
Lahontan Regional Water Quality Control Board

MINUTES

March 9-10, 2022

The Lahontan Regional Water Quality Control Board (Water Board)
conducted this meeting using
Video and Teleconference as shown below:

Video and Teleconference Meeting Only
No Physical Meeting Location
(Authorized by Government Code Section 11133)

Water Board Members

Peter C. Pumphrey, Chair, Chalfant	Kimberly Cox, Helendale (Absent)
Amy Horne, Ph.D., Truckee	Essra Mostafavi, Bishop
Keith Dyas, Rosamond	

State Water Board

Elizabeth Beryt, Office of Chief Counsel	Nichole Morgan, State Water Board Liaison
--	---

Water Board Staff

Mike Plaziak, Executive Officer	Scott Ferguson, Supervising WRC Engineer
Ben Letton, Assistant Executive Officer	Patrice Copeland, Supervising Engineering Geologist
Robert Tucker, Sr. WRC Engineer	Andrew Jensen, Environmental Program Mgr.
Ed Hancock, Environmental Scientist	Chris Stetler, Sr. WRC Engineer (Specialist)
Christina Guerra, Engineering Geologist	Dan Sussman, Sr. Environmental Scientist
Cathe Pool, Sr. WRC Engineer	Nicole "Mo" Loden, Environmental Scientist
Katrina Fleshman, Executive Assistant	

[View the full Agenda and listen to the audio of this meeting](#)

REGULAR MEETING: Wednesday, March 9, 2022, @ 9:00 a.m.

CALL TO ORDER AND INTRODUCTIONS

Chair Pumphrey called the meeting to order at 9:00 a.m. and discussed procedures to adhere to the Governor's Executive Order during this COVID-19 emergency, the meeting will be video and teleconference only with no in person attendance. Chair Pumphrey introduced Bob Lloyd with AGP Video and asked Mr. Lloyd to give direction to the public that wish to speak.

Chair Pumphrey introduced the Water Board Members, Water Board staff and State Water Board staff.

1. PUBLIC FORUM

No Public Forum

2. MINUTES

The January 12-13, 2022, meeting Minutes will be presented for vote at the May 11, 2022, Lahontan Water Board meeting.

3. REPORTS BY WATER BOARD CHAIR AND WATER BOARD MEMBERS

State Board member Nichole Morgan gave updates to the Water Board. Indicating March is Water Date Month. Discussed ways the Water Board is improving our Water Quality.

Board Chair Pete Pumphrey indicated at the Board Chairs meeting they discussed possibly having Vice-Chairs join future meetings. Chair Pumphrey also indicated there is no date for WQCC yet as they are trying to figure out the in-person meeting locations.

4. EXECUTIVE OFFICER'S REPORT

The Executive Officer, Michael R. Plaziak, provided an update to the Water Board and public on key actions and activities in the Lahontan region, including the items below.

- a. Personnel Report/Introduced new staff and returning staff members. And discussed new Water Board vacancies to be filled.
- b. Update on Bear Valley Cleaners Neighborhood Canvassing event.
- c. Private Domestic Well sampling for PFAS.

Water Board member, Scott Ferguson, Supervising WRC Engineer, gave updates on the 3rd Quarter Violations Report.

5. BRIDGEPORT GRAZING WAIVER STATUS UPDATE, MONO COUNTY

Water Board staff, Nicole "Mo" Loden, Environmental Scientist, provided an outline on the presentation being provided on the Bridgeport Grazing Waiver and the enrollee's efforts to improve grazing related water quality impacts. Elements of the presentation will include trends in 2006-2017 microbial water quality data, rancher implemented best management practices, incorporation of requirements prescribed in the State Board's Eastern San Joaquin review order, the End-of-Valley project and general Waiver updates.

Dr. Ken Tate, University of California Davis Cooperative Extension, gave a presentation on explaining an extensive statistical analysis he conducted on the Bridgeport Ranchers Organization (BRO) 2006-17 data.

Emily Fulstone, Seventh Generation Rancher, BRO Member and the primary WQ data collector for the BRO, presented various best management practices, or BMPs, the BRO has implemented since 2006.

