

Lahontan Regional Water Quality Control Board

Date Distributed: August 26, 2015

MEETING AGENDA

Holiday Inn and Suites
2700 Lenwood Road, Sidewinder Room
Barstow, CA 92311

Wednesday, September 16, 2015

Regular Meeting: **1:00 p.m.**

Item 1 – Public Workshop – PG&E Draft CAO

1:00 – WELCOME followed by presentation on process
1:30 – Facilitated discussion
3:00 – BREAK
3:30 – Facilitated discussion continuation
5:00 – DINNER BREAK
7:00 – Report Out from facilitated discussion
8:00 – Next Steps

Item 2 – Status Report PG&E Hinkley **8:00 p.m.**

Item 3 – Public Comment **9:00 p.m.**

Adjourn until Thursday, September 17, 2015

Thursday, September 17, 2015

Regular Meeting: **8:30 a.m.**

Note: A quorum of the Water Board may be dining on Wednesday, September 16, 2015, at 5:00 p.m. at Chili's Grill, 2808 Lenwood Rd, Barstow, CA 92311. The Water Board will not be discussing anything related to the Board's authority during this dinner.

Supporting Documents:

Supporting documents for agenda items are posted on our website at least 10 days prior to the scheduled meeting. If you wish to be added to the interested parties list for a specific agenda item, please contact the staff person listed with the item in the agenda announcement. To view or download documents, go to www.waterboards.ca.gov/lahontan. (See note below for information on the timing for submitting comments.)

Submittal of Written Material for Water Board Consideration:

Comments on individual items are welcome and encouraged. Written comments on an agenda item must be submitted on or before the due date listed in the hearing notice associated with the agenda item. Hearing notices are distributed to persons who have indicated they want to receive information about a specific item and are posted on the Water Board's web site (www.waterboards.ca.gov/lahontan). For items that do not have a separate hearing notice with specific due dates, written comments must be submitted at least ten (10) days before the meeting. This allows time to distribute the material to Water Board members in advance of the meeting, providing the opportunity for the members to read and consider the information submitted. Pursuant to California Code of Regulations, Title 23, section 648.4, the Water Board may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of the written testimony, the Water Board may refuse to admit it. A copy of the procedures governing Water Board meetings may be found at California Code of Regulations, Title 23, section 647 et seq., and is available upon request. Hearings before the Water Board are not conducted pursuant to Government Code section 11500 et seq.

The meeting room is accessible to people with disabilities. If you have special accommodations or language needs, please contact Sue Genera at least five days prior to the meeting date at (530) 542-5414 or sgenera@waterboards.ca.gov TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

General Meeting Information:

The following items are numbered for identification purposes only and will not necessarily be considered in this order. Public hearings will not be called to order prior to the time specified. It is likely that some of the items scheduled for Wednesday afternoon will carry over into the evening session. If, due to time constraints, the Water Board is unable to consider all of the items scheduled for Wednesday, the item(s) not heard will be considered on Thursday. All Board files, exhibits, and agenda materials pertaining to items on this agenda are hereby made a part of the record for the appropriate item.

Anyone wishing to present a Microsoft PowerPoint® presentation during the meeting, using the Water Board's projector, must provide the presentation to the Water Board on either a CD or via email at least ten working days prior to the meeting. Please contact the staff person listed for the agenda item of interest.

Adoption of Uncontested Calendar

Items denoted by (✖) are expected to be routine and non-controversial. The Water Board will act on these items at one time without discussion. If any Water Board member, staff member, or interested party requests discussion, the item will be removed from the Uncontested Calendar to be considered separately. Requests to have an item removed from the uncontested calendar can be made in advance of the meeting by writing to the Water Board or by calling the Water Board's Executive Officer, or the request can be made to the Water Board at the meeting on the Wednesday before the vote on the Uncontested Calendar.

