



California Regional Water Quality Control Board Lahontan Region



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Gray Davis
Governor

MINUTES

April 11-12, 2001

Tour

Regional Board members, staff and interested parties participated in a tour of the Los Angeles County Sanitation District No. 14 Lancaster Reclamation Plant, Piute Ponds and portions of Rosamond Dry Lake on April, 2001 from 1:30 p.m. to 3:30 p.m.

Regular Meeting

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

Dr. Cooley, Chairperson, called the meeting to order at 7:30 p.m. on April 11, 2001.

BOARD MEMBERS PRESENT

John Brissenden, Hope Valley
Beatrice Cooley, Ph.D., Bishop
Eugene B. Nebeker, Ph.D., Lancaster
Jack Clarke, Apple Valley
Eric Sandel, P.E., Truckee

BOARD MEMBERS ABSENT

None

LEGAL COUNSEL

Steven H. Blum, State Water Resources Control Board

STAFF PRESENT

Harold J. Singer, Executive Officer
Robert S. Dodds, Assistant Executive Officer
Hisam Baqai, Supervising WRCE
Cindi Mitton Chief, Mono/Owens Watersheds
Tim Post, Chief, Antelope Indian Wells

Eugene Rondash, Asso. WRCE
Elizabeth Lafferty, Assoc. Eng. Geologist
Jehiel Cass, WRCE
Ted Saari, Assoc. WRCE
Michele Ochs, Assoc. Eng. Geologist

Mike Plaziak, Chief, Mojave Desert
 Kai, Dunn, WRCE
 Lisa Dernbach, Sr. Specialist Eng. Geologist

Curt Shifrer, P.E., WRCE
 Pamela, Walker, Administrative Officer
 Marietta Christoffersen, Marietta
 Susan-Marie Hagen, Executive Assistant

ADDRESSING THE BOARD

Art Baggett, Chair, State Water Resources Control Board
 Wanda Deal, private citizen
 Daniel Van Holton, Citizens for Piute Wetlands
 Kathleen Cox, Bureau of Land Management
 Donna Davis, California Department of Fish and Game
 John Tancredi, IMC Chemicals
 Arzell Hale, IMC Chemicals
 Rod Jensen, IMC Chemicals
 Dr. Lawrence Leong, Kennedy-Jenks Consulting
 Rita Smith, private citizen
 Ronald Howell, private citizen
 Carl Ames, IMC Chemicals employee
 Charles Fuller, IMC Chemicals employee

Chair Bea Cooley announced Agenda Items 21 and 22 , (Los Angeles County Sanitation District No. 14), scheduled for the Thursday session, April 12, will not be heard by the Board due to the lack of a quorum. These items are tentatively scheduled for the June Board meeting in Bishop, subject to the Board receiving another Board member.

1. PUBLIC FORUM

Mr. Baggett, Chair of the State Water Resources Control Board and the State Board liaison to the Lahontan Regional Board, gave an update on State Board activities and priorities for 2001.

Wanda Deal described the habitat that currently exists at Rosamond Dry Lake. She expressed concern that the proposed Board Order for Los Angeles County Sanitation District No. 14, would negatively impact the large numbers and varieties of birds that use this area as habitat, prohibiting overflow of Piute Pond to Rosamond Dry Lake. Ms. Deal was concerned that the Regional Board was not required to prepare a new CEQA document for the proposed action.

Mr. Singer responded that the draft of the permit that Ms. Deal reviewed has been modified. The permit that staff proposed to bring to the Board on April 12, regarding Items #21 and #22, no longer contains that prohibition. It was modified to be consistent

with the existing waste discharge requirements which do allow stormwater-induced overflow from Piute Ponds to continue to Rosamond Dry Lake.

Mr. Van Holton addressed the Board regarding Item #4, Air Force Plant No, 42. He was asked to wait until that item on the agenda was addressed by the Board.

Rita Smith addressed the Board regarding Items #13-15. She was asked to wait until those items on the agenda were addressed by the Board.

2. **MINUTES**

No minutes were presented to the Board for approval at this time. Minutes will be available at the May Board meeting.

3. **ADOPTION OF UNCONTESTED CALENDAR**

That the following items remained on the Uncontested Calendar:

Item #5, Sawmill Class III Landfill
Item # 6, Spring Valley Lake Association
Item # 7, Ace Cogeneration Company
Item #9, Molycorp, Inc., (as amended)
Item # 11, U.S. Borax, Inc., (as amended)
Item # 12, U.S. Marine Corps (as amended)

Item #4 was removed from the uncontested calendar.

Item #10 was removed from the agenda.

