



California Regional Water Quality Control Board Lahontan Region



Linda S. Adams
Secretary for
Environmental Protection

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150
Phone: (530) 542-5400 • Fax: (530) 544-2271
Internet: <http://www.waterboards.ca.gov/lahontan>

Arnold Schwarzenegger
Governor

MEETING AGENDA

Lake Tahoe Community College
Library Board Room
One College Drive
South Lake Tahoe, CA 96150

February 14, 2007

Regular Meeting:	1:00 p.m.
Dinner break:	5:00 p.m.
Regular Meeting, continued:	Approx. 7:00 p.m.

February 15, 2007

Regular Meeting, continued:	8:30 a.m.
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***Note:** A quorum of the Regional Board will be dining on Wednesday, February 14, 2007, at 5:00 p.m. at Tep's Villa Roma, 3450 Lake Tahoe Blvd., South Lake Tahoe, CA.

The meeting room is accessible to people with disabilities. If you have special accommodations or language needs, please contact Laurie Applegate at least 5 days prior to the meeting date at (530) 542-5414 or 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. If, due to time constraints, the Regional Board is unable to consider all of the items scheduled for Wednesday, the item(s) not heard will be considered on Thursday, February 15, 2007 beginning at 8:30 a.m.

Anyone wishing to present a Microsoft PowerPoint® presentation during the meeting, using the Regional Board's projector, must provide the presentation to the 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 Regional Board Consideration**

In order to ensure that the Regional 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 Regional 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 Regional 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 Regional Board are not conducted pursuant to Government Code Section 11500 et seq.

Wednesday, February 14, 2007 – 1:00 p.m.

INTRODUCTIONS**1. PUBLIC FORUM**

Any person may address the Board regarding a matter within the 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 twenty days prior to the meeting. Comments regarding matters that are scheduled for a future meeting will be restricted.

2. MINUTES

Minutes of the Regular Meeting of November 8, 2006 in Palmdale and November 9, 2006 in Adelanto. (Laurie Applegate)

PROPOSED WAIVER OF WASTE DISCHARGE REQUIREMENTS**3. *Public Hearing - Proposed Renewal of Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest and Vegetation Management Activities.***

(The Board will consider adopting a Resolution incorporating a Renewed Conditional Waiver to allow certain types of Timber Harvest and Vegetation Management Activities within the Lahontan Region) (Erika Lovejoy/Douglas Cushman)

OTHER BUSINESS

4. **Executive Officer's Report** (The Board will not be asked to take any formal action; however, it may provide direction to staff.) (Harold Singer)
 - **Discussion of Standing Items**
 - **Notification of Spills (Pursuant to Section 13271, California Water Code and Section 25180.7, California Health and Safety Code)**
 - **Notification of Closure of Underground Storage Tank Cases (Pursuant to Article 11, Division 3, Chapter 16, Title 23, California Code of Regulations)**

5. **CLOSED SESSION****
 - a. **Discussion of Significant Exposure to Litigation. Authority: Government Code Section 11126(e)(2)(B)(I).**
 - b. **Discussion of Significant Exposure to Litigation, Leviathan Mine, Alpine County. Authority: Government Code Section 11126(e)(2)(B)(I).**
 - c. **Discussion to Decide Whether to Initiate Litigation. Authority: Government Code Section 11126(e)(2)(c)(I).**
 - d. **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 this meeting concerning Administrative Civil Liability Complaint No. R6T-2006-0041 Issued to El Dorado County Department of Transportation. Authority: Government Code Section 11126(c)(3).**
 - e. **Discussion of Personnel Matters. Authority: Government Code Section 11126(a).**
 - f. **Discussion of Litigation: Azad Amiri, Mohan Singh, and Sohan Singh v. State of California, Regional Water Quality Control Board, Lahontan Region, Placer County Superior Court No. SCV10061. Authority: Government Code Section 11126(e).**
 - g. **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).**

- h. **Discussion of Litigation: People of the State of California ex rel. California Regional Water Quality Board, Lahontan Region, v. Oliver Crose, Ross Sessions, Sessions Tank Liners Inc., Apex Envirotech, Inc., and does 1-20 inclusive Complaint for injunctive and recovery of costs. Nevada County Superior Court Case No. T03-0694C. Authority: Government Code Section 11126(e).**
- i. **Discussion of Litigation: County Sanitation District No. 14 of Los Angeles County v. Regional Water Quality Control Board, Lahontan Region, Los Angeles County Superior Court Case No. BS095981. Authority: Government Code Section 11126(e).**
- j. **Discussion of Litigation: County Sanitation District No. 20 of Los Angeles County v. Regional Water Quality Control Board, Lahontan Region, Los Angeles County Superior Court Case No. BS096057. Authority: Government Code Section 11126(e).**
- k. **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).**

** 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).

Wednesday, February 14, 2007 – approximately 7:00 p.m.

