

Lahontan Regional Water Quality Control Board

MINUTES

June 10, 2020

The Lahontan Regional Water Quality Control Board (Water Board) conducted this meeting using Video and Teleconference as shown below:

Video and Teleconference Meeting Only
No Physical Meeting Location
(Authorized by and in furtherance of Executive Orders N-29-20 and N-33-20.)

Water Board Members

Peter C. Pumphrey, Chair, Chalfant
Amy Horne, Ph.D., Truckee
Keith Dyas, Rosamond

Don Jardine, Vice-Chair, Markleeville
Eric Sandel, Truckee
Kimberly Cox, Helendale

State Water Board

Elizabeth Beryt, Office of Chief Counsel

Water Board Staff

Patty Z. Kouyoumdjian, Executive Officer
Mike Plaziak, Asst. Executive Officer
Scott Ferguson, Supervising WRC Engineer
Lopez, Engineering Geologist
Robert Tucker, Senior WRC Engineer
Jehiel Cass, Senior WRC Engineer
Katrina Fleshman, Executive Assistant

Jan Zimmerman, Senior Engineering Geologist
Daniel Sussman, Sr. Environmental Scientist
Jennifer Watts, Environmental Scientist
Amanda Patrice Copeland, Supervising Engineering Geologist
Ben Letton, Supervising Engineering Geologist
Anne Holden, Engineering Geologist

REGULAR MEETING: Wednesday, June 10, 2020, 9:00 a.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 9:22 a.m. and discussed procedures to adhere to the Governor's Executive Order during this COVID-19 emergency, the meeting will be video and teleconference only with no in person attendance. Chair Pumphrey introduced Bob Lloyd with AGP Video and asked Mr. Lloyd to give direction to the public that wish to speak. Mr. Pumphrey then introduced the Water Board Members, Water Board staff and State Water Board staff.

1. PUBLIC FORUM

Laurel Ames, Conservation Chair, from Tahoe Area Sierra Club. Discussed difficulties with public discussion or participation via virtual media and had an issue with weeds at the Tahoe Keys, so may be from a chapter near Tahoe.

2. MINUTES

Motion: Moved by Member Dyas, seconded by Member Cox to approve the May 6-7, Minutes as presented. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

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

[View the adopted May 6-7, 2020, Meeting Minutes](#)

3. REPORTS BY WATER BOARD CHAIR AND WATER BOARD MEMBERS

Sean Maguire gave presentation on the Hydrology Update for the Bay-Delta Watershed.

Chair Pumphrey indicated the Chairs Meeting was on May 22nd and the meeting was centered on COVID-19 and staff impacts.

4. EXECUTIVE OFFICER'S REPORT

Water Board Executive Officer, Patty Kouyoumdjian, provided an update to the Water Board and public on key actions and activities in the Lahontan region, including the items below. Ms. Kouyoumdjian also indicated that the Truckee Accessory Dwelling Units issue will be coming to the Water Board in September 2020.

- COVID-19 Emergency
- Return to Office Plans
- Personnel Update
- Grants and Loans Update
- White Paper on CR6 Economic Report
- Fish Advisories
- Lake Tahoe Clarity

QUESTIONS/COMMENTS BY THE WATER BOARD

Member Cox asked for information on the Joint Region 5 and Region 6 meeting. Ms. Kouyoumdjian indicated the joint meeting is tentatively scheduled for September and she will send the information to the Water Board members.

Member Dr. Horne requested a list of the Water Board's Regions disadvantaged communities. Ms. Kouyoumdjian replied that she will send that along with a list of the Native American tribes in our region.

WATER BOARD TOOK A BREAK FROM 10:50AM TO 11:05AM

5. PRIORITIZING THE LAHONTAN REGION 303(D) LIST

Water Board staff. Jennifer Watts, Environmental Scientist, presented an update on how staff will incorporate Water Board and Regional Priorities into actions that will address 303(d) listings for impaired waters. Dr. Watts, explained the bin categories as: Bin 1 - Impairments addressed by an adopted TMDL or TMDL alternative; Bin 2 - Impairment considered confirmed and requires TMDL or alternative action; Bin 3 - Impairments that require additional information, and Bin 4 - Impairment identified for possible basin planning action.

QUESTIONS/COMMENTS BY THE WATER BOARD

Dr. Horne also indicated she would like to see the Bridgeport Waiver moved to another bin, other than bin 1. Patty Kouyoumdjian, Executive Officer, indicated that the Bridgeport Waiver is scheduled for renewal before the Water Board in 2022.

