

## EXECUTIVE OFFICER'S REPORT

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September 2001

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### ***NORTH BASIN***

1. ***Decision Notice Appeal Resolved, Noxious Weed Control Program, Humboldt-Toiyabe National Forest – Jason Churchill***

In June, 2001 I filed a Notice of Appeal regarding the Decision Notice/Finding of No Significant Impact (DN/FONSI) issued by the U.S. Forest Service, Humboldt-Toiyabe National Forest (HTNF) for its Noxious Weed Control Program. The program affects parts of Mono, Alpine, Nevada, Plumas, Lassen, and Sierra Counties and relies heavily on herbicide use. The appeal was based on the failure of the Noxious Weed Control Program to ensure compliance with Basin Plan water quality standards through adequate mitigation and monitoring of herbicide applications. The appeal was necessary because the DN/FONSI did not address staff comments and concerns previously communicated to the HTNF.

A negotiated a settlement was achieved during a meeting on July 12, 2001. The HTNF Forest Supervisor subsequently issued a memorandum incorporating the agreements into the Noxious Weed Control Program and Decision Notice. The supplemental Decision Notice provisions adequately water quality concerns, and on August 29, 2001 I issued a letter withdrawing the appeal. Under the terms of the agreement staff will coordinate

with the HTNF in developing a mutually acceptable herbicide monitoring plan that requires my approval before herbicide applications under the Noxious Weed Control Program may proceed.

2. ***Submittal of Indian Creek Reservoir TMDL Technical Support Document to USEPA – Chuck Curtis***

Regional Board staff submitted the Technical Support Document for the Indian Creek Reservoir Phosphorus Total Maximum Daily Load (TMDL) to the USEPA on August 10, 2001 to fulfill a commitment for completion of the TMDL. The report was sent with a letter indicating it is the Regional Board staff's intention to bring the TMDL to the Regional Board for adoption when the Regional Board has a quorum for this item. In a subsequent discussion with USEPA staff, the USEPA indicated they would take no action on the TMDL provided the wait for a Board quorum did not extend greater than a few months. The USEPA has authority to adopt the TMDL based on the Technical Support Document. Whether or not the USEPA adopts the TMDL based on this report, the TMDL, including an implementation plan, will ultimately come before the Regional Board for adoption and incorporation into the Basin Plan.

3. ***Swiss Mart Gas Station, El Dorado County***  
*- Lisa Dernbach*

MTBE has been detected above the primary maximum contaminant level (MCL) in two private drinking water wells on Eloise Avenue in South Lake Tahoe during this summer. Concentrations increased in one private well three times above concentrations detected the previous year.

The Swiss Mart Gas Station is the source of the MTBE, based on monitoring well data submitted in quarterly reports. The MTBE ground water plume extends 1,100 ft from the gas station beneath a commercial and residential area. I issued letters to the responsible parties directing them to provide wellhead treatment or alternate water supply to the owners of the private drinking water wells. The responsible parties have installed a carbon filter at each well, and the filters are effectively removing MTBE from the well water.

The increase in MTBE concentrations on Eloise Avenue likely occurred because the plume was not being fully contained by the ground water extraction well network located one block upgradient. Staff contacted the responsible parties who have since submitted a proposal to expand ground water extraction to Eloise Avenue and other locations. The new extraction wells should be on-line before the end of the year.

4. ***CAO Rescinded: Bodie Hills Recreational Vehicle Park, Mono County*** - Bud Amorfini

I recently rescinded a Cleanup and Abatement Order (CAO) issued to the proponents of the proposed Bodie Hills RV Park project. I issued the CAO in July 2000 due to unauthorized grading operations that threatened to discharge sediment to Clearwater Creek (a stream already impaired by sedimentation) and because the property owners failed to submit a report of waste discharge (RWD) for the project as I required in an April 2000 letter. The CAO required the discharger to remove waste soils from an ephemeral drainage tributary to Clearwater Creek, stabilize disturbed soils from erosion, and submit a complete report of waste discharge before proceeding with any additional land disturbance or construction activities. After I issued the CAO, the proponent undertook measures necessary to abate the potential erosion problems and removed the soils discharged to the ephemeral stream.

Staff has monitored the site over the last year and no additional unauthorized construction activities have occurred. Based on the most recent inspection by staff (August 21, 2001), I believe the CAO has produced the desired results and I therefore rescinded it. Since a RWD has not yet been provided for the project, the CAO rescission reiterated my standing request, and provided clear direction that no further ground disturbance from construction activities is authorized unless a complete RWD is received by the Regional Board and processing is completed.

