

EXECUTIVE OFFICER'S REPORT

November 2002

NORTH BASIN

1. ***Status of Wetland Restoration Efforts in Mono County - Cindy Wise***

The Board has requested from staff an annual status report on wetland restoration efforts in Mono County. In the first of these annual reports in 1999 staff stated that the estimated amount of wetland impact resulting from the construction of single-family homes appears to have been offset by wetland restoration, but a formal tracking method was needed for verification. The second status report in 2000 included information about the re-statement of the Mono County Collaborative Planning Team Wetlands Technical Advisory Committee (Wetlands TAC) to prepare and submit a watershed plan proposal for grant funding, and to investigate the feasibility of developing a land trust or conservancy for Mono County. Both of these activities would assist in the development and implementation of a formal system to track restoration. In the 2001 status report, staff explained that Mono County, with assistance from the Wetlands TAC, had been successful in competing for \$400,000 in grant funds under Proposition 13 to develop watershed management plans for major Mono County Watersheds (West Walker River, Mono Basin, and Upper Owens River). The draft contract documents to develop these watershed plans are currently under review by State Board staff. Work on the plans cannot start until the contracts are executed. A portion of the grant award to Mono County will also be used to further the efforts of the Eastern Sierra Conservancy, a newer land conservancy serving Mono and Inyo Counties. Recently, Regional Board staff successfully competed for \$150,000 in

federal grant money to further the development of its wetland management efforts in Mono County and elsewhere in the Region. The wetland grant will provide for technical assistance, staff training and the development of outreach and educational materials.

2. ***Tahoe Tom's Gas Station, El Dorado County - Lisa Dernbach***

Responsible parties (RPs) for the Tahoe Tom's Gas Station have submitted the report, *Final Remedial Action Plan*, to restore groundwater quality to background conditions at the site. The report proposed to expand the groundwater extraction and soil vapor extraction activities for remediating remaining soil contamination at the underground storage tank basin. The RPs decided not to pursue implementing the original remediation proposal of advanced oxidation using hydrogen peroxide. Receipt of the recent proposal was the culmination of two years of work by Board staff to have the parties submit a complete and acceptable remediation plan in accordance with requirements in a cleanup and abatement order.

In early October Board staff approved a workplan for installing additional extraction wells at the site. The installation work and treatment system expansion should be completed by this November. I will consider the parties to be in compliance with requirements in the cleanup and abatement order when the expanded system becomes operational in December. The cleanup time using the expanded system previously was approximated at being two to four years.

3. Meyers Beacon Gas Station, El Dorado County - Lisa Dernbach

The groundwater pump and treat system at the site was turned off by the Regional Board's consultant, Secor, at the end of July due to a lack of an amended contract with the Department of General Services. Additional contracting funds from the Emergency, Abandoned, and Recalcitrant (EAR) Account were delayed pending approval of the state budget for fiscal year 2002/03.

Now that the state has a budget, an amended contract with Secor is expected to be in place any day now for resuming corrective actions at the site. Secor's first action will be to collect groundwater samples from off-site monitoring wells to determine the position of the detached MTBE plume. After that, the pump and treat system will be re-started for remediating the detached plume using six extraction wells installed last spring. In addition, the amended contract will allow for installation of four monitoring wells, installation of a soil vapor extraction system, and ground water monitoring and reporting. The amended contract, amounting to about \$250,000, will extend corrective actions at the site until January 2004.

4. Fall inspections and October 15 grading deadline variances - Robert Larsen

As the winter season approaches and the construction season comes to a close, Regional Board staff are inspecting construction projects in the Lake Tahoe basin and Truckee River watershed to ensure site stability before the onset of wet weather. The Board's Basin Plan prohibits grading, filling, clearing of vegetation, or any other soil disturbance activity between October 15 and May 1 in the Lake Tahoe basin, and permits issued for projects in the Truckee River Basin have the same prohibitions. Staff have visited various construction projects to assess progress,

discuss winterization requirements, and determine whether the project needs and should receive a variance to the October 15 deadline.

