
Lahontan Regional Water Quality Control Board

MINUTES

October 10-11, 2012

Regular Meeting

Lahontan Regional Water Quality Control Board Annex
971 Silver Dollar Avenue
South Lake Tahoe, CA 96150

Board Members Present

Don Jardine, Chair, Markleeville
Amy Horne, Ph.D., Truckee
Peter C. Pumphrey, Vice Chair, Bishop
Keith Dyas, Rosamond
Eric Sandel, Truckee

Board Member Absent

Jack Clarke, Apple Valley

Legal Counsel

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

Staff Present

Patty Z. Kouyoumdjian, Executive Officer
Lauri Kemper, Assistant Executive Officer
Charles Curtis, Supervising WRCE
Doug Smith, Supervising Engineering Geologist
Scott Ferguson, Senior WRCE
Richard Booth, Senior Engineering Geologist

Alan Miller, Senior WRCE
Lisa Scorable, Engineering Geologist
Rob Tucker, WRCE
Robert Larsen, Staff Environmental Scientist
Dan Sussman, Environmental Scientist
Sue Genera, Executive Assistant

Regular Meeting Wednesday, October 10, 2012, 1:00 p.m.**INTRODUCTIONS**

Chairman Don Jardine called the meeting to order at 1:02 p.m. on October 10, 2012, and introduced Board members.

Patty Z. Kouyoumdjian, Executive Officer, introduced Legal Counsel and Water Board staff.

OTHER BUSINESS**1. MINUTES**

Minutes of the Regular Meeting of September 12-13, 2012, held in Barstow, CA

- **Motion:** Moved by Mr. Dyas, seconded by Mr. Pumphrey, and **unanimously carried** to adopt minutes as presented.

Click here to view the adopted [September 2012 Minutes](#).

2. Executive Officer's Report

Ms. Kouyoumdjian, Executive Officer, presented the [October Written Report](#) and gave additional updates on:

- a. Lahontan Staff, Bud Amorfini is now our CalTrans liason for the entire Region. Bud has a lot of experience working with CalTrans and does a great job coordinating with them.
- b. We have just concluded a successful two-day all staff training in our Lake Tahoe headquarters. The training was sponsored by the State Board Training Academy and I am happy to report that most of the Victorville and Lake Tahoe staff attended the training.
- c. For review is the proposed schedule of Board meetings and locations for 2013.
- d. On October 16, we will be holding a public workshop at the Hinkley Elementary School to walk residents through the EIR and answer their questions. We continue to work with the Hinkley Community Advisory Committee (CAC) to get their comments on the EIR and are helping them find a facilitator for their meetings. The previous meeting of the CAC was quite unruly and Regional staff were not treated professionally. The next meeting of the CAC is scheduled for October 25 and we will have staff attending.
- e. The LA Times is expected to post a story and photo essay this weekend on the Hinkley community. The article will focus on PG& E property acquisitions and future land use expectations for the town. According to recent informal comments, it is speculated that of the 300 households in the replacement water program that potentially up to 200 households may accept the property buyout.
- f. Staff have updated our website to organize the public health information in one area in response to public requests. We now have a spot that contains previous assessment prepared by the California Cancer Registry for the periods of 1988-93 and 1996-2008. It also contains OEHHA's PHG information and chemical facts sheets prepared by OEHHA on constituents of concern (arsenic, chromium,

- manganese, etc). I am about to send a letter to Dept of Public Health inquiring if they have any current information on cancer or birth defects cases.
- g. PG&E sent me a status letter on Sept. 17 regarding the 18 wells having Chrome 6 levels above background concentrations. So far, 14 owners are pursuing property purchase, 3 want the filter systems, and one wants nothing. Filter systems will be installed by end of October for the 3 residents. I will get an update after PG&E's Oct. 15 deadline on final replacement water selections.
 - h. The Leviathan Mine trial began on October 9 and jury selection is underway. Opening arguments start next week and our staff will be in Southern California helping with the trial. The trial will address the 1983 settlement agreement between ARCO and the Regional Board, and apportioned responsibilities for the mine cleanup.
 - i. I will be meeting with the owners of Nursery Products next week in Victorville to discuss the status of the facility and their past due reports, including a financial assurance report. We did receive a Construction Quality Assurance Report that is being reviewed by staff. The facility still owes us revised closure and corrective action plans to handle reduced on-site waste loads. The facility has provided \$200,000 for closure, of over \$700,000 needed; and zero for corrective action. The facility may request to process a smaller volume of compost, therefore potentially needing a reduced financial assurance set aside. Unfortunately, the facility continues to accepting waste without Regional Board authorization and the owner has been told several times to stop accepting waste until they are in compliance. Two Notice of Violations have been issued and staff continues to receive complaints from the community. The Regional Board staff is watching the site closely and conducting frequent inspections.
 - j. We will continue our collaborative work with Lake Tahoe Basin Management Unit over the Fall and Winter to streamline and improve our joint efforts for fuel reduction and water quality improvement. We hope to craft some templates and conduct more joint CEQA-NEPA projects next year. Our goal is to have operational plans for the South Shore Project and Carnelian Bay worked out and ready to go next Spring. The construction season ends next week and projects are being wrapped up in the Basin.

