

GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT
GOVERNING BOARD MINUTES
January 11, 2018

(All Meetings Are Mechanically Recorded)

The Great Basin Unified Air Pollution Control District Governing Board of the Counties of Alpine, Inyo and Mono, State of California met at 10:00 am on January 11, 2018 in the Inyo County Administrative Center, Board of Supervisors Chamber, 224 North Edwards Street, Independence, California 93526.

Governing Board members present:

John Wentworth, Board Chair, Town of Mammoth Lakes
David Griffith, Board Vice Chair, Alpine County
Fred Stump, Mono County
Stacy Corless, Mono County
Matt Kingsley, Inyo County
Dan Totheroh, Inyo County
Ron Hames, Alpine County

Governing Board members absent:

None

A quorum was present.

GBUAPCD staff present:

Phill Kiddoo, Air Pollution Control Officer
Ann Logan, Deputy Air Pollution Control Officer
Susan Cash, Administrative Projects Manager
Lajos Kurucz, Air Monitoring Technician II
Tori DeHaven, Clerk of the Board

Members of the public included: (as indicated by voluntary sign-in)

Paul Lamos, Rio Tinto Minerals
Ron Ward, Rio Tinto Minerals

Agenda Item #1
Call to Order
Pledge of Allegiance

Board Chair Wentworth called to order the regular meeting of the Governing Board at 10:01 a.m.

Board Chair Wentworth then led the Pledge of Allegiance.

Agenda Item #2
Public Comment on
Items not on the
Agenda
(No Action)

Board Chair Wentworth asked for public comment on items not on the agenda at 10:03 am.

Mr. Patrick Hayes, General Manager of Mammoth Community Water District (MCWD), indicated that he wished to speak regarding ORMAT's proposed Casa

Diablo IV project and what has transpired since the Governing Board (Board) approved the environmental documents in 2013. He noted that MCWD has been concerned about the geothermal extractions in the Mammoth Lakes area since at least 2006 and in the coming weeks a report from the U.S. Geological Survey (USGS) is going to be released. The report supports concerns that there are impacts, specifically in the Basalt Canyon area, from geothermal extraction that are not necessarily related to volcanic activity. Impacts include an increase in soil temperature at the ground surface, greater emissions of carbon dioxide, increased tree kills and a detection of isobutane which is used by ORMAT in their binary power production process. These impacts indicate that there is no impermeable barrier between the geothermal system and the ground surface. In previous models, ORMAT made an assumption that there were, in fact, impermeable barriers. The USGS data are there and clearly indicate that is intermixing with geothermal fluids and the MCWD's groundwater well 17 and monitoring well 26 which means that the assumptions stated in the Environmental Impact Report (EIR) are flawed. On that basis MCWD believes there is enough evidence that there are impacts and potential impacts and that if ORMAT continues with their plan to install sixteen additional extraction wells that the problem will be exacerbated and will be a direct threat to the only reliable groundwater source available on a year-round basis. Although MCWD does not oppose the project, they do believe there needs to be proper controls and a means to determine how this process will evolve as ORMAT begins to extract a lot more hot water. The USGS and its experts have proposed that an additional deep groundwater monitoring well needs to be put between the two systems (shallow groundwater and deep groundwater). In the meantime, MCWD believes that a supplemental EIR should be opened up to address the previously made assumptions which have been proven to be incorrect.

Board member Stump suggested that, in light of the active litigation regarding this topic, the Board ask staff to contact legal counsel to see if it would be appropriate to have the MCWD make a presentation at the next Board meeting so that the Board can engage in the discussion. If it is appropriate that it is so agendized.

APCO Kiddoo explained that this item is addressed in closed session item 11b.

Mr. Paul Lamos, Rio Tinto Minerals/U.S. Borax, announced that he will be retiring, and that Mr. Ron Ward will be taking his place. Mr. Lamos has been actively involved in Owens Lake issues for the last forty-one years and is a regular attendee of the Board meetings.

The public comment period ended at 10:20 am.

Agenda Item #3
Consent Items
(Action)

Motion (Hames/Corless) approving consent items a through b as follows:

- a. Approval of the November 9, 2017 Regular Governing Board Meeting Minutes
- b. Correction of Funding Sources for Ramboll Environ Contract Originally Approved by the Board on May 11, 2017 to Reflect District Funding of \$30,000 for Town of Mammoth Lakes PM10 Maintenance Plan Progress Report

Ayes: Board Members – Wentworth, Griffith, Totheroh, Kingsley, Hames, Stump, Corless

Noes: 0

Abstain: 0

Absent: 0

Motion carried 7/0 and so ordered.

B/O #180111-03a

Item c was pulled to correct spelling errors.

