



California Regional Water Quality Control Board

Lahontan Region

Winston H. Hickox
Secretary for
Environmental
Protection



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Gray Davis
Governor

MINUTES

September 10-11, 2003

Regular Meeting

Lahontan Regional Water Quality Control Board
Town Hall of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA

Chair Eugene Nebeker called the meeting to order at 4:00 p.m.

BOARD MEMBERS PRESENT

William Betterley, Hesperia
Jack Clarke, Apple Valley
Eugene B. Nebeker, Ph.D., Lancaster
Claudette Roberts, Palmdale
Eric Sandel, Truckee
John Brissenden, Hope Valley (arrived at 4:15 p.m.)

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
Cindi Mitton, Senior WRCE, Kern County/Mono/Owens Watershed
Eugene Rondash, WRCE, Kern County/Mono/Owens Watershed
Ted Saari, WRCE, Mojave Unit
Jehiel Cass, WRCE, Mojave Unit
Christy Hunter, Engineering Geologist, Mojave Unit
Pamela Walker, Administrative Officer
Marietta Christoffersen, Office Technician

ADDRESSING THE BOARD

Marvin Shaw, Lake Arrowhead Community Services District
Dan Gallagher, Victor Valley Wastewater Reclamation Authority (VVWRA)
Mike Podegraez, City of Hesperia
Bill Roberts, Protect Lake Arrowhead Now (PLAN)
Sherwin Grossman, PLAN
Marlene Alexander, PLAN

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Carl Uhrmann, PLAN
Adele Grossman, PLAN
Greg Marcela, Lake Arrowhead property owner
Scott Priester, City of Barstow
Dave Snyder, Los Angeles County Sanitation District (LACSD)
Raymond Tremblay, LACSD

1. Executive Officer's Report

Mr. Singer highlighted the following items from the August written report:

Item No. 1 - History and Status of TRPA's Shorezone Environmental Impact Statement (EIS). The Regional Board has been actively involved with TRPA on this issue. Although the Board has had a long-standing prohibition on construction of piers in spawning areas, studies have shown that piers do not have an adverse effect on spawning habitat. Additional piers could mean more boats and boat exhaust contains PAHs. In certain confined areas of Lake Tahoe (marinas), sampling has detected PAHs at levels that are toxic to some aquatic plant life. A joint meeting with TRPA would allow for all comments to be heard at one time, although a two-step process would allow TRPA to complete their EIS prior to the Regional Board hearing the item.

Items from the September written report were highlighted as follows:

Item No. 1 - Status of Caltrans Statewide Permit Update. Regional Board staff will continue to work with State Board to ensure that the permit addresses the needs of the Tahoe Basin and other areas of the high Sierra.

Item No. 2 - Spalding Community Service District, Eagle Lake. Dr. Nebeker had questions about when the project might be completed and the cost per parcel.

Item No. 3 – Caltrans' July 23, 2003 Discharge From the I-80 Boca Floriston Project. This intense storm resulted in some extremely high turbidity water entering the Truckee River. Although Caltrans did comply with the current permit, its operation did contribute to a significant part of the problem. Given the history of this project (Caltrans has been before the Board several times for ACL action), Board members asked the Executive Officer to send Caltrans a letter commending them for doing what they could during this storm event.

Item No. 4 – July Thunderstorms Pound Alpine County. Although the Federal Highway Administration (FHA) is the contractor and provides oversight of the project, the road is owned and maintained by Alpine County. The sloughing off that occurred as a result of cut slopes that existed pre-project combined with the tremendous amount of stormwater completely overwhelmed pipes and channels. A letter was sent to both FHA and Alpine County asking them to address issues within their purview, such as looking at the overall hydraulics of the area to ensure that the capacity of the channels and pipes are sufficient to move water into the tributaries without causing erosion.

Item No. 5 – U.S. Forest Service Big Meadow Violation. Water quality effects are minimal but there is concern that the project could change the hydraulic flow through the meadow. Also of concern is the appearance that the U.S. Forest Service did not have control of the project or understand the potential impacts. In addition, there was no review by the Regional Board.

Item No. 6 – Step 1 of the Nonpoint Source Pollution Control and Watershed Protection Grant Application Process Completed. Project proponents in our region are competing for a small amount of available bond monies. Some of these proponents have progressed to the second step and will be funded. Projects funded by these bond funds will improve

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water quality. The assistance provided by Regional Board staff to project proponents in writing their proposals contributed to these projects moving to the second step. Mr. Singer and Board member Claudette Roberts thanked staff for the assistance they provided to project proponents in writing grant proposals.

