18 And we had a concern that you're missing things that should  
19 be on the list and you won't have them on a list, because  
20 you haven't gotten the most recent data.

21 The Farm Bureau of Ventura County and the  
22 stakeholders implementing TMDLs in the Calleguas Creek  
23 Watershed, both noted that data was evaluated and included  
24 on that 303(d) List that's from the monitoring program or  
25 VCAILG the Ventura County Agricultural Irrigated Lands

1 group, which is the requirement of the conditional waiver.  
2 The monitoring is a requirement of the conditional waiver-  
3 ability located in agriculture lands in Ventura County. And  
4 some of this data was from agricultural drains and ditches.  
5 And they contend that use of data from agricultural drains  
6 and ditches for a 303(d) assessment is inappropriate.

7 And the (indiscernible) of the monitoring program  
8 was based on land use and characterized in the water quality  
9 contributions from different agricultural lands. However,  
10 if the data characterizes a receipt in water quality it is  
11 appropriate to use it in 303(D) listing. So in response to  
12 the comments, we had modified the CalWQA database at this  
13 time to show that the data from the monitoring sites that  
14 were in question are assessed as insufficient information.  
15 And we will reexamine the VCAILG monitoring sites to  
16 determine if they really just show discharge water quality.

17 We don't want to assess that under 303(d). But if they do  
18 show the water quality of the receiving water we do want to  
19 include that in the 303(c) list, as part of the 303(d) List  
20 assessment.

21 VICE CHAIR GLICKFELD: Can I --

22 DR. NYE: Yes?

23 VICE CHAIR GLICKFELD: -- ask one question. I  
24 think it's a really pivotal point. I just want to make sure  
25 I understand what you're saying. We have people who have

1 tons of outfall, either outfall from their property, outfall  
2 from between jurisdictions. But unless we have data about  
3 the receiving water itself we're not able to make the  
4 assessment.

5 DR. NYE: Discharge taken from a drain or from an  
6 MS4 we wouldn't consider. It has (indiscernible) drain.

7 MS. GLICKFELD: In the drain?

8 DR. NYE: In the drain.

9 VICE CHAIR GLICKFELD: We have to figure and see  
10 if it's in the water?

11 DR. NYE: It's through moving like through the  
12 surface waters, receiving waters, yeah not the drains.

13 MS. GLICKFELD: I was really confused when I was  
14 reading this, because I've had -- first of all it's 2010  
15 where so much has changed. And secondly, it's we have so  
16 much MS4 data, but all of our MS4, all of our ag waiver data  
17 is outlets and drains, not receiving waters. We have some  
18 receiving waters --

19 DR. NYE: Some of it, yet.

20 VICE CHAIR GLICKFELD: -- and most of it is not.

21 DR. NYE: Much of it is (indiscernible), yeah.

22 MS. GLICKFELD: (Overlapping) I just want to make  
23 sure I got that right.

24 DR. NYE: Yes.

25 MS. GLICKFELD: Okay. Thank you.

1 DR. NYE: Yeah, and VCAILG pointed out to us, we  
2 want to be sure that we don't include discharge and we only  
3 do include everything that characterizes a receiving water.

4 So looking at our County Sanitation Districts of  
5 Los Angeles County there are a few areas where it seemed the  
6 data was being applied to the incorrect reach. And we found  
7 that there are several areas where our basin plan map, which  
8 is what we go by, is not exactly the same as the maps that  
9 underlies the CalWQA database. So that as a monitoring  
10 site, if it's close to the line between two reaches it may  
11 have been attributed to one reach when it should have been  
12 included with the data of another reach.

13 So these are a little more complicated for us. We  
14 do need to address, because we do need State Board staff who  
15 manage the underlying map in the CalWQA database to make the  
16 changes for us or help us make the changes, so that we can  
17 reassess the reaches with the realigned data. And we're  
18 working with State Board staff at this time to resolve these  
19 comments.

20 Wishtoyo Foundation and Ventura Coastkeeper  
21 commented that the Santa Clara River Estuary, Santa Clara  
22 Reach 1 and Santa Clara Reach 2 are impaired due to reduced  
23 flows due to the Freeman Diversion.

24 Earth Law Center commented that the Santa Clara  
25 River and the Ventura River Reaches 3 and 4 are also



1 impaired due to reduced flows. And both of these commenters  
2 would like to see these impairments reflected on the 303(d)  
3 List.

4 And flow is certainly important to maintain  
5 aquatic life. However we do not have a time methodology at  
6 the time, a consistent transparent approach to analyze the  
7 extent which flow-related alterations cause or impact water  
8 quality standards. So we're not making any list  
9 recommendation to list any water bodies per flow. But the  
10 interest in flow as an impairment is not going away. And if  
11 methods are established to determine impairments that can be  
12 pursued in subsequent 303(d) assessments.

13 So that's all time?

14 UNIDENTIFIED SPEAKER: Yes.

15 DR. NYE: Let me go to my last slide. Oh, there  
16 it is, great. Okay. So it's only the last slide, so the  
17 Next Steps.

18 So Los Angeles Water Board staff, and in  
19 conjunction with State Board staff, will work through their  
20 main (indecipherable) reply to response to comments. The  
21 State Water Board staff has been really helpful and we're  
22 really working on these issues as a team, so we'll continue  
23 to do that.

24 The Los Angeles Water Board staff will post an  
25 update to our response to comments and revise the

1 recommendations when those are available.

2 The State Board will release their 2014-2016 pre  
3 303(d) List for comments. And that could be as early as  
4 June 9th, 2017.

5 And I think -- I meant to tell you before, I  
6 forgot to point it out, the three regional boards 2014 list,  
7 they completed their list last fall or winter. So State  
8 Board is going to consider those three regional boards with  
9 the 2014 list and our three regional boards at the same.  
10 And they'll release that list for State Board comments. And  
11 they intend to consider the list and approve it, hopefully  
12 in October of 2017 and then will be forwarded on to EPA with  
13 final approval.

14 These next steps provide additional scrutiny of  
15 the recommended listing decisions, additional time to  
16 coordinate with State Board staff and a greater opportunity  
17 for public (indiscernible).

18 (Off mic colloquy overlapping speaker.)

19 That's all I have for you and I'll be glad to take  
20 any questions.

21 CHAIR MUNOZ: Does the Board have any questions or  
22 comments?

23 If not, we'll go on to our next speaker. Now we  
24 will invite stakeholders to provide your comments. First I  
25 want to --

1 (Off mic colloquy re: speakers.)

2 CHAIR MUNOZ: Okay. Now, we will invite  
3 stakeholders to provide your comments. First I want to  
4 clarify to my fellow Board members, stakeholders and members  
5 of the public that we are not adopting or taking an action  
6 requiring a vote from the Board.

7 Our next speaker is from the State Water Board and  
8 we want to welcome you to Los Angeles Water Board. Thank  
9 you for being here as of this morning, Ms. Karen Larson.

10 MS. LARSON: Thank you, Chair Munoz and the rest  
11 of the Board. I appreciate my opportunity to make some  
12 remarks before the Board this afternoon.

13 I'm Karen Larson. I'm Deputy Director of the  
14 Division of Water Quality at the State Water Board and the  
15 Statewide Assessment Unit is in my Division headed up by  
16 Nick Martorano and newly appointed Rebecca Fitzgerald who  
17 comes from Region 1 is heading up our Fresh Water and Ocean  
18 Standards section and hopefully she'll get down at some  
19 point to come and meet you all.

20 The first thing I wanted to do is just acknowledge  
21 the heavy lift that your staff has made to get this list in  
22 the shape that it is in. And yes, there are some mistakes,  
23 but they just moved mountains to get where they are. And  
24 work with my staff at the State Board and the GIS Unit on  
25 the mapping to get the list in really good shape. And you

1 saw the numbers of lines of evidence and the decisions that  
2 they needed to make in order to get to today. And so I  
3 can't say enough about how diligent your staff worked and  
4 worked collaboratively and closely with the State Board.  
5 And I won't mention names, but you guys are at the top of  
6 the list of the regional boards in terms of collaborating  
7 with us.

8 I also wanted to mention that your stakeholder  
9 process is sound. I really think that it is very helpful to  
10 us at the State Board not to have to ask without you having  
11 already gone through your public comment period and  
12 responded to comments. So when it comes to us even though  
13 you will not have acted assuming that that means your  
14 decision moving forward, it will help us tremendously in  
15 getting the full list over the finish line.

16 And that really kind of rounds out my last final  
17 remarks, because we really do need to get this list over the  
18 finish line. It is ridiculous that we're looking at 2010  
19 data. We've never had the list done the same way twice nor  
20 have we ever been on time on getting the list up to the  
21 USEPA. And our hope is moving forward we can use all of the  
22 automation and the tools that we're putting in place to  
23 improve our ability to look at the massive amounts of data  
24 that are now coming in as a result of being able to collect  
25 it and submit it electronically.

1           So the challenge is only getting bigger and bigger  
2 every year. And so we need to develop tools in order to do  
3 it more streamlined. And we're working with all of the  
4 regional boards to get that done. And we're committed to  
5 that and we're committed to working with your staff in order  
6 to make the fixes that are needed and give you a level of  
7 comfort that you have the back lists to bring before the  
8 State Board.

9           I'll just reiterate quickly we do intend to get  
10 the lists out for public comment, the six-region list, 2014  
11 and 2016 by June 9th. We think it's possible based on the  
12 work that we're doing with your staff, but we are also  
13 willing to let that date slip. Because we still think we  
14 can make an October Board hearing in front of the State  
15 Board for the six regions remaining.

16           So and then of course we are planning an October  
17 3rd and 4th hearing to make a recommendation of the final  
18 list to USEPA.

19           The other thing just really quickly, and I'll end  
20 my remarks and let you guys listen to the stakeholders, is I  
21 wanted to point out and highlight the fact that you now have  
22 38 water bodies in Category 1. We spend a lot of -- in  
23 other words they're meeting beneficial uses. We spend a lot  
24 of time in our agency looking for problems and not enough  
25 time acknowledging the places that are still in good shape.

1 And you now have 38 water bodies to demonstrate we have  
2 places that are still in good shape, or at least you don't  
3 have evidence to suggest that they're not. And aren't those  
4 places that we want to make sure remain in good shape?

5 So I'll leave you with that thought unless you  
6 have any questions for me.

7 CHAIR MUNOZ: We will take questions right now,  
8 but then from the following speakers we'll wait until all  
9 the stakeholders speak, since you're the State Board.

10 Let's start with Mr. Yee.

11 BOARD MEMBER YEE: So this awful problem of the  
12 lag between 2010 data and now, that we're producing a list,  
13 is that going -- you hope it's not going to continue. I  
14 mean, next time hopefully that gap will be much less?

15 MS. LARSON: Yes. So the plan is we've already  
16 solicited data for the next three regions, which are 1, 6  
17 and 7. The due date for getting the data in was yesterday,  
18 so we're already getting ready for the next listing cycle.  
19 But we will remain on the three-region schedule. So we  
20 won't be back before you for another six years. So there's  
21 going to still be some data lag as we're getting into back  
22 into or actually ever having an on-time list. So I won't  
23 say that there won't be a data lag, but we're improving each  
24 time.

25 BOARD MEMBER YEE: Thank you.

1 CHAIR MUNOZ: Ms. Madelyn?

2 MS. GLICKFELD: Thank you. Thank you so much for  
3 your comments and your appreciation of our staff. We  
4 appreciate them. And I think you're right that because we  
5 extended our public comment period is the reason why we  
6 found the mistakes and we're fixing them, so I appreciate  
7 our stakeholders too.

8 One thing you said was that there's a possibility  
9 that your schedule will lag and that you will not close  
10 everything for October hearing, in June. Would that give us  
11 a chance to actually have a hearing here, or not?

12 MS. LARSON: Okay. So what I said was what will  
13 lag is the public release, so for the public comment period  
14 for our six-region report, but we intend to stay on track  
15 for a hearing in October. So in other words, that gives our  
16 staff less time to respond to comments for the whole six  
17 region list, but we think we can do it. And so if we need  
18 to have a little bit more time to make sure your fixes are  
19 made then we'll do that and give ourselves less time to get  
20 it to our Board.

21 MS. GLICKFELD: So is the State Board going to  
22 hear all six regions at the very same time, so there's going  
23 to be hundreds of stakeholders going to testify?

24 MS. LARSON: Yes. Except for when it comes before  
25 our Board, we only open that for a public comment for

1 anything that wasn't already addressed at the Regional  
2 Board. So with all of the other regions besides Region 4  
3 will have already acted and responded to comments. You all  
4 have already responded to comments as well, so that  
5 simplifies our response to comments on your portion of the  
6 list.

7 But the rest can only be opened up to anything new  
8 that the region already did not address during their action,  
9 if that makes sense?

10 MS. GLICKFELD: Yes. So when our staff finalizes  
11 it's report to you that will not be opened up to comment  
12 until it gets to you.

13 MS. LARSON: It will be opened up for public  
14 comments when we release it somewhere around June 9th.

15 MS. GLICKFELD: So it won't be at our  
16 (indiscernible)?

17 MS. LARSON: There will be another bite at the  
18 apple of your part of the list.

19 VICE CHAIR GLICKFELD: Okay. Thank you.

20 MS. LARSON: So we will rely substantially on the  
21 responses to comments that your staff has already prepared.

22 MS. GLICKFELD: You can imagine like I'm a Vice  
23 Chair and I thought vice chairs like vice presidents weren't  
24 supposed to do anything. So I got the phone call last week  
25 and I'm saying, "We're going to do what? You want me to



1 decide what?" And never give up our right to vote. And we  
2 know our stakeholders well. We respect their concerns, so  
3 we understand why we have to do this, but we're not doing it  
4 very joyfully.

5           So I understand that we have to do this. I hope  
6 that whatever happened here, because we did start it in a  
7 timely way we could figure out a way that we'll have enough  
8 given the complications in our region, that we'll have a way  
9 of dealing with this better the next time around. It's  
10 really frustrating that our public process works. We need  
11 to do more work and there's not time for us to bring it  
12 here.

13           CHAIR MUNOZ: Okay. Are there any other questions  
14 or comments?

15           Thank you so much and I hope you come back before  
16 us again.

17           MS. LARSON: My pleasure, I look forward to it.

18           CHAIR MUNOZ: Okay. Thank you.

19           We have three more groups before we go into  
20 speaker cards. The first one with eight minutes is the  
21 County Sanitation Districts. And then we have the County of  
22 Ventura for five minutes and the Beach Cities Watershed  
23 Group with five minutes, so if you can come on up I'd  
24 appreciate it.

25           MS. HEIL: Okay, thank you. And I have a

1 presentation. All right, let me see. I don't know how to  
2 make your (indiscernible) oh, there we go.

3 Well, good afternoon. First of all I want to  
4 start out thanking the Regional Board for changing today's  
5 agenda from a hearing where we'll be taken to a workshop.

6 You know, the preparation of the report was just a  
7 monument, so undertaking with those 11,000 lines of  
8 evidence. And when there's so much it's just inevitable  
9 that there are going to be errors. And you really don't  
10 want to approve a list that's wrong. You want to get those  
11 errors fixed, because we're going to have this list for  
12 another six years. We just want to get everything right when  
13 we move forward with it, so we don't have things listed that  
14 shouldn't be listed. So we don't delist something that  
15 shouldn't be delisted. So we understand you wanted to vote  
16 and we certainly appreciate that. But again, we really just  
17 do want those errors fixed as we go.

18 So I'm going to talk to you about three things  
19 today. I'll just mention the data errors briefly and then I  
20 want to talk to you about temperature listings and  
21 bioassessment listings. So my real point on data errors is  
22 just that we want everything fixed before the list gets  
23 finalized. As staff mentioned, sometimes some of the data  
24 came from the wrong reach. Sometimes there was data that  
25 was in the data set that wasn't evaluated and we just want

1 our list of problems fixed. We got very, very nervous when  
2 we saw in response to comments that some of the issues that  
3 some of the issues might not be resolved until the next  
4 listing cycle. And we really think that's just not  
5 appropriate. Before someone finalizes the list we have to  
6 get all those errors cleaned up.

7 So I'll move on to temperature now. Several of  
8 the water bodies to which we discharge got new listings for  
9 temperature. And when they did those listings they didn't  
10 consider the natural conditions in the water body. So for  
11 the Basin Plan it's very clear. It says that temperatures  
12 for warm designated water bodies shall not be raised about  
13 80 F as a result of waste discharges.

14 And the Basin Plan objective is written the same  
15 way for pH and DO. It brings in as a result of waste  
16 discharges and that recognizes just the natural variability  
17 in these parameters. So if your stream naturally has a high  
18 temperature you don't want to list it as impaired. It may  
19 just be the natural conditions of how it's supposed to be.

20 And this is not the way to you do it for like a  
21 metal, for copper. Copper, you either meet the objective or  
22 you don't meet the objective. We're in and out and there's  
23 nothing about waste discharges.

24 So with the Basin Plan calling for the temperature  
25 not to be raised above 80 as a result of waste discharges,

1 you have to go in and look at whether the conditions were  
2 caused by something natural going on. You have to look at  
3 whether the temperatures were caused by waste discharges.  
4 And there was no acknowledgement or consideration of the  
5 high ambient temperatures in our area during that process.

6 So I thought I'd give you an example. And this  
7 picture shows a sampling location on San Jose Creek Reach 1.  
8 This is in a spot where it's a fully lined concrete channel.  
9 This is a spot that's downstream of our Pomona water  
10 reclamation plant. And this graph shows temperature on days  
11 when there was no discharge from our Pomona plant, zero  
12 discharge.

13 This is the natural conditions in the river. And  
14 there is water in the river then, because there's  
15 groundwater upwelling there. The groundwater comes up  
16 through the bottom of the concrete lined channel in these  
17 little manhole structures and flows down the river. And  
18 it's baking in the hot sun in these concrete lined channels.  
19 The sun's going on, and the concrete is hot. And what we  
20 see is that in the summer the temperatures get up to 90  
21 degrees, just naturally in the channel.

22 And of course there's natural variability. In the  
23 winter the temperatures are much lower. So we think it  
24 needs to be recognized that sometimes these high  
25 temperatures are not a result of waste discharge. It's just

1 due to natural conditions in our warm Mediterranean climate.  
2 And you know in particular for this reach we have very clear  
3 evidence that the temperature is not a response to waste  
4 discharges.

5 And now I want to talk about bioassessments.  
6 Several of our streams have proposed new listings for  
7 bioassessments. And the bioassessments are based on the old  
8 way of doing bioassessments and that's using a method called  
9 the Southern California IBI. And some are based on a newer  
10 method, what's it's called the California Stream Condition  
11 Index, or CSCI. So we really believe that the assessment  
12 should be based on the new, vastly improved method that  
13 you've got, this California Stream Condition Index, not the  
14 old Southern California IBI.

15 But if you do choose to continue to use the  
16 Southern California IBI to do your listings, you really  
17 can't use it to assess impairment for low elevation, low  
18 gradient streams. And that's because there just are not  
19 good reference sites to determine if it's an appropriate  
20 metric for the streams.

21 And what happens was when they developed this  
22 index for Southern California they just did not have enough  
23 low gradient, low elevation streams to do it. So a low  
24 elevation stream is one that's like in a flat plane where  
25 there's not much flow to it, as opposed to a mountain stream

1 where it's really steep. You get very different conditions  
2 in the streams. The flat ones are really sandy with  
3 meandering streams, where in the mountains it's very rocky  
4 and you get waterfalls. So you get very different critters  
5 living in these two different areas, so you don't want to  
6 compare your flat stream to a mountainy stream.

7 So when this came up in 2010 the Regional Board  
8 approved these bioassessment listings for the Santa Clara  
9 River. And we went to the State Board. And we had a little  
10 more time and went to the State Board, because these  
11 listings got added at the last minutes, in 2010.

