CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R6T-2007-(PROPOSED)

ADMINISTRATIVE CIVIL LIABILITY
EL DORADO COUNTY DEPARTMENT OF TRANSPORTATION,
FOR VIOLATION OF WASTE DISCHARGE REQUIREMENTS/NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT, FOR THE UNAUTHORIZED DISCHARGE OF SEDIMENT-LADEN WATER TO ANGORA CREEK ON AUGUST 24 AND 31, 2006, ANGORA CREEK STREAM ENVIRONMENT ZONE RESTORATION PROJECT, SOUTH LAKE TAHOE,
EL DORADO COUNTY, WDID 6A090406010

The California Regional Water Quality Control Board, Lahontan Region (Water Board) finds:

1. Discharger

   The El Dorado County Department of Transportation obtained coverage under the General Permit, R6T-2004-0034 on August 2, 2004, referenced as Board Order R6T-2003-0034-11, for the Angora Creek Stream Environment Zone (SEZ) Restoration Project (Project). The August 24, 2006 and August 31, 2006 discharges of sediment-laden water to Angora Creek originated from the Project site, and were a result of Project activities covered under the General Permit. El Dorado County as permit holder for the Project is ultimately responsible for project activities and the impacts of those activities. Therefore, El Dorado County is responsible for the discharge incidents associated with the Project that occurred on August 24, 2006 and August 31, 2006, and is hereinafter referred to as the "Discharger."

2. Facility

   The affected facility is the Project site bounded by Lake Tahoe Boulevard to the west and Washoe Meadows State Park to the east, in El Dorado County, as shown in Attachment No. "A" of this Order. The Project consists of restoring portions of Angora Creek, which runs through the Project site, and its floodplain habitat. Angora Creek is tributary to the Upper Truckee River, Lake Tahoe's largest tributary. Angora Creek and the Upper Truckee River are waters of the United States and of the state.

   The Project addressed creek bank and bed erosion. A 12-foot high head cut located approximately 900 feet east of Lake Tahoe Boulevard and the incised channel below the head cut had disconnected Angora Creek from its floodplain. Concentrated flows within the incised channel were causing significant bank erosion and delivering sediment and nutrients downstream to the Upper Truckee River, and eventually to Lake Tahoe. These conditions presented an ongoing threat to water quality and the environment.

The Project and Discharger are subject to Water Board regulations under Board Order Nos. R6T-2005-0007 (NPDES General Construction Permit) and R6T-2003-0034 (NPDES General Dewatering Permit), and Clean Water Act Section 401 Water Quality Certification.

3. Facts – August 24, 2006 Discharge

   a. The Discharger started the Project during the summer of 2005. The purpose of the Project is to enhance water quality and improve SEZ habitat by re-establishing stream and floodplain function for a specific reach of Angora Creek. The Project is also intended to result in a stable Angora Creek channel and reduced sediment loading to the Upper Truckee River and Lake Tahoe.

      Prior to the August 24, 2006 discharge incident, the Discharger and Hanford ARC (project contractor), had constructed a new channel and associated floodplain for Angora Creek, and were in the process of dewatering, backfilling, and revegetating the old/abandoned creek channel.

   b. The abandoned creek channel had to be dewatered prior to backfilling it. The Project's Dewatering Plan involved pumping water from the abandoned creek channel to temporary sprinkler systems located at designated irrigation sites. Angora Creek was not one of the designated irrigation sites; however, discharges from the irrigation sites could flow into Angora Creek in accordance with permit requirements (NPDES General Dewatering Permit).

   c. The project contractor's efforts to dewater the abandoned creek channel in preparation for backfilling and revegetation had only been partially successful leading up to the August 24, 2006 discharge incident. The project contractor had to construct earthen berms to contain the water within sections of the abandoned creek channel in order to isolate and dewater another section of the abandoned creek channel.

   d. According to the Discharger's August 28, 2006 Spill Report, on August 24, 2006, at approximately 1:30 p.m., Loren Roach with Entrix, Inc. (Discharger's contracted project inspector) observed that one of the earthen berms had failed. Mr. Roach observed water from the breached berm flowing down a portion of the abandoned creek channel, and moving into the unfinished floodplain area on the north side of the newly constructed Angora Creek channel. The project contractor immediately responded by containing the flow with sand bags and pumping the highly turbid, sediment-laden, ponded water to the "upper floodplain" area on the Project site. The upper floodplain area was one of the designated irrigation sites identified in the Project's Dewatering Plan. The immediate response initially prevented a discharge of the highly turbid, sediment-laden water to the newly constructed Angora Creek channel, which was actively conveying Angora Creek flows at the time of the earthen berm failure.

