

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

**MEETING OF OCTOBER 9-10, 2013
Barstow**

ITEM: 8

SUBJECT: DISCUSSION OF THE WATER BOARD ENFORCEMENT PROGRAM

DISCUSSION: During the Lahontan Water Board's June 19-20, 2013 meeting, staff provided an overview of discussions held by the Water Board's Enforcement Subcommittee Group, which consisted of Board Members Pumphrey and Sandel, Water Board staff (both Advisory and Prosecution Team members), and staff from the State Water Resources Control Board's Office of Chief Counsel and Office of Enforcement, regarding the Water Board's Enforcement Program. Following the overview, Water Board members provided staff with direction on a number of key Enforcement Program elements. Those program elements included:

- enforcement objectives;
- hearing procedures templates;
- web site use/improvements;
- annual enforcement priorities;
- "fix-it ticket" concept for certain types of violations;
- consistency in regulatory responses; and
- supplemental environmental project (SEP) program.

The Subcommittee Group and newly formed SEP Subcommittee, which consists of Board Members Pumphrey and Horne, discussed three key issues over the past few months: 1) developing hearing procedures templates to reduce staff workload and increase consistency in proposed enforcement orders, 2) identifying examples of typical responses for specific incidents to increase internal consistency, and 3) improving the Water Board's SEP Program. These three issues are detailed separately, below.

Hearing Procedures – The Subcommittee Group believed that the description of the public's involvement in the enforcement process was confusing in the hearing procedures amongst the numerous steps, descriptions/explanations, and deadlines that apply to the Designated Parties (typically the Prosecution Team and Discharger(s)). The Subcommittee Group thought it would be beneficial if a separate document could clearly explain the opportunities the Public has to participate in a proposed enforcement action.

Enclosure 1 is a draft information sheet that explains the public's opportunities to participate in a proposed enforcement action. This generic information sheet could be enclosed with the Prosecution Team's proposed enforcement action.

Enclosure 2 is a draft Hearing Procedure template that staff would like to use across the Region. Staff is continuing to work on the draft template to make it generic with more fill-in-the-blank areas. In recent proposed enforcement cases, such as the Cease and Desist Orders for Spalding Tract and the Administrative Civil Liability for Arimol, the Water Board's Prosecution Team has issued draft Hearing Procedures and the Advisory Team has issued the Final Hearing Procedures. Staff will discuss some of the pros and cons of this practice and will explore ideas for improvement with the Water Board.

If the Water Board agrees with the approach of using the information sheet for public participation in the enforcement process and the draft Hearing Procedure template, staff plans to return in January 2014 with a resolution for the Board's consideration that would formally adopt the public participation information sheet and the hearing procedure template. Following formal adoption, the documents will be made available to the public and posted on the Water Board's web site.

Consistency In Responses – The Subcommittee Group and Staff have been working on internal guidance with a list of typical incidents paired with a recommended response. The list of examples is intended to increase consistency across the Region by giving our staff guidance in how to respond to certain incidents. Enclosure 3, Example Responses for Specific Incidents, lists about 30 typical incidents and gives an example of our response for each. The document identifies initial responses, and potential follow-up actions. The document also identifies who is involved in each example response.

Using this type of guidance document should assist staff in providing a more consistent Water Board response to similar incidents of non-compliance with water quality laws, regulations, and requirements. There will be exceptions to the recommended responses based upon case-specific information; however, the guidance should provide a solid starting point for staff's initial response assessment.

Supplemental Environmental Project (SEP) Program – The Water Board at its June 19-20, 2013 meeting shared its support for developing SEP-selection criteria and evaluating options for increasing the program’s efficiency. Board Members Pumphrey and Horne volunteered for the Water Board’s SEP Subcommittee and they have been working with Water Board staff and legal staff from the Office of Chief Counsel and the Office of Enforcement (collectively, the SEP Group). The SEP Subcommittee has been evaluating the criteria in the State Water Board’s SEP Policy and has been working toward developing a pilot project. The SEP Subcommittee Report provides additional detail regarding these activities (Enclosure No. 4).

Issues to Consider Regarding SEP Program Proposals

- General preference for SEPs involving projects with direct water quality benefits
- General preference for SEPs involving on-the-ground, shovel-ready projects that have completed the CEQA process
- Support for the idea that the geographic nexus can be satisfied at the watershed level instead of the sub-watershed level (i.e., consider potential SEPs located anywhere within the Truckee River watershed for violations that occurred in the Squaw Creek watershed)
- Support for developing partnerships with independent third parties that would manage SEP escrow accounts for purposes of implementing projects consistent with Water Board priorities
- Support for developing a pilot-scale SEP Partnership Program with the Truckee River Watershed Council using a portion of the Northstar Mountain Properties settlement funds

RECOMMENDATION:

This is a discussion item only. The Water Board may give direction to staff regarding this item.

ENCLOSURE:

Enclosure	Description	Bates Number
1	Public Participation in the Enforcement Process - Draft	8-7
2	Hearing Procedures Template - Draft	8-11
3	Example Responses for Specific Incidents	8-23
4	Potential Truckee River Watershed Council Project Lists	8-31
5	Quarterly Violations Report – Second Quarter 2013	8-51

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ENCLOSURE 1

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PUBLIC PARTICIPATION IN THE ENFORCEMENT PROCESS

Many steps take place before the Water Board decides at a public hearing to take an enforcement action and one important step is consideration of public comment. The steps in an enforcement action can be divided into four sequential steps: 1) Initial Allegations in Proposed Enforcement Orders, 2) Hearing Procedures, 3) Evidence Submittal, Rebuttal, and Objections, and 4) Water Board Hearing. The Public is welcome to submit comment at several specific times and this document details when and how the Public can submit comment.

Step 1: Initial Allegations in Proposed Enforcement Orders

The Water Board's Prosecution Team gathers evidence and presents its case by drafting proposed enforcement Orders. Public comments are solicited from interested parties. Interested parties include all Designated Parties and the interested Public. The Designated Parties typically are the responsible parties named in the proposed enforcement Orders, but can include anyone who wishes to present evidence relevant to the allegations. If you are not named as a responsible party in the proposed enforcement action but wish to provide evidence, please submit a request to be a Designated Party by following the Hearing Procedures for the proposed enforcement Orders. The Hearing Procedures and proposed enforcement orders can be found through this Water Board webpage:

http://www.waterboards.ca.gov/lahontan/water_issues/programs/enforcement/index.shtml

The Water Board's Advisory Team, which functions in a separate and independent role from the Prosecution Team, serves as a neutral party in proposed formal enforcement Orders. The Advisory Team provides technical and legal advice to the Water Board members and the Advisory Team issues the Hearing Procedures about five or ten days following the Prosecution Team's release of the proposed Orders.

Opportunity #1 for Public Input

Public comments should be submitted on the proposed enforcement orders during this public comment period, but there are several more opportunities for public comment on the proposed action.

Step 2: Hearing Procedures

The Water Board's Advisory Team will review all comments, requests for Designated Party status, and will issue the Hearing Procedures. This document will include all deadlines for item submittal leading up to the Water Board public hearing.

Opportunity #2 for Public Input

The Public may request additional time at the hearing, but the request must be accompanied with an explanation of why the additional time is being requested.

The public has several opportunities to comment on the hearing procedures. Comments should note the specific hearing procedure (request for additional time at hearing, request to be designated party, etc) being addressed. This is the time for the Public to submit its request for Designated Party status, if they wish to present material evidence relevant to the allegations. The Public comments and requests must be received by the deadlines listed in the Hearing Procedures and the comments should follow the detailed "Instructions for All Submittals."

Step 3: Evidence Submittal, Rebuttal, and Objections

The Prosecution Team typically submits its evidence attached to the proposed Orders, or a few days after issuing the proposed Orders, and sends its evidence and allegation package to the Designated Parties. Following the deadlines listed in the Hearing Procedures, the Designated Parties must submit evidence, testimony, and witness lists, and may request separate hearings and additional time to present its case at the Water Board Public Hearing. This step is also where the Prosecution Team and the Designated Parties may submit rebuttal evidence and objections.

Step 4: Water Board Hearing

Prior to the scheduled Water Board Public Hearing, the Water Board's Advisory Team will make the proposed Orders and all comments received available to the Public and the Water Board members for review. The Water Board meeting agendas are typically posted about three weeks prior to the meeting and the agenda item material is made available about one to two weeks prior to the meeting. The meeting agenda and item material can be found at this Water Board webpage:

http://www.waterboards.ca.gov/lahontan/board_info/

Opportunity #3 for Public Input

The Public may present oral comment at the Water Board Public Hearing.

Submit comments to:

Patty Z. Kouyoumdjian, Executive Officer
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150
PZKouyoumdjian@waterboards.ca.gov
Phone: (530) 542-5412
Fax: (530) 544-2271

If you have questions, please contact Sue Genera, Executive Assistant to Ms. Kouyoumdjian, at (530) 542-5414, or SGenera@waterboards.ca.gov

ENCLOSURE 2

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**California Regional Water Quality Control Board
Lahontan Region**

HEARING PROCEDURES

**CONSIDERATION OF ADOPTION OF _____ ORDER FOR
_____ COUNTY**

WATER BOARD PUBLIC HEARING SCHEDULED FOR _____

Please read these hearing procedures carefully. Failure to comply with the deadlines and other requirements contained herein may result in the exclusion of your documents and/or testimony.

Background

On _____, the Water Board Enforcement Unit mailed proposed Cease and Desist Orders (Orders) to _____ in _____ County. The proposed Orders allege that the property owners are violating or threatening to _____ contained in the Water Quality Control Plan for the Lahontan Region. The proposed Orders, if adopted, would establish _____. For more information, see:

http://www.waterboards.ca.gov/rwqcb6/water_issues/programs/enforcement/

Purpose and Timing of Public Hearings

The purpose of the public hearings is to consider relevant evidence and testimony regarding the proposed Orders. The Water Board will hold a combined public hearing (consolidated public hearing) to consider the proposed Orders, unless the property owner has not requested a separate public hearing or submitted evidence. Property owners listed in _____ may request an individual public hearing. At the hearing the Water Board can consider a wide range of options including, but not limited to, adopting the Orders as proposed or with changes, or rejecting the proposed Orders in their entirety.

As stated above, a property owner named in a proposed Order can request a separate public hearing. Such requests must be received by the Water Board's Advisory Team **no later than 4:00 p.m. on _____**. Property owners named in a proposed Order submitting evidence pursuant to the schedule in these procedures will be deemed to be requesting a separate public hearing. Property owners who request a separate public hearing but do not submit evidence pursuant to the schedule in these procedures will be precluded from submitting evidence at the public hearing. However, such property owners will be able to cross-examine other parties at the public hearing.

The public hearings will be held during the regular meeting of the Water Board on

_____. The public hearings will begin at a time and location as announced in the Water Board meeting agenda. An agenda for the meeting will be available on the Water Board’s web page at www.waterboards.ca.gov/lahontan no later than _____.

Deadline	Who Submits?	Written Item
xx/xx/xxxx 4pm	Designated Parties, except the Prosecution Team	Technical and legal arguments/briefs, supporting evidence and documents, and witness lists; requests for separate hearings; requests for additional time at the hearing; requests for Designated Party status
xx/xx/xxxx 4pm	The Public	Requests for additional time at the hearing
xx/xx/xxxx 4pm	Prosecution Team	Rebuttal evidence or testimony
xx/xx/xxxx 4pm	The Public	Statements pertaining to the allegations
xx/xx/xxxx 4pm	Designated Parties	Objections to evidence or testimony or to rebuttal evidence or testimony
xx/xx/xxxx	Advisory Team	Proposed Orders, objections and comments received to be posted on Water Board’s website and sent to parties

The above-listed deadlines apply to those who want to participate in the Lahontan Regional Water Quality Control Board’s (Water Board) _____ public hearing. The Water Board is holding the public hearing to receive evidence and testimony/statements from the Water Board’s Prosecution Team, property owners named in the proposed Cease and Desist Orders (**Designated Parties**), and from the public, which includes any interested agency, person, or organization (**Public**).

Any public member who wishes to comment on the alleged violations, is encouraged to submit information as **the Public**.

Following the public hearing, the Water Board will consider adopting Cease and Desist Orders for Spalding Tract property owners who have yet to either connect their on-site wastewater disposal system to the community sewer system or to properly abandon it.

Instructions for All Submittals

To facilitate the public hearing process, the following types of information/documentation must be submitted prior to the public hearing Water Board review:

- Technical and legal arguments/briefs
- Supporting evidence and documents
- Statements pertaining to the allegations

All submittals must be on 8½" x 11" size paper (including attachments and figures), must be in a legible font no smaller than 11-point size, and should be submitted electronically in a searchable pdf format. In an effort to save paper and electronic file space, you may reference documents that have been previously submitted or are part of the public record for this case, and there is no need or requirement to include full copies of those documents. For each document included by reference, identify the name of that document within the submittal, the location of where the document resides, a copy of the relevant pages from the document, and a statement explaining why those excerpts of the document are relevant to your case. Examples of such documents that need not be submitted in full include, but are not limited to, previously submitted monitoring reports, documents that have been shared between the Prosecution Team and property owners named in the proposed Cease and Desist Orders, and documents that can be downloaded from the Water Board's website regarding this case:

http://www.waterboards.ca.gov/lahtontan/water_issues/programs/enforcement/index.shtml

Special Instructions

For the Public – Please submit your information to the Water Board's Executive Assistant, Sue Genera. Ms. Genera works at the Water Board's South Lake Tahoe office and she can be reached at SGenera@waterboards.ca.gov or (530) 542-5414. Please contact Ms. Genera directly if you have any questions. Each email or hard copy submittal sent to Ms. Genera must have in the subject line, " _____ Hearing."