12 So by the time we got up to the State Board we had  
13 spent talking to the scientists who developed the indices  
14 and to other scientists. And they all agreed, the  
15 scientists that (indiscernible) that you shouldn't be using  
16 the SoCal IBI on these low gradient streams. So one quote  
17 is on the slide, "Adequate reference sites are not available  
18 to assess benthic macroinvertebrate," which is a kind of  
19 critters, "populations for low gradient and low elevation  
20 streams in the L.A. Region."

21 And the State Board was convinced. They rejected  
22 these listings, because the science is just not there to  
23 support it.

24 So we look back and the State Board spent a lot of  
25 time developing this California Stream Condition Index,

1 which is really a great index. It covers a lot more  
2 conditions. It looks at references around the state as  
3 appropriate, so it covers a much wider range of water  
4 bodies. But unfortunately there's still this gap. And for  
5 the CSCI it cannot handle the low elevation, low gradient  
6 streams in large watersheds. So there's just a few water  
7 bodies that it can't cover.

8 And this map, little science-y map here, like it  
9 kind of shows the red is where you fit in really good with  
10 this California Stream Condition Index. You've got lots of  
11 sites to compare it to. The model's going to be really  
12 robust. If you're in the red you can be really convinced  
13 that you've got a good assessment if you've used this index.

14 Along the blue, the purple, it's just getting  
15 really iffy. You know, you can kind of use it, but it's  
16 just not quite as robust in that our Santa Clara River sites  
17 are shown in the green circle on this slide and they just  
18 fall off the map. They are just not covered. This model  
19 just does not cover those particular sites.

20 So the bottom line is that when we use this  
21 California Stream Condition Index to score these sites we  
22 don't know what the numbers should be. You can't compare it  
23 to the references out there. These sites may be at or near  
24 reference conditions, because we have healthy populations  
25 supported of the endangered three-spined stickleback in the

1 river and other threatened and endangered species. So if  
2 the listings are made we'll be put in a position of having  
3 to solve a problem that may not even exist in the first  
4 place. So we'll be expected to raise the CSCI scores in  
5 these reaches when there's no evidence to show the current  
6 scores are inappropriate or that the scores can in fact be  
7 raised.

8           So I want you to use good science on this. I was  
9 at the Science March too, started at Caltech. So this is  
10 one area where really you need to really consider the  
11 science behind it.

12           And I'll just wrap up pretty quickly and just  
13 mention that with the bioassessment listings there also was  
14 not an evaluation done of physical habitat. In the listing  
15 policy that staff mentioned, it requires consideration of  
16 physical habitat in addition to reference comparison. You  
17 can't substitute comparing the reference for comparing to  
18 physical habitat.

19           The pictures on this slide show two areas in the  
20 Santa Clara River. The one on the left is Santa Clara River  
21 Reach 5. And you can see it's mostly ag and open space.  
22 And this slide actually passed the CSCI. The one on the  
23 right is Santa Clara River Reach 6, which is just a few  
24 miles away. It's surrounded by development. It's right  
25 next to the interstate. And it failed the CSCI. So the



1 immediately surrounding physical habitat can really have an  
2 impact on a stream, because streams are very sensitive to  
3 development. So we really feel that consideration of  
4 physical habitat needs to be brought into play in listing  
5 the streams.

6 So that's it. I'll just summarize by saying  
7 please, please, please, fix the data errors before somebody  
8 finalizes the list. For temperature listing you really have  
9 to consider whether it's a result of waste discharge. And  
10 please don't apply that Southern California IDI or the  
11 California Stream Condition Index where it's outside of the  
12 model where the reference isn't applicable. It's just bad  
13 (indiscernible) science. So thank you again for letting me  
14 take up a little extra time today.

15 CHAIR MUNOZ: Thank you.

16 The County of Ventura with five minutes.

17 MS. MUTKOWSKA: Chair Munoz, the Regional Water  
18 Board members and Mr. Unger, my name is Ewelina Mutkowska.  
19 I'm the Stormwater Program Manager at the County of Ventura.  
20 The County of Ventura appreciates the opportunity to comment  
21 on the proposed revisions to the 303(d) List of impaired  
22 water bodies in the Los Angeles Region, particularly we  
23 thank your staff for the decision to change the originally  
24 scheduled hearing to a workshop in order to allow  
25 discussions of our additional concerns after a review of the

1 responses to our written comments.

2           The County understands that the data analysis for  
3 the proposed changes were performed by the State Board. We  
4 appreciate the time that has been invested to address the  
5 numerous region-specific issues.

6           We want to thank the Regional Water Board for  
7 averting many of our comments and requested revisions  
8 related to the errors and inconsistencies regarding listings  
9 using potential use and beneficial use in correctly applied  
10 units for mercury listings, incorrect use of estimated data  
11 (indiscernible), and inappropriate use of agricultural drain  
12 monitoring data as a basis for listing.

13           Besides comments that were submitted by the County  
14 of Ventura, the County and the cities of Fillmore and Santa  
15 Paula submitted separate comment letters with the reminder  
16 of your staff determination from November 2016 to recommend  
17 delisting of ammonia in Santa Clara River. We thank you for  
18 your consideration and response that this revision will be  
19 incorporated.

20           Remaining concerns includes comments regarding the  
21 lack of proper temporal representation and each was related  
22 to a proposed new listing for pH and temperature.

23           On March 30 of this year the County provided  
24 comments related to a total of 37 proposed new water body  
25 polluted combination listings; 21 or about 45 percent of

1 those new listings are lacking proper temporal  
2 representation. Section 6.11.5.3 of the State Water Board  
3 Listing Policy states that samples should be representative  
4 of the critical timing that the pollutant is expected to  
5 impact the water body. Samples used in the assessment must  
6 be temporally independent if the majority of samples were  
7 collected on a single day or during a single short-term  
8 natural event such as a strong flood, a wild fire, the data  
9 should not be used as the primary data set for supporting  
10 the listing decision.

11 For example listings for Ventura Harbor are based  
12 on the data collected on a single day, February 28th, 2007.  
13 The County respectfully requests that all pollutants listed,  
14 based on the single sampling date, will not be listed, due  
15 to insufficient temporal representation of the available  
16 data.

17 As stated in the fact sheets and according to Los  
18 Angeles Regional Basin Plan the pH of inland surface waters  
19 shall not be depressed below 6.5 or raised above 8.5 as a  
20 result of the waste discharges. For the proposed new  
21 listings for pH in Santa Clara River Estuary and Reach 1 it  
22 was not demonstrated that elevated pH levels were a result  
23 of waste discharges, as opposed to natural causes. The  
24 County respectfully requests that either such evidence is  
25 provided for, or if no such evidence exists these listings

1 should be removed from the proposed outtake.

2           The new temperature listing in Ventura River  
3 Reaches 1, 2 and 4 are based on evaluation guidelines of  
4 temperature limits between 13 and 21 degrees Celsius as the  
5 optimum (indecipherable) for rainbow trout. However, the  
6 applicable Basin Plan objective for water bodies designated  
7 as cold, a water temperature shall not altered by more than  
8 5 degrees Fahrenheit above the natural temperature. The  
9 fact sheets provide no discussion of natural temperatures or  
10 a demonstration that the temperature wasn't raised above the  
11 natural temperature. It was not demonstrated that the  
12 temperature objectives were exceeded.

13           In addition, the evaluation guideline is applied  
14 inappropriately. While temperature above 21 degrees Celsius  
15 may be optimal according to Moyle 1976, in 2002 Moyle  
16 clearly states that the lethal temperatures are those  
17 greater than 23 degrees Celsius. And so which indicates  
18 that the evaluation guideline of 21 degrees Celsius is more  
19 appropriately applied as a chronic guidelines, which are  
20 therefore necessitating the establishment of an averaging  
21 period.

22           CHAIR MUNOZ: You have 30 seconds.

23           MS. MUTKOWSKA: 23 degrees Celsius is the more  
24 appropriate not to exceed guideline if uses for listing.  
25 Using 23 degrees Celsius instead of 21 temperature data for

1 Ventura River would not meet the listing thresholds.

2 Please stop and fix errors before finalizing the  
3 lists and thank you very much for this opportunity to  
4 comment.

5 CHAIR MUNOZ: Thank you so much.

6 Beach Cities Watershed, five minutes.

7 MS. MCGOWAN: Good afternoon. My name is Kathleen  
8 McGowan. I serve as the Watershed Coordinator for the Beach  
9 Cities Watershed Management Group. And with me I have Sean  
10 Ego (phonetic) from the City of Manhattan Beach.

11 Thank you for the opportunity to speak.  
12 Individual at Beach Cities have provided comments in writing  
13 that speak to the Santa Monica Bay and Dominguez Channel  
14 proposed listing decisions. And I'd like to highlight  
15 briefly our most significant concerns and we have reviewed  
16 the staff's response to comments and preparedness.

17 First, with respect to Santa Monica Bay we are  
18 gratified that Manhattan Beach and Hermosa Beach now meet  
19 the criteria for delisting indicator bacteria impairments  
20 for recreational water quality. This demonstrates the  
21 significant efforts and resources that have been expended by  
22 the Beach Cities in partnership with L.A. County Flood  
23 Control Districts since adoption of the Santa Monica Bay  
24 Bacteria TMDL in 2003. These efforts have eliminated non-  
25 essential dry weather discharges to the shoreline through

1 low flow diversions and reduction in the irrigation runoff  
2 and other sources of non-stormwater.

3           Although the delisting criteria is demonstrated  
4 based on data aggregated year round across all weather  
5 conditions, the Bacteria TMDL distinguishes between wet  
6 weather and dry weather conditions through separate  
7 implementation schedules and compliance targets. The wet  
8 weather final compliance deadline is not until 2021. And  
9 the group continues to work toward that deadline through  
10 construction of stormwater infiltration systems, a much  
11 greater challenge than addressing dry weather discharges,  
12 because of the volume of stormwater that must be mitigated  
13 and the cost of these systems.

14           Hermosa Beach, in partnerships with the other  
15 beach cities, has recently been awarded a 3.1 million Prop 1  
16 stormwater grant that will provide approximately 48 percent  
17 of the estimated 6.4 million for the construction of one of  
18 these projects. The remaining capital costs will be covered  
19 by the beach cities and the operation and maintenance as  
20 well. However, there's still several other large regional  
21 projects proposed within the beach cities: two high-priority  
22 Santa Monica Bay watersheds including one in Manhattan  
23 Beach, that need to meet the final Wet Weather TMDL. And  
24 the group needs to be able to compete for state grant  
25 funding to bring those projects to fruition. So the Beaches

1 group would like assurance that delisting of the beaches  
2 will not impair the group's ability to compete for funding  
3 through the SWRCB Division of Financial Assistance in order  
4 to meet that final TMDL.

5           Additionally, based on staff's response to  
6 comments we understand that Santa Monica Bay will now be  
7 delisted for sediment toxicity consistent with the DDT and  
8 PCP TMDL. And we really appreciate that.

9           The Beach Cities Group is also concerned about the  
10 new listings being proposed for Santa Monica Bay offshore  
11 and near-shore for arsenic and mercury. Listing of the  
12 Santa Monica Bay as a whole is being proposed based on a  
13 limited set of fish tissue data collected under the City of  
14 L.A.'s Hyperion Waste Water Treatment Plan permit in two  
15 runs (phonetic) of the Bay north of Redondo Pier. This data  
16 collected only during 2006 and 2007, some ten years ago. And  
17 we're concerned that the significant new listing has been  
18 proposed when so much more data should now be available.

19           We agree with the suggestion made by City of Los  
20 Angeles in its written comments that if the Board feels it  
21 is necessary to categorize that information now that the  
22 water body pollutant combination be placed in Category 3  
23 indicating that data is insufficient, but that beneficial  
24 uses may be potentially threatened. That will allow a more  
25 complete evaluation in the next listing cycle.

1           Regarding Dominguez Channel the Beach Cities Group  
2 agree with the written comments made by the County of Los  
3 Angeles, and in particular regarding that the community  
4 impairment listings in concrete lined channels, such as  
5 Dominguez Channel.

6           We also understand that Board staff are  
7 considering our comments regarding the inadequacy of the  
8 data which was the basis for the original listing of the  
9 lion's portion of Dominguez Channel above Vermont for lead  
10 and we hope that you'll carefully review that decision. We  
11 anxiously await those results.

12           Lastly, we're gratified that Dominguez Channel  
13 Estuary will be delisted for ammonia based on lack of  
14 evidence for impairment, but the lion's portion above  
15 Vermont should also be delisted for ammonia based on lack of  
16 evidence for impairment. The Los Angeles County Flood  
17 Control District large mass emission station data set for S-  
18 28 data, as well as the data from Vermont Avenue Station  
19 support this delisting. Some of that data does cross into  
20 beyond the 2010 deadline, but again we really believe there  
21 is sufficient evidence for that delisting.

22           Thank you for the opportunity to speak. We really  
23 appreciate it.

24           CHAIR MUNOZ: Thank you.

25           Mr. Steve Johnson from Heal the Bay. Welcome.



1           MR. JOHNSON: Good afternoon Chair Munoz, Vice  
2 Chair Glickfeld and fellow members of the Board. I believe  
3 this is the first time I've seen all seven of you all at the  
4 same time, (Laughter) so I think that's good to see,  
5 including all the new members.

6           Anyway, my name is Steven Johnson. I'm here  
7 representing Heal the Bay as their Water Resources Policy  
8 Analyst. First and foremost, we appreciate the care the  
9 Regional Board staff as well as the State staff I think has  
10 taken an exhaustive task to sort of multiple forms of data,  
11 over the past few years and then to address all of the  
12 numerous comments made by 32 different organizations and  
13 municipalities. We know the entire process has been  
14 daunting and it looks like Regional Board staff has come  
15 close to reaching the other side.

16           We agree with the Regional Board staff when in  
17 their response to Heal the Bay's comments they maintain that  
18 the integrated report and the 303(d) List should remain the  
19 state's best assessment based on water quality data  
20 evaluated. Still, we find this is a difficult proposition  
21 when the age of the data justifying delisting on the newly  
22 proposed 303(d) List is seven years old.

23           The Regional Board staff goes on to say that not  
24 delisting any water body in order for those areas where  
25 water quality may have improved abide only on

1 (indiscernible) with pre-2010 data. Our point is that  
2 these water bodies should be exactly that, ignored until  
3 more is known about their current condition. Considering  
4 this discrepancy in a time from data submittal to listing  
5 and delisting proposals, we formally ask that the Regional  
6 Board and State Board and the Environmental Protection  
7 Agency not delist any bodies of water that are currently on  
8 the 2010 integrated report until more current data is  
9 received.

10 This will eliminate the possibility of delisting a  
11 water body that is currently impaired, as there is no way to  
12 know that the condition of the water in question using data  
13 that's solely from a 2010 report. To err on the side of  
14 caution when dealing with our state waters it will be in the  
15 best interest of our water quality standards on beneficial  
16 uses. The severity of these delisting decisions are even  
17 further accentuated by the fact that these bodies of water  
18 will not be evaluated again until 2022.

19 This seems like a reasonable precautionary request  
20 and is supported by the State Board themselves in policy  
21 language that has been adopted as well as in discussion  
22 during past State Board hearings concerning adoption of the  
23 delisting policy.

24 Okay. From a policy language perspective this  
25 point is represented in the State Board's water quality

1 control policy for developing California's clean water  
2 (indiscernible) Section 303(d) List itself, which was  
3 adopted on September 30th of 2004 and amended February 3rd,  
4 2015. And Section 411 which states, "When making a  
5 delisting decision based on the situation-specific weight  
6 evidence the Regional Water Board must justify its  
7 recommendation by Bullet Point 1 providing any data or  
8 information, including current conditions, supporting the  
9 decision."

10 We argue that there is no way to demonstrate the  
11 current conditions with information and data that is aged  
12 seven years or more. Because of this it seems in line with  
13 state listing policy that no water body is to be delisted  
14 for the current 303(d) List. During the next listing and  
15 delisting cycle, which will be in 2022, staff will then be  
16 able to make more accurate judgment on impairment simply  
17 because the information is more up to date.

18 I also have a quote from a previous State Water  
19 Board member during the hearing. If it's only -- I have two  
20 more paragraphs, if that's okay?

21 CHAIR MUNOZ: That's fine.

22 MR. JOHNSON: Okay. The intent of the policy in  
23 regard maintaining ecological standards is reiterated in  
24 language that is obtained from a prior State Water Board  
25 hearing transcript from September 30th, 2004 in which past

1 State Board Member Nancy H. Sutley who had (indiscernible)  
2 tapped by Obama for the California Environmental Quality  
3 states -- and this is her quote -- "If it's on the list then  
4 you have to have some information that says that they,  
5 meaning the fish, are not dying now and that the water body  
6 is not currently impaired."

7 The Board Member Sutley is referring to listings  
8 that were made by mistake. The principal behind her words  
9 should still hold true. The intent was to say that  
10 information and data on water should currently show that  
11 water quality standards are met and that the body of water  
12 is not currently impaired before being moved from the list.

13 Board member Sutley goes further to suggest that  
14 boards should affirm a lack of current impairment before  
15 delisting bodies of water by saying she was -- her quote  
16 again -- "Okay with not adding additional language to the  
17 listing policy as long as we're all in agreement, and that's  
18 at the direction of the regional boards, that you have to  
19 look at current conditions as well before delisting."

20 We realize that actions or lack of actions on this  
21 scale are likely to be decided on the state level, so be  
22 aware that Heal the Bay will mention this again on the state  
23 level whenever given the opportunity to.

24 And to end on an optimistic note, Heal the Bay is  
25 quite supportive of the state's move to evaluate data that

1 is submitted to the California Environmental Data Exchange  
2 Database, CEDEN. Not to compare the 303(d) Listing and  
3 delisting process to hell, but perhaps CEDEN will become a  
4 truer Eden (Laughter) for the Regional, State and EPA staff  
5 in their future efforts to list and delist California's  
6 bodies of water due to the innovations expected of a  
7 convenient, thorough and streamlined submission process.

8 Thank you for the opportunity to comment.

9 CHAIR MUNOZ: Thank you so much.

10 Mr. Tahir, ten minutes. You may begin.

11 MR. TAHIR: Your Honor, I'm waiting for my  
12 presentation to pop up.

13 CHAIR MUNOZ: Oh, okay.

14 (Off mic colloquy while setting up presentation.)

15 MR. TAHIR: While we're waiting thank you very  
16 much for granting me the time, Madam Chair, it is very kind  
17 of you.

18 CHAIR MUNOZ: Well, are you going to be able to --

19 UNIDENTIFIED SPEAKER: I can't (indiscernible)

20 CHAIR MUNOZ: Okay. While you're waiting why  
21 don't we call on someone else until we get it fixed?

22 MR. TAHIR: That's a good idea.

23 CHAIR MUNOZ: Ms. Alison Sweet from the City of  
24 Glendora? I think she may have left.

25 Jenna Driscoll from the Santa Barbara

1 Channelkeeper?

2 MS. DRISCOLL: Hello. My name is Jenna Driscoll  
3 and I'm with Santa Barbara Channelkeeper and I'm going to  
4 read a one-page statement for the record.

5 Channelkeeper noted with alarm that the Region's  
6 February draft modifications to the 303(d) included a  
7 proposal to delist Reach 3 of the Ventura River for pumping.  
8 However, the staff report and appendix offered no  
9 explanation or the rationale behind the decision.

10 In 2015, and again as part of our response to  
11 comments, we submitted many years of extensive monitoring  
12 data and examples of multiple monitored evidence that  
13 clearly demonstrate that beneficial uses of the river are  
14 impaired by (indiscernible) diversions. It is unclear  
15 whether or not it has ever been analyzed or is considered by  
16 the region, but in any case we have our disapproval of the  
17 region's decision to only consider data prior to the 2010  
18 data solicitation; a decision that we find to be  
19 inconsistent with the Clean Water Act and sound science.

20 In any case, Regional Board staff modified their  
21 draft proposal to delist Reach 3 for the Ventura River for  
22 pumping. And now propose, without prior public notice, to  
23 re-categorize all pumping and diversion impairments for the  
24 Ventura River under Category 4a. This is an inappropriate  
25 modification.

