

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

**MEETING OF NOVEMBER 9, 2022  
SOUTH LAKE TAHOE, CA**

<b>ITEM 4</b>
<b>EXECUTIVE OFFICER'S REPORT</b>

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**EXECUTIVE OFFICER'S REPORT**  
Covers August 1, 2022 – August 31, 2022

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**1. Personnel Report – *Sandra Lopez***

**New Hires** – None

**Transfers**

- Liz Van Diepen, Engineering Geologist, Non-Point Source Unit, South Lake Tahoe

This position will assist with technical, regulatory, and administrative procedures related to review of project environmental disclosure and permitting documents.

**Vacancies**

- Senior Engineering Geologist (Specialist), Leviathan Mine, South Lake Tahoe. This position will evaluate and provide advice to Water Board management regarding the Water Board's cleanup and abatement actions needed at the Leviathan Mine to comply with the USEPA's Administrative Abatement Action Order.
- Water Resource Control Engineer, Cannabis Unit, South Lake Tahoe/Victorville. This position will work as a part of an interdisciplinary team and will perform duties regulating the discharge of waste from illegal or permitted cannabis cultivation sites and associated facilities or operations with similar environmental effects.

- Engineering Geologist, Land Disposal Unit, Victorville. This position will oversee waste discharges and site investigation/cleanup at various types of regulated and unregulated facilities including landfills, mines, and site cleanup sites.
- Engineering Geologist, Department of Defense Site Cleanup Unit, Victorville. This position will oversee site investigations and cleanups at Department of Defense sites in the South Lahontan area as well as various types of regulated and unregulated facilities including landfills, mines, and site cleanup sites.
- Water Resource Control Engineer, Wastewater & Agricultural Unit, Victorville. This position provides regulatory oversight of projects involving discharges to groundwater or surface waters and projects intended to restore and/or enhance water quality in the Waste Discharge Requirements (WDRs), National Pollutant Discharge Elimination System (NPDES), and Site Cleanup Programs.
- Scientific Aid, Regulatory & Enforcement Unit, South Lake Tahoe. This position supports staff primarily through review of submitted self-monitoring reports, along with other special projects.
- Scientific Aid, Forestry/Dredge & Fill and Non-Point Source Units, South Lake Tahoe. This position will evaluate water quality data and assess compliance with water quality orders and permits associated with grazing, restoration, timber, and forestry activities.
- Office Technician (Typing), Victorville. This position will assist in proofreading and editing staff documents, engage with staff and the public at the front office desk, provide support to technical and administrative staff, ensure documents comply with accessibility standards, and provide administrative support at regional board meetings held throughout the region.
- Office Technician (Typing), South Lake Tahoe. This position will assist in proofreading and editing staff documents, engage with staff and the public at the front office desk, provide support to technical and administrative staff, ensure documents comply with accessibility standards, and provide administrative support at regional board meetings held throughout the region.
- Engineering Geologist, Cleanup/Site Investigation & Enforcement Unit, South Lake Tahoe. This position will oversee/direct site investigation and cleanup activities at various sites, such as underground storage tank sites, dry cleaner sites, mines, landfills, and Department of Defense sites

## Departures

- Angelica Soto, Office Technician, Victorville
- Linda Stone, Engineering Geologist, South Lake Tahoe
- Thomas Browne, Water Resource Control Engineering, Victorville

## **2. Update on MWA Drought Response Program from MWA TAC – Anna Garcia**

The purpose of this article is to provide the Lahontan Water Board with information presented at the Mojave Water Agency (MWA) Technical Advisory Committee (TAC) meeting on August 11, 2022. Items covered at the MWA TAC meeting included updates on MWA's Drought Program Development and Short-term Drought Response Program for the Centro Subarea.

MWA Assistant General Manager, Adnan Anabtawi, provided an update on the development of MWA's Drought Program. The Mojave River has not experienced significant flow in more than 11 years and drought conditions are persisting. In April 2022, the MWA Board directed MWA staff to initiate development of a program to address drought concerns for their region. MWA staff reviewed water level data for their service area and report that water levels in some wells are at record lows. Mr. Anabtawi reported that due to a lack of substantial rainfall in the region, water levels are moving further along a long-term downward trend. Mr. Anabtawi noted that while the Mojave Basin Area Judgment is a long-term solution to overdraft and is working as intended, it is focused on long-term balance, rather than drought protection. As MWA staff develop the Drought Program, they are exploring whether factors other than local hydrology are impacting water levels and how the program will be funded. MWA staff plan to provide additional presentations to the MWA TAC and receive comments from stakeholders in the region as development of the Drought Program moves forward.

MWA Principal Hydrogeologist, Tony Winkel, provided an update on the Short-term Drought Response Pilot Program for the Centro Subarea. Mr. Winkel noted that these efforts comprise a case study for the Drought Program discussed previously by Mr. Anabtawi. The roughly 1,230 square mile Centro Subarea is located in the western portion of MWA's service area and includes the Lenwood area, Hinkley Valley, the City of Barstow, and Harper Dry Lake. Mr. Winkel reported that approximately 85% of the pumping in the Centro Subarea is focused around the area of Lenwood and Barstow. In an effort to address water level declines in that area, MWA began delivering State Water Project (SWP) water to the Lenwood Recharge Facility in May 2022. As of August 8, 2022, 1,741- acre feet (AF) of SWP water have been delivered, at an average rate of approximately 8 cubic feet per second. MWA staff have been measuring water levels in monitoring wells near the Lenwood Recharge Facility and have seen positive responses in some of the wells. Mr. Winkel provided hydrographs displaying water levels over time which showed water levels in some wells increased a couple of feet since the recharge efforts began. During this pilot program, MWA expects to deliver a total of 5,000 AF to the Lenwood Recharge Facility and Mr. Winkel estimates it will take another six to seven months to complete the delivery.

Other business was also discussed. The next MWA TAC meeting is scheduled for October 6, 2022.

### **3. Site 297 and Site 298 Site Visits and Remediation System Progress**

– *Alonzo Poach*

On August 30, 2022, Water Board staff, Engineering Geologists Alonzo Poach and Todd Battey visited Site 297 and Site 298 at Edwards Air Force Base. Staff visited the sites during a groundwater monitoring event and toured the remediation systems at each site. Both sites are former gas stations. Site 297 is a former Army & Air Force Exchange Service (AAFES) gas station that was demolished in 2013. The primary chemicals of concern (COCs) at this Site include benzene, ethylbenzene, toluene, and xylenes (BTEX) compounds. Site 298 is a military vehicle fueling station with the primary COC being methyl tert-butyl ether (MTBE). The fueling station is still active, but fuel has been stored in aboveground tanks since 1995 when the underground tanks were removed.

During the site visit, Water Board staff were shown recent upgrades and briefed on remedial progress. Site remediation has been progressing quite well at both sites especially since site upgrades and remediation optimization activities have taken place during the last reporting period. Below is a summary of remedial progress at both sites and a summary of the site walk conducted on August 30, 2022.

#### **Site Walk**

Both sites have had extensive remediation system upgrades and system optimization efforts in the last one to two years. Water Board staff toured the remediation systems and well fields at both Site 297 and Site 298 and oversaw Air Force consultants conducting groundwater sampling.



