



California Regional Water Quality Control Board Los Angeles Region



Winston H. Hickox
Secretary for
Environmental
Protection

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640
Internet Address: <http://www.swrcb.ca.gov/~rwqcb4>

Gray Davis
Governor

Los Angeles Regional Water Quality Control Board

Minutes of the May 27, 1999 Board Meeting

INTRODUCTION

1. The meeting was called to order by Chairman Nahai at 9:02 a.m.

Board Members Present

Jack Coe, Fran Diamond, Michael Keston, Marilyn Lyon, H. David Nahai

Board Members Absent

None

Staff Present

Dennis Dickerson, Jorge Leon, James Kuykendall, Debbie Smith, Dennis Dasker, Wendy Phillips, Jonathan Bishop, David Bacharowski, Raymond Jay, Jack Price, Dolores Renick

Others Present

Mary Jane Forster, SWRCB
Robert Hurt, Kaiser Aluminum
Tamara Gates, City of Claremont
Craig Bradshaw, City of Claremont
Karen Rosenthal, City of Claremont
Michelle Ouellette, City of Claremont
Carolyn Van Horn, City of Malibu
Ed Otsuka, City of Beverly Hills
A.R. Cuse, B/S Systems
C.E. Walter, B/S Systems
Guijun Hu, Komex H2O Science

Dr. David Kay, SCE
Jacque Gamble, Las Virgenes MWD
Jacqueline Lambrichts, FOLAR
Smita Sanghvi, Mtn. View Alzheimers
Center
Jim Colbaugh, Las Virgenes MWD
Mark Gold, Heal the Bay
David Ebersold, Montgomery & Watson
Melinda Sperry, Water Resource District
Chris Hansen, BKK
Walter Romanowski, BKK

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Norm Buehring, Las Virgenes MWD
Jim Langley, City of Los Angeles
Rey Rodriguez, H20-R2 Consultants
Don Rosenberg, DGRTA
Caryl Sheehau, Burns & McDonnell
Royall K. Brown, Coalition of WC Homeowners
Jim Ross, Alameda Corridor
Jack Petralia, LA County Dept. Health Services

Gary Scott, Claremont Courier Newspaper
Meena Nainan, Mobil Business Resource Corp.
Mike Mullin, City of Los Angeles
Frank Weiser, Law Offices of Frank Weiser
Jane Mr. Bray, Consulting
Christi Hogin, City of Malibu
Hazel Scotto, League of Women Voters

Pledge of Allegiance.

1. Roll Call.

A roll call was taken with all members present.

2. Order of Agenda.

The Executive Officer, Dennis Dickerson, recommended the following changes to the agenda:

- *Add item "Election of Officers" immediately following item 2.*
- *Continue items 9.3 and 9.7*
- *Pull uncontested items 9.2, 9.4, 9.5 and 9.6 from the consent calendar, and hear separately.*
- *Remove item 13 from the agenda for the following reasons:*

<i>13.1 ACL rescinded</i>	<i>13.2 ACL resolved</i>	<i>13.3 ACL</i>
<i>continued</i>		
<i>13.4 ACL continued</i>	<i>13.5 ACL resolved</i>	<i>13.6 ACL</i>
<i>continued</i>		

2.a. Election of Officers

The Nominating Committee gave a report and nominated Michael Keston as Vice Chairperson until the August 12, 1999 regular Board Meeting, at which time Marilyn Lyon will assume the role of Vice Chairperson until the next Election of Officers in January 2000.

MOTION: By Ms. Diamond, seconded by Mr. Coe, and approved on a voice vote.

3. Approval of Regular Minutes of April 22, 1999.

A motion was made to adopt the minutes as submitted.

MOTION: By Ms. Diamond, seconded by Mr. Coe, and approved on a voice vote.

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4. Introductions of New Staff Members.

Dennis Dickerson asked the Assistant Executive Officers to introduce the new staff members. Debbie Smith introduced Mariam Zech, Standards & TMDLs Unit, and Anthony Klecha, 401 Certifications; James Kuykendall introduced Sue Han and Peter Rafferty, both of the Site Cleanup Unit.

5. Regional Board Staff Recognition.

5.1 Resolution of Recognition for Retiree James Ross.

Dennis Dickerson provided introductory remarks and the Board presented Jim Ross with the Resolution of Recognition for his years of service with the Regional Board.

5.2 Cal/EPA Customer Service Award.

Dennis Dickerson provided introductory remarks and the Board presented staff member Dolores Renick, Personnel Officer, with the Cal/EPA award to recognize her for her outstanding customer service.

5.3 Sustained Superior Accomplishment Award.

This item was continued until the next Board Meeting because the recipient was unable to attend this particular meeting.

