



California Regional Water Quality Control Board

Lahontan Region



Winston H. Hickox
Secretary for
Environmental
Protection

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Gray Davis
Governor

MINUTES

January 8-9, 2003

Regular Meeting

Lahontan Regional Water Quality Control Board
Town of Truckee Council Chambers
10183 Truckee Airport Road
Truckee, CA

Chair Jack Clarke called the meeting to order at 1:32 p.m. on January 8, 2003.

BOARD MEMBERS PRESENT

William Betterley, Hesperia
John Brissenden, Hope Valley
Jack Clarke, Apple Valley
Eugene B. Nebeker, Ph.D., Lancaster
Claudette Roberts, Palmdale
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
Robert S. Dodds, Assistant Executive Officer
Hisam Baqai, Supervising WRCE, Southern Watersheds Division
Lauri Kemper, Supervising WRCE, Northern Watersheds Division
Scott Ferguson, Senior WRCE, Northern Watershed Unit
Bud Amorfini, Senior Environmental Scientist, TMDL Unit
Alan Miller, Senior WRCE, Carson/Walker Watershed Unit
George Cella, Engineering Geologist, Northern Watershed Unit
Robin Mahoney, WRCE, Northern Watershed Unit
Tom Suk, Staff Environmental Scientist
Donna Colvin, Office Assistant
Pamela S. Walker, Administrative Officer
Marietta L. Christoffersen, Office Technician

ADDRESSING THE BOARD

Bill Banka, private citizen
Dennis Hall, California Department of Forestry
Steve Harcourt, California Department of Forestry

California Environmental Protection Agency

Tim Feller, Sierra Pacific Industries
David Bischel, California Foresters Association
Brian Staab, U.S. Forest Service
Karen Schambach, Public Employees for Environmental Responsibility
Mike Livak, Squaw Valley Ski Corporation
Marvin Shaw, Lake Arrowhead Community Services District

1. **PUBLIC FORUM**

Marvin Shaw, General Manager, Lake Arrowhead Community Services District showed the Board pictures of the low lake levels. The District, along with community groups, plans to address the problem through aggressive water conservation, utilization of small amounts of supplemental water sources, and some reclaimed water.

2. **ADOPTION OF UNCONTESTED CALENDAR**

Item No. 5 was discussed separately.

Mike Livak, Squaw Valley Ski Corporation, addressed the Board concerning the proposed sampling methods in the waste discharge requirements for Item No. 5.

Scott Ferguson, Senior WRCE, responded to comments and referred Board members to a response letter that addressed concerns raised by Mr. Livak on the proposed Monitoring and Reporting Program.

- **Motion:** Moved by Eric Sandel, seconded by William Betterley and **unanimously carried** to adopt the Uncontested Calendar, including Item No. 5.

3. **MINUTES**

The September minutes were removed from the agenda for verification of Lyle Talbot's comments.

- **Motion:** Moved by John Brissenden, seconded by Claudette Roberts and **unanimously carried** to adopt the October minutes as proposed.

11. **CLOSED SESSION**

Board members met in closed session on January 8, 2003 from 1:55 p.m. to 2:40 p.m. to discuss item a. Authority: Government Code Section 11126(e)(2)(B)(I).

The Board reconvened in open session at 2:41 p.m.

PLANS AND POLICIES

4. ***Public Hearing – Resolution Certifying a Negative Declaration and Adopting a Conditional Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities***



Tom Suk, Staff Environmental Scientist, gave the staff presentation and discussed three potential water quality impacts of logging activities: sediment, temperature and pesticides.

A summary of the timber harvest planning and review process for nonfederal lands managed by California Department of Forestry (CDF) vs. federal lands managed by the U.S. Forest Service (USFS) was provided. It was pointed out that the Lahontan Region, with one staff person to regulate the activity, receives approximately 200 timber harvest proposals annually.

Mr. Suk stated that State and Regional Board staff participated in a comprehensive review of the California Forest Practice Rules (FPRs) as they relate to watercourse protection. The California Board of Forestry (BOF), responsible for adopting and amending the FPRs, received a package of detailed suggestions for rule changes on July 6, 1999. To date, the BOF has not acted on most of those suggestions. He went on to state that although USFS projects represent a lower threat to water quality than CDF projects because of review by watershed specialists who assist in the development of alternatives and mitigation measures, concern remains about the potential for adverse cumulative watershed effects because of the size of timber harvest projects.

Regarding re-adopting the former waiver policy, Mr. Suk explained this was not proposed because it only covered timber harvesting plans on non-federal lands while CDF approved other activities. For federal lands, the waiver covered only commercial timber sales but did not cover any non-commercial activities that might be undertaken by the USFS. He also related there were no substantive conditions nor documentation of what was vs. what was not waived applicable to both non-federal and federal lands. The water code amendments, however, require that any new waivers be conditional and the Regional Board ensure that the conditions are met.

