

Lahontan Regional Water Quality Control Board

MINUTES

September 14-15, 2016

Regular Meeting

Mojave Water Agency
13846 Conference Center Drive
Apple Valley, CA 92307

Board Members Participating

Amy Horne, Ph.D., Chair, Truckee
Peter C. Pumphrey, Vice Chair, Bishop
Kimberly Cox, Helendale
Keith Dyas, Rosamond
Don Jardine, Markleeville

Board Members Absent

Eric Sandel, Truckee

Legal Counsel

Kimberly Niemeyer, Office of Chief Counsel, State Water Resources Control Board

Regional Board Staff Participating

Patty Z. Kouyoumdjian, Executive Officer	Brianna St.Pierre, Engineering Geologist
Lauri Kemper, Assistant Executive Officer	Patrice Copeland, Sr. Engineering Geologist
Scott Ferguson, Sup Engineering Geologist	Jan Zimmerman, Engineering Geologist
Amber Wilke, Acting Clerk of the Board	Darryl Kambitsch, Office Technician
Mike Coony, WRCE	Jehiel Cass, Sr. WRCE
Cathe Pool, Sr. WRCE	Rebecca Phillips, SSA

REGULAR MEETING: September 14, June 8, 2016- 7:30 p.m.

To view the full Agenda and listen to the audio of this meeting [CLICK HERE](#)

INTRODUCTIONS

Chair Dr. Horne called the meeting to order at 7:30 p.m. on September 14, 2016. There were no members of the public in the audience which resulted in dismissal of introductions in the Chair's opening statement.

1. **PUBLIC FORUM**

None.

AMY L. HORNE, PhD, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

2. Minutes

- **Motion:** Moved by Mr. Dyas, seconded by Mr. Pumphrey, to approve the June 2016 Minutes as presented. The motion **carried** per the following votes:

Ms. Cox	aye
Mr. Jardine	aye
Dr. Horne	abstained from voting due to her absence in June
Mr. Dyas	aye
Mr. Pumphrey	aye

Click here to view adopted [June 2016 Meeting Minutes](#)

3. Adoption of Uncontested Calendar

None.

REPORTS

4. **Reports by Water Board Chair and Board Members**

Moved the item to Thursday, September 15, 2016.

5. **Executive Officer's Report**

Ms. Kouyoumdjian gave updates on:

- Staffing hires and transitions;
- Enactment of the FY 2016-17 Budget Act and trailer bill;
- Toxic algae outbreak in Silverwood Lake;
- Governor's Tree Mortality Task Force meeting in South Lake Tahoe;
- President Obama's attendance at the Lake Tahoe Summit on August 31st;
- Wildfires in our region, including the Blue Cut fire in San Bernardino County;
- Climate Change survey preliminary results and future report at November Board meeting;
- Management meetings with USEPA and Nevada Department of Environmental Protection;
- New building for the Victorville Lahontan South office;
- Pedersen Ranch Mitigation Bank opened on October 7; and
- Presentation to Rebeca Phillips of the Sustained Superior Accomplishment Award.

Board Comments:

- Ms. Cox commented that she was excited to see the new Victorville Office. Dr. Horne stated the new building is overdue and requested a tour. Dr. Horne also asked for clarification regarding the Barstow cleanup update (Bates 5-12). Ms. Kouyoumdjian indicated the nitrate pollution was being addressed through a Cleanup and Abatement Order with the City of Barstow. She also reported that the Water Board received a \$2.6 million grant from the State Board to address the perchlorate ground water pollution. Ms. Kouyoumdjian also let the Board members know that Ms. Kemper and staff were meeting with the Barstow City Manager and staff the following week to discuss source

reduction and cleanup of the plume. Staff has been encouraging the City, at a minimum, to deal with the hot spots.

- Dr. Horne also asked for an update regarding the Palmdale groundwater cleanup (Bates 5-18) and the Cease and Desist Order that was given as a temporary solution while they built the treatment plant. Dr. Horne stated that it appeared cleanup was not a high priority. Dr. Horne requested that staff report back to the Water Board on pollution hot spots, plume reduction and provide maps of the area. Ms. Kouyoumdjian committed to preparing an item in the November Executive Officer's report with more information regarding the site cleanup.

RESCISSIONS

6. **RESCISSION OF WASTE DISCHARGE REQUIREMENTS, BOARD ORDER NO. R6V2010-0010 - BOARD ORDER NO. R6V-2016-[PROPOSED] FOR NURSERY PRODUCTS, HAWES COMPOSTING FACILITY, SAN BERNARDINO COUNTY**

Ms. St. Pierre, Engineering Geologist, presented on the proposed Board Order for Nursery Products, Hawes Composting Facility. Chris Seney from Nursery Products also spoke in support of the item.

