

Lahontan Regional Water Quality Control Board

MINUTES

MAY 6-7, 2020

The Lahontan Regional Water Quality Control Board (Water Board) conducted this meeting using Video and Teleconference as shown below:

Video and Teleconference Meeting Only
No Physical Meeting Location
(Authorized by and in furtherance of Executive Orders N-29-20 and N-33-20.)

Water Board Members

Peter C. Pumphrey, Chair, Chalfant
Amy Horne, Ph.D., Truckee
Keith Dyas, Rosamond

Don Jardine, Vice-Chair, Markleeville
Eric Sandel, Truckee
Kimberly Cox, Helendale

State Water Board

Elizabeth Beryt, Office of Chief Counsel
David Boyers, Office of Enforcement

Water Board Staff

Patty Z. Kouyoumdjian, Executive Officer
Scott Ferguson, Supervising WRC Engineer
Patrice Copeland, Supervising EG
Robert Tucker, Senior WRC Engineer
Jehiel Cass, Senior WRC Engineer
Katrina Fleshman, Executive Assistant

Jan Zimmerman, Sr. Engineering Geologist
Christina Guerra, Engineering Geologist
Trevor Miller, WRC Engineer
Ben Letton, Supervising EG
John Morales, WRC Engineer

REGULAR MEETING: Wednesday, May 6, 2020, 9:00 a.m.

[View the full Agenda and listen to the audio of this meeting](#)

CALL TO ORDER AND INTRODUCTIONS

Chair Pumphrey called the meeting to order at 9:26 a.m. and discussed procedures to adhere to the Governor's Executive Order during this COVID-19 emergency, the meeting will be video and teleconference only with no in person attendance. Chair Pumphrey introduced Bob Lloyd with AGP Video and asked Mr. Lloyd to give direction to the public that wish to speak. Mr. Pumphrey then introduced the Water Board Members, Water Board staff and State Water Board staff.

1. PUBLIC FORUM

Toby Tyler, Executive committee member of Sierra Club Tahoe area Group talked about the Tahoe Keys Lagoons Aquatic Weeds Control Methods public review process. Ms. Tyler urged the Water Board to delay the public meetings to discuss this controversial project until the COVID-19 emergency restrictions were removed.

2. MINUTES

Motion: Moved by Member Dr. Horne, seconded by Member Jardine to approve the March 11-12, 2020, Minutes as presented. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Chair Pumphrey	Aye
Vice-Chair Jardine	Aye
Member Cox	Aye
Member Dyas	Aye
Member Sandel	Aye
Member Dr. Horne	Aye

[View the adopted March 11-12, 2020, Meeting Minutes](#)

3. REPORTS BY WATER BOARD CHAIR AND WATER BOARD MEMBERS

Member Dr. Amy Horne has asked the Board Clerk, Katrina Fleshman, to forward to the other Water Board members the link to an article for a recent report from the Public Policy Institute of California, titled “The Benefits of Headwater Forest Management”.

Member Jardine indicated there is an upcoming Carson Water Sub-Conservancy District meeting with the head waters of Carson City coming soon and looks forward to reading Dr. Horne’s recommended article.

Chair Pumphrey indicated he attended the Chairs call on Monday, and there was discussion regarding what is going on with the COVID-19 emergency and the immediate and future impacts on the Water Board. A discussion occurred regarding the Water Board’s current budget, including a possible 15 percent cut across the board, and how that would affect future hiring. There is a request to have a dialog between the Water Boards and the State Water Board to identify the top priorities. The next Chair’s call is on May 22nd and will be discuss the restrictions on drinking water “cut offs” and public’s inability to make water service payments.

Sean Maguire, State Board Member, indicated there are around 2,300 State and Water Board employees that have converted to a virtual working environment. The State Water Board and the Regional Water Boards can continue essential functions of protecting our environment, providing safe drinking water and protecting our natural resources. At the same time, we are protecting the safety of our Water Board staff and Water Board members.

4. EXECUTIVE OFFICER’S REPORT

Water Board Executive Officer, Patty Kouyoumdjian, provided an update to the Water Board and public on key actions and activities in the Lahontan region, including the items below. Ms. Kouyoumdjian also indicated that the Truckee Accessory Dwelling Units issue will be coming to the Water Board in September 2020.

