

---

## Lahontan Regional Water Quality Control Board

### MINUTES

**November 18-19, 2020**

The Lahontan Regional Water Quality Control Board (Water Board)  
conducted this meeting using  
Video and Teleconference as shown below:

**Video and Teleconference Meeting Only**

No Physical Meeting Location  
(Authorized by and in furtherance of  
Executive Orders N-29-20 and N-33-20.)

Water Board Members

Peter C. Pumphrey, Chair, Chalfant  
Amy Horne, Ph.D., Truckee  
Keith Dyas, Rosamond

Don Jardine, Vice-Chair, Markleeville  
Eric Sandel, Truckee  
Kimberly Cox, Helendale

State Water Board

Elizabeth Beryt, Office of Chief Counsel

Water Board Staff

Mike Plaziak, Acting Executive Officer  
Scott Ferguson, Supervising WRC Engineer  
Robert Tucker, Sr. WRC Engineer  
Ben Letton, Supv. Engineering Geologist  
Molina Hauv, Scientific Aid, Victorville  
Michelle Avilla, Acting Executive Assistant

Daniel Sussman, Sr. Environmental Scientist  
Patrice Copeland, Supervising Engineering Geologist  
Tiffany Steinert, Scientific Aid, Victorville  
Russell Norman, WRC Engineer  
Jan Zimmerman, Senior Engineering Geologist  
Michael Suglian, Scientific Aid, South Lake Tahoe

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

**REGULAR MEETING: Wednesday, November 18, 2020, 1:00 p.m.**

#### CALL TO ORDER AND INTRODUCTIONS

Chair Pumphrey called the meeting to order at 1:08 p.m. and discussed procedures to adhere to the Governor's Executive Order during this COVID-19 emergency, the meeting will be video and teleconference only with no in person attendance. Chair Pumphrey introduced Bob Lloyd with AGP Video and asked Mr. Lloyd to give direction to the public that wish to speak. Mr. Pumphrey then introduced the Water Board Members, Water Board staff and State Water Board staff.

Item #1, Closed Session, was deferred until after the Board meeting concluded.

**2. PUBLIC FORUM**

Pippin Mader, Environmental Engineer, spoke regarding Tahoe Truckee Sanitation Agency.

Jane Davis, regarding Tahoe Truckee Sanitation Agency

**3. MINUTES**

Motion: Moved by Member Dyas, seconded by Member Dr. Horne to approve the September 16, 2020, Minutes as presented. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

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

[View the adopted September 16, 2020, Meeting Minutes](#)

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

Chair Pumphrey indicated that he and other Water Board members attended the Water Quality Control Committee (WQCC) meeting which was held on October 18<sup>th</sup> and 19<sup>th</sup>, 2020. Chair Pumphrey indicated the links to the video and information for the WQCC meeting is posted and available to the public through the State Board Website.

Chair Pumphrey went on to say there are three links provided on the WQCC website for Racial Equity Workshop. State Board is going to move forward to conduct public workshops in the month of December to gather input and information on this topic. State Board will reach out to Regional Boards to bring them information gathered from these workshops and encourage regions to conduct similar workshops after the first of the year.

Legal issues of WQCC, focused on Post COVID changes. Such as remote location provisions, public participation and continuing remote meetings. Chair Pumphrey encourages watching the WQCC meeting on the State Board Website for more information.

Chairs call was restricted to discussion of WQCC and how well that worked remotely, and possibility that WQCC can continue more often using zoom platform.

The Training Academy may have Leadership Training for Board members and will keep everyone updated on that topic.

## 5. EXECUTIVE OFFICER'S REPORT

Water Board staff, Mike Plaziak, Acting Executive Officer, provided an update to the Water Board and public on standing items and activities in the Lahontan Region, including the items below:

- 2021 Board Schedule (Board approved)
- Personnel Matters
- Harmful Algae Bloom
- U.S. Air Force Request for Revision of Waste Discharge Requirements (WDR)

Water Board staff, Scott Ferguson, discussed the 2<sup>nd</sup> Quarter Violations Report, and the Pending Enforcement actions.

### QUESTIONS/COMMENTS BY THE WATER BOARD

Dr. Horne asked about elevation effected on Bates Stamp 5-32, table 3.3, Wondering if the elevation increased range of Habs is because of increased range of sampling or if indeed Habs are found. Ben Letton, Supervising Engineering Geologist, replied the results are that of elevation of incident, not sampling.

Member Cox stated she would like to see the U.S. Air Force WDR issue continue to be part of the Executive Officer's report.

Member Sandel stated he is looking forward to holding the Air Force's feet to the fire in 2021 and maybe getting to the bottom of why their model is so poorly put together.

