

MEETING AGENDA

MARCH 12 AND 13, 2003

**Embassy Suites Hotel
Lake Tahoe Resort, Tallac Room
4130 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150**

REGULAR MEETING

**Wednesday, March 12, 2003 – 4:00 p.m.
(Dinner break 5:00 p.m., reconvene approximately 7:00 p.m.)
Thursday, March 13, 2003 – 8:30 a.m. (if necessary)**

Note: A quorum of the Regional Board will be dining on Wednesday, March 12, 2003, 5:15 p.m. at Café Fiore, 1169 Ski Run Blvd., South Lake Tahoe, CA

The meeting room is accessible to people with disabilities. If you have special accommodations or language needs, please contact Ms. Pam Walker at (530) 542-5406 or Pwalker@rb6s.swrcb.ca.gov by March 4, 2003. 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 13, 2003 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.

....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, March 12, 2003 – 4:00 p.m.

Roll Call and Introductions

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)**

--- **Quarterly Violations Report**

Wednesday, March 12, 2003 – continued at approximately 7:00 p.m.

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 January 8 and 9, 2003 in Truckee and the Regular Meeting of September 11 and 12, 2002 in Palmdale (Pam Walker)

4. **ADOPTION OF UNCONTESTED 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.

STATUS REPORTS

5. **Caltrans Efforts to Improve Water Quality in the Tahoe Basin** (This is an information item only and the Board will not be asked to take any action. Caltrans will make a presentation summarizing its progress in completing Environmental Improvement Projects) (Robert Erlich)
6. **USFS Lake Tahoe Basin Management Unit (LTBMU) - Brief Presentation on Environmental Improvement Projects Proposed for Construction in Summer 2003 and Need for Updating MOU** (This is an information item only and the Board will not be asked to take any action. Staff will introduce this item and LTBMU representative will give a brief presentation) (Doug Smith)

RESCISSION OF WASTE DISCHARGE REQUIREMENTS

- *7. **Squaw Valley Ski Corporation, Easy Street Trail Widening Project – Squaw Valley Ski Area, Placer County (6-01-24)** (Scott Ferguson)

PLANS AND POLICIES

8. **Public Hearing - Resolution Certifying a Negative Declaration, Adopting a Waiver of Waste Discharge Requirements for Discharges Related to Certain Activities Regulated by the Tahoe Regional Planning Agency (TRPA) and Authorizing the Executive Officer to enter into a Memorandum of Understanding (MOU) with the TRPA.** (The Board will consider whether to certify a Negative Declaration in compliance with the California Environmental Quality Act regarding waivers for certain activities in the Tahoe Basin and regulated by TRPA. If a Negative Declaration is certified, the Board will then consider adopting a Resolution granting waivers for these activities and authorizing the Executive Officer to enter into an MOU with TRPA specifying which agency regulates certain activities.) (Kara Thiel)

OTHER BUSINESS

- * 9. **Recommended Revisions to the State Water Resource Control Board's State Revolving Fund Loan List for Fiscal Year 2003-2004,** (The Board will be asked to adopt a resolution transmitting recommendations to the SWRCB) (Robin Mahoney)

* See Item No. 4

10. **Public Hearing – Resolution to Certify a Mitigated Negative Declaration for Lime Neutralization of Acidic Drainage at Leviathan Mine, Alpine County** (The Board will be asked to certify a Mitigated Negative Declaration for acidic mine drainage treatment at Leviathan Mine) (Chris Stetler)
- *11. **Consideration of Authorizing the Expenditure of \$23,000 from the Fleur Du Lac Water Quality Mitigation Fund to the Tahoe Research Group (TRG)** (The Board will be asked to adopt a Resolution that will authorize the Executive Officer to enter into a contract using \$23,000 from the Fleur du Lac Mitigation Fund) (Bruce Warden)
12. **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.)

