



# California Regional Water Quality Control Board

## Lahontan Region



Linda S. Adams  
Secretary of  
Environmental Protection

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Arnold Schwarzenegger  
Governor

# MINUTES

## October 13-14, 2010

### Regular Meeting

Barstow City Council Chambers  
220 E. Mountain View  
Barstow, CA 92311

Chairman Clarke called the meeting to order at 4:00 p.m. on October 13, 2010.

#### Board Members Present

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

#### Board Member Absent

None

#### Legal Counsel

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

#### Staff Present

Harold Singer, Executive Officer	Christy Hunter, Eng. Geologist
Lauri Kemper, Assistant Executive Officer	John Morales, WRCE
Charles Curtis, Supervising WRCE	Ghasem Pour-Ghasemi, WRCE
Mike Plaziak, Supervising Eng. Geologist	Eric Shay, AGPA
Patrice Copeland, Senior Eng. Geologist	Christina Velasquez, Student Assistant
Cindi Mitton, Senior WRCE	Jan Zimmerman, Eng. Geologist
Mike Coony, WRCE	
Lisa Dernbach, Senior Eng. Geologist	

#### Addressing the Board

Lisa Brown  
John D. Coffey, J.D.  
Bob Conaway  
Norman Diaz  
Bob Doss, Pacific Gas and Electric Co.  
Carmela Gonzalez  
Scott Honan, Molycorp

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**Addressing the Board, continued**

Ruth Lopez, People Against Radioactive Dumping  
Nick Panchev, Hybrid Solutions Industries Corporation  
Lillie Stone  
Sonny Thomas  
Joe Valenzuela

**INTRODUCTIONS**

**1. Executive Officer's Report**

Mr. Singer discussed items from the October 2010 written report and answered questions from the Board. Dr. Horne asked for a staff report of Board options for noncompliance with portions of the cleanup and abatement order for County Sanitation District No. 20 of Los Angeles County, Palmdale Reclamation Plant (Item 11 in the Executive Officer's written report). Mr. Singer agreed to provide a report at a future meeting.

Mr. Singer discussed Senate Bill 918 regarding water recycling and Senate Bill 1284 regarding minimum mandatory penalties. Both bills have been signed by the Governor.

Mr. Plaziak responded to a question regarding a spill in Hesperia. Mr. Curtis responded to a question regarding a case closure at Alpine Meadows Maintenance Area. Mr. Singer discussed issues related to the State Water Board's draft underground storage tank closure policy.

The Board recessed for dinner.

**Regular Meeting, continued**  
**7:05 p.m., October 13, 2010**

Chairman Clarke called the meeting to order at 7:05 p.m.

Board members present: Jack Clarke, Mike Dispenza, Keith Dyas, Amy Horne, Don Jardine, and Eric Sandel. Board members absent: None.

**PLEDGE OF ALLEGIANCE AND INTRODUCTIONS**

**2. PUBLIC FORUM**

Norm Diaz discussed issues related to sludge, nanotech particles and sewage sludge incineration units (handout).

Sonny Thomas asked for improved communication between Water Board staff, the Desert View Dairy and Thompson Road residents.



Bob Conaway asked that intergovernmental committees be established between different agencies, such as the Water Board and local enforcement agencies for projects like Nursery Products and the PG&E chromium cleanup project.

### 3. MINUTES

#### **Minutes of the Regular Meeting of September 8, 2010 in South Lake Tahoe**

- **Motion:** Moved by Mr. Dyas, seconded by Mr. Dispenza and **unanimously carried** to adopt the September 8, 2010 minutes as written.

### WORKSHOP

#### 4. **Workshop on Pacific Gas and Electric Company's Hinkley Chromium Cleanup Project, San Bernardino County**

Mr. Singer gave background information regarding the request by Ms. Carmela Gonzalez to address the Board and the rationale for scheduling a workshop versus discussing the matter during the public forum. He noted the Board would not be making any decisions during the workshop; however, could provide direction to staff in their policy setting role. Mr. Singer discussed the need for the Board to maintain neutrality and outlined four issues the Board would be considering during the workshop.

Chuck Curtis, Supervising Engineer in the Water Board's South Lake Tahoe office and Water Board staff project manager for the Pacific Gas and Electric Company (PG&E) Hinkley chromium cleanup project, gave background information and discussed the current status of the cleanup project. Mr. Curtis addressed issues raised by Ms. Gonzalez in written material she provided to the Board for the workshop. Mr. Curtis noted staff appreciated the input received from Ms. Gonzalez and outlined actions taken by staff in response to many of Ms. Gonzalez's suggestions.

