



California Regional Water Quality Control Board Lahontan Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

REVISED MEETING AGENDA

November 28-29, 2007

November 28, 2007

Barstow City Council Chambers
220 E. Mountain View
Barstow, CA 92311

Barstow

Regular Meeting:
Lunch break:

8:30 a.m.
Approx. noon to 1:00 p.m.

November 29, 2007

Lancaster City Council Chambers
44933 Fern Avenue
Lancaster, CA 93534

Lancaster

Closed Session
Regular Meeting, continued:

8:30 a.m.
10:00 a.m.

Revision to Agenda Announcement: Item 5 is no longer on the Board's November meeting. The City of Barstow has agreed to settle its Administrative Civil Liability for a cash payment of \$300,000.

General Meeting Information: The meeting room is accessible to people with disabilities. If you have special accommodations or language needs, please contact Laurie Applegate at least five days prior to the meeting date at (530) 542-5414 or LApplegate@waterboards.ca.gov. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

The following items are numbered for identification purposes only and will not necessarily be considered in this order. Public hearings will not be called to order prior to the time specified. If, due to time constraints, the Water Board is unable to consider all of the items scheduled for Wednesday, the item(s) not heard will be considered on Thursday, November 29, 2007 beginning at 10:00 a.m. (Note: the Water Board will meet in closed session beginning at 8:30 a.m.). All Board files, exhibits and agenda material pertaining to items on this agenda are hereby made a part of the record for the appropriate item.

Anyone wishing to present a Microsoft PowerPoint® presentation during the meeting, using the Water Board's projector, must provide the presentation to the Water Board on either a CD or via email at least three working days prior to the meeting. Please contact the staff person listed for the agenda item of interest.

California Environmental Protection Agency



NOTICE

Submittal of Written Material for Water Board Consideration

In order to ensure that the Water Board has the opportunity to fully study and consider written material, it is necessary to submit it at least ten (10) days before the meeting unless otherwise specified. This will allow distribution of material to the Board Members in advance of the meeting. Pursuant to Title 23 California Code of Regulations Section 648.4, the Water Board may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of the written testimony, the Water Board may refuse to admit it.

A copy of the procedures governing Regional Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq., and is available upon request. Hearings before the Water Board are not conducted pursuant to Government Code Section 11500 et seq.

Wednesday, November 28, 2007 – 8:30 a.m. (Location: Barstow)

INTRODUCTIONS

1. PUBLIC FORUM

Any person may address the Board regarding a matter within the Board's jurisdiction that is not related to an item on this meeting agenda. Comments will generally be limited to five minutes, unless otherwise directed by the Chair. Any person wishing to make a longer presentation should contact the Executive Officer at least ten days prior to the meeting. Comments regarding matters that are scheduled for future meetings: see http://www.waterboards.ca.gov/lahontan/board_info/agenda/ will be restricted.

2. MINUTES

Minutes of the Regular Meeting of October 10-11, 2007 in South Lake Tahoe.
(Laurie Applegate)

REVISED WASTE DISCHARGE REQUIREMENTS

3. **Pacific Gas and Electric Company - Revised Central Area In-situ Remediation Pilot Study Project, San Bernardino County** (The Board will consider adoption of [Revised Waste Discharge Requirements](#) to regulate additional discharges associated with the clean up of a chromium plume in groundwater in Hinkley. This Item will be considered along with Item No. 6.) (Lisa Dernbach)

AMENDED WASTE DISCHARGE REQUIREMENTS

4. **Pacific Gas and Electric Company - Desert View Dairy Land Treatment Unit Extraction System Optimization Project, San Bernardino County - Board Order No. R6V-2004-0034A1** (The Board will consider adoption of Amended Waste Discharge Requirements. This Item will be considered along with Item No. 7.) (Joe Koutsky)

