



California Regional Water Quality Control Board

Los Angeles Region



Winston H. Hickox
Secretary for
Environmental
Protection

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Gray Davis
Governor

Los Angeles Regional Water Quality Control Board

Minutes of the March 03, 2000 Board Meeting
Richard H. Chambers, U.S. Court of Appeals Bldg.
125 S. Grand Avenue, Pasadena

INTRODUCTION

1. The meeting was called to order by Chairman Nahai at 9:12 a.m.

Board Members Present

Susan Cloke, Jack Coe, Fran Diamond, Robert Miller, Timothy Shaheen, H. David Nahai

Board Members Absent

Marilyn Lyon

Staff Present

Dennis Dickerson, Jorge Leon, Deborah Smith, Dennis Dasker, Wendy Phillips, Rod Nelson, Wayne Chiou, Sonja Gettel, Jonathan Bishop, Jaydeb Das, Hugh Marley, Robyn Goodman, Ronji Harris, Tracy Patterson, Alex Puglisi, Marleigh Wood

Others Present

Jim Colbaugh, Las Virgenes Municipal
Water District (LVMWD)
Lucia McGovern, West Basin Municipal
Water District
Patricia McPherson, Friends of Animals
Daniel Romano, CCA
Ximour Noubxientz, HR Textron
J. L. Wheeler, HR Textron
Henry Miller, Applied Hydrologic Assoc.
Anna Amarandos, Latham & Watkins
Jim Langley, Cit
Maria Hoy, City of Los Angeles
Richard Parsons, Ventura Port District
Steve Fleishli, Santa Monica BAYKeeper

Mark Gold, Heal the Bay
Jacqueline Lambrichts, FOLAR
John Claussen, CA Environmental Assoc.
Sean Kellythorne, Ventura Harbor Boat
Yard
Jacque Gamble, Las Virgenes Municipal
Water District
Lauma Jurkevics, California Coastal
Commission
Chuck Conner, Beneto Truck Lines
Marcia Hanscom, Wetlands Action Network
& Sierra Club
Joe Deakin, Triunfo Sanitation District
Marvin Sachse, Brash Industries

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.

Jack Kriechlo, Church of Scientology
Bonnie Mason, Church of Scientology
Donald Rosenberg, Donald Rosenberg &
Associates, Inc.
Bryan A. Stirrat, Bryan A. Stirrat & Assoc.
Chuck Lorello, Hathaway Children & Family
Services
Jane M. Bray, Bray Consulting
Rex Franbel, Save All of Ballona

Pledge of Allegiance.

1. Roll Call and Introduction of New Board Member(s).

A roll call was taken with all members present. Mr. Keston introduced Fran Diamond and welcomed her to the Board serving in the Public Member category.

2. Board Member Designations.

2.1 Report of Nominating Committee and Election of Officers.

The Nominating Committee (members Coe and Keston) gave their report and nominated H. David Nahai as Chairman of the Board for the remainder of 1999. They also recommended deferring the nomination of Vice-Chairperson for a minimum of 30 days.

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

MOTION (Defer Vice-Chairperson): By Mr. Keston, seconded by Ms. Lyon and approved on a voice vote.

Chairman Nahai immediately assumed his role of Chairman and thanked the Board for their nomination.

2.2 Designation of Board Member Representatives for SMBRP and other Entities.

Dennis Dickerson asked the Board to designate one member to serve on the committee on behalf of the Board. The designations were as follows:

- a. Santa Monica Bay Restoration Project – **H. David Nahai**
- b. Southern California Wetland's Board of Governors – **Marilyn Lyon**
- c. Los Angeles/San Gabriel River Watershed Council – **Fran Diamond**

3. Order of Agenda.

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

California Environmental Protection Agency



- *Add the following item: Introduction of New Staff Members;*
- *Add the Customer Service Award presentation as part of Item 5;*
- *Remove item 10.5 (Rescission for Sta-Lube, Inc.);*
- *Continue items 11.2 & 11.3: Hathaway Children's Services revised NPDES permit and Time Schedule Order;*
- *Continue item 12.2: ACL Complaint No. 98-100 against Harout's Auto*
- *Continue item 12.6: ACL Complaint No. 98-107 against Taylor Desk*
- *Continue item 13: (Rescission of Nyland Acres Wastewater Treatment Plant Cease and Desist Order)*