Photo 3.1: View of the air sparge (AS)/soil vapor extraction (SVE) system at Site 297. The SVE system (beige system in background) was upgraded with a new Mako Industries Inc. (Mako) thermal/catalytic oxidizer SVE system in June 2021. This replaced the repurposed Baker Furnace SVE system that was installed onsite in 2019.





Photo 3.2: View of the upgraded BioSparging system at Site 298. Air compressor was upgraded/replaced (inside of trailer). Several flow regulators were also upgraded (seen on left side of photo) so that more air can be delivered to the subsurface.





Photo 3.3: Air Force consultant field crews collecting groundwater samples using low-flow sampling methodology at Site 298.

### **Remediation System Progress Site 297**

In June 2021, The SVE portion of the system was upgraded. The old Baker Furnace system averaged 70-80% system uptime due to system issues. Since the SVE system was replaced, petroleum mass removal rates increased by 3.5 kilograms per day and the percent uptime for the SVE and AS systems increased to 98.5% and 97.0%, respectively. The system has made significant progress in remediating the site since the Corrective Action Plan was prepared in 2015.

A comparison of plume lengths over time for Site 297 is shown in the table below:

COC	Length of Plume in Feet			
	(February 2015)	(Nov-Dec 2018)	(February 2020)	(August 2021)
Benzene	600	529	424	272
Toluene	640	173	188	262
Ethylbenzene	505	140	188	163
Total Xylenes	305	150	188	190
1,2-DCA	697	635	654	511
EDB	330	288	344	122
MTBE	102	100	121	30

As shown in the table above, Site 297 has shown significant remedial progress in reducing benzene (i.e., the primary risk driver) and other contaminant concentrations at the site. Currently, the groundwater plume characteristic of the site meets low-threat closure criteria, but additional operation of the AS/SVE system is recommended to continue removal of residual petroleum hydrocarbons before rebound testing and confirmation soil samples can be collected.

### **Remediation System Progress Site 298**

In March 2021, optimization efforts began at Site 298. A failing compressor was replaced and upgraded to a larger unit capable of delivering more air to the subsurface. The system at Site 298 is injecting a mixture of air and propane to the subsurface to aerobically biodegrade MTBE in the groundwater. The optimization and upgrades at Site 298 have been successful. Since the new compressor was installed April 2021, the system uptime has been approximately 96%. This is an approximate 40% increase in system uptime since the new compressor was installed. The BioSparging system has reduced concentrations in the treatment area by at least an order of magnitude. Although the optimization of Site 298 is progressing, the site is much more challenging because of the fractured granitic bedrock in the subsurface. Due to the complex nature of the fractured bedrock and fracture flow in groundwater, the BioSparge system needs continuous adjustment and optimization.

#### **4. Standing Item: Status of Triennial Review Projects – Daniel Sussman**

The Water Board adopted the current Triennial Review Priorities on March 10, 2022. State and federal laws require periodic review and revision of Basin Plans ([Resolution No. R6T-2022-0011](#)). The federal process is called “Triennial Review.” The 2022 Triennial Review priority list includes seven Basin Planning issues identified as High Priority. Additionally, the Triennial Review identifies six issues as Medium Priority and five as Low Priority.

Basin Planning is primarily the responsibility of the Planning and Assessment Unit. The unit is also responsible for the impaired waters (TMDL, Integrated Report) and surface water monitoring efforts (SWAMP). The unit currently consists of four Environmental

Scientists, one Water Resource Control Engineer, and one Scientific Aid under the supervision of a Senior Environmental Scientist.

The below table lists the prioritized 2022 Triennial Review High Priority issues and notes any progress. Issues are not prioritized within the High Priority category.

<b>High Priority Issue</b>	<b>Progress</b>
Evaluate Bacteria Water Quality Objectives	Draft amendment language, staff report, and Substitute Environmental Document distributed for review in February 2022. Board meeting informational item presented in March 2022. Response to comments and project refinement in process.
Editorial Amendment (Mojave)	The Board adopted <a href="#">Resolution No. R6T-2022-0021</a> in June 2022. The item is scheduled for State Board action December 6, 2022.
Groundwater Protection Prohibitions	No progress. Staff assessing organization of Basin Plan groundwater basins differing from Department of Water Resources basins.
High Quality Beneficial Use	No progress.
Riparian, Floodplain, and Wetland Protection Updates	No progress; hours included in FY 22-23 workplan.
Tribal Beneficial Use and Subsistence Beneficial Use Designations	Tribal Summit held June 15, 2022. Currently in period of soliciting Tribal requests for designation.
Update Total Nitrogen WQO for Hot Creek	Initial stages of data collection, site visit, intra-divisional coordination, discussions with California Department of Fish and Wildlife, and information summary.

## **5. Leviathan Mine, Alpine County – *Leviathan Unit***

Water Board staff continue site cleanup work at Leviathan Mine. This work also involves directly coordinating with United States Environmental Protection Agency (USEPA), Atlantic Richfield Company (AR), and project stakeholders. The stakeholders include the Washoe Tribe of Nevada and California, Nevada Division of Environmental Protection, and the United States Forest Service.

### **Leviathan Mine Background**

Leviathan Mine is an inactive mine located in Alpine County, California, approximately six miles east of Markleeville as shown in Figure 5.1. Past mining activities resulted in

the perpetual generation and discharge of acid mine drainage (AMD) from the mine property. The discharge of AMD adversely impacts downstream receiving waters.



Figure 5.1— Leviathan Mine site location

USEPA placed Leviathan Mine on the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) National Priorities List on May 11, 2000. This action made the site a federal Superfund site. As such, pollution abatement work at the site must follow the Superfund process outlined in Figure 5.2.

