

Lahontan Regional Water Quality Control Board

MINUTES

October 10-11, 2012

Regular Meeting

Lahontan Regional Water Quality Control Board Annex
971 Silver Dollar Avenue
South Lake Tahoe, CA 96150

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
Vanessa Young, Office of Enforcement, State Water Resources Control Board

Staff Present

Patty Z. Kouyoumdjian, Executive Officer
Lauri Kemper, Assistant Executive Officer
Charles Curtis, Supervising WRCE
Doug Smith, Supervising Engineering Geologist
Scott Ferguson, Senior WRCE
Richard Booth, Senior Engineering Geologist

Alan Miller, Senior WRCE
Lisa Scorable, Engineering Geologist
Rob Tucker, WRCE
Robert Larsen, Staff Environmental Scientist
Dan Sussman, Environmental Scientist
Sue Genera, Executive Assistant

Regular Meeting Wednesday, October 10, 2012, 1:00 p.m.**INTRODUCTIONS**

Chairman Don Jardine called the meeting to order at 1:02 p.m. on October 10, 2012, and introduced Board members.

Patty Z. Kouyoumdjian, Executive Officer, introduced Legal Counsel and Water Board staff.

OTHER BUSINESS**1. MINUTES**

Minutes of the Regular Meeting of September 12-13, 2012, held in Barstow, CA

- **Motion:** Moved by Mr. Dyas, seconded by Mr. Pumphrey, and **unanimously carried** to adopt minutes as presented.

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

2. Executive Officer's Report

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

- a. Lahontan Staff, Bud Amorfini is now our CalTrans liason for the entire Region. Bud has a lot of experience working with CalTrans and does a great job coordinating with them.
- b. We have just concluded a successful two-day all staff training in our Lake Tahoe headquarters. The training was sponsored by the State Board Training Academy and I am happy to report that most of the Victorville and Lake Tahoe staff attended the training.
- c. For review is the proposed schedule of Board meetings and locations for 2013.
- d. On October 16, we will be holding a public workshop at the Hinkley Elementary School to walk residents through the EIR and answer their questions. We continue to work with the Hinkley Community Advisory Committee (CAC) to get their comments on the EIR and are helping them find a facilitator for their meetings. The previous meeting of the CAC was quite unruly and Regional staff were not treated professionally. The next meeting of the CAC is scheduled for October 25 and we will have staff attending.
- e. The LA Times is expected to post a story and photo essay this weekend on the Hinkley community. The article will focus on PG& E property acquisitions and future land use expectations for the town. According to recent informal comments, it is speculated that of the 300 households in the replacement water program that potentially up to 200 households may accept the property buyout.
- f. Staff have updated our website to organize the public health information in one area in response to public requests. We now have a spot that contains previous assessment prepared by the California Cancer Registry for the periods of 1988-93 and 1996-2008. It also contains OEHHA's PHG information and chemical facts sheets prepared by OEHHA on constituents of concern (arsenic, chromium,

- manganese, etc). I am about to send a letter to Dept of Public Health inquiring if they have any current information on cancer or birth defects cases.
- g. PG&E sent me a status letter on Sept. 17 regarding the 18 wells having Chrome 6 levels above background concentrations. So far, 14 owners are pursuing property purchase, 3 want the filter systems, and one wants nothing. Filter systems will be installed by end of October for the 3 residents. I will get an update after PG&E's Oct. 15 deadline on final replacement water selections.
 - h. The Leviathan Mine trial began on October 9 and jury selection is underway. Opening arguments start next week and our staff will be in Southern California helping with the trial. The trial will address the 1983 settlement agreement between ARCO and the Regional Board, and apportioned responsibilities for the mine cleanup.
 - i. I will be meeting with the owners of Nursery Products next week in Victorville to discuss the status of the facility and their past due reports, including a financial assurance report. We did receive a Construction Quality Assurance Report that is being reviewed by staff. The facility still owes us revised closure and corrective action plans to handle reduced on-site waste loads. The facility has provided \$200,000 for closure, of over \$700,000 needed; and zero for corrective action. The facility may request to process a smaller volume of compost, therefore potentially needing a reduced financial assurance set aside. Unfortunately, the facility continues to accepting waste without Regional Board authorization and the owner has been told several times to stop accepting waste until they are in compliance. Two Notice of Violations have been issued and staff continues to receive complaints from the community. The Regional Board staff is watching the site closely and conducting frequent inspections.
 - j. We will continue our collaborative work with Lake Tahoe Basin Management Unit over the Fall and Winter to streamline and improve our joint efforts for fuel reduction and water quality improvement. We hope to craft some templates and conduct more joint CEQA-NEPA projects next year. Our goal is to have operational plans for the South Shore Project and Carnelian Bay worked out and ready to go next Spring. The construction season ends next week and projects are being wrapped up in the Basin.

