



# California Regional Water Quality Control Board Lahontan Region



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## MINUTES July 13-14, 2005

### Regular Meeting

Lahontan Regional Water Quality Control Board  
City Council Chambers  
377 West Line Street  
Bishop, California 93515

*Note:* At 3:10 p.m., Chair Clarke announced that Board members Dr. Horne and Mr. Chapman were en route to the meeting and that the Board did not have a quorum to open the meeting. In lieu of opening the meeting, Chair Clarke opened a workshop. With the arrival of Dr. Horne at 3:15 p.m. and Mr. Chapman at 3:20 p.m., and with a quorum of the Board present, Chair Clarke called the meeting to order. No action was taken while the Board was without a quorum.

### BOARD MEMBERS PRESENT

John Brissenden, Hope Valley  
Jim Chapman, Susanville (arrived at 3:20 p.m.)  
Jack Clarke, Apple Valley  
Keith Dyas, Rosamond  
Amy Horne, Ph.D., Truckee (arrived at 3:15 p.m.)  
Susan J. Van Dam, Barstow

### BOARD MEMBER ABSENT

Bishop Henry W. Hearn, Lancaster  
Eric Sandel, Truckee

### LEGAL COUNSEL

Steven H. Blum, State Water Resources Control Board

### STAFF PRESENT

Harold J. Singer, Executive Officer	Greg Cash, Engineering Geologist
Robert S. Dodds, Assistant Executive Officer	Jehiel Cass, WRCE
Hisam Baqai, Supervising WRCE	Kai Dunn, WRCE
Lauri Kemper, Supervising WRCE	Eric Shay, Office Technician
Alan Miller, Senior WRCE	Robert Tucker, WRCE
Laurie Applegate, Executive Assistant	Tobi Tyler, WRCE
James Brathovde, Engineering Geologist	Judith Unsicker, Environmental Scientist

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**ADDRESSING THE BOARD**

Mark Bagley, Sierra Club and Owens Valley Committee  
Gene Coufal, Los Angeles Department of Water and Power  
Bill Davis  
Tam Doduc, Member, State Water Resources Control Board  
Robert A. Gillette, Corollo Engineers  
Nicole Granquist, Downey Brand  
Gary Guenther, Mammoth Lakes resident  
Paul Lamos, U.S. Borax  
Steve Maguin and Raymond Tremblay, Sanitation Districts of Los Angeles County  
John Slezak, Los Angeles World Airports  
Chrisman L. Swanberg and Judy Spavada-Cummings, California Department of Corrections

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

Mr. Singer discussed Items 1 and 2 of the written report. Mr. Singer handed out and discussed a new organization chart and noted Regional Board staff is reorganizing along program lines. The reorganization will take effect in late July or early August and will include a new enforcement unit under the direction of Scott Ferguson.

*Note:* At 3:20 p.m., with a quorum of the Board, Chair Clarke opened the meeting. For the continuation of the Executive Officer's report, see page 3.

**ENFORCEMENT ACTION****2. *Public Hearing – Consideration of a Cease and Desist Order for the California Department of Corrections, California Correctional Center at Susanville, and High Desert State Prison for Violation of Waste Discharge Requirements for the Wastewater Treatment Plant, Board Order No. 6-95-23, Lassen County***

Mr. Blum disclosed his previous employment with the California Department of Corrections (CDC) in 1987-88. He noted that he disclosed his previous employment to CDC representatives who voiced no objection to his participation. Mr. Blum stated that he reviewed the Canon of Ethics and did not have a conflict in representing the Board in the action.

Chrisman L. Swanberg, legal counsel for the CDC, stated that he had no objection to Mr. Blum's participation.

Mr. Chapman disclosed that he serves on the Warden's Community Advisory Committee and that the Committee had not discussed the issue currently before the Board. He stated that he did not have a conflict by participating.

Chair Clarke opened the public hearing and administered the oath.



Robert Tucker gave the staff presentation. Mr. Tucker and Alan Miller answered questions from the Board.

Addressing the Board: Robert A. Gillette, Corollo Engineers and Judy Spavada-Cummings, California Department of Corrections.

There being no further testimony, Chair Clarke closed the public hearing. Board members discussed the proposed cease and desist order.

