



California Regional Water Quality Control Board

Lahontan Region



Linda S. Adams
Secretary for
Environmental Protection

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150
(530) 542-5400 • Fax (530) 544-2271
<http://www.waterboards.ca.gov/lahontan>

Arnold Schwarzenegger
Governor

MINUTES

November 8, 2006 (Palmdale)
November 9, 2006 (Adelanto)

Regular Meeting

November 8, 2006
Palmdale City Council Chambers
38300 Sierra Highway, Suite B
Palmdale, CA

Chair Amy Horne, Ph.D., called the meeting to order at 2:00 p.m. on November 8, 2006.

BOARD MEMBERS PRESENT

John Brissenden, Hope Valley*
Jack Clarke, Apple Valley
Keith Dyas, Rosamond
Amy Horne, Ph.D., Truckee
Eric Sandel, Truckee
Susan J. Van Dam, Barstow

BOARD MEMBERS ABSENT

Jim Chapman, Susanville

LEGAL COUNSEL

David Coupe, State Water Resources Control Board
Steven Blum, State Water Resources Control Board (by telephone)

STAFF PRESENT

Harold J. Singer, Executive Officer	Jehiel Cass, WRCE
Robert S. Dodds, Assistant Executive Officer	Kai Dunn, WRCE
Chuck Curtis, Supervising WRCE	Scott Ferguson, Senior WRCE
Lauri Kemper, Supervising WRCE	Alan Miller, Senior WRCE
Cindi Mitton, Senior WRCE	Eric Shay, Staff Services Analyst
Mike Plaziak, Senior WRCE	Curt Shifrer, WRCE
Laurie Applegate, Executive Assistant	

ADDRESSING THE BOARD

Tom Barnes, AVEK	Eugene B. Nebeker, Nebeker Ranch
Dale Melville, Boron CSD	Raymond Tremblay, LACSD

* Mr. Brissenden arrived at 4:00 p.m. on November 8, 2006

California Environmental Protection Agency

Recycled Paper



2. PUBLIC FORUM

No one addressed the Board during the Public Forum.

OTHER BUSINESS

6. **Executive Officer's Report**

Mr. Singer discussed the October 2006 written report. Cindi Mitton answered questions regarding the sewage spill that occurred on September 2, 2006 from the City of Barstow's collection system.

Mr. Singer discussed issues regarding the Victor Valley Wastewater Reclamation Authority (VWRA). The VWRA previously built four percolation ponds without Water Board authorization and recently asked Mr. Singer for permission to use the ponds. Mr. Singer denied the request based on several factors, including the potential effect on groundwater. Mr. Singer recommended the VWRA staff submit an application for Board consideration. VWRA staff advised Mr. Singer that they may violate their NPDES permit or be forced to use the unauthorized percolation ponds for a short period of time during peak flows this winter. Water Board staff will continue to meet with the new General Manager and VWRA consultants on issues of concern and expect to bring an update of the permit to the Board for consideration in 2007.

Mr. Singer noted that during the October 2006 Board meeting, Mr. Brissenden asked the Board to consider designating the East Carson and West Walker Rivers as Outstanding National Resource Waters (ONRWs) and asked Mr. Singer to discuss the matter during the November Executive Officer's Report. Mr. Singer noted the East Carson and West Walker Rivers are currently designated as California Wild and Scenic Rivers with many of the protections of an ONRW designation. He explained the process for designating a water body as an ONRW and noted the Lahontan Water Board could initiate the process by asking the State Water Board to make the designation. Mr. Singer noted the water bodies would probably qualify for the designation; and staff could further explore the regulatory benefit of the designation if directed to do so by the Board.

STATUS REPORTS

4. **Compliance Status and Enforcement Status**

- a. **Los Angeles County Sanitation District No. 14, Lancaster Water Reclamation Plant – Waste Discharge Requirements (R6V-2002-053) and Cease and Desist Order (R6V-2004-038), Los Angeles County**
- b. **Los Angeles County Sanitation District No. 20, Palmdale Water Reclamation Plant – Waste Discharge Requirements (6-00-57) and Cease and Desist Order (R6V-2004-039), Los Angeles County, and**
- c. **Los Angeles County Sanitation District No. 20 and Los Angeles World Airports – Clean-up and Abatement Order (R6V-2003-056), Los Angeles County**



Chair Horne read an opening statement that explained how the separation of functions and litigation affect Board decision making in this matter.

