



Terry Tamminen
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Lahontan Region



Arnold Schwarzenegger
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MINUTES

February 10-11, 2004

Regular Meeting

Lahontan Regional Water Quality Control Board
Mojave Air Quality District
14306 Park Avenue
Victorville, CA

Chair Eugene Nebeker called the meeting to order at 7:00 p.m.

BOARD MEMBERS PRESENT

William Betterley, Hesperia
John Brissenden, Hope Valley (arrived at 4:09 p.m.)
Jack Clarke, Apple Valley (arrived at 4:09 p.m.)
Amy Horne, Ph.D., Truckee
Eugene Nebeker, Ph.D., Lancaster
Eric Sandel, Truckee

BOARD MEMBERS ABSENT

None

LEGAL COUNSEL

Steven H. Blum, State Water Resources Control Board

STAFF PRESENT

Harold J. Singer, Executive Officer
Robert S. Dodds, Assistant Executive Officer
Hisam Baqai, Supervising WRCE
Cindi Mitton, Senior WRCE, Kern County/Mono/Owens Watershed
Jehiel Cass, WRCE, Mojave Unit
Ted Saari, WRCE, Mojave Unit
Pamela Walker, Administrative Officer
Marietta Christoffersen, Office Technician

ADDRESSING THE BOARD

Kathleen Burr, Los Angeles County Farm Bureau
Steve Maguin, Los Angeles County Sanitation District (LACSD)
Raymond Tremblay, LACSD
Barbara Firsick, East Lancaster Home and Land Owners Association
Ronald Ferrell, East Lancaster Home and Land Owners Association
Grant Poole, University of California Cooperative Extension
John Goit, Vice President, Sundale Water District and east side resident
Lewis Trout, Friends of the Calico Early Man Site

Chair Eugene Nebeker called the meeting to order at 4:06 p.m.

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1. **Executive Officer's Report**

The Board did not have a quorum (no Board action was required) when this informational item began.

Mr. Singer highlighted the following items from the December written report:

Item No. 1 – Martis Valley Residential Construction Best Management Practices Workshop

A workshop about golf course regulation in sensitive areas will be conducted at the next meeting held in the north.

Item No. 2 – Caltrans' October 1, 2003 Discharge Event from the I-80 Rehabilitation Boca/Floriston Project

Item No. 3 – Caltrans' August 26, 2003 Discharge Event from the I-80 Trout Creek Bridge Replacement Project

Lack of coordination between the contractor and Caltrans resulted in turbidity to the river. One ACL has been issued the second has been drafted. These items should be on next month's agenda if they are contested.

Item No. 5 – Mojave Water Agency Water Banking Demonstration Project, San Bernardino County

Regional Board staff is working closely with MWA to determine the long-term re-charge impacts.

The following items from the January – February written report were discussed:

Item No. 1 – Study of Declining Amphibian Populations and Pesticide Drift: Prop. 13 Grant to Sierra Nevada Alliance

This is a demonstration of a good relationship between the Regional Board staff and local non-profit organizations.

Item No. 2 - Colorado Hill Mining District CERCLA Action by U.S. Forest Service – Remediation Measures Selected, Memorandum of Understanding (MOU) Signed, Alpine County

MOU is similar to DoD facilities. USFS owns the land and is taking the lead both in investigation and cleanup of historic mining problems. Remediation is proposed and funding for design work is available.

Item No. 3 – Meyers Beacon Gas Station, El Dorado County

The residual MTBE in the groundwater is below the drinking water standard but it is not at South Tahoe PUD's standard of non-detect. Prior to closing the site, which is immediately up gradient to two STPUD water supply wells, we will meet with District staff. This item may come before the Board.

Item No. 6 – Lake Tahoe Fertilizer Management Workshop

The Regional Board is working closely with TRPA and various stakeholders on fertilizer use in the Lake Tahoe Basin and its effect on the lake.