Tina Saitone, University of California Davis Cooperative Extension, provided a summary of the BMP implementation costs and ranch practices based on a survey she conducted with the ranchers. Also discussed Nitrogen and pesticide uses.

Steven Fulstone, BRO President, gave an update on the End-of-Valley project since the Board Members last heard about this project at the March 2017 board meeting.

Water Board Staff, Mo Loden, Environmental Scientist, gave an update on the 2017 Waiver Status.

QUESTIONS/COMMENTS BY WATER BOARD

Member Dyas fully supports staff's efforts and direction on this Bridgeport Waiver.

Member Dr. Horne agrees with developing a monitoring plan and agree with staff recommendation to go forward with the Waiver.

Member Mostafavi is in support of staff's preferred approach. Would like to know more about Rancher's responsibility.

Chair Pumphrey indicated he is in support of the preferred approaches provided by Water Board staff. How do we tease out the balance between what we are asking the ranchers to do on their property and what benefit can be achieved? We need to consider the fact that monies are ongoing and asking the ranchers to support this. Looks forward to the final waiver.

6. ***Revised Waste Discharge Requirements for San Bernardino County Solid Waste Management Division, Barstow Class III Landfill, Class II Surface Impoundments, and Septage Sludge Landfarm, San Bernardino County**

Water Board staff, Christina Guerra, Engineering Geologist, asked the Water Board to adopt the revised Waste Discharge Requirements for the continued operation of the Facility, Monitoring, and Construction of the proposed Class III Landfill Expansion, Phase 1B and future phases. The revised Waste Discharge Requirements also include general updates and requirements for the installation of additional groundwater monitoring wells.

Motion: Moved by Member Dyas, seconded by Member Dr. Horne to adopt the revised Waste Discharge Requirements for the continued operation of the Facility, monitoring, and construction of the proposed Class III Landfill expansion, Phase 1B and future phases as presented. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Chair Pumphrey	Aye
Vice-Chair Dr. Horne	Aye
Member Dr. Cox	Absent
Member Dyas	Aye
Member Mostafavi	Aye

11. Water Board Members went into Closed Session at 11:08 a.m., on March 9th, 2022.

ADJOURNMENT

With no further business to come before the Water Board, the meeting adjourned at 11:08 a.m. on March 10, 2022.

REGULAR MEETING: Thursday, March 10, 2022, @ 9:00 a.m.

CALL TO ORDER AND INTRODUCTIONS

Chair Pumphrey called the meeting to order at 9:00 a.m. discussed procedures to adhere to the Governor’s Executive Order during this COVID-19 emergency, the meeting will be video and teleconference only with no in person attendance. Chair Pumphrey introduced Bob Lloyd with AGP Video and asked Mr. Lloyd to give direction to the public that wish to speak.

Chair Pumphrey introduced the Water Board Members, Water Board staff and State Water Board staff.

7. Public Forum

None.

8. Workshop - Draft Basin Plan Amendment for Fecal Bacteria Water Quality Objectives

Water Board staff, Ed Hancock, Environmental Scientist, updated the Water Board about progress with the proposed Basin Plan Amendment, including the October 2021 public CEQA scoping process and February 2022 circulation of the draft Substitute Environmental Document (SED) and proposed amendment language for public comment.

QUESTIONS/COMMENTS BY THE WATER BOARD

Water Board members indicated they look forward to the final Basin Plan in November.

9. 2022 Triennial Review of the Water Quality Control Plan for the Lahontan Region

Water Board staff, Dan Sussman, Sr. Environmental Scientist, hosted a hearing in which he presented a revised staff report, prioritized list of basin planning projects, and proposed resolution. Mr. Sussman asked the Water Board to consider adopting the proposed resolution and list of prioritized basin planning projects.

