
Lahontan Regional Water Quality Control Board

MINUTES

September 12-13, 2012

Regular Meeting

Hampton Inn Suites Barstow
2710 Lenwood Road
Barstow, CA 92311

Board Members Present

Don Jardine, Chair, Markleeville
Amy Horne, Ph.D., Truckee
Peter C. Pumphrey, Vice Chair, Bishop
Keith Dyas, Rosamond
Eric Sandel, Truckee

Board Member Absent

Jack Clarke, Apple Valley

Legal Counsel

Kimberly Niemeyer, Office of Chief Counsel, State Water Resources Control Board
David Boyers, Office of Enforcement, State Water Resources Control Board

State Board Staff

Felicia Marcus, State Board Member
Gita Kapahi, Director, Office of Public Participation

Regional Board Staff Present

Patty Z. Kouyoumdjian, Executive Officer
Lauri Kemper, Assistant Executive Officer
Charles Curtis, Supervising WRCE
Douglas Smith, Sup. Engineering Geologist
Mike Plaziak, Sup. Engineering Geologist
Patrice Copeland, Senior Engineering Geologist
Anne Holden, Engineering Geologist
Cindy Mitton, Senior WRCE

Tom Gavigan, Senior Engineering Geologist
James Brathovide, Engineering Geologist
Richard Booth, Senior Engineering Geologist
Sue Genera, Executive Assistant
Eric Taxer, WRCE
Scott Ferguson, Senior WRCE
Omar Pacheco, Engineering Geologist
Thomas Browne, WRCE

REGULAR MEETING**Wednesday, September 12, 2012- 1:00 p.m.****Addressing the Board**

Kirby Brill, Mojave Water Agency
Logan Olds, VVWRA
Kimberly Cox, Mojave Water Agency
Piero Dallarda, Counsel, VVWRA

INTRODUCTIONS

Chairman Don Jardine called the meeting to order at 1:03 p.m. on September 12, 2012, and introduced Board members. Dr. Horne introduced and recognized former Lahontan Board Member Gene Nebeker.

Patty Z. Kouyoumdjian, Executive Officer, introduced Legal Counsel, Water Board staff, and welcomed State Board Member, Felicia Marcus.

OTHER BUSINESS**1. Minutes**

Minutes of the Regular Meeting of July 11-12, 2012, held in South Lake Tahoe, CA

- **Motion:** Moved by Dr. Horne, seconded by Mr. Dyas, and **unanimously carried** to adopt minutes as amended. Board member Sandel recused himself from voting as he was not in attendance at the July meeting.

Click here to view the adopted [July 2012 Minutes](#)

2. ADOPTION OF UNCONTESTED CALENDAR

Note: An (*) appears next to items adopted by the Board on the uncontested calendar.

- **Motion:** Moved by Dr. Horne, seconded by Mr. Pumphrey and **unanimously carried** to adopt Item 3 on the uncontested calendar.

3. *Resolution Authorizing the Executive Officer to Sign the Record of Decision for 25 Installation Restoration Program Sites, Air Force Plant 42, Los Angeles County.

See Item 2.

Click here to view adopted [Resolution No. R6V-2012-0051](#)

REPORTS**4. Executive Officer's Report**

Ms. Kouyoumdjian, Executive Officer, presented the [September Written Report](#) and gave additional updates on:

- a. New employee Thomas Browne has joined our Land Disposal Section in our Victorville Office.
- b. As a result of the recent budgets cuts we lost 10 students who were performing vital water quality monitoring and scientific data analysis for Lahontan. New civil service classifications were created to allow us to hire 5 part-time employees in the North and 3 in the South.
- c. Last week the California Legislature completed their work for 2012 and sent a number of bills to the Governor's desk. AB 1492 is sponsored by the Assembly Budget Committee and sets a new consumer fee on lumber products and engineered wood products. The revenues will cover state agency costs for the "review of projects or permits necessary to conduct timber operations." This bill could fund Lahontan staff activities in the future. AB 1492 also extends Timber Harvest Plans from 3 years to 5 years, and places limitations on public agencies seeking damages caused by wildfires. SB 965, by Senator Wright, makes it easier for interested persons to contact members of the State and Regional Boards, by allowing ex parte communications with respect to the adoption, modification or rescission of waste discharge requirements, conditional waivers of waste discharge requirements and general permits. The bill also requires the Water Boards to make their meeting agenda notices available in both Spanish and English. The bill also requires all State agencies to give extra time for testimony at public meetings for people who use an interpreter.
- d. On August 9, the Joint Legislative Audit Committee, at the request of Senator Doug La Malfa, requested the California State Auditor to conduct an audit of the State Water Board 401 certification program. While the audit will address the 401 certification program in general, it will focus on the 401 certification process and enforcement actions as it relates to Caltrans. The Auditor plans to visit various locations and will review files related to 401 certification at the State Water Board, as well as several regional board locations. They also plan to visit Caltrans. The audit will cover the last five years of activity in the 401 certification program. They may begin the audit anytime over the next four months. The Auditor expects it to take six to nine months and 4,516 hours of staff time. It is unknown if the Lahontan Board will be audited, and so far just the North Coast Regional Board has been contacted.
- e. The State Board is proceeding with workshops for developing a Statewide Biological Objectives Policy and a Program of Implementation for Perennial, Wadeable Streams. Four CEQA Workshops are planned to receive public comment. The meetings in Riverside and Sacramento concluded last week. The remaining workshops are scheduled September 12 in Redding, and September 14 in Oakland. The State Water Board is developing biological objectives to improve water quality in streams and rivers by setting a narrative or numeric benchmark. Tom Suk, from the Lahontan Staff, is helping lead this effort.
- f. The Leviathan Mine trial is scheduled to begin on October 9th and is scheduled for five weeks. The trial is in Los Angeles Superior Court and will be heard by Judge Wiley. Lahontan Regional Board staff, both present and former, has spent

