

To: State Water Resources Control Board (SWRCB)
Office of Chief Counsel
Adrianna M. Crowl
P.O. Box 100
Sacramento, CA 95812-0100

From: Legal Team for Tahoe Stewards; Environmental Health Trust; Tahoe for Safer Tech;
Alan Miller, PE; Monica Eisenstecken; David Benedict; David Jinkens

Re: Appeal Regarding Illegal Waivers Issued by the Lahontan Water Quality
Control Board (LRWQCB) in Violation of California Water Code Section 13269 for Telecom
Dischargers of Plastic Wastes as Litter and Microplastics in the Lake Tahoe
Hydrologic Unit and Request for Water Board Compliance with CWC Section 13264

Date: July 11, 2023

By eMail to: waterqualitypetitions@waterboards.ca.gov

Dear Ms. Crowl,

Our client Alan Miller, who worked at Lahontan Regional Water Quality Control Board (LRWQCB) for over 25 years, has today filed a petition with the State Water Resources Control Board (SWRCB). On April 14, 2023 our Legal Team submitted the opinion in Attachment 2 of Mr. Miller's petition to the Lahontan Regional Water Quality Control Board (LRWQCB) in support of our several client's concerns over illegal discharges of monopine plastic and microplastic waste into Lake Tahoe. The letter requests specific actions that LRWQBC must take to become aware of and control a continuing, aggravating hazard to public health and the environmental integrity of Lake Tahoe. We asked LRWQBC to respond to our request within two weeks. LRWQBC has chosen to ignore and not respond to our letter, which is the subject now of this petition. The legal issues remain the same: LRWQBC continues to act in clear defiance of California and federal law.

Mr. Miller is making the following requests in his petition which we concur with and repeat here:

- A. Issue an Order prohibiting the waste discharges from existing and proposed new monopine towers in the Lake Tahoe Hydrologic Unit under existing regulatory prohibitions.
- B. Rebuke the LRWQBC for the issuance of the "no further action letters" and revoke the letters forthwith.
- C. Declare that the delegation of regulatory authority by the LRWQBC to TRPA under its expired general waiver is illegal.
- D. Require the LRWQBC to issue waste discharge requirements and/or specific or general waivers in accordance with CWC section 13263 or section 13269, respectively, for the reports filed for monopine wastes under section 13260 orders.

- E. Impose fines and take other enforcement actions for the violations under section 13264, until such time that requirements are lawfully promulgated, including potential investigations and cleanups as Petitioners have requested for unregulated monopine tower waste discharges.
- F. Require that the LRWQBC implement section 13260 application requirements and application processing for waste discharges, including construction wastes, for all construction projects not otherwise covered by waste discharge requirements or waivers from the LRWQBC.
- G. Issue a stay against any new waste discharge from construction of any kind involving land disturbance in the Lake Tahoe Hydrologic Unit that is not in compliance with section 13260 and section 13264 requirements until the LRWQBC has taken the indicated actions to require waste discharge reports and regulate the discharges pursuant to established waste discharge requirements or a formal waiver of waste discharge requirements, based on official findings and processes of public notice and participation, required by California statutory and regulatory law.

We appreciate your consideration and stand willing to cooperate with and support SWRCB in any enforcement action SWRCB decides to take.

Sincerely,

Legal Team:

Julian Gresser- juliangresser77@gmail.com

Robert J. Berg- robertbergesq@aol.com

Gregg Lien- lakelaw@sierratahoe.net

State Water Resources Control Board
Office of Chief Counsel
Adrianna M. Crowl
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Sacramento, CA 95812-0100
By eMail to: waterqualitypetitions@waterboards.ca.gov

July 11, 2023

Petition to State Water Resources Control Board For Inaction of Regional Water Quality Control Board, Lahontan Region, to Adopt or Waive Waste Discharge Requirements under California Water Code sections 13263 and 13264, or California Water Code section 13269, respectively, for Numerous Projects Discharging Plastic, Microplastic and Construction Wastes in the Lake Tahoe Hydrologic Unit

This petition is filed pursuant to applicable regulations and instructions provided at https://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml.

