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

Minutes of August 28, 2009 Board Meeting
Irvine Ranch Water District
15600 Sand Canyon Avenue
Irvine, CA

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

Board Members Present	Board Members Absent
Carole Beswick, Chair	Steve PonTell
Seymour Van Gundy, Vice-Chair	
Fred Ameri	
William Ruh	
Richard Freschi	

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
David Rice, Regional Board Counsel
Joanne Schneider, Environmental Program Manager
Robert Holub, Supervising Water Resource Control Engineer
Michael J. Adackapara, Supervising Water Resource Control Engineer
Gary D. Stewart, Senior Water Resource Control Engineer
Hope Smythe, Chief of Basin Planning (Inland Waters)
Ken Williams, Senior Engineering Geologist
Valerie Jahn-Bull, Environmental Scientist
Wanda Cross, Chief of Basin Planning (Coastal Waters)
Xinyu Li, Engineering Geologist
Terri Reeder, Engineering Geologist
Kevin Heinemann, Staff Information Systems Analyst
Felipa Carrillo, Executive Assistant

Public Attendance

Hisam Baqai, City of Beaumont
Mike Plinski, Wildermuth Environmental
Blanca Marin, BCVWD
Mark Slater, McWhirter Real Estate
Mike Loving, City of Irvine
Larry McKenny, RBF Consulting
Duke L. Peters, Attorney for McWhirter
Scott Heule, Big Bear Municipal WD
Joseph Edwards, Irvine Co.
Rosanna Lacarra, OC Great Park
Patsy Reely, Cherry Valley
Kisen Pratnivadi, City of Beaumont
Anthony Lara, BCVWD
John Covington, Ground Water Committee
Mike Shetler, County of Riverside
Marsha Westropp, OCWD
Mark Wildermuth, Wildermuth Environmental
Chandra Johannesson, City of Riverside
Bill La Haye, Big Bear Lake DWP
James Walker, Tetra Tech
Joe Reichenberger, Beaumont-Cherry Valley WD
Jim Hyde, IRWD

2. Public Forum
There were no speakers.

3. State Water Resources Control Board Liaison Report

Tam Doduc, State Board Liaison, briefly discussed a number of issues that are being proposed for consideration by the State Board this year, including the adoption of the construction storm water permit. Ms. Doduc said that the State legislature has their attention on the Bay Delta. Ms. Doduc also said that the Joint Assembly and Senate Committee has held three hearings covering a wide-range of issues from urban conservation to agricultural water management, to creation of a delta commission or conservancy, to changing water right diversion reporting requirements. The legislature's intention is to get a package ready to send to the governor in September.

Ms. Doduc indicated that there are a couple of workshops coming up in September. The workshops will cover staff's proposal on water rights, reduction in water quality fees, and the Once-Through Cooling Policy. Also, after the proposed septic tank regulations were released earlier this year, public input was received at several workshops conducted throughout the state. As a result, staff has been working to revise the regulations and expects to have them ready for discussion by November.

Ms. Doduc thanked Regional Board staff for the great job they are doing.

4. Approval of the Minutes:

Action: It was moved by Member Freschi, seconded by Member Van Gundy and unanimously approved that the Board Meeting Minutes of July 20, 2009 and the Workshop Minutes of August 3, 2009, be adopted as presented.

Update: City of Beaumont requested Item No. *7 be removed from the consent calendar and be considered separately, in order to discuss the possibility of removing a specific paragraph in the Order that would not pertain to them.

5. Consent Calendar:

*6. Rescission of Waste Discharge Requirements for Specific Facilities - Order No. R8-2009-0054

*6A. Revised Waste Discharge Requirements for Frank R. Bowerman (FRB) Landfill, Orange County - Order No. R8-2009-0012

*8. Amendment of Order No. R8-2006-0009 (NPDES No. CA0105350), Waste Discharge and Producer/user Water Recycling Requirements for the City of Riverside, Regional Water Quality Control Plant - Order No. R8-2009-0009

Action: It was moved by Member Ruh, seconded by Member Freschi, and unanimously approved that the Board adopt Orders No. R8-2009-0054, R8-2009-0012 and R8-2009-0009, as presented.

