

## Lahontan Regional Water Quality Control Board

### MINUTES

July 18-19, 2018

#### Regular Meeting

Bishop City Hall  
City Council Chambers  
377 West Line Street  
Bishop, CA 93514

#### Board Members Present

Peter Pumphrey, Board Chair  
Don Jardine, Markleeville, Vice-Chair  
Kimberly Cox, Helendale  
Keith Dyas, Rosamond  
Eric Sandel, Truckee

#### Board Members Absent

Amy Horne, Ph.D., Truckee

#### State Board Members Participating

Dorene D'Adamo, Board Member

#### 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 WRCE  
Patrice Copeland, Supervising Eng. Geologist  
Eric Taxer, Senior WRCE  
Jan Zimmerman, Senior Eng. Geologist  
TJ Middlemis-Clark, WRCE  
Amber Wike, Acting Exec. Asst./Board Clerk  
Sandra Lopez, Office Technician

Doug Smith, Assistant Executive Officer  
Jehiel Cass, Senior WRCE  
Jeff Brooks, Senior Eng. Geologist  
Dan Sussman, Senior Env. Scientist  
Robert Tucker, Senior WRCE  
Ben Letton, Supervising Eng. Geologist  
Trevor Miller, WRCE

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

**REGULAR MEETING: July 18, 2018 - 7:30 p.m.****Call to Order and Introductions**

Chair Pumphrey called the meeting to order at 7:00 p.m. on July 18, 2018, and introduced Board Members. Ms. Patty Z. Kouyoumdjian, Executive Officer, introduced Legal Counsel and Water Board Staff. Chair Pumphrey reported that Dr. Amy Horne Ph.D. was unable to attend the Board Meeting.

**1. Public Forum**

None

**2. Minutes**

**Motion:** Moved by Member Dyas, seconded by Member Cox, to approve the May 2018 Minutes as presented. Chair Pumphrey called for a Roll Call Vote and the motion carried per the following votes:

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

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

**3. Workshop – 2018 Triennial Review of the Water Quality Control Plan for the Lahontan Region (Basin Plan)** – Dan Sussman, Senior Environmental Scientist (Basin Planning and Assessment Supervisor), presented an informational item, the public workshop of the 2018 Triennial Review of the Water Quality Control Plan (Basin Plan) for the Lahontan Region.

Mr. Sussman gave an overview of his presentation and explained the purpose and process of the 2018 Triennial Review. The Basin Plan contains regulatory content of water quality standards of implemented programs and includes informational text such as maps and program descriptions. The Clean Water Act requires the Water Board to review the Basin Plan's regulatory content of the implemented programs and to address applicable water quality standards, by eliminating, modifying, or adopting new applicable water quality standards in the Basin Plan. The Triennial Review is basically the Basin Planning Unit's workplan for the next three years and is the Water Board's opportunity to direct and prioritize the Unit's projects. Mr. Sussman explained the workshop was publicly notified 45-days in advance, and its main goal is to gather public input on issues that are priority and from the Water Board, by informing staff of any issues that should be included or implemented in the 2018 Triennial Review. Mr. Sussman informed the Water Board an additional Workshop is scheduled for the September Board Meeting and the close for public comments of the 2018 Triennial Review is September 14, 2018. Staff will then review any public comments submitted, include staff recommendation of priorities, and bring to the Water Board at our November Board Meeting in Apple Valley a staff report of the proposed Basin Planning Unit's Workplan. After further direction and prioritization is given from the Water Board, the final 2018 Triennial Review/Workplan will be submitted to the United States Environmental Protection Agency (USEPA) for their final review and implementation.

Mr. Sussman presented the status of projects from the 2015 Triennial Review that were completed or had work conducted as well as ongoing projects (projects that have yet to be completed). Mr. Sussman's status of the 2015 Triennial Review included:

- 2015 Triennial Review had twenty-one Priority Projects;
- There was minimal to no staff resources for many of the 2015 projects, which resulted in eight of the twenty-one 2015 projects to fall below the line (no work conducted); and
- There are twenty ongoing projects from the 2015 Triennial Review that are re-issued in the 2018 Triennial Review.