The Board approved the 2013 schedule as presented.

3. **ADOPTION OF UNCONTESTED CALENDAR**

Note: An (*) appears next to items adopted by the Board on the uncontested calendar.

- **Motion:** Moved by Dr. Horne, seconded by Mr. Sandel and **unanimously carried** to adopt the uncontested calendar.

REVISED WASTE DISCHARGE REQUIREMENTS

4. ***Amendment to Waste Discharge Requirements for the Susanville Sanitary District, Wastewater Treatment Plant Discharges to the Jensen Slough Via Outfall 001, Lassen County**

*See Item No. 3 for Board Action.

Click here to view adopted [Amended Order No. R6T-2008-0022-A01](#)

ENFORCEMENT**ITEMS 5-8**

Mr. Scott Ferguson, Senior WRCE, addressed the Board and presented compliance status of all four Dischargers within the Spalding Tract Subdivision and answered Board member questions. The Board recessed into Closed Session from 2:25 p.m. to 3:29 p.m. to deliberate. The Board announced that these Items would be continued until the following morning to allow the Advisory Team and Legal Council time to amend Order language. This Item continued at 10:21 a.m. on October 11, 2012. The Advisory Team and Legal Council presented amended language to the Board and Prosecution Team for approval.

- **Motion:** Moved by Mr. Pumphrey, seconded by Mr. Sandel, and **unanimously carried** to adopt Items 5, 6, 7, and 8, Administrative Civil Liability Orders for Dischargers within the Spalding Tract Subdivision with corrected errata and amended language and liability amounts.

5. **Public Hearing - Consideration of an Administrative Civil Liability (ACL) Order for NANCO, Inc. (Discharger) for Violating Cease and Desist Order No. R6T-2009-0108, Spalding Tract Subdivision, Lassen County APN 077-292-11-11**

Click here to view adopted [Administrative Civil Liability Order No. R6T-2012-0053](#)

6. **Public Hearing - Consideration of an Administrative Civil Liability (ACL) Order for Neil, Gerald & Janet JT for Violating Cease and Desist Order Nos. R6T-2009-0088, R6T-2009-0089, R6T-2009-0090, R6T-2009-0091, R6T-2009-0092, and R6T-2009-0093, Spalding Tract Subdivision, Lassen County APNs 077-361-23-11, 077-143-10-11, 077-163-06-11, 077-271-09-11, 077-272-43-11, and 077-133-10-11**

Click here to view adopted [Administrative Civil Liability Order No. R6V-2012-0055](#)

7. **Public Hearing - Consideration of an Administrative Civil Liability (ACL) Order for Robinson, Gary L. for Violating Cease and Desist Order Nos. R6T-2009-0115 and R6T-2009-0116, Spalding Tract Subdivision, Lassen County APNs 077-200-02-11 and 077-200-03-11**

Click here to view adopted [Administrative Civil Liability Order No. R6V-2012-0052](#)

8. **Public Hearing - Consideration of an Administrative Civil Liability (ACL) Order for Winters, Laurel G. for Violating Cease and Desist Order No. R6T-2009-0130, Spalding Tract Subdivision, Lassen County APN 077-162-03-11**

Click here to view adopted [Administrative Civil Liability Order No. R6V-2012-0054](#)

CLOSED SESSION**

The Board met in Closed Session from 3:39-5:00 p.m. to discuss matters related to personnel. Information was provided to the Board. No reportable action was taken.

Dinner Recess Approximately 5-7 p.m.

REGULAR MEETING (cont.)**Addressing the Board**

Clair Fortier, Mayor, City of South Lake Tahoe
Jack Landy, U.S. EPA
Ted Thayer, Aquatic Invasive Species Program Coordinator, TRPA

INTRODUCTIONS

Chairman Don Jardine called the meeting to order at 7:02 p.m. on October 12, 2012.

