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Secretary for  
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Protection

# California Regional Water Quality Control Board Lahontan Region



**Arnold Schwarzenegger**  
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**MINUTES**  
**November 12-13, 2003**

**Tour**

Regional Board members and staff toured the Los Angeles County Sanitation District No. 20, Palmdale Water Reclamation Plant and portions of land owned by Los Angeles Airport where effluent is being land applied and used for irrigation of crops. This tour was part of agenda Item No. 6.

Vice Chair Eric Sandel opened the Board meeting at 1:45 p.m. Board members present: John Brissenden (arrived at 1:52 p.m.), William Betterley, Jack Clarke, Amy Horne, Eugene Nebeker, and Claudette Roberts.

Mr. Sandel opened the hearing for Item No. 6, read the hearing statement and a statement about how the tour would be conducted, and administered the oath.

Chair Eugene Nebeker excused himself from the item.

Mike Plaziak, Senior Engineering Geologist, made presentations in the field irrigation area, the tree watering area and the land disposal area.

The tour concluded and the hearing was continued at 3:17 p.m. to the 7:00 pm. session of the Board meeting.

**Regular Meeting**

Lahontan Regional Water Quality Control Board  
Palmdale Water District  
2029 East Avenue Q  
Palmdale, CA

Chair Eugene Nebeker called the meeting to order at 7:00 p.m.

**BOARD MEMBERS PRESENT**

William Betterley, Hesperia  
John Brissenden, Hope Valley  
Jack Clarke, Apple Valley  
Amy Horne, Ph.D., Truckee  
Eugene Nebeker, Ph.D., Lancaster  
Claudette Roberts, Palmdale  
Eric Sandel, Truckee

**BOARD MEMBERS ABSENT**

None

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**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  
Mike Plaziak, Senior Engineering Geologist, Mojave Unit  
Cindi Mitton, Senior WRCE, Kern County/Mono/Owens Watershed  
Jehiel Cass, WRCE, Mojave Unit  
Ted Saari, WRCE, Mojave Unit  
Eugene Rondash, WRCE, Kern County/Mono Owens Watershed  
Pamela Walker, Administrative Officer  
Marietta Christoffersen, Office Technician

**ADDRESSING THE BOARD**

Paul Davis, El Mirage private citizen  
Kathleen Burr, Los Angeles County Farm Bureau  
Steve Maguin, Los Angeles County Sanitation District (LACSD) No. 20  
Marta Williamson, Old Town Homeowners Group, Inc.  
Melanie Bostic, Lancaster East Side Property and Homeowners Association  
Eugene Nebeker, private citizen  
Joseph Yore, Palmdale private citizen  
Ginger Stout, Antelope Acres Town Council  
Marlene Griffin, Lancaster East Side Property and Homeowners Association  
Donald Mischka, Lancaster East Side Property and Homeowners Association

**1. PUBLIC FORUM**

Paul Davis, El Mirage private citizen, discussed the community's concern over water quality in the area. He pointed out that one dairy has high levels of nitrates and total dissolved solids (TDS) and as a result, this particular dairy is not in compliance with the 2000 tiering system.

Hisam Baqai, Supervising WRCE, informed the Regional Board that staff is working with the dairy (and keeping Mr. Davis informed) to ensure that additional groundwater monitoring wells are installed and that a well-organized method of wash water disposal and manure disposal is established.

John Brissenden requested that this item be included in next month's Executive Officer's Report.

Joseph Yore, Palmdale private citizen discussed the health hazards of using wastewater for irrigating fields.

Dr. Nebeker excused himself from the remainder of this item and turned the meeting over to Vice Chair Eric Sandel.



Donald Mischka, Lancaster East Side Property and Homeowners Association, expressed concern over the impacts associated with using secondary treated water for irrigation if the property for the proposed Lancaster Waste Reclamation Plant is acquired.

Marlene Griffin, Lancaster East Side Property and Homeowners Association, felt that other alternatives for disposal of secondary treated wastewater were available. She pointed to the groundwater contamination around the Palmdale Airport where secondary treated wastewater is being used and noted that with many abandoned shallow wells on the east side of Lancaster, groundwater contamination would likely occur there also.

Melanie Bostic, Lancaster East Side Property and Homeowners Association, stated her concerns over the proposed disposal of sludge on a floodplain and the resulting effect on water quality. She also discussed waste transfers from San Diego to Lancaster and Palmdale landfills.

Ginger Stout, Antelope Acres Town Council, stated her opposition to the use of effluent and encouraged the Board to take a long-term approach, to err on the side of caution and avoid well contamination.

Marta Williamson, Old Town Homeowners Group, Inc., asked the Board to consider the long-term health effects of the proposed reclamation plant.

Harold Singer informed the Board that this item is in the Executive Officer's Report (item 10). Discussion about why the project was proposed ensued while persons concerned about the issue were in the audience, as noted below.