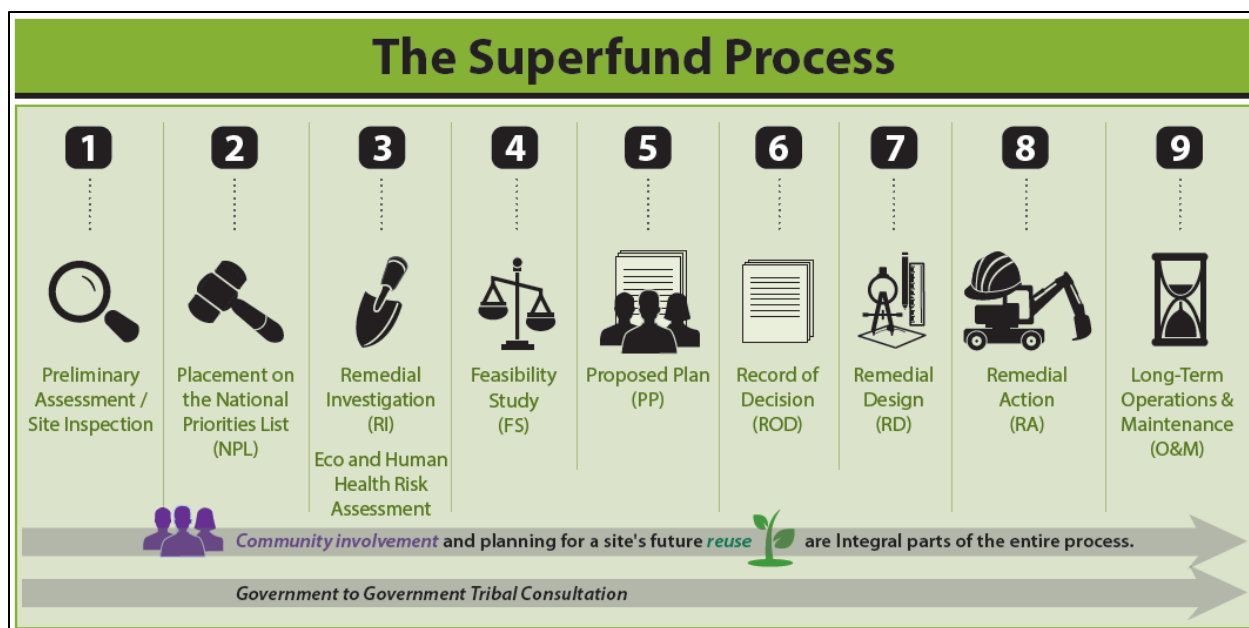


Figure 5.2—The Superfund Process

As an outcome of Step 1 in the Superfund process (Preliminary Assessment/Site Inspection), the Water Board and AR were ordered by USEPA to perform specific early response actions (also referred to as removal actions), including the capture and treatment of AMD. Water Board and AR continue to implement these early response actions on an annual basis.

The Water Board and AR are currently working through Steps 3 and 4 of the Superfund process (Remedial Investigation and Feasibility Studies) with the USEPA. For these steps, AR performs various remedial investigations. The studies generated from these investigations will inform the selection of final remedial actions for the site. An Early Final Remedial Action can be implemented prior to completion of remedial investigations that are needed to address broader issues at the site. USEPA is currently considering a possible Early Final Remedial Action to address remaining untreated discharges of AMD.

Long term, the Superfund process resolves to selecting a final remedial action in a Record of Decision (Step 6), followed by the design (Step 7) and construction of the remedial action (Step 8).

### **Field Season Activities (June to October)**

#### **Treatment System Operation**

The Water Board's treatment goal for each year is to empty the evaporation ponds during the field season (June 1 to October 15) so that maximum storage capacity is available to contain AMD captured during the wet season. This year, treatment occurred for 22 days from July 6 to 28, 2022. During this time, the system processed approximately 2.7 million gallons of AMD. Since 2000, the system has treated over 168 million gallons of AMD.



## **Treatment System Improvements**

Water Board staff anticipate that USEPA will require the Water Board to continue treating AMD on an annual basis for the next 5 to 10 years. Therefore, improvements are needed to extend the service life of the existing treatment system. Primary objectives of the proposed improvements include removal of system components that are no longer in use, reduction of system footprint, replacement of reactor tanks, and modifications to improve the health and safety for system operators and Water Board staff.

Water Board staff are working with design consultants to develop construction drawings and specifications for proposed improvements to the Water Board's AMD treatment system. Initial work on the system improvements is planned for the 2022 field season. Additional improvements will occur during the 2023 and 2024 field seasons.

## **Early Season Treatment Improvements**

Water Board contractors constructed improvements for a backup AMD treatment system. This system can be used to treat AMD in the evaporation ponds during years when inflow to the evaporation ponds is expected to exceed pond storage capacity before the summer treatment system can be brought online. Completed improvements included regrading/resurfacing of a service road and construction of a concrete pad to provide a stable location for placing the backup AMD treatment system.

## **Fire Hardening Activities**

Water Board staff met with California Department of Forestry and Fire Protection (CalFire) and Alpine County Volunteer Fire Department representatives on August 17, 2022 to discuss wildfire infrastructure hardening measures. CalFire staff provided specific recommendations for vegetation management in areas adjacent to the Water Board's AMD treatment system. Water Board staff plan to complete this vegetation management during the 2022 field season.

## **Settlement Agreement Activities**

A complex cost-sharing and accounting system established by the *Leviathan Mine Site Work and Cost Allocation Settlement Agreement* requires the Water Board to credit AR for costs related to remediation investigation studies (Figure 5.2, Steps 3 and 4). Specifically, AR is to receive a 40-cent credit toward future remedial action construction (Figure 5.2, Steps 7 and 8) from the Water Board for every one-dollar more than \$11 million spent by AR on these studies. Water Board staff therefore review AR's study expense reports. As of the review of second quarter 2021 expenses, Water Board staff and AR agreed that AR had spent \$55.9 million in total on these studies, making AR's credit approximately \$18 million.

## **Outreach Activities**

Working with the community and consulting with tribal governments is a part of the



entire superfund process, as shown by the grey areas on Figure 5.2.

### **Online Site Tour**

USEPA hosted an online site tour of Leviathan Mine on April 28, 2022. This online tour was a joint venture between Water Board, USEPA, and AR representatives. The presentations focused on past, present, and future activities at the mine site. This online meeting was well attended by representatives from the Washoe Tribe of Nevada and California, members of the public, and other stakeholders.

### **Online Presentation**

USEPA hosted an online presentation sponsored by a volunteer-run, educational non-profit organization on August 29, 2022. The organization, GreenACTnv, promotes sustainable practices and environmental responsibility. Water Board staff joined USEPA, AR, and Washoe Tribe of Nevada and California representatives to present to GreenACTnv members and plan to follow up the presentation with a site tour on September 28, 2022.

### **In-person Site Tour and Public Meeting**

USEPA is planning for a site tour and an in-person public meeting in November 2022. The site tour is planned for Washoe Tribe on November 1, 2022. The in-person meeting is tentatively planned for later in November 2022. Water Board and AR staff will lead the November 1 site tour.

### **Long-term Remediation Activities**

#### **Early Final Remedial Action**

AR submitted a Focused Feasibility Study for a proposed Early Final Remedial Action (EFRA) on August 6, 2021, and a Technical Impracticability Evaluation for the EFRA on September 30, 2021. Water Board staff submitted comments on both these documents on January 14, 2022 and presented these comments at the March 10, 2022 Board Meeting (see Item No. 10). These documents lead into Step 5 on Figure 5.2. Water Board staff have not yet received a response to their comments from either USEPA or AR.

#### **Sitewide Remedial Investigation and Feasibility Study**

USEPA recently set a date of April 28, 2023 for AR's submittal of the Draft Remedial Investigation Report for stakeholder review. This report is part of finalizing the work for Step 3 on Figure 5.2. Water Board staff plan to meet with USEPA to discuss and hopefully resolve concerns prior to the stakeholder review. As a starting point for further discussion, Water Board staff are submitting a list of concerns to USEPA in October 2022.



