



**Matthew Rodriguez**  
Secretary for  
Environmental Protection

## California Regional Water Quality Control Board Lahontan Region

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2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150  
(530) 542-5400 • FAX (530) 544-2271  
<http://www.waterboards.ca.gov/lahontan>



**Edmund G. Brown Jr.**  
Governor

December 22, 2011

TO ALL INTERESTED PERSONS AND AGENCIES:

**PROPOSED RESOLUTION FOR THE CALIFORNIA TAHOE CONSERVANCY LOWER  
BLACKWOOD CREEK RESTORATION PROJECT - EXEMPTIONS TO WASTE  
DISCHARGE PROHIBITIONS CONTAINED IN THE WATER QUALITY CONTROL PLAN  
FOR THE LAHONTAN REGION – PLACER COUNTY**

Enclosed is the Proposed Resolution scheduled for consideration at a public meeting of the Water Board on **January 11 and 12, 2012** in Apple Valley. Details on the meeting time and location are in the enclosed agenda announcement.

You may contact me at (530) 542-5439 if you have any questions or wish to discuss the Proposed Resolution.

Robert Larsen  
Environmental Scientist

Enclosures: Proposed Resolution  
Agenda Announcement

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

**RESOLUTION R6T-2012-(PROPOSED)**

**CALIFORNIA TAHOE CONSERVANCY, LOWER BLACKWOOD CREEK  
RESTORATION PROJECT - EXEMPTIONS TO WASTE DISCHARGE  
PROHIBITIONS CONTAINED IN THE WATER QUALITY CONTROL PLAN FOR THE  
LAHONTAN REGION**

\_\_\_\_\_ Placer County \_\_\_\_\_

**WHEREAS**, the California Water Quality Control Board, Lahontan Region (Water Board) finds:

1. On October 21, 2011 the California Tahoe Conservancy (Conservancy) submitted the following information for the Lower Blackwood Creek Restoration Project (hereafter referred to as the "Project") to the California Regional Water Quality Control Board, Lahontan Region (Water Board):
  - a. Notice of Determination for a Mitigated Negative Declaration for the Project, filed on March 22, 2010.
  - b. Project plans and associated design report.
  - c. Draft Storm Water Pollution Prevention Plan (SWPPP) to comply with Board Order No. R6T-2011-0019, Updated Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAG616002 for Discharges of Storm Water Runoff Associated with Construction Activity Involving Land Disturbance in the Lake Tahoe Hydrologic Unit.
  - d. Complete application for Clean Water Act 401 Water Quality Certification.
2. The Project area is located within the Blackwood Creek watershed, north of the Tahoe Pines subdivision and south of Eagle Rock in Placer County. The Project area includes portions of Blackwood Creek immediately upstream of State Route 89. The Project vicinity is shown in Attachment A, which is made part of this Resolution.
3. The Blackwood Creek watershed has been historically disturbed by intensive logging, grazing and gravel mining. Upland and stream corridor disturbance has resulted in elevated sediment discharges from upland areas and high rates of stream bank erosion.
4. The purpose of the Project is to improve riparian and terrestrial ecosystem conditions by reducing channel erosion, restoring and expanding riparian habitat and function, and encouraging long-term sustainability of aspen stands. The Project includes habitat-enhancing bank protection structures, upland trail improvements, channel realignment, and construction of inset floodplain areas to reduce the impacts of historical disturbance.

