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Lahontan Regional Water Quality Control Board

**MINUTES**  
**NOVEMBER 20, 2019**

The Lahontan Regional Water Board (Water Board) conducted this meeting using Webcast at the location shown below:

Hampton Inn & Suites  
2710 Lenwood Road  
Barstow, CA 92311

Water Board Annex, Hearing Room  
971 Silver Dollar Avenue  
South Lake Tahoe, CA 96150

Water Board Members in Barstow

Peter C. Pumphrey, Chair, Bishop  
Kimberly Cox, Helendale  
Amy Horne, Ph.D., Vice-Chair, Truckee  
Keith Dyas, Rosamond

Water Board Members in S. Lake Tahoe

Don Jardine, Markleeville  
Eric Sandel, Truckee

State Water Board

Jennifer Fordyce, Office of Chief Counsel  
Elizabeth Beryt, Office of Chief Counsel  
Laura Drabandt, Office of Chief Counsel,

Water Board Staff

Patty Z. Kouyoumdjian, Executive Officer	Jan Zimmerman, Sr. Engineering Geologist
Douglas Smith, Assistant Executive Officer	Dan Sussman, Sr. Environmental Scientist
Ben Letton, Supervising Engineering Geologist	Jennifer Watts, Environmental Scientist
Scott Ferguson, Supervising WRC Engineer	Ed Hancock, Environmental Scientist
Mary Fiore-Wagner, Sr. Env Scientist	Christina Guerra, Engineering Geologist
Doug Cushman, Sr. WRC Engineer	Angelica Soto, Office Technician
Katrina Fleshman, Executive Assistant	

**Regular Meeting: Wednesday, November 20, 2019, 3:00 p.m.**

[View the full Agenda and listen to the audio of this meeting](#)

**CALL TO ORDER AND INTRODUCTIONS**

Chair Pumphrey called the meeting to order at 3:03 p.m. on November 20, 2019 and introduced the Water Board Members. Ms. Patty Z. Kouyoumdjian, Executive Officer, introduced Water Board staff and State Water Board staff.

PETER C. PUMPHREY, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

## 1. PUBLIC FORUM

No public comment.

## 2. MINUTES

Motion: Moved by Member Dyas, seconded by Member Cox to approve the September 18-19, 2019 Minutes as presented. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Member Cox	Aye
Member Dyas	Aye
Member Jardine	Aye
Member Sandel	Aye
Chair Pumphrey	Aye
Vice-Chair Dr. Horne	Aye

[View the adopted September 18-19, 2019 Meeting Minutes](#)

## 3. REPORTS BY WATER BOARD CHAIR AND WATER BOARD MEMBERS

Chair Pumphrey, Vice-Chair Dr. Horne, and Member Cox attended the WQCC meeting in October 2019.

## 4. EXECUTIVE OFFICER'S REPORT

Patty Kouyoumdjian, Executive Officer, provided an update regarding key actions and activities in the Lahontan region, including the items below.

- 2020 Lahontan Proposed Water Board meeting schedule
- Standing Executive Officer Report Items for 2020
- Personnel Update
- Ski Run Laminar Flow
- Timber Waiver
- Leviathan Mine Tour
- Munitions at George Air Force Base
- Eagle Lake Grazing
- PG&E Hinkley update

### QUESTIONS BY THE BOARD

Member Cox asked when will the Water Board be having a meeting on Leviathan Mine Early Final Remedial Action Record of Decision. Ms. Kouyoumdjian indicated she is hopeful it will be sometime next fall.

Vice-Chair Dr. Horne asked about the status of the Soapmine Road bottled water recipients. Ms. Kouyoumdjian indicated that Water Board continues to provide the residences bottled water even though the conditions are improving. Ms. Kouyoumdjian further indicated the Water Board approached the community regarding a purveyor and the community refused because they would have to provide funds for that, and they currently use private wells. Vice-Chair Dr. Horne asked about available funds from the Division of Financial Assistance. Ms. Kouyoumdjian replied that the funds available are for the entire California region, and the money will not go as far as originally hoped. However, if the Soapmine residences begin to show an interest in the purveyor, the Water Board will provide any assistance to that community.

