

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

**MEETING OF MARCH 12-13, 2008  
Truckee**

**ITEM: 1**

**SUBJECT: EXECUTIVE OFFICER'S REPORT**

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

Enclosure 1: Report on Status of Standing Items  
(March 2008)

Enclosure 2: Executive Officer's Written Report  
(March 2008)

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)

**01-0001**

# **ENCLOSURE 1**

## **Report on Status of Standing Items** (March 2008)

01-0002

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

**REPORT ON STATUS OF STANDING ITEMS**

**March 2008**

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
Caltrans Statewide General Permit/Tahoe Basin	Annually	Item 5 of the March 2008 EO Report
County Sanitation Districts of Los Angeles - District No. 14	Quarterly	Due April 2008 Board Meeting
County Sanitation Districts of Los Angeles - District No. 20	Quarterly	Due April 2008 Board Meeting
Status of Basin Plan Amendments	Semi-Annual	Due April 2008 Board Meeting
Status of Grants	Semi-Annual	Due April 2008 Board Meeting
Searles Valley Minerals Operations - Compliance Status	Semi-Annual	Due June 2008 Board Meeting
Mojave River/El Mirage Dairy Issues	Semi-Annual	Due June 2008 Board Meeting
Wetland Restoration Progress in Mono County	Annually	Due November 2008 EO Report
Tahoe Municipal Permit	Annually	Due June 2009 Board Meeting

**Board Meeting Month**

*Frequency*

<i>Quarterly</i>	January, April, July, & October:
<i>Bi-Monthly</i>	Varied
<i>Semi-Annual</i>	March & September
<i>Annually</i>	Varied

**01-0003**

## **ENCLOSURE 2**

### **Executive Officer's Written Report (March 2008)**

**01-0004**



# EXECUTIVE OFFICER'S REPORT

March 2008

## NORTH BASIN

### 1. *Update of Lahontan Water Board's Internet Web Page – Chuck Curtis*

The State Water Resources Control Board has been updating the State and Regional Water Board's Internet web pages to conform to new standards for all state Boards, Departments, and Organizations. The Lahontan Water Board's web page has recently been updated. The web page can be accessed at [www.waterboards.ca.gov/lahontan](http://www.waterboards.ca.gov/lahontan). The web page's new look includes tabs across the top that link to key items such as public notices, Board info, Board decisions, water issues, publications/forms, and press room. The home page also has links to key items of interest in the Lahontan Region.

With this significant revision in the web page, some broken links and other "bugs" have appeared. Lahontan Water Board staff is alerting the State Water Board of problems as we identify them, and the State Water Board has been quick to fix the problems. I encourage Board members and the public to visit the web page to see the new look. We are trying to make more information available to the public on the web page, and this revision should facilitate that. If you find any broken links or other problems with the web page, please contact the State Water Board's webmaster at [websupport@waterboards.ca.gov](mailto:websupport@waterboards.ca.gov).

### 2. *Site Closure Strategies – Richard Booth*

Staff attended a two-day conference sponsored by the Groundwater Resources Association of California in mid-February entitled Site Closure Strategies. The theme of the conference was to share information on how to obtain regulatory closure for groundwater contamination cases in California. Conference attendees represented industry (i.e., Responsible Parties), consultants, and regulators, primarily staff from the Water Boards and the Department of Toxic Substances Control (DTSC).

Three themes for the presentations were 1) case studies of current remediation technologies to clean up highly contaminated sites, 2) technical infeasibility (TI) waivers for certain sites (the Edwards Air Force Base South Air Force Research Lab was presented as a prime example of a TI waiver), and 3) closing cases considered to be "low-threat".

One of the current remediation technologies highlighted at the conference was an electrical resistance heating process that heats the contaminated subsurface soils with electrical probes. The heated soils vaporize the contaminants and the vapor is extracted with traditional soil vapor

extraction technology. This process works well for small sites (e.g., the size of a service station or a small manufacturing plant), but may be prohibitively expensive for larger sites.