Dr Horne asked about pending enforcement, Bijou Marketplace, and if it had anything to do with the pump and treat system that was put in as part of the TMDL permit. Water Board staff, Scott Ferguson replied, the pump and treat system is unrelated to the Bijou. The storm water pump and treat system has to do with a commercial facility that was constructed under the Lake Tahoe general permit. They had stormwater discharges that triggered minimal penalties.

## 6. POST-CLOSURE WASTE DISCHARGE REQUIREMENTS FOR INYO COUNTY RECYCLING AND WASTE MANAGEMENT, KEELER SANITARY LANDFILL, INYO COUNTY

Water Board Staff, Tiffany Steinert, Engineering Geologist, gave presentation and asked the Water Board to consider adopting Post-Closure Waste Discharge Requirements to establish the post-closure maintenance and monitoring period and requirements for the Facility.

### QUESTIONS/COMMENTS BY THE WATER BOARD

Dr. Horne where is the Keeler Landfill located? Tiffany, west of highway 136.

Dr. Horne indicated the Keeler Landfill appears close to Owens Dry lake, and in the 2016-2017 year, we had problem with water volume. Dr. Horne asked if giving that we are anticipated to have more water volume in the future, she is wondering whether the water could come over the landfill cap in one of the big water years. Water Board staff Jan Zimmerman, Senior Engineering Geologist, indicated that based on Water Board's observations, it has not flooded there in quite some time.

Dr. Horne went on to state that she feels the Water Board staff needs to name as dischargers, both the landowners and the lessees.

Member Sandel indicated that he agrees with Dr. Horne of not changing the Water Board practices, naming both the Landowner and Lessee as Discharger.

Motion: Moved by Member Dr. Horne, seconded by Member Sandel to adopt the Post-Closure Waste Discharge Requirements to establish the post-closure maintenance and monitoring period and requirements for the Facility. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

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

**PUBLIC COMMENT**

No public comment

**ADJOURNMENT**

With no further business to come before the Water Board, the meeting adjourned for the public at 2:20 p.m. on November 18, 2020.

**CLOSED SESSION: Wednesday, November 18, 2020, 2:20 p.m.**

**1. CLOSED SESSION**

The Water Board, without the public present, went into closed session from 2:21 p.m. regarding Closed Session Item(s) h. Discussion of Personnel Matters. Authority: Government Code section 11126, subdivision (a)., and Discussion of Litigation - *Seven Springs Limited Partnership v. Lahontan Regional Water Quality Control Board*, El Dorado County Superior Court, Case No. SC2018061 (Authority: Government Code section 11126, subdivision (e).)

**REGULAR MEETING: Thursday, November 19, 2020, 9:00 a.m.**

**CALL TO ORDER AND INTRODUCTIONS**

Chair Pumphrey called the meeting to order at 9:02 a.m. and discussed procedures to adhere to the Governor’s Executive Order during this COVID-19 emergency, the meeting will be video and teleconference only with no in person attendance. Chair Pumphrey introduced Travis Harms with AGP Video and asked Mr. Harms to give direction to the public that wish to speak. Mr. Pumphrey then introduced the Water Board Members, Water Board staff and State Water Board staff.

## **7. WORKSHOP - TAHOE KEYS LAGOONS AQUATIC WEED CONTROL METHODS TEST PROJECT**

The Tahoe Regional Planning Agency (TRPA) staff, Joanne Marchetta, Executive Director of TRPA, gave introduction regarding the presentation on the project purpose and background.

Dennis Zabaglo, Aquatic Species Resource Manager with TRPA, gave presentation on the proposed project and alternatives.

Water Board staff, Robert Tucker, explained the Key Regulatory Considerations.

Jim Good, from Environmental Science Associate, gave presentation on the environmental review and findings. Mr. Good discussed meeting Water Quality standard and Beneficial uses.

### **QUESTIONS/COMMENTS BY THE WATER BOARD**

Dr. Horne thanked TRPA in taking leadership to finding a solution to this problem and thanked the collaborators for participating. Dr. Horne asked Mr. Good about his comment regarding his concern of collecting plant fragments. Dr. Horne asked Mr. Good to explain if bits of the plants break off, what the fate of the plant fragment is and why is that a concern. Mr. Good explained that plant fragments can drift in the water and circulate in the near areas of Lake Tahoe and take root and cause further aquatic weed infestation in Lake Tahoe waters. Mr. Good went on to say there has been increasing efforts by TKPOA, with several funding partners, to implement methods to minimize the amount of aquatic plant fragments that leave the lagoons

Member Sandel asked Mr. Good to explain how much of the nitrogen and phosphorus on the water column in the lagoons could be coming from runoff from residential landscape fertilizer and other residential sources. Mr. Good replied there is a very small contributing watershed so surrounding landscape nutrient sources are small compared to the primary source of phosphorus and nitrogen in the water column resulting from plant tissue decomposition and resulting releases of plant bound nutrients into the water column.