6. Board Member Ex Parte Communication Disclosure.

Chairman Nahai indicated he received a phone call from a client regarding a permit in the Central Valley Regional Board. He referred the client to the Executive Officer of the Central Valley Regional Board.

7. Uncontested Items Calendar.

Public comment cards were received for items 9.2, 9.4, 9.5, 9.6. These items were removed from the consent calendar and heard separately. A change sheet was submitted for items 11.1 – 11.2. There was a motion to adopt the consent calendar as items 9.1, 9.8, 11.1 – 11.2, 15.

MOTION: By Ms. Lyon, seconded by Ms. Diamond and approved on a voice vote.
Abstentions: Mr. Coe abstained from voting on item 15.

Although Item 9.8 (BKK Corporation) was adopted under the consent calendar, a speaker card was submitted after board adoption. A motion was made to reopen this item and hear it separately.

MOTION: By Mr. Coe, seconded by Ms. Lyon and approved on a voice vote.

PUBLIC FORUM

8. Public Forum.

The following persons submitted speaker cards and gave presentations to the Board:

1. *Mark Gold, Heal the Bay, informed the Board that significant progress has been made to develop the Long Beach Municipal Stormwater Permit, and thanked Dennis Dickerson and staff for their efforts. He asked the Board to add new requirements to the permit prior to their consideration at the June 30, 1999 Board Meeting.*
2. *Arthur Cruse, Bull Shot Systems, Inc., presented information regarding highway runoff pollution prevention. He informed the Board that grease used on the 5th wheel bearing which connects tractor-trailors, pollutes the highways, and he has developed a product that eliminates grease waste from diesel trucks. He asked the Board to consider meeting with him to discuss this further.*
3. *James Colbaugh, Las Virgenes Municipal Water District, updated the Board on the District's efforts to cease discharging into the creek. He informed the Board that the permit will be considered at the July 8, 1999 Regular Board Meeting.*
4. *Jacqueline Lambrichts, Friends of the LA River, requested that future enforcement fine monies be considered for the following habitat restoration projects:*
 1. *Department of Water and Power Groundwater Recharge Basin Project;*
 2. *City of Calabasas' Los Angeles River Watershed Creek Model Program;*
 3. *List of projects already submitted to the Board in response to Thousand Oaks sewage spill.*

CONTESTED ITEMS

The following items were removed from the consent calendar and heard separately. The Executive Assistant read the opening statement and the Chairman opened the public hearing and administered the oath to those testifying before the Board on the contested items.

ITEM 9.2: Water Replenishment District of S. California (West Coast Basin Desalters)

Staff member Dennis Dasker made a presentation summarizing the public's comments received regarding this matter and overview of the facility. He recommended the Board adopt the waste discharge requirements as proposed.

David Ebersold, Montgomery Watson informed the Board that he is available to answer any questions on behalf of the discharger.

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Melinda Sperry, Water Replenishment District also informed the Board that she is available to answer any questions.

Dr. Mark Gold, Heal the Bay, addressed the Board the express his concerns that the findings section of the permit is unclear, and does not clarify what the true nature of the permit is. Also, he indicated this particular permit falls under AB411 regulations, wherein the monitoring is required to be conducted weekly.

Dennis Dasker indicated that the AB411 issue would not be addressed within the requirements, and if adopted, the requirements would be automatically forwarded to the Health Department. A motion was made to adopt the waste discharge requirements.

MOTION: By Ms. Diamond, seconded by Ms. Lyon, and approved on a voice vote.

Item 9.4: Southern California Edison Company (Dominguez Hills Fuel Oil Facility)

Dennis Dasker gave a presentation to the Board summarizing the public's comments received on this matter and overview of the facility. He asked the Board to adopt the permit with the following modification: Agenda page 9-126, Footnote #3 be revised to only apply to suspended solids and turbidity.

David Kay, Edison Pipeline and Terminal Company informed the Board that discharges from the facility are very infrequent and of short duration. Due to this fact, it is very difficult for them to design a meaningful monitoring program.

Jacqueline Lambrichts, FOLAR, addressed the Board asking them to consider including language that structural Best Management Practices (BMP's) should be evaluated and installed to eliminate the historic trend of suspended solids and turbidity exceedences. Also, she suggested that staff and interested parties be involved in the review of the BMP's.

Mark Gold, Heal the Bay, addressed the Board sharing his concern that the oil facility does not yet have a formal Storm Water Pollution Prevention Plan (SWPPP), and have not yet developed one. He asked that this matter be considered for this and all other future permits.

Dennis Dasker indicated that the SWPPP is due within 100 days of the issuance of the order (90 days plus 10 days for the effective date of the order). There was a motion to adopt the tentative permit with the modifications recommended by staff.

