

Harris elected California's new U.S. senator

By Phil Willon, Los Angeles Times

California voters on Tuesday elected the state's first new U.S. senator in 24 years, and made history in the process.

State Attorney Gen. Kamala Harris won the race, according to the Associated Press, becoming the first black politician in history to represent California in the Senate.

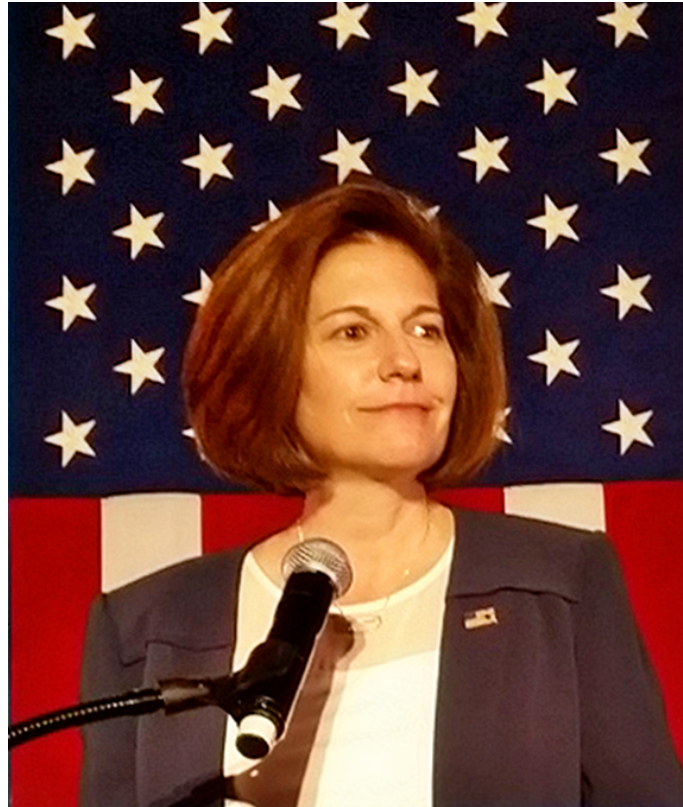
With Harris cemented as the solid front-runner and Democratic Party favorite, challenger Rep. Loretta Sanchez, D-Orange, embraced the role of the underdog and attempted to stitch together support from Latinos, Republicans and moderates. But hampered by an underfunded campaign and missteps, her effort failed to take hold.

The Harris-Sanchez Senate race was the first major test of California's "top-two" primary system, an experiment in democracy that California voters approved in 2010 in an effort to reduce the highly partisan influence of the Democratic and Republican parties and give independents and moderates more clout in the political process.

Read the whole story

Cortez Masto to replace Reid

in Senate



Catherine Cortez Masto won a hotly contested Senate race in Nevada. Photo Copyright 2016 Carolyn E. Wright

By Dave Phillips, New York Times

After a close race fueled by record outside spending, Catherine Cortez Masto, a Democrat, won the Nevada Senate contest on Tuesday to become the first Latina senator. She defeated Representative Joe Heck to fill the seat of Senator Harry Reid, the Democratic minority leader, who is retiring after three decades in the Senate. Outside groups spent nearly \$90 million on the tight race, but the biggest factor might have been Donald J. Trump.

Cortez Masto, 52, a former Nevada attorney general and the granddaughter of a Mexican immigrant, focused her campaign on immigration overhaul and future Supreme Court picks before the

Senate. She capitalized on the extensive ground operation built by Hillary Clinton and energized Latinos by railing against Trump's plan to build a border wall, while trying to pin Trump's most controversial views on her opponent.

Read the whole story

Calif. says yes to recreational marijuana

By Patrick McGreevy, Los Angeles Times

Voters on Tuesday approved Proposition 64, making California the most populous state in the nation to legalize the recreational use of marijuana.

The approval of the ballot measure creates the largest market for marijuana products in the U.S. It comes six years after California voters narrowly rejected a similar measure. Activists said passage would be an important moment in a fight for marijuana legalization across the U.S.

