



# EXECUTIVE OFFICER'S REPORT

August 2013

## STATE AND REGIONAL

1. **State Water Board Issues Draft Storm Water Industrial General Permit for Public Comment** - *Alan Miller*

In July 2013, the State Water Board released a revised "Final" draft Industrial General Permit (IGP) used to regulate discharges of stormwater associated with industrial activity, not including construction. The draft follows an extensive public outreach and many comments on a prior series of controversial public drafts. Discharger concerns focused on the cost of permit compliance and permit complexity, while environmentalists were concerned with permit enforceability, and Total Maximum Daily Load (TMDL) implementation delays for impaired waters.

The Lahontan Region has approximately 230 facilities currently enrolled in the existing IGP. Examples include the Truckee, Mammoth, and City of South Lake Tahoe Airports, transit and trucking centers, various corporation and maintenance yards, cement and asphalt production, recycling facilities, landfills, manufacturing and steam-power production facilities, and large sewer treatment facilities. The draft IGP includes significant changes to the existing 1997 IGP, including reduced or eliminated training, monitoring, and annual reporting requirements. The IGP includes water quality based "Exceedance Response Actions" and allows for Permit exemptions with a "no-exposure" certification where Permit-covered industrial activity occurs without contacting stormwater.

Comments on the draft IGP are due on August 29, 2013. Associated documents may be viewed and downloaded from the State Water Board's website under Stormwater links. State Water Board staff will conduct two workshops during the public comment period on the draft IGP, and has scheduled a hearing before the State Water Board in Sacramento on August 21, 2013. At the hearing, the State Water Board will hear comments on the draft IGP but will not take any action; it may consider adoption of the final draft IGP in early 2014.

## NORTH BASIN

### 2. **Lassen County Fair Kiddie Korner**— *Carly Nilson and Mary Fiore Wagner*

Water Board staff participated in the Lassen County Fair's children's corner on July 18, 2013. Sponsored in part by the Lassen County Farm Bureau and the Proposition 84 grant, the children's corner showed how farmers and ranchers can provide reliable food sources through responsible stewardship of land and water.

Educational stations taught responsible farming and ranching to protect water quality. To show this important concept, Water Board staff used the three-dimensional watershed model to demonstrate how pollutants can impact our waters. Through the interactive demonstration, children observed what can happen in their watershed when it rains and no best management practices (BMPs) are in place to capture pollutants associated with agriculture. Staff helped the young audience formulate ideas (or BMPs) that could be used to keep fertilizers, pesticides, loose soil, and cow waste out of creeks and lakes. Lassen County was enthusiastic to have staff demonstrate the model to over 100 children who walked away with a better understanding of our shared responsibility to protect water quality.

### 3. **Leviathan Mine Treatment Activities, Alpine County** – *Taylor Zentner*

The Water Board's Leviathan Mine treatment contractor began this year's acid mine drainage (AMD) treatment activities on July 8, 2013. This followed the late-June sludge disposal activities to remove about 280 tons of sludge from the previous year's treatment activities. The pond system at the site collects AMD from a former mine tunnel (the Adit) and from an underdrain system in the former mine pit. The ponds were constructed in 1984 by the Water Board as

part of a pollution abatement project at the site. The ponds capture these two AMD sources that otherwise would discharge to Leviathan Creek.

As of late-July, the Water Board's treatment contractor had treated about 2.2 million gallons of AMD from the ponds. Staff estimate that a total of about 2.5 million gallons of AMD will be treated this year, making it potentially the lowest volume of treatment since the Water Board began treatment in 1999. The volume of AMD needing treatment is closely related to the amount of precipitation received at the site, as precipitation affects groundwater flow and the amount of direct precipitation on the ponds. All of the AMD in the ponds is treated during the summer in order to maximize the pond volume available for AMD capture through the fall, winter and spring, when access to the site is limited and treatment is not readily available.

Water Board staff recently met with the Department of General Services to initiate preparation of the next pond water treatment contract, for the 2014 through 2016 treatment seasons. Recently, staff toured the mine site with the State Board's Health and Safety Unit staff to ensure proper health and safety practices are being implemented by Water Board staff at Leviathan Mine.

