

## Lahontan Regional Water Quality Control Board

# MINUTES

## November 9-10, 2016

### Regular Meeting

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

#### Board Members Participating

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

#### Board Members Absent

none

#### Legal Counsel

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

#### Regional Board Staff Participating

Patty Z. Kouyoumdjian, Executive Officer  
Lauri Kemper, Assistant Executive Officer  
Scott Ferguson, Sup Engineering Geologist  
Doug Smith, Sup Engineering Geologist  
Bud Amorfini, Engineering Geologist  
Kathy Otermat, Executive Assistant  
Doug Cushman, Senior WRCE  
Alan Miller, Senior WRCE  
Mary Fiore-Wagner, Environmental Scientist

Bruce Warren, Environmental Scientist  
Dan Sussman, Environmental Scientist  
Bob Larsen, Staff Environmental Scientist  
Robin Coale, Office Technician  
Eric Taxer, WRCE  
Austin White, Scientific Aid  
Rebecca Phillips, AGPA  
Ed Hancock, Scientific Aid

#### **REGULAR MEETING: November 9, 2016- 7:30 p.m.**

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

### INTRODUCTIONS

Chair Dr. Horne called the meeting to order at 7:32 p.m. on November 9, 2016 and introduced Board Members. Patty Z. Kouyoumdjian, Executive Officer, introduced Legal Counsel and Water Board staff.

**1. PUBLIC FORUM**

None.

**2. Minutes**

- **Motion:** Moved by Mr. Pumphrey, seconded by Mr. Jardine. Chair Dr. Horne preferred that the staff work with the board to add information in regard to Items 10 and 11. Moved by Mr. Pumphrey to withdraw motion and made a motion to review at the January 2017 Board meeting, seconded by Mr. Jardine. The motion **carried** per the following votes:

Ms. Cox	aye
Mr. Jardine	aye
Dr. Horne	aye
Mr. Dyas	aye
Mr. Pumphrey	aye
Mr. Sandel	abstained

**3. Adoption of Uncontested Calendar**

- **Motion:** Moved by Mr. Sandel, seconded by Mr. Pumphrey, seconded by Mr. Jardine. The motion **carried** per the following votes:

Ms. Cox	aye
Mr. Jardine	aye
Dr. Horne	aye
Mr. Dyas	aye
Mr. Pumphrey	aye
Mr. Sandel	aye

**REVISED, UPDATED OR AMENDED PROJECTS****4. ✕ Updated Waste Discharge Requirements for Homewood Village Resort, Placer County**

See item No. 3 for adoption. Chair Dr. Horne recognized Mr. Bud Amorfini who was responsible for this item and is retiring. She invited him to say a few words. Mr. Amorfini expressed appreciation to the Board for their service and for bringing a broader perspective from the public that improved his work products. Board members wished Mr. Amorfini the best in his retirement.

**PLANS AND POLICIES****5. Resolution Authorizing the Allocation of Squaw Valley Ski Corporation Consent Agreement Funds for a Water Quality Improvement Project.**

Prior to Eric Taxer's presentation, Executive Officer Patty Kouyoumdjian presented Eric Taxer with the Sustained Superior Accomplishment Award for his exemplary work over a 3-year period on enforcement actions and special projects. His leadership and his innovative ideas have improved the effectiveness and transparency of our entire enforcement program. Eric was instrumental in creating the Water Board's new Supplemental Environmental Project program. The Board extended congratulations to Eric on a much-deserved award.

Eric Taxer, WRCE, presented four projects for approval to use remaining funds reserved by the Department of Justice. Staff determined that all four projects have similar technical merit and appropriate water quality benefits. Two projects in particular, the Friends of Squaw Creek's Squaw Creek Meadow Restoration project and the Alpine Water Shed Group's Hope Valley Restoration and Aquatic Habitat project serve to mitigate potential long-term impacts of climate change. Two projects sponsored by the Truckee River Watershed Counsel provide significant restoration opportunities that are fully supported by Water Board staff.