5. Implementation of the Project is planned to begin in May 2012 and will be completed no later than October 2013.
6. The purpose of this Resolution is to grant waste discharge prohibition exemptions to two waste discharge prohibitions contained in the Water Quality Control Plan for the Lahontan Region (Basin Plan) for activities that will be occurring within Stream Environment Zones (SEZs). Project activities located within SEZs include the following:
  - a. Removing coniferous trees and planting aspens to support aspen restoration.
  - b. Constructing rock riffles and placing boulders within the stream channel.
  - c. Installing 63 in-stream woody material structures on the channel banks and floodplain surfaces.
  - d. Constructing five wood and rock revetment structures.
  - e. Realigning three channel segments.
  - f. Extensive revegetation including sod and willow salvage and replanting, seeding, and woody riparian planting.
  - g. Installing a creek diversion pipeline and dewatering system to support construction activities and mitigate impacts.
  - h. Trail restoration and narrowing.
7. The Basin Plan specifies the following discharge prohibitions:
  - a) Lake Tahoe Basin:  
*The discharge or threatened discharge, attributable to new development or permanent disturbance in Stream Environment Zones, of solid or liquid waste, including soil, silt, sand, clay, rock, metal, plastic, or other organic, mineral or earthen materials, to Stream Environment Zones in the Lake Tahoe Basin is prohibited. (Chapter 5, Waste Discharge Prohibitions, page 5.2 – 4)*
  - b) Regionwide:  
*The discharge of waste which causes violation of any numeric water quality objective contained this Plan is prohibited. (Chapter 5, Waste Discharge Prohibitions, page 5.2 - 1)*

The Water Quality Control Plan for the Lahontan Region (Basin Plan) contains a numeric water quality objective for turbidity:

*Increases in turbidity shall not exceed natural levels by more than 10 percent. (Chapter 5, Water Quality Objectives, page 5.1-9)*

8. The activities listed in Finding 6 will result in the discharge or threatened discharge of solid or liquid waste to SEZs. Therefore these activities require an exemption to the prohibition stated in Finding 7(a), above.
9. The Basin Plan contains a provision that the prohibition stated in Finding 7(a), above, shall not apply to any activity the Water Board approves as reasonably necessary for erosion control projects, habitat restoration projects, wetland rehabilitation projects, Stream Environment Zone restoration projects, and similar projects, provided the following findings can be made:

***(a) The project, program, or facility is necessary for environmental protection.***

Historic anthropogenic activities in the Blackwood Creek watershed have resulted in degraded stream and riparian conditions, including severe channel incision, hydrologic disconnection between the channel and the floodplain, stream bank erosion, and conifer encroachment into aspen stands.

The Project is expected to lead to improved conditions of riparian, meadow, and terrestrial ecosystems by reducing sedimentation, restoring and expanding riparian habitat and function, and encouraging long-term sustainability of aspen stands.

***(b) There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in the Stream Environment Zone (SEZ).***

The project purpose is to restore SEZ areas within the Blackwood Creek watershed. There is no reasonable alternative that would reduce the extent of encroachment in the SEZ due to the inherent nature of the Project.

***(c) Impacts are fully mitigated.***

The total area of proposed work within the SEZ is approximately 3.3 acres. The majority of this area occurs in and adjacent to the 1200 linear feet of Blackwood Creek stream channel to the west of the State Route 89 culvert, with a small area (approximately ½ acre) of SEZ disturbance occurring in the sod and willow salvage area to the northwest of the channel restoration effort.

Construction Best Management Practices, described within the Project's Storm Water Pollution Protection Plan, Mitigated Negative Declaration, and construction plans, will be in place to reduce adverse effects on water quality from construction. Disturbances such as temporary roads will be rehabilitated following completion of restoration activities. Temporary roads within the SEZ will

be removed at the end of each construction season. The Project will result in overall water quality and riparian improvement. All impacts are fully mitigated.

10. Data collected between August 2009 and October 2011 indicate that Blackwood Creek's background in-stream turbidity at a monitoring station upstream of the Project area typically varied between 0.17 and 1.41 Nephelometric Turbidity Units (NTUs) during low flow periods (July-Oct). During high flow periods (spring snowmelt events) the turbidity was measured as high as 44.6 NTUs.

Due to the very low natural levels of turbidity during the construction period of summer/fall, even a slight increase in fine sediment input to the creek during restoration activities could result in a violation of the numeric water quality objective for turbidity stated in Finding 7(b), above. For example, a measured increase in turbidity of only 0.1 to 0.2 NTUs would violate the turbidity objective during low flows expected to occur in the construction season.

