



EXECUTIVE OFFICER'S REPORT
Covers March 1, 2022 – March 31, 2022

Contents

1. Personnel Report – *Sandra Lopez*..... 1

2. Status of United States Geological Survey (USGS) Hinkley Chromium Background Study – *Amanda Lopez*..... 2

3. Resolution of Edwards Air Force Base Operable Unit 4/9 Arroyos Dispute – April 2022 – *Alonzo Poach*..... 4

4. Notice of Public Workshop and Opportunity for Public Comment on the Administrative Draft Maximum Contaminant Level for Hexavalent Chromium and Effects on the Hinkley Chromium Cleanup – *Amanda Lopez* 5

5. Governor’s Drought Executive Order N-7-22 – *Anna Garcia* 5

6. The Mojave River Watershed Mitigation Bank – *Tiffany Steinert, Jan Zimmerman, and Patrice Copeland* 6

1. Personnel Report – *Sandra Lopez*

New Hires

- Ghasem Pour-ghasemi, Senior Water Resource Control Engineer, Wastewater and Agriculture Unit, Victorville. This position will supervise staff performing tasks related to existing, new, expanded, and improved wastewater treatment and disposal facilities, onsite wastewater treatment systems and septic systems, dairies, heifer ranches, stormwater, and site cleanup program sites.
- Bryan Talmadge, Water Resource Control Engineer, Forestry / Dredge & Fill Unit, South Lake Tahoe. This position reviews and inspects U.S. Forest Service timber harvest and vegetation management, and/or ecological restoration projects.

Vacancies

- Engineering Geologist, Non-Point Source Unit, South Lake Tahoe. This position will assist with technical, regulatory, and administrative procedures related to review of project environmental disclosure and permitting documents.
- Senior Engineering Geologist (Specialist), Leviathan Mine, South Lake Tahoe. This position will evaluate and provide advice to Water Board management regarding the Water Board's cleanup and abatement actions needed at the Leviathan Mine to comply with the USEPA's Administrative Abatement Action Order.
- Engineering Geologist, Forestry / Dredge & Fill Unit, South Lake Tahoe. This position will review timber harvest plans and conducting pre-harvest and post-harvest field inspections to evaluate the impact of logging operations and other forest practices (e.g., vegetation management for utility corridors) on the quality and beneficial uses of water.
- Engineering Geologist, Cleanup/Site Investigation & Enforcement Unit, South Lake Tahoe. This position will oversee/direct site investigation and cleanup activities at various sites, such as underground storage tank sites, dry cleaner sites, mines, landfills, and Department of Defense sites.
- Engineering Geologist, Cannabis Unit, Victorville. This position will work as a part of an interdisciplinary team and will perform duties regulating the discharge of waste from illegal or permitted cannabis cultivation sites and associated facilities or operations with similar environmental effects.
- Scientific Aid, Regulatory & Enforcement Unit, South Lake Tahoe. This position supports staff primarily through review of submitted self-monitoring reports, along with other special projects.
- Scientific Aid, Forestry/Dredge & Fill and Non-Point Source Units, South Lake Tahoe. This position will evaluate water quality data and assess compliance with water quality orders and permits associated with grazing, restoration, timber, and forestry activities.
- Scientific Aid, Wastewater and Agriculture Unit, Victorville. This position supports staff primarily through review of submitted self-monitoring reports, along with other special projects.

Departures – None

2. **Status of United States Geological Survey (USGS) Hinkley Chromium Background Study – *Amanda Lopez***

The USGS background study was performed to 1) evaluate the extent of anthropogenic hexavalent chromium released from Pacific Gas and Electric's (PG&E's) Hinkley

compressor station, and 2) estimate background hexavalent chromium concentrations in the upper aquifer of the study area (Hinkley and Water Valleys). The final report will describe the comprehensive scientific approach developed by the USGS to determine the extent of the anthropogenic chromium plume in groundwater and estimated background chromium values. USGS scientists collected and analyzed data from geologic sources and influences on hexavalent chromium occurrence, studied groundwater geochemistry, measured aquifer properties affecting groundwater flow, determined the age and source of groundwater, and evaluated historical chromium trends.

The USGS Background Study Report was set to be released in April 2022. Unfortunately, in February, the USGS notified Water Board staff that they were unable to meet the final report submittal deadline due to increased level of internal review, USGS staff turnover, and the ongoing COVID-19 pandemic which have all contributed to the delayed release of the final report. USGS requested an extension for delivering the Background Study Report with anticipation that the final report would be released by September 2022. In the most recent quarterly update provided by USGS lead author, Dr. John Izbicki, the USGS Background Study Report is in the final stages of review and approval before it is sent for publication.

