



Lahontan Regional Water Quality
Control Board



EXECUTIVE OFFICER'S REPORT

April 2005

NORTH BASIN

1. *Leviathan Mine, Alpine County - Chris Stetler*

Leviathan Mine is an abandoned sulfur mine that the State of California acquired in the early 1980s to clean up water quality problems caused by historic mining. The Lahontan Regional Board has jurisdiction over cleanup work at the site. Mining activities have caused certain native minerals to be exposed to air and water, and that moisture combines with the minerals to form acids. As acidic ground water moves through the subsurface, it dissolves metals and other minerals from the soil and rock. Eventually, the acidic ground water encounters the ground surface and forms seeps and springs. Acidic seeps and springs then enter nearby creeks and cause significant adverse impacts, including loss of aquatic life, due to low pH, toxic metals and chemical precipitates on the streambed surface.

The Regional Board conducts pollution abatement and characterization work at the Leviathan Mine site on a yearly basis. This work consists of treating and discharging acidic mine drainage that is collected in ponds on the site, monitoring water quality throughout the watershed, and maintaining site infrastructure. Following each field season (mid-June to mid-October), Regional Board staff prepares a year-end report to summarize and record Regional Board activities for the past field season. Staff has completed the year-end report for activities conducted during the 2004 field season. The year-end report for 2004, along with other interesting facts, photos, and related-links pertinent to Leviathan Mine may be viewed on the Regional Board's Leviathan Mine Internet page (www.waterboards.ca.gov/lahontan/Leviathan/LEVI_Index.htm).

2. *City of South Lake Tahoe Sierra Tract Erosion Control Projects - Robert Erlich*

The City of South Lake Tahoe (CSLT) is developing water quality improvement projects for the Sierra Tract subdivision on both sides of Highway 50 between the Upper Truckee River and Trout Creek. The Sierra Tract Phase 1 and Phase 2 projects will improve water quality of stormwater runoff from the approximately 100 acres of mostly single family residential neighborhoods which currently drain towards Trout Creek along the east side of the subdivision. These first two projects are designed to provide stabilized conveyances, increased infiltration and protection for vegetation along road shoulders, and provide treatment by infiltrating storm water runoff. Design of these two projects is nearly complete with construction scheduled to begin in 2005 and 2006.

Regional Board staff, as well as Tahoe Regional Planning Agency and California Tahoe Conservancy staff, have been reviewing designs produced by CSLT and their consultants. The Phase 1 and Phase 2 projects have been designed using a water quality improvement preferred design approach, emphasizing source control to stabilize soils and to prevent fine sediment and associated nutrients from reaching the stormwater drainage system. These projects will incorporate various hydrologic controls, such as maximizing infiltration along road shoulders, to help reduce the amount of stormwater for further treatment. Implementing proper source control is a critical part in reducing the amount of fine sediment and nutrients that are ultimately discharged to Trout Creek and the Upper Truckee River, the two largest tributaries to Lake Tahoe. Regional Board staff will also be reviewing plans for

construction Best Management Practices to prevent adverse water quality impacts during construction.

3. *Indian Creek Reservoir TMDL—status of internal phosphorus loading reduction efforts by the South Tahoe Public Utility District, Alpine County - Jason Churchill*

Indian Creek Reservoir was constructed in 1969-70 on an ephemeral tributary of Indian Creek, a tributary of the East Fork Carson River. The reservoir was designed to store tertiary wastewater effluent exported from the Lake Tahoe watershed for later use in pasture irrigation and to support a trout fishery. The reservoir became eutrophic during the 1970s and was placed on the Clean Water Act Section 303(d) list of impaired waterbodies in the 1980s. It no longer receives wastewater, and its level is maintained with water diverted from the West Fork Carson River and Indian Creek. The Regional Board adopted a TMDL in July 2002. The U.S. EPA approved the TMDL in July 2003.