For the Prosecution Team – In addition to a hard copy original, the Prosecution Team shall submit an electronic copy of each submittal, in addition to 15 hard copies (double-sided, three-hole punched). The originals, electronic copies, and 15 hard copies of each submittal must be received by the Advisory Team by the deadlines specified above. An additional copy of each submittal must be sent to the Advisory Team's Staff Counsel and to the other Designated Parties.

For Designated Parties Other than the Prosecution Team – If the submittals include more than 20 pages, follow the directions for the Prosecution Team specified above. Otherwise, an original and one electronic copy must be received by the Advisory Team by the deadlines specified above. An additional copy (electronic or hard copy) of each submittal must also be submitted to the Advisory Team's Staff Counsel and the Prosecution Team Primary Contacts identified below. Each e-mail submittal must have the e-mail subject line, " _____ Hearing."

Objections to Hearing Procedures

The public hearings will be conducted in accordance with this set of hearing procedures or as it may be amended. A copy of the general procedures governing adjudicatory hearings before the Water Board may be found at California Code of Regulations, title 23, section 648 et seq., and is available at www.waterboards.ca.gov or upon request. In accordance with section 648, subdivision (d), any procedure not provided by this set of hearing procedures is deemed waived.

The Water Board's Advisory Team must receive any objections to this set of hearing procedures **no later than 4:00 p.m. on** _____ or they will be considered waived.

Public Hearing Participants

Participants in these public hearings are identified as either "Designated Parties" or "Public." Designated Parties may present evidence and cross-examine witnesses and are subject to cross-examination. Public include all parties (e.g., the public/citizens, agencies organizations, interest groups), other than those identified as Designated Parties. Interested Persons/Parties may present non-evidentiary policy statements, but may not cross-examine witnesses and are not subject to cross-examination. All parties, Designated and Public, may be asked to respond to questions from Water Board members and the Water Board's Advisory Team.

The following participants are hereby identified as Designated Parties in this proceeding:

1. Water Board Prosecution Team
2. Property owners listed in _____

Note: Each property owner listed in _____ is a separate Designated Party. These hearing procedures require that the property owners listed in Attachment 1 making submittals to the Water Board also send a copy to the other Designated Party. To comply with this requirement, copies of submittals must be sent to the Prosecution Team. It is not necessary to provide copies of all submittals to the other property owners listed in _____.

Requesting Designated Party Status

Persons (other than those property owners listed in _____) who wish to participate in the public hearing as a Designated Party must submit their request for such status in writing (with copies of the request sent to the other Designated Parties). Such requests must be received by the Advisory Team **no later than 4:00 p.m. on** _____. The request shall: (1) identify the hearing(s) for which you are requesting Designated Party status by _____; (2) include an explanation of the basis for the status as a Designated Party (e.g., how the issues to be addressed in the hearing and the potential actions by the Water Board affect the person requesting the status change); and, (3) include a statement explaining why the currently

identified Designated Parties do not adequately represent the interests of the person requesting the status change. Objections to such request must be received by the Advisory Team **no later than 4:00 p.m. on** _____.

Primary Contacts

For the Water Board's Advisory Team

Originals and specified number of copies of all documents to:	And one additional copy to:
Patty Z. Kouyoumdjian, Executive Officer Lahontan Regional Water Quality Control Board 2501 Lake Tahoe Blvd. South Lake Tahoe, CA 96150 PKouyoumdjian@waterboards.ca.gov Phone: (530) 542-5412 Fax: (530) 544-2271	Kim Niemeyer, Staff Counsel State Water Resources Control Board, Office of Chief Counsel 1001 I Street Sacramento, CA 95814 KNiemeyer@waterboards.ca.gov Phone: (530) 341-5549 Fax: (916) 341-5199

For the Water Board's Prosecution Team

One copy of all documents to both:	
Chuck Curtis, Supervising WRC Engineer Lahontan Regional Water Quality Control Board 2501 Lake Tahoe Blvd. South Lake Tahoe, CA 96150 CCurtis@waterboards.ca.gov Phone: (530) 542-5460 Fax: (530) 542-5470	Vanessa Young, Staff Counsel State Water Resources Control Board, Office of Enforcement 1001 I Street Sacramento, CA 95814 VYoung@waterboards.ca.gov Phone: (916) 327-8622 Fax: (916)

For Property Owners

See Attachment 1

Separation of Functions

Water Board staff participating in this proceeding has been separated into two teams to help ensure the fairness and impartiality of this proceeding. The Water Board's Prosecution Team includes staff who will act in a prosecutorial role by presenting evidence for consideration by the Water Board. The Water Board's Advisory Team includes staff who will provide the Water Board with technical and legal advice. Advisory Team members are: Patty Z. Kouyoumdjian, Executive Officer, Kim Niemeyer, Staff Counsel, Doug Smith, Supervising Engineering Geologist, and Richard Booth, Senior Engineering Geologist. Prosecution Team members are: Lauri Kemper, Assistant Executive Officer; Chuck Curtis, Supervising WRC Engineer; Scott Ferguson, Senior WRC Engineer; Lisa Scorallo, Engineering Geologist; Vanessa Young, Staff Counsel; and David Boyers, Staff Counsel.

Any members of the Advisory Team who normally supervise any members of the Prosecution Team are not acting as their supervisors in this proceeding, and vice versa. Members of the Prosecution Team may have acted as advisors to the Water Board in other, unrelated matters, but they are not advising the Water Board in this proceeding. Members of the Prosecution Team have not had any ex parte communications with Water Board members or Advisory Team members regarding this proceeding.

Ex Parte Communication

The Designated Parties and Public are forbidden from engaging in ex parte communications regarding this matter with Water Board members or Advisory Team members. An ex parte contact is any written or verbal communication pertaining to the investigation, preparation or prosecution of the proposed Orders between a Designated Party or Interested Person/Party on one hand, and a Water Board member or Advisory Team member on the other hand, unless the communication is copied to all other Designated Parties (if written) or made in a manner open to all other Designated Parties (if verbal). Communications regarding non-controversial procedural matters are not ex parte contacts and are not restricted. Communications among one or more Designated Parties and Public themselves are not ex parte contacts.

Hearing Time Limits

Please note that the scheduled Public Hearing is designed for the Parties to simply summarize the previously submitted evidence/argument. This means that all evidence or argument must be submitted by the deadlines specified in these Hearing Procedures, so the Parties do not need to reintroduce any evidence. At the Hearing, the Parties should focus their limited time to highlight important points from the previously submitted evidence or testimony.

To ensure that all participants have an opportunity to participate in the hearing, the following time limits shall apply: at the beginning of each session (see meeting agenda available no later than _____) the Prosecution Team shall have no more than ten (10) minutes to present an overview of its evidence for all the proposed Orders and the ten minutes total includes the overall closing statement. For each contested Order, the Prosecution Team shall have no more than an additional five (5) minutes and other Designated Parties shall each have a total of ten (10) minutes to present evidence, cross-examine witnesses, and provide a closing statement; and each Interested Person/Party shall have three (3) minutes to present a non-evidentiary policy statement. Participants with similar interests or comments are requested to make joint presentations, and participants are requested to avoid redundant comments. . Participants (Designated Parties and Public) who would like additional time must submit their request in writing to the Advisory Team with copies to the Designated Parties. Such requests must be received by the Advisory Team **no later than 4:00 p.m. on** _____. Additional time may be provided at the discretion of _____.

the Advisory Team (prior to the hearing) or the Water Board Chair (at the hearing) upon a showing that additional time is necessary.

Evidence, Exhibits and Policy Statements

The following information must be submitted in advance of the public hearing:

1. All written evidence and exhibits that a Designated Party would like the Water Board to consider. Evidence and exhibits already in the Water Board's public files may be submitted by reference as long as the exhibits and their location are clearly identified in accordance with California Code of Regulations, title 23, section 648.3.
2. All legal briefs and technical arguments or analysis.
3. The name of each witness, if any, whom a Designated Party intends to call at the hearing, the subject of each witness' proposed testimony, and the estimated time required by each witness to present direct testimony.
4. The qualifications of each expert witness, if any.

The Prosecution Team has indicated that it has submitted its evidence as part of each proposed Order, which have been transmitted to each property owner.

The remaining Designated Parties (e.g., property owners named in the proposed Orders) shall submit their information (described in Nos. 1 – 4, above) according to the Instructions for All Submittals, above. This information must be received by the Advisory Team **no later than 4:00 p.m. on** _____. An additional copy of the submittal must be received by the Advisory Team Staff Counsel and by the Prosecution Team Primary Contacts identified above.

The Prosecution Team has the opportunity to submit rebuttal evidence or testimony in conformance with the Instructions for All Submittals. This material must be received by the Advisory Team **no later than 4:00 p.m. on** _____. An additional copy of the submittal must be received by the Advisory Team Staff Counsel and by the other Designated Party(ies) the Prosecution Team is responding to.

Public members who would like to submit written non-evidentiary policy statements are encouraged to submit them as early as possible, but **no later than 4:00 p.m. on** _____. Public members do not need to submit written comments in order to speak at the public hearing.

In accordance with Title 23, California Code of Regulations, section 648.4, the Water Board endeavors to avoid surprise testimony or evidence. Absent a showing of good cause and lack of prejudice to the parties, the Water Board may exclude evidence and testimony that is not submitted in accordance with this hearing procedure. Excluded evidence and testimony will not be considered by the Water Board and will not be

included in the administrative record for this proceeding. Power Point and other visual presentations may be used at the hearing, but their content may not exceed the scope of other timely submitted written material. A written and electronic copy of such material that Designated Parties or Interested Persons intend to present at the hearing must be submitted to the Advisory Team at or before the hearing for inclusion in the administrative record. Additionally, any witness who has submitted written testimony for the hearing shall appear at the hearing and affirm that the written testimony is true and correct, and shall be available for cross-examination.

Evidentiary Objections

The Advisory Team must receive all written objections to evidence or testimony or rebuttal evidence or rebuttal testimony **no later than 4:00 p.m. on _____**. An additional copy of the submittal must also be received by Kim Niemeyer, Staff Counsel, and the other Designated Parties (see Note on page 5, above). The Advisory Team will notify the parties about further action to be taken on such objections (if any) and when that action will be taken.

Request for Pre-hearing Conference

A Designated Party may request that a pre-hearing conference be held before the public hearing in accordance with Water Code section 13228.15. A pre-hearing conference may address any of the matters described in subdivision (b) of Government Code section 11511.5:

- (1) Exploration of settlement possibilities.
- (2) Preparation of stipulations.
- (3) Clarification of issues.
- (4) Rulings on identity and limitation of the number of witnesses.
- (5) Objections to proffers of evidence.
- (6) Order of presentation of evidence and cross-examination.
- (7) Rulings regarding issuance of subpoenas and protective orders.
- (8) Schedules for the submission of written briefs and schedules for the commencement and conduct of the hearing.
- (9) Exchange of witness lists and of exhibits or documents to be offered in evidence at the hearing.
- (10) Motions for intervention.
- (11) Exploration of the possibility of using alternative dispute resolution provided in Article 5 (commencing with Section 11420.10) of, or the informal hearing procedure provided in Article 10 (commencing with Section 11445.10) of, Chapter 4.5, and objections to use of the informal hearing procedure. Use of alternative dispute resolution or of the informal hearing procedure is subject to subdivision (d).
- (12) Any other matters as shall promote the orderly and prompt conduct of the hearing.

Requests must contain a description of the issues proposed to be discussed during that conference, and must be submitted to the Advisory Team, with a copy to all other Designated Parties (see Note on page 5, above), as early as practicable.

Evidentiary Documents and File

The proposed Cease and Desist Orders and related evidentiary documents are on file and may be inspected or copied at the Water Board's office at 2501 Lake Tahoe Blvd, South Lake Tahoe, CA. These files shall be considered part of the official administrative record for these public hearings. Other submittals received for this proceeding will be added to these files and will become part of the administrative record absent a contrary ruling by the Water Board Chair.

Questions

Questions concerning this proceeding may be addressed to Patty Kouyoumdjian, Executive Officer at (530) 542-5412, or Kim Niemeyer, Staff Counsel, at (916) 341—5549.

Patty Z. Kouyoumdjian
Executive Officer

DATE: _____

Attachment

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ENCLOSURE 3

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Example Responses for Specific Incidents
Internal Use Only
(Draft)

Purpose

The purpose of this document is to identify the typical Water Board responses to specific types of incidents. Doing so will provide a more consistent Water Board response to similar incidents of non-compliance with water quality laws, regulations, and requirements. It should be understood that the links between incident type and response identified below, will apply to the majority of incidents of non-compliance. There will be exceptions to the links based upon case-specific information.

