



**California Regional Water Quality Control Board
Lahontan Region**



Linda S. Adams
*Secretary for
Environmental Protection*

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150
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Arnold Schwarzenegger
Governor

Date redistributed: November 30, 2009

REVISED MEETING AGENDA

***Video/Teleconference – Two new locations, new time
and
Item 10 (Nursery Products) removed***

December 9, 2009

Video/Teleconference – two new locations

<p>California Regional Water Quality Control Board – Lahontan Region Victorville Office - Conference Room 14440 Civic Drive, Suite 200 Victorville, CA 92392</p>	<p>California Regional Water Quality Control Board – Lahontan Region South Lake Tahoe Office - Conference Room 2501 Lake Tahoe Blvd. So. Lake Tahoe, CA 96150</p>
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Regular Meeting: 2:00 p.m.

Please note that revisions have been made to the December 9, 2009 meeting agenda (revisions are shown below as A and B and are indicated in red).

A. Item 10, Nursery Products, has been removed from the December 2009 agenda. It will not be considered by the Board at the December 2009 meeting. It will be considered at a future meeting of the Board.

B. The meeting will no longer be held at the Hesperia City Council Chambers. The meeting is now a one-day meeting to be held on December 9, 2009 beginning at 2:00 p.m. The Board will be conducting this meeting using a combination of video and teleconference equipment that will permit Board members to participate from the two locations shown above. (Government Code section 11123.) Board members will be participating from the Victorville and South Lake Tahoe locations. A quorum of the Board will be present for this meeting.

The public may attend the open session portions of the meeting at either location shown above. The Board will be conducting a closed session during this meeting. Following the closed session, the Board will return to open session prior to adjourning the meeting.

Supporting Documents:

Supporting documents for agenda items are posted on our website at least 10 days prior to the scheduled meeting. If you wish to be added to the interested parties list for a specific agenda item, please contact the staff person listed with the item in the agenda announcement. To view or download documents, go to www.waterboards.ca.gov/lahontan. (see note below for information on the timing for submitting comments).

Submittal of Written Material for Water Board Consideration:

Comments on individual items are welcome and encouraged. Written comments on an agenda item must be submitted on or before the due date listed in the hearing notice associated with the agenda item. Hearing notices are distributed to persons who have indicated they want to receive information about a specific item and are posted on the Water Board's web site (www.waterboards.ca.gov/lahontan). For items that do not have a separate hearing notice with specific due dates, written comments must be submitted at least ten (10) days before the meeting. This allows time to distribute the material to Water Board members in advance of the meeting, providing the opportunity for the members to read and consider the information submitted. Pursuant to Title 23 California Code of Regulations, section 648.4, the Water 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 Water Board may refuse to admit it.

A copy of the procedures governing 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 Water Board are not conducted pursuant to Government Code section 11500 et seq.

General Meeting Information:

Both meeting rooms are 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. 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. **If, due to time constraints, the Water Board is unable to consider all of the items scheduled for Wednesday, the item(s) not heard will be considered on Thursday, December 10, 2009 beginning at 8:30 a.m.** 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.

Anyone wishing to present a Microsoft PowerPoint® presentation during the meeting, using the Water Board's projector, must provide the presentation to the Water 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.

REGULAR MEETING

Wednesday, December 9, 2009 – 2:00 p.m.

INTRODUCTIONS

1. MINUTES

Minutes of the Regular Meeting of October 14-15, 2009, in South Lake Tahoe, CA (Laurie Applegate)

2. ADOPTION OF UNCONTESTED CALENDAR

Items denoted by (*) are expected to be routine and non-controversial. The Water Board will act on these items at one time without discussion. If any Water Board member, staff member, or interested party requests discussion, the item will be removed from the Uncontested Calendar to be considered separately. Requests to have an item removed from the uncontested calendar can be made in advance of the meeting by writing to the Water Board or by calling the Water Board's Executive Officer or the request can be made to the Water Board at the meeting on the Wednesday before the vote on the Uncontested Calendar.

3. PUBLIC FORUM

Any person may address the Water Board regarding a matter within the Water 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 ten days prior to the meeting. Comments regarding matters that are under development for future meetings will be restricted. (See http://www.waterboards.ca.gov/lahontan/board_info/agenda/upcoming.shtml#top)

4. Executive Officer's Report (The Water 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)**

WASTE DISCHARGE REQUIREMENTS

***5. High Desert Power Project, San Bernardino County** (The Water Board will consider adopting Water Recycling Requirements.) (John Morales)

***6. Sierra Suntower, LLC; Sierra Suntower Generating Station, Los Angeles County** (The Water Board will consider adopting new Waste Discharge Requirements for cooling water discharges at the facility.) (Christy Hunter)

AMENDED WASTE DISCHARGE REQUIREMENTS

- *7. **San Bernardino County; Victorville Sanitary Landfill, San Bernardino County (R6V-2004-0027)** (The Water Board will consider adopting Amended Waste Discharge Requirements to allow treated wood wastes to be disposed in the lined portion of the landfill.) (Christy Hunter)

