California Regional Water Quality Control Board
Santa Ana Region

Minutes of February 2, 2007
City Council Chambers
25541 Barton Road
Loma Linda, CA 92354

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1. Carole Beswick, Chair, called the meeting to order at 9:10 a.m.

Board Members Present	**Board Members Absent**
Carole Beswick, Chair	Maurice Gallarda
Deborah Neev, Vice Chair	Fred Ameri
John Withers	
William Ruh	
Seymour Van Gundy	
Mary Cramer	

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
Erik Spiess, Regional Board Counsel
Robert L. Holub, Supervising Engineer
Joanne E. Schneider, Environmental Program Manager
Terri Reeder, Engineering Geologist
Gary Stewart, Chief of Surveillance and Enforcement
Kathleen Fong, Water Resources Control Engineer
Ed Kashak, Engineering Geologist
Mark Adelson, Chief of Regional Planning Programs
Bill Rice, Engineering Geologist
Jun Martirez, Chief of Permitting
Kevin Heinemann, Staff Information Systems Analyst
Felipa Carrillo, Executive Assistant

State Board Representatives

Tam Doduc, SWRCB Chair, on behalf of the Governor, congratulated the newly reappointed and appointed Board members Ruh, VanGundy, Gallarda and Ameri, respectively. She announced that the SWRCB was releasing four documents: a draft construction stormwater permit, a draft recycled water policy, a compliance schedule policy and a draft scoping document for the wetlands dredge and fill policy. She noted a Strategic Planning Summit meeting will be held in Sacramento in March.

Public Attendance

Pat Boldt
Essie Bootsma, Dairyman
Debbie Burris, DDB Engineering, Inc.
Heather Collins, CADHS
Jim Colston, OC Sanitation District
Kathy Nakase, Farm Bureau
Jack Nelson, Yucaipa Valley Water District
Erik Mroz, Pyro Spectaculars, Inc.
Arthur Marquez, Milk Producers Council, Chino
Vanessa Riggins, UC Riverside

Karen Cowan, County of Orange
Rod Cruze, City of Riverside
Martha Davis, Inland Empire Utilities Agency
Davin Diaz, CCAEJ
Matt Harward, Yucaipa Valley Water District
John Kabashima, UC Cooperativve Extension
Jon Kindschy, UC Riverside
G. Vanden Heuvel, Milk Producers Council, Chino
Francis Logan,
Bruce Scott, Agriculture
Nannette Scott, Agriculture
Rachael Scott, Farm Bureau
Robert Twineham, Industrial Waste Utilization, Inc.
Simon Washburn, CCAEJ

2. **Public Forum**

None

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3. **Approval of Minutes**

Action: It was moved by Member Withers, seconded by Member Cramer and unanimously approved that the Minutes of the December 1, 2006 Board meeting be approved as presented.

4. **Consideration of Consent Calendar Items**

It was noted that Items No. 5, 6, 7, 9 and 10 had errata and No. 8 had been postponed. Items No. 13 and 14 were settled and removed from the agenda, Item No. 15 was postponed, and Item No. 17A was added to the agenda.

*5. Renewal of General Groundwater Cleanup Permit for Discharges to Surface Waters of Extracted and Treated Groundwater Resulting from the Cleanup of Groundwater Polluted by Petroleum Hydrocarbons, Solvents, Metals and/or Salts (NPDES No. CAG918001) Order No. R8-2007-0008

*6. Renewal of Waste Discharge and Producer/User Reclamation Requirements for the Yucaipa Valley Water District, Henry N. Wochholz Wastewater Treatment Plant, San Bernardino County (NPDES No. CA0105619) Order No. R8-2007-0012

*7. Cease and Desist Order, Yucaipa Valley Water District, Henry N. Wochholz Wastewater Treatment Facility, San Bernardino County Order No. R8-2007-0010

*9. Waste Discharge Requirements for North Peak Land Company, LLC, North Peak Specific Plan (Tract Map No. 35123, City of Lake Elsinore) Order No. R8-2007-0019

*10 Rescissions Order No. R8-2007-0015

Action: It was moved by Member Ruh, seconded by Member Withers and unanimously approved that the Board adopt Orders No. R8-2007-0008 with errata, No. R8-2007-0012 with errata, No. R8-2007-0010 with errata, Order No. R8-2007-0019 with errata and Order No. R8-2007-0015 with errata.

12. **Resolution in Support of Chino Creek Integrated Plan**

Bill Rice, Engineering Geologist, introduced Martha Davis from Inland Empire Utilities Agency, who presented a brief summary to the Board. The Chino Creek Integrated Plan covers approximately 6,500 acres in the upper portion of the Prado Basin, which includes the cities of Ontario, Chino, Chino Hills and portions of San Bernardino County. Ms. Davis noted that one of the issues that the different cities and the communities wanted to talk about is how they can work together to look at the preservation of the natural resources and at the same time cooperate in developing multi-purpose projects that would benefit the region. Ms. Davis also noted the purpose of the Chino Creek Integrated Plan was to provide guidance documents on how the communities can work together and that this project is supported by the SWRCB. The multi-purpose projects are designed to integrate the needs and interests of area stakeholders and would benefit the region by improving flood control, habitat, recreation, water conservation and water quality. The project was expanded to address the broader needs of the area.

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Ms. Davis went on further to discuss three other projects that are currently moving forward which are the Mill Creek Wetlands Treatment, the Magnolia Channel Streambed Stabilization, and the Greater Prado Basin Cleanup projects, and how to reduce the illegal amount of dumping that is occurring in the Greater Prado Basin.

