



California Regional Water Quality Control Board

Lahontan Region



Linda S. Adams

Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

MINUTES

February 13-14, 2008

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

BOARD MEMBERS PRESENT

Jack Clarke, Apple Valley
Mike Dispenza, Palmdale
Keith Dyas, Rosamond
Amy Horne, Ph.D., Truckee
Eric Sandel, Truckee
Susan J. Van Dam, Barstow

BOARD MEMBER ABSENT

None

LEGAL COUNSEL

David Coupe, State Water Resources Control Board
David Boyers, State Water Resources Control Board

STAFF PRESENT

Harold J. Singer, Executive Officer	Joe Koutsky, WRCE
Robert S. Dodds, Assistant Executive Officer	Cindi Mitton, Senior WRCE
Chuck Curtis, Supervising WRCE	John Morales, WRCE
Mike Plaziak, Supervising Engineering Geologist	Omar Pacheco, Engineering Geologist
Laurie Applegate, Executive Assistant	Ted Peng, Engineering Geologist
Jehiel Cass, WRCE	Ghasem Pour-ghasemi, WRCE
Mike Coony, WRCE	Eric Shay, Staff Services Analyst
Mary Dellavalle, Environmental Scientist	Curt Shifrer, WRCE
Doug Feay, Engineering Geologist	John Steude, Engineering Geologist
Scott Ferguson, Senior WRCE	

ADDRESSING THE BOARD

Kirby Brill, Mojave Water Agency
Valerie Hamm
James McDonald, China Lake Naval Air Weapons Station
Charles Monds
Logan Olds, Victor Valley Wastewater Reclamation Authority
Laurie Racca, California Department of Toxic Substances Control
Ron Rector, City of Barstow

California Environmental Protection Agency

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ADDRESSING THE BOARD, Continued

Tina Souza, City of Hesperia Water District
Jim Swartwout
Gerard Thibeault, Santa Ana Water Board
Ray Tremblay, County Sanitation Districts of Los Angeles
Scott Weldy, Apple Valley Ranchos Water Company
Peter Zorba, City of Lancaster

Regular Meeting
February 13, 2008 – 3:30 p.m.

Dr. Horne, Chair, called the meeting to order at 3:30 p.m. on February 13, 2008.

OTHER BUSINESS**1. Executive Officer's Report**

- Mr. Singer discussed items from the January/February 2008 Executive Officer's written report and the spill report. Mr. Singer handed out copies of the January 25, 2008 draft Strategic Plan Update, information regarding Funding Fair 2008, an article from the February 7, 2008 issue of the San Francisco Chronicle regarding two January 2008 sewage spills in Marin County, and a copy of Senate Bill 1176 (Perata).
- Mr. Singer noted Board staff has been working with USFS Lake Tahoe Basin Management Unit staff on the South Shore Fuels Reduction and Healthy Forest Restoration Project. Board staff is working with USFS staff to develop a joint environmental document. The environmental document will likely be completed in early August; USFS staff would like to proceed with the project in late August. The Board typically does not meet in August. Mr. Singer noted the possibility of holding a special Board meeting in August 2008 in addition to the Board's regular meeting in July to consider the environmental document. Another possibility would be to hold the Board's regular meeting in August and cancel the July meeting. Mr. Singer will poll the Board and will discuss the matter with the Chair.

Dr. Horne commented that staff should avoid using language such as "preventing recurrence of catastrophic fire". Dr. Horne noted there is no guarantee that we will be able to prevent the occurrence of catastrophic fire. Instead, she suggested wording such as "reducing the chance of a catastrophic wildfire".

- Mr. Singer discussed the Tahoe TMDL outreach effort. Dr. Horne suggested including the Nevada Fire Safe Council, CAL FIRE and the Fire Chiefs in the outreach effort. Mr. Singer agreed.
- Mr. Singer discussed issues being considered at the Fire Commission meetings. The Fire Commission will be making recommendations to the Governors of California and Nevada in March 2008. Board staff is considering amendments to



the Basin Plan and timber waiver to address issues raised by the Fire Commission. Mr. Singer may ask the Board to adopt a Resolution indicating its willingness to consider the needed changes. Board members indicated a willingness to consider such a Resolution.

