

Lahontan Regional Water Quality Control Board

MINUTES

April 11-12, 2018

Regular Meeting

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

Board Members Participating

Don Jardine, Vice Chair, Markleeville
Kimberly Cox, Helendale
Keith Dyas, Rosamond
Amy Horne, Truckee
Eric Sandel, Truckee

Board Members Absent

Peter C. Pumphrey, Chair, Bishop

Legal Counsel

Elizabeth Beryt, Office of Chief Counsel, State Water Resources Control Board

Regional Board Staff Participating

Patty Z. Kouyoumdjian, Executive Officer
Doug Smith, Assistant Executive Officer
Chris Avalos, Engineering Geologist
Shelly Barker, Engineering Geologist
Jehiel Cass, Sr. WRCE
Anne Holden, Engineering Geologist
Tiffany Steinert, Engineering Geologist
Jan Zimmerman, Sr. Engineering Geologist

Scott Ferguson, Sup. WRCE
Patrice Copeland, Sup. Engineering Geologist
Alicia Borchmann, Scientific Aid
Tom Browne, WRCE
Lisa Dernbach, Sr. Engineering Geologist
Amanda Lopez, Engineering Geologist
Bruce Warden, Environmental Scientist
Kathy Otermat, Executive Assistant

REGULAR MEETING: Wednesday, April 11, 2018 – 7:00 p.m.

Call to Order and Introductions

Vice-Chair Jardine called the meeting to order at 7:00 p.m. on April 11, 2018, and introduced Board Members. Board Chair Pete Pumphrey was absent. Ms. Patty Z. Kouyoumdjian, Executive Officer, introduced Legal Counsel and Water Board Staff.

1. Public Forum

None.

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

2. Minutes

Motion: Moved by Member Dyas, seconded by Member Cox, to approve the January 2018 Minutes as presented. Vice-Chair called for a Roll Call Vote and the motion carried per the following votes:

The motion *carried* per for the following votes:

Member Cox	aye
Member Dyas	aye
Member Horne	aye
Vice-Chair Jardine	aye
Member Sandel	abstain
Chair Pumphrey	absent

3. Status Report on Cleanup Activities Concerning Chromium Contamination from Pacific Gas and Electric Company's (PG&E) Hinkley Compressor Station.

The Water Board heard reports from Water Board staff, PG&E representatives, and the Independent Review Panel (IRP) 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. Patrice Copeland, Supervising Engineering Geologist, introduced the speakers. No formal action was taken.

Mr. Kevin Sullivan, representing PG&E, introduced his team and presented highlights of 2017 and a look ahead to 2018.

Board Comments:

- Member Horne asked how the amount of water to apply is determined and what sensors are used. Dr. Iain Baker, from PG&E, replied that he looks at a number of factors including looking at the water station and weather station located adjacent the Agricultural Treatment Unit (ATU). They evaluate what the evaporation rates are against what the crop needs are based on their cycle. Sometimes in combination with soil moisture meters they figure out exactly how much water the plant needs are at any given time.
- Member Cox asked to confirm if they are pumping 2,000 gallons per day. Mr. Sullivan corrected that it is actually 2,000 gallons per minute. Member Cox asked if they monitor the water levels to see if there is a decline. Mr. Sullivan stated they are seeing gradually declining levels in the Hinkley basin area 4 to 5 feet in the last five years. Member Cox made the point that if the water table is diminishing there will be environmental consequences so that needs to be evaluated at some point. Member Cox asked if the Habitat Conservation Plan (HCP) addressed the water levels for native plant species. Mr. Sullivan stated he didn't think so because most of the water levels here are beyond the biological zone, but would check into it.

Dr. Ian Webster, Independent Review Panel (IRP) Manager of Project Navigator, introduced key players and presented an overview of last year's activities of the IRP and services they provide to the Community of Hinkley.

