



California Regional Water Quality Control Board Lahontan Region



Matthew Rodriguez
Secretary for
Environmental Protection

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Edmund G. Brown Jr.
Governor

MINUTES January 11-12, 2012

Regular Meeting

Mojave Water Agency
22450 Headquarters Drive
Apple Valley, CA 92307

Chairman Clarke called the meeting to order at 1:02 p.m. on January 11, 2012.

Board Members Present

Jack Clarke, Chair, Apple Valley
Don Jardine, Vice Chair, Markleeville
Amy Horne, Ph.D., Truckee
Peter C. Pumphrey, Bishop
Eric Sandel, Truckee
Keith Dyas, Rosamond

Board Member Absent

None

Legal Counsel

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

Staff Present

Harold Singer, Executive Officer
Lauri Kemper, Assistant Executive Officer
Charles Curtis, Supervising WRCE
Scott Ferguson, Senior WRCE
Brianna Bergen, Engineering Geologist
Lisa Scorallo, Engineering Geologist

Chris White, Student Assistant
Randall Morlan, Student Assistant
Mike Plaziak, Sup. Engineering Geologist
Jan Zimmerman, Engineering Geologist
Sue Genera, Executive Assistant



Addressing the Board

Loren J. Harlow, **STOEL RIVES LLP**
Hector Huerta, **President, Green Valley Foods, Inc.**
Kevin Cutter, **Contestoga-Rovers & Associates**

INTRODUCTIONS

Mr. Clarke introduced the Board members.

Mr. Singer introduced Legal Counsel and Water Board staff.

1. MINUTES

Minutes of the Regular Meeting of December 6-7, 2011 in South Lake Tahoe, CA

- **Motion:** Moved by Dr. Horne, seconded by Mr. Pumphrey, and **unanimously carried** to adopt the December 6-7 2011 minutes as written.

2. ADOPTION OF THE UNCONTESTED CALENDAR

Note: An (*) appears next to items adopted by the Board on the uncontested calendar.

Before a motion was made, Mr. Singer presented written Public Comment from the City of Palmdale regarding Item 3 and notified the Board that no adverse public comment had been made on Item 7.

- **Motion:** Moved by Mr. Sandel, seconded by Mr. Dyas and **unanimously carried** to adopt Item 3 and Item 7 on the uncontested calendar.

PERMITS - REVISIONS, UPDATES, AMENDMENTS OR RESCISSIONS

***3. Master Water Recycling Requirements and Waste Discharge Requirements, County Sanitation District No. 20 of Los Angeles County (Palmdale), Disinfected Tertiary Recycled Water, Los Angeles County**

See Item 2 for Board action.



Note: The Board took up Item 6 prior to Item Nos. 4 and 5. Item Nos. 4 and 5 were discussed jointly; however, votes were taken separately for each Item.

4. **Rescission of Waste Discharge Requirements, Order No. R6V-2010-0019 for Green Valley Foods Products, Inc. and Hector Huerta, Cheese Processing Facility, Class II Surface Impoundment, San Bernardino County – WDID No. 6B360704003**

The Board Chair opened the hearing on Item Nos. 4 and 5. He asked any persons giving testimony stand and be sworn in.

Ms. Lauri Kemper addressed the Board and urged the Board to reject the Rescission of the Waste and Discharge Requirements, Item 4, and to adopt the Cease and Desist Order proposed, Item 5, for a period of time equivalent to consistent ongoing compliance by Green Valley Foods Product, Inc. and Hector Huerta.

Public Comment

Ms. Kemper read an excerpt from an e-mail dated January 11, 2012 from Mr. Norm Diaz, Hinkley resident, stating his support of the Cease and Desist Order and the denial of the Rescission of Waste Discharge Requirements.

Ms. Laura Drabandt, representing the Prosecution Team, addressed the Board, gave opening remarks, and introduced Ms. Lisa Scorable, Engineering Geologist for the Lahontan Water Board, to present Items 4 and 5. In Ms. Scorable's presentation she highlighted: facility description, history, Waste Discharge Requirements (WDRs), violations, Cease and Desist Order (CDO), discharger's request to rescind WDRs, and recommendations.