- **Motion:** Moved by Mr. Sandel, seconded by Mr. Clarke **and unanimously carried** to adopt the Uncontested Calendar as proposed, incorporating amendments to Items #9, #11, and #12.

RECISSION OF WASTE DISCHARGE REQUIREMENTS

4. **Air Force Plant No. 42; Wastewater Treatment Plant, Los Angeles County (6-94-51)**

No presentation was made by staff. Mr. Van Holton, representing Citizens for Piute Wetlands, addressed the Board. His organization believes that Edwards Air Force Base should take more responsibility for the problem of Los Angeles County Sanitation District overflows into the Rosamund Dry Lake area since the District is now accepting the wastewater discharged from Plant No. 42. Mr. Van Holton answered questions from the Board.

Motion: Moved by Mr. Sandel, seconded by Dr. Nebeker **and unanimously carried** to adopt Item # 4 as proposed.

REVISED WASTE DISCHARGE REQUIREMENTS

8. Burlington Northern and Santa Fe Railway Company; Fort Irwin Road Land Treatment Facility, San Bernardino County (6-86-94)

The staff presentation was made by Jehiel Cass. He briefed the Board on suggested changes to the proposed revised Board Order. Mr. Cass responded to questions from Board members.

Motion: Moved by Mr. Sandel, seconded by Dr. Nebeker **and unanimously carried** to accept the staff recommendation and adopt Item #8 as amended.

AMENDED WASTE DISCHARGE REQUIREMENTS

13. IMC Chemicals, Inc., and the U.S. Department of Interior, Bureau of Land Management, Searles Dry Lake Operations – Argus Plant, San Bernardino County (6-00-52, A1)

14. IMC Chemicals, Inc., and the U.S. Department of Interior, Bureau of Land Management, Searles Dry Lake Operations – Trona Plant, San Bernardino County (6-00-53, A1)

15. IMC Chemicals, Inc., and the U.S. Department of Interior, Bureau of Land Management, Searles Dry Lake Operations – Westend Plant, San Bernardino County (6-00-54, A1)

Cindi Mitton gave the staff presentation on **Items #13, #14, and #15**, amended waste discharge requirements.

The Board decided to hear the presentations and comments on all four IMC Chemicals, Inc. related items together: Items #13, #14, #15, and #16.

ENFORCEMENT ACTION

16. *Public Hearing* – Consideration of an Amended Cease and Desist Order – IMC Chemical, Inc., and the U.S. Department of Interior, Bureau of Land Management, Trona and Argus Operations, San Bernardino County (6-00-61, A1)

Chair Cooley opened the public hearing and administered the oath.

Cindi Mitton gave the staff presentation

Testimony by Dischargers

Arzell Hale, IMC Chemicals, Inc., (IMCC) addressed the Board and introduced the IMCC team that would be giving testimony supporting the request for an extension of the compliance schedule: John Tancredi; Rod Jensen, and Dr. Lawrence Leong.

The presentation included a brief recap of the 80 year history of solution mining at the Searles Lake site; dredge pond and winter surface lake conditions and the complex chemical make up at the site; progress to date including methods of hazing developed with the assistance of the Department of Fish and Game and used by the spill response team to deter birds and wildlife from approaching the lake; improved machinery and maintenance operations and procedures; more stringent controls over IMCC discharges at Searles Lake with improved detection and analytic techniques; significant progress in identifying and implementing source control, process changes and contaminant removal measures, and increased reduction in hydrocarbon levels in discharge wastes that are now below the interim levels established by the existing waste discharge requirements.

Testimony by Public Agencies

Kathleen Cox, representing the Bureau of Land Management. Ms Cox read a prepared statement from the BLM expressing concurrence with the recommended amended waste discharge requirements and the Cease and Desist Order

Donna Davis, representing the California Department of Fish and Game (DFG, read a letter previously sent to the Board. She summarized by saying DFG was basically in agreement with the proposed extension of the compliance schedule based on the progress that has been made. The concern DFG has is with the Trona facility, and adding 17 months to the previous compliance schedule. Good progress is being made with the combined efforts on bird rescue and on the daily discharges. DGF will remain an integral part of all the work that is occurring, and provide expertise and assistance to help achieve mutual goals. DFG will alert the Board and staff if there are any problems during the ongoing process.

Mr. Singer stated that the Regional Board has asked staff to report to them every other month on the status of compliance for IMC Chemicals. This status report will be included every two months in the Executive Officer's Report and can be made available to DFG prior to Board meetings.

Chair Cooley asked on behalf of the Board that DFG remain closely involved.

