



# California Regional Water Quality Control Board

## Lahontan Region



Winston H. Hickox  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov>  
2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150  
Phone (530) 542-5400 • FAX (530) 544-2271

Gray Davis  
Governor

### MINUTES

March 12-13, 2003

#### Regular Meeting

Lahontan Regional Water Quality Control Board  
Embassy Suites Hotel  
4130 Lake Tahoe Boulevard  
South Lake Tahoe, CA

Chair Eugene Nebeker called the meeting to order at 4:00 p.m. on March 12, 2003.

#### BOARD MEMBERS PRESENT

William Betterley, Hesperia  
John Brissenden, Hope Valley  
Jack Clarke, Apple Valley  
Eugene B. Nebeker, Ph.D., Lancaster  
Claudette Roberts, Palmdale  
Eric Sandel, P.E. Truckee

#### BOARD MEMBERS ABSENT

None

#### LEGAL COUNSEL

Steven H. Blum, State Water Resources Control Board

#### STAFF PRESENT

Harold J. Singer, Executive Officer  
Robert S. Dodds, Assistant Executive Officer  
Lauri Kemper, Supervising WRCE, Northern Watersheds Division  
Scott Ferguson, Senior WRCE, Truckee River Watershed  
Alan Miller, Senior WRCE, Northern Lahontan Rural Watersheds  
Jason Churchill, Environmental Scientist, Northern Lahontan Rural Watersheds  
Richard Booth, Engineering Geologist, USTs/DoD  
Doug Smith, Senior Engineering Geologist, Lake Tahoe Watershed  
Robert Erlich, Environmental Scientist, Lake Tahoe Watershed  
Chris Stetler, Senior WRCE, Leviathan Mine Unit  
Doug Carey, Engineering Geologist, Leviathan Mine Unit  
Bruce Warden, Environmental Scientist, Northern Lahontan Rural Watersheds  
Mary Fiore-Wagner, Environmental Scientist, Lake Tahoe Watershed  
Kara Thiel, WRCE, Lake Tahoe Watershed  
Pam Walker, Administrative Officer  
Marietta Christoffersen, Office Technician

#### ADDRESSING THE BOARD

Juan Palma, Executive Director, Tahoe Regional Planning Agency (TRPA)  
Dick Melim, District 3 Deputy Director, California Department of Transportation (Caltrans)

*California Environmental Protection Agency*

Ed Gee, Deputy Forest Supervisor, U.S. Forest Service, Lake Tahoe Basin Management Unit  
Mary Morgan, Assistant Forest Engineer, U.S. Forest Service, Lake Tahoe Basin Management Unit  
Paul Nielson, Senior Planner, TRPA

## 2. **PUBLIC FORUM**

Juan Palma, Executive Director, TRPA, thanked the Board for all the staff assistance received in the Tahoe Basin. He stated that the TRPA Board is at a full complement of fifteen members and suggested the Regional Board, TRPA Board and other Lake Tahoe Boards meet and discuss what each one is doing. He related that financial contributions of \$500,000,000 have been committed thus far for the protection of water quality and clarity of Lake Tahoe. He concluded by stating his full support of the proposed MOU between the Regional Board and TRPA (Item No. 8).

## **OTHER BUSINESS**

### 1. **Executive Officer's Report**

Harold Singer highlighted the following items from the written report:

- Item No. 2 – Dredging in the Tahoe Keys Marina. This extensive maintenance dredging project was initiated by the owners and operators of the Tahoe Keys Marina, not the property owner's association. Data is still being evaluated and it is possible that future enforcement may come before the Board.
- Item No. 3 – Shell Oil Company's Groundwater Assessment Program (GRASP). USTs operate under stringent regulations established by the State Water Board and implemented by local agencies. Shell is going beyond what the monitoring regulations require and is aware that discovery of soil and groundwater contamination, that would otherwise go undetected for months or years, would require investigation and remediation.
- Item No. 6 – Cascade Erosion Control Project. This is a good demonstration of what can be achieved using public/private partnerships to accomplish best management practices (BMPs) on private lands and public roads.
- Item No. 7 – Colorado Hill Mining District CERCLA Action by U.S. Forest Service (USFS). We are working on a Memorandum of Understanding (MOU) with USFS.
- Item No. 10 – Waters of the United States. Due to a Supreme Court decision (SWANCC) there is some question as to whether a number of water bodies in the region should be regulated under the Clean Water Act. Recently U.S. EPA and the U.S. Army Corps of Engineers noticed a proposed regulatory process that will eventually define waters of the United States post SWANCC. Mr. Singer indicated he would delay requesting the Regional Board to determine if only specific water bodies are waters of the United States until this process is completed.
- Item No. 12 – County Sanitation Districts of Los Angeles County (District), Lancaster Reclamation Plant. In January 2003 the District submitted the first semi-annual status report on progress towards eliminating the nuisance conditions due to overflows from Piute Ponds. Regional Board staff has formally requested supplemental information, as the initial report was not complete.



- Item No. 15 – Radioactive Waste Constituents at Class III Landfills. We are awaiting monitoring results from three landfills in the region that were required to sample wastes for certain radioactive waste constituents.

Other items:

- Review of the Quarterly Violation Reports
- Public Outreach brochures dealing with the Tahoe TMDL
- “NPDES Stormwater Permitting for Municipalities”, an article written by the Chair of the San Diego Regional Board
- Fees – State Board will send all delinquent permit holders letters informing them they have 30 days to pay permit fees or Regional Boards will issue an Administrative Civil Liability (ACL). Payment of the permit fee will not result in the withdrawal of the ACL. Over a one-year period, Region 9 has issued a dozen ACLs and none have gone before the Board.
- Forestry regulation – The Central Valley Regional Board adopted a waiver policy similar to that of Region 6. The Central Coast was also considering a similar waiver policy but decided not to adopt any waiver policy. Staff was directed to go back and take a look at the environmental document and in the interim; individual waivers or WDRs would regulate timber harvest operations. The waiver policies adopted by the Lahontan Region, the Central Valley Region and the North Coast Region have been petitioned to the State Board. A waiver application form developed by Board staff and the California Department of Forestry (CDF), at the request of some of the timber industry people, is now available on our website.
- North Coast lawsuit addressing monitoring of timber activities.
- Timber – State Board has been working with CDF on an MOU that would clarify some of our relationship issues and how we would work together. There are four bills in the Legislature dealing with timber harvest activities. Regional Board staff will be working with State Board staff on comments regarding the bills.
- IMC Chemicals, Inc. (IMCC). – The Board adopted the ACL about a year ago. One component is that the Board was willing to provide \$250,000 in funding toward a supplemental environmental project that was being developed by the Department of Fish & Game. Because the project would not go forward for a year or two, an escrow account, with instructions acceptable to the Regional Board, was to be opened and IMCC would deposit various contributions over time. IMCC did not give Regional Board staff the opportunity to review the instructions. We have since reviewed them and are working on correcting some problems.
- Annual Statement of Economic Interest is due and all Board members must renew ethics training.

The afternoon session of the meeting adjourned at 5:00 p.m.

**Regular Meeting, Continued**  
**7:00 p.m., March 12, 2003**

Chair Eugene Nebeker called the meeting to order at 7:00 p.m. Board members present: William Betterley, John Brissenden, Jack Clarke, Eric Sandel P.E. and Claudette Roberts.

***California Environmental Protection Agency***

*Recycled Paper*



**2. PUBLIC FORUM**

No one addressed the Board during the Public Forum.

**3. MINUTES**

- **Motion:** Moved by William Betterley, seconded by Jack Clarke and **unanimously carried** to adopt the September minutes and **carried** to adopt the January minutes as proposed.

Eric Sandel abstained from voting on the January minutes because he had not read them.

**4. ADOPTION OF THE UNCONTESTED CALENDAR**

Item 9 was removed from the Uncontested Calendar.

- **Motion:** Moved by Jack Clarke, seconded by Eric Sandel and **unanimously carried** to adopt the Uncontested Calendar as amended.

