



California Regional Water Quality Control Board Lahontan Region



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Edmund G. Brown Jr.
Governor

MINUTES

May 11, 2011

Regular Meeting

Mojave Desert Air Quality Management District
14306 Park Avenue
Victorville, CA 92392

Chairman Clarke called the meeting to order at 1:30 p.m. on May 11, 2011.

Board Members Present

Jack Clarke, Apple Valley
Mike Dispenza, Palmdale
Keith Dyas, Rosamond
Amy Horne, Ph.D., Truckee
Peter C. Pumphrey, Bishop

Board Member Absent

Don Jardine, Markleeville
Eric Sandel, Truckee

Legal Counsel

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

Staff Present

Harold Singer, Executive Officer
Lauri Kemper, Assistant Executive Officer
Charles Curtis, Supervising WRCE
Doug Smith, Supervising Eng. Geologist
Patrice Copeland, Senior Eng. Geologist
Keith Elliott, Senior WRCE
Scott Ferguson, Senior WRCE
Cindi Mitton, Senior WRCE
John Morales, WRCE
Mary Fiore-Wagner, Environmental Scientist
Dan Sussman, Environmental Scientist

Eric Taxer, WRCE
Richard Booth, Senior Eng. Geologist
Rebecca Phillips, Office Technician
Christina Velasquez, Student Assistant

California Environmental Protection Agency



Recycled Paper

Addressing the Board

Jon Marhoefer, San Bernardino County Sheriff's Department
Logan Olds, Victor Valley Wastewater Reclamation Authority
Todd Litfin, City of Adelanto Attorney
John Sponsler, City of Adelanto, Director of Public Utilities
Wilson So, So and Associates
Ken Fortier, The Geo Group
Glenn Harris, Bureau of Land Management

Introductions

Mr. Clark introduced the Board members. Mr. Singer introduced the Water Board staff and counsels.

1. Public Forum

No one addressed the Board during the Public Forum.

2. Minutes

Minutes of the Regular Meeting of April 13, 2011 in South Lake Tahoe (Amber Wike)

- **Motion:** Moved by Dr. Horne, seconded by Mr. Dispenza and **unanimously carried** to adopt the April 13, 2011 minutes as written.

3. Public Hearing – Consideration of Rescission of Cease and Desist Order No. R6V-2004-0039 and Amended Cease and Desist Order No. R6V-2004-0039-A01 for Los Angeles County Sanitation District No. 20 - Palmdale Water Reclamation Plant, Los Angeles County

Note: Because the Board did not have a quorum to hear this item, it was postponed until the June 2011 meeting.

4. Public Hearing - Consideration of a Cease and Desist Order for Adelanto Public Utility Authority, Adelanto Domestic Wastewater Treatment Facility and Adelanto Wastewater Treatment Plant for Discharging or Threatening to Discharge Waste in Violation of Waste Discharge Requirements Specified by Water Board Order Nos. R6V-2002-050 and R6V-2009-0036 and in Violation of Cease and Desist Order No. R6V-2007-24 and Cleanup and Abatement Order No. R6V-2010-0054, San Bernardino County

Chairman Clarke read an opening statement and administered the oath.

Chairman Clarke opened the public hearing and asked if there any agencies or any of the public who wanted to testify during the hearing.

Harold Singer asked if there were any evidentiary objections from either the Water Board Prosecution Team or Adelanto Public Utility Authority (PUA). There were no objections.

The Water Board Prosecution Team presentation was made by Lauri Kemper, Eric Taxer, Chuck Curtis and John Morales. The Board and Harold Singer posed questions to the Prosecution Team. The Adelanto PUA cross-examined Prosecution Team members.

The Adelanto Public Utility Authority presentation was made by Todd Litfin (City of Adelanto City Attorney) and John Sponsler. Water Board members and Harold Singer posed questions to the Adelanto PUA presenters. The Prosecution Team cross-examined the Adelanto PUA.

Jon Marhoefer, San Bernardino County Sheriff's Dept., provided comments on the County's needs and plans to create prison space in Adelanto. Dr. Horne asked Mr. Marhoefer when he expects the prison to be contributing effluent to the Adelanto WWTP. Mr. Marhoefer responded that the existing facility has 740 beds and the County will be adding 1400 beds that will be completed no later than August 2013. Mr. Marhoefer is referring to the County and State project, Adelanto Detention Center.

