



# California Regional Water Quality Control Board

## Lahontan Region



Linda S. Adams  
Secretary for  
Environmental Protection

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Arnold Schwarzenegger  
Governor

### MINUTES

**November 12-13, 2008**

**City Council Chambers  
220 E. Mountain View  
Barstow, California**

**BOARD MEMBERS PRESENT**

Jack Clarke, Apple Valley  
Mike Dispenza, Palmdale  
Keith Dyas, Rosamond  
Amy Horne, Ph.D., Truckee  
Don Jardine, Markleeville (arrived 7:00 p.m. 11-12-08)  
Eric Sandel, Truckee

**BOARD MEMBER ABSENT**

None

**LEGAL COUNSEL**

David Coupe, Office of Chief Counsel, State Water Resources Control Board  
David Boyers, Office of Enforcement, State Water Resources Control Board  
Mayumi Okamoto, Office of Enforcement, State Water Resources Control Board

**STAFF PRESENT**

Harold J. Singer, Executive Officer	Lisa Dernbach, Senior Engineering Geologist
Robert S. Dodds, Assistant Executive Officer	Joe Koutsky, WRCE
Chuck Curtis, Supervising WRCE	Cindi Mitton, Senior WRCE
Mike Plaziak, Supervising Engineering Geologist	John Morales, WRCE
Laurie Applegate, Executive Assistant	Ghasem Pour-ghasemi, WRCE
Jehiel Cass, WRCE	Eric Shay, Staff Services Analyst
Patrice Copeland, Senior Geologist	

**ADDRESSING THE BOARD**

Joan Bird; Francis Church; Norman Diaz; Mark Orr; Steven Smith, [helphinkley.org](http://helphinkley.org)  
Kirby Brill, Mojave Water Agency  
Robert D. Conaway  
Bob Doss, Pacific Gas and Electric Company  
Ai Duong, U.S. Air Force  
Logan Olds, Victor Valley Wastewater Reclamation Authority  
Richard Rowe, Barstow City Manager  
Chris Seney, Nursery Products  
Wilson F. So, City of Adelanto

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**ADDRESSING THE BOARD, Continued**

John Sponsler, Adelanto Public Utility District

Kathleen Spoor; Claud Seal and Robert Scherer, Rosamond Community Services District

**Regular Meeting  
November 12, 2008 – 4:00 p.m.**

Mr. Clarke, Chair, called the meeting to order at 4:00 p.m. on November 12, 2008.

Note: Mr. Jardine was not present for the afternoon session.

**OTHER BUSINESS****1. Executive Officer's Report**

- Mr. Singer discussed items from the October and November written reports.
- A special Regional Board meeting has been scheduled for December 11, 2008 in South Lake Tahoe. At the special meeting, staff will ask the Board to consider adopting a resolution to waive waste discharge requirements for vegetation management activities regulated by the Tahoe Regional Planning Agency (TRPA) within the Tahoe basin and to authorize the Executive Officer to enter into a Memorandum of Understanding with the TRPA.

Staff is also developing a revised waiver of waste discharge requirements for timber and vegetation management activities for use throughout the Lahontan Region. The revised region-wide timber waiver is currently available as a working draft for public review and comment. Five workshops have been scheduled in November throughout the region for informal public input. The informal review will be followed by a formal public comment period. Staff plans to ask the Board to consider adopting the revised region-wide timber waiver at the Board's regular meeting in March 2009.

- Mr. Singer gave the Board a listing of administrative civil liability orders issued by the Lahontan Water Board from 2005-2008. He discussed two proposed policies to be considered by the State Water Resources Control Board at a public hearing in February 2009: Policy on Supplemental Environmental Projects (SEPs); and, Policy for Use of the State Water Pollution Cleanup and Abatement Account for Regional Water Quality Improvement Projects.

The proposed SEP policy includes two alternatives regarding limits on the amount of a SEP relative to the overall monetary value of the settlement. Board members discussed the two alternatives. Board members agreed that Alternative 1 was not acceptable and it was decided that further clarification and Regional Board guidelines were needed before Alternative 2 could be supported. Board members will discuss the matter with their State Board liaisons and will ask that a State Board liaison attend the Board's special meeting in December.



Mr. Singer also discussed the Policy for Use of the State Water Pollution Cleanup and Abatement Account for Regional Water Quality Improvement Projects. He outlined his concerns with the policy and noted the need for further clarification. Mr. Clarke recommended that Mr. Singer send a memo to the State Water Board expressing his concerns with the policy.