# **ATTACHMENT A**



## EXECUTIVE OFFICER ACTION ITEMS

August 1, 2022, to August 31, 2022  
Lahontan Regional Water Quality Control Board

### DOCUMENT

### DATE

#### NO FURTHER ACTION REQUIRED<sup>1</sup>

No Further Action Required for North Tahoe Public Utility District N-1 Pump Station, 7496 North Lake Tahoe Boulevard (APN 117-130-025-000), Tahoe Vista	8/16/2022
No Further Action Required for 45239 Division St, Lancaster, Los Angeles County, UST Case No. 6B1920041T	8/26/2022

#### EXEMPTIONS

Board Order No. R6T-2022-0037, Granting Clean Water Act Section 401 Water Quality Certification and Basin Plan Prohibition Exemption, Yee Shorezone Repair/Protection Project	8/09/2022
Pending Action for Notice of Applicability for Small Construction Projects, Including Utility, Public Works, and Minor Streambed/Lakebed Alteration Projects, Board Order No. R6T-2003-0004, and Basin Plan Prohibition Exemption for Steuer Seawall Repair	8/15/2022

#### EXTENSIONS

NONE	
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#### BOARD ORDERS

Board Order No. R6V-2022-0039, Granting Clean Water Act Section 401 Water Quality Certification, Rock Springs Road Bridge Project	8/25/2022
Board Order No. R6V-2022-0040, Granting Clean Water Act Section 401 Water Quality Certification, Silver Peak Solar Project	8/24/2022
Board Order No. R6V-2022-0041, Granting Clean Water Act Section 401 Water Quality Certification, Victorville Transmission Lines Erosion Control Project	8/26/2022

<sup>1</sup> The Executive Officer finds the release of petroleum products at the following sites poses a low threat to human health, safety, and the environment. Therefore, these cases were closed in accordance with the Water Quality Control Policy for Low-Threat Underground Storage Tank Case Closure (Resolution 2012-016). The Policy recognizes contaminant mass often remains after the investment of reasonable remedial effort and this mass may be difficult to remove regardless of the level of additional effort and resources invested. The establishment of the Policy is an effort to maximize the benefits to the people of the State of California through the judicious application of available resources.

**DOCUMENT****DATE****401 WATER QUALITY CERTIFICATIONS**

Pending Action for Board Order No. R6T-2022-XXXX, Clean Water Act Section 401 Water Quality Certification and Exemption to Waste Discharge Prohibitions for the Saxon Creek Aquatic Organism Passage Project, Phase 2	8/16/2022
Pending Action for Notice of Applicability: Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects File Number SB12006GN and Exemption to Waste Discharge Prohibitions, Post-Caldor Fire Stream Aggradation using Beaver Dam Analogues: Saxon and Trout Creeks	8/30/2022

**WASTE DISCHARGE REQUIREMENTS**

Notice of Applicability for General Waste Discharge Requirements for Small Construction, Including Utility, Public Works, and Minor Streambed/Lakebed Alteration Projects, Board Order R6T-2003-0004, Adelanto Switching Station Expansion	8/24/2022
Notice of Applicability for General Waste Discharge Requirements for Small Construction, Including Utility, Public Works, and Minor Streambed/Lakebed Alteration Projects, Board Order No. R6T-2003-0004, Desert Knolls Wash Phase 3	8/26/2022

**MISCELLANEOUS DOCUMENTS**

Proposed Tahoe Donner Downhill Ski Lodge Replacement, 11603 Snowpeak Way, Truckee	8/01/2022
Information Request: Proposed Order No. R6V-2022-XXXX California Department of Fish and Wildlife, Hot Creek Fish Hatchery, Settlement Agreement and Stipulation for Entry of Order	8/01/2022
Amendment No. 1 to the Mojave River Watershed Mitigation Bank-Bank Enabling Instrument	8/11/2022
Approval of the Lanthanum-Modified Clay Application Plan for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test, Order No. R6T-2022-0004, NPDES Permit No. CA6202201	8/22/2022

Additional links:

[General Policy information](#)

[Copy of Policy](#)

[Implementation Plan](#)



# **ATTACHMENT B**



UNAUTHORIZED DISCHARGE REPORT  
AUGUST 1, 2022 TO AUGUST 31, 2022

Responsible Party	Location of Occurrence	Regulated Facility	Basin N/S?	Date of Occurrence	Volume of Occurrence	Violation Description	Comments	Status
<b>COUNTY: ALPINE</b>								
Office Administration of Markleeville	Staging area at Location 3 of Markleeville Creek	No	N	8/10/2022	Unknown	A portion of the Markleeville Creek's concrete-boulder wall was found torn down next to the staging area located on the left bank at about 180 feet downstream of the Markleeville Creek Bridge Br.No. 31-0002.	The action was performed due to the flash flood that occurred in August inundating the locations where a sewage manhole was submerged . The area needed to be drained in order locate a manhole, which is the main sewage line that feeds a wet well and pumps to wastewater ponds. There were concern that the manhole could fail and create a sewage pump failure.	It's unknown if permits were obtained to perform the emergency work to the manhole.

\*All discharges to surface waters are to be included in this report.

\*\*Discharges of less than 100 gallons to land are not to be included in this report.

UNAUTHORIZED DISCHARGE REPORT  
AUGUST 1, 2022 TO AUGUST 31, 2022

COUNTY: EL DORADO								
Tahoe Keys Property Owners Association (TKPOA)	Tahoe Keys	Yes	N	8/5/2022	10 gallons	Discharge of approximately 10 gallons of hydraulic fluid into the surface waters of the Tahoe Keys lagoons from the operation of the harvesting equipment	Staff arrived and observed a rainbow-purpleish like sheen in the water near the weed harvester. Tahoe Keys crews responded to the spill by deploying absorbent booms around the harvester and isolating the area from the main lagoon.	Absorbent booms/socks surrounded the harvester, and a barrier at 2032 Garmish court. A follow up email to Kirk Wooldridge and Mark Madison was sent by Lahontan staff to ask for other corrective actions to treat the spill.
COUNTY: KERN								
Unknown	Highway 58 near the town of Mojave, west of State Route 172.	No	S	8/20/2022	150 gallons	Three vehicles were involved in a collision on Highway 58 near the town of Mojave. The incident resulted in a diesel fuel spill of 150 gallons to asphalt and soil.	CHP, Caltrans, and the local fire department were on-scene.	The cleanup crew estimated that 75 gallons reached soil adjacent to the highway and the remaining diesel stayed on the asphalt. There are no receiving surface waters in the vicinity. Removal of affected soils is pending.

\*All discharges to surface waters are to be included in this report.

\*\*Discharges of less than 100 gallons to land are not to be included in this report.

## **ENCLOSURE 2**







**EXECUTIVE OFFICER'S REPORT**  
Covers September 1, 2022 – September 30, 2022

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**1. Personnel Report – *Sandra Lopez***

**New Hires**

- Lorien Sanders, Engineering Geologist, Department of Defense Site Cleanup Unit, Victorville. This position will oversee site investigations and cleanups at Department of Defense sites in the South Lahontan area as well as various types of regulated and unregulated facilities including landfills, mines, and site cleanup sites.

**Promotions**

- Shelby Barker, Senior Engineering Geologist (Specialist), South Lake Tahoe. This position serves as Regional Enforcement Coordinator 70% of the time, and 30% of the time will evaluate and provide advice to Water Board management regarding the Water Board's cleanup and abatement actions needed at the Leviathan Mine to comply with the USEPA's Administrative Abatement Action Order.

