

Lahontan Regional Water Quality Control Board

Date Distributed: March 29, 2017

MEETING AGENDA

Holiday Inn & Suites
2700 Lenwood Road, Sidewinder Room
Barstow, CA 92311

Wednesday, April 19, 2017

Regular Meeting:	3:00 p.m.
Dinner Break:	5:00 p.m.
Regular Meeting (cont.):	7:00 p.m.

Thursday, April 20, 2017

**Fort Irwin Waste and Water Treatment Plant Presentation and Tour
8:15 a.m. to 1:45 p.m.**

Note: A quorum of the Water Board may be dining on Wednesday, April 19, 2017, at 5:30 p.m. at Oggi's, 2854 Lenwood Rd., Barstow, CA 92311. The Water Board will not be discussing anything related to the Board's authority during this dinner.

Supporting Documents:

Supporting documents for agenda items are posted on our website at least 10 days prior to the scheduled meeting. If you wish to be added to the interested parties list for a specific agenda item, please contact the staff person listed with the item in the agenda announcement. To view or download documents, go to www.waterboards.ca.gov/lahontan. (See note below for information on the timing for submitting comments.)

Submittal of Written Material for Water Board Consideration:

Comments on individual items are welcome and encouraged. Written comments on an agenda item must be submitted on or before the due date listed in the hearing notice associated with the agenda item. Hearing notices are distributed to persons who have indicated they want to receive information about a specific item and are posted on the Water Board's web site www.waterboards.ca.gov/lahontan. For items that do not have a separate hearing notice with specific due dates, written comments must be submitted at least ten (10) days before the meeting to the Executive Officer's Executive Assistant, Kathleen Otermat (kathleen.otermat@waterboards.ca.gov). This allows time to distribute the material to Water Board members in advance of the meeting, providing the opportunity for the members to read

and consider the information submitted. Pursuant to California Code of Regulations, Title 23, section 648.4, the Water Board may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that California Code of Regulations, Title 23, section 647 et seq., and compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of the written testimony, the Water Board may refuse to admit it. A copy of the procedures governing Water Board meetings may be found at [is available upon request](#). Hearings before the Water Board are not conducted pursuant to Government Code section 11500 et seq.

The meeting room is accessible to people with disabilities. If you have special accommodations or language needs, please contact Kathleen Otermat, Executive Assistant, at least five days prior to the meeting date at (530) 542-5414 or kathleen.otermat@waterboards.ca.gov. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

General Meeting Information:

The following items are numbered for identification purposes only and will not necessarily be considered in this order. Public hearings will not be called to order prior to the time specified. It is likely that some of the items scheduled for Wednesday afternoon will carry over into the evening session. If, due to time constraints, the Water Board is unable to consider all of the items scheduled for Wednesday, the item(s) not heard will be considered on Thursday. All Board files, exhibits, and agenda materials pertaining to items on this agenda are hereby made a part of the record for the appropriate item.

Anyone wishing to present a Microsoft PowerPoint® presentation during the meeting, using the Water Board's projector, must provide the presentation to the Water Board on either a CD or via email at least ten working days prior to the meeting. Please contact the staff person listed for the agenda item of interest or the Executive Assistant for the Public Forum agenda item.

REGULAR MEETING: Wednesday, April 19, 2017 – 3:00 p.m.

INTRODUCTIONS

1. PUBLIC FORUM

Any person may address the Water Board regarding a matter within the Water Board's jurisdiction that is not related to an item on this meeting agenda or currently pending before the Water Board. Comments will generally be limited to five (5) minutes. Any person wishing to make a longer presentation should request an extension from the Executive Officer at least fifteen (15) days prior to the meeting, and if you want written materials to be provided to the Water Board you are responsible for providing twelve (12) copies to the Executive Assistant at least ten (10) days prior to the meeting. Comments regarding matters that are under development for future meetings or not within the Water Board's regulatory authority will be restricted.

(See: http://www.waterboards.ca.gov/lahtontan/board_info/agenda/upcoming.shtml#top/.)