Carmela Gonzalez, resident of Hinkley, discussed concerns with the PG&E plume and data management. Among her concerns were the lack of a formal Notice of Violation being issued by Water Board staff to PG&E for violation of its cleanup and abatement order, the Cr (VI) contamination of the lower aquifer not being delineated, plume map contour lines not being delineated to the adopted maximum background concentration of 3.1 micrograms per liter, and plume map data inconsistencies.

**Addressing the Board:** Nick Panchev, Hybrid Solutions Industries Corporation; Joel Valenzuela; Ruth Lopez, People Against Radioactive Dumping; Bob Conaway; Lillie Stone; Norman Diaz; Sonny Thomas; and Bob Doss, Pacific Gas and Electric Company.



**Board discussion:**

Mr. Sandel noted the urgency of the situation and commented that those in the community with private well water supplies that have been degraded by chromium should immediately be supplied with chromium-free water. Other Board members agreed with Mr. Sandel. Mr. Singer discussed Mr. Sandel's comment and suggested that members of the Water Board staff prosecution team discuss the matter with their legal counsel.

Dr. Horne commented that it was clear from evening's discussion that there was a failure to communicate that needed to be fixed. She suggested that staff communicate more formally with PG&E using letters instead of emails. She also suggested posting all communications on the Lahontan website. She recommended scheduling regular public meetings in Hinkley so members of the community could have their questions answered, and that Board staff consider scheduling a formal hearing about the plume migration. Dr. Horne thanked Ms. Gonzalez and members of the community for their work and noted that the Board appreciated their effort.

Mr. Jardine noted the sense of urgency in the Hinkley community and agreed with Mr. Sandel that chromium-free water should be supplied to individuals with degraded water supplies.

Mr. Clarke commented that staff would be working with the public and that community meetings would be forthcoming.

**RESCISSIONS****5. Rescission of Waste Discharge Requirements for the Pacific Gas and Electric Company's Source Area and Central Area In-Situ Remediation Projects, San Bernardino County**

Lisa Dernbach, Senior Engineering Geologist Specialist with the Water Board's South Lake Tahoe office, gave the staff presentation. Ms. Dernbach recommended the Board rescind Board Order No. R6V-2006-0054 for the PG&E Source Area In-Situ Remediation Project, and Board Order No. R6V-2007-0032 for the PG&E Central Area In-Situ Remediation Pilot Study Project. Ms. Dernbach answered questions from the Board and from Mr. Singer.

**Addressing the Board:** John D. Coffey, J.D.; Bob Conaway; Lisa Brown; and Ruth Lopez, People Against Radioactive Dumping.

- **Motion:** Moved by Dr. Dyas, seconded by Mr. Sandel and **unanimously carried** to rescind Board Order Nos. R6V-2006-0054 and R6V-2007-0032.



## **OTHER BUSINESS**

### **6. Reports by Chair and Board Members**

This item was considered on October 14. See page 7 of the minutes.

### **7. CLOSED SESSION**

The Board did not conduct a closed session during the October meeting.

Note: The meeting recessed at 10:09 p.m. on October 13, 2010.

## **Regular Meeting, continued October 14, 2010 – 8:40 a.m.**

Chairman Clarke called the meeting to order at 8:40 a.m.

Board members present: Jack Clarke, Mike Dispenza, Keith Dyas, Amy Horne, Don Jardine, and Eric Sandel. Board members absent: None.

## **INTRODUCTIONS AND PLEDGE OF ALLEGIANCE**

### **8. PUBLIC FORUM**

Ruth Lopez, People Against Radioactive Dumping, objected to time constraints imposed upon her by Chairman Clarke during the October 13 evening session and objected to the cost to California taxpayers of a two-day meeting.

Chairman Clarke and Mr. Dyas responded to Ms. Lopez's objections.

### **9. ADOPTION OF THE UNCONTESTED CALENDAR**

Note: An (\*\*) appears next to items adopted by the Board on the uncontested calendar. Item 10 was not on the uncontested calendar. See pages 6 and 7 of the minutes for Item 10.

