



Terry Tamminen
Secretary for
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California Regional Water Quality Control Board Lahontan Region



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MINUTES

April 14-15, 2004

Regular Meeting

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

Chair Eric Sandel called the meeting to order at 2:04 p.m.

1. CLOSED SESSION

Board members met in closed session on April 14, 2004 from 2:05 p.m. to 4:05 p.m. to discuss items e, f, h, i, j, l, m, n, p, q and s. Authority: Government Code Section 11126(e)(2)(B)(c)(I)

The Board reconvened in open session at 4:06 p.m. and the afternoon session of the meeting adjourned.

Chair Eric Sandel 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
Eric Sandel, 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
Lauri Kemper, Supervising WRCE, Northern Lahontan Watersheds Division
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
Carrie Granados, Office Technician

California Environmental Protection Agency

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Pamela Walker, Administrative Officer

ADDRESSING THE BOARD

Barbara Fersick, Eastside Homeowner's
Melanie Bostick, Old Town Homeowner's Group
Unidentified citizen, Old Town Homeowner's Group, Inc.
Joseph Yore, private citizen
Kathleen Burr, Los Angeles County Farm Bureau
Sheri Felder, Felder Ranch
Julie Kyle, Kyle & Kyle Ranches
Katie Kyle, Kyle & Kyle Ranches
Lt. Bradley Van Slike, Marine Mountain Warfare Training Center
Raymond Cazis, Lancaster Baptist School
Steve Maguin, Los Angeles County Sanitation District (District)
Raymond Tremblay, District
Gary Brown, Los Angeles World Airports
Kirby Brill, Mojave Water Agency

2. PUBLIC FORUM

Lt. Bradley Van Slike, representing the Marine Mountain Warfare Training Center in Bridgeport, read a statement indicating that the U.S. Marine Corp was prepared to take all actions needed to address a Notice of Violation dated April 1, 2004.

3. MINUTES

- **Motion:** Moved by Jack Clarke, seconded by William Betterley and **carried** to adopt the February 10-11, 2004 and minutes as amended.

Eugene Nebeker abstained from voting.

4. ADOPTION OF UNCONTESTED CALENDAR

- **Motion:** Moved by Amy Horne, seconded by Jack Clarke and **unanimously carried** to adopt the Uncontested Calendar as proposed.

Mr. Singer advised the Board of a written comment on Item 8 and that it should not have been on the Uncontested Calendar.

- **Motion:** Moved by Jack Clarke, seconded by Amy Horne and **unanimously carried** to rescind the vote on Item 8.

AMENDED WASTE DISCHARGE REQUIREMENTS

6. Los Angeles County Sanitation District No. 20 and the City of Los Angeles World Airports; Palmdale Water Reclamation Plant

Dr. Nebeker recused himself from Items 6 and 9.



Jehiel Cass, WRCE, made the staff presentation and discussed the following:

- Reasons for Amending the Waste Discharge Requirements (WDRs)
- Modifications to Current Requirements
- Modifications to Current Monitoring and Reporting Program

Mr. Cass concluded by recommending adoption of the Order as proposed.

Steve Maguin, District, discussed the operational improvements that will occur with the addition of Section 15 for agricultural reuse at agronomic rates.

Board members asked questions of Mr. Maguin and Mr. Tremblay.

Harold Singer responded to comments made by Mr. Maguin and Board member questions.

Board members asked that Item 9 (part 1 - Palmdale Water Reclamation Plant) be presented prior to making a decision on Item 6.

OTHER BUSINESS

9. Report on the: 1) Status of Compliance by Los Angeles County Sanitation District No. 20 Palmdale Water Reclamation Plant and the City of Los Angeles World Airports with Clean Up and Abatement Order No. R6V-2003-056 Addressing Waste Discharges of Nitrate to the Ground Waters of the Antelope Hydrologic Unit; and 2) Status of Compliance of the Los Angeles County Sanitation District No. 14 Lancaster Water Reclamation Plant with Waste Discharge Requirements Order No. R6V-2002-053

Jehiel Cass, WRCE, made the staff presentation regarding the Palmdale Water Reclamation Plant as follows:

- Reviewed Task List
- Estimated Flow from New Connections
- Reviewed Delineation Work Plan Status
- Discussed Abatement Plan
- Monitoring and Reporting Program

Mr. Cass noted that future Regional Board staff tasks include reviewing various reports, monitoring field investigation progress and monitoring agricultural and wastewater treatment plant improvements.

Questions from Board members to staff and Mr. Maguin followed.

Gary Brown, Los Angeles World Airports, stated the City's support of the clean up and abatement order and its commitment to working with the District to expedite whatever is necessary so that clean up is in accord with the schedule. Mr. Brown answered questions about the District's lease with Los Angeles World Airports.