Mr. Sussman informed the Water Board that twenty of the ongoing projects from the 2015 Triennial Review are projects that are being re-issued in the proposed twenty-four Basin Planning projects for the 2018 Triennial Review.

Mr. Sussman then gave an overview of the 2018 Triennial Review and specifically focused on the new projects that include; State Water Board's adopted Resolution 2017-0027 General Permit for Tribal Beneficial Uses, proposed Climate Change Adaptation and Mitigation Strategy, and source water protection. He specifically focused on the climate change and source water protection priorities explaining that the Water Board has an option of keeping these projects individual or combining them. Mr. Sussman ended his presentation by asking the audience and the Water Board for their input on the priorities of the 2018 Triennial Review projects.

Chair Pumphrey asked Board Members if they had any questions.

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Member Dyas asked if there are twenty projects being continued from the 2015 Workplan. Mr. Sussman responded, we have marked two of the projects complete, however, the numbers are funny because we are still waiting on new criteria being developed by State Water Board to reflect standards that involve some of the priorities that are being re-issued, specifically the flow criteria project.

Chair Pumphrey then asked if the Water Board could even comment on the USEPA 304 recommendation because we don't know if it even applies to our Region yet Mr. Sussman responded that we are required to look at them and acknowledge or address through suggestion or comments the depth of the language and work associated, but the Water Board has the discretion but we do have to address it at some point even if doesn't apply to us.

Chair Pumphrey asked the Water Board for any other comments or input.

Member Dyas, stated that he was pleased to see the four new projects, but especially pleased with the Source Water Protection. He commented that it will be very useful in the future.

Vice Chair Jardine, responded that he agreed with Member Dyas. Mr. Jardine indicated he was pleased to see the Climate Change Adaptation and Mitigation Strategy and the Source Water Protection proposals, however, he believed they should be kept separate.

Member Sandel, indicated he was pleased to see the new projects added, however, he couldn't understand the PYs over 3 years and accumulating PYs, and asked staff to explain. Mr. Sussman explained the accumulate PYs by adding the PYs that are in the columns and just continue down, or at least that's how he understands it. The table Mr. Sandel asked about was the adopted priorities for the 2015 Triennial Review.

Member Cox, asked Executive Officer Patty Kouyoumdjian, if we plan on receiving any resources help on the horizon as these are all noble projects in this Region and need to be addressed, Member Cox noted it could really be demoralizing to staff to see projects with no resources to work on them. Ms. Kouyoumdjian responded that we have of funding. Mr. Sussman added that there is a glimmer of hope in that other subject areas may inter-combine and funding from other priorities could cross over and we could get help that way.

Chair Pumphrey, responded that he agreed with Ms. Cox that not only is it demoralizing to staff, it's frustrating to look at these projects we need to look into with the limited funding. He indicated that all of the projects have a great deal of merit and that he did not envy Mr. Sussman for having to straighten these out in terms of priority.

Chair Pumphrey, assuming we rank our list of priorities, inquired if there is some flexibility on one of our "below-the-line" projects to be bumped up. Mr. Sussman, responded that the Water Board has discretion to change priorities at any given time, but would have to provide direction on what other projects to cut back on.

