



California Regional Water Quality Control Board Lahontan Region



Linda S. Adams
Acting Secretary for
Environmental Protection

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Edmund G. Brown Jr.
Governor

Date Distributed: March 24, 2011

MEETING AGENDA

April 13-14, 2011

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

Wednesday, April 13 2011

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|----------------------------|-------------------------|
| Regular Meeting: | 3:00 p.m. |
| Dinner Break: | 5:00 p.m. |
| Regular Meeting continued: | 7:00 p.m. approximately |

Thursday, April 14, 2011

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| Regular Meeting: | 8:30 a.m. |
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Note: A quorum of the Water Board will be dining on Wednesday, April 13, 2011 at 5:15 p.m. at the Tep's Villa Roma, 3450 Lake Tahoe Blvd., South Lake Tahoe. The Water Board will not be discussing anything related to the Board's authority during this dinner.

Supporting Documents:

Supporting documents for agenda items are posted on our website at least 10 days prior to the scheduled meeting. If you wish to be added to the interested parties list for a specific agenda item, please contact the staff person listed with the item in the agenda announcement. To view or download documents, go to www.waterboards.ca.gov/lahontan. (see note below for information on the timing for submitting comments).

Submittal of Written Material for Water Board Consideration:

Comments on individual items are welcome and encouraged. Written comments on an agenda item must be submitted on or before the due date listed in the hearing notice associated with the agenda item. Hearing notices are distributed to persons who have

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indicated they want to receive information about a specific item and are posted on the Water Board's web site (www.waterboards.ca.gov/lahontan). For items that do not have a separate hearing notice with specific due dates, written comments must be submitted at least ten (10) days before the meeting. This allows time to distribute the material to Water Board members in advance of the meeting, providing the opportunity for the members to read and consider the information submitted. Pursuant to California Code of Regulations, Title 23, section 648.4, the Water Board may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of the written testimony, the Water Board may refuse to admit it.

A copy of the procedures governing Water Board meetings may be found at California Code of Regulations, Title 23, section 647 et seq., and is available upon request. Hearings before the Water Board are not conducted pursuant to Government Code section 11500 et seq.

The meeting room is accessible to people with disabilities. If you have special accommodations or language needs, please contact Amber Wike at least five days prior to the meeting date at (530) 542-5400 or awike@waterboards.ca.gov. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

General Meeting Information:

The following items are numbered for identification purposes only and will not necessarily be considered in this order. Public hearings will not be called to order prior to the time specified. If, due to time constraints, the Water Board is unable to consider all of the items scheduled for Wednesday, the item(s) not heard will be considered on Thursday, beginning at 8:30 a.m. All Board files, exhibits and agenda material pertaining to items on this agenda are hereby made a part of the record for the appropriate item.

Anyone wishing to present a Microsoft PowerPoint® presentation during the meeting, using the Water Board's projector, must provide the presentation to the Water Board on either a CD or via email at least three working days prior to the meeting. Please contact the staff person listed for the agenda item of interest.

REGULAR MEETING

Wednesday, April 13, 2011- 3:00 p.m.

INTRODUCTIONS

1. PUBLIC FORUM

Any person may address the Water Board regarding a matter within the Water Board's jurisdiction that is not related to an item on this meeting agenda. Comments will generally be limited to five minutes, unless otherwise directed by the Chair. Any person wishing to make a longer presentation should contact the Executive Officer at least ten days prior to the meeting.

Comments regarding matters that are under development for future meetings will be restricted. (See http://www.waterboards.ca.gov/lahontan/board_info/agenda/upcoming.shtml#top)

2. MINUTES

[Minutes of the Regular Meeting of March 9-10, 2011](#), held in Barstow, CA (Rebecca Phillips)

3. ADOPTION OF UNCONTESTED CALENDAR

Items denoted by (*) are expected to be routine and non-controversial. The Water Board will act on these items at one time without discussion. If any Water Board member, staff member, or interested party requests discussion, the item will be removed from the Uncontested Calendar to be considered separately. Requests to have an item removed from the uncontested calendar can be made in advance of the meeting by writing to the Water Board or by calling the Water Board's Executive Officer or the request can be made to the Water Board at the meeting on the Wednesday before the vote on the Uncontested Calendar.

