

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION R6T-2004-0032

**TRUCKEE DONNER PUBLIC UTILITY DISTRICT
DONNER LAKE WATER SYSTEM IMPROVEMENTS, PHASE 2 -
EXEMPTION TO WASTE DISCHARGE PROHIBITION CONTAINED IN THE
WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION**

Nevada County _____

WHEREAS, the California Regional Water Quality Control Board, Lahontan Region finds:

1. On June 23, 2004, the Truckee Donner Public Utility District (District) submitted a complete Application for Clean Water Act Section 401 Water Quality Certification to the Regional Water Quality Control Board, Lahontan Region (Regional Board) for the Donner Lake Water System Improvements, Phase 2 Project (hereinafter referred to as the "Project"). The purpose of the Project is to replace/upgrade existing water system components to provide Donner Lake residents with an improved and reliable water supply and supplemental fire flow protection. The Project is the final phase of an overall system upgrade of the Donner Lake Water System that began in 2001.
2. The Project involves multiple components and locations surrounding Donner Lake, which is located west of Downtown Truckee, in Nevada and Placer Counties. The Project components include:
 - Red Mountain Tank Site and Pipeline Rehabilitation
 - Robin Lane to Denton Avenue Pipeline Installation
 - Donner Avenue Pipeline Rehabilitation
 - Robin Lane to Olympic Drive Pipeline Installation
 - Cedar Point Pipeline Installation
 - Greenpoint Springs Mitigation Site

All Project components except for the Red Mountain Tank Site are located on the north side of the Donner Lake Basin between Olympic Drive to the east, Donner Pass Road to the south, Donner Lake Road to the west, and Interstate 80 to the north. The Red Mountain Tank Site is located on the south side of the Donner Lake Basin between Mount Judah Drive and Devil's Peak Road, south of South Shore Drive. The Project component locations are shown in Attachment "A", which is made a part of this Resolution.

3. The Project components involve the various activities, disturbance to wetlands and other surface water features, and off-site restoration activities as described below.

Red Mountain Tank Site and Pipeline Rehabilitation

This component involves replacing a 210,000-gallon water tank with a 300,000-gallon water tank at the same location. The tank diameter will increase from 40 feet to 46 feet with the height remaining the same. A 240-square foot booster station will also be constructed at the tank site. This component also involves installing 210 feet of 12-inch diameter pipe from the new tank to Mount Judah Drive within an existing pipeline alignment. Existing overhead power lines within the existing pipeline alignment will also be placed underground in the same trench. The existing pipeline alignment is located within wetland habitat and installing the new pipeline and power lines will result in approximately 4,200 square feet of temporary disturbance to wetland habitat. The construction corridor will be 20 feet wide and the trench will average five feet deep, resulting in approximately 160 cubic yards of excavation. Trench breakers will be used to prevent wetland dewatering along the pipeline. The temporarily disturbed wetland habitat will be fully restored. Wetlands vegetation and the top 12-18 inches of wetland soils will be removed, stockpiled/maintained, and then replaced/replanted to initiate the on-site wetland restoration process. The new pipeline and power lines will be placed within a casing that allow future maintenance activities to occur without disturbing the restored wetland habitat.

Robin Lane to Denton Avenue Pipeline Installation

This component involves installing 495 feet of 12-inch diameter pipe through an undeveloped area between Robin Lane and Denton Avenue. The construction corridor will be 15 feet wide and will traverse across wetland habitat in two locations. Approximately 50 feet of the pipeline alignment will temporarily impact a total of 750 square feet of wetland habitat. The pipeline trench will average 5 feet deep resulting in approximately 27 cubic yards of excavation. The temporarily disturbed wetland habitat will be fully restored using the same techniques as being used at the Red Mountain Tank site. The new pipeline will be placed within a casing that will allow future maintenance activities to occur without disturbing the restored wetland habitat.

Donner Avenue Pipeline Rehabilitation

This project component involves slip lining a 420-foot section of existing pipeline. Approximately 240 feet of the existing pipeline is located within upland habitat adjacent to existing homes on the southern side of Donner Avenue. The remaining 180 feet of existing pipeline is located beneath an open channel that conveys storm water runoff and seepage from areas north of the project site. The open channel now supports wetland habitat that will be temporarily disturbed at

six locations in order to install service laterals. The six point excavations will disturb approximately 10 square feet each, for a total temporary wetland disturbance of 60 square feet. Trench depth will average five feet deep resulting in approximately 25 cubic yards of excavation. The temporarily disturbed wetland habitat will be fully restored using the same techniques as being used at the Red Mountain Tank site.