- 4. Lahontan Water Board Cannabis Unit Update** – Mr. Eric Taxer, Senior Water Resources Control Engineer, provided introductory comments for the presentation. Mr. TJ Middlemis-Clark, Water Resource Control Engineer, presented an overview of the State Water Board's cannabis regulatory program and the regional implementation efforts. The presentation included an overview of the unique features associated with developing a new program and developing a program that covers both the Lahontan Water Board and the Colorado River Regional Water Board jurisdictional areas. The presentation provided an update regarding a draft Water Board general order for the onsite treatment of industrial wastewater associated with cannabis cultivation activities

**Water Board Comments:**

- Member Dyas inquired about the objections wastewater treatment facilities have with accepting the cultivated cannabis wastewater. Mr. Middlemis-Clark responded that certain treatment facilities have stringent effluent limits related to Total Dissolved Solids (TDS), and that wastewater associated with indoor cannabis cultivation tends to have very high TDS levels.
- Vice-Chair Jardine commented that Alpine County receives the wastewater from the South Tahoe Public Utility District and that cannabis cultivation is being considered within local tribal lands. Wastewater disposal within Alpine County will become a concern and he requested this be watched by staff.
- Member Sandel inquired about requiring TDS applications at agronomic rates to prevent excess TDS concentrations in the wastewater associated with cultivation. Mr. Middlemis-Clark clarified that nutrient management plans are required to be developed for outdoor cultivation facilities to prevent TDS impacts to groundwater, but such plans are not required for indoor cultivation facilities under the State Water Board's General Order for Cannabis Cultivation. Mr. Taxer added that the high TDS concentrations from indoor facilities often is a waste byproduct from internal recycled water treatment and reverse osmosis facilities. Mr. Robert Tucker, Senior Water Resource Control Engineer with the North Lahontan Regulatory Unit, added that while we have the ability to individually regulate facilities, we prefer regional wastewater collection facilities to implement appropriate pretreatment

programs. Member Sandel commented that such wastewater collection entities should impose appropriate regulations on entities discharging into their system.

- Member Sandel expressed concern about the risk levels contained in the State Water Board's General Order. Mr. Taxer said that risk levels are based upon the pilot program initiated in the North Coast (Region 1) and Northern Central Valley (Region 5) areas. Member Sandel expressed his concern that the General Order seems to allow a cultivation site to be constructed on a steep hillside and then the site is assessed a larger permitting fee instead of forbidding such development of cultivation facilities in high risk areas. Member Sandel also stated his concern that cultivators are not being charged enough to cover the level of oversight needed if something were to go wrong.
- Member Cox asked about the efforts to work with local law enforcement and local jurisdictions on illegal cultivation sites. Member Cox provided a recent example where law enforcement shut down 5 illegal grows and over 8,000 plants in an adjudicated groundwater basin, noting the high proliferation of such illegal cultivation activities, and specifically inquired about the Cannabis Unit's process and status in developing relationships with local law enforcement and jurisdictions to address this issue. Mr. Taxer responded that outreach efforts have included local law enforcement and that the State Water Board is also working with local law enforcement to identify illegal grows. While the primary focus is to permit legal cultivation facilities, there is a recognition of the need to ensure a level playing field for those who choose to comply with the regulations.
- Member Dyas expressed agreement with Member Sandel regarding the dilemma of regulating cultivation facilities as agricultural facilities or as individual facilities.
- Member Dyas expressed agreement with Member Cox regarding the need to address illegal cultivation. Mr. Taxer provided an example of 15,000 plants being recently confiscated from illegal grows within the National Forest. Member Dyas stated added concern for the impacts to wastewater treatment plants from cultivation facilities and from pharmaceuticals.
- Chair Pumphrey expressed concerns about the program regarding staff safety and the unique challenges for devising a regulatory program for an agricultural industry such as cannabis cultivation as opposed to industrial programs that are typically regulated by the Water Boards.

### **Adjournment at 8:32pm**

### **REGULAR MEETING: Thursday, July 19, 2018 – 8:30 a.m.**

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

Chair Pumphrey called the meeting to order at 8:30 a.m. on July 19, 2018, and introduced Water Board Members. Ms. Patty Z. Kouyoumdjian, Executive Officer, introduced Legal Counsel and Water Board Staff. Note: Amy Horne, Ph.D. was absent.