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

Dennis Dickerson introduced new staff members Raymond Jay, Unit Chief, Non Point Source Unit; and Weixing Tong, Underground Storage Tank (UST) Coastal Unit

4. Approval of Regular Minutes of December 14, 1998.

Chairman Nahai opened a discussion of the Board regarding their preference of recording and documenting all roll call votes. The first draft of the December minutes included comments along with some members' roll call vote. At the request of legal counsel, the comments were removed until the Board determined and voted on whether to include these comments. Legal counsel indicated that members can request that the reason for their vote be documented, however, the Board must vote on it to become a future practice.

A motion was made to include comments along with each vote when requested by a Board Member.

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

Another motion was made to amend the December 14, 1998 minutes by including the Board Member comments.

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

5. 1998 Board Outstanding Achievement Award.

The Board presented two separate awards for 1998 1) team; 2) individual. Dennis Dickerson gave introductory remarks and informed the Board of the exemplary work of the recipients of these awards. The team award was presented to the following staff members of the UST MTBE Investigation Team: David Bacharowski, Jay Huang, Harry Patel, Yue Rong, Rick Vergets, and Heather Trim (no longer employed by the Board).

The individual award was presented to Shirley Birosik, the Regional Board's Watershed Coordinator.

Dennis Dickerson presented Robyn Goodman, Executive Assistant, with the Cal/EPA Customer Service Award.

6. Resolution of Appreciation for Past Board Members John Slezak, Past Chairperson and Charlotte Craven, Past Vice-Chairperson.

The Board presented Past Vice Chairperson and Regional Board Member Charlotte Craven with a Resolution of Appreciation for her service on the Board. Past member John Slezak was not present during this portion of the meeting.

7. Board Member Ex Parte Communication Disclosure.

Jorge Leon, Legal Counsel made a statement asking the Board if they have had any discussions needing to be disclosed pursuant to Govt. Code Section 11430.40. The members indicated they have not.

8. Uncontested Items Calendar.

NPDES PERMITS

New

- 10.1 West Basin Municipal Water District (Carson Regional Water Recycling Project), Carson, CA0064246

Renewal

- 10.2 California Department of Water Resources (William E. Warne Power Plant), Pyramid Lake, CA0059188

Rescission

- 10.3 Riverbank Bulk Water, Wilmington, CA0055964
- 10.4 Aratex Services Inc., Long Beach, CA0063045
- 10.6 Bethlehem Steel Corp. (Vernon Industry Plaza), Vernon, CA0060755
- 10.7 Ventura Regional Sanitation District (Nyland Acres Wastewater Treatment Plant), Oxnard, CA0059005
- 10.8 Santa Clarita Community College District (College of the Canyons), Santa Clarita, CA0055565
- 10.9 Ventura Harbor Boatyard, Ventura, CA0058998
- 10.10 Southern Pacific Milling Co. (Santa Paula Facility), Santa Paula, CA0000981
- 10.11 Los Angeles Times, Los Angeles, CA0061913
- 10.12 Los Angeles Times, Los Angeles, CA0060666

- 10.13 L and R Auto Parks, Inc., Los Angeles, CA0062171
- 10.14 Robert Chan (B.C. Plaza), Los Angeles, CA0060607
- 10.15 Maguire Thomas Partners, Los Angeles, CA0062065
- 10.16 College Spring Partnership, Los Angeles, CA0061182
- 10.17 Alpha Therapeutic Corp., Los Angeles, CA0058777
- 10.18 Lubricating Specialties Co., Vernon, CA0059978

NON-NPDES PERMITS

New

- 11.1 San Gabriel Basin Water Quality Authority (So. El Monte Operable Unit),
So. El Monte

Revision

- 11.4 The Marblehead Land Company (Point Dume Club Wastewater Treatment Plant), Malibu, 68-071
- 11.5 Ventura Port District (Maintenance Dredging), Ventura, 79-059
- 11.6 Dominguez Energy Limited Partnership and Dominguez Properties, Limited Partnership, Carson, 86-075

Rescission

- 11.7 Texaco Exploration and Production, Inglewood, 84-14
- 11.8 Church of Scientology (Western United States Canyon Oaks Ranch School), 92-086
- 11.9 SPV Sanitation District Inc. and Williams Homes Inc., Agua Dulce, 89-022

There was a motion to adopt the consent calendar as items 10.1 – 10.4, 10.6 – 10.18; 11.1, 11.4 – 11.9.