- 2. MINUTES** (The Water Board will consider adopting the minutes of the Regular Meeting of March 8-9, 2017 in Apple Valley, CA) (Kathleen Otermat)

3. ADOPTION OF UNCONTESTED CALENDAR

Items denoted by (✖) are expected to be routine and non-controversial. The Water Board will act on these items at one time without discussion. If any Water Board member, staff member, or interested party requests discussion, the item will be removed from the Uncontested Calendar to be considered separately. Requests to have an item removed from the uncontested calendar can be made in advance of the meeting by writing to the Water Board or by calling the Water Board's Executive Officer at (530) 542-5142, or the request can be made to the Water Board at the meeting on the Wednesday before the vote on the Uncontested Calendar.

RESCISSION OF WASTE DISCHARGE REQUIREMENTS

4. [*Rescission of Waste Discharge Requirements, Board Order No. 6-01-16, Board Order No. R6V-2017-\(Proposed\) For Ace Cogeneration Company, IMC Chemical Inc., ACE Power Plant Industrial Wastewater Discharge, San Bernardino County.](#) (The Water Board will consider rescinding Waste Discharge Requirements.) (William Muir)

OTHER BUSINESS OR STATUS REPORTS

5. Reports by Water Board Chair and Board Members

6. [Executive Officer's Report](#)

The Water Board will not be asked to take any formal action; however, it may provide direction to staff. (Patty Z. Kouyoumdjian, Executive Officer)

- Standing Items
- Executive Officer's Report
- Notification of Spills (Pursuant to Water Code section 13271, and Health and Safety Code section 25180.7)

7. [Workshop – Domestic Wastewater Sewage Treatment Plant Status in Lahontan Region](#)

(The Water Board will hear a report on the status of waste water treatment facilities in the region and options for improving water quality and regulatory tools. The Water Board will not be asked to take any formal action, however, it may provide direction to staff.) (Cephas Hurr)

8. [Status Report – Local Agency Management Plan \(LAMP\) Supplemental Information](#)

(Staff will share supplemental information regarding the process and criteria to consider approval of LAMPs in accordance with State Board's Onsite Wastewater Treatment System Policy. Staff will focus discussion on the adequacy of the Water Quality Assessment Programs and how to evaluate whether proposed densities are protective of water quality. The Water Board will not be asked to take any formal action, however, it may provide direction to staff.) (Mike Coony)

DINNER BREAK: Wednesday, April 19, 2017 – 5:00 p.m.

REGULAR MEETING (continued): Wednesday, April 19, 2017 – 7:00 p.m.

OTHER BUSINESS OR REPORTS

9. [Status Report on Activities Concerning Chromium Contamination from Pacific Gas and Electric Company's \(PG&E\) Hinkley Compressor Station](#)

(The Water Board will hear reports from Water Board staff, PG&E representatives, and the Independent Review Panel Manager on actions taken during the past year and planned for this year such as cleanup and remediation efforts, the chromium background study, and community outreach efforts. The Water Board will not be asked to take any formal action, however, it may provide direction to staff.) (Lisa Dernbach)

10. CLOSED SESSION*

- a. **Discussion of Significant Exposure to Litigation. Authority: Government Code section 11126, subdivision (e)(2)(B)(i).**
- b. **Discussion to Decide Whether to Initiate Litigation. Authority: Government Code section 11126, subdivision (e)(2)(C)(i).**
- c. **To deliberate on a decision to be reached based upon evidence introduced in a hearing. Authority: Government Code section 11126, subdivision (c)(3).**
- d. **Discussion of Litigation: People of the State of California ex rel. California Regional Water Quality Control Board, Lahontan Region v. Thomas E. Erickson et al., El Dorado Superior Court Case No. SC20010089. Authority: Government Code section 11126, subdivision (e).**
- e. **Discussion of Litigation: In re Molycorp, Inc., et al., Debtors, Chapter 11, Case No. 15-11357 (CSS), United States Bankruptcy Court, District of Delaware.**
- f. **Discussion of Litigation: In re Atna Resources, et al., Debtors, Chapter 11, Case No. 15-22848, United States Bankruptcy Court, District of Colorado.**
- g. **Discussion of Personnel Matters. Authority: Government Code section 11126, subdivision (a).**

TOUR: Thursday, April 20, 2017 – 8:15 a.m. to 1:45 p.m.

Fort Irwin Wastewater and Water Treatment Plants Presentation and Tour

Thursday, April 20, 2017 – 8:15 a.m. to 1:45 p.m.

