

EXECUTIVE OFFICER'S REPORT
October 1, 2026 – October 31, 2026

Contents

1. Personnel Report – *Sandra Lopez* 1
2. Leviathan Mine Superfund Site, Alpine County – *Leviathan Unit* 2
3. California Lake Management Society Conference – *Sabrina Rice* 7
4. Lahontan Water Board Reaches a Settlement Agreement for an Administrative Civil Liability for Alleged Violations of the Construction General Permit – Shelby Barker 9

1. Personnel Report – *Sandra Lopez*

Vacancies

- Engineering Geologist, Stormwater and Cannabis Unit, Victorville. This position will help protect water quality in the Lahontan Region by evaluating Dredge and Fill applications in the 401 program to help ensure the protection of valuable natural hydrologic infrastructure such as wetlands, ephemeral streams, and other hydrological systems. This position will also assist in our stormwater program which includes permitting and compliance inspections to help educate the public and protect the environment from surface water discharges.

- Analyst II, Administrative Unit, Victorville. This position provides administrative support to the region by managing contracts and procurement activities, supporting facility management functions, performing data entry for regulatory requirements, and ensuring compliance with financial assurance requirements.

- Water Resource Control Engineer, Forestry Dredge and Fill Unit, South Lake Tahoe. This position will help cover additional dredge and fill permitting, inspection, and enforcement activities on Waters of the State that are no longer designated as Waters of the US thus eliminating any Federal (USACE) support for these waters.

- Analyst I, Administrative Unit, Victorville. This position will provide support for technical and administrative staff, ensure documents comply with accessibility standards, prepare agenda items and staff documents for distribution, and provide administrative support at regional board meetings held throughout the region.

- Environmental Scientist, Nonpoint Source Unit, South Lake Tahoe. This position will help protect water quality in the Lahontan Region by leading implementation of the region's Nonpoint Source (NPS) Program. This includes NPS program management, Clean Water Act section 319 grants management, and implementation of permits and programs to manage impacts from rangeland and grazing operations.

Departures

- Kimberly Cox, Board Member. Retired.

- Rachel Ricciardi, Environmental Scientist, Nonpoint Source Unit, South Lake Tahoe

2. Leviathan Mine Superfund Site, Alpine County – *Leviathan Unit*

Water Board staff continue cleanup, monitoring, and maintenance work at Leviathan Mine Superfund (Site) that started in the 1980s. This work involves coordinating with United States Environmental Protection Agency (USEPA), Atlantic Richfield Company (ARC), project stakeholders, and government partners.

Previous EO Report articles provide extensive background on the Site. The October 2025 EO Report article contained the most recent comprehensive project summary, followed by a project specific update in February 2026. This update focuses on the work completed since these updates.

Pond Water Treatment

The Water Board has treated and discharged approximately 217 million gallons of pond water to Leviathan Creek since 1999. Figure 2.1 shows the amount of pond water treated per year during summer treatment, early-season treatment, along with the average volume treated each year. Seasonal treatment volumes have fluctuated considerably over the years, ranging from under one million gallons to more than 28 million gallons. These fluctuations are driven by various factors such as the volume of acid mine drainage captured and stored in the pond system, direct precipitation (rain or snow), and evaporation rates.

Early Treatment

During the 2026 water year, the Site received below average precipitation. Therefore, the storage capacity in the pond system remained sufficient for acid mine drainage

inflows and direct precipitation throughout the winter and spring months. As a result, early season treatment was unnecessary.

Summer Treatment

In 2026, the Water Board's summer treatment operations treated approximately five million gallons of acid mine drainage and direct precipitation (collectively referred to as pond water) contained in the storage ponds. This is less than the average volume treated over the past 27 treatment seasons. As shown in Figure 2.1, the average volume treated since operations began in 1999 is approximately eight million gallons.

Mobilization for summer treatment began in late June 2026, with treatment operations occurring from June 29 to July 20, 2026. Analytical results of compliance samples collected during treatment demonstrated that the treated effluent discharged to Leviathan Creek met USEPA discharge criteria.