Item No. 8 – MTBE Detected in Municipal Water Supply Wells in the Meyers Area of South Lake Tahoe. The Regional Board is working closely with South Tahoe Public Utility District (District) to put pressure on Shell to do further investigation. Shell has agreed to a work plan that is acceptable to both the Regional Board and the District.

Item No. 10 – County Sanitation District of Los Angeles County No. 20 (District), Palmdale Water Reclamation Plant-Ground Water Antidegradation Analysis Report (ADA). Chair Eugene Nebeker excused himself from the meeting for this item. Several locations exceed the maximum contaminant level (MCL) for nitrate in groundwater. Further characterization is needed to determine how extensive the problem is and to try to minimize any further pollution at the site. Feasible alternatives to land spreading, which are believed to have contributed to the problem, are necessary. The Regional Board will issue the District a letter requesting a technical report, asking for specifics about its plans and schedule for addressing the situation. The tasks and schedule would then come before the Board for adoption into an enforceable order. The options would be to amend Waste Discharge Requirements, issue a Time Schedule Order or adopt a Cease and Desist Order.

Ray Tremblay, Supervising Engineer and Dave Snyder, Division Manager, LACSD discussed the costs and methods under consideration.

Board members expressed their desire for a workshop and tour of the District at the November Board meeting if an action is not on the agenda.

Item No. 11 – Mojave Water Agency (MWA) Status of Ground Water Salinity Model and Study. A draft Memorandum of Understanding (MOU) between the agencies is being worked out. MWA wants the scope of the workplan to be more focused on its activities whereas Board staff would take a broader view of all potential salt inputs to the Basin and determine the overall effect of recharge and wastewater reuse in the area. The analysis will assist other water districts that want to do recharge understand the cumulative effect of their operations.

The quarterly violations report was discussed.

The afternoon session of the meeting adjourned at 5:10 p.m.

Regular Meeting, Continued
7:00 p.m., September 10, 2003

Chair Eugene Nebeker called the meeting to order at 7:05 p.m. Board members present: William Betterley, John Brissenden, Jack Clarke, Claudette Roberts and Eric Sandel.

2. PUBLIC FORUM

No one addressed the Board during the Public Forum

3. MINUTES

- **Motion:** Moved by William Betterley, seconded by John Brissenden and carried to adopt the May minutes as proposed. Jack Clarke abstained from voting, as he was not in attendance at the May Board meeting.

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- **Motion:** Moved by Jack Clarke, seconded by Claudette Roberts and unanimously carried to adopt the June minutes as proposed.
- **Motion:** Moved by William Betterley, seconded by Eric Sandel and unanimously carried to adopt the July minutes as proposed. John Brissenden abstained from voting.

4. ADOPTION OF UNCONTESTED CALENDAR

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

PLANS AND POLICIES

6. *Public Hearing – Basin Plan Amendments and Functional Equivalent Document for the Mojave Hydrologic Unit Discharge Prohibition Exemptions*

Dr. Nebeker opened the public hearing and administered the oath.

Christy Hunter, Engineering Geologist, gave the staff presentation that included:

- Project Area
- Current Prohibitions and Exemptions
- Proposed Prohibitions and Exemptions
- Basis for Granting Exemptions
- Justification for Amendments
- History of Amendment Efforts
- Response to Comments
- Changes to the Draft Environmental Document

Ms. Hunter concluded by stating that the amendments provide a mechanism for the Regional Board to grant exemptions (subject to specific criteria) to discharge prohibitions and recommended adoption of the proposed Resolution.

Ms. Hunter and Hisam Baqai, Supervising Engineer, answered questions from Board members.

Marvin Shaw, General Manager, Lake Arrowhead Community Services District stated his support of the proposed amendments. He thanked Board staff, Ms. Hunter and Mr. Baqai for their efforts. He went on to thank Mr. Singer and various agencies for their work that resulted in an approved application for use of effluent at the facility burning slash and small timber at Lake Arrowhead.

Dan Gallagher, VVWRA, informed the Board he was available to answer questions.

Mike Podegraez, City of Hesperia, stated his support of the proposed amendments.

Ted Heyck, President, PLAN, discussed the need to use recycled water for landscaping.

Bill Roberts, Vice-President, PLAN, referred to his letter of support and reiterated it.

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Sherwin Grossman, PLAN, discussed the need to use wastewater.

Marlene Alexander, PLAN, emphasized the need to use recycled water for landscaping and the golf course.