Board Comments:

- Member Horne emphasized how important the work of Project Navigator is helping with the back-and-forth translation and they have made a huge difference in helping us all towards a solution. She feels it is a model that should be employed with lengthy technical clean-up situations because it works so well. Member Horne asked

for a reminder on why the ATU approach rose to the top when the Environmental Impact Report (EIR) was developed. Dr. Webster replied the ATU is a green sustainable proven methodology in the root zone that is compatible with a community like this. It is a farming solution to a ground water problem and it uses water hydrologically and economically. It ranked highly on eight out of ten criteria.

- Member Horne asked how the community feeling is regarding the ATU approach. Dr. Webster said the community feeling on the ATU approach was much better than the In-Situ Remediation Zone (IRZ) approach. There was skepticism on how Chrome 6 could be chemically transferred to Chrome 3 in the root zone in the alfalfa. The largest skepticism was secondary chemicals from the IRZ and the containment of them and the knowledge of where they are but PG&E has successfully answered that through more wells and particle tracking work.

Lisa Dernbach, Sr. Engineering Geologist, presented the key Water Board staff actions since the Cleanup and Abatement Order was approved in November 2015 including the annual review of the groundwater monitoring well frequencies and the USGS Background Study update.

Board Comments:

- Member Dyas asked if there were four extraction wells that ceased operations. Ms. Dernbach replied that they are still operating while PG&E is waiting for the Water Board's response to their proposal.
- Member Sandel asked if the two blobs on the left on slide 7 are now gone to nothing. If not he asked what is the current status. Ms. Dernbach replied that they are still seeing a little bit of chromium detection in the 3 parts per billion range however what is important is that the extraction well is there to prevent migration to domestic wells and we believe the concentration levels are low enough so there is little threat of migration affecting those few remaining domestic wells.

Anne Holden, Engineering Geologist, gave an update on the U.S. Geological Survey (USGS) Chromium Background Study update and mid-term report.

Board Comments:

- Member Dyas asked if the summative scale approach is a commonly used technique for determining background values. Ms. Holden replied that it is a common way and she has seen it used in other studies. One kind of twist is that other studies may use a weighted approach and Dr. Izbicki has left the door open for applying a weighted approach. Member Dyas asked if Dr. Izbicki has received comments on his proposed methodology. Ms. Holden replied that when Dr. Izbicki proposed this methodology the Technical Working Group (TWG) reviewed and bought into it. Also because of the way he is releasing the reports, as USGS open file reports, they are going through the USGS review process.
- Member Horne asked for an explanation on the slide titled "Collected Data" with the fault lines on what the difference is in the legend between lighted and solid lines. Ms. Holden replied that the dotted line faults are more inferred faults and the solid line faults are those that have an actual surface expression of them. Member Horne asked for an explanation on the slide titled "Summative Scale" regarding why groundwater that has been recharged from the Mojave River is more likely to be anthropogenic. Ms. Holden replied that the groundwater that has been recharged from the Mojave River would have flowed under the compression station.

- Member Cox asked if these wells were drilled for the purpose of sampling or were they existing wells. Ms. Holden replied it was a combination of both – the majority of them were existing wells that PG&E has been sampling for years for their remediation and the USGS drilled some specific wells where they needed to collect specific data, and then there were also about 72 domestic wells that were sampled. Member Cox asked when USGS drilled the wells if they were looking for a specific depth or how did they determine how deep to drill. Ms. Holden answered that the USGS built flow path wells that were drilled next to the Mojave River for a very specific reason and they drilled those multi-depth wells to target the specific questions that Dr. Izbicki was looking to address in those areas so they were constructed at specific locations and specific depths. Member Cox mentioned that many years ago Dr. Izbicki developed a process for discrete zone sampling in existing wells and asked if he employed that methodology for this testing. Ms. Holden replied that she believed he did do some of that in certain areas. She also pointed out that Dr. Izbicki also did a very intensive quality control on PG&E's data to ensure it was all high quality data that he felt comfortable using.

