

## Lahontan Regional Water Quality Control Board

### MINUTES

September 12-13, 2018

### Regular Meeting

Lahontan Water Board Annex, Hearing Room  
971 Silver Dollar Avenue  
South Lake Tahoe, CA 96150

Lahontan Regional Water Quality Control Board  
15095 Amargosa Road, Bldg. 2, Suite 210  
Victorville, CA 92394

### Board Members Present

Peter Pumphrey, Board Chair  
Don Jardine, Markleeville, Vice-Chair  
Keith Dyas, Rosamond  
Eric Sandel, Truckee  
Amy Horne, Ph.D., Truckee  
Kimberly Cox, Helendale

### Board Members Absent

### Legal Counsel

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

### Regional Board Staff Participating

Patty Z. Kouyoumdjian, Executive Officer  
Scott Ferguson, Supervising WRC Engineer  
Patrice Copeland, Sprv. Eng. Geologist  
Ed Hancock, Environmental Scientist  
Abby Cazier, WRC Engineer  
Brian Grey, Engineering Geologist  
Hannah, Schembri, WRC Engineer  
Michelle Avila, Office Technician  
Amber Wike, Management Services Technician

Doug Smith, Assistant Executive Officer  
Jennifer Watts, Env. Scientist  
Robert Larsen, Senior Env. Scientist  
Eric Taxer, Senior WRC Engineer  
Chris Stetler, Senior WRC Engineer  
Kathleen Bindl, Env. Scientist  
Robert Tucker, Senior WRC Engineer  
Ben Letton, Supervising Eng. Geologist  
Katrina Fleshman, Exec. Assistant

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

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

**Wednesday, September 12, 2018, 1:00-3:00 p.m.**

Prior to the Board Meeting, Water Board members Eric Sandel and Dr. Amy Horne attended a Tour of the Proposed Meeks Bay Restoration Project at 7941 Emerald Bay Road, SR 89, Meeks Bay CA 96142. Also, in attendance, were Patty Z. Kouyoumdjian, Executive Officer, Doug Smith, Assistant Executive Officer, Theresa McClung, Deputy Forest Supervisor for the LTBMU, staff from the USFS, Water Board, and members of the public.

**REGULAR MEETING: September 12, 2018 - 7:00 p.m.****Call to Order and Introductions**

Chair Pete Pumphrey called the meeting to order at 7:00 p.m. on September 12, 2018 and introduced Water Board Members in the Tahoe and Victorville Offices. Patty Z. Kouyoumdjian, Executive Officer, introduced Legal Counsel, Elizabeth Beryt and Water Board staff in the two locations.

**1. Public Forum**

Public Speaker, Cedric Twight, Regulatory Affairs Manager, for Sierra Pacific Industries – Gave comment indicating interest in legislation and regulations that impact how they manage timberlands here in California. Mr. Twight expressed interest in Water Board members feedback relative to Legislation and/or Policy that has been adopted that can impact timberlands here in Northern California.

**2. Minutes**

**Motion:** Moved by Member Keith Dyas, seconded by Vice Chair Don Jardine, to approve the July 2018 Minutes as presented. Chair Pete Pumphrey called for a Roll Call Vote and the motion carried per the following votes:

Member Cox	aye
Vice-Chair Jardine	aye
Member Sandel	aye
Member Dyas	aye
Member Dr. Horne	abstained
Chair Pumphrey	aye

Click here to view adopted [July 2018 Meeting Minutes](#)

- 3. Workshop – 2018 Triennial Review of the Basin Plan** –Jennifer Watts, Environmental Scientist, presented the second of two workshops on the 2018 Triennial Review. Ms. Watts gave a status of the 2015 Triennial Review Projects, as well as presented a draft prioritization of 2018 Triennial Review projects. Deadline for public comments was extended to September 24, 2018. Ms. Watts indicated that the staff will present to the Board for their consideration, a proposed 2018 Triennial Review list at the board meeting in Apple Valley in November. Ms. Watts stated the Triennial Review (which is basically the workplan for the Basin Planning Unit), is reviewed every three year.

Ms. Watts stated there is a total of 27 proposed topics to be provided at the November Water Board Meeting. However, one project from the 2015 list was inadvertently left off the 2018 list. That project would develop a standard for deposited/embedded sediment for the Middle Truckee River, and it will be on the 2018 list going forward.

Ms. Watts discussed the highest Priority Basin Planning Projects proposed by Lahontan staff to be provided at the November Water Board meeting. After comment period closes the staff will prepare response/comments document and the final prioritized list to be considered for adoption at the November Water Board Meeting in Apple Valley.

Chair Pete Pumphrey asked for questions from the Water Board.

