

Lahontan Regional Water Quality Control Board

MINUTES JULY 10, 2019

REGULAR MEETING: Wednesday, July 10, 2019 at 2:00 p.m.

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

City of Bishop, City Council Chambers
377 West Line Street, Bishop, CA 93514

Water Board Members Participating

Peter C. Pumphrey, Chair, Bishop
Kimberly Cox, Helendale
Don Jardine, Markleeville

Keith Dyas, Rosamond
Eric Sandel, Truckee

Water Board Members Absent

Amy Horne, Ph.D., Vice-Chair, Truckee

Legal Counsel

Elizabeth Beryt, Office of Chief Counsel

Regional Board Staff

Patty Z. Kouyoumdjian, Executive Officer
Douglas Smith, Assistant Executive Officer
Patrice Copeland, Sup. Engineering Geologist
Ben Letton, Supervising Engineering Geologist
Scott Ferguson, Supervising WRC Engineer
Trevor Miller, WRC Engineer
Dan Sussman, Senior Environmental Scientist
Katrina Fleshman, Executive Assistant

Woonhoe Kim, WRC Engineer
Sergio Alonso, WRC Engineer
William Muir, Senior Engineering Geologist
Alanna Misico, Environmental Scientist
Robert Tucker, Senior WRC Engineer
Jehiel Cass, Senior WRC Engineer
Ghasem Pour-Ghasemi, WRC Engineer
Angelica Soto, Office Technician

[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 2:00 p.m. on July 10, 2019 and introduced the Board Members and indicated that Vice Chair Dr. Horne was unable to attend the meeting. Ms. Patty Z. Kouyoumdjian, Executive Officer, introduced Legal Counsel and Water Board Staff.

1. CLOSED SESSION

The Water Board did not discuss closed session.

2. PUBLIC FORUM

Nate Reed, Inyo County Agricultural Commissioner presented a letter from Rick Pucci, Chairman, Board of Supervisors, Inyo County and requested a 45-day extension for comments on the 2018 Integrated Report.

Earl Watson, of Lone Pine Community Services District, indicated he has not been receiving notices of Board meetings and wants to be put on the list.

3. MINUTES

Motion: Moved by Member Dyas, seconded by Chair Pumphrey to approve the [June 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	Absent

4. REPORTS BY WATER BOARD CHAIR AND WATER BOARD MEMBERS

Member Sandel indicated that he had discussions about endocrine disrupter chemicals with Patty Kouyoumdjian, Lahontan Executive Officer, Dr. Melanie Marty from California Office of Environmental Health Hazard Assessment, and Mary Fiore-Wagner, Senior Environmental Scientist. Ms. Kouyoumdjian indicated the Water Board staff is preparing a workshop for September to discuss this topic.

Chair Pumphrey reminded the Water Board that the Sierra Water Summit is to be held on September 12th and 13th in Kings Beach. Agenda will be coming in late July.

Chair Pumphrey also indicated that the last Chair Call they discussed the Water Quality Coordinating Committee meeting is set for October 19th and 20th and the topics will be groundwater that would include Sustainable Groundwater Management Act, the Governor's Executive Order (Water Resilience Portfolio) and they will focus on safe drinking water.

5. EXECUTIVE OFFICER'S REPORT

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

- Emergency regarding Ridgecrest earthquakes
- Standing Item Reports
 - Cannabis Update
 - Tahoe Municipal Permits (including Caltrans)
 - Leviathan Mine
- Executive Officer's Report
- Eagle Lake 13267 Order
- Governor's Executive Order
- Americans with Disabilities Act (ADA) compliant documents

- 1ST Quarter Violations Report (This topic was further discussed by Mr. Scott Ferguson in the Enforcement Program Update in item #9).