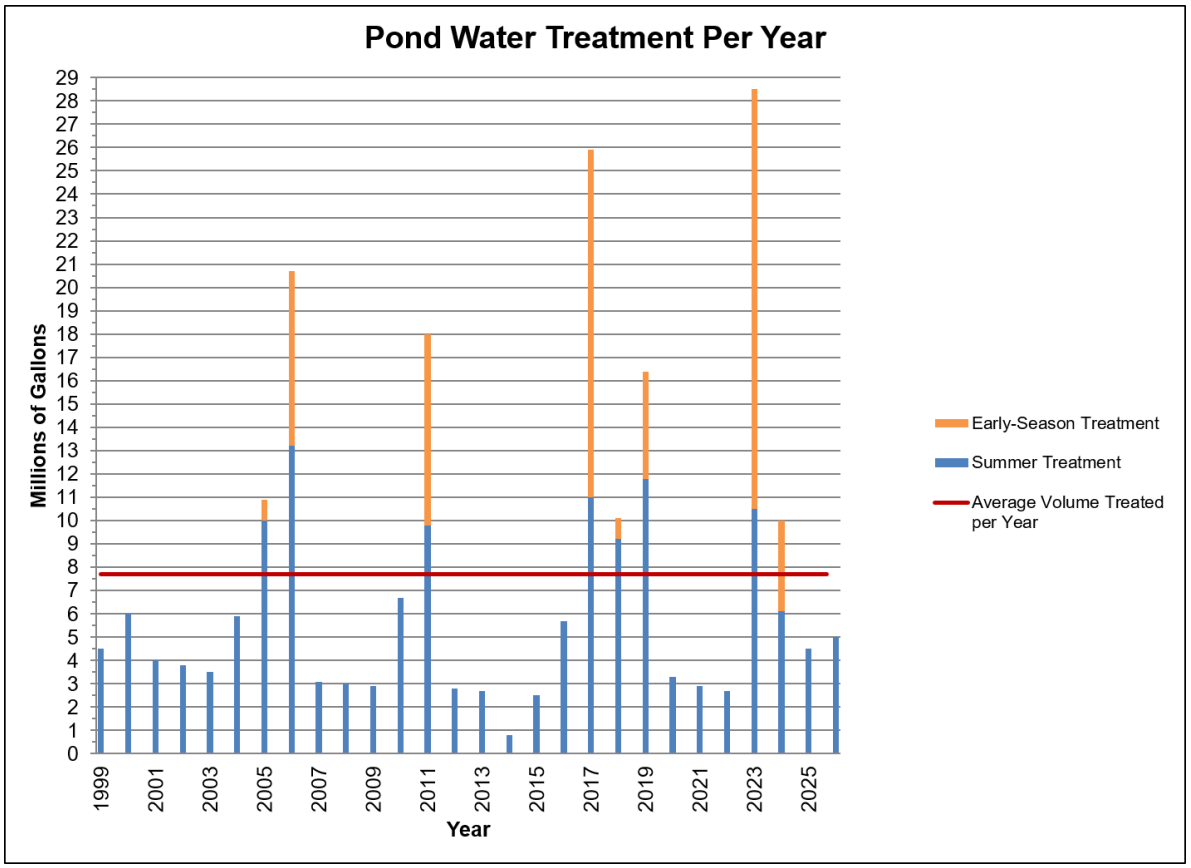

Figure 2.1: Water Board's pond water treatment volumes per year

2026 Site Maintenance and Summer Pond Water Treatment System Upgrade Activities

Site Maintenance

Water Board staff and contractors conducted the following Site maintenance activities:

- inspected and maintained pond liner cover material
- inspected stormwater conveyances
- removed sediment from select stormwater ditches and drop inlets
- repaired silt fence in the Pit and Pond 1 areas
- repaired the perimeter fencing in high-priority areas
- inspected the Site for noxious weeds
- performed a pond liner leak detection survey of Pond 3
- serviced the office Conex generators
- installed additional snow markers around the Pond 1 and Pond 3 work areas
- replaced the Pit Clarifier piccolo valve

Summer Pond Water Treatment System Upgrade Activities

This fall, Water Board's contractor, AECOM, completed the following Summer Pond Water Treatment system upgrades:

- removed and replaced the utility water tanks and reactor tank 2.
- removed legacy treatment components including the filter press and two storage tanks.