### **Questions by the Board Members:**

Member Dr. Amy Horne, and Member Kimberly Cox asked clarifying questions about the Middle Truckee River project and if creative ways can be found to implement the priority projects.

### **Public Comment:**

Lisa Wallace, from the Truckee River Watershed Council, stated that in 2014 and 2015 the Truckee River Watershed Council (TRWC) sent letters with a recommendation to consider and investigate any embedded or deposited sediment standard. This project has been placed below the line in the Triennial Review and Ms. Wallace indicated she is here to make a strong recommendation for lifting that project above the line in the current Triennial review. Ms. Wallace requested that the Truckee River additional standard to be considered in the context or paired with climate change or source water protection projects.

### **Board Comments**

Member Dr. Horne asked if Lahontan could show progress on projects. Dr. Horne inquired if there is some way to improve the Triennial review so that both staff, Water board members, and the public have some sense that we are making progress. Dr. Horne suggested to break these projects down and tie them more closely to annual work plans, and specifically show what is going to be accomplished related to climate change. Dr. Horne also requested that criteria for sorting be added to make it clear how the work will be prioritized.

Member Kimberly Cox inquired when Water Board staff became aware the Truckee River Project was left off the priority list. Mr. Scott Ferguson indicated we were notified by the TRWA one week before the Water Board meeting.

Member Kimberly Cox asked Mr. Ferguson if the public comment period for the Triennial Review Process needed to be extend. Mr. Ferguson stated that we need time to review and respond to comments, but he believes this can be accomplished and recommends sticking to the final comment date of September 24<sup>th</sup> to remain on schedule with the Triennial Review Process.

Member Eric Sandel asked if there is a creative way to find funding for these priority projects. Executive Officer Patty Kouyoumdjian replied that the State Water Board is working on a creative way for funding by combining projects with other activities and or projects.

### **Request by Chair Pumphrey**

Chair Pete Pumphrey agreed with Member Dr. Horne that showing progress on a particular project would help everyone understand how the prioritization occurred. Chair Pumphrey requested staff to do something that would help the public see where the little parts of a Triennial Review project fit into the big parts and maybe reconfigure this “1 to 28” in that way, to see where this part would give a result that could be applied to a different Triennial Review project.

5 min break at 8:10pm – 8:15pm

The meeting was called back to order at 8:15pm by Chair Pete Pumphrey.

- 4. CEQA Scoping Meeting** – Chair Pete Pumphrey asked the Office of Chief Council, Elizabeth Beryt, to speak regarding the CEQA item and the process before staff presented. Ms. Beryt explained this item is not normally heard before the Water Board and today is for informational purposes only and an opportunity for the public to engage and provide input.

Robert Larsen, Sr. Environmental Scientist, informed the public on the scope of an environmental analysis supporting a proposed amendment to the Water Quality Control Plan for the Lahontan Region (Basin Plan) to remove a prohibition on new pier construction in fish spawning habitat at Lake Tahoe. The point of the workshop is to introduce to the public and Water Board what we are planning regarding the old Land Use Regulations that our Basin Plan contains.

Mr. Larsen described the timeline: proposed language to be submitted in November; solicit and respond to public comment by December 2018; TRPA updated Code adoption by December 2018; Public Hearing for consideration January 2019; present to Water Board consideration March 2019 and submit to Office of Administrative Law for approval in April 2019. Once staff has completed a drafted proposal, it will be placed on our website for public view and comment.

Chair Pete Pumphrey asked for questions from the Water Board.

### **Questions by the Board:**

Member Kimberly Cox and Member Keith Dyas asked clarifying questions about the fish spawning habitat mitigation and about TRPA’s environmental documentation.

Mr. Larsen responded that TRPA is doing something a lot more robust. TRPA’s analysis is more complex and detailed and is looking on how pier development negatively impacts spawning habitats and using that analysis.

No public comments

- 5. Lake Tahoe Programs Update** – Robert Larsen, Sr. Environmental Scientist, presented his update on the Lake Tahoe Programs, specifically the Lake Tahoe TMDL (Total Maximum Daily Load) program, Municipal Storm Water Permit, and the Lake Tahoe's Nearshore Program.

Lake Tahoe TMDL - UC Davis reported that the clarity of Lake Tahoe is at 59 feet. Mr. Larsen added that more research needs to be conducted into atmospheric and meteorology contributions affecting Lake Tahoe's clarity.

Municipal Storm Water Permit –The Water Board adopted an updated permit in 2017. Mr. Larsen reported that the status of the permit was looking good with 5 % of fine sediment particles being reduced. Mr. Larsen indicated there are tools publicly available with the Lake Tahoe crediting program. Mr. Larsen added that the local jurisdictions are required to develop a requirement to reduce trash and must submit that information in December.