Action: It was moved by Member Ruh, seconded by Member Neev and unanimously approved that the Board adopt Resolution No. R8-2007-0009 in support of the Chino Creek Integrated Plan.

13. **Administrative Civil Liability Complaint, Ross Pallet, Inc., Santa Ana, Orange County** Order No. R8-2007-0017

This item was settled and removed from the agenda.

14. **Administrative Civil Liability Complaint, J. K. Properties, Inc., Stanton, Orange County** Order No. R8-2007-0022

This item was settled and removed from the agenda.

15. **Administrative Civil Liability Complaint, Admar Development Corporation, Colton, San Bernardino** Order No. R8-2007-0020

This item has been postponed to the March 2, 2007 Board Meeting.

16. **Public Workshop, General Waste Discharge Requirements for Concentrated Animal Feeding Operations, Dairies and Related Facilities, within the Santa Ana Region**

Gary Stewart presented this item. He explained that the purpose of the workshop was to introduce the new draft Concentrated Animal Feeding Operation (CAFO) Permit to the Board and the public and to obtain comments from the public. Mr. Stewart provided a brief background of the dairy industry in the area and discussed the Board's past regulatory approach with the industry. Mr. Stewart explained that the current general permit for dairies and related facilities has expired and must be renewed.

Mr. Stewart noted that the draft permit would continue to require the development and implementation of Engineered Waste Management Plans. The draft permit contains a new requirement for weekly inspections of the waste containment facilities and a requirement for the

findings of those inspections to be recorded in a log. A summary of those findings would then be reported with the discharger's annual report.

Mr. Stewart noted that the new draft permit is very similar to the previous one in many regards, and discussed some of the significant differences. Mr. Stewart noted that the proposed order would prohibit the application of manure to the ground, including cropland, in any area lacking assimilative capacity for TDS or nitrates, unless the impacts are offset. This includes a significant portion of the Chino Basin and almost all of the San Jacinto River Basin. The proposed order also would prohibit the application of washwater to the ground in the majority of the San Jacinto River Basin, unless the impacts are offset. Mr. Stewart further noted that the proposed order would provide a 5-year time schedule to allow dischargers to identify and implement methods to comply with these prohibitions.

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Mr. Thibeault stated that, in order to allow adequate time for review and coment on the draft permit, this matter would not be brought back to the Board until the April 20, 2007, meeting.

Speakers:

Bruce Scott
Arthur Marquez
Geoffrey Vanden Heuvel

17. **San Diego Creek/Newport Bay Watershed Selenium Update**

Mr. Thibeault stated that the original intent had been to present an update on selenium-related activities by both Regional Board staff and the Nitrogen Selenium Management Program Working Group. However, because some of the Board members were going to miss this meeting, it was decided to delay Board staff's selenium briefing for a later meeting so that all Board members could benefit from it. He added that staff has put together a lot of background material.

Mr. Thibeault introduced Karen Cowan, County of Orange, who is the Chair of the Nitrogen Selenium Management Program Working Group. Ms. Cowan provided a brief update on the progress of the Working Group in executing their approved Work Plan and reviewed the goals of the effort. In particular, she indicated that the Working Group had made the determination to proceed with development of a site-specific objective for selenium. The Working Group had submitted a letter to the Regional Board documenting this decision. Ms. Cowan noted that extensive documentation of all the NSMP work is available on the Working Group website.

Mr. Thibeault noted that Board staff had prepared a draft letter that, barring any contrary direction from the Board, would be sent to the Working Group to acknowledge the decision to proceed with the site-specific objective. The letter also acknowledges that relevant requirements of the State Board's policy for implementing the California Toxics Rule criteria had been satisfied.

Mr. Thibeault noted that this item will be brought back to the Board at a later date when all Board members are present.

17A. **Status Report on Rialto-Colton-Fontana Perchlorate Investigation.**

(Note: SWRCB Chair Doduc left the meeting prior to this item.)

Chair Beswick stated that the acting executive director of the SWRCB sent a letter this week stating that the authority given to the Board's appointed hearing officer, Mr. Walt Pettit, for the perchlorate cleanup and abatement order, was too broad. This was followed the next day by the resignation of Mr. Walt Pettit. The advocacy staff sent a letter to the acting executive director

asking him to reconsider his determination, or to provide clarification on his determination. After a discussion by Board members, several options were discussed in the event the interim executive officer of the SWRCB did not reverse his determination. These options were to appoint a hearing panel of the Board to consider the Cleanup and Abatement Order (CAO), or request the SWRCB to hear the case. The Board expressed its clear preference that the SWRCB hold a hearing on the CAO. In order to minimize any delays pending receiving a response from the SWRCB, Chair Beswick stated she would determine the availability of Board members to convene a special meeting within the next few weeks to consider appointing a panel of the Board to conduct a hearing on the CAO.

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Speakers:

Francis Logan, City of Rialto
Davin Diaz

18. **Executive Officer's Report**

None.

19. **Regional Board Member Communications**

None.

20. **Closed Session**

None.

21. Adjournment

The meeting was adjourned at 11:29 a.m. to the regular meeting of March 2, 2007 at 9:00 a.m., at the Loma Linda City Council Chambers, 25541 Barton Road, Loma Linda.

Respectfully submitted:

GERARD J. THIBEAULT
Executive Officer

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