A US Environmental Protection Agency presenter explained the TI waiver process for Superfund sites and a presenter with the consulting firm Earth Tech gave an explanation of the technical features of the Edwards Air Force Base TI waiver for the South Air Force Research Lab. The consultant presented groundwater plume modeling results that demonstrated the plume would not reach a downgradient alluvial aquifer, thus alleviating one of the technical concerns for issuing the TI waiver.

Alec Naugle, a geologist with the San Francisco Bay Regional Water Board staff, presented aspects of low-threat groundwater cases that warrant site closure. Alec explained that Reg. 2 may close a site (i.e., No Further Action Required) that has groundwater concentrations above water quality standards if the site meets specific criteria. The criteria are: 1) groundwater concentrations will meet water quality standards within a reasonable time, as demonstrated by modeling or calculations, 2) there is no current beneficial use of the water that is impaired, 3) demonstration that the plume is stable or decreasing in size or concentration, and 4) there are no anticipated uses of the impaired water within the time projected to meet standards. Lahontan Water Board staff uses the same criteria when evaluating low-threat groundwater cases.

### **3. DTSC Coordination and the Uniform Site Assessment Tools – Richard Booth**

The Department of Toxic Substances Control (DTSC), the State Water

Resources Control Board, and the nine Regional Water Quality Control Boards are part of the California Environmental Protection Agency (Cal/EPA). These Agencies address cleanup of contaminated sites as one of their functions.

The Agencies entered into a Memorandum of Agreement (MOA) in March 2005 to improve coordination between DTSC, the State Water Board, and the Regional Water Boards regarding the oversight of investigation and cleanup activities at contaminated sites. The MOA was developed to ensure effective and expeditious investigation and cleanup of sites in a manner that is protective of human health and safety and the environment.

The MOA also committed the Agencies to develop a uniform site assessment method to evaluate environmental and health related issues so that the DTSC and the Water Boards will be consistent in their oversight of investigation and cleanup activities. This method is described in a document, completed in February 2007 (with input from Lahontan Regional Board CSI Unit staff), called the Uniform Site Assessment Tools (USA Tools).

The USA Tools document provides regulators and other environmental professionals with criteria for producing a conceptual model of the contaminated site. Investigators use the conceptual model to help guide the investigation and determine actions such as where to collect soil or groundwater samples, what to analyze for, the frequency of periodic groundwater sampling, and the potential for exposure to residents and workers from harmful vapors emanating from soil or groundwater contamination.

The USA Tools is helping the CSI Unit staff provide investigation and cleanup requirements to the regulated community that are protective, compliant with the Basin Plan, and consistent with our sister agency, the DTSC.

**4. USFS Submits First Monitoring Report for Heavenly Valley Creek Stream Environment Zone (SEZ) Demonstration Fuel Reduction Project – Andrea Stanley**

In September and October, 2007, the U.S. Forest Service, Lake Tahoe Basin Management Unit (USFS), operated timber harvesting equipment in 19 acres of SEZ. Water Board staff permitted the operation as a demonstration project. Soil quality monitoring before, during, and after project implementation was conducted to: (1) ensure suitability of ground-water levels and soil moisture conditions within the project area prior to project mobilization and prior to recommencing operations following a storm event, (2) characterize soil moisture conditions and soil bulk densities during project operations, and (3) assess soil conditions for potential impacts after heavy-equipment operations.

Timber removal activities were initiated September 8 and completed October 5, 2007. On January 15, 2008, the Water Board received the first semi-annual monitoring report from the USFS for the Demonstration Project. This report includes all monitoring conducted through November 15, 2007.

Statistically significant impacts to infiltration rates of soils (decrease of more than 50%) as a result of the operation were detected. However this measured change in water infiltration rates should not result in discharges of sediment to Heavenly Valley Creek as determined using the Water Erosion Prediction Project (WEPP) Model.

Based on the collected data and analysis, Water Board staff conclude there is no threat of discharge of sediment to waters of the State as a result of the operation of low ground pressure equipment in SEZs.

