

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION**

**MEETING OF NOVEMBER 13-14, 2013  
SOUTH LAKE TAHOE**

**ITEM:** 10

**SUBJECT:** ***STATUS UPDATE – POTENTIAL UPDATES AND CLARIFICATIONS TO THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION (BASIN PLAN)***

**CHRONOLOGY:** January 2013 – Proposed Basin Plan amendment language released to the public

January and March 2013 – Public scoping sessions held in the southern and northern portions of the Lahontan Region to gather input on the range of issues and possible environmental affects related to the amendment adoption

**DISCUSSION:** Potential amendments to the Lahontan Region Basin Plan are needed to update State and Regional Board plan and policy references, correct grammatical errors, remove duplication, and clarify applicability of waste discharge prohibitions and associated exemption criteria.

The potential amendments are a result of internal and external requests for Basin Plan changes. Among the needed changes are:

1. Address antidegradation policy inconsistencies.
2. Add mixing zone provisions.
3. Clarify the application and exemption of general waste discharge prohibitions.
4. Add waste discharge prohibition exemptions for low-threat discharges.
5. Clarify Truckee River and Little Truckee River floodplain prohibition exemptions.
6. Update Chapter 5 – Water Quality Control Standards and Control Measures for the Lake Tahoe Basin.
7. Correct identified grammatical and factual errors and update outdated policy references, including amendments to incorporate the State Water Board's Onsite Wastewater Treatment System (OWTS) Policy.

Staff will describe and discuss the above-referenced potential amendment issues and ask for input from the Water Board and public on the appropriateness of those issues and potential amendments.

**RECOMMEND-  
ATION:**

No action at this time, but Water Board members may provide input or direction to staff on the Basin Plan issues that may need amendment and/or the assessment of environmental impacts associated with the potential amendments.

Enclosure	Description	Bates Number
1	Potential Updates and Clarifications to the <i>Water Quality Control Plan for the Lahontan Region</i> (Basin Plan)	10-5

# **ENCLOSURE 1**

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LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD MEETING OF  
NOVEMBER 13-14, 2013

**POTENTIAL UPDATES AND CLARIFICATIONS TO THE *WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION*  
(BASIN PLAN)**

**INTRODUCTION**

Lahontan Water Board (Water Board) staff have identified several Basin Plan amendment opportunities to clarify the application of certain policies, perform needed updates, and correct errors. Specifically, amendments are needed to clarify language regarding waste discharge prohibitions and associated exemption criteria, describe the concept of mixing zones, and discuss the application of state and federal antidegradation policies. Updates also are needed to Chapter 5 to align the Basin Plan with recently adopted land use and water quality management plans for the Lake Tahoe Basin. This document summarizes the issues that need update or clarification and describes potential options to update or clarify the Basin Plan text.

This item is informational and for discussion purposes only. The Water Board will not be asked to take action at the November meeting but may provide direction to staff. The Water Board and public may provide input on the appropriateness of the issues and potential options. Water Board staff plan to draft and circulate the proposed amendments for public comment along with environmental documentation, then bring the amendments to the Water Board for adoption at a public meeting in early 2014.

**ISSUE 1: ANTIDegradation POLICY**

**Background**

In 1968, the State Board adopted a "Statement of Policy with Respect to Maintaining High Quality Waters in California" with Resolution No. 68-16, also known as the state antidegradation policy. The US Environmental Protection Agency (USEPA) has also adopted a federal antidegradation policy as part of its water quality standards regulations (40 C.F.R. 131.12.). In 1987, the State Board determined that the state policy incorporated the federal policy in cases where the federal policy is applicable. The state policy applies to all surface and ground waters in the state, and the federal policy applies only to waters of the United States (WOUS), generally defined as navigable waters, and their tributaries, and interstate waters. The state antidegradation policy restricts degradation of waters where existing water quality is higher than is necessary for protection of beneficial uses of the water.

