

## EXECUTIVE OFFICER'S REPORT

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April 2002

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### NORTH BASIN

**1. *Willow Creek Construction Project, Alpine County – Robin Mahoney***

Staff received an anonymous complaint in October 2000 concerning potential illegal development on a 40-acre private parcel near Hope Valley. An inspection was conducted and staff discovered road grading, side-casting of soil materials, a new bridge, vegetation removal, building pad development, and unstable waste earthen materials adjacent to East Fork Willow Creek. Willow Creek is a tributary to the Upper West Fork Carson River. Staff notified Alpine County Building Department, California Department of Fish and Game, and California Department of Forestry of the potential violations and I issued Cleanup and Abatement Order No. 6-00-89 (CAO) to the owners on October 26, 2000.

The CAO required the owners to remove waste earthen materials placed in and adjacent to the channel and floodplain areas, stabilize all disturbed soils from erosion, and cease further land disturbance activities pending submittal of a complete Report of Waste Discharge (RWD). The owners responded by implementing a drainage and erosion control plan approved by Regional Board staff. The CAO may be rescinded in the Spring or Summer 2002 pending the results of a planned site inspection. No additional construction activity has been

authorized to date as the owners have not yet provided a complete RWD.

Violations in this matter were also prosecuted by the Alpine County Environmental Circuit Prosecutor, Will Richmond, who assessed a total of \$25,000 in fines in a settlement with the owners. Regional Board staff provided an estimate of staff costs for the CAO to the Circuit Prosecutor. As a result, \$5,000 of the settlement was paid to the State Water Resources Control Board's Cleanup and Abatement Account to cover the staff costs for inspections, preparing the CAO, and related enforcement costs.

**2. *Update from the Final Draft Report - Sediment Loading and Stream Channel Condition in Ward and Blackwood Creeks - Jeremy Sokulsky***

Regional Board staff recently received a final draft report on *Sediment Loading and Stream Channel Condition in Ward and Blackwood Creeks*, completed by the University of California at Davis. These two creeks are located on the west side of the Lake Tahoe Basin. The research took place during the Spring and Summer of 2001. The objective was to generate technical information to assist in developing Total Maximum Daily Loads (TMDLs) for Ward and Blackwood Creeks and Lake Tahoe. Sediment loads moving through the

watersheds were measured, a sediment budget was developed, stream channel stability was analyzed, and problem areas within the individual watersheds were identified.

The report indicates that more sediment enters Ward and Blackwood Creeks than these systems are able to transport. Partly due to this, both creeks have impaired streambed stability. The report identifies some parts of the watersheds that disproportionately contribute sediment; these areas may be candidates for additional or concentrated erosion control or restoration efforts. Ward and Blackwood Creeks have also been identified as having a lack of in-channel woody debris. This lack of woody debris is expected to be one of the major factors limiting stream channel stability and fish habitat in these systems.

Staff will use this report to help estimate sediment contributions from Ward and Blackwood Creeks to Lake Tahoe. This short-term, high-resolution sediment data will also be used to gain additional understanding of the long-term monitoring results collected near the creek outlets to Lake Tahoe. In addition, the information provided by this report will be used to address problems that are affecting the fisheries in Blackwood and Ward Creeks.

**3. *Meyers Beacon Gas Station, El Dorado County - Lisa Dernbach***

The contract budget for consulting services at the site expired at the end of March. Board staff had been attempting before then to amend the contract using Emergency, Abandoned, and Recalcitrant (EAR) Account funds. However, State Board staff and Department of General Services staff are disagreeing with the proposed amended

contract amount of \$438,271 for two years of service. This is resulting in a contract delay. The contract terms are not likely to be resolved until July 2002.

Until the next contract is in place, I have requested Cleanup and Abatement Account (CAA) funds to continue corrective actions at the site. CAA funds enabled the Regional Board to enter into an emergency, short-term contract with Secor International. As of mid-April, the pump and treat system was re-started and monitoring activities resumed. After the amended contract is authorized, CAA funds will be reimbursed by EAR funds.

Staff is also evaluating cost-effective options for remediating the detached MTBE plume threatening the Upper Truckee River. The options all include extracting the plume at two off-site locations. Treatment options being considered include (1) filtration of contaminated ground water through carbon and disposal via the sewer, or (2) trucking or piping contaminated ground water to the treatment system at the gas station. When an option is selected, I may request additional CAA funds to implement cleanup measures.

