Lahontan Regional Water Quality
Control Board

EXECUTIVE OFFICER'S REPORT

May 2003

NORTH BASIN

1. ***Status of Initial Filing and Annual Fee Structure -*** *Bob Dodds*

   The water boards fee structure partially supports a group of programs collectively referred to as the "core regulatory" programs. These programs involve issuing permits or certifications, conducting compliance inspections, reviewing dischargers monitoring reports and initiating enforcement actions for activities resulting in discharges of wastes to surface or groundwaters of the state. Dischargers are assessed initial filing and annual fees, based on a variety of formulas used to determine the costs of regulating their respective discharges.

   In Fiscal Year 2001-02 the board-wide funding allocation for the core regulatory programs was made up of 28% fees, 55% General Fund and 16% federal and other funds. As a result of language in the FY 2002-03 Budget Act, the State Board was required to eliminate approximately $14 million in General Fund dollars from the water board's budget for the core regulatory programs and substitute additional fee revenues. As a result, the FY 2002-03 funding allocation for the core regulatory programs is made up of 59% fees, 27% General Fund and 14% federal and other funds. Last Fall the State Board adopted a revised fee schedule, significantly increasing fees for many dischargers, to generate the increased revenue.

   In response to the current state budget deficit, the Governor's Fiscal Year 2003-04 budget proposal included elimination of the remaining General Fund dollars from the water board's core regulatory programs and substituting yet additional fee revenue. This proposal was approved by the Legislature with the passage of AB 10X. The Governor recently signed AB 10X. As a result, the board-wide funding allocation for the core regulatory programs for Fiscal Year 2003-04 will be made up of 85% fees and 15% federal and other funds. Under AB 10X, the State Board is to develop a revised fee schedule to generate the increased revenue. AB 10X also eliminated a $20,000 cap on fees that was in place and eliminated an exemption from annual fees for dairies and other confined animal feeding/holding operations.

   The fee increase that was imposed in FY 2002-03 affected the minor (with respect to potential impact on water quality) dischargers more than the major ones. This occurred because of the $20,000 cap on annual fees - most of the major dischargers were already at the cap. In February, 2003 (prior to passage of AB 10X), the State Board formed an internal workgroup and began meeting with a group of stakeholders to devise a proposed fee structure that would be more equitable and less complex. With the passage of AB 10X the work with the stakeholders group will focus on a proposed fee structure that will also generate the required additional revenue.

   The State Board must adopt any proposed revised fee structure. The input from the stakeholders group will be considered during hearings preceding a decision.

2. ***Indicator Bacteria Monitoring and Assessment Training Workshop -*** *Robert Larsen*

   The Surface Water Ambient Monitoring Program (SWAMP) is striving to create an ambient monitoring program for all hydrological units of the State using consistent monitoring and analysis protocols. SWAMP is comprised of representatives from each of the nine Regional Boards and State Water Resources Control

Board. The workgroup is committed to developing consistent and objective procedures to accurately assess the ambient water quality of our rivers, streams, and lakes. SWAMP organized a comprehensive workshop to reach consensus on appropriate bacteria indicator species for freshwater and marine applications, discussed extended sample holding times, and evaluated appropriate analytical methods. The Regional Board's SWAMP alternate, Robert Larsen, Environmental Scientist with the Lake Tahoe Watershed Unit, attended the workshop to learn more about the SWAMP program and participate in workshop discussions.

The workshop included presentations on specific indicator bacteria and their relationship to infectious viruses, current methods for measuring indicator bacteria, current U.S. EPA bacteria standards in relation to those adopted by the nine Regional Boards, and research efforts on bacteria sample holding time. Regional Board staff are particularly interested in the latter two issues because Region 6's bacteria standards differ from those adopted by the U.S. EPA and the standard six-hour hold time is often difficult to meet in remote sampling locations.

Following current U.S. EPA guidance, six of the nine Regional Boards use E. coli as the standard indicator bacteria species for fresh water. At present, Region 6's Basin Plan specifies fecal coliform as the indicator species with no numeric or narrative objectives for E. coli. The two other Regional Boards that currently use coliform species as an indicator are amending their Basin Plans to include E. coli. Staff is gathering information to assess whether a similar Basin Plan amendment may be appropriate for our region.