Incident-Response Examples

Incident Type	Recommended Response	Staff Involvement
Self-Monitoring Reports – Late (10 days) or Incomplete Submittal (first violation)	Verbal (phone call/in person)	Technical Aid and Assigned Technical Staff (Staff Group 1)
Self-Monitoring Reports – Late or Incomplete Submittal (two consecutive reporting periods)	Staff Letter (email or letter)	Staff Group 1
Sanitary Sewer Overflow (<100 gallons to ground only; no threat to groundwater; less than 4 violations in six months)	No Response	Assigned Technical Staff and Unit Supervisor (Staff Group 2)
Sanitary Sewer Overflow (>100 gallons to ground only; no threat to groundwater; less than 4 violations in six months)	Staff Letter	Staff Group 2
Sanitary Sewer Overflow (>100 gallons to ground only; no threat to groundwater; 4 or more violations in six months)	Notice of Violation (request report addressing recent history of SSOs)	Assigned Technical Staff, Unit Supervisor, and Division Manager/Assistant Executive Officer [Notify Executive Officer prior to issuing] (Staff Group 3)

Incident Type	Recommended Response	Staff Involvement
Sanitary Sewer Overflow (to surface or ground water)	Notice of Violation [Potential Follow-up Response: Suite A]	Staff Group 3
Unauthorized Discharge-Non Regulated Facility (unintentional/accidental petroleum discharge; no threat to water quality)	No Response	Staff Group 2
Unauthorized Discharge-Non Regulated Facility (intentional petroleum/hazardous/toxic waste discharge to surface water or groundwater or to soil that threatens water quality)	Notice of Violation [Potential Follow-up Response: Suite B]	Staff Group 3
Unauthorized Discharge-Non-Regulated Facility (discharge of dredged and/or fill materials to surface waters)	Notice of Violation -> Cleanup and Abatement Order [Potential Follow-up Response: Suite C]	Staff Group 3 + OE Attorney
WDR Effluent Limitation (non-toxic/non-hazardous; less than 4 violations in six months)	No Response	Staff Group 2 + Division Manager
WDR Effluent Limitation (non-toxic/non-hazardous; 4 or more violations in six months)	Notice of Violation	Staff Group 3
WDR Effluent Limitation (toxic/hazardous; less than 4 violations in six months)	Notice of Violation	Staff Group 3

Follow-up Enforcement: Suite A – CAO (site cleanup/beneficial use restoration), CDO (facility upgrades), and/or ACL or AG Referral (penalty);
 Suite B – CAO (site cleanup) and/or ACL or AG Referral (penalty);
 Suite C – ACL or AG Referral (penalty);
 Suite D – Time Schedule Order and/or CDO (facility upgrades);
 Suite E – CAO (replacement water/site cleanup/beneficial use restoration), CDO (facility upgrades), and/or ACL or AG Referral (penalty);

Incident Type	Recommended Response	Staff Involvement
WDR Effluent Limitation (toxic/hazardous; 4 or more violations in six months)	13267 Investigative Order [Potential Follow-up Response: Suite A]	Staff Group 3 + OE Attorney
NPDES Effluent Limitation – Serious	Notice of Violation (inform of forthcoming MMPs) -> MMP ACL [Potential Follow-up Response: Suite D]	Staff Group 3 + OE Attorney
NPDES Effluent Limitation – Chronic	Notice of Violation (inform of forthcoming MMPs) -> MMP ACL [Potential Follow-up Response: Suite D]	Staff Group 3 + OE Attorney
Order Conditions (capacity-related; less than 4 violations in six months)	Staff Letter	Staff Group 3
Order Conditions (capacity-related; 4 or more violations in six months)	13267 Investigative Order [Potential Follow-up Response: Suite A]	Staff Group 3 + OE Attorney
Order Conditions (unauthorized discharge location; non-toxic/non-hazardous; <100 gallons to ground; less than 4 violations in six months)	No Response	Staff Group 2 + Division Manager
Order Conditions (unauthorized discharge location; non-toxic/non-hazardous; <100 gallons to ground; 4 or more violations in six months)	Staff Letter	Staff Group 2 + Division Manager
Order Conditions (unauthorized discharge location; non-toxic/non-hazardous; >100 gallons to ground; less than 4 violations in six months)	Notice of Violation (express expectations and potential consequences)	Staff Group 3

Follow-up Enforcement: Suite A – CAO (site cleanup/beneficial use restoration), CDO (facility upgrades), and/or ACL or AG Referral (penalty);
 Suite B – CAO (site cleanup) and/or ACL or AG Referral (penalty);
 Suite C – ACL or AG Referral (penalty);
 Suite D – Time Schedule Order and/or CDO (facility upgrades);
 Suite E – CAO (replacement water/site cleanup/beneficial use restoration), CDO (facility upgrades), and/or ACL or AG Referral (penalty);

Incident Type	Recommended Response	Staff Involvement
Order Conditions (unauthorized discharge location; non-toxic/non-hazardous; >100 gallons to ground; 4 or more violations in six months)	13267 Investigative Order [Potential Follow-up Response: Suite A]	Staff Group 3 + OE Attorney
Order Conditions (unauthorized discharge location; toxic/hazardous; or threatens to adversely impact water quality and/or beneficial uses)	13267 Investigative Order [Potential Follow-up Response: Suite A]	Staff Group 3 + OE Attorney
Receiving Water Limitation-Surface Water (less than 2 consecutive reporting periods; no adverse beneficial use impacts)	Staff Letter	Staff Group 2 + Division Manager
Receiving Water Limitation-Surface Water (2 or more consecutive reporting periods <u>or</u> adverse impacts to beneficial uses)	13267 Investigative Order [Potential Follow-up Response: Suite E]	Staff Group 3 + OE Attorney
Receiving Water Limitation-Groundwater (less than 2 consecutive reporting periods; no adverse beneficial use impacts)	Staff Letter	Staff Group 2 + Division Manager
Receiving Water Limitation-Groundwater (2 or more consecutive reporting periods <u>or</u> adverse impacts to beneficial uses)	13267 Investigative Order [Potential Follow-up Response: Suite E]	Staff Group 3 + OE Attorney
Enforcement Action-Required Report - Late (10 days) or Incomplete Submittal	Staff Letter [Potential Follow-up Response: Suite C]	Staff Group 3 + OE Attorney

Follow-up Enforcement: Suite A – CAO (site cleanup/beneficial use restoration), CDO (facility upgrades), and/or ACL or AG Referral (penalty);
 Suite B – CAO (site cleanup) and/or ACL or AG Referral (penalty);
 Suite C – ACL or AG Referral (penalty);
 Suite D – Time Schedule Order and/or CDO (facility upgrades);
 Suite E – CAO (replacement water/site cleanup/beneficial use restoration), CDO (facility upgrades), and/or ACL or AG Referral (penalty);

Incident Type	Recommended Response	Staff Involvement
Enforcement Action-Required Implementation/Completion- Late or Incomplete	Staff Letter [Potential Follow-up Response: Suite C]	Staff Group 3 + OE Attorney
NPDES Storm Water – Deficient BMPs (first violation)	Staff Letter (express expectation and potential “fix-it ticket” fine for future violations)	Staff Group 3
NPDES Storm Water – Deficient BMPs (subsequent violations on same project through violation No. 3)	Fix-It Ticket ACL (increase amount for violation No. 3)	Staff Group 3 + OE Attorney
NPDES Storm Water – Deficient BMPs (4 or more violations on same project)	Full ACL Complaint	Staff Group 3 + OE Attorney
NPDES Storm Water – Late Annual Report	Notice of Non-Compliance [Issue 1 st Notice after 30 days late; issue 2 nd Notice 30 days after 1 st Notice; Issue ACL Complaint if non-responsive to 2 nd Notice]	Staff Group 3 + OE Attorney
NPDES Storm Water – Incomplete/No SWPPP (1 st violation)	Verbal (on-site) or Staff Letter	Staff Group 2
NPDES Storm Water – Incomplete/No SWPPP (2 nd violation on same project)	Notice of Violation (express expectation and potential “fix-it ticket” fine for future violations)	Staff Group 3

Follow-up Enforcement: Suite A – CAO (site cleanup/beneficial use restoration), CDO (facility upgrades), and/or ACL or AG Referral (penalty);
 Suite B – CAO (site cleanup) and/or ACL or AG Referral (penalty);
 Suite C – ACL or AG Referral (penalty);
 Suite D – Time Schedule Order and/or CDO (facility upgrades);
 Suite E – CAO (replacement water/site cleanup/beneficial use restoration), CDO (facility upgrades), and/or ACL or AG Referral (penalty);

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ENCLOSURE 4

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**SEP SUBCOMMITTEE REPORT
TO THE
LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD
Meeting of October 9-10, 2013**

At its June, 2013 meeting, the Lahontan Regional Water Quality Control Board (Lahontan Water Board) established a subcommittee to work with the Advisory Team and Prosecution Team to develop a policy for Supplemental Environmental Projects (SEPs). This policy would guide the Prosecution Team in developing and negotiating SEPs to be consistent with Lahontan Water Board priorities. The SEP Subcommittee plans to propose a process for identifying potential SEP projects and refine criteria for evaluating proposed SEP projects. This report summarizes the course of action proposed by the SEP Subcommittee.

We clarified some general issues regarding the State Water Board's SEP policy. The Lahontan Water Board does not have the legal authority to impose a SEP on a discharger. Instead, the discharger must propose, or at least agree to, a SEP as part of resolving an administrative liability action. Legal counsel clarified that generally a SEP may be considered for any project that is not already required to be completed by the discharger in question, or by any other discharger. The project must go above and beyond what is already required. However, a SEP may be considered for a project that is identified on the Lahontan Water Board's Triennial Review List or on any other list of priority projects the Lahontan Water Board has established. In addition to having to go above and beyond what is already required of the discharger, there must be a nexus between the violation and the SEP, which can be a relationship between either the nature or the location of the violation and the nature or location of the proposed SEP.

The SEP Subcommittee expressed a preference for projects that have a direct benefit to water quality. We generally prefer on-the-ground, shovel-ready projects that have already completed CEQA review. The SEP Subcommittee recommends less weight be given to technical studies, especially when a larger watershed plan already exists for the area. If no watershed plan exists for that watershed, studies that lead to development of a watershed plan (or Integrated Regional Water Management Plan (IRWM Plan)) may have higher priority than on-the-ground projects. For example, in the South Lahontan region, using funds to develop salt and nutrient management plans may be a high priority.

Further, the SEP Subcommittee recommends that when the nexus requirement is met because of a SEP's geographic nexus to the violation, "geography" be expanded to include potential SEPs located within an entire watershed boundary (i.e., within a Basin Plan Hydrologic Unit) and not limited to the sub-watershed area (Basin Plan Hydrologic Sub Unit) where the violation(s) occurred.

Specific proposals include:

1. We recommend that enforcement staff pursues SEP projects as a part of negotiations on administrative civil liability complaints whenever possible, in order to keep a portion of penalty monies in the region and available for projects aimed at improving water quality and identified as priorities by the Lahontan Water Board.
2. We recommend that, similar to the Central Coast Water Board, the Lahontan Water Board pursue establishing a series of partnerships with independent third parties (partner organizations) to manage SEP escrow accounts (endowments or operating accounts) and to implement SEPs consistent with the Lahontan Water Board's expressed priorities. Dischargers could then choose to direct up to 50 percent of a penalty to one of these entities to implement projects on its priority list, or to a different SEP project proposed by the discharger. Alternatively, the discharger may still elect to remit the entire negotiated penalty amount to the State Water Board's Cleanup and Abatement Account or Waste Discharge Permit Fund without proposing a SEP.
 - a. The partner organizations would act as a bursar of the funds, directing the funds toward projects according to an agreement established with the Lahontan Water Board. Penalty portions that are negotiated to be directed into a SEP escrow account could be used to 1) fund a complete project or series of projects, or 2) partially fund a larger project. The partner organization could also use these SEP escrow accounts to leverage other sources of funding.
 - b. The agreement between the Lahontan Water Board and each partner organization will specify criteria for using the SEP monies deposited in their escrow accounts. Generally, these criteria would be similar throughout the region, but the separate partnerships could tailor criteria to their geographical area. The criteria will include annual reporting on projects in progress and completed with SEP monies deposited to the escrow accounts, and a proposed project list to be funded with SEP monies during the upcoming calendar year, along with a proposed budget for each project. The agreement will also include obligations on the third party to comply with certain provisions in Section H of the State Water Resources Control Board's Policy on Supplemental Environmental Projects.
 - c. For the Lahontan region, the partnerships would be developed with watershed-based groups that use stakeholder processes to identify and prioritize potential projects. Examples of such groups are the Truckee River Watershed Council and the Inyo Mono IRWM. The Lahontan Water Board would identify potential partners throughout the Lahontan Region and negotiate separate partnership agreements with each. As each partnership is developed, we would seek permission from the state to establish a SEP escrow account to which a discharger could direct portions of negotiated penalty amounts.

3. To further develop this policy, the SEP Subcommittee recommends establishing a pilot project with the Truckee River Water Council (Council). We would develop and agree to the evaluation criteria for vetting projects, and then commit a percentage of monies remaining from the Northstar Mountain Properties settlement to the Council. As we track the process, we would develop a description of what attributes we would want in potential partner organizations and develop templates for partnership agreements, evaluation criteria and processes, and SEP fund endowments.
4. In areas where there are no appropriate groups to partner with, or where a potential group exists but does not have sufficient institutional capacity, we would conduct outreach and work with potential partners to bring them to a point where a partnership would be viable. Because we will have experience working with each stakeholder group, we would have a clear idea of what we are looking for and there would not be a need for extensive staff work to re-invent that wheel. Additionally, when a penalty is negotiated in a geographic area with no developed partnership agreement, a programmatic nexus may be used to direct negotiated penalty portions to existing partner organizations.

This approach has many advantages. It directs monies toward projects that are already vetted through local stakeholder processes. It increases transparency in how SEP monies are used. It helps integrate Lahontan Water Board planning with the planning by the stakeholder groups, perhaps aligning the development of plans and criteria between these documents. It strengthens relationships between the Lahontan Water Board and local stakeholders. Lastly, it allows for broad-based local participation and input regarding the use of penalties to directly enhance water quality in the Lahontan Region.