Public comment:

- Mr. Daron Banks, a Hinkley resident, commented on the concern he had regarding the information Mr. Sullivan presented on the numbers such as “70% of this has been cleaned up”. He asked how PG&E can get 70% of a number that they have no idea of what the original amount was. The public has never been told how much chromium 6 has been put in their water and during what period of time. Dr. Webster stated the denominator was not calculated as the mass of removal but by taking a snapshot of the plume five or six years ago. Then using Geographic Information Systems and environmental visualization techniques, one can compute the volume of the plume and you have a spatial variation of concentration in respect to space so it is basically “volume x concentration” which gives you “mass” that was in the plume five or six years ago. The answer is not the mass removal that left the compressor station but it is the mass of the ground water five or six years ago. Member Horne commented that Dr. Izbicki's study will include what chromium is naturally occurring and what is not naturally occurring. The report will also add confidence in the amount of chromium contributed by PG&E that has been remediated.

4. Discussion of Water Board Accomplishments and Priorities

Ms. Patty Kouyoumdjian, Executive Officer, and Mr. Doug Smith, Assistant Executive Officer, presented an overview of the region's accomplishments from the past year and priorities for the next fiscal year.

Board Comments:

- Member Dyas noted that in addition to the impressive list of accomplishments by the staff they also need to be credited for the valuable support they are providing for the integrated regional water management groups throughout the Lahontan Region and hopes it will continue in the future years.
- Member Horne commented that it is a valuable step to take the time once a year to look back at all that has been accomplished in the past year. A big highlight of this report is the staff that has been hired and promoted. Developing a general work order for Los Angeles Department of Water and Power was a great idea and an example of higher-level thinking. Member Horne asked why climate change mitigation, in addition to adaption, is not included. She wanted to ensure that Lahontan policies are not impeding another agency or another private entity from

doing mitigation work. Ms. Kouyoumdjian confirmed that climate change mitigation is on the forefront of the Region. She also gave the example with the Bridgeport Valley grazing watershed project. The Region has talked to the Bridgeport Ranchers Organization and the Eastern Sierra Trust, who are helping them, to build climate change into the metrics. That is a consideration of all the projects as the Region goes forward.

- Member Horne requested that the climate change project title be changed to the "Climate Change Adaptation and Mitigation Strategy" to show the rest of the State how progressive the Lahontan Water Board is on this climate change project. Member Horne suggested the Region should have a workshop on the non-addressed needs and by looking at all of them as a group, the Region may come up with some new and creative ideas to figure out how to address some of them.
- Member Horne asked if it was possible to use real-time disk monitoring technology, currently used in San Diego, for Bishop Creek. Ms. Kouyoumdjian will check with Region 9 on this technology. Member Horne reiterated support on performance-based permitting.
- Member Sandel asked if it was possible to get the expertise of an agency we regulate to inspect another agency we regulate with roughly comparable facilities instead of using Board staff. Ms. Kouyoumdjian said that would be something the Region would have to look at case-by-case. The Local Agency Management Programs (LAMPs) are an interesting example of how local governments are authorized to inspect on-site septic tanks once they are approved. It is program-by-program specific depending on how the law is written.
- Member Sandel had a question on the irrigated lands general order and if they are trying to control or regulate runoff from agriculture, such as when a farmer flushes their field to get rid of salt. Ms. Kouyoumdjian said it is very complicated and specific and it will be rather expensive for our irrigated farmers to comply with that. Member Sandel asked if there is discussion on that permit on how a farmer is supposed to handle the wastewater off their land. Ms. Kouyoumdjian they are still working on that plan. Region 5 is working on a proposal called CV salts that they have out for public comment. They are working with consortiums for collecting data, monitoring and deciding what to do with the discharge. In the Lahontan Region, it may be more difficult because our agriculture is more dispersed.
- Member Cox asked how many disadvantaged communities the Region has. Ms. Kouyoumdjian replied it is 50 but believes that number is higher because the definition of disadvantaged communities has changed since this report. Ms. Kouyoumdjian will work with Gita Kapahi to provide more updated numbers.
- Member Cox asked if it would be possible to use aerial photography for inspections that another agency does because Mojave is 5,000 square miles. Ms. Kouyoumdjian said that is a good idea.
- Vice-chair Jardine stated that climate change is a high priority and on irrigated lands he would like to see the State proposal deals with Federal court decrees such as the Alpine Federal court decree and the Truckee River Operating Agreement.