QUESTIONS BY THE BOARD

Member Sandel asked to explain the Leviathan Mine “year-round capture”. Mr. Ferguson indicated the year-round capture Consists of the Water Board and Atlantic Richfield capturing the acid mine drainage sources using our pond system. Atlantic Richfield, on two of its three acid mine drainage sources, treating it seasonally from roughly May to October and the rest of the times packs it up like we do, and those treatment systems are basically turned off.

Member Dyas asked about flooding on the Mojave River last year and wanted to know if there was any damage to the wastewater facilities. Ms. Kouyoumdjian indicated there was no damage to the facilities from the flooding.

6. CONSIDERING APPROVAL OF THE LOCAL AGENCY MANAGEMENT PROGRAM (LAMP) FOR ALPINE COUNTY

Trevor Miller, Water Resource Control Engineer, presented the outline of the Alpine County LAMP, including the tier review, tier 2 objectives, LAMP criteria, scope of coverage, water quality assessment, and the program and public outreach.

Member Jardine recused himself from voting on this item and left the Water Board Meeting at 2:46pm.

PUBLIC COMMENT

Dennis Lampson, Alpine County Health Department, indicated he was in support of the Alpine County LAMP.

QUESTIONS BY THE BOARD

Member Cox inquired as to how many LAMPs are there in the Region. Ms. Patty Kouyoumdjian indicated there are at least five.

Member Sandel asked about the current increase in housing and if that would have an effect on the LAMP. Mr. Miller indicated that as part of the tier 2 requirements, we will address the accessory dwelling units. If it meets the requirements, then it will have no effect. If it does not, they may need to do a modification in order to meet those requirements.

Member Dyas inquired if the Alpine County LAMP is consistent with other LAMPs being approved by the Board. Mr. Miller indicated it is consistent with other approved LAMPs.

Motion: Moved by Member Sandel and seconded by Member Cox to approve of the LAMP for Alpine County. Chair Pumphrey, called for a roll call vote and the motion carried per the following votes:

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

Member Jardine returned to the Water Board meeting at 3:02pm immediately following the conclusion of the vote on this item.

7. REVISED WASTE DISCHARGE REQUIREMENTS FOR THE ROSAMOND COMMUNITY SERVICES DISTRICT, WASTEWATER TREATMENT FACILITY, KERN COUNTY

Sergio Alonso, Water Resource Control Engineer, gave an overview of the Rosamond Community Services District (CSD) Treatment Plant, and the proposed revised Waste Discharge Requirements to update time schedules for plant upgrades, establish numerical effluent limitations and install additional groundwater monitoring wells.

QUESTIONS BY THE BOARD

Member Cox asked the capacity (volume size) of the new Biolac® aeration basin. Mr. Alonso indicated the actual size is unknown, but we do know that the entire flow will be distributed 75% to the new basin and 25% to the old basin for treatment.

Member Cox asked if the new emergency pond being constructed has been completed. Mr. Alonso indicated it has been completed.

Member Cox asked if any consideration was given with respect to the new Biolac® treatment that the effluent water quality would be better than previous, and that the groundwater percolation might be a beneficial use in the desert basin. Mr. Alonso indicated the incorporation of the Biolac® will improve the receiving water beneficial uses. Mr. Cass indicated there was a conversation with the Rosamond CSD regarding the evaluation of different alternatives, and this one is based in part on the District's understanding they will have a benefit when they work with the Antelope Valley Water Master under the terms of the adjudication. Ms. Cox asked if there is any groundwater recharge component of this wastewater plant upgrade. Mr. Cass indicated 100% of the effluent from the new plant will be recharged.

PUBLIC COMMENT

Steven Perez, Rosamond CSD, mentioned that Rosamond CSD will comply with this order and is in support of the revised Waste Discharge Requirements.

