

## Lahontan Regional Water Quality Control Board

Date Distributed: April 22, 2015

### MEETING AGENDA

May 13-14, 2015

Lahontan Water Board Annex, Hearing Room  
971 Silver Dollar Avenue  
South Lake Tahoe, CA 96150

#### Wednesday, May 13, 2015

Regular Meeting: 7:00 p.m.

#### Thursday, May 14, 2015

Regular Meeting Continued: 8:30 a.m.

#### Supporting Documents:

Supporting documents for agenda items are posted on our website at least 10 days prior to the scheduled meeting. If you wish to be added to the interested parties list for a specific agenda item, please contact the staff person listed with the item in the agenda announcement. To view or download documents, go to [www.waterboards.ca.gov/lahontan](http://www.waterboards.ca.gov/lahontan). (See note below for information on the timing for submitting comments.)

#### Submittal of Written Material for Water Board Consideration:

Comments on individual items are welcome and encouraged. Written comments on an agenda item must be submitted on or before the due date listed in the hearing notice associated with the agenda item. Hearing notices are distributed to persons who have indicated they want to receive information about a specific item and are posted on the Water Board's web site ([www.waterboards.ca.gov/lahontan](http://www.waterboards.ca.gov/lahontan)). For items that do not have a separate hearing notice with specific due dates, written comments must be submitted at least ten (10) days before the meeting. This allows time to distribute the material to Water Board members in advance of the meeting, providing the opportunity for the members to read and consider the information submitted. Pursuant to California Code of Regulations, Title 23, section 648.4, the Water Board may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of the written testimony, the Water Board may refuse to admit it. A copy of the procedures governing Water Board meetings

KIMBERLY COX, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

may be found at California Code of Regulations, Title 23, section 647 et seq., and is available upon request. Hearings before the Water Board are not conducted pursuant to Government Code section 11500 et seq.

The meeting room is accessible to people with disabilities. If you have special accommodations or language needs, please contact Sue Genera at least five days prior to the meeting date at (530) 542-5414 or [sgenera@waterboards.ca.gov](mailto:sgenera@waterboards.ca.gov). TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

### **General Meeting Information:**

The following items are numbered for identification purposes only and will not necessarily be considered in this order. Public hearings will not be called to order prior to the time specified. It is likely that some of the items scheduled for Wednesday afternoon will carry-over into the evening session. If, due to time constraints, the Water Board is unable to consider all of the items scheduled for Wednesday, the item(s) not heard will be considered on Thursday. All Board files, exhibits, and agenda materials pertaining to items on this agenda are hereby made a part of the record for the appropriate item.

Anyone wishing to present a Microsoft PowerPoint® presentation during the meeting, using the Water Board's projector, must provide the presentation to the Water Board on either a CD or via email at least ten working days prior to the meeting. Please contact the staff person listed for the agenda item of interest.

### **Adoption of Uncontested Calendar**

Items denoted by ( ✕ ) are expected to be routine and non-controversial. The Water Board will act on these items at one time without discussion. If any Water Board member, staff member, or interested party requests discussion, the item will be removed from the Uncontested Calendar to be considered separately. Requests to have an item removed from the uncontested calendar can be made in advance of the meeting by writing to the Water Board or by calling the Water Board's Executive Officer, or the request can be made to the Water Board at the meeting on the Wednesday before the vote on the Uncontested Calendar.

## **REGULAR MEETING: Wednesday, May 13, 2015 – 7:00 p.m.**

### **INTRODUCTIONS**

#### 1. **PUBLIC FORUM**

Any person may address the Water Board regarding a matter within the Water Board's jurisdiction that is not related to an item on this meeting agenda. Comments will generally be limited to five minutes, unless otherwise directed by the Chair. Any person wishing to make a longer presentation should request an extension from the Executive Officer at least ten days prior to the meeting. Comments regarding matters that are under development for future meetings or not within the Water Board's regulatory authority will be restricted. (See: [http://www.waterboards.ca.gov/lahtontan/board\\_info/agenda/upcoming.shtml#top/>](http://www.waterboards.ca.gov/lahtontan/board_info/agenda/upcoming.shtml#top/>).)