Mr. Suk related that the State Board held a joint workshop in July with Regional Boards involved in timber harvest reviews. Additional Regional Board staff workshops were held in South Lake Tahoe and Victorville regarding the timber harvest issue. The proposed new conditional waiver (drafted by staff from four regional boards) was developed after these workshops.

Proposed waiver categories were discussed: four for non-federal and one for federal lands. The vast majority, 90% or more, of timber harvest activities in the region would be covered. He also pointed out that burden on staff and the regulated community would be minimal.

The presentation also included a summary of comments received from interested parties and responses to comment letters.

In conclusion, Mr. Suk asked the Board to certify the negative declaration, followed by an action to adopt the waiver resolution, either as proposed or for the full five-year term.

Mr. Suk responded to questions from Board members.

Dennis Hall, CDF, stated that his primary objection to the proposed waiver policy is that it will add another layer of regulations to timber operations on private lands. He felt that



the proposed standards are restrictive and will result in landowners applying for individual WDRs, resulting in increased staff time and Board action.

He asked the Board to adopt a one-year interim waiver to allow CDF and Regional Board staff to work together in establishing a waiver policy that may incorporate rule proposals and actions currently before the BOF.

Mr. Suk responded to statements made by Mr. Hall.

Steve Harcourt, CDF, stated his concern over the sixteen eligibility criteria on page 5 as they applied to Category 2 of the proposed waiver policy.

Mr. Suk explained that the list of eligibility criteria referred to applies to Category 1 only.

Karen Schambach, Public Employees for Environmental Responsibility (PEER), stated that PEER supports the proposed waiver document and that it represents a good faith effort to identify/address water quality issues associated with timber harvest activities.

Chair Jack Clarke continued item 4 until 7:00 p.m.

11. CLOSED SESSION

Board members met in closed session on January 8, 2003 from 4:45 p.m. to 5:25 p.m. to discuss item i. Authority: Government Code Section 11126(e).

The Board reconvened in open session at 5:26 p.m. and the afternoon meeting was adjourned.

Regular Meeting, Continued **7:00 p.m., January 8, 2003**

Chair Jack Clarke called the meeting to order at 7:18 p.m. Board members present included William Betterley, John Brissenden, Eugene Nebeker, Ph.D., Claudette Roberts, and Eric Sandel, P.E.

Item 4 was continued.

Brian Staab, USFS, Regional Hydrologist, discussed the role the USFS played in developing and advancing watershed and roads analysis, as well as their contributions to addressing watershed concerns as they relate to forestry. Mr. Staab stated his general support of the proposed waiver and summarized a comment letter that included three areas of concern.

Mr. Suk responded to statements made by Mr. Staab.

David Bischel, California Forestry Association, asked the Board to consider adopting an interim waiver policy for the next year and then continue working on streamlining the process to insure that objectives are not duplicated.

Tim Feller, Sierra Pacific Industries, expressed concern over the significant impact duplicative, inconsistent regulatory processes will have on restoration projects in terms of funding and desire. He asked the Board to continue the prior waiver.



Mr. Suk responded to statements made by Mr. Feller.

Bill Banka, Registered Professional Forester, voiced his opinion that the FPRs must be working based on the very high water quality of the Truckee River. He proposed that the Board adopt a waiver policy similar to the one that expired.

Jeff Dowling, CDF, speaking as a private citizen, expressed his concern over the regulatory burden placed on landowners in terms of the cost of monitoring. Chair Jack Clarke closed the public hearing.

Mr. Singer summarized reasons why the waiver policy should be adopted.

Discussion ensued among Board members. Mr. Sandel suggested amending the Waiver Policy and adopting it for five years instead of three years.

- **Motion:** Moved by Eugene Nebeker, seconded by Eric Sandel to adopt a Resolution certifying a Negative Declaration. **Roll call vote:** Voting “yes”: Mr. Betterley, Mr. Brissenden, Mr. Clarke, Dr. Nebeker, Ms. Roberts and Mr. Sandel. Voting “no”: none
- **Motion:** Moved by Eric Sandel, seconded by John Brissenden and **unanimously carried** to adopt a five year Conditional Waiver of Waste Discharge Requirements for discharges related to timber harvest activities.

8. Booth Creek Ski Holdings/Trimont Land Company; Northstar-at-Tahoe Camp Restaurant, Exemption to a Waste Discharge Prohibition Contained in the Water Quality Control Plan for the Lahontan Region

There was no staff presentation. The project proponent agrees with the action.

David Welch, private citizen, requested that sewer service be provided.

- **Motion:** Moved by Eugene Nebeker, seconded by William Betterley and **unanimously carried** to grant the exemption as proposed.