ENFORCEMENT ACTION—Note: Item 5 has been removed

- ~~5. **Public Hearing – Consideration of an Administrative Civil Liability Order for the City of Barstow for the Violation of Waste Discharge Prohibitions Specified by the Water Quality Control Plan for the Lahontan Region and for the Violation of Board Order No. 6-94-26, for the Unauthorized Discharge of Untreated Wastewater to Half Way Wash and the Mojave River on May 20 and 21, 2006, Barstow, San Bernardino County – WDID No. 6B360101001 (Written comments are due by 11:00 a.m. on November 19, 2007.)** (The Board will be considering whether to affirm, modify, or reject Administrative Civil Liability Complaint No. R6V-2007-0026 in the amount of \$300,000, or to refer the matter to the California Attorney General. Administrative Civil Liability Complaint No. R6V-2007-0026 was issued in response to the May 20-21, 2006 discharge of untreated wastewater from the City of Barstow's Wastewater Treatment Facility to Half Way Wash and the Mojave River.) (Scott C. Ferguson/John Steude)~~

OTHER BUSINESS

6. **Public Hearing - Resolution Certifying a Subsequent Mitigated Negative Declaration for Pacific Gas and Electric Company's Revised Central Area In-situ Remediation Pilot Study Project, San Bernardino County** (The Board will consider adopting a Resolution certifying a subsequent mitigated negative declaration for the proposed revised project. This Item will be considered along with Item No. 3.) (Lisa Dernbach)
7. **Public Hearing - Resolution Certifying a Mitigated Negative Declaration for the Pacific Gas and Electric Company Desert View Dairy Land Treatment Unit Extraction System Optimization Project, Hinkley, San Bernardino County** (The Regional Board will consider adopting a Resolution certifying a Mitigated Negative Declaration for the Extraction Optimization Project. This Item will be considered along with Item No. 4.) (Joe Koutsky)
8. **Resolution Authorizing the Executive Officer to Sign the Record of Decision/Remedial Action Plan for Armitage Field Operable Unit, China Lake Naval Air Weapons Station, China Lake, Kern County** (The Board will consider authorizing the Executive Officer to accept the cleanup remedial actions as documented in the Navy's Record of Decision/Remedial Action Plan.) (Douglas Feay)
9. **Executive Officer's Report** (The Board will not be asked to take any formal action; however, it may provide direction to staff.) (Harold Singer)

--- Discussion of Standing Items

--- Notification of Spills (Pursuant to Section 13271, California Water Code and Section 25180.7, California Health and Safety Code)

--- Notification of Closure of Underground Storage Tank Cases (Pursuant to Article 11, Division 3, Chapter 16, Title 23, California Code of Regulations)

10. CLOSED SESSION*

- a. **Discussion of Significant Exposure to Litigation. Authority: Government Code Section 11126(e)(2)(B)(I).**
- b. **Discussion of Significant Exposure to Litigation, Leviathan Mine, Alpine County. Authority: Government Code Section 11126(e)(2)(B)(I).**
- c. **Discussion to Decide Whether to Initiate Litigation. Authority: Government Code Section 11126(e)(2)(c)(I).**
- d. **Deliberation on a Decision to be Reached Based Upon Evidence Introduced in a Hearing. The Board may meet in closed session to deliberate on evidence presented at the March 14-15, 2007 and May 23-24, 2007 Water Board meetings concerning: Proposed Cease and Desist Order No. R6V-2004-0038-A01 for County Sanitation District No. 14 of Los Angeles County; and, Proposed Cease and Desist Order No. R6V-2004-0039-A01 for County Sanitation District No. 20 of Los Angeles County. Authority: Government Code Section 11126(c)(3).**
- e. **Discussion of Litigation: County Sanitation District No. 14 of Los Angeles County v. Regional Water Quality Control Board, Lahontan Region, Los Angeles County Superior Court Case No. BS095981. Authority: Government Code Section 11126(e).**
- f. **Discussion of Litigation: County Sanitation District No. 20 of Los Angeles County v. Regional Water Quality Control Board, Lahontan Region, Los Angeles County Superior Court Case No. BS096057. Authority: Government Code Section 11126(e).**
- g. **Discussion of Litigation filed by the State of California and the Regional Water Quality Control Board, Lahontan Region, v. Glen R. Hammond and Limited Partners, Kern County Superior Court Case No. 235695. Authority: Government Code Section 11126(e).**
- h. **Discussion of Litigation: Regional Water Quality Control Board, Lahontan Region v. Mary Ann Ferguson, et al., Placer County Superior Court Case No. T CV 1002. Authority: Government Code Section 11126(e).**
- i. **Discussion of Litigation: People of the State of California ex rel. California Regional Water Quality Control Board, Lahontan Region v. Thomas E. Erickson et al., El Dorado Superior Court Case No. SC20010089. Authority: Government Code Section 11126(e).**
- j. **Discussion of Personnel Matters. Authority: Government Code Section 11126(a).**