e. At approximately 3:30 p.m., Dick Bird (Discharger's Principal Engineering Technician) arrived on site to observe a "cloudy plume" in the newly constructed channel above the View Circle Bridge. Mr. Bird subsequently tracked the turbidity in the creek back to surface flows and seepage from the upper floodplain area, which had become over-saturated with the highly turbid water being pumped from behind the sandbag barrier. Mr. Bird described the water discharging from the floodplain into the new creek channel as "chocolate colored." Mr. Bird collected, and had analyzed, a sample of the discharge from the floodplain. It had a turbidity of 97.4 NTU (Sample 1 near station 117+00). Water within the new creek channel, approximately 200 feet downstream from station 117+00 (Sample 2 near station 115+00), was also sampled and analyzed for turbidity. That sample had a turbidity of 22.7 NTU. At approximately 3:55 p.m., the project contractor installed a three-inch bypass pipe to divert some of the affected Angora Creek flows into a floodplain/SEZ area for settling and infiltration, in an attempt to minimize downstream impacts.

f. At approximately 4:10 p.m. under the direction of Water Board staff who was now on site, additional sampling was conducted. A sample of the seepage from the new creek channel's bank adjacent to the saturated floodplain had a turbidity of 165 NTU. This sample was taken approximately 65 feet downstream from station 117+00 (Sample 3 near station 116+35). A sample from Angora Creek was then taken approximately 1,000 feet downstream from station 117+00 (Sample 4 near station 107+00), near the downstream project boundary. This sample had a turbidity of 14.2 NTU. Table No. 1 shows the monitoring results for the August 24, 2006 discharge incident. A schematic site plan illustrating the monitoring sites is included in Attachment "B" of this Order.

g. At 4:45 p.m. Mr. Roach reported in his daily log that the seepage into the new creek channel had slowed considerably, and that flows in the new creek channel had begun to clear up. He also noted that the project contractor had re-plumbed the existing irrigation system to redirect some of the ponded water behind the sandbag barrier to existing designated irrigation sites on U.S. Forest Service property and California Tahoe Conservancy property. At 5:30 p.m. Mr. Roach noted that the seepage into the new creek channel had ceased, and that the creek was flowing clear again.

Table No. 1 –Turbidity Measurements for August 24, 2006 Discharge Incident

Sample Location	Approximate Sample Time	Turbidity (NTU)
Sample 1 - Floodplain discharge (near station 117+00)	3:30 p.m.	97.4
Sample 2 - Angora Creek channel near by-pass pipe inlet (near station 115+00)	3:30 p.m.	22.7
Sample 3 - Seepage from new creek channel bank adjacent to saturated floodplain (near station 116+35)	4:05 p.m.	165
Sample 4 - Angora Creek at by-pass pipe outlet (near station 107+00)	4:10 p.m.	14.2

4. Facts - August 31, 2006 Discharge

   a. On August 31, 2006, the project contractor was continuing its efforts to dewater the abandoned creek channel. The project contractor was discharging the water through a three-inch flexible line into a vegetated area up-gradient of the newly constructed channel. The vegetated area was not identified in the Project's Dewatering Plan as a dewatering irrigation site and, therefore, was an unauthorized dewatering irrigation site.

   b. According to the Discharger's September 18, 2006 Spill Report, at approximately 4:00 p.m. on August 31, 2006, Mr. Roach observed that flows in the upper portion of the new creek channel were "running a bit cloudy." Mr. Roach walked upstream to the above-referenced dewatering irrigation site and observed over-saturated conditions, creating surface discharges into the new Angora Creek channel at seven locations. The seven discharge locations were located approximately between stations 128+10 and 128+60, representing a channel length of 50 feet.

   c. Shortly after observing the discharge, Mr. Roach collected four samples and analyzed them for turbidity. The first sample was a background creek sample and had a turbidity of 1.06 NTU (Sample 1 near station 128+90). The second sample was of an irrigation site discharge entering the new creek channel approximately 75 feet downstream of Sample 1, and had a turbidity level of 33.2 NTU (Sample 2 near station 128+15). The third sample was of creek flow taken approximately 160 feet downstream of Sample 1, and immediately downstream of where the seven discharges were entering the creek. This sample had a turbidity level of 32.8 NTU (Sample 3 near station 127+30)[1]. The fourth sample

[1] This is the value in the inspector's notes provided with the Discharger's Spill Report. The value in the narrative portion of the Discharger's Spill Report for Sample 3 is 33.8 NTU.

was of the creek, approximately 1,300 feet downstream of Sample 1, and had a turbidity level of 9.5 NTU. Table No. 2 shows the monitoring results for the August 31, 2006 discharge incident. A schematic site plan illustrating the monitoring sites is included in Attachment "C" of this Order.

