

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

**MEETING OF SEPTEMBER 9, 2009
South Lake Tahoe/Victorville**

ITEM: 3

SUBJECT: EXECUTIVE OFFICER'S REPORT

DISCUSSION: The Executive Officer's report includes the following:

August/September 2009

- Enclosure 1: Report on Status of Standing Items
(September 2009)
- Enclosure 2: Executive Officer's Written Report
(August 2009 – September 2009)
- Enclosure 3: Notification of Spills
- Enclosure 4: Notification of Closure of Underground
Storage Tank Cases (Pursuant to Article
11, Division 3, Chapter 16, Title 23,
California Code of Regulations)

ENCLOSURE 1

Report on Status of Standing Items (September 2009)

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

REPORT ON STATUS OF STANDING ITEMS

September 2009

The Regional Board has requested that it be kept informed of the status of a number of issues. The following table lists the items, the reporting frequency and where the report can be found.

ISSUE	REPORT FREQUENCY	STATUS/COMMENT
City of Barstow	Quarterly in the South	See Executive Officer's Report Item No. 17
Searles Valley Minerals Operations - Compliance Status	Semi-Annual	Due January 2010 Board Meeting
Mojave River/El Mirage Dairies	Semi-Annual	Due January 2010 Board Meeting
County Sanitation Districts of Los Angeles - District No. 14	Semi-Annual	Due January 2010 Board Meeting
County Sanitation Districts of Los Angeles - District No. 20	Semi-Annual	Due January 2010 Board Meeting
Status of Basin Plan Amendments	Semi-Annual	Due October 2009 Board Meeting
Status of Grants	Semi-Annual	Due October 2009 Board Meeting
Wetland Restoration Mitigation - Mono County	Annually	Due November 2009 Board Meeting
Caltrans Statewide General Permit/Tahoe Basin	Annually	Due March 2010 Board Meeting
Tahoe Municipal Permit	Annually	Due July 2010 Board Meeting

ENCLOSURE 2

Executive Officer's Written Report
(August 2009 and September 2009)



EXECUTIVE OFFICER'S REPORT

August/September 2009

NORTH BASIN

1. **Angora Fire Hazard Tree Removal Project Status** - Douglas Cushman

The US Forest Service – Lake Tahoe Basin Management Unit (LTBMU) is re-initiating operations to remove hazard trees from approximately 256 acres in the Angora Fire area. For this project, "hazard trees" are fire-damaged trees that could fall on a road or trail. Other dead trees within these areas are also being removed as part of this project.

Over the past winter, the LTBMU conducted over-snow tree removal operations to minimize the impacts of heavy equipment on soils. Staffs of the Water Board, Tahoe Regional Planning Agency, and the LTBMU worked together to monitor snow cover and site conditions to ensure heavy equipment use would not affect the underlying wet soils. Winter tree removal activities ceased in March when warmer weather set in and the snow pack began to thin. The remaining hazard tree removal will continue through this summer and fall while the soils are sufficiently dry. The LTBMU is planning restoration activities for the portions of the approximately 3000 acre burned area that the Hazard Tree Project does not address. These activities include stream, meadow, and vegetation restoration, and road and trail rehabilitation throughout the Angora Fire area.

2. **USFS LTBMU continues Blackwood Creek Restoration** - George Cella

The USFS – Lake Tahoe Basin Management Unit (LTBMU) initiated construction activities for the Blackwood Creek Phase III Stream and Floodplain Restoration Project in July, 2009. The Water Board granted the LTBMU a Basin Plan prohibition exemption for temporary exceedances of turbidity standards to conduct this project. The Blackwood restoration project will stabilize the stream channel and reconnect the channel to its floodplain. The Blackwood Creek TMDL implementation plan relies on the LTBMU completing this restoration project. When the restoration projects have been completed, Blackwood Creek should no longer be impaired by sediment and the habitat will be capable of supporting a healthy fishery.

3. **SWAMP Bioassessment Training** - Carly Nilson

The Tahoe Regional Planning Agency hosted a Surface Water Ambient Monitoring Program (SWAMP) bioassessment training with Jim Harrington from California Department of Fish and Game. Bioassessments analyze the biological community (macroinvertebrates, fish, algae) of a waterbody to help assess the health of the waterbody. Several Water Board staff attended the training which covered the evolution of the bioassessment

program, SWAMP protocols, and how to perform a bioassessment in the field.