**4. *Letter requesting Alpine County's Assistance in Notifying Regional Board of Construction Projects Potentially Impacting Surface Waters – Jason Churchill***

There have been a number of recent occurrences where Regional Board staff learned of construction activities by private landowners in Alpine County involving earthmoving in or adjacent to surface waters (such as construction of stream crossings) without prior notification to the Regional Board, and without Regional Board

oversight or permits that might have been required. Such occurrences may lead to water quality impacts, and the imposition of cleanup requirements or other enforcement actions. In those cases, problems could have been avoided if we had been notified and involved during project planning before construction commenced.

Prompted by these incidents, I have directed staff to prepare a letter requesting assistance from Alpine County agencies (such as the Planning Department and Department of Public Works). The letter will request that the County contact us, or advise project proponents to contact us, whenever the County becomes aware of a proposed project that may involve alteration of a surface water or result in a discharge of wastes, including earthen materials, to surface waters. Such projects would include disturbance to wetlands and instream construction work such as stream crossings, stream diversions, and streambank stabilization (e.g., riprap placement). Such work may require coverage under a Clean Water Act Section 404 permit issued by the U.S. Army Corps of Engineers, and Section 401 Water Quality Certification by the Regional Board.

We will also ask to be notified of any construction projects involving five or more acres of soil disturbance, which are required to obtain coverage under the statewide General Construction Storm Water NPDES Permit. For projects of less than five acres, we generally expect the County's grading ordinances to provide protections that will prevent discharges of earthen materials to surface waters. However, we will ask to be notified of any project where there appears to be a risk of discharge to surface waters, even if that project is less than five acres. (Note that projects involving one or more

acres of disturbance will require coverage under a Construction Storm Water NPDES Permit beginning in 2003 under Phase II Storm Water regulations.) In such cases, the Regional Board may require that a Report of Discharge be filed, and may choose to waive or issue Waste Discharge Requirements as appropriate.

5. ***Permitting and Best Management Practices Workshop for Utility Contractors – Robert Larsen***

Following a recent violation of their Maintenance Waste Discharge Requirements, SBC Pacific Bell identified a need to educate their staff about permitting requirements and appropriate best management practices (BMPs) for projects within the Lake Tahoe Basin. Working with the Tahoe Regional Planning Agency's (TRPA) Erosion Control Team and Regional Board Staff, Pacific Bell organized a workshop for their employees, other utility companies, and contractors involved in utility maintenance in the Tahoe area. An estimated 35 people attended the workshop, held at the Lake Tahoe Community College Theater on April 16, 2002.

Robert Larsen of our staff gave a brief presentation outlining Regional Board requirements, including an overview of existing Waste Discharge Requirements for utility maintenance activities and Lake Tahoe Basin General Construction permits. His discussion also covered common problems associated with utility maintenance projects and some simple solutions to prevent unnecessary soil disturbance.

Matthew Graham, Senior Erosion Control Specialist with TRPA, presented information on proper application of various

construction site temporary BMPs. Mr. Graham discussed the difference between erosion control and sediment control, and emphasized the relative ease and cost effectiveness of keeping soil in place (erosion control) over removing entrained sediment from storm water flows (sediment control). Paul Nielson with TRPA then discussed his agency's regulatory process, focussing on Memorandums of Understanding between TRPA and utility companies that allow for routine maintenance without TRPA review.

The workshop provided an opportunity to review the unique regulatory and environmental conditions found in the Lake Tahoe Basin. Both Mr. Larsen and Mr. Graham forwarded copies of their presentations to Pacific Bell for additional distribution. Through workshops like these, local agencies are working to educate project proponents on the importance of appropriate BMPs to protect water quality in sensitive watersheds.

#### **6. *8<sup>th</sup> Annual Lake Tahoe Ecological Forum - Kara Russell***

Lahontan staff attended the eighth annual Lake Tahoe Ecological Forum, hosted by the TRPA and CTC and sponsored by the Lake Tahoe Basin Biological Advisory Group, on March 28, 2002 at the Lake Tahoe Community College. The annual forum brings research biologists, natural resource managers, and other interested parties together to share knowledge, encourage new ideas, provide educational opportunities, and promote professional and community relationships. Interested Lake Tahoe residents are encouraged to attend to learn about current ecological research, monitoring programs, and management projects occurring in the Tahoe Basin.