Motion (Griffith/Hames) approving consent item c as follows:

- c. Resolution of the Governing Board Declaring that Governing Body Members and Volunteers Shall be Deemed to be Employees of the District for the Purpose of Providing Workers' Compensation Coverage for Said Certain Individuals While Providing their Services

Ayes: Board Members – Wentworth, Griffith, Totheroh, Kingsley, Hames, Stump, Corless

Noes: 0

Abstain: 0

Absent: 0

Motion carried 7/0 and so ordered.

B/O #180111-03c

Agenda Item #4
Approval of
Monitoring and
Avoidance of Phase
9/10b Cultural
Resource Areas at
Owens Lake (Action)

APCO Kiddoo gave a brief introduction as outlined in the Board Packet including explanation for the referenced attachments.

Board member Stump asked if there had been any complaints from the tribes about prior protection efforts.

APCO Kiddoo responded that there have been some concerns from the tribes about access to those areas.

Board member Stump asked who has the complete list of redacted sites.

APCO Kiddoo replied that all parties involved, that have signed a confidentiality agreement, have access to the complete list of sites.

Discussion continued between the Board and staff regarding the logistics and tribal recommendations.

Board Chair Wentworth asked for public comment at 10:40 am.

Ms. Kathy Jefferson Bancroft, Tribal Historic Preservation Officer for the Lone Pine Paiute Shoshone Reservation, thanked the District for their growing concern and respect for tribal concerns. Although it's a well worthwhile project there is a way to complete it and protect everybody's interests. Right now, the project and archaeology take precedent on the lake; the tribal input and perspective is not even considered. Very seldom the tribes are able to have a recommending capacity for anything that goes on out at the lake. The tribes are on the lake daily watching and doing what they can to protect the lake and the valley.

The public comment period ended at 10:49 am.

Motion (Griffith/Kingsley) authorizing the Board Chair to sign letter (Attachment A) regarding Approval of Monitoring and Avoidance of Phase 9/10b Cultural Resource Areas at Owens Lake.

Ayes: Board Members – Wentworth, Griffith, Totheroh, Kingsley, Hames, Stump, Corless

Noes: 0

Abstain: 0

Absent: 0

Motion carried 7/0 and so ordered.

B/O #180111-04

Agenda Item #5
Approval of Proposed
2018 District Rule and
Policy Adoption
Schedule (Action)

Board Chair Wentworth asked for public comment at 11:01. No comment was offered.

Motion (Hames/Totheroh) approving the proposed list and authorizing the Air Pollution Control Officer to initiate any necessary processes for the listed rule policy adoptions, revisions and recensions.

Ayes: Board Members – Wentworth, Griffith, Totheroh, Kingsley, Hames, Stump, Corless

Noes: 0

Abstain: 0

Absent: 0

Motion carried 7/0 and so ordered.

B/O #180111-05

Agenda Item #6
Approval of Triennial
Progress Report for
the Town of

Deputy APCO Logan gave a presentation as represented in the Board Packet (*this presentation is available upon request to the Clerk of the Board*) It was noted that since the 2015 designation as a maintenance area in attainment, by the United

States Environmental Protection Agency (U.S. EPA), of the Town of Mammoth Lakes (TOML) the U.S. EPA requires areas to track the progress of maintenance plans.

Following discussion with the Board it was clarified that the attainment planning area, which pertains to air quality issues, is different from the Town of Mammoth Lakes Planning Area.

Board Chair Wentworth asked for public comment at 11:41 am.

Mr. Nolan Bobroff, Assistant Planner for the Town of Mammoth Lakes, added that that the TOML is hopeful that progress will continue to be made going forward. The TOML is committed to continue monitoring air quality during the winter months and to be proactive with getting street sweepers out to collect road cinders after storm events. The TOML continues to make progress towards change out of all U.S. EPA non-compliant woodstoves, in fact, in 2017 172 permits for woodstove change outs were issued. Mr. Bobroff noted for the Board that there is an exemption code for those that have woodstoves as their sole source of heat which would allow them to avoid penalties of non-change out due to economic situations. The TOML will continue to work closely with the District.

The public comment period ended at 11:44 am.

Motion (Griffith/Corless) approving the Town of Mammoth Lakes Air Quality Management Plan Triennial Progress Report, dated December 2017, for submission to the United States Environmental Protection Agency.

Ayes: Board Members – Wentworth, Griffith, Totheroh, Kingsley, Hames, Stump, Corless

Noes: 0

Abstain: 0

Absent: 0

Motion carried 7/0 and so ordered.

B/O #180111-06

A break was taken at 11:48 am.

The Board reconvened in open session at 12:05 pm.

Agenda Item #7
Informational Items
(No Action)

No report or questions from the Board.

Agenda Item #8
Board Member
Reports
(No Action)

Board member Kingsley reported that he is still trying to get a meeting with LADWP’s Board of Commissioners and will continue to do so.

