



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

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

**New Hires**

- Tyler Serrano, Scientific Aid, Wastewater and Agriculture Unit, Victorville. This position supports staff primarily through review of submitted self-monitoring reports, along with other special projects.

**Vacancies**

- 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.
- 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.
- Engineering Geologist, Forestry / Dredge & Fill Unit, South Lake Tahoe. This position will review timber harvest plans and conducting pre-harvest and post-harvest field inspections to evaluate the impact of logging operations and other forest practices (e.g., vegetation management for utility corridors) on the quality and beneficial uses of water.

- 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.
- Engineering Geologist, Cannabis Unit, 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.
- 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

- Jeffrey Fitzsimmons, Engineering Geologist, Land Disposal Unit, Victorville

## 2. Standing Item – Onsite Wastewater Treatment Systems – *Molina Hauv*

This item provides a status update of the State Water Resources Control Board's (State Water Board's) Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS or septic systems), or OWTS Policy. The OWTS Policy allows continued use of OWTS with permitting authority lying with the local agency.

The OWTS Policy establishes a five-tiered approach (Tiers 0-4) for the regulation and management of OWTS installations and replacements (Table 2.1). The Lahontan Water Board currently is the lead contact for the implementation of nine Local Agency Management Programs (LAMPs). There are also two cities that permit septic systems without a LAMP within the Lahontan Region. These cities permit systems by following guidelines in the OWTS Policy under Tier 1.

**Table 2.1 – OWTS Policy Tiers and Local Agencies Reporting to Lahontan Water Board**

Tier	Description of Tier	Effect in Lahontan Region	Local Agencies under Lahontan Water Board Jurisdiction
0	Existing OWTS that are properly functioning and do not meet the conditions of failing systems or otherwise corrective action	Applies to most existing OWTS	
1	New or replacement OWTS that meet low risk siting and design requirements as specified in Tier 1	Applies to two local agencies issuing OWTS permits without a LAMP	Adelanto Victorville
2	Local agencies that permit OWTS with an established LAMP that has standards specified	Applies to local agencies issuing OWTS permits with an approved LAMP	Apple Valley Inyo County California City Barstow Hesperia Mono County San Bernardino County Lassen County Alpine County
3	OWTS in surface watersheds impaired by nutrients or pathogens	Currently, there are none in region 6	
4	Failed existing OWTS	When local agency required corrective actions are completed, OWTS returns to Tier 0	

**Reporting to GeoTracker**

As a requirement in the LAMPs and the OWTS Policy, local agencies must report annually by February 1 on the permitting and enforcement activities of the previous year. Additionally, Lahontan Water Board staff are requesting local agencies to provide the following information in the annual permitting and enforcement reports to evaluate density loading of OWTS in the Lahontan Region:

- Map of septic installations, failures, and complaints
- Narrative summary of septic installations, failures, and complaints from the previous calendar year

Over the past year, Water Board staff have been working with agencies to provide further guidance and training on GeoTracker uploading. In April of 2021, staff met with City of Adelanto staff and were able to obtain their concurrence regarding uploading their annual reports into GeoTracker when they were previously unresponsive. As of mid-April 2022, of the nine local agencies reporting to the Water Board (see Table 2.1) under the OWTS Policy, four have not submitted their 2021 annual reports (Table 2.2).

**Table 2.2 – Summary of Non-Submittal of 2021 Annual Reports**

<b>Local Agency</b>	<b>Description</b>
City of Victorville	Water Board staff reached out to city staff; submittal pending
City of California City	Water Board staff reached out to city staff; submittal pending due to staff changes
City of Barstow	Water Board staff reached out to city staff; submittal pending
Lassen County	Water Board staff reached out to county staff who reported that the county is currently understaffed; submittal pending

### **Accessory Dwelling Units and Senate Bill 9**

To further address the lack of affordable and available housing, Senate Bill 9 (SB 9) was approved by Governor Newsom in September 2021, which promotes the creation of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) by easing the restrictions on subdivisions of lots. The components of the OWTS Policy that are potentially affected by this bill are any new or expanded OWTS covered in LAMPs under Tier 2 or within Tier 1.

In October 2021, the State Water Resources Control Board (State Water Board) released internal guidance addressing SB 9 and its relation to the OWTS Policy. Although SB 9 notes access to public housing is a statewide concern, local agencies have broad land-use authority based on the power to protect public health, safety, and welfare. Their adopted statutes and ordinances govern such use. The Water Boards retain regulatory authority over wastewater discharges and whether plans for wastewater disposal pose a threat to water quality; this includes assuring consistency with such plans and the adopted OWTS Policy requirements.