1           Regional Board staff justify this re-  
2 categorization by citing EPA language in the approval letter  
3 for the Ventura River Algae TMDL. Unfortunately, the EPA  
4 language was mischaracterized and misquoted in response to  
5 comments. The response to comments quoted EPA as saying,  
6 "EPA has determined that it is unnecessary at this time to  
7 establish separate actions for the pumping and water  
8 diversions in Reaches 3 and 4 of the Ventura River."

9           For the record, what the EPA actually wrote was,  
10 "EPA has determined that it is unnecessary at this time to  
11 establish separate nitrogen and phosphorus TMDLs with  
12 pumping and water diversion impairments listings for Reach 3  
13 and 4 of the Ventura River."

14           Further, for the record the EPA also wrote, "EPA's  
15 proposed TMDLs were developed to address water quality  
16 impairments caused by nitrogen and phosphorus under current  
17 hydrological conditions. EPA did not attempt to delineate  
18 Ventura River's natural hydrological conditions or address  
19 other issues related to the pumping and diversion of water  
20 in Reaches 3 and 4 of the Ventura River."

21           Other (indiscernible) include impairments caused  
22 by increased impairments and loss of oxygen due to loss of  
23 flows as well as loss of endangered species and wildlife  
24 habitat and loss of recreation, which are both caused both  
25 by loss of flows rather than by any other pollutant. It is

1 inappropriate to place the pumping and diversion impairment  
2 in Category 4a. Rather, the listing should be left as is or  
3 at a minimum placed in Category 4c, because all impairments  
4 have not been addressed by the TMDL as confirmed by the  
5 correct reading of the EPA approval letter and are not  
6 caused by any other pollutant.

7 In parallel, our written comments echo statements  
8 submitted by the Earth Law Center regarding the necessity of  
9 placing an additional impaired waterway on the 303(d) List  
10 or Category 4c in recognition of the flow impairments. It  
11 remains unclear how the L.A. Region intends to address its  
12 305(b) obligations under the Clean Water Act. Nevertheless,  
13 at this time our organization concurs with Earth Law  
14 Center's legal interpretation of the Clean Water Act and EPA  
15 guidance. And we encourage the Regional Board to consider  
16 incorporating additional flow related listings in the  
17 integrated report. Thank you.

18 CHAIR MUNOZ: Thank you.

19 We are going to be taking a 15-minute break and  
20 Mr. Unger is going to explain what we're attempting to do.

21 EXECUTIVE OFFICER UNGER: So let's see, yes as you  
22 note the Los Angeles Regional Board, we do not have our own  
23 conference room. We're dependent upon the kindness of  
24 others. In this case the City of Pasadena has been very  
25 gracious to afford us this room. They need this room in the



1 next few minutes, and so we're going to be adjourning to a  
2 different room in this facility. We're getting it ready to  
3 essentially find out exactly where it is. Paula Rasmussen  
4 is checking out the other room, we're setting up the IT. So  
5 we'll meet in 15 minutes and we need everyone to migrate to  
6 a room that without Gerry here at the moment I don't exactly  
7 what --

8 CHAIR MUNOZ: He's right here.

9 EXECUTIVE OFFICER UNGER: Oh, there he is. Gerry  
10 is the building (indiscernible.) (Laughter.)

11 Okay. So what I would ask is that you take about  
12 a five-minute break. We will come right back here, show you  
13 the way down to the new room, and we will continue the  
14 meeting at that point. So take the --

15 VICE CHAIR GLICKFELD: Can we -- thank you, do you  
16 need our help?

17 EXECUTIVE OFFICER UNGER: Not until we figure out  
18 exactly where the room is.

19 CHAIR MUNOZ: I would suggest that we, the Board  
20 members, take all of your materials and --

21 EXECUTIVE OFFICER UNGER: Yes, yes. Yeah, you can  
22 pack up your materials, because that's where we'll be moving  
23 to in a few minutes.

24 (Off the record at 2:50 p.m.)

25 (On the record at 3:26 p.m.)

1           CHAIR MUNOZ:   Okay, I want to thank each  
2 and every one of you.   You must have all been in a  
3 number of fire drills because you all listen to  
4 directions very well, and you're here.   And I know  
5 this issue is very important to you, so we're going  
6 to listen to you very carefully.   But we do ask  
7 that you speak a little louder so we can hear you  
8 because everything that you have to share with us  
9 is something that we want to hear.

10           And we're going to start with Mr. Tahir.  
11 We're going to ask you to stand right over here.

12           MR. TAHIR:   Please, call me Ray.

13           CHAIR MUNOZ:   Okay.   And we're -- are we  
14 putting the timer up here?

15           MR. RABELO:   Yeah.   Yeah.   It's going to  
16 be right there on the --

17           CHAIR MUNOZ:   Okay.   You could see the  
18 timer here on the left-hand corner.   Mr. Tahir has  
19 ten minutes.   Some of you have -- no.

20           MR. TAHIR:   So I just have to --

21           CHAIR MUNOZ:   You have to speak loud.

22           MR. TAHIR:   Okay.

23           CHAIR MUNOZ:   Okay.   So let's get started.

24           MR. TAHIR:   All right.   Thanks again.

25   Okay.

1           The first three slides really aren't  
2 intended to be critical of Staff. You know, I  
3 don't think it's going to do any good to do that.  
4 We understand that Staff really had a hard time  
5 with the 303(d) List (phonetic) update. I would  
6 have preferred to have seen the response to  
7 comments sooner, you know, rather than have been  
8 given, basically, 24 hours.

9           You know, there were so -- there were so  
10 many listings, almost 900 of them. There are 300  
11 pages of (indiscernible). And it's really been  
12 tough, not just for me, for anybody else, to sift  
13 through them to respond to them.

14           To point out that the Santa Ana Board,  
15 they, too, had to update their 303(d) List in  
16 accordance with the schedule that they had provided  
17 during their research. They were able to get a  
18 workshop and a -- a workshop and a public hearing.

19       But, of course, they had fewer listings that they  
20 had to deal with.

21           I'm somewhat critical about not having a  
22 public hearing. But after hearing Staff's  
23 explanation, I understand why you couldn't hold a  
24 public hearing. But I need to point out to Staff  
25 that you have to have one, okay? If you're going

1 to rely on the listing policy, the water quality  
2 control policy to developing the 303(d) List, it  
3 clearly says that at a public hearing the Regional  
4 Board shall consider and approve each proposed list  
5 change as documented in the water body  
6 (indiscernible). Okay. We know that couldn't be  
7 done. The (indiscernible). We cannot have a  
8 public hearing.

9 Okay, let's move on to general comments.

10 Staff deserves substantial credit for not  
11 listening for San Diego River Reach 3 metals which  
12 impacts those cities, about 12 or 13 of them.  
13 Also, the listed metals and selenium for San Jose  
14 Reaches 1 and 2, and that affects Claremont, San  
15 Dimas, Pomona, Laverne. Also, for Rio Hondo Reach  
16 2, which is has been (d) (phonetic) listed or was  
17 not placed on the do-not list for metals, and that  
18 effects Alhambra partially, Arcadia, Duarte, El  
19 Monte, Monrovia, Monterey Park, Montebello,  
20 Pasadena partially, Rosemead, South El Monte, blah,  
21 blah, blah. This is going to have a tremendous  
22 cost-reductive impact for those cities in terms of  
23 complying with the Metals TMDL.

24 I should point out that the staff did not  
25 place Arroyo Seco Reach 1, 2 or 3 on the do-not

1 list for metals. None of the metals -- none of the  
2 metals were previously listed on the 2010-2012  
3 303(d) List. The MS4 permit, by the way,  
4 mistakenly applies the Metals TMDLs to permittees  
5 in these reaches, which included South Pasadena,  
6 Pasadena and La Canada/Flintridge. These reaches  
7 should not be added to the do-not list category.  
8 To point out -- Dr. J is not here, but J --

9 BOARD MEMBER FAMIGLIETTI: I'm right here.

10 MR. TAHIR: Oh, I'm sorry. JPL, I think,  
11 is located in Reach 3 --

12 BOARD MEMBER FAMIGLIETTI: The Arroyo --

13 MR. TAHIR: -- the Arroyo Seco, because  
14 you're close to the Devil's Gate Dam.

15 BOARD MEMBER FAMIGLIETTI: I don't think  
16 I've ever seen any water flow in the Arroyo.

17 MR. TAHIR: There's no flow. There ain't  
18 no flow.

19 So Staff's response is that the integrated  
20 report and 303(d) List do not include any decisions  
21 for metals in the Arroyo Seco, because no metals  
22 data were available or assessed for that reach.  
23 The decision to do-not list is only made when there  
24 are data in the CalEPA database that support the  
25 do-not list decision. Well, look, you (d) List it

1 or you're not -- you've placed the metals on a do-  
2 not list for Reach 2 of the Rio Hondo and Reach 3  
3 and 4 of the San Gabriel River. You could have  
4 done the same thing for the Arroyo because they're  
5 all in the same basket.

6 So we ask Staff that you make the  
7 recommendation to place all the reaches of the  
8 Arroyo Seco on the do-not list for all the metals,  
9 copper, lead, zinc and selenium.

10 We note that the 303(d) List adds South  
11 San Jose Creek and Compton Creek unnamed tributary  
12 at Santa Fe Road. I could be wrong, but none of  
13 these reaches appear on the Los Angeles Basin Plan  
14 and therefore may not be placed on the 303(d) List  
15 until they are. But can Staff verify this? Okay.

16 California Toxin Rule; any 303(d) toxin  
17 pollutant includes -- including metals, subject to  
18 CTR that did not comply with these requirements  
19 should be placed on the (d) List or do-not list  
20 category. CTR establishes water quality standards  
21 to protect the quality of life for water bodies.  
22 It doesn't include bacteria or mercury  
23 (indiscernible). But one thing to remember about  
24 CTR is it requires ambient water quality monitoring  
25 based on actual hardness. Many of the 303(d) List

1 toxics and metals for various water bodies should  
2 have not been listed because they were based on  
3 wet-weather water quality testing instead of  
4 ambient testing.

5 CTR also requires an actual hardness value  
6 using calcium carbonate for establishing a  
7 pollutant water quality standard as determined at  
8 the time the sample is taken from the water body.  
9 The lower hardness value -- the lower the hardness  
10 value the lower the compliance part, which is more  
11 difficult to me. For example, 50 milligrams per  
12 liter hardness, a value for dissolved copper, sets  
13 a 4.5 micrograms a liter water quality standard.  
14 For 100 milligrams of hardness a value is set at 9  
15 micrograms per liter, which is easier to meet. The  
16 Metals TMDL for L.A. River uses a default hardness  
17 value of 100, while Dominguez Channel uses a  
18 default value of 50. You should not use those  
19 default values.

20 The Regional Board approves of the default  
21 values. However, the Regional Board's own Surface  
22 Water Monitoring Program, SWMP, used an actual  
23 hardness value, not default values as CTR requires,  
24 because CTR did not meet the ambient or actual  
25 value. Any CTR-related pollutant on the 303(d)

1 List should be eliminated.

2           The Regional Board staff responsible  
3 (indiscernible) evaluating CTR. Well, I would say  
4 CTR lies outside of the scope of the 303(d) List,  
5 actually. Actually, CTR is referenced in the  
6 listing policy in section 3.1. In several 303(d),  
7 those fact sheets refer to (indiscernible) to CTR  
8 criteria. If the CTR metric is defective, then so  
9 are the (indiscernible).

10           Many of the water quality standards and  
11 TMDLs based on 303(d) pollutants did not follow the  
12 water quality control plan for development, Clean  
13 Water Act section 303(d). It did not meet the  
14 statistical frequency test by normal distribution  
15 based on a known hypothesis. Much of the water  
16 quality data is more than a decade old, as most of  
17 you people here know. It best the question, why  
18 was not more contemporary sampling performed by  
19 SWAMP, which could have done this easily? In fact,  
20 cities pay a surcharge to fund the SWAMP program.  
21 It uses water quality data that does not pass the  
22 quality assurance/quality control requirements.

23           They do not meet the statistical frequency  
24 based on known hypothesis. Much of the water  
25 quality data was -- I'm sorry, I did that.



1           So let's go to specific examples.

2           Compton Creek should be listed for copper  
3 because recent water quality data reveals that 1 of  
4 out 15 samples exceeded copper. According to  
5 Staff, however, this would not be sufficient to  
6 list copper today because -- the (d) List, rather,  
7 because the sample size needed to (d) List is 26.  
8 But there were no valid samples taken over the past  
9 six years which would have met the 26 sample  
10 requirement. SWAMP data taken in 2005, by the way,  
11 also revealed that no copper exceedances -- there  
12 were no copper exceedances for the creek. Had the  
13 Regional Board, which conducts ambient monitoring  
14 had continued to take samples from Compton Creek,  
15 it would have met the (d) List criteria.

16           Okay, L.A. River Reach 5, copper and lead  
17 are recommended for placement on the list. It  
18 should not. The justification reported on the fact  
19 sheet for both copper and lead is that zero of the  
20 12 samples exceeded the criteria. This must be an  
21 error? How can zero or none of the 12 samples  
22 exceed the criteria?

23           Okay, example three, Dominguez Channel  
24 Reach 1, poly aromatic hydrocarbons are to be de-  
25 listed. Okay. But what hasn't been de-listed is

1 percolene (phonetic) (indiscernible) and cyrene  
2 (phonetic). These are specific types of poly  
3 aromatic hydrocarbons, but they're not de-listed.  
4 They're in the same category. So we're asking that  
5 they also be de-listed.

6 Recommendations. Okay. I was going  
7 to --

8 CHAIR MUNOZ: You have a minute left, Mr.  
9 Tahir.

10 MR. TAHIR: Okay. Let's do it right the  
11 next time is all I'm saying, and that's it. And  
12 thank you very much --

13 CHAIR MUNOZ: Thank you.

14 MR. TAHIR: -- once again for being  
15 generous about granting me ten minutes' time.

16 CHAIR MUNOZ: Okay. Great. Thank you.

17 MR. TAHIR: You bet.

18 CHAIR MUNOZ: Okay. Is Ms. Ann Heil here  
19 from L.A. County Sanitation?

20 MS. HEIL: No. I'm here, but I already  
21 testified.

22 CHAIR MUNOZ: Oh, but you testified?  
23 Okay.

24 From the L.A. County Department of Public  
25 Works, Mr. Bruce Hamamoto? I hope I pronounced

1 that correctly. If not, please correct me.

2 MR. HAMAMOTO: Good morning -- good  
3 afternoon, Chair Munoz and Members of the Board.  
4 My name is Bruce Hamamoto. I'm a Senior Civil  
5 Engineer with the L.A. County Department of Public  
6 Works. I am here to speak on behalf of the Flood  
7 Control District and the L.A. County. Thank you  
8 for the opportunity to comment. The County and  
9 Flood Control District provided extensive written  
10 comments for your consideration. In reviewing  
11 Staff's draft response, we are pleased that some of  
12 our concerns are being addressed. We would like to  
13 take our time today to discuss a few remaining  
14 concerns.

15 The first issue we would like you to  
16 reconsider is temperature. With this draft 303(d)  
17 List, many water bodies are listed for temperature  
18 for the first time. As you know, temperature is  
19 highly variable from season to season and from year  
20 to year. Many stream channels in the L.A. Region  
21 are also concrete lined for flood control purposes,  
22 which plays a role in effecting water temperature.

23 A one-size-fits-all temperature objective may not  
24 be appropriate in our urban environment.

25 This Board has identified the development

1 of temperature objectives as one of its priority  
2 objectives during the 2014 to 2016 Basin Plan  
3 triennial review, and we support waiting for this  
4 process to play out before any listings for  
5 temperature are finalized for water bodies in this  
6 region.

7           Turning to our proposed toxicity listings,  
8 as our comments noted, a recent lab calibration  
9 study by the Southern California Stormwater  
10 Monitoring Coalition found that laboratories that  
11 conduct toxicity tests do not produce reliable  
12 data. The findings show that toxicity data  
13 associated with C dubia (phonetic), the water  
14 flea, is unreliable and could potentially result in  
15 false exceedances which may result in water bodies  
16 being incorrectly listed for toxicity. The  
17 toxicity related inter-laboratory variability is  
18 unprecedented and raises serious concerns. In  
19 fact, following SMC's findings, some agencies have  
20 stated they no longer stand behind their toxicity  
21 data due to the inconsistencies in the lab results.

22           Finally, the listing of water bodies for  
23 bioaccumulative pollutants is based on limited  
24 data. Many water bodies are listed for these  
25 pollutants based on data that is collected over a

1 single day. A single day does not capture the  
2 temporal variability of the condition in the water  
3 body, and thus is not representative. We ask that  
4 you reconsider the bioaccumulative pollutant  
5 listing.

6 Thank you very much for your time. I'm  
7 available to answer any questions later.

8 CHAIR MUNOZ: Thank you. Ms. Nancy from  
9 the Farm Bureau of Ventura County.

10 MS. BROSCART: Broschart, it's one of  
11 those names.

12 CHAIR MUNOZ: Broschart. Thank you.

13 MS. BROSCART: I'll try to use my outdoor  
14 voice.

15 BOARD MEMBER DIAMOND: Good.

16 MS. BROSCART: We'll see how that goes.

17 BOARD MEMBER DIAMOND: We can hear you.

18 MS. BROSCART: I'm Nancy Broschart. I'm  
19 the Water Policy Specialist for the Farm Bureau of  
20 Ventura County. We manage the Ventura County  
21 Agriculture Irrigated Lands Group. It's a  
22 discharger group. VCAILG's purpose is to assist  
23 commercial farmers to meet water quality  
24 regulations in our county.

25 First, we appreciate Staff's

1 acknowledgment of the numerous flaws in the  
2 document and the Board's willingness to engage in  
3 the public process, such as this workshop, that  
4 allows them to be corrected.

5 We urge your Board to address these issues  
6 as part of the 2016 listing package, rather than  
7 putting them off until the next cycle. In the  
8 past, it has been -- proven difficult to dislodge  
9 even obvious mistakes once they become entrenched in  
10 an adopted 303(d) List.

11 We appreciate the agreement to adopt a do-  
12 not-list status for water bodies where agricultural  
13 monitoring data has been used inappropriately to  
14 justify a listing. We will continue to argue that  
15 it's inappropriate for agricultural drains to be regarded as  
16 proxies for downstream conditions or to be regarded  
17 as water bodies themselves.

18 Also, VCAILG is a member of the Calleguas  
19 Creek Watershed TMDLs Stakeholder Group. We  
20 support the comment letter submitted on its behalf,  
21 as well as the public comments that hopefully will  
22 be provided today.

23 Thank you very much.

24 CHAIR MUNOZ: Thank you.

25 Mr. Joey Yahner from the City of Ventura.

1           MR. YAHNER: Good afternoon. My name is  
2       Joey Yahner. I'm with the City of Ventura. I'm the  
3       Environmental Services Manager for the City. And  
4       I'm actually going to be making comments from two  
5       letters, one that was sent from the city in  
6       general, and then one that was specifically sent  
7       from Ventura Water, which is a department in the  
8       city that they run our water reclamation facility.

9           I'm trying to cut stuff down here to be  
10      quick, so just a few specifics.

11          Regarding the listing in Ventura Harbor, I  
12      wanted to just support what the County of Ventura  
13      stated, as well. We were encouraged by the Board's  
14      response to question 6.6 and appreciate the Board's  
15      decision to review the evaluation guidelines,  
16      listing the Ventura Keys for arsenic. In addition,  
17      the City of Ventura would like to encourage the  
18      Board to conduct a full review of the Ventura  
19      Harbor listings. Unfortunately, I don't have time  
20      to get into all the details, but we can provide  
21      some additional details to Staff, if necessary.

