



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams,
Agency Secretary

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Arnold Schwarzenegger
Governor

Meeting Minutes

Los Angeles Regional Water Quality Control Board
May 7 – 8, 2009 Board Meeting
County of Ventura Government Center
Hearing Room
800 South Victoria Avenue
Ventura, California

The meeting was called to order by Chair Mary Ann Lutz at 10:10 a.m.

Pledge of Allegiance.

Item 1. Roll Call

Board Members Present: Chair Mary Ann Lutz, Vice Chair Madelyn Glickfeld, Steve Blois, Fran Diamond, Maribel Marin, and Dick Richardson

Board Members Absent: Maria Mehranian.

Staff Present: Tracy Egoscue, Deborah Smith, Ronji Harris, Jack Price, Michael Levy, Stephen Cain, Samuel Unger, Paula Rasmussen, David Hung, Cassandra Owens, Ginachi Amah, Rebecca Nascimeto, L.B. Nye, Dr. Cathy Chang, Rebecca Christmann, Don Tsai, Veronica Cuevas, Wendy Phillips, Enrique Casas, Rodney Nelson, Tracy Woods, Ivar Ridgeway, Peter Raftery, Jenny Newman, Man Voong, Raul Medina, Carlos Santos

Individuals whose Names Appear on the Sign-In Sheet

Ms. Ann Heil, L.A. County Sanitation District	Ms. Tess Dunham, Somach Simmons Dunn
Mr. Mike Sedelle, City of Simi Valley	Mr. Arne Anselm, Ventura County Watershed
Mr. Scott Mitnk, City of Thousand Oaks	Ms. Jennifer Weiland, DC Watersheds
Mr. Gene Hibberd, City of Ventura	Ms. Claudine Meeker, City of Alhambra
Mr. Dale Zurawski, Farm Bureau	Ms. Kirsten James, Heal the Bay
Mr. Eric Strechen, GeoSyntec	Mr. Gerry Greene, City of Downey
Mr. Matthew Breimer, Oro Vista Corporation	Ms. Mary Jane Macleod, Contech
Ms. Sara Soudam, Lawyers Title Company	Mr. Raphael Mazor, SCCWRP
Mr. Bert Rapp, City of Fillmore	Mr. Mark Grey, CICWQ
Mr. Kevin Gieschen, City of Simi Valley	Mr. John Kemmer, USEPA
Ms. Ashli Desai, Larry Walker Associates	Mr. Ron Fuchiwala, City of Simi Valley
Mr. Ron Caulkins, City of Ventura	Mr. Fred Camarillo, City of Port Hueneme
Mr. Vaikko Allen, Contech	Mr. Mack Walker, Larry Walker Associates
Ms. Tatiana Gaur, Santa Monica Baykeeper	Mr. Andy Henderson, BIA/SC

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.

Ms. Anita Kuhlman, City of Camarillo	Mr. Shaun Kroes, City of Moorpark
Mr. Kevin Coyne, Larry Walker Associates	Dr. Mark Gold, Heal the Bay
Ms. Susie Santilena, Heal the Bay	Mr. David Burhenn, Burhenn Gest
Mr. Bill O'Brien, City of Ojai	Ms. Jennifer Novak, CA Department of Justice
Ms. JoAnne Kelly, City of Thousand Oaks	Mr. Peter Chiu, Professional Engineer
Mr. Jim Thorsen, City of Malibu	Ms. Kay Runnion, Ventura Coastal Assn. Realtors
Ms. Kristen Ruffey, L.A. County Sanitation District	Mr. Brian Louie, L.A. County Sanitation District
Ms. Lucia McGovern, City of Camarillo	Mr. Craig George, City of Malibu
Mr. Joe Bellamo, City of Westlake Village	Mr. Don Jensen, Jensen Design & Survey
Mr. Craig Blois, Blois Construction	Mr. Lloyd Poindytes, VTN West, Inc.
Ms. Sarah Battelle, GeoLogic Assoc.	Mr. Rick Nyznyk, Building Industry Association
Ms. Heather Wylie, So CA Watershed Alliance	Mr. Ed Delave, PW Environmental
Mr. John Gaerlan, Kennedy/Jenks Consultants	Mr. Jason Weiner, Ventura CoastKeeper
Mr. Jim Taylor, City of Thousand Oaks	Mr. Richard Watson, Richard Watson Associates
Mr. Jason Pereira, CA Watershed Engineering	Mr. Mark Pumford, City of Oxnard
Mr. Adam Salkin, Resident	Mr. Phillip Friess, LA County Sanitation District
Mr. Merriler Fellows, NASA	Mr. John Krist, VCAILG
Mr. Aaron Green, VICA	Mr. Paul Jenkin, Surfrider Foundation
Ms. Lori Blair, BOEING	Mr. Rafael Garcia, Sunshine Canyon
Mr. Chris Rowe, WHNC	Ms. Reni Keane-Dengel, CAA
Mr. Wayde Hunter, NVC	Ms. Christina Walsh, ACMELA.Org
Mr. Lenon Art, BOEING	Ms. Elizabeth Crawford, Rocket dyne Watch.org
Mr. Jarrod DeGonia, Rep. Assemblymember Smith	Ms. Kamara Sams, The BOEING company
Mr. Paul Costa, BOEING	

