California Regional Water Quality Control Board
Santa Ana Region

Minutes of March 2, 2007
City of Loma Linda
25541 Barton Road
Loma Linda

1. Chair Beswick called the meeting to order at 9:04 a.m.

Board Members Present

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

Board Members Absent

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
Erik Spiess, Regional Board Counsel
Joanne E. Schneider, Environmental Program Manager
Michael J. Adackapara, Supervising Water Resource Control Engineer
Jun Martirez, Chief of Permitting
Wanda Cross, Chief of Basin Planning (Coastal Waters)
Terri Reeder, Engineering Geologist
Linda Candelaria, Environmental Scientist
Catherine Ehrenfeld, Administrative Officer
August Lucas, Office Assistant
Kevin Heinemann, Staff Information Systems Analyst
Felipa Carrillo, Executive Assistant

State Board Representative

None present

Public Attendance

Vaikko Allen, Contech Stormwater Solutions
Debbie Burris, DDB Engineering
Rod Cruze, City of Riverside
Karen Felix, County of Riverside
Dave Kachelski, Veolia Water NA
Vijay Korisal, City of Corona
Lyndy Lewis, City of Corona
Frank Salazar, City of San Bernardino
Jared San Antonio
T. Site, G & G
Susan M. Trager, City of Rialto
Gian Villarreal, RBF Consulting/Caltrans
Melody WN, City of Riverside

2. **Public Forum**

There were no speakers.

3. **Approval of Minutes**

Action: It was moved by Member Ruh, seconded by Member Neev and unanimously approved that the Minutes of February 2, 2007 be approved as presented.

4. **Consent Calendar**

It was noted that Item Nos. 7 and 8 had errata.

*5. **Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement – Karen & Jerry Felix**

*6. **Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement - Eduardo Herrera-Briones**

*7. **Renewal of Waste Discharge Requirements for the City of Corona, Wastewater Treatment Plant (WWTP) No. 1 (NPDES No. CA8000383) Order No. R8-2007-0005**

*8. **Renewal of Waste Discharge Requirements for the City of Rialto Wastewater Treatment Plant, Order No. R8-2007-0006**

Action: It was moved by Member Ruh, seconded by Member Withers, and unanimously approved that the Board adopt Order Nos. R8-2007-0005 with errata, R8-2007-0006 with errata, and approve the exemptions from minimum lot size requirements requested by Karen & Jerry Felix and Eduardo Herrera-Briones.

9. **State Fiscal Year (SFY) 2007-2008 State Revolving Fund (SRF) Loan Program for the Santa Ana Region**
This item was postponed to the April 20, 2007 Board Meeting.

10. **Rescissions**
This item was postponed to the April 20, 2007 Board Meeting.

11. **Status Report on the San Diego Creek/Newport Bay Watershed Organochlorine Compounds Total Maximum Daily Loads (TMDLs) Basin plan Amendment (BPA)**

During the March 2, 2007 Regional Board meeting, Terri Reeder with the Coastal Planning Section presented Item 11, a status report on the San Diego Creek/Newport Bay Watershed Organochlorine Compounds Total Maximum Daily Loads (TMDLs) Basin Plan amendment (BPA). Ms. Reeder assumed responsibility for these TMDLs in mid-January. She briefly summarized the staff report that had been presented during the Dec. 1, 2006 public workshop.

Ms. Reeder stated that USEPA promulgated toxic pollutants TMDLs for San Diego Creek and Upper and Lower Newport Bay in 2002 for certain pollutant-waterbody combinations, including specific organochlorine compounds (OCs). Regional Board staff drafted a proposed Basin Plan

amendment to incorporate OCs TMDLs; the proposed amendment was the subject of the December workshop. Staff's first step, was to conduct a new impairment assessment, using criteria identified in the State Board's 303(d) Listing Policy, which was not available at the time of USEPA promulgation. Based on the new impairment assessment, Board staff recommended TMDLs for a revised list of pollutant-waterbody combinations. Ms. Reeder reviewed the changes. Multiple numeric targets were identified for sediment, water column and fish tissue. The proposed targets generated many comments from the watershed stakeholders. Detailed comments were presented at the December 1, 2006 workshop. One consultant claimed that the targets are erroneous or based on out-dated numbers. Board staff reiterated the point made during the December workshop that the consultants' recommendations had not been but needed to be subjected to peer review before they could be considered. Seeking to identify some mutually agreeable middle ground, the Regional Board directed the stakeholders to prepare a matrix, identifying the key issues and differences of opinion and, ideally, alternatives that would be acceptable to all parties.

