



California Regional Water Quality Control Board Lahontan Region



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MINUTES October 11 and 12, 2005

Regular Meeting

Tahoe City Public Utility District
Board Room
221 Fairway Drive
Tahoe City, California 96145

Chair Jack Clarke called the meeting to order at 7:30 p.m.

BOARD MEMBERS PRESENT

Jim Chapman, Susanville
Jack Clarke, Apple Valley
Keith Dyas, Rosamond
Amy Horne, Ph.D., Truckee
Eric Sandel, Truckee
Susan J. Van Dam, Barstow

BOARD MEMBER ABSENT

John Brissenden, Hope Valley

LEGAL COUNSEL

Steven H. Blum, State Water Resources Control Board

STAFF PRESENT

Harold Singer, Executive Officer
Robert S. Dodds, Assistant Executive Officer
Hisam Baqai, Supervising WRCE
Chuck Curtis, Supervising WRCE
Lauri Kemper, Supervising WRCE

Scott Ferguson, Senior WRCE
Alan Miller, Senior WRCE
Cindi Mitton, Senior WRCE
Doug Smith, Senior Engineering Geologist
Robert Larsen, Environmental Scientist
Laurie Applegate, Executive Assistant
Eric Shay, Office Technician

ADDRESSING THE BOARD

Richard Anderson, California Fly Fisher Magazine
Amy Bricker, Shute, Mihaly & Weinberger
Robert Costa, Placer County Department of Public Works
Carl Gustafson, Squaw Valley resident

California Environmental Protection Agency

Recycled Paper



Jared Ikeda
Lori James, Los Angeles County Sanitation Districts
Matt Kowta, Bay Area Economics
Tom Mooers, Sierra Watch
Eugene B. Nebeker, Ph.D., Nebeker Ranch
Stephanie Olivieri, Mountain Area Preservation Foundation
Ron Parr, Lanny Winberry and Lori A. Carpenter, representing DMB Highlands Group
Catherine Parsons, League to Save Lake Tahoe
Bob Slater, El Dorado County
Lisa Wallace, Truckee River Watershed Council

1. **PUBLIC FORUM**

- Carl Gustafson, Squaw Valley resident, expressed concern regarding the diversion of water from Squaw Creek. He handed out three items: a copy of a July 26, 2002 press release by Squaw Valley Public Service District regarding development impacts on Squaw Valley water; a copy of the August 30, 2005 minutes of the Squaw Valley Public Service District; and a map showing the location of two water wells in close proximity to the existing creek channel. Mr. Gustafson asked the Regional Board to determine if the wells are diverting water from the creek.

Steven Blum explained that the Regional Board has no jurisdiction to regulate pumping, issues of flow, or water rights. He noted Mr. Gustafson could file a complaint with the State Water Resources Control Board.

Harold Singer noted that the local water purveyors are conducting a study to look at well pumping and flow rates in the streams and springs. Regional Board staff will receive a copy of the results of the study. If the results indicate beneficial uses are being impacted, Mr. Singer will ask the Regional Board to file a formal complaint with the State Water Resources Control Board. Mr. Singer assured Mr. Gustafson that Regional Board staff is following the matter closely.

- Lisa Wallace, Truckee River Watershed Council, noted that Sunday, October 16, is the 10th anniversary of Truckee River Day. Ms. Wallace invited Board members in the area to attend the event.
- Lori James, Los Angeles County Sanitation Districts, gave a status report regarding projects in Sanitation Districts 14 (Lancaster) and 20 (Palmdale).
- Eugene B. Nebeker, Ph.D., discussed two handouts: A letter dated October 10, 2005 from Dr. Nebeker to Mr. Singer responding to comments made by Dr. Horne at the September 2005 Regional Board meeting; and a copy of a staff summary sheet for Item 9 (Status Report/LACSD Palmdale) of the Board's September 2005 meeting in Victorville, California. Dr. Nebeker took issue with comments made by staff on page 4, paragraph 2 of the summary sheet and asked Mr. Singer to clarify the record.



OTHER BUSINESS**2. Minutes of the Regular Meeting of September 14, 2005 in Victorville, California**

- **Motion:** Moved by Dr. Horne, seconded by Mr. Sandel and **unanimously carried** to adopt the September 14, 2005 minutes as proposed. Note: Mr. Clarke and Mr. Chapman abstained.