A few large construction and restoration projects in the Lake Tahoe Basin have finished work for the season and have been winterized. The Fern Street Erosion Control Project in Placer County is complete and the site has been seeded and mulched. Similarly, work on the California State Parks Angora Creek restoration project is finished and water is flowing in the newly constructed channel. Many other project proponents, however, have requested additional time to complete site grading and stabilization activities.

I've issued approximately 50 variances this Fall to the grading deadline to allow contractors additional time to complete necessary work after October 15. Variances are only granted following a written request from the discharger detailing the work that needs to be done and a time schedule for completion. In addition to allowing extensions for erosion control and restoration projects, I have also granted variances for a variety of small construction projects and utility maintenance activities.

Dischargers operating under a variance must comply with several restrictions. The variance only allows work identified in the variance request and the work must be completed by the stated deadline. During the variance period, when the National Weather Service predicts adverse weather conditions and prior to the onset of adverse conditions, dischargers are required to cease all soil disturbance activities and the project site must be winterized.

5. Settlement of the Administrative Civil Liability Complaint Issued to the North Tahoe Marina for the Discharge of Turbid Water and Sediment during Maintenance Dredging - Robert Larsen

The North Tahoe Marina, located on Lake Tahoe's north shore, initiated maintenance dredging on Friday, April 12, 2002 to ensure adequate boat passage during the 2002 boating season. Regional Board staff inspected the project the following Monday. A tracked excavator working within the marina, removing sediment from the mouth of the harbor. Although turbidity curtains had been installed around the marina and at the harbor mouth, high winds compromised their ability to contain the highly turbid marina water. High waves were washing over the curtain and fine sediments were being discharged to Lake Tahoe at several locations. Waste discharge requirements issued for the project required the project proponent to cease dredging activities if adverse weather conditions threatened the transport of sediment from the project area.

Regional Board staff recommended the marina operator cease dredging activity and focus efforts on securing the turbidity curtains against the wind and waves. Despite the efforts of marina staff to secure the curtains, wind and waves continued to transport turbid water from the marina into open water. A large turbidity plume extended eastward into Lake Tahoe from the mouth of the marina.

In September I issued an Administrative Civil Liability (ACL) Complaint to the North Tahoe Marina in the amount of \$10,000 for the April 14, 2002 incident. The discharge of sediment to Lake Tahoe was in violation of waste discharge requirements issued for maintenance dredging and prohibitions specified in the Water Quality Control Plan for the Lahontan Region.

James and Virginia Walsh, owners of the North Tahoe Marina, have proposed a supplemental environmental project (SEP)

in lieu of a cash payment of the ACL. I have issued a new ACL complaint requiring North Tahoe Marina to remit \$10,000 to the Tahoe Resource Conservation District (TRCD) to help fund the Backyard Conservation Program. The Backyard Conservation program assists private property owners in implementing storm water best management practices to control sediment and nutrient transport from private parcels.

6. Tahoe Municipal NPDES Storm Water Permit, City of South Lake Tahoe, El Dorado County & Placer County - Kara Thiel

EPA contracted with Tetra Tech, Inc. to conduct municipal storm water program evaluations for various municipalities regulated under NPDES Phase I storm water permits. In June 2002, Tetra Tech evaluated the storm water programs of Placer County, El Dorado County, and the City of South Lake Tahoe to determine compliance with the Lake Tahoe Municipal NPDES Storm water Permit, Board Order No. 6-00-82, and EPA's storm water regulations. Although Board Order No. 6-00-82 does not address several program areas described in EPA's storm water regulations (adequate legal authority, storm water management programs, construction activity, illicit discharges), Tetra Tech evaluated these program areas for each municipality, or permittee.

