

State of California
California Regional Water Quality Control Board
Santa Ana Region

Minutes of March 4, 2011 Board Meeting
City of Loma Linda
25541 Barton Road
Loma Linda, CA 92354

1. Chair Beswick called the meeting to order at 9:00 a.m.

Board Members Present

Carole Beswick, Chair
Steven PonTell, Vice-Chair
Seymour Van Gundy
William Ruh
Greg Morrison

Board Members Absent

Linda Ackerman
Fred Ameri
Richard Freschi
Mark Murai

Staff Members Present

Kurt V. Berchtold, Executive Officer
David Rice, Regional Board Counsel
Michael J. Adackapara, Supervising Water Resource Control Engineer
Robert Holub, Supervising Water Resources Control Engineer
Joanne Schneider, Environmental Program Manager
Stephen Mayville, Chief of Enforcement
Mark E. Smythe, Chief of Stormwater – Coastal
Hope A. Smythe, Chief of Basin Planning - Inland Waters
Wanda Cross, Chief of Basin Planning - Coastal Waters
Chuck Griffin, Water Resources Control Engineer
Felipa Carrillo, Executive Assistant
Kevin Heinemann, Staff Information Systems Analyst

Public Attendance

Angela Dufresne, Riverside Co.WMD
Marsha Westropp, OCWD
Allison MacKenzie, Babcock Laboratories
Jayne Joy, EMWD
Lindsay Maihe, SA Recycling
Robert Taylor, San Bernardino National Forest
Paul Lanhardt, Stormwater Rx
Chris Bennett, Sunwest Metals
Daniel Katz

Don Lee, Tetra Tech
Jack Nelson, Yucaipa Valley WD
Vaikko Allen, Contech
Jason Uhley, RCFC&WCD
Chris Crompton, County of Orange
Yvonne Elliott, City of Ontario
James Sheppard
Garry Brown, OC Coastkeeper
Larry McKenney, RBF Consulting

2. Public Forum

None

3. State Water Resources Control Board (SWRCB) Liaison Report

Tam Doduc, SWRCB Liaison, announced that Mr. Russell was no longer a member of the State Board. She offered an update on several proposed budget bills that were recently published. Ms. Doduc also summarized the status of the State Board's stormwater permitting activities and proposed onsite wastewater treatment system regulations.

Approval of the Minutes

Action: It was moved by Member Morrison, seconded by Member Ruh, and unanimously approved that the Minutes of the December 9, 2010 Board Meeting be adopted as presented.

4. Consent Calendar

- *6. Rescissions -_Order No. R8-2011-0006
- *7. Lake Elsinore/Canyon Lake Nutrient TMDL Monitoring Programs – Resolution No. R8-2011-0023

Action: It was moved by Member Ruh, seconded by Member Morrison, and unanimously approved that the Board adopt Order Nos. R8-2011-0006 with errata and R8-2011-0023.

- *8. Mandatory Minimum Penalty Complaint, Durham Transportation, Inc., City of Santa Ana, Orange County, Order No. R8-2011-0010
(Information pertaining to this item is contained in a verbatim transcript of the proceedings).

Mark Smythe, Chief of Coastal Storm Water Section, made the staff presentation for this item. Item 8 was a public hearing for a Mandatory Minimum Penalty Order issued to Durham Transportation for its failure to submit an annual report by the deadline specified in the General Industrial Storm Water Permit (General Permit). As a discharger covered by the General Permit, Durham Transportation must submit an annual report on July 1st of every year, reporting the results of its self inspections and monitoring results, including pollutant concentrations in its storm water runoff. When Durham did not submit its annual report, a Notice of Non-Compliance was mailed on July 30, 2010. A second Notice of Non-Compliance was mailed on August 30, 2010 as Durham did not respond to the first notice. Section 13399.33(c) of the California Water Code requires that the Regional Board impose a minimum penalty of \$1,000 on any discharger who fails to submit an annual report within 60 days of the mailing of the first Notice of Non-Compliance (the resulting deadline was September 28, 2010). Durham did not submit its annual report by the September 28, 2010 deadline and was therefore issued a Mandatory Minimum Penalty Complaint assessing a penalty of \$2,650 (\$1,000 minimum penalty per CWC Section 13399.33(c) and \$1,650 for recovery of staff costs for the enforcement action).

