

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION**

**MEETING OF OCTOBER, 2005  
TAHOE CITY, CALIFORNIA**

**ITEM:** 6

**SUBJECT:** EXECUTIVE OFFICER'S REPORT

**DISCUSSION:** The Executive Officer's report includes the following:

- Enclosure 1: Report on Status of Standing Items  
(October 2005)
- Enclosure 2: Executive Officer's Written Report  
(October 2005)
- Enclosure 3: Notification of Spills (Pursuant to  
Section 13271, California Water Code  
and Section 25180.7, California  
Health and Safety Code)
- Enclosure 4: Notification of Closure of  
Underground Storage Tank Cases  
(Pursuant to Article 11, Division 3,  
Chapter 16, Title 23, California Code  
of Regulations)

# **ENCLOSURE 1**

## **Report on Status of Standing Items** (October 2005)

**CALIFORNIA REGIONAL WATER QUALITY  
CONTROL BOARD  
LAHONTAN REGION**

**REPORT ON STATUS OF STANDING ITEMS**

**October 2005**

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
Los Angeles County Sanitation District No. 14	Monthly	Item No. 12 of October 2005 EO Report
Los Angeles County Sanitation District No. 20	Monthly	Item No. 11 of October 2005 EO Report
Searles Valley Minerals Operations - Compliance Status	Monthly	Item No. 9 of October 2005 EO Report
Town of Mammoth Lakes - Erosion Control	Semi-Annual	Item No. 10 of October 2005 EO Report
Mojave River/El Mirage Dairy Issues	Quarterly	Item No. 7 of October 2005 EO Report
Molycorp Status Update	Quarterly	Item No. 8 of October 2005 EO Report
Caltrans-Tahoe Basin	Annually	Due November 2005 Board Meeting
Tahoe Municipal Permit	Annually	Due November 2005 Board Meeting
Wetland Restoration Progress in Mono County	Annually	Due November 2005 Board Meeting
Eagle Lake Spalding	Semi-Annual	Due March 2006 Board Meeting
Status of Basin Plan Amendments	Semi-Annual	Due March 2006 Board Meeting
Caltrans-General Permit	Annually	Due September 2006 Board Meeting

<u>Frequency</u>	<u>Board Meeting Month</u>
<i>Quarterly</i>	January, April, July, & October.
<i>Semi-Annual</i>	March & September
<i>Annually</i>	Varied

# **ENCLOSURE 2**

**Executive Officer's Written Report**  
(October 2005)



# EXECUTIVE OFFICER'S REPORT

October 2005

## NORTH BASIN

### 1. *Unauthorized Dam-Building Near Susanville By Landowner, Everd McCain – Tobi Tyler*

In August, Board staff investigated a complaint received from the Department of Fish and Game (DFG) regarding potentially unauthorized discharges from construction of an earthen dam on Willow Creek, a tributary to the Susan River. Upon inspection with the landowner and staff from Department of Water Resources' Division of Dam Safety and DFG, Board staff observed that the landowner, Everd McCain, was in the process of building an earthen dam across Willow Creek northeast of Susanville. This dam, referred to as Skeet Dam, was being built upstream of another dam on the property, referred to as Buz Dam, that Mr. McCain built in 1982 and which failed during the winter of 1994-1995 due to poor construction. The sole Regional Board permit on file for projects on Willow Creek in this area is a Clean Water Act (CWA) Section 401 Certification Order I issued in September 2001 for repair work on Buz Dam. That Order included mitigation requirements for loss of wetland acreage caused by constructing this dam. To date, the conditions requiring mitigation have not been satisfied. In addition to non-compliance with the conditions of that Order, Mr. McCain has not fulfilled his obligation to apply to the U.S. Army Corps of Engineers (Corps), the Regional Board and DFG for permits to build

Skeet Dam, which he started building in June 2005.

Water quality and beneficial use issues associated with this unauthorized work include sedimentation, loss of wetland and riparian habitat, adverse effects on downstream wetland functions and values, and barriers to fish passage for resident brown trout. In addition to sedimentation from the 120 ft. by 30 ft. Skeet Dam, the earthen material that went into building the dam came from material that was side-cast from the top of the box canyon. This side casting created two large, steep hills of loose soil and rock that extend to the bottom of the canyon and into the riparian area surrounding the creek.

I have sent a memo to the State Water Resources Control Board's Division of Water Rights requesting an investigation into Mr. McCain's compliance with his several water rights permits. However, a condition of the Water Rights permit for the two dams states that "prior to commencement of construction permittee shall file a report pursuant to Water Code Section 13260 and shall comply with any Waste Discharge Requirements imposed by the California Regional Water Quality Control Board, Lahontan Region, or by the State Water Resources Control Board." This would indicate that he is not in compliance with this Water Rights permit. Mr. McCain also appears to be in violation of several other conditions of his Water Rights permit.

A cinder-block structure for use as a pump house station had also been constructed behind Skeet Dam. Mr. McCain reported plans to pump the water for Skeet Dam up to the top of the canyon, where there is another off-stream impoundment ready to receive the water. The area above the box canyon is an arid, rocky plateau of grassland, sagebrush and a few Pinyon pine and juniper trees. Several other impoundments in the upland area have also been excavated. Mr. McCain stated that he plans to build a golf course in this area. None of the potential impoundments appear to be supported by existing water rights.

Board staff has contacted the U.S. Army Corps of Engineers, from whom Mr. McCain was required to obtain a CWA Section 404 permit. Corps staff stated that they have not received a permit application for the construction of Skeet Dam and had issued several Cease and Desist Orders to Mr. McCain (for projects in the Redding area).

I intend to issue an order requiring Mr. McCain to stabilize all slopes and construction sites prior to the on-set of winter. Additionally, we will follow-up on violations of previous water quality orders and consider enforcement options for current activities that have been conducted without appropriate permits. I will keep you informed of follow-up on violations of existing orders and enforcement actions for other violations within the purview of the Regional Board.

## **2. *Change in Treatment Process, Leviathan Mine, Alpine County – Chuck Curtis***

I have directed Regional Board staff to have the Board's contractor modify the acidic mine drainage (AMD) treatment process to accelerate the rate of treatment of collected AMD in ponds at the Leviathan Mine site. Accelerated treatment is needed to drain the

ponds to make space for next winter's accumulation of AMD and precipitation in the ponds.

