

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

**MEETING OF OCTOBER 7 - 8, 2008
South Lake Tahoe**

ITEM: 10

SUBJECT: STATUS REPORT ON SETTLEMENT DISCUSSIONS REGARDING A POTENTIAL ADMINISTRATIVE CIVIL LIABILITY ORDER FOR EVERD A. MCCAIN, B.J. DEIS, AND MCCAIN AND ASSOCIATES FOR VIOLATION OF (1) WASTE DISCHARGE PROHIBITIONS SPECIFIED BY THE *WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION*, (2) CLEAN WATER ACT 301, (3) CALIFORNIA WATER CODE SECTION 13267, (4) CALIFORNIA WATER CODE 13304, AND (5) CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION - BELFAST RANCH – SKEET DAM AND BUZ DAM, LASSEN COUNTY, WDID NOS. 6A180508N05 AND 6A180105013

CHRONOLOGY:

May 5, 2006	Water Board issues Cleanup and Abatement Order directing B.J. Deis and McCain and Associates to cleanup and abate the effects of the unauthorized discharge of earthen materials to Willow Creek from the unauthorized construction of Skeet Dam and the failures of Buz and Skeet Dams.
August 9, 2006	Water Board amends the Cleanup and Abatement Order allowing B.J. Deis and McCain and Associates additional time to implement a temporary stabilization plan, and submit and implement a permanent stabilization plan for Buz and Skeet Dams.
November 16, 2007	Water Board staff issues Everd A. McCain, B.J. Deis, and McCain and Associates the Administrative Civil Liability Complaint.
March 13, 2008	Water Board hearing on the matter. Hearing continued to a later meeting to allow the parties an opportunity to try to reach a structured settlement agreement that would include stabilization of the dam sites and a penalty of some cash value.

May 14, 2008 Status report provided at Board meeting in Tahoe City on settlement discussions.

July 23, 2008 Status report provided at the Board meeting in Truckee on settlement discussions.

DISCUSSION:

Since the last status report on this item, provided to the Water Board at its July 2008 meeting, the Water Board's Prosecution Team provided Mr. McCain a copy of the Draft Settlement Agreement, for his review. Water Board staff requested Mr. McCain to provide his comments on the document by October 1, 2008.

Department of Fish and Game staff has informed Water board staff that Mr. McCain has started implementing measure to restore fish passage. On September 4, 2008 DFG staff conducted a site inspection at Belfast Ranch to inspect the fish passage structure at Skeet Dam. Based on observations, DFG staff believes the channel design may work more effectively to pass high flows than originally expected.

Water Board staff are scheduled to meet with Mr. McCain for a site inspection on October 1, 2008. The purpose of the visit is to check Mr. McCain's progress toward completing the stabilization plan, which includes measures to control erosion and prevent sediment from discharging to the creek and its associated wetland and riparian areas.

**RECOMMEND-
ATION:**

Information item only.