

Lahontan Regional Water Quality Control Board

MINUTES

July 16-17, 2014

Regular Meeting

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

Board Members Present

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

Board Member Absent

none

Legal Counsel

Kimberly Niemeyer, Office of Chief Counsel, State Water Resources Control Board

State Board Staff Present

Vanessa Young, Office of Enforcement, State Water Resources Control Board

Regional Board Staff Present

Patty Z. Kouyoumdjian, Executive Officer
Lauri Kemper, Assistant Executive Officer
Chuck Curtis, Supv. WRCE
Mike Plaziak, Supv. Engineering Geologist
Douglas Smith, Supv. Engineering Geologist
Alan Miller, Senior WRCE
Richard Booth, Senior Engineering Geologist

Doug Cushman, Senior WRCE
Doug Carey, Senior Engineering Geologist
Dan Sussman, Environmental Scientist
Dr. Bruce Warden, Environmental Scientist
Lisa Scorable, Engineering Geologist
Lisa Petrusa, Scientific Aid
Sue Genera, Board Clerk

REGULAR MEETING

Wednesday, July 16, 2014 - 7:00 p.m.

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

INTRODUCTIONS

Chair Horne called the meeting to order at 7:02 p.m. on July 16, 2014 and introduced Board Members.

Patty Z. Kouyoumdjian, Executive Officer, introduced State Water Board staff, Legal Counsel, and Regional Water Board staff.

1. **PUBLIC FORUM**

Board Member, Kimberly Cox, gave an update from the Chair's conference call in April.

OTHER BUSINESS

2. Minutes of the Regular Meeting of June 18-19, 2014, held in in Bishop, CA.

- **Motion:** Moved by Mr. Dyas, seconded by Mr. Pumphrey and **unanimously carried** to adopt the Minutes of the Regular Meeting of June 18-19, 2014, held in Bishop, CA. Mrs. Cox abstained from voting as she was not in attendance at the June meeting.

Click here to view the adopted [June 2014 Minutes](#)

3. **ADOPTION OF UNCONTESTED CALENDAR**

Note: An (*) appears next to items adopted by the Board on the uncontested calendar.

- **Motion:** Moved by Mr. Sandel, seconded by Mr. Jardine and **unanimously carried** to adopt the uncontested calendar as presented.

REVISED, UPDATED OR AMENDED PERMITS

4. * **Reissued Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for Amedee Geothermal Venture I, Amedee Geothermal Power Plant, Lassen County**

*See Item 3

Click here to view [Board Order No. R6T-2014-0060](#)

5. * **Pine Creek Mine; Avocet Tungsten, Inc., Pine Creek Operations – Mining Waste Disposal Facilities, Board Order No. 6-00-93, Inyo County**

*See Item 3

Click here to view [Board Order No. R6T-2014-0061](#)

ENFORCEMENT ACTIONS

6. **Public Hearing - Consideration of an Administrative Civil Liability (ACL) Order for Mark Johnson for Violating Cease and Desist Order No. R6T-2011-0069, Spalding Tract Subdivision, Lassen County APN 077-351-27-11**

The Chair asked for all participants giving testimony in the Administrative Civil Liability case to stand and be sworn in.

Mr. Johnson was not present at this Hearing.

Lisa Scorable, Engineering Geologist, addressed the Board and presented a chronology of Order compliance from 1991 to present and the methodology behind the proposed liability amount. Staff made a correction that was not included in the late revision or late addition. The correction was to Attachment A (page 7) of the Order as noted in red below:

“...Water Board staff *requested* Gerald Horner, Senior Economist...”

- **Motion:** Moved by Mr. Pumphrey, seconded by Mr. Sandel, and **unanimously carried** to adopt Item 6, Administrative Civil Liability Order for Mark Johnson with late additions, late revisions, and amended language noted above.

Click here to view [Board Order No. R6T-2014-0058](#)

STATUS REPORT

7. Leviathan Mine Project Update

Chuck Curtis, Supervising WRCE, addressed the Board and presented a chronology of activities at the Leviathan Mine Superfund site from the 1860's, to the present Settlement negotiations, and into the future for project remediation.

