

---

**Lahontan Regional Water Quality Control Board**

## **MINUTES**

### **SEPTEMBER 18-19, 2019**

The Lahontan Regional Water Board (Water Board) is conducting this meeting using Webcast at the location shown below:

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

#### Water Board Members

Peter C. Pumphrey, Chair, Bishop  
Kimberly Cox, Helendale  
Don Jardine, Markleeville

Keith Dyas, Rosamond  
Eric Sandel, Truckee  
Amy Horne, Ph.D., Vice-Chair, Truckee

#### State Water Board

Sean Maguire, Region 6 Liaison  
Brianna St. Pierre, Sr. Engineering Geologist  
Elizabeth Beryt, Office of Chief Counsel

#### Water Board Staff

Patty Z. Kouyoumdjian, Executive Officer  
Douglas Smith, Assistant Executive Officer  
Patrice Copeland, Sup. Engineering Geologist  
Ben Letton, Supervising Engineering Geologist  
Scott Ferguson, Supervising WRC Engineer  
Jehiel Cass, Senior WRC Engineer  
Bruce Warden, Environmental Scientist  
Kathleen Bindl, Environmental Scientist  
Laura Korman, Environmental Scientist  
Katrina Fleshman, Executive Assistant

Russell Norman, WRC Engineer  
Dan Sussman, Sr Environmental Scientist  
Robert Tucker, Senior WRC Engineer  
Kelly Huck, Environmental Scientist  
Anne Holden, Engineering Geologist  
Mary Fiore-Wagner, Sr. Env Scientist  
TJ Middlemis-Clark, WRC Engineer  
Doug Cushman, Sr. WRC Engineer  
Eric Taxer, Sr. WRC Engineer

**Regular Meeting: Wednesday, September 18, 2019, 6:30 p.m.**

[View the full Agenda and listen to the audio of this meeting](#)

#### **CALL TO ORDER AND INTRODUCTIONS**

Chair Pumphrey called the meeting to order at 6:30 p.m. on September 18, 2019 and introduced the Water Board Members. Ms. Patty Z. Kouyoumdjian, Executive Officer, introduced Water Board and State Water Board staff.

**1. CLOSED SESSION**

Closed Session was deferred to September 19, 2019.

**2. PUBLIC FORUM**

No public comment.

**3. MINUTES**

Motion: Moved by Member Dyas, seconded by Member Cox to approve the July 2019 Minutes as presented. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Member Cox	Aye
Member Dyas	Aye
Member Jardine	Aye
Member Sandel	Aye
Chair Pumphrey	Aye
Vice-Chair Dr. Horne	Abstain

**4. REPORTS BY WATER BOARD CHAIR AND WATER BOARD MEMBERS**

Member Jardine indicated that Water Board staff met with the Washoe Tribe and presented on the Vision project, West Fork of the Carson River. Member Jardine stated Water Board staff did a great job of reaching out to the community and he received great feedback.

Chair Pumphrey indicated the Water Quality Control Committee (WQCC) meeting is set for October 29 and 30 in Sacramento. There are three basic points of emphasis on the agenda: the Governor's Executive Order and portfolio process; discussion of sustainable groundwater management, and safe and affordable drinking water. Also, a discussion of fixing future WQCC dates will be discussed at this meeting.

Senate Bill 200, which appropriated funds for the implementation of affordable drinking water, also directed having listening sessions for which those funds that will be allocated. There will be a follow-up to comments from the listening sessions sometime after late October.

**5. EXECUTIVE OFFICER'S REPORT**

Patty Kouyoumdjian, Executive Officer, provided an update to the Water Board and public regarding key actions and activities in The Lahontan region, including the items below.

- Emergency regarding Ridgecrest earthquakes
- Standing Item Reports
  - Status of Triennial Review
  - Mojave River Surface Water Beneficial Uses is set to go before the State Water Board on October 1, 2019
  - Cannabis Update
  - County Sanitation Districts of Los Angeles – District No. 20, Palmdale
  - Grazing Update
  - City of Barstow Nitrate/Orphan Perchlorate
  - LACSD District 20 Palmdale
- New Issues

- CyanoHAB Outbreaks
- Live Munitions found at George AFB
- South Tahoe Fuel Truck Crash - on September 7, 2019
- Eagle Lake 13267 Order
- Governor's Executive Order

Ms. Kouyoumdjian indicated the next Water Board meeting is on November 20-21, 2019 in Barstow, California.

