



California Regional Water Quality Control Board

Lahontan Region



Linda S. Adams
Secretary for
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Arnold Schwarzenegger
Governor

MINUTES

April 9-10, 2008

Ramada Inn – Barstow
Conference Center
1511 E. Main Street
Barstow, CA 92311

BOARD MEMBERS PRESENT

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

BOARD MEMBER ABSENT

None

LEGAL COUNSEL

David Coupe, State Water Resources Control Board

STAFF PRESENT

Harold J. Singer, Executive Officer	Mary Dellavalle, Environmental Scientist
Robert S. Dodds, Assistant Executive Officer	Lisa Dernbach, Senior Engineering Geologist
Chuck Curtis, Supervising WRCE	Joe Koutsky, WRCE
Lauri Kemper, Supervising WRCE	Alan Miller, Senior WRCE
Mike Plaziak, Supervising Engineering Geologist	Cindi Mitton, Senior WRCE
Laurie Applegate, Executive Assistant	Eric Shay, Staff Services Analyst
Jehiel Cass, WRCE	Tobi Tyler, WRCE
Patrice Copeland, Senior Geologist	

ADDRESSING THE BOARD

Robert Conaway
Norman Diaz
Bob Doss, Pacific Gas and Electric Company
Edward Phillips, BNSF Railway Company
Richard Rowe, Barstow City Manager
Joel Valenzuela
Mark Wippler

California Environmental Protection Agency

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Regular Meeting
April 9, 2008 – 7:00 p.m.

Mr. Clarke, Chair, called the meeting to order at 7:00 p.m. on April 9, 2008.

INTRODUCTIONS

Mr. Clarke welcomed Don Jardine to the Board.

Mr. Singer introduced new staff member Patrice Copeland, Senior Geologist with the Victorville office.

1. PUBLIC FORUM

No one addressed the Board during the Public Forum.

2. MINUTES

Minutes of the Regular Meeting of March 12-13, 2008 in Truckee

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

NEW WASTE DISCHARGE REQUIREMENTS

3. *Public Hearing – Pacific Gas and Electric Company (PG&E) – General Site-Wide Groundwater Remediation Project and Public Hearing to Consider a Resolution Certifying a Mitigated Negative Declaration, San Bernardino County*

Mr. Clarke opened the public hearing.

Lisa Dernbach gave the staff presentation. Ms. Dernbach discussed the project, the mitigated negative declaration and general waste discharge requirements, outlined late revisions to the proposed Resolution and Board Order and discussed future actions proposed for the site. Ms. Dernbach responded to concerns raised by Mr. Conaway in a letter dated April 4, 2008 and answered questions from the Board. Ms. Dernbach recommended the Board adopt the Resolution and the general waste discharge requirements with the late revisions outlined in two late revision sheets.

Chuck Curtis verbally recommended a correction to the Fact Sheet and corrections to the mitigated negative declaration. Mr. Curtis and Ms. Dernbach discussed the public notification process, the monitoring program, and public access to monitoring data. Mr. Curtis noted the project would give PG&E the tools needed to quickly address any plume migration. Mr. Curtis and Ms. Dernbach answered questions from the Board.

Joel Valenzuela noted the close proximity of the plume to his property and expressed concern regarding the safety of his water. He objected to the injection of any chemical compound into the groundwater. He commented that different techniques have been used by other companies and asked the Board to delay a decision.



Robert Conaway discussed concerns raised in his April 4, 2008 letter and encouraged the Board to research above ground treatment. He asked the Board to closely monitor groundwater pH levels, velocity, and drawdown and to shorten the review process of the monitoring data by PG&E, making the data more readily available to the Board. Mr. Conaway noted the area does not have access to high speed internet, that he had not been successful in accessing the State Board's monitoring data from the website, or in locating the information at the Barstow library.

Bob Doss, Principal Engineer for the Chromium Remediation Project, PG&E, clarified that the project before the Board was not about cleaning up the plume, but about controlling the boundaries of the plume. Mr. Doss outlined the process followed from the time a water sample is taken to when a report is provided to the Regional Board and noted the process takes approximately two months. He noted that basic information from critical wells could be provided in approximately two weeks from the time the sample has been taken.

Mr. Clarke closed the public hearing.