6. Public Hearing – Resolution Certifying a Negative Declaration and Adopting General Waste Discharge Requirements for Small Construction Projects, Including Utility, Public Works, and Minor Streambank/Lakebed Alteration Projects in the Lahontan Region, Excluding Lake Tahoe Hydrologic Unit

Bud Amorfini, Senior Environmental Scientist, recapped the highlights of the permit and discussed the comments received and permit revisions made since the October 2002 workshop and recommended that the Board adopt the General Waste Discharge Requirements Permit and the associated Negative Declaration.

- **Motion:** Moved by William Betterley, seconded Eugene Nebeker to adopt a Resolution certifying a Negative Declaration. **Roll call vote:** Voting “yes”: Mr. Betterley, Mr. Brissenden, Mr. Clarke, Dr. Nebeker, Ms. Roberts and Mr. Sandel. Voting “no”: none



- **Motion:** Moved by John Brissenden, seconded by Claudette Roberts and **unanimously carried** to adopt the General Waste Discharge Requirements Permit.

OTHER BUSINESS

7. Election of Chair and Vice-Chair for 2003

- **Motion:** Moved by Eric Sandel, seconded by Claudette Roberts and **unanimously carried** to elect Eugene Nebeker Chair of the Lahontan Regional Board.
- **Motion:** Moved by William Betterley, seconded by Claudette Roberts and **unanimously carried** to elect Eric Sandel Vice-Chair of the Lahontan Regional Board.

9. Executive Officer's Report

Harold Singer highlighted the following items from the written report:

- Item No. 1 – Chemical Application Management Plan. This is a good example of working with dischargers to prevent problems before they occur, in a cooperative way as opposed to a strong regulatory way.
- Item No. 2 – Annual Fees. The new fee schedule adopted by the State Water Board doubled the cap to \$20,000. The fee increases are a result of General Fund cuts; further changes are likely as the entire fee structure is in the process of review. In order to reduce fees, dischargers are reviewing their classifications. .

Other items:

- Myers Beacon – Renewal of the contract was taking place at the same time the budget was in limbo for a few months, and as a result, a new contract could not be issued, which delayed work. Remediation effort for the new plume should begin within the next week. Monitoring results revealed that the plume is relatively contained onsite.
- Searles Lake beneficial use – We are moving ahead on a Basin Plan amendment even though IMC Chemicals has withdrawn their request. Instead, they have applied to Fish & Game under the 3005 process, which permits the Department to grant a “take” license allowing birds to be killed following CEQA review of mining operations. The “take” has to be an absolute minimum and they must mitigate for all losses, which implies that the Board is not being protective of wild life in the area where the “takes” will occur. We would like to mesh the Basin Plan amendment with the 3005 process and acknowledge the area as inhospitable for birds and that losses will result. We would develop our own beneficial use that would put the loss in perspective and bring the proposal to the Board, using the Fish & Game CEQA document as a basis for the modification.
- Violation Report was reviewed.
- Budget – Statewide 138 vacant positions. Of those, we lost five vacant positions but lost funding for eight positions. Although we have the interim funding to maintain those three “lost” positions, as staff leaves the organization we will be unable to fill the vacancy. The Above Ground Storage Tank Program was



abolished and DoD funding was reduced by one-third. Staff is working on prioritization of sites where Region 6 has the lead role. Funding for Chapter 15 and WDR Programs was also reduced.

- State Board asked the regions/divisions to identify their top three priorities. Region 6 identified TMDLs, USTs and Enforcement.
- A summary of laws that take effect January 2003 was reviewed.
- Permit processing timeline handout reviewed
- Due to budget constraints, no spring WQCC meeting will be held.
- A Chairs meeting will be held within the next two months.
- The February Board meeting agenda is small and the proposal is to schedule the meeting for Thursday, February 13 at the Apple Valley City Council Chambers, beginning at 9:00 a.m. and concluding about 12:30 p.m.
- PG &E Hinkley will likely present a proposal to the Board in April to reinstate their remediation system, which will probably involve a discharge of treated groundwater using some kind of irrigation and requiring WDRs. There is a possibility that a staff workshop will be held before the April meeting in the Barstow/Hinkley area to try and answer all the questions that are peripheral to the WDRs you might be considering.

10. Reports by Chair and Board Members

William Betterley thanked the Board and staff for cards received during his recent hospitalization and recuperation. Chair Jack Clarke thanked staff and Board members for their assistance during the past year.

11. CLOSED SESSION

Board members met in closed session on January 8, 2003 from 10:00 p.m. to 10:22 p.m. to discuss items f, h, i, j, l, m and o. Authority: Government Code Section 11126(e).

The Board reconvened in open session at 10:23 p.m. There being no further business to come before the Lahontan Regional Board, the meeting adjourned.

Prepared by: _____ Adopted: March 12, 2003
Pam Walker, Administrative Officer