#### QUESTIONS BY THE WATER BOARD

Member Cox inquired as to how the munitions were discovered at George Air Force Base. Ms. Kouyoumdjian indicated technical staff were aware of the munitions and had been asking for public protections. Water Board sent a letter asking them to clean up and fence the munitions to protect the public.

Water Board staff Kelly Huck did a presentation regarding the Surface Water Ambient Monitoring Program (SWAMP) and walked through the website and the Water Quality Monitoring dashboard.

NO QUESTIONS FROM THE WATER BOARD FOR MS. HUCK

#### **6. IRRIGATED LANDS REGULATORY PROGRAM DEVELOPMENT**

Water Board staff, Ben Letton, Supervising Engineering Geologist, provided an overview of state actions related to irrigated lands, discussed the status of irrigated lands in the Lahontan Region, summarized other regions' approaches to regulating irrigated lands, and raised key issues staff may consider in developing a framework for regulating irrigated lands in the Lahontan Region. Mr. Letton indicated that Brianna St. Pierre, Sr. Engineering Geologist, from the State Water Board is in attendance to answer any questions regarding the Irrigated Lands Regulatory Program (ILRP).

WATER BOARD TOOK BREAK AT 8:00 P.M. TO 8:10 P.M.

#### PUBLIC COMMENT

Ned Coe, District 1, Modoc County Supervisor, California Farm Bureau representative and rancher, indicated he is involved with irrigated pastures for several years and asked the Water Board work with California Farm Bureaus.

#### QUESTIONS BY THE WATER BOARD

Member Dyas asked Mr. Letton regarding the summary of regional ILRP Programs and indicated he was glad to hear the Water Board is gathering "lessons learned" from other regions and suggested Water Board staff continue with that. Mr. Dyas also asked how receptive that ranchers and agricultural growers are to water quality regulation.

Member Cox indicated that as a state we have an obligation to feed the nation with California fruits and vegetables, and we must balance that in our considerations. Member Cox stated looking at the potential for developing policies, she believes the Water Board needs to take it on a region by region basis and agrees with Member Dyas statement the Water Board can learn from the other regions. Member Cox went on to state she would hate to see Water Board invest in a lot of staff resources on programs like this (IRLP) when

there may be some other programs Water Board can put efforts into that may give us more water quality protection. Ms. Cox also stated that in adjudicated basins such as the Mojave, alfalfa farming will likely decrease or go away over time due to land use shifts/water availability.

Member Dr. Horne inquired about the performance-based approach. Mr. Letton indicated that is certainly a possibility.

Dr. Horne asked about a SGMA approach, where you have a coalition of people in that area negotiate their contribution of reduction of assimilative capacity, and that might discourage more acres contributing TDS to the ground water. Dr. Horne also asked whether a performance-based and/or watershed approach to regulating irrigated agriculture in the Lahontan Region could work.

Member Sandel indicated it would be nice if our thinking was to apply fertilizers at agronomic rates to not exceed assimilative capacity in key groundwater basins; just enough for what the plants need and not more, so you do not end up with nitrogen going to groundwater. Mr. Sandel went on to state that is not just nitrogen into ground water but also pesticides. We should talk about how we are focusing our efforts given our limited resources. Seems we should be looking at where most of the population that would be affected by these practices and making sure we are not allowing these pesticides near the population centers and focus first on toxicity and what gets to groundwater. Mr. Sandel indicated his preference that potentially no pesticides should be allowed to discharge to groundwater.

Chair Pumphrey agreed that Mr. Sandel made a good point of should we want to apply our efforts to where in which the greatest amount of harm goes to people or focus our efforts where it effects water resources or focusing on the three quarters of alfalfa areas.

Mr. Letton indicated Water Board will prepare a staff report to bring back to the Water Board at some point in the near future. Chair Pumphrey indicated we need to understand what works in other counties may not work in this region.

Brianna St. Pierre indicated the State Water Board adopted a new fee structure for the agricultural program in which there is a 25 percent reduction in fees for recognized commodities that are low threat.