- **Motion:** Moved by Dr. Horne and seconded by Mr. Brissenden to adopt the cease and desist order with the changes recommended by staff in the late revision sheet.

<b><u>Roll call vote:</u></b>	Dr. Horne	Yes
	Mr. Dyas	Yes
	Mr. Chapman	Yes
	Mr. Brissenden	Yes
	Ms. Van Dam	Yes
	Mr. Clarke	Yes

**Motion unanimously carried.**

## **OTHER BUSINESS**

### **1. Executive Officer's Report, continued**

*Note:* See page 2 for first portion of the Executive Officer's Report.

Mr. Singer discussed Items 3, 5, 7, 8, 9, 10 and 11 of the written report.

Mr. Brissenden expressed concern regarding provisions included in a Memorandum of Understanding between Alpine County and the Department of Fish and Game (DFG) related to the Bagley Valley. He commented that DFG offered to open the Bagley Valley to limited use for motorized vehicles and suggested that staff send a letter of concern to DFG and the Alpine County Board of Supervisors. Mr. Singer noted the need to keep the Bagley Valley closed to motorized vehicles to allow previous restoration work performed with grant funding to stabilize. Mr. Singer noted he would look into the matter.

Mr. Singer noted the Superior Court for the County of Sacramento recently ruled that the Lahontan Regional Board's timber harvest waiver is valid. If the ruling is not appealed within 30 days, Regional Board staff will consider proposing modifications to the waiver.

Mr. Singer commended Regional Board staff Tom Suk and Erika Lovejoy for their work with Board of Forestry (BOF) staff to amend the BOF fuels hazard reduction regulations. The amended regulations allow landowners in the Lake Tahoe Basin to thin trees in stream environment zones by filing a brief "exemption form" instead of a timber harvest plan. Landowners are required to obtain approval by Regional Board staff.



Regional Board staff recently met with representatives of the BOF and the Tahoe Regional Planning Agency to simplify the permitting process for residential fuels hazard reduction work in the Lake Tahoe Basin.

Mr. Singer handed out and discussed the following:

- Article appearing in the Antelope Valley Press on July 10, 2005 by Julie Drake related to Los Angeles County Sanitation District Nos. 14 and 20.
- Article appearing in the Mercury News on June 29, 2005 by Glenda Chui entitled "Bugs thrive amid arsenic in salt pan" related to Searles Lake.
- Letter dated July 6, 2005 to Jack Clarke, Chair, Lahontan Water Board, from Wayne Natri, Regional Administrator for the U.S. Environmental Protection Agency, Region IX, regarding timely adoption of high priority TMDLs scheduled for adoption by the Regional Board in 2005.
- Memo dated July 11, 2005 to Regional Board Members from Arthur G. Baggett, Jr., Chair, State Water Board, regarding the September 19-20, 2005 Water Quality Coordinating Committee meeting in Sacramento.

Mr. Singer discussed the 2005-06 Budget. Mr. Chapman asked for additional information regarding TMDL funding and a summary of highlights of the budget. Mr. Singer noted he would provide the information requested.

The afternoon session of the Board meeting adjourned at 5:05 p.m.

**Regular Meeting, continued**  
**7:00 p.m., July 13, 2005**

Chair Jack Clarke called the meeting to order at 7:00 p.m. Board members present: John Brissenden, Jim Chapman, Keith Dyas, Amy Horne, Ph.D., and Susan Van Dam. Absent: Bishop Henry Hearn and Eric Sandel.

Chair Clarke introduced Tam Doduc, member of the State Water Resources Control Board, and one of two State Board liaisons to the Lahontan Regional Board. Ms. Doduc discussed the 2005-06 Budget.

**4. PUBLIC FORUM**

Gary Guenther, Mammoth Lakes resident, handed out a letter to the Regional Board dated July 13, 2005, including 12 photographs showing water quality issues and a copy of a research paper written by Robert Wayne Derlet, M.D. and James Reynolds Carlson, Ph.D. Mr. Guenther expressed concern regarding the impact on water quality of grazing and commercial pack stations operating on U.S. Forest Service lands. Mr. Guenther noted he previously provided additional documentation to Cindi Mitton of the Board's Victorville office. He asked the Board to look into the issue.