NO COMMENTS BY THE BOARD FOR MR. PEREZ

Motion: Moved by Member Dyas and seconded by Member Cox to adopt the revised Waste Discharge Requirements to update time schedules for plant upgrades, establish numerical effluent limitations and install additional groundwater monitoring wells. 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	Absent

8. SURFACE WATER AMBIENT MONITORING PROGRAM (SWAMP)

Dan Sussman, Senior Environmental Scientist, provided an overview of the Surface Water Ambient Monitoring Program (SWAMP) history and the statewide SWAMP programs and discussed the transition to a new regional SWAMP focus. Mr. Sussman

indicated the State Board's Planning Project to develop numeric standards and guidelines for biostimulatory substances and biointegrity (bioassessment) is scheduled to be completed in 2021.

QUESTIONS BY THE BOARD

Member Cox inquired about the concept of dividing the effort of gathering of water quality samples, such as engaging other professional staff that serves within our region to help gather the water quality samples. Mr. Sussman indicated it falls into the broad share of prioritization and who we can work with, but this sounds like a good idea. There is currently an effort to have all of California's water quality data put into one place as response to AB1755.

Member Cox wanted to know how the water bodies are analyzed. Mr. Sussman indicated they are pretty much the same statewide, but we focus on the site-specific objectives.

Member Sandel inquired about what was coming up in September. Mr. Sussman indicated we talked about the possibility of a beta version of where we would like to go with implementing online Data Visualization tools.

Member Sandel asked if the Water Board found any pyrethroids in the streams within the Tahoe Basin. Mr. Sussman indicated the Tahoe Basin showed some small detection of pyrethroids. Ms. Kouyoumdjian indicated that some households use products that contain pyrethroids, and that is how it gets into the Tahoe Basin. Member Sandel requested Mr. Sussman get him contact information for staff at Region 5 that knows more about pyrethroids.

Chair Pumphrey suggested the Water Board find a way to involve the people to whom this data is going to be useful, and to those that depend on this data to make decisions, such as: permittees, land managers, water purveyors, citizen groups, etc. Mr. Pumphrey believes it should be a priority of establishing outreach to help build this program.

THE WATER BOARD TOOK A BREAK FROM 4:00PM TO 7:00PM

Board member, Kimberly Cox, left the Board meeting after Item #8

CALL TO ORDER AND INTRODUCTIONS

Chair Pumphrey called the meeting back to order at 7:01 p.m.

9. ENFORCEMENT PROGRAM UPDATE

Scott Ferguson, Supervising Water Resource Control Engineer, indicated that this item is a follow-up to the March 14, 2019 Water Board meeting and gave a presentation regarding the Regulatory Compliance Assurance System; enforcement tools and efficiencies, and formal enforcement communications. Mr. Ferguson also provided information on unaddressed enforcement.

QUESTIONS BY THE BOARD

Member Jardine asked if the Water Board is coordinating with other agencies regarding monitoring remote sites. Mr. Ferguson indicated not at this time but will pursue per Chair Pumphrey's earlier suggestion.

Member Sandel asked if we could require through waste discharge requirements some of our larger permittees to establish monitoring telemetry systems that staff could observe. Mr. Ferguson indicated we can look into that.

Mr. Sandel also inquired about the rethinking about settlement discussions on both sides. Mr. Ferguson replied the Water Board staff discussed at the March Board meeting the idea of having settlement workshop before the Water Board to improve communications. However, staff determined that such workshops would not fully satisfy this objective. Instead, staff is looking at having three-party meetings (Prosecution Team, Advisory Team, and Discharger(s)) following the public comment period to ensure that Advisory Team comments are fully understood prior to the Prosecution Team and Discharger responding to such comments. Mr. Sandel asked if we have anything pending that would incorporate such a meeting. Mr. Ferguson indicated yes; we have the City of Victorville Administrative Civil Liability (ACL) set for November.

Mr. Dyas asked about Water Board templates and are they broad or specialized templates. 60-70% are boilerplate the rest is specialized.

Chair Pumphrey asked Mr. Ferguson to explain the statement “when Water Board staff learns about an unpermitted activity, the next regulatory compliance assurance action depends on whether the water quality is impacted is correctable or not”. Mr. Ferguson explained situations where the violation can be corrected, as opposed to a waste discharge that goes into a river and damage is done, can have an effect in determining the appropriate enforcement response.