### **OTHER BUSINESS**

2. **Minutes** (The Water Board will consider adopting the minutes of the Regular Meeting of March 11-12, 2015, in South Lake Tahoe, CA) (Sue Genera)

**REPORTS**

3. **Reports by Water Board Chair and Board Members**
4. **Executive Officer's Report** (The Water Board will not be asked to take any formal action; however, it may provide direction to staff.) (Patty Z. Kouyoumdjian, Executive Officer)
  - Executive Officer's Report
  - Discussion of Standing Items
  - Notification of Spills (Pursuant to Water Code section 13271, and Health and Safety Code section 25180.7)
  - Notification of Closure of Underground Storage Tank Cases (Pursuant to Article 11, Division 3, Chapter 16, title 23, California Code of Regulations)

**OTHER BUSINESS**

5. **Underground Storage Tank Program Workshop** (Water Board staff will present an overview of the underground storage tank program and summarize the current status of the program in the Lahontan Region. The Water Board will not be asked to take action, but may provide direction to staff.) (Tom Gavigan)
6. **Delegating Water Board Authority to the Executive Officer Workshop** (Staff will provide an overview of the authorities the Water Board delegated to the Executive Officer and discuss options for a future resolution to update delegated authorities.) (Robert Larsen)

**REGULAR MEETING: Thursday, May 14, 2015 – 8:30 a.m.****INTRODUCTIONS****7. PUBLIC FORUM**

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**REVISED WASTE DISCHARGE REQUIREMENTS**

8. **Vail Resorts and USFS-Lake Tahoe Basin Management Unit, Heavenly Mountain Resort, El Dorado and Alpine Counties** (The Water Board will be asked to consider certifying the Environmental Impact Report for the Epic Discovery Project and adopting the updated requirements for Heavenly Mountain Resort operations.) (Bud Amorfini)

**OTHER BUSINESS**

9. **Status Report on Climate Change Adaptation Workshops** (Staff will give an overview of the suggestions received from the climate change workshops held in November 2014 and January 2015, and will present ideas for next steps the Water Board could implement to adapt to climate change. No formal action requested, but staff will ask the Water Board for comments and/or direction.) (Douglas F. Smith)

10. CLOSED SESSION\*\*

- a. Discussion of Significant Exposure to Litigation. Authority: Government Code section 11126, subdivision (e)(2)(B)(i).
- b. Discussion to Decide Whether to Initiate Litigation. Authority: Government Code section 11126, subdivision (e)(2)(C)(i).
- c. Discussion of Litigation: People of the State of California ex rel. California Regional Water Quality Control Board, Lahontan Region v. Thomas E. Erickson et al., El Dorado Superior Court Case No. SC20010089. Authority: Government Code section 11126, subdivision (e).
- d. Discussion of Litigation: "PG&E Compressor Stn.; Patty and Water Board v. Shah Bains & Family & Tenants," San Bernardino Superior Court Case No. CIVDS1412703. Authority: Government Code section 11126, subdivision (e).
- e. Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): In the Matter of the Petition of CAD Enterprises, LLC et al for Review of Cleanup and Abatement Order No. R6S-2003-0031(SWRCB/OCC File Nos. A-1589. Authority: Government Code section 11126, subdivision (e).
- f. Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): In the Matter of the Petition of Flaming Dairy, Inc.; K&H Van Vliet Children LLC; and the Pacific Gas and Electric Company for Review of Action by the California Regional Water Quality Control Board, Lahontan Region in Issuing Cleanup and Abatement Order Nos. R6V-2008-0034 and R6V-2008-0034A2, regarding the Desert View Dairy (SWRCB/OCC File Nos. A-1975(a), A-2089). Authority: Government Code section 11126, subdivision (e).
- g. Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): In the Matter of the Petition of the United States Department of Agriculture, Forest Service, Inyo National Forest for Review of Action by the California Regional Water Quality Control Board, Lahontan Region in Adopting Order No. R6T-2011-0009 Regarding Investigative Order for the United States Forest Service, Inyo National Forest, White Mountain Grazing Allotments (SWRCB/OCC File No. A-2151). Authority: Government Code section 11126, subdivision (e).
- h. Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): In the Matter of Amended Cleanup and Abatement Order No. R6V-2-11-005A1, Requiring PG&E to Cleanup and Abate Waste Discharges of Total and Hexavalent Chromium to Groundwater of the Mojave Hydrologic Unit, Hinkley Compressor Station, San Bernardino County (SWRCB/OCC File No. A-2188(a)). Authority: Government Code section 11126, subdivision (e).
- i. Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): In the Matter of the Petition of Pacific Gas and Electric for Review of Amended Cleanup and Abatement Order No. R6V-2008-0002-A4 Requiring Pacific Gas and Electric Company to Clean Up and Abate Waste Discharges of Total and Hexavalent Chromium to the Groundwaters of the Mojave Hydrologic Unit (SWRCB/OCC File No. 2244). Authority: Government Code section 11126, subdivision (e).
- j. Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): In the Matter of the Petition of Pacific Gas and Electric for Review of Resolution No. R6V-2013-0060 Certifying a Final Environmental Impact Report for Comprehensive Groundwater Cleanup Strategy For Historical Chromium Discharges From Pacific Gas and Electric Company's Hinkley Compressor Station (State Clearinghouse No. 2008011097), San Bernardino County (SWRCB/OCC File No. 2266). Authority: Government Code section 11126, subdivision (e).
- k. Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): In the Matter of Arimol Group, Inc. and Meadowbrook Cedar, Inc. for Review of Cleanup and Abatement Order No. R6V-2013-0078 for Arimol Group, Inc. and Meadowbrook Cedar, Inc., Lake Arrowhead, San Bernardino County (SWRCB/OCC File No. 2274). Authority: Government Code section 11126, subdivision (e).