As many of Region 6's streams and lakes are in the Sierra Nevada wilderness, it is often difficult to meet the recommended six-hour hold time for bacteria analysis. By analyzing samples at four-hour intervals, researchers generated a decay curve that could accurately assess bacteria levels in samples held well beyond the standard six-hour hold time. Some data indicate E. coli populations remain stable for up to 48 hours, which suggests the standard six-hour hold time is unnecessarily conservative. Workshop participants agreed that a 24-hour hold time was reasonable for ambient monitoring purposes, but the six-hour hold time should be adhered to for enforcement or other regulatory work. This information will allow Regional Board staff flexibility when sampling remote locations and provide valuable information on bacteria levels in more isolated water bodies.

3. ***Storm Water Quality Improvement Committee Update -*** *Robert Larsen*

   The Storm Water Quality Improvement Committee (SWQIC) includes representatives from El Dorado County, Placer County, Washoe County, Nevada State Lands, the California Tahoe Conservancy, the Tahoe Regional Planning Agency, and the Regional Board. This committee is attempting to build consensus on Lake Tahoe Basin storm water project design, improve the project review process, and resolve miscellaneous erosion control and storm water project design issues. The committee agreed to identify and address project constraints and develop a project alternatives analysis process to be used by implementation, funding, and regulatory agencies.

   During the past year SWQIC has made significant progress toward its identified goals. Regional Board staff are working with California Department of Transportation to increase its participation in developing and implementing these basin-wide project consistency efforts.

   The committee has been actively working on two documents, one listing project constraints and another providing a project alternatives analysis. Committee members identified their agency's top implementation constraints and discussed them over the course of several meetings to develop a comprehensive Constraints Document. The document identifies twelve primary constraints, offers examples, discusses each in relation to Environmental Improvement Program implementation, and proposes constraint solutions. SWQIC is encouraged that many constraints are being directly addressed by committee actions, particularly developing a new alternatives analysis process.

   With funding assistance from the California Tahoe Conservancy and the Tahoe Regional Planning Agency, SWQIC hired Northwest Hydraulic Consultants (NHC) to help draft an alternatives analysis guidance document. NHC submitted working drafts to the committee for comment in December 2002 and February 2003.

The document, Formulating and Evaluating Alternatives for Water Quality Improvement Projects, provides project implementers with a detailed process for developing project alternatives consistent with the preferred design approach supported by California and Nevada funding agencies. Technical appendices offer methods for analyzing existing conditions and checklists for alternatives evaluation. The process is a progressive step in comprehensive project planning and will assist in developing effective water quality improvement projects for all jurisdictions in the Tahoe basin.

Once the alternatives analysis document is reviewed and finalized, SWQIC will turn its attention toward developing a clearly defined project development process. The process will outline key milestones for regulatory review and Technical Advisory Committee participation. Regional Board staff will continue to actively participate in SWQIC to help ensure consistency with water quality goals and assist implementers in developing effective projects.

4. ***Bark Beetle Infestation in San Bernardino County -*** *Scott Ferguson*

On March 7, 2003, Governor Gray Davis signed a proclamation declaring a state of emergency in San Bernardino, Riverside, and San Diego Counties in response to the "imminent fire danger" created by the "extraordinary number of dead, dying and diseased trees." The proclamation attributes this situation to a combination of "prolonged drought, overstocked forests and infestation by bark beetles and other decay organisms." Areas within the Lahontan Region that are affected by the proclamation are generally located in the Lake Arrowhead, Lake Gregory, Silverwood Lake, Deep Creek, and Upper Mojave River watersheds located in San Bernardino County.

CDF has streamlined the timber harvest review process as directed by the proclamation. The proclamation in part directs CDF to 1) suspend the notification requirements associated with removing dead, dying, and diseased trees, and 2) suspend limiting the removal of dead, dying, and diseased trees to 10% of the average volume per acre. This allows property owners to remove all dead, dying and diseased trees without notifying CDF regardless of the acreage involved, provided that the project will comply with all remaining applicable Forest Practice Rules. The Regional Board's timber waiver policy has notification requirements similar to the CDF notification requirements suspended by the proclamation. Based upon a Regional Board staff site visit and consultation with CDF, I have directed staff to temporarily modify our notification requirements to reflect those now being followed by CDF staff. This direction applies only to the areas identified in the proclamation.

