



# California Regional Water Quality Control Board Los Angeles Region



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Protection

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## DRAFT Los Angeles Regional Water Quality Control Board Minutes of the May 23, 2002 Regular Board Meeting held at The Metropolitan Water District of Southern California 700 North Alameda Street, Los Angeles, CA

### INTRODUCTION

The meeting was called to order by Chairperson Diamond at 9:20 am.

### Board Members Present

Susan Cloke, Francine Diamond, Robert Miller, R. Keith McDonald, Bradley Mindlin, H. David Nahai

### Board Members Absent

Julie Buckner-Levy, Christopher Pak, Timothy Shaheen

### Staff Present

Dennis Dickerson, Deborah Smith, Wendy Phillips, David Bacharowski, Jonathon Bishop, Ronji Harris, Laura Gallardo, Robert Sams, Michael Lauffer, Jack Price, Steve Cain, Jenny Newman, Blythe Ponek-Bacharowski, David Hung, Cassandra Owens, Augustine Anijelo, Thizar Tinut-Williams, Rosario Aston, Veronica Cuevas, Raul Lima, Mazhar Ali, L.B. Nye, Michael Lyons, Paula Rasmussen, Hugh Marley, Dionisia Rodriguez, Rod Nelson, Kwang-il Lee, Toni Calloway, Gary Schultz, Wen Yang, Thanloan Nguyen

### Others Present

Caroly Casanan, West Coast Env. & Eng.	Joan M. Crews, Caltrans
Steve Shestag, The Boeing Corporation	Kwok Tan, City of Irwindale
M.B. Yeligar, Puretec	Joey Borchers, Caltrans
John J. Lormon, Procopio, Cory, Hurgreaves & Savitch	Kevin Davis, Procopio, Cory, Hurgreaves & Savitch
Jacqy Gamble, Las Virgenes MWD	Richard Parsons, Reliant mandalay
Kris W. Flaig, City of Los Angeles	David Rosenfeld, Natural Resources News Service
Shelley Luce, Heal the Bay	Richard Hajas, Camrosa Water District
Bob Wu, Caltrans District 07	Mario Starabe, Boeing Reality Corporation
Lary J. Miller, City of Los Angeles	

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

## **Pledge of Allegiance**

1. Roll Call

*A roll call was taken.*

2. Order of Agenda

*The Executive Officer, Dennis Dickerson, recommended the following changes to the Agenda.*

- *Items 7.2, 9.1 and 11 will be taken off of the consent items calendar*
- *Items 7.4, 8.1, 10.1, and 10.2 will be postponed to a future meeting*
- *Item 12 will be heard first*

MOTION: By Board Member Nahai, seconded by Board Member Cloke and approved on a voice vote. No votes in opposition.

3. Approval of Minutes

*The Board approved the minutes from the April 25, 2002 regular Board meeting.*

MOTION: By Board Member Cloke, seconded by Board Member Mindlin and approved on a voice vote. No votes in opposition.

4. Board Member Communications and Ex Parte Disclosure

*Board Member Mindlin went on a tour of the Newhall ranch site.*

*Chairperson Diamond met with Mark Pisano, Executive Director of SCAG and City Councilman Ed Reyes on two separate occasions to discuss general Board issues. Ms. Diamond also appeared at a press conference held by the LA City Bureau of Sanitation for a school beach cleanup day.*

*Board Member Cloke represented the board at an event held by Assemblymember Herb Wesson.*

5. Uncontested Items Calendar

*Board Member Coke asked that Item 8.2 be removed from the consent calendar. There was a motion to approve the following uncontested items: 7.1, 7.3, and 8.3-8.7.*

MOTION: By Board Member McDonald, seconded by Board Member Diamond, and approved on a voice vote. No votes in opposition.

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12. Continuation of Consideration of Resolution Authorizing the Attorney General to apply for a court judgement to collect the civil penalty assessed against Truck Parts Company

*Wendy Phillips, Acting Assistant Executive Officer, gave the background on this item. The Board had continued this item from the April 25<sup>th</sup> meeting, directing staff to develop a payment plan for the discharger. Ms. Phillips reported that staff and the discharger had settled on a payment.*

*Board Member Nahai asked if legal staff was comfortable the fact that there was no reservation of right to accelerate debt in the payment plan.*

*Robert Sams, Staff Counsel, replied that it was not needed in this situation.*

*There was a motion to adopt the staff recommendation.*

**MOTION:** By Chairperson Diamond, seconded by Board Member Cloke, and approved on a voice vote. No votes in opposition.