MOTION: By Ms. Lyon, seconded by Ms. Diamond and approved on a voice vote. Mr. Coe abstained from voting on items 10.1 and 10.7.

PUBLIC FORUM

7. Public Forum.

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

1. James Colbaugh, Las Virgenes Municipal Water District
2. Jacqueline Lambrichts, Friends of the Los Angeles River (FOLAR)
3. Steven Trainor, California State Parks
4. Joe Deacon, Triunfo Sanitation District
5. Richard Parsons, Ventura Port District

California Environmental Protection Agency



ENFORCEMENT ISSUES

The Executive Assistant read the opening statement for all enforcement issues being heard and the Chairman gave the oath to those testifying before the Board. Each complaint was heard and voted on separately.

12. Administrative Civil Liability (ACL) Complaints for Failure to Submit Annual Reports Against the Following Permittees of the General Permit on Storm Water Discharges Associated with Industrial Activity.

Staff member Wendy Phillips gave a presentation to the Board providing them with background information and asking them to affirm four administrative civil liabilities issued to four storm water permittees.

Staff member Bryan Schweickert gave a presentation to the Board outlining the specific requirements under the general industrial storm water permit and process taken when a discharger does not comply with the requirements. He indicated that all permittees are given the opportunity to come into compliance, and the issuance of ACL's is the last step in the process.

He presented each ACL in sequential order and provided specific facts regarding them. He requested the Board hear from each permittee and consider whether to affirm, modify, or reject the ACLs.

The first item presented was as follows:

12.1 ACL Complaint No. 98-099 Against Beneto Inc., Truck Terminal, Long Beach (WDID 4B19S001401)

Bryan Schweickert stated that the discharger has failed to submit three years' worth of annual reports and asked the Board to affirm the ACL with the penalty amount of \$8,400.00.

Chuck Connor, Operations Manager, Beneto Truck Lines gave a presentation to the Board claiming that he had asked his employee to mail all three annual reports to the Regional Board, and submitted the annual reports at the hearing.

Steve Fleishli, Santa Monica BayKeeper, expressed the intent of AB 2019 legislation which is to impose mandatory minimum fines on those dischargers who repeatedly ignore the requirements. He applauded the Board's efforts in implementing AB 2019 thus far, and asked the Board to affirm each ACL being heard.

Mark Gold, Heal the Bay, concurred with Mr. Fleishli's comments. He expressed his strong support to the Board for implementing the spirit and intent of AB 2019 and asked the Board to affirm each ACL being heard.

There was a motion to affirm ACL No. 98-099 based on staff's recommendation and issue a penalty in the amount of \$8,400.00.

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

12.3 ACL No. 98-102 Against Hugo Giusto Auto, Maywood (WDID 4B19S004928)

Bryan Schweickert stated that the permittee has failed to submit three years worth of annual reports and failed to pay annual fees for the years 1996 and 1998 due to financial hardship. In a meeting with the Regional Board staff, the permittee committed to submitting future annual reports in a timely manner and complying with all terms of the general permit in the future. Based on this commitment, the penalty was adjusted to \$6,400 and a payment schedule was noticed. Bryan recommended the Board affirm the ACL and eliminate the payment schedule option.

The permittee or a representative was not present at the hearing. After discussion of the Board, a motion was made to affirm the ACL modified to eliminate the payment schedule.

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

12.4 ACL No. 98-103 Against Foothill Foundry, Azusa (WDID 4B19S0 04947)

Bryan Schweickert stated that the permittee had failed to submit three years of annual reports. He indicated that the permittee has met with Regional Board staff and has had several discussions by telephone regarding this case. Bryan recommended the Board affirm the ACL with the penalty amount of \$8,500.00.