Item No. 9 – Molycorp Cleanup and Abatement Order Compliance Status Update

The Regional Director of BLM in Riverside stated that the Right-of-Way permit would be signed this week. Molycorp has submitted a Right-of-Way application to the National Park Service for additional wells. Draft WDRs for closure of P-16 have elicited comments on the nature of the cover material.

Dr. Nebeker had questions on Items No 7 and 8.



Dr. Horne had questions on Item No. 5.

Other items discussed:

Region 6 Timber Waiver - The State Board approved the Region 6 Timber Waiver over the objections of the timber industry with one change. Herbicide application was removed from the definition of timber harvest activity. However, that does not mean the application of pesticide cannot be regulated. Some timber harvest plans were submitted to CDF but no waiver information was submitted to the Regional Board. Board staff plans to notify the operators of the waiver requirements.

Truckee River TMDL - Stakeholders asked what the basis for the 303d listing was. The listing occurred many years ago at a time when no criteria for listing existed. Current draft criteria do not support the listing. Development of the TMDL has been put on hold. Federal EPA requires affirmative data confirming that the water body no longer deserves to be listed. While we do not have the data that supports listing, we also may not have the data that supports delisting. Bioassessment data collection is being proposed to either provide a basis for an impairment listing or to support delisting.

PG&E/Hinkley – There was a release of chromium from the cooling towers that discharged to an unlined pond, resulting in significant hexavalent chromium groundwater contamination in the Hinkley area. Using unlined ponds ceased before the Regional Board began regulating the site.

Remediation started in the 1990's and involved two land treatment units where contaminated groundwater was pumped up and sprayed on crops for irrigation purposes. Conditions were such that Chromium 6 was converted to the more stable, less mobile, and less toxic Chromium 3. After the systems were in operation for some time, concerns were raised over air emissions and the possible public health implication to those who lived or traveled near the land treatment units. The Air Resources Board took samples, however the results were inconclusive. To avoid potential problems, the Regional Board required PG&E to abate any discharge of Chromium to the air. This resulted in the remediation program shutting down three years ago.

In the meantime, the plume has continued to move. The end of the plume is now under a dairy recently purchased by PG&E. The interim plan is to put extraction wells in the dairy area to retard movement of the plume. Groundwater will be pumped and used for sub-surface drip irrigation. PG&E plans to have the system in operation by mid-May. As the lead agency, Regional Board staff is preparing a Negative Declaration for the project.

A staff public meeting in Hinkley would provide information on the current situation before the item is brought to the Regional Board.

Eagle Lake/Spalding Tract

The District is finalizing CEQA documents and has lined up grants to fund a significant portion of the proposed collection and treatment system. A small community grant from the State Board has been delayed for six to twelve months while criteria is developed, and as a result, a HUD grant is in jeopardy. The State Board's Executive Director, who has worked for HUD, will contact them and ask that they work with the State Board to avoid loss of the grant. The District contacted their local Assemblyman who is putting pressure on the State Board to move the process forward so that funding is not lost.



Modoc County – Modoc County sent State Board a letter concerning their landfill fees, which have tripled. Regional Board staff is checking the classifications, and determining whether these landfills pose a threat to water quality.

Newsletter/Tahoe TMDL – The newsletter is available on the Region 6 website. It focuses on the possibility of air deposition being a significant contributing factor to the declining clarity of Lake Tahoe.

Robert Dodds answered Jack Clarke’s question about the progress of the MOU between the Mojave Water Agency, Lahontan Regional Water Quality Control Board, and the High Desert Power Project LLC.

The afternoon session of the Board meeting adjourned at 4:55 p.m.

Regular Meeting, Continued
7:00 p.m., February 10, 2004

Chair Eugene Nebeker called the meeting to order at 7:00 p.m. Board members present: William Betterley, John Brissenden, Jack Clarke, Amy Horne and Eric Sandel

2. PUBLIC FORUM

No one addressed the Board during the Public Forum.