Future vegetation and soil monitoring planned for 2008 will provide information on the duration and magnitude of the impacts to infiltration rates and revegetation resulting from the operation of low ground pressure equipment in SEZs.

**5. Caltrans Statewide General Permit Update – Alan Miller**

The November 2007 Executive Officer's report included a discussion of various permits the State Water Board has adopted for regulating storm water discharges. Among these is the Statewide Storm Water Permit and Waste Discharge Requirements for the State of California, Department of Transportation (Permit). This Permit is the principal means for regulating most Caltrans activities and waste discharges associated with construction, and highway operations and maintenance. This Permit also sets forth compliance dates for meeting storm water requirements applicable to the Lake Tahoe watershed; currently, Caltrans District 3 is significantly behind schedule in meeting these requirements.

The Permit legally expired in August 2004, and has been "administratively continued" in effect while the State and Regional Water Boards have been engaged in negotiations with Caltrans concerning the Permit reissuance. In 2007, Caltrans provided a revised Storm Water Management Plan (SWMP), a part of the General Caltrans Permit that describes how it intends to meet requirements. In late 2007, the State Water Board circulated the Caltrans SWMP and received public comments to

consider along with the Permit reissuance. The SWMP and comments can be reviewed at [http://www.waterboards.ca.gov/stormwtr/gen\\_caltrans.html](http://www.waterboards.ca.gov/stormwtr/gen_caltrans.html).

Also in late 2007, State Water Board staff prepared a draft permit for review by staff within the State and Regional Water Boards. At that time, the State Water Board staff expected to issue a public draft of the revised permit in early 2008, hold public workshops in early summer 2008, and hold a hearing for considering adoption in July 2008. Comments were provided from the Lahontan Water Board staff and staff in other regions. State Water Board staff is considering the comments from the internal review and, as of this writing, has not released a revised draft. I now understand State Board staff intends to provide an additional opportunity for internal review by Water Board staff prior to publishing a public draft revised Permit. Therefore, the prior schedule will not be met and the revised Permit will be reissued sometime after July 2008.

**6. Nonpoint Source Unit Staff Attends Three Day Retreat with Tahoe Basin Forest Fuels Reduction Efforts Implementers – Douglas Cushman**

Nonpoint Source Unit staff is working cooperatively with other regulatory agencies and various forest fuel reduction project implementers to develop long term planning and implementation efforts to facilitate collaborative and expedited project planning and permitting for fuel reduction activities within the Wildland Urban Interface surrounding Tahoe Basin communities. Staff attended a three day retreat to develop a project implementation plan for the 2008 field season and to coordinate on prioritization plan for treatment areas in future years. Other attendees included representatives from the Tahoe

Regional Planning Agency, CALFIRE, California Tahoe Conservancy, six Fire Districts and Departments, Nevada Fire Safe Council, and BLM. Issues discussed included development of an Incident Command System to direct project planning and implementation, finance, information sharing, contractor training, and community outreach and education. The retreat was a success, and will likely lead to increased collaboration in efforts to expeditiously treat the dangerously high fuel loads in the forests surrounding many Lake Tahoe Basin communities.

**7. Tahoe Tom's Gas Station, El Dorado County – Lisa Dernbach**

In December 2007, I issued a Cleanup and Abatement Order to the owner and operator of the Tahoe Tom's Gas Station in South Lake Tahoe. The Order requires the responsible parties to take cleanup actions for: (1) stopping the source of a gasoline release, (2) investigating the extent of the discharge, (3) proposing clean up of contamination in soil and groundwater, and (4) conducting groundwater monitoring and submitting technical reports.

The Order was issued based upon information in monitoring reports showing higher than usual concentrations of gasoline compounds in groundwater. Monitoring was being conducted to track remediation progress for a prior release. The presence of certain compounds, such as cyclopropane and butane, are associated with new releases due to their high volatility and low affinity to be water soluble. Positive detections of these compounds adjacent to the underground storage tank basin and dispenser islands suggested that one or both were release sources. For the above-cited reasons, a potential release was indicated at the site.