The antidegradation policies are implemented, primarily, through the establishment of waste discharge requirements (WDRs or permits). For high quality waters, the state antidegradation policy requires the Water Board to evaluate the effect of the discharge on water quality and beneficial uses and determine that (1) any change in water quality is consistent with the maximum benefit to the people of the state and (2) best practicable treatment or control of the discharge is applied, and (3) that allowable degradation will not unreasonably affect existing or anticipated beneficial uses and is consistent with water quality prescribed in the Basin Plan. For discharges to WOUS, the

Water Board must also determine that allowed degradation is necessary for important economic or social development. For Outstanding National Resource Waters, the highest category of WOUS, no permanent or long-term reduction in water quality is allowed.

All nine Regional Water Boards have incorporated the state antidegradation policy into their Basin Plans as part of their general water quality objectives or as an applicable policy for water quality control.

### **Issue 1 Detail**

The current Basin Plan refers to the state antidegradation policy as the “nondegradation objective.” Specifically, the introductory portion of Basin Plan Chapter 3 (Water Quality Objectives) describes a region-wide “*nondegradation objective*” that directly references state and federal *antidegradation* policies. The concept of “nondegradation” is not defined in Basin Plan or in state or federal water quality law. The semantic inconsistency has resulted in confusion among Water Board staff and the public regarding application of the antidegradation policy and compliance with narrative water quality objectives.

This “nondegradation objective” is also referenced in Chapter 4.1 within the following waste discharge prohibition:

*The discharge of waste which causes violation of any narrative water quality objective contained in this Plan, including the Nondegradation Objective, is prohibited.*

While most narrative water quality objectives can be translated into numeric values or other assessment criteria, the “nondegradation objective” references a detailed policy rather than specific water quality criteria, creating difficulty and inconsistency in determining whether the prohibition has been violated. It is impossible to know whether the “nondegradation objective” is being violated without making specific findings in compliance with the antidegradation policy.

### **Option 1**

Chapter 3 reference to the “nondegradation objective” would be replaced with reference to “Antidegradation Policy”. Reference to the “nondegradation objective” would be removed from the region-wide waste discharge prohibition.

### **Option 1 Discussion**

Removing Basin Plan references to the “nondegradation objective” will not lessen any existing water quality protection policies or measures. The change will standardize the use of the term, and remove reference to the antidegradation policy from the waste discharge prohibition against violating any narrative water quality objective, where its application is problematic and awkward. Consistent with current practice and federal and state antidegradation requirements, any potential degradation of existing high-quality waters will continue to be evaluated by the Water Board and the Water Board may set any appropriate level of acceptable degradation - including no degradation - in compliance with antidegradation policy.

## **Option 2**

For a more explicit implementation of the state antidegradation policy, Chapter 4.1 could be amended to include a region-wide prohibition against the violation of the antidegradation policy. In addition to prohibiting the discharge of waste in violation of numeric and narrative water quality standards, the Basin Plan could include the following (or similar) region-wide prohibition:

*The discharge of waste which causes the degradation of high-quality waters in violation of State Water Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality Waters in California," and amendments thereto, is prohibited.*

## **Option 2 Discussion**

Although such an addition would explicitly prohibit the violation of the antidegradation policy, it is unclear that this would provide any real benefit. First, this prohibition does not provide any kind of protection to water quality that is not already being provided by one of the other prohibitions or by the antidegradation policy itself.

If an unauthorized discharge to high quality waters were to occur, such discharge would be in violation of the Water Code, which requires that a report of waste discharge be filed for anyone discharging, or proposing to discharge waste that could affect the quality of the waters of the state. If a discharge were to exceed a numeric or narrative water quality objective, there are existing prohibitions to address that circumstance, and if a permitted discharge exceeded its effluent limits, there are enforcement tools within the Water Code to address that issue. It is difficult to imagine a situation where a discharge would only be violating the antidegradation policy, and couldn't be addressed by one of our other existing prohibitions or enforcement tools in the Water Code.

