

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

2501 Lake Tahoe Boulevard, South Lake Tahoe, CA 96150

PUBLIC HEARING

Concerning

CONSIDERATION OF AN ADMINISTRATIVE CIVIL LIABILITY ORDER

Concerning

EL DORADO COUNTY DEPARTMENT OF TRANSPORTATION

El Dorado County

IMPORTANT

The Regional Board must receive the following submittals no later than 11:00 a.m. on Friday, February 2, 2007:

- 1. Written comments on the Administrative Civil Liability Complaint from designated parties;**
- 2. Written non-evidentiary policy statements from interested persons;**
- 3. Requests from persons requesting designated party status; and,**
- 4. Objections to these hearing procedures.**

The Regional Board must receive written evidentiary objections no later than 2:00 p.m. on Friday, February 9, 2007.

BACKGROUND

The Assistant Executive Officer of the Lahontan Regional Water Quality Control Board, (Water Board) issued a Complaint for Administrative Civil Liability in the amount of \$17,500 to El Dorado County Department of Transportation (El Dorado County). The Administrative Civil Liability Complaint (Complaint) alleges that on August 24 and 31, 2006, El Dorado County experienced two discharges of sediment-laden water from its Angora Creek Stream Environment Zone Restoration Project (Project) to Angora Creek. The alleged cause of the discharges was due to system failures associated with the Project's dewatering system. El Dorado County is the responsible party identified in Water Board permits issued for the Project, and therefore, is identified as the "Discharger" in the Complaint.

PURPOSE OF PUBLIC HEARING

El Dorado County has not waived its right to a public hearing. The public hearing is intended to provide El Dorado County and its representatives with an opportunity to address and contest allegations set forth in Complaint No R6T-2006-0041. Interested persons will also have an opportunity to provide non-evidentiary policy statements during the public hearing. Following receipt of testimony, the Water Board will consider whether to issue an administrative civil liability order to El Dorado County in the amount of \$17,500 or some different amount, to reject any proposed order, or to refer the matter to the California Attorney General.

PUBLIC HEARING DATE AND LOCATION

A public hearing concerning this matter will be held during the Water Board's February meeting, which is scheduled for:

DATE: February 14 and 15, 2007
PLACE: Lake Tahoe Community College
Library Board Room
1 College Drive
South Lake Tahoe, CA 96150

An agenda announcement for this meeting will be available by January 24, 2007. This announcement will provide more specific information about the date and time of this hearing. The announcement will be sent to all designated parties and interested parties and will be available at: <http://www.waterboards.ca.gov/lahontan>.

HEARING PARTICIPANTS

The Prosecution Team consists of staff members Robert S. Dodds, Assistant Executive Officer; Chuck Curtis, Division Manager; Scott Ferguson, Chief, Enforcement Unit; Laurent Meillier, Engineering Geologist; and Staff Counsel David Coupe. Mr. Coupe normally advises the Lahontan Water Board but will be advising the Prosecution Team in this particular matter. The function of the Prosecution Team, as a designated party and advocate, is to present evidence in support of the Prosecution Team's position in order to create an administrative record that would support a decision in the Prosecution Team's favor.

The Advisory Team consists of Harold Singer, Executive Officer, and Senior Staff Counsel Lori Okun. The function of the Advisory Team is to assist the Board Chair with conducting the hearing, and assist the Board members with formulating a decision. The Advisory Team's responsibilities include receiving and distributing hearing submittals, maintaining the administrative record, mailing out hearing-related correspondence and other documents, assisting the Board Chair with rulings on procedural motions, and assisting the Board members with formulating a decision. The Advisory Team may select technical staff to assist them and such staff will be members of this team.

Interested persons are non-designated parties. Interested persons may present non-evidentiary policy statements. Interested persons (1) are not entitled to present evidence (either written or through evidentiary testimony); (2) are not subject to cross-examination; and (3) may not cross-examine other parties.

The following participants are designated as parties for this hearing:

1. Lahontan Water Board Staff (Prosecution Team)
2. El Dorado County

Other persons may request designated party status. The Advisory Team must receive the request by **11:00 a.m. on February 2, 2007**. Although the due date is February 2, *interested persons are encouraged to submit such requests as soon as possible, so the Chair can consider the request before the due date for written materials*. The request must explain the basis for status as a Designated Party and in particular how the person is directly affected by this matter. Rulings on such requests are within the sole discretion of the Chair of the Water Board. All designated parties must comply with the deadlines below for submitting written materials and objections, even if the Chair has not yet ruled on a pending request for designated party status.

If the Chair denies a request for designated party status, any timely non-evidentiary policy statements the requestor has submitted will be included in the administrative record. If the requestor has already submitted evidentiary materials, these may be admitted into the record at the discretion of the Chair. The evidentiary materials will not become part of the record absent an express ruling by the Chair.

Copies of any request for designated party status, and all attachments, must be sent to the Prosecution Team and El Dorado County. (See contact information below.)

CONDUCT OF HEARING

The procedures governing Lahontan Water Board meetings may be found in California Code of Regulations, title 23, section 648 et seq. Hearings before the Lahontan Water Board are not conducted pursuant to Government Code section 11500 et seq. The procedures may be obtained by accessing http://www.waterboards.ca.gov/water_laws/. Information on meeting and hearing procedures is also available by contacting Ms. Laurie Applegate at (530) 542-5414.