"We are very excited that citizens of California voted to end the failed policy of marijuana prohibition," said Nate Bradley, executive director of the California Cannabis Industry Assn. "Proposition 64 will allow California to take its rightful place as the center of cannabis innovation, research and development."

Discouraged law enforcement officials said they will closely monitor implementation of the ballot measure.

Read the whole story

Nevada voters approve recreational marijuana

By Seth A. Richardson, Reno Gazette-Journal

Nevada went green on Tuesday by approving a ballot initiative legalizing recreational marijuana.

The law makes it legal for anyone over 21 to possess as much as one ounce of marijuana or one-eighth of an ounce of concentrate. A 15 percent excise tax plus fees and licensing for dispensaries will by some estimates generate \$20 million for schools.

Municipalities will not be able to create their own prohibition laws, effectively making marijuana use legal all over the state. However, localities do have some say on zoning for dispensaries.

[Read the whole story](#)

Expected record voter turnout in El Dorado County



More than 50 people celebrate election night at the Tahoe Mountain Lab in South Lake Tahoe. Photo/Susan Wood

By Susan Wood

A contemptuous, yet engaging, presidential race, multiple California ballot initiatives and a slew of local measures and races brought El Dorado County voters out in record numbers today.

Registrar of Voters Bill Schultz reported that more than 116,000 residents registered to vote, dwarfing the June primary in which 106,000 or so ballots were issued. The number of registered in South Lake Tahoe is 10,202.

“It’s the most we’ve ever had,” Schultz told *Lake Tahoe News* from his busy elections office on Nov. 8. He attributed the level of interest to “one of those perfect storms” in which “people came out who haven’t come out in years.”

He even took three families who wanted to see the process on a tour. Polling “observers,” who showed up across the nation amid claims of prospective voter fraud were also on hand in Placerville, but the office remained civil.

The level of interest kept the Elections Department hopping. The staffers emptied the absentee drop box six times during the day. With just the absentees numbering at least 47,000 collected from the more than 86,000 issued, the county sits at an estimated 48 percent turnout just on the absentees. The county turnout is estimated at a 73.5 percent.

Schultz also pointed out how his department has seen a run-on with provisionals, those ballots counted last and command more attention in checks on accuracy. The county takes 28 days to certify the election largely because of those. Provisional ballots are ones that need extra verification.

South Lake Tahoe was hopping with anticipation – some good and bad – over the election. Parties dot the landscape, including a large group that came out to socialize at Tahoe Mountain Lab.

Many people admitted to being nervous, exhausted and somewhat glad the campaign season is over – if only it culminates with their candidates winning a seat or their pet measures passing. California had an unprecedented number of ballot initiatives that turned the voter guide into a document the size of a small phone book.

Some people who kept one eye on the large screen television in the lobby area at the lab and another on the other people said the one thing about the exhausting and heated presidential race that was welcome was that in turn the local candidates would get their due.

Coleen Shade characterized the election season as a war of sorts, adding she’s shell-shocked by the process.

“I’m nervous for my community and my country,” she told *Lake Tahoe News*, noting how the divisiveness in the nation has hit at many levels. “I see the same level of divisiveness in the smaller elections too.”

She’s not alone.

David Orr, who runs the Tahoe Mountain Lab, said he’s drained by the mean-spirited nature of election campaigns.

“We’re going for each other’s throats,” he said. Being a parent, some people who run for office “scare the hell out of me,” he admitted.

Heidi Hill Drum, no newcomer to election politics and activism, said it was difficult to balance a full time job and her family and being politically active. But she isn’t about to shirk from her civic duty.

“It’s pretty hard to be passive,” she said.

As the Tahoe Prosperity Center’s chief executive officer, she would like to see South Lake Tahoe City Council members “work with the community and staff” to get things done. That to her is what it takes to build a successful community.

Caesars Entertainment reports 3Q loss

By Associated Press

Caesars Entertainment Corp. on Monday reported a loss of \$643 million in its third quarter.

The Las Vegas-based company said it had a loss of \$4.38 per share. Losses, adjusted to account for discontinued operations, came to \$26.80 per share.

The casino operator posted revenue of \$986 million in the period.