5. Reports by Water Board Chair and Board Members

None:

Adjournment at 9:52 p.m.

REGULAR MEETING: Thursday, April 12, 2018 – 8:30 a.m.

Call to Order and Introductions

Vice-Chair Jardine called the meeting to order at 8:31 a.m. on April 12, 2018, and introduced Board Members. Board Chair Pete Pumphrey was absent. Ms. Patty Z. Kouyoumdjian, Executive Officer, introduced Legal Counsel and Water Board staff.

6. Closed Session

The Board adjourned to Closed Session to discuss litigation at 8:37 a.m. The Board members returned and resumed the meeting at 9:37 a.m. with no report. Vice-Chair Jardine announced that Board Member Cox left the meeting.

7. Public Forum

None

8. Considering Approval of Local Agency Management Program (LAMP) for the City of California City

Mr. Jehiel Cass, Sr. WRCE, presented and made a recommendation to the Board to adopt a resolution approving the California City LAMP.

Board Comments:

- Member Dyas commented on how the City and staff have worked together and this LAMP is consistent with the Region’s other approved LAMPs.
- Member Horne asked for clarification if the well that could be affected first would be well #3 because that is in the hatched area. Mr. Cass concurred that well #3 would be more immediately affected. A closer analysis would have to be done to see which well is most impacted but well #3 does have the higher development of septic uphill.
- Member Horne asked if with the adoption of this LAMP, would well #3 be monitored or do we need addition monitoring to see if well #3 is being affected. Mr. Cass replied that all City wells are monitored because they are municipal wells and that data is provided to the Division of Drinking Water. In the five-year assessment reports, the City would assemble data from all available sources including that data.

Mr. Gerald Helt, Helt Engineering, contract city engineer for California City, presented the City of California City LAMP.

Board Comments:

- Member Horne asked if the location of cannabis grows would more likely be in the first city or the second city. Mr. Helt replied that so far the potential areas are throughout the city but currently the ones closest to being in development are in the first city and they are being sewerred. A couple of the proposed projects may be using a grinder pump system as opposed to a septic system.

Motion: Moved by Member Dyas, seconded by Member Sandel to approve the City of California City LAMP. Vice-Chair called for a Roll Call Vote and the motion carried per the following votes:

The motion *carried* per for the following votes:

Member Dyas	aye
Member Horne	aye
Vice-Chair Jardine	aye
Member Sandel	aye
Chair Pumphrey	absent
Member Cox	absent

9. Revised Waste Discharge and Water Recycling Requirements for the Helendale Community Services District (CSD), Silver Lakes Wastewater Treatment Plant, San Bernardino County

Mr. Tom Browne, WRCE, presented and made a recommendation to the Board to adopt the Helendale CSD, Silver Lakes Wastewater Treatment Plant Revised Waste Discharge and Water Recycling Requirements.

Board Comments:

- Member Dyas asked what the depth to groundwater is under the treatment plant. Mr. Browne responded approximately 30 to 35 feet.
- Member Horne, looking at the graph on slide #6, asked why the nitrate level is highest on well #2 and well #4 which are on the west side of the agricultural field. Mr. Browne answered that on well #2 there are a couple of things that could contribute. Across the road, they did a hydro-punch and got a nitrate level of 18 mg/L due to legacy farming. Well #4 is peculiar as the level jumped around but the fact that things have settled down is most important. Member Horne mentioned the reason she is asking is that she needs to be convinced that there are sufficient safe-guards. Ms. Patrice Copeland stated one of the safe-guards is that there is no real development in that area right now. In the direction of flow, she is convinced any problems would be caught before anything happened.
- Member Sandel asked if it was possible to get a filled-in example on what is the number of bales. Mr. Browne answered if they could get a meager 4 tons per year of alfalfa (dry yield per acre) and have 50% to 90% of that land cultivated, they would easily be in compliance by a factor of 1.5 to 4.

