

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

**MEETING OF JULY 11-12, 2012  
SOUTH LAKE TAHOE, CA**

**ITEM: 20**

**SUBJECT: EXECUTIVE OFFICER'S REPORT**

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

<b>ENCLOSURE:</b>	<b>ITEM:</b>	<b>BATES NUMBER:</b>
<b>1</b>	Discussion of Standing Items	<b>20-5</b>
<b>2</b>	Executive Officer's Written Report	<b>20-9</b>
<b>3</b>	Notification of Closure of Underground Storage Tanks	<b>20-29</b>
<b>4</b>	Notification of Spills	<b>20-33</b>

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# **ENCLOSURE 1**

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

**REPORT ON STATUS OF STANDING ITEMS**

**July 2012**

The Water 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 the dates the items are due.

<b>ENTIRE BASIN</b>		
<b>ISSUE</b>	<b>FREQUENCY</b>	<b>DUE DATE</b>
Lake Tahoe Nearshore Standards	Semi-Annual	Due October 2012
Status of Basin Plan Amendments	Semi-Annual	Due September/October 2012 <i>(Agenda Item – Triennial Review Scheduled for above date)</i>
Status of Grants	Semi-Annual	Due September 2012
Caltrans Statewide General Permit/Tahoe Basin	Annually	Due June 2013
Tahoe Municipal Permit	Annually	Due June 2013
County Sanitation Districts of Los Angeles - District No. 14	Semi-Annual	Due January 2013
County Sanitation Districts of Los Angeles - District No. 20	Semi-Annual	Due January 2013
Status of Dairies	Semi-Annual	Due November 2012
Searles Valley Minerals Operations - Compliance Status	Annually	Due January 2013

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# **ENCLOSURE 2**

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# EXECUTIVE OFFICER'S REPORT

July 2012

## NORTH BASIN

1. **California Water Plan Update 2013, South Lahontan Regional Forum – Jan Zimmerman**

The Department of Water Resources (DWR) is preparing to update the *California Water Plan* and Regional Reports. The update planning efforts have already begun, but the majority of the effort will be completed in 2013 (Update 2013). The Plan has evolved with each successive update since first published in 1957, but the basic concept of a master plan that can be used as a long-term planning tool to make recommendations and informed decisions for California's water future remains unchanged. Update 2013 is geared toward a holistic water management approach that will integrate water supply, flood management, and water quality. To facilitate collaborative and regional outreach for Update 2013, DWR is sponsoring Regional Forums to gather and share information relating to water supply, integrated water management, local planning, and water quality related issues for the ten hydrologic regions recognized by DWR, including the South Lahontan and North Lahontan hydrologic regions.

Lahontan Water Board staff participated in the South Lahontan Regional Forum meetings held in Bishop (Cindy Wise) and Palmdale (Jan Zimmerman). Other meeting participants included representatives of local water agencies, water purveyors, Integrated

Regional Water Management (IRWM) Groups, the Bureau of Reclamation, Inyo National Forest, and local stakeholders. At that meeting representatives from DWR solicited input for region-specific topics to be included in the water story for the South Lahontan Basin. Lahontan Water Board staff requested that Update 2013 should also account for secondary effects on projected water demands as a result of large transportation projects, for example the High Desert Corridor, DesertXpress, and the California High Speed Rail. These projects have the potential to open up for future development portions of the region that are currently sparsely populated and increase the demand for water in these areas. DWR staff intend to have a working draft of the South Lahontan Regional Report available late summer 2012, followed by a second Regional Forum meeting. Public review of a draft Regional Report update is anticipated for April 2014.

2. **Lahontan's Responsibilities for the new Onsite Wastewater Treatment System Policy - Richard Booth**

On June 19, 2012, State Water Board approved a statewide policy for the operation and maintenance of septic systems or Onsite Wastewater Treatment System (OWTS) to reduce the risks to public health and water quality. Lahontan Water Board staff summarized the tiered regulatory approach of the new policy in a May 2012 Executive Officer report.

The individual Regional Water Boards now have primary responsibility to implement the new policy. Regional Water Boards are responsible both for any necessary basin plan amendments and for review and approval of Local Agency Management Plans. Local Agencies may prepare these plans to support location specific criteria that achieve the same water quality and public health benefits as those set by the policy for new and replacement treatment systems. Regional Water Boards are also responsible for addressing corrective actions that may be required under the policy.

The new policy will take effect six months after Office of Administrative Law (OAL) approval (this is a State policy that does not require USEPA approval), but will not be implemented in our Region until we have amended our Basin Plan to include the policy. The original legislation that mandated this new policy (AB 885) directed the Regional Water Boards to amend their Basin Plans within one year of the effective date of the policy. Lahontan Water Board action on a Basin Plan amendment is anticipated by February 2014.

Some Regions may simply add the new policy to their Basin Plan's appendix. Our Region will need to revise our septic system provisions to be compatible with the policy. Staff in the TMDL/Basin Planning Unit will review the adopted policy and work with the other Lahontan staff involved with regulation of septic systems to determine the extent of the Basin Plan revisions that will be required. Work on the Basin Plan amendments and Substitute Environmental Documents may need to begin soon – our existing Basin Plan language was controversial and required a lot of stakeholder outreach before it was finally adopted.

### 3. **Pond Liners at Leviathan Mine to be Examined, Repaired as Needed** - *Chuck Curtis*

The Lahontan Water Board will conduct a confirmation leak survey this summer on the ponds it manages at the Leviathan Mine. Where anomalies in the synthetic liners are identified, the liners will be examined to determine whether there are actual liner defects, which will be repaired. Four of five ponds at the site are used by the Water Board to collect acidic mine drainage (AMD) for seasonal treatment; Atlantic Richfield Company (ARCO) uses one pond for its cleanup operations. This is a good year to complete any repairs because it was a dry winter. The ponds will be treating approximately 3 million gallons of acid mine drainage this summer as opposed to 18 million gallons in the past year.