INTRODUCTIONS**OTHER BUSINESS**

1. **Public Workshop** (The workshop purpose is to bring the various parties together, and through facilitation, to discuss key changes in the draft order requiring Pacific Gas & Electric Company to clean up and abate its discharges of chromium to groundwater in the Hinkley area. No formal comment on the proposed CAO will be taken at the workshop, but the Water Board Advisory Team will forward consensus points to the Water Board for its consideration of adoption of a CAO, tentatively scheduled for November 4-5, 2015.) (Douglas Smith)
2. **Status Report on Activities Concerning Chromium Contamination from Pacific Gas and Electric Company's (PG&E) Hinkley Compressor Station** (The Board will hear reports from Water Board staff, PG&E representatives, and the Community Advisory Committee representatives on actions taken or planned such as cleanup and remediation efforts, Hinkley School replacement water supply (SEP), the chromium background study, and Water Board permitting actions. The Water Board will not be asked to take any formal action, however, it may provide direction to staff.) (Lauri Kemper)

3. **PUBLIC FORUM**

Any person may address the Water Board regarding a matter within the Water Board's jurisdiction that is not related to an item on this meeting agenda. Comments will generally be limited to five minutes, unless otherwise directed by the Chair. Any person wishing to make a longer presentation should request an extension from the Executive Officer at least ten days prior to the meeting. Comments regarding matters that are under development for future meetings or not within the Water Board's regulatory authority will be restricted. (See: <http://www.waterboards.ca.gov/lahontan/board_info/agenda/upcoming.shtml#top/>.)

REGULAR MEETING: Thursday, September 17, 2015 – 8:30 a.m.**OTHER BUSINESS**

4. **Minutes** (The Water Board will consider adopting the minutes of the Regular Meeting of July 8-9, 2015, in South Lake Tahoe, CA.) (Sue Genera)
5. **PUBLIC FORUM**

Any person may address the Water Board regarding a matter within the Water Board's jurisdiction that is not related to an item on this meeting agenda. Comments will generally be limited to five minutes, unless otherwise directed by the Chair. Any person wishing to make a longer presentation should request an extension from the Executive Officer at least ten days prior to the meeting. Comments regarding matters that are under development for future meetings or not within the Water Board's regulatory authority will be restricted. (See: <http://www.waterboards.ca.gov/lahontan/board_info/agenda/upcoming.shtml#top/>.)

NEW OR REVISED WASTE DISCHARGE REQUIREMENTS

6. **California Department of Transportation – District 9 Industrial Washwater Recycling, Treatment and Disposal System, Crestview Maintenance Facility, Mono County** (The Water Board will consider adopting the proposed new Waste Discharge Requirements.) (Bud Amorfini)
7. **U.S. Borax, Inc., Clean Energy Fuels Company, Boron Facility, Kern County** (The Board will consider adopting the Revised Waste Discharge Requirements to allow construction of Boric Acid Pond (BAP) 7 and Reclamation Pond (R-Pond) 7, and retrofit existing R-Ponds 1-6 to comply with the requirements of California Code of Regulations, title 27, at the Boron Mine.) (Brianna St. Pierre)

REPORTS

8. **Reports by Water Board Chair and Board Members**

9. **Executive Officer's Report** (The Water Board will not be asked to take any formal action; however, it may provide direction to staff.) (Patty Z. Kouyoumdjian, Executive Officer)
- Executive Officer's Report
 - Standing Items
 - Notification of Spills (Pursuant to Water Code section 13271, and Health and Safety Code section 25180.7)
 - Notification of Closure of Underground Storage Tank Cases (Pursuant to Article 11, Division 3, Chapter 16, title 23, California Code of Regulations)
 - Quarterly Violations Report (Lauri Kemper)

PLANS AND POLICIES

10. **Scoping Meeting - 2015 Triennial Review of the Water Quality Control Plan for the Lahontan Region (Basin Plan)** (The Water Board and the public will discuss the scope of potential Basin Planning activities to be conducted over the following three years. This is a discussion item only. A prioritized list will be scheduled for Water Board action in November 2015.) (Rich Booth)