11. The introduction of flow into the newly constructed channel and restored bank areas may result in a violation in the numeric water quality objective for turbidity, even after the Conservancy "seasons" the new channels. "Seasoning" the new channels will include flood irrigation of the new channel segments and percolation of introduced flow to facilitate the settling of sediments and channel hardening. This flooding/percolation technique will be conducted a minimum of three times with the goal of stabilizing any loose fine sediments into the project reach of the channel. The Conservancy will also use pumps and hoses to "jet" newly constructed channel bed and banks to mobilize loose sediment, further wash channel substrate materials, and lodge loose sediment into substrate interstitial spaces. The Conservancy will then introduce flow into the improved channel without discharging or connecting to the live channel. This introduced flow will be pumped to approved upland dewatering areas until the turbidity in the last reach of the new channel is less than or equal to 15 NTUs. At that time, flows in the improved channel reach can be released and connected to the existing channel.

Elevated turbidity downstream of the Project is not expected to exceed 15 NTUs, and turbidity levels are expected to return to background conditions (as described in Finding 10) within 48 hours of reestablishing flow through the Project area.

12. In the Basin Plan the Water Board encourages restoration projects that are intended to reduce or mitigate existing sources of soil erosion, water pollution, or impairment of beneficial uses. The Basin Plan contains provisions for the Water Board to grant exemptions to prohibitions including the discharge of waste which causes violation of any narrative water quality objective contained in the Basin Plan, including the Nondegradation Objective, whenever it finds that a specific restoration project meets all the following criteria:

***(a) The project will eliminate, reduce, or mitigate existing sources of soil erosion, water pollution, and/or impairment of beneficial uses of water.***

The purpose of the Project is to improve Blackwood Creek watershed and channel conditions by reducing accelerated stream bank and bed erosion, restoring and expanding riparian habitat and function, and encouraging long-term sustainability of aspen stands. The Project will realign stream channel segments, construct five rock and log revetment structures, place woody material structures in the channel, place boulders in strategic locations, construct rock riffles, restore/decommission portions of existing roads and trails, and revegetate disturbed areas. These activities are expected to reduce stream channel erosion, improve riparian and aquatic habitat condition, and reduce sediment loading to Lake Tahoe.

***(b) There is no feasible alternative to the project that would comply with the provisions of the Basin Plan, precluding the need for an exemption.***

Accelerated stream bank and bed erosion are the result of ongoing incision and bank instability of the existing channel. The Project is needed to address erosion sources and improve the impaired natural functions of the ecosystem.

Other alternative actions to restore Blackwood Creek would involve similar risk of elevated turbidity either during construction or during connection of creek flow to the improved channel. The Conservancy considered design alternatives in planning the Project, including no action. Conservancy work and design modifications resulted in a reduction in acreage of proposed disturbance to the absolute minimum necessary to construct the proposed improvements.

***(c) Land disturbance will be limited to the absolute minimum necessary to correct or mitigate existing sources of soil erosion, water pollution, and/or impairment of beneficial uses of water.***

The Project proposes to disturb approximately 3.3 acres of SEZ. The majority of this area occurs in and adjacent to the 1200 feet of Blackwood Creek stream channel to the west of the State Route 89 culvert, with a small area (approximately ½ acre) of SEZ disturbance occurring in the sod and willow salvage area to the northwest.

These disturbances are the minimum necessary to meet Project objectives of improving the function of the riparian and aquatic ecosystems.

***(d) All applicable Best Management Practices and mitigation measures have been incorporated into the project to minimize soil erosion, surface runoff, and other potential adverse environmental impacts.***

The Conservancy has submitted a draft Storm Water Pollution Prevention Plan which describes Best Management Practices and mitigation measures designed to avoid, reduce, and minimize adverse environmental impacts, particularly during phases that include in-channel excavation and seasoning, creek flow introduction, and dewatering of the existing channel. Specific procedures are outlined for the methods, timing, and monitoring of the following activities:

- (a) Construction and decommissioning of temporary access roads
- (b) Sod salvage and sod borrow
- (c) Excavation of new channel improvements and floodplain areas
- (d) Dewatering the construction area and infiltration of construction water
- (e) Phased introduction of flow into newly improved channel, including post-construction channel seasoning and phased flow re-initiation with monitoring to ensure low turbidity levels (see Finding 11)
- (f) Diversion of Blackwood Creek during construction

The flow of Blackwood Creek will remain in the diversion pipeline until the channel improvement construction is complete, and turbidity levels within the channel are reduced to the maximum extent practicable in accordance with plan and criteria described in Finding 11.