## SOUTH BASIN

#### 4. **San Bernardino County Adopts Temporary Moratorium on Commercial Solar Energy Projects** – *Jan M. Zimmerman*

On June 12, 2013, the San Bernardino County Board of Supervisors unanimously approved a 45-day moratorium on approval of utility-scale solar energy projects with the adoption of an Interim Urgency Ordinance (Ordinance). On July 23, 2013, County Supervisors again unanimously voted to extend the moratorium and the Ordinance until June 12, 2014. Following a rash of complaints about solar development projects in residential areas, the County Supervisor's moratorium gives time to assess potential land use incompatibility and consider whether it is necessary to amend the County's development code and general plan. The moratorium applies to unincorporated areas of the County and only applies to commercial solar energy generation projects that have not yet been approved by the County. Those projects that have already been approved are not be affected by the ban.

While the moratorium is in effect, the County will continue to accept all solar applications for processing with the understanding that no permits for construction will be issued until the moratorium is lifted. There are reportedly more than 30 such projects now in the planning process with many of them in close proximity to residential areas. Residents living near existing solar projects have alleged that solar development has reduced property values, lead to blight and vandalism, impacted aesthetics and views, and created nuisances associated with light, glare, heat, and dust. Complaints have been heard from residents across the high

desert including those in Oak Hills, Newberry Springs, and the greater Barstow area.

The County will consider whether to amend its development code and application process for solar projects, as well as resolve project siting and other land use and zoning requirements to address resident complaints. The County is also evaluating how renewable energy projects will be incorporated into its general plan, something that is currently missing.

Since the moratorium was adopted, Water Board staff have received and reviewed San Bernardino County planning documents for five new commercial solar projects in the high desert.

#### 5. **Antelope Valley Regional Water Management Group, Integrated Regional Water Management Plan Update and the Salt and Nutrient Management Plan** – *Jan M. Zimmerman*

Water Board staff attended a meeting of the Antelope Valley Regional Water Management Group (RWMG) on July 17, 2013. A progress report on the efforts to update the Antelope Valley Integrated Regional Water Management Plan (IRWMP) was presented. A draft plan will be available for review in September 2013.

An update on available Proposition (Prop) 84 and Prop 1E grant funding was provided. Following the competitive grant application review process, the Department of Water Resources (DWR) did not recommend funding for the Little Rock Dam Sediment Removal Project because the project lacked a significant flood control component. In the grant application, the group also requested a

total of \$427,000 to implement the Boron Arsenic Pilot Study project, which will consider the feasibility of alternatives to reduce the concentration of arsenic in the potable water system. The alternatives include drilling a new well, well head treatment for the existing well, and blending with imported water. DWR's final recommendations for Prop 84 implementation funds are still pending.

Following the IRWMP update, several stakeholders participated in a subcommittee meeting for the Salt/Nutrient Management Plan (SNMP). Aracely Jaramillo, Los Angeles County Department of Public Works, led the stakeholders in the discussion and provided a copy of the draft SNMP for stakeholder review and comment. Comments on the draft plan should be submitted no later than August 21, 2013. Water Board staff are currently reviewing the plan and preparing comments.

#### 6. **Municipal Stormwater General Permit Renewed** – *Mary Dellavalle*

Stormwater is a resource and an asset in arid California. The best way to protect and maintain the quality of valuable stormwater is through the use of Low Impact Design and employing effective Stormwater Control Measures and BMPs. It is important that municipalities specify practices that can help new or retrofit developments manage stormwater runoff to mimic the natural hydrological functions of a watershed without causing erosion, increased flooding, and loss of groundwater replenishment. Additionally, effective BMPs remove stormwater contaminants such as fertilizers, pesticides, oils, grease, trash and sediment.

State Water Board renewed the Small Municipal Separate Storm Sewer System (Small MS4) General Permit in February

2013. This second Small MS4 permit follows the first permit adopted in 2003. The Small MS4 permit requires municipalities with stormwater conveyances to waters of the United States (WOUS) to develop and implement effective stormwater management controls. These requirements include program development and enforcement following ordinance adoption. The objective of these controls is to keep pollutants out of surface waters by keeping stormwater clean, to treat contaminated stormwater, to soak stormwater into the ground, to provide education and outreach to people who live and work within the municipalities, and to communicate about the Small MS4 program effectiveness to decision makers and the public.

