
Lahontan Regional Water Quality Control Board

MINUTES

January 16-17, 2013

Regular Meeting

Hampton Inn Suites Barstow
2710 Lenwood Road
Barstow, CA 92311

Board Members Present

Don Jardine, Chair, Markleeville
Peter C. Pumphrey, Vice Chair, Bishop
Keith Dyas, Rosamond
Eric Sandel, Truckee

Board Member Absent

Jack Clarke, Apple Valley
Amy Horne, Ph.D., Truckee

Legal Counsel

Kimberly Niemeyer, Office of Chief Counsel, State Water Resources Control Board
Anna Kathryn Benedict, Office of Enforcement, State Water Resources Control Board

State Board Staff

Felicia Marcus, State Board Member
Gita Kapahi, Director, Office of Public Participation

Regional Board Staff Present

Patty Z. Kouyoumdjian, Executive Officer
Lauri Kemper, Assistant Executive Officer
Charles Curtis, Supervising WRCE
Douglas Smith, Sup. Engineering Geologist
Mike Plaziak, Sup. Engineering Geologist
Brianna Bergen, Engineering Geologist
Anne Holden, Engineering Geologist
Cindy Mitton, Senior WRCE
Jay Cass, Senior WRCE

Jan Zimmerman, Engineering Geologist
Alan Miller, Senior WRCE
Richard Booth, Senior Engineering Geologist
Sue Genera, Executive Assistant
Mike Coony, WRCE
Scott Ferguson, Senior WRCE
Lisa Scoalle, Engineering Geologist
Thomas Browne, WRCE
Lisa Dernbach, Senior Engineering Geologist

REGULAR MEETING**Wednesday, January 16, 2013- 1:00 p.m.**

To listen to the complete audio file of this meeting [CLICK HERE](#)

INTRODUCTIONS

Chairman Don Jardine called the meeting to order at 1:03 p.m. on January 16, 2013, introduced Board members, and welcomed State Board Member, Felicia Marcus.

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

OTHER BUSINESS**1. Minutes**

Minutes of the Regular Meetings of October 10-11, 2012, held in South Lake Tahoe, CA, and November 14, 2012, teleconference, five locations.

- **Motion:** Moved by Mr. Sandel, seconded by Mr. Pumphrey, and **unanimously carried** to adopt minutes as presented.

Click here to view the adopted [October 2012 Minutes](#), and adopted [November 2012 Minutes](#)

2. ADOPTION OF UNCONTESTED CALENDAR

Note: An (*) appears next to items adopted by the Board on the uncontested calendar.

- **Motion:** Moved by Mr. Dyas, seconded by Mr. Pumphrey and **unanimously carried** to adopt Item 3-4 on the uncontested calendar.

AMENDED WASTE DISCHARGE REQUIREMENTS**3. *U.S. Borax, Inc., The Mojave Cogeneration Company, Clean Energy Fuels Company; Boron Facility, Kern County (R6V-2006-0025A1)**

See Item 2.

Click here to view adopted Board Order No. [R6V-2006-0025A1](#)

RESCISSION OF WASTE DISCHARGE REQUIREMENTS**4. *Billiton Minerals U.S.A. and Shell Oil Company, Standard Hill Project, Kern County – (Order No. 6-00-19)**

See Item 2.

Click here to view adopted Board Order No. [R6V-2013-0002](#)

REPORTS**5. Executive Officer's Report**

Ms. Kouyoumdjian, Executive Officer, presented the [January Written Report](#) and gave additional updates on:

- a. The newly revised Lake Tahoe Regional Plan Update and Clean Water Act 208 Plan were adopted by TRPA this past December. Staff spent a considerable amount of time last year working on the RPU and 208 Plan to make it consistent with our TMDL. Not only is it consistent with our TMDL, it contains many important requirements that will improve water quality overall. The Plan contains several critical complimentary measures, such as air quality improvements, enhanced transportation plans and land use changes that will benefit Lake Tahoe water quality. Our thanks to Robert Larsen and Doug Smith for their dedicated efforts to make this a success. Next month, the Board will review the 208 Plan and provide their recommendation to the State Water Board. The State Water Board is California's delegated agency to approve the 208 Plan. Nevada has already approved the 208 Plan. Once the 208 Plan is approved by both states, then the important provisions of the RPU can go into effect.
- b. In Lake Arrowhead this March, we will be bringing the Board a new informational item on programmatic accomplishments from last year and our priorities and performance measures for this coming year. We hope to make this an annual update to the Board. Staff would also like feedback from the Board on our Region 6 priorities for 2013. We will also bring a tailored presentation of our enforcement program, including accomplishments and priorities. We hope to workshop a draft resolution that establishes focused enforcement goals for Region 6 to help guide our enforcement staff in the future. The State Board Office of Enforcement will help us with this item.

