

Lahontan Regional Water Quality Control Board

MINUTES
July 8-9, 2015

Regular Meeting

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

Board Members Participating

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

Board Member Absent

Legal Counsel

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

State Board Staff

Dorene D'Adamo, State Water Board Member
Mayumi Okamoto, Office of Enforcement, State Water Resources Control Board
Andrew DiLuccia, Office of Public Affairs, State Water Resources Control Board

Regional Board Staff Participating

Patty Z. Kouyoumdjian, Executive Officer
Lauri Kemper, Assistant Executive Officer
Mike Plaziak, Sup. Engineering Geologist
Doug Smith, Sup. Engineering Geologist
Scott Ferguson, Sup. WRCE
Cathe Pool, Senior WRCE
Alan Miller, Senior WRCE
Doug Cushman, Senior WRCE
Rich Booth, Senior Engineering Geologist

Eric Taxer, WRCE
Tobi Tyler, WRCE
Laurie Scribe, Environmental Scientist
Dan Sussman, Environmental Scientist
Robert Larsen, Senior Environmental Scientist
Mary Fiore-Wagner, Environmental Scientist
Carly Nilson, Environmental Scientist
Sue Genera, Executive Assistant

TOUR: Truckee River Watershed Restoration Projects

At 1:30 p.m. on July 8, approximately 45 people gathered at the U.S. Forest Service Office in Truckee, CA, for a tour of the Truckee River Watershed Restoration Projects. The group met in the Forest Service conference room for an overview before continuing by car to Coldstream Canyon and Perrazo Meadows. The Middle Martis Creek site tour was canceled due to inclement weather conditions.

REGULAR MEETING: Thursday, July 9, 2015- 8:30 a.m.

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

INTRODUCTIONS

Kimberly Cox, Board Chair, called the meeting to order at 8:31 a.m. on July 9, 2015, and introduced Board Members.

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

1. PUBLIC FORUM

None.

2. Minutes of the Regular Meeting of June 10-11, 2015, held in Bishop, CA.

- **Motion:** Moved by Mr. Dyas, seconded by Mr. Pumphrey, to approve the June Minutes as presented with late corrections from Dr. Horne. 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	aye
Mr. Sandel	aye

Click here to view the adopted [June Minutes](#)

REPORTS

3. Reports by Water Board Chair and Board Members

State Board Member D'Adamo addressed the Board and briefed them on current items before the State Board including: Compost Policy, Los Angeles MS4 Permit, Industrial Stormwater Permit, Stormwater Strategic Plan, Grazing Regulatory Action Project efforts, Fracking, and Drought - Urban Conservation Regulation.

Mr. Pumphrey reminded the Board that the Sierra Water Summit will be held on August 10. Mr. Jardine stated that the Carson Conservancy will be participating in a tour of Leviathan Mine. He also wanted to thank all of the agencies who responded to the Washington Fire. Dr. Horne updated the Board on her tour of the San Francisco, Recology Recycling plant. Chair Cox reported on her Chair's Conference Call and that she will be distributing the Agenda for the October Water Quality Coordinating Committee Meeting to the Board Members.

4. Executive Officer's Report

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

- a. the November 4-5, 2015
- b. Board meeting location has been changed to Barstow;
- c. July 21, 2015 Tahoe Bi-State Executive Committee (SB 630) Meeting;
- d. Washington Fire in Alpine County;
- e. Los Angeles County Sanitation Districts No. 14 and No. 20, submitted a request for an extension and release of SEP funds;
- f. the City of Barstow requested an extension (one year) to begin operation of the nitrate removal system; and,
- g. Lahontan case closure targets are at 49 (estimated at 41) for the year.

NEW OR AMENDED WASTE DISCHARGE REQUIREMENTS

5. Waste Discharge Requirements for California Department of Transportation – District 9 Industrial Washwater Recycling, Treatment and Disposal System, Crestview Maintenance Facility, Mono County

This Item was postponed.

OTHER BUSINESS

6. Updated Delegation of Authority to the Executive Officer

Mr. Robert Larsen, Senior Environmental Scientist reviewed the changes that were made to the Delegation of Authority based on input from the Board Members at the May 2015 Board meeting. Dr. Horne requested that item 4 on page 2 of the Resolution include “are controversial” as a criterion in which the Executive Office should bring an item before the Board.