Chris Maser, Forest Ecologist, gave the keynote address at this year's forum entitled "Uniting Economy and Ecology in Sustainable Development." Presentations included "Invasive Weeds: Can We Afford to Ignore Them?" given by Sue Donaldson, Botanist at the UNR Cooperative Extension; "Effects of Prescribed and Wild Fire on Pine Forest Communities in the Tahoe Sierra" given by Jennifer Briggs, PhD candidate in Ecology at UNR; "Development of Daily Stream Flow Statistics for Fisheries Management of Lake Tahoe's Tributaries" presented by John Tracy, Hydrologist with Desert Research Institute; "Lahontan Cutthroat Trout Recovery Plan and Its Implementation" given by Lisa Heki, Fisheries Biologist with the US Fish and Wildlife Service; and "Developing Tools for Better Decision-Making: Tahoe Integrated Information Management System (TIIMS)" presented by Tricia York, Environmental Planner/Wildlife Biologist with the TRPA.

The forum included poster sessions and closed with a panel and audience discussion entitled, "What is your role? Agency, community, and individuals responsibility for at-risk species sustainability." Panelists included Claire Fortier, Columnist and Lake Tahoe Resident; John Hassenplug, North Tahoe PUD; Jon-Paul Harries, League to Save Lake Tahoe; Mollie Hurt, USFS-LTBMU; Chris Maser, Forest Ecologist; and Heather Segale, Lake Tahoe Environmental Education Coalition.

#### **7. *Waivers of Waste Discharge Requirements - Harold Singer***

Pursuant to State Law, all waiver policies and existing waivers expire on December 31, 2002 unless renewed by a Regional Board. The Lahontan Regional Board's

waiver policy includes 24 categories of discharges. Some of these categories are used very frequently while others may not have been used during the last ten years. The exact number of project-specific waivers is still being determined.

For each category, the Regional Board has the option of renewing the waiver, allowing the waiver to expire or adopting a general waste discharge requirement to cover the category instead of a waiver. If the waiver is allowed to expire and a general waste discharge requirement is not adopted, the Regional Board will be faced with considering individual waste discharge requirements or individual waivers. Any action by the Regional Board to renew a waiver for specific categories or adoption of general waste discharge requirements will require compliance with the California Environmental Quality Act. Additionally, the Regional Board could consider waivers or general waste discharge requirements for categories not currently contained in the waiver policy. I intend to have more information on the number of waivers issued in each category and a recommended strategy to address this issue at the meeting.

## **SOUTH BASIN**

### **8. *Summary of Remedial Investigation Results at Air Force Plant No 42-Palmdale*** *- Tim Post*

The comment period for the *Draft Remedial Investigation Report for Operable Units 1, 2, 3, 4 and 5*, ended on March 29, 2002. Members of the Environmental Restoration Advisory Board, Department of Toxic Substances Control (DTSC), and Regional Water Quality Control Board staff (Board staff) all commented on the Report. The investigation was conducted from 1997

through 2001 and included sampling and analyses of soil gas, shallow and deep soils, and ground water. From the data generated, cumulative human and ecological risks (a summation of all exposures from air, soil, and water) were determined for the detected contaminants.

The Report concludes that nine (of 28) sites may require some level of remedial action, four sites may require more ground water monitoring before a cleanup decision is made and fifteen sites are recommended for no further action. Once DTSC, Regional Board staff, and the Air Force agree which sites require remedial action, a Feasibility Study will be prepared to determine the most effective remedial actions for those sites.

Site 29 in the northwestern portion of the facility is the only site with significant ground water contamination. The site investigation revealed a trichloroethylene (TCE) plume approximately 650 feet long, contained within the Plant boundaries, with concentrations ranging from 37 to 150 µg/L. The drinking water standard for TCE is 5 µg/L. Further investigation of this site is necessary to determine the source area, volume, and extent of contamination and the most appropriate remedial action. Board staff is working with DTSC and the Air Force to develop an effective plan of action.

### **9. *Comment Period Ends for the Notice of Preparation for Draft Basin Plan Amendments*** – Shannon Smith

A Notice of Preparation (NOP) was sent out to interested parties and trustee agencies on February 5, 2002, and the comment period ended March 22, 2002. The NOP outlined five proposed Basin Plan amendments that will be incorporated into a Staff

Report/CEQA Functional Equivalent Document (FED) currently being prepared by staff.