The TMDL Implementation Plan identifies the South Tahoe Public Utility District (STPUD) as the entity responsible for reducing internal phosphorus loading (i.e., release of phosphorus from the reservoir sediments), and requires STPUD to submit an Internal Phosphorus Control Plan. The Plan was submitted in December 2004. The Plan examines several possible approaches, including limited dredging (i.e., lakeshore dredging between the high and low water lines); hypolimnetic oxygenation; periphyton harvesting; chemical treatment; and "flushing" (flushing involves routing additional water from potential sources such as the West Carson River) through the reservoir to deplete phosphorus and export it from the reservoir. The Plan adopts an "adaptive management" approach, but only limited dredging and hypolimnetic oxygenation are specifically included as scheduled activities.

STPUD also recently submitted a technical report describing the results of studies to determine the amount of extractable phosphorus contained in reservoir sediments, and evaluate the potential effectiveness of reservoir flushing as a phosphorus control measure. The sediment studies conclude that phosphorus levels in

reservoir sediments are similar to background levels in soils above the high water line, and that significant amounts of phosphorus cannot be leached from reservoir sediments. If valid, these study results may indicate that phosphorus leaching from reservoir sediments is not actually a significant contributor to water-column phosphorus levels. In a March 25, 2005 letter responding to staff comments on the Plan and the sediment studies, STPUD indicated its doubts about dredging and flushing as effective control measures. In that case, planned implementation efforts may focus on hypolimnetic oxygenation alone.

However, staff believes it is premature to reach firm conclusions based on these study results. Validation of the study design by outside scientific experts (for example, a Technical Advisory Committee) is warranted.

4. *Tahoe Community Fire Plans to be Implemented This Summer - Erika Lovejoy*

Lake Tahoe Basin Fire Districts have completed a joint plan to conduct fuels hazard reduction work within their communities. The plan includes the unincorporated areas of Lake Tahoe under the jurisdiction of the North Tahoe, Meeks Bay, Fallen Leaf, and Lake Valley Fire Protection Districts. The City of South Lake Tahoe has completed a separate plan.

Fire Districts are seeking federal grant funds to assist them with conducting the work. It is expected that Lake Valley and Fallen Leaf Fire Districts will be the first to receive grants and start the fuel reduction work on the California side of the Lake Tahoe Basin this summer. Lake Valley Fire District has hired a forester on a part-time basis to assist the District in implementing the plans. It is not known whether the other districts will be able to afford a forester to help in with their implementation plans.

Approximately 16,000 acres of forested lands in the Lake Tahoe Basin are proposed to be thinned over the next few years, so coordination with the Fire Districts will be imperative to prevent adverse water quality effects. Staff is working on guidance for the Fire Districts on how to comply with the Regional Board's new

Timber Waiver Policy, and on how to protect sensitive Stream Environment Zones (SEZs).

5. **Placer County's 2003 Martis Valley Community Plan - Scott Ferguson**

In January 2004, Placer County updated the 1975 Martis Valley Community Plan by adopting the 2003 Martis Valley Community Plan and its Environmental Impact Report. The 2003 Martis Valley Community Plan maps out future development within the Placer County portion of Martis Valley, located immediately north of the Lake Tahoe Basin and immediately south of the Town of Truckee. The Environmental Impact Report evaluates the impacts of the Plan and identifies mitigation measures intended to address those impacts.

A coalition of conservation groups appealed the Placer County Board of Supervisors' action in Placer County Superior Court. In late February 2005, the Superior Court Judge issued a tentative ruling stating that Placer County's plan failed to identify the full extent of impacts that could result from implementing the plan. The Judge ordered Placer County to "suspend all project approvals and activities that could result in any change or alteration to the physical environment which are based upon the Martis Valley Community Plan." This order affects a number of projects staff is currently reviewing.

In late March 2005, litigants made oral arguments before the Superior Court Judge. The Superior Court Judge will make a final

ruling based upon the oral arguments. Staff will continue to follow the results of this case, and evaluate how the results will affect the Regional Board's use of CEQA documents based upon the 2003 Martis Valley Community Plan and its Environmental Impact Report.