***(e) The project complies with all applicable laws, regulations, plans, and policies.***

Prior to Project implementation the Conservancy must obtain the following permits from the Water Board:

- a) Water Quality Certification pursuant to Clean Water Act section 401
- b) Notice of Applicability of Board Order No. R6T-2011-0019, Waste Discharge Requirements and NPDES General Permit No. CAG616002 for Storm Water Discharges Associated with Construction Activity in the Lake Tahoe Hydrologic Unit

***(f) Additional exemption criteria apply to restoration projects proposed within the Lake Tahoe Basin. To the extent that they are more stringent, the Lake Tahoe Basin criteria supersede the regionwide criteria, above.***

As described in Findings 8 and 9, above, disturbances within the SEZ resulting from Project activities requires an exemption to a waste discharge prohibition against the discharge or threatened discharge to SEZs attributable to new development or permanent disturbance within an SEZ. This exemption is also part of this resolution.

13. The California Tahoe Conservancy certified a Mitigated Negative Declaration for the Lower Blackwood Creek Restoration Project and a Notice of Determination was filed on March 22, 2010 accordance with the California Environmental Quality Act (Public Resources Code 21000, et seq.).

As a responsible agency, Water Board staff have reviewed the Mitigated Negative Declaration and noted that the document includes specific mitigation actions to reduce potentially significant impacts to less than significant levels. These mitigation measures are further described in the project plans and other submitted documents. The Water Board will include implementation of these measures as described in the submitted material in the required Water Quality Certification that must be issued pursuant to Clean Water Act Section 401.

14. The Water Board has notified the Project proponent and interested agencies and persons of its intent to adopt this Resolution.
15. The Water Board, in a public meeting, heard and considered all comments pertaining to the proposed activities and a proposed exemption to a prohibition in the Basin Plan.

**THEREFORE, BE IT RESOLVED THAT:**

1. The Lower Blackwood Creek Restoration Project is reasonably necessary for stream channel, habitat, and SEZ restoration as outlined in Finding 9 above.
2. The Water Board hereby grants an exemption to the Basin Plan prohibition stated in Finding 7(a), above.
3. The Lower Blackwood Creek Restoration Project is a restoration project that is intended to reduce or mitigate existing sources of soil erosion, water pollution, or impairment of beneficial uses, and meets the eligibility criteria for an exemption to the Basin Plan waste discharge prohibition as outlined in Finding 11, above.
4. The Water Board hereby grants an exemption to the Basin Plan prohibition stated in Finding 7(b), above. This exemption is limited to the water quality objective for turbidity and to the specific turbidity limit described in Finding No. 11, above.
5. Prior to construction commencing, the Conservancy must receive Water Quality Certification (WQC) pursuant to Clean Water Act section 401 and obtain coverage under Order R6T-2011-0019, General Waste Discharge Requirements and NPDES General Permit No. CAG616002 for Storm Water Discharges Associated with Construction Activity in the Lake Tahoe Hydrologic Unit.



