



California Regional Water Quality Control Board Lahontan Region



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Protection

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Gray Davis
Governor

MINUTES FEBRUARY 13-14, 2002

Regular Meeting

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

Chair Jack Clarke called the meeting to order at 4:04 p.m. on February 13, 2002.
Roll call of Board members and staff introductions. All Board members present.

BOARD MEMBERS PRESENT

William Betterley, Hesperia
John Brissenden, Hope Valley
Jack Clarke, Apple Valley
Beatrice Cooley, Ph.D., Bishop
Neil Eskind, Tahoe City
Eugene B. Nebeker, Ph.D., Lancaster
Claudette Roberts, Palmdale
Eric Sandel, P.E., 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, South Lahontan Watersheds Division
Lauri Kemper, Supervising WRCE, North Lahontan Watersheds Division
Tim Post, Senior Engineering Geologist, Antelope Valley Watershed Unit
Cindi Mitton, Senior WRCE, Mono/Owens Watershed Unit
Jehiel Cass, WRCE, Mojave Desert Watershed Unit
Eugene Rondash, WRCE, Antelope Valley Watershed Unit
Joseph Koutsky, WRCE, Mojave Desert Watershed Unit
Curt Shifrer, WRCE, Mojave Desert Watershed Unit

Kai Dunn, WRCE, Mono/Owens Watershed Unit
Shannon Smith, Environmental Scientist, Antelope Valley Watershed Unit.
Joseph Kenny, Assoc. Engineering Geologist, Mono/Owens Watershed Unit
Christie Castro, Student Assistant, Victorville office
Robin Coale, Office Assistant, Victorville office
Rebecca Phillips, Office Technician, Victorville office
Susan-Marie Hagen, Executive Assistant

ADDRESSING THE BOARD

Peggy Sartor, local citizen
Mike Rothschild, Mayor, City of Victorville
Kirby Brill, General Manager, Mojave Water Agency
Jeffory Scharff, Attorney
Gary Ledford, Jess Ranch
Jack Beinschroth, local citizen
Randy Hill, General Manager, Victor Valley Water District
Tom Barnett, Vice President, High Desert Power Plant
Andy Welch, Project Director, High Desert Power Plant
Michael Concannon, CH2M Hill, Los Angeles Dept. of Water and Power
John Dickey, Los Angeles Dept. of Water and Power
Guy Patterson, Director of Public Works, City of Victorville

Regular Meeting
4:04 p.m. February 13, 2002

1. Executive Officer's Report (Harold Singer)

Mr. Singer highlighted several items from the written report:

- Cleanup and Abatement Order issued to Pat & Ollie's Gateway gasoline station, Truckee, Nevada County, for 6,000 gallons petroleum release.
- Use of the fish toxicant, rotenone, planned by Dept. of Fish and Game, Silver King Creek, Alpine County.
- Update on aquatic herbicide use in Lake Tahoe: Notice of Exclusion was issued denying coverage to Tahoe Keys Property Owners Association under the statewide Aquatic Pesticides General NPDES Permit.
- Lake Arrowhead sewage spills, City of Barstow's sewage disposal/percolation ponds (Hisam Baqai)
- IMC Chemical's compliance with Board Order, progress of analytical studies; review of workplan for site cleanup.

10. CLOSED SESSION

The Board members met in closed session on February 13, 2002, from 4:44 p.m. to 5:09 p.m. in the Mojave Air Quality District conference room to discuss Items # 10 (a),(c), (e), (j), (k), (m), and (n). The Board reconvened in open session at 5:10 p.m.

The afternoon Board meeting session adjourned at 5:11 p.m.

Regular Meeting, Continued
7:06 p.m., February 13, 2002

Chair Jack Clarke convened the evening Board meeting session at 7:06 p.m. He introduced the Lahontan Board members. All Board members were present.

Mr. Singer introduced the staff members present from the Lahontan Regional Board, and Mr. Steven H. Blum, representing the Lahontan Regional Board as legal counsel.

2. PUBLIC FORUM

Chair Jack Clarke opened the Public Forum portion of the meeting.

Ms. Peggy Sartor addressed the Board with a short briefing of the Lahontan Board's history in the Victorville area. She also commended Mr. Baqai for his excellent work with the surrounding communities and progress toward meeting water quality goals.

