



California Regional Water Quality Control Board

Lahontan Region



Linda S. Adams
Secretary of
Environmental Protection

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Arnold Schwarzenegger
Governor

MINUTES

Regular Meeting of July 14, 2010

Video/Teleconference – two locations

California Regional Water Quality
Control Board – Lahontan Region
Victorville Office -
Conference Room
14440 Civic Drive, Suite 200
Victorville, CA 92392

California Regional Water Quality
Control Board – Lahontan Region
South Lake Tahoe Office -
Conference Room
2501 Lake Tahoe Blvd.
So. Lake Tahoe, CA 96150

Mr. Clarke, Chair, called the meeting to order at 1:00 p.m. on July 14, 2010.

Board Members in Victorville

Jack Clarke, Apple Valley
Mike Dispenza, Palmdale
Keith Dyas, Rosamond

Board Members in So. Lake Tahoe

Amy Horne, Ph.D., Truckee
Don Jardine, Markleeville
Eric Sandel, Truckee

Board Member Absent

None

Legal Counsel

David Coupe, Office of Chief Counsel, State Water Resources Control Board

Staff Present

Harold Singer, Executive Officer
Lauri Kemper, Assistant Executive Officer
Chuck Curtis, Supervising WRCE
Mike Plaziak, Supervising Eng. Geologist
Patrice Copeland, Senior Eng. Geologist
Cindi Mitton, Senior WRCE
Laurie Applegate, Executive Assistant

Sergio Alonzo, Student
Richard Booth, Senior Eng. Geologist
Lisa Dernbach, Senior Eng. Geologist
Cheryl Hanley, AISA
Tammy Lundquist, Eng. Geologist
Tim Post, Eng. Geologist

California Environmental Protection Agency

Recycled Paper



Addressing the Board

Bob Doss, Pacific Gas and Electric Company
Eric Johnson, Pacific Gas and Electric Company
Rick Kiel, Golder Associates
Lutz Klingmann, Golden Queen Mining Company
Wilson So, City of Adelanto

1. PUBLIC FORUM

Mr. Singer drew the Board's attention to a July 9, 2010 letter from Carmela Gonzalez to the Lahontan Board and staff. In the letter, Ms. Gonzalez requested that the October 13-14, 2010 Board meeting be held in Barstow; that an evening public forum session be included; and that she be allowed time during the public forum session to discuss various concerns regarding Pacific Gas and Electric Company. Mr. Singer recommended that Ms. Gonzalez's last request be handled as a separate agenda item, instead of a public forum item, to give the public and PG&E notice that the discussion will take place. The Board concurred.

2. MINUTES**Minutes of the Regular Meeting of June 9, 2010 in Kings Beach**

- **Motion:** Moved by Mr. Dyas, seconded by Mr. Dispenza and **unanimously carried** to adopt the June 9, 2010 minutes as written.
Note: Vote was by roll call.

3. ADOPTION OF THE UNCONTESTED CALENDAR

Note: Item 4 was removed from the uncontested calendar for consideration by the Board.

NEW WASTE DISCHARGE REQUIREMENTS**4. Waste Discharge Requirements for the Bureau of Land Management and the Golden Queen Mining Company, Inc., Soledad Mountain Project, Kern County**

This item was removed from the uncontested calendar for consideration by the Board.

Tammy Lundquist gave the staff presentation. She discussed concerns raised by the State Department of Conservation, Office of Mine Reclamation (OMR) regarding the reclamation plan, and changes to the Board Order suggested by the Golden Queen Mining Company addressing OMR's concerns. Ms. Lundquist noted OMR's concerns were addressed by staff in the changes recommended in the late revision sheet. Ms. Lundquist answered questions from the Board.



Mr. Dyas noted the lack of a down gradient monitoring well at the northeast corner of the site and expressed concern that contamination could leave the site undetected. He noted that groundwater monitoring well 4 (MW-4) was dry and not useful in monitoring groundwater quality. He suggested that an additional monitoring well be added.

Mr. Lutz Klingmann, President of the Golden Queen Mining Company and Rick Kiel with Golder Associates, discussed the monitoring wells and lysimeters at the site and answered questions from the Board.

Dr. Horne suggested that the Board direct Mr. Singer and staff to review the monitoring well question and amend the monitoring and reporting program, adding an additional monitoring well between MW-4 and the production wells further to the north if needed. Mr. Dyas and Mr. Clarke concurred with Dr. Horne's suggestion.

- **Motion:** Moved by Mr. Dyas, seconded by Dr. Horne and **unanimously carried** to adopt the waste discharge requirements with the late revisions and the direction given to the Executive Officer to review the groundwater monitoring, especially in the northeast corner of the site. Note: Vote was by roll call.