Caesars shares have fallen 13 percent since the beginning of the year. In the final minutes of trading on Monday, shares hit \$6.90, a decline of 22 percent in the last 12 months.

Caesars is the parent company of Harrah's Lake Tahoe and Harveys in Stateline.

Workers in special district in EDC go on strike

Employees of the El Dorado Hills Community Services District voted to go on strike over the board wanting to reduce pay by an average of 13 percent for the more than 200 workers.

At the same time the employees cast a unanimous no confidence vote in regards to the five-member board.

According to the state controller's website, the average salary for the 218 employees is \$12,636 a year in 2015.

This is essentially a parks and recreation district for El Dorado Hills.

The union, Local 1-AFSCME, put out a press release saying, "Financial reports indicate that the CSD is currently operating on an \$11.8 million budget with another \$11.9 million sitting in reserve, yet most employees cannot afford

to live in the district they serve. The board's proposed health care cuts come as employees are also expected to make additional contributions to their retirement plan."

The district in a press release said the vote to strike is premature and that it has not been notified of the vote.

"The parties just concluded mediation and are scheduling a fact finding hearing as part of the impasse procedures set forth in the Government Code. Given the fact that the impasse procedures have not yet been completed, the threat of a strike is premature," the district said. "The dispute between the union and the district is primarily focused on the issue of how much money (cash) an employee should receive in lieu of health benefits."

– Lake Tahoe News staff report

USFS wants to stop putting out some fires



Crews on Nov. 6 try to stabilize the burn scar left from the Emerald Fire on Tahoe's South Shore. Photo/LTN

By Lauren Sommer, KQED-TV

California's fire season hasn't turned out to be as bad as some feared this year. In fact, forest managers say that certain kinds of fires – the “good” fires – were sorely lacking.

Sierra Nevada forests are adapted to low-intensity fires that clear the underbrush and prevent trees from getting too dense. After a century of fire suppression, many forests are overgrown, which can make catastrophic fires worse.

So forest managers are piloting a new policy designed to shift a century-old mentality about fire in the West.

The idea is to let naturally-caused fires burn when they aren't a threat to homes or people. But actually making those decisions on the ground isn't easy in a crowded state like California.

Read the whole story

Polluted water not stopping EDC road project

Publisher's note: *This is the second of two stories investigating the toxic storm water runoff on the West Slope of El Dorado County.*

By Joann Eisenbrandt

A major El Dorado County roads project slated to begin construction in spring 2017 has raised additional concerns as well as questions about what actually remains of the Diamond Lime Plant underneath the material recovery facility (MRF) and whether it, too, is a source of toxic storm water runoff.

The Diamond Springs Parkway (DSP) project is a county Transportation division roads project that was envisioned in the county's 2004 General Plan. It has been in the works for even longer.

Its stated goal is to improve traffic circulation along Pleasant Valley and Missouri Flat roads north of the town of Diamond Springs. It includes the widening of Highway 49 from Bradley Drive south of Placerville to its intersection with Pleasant Valley Road in Diamond Springs. It also includes the construction of a four-lane connector road—Diamond Springs Parkway—between Missouri Flat Road and Highway 49. This road will border the property owned by Michael Lindeman.

The project will take place in two phases. Phase 1A is scheduled to begin in spring 2017 and includes the widening of Highway 49, the addition of sidewalks and improved access to bordering properties and realignment of Highway 49's intersection with Pleasant Valley Road in Diamond Springs. Phase 1B, the construction of Diamond Springs Parkway, will not happen sooner than 2021.

Concerns have been voiced that the soil disturbances that will come with the project could escalate problems with the unmitigated toxic remnants of the Diamond Lime Plant.



The alkalinity of storm water in areas of Placerville is nearly off the charts. Photo/Provided

A history of toxic storm water runoff

Hazardous storm water runoff along the El Dorado Trail that runs between Missouri Flat Road and Highway 49 near Placerville on the county's West Slope has been a concern for years. The runoff has impacted this popular walking and biking trail as well as the tributaries bordering it that lead to Weber Creek and eventually to the American River. Numerous tests have shown the runoff to be strongly alkaline with high pH levels. Properties adjoining the trail were the former site of the Diamond Lime Plant which processed limestone for a variety of industrial uses. One of the properties is owned by Lindeman and the other, owned by Waste Connections, is the site of the material recovery facility (MRF).