The Small MS4 Permit requires municipalities designated in the permit to file a Notice of Intent (NOI) in the State Board's online SMARTS database by July 1, 2013. Two of the required uploads are a map showing the applicable area and a plan specifying how the municipality will comply with the permit requirements and who within the municipality is responsible for implementing the plan. Designated municipalities in Region 6 that must comply with the Small MS4 permit are: Susanville, Ridgecrest, Apple Valley, Barstow, Hesperia, Victorville and selected communities within portions of San Bernardino and Placer Counties.

The State Water Board may also include Adelanto in a future designation. Barstow and Ridgecrest are included for the first time based on population. Cities in the Antelope Valley, such as Lancaster, Palmdale and Rosamond, and Ridgecrest to the north, are located where there are likely no WOUS and are not subject to the Small MS4 permit requirements. At this time, there is no comparable General Waste Discharge Requirements (WDRs)

for municipalities discharging stormwater to waters of the state that do not constitute WOUS.

Apple Valley, Hesperia, Victorville, and the County of San Bernardino have joined to form the Mojave River Watershed Group (MRWG) to work collaboratively on compliance with MS4s General Permit requirements. This group meets monthly and staff will periodically attend these meetings to assist in addressing their concerns.

To assist these communities in developing their MS4 programs, staff attended a Small MS4 Workshop in June 2013, hosted by Region 7 and the State Water Board, that introduced new permit requirements with an emphasis on region specific hydrologic and infrastructure conditions. Staff has invited State Water Board staff to attend a local Mojave River Watershed Group meeting to collaborate on local high desert concerns.

#### 7. **Piute Ponds Restoration** - *Cindi Mitton*

Wetland and wildlife habitat restoration work at Piute Ponds in Antelope Valley is showing positive results. A commemoration event was held at Piute Ponds by Edwards Air Force Base (EAFB) on July 12, 2013. The event recognized the 2012 Piute Wetland Restoration Project executed by Ducks Unlimited and Los Angeles County Sanitation District 14 (LACSD).

LACSD discharges treated effluent to Piute Ponds. Historically, during wet months uncontrolled flows from the ponds would overflow onto Rosamond lakebed. EAFB owns and uses Rosamond lakebed for base operations and needs to ensure that the playa surface is not inundated during critical times for its operations. In 2004, the Water Board issued a Cease and Desist Order (CDO) to LACSD that

included a requirement that the discharge not cause a nuisance by flowing onto Rosamond dry lake. Through the vision of the partners, the restoration project accommodates both base operations and effluent flows to benefit wildlife habitat.

Initially, EAFB and LACSD proposed field experiments and requested input from Water Board staff to look at the effects of allowing more natural flows from the ponds through the adjacent delta onto Rosamond Lake. Varied flow tests were conducted over 3 years to assess changes in water quality, the ability to compatibly use the lakebed for both water flow and mission operations, and how long it would take the lakebed to dry. Because of promising test results, EAFB and LACSD met with Ducks Unlimited to consider a project to provide water management infrastructure throughout the wetland/pond complex.

In 2011, EAFB, LACSD, California Fish and Wildlife, Water Board, Ducks Unlimited, U.S. Fish and Wildlife Service, Friends of Piute Ponds, educators, hunters, birders, photographers, and hikers met to discuss draft water management and infrastructure plan. In 2012 the Piute Wetland Restoration Project was developed.

Ducks Unlimited obtained a grant from the U.S. Fish and Wildlife Service, North American Wetland Conservation Council, to execute the infrastructure project. In April 2012, construction began. Nine old water control structures were removed. Twenty-two new water control structures were installed, allowing a mix of conditions, including shallow flooding. Six new or restored dikes and 3 new or restored ponds were also constructed. By October 2012, water was again discharged into the ponds that were opened for the public to enjoy. Because flows can now be managed to not cause a

nuisance, the Water Board rescinded its CDO in June 2013.

The project has benefited the water quality and wildlife by allowing seasonal flushing flows and the ability to keep water temperatures balanced at levels that are most beneficial during the heat of summer. Wildlife use has increased with more varied and rare species being observed. Monitoring data are used in an adaptive management approach. The partners plan to update the Management Plan to incorporate additional input and information gained during project implementation and monitoring. A draft Updated Management Plan is expected Fall of 2013.