During the evaluation, Tetra Tech discovered the permittees were unaware if they had the legal authority to control discharges to the storm sewer system, including inspection and enforcement authority. Tetra Tech found that the municipalities do not have a written storm water management plan to provide guidance for controlling discharges in storm water and complying with permit requirements. As described in 40 CFR 122.26(d)(iv), such a plan should include measures for controlling storm water discharges from residential and commercial areas, construction sites, and industrial

activities and detecting and removing illicit discharges into the storm system. The evaluation revealed the permittees do not have written standards nor do they provide training for staff on complying with permit requirements. Further, the permittees lack internal coordination on storm water issues and have not identified departments and staff responsible for complying with each of the permit conditions.

Regional Board staff plans to recommend the Regional Board incorporate some of the recommendations identified in the evaluation report when the Municipal NPDES Permit is scheduled for renewal in 2005 (Board Order No. 6-00-82 expires on October 12, 2005). Specifically, we recommend incorporating the following requirements into the renewed permit to require Placer County, El Dorado County, and the City of South Lake Tahoe to:

- Obtain the necessary legal authority to implement the NPDES permit. This includes enforcement authority needed to control discharges to the storm sewer systems from private properties.
- Identify the personnel/departments responsible for carrying out the various provisions of the NPDES permit.
- Develop a written Storm Water Management Plan (SWMP) to provide direction and guidance for complying with the permit requirements and carrying out an effective storm water program. The SWMP will aid in planning and prioritizing projects and contain measurable goals to determine program effectiveness and compliance.
- Identify a funding mechanism to cover the costs of capital improvements, operation and maintenance, and enforcement of ordinances necessary to implement the NPDES permit.
- Identify how runoff from private properties within each jurisdiction will be addressed. (The NPDES permit holds the Permittees responsible for

storm water/urban runoff discharges within the legal jurisdictional boundaries of their respective City and Counties, except for runoff generated on state and federal lands.)

I have sent copies of the report and staff's recommendations to the Tahoe municipalities. Staff has offered to facilitate discussions with the municipalities to develop strategies for compliance that prevents duplication of efforts where possible.

7. ***Caltrans Tahoe Basin Stormwater Characterization Monitoring - Robert Erlich***

Caltrans consultants announced the availability of the second year Tahoe Basin stormwater characterization monitoring results to the Lake Tahoe Interagency Monitoring Program (LTIMP) working group on October 3, 2002. The Caltrans Tahoe Highway Runoff Characterization and Sand Trap Effectiveness Studies (Monitoring Season 2001-2002) report, dated August 2002, present data from monitoring performed from August 2001 to April 2002 at six sites along Caltrans highways in the Tahoe Basin.

Caltrans measured flow and water quality from samples of runoff collected by auto-samplers, and also analyzed precipitation water quality. Sediment transported in runoff was analyzed for particle size and chemical concentrations. Caltrans also studied the effectiveness of double-barrel sediment traps. Caltrans evaluated constituents including turbidity, chloride, iron, oil and grease, as well as the approximately 25 conventional constituents, nutrients, and both total and dissolved metals measured in the other Caltrans statewide highway runoff characterization studies.

Though precipitation was again somewhat below normal, Caltrans collected a total of seventy-three runoff samples for constituent analysis from all of the six

influent stations. Approximately one-half of the samples were taken during low flow snowmelt, and samples taken during snowfall or freezing rain lack data on precipitation amounts or abrasives and deicer application rates, it would be difficult to estimate actual pollutant loads from Caltrans roadways from the results of this report. However, it does help characterize pollutant concentrations in the runoff from a variety of runoff events.

Runoff Water Quality

Mean and median values for electrical conductivity (EC), total suspended solids (TSS), total dissolved solids (TDS) and total metals were generally higher in the Tahoe Basin than for the other sites in the Statewide study. Total and dissolved iron values were quite high. Untreated highway runoff generally exceeded Tahoe Basin stormwater effluent limits for discharge to surface waters for turbidity, oil and grease, total nitrogen, total phosphorus and total iron. Again in 2001-2002, the untreated runoff often met the effluent standards for discharge to infiltration systems, except for total iron and turbidity.