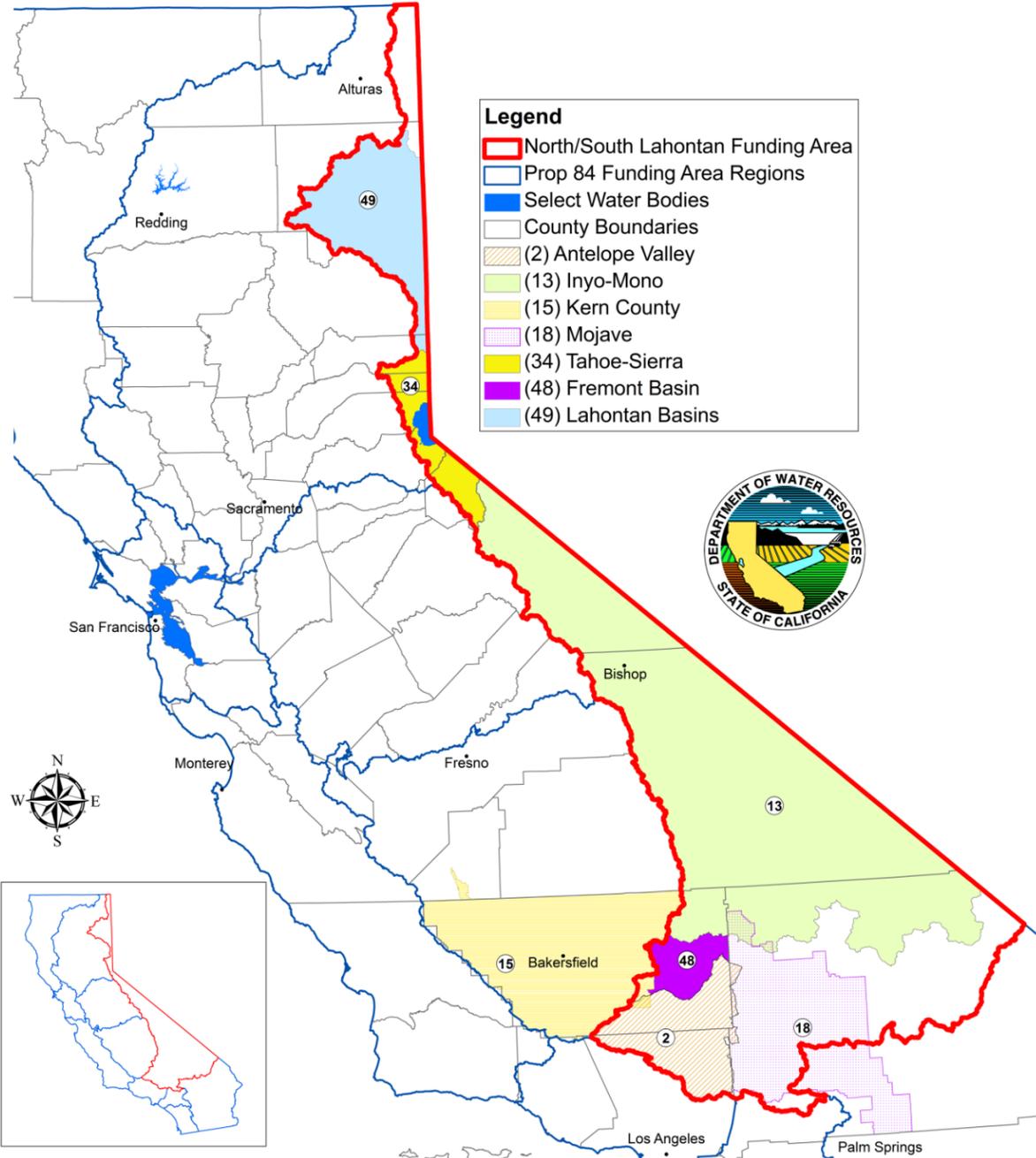
The proposed approach will encourage dischargers to propose and/or agree to divert up to 50 percent of administrative civil liabilities towards SEPs. Although the SEP portion of an administrative civil liability is considered a suspended liability until the SEP is satisfactorily completed, the risk of a SEP not being completed by an established third party with a track record of funding and implementing SEPs is comparatively low. This dynamic should allow enforcement staff to negotiate more SEPs as part of administrative civil liability actions by making available for funding “shovel-ready” SEPs with a high level of implementation certainty.

It would also reduce staff oversight costs since Lahontan Water Board staff would not have to oversee the individual projects. The Lahontan Water Board would receive an annual report from the partner organization regarding the disposition of SEP escrow account funds and the status of the projects on the Board’s priority list, but most of the administrative efforts would be managed by the third party entity. The list of potential projects would be maintained by the partner organization instead of Lahontan Water Board staff. The project list could be updated, modified and re-prioritized as the partner organization works with its stakeholders, and then the Lahontan Board could have the opportunity to express its priorities to the third party entity annually.

This item is for Lahontan Water Board discussion only. The Lahontan Water Board may provide direction to refine this proposal to the SEP Subcommittee, which will bring it back for approval at a future Lahontan Water Board meeting.

Attachments: (1) IRWM map
(2) Truckee River Watershed Council project list

PROPOSITION 84
INTEGRATED REGIONAL WATER MANAGEMENT PROGRAM
North/South Lahontan Funding Area

<p style="text-align: center;">PROPOSITION 84 Integrated Regional Water Management Program IRWM Regions North/South Lahontan Funding Area</p>		<p>IRWM Region: (2) Antelope Valley POC: Matthew Knudson Agency Name: Palmdale Water District Email: mknudson@palmdalewater.org Telephone: (661) 456-1018 Website: http://www.avwaterplan.org</p>	<p>IRWM Region: (48) Fremont Basin POC: Michael J. Bevins Agency Name: City of California City Email: pwdir@californiacity.com Telephone: (760) 373-7297 Website: NA</p>
 <p>Legend</p> <ul style="list-style-type: none"> North/South Lahontan Funding Area Prop 84 Funding Area Regions Select Water Bodies County Boundaries (2) Antelope Valley (13) Inyo-Mono (15) Kern County (18) Mojave (34) Tahoe-Sierra (48) Fremont Basin (49) Lahontan Basins 	<p>IRWM Region: (13) Inyo-Mono POC: Mark Drew, PhD Agency Name: Eastern Sierra Program, California Trout Email: mdrew@caltrout.org Telephone: (760) 924-1008 Website: http://inyo-monowater.org/</p>	<p>IRWM Region: (49) Lahontan Basins POC: Tim Keesey Agency Name: Honey Lake Valley Resource Conservation District Email: info@honeylakevalleyrcd.us Telephone: (530) 260-0934 Website:</p>	
	<p>IRWM Region: (15) Kern County POC: Lauren Bauer Agency Name: Kern County Water Agency Email: lbauer@kcwa.com Telephone: (661) 634-1411 Website: http://www.kernirwmp.com/</p>	<p>http://celassen.ucdavis.edu/Integrated_Regional_Water_Plan</p>	
<p>Notes:</p> <p>1) Numbers shown are for reference purposes only and correspond to internal DWR RAP submittal identifications. 2) Region boundaries shown are those submitted by each applicant as part of the RAP submittal. - RAP 2009 = ID No's 1 - 46 - RAP 2011 = ID No's 47 - 49</p>	<p>IRWM Region: (18) Mojave POC: Kirby Brill Agency Name: Mojave Water Agency Email: kbrill@mojavewater.org Telephone: (760) 946-7000 Website: http://www.mojavewater.org</p>		
	<p>IRWM Region: (34) Tahoe-Sierra POC (1): Eben Swain Agency Name: Tahoe Resource Conservation District Telephone: (530) 543-1501 ext. 110 Email: eswain@tahoercd.org POC (2): Lynn Nolan Agency Name: South Tahoe Public Utility District Email: lnolan@stpud.dst.ca.us Telephone: (530) 543-6215 Website: http://www.stpud.us/plan_documents.html</p>		

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Truckee River Watershed Council

proposal to

Lahontan Regional Water Control Board

Truckee River Watershed Council

Project List: Purpose and Process

SEP Funding Proposal

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Mission. We bring the community *Together For The Truckee* to restore, enhance, and protect the Truckee River watershed.

The Watershed Council founded to protect and restore the water quality and biological resources of the Truckee River watershed. We identify, coordinate, fund and implement restoration projects directly related to the health, beauty, and economy of the watershed. Combining ecological principals and a deep understanding of our region's values, we focus on the root causes of threats to the Truckee River watershed.

Stakeholders. Our role is to bring together stakeholders around the common goals of water quality and health of biological resources. The 40-odd participants of the Watershed Council are citizens, businesses, federal and state agencies, local government and non-profit organizations. We work through stakeholder committees in a non-confrontational manner, emphasizing collaboration.

Projects. In close collaboration with our partner land owners and managers, we run large-scale restoration and protection projects. Some of projects underway in 2013 include:

- Dry Creek/Russell Valley: Assessment of degradation in upland and meadow
- Middle Martis Creek: Design of stream and meadow restoration
- Coldstream Canyon: Implementation of stream and floodplain restoration
- Johnson Canyon/Gregory Creek: implementation of upland and stream restoration
- Perazzo Meadows: Post-project monitoring of vegetation, wildlife, surface water, groundwater
- River Friendly Landscaping: voluntary, residential, BMP retrofitting for sediment source control

Programs. We manage several community-based programs including:

- Truckee River Day: an annual river restoration day which draws 500 volunteers working on a dozen projects;
- Adopt-A-Stream: four times a year, 75 volunteers measure the water quality of 25 tributary streams;
- Weed Warriors: 50 volunteers supporting native vegetation and habitat by removing invasive weeds.

Organization. The Truckee River Watershed Council was founded in 1996. We are a 501(c)3 corporation. Annual financial records are filed with IRS as well as available on request. We operate on a calendar-year fiscal year. 2012 Financials are attached. 2013 financials are forecasted to be at or below 2012.

Funding sources include donations from individuals and businesses, grants from private foundations, and grants from local, state and federal programs.

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We employ 5.5 FTE staff with expertise in project management, restoration, water quality, outreach, fundraising, and contract management.

Our Board of Directors is eleven members, with three-year, renewable terms.

The Truckee River Watershed: Past and Current Problems

The Truckee River watershed is in California, in the central Sierra Nevada, on the eastern slope of the range. The Truckee River is the sole outlet of Lake Tahoe and flows north and east into Nevada, terminating at Pyramid Lake.

The TRWC geographic emphasis is the portion of the watershed from Lake Tahoe to the California/Nevada State line.

Legacy Issues. The Truckee River watershed has a 170-year history of significant human-disturbance. Timber harvests and clear cuts began early to support silver mining and the transcontinental railroad; the railroad construction and operation were and still are the source of many watershed problems; the native trout fishery – Lahontan cutthroat trout - was fished to extinction as a food source for California expansion by 1930; gravel mining to support large scale road projects including Interstate 80 have left a series of pits and “moonscapes” (most notably in Coldstream Canyon and Martis Valley) and the largest subdivision in the United States – Tahoe Donner – was built in the 1960’s and 70’s before stormwater and erosion regulation. These are several of the “legacy” issues the Watershed Council is working to address.

Current Issues. In the past decade, the Truckee River watershed experienced a building boom that was slowed by the recent recession. Areas of increased development include the Town of Truckee and Martis Valley (Placer County). The Town of Truckee is likely to meet its general plan build-out in 2010 rather than the predicted 2025. Placer County has approved general and community plans that could allow 8,600 homes to be built in the Martis Valley over the next decade. Ski resorts are expanding to year-round resorts with golf courses (there are nine in the watershed), with significant real estate development as part of the expansions. These are the current land-use issues we are working to address.

303d Listed Water Bodies. The combination of legacy and current land uses have led the Truckee River, Donner Lake, and several tributaries (Bear Creek, Bronco Creek, Gray Creek and Squaw Creek) to be listed as impaired (e.g. polluted) for excessive sediment by State Water Resources Control (under the Clean Water Act).

A Few of Our Recent Successes

One of the Truckee River Watershed Council’s successes has been assembling partnerships to fund and implement restoration and protection projects. Working collaboratively, we reach our common goals of improving and protecting water quality and aquatic and riparian habitat. Here are some of these achievements:

Johnson Canyon. We are implementing grants from the State of California and the Truckee River Fund for the restoration of the environmentally Gregory Creek with the Johnson Canyon (aka Negro Canyon). Partners are the Truckee Donner Land Trust US

Truckee River Watershed Council

proposal to

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Forest Service and Tahoe Donner Association. The grants funded assessment, design, environmental compliance, monitoring and restoration. The project will substantially reduce sediment loading, improve riparian habitat, and support wildlife with a focus on deer fawning habitat.

Coldstream Canyon. We have been awarded several federal, state, and private foundation grants to restore the floodplain in one reach of Cold Creek and to restore gravel ponds into wetlands. This work included an assessment to identify sediment sources, corrections and additional restoration projects. Partners are the California Dept of Parks and Recreation, Teichert Aggregates, and residential property owners. The project will substantially reduce sediment loading, restore an acre of wetland, and support bird and fish habitat.

Erosion Control Best Management Practices. We have been awarded several state and federal grants to assist residential property owners in retro-fitting their homes landscaping to manage sediment sources. Cumulatively, the retro-fitted homes will substantially reduce sediment loading to tributaries and the main stem of the Truckee River.