REVISED WASTE DISCHARGE REQUIREMENTS

- * 4. [Revised Waste Discharge Requirements for Camp Pendleton & Quantico Housing LLC/Lincoln Military Housing and United States Marine Corps - Mountain Warfare Training Center Coleville Housing Wastewater Treatment and Disposal Facility, Mono County](#) (The Water Board will consider adopting revised requirements for this facility.) (Robert Tucker)

RESCISSION OF WASTE DISCHARGE REQUIREMENTS

- *5. [Rescission of Waste Discharge Requirements for City of South Lake Tahoe - Lake Tahoe Airport, El Dorado County - Board Order No. 6-88-111](#) (The Water Board will consider rescinding Waste Discharge Requirements WDID 6A097001800 for the Lake Tahoe Airport.) (Bud Amorfini)

ENFORCEMENT ACTIONS

6. [Public Hearing – Consideration of a Cease and Desist Order for the United States Forest Service – Lassen National Forest Eagle Lake Wastewater Facility, Eagle Lake Basin, Lassen County](#) (The Water Board will consider adopting, adopting with amendments, denying, or referring to the Attorney General's Office for further enforcement, a Cease and Desist Order establishing a time schedule for completing facility upgrades that will return the facility to compliance with waste discharge requirements. This hearing will be conducted pursuant to the Hearing Procedures dated December 28, 2010.) (Taylor Zentner)

OTHER BUSINESS

- *7. [Adoption of the Priority List for the Emergency, Abandoned, Recalcitrant \(EAR\) Account, Fiscal Year 2011-2012](#) (The Water Board will consider adopting a resolution recommending a list of EAR sites to the State Water Board.) (Brian Grey)

* See Item 3

8. **Executive Officer's Report** (The Water Board will not be asked to take any formal action; however, it may provide direction to staff.) (Harold Singer)

- **Discussion of Standing Items**
- **Notification of Spills (Pursuant to Water Code section 13271, and Health and Safety Code section 25180.7)**
- **Notification of Closure of Underground Storage Tank Cases (Pursuant to Article 11, Division 3, Chapter 16, title 23, California Code of Regulations)**

9. **CLOSED SESSION****

- a. **Discussion of Significant Exposure to Litigation. Authority: Government Code section 11126, subdivision (e)(2)(B)(i).**
- b. **Discussion to Decide Whether to Initiate Litigation. Authority: Government Code section 11126, subdivision (e)(2)(C)(i).**
- c. **Discussion of Litigation: People of the State of California ex rel. California Regional Water Quality Control Board, Lahontan Region v. Thomas E. Erickson et al., El Dorado Superior Court Case No. SC20010089. Authority: Government Code section 11126, subdivision (e).**
- d. **Discussion of Litigation: Atlantic Richfield Company v. State of California, State Water Resources Control Board, California Regional Water Quality Control Board, Lahontan Region, et al., Los Angeles County Superior Court Case No. BC380474. Authority: Government Code section 11126, subdivision (e).**
- e. **Discussion of Litigation: Sierra Forest Legacy et al. v. California Regional Water Quality Control Board, Lahontan Region, et al., El Dorado County Superior Court Case No. SC20090123. Authority: Government Code section 11126, subdivision (e).**
- f. **Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): Sierra Forest Legacy et al. v. Lahontan Regional Water Quality Control Board (SWRCB/OCC File No. A-2025). Authority: Government Code section 11126, subdivision (e).**
- g. **Discussion of Litigation: Sarbjit S. Kang, an individual and Kang Property, Inc. v. California Regional Water Quality Control Board, Lahontan Region; and California State Water Resources Control Board, El Dorado County Superior Court Case No. SC20090234. Authority: Government Code section 11126, subdivision (e).**

** At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based upon the evidence introduced in the hearing. Discussion of litigation is within the attorney-client privilege and may be held in closed session. Authority: Government Code section 11126, subdivisions (a), (c), (3) and (e).

- h. **Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board):** In the Matter of the Petition of the California Department of Fish and Game for Review of Action by the California Regional Water Quality Control Board, Lahontan Region in Adopting Order No. R6V-2010-0016 Regarding Hot Creek Hatchery (SWRCB/OCC File No. A-2092). Authority: Government Code section 11126, subdivision (e).
- i. **Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board):** In the Matter of the Petition of the Californians for Alternatives to Toxics et al. for Review of Action by the California Regional Water Quality Control Board, Lahontan Region in Adopting Order No. R6T-2010-0015 Regarding Department of Fish and Game Paiute Cutthroat Trout Restoration Project (SWRCB/OCC File No. A-2094). Authority: Government Code section 11126, subdivision (e).
- j. **Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board):** In the Matter of the Petition of the United State Department of Agriculture, Forest Service, Inyo National Forest for Review of Action by the California Regional Water Quality Control Board, Lahontan Region in Adopting Order No. R6T-2011-0009 Regarding Investigative Order for the United States Forest Service, Inyo National Forest, White Mountain Grazing Allotments (SWRCB/OCC File No. A-2151). Authority: Government Code section 11126, subdivision (e).
- k. **Discussion of Personnel Matters.** Authority: Government Code section 11126, subdivision (a).

