



California Regional Water Quality Control Board Lahontan Region



Winston H. Hickox
Secretary for
Environmental
Protection

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Gray Davis
Governor

MINUTES June 11-12, 2003

Regular Meeting

Lahontan Regional Water Quality Control Board
City of Bishop, Council Chambers
377 W. Line Street
Bishop, CA

Chair Eugene Nebeker called the meeting to order at 3:02 p.m. on June 11, 2003.

BOARD MEMBERS PRESENT

William Betterley, Hesperia
John Brissenden, Hope Valley (arrived at 3:55 p.m.)
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 Lahontan Watersheds Division
Chuck Curtis, Supervising WRCE, Planning and Toxics Division
Lauri Kemper, Supervising WRCE, Northern Lahontan Watersheds Division
Alan Miller, Senior WRCE, Northern Lahontan Rural Watersheds
T. Jerrold Peacock, WRCE, Northern Lahontan Rural Watersheds
Cindi Mitton, Senior WRCE, Kern County/Mono/Owens Watershed
Eugene Rondash, WRCE, Kern County/Mono/Owens Watershed
Elizabeth Lafferty, Engineering Geologist, Kern County/Mono/Owens Watershed
Ted Saari, WRCE, Mojave Unit
Jehiel Cass, WRCE, Mojave Unit
Pamela Walker, Administrative Officer
Marietta Christoffersen, Office Technician

ADDRESSING THE BOARD

Laurie Zellmer, China Lake Naval Air Weapons Station

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Scott Steinfeld, Amedee Geothermal
Laurie Racca, Department of Toxic Substances Control
John Leveillee, City of Hesperia
Kirby Brill, Mojave Water Agency
Dan Gallagher, Victor Valley Wastewater Reclamation Authority
Guy Patterson, City of Victorville
Alan Pickard, Department of Fish & Game
John Moynier, Mammoth Community Water District

1. Executive Officer's Report

Harold Singer highlighted the following items from the June written report:

- Item No. 1 – Meeting with Sierra Pacific Industries Regarding Timber Waiver Policy. Board staff met with Sierra Pacific Industries to discuss how best to implement the Waiver Policy adopted in January. The company has long-term plans to harvest trees on approximately one million acres statewide over the next 100 years. Last week the State Water Resources Control Board (SWRCB) and the Board of Forestry (BOF) conducted a joint workshop and tour of a Sierra Pacific Industries operation.
- Item No. 2 – Timber Waiver Petitioned, SWRCB Hearing Planned for August 11-13, 2003. The three petitions (Region 1, 5, 6) have been consolidated. As a result all petitioners have been tentatively named as parties to all of the petitions. Region 6 has objected since the environmental petitioners from Region 1 and 5 did not petition the State Board on the Region 6 waiver nor did they address the Regional Board at the time the waiver was adopted. A decision on the parties and procedure will be rendered shortly.
- Item No. 5 – Perchlorate in Groundwater. The State Board and the Department of Toxic Substance Control (DTSC) have informed Department of Defense facilities that Regional Boards will be requesting extensive sampling for perchlorate.
- Item No. 10 – Victor Valley Wastewater Reclamation Authority. The Victor Valley Wastewater Reclamation Authority operates the only wastewater treatment plant in the growing Victor Valley. An environmental document is being prepared to install “scalping” plants at reclamation sites where the water would be treated and used for reclamation.
- Item No. 10 – IMC Chemicals, Inc. With the new Argus skimmer in operation the compliance record should improve, and we should see much lower effluent concentrations. Bird mortality rates have increased in 2003 and Board staff continues to coordinate with Fish & Game on this issue.

Other items discussed:

- Budget – The Regional Board has been asked to identify six positions (equal to 10% of staff) for layoff. Notices will be mailed informing potentially affected staff they are subject to layoff 120 days after June 16.
- Timber Issues – The MOU recently signed by the SWRCB, the California Department of Forestry (CDF) and Regional Boards identifies two controversial issues (monitoring and cumulative impacts) that need further coordination. CDF and SWRCB appear to be moving very quickly to address these issues with supplemental MOUs without identifying the policy issues behind the current controversy. Regional Board staff is concerned that these proposed MOUs will

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not address the real issues. Mr. Singer indicated he would keep the Board apprised of future actions by the SWRCB and CDF.