State Board Member Felicia Marcus presented highlights from the [Executive Director's Report](#).

Supervising Engineering Geologist, Mike Plaziak, provided a presentation of Cleanup and Abatement [Order No. R6V-2008-0002A4](#) signed last week requiring PG&E to fully define the chromium plume in Hinkley. Assistant Executive Officer, Lauri Kemper, discussed cleanup activities ongoing in Hinkley and gave an overview of Investigative [Order No. R6V-2013-0001](#) requiring PG&E to additional reporting and acceptance of replacement water program change.

ENFORCEMENT

6. Public Hearing – Consideration of an Administrative Civil Liability (ACL) Order to Arimol Group, Inc. for violating California Water Code section 13376, violating a Lahontan Basin Plan prohibition, and failure to comply with Cleanup and Abatement Order No. R6V-2012-0008, Lake Arrowhead, San Bernardino County.

The Chair asked that all persons giving testimony stand and be sworn in.

Addressing the Board for the Prosecution:

Anna Kathryn Benedict, Office of Enforcement, State Water Resources Control Board
Lauri Kemper, Assistant Executive Officer
Chuck Curtis, Supervising WRCE
Scott Ferguson, Senior WRCE
Lisa Scorallo, Engineering Geologist

Addressing the Board for the Discharger:

Scott R. Lane, Lane & McGowan, LLP
Bill Moller, Arimol Group, Inc.

List of Witnesses:

Jan Zimmerman, Engineering Geologist, Lahontan Water Board
Gerald Horner, Economist, State Water Resources Control Board
Joanna Gibson, California Dept. of Fish and Wildlife
Jeff Brandt, California Dept. of Fish and Wildlife
Bryant Bergeson, Civil Engineer, Kadtec Engineering
Gerald Montgomery, Construction Stormwater Consultant, Montgomery and Associates

Public Comment:

Donald Fisher, Sierra Club
Lori Semenink, Save Our Forest Association
Curtis Bayer, Crest Park Citizens
Bruce Risher, Resident, Crest Park
Chris Del Ross-Risher, Resident, Crest Park

Lisa Scorallo addressed the Board and gave a power point presentation on the background, regulations, violations, ACL Methodology, and staff recommendations associated with this Hearing. Lauri Kemper gave a brief history of activities on the Project site.

In this Hearing, the Prosecution and Discharger each were allotted ninety-five minutes to present opening statements, examine and cross examine witnesses, and provide closing statement. The Board heard from both parties, asked questions, and received Public Comment.

Note: The Board took a break from 2:30-2:40 p.m

The Board went into Closed Session to deliberate from 5:50 to 6:15 p.m. and recessed for dinner from 6:15 to 7:00 p.m.

- **Motion:** Moved by Mr. Sandel, seconded by Mr. Dyas, and **unanimously carried** to adopt Item 6, Administrative Civil Liability Order against Arimol Group, Inc. for Violation Nos. 1-6 only, with amended language removing any reference to Violation Nos. 7-9 and with a final liability amount of \$60,000.

Legal Council advised the community that if they wished, they could pursue a CEQA suit with the county.

Click here to view adopted Board Order No. [R6V-2013-0007](#)

Dinner Recess Approximately 6:15-7 p.m.

REGULAR MEETING (cont.)

Addressing the Board

Ian A. Webster, Consultant, IRP Manager for CAC
Sheryl Bilbrey, PG&E
Daron Banks, Hinkley Resident
James Dodd, Hinkley Resident
Lester White, CAC Chair, Hinkley Resident
Evelio "Billy" Hernandez, Hinkley Resident
Sally Schoemann, Cardno ENTRIX, Representing PG&E
John Turner, Hinkley Resident

INTRODUCTIONS

Chairman Don Jardine called the meeting to order at 7:04 p.m. on January 16, 2013. Approximately 75 audience members were present for the evening session.

