



# California Regional Water Quality Control Board Lahontan Region



**Linda S. Adams**  
Secretary for  
Environmental Protection

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**Arnold Schwarzenegger**  
Governor

## MEETING AGENDA

**December 11, 2008**

**Lake Tahoe Community College**  
Board Room  
One College Drive  
South Lake Tahoe, CA

**Thursday, December 11, 2008**

Special Meeting:

9:00 a.m.

General Meeting Information: The meeting room is accessible to people with disabilities. If you have special accommodations or language needs, please contact Laurie Applegate at least five days prior to the meeting date at (530) 542-5414 or [LApplegate@waterboards.ca.gov](mailto:LApplegate@waterboards.ca.gov). TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

The following items are numbered for identification purposes only and will not necessarily be considered in this order. Public hearings will not be called to order prior to the time specified. All Board files, exhibits and agenda material pertaining to items on this agenda are hereby made a part of the record for the appropriate item.

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

***California Environmental Protection Agency***



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**NOTICE****Submittal of Written Material for Water Board Consideration**

In order to ensure that the Water Board has the opportunity to fully study and consider written material, it is necessary to submit it at least ten (10) days before the meeting unless otherwise specified. This will allow distribution of material to the Board Members in advance of the meeting. Pursuant to Title 23 California Code of Regulations Section 648.4, the Water Board may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of the written testimony, the Water Board may refuse to admit it.

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

**SPECIAL MEETING**

**Thursday, December 11, 2008, 9:00 a.m.**

**INTRODUCTIONS****1. PUBLIC FORUM**

Any person may address the Water Board regarding a matter within the Water Board's jurisdiction that is not related to an item on this meeting agenda. Comments will generally be limited to five minutes, unless otherwise directed by the Chair. Any person wishing to make a longer presentation should contact the Executive Officer at least ten days prior to the meeting. Comments regarding matters that are under development for future meetings will be restricted. (See [http://www.waterboards.ca.gov/lahontan/board\\_info/agenda/upcoming.shtml#top](http://www.waterboards.ca.gov/lahontan/board_info/agenda/upcoming.shtml#top) )

**WAIVER WASTE DISCHARGE REQUIREMENTS**

- 2. [Resolution Waiving Waste Discharge Requirements for Vegetation Management Activities Regulated by the Tahoe Regional Planning Agency \(TRPA\), and Authorizing the Executive Officer to Enter Into a Memorandum of Understanding \(MOU\) with the TRPA.](#) (The Water Board will consider adopting a resolution to enter into an MOU designating the TRPA as the agency responsible for vegetation management project review and permitting, waiving waste discharge requirements for projects regulated by TRPA, and certifying an associated environmental document.) (Anne Holden)**

**STATUS REPORT**

3. **Status Report on Lahontan Water Board Progress in Response to a Proclamation Issued by Governor Arnold Schwarzenegger Strongly Encouraging the Lahontan Water Board to Implement the Recommendations of the California-Nevada Tahoe Basin Fire Commission** (The Water Board will review a proposed status report describing actions taken and proposed to be taken by the Water Board to facilitate fuel reduction efforts in the Lake Tahoe Basin and consider forwarding the list of actions to the Secretaries for the California Resources Agency and California Environmental Protection Agency.)(Doug Cushman)
4. **CLOSED SESSION \***
  - a. **Discussion of Significant Exposure to Litigation. Authority: Government Code Section 11126(e)(2)(B)(I).**
  - b. **Discussion to Decide Whether to Initiate Litigation. Authority: Government Code Section 11126(e)(2)(c)(I).**
  - c. **Discussion of Litigation filed by the State of California and the Regional Water Quality Control Board, Lahontan Region, v. Glen R. Hammond and Limited Partners, Kern County Superior Court Case No. 235695. Authority: Government Code Section 11126(e).**
  - d. **Discussion of Litigation: Regional Water Quality Control Board, Lahontan Region v. Mary Ann Ferguson, et al., Placer County Superior Court Case No. T CV 1002. Authority: Government Code Section 11126(e).**
  - e. **Discussion of Litigation: People of the State of California ex rel. California Regional Water Quality Control Board, Lahontan Region v. Thomas E. Erickson et al., El Dorado Superior Court Case No. SC20010089. Authority: Government Code Section 11126(e).**
  - f. **Discussion of Litigation: Atlantic Richfield Company v. State of California, State Water Resources Control Board, California Regional Water Quality Control Board, Lahontan Region, et al., Los Angeles County Superior Court Case No. BC380474. Authority: Government Code Section 11126(e).**