Table No. 2 –Turbidity Measurements for August 31, 2006 Discharge Incident

Sample Location	Approximate Sample Time	Turbidity (NTU)
Sample 1 – Angora Creek upstream of discharge (near station 128+90)	4:00 p.m. – 4:10 p.m.	1.06
Sample 2 – Discharge from affected irrigation site (near station 128+15)	4:00 p.m. – 4:10 p.m.	33.2
Sample 3 – Angora Creek channel below discharge area (near station 127+30)	4:00 p.m. – 4:10 p.m.	32.8
Sample 4 – Angora Creek at by-pass pipe inlet (near station 115+00)	4:00 p.m. – 4:10 p.m.	9.5

d. Following the sample collection and analysis (inspector notes indicate that sampling completed by 4:10 p.m.), Mr. Roach directed the project contractor to immediately cease its dewatering operation at the affected site. The project contractor immediately complied with this directive and turned off its pump. Mr. Roach observed at approximately 5:25 p.m. that all BMPs were secure, that the coffer dams and by-pass system were secure, and that by 6:05 p.m., Angora Creek was running clear.

e. The Spill Report states Mr. Roach concluded that the discharge occurred as a result of inadequate oversight of dewatering activities allowing the dewatering irrigation site to become over-saturated, creating the discharge situation.

5. Violations – Waste Discharge Requirements

The NPDES General Dewatering Permit (Board Order No. R6T-2003-0034-11) contains the following requirement:

"D. Receiving Water Limitations

The following numerical and/or narrative water quality objectives apply to all surface waters, including wetlands, in the Lahontan Region. The discharge of waste to surface waters shall not cause, or contribute to, a violation of the following:

17. Suspended Materials

Waters shall not contain suspended materials in concentrations that cause nuisance or that adversely affects the water for beneficial uses.

For natural high quality waters, the concentration of total suspended materials shall not be altered to the extent that such alterations are discernible at the 10 percent significance level.

21. Turbidity

Waters shall be free of changes in turbidity that cause nuisance or adversely affect the water for beneficial uses. Increases in turbidity shall not exceed natural levels by more than 10 percent."

The August 24 and 31, 2006 discharge incidents resulted in creek conditions that violated the above-referenced receiving water limitation for Suspended Materials. Both discharges introduced fine sediments to the creek, which remained in suspension creating turbidity. Enough turbidity was created by the suspended sediment to adversely affect beneficial uses, as discussed below.

Beneficial uses listed in the Basin Plan for the Upper Truckee River (and its tributaries by the tributary rule) include:

municipal and domestic supply (MUN)	agricultural supply (AGR)
water contact recreation (REC-1)	non-contact water recreation (REC-2)
commercial and sport fishing (COMM)	groundwater recharge (GWR)
wildlife habitat (WILD)	cold freshwater habitat (COLD)
navigation (NAV)	migration of aquatic organisms (MIGR)
spawning, reproduction, and development (SPWN)	

The tributary rule (Basin Plan page 2-3) states:

> "Unless otherwise specified, beneficial uses also apply to all tributaries of surface waters identified in Table 2-1 (i.e., specific surface waters which are not listed have the same beneficial uses as the streams, lakes, wetlands, or reservoirs to which they are tributary)."

Angora Creek is tributary to the Upper Truckee River. Therefore, the beneficial uses designated for the Upper Truckee River are also applicable to Angora Creek.

The three beneficial uses locally affected by the August 24 and 31, 2006 discharges were REC-2, COMM, and COLD. Specifically, the turbidity created by the sediment-laden discharges[2] was visually detectable and had an adverse aesthetic impact on the creek (REC-2). The turbidity also decreased visibility within the creek, which can decrease a fish's ability to see bait and prey. Therefore, the decrease in visibility within the creek can decrease an angler's fishing experience (COMM) and a fish's opportunity to see and capture prey (COLD). The discharges have, therefore, resulted in suspended sediments in concentrations that adversely affected the water for beneficial uses, and constitute violations of the Suspended Materials receiving water limitation specified by Board Order No. R6T-2003-0034-11.