Below is a timeline summarizing the activity concerning the USGS Background Study Report from 2020 to the present.

- 2020
 - January – release of Draft Background Study Report to the Technical Working Group (TWG).
 - April – TWG comments, including Water Board staff comments, on Draft Background Study Report submitted to Dr. Izbicki.
 - October – A progress report on the USGS’s review of the draft report indicates the final report will be released in early 2021.
- 2021
 - March – Dr. Izbicki notifies Water Board staff that the final report and final invoice will not be submitted until April 2022.
 - May – Dr. Izbicki discusses final report delay at TWG meeting, addresses some changes to the final report because of the USGS review process. Report reviews were delayed due to the COVID-19 pandemic as well as staffing changes within the USGS internal review team.
- 2022
 - February – Dr. Izbicki notifies Water Board staff that the final report is unlikely to be submitted by the April 2022 deadline.
 - March – USGS contract extension request for the anticipated release of the final Background Study Report in September 2022. Water Board Contract Manager approves USGS request to extend the final invoice due

date and final report deliverable to September 2022 and notifies USGS of the contract deadlines.

- September – final Background Study Report due to the Water Board.

After the final Background Study Report is released, Water Board staff will hold a public workshop as part of a future Board meeting to discuss the final report. At the workshop, Dr. Izbicki will present the methodology and conclusions of the background study and answer questions of the public and board members to provide clarification.

Additionally, Water Board staff will evaluate the need for revisions to the Cleanup and Abatement Order using the Background Study Report as guidance. Public engagement will be incorporated into any proposed revisions to the Cleanup and Abatement Order, which is likely to happen within the 2- to 3-year time frame after the release of the final Background Study Report.

3. Resolution of Edwards Air Force Base Operable Unit 4/9 Arroyos Dispute – April 2022 – *Alonzo Poach*

The Edwards Air Force Base (Edwards AFB) Arroyos Record of Decision (ROD) dispute was initiated in November 2014 by the Department of Toxic Substances Control (DTSC) and the United States Environmental Protection Agency (USEPA), Region 9. After over seven years of formal negotiations, the USEPA Region 9 Regional Administrator (RA), Martha Guzman Aceves, issued a written position (i.e., a decision) on the Edwards AFB Arroyos Dispute in a letter dated March 10, 2022. When a RA issues a decision on a dispute, the other stakeholders (State of California and United States Air Force) have 14-days to elevate the dispute to the USEPA Administrator in Washington DC. The 14-day elevation period expired on March 25, 2022, with no party choosing to elevate the dispute to the USEPA Administrator.

The disputed issues on the Arroyos Record of Decision primarily focused on various risk management and toxicity criteria issues.

The resolution, as outlined in RA Guzman Aceves' written position, requires the Air Force to incorporate 10^{-6} risk levels for cleanup goals, remove references to proposed 10^{-5} action levels, update several other issues regarding risk with previously agreed upon language, implement worker protection actions for specific buildings, and issue a new Proposed Plan. In addition, the ROD (to be issued in conjunction with the new Proposed Plan) will select an interim groundwater remedy that will consist of institutional controls to restrict groundwater pumping instead of selecting a technical impracticability/containment zone remedy for the Arroyos. Because of uncertainty in the conceptual site model and contaminant plume extent, the Air Force and regulatory agencies agree that additional site characterization and treatability studies will be needed before a final groundwater remedy can be selected.

The Air Force must now provide a revised Draft Final Arroyos ROD implementing the RA's decision by the end of May 2022. Upon issuance of the revised Draft Final Arroyos ROD, USEPA Region 9, DTSC, and Lahontan Water Board will have 60-days to review and provide comments on the document.

4. Notice of Public Workshop and Opportunity for Public Comment on the Administrative Draft Maximum Contaminant Level for Hexavalent Chromium and Effects on the Hinkley Chromium Cleanup – Amanda Lopez

On March 21, 2022, the State Water Resources Control Board (State Water Board) announced the release of an administrative draft maximum contaminant level (MCL) for hexavalent chromium. The proposed hexavalent chromium MCL is 10 parts per billion (ppb). The State Water Board plans to conduct two virtual public workshops to hear public comments regarding the proposed MCL; these workshops are planned for April 5 and April 7, 2022. In addition, written comments are also being solicited and are due by noon on April 29, 2022. The formal procedure for adopting regulation under the Administrative Procedure Act has not yet begun and these workshops were not part of that process. Input provided during the workshops and public comments may be used to inform the development of the regulation. Additional opportunities to comment on the administrative draft of the proposed drinking water standard will be available once the formal rulemaking process is initiated later this year.