#### Public Comments:

- Ed Heneveld spoke to the Board as the Chair of the Friends of Squaw Creek project working as a community group since 2002. They have not yet implemented a project and appreciate the Board considering awarding funds to hopefully proceed in getting the Creek off the 303d listing. Chair Dr. Horne asked if he was speaking in support of his group receiving the entire amount as originally requested or if he supported the division recommended by staff. Mr. Heneveld is fine with the division as offered.
- Katrina Smollen, a professional hydrologist, became a 3<sup>rd</sup> party mediator and regulatory compliant consultant for Squaw Valley Ski Corporation in 2004. Since 2005 she has been a technical advisory committee in Friends of Squaw Creek. She stated this is a unique opportunity for public and private participation. The project has stalled out due to lack of funds and she thanked the Board and supported the staff recommendation.
- David Lass represented Trout Unlimited to support Mr. Heneveld and Ms. Smollen and the rest of the community that's been supporting this restoration project for so long. He stated funds like this will help a small organization like Friends of Squaw Creek to run a project on their own with great confidence, He also stated matching funds is a great story to tell – Federal, State and private funds coming together. He thanked the Board and also Cindy Wise, for her support for this project.
- Sarah Green, Executive Director with the Alpine Watershed Group stated she is more than agreeable with the funds proposed by staff. The timing could not be any better to fund this piece and the other bigger picture is that we are truly gaining in our capacity to implement watershed projects that make a big difference. Eric did a great job in framing the partnerships involved including the Washoe Tribe in California and Nevada that is very supportive of the environmental and cultural benefit this offers.

#### Board Comments:

- Ms. Cox really appreciates the presentation Mr. Taxer made. He answered all her questions and really supported Mr. Taxer's reasoning regarding the division of funding.
- Mr. Dyas also agreed Mr. Taxer made a great presentation.
- Chair Dr. Horne stated she was involved in the Squaw Valley settlement discussions and felt bad for the residents of Squaw Valley but has been convinced to support the staff recommendation.
- **Motion:** Moved by Mr. Pumphrey, seconded by Mr. Sandel. The motion *carried* per the following votes:

Ms. Cox	aye
Mr. Jardine	aye
Dr. Horne	aye
Mr. Dyas	aye
Mr. Pumphrey	aye
Mr. Sandel	aye

Note: The Water Board took a break from 7:55-8:11 p.m.

## **OTHER BUSINESS OR STATUS REPORTS**

### **6. Climate Change Working Group Update**

Scott Ferguson, Supervising WRCE, provided a history of climate change, where the working group has been as well as their current status. Mr. Ferguson wanted to acknowledge the support of the workgroup leaders, Mary Fiori-Wagner, Brian Judge and Laurie Scribe as well as the efforts of Jan Zimmerman and Linda Stone. They have provided Scott with incredible support. It has definitely been a team effort.

In 2014 and 2015 staff presented two Climate Change Adaptation public workshops and from over 100 participants over 400 ideas were submitted. At that time direction from the Board was to have this be an inclusive process. Staff has been out and engaged with partners that are out there. Three internal Water Board Climate Change Working Groups were formed: Infrastructure, Storm Water and Low Impact Development and Wetlands and Floodplains. First step was to find out what was going on out there already. To solicit information on what's out there and to solicit the level of support of the 26 concepts from the 400+ ideas. The working groups created an online survey. The current LYRIS email list is around 240 South to North. Also note cards have been printed. We encourage staff to take the note cards to meetings and explain in 2-3 minutes what the survey is.

Mr. Ferguson asked for board input on three items: 1) the potential 26 concepts in the survey, 2) the idea that staff would prioritize actions and the criteria to prioritize and 3) the proposed next steps and timing.

