



Lahontan Regional Water Quality Control Board

MINUTES

August 30, 2023

The Lahontan Regional Water Quality Control Board (Water Board)
conducted this meeting at the locations shown below:

Mojave Water Agency
13846 Conference Center Dr
Apple Valley, CA 92307

And

Antelope Valley-East Kern Water Agency
6500 W Ave N
Palmdale, CA 93551

And

Via Video and Teleconference (Gov. Code § 11133)

Water Board Members

Kimberly Cox, Helendale
Amy Horne, Ph.D., Truckee
Keith Dyas, Rosamond

Peter C. Pumphrey, Chair, Chalfant
Essra Mostafavi, Bishop

State Water Board

Elizabeth Beryt, Office of Chief Counsel Nichole Morgan, State Board Liaison
David Boyers, Asst Chief Counsel, Ofc of Enf. Yvonne West, Director, Ofc of Enf.

Water Board Staff

Ben Letton, Assistant Executive Officer	Timothy Middlemis-Clark, Supervising WRC Engineer
Jan Zimmerman, Sr. Engineering Geologist	Andrew Jensen, Environmental Program Mgr.
Dan Sussman, Sr Environmental Scientist	Robert Tucker, Sr. WRC Engineer
Wendy Wyels, Retired Annuitant	Anna Garcia, Sr. Engineering Geologist
Christina Guerra, Engineering Geologist	Amanda Lopez, Engineering Geologist
Shelby Barker, Sr. Engineering Geologist	Katrina Fleshman, Executive Assistant
Cynthia Harris, Asst. Board Clerk	

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

PETER C. PUMPHREY, CHAIR | MICHAEL R. PLAZIAK, EXECUTIVE OFFICER

REGULAR MEETING: Wednesday, August 30, 2023, @ 9:00 a.m.**CALL TO ORDER AND INTRODUCTIONS**

Chair, Peter Pumphrey, called the meeting to order at 9:02 a.m. and discussed procedures for in-person and video and teleconference meeting. Chair Pumphrey introduced AGP Video staff, the Water Board Members, and the Water Board staff.

1. PUBLIC FORUM

No public comments.

2. MINUTES

Motion: Moved by Member Dr. Amy Horne, seconded by Member Essra Mostafavi, to approve the June 28, 2023, meeting Minutes as presented. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Chair Pumphrey	Abstain
Vice-Chair Dr. Horne	Aye
Member Dr. Cox	Aye
Member Dyas	Aye
Member Mostafavi	Aye

[View the adopted June 28, 2023, Meeting Minutes](#)

3. REPORTS BY WATER BOARD CHAIR AND WATER BOARD MEMBERS

State Water Board liaison, Nichole Morgan provided an update to the Water Board on Recycled Water Use.

4. EXECUTIVE OFFICER'S REPORT

The Assistant Executive Officer, Ben Letton, provided an update to the Water Board and public on key actions and activities in the Lahontan region, including the items below.

- a. Personnel Report. Introduced new staff.
- b. Harmful Algal Bloom
- c. 2023 Lake Tahoe Summit, at Kings Beach
- d. Hurricane Hillary
- e. 2024 Proposed Water Board Schedule

5. Proposed Administrative Civil Liability Settlement Agreement and Stipulated Order with Palisades Development, LLC for the Palisades at Squaw Construction Project, Placer County, Order No. R6T-2023-0008

Water Board staff, Wendy Wyles, Retired Annuitant, presented an overview of the Palisades Development, including construction, timelines violations and Enforcement Policies.

Water Board staff, Ben Letton, Assistant Executive Officer, presented on the Benefit of the Settlement and Recommendations

Water Board staff asked the Water Board members to consider acceptance of a settlement agreement between the Prosecution Team and Palisades Development, LLC, and adoption of a Stipulated Order.

Motion: Moved by Member Dr. Amy Horne, seconded by Member Essra Mostafavi to accept the settlement agreement between the Prosecution Team and Palisades Development, LLC, and adopt the Stipulated Order as presented. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Chair Pumphrey	Aye
Vice-Chair Dr. Horne	Aye
Member Dr. Cox	Aye
Member Dyas	Aye
Member Mostafavi	Aye

PUBLIC SPEAKERS

Kristen Castanos, Attorney at Stoel Rives, Representing: Palisades Development, LLC
 Katrina Smolen, Friends of Squaw Creek
 Edd Henevel, representing self.
 Mike Geary, Olympic Valley Public Service District and Olympic Valley Fire Department
 Jon Corn, Palisades Development

QUESTIONS/COMMENTS BY WATER BOARD

Water Board Legal Counsel, Elizabeth Beryt, provided Discussion direction to the Water Board and public.