## WASTE DISCHARGE REQUIREMENTS

### 7.2. Rayne Water Systems, Ventura

*Blythe Ponek-Bacharowski, Chief of Watershed Regulatory, presented the background, location, and a description of the facility and the water softening system regeneration process. Rayne discharges backwash and final rinse water to the Arundell Barrenca, a REC-1 designated water, which empties into the Ventura Harbor. The new requirements contain CTR based standards and SIP required interim monitoring. Ms. Ponek-Bacharowski then reviewed the comments from the discharger and Ventura CoastKeeper. The discharger objected to the REC-1 beneficial use designation for the Barrenca, the final limits, which they feel are based on insufficient data, and the omission of dilution credits or mixing zones. Ventura CoastKeeper suggested that Boron and Nitrogen be added to the monitoring program.*

*John Lormon, Procopio, Cory, Hurgreaves & Savitch, representing Rayne, stated that final limits are inappropriate because there was insufficient effluent and receiving water data for a reasonable potential analysis. He then discussed the beneficial use designation of the Barrenca. He stated that the fishable and swimmable beneficial use designation must be attainable in order to be protected by the Clean Water Act and that this designation was unattainable in the Barrenca. He then requested that the toxicity monitoring use saltwater organisms because the Barrenca is a tributary to the harbor and asked for a compliance schedule of 2 ½ years.*

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*Steve Fleischli, speaking on behalf of Ventura CoastKeeper, supported the permit and defended the beneficial use designation. He did not feel mixing zones were appropriate.*

*There was a motion to adopt the staff recommendation.*

**MOTION:** By Chairperson Diamond, seconded by Board Member Nahai, and approved on a voice vote. No votes in opposition.

## 8.2. Reliant Energy

*Michael Lyons, staff scientist, gave a brief staff presentation on the proposed dredging of the Edison Canal, which would allow Reliant to draw enough cooling water from the canal and continue operations.*

*Board Member Cloke asked what the disposal process would be for the dredged materials and if there were any alternative disposal sites considered.*

*Mr. Lyons replied that height restrictions on the piles of dredged material keep them invisible from the beach.*

*Richard Parsons, Reliant Energy, added that it was good soil with other agricultural uses and the pile would not be permanent.*

*There was a motion to adopt the staff recommendation with the condition that Reliant must remove the pile within two years from the beginning of dredging.*

**MOTION:** By Chairperson Diamond, seconded by Board Member Nahai, and approved on a voice vote. No votes in opposition.

## 9.1 General VOC Cleanup Permit

*Blythe Ponek-Bacharowski presented the background, including the authorization and purpose of the general permit. She described the sources of VOC during cleanup of contaminated groundwater and the groundwater treatment process. She then reviewed the eligibility requirements for coverage under the general permit. The permit would be based on CTR and would incorporate effluent limits for emerging chemicals and gasoline additives. Ms. Ponek-Bacharowski then reviewed comments from WSPA, who opposed the 12 µg/L limit for TBA, stating that it was too stringent, that it could not be achieved, and that there should be different limits for drinking and non drinking water sources contaminated by TBA. Staff's response was that the limit was consistent with other anthropogenic compounds, that TBA could be treated to the permitted level with coupled technologies, and that separate limits for drinking and non drinking water were not practical and defeated the purpose of a general permit.*

*Board Member Cloke asked how staff arrived at the limit of 12 µg/L.*

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*Staff replied that the number was based on the best available science and that it was a regulatory number. Staff added that there was always an opportunity to revise the permit based on new information.*

*Board Member Nahai directed staff to report to the Board in 6 months on the status of all general permits adopted by the Board.*

*There was a motion to adopt the staff recommendation.*

**MOTION:** By Chairperson Diamond, seconded by Board Member Nahai, and approved on a voice vote. No votes in opposition.

### WASTE DISCHARGE REQUIREMENTS (WDR)/TIME SCHEDULE ORDER (TSO)

#### 11.1. and 11.2 Kissel Company, Inc. (Paradise Cove Mobile Home Park)

*Paula Rasmussen, Chief of Enforcement and Groundwater Permitting, gave the staff report including background on the problems with the existing septic systems at Paradise Cove and the proposed secondary treatment system that would be covered by this WDR and TSO. She explained that the beneficial uses were for groundwater but that the main goal was to protect the ocean waters of the cove for contact recreational uses. She went over the guidelines and regulations and the effluent violations, adding that the TSO gave the discharger reasonable time to upgrade their system. She then reviewed comments by the discharger and Heal the Bay, which staff addressed.*

*Steven Braband, Biosolutions, Inc. representing Superior Court Judge Mira as a Special master and representing comments for the Kissler Company, stated that he was in agreement with the WDR, the TSO and the changes made by staff.*

*Steve Fleischli, Santa Monica BayKeeper, strongly supported staff's recommendation except the change made to the point of compliance for the nutrient limit, setting it at the receiving water, as was requested by the discharger. He requested that if any revisions were made to the monitoring program that the public be given an opportunity to comment.*