#### Board Comments:

- Mr. Sandel stated the Board has long been involved in projects taking a decade or more so it is not put off by the length of time involved. He suggested the Board factor in what might happen if there is less Federal involvement, possibly even Federal hostility in preparing for Climate Change. One suggestion Mr. Sandel had was to remove abbreviations on the chart on Bates 6-29 as there is enough room for full terminology.
- Mr. Pumphrey suggested that possibly the 26 categories could be clumped together and possibly also clump the players to narrow the numbers even further or weave together collections of stakeholders in those categories. He also suggested that staff continue to go to the community or stakeholders and get them involved in actions that they are going to implement so there is consensus to work together to design the solution. He is curious if staff had identified other agencies are also working on Climate Change strategies to help us coordinate our activities with other people. He thinks it is a good idea to identify jurisdictional responsibilities and resources. He noted one thing missing in the timeframe is no mechanism in the next steps to tell the people who participated in the results of the survey. I think it's important to relay to the participants what were the results of the survey and it seemed after January 2017 it all goes internal. It may be that we consider holding follow-up workshop and encourage participants to be part of the next step.
- Mr. Jardine stated he thinks staff is on the right path and believes staff needs to reach out to those that are affected and get them involved in the process. He commented that staff has done a remarkable job.
- Mr. Dyas believes the current set of potential concepts and actions are adequate for strategy development. His priorities would be programs that protect public health and safety and water supply infrastructure. He thinks the proposed schedule is aggressive but hopefully doable.

- Ms. Cox really appreciates the inclusive nature of the outreach that's been done so far and asked if any of the Climate Survey cards were printed in Spanish or another language that would represent the demographics of a region. Mr. Ferguson stated not at this time but thought it was an excellent suggestion. Ms. Cox suggested as the policy is developed that there be flexibility, looking at the diversities in the Tahoe area, the desert, Bishop and all places in between. She would like to see cost benefit analysis as part of the criteria (Bate stamp 6-3). She is concerned with "High survey support" as a criterion and would prefer to have it removed as that moves away from a scientific basis and more of a popularity contest. Ms. Cox also would like an enhanced description of "Under development/implementation by others" as a concept.
- Chair Dr. Horne stated she appreciated the board members comments. She particularly agreed with Scott's concern about deferring to short-term actions and not taking on long-term action where a long-term action which may be more important than something that's easy to check-off. She agreed with Mr. Pumphrey's comment about focusing on things that are in our jurisdiction. What comes to mind is maybe having a rule of thumb – a certain percentage dedicated to items in our jurisdiction vs. outreach. She agreed with Ms. Cox's comment on removing "High survey support" as a criterion. She stated there's probably something to learn from the Tahoe TMDL regarding the phasing of how the Board and staff do this and where our energy should be placed. In the Tahoe TMDL management consultants helped the Board figure out a system where the region tells permittees this is their target and the permittees then choose the options that work best for them. She agrees the schedule is aggressive but is open to seeing what can get done in that timeframe. She posed a question to the other Board members – asking if they see a role in Board involvement similarly to what the Board did with the enforcement program. In that case the Board had two sub-committees and to know what Board interests were regarding involvement.
- Mr. Pumphrey stated once the survey results are shared with the Board, it will be easier for Board members to define interests. He noted there could be a real tension between the Board's "jurisdiction" and its potential as a catalyst and leader within the region. The Board is going to have to make choices in those two roles and prioritization including what the Board is most equipped to do that or is there another organization that we can get to play that role. He believes there should be a ringleader who is constantly saying to those involved to not keep information to themselves and to not be exclusive in their thinking.
- Mr. Jardine agrees that Board members should participate in this process after we receive the survey results.
- Ms. Cox agrees that reviewing survey results first is necessary.
- Mr. Sandel likes Mr. Pumphrey's idea if we can get someone else to do this work. However he believes to the extent the Board can get people to help it's probably going to be within their interest but the Board "Is the region" and no other organization has the full reach that this Board has and it is likely it will have to be the central coordinating agency.
- Chair Dr. Horne stated folks in the Mojave are going to have a different perspective than other areas and the coordinating role is important. She restated that the Board would like to receive the full survey results then review the results. Mr. Ferguson stated it looks like it will be necessary to add a step to provide feedback to survey partners and participants. Chair Dr. Horne believes it's two different tracks – survey results to the Board, then also to partners. Also there needs to be a process that has enough flexibility for each of the categories.
- Mr. Pumphrey suggested that in January in addition to the Board receiving the survey results as raw data not necessarily an analysis, that staff could also give the Board a sense of how the information is going to get fed back to the community and participants.