Steven Blum, Office of Chief Counsel, State Water Board, and member of the Lahontan Water Board's prosecution team, participated by telephone during this item. Mr. Singer also served as a member of the prosecution team. David Coupe, Lauri Kemper and Alan Miller served as the Board's advisors.

Mr. Dyas declared a conflict of interest with Item 4a - Los Angeles County Sanitation District No. 14 (LACSD 14). Mr. Dyas did not participate in any of the discussions related to LACSD 14. A notation is made when Mr. Dyas left the dais and when he joined the Board for consideration of Items 4b and 4c – Los Angeles County Sanitation District No. 20 (LACSD 20), and LACSD 20 and Los Angeles World Airports (LAWA).

Staff Presentation and Discussion of Item 4a:

Note: Mr. Dyas left the dais during the following discussion of Item 4a.

Kai Dunn discussed the status of compliance of LACSD 14, Lancaster Water Reclamation Plant with Waste Discharge Requirements R6V-2002-053 and Cease and Desist Order R6V-2004-038.

Addressing the Board: Raymond Tremblay, LACSD.

Dr. Nebeker and Mr. Tremblay answered questions from the Board regarding the possibility of the District disposing of additional effluent on Nebeker Ranch as suggested by Dr. Nebeker in a letter to the Water Board dated August 24, 2005. Mr. Clarke suggested District representatives, Dr. Nebeker and Water Board staff work together to find a way to dispose of additional effluent and to quantify and credit the diversion to the District. Mr. Singer noted that if an agreement could be worked out, Water Board staff would find a way to credit the disposal of additional effluent to the District.

Staff Presentation and Discussion of Items 4b and 4c:

Note: Mr. Dyas joined the Board for consideration of Items 4b and 4c.

Jehiel Cass discussed the status of compliance of LACSD 20, Palmdale Water Reclamation Plant with Waste Discharge Requirements 6-00-57 and Cease and Desist Order R6V-2004-039; and LACSD 20 and LAWA with Cleanup and Abatement Order R6V-2003-056. Mr. Cass answered questions from the Board.

Addressing the Board regarding LACSD 20 and LAWA status of compliance: Raymond Tremblay, LACSD. Mr. Tremblay answered questions from the Board.



Status of Settlement Discussions – Items 4b and 4c:

Dr. Horne asked Mr. Singer if he thought the prosecution team and the District would reach settlement. She reiterated the Board's expectation that during the first quarter of 2007, the prosecution team would either present the Board with a settlement proposal or propose administrative action.

Mr. Singer gave background information related to litigation filed by the District. He discussed the status of a report by an independent consultant hired by Water Board staff to determine if the schedules in the cease and desist order are reasonable and to review the schedules proposed by the District. The consultant submitted a preliminary report and will be submitting a supplemental report to address staff's concerns with the deficiencies in the initial report. Mr. Singer also discussed ongoing settlement negotiations with the District. He noted the discussions have expanded beyond time schedules to include violations of the waste discharge requirements, cease and desist order, the cleanup and abatement order and penalties. Mr. Singer commented that he believed an agreement could be reached and that staff is on schedule to meet the Board's expectation for the first quarter of 2007. Board members encouraged Mr. Singer to meet the schedule.

Status of Settlement Discussions – Item 4a:

Note: Mr. Dyas left the dais during the following discussion of Item 4a.

Mr. Singer noted the settlement discussions for the Lancaster facility were progressing on track with the Palmdale facility. Mr. Clarke suggested the discussions include finding a way for the District to dispose of additional effluent on the Nebeker Ranch. Mr. Singer concurred.

Note: With the conclusion of the discussion of Item 4a, Mr. Dyas joined the Board. Mr. Brissenden arrived at 4:00 p.m.

7. CLOSED SESSION

Note: See page 6 of the minutes for Dr. Horne's statement related to this closed session.

Board members met in closed session from 4:15 p.m. to 5:00 p.m. to discuss Items 7e, 7i and 7j. Mr. Dyas was not present during the discussion of Item 7i. The Board reconvened in open session at 5:00 p.m. and recessed for dinner.



Regular Meeting, Continued
7:00 p.m., November 8, 2006

Chair Amy Horne, Ph.D., called the meeting to order at 7:00 p.m. Board members present: John Brissenden, Jack Clarke, Keith Dyas, Eric Sandel, and Susan Van Dam.
Board member absent: Jim Chapman.