Lake Tahoe's Nearshore Program –Mr. Larsen reported that nearshore monitoring is our focus now. Mr. Larsen also highlighted that a process is being established to track where we are using our funds in monitoring and research needs. The Nearshore Program has a network series of real-time sensors established by UC Davis that provide Water Board staff with real-time information.

No public comments

## **Adjournment at 9:20 pm**

### **REGULAR MEETING: Thursday, September 13, 2018 – 8:30 a.m.**

#### **Call to Order and Introductions**

Chair Pete Pumphrey called the meeting to order at 8:30 a.m. on September 13, 2018 and introduced Water Board Members in the Tahoe and Victorville Offices. Patty Z. Kouyoumdjian, Executive Officer, introduced Legal Counsel, Elizabeth Beryt and Water Board staff in both offices

Member Kimberly Cox, left the board meeting at 8:53am.

#### **6. Public Forum**

Richard Solbrig, General Manager, South Lake Tahoe Public Utilities District; Jennifer Lukins, Lukins Brother Water Company; and Rick Robillard, Tahoe Keys Water Company., spoke to the Water Board and asked for their help in getting emergency funding for the PCE groundwater and well contamination issues caused in the 70's .The contamination has become very costly and the cleanup that will need to be conducted is going to take years to accomplish. Mr. Solbrig expressed concern that ongoing cleanup costs are being paid by the customers. Ms. Lukins further expressed concern that customers should not have to be the ones footing the bill for something they had nothing to do with.

- 7. Leviathan Mine Project Update** – Scott C. Ferguson, Supervising WRC Engineer, presented a summary of significant events at the mine site during the past year, and status updates regarding the Settlement Agreement between the State of California and Atlantic Richfield Company (ARCO). Mr. Ferguson also discussed the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) process for cleanup of the mine site.

Mr. Ferguson reviewed the 2015 Settlement Agreement between Waterboard vs. ARCO, and the challenges they faced.

Mr. Ferguson updated the Board on the various activities conducted by ARCO and Water Board staff to prepare documents for USEPA for the CERCLA process. He explained the cost analysis that has been associated with ARCO's efforts and the agreement between ARCO and the State Water Board, he also explained the cost of operations and that eventually after the analysis is performed on what ARCO has done, that we will be in their spot afterward.

Chair Pete Pumphrey asked for questions from the Board.

**Questions by the Board:**

Members Eric Sandel and Dr. Amy Horne asked questions about what a final treatment may look like and how to best get power at the site. Scott Ferguson stated that we see treatment as a critical part, but feasibility study needs to be done.

Member Sandel asked if Mr. Ferguson thought it is critical to bring in generated power. Mr. Ferguson agreed and indicated that this is what we are thinking. The other option is solar, with recent changes in solar costs and technology, it is a possibility. Also, ARCO has 3 generators and we can possibly use one of those.

Member Dr. Horne mentioned that she went on a field trip to Iron Mountain Mine, which is similar to Leviathan Mine. Dr. Horne wanted to know how the funding on Iron Mountain work. Mr. Chris Stetler, Senior WRC Engineer, responded that this is something we could look at, and Iron Mountain uses a sludge treatment process that is similar to Leviathan. Mr. Stetler believes the way the Iron Mountain Mine has been funded is through insurance that they have for the mine.

**8. Reports by Water Board Chair and Water Board Members –**

Member Dr. Amy Horne reported on her experience at last year's Head Waters Tour run by the Water Education Foundation.

Chair Pete Pumphrey announced the Water Quality Coordinating Committee (WQCC) is set for October 23<sup>rd</sup> and 24<sup>th</sup> in Sacramento. Our region will be discussing what we have done, and how we have done it, regarding our climate change strategy

9. **Executive Officer's Report** – Patty Z. Kouyoumdjian, Executive Officer, provided an update to the Water Board and public on key actions and activities in the Lahontan region, including the items below:

- Basin Plan Update
- Personnel Report
- Hinkley Update
- Los Angeles County Sanitation District – Plant 20
- Petersen Ranch
- Standing – Barstow Nitrate/Perchlorate Plumas
- Harmful Algal Bloom
- New Technology – Laminar Flow Aeration Test Projects
- Governor Executive Order – Carbon Neutrality
- Senate Bill SB 901 – Forestry and Wildfires

### **ADJOURNMENT**

With no further business to come before the Water Board, the meeting was adjourned at 10:15 a.m. on September 13, 2018.

Prepared by: Katrina M. Fleshman , Adopted: 11/14/2018  
Katrina Fleshman,  
Executive Assistant,

and

Amber Wike  
Amber Wike, Management Services Technician

