



# California Regional Water Quality Control Board Lahontan Region



Linda S. Adams  
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Edmund G. Brown Jr.  
Governor

## MINUTES

March 9-10, 2011

### Regular Meeting

Cora Harper Fitness Center  
841 Barstow Road  
Barstow, CA 92311

Chairman Clarke called the meeting to order at 1:30 p.m. on March 9, 2011.

#### Board Members Present

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

#### Board Member Absent

None

### Legal Counsel

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

### Staff Present

Lauri Kemper, Assistant Executive Officer	Eric Taxer, WRCE
Charles Curtis, Supervising WRCE	Rebecca Phillips, Office Technician
Doug Smith, Supervising Eng. Geologist	Eric Shay, AGPA
Patrice Copeland, Senior Eng. Geologist	Christina Velasquez, Student Assistant
Keith Elliott, Senior WRCE	
Lisa Dernbach, Senior Eng. Geologist	
Scott Ferguson, Senior WRCE	
Cindi Mitton, Senior WRCE	
Jehiel Cass, WRCE	
Mary Dellavalle, Env. Scientist	
Tim Post, Eng. Geologist	

*California Environmental Protection Agency*

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### Addressing the Board

James Edward Nelson, Darla Gerner, Joan Williams, Jeanette Aguayo, John Runkle, Fred Lester, Roberta Walker, Nick Panchev, John Williams, Amber Boca, Robert Conaway, Brigitte Lamonte, Theresa Williams, Evelia Hernandez, Shires (Sonny) Thomas, Carmela Gonzalez, Johnathan Hamilton, Virginia Davis, Reynelds Ohail, James Dod, Eilane Curry, Doma Soloman, Joel Valenzuela; John D. Coffey J. D., Defenders of Wildlife; and Ronald Anthony Ulloa, KSDL AM-1230 Radio.

### INTRODUCTIONS

Mr. Clark introduced the Board members.  
Ms. Kemper introduced Water Board staff.

#### 1. PUBLIC FORUM

Bruce Ivy, President, Friends of Mt. Whitney Fish Hatchery. Mr. Ivey introduced the Friends of Mt. Whitney Fish Hatchery Board Members. He spoke on the history of the fish hatchery and invited Water Board to hold one of their meetings at their facility.

Marty Fortney, Inyo County Supervisor 4<sup>th</sup> District, would like to have permit rescinded. He stated that the fish hatchery is an asset to their county.

Logan Olds, Victor Valley Wastewater Reclamation Authority, General Manager – Map handout of overview on the spills during the December storms. Talked about the temporary bypass and discussed two options to fix the break. Mr. Logan answered questions from the Water Board.

#### 2. MINUTES

##### **Minutes of the Regular Meeting of November 16, 2010 in South Lake Tahoe**

- **Motion:** Moved by Dr. Horne, seconded by Mr. Jardine and **unanimously carried** to adopt the November 16, 2010 minutes as written. Mr. Pumphrey abstained because he was not at the November Board meeting.

#### 3. ADOPTION OF THE UNCONTESTED CALENDAR

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

Chairman Clarke recommended the Board adopt Items 4 (with revision sheet), 5 and 7 on the uncontested calendar.

Chuck Curtis described the late revisions for Item No. 4 to the Board.



- **Motion:** Moved by Dr. Horne, seconded by Mr. Dispenza and **unanimously carried** to adopt Item 4 with late revision and Item 5 on the uncontested calendar.
- **Motion:** Moved by Mr. Jardine, seconded by Mr. Sandel and **unanimously carried** to adopt Item 7 on the uncontested calendar. Mr. Dyas abstained from voting on Item 7 because he is employed by Edwards Air Force Base.

**REVISED WASTE DISCHARGE REQUIREMENTS**

- \*4. **Revised Waste Discharge Requirements for County Sanitation District No. 20 of Los Angeles County, Palmdale Water Reclamation Plant**

See Item 3 for Board action.

**RESCISSION OF WASTE DISCHARGE REQUIREMENTS**

- \*5. **California Department of Fish and Game, Mount Whitney Fish Hatchery, Inyo County – Board Order No. R6V-2006-0029**

See Item 3 for Board action.

**OTHER BUSINESS**

- \*7. **Resolution Authorizing the Executive Officer to Sign the Record of Decision for Site 3 Main Base Inactive Landfill, Operable Unit 7, Edwards Air Force Base, Kern County**

See Item 3 for Board action.

**OTHER BUSINESS**

- 6. **Cleanup Program for Department of Defense Facilities – Accomplishments and Status**

Jehiel Cass described the status of the cleanup of military bases in the Lahontan Region. Mr. Cass answered questions from the Board. Lauri Kemper thanked Jehiel for his presentation and gave additional information to the Board regarding staff working on DOD sites.



**8. Executive Officer's Report**

Ms. Kemper discussed items from the December 2010 – February 2011 written report and answered questions from the Board.

**9. Election of Chair and Vice-Chair for 2011**

- **Motion:** Moved by Mr. Dyas seconded by Mr. Sandel and **unanimously carried** to elect Mr. Clarke as Chair for 2011.
- **Motion:** Moved by Mr. Dyas seconded by Mr. Sandel and **unanimously carried** to elect Mr. Jardine as Vice Chair for 2011.