Robin Lane to Olympic Drive Pipeline Installation

This project component involves installing 1,500 feet of 8-inch and 12-inch diameter pipe through an undeveloped area between the eastern end of Robin Lane and Olympic Drive above Donner Pass Road. The construction corridor will be 15 feet wide and will traverse across a small (one to two feet wide), lightly vegetated, unnamed drainage channel that conveys storm water runoff and seepage-spring water originating from above Interstate 80. Trenching activity will temporarily impact approximately 40 square feet of the drainage channel. Trench depth will average five feet deep resulting in approximately three cubic yards of excavation. The affected drainage channel area will be fully restored.

Cedar Point Pipeline Installation

This project component involves installing approximately 2,400 feet of 12-inch diameter pipe. The pipeline alignment will begin at the intersection of Denton Avenue and Pioneer Drive and proceed down an existing dirt access road through the District's Greenpoint Springs property, and then through an undeveloped area ending at the intersection of Donner Lake Road and Cedar Point Drive. This component does not have any wetland habitat or other surface water impacts.

Greenpoint Springs Mitigation Site

All temporarily disturbed surface water features (5,227 square feet wetland habitat and ephemeral drainage) will be fully restored (1:1 restoration credit). The District is also required to mitigate for temporal losses of wetland habitat function by developing 2,613 square feet of wetland habitat (0.5:1 mitigation credit). The off-site wetland mitigation will be located at the District's Greenpoint Springs property.

The District's Greenpoint Springs property historically consisted of a diverse, high-quality seep-spring/wetland/riparian habitat complex that is located on the north side of the Donner Lake Basin between Interstate 80 and Donner Pass Road. Portions of this habitat have been altered/dewatered by spring boxes that divert flows into two water supply tanks and by an access road system. The District will create approximately 8,712 square feet of wetland habitat by decommissioning an upper access road. This amount of wetland mitigation substantially exceeds the Regional Board's 0.5:1 off-site mitigation ratio requirement.

Wetland development at the Greenpoint Springs site will be accomplished by ripping compacted road surfaces to improve infiltration and minor grading to maximize restoration site saturation. The mitigation site will be revegetated using a combination of locally collected seed, locally collected plant divisions, and mulching or other suitable temporary erosion control materials to stabilize the soil while vegetation becomes reestablished. Natural seeding is also expected to occur as a result of the existing wetland habitat bordering both sides of the upper access road. The presence of wetlands vegetation in small areas on upper portions of the access road further supports this expectation. A restoration ecologist will oversee mitigation wetland plan implementation, monitor the site for a minimum of three years, and prepare and submit annual reports documenting progress towards meeting specified success criteria (survivability, percent vegetative coverage).

4. The Regional Board has adopted the *Water Quality Control Plan for the Lahontan Region* (Basin Plan). The Basin Plan specifies the following discharge prohibition:

“4.(c) The discharge or threatened discharge, attributable to human activities, of solid or liquid waste materials including soil, silt, clay, sand, and other organic or earthen materials to lands within the 100-year flood plain of the Truckee River or any tributary to the Truckee River is prohibited.”

The wetlands and ephemeral drainage channel affected by this project flow into Donner Lake, which is tributary to the Truckee River via Donner Creek.

5. The Basin Plan contains provisions for the Regional Board to grant an exemption to prohibition 4(c) for specific types of projects where the Regional Board can make the following findings. The Regional Board has determined that:
 - a. *The Project is necessary to protect public health and safety and to provide essential public services.*

The Donner Lake Water System was in a state of disrepair, subject to State Department of Health Services (DHS) compliance orders requiring the previous Donner Lake Water System owner to provide adequate surface water treatment technology and to comply with the California Safe Drinking Water Act, and under a “boil water order due to DHS determining that chronic low pressure and system outages presented an unacceptable contamination risk, when the District acquired control of the system in 2001. Since then, the District has been replacing and upgrading the water system infrastructure in an effort to improve system reliability and protect public health. To date, the “boil water” order has been rescinded (December 2001); however, the water system still does not comply with the California Safe Drinking Water Act due to the continued reliance upon unfiltered surface water resources, which will be abandoned once the above-referenced system improvements are completed. The

above-referenced system improvements will provide a reliable water system and adequate fire suppression supply for the Donner Lake area. Therefore, the proposed Project components are necessary for public health and safety (reliable water supply and fire flow protection) and to provide an essential public service (water supply and fire protection).