**Adjournment** - The meeting adjourned at 9:20 p.m. on September 18, 2019.

### **REGULAR MEETING: Thursday, September 19 at 8:30 a.m.**

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

Chair Pumphrey called the meeting to order at 8:31 a.m. on September 19, 2019 and introduced the Water Board Members. Ms. Patty Z. Kouyoumdjian, Executive Officer, introduced Legal Counsel and Water Board Staff.

#### **7. PUBLIC FORUM**

No public comment.

## **8. TAHOE KEYS LAGOONS AQUATIC WEED CONTROL METHODS TEST PROJECT UPDATE**

Water Board staff, Russell Norman, WRC Engineer, indicated this Project includes an NPDES permit application as well as an application for a Basin Plan aquatic pesticide discharge prohibition exemption. Mr. Norman stated he will be co-presenting with Dennis Zabaglo, Principal Environmental Specialist from TRPA, and Jen Mair, Senior Facilitator from Zephyr Collaboration, with Joanne Marchetta, Executive Director from Tahoe Regional Planning Agency (TRPA), providing an opening statement.

Joanne Marchetta, Executive Director for TRPA, gave an opening statement stressing the importance of TRPA and the Water Board working together to combat the aquatic weed infestations in the Tahoe Keys and other areas of Lake Tahoe.

Mr. Norman updated the Water Board on the Tahoe Keys Lagoons Aquatic Weed Control Methods Test project, including the development of a proposed NPDES permit and Basin Plan pesticide discharge prohibition exemption for herbicide applications into the Tahoe Keys Lagoons.

Dennis Zabaglo, Principal Environmental Specialist with TRPA, gave a presentation on aquatic invasive species, the lake-wide problems and the existing conditions in the Tahoe Keys. Mr. Zabaglo indicated Curlyleaf Pondweed was currently the greatest concern. Mr. Zabaglo discussed the Tahoe Keys history of weed management and control actions taken from the 1970 water circulation and treatment systems to the 2018 aquatic weed control methods and test project proposals.

Mr. Norman gave an overview of the aquatic weed control test project. Mr. Norman indicated there are two proposed treatment method groups. Group A is large scale treatment methods and Group B methods are localized spot treatment methods. Mr. Norman discussed the next steps in the project and indicated the goal is to enhance water quality and minimize re-infestation of aquatic invasive plants.

Jen Mair, Senior Facilitator with Zephyr Collaboration, gave a presentation regarding the public and stakeholder engagement for the project. Ms. Mair indicated the stakeholders are Tahoe locals including residents of the Tahoe Keys, partner and permitting agencies, interested organizations and individuals. Ms. Mair discussed the stakeholder's suggestions, engagement and public outreach progress.

Mr. Norman presented his suggestions for future regulatory considerations such as a final CEQA document, key criteria and requirements for exemption to the Basin Plan pesticide discharge prohibition exemption and individual NPDES permitting, and key discretionary issues for Water Board consideration anticipated in March 2021.

### **QUESTIONS BY THE WATER BOARD**

Member Dyas asked why the original 12-year plan has been revised to a five-year plan. Mr. Norman indicated the original test project was for a limited 18-acre test project and included only using pesticides for Group A methods. TRPA was engaged and provided funding for the joint EIR/EIS for the test project. After forming a team with lead and responsible agencies and stakeholders, the project application was revised to a full implementation project over 12-years. The full implementation plan was subsequently revised back to a limited plan for an initial five-year test project to address stakeholder concerns that a test project should be conducted before full implementation of the project.

Member Cox asked what the depth of water is in the 20-acre marina area. Mr. Norman indicated the depth of water is 18 to 20 feet with a 25-foot maximum depth.

Dr. Horne asked what was dropped from the 12-year project when going to the five-year, limited test project. Mr. Norman indicated that the 12-year project included an initial test/validation phase in the first three years of full project implementation similar to the proposed test project. The proposal was for herbicide treatment in years one through three followed by spot herbicide treatments, as needed, in years 3 through 12.

Dr. Horne inquired about the Tahoe Keys existing conditions from 2015 to 2018 and what treatments methods were used during this period. Mr. Norman indicated they used bottom barriers, diver assisted hand pulling, and harvesting. Mr. Norman also indicated the bottom barriers were not effective. Dr. Horne indicated that she is looking forward to hearing more about the drivers of the invasive aquatic weed growth and how the project may affect them.