6. **Terrible Herbst Gas Station, South Lake Tahoe, El Dorado County - Chuck Curtis**

I have issued a Notice of Violation to the responsible parties for the Terrible Herbst Gas Station in South Lake Tahoe for failure to comply with the Cleanup and Abatement Order for the site. MTBE and other gasoline components have contaminated groundwater beneath and downgradient of the site. This contamination threatens a drinking water well used by the South Tahoe Public Services District. The responsible parties have failed to maintain onsite cleanup of shallow soil and groundwater contamination and have failed to initiate final cleanup of shallow contamination that exists offsite. I am contemplating further enforcement action against the responsible parties, and the promptness of their response to the Notice of Violation will have a bearing on the nature of that potential enforcement action. I have directed staff to draft a new Cleanup and Abatement Order for the site that requires the responsible parties to address the contamination from the site, including remediation of deeper groundwater contamination, both onsite and offsite.

SOUTH BASIN

7. **California Trout Inc. - Cindi Mitton**

California Trout, Inc. (CalTrout), an organization representing fishing interests, filed a petition with the State Water Resources Control Board (SWRCB) regarding use of water from Mammoth Creek by the Town of Mammoth Lakes. The petition requests State Board review current water appropriations and the interim flow schedule established for use of water from the creek. The petition also asks the State Board to complete an Environmental Impact Report (EIR) evaluating the effects of surface water diversions from Mammoth Creek

and on the downstream fisheries at Hot Creek and the Owens River.

The petition raises these four claims:

1. Existing water right licenses do not comply with the Department of Fish and Game code;
2. Existing licenses do not comply with the public trust doctrine;
3. Existing licenses may prevent attainment of water quality standards in Mammoth Creek; and

4. Mammoth Community Water District's management of the water supply results in waste and misuse.

A meeting of interested parties was held by SWRCB staff to determine if the issues could be resolved. A key component of the process is to produce an EIR evaluating the effects of surface water diversions from Mammoth Creek. Mammoth CSD is studying the use of recycled water for golf course irrigation as a way to reduce potable water use. The District has not yet applied to the Regional Board for such use.

Mammoth Community Water District agreed to produce the EIR using a collaborative process with the SWRCB and Stakeholders. CalTrout has agreed to work collaboratively as long as progress is being made. A follow-up meeting was held with the Stakeholders to gather data and decide how best to complete the EIR. It is anticipated that a draft EIR will be prepared by early fall 2005. Regional Board staff will be involved in this process due to issues related to water quality. Periodic reports will be provided to the Regional Board.

8. ***Mojave River/El Mirage Dairy Issues, Second Court of Appeals Ruling on U.S. Environmental Protection Agency Concentrated Animal Feeding Operations Rule - Joe Koutsky***

The U.S. Environmental Protection Agency (U.S. EPA) released new environmental regulations for dairies and feedlots, which now require all large dairies and feedlots to apply for a National Pollutant Discharge Elimination System (NPDES) permit. The new regulations defined which operators would need an NPDES permit and standards for environmental compliance. These regulations took effect on April 15, 2003 and are referred to as the U.S. EPA Concentrated Animal Feeding Operations (CAFO) Rule.

In early 2003, eight petitioners representing agricultural and environmental advocates filed challenges to U.S. EPA's CAFO Rule in seven different circuit courts. The suits were consolidated into one case in the Second Circuit Court of Appeals.

A ruling was issued on, February 28, 2005. The highlights of the 65-page ruling as they affect the State Water Resources Control Board and the Regional Water Quality Control Boards are as follows:

- A. The court ruled in favor of the agriculture petitioners by noting that the requirement to apply for an NPDES permit only extended to those who actually discharge pollutants. The CAFO rule required that all large dairies apply for permits even if there was only the potential for a discharge.
- B. The court ruled that the nutrient management plans (BMPs) are required to be part of the NPDES permit. The significance of this finding is that nutrient management plans must be submitted as part of the NPDES permit application. These plans are subject to review and approval by the permitting authority. These plans must also be available for public review and comment as part of the draft permit.
- C. The court upheld the portions of the CAFO Rules regulating land application of wastes and that stormwater discharges are exempt from regulation.

9. ***Status of Compliance of Dairies - Joe Koutsky***

There are twelve known large dairies and feedlots located within the Southern Lahontan Region. Dairies and feedlots produce process wastewater and manure that, if not properly managed, can adversely affect groundwater and surface water quality. Dairy waste disposal practices can result in the discharge of salts and nitrogen compounds to ground and surface waters.