As part of remedial investigation studies required by the U.S. Environmental Protection Agency's, ARCO conducted a leak detection survey of the ponds in 2011. ARCO's contractor identified some anomalies in the pond liners that may represent liner leaks. ARCO repaired a couple of small holes in the liner in its pond last year. Any leaks in the synthetic liners are not expected to result in significant loss or migration of AMD from the ponds due to the compacted, fine-grained mine waste materials that underlie the synthetic liners. In addition, an underdrain system at these ponds collects water that may leak through the synthetic liners; little flow from those underdrains has been observed, and it is unclear whether that flow is the result of pond leakage or condensed moisture from the mine waste below the ponds.

In conjunction with the leak survey project, sludge resulting from treatment activities will be removed from one pond. That pond (Pond 1) has received partially treated AMD sludge during treatment operations that the Lahontan Water Board has been conducting

since 1999. Removal of the accumulated sludge will provide more storage volume for AMD collection and will facilitate examination of the pond liner during the leak detection survey. Sludge removal will be accomplished by direct excavation and, potentially, by slurry pumping with associated dewatering using the filter press at the Lahontan Water Board's treatment plant. Removed sludge will be stockpiled to further dry out prior to offsite disposal.

Leviathan Mine is a former sulfur mine and current federal Superfund site. Acidic water, resulting from exposure of sulfuric rock and mine waste at the site, dissolves metals and arsenic from the rocks and can flow to local streams, where it adversely affects aquatic life and poses a risk to humans that encounter the water. The Lahontan Water Board manages the site for the State of California, which owns the mine property. The ponds were constructed in 1984 as part of the State's pollution abatement project at the site.

4. **Construction Stormwater Management Training With Placer County - Bud Amorfini**

The Water Boards have been implementing a broad statewide program to educate the public and local agencies on stormwater pollution prevention issues. As a result, Lahontan Water Board is establishing a significant force of individuals and agencies that are aware of the importance of stormwater and erosion control in protecting water quality, and spreading the associated implementation tools to protect water quality. Over the past two to three years, several new stormwater control requirements for construction activities have been established in construction general permits adopted by the State and Lahontan Water Boards. The Lahontan Water Board is overseeing training for Caltrans and other MS4 permit holders to improve awareness of stormwater pollution control requirements and compliance with current regulations.

With this objective in mind, Lahontan Water Board staff recently collaborated with Placer County to provide two training sessions in May 2012 on construction stormwater management, with an emphasis on requirements of the Lake Tahoe Construction General Permit. Placer County operates under a municipal stormwater permit, part of which requires it to implement a program to control pollutant discharges from construction activities within its jurisdiction. Training is an important part of Placer County's stormwater management program. The first training was for Placer County inspectors, who ensure compliance with stormwater management regulations on construction projects in the Lake Tahoe and Truckee watersheds. The second session was focused on construction projects that will be implemented by Placer County staff. The training sessions offered an opportunity to interact with Placer County staff and to foster a cooperative working relationship between the agencies.

5. **Tahoe Regional Planning Agency (TRPA) Regional Plan Update - Robert Larsen**

The TRPA is updating its 25-year old Regional Plan to strengthen the focus on restoration of sensitive lands while promoting redevelopment of Tahoe's aging infrastructure and community centers. The current Regional Plan was approved in 1987 to address uncontrolled private land development, protect sensitive lands and waters, and preserve the natural landscape.

In late April 2012, the TRPA released a draft Environmental Impact Statement (EIS) to evaluate the potential environmental changes associated with the Regional Plan Update (RPU) effort. Along with the EIS, the TRPA provided a draft Goals and Policies document and an initial amended Code of Ordinances. Water Board staff have reviewed the draft RPU documents and worked with partner agencies in both California and Nevada on collective comments. Among state agencies and

Nevada partners, there was significant consensus regarding our general concerns.

While the EIS and Goals and Policies both reference the Lake Tahoe Total Maximum Daily Load (TMDL) research and monitoring findings, the documents do not explicitly describe how the TRPA RPU is consistent with, and supportive of, the TMDL implementation plan. Although the TRPA has an opportunity to use TMDL progress assessment metrics – particularly the Lake Clarity Crediting Program – as a consistent and established way to assess the water quality impact of proposed land use policy changes, the draft documents fail to make this link.

However, the RPU includes a number of innovative policies that are well aligned with the TMDL implementation plan. Specifically, the RPU provides local government the flexibility to develop “Area Plans” to tailor development and associated storm water treatment practices to individual neighborhoods or catchments. Such policy would allow for more cost effective and efficient area-wide storm water treatment facilities and incentivize the restoration of sensitive areas in exchange for more concentrated urban development.

Water Board staff have met directly with TRPA staff and the Nevada Division of Environmental Protection to discuss our comments on the draft RPU documents. All parties are in agreement that the identified issues can easily be resolved, and we look forward to our continued partnership to finalize this important RPU effort.

## SOUTH BASIN

### 6. **Renewal of the National Pollutant Discharge Elimination System Permit for Fish Springs Fish Hatchery Owned by the Department of Fish and Game Pending Possible Basin Plan Amendment – Mary Dellavalle**

Lahontan Water Board staff and the Department of Fish and Game (DFG) staff are collaborating on the renewal of the National Pollutant Discharge Elimination System (NPDES) Permit for Fish Springs Fish Hatchery (Hatchery) that expired on June 14, 2011. DFG staff monitored the quality of the supply water for the Hatchery and found that the natural quality of the supply water provided by the Los Angeles Department of Water and Power (LADWP) has the potential to violate Basin Plan Objectives for total dissolved solids and nitrate. In addition, the historic Fish Springs and segment of Fish Springs Creek upstream of the Hatchery referenced by the Basin Plan are now dry. Basin Plan Objectives for Fish Springs Creek above the Hatchery are no longer applicable. The Hatchery is now supplied by well water pumped for municipal supply by LADWP. Discharge from the Hatchery replaced Fish Springs as the headwaters of Fish Springs Creek. LADWP will continue to pump these wells and discharge to Fish Springs Creek regardless of the existence of the Hatchery.