### **PRESENTATION**

Mr. Zabaglo presented to the Water Board the next steps in this process. Mr. Zabaglo indicated the final document and response to comments are expected at the beginning of the year with Board certifications, exemption resolution and NPDES permit scheduled for consideration for adoption by Water Boards in the Spring of 2021. Proposed implementation of the project is late spring of 2021.

### **QUESTIONS/COMMENTS BY THE WATER BOARD**

Dr. Horne asked thinking in terms of nutrients, in terms of both the source and the flow of nutrients, would it be correct to think of the plant growth in the keys as an indicator of the cumulative bank of, or storage of, nitrogen and phosphorus over many years, as opposed to the flow of nutrients and phosphorus into the keys in a particular year. Mr. Good replied on behalf of Mr. Zabaglo and stated the lagoons were carved into the organic peat soils that were present there before the Tahoe Keys Lagoons were created so there is a reservoir of nutrients present and then everything that's been accumulated from the watershed and other sources over the last four or five decades has added to

that reservoir. This is what is believed to be driving the aquatic plants infestations in the Tahoe Keys Lagoons.

Member Dyas asked Mr. Zabaglo about a slide he presented of the Tahoe Keys indicating there are three sites that were proposed for a dredging. Member Days asked how those sites were selected. Mr. Zabaglo indicated chosen with a combination of the geotechnical expert that was brought on board and in coordination with the Tahoe Keys property owners association.

#### PRESENTATION

Water Board Staff, Robert Tucker, Sr. Water Resource Control Engineer, presented on the background, the Proposed project and the Basin Plan Prohibition. Mr. Tucker discussed the Use of Aquatic Pesticides for Tahoe Keys Lagoons. Mr. Tucker further explained the Basin Plan Exemption criteria, treatment and goals.

#### QUESTIONS/COMMENTS BY THE WATER BOARD

Dr. Horne indicated that she would like to understand more about the mesocosm study and problems with a small experiment and taking it to scale. Such as, are the environmental conditions within the mesocosm studies comparable? Do they adequately represent the conditions in the keys in terms of water flow and the other things that are involved? Mr. Tucker replied the water in the Keys is relatively stagnant and he believes they did account for these factors. Mr. Tucker indicated that he would get more information to the Water Board when Lahontan comes back in the Spring for the Water Board meeting. Mr. Andrew Kopania indicated he is also presenting today on this subject and will cover the mesocosm studies in that presentation.

#### **WATER BOARD TOOK A BREAK FROM 10:42AM TO 10:52AM**

#### PRESENTATION

William "Russell" Norman, Water Resource Control Engineer, presented information regarding the Basin Plan permitting process. Mr. Norman discussed considerations, pesticide prohibition exemption process and NPDES permitting process for the Tahoe Keys Property Owners Association's proposed Aquatic Weed Control Methods Test Project.

Mr. Norman indicated the next steps in this process is to Notice the Draft Individual NPDES Permit in late December 2020 or early January 2021 for Public Comment and bring the draft Individual NPDES permit before the Board for consideration of Adoption in March 2021.

#### QUESTIONS/COMMENTS BY THE WATER BOARD

Member Cox impressed by presentation, looks forward to hearing the public comments after this has been circulated.

Member Dyas asked about Mr. Norman's presentation at page 32, on Lanthanum Modified Clay. In the column in the table for the Water Flea, it shows two different concentration thresholds for the same test greater than 12,500 ppm and >50 ppm. Mr. Norman replied there are a number of aquatic toxicity studies. This table summarizes results from different studies.

Dr. Horne asked Mr. Norman to explain more about the interaction between the herbicides and rhodamine in terms of timing? Mr. Norman stated the role of the

Rhodamine is a short-term tracer and is used in conjunction with the receiving water monitoring for the herbicides.

Dr. Horne asked if the monitoring would continue regardless of whether the Rhodamine is present or not. Mr. Norman replied yes.

Dr. Horne asked when there is an herbicide application, will it be only one type of treatment (triclopyr and endothall) or both types of treatment used in combination on the site. Mr. Norman indicated each site will receive one or the other, not both.

Member Sandel asked Mr. Norman about all the inactive ingredients that are part of the herbicide product that is being discharged into the lagoons. Member Sandel wanted to know if there is a list of those and does the Water Board have any idea about their human toxicity or persistence. Mr. Norman indicated the aquatic toxicity work done by California Department of Pesticide Regulation and the USEPA includes evaluating full product formulations of the herbicide active ingredients, so that includes the inert ingredients as well as the active ingredients triclopyr or endothall. The results of the whole product testing indicate they don't represent any enhanced toxicity. With respect to drinking water, these limits have been developed based on consideration of the product formulation approved label rates for the protection of drinking water.

Member Sandel asked how can the Water Board consider the formulations when we don't know what they are? Mr. Norman advised when products are registered for use in California and nationwide the whole product formulations are evaluated for safety. If there were issues, they would pop up in the product registration process.