A primary objective of the Clean Water Act is to "restore and maintain the chemical, physical and biological integrity of the Nation's waters." Bioassessments enable scientists to measure the biological integrity of a waterbody. The bioassessment training helped Water Board staff learn about common and evolving practices to integrate bioassessments into future TMDL development and implementation plans and Monitoring and Reporting Program Requirements. Bioassessments can also be a tool to measure the effectiveness of restoration activities.

4. **Leviathan Mine Activities** – Tom Gavigan/Chein Kao

The 2009 field season is under way at Leviathan Mine. Early season activities began with the setup of a rented mobile changing trailer, portable toilet, and hand washing station in the Water Board's decontamination area. The Water Board's contractor, Decon Environmental, under direction from Water Board staff, repaired the perimeter fence to discourage livestock from entering the mine property.

As part of the Water Board's health and safety program, Decon moved several containers owned by the State from the treatment plant area to the Water Board's decontamination pad. This allows Water Board staff access to tools and supplies without having to enter the treatment plant area and gives Decon additional room to store its equipment and supplies in the vicinity of the plant. Decon also upgraded some of the plant's electrical components and installed new OSHA-approved stairs. These repairs were identified by the State Water Board's industrial hygienist in 2008. Water Board staff is also developing a

scope of work and contract to have an industrial safety inspection of the treatment plant as it is now 10 years old and has been significantly modified since its inception.

Decon excavated approximately 480 tons of sludge generated in 2008 from the Pit Clarifier and hauled the material to a Class I hazardous waste landfill located in Beatty, Nevada in late June and early July. The Pit Clarifier was then prepared to receive this year's treated acid mine drainage.

Following sludge removal and hauling activities, Decon assembled the treatment plant. Water treatment began on July 30. Staff estimates that approximately three million gallons of acid mine drainage will be treated in Summer 2009. This is consistent with other low precipitation years and well below the high of over 20 million gallons treated in 2006.

Pond Water Treatment

The 2009 pond water treatment operation started in the last week of July. Initial laboratory tests show samples collected from the effluent meet all USEPA discharge requirements. The Water Board's contractor (Decon Environmental) experimented with and continues to use more dilute lime slurry this year. The results show that 12 percent lime slurry works just as effectively as the 20 percent lime slurry used in the past and allows better mixing and transport of flow within the system. The contractor also employed larger size pumps to effectively increase the through-put of the plant from 100 gallons per minute (gpm) in the past to 200 gpm. With lower than average acid mine drainage collected this past winter due to reduced precipitation, it is anticipated that the treatment of stored pond water can be completed by early September. Additional health and safety

improvements to the plant are planned after the treatment plant is shut down.

Remedial Investigation/ Feasibility Study (RI/FS)

Under USEPA's Unilateral Administrative Order, ARCO is conducting a Remedial Investigation/Feasibility Study for the site. To date, ARCO has submitted a Focused Feasibility Study Work Plan, two Focused Remedial Investigation Work Plans, and a Program Work Plan. Staff has prepared comments on the first of these and is currently reviewing the others and preparing comments.

5. **Sierra Nevada AmeriCorps Receives Funds to Continue Program Until 2012**
- *Cindy Wise*

The AmeriCorps is a network of local, state, and national service programs that places more than 70,000 Americans each year in service to meet environmental, educational or public health critical needs. The Sierra Nevada AmeriCorps Program (SNAP) started in Fall 2006 with Regional Board staff serving as the required state partner. In its first two years, over 65 SNAP members worked throughout the Sierra Nevada to restore over 6,000 acres of habitat, monitor over 700 sites and educate 45,000 people on watershed protection. The Sierra Nevada Alliance is the SNAP fiscal sponsor and just received funds to continue the program until 2012. Regional Board staff will continue as the state partner and will assist in the selection of nonprofit agencies that desire to host a SNAP member. Staff will assist the Sierra Nevada Alliance with interviews of potential SNAP candidates, selection of SNAP members, and provide input into SNAP projects.

6. **Certified Professional in Erosion and Sediment Control Training for Water Board Staff** - *Alan Miller*

On August 6, 2009, staff from Region 6 and other regions attended training conducted to assist trainees to qualify for examination by the Certified Professional in Storm Water Quality, Inc., which offers training and certification nationally and internationally. Trainees can follow up by taking the test required for certification by the testing organization as a Certified Professional in Erosion and Sediment Control.