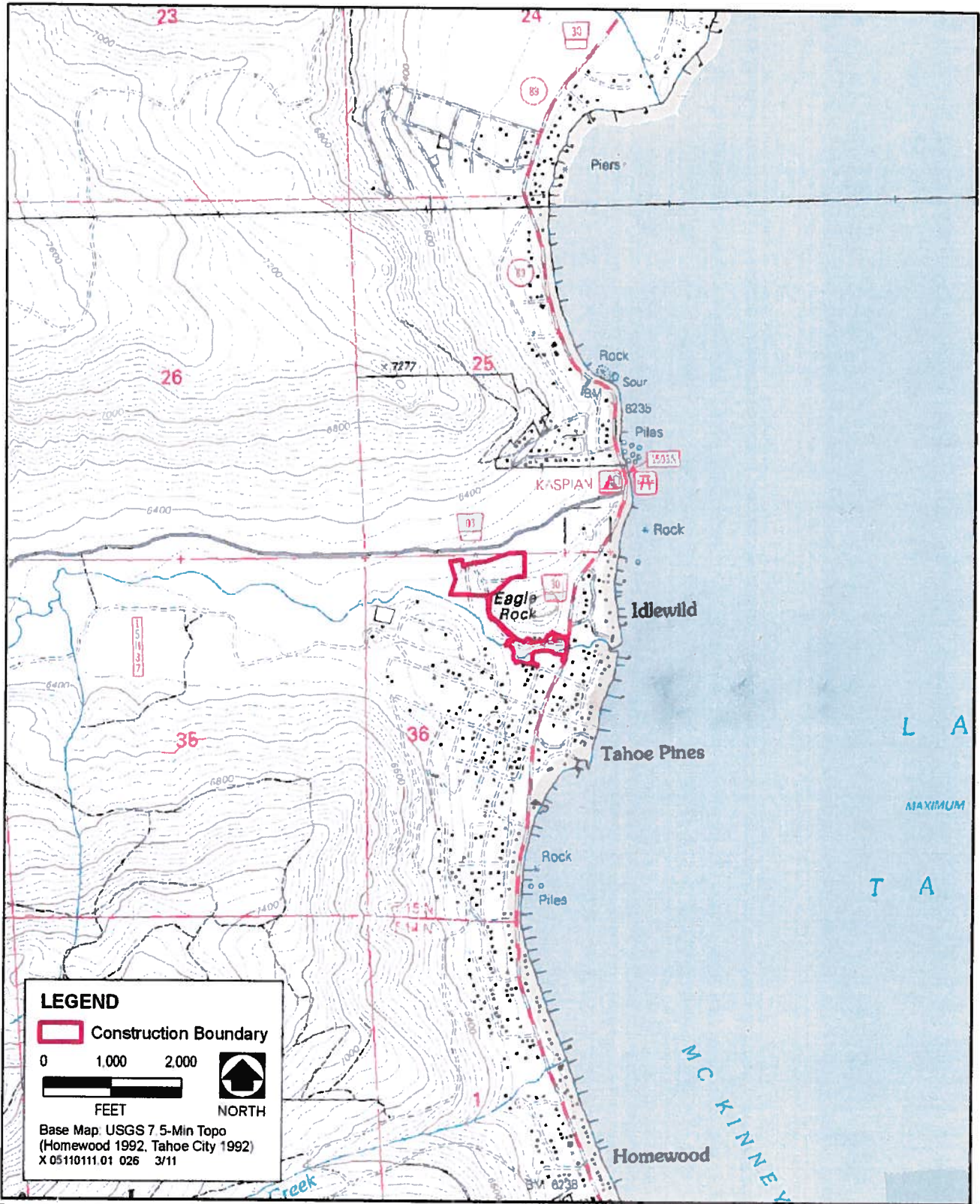
I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Lahontan Region, on January 11 and 12, 2012.

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HAROLD J. SINGER  
EXECUTIVE OFFICER

Attachments: A. Project Vicinity Map

PROPOSED



Source: Adapted by AECOM 2011

Attachment A: Lower Blackwood Creek Restoration Project Vicinity Map



# California Regional Water Quality Control Board Lahontan Region



**Matthew Rodriques**  
Secretary for  
Environmental Protection

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150  
Phone: (530) 542-5400 • Fax: (530) 544-2271  
Internet: <http://www.waterboards.ca.gov/lahontan>

**Edmund G. Brown Jr.**  
Governor

Date Distributed: December 22, 2012

## MEETING AGENDA

January 11-12, 2012

Mojave Water Agency  
13846 Conference Center Drive  
Apple Valley, CA 92307

### Wednesday, January 11, 2012

Regular Meeting: 1:00 p.m.

### Thursday, January 12, 2012

Regular Meeting Continued: 8:30 a.m.