Characterization of the well supply water and receiving water in Fish Springs Creek will be evaluated for data gaps and a potential amendment to the Basin Plan. Renewal of the NPDES Permit for the Hatchery will take place after the Water Board considers and adopts appropriate receiving water objectives for Fish Springs Creek.

### 7. **Silverwood Lake Fish Tissue Study - Thomas Suk**

All field, laboratory, and data quality work has been completed for a study of sport fish at Silverwood Lake (San Bernardino County). On May 29, staff transmitted the final data to the California Office of Environmental Health Hazard Assessment ([OEHHA](#)<sup>1</sup>). Staff is coordinating the study, but OEHHA is the state agency responsible for assessing fish tissue data to develop [fish consumption advice](#)<sup>2</sup>.

In June of 2010 the Water Boards' Surface Water Ambient Monitoring Program ([SWAMP](#)<sup>3</sup>) published results of a [state-wide survey](#)<sup>4</sup> of fish from California lakes and reservoirs. That survey identified two reservoirs in the Lahontan Region from which fish fillet tissue exceeded "[No Consumption](#)" criteria<sup>5</sup> adopted by OEHHA—Silverwood Lake and Little Rock Reservoir (Los Angeles County). Largemouth bass from both reservoirs exceeded OEHHA's "No Consumption" criterion for mercury. Fish from Silverwood Lake also exceeded OEHHA's "No Consumption" criterion for Polychlorinated Biphenyls (PCBs) The source(s) of mercury and PCBs are unknown.

The 2010 state-wide survey was the first of its kind. But it was a limited "screening" study; it did not capture sufficient numbers of fish, or enough species of fish, for OEHHA to develop detailed consumption guidance. It was intended to provide a state-wide assessment of contaminants in sport fish and to identify potential "hot spots" for further study. The current follow-up study at Silverwood Lake collected samples and analyzed fish fillet tissue for mercury and PCBs. The results

will allow OEHHA to develop “safe eating guidelines” for Silverwood Lake, which will then be communicated to the public (using formats similar to the guidance developed recently for [Donner Lake](#)<sup>6</sup>).

Silverwood Lake was identified as our region’s highest priority for follow-up because of the multiple contaminants (i.e., both mercury and PCBs), and also because the 2010 screening survey documented concentrations of PCBs in fish from Silverwood Lake that were among the highest in the state. Staff coordinated the follow-up study (i.e., worked with multiple agencies to develop the study design and contracts for field and laboratory work). The final step—development of safe eating guidelines by OEHHA—normally takes several months, or longer, depending on OEHHA’s staffing, funding, and other priorities.

A similar follow-up study is being planned for Little Rock Reservoir, and is in the initial design stages. It will be undertaken in the future as funding allows.

Web Addresses:

1. <http://www.oehha.ca.gov/>
2. [http://www.oehha.ca.gov/fish/so\\_cal/index.html](http://www.oehha.ca.gov/fish/so_cal/index.html)
3. [http://www.waterboards.ca.gov/water\\_issues/programs/swamp/](http://www.waterboards.ca.gov/water_issues/programs/swamp/)
4. [http://www.waterboards.ca.gov/water\\_issues/programs/swamp/lakes\\_study.shtml](http://www.waterboards.ca.gov/water_issues/programs/swamp/lakes_study.shtml)
5. <http://www.oehha.ca.gov/fish/gtlsv/index.html>
6. [http://www.oehha.ca.gov/fish/so\\_cal/donner.html](http://www.oehha.ca.gov/fish/so_cal/donner.html)



**Lahontan Regional Water Quality  
Control Board**



# **EXECUTIVE OFFICER'S REPORT**

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**July 2012**

## **Executive Officer's Report**

(Attachment)

Status of Lahontan Regional Water Quality Control Board process in responding to the California-Nevada Basin Fire Commission Recommendations, Provided to the Angora Fire Forum on June 25, 2012, sponsored by Senator Ted Gaines.

**Fire Commission Recommendations to the Lahontan Water Board and Water Board Actions (through June 2012)**

<i>Recommendation Summary</i>	<i>Water Board Action</i>
<p><b>Recommendation 1</b>                      The unique water quality and clarity that make Lake Tahoe a natural resource of global significance are dependent on protection from catastrophic wildfires in the Lake Tahoe Basin, and all public land management agencies, regulatory agencies, and private property owners must work together more effectively to implement fuel reduction projects designed to prioritize to minimize risk of wildfires.</p>	<p>In May, 2009, the Lahontan Water Board adopted a revised permit (the 2009 Timber Waiver) that allows for the approval of vegetation management activities throughout the Lahontan Region in a more streamlined fashion than what existed at the time of the Angora fire. Many types of fuel reduction activities are automatically enrolled under low-threat categories of the 2009 Timber Waiver without the need for project implementers to submit any paperwork to the Lahontan Water Board. For projects that have more potential to impact water quality the level of detail that must be included in a complete Timber Waiver application increases. The Timber Waiver application and monitoring reporting forms are user-friendly and prompt applicants for the information required for a complete application and focus monitoring efforts on those issues that have the greatest potential to impact water quality.</p> <p>Staff has also been a participating member of the Tahoe Forest Fuels Team since its creation following the Angora fire. The Tahoe Forest Fuels Team is an interdisciplinary entity that has been created to fund, plan, and implement and monitor fuels reduction projects within the Tahoe Basin.</p>
<p><b>Recommendation 2</b>                      The commission finds that catastrophic wildfire is a growing threat to life, property, and the environmental quality of the Lake Tahoe Basin, and recommends that the restoration of the Basin’s forest to a more natural and fire-resilient condition should be a common and primary management goal of all public land management agencies, regulatory agencies, and private property owners in the Basin.</p>	<p>While water quality protection is the Water Board’s primary mandate, the Water Board in October 2007, directed staff to consider projects that restore Tahoe’s forests to a fire resilient condition as necessary for public health and safety and therefore eligible for expedited review and for Basin Plan prohibition exemptions.</p> <p>In 2009 the Water Board adopted a revised Timber Waiver that applies to the entire Lahontan Region</p>