- Mr. Dyas suggested that feedback be given to participants earlier than later to keep them involved.

## **REPORTS**

### **7. Reports by Water Board Chair and Board Members**

#### **Mr. Sandel:**

- Mentioned he took the west shore rout to South Lake Tahoe and was impressed with around 8 miles of new curb and gutter and also saw the Emerald fire.

#### **Mr. Pumphrey:**

- The next Sierra Water Summit will be in July at Kings Beach and hopes to have a date by the middle of December.

#### **Ms. Cox:**

- Attended the Water Summit held by Public Policy Institute of California (PPIC) in Sacramento. It was a tremendous action packed morning that had a tremendous amount of great content.
- Attended Water Quality Coordinating Committee (WQCC) and really enjoyed the break out session format and gave thanks to Chair Dr. Horne who is on the planning committee. She had a suggestion that she would love to hear a success story from each of the regions to get more of a flavor of the successes and challenges of each of the regions.
- Wished everybody a wonderful holiday season to reflect on the year gone by and the positive potential for the future year.

#### **Chair Dr. Horne:**

- Attended a symposium of forest collaborators working around the State mostly north of us. The Sierra Nevada Conservancy is doing some really interesting stuff they're call the Tahoe Area Collaborative to improve forest management. The folks in Amador and Calaveras Counties are way ahead of everybody else. They're working with Alpine County and the Washoe Tribe working in the woods, rebuilding the forest industry, they now have 33 permanent employees.
- Attended WQCC and gave thanks to Alan Miller, Scott Ferguson, Bob Larsen, Bud Amorfini, Jay Cass and Tom who helped her understand the Storm Water challenges. She received a lot of positive feedback and invitations to repeat her presentation. The other Regions were amazed at what has been accomplished in Tahoe. The legislative update mentioned twenty-six water bills passed and twenty-four were signed by the Governor. Michel Lawford talked about MS4 permits, the unfunded mandate and felt the State Board had a strong argument to distinguish the Tahoe MS4 permit versus other MS4 programs because of the flexibility and comments made by Kim Niemeyer because it is based on TDML.
- Attended Petersen Ranch Mitigation Project dedication where she got the opportunity to go up to the divide looking over Lancaster County where there are solar facilities in the Antelope Valley now. California is now storing excess solar energy where projects have to go offline.
- Attended Truckee River Day where it rained 9 inches, 200 volunteers attended and she was on a project with 50 people including 6-year olds. Four of those projects were funded by our SEP.
- Attended PPIC where Lance from the Mojave Water Agency was a real star. He works with small water systems who are struggling and they are helping to prop them up with technical support and funding.

## 8. Executive Officer's Report

Ms. Kouyoumdjian gave updates on activity that happened in September and October 2016:

- OEHHA Environscreen is improving to capture more water quality issues;
- Cyno-HAB – Our staff is getting trained and have rapid assessment kits;
- Staffing hires and transitions;
- Fall Land Disturbances;
- Santa's Village meadow and creek restoration work;
- Upper Truckee River Restoration;
- Proposed 2017 Standing Item Report; and
- Proposed 2017 Board Meeting Schedule.

