Lahontan Regional Water Quality Control Board

EXECUTIVE OFFICER'S REPORT

October 2014

STATE AND REGIONAL

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

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

   - Increasing the fee assessed on petroleum stored in underground storage tanks from $.014 per gallon to $0.02 per gallon;
   - Requiring all single-walled USTs to be permanently closed by December 31, 2025;
   - Dedicating 3 mils ($0.003) of the assessed fee for (1) helping small businesses comply with underground storage tank regulatory requirements (RUST loans and grants), (2) providing funding through the new Site Cleanup Subaccount for investigating and cleaning up contaminated sites without regard to the source of the contamination, particularly where there are no viable responsible parties, and reimbursing school districts for UST cleanups;
   - Providing the State Water Board with necessary authority to address fraud in the USTCF;
   - Limiting the cap to $1 million for claims, Emergency, Abandoned, Recalcitrant Account Program sites, Orphan Site Cleanup Fund sites, and Commingled Plume Account sites submitted to the Board after December 31, 2014;
   - Expanding eligibility for Orphan Site Cleanup Fund sites; and
   - Auditing of the USTCF every 5 years

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

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

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

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

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

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

   The Range Management Advisory Committee (RMAC) was statutorily created in 1984 to advise the Board of Forestry and Fire Protection, the Resources Agency, the California Environmental Protection Agency, and the California Department of Food and Agriculture on rangeland resources. It is the only standing committee in State government that addresses range issues. To foster a discussion on recent range issues in the state, the RMAC met on September 9 with the Grazing Regulatory Action Project (GRAP) team. The GRAP team includes staff from each of the nine Regional Water Boards and from the State Board's Division of Water Quality; it is led by Lahontan staff. The GRAP team is developing a statewide action to enhance environmental benefits from grazing, protect beneficial uses, and address water quality impacts related to livestock grazing in California. It is one of several collaborative efforts established by the Water Boards, directing staff to work together with interested stakeholders on ways to more efficiently and consistently address impaired waters. The first formal requests for public input into the GRAP is scheduled to start at the end of 2014. The RMAC asked for an early opportunity to provide its input on range issues and to identify opportunities for future collaboration between the RMAC and the GRAP.

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

regulatory approach to manage water quality impairments on rangelands.

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

NORTH

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

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

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

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

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

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

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

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

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

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

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

SOUTH

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

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

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

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

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

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

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

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

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

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

Lahontan Regional Water Quality Control Board

EXECUTIVE OFFICER'S REPORT

November 2014

STATE AND REGIONAL

1. **2014 All-Staff TMDL Training** - *Mary Fiore-Wagner*

   Staff from the Total Maximum Daily Load (TMDL) and Basin Planning and Non-Point Source Units attended an All-Staff Water Board TMDL training August 19-21, 2014. The goal of the training was to help staff understand the Water Board's efforts to address impaired water bodies and protect beneficial uses and to learn about various methods for addressing the listed water bodies.

   The opening plenary session featured Ken Harris, Central Coast Regional Water Board Executive Officer and former State Board TMDL staff, discussing the past, present, and future of TMDLs. It was evident that the program has grown over the years considering the first 303(d) list adopted in 1976 consisted of 18 water bodies and today there are almost 3,500 water bodies listed as impaired based on the 2010 listing cycle.

   Presentations by technical staff and management from the USEPA, State Water Board, and the Regional Water Boards informed participants about the rules and regulations, monitoring tools, and implementation strategies applicable to the development and efficacy of TMDLs. The training also included a poster session and mixer. These activities provided an opportunity for Federal, State and Regional staff to further network and cross-pollinate regarding successful TMDL development and implementation plans. A lively panel discussion covering the expectations and constraints of the TMDL program concluded the training.

   Many appropriate and useful TMDLs have been adopted in the years since 1976, but the extensive research and staff resources required for the existing TMDLs are not necessary for addressing all of the impaired water bodies in the future, at least for the Lahontan Region. Some impairments are entirely from natural sources and a TMDL would not be appropriate. Some impairments are from only one source in a watershed; in those cases, detailed source assessments and complicated load allocations (normally required in a TMDL) are not necessary. Other water bodies may be listed for multiple pollutants that can be addressed with a few well-chosen and professionally installed best management practices. Water Board staff learned how most of these examples can be addressed in a "single-action" TMDL (e.g., Executive Officer certification, Board resolution, permits) that is intended to streamline the process while achieving the TMDL goal of establishing a planning tool to restore

water quality. In other watersheds, there may be only one land owner (e.g., United States Forest Service) and the impairments may be addressed with existing regulatory actions without developing a TMDL.

