



California Regional Water Quality Control Board Lahontan Region



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Environmental
Protection

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Gray Davis
Governor

MINUTES

May 8 - 9, 2002

Regular Meeting

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

Jack Clarke, Chairman, called the meeting to order at 4:03 p.m. on May 8, 2002.

BOARD MEMBERS PRESENT

John Brissenden, Hope Valley
Beatrice Cooley, Ph.D., Bishop
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
Robert S. Dodds, Assistant Executive Officer
Hisam Baqai, Supervising WRCE, South Lahontan Watersheds Division
Lauri Kemper, Supervising WRCE, North Lahontan Watershed Division
Scott Ferguson, Senior WRCE, Northern Watershed Unit
Alan Miller, Senior WRCE Carson/Walker Watershed Unit
Mary Fiore-Wagner, Environmental Scientist, Lake Tahoe Watershed Unit
Erika Lovejoy, Environmental Scientist, Lake Tahoe Watershed Unit
John Steude, WRCE, Northern Watershed Unit
T. Jerrold Peacock, WRCE, Northern Watershed Unit
Jeremy Sokulsky, WRCE, TMDL Unit
Kim Gorman, Student Assistant, TMDL Unit
Pamela S. Walker, Administrative Officer
Marietta L. Christoffersen, Office Technician

ADDRESSING THE BOARD

Art Baggett, SWRCB

Jennifer Merchant, Trucker-North Tahoe Transportation Management Association

Steve Kronick, Truckee-Tahoe Sanitary Agency

Greg Dennis, Sanitary Engineer, City of Reno

Ron Crites, Brown and Caldwell Consultants, Consultants for Tiechert Aggregates

Jeff Thatcher, Tiechert Aggregates

Katharine Wagner, Downey Brand, et al (Teichert Aggregates and Transfer Properties)

Craig Woods, Truckee-Tahoe Sanitary District

Logan Olds, General Manager, Susanville Consolidated Sanitary District

1. EXECUTIVE OFFICER'S REPORT

Mr. Singer highlighted several items from the written report:

No. 3 - Meyers Beacon: The Regional Board is implementing clean up at this site using the EAR account. An offsite plume is heading toward the Truckee River. An option being considered is to pipe ground water back to the existing treatment facility at the service station.

No. 10 – Molycorp: Corrective action is on schedule. The State Board will be considering whether or not to remand the waste discharge requirements back to the Regional Board.

No. 2 - Ward and Blackwood Creeks – Laurie Kemper and Kim Gorman addressed a question posed by Mr. Betterley.

Mr. Singer briefed the Board on the following items in the Quarterly Violations Report:

- VVWRA – Coliform violations – These violations have triggered minimum, mandatory penalties. This will be the first minimum, mandatory penalty issued in the Region..
- Embassy Suites Hotel - Will consider small ACL for these violations due to history.

Other issues:

- Lake Arrowhead Community Services District is trying to address low lake levels being experienced this year. The District is considering discharging treated wastewater to the Lake in order to increase Lake levels. Such a discharge would be contrary to the Basin Plan prohibitions and would require amendment of the Basin Plan before the Regional Board could consider this.
- A recent newspaper article indicated that the City of Adelanto was proposing to use some of its wastewater for recycling and that it had applied to the Regional Board for a permit. The City has not submitted the necessary permit application.

