



# California Regional Water Quality Control Board Lahontan Region



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Arnold Schwarzenegger  
Governor

## MINUTES September 13-14, 2006

### Regular Meeting

Lancaster City Council Chambers  
44933 Fern Avenue  
Lancaster, CA 93534

Chair Horne called the meeting to order at 3:30 p.m. on September 13, 2006.

#### BOARD MEMBERS PRESENT

John Brissenden, Hope Valley  
Jack Clarke, Apple Valley  
Keith Dyas, Rosamond (arrived at 7:00 p.m. on 9/13)  
Amy Horne, Ph.D., Truckee  
Eric Sandel, Truckee  
Susan J. Van Dam, Barstow

#### BOARD MEMBERS ABSENT

Jim Chapman, Susanville

#### STATE BOARD LIAISON

Art Baggett, State Water Resources Control Board

#### LEGAL COUNSEL

David Coupe, State Water Resources Control Board  
Steven H. Blum, State Water Resources Control Board

#### STAFF PRESENT

Harold J. Singer, Executive Officer  
Robert S. Dodds, Assistant Executive Officer  
Chuck Curtis, Supervising WRCE  
Cindi Mitton, Senior WRCE  
Jehiel Cass, WRCE  
Kai Dunn, WRCE  
Scott Ferguson, Senior WRCE  
Judith Keir, Environmental Scientist  
Alan Miller, Senior WRCE  
Eric Shay, Staff Services Analyst  
Curt Shifrer, WRCE

#### ADDRESSING THE BOARD

Art Baggett, State Water Resources Control Board  
Bishop Henry Hearn, Mayor, City of Lancaster  
Colonel Gallagher and Robert W. Wood, Edwards Air Force Base  
Don Maben, Second District Supervisor, Kern County  
John Ukkestad, President, A.V. United Water Purveyors  
Doris Hoepfner and Ronald Ferrell, Roosevelt Rural Town Council

*California Environmental Protection Agency*

Recycled Paper



John Goit, Sundale Mutual Water Company  
Jim Barletta, Averydale Mutual Water Company  
Julie Kyle, Kyle & Kyle Ranches, Inc.  
Brandon Calandri, John Calandri & Sonrise Farms  
Don Minassian, Antelope Acres  
Eugene B. Nebeker, Nebeker Ranch  
Dennis Groven  
Nicole Parson, Waste Alternative Energies and Waste Waters  
Mary Wood, West Side Park Mutual Water Company  
Claud Seal, Rosamond Community Services District  
Melanie Bostic, Old Town Homeowners Group  
Norman Diaz  
James Sommers, Boron Community Services District  
Steve Maguin, Raymond Tremblay, Nicole Grandquist, LACSD  
Dr. Andrew Huang and John Slezak, Los Angeles World Airports

Bishop Henry Hearn, Mayor, City of Lancaster, welcomed the Board members to Lancaster. Bishop Hearn thanked the Board for meeting in Lancaster and providing the public the opportunity to express their concerns to the Board.

### **REVISED WASTE DISCHARGE REQUIREMENTS**

**1. Los Angeles County Sanitation District No. 14; Wastewater Treatment Facilities, Storage Reservoirs and Eastern Agricultural Site No. 1, (Board Order No. R6V-2002-053) Los Angeles County**

Note: Mr. Dyas was not present for the discussion of Item 1 due to a conflict of interest.

Cindi Mitton withdrew staff's initial recommendation and responded to written comments from Dr. Eugene B. Nebeker, Nebeker Ranch, and Colonel H. Brent Baker, Edwards Air Force Base. Curt Shifrer gave the staff presentation and discussed late revisions to the Order. Staff responded to questions from the Board.

Chair Horne noted the Board would continue consideration of Item 1 after the dinner break. The meeting recessed at 5:03 p.m.

### **Regular Meeting, Continued** **7:10 p.m., September 13, 2006**

Chair Horne called the meeting to order at 7:10 p.m. Board members present: John Brissenden, Jack Clarke, Keith Dyas, Eric Sandel, and Susan Van Dam. Board member absent: Jim Chapman.

Art Baggett, member of the State Water Board and liaison to the Lahontan Water Board, discussed issues being considered by the State Water Board.