Action: It was moved by Vice-Chair PonTell, seconded by Member Morrison, and unanimously approved that the Board adopt Order No. R8-2011-0010 affirming the imposition of \$2,650 in penalties

- 9. Workshop on Sector-Specific General Industrial Storm Water Permit for Metals and Wastes Recycling Facilities within the Santa Ana Regional Board's Jurisdiction, Order No. R8-2011-0011
(Information pertaining to this item is contained in a verbatim transcript of the proceedings).

Mark Smythe, Chief of Coastal Storm Water Section, made the staff presentation for this item. This was a public workshop to discuss the proposed Sector-Specific General Industrial Storm Water Permit for Metals and Wastes Recycling Facilities within the Santa Ana Region (Scrap Metal Permit). A group of interested stakeholders (including several scrap metal recyclers and an environmental organization) had requested Regional Board staff to draft a Scrap Metal Permit for the scrap metal recycling facilities in Region 8. The goal of the Scrap Metal Permit is to provide a clear pathway for the scrap metal facilities within Region 8 to come into

compliance with the Clean Water Act requirements through implementation of storm water pollution control measures within the schedules specified in the draft Permit. Mr. Smythe discussed the process the stakeholder group went through to arrive at a preamble summarizing the group's proposed actions, including a request to Regional Board staff to draft the Scrap Metal Permit. He also discussed some of the important requirements proposed in the draft Permit. He concluded by discussing the schedules for providing comments and a proposed public hearing date for adoption of the draft order (June 3, 2010).

A number of interested parties also provided comments, mostly in support of the draft Permit.

10. Cienega Project/Selenium TMDL Status Report

Joanne Schneider, Environmental Program Manager, presented this item. She briefly summarized the scientific and technical complexities of selenium in the Newport Bay watershed. She also reviewed the promulgation of selenium TMDLs by the US Environmental Protection Agency, and the permit and time schedule order actions by the Regional Board. She described the formation of the Nitrogen and Selenium Management Program (NSMP) Working Group and their voluntary efforts to develop and implement a work plan to assist Board staff in developing recommendations for revised selenium TMDLs, selenium site-specific objectives and comprehensive selenium management plans. Ms. Schneider reviewed the progress that had been made to date and described the remaining scientific, regulatory, legal, technical, and economic challenges. Ms. Schneider advised that Board staff anticipated bringing a Basin Plan amendment package, including recommended selenium site-specific objectives and revised selenium TMDLs, to the Regional Board for consideration by the end of 2011.

11. Quail Valley Septic System Prohibition Status Report

Stephen D. Mayville, Enforcement and Dairy Section Chief, presented the Board with a status report on the prohibition of septic systems in Quail Valley and prospects for constructing a sewer system. He provided a brief background for the new Board Members on the basis for justifying the adoption of Resolution R8-2006-0024 that put a prohibition for the installation of new septic systems into place. He told the Board Members that the several million dollars needed to construct a sewer system had not been found yet, but that a few hundred thousand dollars had been generated from grants and supplemental environmental project dollars that could be applied to the overall sewer project once sufficient funds became available.

The Board requested staff to consult with the City of Menifee, within which Quail Valley lies, to seek the means to construct a sewer system.

12. Regional Board Member and Executive Officer Communications

Chair Beswick announced that in her place, Vice-Chair Steve PonTell might be attending the next Fact-to-Face Chairs meeting in Sacramento. She said the upcoming WQCC meeting in September will be one of the topics on the agenda.

13. Hazardous Waste Incident Report

Information item.

14. Underground Storage Tanks Corrective Action Plans

Information item.

15. Underground Storage Tanks Site Closure Report
Information item.

16. Closed Session

A matter involving an alleged violation by Kirkhill Elastomers was discussed. The Board decided to refer the matter to the Attorney General's office for enforcement.

17. Adjournment

The meeting adjourned at 11:50 a.m. to the regular Board meeting of April 22, 2011 at 9:00 a.m., at the Orange County Water District, 18700 Ward Street, Fountain Valley, CA 92708.

Respectfully submitted:

KURT V. BERCHTOLD
Executive Officer

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