considerable time preparing for this trial. The trial will address the 1983 settlement agreement between ARCO and the Regional Board, and responsibilities for aspects of the mine cleanup. A team of committed staff from the Lahontan Regional Board, State Board and the Attorney General's Office will be in Los Angeles for the trial. This same team is also participating in court ordered settlement discussions. Several current and former Regional Board staff have been called as witnesses for the trial.

- g. Nursery Products was inspected in May and June in response to a complaint. The facility was found accepting waste without Regional Board authorization and the owner was contacted and committed to not accepting waste until in compliance. A Notice of Violation was issued for accepting waste prior to completion of Final Construction Quality Assurance Report & two financial assurances mechanisms. Staff received another complaint that the facility was accepting waste again and Regional Board staff is responding and will be at the facility.
- h. We have scheduled the Truckee River Watershed Tour for September 18th from 9:00 to noon. Eric Sandel and his wife Kelly will be joining me, along with State Water Board staff, Chief Deputy Director Jonathan Bishop; and Vicky Whitney, the Chief of the Water Quality Division. A number of local leaders in the Truckee area will be hosting the tour. The tour is expected to visit the following locations:
 - Tahoe Truckee Sanitation Agency, Trout Creek restoration project
 - Coldstream Canyon floodplain restoration project
 - Truckee Donner PUD Donner Creek substation
 - Squaw Valley
- i. On August 13, I and our Chair, Don Jardine attended the 16th Annual Lake Tahoe Summit hosted by Nevada (Senator Heller). The focus was public-private partnerships. A number of political leaders spoke and some themes included: need for more collaboration among government's agencies, streamlining of regulatory requirements, the importance of controlling invasive species, and new scientific information that showed Lake Tahoe clarity was stabilizing. Board staff, Robert Larsen and Dan Sussman also attended the event and prepared a handout of our accomplishments and activities to improve Lake Tahoe clarity. I later attended a roundtable lunch discussion with Governors Brown and Sandoval and other federal and Lake Tahoe political leaders. The group further explored ideas for improving collaboration among agencies; need for local government funding; Regional Plan update from Tahoe Regional Planning Agency; and fuel reduction efforts. Later that week I also attended a smaller, private meeting with Senator Feinstein and a number of government and non-profit leaders. We spent several hours brainstorming ideas to help improve environmental and fiscal conditions in the Basin.
- j. We are working with U.S. Forest Service staff on a regular, and continual basis to come up with procedures, templates and models to help us work more cooperatively. The Lake Tahoe Basin Management Unit (LTBMU) completed their operational plan for the South Shore Project. They are finishing up with fuels reduction in about 1,000 acres before the construction season ends. About one-fourth of the work is happening just south of our offices within the urban interface. This important work will make strides in protecting homes and the community from future fires. Additional work will continue in next year, and ensuing years. We are mutually crafting a template so future annual operating plans can be approved sooner.

- k. Regarding Carnelian Bay, we met with LTBMU to refine their operating plan for next year. This early spade work will allow them to finish their operating plan this winter. We hope they will be ready to start fuel reduction work on this 3,300 acre project next spring. This project falls within the parameters of the timber waiver the Board adopted. Our staff are meeting regularly with LTBMU to set a system in place for joint CEQA/NEPA environmental documents. This is a practice both agencies used many years ago. I want to start this approach back up because it is more cost-effective and practical.
- l. On August 30 I attended a meeting with elected representatives from Placer County (Jennifer Montgomery); El Dorado County (Norma Santiago); and City of Lake Tahoe (Angela Swanson) and representatives of their respective public works departments. It was chance for me to meet these local leaders and discuss how we can collaboratively work together in the future. It was a very positive discussion and we committed to meeting regularly to address issues and solve problems. We discussed the status of the draft permit revisions slated to come before the Board in October; US EPA suggested changes to the draft permit; the petition before the State Board. More importantly, we made a commitment to work collaboratively on a short and long-term funding plan for the Tahoe Basin.