\*\* At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based upon the evidence introduced in the hearing. Discussion of litigation is within the attorney-client privilege and may be held in closed session. Authority: Government Code section 11126, subdivisions (a), (c), (3) and (e).

- l. Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): In the Matter of the Petition of Pacific Gas and Electric for Failure of Lahontan Water Board to Amend Cleanup and Amendment Order No. R6V-2011-0005A2 Concerning

**Changes to the Whole House Replacement Water Program And Plume Delineation Requirements for Hinkley Compressor Station at 35863 Fairview Road, Hinkley, San Bernardino County (SWRCB/OCC File No. 2286). Authority: Government Code section 11126, subdivision (e).**

- m. **Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): In the Matter of the Petition of Daron Banks, et al. for Review of Letter Dated July 18, 2014 from Lahontan RWQCB Executive Officer Concerning New Application of the Maximum Containment Level (MCL) for the Whole House Replacement Water Program for the Hinkley Compressor Station Site Cleanup, Hinkley, San Bernardino County (SWRCB/OCC File No. 2324). Authority: Government Code section 11126, subdivision (e).**
- n. **Discussion of Litigation: Atlantic Richfield Company v. State of California, State Water Resources Control Board, California Regional Water Quality Control Board, Lahontan Region, et al., Los Angeles County Superior Court Case No. BC380474. Authority: Government Code section 11126, subdivision (e).**
- o. **Discussion of Personnel Matters. Authority: Government Code section 11126, subdivision (a).**

## **ADJOURNMENT**

Any person aggrieved by an action of the California Regional Water Quality Control Board, Lahontan Region that is subject to review as set forth in Water Code section 13320, subdivision (a), may petition the State Water Resources Control Board (State Water Board) to review the action. Any petition must be made in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date the action was taken, except that if the thirtieth day following the date the action was taken falls on a Saturday, Sunday, or state holiday the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulation applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

**Note:** A listing of pending applications for Water Quality Certification pursuant to Section 401 of the Clean Water Act may be obtained by calling:

Northern Lahontan Basin:

Tobi Tyler in South Lake Tahoe at (530) 542-5435, [tyler@waterboards.ca.gov](mailto:tyler@waterboards.ca.gov)

Southern Lahontan Basin:

Patrice Copeland and Jan Zimmerman, in Victorville at (760) 241-6583,

[pcopeland@waterboards.ca.gov](mailto:pcopeland@waterboards.ca.gov) or [jzimmerman@waterboards.ca.gov](mailto:jzimmerman@waterboards.ca.gov)

The Regional Water Quality Control Board, Lahontan Region, has a home page that can be accessed on the Internet, at: <http://www.waterboards.ca.gov/lahontan>

The Lahontan Water Board will be considering many items during this meeting which may result in Board action or direction to staff. We encourage input from all people interested in a given item or issue, so that when we act, our decision is based on all available information. Although an oath is not administered in most of the proceedings before this Board, **we expect all statements made before this Board to be truthful with no attempts to mislead this Board by false statements, deceptive presentation or failure to include essential information.**

The Board encourages all people in or near a Board meeting to refrain from engaging in inappropriate conduct. Inappropriate conduct may include disorderly, contemptuous or insolent behavior, breach of peace, boisterous conduct, violent disturbance or other unlawful interference in the Board's proceedings. Such conduct could subject you to contempt sanctions by the superior court (Gov. Code § 11455.10).

The Board Chairperson may impose sanctions, including reasonable expenses and attorney's fees, on any party for bad faith actions, frivolous tactics or actions intended to cause unnecessary delay by a party or the party's attorney or representative (Gov. Code § 11455.30).

