

Lahontan Regional Water Quality Control Board

MINUTES

May 16, 2018

Regular Meeting

City of Bishop, City Council Chambers
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
Amy Horne, Truckee
Eric Sandel, Truckee

Board Members Absent

None

Legal Counsel

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

Regional Board Staff Participating

Patty Z. Kouyoumdjian, Executive Officer
Ben Letton, Sup. Engineering Geologist
Patrice Copeland, Sup. Engineering Geologist
Jan Zimmerman, Sr. Engineering Geologist
Tiffany Steinert, Engineering Geologist

Kathy Otermat, Executive Assistant
Michelle Avila, Office Technician
Doug Cushman, Senior WRCE
Robert Tucker, Senior WRCE
Mary Fiore-Wagner, Senior Env. Scientist

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

Call to Order and Introductions

Chair Pumphrey called the meeting to order at 7:00 p.m. on May 16, 2018, and introduced Board Members. Ms. Patty Z. Kouyoumdjian, Executive Officer, introduced Legal Counsel and Water Board Staff.

REGULAR MEETING: Wednesday, May 16, 2018 at 7:00 p.m.

1. Public Forum – None.

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

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

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

- 3. Fremont Basin Salt and Nutrient Management Plan** – The Water Board heard a presentation by the Fremont Basin Regional Water Management Group (RWMG) on their scope of work to develop a Salt and Nutrient Management Plan for the Fremont groundwater basin. This is an informational item; Board members were asked to provide input. (Jan Zimmerman)

Jan Zimmerman, Senior Engineering Geologist, presented an overview to the Water Board of the Integrated Regional Water Management (IRWM) Program and of the Fremont Basin RWMG. In 2011, the Fremont Basin RWMG completed the first step towards IRWM funding and, in 2017, was awarded an \$840,000 planning grant. Water Board staff have been involved with the group since 2011, but have been more hands on since December 2017. Ms. Zimmerman talked about the timing of the group's development of a Salt and Nutrient Management Plan (SNMP), which the group is on the fast track to complete in 2018. A draft SNMP is expected to be submitted to Water Board staff for review and comment in late June or early July; followed by a stakeholders meeting seeking public input on the draft plan. The group hopes to prepare a final SNMP, incorporating all comments, by late August. Water Board staff then plan to bring the final SNMP to the Water Board for acceptance in November 2018. Ms. Zimmerman outlined three key issues that the Fremont Basin RWMG is looking to the Water Board for input/guidance; 1) the model scenarios take into consideration changes from land use and agriculture, storm water capture, and septic-to-sewer conversion, but are there any additional scenarios that should be considered in the SNMP; 2) what climate change adaptation and mitigation strategies should be incorporated into the SNMP; and 3) what is an appropriate SNMP planning horizon, 20 years vs. 25 years. Ms. Zimmerman asked Water Board members to key-in on these specific issues during Mr. Dietrick's presentation.

Brian Dietrick, consultant to the Fremont RWMG, presented an overview of their scope of work to develop a SNMP for the Fremont groundwater basin. Mr. Dietrick discussed the planning and technical aspects of the SNMP, and informed the Water Board of the background work that has been done to date. The constituents of focus are nitrate and total dissolved solids. Mr. Dietrick also discussed the role of the SNMP in IRWM, basin hydrogeology, baseline water quality, data sources, salt and nutrient loadings, model methodology and key assumptions, anti-degradation analysis, performance monitoring, and timing and schedule for plan development. Mr. Dietrick explained that the expedited schedule for SNMP development is somewhat driven by grant funding. Several Board members asked clarifying questions during Mr. Dietrick's presentation.

Following the presentations, Mr. Dietrick and Ms. Zimmerman answered questions from the Water Board.

Board Comments:

Board Member Dr. Horne asked what percentage of the \$841,030 grant dollars are allocated for preparing the Integrated Regional Water Management Plan (IRWMP), the Groundwater Management Plan (GWMP), and the SNMP? Mr. Dietrick responded that roughly half the grant funds are going for the IRWMP, 25% for the SNMP, and 25% for the GWMP.