Board Comments:

- Ms. Cox asked if staff attended the State Board hearings as they were developing the Statewide General Composting order. She expressed concern that the statewide permit does not require financial assurance. Ms. St. Pierre stated that staff was very involved in the statewide permit meetings and advocated for financial assurance requirements.
- Dr. Horne shared Board member Cox's concerns. However, Ms. St. Pierre explained that the State Board did not want to discourage composting. Dr. Horne asked if the requirements of the General Order are sufficiently protective. Ms. St. Pierre stated that in some cases the statewide permit is sufficient. Also, on a case-by-case basis the Water Board can impose individual requirements.
- **Motion** – Moved by Ms. Cox to approve Board Order No. R6V-2010-000 as presented. Mr. Jardine seconded. The motion unanimously **carried** per the following vote:

Ms. Cox	aye
Mr. Dyas	aye
Dr. Horne	aye
Mr. Jardine	aye
Mr. Pumphrey	aye
Mr. Sandel	absent

To view the adopted Board Order No. R6V-2016-0052 [CLICK HERE](#)

REVISED, UPDATED OR AMENDED PERMITS

7. **REVISED WASTE DISCHARGE REQUIREMENTS - BOARD ORDER NO. R6V-2016-[PROPOSED] FOR KERN COUNTY PUBLIC WORKS DEPARTMENT, RIDGECREST RECYCLING AND SANITARY LANDFILL, KERN COUNTY**

No Board Comments.

- **Motion** – Moved by Mr. Dyas to approve Board Order No. R6V-2016 (proposed) for Kern County as presented. Mr. Pumphrey seconded. The motion unanimously **carried** per the following vote:

Ms. Cox	aye
Mr. Dyas	aye
Dr. Horne	aye
Mr. Jardine	aye
Mr. Pumphrey	aye
Mr. Sandel	absent

To View the Adopted Board Order No. R6V-2016-0051 [CLICK HERE](#)

8. **CLOSED SESSION**

No discussion for closed session.

Adjournment: Chair Dr. Horne adjourned the meeting at 10:15 p.m. September 14, 2016.

REGULAR MEETING: Thursday, September 15, 2016 – 8:30 a.m.

INTRODUCTIONS

Chair Dr. Horne called the meeting to order at 8:33 a.m. on September 15, 2016, and introduced members of the Board. Ms. Kouyoumdjian, Executive Officer, introduced Legal Counsel, State and Regional Water Board Staff.

9. **PUBLIC FORUM**

None

PLANS AND POLICIES

10. **Onsite Wastewater Treatment System (OWTS) Policy Implementation**

Mike Coony, Water Resource Control Engineer (WRCE), presented on the OWTS Policy Implementation, which included responsibilities and timelines. Staff is seeking ideas and input from the Water Board members and public.

Public Comment:

Mike Podegracz spoke to the Water Board on OWTS and represents several towns in the high desert. He supports a regional entity to be a data repository for the Mojave Watershed. He supports having staff concentrate on just high risk areas – that would help quite a bit especially with the California Fish and Wildlife policy. As far as densities, the Basin Plan allows ½ acre lots (15,000 sq. feet) vs. 2.5 acres which would be very restrictive. One option he suggested is to possibly work with Lahontan staff to maintain the ½ acre densities in other areas.

Board Comments:

- Ms. Cox stated when she moved here 30 years ago that this was only a septic system area. One thing that may be lost when you look into the community sewerage is a certain amount of groundwater recharge that is a benefit to the area. There is only a water quality issue when you get into the higher density areas. It seems like all the cities and counties have come to a consensus and don't have issues. Ms. Cox expressed the need to be judicious when we implement this policy moving forward and supported Mr. Podegracz's comments regarding a regional entity for water quality monitoring rather than the individual cities. She encouraged all local area management plans (LAMP) in the Mojave area to support a regional approach. Ms. Cox asked staff if existing lots can

develop under the old requirements but if they subdivide then the new policy would be in effect. Mr. Coony replied yes.