The Los Angeles County Sanitation District No. 14 wastewater plant produces significant amounts of effluent, some of which is used by Nebeker Ranch for summer irrigation. Wastewater that cannot be used for irrigation is discharged to Piute Ponds in the Amargosa Creek Watershed. During winter, when there is insufficient evaporation, water overflows to Rosamond Dry Lake Bed, and that affects operations at Edwards Air Force Base.

When the Board amended the Wastewater Discharge Requirements (WDRs), the District was required to eliminate by 2005 a threatened nuisance condition that exists when the ponds overflow. In response, the District developed a "draft" Facilities Plan and a "draft" Environment Impact Plan (EIR), referred to as the 2020 plan (what the District intends to do with wastewater at the rates generated out through 2020). The plan has three basic components; 1) increase capacity of the wastewater plant, 2) acquire land and construct storage ponds to hold flows during the winter when there is insufficient land available for irrigation, 3) purchase up to 1800 acres for ponds and agricultural irrigation with wastewater.

The District held a public hearing October 29, 2003 on the "draft" Facilities Plan and the "draft" EIR with over 150 persons in attendance, including one Regional Board member. The Assistant General Manager and staff represented the District. The major issues raised were the same as raised in the Public Forum; 1) groundwater contamination as a result of disposal of wastewater for agricultural needs, 2) loss of homes, 3) air-borne viruses as a result of spraying wastewater on land.



Since state law prohibits the Board from telling the District how to comply with the amended WDRs, the District has the responsibility of finalizing a Facilities Plan and EIR by the spring of 2004. The next step would be for the District to submit an application to the Regional Board so that performance standards (WDRs) for the waste disposal operation could be established. This issue will probably come before the Board in late 2004 or early 2005.

2. **MINUTES**

- **Motion:** Moved by John Brissenden, seconded by Jack Clarke and **unanimously carried** to adopt the September minutes as proposed.

3. **ADOPTION OF UNCONTESTED CALENDAR**

Items No. 4 and 7 were postponed to a future meeting.

**ENFORCEMENT ACTIONS**

6. ***Public Hearing – Consideration of a Cleanup and Abatement Order Requiring Los Angeles County Sanitation District No. 20 and the City of Los Angeles World Airports Palmdale Water Reclamation Plant to Clean Up and Abate Waste Discharges of Nitrate to the Ground Waters of the Antelope Hydrologic Unit***

Dr. Nebeker excused himself from this item.

Vice Chair Eric Sandel continued the public hearing that was opened during the tour of the Los Angeles County Sanitation District No. 20 and administered the oath.

Ted Saari, WRCE, gave the staff presentation and discussed the following:

- Background on the discharge of waste to the waters of the state
- Problem created by the discharge
- Relevant waste discharge requirements
- Violations of the requirements
- Solution in the Proposed Order
- Recommendation for Regional Board action

Steve Maguin, Assistant Chief Engineer, LACSD No. 20, thanked Mr. Singer and staff for their assistance in coming to an agreement on how to best move forward from this point. In addition, he thanked staff for the ongoing investigation that will determine past and present nitrogen users in the area, and to then require participation in cleanup efforts. He discussed the District's transition to less landspreading and more agricultural reuse of effluent and related that the facility planning process and associated environmental analyses necessary for a large-scale change in treatment technology has begun.

Mr. Maguin answered questions from Board members.

A letter from the Palmdale Water District was noted for the record.

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Marta Williamson, Old Town Homeowners Group, Inc., felt that it was unreasonable for the proposed Cleanup and Abatement Order to include the wording "reasonable to the discharger" since they caused the contamination and that the 2005 schedule is too late since the plume spreads each time a well pumps. She discussed health risks associated with the agricultural use of effluent.

Melanie Bostic, Lancaster East Side Property and Homeowners Association, stated her opposition to the use of sludge for agricultural purposes.

Kathleen Burr, Executive Director, Los Angeles County Farm Bureau, discussed today's farming practices and how unlikely it is that these practices contribute to groundwater contamination.

Philip Giva, Philip Giva Farms, stated that prior to adding nitrogen to a crop, farmers determine how much nitrogen a crop needs, take soil samples to determine nitrogen content, and then add only what is necessary to grow the crop.

Eugene Nebeker, Nebeker Ranch, thanked the Regional Board and LACSD for the tour and hoped the community understands that reclaimed water can be used safely.

Mr. Sandel closed the public hearing and Board member discussion followed.

- **Motion:** Moved by Jack Clarke, seconded by William Betterley and **unanimously carried** to adopt the Cleanup and Abatement Order as amended.

The amendments are as follows:

**ORDERS:** **Section 1.2.3** to read, "The Discharger must achieve plume containment by September 30, 2005."

**Reports:** **Section 3.1** to include how the proposed activities will be funded.  
**Section 3.2** monitoring reports will be quarterly, beginning January 15, 2004.