Secondly, it would be difficult to determine whether the antidegradation prohibition had been violated. Whether a discharge is in violation of the antidegradation policy requires the Water Board to make findings on how much degradation to allow, after consideration of the factors set forth in the policies. This difficulty of not being able to immediately determine whether a violation has occurred makes the prohibition on violating the antidegradation objective a poor enforcement tool.

## **ISSUE 2: MIXING ZONES**

### **Background**

A mixing zone is a limited volume of receiving water that is allocated for mixing with a wastewater discharge where water quality criteria can be exceeded without causing adverse effects to the overall water body. Mixing zones may be applicable where it is not practicable to reduce the concentration of a waste in the discharge to a level that meets the receiving water's water quality objectives, and it is reasonable to allow the water body to provide some dilution to the discharge. Within the defined mixing zone, water quality objectives do not apply; however, mixing zones must not unreasonably affect the water quality and beneficial uses of the water body.

The State Board's "Implementation of Toxic Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California Policy" (Res. No. 2005-0019) (referred to as the "SIP Policy") established conditions for use of mixing zones and dilution credits for toxic priority pollutants in discharges to WOUS. Water Board staff are proposing to include a provision in the Basin Plan to allow for mixing zones.

### **Issue 2 Detail**

The Basin Plan currently does not have a provision to allow for mixing zones, and except for discharges covered under the State Water Board SIP policy, the Water Board has no authority in its Basin Plan to allow mixing zones, unless it changes its Basin Plan to allow for them.

### **Option**

Add Basin Plan language allowing mixing zones. Mixing zone language would acknowledge mixing zones allowed under the State Board SIP policy and would expand the use of mixing zones to waters and constituents not covered by the State Board policy. Mixing zone language would require meeting similar conditions as those in the State Board policy, including, the mixing zone must be as small as practicable and must not (1) compromise the integrity of the entire water body, (2) dominate the receiving water body or overlap with a mixing zone from another discharge, (3) be at or near any drinking water intake, (4) cause acutely toxic conditions to aquatic life passing through the mixing zone, (5) restrict the passage of aquatic life, (6) adversely impact biologically sensitive or critical habitats, including, but not limited to, habitat of species listed under federal or state endangered species laws, (7) produce undesirable or nuisance aquatic life, (8) result in floating debris, oil or scum, (9) produce objectionable color, odor, taste, or turbidity, (10) cause objectionable bottom deposits, or (11) cause nuisance.

In evaluating a proposed mixing zone, the Water Board must consider the quality of the discharge, hydraulics of the receiving water body, and the overall discharge environment, including water chemistry, organism health, and potential bioaccumulation, if applicable.

### **Option 1 Discussion**

Allowing a mixing zone for a discharge provides additional flexibility to the Water Board's regulation of discharges of waste to water while maintaining its authority to deny or significantly limit a mixing zone as necessary to protect beneficial uses or comply with other regulatory requirements.

### **Other Options**

No other options have been identified at this time.

## **ISSUE 3: GENERAL WASTE DISCHARGE PROHIBITIONS AND EXEMPTIONS**

### **Background**

Section 13243 of the Water Code gives Water Boards, in Basin Plans or waste discharge requirements, authority to "specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted." Water Boards may take enforcement action for violations of waste discharge prohibitions.

Basin Plan Chapter 4.1 (Waste Discharge Prohibitions) describes waste discharge prohibitions adopted pursuant to Water Code Section 13243 for the Lahontan Region to protect surface and ground water quality and to limit the discharge of certain types of waste into the Region's waters. The chapter includes region-wide prohibitions, prohibitions for individual hydrologic units, and exemption criteria for specific prohibitions.