Ms. Reeder indicated that Board staff subsequently met with the stakeholders and their consultants in January and February. The February meeting was also attended by Dr. Jack Skinner and Dr. Skorupa of the US Fish and Wildlife Service. Those meetings resulted in the parties recognizing that the basis of selecting appropriate targets depends upon the factors and assumptions used in the analyses, resulting in more or less stringent targets. Such targets must also be scientifically defensible and peer-reviewed. Ms. Reeder stated that based on the discussions that had been held, it appeared that the stakeholders agreed to move forward with the proposed targets/TMDLs provided that they are subject to early review by an independent advisory panel so that the scientific basis of the targets/TMDLs is confirmed, or revised as necessary, prior to initiating BMPs or other implementation actions.

Ms. Reeder advised that the matrix would be completed and distributed to the Regional Board shortly. She reviewed the next steps for the TMDLs, which include an additional meeting with stakeholders to review the revised implementation plan language. This meeting is scheduled for mid-March. Also, staff expects to bring a supplemental staff report with a revised implementation plan to the Board for a public workshop on April 20, 2007. A public hearing is planned for the June 1, 2007 Board meeting for the Board consideration of adoption of the OCs TMDLs Basin Plan amendment.

12. **Resolution Regarding Funding from the State Water Resources Control Board (SWRCB) Emergency, Abandoned and Recalcitrant Site Account**
This item was settled.

13. **Update on Project to Relocate the Santa Ana Regional Interceptor (SARI**
This item was postponed to the April 20, 2007 Board Meeting.

14. **Status Report on Rialto-Colton-Fontana Perchlorate Investigation**

Regional Board Counsel, Erik Spiess, provided information regarding the current status of the Cleanup and Abatement Order. He indicated that the matter would be heard by the State Water Board. He also noted that several deposition subpoenas have been received by a number of Region 8 staff.

15. **Storm Water Quality Standards Task Force Status Report**

This item was presented by Tim Moore, Risk Sciences, Inc., a consultant to the Task Force. Mr. Moore described the progress of the Task Force since the last update to the Regional Board in December 2006. He indicated that at that time the Task Force had been developing recommendations for sub-classifying recreational uses to primary water contact recreation (REC-1), secondary contact ("Limited REC-1") and non-contact (REC-2). However, it subsequently became evident that the Task Force did not agree on the objectives that should be recommended for the proposed Limited REC-1 use and that in any event, this use was essentially equivalent to

the REC-2 use as now defined in the Basin Plan. Therefore, the Task Force is now developing revised recommendations. Specifically, the Task Force will recommend: 1) some revisions to the existing Basin Plan definition of the REC-1 beneficial use; 2) *E. coli* objectives for the REC-1 use; 3) that the REC-2 use definition and objectives now in the Basin Plan remain unchanged; and 4) include a narrative indicator pathogen objective. Mr. Moore indicated that the existing objectives for REC-2 are based on fecal coliform and were developed in a purely arbitrary manner by multiplying the existing REC-1 fecal coliform objectives by 10 (or some other factor in other states). Mr. Moore discussed the fact that there is no scientific basis for developing bacterial quality objectives for REC-2 and that the objectives should remain unchanged until relevant investigations have been conducted. The narrative objective would support Regional Board findings for the need for stringent bacterial quality limitations in POTW permits and provide future flexibility as new pathogen indicators and analytical technologies are identified.

Mr. Moore described the next steps, which include submittal of a "strawman" proposal to the State Board and U.S. EPA to determine whether these agencies perceived any fatal flaws with the current Task Force recommendations. He also previewed the actions that would likely come before the Regional Board. Using photographs of sites that the Task Force had found problematic to characterize as REC-1 or REC-2, Mr. Moore discussed the Board's future need to consider appropriate use designations on a site-specific basis regionwide. Board member Ameri suggested that the Board needed to have decision criteria identified to apply in this process. Mr. Moore confirmed that the Task Force had identified a suite of factors to be considered in the use designation process and identified the level of evidence that the Board would require. Board Chair Beswick agreed that a list of decision criteria is needed and questioned whether a "blanket approach" might be employed. Board member Withers suggested that the Task Force bring to the Board the "exceptions", where there was any controversy concerning application of the decision criteria.

A handout provided by Mr. Moore, included a list of indicator pathogen criteria for recreational use designations.

16. **Hazardous Waste and Sewage Spill Incident Report**

Information item.

17. **Underground Storage Tanks Site Closure Report**

Information item.

18. **Underground Storage Tanks Corrective Action Plans**

Information item.

19. **Executive Officer's Report**

None

20. **Regional Board Member Communication**

Board members were asked to set aside at least three hours of their time, in order to participate in the Strategic Planning Process scheduled by State Water Board for April 20, 2007, that will be held right after the regularly scheduled Board meeting in Loma Linda.

21. Closed Session

There was no closed session.

22. **Adjournment**

The meeting was adjourned at 10:55 a.m. to the regular Board meeting of April 20, 2007 @ 9:30 a.m., City of Loma Linda Council Chambers, 25541 Barton Road, Loma Linda.

Respectfully submitted:

GERARD J. THIBEAULT
Executive Officer

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