



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
July 9, 2010 Board Meeting
City of Glendale Council Chambers
613 E. Broadway
Glendale, California

The meeting was called to order by Chair Mary Ann Lutz at 9:23 a.m.

Pledge of Allegiance.

Item 1. Roll Call

Board Members Present: Chair Mary Ann Lutz, Vice Chair Madelyn Glickfeld, Steve Blois, Fran Diamond, Maria Mehranian

Board Members Absent: Jeanette Lombardo

Staff Present: Sam Unger, Deborah Smith, Ken Harris, Ronji Moffett, Jennifer Fordyce, Jeff Ogata, Frances McChesney, Jack Price, Paula Rasmussen, Eric Wu, Renee Purdy, Ginachi Amah, Jenny Newman, LB Nye, Rebecca Vega-Nascimento, Man Voong, Rebecca Christmann

Individuals whose Names Appear on the Sign-In Sheet

Ms. Michelle De Santiago, Rep. Assembly member Hector De La Torre	Mr. Edward Belder, LA and SG Watershed Council
Ms. Kirsten James, Heal the Bay	Ms. Ann Heil, L.A. County Sanitation District
Mr. Alex Hamilton, City of Commerce	Mr. David Dolphin, City of Alhambra
Ms. Judith Fries, Los Angeles County Counsel	Dr. Mark Gold, Heal the Bay
Mr. Siobhan Dolan, SG Watershed Alliance	Ms. Catherine Tyrrell, Pirmie Consultants
Ms. Susie Santilena, Heal the Bay	Ms. Alexis Strauss, USEPA
Mr. Richard Montevideo, Rutan & Tucker	Mr. Don Schroeder, CDM
Mr. Chris Macarello, City of Rosemead	Mr. Daniel Rynn City of Burbank
Mr. Martin PASTECHN, City of Pasadena	Mr. Jorge Rifa, City of Commerce
Ms. Candice Lee, Richards Watson Gershon	Mr. Ron Ruiz, City of San Fernando
Ms. Terri Slifko, L.A. County Sanitation District	Mr. James Carlson, City of Sierra Madre
Mr. John Heintz, Latham & Watkins	Ms. Donna Chen, City of Los Angeles
Mr. Mat Bequetta, City of Los Angeles	Mr. Bob Wu, Caltrans District 07

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.

Mr. Chienpu My, Caltrans District 07	Ms. Patricia Elkins, City of Carson
Mr. Gian Villarreal, RBF Consulting	Ms. Zora Bahariars, City of Los Angeles
Mr. Guangyu Wang, SMBRC	Ms. Sheila Kennedy, Infact Solutions
Ms. Vanessa Hevener, City of Lynwood	Vice Mayor Maria Davila, City of South Gate
Councilmember Bill DeWitt, City of South Gate Ms. Cindy Lin, USEPA	Mr. Dulantgomery Lewis, Mayor Pro-tem Bradbury
Mr. Mark Christoffels, City of Long Beach	Mr. G. Daniel Ojela, City of Lynwood
Mr. Marc Mitchell, SEIU 721	Mr. John Noguez, City of Huntington Park
Mr. Paul S. Cobain, City of Los Angeles	Mr. Kevin Powers, CAA Professionals
Ms. Susan Dworsky, John L. Hunter & Associates	Mr. Jeff Beller, City of Los Angeles
Mr. Mas Dojiri, City of Los Angeles	Ms. Sofia Mohaghegh, City of Los Angeles BOS
Mr. Donald Voss, City of La Canada Flintridge	Ms. Kathleen McGowan
Mr. Nazem Said, LA Co Dept. of Public Works	Mr. Dustin Bambic, Res. Tennessee
Mr. Chris Minton, Latham Watkins Gershon	Mr. Ray Tahir, TEC Environmental
Mr. Sal Ramirez, TEC Environmental	Mr. Richard Watson, Richard Watson Associates
Mr. John Oropeza, City of Bell Gardens	Mr. Gerry Greene, City of Downey
Mr. Hassan Rad, City of Los Angeles	Mr. Tony Wong, W2 Design Inc.
Mr. Cory Roberts, AAE, Inc.	Mr. Bryan Cook, City of South Gate
Mr. John Hunter, John L. Hunter & Associates	Mr. Joseph Perez, TECS Environmental
Dr. Susan Paulsen, Flow Science	Mr. Vada Yoon, Flow Science
Mr. Ken Farsing, City of Signal Hill	Mr. Woodrow Clark, Clark Strategies Partners
Mr. Daniel Pankau, City of Calabasas	Mr. Anthony Anevalo, City of Long Beach

Item 2. Order of Agenda.