The fire danger is very real as staff observed on March 26, 2003. The infestation's impact is extensive within the Lake Arrowhead watershed (northern Lake Arrowhead watershed estimated at 85% - 90% pine mortality, estimated at 75% total tree species mortality). CDF staff expects that the entire conifer population (pines, cedars, firs) will be dead or dying throughout the entire Lake Arrowhead watershed by the end of the year. There are signs that conifers within the Lake Gregory watershed will face a similar fate over the next couple of years. Specialists have indicated that there is very little, if anything, that can be done to limit the infestation, other than to wait for climatic conditions that favor tree survival.

One result of the proclamation will be a significant amount of timber harvest activity on non-federal lands without any pre-project review. Currently, most of the timber harvest activity is occurring on small, developed lots located within established mountain communities. In some cases, larger projects have taken place in and around public buildings such as schools, hospitals, fire stations, etc. At immediate risk are ephemeral streams bordered by existing development. There is a real potential for debris and soil to be directly discharged to such surface waters during timber harvest operations. Staff observed several ongoing operations that had varying degrees of soil disturbance, some in very close proximity to small ephemeral streams. Staff also observe the limited use of temporary BMPs. The project sites will continue to be a discharge risk until they become restabilized. Most sites observed by staff had a significant amount of duff and non-confer tree species that will eventually restabilize the soils. In most cases, during lighter rain events the duff layer will immediately provide adequate and lasting soil stabilization/protection. The real risk of discharge following tree removal

operations exists when a site is subject to an intense rainstorm before a less intense storm can settle the duff and soil.

CDF staff has been very involved with educating the public through outreach activities (community and professional associations meetings) and involvement with several locally-based, multi-stakeholder task forces that have been established to address the tree mortality/fire danger situation. CDF uses these opportunities to discussed the rules and regulations, some of which are intended to protect surface waters, that apply to removing the affected trees. There is a significant potential that some surface waters will be adversely affected as CDF has very limited resources to inspect the numerous ongoing projects. CDF staff plans to take an educational approach to ensuring that the applicable rules and regulations are followed. CDF has indicated that, when necessary, it will enforce and oversee immediate activity abatement and site restoration. We will continue to consult with CDF and monitor the situation in the affected watersheds to evaluate if we should change our regulatory approach regarding this situation.

5. ***Spalding Community Service District, Eagle Lake -*** *T. Jerrold Peacock*

Design of the wastewater collection and treatment system for Spalding CSD is now complete. The SWRCB is expected to make grant funding available within the next few months. The CSD will request maximum grant funding at that time. After the financing of the project is secured, the necessary local share of the improvements cost can be determined, and the CSD will arrange for an election of Spalding Tract property owners to approve an assessment for the necessary local share of the improvements. The CSD is also attempting to secure funding to assist low-income property owners to meet the necessary costs of connecting to the new sewer system when it becomes available.

A large portion of the property owners at Spalding Tract acquired their property after 1991 and so did not participate in earlier hearings regarding the waste discharge prohibition for Eagle Lake and the enforcement actions taken against property owners in 1991. Within the community, there is speculation on actions the Regional Board may take in the future if progress on the development of wastewater collection and treatment facilities fails to progress. To encourage continued progress, a letter was sent to approximately 800 Spalding Tract property owners explaining the waste discharge prohibition for Eagle Lake, the status of our current enforcement actions, and the authorities of the Regional Board to take further enforcement action against individual property owners in the future, if warranted.