Mr. Loren J. Harlow, representing Dischargers, Green Valley Foods, Inc. and Mr. Hector Huerta, addressed the Board, gave introductory remarks and presented the Board with a letter dated January 10, 2012 from Mr. Kevin Cutter, Contestoga-Rovers & Associates, which outlined viable wastewater disposal options and treatment system solutions for the facility. Mr. Harlow introduced Mr. Hector Huerta, President, Green Valley Foods, Inc. Mr. Huerta addressed the Board and stated his desire to be in compliance with the Waste Discharge Requirements and his willingness to work with the Board. Mr. Harlow raised concerns with the schedule of Reports and the language in the WDRs and the CDO's. He felt the language left Green Valley Foods and Mr. Huerta vulnerable to future Administrative Civil Liability even if no discharge occurred.

There was general discussion by the Board and both the Prosecution and the Discharger were available to answer questions. Mr. Pumphrey questioned if the WDRs and CDO could be revised. The Prosecution answered yes, the CDO may be revised and the WDRs may also be revised but maybe not entirely eliminated if the Board were to adopt a CDO.

The Board recessed into Closed Session to discuss matters pertaining to personnel. The Board reconvened into Open Session and the revised Items were presented to the Board.



Motion: Moved by Mr. Jardine, seconded by Mr. Pumphrey and **unanimously carried** to adopt Partial Rescission of the Waste Discharge Requirements as revised.

The adopted Partial Rescission of the Waste Discharge Requirements can be found on the Lahontan Water Board website at:

http://www.waterboards.ca.gov/lahontan/board_decisions/adopted_orders/

ENFORCEMENT ACTIONS

5. **Public Hearing - Consideration of a Cease and Desist Order for Hector Huerta and Green Valley Foods Products, Inc. to Cease and Desist forthwith from Discharging Waste from Green Valley Foods Products, Inc. Cheese Production Facility in Violation of Waste Discharge Requirements Specified by Water Board Order No. R6V-2010-0019, San Bernardino County – WDID No. 6B360704003**

For discussion, see Item 4.

Motion: Moved by Dr. Horne, seconded by Mr. Sandel and **unanimously carried** to adopt the Cease and Desist Order with the late revisions.

The adopted CDO can be found on the Lahontan Water Board website at:

http://www.waterboards.ca.gov/lahontan/board_decisions/adopted_orders/

6. **Public Hearing - Consideration of an Administrative Civil Liability (ACL) Order for Hector Huerta and Green Valley Foods Products, Inc. (Dischargers) for Failure to Submit Plans and Reports Regarding the Dischargers' Cheese Production Facility in Violation of Waste Discharge Requirements Specified by Water Board Order No. R6V-2010-0019, San Bernardino County – WDID No. 6B360704003**

Mr. Singer addressed the Board and presented a proposed settlement agreement, submitted January 10, 2012, between the Prosecution Team and Green Valley Foods Products, Inc. and Mr. Huerta. Mr. Singer urged the Board to accept the proposed settlement agreement as presented. Ms. Laura Drabandt, representing the Prosecution Team, addressed the Board and gave a brief overview of the settlement agreement.

Public Comment

Ms. Kemper addressed the Board and presented an e-mail dated January 11, 2012 from Mr. Norm Diaz, Hinkley resident, in which he states the settlement agreement is too lenient and may not prove a deterrent to future illegal discharges.

- **Motion:** Moved by Mr. Sandel, seconded by Mr. Jardine and **unanimously carried** to adopt the settlement agreement as presented.

The adopted settlement agreement can be found on the Lahontan Water Board website at: http://www.waterboards.ca.gov/lahontan/board_decisions/adopted_orders/



OTHER BUSINESS***7. California Tahoe Conservancy, Lower Blackwood Creek Restoration Project - Exemption to Waste Discharge Prohibitions Contained in the Water Quality Control Plan for the Lahontan Region, Placer County**

See Item 2 for Board action.

