



# EXECUTIVE OFFICER'S REPORT

November 2012

## STATE AND REGIONAL ISSUES

1. **State Board Trash Policy** - *Richard Booth*

State Board staff is developing a Statewide Policy for Trash Control in Waters of the State (Trash Policy). The Trash Policy is being designed to name trash as a separate pollutant and establish methods to control trash pollution in waters of the state.

The main source of trash is litter; primarily plastic, cigarette butts, wood, cardboard, and metal. Primary transport mechanisms are storm drains, wind, and direct deposit. Plastics can cause specific impairments to marine life due to ingestion and entanglement. Trash is also a source of pathogens and toxins that can harm human and aquatic life. Trash is unsightly and impairs recreational use. Implementation measures include stormwater capture systems, increasing trash receptacles and pick-up, improved waste practices by land management agencies.

Lahontan's Basin Plan prohibits floatable, settleable, and suspended materials as a nuisance or as having adverse effects on beneficial uses. Our Basin Plan establishes water quality standards to protect beneficial uses such as contact recreation (swimming

and wading), non-contact recreation, wildlife habitat, and others. Trash can impair these beneficial uses. However, no water bodies in our Region are listed as impaired by trash, and there is no information to suggest that certain water bodies in our region should be listed for a trash impairment.

The Trash Policy is being developed primarily for urban areas. The Lahontan region's heavily used beaches (such as at Lake Tahoe and Lake Arrowhead) and some streams have a few trash issues, but they are not significant to impair the beneficial uses of those beaches. Trash impairments at the State's coastal beaches near densely populated centers is a significant concern as the trash adversely affects the beach use, according to State Board staff working on the policy. For example, the Los Angeles region has adopted nine of the ten TMDLs for trash-impaired water bodies.

While trash TMDLs are not needed in our region, our staff will keep abreast of the developing Trash Policy to ensure that the beneficial uses and water quality of our region's waterbodies are appropriately protected from trash.

## NORTH BASIN

### 2. **Meyers Landfill Cap Completed, El Dorado County** – *James Brathovde*

Water Board staff inspected the completed Meyers Landfill cover system and stormwater BMPs on October 15. This past summer, the United States Forest Service (USFS) and El Dorado County finalized construction of the multi-layered landfill cap and the site was fully winterized before the October 15 grading deadline. El Dorado County estimates it has expended approximately \$10.5 million to comply with remedial activities ordered by the Meyers Landfill Partial Consent Decree of May 2010.

El Dorado County operated Meyers Landfill from 1946 through 1971 as a municipal waste acceptance facility and closed it in 1972. The landfill is entirely on USFS land in the South Lake Tahoe area. Groundwater monitoring detected volatile organic compounds (VOCs), including vinyl chloride, up to 1,300 feet down gradient of the landfill in shallow groundwater adjacent to Saxon Creek, a tributary of Lake Tahoe. The VOCs were likely produced by degradation of organic matter and household hazardous waste within the municipal landfill's waste.

The closure cap placed over the landfill in 1972 consisted of native sandy soils which allowed precipitation and snowmelt to percolate through the landfill waste and carry VOCs into groundwater. Vinyl chloride is the primary chemical of concern and concentrations are approximately 10 times higher than other VOCs at the site, ranging from non-detect to 80 micrograms per liter ( $\mu\text{g/L}$ ). Vinyl chloride is considered to be more toxic than the other VOCs and has a California Maximum Contaminant Level of 0.5  $\mu\text{g/L}$ .

The hydrogeology beneath the landfill and surrounding area is complex and groundwater occurs at three different zone depths. The upper groundwater zone occurs between 20 to 140 feet below ground surface (bgs) and flows to the northeast. The middle groundwater zone occurs between 60 to 290 feet bgs and flows to the north, and the deep groundwater zone occurs below 90 to 290 feet bgs and flows to the northwest.

Both upper and middle groundwater zones contain vinyl chloride concentrations, while the deep groundwater zone does not show any vinyl chloride. The closest drinking water supply well, South Tahoe Public Utility District's Elk Club No. 2, is about 0.75 mile cross gradient from the vinyl chloride plume.

