

Lahontan Regional Water Quality Control Board

MINUTES

March 9-10, 2016

Regular Meeting

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

Board Members Participating

Amy Horne, Ph.D., Chair, Truckee
Kimberly Cox, Helendale
Keith Dyas, Rosamond
Don Jardine, Markleeville
Eric Sandel, Truckee

Board Members Absent

Peter C. Pumphrey, Vice Chair, Bishop

Legal Counsel

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

State Board Staff Participating

Dorene D'Adamo, State Board Member

Regional Board Staff Participating

Patty Z. Kouyoumdjian, Executive Officer	Doug Cushman, Senior WRCE
Lauri Kemper, Assistant Executive Officer	Dan Sussman, Senior Environmental Scientist
Mike Plaziak, Sup. Engineering Geologist	Bob Larsen, Staff Environmental Scientist
Doug Smith, Sup. Engineering Geologist	Bud Amorfini, Engineering Geologist
Scott Ferguson, Supervising WRCE	Darin Witt, Water Resource Control Engineer
Cindi Mitton, Senior WRCE	Linda Stone, Engineering Geologist
Cathe Pool, Senior WRCE	Liz van Diepen, Scientific Aid
Tom Gavigan, Senior Engineering Geologist	Sue Genera, Board Clerk
Alan Miller, Senior WRCE	

REGULAR MEETING: Thursday, March 9, 2016- 2:00 p.m.

To view the full Agenda and listen to the audio of this meeting [CLICK HERE](#)

INTRODUCTIONS

Dr. Amy Horne, Board Chair, called the meeting to order at 2:00 p.m. on March 9, 2016, and introduced Board Members.

AMY L. HORNE PhD, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

2501 Lake Tahoe Blvd., So. Lake Tahoe, CA 96150 | www.waterboards.ca.gov/lahontan

Patty Z. Kouyoumdjian, Executive Officer, introduced Legal Counsel, State and Regional Water Board Staff.

1. PUBLIC FORUM

None.

OTHER BUSINESS

2. Minutes

- **Motion:** Moved by Ms. Cox, seconded by Mr. Sandel, to approve the February 2016 Minutes as presented. The motion **carried** per the following votes:

Ms. Cox	aye
Mr. Dyas	aye
Dr. Horne	aye
Mr. Jardine	aye
Mr. Pumphrey	absent
Mr. Sandel	aye

Click here to view adopted [February Minutes](#)

✗Adoption of Uncontested Calendar

- **Motion:** Moved by Mr. Dyas, seconded by Mr. Sandel, to approve Item 3 and Item 4 as presented on the uncontested calendar. The motion **carried** per the following votes:

Ms. Cox	aye
Mr. Dyas	aye
Dr. Horne	aye
Mr. Jardine	aye
Mr. Pumphrey	absent
Mr. Sandel	aye

NEW OR AMENDED WASTE DISCHARGE REQUIREMENTS

3. ✗ Revised National Pollutant Discharge Elimination System Permit and Waste Discharge Requirements for Surface Water Disposal of Treated Groundwater

Click here to view adopted [Board Order R6T-2016-0011](#)

RESCISSION OF WASTE DISCHARGE REQUIREMENTS

4. ✗ Rescission of Waste Discharge Requirements, Board Order No. 6-93-90 for the Fort Bidwell Sewage Treatment Facility, Modoc County

Click here to view adopted [Board Order R6T-2016-0009](#)

STATUS REPORT

5. Final Report on Monitored Natural Attenuation, Evaluation and Implementation in the Lahontan Region

Linda Stone, Engineering Geologist, presented the final Monitored Natural Attenuation (MNA) Report to the Board. Ms. Stone highlighted revisions made to the Report since presented in draft form to the Board in November 2015. In November, the Board had requested staff to address assimilative capacity, institutional controls, financial assurances, and changes in land or water use.

Mr. Dyas asked if modifications could be made to the document after its use is implemented. Ms. Stone responded that this is a living document and anticipated making revision as MNA is applied to sites. Dr. Horne asked how institutional controls could be incorporated into a local land use plan. Legal counsel responded that as part of the acceptance of an MNA remedy, that a deed restriction on the use of groundwater be implemented during that time-period. Dr. Horne also asked if MNA had an effect on the Human Right to Drinking Water and if disadvantaged communities would receive special treatment. Ms. Stone did include a reference to Human Right to Drinking Water in her report and the criteria for MNA use specifically requires consideration and protection of disadvantaged communities.

