

Lahontan Regional Water Quality Control Board

MINUTES

June 13, 2012

Subcommittee Meeting

Hampton Inn Suites Barstow
2710 Lenwood Road
Barstow, CA 92311

Board Members Present

Don Jardine, Chair, Markleeville
Amy Horne, Ph.D., Truckee
Peter C. Pumphrey, Vice Chair, Bishop
Keith Dyas, Rosamond

Board Member Absent

Jack Clarke, Apple Valley
Eric Sandel, Truckee

Legal Counsel

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

Staff Present

Patty Z. Kouyoumdjian, Executive Officer
Lauri Kemper, Assistant Executive Officer
Charles Curtis, Supervising WRCE
Cindi Mitton, Senior WRCE
Mike Plaziak, Sup. Engineering Geologist
Patrice Copeland, Senior Engineering Geologist
Anne Holden, Engineering Geologist

Tim Post, Engineering Geologist
Jehiel Cass, Senior WRCE
Christy Hunter, Engineering Geologist
Sue Genera, Executive Assistant

Tour: Pacific Gas and Electric Company's Pilot Test Facility for Whole House Replacement Water Treatment Systems

Water Board members; Dr. Amy Horne, Peter Pumphrey, and Don Jardine, along with Water Board Staff, representatives for PG&E, and members of the public met at the PG&E Community Office and continued on to the pilot test facility where PG&E described the whole house water treatment systems tested and summarize the results. The tour began at 3:00 p.m. and concluded at approximately 4:30 p.m.

Subcommittee Meeting, June 13, 2012, 7:00 p.m.**Addressing the Board**

Jon Quass, **Vice President, Hinkley Community Advisory Committee**
Lester White, **Hinkley Community Advisory Committee**
Ian Webster, **IRP Manager, Community Advisory Committee**
Daron Banks, **Hinkley Resident**
Naz Awad, **Hinkley Resident**
Norman Diaz, **Hinkley Resident**
Kevin Sullivan, **Project Manager, Hinkley Remediation Project, PG&E**
Sheryl Bilbrey, **Director of Chromium Remediation, PG&E**

INTRODUCTIONS

Chairman Don Jardine called the meeting to order at 7:00 p.m. on June 13, 2012, and introduced Board members.

Patty Z. Kouyoumdjian, Executive Officer, introduced Legal Counsel and Water Board staff.

OTHER BUSINESS**1. PUBLIC FORUM**

- Norman Diaz addressed the Board and expressed concern over improper dumping at the Nursery Products Composting Facility located 10 miles west of the town of Hinkley, CA. The Executive Officer thanked Mr. Diaz for his comments and stated that Water Board Staff were currently investigating the site.
- Naz Awad addressed the Board and informed them of continual break ins and vandalism to his rental home in Hinkley. He felt disenfranchised that PG&E would not offer him market value for his home. Sheryl Bilbrey, Director of Chromium Remediation for PG&E, responded that although she was unable to comment on individual property acquisitions, she would be happy to discuss the matter with Mr. Awad privately.
- Daron Banks addressed the Board and expressed concern over PG&E's governing of the Community Advisory Committee. Mr. Banks was disturbed that PG&E is paying for the consultant assigned to the committee. He felt the consultant would be influenced by PG&E and was dependent upon a future contract. Board Member Horne responded that the consultant should be neutral in order to facilitate the process. Ms. Kouyoumdjian stated that she would look at the structure of the CAC compared to other state agency programs.

- Jon Quass addressed the Board and expressed disappointment that the Community Advisory Committee was not consulted while PG&E and the Lahontan Water Board revised CAO No. R6V-2011-0005A2 and the Feasibility Study that analyzed replacement water options. Mr. Quass also expressed deep concern of provision (3.a) being removed from Order No. R6V-2011-0005A1:

“Within 45 days, of issuance of this Order, the Discharger shall propose a method or methods to perform an initial and quarterly evaluation of every domestic or community well in the affected area to determine if detectable levels of hexavalent chromium between the maximum background level and the PHG represent background conditions, or are more likely than not, partially or completely, caused by the discharge of waste by the Discharger...”

- Ian Webster, IRP Manager for the Community Advisory Committee addressed the Board and communicated his commitment to improve the process for the CAC. Board Member Horne recommended that he hire a private facilitator for assistance. Mr. Webster also reiterated Mr. Quass’ statement regarding provision (3.a) being removed from the Order. Ms. Kouyoumdjian committed to following up on options to finding an independent facilitator.
2. The MINUTES from the April Regular Meeting and March Special Meeting were postponed and will be considered at the July 2012 Regular Meeting.

REPORTS

3. Statistical Analysis of Background Chromium Groundwater Subset Data, Pacific Gas and Electric Company’s Hinkley Compressor Station, San Bernardino County.

Lauri Kemper, Assistant Executive Officer addressed the Board and gave a brief timeline of Board actions to date. Ms. Kemper introduced Anne Holden, Engineering Geologist, who gave a power point presentation on the Background Chromium Study and responded to Board Member questions. In her presentation, Ms. Holden highlighted: existing background chromium values, recent history, calculating subsets, results, staff proposal, and next steps. Board Member Pumphrey asked for the definition of “near term” in staff recommendations. Ms. Holden responded that “near term” is anticipated to be this summer. Board Member Dyas asked how many samples were taken in first data subset. Ms. Holden replied 13, which did not contain enough samplings to calculate statistically sound results. Mr. Dyas then asked if this could be resolved by continued sampling. Ms. Holden replied yes. Mr. Pumphrey asked how long it would take to produce an additional sampling. Ms. Holden responded that it would take PG&E a year after a study plan was approved. It was later stated by PG&E that this estimate would be closer to two years. Mr. Pumphrey then asked if Ms. Holden could speculate if given more data would produce a sound result. Ms. Holden replied that historical data is uncertain and she questioned whether there was value in an additional study. Kevin Sullivan, Project Manager, Hinkley Remediation Project, PG&E, addressed the Board and concurred with staff’s recommendation.