6. ***Silver King Creek Paiute Cutthroat Trout Restoration Project, 2003 Rotenone Treatment Planned by California Dept. of Fish & Game, Alpine County -*** *Jason Churchill*

The California Deptartment of Fish & Game (CDFG) is proceeding with plans to treat Silver King Creek with rotenone (fish toxicant) in late summer 2003 and 2004 as part of recovery efforts for the threatened Paiute Cutthroat Trout (PCT). Rotenone is used to eradicate introduced fish species that can out compete and interbreed with the native trout prior to introduction of the PCT. The PCT was successfully reintroduced to upper portions of Silver King Creek following rotenone treatments in 1990, 1991, and 1992. The current project would help to safeguard the restoration of the PCT to its historic habitat, including downstream areas. The project was originally scheduled to begin in 2002, but was postponed until this year to allow for environmental review to be completed, and project plans to be finalized. The CDFG recently certified a mitigated Negative Declaration for the project. The CDFG has also obtained coverage under the statewide Aquatic Pesticides General National Pollutant Discharge Elimination System Permit.

Under the Regional Board's Memorandum of Understanding with CDFG for rotenone use, the project is also subject to the Basin Plan rotenone policy. On April 15, I met with the Regional Manager for CDFG Region 2, and agency personnel from the U.S. Forest Service and the U.S. Fish & Wildlife Service. The CDFG has obtained funding through the latter two agencies for pre- and post-project benthic macroinvertebrate monitoring, and the meeting was held to discuss technical issues necessary to approve the planned treatment and project monitoring. An acceptable water quality monitoring plan was prepared and submitted last

year. Staff is working closely with the CDFG to develop a suitable invertebrate monitoring plan. The meeting participants set a goal of July 1 to reach agreement on project plans and complete the review/approval process.

I have recently received a number of letters (from private parties and people affiliated with CalTrout and Trout Unlimited) expressing support for the project. I will inform the senders that we are working with the CDFG to resolve monitoring/treatment issues, and that we anticipate the project will proceed in late summer 2003.

7. ***Administrative Civil Liabilities to be Imposed for Non-Payment of Permit Fees -*** *Alan Miller*

Notices of Violations have been sent as "Final Notice" to all non-payers by the SWRCB fee unit, with a due date of April 4, 2003. Permit fees now fund a larger percentage of Regional Board activities, based on recent legislation, and SWRCB management expect that Regional Boards will begin issuing ACL complaints and/or Orders to those who have failed to pay their permit fees. SWRCB staff has indicated they will provide a model ACL for fee non-payment based on CWC Section 13328. The ACLs will require payment of the past-due fees and an additional liability for late payment. Based on the latest April reports from the SWRCB, unpaid fees in the Lahontan Region for the 02-03 Fiscal Year total $108,308 for Waste Discharge Requirements (54 permit holders) in all programs except Stormwater, and $95,725 in the Stormwater program (137 permit holders). There is no statute of limitations on administrative actions, and ACL may also be imposed for failure to pay fees in past years where warranted.

SOUTH BASIN

8. ***Further Radioactivity Sampling in Landfills -*** *Joe Koutsky*

   The State Water Resources Control Board (SWRCB) is considering contracting for a third party review/additional sampling event to follow up on the recently completed radioactivity sampling of leachate from Class III Municipal Solid Waste landfills. The SWRCB will be re-sampling between 20 and 25 of the previously sampled landfills. The landfills to be re-sampled have not yet been identified. The event will likely include additional sampling points and speciation of elevated gross beta results, among other analyses.

   The contractor will be preparing a Sampling and Analysis Plan (SAP). If funding is unavailable for the full contract, SWRCB will be sending regional boards a letter outlining the course of action to follow.

9. ***Corrective actions at the PG&E Compressor Station, Hinkley -*** *Lisa Dernbach/Joe Koutsky*

   Over the past eight months, PG&E has undertaken many actions to fully delineate the chromium plume in groundwater from the compressor station at Hinkley, in San Bernadino County. Investigation activities include video logging of domestic and agricultural wells, monitoring well installation, and abandoning wells that are cross-screened between the upper and lower aquifers. PG&E's monitoring program currently includes nearly 90 monitoring, domestic, and agricultural wells. The migrating plume extends about 2 miles in length and 0.8 mile in width. Further investigations are scheduled to continue through this summer to identify all plume boundaries.

   Board staff has also been working extensively with PG&E staff to develop a remediation strategy for the site. PG&E has submitted a Report of Waste Discharge to contain migration at the plume head by extracting groundwater at a rate up to 300 gallons per minute. The proposed treatment system will reduce hexavalent chromium in groundwater to trivalent chromium using ferrous chloride. Treated effluent will be used as irrigation water for agricultural fields.