Local agencies within the region have indicated that there has been an increase in ADU and JADU applications, but the structures are approved only if they meet the requirements outlined in the OWTS Policy and/or their applicable LAMP. Any discrepancies have been forwarded to the Water Board for recommendations.

## **Senate Bill 1215 and Local Agency Meetings**

Senate Bill 1215 was signed into law in 2018, establishing the funding and the regulatory framework for a statewide program to facilitate the consolidation of inadequate OWTS with centralized wastewater treatment systems. This is a result of statewide acknowledgement that improperly sited, designed, operated, and/or maintained OWTS are a source of bacteria and nitrate pollution to surface waters and groundwater. This legislation provides a pathway for compliance with the OWTS Policy and will decrease pollution to surface waters and groundwater. This authority will be executed either through collaboration with local sewer providers or individual wastewater consolidation, or through enforcement orders to establish a timeline for connection to local sewer systems.

In April 2021, Region 6 hired one full-time staff to develop and implement the SB1215 program region-wide through oversight of septic issues and identification of disadvantaged areas. A huge component of this program involves meeting with local agencies to discuss areas of high density OWTS and sewer needs. Water Board staff have met with staff from the City of Victorville, City of Adelanto, and Town of Apple Valley. We plan to meet with Inyo and Mono Counties later in the year to discuss OWTS permitting and the wastewater consolidation program.

A long-term goal of the SB1215 program will be to collect sanitary sewer systems maps identifying areas where sewer services are needed. During local agency meetings, as well as wastewater facility inspections, Water Board staff have been requesting sewer maps and OWTS maps, if available. These maps will be paired with disadvantaged community data, environmental justice data, and other water quality information to identify areas that require wastewater consolidation, sewer extension, or sewer connection funding.

The Budget Act of 2021 (Senate Bill 129 and Senate Bill 170) appropriated \$1.55 billion to the State Water Board. The bill sets aside \$650 million for wastewater projects, with a priority given to septic-to-sewer conversions. This new funding source can be applied to SB1215 projects throughout the Region.

## **Programmatic Issues**

The OWTS Policy is due for a renewal of its waiver in 2023. Part of this renewal process includes Water Boards' input on the problematic issues with the current policy and other recommended changes. Currently, local agencies rely on oversight from the Water Boards regarding specific cases and some septic-related issues where LAMP or OWTS Policy language is unclear.

Regionwide, a common issue is older failing systems that do not meet the current requirements of the LAMP or OWTS Policy. Failing grandfathered systems (projects that were issued final building permits prior to June 16, 1988, by the local agencies) must either connect to sewer systems or install an alternative treatment system because they often exceed the discharge density requirements. These cases are forwarded to the Water Board for oversight and recommendation.

### **3. Bear Valley Cleaners, Vapor Intrusion Sampling – *Shelby Barker***

Bear Valley Cleaners is a commercial dry-cleaning facility located at 16200 Bear Valley Road in the City of Victorville within the Renaissance Shopping Center.

Tetrachloroethene (PCE) has been detected in soil vapor at the site to a depth of 300 feet below ground surface (bgs) and in soil vapor in a residential neighborhood to the north (Tokay Street) of the site. PCE has not been detected in groundwater to date.