Leviathan Mine is an abandoned sulfur mine that the State of California acquired in the early 1980s to clean up water quality problems caused by historic mining. The Lahontan Regional Board has jurisdiction over cleanup work at the site, which is designated as a Superfund site. The Regional Board's contractors have been treating acidic mine drainage that is collected in ponds on the site and discharging treated water to Leviathan Creek. As a result of this past winter's heavy precipitation, approximately 11 million gallons of contaminated pond water will require treatment (approximately twice the maximum that has been treated in previous years). The Board's original contract for this season included treatment of approximately six million gallons. A new contract has been developed to treat the additional five million gallons.

Due to construction activities at the site to stabilize the "Delta Slope", treatment of collected pond water commenced later than normal, in mid-August. This late start, coupled with the greater than normal amount of water needing treatment, caused Regional Board staff to evaluate methods to accelerate the rate of pond water treatment such that the ponds could be fully drained prior to the onset of winter. As a result of this evaluation, during the week of September 12<sup>th</sup> the treatment process was converted from a completely biphasic process to a modified biphasic process.

The completely biphasic process resulted in two waste streams of precipitated sludge; the first-phase sludge has been hazardous waste due to elevated arsenic concentrations and has been transported off site for disposal, and the second-phase sludge has been non-hazardous

and has been disposed of on site. In the modified biphasic treatment process that has been instituted at the site, there are still two phases of lime addition, but the precise control on the quality of first-phase and second-phase sludges has been eliminated in order to treat at a faster rate. As a result, the second-phase sludge may have hazardous characteristics under California law, and perhaps under federal law. If this second-phase sludge, which is deposited in the pit clarifier at the site, is determined to be hazardous waste, that sludge will be removed in the late spring or early summer of 2006 and appropriately disposed of.

The U.S. Environmental Protection Agency (USEPA) approved the change in treatment process. The water quality requirements have not changed for treated water that is discharged to Leviathan Creek.

### **3. *Funding Fair* – Cindy Wise**

Staff plans to participate in the upcoming November 4, 2005 Funding Fair in Sacramento. Hosted by State Board staff, the purpose of the Funding Fair is to provide an overview of current and upcoming environmental funding opportunities available from the State Water Board and through other State agencies. The Fair will also provide tips for completing grant applications, negotiating grant agreements, and managing grants. Partner agencies such as CA Department of Water Resources and U.S. Environmental Protection Agency are invited to share information about a broad range of funding opportunities available to interested stakeholders. The Funding Fair webpage is available at: <http://www.waterboards.ca.gov/funding/fundingfair.html>. A brochure and registration information is included at this website.

### **4. *Status Update on the California Department of Corrections' Compliance with Regional Board Requirements, Lassen County* – Rob Tucker**

The California Department of Corrections (CDC) submitted both an *Agronomic Technical Report* and a *Groundwater Technical Report* on September 14, 2005, for the California Correctional Center Susanville and High Desert State Prison. I required these reports in a Notice of Violation issued to CDC earlier this year. The CDC wastewater treatment plant treats sewage from the two prisons and the wastewater is used for irrigating fodder crops during the growing season. Both reports were required to assist in determining whether excessive irrigation with wastewater is degrading the groundwater quality.

#### ***Groundwater Technical Report***

Groundwater data collected since 1994 was compiled into tables and graphs and analyzed by consultants for CDC. Groundwater data indicates that the groundwater quality has historically been worse than at present for nitrates and total dissolved solids (TDS). From 1996 through 1999, nitrate as nitrogen was greater than the Maximum Contaminant Level (MCL) for drinking water, 10 mg/l, in three monitoring wells. In 2004, none of the monitoring wells contained nitrate above the MCL; however, monitoring well GW-5b had an increasing trend. The TDS in the groundwater has been higher in the past than at present. For example, in groundwater monitoring well GW-6 located between the waste ponds and disposal fields (historically highest in TDS) the TDS was 12,000 mg/l in 1996 and 6,000 mg/l in 2004. Most of the other monitoring wells were below 2,000 mg/l in 2004.

The groundwater flow direction is in a northerly direction and does not follow the

topography of the land, which slopes to the southeast towards Honey Lake. The most probable reason the groundwater direction is away from Honey Lake is onsite pumping for the prison drinking water supply. The CDC reported 616 million gallons pumped for the water supply in 2004, but reported only 570 million gallons received by the wastewater treatment system and a discharge of only 330 million gallon used for irrigation, an unaccounted loss of some 38% in the treatment system. This 38% discrepancy is not explained and will require additional investigation. The pumping explains the groundwater direction and the drop in the groundwater elevation in certain shallow monitoring wells (monitoring wells nearest the pumping supply wells have gone dry due to a cone of depression from pumping). These dry wells are now downgradient of the waste discharge and it is unknown if the groundwater is being degraded because these wells cannot be sampled.

The *Groundwater Technical report* also contains several recommendations, including, 1) replace the wells that have gone dry with new, deeper wells, 2) prepare a sampling and analysis plan to promote consistent data collection, and 3) install both deep and shallow monitoring wells between the supply wells and the irrigation areas. Staff agrees with the recommendations, and I will require that CDC implement those recommendations along with delineating the extent of groundwater pollution and degradation.

#### ***Agronomic Technical Report***

The *Agronomic Technical Report* provided information on wastewater irrigation practices and the estimated amounts of water required for alfalfa. Based on the information provided, the total annual amount of water applied is close to the amount of water necessary for the plants, however, the irrigation rates for the early spring and late

fall are over the estimated requirements. The report also lacked required information on the nitrogen applied and removed by plant uptake and harvesting. The preliminary information in the report indicates that prior to 2004 the nitrogen loading was lower than required for healthy alfalfa growth, and in 2004, the nitrogen loading may have been greater than plant nitrogen uptake.

I have directed staff to prepare an updated monitoring and reporting program for this waste discharge. The updated monitoring and reporting program will incorporate requirements to monitor both the total nitrogen and water balance and to plan for each year's crop to demonstrate that wastewater will be applied at agronomic rates.

#### ***Cease and Desist Order Requirements***

A Cease and Desist Order was adopted in July 2005 and since that date three items were required to be accomplished. One requirement, increasing the fodder crop fields by 70 acres, was accomplished. Another requirement was to reduce the average influent flow to 1.4 million gallons per day by September 15, 2005. The current average influent flow between September 15-21 has been 1.46 million gallons per day. Third, the Cease and Desist Order also required by September 15, 2005, the installation of specific water conservation devices. All devices have been installed except for six hot water solenoids and 777 flush limiters. The installation of the devices has been limited due to reported problems in obtaining the services of someone to install the devices. The work is continuing and the influent flow to the wastewater treatment plant has been reduced by approximately 200,000 gallons per day in comparison to the September 2004 influent flow.

