



Terry Tamminen
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Lahontan Region



Arnold Schwarzenegger
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MINUTES

July 26-27, 2004

Regular Meeting

July 26, 2004

Lahontan Regional Water Quality Control Board
Lancaster City Council Chambers
44933 Fern Avenue
Lancaster, CA

July 27, 2004

Lahontan Regional Water Quality Control Board
City of Barstow Council Chambers
220 East Mountain View
Barstow, CA

Chair Eric Sandel called the meeting to order at 2:05 p.m.

BOARD MEMBERS PRESENT

William Betterley, Hesperia
John Brissenden, Hope Valley (arrived at 2:10 p.m.)
Jack Clarke, Apple Valley
Amy Horne, Ph.D., Truckee
Eugene Nebeker, Ph.D., Lancaster
Eric Sandel, Truckee

BOARD MEMBERS ABSENT

None

LEGAL COUNSEL

Steven H. Blum, State Water Resources Control Board
Philip Wyels, State Water Resources Control Board

STAFF PRESENT

Harold J. Singer, Executive Officer
Robert S. Dodds, Assistant Executive Officer
Hisam Baqai, Supervising WRCE, Southern Lahontan Watersheds Division
Lauri Kemper, Supervising WRCE, Northern Lahontan Watersheds Division
Chuck Curtis, Supervising WRCE, Planning and Toxics Division
Mike Plaziak, Senior Engineering Geologist, Mojave Unit
Cindi Mitton, Senior WRCE, Kern County/Mono/Owens Watershed
Jehiel Cass, WRCE, Mojave Unit
Ted Saari, WRCE, Mojave Unit
Doug Feay, Engineering Geologist, Kern County/Mono Owens Watershed
Curt Shifrer, WRCE, Mojave Unit
Kai Dunn, WRCE, Kern County/Mono Owens Watershed

California Environmental Protection Agency

Recycled Paper



Marietta Christoffersen, Office Technician
Pamela Walker, Administrative Officer

ADDRESSING THE BOARD

Donald Kasper, private citizen
Lori Slater, private citizen
Joe Baldus, private citizen
Gerry Drake, private citizen
Karl Hoepfner, Roosevelt Rural Town Council (RRTC)
Ron Ferrell, RRTC
Jerry Sterk, RRTC
Barbara Firsick, RRTC
Barbara Sterk, RRTC
Justin Self, RRTC
Robert Wood, Edwards Air Force Base (EAFB)
Patrick Lendway, City of Barstow
S. David Hotchkiss, City of Los Angeles
Gene Coufal, Los Angeles Department of Water and Power (LADWP)
Melanie Bostic, Eastside Property Owners
Julie Kyle, Kyle & Kyle Ranches
Steve Maguin, Los Angeles County Sanitation District (District)
David Snyder, District
Kathleen Burr, Los Angeles County Farm Bureau

1. Executive Officer's Report

Mr. Singer commented on the following:

- Research as a Tool in Tahoe Basin Issues
- Status Report on USFS Removal Action at Colorado Hill
- Molycorp Cleanup and Abatement Order Compliance Status Update
- El Mirage/Mojave River Dairy Issues

Funding sources and eligibility criteria for the Clean up and Abatement account were discussed.

2. CLOSED SESSION

Board members met in closed session on July 26, 2004 from 2:50 p.m. until 4:14 p.m. to discuss items b, h, i, j, k, l, m, n, p and r. Authority: Government Code 11126(a)(e)(2)(B)(I).

The Board reconvened in open session at 4:15 p.m.

AMENDMENT OF WASTE DISCHARGE REQUIREMENTS

3. Los Angeles County Sanitation District (LACSD) No. 20, The City of Los Angeles World Airport (LAWA), Harrington Farms and Antelope Valley Farming; Palmdale Water Reclamation Plant



Dr. Nebeker recused himself from this item.

Jehiel Cass, WRCE, gave the staff presentation and discussed the following:

- Reason for Amended WDRs
- Effluent Management Site Overview
- Recycled Water Users
- User Requirements
- District and Farmer Concerns

Mr. Cass concluded by noting that the order addresses both District and farmer concerns and recommended adoption of the proposed order.