Tour Description: Water Board and the public are invited to attend a tour by the Fort Irwin Department of Public Works to explain some of the unique challenges of supplying clean water and sanitation on a relatively remote active military installation. The tour will include the wastewater treatment plant and the new Irwin Water Works facility. A discussion with the Garrison Commander during lunch will cover the history, activities, and the mission of Fort Irwin.

Where to Meet: Meet at the Holiday Inn Express in Barstow at 8:15 a.m., 2700 Lenwood Avenue, Barstow, CA. We will plan to carpool with state vehicles. Based on level of attendance, some individuals may need to provide their own transportation.

RSVP: Because the tour is on an active military base, contact Kathy Otermat (Kathleen.Otermat@Waterboards.ca.gov) by email or FAX at (530) 544-2271 no later than 4 pm on April 5, 2017. Fort Irwin security personnel will conduct a background investigation before access to the installation is granted to any individual(s). The RSVP email must contain your full legal name, phone number, email address (if none provide FAX number), driver's license number (including state of issue) and date of birth. Any late RSVP emails or individuals providing incomplete credentials will not be granted access. Ms. Otermat will notify individuals if access has been granted. If you have questions contact Ms. Otermat at (530) 542-5414.

* At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based upon the evidence introduced in the hearing. Discussion of litigation is within the attorney-client privilege and may be held in closed session. Authority: Government Code section 11126, subdivisions (a), (c), (3) and (e).

What to Wear: Weather can be highly variable from the morning to the afternoon. Comfortable clothing with layers for warmth and sun protection is recommended. Hats and sunglasses are advised. Because the tour will enter operational areas within the treatment plants, closed toe shoes are **required**, sturdy hiking or “work” boots recommended.

Lunch accommodations: The tour will break at 11:15 a.m. at Sam Adams Fort Irwin Grille on the installation. Sam Adams Grill serves a variety of hamburgers, sandwiches, and has a soup/salad bar. Everyone on the tour must pay for his or her own lunch. Please see the link below to view the Sam Adams Grille menu:

<https://irwin.armymwr.com/us/irwin/programs/samuel-adams-grille>

Alternatively, people can bring a sack lunch.

ADJOURNMENT

Any person aggrieved by an action of the California Regional Water Quality Control Board, Lahontan Region that is subject to review as set forth in Water Code section 13320, subdivision (a), may petition the State Water Resources Control Board (State Water Board) to review the action. Any petition must be made in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date the action was taken, except that if the thirtieth day following the date the action was taken falls on a Saturday, Sunday, or state holiday the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulation applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

Note: A listing of pending applications for Water Quality Certification pursuant to Section 401 of the Clean Water Act may be obtained by calling:

Northern Lahontan Basin:

Alan Miller in South Lake Tahoe at (530) 542-5430

alan.miller@waterboards.ca.gov

Southern Lahontan Basin:

Patrice Copeland and Jan Zimmerman, in Victorville at (760) 241-6583,

patrice.copeland@waterboards.ca.gov or jan.zimmerman@waterboards.ca.gov

The Regional Water Quality Control Board, Lahontan Region, has a home page that can be accessed on the Internet, at: <http://www.waterboards.ca.gov/lahontan>

The Lahontan Water Board will be considering many items during this meeting which may result in Board action or direction to staff. We encourage input from all people interested in a given item or issue, so that when we act, our decision is based on all available information. Although an oath is not administered in most of the proceedings before this Board, **we expect all statements made before this Board to be truthful with no attempts to mislead this Board by false statements, deceptive presentation or failure to include essential information.**

The Board encourages all people in or near a Board meeting to refrain from engaging in inappropriate conduct. Inappropriate conduct may include disorderly, contemptuous or insolent behavior, breach of peace, boisterous conduct, violent disturbance or other unlawful interference in the Board's proceedings. Such conduct could subject you to contempt sanctions by the superior court (Gov. Code § 11455.10).

The Board Chairperson may impose sanctions, including reasonable expenses and attorney's fees, on any party for bad faith actions, frivolous tactics or actions intended to cause unnecessary delay by a party or the party's attorney or representative (Gov. Code § 11455.30).

LAHONTAN WATER BOARD MEMBERS

California Water Code Section 13201 provides for the Governor to appoint seven members to the Regional Water Quality Control Board. Each member shall reside or have a principal place of business within the region. Appointments are subject to confirmation by the state Senate.