1. Name, address, telephone number and e-mail address (if available) of the petitioner.

Petitioners Are: Alan Miller, PE; who will serve as the point of contact for our group,

PO Box 7526, S Lake Tahoe CA 96158, (530) 542-0243, syngineer1@gmail.com

Robert Aaron, S Lake Tahoe; David Jinkens, S Lake Tahoe.

2. The action or inaction of the Regional Water Board being petitioned, including a copy of the action being challenged or any refusal to act.

The inaction is discussed in detail in two related petitions filed jointly with the Lahontan Water Board, the first by Alan Miller, filed on April, 13, 2023, and the second by attorneys Gresser, Berg and Lien, filed on April 14, 2023, see Attachments 1 and 2. Briefly, this Petition is related to the Orders issued by the LRWQBC pursuant to California Water Code section 13260 together with the waste discharge reports received and particularly the letters from LRWQCB in response (see Attachment 1 to the April 13, 2023 petition letter), and the petition letters cited above requesting the LRWQBC Executive Officer (1) retract the letters issued stating no further action would be taken on the applications filed for waste discharge requirements and (2) take actions to adopt or waive waste discharge requirements as required under the CWC for these and other waste discharges, supported by a clear and well reasoned explanation for its conclusions. Petitioners believe and allege that the LRWQBC is illegally waiving waste discharge requirements for projects affecting water quality numbering in the hundreds annually in the Lake Tahoe Hydrologic Unit.

Petitioners have repeatedly pointed out the risks of uncontrolled and prohibited industrial-scale discharges of plastic and microplastic wastes from wireless telecommunications towers camouflaged with plastic to resemble trees (“monopines”). We allege the failure to regulate these monopine macrotower projects is part of a larger illicit program the LRWQBC is carrying out to allow waste discharge requirements to be waived illegally and against applicable policies for a large number of small construction projects in Lake Tahoe under an expired general waiver of waste discharge requirements (Resolution Board Order R6T-2016-0035, Renewed Waiver of Filing A Report of Waste Discharge and Waiver of Waste Discharge Requirements For Specific Types of Projects or Discharges Regulated by the Tahoe Regional Planning Agency). Beginning in late March 2022, Petitioners have expressed their concerns in correspondence to the LRWQBC, including discussion in testimony and writings at a public meeting of the LRWQBC on May 11, 2022.

Petitioners have confirmed that tower plastics degrade rapidly under the extreme environmental conditions (high winds for example) in Lake Tahoe, resulting in large amounts of uncontrolled discharges of plastic and microplastic wastes. The permit approval by the Tahoe Regional Planning Agency (TRPA) of the 112-foot high monopine macrotower at 1630 Ski Run Blvd, City of South Lake Tahoe, now in litigation is only one example. That tower is slated to be adorned with approximately 10,000 pounds of degradable PVC plastics (needing to be replaced approx. every five years or less), and is just one of many monopines the TRPA has approved without LRWQCB involvement in the last three decades under illegally-delegated authorities in general waivers from the LRWQBC, including the general waiver of Board Order R6T-2016-0035 which expired in May 2021. Our concerns extend to the LRWQBC’s ongoing failure to regulate plastic wastes from the monopine macrotowers and other waste discharges affecting water quality under the expired general waiver, with the ongoing unregulated waste discharges continuing and growing.

3. The date the Regional Water Board refused to act or was requested to act.

Taking the date of the earlier petition letter filing, we urged the LRWQBC to retract the “no further action” letters and promulgate requirements under the law on April 13, 2023. The LRWQBC has refused to act in response to the petitions. Taking the earlier of the jointly-filed petitions, the LRWQBC failed to act by June 12, 2023, and thus this petition is timely filed before or by July 12, 2023.