Staff learned from the speakers and attendees about these examples to increase our efficiency in the TMDL Program, and of equal or greater importance, staff learned that there are staff at other Regions who are eager to share their experiences.

2. **Performance Targets Fiscal Year 13-14** *– Lauri Kemper*

The State Water Board released the web-based Performance Targets Report in November 2014 highlighting accomplishments from Fiscal Year 13-14. The Report is designed to increase accountability and transparency by communicating to the public the Water Board's performance in protecting water quality. The Lahontan Region completed 279 inspections in FY 13–14, meeting or exceeding most of its targets (see table below). Since our staff has been working closely with data management staff in Sacramento to ensure State Board's reports match the Region's outputs, tracking and performance target information is more accurate. Additionally, regular review of staff outputs has kept staff and managers informed in a timely manner allowing time to adjust workloads to complete target tasks. The Region did not meet some of its permit action targets, primarily in the Land Disposal Program due to lack of information provided by the Discharger. Also, considerable staff time was spent on enforcement matters and other permitting actions such as the issuance of 86 Water Quality Certification Orders and 46 rescissions which are not currently accounted for in the performance targets reports.

SUMMARY OF INSPECTIONS COMPLETED

Region 6 (Lahontan)	**Facilities Regulated**	**Facilities Inspected**		
Program		Actual	Target	% Target
NPDES Major Individual	2	2	1	↑ 200%
NPDES Minor Individual	8	6	6	↑ 100%
NPDES Minor General Enrollees	12	0	0	
Stormwater Construction	336	80	80	↑ 100%
Stormwater Industrial	235	32	20	↑ 160%
Stormwater Municipal	5	4	7	↓ 57%
Waste Discharge to Land, Municipal Waste	92	75	53	↑ 142%
Waste Discharge to Land, Industrial Waste	0	0	0	
Land Disposal Landfills	60	29	21	↑ 138%
Land Disposal All Other	34	22	16	↑ 138%
Timber Harvest	94	30	20	↑ 150%
Confined Animal Facilities	16	8	7	↑ 114%
All Other Programs	346			
TOTAL	1359	231		

NORTH

3. **Leviathan Mine Project Update, Alpine County** - *Taylor Zentner*

Pond Water Treatment Operations

The Water Board's contractor has completed summer treatment of acidic drainage (AD) collected in the evaporation ponds at the Leviathan Mine Superfund Site. The volume of treated AD this year was the lowest for any year since the Water Board put the pond water treatment system into service in 1999. The Water Board's contractor treated approximately 814,000 gallons of AD during treatment operations that began the second week of September and were completed September 17, 2014. The low AD volume is a result of limited precipitation during the 2013-2014 water year, which followed two previous water years with below-normal precipitation.

AD is low pH water containing dissolved metals such as iron, aluminum, arsenic, copper, and nickel. Summer treatment of the AD is necessary to prevent pond overflow and the discharge of untreated AD to Leviathan Creek during the spring months. AD is collected over the winter and spring and stored in five lined evaporation ponds at the mine site.

AD treatment consists of adding lime to the AD to increase its pH. Metals precipitate out of solution at the higher pH, and are then separated from the treated AD. The treated AD can then be discharged to Leviathan Creek in accordance with United States Environmental Protection Agency discharge standards. The sludge containing the precipitated metals is dewatered during the following months, and then transported to a permitted waste disposal facility the following field season.

Leviathan Mine is an abandoned sulfur mine located five miles east of Markleeville, California and six miles west of Topaz Lake, Nevada in the East Fork Carson River watershed. The mine site was formerly owned and operated by the Anaconda Copper Mining Company in the 1950s and 1960s. The State of California acquired the mine in 1984 to implement a pollution abatement project at the site, which was completed in 1985. Since 1999, the Water Board has treated AD stored in the evaporation ponds as a means to prevent pond overflow to Leviathan Creek during the spring months, when AD flows can exceed the evaporation ponds' storage capacity.

4. **Fall 2014 Land Disturbance Variances** - *Bud Amorfini*

The Water Board is taking advantage of continued dry weather during the fall season to facilitate completion and/or stabilization of important erosion control and infrastructure projects as soon as possible. Staff has processed several variances to the October 15 land disturbance prohibition in the Tahoe Basin and other sites where the prohibition is set in permit conditions. Staff anticipates that additional variances may be granted on a case-by-case basis. The following projects were granted variances to extend the available work window prior to winter shut down.

Water Quality Improvement Projects

- Caltrans Hwy 50 Gateway Project (Echo Summit to Meyers) – project is planned to be completed this year.