22          Also wanted to reiterate, the County,  
23      we're concerned about the use of the Moyle Study  
24      from 1976, rather than the 2002 Moyle Study which  
25      clearly states the lethal temperature as 23 degrees

1 Celsius, which we feel is a more appropriate not-  
2 to-exceed guideline for this listing.

3 Now I'm going to put on the Ventura Water  
4 hat, even though I'm not in Ventura Water. So  
5 they've asked me to comment on their behalf  
6 regarding the Santa Clara River Estuary. And  
7 Ventura Water has invested more than \$21 million in  
8 treatment process upgrades at the Ventura Water  
9 Reclamation Facility to improve the quality of the  
10 tertiary treated flows discharged to the estuary.  
11 Of particular concern to us, which I've even  
12 mentioned it before, is that much of the data used  
13 to determine water quality impairment for the  
14 estuaries order is not representative of current  
15 conditions. Significant plan improvements have  
16 been implemented since 2010's City monitoring data,  
17 since the plan upgrades are readily available and  
18 should be included within the 303(d) List of  
19 determinational analysis.

20 Also, the Santa Clara River Estuary has  
21 been heavily regulated for the NPDES permit for the  
22 Water Reclamation Facility. And many of the permit  
23 requirements have become more stringent since 2010  
24 with the application of technology-based  
25 limitations. And by Ventura Water's estimation,



1 many of the constituents on the proposed 303(d)  
2 List are not appropriate given recent water quality  
3 data based on current data and the state's listing  
4 policy requirements to aggregate the data by  
5 appropriate reach or area and to the appropriate  
6 averaging periods. Ventura Water disagrees with  
7 some of the constituent listings and requests  
8 calculations of exceedances.

9 And that's it.

10 CHAIR MUNOZ: Thank you so much.

11 MR. YAHNER: Thank you very much.

12 CHAIR MUNOZ: Joe (indiscernible) or  
13 Danielle Potocek from Calleguas Creek Watershed,  
14 stakeholders.

15 MS. POTOCEK: Hi. Yes, it's Danielle, not  
16 Joe.

17 CHAIR MUNOZ: Oh, okay.

18 MS. POTOCEK: He stepped out.

19 CHAIR MUNOZ: Yes, you look like a  
20 Danielle.

21 MS. POTOCEK: Yeah. So my name is  
22 Danielle Potocek and I'm speaking on behalf of the  
23 stakeholders implementing the TMDLs in the  
24 Calleguas Creek Watershed. And a lot of the topics  
25 that we wanted to address today have already been

1 brought up, so we'll just -- I want to endorse the  
2 previous comments made by the County of Ventura.  
3 We have a model that's been used in agriculture  
4 drains and whether or not they are representative  
5 of the receiving water quality.

6 The stakeholders influencing the TMDLs are  
7 really thankful to the Board to have this at a  
8 workshop versus a hearing. And they're grateful  
9 for the amount of time that went into updating this  
10 list and correcting the errors.

11 Furthermore, the stakeholders appreciate  
12 the staff's comments -- or addressing the comments  
13 specifically related to the potential new  
14 beneficial use, the mercury listing unit  
15 corrections and the corrections of use of estimated  
16 data. However, the stakeholders remain concerns  
17 with a few specific issues.

18 One of those regards reassessing the  
19 Calleguas Reaches using the TMDL monitoring data  
20 for receiving waters. From 2001 to 2007 the  
21 stakeholders have developed six TMDL documents that  
22 were adopted by this Board, the State and EPA, and  
23 have been implementing them since adoption.  
24 However, the stakeholders are disappointed that the  
25 data accumulated in the report submitted more than

1 ten years do not appear to be reflected in the  
2 current draft 2016 303(d) List. The stakeholders  
3 request that this monitoring data from receiving  
4 waters be used to reassess the water bodies in the  
5 Calleguas Creek Watershed.

6 The second issue regards temperature,  
7 which we've heard about a little bit today, but  
8 it's the specific issue for Calleguas. Reach 12 of  
9 Calleguas Creek Watershed is listed for  
10 temperature. However, it was assessed using an  
11 incorrect evaluation criteria. Calleguas Creek  
12 Watershed Reach 12 has a warm beneficial use, but  
13 it was assessed using cold beneficial use  
14 evaluation criteria. Furthermore, the data that  
15 was used to assess Reach 12 is actually from Reach  
16 10, so there's two issues here. We want to just  
17 bring that up to the Board's attention and make  
18 sure that that is considered in their evaluation of  
19 that listing.

20 And the third issue that the stakeholders  
21 would like to bring is regards to the pyrethroid  
22 pesticides listing. We believe -- the Calleguas  
23 Creek stakeholders believe that these listings are  
24 based on inappropriate data. There are -- they are  
25 also unnecessary because there's already an

1 existing Toxicity TMDL that addresses them. So the  
2 basis for the pyrethroid pesticide listings is from  
3 agricultural drains which, as mentioned previously,  
4 are not representative of the receiving waters.  
5 Even if this data is found to be applicable, it is  
6 not necessary to develop another TMDL since the  
7 Toxicity TMDL already exists which addresses them.

8 In the Regional Board's response to  
9 comments they state that the Toxicity TMDL does not  
10 apply to pyrethroids and that the TMDL would need  
11 to be revised to identify pyrethroid components.  
12 This is incorrect. The Toxicity TMDL includes a  
13 trigger for additional investigation if ongoing  
14 toxicity is identified in the watershed. The  
15 toxicity trigger has resulted in identification of  
16 pyrethroids as a potential cause of toxicity, and  
17 the stakeholders have already been addressing these  
18 pesticides and monitoring them since 2008.

19 So in summary, we want to thank the Board  
20 again for holding this workshop. And if they have  
21 any questions in addressing any of the issues, the  
22 Calleguas Creek stakeholders are happy to make  
23 themselves available.

24 CHAIR MUNOZ: Thank you so much.

25 (Bell tones, colloquy.)

1 CHAIR MUNOZ: Ms. Anita Kuhlman from the  
2 City of Camarillo.

3 MS. KUHLMAN: Good afternoon, Chairman,  
4 Board Members and Staff. Thank you again for  
5 allowing this workshop to be held. My name is  
6 Anita Kuhlman. I'm with the City of Camarillo.  
7 Camarillo is also a stakeholder in the Calleguas  
8 Creek Watershed, and we echo the comments that have  
9 already been issued for the county by the County  
10 VCAILG and Danielle for the watershed.

11 The development of TMDLs in Calleguas  
12 Creek has been a collaborative process, and we have  
13 expended lots of resources and money on the  
14 monitoring that has been done. So we would  
15 appreciate that monitoring be looked at, and that  
16 we not use the ag drain outfalls or drains to (d)  
17 List or list or any of the pollutants.

18 So again, we do appreciate you holding the  
19 workshop, and we do echo the comments that were  
20 issued in the Calleguas Creek Watershed comment  
21 letter and look forward to a revised 303(d) List  
22 policy.

23 I'd be happy to answer any questions.

24 CHAIR MUNOZ: Thank you so much.

25 MS. KUHLMAN: Thank you.

1 CHAIR MUNOZ: Ms. Ewelina -- is it  
2 Mutkowska?

3 MS. MUTKOWSKA: I already spoke.

4 CHAIR MUNOZ: Oh, you already spoke?  
5 Okay.

6 MS. MUTKOWSKA: There was a  
7 misunderstanding.

8 CHAIR MUNOZ: Okay.

9 MS. MUTKOWSKA: Ewelina Mutkowska.

10 CHAIR MUNOZ: Thank you.

11 Is there anybody who turned in a card who  
12 I haven't called? Because I think I've called all  
13 the cards at this point. Okay.

14 Being none, before we open it up to the  
15 Board, after a review of the agenda package,  
16 including the response to comments, as well as  
17 Staff's presentation or comments at today's  
18 workshop, I would like us to provide general  
19 direction to Sam and the Staff to consider the  
20 questions, comments and concerns raised by the  
21 stakeholders and members of the public, as well as  
22 through individual Board Members, prior to  
23 submittal of the final 303(d) List recommendations  
24 to the State Water Board.

25 I understand that additional work was

1 required by our staff in collaboration with State  
2 Board staff to reevaluate the many lines of  
3 evidence as part of those recommendations. I would  
4 like to direct Sam and Board staff to continue to  
5 work with State Board staff in reevaluating the  
6 lines of evidence as necessary. I would also like  
7 to ask that Staff bring back and information item  
8 from the State Water Board as to how its public  
9 hearing is followed in order to update us on the  
10 final stages to the Los Angeles Regions 303(d) List  
11 and next steps.

12 EXECUTIVE OFFICER UNGER: I would just ask  
13 you --

14 COURT REPORTER: Actually, Sam, go to the  
15 microphone. Yeah.

16 EXECUTIVE OFFICER UNGER: Yeah. I'll just  
17 ask the Board Members if there's any other  
18 direction you would like to provide to me and to  
19 all of us who have worked on this 303(d) List, and  
20 we'll be recording it and we'll be taking it into  
21 account. Because, as you heard from  
22 Karen Larson earlier today from State Board, the  
23 plan is to work with the State Board to have the  
24 most correct list that we can have possible in  
25 front of State Board for their evaluation and

1 determination. So please --

2 BOARD MEMBER STRINGER: I have a question,  
3 I guess --

4 EXECUTIVE OFFICER UNGER: Yes?

5 BOARD MEMBER STRINGER: -- more so than a  
6 comment. Would it be helpful for you and Staff to  
7 have a subcommittee to work with or not?

8 EXECUTIVE OFFICER UNGER: You know, I  
9 think in this case, my answer would be I don't  
10 think it would really be necessary. Most of the  
11 issues that we have before us today are really what  
12 I would call technical issues rather than policy-  
13 related issues. I mean, the policy is, I mean,  
14 from my perspective is to work diligently with  
15 State Board staff to try to get the most correct  
16 list that we can. I mean, I don't  
17 think -- I think that's basically what we are  
18 charged with doing, what we're skilled at doing and  
19 what we can do in working with State Board staff.  
20 So I think at this point we probably don't need a  
21 subcommittee because it's a fairly straightforward  
22 policy issue that's in front of us, in my mind.

23 BOARD MEMBER STRINGER: Great.

24 CHAIR MUNOZ: I think -- oh, please.

25 BOARD MEMBER DIAMOND: I guess I just had



1 a couple of questions for Staff, and maybe you  
2 would like to address them, and that was in our  
3 Board package on page 923 there is the integrated  
4 report for 2014-16, and it lists all of the  
5 regions. And for Region 4, if I'm reading it  
6 correctly, and I'm asking you, actually, if I am,  
7 it looks like there are 211 new listings and 48 new  
8 de-listings; is that correct?

9 DR. NYE: Yes, that's our current draft.

10 BOARD MEMBER DIAMOND: So of these, I  
11 don't know, maybe I'll just start with the de-  
12 listings, are all of -- are any of those de-  
13 listings -- or maybe I should say, how many do you  
14 think of those de-listings are based on information  
15 that we -- you said that there were some issues,  
16 there were some problems in gathering some of the  
17 data or in having enough data, or are you confident  
18 that those de-listings are based on the most  
19 accurate data?

20 Because my big concern -- I think many of  
21 probably feel that it's been a long time since  
22 we've had new data. So I'm just wondering if any  
23 of these de-listings are things that we are still  
24 looking for new information or correcting any --

25 DR. NYE: You know, after we finish with

1 the response to comments and --

2 BOARD MEMBER DIAMOND: Right.

3 DR. NYE: -- getting things corrected --

4 BOARD MEMBER DIAMOND: Right.

5 DR. NYE: -- these numbers might change a  
6 little bit.

7 BOARD MEMBER DIAMOND: Okay.

8 DR. NYE: But even with that, we're  
9 confident that these are good listings and de-  
10 listings based on data prior to August 2010.  
11 They're accurate based on the --

12 BOARD MEMBER DIAMOND: Okay.

13 DR. NYE: They will be accurate, when  
14 we're done, based on the data prior to 2010. That  
15 doesn't solve the problem that we've heard people  
16 talk about a number of times today, including Karen  
17 Larson, is that we're not looking at data that is  
18 from August 2010 forward --

19 BOARD MEMBER DIAMOND: Right.

20 DR. NYE: -- even though it exists.

21 BOARD MEMBER DIAMOND: Right.

22 DR. NYE: It's -- we're going to get this  
23 done first before we go to that, so --

24 BOARD MEMBER DIAMOND: So by the time  
25 State Board gets it from -- gets this from us, from

1 the staff, there will be as much -- all the  
2 information that we can possibly gather that --  
3 from the data that we have up until 2010?

4 DR. NYE: Yes. Yes.

5 BOARD MEMBER DIAMOND: Okay. Well, I  
6 guess my only concern is there's such -- it's been  
7 such a long time that there has not been data  
8 gathered, and that is a concern to me. And I share  
9 the concern that Steve Johnson raised was, you  
10 know, erring on the side of caution in terms of de-  
11 listing, and for the, you know, for all of the  
12 communities for the listings, as well.

13 That's -- those are my comments.

14 EXECUTIVE OFFICER UNGER: And it's very  
15 helpful, I think, as we move forward towards the  
16 State Board --

17 BOARD MEMBER DIAMOND: Yeah.

18 EXECUTIVE OFFICER UNGER: --  
19 (indiscernible).

20 CHAIR MUNOZ: Dr. J, did you have some  
21 comments?

22 BOARD MEMBER FAMIGLIETTI: Yeah. So I  
23 agree with everything you said, and I also agree  
24 with everything that was said by all the  
25 stakeholders.

1           So first of all, thank you all for coming.

2       And we really appreciate hearing from you, and you  
3 took the time to come out here and show us your --  
4 demonstrate your concern and your passion. And  
5 where's that woman from Santa Barbara? She was  
6 most pissed. You win the most pissed-off award,  
7 but in a good -- but in a very good way.

8           And so, you know, I really understand all  
9 of the sampling issues that you were talking about  
10 in space, in time, over the course of the day, the  
11 concrete channels and, you know, on and on.  
12 Everything that you've said in this whole six-year  
13 gap is just absolutely ridiculous. So I hope at  
14 the WQCC we can really push for some improvements  
15 next time around.

16           You know, I feel your pain. And as a  
17 scientist, I mean, the sampling issues, some of the  
18 -- you know, we have to do what we have to do,  
19 right, based on the information that we have, but I  
20 think we should take a look at whether it's  
21 justifiable based on, you know, one point of data  
22 taken, you know, at one specific point in time.  
23 You know, the stream temperature thing, somebody  
24 showed the annual cycle, but, I mean, there's great  
25 diurnal daily variations, as well.

1           So, you know, sampling is one of the  
2 things that I work on. And if you're not sampling  
3 at the frequency to which the change occurs, you're  
4 going to miss the true behavior. And, of course,  
5 we don't have the money to do that, but -- so  
6 something has to go.

7           CHAIR MUNOZ: Any other comments? I will  
8 make sure not to give the most -- what did you call  
9 it, angry -- angry --

10          BOARD MEMBER DIAMOND: Most pissed.

11          BOARD MEMBER FAMIGLIETTI: I called her  
12 most pissed.

13          CHAIR MUNOZ: -- most pissed award.

14          BOARD MEMBER FAMIGLIETTI: But in a good  
15 way.

16

17          CHAIR MUNOZ: Okay. I understand it's a good  
18 way. Most -- absolutely an activist.

19          Any others? Ms. Madelyn?

20          VICE CHAIR GLICKFELD: So I also want to  
21 thank everybody. The testimony that you provided,  
22 we got a whole CD of all of your comments. I,  
23 personally, am very grateful to our Chair and our  
24 Executive Officer for extending the time for  
25 comments so you were able to do what you were able

1 to do and help our staff discover the problems.

2 So I wanted to ask our staff in general,  
3 you got extensive comments in writing. Were there  
4 issues that were raised today that you don't have  
5 the answers to that you will get the answers to, or  
6 did you really hear -- have most of these issues  
7 been raised to you before?

8 MS. PURDY: Yeah. I mean, I would say, to  
9 start out with, that most of what we've heard today  
10 is what we read in the written comments that we  
11 received. I did not hear anything that I don't  
12 think, in some form, was raised by these  
13 stakeholders and others in the written comments  
14 that they provided to us.

15 In answer to do we -- I think really, you  
16 know, the reason we had this workshop is in answer  
17 to your other question about do we need more  
18 information to address these things? I think in  
19 some cases we just needed -- we needed more time to  
20 fully evaluate them, which is what we're giving  
21 ourselves by having a workshop today instead of an  
22 action item. So we, in many cases, I think, have  
23 much of the information we need. There may be some  
24 situations where, you know, perhaps we'll be  
25 reaching out to stakeholders to get some additional

1 information or perspective on some of these  
2 comments. But in large part, we, as both L.B. and  
3 I said at the beginning, we need the time to just  
4 go through and reevaluate the many, what we call,  
5 decisions, our recommendations, basically, and the  
6 lines of evidence that support those decisions on  
7 the basis of going through the comments that we  
8 received.

9 So it's really just the magnitude of the  
10 task that we need more time to work through each of  
11 these things and relook at some of the  
12 recommendations that we had made in light of the  
13 written comments. But I didn't hear anything  
14 really new from what was in the written comments.

15 VICE CHAIR GLICKFELD: Thank you. And my  
16 next question is, you know, a lot of people were  
17 very excited because there were de-listings and  
18 they weren't going to have to implement TMDLs. And  
19 then other people were really  
20 lucky -- really worried because there we de-  
21 listings and they wouldn't have to implement TMDLs.

22 And there were other people that were very upset  
23 because there were new listings, and they thought  
24 it would lead automatically to new TMDLs.

25 Can you explain to all of us, including

1 the Board and the public, what -- if you were going  
2 to -- what happens next? You have a whole work  
3 program of existing TMDLs. What would you do once  
4 the State Board and EPA certify this list? Would  
5 you immediately apply these standards to the TMDLs,  
6 as has been suggested by one commented?

7 MS. PURDY: So I'll start and then I'll  
8 let others chime in, including Deb if she wants to.

9 So first of all, with regard to new  
10 listings, we do have a work plan that's laid out,  
11 and we have a number of -- you know, obviously, we  
12 have many TMDLs already in place that we're working  
13 hard to implement with stakeholders. We have --  
14 we do have listings that, you know, we need to  
15 develop TMDLs, or even, you know, not related to  
16 this list but related to previous lists that don't  
17 have TMDLs yet. So we already have a work plan in  
18 terms of TMDL development that, at this point, does  
19 not include any of these new listings in the near  
20 future because we have a lot of additional work to  
21 just continue to address the listings that have  
22 already been on the list. We, of course, addressed  
23 a lot of them, as L.B. showed.

24 The good news is, is that we're seeing  
25 that many more of our water body pollutants



1 combinations on the 303(d) List have been addressed  
2 by TMDLs, but there are still some that haven't  
3 been, even, you know, putting aside what we're  
4 discussing today in terms of new listings. So that  
5 won't happen for a while, probably not until,  
6 frankly, after the next listing cycle that you all  
7 consider, because we have sufficient work to  
8 address the current listings that we have on the  
9 list.

10 VICE CHAIR GLICKFELD: So would you  
11 suggest, based on that, that plans that are in  
12 place for our agricultural waiver for the MS4, for  
13 our POTWs for them to implement water quality  
14 standards are going to be pretty stable over the  
15 next few years? We have a work program. We can  
16 only move so many of these things through that the  
17 same time. So it's not like this is going to have  
18 either, from your point of view, bad effects or  
19 good effects for a while, it's just that it's a  
20 basis for planning in the future? And that  
21 probably what you'll be doing is once you use this  
22 information, because it's old, you'll be looking at  
23 new data before you decide to go ahead with the  
24 TMDL; right?

25 MS. PURDY: Right. Right. That's

1 correct.