## **REVISED WASTE DISCHARGE REQUIREMENTS, Continued**

### **1. Los Angeles County Sanitation District No. 14; Wastewater Treatment Facilities, Storage Reservoirs and Eastern Agricultural Site No. 1, (Board Order No. R6V-2002-053) Los Angeles County**

Note: The Board continued consideration of Item 1 after the dinner break. See page 2 of the minutes for the first portion of this item.

Note: Mr. Dyas declared a conflict of interest with Item 1 (LACSD 14).

Raymond Tremblay, Los Angeles County Sanitation Districts, answered questions from the Board and asked the Board to adopt the permit as revised by staff.

Addressing the Board: Colonel Gallagher and Robert W. Wood, Edwards Air Force Base; Don Maben, Second District Supervisor, Kern County; John Ukkestad, President A.V. United Water Purveyors (handout); Doris Hoepfner, Roosevelt Rural Town Council (handout); Ronald Ferrell, Roosevelt Rural Town Council; John Goit, Sundale Mutual Water Company; Jim Barletta, Averydale Mutual Water Company; Julie Kyle, Kyle & Kyle Ranches, Inc.; Brandon Calandri, John Calandri & Sonrise Farms; Don Minassian, Antelope Acres; Eugene B. Nebeker, Nebeker Ranch (handout); Dennis Groven; Nicole Parson, Waste Alternative Energies and Waste Waters; Mary Wood, West Side Park Mutual Water Company; Claud Seal, Rosamond Community Services District; Melanie Bostic, Old Town Homeowners Group.

Board members discussed the proposed Order and the State Water Resources Control Board's Resolution No. 68-16 (Statement of Policy with Respect to Maintaining High Quality of Waters in California). Following discussion, it was the consensus of the Board that the Board could not allow the degradation of the groundwater under the storage reservoirs as proposed in the waste discharge requirements.

The Board discussed the proposed Order. Mr. Singer suggested staff bring a revised Order for the Board to consider the following day that would only address wastewater reuse at the Eastern Agricultural Site No. 1. He also suggested staff prepare a proposed Order regulating the discharge of waste from the storage reservoirs for Board consideration at a future meeting. Board members concurred.

- **Motion:** Moved by Mr. Clarke, seconded by Mr. Sandel and **unanimously carried** to continue Item 1 to the following day for Board consideration of a revised Order as proposed by Mr. Singer.

## **OTHER BUSINESS**

### **3. Executive Officer's Report**

Note: Mr. Dyas joined the Board.

Mr. Singer discussed the August/September 2006 written report.



The evening session recessed at 10:20 p.m.

**Regular Meeting, Continued**  
**8:30 a.m., September 14, 2006**

Chair Horne called the meeting to order at 8:30 a.m. Board members present: John Brissenden, Jack Clarke, Keith Dyas, Eric Sandel, and Susan Van Dam. Board member absent: Jim Chapman.

**5. PUBLIC FORUM**

- Norman Diaz, Barstow, discussed concerns with Nursery Products Compost Facility, a proposed biosolids operation to be located 8 miles west of the community of Hinkley. Mr. Diaz described the project and asked the Board to comment on the draft EIR when completed and to closely monitor the project.
- James Sommers, Chairman, Board of Directors, Boron Community Services District, handed out material regarding a proposed Boron Aquifer Storage and Recovery pilot project and asked the Board to consider the project at a future meeting.

Mr. Singer explained that staff has advised the project proponent of the need to submit a report of waste discharge. Once a complete report of waste discharge has been submitted, staff will schedule the matter for a future meeting for Board consideration.

**OTHER BUSINESS**

**6. Minutes of the Regular Meeting of July 25 and 26, 2006 in South Lake Tahoe, California**

- **Motion:** Moved by Mr. Dyas, seconded by Ms. Van Dam and **unanimously carried** to adopt the July 25 and 26, 2006 minutes as proposed.  
Note: Mr. Clarke abstained.

**7. ADOPTION OF UNCONTESTED CALENDAR**

Items 8, 9, 10 and 12 were considered on the uncontested calendar.

- **Motion:** Moved by Mr. Clarke and seconded by Mr. Brissenden to adopt Items 8, 9, 10 and 12 on the uncontested calendar.

Mr. Singer drew the Board's attention to late revisions for Items 8, 9 and 12.

- **Amended Motion:** Moved by Mr. Clarke, seconded by Mr. Brissenden and **unanimously carried** to adopt Items 8 (with late revision sheet), 9 (with late



revision sheet), 10 (as proposed), and 12 (with late revision sheet) on the uncontested calendar.