Board Member Cox asked what basin priority has been assigned by Department of Water Resources? Mr. Dietrick responded that the Fremont groundwater basin is a low priority basin. Ms. Cox stated that there a small portion of the Fremont Basin near Red Mountain within the Mojave Water Agency (MWA) area and asked whether the RWMG reached out to MWA for water quality data or other information? Mr. Dietrick indicated that the group has been in touch with the Mojave RWMG, particularly regarding the proposed boundary change, but not specifically to request water quality data or information. Ms. Cox asked whether the land use categories in the SNMP were the same as the local general plan? Mr. Dietrick responded, yes, the land use categories are from both county and city land use plans. Regarding the planning horizon, Ms. Cox stated that a 20-year planning horizon would be fine. Ms. Cox asked whether California City or Mojave had incentives for connections to the sewer? Mr. Dietrick responded that there are incentives and that California City is currently engaged through their Local Area Management Plan process. Ms. Cox stated that this is a wonderful suite of studies and exactly what the grant funding is intended to fund, especially for this area which is primarily disadvantaged. Ms. Cox expressed her concern that the plan schedule is aggressive and that the Water Board should facilitate that schedule as much as possible because the grant funding timeline is important to adhere to.

Board Member Sandel remarked that it is curious that TDS concentrations have come down over the last several decades and asked whether it is because of less active agriculture and/or lower precipitation. Mr. Dietrick responded that it's several factors; Agriculture has been drastically cut since the 1960s from 10s of thousands of acres to hundreds of acres today; also, imported water started in 1980, which would also contribute to reducing TDS concentrations in groundwater. Mr. Sandel noted that the SNMP schedule is also driven to an extent by which Water Board staff are available to work on this project. Mr. Sandel asked whether the monitoring program would use existing wells? Mr. Dietrick responded that existing wells would be used, and the network would consist of 5 to 10 wells with good coverage across the basin.

Vice-Chair Jardine thinks the schedule is aggressive and hopes that the timelines can be met. Mr. Jardine also expressed that a 20-year planning horizon would be acceptable.

Board Member Dr. Horne asked whether population projections were considered and whether those populations would be concentrated on septic or sewer areas? Mr. Dietrick responded that population projections are used to estimate water supply/demands and land use projections are used to estimate salt and nutrient loadings. Dr. Horne asked what the assumptions are for climate changes over the planning period? Mr. Dietrick responded that the group assumes no change over a 20-year period. Dr. Horne said that current research shows that we can expect longer periods of drought and an increase in intensity of precipitation events and urged the RWMG to look at different climate scenarios over the planning period. Mr. Dietrick stated that climate change is being addressed in the IRWMP, but agreed to include a scenario in the SNMP model. Dr. Horne asked what the pros and cons are for the planning horizon period? Mr. Dietrick responded that there is little difference between 20-years and 25-years based on how the model is set up and that there is no significant benefit one way or the other. Dr. Horne said that she likes the scenarios, particularly agriculture and cannabis expansion. Mr. Dietrick responded that cannabis cultivation is included in the baseline of the plan based on projections provided by California City. Dr. Horne asked if the conditions of the potential monitoring wells

are known, like condition and screen interval? Mr. Dietrick stated that the information is available for some but not all.

Board Member Dyas agreed that a 20-year planning horizon is appropriate and noted that the schedule is aggressive but necessary to maximize grant funding opportunities.

Board Chair Pumphrey thanked the group for their presentation and the very hard work that has gone into the effort so far and thanked Water Board staff for assisting the group in their efforts.

4. Renewal of National Pollutant Discharge Elimination System (NPDES) Permit for the California Department of Fish and Wildlife Black Rock Fish Hatchery – The Water Board will consider adopting Renewal of an NPDES Permit for Black Rock Fish Hatchery. (Russell Norman)

Robert Tucker, Senior Water Resource Control Engineer presented to the Board on behalf of Russell Norman.

The first permit for Black Rock Fish Hatchery was adopted in 1975 and has been renewed seven times. The current permit was issued July 2012, and the permits are renewed every five years.

The effluent monitoring has demonstrated that the facility's effluent meets Water Quality Objectives. However, there have been some major changes to monitoring requirements such as estimated drug/chemical effluent concentrations, drug and chemical use reporting, feeding and production reporting, and priority pollutant metals monitoring plan. There were also changes made in response to comments: Monitoring parameters and frequencies – orthophosphate was removed, and total solids and total suspended solids monitoring was changed from monthly to quarterly. California Department of Fish and Wildlife(CDFW) was informed that with reduced monitoring, CDFW will need to sample early in the period, in the event resampling is required. Otherwise, if the facility is found to be in violation, that violation would apply during the entire three months of a quarter. The renewed permit would allow the loss pit to be used to dispose of dead fish if certain approvals are obtained; Water Board staff intend to review CDFW's plan, all applicable regulations, and consult with the County on the continued use of the loss pit.