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Project List -

Purpose

- Communicate scale and type of restoration needs
- Demonstrate need/ impact at the scale of the watershed
- Facilitate collaboration and cooperation
- Increase project implementation efficiencies
- Assist in gaining funding
- Plan staffing and funding capacity and schedule work-loading

History of Project List

1998: Initial list formed by the Truckee River CRMP - Coordinated Resource Management Program:

- 20plus stakeholders, including the LRWQCB (Harold Singer)
- List focused on unfunded projects from stakeholders that would improve watershed health

2002: the CRMP merged with the Truckee River Watershed Council, the list

- focused on unfunded projects from stakeholders
- established criteria for project inclusion (a.k.a Project Filters)
- established every other year updating
- Lead to the funding of:
 - Merrill Davies Meadow Restoration with USFS
 - Gray Creek Watershed Assessment with TDLT
 - Coldstream Canyon Watershed Assessment with CDPR
 - Coldstream Ponds Restoration CDPR

2005 to Present

- Update under, completion in December 2013
- Implementation method of Coordinate Watershed Management Strategy
- Referenced in:
 - Truckee River TMDL for implementation approach (Lahontan Water Board)
 - Formation of Sierra Nevada Conservancy (State of CA)
 - Part of basis of Tahoe Sierra IRWM Plan
 - Designation of Treasured Landscape of Tahoe National Forest (National Forest Foundation)
 - Many funding awards

What types of projects are on the list?

- Water Quality
- Water Supply
- Wildlife and Fishery
- Forest Health

How is the list organized?

Projects can be sorted in groups by:

- Type: assessment, design, implementation, monitoring
- Status: not started, partially completed, completed

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- County: Sierra, Nevada, Placer, Washoe
- Sub-basin: (the 26 major sub-basins)
- Landowner/Manager
- Cost estimate: (6 ranges)

How is the list updated? Who can submit a project? How does a project get on the list?

Keeping in mind the purposes of the list, every other year the Watershed Council hosts working sessions and individual meetings with stakeholders to revise, add, or delete projects based on the Project Filters.

Any organization with a restoration, enhancement, or protection project in the areas of Water Quality, Water Supply, Wildlife and Fishery, or Forest Health can submit a project.

The project must have standing, and a specific proponent, within the organization which proposes it. The project must address the Project Filter Factors.

Project Filter Factors

Threats to Watershed Health

1. Does the project address biological and physical functions? Does the project address a key resource need?
2. Will it improve water quality?
3. Will it improve biological resources?
4. Will it protect/conservate key resources that are particularly vulnerable?
5. Does the project address the cause rather than the symptom?
6. How severe is the problem the project will correct? What will be the extent of the benefit?
7. Are there future projects that may build on this project?
8. Does the project enhance the safety local and downstream residents of the watershed?
9. Will the project increase our knowledge and understanding of biological and physical function in the watershed? (Needs more discussion)
10. Will the project enhance understanding of the value and importance of preserving and restoring the watershed?

Partnerships

11. Are there multiple partners/beneficiaries?
12. Does the project build the credibility of the Watershed Council and/or stakeholders?
13. Will it go forward without Watershed Council involvement?

Project Readiness

15. Is a funding source readily available?
16. Will the project require seeking the appropriate funding source?
17. Does the project have a sponsor who has the capacity to implement the project?
15. Is the project practical and will it solve the problem?
16. Does the proponent/CRMP/partnership have the capacity to implement the project?
17. How quantifiable is the outcome?

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18. Is there a monitoring component?
19. Is the project designed to be self-maintaining within 2-3 years?
20. Does the project use methods proven to be successful? Does it point out similar projects that have been successful?
21. What is the status of regulatory compliance requirements/necessary approvals?

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SEP Funding Proposal

- Table 1: Funding options for SEP Amounts
- Table 2: Funding Gaps for three high priority projects
- Middle Martis Wetlands Restoration
- Elizabethtown Meadows Restoration
- Dry Creek Restoration

Table 1: Funding options for SEP Amounts

Project	#1: SEP @ \$250,000	#2: SEP @ \$500,000	#3: SEP @ \$750,000
Middle Martis Wetlands Restoration	\$0	\$457,500	\$ 457,500
Elizabethtown	\$ 97,000	\$ 97,000	\$ 97,000
Dry Creek Restoration	\$ 175,500	\$0	\$ 175,500
TOTAL SEP FUNDING	\$ 272,500	\$ 554,500	\$ 730,000

Options #1 and #2 each fund two high priority projects.
Option #3 funds three high priority projects.

Table 2: Funding Gaps for three high priority projects

Project	Project Budget	Committed Funding	Gap in Project Funding
Middle Martis Wetlands Restoration	\$ 1,500,500	\$1,043,000	\$ 457,500
Elizabethtown	\$ 127,000	\$ 30,000	\$ 97,000
Dry Creek Restoration	\$ 270,500	\$ 95,000	\$ 175,500
TOTAL FUNDING GAP			\$ 730,000

The three proposed projects are top priorities for the Truckee River Watershed Council.

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Middle Martis Wetlands Restoration

Project Goals and Value. The Middle Martis Wetland Restoration project (Middle Martis project) will improve water quality by reducing active erosion and restoring historic wetlands. Prior to construction of Brockway road (now Highway 267) in the 1800's, Middle Martis Creek formed an alluvial fan as it entered Martis Valley and the creek actively migrated among several stream channels on the fan. When the road was constructed, the creek was confined to a single channel. The confinement of Middle Martis Creek to a single channel has caused several significant problems including:

- Channel instability, erosion, and headcutting
- Meadow degradation;
- Flooding of Highway 267 even in moderate flows;
- Impacts to recreation and access infrastructure.

The Middle Martis project will restore flows in Middle Martis Creek on the north side of Highway 267 while maintaining flow on the south side to sustain existing wetlands and riparian habitat. Reactivation of the historic stream channel north side of the highway will measurably increase wetland habitat, improving water quality through increased filtration.

The restoration consists of the following key elements:

- Channel realignment and reconfiguration at the Highway 267 crossing;
- Installation of subdrain along Highway 267 to correct current drainage issues;
- Removal of abandoned road fill to restore flow paths;
- Placements of rootwads and willows in the incising channel to promote aggradation;
- Improving drainage across the Waddle Ranch access road to eliminate erosion;
- Gully repair and riffle construction to halt erosion and promote fish passage.

Project Status. The project is identified through the Martis Creek Watershed Assessment (2012). Concept design plans were completed in 2012. Funding is in place to complete project design, preliminary vegetation and hydrologic monitoring, and environmental compliance (NEPA/CEQA, and permitting).

Project Partners. The Watershed Council has been coordinating the project partners since the inception of the Martis Watershed Assessment. All of the partners formally support the project: Cal Trans, Northstar at Tahoe, Northstar Community Services District, Truckee Donner Land Trust, Truckee Tahoe Airport District, and the U.S. Army Corps of Engineers.

Project Milestones

Task	Completion Date
Pre-Project Studies/Monitoring	September 2014
Final Design	January 2014
Permitting and CEQA/NEPA	June 2014
Construction	October 2015
Post-Project Monitoring	December 2019

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Budget & Funding Potential

Task	Budget	Funds Committed	Funding Gap
Pre-Project Studies/Monitoring	\$ 143,000	\$ 143,000	-
Final Design	\$ 165,000	\$ 165,000	-
Permitting and CEQA/NEPA	\$ 135,000	\$ 135,000	-
Construction	\$ 1,020,000	\$ 300,000	\$ 720,000
Post-Project Monitoring – annual cost	\$ 37,500	-	\$ 37,500
TOTAL	\$1,500,500	\$ 743,000	\$ 757,500

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proposal to

Lahontan Regional Water Control Board

Elizabethtown Meadows Restoration

Project Goals and Value. The Elizabethtown Meadows Restoration project addresses erosion sources, wetland protection, and recreation access in the Middle Martis Creek watershed (immediately upstream of the Middle Martis Creek Wetland Restoration project).

The Elizabethtown parcel was recently acquired by the Truckee Donner Land Trust (TDLT) for conservation and recreation. Prior to acquisition, access roads were constructed to enable development of the property. None of the roads were maintained. Portions of the road network now capture dispersed seasonal drainages from upslope and release the water at several concentrated points. Additionally, an active fault zone dominates the topography and hydrology of the area, creating a series of springs. These springs support wetlands and fens. The roads, combined with their inappropriate, use has caused several significant problems including:

- Channel instability, erosion, and headcutting;
- Wetland and fen degradation;
- heavy loads of sediment directly to Middle Martis Creek;
- Impacts to recreation and access infrastructure.

Restoration actions include drainage reconnection, meadow restoration, culvert removal, and partial road decommissioning. Restoration will reduce sediment delivery to Middle Martis Creek and improve meadow, wetland, and fen habitat.

Project Status. The Martis Watershed Assessment (2012) identified several restoration opportunities for Elizabethtown. Restoration design is in progress and will be completed by March, 2014. We are seeking funding to complete CEQA, environmental permitting, and implementation. If funding is secured we can implement in 2014.

Project Milestones

Task	Completion Date
Final Design	March 2014
Permitting and CEQA	June 2014
Construction	October 2014
Post-project monitoring	December 2019

Budget and Funding Potential

Task	Budget	Funds Committed	Funding Gap
Final Design	\$ 25,000	\$ 25,000	-
Permitting and CEQA	\$ 36,000	\$ 5,000	\$ 31,000
Construction	\$ 63,000	-	\$ 63,000
Post-project Monitoring (annual cost)	\$ 3,000	-	\$ 3,000
TOTAL	\$ 127,000	\$ 30,000	\$ 97,000

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proposal to

Lahontan Regional Water Control Board

Dry Creek Restoration

Project Goals and Value. The Dry Creek watershed (locally known as Russel Valley) is located north of Truckee. Dry Creek flows into Boca Reservoir. The watershed includes forested uplands, Dry Creek and tributaries, and a large meadow complex in the valley bottom. In the Dry Creek watershed, the meadow is degraded from severe channel incision, headcutting, and lack of overbank flow on regular return intervals. The stream channel has been modified by past road building, historic logging roads/skid trails, construction of an earthen dam, and undersized culverts. Due to these impacts erosion has increased, and meadows are converting to sagebrush.

We have identified several restoration opportunities in the Dry Creek watershed. The first project we will undertake is located in "Tributary 21". The entire south side of the Dry Creek watershed was heavily logged, starting in 1896. A system of roads and skid trails heavily impacted the existing meadows and stream channels. In Tributary 21, the middle portion of the tributary is incised, most likely due to stream diversion by historic land use. The stream and the meadow are no longer hydrologically connected and some headcuts have developed in the intermittent stream channel. The proposed restoration plan includes restore the stream back to remnant channels on the meadow surface. This would reduce erosion and improve the meadow habitat.

Project Status. The Watershed Council in partnership with the U.S. Forest Service completed a watershed assessment in March 2013. The assessment identified several restoration opportunities. We have partially completed NEPA and project design, leaving only layout to complete design. The USFS has requested funding for the upcoming fiscal year to complete NEPA for the entire suite of projects identified through the assessment. Funding for CEQA, permitting, final project layout and construction is needed. Pre- and post-project monitoring will be completed by USFS and Watershed Council staff.

Project Milestones

Task	Completion Date
Project Layout	November 2013
Pre-Project Monitoring	July 2014
Permitting and NEPA/CEQA	June 2014
Construction	October 2014
Post-project Monitoring	December 2017

Budget

Task	Budget	Funds Committed	Funding Gap
Project Layout	\$ 9,500	-	\$ 9,500
Pre-Project Monitoring	\$ 10,000	\$ 10,000	-
Permitting/NEPA/CEQA	\$ 111,000	\$ 75,000	\$ 36,000
Construction	\$ 130,000	-	\$ 130,000
Post-project Monitoring (annual cost)	\$ 10,000	\$ 10,000	-
TOTAL	\$ 270,500	\$ 95,000	\$ 175,500

ENCLOSURE 5

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Lahontan Regional Water Quality Control Board

TO: LAHONTAN WATER BOARD MEMBERS

FROM: 
LAURI KEMPER
ASSISTANT EXECUTIVE OFFICER
LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD

DATE: September 19, 2013

SUBJECT: QUARTERLY VIOLATIONS REPORT, 2ND QUARTER 2013

Attached is the Quarterly Violations Report for April 1, 2013 – June 30, 2013 (2nd Quarter, 2013). I have included in this memo with the Quarterly Violations Report (1) a Synopsis of 2nd Quarter 2013 Violations; (2) a Discussion of Prior Violations of Interest; and (3) a Table of Pending Formal Enforcement Cases.

Synopsis of 2nd Quarter 2013 Violations

There were 165 violations entered into the CIWQS and SMARTS databases for the 2nd Quarter 2013. Six (6) of the 165 violations are Priority 1 (highest) violations involving five facilities. Water Board staff has resolved the Hilton Creek CSD and San Bernardino County Regional Parks (Lake Gregory) violations with informal enforcement actions. Water Board staff continues to be actively engaged with formal (City of Barstow and Searles Valley Minerals) and informal (US Marine Corps Coleville) enforcement to address ongoing violations. The US Marine Corps has responded positively to informal enforcement by initiating efforts to optimize nitrogen removal within its wastewater treatment operations. There are no down-gradient human receptors at risk, and Water Board staff will continue to monitor and assess the US Marine Corps' progress towards reducing groundwater nitrate concentrations.

Priority 2 violations comprise 152 of the 165 violations and involve 33 facilities. One hundred five (105) of these violations are associated with the Oak Tree Inn facility (see Prior Violations of Interest for additional detail). Water Board staff addressed 23 out of the 47 non-Oak Tree Inn violations with informal enforcement actions. The majority of Priority 2 violations involved Deficient BMPs (13), Deficient Self-Monitoring Reports /Monitoring (12), and Exceeding Effluent Limitations (11).

Priority 3 violations comprise seven (7) of the 165 violations and involve six (6) facilities. The majority of these violations are minor isolated reporting deficiencies or late reports.

