



California Regional Water Quality Control Board

Lahontan Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

MINUTES

June 13-14, 2007
Bishop, California

Regular Meeting

June 13, 2007
City Council Chambers
377 West Line Road
Bishop, CA 93515

Amy Horne, Ph.D., Chair, called the meeting to order at 2:00 p.m. on June 13, 2007.

BOARD MEMBERS PRESENT

Jack Clarke, Apple Valley
Keith Dyas, Rosamond
Amy Horne, Ph.D., Truckee
Eric Sandel, Truckee
Susan J. Van Dam, Barstow

BOARD MEMBERS ABSENT

John Brissenden, Hope Valley

LEGAL COUNSEL

David Coupe, State Water Resources Control Board

STAFF PRESENT

Harold J. Singer, Executive Officer	Scott Ferguson, Senior WRCE
Robert S. Dodds, Assistant Executive Officer	Laurent Meillier, Engineering Geologist
Chuck Curtis, Supervising WRCE	Alan Miller, Senior WRCE
Lauri Kemper, Supervising WRCE	Eric Shay, Staff Services Analyst
Cindi Mitton, Senior WRCE	Tom Suk, Environmental Scientist
Mike Plaziak, Senior Engineering Geologist	Tobi Tyler, WRCE
Laurie Applegate, Executive Assistant	Bruce Warden, Ph.D., Environmental Scientist

ADDRESSING THE BOARD

Teri Cawelti, Owens Valley Indian Water Commission
Steven A. Fulstone, FM Fulstone, Inc.
Ken Nelson, Lake Arrowhead Community Services District
Bill Thomas, Centennial Ranch
Brian Tillemans, Los Angeles Department of Water and Power
Steve Weston and Hardy Strozier, Lake Arrowhead Country Club
Harry C. Williams

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WAIVER OF WASTE DISCHARGE REQUIREMENTS**1. Waiver of Waste Discharge Requirements for Grazing Operators in the Bridgeport and East Walker River Watersheds, Mono County**

Note: The presentation for Items 1 and 2 were given together. For information and Board action for both items, see Item 2.

OTHER BUSINESS**2. Resolution Certifying a Negative Declaration for a Waiver of Waste Discharge Requirements for Grazing Operators in the Bridgeport and East Walker River Watersheds, Mono County**

Bruce Warden, Ph.D., discussed the negative declaration (Item 1) and comments received from Brett Matzke, California Trout. Dr. Warden noted that Mr. Matzke initially opposed the project; however, retracted his opposition after additional information was provided to him by Dr. Warden (letters from Mr. Matzke dated June 6 and June 11 included in the agenda material). Dr. Warden noted the State Clearinghouse did not receive any comments by the June 11 deadline.

Dr. Warden gave the staff presentation for Item 2 and answered questions from the Board. Lauri Kemper answered questions from the Board and discussed the late revisions to the waiver. In addition to the changes outlined in the late revision sheet, Ms. Kemper suggested the following changes to the Resolution:

- Page 4, Finding No. 7 of the Resolution, add the following sentence:

Further, the waiver, in allowing for existing operators to continue in business and apply management practices in an iterative manner to achieve improvements to water quality, is consistent with the maximum benefit to the people of the state.

- Page 11, Resolve No. 9 of the Resolution, add the following (underlining shows addition):

The Water Board Executive Officer reserves the right to terminate individual's coverage under the waiver and the Water Board can impose individual Waste Discharge Requirements after proper notice and hearing (Water Code Section 13263).

- Page 11, Resolve No. 10 of Resolution, change date from June 13, 2007 to June 13, 2012 (underlining shows change):

This waiver expires June 13, 2012.

Addressing the Board: Bill Thomas, Centennial Ranches in the Bridgeport Valley; and Steven A. Fulstone, FM Fulstone, Inc.

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Dr. Horne expressed appreciation to the ranchers in the Bridgeport Valley for their collaboration.

Ms. Kemper discussed the attachment "General Provisions for Monitoring and Reporting". She explained that the attachment is included with all waste discharge requirements and contains standard language. She noted that items 1e and 1g are not applicable to the grazing waiver.

Following discussion, the Board decided to add the word "applicable" to the following sentence found on page 4, item 7 of the Monitoring and Reporting Program (underlining shows addition): "The Discharger shall comply with the applicable "General Provisions for Monitoring and Reporting," dated September 1, 1994, which is attached to and made part of this Monitoring and Reporting Program.

Board members discussed the Bridgeport Ranchers Organization's (BRO) request to change the frequency of fecal coliform monitoring from once every two weeks to once a month. Following discussion, the Board decided to adopt the Resolution as written with monitoring once every two weeks. Staff will compare the data collected in 2006 with the 2007 data and will meet with the BRO in early 2008 to discuss the results. Staff will then make a recommendation to the Board.

Note: Board members met in closed session on June 13, 2007 from 3:30 p.m. to 3:35 p.m. to deliberate on a decision to be reached based upon evidence introduced in the hearing.
Authority: Government Code Section 11126(c)(3).