Board Comment

Ms. Cox liked that the report recommended MNA use only after active remediation had been applied. She also felt that there could be greater restrictions for MNA on munition sites.

- **Motion:** Moved by Mr. Sandel, seconded by Mr. Jardine, to approve the Report as presented. The Chair called for a Roll Call Vote and the motion **carried** per the following votes:

Ms. Cox	aye
Mr. Dyas	aye
Dr. Horne	aye
Mr. Jardine	aye
Mr. Pumphrey	absent
Mr. Sandel	aye

Click here to view [Final Report on Monitored Natural Attenuation, Evaluation and Implementation in the Lahontan Region](#)

ENFORCEMENT

6. **Public Hearing – Consideration of an Administrative Civil Liability Order for Sheila M. Miner for Violating a Cease and Desist Order, Spalding Tract Subdivision, Lassen County**

The Chair asked all persons providing testimony stand and be sworn in. She then opened the Public Hearing.

Scott Ferguson, representing the Prosecution Team, presented a Power Pont outlining the history of the Spalding Tract Sub-Division, the evidence against Ms. Miner, the penalty methodology, and the Board's Authority in this case.

Ms. Cox asked if there had been any communication with Ms. Miner. The only successful communication with Ms. Miner was through a process server. Ms. Cox asked what would happen if Ms. Miner did not pay the penalty. Staff could pursue a judgment to collect the fines. Dr. Horne questioned the cost to the state to bring this Item to the Board. Mr. Ferguson did not have an exact figure but estimated it in the thousands. The Executive Officer asked what the next step would be if Ms. Miner did not pay the penalty and did not connect to the municipal system or abandon her system. Staff could issue another ACL or

refer the case to the Attorney General. Ms. Kemper stated that Ms. Miner's property has a septic tank but there is no structure on the property, so the threat to groundwater is low.

With no other parties wishing to testify, the Chair closed the Public Hearing.

Board Comments

The Board felt that since the threat to groundwater was low the staff recommended penalty was justified.

- **Motion:** Moved by Mr. Sandel, seconded by Mr. Jardine, to approve the Administrative Civil Liability as presented. The Chair called for a Roll Call Vote and the motion **carried** per the following votes:

Ms. Cox	aye
Mr. Dyas	aye
Dr. Horne	aye
Mr. Jardine	aye
Mr. Pumphrey	absent
Mr. Sandel	aye

Click here to view [Administrative Civil Liability Order R6T-2016-0012](#)

Note: The Board took a break from 3:18-3:30 p.m.

7. CLOSED SESSION

The Board met in Closed Session from 3:30-5:34 p.m. to discuss Items (a.) (e.) (f.) and (g.). Upon returning to open session, the Chair announced that the Board approved an Organizational Performance Sub-Committee to be led by the Executive Officer and 2 members of the Board. The Sub-Committee will draft a survey for internal and external evaluations of the Organization and present the draft survey to the Board at a later meeting.

Note: The Board adjourned for the evening at 5:38 p.m.

REGULAR MEETING: Thursday, March 10, 2015 – 8:05 a.m.

Due to quorum restraints, the Board met at 8:05 a.m. to begin discussion of Item 12. At 8:30 a.m. the Board voted on Item 9 and then returned to Item 12 before continuing the rest of the Agenda.

INTRODUCTIONS

Dr. Amy Horne, Board Chair, called the meeting to order at 8:30 a.m. on March 10, 2016, and introduced Board Members.

Patty Z. Kouyoumdjian, Executive Officer, introduced Legal Counsel, State and Regional Water Board Staff.