The waste discharge prohibition and exemption language in Chapter 4.1 varies among hydrologic units. For watersheds north of the Mono Hydrologic Unit, there is either (1) a general prohibition on the discharge of any waste to surface water with no available exemption criteria, (2) the general prohibition without exemption criteria, and other specific prohibition(s) on certain types of discharge, some with exemption criteria, or (3) only prohibitions on specific types of discharge, with no available exemption criteria. In contrast, the Basin Plan includes specific exemption criteria for nearly every prohibition listed for hydrologic units in southern watersheds (including the Mono and Owens Hydrologic Unit).

### **Issue 3 Detail**

The Water Board needs flexibility to conditionally allow discharges of waste to surface water, and such flexibility does not exist in those hydrologic units that lack clear waste discharge prohibition exemption criteria. Some waste discharges may be unavoidable or be considered reasonable in the context of the nature of the discharge and/or its effect on water quality. Riparian restoration projects, for instance, may involve the temporary discharge of waste into high quality waters, or permanent disturbances may be necessary for bridge or other infrastructure construction. Although the current Basin Plan offers the Water Board the flexibility to allow such discharges in southern watersheds, it does not consistently afford the same opportunity in watersheds north of the Mono Hydrologic Unit.

Historically, it has been unclear whether or not broadly-worded waste discharge prohibitions lacking exemption criteria apply when the Water Board determined that a waste discharge was appropriate and consistent with other water quality standards and policies. In doing so, the Water Board often relies on the basis for exemptions in other watersheds. Although such discretionary actions have been deemed adequately protective of water quality, they could lead to confusion regarding the application of Water Board regulations.

In addition to the current Basin Plan's prohibition exemption inconsistencies, there are a number of waste discharge prohibitions that are redundant with broader region-wide or hydrologic area-specific prohibitions. There are instances where a discharge is subject to multiple prohibitions - some with defined exemption criteria, some without. In those cases the Water Board's intent to transparently exempt a discharge can be confounded by overlapping prohibitions.

It is important to note that there are prohibitions in some hydrologic units related to the discharge of sewage waste without exemption criteria that are appropriately absolute.

### **Option 1**

This option would remove duplicative area-specific prohibitions, clarify the application of region-wide prohibitions on unauthorized discharges, and provide exemption criteria that would allow the Water Board to conditionally exempt discharges from nearly every prohibition. Prohibitions without exemptions would be deleted, with limited exception for the Lake Tahoe Hydrologic Unit and for area-specific sewage waste discharge prohibitions. A proposed new region-wide prohibition could read:

*The discharge of waste that could affect the quality of waters of the state that is not authorized by the State or Regional Board through waste discharge requirements, waiver of waste discharge requirements, NPDES permit, cease and desist order, certification of water quality compliance pursuant to Clean Water Act section 401, or other appropriate regulatory mechanism is prohibited.*

Where exemption criteria are necessary for existing prohibitions and the new region-wide waste discharge prohibition, proposed exemption criteria could include:

1. *The discharge will not adversely affect the beneficial uses of the receiving water. (Temporary or localized (affecting a small geographic area) adverse effects may be allowed by the Water Board if consistent with other provisions of this Basin Plan and applicable state or federal law.)*
2. *Best practicable treatment or control of the discharge will be implemented.*
3. *There is no reasonable alternative that avoids or reduces the magnitude and extent of the discharge.*

Language should be added to clarify the process and criteria for granting waste discharge prohibition exemptions for emergency and restoration projects and associated water quality protection requirements.

### **Option 1 Discussion**

Reducing the duplication will improve staff and public understanding of the prohibitions and enhance the clarity of established basin plan prohibitions. For example, prohibitions such as “the discharge from boats, marinas or other shoreline appurtenances”; “the discharge of treated or untreated domestic sewage, industrial waste, garbage or other solid wastes, or any other deleterious material”; and “the discharge, attributable to human activities, of solid or liquid waste materials, including but not limited to soil, silt, clay, sand or other organic or earthen material” are all duplicative of the region-wide prohibitions on the discharge of waste. By identifying certain types of discharges that are prohibited, one might argue that a waste not specifically identified must not be prohibited, causing unnecessary ambiguity.

