



# California Regional Water Quality Control Board Lahontan Region



Linda S. Adams  
Secretary of  
Environmental Protection

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Arnold Schwarzenegger  
Governor

## MINUTES May 13-14, 2009

### Regular Meeting

Lake Tahoe Community College  
Board and Aspen Rooms  
One College Drive  
South Lake Tahoe, CA 96150

Mr. Clarke, Chair, called the meeting to order at 4:00 p.m. on May 13, 2009.

#### Board Members Present

James W. M. Charlton, Palmdale  
Jack Clarke, Apple Valley  
Mike Dispenza, Palmdale  
Keith Dyas, Rosamond  
Amy Horne, Ph.D., Truckee  
Don Jardine, Markleeville  
Eric Sandel, Truckee

#### Board Member Absent

None

#### Legal Counsel

David Coupe, Office of Chief Counsel, State Water Resources Control Board

#### Staff Present

Harold Singer, Executive Officer  
Bob Dodds, Assistant Executive Officer  
Charles Curtis, Supervising WRCE  
Lauri Kemper, Supervising WRCE  
Mike Plaziak, Supervising Eng. Geologist  
Laurie Applegate, Executive Assistant  
Richard Booth, Senior Eng. Geologist  
James Brathovde, Eng. Geologist  
Doug Cushman, Senior WRCE  
Katie Everett, Management Services Tech.  
Taylor Farnum, Environmental Scientist

Alan Miller, Senior WRCE  
Carly Nilson, Environmental Scientist  
Kirt Noorda, Student  
Hannah Schembri, WRCE  
Lisa Scorallo, Eng. Geologist  
Eric Shay, Staff Services Analyst  
Doug Smith, Senior Eng. Geologist  
Andrea Stanley, Eng. Geologist  
Linda Stone, Eng. Geologist  
Angie Strum, Student  
Dan Sussman, Environmental Scientist  
Bruce Warden, Environmental Scientist

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**Addressing the Board**

Carl Gustafson, Squaw Valley resident  
Ed Heneveld, Squaw Valley resident  
Barry Hill, U. S. Forest Service Regional Office  
Zach Hymanson, Tahoe Science Consortium  
Peter Kraatz, Placer County Department of Public Works  
Duncan Leao, U. S. Forest Service, Lake Tahoe Basin Management Unit,  
Susan Norman, U. S. Forest Service, Lake Tahoe Basin Management Unit,  
Vickie Sandoval, Placer County Environmental Health  
Michelle Sweeney  
Ted Thayer, Tahoe Regional Planning Agency  
Quentin Youngblood, U. S. Forest Service, Tahoe National Forest

**OTHER BUSINESS**

**1. Executive Officer's Report**

Mr. Singer discussed items from the April and May 2009 written reports and answered questions from the Board. He discussed the quarterly violation report and handed out a State Water Board press release regarding the first findings from a survey conducted in California of contaminants in sport fish and lakes and reservoirs.

The Board recessed for dinner at 5:10 p.m.

**Regular Meeting, continued**  
**7:00 p.m., May 13, 2009**

Mr. Clarke, Chair, called the meeting to order at 7:00 p.m.

Board members present: James W. M. Charlton, Jack Clarke, Mike Dispenza, Keith Dyas, Amy Horne, Don Jardine, and Eric Sandel. Board members absent: none.

**INTRODUCTIONS**

Mr. Clarke welcomed new Board member James Charlton to the Lahontan Water Board.

**2. PUBLIC FORUM**

No one addressed the Board during the Public Forum.



**3. MINUTES****Minutes of the Regular Meeting of March 11, 2009 in Kings Beach**

Mr. Sandel suggested that the amount of the Administrative Civil Liability be included in the motion found on page 5 of the March 11, 2009 minutes (Item 4 – Northstar Mountain Properties, LLC).

- **Motion:** Moved by Mr. Sandel, seconded by Dr. Horne and **unanimously carried** to adopt the March 11, 2009 minutes with the addition suggested by Mr. Sandel.

**4. ADOPTION OF THE UNCONTESTED CALENDAR**

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

Mr. Singer recommended the Board adopt Items 5, 6, 7 (with late revision), 8 (with late revision), 9 (with late revision), 10 (with late revision), 12, 13, 14, and 15 on the uncontested calendar. Item 11 was removed from the uncontested calendar for separate consideration by the Board.