5. ***Issuance of Administrative Civil Liability Complaint Against El Dorado Department of Transportation for the Discharge of Fresh Concrete Waste to a Storm Water***

***Conveyance and Thence to Trout Creek,  
Tributary to Lake Tahoe – Robert Larsen***

The Pioneer Trail III Erosion Control Project was initiated to improve storm water conveyance and treatment facilities on portions of Pioneer Trail and several side streets in South Lake Tahoe. Regional Board staff inspected the project during a thunderstorm on August 8, 2001 to ensure appropriate best management practices (BMPs) were in place to control storm runoff. At approximately 4:15 PM staff drove by Golden Bear Trail and noticed a construction employee washing fresh concrete from curb and gutter equipment directly into a nearby storm water inlet. Concrete laden water was flowing from the inlet through a conveyance directly to Trout Creek.

Staff requested the employee cease the washing activity. Photographs were taken of concrete being washed from the equipment, contaminated water flowing into the storm drain, and the visible contaminated plume at Trout Creek. Once notified of the situation, construction staff immediately blocked the storm drain and shoveled the remaining concrete out of the drainage path. A silt fence was installed at the culvert outfall at Trout Creek within thirty minutes of the initial violation to contain any additional contaminated runoff.

Staff met with the contractor and representatives from El Dorado County the following day to discuss the violation and actions that will be taken to prevent such violations in the future. According to El Dorado County representatives, concrete washing is only to occur in an unfinished curb and gutter area contained with BMPs.

The employee acted negligently when washing the equipment outside of the designated area.

On September 11, 2001 I signed an Administrative Civil Liability Complaint in the amount of \$3,000 for violation of applicable General Waste Discharge Requirements and Prohibitions contained in the Water Quality Control Plan for the Lahontan Region. The contractor has recently informed staff that he intends to pay the ACL.

6. ***Meeting with the Lake Tahoe Unified School District (LTUSD) Regarding Vehicle Maintenance Facility Noncompliance - Lauri Kemper***

Regional Board staff met with Diane Scheerhorn, LTUSD Superintendent, and Steve Morales, LTUSD Director of Facilities, to discuss LTUSD's ongoing noncompliance with the Statewide Industrial Stormwater Permit for the vehicle maintenance facility.

The meeting stemmed from an inspection by Regional Board staff on March 9, 2001. Upon the inspection, several violations were noted and a copy of the Storm Water Pollution Prevention Plan (SWPPP) was requested. No SWPPP had been completed as required in the General Industrial Stormwater Permit for the facility. Staff sent several letters requesting a SWPPP be submitted. LTUSD failed to meet the deadlines and submitted insufficient drafts of the SWPPP. Regional Board staff determined that a meeting with the LTUSD Superintendent and Director of Facilities was needed to obtain future permit compliance.

On August 23, 2001, Regional Board staff discussed the deficiencies of the drafts submitted and presented a list of the required constituents to assist LTUSD in completing a SWPPP. Staff gave LTUSD a week to submit a sufficient draft of a SWPPP before a Notice of Intent to Issue an Administrative Civil Liability (ACL) for continued violations and failure to submit a SWPPP would be issued. An acceptable SWPPP was received on September 7, 2001.

7. ***All Levels of Government Pledge to Save Lake Tahoe-Lake Tahoe Restoration Summit - Mary Fiore-Wagner***

The theme of collaborating to protect Lake Tahoe resonated at the Lake Tahoe Restoration Summit held on August 21, 2001. Federal and state lawmakers including EPA Administrator Christie Todd Whitman joined with basin-wide local officials and scientists in committing to the implementation of over \$900 million in environmental improvement projects.

Chief level staff from the U.S. Geological Survey, Army Corps of Engineers, and U.S. Forest Service all echoed that collaboration and good science would be necessary to effectively protect the future of Lake Tahoe. The same sentiment was also voiced by the Secretaries of California's Business, Transportation, and Housing Agency and Resources Agency who also ensured that the resources pledged by California were still dedicated for restoration projects within the Basin.

Regional Board staff participated in a poster session which highlighted three major water quality projects: the Trout Creek Restoration Project, the Lake Tahoe Polycyclic Aromatic Hydrocarbon Study, and the Lake Tahoe

Research and Monitoring Program. All projects involve financial and technical Regional Board commitments as well as collaboration with numerous university, local, state, and federal entities.

The 2001 Summit assured that the Bush Administration would continue to invest in the protection of Lake Tahoe, a commitment set forth with the passage of the Lake Tahoe Restoration Act which resulted from the first Lake Tahoe Summit held in 1997 during the Clinton Administration.

8. ***Leviathan Mine Discharge Successfully Treated - Chris Stetler***

This summer Regional Board staff successfully neutralized all acidic drainage contained in evaporation ponds at Leviathan Mine.

