

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

***MEETING AGENDA***

***JANUARY 9 AND 10, 2002***

**City Council Chamber  
1900 Lake Tahoe Boulevard  
South Lake Tahoe**

**REGULAR MEETING**

**Wednesday, January 9, 2002 – 4:00 p.m. (Dinner break 5:00 p.m., reconvene  
approximately 7:00 p.m.)**

**Thursday, January 10, 2002 – 8:30 a.m.**

**Note:** A quorum of the Regional Board will be dining on Wednesday, January 9, 2002 at 5:15 p.m. at The Dory's Oar, 1041 Fremont Ave., South Lake Tahoe.

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 January 9, 2002. 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, January 10, 2002 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, January 9, 2002 - 4:00 p.m.**

**OTHER BUSINESS**

**1. 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)**

**Wednesday, January 9, 2002 - 7:00 p.m.**

**Roll Call and Introductions**

**2. 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.

3. **MINUTES**

Minutes of the Regular Meeting of November 14 and 15, 2001 in Truckee (Susan-Marie Hagen)

**ENFORCEMENT ACTION**

4. **Public Hearing - Consideration Of Rescission Of Cease And Desist Order No. 6-94-20 Against Placer County For Discharging And Threatening To Discharge Waste (Earthen Materials) From The Mckinney-Rubicon Springs Road To Mckinney Creek In Violation Of Basin Plan Prohibitions, Placer County (6-94-20)** (The Board will be asked to rescind a Cease and Desist Order issued in 1994.) (Kara Russell)

**PLANS AND POLICIES**

5. **Recommendations to the State Water Resources Control Board for Update of the Lahontan Region's Section 303(d) List and Priorities for Total Maximum Daily Loads.** (After consideration of public comments, the Board will be asked to adopt a resolution transmitting recommendations to the State Board.) (Judith Unsicker)

**STATUS REPORTS**

6. **Status Report on Caltrans Lake Tahoe Environmental Improvement Program (EIP) Master Plan** (Caltrans District 3 Staff will present an updated Master Plan and report on accomplishments) (Robert Erlich)

**OTHER BUSINESS**

7. **Proposed Application of Aquatic Herbicides to Control the Invasive Weed Eurasian Watermilfoil in Lake Tahoe - Consideration of a Notice of Exclusion Denying Coverage Under Statewide Aquatic Pesticides General Permit to the Tahoe Keys Property Owner's Association** (The Board will be asked to direct that a Notice of Exclusion be issued by the Executive Officer, to deny coverage under a General NPDES Permit that would authorize a discharge of herbicides to Lake Tahoe.) (Jason Churchill)
8. **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.)
9. **Election of Chair and Vice-Chair for 2002**

10. **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).**
- 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 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).**
- g. **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).**
- h. **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).**

\* 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).

- i. **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).**
- j. **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).**
- k. **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).**
- l. **Discussion of Personnel Matters. Authority: Government Code Section 11126(a).**

**Thursday, January 10, 2002 – 8:30 a.m.**

### **ENFORCEMENT ACTION**

11. **Public Hearing - Consideration of an Administrative Civil Liability Order Against Pacific Bell Telephone Company, for the Unauthorized Discharge of Earthen Materials to a Storm Water Conveyance and Thence to Lake Tahoe, El Dorado County, in Violation of Waste Discharge Requirements and Basin Plan Prohibitions.** (The Regional Board will have the opportunity to affirm, reject, or modify the proposed civil liability, or accept a Supplemental Environmental Project in lieu of payment) (Robert Larsen)
12. **Public Hearing – Consideration of an Administrative Civil Liability Order for the California Department of Transportation District 3 for Violation of Waste Discharge Prohibitions Prescribed in the Water Quality Control Plan For The Lahontan Region, Violation of State Water Resources Control Board Order No. 99-06-DWQ, and Violation of Waste Discharge Requirement Waiver Conditions, for Discharge of Earthen Materials to Waters of the Truckee River Hydrologic Unit, on August 1, 2001, Interstate 80 Rehabilitation Boca/Floriston Project, Nevada County - WDID No. 6A03CT3A21U** (The Board will consider affirming or modifying an ACL Complaint No. 6-01-69 in the amount of \$10,000 for the discharge of turbid drilling water into the Truckee River at the Floriston Bridge site) (Eric J. Taxer)
13. **Public Hearing – Consideration of an Administrative Civil Liability Order for the California Department of Transportation District 3 for Violation of Waste Discharge Prohibitions Prescribed in the Water Quality Control Plan For The Lahontan Region, Violation of State Water Resources Control Board Order No. 99-06-DWQ, and Violation of Waste Discharge Requirement Waiver Conditions, for Discharge of Earthen Materials to Waters of the Truckee River Hydrologic Unit, on August 2, 2001, Interstate 80 Rehabilitation Boca/Floriston Project, Nevada County - WDID No. 6A03CT3A21U** (The Board will consider affirming or modifying an ACL Complaint No. 6-01-70 in the amount of \$10,000 for the discharge of sediments into the Truckee River from improperly washing a well casing over the Truckee River at the Bridge No. 12 site) (Eric J. Taxer)

14. **Public Hearing – Consideration of an Administrative Civil Liability Order for the California Department of Transportation District 3 for Violation of Waste Discharge Prohibitions Prescribed in the Water Quality Control Plan For The Lahontan Region, Violation of State Water Resources Control Board Order No. 99-06-DWQ, and Violation of Waste Discharge Requirement Waiver Conditions, for Discharge of Earthen Materials to Waters of the Truckee River Hydrologic Unit, on July 10 and on September 12, 2001, Interstate 80 Rehabilitation Boca/Floriston Project, Nevada County - WDID No. 6A03CT3A21U** (The Board will consider affirming or modifying an ACL Complaint No. 6-01-71 in the amount of \$20,000 for the discharge of sediment-laden stormwater into the Truckee River at the Union Mills Bridge site) (Eric J. Taxer)
  
15. **Public Hearing – Consideration of an Administrative Civil Liability Order for the California Department of Transportation District 3 for Violation of Waste Discharge Prohibitions Prescribed in the Water Quality Control Plan For The Lahontan Region, Violation of State Water Resources Control Board Order No. 99-06-DWQ, and Violation of Waste Discharge Requirement Waiver Conditions, for Discharge of Earthen Materials to Waters of the Truckee River Hydrologic Unit, on September 19, 2001, Interstate 80 Rehabilitation Boca/Floriston Project, Nevada County - WDID No. 6A03CT3A21U** (The Board will consider affirming or modifying an ACL Complaint No. 6-01-72 in the amount of \$10,000 for the discharge of turbid water into the Truckee River from a settling tank/irrigation system at the Bridge No. 12 site) (Eric J. Taxer)

#### **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:** 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
William Betterley	Apple Valley	Irrigated Agriculture
John Brissenden	Hope Valley	Water Quality
Jack Clarke, Vice Chair	Apple Valley	Water Supply
Beatrice Cooley, Chair	Bishop	Undesignated (Public)
Neil Eskind	Tahoe City	County Government
Eugene Nebeker	Lancaster	Industrial Water Use
Claudette Roberts	Lake Elizabeth	Municipal Government
Eric Sandel	Truckee	Water Quality
Vacant		Rec., Fish and Wildlife

### 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  
Mary Fiore-Wagner, Chief, Lake Tahoe 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*