Pat Raymond, Owner, Foothill Foundry made a presentation to the Board stating that he purchased the business in January 1995 and did not receive the Regional Board's letters because they were addressed to the previous owners. He indicated that he had forwarded all their mail directly to them, and in August 1998, accidentally opened a letter sent from the State Board informing him of the violations. He contacted the State Board, and filed a Notice of Termination. He believed this matter was resolved and no permit was necessary until he was contacted by the Regional Board on December 4, 1998.

After discussion of the Board, a motion was made to continue this matter until the next Board Meeting to allow further opportunity for staff to investigate the facts.

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

12.5 ACL No. 98-106 Against Truck Parts Company, Sun Valley (WDID 4B19S005937)

Bryan Schweickert stated that the permittee has failed to submit three years of annual reports. Staff had met with the permittee and informed staff that because auto dismantling had discontinued at his site in 1992, that a permit was no longer required. The permittee submitted a notice of termination. Staff denied the request because there still is storage of truck parts that are exposed to storm water. He asked the Board to affirm the ACL with the penalty amount of \$8,500.00.

Peter Newman, Owner, Truck Parts Company gave a presentation to the Board stating that he had stopped dismantling at the site due to the lack of business from the Northridge earthquake. For this reason, he believed he did not need a permit. He also was unaware that he needed to file a Notice of Termination. He asked the Board to consider a payment schedule of \$250.00 per year plus the \$250.00 penalty, plus staff costs.

After discussion of the Board, a motion was made to affirm the ACL in the penalty amount of \$8,500.00 and establish the payment schedule to be worked out between the permittee and staff, and the penalty be paid in full by April 2001. If the payment is not adhered to, the matter will immediately be referred for enforcement.

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

The Board paused for a 5 minute break. The chairman announced that public Item 16 would be heard immediately following the break to accommodate a speaker. The Executive Assistant read the opening statement and the Chairman opened the public hearing for Item 16.

16. Consideration of Recommended Best Management Practices (BMPs) for Development Planning and Construction for Municipal Storm Water Programs in Los Angeles County.

Mark Gold, Heal the Bay gave a presentation to the Board asking them not to adopt this list until the Regional Board starts making BMP manuals for various pollution sources and land uses. His organization would support this effort and assist the Regional Board in the development process and list modification.

During his comments, he also urged the Board to approve Item 18 in order to protect the receiving waters in Santa Monica Bay and protect public health.

OTHER BUSINESS

This public hearing was closed until Items 14 and 15 were heard. The Executive Assistant read the opening statement and the Chairman opened the public hearing for items 14 and 15. These items were heard separately.

14. Consideration of a Resolution Authorizing the Executive Officer to Execute the Prospective Purchaser Agreement and Covenant Not to Sue for the SKG Playa, LLC, Studio Land Co. and Playa Capital Company, LLC (The Dream-works Site).

James Kuykendall began by raising issues related to Prospective Purchaser Agreements (PPA's) in general and informed the Board that these particular PPA's are no longer "prospective" since both properties have already closed their property transactions and have both become the current owners.

Jorge Leon, Legal Counsel, asked that the Board consider this issue prior to hearing these items separately. He asked the Board to consider two key factors related to PPA's: 1) There is no specific authority that allows the Board to grant a legal release to the party that is legally liable; 2) approval of a PPA in these cases could set an undesirable precedent. He recommended the Board consider these legal issues prior to hearing the proposals separately and the following speakers addressed the Board on the legal issues:.

1. *Maria Hoye, Legal Counsel for Studio Land Company*
2. *Daniel Romano, Legal Counsel for Comstock, Crosser & Associates*
3. *Rex Frankel, Save All of Ballona and Ballona Eagle Project*
4. *Marcia Hanscom, Wetlands Action Network*
5. *Patricia McPherson, Friends of Animals*
6. *Tom Francis, BioWetlands, Land Trust*
7. *Bryan Stirrat, Bryan Stirrat and Associates*

The public hearing was closed and there was discussion of the Board. A motion was made to continue this item, direct Legal Counsel and staff to obtain guidance from the Attorney General's Office or Office of Chief Counsel, and report back to the Board at a future meeting.

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

The Board paused for a one hour closed lunch session. The meeting reconvened at 2:45 p.m and reopened Item 16.

