



California Regional Water Quality Control Board

Lahontan Region



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Secretary for
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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD LAHONTAN REGION

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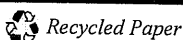
NOTICE OF PROPOSED SETTLEMENT OF CLAIMS AND ALLEGED VIOLATIONS EVERD McCAIN, B.J. DEIS AND McCAIN AND ASSOCIATES LASSEN COUNTY

NOTICE IS HEREBY GIVEN that the California Regional Water Quality Control Board, Lahontan Region (Water Board) is soliciting comments on a proposed settlement of claims and alleged violations associated with Everd McCain, B.J. Deis, and McCain and Associates (collectively referred to herein as "the Dischargers"). Written comments must be received at the address above, attention Harold Singer or hsinger@waterboards.ca.gov, **by 5:00 p.m. on December 29, 2008.**

The Water Board's Prosecution Team has reached a proposed settlement with the Dischargers addressing alleged violations of California water quality protection laws and regulations. The alleged violations are associated with discharges of sediment from construction and maintenance of Buz and Skeet Dams on Willow Creek and the partial failure of these dams.

The Proposed Settlement includes an administrative civil liability of \$65,000. The terms of the Settlement Agreement require the Dischargers to (1) pay a liability in the amount of \$65,000 over a three-year period, (2) inspect and maintain the stabilization and runoff control/treatment measures, and the fish passage measures, as described in the July 12, 2008 Modified Stabilization Plan, and annually report on maintenance of these measures in accordance with the schedule set forth in the Settlement Agreement, (3) comply with all applicable legal requirements, including but not limited to compliance with any water quality certification conditions that may be imposed by the Lahontan Water Board for all work on the dams, including but not limited to stabilization, maintenance, rebuilding, and/or partial or complete removal, (4) submit a permit application that is accompanied by design plans signed and stamped by a California registered professional engineer found to be acceptable to the Water Board in accordance with the procedures set forth in the Settlement Agreement in the event that the Dischargers propose to reconstruct one or both of the dams, and/or remove one or both of the dams and restore the creek, and (5) submit a proposal addressing the final fate of the remaining dam structures if the Dischargers are unable to rebuild one or both of the dams due to decisions rendered by the State Water Board or another entity. If

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the Dischargers propose to leave any portion of the remaining dam structures in place, the proposal will include an impacts analysis of leaving the identified portions of the dam structures in place as proposed

The Settlement Agreement, proposed Administrative Civil Liability Order, and related documents pertaining to this matter may be inspected and copied at the Water Board office at the address above during regular business hours. These documents can also be viewed on the Water Board's web site: www.waterboards.ca.gov/lahontan.

The Water Board will consider the proposed settlement at its January 14-15, 2009 meeting. A meeting agenda with the time and location (to be determined) will be mailed to interested parties and will be available on the Water Board web site by December 24, 2008. The Water Board will not be holding an adjudicatory proceeding or evidentiary hearing at the January 2009 meeting. Instead, the Water Board will decide whether to approve or reject the proposed settlement after considering the information presented by the Prosecution Team, the Dischargers, written comments submitted by the December 29, 2008 deadline and oral comments presented at the meeting. The Water Board will either adopt or reject the proposed Administrative Civil Liability Order.

Please bring the above information to the attention of anyone you know who would be interested in this matter. Any questions concerning the details of the settlement should be directed to Chuck Curtis at (530) 542-5460 (ccurtis@waterboards.ca.gov) or Scott Ferguson at (530) 542-5432 (sferguson@waterboards.ca.gov). Any questions on the Water Board process to consider this proposed settlement should be directed to Harold Singer at (530) 542-5412 or hsinger@waterboards.ca.gov.



HAROLD J. SINGER
EXECUTIVE OFFICER

Date: November 19, 2008