Mr. Terry Jackson from CDFW stated that the Black Rock Fish Hatchery is a very clean operation. His position allows him to review every single fish hatchery permit in the state, and this permit is much improved over previous permits. The only challenge Mr. Jackson identified was with the Priority Pollutant Metals Monitoring Plan that required CDFW to identify the certified contract lab to be used several years prior to the required time frame that the samples would need to be collected. Staff proposed possible changes to the permit language that would require CDFW to identify the certified laboratory three months prior to collecting the samples. The Water Board and CDFW communicated that the changes would be acceptable.

Following the presentation, Mr. Tucker and Mr. Jackson (CDFW) answered questions from the Water Board.

Board Questions:

Board Member Dyas inquired if there is water being diverted from LA aqueduct and is it being put back into LA aqueduct? Mr. Tucker stated that there is a diversion from Division Creek that is controlled by LADWP, and the fish hatchery discharges combine with the Division Creek diversion and discharges into the LA aqueduct. Mr. Dyas inquired about the purpose of two groundwater wells when there is water available from Division Creek. Mr. Tucker stated that there is an infestation of snails in Pond one, which would limit the fish hatchery from exporting their fish. Thus, the water from Division Creek is not used and not controlled by CDFW.

Board Member Dr. Horne inquired about the reason why orthophosphate was removed from the required constituents to be analyzed for in the permit? Mr. Jackson stated that orthophosphate is not used, so the chemical test requirement was removed. Dr. Horne inquired of Mr. Jackson whether CDFW was going to raise different fish species due to the additional beneficial uses added to the order. Mr. Jackson did not know why additional beneficial uses were added to the permit.

Board Member Sandel inquired about the long list of pharmaceuticals and whether there was any research to find out the fate of the chemicals once used. Mr. Tucker responded that no steps in determining the fate of the pharmaceuticals were researched. The thought process was to limit the discharge of pharmaceuticals to one at a time and no other pharmaceutical should be present at an active level to prevent synergistic effects. The following was an outlined protocol for CDFW to use; 1) The manufacturer prescribed procedures and when the pharmaceutical is no longer considered active, 2) the concentration is below any synergistic effect with other pharmaceutical, 3) full flush of the treatment area, and 4) localized field testing to determine if the pharmaceutical is no longer present. Mr. Sandel stated it is a matter of interest that the low level of pharmaceutical could linger in the water and it would be appropriate to research the final fate of those pharmaceuticals.

Board Member Cox inquired about how the pharmaceuticals are used at a fish hatchery? Mr. Jackson stated that the pharmaceuticals are used infrequently, and the list of pharmaceuticals are tools for the fish hatchery to use. Pharmaceuticals are used in various methods, some are applied in a bath, some are applied in the raceway, some are injected into the fish, and protocols on their use are established by the US Fish and Wildlife.

Board Comments:

Board Member Dr. Horne appreciated the time, effort, and care put into drafting the permit. Specifically, the limiting of one pharmaceutical being applied when no other pharmaceuticals are present to prevent any potential synergistic effects was appropriate and thoughtful.

The Water Board shared its comments and members were pleased with the late revisions and the revisions proposed at the Board meeting.

Motion: Moved by Member Horne to adopt the NPDES Permit for Black Rock Fish Hatchery as proposed with all revisions read into the record by Counsel, seconded by Member Dyas. The Board's motion included the following revisions: located on bates stamped pages 4-49 and 4-118;

“The Plan shall also identify the contract laboratory or laboratories selected to conduct the monitoring and demonstrate that they are. . .”

And replaced it with the following,

“Three months prior to collecting the required Priority Pollutant Metal samples, the Discharger shall notify the Water Board of the . . .”

Chair Pumphrey called for a Roll Call Vote and the motion carried per the following votes:

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

- 5. Climate Change Adaptation & Mitigation Update** - Staff will present an update on the progress of our efforts since the update provided in November 2017. This is an informational item and no action will be asked of the Board though the Water Board members may provide input and direction. (Mary Fiore-Wagner).

Mary Fiore-Wagner, Senior Environmental Scientist, presented an update on the progress toward developing a Climate Change Mitigation and Adaptation Strategy for the Lahontan Region.

Ms. Fiore-Wagner presented updates on the progress towards developing a strategy on climate change mitigation and adaptation. Ms. Fiore-Wagner presented development steps in the process and discussed actions that were completed, under way, and proposed. The presentation focused on the purpose of the Technical Working Group step of the process, which is where we are now. Technical Working Groups provide an opportunity for Water Board staff to interact with affected stakeholders on key goals and actions largely supported by consensus from previous outreach meetings. Technical Working groups will discuss select actions, among a suite of many, that will be included in the strategy to (1) protect infrastructure, (2) restore and protect floodplains, wetlands, and headwaters, and (3) increase storm water treatment and infiltration and low-impact development.