The training was offered and taken as anticipatory to requirements expected to be promulgated by the State Water Board in reissuing the Statewide General National Pollutant Discharge Elimination System Permit for Storm Water Associated with Construction Activity. The State Board will conduct a hearing on the permit reissuance on September 2, 2009. The draft Order is available at http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml and this General Permit requires that key personnel (e.g., Storm Water Pollution Prevention Plan preparers and inspectors) have specific training or certifications to ensure their level of knowledge and skills are adequate to design and evaluate project specifications which will comply with General Permit requirements. However, there will be a phase-in period to get training widely available, and it is expected that other organizations will also offer training and certification to meet the need and permit requirements as the program progresses.

7. **Pesticide Basin Plan Amendment
CEQA Scoping Meetings** – Daniel
Sussman

In late July, Water Board staff conducted scoping meetings required by the California Environmental Quality Act for the proposed Basin Plan amendment to the pesticide water quality objective. About 30 people total attended the three meetings held in Bishop, Victorville, and South Lake Tahoe. Attendees included private citizens, water purveyors, scientists, vector control and weed abatement professionals, and a sanitation district. Comments and discussion highlighted a number of issues to consider as Water Board staff develops amendment language. Topics raised at the meetings included: the need for an emergency approval process, the application of pesticides to control native aquatic nuisance species, and identifying the environmental impacts of not approving use of pesticides. No attendees vocalized opposition to the proposed amendment.

8. **Local Oversight Program Closure for
Former Pat & Ollies UST Site, Truckee**
- Tammy Lundquist

The Local Oversight Program (LOP) allows qualified local agencies (typically counties) to supervise the investigation and remediation of leaking petroleum underground storage tanks (USTs). The State Water Board provides funding to the LOP for case oversight. You received information on this subject in the August 2008 EO report.

Water Board staff transferred oversight duties for the former Pat & Ollies (Downtown) UST site to the Nevada County Department of Environmental Health (NCDEH) in July 2008 after NCDEH became an LOP. The case is now up for closure consideration by

NCDEH, the first case closure consideration for NCDEH.

An unauthorized release was reported at this site in 1997. In 1997 and 2005, contractors removed a total of eight USTs. During removal activities, it was determined that the USTs had leaked and contaminated the soil and groundwater beneath the site. Several remedial activities were conducted to remove and reduce contaminant concentrations (gasoline, diesel and MTBE). As a result of these remediation activities and groundwater monitoring since 1997, the NCDEH states that the remaining contaminants in the subsurface do not pose a health risk at the site or adjacent properties.

NCDEH is considering issuing a No Further Action determination for the site. NCDEH is soliciting comments on the proposed closure of this site before September 25, 2009. Based on a review of site documents, Water Board staff concurs with the NCDEH decision for site closure. NCDEH will consider comments received prior to deciding to issue a No Further Action letter.

9. **Supplemental Environmental Projects
on the Web** – Mary Fiore-Wagner

Information regarding Supplemental Environmental Projects (SEPs) is now available on the Lahontan Water Board's Internet Page (at http://www.waterboards.ca.gov/lahontan/water_issues/programs/enforcement/index.shtml). Water Board staff collaborated with Sierra Business Council and State Water Board's Division of Information Technology to compile, organize, and post (1) general information about SEPs, (2) specific information about SEPs that have been accepted by the Lahontan Water Board and are in progress or have been completed, (3) a list of potential

SEPs for the Lahontan Region, and (4) instructions on how to submit a project proposal for inclusion on the Lahontan Water Board's SEP List.

The intent of posting this information, in part, is to provide a list of potential SEP projects for dischargers interested in funding an environmental project to satisfy part of the monetary assessment imposed in an Administrative Civil Liability (ACL) Order; the list will be updated as new SEP proposals are submitted. The Lahontan Water Board may allow a discharger to offset a portion of the total liability imposed in an ACL Order by completing or funding one or more SEPs. SEPs are projects that (1) enhance the beneficial uses of the waters of the State, (2) provide a benefit to the public at large, and (3) at the time they are included in the resolution of an ACL action, are not otherwise required of the discharger. When a proposed settlement includes a SEP, the SEP is included in a proposed ACL Order that is presented to the Water Board at a public hearing. The Water Board can either accept or reject the ACL Order as proposed with the SEP.