### **Summary**

The two reports answer many questions about groundwater quality over the last decade, and the potential for the application of treated effluent to degrade groundwater quality. Groundwater pollution may have occurred prior to the 1995 wastewater treatment plant upgrades, and the upgrades may have alleviated that problem to some extent. Continued irrigation could be causing additional impacts to the quality of groundwater; however, the effects may not be detected due to the drop in groundwater elevation at certain monitoring wells. An additional 70 acres have been put into production and water conservation efforts have reduced the influent to near required levels. The CDC has taken actions to reduce the threat to groundwater quality and the reports provide additional direction on what further information is needed to understand the complicated groundwater conditions. I will direct the CDC to implement the recommendations in the *Groundwater Technical Report* and I intend to modify the monitoring and reporting program.

### **5. Silver King Creek Rotenone Project Postponed, Alpine County – Robert Erlich**

At the September 8, 2004 meeting, the Regional Board declined to adopt an NPDES Permit for Department of Fish and Game's (DFG) proposed rotenone application in Silver King Creek and its tributaries in Alpine County. The rotenone application was proposed to eradicate non-native fish, and was an element of a plan to protect the threatened Paiute Cutthroat Trout. Following the Regional Board hearing, staff requested that DFG submit macroinvertebrate data from past applications and consider designing a study to identify potential unique endemic species. DFG did not respond to the staff letter, and, along with the United States Fish and Wildlife

Service and Trout Unlimited, filed petitions with the State Water Resources Control Board.

At a June 1, 2005 State Board workshop on the petitions, the State Board postponed deciding on the petition, but directed its staff to circulate the Regional Board's NPDES Permit (with minor modifications) for 30 days and schedule a hearing. At the July 6, 2005 hearing, the State Board adopted an individual NPDES Permit for DFG's application of rotenone in the Silver King Creek watershed. A group of plaintiffs, concerned about rotenone impacts to populations of macroinvertebrates, filed motions in federal and California courts to halt the project.

On August 19, 2005, Sacramento Superior Court Judge Lloyd G. Connelly Jr. declined to issue a temporary stay against the project. Connelly ruled that there was not enough evidence before him to decide that the "degrading impacts" on the watershed and its ecosystem outweigh the public's interest in preserving the Paiute Cutthroat Trout. In anticipation of treating the area on August 24, 2005, the DFG dispatched staff with crews equipment to set up rotenone application, detoxification, and monitoring stations. On August 23<sup>rd</sup> Regional Board staff also hiked into the Silver King Creek basin to collect water quality samples for evaluating compliance with permit conditions.

On August 23, 2005, U.S. District Court Judge Frank C. Damrell Jr. granted a temporary restraining order against the project. Word of the temporary restraining order reached DFG almost immediately, and the rotenone application was put on hold until the judge determined whether to issue a preliminary injunction prohibiting the U.S. Forest Service from allowing the project (which would take place on U.S. Forest Service lands) to proceed.

On August 30, 2005, Judge Damrell issued a preliminary injunction against the project, ruling that 1) the plaintiffs demonstrated a strong likelihood of irreparable harm, 2) the balance of interests (threats to macroinvertebrates vs. threats to survival of the Paiute Cutthroat Trout) tipped sharply in favor the plaintiffs, and 3) the plaintiffs had raised "serious questions" that the U.S. Forest Service had violated federal environmental laws in failing to prepare an Environmental Impact Statement and/or an adequate Environmental Assessment. After the federal court ruling, DFG hauled out the rotenone, potassium permanganate (rotenone neutralizing agent), and other equipment from Silver King Creek. Judge Damrell has set another hearing for Oct. 21, 2005.

**6. *Board of Forestry Field Trip and Meeting and Consolidated Permitting Effort – Erika Lovejoy***

Staff attended a field trip and Board of Forestry (BOF) meeting in September. The purpose of the field trip was to look at the success of local fuels reduction efforts and support the need for biomass markets for the materials left over from thinning activities.

At the BOF meeting, a number of reports were given by fire protection agencies on the progress of fuels hazard reduction projects in our region. In recognition of these efforts, staff members of the California Department of Forestry and Fire Protection (CDF), Tahoe Regional Planning Agency (TRPA), and the Regional Board have been working on a consolidated permit for fuels hazard reduction projects within the Lake Tahoe Basin. Currently, project proponents must seek approval from all three agencies. The goal is to have one consolidated permit application and permit for low impact projects. Applicants conducting low impact projects currently 'self-certify' under the Regional Board's timber waiver application and are then covered by the waiver. Under the current proposal, TRPA would administer the permit that will include all the conditions of the Regional Board's timber waiver. TRPA will forward application materials to CDF and the Regional Board. The Regional Board will retain its regulatory authority and staff will determine if the project meets project criteria for the waiver. CDF staff presented a draft permit to the BOF for discussion. They have been directed by the BOF to work with us and TRPA staff over the next few months to ensure the permit meets agency mandates and is administratively feasible for both the agencies and the public.

## SOUTH BASIN

### 7. *Mojave River Dairies* - Joe Koutsky

The winter rains (Jan-Mar 2005) had a measurable effect on groundwater monitoring along the Mojave River. Groundwater elevations in monitoring wells at dairies along the Mojave River rose appreciably in the first half of 2005. Nitrate and total dissolved solids (TDS) concentrations show a decreasing trend, dropping significantly since December 2004.

There are five dairies located along the Mojave River, the *N&M Dairy* and the *Dutch Dairy*, located in Helendale; the *Hinkley Dairy* and *Desert View Dairy* in Hinkley; and the *B&E Dairy* located in Barstow.

*N&M Dairy* - Groundwater in monitoring wells on the *N&M Dairy* (adjacent to the river in Helendale) in May 2005 showed an average increase of elevation of about 22 feet since December 2004. The prior groundwater flow direction in December 2004 was toward the northeast, but in May 2005 monitoring showed indicated a southeasterly flow direction. The highest concentration of nitrate (as N) in the monitoring wells in December 2004 was 52.8 mg/L and in May 2005 had lowered to 20.6 mg/L. Similarly, the highest TDS concentration reported was 7,110 mg/L in December 2004 and was 5,330 mg/L in May 2005.

*Dutch Dairy* - Formerly known as the Osterkamp Dairy, the dairy is adjacent to the Mojave River in Helendale, has 1,670 animals and is regulated by WDRs. The

three groundwater monitoring wells on the dairy have been reported to be dry since 2001.

*Hinkley Dairy* - Located in Hinkley, the dairy has 1,150 animals and is voluntarily implementing Best Management Practices (BMPs) for protection of water quality. This dairy currently does not have any groundwater monitoring wells.