In addition to violating the above-referenced Suspended Materials receiving water limitation, the Turbidity receiving water limitation was also violated as a result of the August 31, 2006 discharge. The data in Table No. 2 shows a localized, approximately 3,300 percent increase in turbidity levels between the background sample (Sample 1) and the sample taken from the creek below the discharge area (Sample 3). Further downstream (Sample 4), the data still shows an approximately 950 percent increase in turbidity compared to the background sample. These increases in turbidity above natural levels exceed the above-referenced 10 percent limitation and, therefore, constitute a violation of the Turbidity receiving water limitation specified by Board Order No. R6T-2003-0034-11.

Violating the above-referenced receiving water limitations represent violations of waste discharge requirements specified by Board Order No. R6T-2003-0034-11.

6. Administrative Civil Liability Authority

The Water Board may impose civil liability pursuant to Water Code section 13385, subdivision (a)(2). Water Code section 13385, subdivision (a) states:

> "Any person who violates any of the following shall be liable civilly in accordance with this section:

[2] The sediment-laden discharges consisted in part of fine sediments that remained in suspension following their discharge into the creek. The suspended fine sediments subsequently created turbid conditions within the creek.

(2) Any waste discharge requirements or dredged or fill material permit issued pursuant to this chapter or any water quality certification issued pursuant to Section 13160."

The Discharger violated waste discharge requirements prescribed by Board Order No. R6T-2003-0034-11 as described in Finding No. 5, above. The Water Board can, therefore, impose civil liability pursuant to Water Code section 13385, subdivision (a)(2).

7. Civil Liability – California Water Code

For the violation of waste discharge requirements, the Water Board may impose civil liability pursuant to Water Code section 13385, subdivision (c).

Water Code section 13385, subdivision (c) states:

"Civil liability may be imposed administratively by the state board or a regional board pursuant to Article 2.5 ... of Chapter 5 in an amount not to exceed the sum of both of the following:

(1) Ten thousand dollars ($10,000) for each day in which the violation occurs.

(2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars ($10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons."

In this matter, the maximum civil liability under Water Code section 13385, subdivision (c) is $20,000 for the discharge of turbid, sediment-laden water to Angora Creek. This civil liability is based upon two days (August 24, 2006 and August 31, 2006) of violating waste discharge requirements. There are no data or estimated discharge volumes, and therefore, civil liability based upon discharge volume is not proposed for the above-referenced discharge incidents.

The discharge does not meet the criteria for assessing a minimum mandatory penalty.

8. Factors Affecting the Amount of Civil Liability

Water Code section 13385, subdivision (e) requires the Water Board to consider enumerated factors when it determines the amount of civil liability for a discharge covered by Section 13385. The Water Board considered those factors, discussed below, in determining the amount of the administrative civil liability:

a. *The nature, circumstances, extent, and gravity of the violations*;

Sediment-laden discharges entered and impacted the water quality in Angora Creek as shown in Table Nos. 1 and 2, above. The discharges adversely affected the beneficial uses in Angora Creek on a localized scale, as described in Finding No. 5, above.

Adversely impacting the waters for beneficial uses also constitutes a condition of pollution, as defined by Water Code section 13050, subsection (l)(1), which states in part:

> "'Pollution' means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following:
>
> (A) The waters for beneficial uses.
>
> (B) Facilities which serve these beneficial uses."

As discussed above, the discharges on August 24 and 31, 2006 locally increased suspended sediments and turbidity within Angora Creek, altering the water quality to a degree that unreasonably affected the REC-2, COMM, and COLD beneficial uses. Therefore, the discharges created a condition of pollution.

The sediment-laden discharges into Angora Creek are also contrary to the Project's goals and objectives of reducing the sediment load to the Upper Truckee River and Lake Tahoe. Lake Tahoe has been designated an Outstanding National Resource Water because of its extraordinary clarity, purity, and deep blue color. However, the Lake's clarity has been decreasing due to nutrient and fine sediment discharges associated with human activities. As a result, Lake Tahoe is listed on the Federal Clean Water Act Section 303(d) List as impaired due to excessive sediment and nutrients. The above-referenced discharges released the type of sediment (fine) that is now recognized as having a significant adverse effect on Lake Tahoe's clarity. Compared to the Upper Truckee River's annual sediment load, the above-referenced discharges of sediment were minor. Nonetheless, such discharges still increase the challenge of reversing a decades-long decline in lake clarity.