**Note:** A quorum of the Water Board will be dining on Wednesday, January 11, 2012, at 5:15 p.m. at Mama Carpino's located at 22010 Hwy 18 in Apple Valley. The Water Board will not be discussing anything related to the Board's authority during this dinner.

### **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](http://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](http://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 California Code of Regulations, Title 23, 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 California Code of Regulations, Title 23, 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.

The meeting room is accessible to people with disabilities. If you have special accommodations or language needs, please contact Sue Genera at least five days prior to the meeting date at (530) 542-5414 or [sgenera@waterboards.ca.gov](mailto:sgenera@waterboards.ca.gov). TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

### **General Meeting Information:**

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. It is likely that some of the items scheduled for Wednesday afternoon will carry-over into the evening session. 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, 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, January 11, 2012- 1:00 p.m.**

### **INTRODUCTIONS**

1. **Minutes** (The Water Board will consider adopting the minutes of the Regular Meeting of December 6-7, 2011, held in South Lake Tahoe, CA) (Sue Genera)
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.

### **PERMITS - REVISIONS, UPDATES, AMENDMENTS OR RESCISSIONS**

- 3.\* **Master Water Recycling Requirements and Waste Discharge Requirements, County Sanitation District No. 20 of Los Angeles County (Palmdale), Disinfected Tertiary Recycled Water, Los Angeles County** (The Water Board will consider adopting Water Recycling Requirements and Waste Discharge Requirements.) (Eric J. Taxer)
4. **Rescission of Waste Discharge Requirements, Order No. R6V-2010-0019 for Green Valley Foods Products, Inc. and Hector Huerta, Cheese Processing Facility, Class II Surface Impoundment, San Bernardino County – WDID No. 6B360704003** (The Water Board will consider rescinding the Waste Discharge Requirements.) (Harold Singer)

### **ENFORCEMENT ACTIONS**

5. **Public Hearing - Consideration of a Cease and Desist Order for Hector Huerta and Green Valley Foods Products, Inc. to Cease and Desist forthwith from Discharging Waste from Green Valley Foods Products, Inc. Cheese Production Facility in Violation of Waste Discharge Requirements Specified by Water Board Order No. R6V-2010-0019, San Bernardino County – WDID No. 6B360704003**  
(The Water Board will consider adopting, adopting with amendments, or denying a Cease and Desist Order requiring the Dischargers to cease forthwith from discharging waste to land in violation of Water Board Order No. R6V-2010-0019, or referring to the Attorney General's Office for further enforcement. Submittal of comments on this item and the time allocated at the hearing for presentations are governed by the Hearing Procedures for this matter which can be found at [http://www.waterboards.ca.gov/lahontan/public\\_notices/grnvilly/hrng\\_prdcdrs\\_cdo.pdf](http://www.waterboards.ca.gov/lahontan/public_notices/grnvilly/hrng_prdcdrs_cdo.pdf).) (Lisa Scorable)
6. **Public Hearing - Consideration of an Administrative Civil Liability (ACL) Order for Hector Huerta and Green Valley Foods Products, Inc. (Dischargers) for Failure to Submit Plans and Reports Regarding the Dischargers' Cheese Production Facility in Violation of Waste Discharge Requirements Specified by Water Board Order No. R6V-2010-0019, San Bernardino County – WDID No. 6B360704003**  
(The Water Board will consider adopting, adopting with amendments (increasing or decreasing the liability amount), or denying an ACL order that imposes a \$235,674 liability against the Dischargers for failure to submit plans and reports related to constructing and operating a Title 27-compliant surface impoundment, as required by Board Order No. R6V-2010-0019, or referring the matter to the Attorney General's Office for further enforcement. Submittal of comments on this item and the time allocated at the hearing for presentations are governed by the Hearing Procedures for this matter which can be found at [http://www.waterboards.ca.gov/lahontan/public\\_notices/grnvilly/hrng\\_prdcdrs110711.pdf](http://www.waterboards.ca.gov/lahontan/public_notices/grnvilly/hrng_prdcdrs110711.pdf).) (Scott C. Ferguson)