*Desert View Dairy* - Located in Hinkley, the dairy has 1,360 animals and is voluntarily implementing BMPs. This dairy currently has three groundwater monitoring wells. Nitrate-N and TDS concentrations in these wells have remained at about 40 - 60 mg/L, and 3,500 mg/L, respectively.

*B&E Dairy* - This dairy in Barstow has 2,265 animals and is regulated by WDRs. The dairy has one groundwater monitoring well. Nitrate and TDS concentrations in this well have not varied significantly between 1995 and 2005. The nitrate-N concentration in January 2005 was reported at 3.6 mg/L; TDS was 430 mg/L.

### *El Mirage Dairies* - Joe Koutsky

There are two dairies located in El Mirage, the *A&H Dairy* and the *Meadowbrook Dairy*. Groundwater elevations in monitoring wells on El Mirage dairies have not changed significantly in the first half of 2005. Groundwater elevations continue to show a decreasing trend since monitoring began in 2002.

*A & H Dairy* - Nitrate and TDS concentrations at the *A & H Dairy* show a general downward trend between November 2002 and May 2005. Nitrate-N concentrations in December 2004 ranged from 7.2 mg/L to 62.7 mg/L. In May 2005, nitrate-N ranged from 10.7 to 37.8 mg/L. TDS in May 2005 ranged from 1,750 to 3,760 mg/L, whereas earlier data have shown TDS concentrations as high as 4,560 mg/L. Hexavalent chromium, Cr(VI), concentrations in the wells have not varied significantly since sampling for this analyte began in November 2002. Cr(VI) concentrations ranged from 12 to 104 µg/L in May 2005.

*Meadowbrook Dairy* - The *Meadowbrook Dairy* has one groundwater monitoring well. Nitrate and TDS concentrations in this well have not varied significantly between 2003 and 2005. The nitrate-N concentration in January 2005 was reported at 0.95 mg/L; in January 2003, nitrate-N was 0.61 mg/L. TDS in 2003 was 540 mg/L; in 2005 the TDS concentration was 440 mg/L.

Regional Board staff needs more reliable and routine groundwater monitoring data from all of the dairies to determine the impact of dairy operations on groundwater quality. I will be requiring all the dairies in El Mirage and along the Mojave River to construct and monitor additional or replacement groundwater monitoring wells for the purpose of obtaining needed data. Staff plans to work with the dairies directly and, if they are interested in assisting, through the dairy associations to facilitate the needed monitoring. Additionally, where it is clear that dairy operations are adversely affecting water quality, I intend to propose waste discharge requirements or other actions to address these problems.

## **8. *Molycorp Inc. Cleanup and Abatement Order No. 6-98-19 – Jehiel Cass***

### **Off-Site Groundwater Investigation**

On March 1, 2005, Molycorp Inc. submitted a request to the Bureau of Land Management (BLM) to install monitoring wells on BLM land to investigate the offsite migration of groundwater affected by total dissolved solids and radionuclides west and east of Molycorp property. That application has been approved by the BLM. Molycorp intends to submit a work plan for this drilling phase by October 15, 2005.

### **Old West Tailing Pond (P-1) Closure**

Construction was completed for the Old Tailing Pond, P-1, earlier this year. Closure included re-grading the impoundment, installing the closure cap, and constructing stormwater channels. The cover will be planted this fall with erosion control seed mix.

### **Other Ponds and Wind Blown Tailings**

Approximately 75% of activities for closure of the North Tailings Pond, P-16, have been completed. Material derived from the Lead Sulfide Storage Ponds has been placed on P-16 as foundation material prior to placement of the cover. After removal of material from the lead sulfide storage ponds, the ponds will be clean closed. Additionally, material from the Wind-Blown Tailings Site is being used for cover foundation at P-16. Remaining work at P-16 includes the relocation of additional borrow materials into the sub-base layer, completion of the closure cap, completion of stormwater diversion channels and seeding of the cap. The project is on schedule to be completed during the fourth quarter 2005.

### **Supplemental Environmental Projects (SEPs)**

The June 2004 Consent Judgment between Molycorp and the State of California required Molycorp to fund \$1,000,000 in SEPs. Board staff is negotiating co-operative

agreements for the six SEPs that were approved by the Board in February 2005.

**9. Searles Valley Minerals, (SVM)  
Compliance Status – Kai Dunn**

**Compliance Status**

Daily reporting data from SVM shows that the interim effluent limits set forth in the Waste Discharge Requirements (WDRs) have been exceeded. On August 2, 2005, the Argus injection brine sample tested 8.0 mg/L for total recoverable petroleum hydrocarbons (TRPH) (interim limit is 4.5 mg/L TRPH). SVM investigated the occurrences, and concluded that the event was the result of cleaning out a processing unit. The revised WDRs adopted by the Board at its September 2005 meeting contain final effluent limits of 3.5 mg/L (monthly average) and 8.5 mg/L (daily maximum) for TRPH. Regional Board staff will continue to monitor for compliance with the final effluent limits.

**Bird Status**

During the time period of July 16 to September 15, 2005 there were 23 live birds and 82 dead birds collected on the percolation pond, bird pool, and on the roads adjacent to the percolation pond. All birds found at Searles Dry Lake are sent to the International Bird Research Rescue Center in Trona. The number of shore birds at the brackish water seeps along the shore of Searles Dry Lake is very high this year, likely due to the record high rainfall events earlier in the year. A chart showing bird mortality is included at the end of this report.