Board members discussed the project. Dr. Horne commented that she was satisfied with the proposal; however felt that improvement was needed in providing residents of Hinkley with timely access to information about the plume and treatment at the site. Mr. Clarke concurred and asked Mr. Singer to address ways to improve notification.

Mr. Singer discussed various forms of public notification that could be used for projects falling under the general waste discharge requirements, including use of an extensive mailing list for the Hinkley area, the newspaper, press releases and a local radio station. He noted that by using various forms of notification, he hoped to reach most of the people. He also noted staff publishes a periodic newsletter summarizing what is happening at the site. He commented that the newsletter could be produced more frequently providing a summary of what the monitoring data shows, notifying the public about activities at the site, providing information about the projects and any changes in the plume.

Mr. Sandel asked Mr. Singer if it would be possible to provide Mr. Valenzuela with quick data regarding the critical monitoring well on his property. Mr. Singer asked Mr. Doss if PG&E could send Mr. Valenzuela the well data directly. Mr. Doss responded that private owners of wells receive a report of analysis performed on their wells and noted that the timeline could be moved forward for those who request expedited information. He noted the request could be made of him or to the PG&E community relations representative.

Mr. Dyas commented that any negative impacts of the projects permitted under the proposed general waste discharge requirements were not significant, and that the benefits far outweighed any disadvantages. He noted the harm that would be done by doing nothing and causing further delay was not acceptable. Board members concurred.



Mr. Singer commented that the Board had not been asked to approve a final remediation plan for the site and pointed out that there would be more opportunities, including public workshops, for the Board and interested parties to review and discuss different alternatives for cleanup.

Dr. Horne noted the proposal made it easier for PG&E to be flexible and responsive, to contain the plume and protect adjacent property owners. She encouraged Lahontan staff to continue to work on ways to make it easier for the Hinkley residents to be responsive and flexible and to have access to the monitoring data.

- **Motion No 1:** Moved by Dr. Horne, seconded by Mr. Dyas and **unanimously carried** to adopt the Resolution with late revisions and to certify the mitigated negative declaration with the corrections made verbally by Chuck Curtis.
- **Motion No. 2:** Moved by Dr. Horne, seconded by Mr. Dispenza and **unanimously carried** to adopt the general waste discharge requirements with the late revisions.

5. Executive Officer's Report

Note: The following comment by Mr. Phillips was presented before the rest of the Executive Officer's Report was given by Mr. Singer. See page 7 of the minutes for the remainder of the Executive Officer's Report.

Edward Phillips, Manager of Environmental Operations, BNSF Railway Company, discussed a disagreement with Board staff regarding the necessity of reporting a release. Mr. Phillips commented that the Water Code is specific about what substances, quantities and situations are reportable. He stated he was told by Board staff that all releases are reportable and subject to prosecution if not reported. Mr. Phillips felt that Board staff overstepped their bounds and legal authority and asked the Board to instruct staff about the reporting limitations under the Water Code.

Mr. Singer commented that he was not aware of the details regarding the issue and offered to work with Mr. Phillips and Board staff to resolve the matter.

Mr. Clarke directed staff to work with Mr. Phillips and report back to the Board.

STATUS REPORT

4. **Status Report on the Barstow Wastewater Treatment Plant Compliance, Barstow, San Bernardino County**

Joe Koutsky discussed Orders issued to the City of Barstow and the City's status of compliance. He noted it is unclear to Board staff if the City will be able to meet the July 30, 2009 compliance deadline in the cease and desist order. Staff has asked the City to submit a revised compliance plan by April 11, 2008.

Dr. Horne suggested that staff provide the Board with quarterly status reports regarding the City of Barstow. Mr. Singer agreed with Dr. Horne's suggestion and asked that the



status reports be given to the Board at a meeting in the southern portion of the region during each quarter. Board members concurred. Mr. Singer noted staff would evaluate the report due on April 11, 2008 and report to the Board in the May 2008 Executive Officer's Report.

Richard Rowe, Barstow City Manager, discussed the City's two-phased plan to upgrade the existing treatment plant and go forward with the final plan to replace the plant. He noted the City would present the Board with a formal written response outlining the details of the plan by April 11, 2008.