7. PUBLIC FORUM

- John Turner requested that the Order requiring PG&E to supply the Hinkley Elementary school with a replacement water system by 2017 be amended to a sooner date. Kim Niemeyer clarified that the replacement water system was part of a Settlement Agreement and that the Board does not have the authority to change the Order. A change to the Order would have to come from PG&E and the Prosecution Team. Sheryl Bilbrey let the community know that PG&E is expediting the project and anticipate completion by the end of 2013.
- Billy Hernandez raised concern over the inconvenience associated with receiving whole house replacement water. Mr. Hernandez asked that the Board look into a long term water system for the entire town of Hinkley. Executive Officer Kouyoumdjian made a commitment to the community to re-examine the provisions of the whole house replacement water program to determine if the program is workable.
- Lester White addressed the Board and presented them with an updated CAC Org chart and expressed his commitment to the CAC process.

REVISED WASTE DISCHARGE REQUIREMENTS

8. Pacific Gas and Electric Company; Hinkley Compressor Station (Order No. 6-97-82), San Bernardino County

Brianna Bergen, Engineering Geologist, presented a power point overview on the proposed construction of two additional surface impoundments at the PG&E Hinkley Compressor Station. In her presentation, Ms. Bergen outlined impoundment construction, groundwater protection, Mitigated Negative Declaration, CEQA Compliance, and Public Comments received thus far. Sally Schoemann, Cardno ENTRIX, showed the Board samples of the construction materials used in surface impoundments.

Public Comment

Lester White raised concern over the safety of the surface impoundments and the impoundments' proximity to fault lines. Mr. White also questioned the affects of the impoundments on migratory birds. Ms. Bergen stated that the impoundments are designed to withstand the magnitude earthquake that the faults in proximity could produce. Lisa Dernbach stated that many public comments were addressed in the errata, CEQA document, Enclosure 5.

- **Motion:** Moved by Mr. Dyas, seconded by Mr. Sandel, and **unanimously carried** to adopt the revised Waste Discharge Requirements as presented.

Click here to view Board Order No. [R6V-2013-0003](#)

OTHER BUSINESS

9. Public Hearing - Summary of Public Comments and Proposed Approach to Finalize Draft Environmental Impact Report (EIR), Final Groundwater Cleanup Strategy For Historical Chromium Discharges From Pacific Gas & Electric Company's Hinkley Compressor Station, San Bernardino County

Anne Holden, Engineering Geologist, presented the final draft EIR to the Board. Ms. Holden itemized the comments received from Agencies and Individuals on the EIR and detailed the path forward in addressing these comments and certifying the final EIR.

Public Comment

Gita Kapahi with the State Water Board moderated the Public Comment period and translation services were provided to the public.

- Ian Webster asked the Board to consider the generation of secondary chemicals (manganese, arsenic, and iron) and their environmental impacts. Mr. Webster also stated that EIR must be flexible enough to accommodate the final background study with remedy of the final cleanup effort.

- Daron Banks stated that the community no longer considers PG&E's whole house replacement water program beneficial. The community had originally been offered one of three options, house buyout, whole house replacement water system, or lower aquifer well. Mr. Banks stated that PG&E is no longer offering lower aquifer wells but have not provided another option. He also stated that the community does not like the invasion of privacy by contractors during instillation and monthly monitoring of the filtration systems. Mr. Banks also notified the Board that PG&E is requiring residents to sign a contract that states if PG&E installs a whole house replacement system that the resident may not sell their property for 5 years.
- Sheryl Bilbrey addressed the Board and stated that the lower aquifer wells are no longer available because samplings of the water have not met the Order requirements. As for the invasive nature of the whole house replacement system, she agreed that that was true and that she is pursuing permission by the Board for less monitoring. She continued to state that the only requirement in the replacement system contract was an access agreement to the resident's property.
- Lester White asked the Board to consider requiring PG&E to install a new water system for the entire community. Mr. White also asked the Board to require PG&E to expedite house buyout.
- James Dodd raised concern with the arsenic levels in his water. He asked why the arsenic and chromium is not being tested as being organic or inorganic thus identifying it's origin. Mr. Dodd also stated that the whole house replacement system does not provide water to use outside his house (Jacuzzi, kiddie pool, or horses), leaving him exposed to developing basal cell carcinoma.
- Billy Hernandez stated his dissatisfaction with the options provided by PG&E. He already has a deep aquifer well and does not want the filtration system. His only option is buyout which he does not feel will be adequate. Mr. Hernandez recommended PG&E tie Hinkley into an existing water system (Mojave Water Agency). He would like to see PG&E help rebuild the community.