#### **5. Public Forum**

None.

- 6. Consideration to Adopt Local Agency Management Program (LAMP) for Inyo County –** Jehiel Cass, Senior Water Resources Control Engineer, South Basin Regulatory Unit, presented to the Water Board the Local Agency Management Program (LAMP) for Inyo County. Mr. Cass gave an overview of his presentation as the Local Agency Management Program (LAMP) process Inyo County would use to manage their septic tank permitting activities, objectives of Tier 2, county characteristics, comparison of the criteria and major criteria used to evaluate LAMPs, scope of coverage, water quality assessment program (MRP), and a staff recommendation to be followed by a presentation from Jerry Oser, Inyo County

The objective of a Tier 2 LAMP, allowed by the Onsite Wastewater Treatment System (OWTS) policy adopted by the State Water Board, is for local agencies to define their own program, but the LAMP must be approved by the Water Board. Factors may include site specific characteristics for that locality, soil types, density, population growth, drinking water wells and where those sources are, and a reporting program.

Mr. Cass reported Inyo County has a small population, 18,500 people, and 98% of the land is publicly owned. There are five communities that have sewer collection and treatment facilities. The County has recently determined there is 1 well with elevated nitrate above drinking water standards. The County has yet to determine what the cause of the elevated nitrate is, if it's in relation to human waste disposal or if from agricultural activity. The Basin Plan identifies three areas where septic prohibitions are already in place in Inyo County. The County follows the criteria of the Lahontan Water Board's Basin Plan.

The Inyo County LAMP includes a Water Quality Assessment Program with a report required every five years. Mr. Cass suggests that a long assessment period of twenty or thirty years may be needed to evaluate impacts so that trends can be developed.

Chair Pumphrey asked the Water Board Members if they had any comments before Mr. Jerry Oser with Inyo County presented.

Member Sandel thought the guidance in helping the County to come up with their LAMP by Mr. Cass was exceptional and thanked him for his involvement with the County's LAMP proposal.

Member Dyas asked where is Wilkerson located and does it have a watercourse flowing through it. Mr. Cass responded that the community is just 2 to 3 miles just south of Bishop and north of Big Pine on the west slope of the Owens Valley. and it has a watercourse flowing through it He added that one of the community's two drinking wells had a recent increase in Nitrate levels.

Jerry Oser with Inyo County Environmental Health gave his presentation to the Water Board. He addressed the development of the LAMP for Inyo County and provided information that Inyo County has maintained the Basin Plan requirements. Mr. Oser explained approval of the LAMP would help the County continue to provide local oversight of septic system approvals by implementing practices that are suited for Inyo County.

Member Dyas thanked Mr. Oser for a very good presentation and Inyo County's efforts in developing this LAMP. Mr. Dyas said that Mr. Oser's presentation suggested that Inyo County averages about 4 new systems every 10 years and 1 alternative system. Member Dyas asked about what alternative systems had been implemented. Mr. Oser, explained the Mesa Mustang area is all lava rock so we allow contractors to dig down and insert a bottomless sand filter. Those systems previously had not come with a maintenance plan. This LAMP would require a

maintenance plan. Mr. Oser said that Inyo County is providing training to our area on new systems which will be beneficial.

Member Cox indicated it seemed like this has been a very good working process with the County and she views the LAMP as a guideline to improving the County's approval of septic systems. Thank you.

