



California Regional Water Quality Control Board

Los Angeles Region

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Los Angeles Regional Water Quality Control Board Minutes of June 27, 2002 Board Workshop held at The Metropolitan Water District of Southern California 700 North Alameda Street, Los Angeles, California

INTRODUCTION

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

Board Members Present

Susan Cloke, Julie Buckner-Levy, Francine Diamond, R. Keith McDonald, Robert Miller, H. David Nahai, and Christopher Pak

Board Members Absent

Bradley Mindlin and Timothy Shaheen

Staff Present

Dennis Dickerson, Deborah Smith, Ronji Harris, Laura Gallardo, Robert Sams, Jack Price, Steve Cain, Jenny Newman, David Bacharowski, Jonathon Bishop, Michael Lyons, Blythe Ponek-Bacharowski, David Hung, Paula Rasmussen, Kwang-il Lee, Ginachi Amah, Renee DeShazo, Deborah Neiter, Cathy Chang

Others Present

Kristen Ruffell, LA County Sanitation District
Steve Shootag, Boeing
Alex Steele, LA County Sanitation District
Bob Wu, Caltrans
Bill DePoto, LA County Department of Public Works
Shirley Pak, Caltrans
Shahram Khavaghani, City of Los Angeles
Steve Fleischli, Santa Monica BayKeeper
Gerald McGovern, City of Los Angeles
TJ Kim, LA County Department of Public Works
Adel Hagekalil, City of LA, Bureau of Sanitation
Judy Wilson, City of LA, Bureau of Sanitation
Adam Arika, LA County Department of Public Works

Stephanie Gasca, SWRCB
Steve Weisberg, SCCWRP
Dave Burhenn
MJ Foley, MJF Consulting
Tim Piasky
Mike Shag, City of Redondo Beach
Don Schroeder, CDM
Renee G-Simon, UB
Drew Ackerman, SCCWRP
David Lennon
Mitzy Taggart, Heal the Bay
Judi Miller

Pledge of Allegiance

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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.

1. Roll Call

A roll call was taken.

2. Order of Agenda.

There were no changes to the order of the agenda.

3. Board Member Communications and Ex Parte Disclosure

No Board Members had anything to communicate.

4. Public Forum

Don Wolfe, Los Angeles County Department of Public Works, updated the Board on the progress of the County's compliance with the trash TMDL and other regulations. He described the various BMPs tested and installed by the County.

Board Member Nahai asked if the County was getting this information to the other co-permittees, especially the smaller cities.

Mr. Wolfe replied that this was the purpose of their efforts and it was their responsibility as principle permittee.

Board Member Cloke asked Mr. Wolfe to give staff the costs for the methods he described. She also asked how the County decided on the location for the devices with respect to effectiveness versus attractiveness (e.g., trash booms).

Mr. Wolfe replied that the County would get a better idea of maintenance costs when there was more rain. He stated that the main criterion for BMPs is technological but that public nuisance was considered. He added that the trash booms are a temporary solution until the storm drain devices are working.

Chairperson Diamond asked if the end of pipe devices would be used only where other approaches were not effective or if they would be used frequently.

Mr. Wolfe replied that they would be the most popular solution.

Steve Fleischli, Santa Monica BayKeeper, gave the Board an update on the Integrated Waste Management Workshop in Sacramento that he attended along with members from the Coalition for Practical Regulation. The topic was the better management and recycling of plastics. Mr. Fleischli encouraged the Board to send a letter of support.

5. Public Workshop on the Total Maximum Daily Load (TMDL) to reduce bacteria at Santa Monica Bay beaches during Wet Weather

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Staff Presentation

Jon Bishop, Chief, Regional Programs Section, gave the introduction. This TMDL was separated into a dry weather and wet weather component because of the numerous comments on the wet weather portion. The Board adopted the dry weather TMDL at the January 2002 meeting.

Renee DeShazo, Standards and TMDL Unit, gave the presentation. She reviewed the health risks and potential sources of bacteria and described the reference system approach (same as for the dry weather TMDL). She explained the numeric targets, which apply at the wave wash, and the critical condition, which is based on 1979, the 90th percentile storm rain year. She then went over the waste load allocations. Each beach/monitoring station is assigned an allowable number of exceedance days equal to the probability of an exceedance, multiplied by 74 (the number of wet days 1979), or 14 days, whichever is fewer. Ms. DeShazo also explained that there would be a re-opener in 5 years to re-examine the reference system approach. She then went over the implementation schedule (18 years with interim milestones), the cost assessment, monitoring program, peer review comments, and the refinements from the original draft.

Public Comments

Judy Wilson, City of Los Angeles Bureau of Sanitation, spoke in favor of the permit with some concerns. She supported the 18-year implementation plan but objected to the inclusion of the Ballona Creek entrance and the reference year based on frequency of storms and not duration or magnitude. She stated that the only way the City would be able to fund compliance with this TMDL would be to pass a multibillion dollar bond measure.

Adel Hagekalil, City of Los Angeles, Bureau of Sanitation, explained the city's objection to determining the critical condition based frequency of storms. He said that it leads to an underestimation of allowed exceedance days, which would lead the city to undersize their storage and treatment facilities.

Adam Ariki, Los Angeles County Flood Control District, had a few objections to the TMDL. He objected to the use of REC-1 basin plan objectives for both dry and wet weather because water contact significantly decreases in the winter. He objected to the cost, which he claimed could be as high as \$1.5 billion. Finally, he asked the Board to track and identify nonpoint sources and not put all of the responsibility on the permittees.

