



Lahontan Regional Water Quality  
Control Board



# EXECUTIVE OFFICER'S REPORT

January and February 2008

## NORTH BASIN

1. ***State Funding Approved for Angora Fire Monitoring and Cleanup – Bud Amorfini***

On October 10, 2007, the Lahontan Water Board adopted a resolution, requesting the State Water Board to allocate \$287,000 from the Cleanup and Abatement Account (CAA) to implement cleanup and monitoring activities associated with impacts from the Angora Fire. On January 15, 2008 the State Water Board approved of the funds. The funds will be used in conjunction with \$93,000 in CAA funds that were previously approved last October bringing the total amount of approved CAA funds for the project to \$380,000.

The funding will allow formal contracts or grant agreements to be established with the researchers conducting the studies. The work includes installing and operating monitoring stations to evaluate surface water runoff from burned residential and forest lands, monitoring water quality in Angora Creek upstream and downstream of major sediment sources, and reporting the results and analysis of the study. Funds are also granted to El Dorado County to install and operate a sand filter system in Angora Creek over several months during the main snow melt season, and to fund increased storm drain maintenance and sediment removal by the City of South Lake Tahoe and El

Dorado County during significant runoff events.

2. ***Statewide Issues – Harold Singer***

Statewide Policy on Recycled Water

The State Water Resources Control Board (State Water Board) held a meeting on October 2, 2007 at the Metropolitan Water District in Los Angeles. The agenda included a public workshop on a proposed statewide water recycling policy (draft Policy). The State Water Board accepted verbal comments on the draft Policy during the public workshop and written comments until October 26, 2007. Additional information on the public workshops, the draft Policy, and the public hearing are available on-line at: [http://www.waterboards.ca.gov/water\\_recycling\\_policy/index.html](http://www.waterboards.ca.gov/water_recycling_policy/index.html).

The State Water Board will hold a hearing on February 19, 2008, to accept oral comments and consider adoption of the revised draft policy. At a future meeting, staff will provide an analysis of the adopted policy focusing on how it affect future actions of the Lahontan Water Board and how we can facilitate and encourage the use of recycled water in the region.

### Revised Enforcement Policy

The State Water Resources Control Board (State Water Board) has an Enforcement Policy for its water quality programs that was last updated in 2002. The State Water Board is proposing revisions to the Enforcement Policy and will be soliciting input from stakeholders and the public through participation in a discussion of the revisions at a State Water Board workshop on February 20, 2008. The draft revisions to the policy can be found on the State Board's webpage at [http://www.waterboards.ca.gov/enforcement/policy\\_revisions.html](http://www.waterboards.ca.gov/enforcement/policy_revisions.html).

Written comments are due by Thursday February 7, 2008. At this time the State Water Board anticipates considering a final draft for adoption in summer 2008.

### Strategic Plan

The State and Regional Water Boards are involved in a major effort involving stakeholders and staff to revise the Strategic Plan. The State Water Board expects to release a draft of the revisions in late January and has scheduled a February 6, 2008 workshop on the draft.

### **3. Staff Working with Forest Service to Prevent Recurrence of Catastrophic Fire with LTBMU's South Shore Fuels Reduction and Healthy Forest Restoration Project – George Cella**

Non-point Source Unit staff is working cooperatively with the US Forest Service, Lake Tahoe Basin Management Unit (LTBMU), to prevent recurrence of catastrophic fire on approximately 12,500 acres of stream environment zones (SEZs) within Lake Tahoe's South Shore Wildland/Urban Interface (WUI). The project will incorporate lessons learned from LTBMU's Heavenly Valley Creek SEZ Demonstration Project to allow the use of heavy equipment within

SEZs, which will enhance opportunities to effectively remove hazardous fuels from these environmentally sensitive areas.

### **4. Funding Fair 2008, CalEPA – Bruce Warden**

Staff attended the grant Funding Fair held on January 11, 2008 in the CalEPA building in Sacramento. The purpose of the funding fair was to provide an overview of current and upcoming environmental funding opportunities available from the State Water Board and through other State agencies.

The fair had representatives from ten California State agencies, two non-profit organizations, and three Federal agencies, collectively responsible for administering sixty-six funding programs. In addition to a number of presentations, funding agencies hosted 28 table exhibits.