Particle Size and Chemical Analysis

Caltrans sampled sediment and characterized particle size of sediment trapped in each barrel of the double-barrel sediment traps and in a filter box below the sediment traps. Caltrans also sampled the particles in stormwater runoff entering and leaving the double-barrel sediment traps. Caltrans reports that the double-barrel sand traps removed 50-75% of the particle mass, which confirms that these traction sand traps are a useful treatment BMP. Though Caltrans traction sand specifications now allows only 3% of the particle mass to pass through a 75 micron sieve, approximately 45% of the particle mass retained in or passing through the sand traps is smaller than 75 microns. Caltrans also reported that the highest total mass in the stormwater both entering and leaving the double-barrel sand traps was in the 8-10

micron particle size range. As one might expect, the report suggests that high traffic volumes on Caltrans roads crush and grind traction sand into smaller particles. Though Caltrans is now using a new traction sand specification, which has less than 10 ppm total phosphorus, phosphorus levels of particles collected in the sand trap evaluation study were an order of magnitude higher in 2001-02 than in 2000-01. Caltrans cannot explain the reason for this difference at this time.

Other Studies and Reports

Caltrans has not yet submitted any reports on the bench-scale pilot studies started in fall 2001 to study new treatment methods to remove pollutants from stormwater runoff in the Tahoe Basin. Caltrans submitted a draft combined De-Icer Report/Lake Tahoe Basin Environmental Improvement Program Master Plan update on October 18, 2002. Staff will review these reports and provide a summary to the Board at a later date on Caltrans progress in reducing pollutant loading from winter operations and in implementing retrofit projects to reduce stormwater pollutant loads from Caltrans Tahoe Basin roadways.

The Caltrans Tahoe Highway Runoff Characterization and Sand Trap Effectiveness Studies continue to provide useful information for Caltrans and the Regional Board. Caltrans has indicated that these studies may end after 2002-03.

SOUTH BASIN

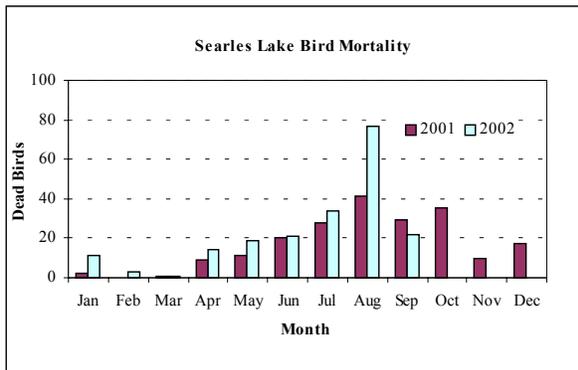
8. *IMC Chemicals Inc., (IMCC) - Kai Dunn*

Compliance Status

Daily reporting data from IMCC shows that the Argus plant injection brine exceeded the interim effluent limit for total recoverable petroleum hydrocarbons (TRPH) once and the Westend plant exceeded the TRPH limit once during the month of September 2002. The cause was likely due to the improper washing of plant

equipment. IMCC has informed Board staff that they will improve best management practices to reduce similar incidents.

Twenty-two bird deaths were reported during the same period and most of them were waterfowl. The total birds picked up this year through the month of September were 330-with 215 dead and 115 alive. The reported number of dead birds in the years 2001 and 2002 are shown in the figure below.



As part of site cleanup under the Cleanup and Abatement Order, soil cleanup at the dry Warm Solution Mining (WSM) pond is about 90 percent complete. Subsequently, verification sampling to document cleanup of soil contamination at the WSM site will be performed

Improving Technology

During a September 18, 2002 meeting, IMCC presented the results of laboratory tests conducted to evaluate the design of the new Argus skimmer that will treat plant effluent prior to discharge. The tests show that the skimmer design is capable of achieving a better than 97% recovery of the TRPH that might be present in the brine. Staff is continuing to work with IMCC to finalize the skimmer design.