- **Motion:** Moved by Dr. Horne, seconded by Mr. Dyas, to approve the Delegation of Authority with amended language. 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	aye
Mr. Sandel	aye

Click here to view the adopted [Resolution R6T-2015-0028](#)

STATUS UPDATE

7. Progress Report - Consideration of a Settlement Agreement and Stipulation for Entry of Order in the matter of an Administrative Civil Liability (ACL) against Los Angeles Department of Power and Water for alleged violations at Lee Vining Creek Diversion Structure, Mono County

Mr. Scott Ferguson, Supervising WRCE, addressed the Board and presented a revised Settlement Agreement for the Boards consideration. A Settlement Agreement was originally

presented at the June Board meeting in Bishop where the Board rejected the proposal and asked the parties to go back into negotiations and requested a Supplemental Environmental Project (SEP) be incorporate into the Settlement. Mr. Ferguson outlined four possible U.S. Forest Service (USFS) SEP projects that could be incorporated into the revised Settlement.

Mr. Pumphrey asked what would happen next if the Office of Administrative Law (OAL) does not approve spending more than 50 percent of the SEP funds. Mr. Ferguson stated that the fourth project on the SEP could be dropped. Dr. Horne asked how staff will justify spending more than 50 percent to the OAL. Mr. Ferguson responded that eastern side of California does not get as much money as other regions for wildfire susceptibility and Integrated Regional Water Management grants. She also wanted to know if the community provided input for the prioritization of project importance. Mr. Ferguson felt the USFS provided reasonable outreach with the community and that they have been working with the Eastern Sierra Land Trust to involve the community in the process for this Region. Dr. Horne requested that we think about capacity development when developing watershed plans.

- **Motion:** Board Member Pumphrey moved to:
 - a. approve the proposed SEP projects;
 - b. request the Director of the Office of Enforcement to provide an exemption to allow more than 50 percent of the ACL to be put towards the SEP;
 - c. authorize staff to adjust the agreement if the exemption is not granted to the percent limit;
 - d. request staff to enter into a settlement agreement with the discharger, including the final SEP, and prepare a final stipulated order; and,
 - e. authorize the Executive Officer to execute the final stipulated order.

The motion was seconded by Dr. Horne. 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	aye
Mr. Sandel	aye

Note: The Water Board took a break from 10:22-10:35 a.m.

8. Lahontan Water Board SEP Program Update

Mr. Eric Taxer, WRCE, presented an overview of the SEP Program and completed Pilot Project adopted in 2014 (Resolutions R6T-2014-0014 and R6T-2014-0015). He provided next steps for the remainder of 2015 which includes outreach to potential partner organizations to establish eligibility in the program.

Mr. Pumphrey asked if the Resolution was adequate enough to move forward with evaluating future SEP partners. Mr. Taxer confirmed that it is. Chair Cox asked if there was a percentage of the grant set aside for administrative overhead costs. Staff council replied that the SEP Policy does not allow for overhead costs but that there may be a way to create a fund for this purpose. Dr. Horne asked how the list of potential SEP Projects will be updated, whether staff or the project proponents will be responsible for updating the list and relaying that information to the Board. Mr. Taxer stated that staff will work with partner

organizations to update the list according to a set schedule included in their MOU and these dates will coincide with the staff report to the Board which is presented every two years. The updated lists will first be evaluated to ensure criteria set by the Board are met and then the lists will be made available to the public. Dr. Horne questioned whether there was a mechanism to help raise money for institution capacity. Ms. Kouyoumdjian responded that staff could contact other groups and agencies to share information and investigate grant opportunities. Mr. Pumphrey offered to reach out to the Sierra Water Workgroup Council. Dr. Horne requested that the Board be updated when new projects are added to the list.

9. Climate Change Strategy Status

In his presentation Mr. Doug Smith, Supervising Engineering Geologist, itemized the proposed plan for developing a strategy which included: identify issues, example goals and actions, and a timeline for next steps.

The Board requested staff engage stakeholders in developing workgroups and as early as possible as well as reach out to groups/agencies who may be working on climate change issues and collaborate with them. Mr. Pumphrey requested to see the list of workshop participants. Dr. Horne would like to see a running list of policy changes as they develop. Staff will be making monthly updates to the Board on this item in the Executive Officers Report.