Some key topics included:

- SB 1070 creation of a statewide monitoring council
- New legislation applicable to funding programs
- CEQA compliance for grantees
- Grant Manager training for Project Directors

Further detailed information about the funding fair can be obtained at: <http://www.waterboards.ca.gov/funding/fundingfair2008.html>

### **5. Underground Storage Tank (UST) Case Reviews by the UST Cleanup Fund Staff – Richard Booth**

The UST Cleanup Fund (under the Division of Financial Assistance at the State Water Board) is required to review the investigation and remediation history of UST cases that have been in the UST Cleanup Fund for five years or more.

Site owners and Water Board staff desire UST cases be cleaned up so that the Cleanup Fund can fund investigations and cleanup for new cases.

The Cleanup Fund's review of old cases is designed to provide technical review as a kind of "second opinion" that supplements the Regional Water Board's Case Manager's review. Also, the Cleanup Fund's technical review helps some of the lower priority cases get a review that Regional Board staff cannot review as thoroughly because of resource constraints.

As of the end of December 2007, Cleanup Fund staff had completed the review of 25 cases overseen by the Water Board's Lake Tahoe office staff and 29 cases overseen by the Victorville office staff. Based on the results of the individual case reviews, Cleanup Fund staff recommended some cases be closed, some change the current course of corrective action, and some continue on the current course of corrective action.

The Cleanup Fund reviews were not perfect. Fund staff did not use the most up-to-date data for many of the cases, and they were not aware of site constraints that precluded some of the remedial actions they recommended. More frequent communication between Fund staff and Lahontan Water Board staff will alleviate all or most of the problems identified. Lahontan Water Board staff are working on specific suggestions to improve the Fund review process. Barbara Evoy, Deputy Director, Division of Financial Assistance, has solicited such suggestions for improvement.

Despite the criticisms above, Lahontan staff members believe most of the reviews are helpful. It is especially helpful to receive support from Fund

staff when more aggressive (and more expensive) remediation will expedite the time to closure. We have implemented the Fund's recommendations, where appropriate, and will continue to do so.

## **6. *Leviathan Mine Project Contracting Activities* – Doug Carey and Laurie Scribe**

The Water Board's activities at the Leviathan Mine Superfund site include pond water treatment, discharge water quality monitoring, and stream flow and water quality monitoring. The Water Board's contractors conduct much of this work, or contractors assist in the effort. Water Board staff are currently seeking new contracts for the upcoming field season.

Water Board staff and the Department of General Services (DGS) have initiated a new multi-year contract for both the treatment of pond water contained in the Leviathan Mine holding pond system and the disposal of resulting sludge during the 2008, 2009, and 2010 treatment seasons. Bids were opened in December 2007 with a total of five companies submitting bids. Two of the five companies protested for various reasons. DGS conducted a review of protesting documents and concluded that it would be appropriate to re-bid the work. DGS reported that the re-bid process would take less than two months, and the contract should be in place before the summer.

The US Geological Survey (USGS) measures the flows of acid mine drainage (AMD) sources and the levels of the holding ponds at the Leviathan Mine site and measures the flow in Leviathan Creek and other streams in the area. To conduct these measurements, the USGS operates and maintains 13 gage stations under a contract with Water Board. The current contract will expire in June 2008. Water

Board staff are currently preparing a new multi-year contract with the USGS to continue this monitoring program.

Water Board staff and DGS have been working on contract documents for spring treatment for those years when heavy precipitation threatens to cause the holding ponds to overflow. DGS is having difficulty structuring the request for proposal and contract documents due to the uncertainties in spring treatment needs. In average or below-average precipitation years, spring treatment is not needed. In years of above-average precipitation, spring treatment may be needed, but the timing of that treatment isn't known until shortly before treatment is needed, and the volume of treatment isn't known until treatment is underway. As a result of these contracting difficulties, it is not likely that a contract will be in place for the spring of 2008. If spring treatment is needed this year to prevent pond overflow, Water Board staff will initiate an emergency contract, as was done in the spring of 2005 and 2006.

Water and sludge samples collected by Water Board staff as part of the pond water treatment and stream monitoring programs are analyzed at a contract laboratory. The current contract for laboratory services began in July 2007 and will extend through April 2009, with an option for one additional year.