Water Board members asked Ms. Beryt, if the Water Board members can recommend a specific region for project use. Ms. Beryt indicated, Water Board staff is not required to consider a specific region but, they can consider recommendations.

Water Board Vice-Chair, Dr. Amy Horne, recommends postponing voting on this item, until the public can have more time to provide input. Board Member, Essra Mostafavi, seconded the motion to postpone.

FURTHER DISCUSSION ON POSTPONING APPROVING THE SETTLEMENT

Ben Letton, Assistant Executive Officer, indicated it would not be beneficial to the Water Board to delay in signing this Settlement Agreement.

Kristen Castanos, Attorney at Stoel Rives, representing Palisades, agrees with Lahontan staff, Mr. Letton, that postponing the settlement will not be beneficial.

Water Board member, Dr. Kimberly Cox, asked Vice-Chair Horne to reconsider her motion to postpone the adoption of the Settlement. Dr. Horne declined and asked Mr. Letton if an MOU was possible, and how long that would take. Mr. Letton indicated an MOU would take too long and waste resources. The Settlement Agreement is our best option.

Chair Pumphrey asked Attorney, Ms. Castanos, if he was to understand the Palisades group does not want the Supplemental Environmental Project (SEP). Ms. Castanos replied that Palisades is interested in moving on and accepting the Settlement Agreement.

Mr. Corn agrees with Lahontan staff, that they had worked hard on this Settlement Agreement and want to move forward.

Dr. Horne indicated she reluctantly agrees to withdraw her motion to postpone this Settlement offer.

6. 2023 Annual Enforcement Program Update

Water Board staff, Shelby Barker, presented a summary of historical and proposed enforcement activities, accomplishments, proposed Enforcement Program vision and priorities.

State Water Board staff, David Boyers, Office of Enforcement, Assistant Chief Counsel, provided an overview of topics associated with policies and the regulatory framework such as the status of the proposed Water Quality Enforcement Policy Update and a general overview of the Supplemental Environmental Projects (SEP) Policy.

Water Board staff, Yvonne West, Office of Enforcement, Director, provided background on the ruling of "Sacket vs. United States" which brought about whether a wetland is considered a water of the United States.

7. Division of Financial Assistant Report on Grants and Loan Programs

This item has been postponed to a future Board meeting.

WATER BOARD TOOK A BREAK FROM 12:50PM TO 1:30PM

8. Status Report on Cleanup Activities Concerning Chromium Contamination from Pacific Gas and Electric Company's (PG&E's) Hinkley Compressor Station

The Water Board and the public heard reports from Water Board staff, PG&E representatives, and the Independent Review Panel Manager on actions taken during the past year and planned for this year for chromium contamination cleanup in Hinkley such as cleanup and remediation efforts, the chromium background study, and community outreach efforts.

Water Board staff, Amanda Lopez, Engineering Geologist, provided an introduction on Dr. Izbicki Questions and Answers, PG&E Annual Status Update, Water Board Next Steps, Workshop and Discussion.

Dr. Izbicki gave presentation and provided answers to Water Board member questions regarding the USGS Background study.

Water Board staff, Amanda Lopez, Engineering Geologist, provided a Status Report on activities concerning chromium contamination at the PG&E Hinkley Compressor Station. Ms. Lopez also provided an update on timeline for development of a draft Cleanup and Abatement Order revision and an overview of a Staff Report with frequently asked questions. Water Board staff asked the Water Board members whether they have any concerns with the Executive Officer "accepting" the USGS Background Study Report.

Iain Baker, PG&E Representative, provided overview of the Groundwater Remediation program for the Hinkley community.

Dr. Raudel Sanchez, Independent Review Panel (IRP) Manager, provided final thoughts on the USGS Background Report.

Water Board staff, Amanda Lopez, discussed next steps for the USGS Background Study, and PG&E company's Compressor Station Hexavalent Chromium cleanup in Hinkley, CA.

QUESTIONS/COMMENTS BY WATER BOARD

Water Board member, Essra Mostafavi, asked Dr. Izbicki if the Water Board had questions on the USGS Study Report later, would he be able to answer those questions. Dr. Izbicki indicated that he is retired, but Amanda has his number and can assist later if needed.

PUBLIC COMMENT

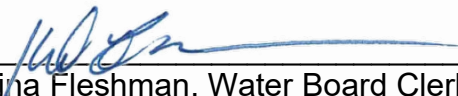
Esmeralda Velasquez, Hinkley resident
Iain Baker, PG&E Representative.

9. CLOSED SESSION

The Water Board members did not go into Closed Session on Wednesday, August 30, 2023.

ADJOURNMENT

With no further business to come before the Water Board, the meeting adjourned at 4: p.m. on August 30, 2023.

Prepared by:  Adopted: October 31, 2023
Katrina Fleshman, Water Board Clerk