Ms. Kouyoumdjian indicated that Leslie Laudon, Deputy Director, from the Division of Financial Assistance, offered to attend the March 11-12, 2020 Water Board meeting to give presentation regarding the new funding. Vice-Chair Dr. Horne indicated she would like to have a presentation.

Chair Pumphrey asked how soon a fence will be placed around the munitions area at George Air Force Base. Ms. Kouyoumdjian indicated the Water Board is working on that project and will get back to Chair Pumphrey as soon as she can.

Water Board staff, Scott Ferguson, Supervising WRC Engineer, gave a presentation on the 2<sup>nd</sup> quarter violations report. Mr. Ferguson indicated the Victorville City Council approved the Victorville settlement agreement. The settlement agreement was released on November 8, 2019 for 30-day public comment. The public comment period will end on December 9, 2019 and Water Board will provide the results to the Water Board for consideration in March 2020.

#### WATER BOARD QUESTIONS

Member Sandel inquired why is Water Board not bringing the Victorville settlement to our January Board Meeting. Mr. Ferguson replied that the process to bringing an item to the Water Board takes time to get the package put together after the comment period ends and with the holidays. Mr. Ferguson indicated that March was a reasonable date.

Member Dyas asked what the key is to getting better access to the China Lake Naval Weapon Station facilities. Ms. Kouyoumdjian reported that staff are participating in a partnership program that is very successful.

#### 5. CLIMATE CHANGE MITIGATION AND ADAPTATION STRATEGY

Water Board staff, Mary Fiore-Wagner, Senior Environmental Scientist, gave a presentation and overview of the Climate Change Strategy and schedule of action plans. Ms. Fiore-Wagner indicated the staff hopes to bring the annual action plan to the Water Board in May 2020. Ms. Fiore-Wagner asked the Water Board to consider adopting a Resolution on a Climate Change Mitigation and Adaptation Strategy (Strategy) for the Lahontan Region.

#### PUBLIC COMMENT

Dr. Dan Tormey, with Catalyst Environmental Solutions, currently working with Tahoe Conservancy on Climate Change, indicated he is in support of this item.

#### WATER BOARD COMMENTS

Member Cox pointed out that the Mojave region is not primarily surface water and asked the Water Board delete the reference to surface water in the sentence on bate stamp 5-10 (page 2, item #7 of the Resolution): *“dependence on groundwater for communities in the Mojave River watershed in the South Lahontan Hydrologic Region is expected to increase as surface water supplies become limited due to recent and projected severe droughts.”*

Ms. Fiore-Wagner responded to Member Cox and indicated the referenced sentence is from a Climate Change Assessment regional report written for the inland desert regions (Inland Desert Region Report) which includes portions of San Bernardino County. Ms. Cox replied that she would like the background on why this verbiage was put in the Resolution. Ms. Fiore-Wagner stated that Ms. Cox’s request is reasonable, but that specific reference to surface water was taken directly from the Inland Desert Region Report.

Ms. Beryt located the desert report as posted online and indicated the sentence above is and excerpt and added the report further reads, “66% of the South Lahontan hydrological

region is supplied by groundwater” and no further context beyond that statement. Ms. Cox indicated she saw that statement, but Mojave is 100% dependent on ground water, and she would be comfortable removing the words “surface water.”

Vice-Chair Dr. Horne stated the Water Board talked about the importance of protecting the recharge areas in the past, in reviewing bate stamp 5-30 (page 11 of the Strategy Report) Vice-Chair Dr. Horne indicated that she did not see it referenced in this Order.

Vice-Chair Dr. Horne asked how Water Board staff are going to incorporate this Climate Change item into the work that Water Board staff does. Ms. Fiore-Wagner replied that Water Board staff will be using the Resolution as a tool, for roundtable discussions, workplans to address climate change, and the Water Board will provide direction to the Water Board staff. Ms. Fiore-Wagner stated that the Water Board considers climate change in everything we do now.

Ms. Kouyoumdjian mentioned that the Water Board staff will come to the Water Board in March with the Climate Change Action Plan. When Water Board staff comes back in March with our Priorities and Accomplishments Report, the Water Board can also consider the Action Plan at the same time.