The Board approved the 2013 schedule as presented.

3. **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. Sandel and **unanimously carried** to adopt the uncontested calendar.

REVISED WASTE DISCHARGE REQUIREMENTS

4. ***Amendment to Waste Discharge Requirements for the Susanville Sanitary District, Wastewater Treatment Plant Discharges to the Jensen Slough Via Outfall 001, Lassen County**

*See Item No. 3 for Board Action.

Click here to view adopted [Amended Order No. R6T-2008-0022-A01](#)

ENFORCEMENT**ITEMS 5-8**

Mr. Scott Ferguson, Senior WRCE, addressed the Board and presented compliance status of all four Dischargers within the Spalding Tract Subdivision and answered Board member questions. The Board recessed into Closed Session from 2:25 p.m. to 3:29 p.m. to deliberate. The Board announced that these Items would be continued until the following morning to allow the Advisory Team and Legal Council time to amend Order language. This Item continued at 10:21 a.m. on October 11, 2012. The Advisory Team and Legal Council presented amended language to the Board and Prosecution Team for approval.

- **Motion:** Moved by Mr. Pumphrey, seconded by Mr. Sandel, and **unanimously carried** to adopt Items 5, 6, 7, and 8, Administrative Civil Liability Orders for Dischargers within the Spalding Tract Subdivision with corrected errata and amended language and liability amounts.

5. **Public Hearing - Consideration of an Administrative Civil Liability (ACL) Order for NANCO, Inc. (Discharger) for Violating Cease and Desist Order No. R6T-2009-0108, Spalding Tract Subdivision, Lassen County APN 077-292-11-11**

Click here to view adopted [Administrative Civil Liability Order No. R6T-2012-0053](#)

6. **Public Hearing - Consideration of an Administrative Civil Liability (ACL) Order for Neil, Gerald & Janet JT for Violating Cease and Desist Order Nos. R6T-2009-0088, R6T-2009-0089, R6T-2009-0090, R6T-2009-0091, R6T-2009-0092, and R6T-2009-0093, Spalding Tract Subdivision, Lassen County APNs 077-361-23-11, 077-143-10-11, 077-163-06-11, 077-271-09-11, 077-272-43-11, and 077-133-10-11**

Click here to view adopted [Administrative Civil Liability Order No. R6V-2012-0055](#)

7. **Public Hearing - Consideration of an Administrative Civil Liability (ACL) Order for Robinson, Gary L. for Violating Cease and Desist Order Nos. R6T-2009-0115 and R6T-2009-0116, Spalding Tract Subdivision, Lassen County APNs 077-200-02-11 and 077-200-03-11**

Click here to view adopted [Administrative Civil Liability Order No. R6V-2012-0052](#)

8. **Public Hearing - Consideration of an Administrative Civil Liability (ACL) Order for Winters, Laurel G. for Violating Cease and Desist Order No. R6T-2009-0130, Spalding Tract Subdivision, Lassen County APN 077-162-03-11**

Click here to view adopted [Administrative Civil Liability Order No. R6V-2012-0054](#)

CLOSED SESSION**

The Board met in Closed Session from 3:39-5:00 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**

Clair Fortier, Mayor, City of South Lake Tahoe
Jack Landy, U.S. EPA
Ted Thayer, Aquatic Invasive Species Program Coordinator, TRPA

INTRODUCTIONS

Chairman Don Jardine called the meeting to order at 7:02 p.m. on October 12, 2012.