Mojave River

Six dairies and two feedlots, containing about 15,000 animals, are located near the Mojave River. The Regional Board currently regulates three of these dairies under waste discharge requirements (WDRs). Applications for WDRs are pending from two of the three unregulated dairies. The two feedlots are not currently regulated. Nitrate and total dissolved solids (TDS) concentrations in groundwater under

three dairies are in excess of nitrate and TDS Maximum Contaminant Levels.

Regional Board staff has been working with the Western United Dairymen, a dairy consultant, in assisting the dairy operators to implement BMPs. Consequently the operators are incorporating BMPs on their dairies to reduce the contribution of pollutants to groundwater. These BMPs include hauling of manure from the site, discharging washwater to croplands for irrigation of fodder crops, and lining stormwater collection basins. Regional Board staff will continue to monitor the effectiveness of these BMPs in treating discharges that could degrade groundwater quality.

The dairies and feedlots along the Mojave River have the potential to discharge pollutants to the river, a water of the United States. Therefore, in accordance with new federal concentrated animal feeding operations regulations these dairies need to be covered by a National Pollutant Discharge Elimination System (NPDES) permit. Regional Board staff will work with the dairy operators and representatives of industry groups to inform them that these dairy operators will need to file permit applications for coverage.

El Mirage

There are two dairies in El Mirage containing about 6,600 animals. Each dairy is regulated under individual WDRs.

Groundwater beneath the A&H Dairy is polluted with nitrate and TDS. In 2002, the Regional Board adopted WDRs directing the dairy operator to: 1) implement BMPs on the dairy to reduce the contribution of dairy related pollutants to groundwater; and 2) install monitoring wells to further assess the magnitude of elevated levels of nitrate and TDS in groundwater near a former, unlined washwater storage basin. The dairy operator is installing groundwater monitoring wells as apart of the ongoing groundwater investigation.

The dairy operator is also implementing BMPs to reduce the discharge of pollutants to groundwater. One BMP involves filtering solids from washwater before discharging the washwater to croplands for irrigation. In addition, the dairy operator continues to haul all

manure from its corrals off-site and out of the basin. Regional Board staff continues to monitor the effect of these BMPs on reducing pollutants in groundwater.

Meadowbrook Dairy also implements BMPs and recently started-up its plug flow digester/engine generator. The digester converts dairy manure into biogas that is then combusted to produce electricity. The dairy operator is also hauling all the remaining manure off-site and out of the region.

10. Searles Valley Minerals (SVM), Compliance Status - Doug Feay

Compliance Status

Daily reporting data collected by SVM indicates that the company complied with all interim effluent limits set forth in the Waste Discharge Requirements (WDRs) during the month of February 2005.

Bird Report

For the month of February 2005, there were no birds found dead. All birds found in distress at Searles Dry Lake are sent to the International Bird Research Rescue Center (IBRRC) Trona site. The staff at this facility treats the birds and then transfers birds that survive to a rehabilitation facility in San Pedro, near the Los Angeles Port for release.

Brine Cleanup is on Schedule

A vacuum truck is used daily at the Trona and Argus Lake Skimmers and the Dredge Pond. Hydrocarbons removed are transported to Los Angeles for processing.