Removing such duplication will not lessen water quality protection afforded by the prohibitions. Clear, unambiguous prohibitions and associated exemption criteria will reduce subjective interpretation of the Basin Plan and allow the Water Board flexibility to determine when a given discharge should or should not be allowed. Simplifying the Basin Plan prohibitions and providing exemption criteria is expected to enhance water quality protection by eliminating inconsistency and reducing ambiguity regarding the Water Board's intent to prohibit waste discharges.

### **Other Options**

There are other options to address the identified prohibition exemption inconsistencies. Specific exemption criteria could be added to those prohibitions that currently lack such criteria. This would align the exemption approach between the northern and southern watersheds, but would require the Water Board to make exemption findings for all applicable prohibitions for a particular discharge.

Overlapping prohibitions could be left in place, but doing so would maintain ambiguity inherent in the existing redundancy.

## **ISSUE 4: EXEMPTION FOR LOW THREAT DISCHARGES**

### **Background**

In several instances the State and Regional Water Boards have found that certain discharge types pose limited threat to water quality, and that it was in the public interest to allow such discharges to occur under a streamlined regulatory process. In 1988, the Water Board granted a waiver for WDRs for 24 types of discharge (Resolution No. 6-88-18) (the waiver is no longer in effect, as waivers are now limited to five years duration). The State Board adopted general Waste Discharge Requirements for discharges to land with a low threat to water quality in 2003. In 2008, the Water Board adopted a general permit for limited threat discharges to surface waters, identifying nine discharge categories that the Water Board found pose a limited threat to water quality and are appropriately regulated through a general permit.

Although the Water Board has acknowledged the benefit of a streamlined regulatory process for limited threat discharges, the Basin Plan waste discharge prohibitions still apply to all discharges, regardless of threat to water quality. This means that before the State Board permits could be used in the Lahontan Region to allow the limited threat discharges, exemptions to the Basin Plan prohibitions must be provided.

### **Issue 4 Detail**

Water Board staff currently process waste discharge prohibition exemptions for discharges that have little or no adverse impact to water quality and beneficial uses. The required work is not an efficient use of staff resources.

Currently, staff process prohibition exemption requests through one of two methods. Staff may prepare a Water Board agenda item consisting of a proposed resolution granting the exemption for consideration at a regularly scheduled Board meeting. That process takes several weeks to months and involves significant staff time. Alternatively,

if the Executive Officer has been granted the authority by the Water Board to issue exemptions, staff prepares a memorandum describing the Executive Officer's intention to grant the exemption in ten days and circulates the memorandum to Water Board members and the interested public (through internet posting and email notification). This process also takes significant staff time.

Water Board resources could be used more efficiently if Board staff did not have to process WDRs for discharges that (1) are effectively regulated by other public agencies, (2) are controlled by the discharger pursuant to state regulations or guidelines, or (3) could not adversely affect the quality of the beneficial uses of the waters of the state.

### **Option 1**

Text could be added to the Basin Plan to automatically grant conditional exemptions to waste discharge prohibitions for specified low-threat discharges.

Water Board staff have considered the types of discharges identified in the Lahontan Region's limited threat general NPDES permit, the State Board's low threat Waste Discharge Requirements, and the expired waiver and have developed a list of discharge categories and associated exemption conditions. Draft Table 4.1-1 (attached) lists these specific types of activities that could be granted the automatic, conditional exemption.

### **Option 1 Discussion**

By granting exemptions in the Basin Plan for low threat discharges, water quality will continue to be protected, but with less effort by Water Board staff. Enforcement could be brought against any discharger that does not comply with the conditions of the exemption, if the circumstances warrant.

### **Other Options**

No other options have been identified.