**WASTE DISCHARGE REQUIREMENTS**

- \*5. **Mono County, Chalfant Class III Landfill, Mono County**
- \*6. **Mono County, Bridgeport Class III Landfill, Mono County**
- \*7. **County of Modoc and the U. S. Department of Interior, Bureau of Land Management, Cedarville (East) Landfill, Modoc County**
- \*8. **County of Modoc and the U. S. Department of Interior, Bureau of Land Management, Eagleville Landfill, Modoc County**
- \*9. **County of Modoc and the U. S. Department of Interior, Bureau of Land Management, Lake City Landfill, Modoc County**
- \*10. **County of Modoc, Fort Bidwell Landfill, Modoc County**

**NPDES PERMITS**

- \*12. **California Department of Parks and Recreation, Grover Hot Springs State Park**



**RESCISSION OF WASTE DISCHARGE REQUIREMENTS**

- \*13. Fort Cady Minerals Corporation, Fort Cady Borate Mine – Full Scale Project, San Bernardino County

**OTHER BUSINESS**

- \*14. Adoption of the Priority List for the Emergency, Abandoned, Recalcitrant (EAR) Account, Fiscal Year 2009-2010
- \*15. Request for Cleanup and Abatement Funds to Determine the Extent of Asian Clam Infestation in Lake Tahoe

- **Motion:** Moved by Mr. Dyas, seconded by Mr. Jardine and **unanimously carried** to adopt Items 5, 6, 7 (with late revision), 8 (with late revision), 9 (with late revision), 10 (with late revision), 12, 13, 14, and 15 on the uncontested calendar.

**WASTE DISCHARGE REQUIREMENTS**

11. Resort at Squaw Creek, Placer County

Note: This item was removed from the uncontested calendar for separate consideration by the Board.

Bruce Warden gave the staff presentation and recommended the Board adopt the Order with the changes in the late revision sheet (pink sheet). Dr. Warden and Lauri Kemper answered questions from the Board.

**Addressing the Board:** Vickie M. Sandoval, Placer County Environmental Health and Chair, Resort at Squaw Creek Technical Review Committee (handout); Ed Heneveld, Squaw Valley resident; and Carl Gustafson, Squaw Valley resident (two handouts).

**Board discussion and motion**

Board members discussed concerns raised by those who addressed the Board. Staff clarified that the Water Board does not have the authority to approve the Chemical Application Management Plan (CHAMP); and that the Executive Officer of the Water Board can independently modify the monitoring program with a 10-day public notice. Mr. Singer explained that the monitoring program does not approve or disapprove chemicals or the use of chemicals but establishes monitoring protocols.

Ms. Kemper discussed the deficiencies of the previous Board Order and noted the updated Order clarified and corrected those deficiencies. She recommended the Board extend the July 1, 2009 deadline to give the Technical Review



Committee (TRC) time to review and approve the CHAMP. Ms. Kemper recommended additional revisions to the Order and monitoring program.

Dr. Horne commented that the proposed Order protected water quality and that the monitoring program required more frequent monitoring. She noted adopting the Order would not approve application of chemicals on the golf course. Dr. Horne suggested the Board extend the CHAMP deadline to December 1, 2009. Board members concurred.

- **Motion:** Moved by Dr. Horne and seconded by Mr. Dispenza to adopt the Order with the revisions in the late revision sheet and with the additional revisions requested by staff at the meeting.

Mr. Coupe outlined the revisions.

- **Motion carried unanimously**

### **OTHER BUSINESS**

16. **Request by the County of Placer for Funds from the Red Dog Diesel Spill Mitigation Fund for Monitoring of Squaw Creek Required by the Squaw Creek Sediment Total Maximum Daily Load, Placer County**

Lauri Kemper gave the staff presentation and recommended the Board deny Placer County's request for \$18,250 from the Red Dog Diesel Spill Mitigation Fund and reject the proposed resolution. Ms. Kemper outlined the reasons for staff's recommendation to deny Placer County's request and asked the Board to consider future requests proposing restoration activities in the Truckee River watershed.

**Addressing the Board:** Peter Kraatz, Placer County Department of Public Works; Carl Gustafson, resident of Squaw Valley; Ed Heneveld, resident of Squaw Valley and Chairman of the Friends of Squaw Creek.

**Board discussion and motion:**

Dr. Horne stated that in general, she felt that using funds only for restoration projects might be too restrictive and that the Water Board should be open to using funds for activities that go beyond restoration; such as collecting data to improve scientific understanding of an emerging water quality problem, or to test new tools, or for activities that could help prevent pollution or affect beneficial uses. Dr. Horne commented that she did not believe money from the Red Dog Diesel Spill Mitigation Fund should be used for the Placer County project because the project activities were required by the Basin Plan and by a permit and therefore were not appropriate.



Mr. Dyas commented that he felt the fund could be used for monitoring programs and that Placer County's request to fund the project was reasonable, appropriate, and consistent with other projects approved by the Board under the same funding source.

- **Motion:** Moved by Mr. Dyas, seconded by Mr. Dispenza to approve the Resolution approving Placer County's request.