Upgrades anticipated next year include replacement of treatment tanks and the installation of new tank foundations. These upgrades are expected to keep the system operational until ARC implements a final water treatment remedy.

Surface Water Flow and Stage Monitoring

The United States Geological Survey (USGS), under contract with the Water Board, continued surface water flow and stage monitoring at the Site. USGS transmits and publishes flow and stage data through the USGS National Water Information System, making them available to the public. Water Board staff use these data for remote monitoring.

Long-Term Remedial Actions

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. Figure 2.2 outlines the Superfund process required for long-term remedial action work at the Site.

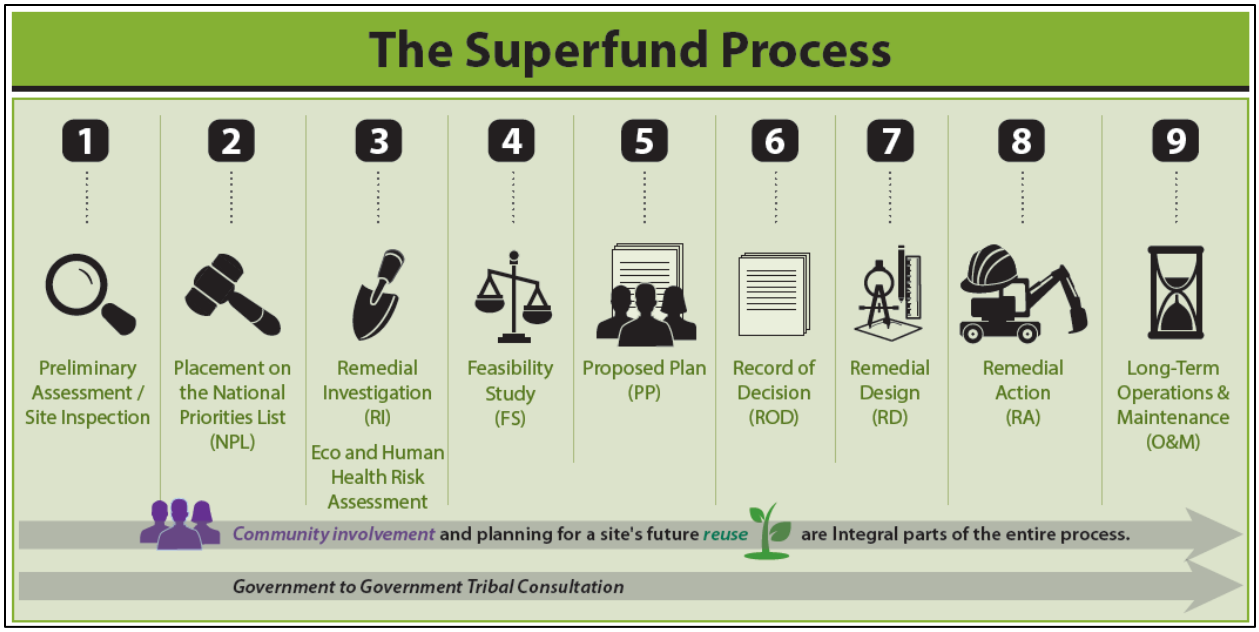

Figure 3.2: The Superfund Process Steps

Superfund process activities conducted since the last EO Report, and those anticipated in the future, include the following:

Step 3

- USEPA directed ARC on the Draft 2024 Site-wide Remedial Investigation, Baseline Human Health Risk Assessment, and Baseline Ecological Risk Assessment reports on August 28, 2026. USEPA instructed ARC to address investigation and risk assessment data gaps using a phased approach. Water Board staff expect additional USEPA direction regarding the first phase of data gap investigations soon.

- Water Board staff will continue to work with USEPA on the phased approach to address data gaps to eventually finalize the Site-wide remedial investigation and risk assessments. Staff will review and comment on future submittals.

Step 4

- USEPA approved the Revised Focused Feasibility Study for Collection and Treatment of Acid Drainage Discharges to Surface Water (FFS) on August 11, 2026. The FFS is a key CERCLA document that helps USEPA compare remedial alternatives.