**Fire Commission Recommendations to the Lahontan Water Board and Water Board Actions (through June 2012)**

	<p>(Eastern Sierra Nevada, Warner Mountains, and San Bernardino Mountains). The 2009 Timber Waiver streamlines the permitting process for fuel reduction activities.</p>
<p><b>Recommendation 16</b>          The Governors should require that the plans and policies of the Lahontan Regional Water Quality Control Board (LRWQCB) and the Tahoe Regional Planning Agency (TRPA) be updated to emphasize the importance of fuel reduction activities in the Tahoe Basin. Revisions of policies shall be focused on facilitating implementation of these projects, with the priority given to protection of life, property, and the environment, in that order.</p>	<p>The Water Board is required by the California Water Code to regulate activities which may affect the quality of the waters of the State to attain the highest water quality which is reasonable, considering all demands on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible. To this end, fuels reduction treatments that are protective of life, property and the environment are a priority to the Water Board.</p> <p>The Water Board's 2009 Timber Waiver allows project proponents that are implementing fuel reduction activities to comply with defensible space requirements to be automatically enrolled under the Timber Waiver without the need to submit any paperwork to the Water Board or to conduct any project monitoring and reporting. Projects conducted on public land within 300 feet of a private/public land boundary are also automatically enrolled under the Timber Waiver.</p> <p>The 2009 Timber Waiver also allows for the use of low ground pressure mechanical equipment within stream environment zones and the placement and burning of slash piles within stream environment zones. Fuel reduction activities that are conducted by hand crews are also automatically enrolled under the Timber Waiver.</p>
<p><b>Recommendation 17</b>          The Governors should direct regulatory and implementing agencies in the Lake Tahoe Basin to simplify the existing system for permitting fuel reduction projects. Steps that should be taken to reduce or</p>	<p>The Water Board adopted an MOU between the Water Board and TRPA (December 2008) that streamlined permitting of vegetation management activities including fuels reduction in the Lake Tahoe Region by identifying the TRPA as the primary permitting</p>

**Fire Commission Recommendations to the Lahontan Water Board and Water Board Actions (through June 2012)**

<p>eliminate complexity, confusion, and redundancy shall include:</p> <p>The Fire Commission identified twelve issues under the above heading. Those relevant to the Lahontan Water Board or its staff are addressed in Recommendations 17a, b, b, d, e, f, h, l, and j, below.</p>	<p>authority. This action eliminated the need for project proponents to seek a permit from the Lahontan Water Board. This action was challenged on California Environmental Quality Act requirements and in August 2011, the Court directed the Water Board to rescind the MOU. The 2009 Timber Waiver was adopted after the December 2008 MOU and simplified the fuel reduction project permitting process for the entire Lahontan Region. As a result, all fuel reduction projects in the Tahoe Basin active in August 2011 were able to be enrolled under the 2009 Timber Waiver without any interruptions to project activities.</p>
<p><b>Recommendation 17a</b></p> <p>The regulatory restrictions and limitations presently existing, even as presently modified by the TRPA and the LRWQCB, should be further modified, if not waived in an expeditious basis and no later than the beginning of 2008 fire season, to allow the use of ready available mechanized equipment and vehicles within SEZs to allow for the effective, efficient, and economical removal of hazardous materials. Restrictions regarding the use of mechanized equipment in such areas should be greatly and substantially reduced to make such cleaning and clearing activities with SEZs feasible over the period of time reasonably necessary to complete the Community Wildfire Protection Projects relating to the various communities located within the Lake Tahoe Basin.</p>	<p>The Water Board Basin Plan and Timber Waiver do allow low ground pressure equipment into SEZs and allow for the use of roads and crossings.</p> <p>The Basin Plan does not prohibit vehicles in SEZs; rather, it prohibits “permanent disturbance” in SEZs, while providing exemptions in specific circumstances. The Basin Plan allows the Water Board and its Executive Officer to consider granting exemptions for permanent disturbance where the project is necessary for public health and safety and/or environmental protection. In July 2008, the Water Board delegated to the Executive Officer the authority to grant Basin Plan exemptions for fuel reduction projects. This action eliminated the previous 45-90 day period needed to schedule these projects for formal Water Board Action. The 2009 Timber Waiver also authorizes fuel reduction projects involving minor and temporary disturbances in SEZs where project plans provide information on mitigation and confirm no long term water quality impacts will occur. The revised Timber Waiver also identifies activities, including the use of low ground pressure equipment within SEZs, that occur without the need of a Basin Plan prohibition exemption.</p>