Board Comments:

- Ms. Cox was disappointed about Santa's Village; the photos provided are just startling.
- Chair Dr. Horne was unclear about the Palmdale Water Reclamation Plant monitoring report and wondered if staff could give a presentation on where they were versus they are today. Lauri Kemper, Assistant Executive Officer, gave narrative comparisons between Figure 1 and Figure 2 in the Executive Officer's report. Chair Dr. Horne asked if under the current orders, does staff have the authority to do the work they need to do to clean this up. Ms. Kemper replied that so far it is working but if issues arise it could be handled via a paper hearing with comments requested.

Scott Ferguson gave highlights on the Quarterly Violations Report for 2<sup>nd</sup> Quarter 2016:

- Although there are more violations vs. previous violations report, the cause is that there was more time included in the quarterly report.
- Settlement talks going well with ACL report with City of Victorville. Ms. Lauri Kemper reported that most likely in January a meeting with the City of Victorville would be held. If there were a settlement reached in the January-February timeframe, it would go out for a public comment and most likely come back to the Board in Spring.
- About 2 weeks ago, staff was notified about unauthorized grading at Mono Lake and quickly issued within 2 days a Clean-up and Abatement Order. Unfortunately the owner has not accepted those documents. Mono County has also issued a notice of violation. They also went onto State Park property. California Department of Fish and Wildlife is also involved. We will most likely reissuing our order meshing the requirements of the State Parks and having it re-served. There is a game plan with the other agencies working very expeditiously.
- Staff is more involved with pursuing compliance with annual stormwater industrial reporting requirements. The good news is everybody complied for the reports due in 2015. We have about 50 construction projects across the region where they have not complied and we have issued two of non-compliance. Next step will be expedited payment letters going out very shortly.

Board Comments:

- Ms. Cox noticed in the 2017 Standing Items Calendar she noticed that the CalTrans general permit update is in August and the item for Lancaster is in February both when there is no Board meeting and was wondering if staff would find it particularly challenging. She also suggested that the City of Barstow Nitrate Orphan Perchlorate item is such a serious question and was wondering would it be more practical to get a semi-annual report. Ms. Kouyoumdjian said the City of Barstow item will be changed to be a semi-annual report and

explained that when EO Officers Report occurs when there is no Board Meeting, there are monthly EO reports regardless if there is a board meeting and can certain get those out to the Board and the public regardless if there is a meeting.

## 9. CLOSED SESSION

None.

Adjournment: Chair Dr. Horne adjourned the meeting at 9:56pm, November 9, 2016.

## **REGULAR MEETING: November 10, 2016- 8:30 a.m.**

### **INTRODUCTIONS**

Chair Dr. Horne called the meeting to order at 8:32 a.m. on November 10, 2016 and introduced Board Members. Patty Z. Kouyoumdjian, Executive Officer, introduced Legal Counsel and the Water Board staff.

## 10. PUBLIC FORUM

None.

## OTHER BUSINESS OR STATUS REPORTS

### 11. **Update on Lake Tahoe Municipal Stormwater Permit and Program.**

Bob Larsen, Staff Environmental Scientist, presented an update on the progress made by local government partners to achieve required pollutant load reductions and provide a status report on permit renewal process. Mr. Larsen highlighted one project from each jurisdiction and expressed appreciation for the partners he's working with in public government.

#### **Public Comments:**

- Jason Burke from the City of South Lake Tahoe, Stormwater Program Coordinator, was happy to report that in terms of the TMDL and the crediting process the City does have the enhancements to get them through the compliance this next permit term. He appreciates the partnership with Mr. Larsen and the leeway Lahontan staff will have in writing the State requirements into the permit so it will have language that works for everyone. Mr. Dyas asked if we could demonstrate that trash is not a problem in the Lake Tahoe area couldn't request an exemption. Mr. Burke replied that Track 2 option provides a way of avoiding installing mesh screens but still comes with resource needs.
- Brendan Ferry, Stormwater Program Manager from El Dorado County (EDC) wanted to echo what Jason said regarding a phenomenal working relationship with Lahontan and they work through a lot of issues through clear dialog with Mr. Larson and Doug Smith. EDC fully intends to comply and issue credits by March 15, 2017. He wanted to echo Mr. Burkes comment on the 0% trash compliance. Chair Dr. Horne asked how the process to define catchments that have equal connectivity from the state is working for him. Mr. Ferry said in 2007 they had funding to define all the watersheds that have a single outfall. He said it was a pretty significant exercise and it really helped us. They have approximately 400 outfalls. They then scaled those up into Urban Planning Catchments (UPC) by aggregating some of those and then scaled those up into Planning Level Catchments. Some UPC's they were able to scale up and some not. He stated Placer County probably has an easier job lumping but of our catchments are 0% connected and we don't get any credit.