Mr. Singer noted the information presented by Mr. Guenther would be provided to the Regional Board's nonpoint source unit. Nonpoint source unit staff will be asked to contact U.S. Forest Service staff to investigate the issue. Mr. Guenther will be notified of the results of the investigation.

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**OTHER BUSINESS****5. Minutes of the Regular Meeting of June 15 and 16, 2005 in South Lake Tahoe**

- **Motion:** Moved by Mr. Dyas, seconded by Dr. Horne and **unanimously carried** to adopt the June 15-16, 2005 minutes as written. Note: Ms. Van Dam and Mr. Brissenden abstained.

**6. ADOPTION OF UNCONTESTED CALENDAR**

Items 7, 8, 11 and 13 were considered on the uncontested calendar.

- **Motion:** Moved by Dr. Horne, seconded by Mr. Brissenden and **unanimously carried** to adopt Items 7, 8, 11 and 13 on the uncontested calendar.

**AMENDED WASTE DISCHARGE REQUIREMENTS****9. Los Angeles County Sanitation District No. 14, Lancaster Water Reclamation Plant, (R6V-2002-053) Los Angeles County**

Mr. Dyas disclosed his employment with Edwards Air Force Base and recused himself from this item.

Kai Dunn gave the staff presentation and asked the Board to adopt the order as proposed.

Addressing the Board: Steve Maguin, Sanitation Districts of Los Angeles County.

Robert Dodds, Assistant Executive Officer, suggested a change to page 3, 2.a., of the Order. The last sentence was modified to read (underlining added for clarity): ...completed prior to January 1, 2009, provided the quality of the effluent meets Basin Plan standards.

- **Motion:** Moved by Mr. Brissenden, seconded by Dr. Horne and **unanimously carried** to adopt the Order with the changes to page 3, 2.a. suggested by Mr. Dodds. *Note:* Mr. Dyas did not vote.

**10. Los Angeles County Sanitation District No. 20, Palmdale Water Reclamation Plant, (6-00-57A03) Los Angeles County**

Jehiel Cass gave the staff presentation. Mr. Cass discussed the Order; comments submitted by Nicole E. Granquist, counsel for Los Angeles County Sanitation District No. 20, and Regional Board staff's suggested late revisions to the Order. Mr. Cass recommended the Board adopt the Order with the changes recommended by staff in the late revision sheet.

Addressing the Board: Steve Maguin, Sanitation Districts of Los Angeles County; John Slezak, Los Angeles World Airports; Nicole Granquist, counsel for Los Angeles County Sanitation District No. 20, and Raymond Tremblay, Sanitation Districts of Los Angeles County.

- **Motion:** Moved by Mr. Dyas, seconded by Dr. Horne and **unanimously carried** to adopt the Order with the changes recommended by staff in the late revision sheet.

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**OTHER BUSINESS****12. Conditional Waiver of Water Reclamation Requirements – Los Angeles County Sanitation District No. 14, Lancaster Water Reclamation Plant, Applying Recycled Water for Dust Control and Compaction During Construction, Los Angeles County**

Mr. Dyas disclosed his employment with Edwards Air Force Base and recused himself from this item.

Kai Dunn gave the staff presentation and recommended the Board adopt the Resolution with the changes recommended by staff in the late revision sheet.

- **Motion:** Moved by Mr. Chapman, seconded by Dr. Horne and **unanimously carried** to adopt the Resolution with the changes recommended by staff in the late revision sheet.  
*Note:* Mr. Dyas did not vote.

**STATUS REPORTS****14. Status Report on Compliance of Los Angeles County Sanitation District No. 14, Lancaster Water Reclamation Plant, with Waste Discharge Requirements (R6V-2002-053) and Cease and Desist Order (R6V-2004-038), Los Angeles County**

Mr. Dyas disclosed his employment with Edwards Air Force Base and recused himself from this item.

Kai Dunn gave the status report.

Addressing the Board: Steve Maguin and Raymond Tremblay, Sanitation Districts of Los Angeles County.

**15. Status Report on Compliance of Los Angeles County Sanitation District No. 20, Palmdale Water Reclamation Plant, with Waste Discharge Requirements (6-00-57), Cease and Desist Order (R6V-2004-039) and with Cleanup and Abatement Order (R6V-2003-056), Los Angeles County**

Jay Cass gave the status report.