More public information about SEPs will be available as the State Water Board fulfills its requirement to publicly report the status of SEPs in accordance with the State Water Board's Policy on Supplemental Environmental Projects (February 2009). Annually the State Board will provide a list, by Regional Water Board, of the completed SEPs for the prior calendar year, and will post information on the status of SEPs that are in progress during that period.

10. Update of Truckee Donner Public Utility District's Donner Lake Electrical Substation Project – Tobi Tyler

In May 2009, I signed a Denial of Clean Water Action section 401 Water Quality

Certification (WQC) for the Truckee Donner Public Utility District's (District) Donner Lake Substation Project (Project) because it did not meet the exemption criterion that states "the project, by its very nature, must be located within the 100-year floodplain." The District filed a petition with the State Water Board requesting review of the denial. In late July 2009, Water Board staff met with representatives of the District at the Project site to discuss the denial and options for the District. Following this meeting, the District requested that the petition be held in abeyance until September 30, 2009 while the District provides additional information for my consideration. The State Water Board will hold the petition in abeyance until September 30, 2009.

11. Lake Tahoe TMDL Supplemental CEQA Scoping Meeting – Robert Larsen

Staff are drafting proposed amendments to the Water Quality Control Plan for the Lahontan Region (Basin Plan) to incorporate the Lake Tahoe TMDL and edit portions of the Basin Plan to facilitate TMDL implementation. The proposed amendments will include a summary of the Lake Tahoe TMDL science findings, a description of existing pollutant loads and sources, tables allocating allowable loads to the primary sources and responsible entities, and a detailed implementation plan. The amendments will also include adjustments to the stormwater regulatory approach for facilitating Lake Tahoe TMDL implementation.

The California Environmental Quality Act (CEQA) requires lead agencies to hold a public scoping meeting to solicit input regarding a project's potential to have an adverse effect on the physical environment. The project is the proposed adoption of the Lake Tahoe TMDL and the associated Basin Plan amendment.

Staff held two CEQA Scoping Meetings in July 2008 to describe the Basin Plan amendment process and ask attendees for feedback about how incorporating the Lake Tahoe TMDL into the Basin Plan might affect the environment. The July 2008 CEQA Scoping Meetings did not include any information about the need for changes to the Basin Plan's stormwater regulatory approach.

As staff further developed Basin Plan amendment proposals, an additional CEQA Scoping Meeting was needed to inform stakeholders and the interested public about the need for changes in the Basin Plan's existing stormwater language and to solicit public input about the potential affect from adopting regulatory changes.

Water Board Staff held the Supplemental CEQA Scoping Meeting in South Lake Tahoe in mid August 2009. 18 individuals attended the meeting with various representations: El Dorado County, Placer County, the City of South Lake Tahoe, CalTrans, the US Forest Service, California Tahoe Conservancy, the League to Save Lake Tahoe, US EPA, US Army Corps of Engineers, and a few private interests. Staff presented a brief overview of the Lake Tahoe TMDL program and then described the need for changes to the Basin Plan.

The current Basin Plan regulatory approach for stormwater references a 20 year, 1-hour design storm for all stormwater facilities, includes concentration-based numeric effluent limits for stormwater discharges, and describes a 20-year implementation phase for restoration efforts ending in 2008. The TMDL science indicates that annual pollutant loads must be reduced to restore lake clarity, but this science and approach is not in the current Basin Plan. To align the Basin Plan with current

science and provide implementers needed flexibility to target high polluting watersheds, staff expect to propose amendments that will narrow the applicability of the design storm and concentration-based effluent limits and re-define the implementation timeframe. TMDL implementation will focus on mass-based, average annual pollutant load reductions and provide municipal dischargers the opportunity to prioritize pollutant load reduction actions.

Meeting attendees asked questions regarding the CEQA process. These questions led to a productive discussion of the opportunity to provide feedback and comment on the proposed Basin Plan amendment effort. Water Board staff look forward to receiving comments from stakeholders and the public to help guide the analysis of potential impacts from this project.

12. **OEHHA Releases Draft Public Health Goal for Hexavalent Chromium—Lisa Dernbach**

The California Office of Environmental Health Hazard Assessment (OEHHA) released for public comment on August 20, 2009, a draft public health goal (PHG) for hexavalent chromium in drinking water. The draft PHG for hexavalent chromium, also known as chromium 6, is set at 0.06 micrograms per liter (parts per billion) or 60 parts per trillion.