Mr. Jeffory Scharff, attorney for Tom Erickson, owner of Tahoe Tom's, addressed the Board regarding the containment of the plume at the Tahoe Tom's gas station site; concerns over MTBE and interest in treatment with hydrogen peroxide; and a request that Regional Board staff work expeditiously to approve the proposed remedial plan. Members of the Board asked questions. Mr. Singer responded.

3. ADOPTION OF UNCONTESTED CALENDAR

Chair Jack Clarke asked for a motion to adopt the Uncontested Calendar.

Motion: Moved by Mr. Sandel, seconded by Mr. Betterley, **and unanimously carried** to adopt as proposed Items # 5, 6, and 7 from the Uncontested Calendar.

Item # 8 was removed from the Uncontested Calendar for further discussion.

OTHER BUSINESS

9. **Resolution Adopting an Addendum to the “Functional Equivalent” of an Environmental Impact Report Certified by the California Energy Commission; and Adopting a Conditional Waiver of Waste Discharge Requirements (WDRs) for Victor Valley Water District and High Desert Power Project Limited Liability Corporation, High Desert Power Plant (HDPP), Groundwater Banking Operations – San Bernardino County**

Jehiel Cass, Lahontan Regional Board staff, made the presentation, discussed the late revisions to Enclosure # 4, and noted corrections. Mr. Cass summarized the findings and made the staff recommendation that the Board adopt, in separate actions: a CEQA Addendum with revisions (to the Functional Equivalent of an Environmental Impact Report adopted by the California Energy Commission); and a Conditional Waiver of Waste Discharge Requirements.

The Board directed questions to staff. Mr. Cass, Mr. Singer, Mr. Baqai, and Mr. Blum responded.

Mr. Tom Barnett, Vice President, and Mr. Andy Welch, Project Director, of High Desert Power Plant HDPP addressed the Board and presented an overview of the HDPP project.

Members of the Board asked questions about the proposed project. Mr. Barnett responded.

Mr. Randy Hill, General Manager of Victor Valley Water District, summarized information on the injection well system.

Mr. Kirby Brill, general manager of the Mojave Water Agency, addressed the Board stating that the agency has reviewed all the data and supports the HDPP.

Mr. Rothschild, Mayor of the City of Victorville, requested that the Board support the project.

Mr. Guy Patterson, Director of Public Works for the City of Victorville, also requested that the Board support the project.

The evening Board meeting session adjourned at 10:31 p.m.

Regular Meeting, Continued
8:35 a.m., February 14, 2002

Chair Jack Clarke called the morning session of the Board meeting to order at 8:35 a.m. All Board members were present.

Mr. Gary Ledford of Jess Ranch, made a presentation regarding the proposed resolutions for the High Desert Power Plant (HDPP). Mr. Ledford, a local developer, provided copies of his presentation materials to the Board members. Mr. Ledford's expressed his concerns that more investigation was needed, a thorough CEQA document needed to be produced, and inaccuracies

in the staff report corrected before any further consideration of the project occurred.

Mr. Jack Beinschroth addressed the Board recommending that the Board deny a Conditional Waiver to HDPP.

Mr. Baqai presented the Board with a Revised Addendum to the "Functional Equivalent" of an Environmental Impact Report. Mr. Baqai and Mr. Cass reviewed details of the document with the Board. The Revised Addendum concludes that the HDPP injection and extraction wells will not have a significant affect on the zone of influence near the well field. Mr. Baqai and Mr. Cass responded to questions from Board members.

Mr. Clarke asked for any further comments or questions before he asked the Board to deliberate. He then closed the public hearing.

Mr. Clarke called for a motion regarding the Resolution.

Motion: Moved by Dr. Nebeker, seconded by Mr. Betterley, to accept staff's recommendation to adopt the Resolution with the Revised Addendum to the "Functional Equivalent" for HDPP.

Chair Jack Clarke asked for a **voice vote**. It was not unanimous. Mr. Clarke called for a **roll call vote**. The following Board members **voted in favor** of the motion: Dr. Nebeker, Ms. Roberts, Mr. Betterley, Dr. Cooley, and Mr. Clarke. **Voting against** the motion: Mr. Eskind, Mr. Sandel, and Mr. Brissenden. The **motion carried**.