The Lindeman property has been the main focus of

investigations and citations by state and county agencies. It has been identified in reports as the source of the toxic runoff from past lime processing activities. Despite investigations by state and county agencies, the problem has not been fully abated. The beginning of this season's rainy season in October and the storm water runoff that has come with it brings new concerns.

A road runs through it

An environmental impact report (EIR) required by the California Environmental Quality Act (CEQA) was prepared to identify potential impacts to the environment from the parkway project and propose mitigation measures and mitigation monitoring plans which would reduce them to insignificance. It was approved by the El Dorado County Board of Supervisors in 2011.

The project also required an environmental site assessment (ESA). The Phase 1 ESA was done in 2009. The ESA is a necessary precursor before the county acquires property or rights-of-way and identifies any issues on the property that would affect its value. If the Phase I ESA finds that the site has significant issues, then a Phase II ESA is also prepared with remediation of the problems to take place before construction begins.

According to Dustin Harrington, senior civil engineer with the Transportation division of the county's Community Development Agency and DSP project manager, "No recognized environmental conditions or hazardous materials have been found within the footprint for the DSP's Phase 1A. It's all clean dirt."

But because the original Phase I ESA was done so long ago, it requires a review to account for changes that have taken place in the interim. Harrington said that it is being reviewed as part of the Phase II ESA which is being prepared for Phase 1B of the parkway project, but he doesn't anticipate that this

review will lead to the need for a Phase II ESA for the first part of the project that begins next spring.



After multiple days of rain in October, a tributary that drains into Weber Creek contains caustic lime sediment. Photo/Provided

What the grand jury said

The 2013-14 grand jury report included a response to a citizen complaint regarding the illegal grading on the Lindeman property in 2012 done without a county grading permit and the failure to notify state Fish and Wildlife as required by their code. Among its recommendations was that the county review the wisdom of spending public money for the Diamond Parkway Project given what it termed “environmental concerns.”

The county responded that it is “spending ‘public monies’ to construct the Diamond Springs Parkway which has benefits for a

wide range of county residents,” adding that the preparation of the EIR and ESA and the mitigation measures that come with them will resolve any environmental issues.

Some have said that the extent of the hazards from the toxic materials used at the Diamond Lime Plant have not been fully explored because of the financial benefits to the county and developers of both the Diamond Dorado and Diamond Springs Parkway projects. Finding out what’s really under there could jeopardize such projects or make them prohibitively expensive to construct.

Follow the money

George Turnboo, a member of the county’s Solid Waste Advisory board, has been involved with the toxic storm water runoff issue along the El Dorado Trail for years. He first became aware of it in 2014 when he was told by boys who had been playing in Weber Creek that they’d gotten burned. He has continued to speak about it ever since at town hall meetings, Solid Waste Advisory Committee meetings and before the Board of Supervisors. He and other local residents have reported the spills to state and county agencies, but believe their concerns have been largely ignored.

“They are downplaying it because they want the Diamond Springs Parkway project to go through no matter what. You have to look at past and present supervisors. It’s all tied together,” Turnboo told *Lake Tahoe News*. “The old saying is true, ‘follow the money’.”

Similar concerns were raised in 2011 when the board approved the Parkway’s EIR. Dave Gutierrez of True Value Hardware commented on the document, “This design is intended for one thing in mind and that’s for more development on the new parkway not to make traffic move faster through Diamond Springs. It looks to me, and many others, that DOT has fallen into the same pattern as our federal and state government and

caters to special interest groups, such as developers in this situation."



El Dorado County's Solid Waste Advisory board member George Turnboo finds the storm water runoff to be caustic in January. Photo/Provided

Testing, testing, testing

The Phase II Environmental Site Assessment for Phase 1B of the parkway project is just beginning. According to Harrington, soil samples have been taken from the locations designated in the ESA's work plan. This work plan was created with input from other county agencies as well as the approval of the state Water Board. The exploratory field work is in progress now and will wrap up sometime this month, with a report expected in December.

