
Los Angeles Regional Water Quality Control Board

Meeting Minutes

Video and Teleconference Meeting Only

No Physical Location

*Authorized by and in Furtherance of Executive Order
N-29-20 and N-33-20*

May 14, 2020

Chair Irma Muñoz called the meeting to order at 9:05 a.m.

Chair Muñoz explained the process for participation in the virtual meeting, noting that for those who only want to listen or watch the meeting, the Board's customary webcast was available. She also provided instructions on how to join the Zoom meeting for those wishing to provide comments during public forum or on an agenda item.

Item 1 – Roll Call

Board Members Present: Cynthia Guzmán, Irma Muñoz, James Stahl, Charles Stringer, and Lawrence Yee

Staff Present: Renee Purdy, Jenny Newman, Hugh Marley, Khalid Abdullah, Helen Rowe, Gerardo Rabelo, Tamarin Austin, Sophie Froelich, Adriana Nuñez, Milasol Gaslan, LB Nye, Cris Morris, Wen Yang, Ivar Ridgeway, Douglas Cross and Jeong-Hee Lim, Don Tsai, Megan Kung

Item 2 – Order of Agenda

The EO Renee Purdy recommended that Items 10 and 11 be moved to the uncontested calendar if there were no objections or comments from the Board Members.

There were no objections or comments on the recommendation.

Item 3 – Approval of Draft Meeting Minutes for the April 16, 2020 Board Meeting

MOTION: Board Member Stahl made a motion to approve the draft meeting minutes

Seconded by: Vice Chair Yee

Motion carried: approved unanimously by roll call vote.

IRMA MUÑOZ, CHAIR | RENEE PURDY, EXECUTIVE OFFICER

Cynthia Guzmán – Yea
Irma Muñoz – Yea
James Stahl – Yea
Charles Stringer – Yea
Lawrence Yee – Yea

Item 4 – Board Member Communications

- a) Ex Parte Disclosures** *(Board Members will identify and discussions they may have had requiring disclosure pursuant to Government Code section 11430.40.)*

Board Member Stahl reported that he received email messages from the City of Rosemead and the City of Norwalk, each with an accompanying letter and a resolution adopted by the respective city council attached. The letters and resolutions pertained to the pending regional MS4 permit. Board Member Stahl encouraged the public to send comments to the Board but requested that such comments be sent to the Executive Officer, since the matter is pending before the Board and thus subject to ex parte communication rules.

Chair Irma Muñoz reported she also received the same emails and attachments from the cities of Rosemead and Norwalk and was reporting these as ex parte communications. Board Member Guzmán reported that she also received both emails and attachments and forward the correspondence to staff. Vice Chair Yee stated that he received the correspondence from the City of Rosemead but that he did not see the correspondence from the City of Norwalk.

- 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.)*

There were no reports from Board Members.

Item 5 – Executive Officer's Report

The EO reported on the following items:

- The Los Angeles Regional Water Board's COVID-19-related activities, including:
 - Responding to requests for compliance relief due to the COVID-19 emergency and associated stay-at-home orders; and
 - The Board's facilitation of information sharing and discussion among wastewater operators in the LA Region regarding local efforts around wastewater surveillance as a public health tool for tracking trends in SARS-CoV-2 community prevalence;
- Water resiliency activities, including:
 - The status of final permitting by the city of Malibu for the Paradise Cove Wastewater Treatment Systems upgrade; and
 - Soil and groundwater cleanup statistics for the Underground Storage Tank Program for the first week of May 2020;

- Continued interagency coordination regarding groundwater cleanup at the Santa Susana Field Laboratory Site, including:
 - Board staff's submittal of comments on the draft Department of Energy (DOE) Groundwater Corrective Measures Study (CMS) to DTSC; and
 - The Board's involvement in overseeing compliance with the NPDES general permit for stormwater discharges associated with construction and land disturbance activities (CGP) for upcoming demolition activities in Area IV of SSFL;
- Updates on Site Cleanup Program cases, including the Hi-Shear investigation in the cities of Torrance and Lomita and the Carousel Neighborhood cleanup in Carson;
- Outreach and engagement activities, including:
 - Upcoming Board outreach regarding the status of cleanup activities at the UTC Canoga Park Facility;
 - Board staff's consultation with tribal governments on two projects, application of USEPA's 2007 freshwater copper criteria in the LA Region and bacteria TMDLs for Los Cerritos Channel and Estuary and Alamitos Bay-Colorado Lagoon;
 - Recent and upcoming activities of the Chair's IGP Taskforce; and
 - A recent educational video developed by the Ventura County Watershed Protection District Stormwater Program.