2 VICE CHAIR GLICKFELD: We'll finally get  
3 to the new data --

4 MS. PURDY: Yeah. That's correct.

5 VICE CHAIR GLICKFELD: -- which is what  
6 everybody wants.

7 EXECUTIVE OFFICER UNGER: Yeah. And I  
8 think L.B. said that during her presentation, but  
9 that's what I wanted to assure the Board Members,  
10 that, you know, if in some manner, you know, say a  
11 new water body was listed as on the 303(d) Listing,  
12 needed an implementation plan or a TMDL or  
13 something like that to address that listing, any  
14 work that we would do to develop that  
15 implementation plan would involve a very thorough  
16 look at all data, not just the data that was used  
17 to list at this point, so --

18 VICE CHAIR GLICKFELD: So we're not  
19 derailing anybody off the path that they're on  
20 right now; that's right?

21 MS. PURDY: No.

22 EXECUTIVE OFFICER UNGER: No.

23 VICE CHAIR GLICKFELD: No?

24 MS. PURDY: No.

25 EXECUTIVE OFFICER UNGER: But we are -- I

1 think we did make a decision, essentially, to  
2 essentially give ourselves the opportunity to try  
3 to make the list as we -- or the information that  
4 we have now the most correct and accurate list as  
5 possible --

6 VICE CHAIR GLICKFELD: Right.

7 EXECUTIVE OFFICER UNGER: -- moving  
8 forward, just so, essentially, we do manage our  
9 workload in a manner that we are addressing the  
10 problems and they're not, you know, not artificial  
11 problems that may be created by using only the  
12 dated data --

13 VICE CHAIR GLICKFELD: Right.

14 EXECUTIVE OFFICER UNGER: -- if you will.

15 VICE CHAIR GLICKFELD: And so I would also  
16 request, Madam Chair, that at the next Chair's call  
17 and at the next Executive Team call, Sam, that you  
18 talk about how crazy it is for us to be using 2010  
19 data, and that we should not -- if we're going to  
20 go through these cycles where there's going to be a  
21 certain number every two years, we should each be  
22 able to use data that's the most current to our  
23 efforts and our analysis, because it just defeats  
24 the purpose.

25 MS. PURDY: Yeah. And I'd like to respond

1 quickly to that, and to one other point that you  
2 raised earlier which is with regard to the 2010  
3 data. We are, you know, we're all very distressed  
4 about that. And it was the rule that we were told  
5 to use in this instance, but we fully expect in the  
6 next listing cycle, which, I mean, ours will be  
7 some years down the road, but we expect at that  
8 point, we will have data up until probably a year  
9 before we would do the list. It will be much more  
10 current data. This was a very, you know, awkward  
11 and unfortunate transitional period, and we are not  
12 going to find ourselves in this position again.

13 VICE CHAIR GLICKFELD: Good.

14 MS. PURDY: So that will be much better.

15 VICE CHAIR GLICKFELD: Good.

16 MS. PURDY: The other thing that I did  
17 want to say in response to your first set of  
18 questions was that for things that -- with regard  
19 to the impact of listing or de-listing, you know,  
20 of course I'm speaking to the choir on this, but  
21 TMDLs are separate regulatory actions. So just  
22 because you're de-listing something or we're de-  
23 listing something, it doesn't take the TMDL away.  
24 The TMDL is a regulation that you've adopted that  
25 is in our Basin Plan.

1           And if we were to change it, which we've  
2 brought many of those changes to you over time, we  
3 brought Calleguas Creek metals to you recently,  
4 that that would be a separate action. And we  
5 would, again, as L.B. pointed out, we'd be looking  
6 at all the data, the most current data, to  
7 determine, is it the right decision to make  
8 revisions to that TMDL, remove pollutants from that  
9 TMDL, so that would be a separate action that you  
10 would take. So the TMDLs are not being changed in  
11 any way by the action to update the 303(d) List.

12           VICE CHAIR GLICKFELD: Thank you.

13           CHAIR MUNOZ: Okay. So in conclusion, I'd  
14 like to make a couple of observations.

15           First of all, I find it astonishing that  
16 the very folks who are here, probably the very  
17 folks who submitted comments but yet they're here,  
18 and they're here from far-away places with very  
19 busy schedules, but the commitment that you have to  
20 your jurisdictions is very well proven. And these  
21 are the kinds of meetings I like, where we sit down  
22 and we listen and we respond to your concerns and  
23 your recommendations.

24           Under crazy circumstances where we had to,  
25 you know, go a flight down the stairs and kicked

1 out of a room and so on and so forth, and no  
2 microphones. So I want to thank each and every one  
3 of you because this is the new Water Board of Los  
4 Angeles. It's about listening. It's about working  
5 together to resolve problems and alleviate any  
6 fears or concerns that you have. And I want to  
7 thank, especially, the staff who does the listening  
8 and who does the responding. And so we're on a new  
9 frontier, I guess, here at the Water Board. So  
10 thank you so much.

11 We have one last informational item, which  
12 is based on recycling. So if you'd like to stay,  
13 you may. If not, thank you.

14 So we're going to take a two minute break.

15 (Off the record at 4:08 p.m.)

16 (On the record at 4:11 p.m.)

17 CHAIR MUNOZ: Okay, folks, we're going to  
18 get started on Agenda Item 10. First of all, I  
19 want to thank everyone who stayed and was patient  
20 to share your information, so we're going to be  
21 extra listening to what you have to say because I  
22 know it's been a long day for all of you, which  
23 means it's been a long day for us, as well, but  
24 this is very important.

25 So let's talk about the recycling water

1 projects. And we'll start from a report from our  
2 staffer, Ms. Cris Morris.

3 MS. MORRIS: Yes. My name is Chris Morris  
4 and I'm the Unit Chief for -- do I have to speak  
5 loud? Anybody in the back row over there? I'm the  
6 Unit Chief from Municipal Permitting. I will be  
7 giving the info item today to provide an update on  
8 the recycled water projects associated with the  
9 publicly owned treatment works, or POTWs, in our  
10 region. The topics I will be covering include an  
11 overview of the POTWs in our region, the recycle  
12 flow rates, the percent recycled from the major  
13 dischargers, a summary of the uses, and our  
14 permitting activities and a brief description of  
15 the future projects in our region.

16 Here are the POTWs in our region. And I  
17 know you can't read that very well, but if you're  
18 familiar with our region, you kind of have a good  
19 lay of the land. The Tillman, Burbank and  
20 L.A./Glendale plants discharge into the L.A. River.

21 Gerry, I want to see if you can keep up  
22 with me.

23 The plants discharging into the San  
24 Gabriel River include Pomona, San Jose, Whittier  
25 Narrows, Los Coyotes and Long Beach. The joint

1 plant is located in Carson and discharges to the  
2 ocean. Terminal Island discharges to the Los  
3 Angeles and Long Beach Harbor. Tapio (phonetic)  
4 discharges to the Malibu Creek, but also has the  
5 capability of discharging to the L.A. River.  
6 Malibu Mesa discharges to the Marie Canyon Creek  
7 (phonetic). The plants located -- Gerry, are you  
8 not keeping up?

9 MR. RABELO: (Off mic) (Indiscernible.)

10 MS. MORRIS: Okay. The plants located in  
11 the Calleguas Creek Watershed include Simi Valley,  
12 Moorpark, Hill Canyon, Camarillo and Camosa. The  
13 plants located along the Santa Clara River that  
14 have NPDES permits to discharge to the river are  
15 Saugus and Valencia. Ventura discharges to the  
16 Santa Clara Estuary, and the Oxnard plant  
17 discharges to the ocean. We also permit treatment  
18 plants on San Clemente Island and the Catalina  
19 Island.

20 What's wrong, Gerry? Okay.

21 MR. RABELO: I wasn't any help.

22 MS. MORRIS: Okay. No more help is  
23 needed.

24 The Title 22 allowed uses for recycled  
25 water depends on the level of treatment. This is a



1 simple schematic that shows the different levels of  
2 treatment of a POTW. A plant that only includes  
3 primary and secondary treatment can only produce  
4 recycled water with limited uses and includes  
5 constraints concerning public exposure.

6 As an example, both Hyperion and the joint  
7 plant produce only secondary effluent and discharge  
8 to the ocean. The POTWs that discharge to fresh  
9 water are required to undergo the extra treatment  
10 steps to filter out fine particles and chlorinate  
11 for disinfection. This tertiary effluent, in many  
12 cases, is recycled for irrigation or industrial  
13 use. If the tertiary treatment is further treated  
14 with microfiltration, reverse osmosis and an  
15 advance oxidation process for disinfection, this  
16 advance treated water can be used for seawater  
17 barriers and indirect potable reuse through  
18 groundwater replenishment in lieu of potable water.

19 So now, going back to my map, I've shown  
20 here which plants include secondary treatment and  
21 those that include tertiary treatment. The rest of  
22 the plants include the filtration -- the rest of  
23 the plants include the filtration step, so the  
24 effluent is tertiary treated. The advance  
25 treatment plants treat the effluent from an

1 adjoining POTW and are shown with an A. These  
2 plants are primarily along the coast, so the  
3 advance treated recycled water can be used for  
4 seawater intrusion projects.

5           Before I show the recycled flows from our  
6 major POTWs, I thought it would be useful to show  
7 you the amount of recycled water available in our  
8 region based on the adopted permits for the last 30  
9 years. The advance treatment plants for the  
10 seawater intrusion barriers were primarily  
11 responsible for the increases between 2001 and  
12 2007, but the sharp increase starting in 2008 was  
13 due to the adoption of the Oxnard Grade Permit and  
14 all of the nitrification/denitrification upgrades  
15 to tertiary plants.

16           Although this is the amount of recycled  
17 water available based on the permits, the amount  
18 that can be recycled may be impacted by a water  
19 rights decision to provide a minimum flow  
20 requirement in the receiving water. It is  
21 important that the Regional Water Board initiate  
22 the dialogue with the Division of Water Rights  
23 before approving additional recycled flows that  
24 reduce the amount of treated effluent discharged  
25 into inland waterways.

1           Based on information submitted to the  
2 Regional Water Board, I've summarized the recycled  
3 water flows, the amount used for groundwater  
4 replenishment using surface spreading, and the  
5 percent recycled for the POTWs in our region. I  
6 separated out the results between POTWs with  
7 subsequent advance treatment and those without.

8           This is the first table of POTWs without  
9 subsequent advance treatment. It includes the  
10 discharges into the L.A. River, Malibu Creek, the  
11 San Gabriel River and the Pacific Ocean.  
12 Currently, the Division of Water Rights is  
13 evaluating petitions from the City of Glendale and  
14 from the City of Burbank before they are allowed to  
15 expand their recycled program.

16           As you can see from this table, the  
17 Pomona, San Jose and Whittier Narrows WRPs have the  
18 highest percent recycled. The recycled water that  
19 is not needed by their users is discharged to the  
20 San Gabriel River. Per the reports from the County  
21 Sanitation District, the remainder of the flow that  
22 is discharged to the surface water body is diverted  
23 into the Montebello Forebay for groundwater  
24 recharge. During rainfall events when there is  
25 inadequate capacity in the spreading basins, the

1 flow in the river is not diverted and the recycled  
2 water is discharged to the ocean.

3 So here are the rest of the treatment  
4 plants without an adjoining advance treatment  
5 facility that are located in the Calleguas Creek  
6 Watershed or adjacent to the Santa Clara River.

7 VICE CHAIR GLICKFELD: Could you just stop  
8 for a minute before --

9 MS. MORRIS: Yes, ma'am.

10 VICE CHAIR GLICKFELD: -- we go ahead. Go  
11 back to the other page.

12 MS. MORRIS: Sure.

13 VICE CHAIR GLICKFELD: So we have the  
14 Hyperion Plant, so --

15 MS. MORRIS: No. Hyperion Plant is not on  
16 there.

17 VICE CHAIR GLICKFELD: But the Hyperion  
18 Plant actually doesn't just discharge to the ocean,  
19 they discharge to a treatment plant that the West  
20 Basin has.

21 MS. MORRIS: That's right.

22 VICE CHAIR GLICKFELD: So do we count that  
23 too?

24 MS. MORRIS: So that's the third table.

25 VICE CHAIR GLICKFELD: Okay. Great.

1 Thank you.

2 MS. MORRIS: So I counted Hyperion as one  
3 with advance treatment after.

4 VICE CHAIR GLICKFELD: Okay.

5 MS. MORRIS: Okay. So Camosa -- so as you  
6 can see from this, Camosa is able to recycle as  
7 much as 96 percent of their treated effluent. One  
8 of the reasons for this high recycle rate is that  
9 they use five retention ponds to accommodate the  
10 fluctuations and demand.

11 The recycle rate for the POTWs that have  
12 subsequent advance treatment in this table include  
13 the recycle flows from the advance treatment  
14 facility. The advance treatment facilities are  
15 needed to produce the higher water quality  
16 necessary for the seawater intrusion barriers, or  
17 to satisfy water quality requirements necessary for  
18 recycling uses, including the 36 MGD of internal  
19 recycling at the Hyperion Treatment Plant and the  
20 recycling that is done by West Basin at the EC  
21 Little (phonetic) plant, the percent recycled for  
22 Hyperion is 30 percent. The Oxnard WRP only has a  
23 ten percent recycle, since they're still building  
24 their user network for their advance treated water.  
25 And they do not have their indirect potable permit

1 yet in place.

2           So here's a summary of the recycled rates  
3 for the past year. These are based on the 2016  
4 annual reports that we've received. Based on the  
5 total amount of treated effluent produced, the  
6 overall recycled rate for the region is 24 percent.

7           Yeah. There we go.

8           If we include recreational impoundments,  
9 such as the Japanese Garden at the DC Tillman Plant  
10 (phonetic), and the minimum flow requirements for  
11 National System Restoration of Wetlands and  
12 Wildlife Habitat (phonetic), and that would be like  
13 the minimum flow requirement coming from Ventura,  
14 the beneficial use distribution for the recycled  
15 water in our region is given by this pie chart.  
16 However, the reports that we used to generate this  
17 information did not necessarily have the breakdown  
18 that we need. In the next few weeks we are  
19 planning to send a letter to the dischargers  
20 requesting a breakdown, such as this, for all their  
21 future recycling annual reports. And an example of  
22 that is in some cases, they don't tell us that  
23 they're using the irrigation for golf courses. So  
24 the golf course irrigation is probably low, and the  
25 landscape irrigation is probably a little high.

1           As you probably know, a lot of the  
2 recycled water in the state is distributed using  
3 purple pipe. An example of a purple pipe  
4 distribution system is shown on this map for the  
5 City of Los Angeles. The purple lines were already  
6 in place, and the green ones are in progress.

7           The recycled water that is discharged to  
8 the San Gabriel River upstream of the Montebello  
9 Forebay is diverted into the Rio Hondo and San  
10 Gabriel spreading grounds to replenish the  
11 groundwater. Given the difficulties of accurately  
12 measuring the amount of water that is diverted to  
13 the spreading basins, it is unclear how much of the  
14 effluent from the Pomona, San Jose and Whittier  
15 Narrow plants actually end up in the groundwater.  
16 The only reasonable accounting we have is what the  
17 water -- how much water was discharged from the  
18 plants. This lack of accurate flow information for  
19 the diverted water makes establishing a baseline  
20 flow, which is needed for the San Gabriel River  
21 water rights analysis, very difficult.

22           Another beneficial use of the recycled  
23 water is injection for seawater intrusion barriers.

24       In Region 4 we have three barriers managed by the  
25 Water Replenishment District. They are the West

1 Coast Barrier which gets its water from the ECC  
2 Little Plant by Hyperion. The Dominguez Gap Area  
3 uses advance treated water from the Harbor Water  
4 Recycling Project associated with the Terminal  
5 Island Plant. The advance treated recycled water  
6 from the Vanderlans Treatment Facility near the  
7 Long Beach plant supplies water to the Alamitos  
8 Barrier.

9 While I'm on this map let me -- Gerry,  
10 would you also show the GRP site, which is located  
11 up near the Montebello Forebay? Thank you.

12 I included this slide to illustrate why we  
13 need the seawater intrusion barriers to protect our  
14 groundwater from contamination. The seawater  
15 intrusion barrier uses high-pressure water to form  
16 a buffer between our drinking water basins and the  
17 ocean. The top section on the  
18 top -- the cross-section on the top panel of this  
19 slide shows a typical coastline before 1950. The  
20 fresh water and seawater meet together underground  
21 in the aquifer. As the city grew and water was  
22 extracted for drinking and agricultural uses, the  
23 freshwater table liquid level decreased and pumping  
24 pulled the seawater in.

25 The second panel shows the situation



1 facing water managers in the 1950s after over  
2 pumping the groundwater from the basin. The 1960s  
3 the City of Los Angeles had responded by injecting  
4 fresh water at seawater intrusion barriers. A  
5 pressure barrier of water between the ocean and the  
6 drinking water allowed fresh water to be pumped  
7 out, but prevented the seawater from moving in to  
8 contaminate the groundwater. Advance treated  
9 recycled water is now replacing much of the potable  
10 water that was previously injected into the  
11 seawater intrusion barriers. In addition to  
12 preventing seawater intrusion, the injected water  
13 also supplements the inland aquifers and results in  
14 incidental indirect potable reuse.

15 Now I would like to describe a few of the  
16 current permitting activities for recycled water,  
17 the Groundwater Reliability Project, or the GRP  
18 project, is currently under construction, and we  
19 are working on the draft permits now. The  
20 objective of this advance treatment facility is to  
21 recharge the groundwater in the Montebello Forebay  
22 by either using the spreading grounds and/or direct  
23 injection into the aquifer. The supplemental  
24 recharge wells will allow continued operation while  
25 the spreading grounds are not available.

1           In addition to the artist's rendering of  
2 the plant, this slide shows the location of the GRP  
3 site in relation to the San Jose Plant, the turnout  
4 structures, and the Montebello Forebay. The  
5 permitting should be complete this year, and  
6 startup will follow in 2018.

7           We are also working on a draft permit for  
8 the Indirect Reuse Replenishment Project for the  
9 Upper San Gabriel Valley Municipal Water District.

10          If recycled water is available in the future, the  
11 tertiary treated effluent from the San Jose Creek  
12 West WRP would be used to recharge the groundwater  
13 at the Santa Fe spreading grounds. As of November  
14 2016, the Sanitation Districts of L.A. County  
15 informed the Upper San Gabriel Valley MWD that  
16 recycled water is not available for this project.

17          In addition to the amendment to the Oxnard  
18 WRR to extend the amount of time that the city can  
19 use the Calleguas Brine Line (phonetic) to  
20 transport the advance treated recycled water to the  
21 Pleasant Valley farmers, we are also reviewing the  
22 Phase 2 Engineering Report to allow the recycled  
23 water to be used to recharge the groundwater via  
24 injection wells. This is the first project in this  
25 region to store advance treated recycled water in

1 an aquifer for retrieval at a later time to  
2 supplement drinking water.

3 We are also working on the permitting for  
4 Whittier Narrows and Simi Valley to transition them  
5 to the General State Board WRR for recycled water  
6 use. In addition, Pasadena is moving forward with  
7 their plans to use the recycled water from the  
8 L.A./Glendale Plant. And the recommended  
9 permitting for this project is also the General  
10 State Board WRR Permit. The 1211 Water Rights  
11 Petition for this project is still being reviewed  
12 by the Division of Water Rights. The City of Los  
13 Angeles is intending to use the general permit, as  
14 well, to expand the Hyperion Recycled Water  
15 Program, including supplying water to the expansion  
16 of LAX.

17 So now I'd like to move into future  
18 projects.

19 The City of L.A.'s Groundwater  
20 Replenishment Project is part of the City's  
21 Integrated Resources Program to expand the use of  
22 recycled water. Specifically, this project would  
23 use the recycled water from the DC Tillman Plant to  
24 include indirect potable uses, such as groundwater  
25 spreading. To accommodate this project, source

1 water currently discharging to Hyperion will be  
2 diverted to DCC Tillman. Phase 1 of a pilot  
3 program has already been completed and Phase 2 is  
4 already in progress. The Environmental Impact  
5 Report for this project was approved in December  
6 2016. The treatment process includes  
7 microfiltration, reverse osmosis and advance  
8 oxidation process. The scheduled completion date is  
9 2022.