## **ISSUE 5: TRUCKEE RIVER AND LITTLE TRUCKEE RIVER FLOODPLAIN PROHIBITION EXEMPTIONS**

### **Background**

Waste discharge prohibitions for the Truckee and Little Truckee River hydrologic units include a prohibition on the discharge of waste to lands within 100-year floodplains.

The Truckee and Little Truckee waste discharge prohibitions include exemptions for repair or replacement of existing structures and for five categories of projects:

1. projects *solely* intended to reduce or mitigate existing sources of erosion or water pollution or to restore functional value to previously disturbed floodplain areas (emphasis added);
2. bridge abutments, approaches or other essential transportation facilities identified in an approved county general plan;

3. projects necessary to protect public health or safety or to provide essential public services;
4. project necessary for public recreation;
5. project that will provide outdoor public recreation within portions of the 100-year floodplain that have been substantially altered by grading and/or filling activities which occurred prior to Jun 26, 1975.

Among other requirements, the detailed exemption criteria for projects fitting one of the five categories include requirements that the project “by its very nature” must be located within the floodplain.

For repair or replacement of existing structures, an exemption may be granted when there will be no “loss of additional floodplain *area or volume*” and all applicable Best Management Practices and mitigation measures have been incorporated into the project to minimize any potential soil erosion and/or surface runoff problems.

### **Issue 5 Detail**

Water Board staff and others have found there are potential projects that could be designed and constructed in a manner that would result in improvement of floodplain function and water quality that don’t fit any of the allowable exemption categories or that can’t meet all of the exemption findings. Currently, the Water Board cannot approve such projects; typically due to the project not being *solely* intended to improve water quality or floodplain function and/or the project *by its very nature* doesn’t have to be in the floodplain. There are also instances where projects that could result in improvement to floodplain *function* with a decrease in floodplain *area* have been stymied by current exemption criteria.

### **Option 1**

The floodplain prohibition exemption criteria reference to “floodplain area or volume” for repair and replacement of existing structures would be replaced with “floodplain function.” The concept of floodplain function includes the conveyance of floodwaters along with other hydrologic, geomorphic, and biological processes such as groundwater recharge, floodwater filtration, sediment transport, spawning gravel replenishment, seed dispersal, and riparian vegetation maintenance. By emphasizing the restoration of floodplain function over dimensional floodplain area and volume, project outcomes that are protective of water quality and beneficial uses are more likely.

The “sole intent” requirement would be removed from the exemption criteria for the five identified project types and the term “project” would be clarified to apply to an element or elements of an overall project where that element or those elements are within the 100-year floodplain. Exemption criteria would be assessed for those project elements within the 100-year floodplain and not for those project elements that are outside of the 100-year floodplain.

### **Option 1 Discussion**

The proposed changes will not eliminate any of the Water Board's tools for protecting water quality and floodplain beneficial uses. It will focus consideration of exemptions for floodplain projects on maintaining or improving floodplain function, rather than just the area or volume of the floodplain, and allow improvements to floodplains in the Truckee and Little Truckee watersheds that are currently unavailable or are unlikely to be implemented.

### **Other Options**

No other options have been identified.

## **ISSUE 6: CHAPTER 5 – WATER QUALITY STANDARDS AND CONTROL MEASURES FOR THE LAKE TAHOE BASIN**

### **Background**

Building off previous water quality management planning documents, the current Basin Plan includes an entire chapter on water quality control measures for the Lake Tahoe Basin. The Chapter reflects the planning and political context of the late 1980s. The Tahoe Regional Planning Agency (TRPA) adopted its Regional Plan in 1987 and the following year (1988) prepared a bistate Clean Water Action Section 208 Water Quality Management Plan (208 Plan).

As part of the 1989 conditional approval of the 1988 208 Plan, the State Water Board directed the Water Board to incorporate most provisions of the 208 Plan into the Basin Plan. Consequently, the Basin Plan describes best management practices, land capability and coverage requirements, and development restrictions that were part of the 1988 208 Plan. The Basin Plan also includes numerous references to TRPA programs and policies that were part of the 1988 208 Plan.