From the onset, the responsible parties have not complied with the Order. The parties, Mr. Mohammad Ahmad (operator) and the Thomas E. Erickson Trust (site owner), have not submitted technical reports to comply with the first two cleanup directives. Therefore, in February, 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.

**8. Status of MS4 Permitting Process with Placer County and the Town of Truckee – Dale Payne**

*MS4 Permit Description*

Municipal separate storm sewer systems (MS4s) are a conveyance or system of conveyances that are: (1) designed or used for collecting or conveying storm water; (2) not a combined sewer; and (3) not part of a Publicly Owned Treatment Works. Conveyances include roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains.

Federal regulations require the State Water Board to issue National Pollutant Discharge Elimination System (NPDES) storm water permits to operators of "regulated Small MS4s" that discharge to waters of the U.S or to another MS4 regulated by an NPDES permit. Regulated Small MS4s are either automatically designated because they are located within an urbanized area defined by the U.S. Census Bureau, or specifically designated by the State or Regional Water Boards in accordance with established criteria.

The MS4 permit issued by the State Water Board for Phase II (Small MS4s) is NPDES General Permit No. CAS000004, Waste Discharge

Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (General Permit).

*Placer County and Town of Truckee Permit Development*

Placer County (County) and the Town of Truckee (Town) were designated MS4s by the Lahontan Water Board on July 5, 2006, and December 27, 2006, respectively. The designation requires that these entities develop Storm Water Management Plans (SWMPs), and apply for coverage under the General Permit.

Public workshops to discuss the MS4 permit requirements and associated SWMPs were held cooperatively by the County and Town and occurred on February 2, 2007, and March 8, 2007. Extensions of the permit due dates for SWMPs were granted to allow the County and the Town to meet the permit requirements in a comprehensive fashion. SWMPs were adopted by the County on August 7, 2007, and by the Town on November 1, 2007. Complete applications including the Notice of Intent to comply with the General Permit, SWMP, and the required filing fees were received from the County on December 7, 2007, and the Town on December 14, 2007.

*Public Notice of Storm Water Management Plan*

SWMPs for both the County and the Town were posted on the State Water Board website on January 22, 2008. The SWMPs can be accessed for review through the State Water Board website at: [http://www.waterboards.ca.gov/stormwtr/sm\\_municipal\\_swmp.html](http://www.waterboards.ca.gov/stormwtr/sm_municipal_swmp.html). A sixty (60) day public notice period was initiated with the posting, and will end on March 24, 2008. I will then review any comments and/or requests for public hearing and determine whether the MS4 permit application(s) and associated

SWMPs will be added to an upcoming Board agenda to hear concerns. If no comments are received, permit coverage will begin on March 25, 2008, and the applicants will be notified.

#### *Monitoring and Reporting Program Status*

In addition to the six minimum control measures required by the Clean Water Act to be included in the SWMPs, the Lahontan Water Board, required the development of a comprehensive storm water monitoring plan (Plan) for the County and the Town on March 9, 2007, and July 2, 2007, respectively. The County and the Town are coordinating efforts to develop a Plan that will incorporate both entities' requirements. The Plan will be completed by July 1, 2008. Currently, the County and Town and their consultant, and Lahontan Water Board staff are working together to ensure a comprehensive and complete Plan is developed. Meetings to discuss milestones of the Plan development are being scheduled. This work is solely to develop the Plan and does not include implementation of the Plan.

#### **9. Spalding Community Services District** – Lauri Kemper

The Spalding Community Services District has been operating its community wastewater collection and disposal system since October 22, 2007. Less than 100 property owners have connected to the system. The Spalding Tract contains a total of approximately 650 properties with existing septic systems. Property owners with existing septic systems are subject to the Water Board's Basin Plan waste discharge prohibition requiring discharges of waste to ground waters to cease by 1989. In 1991, the Water Board adopted individual cease and desist orders against property owners of the Spalding

Tract violating the Basin Plan prohibition (those that owned parcels with existing septic systems). The Cease and Desist Orders apply to the property owner at the time of adoption and do not stay in effect if property ownership changes. A large number of properties within the Spalding Tract are no longer owned by the individuals named in the cease and desist orders.