10 The Las Virgenes Municipal Water District  
11 already recycles approximately 60 to 70 percent of  
12 Tapia (phonetic) Water Reclamation Facility's final  
13 effluent for landscape irrigation and operation of  
14 their composting facility using a network of purple  
15 pipes. Depending upon the recycled water demand,  
16 the remainder of Tapia's WRF's effluent that is not  
17 recycled or discharged to maintain a minimum flow  
18 in Malibu Creek will be treated through their Pure  
19 Water Project. This project will treat Tapia's  
20 WRF's final effluent by microfiltration, reverse  
21 osmosis and advance oxidation.

22 The advance treated final effluent will be  
23 conveyed to the Las Virgenes Reservoir for indirect  
24 potable reuse by surface water augmentation. After  
25 the required detention time, mixing and dilution

1 within the potable water reservoir, the blended  
2 water will be treated by filtration to meet  
3 drinking water requirements before being  
4 distributed to potable water customers. This  
5 customer is scheduled for completion in 14 years.

6 The Regional Recycled Water Supply Program  
7 is a joint effort with MWD and the Sanitation  
8 Districts of Los Angeles County. The purpose of  
9 this project is to treat the secondary effluent  
10 from the Joint Water Pollution Control Plant in  
11 Carson and to use it for groundwater replenishment  
12 in the region. This is an indirect potable reuse  
13 project similar to Water Factory 21 in Orange  
14 County. Design and procurement for this project  
15 are currently underway, actually for the small  
16 unit, the test unit. And the anticipated start  
17 date is in the beginning of 2018.

18 VICE CHAIR GLICKFELD: Excuse me. Is this  
19 the GRP project again?

20 MS. MORRIS: No. No. This is --

21 VICE CHAIR GLICKFELD: This is something  
22 else?

23 MS. MORRIS: This MDW's project, where  
24 they're going to take water from the joint plant,  
25 treat it, and then use it for groundwater --

1 VICE CHAIR GLICKFELD: Okay.

2 MS. MORRIS: -- recharge.

3 VICE CHAIR GLICKFELD: And what's the  
4 source of water for the GRP program?

5 MS. MORRIS: The joint plan? Oh, the GRP  
6 is San Jose.

7 VICE CHAIR GLICKFELD: Okay.

8 MS. MORRIS: And I'm sure Ann is going to  
9 talk a little bit more about this one.

10 COURT REPORTER: I think the battery needs  
11 to be replaced on this. Can you help me, Gerry?  
12 This is not working.

13 MR. RABELO: Yeah.

14 COURT REPORTER: Go ahead.

15 MS. MORRIS: Another future project is the  
16 City of Santa Monica's Indirect Potable Reuse  
17 Project. This project is a component of the larger  
18 SWIP project, or Sustainable Water Infrastructure  
19 Project. Instead of discharging wastewater to  
20 Hyperion for treatment, the city plans to build an  
21 advance treatment facility and to use the recycled  
22 water for non-potable reuse via the existing purple  
23 pipe and for indirect potable reuse for recharging  
24 the aquifer. The timing for this project is to  
25 complete the IPR permit process by 2022.

1           Another future project is the potable  
2     reuse project (indiscernible) and it is the potable  
3     reuse project that the City of Ventura is planning  
4     as soon as the minimum flow requirements to the  
5     Santa Clara River Estuary are resolved. To prepare  
6     for this project, the city operated a demonstration  
7     project to produce water from their tertiary  
8     treated effluent to the highest quality that is  
9     suitable for drinking. That project, that  
10    demonstration project was completed last year.

11           So that's the end of my presentation. I  
12    think the plan is to have County San come up next,  
13    so then when you have questions -- or does anybody  
14    want to ask questions of me before I sit down?  
15    Yes, ma'am?

16           CHAIR MUNOZ: I don't have a question, but  
17    wow. What a report and how hopeful and wonderful  
18    it is and amazing.

19           MS. MORRIS: There's a lot going on.

20           CHAIR MUNOZ: Yeah, a lot going on and  
21    it's wonderful. We need to get (indiscernible) for  
22    a lot of people, so they can see all the great work  
23    that's happening.

24           MS. MORRIS: Okay.

25           BOARD MEMBER STRINGER: I have a question

1 just on the technology that's being used is there  
2 just a wide variety of technology, or are they  
3 gravitating all towards the same kind of stuff?

4 MS. MORRIS: Well, most of the plants --

5 BOARD MEMBER STRINGER: (Overlapping)  
6 (indiscernible)

7 MS. MORRIS: -- have been using  
8 microfiltration RO. The advanced oxidation kits  
9 kind of vary depending upon the water quality. The  
10 MWD plant, they're going to MBR, which is Membrane  
11 Bio Reactor, which is a little different. And I'm  
12 not as familiar with it, so that's why they're  
13 going to do this demo unit to see how it works out.

14 BOARD MEMBER STRINGER: Yeah, okay. Is  
15 that something that we're tracking? The  
16 technologies and what's -- because I know there's a  
17 lot of new technologies people are talking about,  
18 but none of it's getting deployed at scale, so I  
19 don't know --

20 MS. MORRIS: Yeah, in terms of the  
21 technology and keeping on top of it all, that's  
22 more DDW. (phonetic) I mean, we try to stay up  
23 with them, but they're really on top of the  
24 technology and percent removals and whether they're  
25 adequate in everything else.



1 MS. SMITH: You can ask for a  
2 presentation.

3 BOARD MEMBER STRINGER: That's all right.

4 MS. SMITH: But the basic (indiscernible)  
5 is found in Orange County's big plan and that's  
6 what other people are using. This MBR is a little  
7 bit new. Sam and Cris and Dave and I go to  
8 meetings every few months with (indiscernible)  
9 County San and others and we're learning more about  
10 that, but yeah DDW is the (indiscernible).

11 EXECUTIVE OFFICER UNGER: Yeah, DDW,  
12 they're the lead agency from a technical review of  
13 these technologies, but the MBR is fairly new.  
14 There's a lot of attractiveness to it relative to  
15 some of the MFRO, the reverse osmosis type process,  
16 it's less energy from (indiscernible).

17 And apparently what DDW, we've learned at  
18 the last meeting DDW is relying heavily on some  
19 work that's happened over the last two to three  
20 years in Australia where different membrane  
21 bioreactors have been used and they're finding  
22 successful applications of it. So moving ahead  
23 cautiously they'll get it up in a smaller plant  
24 first, using this technology. And I think that'll  
25 be one of the -- certainly the first one in our

1 region, with MBR.

2 MS. MORRIS: Yeah, Anheiser Busch is the  
3 other one that's looking at it.

4 EXECUTIVE OFFICER UNGER: Yeah, Anheiser  
5 Busch is looking at as well for their  
6 (indiscernible)

7 MS. MORRIS: Yeah, one of the reasons why  
8 they want to do this for the joint plant, is  
9 because it's only a secondary plant. They don't  
10 already have a tertiary, so they're going to kind  
11 of going by not having that filtration they want to  
12 go into MBR and kind of skip a step and make it  
13 more economical.

14 EXECUTIVE OFFICER UNGER: So two steps in  
15 one basically.

16 MS. MORRIS: Yeah.

17 MS. SMITH: So (indiscernible) again.

18 MS. MORRIS: Yes.

19 BOARD MEMBER YEE: So what's about the  
20 average cost per acre foot of this --

21 MS. MORRIS: Oh, you all!

22 BOARD MEMBER YEE: No, I know.

23 BOARD MEMBER STRINGER: I let him ask  
24 that.

25 BOARD MEMBER YEE: -- of the tertiary

1 treatment?

2 MS. MORRIS: I'm going to let Ann hit that  
3 one, because she's -- all of their plants are  
4 tertiary and they have a very, very large recycle  
5 program.

6 BOARD MEMBER YEE: I just want to compare  
7 it to de-sal and to imported water and that kind of  
8 thing.

9 MS. MORRIS: Okay. Well, if she can't  
10 help you with a number I will dig up a number for  
11 you.

12 BOARD MEMBER YEE: Okay.

13 EXECUTIVE OFFICER UNGER: Yeah, it might  
14 be a good idea to come back and (indiscernible)  
15 later this year.

16 VICE CHAIR GLICKFELD: The reason we have  
17 so many of these plants is because imported water  
18 went through the roof.

19 MS. MORRIS: Yeah, in some areas it's even  
20 worse than others, so that's why Sam  
21 (indiscernible) was looking at doing something  
22 original.

23 BOARD MEMBER FAMIGLIETTI: Yeah, I think it  
24 could be about \$1,000 an acre foot, at least in the  
25 Orange County Water District, which is

1 significantly less than the water desal.

2 BOARD MEMBER YEE: Yeah, for the tertiary.  
3 (indiscernible) that's really good.

4 MS. MORRIS: Oh, okay. Oxnard is going to  
5 talk about that too, so let's give them an  
6 opportunity before I put my (indiscernible).

7 CHAIR MUNOZ: Okay. So let's move on to  
8 the next speaker. Welcome back.

9 MS. HEIL: I was so worried about making  
10 my time limit for the last talk I did that I forgot  
11 to introduce myself. So, I'm Ann Heil. I'm with  
12 the Los Angeles County Sanitation District. And I  
13 want to start by thanking you for giving me the  
14 opportunity to talk to you today about our recycled  
15 water program. We're already on a push to go out  
16 and get the word to everybody so we do it as much  
17 as we can.

18 And I noticed Chair Munoz's nice purple  
19 jacket today. And purple is the color of recycled  
20 water. So, our recycled water team wears purple on  
21 Thursdays. We call it purple Thursday. So, David  
22 Hahn (phonetic) has purple on, too. So, we're  
23 really pleased.

24 MS. MORRIS: I didn't get the memo.

25 MS. HEIL: No, I know purple Thursday.

1           Yeah, there's a presentation.

2           EXECUTIVE OFFICER UNGER:   Yeah, we'll get  
3   copies out of anything you need.

4           MS. HEIL:   So, the mission of the  
5   sanitation districts is to take the 400 million-  
6   gallons-a-day of wastewater that we received and  
7   turn it into valuable products.   We make recycled  
8   water.   We make renewable biogas during our  
9   treatment of solids, and we make a nutrient-rich  
10   fertilizer compost from the product.   So, and we  
11   want to do this while protecting the environment  
12   and public health along the way.

13           So, our entire system was actually  
14   designed to maximize production of recycled water.  
15   We started looking at water reuse in a big way.  
16   In 1949 we did our first big report on it.   And as  
17   our system grew from one central treatment plant,  
18   you can see it on that slide.   It says JWPCP down  
19   in the corner.   That was our first treatment plant.

20           As our system grew, rather than just  
21   expanding that plant and building lots of sewers to  
22   get water to the plant, we instead located water  
23   reclamation facilities all around the basin so they  
24   would be close to the users.   And to save money so  
25   you didn't have to pump the recycled water back

1 uphill.

2           So, our first real foray into a modern  
3 water reclamation plant, we have some very old,  
4 little ones that we had as the system grew, was our  
5 Woody Orneros Water Reclamation Plant. And that's  
6 actually a national civil engineering landmark.  
7 That was built in 1962, the same year that I was  
8 born. And it was the first plant specifically  
9 designed to recharge groundwater with recycled  
10 water. So, we're very proud of that one. And as  
11 the system grew we put them all around.

12           The main part of our system that you see  
13 down in the lower part, that big area, it's called  
14 our joint outfall system. So, that's a system of  
15 six interconnected treatment plants, or there's  
16 seven. There's six water reclamation plants, and  
17 then the one central location, the joint water  
18 pollution control plant.

19           So, the solids get sent down to joint  
20 plant, so we don't have to do solids treatment  
21 everywhere. It saves a lot of money and it allows  
22 us to take advantage of economies of scale.

23           And then, we have two smaller systems.  
24 One is in the Santa Clarita Valley. You'll see it  
25 over on the left where it says Saugus and Valencia.

1 Those two are interconnected.

2 And then up in the very top is our plants  
3 out in the Antelope Valley, our Lancaster and  
4 Palmdale plants. And those are regulated by the  
5 Lahontan Regional Board, up there.

6 All of our water reclamation plants,  
7 except for we have one teeny, tiny reclamation  
8 plant in La Canada that just serves a golf course  
9 and that just does secondary treatment. And you  
10 can water a golf course, a restricted use golf  
11 course with secondary treated water.

12 But other than that, all of our water  
13 reclamation plants now have full tertiary treatment  
14 with nitrification and denitrification to bring the  
15 levels down.

16 So, we are a major producer of recycled  
17 water. We're one of the largest producers of  
18 recycled water in the country. And I think you're  
19 all aware that recycled water is a really important  
20 part of our local water portfolio. So, we continue  
21 to work on our program.

22 BOARD MEMBER STRINGER: What's the  
23 percentage?

24 MS. HEIL: I'll get some numbers for you  
25 here.

1           BOARD MEMBER STRINGER: Oh, you are.  
2   Okay.

3           MS. HEIL: Yeah. Ask me at the end if I  
4   don't get them to you.

5           BOARD MEMBER STRINGER: Thanks.

6           MS. HEIL: Okay. So, we partner -- now,  
7   one thing that's very different about us from City  
8   of L.A. or a number of the cities is we can't sell  
9   the water ourselves. We're a producer of the  
10   water. We have to partner with cities and water  
11   agencies. And this is due to duplication of  
12   service provisions under the State Code. So, if we  
13   came in and started serving recycled water in  
14   someone's water agency, they would be stranding our  
15   infrastructure. So, we're not allowed to do that.

16           So, we have to partner with water agencies  
17   and cities. And we partner with some 25 different  
18   ones. We have contracts with them to do that. But  
19   we don't just sit back and provide the water to  
20   them. We provide a huge amount of support at our  
21   end, as an agency, to help do that.

22           So, we'll give them easements at our water  
23   reclamation plants so they can put in their pump  
24   stations. We'll do O&M. We'll take care of their  
25   pump station if they want us to. We monitor the



1 recycled water quality. We do the engineering  
2 reports to the Regional Board. We report on usage.  
3 We actually do site supervisor training every  
4 month or two. We have handbooks. We do  
5 inspections, a lot of things.

6 So, we're not really in control of the  
7 expansion of the system. It really falls on our  
8 partners and a lot of it really is based on  
9 economics. So, how much does the water cost,  
10 really is a good question and I'll get to that at  
11 the end.

12 So, our recycled water is used at almost  
13 900 sites. We used 109,000 acre feet in 2016 that  
14 was beneficially reused, enough to supply 273,000  
15 homes.

16 Now, Chris said there was 100 used across  
17 the Basin. That includes some water up in the  
18 Lahontan area. That's not just in the L.A. Basin.

19 The water's actually all beneficially reused in  
20 our two Lahontan plants.

21 So, we serve a wide range of non-potable  
22 uses, all the usual landscaping, golf courses,  
23 cemeteries, schools, parks, playgrounds, freeway  
24 median. We also served some industrial uses. Our  
25 recycled water is used in cooling towers. It's

1 used for making cement. It's used in a carpet  
2 dying facility. It's used to reinject into the oil  
3 formations down in Long Beach.

4 So, the non-potable is through the purple  
5 pipe and there are limits on what you can do with  
6 purple pipe. It's actually very expensive to build  
7 the purple pipe infrastructure. And beyond just  
8 money, there's the issue of supply and demand. So,  
9 everyone wants all the recycled water on a hot  
10 night, in the middle of night in August. That's  
11 when they want to water the grass.

12 Well, we're a wastewater treatment plant.  
13 No one's flushing their toilet in the middle of  
14 the night. We do not have much water in the middle  
15 of the night to give people. So, storage becomes a  
16 really big consideration if you want to get  
17 anything beyond minimum use of your thing.

18 And then beyond there there's seasons. In  
19 the winter no one wants the water when it's pouring  
20 rain. In the summer, everyone wants it.

21 So, groundwater recharge is actually our  
22 highest volume use. For the joint outfall system,  
23 so down here in the main part of the Basin, 73  
24 percent of our recycled water went to groundwater  
25 recharge because you don't have these barriers to

1 reusing it.

2 So, we have two existing recharge programs  
3 in place. Chris mentioned both of them, actually.

4 The Montebello Forebay receives water from three  
5 of our water reclamation facilities. This is where  
6 we started recharging with that Woody Orneros plant  
7 back in 1962.

8 And this gets tertiary water from our  
9 three plants. And then, you know, it's not just  
10 the water. The treatment doesn't end at tertiary.

11 Actually, as the water percolates in the ground it  
12 gets more treatment, called soil aquifer treatment.

13 And this is actually well-studied and well-  
14 characterize, the amount of breakdown that occurs  
15 during this soil aquifer treatment phase for it.

16 I'll talk to Chris later, but we actually  
17 produce a separate recycled water report for the  
18 Montebello Forebay that lays out how much water is  
19 coming and spread based on L.A. County Department  
20 of Public Works numbers.

21 And then, the Leo Vander Lans Water  
22 Treatment facility takes water from our Long Beach  
23 Water Reclamation plant and it treats it with the  
24 technology that everyone's talking about,  
25 microfiltration, reverse osmosis, UV, and advanced

1   oxidation with hydrogen peroxide.   And that's  
2   injected into a seawater barrier.

3           So, Chris already went over some of the  
4   projects coming online, so I'm not going to go into  
5   them in too much detail.   The GRIP project, again,  
6   is served from our San Jose Creek West Water  
7   Reclamation plant.   That one's farthest along.  
8   It's under construction.   It's going to be a  
9   10,000-acre-foot project.

10           The IRRP, you see there, will be up by  
11   Santa Fe Dam.   Chris mentioned this one's really a  
12   difficult issue because they tried.   They started  
13   to do this project in the 1990s, the early 1990s.  
14   And it moved in fits and starts.   It was going and  
15   Miller Brewery got in the way because it's right  
16   there.   There were public reception issues, so it  
17   took a step back.

18           They solved the Miller Brewery issue.  
19   Then, there was the issue of the water was going to  
20   go in the river and what are the numbers that are  
21   going to apply?   So, that got held up.   So, there  
22   were some court decisions about the numbers that  
23   went in the river.

24           So now, they're trying to move it again  
25   but we don't have any water anymore for it.

1           VICE CHAIR GLICKFELD: So, this is a dam  
2 way up to the top of the watershed, so you're going  
3 to pump all the waste?

4           MS. HEIL: The water will have to go up,  
5 yeah.

6           VICE CHAIR GLICKFELD: That's going to be  
7 a lot of electricity.

8           MS. HEIL: It is, yeah. This will be at  
9 the corner of the 210 and the 605. And that's one  
10 of the beauties of the Montebello Forebay project.  
11 That is all gravity. We just do the tertiary  
12 treatment. It flows out of the plant by gravity.  
13 It flows down by the river by gravity. It goes  
14 into the spreading basins by gravity and it  
15 percolates down. There's not a cent of --

16          VICE CHAIR GLICKFELD: So, why did they  
17 choose that site? Why wouldn't they choose a site  
18 near the joint plant?

19          MS. HEIL: Because this is the Upper San  
20 Gabriel Valley Municipal Water District that's  
21 doing it.

22          VICE CHAIR GLICKFELD: Oh, of course, why  
23 not?

24          MS. HEIL: And they're up in the main San  
25 Gabriel Basin. So, they need water in the main San

1 Gabriel Basin. There's no -- we don't have any  
2 treatment plants sited that far up in the Basin.  
3 So, the main San Gabriel Basin is way down in terms  
4 of levels.

5 VICE CHAIR GLICKFELD: So, you couldn't  
6 take the joint water and give it to the West Basin  
7 and the Central Basin, and then take some of the  
8 plants that you're now using for the West Basin and  
9 Central Basin and give it to the San Gabriel Basin  
10 so we don't have greenhouse gas issues?

11 MS. HEIL: Well, the water would still  
12 have to get pumped up to the San Gabriel Basin.

13 BOARD MEMBER STRINGER: There's still an  
14 elevation change.

15 MS. HEIL: You can't get around it. And  
16 people are looking at putting satellite treatment  
17 plants in up there, but that water's already all  
18 taken.