Item 7 will be heard out of order, and before Item 6. Item 6 will be continued if necessary because the Board will lose its quorum at 3 pm

Item 3. Board Member Communications.

There were no communications reported by the Board that constitute disclosure for this item.

Update from State Board.

Ms. Fran Spivy-Weber gave a report for the Once Through Cooling Policy, which has still not gone through to Office of Administrative Law (OAL) office, but is anticipated that it will in August 2010. She also indicated that Mr. Tom Howard will be the new Director at State Board, and his position will be noticed for Monday July 12, 2010.

The Delta Report will be out Friday for approval to be considered in the State Board August meeting. Also, the Enforcement Policy has been approved.

Item 4. Public Forum.

There were no speakers for the Public Forum.

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Item 7. Consideration of a proposed Basin Plan Amendment to incorporate a Total Maximum Daily Load (TMDL) for indicator bacteria in the Los Angeles River Watershed.

Ms. Alexis Strauss, USEPA gave brief opening comments. *(In her remarks she stated but was not limited to the following remarks):*

- Asked the board to support adoption of the TMDL
- USEPA is under Consent Decree and the TMDL needs to go forward
- Discussed the adoption process
- EPA is establishing 10 other TMDL projects
- Talked about the advantages of this TMDL

Staff presentation. Ms. LB Nye, Unit Chief TMDL *(Ms. Nye made but was not limited to the following points in her presentation):*

- L.A. River TMDL is similar to most TMDLs that have been adopted
- This TMDL uses fresh water depth exceedance rates
- This TMDL has a phase Implementation Plan.
- Feature in the TMDL initiated by Cleaner Rivers through Effective Stakeholder TMDLs (CREST) Outreach
- Discussed the Stakeholder process
- Discussed the LA River Watershed Reaches (18 in all)
- The Reaches are impaired and exceed criteria for bacteria most of the time
- The TMDL should protect downstream Reaches
- Staff recommends the Board embrace the Implementation Schedule
- The Implementation Plan is flexible
- Discussed the Bacteria TMDL schedule
- The costs are based on discharger estimates
- Implementation actions taken will overlap with other implementation actions
- Discussed the MS4 Implementation, incorporated into the MS4 permit
- Received 36 comment letters
- Cost is a big concern for stakeholders
- TMDL determines the allocations, but does not dictate the language in the permit
- At least one commenter is concerned with Wet Weather achievability
- Heal the Bay and Santa Monica Baykeeper have concern that the Implementation Schedule is too long

Interested Party Commenters.

Cleaner Rivers through Effective Stakeholders TMDLS (CREST) by Ms. Donna Chen, and Mr. Dustin Bambic, (in support) who made the following points:

- Discussed the Stakeholder meetings and workshops held
- They held 37 steering and /or Technical meetings
- Indicated that CREST mainly focused on dry weather
- Talked about the load Reduction Strategy
- L.A. River has 56 Outfalls, and its tributaries has 66 outfalls
- Discussed the Dry Weather costs

Consolidated presentation representing several (CPR) cities. *(in their presentations, the following points were made, but were not limited to the following):*

Mr. Richard Watson (opposed)

- Discussed plans for the river
- Indicated that costs are disproportionate
- Cities cannot reasonably afford the TMDLs
- This TMDL is contrary to the concrete portion of this river-bed

Dr. Susan Paulsen (opposed)

- Bacteria comes from many uncontrollable sources, i.e. Birds, human sewage, and POTW discharges
- Human sources pose the greater risks and are the ones we should focus on
- Non-human sources dominate in Reach 2
- Don not believe the TMDL accounts for natural sources of bacteria
- Recommend the recommendations for L.A. River Dry Weather be re-evaluated
- Concerns with Wet Weather are the volumes of flow
- Gave recommendations for the Wet Weather TMDL

Mr. Richard Montevideo (opposed)

- The L.A. River is unlike any other river
- EPA has discretion to not adopt a TMDL for bacteria
- This Board is charged with applying with CWC 13241, which requires standards to ensure “reasonable protection” of uses
- California law does not require restoration of LA River to receive its potential
- CEQA compels this Board to consider legitimate alternatives
- There is no evidence that Wet Weather TMDL can be complied with

Public Comment.