Motion: Moved by Member Dr. Horne, seconded by Member Dyas to adopt the proposed resolution and list of prioritized basin planning projects as presented. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Chair Pumphrey	Aye
Vice-Chair Dr. Horne	Aye
Member Dr. Cox	Absent
Member Dyas	Aye
Member Mostafavi	Aye

QUESTIONS/COMMENTS BY THE WATER BOARD

Member Dr. Horne indicated she likes the prioritization process. Including the list of high priority projects resulting from it. And Dr. Horne was delighted that such an elegantly simple prioritization process resulted in such a great list. Going forward Dr Horne hopes the Water Board can continue to improve the process.

Chair Pumphrey agrees with Dr. Horne and commends the staff for this approach.

10. Leviathan Mine Update

Water Board staff, Scott Ferguson, Sr. WRC Engineer, discussed Atlantic Richfield Company's Early Final Remedial Action (EFRA) proposal and Atlantic Richfield Company's Focused Feasibility Study (FFS) and Technical Impracticability Evaluation (TIE) for the EFRA. Mr. Ferguson also discussed key issues related to the EFRA, FFS, and TIE that have been identified in two Water Board letters submitted to the United States Environmental Protection Agency, as part of the Comprehensive Environmental Response, Compensation, and Liability Act process for the Leviathan Mine Superfund site.

QUESTIONS/COMMENTS BY WATER BOARD

Member Dyas asked if staff recommendation is to recommend to EPA that the excluded ARARs are incorporated. Mr. Ferguson replied that ultimately, it's EPA's call on what to include what to not include, but that's where we close that gap.

Member Dr. Horne supports all staff recommendations that are applicable or irrelevant in appropriate requirements that the water board proposed investigating should be included in the studies. It seems premature to, have a final solution groundwater in general because much of the information needed to make that decision doesn't exist yet; more studies are needed. Dr. Horne does not like the idea of onsite sludge disposal as it adds more responsibility and risk to the Lahontan staff. Dr. Horne further indicated she feels further investigation and analysis is needed on the waivers. Dr. Horne feels the "No Action Alternatives" should be based on existing conditions and not go back to before the treatment systems were in place.

Member Mostafavi indicated in the spirit of climate change resilience, this risk reduction, and this is specific with regard to permanent grid-based power supply, she recommended that staff look into micro hydro or renewable energy sources generated at point of use to offset risks of having grid-based power supply in light of the forested areas in that surround the area.

Chair Pumphrey feels this is still early in the process and he is concerned with the idea that, a "final solution" must be based on every possible piece of information that we can look for and obtain. Chair Pumphrey further indicated he is concerned about the technical, impracticality waivers, that doesn't allow for the development, even after we come to the end of this process of technology. Chair Pumphrey went on to say the Lahontan Water Board is in a very uncomfortable, at a minimum untenable situation, when you say we are the discharger, and I say to you, we are the regulators of the discharges. Mr. Pumphrey feels this creates a problem and thinks that we need to give some thought to whether or not, we want to be in that position forever or whether or not there are ways to explore either inside this process, or on a broader level, a way to resolve that situation.

Member Dr. Horne agrees with Chair Pumphrey and likes the idea of finding some way to get the Lahontan Water Board out from the responsibility of being the discharger as well as the regulator.

Tom Bloomfield, from Kaplan Kirsch & Rockwell, LLP, replied to Chair Pumphrey and Dr. Horne's above comments regarding the technical and practicability waiver, under the

Superfund program, once the remedy is selected, it is reviewed every five years. Therefore, once we have a waiver in place, we're not stuck with it, forever. Mr. Bloomfield replied to Chair Pumphrey and Dr. Horne's comments regarding the responsibility of The Lahontan Water Board being the discharger as well as the regulator, stating CalEPA is the regulator and the ultimate decision maker on the remedy for this. We're very careful in how we evaluate, these issues and asserting the, the need for meeting the state, ARARs for example, but ultimately, it's CalEPA decision on selecting the remedy.

11. CLOSED SESSION

The Water Board did not go into Closed Session on Thursday, March 10th. The Water Board went into Closed Session, at 11:08 a.m. on Wednesday, March 9, 2022.

ADJOURNMENT

With no further business to come before the Water Board, the meeting adjourned at 11:20 a.m. on March 10, 2022.

Prepared by: _____ Adopted: _____
Katrina Fleshman, Water Board Clerk