## **7. Regional Stormwater Monitoring Program for the Lake Tahoe Basin – Hannah Schembri**

The Tahoe Science Consortium is leading a collaborative effort to develop a comprehensive Regional Stormwater Monitoring Program (RSWMP) for the Lake Tahoe basin. RSWMP is aimed at fulfilling both implementer and agency monitoring and reporting needs and would operate within an adaptive management system in the basin.

The RSWMP effort is guided by a core group of staff of regulatory agencies, implementing agencies, funding/planning agencies, and the science community. This monitoring program will be built on the experience of similar programs from around the country and will provide consistent sampling design, data reporting, and quality assurance. RSWMP will focus on three major urban monitoring components: 1) pollutant sources; 2) pollutant reductions; and, 3) BMP design, operation and maintenance. RSWMP will develop data management and communication tools for efficient and effective reporting on current conditions and trends and help inform management decisions.

RSWMP will be created over three phases, with the first phase ending in February 2008. The first phase will document the goals and objectives of the monitoring program, outline the monitoring design, and recommend an organizational structure. The Phase One document will be submitted to the USFS Lake Tahoe Basin Management Unit as a basis for a request to fund the next phase. Phase Two, which is expected to take approximately one year, will fully develop the monitoring and funding plan details. Once funding is secure, Phase Three will implement the monitoring plan.

This monitoring program is important for the Lake Tahoe TMDL, and will be incorporated as a component of the TMDL monitoring plan. Water Board and Nevada Division of Environmental Protection staff actively participate in and encourage the RSWMP development. The opportunities to integrate of project implementation and regulatory management with scientific information and design strategies will enhance current practices. RSWMP can help to fill specific data needs, and over time can aid in validating pollutant

reduction strategies identified in the Lake Tahoe TMDL.

#### **8. *Swiss Mart Gas Station, El Dorado County* – Lisa Dernbach**

In December, I issued a Cleanup and Abatement Order to the owner and operator of the Swiss Mart Gas Station in South Lake Tahoe. The Order requires the responsible parties to take cleanup actions for: (1) providing an alternate water supply to the affected domestic well owner, (2) identifying and stopping the source of the release, (3) conducting groundwater monitoring and submitting technical reports, (4) conducting interim remediation to contain plume migration, (5) investigating the extent of the discharge, and (6) proposing clean up of contamination in soil and groundwater.

Directives to provide an alternate water supply came as a result of Water Board staff sampling of several private drinking water wells in the vicinity of the site. Benzene was found to be above the primary maximum contaminant level (MCL), or safe drinking water level, of one microgram per liter in one drinking water well on Eloise Avenue. A subsequent monitoring event at the gas station found higher than usual concentrations of volatile organic compounds in groundwater compared to past monitoring events. Based on the water sample results, a new unauthorized release of petroleum hydrocarbons is indicated at the site. The information suggests that the hydrocarbon plume extends at least 1,100 ft from the gas station to the residential well.

From the onset, the responsible parties have not complied with the Order. The parties, Sarbjit S. Kang and the Kang Property, Incorporated, have not provided an alternate water supply to the residence or submitted technical reports

to comply with the first three cleanup directives, as listed above. Therefore, in mid-January, I referred the matter to the Attorney General's office. Board staff is working closely with the Attorney General's office to file for a preliminary injunction in El Dorado County court to compel the responsible parties to comply with the Order.

#### **9. *Lake Tahoe TMDL Program Update* – Robert Larsen**

It is an exciting time for the Lake Tahoe TMDL program as much of the scientific research and analysis needed to develop the TMDL is now complete. Over the past two months, the TMDL Team worked to refine a basin-wide implementation plan and began developing the pollutant load allocation approach.

Following the November Pathway Forum meeting, the TMDL Team and consultant staff enhanced the preferred implementation scenario to incorporate feedback from the Forum and other stakeholders. The team met again with the Pathway Forum on December 6, 2007 and addressed questions and issues raised during the November Forum meeting. Specifically, the team presented details on how the proposed implementation approaches would impact other resource areas, additional information regarding controlling vehicle miles traveled, and how differences in impervious coverage may affect pollutant loads. Forum members were receptive to the presentations and continued to express support for the quantitative TMDL approach.

Now that the TMDL Team and various stakeholders have identified a preferred implementation scenario, that information will be used to guide load allocation development. The preferred scenario provides anticipated load reductions per major source category.