Testimony by Other Interested Persons

Rita Smith addressed the Board regarding a number of concerns about the proposed action. Chair Cooley asked Ms. Smith to indicate how her concerns related to the authorities of the Regional Board and to please address comments to the Board that fell within the scope of its authority. On more than one occasion, Chair Cooley requested that Ms. Smith conclude her statements. Ms. Smith presented her information and several photographs of employees and asked that they be included in the record.

Ronald Howell addressed the Board regarding the spills occurring inside the Trona facility. Chair Cooley advised Mr. Howell that any spills occurring within the plant were outside the pervuew of the Board and advised him to contact CAL-OSHA.

Carl Ames addressed the Board. He is an IMC Chemical employee whose job it is to contain, confine and eliminate spills that occur at the plant and he verified that this was being done. He also stated that specialists are currently working with IMCC to address issues prior to a potential system failure.

Charles Fuller addressed the Board. He is an IMC Chemical employee who assists in spill containment and elimination. He reiterated Mr. Ames' comments and invited members of the Board to visit the plants with him so that he could demonstrate how clean up procedures are implemented.

Dischargers Response to Comments

Mr. Jensen pointed out the excellent cooperation and coordination between IMCC, the Regional Board and staff, BLM and DFG staff, and that things have progressed a great deal from the difficulties of the previous year. Much is now being accomplished through these joint efforts.

Board members asked questions regarding the presentations, and staff responded.

Motion :: Moved by Mr. Sandel, seconded by Mr. Clarke **and unanimously carried** to adopt staff's recommendation to amend the waste discharge requirements proposed in Item's #13, #14 and #15.

Motion: Moved by Mr. Brissenden, seconded by Mr. Sandel **and unanimously carried** to adopt Item # 16, an amended Cease and Desist Order as proposed.

Roll call vote: Voting "yes": Mr. Sandel, Dr. Nebeker, Dr. Cooley, Mr. Clarke, Mr. Brissenden. Voting "no": none.

OTHER BUSINESS

17. Adoption of the 2001 Priority List for the Emergency, Abandoned, Recalcitrant (EAR) Account.

Staff presentation by Lisa Dernbach. Staff recommended renominating two sites that were listed on the 2000 list: the Beacon Gas Station in Meyers and the Tahoe Tom's Gas Station in South Lake Tahoe. Lahontan is now actively cleaning up the Beacon site. Clean up responsibilities for Tahoe Tom's have been reassumed by the responsible parties. At the last Board meeting, a request was made by the attorney for Tom Erickson, one of the responsible parties for the Tahoe Tom's Gas Station, that the gas station not be added to this list again as the parties are currently cleaning up the site. Staff believes this action is required, as the responsible parties are currently not in compliance with one provision of the Cleanup and Abatement Order (CAO).

The Attorney General's office has filed a complaint in the El Dorado County Superior Court at the Executive Officer's request, to have the responsible parties comply with the CAO. If this court effort should fail, or if the responsible parties do not have the funding to continue the clean up, the Regional Board may wish to take over clean up activities at this site again.

Ms. Dernbach and Mr. Blum responded to questions from the Board.

Motion: Moved by Dr. Nebeker, seconded by Mr. Sandel **and unanimously carried** to accept staff's recommendation to adopt Item # 17.

18. **Executive Officer's Report**

Mr. Singer highlighted several items from the narrative of his report.

New Federal Regulations for CAFO's

EPA is proposing strict controls to reduce the amount of surface water pollution from large Concentrated Animal Feeding Operations (CAFO's). Within the Lahontan Region, there are a possible 15 dairies, some poultry and possible other CAFO's.

Investigation of Dieldrin in Ground Water at former George Air Force Base

The pesticide dieldrin, widely used from the 1950's through the 1970's, has been detected in ground water at this site since 1994 in concentrations that exceed the California Department of Health Service's Action Level for Toxicity. No source of dieldrin has yet been identified.

Proposed MOU between Lahontan and USFS regarding the Zaca Mine/Colorado Hill mining area in Alpine County

There are a number of abandoned mine sites, including Zaca Mine, that the USFS is assessing prior to anticipated cleanup. The USFS has proposed a MOU to forward a cooperative approach to guide the clean up efforts at this time in lieu of a possible enforcement action. The USFS has decided to declare this area a CERCLA site under its authority as the land manager. This is similar to the process the Department of Defense uses to enact a facility clean up at its facilities. However, at this time, the USFS is not providing the level of commitment (timeframes, funding abilities, agreed dispute resolution processes, and acceptance of the Regional Board's Water Quality Objectives) necessary for Lahontan to accept the MOU.

Regional Board's Remediation Efforts at the Beacon Gas Station in Meyers

The clean up of the ground water at this site may warrant the discontinuation of active groundwater clean up. At the May Board meeting in Tahoe, an item will appear on the agenda dealing with this site so that the Board can give direction to staff on this question of what final level of clean up is appropriate.