Name	From	Term Expires
Peter C. Pumphrey, Chair	Bishop	9/30/19
Don Jardine, Vice Chair	Markleeville	9/30/19
Kimberly Cox	Helendale	9/30/18
Keith Dyas	Rosamond	9/30/20
Amy Horne, PhD.	Truckee	9/30/18
Eric Sandel	Truckee	9/30/17
Vacant		9/30/17

LAHONTAN WATER BOARD STAFF

Patty Z. Kouyoumdjian Executive Officer	Lauri Kemper Assistant Executive Officer and Ombudsman	Elizabeth Beryt Counsel to the Board	Kathleen Otermat Executive Assistant
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South Lake Tahoe Office:

- Scott Ferguson, Manager, Regulatory Compliance Division
- Cathe Pool, Chief, Enforcement & Special Projects Unit
- Alan Miller, Chief, North Basin Regulatory Unit

- Doug Smith, Manager, Planning and Restoration Division
- Daniel Sussman, Chief, TMDL/Basin Planning Unit
- Douglas Cushman, Chief, Non-Point Source Unit
- VACANT, Chief, North Basin Cleanup and Site Investigation Unit

Victorville Office:

- Patrice Copeland, Manager, Southern Lahontan Watersheds Division
- VACANT, Chief, Land Disposal Unit
- Jehiel Cass, Chief, South Basin Regulatory Unit
- VACANT, Chief, South Basin Cleanup and Site Investigation Unit

The primary responsibility of the Water Board is to protect the quality of the surface and groundwater within the Region for beneficial uses. The duty is carried out by formulating and adopting water quality plans for specific ground or surface water bodies; by prescribing and enforcing requirements on domestic and industrial waste dischargers, and by requiring cleanup of water contamination and pollution. Specific responsibilities and procedures of the Board are outlined in the Porter-Cologne Water Quality Control Act.

Regular meetings of the Water Board are normally held on the second Wednesday and Thursday of each month. Meeting locations vary but generally alternate between the north and south basins of the region.

Recordings are made of each Water Board meeting and are retained on the Lahontan Regional Water Quality Control Board website at: <http://www.waterboards.ca.gov/lahontan/>.

NOTESA. SEQUENCE OF AGENDA ITEMS

The items are numbered for identification purposes only and will not necessarily be considered in this order.

B. AVAILABILITY OF AGENDA MATERIAL

Details concerning these agenda items are available for public reference during working hours at the Board's offices. Copies of individual agenda items may be obtained at the Board's offices after 8:00 a.m. on the Friday, twelve days preceding the Board meeting. The staff will assist in answering questions.

C. UNCONTESTED ITEMS CALENDAR

Item numbers with an asterisk (*) are expected to be routine and noncontroversial. They will be acted upon by the Board at one time without discussion. If any Board member, staff member, or interested party requests discussion, the item will be removed from the Uncontested Calendar to be considered separately.

D. PETITION OF REGIONAL BOARD ACTION

Any person aggrieved by an action of the California Regional Water Quality Control Board, Lahontan Region that is subject to review as set forth in Water Code section 13320(a), may petition the State Water Resources Control Board (State Water Board) to review the action. Any petition must be made in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date the action was taken, except that if the thirtieth day following the date the action was taken falls on a Saturday, Sunday or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulation applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

E. HEARING RECORD EXHIBITS

Material presented to the Board as part of the testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, chart, diagrams, etc.

F. CONTRIBUTIONS TO REGIONAL BOARD MEMBERS

All persons who actively support or oppose the adoption of waste discharge requirements or an NPDES permit before the Lahontan Water Board must submit a statement to the Board disclosing any contributions of \$250 or more to be used in a federal, state, or local election, made by the action supporter or opponent, or his or her agent, within the last 12 months to any Water Board member. All permit applicants and all persons who actively support or oppose adoption of a set of waste discharge requirements or an NPDES permit pending before the Water Board are prohibited from making a contribution of \$250 or more to any Board member for three months following a Water Board decision on the permit application.

G. ADDITIONAL CLOSED SESSION

At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based upon evidence introduced in the hearing. Discussion of litigation is within the attorney-client privilege and may be held in closed session. Authority: Government Code section 11126, subdivisions (a), (c)(3) and (e).