For more information, the Chromium-6 Drinking Water MCL Webpage is here: https://waterboards.ca.gov/drinking_water/certlic/drinkingwater/Chromium6.html.

To sign up for the Drinking Water Program Announcements LYRIS e-mail list, go here: www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html.

In November 2015, the Water Board issued Cleanup and Abatement Order (CAO) No. R6V-2015-0068 to Pacific Gas & Electric Company (PG&E) to clean up and abate waste discharges of total and hexavalent chromium to the groundwaters of the Mojave Hydrologic Unit. At the time the CAO was issued, the MCL for hexavalent chromium was 10 ppb. However, the MCL was subsequently invalidated in 2017. While the final MCL for hexavalent chromium is pending a hearing by the State Water Resources Control Board, the Lahontan Water Board may need to subsequently update the CAO to reflect the new regulatory level. However, it is not anticipated that the final hexavalent chromium MCL will affect the background cleanup goals established in the CAO.

5. Governor's Drought Executive Order N-7-22 – Anna Garcia

The purpose of this article is to provide the Lahontan Water Board with information contained in the Governor's [Drought Executive Order N-7-22](#). The Executive Order includes provisions related to ensuring drinking water for vulnerable communities, safeguarding groundwater, protecting vulnerable fish and wildlife, and preventing illegal water diversions.

In response to the ongoing drought emergency, Governor Newsom signed [Drought Executive Order N-7-22](#) on March 28, 2022. Under the Executive Order, the State Water Resources Control Board shall consider adopting emergency regulations, by May 25, 2022, that include requirements to expedite consideration of petitions that add a fish and wildlife beneficial use or point of diversion and place of storage to improve conditions for anadromous fish and expand inspections to determine whether illegal diversions or wasteful and unreasonable use of water are occurring and bring

enforcement actions, as appropriate. Discussed herein are those portions of the Executive Order that pertain to drinking water, water quantity, and water quality.

The Executive Order protects drinking water for vulnerable communities through Item 7 and Item 10. Item 7 facilitates the hauling of water for domestic use by bottle or truck through the suspension of any ordinance, regulation, prohibition, policy, or requirement that prohibits the hauling of water out of the water's basin of origin or a public agency's jurisdiction. For household or small community drinking water systems that have failed due to drought conditions, Item 10 of the Executive Order directs the Department of Water Resources (DWR) to work with other state agencies to expedite regulatory pathways for modification, repair, or reconstruction of the failed well(s).

Items 9a and 9b of the order relate to well permitting activities. These items require a county, city, or public agency with well permitting authority to obtain written verification from the Groundwater Sustainability Agency managing a high- or medium-priority basin before issuing a permit to install a new groundwater well in the basin. Also, a permit shall not be issued for installation of a new groundwater well or alteration of an existing well without determining that the well will not interfere with the function of nearby wells and will not cause subsidence that would impact nearby infrastructure. Items 9a and 9b do not apply to wells that will provide less than 2 AF/year for domestic users or to public water supply systems.

Items 11 through 13 of the Executive Order are focused on groundwater recharge efforts. Item 11 directs state agencies to collaborate with tribes and federal, regional, and local agencies to promote groundwater recharge and increase storage. Item 12 directs Regional Boards to accelerate water rights permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge for projects that enhance capture of high precipitation events for local storage and recharge. Item 13 suspends permitting for recharge projects under either Flood-Managed Aquifer Recharge or DWRs Sustainable Groundwater Management Grant Program.

Additional information regarding [Drought Executive Order N-7-22](#) is available from the [Office of the Governor](#).

6. The Mojave River Watershed Mitigation Bank – *Tiffany Steinert, Jan Zimmerman, and Patrice Copeland*

On April 6, 2022, the Lahontan Water Board, along with other state and federal partners, approved the Mojave River Watershed Mitigation Bank (Bank) – the second mitigation bank in the Lahontan region and the first located in the Mojave watershed.

Mitigation banks are formed to protect, restore, and enhance special environmental resources, such as wetlands, streams, or other resources, to offset unavoidable impacts from projects that receive state and federal permits. Permit holders may buy “credits” from the banks when their projects, that are located elsewhere, but often within the same watershed, cause impacts on those special types of environmental resources. The bank then maintains and protects the environmental resources from any future development and ensures that the resources are kept in their natural state in perpetuity.