Dr. Horne reconvened the meeting in open session at 3:36 p.m.

- **Motion for Item 2:** Moved by Mr. Clarke, seconded by Mr. Dyas and **unanimously carried** to adopt the Resolution certifying the negative declaration.
- **Motion for Item 1:** Moved by Mr. Clarke, seconded by Mrs. Van Dam and **unanimously carried** to adopt the Resolution waiving waste discharge requirements for grazing operations in the East Walker River watershed (Bridgeport Valley and tributaries) of the Lahontan Region, with the changes recommended by staff in the late revision sheet and the additional changes suggested by Ms. Kemper during the Board meeting. The motion included direction to staff to meet with the ranching community in January 2008 to discuss sampling, in the interim leaving the frequency of sampling as written, to be revisited in the future.

OTHER BUSINESS

3. Executive Officer's Report

- Mr. Singer discussed items from the June 2007 Executive Officer's written report.
- Mr. Singer and Cindi Mitton attended a meeting in May regarding Yucca Mountain. The California Energy Commission is taking the lead in reviewing

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California issues; Inyo County is looking at potential impacts to the County from the site. Mr. Singer noted the site has the potential to affect groundwater in the State of California. Mr. Singer will continue to follow this issue and will keep the Board informed.

- The United States Environmental Protection Agency and the U.S. Army Corps of Engineers issued a joint guidance memorandum on June 5, 2007 addressing jurisdiction over waters of the United States under the Clean Water Act. Mr. Singer discussed issues related to the memorandum.

Mr. Singer discussed changes to the U.S. Army Corps of Engineers (Corps) general permit for single family residences with wetland disturbance of less than 1/4 of an acre. The permit now applies to single family residences with wetland disturbance of less than 1/2 of an acre. The State Water Board has decided not to certify the Corps' general permit because of potential cumulative impacts. Mr. Singer discussed staffing and policy issues this change raises for the Lahontan Water Board (Board). Board staff will now be tasked with reviewing requests for water quality certification previously handled by the Corps. The Board previously gave direction to staff to not require project-specific mitigation from single family residences in subdivided areas with 1/4 of an acre or less of wetland disturbance. Mr. Singer noted that the issue needs to be revisited by the Board in the future. In the interim, he plans to continue to require mitigation for single family residences in subdivided areas with more than 1/4 of an acre of wetland disturbance.

- Mr. Singer gave an update regarding Nebeker Ranch. He noted monitoring of wells show high levels of nitrogen and TDS and that further investigation is needed. Board staff will review the historic and current data, the context, and past and present activities at the site and will work with Dr. Nebeker to develop a work plan.
- Mr. Singer will discuss the Bagley Valley access issue when Board member John Brissenden is present.
- Mr. Singer gave an update regarding the status of the Tahoe shore zone ordinances.

The meeting recessed at 5:00 p.m.



Regular Meeting, Continued
June 13, 2007 – 7:00 p.m.

Amy Horne, Ph.D., Chair, called the meeting to order at 7:00 p.m. Board members present: Jack Clarke, Keith Dyas, Eric Sandel, and Susan Van Dam. Board member absent: John Brissenden.

5. PUBLIC FORUM

No one addressed the Board during the Public Forum.

6. MINUTES

Minutes of the Regular Meeting of May 23-24, 2007 in Lancaster.

- **Motion:** Moved by Mr. Clarke, seconded by Mr. Sandel and **unanimously carried** to adopt the May 23-24, 2007 minutes as written. Note: Mr. Dyas abstained.

7. ADOPTION OF UNCONTESTED CALENDAR

Item 8 was removed from the uncontested calendar for consideration by the Board. Item 9 remained on the uncontested calendar.

- **Motion:** Moved by Mr. Dyas, seconded by Mr. Sandel and **unanimously carried** to adopt Item 9 on the uncontested calendar.

NEW WASTE DISCHARGE REQUIREMENTS

8. Master Water Recycling Requirements, Lake Arrowhead Community Services District Disinfected Tertiary Recycled Water, San Bernardino County

Mr. Singer removed Item 8 from the uncontested calendar so the Board could discuss the concept of incidental runoff.

Scott Ferguson gave the staff presentation and discussed staff's response to comments received from the Lake Arrowhead Country Club. He reviewed late revisions to the Order and recommended adoption of the Order with the late revisions.

Mr. Ferguson answered questions from the Board regarding incidental runoff, the quality of the discharged water, the treatment process, monitoring, and safeguards incorporated in the permit. In response to a question from the Board, Mr. Curtis discussed the quality of the water to be discharged by the Lake Arrowhead Community Services District.

Mr. Clarke noted the high quality of the recycled water and commented that the community needs the water.



Addressing the Board: Steve Weston and Hardy Strozier, Lake Arrowhead Country Club and Ken Nelson, Lake Arrowhead Community Services District.