A PHG is the level of a chemical contaminant in drinking water that does not pose a significant health risk. A PHG is not a regulatory standard, and it is not considered the highest level of a chemical that is safe to drink. Drinking water containing chemical levels exceeding the PHGs can still be considered acceptable for public consumption.

Under state law, the California Department of Public Health (CDPH) uses PHGs to develop the state's drinking water standards. State law requires CDPH to set drinking water standards as close to the corresponding PHG as is economically and technically feasible, placing primary emphasis on protection of public health. The current drinking water standard is 50 parts per billion for Total Chromium, containing both hexavalent chromium and trivalent chromium, or chromium 3.

The proposed draft PHG for chromium 6 is the estimated one in one million lifetime cancer risk level. The draft OEHHA chromium 6 assessment is based on a study published by the National Toxicology Program in 2007 in which laboratory rats and mice were given drinking water containing high levels of chromium 6. Some of the laboratory animals developed gastrointestinal tumors. OEHHA, CDPH and other groups requested the research to provide data needed to develop a chromium 6 PHG and drinking water standard.

Chromium 6 occurs naturally in some waters, including in the Lahontan Region. The metal is also used in a number of industrial applications and has entered some water supplies as a result of past waste-disposal practices.

The draft PHG document is the first in the nation that identifies a health-protective level of chromium 6 in drinking water. A copy of the document and related information can be viewed or downloaded from OEHHA's web site at www.oehha.ca.gov. OEHHA will accept written comments on the draft PHG through October 19, 2009.

SOUTH BASIN

13. Twin Lakes Plane Crash Incident in the Mammoth Lakes Area – Douglas Feay, P.G.

A small, single-engine aircraft crashed into an open wetlands area approximately one-eighth of a mile east of upper Twin Lakes near the Town of Mammoth Lakes on July 8, 2009. As a result of the crash, approximately 78 gallons of aviation fuel and about two gallons of motor oil were released into the wetlands and an adjacent stream tributary to upper Twin Lakes. The U.S. Forest Service, serving as lead agency for this incident, estimates that about 20 gallons of this fuel released into the small tributary stream that feeds into upper Twin Lakes with the rest dispersing into the wetlands. Twin Lakes and tributary streams are sources of domestic drinking water in this area. The wetlands serve as the drinking water source for three cabins located near Twin Lakes. U.S. Forest Service has closed the diversion from the wetlands area and removed piping to the cabins' drinking water supply until the wetlands area tests free of hydrocarbons.

U.S. Forest Service personnel deployed absorbent materials and in-stream booms to contain and remove hydrocarbons that were observed on the surface water. A local hazmat contractor was hired to remove surface crash debris and clean-up contaminants adjacent to the crash site. Clean-up efforts were concentrated downstream of the crash area and outside the debris field. U.S. Forest Service personnel continue to test both the soil and surface water for hydrocarbons. Water Board staff will continue to advise and review data as the responsible state agency for water quality in this area.

14. Desert Knolls Wash, Town of Apple Valley, Status of Application for 401 Water Quality Certification – Jan M. Zimmerman

Desert Knolls Wash (Wash) is an ephemeral wash in Apple Valley that drains to the Mojave River. Over time, the Wash has been encroached upon by residential and business development. San Bernardino County Flood Control (County) has submitted plans to control flows in a portion of the Wash from the confluence with the Mojave River upstream approximately one and a half miles. The original plans submitted by the County called for straightening the channel and lining it with concrete in a three-phased approach (lower, middle, and upper reaches). One phase of the project is complete and consists of a fully lined concrete channel in the middle reach of the Wash.

The upper and lower reaches currently remain natural but need improvement due to flooding impacts to private property. Since construction of the middle reach, scouring has occurred downstream in the lower reach near the confluence with the Mojave River. Following review of the project, Water Board staff asked the County to evaluate alternatives that would minimize impacts caused by concrete lining the channel, in compliance with the process required by the Basin Plan and state and federal regulations. The County is currently in the process of selecting a consultant to perform the alternatives analysis.

The Lewis Center is a private school that owns property crossed by the Wash. The school uses portions of its property in the area near the Mojave River (lower reach) for student projects, including wetlands

monitoring, and is concerned about flood control projects that would concentrate flows, thereby causing downstream erosion and potential damage to the wetlands. The Lewis Center is also in the planning stages of developing a portion of the existing floodplain in the lower reach of the Wash into ball fields and a gymnasium. School officials are coordinating with County representatives and plan to present their project design for consideration during the County's alternatives analysis and final design phase of the project.