The USFS technical consultant anticipates that when the landfill is capped with a multi-layer cover system, the contaminant source will be encapsulated and the existing contaminant concentrations in the groundwater plume will attenuate naturally over time. The 2007 USFS Record of Decision (ROD) for the landfill cap estimated that it would take 2-4 years of additional groundwater monitoring, after capping, to evaluate the success or failure in reducing the VOC concentrations in groundwater.

More than 40 groundwater monitoring wells have been installed to characterize the lateral and vertical extent of the VOC plume. The USFS anticipates that it will complete the Remedial Investigation and Feasibility Study for the groundwater contaminant plume and a ROD will be finalized in 3 to 5 years. Water Board staff will continue to advise and assist the USFS in determining the appropriate monitoring and remedial action for the groundwater plume.

3. **Staff Participation in Tahoe Environmental Education**— *Mary Fiore-Wagner*

Water Board staff continues to participate as a member of the South Tahoe Environmental Education Coalition (STECC). STECC was founded in 2008 and its partnership includes staff from the Lake Tahoe Unified School District, Tahoe Resources Conservation Service (RCD), Tahoe RCD AmeriCorp, U.S. Forest Service - Lake Tahoe Basin Management Unit (LTBMU), Lake Tahoe Boys and Girls Club, Sugar Pine Foundation, Tahoe Institute for Natural Science and Sierra Watershed Education Partnership. Members of STECC collaborate to plan and present environmental education activities and events in the Lake Tahoe basin.

During the months of September and October 2012, Water Board staff Cindy Wise, Carly Nilson, and Mary Fiore-Wagner participated in three STECC-developed education efforts that reached over 1500 students in the Lake Tahoe Unified School District and some high school students from North Lake Tahoe and Truckee. All programs, which meet California state content standards, exposed children to earth science and promoted environmental stewardship.

Outdoor Explore: Children in kindergarten through second grade visited Nevada Beach and rotated through different stations to learn about wildlife, trees, stewardship and best management practices to improve water quality.

Trees and Terrific: Third and fourth grade students rotated through three stations at the Tallac Historic Site to gain an understanding about local history and the environment. Children learned the importance of fire in the forest ecosystem, the techniques of tree-ring dating or dendrochronology, and the intricate connection of the Washoe people and Lake

Tahoe's founding families with the resources provided from Lake Tahoe and its surrounding watershed.

Tahoe Basin Watershed Education Summit: STECC members, including Water Board staff, guided high school students through a new program in the Lake Tahoe Basin called the Tahoe Basin Watershed Education Summit (TBWES). Developed by STECC, TBWES is designed to provide learners with an integrated experience that combines community service, academic achievement, environmental stewardship, and career exploration. As part of the TBWES program students learned how to conduct a watershed assessment within a reach of Blackwood Creek that has undergone a restoration project by the LTBMU. Students performed stream cross sections to generate transect measurements that will assist the LTBMU with monitoring the long-term effects of the creek restoration. Water Board staff led the portion of the assessment that focused on water quality sampling for dissolved oxygen, pH, temperature, and turbidity. Staff introduced the importance of measuring these parameters in a waterbody and showed students the proper protocol for collecting water samples. Students used meters and colorimetric tests to assess water quality in the field.

Water Board staff will continue to participate in environmental educational efforts that instill a sense of stewardship in children resulting in the long-term protection of our water and other environmental resources.

4. **Truckee Sanitary District Sewage Spill** - Rob Tucker

October 3, 2012 the Truckee Sanitary District (District) reported a spill of untreated sewage from a 10-inch line located near 14360 Glenshire Drive in Truckee. The sewage spill, out of a collection system manhole, was caused by debris build up in the line. The line was under pressure

because it acts as an inverted siphon through this area. The District set up a bypass line so they could expose the line and remove the blockage. The District set up nearly 2000 linear feet of bypass line in roughly two hours and operated it for roughly 30 hours while the repairs were made. During this time the District bypassed roughly 150,000 gallons of sewage and collected 60,000 gallons with their vacuum trucks.