Board members discussed issues related to incidental runoff. Dr. Horne questioned whether the permit contained safeguards. Mr. Ferguson expressed confidence that the permit ensures that appropriate monitoring is developed to verify that the permit satisfies compliance with the requirements, the Basin Plan, the guidance document and other applicable policies.

- **Motion:** Moved by Mr. Clarke, seconded by Mr. Sandel and **unanimously carried** to adopt the Order with the late revisions.

REVISED WASTE DISCHARGE REQUIREMENTS

9. San Bernardino County Solid Waste Management Division Phelan Class III Landfill, San Bernardino County

This item was adopted on the uncontested calendar. See Item 7 for Board action.

STATUS REPORT

10. Status Report on Progress of Negotiations to Develop Revised Settlement Proposal for Litigation Filed by County Sanitation Districts of Los Angeles County, Districts No. 14 and 20

Mr. Dyas declared a conflict of interest due to his employment with Edwards Air Force Base.

Mr. Singer noted the LACSD Board has not met since the Water Board's May meeting in Lancaster. The LACSD Board will meet on June 27 at which time LACSD staff will present information to their Board.

Mr. Singer noted Reed Sato will be the attorney representing the Water Board's prosecution team in the future.

4. CLOSED SESSION

Mr. Dyas declared a conflict of interest due to his employment with Edwards Air Force Base.

Board members met in closed session from 8:05 p.m. to 8:35 p.m. to discuss Items 4g and 4h. The Board reconvened in open session at 8:36 p.m.

The evening session recessed at 8:36 p.m.



Regular Meeting, Continued
June 14, 2007 – 8:30 a.m.

Amy Horne, Ph.D., Chair, called the meeting to order at 8:30 a.m. Board members present: Jack Clarke, Keith Dyas, Eric Sandel, and Susan Van Dam. Board members absent: John Brissenden.

11. PUBLIC FORUM

- Teri Cawelti, Executive Director, Owens Valley Indian Water Commission, discussed concerns related to the effect a swimming pool cooling system installed by the owner of Keough's Hot Springs Resort in the late 1990s has had on the temperature of natural pools located downstream of the Resort (known locally as Keough's Hot Ditch). Ms. Cawelti noted that since installation of the swimming pool cooling system by the Resort, the temperature of the waters below the Resort have lowered, affecting the natural healing benefits of the spring water.

Ms. Cawelti asked the Board to assist the Tribes and Resort owner to find a solution. Ms. Cawelti noted the Tribes use the area for cultural, spiritual, ceremonial and healing purposes and the waters are considered sacred. She asked the Board to designate the waters as having a "cultural" beneficial use when updating the Lahontan Basin Plan and requested that the Keough's Hot Ditch area be listed as thermally degraded when the 303(d) list is updated. Ms. Cawelti also expressed concern regarding groundwater pumping at Big Pine Fish Hatchery.

- Harry C. Williams, voiced concern regarding the thermal degradation of the Keough's Hot Ditch area. He noted the waters are used for healing and the area is considered sacred by Native Americans. Mr. Williams also expressed concern regarding the ditch system in the entire valley. He noted water quality and riparian habitat and vegetation have been degraded due to dredging, deepening the ditches. Mr. Williams also expressed concern regarding groundwater pumping at Fish Springs Fish Hatchery.

Mr. Singer responded to Ms. Cawelti's and Mr. Williams' concerns regarding the thermal degradation of the Keough's Hot Ditch area. He noted existing requirements in the Basin Plan appear to have been violated by the discharge of cooler water and can likely be resolved through regulatory action. He noted that Mike Plaziak would be meeting with Ms. Cawelti and Mr. Williams in the afternoon to discuss their concerns.

Mr. Singer noted additional information was needed regarding Mr. Williams' concern about dredging of the ditches in the valley. Mr. Singer will discuss the matter with Mr. Williams.

Mr. Singer commented that the Board does not have jurisdiction over groundwater pumping.



STATUS REPORT**12. Status Report on the Lower Owens River Project**

Brian Tillemans, Watershed Resources Manager and Manager for the Lower Owens River Project for the Los Angeles Department of Water and Power, gave the status report and answered questions from the Board.

13. Status Report on the Surface Water Ambient Monitoring Program (SWAMP)

Tom Suk gave the status report and answered questions from the Board. Mr. Suk introduced David B. Herbst, Ph.D., Sierra Nevada Aquatic Research Laboratory.

Dr. Horne complimented Mr. Suk and Dr. Herbst for their work.

OTHER BUSINESS**14. Reports by Chair and Board Members**

Dr. Horne gave a report regarding the Chairs' conference call, the status of SB 1001 (Perata), and the strategic plan meetings. The Chairs will meet in August to review the draft of the strategic plan. The Water Quality Coordinating Committee will meet in September. Dr. Horne asked Board members to encourage qualified candidates to apply to the Governor's office if interested in becoming a Regional Board member.

15. ADJOURNMENT

With no further business to come before the Board, the meeting adjourned at 10:20 a.m.

Prepared by:



Laurie Applegate, Executive Assistant

Adopted: August 29, 2007