#### PUBLIC COMMENT

Andrew Kopania, Tahoe Keys Property Owners Association, presented a Power Point presentation describing the history of the weed infestation in the Keys lagoons and the efforts to date to try to address them.

Jesse Patterson, Chief Strategy Officer, League to Save Lake Tahoe, presented a Power Point presentation regarding the history of aquatic weeds at the Tahoe Keys and efforts to control them.

Toby Tyler, Sierra Club. talked about the draft Environmental Impact Report.

Edmund Andrews, an Economics Writer and Editor. Spoke on the Tahoe keys Proposal.

#### **WATER BOARD TOOK A BREAK FROM 12:50PM TO 1:05PM**

#### PUBLIC COMMENT

Laurel Ames, Tahoe Area Group Sierra Club and resident of Lake Tahoe.

Trish Friedman spoke on the Herbicide Permit for Tahoe Keys. Water Board members asked Ms. Freidman to send additional documents on cyanotoxins she referenced in her comments. (Hard copies sent to Water Board on November 25, 2020)

David Blau, Board member for League to Save Lake Tahoe spoke on the Tahoe Keys Control Methods Test and support for testing aquatic herbicides now.

Lauri Kemper, resident of Lake Tahoe, spoke on the Tahoe Keys Weed Control Methods test. Ms. Kemper asked for more time for a comment period and suggested 90 days or delaying this item until April 2021.

#### COMMENTS BY WATER BOARD

Member Sandel asked Ms. Kemper how the Water Board can ask for more time for a comment period. Member Sandel further stated these are administrative issues and Water Board should devote as much time to this issue as it needs.

Member Dr. Horne also wondered about the extended comment period that Ms. Kemper suggested. Dr. Horne stated the Water Board has a meeting scheduled in March and May, but no meeting for April and Water Board members heard that the proposed application would occur in May. Dr. Horne asked if Water Board had an extra meeting in April, or heard the item in May, would that still work for the test in 2021.

Mr. Plaziak, Acting Executive Officer, responded to Dr. Horne indicating Water Board's permitting action is sequential with TRPA and theirs is scheduled for March. Water Board postponing this item until April would be after TRPA will have their permitting action. Ms. Joanne Marchetta responded to the Board members and indicated the TRPA permitting action will not happen before the Lahontan Water Board decision on the anti-degradation analysis and the NPDES permit. These will be sequential, and Lahontan Water Board will be going first.

#### PUBLIC COMMENT

Lisa Foley spoke on the use of Herbicides.

John Moore spoke on the control methods test project and herbicides.

Madonna Dunbar, Executive Director of Tahoe Water Suppliers Association. Spoke on the Basin Plan pesticide prohibition exemption, NPDES permit and antidegradation analysis process for the Tahoe Keys Property Owners Association and proposed Aquatic Weed Control Methods Test project.

Elise Fett, Engineer and Architect from Elise Fett & Associates, Ltd spoke on herbicides and non-chemicals methods.

Margaret McKee, resident of Lake Tahoe, spoke on the use of Herbicides in Lake Tahoe and her thoughts on unintended consequences.

Tom Martens, Board member for the League to Save Lake Tahoe and resident of Lake Tahoe spoke on the importance of tests at this time to fight the weeds.

Keiron McCammon, Tahoe Keys Board of Directors and Tahoe Keys homeowner, asking the Water Board, at the very least, to approve the proposed limited test of Herbicides.

Grazia Caroselli, with Evolve Productions, from San Francisco, spoke on alternatives to herbicides used to combat the weeds in Lake Tahoe.

Julie Soules, from Elise Fett & Associates, Ltd. Spoke on the use of Herbicides.



**COMMENTS/QUESTIONS BY THE WATER BOARD**

Chair Pumphrey would like the Water Board to schedule significant time during the March Board meeting for this Agenda Item. Chair Pumphrey is also requesting that the materials for this item can get to the Water Board members as early as possible in case there are a large amount of comments from the EIR/EIS process.

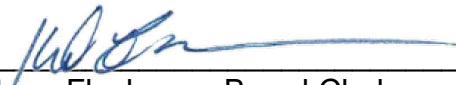
Chair Pumphrey also indicated he is sympathetic to Ms. Kemper's desire to have ample opportunity for the public to make comments.

Chair Pumphrey also indicated he would like to see additional information on what exactly it is that is being tested.

Chair Pumphrey indicated he is particularly concerned with the question of additional uses or repeated uses into the future and asked if there is some way to get a sense of what that might involve.

**ADJOURNMENT**

With no further business to come before the Water Board, the meeting adjourned at 2:27 p.m. on November 19, 2020.

Prepared by:  Adopted: January 13, 2021  
Katrina Fleshman, Board Clerk