Public Comments:

- Alex Aviles, Operations Manager of the Helendale CSD Wastewater Division, spoke regarding his gratitude to the Lahontan Water Board and staff, especially Patrice Copeland, Jehiel Cass, and Tom Browne. He is very pleased at where they are with the proposed WDR.

Motion: Moved by Member Dyas, seconded by Member Sandel to approve the Revised Waste Discharge and Water Recycling Requirements for the Helendale Community Services District, Silver Lakes Wastewater Treatment Plant. Vice-Chair called for a Roll Call Vote and the motion carried per the following votes:

The motion *carried* per for the following votes:

Member Dyas	aye
Member Horne	aye
Vice-Chair Jardine	aye
Member Sandel	aye
Chair Pumphrey	absent
Member Cox	absent

10. Indian Wells Valley Salt and Nutrient Management Plan

Dr. Bruce Warden, Environmental Scientist, presented and made a recommendation to the Board to adopt the Indian Wells Valley Salt and Nutrient Management Plan.

Mr. Tim Parker, a licensed professional geologist, certified engineering geologist, and certified hydro-geologist, presented on behalf of the Indian Wells Valley Water District and the City of Indian Wells who funded the study.

Board Comments:

- Member Dyas asked if Mr. Parker could explain how the brackish water program would relieve some of the demand on the potable water sources in the basin. Mr. Parker stated it would really be shifting the demand. The brackish water could be used by agriculture instead of using fresh potable water so it would be moving the pumping source to the more brackish water. It will relieve some of the pumping. Member Dyas asked if there is a proposal to treat the brackish water. Mr. Parker stated It would be treated and it looks like it would be a one-pass RO.
- Member Dyas asked why it would not be considered a new water resource if enough of it was treated. Mr. Parker stated since it is in the same basin though it would relieve the pumping in the fresh water area. Member Dyas asked in general are the soil percolation rates low or high. Mr. Parker stated they are low since the basin has a lot of clay deposits. Member Dyas ask if the general groundwater flow is from west to east. Mr. Parker agreed that it is in general west to east because the playa lakes are on the east so most of that water is coming from the southwest and west over to the east. Member Dyas asked if the playa lakes represent a demand on the flow. Mr. Parker stated it is a source of evapotranspiration but that number has gone way down over time as the pumping has increased. Member Horne mentioned she saw an article that Indian Wells received a grant for a desalination plant and asked what the expected life span of the desalination plant is. Mr. Parker stated it is still a feasibility study in progress. There is a 20-year deadline to reach sustainability twenty-years after adopting the plan. Don Zdeba, General Manager of Indian Wells Water District, stated the purpose of the feasibility study is to define how much brackish water there is in the basin. Currently, the amount of brackish water available is not known and it would affect the cost analysis of building a plant.
- Member Sandel asked if the goal in looking at the balance in 20 or 30 years the amount of water you take out cannot be greater than the recharge. Mr. Parker stated they are also looking at the potential for imported water. Mr. Sandel asked how soon he could give an update. Mr. Parker stated there will be a public conceptualization workshop in June 2018. The feasibility study should be completed the middle of 2019. Member Sandel encouraged staff to keep the Board current on the Progress. Ms. Kouyoumdjian stated she will provide updates in the Executive Officers report.

Motion: Moved by Member Horne, seconded by Member Sandel to approve the Indian Wells Valley Salt and Nutrient Management Plan. Vice-Chair Jardine called for a Roll Call Vote and the motion carried per the following votes:

The motion *carried* per for the following votes:

Member Dyas	aye
Member Horne	aye
Vice-Chair Jardine	aye
Member Sandel	aye
Chair Pumphrey	absent
Member Cox	absent

11. Lahontan Water Board Annual Enforcement Report

Scott Ferguson, Supervising, WRCE, provided highlights of the quarterly violations report and discussion on what is new with the Enforcement Program.