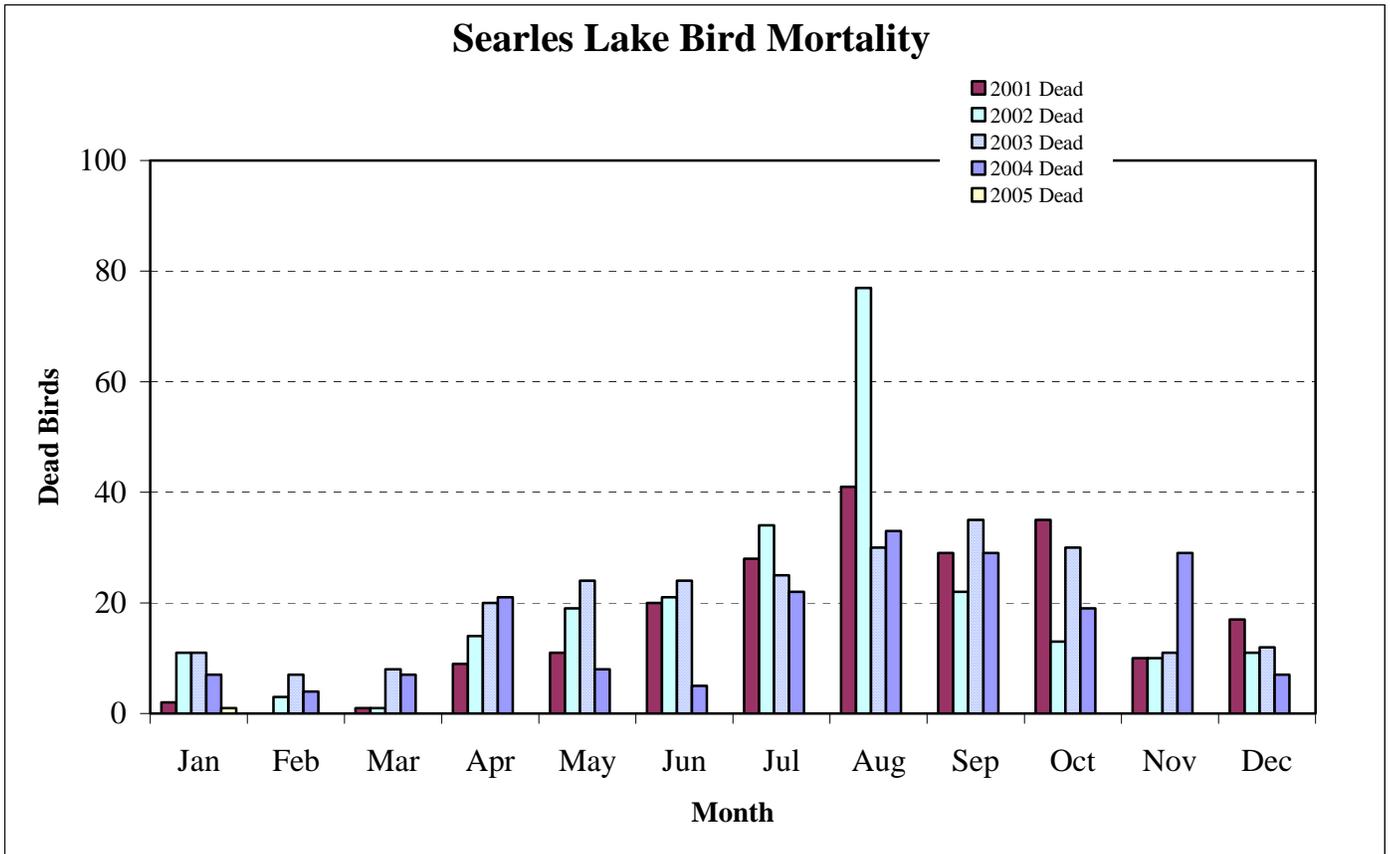
Unauthorized Discharges

SVM had three unauthorized discharges during the month of February. On February 4 and 15, 3,600 and 5,400 gallons of Carb Liquor brine spilled due to pipeline failure. The brine discharged to the dry lake surface and percolated into the lake. Bird monitoring was conducted in the area and no impacts were noted.

On February 12, 2005, an injection feed line failed at a cold fusion joint discharging 2.3 million gallons of mixed layer injection fluid to the dry lakebed. The large volume discharged was due to the failure of SVM personnel to locate the leak in a timely manner. The leak was first attributed to a faulty alarm transmitter. Three days after the leak started it was located and fixed. Rainstorms this year have damaged many roads at SVM and created instability on the lake surface. SVM estimates that it will take

about three months and \$950,000 to repair the damage to the lakebed infrastructure caused by the rainstorms.

SVM will be filing a revised Report of Waste Discharge requesting additional disposal area on the lakebed in the area where the injection wells and pipelines are located. Staff will review the proposal and recommend the appropriate course of action.



