



# California Regional Water Quality Control Board Lahontan Region



**Matthew Rodriguez**  
Secretary for  
Environmental Protection

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

**Edmund G. Brown Jr.**  
Governor

## MINUTES

September 14-15, 2011

Regular Meeting – Kings Beach, CA

### REGULAR MEETING

Chairman Clarke called the meeting to order at 3:12 p.m. on September 14, 2011.

#### Board Members Present

Jack Clarke, Apple Valley  
Mike Dispenza, Palmdale  
Amy Horne, Ph.D., Truckee  
Don Jardine, Markleeville  
Peter C. Pumphrey, Bishop  
Eric Sandel, Truckee

#### Board Member Absent

Keith Dyas, Rosamond

#### Legal Counsel

Kimberly Niemeyer, Office of Chief Counsel, State Water Resources Control Board  
David Boyers, Office of Chief Counsel, State Water Resources Control Board  
Cris Carrigan, Office of Enforcement, State Water Resources Control Board

#### Staff Present

Harold Singer, Executive Officer  
Lauri Kemper, Assistant Executive Officer  
Doug Smith, Supervising Eng. Geologist  
Charles Curtis, Supervising WRCE  
Scott Ferguson, Senior WRCE  
Richard Booth, Senior Eng. Geologist

Robert Larsen, Environmental Scientist  
Robert Tucker, WRCE  
Lisa Scorable, Engineering Geologist  
Taylor Zentner, Environmental Scientist  
Amber Wike, Office Technician

California Environmental Protection Agency



Recycled Paper

**Addressing the Board**

Ivo Bergsohn, South Tahoe Public Utility District  
Robert Costa, Placer County  
Brendan Ferry, El Dorado County  
David Smith, US EPA  
Penny Stewart, California Tahoe Conservancy  
Cris Carrigan, State Water Resources Control Board  
David Boyers, State Water Resources Control Board

**REGULAR MEETING**

**Wednesday, September 14, 2011- 3 p.m.**

**INTRODUCTIONS**

Chairman Clarke introduced the Water Board members. Mr. Singer introduced the Water Board staff and counsel.

**1. OTHER BUSINESS**

Scott Ferguson gave his presentation on the Administrative Civil Liability Penalty Calculator.

**2. EXECUTIVE OFFICER'S REPORT**

Mr. Singer discussed items from the July 16, 2011 – August 15, 2011 written report and answered questions from the Board.

Mr. Singer informed the Board that PG&E proposed hosting Tour of the Hinkley Chromium 6 issues as part of the October Water Board Meeting. Mr. Singer discussed the schedules for future board meetings for the rest of this year and early next year.

October – South (Two Department of Fish & Game Hatchery NPDES permits, Adelanto CDO status report, Presentation on Salt and Nutrient Management Plan); November – North (Municipal NPDES Permit implementing the Lake Tahoe TMDL, Basin Plan Amendment Pesticides); 2012 January and February – South (PGE, a number of enforcement items, DoD). Mr. Singer also stated that these dates could be flexible depending on the Board's schedules.

Recessed for Dinner at 4:55 p.m..

Meeting reconvened at 7:00 p.m.



### 3. **MINUTES**

Minutes of the Regular Meeting of July 13-14, 2011 in South Lake Tahoe and Victorville, CA via Teleconference. (Rebecca Phillips)

- **Motion:** Moved by Mr. Dispenza seconded by Dr. Amy Horne and **unanimously carried** to adopt the July 13-14, 2011 minutes with one correction. Replace Chairman Clarke with Vice Chairman Jardine, for calling the July 13-14, 2011 meeting to order.

### 4. **CLOSED SESSION**

Note: The Board decided to make closed session the last item of the night.

The Board met in closed session from 9:35 p.m. to 9:50 p.m. to consider items h and k:

**Authority:** Government Code section 11126, subdivision (e), and subdivision (a), respectively.

The Board reconvened in open session at 9:51 p.m.

Note: The meeting recessed at 9:51 p.m.

### 5. **PUBLIC FORUM**

There was nobody present from the public to address the Board.