PG&E
Regular Meeting, continued
January 11, 2011

Chairman Clarke called the meeting to order at 7:43 p.m.

Board members present: Jack Clarke, Amy Horne, Don Jardine, Peter C. Pumphrey, Eric Sandel, and Keith Dyas. Board members absent: none.

OTHER BUSINESS**8. Executive Officer's Report**

Mr. Singer discussed items from the January written Report and answered Water Board Member questions. In addition, Mr. Singer reported that he has been invited to speak, along with the Nevada Department of Environmental Protection, at the Nevada Legislative Oversight Committee on January 30, 2012. The joint presentation will cover the Lake Tahoe Total Maximum Daily Loads (TMDL) and the similarities and differences between how the TMDL will be implemented in CA and NV. Mr. Singer briefly highlighted progress being made on the Hinkley PG&E Replacement Water Order (Order). PG&E has petitioned the Water Board to lift the Order. No decision has been made. As part of that Order, PG&E is required to propose a methodology to determine if PG&E may be the source of Chromium in domestic wells. PG&E sent a letter stating that there is no statistical determinant to develop a methodology. At Staff's request, PG&E sent a second letter clarify the basis behind their answer. The Water Board staff is still pursuing the issue. In addition, PG&E was also required to hire independent contractors to advise the Community. A Memorandum of Understanding has been signed by PG&E and the Community Advisory Committee and a Request for Proposal (RFP) is currently being circulated.

Ms. Kemper addressed the Board and gave an update on the Hinkley Public Information Meeting in December 2011. Presentation materials and timelines can be found on the Lahontan Water Board website at:

http://www.waterboards.ca.gov/lahontan/water_issues/projects/pge/index.shtml

Ms. Kemper highlighted an issue that came out of that Meeting pertaining to a potential for domestic wells to dry up due to PG&E monitoring well installations. During the meeting a citizen notified the group that her domestic well had indeed dried up. As a direct result, Order No. 13267 requiring PG&E to look into the cause of the problem was issued. Since that time, PG&E has investigated and reported that a faulty pump was the direct cause. The pump has been repaired and the citizen now has water.

Also highlighted from the meeting, 10 Hinkley domestic wells have been tested and found to have above 3.1 parts per billion of Chromium and are now receiving whole



house replacement water. The number of wells affected has increased from 4 wells at the previous testing. There will be a Background Chromium Study discussion at the March 2012 Water Board Meeting. P G & E will be at the March meeting to participate in the discussion. Lastly, Ms. Kemper notified the Board that the South Shore Fuel Reduction Waste Discharge requirements have been posted to the Lahontan Water Board website at:

http://www.waterboards.ca.gov/lahontan/water_issues/programs/waste_discharge_requirements/southshore/wstdschrg_reg.shtml

Public Comment Period ends on February 27, 2012. This Item will be brought to the April 2012 Board Meeting.

9. **CLOSED SESSION**

Discussion of Personnel Matters. Authority: Government Code section 11126, subdivision (a).

The Board recessed into Closed Session at 3:45 p.m. to discuss matters related to personnel. The Board reconvened at 4:57 p.m. at which time the Chair announced that the Board had nothing to report.

10. **PUBLIC FORUM**

No one addressed the Board during the Public Forum

Note: The meeting recessed at 8:48 p.m.

Regular Meeting, continued January 12, 2012

Chairman Clarke called the meeting to order at 8:35 a.m.

Board members present: Jack Clarke, Amy Horne, Don Jardine, Peter C. Pumphrey, Eric Sandel and Keith Dyas. Board members absent: none

Addressing the Board

Kirby Brill, **Mojave Water Agency**
Carl Coleman, **Altec Engineering Corp.**
Logan Olds, **Victior Valley Wastewater Reclamation Authority**

INTRODUCTIONS

Chairman Clarke introduced the Board Members and welcomed Frances Spivy-Weber, Vice-Chair, State Water Resources Control Board.