Discussion of Prior Violations of Interest

Barstow WTF Mojave River Bed – This facility will continue to produce monthly groundwater nitrate violations for the foreseeable future due to historical wastewater and biosolids disposal practices on the north side of the Mojave River (northern reclamation site). The good news is that this past July, the Executive Officer signed a Cleanup and Abatement Order formerly establishing a schedule for the City to implement its groundwater remediation project. The project consists of an extraction well network, treatment system, and additional monitoring wells to assist with evaluating the groundwater extraction system's effectiveness. The objective is to reduce groundwater nitrate as nitrogen concentrations from above the MCL (10 mg/L as N) to less than 6.5 mg/L as N. The City is under a separate Cleanup and Abatement Order requiring it to provide replacement drinking water to residents in the Soapmine Road Community, whose water supply wells have been adversely affected by the City's historical wastewater and biosolids disposal practices.

Caltrans ED 50, Trout Creek – Ski Run (South Lake Tahoe) – This project has had 10 violations in the previous 12 months to go with the five (5) violations listed for the 2nd Quarter, 2013. Most of the 17 violations have been identified during Water Board staff inspections, corrected, and then repeated. This project is currently in its finishing phase (Year 3) and Water Board staff's diligent work has prevented any known discharges to Lake Tahoe from occurring.

Leavitt Lake CSD Sewage Treatment Ponds – The Quarterly Violations Report shows that Leavitt Lake CSD (District) had 21 violations during the previous 12 months to go with its current set of six (6) violations. The majority of these violations are related to effluent biological oxygen demand (BOD) and total suspended solids (TSS). The District uses oxidation ponds to treat domestic wastewater from a small community and discharges the treated wastewater to unlined wetland basins. The District provided a plan and schedule to address these ongoing violations in response to a Water Code section 13267 Investigative Order. The District has been implementing the critical elements of the plan (e.g., bring power to the site, drain and remove accumulated sludge from one of two primary oxidation ponds, pursue purchasing of additional aerators) as its very limited funds allow, and without any additional Water Board formal enforcement action. The District is pursuing additional funding sources to continue implementing its compliance plan. Water Board staff continue to work with the District in its efforts to return to compliance.

Lodging Enterprises, Inc. – Oak Tree Inn – Oak Tree Inn restaurant and hotel near Yermo treats and discharges domestic wastewater to six seepage pits. WDRs establish an average daily flow limitation and an instantaneous maximum flow limitation. The facility's wastewater discharge has been consistently violating flow limitations for the past 14 months; however, it has not been violating any water quality-related effluent limitations (e.g., BOD, pH, and Dissolved Oxygen). Staff evaluated groundwater monitoring data and noted increasing water quality degradation with nitrate. In January

2013, one well contained nitrate greater than the groundwater receiving water limitation of 10 mg/L, but currently all wells are below the limitation.

Water Board staff previously issued a Notice of Violation directing Lodging Enterprises, Inc. to either return to compliance with flow limitations, or alternatively, submit a request for increasing the flow limitations with supporting documentation. Lodging Enterprises, Inc. submitted a request to increase flow limitations because the treatment facility reportedly has a capacity rating greater than the flow limitations established by the WDRs. However, the treatment facility's ability to remove nitrogen is unknown. The Discharger intends to conduct tests on the treatment facility to determine its nitrogen removal capacity. The Discharger also agreed to increase groundwater and effluent data collection. Water Board staff intends to work with the Discharger during this evaluation. After assessing all data, the Discharger may submit a Revised Report of Waste Discharge for increased flow, provided the Antidegradation Analysis demonstrates that a higher flow will not violate receiving water limitations and any groundwater degradation related to the increased discharge flows is justifiable.

Molycorp Minerals LLC, Mountain Pass Mine Operations and On-Site Evaporation Ponds – These two Molycorp Minerals LLC facilities show a total of 26 spill-related violations for the previous 12 months (4/1/2012 – 3/31/2013). As discussed during the June Board meeting, Water Board staff issued a Notice of Violation in late January 2013 requiring Molycorp to conduct a comprehensive evaluation of the spills and their causes. Staff also informed Molycorp that additional enforcement would likely be initiated if the spill frequency did not significantly decrease.

Water Board staff has evaluated Molycorp's spill frequency while preparing this Quarterly Violations Report. Molycorp had 25 spill-related violations during the 2012 calendar year. For comparison, Molycorp has had six (6) spill-related violations during the period of January 1 – August 31, 2013. A relatively small percentage of the decrease can be attributed to a change in how Water Board staff is defining spill-related violations. The majority of the decrease can be attributed to improved training, operations, and maintenance.

Table of Pending Formal Enforcement Cases

Facility	Alleged Violations Summary	Schedule Action (Quarter/Year)
Michael Locke Single Family Residence, Mono Co.	Unauthorized fill discharged to wetlands	3 rd Quarter, 2013
Molycorp Minerals LLC, San Bernardino Co.	Historical unauthorized discharges of salts, nitrate, and other pollutants to soil and groundwater	4 th Quarter, 2013

Facility	Alleged Violations Summary	Schedule Action (Quarter/Year)
Multiple Property Owners, Spalding Tract – Eagle Lake, Lassen Co.	Failure to abandon or to connect onsite wastewater disposal system to community wastewater system (threatened violation of Basin Plan prohibition)	4 th Quarter, 2013
Pacific Gas and Electric – Hinkley Compressor Station, San Bernardino Co.	Ongoing chromium groundwater contamination	4 th Quarter, 2013/ 1 st Quarter, 2014
Multiple Property Owners, Spalding Tract – Eagle Lake, Lassen Co.	Failure to abandon or to connect onsite wastewater disposal system to community wastewater system as required by Cease and Desist Orders	1 st Quarter, 2014
Susanville CSD WWTP – Susanville, Lassen Co.	Exceeding effluent limitations; subject to MMPs	1 st Quarter, 2014
Dutch Dairy – Helendale, San Bernardino Co.	Nitrate pollution in groundwater	1 st Quarter, 2014
B & E Dairy – Barstow, San Bernardino Co.	Elevated nitrates in groundwater	1 st Quarter, 2014
Van Leeuwen Dairy, Newberry Springs, San Bernardino Co.	Elevated nitrates in groundwater	2 nd Quarter, 2014
Harmsen Dairy – Hinkley, San Bernardino Co.	Nitrate pollution in groundwater	2 nd Quarter, 2014

Attachment: 2nd Quarter 2013 Quarterly Violations Report

Quarterly Violations Report April 1, 2013 - June 30, 2013

A	B	C	D	E	F	G	H	I	J	K	L	M
Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	Facility Violations (4/1/2012-3/31/2013)	County
1	Bastow City	Barstow WWT Mojave River Bed	950565	Water Quality -> Receiving Water -> Groundwater	WDR	5/20/2013	Exceeded MCL for Nitrate as N (10 mg/L) in two wells. Exceeding MCL is due to historical wastewater disposal practices. Violates Board Order No. 6-94-26, WDR I.B.5.	Nitrate as N: Well 3-4 (11.9 mg/L); Well 7-1 (15.2 mg/L)	The City is preparing to implement a groundwater remediation plan in accordance with CAO schedule. The City is providing replacement water supply to residents with nitrated domestic wells. Discharger retained biohazard and disinfected. County Health inspected spill site and reported that cleanup is complete. To prevent future spills, the Discharger has contracted with a vendor to clean and vector the entire sewer system. To mitigate the impacts of future spills, Discharger has ordered sand bags, containment booms, signage, and warning tape. Staff contacted Discharger on 04/30/2013 to discuss violations and requested Discharger to immediately come into compliance with Conditions of the 401 WOC Order or to halt operations and request an amendment to the Order to reflect changes in the project. Discharger has since removed the spoils ramp from the lake and implemented and is maintaining BMPs around spoils stockpile.	Clean-up and Abatement Order	12	San Bernardino
2	Hilton Creek, CSD	Hilton Creek Csd Package CS	948758	Water Quality -> Sanitary Sewer Overflow/Spill	WDR	4/14/2013	Discharged 5,000 gallons of raw sewage from blocked sewer main to Whiskey Creek diversion channel, which eventually discharges back to Whiskey Creek. Violates General WDR Order No. 2006-0003-DWQ, Prohibition C.1.	Grease accumulation caused the discharge from a 6-inch sewer line. Overflow flowed through a culvert into the Whiskey Creek diversion channel. Coliform samples collected but results inconclusive on account of livestock in the area.	Discharger has contracted with a vendor to clean and vector the entire sewer system. To mitigate the impacts of future spills, Discharger has ordered sand bags, containment booms, signage, and warning tape. Staff contacted Discharger on 04/30/2013 to discuss violations and requested Discharger to immediately come into compliance with Conditions of the 401 WOC Order or to halt operations and request an amendment to the Order to reflect changes in the project. Discharger has since removed the spoils ramp from the lake and implemented and is maintaining BMPs around spoils stockpile.	Notice of Violation	0	Mono
3	San Bernardino Cnty Regional Parks	Lake Gregory Sediment Management (Swim Area)	947252	Order Conditions	CER	4/27/2013	TPH as Kerosene TPH as Kerosene Daily Maximum limit is 4.2 mg/L and reported value was 4.94 mg/L at the Trona Plant. Hydrocarbons, Petroleum Daily Maximum limit is 6.2 mg/L and reported value was 9.9 mg/L.	The WB issued a 401 WOC Order that allowed dredging to occur without placing any of the spoils in the lake. The 401 WOC also required the Discharger to install and maintain BMPs for the spoils stockpiles located in the parking lot.	Staff contacted Discharger on 04/30/2013 to discuss violations and requested Discharger to immediately come into compliance with Conditions of the 401 WOC Order or to halt operations and request an amendment to the Order to reflect changes in the project. Discharger has since removed the spoils ramp from the lake and implemented and is maintaining BMPs around spoils stockpile.	Notice of Violation	0	San Bernardino
4	Searles Valley Minerals	Agus Plant(+)	948969	Enforcement Action	WDR	4/17/2013	Hydrocarbons, Petroleum Daily Maximum limit is 6.2 mg/L and reported value was 9.9 mg/L.	April 2013 SMR violates B.O. No. 6-00-53A2 Section I.B. Table 2	null	null	2	San Bernardino
5	Searles Valley Minerals	Trona Plant	948971	Enforcement Action	WDR	4/17/2013	Hydrocarbons, Petroleum Daily Maximum limit is 6.2 mg/L and reported value was 9.9 mg/L.	April 2013 SMR violates B.O. No. 6-00-53A2 Section I.B. Table 2	null	null	4	San Bernardino
6	US Marine Corps Coleville	USMC-MMWC WWTC	953581	Water Quality -> Groundwater -> SW - Deficient BMP	WDR	5/22/2013	Exceeded Nitrate as N MCL (10 mg/L) in MW-11. Violates Board Order No. 6-93-72, WDR I.B.3.	MW-11: 11 mg/L	null	null	4	Mono
7	Apple 96 2010 LLC	Apple Valley 126	9851137	BMP Implementation	CONSTW	5/1/2013	Erosion and Sediment BMPs inadequate and not maintained. On-site SWPPP was missing Section A elements: Copy of permit, pollution prevention team, certifications, site map, structural BMPs, potential pollution sources, spills and leaks, soil erosion, inspections, and training.	null	null	null	0	San Bernardino
8	Blue Diamond Materials	Blue Diamond Materials	9851053	SW - Incomplete/Insufficient SWPPP	INDSTW	4/22/2013	Discharger failed to call out violations in SMR cover sheet. Discharger also failed to provide results for pH parameter. Violates Board Order No. R6T-08-024, WRP I.B.	null	Discharger staff have been counseled as to the importance of completing pH levels.	Oral Communication	1	Lassen
9	CA Dept of Corrections	CCC @ Susanville, CSP-LC WTF	949830	Reporting -> Deficient Reporting	WDR	4/23/2013	Reporting -> Deficient Reporting	null	Discharger staff have been counseled as to the importance of completing pH levels.	Oral Communication	1	Lassen