The August 24, 2006 discharge incident should have brought the need for a very high level of oversight/management for the dewatering system to the Discharger's and the project contractor's attention. However, despite the lessons that should have been learned as a result of the August 24, 2006 discharge, the Discharger experienced another discharge incident, largely due to inadequate dewatering system oversight/management.

b. *Whether discharge is susceptible to cleanup or abatement*;

The sediment-laden water discharged from the dewatering irrigation sites into Angora Creek quickly commingled with creek flows and was susceptible to limited cleanup. On August 24, 2006, the project contractor diverted a portion of the turbid creek flow out of the creek channel into an area where the diverted water could infiltrate, removing a portion of the suspended sediment from the creek. This measure was not implemented during the August 31, 2006 discharge incidents.

c. *The degree of toxicity of the discharge*;

There were no analyses performed to determine the degree of toxicity of the discharges.

d. *Ability to pay*;

The Discharger has not provided the Water Board with any financial data demonstrating an inability to pay the proposed liability.

e. *The effect on the Discharger's ability to continue its business*;

The Discharger has not provided the Water Board with any financial or other data demonstrating an effect upon the Discharger's ability to continue its business.

f. *Any voluntary cleanup efforts undertaken by the violator*;

The Discharger and the project contractor responded to stop the discharges once they became aware of them, but the majority of the discharged sediment was not susceptible to cleanup due to the rapid commingling of the sediment-laden discharge with creek flows. During the August 24, 2006 discharge incident, the project contractor pumped out a portion of the turbid creek flow downstream of the discharge location into a floodplain area. The turbid flow removed from the creek channel infiltrated in the floodplain area, resulting in the removal of some suspended sediment from the creek. This action, however, was not taken in response to the August 31, 2006 discharge incident.

g. *Prior history of violations*;

The Discharger had three discharge incidents related to the Project that preceded the discharge events subject to this Order. The three discharge incidents violated waste discharge requirements.

i. The Project site experienced significant runoff flows in late December 2005 due to rain-on-snow weather. The high flows overtopped some of the Project's containment basins releasing sediments into the creek. However,

Water Board staff acknowledged that the Discharger had adequately prepared the Project for winter, and that the runoff conditions exceeded what the Project site could reasonably be prepared for. Therefore, Water Board staff took no formal enforcement action in response to this violation.

ii. On June 22, 2006, according to Discharger records, dewatering flows were directed to a storm water treatment basin located on Mountain Trout Drive. Shortly after beginning pumping operations, an unglued joint in the discharge pipe separated, resulting in a release of water to Angora Creek. The color of the discharge was characterized in field notes as "chocolate milk." The pump was turned off within one minute of the discharge beginning and no discharge samples were collected due to the short duration of the discharge. Field crews estimated that approximately 100 gallons were discharged to the creek. Field crews also estimated that the discharge's turbidity was above 20 NTU, and an in-stream monitoring station down gradient of the discharge location registered a brief spike in turbidity from negligible to 5 NTU.

iii. Later on June 22, 2006, the above-referenced pipe joint was repaired and pumping to the storm water basin resumed. At 1:25 p.m., water began to flow from the storm water basin into Angora Creek, as anticipated. However, Mr. Roach observed the discharge contained sediment and debris, and upon collecting and analyzing a sample of the discharge, determined the discharge had a turbidity of 225 NTU. The Discharger has concluded that the sediment and debris was that which had accumulated within the treatment basin during the winter and spring months, and was subsequently flushed into the creek as a result of the Project's dewatering operations.

The turbidity of the discharge from the basin to the creek decreased relatively quickly (72 NTU - approximately five minutes following the 225 NTU reading). The down-gradient in-stream monitoring station also recorded a spike in turbidity from 5 NTU to 17.5 NTU, which then decreased to 3.5 NTU, within five minutes of the 17.5 NTU reading. Both discharges had the same violations as the discharges subject to this Order, in addition to a violation for late incident reporting. Water Board staff did not take any formal enforcement action in response to either of these discharge incidents based upon the Discharger's commitment to prevent such discharges from recurring.

h. *Degree of culpability*;

El Dorado County is the permit holder for the Angora Creek Stream Environment Zone Restoration Project. In the capacity of Project lead and permit holder, El Dorado County is ultimately responsible for Project activities, including those of its contractors, and the impacts associated with such activities.