Item 2. Order of Agenda.

- *Item 13, the Boeing Santa Susana Site will be heard the second day of the two-day meeting May 8, 2009 at 9 am.*

MOTION: To approve the Order of Agenda.

First: Board Member Dick Richardson
 Second: Board Member Fran Diamond
 Vote: Approved by unanimous vote.

Item 3. Approval of draft meeting Minutes for April 2, 2009 meeting.

MOTION: To approve the draft meeting Minutes for April 2, 2009 Board meeting.

First: Board Member Fran Diamond
 Second: Board Member Steve Blois
 Vote: Approved by unanimous vote.

Item 4. Board Member Communications.

There was no communication reported that constitutes disclosure for this item.

Item 5. Executive Officers Report

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

Item 5.b Board Checklist.

There was no discussion or questions regarding the Board Checklist.

Item 5.c Report from State Board.

State Board Liaison and Board Vice Chair Fran Spivy-Weber the rescission on the Blue Ribbon Passports, and gave an update on the Statewide Recycled Water Irrigation Workshop. Her estimate is that the permit will be done by the end of July 2009.

She also indicated that the Stormwater Construction Grant and Linear Permit are combined and slated to be heard on June 3, 2009; and on Jun 17, 2009 State Board will hold a Workshop on the roll of Urban Water Reuse and will discuss the Green House Gas issue.,

Item 5.d. Public Forum.

- Mr. John Krist, Farm Bureau of Ventura County
- Mr. Craig George, City of Malibu
- Mr. Trevor Smith, Channel Islands Waterfront Homeowners Association

Uncontested Items Calendar.

MOTION: To deem non-controversial and approve Agenda Item(s): 6

First: Board Member Dick Richardson

Second: Board Member Steve Blois

Vote: Approved by unanimous vote.

Item 7. Consideration of a draft Resolution rescinding Resolution Nos. R05-06 and R05-07 (Incorporating the Basin Plan the 2005 versions of the Los Angeles River and Ballona Creek Metals TMDLs) pursuant to writ of mandate in *Cities of Bellflower et al v. Los Angeles Regional Water Quality Control Board et al.*

Senior Legal Staff Counsel Michael Levy gave the presentation to the Board on this matter that is based upon the Court of Appeals decision to uphold the June 2005 Resolutions 05-006 and 05-007 Resolutions for Ballona Creeks and Watersheds and the Writ of Mandate challenging the Total Maximum Daily Loads (TMDLs).

Senior Counsel Levy gave clarification on the whole matter and what the Board is now required to do with respect to this matter. Mr. Levy briefed the Board with a history background that led to this point.

Mr. Levy recommended that the Board adopt the draft Resolution rescinding Resolutions 05-006 and 05-007.

Public comment:

- Mr. Dave Burhenn, Burhenn Gest
- Dr. Mark Gold, Heal the Bay

Board questions, comments, concerns, and discussion:

- Asks if there is an anticipated time frame, and for Counsel and staff to keep the Board updated on this matter.

MOTION: To approve the draft Resolution rescinding Resolutions 05-006 and 05-007.

First: Vice Chair Madelyn Glickfeld

Second: Board Member Maribel Marin

Vote: Approved by unanimous vote

Item 8. Discharge of Storm Water (Wet Weather) and Non-Storm (dry Weather) from the Municipal Separate Storm Sewer Systems within the Ventura County Watershed Protection District, County of Ventura and the Unincorporated Cities Therein; NPDES Permit No. CAS004002.