Quarterly Violations Report
April 1, 2013 - June 30, 2013

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Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	Facility Violations (4/1/2012-3/31/2013)	County
1												
11	Ca Dept of Fish & Game Independence	Fish Springs Fish Hatch NPDES	949798	Deficient Monitoring	NPDESWW	5/20/2013	Flow monitoring being conducted at incorrect location. Violates Board Order No. R6V-2006-0030, WDR V.I.B and MRP (Attachment E) IV.A. Flow meter calibration records unavailable upon request. Discharger's QA/QC Manual is incomplete. Violates Board Order No. R6V-2006-0030, Attachment D.I.D.	Flow measurement was being conducted at the influent well heads, rather than the MRP-specified M-001 (Facility Discharge location). No flow meter is present at M-001. Additionally, DFW states LADWP owns the influent wells and pumps and is responsible for flow meter calibration. Calibration records were not available during the inspection. DFW's on-site laboratory QA/QC manual does not include SOPs or quality checks for analyses. Staff will be issuing NOV. The BMP Plan does not accurately reflect the current setting ditch configuration, discharge locations, and on-site facilities. Many of the Facility modifications the Plan fails to accurately represent were presented when the Plan was last updated. July 15, 2011. Staff will be issuing NOV.	None to date.	Notice of Violation	0	Inyo
12	Ca Dept of Fish & Game Independence	Fish Springs Fish Hatch NPDES	949799	Reporting -> Deficient Reporting	NPDESWW	5/20/2013	Best Management Practices (BMP) Plan needs updating. Violates WDR R6V-2006-0030, WDR VI. C. 3.	MRO3 exceeded the monthly average in May for Nitrate plus Nitrite as N. The springs on the facility all have high nitrate levels coming into the facility. The discharge levels are always very close to the supply levels of nitrates. This year with the low spring levels due to two years of very low precipitation have lead to higher nitrate levels in the Springs.	None to date.	Notice of Violation	See Row 11	Inyo
13	Ca Dept of Fish & Game Independence	Hot Creek Hatchery NPDES	952204	Water Quality -> Effluent -> CAT1	NPDESWW	5/6/2013	Nitrite Plus Nitrate (as N) Monthly Average (Mean) limit is 0.534 mg/L and reported value was 0.556 mg/L. The Discharger's on-site laboratory is not ELAP-certified. Violates Board Order No. R6V-2006-0027, MRP (Attachment E) I.C. The Discharger does not have any QA/QC Manual or Standard Operating Procedures for equipment used in on-site sample analysis or sample preservation. Violates Board Order No. R6V-2006-0027 Attachment D.I.D. and III.B.	Discharger conducts on-site NPDES permit-required sample analysis for pH, dissolved oxygen, temperature and conductivity w/o any QA/QC Manual or SOP. Discharger does not use a calibrated thermometer to verify preservation temperature w/ on-site sample refrigerator. Staff will be issuing NOV.	Continue to monitor the facility as specified in the Time Schedule Order.	null	1	Mono
14	Ca Dept of Fish & Game Independence	Hot Creek Hatchery NPDES	949790	Deficient Monitoring	NPDESWW	5/21/2013	Discharger did not check all required discharge locations to determine whether sampling was required. Violates section IV. of Attachment C of Board Order No. R6T-2011-0019.	Discharger submitted incomplete and inaccurate inspection report for 5-6-2013 rain event. Violates section IV. of Attachment C of Board Order No. R6T-2011-0019.	The primary on-site Facility representatives stated that they would look into developing a QA/QC Program and SOPs for the on-site laboratory.	Notice of Violation	See Row 13	Mono
15	Ca Dept of Transportation District 3 R6	Caltrans ED 50 (Trout Creek-Ski Run)	948489	Deficient Monitoring	CONSTW	5/6/2013	Discharger submitted incomplete and inaccurate inspection report for 5-6-2013 rain event. Violates section IV. of Attachment C of Board Order No. R6T-2011-0019.	OSD did not properly manage required activities associated with 5/6/2013 rain event. OSD did not review for accuracy records produced by subordinate.	Additional training reportedly given to project WPCM.	Staff Enforcement Letter	10	El Dorado
16	Ca Dept of Transportation District 3 R6	Caltrans ED 50 (Trout Creek-Ski Run)	948490	Reporting -> Deficient Reporting	CONSTW	5/6/2013	Discharger submitted incomplete and inaccurate inspection report for 5-6-2013 rain event. Violates section IV. of Attachment C of Board Order No. R6T-2011-0019.	OSD did not properly manage required activities associated with 5/6/2013 rain event. OSD did not review for accuracy records produced by subordinate.	None	Staff Enforcement Letter	See Row 15	El Dorado

Quarterly Violations Report
April 1, 2013 - June 30, 2013

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Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	Facility Violations (4/1/2012-3/31/2013)	County
17	Ca Dept of Transportation District 3 R6	Caltrans ED 50 (Trout Creek-Ski Run)	948491 BMP	BMP	CONSTW	5/9/2013	A few minor deficiencies were identified including sediment control not installed per specification, a boom truck leaking oil onto pavement, and solid and hazardous waste management needed improvement. Violates section VIII of Order No. R6T-2001-0019.	null	All items were completed except for removing solid waste (old or degraded BMPs) from site by compliance date.	Staff Enforcement Letter	See Row 15	EI Dorado
18	Ca Dept of Transportation District 3 R6	Caltrans ED 50 (Trout Creek-Ski Run)	950033 BMP	BMP	CONSTW	6/10/2013	Numerous BMPs were deficient or needed maintenance. Violates section H.8.b. of Order No. 99-06-DWQ.	see linked inspection report for violation details	Corrective actions were completed before next rain event (6/24/2013)	Staff Enforcement Letter	See Row 15	EI Dorado
19	Ca Dept of Transportation District 3 R6	Caltrans ED 50 (Trout Creek-Ski Run)	950090 BMP	BMP	CONSTW	6/24/2013	Deficient stabilization and spill cleanup found at site during rain event. Violates section H.8.b. of Order 99-06-DWQ.	see attachment to linked inspection for violation details	Corrective actions were completed by 6/25/2013.	Staff Enforcement Letter	See Row 15	EI Dorado
20	Ca Dept of Transportation District 3 R6	Truckee Maintenance Activities	946270	Order Conditions	CONSTW	4/8/2013	Discharged approx. 5 gallons of hydraulic fluid to roadway and drain inlet.	Discharge caused by a hydraulic line break. Discharge did not migrate beyond drain inlet structure.	Discharged hydraulic fluid was cleaned up. No further action required.	null	0	Nevada
21	Caltrans District 3	Wildwood	S851257	SW - Deficient BMP Implementation	CONSTW	5/29/2013	Minor BMP deficiencies were found - see 5-29-2013 inspection results attachment for details.	null	null	Verbal Communication	0	EI Dorado
22	Caltrans District 3	Wildwood	S851258	SW - Incomplete/Insufficient SWPPP	CONSTW	5/29/2013	Requirements were missing from SWPPP schedule - annual certification, annual report, seasonal restrictions.	null	null	Verbal Communication	See Row 21	EI Dorado
23	Floriston, Community of	Floriston Waste Trt Facility	947284	Deficient Monitoring	WDR	4/15/2013	Discharger failed to submit a brief summary of operation and maintenance activities. Violates Board Order No. 6-88-50, MRP I.F. Discharger failed to submit walkthrough inspections as required by MRP I.E.	null	null	null	3	Nevada
24	Fort Cady Mineral Corp	Fort Cady Borate	948518	Reporting -> Deficient Reporting	INDISP	4/1/2013	1013 SMR did not include proof of financial assurance. Violates Board Order No. 6-88-63, MRP I.G.	null	null	null	1	San Bernardino
25	Granite Construction Co Inc	Granite Construction Co Inc	S851125	SW - Deficient BMP Implementation	INDSTW	5/10/2013	Shop foreman who is responsible for implementing SWPPP was not trained on the SWPPP or permit requirements. Employees under his supervision were also not trained. Neither he nor the Environmental Coordinator located in Indio were familiar with the permit. Assisted Shop Foremen with downloading a copy of the permit and worked with him on locating some of the required items in the SWPPP.	null	Discharger implemented training program and placed spill pans in the problem areas.	Verbal Communication	0	Inyo
26	Hilton Creek CSD	Hilton Creek CSD Package STP	948793	Reporting -> Deficient Reporting	WDR	4/15/2013	Discharger did not submit SMR for 1st Quarter 2013, which was due Apr 15, 2013. Violates Board Order No. R6V-2004-0018, MRP I.I.D.1.	null	Discharger will collect available monitoring results and submit in a report by July 15, 2013.	Notices of Violation	2	null

Quarterly Violations Report
April 1, 2013 - June 30, 2013

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Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	Facility Violations (4/1/2012-3/31/2013)	County
1												
27	Howard Roberts Development Company	Tract 16063.3	S851269	SW - Deficient BMP Implementation	CONSTW	5/15/2013	Inadequate BMPs and inadequate maintenance of BMPs resulted in erosion and nuisance deposition of sediment. Discharger placed BMPs on only 2/3 of the property. Stormwater from this location discharges to Spring Valley Lake.	MW-5: 550 mg/L. Sulfate concentrations above MCL present a toxicity risk to humans, and exceeds the concentration limit of 250 mg/L specified in the MRP.	Discharger is implementing a CAP (monitoring and natural attenuation) following site closure activities that included capping tailings. Discharger is evaluating potential for new release in response to other monitoring data.	Staff Enforcement Letter	1	San Bernardino
28	LAC Minerals (USA) Inc	Colosseum Gold Mine	954406	Water Quality -> Receiving Water -> Groundwater	LNDISP	5/30/2013	Exceeded MCL for Sulfate (500 mg/L) in West Well due to existing release. Violates Board Order No. 6-96-11, WDR I.A.	An accumulation of rags and grease in a sewer pipe caused an overflow from a residential sewer cleanout. Sewage flowed to Lake Arrowhead through a residential 3-in drain pipe. Flow rate 3 gallons.	Discharger used high velocity sewer flushing equipment to clear blockage. Discharger collected coliform samples and results were below public health concern for recreational use and water supply. Discharger cleaned sewers of debris and grease in the vicinity of the overflow location. No further action.	null	2	San Bernardino
29	Lake Arrowhead Community Service	Lake Arrowhead Csd	947073	Water Quality -> Sanitary Sewer Overflow/Spill	WDR	4/26/2013	Unauthorized discharge of 135 gallons of raw sewage to Lake Arrowhead. Violates Board Order No. 2006-0003-DWG, Prohibition C.1.	The District emptied Pond 4W 50 it could continue to receive additional influent flows and to continue drying out Pond 1W. Facility discharged a total of 0.96 MG to the artificial wetlands during 3/29/2013-3/31/2013 and 4/1/2013-4/3/2013. Violates Board Order No. R6T-1996-018, WDR I.A.2.	The District has provided WB staff a plan to address BOD and TSS effluent violations as required by a 13267 Investigative Order. WB staff is working with the District to finalize the plan and will formally accept the final plan with a CDO or TSO.	null	4	San Bernardino
30	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946417	Water Quality -> Effluent -> CAT1	WDR	4/1/2013	Total Suspended Solids (TSS) Daily Discharge limit is 45 mg/L and reported value was 66 mg/L.	The District emptied Pond 4W 50 it could continue to receive additional influent flows and to continue drying out Pond 1W. Facility discharged a total of 0.96 MG to the artificial wetlands during 3/29/2013-3/31/2013 and 4/1/2013-4/3/2013. Violates Board Order No. R6T-1996-018, and reported value was 50 mg/L.	The District has provided WB staff a plan to address BOD and TSS effluent violations as required by a 13267 Investigative Order. WB staff is working with the District to finalize the plan and will formally accept the final plan with a CDO or TSO.	null	21	Lassen
31	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946423	Water Quality -> Effluent -> CAT1	WDR	4/1/2013	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Daily Discharge limit is 45 mg/L and reported value was 50 mg/L.	The District emptied Pond 4W 50 it could continue to receive additional influent flows and to continue drying out Pond 1W. Facility discharged a total of 0.96 MG to the artificial wetlands during 3/29/2013-3/31/2013 and 4/1/2013-4/3/2013. Violates Board Order No. R6T-1996-018, and reported value was 66 mg/L.	The District has provided WB staff a plan to address BOD and TSS effluent violations as required by a 13267 Investigative Order. WB staff is working with the District to finalize the plan and will formally accept the final plan with a CDO or TSO.	null	See Row 30	Lassen
32	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946418	Water Quality -> Effluent -> CAT1	WDR	4/2/2013	Total Suspended Solids (TSS) Daily Discharge limit is 45 mg/L and reported value was 66 mg/L.	The District emptied Pond 4W 50 it could continue to receive additional influent flows and to continue drying out Pond 1W. Facility discharged a total of 0.96 MG to the artificial wetlands during 3/29/2013-3/31/2013 and 4/1/2013-4/3/2013. Violates Board Order No. R6T-1996-018, and reported value was 66 mg/L.	The District has provided WB staff a plan to address BOD and TSS effluent violations as required by a 13267 Investigative Order. WB staff is working with the District to finalize the plan and will formally accept the final plan with a CDO or TSO.	null	See Row 30	Lassen

Quarterly Violations Report
April 1, 2013 - June 30, 2013

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Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	Facility Violations (4/1/2012-3/31/2013)	County
1												
33	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946424	Water Quality -> Effluent -> CAT1	WDR	4/2/2013	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Daily Discharge limit is 45 mg/L and reported value was 50 mg/L.	The District emptied Pond 4W so it could continue to receive additional influent flows and to continue drying out Pond 1W. Facility discharged a total of 0.96 MG to the artificial wetlands during 3/29/2013-3/31/2013 and 4/1/2013-4/3/2013. Violates Board Order No. R6T-1996-018, WDR I.A.2.	The District has provided WB staff a plan to address BOD and TSS effluent violations as required by a 13267 Investigative Order. WB staff is working with the District to finalize the plan and will formally accept the final plan with a CDO or TSO.	null	See Row 30	Lassen
34	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946419	Water Quality -> Effluent -> CAT1	WDR	4/3/2013	Total Suspended Solids (TSS) Daily Discharge limit is 45 mg/L and reported value was 66 mg/L.	The District emptied Pond 4W so it could continue to receive additional influent flows and to continue drying out Pond 1W. Facility discharged a total of 0.96 MG to the artificial wetlands during 3/29/2013-3/31/2013 and 4/1/2013-4/3/2013. Violates Board Order No. R6T-1996-018, WDR I.A.2.	The District has provided WB staff a plan to address BOD and TSS effluent violations as required by a 13267 Investigative Order. WB staff is working with the District to finalize the plan and will formally accept the final plan with a CDO or TSO.	null	See Row 30	Lassen
35	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946425	Water Quality -> Effluent -> CAT1	WDR	4/3/2013	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Daily Discharge limit is 45 mg/L and reported value was 50 mg/L.	The District emptied Pond 4W so it could continue to receive additional influent flows and to continue drying out Pond 1W. Facility discharged a total of 0.96 MG to the artificial wetlands during 3/29/2013-3/31/2013 and 4/1/2013-4/3/2013. Violates Board Order No. R6T-1996-018, WDR I.A.2.	The District has provided WB staff a plan to address BOD and TSS effluent violations as required by a 13267 Investigative Order. WB staff is working with the District to finalize the plan and will formally accept the final plan with a CDO or TSO.	null	See Row 30	Lassen
36	Leading Enterprises Inc (105 Flow Limitation Violations for the 2nd Quarter 2013)	Oak Tree Inn	953143	Water Quality -> Effluent -> OEV	WDR	4/1/2013	Flow Instantaneous Maximum limit is 0.006410 MGD and reported value was 0.0500 MGD.	Violates Board Order R6V-2001-0032, WDR, section I.A.2. A blockage of towels, bottles, and plastic bags caused 34,000 gallons of raw sewage to discharge from the last maintenance vault before the treatment facility to the land surrounding the vault. The discharge occurred on 5/6/2013 and cleanup was incomplete when WB staff inspected the spill site on 5/14/2013. Staff directed LADWP staff to complete cleaning up remaining debris and to submit a spill report by 6/3/2013.	null	452	San Bernardino	
37	Los Angeles City DWP	Independence WWTF	946463	Order Conditions	WDR	5/6/2013	Unauthorized discharge of 34,000 gallons of raw sewage to land area. Violates Board Order No. 6-95-64, WDRs I.6 and C.1.	LADWP completed site cleanup as directed to in NOV.	Notice of Violation	1	Inyo	
38	Markleeville PUD	Markleeville Wstwr Trmtt Sys	947739	Deficient Monitoring	WDR	4/19/2013	Discharger failed to analyze effluent samples for methylene blue active substances Required by Board Order No. 6-95-022 MRP I.B. Discharger failed to analyze manureville creek for temperature Req. by MRP I.D. Discharger failed to report sludge monitoring Req. by MRP I.E.	null	null	Oral Communication	3	Alpine