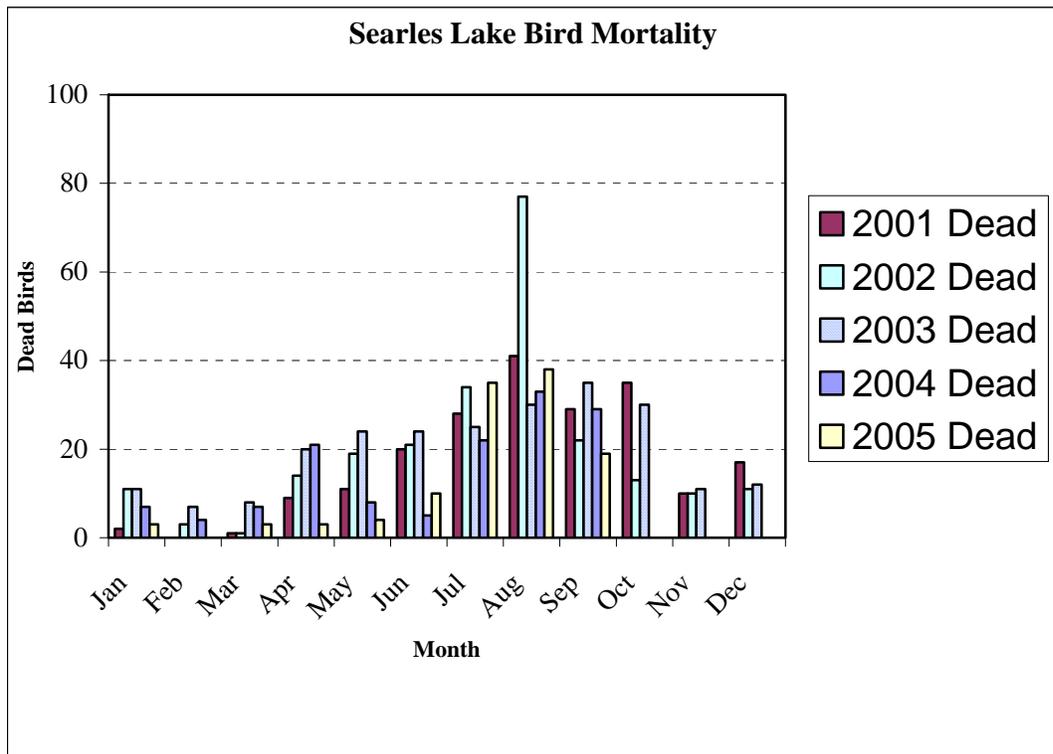
**Section 3005 Mitigation Plan**

SVM proposed a Mitigation Plan to the California Department of Fish and Game

(CDFG) under Fish and Game Code Section 3005. The Plan proposes to allow the taking of birds by SVM subject to mitigation. Components of the Plan include: 1) remedial onsite measures at SVM designed to reduce avian mortality associated with solution mining activities (bird hazing, bird rescue operations, and operation of an onsite bird rehydration pond); 2) a monitoring plan; and 3) a financial contribution to implement offsite measures at Owens Lake playa designed to mitigate for the unavoidable take of birds. On August 17, 2005, the CDFG certified the Negative Declaration and approved the 3005 Plan. The mitigation project consists of developing a waterfowl habitat project adjacent to the Owens Lake Playa. Construction will include up to 150 acres of ponds, water delivery infrastructure improvements, drilling wells to supply water for ponds, and improvement of existing roads and planting the ponds with appropriate vegetation comprise the mitigation project.

**Unauthorized Discharges**

SVM had seven discharges outside of the authorized disposal site from the Argus Plant during the period July 16 – September 15, 2005. These discharges resulted in 425,400 gallons of brine discharged to the lakebed surface. SVM instituted its Spill Response Plan, which included spill response measures as well as bird monitoring at each spill location. No adverse impacts to wildlife were observed due to the discharges. The revised WDRs adopted by the Board at its September 2005 meeting allows future discharges like these to an expanded area of the lakebed with the continued implementation of monitoring and best management practices.



**10. Town of Mammoth Lakes - Douglas Feay**

The Town of Mammoth Lakes oversees stormwater pollution control at construction sites within the town under a Memorandum of Understanding (MOU) with the Regional Board. Board staff coordinates with town staff through verbal and written communication and periodic inspections of construction sites.

The Town of Mammoth Lakes has many new construction projects this year. Projects include, North Village, Soltius, Tallus, Stonegate, Snow Creek Phase 6, and two affordable housing projects. It is estimated that over 1,000 dwelling units will be added to the town in the next two years. There are seven commercial projects currently under construction.

Runoff from winter snows was heavy this year. Town staff conducted increased inspections during spring and early summer to determine if stormwater best management practices (BMPs) were effective. The Town shut down one project until compliance was achieved. Town building inspectors continue to do stormwater inspection activities as part of normal construction site inspections, and Board staff will continue to coordinate with the Town.

**11. Los Angeles County Sanitation District No. 20 & City of Los Angeles World Airports, Palmdale Water Reclamation Plant, Compliance Status – Greg Cash**

Board staff received the Final 2025 Plan and Environmental Impact Report. A conference call is planned between Board and District staff to discuss how the Final Plan addresses Board staff comments on the Draft Plan. The

District intends to consider certifying the document at an October 6, 2005 meeting in Palmdale. The Final Plan recommends a project similar to that proposed in April 2005; however, instead of locating the agricultural re-use and storage reservoirs on land currently owned by the Los Angeles World Airports, the District will pursue land acquisition on private property to the northeast of the Airport site.

Facilities to upgrade the existing 15 million gallons per day (mgd) treatment and disposal facility are to be completed by October 2009. An additional 840 acres of land would be acquired to supplement the 2,680 acres of existing effluent management area, for agricultural operations and to construct storage reservoirs.

Construction of the storage reservoirs to contain winter flow is planned for completion by October 2008. The District states it will make every effort to meet this schedule contained in the Regional Board's Cease and Desist Order, but the District also states that it may have difficulty meeting this deadline because the actions of other parties are required that are not under the control of the District.

A table summarizing compliance tasks is attached at the end of this report.

***12. Los Angeles County Sanitation District No. 14 (Lancaster), Status of Compliance with Cease and Desist Order and Waste Discharge Requirements – Curt Shifrer***

The Regional Board adopted a Cease and Desist Order (CDO) for Los Angeles County

Sanitation District No. 14 (District) on October 13, 2004. The CDO requires the District to divert 150 MG of effluent to an alternative point of disposal other than Paiute Ponds between November 1, 2005 and March 31, 2006. It also requires the District to submit a report of waste discharge (RWD) for a project that will achieve compliance with this requirement. The District has submitted a partial RWD for a proposed project. The RWD proposes a Membrane Bioreactor Treatment Plant that will produce one million gallon per day of disinfected tertiary recycled water. District staff was informed on August 18, 2005 that the RWD submitted was incomplete. The anticipated date for completion of construction of this project is sometime in April 2006. Therefore, it is not likely the District will meet the above-described CDO requirement to divert 150 MG of effluent by March 31, 2006.

Board staff is also drafting a Master Reclamation Permit (Master Permit) to regulate non-potable use of disinfected tertiary recycled water within the Lancaster area for projects such as construction dust control, soil compaction and landscaping irrigation. Before the Board can consider adoption of the Master Permit, there must be compliance with the California Environmental Quality Act (CEQA). Board staff is working with the staff of the District and City of Lancaster regarding the CEQA document for the Master Permit.

A table summarizing all of the District 14 compliance tasks is attached at the end of this report.

