



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
May 5, 2011 Board Meeting
Metropolitan Water District of Southern California
700 North Alameda Street
Los Angeles, California

The meeting was called to Order by Chair Fran Diamond at 9:17 a.m.

Pledge of Allegiance.

Item 1. Roll Call

Board Members Present: Steve Blois, Fran Diamond, Mary Ann Lutz, Maria Mehranian, and Charles Stringer

Board Members Absent: Madelyn Glickfeld.(Participated in Closed Session only)

Staff Present: Sam Unger, Deborah Smith, Paula Rasmussen, Ronji Moffett, Jennifer Fordyce, Lori Okun, Sarah Olinger, Alex Carlos, David Hung, Renee Purdy, Dr. L.B. Nye, Jenny Newman, Thanhloan Nguyen, Dr. Arthur Heath, Dr. Ginachi Amah, Renee Purdy, Dr. Eric Wu, Dr. C.P. Lai, Dr. Kangshi Wang,

Individuals whose Names Appear on the Sign-In Sheet and/or Speaker Cards

Dr. Mark Gold, Heal the Bay	Ms. Lani Alfonso, L.A. County Dept. Public Works
Ms. Kirsten James, Heal the Bay	Mr. Philip L. Friess, Santa Clarita Valley San District
Ms. Ann Heil, L.A. County Sanitation District	Mr. John Kemmerer, USEPA
Ms. Ashli Desai, Latham & Watkins	Ms. Cindy Lin, USEPA
Ms. Liz Crosson, Santa Monica Baykeeper	Mr. Ray Tahir, Representing various cities
Mr. Frankie Orrala, Angler Outreach Team	Ms. Grace Chan, Santa Clarita Valley San. District
Mr. Boun Prasert, Angler Outreach Team	Mr. Christopher Patton, Port of Los Angeles
Mr. Rick Cameron, Port of Long Beach	Ms. Donna Chen, City of Los Angeles
Mr. Anthony Areuald, City of Long Beach	Mr. John List, Representing Montrose
Ms. Diane Lynch, ExxonMobil Torrance Refinery	Mr. Paula Singeralla, Representing Montrose
Dr. Geremew Amenu, L.A. County Flood Control District	Mr. John Hunter, Rep. Cities of Hawthorne and South Gate
Mr. Martin Hernandez, County of Ventura Rep. Supervisor Kathy Long	Mr. James Ciampa, Crescenta Valley Water District

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.

Ms. Susan Paulsen, Rep. Cities of Downey and Signal Hill	Mr. Richard Montevideo, Rep. Cities of Downey and Signal Hill
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Item 2. Order of Agenda.

Executive Officer Sam Unger asked that Item 11 is being continued to the June 2, 2011 meeting.

Item 3. Approval of draft meeting Minutes for April 14, 2011.

MOTION: To approve the draft Meeting Minutes for the April 14, 2011 meeting with edits.

First: Board Member Maria Mehranian

Second: Board Member Charles Stringer

Vote: Approved by unanimous vote

**Board Vice Chair Mary Ann Lutz recused herself from the vote because she was not in attendance at this meeting.*

Item 4. Board Member Communications.

The three members that indicated that each of them (individually) had conversation with Paul Singarella, who is representing Montrose, for the Dominguez Channel Total Maximum Daily Load matter.

Item 5. Executive Officer's Report

Report and Addendum Report was given to the Board. The Report was posted on the Board's website:

www.swrcb.ca.gov/~rwqcb4/html/eo_reports/eo_reports.html

Item 5.a. Enforcement Report. (Paula Rasmussen)

Item 6. Update from State Board.

Ms. Fran Spivy Weber indicated that the Governor will focus on Water appointments after he has made appointments at the Secretarial level, and she believes this may occur in late May 2011 Ms. Spivy-Weber made mention of the recent freeze to non-essential travel, and made clarification that this freeze will not effect Enforcement.

She included that there will be a September 26 and 27 WQCC that will involve all of the Boards and Executive Officers. During these meetings, she indicated that there are plans to address ground water issues in a comprehensive way and how it overlaps with water supply.

Item 7. Public Forum.

- Ms. Lani Alfonso, L.A. County Department of Public Works
- Ms. Grace Chan, Santa Clarita Valley Sanitation District
- Mr. Mike Solomon, United Water Conservation District
- Mr. Martin Hernandez, Rep. Ventura County Supervisor Kathy Long

Approval of Uncontested Calendar.

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Executive Officer Sam Unger announced the Consent items as follows: Items 8, 9, 10.1 and 10.2

MOTION: To deem non-controversial and approve Agenda Item(s): Items 8, 9, 10.1 and 10.2

First: Vice Chair Mary Ann Lutz

Second: Board Member Steve Blois

Vote: Approved by unanimous vote.

Item 12. Consideration of Complaint No. R4-2009-0010-M to assess Mandatory Minimum Penalties in the amount of \$54,000 pursuant to California Water Code 13385.1 against Crescenta Valley Water District for violations of its Monitoring and Reporting Program No. CI 9167.

Mr. James Ciampa, Representing Crescenta Valley Water District indicated that he disagrees with the Panel's recommendation. Mr. Ciampa indicated that he met with staff and Mr. Reed Sato of State Board and informed them that he believes the retroactive penalties imposed should be removed.