The District employed a lay-flat hose system to rapidly bypass a section of the collection system. Not all Districts have the capability or the equipment and training level to adequately respond to these type of blockages and spills. Therefore, the Water Board staff wrote a letter commending the District on its spill response readiness and for having the proper equipment to use. The final amount of sewage spilled onto the ground was estimated at 13,000 gallons but could have been much worse based on the amount the District bypassed and collected. Regulatory Unit staff is recommending no further enforcement action in this matter.

**5. Tahoe Regional Planning Agency (TRPA) Regional Plan and 208 Plan Update -**  
*Robert Larsen*

The TRPA is updating its 25-year old Regional Plan to strengthen the focus on restoration of sensitive lands while promoting redevelopment of Tahoe's aging infrastructure and community centers. The TRPA released a draft Environmental Impact Statement (EIS) for the Regional Plan Update in April 2012 along with a draft Goals and Policies document and an initial amended Code of Ordinances.

Water Board staff reviewed those draft documents and have been working directly with TRPA staff to align the updated plan with the Lake Tahoe TMDL implementation approach. The TRPA Governing Board met in October 2012 to release the final Regional Plan Update documents and gather

feedback from the public and stakeholders. Additional meetings are scheduled for November and December of this year, with final approval planned for the December meeting.

Along with the Regional Plan Update, the TRPA is leading the effort to update the Clean Water Act Section 208 Water Quality Management Plan for the Lake Tahoe Basin. Like the Regional Plan, the 208 Plan is more than 20-years old. The document needs to be updated for consistency with the Regional Plan Update and the Lake Tahoe TMDL. The updated 208 Plan will reference relevant water quality policy documents – including the Basin Plan and the Lake Tahoe TMDL – and outline the structure for water quality management in the Lake Tahoe region. Water Board staff and management have been working directly with TRPA, the Nevada Division of Environmental Protection, the California Attorney General's Office, and other stakeholders on crafting the updated 208 Plan. The TRPA plans to adopt the updated 208 Plan concurrently with the Regional Plan Update, and staff expect to bring the updated 208 Plan to the Water Board for consideration in early 2013.

**6. New Bacteria Research Lab Established in Lahontan Region —**  
*Thomas Suk, Bruce Warden, and Richard Booth*

Staff recently executed two contracts with U.C. Santa Barbara which will allow the University of California to establish a new bacteria research facility at the Sierra Nevada Aquatic Research Laboratory (UCSB-SNARL) near Mammoth Lakes. This will be the first-ever bacteria research lab based in our Region. Over the next two years (and longer, if additional funds become available) scientists from UCSB-SNARL will conduct surveys of the Region's surface waters to characterize bacteria loads and to determine correlations between land uses and bacteria concentrations. They will also evaluate the performance of several

emerging methods for determining the sources of bacteria (e.g., humans vs. various other animals).

The State Water Board's TMDL program awarded funding for the surveys after a competitive statewide process. Information gained will help the Region's TMDL staff to evaluate existing 303(d) listings (i.e., to confirm impairments and support de-listings), to identify problem (source) areas, and to develop numeric targets for future bacteria TMDLs. The data will also be useful as the Board amends and/or updates existing water quality objectives for bacteria, and/or considers new or complementary objectives.

**7. Blackwood Creek Restoration Projects -  
*Laurie Scribe***

The US Forest Service Lake Tahoe Basin Management Unit (LTBMU) and the California Tahoe Conservancy (CTC) each implemented a stream restoration project this year to support TMDL implementation in Blackwood Creek, a tributary to Lake Tahoe. Regional Board staff made frequent visits to both project sites throughout the summer to assess compliance with the permits and discuss project modifications and adjustments.

Both projects shared similar goals of enhancing aquatic and riparian habitat and improving channel stability, and both included in-channel construction activities. The Water Board permits for both projects required continuous turbidity monitoring upstream and downstream of the project area as well as preparation and implementation of Storm Water Pollution

Prevention Plans. To date, both projects were successful in complying with permit requirements and no enforcement actions were required. The dry water-year provided favorable conditions to accomplish project construction.

