



# California Regional Water Quality Control Board Lahontan Region



Linda S. Adams  
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Arnold Schwarzenegger  
Governor

## MINUTES

March 11, 2009

### Regular Meeting

North Tahoe Conference Center  
8318 North Lake Blvd.  
Kings Beach, CA 96143

Mr. Clarke, Chair, called the meeting to order at 4:10 p.m. on March 11, 2009.

#### Board Members Present

Jack Clarke, Apple Valley  
Mike Dispenza, Palmdale  
Keith Dyas, Rosamond  
Amy Horne, Ph.D., Truckee  
Don Jardine, Markleeville  
Eric Sandel, Truckee

#### Board Member Absent

None

#### Legal Counsel

David Coupe, Office of Chief Counsel, State Water Resources Control Board  
Yvonne West, Office of Enforcement, State Water Resources Control Board

#### Staff Present

Harold Singer, Executive Officer  
Bob Dodds, Assistant Executive Officer  
Charles Curtis, Supervising WRCE  
Lauri Kemper, Supervising WRCE  
Laurie Applegate, Executive Assistant  
Scott Ferguson, Senior WRCE  
Eric Shay, Staff Services Analyst  
Linda Stone, Engineering Geologist  
Eric Taxer, WRCE

#### Addressing the Board

Joe Barron, Northstar Fire Department  
Dave Gotschall, Truckee Tahoe Airport District  
Michael Hogan, Integrated Environmental Restoration Services  
Blake Riva, Northstar Mountain Properties  
Lisa Wallace, Truckee River Watershed Council

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## **OTHER BUSINESS**

### **1. Executive Officer's Report**

Mr. Singer discussed items from the February and March 2009 written reports. He also discussed a February 23, 2009 letter from Don Maben, Kern County Supervisor, to the Regional Board asking for assistance expediting an application by Clifford Burton to reactivate a gold mine at Tropico Mill in the Rosamond area. Mr. Singer noted two projects are involved: 1) dewatering the underground Blue Eagle Lode Mine a Middle Buttes, and 2) processing the gold ore from the Blue Eagle Mine at Tropico Mill. He noted a letter is being prepared addressing Supervisor Maben's concerns. Board members will be sent a copy of the final letter.

The Board recessed for dinner at 5:00 p.m.

### **Regular Meeting, continued** **7:00 p.m., March 11, 2009**

Mr. Clarke, Chair, called the meeting to order at 7:00 p.m.

Board members present: Jack Clarke, Mike Dispenza, Keith Dyas, Amy Horne, Don Jardine, and Eric Sandel. Board members absent: none.

### **2. PUBLIC FORUM**

No one addressed the Board during the Public Forum.

### **3. MINUTES**

#### **Minutes of the Regular Meeting of January 14, 2009 in Truckee**

- **Motion:** Moved by Dr. Horne, seconded by Mr. Dispenza and **unanimously carried** to adopt the January 14, 2009 minutes as written.

## **ENFORCEMENT**

- ### **4. Consideration of a Settlement of Claims for an Administrative Civil Liability through the Adoption of an Administrative Civil Liability Order for Northstar Mountain Properties, LLC, for Violation of NPDES General Permit for Storm Water Discharges Associated with Construction Activities, State Water Resources Control Board Order No. 99-08-DWQ, Violation of Water Quality Certification Order Dated June 9, 2006, Violation of Prohibitions Prescribed in the *Water Quality Control Plan for the Lahontan Region*, and Violation of Cleanup and Abatement Order No. R6T-2006-0049 for the Following Projects:**

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**Northstar Village, WDID No. 6A31C325917**  
**Northstar Intercept Lots, WDID No. 6A31C335494**  
**Northstar Employee Housing, WDID No. 6A31C335581**  
**Northstar Drive & Basque Road Intersection, WDID No. 6A31C329713**  
**Northstar Highlands Drive and Hwy 267 Interchange, WDID No. 6A31C333755**  
**Northstar Highlands Drive, WDID No. 6A31C333756**  
**Northstar Drive Roundabout, WDID No. 6A31C333754**  
**Northstar Highlands Resort Hotel, WDID No. 6A31C339910**  
**Northstar Trailside Townhomes, WDID No. 6A31C339949**  
**Northstar Schaffer's Camp Restaurant, WDID No. 6A31C324687**  
**Northstar Village Run Fill Site, WDID No. 6A31C342716**

Mr. Clarke read an opening statement introducing the item.

Yvonne West, attorney from the State Water Board's Office of Enforcement representing the Lahontan Water Board's prosecution team, recommended the Board adopt the proposed administrative civil liability order memorializing a settlement agreement between the prosecution team and Northstar Mountain Properties. Eric Taxer with the Lahontan Water Board's prosecution team, gave an overview of what occurred since the Board considered the matter in July 2009. He discussed the details of the proposed administrative civil liability order (ACL Order) and the supplemental environmental project (SEP) and recommended Board adoption. Mr. Taxer and Ms. West answered questions from the Lahontan Water Board's advisory team and from the Board.

Mr. Singer asked for clarification of the role and makeup of the advisory committee and recommended that the advisory committee's name be changed to steering committee to reflect the decision-making role of that committee. Mr. Singer recommended that a science representative be added to the forestry technical group. Dr. Horne agreed with Mr. Singer's recommendation to change the name of the advisory committee to steering committee and recommended that a science representative be added to the steering committee.

In response to a question from Mr. Singer, Ms. West noted that the prosecution team revised the economic benefit of savings resulting from the alleged violations from \$230,000 to \$250,000.

