



California Regional Water Quality Control Board

Los Angeles Region



Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Linda S. Adams,
Agency Secretary

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Arnold Schwarzenegger
Governor

Draft Meeting Minutes

Los Angeles Regional Water Quality Control Board
August 9, 2007 Regular Board Meeting
Metropolitan Water District of Southern California
700 North Alameda Street, Board Room
Los Angeles, California

Item 1. Roll Call

The meeting was called to order by Chair Fran Diamond at 9:03 a.m.

Board Members Present: Chair Fran Diamond, Vice Chair Mary Ann Lutz, H. David Nahai, Maribel Marin, Leo Vander Lans, and Brad Mindlin

Board Members Absent: Dick Richardson

Staff Present: Deborah Smith, David Bacharowski, Ronji Harris, Jack Price, Stephen Cain, Blythe Ponek-Bacharowski, David Hung, Michael Levy, Jennifer Fordyce, Samuel Unger, Paula Rasmussen, L.B. Nye, Renee DeShazo, Ginachi Amah, Carlos Urrunaga, Rebecca Christmann

Individuals whose Names Appear on the Sign-In Sheet

Ms. Virginia Bleich, Ultramar	Mr. Gerry Greene, City of Downey
Mr. Richard Watson, Richard Watson & Associates	Ms. Cindy Lin, U.S. Environmental Protection Agency
Mr. Lial Tischler, Ultramar	Ms. Josette Descalzo, City of Beverly Hills
Mr. William Bowling, Citizen	Dr. Mark Gold, Heal the Bay
Mr. Cory Roberts, AAE	Ms. Susannah Turney, City of Arcadia PWSD
Mr. Daniel Rynn, City of Burbank, DPW	Mr. Ray Tahir, TEC Environmental
Mr. Larry Forester, Council Member City of Signal Hill	Mr. Ken Hoffman, L.A. County Sanitation District Ms. Ann Heil, L.A. County Sanitation District
Ms. Janet Rodriguez, L.A. County DPW	Mr. Geremen Amem, L.A. County DPW
Ms. Kirsten James, Heal the Bay	

Item 2. Order of Agenda.

There were changes to the Order of the Agenda. Items 12 and 13 were heard out of order following the consent calendar.

MOTION: To approve the Order of agenda.

First: Board Member H. David Nahai

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.

Second: Board Member Brad Mindlin
Vote: Approved by unanimous vote.

Item 3. Approval of June 7, 2007 draft Meeting Minutes.

MOTION: To adopt the June 7, 2007 draft Meeting Minutes.

First: Board Member Leo Vander Lans
Second: Board Member Dick Richardson
Vote: Approved by unanimous vote

Item 4. Board Member Communications.

Vice Chair Mary Ann Lutz reported that she attended a meeting with Interim Executive Officer Deborah Smith, and Mr. Stephen Cain of Board staff with Council Member Larry Forester, City of Signal Hill to discuss the Los Angeles River Trash TMDL..

Item 5.a. Board Checklist.

There was no discussion or questions regarding the Board Checklist.

Item 5.b. Report from State Board.

There was no Report from State Board at this meeting.

Item 6. Public Forum.

There were no Public Forum speakers for this meeting.

Item 7. Uncontested Items Calendar.

MOTION: To deem non-controversial and approve Agenda Items 7, 8, 9, 10, and 11

First: Vice Chair Mary Ann Lutz
Second: Board Member H. David Nahai
Vote: Approved by unanimous vote.

Item 12. County of Los Angeles Municipal Separate Storm Sewer System Permit Reopener

Chair Fran Diamond read an Opening Statement for this matter.

**Vice Chair Mary Ann Lutz recused herself from the hearing on this matter.*

Introductory Remarks. Ms. Renee DeShazo, Basin Plan Coordinator

- Gave background history on the Santa Monica Bay Beaches TMDL

- The item is a limited reopener which covers Marina del Rey Harbor sub watershed of Santa Monica Bay
- Informed the Board that the goal is to incorporate the Summer Dry Weather wasteload allocations with the same approach as the September 2006 reopener for the Santa Monica Bay Beaches TMDL.