**Motioned** by Member Sandel, **seconded** by Member Cox. Chair Pumphrey called for a roll call and the consideration was adopted unanimously in this order:

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

- 7. Consideration to Adopt Local Agency Management Program (LAMP) for Mono County –** Jehiel Cass, Senior Water Resources Control Engineer, South Basin Regulatory Unit, presented to the Water Board the Local Agency Management Program (LAMP) for Mono County. Mr. Cass gave an overview of his presentation as: LAMP process Mono County would use to manage their septic tank permitting activities, objectives of a Tier 2 LAMP, county characteristics, comparison of the criteria and major criteria used to evaluate LAMPs, scope of coverage, water quality assessment program which is like a monitoring and reporting program, and staff recommendation. Mr. Cass explained that the Tier 2 program requires a 5-year reporting period just as with the previous LAMP presented. The Mono County LAMP follows the policy adopted by the State Water Board which allows different tiers, and for tier 2, allows local agencies to define their own program, contingent upon Water Board approval. A LAMP considers site specific characteristics for that locality, soil types, density, population growth drinking water wells and where those sources are, and a reporting program.

Mr. Cass reported here are five communities in Mono County, Bridgeport, Lee Vining, June Lake, Mammoth Lakes, and Hilton that already have sewer collection systems. No communities or drinking wells have been impacted by septic systems. The Basin Plan includes three septic prohibition areas; June Lake, Mammoth Creek Watershed, and the Hilton Creek area. The Basin Plan allows the Executive Officer to grant exceptions to these prohibitions provided certain criteria are met.

Mr. Cass also explained that publicly owned land in Mono County comprises 94% of the County lands. The County would regulate conventional and supplemental systems of up to 10,000 gallons per day with monitoring requirements. Again, Mr. Cass pointed out the County LAMP would be a Tier 2 program and have a 5-year water quality assessment program report requirement. Staff need to work with Mono County and establish the trend monitoring requirements before the first 5-year report is submitted, which we plan on doing within the next year.

Member Dyas asked if the three communities with exemptions in the Basin Plan and had prohibitions in place, what would happen if someone wanted to build on privately owned land. Mr. Cass explained that the Basin Plan prohibited any new development on septic systems within prohibition areas. The LAMP allows development to occur in areas with high septic density provided supplemental treatment systems are used.

Louis Molina, Director of Environmental Health for Mono County, gave his presentation to the Water Board. Mr. Molina proposed the County would continue to follow the requirements per the Basin Plan for any new development and they wouldn't be issuing any new permits unless protection to groundwater can be determined. New treatment systems would have to meet requirements so some parcels will not have any ability to have new development. The County is proposing to install monitoring wells, collect surface water samples through monitoring up gradient and down gradient to subdivisions, annual reporting, and maintenance plans. To satisfy the OWTS Policy, Inyo County would provide an annual report.

**Motioned** by Vice-Chair Jardine, **Seconded** by Member Sandel, Chair Pumphrey called for a roll call and the item was adopted as presented in this order:

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

**8. Reports by Water Board Chair and Water Board Members** – No Water Board Member had any reports to present. State Water Board's Board Member, Dorene D'Adamo, gave an update to the Board.

Ms. D'Adamo – State Water Board, Board Member, talked about the following legislative updates:

- Safe and affordable drinking water SB 623, a- proposal by Administration to provide funding for operations and maintenance for operators that do not comply with standards. Unfortunately, the votes didn't come through. Discussions continue with the Association of California Water Agencies; and we are very committed in resolving these issues. She is hoping to come with a better update next time she visits;
- Provided an update on the State Water Board's conservation requirements and the Department of Water Resources and are required to adopt indoor/outdoor standards by 2020;
- There is a \$4 billion bond for parks and recreation (Proposition 68).
- Hopefully she can come back with additional information next time with information on the allocation of the remaining funding for Proposition 1; and
- Water Bond contains \$8.8 billion that is on the November ballot and if approved Ms. D'Adamo will come back with more specifics regarding the allocation of those funds.