OTHER BUSINESS

10. Guidance for the Prioritization of the Lahontan Region 303(d) List of Impaired Waters

Mary Fiore-Wagner and Carly Nilson, Environmental Scientists, presented this item to the Board. They discussed the 157 impaired water bodies in the Lahontan Region and the proposed approach in prioritizing these water bodies for action by staff. The first step to this approach is sorting the listings into four bins based on current action and data. Bin 1 includes water body impairments that are currently addressed by a regulatory action or a USEPA approved TMDL. Bin 2 captures water bodies confirmed as impaired but not being addressed. Bin 3 includes water body-pollutant combinations that have been placed on the Lahontan 303(d) List for impaired waters, but staff is not confident with the existing data set to determine if the water body is impaired. Bin 4 captures listings that do not need action at this time.

Staff recommended developing workplans to address Bin 2 and further prioritized Bin 2 into high, medium and low priority based on: direct impacts to human health, beneficial/recreational uses, and whether the water body was isolated or ephemeral.

The Board agreed with the approach provided by staff. Mr. Jardine stated that he may be able to get data from the 1980's on the East Fork Carson River. Dr. Horne asked if Bin 3 could be categorized further to identify a need or resource to address these listings. Staff responded that listings in Bin 3 should be included in staff workplans when feasible to verify impairment and possible shifting of bins. For listings where it is not feasible to obtain data, another option needs to be found.

11. Wetland Mapping and Assessment Tools

Tobi Tyler, WRCE, introduced this item presenting wetland mapping and assessment tools that have been developed to further the protection and enhancement of wetlands. Sarah Pearce of the San Francisco Estuary Institute (SFEI), provided an overview of what the California Rapid Assessment Methodology (CRAM) is and how it can be used as a cost-

effective, reproducible, and scientifically-validated method for rapid assessments of wetlands and other waters. Cristina Grosso also with SFEI, discussed EcoAtlas, a developing wetland visualization tool, and its potential uses in the Lake Tahoe Basin and elsewhere in the region, and current uses within the state. Shin-Roei Lee, Assistant Executive Officer at Region 1, discussed the benefits and utility of EcoAtlas as a regulatory tool for Clean Water Act section 401 Water Quality Certification (WQC) compliance and the state's no net loss wetland policy.

Ms. Kouyoumdjain asked if CRAM could be used for citizen monitoring programs. Ms. Pearce replied that CRAM has gotten limited citizen monitoring use but that it can be a useful, low cost tool. Dr. Horne asked how long it takes to become proficient. Ms. Pearce stated that it takes 5 days to be trained and that proficiency develops from previous knowledge or repetitive use. Ms. Niemeyer asked Ms. Grosso who inputs the CRAM data into EcoAtlas and if there is a review of the data for accuracy. Only people certified in CRAM are allowed to input data and there is no review of entries. Dr. Horne wanted to know if 401 WQC information was available in EcoAtlas. It is currently not available but the tool is being reviewed at the State Board level for approval of funding. Mr. Ferguson asked the Board if staff should continue to pursue the use of CRAM and EcoAtlas. The Board agreed that both of these tool should be used and requested staff bring back a demonstration on the applications of these tools at a later Board meeting.

12. Alpine Watershed Group Efforts and Collaboration in Alpine County

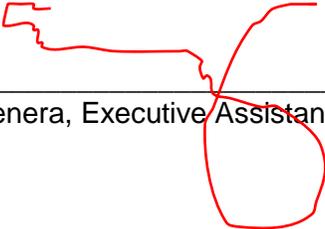
Carly Nilson, Environmental Scientist, introduced Mr. Shane Fryer, Watershed Coordinator for the Alpine Watershed Group (AWG). This non-profit's mission is to preserve and enhance the natural system functions in Alpine County's watersheds. Mr. Fryer highlighted the AWG efforts in the development of a volunteer water quality monitoring program, implementing restoration projects, and providing education and outreach to the community. The Lahontan Water Board has recently partnered with AWG as a sub-contractor for the Proposition 84 *Rivers and Ranches* grant. AWG solicited ranchers to apply for grant funds to implement grazing management practices in Alpine County. The AWG is hosting their premier outreach and educational event, the Alpine Aspen festival on October 10-11, 2015.

13. CLOSED SESSION

The Board met in Closed Session from 11:37 a.m. to 12:25 p.m. to discuss matters related to personnel. There were no reportable actions.

ADJOURNMENT

With no further business to come before the Board, the meeting adjourned at 2:26 p.m. on June 11, 2015.

Prepared by:  _____ Adopted: 11/4/15 _____
Sue Genera, Executive Assistant