Staff Report. Ms. Rebecca Christmann, TMDL Standards Unit

- Discussed the Marina del Rey Harbor recreational opportunities
- Gave clarification about the Marina del Rey bacteria TMDL numeric targets
- Discussed the regulatory mechanisms used to adopt the TMDL
- Discussed the Mothers Beach Non-Point Source Study
- Discussed the status of MDRH compliance and the exceedance occurrences

Closing Remarks. Ms. Renee DeShazo, Basin Plan Coordinator

- Discussed the permitting options that were previously recommended by the Board (Option A)
- Discussed the Board staff recommendations
- Discussed the concerns by the public commenters

Public Comment.

- Mr. Mark Pestrella, Assistant Director of L.A. County Department of Public Works gave an update on the County's efforts to move forward collaboratively; He gave an update to the Board on the beach's water quality results and the improvements to water quality that have resulted from the County's efforts. (in support)
- Dr. Cindy Lin, U.S. Environmental Protection Agency (in support)
- Dr. Mark Gold, President, Heal the Bay (in support)
- Ms. Tatiana Gaur, Santa Monica Baykeeper (in support)
- Ms. Kathleen Krasenics, Representing self (in support)

Board questions, concerns, and discussion:

- The Board expressed its appreciation for this accomplishment and commended the Interim Executive Officer Deborah Smith, Board staff, Mr. Mark Pestrella, and the County for their collaboration on this accomplishment.

MOTION: To adopt the permit as recommended by staff, and to change the word "two" to "three" in finding 35.

First: Chair Fran Diamond

Second: Board Member David Nahai

Vote: Approved by unanimous vote

Item 13. Basin Plan Amendment to incorporate trash in the Los Angeles River Watershed.

Chair Fran Diamond rendered the Oath to those giving testimony.

Staff Report. Ms. L.B. Nye, Standards & TMDL Unit

- Gave a brief update and introduced Dr. Ginachi Amah, the Project Engineer who worked on this TMDL

Mr. Michael Levy, Senior Staff Counsel gave background on this item. Mr. Levy clarified the necessity of removing trash in the Los Angeles River, and gave legal analysis after making the following points:

- Gave “key” dates for the nine year compliance schedule
- The “Zero” target should be met by the year 2016
- Full capture cost estimates
- Clarified the proposed schedule to the proposed extended schedule (the extended schedule if year 2017)
- Board staff finds that many of the CEQA comments are not credible based on experience and data
- Commenters believe that the costs are understated in this TMDL
- Clarified that EPA does not establish Implementation Schedules, and that there are 3 compliance strategies that a ‘Responsible Party’ can use to meet the ”Zero” target

Public Comment.

- Dr. Cindy Lin, U.S. Environmental Protection Agency (in support)
- Mr. Richard Watson, Representing City of Signal Hill (opposed)
- Dr. Gerry Greene, Representing City of Downey (opposed)
- Mr. Vik Bapna, L.A. County Flood Control District (in support)
- Dr. Mark Gold, Heal the Bay (in support)
- Ms. Kirsten James, Heal the Bay (in support)

Board questions, concerns, and discussion:

- Asked for clarification as to whether staff has certified the County’s full capture device?
- Asked for clarification as to the first time the Implementation Schedule was brought to the attention of Board staff?
- Encouraged the use of the “prioritization” approach
- Asked for clarification on how the compliance determination is conducted?

MOTION: To adopt the proposed Resolution with change sheets, and with respect to page 13-67 , sentence two change sentence to read “However, in the event...”, in reference to the full capture devices.

In addition, Board Vice Chair Mary Ann Lutz directed the Interim Executive Officer to continue communication with the County regarding the implementation devices and return with a report to the Board in sixty days.

First: Board Member David Nahai
Second: Board Member Leo Vander Lans
Vote: Approved by unanimous vote.

Item 3. Approval of June 7, 2007 draft Meeting Minutes.

MOTION: To approve the June 7, 2007 draft Meeting Minutes.

First: Board member David Nahai
Second: Vice Chair Mary Ann Lutz

Vote: Approved by unanimous vote.

Item 5. Executive Officers Report

Report given by Ms. Deborah J. Smith, Interim Executive Officer, and posted on the Board's website:
www.swrcb.ca.gov/~rwqcb4/html/eo_reports/eo_reports.html

The Board had a closed session break at approximately 3:28 p.m. and reconvened at 3:50 p.m., at which time the meeting was adjourned at approximately 3:52 p.m.

Minutes adopted at the September 6, 2007 Board meeting.

Written and submitted by: _____ on
Ronji R. Harris