REVISED WASTE DISCHARGE REQUIREMENTS

- *8. **Master Water Recycling Requirements and Waste Discharge Requirements, County Sanitation District No. 14 of Los Angeles County (Lancaster), Disinfected Tertiary Recycled Water, Los Angeles County** (The Water Board will consider adopting Master Water Recycling Requirements and Waste Discharge Requirements that will further expand the authorized recycled water uses beyond those authorized by Board Order No. R6V-2009-0034. If adopted, the new permit will replace Board Order No. R6V-2009-0034 and Board Order No. 6-85-35.) (Scott C. Ferguson)

9. CLOSED SESSION **

- a. **Discussion of Significant Exposure to Litigation. Authority: Government Code Section 11126(e)(2)(B)(I).**
- b. **Discussion to Decide Whether to Initiate Litigation. Authority: Government Code Section 11126(e)(2)(C)(I).**
- c. **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).**
- d. **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).**
- e. **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).**
- f. **Discussion of Litigation: Atlantic Richfield Company v. State of California, State Water Resources Control Board, California Regional Water Quality Control Board, Lahontan Region, et al., Los Angeles County Superior Court Case No. BC380474. Authority: Government Code Section 11126(e).**
- g. **Discussion of Litigation: Sierra Forest Legacy et al. v. California Regional Water Quality Control Board, Lahontan Region, et al., El Dorado County Superior Court Case No. SC20090123. Authority: Government Code section 11126(e).**

* see Item 2

- h. **Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): Sierra Forest Legacy et al. v. Lahontan Regional Water Quality Control Board (SWRCB/OCC File No. A-2025). Authority: Government Code section 11126(e).**
- i. **Discussion of Litigation: Sarbjit S. Kang, an individual and Kang Property, Inc. v. California Regional Water Quality Control Board, Lahontan Region; and California State Water Resources Control Board, El Dorado County Superior Court Case No. SC20090234. Authority: Government Code section 11126(e).**
- j. **Discussion of Personnel Matters. Authority: Government Code Section 11126(a).**

** 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).

WASTE DISCHARGE REQUIREMENTS

Item 10, Nursery Products, has been removed from the December 2009 agenda. It will not be considered by the Board at the December 2009 meeting. It will be considered at a future meeting of the Board.

- ~~10. **Nursery Products; Hawes Composting Facility, San Bernardino County** (The Water Board will consider adopting new Waste Discharge Requirements for a green waste and composting facility.) (Brianna Bergen)~~

OTHER BUSINESS

- 11. **Reports by Chair and Board Members** (Water Board members may discuss communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction. The Water Board may provide direction to staff; however, there will be no voting or formal action taken.)

ADJOURNMENT

Any person aggrieved by an action of the California Regional Water Quality Control Board, Lahontan Region that is subject to review as set forth in Water Code section 13320(a), may petition the State Water Resources Control Board (State Water Board) to review the action. Any petition must be made in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date the action was taken, except that if the thirtieth day following the date the action was taken falls on a Saturday, Sunday, state holiday or furlough day, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulation applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality or 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,
tyler@waterboards.ca.gov

For the Southern Lahontan Basin, Cindi Mitton in Victorville at (760) 241-7413,
cmitton@waterboards.ca.gov

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. (Government Code section 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. (Government Code section 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
Jack Clarke, Chair	Apple Valley	Water Supply
Mike Dispenza, Vice Chair	Palmdale	Municipal Government
James Charlton	Palmdale	Public
R. Keith Dyas	Rosamond	Industrial Water Use
Amy Horne, Ph.D.	Truckee	Rec., Fish and Wildlife
Don Jardine	Markleeville	County Government
Eric Sandel	Truckee	Water Quality
Vacant		Irrigated Agriculture
Vacant		Water Quality

LAHONTAN WATER BOARD STAFF

Harold J. Singer Executive Officer	Robert Dodds Assistant Executive Officer	David Coupe Counsel to the Board	Laurie Applegate Executive Assistant	Cindy Rofer-Wise Ombudsman
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South Lake Tahoe Office: Chuck Curtis, Manager, Cleanup and Enforcement Division
 Chein Kao, Chief, Leviathan Mine Unit
 Scott Ferguson, Chief, Enforcement & Special Projects Unit
 Richard Booth, Chief, Cleanup and Site Investigation Unit

Lauri Kemper, Manager, North Lahontan Watersheds Division
 Alan Miller, Chief, North Basin Regulatory Unit
 Doug Smith, Chief, TMDL Unit
 Douglas Cushman, Chief, Non-Point Source Unit

Victorville Office: Mike Plaziak, Manager, South Lahontan Watershed Division
 Cindi Mitton, Chief, South Basin Regulatory Unit
 Patrice Copeland, Chief, Land Disposal 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 Water 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.

Recordings are made of each Water Board meeting and these tapes/ CDs are retained in the Water 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 aggrieved by an action of the California Regional Water Quality Control Board, Lahontan Region that is subject to review as set forth in Water Code section 13320(a), may petition the State Water Resources Control Board (State Water Board) to review the action. Any petition must be made in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date the action was taken, except that if the thirtieth day following the date the action was taken falls on a Saturday, Sunday, state holiday or furlough day, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulation applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or 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).