Mr. Singer will provide the Board with information regarding which agency has the responsibility to improve sewer hook-ups.

The evening session of the Board meeting adjourned at 9:30 p.m.

**Regular Meeting, Continued**  
**8:30 a.m., November 13, 2003**

Chair Eugene Nebeker called the meeting to order at 7:00 p.m. Board members present: William Betterley, John Brissenden, Jack Clarke, Amy Horne, Claudette Roberts and Eric Sandel.

**8. Executive Officer's Report**

Mr. Singer highlighted the following items from the November written report:

**Item No 1 – Municipal NPDES Permit Update**

Tetra Tech, hired by the State to evaluate the NPDES Permit, noted deficiencies. Entities in the Tahoe Basin are working closely with TRPA to come up with an environmental improvement

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program that focuses on a stormwater pollution plan that would become part of the permit. There is a \$900,000,000 commitment to stormwater BMPs in the Tahoe Basin, however there is no funding source for the local commitment portion. Regional Board staff plans to work with the municipalities so that when the permit update is ready in 2005, these issues will have been resolved.

Item No. 2 – Fall Inspections and October 15 Grading Deadline Variances

Most projects have shut down for the winter and many have been inspected. Unless an emergency exists, variances will not be granted.

Item No. 3 – Status Report on USFS CERCLA Removal Action at Colorado Hill Mining Area, Alpine County

The Forest Service owns about 90% of the area where historic mining occurred, west of Leviathan Mine, in the Markleeville area. The Forest Service has implemented CERCLA statutes and regulations and the Regional Board has drafted an MOU to formalize a working relationship. Working with the state cooperatively will increase funding opportunities.

Item No. 5 – Caltrans Progress in Meeting 2008 Tahoe Basin Retrofit Requirements

Although Caltrans committed to addressing stormwater in the Tahoe Basin by implementing BMPs, the Caltrans Statewide Stormwater Program does not allow for special considerations in the Tahoe Basin. The Regional Board may ask Caltrans to renew its commitment to implement BMPs in the Tahoe Basin. Project design costs and funding for Caltrans were discussed.

Item No. 7 – Status of Wetland Restoration Efforts in Mono County

The Regional Board has been working with Mono County on ways to track the loss of wetlands through small projects (subdivided residential areas) and a large-scale mitigation plan more effective than project-by-project efforts. Mono County committed to doing this work three to four years ago and although the County has actively tried to secure grants and there have been delays in contract awards, mitigation results are the goal for the next annual status report.

Item No. 9 – Mojave River/El Mirage Dairy Issues

There are five dairies under WDRs. The Regional Board is taking a two-pronged approach; 1) is there groundwater contamination associated with historic activities at these dairies, and 2) make sure dairy operations are modified such that future operations will not contribute to groundwater problems.

Discussion followed about the possibility of a new dairy in the area.

Item No 11- IMC Chemicals, Inc.

There is a sale pending.

Other items:

Mr. Singer answered questions about the costs associated with regulating LACSD No 14 and 20. Dr. Nebeker left the dais during the discussion.

Since the January meeting was canceled and the Board would not be meeting in the south again until February, Mr. Singer recommended that a subcommittee be formed to meet in the Palmdale area monthly regarding the status of LACSD. The Vice Chair appointed William Betterley, Jack Clarke (Chair), and Claudette Roberts as committee members. Dr. Nebeker returned to the dais.



The budget layoff plan was approved by the Department of Finance. All obligations under the layoff plan have been met without any official layoffs at the State and Regional Boards. The reduction of staff through attrition has resulted in funding source reductions in the UST Program and Leviathan Mine Unit.

Some stakeholders have indicated that environmental regulations in the Tahoe Basin are impeding forest thinning activities, with TRPA's regulations being more stringent than the Regional Board's. The Regional Board's Basin Plan allows exemptions to certain prohibitions while the TRPA ordinances do not. In the next few months Regional Board staff will meet with staff from TRPA, U.S. Forest Service, and the local Fire Districts. If TRPA modified its ordinances to allow similar exemptions, Regional Board staff believes that the concerns could be addressed.

Board discussion followed.

The Quarterly Violations Report was discussed.

**9. Reports by Chair and Board Members**

Mr. Brissenden reported that the OHV Commission is inventorying off-road routes. Mr. Betterley reported the BLM is inventorying and/or designating off-road routes. Dr. Nebeker discussed several magazine articles related to timber issues.

**10. CLOSED SESSION**

Board members met in closed session on November 13, 2003 from 9:45 a.m. to 10:29 a.m. to discuss items b, e, l, m, and n. Authority: Government Code Section 11126(e)(2)(B)(c)(I).

The Board reconvened in open session at 10:29 a.m. With no further business to come before the Board, the meeting adjourned at 10:30 a.m.

Prepared by: \_\_\_\_\_ Adopted: February 10, 2004  
Pam Walker, Administrative Officer