### **OTHER BUSINESS**

- 7.\* **California Tahoe Conservancy, Lower Blackwood Creek Restoration Project - Exemption to Waste Discharge Prohibitions Contained in the Water Quality Control Plan for the Lahontan Region, Placer County** (The Water Board will consider granting exemptions to discharge prohibitions contained in the Water Quality Control Plan for the Lahontan Region to facilitate stream restoration project implementation.) (Robert Larsen)

\* See Item 2

8. **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

--- Executive Officer's Report

--- Notification of Spills (Pursuant to Water Code section 13271, and Health and Safety Code section 25180.7)

--- Notification of Closure of Underground Storage Tank Cases (Pursuant to Article 11, Division 3, Chapter 16, title 23, California Code of Regulations)

9. **CLOSED SESSION**\*\*

- a. Discussion of Significant Exposure to Litigation. Authority: Government Code section 11126, subdivision (e)(2)(B)(i).
- b. Discussion to Decide Whether to Initiate Litigation. Authority: Government Code section 11126, subdivision (e)(2)(C)(i).
- c. 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, subdivision (e).
- d. 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, subdivision (e).
- e. 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, subdivision (e).
- f. Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): In the Matter of the Petition of the California Department of Fish and Game for Review of Action by the California Regional Water Quality Control Board, Lahontan Region in Adopting Order No. R6V-2010-0016 Regarding Hot Creek Hatchery (SWRCB/OCC File No. A-2092). Authority: Government Code section 11126, subdivision (e).
- g. Discussion of Litigation: Californians for Alternatives to Toxics, a California non-profit corporation, Wilderness Watch, a Montana non-profit corporation, the Friends of Silver King Creek, a California non-profit corporation, and Laurel

\*\* 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, subdivisions (a), (c), (3) and (e).

- Ames and Dr. Ann McCampbell, individuals v Lahontan Regional Water Quality Control Board and California Department of Fish and Game, Alpine County Superior Court Case No. C110311. Authority: Government Code section 11126, subdivision (e).**
- h. Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): In the Matter of the Petition of the United State Department of Agriculture, Forest Service, Inyo National Forest for Review of Action by the California Regional Water Quality Control Board, Lahontan Region in Adopting Order No. R6T-2011-0009 Regarding Investigative Order for the United States Forest Service, Inyo National Forest, White Mountain Grazing Allotments (SWRCB/OCC File No. A-2151). Authority: Government Code section 11126, subdivision (e).**
- i. Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): In the Matter of the Petition of Paul Ryken and the Estate of Nick Van Vliet for Review of Action by the California Regional Water Quality Control Board, Lahontan Region in Issuing Cleanup and Abatement Order Nos. R6V-2008-0034, R6V-2008-0034A2 and R6V-2008-0034A3 and in issuing Investigative Order No. R6V-2010-0028, all regarding the Desert View Dairy (SWRCB/OCC File Nos. A-1975, A-2089(a), A-2115, and A-2153). Authority: Government Code section 11126, subdivision (e).**
- j. Deliberation on a Decision to be Reached Based Upon Evidence Introduced in a Hearing. The Water Board may meet in closed session to deliberate on evidence presented at this meeting concerning: Consideration of the Issuance of a Cease and Desist Order for Green Valley Foods and Hector Huerta for the Discharge or Threatened Discharge of Waste in Violation of Waste Discharge Requirements Specified by Water Board Order No. R6V-2010-0019. Authority: Government Code Section 11126(c)(3).**
- k. Deliberation on a Decision to be Reached Based Upon Evidence Introduced in a Hearing. The Water Board may meet in closed session to deliberate on evidence presented at this meeting concerning: Consideration of the Issuance of an Administrative Civil Liability Order to Green Valley Foods and Hector Huerta for the Failure to Submit Plans and Reports Regarding the Dischargers' Cheese Production Facility in Violation of Waste Discharge Requirements Specified by Water Board Order No. R6V-2010-0019. Authority: Government Code Section 11126(c)(3).**
- l. Deliberation on a Decision to be Reached Based Upon Evidence Introduced in a Hearing. The Water Board may meet in closed session to deliberate on evidence presented at this meeting concerning: Consideration of Rescission of Waste Discharge Requirements, Order No. R6V-2010-0019 for Green Valley Foods Products Inc. and Hector Huerta, Cheese Processing Facility, Class II Surface Impoundment. Authority: Government Code Section 11126(c)(3).**
- m. Discussion of Personnel Matters. Authority: Government Code section 11126, subdivision (a).**