**Transfers**

- Ed Hancock, Environmental Scientist, Cannabis Unit, South Lake Tahoe. This position will work as a part of an interdisciplinary team and will perform duties regulating the discharge of waste from illegal or permitted cannabis cultivation sites and associated facilities or operations with similar environmental effects.

- Andrew Robinson, Engineering Geologist, Land Disposal Unit, Victorville. This position will oversee waste discharges and site investigation/cleanup at various types of regulated and unregulated facilities including landfills, mines, and site cleanup sites.

## **Vacancies**

- Water Resource Control Engineer, Wastewater & Agricultural Unit, Victorville. This position provides regulatory oversight of projects involving discharges to groundwater or surface waters and projects intended to restore and/or enhance water quality in the Waste Discharge Requirements (WDRs), National Pollutant Discharge Elimination System (NPDES), and Site Cleanup Programs.
- Water Resource Control Engineer, Land Disposal Unit, Victorville. This position will oversee waste discharges and site investigation/cleanup at various types of regulated and unregulated facilities including landfills, mines, and site cleanup sites.
- Environmental Scientist, Land Disposal Unit, Victorville. This position will provide regulatory oversight of dredge and fill permitting and compliance of Caltrans projects regionwide.
- Office Technician (Typing), Victorville. This position will assist in proofreading and editing staff documents, engage with staff and the public at the front office desk, provide support to technical and administrative staff, ensure documents comply with accessibility standards, and provide administrative support at regional board meetings held throughout the region.
- Office Technician (Typing), South Lake Tahoe. This position will assist in proofreading and editing staff documents, engage with staff and the public at the front office desk, provide support to technical and administrative staff, ensure documents comply with accessibility standards, and provide administrative support at regional board meetings held throughout the region.
- Water Resource Control Engineer, Cannabis Unit, South Lake Tahoe. This position provides regulatory oversight of cannabis cultivation projects under the statewide Cannabis General order.
- Water Resource Control Engineer, Regulatory and Enforcement Unit, South Lake Tahoe. This position will backfill a vacancy within the North Basin Regulatory Unit.
- Senior Water Resource Control Engineer, Leviathan Mine Unit, South Lake Tahoe. This position will supervise the unit containing Leviathan Mine and Cannabis programmatic technical staff by establishing priorities, work plans, hiring technical staff, and collaborating with state and local agencies.

- Senior Water Resource Control Engineer, Forestry/Dredge & Fill Unit, South Lake Tahoe. This position will perform Senior level activities and provide engineering expertise associated with managing the activities of the Forestry/Dredge & Fill Unit. The incumbent will supervise and direct the work of five professional technical staff, oversee staff development, perform recruitment of new staff, conduct performance evaluations, and track program budgets, as well as a variety of other duties.
- Engineering Geologist, Forestry/Dredge & Fill Unit, South Lake Tahoe. This position will provide geologic and hydrogeologic expertise for the Forestry Dredge and Fill Unit. The incumbent will evaluate and regulate the impacts of logging operations and other forest practices on the quality and beneficial uses of water. They will also review and regulate proposed projects that may affect water quality of waters of the state to ensure compliance with the requirements of the Water Quality Control Plan for the Lahontan Region (Basin Plan), Porter-Cologne Water Quality Control Act, the Federal Clean Water Act (CWA), and the California Environmental Quality Act (CEQA).
- Environmental Scientist, Planning & Assessment Unit, South Lake Tahoe. This position will work on Basin Plan amendments, help assess waters as part of the Integrated Report, and work to develop TMDLs or alternative restoration plans.
- Scientific Aid, Regulatory & Enforcement Unit, South Lake Tahoe. This position supports staff primarily through review of submitted self-monitoring reports, along with other special projects.
- Scientific Aid, Forestry/Dredge & Fill and Non-Point Source Units, South Lake Tahoe. This position will evaluate water quality data and assess compliance with water quality orders and permits associated with grazing, restoration, timber, and forestry activities.

**Departures** – None

## **2. Removal of Bridge Debris in Truckee River Riparian Zone – Rob Tucker**

Water Board and Placer County staff worked together to emergently remove bridge debris from the Truckee River channel. The bridge had begun collapsing into the river and previously was used as access to a property at 1615 River Road, Tahoe City.

A Water Board staffer, Jim Carolan, first identified the bridge as a problem in June 2021. Jim judged the bridge to be structurally unsafe and needing to be evaluated by a professional engineer. Jim communicated these concerns to the owner of the property via a staff enforcement letter. No response was received.

Water Board staff received a complaint that the bridge was falling apart on Monday August 22, 2022. The complainant reported debris in the Truckee River. Additionally, they alleged the local Fire Department had responded during the previous weekend to

an injury caused by the debris. Jim followed up by conducting an urgent inspection on the same day as receiving the complaint.

Jim observed debris along the banks of the river and degrading of the bridge structure (see Figure 2.1). After leaving the site, Jim contacted the local fire department to confirm the alleged injury. Additionally, Jim contacted the Placer County building department and Supervising Deputy Counsel to discuss the safety issues. All parties were concerned about the possibility of additional debris creating safety hazards in the river.



Figure 2.1—Photo of the collapsing bridge span with caution tape used to warn Truckee River recreators

The counsel anticipated river traffic under the bridge during the Labor Day weekend due to an upstream commercial rafting business. The counsel initiated an emergency work order to remove the bridge's horizontal spans. The county secured a contractor within a week and had the contractor on site to remove the bridge before the holiday weekend.

Jim both supported the counsel with the initial plan and worked with the contractor onsite. Jim provided guidance to mitigate the potential for water quality impacts. The contractor removed the horizontal spans by September 1, 2022. Jim will continue to

work with the appropriate parties to ensure any remaining debris is removed from the Truckee River floodplain.

The Placer County Supervising Deputy Counsel provided the following note to Jim in appreciation of Water Board staff efforts:

*[Placer County staff] also greatly appreciated [Water Board]'s assistance in getting what seemed like an almost insurmountable task done in a little under two weeks. The public that uses the Truckee River in the sweltering heat this weekend will have a much safer experience now, and this project was an example of how multiple agencies can move together in a quick fashion. Please let your Board know of our gratitude, and also our appreciation for your individual work on this.*

### **3. Nursery Products Hawes Composting Facility, Compliance Update – Jan Zimmerman**

Since the Executive Officer's report of June 2022, Nursery Products Hawes Composting Facility (Nursery Products) site personnel have continued to turn, mix, and separate the compost piles into smaller more manageable piles/windrows. The smoldering was extinguished during August 2022, but as we enter October 2022, month five since the fire erupted on May 28<sup>th</sup>, the threat of fire remains. It is imperative that Nursery Products reduce inbound feedstock and increase outbound product so that they can maintain a manageable windrow size to monitor temperatures effectively (not too tall, not too wide, and not too long) and to maintain the required 26-foot road widths between windrows to allow easy access for heavy equipment to enter and maneuver around.