3. MINUTES

- **Motion:** Moved by Jack Clarke, seconded by Eric Sandel and **carried** to adopt the October minutes as proposed.
John Brissenden abstained from voting on the October minutes, as he was not in attendance at the October Board meeting.
- **Motion:** Moved by John Brissenden, seconded by Jack Clarke and **unanimously carried** to adopt the minutes as proposed.

4. ADOPTION OF UNCONTESTED CALENDAR

- **Motion:** Moved by William Betterley, seconded by Eric Sandel and **unanimously carried** to adopt the Uncontested Calendar as proposed.

OTHER BUSINESS

5. Resolution Adopting a Mitigated Negative Declaration for Fort Irwin National Training Center (NTC); Wastewater Treatment Facility Tertiary Upgrade and Recycled Water Distribution System

The Board did not request a staff presentation.

- **Motion:** Moved by William Betterley, seconded by Jack Clarke and **unanimously carried** to adopt the Resolution as proposed.

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REVISED WASTE DISCHARGE REQUIREMENTS

6. Fort Irwin National Training Center (NTC); Wastewater Treatment Facility

The Board did not request a staff presentation.

- **Motion:** Moved by William Betterley, seconded by Eric Sandel and **unanimously carried** to adopt the Revised Waste Discharge Requirements as proposed.

OTHER BUSINESS

9. Status Report on Los Angeles County Sanitation District No. 20 Palmdale Water Reclamation Plant and the City of Los Angeles World Airports Compliance with Provisions of Cleanup and Abatement Order No. R6V-2003-0056 Addressing Report on Waste Discharges of Nitrate to the Ground Waters of the Antelope Hydrologic Unit

Chair Eugene Nebeker excused himself from items 9 and 10 and turned the meeting over to Vice Chair Eric Sandel.

Jehiel Cass, WRCE, made the staff presentation as follows:

- Discussed the CAO adopted in November 2003
- Summarized the January 21, 2004 subcommittee meeting
- Provided an overview of the District's new agricultural reuse areas
- Concluded with the actions planned over the next few months

Board members expressed their concerns in the following areas:

- Expansion of agricultural use of effluent since the District raised the issue that commercial agricultural operations may be responsible for nitrate problems
- February 6, 2004 comments on the first quarterly status report submitted by the District
- Meetings held in Whittier make public participation difficult. (District 14 and 20 Board members will receive personal invitations to attend the next subcommittee meeting.)

Steve Maguin and Raymond Tremblay, LACSD, responded to the concerns raised by Board members.

The Board discussed the possibility of combining the April Board and subcommittee meetings.

Kathleen Burr, Los Angeles County Farm Bureau, commented on the quarterly report. She asked for copies of documents that support statements therein as well as the names, telephone numbers and qualifications of all the consultants who are assisting the District. She questioned the District's continuing efforts to place responsibility for a portion of the contamination problem on the agriculture industry and noted that these funds would be better spent upgrading the Palmdale plant to tertiary treat the water. Ms. Burr also



questioned when the plant upgrade would be completed and whether land spreading would continue.

Mr. Singer pointed out that reporting deadlines of February 16 and March 30 would contain the District's specific nitrogen reduction treatment proposal. He noted that staff would evaluate the treatment level of the effluent and how it would be disposed of to determine if the beneficial uses of receiving waters (groundwater) would be protected.

Steve Maguin, LACSD, discussed the type of treatment under consideration by the District.

Grant Poole, Farm Advisor, University of California Cooperative Extension, identified himself as one of the District's consultants. He identified the sources used when he provided high desert alfalfa yield data to the District. He also discussed nitrogen consumption rates of alfalfa.

Mr. Poole answered questions from Board members and Mr. Singer.