9. **PUBLIC FORUM**- No Comments**REVISED WASTE DISCHARGE REQUIREMENTS**10. **Amended Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for Storm Water/Urban Runoff Discharges from El Dorado County, Placer County, and the City of South Lake Tahoe within the Lake Tahoe Hydrologic Unit, El Dorado and Placer Counties, Order R6T-2011-0101a1.**

Mr. Robert Larsen, Staff Environmental Scientist, addressed the Board and gave a power point presentation detailing the proposed amendments developed by co-permittees, elected officials, and Water Board staff, to resolve concerns expressed in a petition by the co-permittees to the Board.

Public Comment

- 1) Mayor Clair Fortier addressed the Board in support of the amended Order and commended Water Board staff for their effort.
- 2) Mr. Jack Landy addressed the Board and on behalf of the U.S. EPA, gave their support of the amended Order.
 - **Motion:** Moved by Mr. Pumphrey, seconded by Dr. Horne, and **unanimously carried** to adopt the amended Order as presented.

Click here to view adopted [Order No. R6T-2011-101A1](#)

WORKSHOP11. **Lake Tahoe Total Maximum Daily Load and Near Shore Status Update, El Dorado and Placer Counties.**

Mr. Robert Larsen, Staff Environmental Scientist, addressed the Board and presented an informational update on the Lake Tahoe TMDL. Mr. Larsen highlighted the Lake Clarity Crediting Program Tools Integration, Regional Storm Water Monitoring Program, and Lake Tahoe TMDL Management System.

Mr. Dan Sussman, Environmental Scientist, lead the second segment of this presentation. Mr. Sussman updated the Board on the Lake Tahoe Nearshore Science Grant, Nearshore

next steps including policy direction, and the Lake Tahoe Invasive Species Program which focus is to prevent, detect, and control invasive weeds and invasive species.

Public Comment

- 1) Mr. Ted Thayer thanked the Board and Board staff for their financial, technical, and policy support which contributes to the Invasive Species Program's success.

Note: The meeting recessed at 8:07 p.m.

Regular Meeting Thursday, October 11, 2012, 8:30 a.m.

Addressing the Board

Barry Hill, U.S. Forest Service
Michael Blum, U.S. Navy
Bill Thomas, Centennial Ranches

INTRODUCTIONS

Chairman Don Jardine called the meeting to order at 8:33 a.m. on October 11, 2012, and introduced Board members.

The Executive Officer introduced Legal Counsel and Water Board staff.

PLANS & POLICIES

12. 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 continued his presentation from the September Board meeting in Barstow. At the September meeting, the Board requested staff develop objective criteria to rank the uncommitted projects based on, number of people impacted, economic dollars at risk, beneficial uses affected, precedence, etc. To address this request, Mr. Booth developed a Criteria Matrix for Board and Public input. The responses received from this Matrix will assist staff in ranking the projects in a final report to the Board at its January 2013 meeting.

Public Comment

- 1) Mr. Barry Hill addressed the Board and referenced a letter from the USDA Forest Service to Mr. Booth dated September 26, 2012. In its letter, the Forest Service recommends, for the revision of water quality objectives for bacteria, that the Board immediately shift either to the former U.S. EPA standard of 200 cfu/100 MI, consistent with the neighboring Central Valley Region, or the proposed U.S. EPA standard for E. Coli.
- 2) Mr. Michael Bloom requested that the China Lake MUN be a committed project in the Basin Plan update.
- 3) Mr. Bill Thomas requested that the revision of water quality objectives for bacteria, Option 2, be made a committed project in the Basin Plan, specifically Phase I, which would change the CFU for the Bridgeport Valley to 200 CFU.