4. A statement of the reasons the action or inaction was inappropriate or improper.

From the beginning we proposed a straightforward solution to the plastic wastes discharges, which are prohibited by regulation under several applicable prohibitions: enforce the prohibitions and eliminate the monopine towers, and require clean up the past discharges to the extent

feasible. This could be done under waste discharge requirements implementing the applicable prohibitions with time schedules to comply. The LRWQCB chose a different path. In response to our petitions, the LRWQBC did issue six orders to various persons and public agencies to file waste discharge reports for monopine towers in early September 2022 under CWC section 13260. Following a cursory review, the LRWQBC Executive Officer issued “no further action” letters to the various filers under section 13260, declining any further regulatory action. We petitioned these letters as “inactions” of the LRWQBC, for failing to promulgate or adopt requirements as must be done under the law, with a substantial critique of each letter and monopine site we inspected. These inactions were from reliance on TRPA permitting actions, as the letters state, and the expired waiver, an illicit underground regulatory program and illegal delegation of project permitting to the TRPA.

The waste discharges from these monopine tower projects serve as examples of whole classes of projects and waste discharges that the LRWQBC has improperly declined to regulate over the decades; the macro cell tower on Ski Run Blvd. serves as a poignant example. That project is just one among many hundreds that the LRWQBC has illegally delegated its water quality duties to the TRPA to oversee. See Attachment 3. The basis in law and policy for our concerns is explained at length in our correspondence and testimony in the public record; this Petition is necessarily a summary. The inactions are a failure to implement required policies specified in the Water Quality Control Plan for the Lahontan Region (Basin Plan), including numerous applicable waste discharge prohibitions. The inactions are wholly inconsistent with the CWC and the State Water Board’s Policy for Investigation and Cleanups. The inactions are inappropriate because they allow unregulated discharges of plastic wastes containing toxic contaminants and breakdown products to the waters and watersheds of the Lake Tahoe Hydrologic Unit, to the detriment of Lake Tahoe water clarity and quality and many of the beneficial uses Lake Tahoe serves. Further, the LRWQBC has done nothing to abate the past plastic waste discharges from the monopine towers at Lake Tahoe CA, which we allege constitute nuisances under the CWC.

Our requests to the LRWQBC to cease its “underground regulatory program” (as termed by the Office of Administrative Law) for all projects formerly covered by the LRWQBC’s general waiver of waste discharge requirements has been met with silence. The delegation to TRPA, as in expired Board Order R6T-2016-0035, including regulating plastic and microplastic wastes from monopine towers in the Lake Tahoe region of CA, is illegal, and the illegal actions continue. The TRPA is currently processing a new application for a 95-foot high monopine tower at Shop Street in the City of South Lake Tahoe, with no filing of waste discharge reports with the LRWQBC and thus no opportunity for public involvement in the matter before the LRWQBC. This is also the case with hundreds of construction projects processed annually by TRPA alone in California-portions of the Lake Tahoe region affecting water quality, with no permit oversight on the dischargers or involvement by the LRWQBC.

5. How the petitioner is aggrieved.

All of these activities and acts of omission that are creating clear and present dangers to the inhabitants of Lake Tahoe, water quality and the environment are the responsibility of the LRWQBC appointees acting under color of law. We are not dealing with administrative errors, but with deliberate and intentional illegality in deference to the TRPA and the telecom industry to self-regulate. We are providing an opportunity for the State Water Board to correct the violations of law by the rogue appointees. The general public, ourselves included, have been deprived of the opportunity to make our water quality concerns and grievances known in the public arena of a LRWQBC meeting held to consider comment from the public and others concerning specific requirements put forward by the LRWQBC, and to comment for the public record concerning the LRWQBC's compliance with the California Environmental Quality Act, the failure to implement the State Water Board's Cleanup Policy, and a variety of other important State policies and prohibitions concerning trash, plastic wastes, and microplastic contaminants, as are now present in Lake Tahoe. We are aggrieved because we speak for the people whose public health and safety is threatened while the LRWQBC silently implements its illicit underground regulatory program with TRPA and ignores prohibited industrial waste discharges. We speak for the waters of the Lake Tahoe region that are being threatened by unregulated industrial wastes, where no state agency or official person appears to care about these contamination issues and the ongoing defiance of state and federal law. We speak for the environment in general at Lake Tahoe, which is under ongoing and ever more serious threats of industrial waste discharges from projects numbering in the thousands annually, including the much-touted wireless technology rollout ("5G+") with unlimited numbers of monopine and other towers littering the region. We are aggrieved because the LRWQBC is acting like a scofflaw and endangering the public and the unique environment of the Lake Tahoe region for highly-questionable purposes (scenic quality and workload reduction) by ignoring its official duties with regard to water quality and non-discretionary legal mandates.