ENFORCEMENT ACTIONS

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 Conditions Specified in a Waiver of Waste Discharge Requirements for Discharge of Earthen Materials to Waters of the Truckee River Hydrologic Unit on June 6, 2002, Interstate 80 Rehabilitation Boca/Floriston Project, Nevada County** (The Regional Board will consider affirming, modifying, or referring to the Attorney General an ACL Complaint No. R6T-2003-0005 in the amount of \$10,000 for the June 6, 2002 discharge of sediment-laden water from improperly filling a dewatering hole located at Bridge No. 12.) (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 of Conditions Specified in a Waiver of Waste Discharge Requirements for Discharges of Earthen Materials to Waters of the Truckee River Hydrologic Unit on July 18, 2002, Interstate 80 Rehabilitation Boca/Floriston Project, Nevada County** (The Regional Board will consider affirming, modifying, or referring to the Attorney General an ACL Complaint No. R6T-2003-0006 in the amount of \$17,760 for the July 18, 2002 discharges of sediment-laden storm water located at Bridge 13 and near the Boca Bridge from inadequate implementation of SWPPP-required BMPs.) (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 Conditions Specified in a Waiver of Waste Discharge Requirements for Discharge of Earthen Materials to Waters of the Truckee River Hydrologic Unit on August 5, 2002, Interstate 80 Rehabilitation Boca/Floriston Project, Nevada County** (The Regional Board will consider affirming, modifying, or referring to the Attorney General an ACL Complaint No. R6T-2003-0007 in the amount of \$4,370 for the August 5, 2002 discharge of sediment-laden water from the sediment removal from a drill casing located at the Floriston Bridge.) (Eric J. Taxer)

16. **Public Hearing – Consideration of an Administrative Civil Liability Order for the Pine Forest at Truckee, LLC, for Violation of Waste Discharge Prohibitions Prescribed in the Water Quality Control Plan for the Lahontan Region and Violation of State Water Resources Control Board Order No. 99-08-DWQ for Discharge of Earthen Materials to Waters of the Truckee River Hydrologic Unit and Disturbance to the 100-Year Floodplain of a Tributary to the Truckee River on July 10, 2002, Pine Forest at Truckee Facility Southwest of Alder Drive and West of State Route 89 North, Nevada County** (The Regional Board will consider affirming, modifying, or referring to the Attorney General an ACL Complaint No. R6T-2003-0008 in the amount of \$10,000 for the unauthorized floodplain disturbance of a tributary to the Truckee River on July 10, 2002) (Eric J. Taxer)

17. **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. **Deliberation on a Decision to be Reached Based upon Evidence Introduced in a Hearing. Authority: Government Code Section 11126(c)(3).**
- e. **Discussion of Pending Litigation, Molycorp, San Bernardino County. Authority: Government Code Section 11126(e)(2)(c)(I).**
- f. **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).**
- 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).**

** 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).

- h. **Discussion of Litigation: People of the State of California and the Regional Water Quality Control Board, Lahontan Region, v. Squaw Valley Ski Corporation, et al., Placer County Superior Court Case No. SCV 12916. Authority: Government Code Section 11126(e).**
- i. **Discussion of Litigation: Squaw Valley Development Company et al. v. Harold Singer et al., United States District Court, Eastern District, Case No. CIV. S-01-2031 WBS/GGH. Notice of Appeal Filed by Squaw Valley Development Company et al. on November 27, 2002. Authority: Government Code Section 11126(e).**
- j. **Discussion of Litigation: Squaw Valley Development Co., v. California Regional Water Quality Control Board, Lahontan Region, El Dorado County Superior Court. Authority: Government Code Section 11126(e).**
- k. **Discussion of Personnel Matters. Authority: Government Code Section 11126(a).**
- l. **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).**
- m. **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).**
- n. **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).**
- o. **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; Gregory A. Babb and Heather Babb v. California Regional Water Quality Control Board et al., Sacramento County Superior Court, Case No. 02AS02311 Authority: Government Code Section 11126(e).**
- p. **Discussion of Litigation: Squaw Valley Ski Corporation et al. v. State Water Resources Control Board et al., Sacramento County Superior Court Case No. 01CS01189. Authority: Government Code Section 11126(e).**

18. **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 | Apple Valley | Water Supply |
| Eugene Nebeker, Chair | Lancaster | Industrial Water Use |
| Claudette Roberts | Lake Elizabeth | Municipal Government |
| Eric Sandel, Vice Chair | Truckee | Water Quality |
| Vacant | | Rec., Fish and Wildlife |
| Vacant | | County Government |
| Vacant | | Undesignated (Public) |

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 |
|---------------------------------------|--|--|--|

South Lake Tahoe Office: Chuck Curtis, Manager, Planning and Toxics Division
 Chris Stetler, Chief, Leviathan Mine Unit
 Bud Amorfini, Chief, TMDL Unit
 Richard Booth, Lead, UST Unit

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

Victorville Office: Hisam Baqai, Manager, South Lahontan Watershed Division
 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*