

Lahontan Regional Water Quality Control Board

MINUTES

MARCH 11-12, 2020

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
(Via Teleconference)

Water Board Members in Barstow

Peter C. Pumphrey, Chair, Chalfant
Amy Horne, Ph.D., Vice-Chair, Truckee
Keith Dyas, Rosamond
Kimberly Cox, Helendale (Closed Session and March 12, 2010)

Water Board Members in S. Lake Tahoe

Don Jardine, Markleeville
Eric Sandel, Truckee

State Water Board

Elizabeth Beryt, Office of Chief Counsel
David Boyers, Office of Chief Counsel

Water Board Staff

Patty Z. Kouyoumdjian, Executive Officer
Scott Ferguson, Supervising WRC Engineer
Patrice Copeland, Supervising EG
Robert Tucker, Senior WRC Engineer
Jehiel Cass, Senior WRC Engineer
Katrina Fleshman, Executive Assistant

Jan Zimmerman, Sr. Engineering Geologist
Timothy Middlemis-Clark, WRC Engineer
Alex Spencer, WRC Engineer
Ben Letton, Supervising EG
Carly Nilson, Environmental Scientist
Eric Taxer, Senior WRC Engineer

REGULAR MEETING: Wednesday, March 11, 2020, 3:30 p.m.

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

CALL TO ORDER

Chair Pumphrey called the meeting to order at 3:30 p.m. on March 11, 2020 and indicated the Water Board members will be going into Closed Session and will resume the Water Board meeting at 6:00 p.m.

1. CLOSED SESSION

The Water Board, without the public present, went into closed session from 3:33 p.m. to 4:34 p.m. regarding Closed Session Item(s) e. Discussion of Litigation. Fox Capital Management Corporation v. Lahontan Regional Water Quality Control Board, El Dorado County Superior Court, Case No. SC20170189. Authority: Government Code section 11126, subdivision (e); f. Discussion of Litigation. Seven Springs Limited Partnership v. Lahontan Regional Water Quality Control Board, El Dorado County Superior Court, Case No. SC2018061. Authority: Government Code section 11126, subdivision (e), and h. Discussion of Personnel Matters. Authority: Government Code section 11126, subdivision (a).

CALL TO ORDER AND INTRODUCTIONS

Chair Pumphrey called the meeting back to order at 6:00 p.m. and introduced the Water Board Members. Chair Pumphrey indicated that Member Cox had left the meeting. Ms. Patty Z. Kouyoumdjian, Executive Officer, introduced Water Board staff and State Water Board staff.

Chair Pumphrey expressed concerns about the Covid-19 Virus and how to take caution to protect those around you.

2. PUBLIC FORUM

No public comment.

3. MINUTES

Motion: Moved by Vice-Chair Horne, seconded by Member Dyas to approve the November 20, 2019, Minutes as presented. 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	Aye

[View the adopted November 20, 2019, Meeting Minutes](#)

4. REPORTS BY WATER BOARD CHAIR AND WATER BOARD MEMBERS

Chair Pumphrey indicated that at the Chair's meeting last week, the State Board mentioned how they are going to respond to COVID-19 concerns.

5. EXECUTIVE OFFICER'S REPORT

Water Board staff, Patty Kouyoumdjian, Executive Officer, 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.

- Personnel Update
- Rosamond Community Service District Facility Groundbreaking
- Programs benefiting nearshore water quality
- PG&E update
- Leviathan Mine update
- Indian Wells Ground Water Authority
- Governor Resiliency Plan
- Organizational staffing changes
- Fish advisory
- George AFB and Munitions Site
- COVID-19 Virus

QUESTIONS/COMMENTS BY THE BOARD

Member Sandel indicated he would like to see progress update regarding the Dr. Izbicki, United States Geological Report, on an Executive Officer Report.

6. CITY OF VICTORVILLE SETTLEMENT AGREEMENT AND STIPULATION FOR ENTRY OF ADMINISTRATIVE CIVIL LIABILITY

Water Board staff, Scott Ferguson, Senior WRC Engineer, gave a presentation on background of the Administrative Civil Liability (ACL) Complaint; explained the Settlement Agreement terms; Water Board options, and asked the Water Board to consider acceptance and provide direction to the Executive Officer on a Settlement Agreement and Stipulation for Entry of Administrative Civil Liability to be entered into by the Water Board and the City of Victorville.

Mr. Ferguson explained that on Bates Stamp 6-74, paragraph C, there was a minor error in the last sentence. Mr. Ferguson indicated it should read "...fourth largest..." not "...third largest..."

Keith Metzler, General Manager, with the City of Victorville (City), thanked the Water Board staff for working with the City. Mr. Metzler explained the spill, the violations, how Victorville responded to the spill, and indicated they will continue to work on fixing the problem.

COMMENTS BY THE WATER BOARD

Elizabeth Beryt, Chief Counsel, confirmed that the City agreed with Mr. Ferguson's change noted above.