### **WASTE DISCHARGE REQUIREMENTS**

### 6. **Water Reclamation Requirements and Waste Discharge Requirements for South Tahoe Public Utility District, Discharge of Recycled Wastewater onto the Diamond Valley Ranch, Alpine County.**

Note: Vice Chairman Don Jardine recused himself from Item 6 because of a potential conflict.

Robert Tucker gave his presentation to the Board.

Ivo Berghson spoke to the Board Members on behalf of South Tahoe Public Utility District.

- **Motion** moved by Mr. Sandel to to adopt the order with one modification. Dr. Amy Horne seconded, and the motion was carried **unanimously**.

Note: Remove the last five words of Section C, No. 2, page 18; "and freshwater conveyance piping system. "

**7. Public Hearing: Updated Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for Stormwater/Urban Runoff Discharges from El Dorado County, Placer County, and the City of South Lake Tahoe within the Lake Tahoe Hydrologic Unit, Placer and El Dorado counties**

Robert Larsen gave his presentation to the Board.

Robert Costa (Placer County), Brendan Ferry (El Dorado County), David Smith (US EPA), and Penny Stewart (California Tahoe Conservancy) addressed the Board after the presentation with questions and concerns.

**OTHER BUSINESS**

**8. Reports by Water Board Chair and Board Member.**

Chairman Clarke discussed issues raised during a Chair's Conference call he attended on Monday, September 12, 2011.

Chairman Clarke also mentioned that Reed Sato transferred to DTSC as its Chief Counsel.

**Thursday, September 15, 2011 – 8:30 a.m.**

Note: Item 10 was heard before the Board because of no presentation, before Item 9.

**ENFORCEMENT ACTIONS**

**9. Public Hearing: Consideration of the Issuance of Cease and Desist Orders for Multiple Property Owners for the Discharge or Threatened Discharge of Waste in Violation of a Discharge Prohibition Specified by the Water Quality Control Plan for the Lahontan Region and, Where Applicable, the Rescission of the Listed Cease and Desist Order, Spalding Tract, Eagle Lake, Lassen County**

Chairman Clarke read his opening statement.

Chairman Clarke opened the public hearing and asked if there were any agencies or anyone from the public who wanted to testify during the hearing to take an oath. Lauri Kemper, Scott Ferguson, Chuck Curtis, Lisa Scorable Taylor Zentner, Cris Carrigan, and David Boyers all took an oath.

David Boyers asked the Board to dismiss without prejudice eleven of the names listed as they have complied with the Order.

Lauri Kemper gave a closing statement.

**California Environmental Protection Agency**



Recycled Paper

**Motion:** Moved by Mr. Sandel with the deletion to the eleven owners. Dr. Amy Horne seconded the motion. Chairman Clarke called for a roll call as this order needed five votes to carry.

Dr. Amy Horne, yes.  
Mr. Peter Pumphrey, yes.  
Chairman Jack Clarke, yes.  
Vice Chairman Don Jardine, yes.  
Mike Dispenza, yes.  
Eric Sandel, yes.

- Motion was carried 6-0 (**unanimously**)

### **RESCISSION OF WAIVER OF WASTE DISCHARGE REQUIREMENTS**

10. **Rescission of Waiver Filing a Report of Waste Discharges and Waiver of Waste Discharge Requirements for Vegetation Management Activities Regulated by the Tahoe Regional Planning Agency and Authorizing the Lahontan Water Board's Executive Office to Enter into a Memorandum of Understanding with the TRPA (Resolution No. R6T-2008-0038).**

- **Motion:** Moved by Mr. Sandel, seconded by Mr. Pumphrey and **unanimously carried** to adopt the Rescission of Waiver Filing a Report of Waste Discharges and Waiver of Waste Discharge Requirements for Vegetation Management Activities Regulated by the Tahoe Regional Planning Agency and Authorizing the Lahontan Water Board's Executive Office to Enter into a Memorandum of Understanding with the TRPA (Resolution No. R6T-2008-0038).

### **ADJOURNMENT**

With no further business to come before the Board, the meeting adjourned at 9:07 a.m. on September 15, 2011

Prepared by: \_\_\_\_\_ Adopted: \_\_\_\_\_  
Amber Wike, Office Technician

ADW/T/BOInfo/Minutes/final\_draftMinutes 9-16-2011rp