Sites for testing were selected based on site reconnaissance,

the researching of old records and maps of the Diamond Mine Plant and interviews of those with knowledge of the area's history. Leonard Bartley, former vice president of operations for the Diamond Lime Plant, indicated that he had been called by Youngdahl Consulting, the firm doing the testing, and had shared his firsthand knowledge of the site with them.

Site testing includes varying degrees of exploration from surface samples to trenches to the boring of deep holes. No lab tests of the samples have been completed.

Asked about whether storm water runoff was being tested as part of the process, Harrington said that a very small amount of such testing had been done but that the Storm Water division is "the first line of defense" with regard to toxic storm water runoff. The Transportation Department's main focus is on what is beneath the soil. He added that both county agencies are under the jurisdiction of the Water Board and ultimately answer to it as the "larger arm of authority." No moving of dirt or excavating has taken place yet for Phase 1A of the Diamond Springs Parkway project.

The local division of the state Water Board, the Central Valley Regional Water Quality Control Board, administers the provisions of the federal Clean Water Act and requirements regarding storm water discharge and water quality associated with it on the county's West Slope.

What about the MRF?

While the Lindeman property has been repeatedly identified and scrutinized as a source of hazardous runoff, the material recovery facility (MRF), also part of the Diamond Lime Plant site, has not. Some say it is time to find out if the MRF, owned by Waste Connections, may also be a source of the toxic storm water discharges.

Harrington indicated that no soil testing was being done on the MRF property as part of preparations for construction of

the Diamond Springs Parkway project because of its distance from the project footprint. He said that the testing being done for the project is thorough and adequate, but added that, "The issue right now is that we're not quite sure of the extent of where the (toxic) materials are and what kind they are."

Lake Tahoe News asked Walter Floyd, engineering geologist with the state Water Board, in early summer 2016 if his agency had considered investigating the possibility that toxic runoff was coming from the MRF site. At that point, they had not, but on a June visit to the Lindeman property, Floyd measured the soil pH levels in two locations where the Lindeman property abuts the MRF property. On an exposed hillside adjacent to the MRF the pH was nearly neutral, while in a pit by the MRF it was strongly alkaline.

The pH (potential hydrogen) scale measures the acidity or alkalinity of a solution. It goes from 0 to 14. A reading of 7 is neutral, as would be found in distilled water. More than 7 is alkaline (a base) and less than 7 is acidic.

In July, Floyd indicated that, "It is expected that additional investigation will be required in the general vicinity of the MRF and sampling results obtained so that the Water Board will be able to complete a conceptual model of the site that truly represents the current environmental conditions."

He indicated that Waste Connections, owner of the MRF property, was conducting its own investigation and testing and would be forwarding the results to the Water Board. He added that "no scenarios are being excluded," including the possibility that the toxic runoff that has been found in the area around the El Dorado Trail could also be coming from the MRF property. Testing results were provided to the Water Board in late July.

According to Floyd, "The results indicate soils with elevated

pH underlie portions of the Waste Connections property.”



This testing site along the El Dorado Trail shows how close a toxic location is to the public. Photo/Provided

The current situation

Under the federal Clean Water act, businesses like the MRF that discharge pollutants from point sources like pipes or ditches must have a National Pollutant Discharge Elimination System (NPDES) permit and a Storm Water Pollution Prevention Plan (SWPPP) showing how they are controlling pollutants in storm water runoff on their property. Compliance is administered locally by the regional office of the state Water Board.

Some have alleged that the MRF's storm water discharge system is not currently designed as stated in their SWPPP and that there have been issues with overflow from the three retention ponds that catch storm water runoff and inaccurate information on where that runoff is then directed.

In March 2016, Central Valley Water Board staff conducted an

inspection at the MRF. The pH in the three ponds was tested and found to be near neutral, but discrepancies were found with their SWPPP and a notice of violation (NOV) was prepared and sent to them in April. It indicates that the Central Valley Water Board “can impose administrative civil liabilities (monetary fines) for violations of the general permit. The maximum administrative civil liability for each day of violation is ten thousand dollars and ten dollars per gallon of polluted storm water discharged in excess of 1,000 gallons.”