REPORTS

13. Reports by Water Board Chair and Board Members

Dr. Horne informed the Board that she recently spoke to fellow Board member Jack Clarke who is in recovery from an illness. Dr. Horne distributed a "get well soon" card for the Board to send Jack.

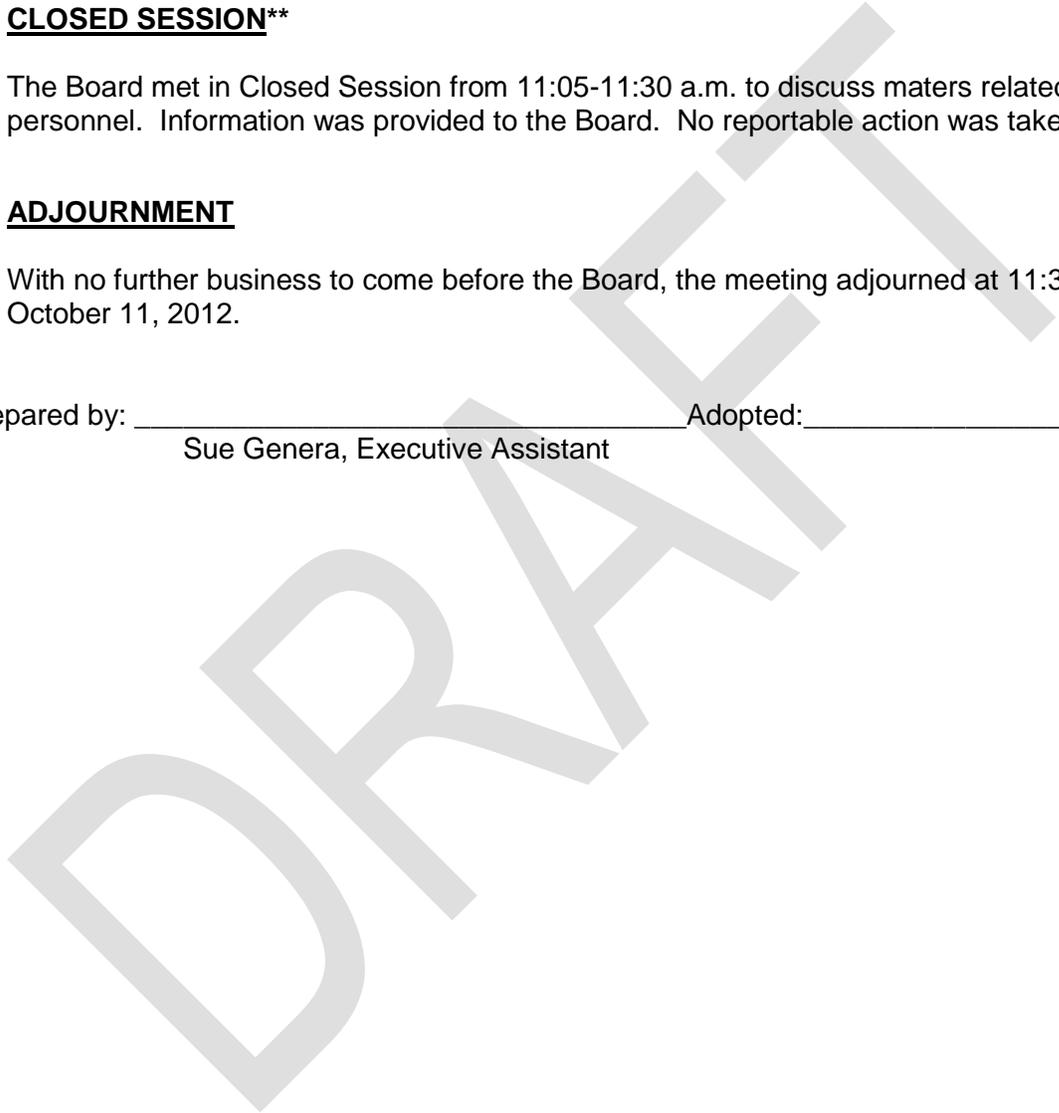
14. CLOSED SESSION**

The Board met in Closed Session from 11:05-11:30 a.m. to discuss matters related to personnel. Information was provided to the Board. No reportable action was taken.