- Board members discussed the draft 2009 Board Meeting Schedule.

Mr. Dispenza has a conflict with the first and third Wednesdays of the month. Mr. Singer noted the April and November meetings are currently scheduled for the third Wednesday/Thursday of the month and would need to be changed. A one-day meeting on Thursday in the south was discussed as a possibility for the months of April and November.

Mr. Dyas has a conflict with February 10. Mr. Singer explained that the Board's usual meeting schedule would have been February 11-12; however, Lincoln's birthday is February 12 and is observed as a State holiday. He also noted that the Governor has proposed eliminating Lincoln's birthday as a State holiday. It was decided to schedule a one-day meeting on Wednesday, February 11 in the south. Should Lincoln's birthday be eliminated as a State holiday, the Board could meet on February 11-12 in the south.

- The next Water Quality Coordinating Committee meeting will be held on February 23-24, 2009 in the Ontario area.
- Mr. Singer handed out a letter dated October 13, 2008 from the citizens of Oro Grande regarding concern about potential catastrophic flooding along and near the Mojave River in the Oro Grande area. He also handed out an article from the Santa Cruz Sentinel about the passage of Measure E. The measure will raise annual property taxes to help Santa Cruz meet state requirements to clean up storm water runoff.

Note: The Board recessed for dinner at 5:15 p.m.

**Regular Meeting, continued**  
**November 12, 2008 – 7:00 p.m.**

Mr. Clarke, Chair, called the meeting to order at 7:15 p.m. on November 12, 2008. Board members present: Amy Horne, Jack Clarke, Mike Dispenza, Keith Dyas, Don Jardine and Eric Sandel. Board members absent: None. Note: Mr. Jardine arrived at 7:00 p.m. and was present for the remainder of the meeting.



## INTRODUCTIONS AND PLEDGE OF ALLEGIANCE

### 2. PUBLIC FORUM

- Richard Rowe, Barstow City Manager, gave an update regarding the City's actions to address the cease and desist order for the City's wastewater treatment plant and the cleanup and abatement order for Salt Mine Road.
- Kathleen Spoor, Director, Rosamond Community Services District (Rosamond CSD), introduced Claud Seal, Assistant General Manager and Engineer for Rosamond CSD. Mr. Seal gave the Board copies of *A Report to State Water Quality Control Board, Chloramine Usage in the Antelope Valley* and noted the Antelope Valley-East Kern Water Agency plans to convert its water disinfection process from free chlorine to chloramine treatment. He discussed the negative effects of chloramine and asked the Board to stop the usage of chloramines in drinking water, to conduct hearings and to investigate the adverse effects of chloramines on humans. Mr. Seal answered questions from the Board.

Mr. Sandel commented that he would like to hear a discussion in the future of the scientific aspects of chloramine.

- Robert Scherer, Rosamond CSD, expressed concern about the use of chloramines in the Antelope Valley.
- Steven Smith, Francis Church, and Norm Diaz, helphinkley.org, discussed concerns with the open air sewage sludge composting facility proposed by Nursery Products LLC in Hawes. Mr. Smith gave the Board's Executive Assistant a CD called Sludge Documents for the record.
- Robert Conaway voiced concern about the effect of the Nursery Products facility on Harper Lake, located downgradient from the proposed facility. Mr. Conaway asked the Board to study the effects on the Harper Lake basin and to consider the matter at a future meeting.

### 3. MINUTES

#### **Minutes of the Regular Meeting of July 23-24, 2008 in Truckee**

- **Motion:** Moved by Dr. Horne, seconded by Mr. Dispenza and **unanimously carried** to adopt the minutes as written.

### ENFORCEMENT

#### 4. **Amended Cleanup and Abatement Order for the Pacific Gas and Electric Company's Compressor Station, Hinkley, San Bernardino County**

Mr. Clarke opened the public hearing.



Lisa Dernbach gave the staff presentation and recommended the Board adopt the amended cleanup and abatement order with the changes outlined in the late revision sheet. Mr. Coupe discussed the late revision sheet addition to Finding No.12.

Bob Doss, Principal Engineer, Pacific Gas and Electric Company (PG&E), discussed PG&E's concern about the use of the average background concentration in the development of cleanup goals. He noted that based on conversations with Mr. Singer regarding the subject, PG&E was not requesting further revisions or changes to the proposed amended cleanup and abatement order.