   In addition, PG&E is proposing pilot tests for in-situ remediation of the plume closer to the compressor station. Pilot tests will consist of injecting compounds in the subsurface to promote conversion of mobile hexavalent chromium to stable trivalent chromium. Board staff has accepted the conceptual plan for the pilot tests and now awaits submittal of a report of waste discharge, expected this summer.

10. ***Edwards Air Force Base, Proposed Plan for Homestead Wells -*** *Elizabeth Lafferty*

    As part of the study of potential contaminant sites at Edwards Air Force Base (EAFB), over 600 former water supply wells were investigated on the base. Homesteaders drilled these wells for water supply before the Air Force occupied the land. The wells ranged from shallow wells (some hand dug) that served a single home to deeper agricultural wells. Because the water table has dropped extensively in the Antelope Valley over the last many decades, most of the wells are now dry. However, because these abandoned wells had the potential for ground water contamination, these wells needed to be properly abandoned.

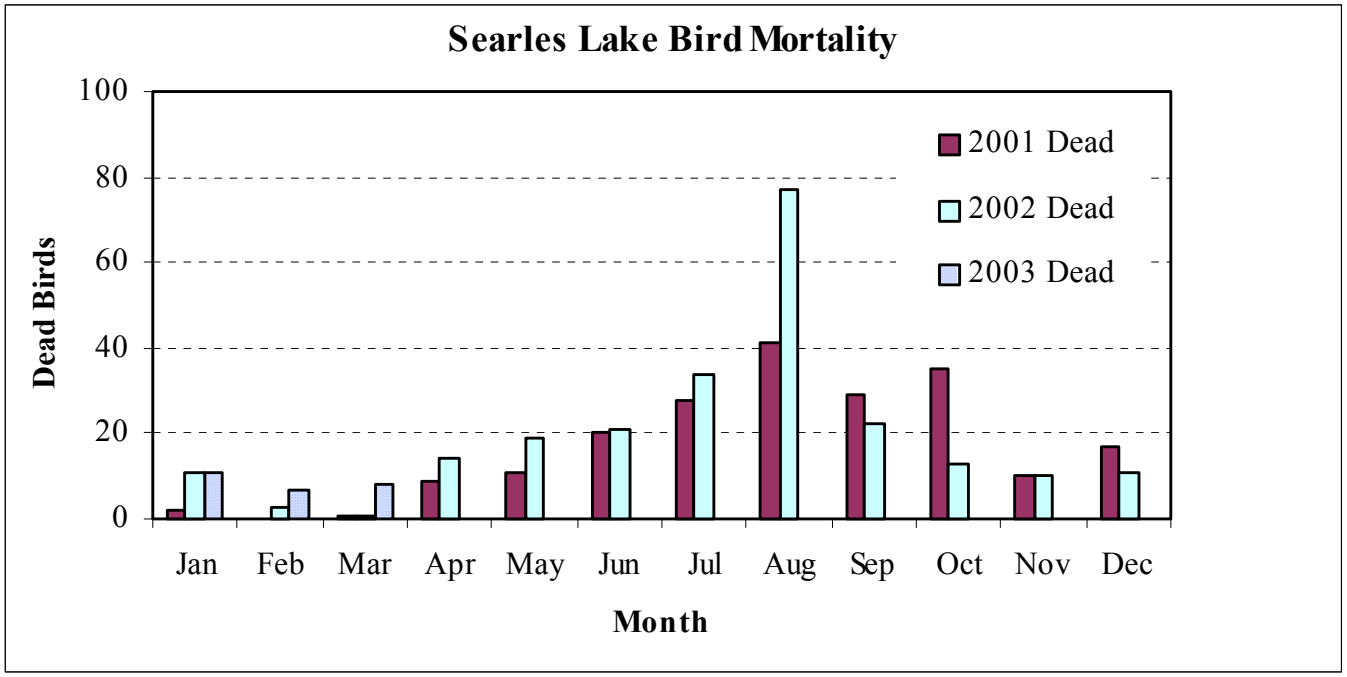
    During the site work, data was gathered for the homestead wells. All wells have now been investigated and have properly been abandoned.