Ms. D'Adamo discussed the Triennial Review agenda item from the previous night and the difficulty of limited funding with so many priority projects to complete. State Water Board member D'Adamo liked how the collaboration and discussions between other Regional Boards was going to create new policies based-off of existing work conducted by those Regions. One area identified by State Water Board member D'Adamo that may be beneficial is using existing mercury objectives beneficial uses data. Region 5 has been working on it and could collaborate with Region 6 to get some of these priorities completed. Ms. D'Adamo thought other Regions could come to the Water Board for collaborations with the great work that's been conducted on climate change and mitigation. As stated by Mr. Sussman last night, Ms. D'Adamo added the bacteria issue will be heard in August by the State Water Board. Hopefully, we will have a better timeframe of when some of these standards will be implemented and we can develop a better timeframe for some of the priority projects so that the triennial review may be completed.



**Water Board Member Questions/Comments:**

Member Cox stated she was very pleased to see SB 606 and SB 1660 and the consideration for more arid communities, as well as the impacts from swamp cooler penalizations. Member Cox was excited about the legislation regarding conservation and thanked State Water Board member D'Adamo for any input she has provided to the State Water Board.

Chair Pumphrey indicated he was really encouraged by collaborations with all the different Regions and the State and bringing in information from other Regions that we may not have otherwise known about. Chair Pumphrey thanked Ms. D'Adamo for coming and bringing all the information.

**9. Executive Officer's Report** – The Executive Officer will provide an update to the Water Board and public on key actions and activities in the Lahontan Region..

Ms. Kouyoumdjian, Executive Officer, thanked the Department of Fish and Wildlife for the wonderful tour they gave at the Fish Hatchery and gave an update to June and July Executive Officer's packet. Ms. Kouyoumdjian discussed the following Executive Officer report items:

- A 4.5 million gallon spill of treated waste water occurred in Palmdale due to faulty equipment.
- Crestline Sanitation District collaborated with Caltrans to make infrastructure improvements and repair a slope by a highway that was damaging a pipeline. Ms. Kouyoumdjian mentioned how nice it is when our partners such as Caltrans step up and work together with the sanitation district to solve water quality problems.
- Personnel Update – Ms. Kouyoumdjian noted there are new faces in the crowd and more staff changes to come.
- In September, Bob Larson will be giving a presentation on the Water Board Lake Tahoe Nearshore Report update.
- Lake Tahoe Summit in August- Ms. Kouyoumdjian reported that the significant decline in water clarity occurred in 2017 and marked the lowest annual clarity ever recorded. She added that the five-year clarity average long-term trend is working despite the one-time clarity problem. Many scientists believe climate change is the cause of the clarity decline.
- Ms. Kouyoumdjian highlighted the Bridgeport water quality project led by the ranchers.
- Regarding the Federal Non-Point Source General Order, - Ms. Kouyoumdjian reported that staff are out in the field looking at BMPs to determine their effectiveness.

Ms. Kouyoumdjian also discussed the problems of PFOS and PFOA chemicals in the Region's groundwater aquifers; gave an update on harmful algae blooms; and a status of Casa Diablo Geothermal Facility expansion plans in Mammoth Lakes

Scott Ferguson, Supervising Water Resource Control Engineer, presented to the Water Board the Quarterly Violations Report for the 1<sup>st</sup> quarter of 2018. Mr. Ferguson explained the new numerical violations priority system. Mr. Ferguson mentioned he was looking forward to our next quarter violations report because the trend in using informal enforcement is continuing to show improvement.

Mr. Ferguson also reported that the Tioga Lodge site in Mono County was making great progress in restoring the damaged wetlands. He added that this is an example of the effectiveness of our formal enforcement efforts.

Mr. Ferguson mentioned staff will be participating in an Environmental Crimes Training. Water Board staff are also developing our own internal enforcement training to staff of on the regional standards as well as State standards this October.

Chair Pumphrey thanked Mr. Ferguson and his staff on all the hard work they do and hope we continue to show reductions in violations.

**ADJOURNMENT**

With no further business to come before the Water Board, the meeting was adjourned at 10:37 a.m. on July 19, 2018.

Prepared by:



Amber Wike  
Acting Water Board Clerk

Adopted:

July 19, 2018