Mr. Singer recommended the Board adopt Items 11, 12, 13, 14 and 15 (with late revision to the monitoring and reporting program) on the uncontested calendar.

Ruth Lopez, People Against Radioactive Dumping, asked that she be sent the entire agenda packet for future meetings and asked general questions about Board member appointments.

- **Motion:** Moved by Dr. Horne, seconded by Mr. Dispenza and **unanimously carried** to adopt Items 11, 12, 13, 14 and 15 (with late revision sheet) on the uncontested calendar.

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**REVISED WASTE DISCHARGE REQUIREMENTS**

- \*\*11. U.S. Borax, Inc., Boron Facility, Gangue Waste Pile and Gangue/Refuse Waste Pile, Kern County**

See Item 9 for Board action.

**AMENDED WASTE DISCHARGE REQUIREMENTS**

- \*\*12. Waste Management of California, Inc.; Lancaster Landfill and Recycling Center and Groundwater Treatment Discharge, Los Angeles County**

See Item 9 for Board action.

**AMENDED WATER RECYCLING REQUIREMENTS**

- \*\*13. High Desert Power Project, San Bernardino County**

See Item 9 for Board action.

- \*\*14. City of Victorville, Westwinds Golf Course, San Bernardino County**

See Item 9 for Board action.

**WAIVER OF WASTE DISCHARGE REQUIREMENTS**

- \*\*15. Resolution Adopting a Conditional Waiver of Waste Discharge Requirements for the County of Los Angeles Department of Public Works Lancaster, Sub-Basin Full-Scale Aquifer Storage and Recovery Project, Los Angeles County**

See Item 9 for Board action.

**REVISED WASTE DISCHARGE REQUIREMENTS**

- 10. Molycorp Minerals LLC, Mountain Pass Mine and Mill Operations, San Bernardino County**

Christy Hunter, Engineering Geologist with the Water Board's Victorville office, gave the staff presentation. Mr. Singer drew the Board's attention to a letter from Ruth Lopez representing People Against Radioactive Dumping dated October 12, 2010 and noted that the letter did not meet the requirement to submit written comments ten days prior to the Board meeting. After consideration, Chairman Clarke accepted the letter into the record. Ms. Hunter responded to comments made in Ms. Lopez's letter and recommended the Board adopt the revised waste discharge requirements with the changes



recommended to the monitoring and reporting program as outlined in the late revision sheet. Ms. Hunter, Mr. Plaziak, and Mr. Singer answered questions from the Board.

**Addressing the Board:** Scott Honan, Molycorp; John Coffey, J.D.; and Ruth Lopez, People Against Radioactive Dumping.

Dr. Horne commented that she would like Finding No. 39.a., California Environmental Quality Act (CEQA), found on page 27 of the Order, to include stronger supporting evidence of the benefits of the project to outweigh the significant and unavoidable adverse impacts of the project. Kim Niemeyer, legal counsel to the Board, noted there was additional information in the Environmental Impact Report (EIR) that could be added to the Order to strengthen the language. Following a break, Mr. Plaziak recommended inserting additional language into Finding No. 39.a. Mr. Plaziak read the additional language and the Board members concurred.

Ms. Lopez objected to the language being added and commented that the public did not have sufficient time to review it.

In response to questions from Dr. Horne, Ms. Niemeyer explained that the additional language came from the EIR and as such was available for public review. She also explained that the EIR was approved by San Bernardino County in 2004 and was part of the administrative record. Ms. Niemeyer discussed the Board's duties as a responsible agency with regard to the EIR.

- **Motion:** Moved by Mr. Dyas, and seconded by Mr. Jardine to adopt the revised waste discharge requirements with the additional language to Finding No. 39.a. and with the changes recommended by staff in the late revision sheet.

Dr. Horne commented that the alternative designs presented to the Board demonstrated that they would afford equivalent or better protection than the prescriptive standard.

- **Motion unanimously carried.**

## **OTHER BUSINESS**

### **6. Reports by Chair and Board Members**

Dr. Horne discussed a webinar she recently attended sponsored by the Yale School of Business. The topic of the webinar was Who Should Lead to Achieve Sustainability?



**ADJOURNMENT**

With no further business to come before the Board, the meeting adjourned at 11:30 a.m. on October 14, 2010.

Prepared by: *Laurie Applegate* Adopted: November 16, 2010  
Laurie Applegate, Executive Assistant