Board staff received 16 comment letters during the period and each comment will be addressed and incorporated into the Draft FED. Examples of comments received include:

- Several comments were received that question whether Searles Lake, Paiute Ponds, Amargosa Creek, and Rosamond Dry Lake are Waters of the United States.
- Several interested parties provided comments that supported either changing or maintaining particular beneficial use designations for the water bodies. Other commenters recommended removal of some beneficial uses for Searles Lake, Owens Lake, and Amargosa Creek.
- The Department of Fish and Game commented Board staff should consider the *Owens Basin Wetland and Aquatic Species Recovery Plan* and Deep Creek's "Wild Trout Area" and make habitat considerations for each proposed amendment when analyzing the impacts that the proposed Basin Plan amendments may have.

Board staff will work cooperatively with interested parties and stakeholders to determine the historic, present and attainable beneficial uses for each water body. The Draft FED is expected to be released for public review and comment this summer.

10. ***Molycorp Cleanup and Abatement Order Compliance Status Update - Curt Shifrer***

Revised Waste Discharge Requirements (WDRs) require Molycorp to stop the Mill

discharge to P-16 by November 6, 2002 and begin closure. To dispose of the Mill discharge after this date, the Discharger is proposing a waste management unit (WMU) at a location other than the P-16 site. San Bernardino County, the lead agency under the California Environmental Quality Act (CEQA), is currently working on an Environmental Impact Report (EIR) that will address the New WMU. The County has scheduled completion of the EIR by early 2003. The Discharger has verbally indicated to Board staff that they hope to complete construction for the New WMU and restart the Mill discharge by January 2004. Therefore, Molycorp will not have a tailings disposal facility from November 6, 2002 until January 2004.

In the first quarter of 2002, Molycorp gave presentations on a new tailings disposal technology (waste pile) which it hopes will replace the current tailings pond technology. Molycorp gave presentations to Board staff, Department of Health Services (Radiological Health Branch) and San Bernardino County. The EIR will evaluate the waste pile and tailings pond technologies. Molycorp plans to submit a Report of Waste Discharge (RWD) for the new WMU in early 2003.

Molycorp staff indicated they would also be submitting RWDs for a second and third project. The second project involves disposal of wastes generated by soil cleanups at the Mine Site to both P-16 and the Inactive West Tailings Pond (P-1). The third project involves developing an alternative approach for disposal of extracted ground water generated by Mine-Site corrective action systems. Currently, Molycorp disposes of the extracted ground water at P-16 and reuses it in the Mill Plant. After November 6, 2002, P-16 and the Mill

will not be available to receive extracted ground water. The project as described to Staff would involve disposal of treated ground water to Wheaton Wash.

Currently, most of the P-16 leakage is occurring through drainage of free liquid from tailings solids discharged to P-16 between 1967 and April 1, 2000. In March 2001, the Executive Officer issued an Amended Cleanup and Abatement Order (Amended CAO) requiring Molycorp to improve existing systems that capture the P-16 leakage. The Amended CAO requires that the Discharger submit to the Board by April 26, 2002 a finalized report describing the effectiveness of facilities used to capture leakage.

By October 2001, Molycorp had constructed and began operating an extraction well for the Corrective Action System located in the western portion of the Mine Site near the old tailings pond (P-1). As required by the Amended CAO, the Discharger submitted a report by March 29, 2002 evaluating the effectiveness of the corrective actions. Monitoring indicates ground water levels are responding slower to extraction well pumping than predicted.

Molycorp still does not have approval of the Bureau of Land Management (BLM) to drill all of the offsite ground water monitoring wells. These wells are needed to complete the investigation of Mine Site ground water plumes. On December 13, 2001, BLM sent the Biological Evaluation to the U.S. Fish and Wildlife Service (USFW) for review and consideration of approval. USFW reviews are reportedly taking longer than several months to complete. Molycorp has received right-of-way access from the BLM to install one monitoring well located north of the New Ivanpah Disposal Ponds. Well

installation is tentatively scheduled before the end of April.

A Technical Working Group, comprised of representatives from various regulatory agencies met in late February and discussed the draft report on the Alternate Sources Investigation. Under the Alternate Sources Investigation, Molycorp has investigated offsite releases of mine related material that were previously identified using remote sensing techniques. The offsite-release areas include windblown tailings from P-16, the area downwind of both the New and Old Ivanpah Evaporation Ponds, the borrow pits, and washes downgradient of the Mine Site.

A teleconference is scheduled in mid April for the Technical Working Group involved in the Human Health and Ecological Risk Assessment (HHERA). The additional data available from the draft Alternate Sources report will be discussed to further refine the scope of the HHERA.