Staff Report. Mr. Samuel Unger, Regional Programs Chief. (*Mr. Unger, but was not limited to the following points in his presentation.*)

- Talked about the History of the Ventura MS4 Permit
- Discussed the local Hydrogeologic cycle
- Urbanization Effects on Water Quality
- Historical Perspective on Stormwater Regulations
- NRDC lawsuit enacted the Requirement for Stormwater to be incorporated into NPDES permits
- Bio-assessment is a requirement in this permit
- TMDL Monitoring is a requirement to this permit
- Discussed the variety of Monitoring Programs for this permit
- Talked about Municipal Action Levels (MALs)
- The Executive Officer has the authority to change MALs in this permit
- Discussed the Beach Water Quality Monitoring Program
- To date (from 2006 to present) 3 drafts of the Ventura MS4 permit have been circulated to all of the Stakeholders
- Talked about concerns communicated during stakeholder meetings
- Discussed TMDL provisions for the permit
- The monitoring requirements are more stringent for this permit, than for the previous permit
- Discussed concerns in the comment letters
- All established TMDLs are incorporated into the permit, including EPA established TMDLs

Senior Staff Counsel Michael Levy gave responses to legal arguments discussing permit requirements and Federal statutes. He also talked about mandatory provisions and other requirements for discharges. He gave clarification on both the State mandates and the Federal mandates as pertinent to this permit, and clarified the requirements of municipalities to assess taxes of imposed fees in order to cover expenses incurred connected to the MS4 permit.

Comments by Elected Officials:

- Supervisor Kathy Long, Ventura County (asked the Board to carefully consider the cost to the cities)
- Mr. John Kimmer, U.S. Environmental Protection Agency (in support)
- Ms. Patti Walker, Mayor, City of Fillmore
- Ms. Rondie Guthrie, Rep. Assemblywoman Audra Strickland
- Mr. Jarrod DeGonia, rep. Assembly Member Cameron Smyth
- Mr. Chris Collier, Rep. Senator Tony Strickland

Ventura County Permittees.

- Mr. Mike Sedell, City Manager, Simi Valley (in support)
- Mr. Jeff Pratt, County of Ventura (in support)
- Mr. Rick Coles, City Mgr. City of Ventura (in support)
- Mr. Gerhardt Hubner, Deputy Director Ventura County Watershed Protection (in support)
- Mr. Mark Pumford, City of Oxnard

Public Comment.

- Dr. Mark Gold, Heal the Bay (opposed)
- Mr. David Beckman, National Resources Defense Council (NRDC)
- Dr. Gerry Greene, Executive Advisory Committee (EAC) (in support)
- Mr. Richard Watson, City of Signal Hill (CPR) (concerns, but in support)
- Mr. Geoff Brosseau, CASQA (in support)
- Mr. John Franklin, Representing self (in support)
- Mr. Vaikko Allen, Contech Stormwater Solutions (opposed)
- Ms. Carmen Ramirez, CAUSE (opposed)
- Mr. Jason Weiner, Ventura Coastkeeper (opposed)
- Ms. Saira Gandhi, Representing self (opposed)
- Ms. Barbara Mackevy Ortiz, Rep. Affordable Housing Clientes (in support)
- Mr. Matt Yeager, San Bernardino County MS4 Program
- Mr. Matthew Breimer, Representing self
- Mr. Don Jensen, P.E., Rep. Jensen Design & Survey, Inc. (in support)
- Ms. Holly Schroeder, Building Industry Association (BIA)
- Mr. Mark Grey, BIA
- Mr. Eric Strecker, GeoTec Consultants

Board Questions, discussion, and concerns:

- Why aren't the MALs accepted in the agreement?
- Asks clarification on 13241
- Believe that the agreement between the cities and the NGO's is great
- Believe that the MALs is another tool of an ineffective process

- How do we get improved water quality by monitoring storm drains?

Staff Counsel Michael Levy informed the Board that upon the break, Mr. David Beckman of NRDC asks for the Board's permission to cross-examine Mr. Sam Unger. Mr. Levy recommended to the Board to entertain Mr. Beckman's motion to cross-examine, due to his claim that the hearing notice is unclear. The Board did allow 15 minutes for the cross-examination.

After much discussion by the Board, there was a Motion to adopt the Ventura County MS4 Storm Water Permit with the following changes:

- Strike Section E-3 (1) on page 8-78 to 8-83, replace with the NGO agreement Attachment "A" with identification on page 880 Section 4 that would allow 4 years for compliance.
- Amend Section M on page 8-184 as follows: "If funding from state, federal sources is not available for beach water quality...", "...within 30 days of notice shall conduct weekly, year-round beach water quality sampling and analysis..."
- Link Table 3 of attachment C to SUSMP Design Storm

MOTION: To approve the permit with the proposed changes and the change sheet.