16. Consideration of Recommended Best Management Practices (BMPs) for Development Planning and Construction for Municipal Storm Water Programs in Los Angeles County.

The Executive Assistant read the opening statement and the Chairman opened the hearing by giving the oath to those testifying before the Board. Xavier Swamikannu gave the staff presentation asking the Board to adopt the tentative Resolution approving the recommended BMPs with the following changes:

1. *Direct staff to supplement the master list with additional BMPs that have been submitted by Heal the Bay and Western States Petroleum Association;*
2. *Consider favorably the clarification which will be provided by the City of Los Angeles on the use of the BMP list;*

3. *Discretion of the proper language be given to the Executive Officer.*

The following persons testified before the Board:

1. *Charles Gale, Building Industry Association of Southern California*
2. *Steve Fleishli, Santa Monica BAYKeeper*
3. *Jim Langley, Los Angeles County Bureau of Sanitation*
4. *Michael Kissel, CKE Restaurants (dba Carl's Jr. Restaurants)*
5. *Marvin Sachse (submitted a speaker card, but was not present)*
6. *Jacqueline Lambrichts, Friends of the Los Angeles River*

The public hearing was closed. After discussion of the Board, a motion was made to adopt the resolution with the following modifications:

1. *Add a section to the resolution stating the purpose for which the resolution and BMPs are being adopted;*
2. *Change the language of Paragraph 2 of the resolution to read: "the permittees shall select and implement the most effective BMPs from the BMPs approved and attached hereto."*
3. *Add under "Therefore be it resolved".. the Executive Officer is authorized to incorporate additional detail to the BMPs as necessary.*

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

17. HR Textron Inc., Santa Clarita
 - 17.1 Resolution Approving the Environmental Checklist and Negative Declaration Inc.
 - 17.2 Waste Discharge Requirements

Dennis Dickerson asked the Board to consider moving by consent on this item since there was no speaker cards submitted and no comments received. There were motions made to adopt these items separately as follows:

- 17.1 MOTION: By Mr. Nahai, seconded by Ms. Diamond, and approved on a voice vote.
- 17.2 MOTION: By Mr. Nahai, seconded by Ms. Diamond, and approved on a voice vote.

18. Consideration of a Resolution Authorizing the Executive Officer to Approve the Recommended Proposition A Projects for Reducing Urban Runoff Pollutant Load in Urban Runoff to Santa Monica Bay.

Renee DeShazo gave a staff presentation asking the Board to adopt the tentative Resolution. After discussion of the Board, a motion was made to adopt the tentative Resolution and integrate the list of eight projects into the resolution.

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

INFORMATION ITEMS

California Environmental Protection Agency



19. Status Report and Briefing of Total Maximum Daily Loads (TMDLs)

Dennis Dickerson gave introductory remarks. Jonathan Bishop gave a staff presentation presenting a summary and time schedule of TMDL activities, and provided an update on the progress of the Regional Board's TMDL efforts.

20. Status Report on Closure of Azusa Landfill Reclamation (ALR)

Rod Nelson gave a staff presentation providing historical information on the site and updated the Board on the status of closure operations at the landfill.

21. Status Report of City of Los Angeles' Hyperion Treatment Plant Consent Decree

Dennis Dickerson gave a staff presentation updating the Board on the status of the Consent Decree. Jim Langley, City of Los Angeles provided additional information.

22. Board Member Communications.

The members did not give a report due to time constraints.

23. Report of Cost Benefit Task Committee.

Mr. Keston gave a status report indicating he was working with staff to gather data from additional dischargers.

24. Executive Officer's Report

Dennis Dickerson reminded the Board that today was Earth Day.

Past Chairman and Board Member John Slezak arrived and the Board presented him with his Resolution of Appreciation and Chairman Plaque for his years of service on the Board.

CLOSED SESSION

25. Closed Session

The Board paused for a Closed Session at 12:45 p.m. to discuss litigation matters. The Board reconvened at 1:45 p.m.

24. Adjournment of Current Meeting.

April 22, 1999

Regular Board Meeting

The meeting adjourned at 4:45 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.

Minutes adopted at the _____ Regular Board Meeting as submitted/amended.

Written and submitted by: _____

California Environmental Protection Agency



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