Wednesday, April 13, 2011 – approximately 7:00 p.m.

INTRODUCTIONS

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

- 10. [**Revised Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for Storm Water Runoff Associated with Marina Operations and Discharges from Maintenance Dredging in the Lake Tahoe Hydrologic Unit – El Dorado and Placer Counties**](#) (The Water Board will consider adopting a revised Marina General Permit.) (Tobi Tyler)

PLANS AND POLICIES

- 11. [**Public Hearing – Consideration of Amendments to the Water Quality Control Plan for the Lahontan Region for Replacing the Pesticide Water Quality Objective with a Regionwide Waste Discharge Prohibition with Exemption Criteria**](#) (The Water Board will accept written comments on this proposed Basin Plan amendment until May 13, 2011 and will hold a second public hearing on May 11, 2011 in Victorville, CA to receive additional comments. No Water Board action will be taken at the conclusion of this April 2011 hearing.) (Dan Sussman/Mary Fiore-Wagner)

Thursday, April 14, 2011 – 8:30 a.m.

INTRODUCTIONS

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

12. **[Updated Construction General NPDES Permit for the Lake Tahoe Hydrologic Unit, Alpine, El Dorado, and Placer Counties - Board Order RT6-2011-\(PROPOSED\)](#)**
(The Water Board will consider adopting updated NPDES Permit No. CAG616002.) (Bud Amorfini)

STATUS REPORTS

13. **[Status Report on the Northstar Mountain Properties' Waddle Ranch/Northstar Watershed Improvement Program Supplemental Environmental Project Adopted on March 11, 2009 through Administrative Civil Liability Order No. R6T-2009-0012](#)** (The Water Board staff will provide a status report on the effect of the bankruptcy by Northstar Mountain Properties' parent company on the approved Supplemental Environmental Project (SEP) and the status of implementation of the SEP. This status report will include options for using the funds that were received as a result of the bankruptcy.) (Chuck C. Curtis)

OTHER BUSINESS

14. **Reports by Water Board Chair and Board Members**

ADJOURNMENT

Any person aggrieved by an action of the California Regional Water Quality Control Board, Lahontan Region that is subject to review as set forth in Water Code section 13320, subdivision (a), may petition the State Water Resources Control Board (State Water Board) to review the action. Any petition must be made in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date the action was taken, except that if the thirtieth day following the date the action was taken falls on a Saturday, Sunday, or state holiday the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulation applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

Note: A listing of pending applications for Water Quality Certification pursuant to Section 401 of the Clean Water Act may be obtained by calling:

Northern Lahontan Basin:

Tobi Tyler in South Lake Tahoe at (530) 542-5435, ttyler@waterboards.ca.gov

Southern Lahontan Basin:

Patrice Copeland and Jan Zimmerman, in Victorville at (760) 241-6583,
pcopeland@waterboards.ca.gov or jzimmerman@waterboards.ca.gov

The Regional Water Quality Control Board, Lahontan Region, has a home page that can be accessed on the Internet, at: <http://www.waterboards.ca.gov/lahontan>

The Lahontan Water Board will be considering many items during this meeting which may result in Board action or direction to staff. We encourage input from all people interested in a given item or issue, so that when we act, our decision is based on all available information. Although an oath is not administered in most of the proceedings before this Board, **we expect all statements made before this Board to be truthful with no attempts to mislead this Board by false statements, deceptive presentation or failure to include essential information.**

The Board encourages all people in or near a Board meeting to refrain from engaging in inappropriate conduct. Inappropriate conduct may include disorderly, contemptuous or insolent behavior, breach of peace, boisterous conduct, violent disturbance or other unlawful interference in the Board's proceedings. Such conduct could subject you to contempt sanctions by the superior court (Gov. Code § 11455.10).

The Board Chairperson may impose sanctions, including reasonable expenses and attorney's fees, on any party for bad faith actions, frivolous tactics or actions intended to cause unnecessary delay by a party or the party's attorney or representative (Gov. Code § 11455.30).