- Mr. Jardine agreed with Ms. Cox that the Water Board has to have some flexibility moving forward.
- Mr. Dyas asked what role the Water Board would play with counties in regard to developing LAMP and regulatory oversight. Mr. Coony described the Water Board's responsibility for approval of a LAMP. The policy actually designates the lead regional board. It isn't up to the counties to select the regional board. Mr. Pumphrey expressed concern that there are gaps in terms of the level of information we have on septic systems region wide or in problem areas. Mr. Cass replied that it's true that some counties don't know locations of every system. The water quality status we have of these septic system areas is primarily best professional judgement. Mr. Dyas asked about the concept of requiring funding plans – who requires this and under what jurisdiction? Mr. Cass, Sr. WRCE, replied only a Tier 2 program requires a water quality assessment program and would expect the County to go to their Board of Supervisors for additional funding. If a proposed LAMP is inadequate and not approved, then Tier 1 rules would apply.
- Dr. Horne asked if staff had confidence in the water quality monitoring. Mr. Cass predicted that one to two cycles of the 5 year assessment programs and installation of dedicated monitoring wells are needed and staff would work with local government to determine how to fund these wells.
- Staff had four questions to gather feedback from the Board on:

Question 1: “Should the Water Board consider a more protective density criterion as established in State Water Board's Tier 1 as compared to status quo?” Mr. Dyas stated he thinks Tier 1 is adequate. Mr. Pumphrey stated it's possible to answer on a region wide basis so he would hope we could find something that makes sense for the location we're speaking to as opposed to do something that's more cookie cutter. Ms. Cox stated there are so many variables and it's all situational and we need to work with the LAMP groups as partners trying to come up with the best solutions. We need to keep the policy as flexible as possible. Mr. Jardine agreed the Board needs to keep flexibility in place. Dr. Horne stated this policy has to deal with mountain areas as well as high desert.

Question 2: “Should the Water Board consider a targeted water quality program in high risk areas rather than a comprehensive geographic approach or another monitoring approach?” Mr. Dyas answered that we should target toward high risk areas. Mr. Pumphrey answered that targeting a high risk area is common sense. We need to find a way to monitor a low risk area as it progresses toward a high risk area and identify every possible entity monitoring water quality in a region so we don't reinvent the wheel. Ms. Cox stated we need to target high risk areas and agreed that we need to work with communities that are already doing it. Mr. Jardine also agreed that we need to target high risk areas and monitor areas that are evolving. Dr. Horne agreed with the comments of Board members Mr. Pumphrey and Mr. Jardine. She gave an example of using MS4 Phase II before an area is developed – suggesting an approach like that could be applied in our area.

Question 3: “What local agency program elements are critical to allow the local agency to review and approve the Supplemental Treatment Systems?” Mr. Dyas answered a local agency should be funded well enough to have adequate progression such as staff in house or consultants. Mr. Pumphrey and Ms. Cox had no comments. Mr. Jardine agreed funding

is needed. Dr. Horne sees there are pros and cons to different approaches and recommend future collaboration.

Question 4: “How will the Water Board determine if adequate funding is available to a local agency to implement on an effective program?” Mr. Dyas stated the local agency should provide a cost analysis. Mr. Pumphrey stated it’s very difficult to determine the adequacy of a program when we’re not sure of the scope. We don’t seem to have a very good handle on what we’re going to do with things like negative monitoring results and changing to another form of water treatment. We need to look at the ability to fund programs with other areas or other agencies. Ms. Cox thinks we need to allow the various jurisdictions to figure out their funding mechanisms and if they need additional permit fees. She didn’t think we need to layout mandates on funding criteria. Mr. Jardine agreed that we need to leave it to local agencies and hold them accountable. Dr. Horne stated in the last 10 years, \$2 billion dollars has been spent to restore Lake Tahoe during the development boom in the 1960’s. How do you determine the adequacy of funding? We need to give some thought to the long-term consequences. Mr. Pumphrey asked staff to be careful in determining the adequacy of the funding proposals when we don’t know what happens if these proposals are not adequate. He added that if we don’t have jurisdiction over telling other governmental agencies whether or not their funding mechanisms are adequate. And I sure don’t see what we can do if we don’t like it added Mr. Pumphrey. Executive Officer Ms. Kouyoumdjian stated she didn’t think it is a hard and fast yes or no on the funding adequacy. We need to work together and collaborate and with the local community and agencies.

4. Reports by Water Board Chair and Board Members

(Moved from the September 14, 2016 Board Meeting)

Mr. Pumphrey:

- In August attended Sierra Water Working Group Workshop on Collaboratively Planning for Disadvantaged Community Grant Applications. Lisa Dernbach (staff) also the event;
- Save the date: May 8th and 9th there going to be an event “Reclaiming the Sierra 2017 Headwaters Resiliency”; and
- Presented to staff a wall-hanging for the new Victorville office that his wife Roberta made that depicts Route 66.