Chair Pumphrey suggested when talking about verbal and oral communications, perhaps that was difficult to document, as opposed to more formal contact. Mr. Pumphrey requested any contact Water Board has with any potential violator be documented in some way.

Chair Pumphrey asked why the Water Board’s use of the “Notice to Comply” is limited. Mr. Ferguson indicated staff historically used it more frequently than it is currently used. The Notice to Comply has outdated information calling into question if it is still appropriate to use. Mr. Ferguson additionally pointed out the Notice to Comply form is a triplicate form, and if staff had updated technology allowing them to electronically fill out and produce the form in the field, its use would likely increase. Mr. Ferguson indicated Water Board staff can more easily send an email and typically get the same outcome as using the more cumbersome Notice to Comply form. Chair Pumphrey suggested maybe a template with the words “Notice to Comply” could be an effective alternative approach.

Chair Pumphrey asked about the statement “it is unclear as to the enforcement action that can be issued in response to a failure to comply with the Time Schedule Order”. Mr. Ferguson answered at the time the document at issue was written, Water Board was unclear as to what enforcement actions can be taken.

Chair Pumphrey suggested Water Board explain better the goal is “compliance” and how to ascertain “compliance”. Chair Pumphrey explained that Water Board staff needs to figure how to work together with the different agencies and share the information. This will help with limited resources.

Chair Pumphrey suggested Water Board reach out to the Central Valley Water Board and learn what they do in terms of involving board members in the process of settlement negotiations. This deserves further conversation by all. Chair Pumphrey

suggested Water Board make connections with other agencies that may have multiple ways of enforcement to get ideas of making things work better.

Scott Ferguson, Supervising Water Resource Control Engineer presented on the 1st Quarter Violations Report.

NO QUESTIONS REGARDING THE 1ST QUARTER VIOLATIONS REPORT

10. REVISED WASTE DISCHARGE REQUIREMENTS FOR THE CITY OF BARSTOW, BARSTOW WASTEWATER TREATMENT PLANT, SAN BERNARDINO COUNTY

Dr. Woonhoe Kim, Water Resource Control Engineer, presented on the proposed Revised Waste Discharge Requirements.

QUESTIONS BY THE BOARD

Member Mr. Sandel asked if we could talk about adding once per year monitoring of constituent emerging concerns (CEC) to Waste Discharge Requirements.

Ms. Kouyoumdjian indicated she would like the Water Board staff to comment on CECs because there is a list of particular CECs to enforce that the recycled water policy recommends. Ms. Kouyoumdjian doesn't believe that policy applies to the permits at the moment.

Mr. Sandel stated he is recommending we look at what comes into the plant and what goes out of the plant and apply the same analysis to each CEC and what might be getting treatment from going through the plant.

Mr. Jehiel Cass, Senior Water Resource Control Engineer, indicated there is a lot of science that goes into understanding CECs, so we try to work into our permitting program what is cost effective for each discharger. That is why you see in this permit, we have retained some CEC monitoring in the effluent, but we do not have the same CEC monitoring in the permit adopted earlier for Rosamond because the industries within each community are different. There is more industry in Barstow than in Rosamond which is a more residential community. Mr. Cass indicated Water Board staff's recommendations and focus is trying to look at these facilities on a site-specific basis to ensure we are being cost effective.

Mr. Sandel believes we need to embark on some sort of scientific enterprise to know what goes into all our plants and what comes out of them, both in sludge and in effluent.

Mr. Cass indicated some of the larger regions do collect this information.

Mr. Sandel asked if we could get that information if it is readily available.