Constructed ponds at the site receive a continuous flow of acidic drainage from remnant underground tunnels. The tunnel drainage is an acidic solution containing elevated concentrations of iron, aluminum, arsenic, nickel, and copper. Without treatment, the ponds would fill and overflow into Leviathan Creek, a tributary to the East Fork of the Carson River in Nevada. Since 1999, the Regional Board has been treating pond water during the summer months in an effort to minimize the potential for pond overflow. This year's work resulted in the complete evacuation of the pond system (a first), thereby maximizing pond storage capacity and minimizing the potential for pond overflow. The ponds have not overflowed since Board staff commenced pond water treatment in 1999.

In addition to pond water treatment, Board staff 1) implement an extensive monitoring program that includes monthly water quality sampling and continuous flow recording at locations above, inside, and below the mine site, 2) revegetate disturbed areas, and 3) conduct infrastructure assessments and site facilities maintenance. Board staff and our contractors plan to re-assemble and operate the treatment system again during the 2002 field season.

9. ***Snapshot Day Follow-up Sampling -***  
*Abigail O'Keefe*

On September 6, 2001, State and Regional Board staff, along with citizen monitors conducted follow-up sampling to the June 2, 2001 Snapshot Day. The follow-up sampling occurred at locations that had high fecal coliform and *E. coli* numbers on June 2, 2001, and at areas that were suspected of having high levels of fecal coliform and *E. coli*.

Samples were taken at 15 locations throughout the Lake Tahoe Basin. Each sample was split and processed for identifying fecal coliform, *E. coli* and total coliform. Violations for the fecal coliform standard were found at Ski Run Marina, the Tahoe Keys Marina and in Angora Creek. As a result of this investigation, staff is requesting the owners of the Hornblower Cruises (see item #10) to take corrective action. Fecal coliform levels at the Tahoe Keys Marina were slightly above standards and will be investigated. Sources at Angora Creek are thought to be from beaver activity. Overall, the numbers showed good correlation between the fecal coliform and *E. coli* methods. Staff plan to continue comparing the different techniques to further

evaluate any variations. Regional Board staff will perform follow-up sampling at the Tahoe Keys Marina and Angora Creek.

10. ***Corrective Action Taken by Hornblower Cruises – Mary Fiore-Wagner***

On September 12, 2001, staff requested the owners of Hornblower Cruises to take corrective action to prevent the discharge of water containing sewage. During a sampling event at Ski Run Marina on September 6, 2001, staff observed Hornblower staff pumping sewage from the tour boat to the sewer manhole. After the hose was disconnected, Hornblower staff allowed the hose to discharge wash water to the marina. Staff took samples prior to the discharge and in the vicinity of the discharge and measured a substantial increase in fecal coliform after the discharge occurred.

Staff requested an alternate plan for pumping sewage (complete containment) and sampling of the marina following sewage pump out operations. Hornblower has informed staff that measures have already been taken to prevent sewage from entering the marina through pump out operations by enclosing the hose in a corrugated metal pipe. Hornblower staff also informed staff that wash water would be disposed of in a bucket when disconnected and flushed to the sanitary sewer.

***SOUTH BASIN***

11. **Drinking Water Sampling Results at Pacific Gas and Electric (PG&E) Hinkley**

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Joe Koutsky

The California Department of Health Services Environmental Health Investigation Branch (CDHS EHIB) asked the Regional Board to sample drinking water wells of Hinkley residents in the vicinity of PG&E's chromium plume. A January 2001 Public Health Assessment by CDHS EHIB recommended the sampling.

Board staff collected samples from a total of 24 private drinking water wells that supply 27 residences. Water samples were analyzed for general minerals and metals in addition to total and hexavalent chromium.

Preliminary results indicate that all samples were below the maximum contaminant level (MCL) of 50 parts per billion (ppb) for total chromium. However, all the wells sampled exhibited hexavalent chromium concentrations that exceed the Public Health Goal (PHG) of 0.2 ppb. With respect to total chromium, 20 of the 24 wells exhibited concentrations that exceed the PHG of 2.5 ppb. Several wells were found to contain elevated nitrates, total dissolved solids, chloride and sulfates. In seven of the wells, nitrate as N was detected above the MCL of 10 parts per million (ppm). Most of these wells are located near a large dairy. CDHS EHIB and the San Bernardino County Environmental Health Department notified those residents with infants that could be at risk from the nitrate-contaminated ground water during the week of September 24, 2001. Board staff plans to resample wells that have elevated constituents. CDHS EHIB mailed notification letters with this

information to all the well owners in the week of September 10, 2001.