8. CLOSED SESSION

None.

Note: The Board recessed at 8:17 p.m.

REGULAR MEETING CONTINUED: Thursday, July 17, 2014 - 8:30 a.m.

INTRODUCTIONS

Chair Horne called the meeting to order at 8:33 a.m. on July 17, 2014 and introduced Board Members.

Note: Board Member Cox was absent the second day of the Board Meeting.

Patty Z. Kouyoumdjian, Executive Officer, introduced Legal Counsel, and Water Board staff.

9. PUBLIC FORUM

None.

REPORTS

10. Reports by Water Board Chair and Board Members

Chair Horne reported that the State Board will be drafting a new Anti-Degradation Policy and asked for Regional Water Board recommendations and input.

11. Executive Officer's Report

Ms. Kouyoumdjian, Executive Officer, presented the [July Written Report](#) and gave additional updates on:

- a. staff changes;
- b. census of Lake Tahoe tributaries;
- c. bacteria investigation at Griff Creek;
- d. Inyo County Board of Supervisors discussion of bacteria pollution in Bishop Creek;
- e. August 18 -22 Silver King Creek Rotenone project;
- f. Corrective actions at Tahoe Tom's Gas Station;
- g. MTBE testing at the Mark Twain Lodge, Lakeside Park Water Company, and the Best Western Station House Inn;
- h. Barstow perchlorate plume; and
- i. PG&E Hinkley chromium 6 cleanup activities.

NEW PERMIT**12. Waste Discharge Requirements for Tahoe Keys Property Owners Association, El Dorado County - Board Order No. R6-2004-0024; NPDES Permit No. CA0103021**

Dr. Bruce Warden gave a presentation on the history of the Tahoe Keys, emphasizing the challenges the Tahoe Keys Property Owners Association (TKPOA) face combatting invasive weeds and outlined the proposed remediation plan.

Public Comments

- John Larson, President, TKPOA, addressed the Board and thanked staff for their excellent work in bringing this item forward. Mr. Larson stated that there are 5 other property owners in the Tahoe Keys not included in the Proposed Water Quality Certification and Waste Discharge Requirements and felt without their being vested in this effort, remediation will be futile.
- Madonna Dunbar, Executive Director, Tahoe Water Suppliers Association, gave her support of the certification and encouraged the TKPOA and the other property owners to move forward to pursue the California Environmental Quality Act (CEQA) process to qualify to install larger barrier installations. She offered a funding source to assist in continuing nutrient monitoring, and technical staff to assist in researching dewatering a dredging as an option for future abatement.
- Tom Spencer, TKPOA, asked that the findings from the Tahoe Resource Conservation District's study entitled *Tahoe Keys Aquatic Plant Management Research Project* be included in the WDRs. He also asked that the language referring to the the study as pending be changed to completed.
- Patrick Stone, Senior Biologist, Tahoe Regional Planning Agency (TRPA), addressed the Board in support of the certification.

The Chair approved two late comments (from TRPA and a private home owner) as part of the record. Staff reported that the concerns in each of these comment letters were addressed in the proposed Order.

Legal counsel advised the Board not to accept the Tahoe Resource Conservation District's study entitled *Tahoe Keys Aquatic Plant Management Research Project* as part of the record as staff had not had the opportunity to review the study.

The Chair stated that this is a great first step but that she would like to see the cost of remediation in greater alignment with the parties that receive the recreational benefit of remediation.

The Executive Officer made a commitment to reaching out to the 5 other property owners in the Tahoe Keys.

- **Motion:** Moved by Mr. Pumphrey, seconded by Mr. Sandel, and **unanimously carried** to adopt the Water Quality Certification and Waste Discharge Requirements as presented with late additions, late revisions, and amended language by Legal Counsel.

Click here to view [Board Order No. R6T-2014-00659](#)

ADJOURNMENT

With no further business to come before the Board, the meeting adjourned at 10:58 a.m. on July 17, 2014.

Prepared by:  Adopted: ___09-11-14___
Sue Genera, Executive Assistant