Current property owners now have the opportunity to connect to the community wastewater collection and disposal system. To comply with the Water Board's Basin Plan prohibition, individuals can either: 1) abandon their leachfield and connect to the community wastewater system; 2) abandon their existing septic system and no longer use the property; or, 3) install and operate a zero discharge to ground wastewater system. Because of limited numbers of contractors, the Water Board staff anticipates two construction seasons will be needed to allow adequate time for all property owners to comply. To provide a fair and consistent approach and ensure property owners comply with the Board's Basin Plan prohibition, staff has evaluated several potential enforcement options along with a schedule for expected implementation.

#### *Consideration of Enforcement Actions*

Water Board staff has considered the following enforcement actions:

1. Notices of Violation (NOV)
2. Section 13267 Orders
3. Time Schedule Orders
4. Cleanup and Abatement Orders
5. Administrative Civil Liabilities
6. Referral to Attorney General

Staff is considering a progressive enforcement approach. Staff will begin with informal notices of violation: 1) informing property owners of the Basin Plan prohibitions; 2) identifying the violations; 3) articulating the Water Board's authorities and expectations; and 4) requesting the submittal of a schedule for compliance from each property owner. This notice would be sent out by May 1, 2008 with information to be submitted within 45 days. Staff will assess the responses and pursue follow-up enforcement actions against those that fail to submit a report. As a second priority, the Executive Officer will consider imposing time schedule orders for those who are proposing to delay compliance to 2009. Failure to comply with time schedule orders will result in staff pursuing additional enforcement such as administrative civil liability complaints.

*Rescission of existing Cease and Desist Orders (CDOs)*

Since the existing cease and desist orders are outdated and some are issued to individuals that no longer own the property, staff intends to propose a blanket rescission order to rescind all cease and desist orders at the May 2008 Board meeting. The Water Board will be asked to consider this action after the notices of violation have been issued to all current property owners that have failed to comply with the Basin Plan prohibition.

## SOUTH BASIN

### 10. **Lake Arrowhead Development Project, Mill Pond – Ted Peng**

Mill Pond is a mixed use development project which will consist of a hotel, restaurant, and residential lots within the watershed of Lake Arrowhead. During multiple inspections by staff in January and February 2008, sediment-laden surface runoff including debris flow was discharged from the project site into the surface waters of Lake Arrowhead via Orchard Creek and an unnamed tributary. Subsequent to issuing the Cleanup and Abatement Order (CAO) on December 31, 2007 and a 13267 Order and Notice of Violation on January 16, 2008, the discharger failed to comply with all the Water Board's requirements. A recent field inspection conducted on February 15, 2008, revealed that the developer failed to install the previously agreed Best Management Practices (BMPs). Further site inspections including water sampling, will be conducted and additional enforcement will be pursued.

### 11. **Tract 15612 – Eagle Ridge Estates – John Morales**

Eagle Ridge at Arrowhead is a development project consisting 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 that stormwater best management practices (BMPs) had not been installed to stabilize the soil. Sediment-laden runoff discharged from the site to surface waters. In order to obtain compliance with permit requirements the Water Board issued a Cleanup and Abatement Order (December 2007) requiring the installation on necessary BMPs and an 13267 Order (January

2008) requiring the submittal of a technical report. Additional, Water Board staff have issued (February 2008) an Administrative Civil Liability - Complaint in the amount of \$78,000.00 for the dischargers failure to comply with all of the requirements of the CAO and 13267 Order. The discharger is making efforts to achieve compliance and Water Board staff is continuing to inspect the site for compliance with permit requirements.