**Fire Commission Recommendations to the Lahontan Water Board and Water Board Actions (through June 2012)**

<p><b>Recommendation 17b:</b>                  The commission recommends that the LRWQCB and the TRPA in cooperation with and management agencies develop a common list of accepted BMPs for mechanical work in SEZs that will be used beginning in the 2008 season to qualify as exempt and qualified exempt projects. In addition to the BMPs used in 2008, a reference guide defining equipment use in SEZs shall be developed by March 2009 and reviewed and updated as new information is collected. This guide will be completed through a cooperative inter-agency effort. The TRPA and the LRWQCB MOUs shall rely on this adaptive process to allow SEZ disturbance as new BMPs are developed and implemented.</p>	<p>The 2009 Timber Waiver includes a section (Attachment N) that outlines those activities and BMPs that are allowable within stream environment zones. Timber Waiver Attachment N includes a table that clarifies activities that do and do not need an Executive Officer issued prohibition exemption. Water Board staff supported the use of Southern Nevada Public Lands Management Act funding to develop, implement, and monitor the success of various BMPs related to fuel reduction activities within SEZs. The scientific rigor necessary to develop, implement, monitor, and report on the efficacy of these strategies did not allow for the publication and adoption of much of this research in the time prescribed by this recommendation from the Fire Commission.</p> <p>Where BMPs have been adequately shown to be protective of stream environment zones, the Water Board has encouraged these techniques be included in subsequent project designs.</p> <p>The Water Board allows the use of mechanized equipment in SEZs for projects that are similar to Heavenly Valley Creek and Celio Ranch Demonstration projects. Also, the Tahoe Science Consortium is developing standardized monitoring protocols to evaluate BMPs for mechanical work in SEZs. The Water Board supports this recommendation, and will continue to incorporate knowledge gained from demonstration projects to guide permitting of future projects in SEZs.</p>
<p><b>Recommendation 17c:</b>                  The Governors of the States of California and Nevada should request the TRPA Governing Board to expeditiously establish within its ordinances for a clear definition, in plain English, setting forth standards as to</p>	<p>The TRPA developed a rapid assessment (RAM) for delineating SEZs for fuel reduction projects. The USFS has also developed a methodology to classify SEZ sensitivity for fuels reduction projects. The application of these methods was applied during the 2008 field</p>

**Fire Commission Recommendations to the Lahontan Water Board and Water Board Actions (through June 2012)**

<p>what constitutes a stream environment zone for the purpose of clearing such areas of hazardous fuels. The standard should be adopted for the purposes of providing a standard that can be uniformly applied by all agencies having environmental regulatory authority in the Basin, eliminating subjective determinations as to such matters, and encouraging the removal of fuels materials from SEZs within populated areas of the Basin and the surrounding WUI. The definition should define SEZ areas in appropriate gradients of sensitivity to equipment use and should be applied uniformly on a Basin-wide basis. The Commission further recommends the TRPA: (1) update criteria for delineating SEZs on the ground; (2) incorporate the new natural Resource Conservation Service Soil Survey; and (3) clarify secondary criteria for delineating SEZs related to vegetation types, soil characteristics, and floodplain identification. A crosswalk will be developed to reference SEZs to watercourse and lake protection zones (WLPZs) in the California Forest Practice Rules. It is also recommended that the LRWQCB and all other state agencies having jurisdiction over environmental matters within the Basin should be directed by the respective Governors to apply the same uniform definition and standards in determining what constitutes a stream environment zone for their own regulatory purposes within the Tahoe Basin.</p>	<p>season.</p> <p>The Water Board applies the same definition of SEZs as the TRPA. The Water Board staff defer to the TRPA for SEZ delineation on non-federal lands and to the Forest Service for SEZ delineation on federal lands.</p> <p>In addressing the Fire Commission’s request for clarification between SEZs and WLPZs, Water Board staff developed a table describing and comparing the Tahoe rules related to SEZs, the CA Forest Practice Rules related to WLPZs, the NV Forest Practice Rules related to water course protection, and the USFS rules related to riparian protection standards. This table is posted on the Water Board’s website. This table was shared with the Fire Commission during the Vegetation Workshop conducted in February 2008.</p>
<p><b>Recommendation 17d:</b> In the interim, and not to exceed October 2008, in the event the TRPA does not establish such a uniform definition of SEZ, the Governor of the State of California should direct, within the framework of his authority, all California agencies having jurisdiction over environmental matter within the Tahoe Basin, including the LRWQCB, to apply the provisions of the California Forest Practices Act relating to watercourse protection</p>	<p>The TRPA definition for SEZs is used throughout the Tahoe Basin by all entities. The Water Board applies the same current definition of SEZs and relies on TRPA or the Forest Service for SEZ delineation. The Tahoe Fire and Fuels Team (TFFT) has been proceeding under the current uniform SEZ definition and has not encountered any issues to date.</p>

**Fire Commission Recommendations to the Lahontan Water Board and Water Board Actions (through June 2012)**

<p>with regard to SEZs in the Basin. The standard practices prescribed by said Act are understood by potential contractors, and their use will eliminate an impediment to bidders for such fuel reduction projects in the Basin. Further, Governor should require any deviation from the use of such standard forest practices that results in the imposition of stricter standards to be reported by the agency requiring such deviation with an explanation of the environmental and efficiency tradeoffs considered by such agency when requiring stricter standards to be applied.</p>	<p>The Water Board's 2009 Waiver requires implementation of the California Forest Practice Rules related to watercourse protection.</p>
<p><b>Recommendation 17e:</b> The Commission recommends the TRPA and LRWQCB grant exceptions for disturbance within SEZs for the purposes of completing fuel reduction projects (with equipment) necessary to protect public health and safety as identified in the community wildfire protection plans. The Commission recommends both regulatory boards grant blanket exemptions to fuel reduction prescriptions when the tools or operating procedures described in the Reference Guide (see "B" above) are developed and implemented.</p>	<p>Water Board staff has found that some equipment use in SEZs will not cause permanent disturbance and can proceed and comply with the existing prohibitions. Staff has identified these activities in the 2009 Timber Waiver (Attachment N).</p>
<p><b>Recommendation 17f:</b> The Commission recommends for fuel treatment projects with potentially significant environmental impacts, all affected regulatory agencies rely on a single joint environmental analysis and review process (i.e. EIS/EIR) to permit conditions (if applicable) and monitoring.</p>	<p>The Water Board worked with the USFS- Lake Tahoe Basin Management Unit to complete a joint Draft Environmental Impact Statement/Environmental Impact Report for the South Shore Fuels Reduction Project and circulated the document for a single public review period to satisfy both state and federal environmental review requirements. Water Board will continue to encourage use of joint environmental documents to satisfy state and federal laws and regulatory requirements.</p>
<p><b>Recommendation 17h:</b> The Commission recommends allowing winter operations with heavy equipment for fuel reduction over snow or frozen ground shall be allowed (not in SEZ)</p>	<p>Water Board staff included in the 2009 Timber Waiver a new Category 4 to allow winter operations with simplified monitoring requirements. Over the snow operations have minimal effects when conditions are</p>