    Investigation and cleanup decisions at EAFB follow the federal Superfund process. As part of this process final decisions are documented in a Record of Decision (ROD). Prior to the ROD, the Air Force develops a Proposed Plan describing the proposed decision. For the homestead wells, the base is proposing "no further action" because the wells no longer threaten water quality. The Proposed Plan for the homestead wells is now out for public comment. After considering comments, EAFB will prepare the ROD and I intend to accept the "no further action" ROD for this item.

11. ***IMC Chemicals Inc., (IMCC) -*** *Kai Dunn*

Compliance Status

The Argus plant injection brine exceeded the interim effluent limit for total recoverable petroleum hydrocarbons seven times during the month of March 2003. The cause was due to unstable operation after plant startup. IMCC has provided additional evaluation of these violations and a proposal to eliminate future violations. Eight bird deaths were reported during the same period; most of them were waterfowl. The total birds picked up in the year 2003 through the month of March were 40, with 26 dead and 14 alive. The dead birds reported in the year 2001, 2002 and 2003 are shown in the figure below:



Lakebed Cleanup

As part of site cleanup under the Cleanup and Abatement Order, IMCC proposes to collect additional groundwater samples to fully characterize the abandoned Trona skimmer site (Serpentine Channel) prior to proposing a cleanup and closure plan. Staff will continue to work with IMCC and its consultants as the work develops.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

REPORT ON STATUS OF STANDING ITEMS
May 2003

The Regional Board has requested that it be kept informed of the status of a number of issues. The following table lists the items, the reporting frequency and where the report can be found.

ISSUE	REPORT FREQUENCY	STATUS/COMMENT
IMC Chemicals - Compliance Status	Monthly	Item No. 11 of May 2003 EO's Report
Meyers Beacon UST Site	Quarterly	Due July 2003 Board Meeting
Mojave River/El Mirage Dairy Issues	Quarterly	Due July 2003 Board Meeting
Progress of Cleanup at Molycorp	Quarterly	Due July 2003 Board Meeting
Town of Mammoth Lakes	Quarterly	Due July 2003 Board Meeting
Caltrans-General Permit	Annually	Due September 2003 Board Meeting
Eagle Lake Spalding	Semi-Annual	Due September 2003 Board Meeting
Los Angeles CSD #14	Semi-Annual	Due September 2003 Board Meeting
Vulnerability of Wells in Squaw Valley to Contamination from USTs	Semi-Annual	Due September 2003 Board Meeting
Caltrans-Tahoe Basin	Annually	Due November 2003 Board Meeting
Tahoe Municipal Permit	Annually	Due November 2003 Board Meeting
Wetland Restoration Progress in Mono County	Annually	Due November 2003 Board Meeting

Frequency	**Board Meeting Month**
Quarterly	July, October, January & April.
Semi-Annual	September & March
Annually	Varied

UNDERGROUND STORAGE TANK/SLIC CLOSURE REPORT

State of California
Lahontan Regional Water Quality Control Board

Date *"No Further Action Required"* Letter Issued	Site Name	Site Address	Case Number	Case Type	Remaining Groundwater Concentrations above Water Quality Objectives (in micrograms per liter)	Remaining Soil Concentrations (in milligrams per kilogram)	Distance from Site to Nearest Receptor	Remedial Methods Used
Mar. 13, 2003	Heavenly Lake Tahoe California Main Lodge	Heavenly Valley Ski Area South Lake Tahoe	6T0232A	UST (diesel)	TPHd:150	none	Spring 400 ft Supply well 635 feet	Excavate and dispose of 40 cubic yards of soil
April 8, 2003	Interstate I-80 West Boca Project	I-80 Floriston and Fibreboard Road	T6S030	SLIC (Hydraulic oil)	none	TPHo:80	Municipal well 1,800 feet upgradient	Excavate and dispose of 20 cubic yards soil

Notes:
UST = underground storage tank program
SLIC = spills, leaks, investigation and complaint program
TPHd = total petroleum hydrocarbons as diesel
TPHo = total petroleum hydrocarbons as oil