Robert Conaway disagreed with the amendment to Finding No. 12 and asked the Board to reconsider it. Mr. Conaway also noted that since PG&E began the injection process, the water in his 3-year old well and the water coming from his garden hose smell of degraded vegetable matter, oil and whey. He noted that his home is not in the defined plume area and questioned whether the plume has been properly characterized. He commented that his neighbors have complained of the same odor and asked that the Board investigate the matter. Mr. Conaway answered questions from the Board. Mr. Singer responded to points raised by Mr. Conaway related to the amendment to Finding No. 12.

Norman Diaz voiced concern regarding the closeness of the plume to the Hinkley school. He noted the school children drink the water at the school and asked the Board to protect their drinking water.

Mr. Clarke closed the public hearing.

Board members discussed issues related to the amended cleanup and abatement order and supported staff's recommendations. Mr. Sandel commented that the odors detected from outside of the plume area by Mr. Conaway and his neighbors could be side effects from the PG&E injection process and should be investigated.

- **Motion:** Moved by Mr. Dyas, seconded by Mr. Sandel and **unanimously carried** to adopt the amended cleanup and abatement order with the late revisions outlined by staff.

Mr. Sandel asked Mr. Singer what action would be taken to investigate the complaint of odors raised by Mr. Conaway. Mr. Singer responded that staff would work with Mr. Conaway and with PG&E to investigate the matter and report back to the Board.

**5. Consideration of a Settlement of Claims for an Administrative Civil Liability Through the Adoption of an Administrative Civil Liability Order for Adelanto Public Utility Authority, for Violation of Cease and Desist Order No. R6V-2007-0024, for Failure to Submit a Quarterly Status Report by the Required Date, San Bernardino County**

John Morales gave the staff presentation and answered questions from the Board. Mr. Morales noted the discharger previously signed a waiver of public hearing and agreed to pay administrative civil liability in the amount of \$6,500. Mr. Morales recommended the Board adopt the order as proposed.



Mike Plaziak recommended that the words Waste Discharge Permit Fund found on page 2 of the order, paragraphs 2. and 3. under IT IS HEREBY ORDERED THAT: be changed to State Water Pollution Cleanup and Abatement Account.

Addressing the Board: John Sponsler, Adelanto Public Utility District.

- **Motion:** Moved by Mr. Dispenza, seconded by Dr. Horne and **unanimously carried** to adopt the administrative civil liability order with the changes recommended by Mr. Plaziak.

### **STATUS REPORT**

#### **6. Status Report on Compliance by the City of Adelanto, Wastewater Treatment Plant, San Bernardino County**

John Morales discussed the status of compliance by the City of Adelanto with Cease and Desist Order R6V-2007-0024. Mr. Morales and Mr. Plaziak answered questions from the Board. Mr. Singer noted that revised waste discharge requirements will be considered by the Board in the future.

Addressing the Board: Wilson F. So, City of Adelanto

#### **7. CLOSED SESSION**

A closed session was not held during this meeting.

Note: The evening meeting recessed at 9:45 p.m.

### **Regular Meeting, continued** **November 13, 2008 – 8:30 a.m.**

Mr. Clarke, Chair, called the meeting to order at 8:30 a.m. Board members present: Amy Horne, Jack Clarke, Mike Dispenza, Keith Dyas, Don Jardine and Eric Sandel. Board members absent: None.

#### **8. PUBLIC FORUM**

- Joan Bird, helphinkley.org, voiced concerns about the health and environmental effects of the open air sewage sludge composting facility proposed by Nursery Products LLC in Hawes, California.
- Mark Orr handed out a letter to the Lahontan Water Board dated November 11, 2008 outlining his concerns with the open air sewage sludge composting facility proposed by Nursery Products LLC in Hawes, California.
- Norman Diaz gave the Board's Executive Assistant a copy of a report entitled *Draft Staff Report Proposed Adoption of Rule 1133 – Composting and Related*

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*Operations* and noted that Rule 1133 was adopted by the Mojave Desert Air Quality Management District on October 27, 2008. Mr. Diaz expressed concern that the adoption of Rule 1133 would draw other open air sewage sludge composting facilities to the area.

- Chris Seney, Nursery Products, LLC, gave an update on the status of the proposed Nursery Products composting facility. Mr. Seney commented that Rule 1133, adopted by the Mojave Desert Air Quality Management District on October 27, 2008, is one of the toughest composting rules in the country and is the toughest composting rule in the United States in an area that is in attainment for fine particulate matter.