Chair Pumphrey asked if there is a suggested Resolution for the issue raised by Member Cox. Ms. Beryt stated one possibility on bate stamp 5-10 is to remove the language beginning with “*dependence on groundwater for communities in the Mojave River watershed in the South Lahontan Hydrologic Region is expected to increase as surface water supplies become limited due to recent and projected severe droughts.*” Ms. Beryt indicated that this paragraph is repeating findings and not a necessary component of the Resolution, and on bate stamp 5-40 (page 21, CC Strategy report, item #3), the same language can also be removed.

Chair Pumphrey asked Member Cox if that will speak to her concern. Ms. Beryt indicated her suggestion is to remove the entire paragraph as it would not change the findings in the report. Ms. Cox stated that she agreed with removing the paragraph.

Vice-Chair Dr. Horne asked if she may make a suggested alternative which is often used when quoting other work is to put “ellipses” after “increase as ... water supplies become limited.” Ms. Cox agreed with the alternative and indicated her only issue is with the word “surface.”

Chair Pumphrey asked if the Water Board would like to make a motion with respect to adopt the proposed Resolution as modified with the insertion of the use of ellipses for the replacement of the word “surface.” Vice-Chair Dr. Horne indicated she makes the motion, Member Cox seconded.

Motion: Moved by Vice-Chair Dr. Horne, seconded by Member Cox to adopt the Resolution on a Climate Change Mitigation and Adaptation Strategy, as modified replacing the word “surface” with [ellipses]. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Member Cox	Aye
Member Dyas	Aye
Member Jardine	Aye
Member Sandel	Aye
Chair Pumphrey	Aye
Vice-Chair Dr. Horne	Aye

## 6. CLOSED SESSION

The Water Board, without the public present, went into closed session from 4:57 p.m. to 5:09 p.m. regarding Closed Session Item (h) Personnel items.

WATER BOARD TOOK A DINNER BREAK FROM 5:09 P.M. TO 6:31 P.M.

## 7. PUBLIC HEARING - RECOMMENDATIONS TO THE STATE WATER RESOURCES CONTROL BOARD REGARDING THE CLEAN WATER ACT SECTION 303(D) LIST OF IMPAIRED SURFACE WATERS

Water Board staff, Ed Hancock, Environmental Scientist, gave the presentation regarding the proposed recommended updates to the current Clean Water Act Section 303(d) List of Impaired Waters and in addition, discussed the Clean Water Act 305(b) Report of ambient condition of the Region's surface waters. Mr. Hancock indicated that together these documents are referred to as the Integrated Report.

Mr. Hancock told the Water Board that there would be opportunity for public testimony following his presentation. Mr. Hancock also asked the Water Board to consider adopting a Resolution to transmit the recommended updates for the Lahontan Region's Section 303(d) List of Impaired Waters to the State Water Board. Mr. Hancock informed the Board that no vote was required by Water Board regarding the information presented in the 305(b) Report.

### WATER BOARD QUESTIONS

Member Sandel asked how the Water Board staff would treat waterbodies when there is no adequate information. Mr. Hancock indicated the Water Board places waterbodies where there is no adequate information in category two or category three of the Report. Category two is where there is no information, and category three is when it appears beneficial uses are threatened but not enough information to make a full determination. Integrated Report staff and Surface Water Ambient Monitoring Program (SWAMP) staff work closely together to decide where we will deploy our sampling resources in the future and often the category two and three rises to the top of that list.

Member Cox asked if the Crowley Lake Reservoir has been posted with a warning of mercury contamination. Mr. Hancock indicated the 303(d) list is not a health advisory and the Water Board does not develop health advisories, but the Office of Environmental Health Hazardous Assessment (OEHHA) had been forwarded the pertinent data and was reviewing the information with a view to developing an advisory. Mr. Hancock also mentioned that a new law was passed in October 2019 which requires that health advisories must be posted by the county where that waterbody is located, but that there is no health advisory for Crowley Lake Reservoir at this time.

Member Dyas asked if Water Board knows the source of the mercury in Crowley Lake Reservoir. Mr. Hancock indicated there are two potential sources at the top of the list: the abandoned Stamp Mill Mine found in the Mammoth Creek drainage, and the geology of the Long Valley Caldera. Mr. Ferguson indicated the Forest Service has done some site assessment on mercury contamination at the stamp mill site and has closed off public access to that location as a result of sediment testing. More sampling needs to be done and we will be re-engaging with them.