* At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based upon the evidence introduced in the hearing. Discussion of litigation is within the attorney-client privilege and may be held in closed session. Authority: Government Code Section 11126(a), (c)(3) and (e).

Thursday, November 29, 2007 – 8:30 a.m. (NOTE: The Board will reconvene in open session and immediately adjourn to closed session)

11. CLOSED SESSION* (See Item No. 10 above)

Thursday, November 29, 2007 – 10:00 a.m. – Begin Open Session (Location: Lancaster)

INTRODUCTIONS

12. PUBLIC FORUM

Any person may address the Board regarding a matter within the Board's jurisdiction that is not related to an item on this meeting agenda. Comments will generally be limited to five minutes, unless otherwise directed by the Chair. Any person wishing to make a longer presentation should contact the Executive Officer at least ten days prior to the meeting. Comments regarding matters that are scheduled for future meetings: see http://www.waterboards.ca.gov/lahontan/board_info/agenda/ will be restricted.

ENFORCEMENT ACTION

- 13. Consideration of a Settlement for Claims of Administrative Civil Liability through the Adoption of an Administrative Civil Liability Order for: County Sanitation District No. 14 of Los Angeles County – Lancaster Water Reclamation Plant, for Violation of Waste Discharge Requirements (Board Order No. R6V-2002-053 and Cease and Desist Order (Board Order No. R6V-2004-0038; and County Sanitation District No. 20 of Los Angeles County – Palmdale Water Reclamation Plant, for Violation of Waste Discharge Requirements (Board Order Nos. 6-89-31, 66-93-18 and 6-00-57) and Cease and Desist Order (Board Order No. R6V-2004-0039)** (This matter was first brought to the Board during the March 14-15, 2007 Board Meeting. It was continued to the May 23-24 Board Meeting where revisions were proposed. The revised settlement was not accepted by the Board. At this Board Meeting, the Board will consider a second revised proposed settlement of claims for administrative civil liability. The written public comment period ends at 5:00 p.m. on November 19, 2007. The Board will consider adopting or rejecting the revised proposed order. If the Board rejects the proposed order, the Board may provide direction to the Prosecution Team.) (Harold Singer)
- 14. Public Hearing - Consideration of Amended Cease and Desist Order No. R6V-2004-0038-A01 for County Sanitation District No. 14 of Los Angeles County – Lancaster Water Reclamation Plant for Discharge and Threatened Discharge of Waste in Violation of Waste Discharge Requirements Contained in Board Order No. R6V-2002-053.** (This matter was first brought to the Board during the March 14-15, 2007 Board Meeting. It was continued to the May 23-24 Board Meeting where additional changes were proposed. The revised order was not accepted by the Board. At this Board Meeting, the Board will consider a second revised proposed order. The written public comment period ends at 5:00 p.m. on November 19, 2007. The Board will consider adopting or rejecting the revised proposed order. If the Board rejects the proposed order, the Board may provide direction to the Prosecution Team.) (Harold Singer)

* At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based upon the evidence introduced in the hearing. Discussion of litigation is within the attorney-client privilege and may be held in closed session. Authority: Government Code Section 11126(a), (c)(3) and (e).