While load reduction estimates and associated load allocations for atmospheric, stream channel, and forest upland sources will likely be described on a basin-wide scale, the team plans to develop waste load allocations for urban runoff at a jurisdiction level. The TMDL Team will use information generated by the Lake Tahoe Watershed Model to evaluate relative pollutant load contributions among the various municipal jurisdictions to generate fair and equitable allocations. Water Board direction on this effort will be solicited at the March 2008 meeting.

Although the implementation scenario analysis provides critical information about the relative potential load reductions expected from each source (atmospheric deposition, stream channel erosion, forest upland, urban upland), it is important to note that the scenario is a basin-wide, hypothetical estimate. The Lake Tahoe TMDL implementation plan will not prescribe specific actions for any given source; rather, it will set reasonable performance expectations based on the best available science.

As the Lake Tahoe TMDL program shifts its emphasis to implementation planning, staff will continue to engage our implementation partners in dialogue about the allocation process, plans for load reduction crediting and tracking mechanisms, and future permitting requirements. The next meeting with the implementation community is scheduled for January 29, 2008. The TMDL Team hopes to focus its energy on drafting the TMDL document during the remainder of the winter season.

**10. Compliance Status Update for California Department of Corrections and Rehabilitation, Susanville Correctional Facilities, Lassen County – Rob Tucker**

The Water Board has adopted Waste Discharge Requirements (WDRs) and a Cease and Desist Order (CDO) for the California Department of Corrections and Rehabilitation (CDCR) wastewater facility serving two prisons at Susanville. The CDCR has complied with the CDO to date. Major accomplishments include reducing monthly average influent flows to below 1.4 MGD as required, and completing a Final Environmental Impact Report for facility expansion and upgrades (modifications).

The next CDO milestone for the CDCR is filing a revised Report of Waste Discharge for the facility modifications. CDCR consultants have discussed with Water Board staff what information needs to be included in the Report of Waste Discharge. Plans are to have the Report of Waste Discharge prepared and submitted no later than March 2008, which is sooner than the required due date of April 22, 2008. Staff intends to schedule revised WDRs for the facility modifications for the Water Board's June 2008 meeting.

The WDRs and the associated Monitoring and Reporting Program (MRP) were amended on April 11, 2007. The MRP requires CDCR to annually produce an agronomic report for its disposal operations. To produce its first annual report, CDCR staff looked for a consultant in the fall of 2007, was reportedly surprised at the cost estimates, and only recently entered into an agreement to have the work accomplished. As of January 15, 2008, the CDCR is in violation of the MRP requirements for failing to provide the agronomic report on time. The CDCR has indicated the report will be furnished

in April of 2008, near the beginning of the annual irrigation season. I am not recommending formal enforcement action for the late agronomic report at this time because the delay in reporting should not significantly affect overall compliance for wastewater disposal operations, and because I want CDCR to continue to focus on accomplishing the facility upgrades required by the CDO.

**11. Nonpoint Source Unit Staff Working with the CA/NV Bi-State Fire Commission – Douglas Cushman**

Non-point Source Unit staff is working with the Bi-state Fire Commission in responding to requests for information related to fuel reduction activities in the Tahoe Basin. Staff is also working with the Tahoe Science Consortium (and their partners) to prepare for, and host, a February, 2007, "Vegetation Management in Sensitive Areas of the Lake Tahoe Basin" workshop that will present the current regulations and constraints related to fuel reduction activities on steep slopes and within stream environment zones (SEZs). Water Board staff developed a detailed matrix that outlines the differing definitions for riparian areas that are used by the TRPA, the Water Board, the USFS, CAL FIRE, and the Nevada Department of Forestry. Water Board staff also produced detailed chronologies for both the Fire Commission and the workshop group that outline the interaction between the Water Board office and various project proponents seeking to implement demonstration projects on steep slopes or in SEZs. The workshop will bring a panel of outside experts in vegetation management and aquatic resources to provide input on what changes to project analyses, mitigation measures, permitting processes, and regulations, within the Tahoe Basin, would aid in

promoting implementation of environmentally sound fuel reduction activities.

Water Board staff is also working with CAL FIRE and the Tahoe Basin Fire Agencies as a member of a Bi-state Fire Commission defensible space/best management practices working group to develop clear guidelines that homeowners can use when creating defensible space around their homes, as required by California Public Resources Code Section 4291. These guidelines will specify what constitutes defensible space while still providing adequate erosion control on private lots.