The LTBMU project is completed, however the CTC has some remaining work to conduct. This work will occur during early November 2012, under a grading variance if weather and soil conditions allow. If no favorable weather window occurs this fall the remaining work will be done during the 2013 construction season.

The LTBMU project, referred to as Blackwood Creek Phase IIIB-2012, is located upstream of the Barker Pass Bridge and the creek through the project area was dry throughout the construction period. The CTC Project, called the Lower Blackwood Creek Restoration Project, is located just upstream of the bridge along Highway 89. The creek flows perennially in this area and the CTC successfully installed a robust gravity-fed stream diversion to divert flows around the work area.

Blackwood Creek is located along the west shore of Lake Tahoe. Historic logging, cattle and sheep grazing, forest road construction, and in-stream gravel mining significantly disturbed Blackwood Creek and its watershed. The Lahontan Water Board adopted a Total Maximum Daily Load for Bedded Sediment (TMDL) in Blackwood Creek in November 2007, and U.S. EPA subsequently approved the TMDL in 2008.

## SOUTH BASIN

### 8. **Victor Valley Wastewater Reclamation Authority- Legal Authority to Control Discharges** – *John Morales*

The Victor Valley Wastewater Reclamation Authority (VWVRA) owns and operates a wastewater treatment plant that services a population of approximately 290,000 and discharges about 12 million gallons per day. The wastewater treatment plant treats the wastewater from its five member agencies: the Cities of Victorville and Hesperia, the Town of Apple Valley and two San Bernardino County Service areas (Oro Grande and Spring Valley Lake). California regulations require municipal sewage discharges greater than five million gallons per day to implement a sewer collection pretreatment program to ensure the treatment plant does not receive waste that adversely affects the treatment capability of the plant.

In May 2012, Tetra Tech, Inc, a US EPA contractor working on behalf of the Water Board, conducted a Pretreatment Compliance Audit of the VWVRA's pretreatment program. The last Pretreatment Compliance Inspection of the VWVRA's pretreatment program had been performed in March 2011.

The Audit consisted of various parts, including a file review of the VWVRA's compliance sampling and inspection procedures and their frequency. The Audit encountered 21 potential violations of VWVRA's NPDES permit, Board Order No. R6V-2008-004.

VWVRA's sewer use ordinance contains missing and outdated definitions of terms and has deficiencies in required reporting, test procedures, and public participation requirements. In addition, the Audit revealed that the VWVRA does not have adequate legal authority to control all the wastewater discharges into its sewer system from the

City of Adelanto. Several recommendations were also made by Tetra Tech, Inc. to remediate other deficiencies.

One of the significant recommendations made was that the VWVRA needs to develop a multi-jurisdictional agreement with the City of Adelanto to ensure that the industrial users discharging into the City of Adelanto collection system and subsequently into the VWVRA treatment plant are adequately controlled. It has been discovered that the VWVRA does not adequately characterize the discharge from two of its significant industrial users – the City of Adelanto and the City of Victorville, both of which have upstream significant users discharging to their respective facilities. These two major issues underscore that VWVRA lacks enforcement authority for some aspects of its Pretreatment Program.

Staff intends to issue VWVRA a Notice of Violation requesting that the deficiencies be corrected.

### 9. **Further Investigation for the Former NuWay Cleaners** - *Omar Pacheco*

Initial investigations of the former NuWay Cleaners property by the City of Victorville (City) indicate that soil and groundwater at the site contain high concentrations of the solvent perchloroethylene (PCE). The former NuWay Cleaners property is in an area undergoing redevelopment. The City acquired the property after the original owner abandoned the site. Initial work at the site was conducted by the City under the direction of US EPA and focused on addressing the risk to the community caused by vapors emanating from contaminated soils at the site. Based on the site investigations, the City installed a vapor extraction system at the site and a sub-slab depressurization system at the basement of

a nearby school building to control vapors from the site. The health risk to the community was addressed by the US EPA. Further regulatory cleanup oversight of the groundwater is under the purview of the Water Board.