Ms. Kouyoumdjian indicated the recycled water policy will be heard at the September State Water Board meeting. Ms. Kouyoumdjian indicated the State Water Board convened a science expert panel to investigate this issue of CECs and how to apply science to recycled water. The recommendations from that group is what the State Water Board adopted in the recycled water policy. For CEC monitoring of effluent going into surface water augmentation, the policy asks for seven constituents. What appears on both lists are PFOAs and PFAS. Separate from the recycled water policy, State Water Board staff are looking at possible future testing of wastewater facilities for PFOAs like what they have already asked of airports and landfills. There are about 100 facilities that would be applicable to this policy.

Mr. Cass mentioned we currently do not require the sampling of CEC for indirect potable groundwater recharge projects.

Legal Counsel, Elizabeth Beryt, indicated one of the goals of the Recycled Water Policy is consistent regulation of these recycled water projects and the Attachment A of the Recycled Water Policy indicates monitoring requirements related to CECs don't apply in this situation. In that Attachment A of the Recycled Water Policy, there is language indicating that the Regional Water Board shall not require monitoring of additional CEC's in recycled water policy beyond the requirements provided in this policy except when recommended by the State Water Board, or when requested by the recycled water producer. Ms. Beryt recommended to not add it today, but it can be brought back to the Water Board.

Mr. Sandel asked Counsel Beryt if she was stating that depending on where effluent goes, you either can monitor the nine constituents or seven, depending only if we want. Ms. Beryt replied those requirements are for ground water recharge projects or reservoir water augmentation projects.

Mr. Sandel stated that effluent water goes to either groundwater recharge projects or reservoir water augmentation projects. Ms. Beryt responded those are specific types of projects. Mr. Sandel stated if it goes into the ground, given the population density, someone is going to be using it at some point.

Mr. Cass mentioned in the effluent monitoring program for the City of Barstow, there are several CECs that are included with different frequencies.

Mr. Sandel indicated it is better than nothing and a start. This is not something that has to be decided tonight, but it needs to be addressed.

Ms. Kouyoumdjian asked Mr. Sandel if we look at it holistically, from the SWAMP program to regulatory programs, to explore some of these issues you have raised, have more time to figure out the answers, and provide you a more in-depth discussion at the September Board meeting. Mr. Sandel replied yes.

Member Dyas asked Dr. Kim, on Revised Waste Discharge Requirements, it mentioned the effluent limitation for nitrogen, and asked why we reduced the effluent limitation for suspended solids. Dr. Kim indicated he used the information as defined in the Basin Plan.

PUBLIC COMMENT

Kody Tompkins, City of Barstow Chief Plant Officer, spoke to the Water Board regarding the City of Barstow and its long history of compliance. Mr. Tompkins also wanted to thank the Water Board.

NO QUESTIONS BY THE WATER BOARD

Before the vote, Counsel Beryt clarified that the Motion is to adopt the Revised Waste Discharge Requirements, with the revision to page 8 of the Monitoring and Reporting Program.

Motion: Moved by Member Sandel, seconded by Member Jardine to adopt the revised Waste Discharge Requirements to establish revised numerical effluent limitations and consolidate groundwater monitoring requirements, and to accept the revision to page 8 of the Monitoring

and Reporting Program as presented in Late Revision. Chair Pumphrey called for a Roll Call Vote and the motion carried per the following votes

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

11. RESCISSION OF CEASE AND DESIST ORDER NO. R6V-2004-0029 FOR THE CITY OF BARSTOW, BARSTOW WASTEWATER TREATMENT PLANT, SAN BERNARDINO COUNTY

Dr. Woonhoe Kim, Water Resource Control Engineer, presented the proposed rescission of the Cease and Desist Order issued to the City of Barstow.


NO QUESTIONS BY THE BOARD

Motion: Moved by Member Dyas, seconded by Member Jardine agreeing to the rescission of the Cease and Desist Order issued to the City of Barstow. Chair Pumphrey called for a Roll Call Vote and the motion carried per the following votes:

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

ADJOURNMENT

With no further business to come before the Water Board, the meeting adjourned at 8:38 p.m. on July 10, 2019.

Prepared by:  Adopted: 9/18/2019
Katrina Fleshman, Executive Assistant