**Fire Commission Recommendations to the Lahontan Water Board and Water Board Actions (through June 2012)**

<p>through the LRWQCB Waiver Category 1b or 1c Eligibility Criteria.</p>	<p>right, however conditions can change significantly in a 12 hour period and therefore visual monitoring and tracking of temperatures are required by the Waiver to ensure operations occur during appropriate operating conditions. Category 4 also allows over snow operations within SEZs.</p>
<p><b>Recommendation 17i:</b> The Commission recommends the TRPA and the Lahontan Regional Water Quality Control Board make changes to existing waivers, memoranda of understanding, plans and ordinances such that forest treatment projects involving hand crews are no longer required to submit permit or waiver applications under any circumstances. Projects involving hand crews may be included in an annual spreadsheet submitted by April 1st and amended as needed by the project proponent each year to the Multi-Agency Coordination (MAC) Group or the Tahoe Fire and Fuels Team (TFFT) with project identification, project contact, acres to be treated, and location for all proposed hand thinning treatments. Project proponents may amend the spreadsheet as needed. All agencies and interested public shall have access to this information.</p>	<p>The 2009 Timber Waiver includes a new Category 2 that does not require Water Board notification for hand crew projects.</p>
<p><b>Recommendation 17j:</b> The Commission recommends the TRPA, the LRWQCB, USDA Forest Service, and other affected agencies amend their plan and ordinances to allow equipment use on slopes greater than 30% based on current and future technology, and current forest practices to ensure protection.</p>	<p>Under current rules the Water Board can allow demonstration projects using equipment on slopes greater than 30%. The data collected from these demonstration projects will be used to develop standard practices for necessary fuel reduction activities on steep slopes. No projects have been proposed and conducted that have a sufficient monitoring component to provide the necessary data to qualify as a standard practice. Additionally, Water Board can allow permanent disturbance on steep slopes for public service facilities (e.g. new fire station, or new roads) necessary for public health and safety or environmental protection.</p>

**Fire Commission Recommendations to the Lahontan Water Board and Water Board Actions (through June 2012)**

<p><b>Recommendation 25:</b> The Commission recommends that the USDA Forest Service and the LRWQCB review their MOU and revise any stipulations that impede project planning and implementation related to fuels projects and associated supporting activities.</p>	<p>In 2008, the MOU between the Water Board and the LTBMU did not address fuels projects. Water Board review of the MOU found that fuel reduction project planning and implementation was not being impeded. To improve and hasten fuel reduction project implementation, the Water Board's 2009 Timber Waiver facilitates fuel reduction project planning and implementation by simplifying application and monitoring requirements.</p>
<p><b>Recommendation 26:</b> It is recommended that the Governor of the State of California direct, within the framework of his legal authority, the Lahontan Regional Water Quality Control Board (LRWQCB) to transfer to the TRPA no later than October 1, 2008, by a suitable MOU, all responsibility of the LRWQCB relating to fuel reduction projects performed within the Tahoe Basin. The intent is to have an expedited single permitting process, elimination the need for the LRWQCB to issue a second permit and to achieve consistency in the application of environmental laws as relates to these kinds of projects in the Tahoe Basin. In addition, pursue the execution of a Management Agency Agreement (MMA) between the State Water Resources Control Board (SWRCB) and the TRPA in accordance with SWRCB existing policy for non-point discharge. Consideration of an MMA while not expected for several months is not intended to be, or shall it be considered a basis for, delay in the execution of the MOU between the LRWQCB and the Tahoe Regional Planning Agency.</p>	<p>The Water Board adopted a Vegetation Management MOU with TRPA at its December 11, 2008 meeting. In August 2011, the El Dorado Superior Court directed the Water Board to rescind the MOU on the grounds that requirements of the California Environmental Quality Act were not met. Previously, the Water Board adopted the 2009 Timber Waiver for the entire Lahontan Region and all Tahoe Basin projects that were active in August 2011 were able to seamlessly enroll under the 2009 Timber Waiver.</p>
<p><b>Recommendation 27:</b> It is recommended that the Governor of the State of California, within the framework of his legal authority, direct the LRWQCB to request comments from the TRPA Governing Board prior to enacting any new regulations and/or revised interpretations of existing</p>	<p>Water Board staff solicits comments from all affected public and responsible agencies when promulgating regulations.</p>

