



California Regional Water Quality Control Board Lahontan Region



Linda S. Adams
Secretary of
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Arnold Schwarzenegger
Governor

MINUTES September 8, 2010

Regular Meeting

Lake Tahoe Community College
Board and Aspen Rooms
One College Drive
South Lake Tahoe, CA 96150

Chairman Clarke called the meeting to order at 9:14 a.m. on September 8, 2010.

Board Members Present

Jack Clarke, Apple Valley
Mike Dispenza, Palmdale
Keith Dyas, Rosamond
Amy Horne, Ph.D., Truckee
Don Jardine, Markleeville
Eric Sandel, Truckee

Board Member Absent

None

Legal Counsel

Kimberly Niemeyer, Office of Chief Counsel, State Water Resources Control Board

Staff Present

Harold Singer, Executive Officer
Lauri Kemper, Assistant Executive Officer
Charles Curtis, Supervising WRCE
Laurie Applegate, Executive Assistant
Allison Bratton, Student
Mary Fiore-Wagner, Env. Scientist
Anne Holden, Env. Geologist
Robert Larsen, Env. Scientist
Allen McDermott, Student

Alan Miller, Senior WRCE
Carly Nilson, Env. Scientist
Hannah Schembri, WRCE
Lisa Scorale, Eng. Geologist
Laurie Scribe, Env. Scientist
Eric Shay, Assoc. Gov. Program Analyst
Doug Smith, Senior Eng. Geologist
Dan Sussman, Env. Scientist

Addressing the Board

Leslie Case, California Department of Transportation, District 3
Robert Costa, Placer County
Robert Erlich, City of South Lake Tahoe
Steve Kooyman, El Dorado County Department of Transportation
Jack Landy, U.S. Environmental Protection Agency

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Addressing the Board, contd.

Doug Martin, Nevada Tahoe Conservation District
Russ Nygaard, El Dorado County Department of Transportation
Jennifer Quashnick, Tahoe Area Sierra Club
Steve Teshara, Sustainable Community Advocates

INTRODUCTIONS

Mr. Clarke introduced the Board members. Mr. Singer introduced the staff and welcomed Kimberly Niemeyer, the Board's legal counsel.

1. PUBLIC FORUM

No one addressed the Board during the Public Forum.

2. MINUTES

Minutes of the Regular Meeting of July 14, 2010 in South Lake Tahoe and Victorville (video/teleconference)

- **Motion:** Moved by Dr. Horne, seconded by Mr. Dispenza and **unanimously carried** to adopt the July 14, 2010 minutes as written.

PLANNING

3. Public Hearing for: (A) Proposed Amendments to the Water Quality Control Plan for the Lahontan Region to Incorporate the Lake Tahoe Total Maximum Daily Load (TMDL) for Sediment and Nutrients, and (B) Draft Substitute Environmental Documents

Chairman Clarke read an opening statement and opened the public hearing.

Doug Smith, Chief of the TMDL Unit, gave introductory remarks and introduced Doug Martin, District Manager of the Nevada Tahoe Conservation District. Mr. Martin noted the State of Nevada shares the TMDL with the State of California. Mr. Martin discussed the video "The Lake Tahoe Clarity Challenge" and acknowledged the partners who collaborated in making the video and those who will implement the TMDL.

Robert Larsen, Environmental Scientist with the TMDL Unit, gave the staff presentation. Mr. Larsen summarized the Lake Tahoe TMDL Basin Plan Amendment and discussed the Lake Tahoe TMDL Substitute Environmental Document and implementation of the Lake Tahoe TMDL. Mr. Larsen, Mr. Smith and Mr. Singer answered questions from the Board.



Addressing the Board: Russ Nygaard, Deputy Director of Engineering, El Dorado County Department of Transportation; Steve Kooyman, Supervising Engineer, El Dorado County Department of Transportation; Robert Costa, Placer County; and Robert Erlich, Storm Water Coordinator, City of South Lake Tahoe.

Mr. Singer provided background information regarding unfunded State mandates in response to a comment by Robert Erlich.

Note: The Board conducted a closed session during the lunch break. See continuation of Item 3 below*.

6. **CLOSED SESSION**

The Board met in closed session from 12:25 p.m. to 1:07 p.m. to discuss Items 6d and 6h. **Authority:** Government Code section 11126(e). The Board reconvened in open session at 1:30 p.m.