ADJOURNMENT

With no further business to come before the Board, the meeting adjourned at 11:30 a.m. on October 11, 2012.

Prepared by: _____ Adopted: _____
Sue Genera, Executive Assistant



Lahontan Regional Water Quality Control Board

MINUTES

November 14, 2012

Regular Meeting

Teleconference

California Regional Water Quality Control Board-Lahontan Region
South Lake Tahoe Office, Conference Room
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150;

Great Basin Unified Air Pollution Control District
157 Short Street
Bishop, CA 93514;

California Regional Water Quality Control Board-Lahontan Region
Victorville Office, Conference Room
14440 Civic Drive, Suite 200
Victorville, CA 92392;

Rosamond Community Services District
3179 35th Street West
Rosamond, CA 93560; and

Town of Truckee
Second Floor Conference Room
10183 Truckee Airport Road
Truckee, CA 96161

Board Members Present

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

Board Member Absent

Jack Clarke, Apple Valley

Legal Counsel

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

Staff Present

Patty Z. Kouyoumdjian, Executive Officer
Lauri Kemper, Assistant Executive Officer
Charles Curtis, Supervising WRCE
Mike Plaziak Sup. Eng. Geologist
Patrice Copeland, Senior Eng. Geologist
Richard Booth, Senior Eng. Geologist

Jay Cass, Senior WRCE
Cindi Mitton, Senior WRCE
Ghasem Pour-Ghasemi, WRCE
John Morales, WRCE
Sue Genera, Executive Assistant

Addressing the Board

Kevin Sullivan, Pacific Gas & Electric Company

INTRODUCTIONS

Chairman Don Jardine called the meeting to order at 3:02 p.m. on November 14, 2012, and introduced Board members participating from five locations.

Patty Z. Kouyoumdjian, Executive Officer, introduced Legal Counsel and Water Board staff present in the South Lake Tahoe Office and asked the Victorville Office to introduce Staff and members of the public present at their location.

1. PUBLIC FORUM

Kevin Sullivan, representing PG&E, addresses the Board with an update on the Chromium Remediation Project in Hinkley. Mr. Sullivan also commented on the Background Chromium Study and asked that a technical working group be formed as part of the review process.

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. Sandel, to approve the Uncontested Calendar as presented. The Chair called for a roll call vote and the **motion carried** per the following votes:

Aye: Jardine, Pumphrey, Dyas, Horne, Sandel

Nay: none

Abstain: none

Absent: Clarke

REVISED WASTE DISCHARGE REQUIREMENTS

3. *Victor Valley Wastewater Reclamation Authority Percolation Pond and Biosolids Waste Units, Board Order No. R6V-2008-0004, San Bernardino County

*See Item No. 2 for Board Action.

Click here to view adopted [Board Order No. R6V-2012-0058](#)

AMENDED WASTE DISCHARGE REQUIREMENTS**4. *Fort Irwin National Training Center; Wastewater Treatment Facility, Board Order No. R6V-2004-0005, San Bernardino County**

*See Item No. 2 for Board Action.

Click here to view adopted Amended [Board Order No. R6V-2004-0005](#)

RESCISSION OF WASTE DISCHARGE REQUIREMENTS**5. *Rand Mining Company; Rand Project Board Order No. 6-95-61, Kern County**

*See Item No. 2 for Board Action.

