



# California Regional Water Quality Control Board Lahontan Region



Alan C. Lloyd, Ph.D.  
Agency Secretary

Arnold Schwarzenegger  
Governor

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150  
(530) 542-5400 • Fax (530) 544-2271  
<http://www.waterboards.ca.gov/lahontan>

## MINUTES February 9-10, 2005

### Regular Meeting

Lahontan Regional Water Quality Control Board  
Mojave Desert Air Quality Management District  
Board Chambers  
14306 Park Avenue  
Victorville, CA

Chair Eric Sandel called the meeting to order at 1:30 p.m.

### BOARD MEMBERS PRESENT

John Brissenden, Hope Valley  
Jim Chapman, Susanville  
Jack Clarke, Apple Valley  
Keith Dyas, Rosamond  
Bishop Henry W. Hearn, Lancaster  
Amy Horne, Ph.D., Truckee  
Eric Sandel, Truckee  
Susan J. Van Dam, Barstow

### BOARD MEMBERS ABSENT

None

### LEGAL COUNSEL

Steven H. Blum, State Water Resources Control Board  
Phil Wyels, State Water Resources Control Board

### STAFF PRESENT

Harold J. Singer, Executive Officer  
Hisam Baqai, Supervising WRCE  
Mike Plaziak, Senior Engineering Geologist  
Cindy Mitton, Senior WRCE  
Jehiel Cass, WRCE  
Kai Dunn, WRCE  
Christy Hunter, Engineering Geologist  
Carolyn Robbins, Office Assistant  
Laurie Applegate, Executive Assistant

### ADDRESSING THE BOARD

William Betterley  
Melanie Bostic  
Jane Crue, Calif. District Attorney Association  
Barbara Fersick, Eastside Home and Property Owners  
Scott Honan, Molycorp, Inc.  
Donald Kasper

*California Environmental Protection Agency*

Recycled Paper



Steve Maguin and Raymond Tremblay, Los Angeles County Sanitation District  
Eugene B. Nebeker, Ph.D.  
Rick Piercy, Lewis Center for Educational Research  
Lewis Trout  
Marta Williamson, Old Town Homeowners' Group, Inc.

### **OTHER BUSINESS**

#### **1. Executive Officer's Report**

Mr. Singer discussed the following items from the February 2005 written report:

Item No. 1 – Section 303(d) Listing Policy and 2004 List Update

Item No. 3 – Notice of Violation and Information Request for California  
Department of Corrections, Lassen County

Mr. Singer discussed the February 2005 Unauthorized Waste Discharges report.  
Hisam Baqai answered questions regarding inflow/infiltration at Lake Arrowhead.

Mr. Singer discussed the following items from the December 2004 – January 2005  
written report:

Item No. 7 – Heavenly Initiates Ski Resort Master Plan Update

Item No. 8 – Truckee River Watershed 2004 Construction Season Wrap-Up

Item No. 11 – Lower Owens River Project, Inyo County

Mr. Clarke received a copy of a letter staff sent to Rick Piercy, President of the Lewis  
Center for Educational Research, regarding the Desert Knolles Wash channelization  
impacts and asked for an update. Mr. Singer noted he would check on the status and  
provide an update to Mr. Clarke.

Mr. Singer gave Board members a book entitled "Leadership Without Easy Answers" by  
Ronald A. Heifetz. Celeste Cantu, Executive Director of the State Water Resources  
Control Board, provided the book. Dr. Horne noted she read the book and highly  
recommended it to others.

Mr. Singer handed out information regarding a workshop sponsored by the Groundwater  
Resources Association in Sacramento on March 16 and 17, 2005 regarding Artificial  
Recharge: Nexus of Quantity and Quality in California. Mr. Singer will be participating  
in the workshop and asked Board members to contact him if interested in attending.

Mr. Singer discussed statistics posted on the State Water Resources Control Board  
website related to NPDES permits violated and action taken on violations.



Mr. Singer noted there have been changes in the law related to the Administrative Civil Liability (ACL) complaint process. The law has been changed to allow the Board to hold a hearing when a discharger has waived the right to a hearing. Mr. Singer outlined the process he will follow in the future. ACL complaints will be released for public comment and placed on a future agenda for Board review of public comments received and the proposed settlement of the ACL complaint. At that time, the Board will have the discretion to direct the Executive Officer to schedule a public hearing if it is felt the proposed settlement is inappropriate.

## 2. **CLOSED SESSION**

Board members met in closed session on February 9, 2005 from 2:25 p.m. to 5:05 p.m. to discuss items h, i, j, k, l, m and o. Authority: Government Code Section 11126(e).

The Board reconvened in open session at 5:06 p.m. The afternoon session of the Board meeting adjourned at 5:06 p.m.

### **Regular Meeting, Continued** **7:15 p.m., February 9, 2005**

Chair Eric Sandel called the meeting to order at 7:15 p.m. Board members present: John Brissenden, Jim Chapman, Jack Clarke, Keith Dyas, Bishop Henry Hearn, Amy Horne, Ph.D., and Susan Van Dam.

## 3. **PUBLIC FORUM**

- Melanie Bostic provided a handout to the Board and discussed the importance of water quality and qualifications of members appointed to the Board.
- Donald Kasper discussed the existence of fairy shrimp in vernal pools. Mr. Kasper felt that Amargosa and Anaverde Creeks should be upgraded as waters of the state and monitored by the Regional Board.