**Wednesday, January 11, 2012 - approximately 7:00 p.m.****OTHER BUSINESS****10. 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](http://www.waterboards.ca.gov/lahontan/board_info/agenda/upcoming.shtml#top) )

**Thursday, January 12, 2012 – 8:30 a.m.****PLANS AND POLICIES**

11. **Proposed Scope of Work and Development of a Salt and Nutrient Plan for the Mojave Integrated Regional Water Management Group, San Bernardino County** (Water Board staff will discuss the goals and requirements for Salt and Nutrient Management Plans (SMP). Representatives from the Mojave Integrated Regional Water Management Group will present their proposed scope of work for a regional SMP for the Mojave basin. This is an informational item only. The Water Board may provide direction and input on the proposed scope of work and content of the Mojave basin SMP.) (Jan Zimmerman)

**OTHER BUSINESS****12. Reports by Water Board Chair and Board Members****13. Election of Chair/Vice Chair****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, subdivision (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, or state holiday 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](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:

Northern Lahontan Basin:

Tobi Tyler in South Lake Tahoe at (530) 542-5435, [ttyler@waterboards.ca.gov](mailto:ttyler@waterboards.ca.gov)



Southern Lahontan Basin:

Patrice Copeland and Jan Zimmerman, in Victorville at (760) 241-6583,  
[pcopeland@waterboards.ca.gov](mailto:pcopeland@waterboards.ca.gov) or [jzimmerman@waterboards.ca.gov](mailto:jzimmerman@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 (Gov. Code § 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 (Gov. Code § 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 Dr., 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            |
| Don Jardine, Vice Chair | Markleeville                      | County Government       |
| R. Keith Dyas           | Rosamond                          | Industrial Water Use    |
| Amy Horne, Ph.D.        | Truckee                           | Rec., Fish and Wildlife |
| Peter C. Pumphrey       | Bishop                            | Water Quality           |
| Eric Sandel             | Truckee                           | Water Quality           |
| Vacant                  |                                   | Municipal Government    |
| Vacant                  |                                   | Irrigated Agriculture   |
| Vacant                  |                                   | Public                  |

## LAHONTAN WATER BOARD STAFF

|                                    |  |                                      |                                   |
|------------------------------------|--|--------------------------------------|-----------------------------------|
| Harold Singer<br>Executive Officer | Lauri Kemper<br>Assistant Executive Officer<br>and Ombudsman | Kim Niemeyer<br>Counsel to the Board | Sue Genera<br>Executive Assistant |
|------------------------------------|--|--------------------------------------|-----------------------------------|

|                          |  |
|--------------------------|--|
| South Lake Tahoe Office: | Chuck Curtis, Manager, Regulatory Compliance Division<br>Scott Ferguson, Chief, Enforcement & Special Projects Unit<br>Alan Miller, Chief, North Basin Regulatory Unit<br>Chief, Leviathan Mine Unit (Vacant)                          |
|                          | Doug Smith, Manager, Planning and Restoration Division<br>Richard Booth, Chief, TMDL/Basin Planning Unit<br>Douglas Cushman, Chief, Non-Point Source Unit<br>Tom Gavigan, Chief, North Basin Cleanup and Site Investigation Unit       |
| Victorville Office:      | Mike Plaziak, Manager, Southern Lahontan Watersheds Division<br>Patrice Copeland, Chief, Land Disposal Unit<br>Jehiel Cass, Chief, South Basin Regulatory Unit<br>Cindi Mitton, Chief, South Basin Cleanup and Site Investigation 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 are retained in the Water Board's office for two years. Anyone desiring copies should contact Sue Genera 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 or state holiday, 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](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, subdivisions (a), (c)(3) and (e).