Click here to view adopted [Board Order No. R6V-2012-0059](#)

OTHER BUSINESS**6. Executive Officer's Report**

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

- We have made changes to the Board meeting dates for next year to accommodate scheduling challenges.
- I participated in a successful multi-agency Asian Clam Press Event on October 30 at Lake Tahoe. Lake Tahoe Aquatic Invasive Species Program announced the largest Asian clam control project in the history of Lake Tahoe. Treatment involved scuba divers covering 5 acres of the infested lake bottom with thin rubber barriers, augmented with organic material. This reduced the available oxygen and smothered the clams. The Regional Board was integral to this effort and funded this project to the tune of a half-million dollars. In total, the Regional Board, through the Cleanup and Abatement Account, has dedicated nearly \$800,000, to Asian clam eradication efforts. The mats at Emerald Bay will be in place until next Fall and they will be reused through the Lake. It is estimated that 100 acres of Lake Tahoe are infested with clams and that the mats can be moved and treat up to 15 acres per year.
- I attended the Water Quality Coordinating Committee Meeting on November 1-2 in Sacramento; along with Don Jardine and Dr. Amy Horne. The focus of this session was California water supply reliability, a restored Delta and the Water Board's roles. Also on the Agenda were:
 - Update on the State Board Budget
 - San Joaquin Delta Panel
 - Water Quality and Water Supply Panel
 - Spotlight of Water Board Role in Integrated Planning, Policies, Permits and Funding

- I have included an update of the 208 Plan in my Executive Officer Report, but I have some new developments to share. The TRPA is poised to adopt a Section 208 Plan tomorrow and then will transmit a copy to the State Board for adoption. We have been working closely with TRPA and Nevada on the contents of this document. We are supportive of this 208 Plan and we will speak in support at the TRPA meeting tomorrow.
- As a Spalding Tract update, Mr. Robinson has successfully connected the septic tanks on his two properties to the community wastewater system. He has also paid his fine. Mr. Neil continues to make progress. He engaged a local contractor to abandon the septic tanks on his two properties as well as his NANCO, Inc. property. The Lassen County Environmental Health Department is scheduled to perform inspection of these properties tomorrow. I expect all will go well and he will be in compliance.
Mr. Neil has also paid his penalty. Laurel Winters successfully had her septic tank abandoned before the October 2012 board meeting. However, we are still waiting to receive the penalty payment. Approximately 32 properties remain in violation of the Basin Plan's prohibition. It is expected that Notices of Violations will be issued to property owners in the next few months. Staff remain hopeful that the Board's recently adopted ACLs will encourage others to comply.
- Our comment period for the Hinkley EIR closed on November 5. We received comments from 19 Hinkley residents; CA Dept Fish and Game; Native American Heritage Commission; Project Navigator; and PG&E. We are reviewing these comments and will be preparing a summary of the comments and response to comments in December. All comment letters are posted on our website.

We also sent out a request for data on metals, namely manganese, in domestic wells in the Hinkley Valley. We plan to have technical working session in the community in early December and will invite government agencies and expect to go over all the data we have compiled. This meeting is open to the public. We are working with the CAC and Project Navigator to map all the information we find and then staff will compile a report with recommendations and next steps. We plan to have a public workshop on either January 9 or 10 to discuss the staff report

On the delineation of the chromium plume draft CAO, the Advisory team has been reviewing all of the comments received and the analysis of comments prepared by the Prosecution Team. We have some remaining information that needs to be provided, but I am close to reaching a decision on the draft Order.

Following the EO Report, Mike Plaziak, Supervising Engineering Geologist, addressed the Board and provided an update of dairy activities in the Southern part of the Region and Lauri Kemper, Assistant Executive Officer, gave the quarterly violations report.

7. **CLOSED SESSION****

The Board met in Closed Session from 3:55-5:00 p.m. to discuss:

d. Discussion of Litigation: Atlantic Richfield Company v. State of California, State Water Resources Control Board, California Regional Water Quality Control Board, Lahontan Region, et al., Los Angeles County Superior Court Case No. BC380474. Authority: Government Code section 11126, subdivision (e).

Information was provided to the Board. No reportable action was taken.

ADJOURNMENT

With no further business to come before the Board, the meeting adjourned at 5 p.m. on November 14, 2012.

Prepared by: _____ Adopted: _____
Sue Genera, Executive Assistant

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