- The February 2026 EO Report provided additional details on the review and approval of the FFS.

- ARC submitted the Final Focused Feasibility Study for Collection and Treatment of Acid Drainage Discharges to Surface Water (Final FFS) on September 1, 2026.

Step 5

- During 2027, Water Board staff expect USEPA to select the preferred remedial alternatives outlined in the Final FFS in a Proposed Plan for public comment. The selected remedial alternatives will address the collection and treatment of acid mine drainage discharges, management of treatment residuals, and infrastructure improvements.

- Before USEPA issues a final Proposed Plan, the Water Board will have a formal opportunity to review and comment as a support agency under CERCLA.

Step 6

- During 2027 or 2028, USEPA will issue an Interim Record of Decision documenting the selected cleanup remedy for the collection and treatment of acid mine drainage at the Site.

Settlement Agreement Activities

RI/FS Credit

Water Board staff continue to review ARC's Remedial Investigation and Feasibility Study (RI/FS) expenses. The Water Board currently owes ARC approximately $27.6 million in credit for reimbursable RI/FS related charges. The Water Board will reimburse valid expenses in accordance with the 2015 Settlement Agreement. The August 2022 EO Report explains the details of the cost allocation terms outlined in the 2015 Settlement Agreement with ARC.

Property Transfer and Settlement Amendment

Water Board's technical and legal staff along with outside legal counsel continue to participate with ARC in confidential property transfer and 2015 Settlement Agreement amendment (amendment) discussions. The October 2025 EO Report provides additional details on past progress. The Water Board and ARC anticipate finalizing both actions soon. Afterward, staff plan to update the Board on property transfer and amendment details.

Funding Challenges

Summer Pond Water Treatment System Upgrades

In fiscal year (FY) 2024-25, the Water Board obtained $3.5 million for summer treatment system upgrades. After receiving bids, Water Board staff were unable to conduct the

upgrades as planned. The October 2025 EO Report provides additional detail on the funding shortfall and next steps taken.

Water Board staff asked the Division of Administrative Services and the Department of Finance for approval to use the available funds on a reduced scope project. With approval granted, Water Board staff began working with its contractor and the Department of General Services to implement a subset of upgrades to the Summer Pond Water Treatment system. Several upgrades began this year with more anticipated next year (see Summer Pond Water Treatment System Upgrades Activities, above).

Summer Treatment System Operations

Water Board staff are pursuing additional funding to augment the General Fund allocation for summer treatment. The annual funding allotment for treatment operations has remained unchanged since FY 2014–15 and does not adequately support future treatment needs. The Water Board could face a funding shortfall for acid mine drainage treatment and site maintenance by summer 2028, jeopardizing compliance with USEPA's Order and potentially triggering enforcement action. The October 2025 EO Report provides additional details of the summer treatment funding shortfalls.

RI/FS Credit Repayment to ARC

Water Board staff are pursuing a multi-year funding request to reimburse ARC for the RI/FS credit. The Water Board proposes to repay the credit owed to ARC through annual installments until the $27.6 million balance is paid in full (see RI/FS Credit, above). Given the Water Board's current role as a responsible party at the Site, early engagement and establishing structured funding mechanisms are essential to ensure accountability and continuity of work at the Site.

3. California Lake Management Society Conference – *Sabrina Rice*

Staff participated in the California Lake Management Society (CALMS) Conference on October 1st and 2nd at the UC Davis Conference Center. The conference brought together lake managers, scientists, public agencies, consultants, and students to exchange current research and practical approaches for protecting California's lakes and reservoirs. The theme, "Lake Management through Thick (Blooms) & Thin (Budgets)," highlighted the challenge of addressing harmful algal blooms (HABs) and other lake-management concerns with limited resources. These issues are especially relevant in the Lahontan Region, where lakes and reservoirs support recreation, habitat, water supplies, and local economies.