The action the petitioner requests the State Water Board to take.

Petitioners respectfully make the following requests that the State Water Board:

- A. Issue an Order prohibiting the waste discharges from existing and proposed new monopine towers in the Lake Tahoe Hydrologic Unit under existing regulatory prohibitions.
- B. Rebuke the LRWQBC for the issuance of the "no further action letters" and revoke the letters forthwith.
- C. Declare that the delegation of regulatory authority by the LRWQBC to TRPA under its expired general waiver is illegal.

- D. Require the LRWQBC to issue waste discharge requirements and/or specific or general waivers in accordance with CWC section 13263 or section 13269, respectively, for the reports filed for monopine wastes under section 13260 orders.
- E. Impose fines and take other enforcement actions for the violations under section 13264, until such time that requirements are lawfully promulgated, including potential investigations and cleanups as Petitioners have requested for unregulated monopine tower waste discharges.
- F. Require that the LRWQBC implement section 13260 application requirements and application processing for waste discharges, including construction wastes, for all construction projects not otherwise covered by waste discharge requirements or waivers from the LRWQBC.
- G. Issue a stay against any new waste discharge from construction of any kind involving land disturbance in the Lake Tahoe Hydrologic Unit that is not in compliance with section 13260 and section 13264 requirements until the LRWQBC has taken the indicated actions to require waste discharge reports and regulate the discharges pursuant to established waste discharge requirements or a formal waiver of waste discharge requirements, based on official findings and processes of public notice and participation, required by California statutory and regulatory law.

6. A statement of points and authorities for any legal issues raised in the petition, including citations to documents or hearing transcripts that are referred to.

The legal points are wholly contained in CWC sections 13263, 13264, and 13269. In particular, we note that the discharges are still occurring illegally from the monopine towers and other projects the LRWQBC has failed to regulate. In particular, section 13264 states, in part,

“ (a) No person shall initiate any new discharge of waste or make any material changes in any discharge, or initiate a discharge to, make any material changes in a discharge to, or construct, an injection well, prior to the filing of the report required by Section 13260 and no person shall take any of these actions after filing the report but before whichever of the following occurs first: waste to be discharged does not create or threaten to create a condition of pollution or nuisance and any of the following applies:

- (1) The issuance of waste discharge requirements pursuant to Section 13263.
- (2) The expiration of 140 days after compliance with Section 13260 if the waste to be discharged does not create or threaten to create a condition of pollution or nuisance and any of the following applies:
 - (A) The project is not subject to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).
 - (B) The regional board is the lead agency for purposes of the California Environmental Quality Act, a negative declaration is required, and at least 105 days have expired since the regional board assumed lead agency responsibility.

- (C) The regional board is the lead agency for the purposes of the California Environmental Quality Act, and environmental impact report or written documentation prepared to meet the requirements of Section 21080.5 of the Public Resources Code is required, and at least one year has expired since the regional board assumed lead agency responsibility.
- (D) The regional board is a responsible agency for purposes of the California Environmental Quality Act, and at least 90 days have expired since certification or approval of environmental documentation by the lead agency.
- (3) The issuance of a waiver pursuant to Section 13269... ”

We have asserted the existing and planned monopine tower projects create or threaten to create a condition of pollution or nuisance (see our letter in the record dated April 29, 2022, pp 4-5), the construction projects in general are not exempt from CEQA, and the LRWQBC is the CEQA Lead Agency for purposes related to this Petition.

7. A statement that copies of the petition have been sent to the Regional Water Board and to the discharger, if different from the petitioner.

The LRWQBC has been notified of this Petition before the State Water Board by filing of this Petition online through the LRWQBC’s document retrieval system, followed by copies to the Dischargers and others by way of email through contact addresses we are aware of. See the list of these people in Attachment 5..