PLANS AND POLICIES

2. Consideration of authorizing the Executive Officer to enter into a Memorandum of Understanding (MOU) between the State Water Resources Control Board (SWRCB), Department of Forestry and Fire Protection (CDF), and designated Regional Water Quality Control Boards

No staff presentation was made.

Mr. Singer discussed the provisions of the MOU process. He pointed out that historically Board staff involvement consisted of comments to the CDF Timber Harvest Review Team. Under the proposed MOU, however, CDF is required to notify the Regional Board if it does not accept our comments. He stated that although the agreement does not solve all the problems, it is an improvement to the existing MOU.

Tom Suk, Staff Environmental Scientist discussed the Regional Boards recourse if CDF fails to support our comments in the field. He also related the impact to the Boards if the United States Environmental Protection Agency (USEPA) certifies the California timber harvest program.

Board member discussion followed.

- **Motion:** Moved by Jack Clarke, seconded by William Betterley to adopt the Resolution authorizing the Executive Officer to enter into an MOU between the SWRCB, CDF, and designated Regional Water Quality Control Boards and authorizing the Chair to sign and send a letter to Arthur Baggett, Chair of the SWRCB.

The motion was amended.

- **Motion:** Moved by Jack Clarke, seconded by William Betterley to adopt the Resolution authorizing the Executive Officer to enter into an MOU between the SWRCB, CDF, and designated Regional Water Quality Control Boards. **Voting “yes”:** Jack Clarke, William Betterley, Eugene Nebeker and Claudette Roberts. **Voting “no”:** John Brissenden and Eric Sandel. The **motion carried.**
- **Motion:** Moved by Jack Clarke, seconded by Eric Sandel and **unanimously carried** to authorize the Chair to sign and send the “draft” memorandum to Arthur Baggett, Chair of the SWRCB.

The afternoon session of the meeting adjourned at 4:10 p.m.

Regular Meeting, Continued **7:00 p.m., June 11, 2003**

Chair Eugene Nebeker called the meeting to order at 7:00 p.m. Board members present: William Betterley, John Brissenden, Jack Clarke, Claudette Roberts and Eric Sandel.

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3. **PUBLIC FORUM**

John Moynier, Mammoth Community Water District stated the District is awaiting a determination as to whether the effluent discharge pond is a water of the United States. This in turn would provide resolution regarding future permitting requirements and potentially remove the municipal water supply beneficial use designation on the effluent discharge pond.

5. **ADOPTION OF THE UNCONTESTED CALENDAR**

- **Motion:** Moved by William Betterley, seconded by Jack Clarke and **unanimously carried** to adopt the Uncontested Calendar as amended to include late revisions.

NPDES PERMIT RENEWALS

8. **Amedee Geotherman Venture I, Amedee Geothermal Power Plant**

No staff presentation was made, however, Alan Miller, Senior WRCE reviewed proposed late revisions.

Scott Steinfeld, Amedee Geothermal asked the Board to defer payment of the significantly increased fee until SWRCB amends the fee schedule.

Mr. Singer informed the Board that the request did not require Board action and that he would work with Amedee on this issue.

- **Motion:** Moved by John Brissenden, seconded by Eric Sandel and **unanimously carried** to renew the NPDES Permit as amended to include late revisions.

9. **Carson Development Company, Wineagle Geothermal Power Plant**

No staff presentation was made, however, Alan Miller, Senior WRCE reviewed proposed late revisions.

- **Motion:** Moved by John Brissenden, seconded by Eric Sandel and **unanimously carried** to renew the NPDES Permit as amended to include late revisions.

WATER RECYCLING REQUIREMENTS

10. **Victor Valley Wastewater Reclamation Authority (VWVRA) and the City of Victorville; Westwinds Golf Course**

Jack Clarke excused himself from this item.

Jehiel Cass, WRCE made the staff presentation that included the following:

- Project description

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- Proposed Order
- Major issues
- Late revisions

He concluded by recommending adoption of the proposed Order with late revisions.

Alan Pickard, Deputy Regional Manager, Department of Fish & Game discussed concerns about wildlife beneficial use. He stated that if the Order is adopted and Department of Fish & Game and VVWRA cannot reach an agreement about diversions that may contribute to diminished riparian habitat, the Order would be petitioned to the State Board.

Dan Gallagher, General Manager, VVWRA discussed the proposed recycled water project, existing NPDES permit and the recycled water source. He pointed out that the project provides a drought proof water supply for expensive landscape investments and urged Board approval. He concluded by requesting a change in the due date for monthly monitoring reports.