### **ENFORCEMENT**

9. **Consideration of a Settlement of Claims for an Administrative Civil Liability Through the Adoption of an Administrative Civil Liability Order for Victor Valley Wastewater Reclamation Authority, for Violation of Effluent Requirements Contained in the Waste Discharge Requirements/Federal NPDES Permit for the Regional Wastewater Treatment Plant in Victorville, San Bernardino County**

Scott Ferguson gave the staff presentation. He discussed the mandatory minimum penalty and the supplemental environmental project (SEP) proposed by the Victor Valley Wastewater Reclamation Authority (VWVRA). Mr. Ferguson answered questions from the Board and recommended the Board adopt the administrative civil liability order as proposed.

Mr. Clarke commented that the SEP that would extend the Mojave River Characterization Study from 18 months to two full years would be beneficial and noted that the study of the Mojave River is critical for the water supply and water quality of the future. Mr. Singer also noted the benefit of increasing the bioassessment study to two years.

Logan Olds, General Manager, VWVRA, discussed the reasons for the past violations and the steps taken to avoid future violations. Mr. Olds noted that due to economic considerations, VWVRA will likely not meet the NPDES permit May 2010 timeline to remove disinfection byproducts from its effluent.

Dr. Horne thanked Mr. Olds for providing the Board with advance notice about the possibility of not meeting the May 2010 deadline in the NPDES permit.

- **Motion:** Moved by Dr. Horne, seconded by Mr. Sandel and **unanimously carried** to adopt the administrative civil liability order as proposed.



**OTHER BUSINESS****10. Resolution Authorizing the Executive Officer to Sign the Record of Decision for South Base Operable Unit 2, Edwards Air Force Base, Kern County**

Note: Mr. Dyas declared a conflict of interest with this item because of his employment with Edwards Air Force Base.

Jehiel Cass gave the staff presentation and recommended the Board adopt the resolution with the changes outlined in the late revision sheet. Mr. Cass answered questions from the Board.

Addressing the Board: Ai Duong, Edwards Air Force Base

- **Motion:** Moved by Mr. Sandel, seconded by Mr. Dispenza and **unanimously carried** to adopt the Resolution with the changes in the late revision sheet. (Mr. Dyas did not vote due to a conflict of interest.)

**11. Presentation by Kirby Brill, General Manager of the Mojave Water Agency – Water Quality/Water Supply and the Relationship Between the Mojave Water Agency and the Water Board.**

Kirby Brill, General Manager, Mojave Water Agency (MWA), gave a presentation to the Board about the MWA's water resource and water quality management programs. He discussed the regional, recharge and recovery project (R3 project), water quality data collection and management efforts and the Lahontan Water Board/MWA Salt Model. Mr. Brill noted the MWA views the Lahontan Water Board as a partner with the shared objective of managing the groundwater basin as a sustainable resource. Future areas of collaboration include evaluating potential long-term trends, sharing existing data, coordinating data collection and mutually addressing data gaps. Mr. Brill answered questions from the Board.

Mr. Clarke acknowledged the work done by Mr. Brill and thanked him for the presentation. Mr. Singer discussed future use of the data and models by the Water Board to determine the water quality objectives for the Mojave and to develop a water management plan.

**12. Status Report on Settlement Discussions Regarding a Potential Administrative Civil Liability Order for Everd A. McCain, B. J. Deis, and McCain and Associates for Violations of (1) Waste Discharge Prohibitions Specified by the Water Quality Control Plan for the Lahontan Region, (2) California Water Code Section 13267, (3) Clean Water Act 301, (4) California Water Code 13304, and (5) Clean Water Act Section 401 Water Quality Certification – Belfast Ranch – Skeet Dam and Buz Dam, Lassen County**

Robert Dodds gave the status report and noted the item would be scheduled for the Board's consideration at the January 2009 meeting.





**13. Reports by Chair and Board Members**

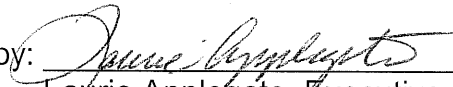
Mr. Jardine noted that Alpine County and the South Tahoe Public Utility District will be meeting on November 17. The South Tahoe Public Utility District will give a presentation at the meeting regarding recycled water facilities master planned projects.

Mr. Clarke noted the next Water Quality Coordinating Committee meeting is scheduled for February 23-24, 2009. Items for consideration will likely be Regional Board consistency and the strategic plan.

**ADJOURNMENT**

With no further business to come before the Board, the meeting adjourned at 11:37 a.m.

Prepared by:



Laurie Applegate, Executive Assistant

Adopted: January 14, 2009