Mr. Clarke called for a motion on the Waiver of WDRs.

Motion: Moved by Dr. Nebeker, seconded by Mr. Betterley, to accept staff's recommendation to adopt a five-year Conditional Waiver of Waste Discharge requirements for HDDP.

Chair Jack Clarke asked for a **roll call vote**. The following Board members **voted in favor** of the motion: Ms. Roberts, Mr. Clarke, Dr. Nebeker, Mr. Betterley. **Voting against** the motion: Mr. Eskind, Mr. Sandel, Dr. Cooley, Mr. Brissenden. The **motion did not carry**.

Mr. Singer suggested that the Board members clarify their positions, deliberate on issues of concern, and propose a position that a majority of the Board could support.

10. **CLOSED SESSION**

(Continued Item)

The Board members met in closed session on February 14, 2002 from 10:35 a.m. to 10:59 a.m. in the conference room at the Mojave Air Quality District office. The Board reconvened in open session at 10:59 a.m.

Mr. Clarke asked the Board to pause on agenda Item # 9 for a few minutes, and turn to other business items listed on the Board agenda for this meeting.

NEW WASTE DISCHARGE REQUIREMENTS

8. **City of Los Angeles Department of Water and Power; Southern Zones Dust Control Project, Owens Lake Dust Mitigation Program – Inyo County**

This Item was removed earlier from the Uncontested Calendar at the request of a Board member for further discussion.

Cindi Mitton, Lahontan Regional Board staff, made a brief presentation and gave the staff recommendation that the Board approve this item.

Motion: Moved by Dr. Cooley, seconded by Mr. Sandel, **and unanimously carried** to accept staff's recommendation and adopt new WDRs for the City of Los Angeles for the Southern Zones Dust Control Project, Owens Lake Dust Mitigation Program.

4. **MINUTES**

The Minutes of the Regular Meeting of January 9-10, 2002, in South Lake Tahoe were approved.

Motion: Moved by Mr. Sandel, seconded by Dr. Cooley, **and unanimously carried** to adopt the January 9-10, 2002, Minutes as proposed.

10. **CLOSED SESSION**

The Board members met in closed session on February 14, 2002, from 11:13 a.m. to 11:35 a.m. in conference room at the Mojave Air Quality District office in Victorville, to discuss Item # 10 (a), (c), (e), (j), (k), (m), and (n). The Board reconvened in open session at 11:35 a.m.

OTHER BUSINESS

(Continued Item)

9. **Resolution Adopting an Addendum to the "Functional Equivalent" of an Environmental Impact Report Certified by the California Energy Commission and Adopting a Conditional Waiver of Waste Discharge Requirements for Victor Valley Water District and High Desert Power Project Limited Liability Corporation, High Desert Power Plant (HDPP), Groundwater Banking Operation, San Bernardino County.**


Mr. Tom Barnett, Vice President of HDPP, addressed the Board before the final deliberation and vote on the project. Mr. Barnett stated that High Desert Power Project has modified the Report of Waste Discharge for this project to provide \$500,000 to fund a study to evaluate salt loading in the Mojave watershed. In addition, if the study costs more than \$500,000, the HDPP will match funds provided by other agencies or entities for the study. The Mojave Water Agency will manage the study. The commitment of matching funds by the HDPP will be for no longer than five years after adoption of this Conditional Waiver.

Motion: Moved by Dr. Nebeker, seconded by Mr. Sandel, to accept staff's recommendation to adopt a five-year Conditional Waiver of Waste Discharge Requirements for Victor Valley Water District and High Desert Power Plant, Groundwater Banking Operation; and to accept the salt loading study of the Mojave watershed and the funding elements proposed by High Desert Power Project Limited Liability Corporation.

Chair Jack Clarke called for a **voice vote**. The following Board members **voted in favor** of the motion: Mr. Eskind, Mr. Sandel, Ms. Roberts, Mr. Clarke, Dr. Cooley, Dr. Nebeker, and Mr. Betterley. **Voting against:** Mr. Brissenden. The **Motion carried**.

There being no further business to come before the Board, the February 13-14, 2002 morning session of the meeting of the Lahontan Regional Board adjourned at 11:57 a.m.

Prepared by:


Susan-Marie Hagen, Executive Assistant

Adopted: March 13, 2002