

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

MEETING AGENDA

NOVEMBER 14 AND 15, 2001

**Truckee Town Hall, Council Chambers
10183 Truckee Airport Road
Truckee**

REGULAR MEETING

**Wednesday, November 14, 2001 – 1:00 p.m. (Dinner break 5:00 p.m., reconvene 7:00 p.m.)
Thursday, November 15, 2001 – 8:30 a.m.**

Note: A quorum of the Regional Board will be dining on Wednesday, November 14, 2001 at 5:00 p.m. at Pianetta's Restaurant, 10096 Donner Pass Road, Truckee

The meeting room is accessible to people with disabilities. Individuals who require special accommodations are requested to contact Ms. Susan-Marie Hagen at (530) 542-5414 at least five working days prior to November 14, 2001. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

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, November 15, 2001 beginning at 8:30 a.m.

In certain instances the Board may use teleconference equipment to conduct its meetings. A Board member who cannot travel to the announced site of a meeting due to illness, travel problems or an emergency may participate in the meeting via teleconferencing from a different location. In any case, the location for public participation at this meeting is as shown above.

Anyone wishing to present a Power Point 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.

....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. 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, November 14, 2001- 1:00 p.m.

Roll Call and Introductions

ENFORCEMENT ACTION

1. **Public Hearing – Consideration of a Cleanup And Abatement Order For Squaw Valley Ski Corporation, Squaw Valley Preserve, and Squaw Valley Development Company for Violation of Waste Discharge Requirements, Conditions Specified in Waivers of Waste Discharge Requirements, Waste Discharge Prohibitions Prescribed in the Water Quality Control Plan for the Lahontan Region, and Provisions of the California Water Code, Squaw Valley Ski Area, Placer County** (The Board will consider adopting a Cleanup and Abatement Order requiring the Dischargers to cleanup and abate the effects of discharging earthen materials to the North and South Forks of Squaw Creek.) (Martin Goldberg)

OTHER BUSINESS

2. **Executive Officer's Report** (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)**

3. **PUBLIC FORUM**

Any member of the public may address the Regional Board relating to any matter within the Board's jurisdiction. This shall not be related to any item on the agenda and presentations should normally be limited to five minutes. No formal action by the Board will be taken on these matters.

4. **MINUTES**

Minutes of the Regular Meeting of October 10 and 11, 2001 in Bishop (Susan-Marie Hagen)

OTHER BUSINESS

5. **California Department of Food and Agriculture Truckee Agricultural Inspection Station Relocation Project – Exemption to Waste Discharge Prohibition Contained in the Water Quality Control Plan for the Lahontan Region, Nevada County** (The Board will be asked to authorize disturbance within the 100-year flood plain of an unnamed tributary to the Truckee River.) (Eric J. Taxer)

6. **Status Report - Surface Water Ambient Monitoring Program** (Regional Board staff will report on the progress and status of the Surface Water Ambient Monitoring Program [SWAMP], including presentations by Regional Board staff and Dr. David Herbst [University of California, Sierra Nevada Aquatic Research Laboratory] regarding bioassessment programs underway and planned for the Lahontan Region.) (Tom Suk)

7. **Workshop - Discussion of the Closure Process for Underground Storage Tank (UST) Cases** (The Board may give direction to staff concerning the closure process of UST cases) (Lisa Dernbach)

8. **Reports by Chairman 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.)

9. **CLOSED SESSIONS***

- 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).**

* 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).