El Dorado County, as permit holder, was also responsible for adequately responding to changing project conditions to maintain regulatory compliance. The Project had significantly changing conditions from the beginning, some of which increased the complexity of dewatering operations. The changing project conditions and the environmentally sensitive Project site demanded a high level of planning, oversight, and adaptive management regarding dewatering operations to prevent the type of discharges that are subject to this Order. However, it was less than adequate oversight and adaptive management that led to the August 24 and 31, 2006 discharge events.

i. *Economic savings resulting from the violation; and*,

Water Board staff is unaware of any avoided costs associated with the discharge incidents.

j. *Other matters as justice may require*.

Water Board staff have spent time responding to the incident and preparing the Administrative Civil Liability Complaint. Staff costs for preparation of the Complaint are $ 3,340.

The August 24, 2006 discharge incident should have put the Discharger on additional notice regarding the dewatering system's vulnerabilities and risks. At a minimum, the Discharger should have been able to identify the need for additional inspection of the dewatering irrigation sites, now knowing that there was a real risk of oversaturation and discharge. However, the August 31, 2006 discharge occurred primarily because there was inadequate oversight/inspection. The inadequate oversight allowed the use of an unauthorized site for dewatering system discharges, and for the area to subsequently become over-saturated, resulting in the sediment-laden discharge to Angora Creek.

Finally, there was another incident demonstrating a continued lack of adequate dewatering system oversight that followed the August 31, 2006 discharge incident. On September 30, 2006 (Saturday) at approximately 7:00 p.m., Water Board staff contacted Discharger staff in response to a local resident reporting unattended irrigation and erosion at the Project site. Discharger staff contacted other staff and the project contractor. According the Discharger's Spill Report, the project contractor stated that there should not be any irrigation occurring at the reported site, as his understanding of the operation was that the reported area was supplied by a gas-powered pump with an approximately two-hour operating period between gas tank refills. To the project contractor's knowledge, the gas tank was last refilled at 2:00 p.m.

However, Discharger staff subsequently confirmed that irrigation was occurring at the reported site, and that some ponding was present. Discharger staff could not determine if erosion or any discharge to surface waters was occurring due to

poor natural lighting (past 7:00 p.m. in late September). The project contractor then surmised that the irrigation site must have been supplied by an electrical pump that runs on a 24-hour basis, instead of the gas-powered pump. The electrical pump was turned off that evening, and on Sunday, the affected irrigation site was isolated from the electrical pump. The Discharger concludes in its Spill Report that the unattended dewatering operation occurred as a result of the dewatering system being modified on the previous Friday, without notifying the project contractor's weekend field staff.

Water Board staff cannot confirm that an actual discharge to surface waters occurred as a result of this incident. However, the September 30, 2006 incident demonstrates that inadequate communications and dewatering system oversight continued to exist a month after the August 31, 2006 discharge incident. Additionally, the September 30, 2006 incident occurred despite the Discharger submitting a revised Dewatering Plan on September 26, 2006, in response to Water Board staff's September 6, 2006 Notice of Violation.

9. Administrative Civil Liability Complaint Issued by Assistant Executive Officer

The Water Board's Assistant Executive Officer issued Administrative Civil Liability Complaint No. R6T-2006-0041 to the Discharger on December 22, 2006. The Complaint recommends an administrative civil liability in the amount of $17,500 for the discharges of sediment-laden water to Angora Creek on August 24 and 31, 2006, in violation of waste discharge requirements prescribed by Board Order No. R6T-2003-0034-11.

10. California Environmental Quality Act

This enforcement action is being taken by the Water Board to enforce provisions of the Water Code and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 210000 et seq.) in accordance with California Code of Regulations, title 14, section 15321.

IT IS HEREBY ORDERED THAT:

1. Administrative Civil Liability recommended in Complaint No. R6T-2006-0041, which was issued by Robert S. Dodds, Assistant Executive Officer, on December 22, 2006, is hereby affirmed.

2. The Water Board imposes administrative civil liability against the Discharger in the amount of $17,500.

3. The Discharger must provide payment in the amount of $17,500 to the State Board's Cleanup and Abatement Account by **March 19, 2007**.