Water Board staff met last month with representatives from San Bernardino County Flood Control and the Lewis Center to discuss potential alternatives to consider. During the meeting, staff and County representatives discussed the factors that should be quantified and considered in the analysis including water quality beneficial use functions and values that may be impacted by the project. Staff emphasized that the alternatives analysis should maximize the use of non-structural, multi-objective design, to the extent practical, to meet project objectives. The meeting was productive and the County expects to complete its analysis in the near future.

15. Former George Air Force Base - Finding of Suitability for Early Transfer No. 2 Parcel "L-1" – Jehiel Cass

The Air Force intends to "early transfer" 77 acres (Parcel L-1) located northeast of former George Air Force Base, west of the Victor Valley Wastewater Reclamation Authority treatment plant. The Air Force continues efforts to cleanup a chlorinated solvent plume containing trichloroethylene (TCE) dissolved in groundwater beneath the parcel. Land use restrictions will be placed in the deed to ensure protection of

human health and the environment including preclusion of: (1) drinking water wells and (2) non-industrial land uses.

The U.S. General Services Administration is handling the sale. No transferee has yet been identified because the parcel will be sold to the highest bidder. However, the Southern California Logistics Airport Authority (SCLAA) has verbally requested the parcel for the purpose of aviation support and industrial reuse. A public comment period on the proposed "early transfer" runs from August 7 to September 8, 2009.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, requires a covenant indicating that all cleanup action necessary to protect human health and the environment with respect to hazardous substances remaining on the property has been taken care of prior to transfer of such property by deed. The Air Force proposes to transfer the parcels under an "early transfer" pursuant to CERCLA, which allows the federal government to transfer real property before all environmental remediation is complete, provided: (1) the property is suitable for its intended use, (2) the deed contains restrictions relating to future remediation, (3) the public had opportunity to comment on the transfer, and (4) the transfer will not substantially delay cleanup.

An "early transfer" requires the Governor's concurrence. A Governor's Office Action Request and supporting information recommending "early transfer" will be submitted through CAL/EPA. A Finding of Suitability for Early Transfer (FOSET) was prepared by the Air Force and reviewed by the Water Board and U.S. EPA. The

California Department of Fish and Game is also reviewing the FOSET.

16. **Victor Valley Wastewater Reclamation Authority - Sub-Regional Water Reclamation Plants – John Morales**

The Victor Valley Wastewater Reclamation Authority (VWVRA) collects, treats and disposes sewage from four member entities: the cities of Victorville and Hesperia, the Town of Apple Valley and two San Bernardino County Service areas (Oro Grande and Spring Valley Lake).

VWVRA is in the process of significantly expanding its recycled water program. In addition to increasing distribution of recycled water from the VWVRA Treatment Plant, three sub-regional water reclamation plants are planned for construction in the VWVRA service area. These three plants (the Hesperia sub-regional Water Reclamation Plant, the Apple Valley sub-regional Water Reclamation Plant and the Eastside sub-regional Water Reclamation Plant) will provide disinfected tertiary recycled water to user sites located in the City of Hesperia, the Town of Apple Valley and the City of Victorville by late 2011 or the early part of 2012. VWVRA will operate all of the treatment facilities and will be the responsible agency with regards to monitoring, reporting and compliance with Title 22 requirements.

To facilitate regulation of the reclamation plants and to ensure consistency in recycled water program management, VWVRA is requesting to obtain Master Water Recycling Requirements by March of 2010 that will cover program operations at all four treatment facilities. Preliminary design is currently underway for the sub-regional facilities.

VWVRA is also in the process of preparing an Environmental Impact Report (EIR) for this project. It is expected that the EIR will address salinity and nutrients as the primary constituents of concern. VWVRA anticipates completing the EIR by October 2009. Based on this EIR, Water Board staff will develop draft Master Water Recycling Requirements for Board consideration in early 2010.

17. **City of Barstow Compliance with Enforcement Orders - Ghasem Pourghasemi**

The City of Barstow (City) continues to comply with the 13267 Investigative Order for groundwater investigation, an Investigative Order for installation of additional monitoring wells, Cleanup and Abatement Order, and Cease and Desist Order to abide by the Waste Discharge Requirements (WDRs) for the Barstow Wastewater Treatment Plant.

