



## Lahontan Regional Water Quality Control Board



# EXECUTIVE OFFICER'S REPORT

October 2014

### STATE AND REGIONAL

#### 1. **New Laws on Underground Storage Tank Program and Investigation/Cleanup of Water Pollution** - *Brian Grey*

On September 25, 2014, the Governor signed Senate Bill 445 (Chapter 547, Statutes of 2014) authored by Senator Hill. This was an urgency measure, requiring a 2/3 majority vote, which took effect immediately and made significant changes to the Underground Storage Tank Cleanup Fund (USTCF) program. Most notably, the new law authored by Senator Hill, extended the program's sunset date by 10 years, to January 1, 2026. Other significant provisions include:

- Increasing the fee assessed on petroleum stored in underground storage tanks from \$.014 per gallon to \$0.02 per gallon;
- Requiring all single-walled USTs to be permanently closed by December 31, 2025;
- Dedicating 3 mils (\$0.003) of the assessed fee for (1) helping small businesses comply with underground storage tank regulatory requirements (RUST loans and grants), (2) providing funding through the new Site Cleanup Subaccount for investigating and cleaning up contaminated sites without

regard to the source of the contamination, particularly where there are no viable responsible parties, and reimbursing school districts for UST cleanups;

- Providing the State Water Board with necessary authority to address fraud in the USTCF;
- Limiting the cap to \$1 million for claims, Emergency, Abandoned, Recalcitrant Account Program sites, Orphan Site Cleanup Fund sites, and Commingled Plume Account sites submitted to the Board after December 31, 2014;
- Expanding eligibility for Orphan Site Cleanup Fund sites; and
- Auditing of the USTCF every 5 years

A new USTCF webpage, through the State Water Board internet site, will provide information, including Frequently Asked Questions, about SB 445 and its implementation.

On September 28, 2014, the Governor signed Assembly Bill 2442 by Assembly Member Gordon (Chapter 739, Statutes of 2014). The law amends section 13304 of the Water Code to provide the Water Boards and its employees with explicit protection from civil liability related to the investigation and cleanup of water pollution. The law also clarifies the Water

Boards and its employees are not under any obligation to perform additional cleanup work as a result of having undertaken the work initially. The law was sponsored by the Water Boards and will take effect at the beginning of the year.

2. **Participation in the California Adaptation Forum - Cindy Wise**

Combating climate change has been called the biggest challenge of the era. To help meet this challenge, the State of California partnered with the Local Government Commission to organize the inaugural California Adaptation Forum (Forum) in late August 2014. Staff participated in the Forum along with over 800 people (about four times the number expected) from the public and private sectors centered on supporting, building and strengthening a statewide network of climate adaptation practitioners. The Forum did not focus on the science of climate change but rather on the tools and resources, both available now and under development, to help guide decision making and planning related to climate change. Information from the Forum will be included as part of the Board's upcoming workshops on climate change adaptation.

3. **Collaboration with the CA Board of Forestry's Range Management Advisory Committee and the Grazing Regulatory Action Project - Cindy Wise**

The Range Management Advisory Committee (RMAC) was statutorily created in 1984 to advise the Board of Forestry and Fire Protection, the Resources Agency, the California Environmental Protection Agency, and the California Department of Food and Agriculture on rangeland resources. It is the only standing committee in State government that addresses range issues.

To foster a discussion on recent range issues in the state, the RMAC met on September 9 with the Grazing Regulatory Action Project (GRAP) team. The GRAP team includes staff from each of the nine Regional Water Boards and from the State Board's Division of Water Quality; it is led by Lahontan staff. The GRAP team is developing a statewide action to enhance environmental benefits from grazing, protect beneficial uses, and address water quality impacts related to livestock grazing in California. It is one of several collaborative efforts established by the Water Boards, directing staff to work together with interested stakeholders on ways to more efficiently and consistently address impaired waters. The first formal requests for public input into the GRAP is scheduled to start at the end of 2014. The RMAC asked for an early opportunity to provide its input on range issues and to identify opportunities for future collaboration between the RMAC and the GRAP.

The RMAC shared concerns and desires heard from some of its ranching stakeholders about possible future new regulation resulting from the GRAP. These include: potential for overlapping and redundant regulations such as with the irrigated lands regulatory programs currently implemented in some parts of the state; public sharing of private landowner grazing business information; difficulties (logistics and costs) associated with meaningful and effective monitoring to demonstrate effective grazing management; potential blame for natural sources of bacteria (especially after improving riparian habitat) and the high cost of bacteria source identification; clarification on definition of point versus nonpoint sources of water pollution and the related regulatory implications; desire that GRAP consider the most current range management science; and a strong desire for a voluntary effort rather than a

regulatory approach to manage water quality impairments on rangelands.

The RMAC also shared a short history of the California Rangeland Water Quality Management Planning Program, in place from 1990 to 1995, with its educational efforts to guide rangeland managers in ways to prevent water pollution and to develop ranch water quality management plans – the program generally had good support of both land managers and regulatory agencies. The program's educational materials are still available and the RMAC suggested that the GRAP utilize them as it moves forward. The RMAC, as a non-regulatory entity with a wide network of diverse ranching stakeholders, also offered to assist the GRAP in its future coordination with the ranching community, and to help educate the GRAP team on current rancher efforts to protect water quality. The RMAC is very interested in continued collaboration with the GRAP to help develop a regulatory program that can successfully protect water quality, recognizes the successful grazing management already in place, and enhances the environmental benefits from grazing.