Mr. Maguin reviewed the processes involved in completing the final Containment Plan due September 15, 2004.

Mr. Tremblay and Mr. Maguin answered Board member questions about when wells will be drilled and where they will be located.

Barbara Fersick, Eastside Homeowner's, read a letter that outlined reasons for distrusting the District. She recommended that a citizen's oversight group be formed that would have access to data.

Mr. Singer pointed out that all data the District submits pursuant to Regional Board requests is public information and could be provided to a citizens group.

Raymond Cazis, Lancaster Baptist School, discussed his concerns about air borne toxins as a result of sprinkle irrigation and the effect it would have on children. He asked the Board to take a cautious approach in view of the contamination that has already occurred.

An unidentified private citizen, Old Town Homeowner's Group, Inc. objected to sprinkle irrigation because of air and water contamination. She asked the Board to stop sewer connections.

Melanie Bostick, Old Town Homeowner's Group, stated that since the quality of water is inexorably linked to quality of life, it must be protected. She asked the Board to take their responsibility to protect water quality seriously.

Kathleen Burr, Los Angeles County Farm Bureau, asked what contingencies were in place for the Palmdale area if the lease with Los Angeles World Airports is not renewed in 2012.

Mr. Singer explained that the draft permit requires the District to submit a report by April 2005 regarding contingencies if the lease is not renewed and how long implementation of the alternatives would take.

Julie Kyle, Kyle & Kyle Ranches, expressed her surprise that land spreading and sprinkle irrigation would not only continue but expand in view of the existing groundwater contamination problem.

Mr. Singer noted that the expanded wastewater reuse operation would decrease the amount of water the District presently land spreads. Application of wastewater at agronomic rates and monitoring requirements will assure the Board that most of the nitrogen applied does not reach ground water but is taken up by the crops.

Mr. Maguin related that chlorinated effluent has been applied since March 31, 2004 and responded to Board member questions.

Hisam Baqai, Supervising WRCE, and Mr. Cass responded to Board member questions as to whether a study of the relationship between wind speed and aerosol movement would be conducted and if a study to identify aerosol particles would be done.



Mr. Cass pointed out what the revised monitoring and reporting program issued in February required.

Mr. Sandel closed the public hearing on Item 6 and Board discussion followed.

- **Motion**: Moved by William Betterley, seconded by Amy Horne and **carried** to adopt the Amended Waste Discharge Requirements as amended.

Opposed: John Brissenden

Discussion followed among Board members and Mr. Singer regarding the Board's authority to impose sewer connections.

9. Report on the: 1) Status of Compliance by Los Angeles County Sanitation District No. 20 Palmdale Water Reclamation Plant and the City of Los Angeles World Airports with Clean Up and Abatement Order No. R6V-2003-056 addressing Waste Discharges of Nitrate to the Ground Waters of the Antelope Hydrologic Unit; and 2) Status of Compliance of the Los Angeles County Sanitation District No. 14 Lancaster Water Reclamation Plant with Waste Discharge Requirements Order No. R6V-2002-053

Discussion of Item 9 continued.

Mr. Cass presented information regarding the Lancaster discharge noting that the District is installing wells, the final EIR for the proposed long-range project should be released shortly and Regional Board staff will conduct an annual compliance inspection of the Lancaster facility within the next few months.

Mr. Maguin updated the Board on the status of the EIR and he related the recommendations it contained and that it would be presented to the District's Board very shortly after it is released.

Norm Hinkling, Office of Supervisor Antonovich, discussed why it would be beneficial to have a stakeholders meeting before the final EIR is printed and disseminated.

Katie Kyle, Kyle & Kyle Ranches, outlined her concern over the use of sprinkle irrigation and that Lancaster's water would be as contaminated as the water in Palmdale.

Julie Kyle felt that the District had not considered other options before making a decision.

Sherry Felder expressed concern that her well might be affected, which would affect her property value.

Melanie Bostick asked the Board to protect water quality so that Lancaster would not be ruined like Palmdale.

Barbara Fersick reiterated her concerns by re-reading a letter related to Item 6.



Kathleen Burr read a letter that outlined some recommendations the Farm Bureau offered to the District, as well as concerns. She asked the Board to set the highest possible water standards for both District 14 and 20.

An unidentified citizen asked the Board to prohibit sewer connections until a real solution to the problem is found.

The evening session of the Board meeting adjourned at 10:55 p.m.