Ms. Spivy-Weber addressed the Board and gave a brief update on the Governors' proposed Budget. In the Budget for the State Water Board it is proposed to: reduce the number of Board members assigned to each Region from 9 Members to 7 Members, remove the categories in which Board Member are selected, increasing the per diem from \$100 to \$500 per meeting, eliminating Region 7 and incorporating it into other Regions, and the elimination of vacant positions that have no available funding. The State Water Board has been asked to take a look at the fees that are being charged by the Water Boards, what the fees are being used for, and the fairness associated with the fees.

Mr. Singer introduced Legal Counsel and Water Board staff.

PLANS AND POLICIES

11. Proposed Scope of Work and Development of a Salt and Nutrient Plan for the Mojave Integrated Regional Water Management Group, San Bernardino County

Ms. Jan Zimmerman, Engineering Geologist for the Lahontan Water Board, addressed the Board and gave a brief description of the proposed Scope of Work and development of a Salt and Nutrient Management Plan (Plan) for the Mojave Integrated Regional Water Management Group (Mojave Group). Ms. Zimmerman highlighted: expectations for the Plan, boundaries for the Mojave Water Agency and the Mojave Group, and challenges being faced. Ms. Zimmerman then introduced Mr. Kirby Brill, General Manager for the Mojave Water Agency. Mr. Brill addressed the Board and gave a complete presentation on the Mojave Groups' Scope of Work and details within their Plan.

Public Comment

Mr. Logan Olds, General Manager, Victor Valley Wastewater Reclamation Authority, addressed the Board and stated his support of the Mojave Groups' Plan.

Mr. Carl Coleman, Altec Engineering Group, addressed the Board and asked what the impetus was behind the coordination of the Mojave Group. Mr. Singer stated that the coordination stemmed from an investigation of Perchlorate detected in a municipal water supply for the City of Barstow in 2010.

Mr. Singer thanked Mr. Brill and Mr. Olds for their support and commitment to the Mojave Group. Mr. Dyas asked Ms. Zimmerman if the Freemont Valley Integrated Regional Water Management Group (Freemont Group) had developed a Plan. Ms. Zimmerman stated that she had not seen a Plan, but that she would be reaching out to the Freemont Group to offer assistance. Several Board members as well as Ms. Spivy-Weber expressed their appreciation of the collaborative efforts made by all of the Stakeholders involved in the Plan process.



OTHER BUSINESS**12. Reports by Water Board Chair and Board Members**

Mr. Jardine reported that the Carson Water Subconservancy District, FEMA, State of Nevada, local flood administrators and other federal agencies have been working on a Risk MAP Charter for the Carson River Watershed. Once signed, the Charter is a cooperative agreement with various federal, state and local government bodies to monitor and manage flood issues on a watershed basis. The Charter is the first of its kind in Region 9, and it will put the Carson River watershed in higher ranking position for funding because of the use of a watershed-wide approach.

Mr. Pumphrey was please to announce that the *Draft* Owens Lakebed Master Plan is complete. Public comments on the Plan are due February 6, 2012 and a discussion of comments will be held at the scheduled Planning Committee Meeting in Keeler at LADWP Facilities, Wednesday, February 15, 2012, 9:30am - 3:30 pm.

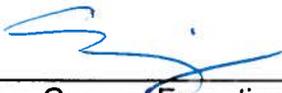
Note: The Board took a break from 10:40 a.m. to 10:50 a.m.

13. Election of Chair/Vice Chair

- **Motion:** Moved by Mr. Sandel, seconded by Mr. Dyas and **unanimously carried** to elect Don Jardine as Chair and Peter C. Pumphrey as Vice Chair for 2012.

ADJOURNMENT

With no further business to come before the Board, the meeting adjourned at 10:57 a.m. on January 12, 2012.

Prepared by: 
Sue Genera, Executive Assistant

Adopted: March 14, 2012