Groundwater Investigation

In order to delineate the nitrate plume in the groundwater and establish nitrate background concentrations accurately, an Investigative Order was issued to the City in February 2009. The Investigative Order requires the City to construct three new shallow monitoring wells in the Soapmine Road area, and one nested shallow/intermediate monitoring well and another intermediate monitoring well on the south side of the Mojave River by July 31, 2009. However, the City has encountered land access problems that have delayed the monitoring well installation schedule. As of July 31, 2009, only one nested shallow/intermediate monitoring well has been installed. The City is currently negotiating access with

private landowners for all three additional well locations in the Soapmine Road area and expects that these additional wells and the intermediate monitoring well to be installed near the wastewater treatment plant will be constructed by October 31, 2009.

Groundwater Pilot Test

The City has proposed a pilot test for a groundwater pump and treat system in the northern irrigation field area. In mid-August 2009, the City finalized an easement agreement with Pacific Holt Corporation to construct a pipeline through their property in order to transport the untreated groundwater to a biological process treatment system near the wastewater treatment plant.

The pilot program was expected to be in operation by mid-April 2009, but due to easement problems with private landowners for pipeline construction, it is now expected to be in operation by the end of September 2009. Because the pump and treatment program was proposed to last three months and an additional two months are needed for water quality monitoring and preparation of a final remediation action plan report, it is a distinct possibility that the City may miss the November 30, 2009 deadline for submittal of their final remediation action plan.

Plant Upgrade

The City has completed upgrading the wastewater treatment plant. The upgrade included modification of both aeration basins by installing baffle walls inside existing aeration basins to separate each basin into components creating an anoxic-oxic zone. This enhancement provides the wastewater treatment plant with the ability

to nitrify and denitrify the effluent, thereby reducing nitrate concentrations in the discharge in order to meet the effluent conditions contained in the Cease and Desist Order. The City submitted a report on July 29, 2009, indicating that the average effluent discharge limits for nitrate and total nitrogen were 1.49 milligrams per liter (mg/L) and 11.33 mg/L, respectively. The average daily effluent flow from the wastewater treatment plant during the testing period (July 6 to 22, 2009) was approximately 2.7-million gallons. Therefore, the City has complied with the Cease and Desist Order, which requires the City to achieve compliance with the WDRs by July 31, 2009.

Soapmine Road Replacement Water

The City continues to conduct residential well sampling of 39 drinking water wells in the Soapmine Road area, as required by the Cleanup and Abatement Order. Currently, the City is supplying 33 residences with uninterrupted replacement water service (bottled water) for homes where nitrate as nitrogen has been detected at concentrations equal to or exceeding 5 mg/L. The analytical results for the second quarter 2009 monitoring event show that six private wells exceeded the established maximum contaminant level for nitrate as nitrogen (10 mg/L) and nitrate as nitrogen concentrations exceeded 5 mg/L at 20 private wells in the Soapmine Road area.

18. Mountain Pass Mine and Mill Expansion, San Bernardino County - Christy Hunter

Representatives of Molycorp Minerals LLC (Molycorp), owner and operator of a rare earth mineral mine and mill located at Mountain Pass, San Bernardino County,

met with Water Board staff in August 2009, to discuss their 30-year plans for mine expansion. These plans were evaluated in an Environmental Impact Report (EIR) certified in 2004 by the County of San Bernardino. Molycorp representatives described their new corporate paradigm for future mining business ventures and explained the details of their "Phoenix Project" plans. They re-defined the rare earth elements as "the green elements" whose unique properties make them indispensable for a wide variety of emerging and critical technologies, including clean energy technologies, advanced water filtration, and defense applications. Molycorp intends to bridge an infrastructure gap that currently exists in the U.S. between rare earth mining and U.S. production of finished goods from these elements, creating approximately 900 new jobs for American workers.

Molycorp plans to begin mining activities associated with their Phoenix Project in 2012. Until that time, existing stockpiled ore will support their planned production rate of about three million pounds per year of rare earth oxides. Full production of finished rare earth products is planned at a rate of 40 million pounds per year. Prior to new mining, overburden material will be removed to expose the ore in preparation for pit expansion. Pit dewatering will also take place prior to pit expansion. Molycorp plans to discharge the waste tailings as a paste (tailings slurry), increase water recycling at the mill, and eliminate the need for additional evaporation ponds (which were proposed in the 2004 EIR). Parts of this project will require additional environmental evaluation and will include new rare earth oxides production facilities, a 48-megawatt combined heat and power plant, and a 17-mile-long natural gas

pipeline. During this meeting, Water Board staff provided Molycorp with general recommendations with respect to their future plans as well as a report of waste discharge, which they are currently preparing for the tailings waste (paste tailings) that will be discharged from ore processing.