A Feasibility Study was submitted by Molycorp for the surface closure of the New Ivanpah Disposal Pond. A radiologic risk assessment was also conducted as part of the study in order to help evaluate closure options. Four closure options were evaluated and included the following: 1) No Action; 2) Onsite Disposal; 3) Offsite Disposal at Mountain Pass Mine; and 4) Offsite Disposal at a Licensed Site. The Feasibility Study recommended onsite disposal, which consists of the construction of a low-permeability radon barrier cap over the entire New Ivanpah Disposal Pond area.

**11. *Potential Engineered Alternative Cover Design for Arid Environment Landfills – Christy Hunter***

A new way of looking at cover design for final landfill closure is being considered by Board staff as a result of preliminary, unpublished data recently presented by the County of San Bernardino. Soil moisture studies were initiated about four years ago and are on-going at a number of landfills in the high desert area. What sparked these studies is the acknowledgement that the prescriptive standard cover elements, detailed in California regulations, are inappropriate for landfills in an arid environment. Prescriptive standards were written as a one-size-fits-all, but were designed for those landfills that receive far more rain than those in a dry climate; understandably their performance goal was meant to prevent rain infiltration and hence prevent the formation of leachate. Whereas in an arid setting, the cover system is more likely to be exposed to dehydration and indeed, the recent soil-moisture data at these desert sites appear to show that the dominant moisture movement in the cover is upward under the forces of capillary action. These observations also indicate that the landfill-derived moisture never reaches the surface.

The implication of these observations is key to the County's proposal, because the consequence is that the prescribed thickness (four to five-feet thick), low permeability cover system may actually be causing ground water degradation at some of the desert landfills by trapping upward migrating landfill gases and moisture. The County's proposed alternative is a thin-layer (two-foot thick) of native soil, which would allow landfill fluids to escape, yet minimize infiltration from most rain events. The County has proposed this alternative cover for the Lenwood-Hinkley landfill. Board staff may recommend an engineered alternative final landfill cover when WDRs are proposed for revision later in 2002.

## 12. *IMC Chemicals, Inc. (IMCC), Trona – Kai Dunn*

### **Improving Technology**

IMCC has installed and is operating a system to recycle and re-use all of the water from the ACE Co-generation facility that was previously discharged directly to Searles Lake. Brackish water pumped from the underlying ground water was previously used. This project results in reduced energy usage and conservation of the underlying brackish water resource. IMCC is also improving its procedures for detecting phenols used in the process.

### **Compliance Status**

Daily reporting data from IMCC show that interim effluent limitations set forth in the WDRs were not exceeded during the month of March 2002. Six bird deaths were reported during the same period. IMCC has started cleanup activities of certain sites and submitted an addendum to revise the Site Cleanup Work Plan for Searles Lake. Staff is reviewing the addendum and continuing to work with IMCC to achieve site cleanup.

### **Basin Plan Beneficial Uses**

IMCC has submitted a hydrological survey report to provide background hydrologic information to support the next Basin Plan amendment. The information IMCC developed in the report will be instrumental in evaluating appropriate beneficial uses for surface water of Searles Lake. Staff is working with the Department of Fish and Game (DFG) to review Dr. Fry's bird mortality report and has provided comments to IMCC. Staff has contacted both DFG and



Dr. Fry to continue to investigate problems associated with bird usage of Searles Lake.

13. ***Mammoth Lakes-Stormwater*** – *Doug Feay*

Since last year, many sites have improved erosion control efforts, although not all problems have been eliminated. Town staff has been conducting inspections at several construction sites and has taken enforcement actions at sites with erosion control problems. Early April, the Town issued a field violation notice for inadequate stormwater Best Management Practices (BMPs) to a builder who is constructing townhomes. In another enforcement action the Town issued an enforcement action including a \$370 fine to a different builder. The enforcement action was issued for land clearing and grading, without a permit, lack of BMPs for erosion and sediment control, and soil dumping in the Town's right-of-way. Depending on the severity of the problem and the required actions of the notice, compliance schedules for corrective actions were set at one day to one week. Both builders corrected the violations and their sites are in compliance. Town staff has provided photo documentation of the sites and copies of correspondence to Board staff.

An Erosion Control Workshop and training was held May 2, 2002 in Mammoth. The workshop covered erosion and sediment control at construction sites and ski areas, stormwater regulations, and included a field trip and demonstration of erosion control materials. Attendees included local builders, regulatory agencies, Caltrans and ski area managers.