Board Comments:

- Member Horne asked how the new changes would have worked in the Meeks Bay case. Mr. Ferguson replied that if we would have had this workshop environment the

prosecution team would provide information and not be in a defensive mode. It helps avoid that defensive-mode and there is no expectation of a decision to be made. The goal is to develop the best outcome possible. Mr. Doug Smith, Assistant Executive Officer, stated if a situation similar to Meeks Bay arises, he would come to the Board to inform them we are going to have a workshop. The benefit of this is that we have all the parties in the room and we can talk about proposals. The Board and the Advisory team would have the opportunity to have input in areas the prosecution may have missed and allow them to go back to the drawing board. Member Horne asked for legal counsel's opinion. Ms. Elizabeth Beryt stated the workshop approach helps to manage the expectations of the discharger as well. Her perception is that when a settlement comes before the Board there might be a misunderstanding whether or not the Board would be in favor of the settlement. The workshop provides an opportunity without a decision looming at that same meeting, allowing for the discharger, the prosecution team, legal counsel, and the Board to have more of an open dialog. There are some difficulties in this approach, such as settlement negotiations are confidential, so a discharger would have to agree that some of that some confidential information could be revealed. This approach may not make sense for all types of actions. Meeks Bay would be a good example of one that would work, but an Administrative Civil Liability (ACL) is an example of one type that would not be appropriate. For more complex and controversial cases this would an opportunity for a dialog but for simple cases a workshop may not be needed.

- Member Horne asked if this workshop approach has been discussed with the Office of Chief Counsel and the Office of Enforcement. Mr. Ferguson confirmed they have been at the same table at the same time and all parties agreed it was a good approach to tackle some of the challenges they have encountered. Member Horne asked how in closed session there is debate among the Board and they talk about criteria that we use in coming to a decision about a case, so would that type of discussion be discussed in open session. Ms. Beryt stated the workshop would not be for the board to deliberate but for the Board to ask questions. A vote would not be taken at that meeting. It would be an opportunity to ask for clarification or ask the discharger to explain what happened for them to get into this situation. It would not be a time to openly deliberate something that would normally be in closed session.

12. Executive Officer's Report

Ms. Kouyoumdjian, Executive Officer, presented the February, March and April Executive Officer's reports including updates on:

- Staffing changes including: Mr. Ben Letton, the new Division Manager in Tahoe, starts next week; and Mr. Alan Miller retired on April 11th after 25 years of service at Lahontan.
- Standing Item – Dairies Confined Animal General Order report.
- South Tahoe Y PCE Cleanup status.
- Standing Item – Onsite Wastewater Tanks / LAMPs status.
- Edwards Air Force Base dispute status.
- Standing Item – City of Barstow Nitrate status.
- Standing Item – Grants status.
- The Water Supply and Water Quality Act of 2018 that will appear on the November 2018 ballot. The bond will invest \$8.877 billion dollars in California water infrastructure.
- CyanoHAB workshops to be held on June 24, 2018, in Bishop at the Paiute Tribal Center and in Apple Valley or Victorville which is not yet scheduled.

Board Comments:

- Member Horne was curious why the in-lieu fee program for mitigating wetland impacts were only in Lahontan North. Ms. Kouyoumdjian answered that it was intended only as a pilot program so the agreement at that time with the agencies was to try it in the North first. There was not much interest with our partner agencies in Lahontan South.
- Member Horne requested a different way to do the EO reports so that the Board can receive them in a timelier manner. Ms. Kouyoumdjian agreed that in the future the EO reports will be made available to the Board in a timelier manner including distributing electronically.

ADJOURNMENT

With no further business to come before the Board, the meeting adjourned at 12:17 p.m. on April 12, 2018.

Prepared by:


Kathy Otermat, Executive Assistant

Adopted:

