



Lahontan Regional Water Quality
Control Board



EXECUTIVE OFFICER'S REPORT

July 2005

NORTH BASIN

1. *Meyers Beacon Gas Station, El Dorado County – Lisa Dernbach*

The Regional Board has been cleaning up the former Meyers Beacon Gas Station site using funds from the Emergency, Abandoned and Recalcitrant (EAR) account because the responsible parties failed to act. Recent groundwater monitoring shows that the site no longer threatens beneficial uses of the groundwater. Board staff is therefore proceeding with actions to close the case.

I plan to distribute a fact sheet to interested parties and request public comment before considering issuing a case closure letter. This process is consistent with the State Board's new guidance on public participation. If no relevant comments are received that suggest closure is not appropriate, I will proceed with closing the case.

In the meantime, the Regional Board's contractor is proceeding to disassemble the pump and treat system and air stripper used to remediate groundwater contamination. The contractor will also be submitting a workplan in late June for decommissioning the infiltration gallery and the remaining 32 monitoring and extraction wells. Decommissioning activities should start in July. The expected cost of this work is \$84,000, to be paid using funds from the

Cleanup and Abatement Account. If all goes as planned, closure actions at the site should be completed by late July.

2. *12th Annual California Environmental Protection Agency (Cal/EPA) Environmental Cross Media Enforcement Symposium – Scott Ferguson*

Staff attended the symposium that was held in Irvine, California in May 2005. The symposium included a case-study video that was prepared for use during and following the symposium and numerous speakers. The symposium focused on the benefits of sharing information and coordinating investigation/enforcement activities among different resource protection agencies, since many facilities can affect water, air, and soil quality (multimedia). Coordination among resource protection agencies can result in financial savings (consolidated investigation versus several independent investigations), more fully identifying a facility's violations and associated adverse environmental effects, and preparing stronger enforcement cases that allow prosecutors to successfully pursue criminal penalties, or civil penalties more significant than any single agency could secure. Environmental crime task forces that bring local, state, and federal resource protection agencies, law enforcement, and prosecuting parties (District Attorneys, Environmental Circuit

Prosecutors, California and U.S. Attorney General) were emphasized as an effective forum for sharing information and coordinating investigation/enforcement activities. The case studies and other presentations illustrated the benefits, in addition to some of the challenges, of such coordination.

The information provided and professional contacts made during the symposium will assist staff in developing a more effective enforcement effort. The result will be increased compliance, improved environmental protection, and evening the playing field for businesses that operate within California. These are the primary goals of Cal/EPA's recent enforcement initiatives to be implemented by its boards, agencies, and departments.

3. ***Silver King Creek Rotenone Project, Alpine County – Lauri Kemper***

Last September, the Regional Board declined to adopt an NPDES Permit for Department of Fish and Game's (the Department) proposed rotenone application in Silver King Creek and its tributaries in Alpine County. Following the Regional Board hearing, staff requested the Department to submit macroinvertebrate data from past applications, consider designing a study to identify potential unique endemic species, and provide information regarding the Department's ability to address concerns raised by Alpine County. The Department never responded to the staff letter. The Department and the United States Fish and Wildlife Service along with Trout Unlimited filed petitions to the State Water Resources Control Board.

On June 1, 2005, the State Water Resources Control Board (State Board) conducted a

workshop regarding the petitions. State Board staff recommended dismissing the petitions. The Department requested the petitions be upheld and that the State Board consider adopting an NPDES Permit for the project. The State Board made no decision at the workshop, but directed its staff to circulate the Regional Board's NPDES Permit for 30 days and schedule a hearing. The State Board postponed deciding on the petition and agreed to consider it at the same time it considers the Permit.

On July 6, 2005, the State Board will hold a hearing to consider adopting an individual NPDES Permit for the Department's proposed application of rotenone in the Silver King Creek watershed in Alpine County. The Department plans to conduct the rotenone treatment in late August or early September 2005. If the State Board adopts the Permit, Regional Board staff may inspect the project to ensure compliance with the permit conditions. No comprehensive survey of unique endemic species can be accomplished prior to the treatment if it occurs this year. However, the permit does require follow-up macro-invertebrate monitoring. The Department did complete pre-project macro-invertebrate monitoring last summer.

4. ***Snapshot Day – Lauri Kemper***

On May 21, 2005, volunteers sampled hundreds of locations within the Truckee River watershed from the Upper Truckee River through Lake Tahoe and the Truckee River down to Pyramid Lake. Many partners sponsor and participate in this event, including the Truckee River Aquatic Monitors (from the Truckee River Watershed Council), the Lake Tahoe Environmental Education Coalition, the Tahoe Regional Planning Agency and the

Lake Tahoe Community College. Regional Board staff participated as Team Leaders educating individuals about local water quality issues, proper observation and sampling techniques and water quality analyses. The groups take temperature, pH, electrical conductivity and dissolved oxygen measurements. At some sites, samples are brought back for laboratory analyses for turbidity, nitrogen, phosphorus and fecal coliform concentrations. The event is a great 'hands-on' approach to inform the community on water quality issues and assessment methods and assist them in becoming better stewards of our waters. The data gathered is useful for tracking trends in water quality and can identify problems requiring corrective actions. In the past, a team identified high fecal coliform concentrations at a marina where poor housekeeping related to waste disposal was identified and corrected.

5. ***Regional Board Staff File Appeal of Tahoe National Forest Euro Project – Doug Cushman***

Board staff filed an appeal on June 20, 2005, of the Environmental Assessment/Record of Decision for the Euro Project that has been proposed by the United States Forest Service, Tahoe National Forest. The Euro project is a timber harvest and fuels reduction project. The District Ranger for the Sierraville District of the Tahoe National Forest signed the Environmental Assessment for the Euro Project. This appeal is based on statements in the Environmental Assessment and the Watershed Effects Analysis indicating cumulative watershed effects in a sub-watershed will be elevated above a threshold of concern. Specifically, the Forest Service identified potential increased delivery of fine sediment to streams and decrease in stream stability as a result of the project. The sub-watershed that will be

impacted by this project is tributary to the Little Truckee River, which is listed as sediment impaired under Section 303(d) of the federal Clean Water Act. The cumulative watershed effects analysis for this project makes very minimal, and only qualitative mention of a now separate project that was split off of the Euro Project, the Checkmate Project. The Checkmate Project will cause impacts in some of the same sub-watersheds associated with the Euro Project. The Environmental Assessment does an inadequate job of detailing to what degree these projects might cumulatively affect water quality.

6. ***Update on the Lake Tahoe Shorezone Amendments – Mary Fiore-Wagner***

In July 2004, the Tahoe Regional Planning Agency (TRPA) released its Draft Environmental Impact Statement for the Lake Tahoe Shorezone Ordinances (Draft Shorezone EIS) for a four month public review period. Based on comments received, TRPA identified that public access, existing density numbers, the scenic assessment process, and grandfathering of existing buoys still remain as outstanding and controversial issues. To address these issues, TRPA drafted a new alternative to be added to and analyzed in the Draft Shorezone EIS.

The new alternative proposed, Alternative 6, relies largely on density as a restrictor for shorezone development. In Alternative 6, 220 new private piers and 10 new public piers would be allowed in the next 22 years. A maximum of 10 private piers would be allowed per year. By July 2005, TRPA will present Alternative 6 to the public as an addendum to its July 2004 Draft Shorezone EIS. The public comment period on Alternative 6 will be 60 days. TRPA staff does not expect its Governing Board to

certify the Final Shorezone EIS until October 2005, at the earliest.

In anticipation of TRPA's Final Shorezone EIS being certified, Regional Board staff has started the CEQA process required to amend your Basin Plan. The Regional Board will be asked to consider a Basin Plan Amendment to remove a prohibition that restricts new pier construction in Lake Tahoe. On June 20, 2005, we sent a request to the State Board to identify peer reviewers. Within 60 days, the State Board will identify a panel to review and comment on the draft Staff Report, the proposed Basin Plan Amendment, and the scientific studies that provide the findings, conclusions, and assumptions that justify the proposed amendment. Regional Board staff plans to hold a CEQA scoping meeting for the proposed Basin Plan amendments during July 2005. The meeting will provide a forum for lead agencies, jurisdictional agencies, and interested parties to comment on the scope and content of the environmental information to be analyzed during the CEQA process.

SOUTH BASIN

7. *Dairies on the Mojave River – Joe Koutsky*

The N&M Dairy contains approximately 6,000 animals and an alfalfa farm located to the south of the Mojave River in Helendale, San Bernardino County. The groundwater under the dairy had nitrate concentrations ranging between 9.9 mg/L and 52.8 mg/L based on the groundwater sampling conducted since 2002.

The dairy operator has implemented some best management practices (BMPs) for groundwater protection in the last two years. The use of these BMPs minimizes percolation of wastewater to groundwater in disposal fields; limits manure and wastewater disposal to alfalfa fields to agronomic rates; and minimizes infiltration of water into underlying soils in manured areas.

Groundwater quality is monitored using four groundwater monitoring wells which were constructed in 2002. Depths to groundwater beneath the site have, in the past, ranged from approximately 30 feet to 55 feet. The depths of groundwater measured in May 2005 ranged from 4 feet to 45 feet. The average groundwater elevation has increased approximately 22 feet since the last routine groundwater monitoring in December 2004. This substantial increase in the groundwater elevation is likely due to abnormally large amounts of precipitation during the winter months of 2005, and subsequent flooding along the Mojave River.

Since December 2004, the concentrations of nitrate and Total Dissolved Solids (TDS) groundwater have improved. The maximum

Nitrate (as N) concentration in groundwater reported in December 2004 was 52.8 mg/L. Nitrate (as N) sampled in May 2005 ranges from 10.0 mg/L to 20.6 mg/L. TDS concentrations sampled in May 2005 range from 750 mg/L to 5,330 mg/L. The previous maximum TDS reported in December 2004 was 7,110 mg/L.

8. *El Mirage Dairies – Joe Koutsky*

The A&H Dairy has approximately 3,600 animals. It is located in El Mirage, San Bernardino County. Approximately 140 acres of the dairy are occupied by a few residences, agricultural buildings, and livestock corrals. Another 480 acres of land are primarily used for cultivation of forage crops and wastewater disposal. In April 2002, the Regional Board adopted WDRs for the dairy.

The discharger monitors groundwater quality beneath the site using six groundwater monitoring wells which were constructed on the facility between 2002 to 2004. The shallow groundwater depth beneath the dairy ranges from 40 feet to 60 feet and generally flows to the northwest. The depth to shallow groundwater has dropped about 2 feet since October 2003.

Nitrate concentrations in the groundwater under the dairy have a general downward trend. The groundwater sample collected in May 2005 from the well adjacent to this former retention basin had the highest nitrate and TDS concentrations. The highest Nitrate (as N) concentration in groundwater reported in November 2002 was 78.8 mg/L.

In May 2005, values ranged from 10.7 mg/L to 37.8 mg/L.

9. ***Molycorp Inc. Cleanup and Abatement Order No. 6-98-19 – Christy Hunter***

Off-Site Groundwater Investigation

On March 1, 2005 Molycorp Inc. submitted a request to the Bureau of Land Management (BLM) to install monitoring wells for the investigation of groundwater west and east of Molycorp property on BLM land. That application is under review by U.S. Fish & Wildlife Service staff and a timetable for finalizing BLM approval is not known at this time.

North Tailings Pond (P-16) and Old West Tailings Pond (P-1) and Clean Closure of Lead Sulfide Storage Ponds (P-8, P-11, P-24)

Closure construction began earlier this year on P-1 and P-16. Cover materials derived from the storage ponds have been placed on P-16 as part of closure plans approved in the recently adopted Board Order. Board staff will conduct the final inspections for clean closure of the storage ponds the week of June 20. The closure activities, as reported in weekly reports to Board staff, are on schedule. Expected date of completion will be late 2005 or early 2006.

Supplemental Environmental Projects (SEPs)

Board staff will be developing agreement letters for each SEP project proponent for projects approved by the Board in February 2005. A general "agreement" is being prepared by staff in consultation with Regional Board staff counsel.

10. ***City of Barstow, Status of Compliance with Cease and Desist Order – Curt Shifrer***

On July 27, 2004, the Regional Board adopted a Cease and Desist Order (CDO) containing a time schedule for the City of Barstow (the City) to upgrade its effluent quality and/or disposal practices to correct conditions causing violations in the Waste Discharge Requirements.

As required in the CDO, the City has implemented the following interim correction actions: 1) continued hauling of biosolids out of the basin, and 2) improving operation of the treatment plant to meet a discharge limit for total nitrogen of 26 mg/L as N. These actions have the effect of reducing the nitrogen loading to groundwater. The City's Farm Management Plan, which was submitted as required by the CDO, indicates the City has also reduced nitrogen loading to the south irrigation site by reducing the application of recycled water to amounts near the water requirements of the crop. The City is evaluating further operational changes (such as using less area) that it may also implement. There are further improvements to farming methods that the City could implement (e.g., addition of technologically-advanced, automatic irrigation controls). Board staff review, however, indicates that in order to provide the necessary further reduction of nitrogen loading to the groundwater, significant improvement of effluent quality is needed.

The City has complied with due dates in the CDO, including submittal of a Long Term Action Plan and the above-referenced Farm Management Plan. Board staff has reviewed the plans and the City has begun implementation. A main component of the City's Long Term Action Plan is a proposed

feasibility study to determine the best long-term approach for treating and disposing/reusing wastewater. The results of the feasibility study will be used to prepare the Final Compliance Plan, which the CDO requires the City to submit to the Board by August 4, 2006. The City is evaluating its treatment and disposal operations, including whether it will continue operation of the south irrigation site. The Plan will also describe facility modifications required to remediate and maintain acceptable concentrations of nitrate in groundwater.

**11. Searles Valley Minerals, (SVM)
Compliance Status – Greg Cash**

Compliance Status

Daily reporting data from SVM shows that the interim effluent limits set forth in the Waste Discharge Requirements (WDRs) were not exceeded during the month of May 2005 for all three of its plants.

SVM submitted a Revised Report of Waste Discharge for the Argus Plant, proposing final (rather than interim) effluent limits for petroleum hydrocarbons. Board staff is currently reviewing the report, and will propose that the Regional Board adopt revised WDRs establishing final effluent limits based on past plant performance data and other relevant factors.

Bird Report

For the month of May 2005 there were two live birds (gadwall, common loon) and four dead birds (red-breasted Merganser, pied-billed grebe, redhead, and northern pintail) collected on the percolation pond. All birds found at Searles Dry Lake are sent to the International Bird Research Rescue Center (IBRRC) Trona site staff. The staff treats live birds immediately and then transfers

well birds to a rehabilitation facility in San Pedro, near the Los Angeles Port for release. A chart showing bird mortality is included at the end of this report.

Brine Cleanup is on Schedule

A vacuum truck is used daily at the Trona and Argus Lake Skimmers and the Dredge Pond. A second vacuum truck removes hydrocarbon material from the Trona and Argus in-plant skimmers every weekday. Hydrocarbons removed at the Argus in-plant skimmer and settling basin are stored in an above ground tank until pickup by Demenno/Kerdoon Environmental. Based on SVM calculations, there has been approximately 22 gallons of oil removed from the lake skimmers and the percolation pond and transported off site to an approved disposal location since January 3, 2005.

Unauthorized Discharges

SVM had two unauthorized discharges during the month of May at the Argus Plant. On May 6, 2005, a 12-inch HDPE brine injection pipeline leaked 13,500 gallons of injection brine to the lakebed surface. The injection line was repaired and the resultant brine pool percolated into the lake. No wildlife was impacted. On May 27, 2005, a 28" HDPE mixed layer injection brine line leaked 23,600 gallons of injection brine to the dry lakebed surface. The injection line was repaired and the brine percolated into the lakebed. No wildlife was impacted.