**Board Comments:**

- Mr. Sandel was wondering if others are looking at our fine sediment particle metric and was wondering if that had the potential to be used in other places no matter what kind of situation. Mr. Larsen explained that other regions and government agencies are looking at the program to link action to benefits. He said it's pretty specialized what we do in Tahoe and one of the easiest things to look at is flow change to get a handle on how the program ultimately affects water quality. The Tahoe TMDL is pretty unique so with an extraordinary amount of detailed such as such our implantation program that other areas don't have the luxury of implementing. He said other areas are looking at how they can simplify metrics and tools.
- Mr. Pumphrey commented on what's been discussed regarding cooperation between agencies. When he attended the Environmental Law Conference, many people who practiced throughout the state made it abundantly clear that having contact with this agency was not quite like it is when working other agencies and gave compliments to the Lahontan staff. This was an impressive presentation and looking forward to what kind of exportation we can do within our own region in working here in the Tahoe basin.
- Ms. Cox commented that this is an impressive complex model of collaboration with favorable results. She asked if the goals set are annual goals. Mr. Larsen answered that the TMDL sets five-year targets and they are translated into the permits. Eventually they may take the five-year target and cut it in half. Ms. Cox asked in five-years if there is improvement, will the goals change. Mr. Larsen stated the targets will be maintained. The first big check-in is in fifteen-years. He gave an example that there have been extreme conditions and in 2014 the clarity was very good but that was probably due to the drought.
- Chair Dr. Horne said this program is a transformation in how regulation is done and that's why people around the State and around the country are excited. She said it's easy to feel overwhelmed by the massive amount of work taken into developing the TMDL and the software but when you step back it is elegantly simple. She stated that this is transformational and the future of regulation. Mr. Larsen added that the concept of performance-based process is unique and it's new. Chair Dr. Horne asked how he would design the process differently to avoid the problems. Mr. Larsen said he would have focused more on the software and if he could go back in time he would look more holistically at how these systems should work.

**12. Bridgeport Grazing Waiver Renewal Status**

*This item was deleted from the revised agenda.*

**13. Workshop on Process for Granting Prohibition Exemptions to use Aquatic Pesticides.**

Doug Smith presented to the Board about the requests received since the new regulations became effective September 10, 2015, and discussed the circumstances that are potentially eligible for exemption, the process and general requirements for proposals to be considered, the main issues Water Board staff have about the process, staff recommendations on the process and requested comments from the Board and interested parties. So far there are no proposals pending to bring to the Board for Executive Officer action.

**Public Comments**

- Rick Lind, President of Sierra Biosystem Associates spoke on behalf of Tahoe Keys Property Owners Associates on efforts to bring the Aquatic species under control. In the next two months they will submit a proposal for an exemption for a three-year study. He and his staff did have certain questions he would like answers to, the first being the definition of "controversial" which would require a more rigorous process and that they have time to provide input on defining terms because it would be an added burden to not

have these answers while going through the application process. He expressed appreciation of the amount of effort and time made by Lahontan staff as well a TRPA staff and other stakeholders have put forth in working with them since 2011. Legal Counsel Kim Niemeyer clarified that she didn't the intention was for it to be a more rigorous process but just to come before the Board.