David Snyder, District, asked that the names of users be removed from the title of the order since they appear in the order.

- **Motion:** Moved by Jack Clarke, seconded by William Betterley and **unanimously carried** to adopt the order with revisions to Items 1-4 and removing user names from the title of the order.

2. **CLOSED SESSION**

Board members met in closed session on July 26, 2004 from 4:15 p.m. until 5:06 p.m. to discuss item k. Authority: Government Code 11126(a).

The Board reconvened in open session at 5:07 p.m. and the afternoon session adjourned.

Regular Meeting, Continued **7:00 p.m., July 26, 2004**

Chair Eric Sandel called the meeting to order at 7:10 p.m. Board members present: William Betterley, John Brissenden, Jack Clarke, Amy Horne and Eugene Nebeker

4. **PUBLIC FORUM**

Lori Slater, private citizen, declared her concern over the quantity of storm water and possible contaminants it contains running through a channel on her property.

Mr. Singer pointed out that the issue is outside the jurisdiction of the Regional Board and recommended contacting local city and county flood control agencies.

Donald Kasper, private citizen, discussed pollution problems at Lake Elizabeth as a result of septic systems. He related additional concerns over proposed future large-scale expansion of the town of Lake Elizabeth and the impact it would have on water quality. He concluded by asking the Board to investigate water use by the golf course.



ENFORCEMENT

5. *Public Hearing – Consideration of a Cease and Desist Order for Los Angeles County Sanitation District No. 14 – Violations of Waste Discharge Requirements – (Board Order No. R6V-2002-0053) For Lancaster Water Reclamation Plant (LWRP)*

Mr. Sandel opened the public hearing and administered the oath.

Jehiel Cass, WRCE, gave the staff presentation and began by informing Donald Kasper, who spoke during the Public Forum, that Lake Elizabeth is in Region 4. His discussion included the following:

- Reason for the Cease and Desist Order
- Facilities Overview
- “2020” Facilities Plan
- Proposed Cease and Desist Order

Mr. Cass concluded by stating the District indicated it would not complete a project that would meet the Waste Discharge Requirement final compliance date of August 25, 2005 to eliminate the nuisance condition and as a result Board staff recommends adopting the Cease and Desist Order (CDO).

Steve Maguin, District, provided a monthly project update. He informed the Board that a lawsuit challenging the adequacy of the CEQA document analyzing the “2020 Facilities Plan” was filed and he reviewed the District’s comment letter in response to the proposed CDO.

Robert Woods, EAFB, read a letter in objection to the nuisance condition, effluent overflow management problems, which have existed on Rosamond Dry Lake for more that 40 years.

Mr. Woods responded to Board member questions.

Barbara Firsick, RRTC, supported the concept of the CDO but felt it was weak, not requiring significant progress. She asked the Board to improve the CDO, impose a strong ACL and to implement a connection ban.

Barbara Sterk, RRTC, asked why building reservoirs and a tertiary plant required so many studies and could not be expedited, given the ground water contamination in the valley.

Karl Hoepfner, RRTC, stated that although he supports the CDO, it should contain shorter timelines to resolve the wastewater problem on Rosamond Dry Lake. He felt the District should be subject to an ACL and a connection ban should be imposed.

Melanie Bostic, Eastside Property Owners, asked the Board to stop uncontrolled growth by adopting the CDO, thereby protecting both the water and endangered species in the Antelope Valley.



Joe Baldus, private citizen, reminded the Board of their responsibility to protect surface and ground water. He asked the Board to consider a CDO with shorter time frames and to impose an ACL.

Ron Ferell, RRTC, expressed his disgust that a 40-year old problem had not been remedied.

Gerry Drake, private citizen, asked the Board to ensure that tertiary treatment and not sprinkle irrigation of wastewater occurs.