### LAHONTAN WATER BOARD MEMBERS

California Water Code Section 13201 provides for the Governor to appoint seven members to the Regional Water Quality Control Board. Each member shall reside or have a principal place of business within the region. Appointments are subject to confirmation by the state Senate.

Name	From	Term Expires
Kimberly Cox, Chair	Helendale	9/30/18
Keith Dyas, Vice Chair	Rosamond	9/30/16
Amy Horne, Ph.D.	Truckee	9/30/18
Don Jardine	Markleeville	9/30/15
Peter C. Pumphrey	Bishop	9/30/15
Eric Sandel	Truckee	9/30/17
Vacant		9/30/17

### LAHONTAN WATER BOARD STAFF

Patty Z. Kouyoumdjian Executive Officer	Lauri Kemper Assistant Executive Officer and Ombudsman	Kimberly Niemeyer Counsel to the Board	Sue Genera Executive Assistant
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South Lake Tahoe Office:

- Scott Ferguson, Manager, Regulatory Compliance Division
- Vacant, Chief, Enforcement & Special Projects Unit
- Alan Miller, Chief, North Basin Regulatory Unit
  
- Doug Smith, Manager, Planning and Restoration Division
- Richard Booth, Chief, TMDL/Basin Planning Unit
- Douglas Cushman, Chief, Non-Point Source Unit
- Tom Gavigan, Chief, North Basin Cleanup and Site Investigation Unit

Victorville Office:

- Mike Plaziak, Manager, Southern Lahontan Watersheds Division
- Patrice Copeland, Chief, Land Disposal Unit
- Jehiel Cass, Chief, South Basin Regulatory Unit
- Cindi Mitton, Chief, South Basin Cleanup and Site Investigation Unit

The primary responsibility of the Water Board is to protect the quality of the surface and groundwater within the Region for beneficial uses. The duty is carried out by formulating and adopting water quality plans for specific ground or surface water bodies; by prescribing and enforcing requirements on domestic and industrial waste dischargers, and by requiring cleanup of water contamination and pollution. Specific responsibilities and procedures of the Board are outlined in the Porter-Cologne Water Quality Control Act.

Regular meetings of the Water Board are normally held on the second Wednesday and Thursday of each month. Meeting locations vary but generally alternate between the north and south basins of the region.

Recordings are made of each Water Board meeting and are retained on the Lahontan Regional Water Quality Control Board website at: <http://www.waterboards.ca.gov/lahontan/>.



NOTESA. SEQUENCE OF AGENDA ITEMS

The items are numbered for identification purposes only and will not necessarily be considered in this order.

B. AVAILABILITY OF AGENDA MATERIAL

Details concerning these agenda items are available for public reference during working hours at the Board's offices. Copies of individual agenda items may be obtained at the Board's offices after 8:00 a.m. on the Friday, twelve days preceding the Board meeting. The staff will assist in answering questions.

C. UNCONTESTED ITEMS CALENDAR

Item numbers with an asterisk (\*) are expected to be routine and noncontroversial. They will be acted upon by the Board at one time without discussion. If any Board member, staff member, or interested party requests discussion, the item will be removed from the Uncontested Calendar to be considered separately.

D. PETITION OF REGIONAL BOARD ACTION

Any person aggrieved by an action of the California Regional Water Quality Control Board, Lahontan Region that is subject to review as set forth in Water Code section 13320(a), may petition the State Water Resources Control Board (State Water Board) to review the action. Any petition must be made in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date the action was taken, except that if the thirtieth day following the date the action was taken falls on a Saturday, Sunday or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulation applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

E. HEARING RECORD EXHIBITS

Material presented to the Board as part of the testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, chart, diagrams, etc.

F. CONTRIBUTIONS TO REGIONAL BOARD MEMBERS

All persons who actively support or oppose the adoption of waste discharge requirements or an NPDES permit before the Lahontan Water Board must submit a statement to the Board disclosing any contributions of \$250 or more to be used in a federal, state, or local election, made by the action supporter or opponent, or his or her agent, within the last 12 months to any Water Board member. All permit applicants and all persons who actively support or oppose adoption of a set of waste discharge requirements or an NPDES permit pending before the Water Board are prohibited from making a contribution of \$250 or more to any Board member for three months following a Water Board decision on the permit application.

G. ADDITIONAL CLOSED SESSION

At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based upon evidence introduced in the hearing. Discussion of litigation is within the attorney-client privilege and may be held in closed session. Authority: Government Code section 11126, subdivisions (a), (c)(3) and (e).