Mr. Jardine:

- Attended the Lake Tahoe Summit.

Dr. Horne:

- Attended the Lake Tahoe Summit;
- Attended Water Quality Coordinating Committee on Board Panel;
- Attended State Water Board meeting – drought report; and
- Discussed AB 2480, the headwaters bill, which passed both the House and Senate and is on the Governor’s desk.

11. Resolution Authorizing a Supplemental Environmental Project Program Memorandum of Understanding with the Transition Habitat Conservancy

- Cathe Pool, Senior WRCE presented on the resolution for an MOU with Transition Habitat Conservancy. In addition Cody Hanford with Transition Habitat Conservancy gave a presentation on the history of Transition Habitat Conservancy.

Ms. Pool described how Transition Habitat Conservancy currently has work in areas that overlap with the Mojave Integrated Regional Management Program (IRWMP). Ms. Pool

asked if the Water Board wanted to have the Conservancy and the IRWMP operating in the same area? What staff did as a compromise was to have the Transition Habitat Conservancy join the Mojave IRWMP and encouraged them to put their projects on the Mojave IRWMP list. In the next two years when the Mojave IRWMP does their project review, possibly some of the Transition Habitat Conservancy projects will appear on the list. As of now they are not on the list. In the meantime, Ms. Pool explained that the Transition Habitat Conservancy will be eligible to receive Supplemental Environmental Project (SEP) funding if the Water Board approves the Memorandum of Understanding (MOU). Staff asked for future direction from the Water Board on two options: continue developing MOUs with all eligible organizations or require eligible organizations to become members of IRWMP that have SEP programs in place and only develop MOUs with IRWMPs.

Motion: Moved by Mr. Pumphrey, seconded by Mr. Jardine, to approve the MOU with the Transition Habitat Conservancy as presented. The motion *carried* per the following votes:

Ms. Cox	aye
Mr. Jardine	aye
Dr. Horne	aye
Mr. Dyas	aye
Mr. Pumphrey	aye
Mr. Sandel	absent

Going forward Ms. Pool stated staff's recommendation is that we continue to develop MOUs with all eligible organizations. The watershed councils have a different focus than IRWMP. Ms. Pool further recommended that working with a wide variety of groups will give us the best list of possible projects to choose from.

Once the MOU template is standardized, then it won't be as much of a time burden for staff. Watershed groups and the IRWMPs would both have projects eligible for SEP funding and State grants which require a community-based project with multiple benefits.

Mr. Dyas: Stated he concurs with staff recommendation.

Mr. Pumphrey: Stated the staff recommendation is what he had in mind when we developed the program to begin with.

Ms. Cox: Stated she didn't have a problem with the recommendation but wondered logistically how it would work if you have an IRWMP and their list of SEP projects had competing interests and how we could synthesize that.

Mr. Jardine: Stated he agrees with staff recommendation.

Dr. Horne: Asked if we could go out and look for more NGO's that might be interested in participating? Are we looking for and reaching out for organizations trying to strike a relationship with the Regional Board? How are we getting that word out?

Ms. Pool: Stated that's something we need to look into – we need to put more energy into doing some outreach.

Dr. Horne: It is the Discharger's choice about what projects get proposed. She stated that when we created this program we were concerned and wanted to set a policy stating we are more likely to approve a SEP if it provides a direct benefit to water quality or if it creates a watershed plan; proposes a study that helps to answer a priority, like the tri-annual review; or

addresses some other priority of the water board. We wanted to narrow the scope from the list which could be anything under the sun to things that really matter to our region. It was also important to us that the projects be chosen through a public process so there is transparency, it was vetted and there was public support for the project. From my perspective, is this an organization with a track record, an organization that is going to implement the SEP and has the expertise to implement the SEP rather than an IRWMP.

After the pilot project the next step was for the regional board's staff to go out and start doing outreach to start getting groups positioned. We loosened the geographic nexus terminology in our policy vs. the State Board approach. For example, a problem we're penalizing may not be in Death Valley but there may be a really great project out there vs. where the pollution actually occurs. We wanted to add a little more flexibility recognizing the geographic scope of our region. I support the staff recommendation.

After discussion, the Water Board accepted staff recommendation.

To view the adopted Board Resolution No. [R6T-2016-0061 CLICK HERE.](#)

With no further business to come before the Board, the meeting was adjourned at 11:00 a.m. on September 15, 2016.

Prepared by: _____ Adopted: _____
Kathy Otermat, Executive Assistant