The City plans further work at the site and submitted a workplan for additional interim soil cleanup and for a groundwater investigation. The proposed investigation includes delineation of the groundwater plume using a one-time sampling device such as a Hydropunch™ and then installing at least four permanent monitoring wells based on the delineation. Water Board staff has provided comments on the workplan and the City is working cooperatively with staff to address the comments. Field The plan will be implemented late this year/early next year.

**10. Status of Pacific Gas and Electric Chromium Cleanup Activities at Hinkley, California - Lauri Kemper**

Water Board staff continues to oversee PG&E cleanup and monitoring activities at Hinkley, California to remove hexavalent chromium from the groundwater impacted by historic discharges at PG&E's compressor station. A summary of Water Board actions is provided in the October Status of Actions handout (attached) and was provided to the Hinkley community at the October 25 Community Advisory Committee Meeting.

*Draft Environmental Impact Report – public review period ends November 5*

Water Board staff continues to provide outreach to the community to encourage public input on the draft environmental impact report (DEIR) for the comprehensive cleanup of the groundwater. Staff has presented the DEIR at a public meeting at the Hinkley School August 29, a public hearing before the Water Board September 12, Hinkley community meetings on September 26 and 27, and October 25, and

a more in-depth presentation during a Water Board staff-hosted meeting on October 16. All meetings have been well-attended by members of the community and staff was able to answer many questions.

*Community Advisory Committee (CAC) Meetings*

Prior to the September 27 CAC meeting, the CAC members voted to exclude PG&E representatives as members of the committee and requested a change in facilitation of the meetings. At the September 27 meeting, no facilitator was used and members of the public disrupted the meeting limiting the meeting's effectiveness. At the October 25 CAC meeting, State Board's Office of Public Participation staff facilitated the meeting and the meeting was much more productive, constructive and positive. Media was present and taped the meeting. The CAC members have interviewed new facilitators and are considering selecting a new facilitator for future meetings. CAC members are interested in engaging with Water Board staff on current issues and ahead of final Water Board decisions or actions. Water Board staff agreed to schedule a separate meeting in early January to discuss manganese data in the groundwater and evidence available to determine sources of elevated manganese. Water Board staff is requesting the public send all available data to the Water Board for compilation and evaluation. Additionally, Water Board staff intends to solicit input from the CAC on the independent peer review request to review PG&E's Background Study Plan. This input will ensure the Water Board is asking questions pertinent to the community. Water Board staff will continue to participate in CAC meetings. CAC will be meeting November 15 and December 20 and Water Board staff plans to attend and participate.

### *Public Health Assessments*

Water Board staff has updated its website to make it easier for the public to access current health-related information from the Water Board's website ([http://www.waterboards.ca.gov/lahontan/water\\_issues/projects/pge/hinkley.shtml](http://www.waterboards.ca.gov/lahontan/water_issues/projects/pge/hinkley.shtml)). Staff has also requested the Department of Public Health to provide any new information on health risks or assessments for the Hinkley Compressor Station.

### *Order for Additional Delineation Activities*

The Water Board's Prosecution Team has provided responses to comments received on a draft cleanup and abatement order requiring PG&E to conduct additional chromium contamination delineation. Based on the comments and responses, the Water Board's Prosecution Team provided a revised proposed order on October 25 for the Executive Officer's consideration for issuance.

## **11. Dairy Strategy - Ghasem Pour-ghasemi**

There are 13 dairies in the South Lahontan Basin as shown on Table 1. These facilities contribute nutrients and salt to groundwater. Water Board staff presented the Board with a Dairy Strategy in May 2010 which was supported by the Board. The Dairy Strategy contains four elements: (1) assess and address risk to downgradient drinking water receptors where groundwater nitrate pollution has impacted wells, (2) implement source control using appropriate waste control and disposal practices, (3) evaluate effectiveness of these measures through monitoring, and (4) conduct groundwater remediation where beneficial uses are adversely affected. Staff's highest concurrent priorities are: (a) ensuring replacement water is made available to residents whose private well water is affected by dairy operations and (b) requesting and reviewing source control plans from dairies to address milk barn wash water and manure disposal practices that have polluted groundwater.