8. PUBLIC FORUM

State Board Member Dorene D'Adamo addressed the Board and provided an update on drought activities across California. She also encouraged Board members to participate in a Public Workshop on Urban Water Conservation being held April 20 in Sacramento.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT RENEWAL

9. ✕ Public Hearing - General Waste Discharge Requirements and National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction Activity in the Lake Tahoe Hydrologic Unit, Counties of Alpine, El Dorado, and Placer

Motion: Moved by Mr. Sandel, seconded by Mr. Jardine, to approve the Item as presented. The Chair called for a Roll Call Vote and the motion **carried** per the following votes:

Ms. Cox	aye
Mr. Dyas	aye
Dr. Horne	aye
Mr. Jardine	aye
Mr. Pumphrey	absent
Mr. Sandel	aye

Click here to view [Board Order R6T-2016-0010](#)

REPORTS

10. Reports by Water Board Chair and Board Members

Dr. Horne discussed a handout she provided to the Board entitled:
Environmental Impacts from Water Management in a Closed Basin: Walker Lake, Nevada

11. Executive Officer's Report

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

- a. water quality and drinking water impacts from Crystal Geysers;
- b. February public workshop on the Marina General Permit;
- c. meeting held with USEPA, Lahontan, and USAFB discussing George AFB; and
- d. upcoming meeting with LADWP to discuss the maintenance activity general order under development.

STATUS REPORT

12. Discussion of Water Board Accomplishments and Priorities

Ms. Kouyoumdjian, Executive Officer, and Ms. Kemper, Assistant Executive Officer, presented this item to the Board. This is an annual report providing the Board an overview of accomplishments from the previous year and workplanning considerations for the next fiscal year. In their presentation, they discussed the challenges with the Core Regulatory Program and the unexpected demands from new laws, policies, and programs. They outlined General Orders, Plans, and Strategies that are underway, and which are under consideration. They asked the Board if they concurred with the prioritization of General Orders, Plans, and Strategies and for feedback on the priority of unaddressed needs and topics for future workshops.

Board Comments

Dr. Horne asked how the five underway General Orders, Plans, and Strategies match up to the State Board Water Action Plan. The Executive Officer stated that she would have to do a

more thorough analysis but many pieces of the Climate Change Plan, Lahontan Stormwater Strategy, and the Long-Term Maintenance Permits were in alignment with the State Action Plan. She also asked the justification of working on Surface Water Ambient Monitoring Program (SWAMP) if it is not a Core Regulatory Program. SWAMP is a statutory program important to our Region. Dr. Horne agreed with all of the underway projects and would like to see work on any of the unaddressed needs that are a priority core regulatory task. She asked that workshops be developed for waste discharge to land, USTs, and land disposal programs. She appreciated that a workshop on Mono Lake was on the list.

Ms. Cox stated that of the items listed under consideration, she felt that the SWAMP program is important. She also felt that of the unaddressed needs, Organizational Improvement should be a priority. Mr. Dyas stated that on the unaddressed needs list, items protective to human health should be a priority, specifically: waste discharge to land, USTs, and land disposal. Mr. Jardine agreed that workshops be developed for waste discharge to land, USTs, and land disposal programs. Mr. Sandel was pleased to see a *Flow Requirements and Water Quality* workshop slated for 2017.

13. Discussion of Lahontan Water Board Enforcement Program

Mr. Ferguson presented this item to the Board. His presentation covered the Quarterly Violations Report, Annual Violations and Enforcements Summary, and an overview of the Enforcement Program. Mr. Ferguson outlined the changes in type of violations from 2012-2015 as well as the actions taken responding to violations. There has been a greater emphasis on using the lowest effective enforcement action to return someone to compliance. Additionally, staff works collaboratively with stakeholders and other agencies to help inform the regulated community what is required to maintain compliance. In February, the Water Board adopted a Resolution establishing the Board's first full-scale Supplemental Environmental Program (SEP) Partnership with the Mojave Integrated Regional Water Management Plan Implementation Support Team.

Board Comments

Mr. Sandel requested when a minor violation occurs that does not require action, staff draft a letter acknowledging the violation and the steps taken to correct it. Dr. Horne would like to see institutional capacity increase throughout the region, whether through a SEP project or by other means.

ADJOURNMENT

With no further business to come before the Board, the meeting adjourned at 11:21 a.m. on March 10, 2016.

Prepared by: _____ Adopted: May 11, 2016
Sue Genera, Executive Assistant