Regular Meeting, Continued
8:30 a.m., April 15, 2004

Chair Eric Sandel called the meeting to order at 8:30 a.m. Board members present: William Betterley, John Brissenden, Jack Clarke, Amy Horne and Eugene Nebeker

8. Resolution Authorizing the Expenditure of Funds from the Fleur Du Lac Water Quality Mitigation Fund

Lauri Kemper, Supervising WRCE, discussed a comment letter from the Tahoe Lakefront Owners' Association that objected to funding being used for tasks and studies associated with the Lake Tahoe TMDL because the fund was established for water quality mitigation projects in the Tahoe Basin. The Association pointed out that funds expended to date have included a few projects and a lot of studies, yet according to the TRPA Environmental Improvement Program (EIP) for the Shorezone; tens of thousands of dollars for water quality mitigation projects in the Tahoe Basin could be implemented. The Board was asked to postpone this item until the May Board meeting so that potential project funding alternatives from the EIP could be presented.

Ms. Kemper reviewed a list of projects and studies funded (including marina dredging and using effective BMPs to reduce water quality impacts) from the Fleur Du Lac Water Quality Mitigation Fund. Ms. Kemper pointed out that as a result of that study all the marinas agreed to the same set of BMPs now used throughout the Tahoe Basin for dredging. She also noted that the water quality section of the EIP did not contain any direct shorezone projects but there are stream environment zone improvement projects listed, however these are multi-million dollar projects and TRPA is relying on the California Tahoe Conservancy to fund these complicated projects that involve private and public partnerships.

Ms. Kemper concluded by noting that the Board could adopt the Resolution as proposed, postpone the item until the May Board meeting, or amend the Resolution to approve half the money for the TMDL planning studies since funding and fund matching are at stake.

- **Motion:** Moved by John Brissenden, seconded by Eugene Nebeker and **unanimously carried** to adopt the Resolution to authorize the expenditure of \$81,500 and postpone discussion of the remaining balance to the May meeting.

2. PUBLIC FORUM

Joseph Yore, private citizen, expressed his concerns over land spreading wastewater.



Melanie Bostick asked the Board to keep the quality of the water.

10. Resolution Authorizing the Executive Officer to sign a Memorandum of Understanding (MOU) with the Mojave Water Agency and the High Desert Power Project (HDPP) Regarding the Expenditure of \$500,000 from HDPP to Fund a Water Quality Model to Address Salt (TDS) Buildup in the Mojave River Basin Groundwater

Hisam Baqai, Supervising Engineer, pointed out that the scope of work would be a first step toward a comprehensive salinity model necessary for the southern part of the region.

Kirby Brill, Mojave Water Agency, stated that his Board had already approved the MOU. He informed the Board that a scope of work had been worked out; they are working with a consultant and will move forward once they have approval from the Regional Board and monies from HDPP.

Mr. Brill answered questions from Board members.

Board member and staff discussion followed.

Marta Williams, Old Town Homeowner's Group, asked if the water agency would deal with models or physical things.

Mr. Brill discussed the phased approach that would be used, pointing out that existing data from other sources would be collected, then modeling which would identify data gaps, and then fill those gaps with additional collection.

- **Motion:** Moved by Jack Clarke, seconded by William Betterley and **unanimously carried** to adopt the Resolution as amended authorizing the Executive Officer to sign with corrections as needed.

11. Executive Officer's Report

Mr. Singer presented Superior Accomplishment Awards to Lauri Kemper and Pam Walker and discussed the following:

- The agenda announcement included the Violations Report in the Executive Officer's Report in error. The report will be in next month's report.
- Item No.1 – Squaw Valley Ski Corporation – Parking lot BMPs were to be completed in October 2003. A plan was completed, however Placer County was unable to develop a CEQA document in support of the project. The project has been modified but is still not through the environmental process and as a result, an extension is warranted since some of the delays were beyond their control. A schedule for implementation of the plan is due within the next few days and the completion date does need to be amended to late summer 2004.
- Item No. 5 – Meyers Beacon – As with most remediation efforts, there is still some residual MTBE in the soil and ground water, although closure should take place late in 2004. With three or four other leaking sites within the same vicinity, South Tahoe Public Utility District is installing a well head treatment system at a down gradient well since residual from all of these sites will eventually reach the well and that would be inconsistent with their non-detect