MOTION: By Ms. Lyon, seconded by Mr. Keston, and approved by a voice vote.

Item 9.5: Kaiser Aluminum Extruded Products

Dennis Dasker gave a staff presentation summarizing the public's comments received on this matter and overview of the facility. He informed the Board that the permit requires more intensive monitoring to ensure the SWPPP is being implemented and is effective. He asked that the Board adopt the permit.

Robert Hurt, Kaiser Aluminum expressed his appreciation to staff for their cooperation in this effort and expressed his support of the conditions in the permit. A motion was made to adopt the permit as recommended by staff.

MOTION: By Mr. Coe, seconded by Ms. Lyon, and approved on a voice vote.

Item 9.6: The Dial Corporation

Dennis Dasker gave a presentation to the Board summarizing the public's comments received on this matter and overview of the facility. He asked that the Board adopt the permit.

Jacqueline Lambrichts, FOLAR, addressed the Board sharing her concerns that the effluent limit for Boron was changed from one milligram per liter to four milligrams per liter. She asked that the effluent limit not be revised, but remain at 1 milligram.

Dennis Dasker indicated that the Basin Plan does not set water quality objectives for Boron, and the effluent limit was modified based on the overall performance of the facility. He indicated that this level should not have an adverse impact on the announced beneficial uses since it is most critical in agricultural industries.

A motion was made to adopt the permit as recommended by staff.

MOTION: By Mr. Keston, seconded by Ms. Lyon, and approved on a voice vote.

Item 9.8: BKK Corporation (BKK Landfill Rainfall Runoff)

Dennis Dasker gave a presentation to the Board informing them that the reason for rescinding this permit is because BKK has now enrolled under the statewide general storm water permit. He stated the monitoring program imposed under the general permit is as extensive as what was under the individual NPDES permits. He asked that the Board rescind the permit as recommended by staff.

Royall Brown, West Covina Homeowner's Association addressed the Board sharing his concerns that the dischargers continue to discharge surface waters at mobile locations to storm water systems of Los Angeles County. He asked that the Board not rescind the permit and it be processed as the development of the site occurs.

Chris Hansen, BKK Corporation addressed the Board providing them with background information of the site and indicated that the landfill is officially closed. He asked the Board to rescind the permit since they are already enrolled in the general permit.

A motion was made to rescind the permit.

MOTION: By Mr. Keston, seconded by Ms. Diamond, and approved on a voice vote.

Item 10.1: Smita and Tarun Sanghvi (Mountain View Alzheimer's Center)

Dennis Dasker gave a staff presentation providing an overview of the facility and past actions taken by the Board regarding this matter. He summarized the public's comments received and asked the Board to adopt the permit as recommended by staff.

Jorge Leon, Legal Counsel discussed the procedural status of the case with the Board.

Smita Sanghvi, President of Mountain View Alzheimer Center, addressed the Board asking for an extension of time (22 weeks or 6 months) to allow for the installation of the treatment plant at her facility; and to allow more time for her lawsuit filed against the City of Claremont to be resolved.

Karen Rosenthal, Mayor, City of Claremont, addressed the Board expressing that their main concern is the water quality. She indicated the City would like to see a monitoring system put in place at the facility to ensure the treatment plant is working properly. She stated the City would approve the annexation of the facility, but the discharger has not applied for annexation.

Frank Weiser, Legal Counsel for Smita Sanghvi, addressed the Board requesting that the only matter they consider today is providing Ms. Sanghvi with a reasonable extension of time to install the treatment plant.

After much discussion of the Board, a motion was made by Mr. Keston to provide the discharger an extension of time under the existing WDR's to six months from today to have the treatment plant installed, operating and running; and the discharger provides evidence within two weeks that the system has been ordered (evidence by a contract and a check); and, the requirements for monitoring as described in the order be complied with.

After further discussion of the Board, an amended motion was made as follows:

Extend the expiration date of the waste discharge requirements (WDR), Order No. 97-114 to November 28, 1999, amend the date of the Cease and Desist Order No. 97-115 to correspond with the WDR, require the discharger to submit reasonable evidence by June 15, 1999, that a package wastewater treatment plant has been ordered (including

a copy of deposit check), and direct staff to come back to the Board with a tentative WDR for a package plant with an allowable flow of 2,500 gallons per day (gpd).

MOTION: By Mr. Nahai, seconded by Mr. Keston, and approved on a voice vote.

The Board paused for a closed lunch session at 12:30 pm and reconvened at 1:45.

ENFORCEMENT ISSUES

12. Consideration of a Resolution Authorizing the Executive Officer to Enter into an Agreement for Supplemental Environmental Projects (SEPs) with the City of Los Angeles.