AMENDED WASTE DISCHARGE REQUIREMENTS

5. **Resolution Adopting an Addendum to the Mitigated Negative Declarations and Amended Waste Discharge Requirements for Pacific Gas and Electric Company (PG&E), Desert View Dairy Revised Optimization Project, Hinkley, San Bernardino County**

Chuck Curtis gave the staff presentation. Mr. Curtis noted he recently met with residents of the community to listen to their concerns. He drew the Board's attention to a letter dated July 9, 2010 from Carmela Gonzalez outlining her concerns with the PG&E project and his July 13, 2010 response. He discussed late revisions to the Addendum to the Negative Declarations and to the Monitoring and Reporting Program and recommended the Board adopt the Resolution and the Amended Waste Discharge Requirements with the late revisions. Mr. Curtis answered questions from the Board.

Mr. Singer discussed a change he planned to make to the term background before signing the monitoring and reporting program.

Eric Johnson and Bob Doss, PG&E, answered questions from the Board. Mr. Johnson commented that PG&E will be proposing a final remedy to Board staff by September 1, 2010. Lauri Kemper noted staff plans to bring it to the Board in 2011.



- **Motion 1:** Moved by Dr. Horne, seconded by Mr. Sandel **and unanimously carried** to adopt the Addendum to the Negative Declarations for the original project and the optimization project with the late revisions. Note: Vote was by roll call.
- **Motion 2:** Moved by Dr. Horne, seconded by Mr. Sandel **and unanimously carried** to adopt the Amended Waste Discharge Requirements with the late revisions. Note: Vote was by roll call.

OTHER BUSINESS

6. Resolution Authorizing the Executive Officer to Sign the Record of Decision for Operable Unit 4, Arroyos Area, Edwards Air Force Base, Kern County

Note: Mr. Dyas noted his employment with Edwards Air Force Base and recused himself.

Tim Post gave the staff presentation and recommended the Board adopt the Resolution as proposed. He noted that if there were changes to the Record of Decision, staff would bring it back to the Board.

- **Motion:** Moved by Mr. Sandel, seconded by Mr. Jardine **and unanimously carried** to adopt the Resolution as proposed. Note: Vote was by roll call. Mr. Dyas did not vote as he recused himself from participating during this item.

7. Resolution Delegating Authority to the Executive Officer to Issue Administrative Civil Liability Orders

Mr. Singer gave the staff presentation. He discussed options available to the Board and explained that the proposed resolution would grant the Executive Officer the authority to issue administrative civil liability orders when uncontested by the discharger and when a Board hearing is not required. He noted that the Board could revisit the delegation at any meeting and commented that some Regional Boards revisit their delegations to the Executive Officer when the person holding the position changes. Mr. Singer discussed the 30-day notification process and the opportunities during that process for the public or any Board member to request that a hearing be held.

Dr. Horne commented that she was uncomfortable with the Board not placing any limits on the dollar amount in the delegation because of the rural nature of the region and asked about setting a limit based on the potential maximum civil liability. She also voiced concern about the Board notification process and the lack of a process for revisiting the delegation.



Following discussion, Mr. Singer recommended adding the following sentence to page 2 of the Resolution under the heading THEREFORE BE IT RESOLVED THAT: The Executive Officer is directed to discuss with the Board's Chair the need for a hearing prior to issuance of an Order if comments are received on the proposed action.

- **Motion:** Moved by Mr. Sandel, seconded by Mr. Dispenza to adopt the Resolution with the changes recommended in the late revision sheet and with the addition of the sentence to page 2 of the Resolution recommended by Mr. Singer. Voting yes: Mr. Clarke, Mr. Dispenza, Mr. Dyas, Mr. Jardine and Mr. Sandel. Voting no: Dr. Horne. Note: Vote was by roll call. **Motion carried 5-1.**

8. **Executive Officer's Report**

Mr. Singer discussed items from the July 2010 written report and answered questions from the Board.

Mr. Singer gave an update regarding Nursery Products and the N&M Dairy. He also discussed staffing issues, performance measures (handout) and legislative bill updates. Ms. Kemper gave an update regarding the City of Adelanto (handout).

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

Mr. Clarke gave a report regarding items discussed at the July 12, 2010 Chair's conference call.

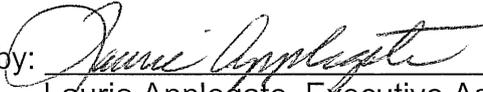
Mr. Wilson So, City of Adelanto, addressed the Board. He noted that he is working with Board staff.

10. **CLOSED SESSION**

The Board did not meet in closed session during this meeting.

ADJOURNMENT

With no further business to come before the Board, the meeting adjourned at 3:50 p.m. on July 14, 2010.

Prepared by:  Adopted: September 8, 2010
Laurie Applegate, Executive Assistant