19 VICE CHAIR GLICKFELD: Yeah.

20 MS. HEIL: You can't site a new treatment  
21 plant there. It's already allocated. It's all  
22 gone from those three treatment plants, San Jose  
23 Creek, Pomona, and Woody Orneros. This is done.

24 So, you know, it's not that we have none.  
25 We've told them they can take as-available water

1 in a winter year like this perhaps they can do  
2 something.

3           There's one out in Palmdale that you guys  
4 probably don't care too much about. And Santa  
5 Clarita is actually looking into groundwater  
6 recharge, as well.

7           And I think everyone's really interested  
8 in our big project that we're looking at with  
9 Metropolitan Water District. And this would take  
10 water from our Joint Water Pollution Control plant.

11           Now, we haven't built any recycled water  
12 infrastructure from this plant, yet, because it's  
13 too salty, basically. We route high salt waste  
14 around our water reclamation plants down to the  
15 joint plant. So, in order to reuse that water you  
16 have to de-salt it, and it's been too expensive in  
17 the past. But the numbers are starting to work  
18 out.

19           So, there will be this big regional  
20 project with Metropolitan Water District, with a  
21 design capacity of 150 million gallons-a-day, which  
22 is 168,000 acre feet.

23           This water, right now the net cost project  
24 for this one is 16 or 17 hundred dollars an acre  
25 foot from it, for the water.

1           So, there's a demo project plant going in.  
2       Construction is out to bid right now on a half MGD  
3       demonstration plant. And as was mentioned, it  
4       would use membrane biological reactors, reverse  
5       osmosis, and then advanced oxidation for the  
6       treatment.

7           And that water would go, Madelyn, up to  
8       the main San Gabriel Basin, as well. So, that's  
9       got to go all the way uphill. And they're also  
10      looking at sending it over to Orange County.

11           VICE CHAIR GLICKFELD: Really.

12           MS. HEIL: And then, this would also go to  
13      West Basin and Central Basin for a recharge. So,  
14      it's so big that it would have to go around the  
15      Basin.

16           VICE CHAIR GLICKFELD: A lot of power  
17      panels.

18           MS. HEIL: Yeah, exactly. Okay, so we're  
19      continuing the Love Our Recycled Water Program.  
20      It's integral to our mission statement. And we're  
21      trying to continue to use it as much as we can  
22      given the constraints that we have.

23           So, we've mentioned San Jose Creek,  
24      Pomona, and Woody Orneros, those three plants  
25      capped out, done. It's really hard when cities



1 come to you, saying they want to put in more purple  
2 pipe and you're like, we just don't have the water  
3 for you. So, we're trying -- the ones that are  
4 already funded, we're letting go ahead. But you  
5 just have to say no. Rowland Heights wants to do a  
6 big project and water's just not there.

7 We've had a 25 percent decrease in our  
8 water. Our water is now at 1968. The volume of  
9 wastewater that we get every day is the amount we  
10 got in 1968. Anyway, 1968, fun fact.

11 VICE CHAIR GLICKFELD: I don't know if you  
12 want to address all the water in that how much  
13 water is still dumped?

14 MS. HEIL: Well, Hyperion we don't do.  
15 So, City of L.A. can talk about it.

16 VICE CHAIR GLICKFELD: I'd love to hear  
17 about that, yeah.

18 MS. HEIL: Right now, our flow is 250  
19 million gallons a day.

20 VICE CHAIR GLICKFELD: So, next, you're  
21 on.

22 MS. HEIL: Next. And so, we think about  
23 our -- from the Joint Water Pollution Control plant  
24 is 250 million, MGD, and that's all going to the  
25 ocean. But again, we think of it as an integrated

1 system. We've been recycling water from our system  
2 all along. It's just that we do it from different  
3 treatment plants.

4 So, for the recycled water that we produce  
5 in the main part of the Basin, we manage to reuse  
6 right now 80 percent of the recycled water that we  
7 produce. So, we're doing really well.

8 At our Long Beach, it's really interesting  
9 the City of Long Beach owns all the water rights,  
10 in perpetuity, from the water we produce free from  
11 our Long Beach Water Reclamation plant. They use  
12 about half the recycled water now. We're working  
13 with them. We really want to find ways for them to  
14 use more.

15 Our Las Coyotes plant only uses about 28  
16 percent. Chris's slide said 20. It's somewhere  
17 around there. So, we have water there.

18 Central Basin is looking at -- Central  
19 Basin's Water District is looking at expanding  
20 their system a little more out of Las Coyotes. But  
21 that really needs storage. They don't have  
22 storage, now, so they can't even pick up that  
23 diurnal perk. Because in Long Beach, on that hot  
24 day in August Las Coyotes, the flow gets below the  
25 recycled water demand. They're just offset a

1 little bit is the only way we're doing it.

2 In the San Gabriel River, we are limited  
3 now in expanding. We're working on an adaptive  
4 management plan because we're going to be taking  
5 out of the river, even to supply GRIP, to allow us  
6 to reduce the dischargers while maintaining this  
7 critical habitat. It's for the least turn. And  
8 that is quite a process in itself.

9 I think you're going to see that we need  
10 to do that so that we can put in our water rights  
11 application with Department of Water Resources, and  
12 under Water Code Section 1211. And that's really  
13 holding up, now, around the Basin, these recycled  
14 water projects. It's really a critical issue.

15 And in Santa Clarita we can't expand at  
16 all right now. We're only using 3 percent of the  
17 recycled water. And that is due to concerns about  
18 the Unarmored Three Spine Stickleback and having  
19 adequate water in the river for them. So, that has  
20 to get sorted out before we can expand our Santa  
21 Clarita system.

22 So, I promised some numbers. Oh, sorry, I  
23 see on my notes I just want to mention that El  
24 Dorado Lakes does not get any of our recycled  
25 water. It's located right near us. We're not the

1 cause of harmful algal bloom. That was the first  
2 thing we dove in and looked at when we thought of  
3 using that because we water the grass in the park,  
4 but it does not go in the lakes.

5 So, cost. So, we have a long-standing  
6 cost structure for recycled water. So, when we  
7 produce our tertiary water it's already produced,  
8 you're paying for it through your sewage fees. But  
9 we do, when we serve the recycled water, get some  
10 cost recovery from it. So, we base it on a  
11 fraction of our operation and maintenance costs for  
12 the treatment plant.

13 So, we have sort of what's called the  
14 Shared Savings Program. So, we help -- we give  
15 people lower rates when they're developing their  
16 infrastructure. And then based on that there's a  
17 floor, they have to pay at least 30 percent of our  
18 O&M cost for that water, up to 100 percent if all  
19 of their infrastructure is fully paid for and done.

20 And that runs \$200 or \$300 an acre foot right now,  
21 if you're at that 100 percent cap. So, that's the  
22 tertiary water.

23 VICE CHAIR GLICKFELD: It's \$1,000 for  
24 imported water, then \$200 or \$300 is --

25 MS. HEIL: So, that's why people are

1 willing to pump it up, too, it's cheaper than  
2 imported water.

3 And I will let you know we're going to  
4 continue to focus on recycled water at the  
5 sanitation districts. We intend to continue to  
6 promote it at any opportunity we get. And we'll  
7 continue to work with our partners to expand, again  
8 within these constraints that we're starting to  
9 bump up against.

10 CHAIR MUNOZ: Okay, thank you.

11 BOARD MEMBER YEE: So, Ann?

12 MS. HEIL: Yes, sir?

13 BOARD MEMBER YEE: In the vernacular of  
14 the food system, which I understand, are you the  
15 producer and distributor?

16 MS. HEIL: We are the producer. And we  
17 don't -- we have intermediate folks. Some people  
18 it goes through five hands before it gets to the  
19 end user.

20 BOARD MEMBER YEE: You partner for the  
21 distribution.

22 VICE CHAIR GLICKFELD: They use the  
23 spreading grounds a lot.

24 MS. HEIL: Well, the spreading grounds is,  
25 again, a partnership with water district. They're

1 the ones responsible for filling the Basin. And  
2 then, L.A. County Department of Public Works  
3 actually operates the Basin.

4 So, we don't really count ourselves as a  
5 distributor. A distributor would be someone like  
6 Central Basin.

7 BOARD MEMBER YEE: In some cases. In some  
8 cases.

9 VICE CHAIR GLICKFELD: And doesn't the  
10 Flood Control District or somebody meter what you  
11 put in with your pipe from your discharge?

12 MS. HEIL: Oh, absolutely.

13 VICE CHAIR GLICKFELD: So, they actually -  
14 - they do know -- you do know exactly what goes  
15 into the ground in terms of at least what goes into  
16 the spreading basin and doesn't evaporate.

17 MS. HEIL: Yeah, there's meters on a lot  
18 of different things. Flow meters are so awful.  
19 You try to get them to balance, you know, and it's  
20 just they're not as accurate as we would really  
21 like them to be. But, yeah, we do meter what --  
22 well, I think WRD meters what goes into the  
23 spreading grounds. We meter what we put into the  
24 river. Some of it does percolate along the way and  
25 just replenishes that -- it replenishes the Main

1 Basin, the lower part of the Main Basin, not the  
2 Central Basin which runs --

3 VICE CHAIR GLICKFELD: So, you mentioned a  
4 couple of constraints. There's not much water  
5 left. We're using less water, so we can't recycle  
6 what we don't have.

7 MS. HEIL: Right.

8 VICE CHAIR GLICKFELD: And there's also  
9 the issue of proximity and the ability to place a  
10 high quality tripping plant next to or close to the  
11 sewer treatment plant.

12 What other kinds of constraints do you see  
13 in the future toward more recycling?

14 MS. HEIL: I think that the big things are  
15 sorting out what we have to put in the river. We  
16 have to get that done. And then beyond that it  
17 really comes down to money, basically. I mean,  
18 there's huge public acceptance, now, of recycled  
19 water. It's really money that makes these projects  
20 go. And when the economics pencil out, the  
21 projects go. If the economics don't pencil out,  
22 the projects don't go.

23 So, when the money came for Prop. 1  
24 everybody ran for it, right. That money just  
25 evaporated right away and they got three times the

1 applications that they had the money for.

2 So, that's what it's going to take, you  
3 know, expanding out the Joint Plan. You know, one  
4 of the constraints there was just having a partner  
5 big enough to handle a project that could really do  
6 it justice.

7 Because, you know, Orange County, the  
8 Orange County Water District, the Orange County  
9 San, they're right next to each other. You know,  
10 you had one player. But in the L.A. Basin it's  
11 just a very complicated system with so many  
12 different players there.

13 VICE CHAIR GLICKFELD: Yeah.

14 BOARD MEMBER STRINGER: Is there a role  
15 for the private sector in this, in your mind?

16 MS. HEIL: Some of the water agencies are  
17 held by private companies, like Liberty Water  
18 Company I think is a private one. So, some of them  
19 are --

20 BOARD MEMBER STRINGER: I'm talking about  
21 in the infrastructure side to help --

22 MS. HEIL: If you had a big investor that  
23 wanted to come in and do it, I don't know who  
24 would, but I mean it's certainly there. Right,  
25 that would build it and then charge people back for



1 it. I think we'd be a little leery about their  
2 financial capacity and stuff, right.

3 We work with a lot of private, third-party  
4 places in the biosolids round, right. Everyone has  
5 a great idea for how we're just going to make all  
6 this energy out of the biosolids.

7 BOARD MEMBER STRINGER: Sure, of course.

8 MS. HEIL: And sometimes the ideas aren't  
9 as well thought out as they could be. Sometimes  
10 they don't have the financial wherewithal to get  
11 them through. Really, it's been we haven't really  
12 hit gold on any of those partnerships, yet, but we  
13 keep looking.

14 BOARD MEMBER STRINGER: Great.

15 BOARD MEMBER YEE: So, in your vision  
16 where are we in 2040 with all this?

17 MS. HEIL: 2040, I hope the NET project is  
18 all built out, right. I mean, we're going to need  
19 that water. You know, it's really awkward. From a  
20 recycled water stand point a five-year drought is  
21 good. Because when it rains people drop the  
22 recycled water projects. So, if you have a long  
23 stretch with no rain you move a long way forward.  
24 And then it rains and everyone sits back for a  
25 little while, right, and then you get a few rainy

1 years. And then, you get another stretch of dry  
2 weather and everything moves forward again.

3 So, I think by 2040, and I think people  
4 recognize now, especially with the Governor's  
5 thing, like the drought is over but you still have  
6 to conserve. I think that mentality has sunk in,  
7 now. So, I think by 2040 I think NET will all be  
8 built out and I think all of our recycled water  
9 will be used by then, frankly. I mean I think  
10 that's realistic, too, by 2040 to get that.

11 BOARD MEMBER YEE: Very good.

12 MS. HEIL: Okay.

13 CHAIR MUNOZ: Okay, great, thank you so  
14 much, very informative.

15 MS. HEIL: Sure, thank you.

16 CHAIR MUNOZ: And the City of Los Angeles.

17 MR. RAD: Board Chair Munoz, Board Members,  
18 my name is Hassan Rad. I'm the Division Manager of  
19 the Rehabilitation Division of LA Sanitation.

20 Our mission in LA Sanitation is to protect  
21 the environment and the public. And this is an  
22 overview of the presentation. We're going to do a  
23 little bit of talk about what we do at LA  
24 Sanitation, the sustainability plan that we have,  
25 and how it applies to water recycling and water

1 supply. And talk a little bit about the core level  
2 of water recycling that we do and things that are,  
3 you know, in the pipeline that are going to be done  
4 in the near future.

5 And also, share with you some of the  
6 challenges that we are facing, particularly at the  
7 Hyperion Treatment plant where I know there's a lot  
8 of interest.

9 We are, as you know, the producer of the  
10 recycled water. Our sister agency, LADWP is the  
11 distributor of that recycled water. So, I'm going  
12 to do a five-minute presentation and then I'm going  
13 to ask my colleague at LADWP, Mr. Mario Acevedo to  
14 update you on the network distribution and how  
15 we're going to get the water into our customers.

16 Just about LA Sanitation, we serve a  
17 population of 4 million. We have a service area  
18 over 600 square miles, anywhere from San Fernando  
19 Valley all the way to Harbor area, and Terminal  
20 Island.

21 Our service system's length is about 6,700  
22 miles. We have two distinct service areas for our  
23 wastewater flow. The first one is, as you know  
24 Hyperion service area is the biggest. It's  
25 comprised of three interconnected plants.

1           The Terminal Water Reclamation plant is  
2 all the way up in San Fernando Valley. We have  
3 also the Los Angeles-Glendale Water Reclamation  
4 plant that is co-owned by City of Glendale. And we  
5 have our Damistan (phonetic) plant at Hyperion  
6 Treatment plant, which is just south of LAX. We  
7 also have the Terminal Island Treatment plant  
8 sitting in San Pedro, where it serves area  
9 Wilmington, San Pedro, and Terminal Island.

10           The Terminal Island and Hyperion Treatment  
11 plant have solid handling facilities, whereas the  
12 Tillman and LA-Glendale are just the water  
13 reclamation plant where they treat water.

14           The good news is that at our Terminal  
15 Island, the water reclamation facility, 100 percent  
16 of our flow is recycled. So, that's the great  
17 news. The second phase is almost complete and we  
18 are expecting that second phase to be online within  
19 three months.

20           As you know, our Mayor Garcetti, in 2015  
21 came out with the planning of sustainability for  
22 City of Los Angeles that has a lot of priority  
23 initiative and goal directly related to the water  
24 supply, and water recycling. Some of that is the  
25 reduction of -- to reduce our dependency on

1 imported water, increase stormwater capture, come  
2 up with a climate resiliency adaptation on climate  
3 impact on City of Los Angeles, including sea level  
4 rise, and temperature increases and flooding  
5 aspect. Enhancing the water quality in our  
6 estuaries and receiving waters.

7 At the same time, the Mayor came up with  
8 the Executive Directive No. 5. This was at the  
9 peak of drought in 2014, which has a lot of  
10 specific goals in terms of reduction of the per  
11 capita water, which I'm glad to say that we  
12 accomplished the goal, which was a reduction of 20  
13 percent.

14 Also, a 50 percent reduction in the  
15 imported water by 2024 and, also, establishment of  
16 an integrated water source planning known as One  
17 Water LA. I know there is a lot of interest in  
18 that program and we would be glad to come back at a  
19 later time to give you a presentation of where we  
20 are in that and how we are progressing on that.

21 But the synergy between these two plants,  
22 the sustainability at the very executive office,  
23 and in order to meet some of those goals it's  
24 really imperative that we transform Hyperion Water  
25 Reclamation plant into a water production facility.

1           I want to tell you that at all level of  
2 the organization we are committed to doing that.  
3 And later on in my presentation I will give you a  
4 little bit of where we are, where we're going, and  
5 as I pointed out, some of the challenges that we  
6 have.

7           I think Chris already talked about this,  
8 but this is chlorine system-wide water recycling,  
9 that we are doing chlorine all of our wastewater  
10 plants. As you can see, Hyperion has the biggest  
11 potential for getting the recycled water. And  
12 Donald C. Tillman we are doing a number of projects  
13 right now. There's a number of projects that are  
14 going to be coming down. But we are also supplying  
15 the Sepulveda lakes and the watershed there.

16           Los Angeles-Glendale, too, we are doing  
17 currently some. There are some projects that are  
18 coming down and I'll be talking about them.

19           And as I pointed out, Terminal Island is  
20 going to be a 100 percent water recycling facility.

21           Okay. So, Hyperion service area, the  
22 first one is Donald C. Tillman. As I pointed out,  
23 currently we are doing 4 MGD. This is used for  
24 irrigation, golf irrigation, for cooling water, and  
25 industrial cooling water and other purposes. And

1 the rest of it is going to Sepulveda Basin Lake,  
2 which feeds Los Angeles River.

3 And these are an issue of 1211 and, you  
4 know, how much needs to go to waterbodies and  
5 stuff. But we are planning on working with that by  
6 doing some sort of a flow regime study in the  
7 future.

8 The future water recycling project that we  
9 have at Donald C. Tillman, and Chris alluded to  
10 that, that's we are planning on taking 30 MGD of  
11 flow and using it for groundwater spreading,  
12 enhancing them and Pequoima (phonetic) by using  
13 MFRO. This project is way underway. The CEQA was  
14 certified in December of last year. We are working  
15 with Army Corps of Engineers to complete the NEPA  
16 that has been over one year of pilot studies. The  
17 MFRO pilot and we are publishing the data.

18 So, the first phase of it we anticipate is  
19 going to be online by 2019. And then, the entire  
20 30 MGD somewhere around 2022, 2023 is going to be  
21 online.

22 Going to Los Angeles-Glendale Water  
23 Reclamation plant, the current level of recycle is  
24 about 1 and a half to 2 MGD. The rest of it is  
25 going to irrigation, industrial application,

1 cooling water. And some of it is going to LA  
2 River. Again, we are discharging our flow into the  
3 LA River.

4 As far as the future water recycling  
5 facilities in Los Angeles-Glendale Water  
6 Reclamation plant, the City of Glendale has a  
7 project where they're going to take up to 3 MGD of  
8 water, bring it into City of Pasadena that is going  
9 to be used for stadium washing, irrigation, and  
10 other purposes. That project is already going  
11 through the permitting process. The engineering  
12 report has been submitted. And currently, they  
13 have filed a petition with the State Water Board  
14 for the 1211 analysis.

15 The City of Los Angeles is also having the  
16 downtown water recycling project, where we are  
17 going to be taking 1 and a half to 2 MGD of that  
18 water for recycling demand in downtown Los Angeles  
19 and USC area.

20 So, going back to Hyperion water  
21 reclamation, itself, the current level of recycling  
22 is that we are sending 35 million gallon-a-day of  
23 effluent to West Basin. This water is treated in a  
24 portfolio of water from anywhere from just  
25 chlorinated tertiary to advanced MFRO. Some of it



1 comes back to City of Los Angeles, where we will  
2 use it in City of Los Angeles. Some of it is  
3 distributed into our South Bay Area.