California dairymen are facing a difficult financial situation. Current milk prices are low and feed prices high. Corn is in short supply due to the mid-west drought and a requirement to add corn derived ethanol to gasoline. An October 14, 2012, San Francisco Chronicle article states that by the end of 2012, California will have "lost more than 100 dairies to bankruptcies, foreclosures, and sales." This highlights the challenge many dairies will have in fully implementing the Dairy Strategy. If dairies go out of business, staff will have to work with dairy industry leaders to find solutions that ensure long term public health is protected and groundwater beneficial uses are restored. Staff resources are limited for reviewing requested technical reports and preparing enforcement orders requiring implementation of source control measures and effectiveness monitoring.

*Further Discussion of Replacement Water -* Approximately 40 residents are receiving replacement drinking water from four dairies that have polluted, or threaten to pollute, downgradient residential supply wells. Table 1, column 2, shows the four dairies that supply replacement drinking water. These dairies were issued Cleanup and Abatement Orders requiring them to sample residential wells around the dairies once every nine months and analyze for nitrate and total dissolved solids. The latest sampling results were submitted in July 2012.

*Further Discussion of Source Control Plans -* All of the dairies have been required to submit plans to address pollutant source control measures. In May 2011, Investigative Orders were issued to 12 dairies requiring them to submit two separate plans. The dairies must develop a Waste Management Plan to address impacts from stormwater runoff to protect surface water. They are also required to produce a Nutrient Management Plan to address milking barn wash water and manure disposal practices to protect groundwater. The timing for when plans are

submitted was based on risks to water quality from existing onsite practices. Staff has received plans for six of the dairies. One dairy is late in its submittal because they are exploring land acquisition to address long-term manure disposal management. One Dairy's plan is due by December 2012 with the remaining four plans due in 2013. The Assistant Executive Officer intends to issue Orders to all dairies requiring plan implementation. Table 1 also lists the seven dairies with identified groundwater pollution.

Staff issued two separate Cleanup and Abatement Orders to the N&M Dairy, located northeast of Helendale, requiring: (1) removal of onsite manure stockpiles and (2) implementation of measures to address dairy wash water, long term manure disposal, and a Best Management Practice (BMP) plan to address stormwater runoff. Manure stockpiles have been reduced by more than 95 percent. However, the owner

has stopped further manure removal and is in non-compliance with the requirement to implement source control plans to address the disposal of milk barn wash water to unlined percolation ponds and establish a BMP.

During the summer 2012 staff received numerous complaints from residents near the N&M Dairy regarding excessive flies that cause nuisance and health concerns. This summer the dairy experienced at least two, or more, severe thunderstorms. The humid weather further exacerbated fly breeding conditions in the corrals, wash water percolation ponds, and manure storage areas. Staff worked with the San Bernardino County Department of Environmental Health Services Vector Control staff to provide the dairy with vector control advice and measures. A field Notice to Comply enforcement citation was issued requiring the dairy to address nuisance fly conditions.