**OTHER BUSINESS****9. Consideration of Recommended Revisions to the State Water Resource Control Board's State Revolving Fund Loan List for Fiscal Year 2003-2004**

Eugene Nebeker excused himself from this item.

**Proposed Late Revision:** Attachment "A" – TABLE 1-NEW PROJECTS AND PROJECT CHANGES is amended as follows: See attached table.

- **Motion:** Moved by Jack Clarke, seconded by Claudette Roberts and **unanimously carried** to adopt the Resolution as amended.

**STATUS REPORTS****5. Caltrans Efforts to Improve Water Quality in the Tahoe Basin**

Robert Erlich, Environmental Scientist, related some of the progress made in the last few years as well as some of the challenges faced by Caltrans.

Dick Melim, District 3 Deputy Director, Caltrans, provided an overview of the 2002 environmental improvement projects at Lake Tahoe and discussed some of the capabilities of newly acquired equipment.

**6. USFS Lake Tahoe Basin Management Unit (LTBMU) – Brief Presentation of Environmental Improvements Projects Proposed for Construction in Summer 2003 and Need for Updating MOU**

Doug Smith, Senior Engineering Geologist, highlighted some of the proposed changes to the existing Memorandum of Understanding (MOU) that will come before the Board in May. He then answered questions from Board members.

Ed Gee, Deputy Forest Supervisor, LTBMU, discussed the objectives and scope of the Vegetation Management Program for this year. He related the extent of completed thinning projects and discussed the various methods used to eliminate the resulting fuel loads. It was pointed out that maintaining funding over the long-term is a challenge facing the LTBMU. He concluded by thanking Regional Board staff for their assistance.

Mary Morgan, Assistant Forest Engineer, LTBMU, discussed objectives/goals of the Road and Trails Program and Ecosystem Restoration Program, then provided details regarding road improvements and restoration projects.

### **PLANS AND POLICIES**

#### **8. *Public Hearing – Resolution Certifying a Negative Declaration, Adopting a Waiver of Waste Discharge Requirements for Discharges Related to Certain Activities Regulated by the TRPA and Authorizing the Executive Officer to enter into a MOU with the TRPA***

Kara Thiel, WRCE, gave the staff presentation and discussed the purpose of the waiver and a new MOU with TRPA as follows:

- Reduce regulatory duplication
- Clarify each agency's role
- Reflect changes in permitting requirements
- Use resources more effectively

Key provisions and differences between the 1994 MOU and the Draft MOU were reviewed.

Paul Nielson, Senior Planner, TRPA, discussed the importance of the MOUs between various agencies and how they streamline the complex regulatory environment that exists in Lake Tahoe, resulting in better public service and allowing more efficient use of limited financial resources. He expressed appreciation of the good working relationship between TRPA and Regional Board staff.

- **Motion:** Moved by Eric Sandel, seconded by Jack Clarke and **unanimously carried** to adopt a Resolution certifying a Negative Declaration.
- **Motion:** Moved by William Betterley, seconded by Claudette Roberts and **unanimously carried** to adopt a Resolution waiving discharge requirements for certain activities regulated by TRPA and authorizing the Executive Officer to enter into a MOU with TRPA.

#### **10. *Public Hearing – Resolution to certify a Mitigated Negative Declaration for Lime Neutralization of Acidic Drainage at Leviathan Mine***

- **Motion:** Moved by Jack Clarke, seconded by Eric Sandel and **unanimously carried** to a Resolution Certifying a Negative Declaration.



**12. Reports by Chair and Board Members**

Chair Eugene Nebeker informed the Board of an upcoming Chair's meeting via teleconference and asked Board members if there were any items they would like to have discussed.

**17. CLOSED SESSION**

Board members met in closed session on March 12, 2003 from 9:10 p.m. to 10:10 p.m. to discuss item h. Authority: Government Code Section 11126(e).

The Board reconvened in open session at 10:11 p.m. and there being no further business to come before the Lahontan Regional Board, the meeting adjourned.

Prepared by: \_\_\_\_\_ Adopted: May 21, 2003  
Pam Walker, Administrative Officer