Dr. Horne requested to make the report (“on bates 5-13 “High Priority...””) clear for the public. And make the criteria clear/more accurate for the public. Dr. Horne also indicated she felt it would be a useful exercise to think about the resources in total and the appropriate way to move projects through the process.

Dr. Horne continued to state she is not asking for a change in the actual listings of the high priority in bin two, but the way it reads right now, members of the public may not understand that in the practical sense it’s not. They have to go look at appendix two of the appendix to understand exactly which water bodies are listed as high priority. Dr. Horne is asking for a little wordsmithing there to make the criteria clearer or more accurately described.

Member Sandel indicated that he concurs with most of the Water Board members comments and Dr. Horne’s concerns. Mr. Sandel went on to state some of these listings have resulted because we do not have enough samples and we do not have a lot of staff. Mr. Sandel asked if it is possible that Water Board could enlist somebody like the City of Susanville, or whoever the agency is in that area, to do more sampling that might change the listing for them. Dr. Watts replied that there is actual data out there, but because the way the listing policy defines what data we are using, not all of it was available at the time Water Board started this process. Dr. Watts went on to state between now and the next listing decision process, if we can get some of that data available to us, there may be ways that some of these listings can be addressed.

Chair Pumphrey asked if Water Board staff has a way to do some kind of outreach on some of these legacy identified impairments to see whether or not it does cause program difficulties for communities or agencies, to have these on the list and to have the listing really be a result of the fact that there hasn’t been any recent information gathered. At the same time Water Board staff could contact people who might be affected with respect to an individual listing and ask them if they would be able to and/or willing to contribute to the data gathering that would let us resolve the question of whether or not that listing is appropriate in light of most recent data. That might be something we could do to make some inroads on the quantity, or at least the numbers of listings that we have. Ms. Kouyoumdjian replied that is a good idea and she feels staff can take to doing some of that and she deferred the issue to Mr. Sussman.

Mr. Sussman clarified that Mr. Pumphrey was asking “how do we engage in some of our regulated parties when they have complaints and get in and get their help with getting

data to remove from the 303(d) list?”. Mr. Sussman indicated there are two ways to go about this. One is to engage with our discharges through our regulatory staff as our primary contacts to almost have a capacity building in terms of getting their data that some cases are required to collect. The second way would be to, in the future, take another look at the listing policy.

Ms. Kouyoumdjian indicated if being on the list causes somebody difficulties for some other programmatic reasons, they then would have an incentive to try to help Water Board to take the listing off, particularly through the gathering of data. And perhaps that is a way to broaden our resource base to deal with this.

Mr. Sussman stated if the rest of the Water Board is in support of Amy’s suggestion to move the Bridgeport Waiver to some other Bin (2, 3 or 4), Water Board staff can very well do that.

Dr. Horne responded that she has made her comments and told Water Board staff how she felt, and that she is not satisfied with Water Board staff’s reasons for keeping Bridgeport in Bin 1, and also stated the Water Board can address this issue at some other time.

Elizabeth Beryt, Attorney, indicated there will be an opportunity to discuss the Bridgeport issue later as part of the Waiver Renewal that will be going before the Water Board in 2022. That would be a great time for the Water Board to weigh in on the requirements of that order when it’s noticed and all the discharges can participate and we can, maybe more holistically, get all the input on how to improve that Water Body as it relates to the Waiver.

Dr. Horne agreed with Ms. Beryt as long as this issue is not forgotten.

Ms. Kouyoumdjian indicated that next month in the Executive Officer report there will be a detailed standing report on all grazing activities, which will include Bridgeport.

Dr. Horne requested input on this issue from the other Water Board members.

Member Cox stated that she is certainly be interested in seeing how staff chooses to address this as we move forward.

Member Dyas stated that he respects Dr. Horne’s questions and comments, but he would like more discussion before he comes to a conclusion.

Vice-Chair Jardine agrees with Member Dyas and thinks the Water Board should let Water Board staff move forward. Vice-Chair Jardine believes Water staff is on the right path and he does not have a great concern for the water going into Bridgeport.

Member Sandel stated this issue cannot be lumped into the same category as a superfund site. So, comparing it with Leviathan is inappropriate, but Water Board needs to keep working on it and keep holding as much as we can.