Floyd indicated that the Water Board is “continuing to assess compliance with the Industrial General Permit requirements, including the site SWPPP.”

Waste Connections submitted a remedial investigation work plan to the Water Board for additional investigation of soil and groundwater on their property on Oct. 19, which the Water Board approved. According to Floyd, field work is expected to be done in mid-November, with a report documenting the results in January 2017.

Waste Connections’ response

Susan VanDelinder, divisional vice president for the Northern California Division of Waste Connections and district manager for El Dorado Disposal, was asked by *Lake Tahoe News* if Waste Connections has received any previous violation notices or requests for remediation other than the current one. VanDelinder said no, adding, “The MRF’s SWPPP has been updated to reflect additional best management practices.”

Questions have been raised whether the high-pH storm water runoff that has impacted the El Dorado Trail and adjacent waterways actually originated on the MRF site and then went over the Lindeman property and then on down to the trail and the tributaries alongside it.

VanDelinder responded, “We disagree with this contention; the

storm water discharged from the MRF during last season's winter period met the state benchmarks for water quality including pH."

She added, "Storm water from the MRF is first stored in the site's storm water ponds and then discharged from the site once water quality is below state benchmarks. Storm water is not discharged to neighboring property but to the storm drain."

Per their exclusive Solid Waste Services Agreement with the county, Waste Connections will be required to construct a new state-of-the-art MRF in the same location as the current one. Asked what additional plans they have for more intensive removal of the lime-processing based materials on the site before this project begins, VanDelinder said, "Once investigative work is complete, we will evaluate remedial options while working closely with the CVRWQCB (Central Valley Regional Water Quality Control Board).



A sample location on the south side of El Dorado Trail. Photo/Provided

The path forward

More will be known about exactly where the remaining toxic materials from the Diamond Lime Plant are located and what needs to be done to permanently remove them once all the soil testing in the area is completed. In the meantime, storm water runoff along the El Dorado Trail has already begun for this fall and will continue to be an issue this winter.

Recent tests by Central Valley Water Board staff confirm this. According to Walter Floyd, pH data was collected on Oct. 14 "at the onset of the storm that reportedly provided 6.5 inches of precipitation to Placerville" and again on Oct. 18. "Elevated pH (i.e., in the range of 10 to 12 standard pH units) was noted in the pond by the El Dorado Trail and at the southeast corner of Throwita Way and Bradley Drive. These are the same locations where elevated pH has been recorded historically."

What is clear is that disagreement remains on precisely where the high pH storm water discharges are originating from, how dangerous they are and who is to blame for the fact that after years of investigation and attempts at mitigation, the toxic legacy of the Diamond Lime Plant still remains.

What is less clear is how to fix the problem. The recommendation made by Fish and Wildlife environmental specialist Carol Oz in a report on the issue from July 2012 has remained hard to achieve. "All agencies," she suggested, "need to communicate plans for a focused corrective action at the site compatible with respective agency goals."

More recently, El Dorado County Assistant District Attorney Jim Clinchard, whose office has also been involved, told *Lake Tahoe News*, "Government as a whole does have problems when an issue crosses over into the potential jurisdictions of multiple agencies. Government has difficulty addressing issues that cross boundaries." He added that he would be willing to get together with other county departments and outside agencies to brainstorm and that setting up such a meeting

might expedite the process. “That,” he said, “is how responsible government should work.”

DOJ sending election observers to 2 Nev. counties

By Associated Press

Nevada is one of 28 states the Justice Department is sending federal election observers to monitor the polls on Election Day.

The Justice Department announced Monday that 500 staffers are being dispatched to 67 jurisdictions – including Washoe and Mineral counties – to watch for potential civil rights violations, such as discrimination on the basis of race, religion or gender.

The department didn't specify why Nevada's counties were selected. But both were targets of a recent federal lawsuit filed by the Pyramid Lake and Walker River Paiute tribes over equal access to the polls.

Late last month, U.S. District Judge Miranda Du ordered satellite polls for early voting be established on both tribe's reservations, and a new Election Day site for the Pyramid Lake Paiute Tribe in Nixon, about 35 miles northeast of Reno.