## SOUTH BASIN

### **12. Antelope Valley Integrated Regional Water Management Plan – Cindi Mitton**

Over the last two years, several organizations in the Antelope Valley joined together to develop an Integrated Regional Water Management Plan (IRWMP). A Final IRWMP has been published and the member agencies are in the process of considering the plan for adoption. Member agencies include the Antelope Valley-East Kern Water Agency, Antelope Valley State Water Contractors Association, City of Lancaster, City of Palmdale, Littlerock Creek Irrigation District, County Sanitation Districts of Los Angeles County, Los Angeles County Waterworks District, Quartz Hill Water District and Rosamond Community Services District.

The purpose of the IRWMP is to develop a watershed-based approach for addressing water supply, water quality, flood control, land use and environmental resource management as related to the watershed in Antelope Valley. Projects discussed in the Plan include water banking with imported water and/or recycled water, infrastructure to support recycled water use such as irrigation, flood control and groundwater recharge with stormwater, water conservation, and water treatment facility upgrades. Water Board staff attended a joint meeting of the Palmdale City Council and Palmdale Water District Board on January 10, 2007 where a presentation was given on the Final Plan. Staff answered questions from the Council and Water District Board members about how recycled water and water banking projects are regulated by the Water Board.

### **13. Lake Arrowhead Development Project, Eagle Ridge – Doug Feay**

Eagle Ridge at Arrowhead is a development project of 182 residential lots within the watershed of Grass Valley Lake. Grass Valley Lake is located on the Lake Arrowhead Golf Course northwest of Lake Arrowhead. Multiple inspections by Water Board staff found that stormwater Best Management Practices (BMP) had not been installed at the construction site. Sediment-laden runoff discharged from the site into surface waters tributary to Grass Valley Creek and Grass Valley Lake. A Cleanup and Abatement Order (CAO) was issued to the developer on December 12, 2007. The discharger failed to comply with all the requirements of the CAO and was issued a Section 13267 Order and Notice of Violation on January 15, 2008. Staff is continuing to inspect the site for compliance with permit requirements.

### **14. Lake Arrowhead Development Project, Mill Pond – Doug Feay**

Mill Pond is a development project which will consist of a hotel, restaurant, and residential lots within the watershed of Lake Arrowhead. During several rain events in November and December sediment-laden runoff was discharged from the development site into the surface waters of Lake Arrowhead. Water Board staff inspected the site and found no stormwater BMPs in place to prevent sediment discharge from the site. A Cleanup and Abatement Order (CAO) was issued on December 31, 2007. The discharger failed to comply with the CAO and was issued a 13267 Order and Notice of Violation on January 16, 2008. The developer has installed BMPs and slope stability measures. The discharger has been required to report on the adequacy

of the BMPs and erosion control measures being used. Further site inspections will be done to monitor compliance.

analyses with new hydrogeologic data. The District and Water Board staff are currently discussing specific tasks and schedules for the updated alternative analyses.

**15. County Sanitation District No. 14 of Los Angeles County (District No. 14), Lancaster Water Reclamation Plant, Los Angeles County – Curt Shifrer**

Through November 28, 2007 approximately 260 million gallons of treated wastewater was diverted to the Eastern Agricultural Site for recycling and not discharged to Piute Ponds. The source of treated wastewater is the newly constructed Membrane Biological Reactor treatment plant and existing Antelope Valley Tertiary Treatment Plant.

On November 28, 2007, a contract was awarded for constructing four lined storage reservoirs. On September 26, 2007, a contract was awarded for constructing the 18 million gallon per day tertiary treatment plant with nitrogen removal. The Board adopted requirements for these facilities at the November 2006 and March 2007 Board meetings, respectively.

**16. County Sanitation District No. 20 of Los Angeles County (District No. 20), Palmdale Water Reclamation Plant, Los Angeles County – Mike Coony**

Cleanup and Abatement Order R6V-2003-056 requires the District to delineate, contain, remediate, and abate the occurrence of nitrate contamination in groundwater.

In its 2004 *Containment and Remediation Plan*, the District identified remediation alternatives, and analyzed each alternative using groundwater modeling. From modeling, the District developed costs and remediation time for each alternative. Water Board staff met with District staff in December 2007, and the District agreed to update the alternative