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

REPORT ON STATUS OF STANDING ITEMS

April 2005

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
Los Angeles County Sanitation District No. 14	Monthly	See April Agenda Item No. 2
Los Angeles County Sanitation District No. 20	Monthly	See April Agenda Item No. 3
Mojave River/El Mirage Dairy Issues	Quarterly	Item No. 8 of April 2005 EO Report
Searles Valley Minerals Operations - Compliance Status	Monthly	Item No. 10 of April 2005 EO Report
Meyers Beacon UST Site	Quarterly	Due July 2005 Board Meeting
Molycorp Status Update	Quarterly	Due July 2005 Board Meeting
Caltrans-General Permit	Annually	Due September 2005 Board Meeting
Eagle Lake Spalding	Semi-Annual	Due September 2005 Board Meeting
Status of Basin Plan Amendments	Semi-Annual	Due September 2005 Board Meeting
Town of Mammoth Lakes - Erosion Control	Semi-Annual	Due September 2005 Board Meeting
Caltrans-Tahoe Basin	Annually	Due November 2005 Board Meeting
Tahoe Municipal Permit	Annually	Due November 2005 Board Meeting
Wetland Restoration Progress in Mono County	Annually	Due November 2005 Board Meeting

Frequency **Board Meeting Month**

Quarterly January, April, July, & October.
Semi-Annual March & September
Annually Varied

**EO'S MONTHLY REPORT FOR
MARCH 2005
UNAUTHORIZED WASTE DISCHARGES**

DISCHARGER	FACILITY	LOCATION	BASIN	REGULATED FACILITY	SUBSTANCE DISCHARGED	HAZARDOUS	DATE REPORTED	DISCHARGE VOLUME	DESCRIPTION OF FAILURE	DISCHARGE TO	PROP 65	STATUS
San Bernardino - County												
Lake Arrowhead CSD	Outfall pipeline	Hillside ponds & GV WWTP	<input type="checkbox"/> S	<input type="checkbox"/> Y	Treated sewage (disinfected)	<input type="checkbox"/> N	2/19/2005	20 M gal.	Inflow exceeded outfall capacity. Disinfected treated eff released at wet weather disc point to hillside ponds & GV Cr. Lasted 9 days.	Ponds & Creek	<input type="checkbox"/> N	To reduce inflow, investigating (smoke testing, etc) for new inflow sources not present during previous investigations.
VVWRA	Interceptor	Hesperia, 1.5 mi from Mojave Road	<input type="checkbox"/> S	<input type="checkbox"/> Y	Untreated sewage & strmwtr	<input type="checkbox"/> N	2/19/2005	100,000 gal.	Flood debri dislodged plug on sewer under construct. Stromwater entered sewer. Flow exceeded sewer capacity & overflowed at manhole. Overflow stopped.	Stormwater	<input type="checkbox"/> N	Written rpt rec'd. Bd staff evaluating incident to determine appropriate action.
Searles Valley Minerals	HDPE pipeline	Canal Road & Storage Pond Road	<input type="checkbox"/> S	<input type="checkbox"/> Y	Brine	<input type="checkbox"/> N	3/10/2005	1440 gal.	Failure of HDPE pipeline. Bird monitoring conducted. Pipe repaired.	Dry lakebed	<input type="checkbox"/> N	SVM submitting revised RWD proposing additional disposal area and plan to monitor birds.

CASE CLOSURE REPORT
 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
February 25, 2005	Bridgeport Shell	75746 Main Street Bridgeport	6T0290A	UST (gasoline)	MTBE: 2	Benzene: 0.18 Toluene: 5.4 Ethylbenzene: 0.73 Xylene: 9.4	municipal well > 1/2 mile	Soil excavation GPT
February 25, 2005	Former Bryant Residence	11568 Whitehorse Road Truckee	6T0225A	UST (heating oil)	TPHd: 570	TPHd: 13,000 (in 1999)	municipal well > 2,000 feet	Soil excavation Free product removal
March 1, 2005	Tosco Facility No. 3553	4115 Lake Tahoe Blvd. South Lake Tahoe	6T0051A	UST (gasoline) (waste oil)	none detected	TPHg: 1.3	private well 10 feet	Soil excavation Soil vapor extraction GPT

Notes:

TPHg = Total petroleum hydrocarbons quantified as gasoline

ug/L = micrograms per liter

mg/Kg = milligrams per kilogram

> = greater than

GPT = Groundwater pump and treat