



California Regional Water Quality Control Board

Lahontan Region



Winston H. Hickox
Secretary for
Environmental
Protection

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Gray Davis
Governor

MINUTES

July 24-25, 2002

Regular Meeting

Lahontan Regional Water Quality Control Board
Convention Center, Super 8 Motel
3600 Lake Tahoe Boulevard/Hwy 50
South Lake Tahoe, CA

Chair Jack Clarke called the meeting to order at 1:05 p.m. on July 24, 2002.

BOARD MEMBERS PRESENT

John Brissenden, Hope Valley
Eugene B. Nebeker, Ph.D., Lancaster
Eric Sandel, P.E. Truckee
Claudette Roberts, Palmdale
William Betterley, Hesperia
Jack Clarke, Apple Valley

BOARD MEMBERS ABSENT

None

LEGAL COUNSEL

Steven H. Blum, State Water Resources Control Board

STAFF PRESENT

Harold J. Singer, Executive Officer
Hisam Baqai, Supervising WRCE, South Lahontan Watersheds Division
Chuck Curtis, Supervising WRCE, Planning and Toxics Division
Lauri Kemper, Supervising WRCE, N. Lahontan Watersheds Division
Judith Unsicker, Staff Environmental Scientist
Cindy Wise, Staff Environmental Scientist
Scott Ferguson, Senior WRCE, Northern Watersheds
Cindi Mitton, Senior WRCE, Mono/Owens Watershed
Mary Fiore-Wagner, Environmental Scientist
Martin Goldberg, Environmental Scientist
Kai Dunn, WRCE, Mono/Owens Watershed
Hannah Schembri, Student Assistant, TMDL Unit
Pamela S. Walker, Administrative Officer
Marietta L. Christoffersen, Office Technician

1. PUBLIC FORUM

No one addressed the Board during the Public Forum.

2. MINUTES

- **Motion:** Moved by Eric Sandel, seconded by William Betterley and **unanimously carried** to adopt the May minutes as amended, correcting the spelling of Hesperia next to William Betterley's name.

PLANS AND POLICIES**3. *Public Hearing – Total Maximum Daily Load (TMDL) and Implementation Plan for Indian Creek Reservoir***

Chair Jack Clarke opened the public hearing and administered the oath.

John Brissenden excused himself from the item due to having two permits on the river.

Chuck Curtis, Supervising WRCE, Planning and Toxics Division gave the presentation that discussed the Indian Creek Reservoir water quality restoration plan.

- Description of existing TMDL
- Description of proposed revisions to Basin Plan amendments and environmental document

Indian Creek Reservoir (ICR) in Alpine County was formerly used to store tertiary-treated wastewater exported from the South Lake Tahoe area by the South Tahoe Public Utility District (STPUD). In 1989, the STPUD discontinued wastewater storage in ICR, but purchased water rights to maintain the reservoir's level so that it could continue to be used as a recreational fishery.

ICR was placed on the Section 303(d) list of water bodies requiring TMDLs in the 1980s due to eutrophication. Symptoms of eutrophication, resulting from high nutrient loading, include high productivity and biomass of algae and other aquatic plants, low water transparency, and depletion of oxygen. These factors adversely affect beneficial use for aquatic life and recreation.

The revised draft Basin Plan amendments before the Board would incorporate a phosphorus TMDL and TMDL implementation program for ICR. The revised draft environmental document concludes that adoption of Basin Plan amendments will not have any new significant adverse environmental impacts. The environmental document also includes an economic impact analysis for the implementation program. As indicated by the chronology above, the amendments and

environmental document have been through two public review periods. In both cases, the draft amendments and environmental document were duly noticed in local newspapers and circulated to a mailing list of over 400 parties for a 45-day public review period. They were also made available on the Regional Board's Internet web page. A separate technical staff report and supplement were made available to the public on request.

An independent scientific peer reviewer, Dr. Gina Johnston of California State University, Chico, reviewed preliminary drafts of the amendments and related technical information in 1999. Significant revisions in the TMDL were made as a result of her comments. A staff response to Dr. Johnston's comments, explaining the reasons for not following all of her recommendations, will be included in the administrative record of the Basin Plan amendments.

Chris Gansberg, Chair, Alpine County Board of Supervisors expressed concerns that the cost of implementing required actions was not worth the water quality benefit.

Ed James, Carson Water Subconservancy District gave an overview of the district's goals to protect water quality in the watershed and expressed his concern that the phosphorus standard of .02 milligrams per liter is not obtainable.

Hal Bird, South Tahoe Public Utility District spoke about flushing flow and water rights evaporation and seepage in ICR and the need for the development of monitoring standards.

Harold Singer stated that monitoring standards and methodology are not typically incorporated into a TMDL or a water quality objective but that a mutually agreeable monitoring protocol for measuring the health of the reservoir will be developed.

Chair Jack Clarke closed the public hearing.

- **Motion:** Moved by Eric Sandel, seconded by Eugene Nebeker and **unanimously carried** to adopt the Total Maximum Daily Load (TMDL) and Implementation Plan for Indian Creek Reservoir

OTHER BUSINESS

4. Executive Officer's Report

Harold Singer highlighted several items from the written report:

319 Grant List – priority project. Mr. Singer will recommend that the South Tahoe Utility District project is priority one.

No. 1 – Meyers Beacon Station: The system is in place and we are on track.

No. 3 – Alpine County: Continuing to work with the county to develop project review and regulatory procedures.

No. 6 – Molycorp: trying to obtain permits from other agencies (US Fish & Game) that have not met statutory timeframes.

Standing Item Report – Monitoring reports for Searles Lake, Meyers Beacon, Molycorp and Town of Mammoth Lakes will be changed to quarterly.