Carl Uhrmann, PLAN, spoke in support of the proposed amendments and urged the Board to adopt the Resolution as prepared by the staff.

Adele Grossman, PLAN, stated her support of all that had been said previously.

Greg Marcela, Lake Arrowhead property owner, told the Board that recycled water use was desperately needed.

Dr. Nebeker closed the public hearing.

- **Motion:** Moved by Eric Sandel, seconded by William Betterley and **unanimously carried** to certify the Environmental Document as proposed in the Resolution.
- **Motion:** Moved by Eric Sandel, seconded by Jack Clarke and **unanimously carried** to adopt the amendments as proposed in the Resolution.

Dr. Nebeker commended Ms. Hunter for a concise and well-organized presentation, as well as her responses to questions. He also thanked the public for their concise comments.

Mr. Betterley expressed his hope that property owners of Lake Arrowhead would supplement the Resolution to protect their property from drought conditions by removing underbrush as had been recommended by the U.S. Forest Service and the University of California nine years ago.

ENFORCEMENT ACTIONS

7. ***Public Hearing – Consideration of an Administrative Civil Liability Order for the City of Barstow for Violation of Discharge Prohibitions Prescribed in the Water Quality Control Plan for the Lahontan Region for the February 24 and March 19, 2003 discharges of sewage to the Mojave River, Barstow Wastewater Treatment Facility***

Dr. Nebeker opened the public hearing and administered the oath.

Mr. Baqai informed the Board that since the City of Barstow had no dispute with the proposed Order, a staff presentation would be made only if the Board so requested.

Scott Priester, Community Development Director, City of Barstow, acknowledged that the discharge did occur and that repairs are completed. He stated that a settlement agreement between the city and the former contract wastewater operator was reached.

Dr. Nebeker closed the public hearing.

Mr. Baqai noted corrections to the proposed Order.

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- **Motion:** Moved by Jack Clarke, seconded by William Betterley and **unanimously carried** to adopt the Order as amended.

STATUS REPORT

8. Review of Time Schedule for Implementation of Groundwater Monitoring for the Los Angeles County Sanitation District (LACSD) #14, Lancaster Water Reclamation Plant

Dr. Nebeker excused himself from this item.

Ted Saari, WRCE gave the status report (previously requested by the Regional Board) that reviewed the adequacy of the scheduled time allotments for improvements to the Lancaster Water Reclamation Plant groundwater monitoring system. His discussion included:

- District's revised Gantt Chart
- Aerial Photographs of the Reclamation Plant
- Board Order Requirements and Compliance Record

Mr. Saari concluded that the tasks proposed are appropriate, task time durations are reasonable, and the currently proposed schedule is adequate. He went on to answer questions from Board members.

Mr. Baqai provided historical background on groundwater monitoring for dischargers to land.

Raymond Tremblay and Dave Snyder, LACSD answered questions from Board members and Mr. Singer.

Mr. Singer concluded the item by stating that staff found the schedule reasonable and should there be any delay, it would be reported to the Board immediately.

1. Executive Officer's Report

This item was reopened.

Mr. Singer discussed two Cleanup and Abatement Orders (CAO) issued to private parties in the South Lake Tahoe area that address PCE contamination. One responsible party has petitioned the CAO to the SWRCB, asking for a stay and that the Order be overturned. Also included was a request that the Executive Officer schedule a reconsideration of the CAO before the Regional Board. Mr. Singer informed the Board he did not believe the facts warranted further consideration, that it was clear these were responsible parties.

9. Reports by Chair and Board Members

Mr. Clarke distributed information on Class V injection wells.

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Mr. Brissenden and Mr. Sandel commented on their testimony at the State Board Timber Waiver hearing.

Mr. Betterley expressed concern over Item No. 11 in the Executive Officer's Report. Discussion followed among Board members, Mr. Singer and Mr. Dodds.

Dr. Nebeker discussed the following:

- A proposed agenda item for the upcoming WQCC meeting.
- Newly formed Water Policy Committee. He chairs the Water Quality subcommittee and one of their goals is educating various agencies and the public about the reuse of water.
- Consensual adjudication of groundwater in the Antelope Valley.
- Perchlorate contamination in the Imperial Valley.

10. CLOSED SESSION

Board members met in closed session on September 10, 2003 from 9:00 p.m. to 9:50 p.m. to discuss items l, m and n. Authority: Government Code Section 11126(e).

The Board reconvened in open session at 9:51 p.m. With no further business to come before the Lahontan Regional Board, the meeting adjourned.

Prepared by: _____ Adopted:
Pam Walker, Administrative Officer

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