

Lahontan Regional Water Quality Control Board

Date Distributed: _____

MINUTES
July 12-13, 2017

Regular Meeting

Bishop City Hall
377 West Line Street
Bishop, CA 93514

Board Members Participating

Peter C. Pumphrey, Chair, Bishop
Don Jardine, Vice Chair, Markleeville
Kimberly Cox, Helendale
Keith Dyas, Rosamond
Eric Sandel, Truckee

Board Members Absent

Amy Horne, Ph.D., Truckee

State Water Board

Dorene (DeeDee) D'Adamo, State Water Resources Control Board Member

Legal Counsel

Elizabeth Beryt, Office of Chief Counsel, State Water Resources Control Board
Nick Knight, State Water Resources Control Board, Office of Enforcement

Regional Board Staff Participating

Patty Z. Kouyoumdjian, Executive Officer
Lauri Kemper, Assistant Executive Officer
Patrice Copeland, Sup. Engineering Geologist
Mike Coony, WRCE
Jim Carolan, Engineering Geologist
Ed Hancock, Scientific Aid
Alan Miller, Senior WRCE
Cathe Pool, Senior WRCE
Eric Taxer, WRCE
Bruce Warden, Environmental Scientist
Stone, Engineering Geologist
Lisa Scorallo, Engineering Geologist
Kathy Otermat, Executive Assistant

Scott Ferguson, Sup. WRCE
Douglas Smith, Sup. Engineering Geologist
Jeff Brooks, Engineering Geologist
Jay Cass, Senior WRCE
Mary Fiore-Wagner, Sr. Env. Scientist
Anne Holden, Engineering Geologist
Rebecca Phillips, AGPA
Laurie Scribe, Environmental Scientist
Rob Tucker, WRCE
Dan Sussman, Environmental Scientist
Linda Tammy Lundquist, Eng. Geologist
Michelle Avila, Office Technician

To view the full Agenda and listen to the audio of this meeting [CLICK HERE](#)

PETER C. PUMPHREY, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

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Call to Order and Introductions

Chair Pumphrey called the meeting to order at 6:57 p.m. on July 12, 2017 and introduced Board Members. Ms. Patty Z. Kouyoumdjian, Executive Officer, introduced State Water Board Member, Legal Counsel and Water Board Staff. Note: Board member Dr. Amy Horne was absent.

1. Public Forum

None.

2. Minutes

Motion: Moved by Member Sandel, seconded by Member Cox, to approve the May 2017 Minutes as presented. Ms. Kouyoumdjian noted a typo on Page 4, fourth sentence. With that correction, the Chair called for a verbal vote and the motion carried unanimously

Click here to view adopted [May 2017 Meeting Minutes](#).

3. Status of Proposed Cease and Desist Order and Stipulated Agreement with the United States Forest Service (USFS), Lake Tahoe Basin Management Unit; Meeks Bay Marina Resort, El Dorado County. This was a continuation of the item presented in May.

Mr. Doug Smith, Supervising Engineering Geologist, representing the advisory team stated they met with the parties on May 30 and provided them with the suggested changes from the May Board meeting. No decisions were made as it was an informational meeting. The advisory team had no additional input but was available to answer questions.

Ms. Lauri Kemper, Assistant Executive Officer, representing the prosecution team introduced Nick Knight from the Office of Enforcement. She stated the prosecution team met with the USFS regarding their suggested changes. She stated it became apparent to her that staff moved ahead on an agreement after a number of events that changed the situation and we should have a paused to revisit what is the right vehicle and how best to proceed.

She stated that basically the Water Board got what it needed in terms of compliance and proposed that staff could consider an agreement or order with the USFS- Lake Tahoe Basin Management Unit to improve accountability and reporting as a pilot to the larger order being developed for all federal lands in Water Board Regions 5 and 6. Right now the USFS- Lake Tahoe Basin Management Unit tracks projects via their Environmental Improvement Progress (EIP) tracker. The prosecution is interested in working on some type of Memorandum of Understanding (MOU) or agreement that would hold the USFS – Lake Tahoe Basin Management Unit more accountable for tracking and reporting water quality improvements as well as identifying problems for the entire Lake Tahoe Basin rather than Meeks Bay only. An option she would like the Board to consider and recommend is to withdraw the proposed agreement..