## SCHEDULE OF TASKS

Lancaster Water Reclamation Plant (WDID 6B190107017)

Los Angeles County Sanitation District 14 (District)

PERFORMANCE TASK	DUE DATE	STATUS
<b>Required by: Waste Discharge Requirements</b>		
<b>Board Order R6V 2002-053</b>		
<b>Board Order R6V 2002-053A1</b>		
<b>Chlorine Toxicity</b>		
II.B.1.a. – Submit a plan to achieve compliance with free residual and chlorine effluent limits	May 1, 2003	Submitted
II.B.1.b. - Begin implementation of the plan	December 1, 2003	Submitted
II.B.1.c. - Achieve full compliance	August 25, 2005	Met
<b>Ammonia Toxicity</b>		
II.B.2 a. – Achieve interim ammonia effluent limits	August 25, 2005	Met
II.B.2.b – Achieve final ammonia limits	Upon SSO adoption/revised full compliance schedule	
<b>Abandoned Wells</b>		
II.B.3. – Submit work plan to identify and destroy abandoned wells	January 1, 2003	(Submitted)
<b>Nuisance Condition</b>		
II.B.4.a. - Complete project to eliminate nuisance condition created by effluent induced overflow from Paiute Ponds to Rosamond Dry Lake	August 25, 2005	Extended to October 1, 2008 according to CDO
II.B.4.a. - Submit semiannual progress status reports	July 15, 2005	Submitted
	January 15, 2006 ongoing	
<b>Groundwater Monitoring</b>		
II.B.5.a. - Submit workplan to install additional monitoring wells and piezometers	August 1, 2003	Submitted
II.B.5.b - Complete installation of wells, collect initial samples and submit draft report	August 1, 2004	Submitted Phase I
II.B.5.c - Submit final report that establishes if, and to what extent, percolation from unlined ponds affects groundwater and propose appropriate remediation measures	January 31, 2005	Phase I final report submitted
<b>Annual Compliance Reports</b>		
II.E.3. - Submit annual self monitoring report compliance and monitoring summary, including actions taken or planned to bring discharger into compliance	April 1, 2005	Submitted
	ongoing	
<b>Required by: Cease and Desist Order R6V-2004-0038</b>		

PERFORMANCE TASK	DUE DATE	STATUS
I.A. – Divert 24 MG of effluent and discharge to an alternative legal disposal point other than Paiute Ponds	Between December 1, 2004 and March 31, 2005	Did not achieve
I.B. – Divert 150 MG of effluent and discharge to an alternative legal disposal point other than Paiute Ponds	Beginning November 1, 2005, and annually thereafter until final compliance is achieved.	
I.B.1. – Submit a report of waste discharge if the Discharger decides to implement this interim measure, or	June 14, 2005	Received July 27, 2005
I.B.2. – Submit proposal if the Discharger chooses to implement another compliance method	June 14, 2005	N/A
I.C. – Divert 48 MG of effluent and discharge to an alternative legal disposal point other than Paiute Ponds	Between December 1, 2005 and April 1, 2006, and annually thereafter until final compliance is achieved.	
I.C.1. – Submit a report of waste discharge if the Discharger decides to implement this interim measure, or	July 12, 2005	WRR application for municipal reuse received
I.C.2. – Submit proposal if the Discharger chooses to implement another compliance method	July 12, 2005	N/A
I.D. – Divert 210 MG of effluent and discharge to an alternative legal disposal point other than Paiute Ponds	Beginning April 1, 2006, and annually thereafter until final compliance is achieved.	
I.D.1. – Submit a report of waste discharge if the Discharger decides to implement this interim measure, or	July 12, 2005	(Received July 27, 2005)
I.D.2. – Submit proposal if the Discharger chooses to implement another compliance method	November 10, 2005	
I.E. – Divert 280 MG of effluent and discharge to two permanent storage ponds for evaporative loss	Beginning October 1, 2006, and annually thereafter until final compliance is achieved.	
I.E.1. – Submit a report of waste discharge if the Discharger decides to implement this interim measure, or	May 13, 2006	
I.E.2. – Submit proposal if the Discharger chooses to implement another compliance method	May 13, 2006	
I.F. – Divert 280 MG of effluent and discharge to two temporary storage ponds for evaporative loss	Beginning October 1, 2006, and annually thereafter until final compliance is achieved.	
I.F.1. – Submit a report of waste discharge if the Discharger decides to implement this interim measure, or	May 13, 2006	

<b>PERFORMANCE TASK</b>	<b>DUE DATE</b>	<b>STATUS</b>
I.F.2. – Submit proposal if the Discharger chooses to implement another compliance method	May 13, 2006	
I.G. – Divert 210 MG of effluent and discharge to two permanent storage ponds for Nebeker Ranch next summer use	Beginning October 1, 2006, and annually thereafter until final compliance is achieved.	
I.G.1. – Submit a report of waste discharge if the Discharger decides to implement this interim measure, or	May 13, 2006	
I.G.2. – Submit proposal if the Discharger chooses to implement another compliance method	May 13, 2006	
I.H. – Divert 280 MG of effluent and discharge to two permanent storage ponds for evaporative loss	Beginning October 1, 2007, and annually thereafter until final compliance is achieved.	
I.H.1. – Submit a report of waste discharge if the Discharger decides to implement this interim measure, or	May 13, 2007	
I.H.2. – Submit proposal if the Discharger chooses to implement another compliance method	May 13, 2007	
<b>Final Compliance</b>		
II. – Eliminate the effluent-induced overflows from Paiute Ponds to Rosamond Dry Lake	October 1, 2008	
II.A.2. – Submit a report of waste discharge for the new storage and disposal sites	November 30, 2004	not submitted, more requirements in Interim Standards
II.B. – Submit a detailed plan and implementation schedule for all facilities necessary to achieve compliance if the Discharger intends to achieve timely compliance by an alternative method	June 1, 2005	Stage V expansion application received on May 18, 2005 - incomplete
<b>Status Report</b>		
III. – Submit quarterly status reports until final compliance achieved	January 15, April 15, July 15, and October 15	Ongoing
<b>Required by recent letters from the Executive Officer</b>		
<b>Groundwater Investigation</b>		
Information about permission from the Air Force to drill monitoring well on Rosamond Dry Lake	June 30, 2005	Permission granted on May 18, 2005
Workplan for completing Groundwater Investigation	July 15, 2005	Received
Final Groundwater Investigation Report	December 15, 2005	
Nitrate Investigation Report	December 15, 2005	

**SCHEDULE OF TASKS**

Palmdale Water Reclamation Plant (WDID No. 6B190107069)