Assistant Executive Officer, Lauri Kemper addressed the Board and presented the 2nd Quarter Violations Report.

ENFORCEMENT

5. Public Hearing - Consideration of a Settlement Agreement and Stipulation for Entry of Order and Order in the matter of an Administrative Civil Liability against Victor Valley Wastewater Reclamation Authority (VWRA) for Five Unauthorized Discharges, Victorville, San Bernardino County.

Eric Taxer, WRCE, addressed the Board and notified them of two corrections in the Order.

- Correction: P. 5-11 (line 31) ~~does~~ does not
- Correction: P. 5-56 (line 26) ~~\$434,189,190~~ \$433,189,190

Mr. Taxer gave a brief overview of the VWRA Settlement Agreement requirements, discharge events, liability amount, and Supplemental Environmental Project (SEP). Logan Olds, representing the VWRA, addressed the Board in favor of Staff Option (a.) and answered questions posed by the Advisory Team regarding their draft permit status. Mr. Olds asked that the Board include additional language regarding collection system personnel be added to the Order. David Boyers, Office of Enforcement, State Water Resources Control Board, addressed the Board and stated that he felt the additional language was not necessary however, if the additional language were added it was his recommendation that it be inserted into page three, paragraph 11, of the Settlement Agreement. Kirby Brill, General Manager, Mojave Water Agency (MWA), addressed the Board in support of the Settlement Agreement. Mr. Brill answered questions from the Board and Advisory Team regarding MWA's scope of work for their Salt and Nutrient Management Plan (SNMP) outlined in the Agreement. Kimberly Cox, Board Member for MWA, addressed the Board and confirmed MWA's intent to complete the SNMP as outlined. Piero Dallarda, Counsel, VWRA, addressed the Board and stated that if the MWA does not fulfill the SNMP outlined in the Agreement, then the VWRA will need to renegotiate the SEP implementation with the Board.

Motion: Moved by Dr. Horne, seconded by Mr. Pumphrey, and **unanimously carried** to adopt the Order with amended language.

Click here to view adopted [Board Order No. R6V-2012-0048](#)

Note: the Board took a break from 2:34-2:45 p.m.

PLANS & POLICIES

6. Scoping Meeting – 2012 Triennial Review of the Water Quality Control Plan for the Lahontan Region (Basin Plan)

Richard Booth, Senior Engineering Geologist, addressed the Board and gave a power point presentation on the 2012 Triennial Review. In his presentation, Mr. Booth highlighted why the review is necessary, discussed committed and uncommitted projects on the list, and funding needed to complete each project. The Board requested staff develop objective criteria to rank the projects based on, number of people impacted, economic dollars at risk, beneficial uses affected, precedence, etc. Dr. Horne asked if when developing water quality objectives, if it is more efficient to start with site specific standards and then broaden that to region wide standards or if it is more efficient to start with region wide standards and narrow that to site specific standards. Ms. Kemper responded that developing region wide water quality objectives with site specific considerations would be the most efficient and practical approach. Mr. Pumphrey asked if when staff develops a ranked list they include potential resources that may be utilized to expedite the project's completion. Dr. Horne asked if projects on the list could be included on a list for Supplemental Environmental Projects. Chuck Curtis, Supervising WRCE, stated that Supplemental Environmental Policy states that SEPs cannot benefit the Board but that there is a potential for data gathering effort that has broad use that may apply.

Public Comment

- James McDonald, Environmental Engineer, Naval Air Weapons Station (NAWS), China Lake, addressed the Board and requested the removal of the Municipal Beneficial Use Designation from Salt Wells Valley and Shallow Groundwater in Eastern Indian Wells at NAWS, China Lake. Staff counsel advised that this DE designation would require a Basin Plan Amendment.
- Bill Thomas, representing the Bridgeport Ranchers, addressed the Board and requested that the bacterial standard for Bridgeport Ranchers conform with the bacterial standards of other regions. Mr. Thomas stated his support of Option 2 when implementing water quality standards for Bridgeport and the region.

REPORTS

7. Reports by Water Board Chair and Board Members

The Board honored former Executive Officer, Harold Singer, with a Resolution from the State Water Board, presented to him by State Board Member Felicia Marcus. Mr. Singer was also presented with a Resolution from Senator Ted Gains in recognition of 23 years as Executive Officer of the Lahontan Water Board.

8. CLOSED SESSION**

The Board met in Closed Session from 4:17-5:55 p.m. to discuss matters related to personnel. Information was provided to the Board. No reportable action was taken.

Dinner Recess Approximately 5-7 p.m.