Mr. Kasper informed the Board that he assisted Melanie Bostic in filing a CEQA complaint in the Los Angeles County Superior Court for the District's failure to comply with CEQA in its EIR process for the LWRP plan. He went on to enumerate recommendations for resolving the problem that exists as a result of the District's neglect.

Justin Self, RRTC, stated the Council is looking for reform within the District and has requested the resignation of the chief operating officer. In addition, a petition requesting Jim Stahl's resignation has been circulated throughout the Antelope Valley.

Hisam Baqai, Supervising WRCE, commented on the schedule for completion of the tertiary treatment plant and why it is not appropriate to consider an ACL penalty at this time. He also pointed out why a connection ban would not have any real significance in reducing the effluent induced flows to Rosamond Lake.

Mr. Cass commented on the District's July 26, 2004 letter and related proposed changes to the CDO.

Mr. Singer noted that although several speakers felt the order should be strengthened to include interim dates to track the District's progress in implementing their 2020 plan, the proposed order has a final compliance date that is consistent with the District's schedule for the various steps to implement their plan. He also emphasized that at any point through the process if the Board found the District was not making sufficient progress, and they could violate the August 2009 date, a more stringent order could be adopted.

Mr. Maguin noted that the District has developed a project and is moving as expeditiously as possible to get off the dry lakebed.

Mr. Sandel closed the public hearing.

Phil Wyels noted that the first staff recommended change was not appropriate and he also pointed out a typo in the proposed CDO. He informed the Board of all the enforcement options available.

Mr. Sandel reopened the public hearing for dialogue between the Board and staff only.

Mr. Singer put into context the major issues discussed during deliberations over the proposed CDO.

Board discussion with direction to staff followed.



- **Motion:** Moved by Jack Clarke, seconded by William Betterley and **unanimously carried** to continue Item 5 until the next southern meeting (October).

6. ***Public Hearing – Consideration of a Cease and Desist Order for Los Angeles County Sanitation District No. 20 – Violations of Waste Discharge Requirements – (Board Order No. 6-00-57) For Palmdale Water Reclamation Plant***

Mr. Sandel opened the public hearing and administered the oath.

Mr. Cass, WRCE, made the staff presentation and discussed the following:

- Reason for Cease & Desist Order
- Facilities Overview
- Proposed Cease & Desist Order including Late Revisions
- Flow Projections

Mr. Cass noted that the owner of land where effluent is disposed, Los Angeles World Airports, (not named as a responsible party) stated its support of the CDO in a July 9, 2004 letter.

In conclusion, Mr. Cass recommended adoption of the CDO, including continued oversight of the implementation of interim actions.

Mr. Singer responded to Mr. Clarke's question.

Steve Maguin, District, referenced a letter that outlined the District's proposed projects, however he disagreed with a regulatory mandate that lacked provisions for variables. He noted nitrate levels reductions under the CAO and questioned the basis of the CDO.

Mr. Cass and Mr. Singer responded to Mr. Maguin's question.

Mr. Maguin responded to Board member questions.

Mr. Cass responded to questions from Ms. Kemper.

Barbara Firsick read a letter asking the Board to improve the CDO with tighter timelines, to issue a significant ACL and implement a connection ban.

Julie Kyle asked the Board to remand the CDO back to staff for tighter deadlines and milestones that demonstrate significant progress and to impose a connection ban. She also requested that Chair Sandel write a letter to Jim Stahl in support of working with the community to select a more economically and environmentally acceptable project.

Melanie Bostic proposed that the Board stop housing development until the sewage problem is solved.

Jerry Sterk, RRTC, wanted the District to stop land spreading before his well is impacted.



Ron Ferrell asked to Board to insure that the groundwater contamination problem is solved before the entire valley is affected.

Donald Kasper submitted his written statements for the record. Mr. Kasper then commented on connection bans, plume movement, and land spreading in areas where flooding is a problem.

Kathleen Burr, Los Angeles County Farm Bureau, speculated that nitrate levels are diminishing because farmers using groundwater are pumping out the problem through agricultural operations.

Mr. Maguin noted that nitrate reductions were attributable to reduced land application because the agronomic rate in agriculture has increased dramatically.

