

**From:** [Tarantino, William E.](#)  
**To:** [Grey, Brian@Waterboards](#)  
**Cc:** [Manukyan, Erik](#); [Reisch, Scott H.](#); [Och, Elizabeth "Liz"](#)  
**Subject:** LTLW - Extension request renewal  
**Date:** Wednesday, August 17, 2022 8:14:14 PM  
**Attachments:** [image001.png](#)  
**Importance:** High

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EXTERNAL:

Brian:

I am writing on behalf of Seven Springs and Fox (whose counsel is copied below) with respect to their comments on the Proposed Cleanup and Abatement Orders (“Proposed CAO”) issued by the Lahontan Regional Water Quality Control Board (“Regional Board”) regarding Lake Tahoe Laundry Works (“LTLW”), Big O Tires, and former Norma’s Cleaners. The Regional Board initially identified July 18, 2022, as the deadline to comment on the Proposed CAO (concerning the LTLW) as well as two other CAOs. On June 22, 2022, Fox wrote to the Regional Board to request both an extension of the comment period for each, and copies of certain documents referenced in the Proposed CAO but not posted publicly. Fox sought an extension until *the later of* (a) September 19, 2022, and (b) 60 days from the date the Regional Board provided the additional documents, citing in part the complexity of the technical and legal issues involved. Seven Springs submitted a similar request on June 24, 2022, seeking an extension until September 19, 2022. In response to both requests, the Regional Board extended the comment period only until the earlier of those dates, August 23, 2022—60 days from when it provided requested documents on June 24—effectively denying the extension request.

The comment period is unreasonably short in light of the size of the record and the complexity of the issues—even with respect to the Proposed CAO (concerning the LTLW) itself, let alone considering all three CAOs together. The Proposed CAO package published by the Regional Board is 583 pages of dense legal and technical materials—including a 38-page order supported by 17 figures and five appendices, one of which is a 95-page Staff Report, which in turn includes 55 additional figures and 28 tables. In addition, the 94 “references” provided by the Regional Board in support of the Proposed CAO comprise thousands of additional pages. The Big O Tires proposed CAO adds 61 pages, while the Former Norma’s Cleaners proposed CAO adds another 74 pages. Further, the legal and technical issues raised by all three proposed CAOs are particularly complex and, in cases, novel. They implicate more than 30 years of investigations in an area that stretches a mile long and 1.5 miles wide, featuring over one hundred suspected sources of PCE. The scope of the work required by the Proposed CAO is vast, involving at least 14 plans and programs whose very descriptions span 17 pages. The Regional Board’s own investigations and evaluations are not complete and are not expected to conclude until at least 2023.

In light of these facts, the Regional Board’s refusal to grant Seven Springs’ and Fox’s extensions request was unlawful. The Water Code directs that the Regional Board “*shall* take all reasonable steps necessary to accommodate responsible landowner participation in the cleanup or site closure process.” Section 25296.20(a). Further, the Water Code mandates that the Regional Board “*shall* consider all input and recommendations from any responsible landowner wishing to participate,” which presupposes a reasonable opportunity to provide that input. Section 25296.20(a). The statute’s use of the word “*shall*” in the statute confirms that the Regional Board’s obligation to provide a reasonable opportunity for comments by allegedly responsible landowners is mandatory. The Water Code explicitly authorizes extensions of public comment periods as a means of “gathering community input regarding a site.” Section 13307.6(a)(6).

Far from taking “all reasonable steps necessary” to accommodate Seven Springs’ and Fox’s input, the Regional Board has unreasonably constrained the Parties’ ability to provide comments on the proposed orders. Both Seven Springs and Fox renew their request for an extension of time to comment on the Proposed CAOs up to and including September 19, 2022. Please advise as soon as you can.

Regards,

Bill Tarantino

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