15. **[Public Hearing](#) - Consideration of Amended Cease and Desist Order No. R6V-2004-0039-A01 for County Sanitation District No. 20 of Los Angeles County – Palmdale Water Reclamation Plant for Discharge and Threatened Discharge of Waste in Violation of Waste Discharge Requirements Contained in Board Order No. 6-00-057.** (This matter was first brought to the Board during the March 14-15, 2007 Board Meeting. It was continued to the May 23-24 Board Meeting where additional changes were proposed. The revised order was not accepted by the Board. At this Board Meeting, the Board will consider a second revised proposed order. The written public comment period ends at 5:00 p.m. on November 19, 2007. The Board will consider adopting or rejecting the revised proposed order. If the Board rejects the proposed order, the Board may provide direction to the Prosecution Team.) (Harold Singer)

REVISED WASTE DISCHARGE REQUIREMENTS

16. **[Mojave-Rosamond Class III Landfill, Kern County](#) – Board Order No. 6-95-117** (The Board will consider adopting revised [Waste Discharge Requirements](#).) (Mary Fiore-Wagner)

PLANS AND POLICIES

17. **[Public Hearing – Consideration of Basin Plan Amendments to Revise Standards for Surface Waters of the Antelope Hydrologic Unit and a Related Environmental Document](#).** (The Board will consider adopting the proposed plan amendments and certifying the Substitute Environmental Document. **Written comments were requested by October 5, 2007.**) (Judith Unsicker)

OTHER BUSINESS

18. **Reports by Chair and Board Members** (Board members may discuss communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction. The Board may provide direction to staff; however, there will be no voting or formal action taken.)

ADJOURNMENT

Any party aggrieved by a certain decision of the California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board), may petition the State Water Resources Control Board (State Water Board) to review the decision. The petition must be received by the State Water Board within 30 days of the Lahontan Water Board's meeting at which the action was taken. Copies of the law and regulation applicable to filing petitions will be provided upon request.

Note: A listing of pending applications for Water Quality Certification pursuant to Section 401 of the Clean Water Act may be obtained by calling:

For the Northern Lahontan Basin, Tobi Tyler in South Lake Tahoe at (530) 542-5435

For the Southern Lahontan Basin, Cindi Mitton in Victorville at (760) 241-7413

The Regional Water Quality Control Board, Lahontan Region, has a home page that can be accessed on the Internet, at: <http://www.waterboards.ca.gov/lahontan>

The Lahontan Water Board will be considering many items during this meeting which may result in Board action or direction to staff. We encourage input from all people interested in a given item or issue, so that when we act, our decision is based on all available information. Although an oath is not administered in most of the proceedings before this Board, **we expect all statements made before this Board to be truthful with no attempts to mislead this Board by false statements, deceptive presentation or failure to include essential information.**

The Board encourages all people in or near a Board meeting to refrain from engaging in inappropriate conduct. Inappropriate conduct may include disorderly, contemptuous or insolent behavior, breach of peace, boisterous conduct, violent disturbance or other unlawful interference in the Board's proceedings. Such conduct could subject you to contempt sanctions by the superior court (Govt. C Sec 11455.10).

The Board Chairperson may impose sanctions, including reasonable expenses and attorney's fees, on any party for bad faith actions, frivolous tactics or actions intended to cause unnecessary delay by a party or the party's attorney or representative (Govt. C Sec 11455.30).

CALIFORNIA WATER QUALITY CONTROL BOARD LAHONTAN REGION

Main Office: 2501 Lake Tahoe Blvd., South Lake Tahoe, CA 96150 (530) 542-5400
Branch Office: 14440 Civic Drive, Suite 200, Victorville, CA 92392 (760) 241-6583

LAHONTAN WATER BOARD MEMBERS

Name	Location of Residence or Business	Appointment Category
John Brissenden	Hope Valley	Water Quality
Jack Clarke, Vice Chair	Apple Valley	Water Supply
R. Keith Dyas	Rosamond	Industrial Water Use
Amy Horne, Ph.D., Chair	Truckee	Rec., Fish and Wildlife
Eric Sandel	Truckee	Water Quality
Susan J. Van Dam	Barstow	Irrigated Agriculture
Vacant		Public
Vacant		County Government
Vacant		Municipal Government

LAHONTAN WATER BOARD STAFF

Harold J. Singer Executive Officer	Robert Dodds Assistant Executive Officer and Ombudsman	David Coupe Counsel to the Board	Laurie Applegate Executive Assistant
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South Lake Tahoe Office: Chuck Curtis, Manager, Cleanup and Enforcement Division
vacant, Chief, Leviathan Mine Unit
Scott Ferguson, Chief, Enforcement & Special Projects Unit
Richard Booth, Chief, Cleanup and Site Investigation Unit