CALIFORNIA WATER QUALITY CONTROL BOARD LAHONTAN REGION

Main Office: 2501 Lake Tahoe Blvd., South Lake Tahoe, CA 96150 (530) 542-5400
Branch Office: 14440 Civic Dr., Suite 200, Victorville, CA 92392 (760) 241-6583

LAHONTAN WATER BOARD MEMBERS

| Name | Location of Residence or Business | Appointment Category |
|-------------------------|-----------------------------------|-------------------------|
| Jack Clarke, Chair | Apple Valley | Water Supply |
| Don Jardine, Vice Chair | Markleeville | County Government |
| Mike Dispenza | Palmdale | Municipal Government |
| R. Keith Dyas | Rosamond | Industrial Water Use |
| Amy Horne, Ph.D. | Truckee | Rec., Fish and Wildlife |
| Peter C. Pumphrey | Bishop | Water Quality |
| Eric Sandel | Truckee | Water Quality |
| Vacant | | Irrigated Agriculture |
| Vacant | | Public |

LAHONTAN WATER BOARD STAFF

| | | | |
|---------------------------------------|--|--------------------------------------|--|
| Harold J. Singer Executive Officer | Lauri Kemper Assistant Executive Officer and Ombudsman | Kim Niemeyer Counsel to the Board | Amber Wike Office Technician Board Secretary |
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| South Lake Tahoe Office: | Chuck Curtis, Manager, Cleanup and Enforcement Division Scott Ferguson, Chief, Enforcement & Special Projects Unit Alan Miller, Chief, North Basin Regulatory Unit Chief, Leviathan Mine Unit (Vacant) |
| | Doug Smith, Manager, North Lahontan Watersheds Division Richard Booth, Chief, TMDL Unit Douglas Cushman, Chief, Non-Point Source Unit Tom Gavigan, Chief, North Basin Cleanup and Site Investigation Unit |
| Victorville Office: | Mike Plaziak, Manager, Southern Lahontan Watersheds Division Patrice Copeland, Chief, Land Disposal Unit Keith Elliott, Chief, South Basin Regulatory Unit Cindi Mitton, Chief, South Basin Cleanup and Site Investigation Unit |

The primary responsibility of the Water Board is to protect the quality of the surface and groundwater within the Region for beneficial uses. The duty is carried out by formulating and adopting water quality plans for specific ground or surface water bodies; by prescribing and enforcing requirements on domestic and industrial waste dischargers, and by requiring cleanup of water contamination and pollution. Specific responsibilities and procedures of the Board are outlined in the Porter-Cologne Water Quality Control Act.

Regular meetings of the Water Board are normally held on the second Wednesday and Thursday of each month. Meeting locations vary but generally alternate between the north and south basins of the region.

Recordings are made of each Water Board meeting and are retained in the Water Board's office for two years. Anyone desiring copies should contact Amber Wike at (530) 542-5400 for the current fee schedule for copies.

NOTES

A. SEQUENCE OF AGENDA ITEMS

The items are numbered for identification purposes only and will not necessarily be considered in this order.

B. AVAILABILITY OF AGENDA MATERIAL

Details concerning these agenda items are available for public reference during working hours at the Board's offices. Copies of individual agenda items may be obtained at the Board's offices after 8:00 a.m. on the Friday, twelve days preceding the Board meeting. The staff will assist in answering questions.

C. UNCONTESTED ITEMS CALENDAR

Item numbers with an asterisk (*) are expected to be routine and noncontroversial. They will be acted upon by the Board at one time without discussion. If any Board member, staff member, or interested party requests discussion, the item will be removed from the Uncontested Calendar to be considered separately.

D. PETITION OF REGIONAL BOARD ACTION

Any person aggrieved by an action of the California Regional Water Quality Control Board, Lahontan Region that is subject to review as set forth in Water Code section 13320(a), may petition the State Water Resources Control Board (State Water Board) to review the action. Any petition must be made in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date the action was taken, except that if the thirtieth day following the date the action was taken falls on a Saturday, Sunday or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulation applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

E. HEARING RECORD EXHIBITS

Material presented to the Board as part of the testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, chart, diagrams, etc.

F. CONTRIBUTIONS TO REGIONAL BOARD MEMBERS

All persons who actively support or oppose the adoption of waste discharge requirements or an NPDES permit before the Lahontan Water Board must submit a statement to the Board disclosing any contributions of \$250 or more to be used in a federal, state, or local election, made by the action supporter or opponent, or his or her agent, within the last 12 months to any Water Board member. All permit applicants and all persons who actively support or oppose adoption of a set of waste discharge requirements or an NPDES permit pending before the Water Board are prohibited from making a contribution of \$250 or more to any Board member for three months following a Water Board decision on the permit application.

G. ADDITIONAL CLOSED SESSION

At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based upon evidence introduced in the hearing. Discussion of litigation is within the attorney-client privilege and may be held in closed session. Authority: Government Code section 11126, subdivisions (a), (c)(3) and (e).