- PG&E Hinkley is under a Regional Board order to remediate a chromium plume. They submitted a very good proposal to re-initiate treatment and corrective action. Additionally, PG&E proposes to identify the background levels of chromium in groundwater in the area since many areas have naturally occurring chromium in groundwater. This information is needed to better define the chromium contamination associated with the release and to develop a cleanup standard. Additionally, a local dairy will stop agricultural operations that rely on a well that has shown some chromium contamination.
- Tosco has purchased the Hollenstein site in Bishop.
- Alan Miller responded to Mr. Brissenden's comment that project proponents may not be told of the Regional Board's requirements when applying for a grading or development permit in Alpine County. The comment was in response to a letter that Regional Board staff sent to Alpine County requesting their assistance in informing landowners and developers of certain prohibited activities and incorporating appropriate best management practices in grading permits. This action could prevent water quality impacts associated with recent projects. John Brissenden indicated that Brian Peters, Planning Director, Alpine County would appreciate a workshop.
- Eric Sandel commended Harold Singer and Bob Dodds for their assistance in resolving a problem with a Truckee resident.
- Harold Singer distributed a proposed strategy to respond to the need to reissue waivers pursuant to AB 390 which terminates all existing waivers by the end of this calendar year. A review of waivers issued in the last few years indicates that a majority of waivers pertain to construction projects. Adopting a new waiver or adopting a general permit will require compliance with CEQA: either a negative declaration or an EIR. Mr. Sandel suggested having a staff public workshop where Board members could be invited.
- Prioritization Problem Solving – State Board has given regional boards the discretion to redirect up to 5% of their General Fund resources, which equates to 1.5 PYs for the Lahontan Region, for work on projects that are not normally within specific programs. This is a one-year pilot program that may become permanent depending on budget approval. The following four projects are being considered: more effective gazing BMPs in the lower portion of the Upper Truckee River Watershed; use of alternatives to diesel fuel for larger boats at Lake Tahoe; develop a strategy to address possible water quality problems from wastewater percolation ponds (region-wide issue); and, modification to fertilizer and irrigation practices at golf courses, parks, and other large turf areas that may be contributing to the decline in clarity of Lake Tahoe.

The meeting adjourned at 5:07 p.m.

Regular Meeting, Continued

7:30 p.m. May 8, 2002

Jack Clarke called the meeting to order at 7:30 p.m. Board members present: John Brissenden, Beatrice Cooley, Ph.D., Eugene Nebeker Ph.D., Eric Sandel P.E., Claudette Roberts, William

Betterley. Also present, Art Baggett, Jr., Chair, State Water Resources Control Board. Board Members absent: none.

OTHER BUSINESS

2. Presentation by Arthur Baggett, Jr., Chair – State Water Resources Control Board on the November 2001- 2006 Strategic Plan.

During our strategic planning process, a number of critical water resource issues were identified that will need to be addressed over the next five years. The Plan identifies six goals that will help improve internal operations and specific program areas as well as improve efforts with external stakeholders.

Mr. Baggett also discussed the following topics:

- Budget outlook – appears that we will not have staff cuts
- Water rights issues – Imperial Irrigation District – Colorado River Rights, Subterranean Stream issues
- Water quality issues – waivers – conducting several workshops on agriculture and timber
- Fees – The Governor’s FY 2002-03 budget includes a provision allowing the State Board to double fees for permitted dischargers.
- Regional Board Appointments – several NPDES conflicts
- WQCC – meeting on November 7th and 8th

3. **PUBLIC FORUM**

Jennifer Merchant, Executive Director, Tahoe Truckee Transportation Management Association discussed an issue that evolved from a Bike Trail Workshop that took place on March 13, 2002. She requested clarification regarding a substantial discrepancy between that which was reflected in the approved Board meeting minutes and what she believed was the outcome of the meeting. Ms. Merchant requested that the Board revise the minutes of the last Board meeting. The Regional Board requested Ms. Merchant and others to contact Mr. Singer directly if they believe staff is not following Board direction. Mr. Singer indicated that he will talk with staff and applicants to insure that the Board’s direction was being followed.

4. **ADOPTION OF UNCONTESTED CALENDAR**

- ◆ **Motion:** Moved by William Betterley, seconded by Eric Sandel and **unanimously carried** to adopt the Uncontested Calendar as proposed.

5. MINUTES

Not available.

REVISED WASTE DISCHARGE REQUIREMENTS**6. Tahoe-Truckee Sanitation Agency-Martis Valley Wastewater Plant and Associated Maintenance Activities,**

Mr. Singer indicated that the authority of the Board is to regulate discharges in order to protect the designated beneficial uses of the receiving waters. Those receiving waters include both ground water and surface water. The Board does not have the authority to either interpret or enforce the provisions of an agreement between TTSA and Teichert that was received and sent to the Board members. That matter is between the two parties to that agreement.

Scott Ferguson, Senior WRCE gave the presentation that discussed the expansion of TTSA wastewater treatment plant and the concerns raised by Teichert.