- The State Water Board in conjunction with the Water Education Foundation will be conducting a Board Member Water Education Workshop in San Diego on April 21-22, 2008. Board members are invited to attend.
- Mr. Singer discussed issues at Tropic Mine located in the Mojave area. The Department of Toxic Substances Control, Bureau of Land Management and the U.S. Environmental Protection Agency are investigating high levels of arsenic in surface soils. Water Board staff is a member of the task force.

2. Reports by Chair and Board Members

Dr. Horne gave a report regarding the December 2007 Water Quality Coordinating Committee meeting attended by Dr. Horne, Mr. Dispenza and Mr. Clarke. Dr. Horne provided handouts to Board members who were not able to attend. Dr. Horne also handed out a list of Water Board staff receiving performance awards in 2007.

Dr. Horne noted she was appointed to the Fire Commission as a nonvoting member by Governor Schwarzenegger. The Fire Commission now meets two days a week, every-other week. Dr. Horne noted she is no longer able to attend all of the meetings due to other commitments. She noted that Harold Singer, Lauri Kemper and Doug Cushman have been representing Board interests at the meetings.

Mr. Clarke gave a report regarding the February 4, 2008 Chair meeting in Sacramento. Senate Bill 1176 (Perata) was discussed at the meeting.

3. CLOSED SESSION

The Board met in closed session from 4:45 p.m. to 5:04 p.m. to discuss Item 3i. The Board reconvened in open session at 5:05 p.m. and recessed for dinner at 5:05 p.m.

Regular Meeting, continued February 13, 2008 – 7:00 p.m.

Dr. Horne, Chair, called the meeting to order at 7:00 p.m. on February 13, 2008. Board members present: Amy Horne, Jack Clarke, Mike Dispenza, Keith Dyas, Eric Sandel, and Susan Van Dam. Board members absent: None.

INTRODUCTIONS

Mr. Singer introduced new Victorville staff members Ted Peng, Registered Geologist and Ghasem Pour-Ghasemi, Registered Engineer.



4. PUBLIC FORUM

- Charles Monds, Barstow, discussed the history of a proposed 300-home subdivision on land that was previously planned for a golf course. The land is located south of Soap Mine Road, east of the 15 freeway, west of Webster Road and is bound by the Mojave River to the south. Mr. Monds commented that the land was historically used as an alfalfa field and that wastewater was disposed of on the alfalfa field from the City's treatment plant. Concerned citizens had their domestic well water tested and high levels of nitrates were found. Mr. Monds expressed concern that the City of Barstow did not notify people of the possible contamination of their well water. He noted that a lawsuit was filed to stop the proposed subdivision and to require an EIR. They prevailed in their lawsuit and legal fees were refunded. Mr. Monds commented that he does not know the status of the proposed subdivision at the present time. He asked the Board for assistance.

Mr. Singer responded that Water Board staff is aware of the groundwater contamination in the area. The City of Barstow is under a cleanup and abatement order to provide bottled water to residents who have been affected. The City is also under a 13267 order to investigate the extent of the problem. Mr. Singer noted a 13267 order has also been issued to the owners of a mobile home park in the area for further investigation. A status report will be brought to the Board at a future date.

- Jim Swartwout expressed concern regarding the issue discussed by Mr. Monds and asked for further information about what constituents are in the water and soil, besides nitrates. He asked what he needs to do to protect his family. He felt that the City contractor had provided misleading test results. He discussed the lack of notification by the City of Barstow and asked to be notified about the results of the investigation.

Mr. Singer noted that one of the requirements of the City's order is to monitor for a number of constituents in the groundwater. Mr. Singer offered to share the data once it has been received by staff. He suggested that Mr. Swartwout contact staff members John Steude and Cindi Mitton for further information.

5. MINUTES

Minutes of the Regular Meeting of November 28-29, 2007 in Barstow/Lancaster

- **Motion:** Moved by Mr. Dispenza, seconded by Mr. Clarke and **unanimously carried** to adopt the minutes as written.