Presentations demonstrated the value of combining emerging technology, ecological research, and partnerships. One presentation discussed Project Nexus, a pilot installation of solar panels over canals operated by the Turlock Irrigation District. The project uses existing infrastructure to generate renewable energy while evaluating potential reductions in evaporation, algae growth, and maintenance needs. Other presentations examined Daphnia, small zooplankton that graze on phytoplankton and

can play an important role in lake food webs and water clarity. Dr. Alex Horne presented various non-chemical mitigation methods that also included a brief mention of zooplankton (see Photo 3.1). These examples emphasized that effective lake management requires understanding the interactions among nutrients, temperature, biological communities, infrastructure, and changing environmental conditions. The installation of solar panels and the presence of Daphnia both have shown to be promising non-chemical approaches that may help reduce the occurrence of HABs.

Conference field trips provided attendees with examples of watershed and water-management challenges at different scales. One tour explored the Solano Project, including Putah Creek, Monticello Dam (see Photo 3.2), and the Solano Diversion Dam, highlighting the balance between agricultural and municipal water supply needs and environmental flow requirements for native fisheries. A second tour of the UC Davis Arboretum and campus waterways showcased urban stormwater management, green infrastructure, and public engagement strategies designed to improve water quality while providing recreational and educational benefits.

The conference provided information that Regional Water Board staff can apply to ongoing HAB monitoring and response efforts. Going forward, staff will continue incorporating current science into monitoring, data evaluation, risk communication, and recommendations to local partners. Staff will also maintain relationships developed through CALMS to improve information sharing and identify practical, cost-effective lake-management and HAB-mitigation strategies for the Lahontan Region.



Photo 3.3: Presentation by Professor Emeritus Dr. Alex Horne



Photo 3.2: Field Trip Lake Berryessa 'Glory Hole' spillway and Monticello Dam

4. **Lahontan Water Board Reaches a Settlement Agreement for an Administrative Civil Liability for Alleged Violations of the Construction General Permit** – Shelby Barker

   The Lahontan Water Board's Prosecution Team reached an administrative civil liability settlement with Alpine View Estates, LLC for amount of $156,000. Final documents are available at Enforcement | Lahontan Regional Water Quality Control Board.

   The Prosecution Team settled alleged violations of Order No. R6T-2016-0010, General Waste Discharge Requirements and National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction Activity in the Lake Tahoe Hydrologic Unit, Counties of Alpine, Placer, and El Dorado (Construction General Permit) at the Alpine View Estates construction site in Placer County. The project is a private development located at North Lake Boulevard and Anderson Road in Tahoe Vista. Stormwater from the site flows towards North Lake Boulevard and ultimately into Lake Tahoe. Lake Tahoe is subject to a sediment Total Maximum Daily Load (TMDL). The violations increased the potential for sediment discharges from the construction site to Lake Tahoe.

   On April 28, 2021, Alpine View Estates LLC submitted a Notice of Intent for coverage under the State Water Resources Control Board's Construction General Permit for the Alpine View Estates construction project. The construction encompasses 5.55 acres of multi-family housing development. It includes eleven individual two- and three-story

duplex town home units three two-story multi-family workforce housing units. Initial construction began in 2021.

The Lahontan Water Board's Prosecution Team alleged Alpine View Estates LLC violated the Construction General Permit between October 1, 2021 and July 2, 2025. The team alleged the responsible parties failed to maintain inspection records and to conduct daily inspections by a Qualified Stormwater Pollution Prevention Plan (SWPPP) Practitioner (QSP) or QSP-trained delegate. As of July 2025, Alpine View Estates corrected the violation and hired a new QSP/Qualified SWPPP Developer (QSD) to conduct the required inspections and maintain those inspection records in compliance with the Construction General Permit.

For settlement purposes only, the parties agreed this settlement will only assess penalties for failure to inspect and record inspections based on days of active construction stipulated by the Alpine View Estate LLC, resulting in the imposition of an administrative civil liability of $156,000 to settle the alleged violations. The responsible party will pay the full amount to the State Water Pollution Cleanup and Abatement Account. Alpine View Estates LLC elected to not include a Supplemental Environmental Project (SEP) as part of the settlement.

Lahontan Water Board's Prosecution Team appreciates Alpine View Estates LLC willingness to settle this matter in a timely manner.