Mr. Baqai and Mr. Plaziak addressed comments made by the District.

Mr. Sandel closed the public hearing.

Board discussion followed.

- **Motion:** Moved by Amy Horne and seconded by William Betterley to adopt the Cease and Desist Order as proposed. **Voting “yes”:** Jack Clarke, William Betterley, Amy Horne, Eric Sandel. **Voting “no”:** John Brissenden. **The motion did not carry.**
- **Motion:** Moved by Eric Sandel and seconded by Amy Horne to adopt the Cease and Desist Order with late revisions **Voting “yes”:** Jack Clarke, William Betterley, Amy Horne, Eric Sandel. **Voting “no”:** John Brissenden. **The motion did not carry.**

The Board **unanimously agreed** to continue Item No. 6 until the October Board meeting. In response to the Board’s request, staff will prepare a connection ban workshop item for the October Board meeting.

The evening session adjourned at 12:03 a.m.

Regular Meeting, Continued in Barstow
1:00 p.m., July 27, 2004

Chair Eric Sandel called the meeting to order at 1:18 p.m. Board members present: William Betterley, John Brissenden, Jack Clarke, Amy Horne and Eugene Nebeker.

7. **PUBLIC FORUM**

No one addressed the Board under Public Forum.

9. **ADOPTION OF THE UNCONTESTED CALENDAR**

Mr. Singer pointed out a formatting error in Item No. 14.

Lauri Kemper, Supervising Engineer, answered questions on Item Nos. 10 and 11.



Art Rivera, County of San Bernardino, Solid Waste Management Division, answered questions on Item No. 10.

- **Motion:** Moved by William Betterley, seconded by Jack Clarke and **unanimously carried** to adopt the Uncontested Calendar as amended.

John Brissenden recused himself from Item No. 11 of the Uncontested Calendar.

ENFORCEMENT

12. ***Public Hearing – Consideration of a Cease and Desist Order Requiring the City of Barstow to Cease and Desist from Discharging Waste in Violation of Waste Discharge Requirements (Board Order No. 6-94-26), Barstow Wastewater Treatment Plant***

Mr. Sandel opened the public hearing and administered the oath.

Curt Shifrer, WRCE, described the City of Barstow's Waste Water Facilities and discussed which specific requirements in the WDRs the city violated.

Cindi Mitton, Senior WRCE, discussed the proposed Cease and Desist Order, including the proposed schedule for completing tasks needed to achieve compliance with the WDRs.

Ms. Mitton, Mr. Shifrer and Mr. Baqai responded to Board member questions.

Patrick Lendway, City of Barstow, referenced studies that affirmed other sources of contamination along the Mojave River and assured the Board of the city's commitment to proceed in eliminating its share of the nitrate issue and improving water quality in the Mojave Basin. He discussed the workplan and pointed out improvements recently made at the facility. In conclusion, Mr. Lendway requested that a letter from the city be included for the record.

Mr. Lendway responded to Board member questions.

Mr. Sandel closed the public hearing.

The public hearing was reopened in order for staff to respond to Board member questions.

- **Motion:** Moved by Eugene Nebeker, seconded by Jack Clarke and **unanimously carried** to adopt the CDO as proposed. **Voting "yes":** John Brissenden, William Betterley, Jack Clarke, Amy Horne, Eric Sandel.

13. ***Public Hearing – Consideration of an Administrative Civil Liability Order for the Los Angeles Department of Water and Power (LADWP): Violation of Waste Discharge Requirements contained in Board Order No. 6-95-64 for the February 10, 2003 Discharge of Sewage to the Los Angeles Aqueduct***

Mr. Sandel opened the public hearing and administered the oath.



Ms. Mitton gave the staff presentation as follows:

- Independence sewage treatment plant
- Spill event
- Waste Discharge Requirements
- Proposed Enforcement

In conclusion, Ms. Mitton recommended adoption of the ACL for the full monetary amount without any environmental projects.

Mr. Singer explained the factors considered in determining the amount of the ACL.