### **REVISED WASTE DISCHARGE REQUIREMENTS**

8. **City of Los Angeles Department of Water and Power and the California State Lands Commission; Southern Zones Dust Control Project, Owens Lake Dust Mitigation Program (Board Order No. R6V-2002-011), Inyo County**

Adopted with late revision sheet. (See Item 7.)

9. **San Bernardino County; Apple Valley Class III Landfill, San Bernardino County**

Adopted with late revision sheet. (See Item 7.)

### **OTHER BUSINESS**

10. **Record of Decision for Site 6, China Lake Naval Air Weapons Station, San Bernardino County**

Adopted as proposed. (See Item 7.)

12. **Request for Cleanup and Abatement Account Funds for Spring Treatment to Prevent Storage Pond Overflow at Leviathan Mine, Alpine County**

Adopted with late revision sheet. (See Item 7.)

### **OTHER BUSINESS**

11. **Record of Decision for Operable Unit 2, Nebo South Groundwater; Marine Corps Logistics Base – Barstow, San Bernardino County**

- **Motion:** Moved by Mr. Sandel, seconded by Mr. Brissenden and **unanimously carried** to adopt the Resolution as proposed.

### **STATUS REPORTS**

2. **Compliance Status and Regulatory Options**

- Los Angeles County Sanitation District No. 14, Lancaster Water Reclamation Plant – Waste Discharge Requirements (R6V-2002-053) and Cease and Desist Order (R6V-2004-038), Los Angeles County**
- Los Angeles County Sanitation District No. 20, Palmdale Water Reclamation Plant – Waste Discharge Requirements (6-00-57) and Cease and Desist Order (R6V-2004-039), Los Angeles County, and**
- Los Angeles County Sanitation District No. 20 and Los Angeles World Airports – Cleanup and Abatement Order (R6V-2003-056), Los Angeles County**



Chair Horne read an opening statement that explained how the separation of functions and litigation affect Board decision making in this matter.

Mr. Dyas declared a conflict of interest with Item 2a - Los Angeles County Sanitation District No. 14 (LACSD 14). Mr. Dyas did not participate in any of the discussions related to LACSD 14. A notation is made when Mr. Dyas left the dais and when he joined the Board for consideration of Items 2b and 2c – Los Angeles County Sanitation District No. 20 (LACSD 20), and LACSD 20 and Los Angeles World Airports (LAWA).

Note: Mr. Dyas left the dais during the following discussion of LACSD 14.

Kai Dunn discussed the status of compliance of LACSD 14, Lancaster Water Reclamation Plant with Waste Discharge Requirements R6V-2002-053 and Cease and Desist Order R6V-2004-038.

Note: Mr. Dyas joined the Board for consideration of LACSD 20 and LAWA.

Jehiel Cass discussed the status of compliance of LACSD 20, Palmdale Water Reclamation Plant with Cease and Desist Order R6V-2004-039 and LACSD 20 and LAWA with Cleanup and Abatement Order R6V-2003-056. Mr. Cass answered questions from the Board.

Addressing the Board regarding LACSD 20 and LAWA status of compliance: Steve Maguin, LACSD; Dr. Andrew Huang and John Slezak, LAWA. Mr. Maguin answered questions from Mr. Coupe regarding requirements in the cease and desist order.

Note: Mr. Dyas left the dais during the following discussion of LACSD 14.

Addressing the Board regarding LACSD 14 status of compliance: Steve Maguin and Raymond Tremblay, LACSD. Mr. Maguin and Mr. Tremblay answered questions from Mr. Coupe regarding interim standards in the cease and desist order.

Note: Mr. Dyas joined the Board for consideration of general regulatory options related to LACSD 20 and LAWA.

Mr. Singer gave an overview of regulatory options related to LACSD 20 and LAWA. He discussed the purpose of enforcement and enforcement options in response to various violations. He also discussed litigation background and noted a third-party consultant has been retained by staff to analyze issues outside the expertise of Water Board staff. The consultant's report is expected in early October 2006. Mr. Singer discussed the scope of settlement discussions and timing of future actions.

Mr. Singer recommended the Board give the prosecution team time to continue negotiations, ask staff to give a status report at the November 2006 Board meeting, and set an expectation that staff either present a settlement proposal or propose administrative action during the first quarter of 2007. Mr. Singer answered questions from the Board.