8. A statement that the issues raised in the petition were presented to the regional board before the regional board acted, or an explanation of why the petitioner could not raise those objections before the regional board.

We have raised the issues with the LRWQBC in an extensive written correspondence since late March 2022, and refer to certain of the communications below. In response the LRWQBC has offered mostly silence, illegal actions, and failures to act to adopt lawful requirements, as the public record in this matter makes clear.

Please see the annotated listing of significant letters from the record in Attachment 4.

Conclusion

For the reasons noted herein we request the State Water Board to issue a stay and to take the other remedies requested and to come into full compliance under sections 13260 and 13263.

Sincerely, Petitioners

Attachment 1: Petition Letter from Miller letter, filed 4/13/22 (dated 4/12/22)

Attachment 2: Petition Letter from Attorneys, filed and dated 4/14/22

Attachment 3: Summary of TRPA Permitting Activity 2021-2022

Attachment 4: Annotated listing of significant letters from the record

Attachment 5: List of Email Contacts: LRWQCB section 13260 Orders

Quote from TRPA's November 16, 2022 Governing Board Meeting Agenda

"Project Permitting

Through the first ten months of 2022, TRPA has received 975 permit applications, eight percent higher than were received during same period in 2021, when TRPA received the highest number of applications ever. In the last month, 100 percent of applications received were reviewed for completeness within 30 days of application submittal. Ninety-four percent of permits were issued within 120 days of TRPA receiving a complete application. Out of the 167 applications currently in review, thirteen applications have exceeded 120 days in TRPA review time (all are shorezone or buoy applications). See tables on next page for more permitting details.

Website(s): Not a direct website for the initiative but associated ones include:

🔗 <https://www.laketahoeinfo.org/>

[Note: The following page contains a screenshot of a Permit Application tabulation, as the Table can't be cut and pasted from TRPA agenda without loss of formats.]

Commentary:

This Table includes project applications in CA and NV, with the great majority in CA. Only TRPA can reasonably tease out which are in each State. Projects in CA with more than one acre of land disturbance are subject to the LRWQCB's Lake Tahoe Construction Activity NPDES Storm Water Permit; the number of these larger projects typically active has been in the 10 - 20 range annually. LRWQCB can provide exact numbers, but these are the only construction projects regulated by the LRWQCB at Lake Tahoe, with all other construction activity ignored by it. TRPA is proud of its ability to crank out permits, but they are a multi-purpose planning agency with little to no water quality expertise, no water quality engineers or engineer-geologists on staff, and NO WATER QUALITY AUTHORITY as under the California Water Code. TRPA is a threat to water quality by approving more projects than it can reasonably regulate, using cookbook rules and deficient permits with regard to water quality and oversight. Take out around half of the totals for "verifications and banking" and "transfers of development" not involving land disturbance, as the others do. Note many shorezone/lakezone projects near waters.



TRPA Applications by Project Type through October 31, 2022

TRPA Applications by Project Type	2020	2021	2022 YTD
Residential Projects	220	242	227
Commercial Projects	9	11	16
Recreation/Public Service Projects	30	44	46
Shorezone/Lakezone Projects	48	130	64
Grading Projects	38	37	28
Verifications and Banking	374	427	348
Transfers of Development	29	55	53
Other	97	150	193
Grand Total	845	1096	975

Attachment 4: Annotated chronological listing of significant letters in the record

1. Letter Date: April 5, 2022

Subject Line: Request for Action to Prevent the Prohibited Discharge of Plastics Containing Toxic Wastes from the Proposed Guilliam/Verizon Wireless Faux Pine Macrotower at 1360 Ski Run Blvd., South Lake Tahoe (El Dorado County Assessor's Parcel Number 025-580-007)

Topics: No waste discharge requirements or waiver issued for monopine tower construction; toxicity of PVC monopine wastes; request to implement discharge prohibitions and section 13260 orders; request for investigations at existing tower sites; TRPA permit background leading to discovery of monopine tower plastic wastes; expired Lahontan Water Board waiver R6T-2016-0035 (delegation to TRPA); information on microplastics; potential research opportunity.