2. MINUTES

Minutes of the Regular Meeting of September 13 and 14, 2006 in Lancaster, California

Dr. Horne suggested page 6, paragraph 1 of the September 2006 minutes be changed to read: Chair Horne read an opening statement that explained how the separation of functions and litigation affect Board decision making in this matter.

- **Motion:** Moved by Mr. Clarke, seconded by Mr. Dyas and **unanimously carried** to adopt the September 13 and 14, 2006 minutes with the change made by Dr. Horne.

Minutes of the Regular Meeting of October 11 and 12, 2006 in Kings Beach, California

Dr. Horne suggested page 6, the last sentence of paragraph 9 of the October 2006 minutes be changed to read: Dr. Horne felt the settlement amount was too low because the impact on beneficial uses was the same regardless of how much was discharged.

- **Motion:** Moved by Mr. Dyas, seconded by Mr. Brissenden and **unanimously carried** to adopt the October 11 and 12, 2006 minutes with the change made by Dr. Horne.
Note: Mr. Clarke abstained as he was not present at the October meeting.

3. ADOPTION OF UNCONTESTED CALENDAR

Item 5 was adopted on the uncontested calendar (see Item 5 for Board action).

5. Record of Decision for Operable Unit 6, National Aeronautics and Space Administration Dryden Flight Research Center; Edwards Air Force Base, Kern County

Mr. Dyas declared a conflict of interest with this item.

- **Motion:** Moved by Mr. Sandel, seconded by Mr. Clarke and **unanimously carried** to adopt Item 5 as proposed on the uncontested calendar.
Note: Mr. Dyas did not vote.



7. CLOSED SESSION

Note: See page 4 of the minutes for the first portion of this item.

Steven Blum, Office of Chief Counsel, State Water Board, and member of the Lahontan Water Board's prosecution team, participated by telephone during this item.

Dr. Horne made the following statement related to closed session Items 7i and 7j. "The Board's direction to staff is that we understand that more settlement discussions will happen in the next two weeks and that you expect that by mid-December you will know whether the prosecution team will be able to present a settlement proposal or propose administrative action in the first quarter of 2007. That is the schedule that we are expecting. What happens between the prosecution team and its consultant is your business and does not affect the schedule from our perspective."

NEW WASTE DISCHARGE REQUIREMENTS

8. **Los Angeles County Sanitation District No. 14 Lancaster; Four New Storage Reservoirs, Los Angeles County**

Mr. Dyas declared a conflict of interest with this item.

Curt Shifrer gave the staff presentation, discussed comments received and late revisions proposed by staff. Mr. Singer responded to written comments submitted by the District dated October 30, 2006. Cindi Mitton handed out and discussed a table outlining the similarities and differences between two projects before the Board: LACSD 14 proposed storage reservoirs; and the Boron Community Services District's Well No. 15 Pilot Aquifer Storage Recovery Project.

Board members concurred with staff's recommendation and complimented staff on the presentation.

- **Motion:** Moved by Mr. Clarke, seconded by Mr. Brissenden and **unanimously carried** to adopt the waste discharge requirements with the late revisions recommended by staff.

9. **Conditional Waiver of Waste Discharge Requirements: Boron Community Services District, Well No. 15 Pilot Aquifer Storage Recovery Project, Kern County**

Mr. Dyas made the following statement: "Although I am a Board member of AVEK, I did not attend the meeting of the Board of Directors on June 27, 2006 to approve the allocation of 60 acre feet of water to Boron CSD. Furthermore, I have no subjective biases or preconceived notions about the water quality impacts of the proposed project. Consequently, I believe that I have no conflict of interest concerning this item."

Jehiel Cass gave the staff presentation and discussed the late revisions proposed by staff. Cindi Mitton discussed the pilot project.



Addressing the Board: Dale Melville, representing Boron Community Services District. Tom Barnes, Resources Manager, Antelope Valley – East Kern Water Agency (AVEK), answered questions from the Board regarding trihalomethanes and haloacetic acids.