- COVID-19 Emergency

- Personnel Update
- Leviathan Mine Contract
- Ridgecrest Earthquake Damage Report
- China Lake NWS
- Trona/Wastewater Ridgecrest)
- Barstow Nitrate
- Barstow Perchlorate
- Timber Waiver Monitoring Report
- Superior Accomplishment Award
- Onsite Wastewater Treatment Systems
- Bishop Area Wastewater Joint Powers Authority
- USGS-Chromium 6 Background Study
- Fish Advisory

QUESTIONS/COMMENTS BY THE BOARD

Chair Pumphrey indicated he is interested in how the Water Board is going to develop this process for public workshops. Mr. Pumphrey also stated that at the Chairs call last week, they had a very lengthy discussion regarding the process of identifying priorities to come up with a modified workplan. Look forward to hearing more about those priorities and processes in the fall.

5. Land Disposal Program Core Regulatory Review Program

Water Board staff, Christina Guerra, Engineering Geologist, provided an overview of the Land Disposal Program (LDP) and asked for recommendations or direction from the Water Board.

QUESTIONS/COMMENTS BY THE BOARD

Member Cox stated that this was an excellent presentation and that her “ah-ha” moment was slide showing the LDP staff distribution statewide. Member Cox also strongly supports the proposed Closed, Abandoned, and Inactive Disposal Site General Order having considerations for site specific climates and stated a wetter climate area should have more consideration than the dryer areas. Ms. Cox encouraged Water Board staff to take wetter climates into consideration in the proposed General Order. Member Cox indicated she is looking forward to seeing the proposed Closed, Abandoned, and Inactive Disposal Site General Order at a future Board meeting.

Member Dr. Horne asked whether the “former sawmill” was included in the list of 90 regulated land disposal sites. Dr. Horne requested staff provide a list of all 90 regulated land disposal facilities including their category statuses. Ms. Guerra replied that list will be given to the Water Board members. Member Dr. Horne also asked about USGS abandoned mine initiative, could we obtain this information, and prioritize these sites into our work while acknowledging the severe under-resourcing of the LDP.

Member Sandel asked if our fees match or exceed our program expenses; Ms. Guerra replied that our fees currently do cover our program expenses, but just barely.

PUBLIC COMMENT

Brianna St. Pierre, Sr. Engineering Geologist, State Water Board.

6. Local Agency Management Program for Lassen County

Water Board staff, Trevor Miller, WRC Engineer, gave presentation and asked the Water Board to consider approval of the Local Agency Management Program for onsite wastewater systems in Lassen County.

QUESTIONS/COMMENTS BY THE WATER BOARD

All Water Board members indicated this was a great presentation and a good report.

Motion: Moved by Member Dyas, seconded by Member Dr. Horne to approve the Local Agency Management Program for onsite wastewater systems in Lassen County, as presented. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Chair Pumphrey	Aye
Vice-Chair Jardine	Aye
Member Cox	Aye
Member Dyas	Aye
Member Sandel	Aye
Member Dr. Horne	Aye

THE WATER BOARD TOOK A BREAK FROM 11:55am to 12:10pm

7. Renewal of Waste Discharge Requirements, Water Reclamation Requirements, and National Pollutant Discharge Elimination System Permit for the Victor Valley Wastewater Reclamation Authority Regional Wastewater Treatment Plant.

Water Board staff, John Morales, WRC Engineer, asked the Water Board to consider adopting the renewal of a National Pollutant Discharge Elimination System (NPDES) permit for the Victor Valley Wastewater Reclamation Authority (VWVRA). Mr. Morales indicated the proposed permit will regulate direct discharges from a single outfall to the Mojave River and will establish the treatment requirements to produce recycled water.

QUESTIONS/COMMENTS BY THE WATER BOARD

Member Cox asked Mr. Morales why the Air Force wanted a CEQA done to consider allowing discharge alternatives for the percolation ponds and asked if the Air Force had any issues with proposed copper limit in the NPDES permit. Mr. Morales replied that he did not believe the Air Force had any issues with the permit but that the Air Force may have wanted to take advantage of the proposed permit comment period to ask about possible alternatives to protect the groundwater cleanup that the Air Force is currently engaged in at the former George Air Force Base.

PUBLIC COMMENT

Darron Paulsen, General Manager, Victor Valley Wastewater Reclamation Authority (VWVRA). Mr. Paulsen thanked the Water Board for working with VWVRA and agrees with the permit.