*Shelly Luce, Heal the Bay, strongly supported the WDR but had some outstanding concerns that she reviewed. She felt the monitoring program should include groundwater monitoring with clearly specified location and depth requirements and agreed that the public should have an opportunity to comment on proposed changes to the monitoring program.*

*Board Member Nahai asked why footnote (a) in the change sheet was needed, why it was changed, and why there was a point of compliance for Nitrogen and not for other pollutants in the permit.*

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*Wendy Phillips responded that parameters like BOD, TSS, pH, etc were process parameters and their point of compliance would be at the discharge point. Nitrogen is an extra that was added to set a precedent.*

*Chairperson Diamond asked if the 5 feet vertical separation specified in the WDRs protected public health and safety. She also asked what was meant by allowing the old septic systems to be "legally abandoned" and why staff didn't recommend that all the of the tanks be removed.*

*Paula Rasmussen replied that the 5-foot separation was consistent with the general permit and that the discharger would monitor to ensure the 5-foot separation was adequate. Staff then explained that legally abandoning the tanks meant pumping them out and filling them with concrete, which is cheaper than removing the tanks and is a widely accepted alternative.*

*Board Member Cloke asked the discharger to explain why the restaurant on the property, which is owned by the same company and is also on a failing septic system, was not included in this proposal.*

*Steven Braband replied that they were installing a separate treatment plant for the restaurant at the request of the property owner and the homeowners association. The discharger had submitted a separate ROWD for the restaurant's treatment system.*

*There was a motion to adopt the staff recommendation with the change sheets, deleting footnote (a) in change sheet 1 and adding language about public comments on the monitoring program.*

**MOTION:** By Chairperson Diamond, seconded by Board Member Cloke, and approved on a voice vote. No votes in opposition.

#### 9.1 Update on Calleguas Creek Watershed efforts

*Dennis Dickerson, Executive Officer, gave the staff presentation. He discussed the sources of chloride in the watershed and reviewed the history of the TMDL to date. Staff had proposed a draft TMDL in December with a chloride limit of 110 mg/L. The local community raised objections to this limit and there was disagreement between stakeholders and Regional Board staff regarding cost estimations to implement the TMDL. In an effort to reach a compromise, staff required the POTWs to submit a regional plan to reduce chloride. The POTWs submitted a plan in April, but staff felt it was incomplete. In the meantime, EPA developed its own TMDL per consent decree, which was based on the existing chloride standard of 150 mg/L. Therefore, the Regional Board has decided not to pursue their own TMDL, but rather to pursue the*

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*implementation of EPA's TMDL through the renewal of permits and the development of TSOs for POTWs in the Calleguas watershed.*

*Richard Hajas, Camrosa Water District, stated that the chloride problem was much greater than surface water discharges and that the groundwater basins were affected as well. He supported a focus group formation in order to take a comprehensive approach to TMDL development in the watershed. He stated that Camrosa and Camarillo chronically exceed the 150 mg/L because they rely heavily on groundwater but they were also currently studying the effects of water softeners. He reported that their immediate concern is with their permits, which contain a limit of 150 mg/L, and will now be subject to fines and third party actions for exceedances of this limit.*

*Chairperson Diamond asked if there was any progress on an alternative water supply.*

*Richard Hajas replied that they were currently receiving blended water that meets the standard.*

*Board Member Cloke asked what the funding sources for the workgroup were and if they had looked at the possibility of a water softener buy-back program.*

*Mr. Hajas replied that the cities were the source of funding, but that they would like the participation of flood control agencies and agricultural programs. He added that their agency was looking at a variety of ways to achieve a viable program.*

*Board Member Cloke asked what the timeline would be for an integrated approach to future TMDLs and how it would match the court ordered TMDL schedule.*

*Debbie Smith, Assistant Executive Officer, replied that although they were not to that stage yet, she didn't see a problem with meeting the TMDL development deadlines set by the consent decree. The next TMDLs in the watershed after a nutrient TMDL this summer are scheduled for 2005.*

*Board Members and staff went over the pros and cons of treating all pollutants at once. They discussed the consolidated approach to issuing TMDLs and how it depended on the credibility of the regulated community.*

*This was an information item only and the Board did not vote.*

The Board took a recess at approximately 2 pm to hold closed session and then returned to adjourn the meeting.

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Minutes of Regular Board Meeting  
on May 23, 2002

July 11, 2002

The meeting adjourned at approximately 4:15 pm. The next regular meeting is scheduled for July 11, 2002 at the City of Simi Valley Council Chambers, 2929 Tapo Canyon Road, Simi Valley at 9:00 a.m.

Minutes adopted at the \_\_\_\_\_ Regular Board meeting  
submitted/amended.

Written and submitted by: \_\_\_\_\_.

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