



# California Regional Water Quality Control Board Lahontan Region



Linda S. Adams  
Secretary for  
Environmental Protection

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Arnold Schwarzenegger  
Governor

## **REVISED MEETING AGENDA**

Lancaster City Council Chambers  
44933 Fern Avenue  
Lancaster, CA 93534

### **March 14, 2007**

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

### **March 15, 2007**

Regular Meeting, continued:	8:30 a.m.
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**Revision to Agenda Announcement: Item 3 is no longer on the Board's March meeting. Trinity Construction has agreed to settle its Administrative Civil Liability for a cash payment of \$6,000.**

**\*Note:** A quorum of the Regional Board will be dining on Wednesday, March 14, 2007, at 5:00 p.m. at Tina's Ristorante Italiano, 43953 - 15th Street West, Lancaster, CA 93534.

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](mailto: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, March 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**



## 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, March 14, 2007 – 1:00 p.m.**

### INTRODUCTIONS

1. **MINUTES**

**Minutes of the Regular Meeting of February 14 and 15, 2007 in South Lake Tahoe.** (Laurie Applegate)

### PROPOSED WAIVER OF WASTE DISCHARGE REQUIREMENTS

2. ***Public Hearing - Proposed Conditional Waiver of Waste Discharge Requirements and Resolution Adopting Second Addendum to the Functional Equivalent of an Environmental Impact Report Certified by the California Energy Commission for Victor Valley Water District and High Desert Power Project Limited Liability Corporation.*** (The Board will consider adopting a Conditional Waiver of Waste Discharge Requirements that allows the injection of State Water Project water into the regional aquifer for water banking activities associated with the High Desert Power Plant and a Resolution adopting a Second Addendum to the Functional Equivalent EIR.) (Brian Grey)

### ENFORCEMENT ACTION

**Note:** Item 3 has been removed from the March agenda.

3. ~~***Public Hearing - Consideration of an Administrative Civil Liability Order for Trinity Construction Company for Violation of California Water Code Section 13376 and for Violation of Waste Discharge Prohibitions Prescribed by the Water Quality Control Plan for the Lahontan Region for the Unauthorized Discharge of Untreated Wastewater to Surface Waters Within the Upper Mojave Hydrologic Area on November 4, 2005, Lake Arrowhead, San Bernardino County***~~ (The Board will be considering whether to affirm, modify, or reject Administrative Civil Liability Complaint No. R6V-2007-0002 in the amount of \$10,000, or to refer the matter to the California Attorney General. Administrative Civil Liability Complaint No. R6V-2007-0002 was issued in response to the November 4, 2005 discharge of untreated wastewater to Rainbow Creek as a result of storm debris cleanup activities.) (Scott C. Ferguson)

**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 Compliant No. R6T 2007-0002 Issued to Trinity Construction Company; Proposed Cease and Desist Order No. R6V-2004-0038-A01 for County Sanitation District No. 14 of Los Angeles County; and, Proposed Cease and Desist Order No. R6V-2004-0039-A01 for County Sanitation District No. 20 of Los Angeles County. Authority: Government Code Section 11126(c)(3).**

e. **Discussion of Personnel Matters. Authority: Government Code Section 11126(a).**

f. **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).**

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\* 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 the 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).

- g. **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).**
- h. **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).**
- i. **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).**
- j. **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).**
- k. **Discussion of Litigation: People of the State of California ex rel. California Regional Water Quality Control Board, Lahontan Region v. Thomas E. Erickson et al., El Dorado Superior Court Case No. SC20010089. Authority: Government Code Section 11126(e).**

**Wednesday, March 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.

**7. AMENDED WASTE DISCHARGE REQUIREMENTS**

**Los Angeles County Sanitation District No. 14, Lancaster Water Reclamation Plant, Los Angeles County; Board Order No. R6V-2002-053A2** (The Board will consider adoption of Amended Waste Discharge Requirements to allow discharge from the proposed 21 MGD tertiary treatment facility to the Eastern Agricultural Area.) (Curt Shifrer)

**ENFORCEMENT ACTION**

8. **Consideration of a Settlement for Claims of Administrative Civil Liability through the adoption of an Administrative Civil Liability Order for: County Sanitation District No. 14 of Los Angeles County – Lancaster Water Reclamation Plant, for Violation of Waste Discharge Requirements (Board Order No. R6V-2002-053 and Cease and Desist Order (Board Order No. R6V-2004-0038; and County Sanitation District No. 20 of Los Angeles County – Palmdale Water Reclamation Plant, for Violation of Waste Discharge Requirements (Board Order Nos. 6-89-31, 66-93-18 and 6-00-57) and Cease and Desist Order (Board Order No. R6V-2004-0039)** (The Board will accept comments on the proposed settlement of claims for administrative civil liability but will not be asked to adopt this order at this meeting. To allow for an adequate public review and comment period, the Board will not consider adopting or rejecting the proposed order at this meeting but intends to consider adopting or rejecting the proposed order at its May 23-24, 2007 Board meeting.) (Harold Singer)
  
9. **Public Hearing - Consideration of Amended Cease and Desist Order No. R6V-2004-0038-A01 for County Sanitation District No. 14 of Los Angeles County – Lancaster Water Reclamation Plant for Discharge and Threatened Discharge of Waste in Violation of Waste Discharge Requirements Contained in Board Order No. R6V-2002-053.** (The Board will open a hearing and accept testimony and comments on the proposed order. To allow for an adequate public review and comment period, the Board will not consider adopting the proposed order at this meeting, but intends to consider adopting the proposed order at its May 23-24, 2007 Board meeting.) (Harold Singer)
  
10. **Public Hearing - Consideration of Amended Cease and Desist Order No. R6V-2004-0039-A01 for County Sanitation District No. 20 of Los Angeles County – Palmdale Water Reclamation Plant for Discharge and Threatened Discharge of Waste in Violation of Waste Discharge Requirements Contained in Board Order No. 6-00-057.** (The Board will open a hearing and accept testimony and comments on the proposed order. To allow for an adequate public review and comment period, the Board will not consider adopting the proposed order at this meeting, but intends to consider adopting the proposed order at its May 23-24, 2007 Board meeting.) (Harold Singer)

**OTHER BUSINESS**

11. **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.)

**Thursday, March 15, 2007 – 8:30 a.m.**

**12. 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.

### 13. ADJOURNMENT

Any party aggrieved by a certain decision of the California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board), may petition the State Water Resources Control Board (State Water Board) to review the decision. The petition must be received by the State Water Board within 30 days of the Lahontan Water 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 Lahontan Water Board will be considering many items during this meeting which may result in 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 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 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

## LAHONTAN WATER BOARD MEMBERS

Name	Location of Residence or Business	Appointment Category
John Brissenden	Hope Valley	Water Quality
Jim Chapman	Susanville	County Government
Jack Clarke, Vice Chair	Apple Valley	Water Supply
R. Keith Dyas	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

## LAHONTAN WATER 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 Water 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, (Lahontan Water Board) may petition the State Water Resources Control Board to review the decision. The petition must be received by the State Water Board within 30 days of the Lahontan Water 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 Lahontan Water 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 Water 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 Water Board are prohibited from making a contribution of \$250 or more to any Board member for three months following a Water 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).