Following discussion by the Board, it was decided to keep the limits on trihalomethanes and haloacetic acids as proposed on page 2 of Attachment B of the conditional waiver. Mr. Coupe pointed out an error on page 2, paragraph 3, and line 3 of the late revision sheet. He noted the reference to the California Code of Regulations, title 14, section 16061 should actually be title 14, section 15061. The Board also added language to page 10, number 13.c. of the conditional waiver to read: c. Certification that the condition of groundwater degradation has been abated **or** a description of actions which are being taken to abate the condition of degradation or a reasonable effort has been made. (Language added is underlined for emphasis.)

- **Motion:** Moved by Mr. Clarke, seconded by Mr. Sandel and **unanimously carried** to adopt the conditional waiver of waste discharge requirements with the late revisions recommended by staff and with the additional changes made during discussion of the item.

7. **CLOSED SESSION**

Board members met in closed session from 8:50 p.m. 10:17 p.m. to discuss Items 7b, 7c, and 7e. The Board reconvened in open session at 10:18 p.m. and recessed to November 9, 2006 in Adelanto.



Regular Meeting, Continued

November 9, 2006
Adelanto City Council Chambers
11600 Air Expressway
Adelanto, CA

Chair Amy Horne, Ph.D., called the meeting to order at 10:00 a.m. on November 9, 2006.

BOARD MEMBERS PRESENT

John Brissenden, Hope Valley
Jack Clarke, Apple Valley
Amy Horne, Ph.D., Truckee
Eric Sandel, Truckee
Susan J. Van Dam, Barstow

BOARD MEMBERS ABSENT

Jim Chapman, Susanville
Keith Dyas, Rosamond

LEGAL COUNSEL

David Coupe, State Water Resources Control Board

STAFF PRESENT

Harold J. Singer, Executive Officer	Jehiel Cass, WRCE
Robert S. Dodds, Assistant Executive Officer	Mike Coony, WRCE
Chuck Curtis, Supervising WRCE	Lisa Dernbach, Senior Engineering Geologist
Lauri Kemper, Supervising WRCE	Kai Dunn, WRCE
Cindi Mitton, Senior WRCE	Scott Ferguson, Senior WRCE
Mike Plaziak, Senior WRCE	Joe Koutsky, WRCE
Laurie Applegate, Executive Assistant	
Eric Shay, Staff Services Analyst	

ADDRESSING THE BOARD

Robert Conaway	Eric P. Johnson, PG&E
Norman Diaz	Logan Olds, VVWRA
Charles Groom	

10. PUBLIC FORUM

Norman Diaz, Hinkley, handed out material and discussed air and water quality concerns related to Nursery Products, LLC, a proposed sludge bio-waste facility in Hinkley. Mr. Diaz commented that the company had a poor history of compliance and asked the Water Board to watch them closely. Dr. Horne noted Water Board staff will continue to work closely with Mr. Diaz on this matter.

Charles Groom, Newberry Springs, discussed concerns with Nursery Products, LLC, and stressed the need to protect water quality.



NEGATIVE DECLARATION

11. **Resolution Certifying a Mitigated Negative Declaration for Pacific Gas and Electric Company's In-situ Source Area Remediation Project, Hinkley, San Bernardino County**

Note: Items 11 and 13 were considered together. For discussion and Board action related to Items 11 and 13, see Item 13 below.

NEW WASTE DISCHARGE REQUIREMENTS

13. **Pacific Gas and Electric Company, In-situ Source Area Remediation Project, Hinkley, San Bernardino County**

Lisa Dernbach gave the staff presentation and responded to written comments submitted by Mr. Eric P. Johnson, Pacific Gas and Electric Company (PG&E), and Mr. Robert Conaway. Ms. Dernbach suggested the following corrections to the waste discharge requirements: page 3, the last paragraph, second sentence – change 700 feet to 300 feet; page 8, second paragraph, first sentence – change November 8, 2006 to November 9, 2006; and on page 15 – change the date the Order was adopted from November 8, 2006 to November 9, 2006. Ms. Dernbach recommended the Board adopt the Resolution certifying the mitigated negative declaration and also adopt the waste discharge requirements with the changes she discussed during her presentation and noted above.

Addressing the Board: Eric P. Johnson, PG&E; Robert Conaway; Norman Diaz (handout); and Charles Groom.

Mr. Singer, Ms. Dernbach, and Mr. Curtis responded to issues raised by Mr. Conaway during his presentation to the Board. Ms. Dernbach answered questions from Dr. Horne about two public meetings held by Water Board staff in Hinkley in June 2004 and May 2006. Mr. Coupe drew the Board's attention to Finding 17 of the proposed Resolution and noted that Water Board staff determined that mitigation measures were incorporated into the project bringing the level of all potential impacts to a level of insignificance.