3. ADOPTION OF UNCONTESTED CALENDAR

Item 4 was considered on the uncontested calendar.

- **Motion:** Moved by Dr. Horne, seconded by Mr. Sandel and **unanimously carried** to adopt Item 4 on the uncontested calendar.

RESCISSION OF WASTE DISCHARGE REQUIREMENTS**4. Susanville Forest Products (Board Order No. 6-91-16), Lassen County**

(See Item 3 for Board action.)

OTHER BUSINESS**5. DMB Highlands Group, LLC; Siller Ranch Development, Exemption to a Waste Discharge Prohibition Contained in the Water Quality Control Plan for the Lahontan Region, Placer County**

Harold Singer discussed the issues before the Board. He noted Regional Board staff would not make a recommendation during the staff presentation but would provide options available to the Board. He commented that the Board might want to postpone a decision and ask the interested parties to submit briefs on primary issues. He also noted additional water quality information related to the watershed might be available in a few months to aid the Board in their decision.

Scott Ferguson gave the staff presentation. Mr. Ferguson, Mr. Singer and Mr. Blum answered questions from the Board.

Addressing the Board: Ron Parr, DMB Highlands Group; Lanny Winberry, attorney representing DMB Highlands Group; Lori Carpenter, Huffman & Carpenter; Amy Bricker, attorney with Shute, Mihaly & Weinberger; Jared Ikeda, Planner/Landscape Architect; Matt Kowta, Bay Area Economics; Tom Mooers, Executive Director, Sierra Watch; Catherine Parsons, League to Save Lake Tahoe; Richard Anderson, California Fly Fisher Magazine; and Stephanie Olivieri, Mountain Area Preservation Foundation.

- **Motion:** Moved by Dr. Horne and seconded by Ms. Van Dam to continue the item to a future meeting.

Discussion – Board members asked the parties and Board staff to provide additional information and legal analyses in the form of short briefs on the following:



1. Information on the context of terms used in the Basin Plan when it was adopted.
2. How have courts and administrative bodies defined “public, community, neighborhood, and significant number of persons”?
3. Further information on the economic analyses of the project and the alternatives suggested in the testimony.
4. The basis for Placer County’s requirement for the perimeter trail and how this might relate to the trails within the project area.
5. Criteria and process to designate Placer County a Phase II municipality under the Clean Water Act storm water program.
6. More information on the various best management practices that were considered but not included in the project and reasons why they were not included.
7. Administrative or court decisions or other information on the viability of a homeowners association or golf course being responsible for performing the monitoring, who would be the party or parties that would be named in the permit for this obligation and their successors should the entity dissolve?
 - **Amended Motion:** Moved by Dr. Horne and seconded by Ms. Van Dam **and unanimously carried** to continue the item to a future meeting and to direct the parties and staff to brief the Board on issues of concern discussed by the Board.

The evening session adjourned at 11:40 p.m.

Regular Meeting, Continued
8:30 a.m., October 12, 2005

Chair Jack Clarke called the meeting to order at 8:30 a.m. Board members present: Jim Chapman, Keith Dyas, Amy Horne, Ph.D., Eric Sandel and Susan Van Dam. Board member absent: John Brissenden.

NPDES PERMIT

9. Lake Tahoe Municipal NPDES Permit Renewal (El Dorado and Placer Counties)

Robert Larsen gave the staff presentation. He discussed provisions of the updated permit, comments received and staff’s response to comments. He answered questions from the Board and asked the Board to adopt the permit as proposed.

Harold Singer noted the California Department of Transportation submitted comments electronically on October 6, 2005. The Department did not meet the 10-day timeframe for submittal of comments to the Board. Mr. Singer noted the Department is not a party to the permit. Following discussion, it was the consensus of the Board to not accept the Department’s comments into the record. The Board directed staff to advise the Department that the comments were not accepted because they did not meet the Board’s 10-day submittal policy.

- **Motion:** Moved by Mr. Sandel and seconded by Mr. Dyas to adopt the permit as proposed by staff. The motion and second were withdrawn to allow further discussion.



Robert Costa, Placer County Department of Public Works, outlined the County's concerns with the permit and asked the Board to continue the item for a minimum of six months.