Lauri Kemper, Manager, North Lahontan Watersheds Division
Alan Miller, Chief, North Basin Regulatory Unit
Doug Smith, Chief, TMDL Unit
Douglas Cushman, Chief, Non-Point Source Unit

Victorville Office: Mike Plaziak, Manager, Southern Lahontan Watershed Division
Cindi Mitton, Chief, South Basin UST/DOD/SCP Unit
vacant, Chief, South Basin Regulatory Unit

The primary responsibility of the Water Board is to protect the quality of the surface and groundwater within the Region for beneficial uses. The duty is carried out by formulating and adopting water quality plans for specific ground or surface water bodies; by prescribing and enforcing requirements on domestic and industrial waste dischargers, and by requiring cleanup of water contamination and pollution. Specific responsibilities and procedures of the Board are outlined in the Porter-Cologne Water Quality Control Act.

Regular meetings of the Board are normally held on the second Wednesday and Thursday of each month. Meeting locations vary but generally alternate between the north and south basins of the region.

The purpose of the monthly meeting is to provide the Board with testimony and information from concerned and affected parties and make decisions after considering the evidence presented. A public forum is held at each regular meeting where any person may address the Board on any matter within the jurisdiction of the Board, but may not be related to any item on the agenda or scheduled for a future meeting.

The Board welcomes information on pertinent problems, but comments at the meeting should be brief and directed to specifics of the case to enable the Board to take appropriate action. Whenever possible, lengthy testimony should be presented to the Board in writing and only a summary of pertinent points presented verbally. Written material should be submitted no later than the Monday, ten days prior to the Board meeting, or according to the deadlines specified in the Notice of Public Hearing for the agenda item.

Recordings are made of each Board meeting and these tapes/ CDs are retained in the Board's office for two years. Anyone desiring copies should contact Laurie Applegate at (530) 542-5414, for the current fee schedule for copies.

NOTES

A. SEQUENCE OF AGENDA ITEMS

The items are numbered for identification purposes only and will not necessarily be considered in this order.

B. AVAILABILITY OF AGENDA MATERIAL

Details concerning these agenda items are available for public reference during working hours at the Board's offices. Copies of individual agenda items may be obtained at the Board's offices after 8:00 a.m. on the Friday, twelve days preceding the Board meeting. The staff will assist in answering questions.

C. UNCONTESTED ITEMS CALENDAR

Item numbers with an asterisk (*) are expected to be routine and noncontroversial. They will be acted upon by the Board at one time without discussion. If any Board member, staff member, or interested party requests discussion, the item will be removed from the Uncontested Calendar to be considered separately.

D. PETITION OF REGIONAL BOARD ACTION

Any person affected by a certain decision of the California Regional Water Quality Control Board, Lahontan Region, (Lahontan Water Board) may petition the State Water Resources Control Board to review the decision. The petition must be received by the State Water Board within 30 days of the Lahontan Water Board's meeting at which the action was taken. Copies of the law and regulations applicable to filing petitions will be provided upon request.

E. HEARING RECORD EXHIBITS

Material presented to the Board as part of the testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, chart, diagrams, etc.

F. CONTRIBUTIONS TO REGIONAL BOARD MEMBERS

All persons who actively support or oppose the adoption of waste discharge requirements or an NPDES permit before the Lahontan Water Board must submit a statement to the Board disclosing any contributions of \$250 or more to be used in a federal, state, or local election, made by the action supporter or opponent, or his or her agent, within the last 12 months to any Water Board member. All permit applicants and all persons who actively support or oppose adoption of a set of waste discharge requirements or an NPDES permit pending before the Water Board are prohibited from making a contribution of \$250 or more to any Board member for three months following a Water Board decision on the permit application.

G. ADDITIONAL CLOSED SESSION

At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based upon evidence introduced in the hearing. Discussion of litigation is within the attorney-client privilege and may be held in closed session.

Authority: Government Code Section 11126 (a), (c)(3) and (e).