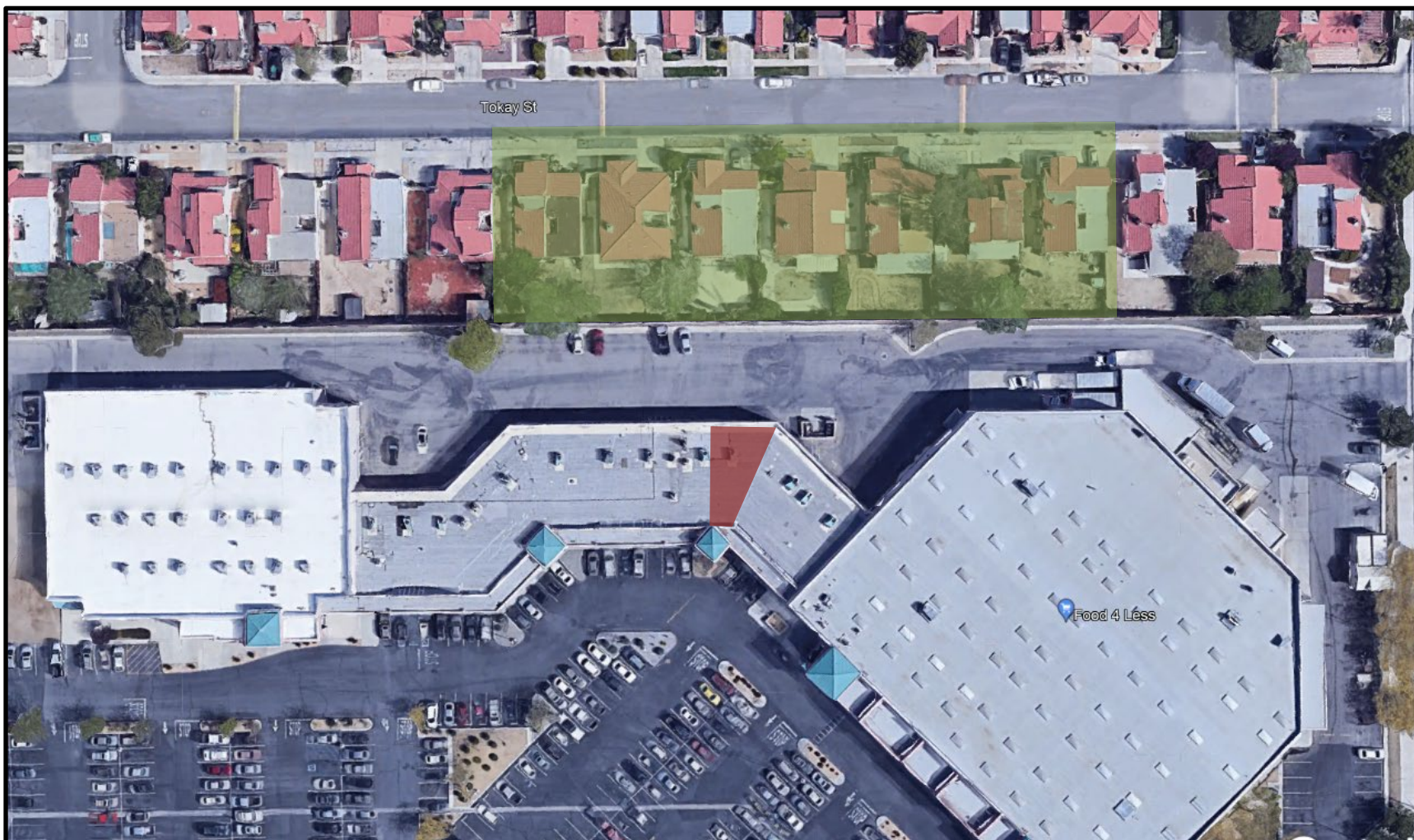
Due to health-risk concerns associated with indoor air exposure to PCE vapors for the residential homes on Tokay Street and businesses near the Bear Valley Cleaners site, the Water Board required the Bear Valley Cleaners responsible party (The Woodmont Company, the appointed receiver for the property owner of the Renaissance Shopping Center) to perform indoor air sampling for seven homes located on Tokay Street, the Bear Valley Cleaners facility itself, and two commercial suites located on either side of the Bear Valley Cleaners (Figure 3.1). The Woodmont Company sent out the access agreements to all homeowners and tenants via certified mail on December 22, 2021. Of the seven homes contacted, four of the homes agreed to indoor and outdoor sampling at their residence. The vapor intrusion field work occurred in February 2022.

Laboratory results of the samples collected indicate vapor intrusion of PCE is occurring into the four residential homes sampled as well as the three commercial suites (Bear Valley Cleaners and the two adjacent suites). State Water Resources Control Board staff performed a risk assessment and determined that the detected PCE concentrations at all locations were within the risk management range that can be addressed by interim measures until site cleanup activities sufficiently remove the vapor intrusion risks.

In April 2022, The Woodmont Company sent certified letters to the residents notifying them of the results and offering air purification systems to address indoor air concerns. As of May 2022, none of the residents have yet to accept the offer for interim mitigations. Water Board staff issued a response letter to The Woodmont Company requiring interim measures be offered to commercial tenants as well. Additionally, Water Board staff have requested a work plan for vapor intrusion sampling at additional homes and commercial suites to better evaluate and delineate the vapor intrusion risk.

In addition to the recent vapor intrusion sampling, The Woodmont Company has submitted soil vapor extraction design plans for remediation activities and a work plan to better characterize the soil vapor plume in the subsurface at the site. Water Board staff are currently reviewing these two documents. We expect that the soil vapor extraction system will likely be up and running by early fall 2022.





- Bear Valley Cleaners
- Residential Homes for Vapor Intrusion Sampling

Image Source: Google Earth Pro

Figure 3.1: Site Vicinity Map