ENFORCEMENT ACTION

6. **Consideration of Proposed Administrative Civil Liability Order Effectuating a Settlement of Administrative Civil Liability Complaint No. R6V-2007-0026, Issued to the City of Barstow for Violation of Waste Discharge Prohibitions Prescribed in the Water Quality Control Plan for the Lahontan Region, and Violation of Board Order No. 6-94-26 for the Unauthorized Discharge of Untreated Wastewater to Half Way Wash and the Mojave River at the City of Barstow Wastewater Treatment Plant on May 20-21, 2006, San Bernardino County**

Scott Ferguson gave the staff presentation, answered questions from the Board and recommended the Board adopt the Administrative Civil Liability Order as proposed.

Board members discussed the proposed Order. Dr. Horne expressed concern that a different standard was being applied than in the past. She noted it appeared that the City of Barstow was not being held accountable for the Alarm Company's involvement and stated that in the past, dischargers were held accountable for contractor neglect. Mr. Singer noted that if the Board agreed to the amount of liability, the Board could modify the findings of the Administrative Civil Liability Order to address Dr. Horne's comment.

Addressing the Board: Ron Rector, Acting City Manager, City of Barstow; Jim Swartwout; and Charles Monds.

Board members discussed the amount of liability. Mr. Dyas commented that \$300,000 was a significant amount for a city the size of Barstow. Mr. Dyas felt the proposed administrative civil liability was appropriate. Mr. Dispenza, Mrs. Van Dam, Mr. Clarke, and Mr. Sandel concurred. Mr. Clarke commented that compliance dates have been included in the City's cease and desist order. Mr. Sandel noted the need to be vigilant and watch the future actions of the City of Barstow.

Dr. Horne commented that the City had a long history of inadequate maintenance, poor records and a lax attitude toward protecting the public health and groundwater resources. She noted that because of the recent changes in Barstow, she could reluctantly agree to the settlement, although she felt the amount was too low. Dr. Horne noted that she would be watching the actions of the City of Barstow very closely in the future.

To address Dr. Horne's concern regarding a different standard being applied than in the past, Mr. Singer suggested changing Finding 6 of the proposed Administrative Civil Liability Order striking the words approves and affirms and replacing them with the word accepts (underlining added for clarity only). With the change, Finding No. 6 would read: The Water Board accepts the Settlement Agreement. Mr. Coupe asked if the City of Barstow agreed with the change. Mr. Rector responded that he didn't see a problem; however, he pointed out that the City attorney was not present to review the change.

- **Motion:** Moved by Mr. Dyas, seconded by Mr. Dispenza, **and unanimously carried** to adopt the Administrative Civil Liability Order as amended.



PLANS AND POLICIES

7. Assimilative Capacity Workshop

Mike Plaziak gave the staff presentation. He noted the purpose of the workshop was to provide an understanding of the tools used in making decisions to allocate the assimilative capacity of a water body to a discharge. Mr. Plaziak defined assimilative capacity, discussed regulatory authorities, requirements and control actions requiring consideration of assimilative capacity and how to determine assimilative capacity. Mr. Plaziak, Mr. Singer and Mr. Dodds answered questions from the Board.

Addressing the Board: Logan Olds, Victor Valley Wastewater Reclamation Authority; Gerard Thibeault, Santa Ana Water Board; and Kirby Brill, Mojave Water Agency.

Dr. Horne accepted Mr. Brill's offer to give the Board a presentation at a future date.

Mr. Singer noted the workshop provided an introduction to assimilative capacity and outlined the next steps to be taken. He commented that the best use of the assimilative capacity of a groundwater basin is conjunctive use. He suggested engaging water resource planners to learn present and future needs, looking at the big picture in the basins, setting priorities, sharing existing data, and amending the Basin Plan where needed.

Note: The evening meeting recessed at 9:55 p.m.

Regular Meeting, continued February 14, 2008 – 8:30 a.m.

Dr. Horne, Chair, called the meeting to order at 8:30 a.m. Board members present: Amy Horne, Jack Clarke, Mike Dispenza, Keith Dyas, Eric Sandel, and Susan Van Dam. Board members absent: None.

INTRODUCTIONS

Mr. Singer introduced new Victorville staff member John Morales, mechanical engineer.

8. PUBLIC FORUM

No one addressed the Board during the Public Forum.



NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT RENEWAL**9. Victor Valley Wastewater Reclamation Authority – Regional Wastewater Treatment Plant, San Bernardino County**

Items 9 and 10 were considered together. See Item 10 for discussion and Board action.