Dr. Horne asked what beneficial uses are expected to improve as a result of this project and what project impacts are expected. Mr. Norman indicated expected improvements include improved contact/non-contact recreation, better water quality, increased habitat for native fish species and increased habitat for native aquatic plant species. Mr. Norman indicated the environmental review currently underway will identify all impacts which are expected to include short-term water quality impacts, aquatic life impacts and restrictions on contact/non-contact recreation access during treatment.

Member Jardine asked about the Public and Stakeholder engagement process and the comments regarding modifications to the Tahoe Keys Lagoons (i.e., filling in the lagoons). Mr. Norman responded that Water Board staff heard a lot of different ideas and proposals brought forth in the scoping process and, staff will provide a report on what methods are selected. The joint EIR/EIS for the project will indicate why methods were selected and why methods were eliminated from further consideration.

Member Sandel asked if there were any public health issues with the aquatic weeds. Mr. Norman indicated that die-off of the weeds can contribute to harmful aquatic algal blooms. Member Sandel further asked where the harvested weeds go once they are removed. Mr. Norman indicated that they are taken to the Tahoe Keys Property Owners Association (TKPOA) corporate yard, dried and disposed of once dried. If the aquatic weeds are treated and die in the water, the dead plant matter falls to the bed of the lagoon and then decomposes. This process results in nutrient release which provides "food" for algae and aquatic plants. TKPOA is currently testing laminar flow aeration as a method to fully decompose the nutrient rich organic "muck" layer on the bottom of the Tahoe Keys Lagoons.

Member Sandel asked what is used to generate the UV-C light for the UV treatment method. Mr. Norman indicated the developer of this technology has a pontoon boat that contains propane powered generators with a large UV-C light array using LED lights suspended below the boat. TRPA supported two years of data collection on this UV-C treatment technology via a pilot project conducted at Lakeside Marina in Lake Tahoe. Mr. Zabaglio with TRPA indicated the first test in Lakeside Marina was very small and the amount of time necessary to treat the aquatic weeds depends on the density of the infestation. The less dense the infestation, the less time it takes for UV treatment. TKPOA is proposing to test this technology as part of this project and will evaluate aquatic plant density factors.

Chair Pumphrey asked if after the conclusion of the test project, will there be a subsequent treatment project brought forward. Mr. Norman indicated that is what the Water Board is anticipating a supplemental or new joint EIR/EIS, in addition to a new NPDES permit and a

new Basin Plan aquatic pesticide discharge prohibition exemption. Chair Pumphrey stressed that the full scale follow-on project should be pursued as soon as possible after the proposed test project so momentum is not lost in conducting the full scale treatment and the gains in the test project are not lost waiting multiple years to permit the full scale project.

## PUBLIC COMMENTS

Madonna Dunbar, representing the Tahoe Water Suppliers Association, indicated that they are happy with the stakeholder process for the project and are anxiously awaiting completion of the CEQA documents.

Laurel Ames, with the Sierra Club since 1958, indicated she is concerned over the use of herbicides and would like to see the return of the Tahoe Keys to a marsh.

Jesse Patterson, Chief Strategy Officer from the League to Save Lake Tahoe, indicated their biggest concern is water quality and the League supports the effort to combat the weed infestation.

WATER BOARD TOOK A BREAK FROM 9:45 A.M TO 10:05 A.M.

## 9. CONSTITUENTS OF EMERGING CONCERN

Water Board staff, Jehiel Cass, Senior WRC Engineer, provided information regarding Constituents of Emerging Concern (CECs), including an overview of the broad CECs categories, complexities and challenges associated with CECs, response actions taken by the State Water Resources Control Board and other Regional Water Quality Control Boards, and recommendations for responding to CECs in the Lahontan Region. (Item #9 continued below).

### 1. CLOSED SESSION (deferred from September 18, 2019)

The Water Board, without the public present, went into closed session from 10:28 a.m. to 11:17 a.m. regarding Closed Session Item 1h. Discussion of Personnel Matters. Authority: Government Code section 11126, subdivision (a).

### 9. CONSTITUENTS OF EMERGING CONCERN (resumed at 11:17 a.m.)

Laura McLellan, Senior Environmental Scientist from the State Water Board Division of Water Quality, presented the ongoing process to develop a statewide CEC Management Strategy. Ms. McLellan discussed the challenges the State Water Board may face and how the State Water Board will address those challenges. Ms. McLellan further discussed the screening tools, the monitoring framework and CEC research needs. Ms. McLellan indicated coming soon in 2020-2021 will be a CEC Science Advisory Panel for Aquatic Ecosystems and a data compilation and synthesis of CECs.