- Mayor Pro-Tem Donald Voss, City of La Canada Flintridge (opposed to Wet Weather)
- Ms. Priscilla Flores, Representing Mayor of Bell Gardens (opposed)
- Mr. John Hunter, Los Angeles River Watershed (opposed)
- Mr. Steven Ly, Mayor Pro-Tem, City of Rosemead (opposed)
- Council Member Suja Lowenthal, City of Long Beach (in support)
- Mr. John R. Noguez, Mayor City of Huntington Park (opposed)
- Mr. Ray Tahir, TECs Environmental (opposed)
- Dr. Mark Gold, Heal the Bay (in support)
- Dr. Cindy Lin, USEPA (in support)
- Ms. Donna Chen, City of Los Angeles (in support)
- Ms. Michelle De Santiago, Rep. Assembly member Hector De La Torre (opposed)
- Mr. Montgomery Lewis, City of Bradbury, Mayor Pro-Tem (opposed)
- Mayor Greg Martinez, City of South Gate (opposed)
- Mr. Mark Christoffels, Rep. Mayor Bob Foster, Long Beach (in support)
- Ms. Liz Crosson, Santa Monica Baykeeper (in support)
- Mr. Mark Mitchell, Rep. SEIU 721 (in support)

- Ms. Ann Heil, Sanitation Districts of Los Angeles County (supportive of change sheet)
- Mr. Edward Beldan, LA & SG Rivers Watershed Council.
- Ms. Conner Everts (in support)

Board Questions and Concerns:

- Asked clarification about reopeners
- Asked clarification on high flow suspension
- Does staff believe that determining that achievement of compliance may be impossible?
- Do not want to add more time and believe we can rely on studies
- NEED TO SEE TRANSCRIPT

MOTION: To adopt the tentative permit as recommended by staff with change sheet.

First: Board Member Fran Diamond

Second: Vice Chair Madelyn Glickfeld

Vote: Approved by unanimous vote

No voting or formal action took place for the following hearing:

Item 5. City of Los Angeles Hyperion Treatment Plant (HTP) NPDES Permit Renewal

Staff Report. There was a joint Staff Report with Alexis Strauss, USEPA, and Regional Board staff, Ms. Rebecca Christmann, Acting Unit Chief in Permitting Unit.

- Tentative permit has Dry Weather treatment capacity and a Wet Weather capacity
- Discussed Santa Monica Bay beneficial uses
- Talked about compliance history
- USEPA and Regional Board conducted a Reasonable Potential Analysis
- Discussed Performance Goals
- Constituents of emerging concern are CECs
- Talked about comments on Spill Monitoring and Reporting Requirements
- Comments on Pretreatment Program
- Discussed the next steps
- The permit is slated to be agendized for the September 2010 Regional Board meeting

Public Comment.

Mr. Hassan Rad, City of Los Angeles Bureau of Sanitation

- The plant has been in operation since 1894
- Believe the permit includes duplicative and conflicting provisions
- The City request that the permit be revised
- Concern with SSO overflow requirements
- Sampling requirements are duplicative and unnecessary

- Believe the performance goals should be moved for one-mile outfall to be consistent with current permit

Dr. Mark Gold, Heal the Bay

- Is in support of the permit, including the CEC monitoring
- Major concern is the need to include specific requirements
- Has concern about the effluent limits for cyanide

Mr. Guangyu Wang, Deputy Director SMBRC

- Believes there should be a comprehensive Monitoring Program

The Board meeting was adjourned at 4:13pm. The Draft Minutes may be approved, rescinded or modified at the September 2, 2010 Board meeting.

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