Quarterly Violations Report
April 1, 2013 - June 30, 2013

A	B	C	D	E	F	G	H	I	J	K	L	M
Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	Facility Violations (4/1/2012-3/31/2013)	County
39	Molycorp Minerals LLC	Mountain Pass Mine & Mill Ops	949438	Order Conditions	LNDISP	5/28/2013	Unauthorized discharge of 100 gallons of mining process wastewater (reclaim wastewater) to ground. Violates Board Order No. RBV-2010-0047, WDRs II, A.6, and A.7.	No further Water Board action required. Discharge occurred during pumping operations within the leach building. A sump became plugged, causing a backup within and discharge from the system to the ground. Waste discharge has high TDS, various metals, and a pH of 4.7. Discharge was on the north side of building, east side of leach conveyor belt and also on the west side of KD mill, near the acid drain. No further Water Board action required.	Discharger excavated affected soils and re-introduced into the Paste Plant for processing, following Spill Prevention and Response Plan. Discharger immediately shut down the pumps. The remaining wastewater was placed into drums for disposal. The contaminated soils were excavated for off-site disposal. Final Report: Corrective Action to be implemented: Check drains are operable prior to pump-out. This drain line will be moved from the Leach Building to the 204 treatment system and will discontinue temporary drain system.	null	21	San Bernardino
40	Molycorp Minerals LLC	Onsite Evaporation Ponds	950455	Order Conditions	LNDISP	6/17/2013	Unauthorized discharge of 200 gallons of leach residue and reverse-osmosis system wastewater to ground. Violates Board Order No. RBV-2005-0011, WDRS I.A.1, I.A.7, and II. A.1.	Failure to implement BMPs for stockpiled materials, to reduce pollutants in non-stormwater discharges, and to control erosion. No action taken to prevent water leak (non-stormwater discharge) that was carrying sediment and other pollutants off-site. Violates Board Order No. 97-03-DWQ, Section D.		Oral Communication	5	San Bernardino
41	National Cement Co	Lebec Cement Plant	S851067	SW - Deficient BMP Implementation	INDSTW	4/12/2013	Erosion Control BMPs for disturbed soil were absent or inadequate. Erosion rills were noted. No BMP for heavy equipment parked on soil.	null	null	null	0	Kern
42	PME Mortgage Fund Inc	Tract 17302	S851236	SW - Deficient BMP Implementation	CONSTW	5/15/2013	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Daily Maximum limit is 45 mg/L and reported value was 49 mg/L.	Violates B.O. No. 6-00-56, WDR I.A.2. Discharger explained that "the increased value for BOD was attributed to increased ambient temperatures, and increased water use from Navy Golf course water demand."		null	1	San Bernardino
43	Ridgecrest, City of REC	Ridgecrest WTF	949778	Water Quality -> Effluent -> CAT1	WDR	4/9/2013	There was no copy of the 401 WOC onsite. Violates 401 WOC Order No. RBV-2013-0019, Additional Condition No. 13.	WB staff instructed County staff and contractor that a copy of 401 WOC Order must be onsite at all times.	County staff and contractor stated that a copy of the 401 WOC Order will be obtained and maintained onsite.	Oral Communication	See Row 4	San Bernardino
44	San Bernardino Cnty Regional Parks	Lake Gregory Sediment Management (Swim Area)	947518	Order Conditions	CERFILLEXC	5/6/2013	BMPs were improperly installed (fiber roll ends not overlapped, not secured at regular intervals). No copy of the SWPPP or CGP was onsite.	Discharger is covered under CGP. copy of SWPPP must be maintained onsite. BMPs must be installed correctly to be effective.	Discharger will maintain a copy of SWPPP and implement the SWPPP as required.	Oral Communication	See Row 4	San Bernardino
45	San Bernardino Cnty Regional Parks	Lake Gregory Sediment Management (Swim Area)	947519	BMP	CERFILLEXC	5/6/2013	TPH as Kerosene Daily Maximum limit is 4.2 mg/L and reported value was 4.94 mg/L.	Violates B.O. No. 6-00-53A2 Section I.B. Table 2		Oral Communication	See Row 4	San Bernardino
46	Searles Valley Minerals	Trona Plant	948805	Water Quality -> Effluent -> OEV	WDR	4/17/2013	Hydrocarbons, Petroleum Daily Maximum limit is 6.2 mg/L and reported value was 9.9 mg/L.	April 2013 SMR violates B.O. No. 6-00-53A2 Section I.B. Table 2		null	See Row 6	San Bernardino
47	Searles Valley Minerals	Trona Plant	948806	Water Quality -> Effluent -> CAT2	WDR	4/17/2013				null	See Row 6	San Bernardino

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Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	Facility Violations (4/1/2012-3/31/2013)	County
48	Sierra Cnty Dept of Transportation	Little Truckee River Bridge Replacement	950066	Order Conditions	CERFILLEXC	6/19/2013	Excavator was operated in flowing stream to install stream diversion. The operation caused or threatened to cause a nuisance condition and violate the turbidity water quality standard for the Little Truckee River HU. Violates Standard Condition No. 4 of Order No. R67-2013-0006 and A1. Photos of job site activities are presented in attached report.	Initial review by Sierra County indicated that work was done in compliance with Order. However, further investigation confirmed that the excavator was operated within flowing waters to install stream diversion in violation of Section 401 Water Quality Certification. City contractor on city storm water improvement project hit an unmanipulated sewer cleanout, causing rock and asphalt to create a blockage within the sewer service lateral. The affected area was disinfected with chlorine and waste removed by STPUD for treatment and disposal.	Upon notification, Sierra County DPW stopped the operation. The County's contractor received additional training and was instructed to avoid operating the excavator within flowing waters.	Oral Communication	0	Sierra
49	SLT City of El Dorado Placer Co	City of SLT/Mun Stormwater	950063	Water Quality -> Sanitary Sewer Overflow/Spill	MNSTW1	6/19/2013	Unauthorized sewage discharge to MS4 system. Violates section II.G. of Order No. R67-2011-101A1.	City contractor on city storm water improvement project hit an unmanipulated sewer cleanout, causing rock and asphalt to create a blockage within the sewer service lateral. The affected area was disinfected with chlorine and waste removed by STPUD for treatment and disposal.	Third Party Action	0	El Dorado	
50	Southwest Gas Corp	South Tahoe Y Maintenance Project	949959	BMP	DISCHLND	6/24/2013	Stockpiles, including cold mix (contains diesel), were not protected from rain. Fiber rolls and cold mix cover not installed to be effective. Equipment staging in area not shown in SWPPP. Violates section VIII. of Order No. R67-2001-0018. See attachment to linked 5-16-2013 inspection report for details.	Enforcement referred to TRPA under existing MOU.	Third Party Action	0	El Dorado	
51	Southwest Gas Corporation	F Caltrans SR 89 Distribution & High Pressure Main Replacement and Relocation Tahoe City to Tahoma	S85145	SW - Deficient BMP Implementation	CONSTW	5/16/2013	Accidental release of diesel from dump truck fuel tank. Equipment on road punctured fuel tank and approximately 40 gallons diesel discharged to drop inlet. No discharge to surface waters occurred and spill was cleaned up on same day, see attached report.	Enforcement referred to TRPA under existing MOU.	Staff Enforcement Letter	3	Placer	
52	Southwest Gas Corporation	F Caltrans SR 89 Distribution & High Pressure Main Replacement and Relocation Tahoe City to Tahoma	S851321	SW - Unauthorized NSWD	CONSTW	6/10/2013	Perimeter and Erosion control BMPs not maintained more than 72 hours after the last storm. Trash piles on site. No BMPs to prevent unauthorized dumping.	Enforcement referred to TRPA under existing MOU.	Staff Enforcement Letter	0	Placer	
53	SunCal Golden Triangle LLC	Tract 17584	S851037	SW - Deficient BMP Implementation	CONSTW	4/10/2013	Discharger failed to call out violation in cover letter. Report was also missing March 2013 effluent data for multiple parameters. Violates Board Order No. R67-011-020 A1, MRP II.B.	Discharger has since installed additional BMPs. Staff re-inspected the project site and is evaluating BMP effectiveness.	Staff Enforcement Letter	See Row 51	San Bernardino	
54	US Marine Corps	Coleville Housing WWTF	949838	Reporting -> Deficient Reporting	WDR	4/30/2013	Discharger failed to provide March 2013 effluent data for TSS, BOD, and nitrates. Discharger had conducted the required monitoring, but failed to include the data in the SMR.	The SMR was missing volume of wastewater flow, monthly freeboard distance and the depth to ground water in each well which constitutes a deficient reporting violation. No explanation for missing data provided.	Discharger submitted the missing data following staff's 6/10/2013 phone conversation with the Discharger.	Oral Communication	0	Mono
55	Washoe Tribe of Nevada & Ca	Woodfords Indian Colony WWTF	953569	Reporting -> Deficient Reporting	WDR	6/17/2013	Discharger failed to provide results for several parameters related to flow and ground water monitoring. Violates Board Order No. 6-95-21, MRP I.A. and I.B.2.	The SMR was missing volume of wastewater flow, monthly freeboard distance and the depth to ground water in each well which constitutes a deficient reporting violation. No explanation for missing data provided.	Discharger submitted the missing data following staff's 6/10/2013 phone conversation with the Discharger.	Oral Communication	1	Alpine

**Quarterly Violations Report
April 1, 2013 - June 30, 2013**

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Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	Facility Violations (4/1/2012-3/31/2013)	County
56	BNSF Railway Company	Old Diesel Shop (East Yard)	950980	Enforcement Action	ENFCAO	6/5/2013	The Every-60-Day technical status report was submitted 6 days late. Violates Cleanup and Abate Order No. 6-96-23, Directive No. 8.	The report was due on June 4, 2013 and received on June 10, 2013	Discharger completed corrective action when status report was received.	null	0	San Bernardino
57	Ca Dept of Fish & Game Independence	Hot Creek Hatchery NPDES	949789	Reporting -> Deficient Reporting	NPDESWW	4/8/2013	pH values incorrectly reported due to a transcription error in the April 2013 SMR. Violates WDR, R6V-2006-0027, MRP (Attachment E), X.B.2.	pH values for M-004 were initially reported as 7.9 and 7.7. Correct values are 7.53 and 7.56.	The primary on-site Facility representatives stated that more scrutiny would be given to SMRs in the future to prevent these types of errors.	Notice of Violation	1	Mono
58	Floriston, Community of	Floriston Waste Trt Facility	946978	Reporting -> Deficient Reporting	WDR	4/10/2013	Discharger failed to call out violation in SMR cover sheet, failure to update financial assurances with 1st quarter 2013 report, Board Order no. 6-88-63, MRP 1.G.	null	Discharger did not propose or identify any corrective actions taken.	Oral Communication	See Row 13	Nevada
59	Fort Cady Mineral Corp	Fort Cady Borate	954672	Order Conditions	LNDISP	5/7/2013		null	null	null	See Row 23	San Bernardino
60	Honey Lake Power Co	Honey Lake Power Plant	947738	Reporting -> Late Report	WDR	4/16/2013	Due on 04/15/2013 - Received on 04/30/2013 - Fifteen days late	null	null	null	See Row 24	Lassen
61	Mantleeville PUD	Mantleeville Wstwr Trmnt Sys	947737	Reporting -> Deficient Reporting	WDR	4/19/2013	Discharger failed to call out violation in Self Monitoring Report cover sheet. Submitted Quarterly SMR 17 days late. Violates Board Order No. 6-95-22 A1. Required by MRP II.B.1.	null	null	null	See Row 38	Alpine
62	Mantleeville PUD	Mantleeville Wstwr Trmnt Sys	953555	Reporting -> Late Report	WDR	6/16/2013		Quarterly SMR was due on 6/15/2013 and received on 07/02/2013	null	null	See Row 38	Alpine