Budgetary issues – State hiring freeze until July of 2003. Internally we are able to do some hiring. We have three vacancies between both offices. Elimination of numerous unfilled positions statewide has been proposed. We need to focus on priority issues like TMDLs, high priority enforcement cases, under ground storage cases and permits.

Waivers – Our waiver policy expires December 31, 2002 so we must adopt a new. Many of the categories in that waiver policy are low priority work. Our efforts will be focused on construction projects in high priority sensitive watersheds. Other high priorities are forestry projects and septic systems.

Forestry issues – John Brissenden attended a Forestry Workshop last week on behalf of the board. Currently, if a project proponent has an approved Timber Harvest Plan (THP) from CDF, WDRs are waived. We will be looking at high priority Timber Harvest Plans more closely from beginning to conclusion to ensure compliance. Because Forest Practice Rules contain significant loopholes, water quality may not be adequately protected. There are also problems with the way CDF implements its rules and the process itself; one is the limited timeframe in which the Regional Board can appeal a bad Timber Harvest Plan. A stricter waiver policy for Timber Harvest Plans that would allow us to review the plan and issue a letter of concurrence for the plan should be considered. The implications are that probably 80% of the projects will not qualify for the waiver because we do not have staff to review them. Review will be based on those Timber Harvest Plans that pose the highest threat to water quality. The Board does not lose its authority to take enforcement action on a project that has not been permitted or waived if there is a water quality problem.

This is the direction that we will be heading in regards to our waivers. We could be looking at a lot of low priority project applications that we will not bring to the Board.

John Brissenden provided his overview of the workshop. He feels that the industry is being ill served by the Board of Forestry and CDF.

The afternoon session adjourned at 4:40 p.m.

Regular Meeting, Continued
7:15 p.m., July 24, 2002

Chair Jack Clarke called the meeting to order at 7:15 p.m. Board members present: John Brissenden, Eugene Nebeker Ph.D., Eric Sandel P.E., Claudette Roberts, and William Betterley.

6. Intrawest California Holdings, Inc. Village East Bridge, Exemption to a Prohibition Contained in the Water Quality Control Plan for the Lahontan Region

There were no public comments on this item.

- **Motion:** Moved by William Betterley, seconded by Eric Sandel and **unanimously carried** to adopt the resolution.

7. Amendment to Resolution No. 6-98-37 for Expenditure of Funds from the Tahoe Keys Mitigation Fund for the California Department of Parks and Recreation Angora Creek Restoration Project

There were no public comments on this item.

- **Motion:** Moved by William Betterley, seconded by Eric Sandel and **unanimously carried** to adopt the resolution.

8. Workshop – Searles Lake: Workshop to Discuss Surface Water Quality and Beneficial Uses of Searles Lake.

The workshop continued the April 10, 2002 discussion of waterfowl use of Searles Lake and Valley and waterfowl mortality in the area.

Steve Hampton, California Department of Fish and Game provided an overview of the ponds and bird mortality.

Dr. Julie Yamamoto, California Department of Fish and Game continued discussion on bird mortality.

Mark Russell, International Bird Rescue Research Center discussed his observations of birds drinking and added comments about hazing.

Dr. Michael Fry, UC Davis summarized his April 2002 presentation.

James Jackson, IMCC gave a presentation addressing beneficial uses of Searles Dry Lakebed, stating that there is no appropriate use of Searles Lake for wildlife.

Dan Walsh, US Department of Fish and Wildlife Service agreed with California Department of Fish and Game on the reasons why birds are dying at Searles Lake and believes that modifying the mining operations to eliminate the ponds could be an option.

Ryan Todd, California Department of Fish and Game informed the Board he is not against a re-designation of the Searles Dry Lakebed area and is willing to look at the issue.

Harold Singer discussed the interim agreement between IMCC and the Department of Fish and Game that recognizes a certain "take" (bird mortality) in an operational unit, such as the ponds at Searles Lakebed. Mr. Singer pointed out that the Board has the potential to de-designate the beneficial uses of the ponds and that its regulatory authority stems from the beneficial use designations. Without beneficial use designations, no basis for establishing water quality objectives exist because the objectives are established based on the number that is necessary for protection of that beneficial use.

Steven H. Blum stated that there is a legal problem removing an existing beneficial use.

Darlene Ruiz, representing IMCC, commented that de-designation is not the issue, but that exploring the potential of site-specific objectives would be more appropriate.

Cindi Mitton summarized her April 2002 presentation and stated that we are still in the developmental stage, using good science and the best available technology to look at practical solutions.

9. REPORTS BY CHAIR AND BOARD MEMBERS

Board member Beatrice Cooley resigned last month. Board members expressed their desire to adopt a Resolution of Appreciation.

5. CLOSED SESSION

Board members met in closed session on July 24 from 9:55 p.m. to 10:20 p.m. to discuss Items f, k, m, and n. Authority: Government Code Section 11126(e)(2)(c)(i).

The evening session of the meeting adjourned at 10:21 p.m.

Regular Meeting, Continued **8:30 a.m., July 25, 2002**

Vice-Chair Eugene Nebeker called the morning session of the Board meeting to order at 8:38 a.m. at 2501 Lake Tahoe Blvd., South Lake Tahoe. All Board members except Jack Clarke were present.

10. CLOSED SESSION

Board members met in closed session on July 25, 2002 from 8:39 a.m. to 1:45 p.m. to tour Leviathan Mine.

There being no further business to come before the Lahontan Regional Board, the July 2002 meeting adjourned at 1:45 p.m.

Prepared by: _____ Adopted: October 9, 2002
Kathleen Minsky, Staff Services Analyst