7. Amendment of Order No. R8-2006-0003 (NPDES No. CA0105376), Waste Discharge and Producer/User Water Recycling Requirements for the City of Beaumont, Waste Water Treatment Plant No. 1, Riverside County - Order No. R8-2009-0002

Speakers:

Joe Reichenberger, Patsy Reely, Mark Wildermuth, and Hisam Baqai, all had an opportunity to express their concern. A discussion between Board staff, Board members and Board Attorney David Rice took place, and a revised recommendation was made by Board staff.

Staff recommended adoption of the permit, as proposed with the errata sheet, and further recommended deleting the last sentence of finding 9 of the Order.

Action: It was moved by Member Ruh, seconded by Member Freschi, and unanimously approved that the Board adopt Order No. R8-2009-0002, as presented with errata, and deleting the sentence on page 2 of 8, finding 9 of the Order, that reads, "*A negative declaration for discharges from the new discharge points was certified on April 8, 2009.*"

9. Review of Board Staff's Approach in Implementing Cleanup and Abatement Order (CAO) No. 98-112 - Wahl's Texaco, Big Bear Lake or McWhirter Real Estate & Investment Company (McWhirter) (information item).

Ken Williams, Chief of the Underground Storage Tanks Section, presented the staff report. Mr. Williams stated that a remedial action plan was to be submitted by McWhirter Real Estate & Investment Company (McWhirter) by September 7, 2009, in accordance with Item 4 of CAO No. 98-112. Mr. Williams explained why the remedial action plan was necessary.

On behalf of McWhirter, Mr. Duke Peters explained why McWhirter should not be required to submit a remedial action plan in accordance with Item 4 of CAO No. 98-112. Board Chair Beswick expressed her concurrence with Board staff's current course of action.

10. Potential Repeal of Riverside County Prohibition on New Conventional Septic Systems in Cherry Valley Community of Interest (information item).

Xinyu Li, Staff Engineering Geologist, presented a review of a recent action by the Riverside County Board of Supervisors regarding the recommendation by the Groundwater Quality Evaluation Committee (Committee) (a committee of local residents) to repeal County Ordinance 871, which established a prohibition on the use of new conventional septic systems in the Cherry Valley Community of Interest (CVCOI). Dr. Li summarized the recommendations made by the Committee, which was convened by Supervisor Ashley. One of the recommendations is to repeal County Ordinance 871. Dr. Li stated that Board staff disagrees with the proposal to repeal ordinance 871, and that Board staff supports the findings of the Wildermuth Environmental, Inc., report. Dr Li also discussed the options for follow-up action by the Regional Board should the prohibition be repealed.

Speakers:
Patsy Reeley
John Covington
Mike Shetler

11. Status Report on Newport Bay Watershed Selenium TMDLs/SSOs (information item).

Terri Reeder, Staff Engineering Geologist, provided an update on the development of draft Basin Plan amendments to incorporate selenium site-specific objectives and total maximum daily loads (TMDLs) for the Newport Bay Watershed, including Upper Newport Bay. Draft amendments will be presented to the Regional Board for consideration for adoption at a subsequent public hearing. The Regional Board did not take action.

Speakers:
Jim Hyde

12. Regional Board Member and Executive Officer Communications

Changes to Board meeting dates were announced for October and December 2009. The new dates are October 23rd and December 10th, 2009.

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.

[redacted]

17. Adjournment

The meeting was adjourned at 12:38 p.m., to the regular Board meeting of October 23, 2009 at 9:00 a.m., at the Loma Linda City Council Chambers, 25541 Barton Road, Loma Linda, CA.

Respectfully submitted:

GERARD J. THIBEAULT
Executive Officer

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