- b. *There is no reasonable alternative to locating the project or portions of the project within the 100-year flood plain.*

The District and its consultant conducted an extensive alternatives analysis that assess multiple system designs and infrastructure locations and routing. The Project minimizes 100-year flood plain impacts by selecting routes that cross unavoidable wetland habitat and the ephemeral drainage channel at the narrowest locations, using pipeline rehabilitation techniques that minimize trenching (slip-lining), and using water system technologies that increased the District's options for locating/relocating infrastructure. Other alternative designs that would have further reduced the extent of 100-year flood plain encroachment were deemed infeasible due to existing water system constraints, the lack of access/room to locate new infrastructure due to existing multiple utilities, and/or impacts to other valuable natural resources. There is no other reasonable alternative to locating the Project or portions of the Project outside the 100-year flood plain.

- c. *The project, by its very nature, must be located within the 100-year floodplain.*

The Red Mountain Tank/Pipeline Installation Project component involves in part replacing a pipeline that is located within a broad wetland habitat area within the same alignment. Replacing the pipeline within the same alignment by its very nature must occur within wetland habitat/100-year flood plain and is also necessary given existing system design.

The Robin Lane/Denton Avenue, Donner Avenue, and Robin Lane/Olympic Drive Project components cross either wetland habitat or an ephemeral drainage channel that generally flow down-slope across the northern side of the Donner Lake Basin. Given the linear nature of the project, the location of existing homes that must be served, and the pattern of wetland/100-year flood plain habitat, it is necessary to located limited Project elements within wetland/100-year flood plain habitat.

- d. *The project incorporates measures, which will ensure that any erosion and surface water runoff problems caused by the project are mitigated to levels of insignificance.*

The District has prepared a Storm Water Pollution Prevention Plan (SWPPP) as required by the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity (General Permit). The SWPPP identifies temporary and permanent best management practices (BMPs) that have been and will be incorporated into the project design and construction practices, respectively. Construction fencing, silt fences, and fiber rolls will be used to limit equipment access, extent of soil disturbance, and temporarily control potential storm water pollutant discharges during construction. The SWPPP also identifies measures to control pollutants originating from heavy equipment, paving operations, and other activities associated with implementing the various Project components. A wetlands restoration plan and revegetation plan have also been developed to ensure that disturbed soils are adequately restabilized. Each plan has a monitoring element to ensure that the various measures are adequately implemented, maintained, and effective at mitigating surface water runoff problems and erosion to levels of insignificance.

- e. *The project will not individually or cumulatively with other projects, directly or indirectly, degrade water quality or impair beneficial uses of water.*

The Project incorporates numerous temporary and permanent BMPs intended to prevent pollutants from adversely water quality and impairing beneficial uses. The wetlands restoration and mitigation plans will also help ensure that the potential effects of temporarily disturbing wetland habitat will be adequately minimized and eventually offset. These measures will help ensure that water quality will not be degraded nor beneficial uses impaired.

- f. *The project will not reduce the flood flow attenuation capacity, the surface flow treatment capacity, or the ground water flow treatment capacity from existing conditions.*

There are no project elements that will reduce flood flow attenuation capacity or permanently affect surface flow treatment capacity. Wetlands restoration and mitigation activities will help ensure that the surface flow treatment capacity is restored to pre-project conditions. Trench breakers will be used where pipelines could reroute ground water flows to avoid reductions in ground water flow treatment capacity and dewatering wetlands and other surface water features.

- 6. The District adopted a Negative Declaration for the Project and filed a Notice of Determination on October 3, 2003, in accordance with the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).

7. The Regional Board has notified the District and interested agencies and persons of its intent to adopt this Resolution.
8. The Regional Board, in a public meeting, heard and considered all comments and determined that the Project satisfies the exemption criteria stated above.

THEREFORE, BE IT RESOLVED THAT:

1. The criteria established for exemptions to the Basin Plan prohibition stated in Finding No. 5 above are satisfied for the Donner Lake Water System Improvements, Phase 2 Project.
2. The Regional Board hereby grants an exemption to the Basin Plan prohibition stated in Finding No. 4 for the Donner Lake Water System Improvements, Phase 2 Project.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Lahontan Region, on July 27, 2004.

HAROLD J. SINGER
EXECUTIVE OFFICER

Attachment: A. Project Map

Attachment "A" - Project Map

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