- Description of existing WDR
- Description of proposed WDR
- Water quality issues for TTSA, downstream Nevada interests and Teichert

Craig Woods, General Manager, TTSA introduced TTSA's Board members and related historical background of the TTSA facility as well as future plans. TTSA received a grant (\$11.6) from the California Department of Water Resources to replace its ion-exchange system with a biological nitrogen removal (BNR) system in order to assist in settling a lawsuit against TTSA filed by the City of Reno, the City of Sparks and the Piaiute Indian Tribe. The Board of Directors and the staff of TTSA support the proposed WDRs and requested that they be adopted.

Jeff Thatcher, Teichert Aggregates, Katharine Wagner, Lawyer, Downey, Brand et al on behalf of Teichert Aggregates and Triangle Properties, Inc., and Ron Crites, civil engineer, Brown & Caldwell Consultants addressed the Board. They related historical background of Teichert & Son. Teichert has no fundamental opposition to TTSA's expansion. Teichert wants assurance that its on-going and future uses of its property will not be affected by TTSA's activities. Teichert would like the WDRs to require compliance with surface water quality objectives at TTSA's property line as opposed to in the Truckee River. Teichert also believes that the CEQA documents are not adequate to support this decision, mainly the change where TTSA will be putting all of its effluent into the single disposal field for an undefined period of time

Mr. Singer mentioned that the Board cannot specify the method of compliance. The WDRs cannot require TTSA to use a specific disposal field or when to start using the second one. TTSA's obligation is to meet the effluent and receiving water requirements that are imposed in the permit.

Mr. Crites stated that he has never seen a site where wastewater was regulated after it flowed under an adjacent property. In response to a question, Mr. Crites could not reference a specific regional board order that established surface water receiving water limits in the groundwater at the edge of a property.

Greg Dennis, Sanitary Engineer, City of Reno indicated support for the WDR as proposed. It protects the Truckee River basin here and in Reno. It represents a good example where the states of Nevada and California came together.

Steve Kronick, General Counsel for TTSA, commented on the CEQA process that TTSA used and indicated that there were no challenges. If the town of Truckee approves a wet pit mining operation that somehow interferes with TTSA ability to meet requirements it will be TTSA's responsibility to meet those requirements.

- ◆ **Motion:** Moved by Dr. Eric Sandel, seconded by Dr. Eugene Nebeker **and unanimously carried** to approve staff recommendation as proposed.

REVISED NPDES PERMIT

7. Susanville Consolidated Sanitary District

Jerry Peacock, WRCE, gave the staff presentation, which focussed on the additional monitoring required to comply with the California Toxics Rule and the State Implementation Plan. Mr. Peacock acknowledged that the monitoring would be relatively expensive.

Mr. Sandel stated that the problem for this discharger is that the cost of this monitoring is equivalent to the cost of one employee. He asked if we suspect that there is a problem with something at this facility. Scott Ferguson responded that the current monitoring does not indicate that there are problems. However, the proposed permit requires monitoring at much lower detection levels to determine the presence or absence of specific constituents. In response to a suggestion by Mr. Sandel, Scott Ferguson indicated that sampling every other month for two years would be acceptable.

Logan Olds, General Manager, Susanville CSD indicate that the District serves approximately 8,600 people with 3,300 service connections. The current wastewater treatment plant expansion costs \$6.9 million. This additional monitoring burden comes at a very poor time. The cost of this sampling would be \$140,000. The District is requesting flexibility to reduce the cost and expand the timeline. Other regional boards require only four samples yet the Lahontan Regional Board is requesting twelve. We request that the sampling be allowed to occur over multiple years or fiscal years.

Scott Ferguson suggested that removing attachment F from the proposed order would be a solution since monitoring will not be implemented until the treatment plant expansion is complete. Staff will continue discussions with the District in an effort to resolve this issue.

- ◆ **Motion:** Moved by Dr. Eric Sandel, seconded by John Brissenden **and** **unanimously carried** to adopt staff recommendation modified to remove attachment F and references to it in the order.

12. **CLOSED SESSIONS**

Note: The Regional Board met in closed session on May 8, 2002 from 10:20 p.m. to 11:10 p.m. to discuss Items k, l, m, and n. Authority: Government Code Section 11126(e)(2)(c)(i).

There being no further business to come before the Board, the meeting adjourned at 11:11 p.m.

Prepared by: _____ Adopted: June 24, 2002
Kathleen Minsky, Staff Services Analyst