All of the other well owners and residents (not at risk from contaminants in their ground water) received notification letters from CDHS EHIB informing them of the analytical results of their well water.

12. **IMC Chemicals (IMCC), Trona - Kai Dunn**

**Improving Technology**

IMCC and their consultants continue to study the analytical methods to support site-specific analytical monitoring and compliance testing as required in the WDRs. Analytical methods are also being evaluated to take into consideration the interference that arises from highly brine discharges. A final report is scheduled for later this year.

**Compliance with Board Orders**

Daily reporting data from IMCC shows that the interim effluent limitations set forth in the WDRs have not been exceeded during the month of August 2001. Thirty-eight bird deaths were reported during the same time period. Bird fatalities increased during the month of August. The possible reason is due to increased seasonal migration. Records of wildlife found last year reflect that bird population for migration increased in the last half of August, but decreased in the first half of September. As part of Cleanup and Abatement Order No. 6-00-64A1, IMCC and their consultants have proposed an additional sampling plan for the Dredge Pond characterization and submitted IMCC's Best Management Practice (BMPs) and evaluation. Board staff approved the additional sampling plan for the Dredge Pond characterization and is in the process of reviewing the BMPs and evaluation.

### **Basin Plan Beneficial Uses**

Staff is preparing a Notice of Preparation (NOP) for an environmental document to support proposed changes to beneficial use designation for Searles Lake within the next Basin Plan update.

#### **13. *Proposed Development Project in the Rovana Area – Doug Feay***

A project has been proposed to develop housing in Round Valley located about 10 miles northwest of Bishop. The project proposes 355 housing units and associated infrastructures over 280 acres. The project is currently generally underdeveloped pasture land with grazing as a predominant land use. The small housing Community of Rovana is located in the area. Two major creeks and associated drainages and wetlands are found on the site. Inyo County has prepared a Notice of Preparation of an EIR for the project. Board staff requested the lead agency consider impacts to water quality related to the proximity of the project to the creeks and wetlands. Sewer service to the project is proposed by connection to an existing sewage treatment plant. Board staff also requested cumulative impacts due to the extensive project and associated infrastructure and land use impacts be evaluated. Board staff will request the project proponent design the project to maintain buffer zones to protect water quality and avoid wetland impacts. The DEIR for the project is expected in October or November of this year.

#### **14. *Update of Mojave River/El Mirage Area Sampling – Patrice Copeland***

Board staff has worked with stakeholders in the Mojave Watershed to develop a comprehensive strategy for assessment of water quality in the Mojave River system. The plan called for the quarterly collection of both surface and ground water samples for a minimum of eight quarters. The study began in January 1999, and final samples were collected in August and September 2001. Samples were collected from numerous locations ranging from the headwaters of the Mojave River to Afton Canyon. Samples were analyzed for a variety of constituents, including general chemistry parameters, metals, volatile organic compounds (VOCs), and radon. Staff is in the process of evaluating the data collected, and the results of this study will be presented to the stakeholders and Regional Board members.

Aerostructures (formerly Aerochem) continues to investigate chromium contamination in El Mirage area ground water. No results have yet been received. Also, Reports of Waste Discharge have been requested for two dairies in the El Mirage area.

#### **15. *Molycorp CAO Compliance Status Update – Steve Fischenich / Curt Shifrer***

Molycorp temporarily ceased operations during the summer, partly because of the California energy crisis. It plans to resume mining in October 2001. Progress continues on the environmental review for a new long-term tailings disposal facility. P-16 will not be used for tailings disposal after November 1, 2002.

To comply with the Amended CAO, Molycorp installed two additional extraction wells to improve the existing systems for

addressing leakage. The wells were placed into operation in the first quarter of 2001. Ground water levels at the two extraction well sites have dropped over 100 feet. Levels further from the wells continue to drop steadily since the wells were initially started up. Molycorp disposes of captured leakage by evaporators located on the lined portion of P-16.

In October 2001, Molycorp expects to startup a recently constructed extraction well located in the western portion of the Mine Site near the old tailings pond (P-1). Mathematical modeling results predict the new extraction well along with an existing extraction well will:

- Capture any residual pollutants migrating to ground water from the vadose zone underlying P-1,
- Prevent pollutants present in the onsite portion of the P-1 Ground Water Hot Spot from migrating offsite, and
- Cause pollutants in a significant part of the offsite portion of the P-1 Hot Spot to be drawn onsite and into the extraction wells.

Molycorp continues to work with Bureau of Land Management to obtain right-of-way agreements to drill offsite ground water monitoring wells. These wells are needed to complete the investigation of ground water plumes.