Chair Pumphrey asked when staff would complete updates to the listing prioritization strategy developed in 2015. Mr. Sussman indicated that while there are competing priorities and the prioritization would likely be completed by March. Counsel Ms. Beryt indicated that this listing recommendation does not bind the Water Board to a certain course of action in

the future. Any actions to address listings will be party to public process and must be approved by the U.S. Environmental Protection Agency (USEPA).

#### PUBLIC COMMENT

Tess Dunham, Somach Simmons and Dunn, representing Centennial Livestock, was concerned with the fecal coliform assessments being associated with the MUN beneficial use.

Michael Lyons, with MBC Aquatic Sciences, consultant for Los Angeles Department of Water and Power, commented on several factors associated with the indicator bacteria assessments and listing decisions.

Dan Tormey, with catalyst Environmental Solutions, on behalf of Heavenly Mountain Resort was concerned that the Integrated Report only assessed data from the CEDEN and USEPA Water Quality Data (WQX) databases and did not assess data submitted to the Water Board as required by WDRs.

Anna Garcia, from Mojave Water Agency (MWA), reinforced the positive working relationship between MWA and the Water Board, particularly as it concerns data sharing.

#### WATER BOARD COMMENTS

Member Sandel asked Mr. Hancock when Water Board staff can change our standard for bacteria. Mr. Hancock responded that the evaluation project is already underway. In terms of delisting waterbodies, if the Water Board receives new data regarding a water quality issue, staff could take action immediately and do not have to wait until the official next assessment cycle.

Vice-Chair Dr. Horne inquired if the SWAMP protocols can be found on the web, or does a stakeholder have to contact Water Board for the information. Mr. Hancock indicated that all such information is available on the web, via the SWAMP program webpage.

Chair Pumphrey asked if the Water Board would like to make a motion.

Motion: Moved by Vice-Chair Dr. Horne, seconded by Member Cox to adopt the Resolution as presented updating the Lahontan Region's Section 303(d) List of Impaired Waters. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Member Cox	Aye
Member Dyas	Aye
Member Jardine	Aye
Member Sandel	Aye
Chair Pumphrey	Aye
Vice-Chair Dr. Horne	Aye

WATER BOARD TOOK A BREAK FROM 8:28 P.M. TO 8:41 P.M.

## 8. REVISED WASTE DISCHARGE REQUIREMENTS FOR PACIFIC GAS AND ELECTRIC COMPANY; HINKLEY COMPRESSOR STATION, SAN BERNARDINO COUNTY

Water Board staff, Christina Guerra, Engineering Geologist, gave a presentation and asked the Water Board to consider adopting the revised Waste Discharge Requirements to allow the relining of an existing surface impoundment with an engineered alternative liner system. Ms. Guerra indicated there is a minor technical amendment on page 8, at number 17c, Description of Surface Impoundment, on Bate Stamp 8-14, which adds the word "approximately" to be consistent with the descriptions of all the other ponds. (i.e. "Pond 8 has a maximum surface area of approximately 2.41 acres...")

### PUBLIC COMMENT

Isabella Johannes, from Pacific Gas and Electric Company, spoke in support of the amendment.

### WATER BOARD COMMENTS

Member Sandel asked if the sludge will be moved off site for disposal. Ms. Guerra indicated that PG&E will properly dispose of the sludge off site.

Motion: Moved by Vice-Chair Dr. Horne, seconded by Member Jardine to adopt the revised Waste Discharge Requirements, as amended, to allow the relining of an existing surface impoundment with an engineered alternative liner system. The amendment added the word "approximately" to page 8, number 17 as indicated above. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Member Cox	Aye
Member Dyas	Aye
Member Jardine	Aye
Member Sandel	Aye
Chair Pumphrey	Aye
Vice-Chair Dr. Horne	Aye

## ADJOURNMENT

With no further business to come before the Water Board, the meeting adjourned at 8:54 p.m. on November 20, 2019.

Prepared by:  Adopted: March 11, 2020  
Katrina Fleshman, Executive Assistant