The meeting recessed at 9:30 p.m.

REGULAR MEETING (cont.)

Thursday, January 17, 2013- 8:30 a.m.

Addressing the Board

Logan Olds, VVWRA
Lance Eckhart, Mojave Water Agency
Craig Bailey, CA Department of Fish and Wildlife
Michael Bloom, US Navy, China Lake
Bill Thomas, Centennial Ranch

NEW WASTE DISCHARGE REQUIREMENTS

Please note that Items 10 & 11 were presented and voted on jointly.

Mike Coony, WRCE, addressed the Board and presented a power point presentation outlining proposed Sub-regional Plants construction, anti-degradation analysis, effluent limitations, and issues.

Public Comment

- Logan Olds addressed the Board in support of staff recommendation.
- Lance Eckhart addressed the Board in support of staff recommendation.

10. Town of Apple Valley and Victor Valley Wastewater Reclamation Authority; Apple Valley Sub-Regional Reclamation Plant, San Bernardino County

- **Motion:** Moved by Mr. Dyas, seconded by Pumphrey, and **unanimously carried** to adopt the Order with late revisions.

Click here to view Board Order No. [R6V-2013-0004](#)

11. City of Hesperia and Victor Valley Wastewater Reclamation Authority; Hesperia Sub-Regional Reclamation Plant, San Bernardino County

- **Motion:** Moved by Mr. Dyas, seconded by Mr. Pumphrey, and **unanimously carried** to adopt the Order with late revisions.

Click here to view Board Order No. [R6V-2013-0005](#)

WORKSHOP

12. Renewable Energy Projects Southern Lahontan Region (Part 2)

Water Board staff, Mike Plaziak, Jan Zimmerman, and Alan Miller, gave a power point presentation on "Water Board Oversight of Renewable Energy Projects and their Impact on Water Quality". In their presentation to the Board they highlighted:

- Wind Energy Projects
- Photovoltaic Power Projects
- Regulatory Challenges

Also addressing the Board was Craig Bailey of the CA Department of Fish and Wildlife with a power point presentation on "Renewable Energy Development and the California Department of Fish and Wildlife."

Note: The Board took a break from 10:03-10:14 a.m.

PLANS & POLICIES**13. Public Hearing – 2013 Triennial Review of the Water Quality Control Plan for the Lahontan Region (Basin Plan)**

Richard Booth, Senior Engineering Geologist addressed the Board and gave a power point presentation on the 2013 Triennial Review. In his presentation, he highlighted:

- What the Triennial Review is and why it is needed
- Final list of Priority Projects
- Difference between “Projects with available resources” and “Projects requiring additional resources”
- Responses to comments

Public Comment

- Michael Bloom addressed the Board in support of staff recommendation.
- Bill Thomas addressed the Board and expressed his frustration in the length of time it is taking to amend the Basin Plan standards for fecal coliform.
- **Motion:** Moved by Mr. Sandel, seconded by Mr. Dyas, and **unanimously carried** to adopt the Resolution as presented.

Click here to view Resolution No. [R6V-2013-0008](#)

REPORTS**14. Reports by Water Board Chair and Board Members**

None.

15. Chair/Vice-Chair Election

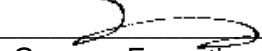
- **Motion:** Moved by Mr. Sandel, seconded by Mr. Dyas, and **unanimously carried** to elect Peter C. Pumphrey as Board Chair and Jack Clarke as Vice Chair for 2013.

16. CLOSED SESSION**

None.

ADJOURNMENT

With no further business to come before the Board, the meeting adjourned at 12:06 p.m. on January 17, 2013.

Prepared by:  Adopted: __February 14, 2013__
Sue Genera, Executive Assistant