First: Board Member Maribel Marin

Second: Vice Chair Madelyn Glickfeld

Vote: Approved on a voice vote.

Board Member Steve Blois opposed the adoption of the permit.

The Board to a break for the evening at 8:45 pm and will reconvene on tomorrow, May 8, 2009 beginning at 9 a.m.

On Friday, May 8, 2009, the Meeting was called to Order at 9:10 am.

Members were present: Chair Mary Ann Lutz, Vice Chair Madelyn Glickfeld, Steve Blois, Fran Diamond, Maribel Marin, and Dick Richardson

Members absent: Maria Mehranian.

Item 13. Waste Discharge Requirements for the Boeing Company, Santa Susana Field Laboratory

Item 14. Cease and Desist Order for the Boeing Company, Santa Susana Field Laboratory

Staff Report. Ms. Cassandra Owens, Unit Chief Industrial Permitting (*Ms. Owens gave a joint presentation for both items, and made, but was not limited to the following points in her presentation.*):

- Historical field operations include nuclear operations, storage, rocket engine and component testing
- Volatile Organic Compounds (VOCs) utilized for cleaning hardware in the 1970s
- New groundwater treatment scheduled for late 2009
- The permit covers discharges to surface waters only, and treated ground water effluent

- The benchmark exceedances trigger update or reassessment of monitoring plan
- Proposed permit changes include composite sampling for constituents or composite changes
- Discussed the concerns in the comments that were received
- No engineered treatment system will be located on the NASA property
- The discharger requested the Design Storm, but staff believes it is premature to implement the Design Storm at this time
- Staff attends expert panel, public meetings, DTSC and workshops dealing with the Design Storm

Report by the Boeing Company Representatives. Mr. Steve Shastag

- Requests that Monitoring Requirements be eliminated for extensive monitoring
- Asks for termination of monitoring at Outfalls 13 and 14
- Do not believe Benchmarks should extend until 2012

Public comment.

- Mr. Dan Hirsch, Bridge the Gap (opposed)
- Ms. Louise Rishoff, Rep. Assemblymember Julia Brownley (has concerns)
- Mr. Damon Wing, Rep. Ventura County Supervisor Lind Parks (has concerns)
- Mr. Jarrod DeGonia, Rep. Assemblymember Smith (no position)
- Mr. Michael Stenstrom, Expert Panel (support)
- Ms. Elizabeth Crawford, RocketdyneWatch.org (opposed)
- Ms. Christina Walsh, CleanupRocketdyne.org (opposed)
- Mr. William Bowling, ACMELA.org (opposed)
- Ms. Marie Mason, Representing self (opposed)
- Ms. Barbara Johnson, Representing self (opposed)
- Mr. Aaron Green, Valley Industry & Commerce Association
- Mr. Allen Elliott, NASA
- Ms. Amy Ryles, Representing self (opposed)
- Ms. Chris Rowe, Representing self (opposed)
- Ms. Dorri Raskin, Representing self (opposed)
- Ms. Kirsten James, Heal the Bay

Closed session break taken at 12:45; the Board reconvened at 1:50 pm,

Board discussion, questions and concerns.

- Where is sampling taking place?
- Believe we should make the Design Storm as large as possible
- What is the impact of rejecting the proposed CDO?
- In what instance would grab be used and not composite or vice versa?
- How is it determined which to used for compliance?
- Do not believe we should be giving a Design Storm for compliance
- Which constituents were reduced?

After much discussion, there were Motions made with respect to the tentative Waste Discharge Requirements and Cease and Desist Order.

MOTION. To approve the Waste Discharge Requirements with change sheet modified from 2012 to 2010. In addition change number of exceedances from 2 to 1 (page 13-124), and to clean up the typos.

First: Board Member Steve Blois

Second: Vice Chair Glickfeld

Vote: Approved on a voice vote. (Voice Votes: 4 'Yes' Votes, and 2 'No' votes).

MOTION: To approve staff recommendation with amendments to the Cease and Desist Order.

First: Vice Chair Madelyn Glickfeld

Second: Board Member Dick Richardson

Vote: Motion did not pass. (*Voice Votes: 3 'No' votes and 3 'Yes' votes)

The Chair made a Motion for Items 9, 10, and 11 to be continued to the June 4, 2009 Board meeting. This Motion was affirmed by the Board.

The meeting was adjourned at 4:45 pm. The Draft Minutes will be adopted at the June 4, 2009 Board meeting.

Written and submitted by: _____, then finalized on
Ronji R. Harris