Dennis Dickerson gave a staff presentation providing background information and an overview of the SEPs to be considered. He asked the Board to adopt the Resolution authorizing him to enter into a SEP Agreement with the City of Los Angeles resolving Administrative Civil Liability Complaint (ACL) No. 98-076; and recommended the following revisions to the Resolution:

Page 1 (Paragraph C): Insert "or another qualifying entity"

Page 3 (Paragraph 1): Delete "to implement the proposals; Insert "described in concept"

Insert "Prior to implementation, each project the City will submit a work plan for approval by the Executive Officer."

Chairman Nahai suggested including completion dates for these and all future SEPs being considered by the Board.

Jim Langley, City of Los Angeles, Bureau of Sanitation addressed the Board expressing his concern that including completion dates may rush some projects, and sacrifice the quality of them. He suggested meeting with the Executive Officer regarding this matter.

Dennis Dickerson suggested asking the City to submit the work plans by the end of the year.

Mark Gold, Heal the Bay, addressed the Board expressing his support for the SEP projects being considered. He offered Heal the Bay's assistance in designing the appropriate studies for Item Nos. B and C. He suggested the SEP project (Water Quality and Beneficial Uses Advisory Committee) only focus on the identification of beneficial uses, and not de-designational purposes.

A motion was made to adopt the Resolution with the proposed changes.

MOTION: By Ms. Lyon, seconded by Ms. Diamond, and approved on a voice vote.

14. Administrative Civil Liability (ACL) Complaint Against the City of Malibu for Failing to Timely Submit a Technical Report.

The Executive Assistant read the opening statement, the Chairman opened the hearing, and administered the oath for those testifying before the Board.

Wendy Phillips gave a staff presentation providing background information and asked the Board to affirm the ACL in the amount of \$5,700.

Carolyn Van Horn, Mayor, City of Malibu addressed the Board stating that the best interest of clean water requires a cooperation between the City and Regional Board. She asked the Board to demonstrate a good faith effort by rejecting the proposed fine.

Mr. Keston asked Ms. Van Horn if the City would have a desire to appoint two city council members to meet with two board members and attempt to develop a plan of action for addressing the various water quality issues in the City of Malibu. Mr. Keston suggested this approach would expedite the efforts of the City and Regional Board. Ms. Van Horn acknowledged that the City would welcome this approach.

Christi Hogin, City Attorney, City of Malibu addressed the Board reiterating that the City is committed to water quality, particularly in the Lagoon. She stated the fine proposed is unwarranted and asked the Board to reject it.

Mark Gold, Heal the Bay addressed the Board expressing his support with Mr. Keston's suggestion to make this matter a higher priority, by scheduling a meeting between the City Council and Board Members to negotiate this matter immediately. He reminded the Board and the City that the TMDL's for Malibu Creek are due 2001. Dr. Coe asked if Heal the Bay would be willing to assist in this cooperative effort, and Dr. Gold indicated yes, but stated he would like to see a time schedule developed.

Dennis Dickerson stated that he was supportive of Mr. Keston's recommendation, but suggested the City endorse this recommendation through a formal resolution. He also suggested the data collection begin July 1999, and the City put forth a greater effort to invest resources to ensure the consultants are meeting the objectives of the study.

After discussion of the Board, a motion was made to rescind the ACL, appoint Chairman Nahai, Vice Chairman Keston, and the Executive Officer to meet with two city officials in a good faith effort to work together cooperatively to expedite and resolve this matter.

MOTION: By Mr. Keston, seconded by Mr. Coe, and approved on a voice vote.

INFORMATION ITEMS

16. Status Report on MTBE issues of the Underground Storage Tank (UST) Program.

David Bacharowski gave a staff presentation updating the Board on various issues relating to MTBE in the Los Angeles Region.

17. Status Report on Prospective Purchaser Agreements (PPA's).

Jorge Leon, Legal Counsel, gave a presentation to the Board indicating that he has requested a legal opinion from Bill Attwater, Chief, Office of Chief Counsel. He will forward the response to the Board upon his receipt, and report back at the next Board Meeting.

18. Board Member Communications.

Nothing was reported during this item.

19. Report of Cost Benefit Task Committee.

Nothing was reported during this item.

20. Executive Officer's Report.

Nothing was reported during this item.

CLOSED SESSION

21. Closed Session.

There was a closed session conducted during the lunch break to discuss litigation matters.

22. Adjournment of Current Meeting.

The meeting adjourned at 3:50 p.m. The next regular meeting is on June 30, 1999 at the U.S. Court of Appeals Building in the City of Pasadena, 125 Grand Avenue.