

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

**MEETING OF MAY 14 AND 15, 2008
Tahoe City**

ITEM: 6

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

CHRONOLOGY:

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

DISCUSSION:

On April 7, 2008, Water Board prosecution team staff (Robert Dodds and Jorge Leon) and advisory team staff (Harold Singer and David Coupe) met with Everd and Iona McCain to discuss a settlement of the Administrative Civil Liability. Based on those initial discussions, there is potential for a settlement. Discussions are ongoing, and another meeting of the parties and the Department of Fish and Game is scheduled at the location of the dams on May 1, 2008.

Mr. McCain proposed to stabilize the dam sites by reconstructing the dams. Restoration of the sites by dam reconstruction could take several years to obtain all the necessary authorizations and construct the projects.

**RECOMMEND-
ATION:**

Information item only.