- policy. Funding will come from the District's lawsuit against producers and distributors of MTBE.
- Item No. 6 – Status of Truckee River TMDL Project - Under the Federal Clean Water Act, the state is required to list surface water bodies that are impaired. The State of California listed sites on the 303d list many years ago. Since there were no criteria established, the general Clean Water Act definition was used. The result was that water bodies were listed with very little quantitative information. The development of the Truckee River TMDL was established as a collaborative process by hiring an outside facilitator and setting up a stakeholders group, who asked the question, “What is the impairment based on?” Although sediment was a problem in the Truckee River and water treatment plants had been shut down, Board staff does not believe this information justifies the impaired status. The State Board is in the process of developing specific numeric and narrative criteria. The EPA takes the position that once a water body is listed it must be positively demonstrated that it is not impaired to de-list it. Because the Regional Board lacks the data to say that water quality objectives are being met, a one to two-year bioassessment program will establish whether or not it is impaired.
 - Item No. 7 – Proposed Rush Creek/Silver Lake Modification – Lauri Kemper pointed out that since the 1997 flood and high runoff years, sediment has been deposited at the channel of Rush Creek beginning at its confluence with Silver Lake, making boat access up the channel difficult.
 - Item No. 13 – Molycorp Cleanup and Abatement Order Compliance Status Update – The first phase of investigatory wells will be installed on BLM property. Since the second phase of wells will be on property owned by the BLM and Park Service, they are jointly evaluating the proposal. Well location information will be available within the next three to four months and Board staff plan to insure that approval processes are in place. The major disposal site has been at capacity for a few years. The project to construct new disposal ponds is undergoing CEQA review by San Bernardino County and the Planning Commission will be holding a hearing in late April. Board staff will attend the meeting and provide comments on water quality issues.
 - IMC Chemicals Inc., (IMCC) – The Board adopted an ACL approximately two years ago relative to violations that occurred. One of the components of the penalty was a \$250,000 supplemental environmental project partnered with the Department of Fish & Game that would provide habitat and resting area for birds at Harper Lake. The ACL required that Fish & Game take the first draw from the escrow account to start implementing the project (permits in place, environmental review completed) by April 13, 2004. However, for various reasons, it was determined this project was not feasible at Harper Lake. The decision to abandon the project was made a few months ago and there is new project on the table. IMCC has proposed an alternate project in the Owens Lake area that would accomplish the same kind of mitigation. Fish & Game is looking at two other potential mitigation areas. Although the ACL specified that if a draw on the escrow account did not take place by the required date the money would be deposited in the Cleanup and Abatement, it also allows the Executive Officer to extend the date for good reason. I have given Fish & Game and IMCC 60 days to submit a revised project proposal and two weeks thereafter to submit a schedule for project implementation. The environmental process and permitting would take an additional year and another year to implement the project. If the project we receive has a tenuous implementation schedule and has issues that do not appear easily resolved, an extension would not necessarily be granted unless they could justify it and complete the project in a short period of time.



- News articles regarding the use of volunteer labor for grant projects
- Fish & Game is undergoing cutbacks. A major concern is the operation of the Hot Creek Hatchery. The Hot Creek Foundation was established and is raising significant funds. If they reach some agreement with Fish & Game as to managing the hatchery and what their role may be, significant changes in ideas as to the operation of the hatchery may follow.

12. Reports by Chair and Board Members

Mr. Sandel arranged for the Town of Truckee to provide web site space for Truckee area monitoring data.

Mr. Singer noted that Lauri Kemper has an April 28, 2004 meeting scheduled with the Town and Placer County and as a result of the process; the Town of Truckee would become the repository for all the data collected in the Truckee River area, available to the public on the web site.

Mr. Brissenden asked if there was any interface between Board staff and the Forest Service in terms of inventorying both legal and illegal roads so that the erosion problems can be addressed throughout the region.

Mr. Singer noted that funds are unavailable, however Board staff is looking at it as it relates to the Indian Creek Reservoir TMDL. Staff could provide a report on the implementation status of the TMDL because it is a non-point source issue and one of the components relates specifically to the roads in question. To look at a broader area, resources would have to be reallocated.

Lauri Kemper noted next month's Executive Officer's Report will have a write-up on this issue.

Mr. Singer related that one of the components of the non-point source program is self-directed compliance. He noted that the Forest Service has a Management Agency Agreement (MAA) with the State of California to implement various management measures available to address forest/dirt roads and that this agreement obligates them to do this work. He reiterated that non-point source resources could be used so that there is more oversight in that area. Mr. Singer plans to mail a copy of the agreement to all Board members.

Mr. Brissenden asked for the Board's support of the Sierra/Cascade Conservancy bill coming before the legislature, with either a letter from the Executive Officer supporting the funding source, a letter from the Regional Board members, or the Board could express their support and the Executive Officer could write a letter stating their support of the bill.

Mr. Sandel planned to check with State Board at the WQCC meeting next week and see if any policy issues should be considered before making a decision.

Jack Clarke noted that a May Subcommittee Meeting would likely be scheduled.

Mr. Singer related that the PG&E item is still on schedule for the June Board meeting and the May meeting would be as scheduled for Truckee.



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

Prepared by: _____ Adopted: September 9, 2004
Pam Walker, Administrative Officer