- Andy Engelhard, the recently appointed President of Lakeside Park Assets (LPA), one of which is their Mutual Water Company stated there are 130 property owners. The only water supplier in South Lake Tahoe that drink Lake water directly. Their inlet is the first inlet outside the keys and is surprised that there would even be a process to support herbicides that their water company cannot filter out.
- Madonna Dunbar, Executive Director of the Tahoe Water Suppliers Association, stated they share the same concerns as LPA, She would like the Board to keep in mind Lake Tahoe is a Tier 3 outstanding national water body resource level 3 which she believes does raise the bar on this subject. Six of their water suppliers are filter exempt so anything introduced to the water is not dealt with. She wanted to thank Mr. Lind for his comments and they have been working very closely with Mr. Lind and although they have different opinions with a transparent process and excellent communications. She commended Lahontan staff that worked from a concept to now guidelines. Her board was initially opposed to introduction of all herbicides, some are now becoming a little more comfortable with very limited herbicides with extensive monitoring that nothing will be introduced to Lake Tahoe. Until they see a formal project application they will not be commenting further.

Board Comments on staff issues:

- **Question #1: “Does the Water Board support bringing controversial proposals, and those requiring an individual permit to a Water Board hearing?”** Mr. Sandel asked if there is a standard definition of controversial. Ms. Neimeyer stated there is no standard definition but based more on the amount of interested from the public. Mr. Smith pointed out that staff used the word essential to use consistent terminology in the Water Board resolution delegating authority to the Executive Officer. Ms. Kouyoumdjian clarified that she has interpreted that as “if there’s public interest” or “potential interest from the community”. Mr. Sandel answered “yes” to the question. Mr. Pumphrey thought the Board needed to fully understand the definition to give a sense of reasonable expectations. If the Board did that, then his answer is “yes”. Mr. Jardine agreed that anything controversial should come to the Board. Mr. Dyas answered, “yes, anything controversial should come to the board” but had a question on the second part of the question. He thought that all individual permits had to come to the Board. Mr. Smith clarified that the issuances of all new individual permits do come before the Board. Ms. Cox thinks we need to allow for the maximum flexibility for the staff and to be as nimble as possible. She thinks there should be gain greater clarity to the process and the matrix so it will be followed by staff and the Executive Officer then once the Board is comfortable with that based on sound scientific principles then she would be comfortable approving the process. Her concern is if the Board delays it one or two months to approve a permit then it may require even a greater amount of a control agent to control what the problem is. She thought there should be more collaboration in the Tahoe Basin with the water suppliers. Chair Dr. Horne stated she thinks it’s clear the Tahoe Keys is a controversial project. Waiting to define “controversial” could hang a project from coming before the board. She also said “yes” to number one and that we have the responsibility to define “controversial” and is comfortable with how the executive officer is defining it.
- **Question Number 2: “Any specific priorities or key questions to keep in mind during proposal review?”** Mr. Sandel said the Board should know all the technical nuts and bolts of a herbicide being applied and the water purveyors should also know this information. Mr. Pumphrey agreed that Mr. Sandel made a really good point. Mr. Dyas

said his number one consideration is to protect public health and safety. Ms. Cox expressed concern that if the Board approves a permit to a sensitive water drinking source then would the Board be accepting any liability. Ms. Niemeyer said the Board doesn't accept any liability because it's similar to the permits the Board issues for other dischargers. Chair Dr. Horne said she hears the concerns of water suppliers and to that she thought the Board should look to mitigate any potential impacts in reviewing the process. She also believes it's important to balance those concerns with a need to have a process that works outside the Tahoe Basin where there are various public health issues the Board needs to deal with. She said the process shouldn't be so onerous that it makes it to respond in a timely manner to other parts of our region. She said it's a difficult task for staff to manage those two points.

With no further business to come before the Board, the meeting was adjourned at 10:59 a.m. on November 10, 2016.



Prepared by: \_\_\_\_\_  
Kathy Otermat, Executive Assistant

Adopted: January 11, 2017