**Fire Commission Recommendations to the Lahontan Water Board and Water Board Actions (through June 2012)**

<p>regulations relating to or otherwise affecting removal or mitigation of fire hazards.</p>	
<p><b>Recommendation 29:</b> It is recommended that the Director of CAL FIRE be empowered by the Governor of the State of California to monitor, and report to the Governor, the progress on, the development of the MOU between the LRWQCB and the TRPA with regard to reduction of fire hazards. It is further recommended that the final MOU be submitted to, and be subject to the prior review and comment by the Director of CAL FIRE.</p>	<p>The public review process for the MOU adopted in 2008 included CAL FIRE. The Governor in his Proclamation required the Secretaries for the California Resources Agency and California Environmental Protection to monitoring implementation of the actions required by the Proclamation.</p>
<p><b>Recommendation 32:</b> The Commission recommends that the Lahontan Regional Water Quality Control Board Executive Officer issue a letter clarifying that its existing MOU with the TRPA for residential construction constitutes a waiver of waste discharge requirements for new residential construction, including tree and vegetation removal, thereby eliminating the need for a permit from the Lahontan Regional Water Quality Control Board.</p>	<p>On January 28, 2008, the Water Board Executive Officer issued a letter clarifying the existing MOU between TRPA and the Water Board as it relates to tree removal on residential lots. The 2008 MOU between TRPA and the Water Board also includes language that addresses this recommendation under the heading: "Clarification of Responsibility to Regulate Tree Removal Related to Residential and Commercial Development." These types of projects no longer require authorization by the Water Board under the Timber Waiver.</p>
<p><b>Recommendation 34:</b> The Commission recommends that the Lahontan Regional Water Quality Control Board expand Category 1A of its timber waiver to include urban lots, including lots containing SEZs, managed by Federal, California State or local governments within the Lake Tahoe Basin. This will eliminate the need for these land management agencies to notify or pay a fee to the LRWQCB to reduce fuel loads on such lots.</p>	<p>The 2009 Timber Waiver includes language adding urban lot projects to Category 1 of the Waiver. Category 1 projects are automatically enrolled under the Timber Waiver and do not require project proponents to notify the Water Board of their proposed activities or submit any paperwork to the Water Board.</p>
<p><b>Recommendation 50b:</b> Request and/or direct the TRPA, the Lahontan Regional Water Quality Control Board, and other States agencies having jurisdiction in the Angora Fire area, to expedite the permitting process to allow such tree removals</p>	<p>Emergency tree removal conducted during the summer of 2007 was automatically permitted under Category 6 of the existing Timber Waiver at the time. In 2008, the Water Board received an application and approved the USFS-LTBMU Angora Hazard Tree Removal Project.</p>

**Fire Commission Recommendations to the Lahontan Water Board and Water Board Actions (through June 2012)**

<p>including, if necessary, the waiver of any regulatory requirements that may impede such timber removal.</p>	<p>This project was completed in 2010.</p> <p>The Angora Fire Restoration Project was enrolled under the 2009 Timber Waiver in August 2011 and is anticipated to be completed during the 2012 field season.</p>
<p><b>Recommendation 56d:</b> The Governors should encourage forest thinning and woody biomass-to-energy processing in the Lake Tahoe Basin as essential components of restoring healthy forest conditions, reducing the severity and intensity of future wildfires, lowering air and water pollution, and reducing local production of greenhouse gases. Specific actions should include: d. Direct state agencies and encourage all agencies to streamline access to biomass materials, including ensuring access through and within SEZs and use of temporary roading.</p>	<p>The Basin Plan and existing Timber Waiver allow equipment into SEZs on existing roads and for the construction of temporary SEZ Crossings.</p> <p>The Basin Plan does not prohibit vehicles in SEZs; rather, it prohibits “permanent disturbance” in SEZs. The Water Board considers exemptions to this prohibition for projects needed for public health and safety or environmental protection including wildfire protection projects proposing permanent disturbance such as a new permanent road and crossing of an SEZ.</p>
<p><b>Recommendation 67:</b> The Governors should direct the TRPA, the Lahontan Regional Water Quality Control Board, and other Lake Tahoe Basin regulatory agencies to review and revise current policies, as appropriate, to fully implement the use of temporary access roads and mechanized equipment to expedite forest health and fuel reduction projects for the purposed of reducing the risk of catastrophic wildfire. In an effort to minimize soil erosion and potential impacts to water quality, a project specific plan shall be developed to include the design, construction, operation and ultimate reclamation of temporary access roads. Appropriate best management practices, (BMPs) shall be included in the project plan consistent with Nevada and California Forest Practices Acts, revised statutes, TRPA Codes, and applicable federal land management guidance documents.</p>	<p>The Basin Plan and existing Timber Waiver allow equipment into SEZs on existing roads and for the construction of temporary SEZ crossings.</p> <p>The Basin Plan does not prohibit vehicles in SEZs; rather, it prohibits “permanent disturbance” in SEZs. Projects that will not cause long-term impacts are currently allowed under the Basin Plan and the 2009 Timber Waiver. The 2009 Timber Waiver also identifies and allows activities causing temporary disturbances to SEZ where a project plan is submitted.</p> <p>The 2009 Timber Waiver outlines those SEZ activities that do not require a prohibition exemption. The Basin Plan further allows the Executive Officer to issue prohibition exemptions for projects needed for public health and safety after a 10 day public comment period.</p>

**Fire Commission Recommendations to the Lahontan Water Board and Water Board Actions (through June 2012)**

<p><b>Recommendation 70:</b> The Commission recommends that the Lahontan Regional Water Quality Control Board change the interpretation of their regulation to allow pile burning and the spreading of chipped material in SEZs.</p>	<p>The 2009 Timber Waiver allows chipping in SEZs, under the conditions that the chips are not placed where there is a chance of delivery to a watercourse and that chip depth does not exceed an average depth of two inches or a maximum depth of four inches. The 2009 Timber Waiver also includes a description of the conditions for burn pile placement within a stream environment zone that allows the Executive Officer to issue a Basin Plan prohibition exemption after a ten day public noticing.</p> <p>Water Board staff have been involved with the science community to develop mitigation measures that can be incorporated into SEZ pile burning activities. The Water Board will continue to work with stakeholders to develop common sense practices that facilitate needed fuel reduction efforts while providing appropriate water quality protections.</p>
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# **ENCLOSURE 3**