Following the EO Report, Board Member Stahl commented on the Paradise Cove Wastewater Treatment System upgrade. He expressed his hope that movement is expedited on the improved system, noting that a day lost to getting the plant in operation is a day lost to improving water quality and that the upgraded system is needed.

Chair Muñoz posed a question about providing an orientation to the Water Board for tribal leaders. Ms. Purdy stated there is a quarterly meeting with tribal government representatives held by CalEPA, in which Board staff participates. Additionally, she shared that during the CalEPA Tribal Advisory Council (TAC) meeting in June 2019, which was held in the Los Angeles Region, Board management shared information on the Water Board, the Basin Plan, and some upcoming projects that may be of interest to tribes. Assistant Executive Officer Jenny Newman stated that staff will continue to expand on communication with tribal governments and provide updates to the Board.

Chair Muñoz also commented on the recent activities of the Industrial Taskforce and implementation of SB 205. She suggested to the EO that she share the idea of the taskforce and implementation of SB 205 with other Regional Water Board Executive Officers with an eye towards establishing similar groups and efforts in other parts of the state.

Vice Chair Yee acknowledged the efforts of the management team over the last couple months to transition staff from working collectively in a centralized office to working from home, and to evaluate and respond to requests for regulatory relief due to the COVID-19 emergency. Ms. Purdy expressed thanks to AEOs Hugh Marley and Jenny Newman who have been at the helm in providing guidance on how as an agency we are responding to

these requests -- not only in the region but statewide. The EO also thanked Russ Colby, Chief of the Compliance and Enforcement Section who has been coordinating and tracking the officewide, cross-program effort to respond to the requests.

Item 6 – Update by State Water Board Liaison Sean Maguire

State Water Board Member Sean Maguire reported on the following items:

- Governor Newsom’s May Revise State budget, including the projected \$54 billion budget deficit;
- State Water Board guidelines that were release several weeks ago in response to Governor Newsom’s Executive Order N-42-20, prohibiting the shutoff of residential water service during the COVID-19 emergency;
- Adoption of updated regulations for the Environmental Lab Accreditation Program (ELAP) by the State Water Board on May 5, 2020;
- Adoption of a policy to direct the Water Board’s efforts to administer the Safe and Affordable Drinking Water Fund, established by SB 200, by the State Water Board on May 5, 2020 and consideration in July 2020 of the Fund Expenditure Plan for the upcoming fiscal year; and
- Upcoming workshops on the Draft Supplemental Vapor Intrusion Guidance developed by the California Environmental Protection Agency, Water Boards, and Department of Toxic Substances Control.

Board Member Guzmán expressed her desire to discuss further how to direct funds available through the Safe and Affordable Drinking Water Fund to at-risk water systems in the Los Angeles Region.

Item 7 – Public Forum

No speakers for public forum.

Items 8, 10 and 11 – Uncontested Items

MOTION: Board Member Stahl made a motion to approve Items 8, 10 and 11 (including the change sheet dated May 12th for Item 10)

Seconded by: Board Member Stringer

Motion carried: approved unanimously by roll call vote.

Cynthia Guzmán – Yea
Irma Muñoz – Yea
James Stahl – Yea
Charles Stringer – Yea
Lawrence Yee – Yea

Item 9 – Consideration of tentative revised Waste Discharge Requirements for Durbin Inert Landfill, Vulcan Materials Company, Irwindale; File No. 06-024. (Comment submittal deadline was March 9, 2020) [Douglas Cross, (213) 620-2246].