10. Status Report on Los Angeles County Sanitation District No. 14 Lancaster Water Reclamation Plant Compliance with Schedules contained in Waste Discharge Requirements. Order No. R6V-2002-0053

Jehiel Cass, WRCE, made the staff presentation and reviewed the time schedules in Board Order R6V-2002-053 as follows:

- Evaluation of the implementation of ammonia toxicity requirement by August 25, 2005
- Status on eliminating the threatened nuisance condition due to effluent induced overflows to Rosamond Dry Lake by August 25, 2003
- Status of completing the required groundwater investigation by January 31, 2005

Mr. Cass noted that as a result of a recent determination by the U.S. Army Corps of Engineers, Amargosa Creek, Piute Ponds and Rosamond Dry Lake (receiving waters), while waters of the state, may not be waters of the U.S. Dr. Unsicker, Staff Environmental Scientist, is assisting staff in reviewing technical reports being submitted by the District to consider revising the beneficial uses for these water bodies and what site specific water quality objectives might apply for the receiving waters and new uses. Staff expects to bring a Basin Plan Amendment to the Board in the fall of 2004.

In conclusion Mr. Cass noted that public concerns remain over expanding agricultural re-use areas and that court litigation may result.

Steve Maguin, LACSD, discussed the groundwater investigation schedule and the ammonia toxicity requirement.

Raymond Tremblay, LACSD, answered questions about the groundwater monitoring wells schedule extension requested by the District.



Kathleen Burr, Los Angeles County Farm Bureau, stated her opposition to the District purchasing individual homes. The Farm Bureau suggested purchasing land near Nebeker Ranch as an interim plan. Ms. Burr asked the Board not to allow land spreading unless it can be guaranteed that no wells are in the vicinity.

John Goit, Vice President, Sundale Water District and east side resident, asked the Board why the District would wait until 2007 to construct winter storage ponds, since the nuisance problem at Rosamond Dry Lake must be eliminated by 2005. He noted that constructing the ponds now would make the purchase of additional land for land spreading unnecessary.

Barbara Firsick, East Lancaster Home and Land Owners Association, read a letter opposing the current proposed plan for District 14. She asked why the District is spending funds for additional land to dispose of effluent instead of tertiary treating all, not just a portion of it. She concluded by asking the Board to ban new sewer hook ups.

Lewis Trout, Friends of the Calico Early Man Site, discussed archaeological advances using sonar to locate subsurface features (wells) not readily discernible by surface surveys. He recommended staff discussions with the Regional Archaeologist at the Bureau of Land Management in Sacramento, Dr. William Dever, University of Arizona and the San Bernardino County Museum archaeology staff as well as Fred Budinger of Tetra Tech, who may be able to provide leads that have application for locating abandoned wells.

Ronald Ferrell, East Lancaster Home and Land Owners Association, told the Board he saw a water main on 50th Street spraying water onto a field and soaking into the ground. He asked the District to recognize that tertiary treatment was the only practical solution in a valley that was short on water. He asked the Board to consider a sewer connection ban.

Mr. Singer pointed out that land spreading as described by Mr. Ferrell is allowed at the Palmdale Facility while upgrade proposals are being prepared and implemented.

Board discussion followed.

12. Reports by Chair and Board Members

Dr. Nebeker related the following:

- He is involved in a committee comprised mainly of University of California Farm Advisers around the state. Grant Poole is also a member. The committee is working on a guidance manual concerning the agricultural re-use of wastewater from sanitary agencies, canneries and dairies.
- He will meet with the Vice Chair of the Central Valley Regional Board to discuss better and more accurate regulations of the agricultural re-use of wastewater.
- He is involved in Senator Pete Knight's water policy group in Lancaster and Palmdale.

11. Election of Chair and Vice-Chair for 2004

- **Motion:** Moved by Jack Clarke and **unanimously carried** to elect Eric Sandel as Chair.

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- **Motion:** Moved by Eric Sandel and **unanimously carried** to elect William Betterley as Vice Chair.

13. **CLOSED SESSION**

Board members met in closed session on February 10, 2004 from 10:00 p.m. to 10:30 p.m. to discuss items h, i, n, and p. Authority: Government Code Section 11126(e).

The Board reconvened in open session at 10:30 p.m. With no further business to come before the Board, the meeting adjourned at 10:31 p.m.

Prepared by: _____ s/s _____ Adopted: April 14, 2004
Pam Walker, Administrative Officer