The presentation also highlighted the State Water Board’s progress towards statewide objectives identified in the State Water Board’s Comprehensive Response to Climate Change, which includes (1) reducing greenhouse gas emissions and increasing long-term carbon storage in the environment, (2) adapting to and building resilience to climate change impacts, and (3) providing support to facilitate implementation of climate change response strategies through financial assistance, data sharing, and outreach. Ms. Fiore-Wagner shared areas where our efforts align with the State Water Board’s efforts including (1) approaches to reduce methane emissions included in our proposed General Permit to regulate Concentrated Animal Facilities including dairies; (2) efforts to streamline permitting to increase the pace, scale, and efficiency of meadow restoration; and (3) efforts to identify infrastructure vulnerabilities and regulatory requirements to promote relocation and/or maintenance of at-risk infrastructure. Ms. Fiore-Wagner identified that an area where we have not directed much attention involves actions to reduce carbon emissions related to catastrophic forest fires. Ms. Fiore-Wagner mentioned we can support higher level strategies including Governor Brown’s recent Executive Order calling for more effective management of our forested lands in a changing climate and the Carbon Forest Plan. The presentation concluded with key considerations that should be realized as we develop our strategy. Considerations include continuing to make partnerships and collaboration the cornerstone of our process and acknowledging that mitigating and adapting to climate change may require some departure from traditional ways of thinking and conventional solutions.

Board Comments:

Board Member Dyas had a question on slide 11. He did not understand how we could leverage the information on the 2-6-month phase on conducting inventory of new development projects while using city and county general plans? Ms. Fiore-Wagner stated that Senate Bill 379 requires cities and counties to locally analyze vulnerabilities associated with climate change and identify feasible implementation measures under the Safety Element of General Plans. Ms. Fiore-Wagner also indicated that permitting staff should keep abreast of the near-term and long-range development goals planned for communities.

Board Member Dr. Horne asked a question on the protection of infrastructure and critical recharge areas. Dr. Horne brought up a recent concern raised to her by Truckee Donner Public Utility District (TDPUD) staff about wanting to protect critical recharge areas that are on private lands in the Martis Valley area. Ms. Fiore-Wagner indicated that Martis Valley is a medium priority groundwater basin and, under the Sustainable Groundwater Management Act (SGMA), a groundwater sustainability plan (GSP) needs to be developed by 2022; these private areas should be identified during that process. Dr. Horne said she would ask if TDPUD would be the groundwater sustainability agency for the Martis Valley area. On slide 10, Dr. Horne said the title needed to be expanded to include protection and restoration of forests because forests also sequester carbon and are a large percentage of the landscape in our region. On slide 13, Dr. Horne suggested that mitigation include the need to increase greenhouse gas (GHG) sequestration along with reducing GHG emissions. Dr. Horne recommended that the Lahontan Water Board create a Forest Management Policy that steers the direction of forest management.

Board Member Cox stressed that we need to continue to be nimble and to synthesize and capitalize on what the State Water Board is doing to be adaptive to climate change. Ms. Cox agreed it is key to expand protection of critical groundwater basins. In the arid portions of our southern region, Ms. Cox said we need to be flexible and cognizant of the region (arid) when considering appropriate low-impact development concepts.

Board Member Jardine inquired as to whether the Washoe Tribe had participated in the workshops. Ms. Fiore-Wagner indicated the Washoe Tribe had not attended meetings in the past, but could get involved. Mr. Jardine indicated the USGS will model the Carson River; he thought USGS staff were going to attend this meeting. Ms. Fiore-Wagner stated that the Technical Working Groups will focus on key actions, and the USGS and USFS could certainly participate in these focused discussions.

****Chair Peter C. Pumphrey left the board meeting at this point in the meeting. Vice Chair Don Jardine indicated that he would facilitate the rest of the meeting in the Chair's absence.

6. 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.

No Reports from Water Board members

Dorene (DeeDee) D'Adamo, State Water Resource Control Board Member, provided an update on activity at the State Water Board and Legislature.

- In response of the last presentation: There was an increase for Forest Management funding— Forest Carbon Plan added \$265 million plus additional funding for a variety of different efforts.