9. State-Wide Moratorium on the Disposal of Decommissioned Radioactive Materials - Joe Koutsky

Governor Davis signed Executive Order D-62-02 on September 30, 2002, requiring that the State and Regional Water Boards, as soon as possible, take all steps necessary to impose a moratorium on the disposal of “decommissioned materials” at active Class III landfills and Unclassified waste management units throughout the state. Class III landfills and Unclassified waste management units are disposal sites designed to accept municipal and inert wastes. Currently there are no prohibitions for the disposal of “decommissioned material” at these disposal sites.

Decommissioned materials are defined in the CAO as: 1) radioactive materials in excess of local background levels that have been released for unrestricted use as part of a decommissioning action by the appropriate state or federal agency; and 2) residual radioactive materials that can be disposed of in waste management units.

On October 15, 2002 I issued a Cleanup and Abatement Order No. R6T-2002-0057 (CAO) to 25 facilities in the region ordering a moratorium on the disposal of decommissioned materials to Class III and Unclassified waste management units.

This CAO will remain in effect until the CDHS completes its assessment of the public health and environmental safety risks associated with the disposal of decommissioned materials. It is not known at this time when the assessment would be completed.

10. Hesperia Water District (HWD) Water and Sewer Master Plan - Curt Shifrer

Board staff has reviewed and prepared written comments for a Draft Environmental Impact Report (DEIR) for the above-referenced Master Plan. The comments will be finalized and mailed during the latter part of October 2002. The

Project described in the DEIR consists of various proposals that HWD expects to complete through the year 2025. Proposals evaluated in the DEIR include acquisition of alternative sources of water supply to prevent continued ground water basin overdraft. Alternative sources evaluated include water conservation, imported water, acquisition of in-basin water rights and use of recycled water. Three proposed sub-regional wastewater treatment plants (Sub-Regional Wastewater Facilities) would produce the recycled water. Alternative uses of recycled water evaluated include irrigation, industrial use, and ground water basin recharge.

Currently, the Victor Valley Wastewater Reclamation Authority (VWVRA) is the regional management agency for domestic wastewater generated in the Victor Valley. VWVRA treats and discharges the Valley's wastewater at its Existing Regional Wastewater Facility located at the downgradient end of the Valley. The discharge commingles with waters of the state, which have beneficial uses including wildlife habitat, municipal and domestic supply, agricultural supply, etc.

The Sub-Regional Wastewater Facilities aspect of the Project may have potential for significant salinity impacts. The greatest cause of salinity increases may be associated with the problems of overdraft and insufficient flows between sub-areas. As the court appointed Watermaster, The Mojave Water Agency (MWA) is in charge of addressing these problems. Preliminary investigation indicates there may already be significant salinity impacts due to cumulative affects. In order to evaluate cumulative impacts, there should be a mathematical ground water model prepared that will evaluate the entire Victor Valley. The MWA may be the appropriate agency to conduct the mathematical modeling.

11. New Underground Storage Tank Laws (AB 2481) - Greg Cash

Recent legislation (AB 2481, Chapter 999 of the Statutes of 2002) goes into effect on January 1, 2003. This new law strengthens and reorganizes the laws related to Underground Storage Tanks (USTs) in order to protect the environment against unauthorized releases of petroleum, including MTBE. Specifically some of the major points of this new legislature are:

- Continues an important drinking water grant program at the Department of Health Services (DHS) that assists public agencies with the purchase of alternate drinking water supplies if their water is contaminated or threatened by MTBE;
- Prohibits fuel delivery to USTs that have significant violations;
- Authorizes the use of the UST Cleanup Fund for the SWRCB staff's investigation of suspected violations of leak prevention requirements.