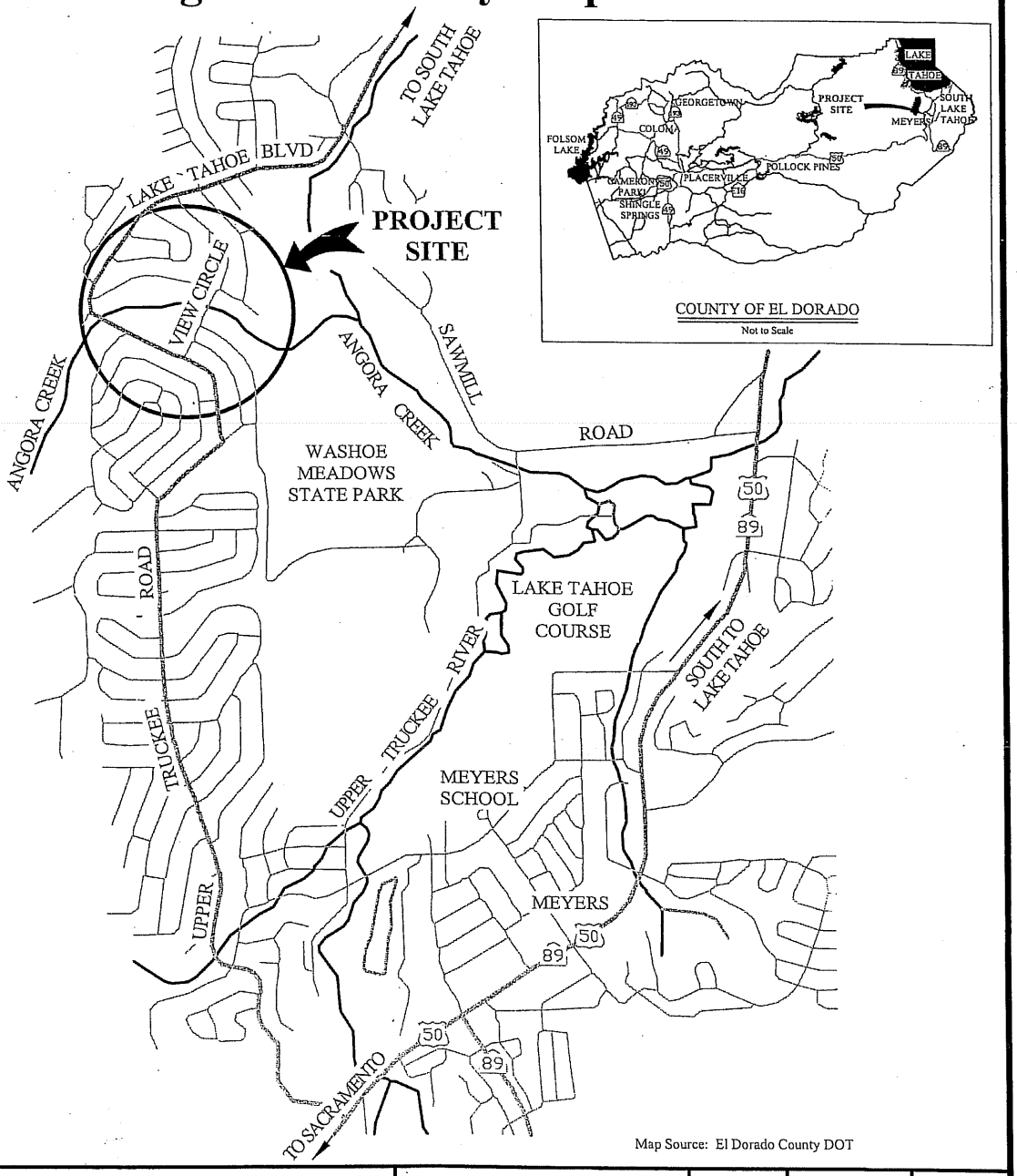
4. If the Discharger fails to make the specified payments to the State Board Cleanup and Abatement Account within the time limit specified in this Order, the Water Board may enforce this Order by applying for a judgment pursuant to Water Code section 13328. The Water Board's Executive Officer is hereby authorized to pursue a judgment pursuant to Water Code section 13328 if the criterion specified in this paragraph is satisfied.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on February 15, 2007.