Table 1 – Summary of Region 6 Dairy Strategy Status<sup>1</sup>

| Dairy                  | Providing Replacement Water? | Groundwater Pollution? | Enforcement Mechanism Requiring NMPs & WMPs | Due Date | Date Received | Status             |
|------------------------|------------------------------|------------------------|---|----------|---------------|--------------------|
| N & M Dairy            | Yes                          | Yes                    | CAO   | 07-02-10 | 10-11-10      | NonCompliance      |
| Harmsen Dairy          | Yes                          | Yes                    | 13267                                       | 12-15-11 | 12-21-11      | CAO in preparation |
| A & H Dairy            | No                           | Yes                    | 13267                                       | 12-15-11 | 09-20-12      | In review          |
| Dutch Dairy            | No                           | Yes                    | 13267                                       | 12-15-11 | Over due      | Over Due           |
| B & E Dairy            | No                           | Unknown                | 13267                                       | 03-28-12 | 07-17-12      | In review          |
| John Van Leeuwen Dairy | No                           | Unknown                | 13267                                       | 07-06-12 | 07-06-12      | In review          |
| Hinkley Dairy          | Yes                          | Yes                    | 13267                                       | 08-15-12 | 08-09-12      | In review          |
| DVD Heifer Ranch       | Yes                          | Yes                    | 13267                                       | 10-17-12 | 10-17-12      | In review          |
| Meadow Brook Dairy     | No                           | No                     | 13267                                       | 12-12-12 | Not yet due   | None               |
| Desert View Dairy      | No                           | Yes                    | 13267                                       | 03-12-13 | Not yet due   | None               |
| High Desert Dairy      | No                           | No                     | 13267                                       | 05-22-13 | Not yet due   | None               |
| Vernola Ranch          | No                           | No                     | 13267                                       | 08-07-13 | Not yet due   | None               |
| Alamo Mocho Ranch      | No                           | No                     | 13267                                       | 10-16-13 | Not yet due   | None               |

<sup>1</sup> CAO – Cleanup and Abatement Order

NMP = Nutrient Management Plan to address wash water and manure disposal management.

WMP = Waste Management Plan to address surface stormwater runoff management.

November 14, 2013

**TO: LAHONTAN WATER BOARD MEMBERS**



**FROM: LAURI KEMPER  
ASSISTANT EXECUTIVE OFFICER**

**SUBJECT: REVISED SUMMARY OF PENDING ENFORCEMENT CASES AND SUMMARY OF QUARTERLY VIOLATIONS REPORT, 3<sup>RD</sup> QUARTER 2012**

Below please find a more detailed list of pending enforcement cases that are currently scheduled to come before the Lahontan Water Board for its consideration in the future. Further below, please find a summary of the previously provided Quarterly Violations Report for July 1, 2012 – September 30, 2012 (3<sup>rd</sup> Quarter, 2012).

| <b>Facility</b>                         | <b>Description of Discharger/Facility/Activity</b>  | <b>Alleged Violations Summary</b>   | <b>Scheduled Meeting (Quarter/Year)</b> | <b>Status of Enforcement</b>   |
|---|---|---|---|--|
| 1031A Meadowbrook Road (Serenity Lodge) | Arimol Group is the Discharger and is in the process of constructing housing facilities in the Lake Arrowhead area, San Bernardino County. Discharger impacted springs and a stream by grading, filling and installing a culvert with no Water Board permits. | <ul style="list-style-type: none"><li>• Discharge of waste and fill materials without a permit.</li><li>• Delayed filing for NPDES Stormwater Construction General Permit.</li><li>• Failure to submit compliant technical reports required by a Cleanup and Abatement Order.</li></ul> | January 2013                            | Administrative Civil Liability Complaint issued October 26, 2012 in the amount of \$498,000, posted on Water Board's web page. |

|                         |   |  |                               |  |
|-------------------------|---|--|-------------------------------|--|
| N & M Dairy             | Mary and Neil DeVries operate a large dairy (up to 4000 cows) in San Bernardino County, near Hinkley, California. Excess manure and wash water disposal onsite has caused a nuisance and groundwater pollution affecting neighbors' quality of life and drinking water quality. | <ul style="list-style-type: none"> <li>• Failure to submit technical reports required by Cleanup and Abatement Order.</li> <li>• Failure to implement corrective actions required by a Cleanup and Abatement Order.</li> </ul>   | 1 <sup>st</sup> Quarter, 2012 | Prosecution Team anticipates issuing Administrative Civil Liability Complaint in November 2012 for a hearing in January 2013.  |
| Lake Arrowhead CSD WWTP | Community Services District operates a collection system, treatment plant and disposal ponds for domestic wastewater from the community of Lake Arrowhead, San Bernardino County  | <ul style="list-style-type: none"> <li>• Unauthorized discharges of untreated and partially treated wastewater from sewer collection system and wastewater treatment facility, respectively.</li> <li>• Not meeting operation and maintenance expectations to address inflow and infiltration into the collection system as set forth in Cease and Desist</li> </ul> | 1 <sup>st</sup> Quarter, 2012 | Prosecution Team is developing new cease and desist order with new time schedules to replace past cease and desist order. Also considering issuing administrative civil liability complaint. |