#### **Addressing the Board:**

Blake Riva, Northstar Mountain Properties, voiced support of the SEP and introduced Michael Hogan, Integrated Environmental Restoration Services.

Michael Hogan presented information regarding the SEP and answered questions from the Board. Mr. Hogan agreed with the recommendations to change the name of the advisory group to steering committee and to add a member with a science background to the forestry technical group. Joe Barron, Northstar Fire Department, discussed the fuels reduction element of the SEP.

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David Gotschall, General Manager of the Truckee Tahoe Airport District, voiced support of the SEP.

Lisa Wallace, Truckee River Watershed Council, voiced support of the SEP.

Ms. West outlined the following proposed changes the prosecution team would make to the Order:

- 1) Request a change in the economic benefit from \$230,000 to \$250,000;
- 2) Ask for a global change in the language of the SEP from the SEP advisory group to SEP steering committee;
- 3) Request the addition of one seat on the forestry technical group for a scientific member; and
- 4) Replace the unsigned Settlement Agreement with the signed Settlement Agreement

**Board discussion:**

Mr. Sandel voiced support for the SEP with the proposed changes and felt that adding a scientific person to the steering committee had merit.

Dr. Horne expressed dissatisfaction with the SEP process in general and commented that a more open process with input from a wider audience was needed. She felt the current SEP was a good proposal and supported the changes recommended by the prosecution team. Dr. Horne noted she could accept the settlement with the addition of a member of the Tahoe Science Consortium to the steering committee. She pointed out that adding a scientific representative to the steering committee would provide scientifically defensible information to assist the Board in decision making regarding fuel reduction in the Tahoe basin, the Truckee watershed and forested watersheds in the Lahontan Region at a small cost. She added that the scientific member would have voting authority on the steering committee.

Mr. Dispenza congratulated those involved with the settlement agreement and voiced support for the SEP. He commented that if a member of the scientific community was added, it should be to the forestry technical group.

Mr. Jardine also supported the SEP and noted he would like to see as much money spent on the ground as possible. He supported adding a member of the scientific community to the forestry technical group or the steering committee.

Mr. Dyas commented that the SEP was well written and that he could support it with the changes outlined by the prosecution team. He had no objection to adding a member of the scientific community to the steering committee.



Mr. Clarke supported the SEP with the changes suggested by the prosecution team. He supported adding a scientific member to the forestry technical group and felt the steering committee would have access to scientific input if needed. He commented that he would like to see the money spent on the ground.

Ms. West requested a break to discuss the suggested additional changes with the other members of the prosecution team and representatives from Northstar Mountain Properties. Following the break, Ms. West outlined the changes the prosecution team and Northstar Mountain Properties agreed to.

- 1) 04-0019 - Change in the economic benefit from \$230,000 to \$250,000;
- 2) Global change in the language of the SEP from the SEP advisory group to SEP steering committee;
- 3) Addition of one seat on the forestry technical group for a scientific member; and
- 4) Replace the unsigned Settlement Agreement with the signed Settlement Agreement

- **Motion:** Moved by Mr. Dispenza, seconded by Mr. Jardine and **unanimously carried** to adopt the ACL Order in the amount of \$2,750,000 which included a SEP, with the changes outlined by Ms. West following the break.

Note: Mr. Coupe announced that there had been a problem with the recording of the portion of the meeting from the break to and including the Board's motion and vote and commented that he would like representations on the record of the changes acceptable to the prosecution team and Northstar Mountain Properties and confirmation that they understood the action the Board took.

Ms. West stated that it was her understanding that the Regional Board adopted an order approving the proposed ACL Order and SEP with four late changes that were requested by the prosecution team as outlined by Mr. Coupe.

Mr. Coupe outlined the following four changes requested by the prosecution team prior to the Board's motion:

- 1) 04-0019 - Change in the economic benefit from \$230,000 to \$250,000;
- 2) Global change in the language of the SEP from the SEP advisory group to SEP steering committee;
- 3) 04-0093 - Addition of one seat on the forestry technical group for a scientific member; and
- 4) 04-0146 - Replace the unsigned Settlement Agreement with the signed Settlement Agreement

Blake Riva, Northstar Mountain Properties, concurred with the changes as outlined by David Coupe.



5. **Consideration of an Administrative Civil Liability Order for Mr. Sarbjit S. Kang and the Kang Property, Incorporated for Violations of (1) California Water Code section 13267 and (2) California Water Code section 13304 – Swiss Mart Gas Station, El Dorado County**

This item was removed from the agenda.

**OTHER BUSINESS**

6. **Reports by Chair and Board Members**

Dr. Horne gave a report regarding the February 23-24, 2009 Water Quality Coordinating Committee (WQCC) meeting in Chino, California. She commented that it was the best WQCC meeting she had attended. Dr. Horne handed out and discussed two articles in the Discovery News: Drinking Water to Become More Corrosive; and C02 Seeping into Water Supply.

Mr. Jardine noted he was confirmed by the Senate as a member of the Lahontan Water Board. He also noted that he is now a member of the Sierra Nevada Conservancy.

Mr. Clarke gave a report regarding the Chair's conference call held on March 2. He noted the Little Hoover Report was discussed.

Mr. Singer discussed the federal stimulus bill and changes in the State Board's enforcement policy. Mr. Singer noted staff plans to schedule workshops regarding the enforcement policy and the recycled water policy. Board members concurred.

7. **CLOSED SESSION**

The Board did not meet in closed session.

**ADJOURNMENT**

With no further business to come before the Board, the meeting adjourned at 9:35 p.m. on March 11, 2009.

Prepared by:  Adopted: May 13, 2009  
Laurie Applegate, Executive Assistant