Addressing the Board regarding Mr. Singer's overview of regulatory options related to LACSD 20 and LAWA: Nicole Granquist and Steve Maguin, LACSD.

Note: Mr. Dyas left the dais during the following discussion of LACSD 14.

Mr. Singer discussed regulatory options related to LACSD 14 and made the same recommendation described above for LACSD 20 and LAWA.

#### **4. CLOSED SESSION**

Board members met in closed session from 10:38 a.m. to 11:03 a.m. to discuss Items 4i and 4j. Mr. Dyas was not present during the discussion of Item 4i. The Board reconvened in open session at 11:05 a.m.

#### **STATUS REPORTS - Continued**

#### **2. Compliance Status and Regulatory Options**

- a. **Los Angeles County Sanitation District No. 14, Lancaster Water Reclamation Plant – Waste Discharge Requirements (R6V-2002-053) and Cease and Desist Order (R6V-2004-038), Los Angeles County**
- b. **Los Angeles County Sanitation District No. 20, Palmdale Water Reclamation Plant – Waste Discharge Requirements (6-00-57) and Cease and Desist Order (R6V-2004-039), Los Angeles County, and**
- c. **Los Angeles County Sanitation District No. 20 and Los Angeles World Airports – Cleanup and Abatement Order (R6V-2003-056), Los Angeles County**

See pages 5, 6 and 7 for the first portion of this item.

Note: Mr. Dyas joined the Board for the following discussion LACSD 20 and LAWA.

The Board members continued discussion of LACSD 20 and LAWA. Chair Horne asked for Board comments regarding the recommendations made by Mr. Singer prior to the closed session. It was the consensus of the Board to accept Mr. Singer's recommendation to give the prosecution team time to continue negotiations, ask staff to give a status report at the November 2006 Board meeting and set an expectation that staff either present a settlement proposal or propose administrative action during the first quarter of 2007.

Note: Mr. Dyas left the dais during the following discussion of LACSD 14.

Chair Horne asked for Board comments regarding Mr. Singer's recommendations related to LACSD 14. It was the consensus of the Board to accept Mr. Singer's recommendation to give the prosecution team time to continue negotiations, ask staff to give a status report at the November 2006 Board meeting and set an expectation that staff either present a settlement proposal or propose administrative action during the first quarter of 2007.



## **OTHER BUSINESS**

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

Mr. Dyas joined the Board.

Mr. Dyas gave a report regarding an August 21, 2006 meeting of the Palmdale Water District Board of Directors he attended with Mr. Singer and Mr. Cass.

Dr. Horne reported that on September 11, 2006, she and Mr. Singer attended a meeting in Sacramento with the Regional Board Chairs and Executive Officers, the State Water Board Chair, Executive Director, Chief Counsel and Assistant Chief Counsel. The participants discussed the agenda for the next Water Quality Coordinating Committee meeting to be held October 30-31, 2006 in Sacramento. Dr. Horne discussed the focus of the October meeting and encouraged Board members to attend.

### **REVISED WASTE DISCHARGE REQUIREMENTS, Continued**

#### **1. Los Angeles County Sanitation District No. 14; Wastewater Treatment Facilities, Storage Reservoirs and Eastern Agricultural Site No. 1, (Board Order No. R6V-2002-053) Los Angeles County**

Note: This item was continued from September 13, 2006. See pages 2 and 3 for previous discussion.

Note: Mr. Dyas left the dais during the following discussion of Item 1(LACSD 14).

Cindi Mitton gave the staff presentation. She handed out proposed changes to the waste discharge requirements and water recycling requirements and changes to the late revision sheet. Ms. Mitton explained that staff removed all portions of the proposed order dealing with the wastewater treatment facilities and storage reservoirs leaving the remainder of the order unchanged.

Addressing the Board: Nicole Granquist, Raymond Tremblay and Steve Maguin, LACSD.

Mr. Singer responded to comments made by Ms. Granquist, Mr. Tremblay and Mr. Maguin and answered questions from the Board.

- **Motion:** Moved by Mr. Sandel, seconded by Mr. Brissenden and **unanimously carried** to accept the modified main proposal and modified errata sheet.

### **14. ADJOURNMENT OF FORMAL MEETING**

With no further business to come before the Board, the meeting adjourned at 12:10 p.m.