Alex Steele, Los Angeles County Sanitation District, was concerned about the implementation strategies, including diversion, and stated that the district felt strongly that the water could not be redirected in wet weather. He asked that a follow up to the Santa Monica Bay epidemiological study be done during wet weather. He objected to the first flush assumption and added that he would like more input from the department of health services.

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Steve Fleischli, Santa Monica BayKeeper, was generally supportive but stated that the 90th percentile reference year reflected a margin of safety for the dischargers and not the environment. He also objected to the 18-year implementation schedule and the choice of the reference beach, recommending the addition of a South Bay beach. He added that diversion was only one option and that it was not the Board's responsibility to dictate compliance.

Mitzy Taggart, Heal the Bay, was supportive of the permit in general but had concerns with how the use of a 90th percentile storm year and reference site could lead to 14 or 15 allowable exceedance days. She also had concerns with the extension of the implementation schedule from 10 to 18 years.

Board Questions

The Board members asked questions of Judy Wilson regarding the IRP implementation strategy and associated costs.

Ms. Wilson described the strategy, including interim plans for diversion, and long term plans for treatment and reuse as possible aquifer recharge. The City suggests a countywide bond issue to fund the project and the cooperation of all municipalities. Ms. Wilson estimated that the interim solution of diversion and storage could be accomplished in 10 years. She stressed that cities in the Region will have a problem with compliance due to lack of money.

Board Member Nahai asked Adam Ariki about his suggestions for different basin plan objectives for dry and wet weather.

Mr. Ariki requested that a sub beneficial use be created for the winter.

Board Member Cloke asked Mitzy Taggart what she thought was the optimum way of calculating exceedance days and if she could translate exceedance days to human health risks.

Ms. Taggart replied that she agreed that the 90th percentile storm year is the critical condition, but had a problem with the process of translating the 90th percentile to 14 to 15 exceedance days. She thought perhaps the reference beach should include another location, but hadn't come up with a better approach. She added that a translation of exceedance days to health risks would be a rough estimate.

Chairperson Diamond asked if Ms. Taggart objected more to the 18 year compliance date, or the gap between the 15 year, 50% compliance date and the 18 year, 100% compliance date.

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Ms. Taggart said she was concerned with them both, but more so for the 15 year to 18 year gap.

Board members and staff then discussed the number of allowable exceedance days, the choice of the reference beach and reference storm year, the difference in treatment costs based on looking at storm frequency versus volume, the timing of implementation, the permittees concerns with "other contributions," and the involvement of CalTrans. They then discussed concerns with basing the implementation schedule on the City of LA's IRP.

Shirley Pak and Robert Wu, CalTrans, spoke and said they were not aware of an invitation to join the steering committee.

6. City of Malibu Information Item

Paula Rasmussen, Chief, Enforcement and Groundwater Permitting Section gave the staff report on on-going efforts to control pollutants from septic systems. She discussed historical board actions, the 1999/2000 Malibu technical investigation, recent legislation related to septic tanks (SB 390 and AB 885), the recent land use plan developed by the California Coastal Commission, recommendations from the SMBRP septic systems task force, and current permitting efforts.

Board Member Nahai asked about the interplay between SB 390 and AB 885 and asked who would be responsible for ensuring Malibu complied with upcoming regulations under AB 885.

Ms. Rasmussen replied that the regulations under AB 885 are still being developed and that the Board's oversight role would not be spelled out in the waiver adopted under SB 390.

Chairperson Diamond asked how old systems would be regulated under AB 885 and if staff could get involved in developing AB 885 standards.

Ms. Rasmussen replied that the regulations were for new systems and replacements only and that staff as involved in the State workgroup to develop standards.

Board Member Cloke asked who was addressing the widespread, broad issues.

Deborah Smith, Assistant Executive Officer, replied that was why the Board was supporting the CCC LU plan – it may require Malibu to look at the problem of septic systems as a whole.

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Julie Buckner-Levy asked about the staff's current permitting efforts. She asked if the proposed permittees were expecting a letter from the Board and if they would look to the City of Malibu for guidance.

Dennis Dickerson, Executive Officer, replied that the permittees were not expecting a letter. He added that they should have applied for a permit years ago and that there would probably be a strong reaction to that. He stated that staff would make every effort to coordinate with the city.

Board members and staff then discussed the length of time to complete permitting efforts and the relationship between staff's permitting efforts and possible future planning by the City.

7. Consolidated Slip Project

Michael Lyons, Enforcement and Groundwater Permitting Section, gave the staff presentation. He discussed the background, the contaminants at the site, its designation as a toxic hot spot, the extent of the problem, and the cleanup plan. He evaluated the different remediation alternatives, the costs estimates, project funding, and the next steps to be taken.

Chairperson Diamond asked about the potentially responsible parties.

Mr. Lyons replied that they were putting together a list of current dischargers with a list of past dischargers put together in the 1960's.

Dennis Dickerson added that the dischargers have appeared before the Board in the past regarding permits. He stated that staff was focusing on issuing 13267 letters and gathering information and sampling.

Paul Johanson, asked for the Board's support in moving forward to restore the Consolidated slip and L.A. Harbor. They will continue to work with the Board on sampling, studies, and funding options.

5. Executive Officer's Report

The Executive officer updated the Board on current issues.

Adjournment of Current Meeting

The meeting adjourned at 2:45 pm. The next regular meeting is scheduled for July 11, 2002 City of Agoura Hills, Council Chambers, 30001 Ladyface Court, Agoura Hills, California, at 9:00 a.m.

Minutes adopted at the _____ Regular Board meeting submitted/amended.

Written and submitted by: _____.

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