Ms. Kemper suggested a letter from Patty Kouyoumdjian or herself stating the USFS is in compliance as long as they maintain its BMPs at Meeks Bay and that inspections and maintenance would be an element of a new MOU with annual reporting to the Water Board.

Mr. Smith asked Ms. Kemper if based on the Forest Supervisor's letter, page 1, 3rd paragraph, regarding commitment to providing a BMP management plan as proposed in the May settlement agreement if she agreed to the maintenance plan. Ms. Kemper stated the USFS would submit an annual inspection report.

After a 12 minute consultation between the Water Board members and its advisory team, Mr. Smith stated they had one comment and recommendation. The comment is they agree

with the statements regarding BMPs at the site. The recommendation is that the Executive Officer write a letter asking for the BMP management plan by a certain date.

Board Comments:

Chair Pumphrey stated it seems to him that the Board got themselves into an uncomfortable and unmanageable situation. The proposed agreement was purported to do things that were not complementary to each other and not necessarily tied to each other. He suggested the Board tell the USFS that they did what they needed to do then have the staff on behalf of the Board explore collaborations with the USFS throughout the Basin.

Chair Pumphrey stated he is in favor of resolving this in the most simple, most straight forward expeditious way possible as long as the conditions that gave rise to the enforcement action don't exist and that the protections by the USFS are adequate.

Chair Pumphrey stated that since this is not an action item that the Board can vote on, he asked Board members to comment on Mr. Smith's recommendation. Mr. Sandel stated it sounds like it answered the requirement for a simpler solution and then move ahead on some larger agreement that does not need to be part of this letter. Mr. Dyas, Mr. Jardin, Ms. Cox and Mr. Pumphrey also agreed with the recommendation.

4. Reports by Water Board Chair and Board Members - The Water Board members will provide updates to the Water Board and public on events and activities of interest.

Chair Pumphrey:

- In the June Chair's call there was an opportunity for the Chairs of each region to react to preliminary determinations with respect to budget requests for the upcoming year. Reminder to the Board that the Sierra Water Summit in Kings Beach on July 24 and 25

No other Board reports.

5. Executive Officer's Report

Dorene (DeeDee) D'Adamo, State Water Resource Control Board member, provided an update on activity in the State legislature.

- There are several bills in various committees with the focus on establishing a safe and affordable drinking water fund.
- There is some agreement at least in the Agriculture sector that there is a funding mechanism setting aside \$30 million through fees and fertilizer taxes. What has not been agreed upon is the rest of the fund. SB623 Safe and Affordable Drinking Water Fund establishes a safe drinking water fund. One controversial component is a requirement for mandatory well testing for individual wells and what will be done with that information.
- Californians continue to conserve water. Region 6 had an overall average conservation rate of 24.3% in May 2017, with the statewide average of 22%. The State Board is in the process of developing legislature to continue to monitor and report on conservation.
- There is a draft Cannabis draft cultivation policy and draft general order waste discharger requirements with a public hearing in Sacramento on October 19.
- She gave a recycled water survey presentation.
- Region 6 has received 1 new position for timber regulations and 2 for cannabis and a 2.7% increase in general fund.

- Some water quality priorities include mercury objectives adopted in May and approved in June. Wetland definitions are going to be updated t, likely to come back by the end of July. The bacterial standards public comment deadline is August 16.
- Toxicity Objectives public review period is likely to be between December 2017 and January 2018.

Ms. Kouyoumdjian, Executive Officer, presented the [June Written Executive Officer's Report](#) including updates on:

- Staffing changes including active hiring and promotions.
- Staffing issue regarding cannabis: Lahontan Water Board is getting 6 new positions for a new cannabis programs over the next 2 years. These positions will be helping Colorado River Water Board with their permitting, actions before their Board and other things. The positions are only for outdoor growing.
- Leviathan Mine soil slump east of pond 4 status (Bates stamp 5-47 sloping photo). Lahontan received approval from EPA to repair that slope. The repair will be good for about 5 years. It will be done in a 2 week period and is more than halfway complete. The settlement agreement signed with Atlantic Richfield is roughly a year behind schedule because it took them longer to work on the interim combined treatment demonstration projects.
- The 10 year anniversary on the Angora fire just passed. The fire had a profound impact on the community. The Governors of California and Nevada formed a Bi-state Commission which issued 90 recommendations and Lahontan implemented all relevant to its authority and mission. With the help of staff Ms. Kouyoumdjian submitted a letter to the editor highlighting some of the things done in the last 10 years.
- Over 4 years ago this Board discussed enforcement – and formed a subcommittee. Water Board staff have improved the consistency of enforcement responses, created an annual enforcement fact sheet as well as annual and quarterly violations reports, templates and procedures and other progress has been made. Chair Pumphrey asked if there was any possibility to have a conversation with the Office of Enforcement prior to the November Board meeting so that it will be less of a “talking to” and more of a “talking with”. Ms. Kouyoumdjian stated that she believed the Office of Enforcement would be agreeable. Chair Pumphrey and Board Member Sandel agreed to be on the Enforcement Sub-committee.

Scott Ferguson, Supervising WRCE, presented the Quarterly Violations Report.

6. Closed Session

The Board, without the public present, went into closed session at 8:46 p.m. for Agenda Item 6.b. Discussion to Decide Whether to Initiate Litigation. Authority: Government Code section 11126, subdivision (e)(2)(C)(i) and Item 6.g. Discussion of Personnel Matters. Authority: Government Code section 11126, subdivision (a). The meeting resumed with the public at 9:12 p.m. with no items to report.

Adjournment at 9:12 p.m.

REGULAR MEETING: Thursday, July 13, 2017 at 8:30 a.m.

Call to Order and Introductions

Chair Pumphrey called the meeting to order at 8:30 a.m. on July 13, 2017, and introduced members of the Water Board. Ms. Kouyoumdjian, Executive Officer, introduced Legal Counsel and Water Board Staff.

7. Public Forum

None.

8. Resolution Approving the Local Agency Management Program (LAMP) for San Bernardino County.

Mr. Mike Coony, WRCE, presented and made recommendations to the Board to adopt a resolution approving the San Bernardino County LAMP.

Mr. Jason Phillipe, San Bernardino, Division of Environmental Services presented on the San Bernardino County LAMP. This LAMP was tentatively approved by the Board of Supervisors on June 13, 2017.

Motion: Member Sandel moved to adopt the LAMP, seconded by Member Dyas. The Chair called for a Roll Call Vote and the motion carried per the following votes:

The motion *carried* per for the following votes:

Member Cox	aye
Member Dyas	aye
Vice-Chair Jardine	aye
Member Sandel	aye
Chair Pumphrey	aye

9. Renewal of General Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the East Walker River Watershed (Bridgeport Valley and Tributaries) of the Lahontan Region.

Bruce Warden, Environmental Scientist, presented and recommended renewal of the Grazing Waiver

No comments were been received, however one late letter was received from Bill Thomas which was supportive of the Grazing Waiver.

Board Comments:

Member Sandel asked Dr. Warden if there are there any users of surface water for human consumption. Dr. Warden replied that solely ground water is used for human consumption. Member Sandel also asked if Mr. Warden would be updating board regarding monitoring results. Dr. Warden replied that yes they are required by March 15th of each year and can be shared in Executive Officer's Reports.

Member Cox expressed that it seems like they've come a long way from where they were 10 years ago and she can't help but attribute that to collaboration.

Chair Pumphrey mirrored the comments of Member Cox stating he is always struck by seeing all the crisscrossing ditches in the valley and what an incredible challenge it would be to do water management under those circumstances. He was very pleased with all the people listed that on the last slide especially the collaborating parties.

Ms. Beryt, Legal Counsel, clarified that staff prepared an amendment to the CEQA document that was prepared on June 13, 2007 and that it is an attachment to this order.

Motion: Member Jardine moved to approve the renewal, seconded by Member Cox. The Chair called for a Roll Call Vote and the motion carried per the following votes:

The motion *carried* per for the following votes:

Member Cox	aye
Member Dyas	aye
Vice-Chair Jardine	aye
Member Sandel	aye
Chair Pumphrey	aye

ADJOURNMENT

With no further business to come before the Board, the meeting adjourned at 12:27 p.m. on May 11, 2017.

Prepared by: Kathy Otermat Adopted: 11/15/17
Kathy Otermat, Executive Assistant