Member Sandel asked why the compliance report was not done by the Water Board. Mr. Ferguson indicated Water Board initiated the investigation and Water Board staff reached out to State Water Board for their direction and guidance. State Water Board does a more in-depth Report and therefore, was the best decision.

Member Dyas indicated the SEP chosen for this process is a good one and asked if Water Board had previously monitored the wells to see what it looked like before the discharge. Mr. Ferguson indicated Water Board did not monitor the wells and therefore, does not know what the appearance of the wells were pre-discharge.

Dr. Horne stated there are several incidents discovered and the percentage of discharge collection was small. Mr. Ferguson reiterated that the discharge occurred for a time before it was discovered. Once the discharge was discovered Water Board and City worked together to take the steps necessary to take care of it.

Motion: Moved by Member Dyas, seconded by Member Jardine, to accept the Settlement Agreement and Stipulation for Entry of Administrative Civil Liability to be entered into by the Lahontan Water Board and the City of Victorville with the change to Bates Stamp 6-74 (page 50 of the Attachment A Administrative Civil Liability Methodology”) paragraph C, last paragraph to change the word “third” to the word “fourth”. 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	Nay

Adjournment - The meeting adjourned at 7:45 p.m. on March 11, 2020

REGULAR MEETING: Thursday, March 12, 2020, at 8:30 a.m.

CALL TO ORDER AND INTRODUCTIONS

Chair Pumphrey called the meeting to order at 8:30 a.m. on March 12, 2020 and introduced the Water Board Members. Ms. Patty Z. Kouyoumdjian, Executive Officer, introduced Legal Counsel and Water Board Staff.

7. PUBLIC FORUM

No public comment.

8. MANAGEMENT AND DISPOSAL OF SOLID WASTE FROM EMERGENCIES AND DISASTERS

Water Board staff, Jan Zimmerman, Sr. Engineering Geologist, provided an update on the Emergency Conditional Waiver of Statutory Requirements to File a Report of Waste Discharge and to adopt Waste Discharge Requirements for Management and Disposal of Solid Waste from Emergencies and Disasters, Lahontan Region (Resolution No. R6V-2015-0009) and State Water Board’s General Waste Discharge Requirements for Disaster-Related Wastes. (Jan Zimmerman)

NO QUESTIONS BY THE BOARD

9. GENERAL WASTE DISCHARGE REQUIREMENTS FOR LIMITED DOMESTIC WASTEWATER TREATMENT SYSTEMS (LIMITED DOMESTIC ORDER)

Water Board staff, Eric Taxer, Senior WRC Engineer, gave opening statement and introduced the other Water Board Staff. Alex Spencer, WRC Engineer gave presentation on Wastewater Treatment types, Facility Flows, Regulatory needs and Regulatory background. Mr. Spencer asked the Water Board to consider adoption of a resolution approving a Negative Declaration for the Limited Domestic Order and adoption of the Limited Domestic Order for discharges from small domestic wastewater treatment systems with a monthly average flow rate of 100,000 or less gallons per day of domestic wastewater.

1st Motion: Moved by Member Dyas, seconded by Member Cox, to adopt a resolution approving a Negative Declaration for the Limited Domestic Order. 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

2nd Motion: Moved by Vice-Chair Dr. Horne, seconded by Member Sandel, to adopt the Limited Domestic Order for discharges from small domestic wastewater treatment systems with a monthly average flow rate of 100,000 or less gallons per day of domestic wastewater. 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

10. GENERAL WASTE DISCHARGE REQUIREMENTS FOR SMALL INDUSTRIAL WASTEWATER TREATMENT SYSTEMS (SMALL INDUSTRIAL ORDER)

Water Board staff, Timothy Middlemis-Clark, WRC Engineer, asked the Water Board to consider adoption of a resolution approving a Negative Declaration for the Small Industrial Order and adoption of the Small Industrial Order for discharges from industrial wastewater treatment systems with a monthly average flow rate of 100,000 or less gallons per day of industrial wastewater.

1st Motion: Moved by Vice-Chair Dr. Horne, seconded by Member Cox, to adopt a resolution approving a Negative Declaration for the Small Industrial Order. 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

2nd Motion: Moved by Member Vice-Chair Dr. Horne, seconded by Member Jardine, to adopt the Small Industrial Order for discharges from industrial wastewater treatment systems with a monthly average flow rate of 100,000 or less gallons per day of industrial wastewater. 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


11. ANNUAL ELECTION OF 2020 WATER BOARD CHAIRPERSON AND VICE-CHAIRPERSON

Motion: Member Cox moved to nominate Chair Pumphrey as Chair. Member Cox asked that the motion be amended to add Member Jardine as Vice-Chair. The motions by Member Cox was seconded by Member Dyas. 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	Nay

ADJOURNMENT

With no further business to come before the Water Board, the meeting adjourned at 9:46 a.m. on March 12, 2020.

Prepared by:  Adopted: 5-06-2020
Katrina Fleshman, Executive Assistant