REPORTS

11. **Sustainable Groundwater Management Act of 2014 (SGMA)** (The State Water Resources Control Board Groundwater Management Program is coordinating with the Department of Water Resources Sustainable Groundwater Management Team on activities related to the SGMA. Erik Ekdahl, lead for the State Board's Groundwater Management Program, and Brian Moniz, Regional Coordinator with the Department of Water Resources, will present SGMA information specific to the Lahontan Region. No Board action is required.) (Rich Booth)
12. **CLOSED SESSION****
- a. **Discussion of Significant Exposure to Litigation. Authority: Government Code section 11126, subdivision (e)(2)(B)(i).**
 - b. **Discussion to Decide Whether to Initiate Litigation. Authority: Government Code section 11126, subdivision (e)(2)(C)(i).**
 - c. **Discussion of Litigation: People of the State of California ex rel. California Regional Water Quality Control Board, Lahontan Region v. Thomas E. Erickson et al., El Dorado Superior Court Case No. SC20010089. Authority: Government Code section 11126, subdivision (e).**
 - d. **Discussion of Litigation: "PG&E Compressor Stn.; Patty and Water Board v. Shah Bains & Family & Tenants," San Bernardino Superior Court Case No. CIVDS1412703. Authority: Government Code section 11126, subdivision (e).**
 - e. **Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): In the Matter of the Petition of CAD Enterprises, LLC et al for Review of Cleanup and Abatement Order No. R6S-2003-0031(SWRCB/OCC File Nos. A-1589. Authority: Government Code section 11126, subdivision (e).**
 - f. **Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): In the Matter of the Petition of City of Barstow for Review of Investigative Order Requiring Submittal of Additional Technical Information on City's Groundwater Investigation and Cleanup and Abatement Order No. R6V-2007-0017(SWRCB/OCC File Nos. A-1857). Authority: Government Code section 11126, subdivision (e).**

** At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based upon the evidence introduced in the hearing. Discussion of litigation is within the attorney-client privilege and may be held in closed session. Authority: Government Code section 11126, subdivisions (a), (c), (3) and (e).

- g. **Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): In the Matter of the Petition of Flaming Dairy, Inc for Review of Action by the California Regional Water Quality Control Board, Lahontan Region in Issuing Cleanup and Abatement Order Nos. R6V-2008-0034A1 and R6V-2008-0034A2, regarding the Desert View Dairy (SWRCB/OCC File Nos. A-2031, A-2089). Authority: Government Code section 11126, subdivision (e).**

- h. Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): In the Matter of the Petition of CA Dept. Fish and Game for Review of ACL Order R6V-2010-0016 for Hot Creek Fish Hatchery, Mono County (SWRCB/OCC File No. A-2092.) Authority: Government Code section 11126, subdivision (e).
- i. Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): In the Matter of the Petition of the United State Department of Agriculture, Forest Service, Inyo National Forest for Review of Action by the California Regional Water Quality Control Board, Lahontan Region in Adopting Order No. R6T-2011-0009, Investigative Order for the United States Forest Service, Inyo National Forest, White Mountain Grazing Allotments (SWRCB/OCC File No. A-2151). Authority: Government Code section 11126, subdivision (e).
- j. Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): In the Matter of Amended Cleanup and Abatement Order No. R6V-2011-005A1, Requiring PG&E to Cleanup and Abate Waste Discharges of Total and Hexavalent Chromium to Groundwater of the Mojave Hydrologic Unit, Hinkley Compressor Station, San Bernardino County (SWRCB/OCC File No. A-2188(a)). Authority: Government Code section 11126, subdivision (e).
- k. Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): In the Matter of the Petition of Pacific Gas and Electric for Review of Amended Cleanup and Abatement Order No. R6V-2008-0002-A4 Requiring Pacific Gas and Electric Company to Clean Up and Abate Waste Discharges of Total and Hexavalent Chromium to the Groundwaters of the Mojave Hydrologic Unit (SWRCB/OCC File No. 2244). Authority: Government Code section 11126, subdivision (e).
- l. Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): In the Matter of the Petition of Pacific Gas and Electric for Review of Resolution No. R6V-2013-0060 Certifying a Final Environmental Impact Report for Comprehensive Groundwater Cleanup Strategy For Historical Chromium Discharges From Pacific Gas and Electric Company's Hinkley Compressor Station (State Clearinghouse No. 2008011097), San Bernardino County (SWRCB/OCC File No. 2266). Authority: Government Code section 11126, subdivision (e).
- m. Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): In the Matter of Arimol Group, Inc. and Meadowbrook Cedar, Inc. for Review of Cleanup and Abatement Order No. R6V-2013-0078 for Arimol Group, Inc. and Meadowbrook Cedar, Inc., Lake Arrowhead, San Bernardino County (SWRCB/OCC File No. 2274). Authority: Government Code section 11126, subdivision (e).
- n. Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): In the Matter of the Petition of Pacific Gas and Electric for Failure of Lahontan Water Board to Amend Cleanup and Amendment Order No. R6V-2011-0005A2 Concerning Changes to the Whole House Replacement Water Program And Plume Delineation Requirements for Hinkley Compressor Station at 35863 Fairview Road, Hinkley, San Bernardino County (SWRCB/OCC File No. 2286). Authority: Government Code section 11126, subdivision (e).
- o. Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): In the Matter of the Petition of Daron Banks, et al. for Review of Letter Dated July 18, 2014 from Lahontan RWQCB Executive Officer Concerning New Application of the Maximum Containment Level (MCL) for the Whole House Replacement Water Program for the Hinkley Compressor Station Site Cleanup, Hinkley, San Bernardino County (SWRCB/OCC File No. 2324). Authority: Government Code section 11126, subdivision (e).
- p. Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): In the Matter of the Petition of Travel Systems LLC for Review of Notice of Violation For The Lahontan Region Basin Plan And Investigative Order No. R6T-2015-0029 To Submit A Technical Report Pursuant To California Water Code Section 13267, Unauthorized Hydraulic Oil Discharge To Lake Tahoe, El Dorado Hills (SWRCB/OCC File No. 2403). Authority: Government Code section 11126, subdivision (e).
- q. Discussion of Personnel Matters. Authority: Government Code section 11126, subdivision (a).