6. **CLOSED SESSION**

A closed session was not held during this meeting.

Note: The evening meeting recessed at 9:47 p.m.

Regular Meeting, continued April 10, 2008 – 8:30 a.m.

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

7. **PUBLIC FORUM**

- Mark Wippler, Biosolids Remediation Corporation, discussed a patent process the Corporation is planning to release in a few months. The process will treat biosolids at wastewater treatment facilities, denature the proteins and kill the bacteria. He noted they are working in partnership with the Rosamond Community Services District and would like to work cooperatively with the Regional Board to ensure regulatory compliance.
- Norman Diaz commented that the workshop held at the Hinkley school was helpful and encouraged the Board to continue to hold workshops to keep the community informed. He noted the community trusts the Board to watch after their interests. He also noted the need to continue to monitor the drinking water at the Hinkley school.

Dr. Horne noted the Board's discussion the previous evening regarding the need to keep the public informed and to provide understandable monitoring data to the Hinkley community. Dr. Horne asked Mr. Diaz if there was a science class at the Barstow High School that could track the monitoring reports and put them in a user-friendly form for use by the community. Mr. Diaz noted he would be willing to assist with the project and would discuss the matter with Mr. Singer.



NEW WASTE DISCHARGE REQUIREMENTS

8. Ritter Ranch Development Project, Phases I and III, SunCal Companies, Los Angeles County

Tobi Tyler gave the staff presentation, discussed the late revisions, and recommended the Board adopt the Order with the late revisions. Ms. Tyler answered questions from the Board.

Mr. Dispenza pointed out that Elizabeth Lake Road is being widened from a two-lane to a four-lane road by the project proponent. He noted that the road has been graded but has not been completed. Mr. Dispenza advised the Board that the City of Palmdale is concerned about the impacts of the unfinished road. He asked staff what could be done if the road is not completed. Mr. Singer responded that the road might not be within the area covered by the Order under consideration by the Board. He noted, however, that the Board has jurisdiction over stormwater runoff and Board staff could contact the County and the developer to inquire about the status of completion and could require that best management practices be implemented to protect the area from stormwater runoff.

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

OTHER BUSINESS

9. Resolution Authorizing the Executive Officer to Sign the Record of Decision for the Soil and Debris Sites, Operable Units 4 and 9, Edwards Air Force Base, Kern County

Note: Mr. Dyas declared a conflict of interest with this item because of his employment with Edwards Air Force Base.

Mr. Singer noted the staff work required to prepare a Record of Decision (ROD) for the Board's consideration and thanked Jehiel Cass and other staff from the Victorville office for their work on the RODs that have been developed over the last few years.

Jehiel Cass gave the staff presentation and recommended the Board adopt the Resolution as proposed authorizing the Executive Officer to sign the final ROD. Mr. Cass answered questions from the Board.

- **Motion:** Moved by Mr. Sandel, seconded by Mr. Dispenza and **unanimously carried** to adopt the Resolution as proposed. (Mr. Dyas did not vote due to a conflict of interest.)



10. **Adoption of the Priority List for the Emergency, Abandoned, Recalcitrant (EAR) Account, Fiscal Year 2008-2009**

A staff presentation was not given for this item.

- **Motion:** Moved by Dr. Horne, seconded by Mr. Sandel and unanimously carried to adopt Resolution as proposed.

5. **Executive Officer's Report**

Mr. Singer discussed items from the April 2008 Executive Officer's written report.

It was the consensus of the Board to change the frequency of the status reports for the County Sanitation Districts of Los Angeles (Districts 14 and 20) from quarterly to semi-annually with additional reports if needed.

Dr. Horne suggested quarterly status reports on the updates for the timber policy. Mr. Singer suggested status reports at every meeting in the north. It was decided that a status report regarding timber policy updates will be given at every Board meeting in the north.

11. **Reports by Chair and Board Members**

Mr. Clarke noted he would be participating in a conference call in conjunction with the Water Quality Coordinating Committee meeting in San Diego to discuss restructuring of the Water Boards.

12. **ADJOURNMENT**

With no further business to come before the Board, the meeting adjourned at 10:24 a.m.

Prepared by: *Laurie Applegate* Adopted: May 14, 2008
Laurie Applegate, Executive Assistant