Mr. Clarke commented that under the enforcement policy, money collected from an enforcement action should not be applied to actions otherwise required by a Water Board Order or by the Basin Plan. He pointed out that Placer County was required to perform bioassessment monitoring of Squaw Creek by the Squaw Creek TMDL and therefore he could not support the motion.

Mr. Dyas asked legal counsel if the Board was prohibited from funding the project. Mr. Coupe noted the judgment stated that \$100,000 was to be used on a mitigation project in the Truckee River watershed and that it was up to the Board to determine if the County's project was considered mitigation.

Mr. Clarke asked for a roll-call vote.

Voting yes: Mr. Dyas  
 Voting no: Mr. Dispenza  
 Mr. Sandel  
 Mr. Jardine  
 Mr. Charlton  
 Dr. Horne  
 Mr. Clarke

- **Motion failed.**

### **STATUS REPORT**

#### **18. Future Water Quality Control Plan (Basin Plan) Amendment and Aquatic Invasive Species**

Dan Sussman discussed staff's plan to develop a Basin Plan amendment that would allow the conditional application of aquatic pesticides in the Lahontan Region and gave a status report regarding aquatic invasive species in the Lahontan Region and Lake Tahoe. Mr. Sussman answered questions from the Board.

Dr. Horne discussed the need for early and aggressive action to lessen the environmental impact of invasive species. She commented that the Board should consider the big picture; the trade offs between using various control mechanisms and the actual environmental impacts of the invasive species and noted that at some point, the Board might determine that it would be less harmful

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to let the invasion occur than to continue applying chemicals. Mr. Clarke agreed with Dr. Horne and noted the need for balance using data and science. Mr. Dispenza stressed the importance of prevention.

**Addressing the Board:** Ted Thayer, Tahoe Regional Planning Agency; Zach Hymanson, Tahoe Science Consortium; and Michelle Sweeney.

Mr. Singer noted that Allen Biaggi, Director of the Nevada Department of Conservation and Natural Resources, supported staff's approach. Board members concurred with staff's plan.

**19. CLOSED SESSION**

The Board met in closed session from 9:55 p.m. to 10:25 p.m. to discuss Item 19a. The Board reconvened in open session at 10:25 p.m.

Note: The evening meeting recessed at 10:26 p.m.

**Regular Meeting, continued  
May 14, 2009 – 8:30 a.m.**

Mr. Clarke called the meeting to order at 8:30 a.m.

Board members present: James W. M. Charlton, Jack Clarke, Mike Dispenza, Keith Dyas, Amy Horne, Don Jardine, and Eric Sandel. Board members absent: none.

**WAIVER OF WASTE DISCHARGE REQUIREMENTS**

**20. Waiver of Waste Discharge Requirements for Timber Harvest and Vegetation Management Activities in the Lahontan Region**

Mr. Singer acknowledged Water Board staff's efforts in preparing this item.

Andrea Stanley discussed the provisions of the waiver, comments received and late revisions. Ms. Stanley recommended the Board adopt the Board Order with the late revisions outlined in the pink sheet.

**Addressing the Board:** Barry Hill, U. S. Forest Service Regional Office; Quentin Youngblood, U. S. Forest Service, Tahoe National Forest; Susan Norman, U. S. Forest Service, Lake Tahoe Basin Management Unit; and Duncan Leao, U. S. Forest Service, Lake Tahoe Basin Management Unit.

Water Board staff responded to comments made by those who addressed the Board. Following a break, Water Board staff suggested additional revisions to the waiver and attachments.



- **Motion:** Moved by Dr. Horne and seconded by Mr. Dyas to adopt the Board Order with the revisions in the late revision sheet (pink sheet) and the additional revisions suggested by staff.

Dr. Horne complimented staff for their work on the timber waiver. She noted the timber waiver had significantly improved from the previous timber waiver adopted by the Board in 2007 and responded to Governor Schwarzenegger's direction to streamline the regulatory process with regard to creating defensible space and streamlining the process for low impact projects. Dr. Horne noted she was encouraged by the willingness of the parties to work together.

- **Motion carried unanimously**

### **OTHER BUSINESS**

#### **17. Reports by Chair and Board Members**

Mr. Charlton complimented Water Board staff and noted that he was pleased to be a member of the Board.

Mr. Clarke gave a report regarding the May 4 Chair's conference call. The next Water Quality Coordinating Committee meeting will be held on October 26-27, 2009 in Sacramento. Mr. Clarke noted he previously appointed three members of the Board to serve on a hearing panel for the Spalding Tract cease and desist orders. The members of the hearing panel are Amy Horne, Eric Sandel and Jack Clarke.

Dr. Horne noted she would not be able to attend the July Board meeting.

### **ADJOURNMENT**

With no further business to come before the Board, the meeting adjourned at 11:25 a.m. on May 14, 2009.

Prepared by:  Adopted: June 10, 2009  
Laurie Applegate, Executive Assistant