Elaine Khan, PhD, Senior Toxicologist from the Office of Environmental Health Hazard Assessment (OEHHA), gave presentation on the role of the OEHHA in assessing drinking water contaminants and how they can address chemicals of emerging concern in drinking water.

## QUESTIONS BY THE WATER BOARD

Member Dyas indicated he concurs with the next steps as presented by Mr. Cass.

Member Cox inquired as to any exploration in treatment technology in the wastewater side that has been proven effective in pre or post testing for specific contaminants. Mr. Cass indicated advanced wastewater treatment systems have improved in removing many of the parameters. In addition, higher levels of wastewater treatment will result in lower and fewer concentrations of CECs. Ms. Laura McLellan added that different classes of CECs respond differently to different treatments. Ms. McLellan indicated the panel's recommendation for monitoring CECs and advanced treatment for recycled water were for compounds that they do not expect to see in the finished product water. Therefore, they have recommendations for monitoring surrogates in areas of the wastewater treatment process.

Member Jardine stated he received several reports on CECs and the Water Board needs to move forward on this matter.

Member Sandel stated the Water Board needs to include in the research the ability to know what is necessary to treat to remove or render harmless whatever is being found as part of the investigation. Perhaps we can figure out some broad classes of treatments that will work with things like osmation, UV, or reverse osmosis. Member Sandel agreed that treatment should begin.

Chair Pumphrey asked what happens if the compounds are digested by the fish and ultimately someone acquires the fish. Mr. Cass indicated that fish ingest the compounds but unsure of human consumption effects.

Chair Pumphrey asked whether we find these compounds at wildfire sites from fire retarding agents and whether those compounds are subject entering the water system through runoff. Scott Coffin, Research Scientist, Division of Drinking Water, stated the CECs measured at Hot Creek Hatchery are mostly not bio-accumulative and he would not expect to see human health effects from ingesting fish with most CECs, however fish reproduction can be affected.

Ms. Kouyoumdjian indicated the importance of why we need to work with our sister agencies on this issue.

Ms. Brianna St. Pierre, Senior Engineering Geologist from State Water Board, indicated wildfires are burning so hot that it is incinerating the PFAS.

## **10. CALIFORNIA WATER RESILIENCY PORTFOLIO**

State Water Board staff, Sean Maguire, provided information and overview on Governor Gavin Newsom's April 29, 2019 Executive Order N-10-19 to gather input from Water Board members and the public. Mr. Maguire indicated that State Board is conducting similar public outreach sessions throughout the state and will compile all input for a final report expected later in 2019. Mr. Maguire asked that we recommend ways to better integrate our efforts and coordinate our actions across state government. Mr. Maguire also touched on drought preparedness and indicated that he will be attending a workshop. The State Board will draft a recommendation that will be released in October for public comment with a final report to the Governor by the end of 2019.

### **PUBLIC COMMENT**

Holly Alpert, Program Director of the Inyo-Mono IRWM Program, indicated that she has been a part of listening sessions in Mono County. Folks want to see more focus on water banking, water spreading and groundwater recharge. Ms. Alpert will be recommending additional funding and stable baseline funding for integrated and regional water management.



Member Cox left the meeting at 12:05 p.m.

#### QUESTIONS BY THE WATER BOARD

Dr. Horne recommended that when stating “Water Board is investing in a natural infrastructure”, Water Board should indicate to the public how it will be a benefit to humans, such as improving water supply, reducing damage to floods, etc.

Member Jardine indicated that he agrees with Mr. Maguire’s presentation and looks forward to seeing the Report in late 2019.

Chair Pumphrey stated there needs to be a public education program to understand where the water comes from and why it’s important to conserve water. Chair Pumphrey agreed with Ms. Alpert that there needs to be sustainable, predictable funding for the integrated planning process. Chair Pumphrey indicated that 19 percent of water that goes to support agriculture and food production goes to support the food that is wasted.

#### ADJOURNMENT

With no further business to come before the Water Board, the meeting adjourned at 12:35 p.m. on September 19, 2019.



Prepared by: \_\_\_\_\_ Adopted: 11/20/2019  
Katrina Fleshman, Executive Assistant