Board member Stump requested recognition for former Board member Larry Johnston for his service to the District and the Governing Board.

Board Chair Wentworth reported that it was interesting to hear from the Mammoth Community Water District and he's looking forward to follow-up about that. He also noted that he spoke with staff about the role that this Board plays if there is a state policy with regards to cap and trade programs and climate change. He believes that at some point down the road it would be of value to this Board and to our communities to start to clarify where we stand on those kinds of things and how we look at policy consistent with the kind of efforts that are happening.

Agenda Item #9
Air Pollution Control
Officer's Report
(No Action)

APCO Kiddoo updated the Board as follows:

- Introduction of new Air Monitoring Technician II, Mr. Lajos Kurucz.
- Phase 7a and Phase 7a Transition: LADWP met their deadline for Phase 7a and Phase 7a Transition for areas that were either gravel or shallow flooding in December 2015. LADWP was unable to meet their deadline for Phase 7a managed vegetation and Phase 7a Transition to vegetation in December 2017. The District has been working with LADWP to try to come up with a reasonable pathway forward. Although there has been some success, they still are not meeting the performance criteria for that Best Available Control Measure (BACM). The District has met with LADWP regarding an order to pay as required by the 2011 Stipulated Order for Abatement (2011 SOA).
- Phase 9/10: There have been four to five loose ends that staff and LADWP are working through to try and resolve. One such issue concerns part of the project that is on private property with the landowner unwilling to allow LADWP to implement their controls. As a result, a small exchange on California State Lands Commission (CSLC) property was found and has proven successful and is now complete with pending notification from the District to LADWP. There are two areas on Owens Lake that LADWP has applied for minor boundary modifications. LADWP is required to turn in a modeling analysis to determine the impacts of those boundary modifications. Area T2-1c: is an area on Bureau of Land Management (BLM) property for which LADWP was required to get permission from BLM, a right-of-way grant, to implement dust controls. However, permission was not given due to cultural resource sensitivities. As a result, LADWP is asking the District to accept force majeure provisions of the Stipulated Judgment. Staff has met with LADWP and BLM to develop a pathway forward.
- Additional BACM Contingency Measures: As part of the 2016 State Implementation Plan (2016 SIP) the District is required to make a determination on a calendar basis on whether or not LADWP has additional areas to implement control. At this time zero additional areas have been ordered for control.

- Owens Lake Scientific Advisory Panel (OLSAP): staff has been working with LADWP since mid-2017 to reinitiate the OLSAP, which was put aside in 2015 until 2017. There are currently six tasks that need to be addressed by the OLSAP and the cost estimate received from them in order to address the tasks was upwards of \$4M. At this time staff and LADWP have decided to proceed with one task, specifically as required in the Stipulated Judgment, which is the development of new dust control technologies and waterless dust control technologies.
- Lee Vining Air Quality Monitoring Station: the foundation and shelter are in place. Currently waiting for the Southern California Edison (SCE) electrical drop and then to start putting the monitoring equipment in the station.

Agenda Item #10
 Confirm Date and
 Location of Next
 Regular Meeting
 (March 8, 2018, in
 Keeler, CA)
 (No Action)

The next regular meeting of the District Governing Board will convene at 10:00 am at a future date, to be announced. The District's Clerk of the Board will find and reserve a handicap accessible meeting room and contact the District Board members as to its location.

**Agenda Item #11 &
 #12 CLOSED
 SESSION**

The Board convened into closed session at 12:20 pm.

11. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:

- a. Russell Covington; Robert Moore; Randy Sipes; Randal Sipes, Jr.; Laborers' International Union of North America Local Union No. 783 vs. Great Basin Unified Air Pollution Control District; Mono County Superior Court, Case No. CV140075; pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
- b. Mammoth Community Water District vs. Great Basin Unified Air Pollution Control District; Mono County Superior Court, Case No. CV140076; pursuant to subdivision (a) of Section 54956.9 of the California Government Code.

12. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – City of Los Angeles v. Great Basin Unified Air Pollution Control District, et al., Superior Court of the State of California, County of Sacramento, Case No. 34-2013-80001451-CU-WM-GDS, Interpretation of 2014 Stipulated Judgment Recital BB, Paragraphs 2, 3, 9, District 2013 Stipulated Order of Abatement, and District Board Order #160413-01, pursuant California Government Code §54956.9 (d)(4).

The Board reconvened into open session at 1:05 pm with nothing to report.

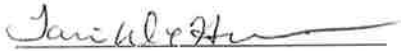
Adjournment

The meeting was adjourned by Board Chair Wentworth at 1:05 pm. The Board will reconvene in open session at 10:00 am, at a future date to be announced.



Board Chair

Attest:



Tori DeHaven, Board Clerk