Ordered by: _____ Dated: _____
HAROLD J. SINGER
EXECUTIVE OFFICER

Attachment "A"
Figure 1 - Vicinity Map

Figure 1: Vicinity Map

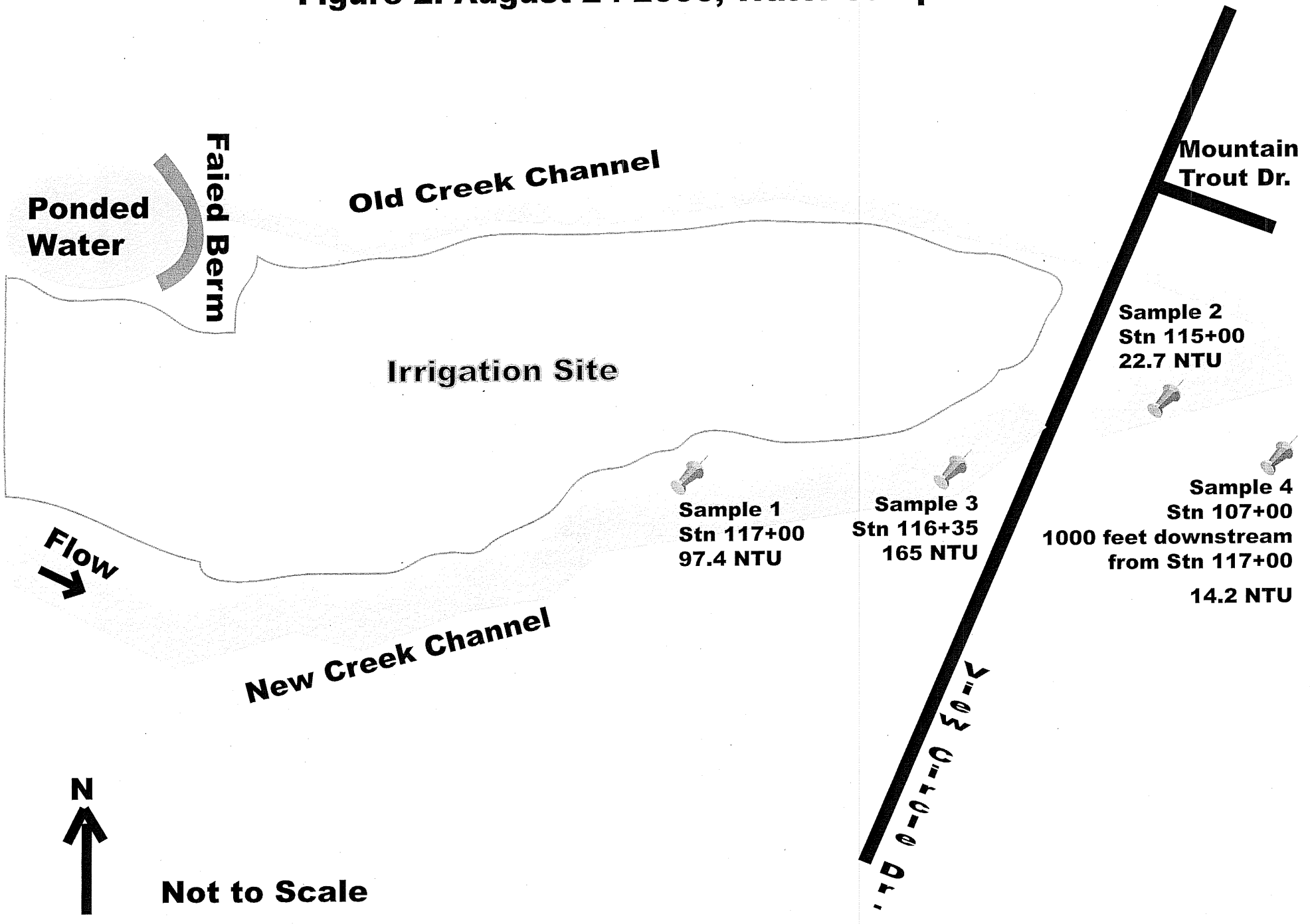


Map Source: El Dorado County DOT

ANGORA CREEK STREAM ENVIRONMENT ZONE RESTORATION PROJECT EL DORADO COUNTY, CALIFORNIA		N	SCALE 0 1000 FEET	FIGURE 1

Attachment "B"
Figure 2 – August 24, 2006
Water Sample Locations

Figure 2: August 24 2006, Water Samples Locations



Attachment "C"
Figure 3 – August 31, 2006
Water Sample Locations

Figure 3: August 31 2006, Water Samples Locations