Staff Report by Staff Counsel Julie Nascito, Sr. Staff Counsel (*Ms. Macedo, but was not limited to the following points.*):

- Crescenta Valley water District's arguments are without merit, and 13385.1 (e) applies retroactively
- There is no discretion to pursue, reduce, or eliminate penalties
- The client, Crescenta Valley Water had many Notices of Violations
- Written notice can be formal or informal
- Recommend that the Panel accept the report

MOTION: To approve the Panel's recommendation.

First: Board Member Maria Mehranian

Second: Vice Chair Mary Ann Lutz

Vote: Approved by unanimous vote

Item 13. Consideration of proposed Basin Plan Amendment to incorporate a total Maximum Daily Load (TMDL) to reduce toxic pollutants in the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters.

Staff Report. Ms. L.B. Nye Unit Chief gave the report. (*Ms. Nye made, but was not limited to the following points in her presentation*):

- Addresses 75 impairments
- Covered by the Consent Decree
- Includes 31 square miles of open water
- She discussed the beneficial uses
- All data has been re-assessed for the TMDL
- There are 77 303 (d) listings
- There are 79 assessed impairments
- A TMDL has to be designed to protect the beneficial uses

- Sediment Quality Objectives (SQOs) and Effects Range Low (ERLs) are used for this TMDL
- Fish Contaminant Goals (FCGs) are inappropriate for this TMDL
- Gave clarification on the Implementation Process
- A Water Resources Action Plan (WRAP) was specifically designed for this TMDL
- Key Responsible Parties are 21 jurisdictions which include Cal Trans, Port of Los Angeles, Port of Long Beach and Refineries
- There was stakeholder participation, staff, and EPA partnership at the Stakeholder meetings
- This TMDL must have numeric allocation calculations
- The best species to determine compliance are white croaker, sport fish, and prey species
- The TMDL will incorporate new science for reconsideration
- Wet Weather is based on 90 percentile flow
- This TMDL provides a 20 year Implementation Schedule
- Discussed the TMDL's milestones (specific)

Following Ms. Nye's presentation, Ms. Renee Purdy, Chief of Regional Program's section went over the proposed changes on the Changes Sheets.

Stakeholder Comments:

Mr. Christopher Patton, Port of Los Angeles and Mr. Rick Cameron, Port of Long Beach (Joint presentation) (*In their presentation, the following points were made*):

- Commended Regional Board staff on their professionalism and conduct during dialogue
- Identified areas that still need to be addressed
- Indicated that the ports are environmental stewards and expressed how it has been demonstrated
- Indicated that the Ports are committed to assuring that all beneficial uses of the harbor are achieved
- Over the past 8 years, \$3 million have been spent supporting this TMDL
- The Ports have continued proactive support of scientific studies
- Have discussed the Regional problem and solution and believe that the remediation is a shared responsibility
- Discussed upstream sediment deposition patterns, and indicated that upstream discharges impact the entire harbor
- DDT is found throughout the harbor, but originated upstream
- Believe that all stakeholders must be held responsible
- Recommend the re-open TMDL after Special Studies are completed
- Recommend the exclusion of dredging projects and full use of SQO

Closed session Break taken at 12:16 pm

Reconvened at 1:40 pm

Speaker Cards.

- Ms. Donna Chen, City of Los Angeles Bureau of Sanitation (in support of language changes)
- Mr. Anthony Arevalo, City of Long Beach
- Mr. John Hunter, Representing City of Hawthorne and City of South Gate
- Mr. Ray Tahir, Representing various Cities (opposed)

- Dr. Susan Paulsen, Representing City of Downey and Signal Hill et.al.
- Mr. Richard Montevideo, Representing City of Downey and Signal Hill et.al.
- Dr. Mark Gold, Heal the Bay
- Mr. Paul Singarella, Representing Montrose (opposed)
- Mr. John List, Representing Montrose (opposed)
- Mr. Geramew Amenu, Los Angeles County Flood Control District (opposed as written)
- Ms. Diane Lynch, ExxonMobil Torrance Refinery (in support)
- Ms. Cindy Lin, USEPA (in support)
- Mr. Frankie Orrala, Angler Outreach Team Coordinator (in support)
- Mr. Boun Prasert, Representing self (in support)

Board questions and concerns:

- Asked clarification on methodology?
- Asked staff opinion as to whether complete dredging will be required to meet fish targets?
- Who or what allows flexibility for monitoring?
- Asked clarification on re-opening in 6 years?
- Concern on the modeling?
- Concerns about SQOs
- Asked that language be incorporated so that fish tissue targets are met

There was much discussion and a Motion was made to approve the staff recommendation with changes sheet as presented by Ms. Renee Purdy, and verbal comments as proposed by the Board. (*Additional detail of the changes can be viewed in the transcript or CD of the meeting or you may call Ronji Moffett at (213) 576-6612.*)

MOTION: To approve the staff recommendation.

First: Board Member Charles Stringer

Second: Vice Chair Mary Ann Lutz

Vote: Approved by unanimous vote.

The meeting was adjourned at 5:22 pm.

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