Ken Fortier, The Geo Group, provided comments on his Company's plans to convert the City's existing prison to an immigration customs facility with an existing 650 beds that will open in the next few months. Also, his Company is planning an additional facility with 650 beds. Construction will begin shortly and this facility will be hooking up to sewer by the end of 2012. Wilson So answered questions regarding the prisons wastewater flow.

Closing Statements were made by Mr. Litfin and Scott Ferguson.

The Board met in closed session from 4:39 p.m. to 5:40 p.m. to consider Item 4. The Board reconvened in open session at 5:40 p.m.

The Board recessed for dinner at 5:44 p.m.

Regular Meeting continued
7:29 p.m., May 11, 2011

Chairman Clarke called the meeting to order at 7:29 p.m.

Board Members Present

Jack Clarke, Apple Valley
Mike Dispenza, Palmdale
Keith Dyas, Rosamond
Amy Horne, Ph.D., Truckee
Peter C. Pumphrey, Bishop

Board Member Absent

Don Jardine, Markleeville
Eric Sandel, Truckee

Introductions

Chairman Clark introduced the Board members.

Mr. Singer introduced the Water Board staff and legal counsels

Note: See Items 5, 6 and 7 after Item 4 continuation, on page 4

8. Public Hearing – Consideration of Amendments to the Water Quality Control Plan for the Lahontan Region for Replacing the Pesticide Water Quality Objective with a Regionwide Waste Discharge Prohibition with Exemption Criteria

Chairman Clarke read an opening statement. Mr. Singer gave introductory remarks and introduced Mary Fiore-Wagner, Environmental Scientist and Dan Sussman Environmental Scientist. Ms. Fiore-Wagner and Mr. Sussman gave the staff presentation to the Board. Chairman Clarke commended staff and thanked them for their presentation.

4. Continued

Mr. Singer handed out the amended CDO and went over the significant changes from the proposed Order from the March 2011 meeting. The changes were made from the suggestions of the Water Board Members during closed session. Mr. Singer went over the changes on page 1, 6, 7, 8, 9, 10, 12, 13 and 14. He mentioned a key point on the bottom of page 9, Finding 7.c. that the Water Board is making a statement in this Finding that they are not adopting a prohibition or restriction of additional discharges at this time, but will consider it at the September 2011 meeting and that this is the notification that is required under the administrative code. He also described the new reporting requirements, section II. Mr. Singer informed the Water Board that this proposed Order will replace the Order that was adopted in March 2011.

Ms. Drabandt had comments on the language used and requested a few changes from a legal standpoint. Mr. Singer addressed her comments along with the Board Members. Ms. Niemeyer had comments on the changes suggested and assisted the Board Members with the proper language.

Mr. Litfin asked the Board Members and Ms. Niemeyer questions regarding the changes being made on the proposed CDO. He suggested having all the dates of reports that are due by Adelanto PUA added to the Order.

- **Motion:** Moved by Mr. Pumphrey, seconded by Mr. Dyas and **unanimously carried** to adopt the proposed Amended Cease and Desist Order including changes made by Kim Niemeyer, Mr. Singer and Doug Smith which were directed by the Board Members during the meeting. Note: Motion carried 5-0.

5. Executive Officer's Report

Mr. Singer discussed items from the January 1, 2011 - March 31, 2011 written report and answered questions from the Board.

6. Reports by Water Board Chair and Board Members

There was no report given at this time.

7. Closed Session

The Board met in closed session from 9:30 p.m. to 9:54 p.m. to consider Items (e) Sierra Forest Legacy et al. v. State of California; (i) Petition for Review of Lahontan Water Board regarding Department of Fish and Game Paiute Cutthroat Trout Restoration Project; (j) Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board regarding the United State Department of Agriculture, Forest Service, Inyo National Forest; and (k) Personnel Matters.

The Board reconvened in open session at 9:54 p.m.

Note: See Item 8 on page 4.

ADJOURNMENT

With no further business to come before the Board, the meeting adjourned at 9:54 p.m. on May 11, 2011.



Prepared by: _____
Rebecca Phillips, Office Technician

Adopted: June 9, 2011