## NORTH

#### 4. **Upper Echo Lakes Fuels Reduction Project Update** - *Laurie Scribe*

At the April 2014 Water Board meeting during the renewal of the Lahontan Timber Waiver, citizens representing the Echo Lakes Environment Fund voiced concerns about potential water quality impacts and alleged violations about the U.S. Forest Service's Upper Echo Lakes Fuels Reduction Project. The citizens alleged that some slash piles were placed within Stream Environment Zones (SEZ's) and were concerned that once those piles were burned the potential discharge of the burned material may adversely affect water quality.

In late May 2014, Water Board staff visited the project area with one of the concerned citizens and viewed some of the slash piles of concern. Water Board staff documented the slash pile locations and noted that some piles appeared to be located in SEZ's, and therefore not in compliance with the conditions in the Timber Waiver. Water Board staff informed the U.S. Forest Service staff about the non-compliant slash piles after the snow melted in July. Water Board staff emphasized that slash piles in SEZs must be moved and appropriate measures should be taken to ensure burned material does not discharge into Upper Echo Lake.

U.S. Forest Service staff has indicated they will not conduct any more fuel reduction work in 2014 on the Upper Echo Lakes Project and that they have been communicating with the Echo Lakes Environment Fund members to work toward resolution of the concerns. Forest Service staff are planning to move the piles out of SEZs this fall and Water Board staff will inspect the site to confirm the work.

#### 5. **PCE Detected in Two Private Wells in South Lake Tahoe, El Dorado County** - *Lisa Dernbach*

During the past summer, Water Board staff collected samples from ten private wells operating within the Lukins Brothers Water Company service area on the west side of South Lake Tahoe. Sampling was conducted to determine whether other wells besides two Lukins municipal wells are impacted with the solvent PCE, or tetrachloroethene.

Sampling results from two private wells showed PCE levels greater than the maximum contaminant level (MCL) of 5 ppb. PCE was detected at 52 ppb in a domestic well at a residential-office property and at 260 ppb in a domestic well for a restaurant and apartment complex. The owner of the former well has converted to bottled water when notified of the results. The owner of the latter well, regulated as small community supply by El Dorado County, elected to open a tie to a Lukins water line to maintain continuous water supply.

Municipal water in the Lukins service area is being supplied by the one uncontaminated well in operation and augmentation from a tie-in with South Tahoe Public Utility District. In the meantime, Lukins is applying for loans from the State Water Board's Division of Drinking Water to pursue wellhead treatment of the two municipal wells having PCE.

Results of private well sampling have narrowed the area of likely PCE discharge to a nine block area in the city. Businesses that use or may have used the solvent have already been researched. Water Board staff believes

the next course of action is to implement a groundwater investigation to evaluate potential properties responsible for PCE discharge(s). Once potential properties are determined, property owners will be required to evaluate the extent of contamination and implement cleanup actions.

A request for Cleanup and Abatement Account funds has been approved for \$69,000 to conducting the initial groundwater investigation. Water Board staff is now working with Department of General Services to contract with a consultant for completing the investigation.

## SOUTH

6. **Victor Valley Wastewater Reclamation Authority- Omnivore Biogas Renewable Energy Generation Project** - *John Morales*

The Victor Valley Wastewater Reclamation Authority (VWVRA) operates a regional wastewater treatment plant that collects, treats and disposes sewage from the cities of Victorville and Hesperia, the Town of Apple Valley and two San Bernardino County Service areas (Oro Grande and Spring Valley Lake). The treatment plant is expected to be 100 percent energy neutral by the start of next year.

To improve operational efficiency of the treatment plant, VWVRA is reusing methane gas that has been produced and wasted in the past. Previously, methane generated in the treatment plant has been flared to the atmosphere as a waste stream.

VWVRA invested in recovering the methane from the sludge within a digester to produce power to operate the treatment plant. The digester is a closed system that uses fats, oils and grease to produce the methane gas fuel. Two eco-friendly internal combustion engine generators will utilize the methane produced in the digester to produce 1.6 MW of electricity to operate the plant. The project will utilize biogas-fueled electrical generation to provide additional power and reduce air quality impacts. The project will promote businesses to send their food waste to the wastewater treatment plant to be used in the digester. It is estimated that 1,400 tons of food waste will be

used to produce methane gas to produce electricity from the new generators, thus eliminating the food waste going to a landfill.

7. **City of Hesperia MS4 Program Audit** - *Mary Dellavalle*

The Municipal Separate Storm Sewer System (MS4) program is an important regulatory tool to address: degradation and pollution, waters, flash floods, and groundwater replenishment result in urban communities without effective Best Management Practices (BMPs). To ensure effective implementation with MS4 requirements, Water Board staff are conducting audits of one municipal enrollee in South Lahontan per fiscal year. The largest City, the City of Victorville was audited in June, 2013 during the 12/13 fiscal year. The City of Hesperia was audited in June 2014 during the 13/14 fiscal year, and the Town of Apple Valley will be audited next spring during the 14/15 fiscal year.

Following this year's inspection of the City of Hesperia (City) program, Water Board staff found that while the City is implementing an MS4 program the City is not completely in compliance with the permit. At the time of the audit, the City had plans to implement the in-house MS4 training, upgrades to the geographical information system, and a City ordinance revision.

However, Water Board staff identified additional deficiencies during the City audit:

- a) Lack of not have an ordinance to prohibit non-stormwater discharges to the City MS4;
- b) Inadequate legal authority to inspect industrial facilities;
- c) Lack of a budget and adequate staffing to conduct inspections for illicit discharges and illicit connections;
- d) Unmapped outfalls to washes,

- e) Inadequate maintenance of Post Construction BMPs; and
- f) Inadequate training of City employees.

Water Board staff intends to notify the City of these deficiencies and request a work plan to identify how the City will bring its MS4 program into compliance with the MS4 permit over the next fiscal year.