Addressing the Board: Steve Maguin, Sanitation Districts of Los Angeles County.

**3. CLOSED SESSION**

Board members met in closed session on July 13, 2005 from 9:20 p.m. to 9:34 p.m. to discuss items h, i, j, m, n and o. **Authority:** Government Code Section 11126(a)(e).

The Board reconvened in open session at 9:34 p.m.

The evening session adjourned at 9:34 p.m.



**Regular Meeting, continued**  
**8:30 a.m., July 14, 2005**

Chair Jack Clarke called the meeting to order at 8:30 a.m. Board members present: John Brissenden, Jim Chapman, Keith Dyas, Amy Horne, Ph.D., and Susan Van Dam. Absent: Bishop Henry Hearn and Eric Sandel.

**NEW NPDES PERMIT, WASTE DISCHARGE REQUIREMENTS AND WATER QUALITY CERTIFICATION**

**16. Los Angeles Department of Water and Power, Lower Owens River Project, Inyo County**

Mr. Singer commended Alan Miller for his work on the Lower Owens River Project.

Alan Miller gave the staff presentation and answered questions from the Board. He asked the Board to adopt the Order with the changes recommended by staff in the late revision sheet.

Addressing the Board: Gene Coufal, Los Angeles Department of Water and Power and Mark Bagley, Sierra Club and Owens Valley Committee.

After a short break, Alan Miller recommended striking the following sentence from paragraph 3 of staff's late revision sheet (strikeout added for clarity): Page H-5, first paragraph: ~~“The 200 cfs peak release flow rate in the Lower Owens River immediately below the Alabama Spillgate will be maintained for 24 hours...”~~

Mr. Singer answered questions from the Board.

- **Motion:** Moved by Dr. Horne, seconded by Mr. Brissenden and **unanimously carried** to adopt the Order with the changes recommended by staff in the late revision sheet and striking the sentence in paragraph 3 of the late revision sheet as recommended by Alan Miller.

**PLANS AND POLICIES**

**17. Public Hearing – Owens Lake Basin Plan Amendment and Environmental Document**

Chair Clarke opened the public hearing.

Dr. Judith Unsicker, Ph.D., gave the staff presentation. Dr. Unsicker recommended the Board adopt the Resolution as proposed.

Addressing the Board: Paul Lamos, U. S. Borax.



Mr. Singer read an excerpt from a comment received from the Great Basin Unified Air Pollution Control District commending Dr. Unsicker for her work reporting and summarizing the conditions at Owens Lake.

Chair Clarke closed the public hearing.

- **Motion:** Moved by Mr. Dyas, seconded by Mr. Brissenden and **unanimously carried** to adopt the Resolution certifying the environmental document and approving the Basin Plan amendment.

### **OTHER BUSINESS**

#### **18. Reports by Chair and Board Members**

Mr. Chapman discussed a letter he received from the Senate Rules Committee related to the Regional Board member confirmation process. He noted some of the questions posed in the letter covered subjects he was unfamiliar with and asked Mr. Singer to schedule a future briefing. He also asked for a copy of a report sent by the California Environmental Protection Agency (Cal/EPA) to the Legislature regarding State and Regional Board functions and effectiveness.

Mr. Brissenden agreed with Mr. Chapman that a future budget workshop would be helpful. He also drew the Board's attention to the new Sierra-Nevada license plate.

Mr. Singer noted he would work with the Chair to schedule an item for a future meeting to discuss the budget process as well as subjects mentioned in the letter sent to new Board members by the Senate Rules Committee. He also noted he would attempt to obtain a copy of the Cal/EPA report to the Legislature mentioned by Mr. Chapman.

Mr. Clarke complimented Regional Board staff for their Board meeting preparation and presentations.

#### **4. PUBLIC FORUM**

Bill Davis commented that he worked for the Lahontan Regional Board for ten years from 1970-1980 and was responsible for development of the Basin Plan. Mr. Davis commended the Regional Board and staff for their work.

#### **19. ADJOURNMENT**

With no further business to come before the Board, the meeting adjourned at 10:00 a.m.

s/s

Prepared by: \_\_\_\_\_ Adopted: September 14, 2005  
Laurie Applegate, Executive Assistant

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