Los Angeles County Sanitation District 20 (District)  
and  
Los Angeles World Airports

PERFORMANCE TASK	DUE DATE	STATUS
<b>Required by Cease and Desist Order R6V-2004-039 (District only)</b>		
<b>Interim Plant Improvements</b>	November 1, 2004 – October 31, 2005 (annually thereafter)	
I.A. – Limit total effluent nitrogen to 28 mg/L		
<b>Limit Nitrogen</b>		
I.B. – In 2004, limit land spreading nitrogen to 188 tons	December 31, 2004	Not met
I.C. – In 2005, limit land spreading nitrogen to 99 tons	December 31, 2005	
I.D. – In 2006, limit land spreading nitrogen to 80 tons	December 31, 2006	
I.E. – In 2007, limit excess land spreading nitrogen to 80 tons	December 31, 2007	
I.F. – In 2008, limit land spreading nitrogen to 78 tons	December 31, 2008	
I.G. – Cease discharges of nitrogen to groundwater that create a condition of pollution	October 15, 2008	
<b>Complete New Facilities</b>		
II. – Complete facilities to remain in compliance	November 15, 2009	
<b>Reporting</b>		
IV.A. - Submit quarterly status reports	January 15, 2005	Submitted
	April 15, 2005	Submitted
	July 15, 2005	Submitted
	October 15, 2005	
IV.B. – Submit Feasibility Study Report evaluating measures to eliminate land spreading by October 15, 2007	April 1, 2005	
<b>Required by Cleanup and Abatement Order R6V 2003-056 (District and Airport)</b>		
<b>Plume Delineation</b>		
1.1.1 – Submit a plan to delineate the nitrate plume to background levels	February 16, 2004	Submitted
1.1.2 – Complete plume delineation	August 15, 2004	In-progress
<b>Plume Containment</b>		
1.2.2 - Submit a final plan (including extraction well locations and pumping rates) and time schedule for containing the plume	September 15, 2004	Submitted
1.2.3 – Achieve plume containment	September 30, 2005	
<b>Plume Remediation</b>		

<b>PERFORMANCE TASK</b>	<b>DUE DATE</b>	<b>STATUS</b>
1.3.1 - Submit a plan describing the proposed plume remediation describing how ground water will be restored to background or propose alternative cleanup levels pursuant to SWRCB Resolution 92-49	September 15, 2004	Submitted
1.3.2 – Implement the proposed plan for ground water extraction and agricultural irrigation (or an equally acceptable alternative)	September 15, 2005	
<b>Abatement</b>		
2.1 – Submit a plan describing proposed abatement actions	March 31, 2004	Submitted
<b>Reporting</b>		
3.2 – Submit quarterly status reports until remediation is complete including actions completed in the last three months and expected in the next three months report	January 15, 2005	
		Submitted
	April 15, 2005	Submitted
	July 15, 2005	Submitted
	October 15, 2005	
<b>Required by: Waste Discharge Requirements 6-00-57</b>		
<b>Board Order 6-00-57-A01</b>		
<b>Board Order 6-00-57-A02</b>		
<b>Board Order 6-00-57-A03</b>		
<b>(District only)</b>		
Provision II.B.1. – Submit Corrective Action Plan (CAP)	January 31, 2001	Submitted
Provision II.B.2. – Submit Effluent Disposal Plan (EDP)	January 31, 2001	Submitted
Provision II.B.3. – Submit Farm Management Plan (FMP)	January 31, 2001	Submitted
Provision II.B.4 – Implement CAP, EDP, FMP	June 14, 2003	Submitted
Provision II.B.5 – Submit reports on the status of implementing the CAP, EDP, and FMP until completed	January 31, 2005	Submitted
	July 31, 2005	Submitted
Provision II.F – Submit work plan and time schedule for destroying abandoned wells in Section 15	May 30, 2004	Submitted
Provision II.D – Submit a report describing leased area and alternative disposal plan	April 29, 2005	Submitted
Discharge Specification I.B. – Submit well destruction report Sections 14 & 16	August 1, 2005	Submitted
Discharge Specification I.C. – Submit revised vadose zone monitoring plan	August 15, 2005	Submitted
Discharge Specification I.C. – Submit report documenting vadose zone installation	December 15, 2005	
<b>Required by: Monitoring and Reporting Program 00-57-A01</b>		
<b>Monitoring and Reporting Program 00-57-A02</b>		
<b>Monitoring and Reporting Program 00-57-A03</b>		
<b>Monitoring and Reporting Program 00-57-A04</b>		
<b>(District only)</b>		
<b>Sampling and Analysis Plan</b>		
A01/II.A.1 & A02/2 – Submit a Sampling and Analysis Plan	March 31, 2004	Submitted
	June 1, 2004	Submitted
<b>Wind Speed Monitoring</b>		

PERFORMANCE TASK	DUE DATE	STATUS	
II.A.3. – Submit a Wind Speed Monitoring Plan	March 31, 2004	Submitted	
<b>Final Report</b>			
I.E.4. – Report Completion of removing old vadose zone monitoring system	January 1, 2006		
<b>Annual Report</b>			
I.G.1. – Submit an Annual Cropping Plan	November 15, 2005		
<b>Quarterly Report</b>			
I.G.2. – Effluent Management Site Monitoring Report	January 15, 2005	Submitted	
	April 15, 2005	Submitted	
	July 15, 2005	Submitted	
	October 15, 2005		
<b>Monthly Report</b>			
G.3. – Recycled Water Treatment and Use Report	Monthly	Ongoing	
<b>Monthly Report</b>			
II.B.1 – Begin submitting Monthly reports for	Monthly – 30 days following	Ongoing	
- Facility Influent Monitoring			
- Facility Effluent Monitoring			
- Operation and Maintenance			
- Biosolids Disposal			
<b>Quarterly Report</b>			
II.B.2 – Begin submitting Quarterly reports for	February 1, 2005	Submitted	
	- Ground water Monitoring	May 1, 2005	Submitted
	- Vadose Zone Monitoring	August 1, 2005	Submitted
	- Effluent Management Site Monitoring	November 1, 2005	
	- Effluent Management Site Operations		
- Chemical Use Monitoring			
<b>Annual Report</b>			
II.B.3. – Begin submitting Annual reports for	March 1, 2005	Ongoing	
- Operations & Compliance Summary			
- Certified Operator status			
- Health and Safety Compliance			
- Chemical Use Monitoring			
- Federal Biosolids Report			
<b>Required by recent letters from the Executive Officer (District and/or Airport)</b>			
Submit Addendum to Vadose Zone Monitoring Plan (Requested on 6-24-04)	July 23, 2004	Submitted	
Grant Extension Request for submitting Abatement Report Addendum (Request on 7-20-04)	August 2, 2004	Submitted	
Provide an updated Sampling and Analysis Plan for use of Low Flow Purging (Requested on 8-6-04)	September 15, 2004	Submitted	
Provide a Work Plan to evaluate effects on unlined oxidation pond leakage on ground water (Requested on 8-16-04)	September 24, 2004	Submitted	
Submit Wind Speed Study Results (Requested on 5-21-04)	October 1, 2004	Submitted	
Provide a Response to comments in the 3 <sup>rd</sup> Quarter 2004 CAO Status Report (Requested on 9-22-04)	October 15, 2004	Submitted	