The volume of material onsite is regulated through the Solid Waste Facility Permit with CalRecycle and the San Bernardino County Lead Enforcement Agency (LEA). The Nursery Products Solid Waste Facility Permit currently allows a maximum of 1,000,000 cubic yards of material at any given time. At the time the fire broke out in May 2022, there was reportedly ~500,000 cubic yards of material onsite; not more than the 1,000,000 cubic yard threshold but too much material to maintain a manageable windrow size and to maintain adequate road widths for heavy equipment access. In June 2022, Nursery Products proposed to reduce their inbound feedstock to 300,000 cubic yards per year or less and to increase the outbound finished product by up to 20 tons per month or as fast as it could be shipped out to reduce the threat of future fire.

Through an investigation, the LEA has determined that Nursery Products is in violation of the California Public Resources Code and the Solid Waste Facility Permit for failure to comply with the Report of Composting Site Information (LEA equivalent to Report of Waste Discharge) among other violations and issued a Cease and Desist Order to Nursery Products on September 29, 2022. The Cease and Desist Order prohibits Nursery Products from accepting feedstocks and amendments until the facility is in full compliance. The date of compliance is set at December 31, 2022.

Fortunately, the site continues to pose little risk to water quality. We will continue to monitor the situation and work collaboratively with the LEA and other local agencies. Nursery Products site personnel will continue to provide us with daily updates regarding firefighting and suppression activities.

#### **4. Standing Item - Eastern California Cannabis Unit – *Kathleen Bindl***

This report provides an annual update on the Eastern California Cannabis Regulatory Unit (Cannabis Unit) in the Lahontan Region (Region 6) and the Colorado River Basin (Region 7). The Cannabis Unit staff are responsible for regulating indoor and outdoor cannabis cultivation in Regions 6 and 7 in accordance with the State Water Board's Cannabis General Order. The Cannabis General Order provides a statewide tiered approach for permitting discharges and threatened discharges of waste from cannabis cultivation and associated activities, establishes a personal use exemption standard, and provides conditional exemption criteria for low threat to water quality activities. In addition, the Cannabis Unit staff are responsible for implementing progressive enforcement strategies at permitted facilities with observed Cannabis General Order violations and implementing enforcement actions at unpermitted facilities.

#### **Staffing**

The Cannabis Unit has recently experienced staffing changes. Alex Spencer left the Water Board, and Edward Hancock (previously in the Planning and Assessment Unit) filled an Environmental Scientist position. We are currently in the process of backfilling a Water Resource Control Engineer position. This will increase the overall staffing from two to three positions.

#### **Unpermitted Cultivation**

Over the past year, the Cannabis Unit focused on the issue of unpermitted cannabis cultivation. An important part of this focus has been establishing and strengthening relationships with other agencies working on unpermitted cultivation. This includes county sheriff's departments, CDFW, county code enforcement, and the county district attorney's office among others. Staff currently attend monthly environmental task force meetings with Los Angeles (LA) County, San Bernardino County, and Riverside County as well as biweekly meetings with the CDFW Inland Desert Region and CDFW South Coast Region.

Due to limited staff resources, staff focus has been on priority watersheds in the Southern Portion of Region 6, including Antelope Valley and Mojave Watersheds. Figure 4.1 shows the general location of approximately 1,700 known unpermitted cannabis cultivation sites in Regions 6 and 7. This information has been compiled from law enforcement agencies, California Department of Fish and Wildlife (CDFW), and citizen complaints.



Since January 1, 2022, staff have conducted 16 inspections at unpermitted cultivation sites mainly in the Antelope Valley area of LA County. Most of the sites appear to be trespass cannabis cultivation, where cultivators establish a grow site on a vacant piece of land without the landowner's permission. As part of the enforcement strategy, all landowners were issued a Notice of Violation to document water quality violations for cultivating cannabis without a permit. The Notice of Violation requires the landowner to cease cultivation activities and clean up any waste associated with the cultivation site.