- Caltrans Hwy 89 Lakeside Project (Tahoma to Tahoe City) – project continues next year.
- Caltrans Hwy 89 Meeks Bay Project (Emerald Bay to Meeks Bay) – project continues next year.
- Caltrans Hwy 89 Riverside 3 Drainage Corrections Project (between Tahoe City and Alpine Meadows) – project is planned to be completed this year.
- City of South Lake Tahoe Bijou Erosion Control/Storm Water Treatment Project – project is planned to be completed this year.
- Placer County Kings Beach Commercial Core Improvement Project – project continues next year.
- LTBMU Upper Truckee River Restoration Project - project continues next year.

Infrastructure Projects

- Caltrans I-80 Truckee River Bridge Repair Project (401 certification project at Acid Flats) – project is planned to be completed this year.
- Caltrans I-80 Pavement Grinding Project (MS4 maintenance project at Mystic, east of Truckee) – project is planned to be completed this year.
- City of South Lake Tahoe Harrison Streetscape Project – includes storm water control facilities and is planned to be completed this year.
- El Dorado County Sawmill Road Bike Trail and Erosion Control Project – continues next year.
- El Dorado County Lake Tahoe Boulevard Bike Trail Project – project is planned to be completed this year.

Winterization/Erosion Control

- Edgewood Lodge – project continues next year primarily on the Nevada portion of the project.
- Tahoe Donner Cross-Country Ski Center – final parking lot and drainage improvements planned to be completed this year.
- North Tahoe PUD Base Facilities – project continues next year.

5. **Silver King Creek Paiute Cutthroat Trout Restoration Project Alpine County** - *Bruce Warden*

   The Water Board adopted an NPDES permit on April 14, 2010, which allows the California Department of Fish and Wildlife (CDFW) to treat approximately 7 linear miles of Silver King Creek and tributaries with the rotenone to restore a native Paiute Cutthroat trout population. Removal of non-native fish from the Creek prior to re-introduction of Paiute Cutthroat trout is required to preclude inter-species competition and genetic dilution of the Paiute Cutthroat trout population. The project was initially implemented August 28, 2013 and was re-treated August 20, 2014. Final treatment in August 2015 is proposed if non-native fish are detected during 2015.

   The approved treatment process consists of CDFW staff applying rotenone slightly upstream of the project treatment location and applying a permanganate solution slightly downstream of the project treatment area. The permanganate solution neutralizes the rotenone. Four locations were specified to conduct visual and water quality sampling: (1) the rotenone treatment locations; (2) the permanganate neutralization treatment station; (3) the lower project boundary thirty minutes in-stream travel time downstream of the neutralization station;

and (4) a color monitoring station for residual permanganate two miles downstream of the lower project boundary.

Water Board staff were present in the field to monitor for compliance with permit requirements at each of the above monitoring sites. Water Board member Don Jardine visited the neutralization station and lower project boundary August 20, and visited the color station on August 22, and gave positive comments concerning project implementation by CDFW.

Water Board staff collected a total of thirty seven water samples in the project area; 4 in the upper watershed treatment area; 17 just above the neutralization station, and 16 at the project boundary. CDFW staff collected samples in coordination with Water Board staff. Analytical results from both agencies' laboratories were consistent and found no violations. The 2014 project fully complied with permit conditions. CDFW plans to monitor the fish species in spring 2015 to determine if a third and final rotenone treatment is needed.

6. **Non-compliance with Cleanup and Abatement Order Requirements for the Tahoe Tom's Gasoline Station, El Dorado County** - *Lisa Dernbach*

The Water Board received information in late August that Methyl Tertiary Butyl Ether (MTBE) had been detected above the primary drinking water standard of 13 parts per billion in the drinking water well for the Mark Twain Lodge, near the Nevada Stateline. Water Board staff forwarded the information to the well owner and El Dorado County which regulates the well for small community supply.

The MTBE detection triggered cleanup and abatement order (Order) requirements for the responsible parties of the Tahoe Tom's Gas Station in South Lake Tahoe. These requirements include providing interim water supply, such as bottled water, to the motel and a workplan for permanent water supply to the Water Board. None of the responsible parties for the site, Lake Tahoe Investments LLC, Mohammad Ahmad, and the Thomas E. Erickson Trust, complied with these requirements. The owner of the motel provided bottled water to customers on his own.

In late September, a new Order was issued to the responsible parties of the Tahoe Tom's Gasoline Station. The new Order added findings and clarified monitoring and reporting requirements to the Order issued in August. One monitoring requirement added monthly well sampling at the Mark Twain Lodge.