Chair Pumphrey stated if Bin 1 is meant to represent impaired bodies where something is being done in a more formal way, than other somethings that are happening with other bodies, then it fits. And if that’s not the purpose of the document to say “we know we have these impaired bodies and these over here we are doing something about it”, and the something that we are doing about it can range from here to there on a spectrum of the formality of it, the rigidity of it, and the degree of regulation, etc., but something is being done, then his sense is that if the purpose of putting it in there, he

feels if that's workable for Water Board staff, for what they are doing, and the purpose of the document to the Water Board staff, then he thinks that's probably fine.

Chair Pumphrey went on to state it is to some extent, a little misleading to somebody from an outside the agency. And the things that are understandable internally are not necessarily as understandable externally and may require a greater or lesser amount of translation.

NO PUBLIC COMMENT

6. STATUS REPORT ON CLEANUP ACTIVITIES CONCERNING CHROMIUM CONTAMINATION FROM PACIFIC GAS AND ELECTRIC COMPANY'S (PG&E'S) HINKLEY COMPRESSOR STATION

The Water Board heard 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 concerning chromium contamination from PG&E's Hinkley Compressor Station, such as cleanup and remediation efforts, the chromium background study, and community outreach efforts.

Water Board Staff, Amanda Lopez, Engineering Geologist, gave the first presentation, providing the PG&E Status Report on activities concerning Chromium contamination.

Kevin Sullivan, Director of Environmental Remediation for PG&E, gave the second presentation on the continuing commitment by PG&E to battle the chromium issues in Hinkley and the progress to date (through 2019).

Raudel Sanchez, Independent Review Panel (IRP) Manager, gave the third presentation regarding the PG&E's Hinkley Groundwater Remediation Project. Mr. Sanchez explained the tasks of the IRP Manager, the outreach, workshops and progress working together to combat the chromium issues in Hinkley.

Water Board staff, Anne Holden, Engineering Geologist, gave the final presentation provided Status Report on the U.S. Geological Survey, Hinkley Chromium Background Study and provided an overview of the Background Study and indicated a final report is scheduled for publication at the end of 2020.

QUESTIONS/COMMENTS BY THE WATER BOARD

Vice-Chair Jardine asked Mr. Sanchez if his (IRP's) Newsletter is available online. Mr. Sanchez responded, yes, the Newsletter and all presentations used during the quarterly meetings are available online. Mr. Sanchez offered to send an email with the link to the Water Board members.

Member Cox indicated she is looking forward to seeing the final Background Study report.

Dr. Horne agreed with Member Cox that she is anxious to see the new report. Dr. Horne asked if the review comments could be released at the same time as the final report. Ms. Kouyoumdjian indicated Water Board staff and Legal Counsel are going to be working together to reach out to United States Geological Survey (USGS) to find out if Water Board can release that information. Ms. Kouyoumdjian indicated Water Board staff will get back to Water Board members on that issue. Dr. Horne replied she is focused on the technical working group and the key stakeholders and she would like to be able to confirm that their comments have been addressed.

Member Sandel agrees with Dr. Horne's interests in seeing the internal dialogue with USGS.

All Water Board members expressed their appreciation for Water Board staff's work as well as the collaboration efforts by PG&E and IRP in working with the public and making progress in the Hinkley cleanup.

PUBLIC COMMENT

Darron Banks, Represents the Hinkley community.

ATTENDEES FOR ITEM 6 INCLUDED:

Iain Baker, Manager, Environmental Remediation, Pacific Gas & Electric Company

Margy Gentile, Consultant to PG&E

Isaac Wood, PG, CHG, Principal Hydrogeologist, Technical Consultant for PG&E

Jessica Bails, Hinkley Ground Water Remediation Technical Project Senior Manager

Keith Widener, Site Operations Manager-Principal, Pacific Gas and Electric Company

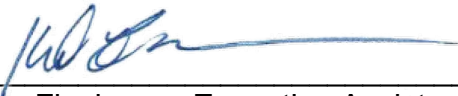
THE WATER BOARD TOOK A BREAK FROM 2:30 PM to 3:00 PM.

7. CLOSED SESSION

The Water Board, without the public present, went into closed session at 3:05 p.m., regarding Closed Session Item 10(g), Discussion of Personnel Matters. Authority: Government Code section 11126, subdivision (a).

ADJOURNMENT

With no further business to come before the Water Board, the meeting adjourned at 3:35 p.m. on June 10, 2020.

Prepared by:  Adopted: 9/16/2020
Katrina Fleshman, Executive Assistant