Motion: Moved by Member Dr. Horne, seconded by Member Sandel to adopt the renewal of a National Pollutant Discharge Elimination System (NPDES) permit for the Victor Valley Wastewater Reclamation Authority, as presented. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Chair Pumphrey	Aye
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Vice-Chair Jardine	Aye
Member Cox	Aye
Member Dyas	Aye
Member Sandel	Aye
Member Dr. Horne	Aye

8. Revised Waste Discharge Requirements for DV Natural Resources and the U.S. Department of the Interior, Bureau of Land Management, Briggs Project, Inyo County

Water Board staff, Jan Zimmerman, Senior Engineering Geologist, asked the Water Board to consider adopting the revised Waste Discharge Requirements to authorize microbial bioleaching to extract gold from the ore and to provide general updates to reflect current site conditions.

PUBLIC COMMENT

Art Fisher, Engineer on behalf of Empire Biogold, thanked Water Board staff Jan Zimmerman and Tiffany Steinert for their work on this project. Mr. Fisher replied to Dr. Horne's comment stating cyanide is a carbon and nitrogen that is triple bonded. But no nitrate is used in the gold extraction process.

Ryan Smith-Standridge, Associate Planner/SMARA Coordinator for Inyo County, no questions or comments.

Cathreen Richards, Director, Inyo County, no comment.

Caren Caldwell, with Auric BioRecovery Systems, LLC, no comment.

Ian Macculloch, Director of Resources, Empire Biogold, LLC, thanked the Water Board staff for the way they have conducted themselves, and appreciated the efforts of the Water Board.

Charles Ebetino, Jr., Minority Owner and Co-manager, DV Natural Resources, LLC, no comment.

Jennifer Bell, owners of DV Natural Resources, LLC, no comments.

Leslie Thompson, representing both Empire BioGold and Auric BioRecovery Systems, no comments.

COMMENTS BY THE WATER BOARD

Member Cox indicated she is looking forward to future reports from Water Board staff.

Member Dr. Horne asked if nitrate is part of the gold extraction process, and what is the source of the nitrate? Ms. Zimmerman replied that as cyanide breaks down, nitrate may form, but that Art Fisher could answer this question, as he is a chemical engineer.

Member Sandel echoed Member Dr. Horne's questions.

Motion: Moved by Member Jardine, seconded by Members Dr. Horne and Member Cox to adopt the revised Waste Discharge Requirements to authorize microbial bioleaching to extract gold from the ore and to provide general updates to reflect current site conditions, as presented. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Chair Pumphrey	Aye
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Vice-Chair Jardine	Aye
Member Cox	Aye
Member Dyas	Aye
Member Sandel	Aye
Member Dr. Horne	Aye

9. Annual Enforcement Program Update

Water Board staff, Scott Ferguson, Supervising WRC Engineer, presented a summary of enforcement activities for 2019, prior calendar years, and identified enforcement priorities for the upcoming year.

State Water Board staff, David Boyers, Assistant Chief Counsel, Office of Enforcement, gave presentation on the Compressed Administrative Civil Liability (ACL) Process.

QUESTIONS/COMMENTS BY THE BOARD

Member Cox asked if the lack of enforcement was due to staff turnovers. Mr. Ferguson replied that during FY17/18 we had approximately 40% turnover for the region and that promotions and retirements also exacerbated this condition. Member Cox indicated that it would be absolutely brilliant to be able to implement a compressed ACL process in the Water Board's region.

Member Dr. Horne indicated she is in favor of the compressed ACL concept and hopes to adopt this in the Water Board's region.

Member Jardine agrees with Member Cox that this is a brilliant idea, good path and good tool to have in our toolbox and is in total support of adding this concept.

Member Sandel stated speed is important with enforcement, and he agrees with the other Water Board members that this process is going to serve the Water Board well. Mr. Sandel added that he is looking forward to seeing this implemented.

Chair Pumphrey stated the template is brilliant because that is what will make this process work. Chair Pumphrey asked that we look at what we are doing and what we can do. Maybe incorporate a fix-it ticket concept into this process. He is onboard with the recommendations and looks forward to the compressed ACL process.

Adjournment - The meeting adjourned at 2:16 p.m. on May 6, 2020.

REGULAR MEETING: Thursday, May 7, 2020, at 9:00 a.m.

CALL TO ORDER

Chair Pumphrey called the meeting to order at 9:00 a.m. on May 7, 2020 and indicated the Water Board members will be going into Closed Session and there will be no opportunity for the public to address the Water Board.

10. CLOSED SESSION

The Water Board, without the public present, went into closed session at 9:00 a.m., regarding Closed Session Item10(h)_ Discussion of Personnel Matters. Authority: Government Code section 11126, subdivision (a).

ADJOURNMENT

With no further business to come before the Water Board, the meeting adjourned at 11:20 a.m. on May 7, 2020.



Prepared by: _____ Adopted: 6/10/2020
Katrina Fleshman, Executive Assistant