9. **PUBLIC FORUM**- No Comments**REVISED WASTE DISCHARGE REQUIREMENTS**10. **Amended Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for Storm Water/Urban Runoff Discharges from El Dorado County, Placer County, and the City of South Lake Tahoe within the Lake Tahoe Hydrologic Unit, El Dorado and Placer Counties, Order R6T-2011-0101a1.**

Mr. Robert Larsen, Staff Environmental Scientist, addressed the Board and gave a power point presentation detailing the proposed amendments developed by co-permittees, elected officials, and Water Board staff, to resolve concerns expressed in a petition by the co-permittees to the Board.

Public Comment

- 1) Mayor Clair Fortier addressed the Board in support of the amended Order and commended Water Board staff for their effort.
- 2) Mr. Jack Landy addressed the Board and on behalf of the U.S. EPA, gave their support of the amended Order.
 - **Motion:** Moved by Mr. Pumphrey, seconded by Dr. Horne, and **unanimously carried** to adopt the amended Order as presented.

Click here to view adopted [Order No. R6T-2011-101A1](#)

WORKSHOP11. **Lake Tahoe Total Maximum Daily Load and Near Shore Status Update, El Dorado and Placer Counties.**

Mr. Robert Larsen, Staff Environmental Scientist, addressed the Board and presented an informational update on the Lake Tahoe TMDL. Mr. Larsen highlighted the Lake Clarity Crediting Program Tools Integration, Regional Storm Water Monitoring Program, and Lake Tahoe TMDL Management System.

Mr. Dan Sussman, Environmental Scientist, lead the second segment of this presentation. Mr. Sussman updated the Board on the Lake Tahoe Nearshore Science Grant, Nearshore

next steps including policy direction, and the Lake Tahoe Invasive Species Program which focus is to prevent, detect, and control invasive weeds and invasive species.

Public Comment

- 1) Mr. Ted Thayer thanked the Board and Board staff for their financial, technical, and policy support which contributes to the Invasive Species Program's success.

Note: The meeting recessed at 8:07 p.m.

Regular Meeting Thursday, October 11, 2012, 8:30 a.m.

Addressing the Board

Barry Hill, U.S. Forest Service
Michael Blum, U.S. Navy
Bill Thomas, Centennial Ranches

INTRODUCTIONS

Chairman Don Jardine called the meeting to order at 8:33 a.m. on October 11, 2012, and introduced Board members.

The Executive Officer introduced Legal Counsel and Water Board staff.

PLANS & POLICIES

12. Scoping Meeting – 2012 Triennial Review of the Water Quality Control Plan for the Lahontan Region (Basin Plan)

Richard Booth, Senior Engineering Geologist addressed the Board and continued his presentation from the September Board meeting in Barstow. At the September meeting, the Board requested staff develop objective criteria to rank the uncommitted projects based on, number of people impacted, economic dollars at risk, beneficial uses affected, precedence, etc. To address this request, Mr. Booth developed a Criteria Matrix for Board and Public input. The responses received from this Matrix will assist staff in ranking the projects in a final report to the Board at its January 2013 meeting.

Public Comment

- 1) Mr. Barry Hill addressed the Board and referenced a letter from the USDA Forest Service to Mr. Booth dated September 26, 2012. In its letter, the Forest Service recommends, for the revision of water quality objectives for bacteria, that the Board immediately shift either to the former U.S. EPA standard of 200 cfu/100 MI, consistent with the neighboring Central Valley Region, or the proposed U.S. EPA standard for E. Coli.
- 2) Mr. Michael Bloom requested that the China Lake MUN be a committed project in the Basin Plan update.
- 3) Mr. Bill Thomas requested that the revision of water quality objectives for bacteria, Option 2, be made a committed project in the Basin Plan, specifically Phase I, which would change the CFU for the Bridgeport Valley to 200 CFU.

REPORTS**13. Reports by Water Board Chair and Board Members**

Dr. Horne informed the Board that she recently spoke to fellow Board member Jack Clarke who is in recovery from an illness. Dr. Horne distributed a "get well soon" card for the Board to send Jack.

14. CLOSED SESSION**

The Board met in Closed Session from 11:05-11:30 a.m. to discuss matters related to personnel. Information was provided to the Board. No reportable action was taken.

ADJOURNMENT

With no further business to come before the Board, the meeting adjourned at 11:30 a.m. on October 11, 2012.

Prepared by:


Sue Genera, Executive Assistant

Adopted:

