



California Regional Water Quality Control Board Lahontan Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.mscomm.com/~rwqcb6>
2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150
Phone (530) 542-5400 • FAX (530) 544-2271

Gray Davis
Governor

MINUTES

January 11 - 12, 2001

Tour

Regional Board members, staff and interested parties participated in a tour of the Truckee-Tahoe Sanitation Agency on January 13 from 12:00 to 12:30 p.m.

Regular Meeting

Lahontan Regional Water Quality Control Board
City Council Chambers
1900 Lake Tahoe Boulevard
South Lake Tahoe

Eric Sandel, Chairperson, called the meeting to order at 7:30 p.m. on January 11, 2001.

BOARD MEMBERS PRESENT

John Brissenden, Hope Valley
Beatrice Cooley, Ph.D., Bishop
Jack Clarke, Apple Valley
Eugene B. Nebeker, Ph.D., Lancaster (via teleconference)
Eric Sandel, P.E. Truckee

BOARD MEMBERS ABSENT

None

LEGAL COUNSEL

Steven H. Blum, State Water Resources Control Board

STAFF PRESENT

Harold J. Singer, Executive Officer	Judith Unsicker, Environmental Specialist IV
Robert S. Dodds, Assistant Executive Officer	Tom Suk, Environmental Specialist IV
Pamela Walker, Executive Assistant	Dale Payne, Environmental Specialist III
Hisam Baqai, Supervising WRCE	Martin Goldberg, Environmental Specialist II
Cindi Mitton, Chief, Mono/Owens Watersheds	Cadie MacDonald, Assoc. Engineering Geologist
Lauri Kemper, Chief, Lake Tahoe Watershed	Anne Sutherland, Engineering Geologist.
Scott Ferguson, Chief, Northern Watersheds	Jeremy Sokulsky, WRCE
Alan Miller, Chief, Carson/Walker Watersheds	
Chuck Curtis, Chief, TMDL Unit	

ADDRESSING THE BOARD

Maribeth Gustafson, USDA Forest Service, Lake Tahoe Basin Management Unit
Stan Hansen, Heavenly Ski Resort
Sherry Hazelhurst, USDA Lake Tahoe Basin Management Unit
Dave Smith, United States Environmental Protection Agency, Region 9

1. PUBLIC FORUM

No one addressed the Board during the public forum.

2. MINUTES

Minutes of the Regular Meeting of November 15 -16, 2000, in Ridgcrest

Motion: Moved by Mr. Clarke, seconded by Dr. Cooley **and unanimously carried** to adopt the November 15 – 16 minutes as proposed.

3. ADOPTION OF CONSENT CALENDAR

- ◆ **Motion:** Moved by Dr. Cooley, seconded by Mr. Clarke **and unanimously carried** to adopt the Consent Calendar as proposed, incorporating the amendment to Item 5 and the change to Item 6 in the late revision sheet.

6. PLANS AND POLICIES

Public Hearing – Basin Plan Amendments and Environmental Document Concerning Total Maximum Daily Load (TMDL) and (TMDL) Implementation Plan for Heavenly Valley Creek, El Dorado County, Resolution 6-01-Proposed.

Harold Singer made introductory comments, thanked agencies involved, and introduced various entities.

David Smith, U. S. Environmental Protection Agency (US-EPA), Region 9, manager of development and implementation of the TMDL program in California, noted that the TMDL process has been in the Clean Water Act since 1972. TMDLs have now become a priority because the most difficult water quality problems faced in this region, as well as California as a whole, are non-point source run-off issues. The difficulty lies in that TMDL decisions must be made under uncertain conditions. The US-EPA strongly supports and endorses the proposed TMDL and recommends its adoption. The agency will continue to work with the Tahoe Basin land managers to ensure that this management plan works. Mr. Smith commended the staff, particularly Judith Unsicker. He commented that the Lahontan managers and staff have made a commitment to make TMDLs work in a way that is sensitive both to stakeholder's concerns and to the uncertainty of the process involved with non-point source problems.

Chuck Curtis, Chief of the TMDL Unit, gave a brief overview of the TMDL process to orient the Board's newest member and to serve as a refresher for the rest of the Board.

Judith Unsicker, Environmental Specialist, continued with a summary of the components of the proposed TMDL for Heavenly Valley Creek. Her presentation also summarized major issues in written public comments, and changes made in the proposed Basin Plan language in response to these comments.

Maribeth Gustafson, Forest Supervisor, USDA Forest Service (USFS), Lake Tahoe Basin Management Unit, and staff member, Sherry Hazelhurst, made the Forest Service presentation. They expressed concern over receiving the response to comments only a day before the Board meeting. The USFS position is that the TMDL is unwarranted; that de-listing may be more appropriate. Heavenly Valley Creek currently meets the state numeric and narrative standards, and Heavenly Valley's Master Plan includes an implementation and monitoring plan to restore the watersheds within the resort's boundaries. The USFS concerns are: the omission of current conditions of Heavenly Valley Creek from the staff report; a lack of specificity of how and when de-listing occurs once standards are met; and a failure to resolve terminology differences between the USFS and US-EPA. It was agreed that the Forest Service will be allowed to do biomonitoring under the Forest Service protocol. It was also noted that these terminology issues will most likely occur in other Forest Service regions throughout the state's water board jurisdiction and that a process for working out agreed upon terminology may be necessary between the federal agencies.

Andrew Strain, Director of Planning, Heavenly Ski Resort, emphasized the Master Plan was successfully developed through a collaborative partnership between the ski resort and the agencies. Heavenly Ski Resort's concern refers to how the narrative standards/desired conditions are determined and that they be tied to specific objectives that can be met by the partners in the Master Plan, and not elusive, ever-changing conditions and language that can never be anticipated or satisfied by the 2021 target date.

Stan Hansen, senior vice president, American Ski Company, the current owner of Heavenly Ski Resort, commented that the company is committed to implementing the Master Plan with all the partners and regulatory agencies over many years and at very significant investments of staff, planning, energy, and hard dollars, over \$100,000 annually for water quality monitoring alone. The focus has been primarily on water quality issues, and secondly, on air quality and other concerns. His major concerns are that this process is becoming a model of regulatory "layering", and the level of scrutiny being focused on one 2.17-mile section of stream rather than on other critical areas of the Tahoe Basin. He stressed looking at the region in a more holistic nature in terms of protection of resources. Heavenly Ski Resort has and will continue to do its part to meet all regulations on its seven watersheds.

Harold Singer responded by stating that active programs have been established on other watersheds in the Lake Tahoe Basin including Ward Creek and the Truckee River. Heavenly Valley Creek was selected to become one of the initial TMDLs because of the existence of the

Master Plan. Regional Board staff recommended further changes in the loading capacity and load allocations, and in language in the draft environmental document.

Dr. Nebeker moved that the Board approve the resolution to certify the environmental document and adopt the proposed Basin Plan Amendments with the changes that had been listed by staff during the discussion.

- **Motion:** Moved by Dr. Nebeker, seconded by Mr. Clarke **and unanimously carried** to adopt the staff recommendations as proposed.

The meeting adjourned at 10:05 p.m.

Regular Meeting, Continued
8:30 a.m. January 12, 2001

Eric Sandel, Chairperson, called the meeting to order at 8:30 a.m. on January 12, 2001. Board members present: John Brissenden, Jack Clarke, Beatrice Cooley, Ph.D., Eugene B. Nebeker, Ph.D., Eric Sandel, P.E. Board members absent: none.

1. PUBLIC FORUM

No one addressed the Board during the public forum.

OTHER BUSINESS

7. Executive Officer's Report

Mr. Singer briefed the Board on the following:

Mojave River and El Mirage Dairy sampling effort is on-going and the results will be reported next month.

Searles Lake has reduced bird mortalities and kerosene hydrocarbon violations, and is building the restoration pond. IMC Chemicals has withdrawn its petition to the State Water Board.

The next round of listing and de-listing for the section 303d list will be starting in the next few months. This process will be difficult due to the lack of any state policy.

The responsible parties for Tahoe Tom's service station have failed to submit a plan to expand the corrective actions at this site. Enforcement action will be initiated.

For Haiwee Reservoir, a technical TMDL is being prepared without the implementation plan to send to US-EPA.

The remediation at the Beacon service station in Meyers has been very successful. This item will be on the Regional Board's May 2001 agenda, discussing closure. The issues will be application of the State board's clean up policy and funding of additional clean up once beneficial use standards are achieved.

There has not been an adequate response to the 13267 letter which was issued for The Dependable Tow Site in Truckee . Enforcement action will be initiated.

Los Angeles County Sanitation District No. 14 issue has moved to the April Board meeting, dependent upon the appointment of additional Board members

The Board was updated on the status of the agenda for the February Board meeting. There are four consent items and one potential enforcement item, an administrative civil liability complaint that he is planning to issue to Caltrans for the discharge that occurred on Rush Creek, Hwy 395 project. This is the only controversial item on that agenda and he recommended canceling the February Board meeting and putting that ACL complaint item on the March agenda. The Board agreed to cancel the February 2001 Board meeting. The March Board meeting will have several enforcement actions included.

The next Water Quality Coordinating Committee (WQCC) is tentatively scheduled for April 20-21 in Pasadena.

About six months ago the Regional Board adopted waste discharge requirements and rescinded a cease and desist order for National Cement. Dolores Reagan petitioned this action to the State Water Board. The petition was dismissed. If she chooses to pursue it further, it will be in the Superior Court of California.

A petition on the waste discharge requirements adopted in November 2000 was filed by Ruth Lopez and Marjorie Mikels.

Tahoe Truckee Sanitation Agency (TTSA) has prepared and certified an environmental impact report (EIR) for the expansion of its facility. Mr. Singer attended a meeting this week with US-EPA, the Pyramid Lake Paiute Tribe, Nevada Division of Environmental Protection, and some of the downstream wastewater dischargers in Nevada. Some of these parties will file a lawsuit on the EIR. There is a TMDL in Nevada for nutrients and TDS, and there is no allocation for additional loading to California. The claim is that the EIR did not address compliance with the TMDL. Some of the parties believe that this discharge may need a NPDES permit because even though it is not a direct discharge to surface waters, it indirectly reaches surface waters. All of the parties will be meeting later this month. A revision to the TTSA waste discharge

requirements was scheduled for the March agenda. If a lawsuit is filed, this item maybe tabled to avoid having the Board involved in litigation.

Articles included in the Board's January press clippings citing high levels of Chromium 6 in some of the wells in the Lancaster/Palmdale area were referred to. Staff in the Victorville office is aggressively looking at some of the facilities we regulate, mainly Air Force Plant 42, Edwards Air Force Base, and a few others, to assure that that they are not contributing to this problem. Chromium 6 is becoming a statewide issue. There is a perception that all Chromium 6 in groundwater is caused by human activity. We are finding that there are some naturally occurring background levels.

Some specific violations listed in the quarterly Non-Compliance reports were discussed and the distinction between violations and late reports was noted. A notice of violation was issued to Kenneth Osborne of Dependable Tow of Truckee and this item will appear on the March 2001 agenda with an enforcement action. Squaw Valley Ski Corporation violations will be on the May 2001 agenda.

8. Election of Chair and Vice Chair of the Regional Board for 2001

- **Motion:** Moved by Eric Sandel, seconded by Dr. Nebeker **and unanimously carried** to elect Beatrice Cooley Chair of the Regional Board.
- **Motion:** Moved by Dr. Nebeker, seconded by Eric Sandel **and unanimously carried** to elect Jack Clarke Vice Chair of the Regional Board.

9. Reports by Chairman and Board Members

Dr. Nebeker commended past chair Eric Sandel for his service and considerate handling of meetings, ensuring all people are heard. He also commended staff member Judith Unsicker on her preparation and work on this TMDL. Dr. Nebeker welcomed new board member John Brissenden.

Dr. Cooley requested an updated Board Member contact list and a 2001 Board Meeting schedule for Board members.

10. CLOSED SESSION

Note: Board members met in closed session on January 12 from 10:20 a.m. to 10:40 a.m. to discuss Item 10 (d), (f), (g), and (h). Authority: Government Code Section 11126(e)(2)(c)(i).

There being no further business to come before the Board, the meeting adjourned at 10:40 a.m.

Prepared by: _____ Adopted: March 14, 2001
Susan-Marie Hagen, Executive Assistant