### 12. **Smith & Thompson – Cindi Mitton**

The Smith & Thompson site is located in City of Lancaster. The owners of the site (Sherwin Smith and Marvin Dunbar) were prosecuted by Department of Toxic and Substance Control (DTSC) and the Los Angeles County District Attorney for illegally disposing of waste at 230 W. Avenue L-9. The owners operated as hazardous waste haulers. Sherwin Smith was convicted of 11 felonies and Marvin Dunbar was convicted of a misdemeanor. DTSC served a search warrant in 2004 and has been investigating the site since. During the investigation by DTSC, evidence of illegal storage and dumping of waste was discovered. DTSC is the lead state agency for the site and is further evaluating the site for environmental impacts as a result of the waste disposal at the site. Water Board staff have coordinated with DTSC and requested subsurface soil sampling.

Local citizens have complained about the site to local, state and federal agencies and have filed a lawsuit against the owners. Complaints alleged that company employees buried drums at the site and illegally dumped waste pumped by its pumper trucks at the site. Water Board staff will coordinate with DTSC during its investigation of the site.

**13. McKerall Odor Complaint – Joe Koutsky**

On November 28, 2007, Hinkley resident Ms. Billena L. McKerall reported to the Lahontan Water Board foul and noxious odors emanating from the local PG&E projects. Water Board staff followed up on the complaint by visiting Ms. McKerall's residence on December 5, 2007, inspecting the local area including the PG&E projects, and collected samples from her well and the irrigation water at the nearby Desert View Dairy.

Water Board staff could not determine the source(s) of the noxious odors; however, based on the inspection odors were not originating from PG&E projects. A likely source for the odors could be from dairy wash water at the Desert View Dairy that is located across the street from Ms. McKerall's property.

Ms. McKerall has indicated to staff that she has not experienced the noxious odor at the residence since Water Board staff visited on December 5, 2007. Staff recommends no further action on the complaint at this time, but will re-evaluate the complaint should the issue be raised again.

# **ENCLOSURE 3**

## **Notification of Spills** (Unauthorized Waste Discharges)

**EO'S Monthly Report**  
**1/16/08 - 2/15/08**  
**Unauthorized Waste Discharges**

COUNTY: SAN BERNARDINO

Discharger/Facility	Location	Basin	Regulated Facility	Substance Discharged	Spill Date	Discharge Volume	Description of Failure	Discharge To	Status
Lake Arrowhead CSD / Wastewater Treatment Plant	Grass Valley Treatment Plant	S	Y	Disinfected secondary effluent	1/27/2008	163,300 gal	Late initial verbal notification by the Discharger; the Discharger verbally reported the spill on Feb 5, 2008. The area received 4.5 in. of rain on existing snowpack. Inflow exceeded outfall capacity. Disinfected treated effluent released at wet weather discharge point. Discharge began at 0810 and ended at 1145 on Jan 27, 2008.	Surface water, unnamed tributary to Grass Valley Creek	Water Board staff currently evaluating need for enforcement. District proceeding with completing application for discharges to Grass Valley Crrek during limited wet weather periods. A meeting is scheduled with the Discharger on Feb 29, 2008.
Regency Apartments, Hesperia / Private Plumbing System	8522 C Ave, Hesperia	S	Y	Raw Sewage	2/8/2008	3,000 gal	Raw sewage overflowed from two cleanouts at the Regency Apartments and flowed into the street for approx. 445 ft. where it entered a construction trench. Raw sewage then flowed down a dirt road an additional 1,045 ft. before complete containment was achieved. The City ordered the apartment owner to stop the overflow. The areas affected by the overflow incident are 1 mile to nearest water supply well.	Land	The City of Hesperia responded to the overflow incident. The apartment owner contacted a plumber, and the plumber removed the blockage to stop the overflow. The City of Hesperia contained the overflow, and then vacuumed all standing water from the overflow.

01-0015

## **ENCLOSURE 4**

### **Notification of Closure of Underground Storage Tank Cases**



**CASE CLOSURE REPORT**  
**February 2008**  
 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
No closures issued from January 16-February 15								

**Notes:**

TPHd = Total petroleum hydrocarbons quantified as diesel  
 TPHg = Total petroleum hydrocarbons quantified as gasoline  
 TRPH- Total Recoverable Petroleum Hydrocarbons  
 NS-Not sampled

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