S. Douglas Hotchkiss, Assistant City Attorney for the City of Los Angeles, provided an overview of the city's position. He pointed out that LADWP's position, based on a constitutional prohibition on gifts of public property, is that the citizens of Independence would have to bear the cost of any fine the Board imposed.

Mr. Singer answered questions about supplemental environmental projects (SEPs).

Gene Coufal, Manager of the Los Angeles Aqueduct, highlighted information that differed from the staff report and he discussed cleanup efforts. He asked the Board to consider the subsidized rate benefit the citizens of Independence received from LADWP over a 20-year plus period, and asked the Board to offset the fine by considering SEPs.

Steven Blum commented on LADWP's interpretation of the constitutional prohibition on gifts of public property.

Mr. Sandel closed the public hearing.

Mr. Blum noted a minor wording change to the proposed ACL Order.

Mr. Singer defined compliance projects and SEPs for the Board members.

Board discussion followed.

- **Motion:** Moved by Eugene Nebeker, seconded by William Betterley to adopt the Order as proposed and discuss the proposed SEPS as a separate item.

Dr. Nebeker withdrew his motion.

- **Motion:** Moved by Eugene Nebeker, seconded by William Betterley and **carried** to adopt the Order in the amount of \$275,000 as amended.

Opposed: John Brissenden

Mr. Sandel reopened the public hearing.

Mr. Singer explained why he did not recommend SEPs and discussed additional information about compliance projects.



Board and staff discussion continued.

Mr. Coufal noted that the projects listed would benefit the valley and he answered Board member questions.

- **Motion:** Moved by Eugene Nebeker, seconded by Amy Horne and **carried** to adopt the Order in the amount of \$275,000 with \$94,000 stayed pending completion of supplemental environmental projects listed as Nos. 2 and 3 within 18 months, allowing extension by the Executive Officer for good cause.

Opposed: John Brissenden

This motion **supersedes** the prior motion.

The afternoon session of the meeting adjourned at 5:10 p.m.

Regular Meeting, Continued
7:00 p.m., July 27, 2004

Chair Eric Sandel called the meeting to order at 7:05 p.m. Board members present: William Betterley, John Brissenden, Jack Clarke, Amy Horne and Eugene Nebeker

MITIGATED NEGATIVE DECLARATION

17. ***Public Hearing*** – Resolution Certifying a Mitigated Negative Declaration for PG&E’s Interim Plume Containment and Hexavalent Chromium Treatment Project; at the Desert View Dairy, Hinkley

NEW WASTE DISCHARGE REQUIREMENTS

18. **Pacific Gas and Electric Company, Interim Plume Containment and Hexavalent Chromium Treatment Project**

Mr. Sandel opened the public hearing. One presentation was made for both Items 17 and 18.

Kai Dunn, WRCE, made the staff presentation and discussed the following:

- History
- Chromium Ground Water Plume
- Project Description
- CEQA Compliance
- Proposed WDR
- Long-Term Cleanup Approach

Mr. Dunn concluded by recommending adoption of the Resolution and Order as proposed.



Daryl Clayman, PG&E Project Manager, stated that the staff presentation speaks for itself.

- **Motion:** Moved by William Betterley, seconded by Jack Clarke and **unanimously carried** to certify the Mitigated Negative Declaration as proposed.
- **Motion:** Moved by Jack Clarke, seconded by William Betterley and **unanimously carried** to adopt the Order as proposed.

Mr. Clarke commended Victorville and South Lake Tahoe staff on the fine job that was done.

OTHER BUSINESS

16. Reports by Chair and Board Members

Mr. Clarke thanked Mr. Betterley for his input at the subcommittee meetings and noted that after last night's meeting, all the Board members could, no doubt, understand how difficult they could be.

2. CLOSED SESSION

Board members met in closed session on July 27, 2004 from 7:30 p.m. until 7:49 p.m. to discuss item k. Authority: Government Code 11126(a).

The Board reconvened in open session at 7:50 p.m. and with no further business to come before the Board, the meeting adjourned.

Prepared by: _____ Adopted: _____
Pam Walker, Administrative Officer