PLANNING

3. ****Continued from morning session after lunch break: Public Hearing for: (A) Proposed Amendments to the Water Quality Control Plan for the Lahontan Region to Incorporate the Lake Tahoe Total Maximum Daily Load for Sediment and Nutrients, and (B) Draft Substitute Environmental Documents***

Addressing the Board, continued: Leslie Case, California Department of Transportation, District 3; Jack Landy, Lake Tahoe Basin Coordinator, U.S. Environmental Protection Agency; Steve Teshara, Sustainable Community Advocates; and Jennifer Quashnick, Tahoe Area Sierra Club.

Robert Larsen clarified that staff was withdrawing the portions of the Basin Plan Amendment that proposed eliminating numeric effluent limits for storm water discharges to infiltration systems, and that proposed eliminating numerical effluent limits for total iron and oil and grease for discharges to surface water. He explained that although staff still supports eliminating the above numeric effluent limits, staff did not include these elements in the project description for environmental analysis and therefore did not thoroughly document the potential environment impacts of removing those portions of the effluent limits from the Basin Plan. Mr. Singer discussed the need for future amendments to Chapter 5 of the Basin Plan and possible timelines for accomplishing the task.

Mr. Larsen also clarified information about the economic analysis performed by staff. He noted the analysis was limited to the expected cost of implementation and was a rough estimate of what the program might cost. Doug Smith drew the Board's attention to Chapter 12 (Adaptive Management) and Chapter 16 (Economic Considerations and Cost Estimates) of the Final Lake Tahoe Total Maximum Daily Load Report.

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Board Discussion

Mr. Sandel complimented staff on the quality of the work produced.

Mr. Jardine commented that he appreciated the input received from the public.

Mr. Dispenza suggested the goal be moved out about five years because of the downturn of the economy.

Mr. Dyas commented that the TMDL scientific analysis was impressive. He suggested that the Board consider approving the schedule as proposed with the possibility of altering the schedule if it appears dischargers cannot comply because of the state of the economy. He felt that the substitute environmental document adequately analyzed the environmental impacts.

Dr. Horne commented that adopting the Basin Plan Amendment presented an opportunity for the Board to go in a new direction; looking at the number of particles of fine sediment going into the lake as opposed to concentrations. She felt the schedule in the Basin Plan Amendment was reasonable given the opportunities provided for revisiting the schedule in adaptive management. Dr. Horne commented that there is still confusion about who is being held accountable for achieving load reductions and noted that she wanted to hear clearly how all four sources of the pollutants will be held accountable when the Board meets in November. Dr. Horne asked Mr. Singer to look into adding language in the Basin Plan that would hold the Board accountable for dealing with water quality in the near shore environment.

Mr. Clarke noted the document, although not perfect, is a step in the right direction and can be changed as new things are learned. He stressed the need to work together and for flexibility due to the uncertainty of the economy.

Mr. Singer responded to comments made by the Board. He noted staff will be sending out a second version of the proposed Basin Plan amendments at least 30 days before the November Board meeting. The second version of the amendments will clean up amendment language, respond to issues raised by Board members and to public comments.

Mr. Clarke adjourned the public hearing until the November Board meeting.

OTHER BUSINESS

4. Executive Officer's Report

Mr. Singer discussed items from the August/September written report and answered questions from the Board.



The Board considered the 2011 Board Meeting Schedule. The schedule will be posted on the Board's website.

Mr. Singer discussed the possibility of moving the November 9-10, 2010 Board meeting to the third week of November. Staff will check the availability of the Lake Tahoe Community College Board Room in South Lake Tahoe.

Mr. Sandel suggested the near shore issue be added to the Status of Standing Items. Mr. Singer concurred and suggested a status report on a semi-annual basis.

Lauri Kemper discussed the Quarterly Violations Report. Mr. Clarke clarified that San Bernardino County CSA 70 should be changed to Helendale Community Services District (last line on page 15 of 37 of the report).

5. Reports by Chair and Board Members

Dr. Horne discussed a week-long course she attended in August at the Sagehen Creek Field Station, Sagehen Experimental Forest regarding stream restoration.

Mr. Clarke gave a report about the Chair's conference call.

ADJOURNMENT

With no further business to come before the Board, the meeting adjourned at 3:50 p.m. on September 8, 2010.

Prepared by: *Laurie Applegate* Adopted: October 13, 2010
Laurie Applegate, Executive Assistant