On October 3, a notice of potential administrative civil liability was issued by the State Water Board's Office of Enforcement to the responsible parties. Besides the lack of alternate water supply, the notice listed the responsible parties' failure to implement continuous cleanup actions at an off-site location to contain MTBE from migrating in groundwater to the motel well. The notice provided a final opportunity for the responsible parties to comply before imposition of administrative civil liability.

In response to the notice, the consultant for Lake Tahoe Investments requested to meet with Water Board staff on October 10. The consultant shared that Lake Tahoe Investments' ultimate goal for the gas station was to achieve site closure. So to avoid or, at least, reduce exposure to potential civil liabilities, the consultant agreed to talk to his client into complying

with requirements to provide alternate water supply to the motel and reimburse past costs for bottled water incurred by the motel owner. The Water Board received notice the following week that bottled water was being supplied to the motel and the consultant was talking with El Dorado County staff about wellhead treatment requirements for the motel well. The next meeting with the consultant is scheduled for October 31 to evaluate compliance status with the new Order.

7. **Wonders of Water (WOW) and the Tahoe Basin Watershed Education Summit (TBWES)** - *Mary Fiore-Wagner, Cindy Wise, Carly Nilson, Taylor Currier*

The South Tahoe Environmental Education Coalition (STEEC) environmental educators and volunteers introduced water-based interdisciplinary activities to South Tahoe elementary classrooms through WOW curriculum in September and October. Water Board staff educated over 200 kindergarteners from four different elementary schools. The Lahontan Water Board was responsible for the kindergarten curriculum called "Pollution Pond." Kindergarteners learned the importance of not being "litter bugs" by actively participating in a mock picnic while staff explained the harm litter can cause to water quality and to the animals, plants and people who use the water.

Lahontan Water Board staff also participated in the Tahoe Basin Watershed Education Summit this October. Twenty high school students from South Lake Tahoe, North Lake Tahoe, and Sugarbowl Academy participated in a three day field trip to perform geomorphic stream profile monitoring on the Upper Truckee River and also learned about different environmental professions. Students learned about the Upper Truckee River restoration project from United States Forest Service hydrologists, received a bird banding demonstration by the Tahoe Institute for Natural Sciences, were presented soil science importance by the Natural Resource Conservation Service, and received mentorship from team leaders during the stream profile monitoring. Staff contributed as team leader assistants and provided guidance in water quality monitoring, benthic macroinvertebrates, and the stream profile monitoring. The program is a great opportunity for high school students to gain hands-on experience in the environmental profession and learn of the many types of environmental work and the education needed to get there.

Pictured above: Theresa Cody from the USFS providing students with instructions on monitoring protocol.

SOUTH

8. **Informal Dispute Resolution for the South Air Force Research Laboratory, Operable Unit 4/9, Edwards Air Force Base** - *Christina Velasquez*

   The dispute resolution process was invoked by the regulating agencies on June 9, 2014, for the cleanup decision document, Draft Final Explanation of Significant Differences for Edwards Air Force Base, South Air Force Research Laboratory (AFRL). The dispute resolution process is established under the Federal Facility Agreement for EAFB and allows the parties to meet "informally" to attempt resolution after which a more formal process is followed. At a comment resolution meeting held May 14-15, 2014, the Air Force indicated it did not agree to certain comments made by the agencies, which lead to invoking informal dispute.

   Oversight agencies are the United States EPA, Department of Substances Control (DTSC) and Water Board. Comments provided by the agencies are primarily related to concerns over the vapor intrusion portion of the remedy and triggers for implementing the contingent remedy. Water Board staff, provided written comments and continued to work with the Air Force to attempt to resolve our concerns.

   This item updates information provided in the June 2014 EO report. An informal dispute resolution meeting was held on June 25, 2014 between the Air Force and regulatory agencies. Water Board staff discussed concerns with the changes to the trigger actions for conducting further data evaluations and instituting active containment. These and subsequent discussions with the Air Force lead to informal dispute resolution for the Water Boards concerns.

   DTSC concerns pertaining to the Vapor Intrusion Compliance Boundary where Land Use Controls are required were not resolved through the informal dispute process. Formal dispute has been invoked by a written statement and submitted to the Dispute Resolution Committee (DRC) by DTSC on August 22, 2014. The DRC is made up of one representative from USEPA, DTSC, Water Board and the Air Force. The DRC will meet to discuss the issues contained in the State of California Formal Dispute Statement in early November. If DRC is unable to resolve the dispute, the dispute may be elevated to the Senior Executive Committee and if necessary upward to the Administrator of the USEPA.