REGULAR MEETING (cont.)**Addressing the Board**

Ian A. Webster, Consultant, Hinkley Community Advisor Committee (CAC)
Dan Hendrickson, Libre Energy, Inc
Peter Lloyd, Libre Energy, Inc.

Residents of Hinkley:

Jon Quass	Norman Dias
James Dodd	Daron Banks
Gary Halstead	Betsy Shirkey
Lester White	Aquilla Halstead
David Cheney	Roberta Walker
John Turner	Bobby Morris
Larry Griep	Ron Haefele
Floyd Burns	John Coffey
Penny Harper	Evelio Hernandez

INTRODUCTIONS

Chairman Don Jardine called the meeting to order at 7:15 p.m. on September 12, 2012. Approximately 120 audience members were present for the evening session.

9. PUBLIC FORUM

John Turner addressed the Board and asked that: Hinkley Chromium plume boundary be identified, an independent contractor (not PG&E) be used for testing domestic wells, request that PG&E not be involved in Hinkley CAC meetings, and requested more data be provided to the community on the whole house replacement water system.

OTHER BUSINESS**10. Pacific Gas & Electric Company, Hinkley Compressor Station, San Bernardino County - Public Workshop for Draft Environmental Impact Report (EIR), Comprehensive Groundwater Cleanup Strategy for Historical Chromium Discharges.**

Ms. Kemper presented a timeline of Board Orders, compliance deadlines, reports, and community meetings, for the Hinkley PG&E Chromium Cleanup. Anne Holden, Engineering Geologist, addressed the Board and gave a power point overview of the Draft Environmental Impact Report and answered Board member questions.

Public Comment

Gita Kapahi with the State Water Board moderated the Public Comment period and a transcriber was present to record public comments which will be responded to in writing and included in the final EIR. Translation services were also provided to the public.

- Ian Webster addressed the Board in favor of adopting the EIR.
- Dan Hendrickson and Peter Lloyd, representing Libre Energy, Inc, presented a report on electrocoagulation.
- 18 Hinkley residents address the Board and voiced their concerns. These comments were transcribed and will be responded to in writing and included in the final EIR.

Board Discussion

Mr. Sandel directed staff to contact the Mojave Water Agency to obtain uranium data in the area. He questioned if the U.S. Geological Survey would be involved in future studies to define the chromium plume. Ms. Holden responded yes. Mr. Dyas, after hearing requests of numerous Hinkley residents, asked that the comment period on the Draft EIR be extended an additional 15 days to November 5, 2012. He also asked if an electrocoagulation system had been considered for plume remediation. Ms. Holden stated that staff would consider this treatment in the final EIR. Mr. Pumphrey voiced concerns that the plume is still not defined and his hope that the remediation plan be flexible enough to allow for updated technology or unanticipated issues. He also raised concern over comments from the community that they are not comfortable with the CAC process and PG&E's involvement with the CAC. Dr. Horne shared the community's frustration and asked if the community trusted PG&E to fulfill the mitigation measures. She asked the Executive Officer to address the questions of how we can define the plume in a way that the community trusts and address what can be done to improve the process with the CAC. Chair Jardine concurred with Board concerns and directions.

Click here to listen to a complete [audio file](#) of this item.

Click here to view [Transcription](#) of this item.

REGULAR MEETING (cont.)

Thursday, September 13, 2012- 8:30 a.m.

WORKSHOP

11. Renewable Energy Projects Southern Lahontan Region (Part 1)

Mike Plaziak, Supervising Engineering Geologist, and James Brathovde, Engineering Geologist, gave a power point presentation on "Renewable Energy Projects and their Impact on Water Quality". In their presentation to the Board they highlighted:

- Types of renewable energy
- Renewable Portfolio Standards
- Federally administered lands available for renewable energy
- Beneficial uses most threatened by utility-scale renewable energy projects
- Solar thermal energy projects in Region 6

The Board commended staff on an excellent presentation. Dr. Horne asked what are the Best Management Practices associated with a solar tower project. Mr. Brathovde responded that each project has to comply with an Industrial National Pollutant Discharge Elimination System General Permit. Mr. Pumphrey asked if there will be a funding stream to support renewable energy project workload. The Executive Officer responded that it is a constant shuffling act with staff workloads to meet our priorities. Mr. Sandel asked if the California Energy Commission (CEC) would be responsible for monitoring for compliance in the event of an environmental disaster. Staff responded that the CEC is the lead agency.

Public Comment

Scott Frier, Chief Operating Officer, ABENGOA SOLAR, addressed the Board and thanked the Lahontan Staff for their expertise and consulting with them on permitting their projects.

ADJOURNMENT

With no further business to come before the Board, the meeting adjourned at 9:25 a.m. on September 13, 2012.

Prepared by: _____


Sue Genera, Executive Assistant

Adopted: _____


October 10, 2012