- Groundwater Recharge – Division of Water Rights (DWR) is working with our CalEPA Under-Secretary Gordon Burns to see what can be done to facilitate groundwater recharge projects. The DWR is looking for ways to provide increased flexibility in our entire state for groundwater recharge. Plans are being developed as we speak.
- Thank you to Region 6 for appearing before State Board on Climate Change. The presentation presented by Region 6 was great to hear. Region 6 is the first to have a resolution in place.
- Water Conservation – Two Legislative bills are ready for adoption today by Assembly Members Skinner and Friedman. State Board will be given authority to adopt regulations working with the Department of Water Resources for water conservation guidelines. This will establish an indoor standard of 55 gallons per day beginning in 2030.
- Recycled Water – State Water Board staff will hold several workshops regarding direct potable water reuse framework. This will provide information on development of a public health risk standard and will be coming before the State Water Board at the end of this year.
- Updating Recycled Water Policy – The Policy will place a requirement for reporting recycled water use. State Water Board staff agree that we need to get a better handle on what is available for recycled water.
- Drinking Water – SB 623 Drinking Water proposal. The Governor has rolled out a revised Budget Trailer Bill. This will help with consolidating water districts to provide safe drinking water for communities.
- Budget Trailer Bill - New program would be created for water rights administrative law judges. CalEPA Under-Secretary Gordon Burns is working on a report for other options. This would help with enforcement on cannabis.
- Remainder of this Administration Top Priorities: Bay-Delta Water fix petition, Water Quality Control Plan has two phases, phase one San Joaquin and phase 2 Sacramento. The State Water Board is moving forward with bacteria standards, toxicity amendments, sediment quality objectives, chrom-6 drinking water standard, wetlands dredge and fill procedures, winery General Order and cannabis enforcement.
- There is a report that comes out each month from the Executive Director that contains a consolidated cannabis section that is very useful for all regions.

7. Executive Officer's Report - The Executive Officer will provide an update to Water Board and public on key actions and activities in the Lahontan region, including the items below. This is an informational item and no formal action is requested, though the Water Board members may give direction to staff. (Patty Z. Kouyoumdjian)

- Standing Items
- Executive Officer's Report
- Notification of Spills (Pursuant to Water Code section 13271, and Health and Safety Code section 25180.7)

Patty Kouyoumdjian, Executive Officer, presented the April Written Executive Officer's Report.

- Ms. Kouyoumdjian announced that Kathy Otermat will be transferring to another state job for a promotion, and this would be her last Board Meeting. She told Ms. Otermat that she would be missed by all.

Ms. Kouyoumdjian went over key topics from the Executive Officer's report:

- Harmful Algal Bloom Update – There will be a workshop on June 27 in Bishop and a second one sometime in August in Victorville;
- Edwards Air Force Base Dispute Elevated to USEPA – DoD was asked to do risk assessment calculations and have turned it in to USEPA.
- Standing Item – Salt and Nutrient Management Plans Update in the Lahontan Region. Ms. Kouyoumdjian informed the Water Board that Lisa Dernbach will be lead on the SNMP Program for the Region.
- Carson River Spill - Last week there was a 5,000 gallon spill of hypo chloride on Hwy 88. A truck overturned and there was one fatality. Good news is that our staff only detected low amounts of the chemical in the river. Next Monday contractors will remove the soil in a 5,000 sq.ft. affected area and then will hydro seed and re-vegetate the area.
- Leviathan Mine – The ponds just finished the first round of treatments. A contractor is on site and staff are prepared for the next storm.
- Chair's meeting in April: At the Water Board Chair's meeting the new law regulating illegal auto dismantlers was discussed and that 30 % of all auto dismantler businesses are illegal. DMV is heading up a strike force in collaboration with all the Regional Water Board and the Department of Toxic Substances Control.
- LADWP – Ms. Kouyoumdjian and staff attended a meeting with LADWP management and discussed SNMPs, grazing on LADWP lands, Mono County irrigation water curtailment, Bishop creek sampling, cooper sulfate data, Owens Lake gopher control and General Order on maintenance activities.
- Barstow Drinking water - The Water Board has an emergency request in for \$42,000 for two years of funding for 17 residents. Water Board staff are conducting a survey required by the State Board to determine who qualifies as a Disadvantage Community. It's possible that some residents who have received bottled water will not be receiving bottled water in the future.
- Tribal consultations – As a result of a recent law, a structured process of reaching out to the tribes will be used to guide future Water Board regulatory decisions (CEQA, permits, etc.). Water Board staff will be conducting more outreach to all the tribes in our Region.
- Ms. Kouyoumdjian discussed the Governor's new Executive Order on the forest fuel management and sustainable forests. The Executive Order was attached to Ms. Kouyoumdjian's report.

ADJOURNMENT

With no further business to come before the Board, the meeting was adjourned at 8:30 p.m. on May 16, 2018.

Prepared by: Michelle Avila Adopted: July 18, 2018
Michelle Avila
Acting Executive Assistant