- d. **Discussion of Pending Litigation, Molycorp, San Bernardino County. Authority: Government Code Section 11126(e)(2)(C)(i).**
- e. **Discussion of Litigation: Sarbjit Singh Kang, et. al, v. State of California, Regional Water Quality Control Board, Lahontan Region, El Dorado County Superior Court No. PC20000261; Azad Amiri and Sarbjit Singh Kang, v. State of California Regional Water Quality Control Board, Lahontan Region, El Dorado County Superior Court No. SC20000114; and 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).**
- f. **Discussion of Bankruptcy Claims Filed by the California Regional Water Quality Control Board, Lahontan Region Against Luz Development and Finance Corporation. U.S. Bankruptcy Court (C.D. CAL) Case No. 91-99997-AA and Related Proceedings. Authority: Government Code Section 11126(e).**
- g. **Discussion of Litigation Filed by the State of California and the California Regional Water Quality Control Board, Lahontan Region Against Philip and Mary Myers, Mono County Superior Court, Case No. 12534. Authority: Government Code Section 11126(e).**
- h. **Discussion of Litigation: Thomas E. Erickson v. California Regional Water Quality Control Board, Lahontan Region, El Dorado County Superior Court Case No. SC-20000244. Authority: Government Code Section 11126(e).**
- i. **Discussion of Litigation Filed by the State of California and the California Regional Water Quality Control Board, Lahontan Region v. Thomas E. Erickson and Samina Naz, El Dorado County Superior Court, Case No. SC20010089. Authority: Government Code Section 11126(e).**
- j. **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).**
- k. **Discussion of Litigation: People of the State of California ex rel. California Regional Water Quality Board, Lahontan Region, v. Gregory A. Babb and Heather Babb, Lassen County Superior Court, Case No. 35028. Authority: Government Code Section 11126(e).**
- l. **Discussion of Litigation: People of the State of California ex rel. California Regional Water Quality Board, Lahontan Region, v. John F. Bosta, Lassen County Superior Court, Case No. 35029. Authority: Government Code Section 11126(a).**
- m. **Discussion of Personnel Matters. Authority: Government Code Section 11126(a).**

Thursday, November 15, 2001 – 8:30 a.m.

ENFORCEMENT ACTION

10. **Public Hearing - Consideration of an Administrative Civil Liability Order for the TCN Company, William McClintock, Bessie Pomin, and David and Betty Lowry for Violation of California Water Code, Section 13267, Big Tree Cleaners, Placer County** (The Board will consider affirming or modifying an ACL Complaint in the amount of \$17,000) (Lisa Dernbach)

ADJOURNMENT

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 (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:** 1. 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 North Lahontan Basin, Scott Ferguson in South Lake Tahoe
at (530) 542-5432

For the South Lahontan Basin, Hisam Baqai in Victorville at (760)
241-7325

The Regional Water Quality Control Board, Lahontan Region, has a home page that can be accessed on the Internet, at: <http://www.swrcb.ca.gov/rwqcb6>

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: 15428 Civic Drive, Ste. 100, Victorville, CA 92392-2359 (760) 241-6583

REGIONAL BOARD MEMBERS

Name	Location of Residence or Business	Appointment Category
John Brissenden	Hope Valley	Water Quality
Jack Clarke, Vice Chair	Apple Valley	Water Supply
Beatrice Cooley, Chair	Bishop	Undesignated (Public)
Eugene Nebeker	Lancaster	Industrial Water Use
Eric Sandel	Truckee	Water Quality
Vacant		Rec., Fish and Wildlife
Vacant		Municipal Government
Vacant		Irrigated Agriculture
Vacant		County Government

REGIONAL BOARD STAFF

Harold J. Singer Executive Officer	Robert Dodds Asst. Executive Officer and Ombudsman	Steven H. Blum Counsel to the Board	Susan-Marie Hagen Executive Assistant
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South Lake Tahoe Office: Chuck Curtis, Manager, TMDL/UST/Leviathan Mine Division
Doug Smith, Chief, Underground Storage Tanks/Department of Defense Unit
Chris Stetler, Chief, Leviathan Mine Unit
Jeremy Sokulsky, Chief, TMDL Unit

Lauri Kemper, Manager, North Lahontan Watershed Division
Scott Ferguson, Chief, Northern Watersheds Unit
Alan Miller, Chief, Carson/Walker Watersheds Unit

Victorville Office: Hisam Baqai, Manager, South Lahontan Watershed Division
Tim Post, Chief, Antelope/Indian Wells Unit
Cindi Mitton, Chief, Mono/Owens Watersheds Unit
Mike Plaziak, Chief, Mojave Desert 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.

Tape recordings are made of each Board meeting and these tapes are retained in the Board's office for two years. Anyone desiring copies of these tapes may, at their own expense, arrange to have duplicate tapes made by contacting the Board at (530) 542-5414.

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 Monday, ten 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).

*California Regional Water Quality
Control Board
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150*