2. Letter Date: April 11, 2022

Subject Line: Request to Address the Water Board – Lahontan Region at May 2022 Public Meeting Concerning the Prohibited Discharge of Plastics Containing Toxic Wastes from the Proposed Guilliam/Verizon Wireless Faux Pine Macrotower at 1360 Ski Run Blvd., South Lake Tahoe (El Dorado County Assessor's Parcel Number 025-580-007)

Topics: Reference to April 5, 2022 letter and April 6, 2022 meeting with Executive Officer Plaziak; request to be added to agenda and public notice for the May 11, 2022 meeting (we were accommodated only during the Public Forum, with no notice to the public of the topics to be presented); reiterated requests for section 13260 orders; offer to present at the May 11, 2022 meeting information on microplastics, generally, in the global context of plastic and electronics wastes from the global telecommunications/computing industries.

3. Letter Date: April 29, 2022

Subject Line: Notice of Intent to Petition State Water Resources Control Board for Lahontan Water Board Failures to Act Concerning the Prohibited Discharge of Plastics Containing Toxic Wastes from the Proposed Guilliam/Verizon Wireless Faux Pine Macrotower at 1360 Ski Run Blvd., South Lake Tahoe (El Dorado County Assessor's Parcel Number 025-580-007) and Other Existing Monopine Towers With Plastic Camouflage In The Lake Tahoe Hydrologic Unit

Topics: Executive Officer Plaziak's inaction on prior requests; reasons for notice per subject line; California's "Statewide Microplastics Strategy"; State Water Board testing of microplastics in drinking water; State Water Board adopted Trash Provisions applicable to all state waters; impacts of trash on municipal separate storm water systems (MS4s); volunteer efforts to abate trash (plastic) at Lake Tahoe; elements of public nuisance met by monopine tower wastes; illegal

delegation to TRPA of waste control activities; excerpted transcripts of TRPA Appeal Hearing related to water quality and microplastics.

4. Letter Date: May 9, 2022 (in advance of meeting)

Subject Line: Preventing “Monopine” Plastic & Microplastic Pollution at Lake Tahoe May 11, 2022 presentation to Lahontan Regional Water Quality Control Board

Topics: Water quality issues at Lake Tahoe with microplastics; USEPA studies; issues with delegating water quality protection to TRPA; Basin Plan prohibitions; evidence of plastic wastes; applicable Water Code citations; requests for regulatory action for planned and existing monopine towers; fire threats from towers; notice of intent to petition State Water Board for inactions.

5. Letter Date: May 26, 2022

Subject Line: omitted

Topics: Deference to TRPA on planned tower, declining to issue 13260 order; investigations of existing macrotowers with TRPA; investigations of microplastics issues; interagency consultations.

6. Letter Date: June 10, 2022

Subject Line: Response to Your E-mail of May 25, 2022, Concerning Proposed and Existing Plastic Waste Discharges from Monopine Wireless Facilities, Lake Tahoe Hydrologic Unit

Topics: Ongoing concerns with soil and water contamination from unregulated monopine towers; request to cease illicit waiver program for telecoms and others and adopt legal requirements; critique of reliance on TRPA monopine tower permits; request to follow State Water Board Policy for Investigations and Cleanups; distrust of TRPA and concerns with Lahontan Water Board complicity with TRPA in investigations.

7. Letter Date: July 8, 2022

Subject Line: Requests to Regulate Proposed and Existing Plastic Waste Discharges from Monopine Wireless Facilities, Lake Tahoe Hydrologic Unit

Topics: Reiterated requests for regulatory action; monopine plastic wastes testing and positive detections of lead; hazardous waste laws and regulations; 3rd Amended Complaint in federal District Court Eastern CA, Eisenstecken v. TRPA, et al. re Ski Run macrotower (copy provided).

8. Letter Date: August 5, 2022

Subject Line: Requests to Abate and Regulate Toxic Waste Discharges from Plastic Monopine Macro Cell Towers, City of South Lake Tahoe, Lake Tahoe Basin

Topics: Letter addressed to Lahontan Water Board and City of South Lake Tahoe; breakdowns in planning and regulatory coordination resulting in threats to health and safety, uncontrolled waste discharges; legal frameworks for toxics control being ignored; request for response to points of law in the record; request for moratorium on new monopine wireless facilities and wastes from same; request for coordinated Environmental Impact Statement for monopine tower facilities at Lake Tahoe. (No response came from our fine public servants at the City.)