10. *Public Hearing* – Consideration of a Cease and Desist Order for Victor Valley Wastewater Reclamation Authority, Regional Wastewater Treatment Plant for Violations of Waste Discharge Requirements Contained in Board Order No. 6-99-58 and R6V-2008-(Proposed)

Dr. Horne opened the public hearing and administered the oath.

Jehiel Cass gave the staff presentation, discussed changes outlined in the late revision sheets for Items 9 and 10, and answered questions from the Board. Mr. Cass recommended the Board adopt the NPDES permit with late revisions and adopt the proposed cease and desist order with late revisions.

Mr. Singer suggested that the last sentence on page two of the late revision sheet for Item 9 be deleted. Mr. Cass suggested that the last paragraph on page 32 of the NPDES permit be deleted to be consistent with the change suggested by Mr. Singer.

Logan Olds, Victor Valley Wastewater Reclamation Authority (VWVRA), agreed with the NPDES permit and the cease and desist order as revised.

Board members complimented Mr. Olds and the VWVRA Board of Directors for moving quickly to address issues.

Addressing the Board: Valerie Hamm.

Dr. Horne closed the public hearing.

- **Motion for Items 9 and 10:** Moved by Mr. Clarke and seconded by Mr. Dyas, to adopt the NPDES permit with the changes outlined in the late revision sheet and with the additional changes suggested by Mr. Singer, and to adopt the cease and desist order with the changes outlined in the late revision sheet. Voting yes: Mr. Dispenza, Mr. Sandel, Mr. Clarke, Mrs. Van Dam, Mr. Dyas, and Dr. Horne. Voting no: None. **Motion carried 6-0.**



OTHER BUSINESS**11. Resolution Authorizing the Executive Officer to Sign the Record of Decision/Remedial Action Plan for the Armitage Field Operable Unit, China Lake Naval Air Weapons Station, China Lake, Kern County**

Doug Feay gave the staff presentation and answered questions from the Board. Mr. Feay recommended the Board adopt the Resolution as proposed.

Addressing the Board: James McDonald, Naval Air Weapons Station, China Lake and Laurie Racca, California Department of Toxic Substances Control.

- **Motion:** Moved by Mr. Clarke, seconded by Mr. Sandel, **and unanimously carried** to adopt the Resolution authorizing the Executive Officer to sign the Record of Decision/Remedial Action Plan as proposed.

12. Use of Infiltration Wells for Stormwater Management and Approach for Regulation

Cindi Mitton gave the staff presentation. She discussed the use of dry wells in the high desert, research conducted by Board staff and staff concerns for groundwater protection. Ms. Mitton outlined the components of a regulatory program and discussed short and long-term plans for implementation. She noted that staff plans to meet with local government and other stakeholders to develop regulatory program specifics, including developing an area-wide mechanism to track the location and construction for dry wells, establishing minimum standards for siting and construction, ensuring that routine inspections and maintenance are performed, and providing spill response training to first responders. Ms. Mitton noted that the specific regulatory mechanism for implementation will be brought to the Board at a later date. Ms. Mitton answered questions from the Board.

Addressing the Board: Scott Weldy, Apple Valley Ranchos Water Company; Tina Souza, City of Hesperia Water District; and Peter Zorba, City of Lancaster.

Board members voiced support for the direction outlined by Ms. Mitton and encouraged staff to continue moving ahead. Dr. Horne suggested that staff research the effectiveness of older dry wells and develop responsibility for routine maintenance of all dry wells. She suggested that local authorities consider using other solutions such as permeable surfaces and xeriscaping as a better long-term solution.

13. Election of Chair and Vice-Chair for 2008

Dr. Horne noted she appointed Keith Dyas and Susan Van Dam to serve on a subcommittee to make recommendations to the Board for Chair and Vice-Chair for 2008.

- **Motion:** Moved by Mr. Dyas, seconded by Mrs. Van Dam, **and unanimously carried** to elect Mr. Clarke as the Chair and Mr. Sandel as Vice Chair for 2008.



14. **ADJOURNMENT**

With no further business to come before the Board, the meeting adjourned at 10:50 a.m.

Prepared by:  Adopted: March 12, 2008
Laurie Applegate, Executive Assistant