Chair Muñoz stated that on May 6th the Board received a second letter from the Main San Gabriel Basin Watermaster, which appeared to be a response to the Board's Response to Comments document concerning the Durbin Landfill. She noted that, generally speaking, the Board avoids admitting late comment letters into the record because of the inability of staff and other interested parties to consider and respond to them prior to the Board meeting. She further noted that it was the Board's understanding that the May 6th letter indicates that the Watermaster is standing by their position as articulated in their March 5th comment letter, which was timely. Finally, she stated that staff would be addressing the points raised in the May 6th letter during the staff presentation.

The Chair administered an oath to all those testifying on Item 9.

Staff Presentation: Douglas Cross, Engineering Geologist (Case Manager, Durbin Landfill Site).

Discharge Presentation: Pawan Sharma, CDM Smith, Inc.

There were no other comments on Item 9.

Generally, the Board discussed the proposed restriction prohibiting placement of asphalt below a particular elevation (as measured in feet above mean sea level or ft. amsl). Vice Chair Yee and Board Member Stringer questioned staff's proposal of a 290 ft. amsl limit and the basis of the Watermaster's request for a 310 ft. amsl limit.

The EO and Board staff explained the basis of the proposed elevation of 290 ft. amsl, highlighting the highest anticipated groundwater elevation, basin storage capacity, an appropriate buffer zone between groundwater and asphalt waste, and nature of asphalt waste.

Board Members requested and Board staff agreed that additional discussion with the Watermaster could build understanding and consensus in recommending an appropriate elevation requirement.

Before concluding the item, Attorney Tamarin Austin reiterated the legal authorities staff considered in developing the WDRs and ensuring the protection of groundwater.

The EO recommended and the Board continued this item until June or July. Board Member Stahl requested that the Watermaster attend that meeting to address any questions.

Legal counsel Tamarin Austin announced the Board was going into closed session to discuss litigation filed against the Board and, in particular, Items 13h and 13i on the agenda.

(The Board went into closed session at 12:25 p.m. and reconvened at 1:15 p.m.)

Item 12 – Pending issuance of a Regional Municipal Separate Storm Sewer System (MS4) permit for Los Angeles and Ventura counties.

Permittees and other stakeholders offered comments on matters concerning the pending permit and, in particular, comments on costs. The Board provided input to staff on permit implementation and development; however, no action or voting took place.

Staff Presentation: Dr. LB Nye, Section Chief of Regional Programs

Speakers:

- Dr. Shahram Kharaghani, City of Los Angeles Bureau of Sanitation and the Environment
- Heather Merenda, City of Santa Clarita and the Upper Santa Clara River Watershed EWMP Group
- Arne Anselm and Ewelina Mutkowska, Ventura County Watershed Protection District
- Rich Watson, Los Cerritos Channel Watershed Management Group
- Paul Alva, LA County Department of Public Works
- Ray Tahir, TECS Environmental
- Annelisa Moe, Heal the Bay
- Travis Van Ligten, counsel for the city of Duarte

After the MS4 presentations Chair Muñoz ask the Board Members for comments.

At the end of the presentations, Vice Chair Yee suggested that the Board consider postponing the adoption of the 2020 Regional MS4 Permit for one year due to the COVID-19 pandemic as well as the time needed to resolve a number of outstanding issues and concerns. A discussion about potentially postponing the permit adoption ensued. The Board considered whether a committee should be formed to continue the conversation on permit scheduling. It was determined that additional discussion was needed but that there was a desire among all Board Members to engage in the discussion. It was agreed that Chair Muñoz and Vice Chair Yee would discuss with the EO the timing of such a discussion among the full Board.

The meeting adjourned at 5:30 p.m. (For more detailed information on any matter at our meetings, you may contact Helen Rowe at (213) 576-6612 or email at: Helen.Rowe@waterboards.ca.gov, and she may provide an electronic copy of the transcript or audio, if available.)

Written and submitted by Helen Rowe, then finalized on June 17, 2020