9. Letter Date: September 2, 2022

Subject Line: Reiterating and Augmenting Requests to Abate and Regulate Toxic Waste Discharges from Plastic Monopine Macro Cell Towers, City of South Lake Tahoe, Lake Tahoe Basin

Topics: Reiterates former requests for monopine tower regulation under relevant laws and authorities with regard to toxic waste discharges; new Governor appointee, Attorney General Rob Bonta, investigating BIG PLASTIC; protests against continued Lahontan Water Board silence/inaction on BIG TELECOM; request for Lahontan Water Board referral of telecom microplastics violations to Attorney General; second administrative appeal (third, actually) filed against TRPA for ground water protection violations for Ski Run Blvd. monopine macrotower.

10. Letter Date: December 16, 2022

Subject Lines: REQUEST TO REVOKE STAFF LETTER ILLEGALLY WAIVING WASTE DISCHARGE REQUIREMENTS FOR GUILLIAM/VERIZON CELL TOWER PROJECT, 1360 SKI RUN BOULEVARD, SOUTH LAKE TAHOE, CA, EL DORADO COUNTY, ASSESSOR'S PARCEL NUMBER 025-580-007, AND ALL OTHER MONOPINE STYLE CELL TOWERS OWNED BY VERIZON ON THE CALIFORNIA SIDE OF THE LAKE TAHOE WATERSHED

REQUEST TO ISSUE OR WAIVE WASTE DISCHARGE REQUIREMENTS FOR CONSTRUCTION PROJECTS IN THE LAKE TAHOE HYDROLOGIC UNIT WITH LESS THAN ONE ACRE OF LAND DISTURBANCE

Topics: Objection to *line-staff* waiver of waste discharge requirements; request for revocation and prohibition implementation; cell tower projects as example small construction projects under

expired Lahontan Water Board general waiver; unmet needs/mandates/policies for Lahontan Water Board regulation of construction projects at Lake Tahoe; suggested ways forward.

11. Letter Date: December 16, 2022

Subject Line: Imminent and Ongoing Hazard to Lake Tahoe Water Quality

Topics: Silent refusal by Lahontan Water Board to take an official position; notice of impending petition to State Water Board; concerns with impacts of microplastics and evidence of toxicity; burden of proof put on public not dischargers; illicit waivers; CEQA requirements; inconsistencies with plans and policies; inconsistencies with statutes, including Administrative Procedures Act; requests for appealable actions, commencement of CEQA process, public engagement; request for intercession by State Water Board on own motion.

12. Letter Date: April 12, 2023

Subject Line: Petition Against Waivers Issued in Violation of California Water Code for Telecom Dischargers of Plastic Wastes as Trash and Microplastics in the Lake Tahoe Hydrologic Unit and Request for Water Board Compliance with CWC Sections 13263 and sections 13264

Topics: Last call to act before petition to State Water Board, protesting continued inaction to adopt regulatory requirements; protesting illegal waivers; citations of regulatory requirements; discussion of CEQA requirements; brief chronology; extensive critique of Lahontan Water Board letters illicitly waiving requirements for monopine towers, with site-by-site engineering analysis and site-inspection photo evidence.

13. Letter Date: April 14, 2023

Subject Line: Petition Against Waivers Issued in Violation of California Water Code Section 13269 for Telecom Dischargers of Plastic Wastes as Litter and Microplastics in the Lake Tahoe Hydrologic Unit and Request for Water Board Compliance with CWC Section 13264

Topics: Last call to act before petition of inaction to State Water Board, protesting continued inaction to adopt regulatory requirements; ongoing requests for regulatory action; citations to laws and authorities. Request for definitive reply to legal points.

Email contacts Water Board petition – April 2023

Heavenly Feb 21, 2022 Complete ROWD

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Ski Run

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Speckled Ave

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