**10. CLOSED SESSION**

The Board met in closed session from 3:40 p.m. to 4:00 p.m. to consider Item J. Discussion of Personnel Matters.

The Board recessed for dinner at 4:00 p.m.

**Regular Meeting, continued**  
**7:00 p.m., March 9, 2011**

Chairman Clarke called the meeting to order at 7:07 p.m.

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

**INTRODUCTIONS**

Chairman Clark introduced the Board members.

**OTHER BUSINESS**

**11. Public Workshop for Draft Subsequent Environmental Impact Report, Final Groundwater Cleanup Strategy for Historical Chromium Discharges from Pacific Gas and Electric Company's Hinkley Compressor Station, San Bernardino County**

Note: Items 11 and 12 were considered together. See Item 12 for presentation and Board discussion for Items 11 and 12.



**STATUS REPORT**

**12. Status Report on Containment and Remediation Activities at the Pacific Gas and Electric Company's Hinkley Chromium Cleanup Project, San Bernardino County**

Spanish interpreters were available for these items.

Rich Walters, ICF, consultant to the Water Board staff, gave the staff presentation on Item 11 and Lisa Dernbach, presented staff presentation on Item 12.

Dave Gilbert, PG&E, Director – discussed challenges and commitment on containment and overall final remedy.

**Addressing the Board:**

James Edward Nelson, Darla Gerner, Joan Williams, Jeanette Aguayo w/handout, John Runkle, Fred Lester, Roberta Walker, Nick Panchev, John Williams, Amber Boca, Robert Conaway, Brigitte Lamonte, Theresa Williams, Evelia Hernandez, Shires (Sonny) Thomas, Carmela Gonzalez, Johnathan Hamilton, Virginia Davis, Reynelds Ohail, James Dod, Eilane Curry, Doma Soloman, Joel Valenzuela; John D. Coffey J. D., Defenders of Wildlife; and Ronald Anthony Ulloa, KSDL AM-1230 Radio.

Note: The meeting recessed at 11:04 p.m.

**Regular Meeting, continued  
March 10 – 8:30 a.m.**

Chairman Clarke called the meeting to order at 8:42 a.m.

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

**INTRODUCTIONS**

Chairman Clarke introduced the Board Members.  
Mr. Smith introduced Water Board staff.

**ENFORCEMENT ACTIONS**

- 13. Public Hearing – Consideration of a Cease and Desist Order for Adelanto Public Utility Authority, Adelanto Domestic Wastewater Treatment Facility and Adelanto Wastewater Treatment Plant for Discharging or Threatening to Discharge Waste in Violation of Waste Discharge Requirements Specified by Water Board Order Nos. R6V-2002-050 and R6V-2009-0036 and in Violation of Cease and Desist Order No. R6V-2007-24 and Cleanup and Abatement Order No. R6V-2010-0054, San Bernardino County**



Chairman Clarke introduced the Advisory Team and the Prosecution Team. Chairman Clarke read an opening statement and administered the oath.

Addressing the Board

Logan Olds, VVWRA

Kenneth Fortier, The GEO Group

John Fogerty, San Bernardino County Sheriff's Department

CLOSED SESSION

The Board met in closed session from 12:07 p.m. to 2:20 p.m. to consider Item 13. The Board reconvened in open session at 2:20 p.m.

Discussion of Item 13 continued in Open Session. Chairman Clarke commented that Harold Singer, Executive Officer of the Water Board participated for the last 15 minutes of the Closed Session by telephone.

- **Motion:** Moved by Mr. Pumphrey, seconded by Mr. Dyas to adopt the Cease and Desist Order with the following exceptions:  
Remove Finding 8 on page 13-013 and top of page 13-014; remove Order A on page 13-015, and remove Order C on page 13-016

Reword the third paragraph of Order B, page 13-016, as recited by Water Board Counsel, Kim Niemeyer as follows:

The Discharger must complete construction of Pond 5, as described in Water Board WDR Order No. R6V-2009-0036, no later than **May 31, 2011.**

[Adjust the Orders lettering sequentially and] add a new Order F which was recited by Water Board Counsel, Kim Niemeyer as follows:

The hearing on the connection ban will be continued until May 11-12, [2011], or as further noticed in the Regional Board's agenda. During the time until the hearing on the connection ban, the Regional Board expects the Discharger to comply with the terms of Cease and Desist Order No. R6V-2011-15 and the Hearing Notice issued on January 14, 2011. The Regional Board preserves its ability, should it issue a connection ban in May, to have the connection ban apply back to January 14, 2011, consistent with the Hearing Notice. No further evidence will be taken at the hearing, except as to the Discharger's progress on compliance with Orders A, B, and D, of Cease and Desist Order [No. R6V-2011-15].

Voting yes: Mr. Sandel, Mr. Dispenza, Dr. Horne, Chairman Clarke, Mr. Dyas, Mr. Pumphrey, and Mr. Jardine

Motion carried 7-0 (unanimously)



**ADJOURNMENT**

With no further business to come before the Board, the meeting adjourned at 2:30 p.m. on March 10, 2011.

Prepared by: Rebecca Phillips Adopted: March 13, 2011  
Rebecca Phillips, Office Technician