Water Board staff, El Dorado County staff and its representatives, and interested persons may speak at the Water Board meeting, and are expected to orally summarize their written submittals. Persons making presentations should confine statements to the issues pertinent to this hearing only. Oral testimony should be brief and may be limited by the Water Board Chair to allow all interested persons time to be heard.

Each of the designated parties will have a total of **30 minutes** to present (summarize) its comments on the proposed administrative civil liability order, provide any rebuttal or cross-examination, and to provide a closing statement. Interested persons will have **5 minutes** to comment on the proposed administrative civil liability order. There may be one or more breaks at the discretion of the Chair.

The order of presentation during the hearing is as follows:

1. Presentation by Lahontan Water Board Staff (Prosecution Team)
2. Presentation by El Dorado County Department of Transportation
3. Cross-Examination by Lahontan Water Board staff (Prosecution Team)
4. Cross-Examination by El Dorado County Department of Transportation
5. Comments by Interested Persons
6. Rebuttal by Lahontan Water Board staff (Prosecution Team)
7. Rebuttal by El Dorado County Department of Transportation
8. Closing Statement by El Dorado County Department of Transportation
9. Closing Statement by Lahontan Water Board staff (Prosecution Team)

Water Board members and Advisory Team legal counsel may ask questions of Designated Parties, Prosecution Team staff, Advisory Team staff or interested persons at any time during the hearing. The time for asking and answering these questions will not count against time limits.

The Board may deliberate on this matter in closed session. (Government Code Section 11126(c)(3).)

SUBMISSION OF WRITTEN MATERIALS

Designated parties and interested persons may submit to the Lahontan Water Board and to all designated parties, written materials on the Administrative Civil Liability Complaint. The Lahontan Water Board must receive these materials by **11:00 a.m. on February 2, 2007**. This material will be made available to the Water Board members. "Written materials" include documentary evidence, legal or technical argument or analysis, and non-evidentiary policy statements.

Any objections to the procedures in this Hearing Notice must be submitted in writing. The Lahontan Water Board must receive the written objections by **11:00 a.m. on February 2, 2007**.

Written materials or objections received after the **February 2, 2007** deadline will not be accepted, except at the discretion of the Chair. Untimely written material or objections will not be accepted or incorporated into the administrative record if doing so would prejudice the Water Board, its staff, or El Dorado County. The Chair may choose to modify this rule upon a showing of severe hardship. (California Code of Regulations, title 23, §§ 648.1 & 648.4.) Any person seeking to submit late written materials must justify why the materials could not have been submitted earlier.

In addition to the above written materials, Designated Parties may submit written objections to any timely evidence that another Designated Party submits by the February 2 deadline. *Written* evidentiary objections must be received by **11:00 a.m. on February 9, 2007**. Oral objections may be made at the hearing.

INSTRUCTIONS FOR SUBMITTING DOCUMENTS

Copies of all written materials, objections and requests for designated party status related to the Administrative Civil Liability Complaint must be sent to:

For the Lahontan Water Board (Advisory Team):

Originals of all documents to:	And one copy to:
Harold J. Singer Executive Officer Regional Water Quality Control Board, Lahontan Region 2501 Lake Tahoe Boulevard South Lake Tahoe, CA 96150 hsinger@waterboards.ca.gov Phone (530) 542-5412 Fax (530) 544-2271	Lori T. Okun, Esq. Senior Staff Counsel State Water Resources Control Board, Office of Chief Counsel 1001 I Street Sacramento, CA 95814 Lokun@waterboards.ca.gov Phone (916) 341-5165 Fax (916) 341-5199

For Lahontan Water Board Staff (Prosecution Team):

One copy of all documents to:	And one copy to:
Robert S. Dodds Assistant Executive Officer Regional Water Quality Control Board, Lahontan Region 2501 Lake Tahoe Boulevard South Lake Tahoe, CA 96150 Rdodds@waterboards.ca.gov Phone (530) 542-5410 Fax (530) 544-2271	David P. Coupe, Esq. Staff Counsel State Water Resources Control Board, Office of Chief Counsel 1001 I Street Sacramento, CA 95814 dcoupe@waterboards.ca.gov Phone (916) 327-4439 Fax (916) 341-5199

For El Dorado County:

One copy of all documents to:

Robert Slater
Deputy Director
El Dorado County Department of Transportation
2850 Fairlane Court
Placerville, CA 95667
BSlater@co.el-dorado.ca.us
Phone (530) 621-5918
Fax (530) 626-0387

Designated Parties must submit fifteen (15) paper copies of all written materials to Harold Singer at the above address.

Extra copies of procedural or evidentiary objections and requests for designated party status are not required. These documents can be submitted on paper, by email or by fax, as long as they are provided to all of the above individuals.

Anyone having questions on the Administrative Civil Liability Complaint, the proposed order for Administrative Civil Liability or other related documents should contact Robert S. Dodds at (530) 542-5410. Interested persons may download the above listed and related documents from the Lahontan Water Board's website at www.waterboards.ca.gov/lahontan. If you do not have Internet access or would like to receive a hardcopy of these documents, these documents may be inspected and copied at the Lahontan Water Board's office, Monday through Friday, excluding holidays, between 8:00 a.m. and 5:00 p.m. or you may request a copy to be mailed to you by telephoning Laurie Applegate at (530) 542-5414.

HEARING FACILITIES

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Laurie Applegate at (530) 542-5414 at least five (5) working days prior to the hearing. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring the above information to the attention of anyone you know who would be interested in this matter.

Dated: January 23, 2007



Harold J. Singer
Executive Officer