6. PUBLIC FORUM

Any person may address the Board regarding a matter within the 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 twenty days prior to the meeting. Comments regarding matters that are scheduled for a future meeting will be restricted.

OTHER BUSINESS

- 7. **Lake Tahoe Trails Workshop – A workshop will be held to inform the Board about the water quality issues surrounding existing and proposed hiking and biking trails within the Lake Tahoe Basin. Presenters will include the US Forest Service and the California Tahoe Conservancy. (This is an information item. The Board will not take any action.) (George Cella)**

STATUS REPORT

8. **Status Report on the United States Fish and Wildlife Service (USFWS) Proposed Paiute Cutthroat Trout Recovery Project on Silver King Creek, Alpine County** (USFWS will present recent monitoring results and its proposal to complete a joint environmental impact statement/environmental impact report. The Board will be asked to provide direction concerning the environmental analysis and staff's proposed regulatory steps. A formal scoping meeting will be held on a separate date.) (Bruce Warden)

Thursday, February 15, 2007 – 8:30 a.m.

ENFORCEMENT ACTION

9. **Public Hearing - Consideration of Rescission of Cease and Desist Order No. R6T-2006-0034 for Homewood Mountain Resort Discharge and Threatened Discharge of Waste in Violation of Waste Discharge Requirements Contained in Board Order No. 6-95-86A2** (The Board will consider rescinding the cease and desist order as the Discharger has complied with requirements of the order.) (Robert Erlich)
10. **Public Hearing – Consideration of an Administrative Civil Liability Order for El Dorado County Department of Transportation for Violation of Waste Discharge Requirements/National Pollutant Discharge Elimination System (NPDES) Permit, for the Unauthorized Discharge of Sediment-Laden Water to Angora Creek on August 24 and 31, 2006, Angora Creek Stream Environment Zone Restoration Project, South Lake Tahoe, El Dorado County - WDID 6A090406010** (**Written comments are due by 11:00 a.m. on February 2, 2007.**) (The Board will be considering whether to affirm, modify, or reject Administrative Civil Liability Complaint No. R6T-2006-0041 in the amount of \$17,500, or to refer the matter to the California Attorney General. Administrative Civil Liability Complaint No. R6T-2006-0041 was issued in response to the August 24 and August 31, 2006 discharges of sediment-laden water to Angora Creek from project-related dewatering operations.) (Scott C. Ferguson/Laurent Meillier)

OTHER BUSINESS

11. **Request to the State Water Resources Control Board for Funds for Leviathan Mine** (The Board will be asked to approve a resolution requesting funds from the Cleanup and Abatement Account to reimburse the project infrastructure account and to fund future pond water treatment and related activities.) (Richard Booth)
12. **Election of Chair and Vice-Chair for 2007** (Harold Singer)
13. **Reports by Chair and Board Members** (Board members may discuss communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction. The Board may provide direction to staff; however, there will be no voting or formal action taken.)

14. **ADJOURNMENT**

Any party aggrieved by a certain decision of the California Regional Water Quality Control Board, Lahontan Region (Regional Board), may petition the State Water Resources Control Board (State Board) to review the decision. The petition must be received by the State Board within 30 days of the Regional Board's meeting at which the action was taken. Copies of the law and regulation applicable to filing petitions will be provided upon request.

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

For the Northern Lahontan Basin, Tobi Tyler in South Lake Tahoe at (530) 542-5435

For the Southern Lahontan Basin, Cindi Mitton in Victorville at (760) 241-7413

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 Regional Board will be considering many items during this meeting which may result in Regional 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 Regional 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 Regional 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

REGIONAL BOARD MEMBERS

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

REGIONAL 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/Planning/TMDL/Enforcement Division
Vacant, Chief, TMDL Unit
Scott Ferguson, Chief, Enforcement & Special Projects Unit
Richard Booth, Chief, UST/DOD/SLIC/Leviathan Unit

Lauri Kemper, Manager, Tahoe/Point and Non-Point Division
Alan Miller, Chief, North Basin Regulatory Unit
Doug Smith, Chief, Tahoe TMDL Unit
Vacant, Chief, Non-Point Source Unit

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

The primary responsibility of the Regional 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.

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.

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 affected by a certain decision of the California Regional Water Quality Control Board, Lahontan Region, (Regional Board) may petition the State Water Resources Control Board to review the decision. The petition must be received by the State Board within 30 days of the Regional Board's meeting at which the action was taken. Copies of the law and regulations applicable to filing petitions 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 Regional 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 Regional 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 Regional Board are prohibited from making a contribution of \$250 or more to any Board member for three months following a Regional 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).