Mr. Brissenden expressed concern that PG&E was the sole source of information and asked what harm there would be in preparing an Environmental Impact Report (EIR). Mr. Singer responded that an EIR would not provide additional information and would further delay a beneficial project. He noted staff had pre-approved protocols used by PG&E and had independently evaluated and verified the information supplied by PG&E.

Mr. Sandel commented that the project had been carefully designed with highly qualified Water Board staff evaluating the data and that he supported the project. Dr. Horne concurred with Mr. Sandel and noted that the project design and safeguards were impressive. Dr. Horne opposed delaying the project. She commented that the project was intended to treat the source of the chromium 6 and was a big step toward solving the problem in Hinkley.



- **Motion:** Moved by Mr. Sandel and seconded by Mr. Clarke to adopt the staff recommendation with the changes outlined by Ms. Dernbach.
Voting yes: Mr. Clarke, Dr. Horne, Mr. Sandel, Ms. Van Dam
Voting no: Mr. Brissenden
Motion carried 4-1

NEGATIVE DECLARATION

12. **Resolution Certifying a Mitigated Negative Declaration for Pacific Gas and Electric Company's Ranch Land Treatment Unit Project, Hinkley, San Bernardino County**

Note: This item was removed from the agenda. It will be considered at a future meeting.

REVISED WASTE DISCHARGE REQUIREMENTS

14. **Pacific Gas and Electric Company, Ranch Land Treatment Unit, Hinkley, San Bernardino County**

Note: This item was removed from the agenda. It will be considered at a future meeting.

ENFORCEMENT ACTION

15. **Consideration of Proposed Administrative Civil Liability Order Effectuating a Settlement of Administrative Civil Liability Complaint No. R6V-2006-0002, Issued to the Victor Valley Wastewater Reclamation Authority for Violation of Waste Discharge Prohibitions Prescribed in the Water Quality Control Plan for the Lahontan Region, and Violation of Waste Discharge Requirements/Federal NPDES Permit, for the Unauthorized Discharge of Undisinfected Secondary-Treated Wastewater and Sediments to the Mojave River at the Victor Valley Wastewater Treatment Plant on April 12, 2005, Victorville, San Bernardino County.**

Scott Ferguson gave the staff presentation and drew the Board's attention to the Victor Valley Wastewater Reclamation Authority's (VWVRA) October 26, 2006 Letter of Assurance. Mr. Ferguson recommended the Board adopt the Administrative Civil Liability Order as proposed.

Mr. Clarke recommended the VWVRA make the results of the project available to others in electronic and GIS formats. He also recommended that dischargers notify local water purveyors and well owners when a spill requires Water Board notification. Scott Ferguson noted VWVRA has improved their notification process. He discussed improved coordination to notify public water purveyors of spills by the Water Boards, the Department of Health Services and the Office of Emergency Services.

Addressing the Board: Logan Olds, General Manager, VWVRA. Mr. Olds answered questions from Mr. Coupe.



Mr. Singer recommended a change to the Order on page 1, the second sentence of finding 3.b. October 5, 2005 was changed to October 5, 2006.

Mr. Clarke expressed support for the project. Dr. Horne also voiced support for the project. She noted the VVWRA change of management, improved compliance and cooperation with Water Board staff. She also noted the project fit the criteria for a SEP and will provide useful information.

- **Motion:** Moved by Mr. Clarke, seconded by Mr. Brissenden and **unanimously carried** to adopt the ACL Order with the change recommended by Mr. Singer.

OTHER BUSINESS

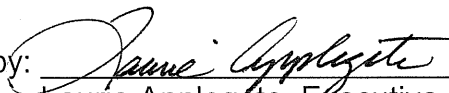
16. Reports by Chair and Board Members

Dr. Horne gave a report regarding subjects discussed at the October Water Quality Coordinating Committee meeting, including the results of the Delphi process (handout). Dr. Horne also handed out an article from the Environmental Working Group's website entitled Pouring It On: Nitrate Contamination of Drinking Water.

17. ADJOURNMENT OF FORMAL MEETING

With no further business to come before the Board, the meeting adjourned at 1:20 p.m.

Prepared by:



Laurie Applegate, Executive Assistant

Adopted: February 14, 2007