<b>PERFORMANCE TASK</b>	<b>DUE DATE</b>	<b>STATUS</b>
Submit Tree Farm Vadose Zone Monitoring Plan (Requested on 10-26-04)	December 6, 2004	Submitted
Submit Delineation Report Addendum (Requested on 11-10-04)	December 31, 2004	Submitted
Submit Work Plan to Investigate or Abandoned Wells (Airport only) (Requested on 12-6-04)	January 7, 2005	Submitted
Submit Work Plan and schedule for unlined ponds (Requested on 12-2-04)	January 7, 2005	Submitted
Submit time schedule to complete an Addendum to the Containment and Remediation Plan (Requested on December 28, 2004)	January 12, 2005	Submitted
Submit an Addendum to the Containment and Remediation Plan (Committed to by District staff on 1-21-05)	March 1, 2005	Submitted
Submit a detailed proposal to delineate the nitrate plume on Air Force Plant 42.	April 30, 2005	Submitted
Submit information regarding over-application of effluent to Section 15 during January to March 2005 in violation of waste discharge requirements (Requested May 27, 2005)	June 30, 2005	Submitted
Submit an assessment of whether the District expects to achieve compliance with a 12-month average total nitrogen effluent limit by November 1, 2005 for the prior 12 months (Requested May 27, 2005)	June 30, 2005	Submitted
Submit a response to Board staff comments on the Annual Cropping Plan (Requested June 13, 2005)	July 20, 2005	Submitted
Indicate if the District made no effort between September 2004 and March 2005 to gain access to Air Force Plant 42 (requested August 15, 2005)	September 15, 2005	Submitted
Propose a method for using both soil sample and vadose zone moisture data to establish total nitrogen concentrations in water lost by deep percolation. (Requested August 10, 2005)	October 21, 2005	
Submit Interim Measures and Monitoring Plan and address comments (Requested August 22, 2005)	September 30, 2005	
Submit technical Report describing options if Airport terminates Section 9 Lease (Requested September 6, 2005)	October 14, 2005	
Unauthorized Release of Secondary Treated Sewage (Requested September 7, 2005)	October 1, 2005	

# **ENCLOSURE 3**

## **Notification of Spills** (Unauthorized Waste Discharges)

**EO'S Monthly Report**  
**08/16/05 - 09/15/05**  
**Unauthorized Waste Discharges**

**COUNTY: INYO**

Discharger	Location	Basin	Regulated Facility	Substance Discharged	Hazardous?	Date Reported	Discharge Volume	Description of Failure	Discharge To	Prop 65	Status
Private citizen, D. Constans	1.5 mi. E of Big Pine HWY168, nr. old Zurich Station	S	N	Petroleum	Y	8/22/2005	8 gallons	Illegal dumping	Ground	N	Cleanup handled by Inyo Co. Env. Health. No further action recommended.

**COUNTY: LOS ANGELES**

Discharger	Location	Basin	Regulated Facility	Substance Discharged	Hazardous?	Date Reported	Discharge Volume	Description of Failure	Discharge To	Prop 65	Status
Pioneer Chem	35401 116th St. East. Pear Blossom	S	N	14% Sodium Hypochlorate	N	8/30/2005	300 gallons	Delivery truck in vehicle accident. Approx. 75 gallons released to dry streambed.	Ground, dry streambed.	N	Cleanup overseen by L.A. County Fire Dept. Cleanup in progress. Further action pending review of report.

**COUNTY: SAN BERNARDINO**

Discharger	Location	Basin	Regulated Facility	Substance Discharged	Hazardous?	Date Reported	Discharge Volume	Description of Failure	Discharge To	Prop 65	Status
Kinder Morgan	34277 Yermo Rd, Daggett	S	N	Turbine Fuel	Y	8/18/2005	<55 gallons	Packing plug leaking on valve. Substance leaked into steel piping that is used as protective cover for valve.	Ground	N	Cleanup overseen by SB Co. Health. Contam. soil put in 55 gal. drum. Cleanup complete. No further action recommended.
CHP - Barstow	138 @ Beekley Rd. near Phelan	S	N	Petroleum	Y	8/22/2005	80 gallons	Traffic accident	Ground	N	Cleanup overseen by SB Co. Fire Dept. Cleanup complete. No further action recommended.

**COUNTY: SAN BERNARDINO**

<b>Discharger</b>	<b>Location</b>	<b>Basin</b>	<b>Regulated Facility</b>	<b>Substance Discharged</b>	<b>Hazardous?</b>	<b>Date Reported</b>	<b>Discharge Volume</b>	<b>Description of Failure</b>	<b>Discharge To</b>	<b>Prop 65</b>	<b>Status</b>
BNSF RR	200 N. Ave "H" Barstow, CA	<input type="checkbox"/> S	<input type="checkbox"/> N	Petroleum	<input type="checkbox"/> Y	9/1/2005	50 gallons	Substance released from hose failure.	Ground	<input type="checkbox"/> N	Cleanup in process. Clean up overseen by SB Co. Health. No further action recommended.

# **ENCLOSURE 4**

## **Notification of Closure of Underground Storage Tank Cases**

**CASE CLOSURE REPORT**  
**August 2005**  
 State of California  
 Lahontan Regional Water Quality Control Board

<b>Date Closure Issued</b>	<b>Site Name</b>	<b>Site Address</b>	<b>Case Number</b>	<b>Case Type</b>	<b>Remaining Groundwater Concentrations above Water Quality Objectives (in ug/L)</b>	<b>Remaining Soil Concentrations (in mg/Kg)</b>	<b>Distance from Site to Nearest Receptor</b>	<b>Remedial Methods Used</b>
No closures issued during September								

**Notes:**

TPHd = Total petroleum hydrocarbons quantified as diesel

TPHg = Total petroleum hydrocarbons quantified as gasoline