4 We are also using up to 36 million gallons  
5 of filtered secondary effluent in terminal process.

6 This is the cooling water that we are using at the  
7 cryogenic facility for the secondary reactors.

8 Also, we are using 25 MGD at our -- the project  
9 just came online at Hyperion, the digester gas  
10 utilization project that we take the biogas and  
11 converting it into energy.

12 So, the total amount of recycle right now  
13 is 71 MGD.

14 Okay, so future water recycling activities  
15 at Hyperion Treatment plant. We are looking at a  
16 Phase 1, which is between one and a half, and it  
17 could be expandable up to 5 MGD of advanced treated  
18 water. This is we are going to be taking the  
19 primary effluent and putting it to MBR. I know  
20 there was some discussion about MBR, so this is one  
21 of those projects. But rather than secondary  
22 effluent, we're going to be using primary effluent.

23 This project is going to be providing  
24 advanced treated water for Los Angeles Port Air  
25 Race, for Scattergood, for some of the neighborhood

1 facility users. And we are on the way. We are  
2 working on the permitting process, working on the  
3 engineering report and on the construction  
4 documents, and other things.

5 The second phase is realizing 30 to 35 MGD  
6 flow of Hyperion to increase recycled water at  
7 upstream water reclamation plant. And that is  
8 because the number of the flow that we have in the  
9 collection system of some of these treatment plants  
10 is limited. So, in order if you want to increase  
11 and enhance our water, we have to reduce the flow  
12 of inflow coming to Hyperion, and increase our flow  
13 at the DCP or LAG Treatment plant.

14 But as I pointed out, these are all  
15 connected and interconnected, and part of one  
16 service area.

17 Phase 3 is increase distribution to West  
18 Basin by an additional 35 MGD. We are in our way  
19 of developing memorandum of understanding and  
20 agreement with West Basin.

21 And Phase 4 is to do some sort of regional  
22 collaboration to find the recycled water for  
23 groundwater recharge replenishment and go to 100  
24 percent recycle. This is something that is going  
25 to take a little bit of creativity and, you know,

1 challenges.

2 And I am going to discuss that next, if I  
3 can get to the next slide that is. I need help.  
4 Okay. Oh, I did it. Okay, sorry. Yeah.

5 Okay. So, I know there's a lot of  
6 interest about Hyperion and the sheer level of the  
7 volume that is currently discharged into the Santa  
8 Monica Bay. But I think, like Ann was saying  
9 earlier, each one of the agencies and each one of  
10 the facilities have unique challenges. And I'd  
11 like to point out some of the challenges that we  
12 are facing at the Hyperion Treatment plant.

13 One is just finding user in that area and  
14 where the plant is located. As I pointed out, the  
15 plant is located downstream. It's sitting at the  
16 edge of a city where there is really no industry,  
17 no major reuse that we can think of in that area.  
18 Purple pipe is limited in how much you can use.  
19 There is already a (indiscernible) about this creek  
20 that is sort of in the place, have some of the  
21 customers.

22 And then, like I pointed out, the volume,  
23 you know, the volume that we are dealing with would  
24 require some sort of drinking water supply. We  
25 were really excited when there was a lot of talk in

1 direct potable reuse. I think the passage of  
2 direct potable reuse is going to give a big boost  
3 to, you know, turning Hyperion into a water  
4 production facility. If, and we are hoping that  
5 that would happen, that would really be a great  
6 boost to us.

7 And then the other issue is the  
8 groundwater storage area. There is really no  
9 groundwater basin close to us that we can use this  
10 for groundwater recharge. As you know, we are  
11 going through major corridor. Any expansion that  
12 we have to do is going to go through some major  
13 corridors of city. Most of the water reuse demand  
14 are upstream, so there are going to be pumping and  
15 a piping apparatus involved.

16 So, those are some of the challenges. But  
17 we are open to any discussion, the feasibility  
18 analysis that we can do to take this forward.

19 I know I ran over my time, so I'll be  
20 available to take any questions that you have.

21 CHAIR MUNOZ: Well, you've been here since  
22 8:00 a.m. so --

23 MR. RAD: Right, right. As long as Mario  
24 gets his time, I'm happy.

25 CHAIR MUNOZ: Yes, of course.

1           BOARD MEMBER FAMIGLIETTI: I have one  
2 question. Thank you, that was really interesting  
3 and informative. And I was just wondering on the  
4 issue of the amount of recycled water that you have  
5 just talked about, perhaps being 100 percent by  
6 2027, do you anticipate that some of the de-sal  
7 that's been talked about -- I know West Basin has  
8 talked about a de-sal plant. And just before we  
9 were talking about it not penciling out in terms of  
10 costs compared to recycled water, what do you think  
11 the impact of that will be on a de-sal plant in the  
12 area that perhaps was --

13           MR. RAD: Well, obviously, something like  
14 that is going to create, you know, competition for  
15 the recycled water that it produce in the area.  
16 But the cost is a major factor in de-sal. Right  
17 now the cost of recycled water, even MFRO, is much  
18 less than the cost of de-sal.

19           There is the issue of climate change and  
20 greenhouse gas. It's very energy intensive so our  
21 industry and our project got much more greener in  
22 that sense. So, those are some of the good things  
23 that is going toward the water recycling.

24           However, there are, you know, technology  
25 that is changing, particularly in de-sal. I know

1 there has been a lot of push with some of the  
2 companies, local companies to get that going. But  
3 I believe just in the fact that, you know, the  
4 greenhouse gas issue, the cost issue, ultimately  
5 it's going to be the cost issue. And I think we  
6 have the advantage over the cost issue and that's  
7 something that is going to help.

8 BOARD MEMBER FAMIGLIETTI: Well, thank  
9 you. And I appreciate that.

10 MR. RAD: Thank you.

11 VICE CHAIR GLICKFELD: Anymore questions?  
12 If not, I have one.

13 MR. RAD: Sure.

14 VICE CHAIR GLICKFELD: So, I have a  
15 suggestion. I think you should go over and talk to  
16 Ann Heil about the problems that she's raised about  
17 in-stream flows and how much you can take out of  
18 the Tillman plant that's now going into the LA  
19 River, how much Glendale can take out since those  
20 are effluent-dominated streams, but they're of  
21 interest to the Fish and Wildlife people.

22 MR. RAD: Okay, so I'm glad you raised  
23 that, Board Member Glickfeld because as you know  
24 there's a lot of projects from different agencies,  
25 different cities along the river that are now going

1 through the 1211 analysis. And we believe that it  
2 needs to be looked at in a holistic, and the total  
3 impact needs to be considered, rather than each  
4 individual project.

5 So, we are all for a stakeholder-driven --  
6 because some of these agencies have projects that  
7 are current and we are coming up with projects in  
8 the future. So, it's really important to have a  
9 discussion and bring them into a table, and have a  
10 stakeholder-drive process that we can address some  
11 of the entire impact to the LA River, rather than  
12 just one individual project.

13 VICE CHAIR GLICKFELD: Well, one thing  
14 that I would like you to note is that we have  
15 problems all over our Region, from Ventura where we  
16 can't recycle enough because they have to leave the  
17 water in the lagoon of the Santa Clara River. We  
18 have problems taking discharge out of the top of  
19 Santa Clara River. We can't take it out on the  
20 bottom and we can't put it in -- never mind.

21 And then, we've got problems all the way  
22 around in terms of what the impacts are. We've had  
23 a lot of problems getting to be able to pull out  
24 excess flows during the winter from the Tapia  
25 plant. But I think of all of the problems, I think

1 the problems of the multiple plants along the LA  
2 River, who have been doing this kind of effluent  
3 discharge for so many years, it's going to be the  
4 toughest.

5 And I would hope that, Sam, as they move  
6 forward if we can do anything to get a cooperative  
7 relationship going between the resources agencies  
8 that sort of control these flows, and our  
9 dischargers, and ourselves trying to figure out  
10 what the best flows are for the river so that we  
11 can discharge that.

12 Do you want to say something about that?

13 MS. SMITH: Yeah, we're hosting a meeting  
14 with the City and the Resource Agency this month.

15 VICE CHAIR GLICKFELD: That's perfect.

16 MS. SMITH: We've already had some  
17 discussions. And the City's going to have a  
18 meeting in July to kick this off.

19 MR. RAD: Yes. Yeah, it's pretty much,  
20 you know, on the radar let's say, and we are  
21 looking into it under One Water LA, so thank you  
22 for bringing that up.

23 VICE CHAIR GLICKFELD: Okay, that's great.

24 I'd be interested in seeing it. I think that's  
25 one of the critical problems.



1           Thank you very much for a great  
2 presentation.

3           MR. RAD: Thank you. Thank you.

4           VICE CHAIR GLICKFELD: Anybody else?  
5 Let's see, I think that's the end of our agenda  
6 today, Sam?

7           EXECUTIVE OFFICER UNGER: No, we have  
8 Mario.

9           VICE CHAIR GLICKFELD: Oh, one more?  
10 Sorry, I apologize for that. Who is -- I don't  
11 have my list here.

12           EXECUTIVE OFFICER UNGER: Whoever wants to  
13 speak, just get up and speak?

14           MR. ACEVEDO: Okay. All right, we'll be  
15 quick. So, my name is Mario Acevedo. I'm with  
16 DWP. I'm the Manager of Water Recycling. And  
17 thank you, Board Members for your patience today.  
18 And I will keep mine to five minutes.

19           As Hassan mentioned, LA Sanitation  
20 produces the recycled water and DWP distributes the  
21 recycled water within the City of Los Angeles. So,  
22 we have four areas in the City where we distribute  
23 water. The first one is the Valley system. And in  
24 the Valley, we already have recycled water to the  
25 majority of the parks and golf courses. Basically,

1 we've hit all of the low-hanging fruit in the San  
2 Fernando Valley.

3 Our next big project in the Valley is  
4 going to be the groundwater replenishment project.

5 And as Hassan mentioned, our goal is to spread up  
6 to 30,000 acre-feet-per-year of advanced treated  
7 recycled water in the San Fernando Basin.

8 I'm sorry do I need to say that? You guys  
9 can hear me okay? Okay.

10 VICE CHAIR GLICKFELD: No, I'm fine. I'm  
11 just trying to find my --

12 MR. ACEVEDO: Okay. So, not shown on this  
13 map, we do have a partnership with the City of  
14 Burbank because something I've heard earlier is  
15 about partnerships. And we do have a partnership  
16 with Burbank. We're getting recycled water from  
17 Burbank and we've connected to their infrastructure  
18 to serve customers in the North Hollywood area,  
19 which is too far from my existing purple pipe.

20 We're also looking at a partnership with  
21 the Las Virgenes Municipal Water District to  
22 possibly get water from the Tapia Water Reclamation  
23 plant to serve customers in Woodland Hills which is  
24 another area that is just too far from existing  
25 purple pipe.

1           In the Metro system, our biggest customers  
2 are going to be Griffith Park, Forest Lawn, Mount  
3 Sinai, Lakeside Country Club, and Universal  
4 Studios. So, these projects came online back --  
5 some of our earliest projects back in the 1990s.  
6 And right now we're looking to expand.

7           Roosevelt Golf Course will be on recycled  
8 water toward the end of this calendar year. And  
9 the Downtown Water Recycling project is probably  
10 going to be the last of our big NPR purple pipe  
11 projects, where we're hoping to get all the way  
12 down to USC, Exposition Park, and other areas in  
13 downtown L.A. which would like to use recycled  
14 water.

15           On the Westside, we have limited recycle  
16 water use. So, currently, it was mentioned earlier  
17 Hyperion produces secondary water. Approximately  
18 35 MGD of secondary water is delivered to West  
19 Basin, where they further treat the water.

20           We purchase tertiary treated water from  
21 West Basin at C. Little plant. And we distribute  
22 recycled water to the Westchester Golf Course,  
23 Loyola Marymount, and a variety of customers in the  
24 Playa Vista development.

25           In partnership with LASAN, our next

1 project that we've identified is the need for  
2 advanced treated recycled water to LAX and to  
3 Scattergood. So, this is going to be for cooling  
4 tower use, so it needs to be higher quality water.

5 Secondary or I should say tertiary water is not  
6 sufficient for the need.

7 So, Tena (phonetic) is going to be  
8 building a 1.5 MGD plant and that plant will be  
9 serving LAX and Scattergood by 2019 or 2020.

10 Moving on to the Harbor system, Terminal  
11 Island already produces MFRO water. It's advanced  
12 treated water. I have one key customer, it's my  
13 biggest company in the City of Los Angeles, it's  
14 the Dominguez Gap Barrier. The Dominguez Gap  
15 Barrier can take up to 5,000 acre feet per year.

16 And the Harbor system has the most  
17 potential for MPR expansion. So, in the Harbor  
18 system my next goal is to get the industrial  
19 customers in the area on recycled water. I have  
20 Air Products, Valero, Tesoro, Phillips 66. This  
21 area in the City could easily utilize between 20  
22 and 25 thousand acre feet of water per year.

23 So, Terminal Island has already expanded.  
24 They're going to be able to produce up to 12 MGD  
25 per day. And I recognize that if I can get all of

1 my customers on board with recycled water, I'm  
2 going to need additional recycled water to the  
3 Harbor system.

4 So again, working with my partner LASAN,  
5 we already have plans in place to bring more  
6 advanced treated recycled water to the Harbor  
7 system from Hyperion. And certainly, if the NWD  
8 project unfolds that might yet be another source of  
9 advanced treated recycled water that can serve the  
10 Harbor system.

11 Redundancy is another thing that was not  
12 discussed earlier. One thing I can tell you,  
13 limitations on recycled water use, for industrial  
14 customers they have an expectation that recycled  
15 water will be as reliable as potable water and if  
16 we cannot prove that to them, they will not sign  
17 agreements with us to take recycled water.

18 So, having redundancy in our recycled  
19 water system for industrial customers is absolutely  
20 vital to moving forward with projects.

21 So, customers that we've connected since  
22 2015, over the last, roughly 15, 18 months you can  
23 kind of see all the customers we've connected, a  
24 lot of parks, a lot of schools. The City has been  
25 very aggressive. Because of the drought we've had

1 renewed interest from a lot of our partners to get  
2 on recycled water.

3 Next up, L.A. Unified has expressed a lot  
4 more interest. And I have a lot of L.A. Unifields  
5 and additional Rec and Park parks that are going to  
6 be on recycled water.

7 So, in my group we are aggressively  
8 pursuing additional sites where they make financial  
9 sense and where I have customers who are willing to  
10 make the investment in the necessary  
11 infrastructure.

12 In terms of deliveries, over the last  
13 three years we've average about 10,000 acre feet of  
14 recycled water deliveries. These deliveries are  
15 only deliveries to customers. This does not  
16 include environmental purposes, such as the water  
17 that's currently being delivered to the Japanese  
18 Gardens, wildlife lakes, and so forth.

19 For '17-'18, I'm hoping that we can  
20 deliver 12,000. And I see us ramping up. And the  
21 ramping up is due to Terminal Island expansion.

22 VICE CHAIR GLICKFELD: Mario, you have to  
23 finish because we have to get outside and they're  
24 kicking us out.

25 MR. ACEVEDO: So, we've provided copies of

1 our Recycled Water Annual Report. Hopefully, those  
2 all got distributed to you. My information is on  
3 the back. If you guys have follow-up questions,  
4 I'm easy to reach. Thank you for your time.

5 EXECUTIVE OFFICER UNGER: Okay, we have  
6 one more, the City of Oxnard.

7 VICE CHAIR GLICKFELD: We need to be out  
8 of here in six minutes.

9 MR. RYDER: Okay. So, I'm Daniel Ryder, a  
10 Director from the City of Oxnard. Oxnard's a full-  
11 service city. We do our own water, wastewater and  
12 solid waste, about 200,000 people, about 44,000  
13 customers. Here's a photo of our recycled water  
14 plant.

15 The next slide. Our current capacity is  
16 about 6 and a quarter million gallons per day, or  
17 7,000 acre feet. We're using wastewater for our  
18 feedstock. We have about enough wastewater to  
19 double that capacity to date. We're also hoping to  
20 use stormwater to increase the capacity.

21 The current uses are crop irrigation,  
22 recycled water, new potable, and aquifer storage  
23 recovery wall.

24 Go ahead to the next slide. So, one of  
25 the primary benefits to the region is helping

1 farming, which is important to the economy and the  
2 culture of the area. The recycled water actually  
3 helps increase the yield of berry crops by 20 to 40  
4 percent, so that's pretty significant. It also  
5 uses a lot less water before they do the planting  
6 because most of their water is used to dry the  
7 salts out of the root zones for growing berries,  
8 especially strawberries.

9 The next slide. So, two dairies we're  
10 working with right now, we're using the selenium  
11 management pipeline temporarily to provide water to  
12 farmers during the drought, while we're completing  
13 a permanent pipeline. The design is done. We're  
14 just working on permits and right-of-way.

15 The other thing we're doing is we're  
16 delivering water to a 36-hole golf course. Later  
17 this summer we're going to be connecting a water or  
18 recycler. And we just connected a recycle  
19 development and we're going to connect a larger  
20 development this summer.

21 The next slide. So, a project that we're  
22 just finishing up, we have a pilot aquifer storage  
23 recover well for indirect potable reuse that will  
24 be completed next month.

25 So, if you just want to go through the



1 next couple of slides you'll see a typical recharge  
2 project. You put water in the ground and then the  
3 water will flow downhill and you'll pull it out.

4 With this system we're going to inject in  
5 one well, hold that for the response time while  
6 we're injecting in the second well, and then we'll  
7 be pulling out of the first well while we're  
8 injecting in the third well. So, we'll be able to  
9 use indirect potable reuse year-round with three  
10 sets of wells.

11 All right, the next slide. So, again I  
12 mentioned the ASR Well pilot is just about  
13 complete. We'll do a 1,000 gallon-a-minute pilot  
14 for a month. And then, we have a nine-month test  
15 period. Following that we hope to be fully  
16 functional in January of 2018 at a 7,000 gallon-  
17 per-minute capacity. And then within two years  
18 then be at the 14,000 gallon-per-minute capacity.

19 Any questions?

20 EXECUTIVE OFFICER UNGER: I have a  
21 question. Do you have salt buildup as you recycle  
22 in the produced water?

23 MR. RYDER: No.

24 EXECUTIVE OFFICER UNGER: No, okay.

25 MR. RYDER: We have a de-salter in, so

1     that's part of the process.   And we also use  
2     partial imported water so --

3             EXECUTIVE OFFICER UNGER:   So, it's  
4     blended?

5             MR. RYDER:   Yeah.

6             EXECUTIVE OFFICER UNGER:   And what do you  
7     do with the brine?

8             MR. RYDER:   The brine is discharged to the  
9     ocean.

10            VICE CHAIR GLICKFELD:   They have a brine  
11    line.

12            EXECUTIVE OFFICER UNGER:   Since we're  
13    getting kicked out can I get your card?

14            BOARD MEMBER FAMIGLIETTI:   Could we  
15    possibly get a copy of your presentation?

16            VICE CHAIR GLICKFELD:   All of us.   We  
17    would like to get electronic, if we can.

18            MS. MORRIS:   Yes, ma'am.

19            VICE CHAIR GLICKFELD:   Thank you for being  
20    here all day for our discussions.

21            (Applause.)

22            CHAIR MUNOZ:   Okay, motion to adjourn.

23            VICE CHAIR GLICKFELD:   Move to adjourn.

24    (Whereupon, the Los Angeles Regional Water Quality Control  
25    Board meeting adjourned at 5:25 p.m.)

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## CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of January, 2018.



MARTHA L. NELSON, CERT\*\*367

**TRANSCRIBER'S CERTIFICATE**

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of January, 2018.



Myra Severtson  
Certified Transcriber  
AAERT No. CET\*\*D-852