Public Comment

- Mr. Banks questioned that if a well that had been non detect for Chromium and then showed an increase in Chromium, how could PG&E not be responsible for this increase. Ms. Kemper responded that additional data could be collected across the Hinkley Valley to get background Chromium zones.

Board Member Horne asked if a comprehensive cleanup can be done while a background study is still being done. Ms. Kemper replied that work can be done to contain the plume in core concentration areas and that the Board can initiate interim cleanup levels until a time that the final cleanup Chromium level is determined. Dr. Horne asked what would be gained by the Board making a decision on the background level before the Department of Public Health finalizes the maximum contaminate level for Chromium 6. Ms. Kemper stated that the Board has the authority to require cleanup of all pollutants placed in groundwater back to the natural level regardless of the maximum contaminate level set by the Department of Public Health.

In closing statements by the Board, Chairman Jardine believes that it is important to get solid science to establish background Chromium levels and that the water pollution from PG&E be remediated. Mr. Pumphrey stated that he would not like the Chromium cleanup suspended while a background Chromium level is determined and that time and resources are not wasted on an undeterminable result. Dr. Horne concurred with Mr. Pumphrey's statements and encouraged the expedited cleanup of the contamination. Ms. Kemper asked the Board if they would like staff to spend the time to have PG&E's data peer reviewed. Dr. Horne stated that more information needed to be obtained by the experts, United States Geological Survey and statistical experts. The uncertainty of water movement in the groundwater over the last 50 years needed to be addressed through a sampling scheme before the Board can make an informed decision. Mr. Webster again urged the Board to reconsider the suspension of provision (3.a) of the original Order as he felt it was crucial to speciate naturally occurring Chromium from PG&E's Chromium. Kimberly Niemeyer, Legal Counsel, responded by stating that this provision was tied to PG&E supplying whole house replacement water and once PG&E started voluntarily supplied replacement water to houses within a mile of the plume this provision was no longer necessary. Mr. Sullivan stated that in Background Study there was an opportunity to look at several means to speciate Chromium and that that should be part of the Background Study evaluation.

Public Comment

- Mr. Banks felt that speciating Chromium is important to define the plume boundary and to the complete cleanup of the plume.
- Lester White addressed the Board and asked if a human risk assessment had been done on the effects of Chromium. Dr. Horne responded that it was her belief that multiple assessments had been done and she asked that staff follow up with Mr. White. Ms. Kouyoumdjain stated that she would facilitate Mr. White in getting in contact with the OEHHA to assist him in his request.

NOTE: The Board took a break from 8:40 p.m. to 8:50 p.m.

4. Executive Officer's Report

Ms. Kouyoumdjian, Executive Officer, addressed the Board and presented the May/June Written Reports. Ms. Kouyoumdjian gave the Board an update on the State Budget and proposals from the Governor's Office pertaining to Regional Boards. In her update the Executive Officer highlighted the proposals that were not approved; the elimination of Regional Board 7, and the proposal that would allow the Governor to appoint the Regional Boards members. The Legislature approved several proposals, including: decrease in the number of Regional Board members from 9 to 7 members and eliminating the category in which each member is appointed. The Legislature requested a report on organizational ideas for Regional Boards. The Timber Harvesting Plan's \$30 million assessment on lumber sales could be used for staff at state agencies moving forward. The Legislature requested a report on the Tahoe TMDL, including a time schedule for compliance 120 days after we receive the scientific study on the Near Shore requirements estimated to be complete in the fall. Ms. Kouyoumdjian informed the Board that she would be sitting on a panel organized by Senator Gaines June 25th on the 5th Anniversary of the Angora Fire. After 25 years Tahoe Regional Planning Agency will be updating their Regional Plans and the Lahontan staff will be involved in the process to provide input. Ms. Kouyoumdjian introduced Tim Post, Engineering Geologist from the Victorville Office who presented an informational power point presentation on the Barstow Perchlorate Groundwater Investigation. Ms. Kemper then gave the Board a brief Quarterly Violations Report update.

5. CLOSED SESSION**

The Board recessed into closed session at 9:20 p.m. to discuss matters related to current Litigation and Personnel (Item 5: D and L). The Board reconvened into open session at 10:20 p.m. The Chair announced that there were no reportable actions.

6. ADOPTION OF UNCONTESTED CALENDAR

All Items on the Consent Calendar were Postponed or Withdrawn.

REVISED WASTE DISCHARGE REQUIREMENTS

7. * The Waste Discharge Requirements for Antelope Valley Public Landfill item was postponed and will be considered at the July 2012 Regular Meeting.
8. * The Barstow Class III Landfill item has been postponed and will be considered at the July 2012 Regular Meeting.
9. *The California Department of Fish and Game; Black Rock Fish Hatchery item was postponed and will be considered at the July 2012 Regular Meeting.

OTHER BUSINESS

10. *The South Tahoe Public Utility District, Upper Truckee River Emergency Sewer Line Protection Project was withdrawn and will be approved by the Executive Officer under delegated authority.

11. Reports by Water Board Chair and Board Members

Dr. Horne informed the Board that Board Member Clarke is recovering from health issues but was hopeful that he would attend the July Board. Dr. Horne recommended to anyone in the Reno area to view a photo art exhibit at the Nevada Museum of Art entitled "Oil" which chronicles the oil industry.

ADJOURNMENT

With no further business to come before the Board, the meeting adjourned at 10:20 p.m. on June 13, 2012.

Prepared by:  Adopted: 
Sue Genera, Executive Assistant