ADJOURNMENT

Any person aggrieved by an action of the California Regional Water Quality Control Board, Lahontan Region that is subject to review as set forth in Water Code section 13320, subdivision (a), may petition the State Water Resources Control Board (State Water Board) to review the action. Any petition must be made in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must

receive the petition by 5:00 p.m., 30 days after the date the action was taken, except that if the thirtieth day following the date the action was taken falls on a Saturday, Sunday, or state holiday the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulation applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

Note: A listing of pending applications for Water Quality Certification pursuant to Section 401 of the Clean Water Act may be obtained by calling:

Northern Lahontan Basin:

Tobi Tyler in South Lake Tahoe at (530) 542-5435, tobi.tyler@waterboards.ca.gov

Southern Lahontan Basin:

Patrice Copeland and Jan Zimmerman, in Victorville at (760) 241-6583, patrice.copeland@waterboards.ca.gov or jan.zimmerman@waterboards.ca.gov

The Regional Water Quality Control Board, Lahontan Region, has a home page that can be accessed on the Internet, at: <http://www.waterboards.ca.gov/lahontan>

The Lahontan Water Board will be considering many items during this meeting which may result in Board action or direction to staff. We encourage input from all people interested in a given item or issue, so that when we act, our decision is based on all available information. Although an oath is not administered in most of the proceedings before this Board, **we expect all statements made before this Board to be truthful with no attempts to mislead this Board by false statements, deceptive presentation or failure to include essential information.**

The Board encourages all people in or near a Board meeting to refrain from engaging in inappropriate conduct. Inappropriate conduct may include disorderly, contemptuous or insolent behavior, breach of peace, boisterous conduct, violent disturbance or other unlawful interference in the Board's proceedings. Such conduct could subject you to contempt sanctions by the superior court (Gov. Code § 11455.10).

The Board Chairperson may impose sanctions, including reasonable expenses and attorney's fees, on any party for bad faith actions, frivolous tactics or actions intended to cause unnecessary delay by a party or the party's attorney or representative (Gov. Code § 11455.30).

LAHONTAN WATER BOARD MEMBERS

California Water Code Section 13201 provides for the Governor to appoint seven members to the Regional Water Quality Control Board. Each member shall reside or have a principal place of business within the region. Appointments are subject to confirmation by the state Senate.