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**Summary of  
No Further Action Required Letters Issued  
May 16 - June 15, 2012  
July 2012 EO Report**

State of California  
Lahontan Regional Water Quality Control Board

Date Closure Issued	Site Name	Site Address	Case Number	Case Type	Groundwater Concentrations above Water Quality Objectives (in ug/L) [date sampled]	Residual Soil Concentrations (in mg/Kg) [date sampled]	Distance from Site to Nearest Receptor	Remedial Methods Used	Comments
May 21, 2012	Gorrindo Texaco	44339 North Sierra Highway, Lancaster	6B1900568T	UST	Not Encountered	3,700 TPHg 3,600 TPHd 28 Benzene [January 2011]	Lancaster ASR Well 04-05 is located ~500' northwest and Lancaster Well 04-26 is ~800' northeast	Soil Vapor Extraction	None
May 21, 2012	Former Whiting Brothers Service Station	26487 Old Highway 58, Hinckley	6B3600433T	UST	86 TPHg [July 2010]	9,800 TPHg 3,600 benzene [March 1993]	Three domestic wells are located within 200'	Soil Vapor Extraction, Excavation	Domestic wells are not threatened by remaining on-site contamination. No comments were received from any off-site property owners.
May 25, 2012	Bald Mountain Geothermal Well 31-24	Wendel Road, Wendel	T6S074	SCP	None [November 2011]	1.4 Acetone 0.0054 PCE 0.0058 TCE [February 2011]	No domestic or supply wells are located within ~1,000' of the site	Excavation	Fee title owner is concerned about potential groundwater contamination, but based on site information including the source of the petroleum hydrocarbons, the removal actions performed, and results of confirmatory soil and groundwater samples, there is no evidence that the groundwater has been affected and the potential for future groundwater contamination is unlikely.

**Notes:**

~ - Approximately  
 TPHg - Total petroleum hydrocarbons quantified as gasoline  
 TPHd - Total petroleum hydrocarbons quantified as diesel  
 TPHm - Total petroleum hydrocarbons quantified as motor oil  
 MTBE - methyl tertiary-butyl ether  
 ug/L - micrograms per liter  
 mg/kg - milligrams per kilogram  
 ND- Not Detected  
 NA-Not Applicable  
 NT- Not Tested  
 UST-Underground Storage Tank  
 MUST- Military Underground Storage Tank  
 SCP-Site Cleanup Program  
 DoD- Department of Defense  
 NFAR- No Further Action Required  
 bgs - below ground surface  
 PCE - Tetrachlorethylene  
 TCE - Trichloroethane

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# **ENCLOSURE 4**

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**EO'S Monthly Report**  
**5/16/12 - 6/15/12**  
**Unauthorized Waste Discharges**

**COUNTY: SAN BERNARDINO**

Discharger/Facility	Location	Basin	Regulated Facility	Substance Discharged	Spill Date	Discharge Volume	Description of Failure	Discharge To	Status
Flying J / Travel Center	2611 Fisher Rd., Barstow	S	N	Sewage	5/20/12	2,500 Gallons	Pump station failed and sewage was pumped to a dry wash.	Wash	Showers and restrooms shut down. Contractor pumped the wet well and repaired equipment. Contractor cleaned impacted area. No further action recommended.
Molycorp Minerals / Mountain Pass Mine	67750 Bailey Road, Mountain Pass	S	Y	Reclaimed Mining Wastewater	5/22/2012	600-700 Gallons	Overflow indicator on Reclaim Tank TK3 failed during transfer of wastewater, which resulted in an overflow. The overflow drained to slopes of mine pit, but did not reach the pit lake/groundwater.	Ground	Level indicator was repaired and the onsite monitoring protocol during the transfer process was modified. Notice of Violation issued. No further action recommended.
San Bernardino County / Barstow Landfill		S	Y	Broken Glass Solar Panels with Lead Paint	5/29/2012	1 Dumpster	Broken glass solar panels (mirrors) with lead paint on them above the soluble threshold limit concentration for lead were disposed of in the Barstow Landfill.	Barstow Landfill	Staff to review work handling procedures with San Bernardino County.
Molycorp Minerals / Onsite Evaporation Ponds	Adelanto	S	Y	Brine Pond Water	5/31/2012	3,000 Gallons	An accident occurred involving a truck driver hauling brine pond water from Molycorp that resulted in the truck overturning and discharging a load of brine pond water to the ground on the side of the road.	Ground	Cleanup complete. No further action recommended.
Molycorp Minerals / Mountain Pass Mine	Processing Plant	S	Y	Sodium Hydroxide	6/3/2012	365 Gallons	An upset in a caustic reactor caused the substance to blowout a roof vent.	Ground	No further action recommended.

**COUNTY: SAN BERNARDINO**

Discharger/Facility	Location	Basin	Regulated Facility	Substance Discharged	Spill Date	Discharge Volume	Description of Failure	Discharge To	Status
Crestline Sanitation District / Water Treatment Facility	200 Feet West of Discharge Point, Summit Valley	<input type="checkbox"/> S	<input type="checkbox"/> Y	Chlorinated Secondary Effluent	6/9/2012	75,000 - 100,000 Gallons	As a result of an outfall pipe break, between 75,000 and 100,000 gallons of treated wastewater was discharged to pasture land. Recycled water is authorized for irrigating pasture; however, effluent is intended for use in areas downgradient of the spill area.	Ground	The culvert from the pasture area was plugged to prevent discharge to surface waters. Discharger held wastewater at the plant to make repairs. Repairs complete. No further action recommended.