The Mojave River Watershed Mitigation Bank is located at the terminus of the Mojave River overflow in the Cronese Lake Basin, east of Barstow and west of Baker (Figure 6.1). The Bank property offers credits for the mitigation of impacts to Waters of the State and Waters of the United States, such as wetlands, streams, floodplains, and riparian areas. Over the past eight years, the Bank Sponsor, Desert Environmental Resources, Inc., has worked with the Lahontan Water Board, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, and the California Department of Fish & Wildlife on developing this Bank, which has been thoroughly vetted by the state and federal agencies.

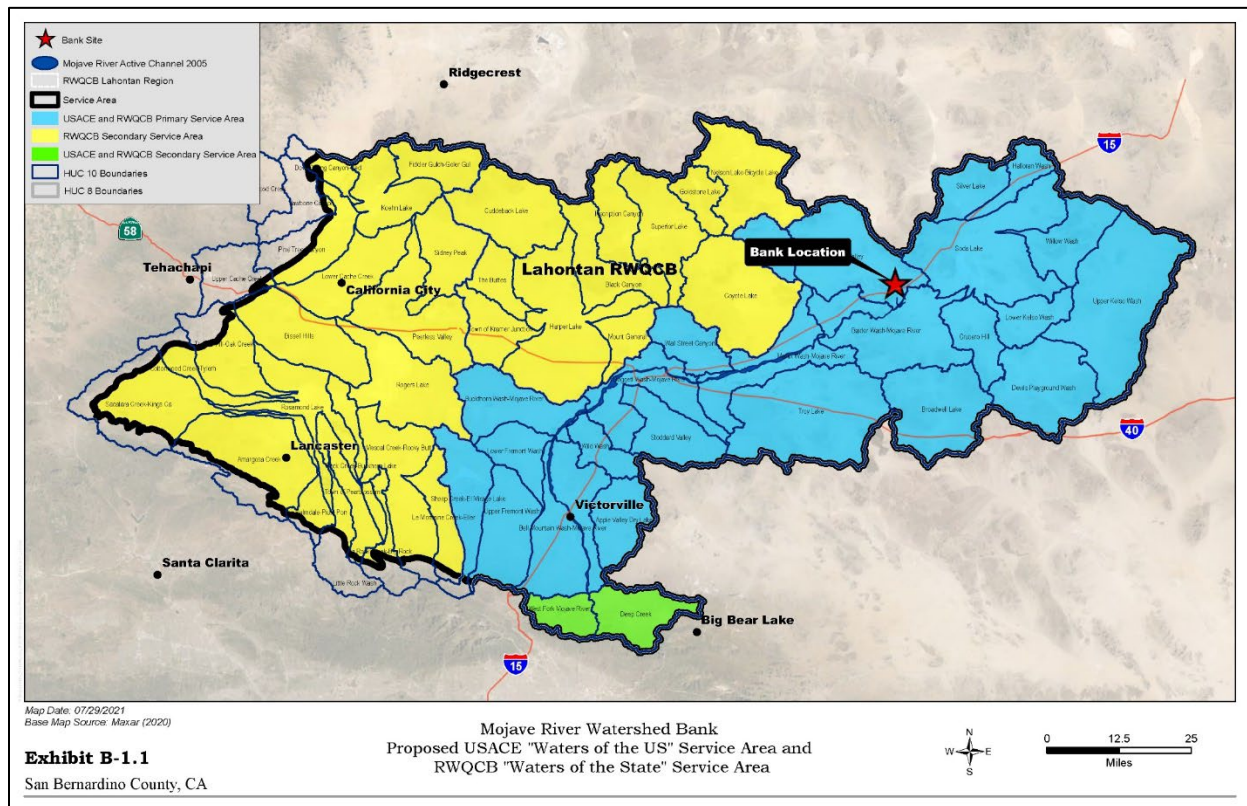
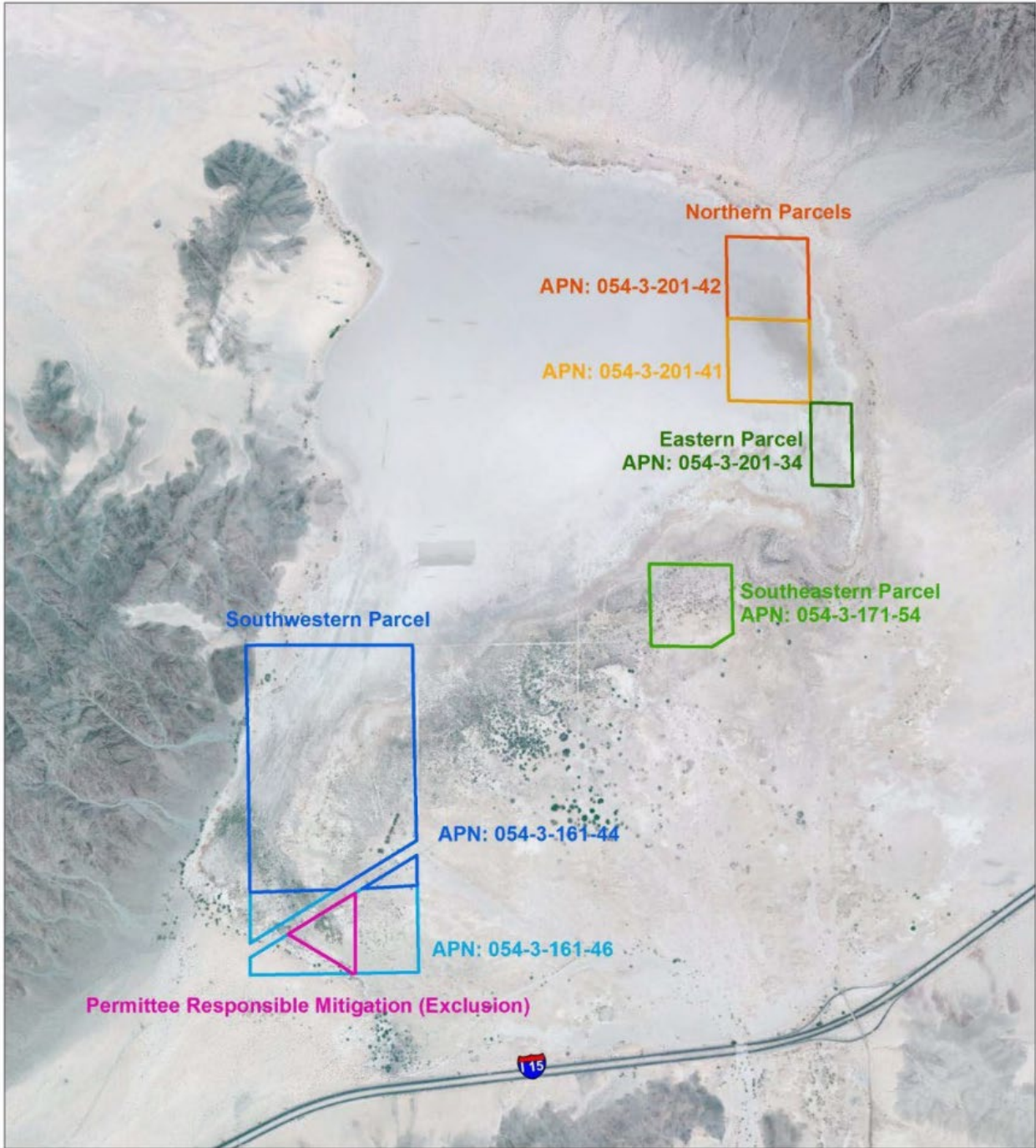


Figure 6.1. General location of the Mojave River Watershed Mitigation Bank property in the Mojave watershed. The Bank service area encompasses both the Mojave and Antelope watersheds.

The Bank consists of six separate parcels located on and around East Cronese Lake that total approximately 452.4 acres with 421.45 acres worth of restoration and preservation credits for sale (Figure 6.2). Restoration credits are available in areas with high percent cover of invasive plants, and preservation credits are available in areas with low percent cover of invasive plants; all credits sold will be protected from future disturbances and preserved as intact water resources. In addition, there are approximately 16 acres of upland habitat available as buffer credits. The Bank Property will be conserved and managed in perpetuity in accordance with the Bank Enabling Instrument and associated management plans, as approved by the state and federal agencies.



Mojave River Watershed Bank Parcels with 2010 Aerial Imagery

Map Created: 10 August 2014
 David Magney Environmental Consulting
 805/646-6045 - www.magney.org
 Data Sources: DMEC, San Bernardino County
 Base Imagery: ESRI World Imagery (2010)



Figure 6.2. Mojave River Watershed Mitigation Bank parcels on and around East Cronese Lake.