ENCLOSURE 3

Notification of Spills (Unauthorized Waste Discharges)

August 2009 and
September 2009

EO'S Monthly Report
7/16/09 - 8/15/09
Unauthorized Waste Discharges

COUNTY: KERN

Discharger/Facility	Location	Basin	Regulated Facility	Substance Discharged	Spill Date	Discharge Volume	Description of Failure	Discharge To	Status
US Borax	Boron	S	Y	Borax Acid Tailing	8/4/2009	52,000 Gallons	Tailing line broke at a joint, releasing borax acid tailings solution, containing approximately 8.9 pounds of arsenic (calculated). The discharge flowed into an on-site stormwater ditch and into the on-site containment storage facility.	Ground	The release was stopped and the line was repaired. Cleanup complete. Staff enforcement letter will be issued.

COUNTY: NEVADA

Discharger/Facility	Location	Basin	Regulated Facility	Substance Discharged	Spill Date	Discharge Volume	Description of Failure	Discharge To	Status
Tahoe Truckee Sierra Disposal	16895 Waldon Way, Truckee	N	N	Hydraulic oil	7/31/2009	4-5 gallons	Hydraulic hose broke on a vehicle.	Ground	Cleanup was completed immediately. No waterway was impacted. No further action recommended.

COUNTY: SAN BERNARDINO

Discharger/Facility	Location	Basin	Regulated Facility	Substance Discharged	Spill Date	Discharge Volume	Description of Failure	Discharge To	Status
BNSF / Barstow Yard	200 N. Avenue H, Barstow	S	N	Diesel	7/18/2009	50 Gallons	A rail car derailed and side-swiped a locomotive, puncturing the diesel tank, which resulted in the release.	Ground	The discharge was stopped and the release has been contained. The soil was excavated and containerized for disposal. No further action recommended.
Robert Goff / Ruan Transportation	NB I-15, One mile south of Nipton Rd.	S	N	Milk	8/11/2009	5,200 Gallons	A semi and tanker trailer carrying milk went over the embankment and ruptured the tank, releasing milk.	Ground	The milk absorbed into the soil. No waterways affected. No further action recommended.

ENCLOSURE 4

Notification of Closure of Underground Storage Tank Cases

August 2009 and
September 2009

CASE CLOSURE REPORT
August 2009
 State of California
 Lahontan Regional Water Quality Control Board

Date Closure Issued	Site Name	Site Address	Case Number	Case Type	Remaining Groundwater Concentrations above Water Quality Objectives (in ug/L)	Remaining Soil Concentrations (in mg/Kg)	Distance from Site to Nearest Receptor	Remedial Methods Used
July 8, 2009	Trona Chevron Station	82780 Trona Road, Trona	6B3600955T	UST	1,200 TPHg 26 TBA	19 TPHg	>1/4 mile	None

Notes:

- TPHd - Total petroleum hydrocarbons quantified as diesel
- TPHg - Total petroleum hydrocarbons quantified as gasoline
- TPHmo- Total petroleum hydrocarbons quantified as motor oil
- TBA- tertiary butyl alcohol
- Receptor- surface water, private drinking water wells and municipal supply wells, etc.

CASE CLOSURE REPORT
September 2009
 State of California
 Lahontan Regional Water Quality Control Board

Date Closure Issued	Site Name	Site Address	Case Number	Case Type	Remaining Groundwater Concentrations above Water Quality Objectives (in ug/L)	Remaining Soil Concentrations (in mg/Kg)	Distance from Site to Nearest Receptor	Remedial Methods Used
July 22, 2009	Bishop Shell Car Wash	466 South Main Street, Bishop	6B1400903T	UST	290 TPHg 640 TPHd 540 TBA	940 TPHg 8400 TPHd	domestic well ~850 feet east	excavation, groundwater extraction, enhanced MNA

Notes:

TPHd - Total petroleum hydrocarbons quantified as diesel
 TPHg - Total petroleum hydrocarbons quantified as gasoline
 TPHmo- Total petroleum hydrocarbons quantified as motor oil
 TBA- tertiary butyl alcohol
 Receptor- surface water, private drinking water wells and municipal supply wells, etc.
 MNA- Monitored Natural Attenuation