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

- g. **Deliberation on a Decision to be Reached Based Upon Evidence Introduced in a Hearing. The Board may meet in closed session to deliberate on evidence presented at the March 12-13, 2008 Water Board meeting concerning: Consideration of an Administrative Civil Liability Order for Everd A. McCain, B.J. Deis, and McCain and Associates for violations of (1) Waste Discharge Prohibitions specified by the *Water Quality Control Plan for the Lahontan Region*, (2) California Water Code Section 13267, (3) Clean Water Act 301, (4) California Water Code 13304, and (5) Clean Water Act Section 401 Water Quality Certification - Belfast Ranch – Skeet Dam and Buz Dam, Lassen County. Authority: Government Code Section 11126(c)(3).**
- h. **Discussion of Personnel Matters. Authority: Government Code Section 11126(a).**

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

For the Northern Lahontan Basin, Tobi Tyler in South Lake Tahoe at (530) 542-5435, [tyler@waterboards.ca.gov](mailto:tyler@waterboards.ca.gov)

For the Southern Lahontan Basin, Cindi Mitton in Victorville at (760) 241-7413, [cmitton@waterboards.ca.gov](mailto:cmitton@waterboards.ca.gov)

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

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

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

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

# CALIFORNIA WATER QUALITY CONTROL BOARD LAHONTAN REGION

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

## LAHONTAN WATER BOARD MEMBERS

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

## LAHONTAN WATER BOARD STAFF

Harold J. Singer Executive Officer	Robert Dodds Assistant Executive Officer and Ombudsman	David Coupe Counsel to the Board	Laurie Applegate Executive Assistant
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South Lake Tahoe Office: Chuck Curtis, Manager, Cleanup and Enforcement Division  
Chein Kao, Chief, Leviathan Mine Unit  
Scott Ferguson, Chief, Enforcement & Special Projects Unit  
Richard Booth, Chief, Cleanup and Site Investigation Unit

Lauri Kemper, Manager, North Lahontan Watersheds Division  
Alan Miller, Chief, North Basin Regulatory Unit  
Doug Smith, Chief, TMDL Unit  
Douglas Cushman, Chief, Non-Point Source Unit

Victorville Office: Mike Plaziak, Manager, Southern Lahontan Watershed Division  
Cindi Mitton, Chief, South Basin UST/DOD/SCP Unit  
Patrice Copeland, Chief, South Basin Regulatory Unit

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

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

The purpose of the monthly meeting is to provide the Board with testimony and information from concerned and affected parties and make decisions after considering the evidence presented. A public forum is held at each regular meeting where any person may address the Board on any matter within the jurisdiction of the Board, but may not be related to any item on the agenda or scheduled for a future meeting.

The Board welcomes information on pertinent problems, but comments at the meeting should be brief and directed to specifics of the case to enable the Board to take appropriate action. Whenever possible, lengthy testimony should be presented to the Board in writing and only a summary of pertinent points presented verbally. Written material should be submitted no later than the Monday, ten days prior to the Board meeting, or according to the deadlines specified in the Notice of Public Hearing for the agenda item.

Recordings are made of each Board meeting and these tapes/ CDs are retained in the Board's office for two years. Anyone desiring copies should contact Laurie Applegate at (530) 542-5414, for the current fee schedule for copies.

NOTES

A. SEQUENCE OF AGENDA ITEMS

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

B. AVAILABILITY OF AGENDA MATERIAL

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

C. UNCONTESTED ITEMS CALENDAR

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

D. PETITION OF REGIONAL BOARD ACTION

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

E. HEARING RECORD EXHIBITS

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

F. CONTRIBUTIONS TO REGIONAL BOARD MEMBERS

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

G. ADDITIONAL CLOSED SESSION

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