Board members discussed Mr. Costa's request.

- **Motion:** Moved by Mr. Sandel and seconded by Mr. Dyas to continue consideration of the item to the next meeting in the northern portion of the Region. The motion and second were withdrawn to allow further discussion.

Robert Costa, Placer County and Bob Slater, El Dorado County provided further detail on their respective agencies concerns with the permit and answered questions from the Board.

- **Motion:** Following discussion, it was moved by Mr. Sandel and seconded by Dr. Horne to adopt the permit as proposed by staff. Voting yes: Mr. Clarke, Mr. Dyas, Dr. Horne, Mr. Sandel and Ms. Van Dam. Voting no: Mr. Chapman.
- **Motion carried.**

ENFORCEMENT ACTIONS

10. **Public Hearing – Consideration of an Administrative Civil Liability Order for the California Department of Fish and Game (Hot Creek Hatchery) for Violation of National Pollutant Discharge Elimination System Permit (NPDES Permit), Waste Discharge Requirements (6-99-55), Mono County**

Chair Clarke opened the public hearing.

Harold Singer noted staff recently received a request from the Department of Fish and Game asking the Board to consider a supplemental environmental project in lieu of assessing a penalty. Staff has not fully reviewed the request. For the Board to consider the Department's request, the matter must be publicly noticed for 30 days. Mr. Singer suggested the Board continue the hearing to a future meeting to allow adequate time for staff to review the request and to publicly notice the hearing.

It was the consensus of the Board to continue the public hearing to a future meeting.

11. **Public Hearing – Consideration of an Administrative Civil Liability Order for Alpers Trout Hatchery for Violation of National Pollutant Discharge Elimination System Permit (NPDES Permit), Waste Discharge Requirements (6-00-59), Mono County**

Chair Clarke opened the public hearing.

Harold Singer noted staff recently received a request from Mr. Alpers asking the Board to consider a supplemental environmental project in lieu of assessing a penalty. Staff has not fully reviewed the request. For the Board to consider Mr. Alpers' request, the matter must be publicly noticed for 30 days. Mr. Singer suggested the Board continue the hearing to a future meeting to allow adequate time for staff to review the request and to publicly notice the hearing.

It was the consensus of the Board to continue the public hearing to a future meeting.



OTHER BUSINESS**6. Executive Officer's Report**

Harold Singer discussed Items 11 and 12 of the written report.

8. CLOSED SESSION

Board members met in closed session on October 12, 2005 from 10:35 a.m. to 10:50 a.m. to discuss items m and n. **Authority:** Government Code Section 11126(e).

The Board reconvened in open session at 10:51 a.m.

OTHER BUSINESS**6. Executive Officer's Report, Continued**

Mr. Singer discussed Items 1-7 of the written report. Mr. Chapman recused himself from any future involvement related to Item 1 of the Executive Officer's Report (Unauthorized Dam-Building Near Susanville by Landowner, Everd McCain).

Mr. Singer discussed issues related to PG&E in Hinkley. Regional Board staff will be conducting a public workshop in Hinkley. The workshop is tentatively scheduled for early November. Board members will be notified of the workshop date and handouts will be shared with the Board.

Mr. Singer handed out a copy of the Fall 2005 newsletter produced by the Water Education Foundation.

Mr. Singer discussed logistics for the November 2005 meeting and the 2006 Board meeting schedule. The Board will continue to meet the second Wednesday/Thursday of the month.

7. Reports by Chair and Board Members

Jim Chapman asked staff to include information regarding the legal implications of the perimeter trail mandated by Placer County for public access versus the trail within the Siller Ranch project development when preparing the future Board briefings for the Siller Ranch item.

Eric Sandel thanked staff for the preparation and presentation of information regarding Siller Ranch.

Keith Dyas thanked the Tahoe City Public Utility District for the use of the Board Room.



Jack Clarke gave an overview of the Water Quality Coordinating Committee meeting he and Mr. Singer attended in Sacramento on September 19-20, 2005. He noted the improved format of the meeting.

With no further business to come before the Board, the meeting adjourned at 11:40 a.m.

Prepared by: _____ s/s _____ Adopted: November 9, 2005
Laurie Applegate, Executive Assistant