Guy Patterson, Director of Public Works, City of Victorville stated his support of the project.

Kirby Brill, General Manager, Mojave Water Agency reviewed the Agency's Regional Water Management Plan which included the need for wastewater reclamation.

John Leveillee, Senior Engineer, City of Hesperia stated that the use of reclaimed water is one of the key elements in addressing water issues and as a result the City of Hesperia supports the application.

Mr. Cass answered questions from Board members

Mr. Singer stated that the Monitoring and Reporting Plan would be amended to require one monitoring result before applying reclaimed wastewater.

- **Motion:** Moved by John Brissenden, seconded by William Betterley and **unanimously carried** to approve Water Recycling Requirements.

OTHER BUSINESS

11. China Lake Naval Air Weapons Station (CLNAWS), Federal Facility Site Remediation Agreement (FFSRA)

Cindi Mitton, Senior WRCE discussed the purpose of the proposed FFSRA agreement, issues to be considered, the FFSRA process and key terms of the agreement. She also indicated that the agreement protects Regional Board authority.

Laurie Racca, DTSC expressed the Department's gratitude to Regional Board staff and support of the agreement.

Laurie Zelmer, Hazardous Waste Program Manager, China Lake Naval Air Weapons Station stated the Navy's support of the agreement.

Board members directed the Executive Officer to sign the agreement.

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The evening session of the meeting adjourned at 8:40 p.m.

Regular Meeting, Continued
8:30 a.m., June 12, 2003

Chair Eugene Nebeker called the morning session of the Board meeting to order at 8:30 a.m. All Board members were present.

PLANS AND POLICIES

13. Al and Karla Pombo, Hobart Mills Industrial Park – Exemption to a Prohibition Contained in the Water Quality Control Plan for the Lahontan Region

No staff presentation was made.

Eric Sandel excused himself from this item.

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

14. Consideration of Modifying Notice of Exclusion (NOE), to Allow for Pilot-scale Application of Aquatic Herbicides in the Tahoe Keys for Eurasian Watermilfoil Management

Jason Churchill, Environmental Scientist, gave the staff presentation and discussed the objectives of the proposal. He reviewed what is known about the Eurasian Watermilfoil situation in the Tahoe Keys, including concerns of continued spreading. Questions raised by Board members at the May Board meeting were addressed.

Mr. Churchill recommended that the NOE not be modified to allow herbicide application until there is scientific consensus on this issue. He recommended outreach and education to boaters and pursuing nutrient reduction in the Tahoe Keys. He also noted the proposed project would require a permit from the Tahoe Regional Planning Agency.

Mr. Churchill summarized a letter submitted by Daniel Sussman, League to Save Lake Tahoe documenting comments he made at the May Board against the use of herbicides in Lake Tahoe.

Mr. Churchill summarized a letter submitted by Dr. Lars Anderson, USDA, Agricultural Research Service, Exotic and Invasive Weed Research, U. C. Davis.

Mr. Churchill answered questions from Board members.

Lauri Kemper, Supervising WRCE answered questions from Board members.

Mr. Singer stated that the Tahoe Regional Planning Agency might be the appropriate venue for complete environmental analysis since the project would require a permit. He also pointed out that a weed management group working in the Basin could be the coordination group that spearheads the overall analysis.

Dr. Nebeker recommended that weed management stakeholders be informed of the proposed project to control Eurasian Watermilfoil.

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Mr. Sandel pointed out that an accurate assessment of the magnitude of the situation is necessary and that the Tahoe Research Group could assist in that determination.

12. Reports by Chair and Board Members

Dr. Nebeker noted that Mr. Singer and Mr. Blum, Legal Counsel are ascertaining what the liability issues are if the Board takes on the responsibility of cleaning up some of the Underground Storage Tank (UST) sites, and the effectiveness of the current UST Program.

Dr. Nebeker asked Board members to let him know if there were any issues that needed to be addressed at the Chair's meeting June 30, 2003.

Mr. Brissenden asked Mr. Singer to determine whether the Regional Board is eligible for any of the \$2,000,000,000 Federal UST fund. As a member of the State Parks Commission, Mr. Brissenden asked Mr. Singer for a letter supporting an increase in federal and state fines for natural resource damage.

There being no further business to come before the Lahontan Regional Board, the meeting adjourned at 9:30 a.m.

Prepared by: _____ Adopted: September 10, 2003
Pam Walker, Administrative Officer

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