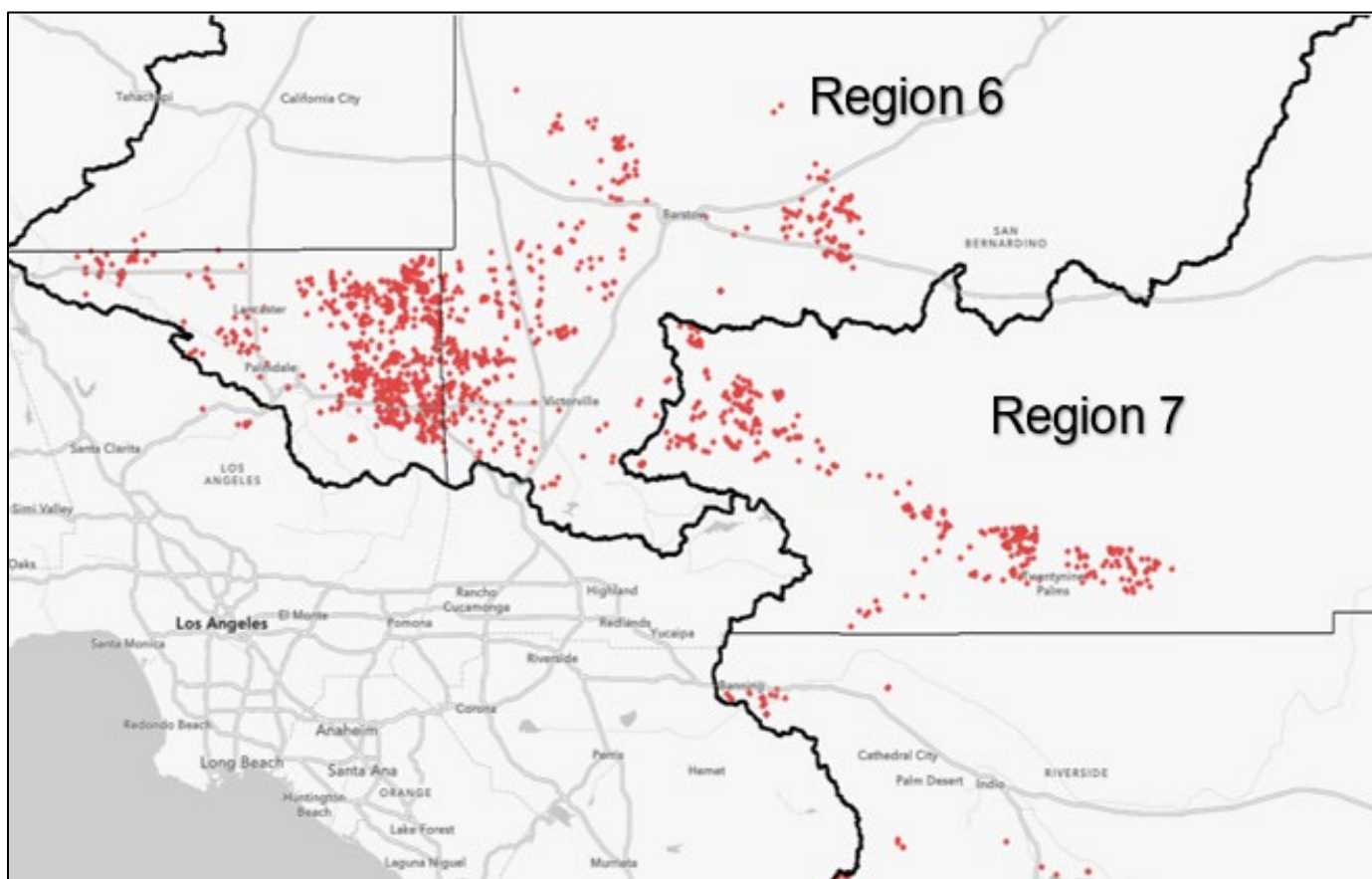


Figure 4.2 Locations of known unpermitted cultivation sites in Regions 6 and 7

### Permitted Cultivation

In addition to unpermitted cultivation sites, staff have also conducted site inspections at permitted facilities to evaluate compliance with the Cannabis General Order. Table 4.1 shows the number and type of active permits within Regions 6 and 7 (378 total) and Figure 4.2 shows the general location of permitted cannabis cultivation facilities. During the past year, staff conducted 11 compliance inspections with a few that were related to complaints received. In the upcoming year staff plan to conduct compliance inspections at permitted facilities, focusing on outdoor and waste hauling facilities.

Table 4.1 Types and number of active permits throughout Regions 6 and 7

<b>Type of Facility</b>	<b>Region 6</b>	<b>Region 7</b>
Indoor (Sewer)	119	59
Indoor (Waste Hauler)	55	130
Outdoor	13	2
Total	187	191

## **Wastewater Characterization**

Cannabis Unit staff are currently developing a wastewater characterization study. The purpose of this study is to characterize cannabis wastewater generated from indoor cannabis facilities to determine what constituents are contained in cannabis wastewater. Funding is available to characterize wastewater generated from seven indoor cannabis facilities. Staff hope to increase the sample size for the study by targeting more facilities as additional funding becomes available.

Characterization data will help Water Board staff to inform wastewater treatment facilities of cannabis wastewater quality and determine if unauthorized discharges of cannabis wastewater pose a threat to water quality and human health. Several wastewater treatment facilities throughout Regions 6 and 7 have been reluctant to accept cannabis wastewater because there is limited information on wastewater quality. These facilities are concerned that their treatment systems will not be capable of handling increased influent flow volumes with unknown constituents resulting in operational disruptions.

Wastewater treatment facilities not accepting cannabis wastewater directly affects the number of cannabis facilities required to store and haul wastewater. Storing and hauling cannabis wastewater to an off-site disposal facility is costly and historically this has led to violations through improper disposal to land or septic tanks.

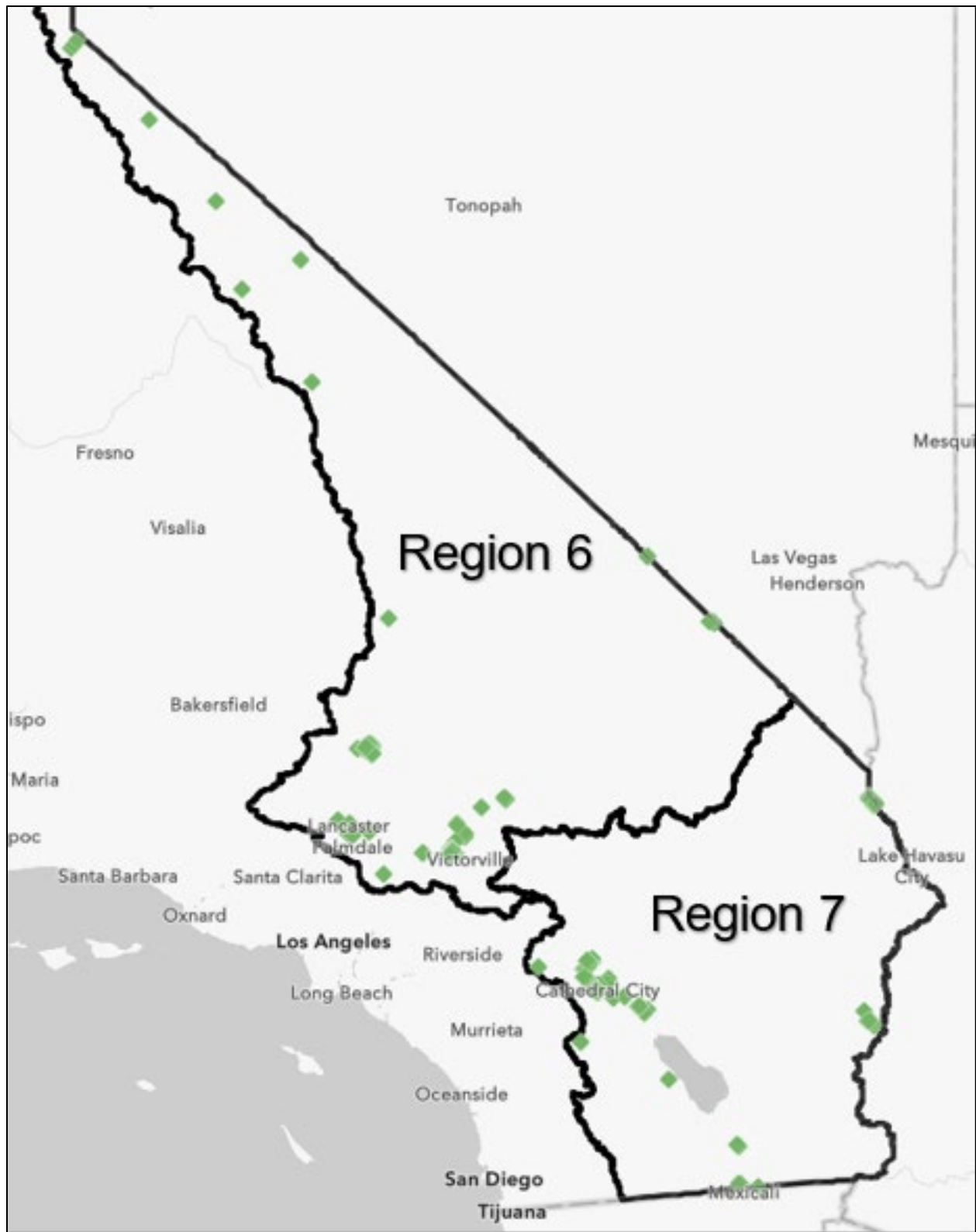


Figure 4.3 General locations of permitted cannabis cultivation facilities



# **ATTACHMENT A**



## Lahontan Regional Water Quality Control Board

### EXECUTIVE OFFICER ACTION ITEMS

September 1, 2022, to September 30, 2022  
Lahontan Regional Water Quality Control Board

#### DOCUMENT

#### DATE

NO FURTHER ACTION REQUIRED<sup>1</sup>

NONE	N/A
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#### EXEMPTIONS

10-Day Notice Pending Action for Board Order No. R6T-2003-0004, Notice of Applicability and Exemption to Waste Discharge Prohibitions for the Wessbecher Pier Replacement Project	9/09/2022
Notice of Applicability: Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects File Number SB12006GN and Exemption to Waste Discharge Prohibitions, Post-Caldor Fire Stream Aggradation using Beaver Dam Analogues: Saxon and Trout Creeks	9/13/2022