## **OTHER BUSINESS**

### 8. **Consideration of Resolutions of Appreciation for Former Regional Board Members Eugene B. Nebeker, Ph.D. and William Betterley**

Mr. Sandel presented Resolutions of Appreciation to Eugene B. Nebeker, Ph.D. and William Betterley. Board members expressed their appreciation to Dr. Nebeker and Mr. Betterley.

### 5. **Minutes of the Regular Meetings of September 8-9, 2004 in South Lake Tahoe, October 13-14, 2004 in Lancaster and November 17, 2004 in Truckee**

- **Motion:** Moved by Mr. Brissenden, seconded by Dr. Horne to adopt the September 8-9, 2004 and November 17, 2004 minutes as proposed. Voting yes: Mr. Brissenden, Mr. Clarke, Dr. Horne and Mr. Sandel. Abstaining: Mr. Chapman, Mr. Dyas, Bishop Hearn and Ms. Van Dam. **Motion carried.**



The October 13-14, 2004 minutes will be considered at a future meeting.

**6. Consideration and Possible Approval of Supplemental Environmental Projects Solicited Pursuant to a Consent Judgment with Molycorp Inc., San Bernardino County**

Christy Hunter handed out new Enclosures 3 and 5 and discussed the criteria used by staff to rank each project. Ms. Hunter recommended the Board fund all 6 projects with a ranking of 1 and 2 and answered questions from the Board. Hisam Baqai and Mike Plaziak discussed the advantages of the Litter Abatement and Illegal Dumping Eradication project proposed by San Bernardino County.

Addressing the Board: Melanie Bostic; Donald Kasper; Jane Crue, Environmental Circuit Prosecutor with the California District Attorney Association; Scott Honan, Molycorp, Inc.; and Rick Piercy, Lewis Center for Educational Research.

- **Motion:** Moved by Mr. Clarke, seconded by Bishop Hearn and **unanimously carried** to adopt the staff recommendation to fund all projects with a ranking of 1 and 2. Mr. Dyas abstained.

**7. Review and Consideration of Approval of the Regional Board's "Official Procedures for Conducting Business"**

- **Motion:** Moved by Mr. Chapman, seconded by Bishop Hearn and **unanimously carried** to adopt the Official Procedures for Conducting Business as proposed.

**4. Election of Regional Board Chair and Vice-Chair for 2005**

- **Motion:** Moved by Mr. Sandel, seconded by Mr. Brissenden and **unanimously carried** to elect Mr. Clarke as Chair for 2005.
- **Motion:** Moved by Mr. Clarke, seconded by Mr. Chapman and **unanimously carried** to elect Dr. Horne as Vice-Chair for 2005.

The evening session adjourned at 9:15 p.m.

**Regular Meeting, Continued**  
**8:30 a.m., February 10, 2005**

Chair Eric Sandel called the meeting to order at 8:30 a.m. Board members present: John Brissenden, Jim Chapman, Jack Clarke, Keith Dyas, Bishop Henry Hearn, Amy Horne, Ph.D., and Susan Van Dam.

**10. PUBLIC FORUM**

No one addressed the Board during the Public Forum.



**STATUS REPORT**

12. **Status Report on Compliance of Los Angeles County Sanitation District No. 20, Palmdale Water Reclamation Plant and City of Los Angeles World Airports with Waste Discharge Requirements No. 6-00-57, Cleanup and Abatement Order No. R6V-2003-056 and Cease and Desist Order No. R6V-2004-039, Los Angeles County**

Jeheil Cass gave the status report and answered questions from the Board.

Addressing the Board: Steve Maguin and Raymond Tremblay, Los Angeles County Sanitation District; William Betterley; Marta Williamson, Old Town Homeowners' Group, Inc.; Lewis Trout; and Eugene B. Nebeker, Ph.D.

Bishop Hearn asked Mr. Blum if it would be appropriate for him to meet with Dr. Nebeker to discuss matters related to Los Angeles County Sanitation District No. 20. Mr. Blum responded that a discussion would be inappropriate because future Board action is pending.

2. **CLOSED SESSION**

Board members met in closed session on February 10, 2005 from 10:35 a.m. to 11:45 a.m. to discuss items e, h, i, j, k, l, m and o. Authority: Government Code Section 11126(e).

The Board reconvened in open session at 11:46 a.m.

**STATUS REPORT**

11. **Status Report on Compliance of Los Angeles County Sanitation District No 14, Lancaster Water Reclamation Plant with Waste Discharge Requirements No. R6V-2002-053 and Cease and Desist Order No. R6V-2004-038, Los Angeles County**

Board members Keith Dyas and Bishop Henry Hearn recused themselves from this item. Bishop Hearn was not present for the remainder of the meeting. Mr. Dyas joined the Board after Item 11 was heard.

Kai Dunn gave the status report and answered questions from the Board.

Addressing the Board: Steve Maguin and Raymond Tremblay, Los Angeles County Sanitation District; Melanie Bostic; Barbara Fersick, Eastside Home and Property Owners; Donald Kasper; Eugene B. Nebeker, Ph.D.

**OTHER BUSINESS**

9. **Reports by Chair and Board Members**

No reports were given.



There being no further business to come before the Board, the meeting adjourned at 1:30 p.m.

Prepared by: \_\_\_\_\_ s/s \_\_\_\_\_ Adopted: March 9, 2005  
Laurie Applegate, Executive Assistant