On December 12, 2012 the TRPA adopted a new Regional Plan and prepared an updated 208 Plan to align with updated policies and other planning documents, including the Lake Tahoe TMDL. The State Water Board approved the updated 208 Plan on May 7, 2013 (Resolution 2013-0014) and the USEPA approved it on June 19, 2013.

Similar to the Basin Plan prohibitions contained in Chapter 4 and described above, Chapter 5 contains waste discharge prohibitions that overlap and lack clearly defined exemption criteria.

### **Issue 6 Detail**

With the adoption and approval of the updated TRPA Regional Plan and 208 Plan, the Basin Plan references to TRPA and 208 Plan policies are outdated. Some existing waste discharge prohibitions and exemption criteria for the Lake Tahoe Hydrologic Unit are based on the outdated policies and land use requirements and which are outside of the Water Board's jurisdiction over water quality.

Similar to Chapter 4, the waste discharge prohibitions and associated exemption criteria related to various types of disturbance are confusing and inconsistent.

### **Option 1**

The Lake Tahoe Basin chapter of the Basin Plan would be edited to reflect the current TRPA Regional and 208 Plans and to remove reference to TRPA land use regulations from the prohibitions and exemptions for floodplains and Stream Environment Zones (SEZs).

These text edits would include eliminating detailed discussions of land coverage policy (Chapter 5.4), remedial offset policy (Chapter 5.5), and development standards and restrictions (Chapter 5.7 and 5.8). The edits will also remove the extensive references to the previous 208 Plan and associated policies.

The waste discharge prohibitions related to 100-year floodplain and SEZ protection and the associated exemption criteria would be relocated to Chapter 5.2 to provide a single section for all Tahoe-specific waste discharge prohibitions.

### **Option 1 Discussion**

These text edits will not alter established quality protection standards for the Lake Tahoe basin. The development and land coverage in the Lake Tahoe Basin will continue to be regulated by the TRPA and local land use agencies. The edits will align the Basin Plan with the most up-to-date plans and policies and will clarify the application of waste discharge prohibitions and associated exemption criteria.

### **Other Options**

No other options have been identified. The proposed deletions are necessary to align the Basin Plan with updated policies.

## **ISSUE 7: ADDITIONAL EDITORIAL AND PROGRAM CONSISTENCY CHANGES**

As identified in the introduction, some updates and editorial and program consistency changes are needed. These issues are briefly discussed below.

### **Chapter 4.0 – Introduction**

The introductory portion of Chapter 4 needs to be updated to reference the State Water Board’s “Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits” (Resolution No. 2008-0025). The new language will summarize the compliance schedule concept, reference the State Water Board policy, and generally describe the Water Board’s authority and potential use of compliance schedules in National Pollutant Discharge Elimination System permits and other permitting and enforcement tools.

The Non-Point Source Pollution portion of the introduction needs to be updated to reference the “Policy for the Implementation and Enforcement of the Nonpoint Source Pollution Control Program” (State Board Res. No. 2004-0030). The updated language will summarize the history and application of the 2004 policy.

#### **Chapter 4.4 - Municipal and Domestic Wastewater: Treatment, Disposal, and Reclamation**

The wastewater treatment facilities discussion should be updated in Basin Plan Chapter 4.4 such that future changes in facility operations will be less likely to result in the facilities descriptions being out of date. Current descriptions include outdated historical context, capacity information, and operational details. Wastewater treatment facility descriptions will be edited to eliminate unnecessary details while retaining relevant, general information needed for regulatory context.

Chapter 4.4 must be amended to incorporate the State Water Board’s Onsite Wastewater Treatment System (OWTS) Policy for septic systems and similar treatment and disposal systems. This policy became effective statewide in May 2013, and will supersede the Water Board’s current septic system siting criteria in May 2018.