#### EXTENSIONS

NONE	N/A
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#### BOARD ORDERS

Resolution No. R6T-2022-0047 – Bishop Creek Vision Plan	9/16/2022
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#### 401 WATER QUALITY CERTIFICATIONS

NOA of General Water Quality Order No. 2018-0025-EXEC, Clean Water Act Section 401 Water Quality Certification for Emergency Repair and Protection Activities and Basin Plan Prohibition Exemption for EA #10-1P060, Tamarack Fire Emergency Drainage Repair Project	9/12/2022
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<sup>1</sup> The Executive Officer finds the release of petroleum products at the following sites poses a low threat to human health, safety, and the environment. Therefore, these cases were closed in accordance with the Water Quality Control Policy for Low-Threat Underground Storage Tank Case Closure (Resolution 2012-016). The Policy recognizes contaminant mass often remains after the investment of reasonable remedial effort and this mass may be difficult to remove regardless of the level of additional effort and resources invested. The establishment of the Policy is an effort to maximize the benefits to the people of the State of California through the judicious application of available resources.

**DOCUMENT****DATE****WASTE DISCHARGE REQUIREMENTS**

Notice of Applicability for General Waste Discharge Requirements for Small Construction, Including Utility, Public Works, and Minor Streambed/Lakebed Alteration Projects, Board Order R6T-2003-0004, 50LW 8ME LLC Bellefield Solar Project	9/02/2022
Request for Report of Waste Discharge, Monopine Cell Tower, Heavenly Resort, 1636 Sherman Way, #A, El Dorado County, Assessor's Parcel Number 030-040-001	9/07/2022
Request for Report of Waste Discharge, Monopine Cell Tower, 2223 Keetak Street, El Dorado County, Assessor's Parcel Number 035-262-012	9/07/2022
Request for Report of Waste Discharge, Monopine Cell Tower, 8177 Speckled Avenue, Placer County, Assessor's Parcel Number 015-331-029	9/07/2022
Request for Report of Waste Discharge, Monopine Cell Tower, 1857 Hekpa Drive, El Dorado County, Assessor's Parcel Number 033-652-001	9/07/2022
Request for Report of Waste Discharge, Monopine Cell Tower, 7101 Wilson Avenue, El Dorado County, Assessor's Parcel Number 015-331-029	9/07/2022
Request for Report of Waste Discharge, Guillian/Verizon Cell Tower Project, 1360 Ski Run Boulevard, South Lake Tahoe, CA, El Dorado County, Assessor's Parcel Number 025-580-007, and all other Monopine style cell towers owned by Verizon on the California side of the Lake Tahoe Watershed	9/07/2022
Cleanup and Abatement Order No. R6T-2022-0044 Requiring North Tahoe Prop, LLC to Clean Up and Abate the Discharge and Threatened Discharge of Waste to the Truckee River and the Truckee River's Floodplain in the Truckee River Hydrologic Unit, Tahoe City	9/16/2022
Renewed Waste Discharge Requirements & NPDES Permit R6T-2022-0046 Lake Tahoe Muni	9/21/2022

**MISCELLANEOUS DOCUMENTS**

Investigative Order No. R6T-2022-0043 for The Tahoe Keys Property Owners Association To Produce A Technical Report On Why Triclopyr Has Not Degraded To Below Detectable Concentrations For The Tahoe Keys Aquatic Weeds Control Methods Test	9/02/2022
10-day Board Notice-Lakeland Village Pier Maintenance/Modification & Draft Order	9/21/2022
Mojave River Mitigation Bank Waters of the State Credit Release	9/21/2022



**DOCUMENT****DATE**

R6T-2022-0045 STPUD Tallac Creek Sewer Pipeline 401 – REVISED	9/27/2022
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Additional links:

[General Policy information](#)

[Copy of Policy](#)

[Implementation Plan](#)



# **ATTACHMENT B**



UNAUTHORIZED DISCHARGE REPORT  
SEPTEMBER 1, 2022 - SEPTEMBER 30, 2022

Responsible Party	Location of Occurrence	Regulated Facility	Basin N/S?	Date of Occurrence	Volume of Occurrence	Violation Description	Comments	Status
<b>COUNTY: PLACER</b>								
Tahoe City Public Utility Dist CS,6895 WLB	6895 WLB, Tahoma, CA 96142	YES	N	9/26/2022	250 Gallons	Root intrusion caused sewage to spill from property line clean out and traveled along curb and gutter, with a minimal amount entering a storm water catch basin.	Catch basin did not fill sufficiently to reach its outlet invert. Crews were able to capture all spilled liquid and material with a Vactor and disinfected using a light chlorine solution. All sewage and debris was disposed of at the local POTW.	No surface water was affected. No further action required.
<b>COUNTY: SAN BERNARDINO</b>								
Unknown	Ludlow, CA WB I-40 near MM 46	NO	S	9/5/2022	100 Gallons	100-gallons of diesel released as a result of two vehicles colliding with each other.	CalTrans was on scene to contain the spill and perform cleanup. Caltrans elected to have Mojave Blue (Hazmat Contractor) to perform cleanup due to an increase in the estimated volume of diesel released, from 30 gallons to 100 gallons. Twenty cubic yards of diesel impacted soil was excavated disposed of at Soil Safe in Adeleanto.	No waterways were impacted. No further action required..

\*All discharges to surface waters are to be included in this report.

\*\*Discharges of less than 100 gallons to land are not to be included in this report.



## **ENCLOSURE 3**





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

**EXECUTIVE OFFICER'S REPORT  
AUGUST AND SEPTEMBER 2022 STANDING ITEMS**

The Water Board has requested regular reports on a number of programs and projects. The following table lists these standing reports, the reporting frequency and the dates the items are due.

<b>ISSUE</b>	<b>FREQUENCY</b>	<b>DUE DATE</b>
Cannabis Update	Annual	September – <b>Article #4</b>
Climate Change Adaptation Strategy Update	Annual	May
County Sanitation Districts of Los Angeles – District No. 20, Palmdale	Annual	September
Grazing Update	Annual	November
Onsite Septic Systems	Annual	April
Salt & Nutrient Management Plans	Annual	September – <b>November Agenda Item #6</b>
Status of Triennial Review Projects	Annual	August – <b>Article #4</b>
Status of Dairies	Annual	February
Status of Grants	Annual	June
City of Barstow Nitrate	Annual	June
City of Barstow Orphan Perchlorate	Annual	June
Lake Tahoe Water Quality	Annual	December
Leviathan Mine	Annual	August – <b>Article #5</b>
Harmful Algal Blooms	Annual	November
Pacific Gas & Electric Company	Annual	June December
Quarterly Violations Report	Quarterly	January (3 <sup>rd</sup> quarter) April (4 <sup>th</sup> quarter) July (1 <sup>st</sup> quarter) October (2 <sup>nd</sup> quarter)

\*Water Board staff presentation