Letters Received:

from Nevada Division of Environmental Protection to the California Department of Water Resources- requesting the Department of Water Resources to provide some additional funding for Tahoe Truckee Sanitation Agency (TTSA). Nevada interests are attempting to have TTSA change its treatment process from a ion exchange unit, which uses salt and adds a loading to the Truckee River, to a biological nitrogen removal process that does not use salt. TTSA believes this would be a significant additional expense when it is already meeting state standards. In question is

whether California will fund this proposed TTSA expansion. The Truckee River Operating Agreement (TROA) is related to some of these issues.

from Congressman Doolittle to Administrator Whitman at the US/EPA – requesting the USEPA to de-list Squaw Creek from the 303 (d) list, citing the Solid Waste Agency of Northern Cook County decision (SWANC), as a basis for this request. USEPA has not yet responded, but the Board will be informed at such time.

from Mr. Schaarf, the attorney representing Tahoe Tom's, asking the Board to direct staff to withdraw its complaint – Mr. Singer has referred the non-compliance at this site to the State Attorney General's office which has filed a complaint. Staff's recommendation is that the Board does not discuss the item at this meeting. It is not listed on the closed session agenda because the filing of this item occurred after the agenda had been published, and therefore, discussion in open Board session would be required. This item will appear on the May Board Meeting, Closed Session agenda.

Reports Recently Issued from the State Water Board to the State Legislature (required by the Legislature as part of last year's State Water Board's budget). Mr. Singer will make copies of the Executive Summaries of the reports for the Board

Highlights:

- 1) Proposal for a Comprehensive Ambient Surface Water Monitoring Program. This report identifies monitoring needs and some of the Water Board's initial proposals to increase monitoring efforts in California.
- 2) California's 303 (d) Program which includes 303(d) listings, TMDL's and the results of the SB 982 Committee. This is a committee created at the Legislature's request, consisting of business groups, industry groups, environmental groups, and legislative representatives to assist and give guidance to the State Water Board on the programs mentioned. The committee has made recommendations for improvements to various State Water Board programs. Due to the importance of TMDL's in California and the fact that this program is rapidly growing, Mr. Singer feels that the Board should be aware of its future involvement in this process.
- 3) Report Dealing with Enforcement Issues, specifically the Migden Mandatory Penalties
This is a summary of what was accomplished in the last year. As Lahontan has very few NPDES permits in the region and its NPDES permit dischargers do acceptable work, Lahontan had no violations of NPDES discharges for 2000 that would have resulted in a Migden Penalty. Lahontan is the only region not listed in the report.
- 4) Needs Analysis requested by the Legislature – The needs analysis entailed reviewing the current budget situation and determining what would be necessary for the Regional Board to fully implement its core regulatory programs. This analysis includes only the core regulatory programs: NPDES; Chapter 15, stormwater; and water quality certification. Statewide, there are slightly over

400 positions allocated to these types of activities within the nine regional boards. The report indicated a current need for almost 1700 positions.

Reminder of the upcoming Water Quality Coordinating Committee (WQCC) meeting in Pasadena, April 19-21.

Joint News Release from CAL/EPA and Department of Health Services – establishing a blue ribbon panel to review and analyze the information determining the statewide drinking water standards for Chromium No. 6.

Comments by Board members:

Mr. Sandel: 1) mentioned that he was pleased that on March 28, staff had conducted a public/industry workshop on Tahoe Turfgrass Management and that these standards were also being applied to golf courses outside of the Tahoe Basin. 2) complimented staff on the best Violation Report to date, and the most readable. His suggestion for future reports listed on the yellow sheet for Non-Compliance with Deadlines of Board Orders, is to indicate how late the violations actually are. Also, to explain the abbreviations as to program type, especially the Non-Chapter15 source violations.

19. Reports by Chairman and Board Members

Dr. Cooley asked the Board members for any reports.

Mr. Clarke reported attending a meeting on March 27, in Sacramento. Art Baggett also attended. He expressed admiration for Mr. Baggett's' active involvement in both the State Water Board's and the Regional Board's budget process. Mr. Clarke commented that the program needs and budget requirements are staggering.

20. CLOSED SESSION

The Board members met in closed session on April 11, 2001 from 10:45 p.m. to 11:00 p.m. to discuss Items #20 (d), (e), (f), and (h). The Board reconvened in open session at 11:00 p.m.

There being no further business to come before the Board, the April 11, 2001 meeting adjourned at 11:03 p.m.

Prepared by: _____
Susan-Marie Hagen, Executive Assistant

Adopted: May 10, 2001