Significant resources will be needed to assist local agencies that plan to develop Local Agency Management Plans (LAMPS), as allowed by the OWTS Policy. The LAMPS will need Water Board approval prior to implementation.

#### **Chapter 4.9 - Resources Management and Restoration**

Clarifications are needed in the discussion on forestry current practices, conditions, and needs.

#### **Chapter 6 – Plans and Policies**

References to outdated plans and policies should be deleted and new text added to summarize new and existing plans and policies that are now in effect.

#### **Factual and Grammatical Errors**

A number of factual and grammatical errors in the current Basin Plan should be corrected.

**Issue 4 Attachment**

**TABLE 4.1-1. LOW THREAT DISCHARGES THAT ARE CONDITIONALLY EXEMPT FROM WASTE DISCHARGE PROHIBITIONS (DRAFT)**

The exempt waste discharges must meet general conditions in Basin Plan section on Limited Threat Discharges, enumerated below, in addition to meeting the applicable specific conditions for discharge categories.

**General Conditions for Exemption:**

1. For proposed discharges to surface water, the applicant must provide information supporting why discharge to land is not practicable.
2. The discharge must not adversely affect the beneficial uses of the receiving water.
3. The discharge must comply with all applicable water quality objectives.
4. Best practicable treatment or control of the discharge must be implemented to ensure that pollution or nuisance will not occur.

**Specific Conditions for Exemption:**

<b>Discharge Category</b>	<b>Conditions for Exemption</b>
Atmospheric condensate from refrigeration and air conditioning systems	Must not contain chemicals or materials that would adversely affect water quality.
Groundwater from foundation drains, crawl-space pumps, and footing drains	Must not contain chemicals or materials that would adversely affect water quality.
Water main, storage tank, fire hydrant flushing	Water discharged must consist of potable water. Must use best management practices to reduce soil erosion from discharged water to a level of insignificance.
Incidental runoff from landscape irrigation	Must not contain fertilizers or pesticides. For recycled water used for irrigation, must discharge to land.
<b>Discharge Category</b>	<b>Conditions for Exemption</b>
Non-contact cooling water	Must not contain biocides, anti-scalants or other additives.
Aquifer or pump testing water	Must not be in an area of known groundwater contamination. If discharged to surface water, the quality of the discharge must be substantially similar to the quality of the receiving water.

Discharge Category	Conditions for Exemption
Construction dewatering	Must not contain petroleum products. Must not be in an area of known soil or groundwater contamination where that contamination could adversely affect the discharge and/or the receiving water.
Utility vault and conduit flushing and draining	Must not contain chemicals or materials that would adversely affect water quality.
Hydrostatic testing, maintenance, repair and disinfection of potable water supply pipelines	Water discharged must consist of potable water. Must use best management practices to reduce soil erosion from discharged water to an insignificant level.
Hydrostatic testing of newly constructed pipelines, tanks, reservoirs, etc., used for purposes other than potable water supply (e.g., gas, oil, reclaimed water, etc.)	Potable water must be used in the hydrostatic test. Must not contain chemicals or materials that would adversely affect water quality. Must use best management practices to reduce soil erosion from discharged water to an insignificant level.
Disposal of treated groundwater	Treatment must remove contaminants of concern to non-detectable levels.
Chips and masticated material from timber harvest and vegetation management activities	Must be placed outside active surface water channel (above 2-year high-water line). Chips and masticated material must not exceed 4 inches in depth on land surface within 50 feet of a surface water.
Pier pilings (driven), <b>except</b> for piers in Lake Tahoe in significant fish spawning habitat or in areas immediately offshore of stream inlets	Piles must be driven. Where the lakebed contains clayey or silty substrate, caissons, turbidity curtains, or other best management practices must be used to limit generated turbidity to smallest area practicable.
Buoys and aids to navigation	Must not contain chemicals or materials that would adversely affect water quality.
Scientific instrumentation or water quality or resources study	