Name	From	Term Expires
Kimberly Cox, Chair	Helendale	9/30/18
Keith Dyas, Vice Chair	Rosamond	9/30/16
Amy Horne, Ph.D.	Truckee	9/30/18
Don Jardine	Markleeville	9/30/15
Peter C. Pumphrey	Bishop	9/30/15
Eric Sandel	Truckee	9/30/17
Vacant		9/30/17

LAHONTAN WATER BOARD STAFF

Patty Z. Kouyoumdjian Executive Officer	Lauri Kemper Assistant Executive Officer and Ombudsman	Kimberly Niemeyer Counsel to the Board	Sue Genera Executive Assistant
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South Lake Tahoe Office:

- Scott Ferguson, Manager, Regulatory Compliance Division
- Cathe Pool, Chief, Enforcement & Special Projects Unit
- Alan Miller, Chief, North Basin Regulatory Unit

- Doug Smith, Manager, Planning and Restoration Division
- Richard Booth, Chief, TMDL/Basin Planning Unit
- Douglas Cushman, Chief, Non-Point Source Unit
- Tom Gavigan, Chief, North Basin Cleanup and Site Investigation Unit

Victorville Office:

- Mike Plaziak, Manager, Southern Lahontan Watersheds Division
- Patrice Copeland, Chief, Land Disposal Unit
- Jehiel Cass, Chief, South Basin Regulatory Unit
- Cindi Mitton, Chief, South Basin Cleanup and Site Investigation Unit

The primary responsibility of the Water Board is to protect the quality of the surface and groundwater within the Region for beneficial uses. The duty is carried out by formulating and adopting water quality plans for specific ground or surface water bodies; by prescribing and enforcing requirements on domestic and industrial waste dischargers, and by requiring cleanup of water contamination and pollution. Specific responsibilities and procedures of the Board are outlined in the Porter-Cologne Water Quality Control Act.

Regular meetings of the Water Board are normally held on the second Wednesday and Thursday of each month. Meeting locations vary but generally alternate between the north and south basins of the region.

Recordings are made of each Water Board meeting and are retained on the Lahontan Regional Water Quality Control Board website at: <http://www.waterboards.ca.gov/lahontan/>.

NOTESA. SEQUENCE OF AGENDA ITEMS

The items are numbered for identification purposes only and will not necessarily be considered in this order.

B. AVAILABILITY OF AGENDA MATERIAL

Details concerning these agenda items are available for public reference during working hours at the Board's offices. Copies of individual agenda items may be obtained at the Board's offices after 8:00 a.m. on the Friday, twelve days preceding the Board meeting. The staff will assist in answering questions.

C. UNCONTESTED ITEMS CALENDAR

Item numbers with an asterisk (*) are expected to be routine and noncontroversial. They will be acted upon by the Board at one time without discussion. If any Board member, staff member, or interested party requests discussion, the item will be removed from the Uncontested Calendar to be considered separately.

D. PETITION OF REGIONAL BOARD ACTION

Any person aggrieved by an action of the California Regional Water Quality Control Board, Lahontan Region that is subject to review as set forth in Water Code section 13320(a), may petition the State Water Resources Control Board (State Water Board) to review the action. Any petition must be made in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date the action was taken, except that if the thirtieth day following the date the action was taken falls on a Saturday, Sunday or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulation applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

E. HEARING RECORD EXHIBITS

Material presented to the Board as part of the testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, chart, diagrams, etc.

F. CONTRIBUTIONS TO REGIONAL BOARD MEMBERS

All persons who actively support or oppose the adoption of waste discharge requirements or an NPDES permit before the Lahontan Water Board must submit a statement to the Board disclosing any contributions of \$250 or more to be used in a federal, state, or local election, made by the action supporter or opponent, or his or her agent, within the last 12 months to any Water Board member. All permit applicants and all persons who actively support or oppose adoption of a set of waste discharge requirements or an NPDES permit pending before the Water Board are prohibited from making a contribution of \$250 or more to any Board member for three months following a Water Board decision on the permit application.

G. ADDITIONAL CLOSED SESSION

At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based upon evidence introduced in the hearing. Discussion of litigation is within the attorney-client privilege and may be held in closed session. Authority: Government Code section 11126, subdivisions (a), (c)(3) and (e).