|   |   | Order.  |  |   |
|---|---|---|--|---|
| Susanville CSD WWTP   | District operates a collection system and treatment plant for domestic wastewater from the community of Susanville, Lassen County           | Exceeding effluent limitations. Subject to MMPs. District has since installed an ultraviolet disinfection system and is no longer experiencing chlorine or total suspended solids-related violations. | 2 <sup>nd</sup> Quarter, 2013                    | Prosecution Team anticipates reaching a settlement allowing expenditures to complete a compliance project (the installation of the new disinfection system) in lieu of collecting penalties since the Susanville CSD is considered a disadvantaged community.   |
| Los Angeles County Sanitation District No. 20, Palmdale Wastewater Treatment Facility | District operates a collection system and treatment plant for the community of Palmdale, Los Angeles County                                 | The District's past wastewater discharges contaminated groundwater, exceeding the drinking water standard for nitrate-nitrogen  | 3 <sup>rd</sup> Quarter, 2013                    | Water Board Executive Officer anticipates issuing a 13267 Order requiring additional technical information on plume delineation, hydraulic control, and the effectiveness of the current groundwater remediation system. Public workshop is planned for March 2013 ahead of developing a Cleanup and Abatement Order for Water Board consideration in 3 <sup>rd</sup> Quarter 2013. |
| Pacific Gas and Electric – Hinkley Compressor Station                                 | PG&E is currently conducting activities to remediate hexavalent chromium contamination in the groundwater in Hinkley, San Bernardino County | Ongoing chromium groundwater contamination  | 2 <sup>nd</sup> and 3 <sup>rd</sup> Quarter 2013 | The Water Board is preparing final EIR and a general permit to support comprehensive cleanup of the chromium contamination in Hinkley (anticipated for action in January/April 2013). The Prosecution Team will also be preparing a new cleanup and abatement order directing PG&E  |

|  |  |  |  |  |
|--|--|--|--|--|
|  |  |  |  | to conduct cleanup actions according to a time schedule. This Order will be circulated for public review spring 2013 and considered by the Water Board in summer 2013. |
|--|--|--|--|--|

**Summary of Quarterly Violations Report for the period July 1, 2012 – September 30, 2012 (3<sup>rd</sup> Quarter, 2012)**

A total of thirty one violations occurred and are prioritized in categories 1 through 3 for the 3<sup>rd</sup> Quarter 2012. Priority 1 violations currently being addressed by the Water Board include Arimol Group (ACL issued October 2012), N and M Dairy (ACL pending) and City of Barstow WWTP nitrate violations (Cleanup and Abatement Order out for public comment and settlement negotiations occurring with Barstow. Barstow has plans to begin groundwater cleanup in 2013). Both Helendale Silver Lakes CSD and the US Marine Corps Facility have shown violations in groundwater that require further investigation.

Priority 2 violations cover a range of violation types including failure to follow permit conditions and violations of effluent limits. Four of these violations were discovered as part of Water Board inspections. Water Board staff has addressed five of the priority two violations through the issuance of notices of violations , and five other informal enforcement actions such as talking to the dischargers about the violations (oral communication) or issuing an informal enforcement letter (staff enforcement). In some cases, corrective actions have already been taken. Water Board staff will monitor other violations through review of self-monitoring reports to evaluate if violations are continuing and/or increasing and require additional enforcement action.

Eight Priority 3 violations are recorded for late report submittals, minor report deficiencies, and minor permit condition violations such as temporary and justified freeboard violations to allow pond repairs to occur and minor fill amounts above the authorized amount.