

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION NO. 6-90-72

DELEGATING CERTAIN POWERS AND DUTIES
TO THE EXECUTIVE OFFICER

- WHEREAS Section 13223 of the Porter-Cologne Water Quality Control Act provides that the Regional Board may delegate any of its powers and duties, with certain exceptions, to its Executive Officer; therefore be it
- RESOLVED that the California Regional Water Quality Control Board, Lahontan Region, does hereby delegate to its Executive Officer, under the general direction and control of the Board, all of the powers and duties of the Board under Division 7 of the California Water Code except those specified in Section 13223(a); and be it further
- RESOLVED that the Regional Board reserves the authority to state Board policy and create procedure to be followed by the Executive Officer. The stating of Board policy will include but not be limited to the following:
1. Establishment of office location priorities [Sec. 13220(a)]
 2. Policy statements (Sec. 13224)
 3. Recommend financial assistance projects [Sec. 13225(e)]
 4. Classify disposal sites (Sec. 13226)
 5. Approve closure plans [Sec. 13227(b)]
 6. Condition plan approvals [Sec. 13227(c)]
 7. Hearing [Sec. 13305(d)]
 8. Elevate inter Regional Board disputes [Sec. 13320(d)]
- RESOLVED that the Executive Officer is authorized, and he is hereby directed, to certify and submit copies of this Resolution to such agencies and individuals as may have need therefore or as may request same.

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 November 9, 1990.


HAROLD J. SINGER
EXECUTIVE OFFICER

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

RESOLUTION NO. 6-91-927

**DELEGATING AUTHORITY TO THE EXECUTIVE OFFICER
TO APPROVE CLOSURE PLANS FOR WASTE MANAGEMENT UNITS**

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

1. Government Code Section 43501(b) requires that the owner or operator of a solid waste facility submit to the Regional Board a plan for the closure of that facility and a plan for the post-closure maintenance of the facility.
2. Section 18270(c) of Title 14, Division 7, California Code of Regulations (Title 14) requires that the Regional Board shall review the closure plans for consistency with regulations found in Chapter 15, Title 23, Division 3, California Code of Regulations (Chapter 15) pertaining to the protection of water quality. The Regional Board shall also review the cost estimates for closure and postclosure maintenance with respect to those costs associated with the protection of water quality.
3. Section 18271(a) of Title 14 requires that the Regional Board provide the California Integrated Waste Management Board (CIWMB) with comments on the contents of a given preliminary closure plan and those items which are deficient or inaccurate in the preliminary closure plan within 60 days of receipt of the preliminary closure plan from the facility owner or operator. The Regional Board must submit a written record of approval or denial of the plan to the CIWMB within 120 days of receipt of the preliminary plan.
4. Section 18271(b) of Title 14 requires that the Regional Board provide the California Integrated Waste Management Board (CIWMB) with comments on the contents of a given final closure plan and those items which are deficient or inaccurate in the final closure plan within 90 days of receipt of the final closure plan from the facility owner or operator. The Regional Board must submit a written record of approval or denial of the plan to the CIWMB within 120 days of receipt of the final plan.
5. Within 60 days of the date of written approval or denial of the preliminary or final closure and postclosure maintenance plans by the Regional Board, the CIWMB shall transmit to the facility owner/operator a formal letter of approval or denial (Title 14, Section 18271(b)(2)).

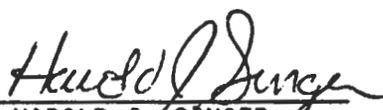
6. If the CIWMB does not approve or disapprove a preliminary or final closure plan within the 180 day timeframe commencing with the receipt of a complete closure plan, the plan is deemed acceptable by default (Title 14, Section 18271(b)(2), Government Code 65920).
7. A closure plan constitutes a partial report of waste discharge pursuant to Section 13260 of the Porter-Cologne Water Quality Control Act.
8. When a waste management unit is due to close, waste discharge requirements for proper closure are developed, incorporating, in part, a previously approved closure plan. The closure plan is again brought before the Regional Board for approval, in the form of waste discharge requirements.
9. Section 13223 of the Porter-Cologne Water Quality Control Act allows the Regional Board to delegate some of the powers and duties vested in it to the Executive Officer.
10. Due to the timeframes involved in processing a closure plan, delegating authority to the Executive Officer to approve a closure plan would allow the closure plan to be more thoroughly reviewed and allow closer coordination with the CIWMB in review and comment; and
11. Delegating authority to the Executive Officer would allow the closure plan to be approved/disapproved in a more timely manner, and decrease the possibility of approval or acceptance by default on the CIWMB's part due to late input on the part of the Regional Board.
12. The Regional Board retains the authority to approve or disapprove closure plans through the adoption of waste discharge requirements.
13. The Regional Board held a hearing on September 12, 1991 in Bridgeport, Mono County, and considered all evidence concerning this matter.

THEREFORE, BE IT RESOLVED THAT:

1. The Regional Board delegates authority to the Executive Officer to approve closure and post-closure maintenance plans for waste management units.
2. Except in emergency situations, the Executive Officer shall notify the Board and interested members of the public 10 days in advance of his intent to approve a closure plan subject to this resolution.

3. The Executive Officer shall submit a report to the Regional Board at regularly scheduled Board meetings listing the closure and post-closure maintenance plans approved subject to this Resolution since the last notification.

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 September 12, 1991.


HAROLD J. SINGER
EXECUTIVE OFFICER

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION NO. 6-88-18

WAIVER FOR WASTE DISCHARGE REQUIREMENTS
FOR SPECIFIC TYPES OF DISCHARGES

WHEREAS, Water Code Section 13260(a) requires that any person discharging waste or proposing to discharge waste within the Region, other than to a community sewer system, that could affect the quality of the waters of the state, shall file a report of waste discharge; and

WHEREAS, the California Regional Water Quality Control Board, Lahontan Region has a statutory obligation to prescribe waste discharge requirements except where a waiver is not against the public interest pursuant to California Water Code Section 13269; and

WHEREAS, California Water Code Section 13269 stipulates that any waiver of filing a report of waste discharge and/or prescribing waste discharge requirements shall be conditional and may be terminated at any time by the Regional Board; and

WHEREAS, the Regional Board finds that waiving of waste discharge requirements for specific categories or types of projects or discharges, where such a waiver is not against the public interest, would enable Regional Board staff resources to be used more effectively; and

WHEREAS, the Regional Board finds that a waiver of waste discharge requirements for the types of discharges identified on the attachment to this Resolution would not be against the public interest when the discharge is effectively regulated by other public agencies, by the discharger pursuant to State regulations or guidelines, or could not adversely affect the quality or the beneficial uses of the waters of the State; and

WHEREAS, a Report of Waste Discharge shall be filed for any discharge for which a waiver is sought pursuant to this Resolution; and

WHEREAS, discharge from a project cannot commence until such time as the Regional Board Executive Officer has prepared and sent a letter waiving waste discharge requirements for the project or the Regional Board has adopted waste discharge requirements for the project; and

WHEREAS, the Regional Board finds that even if a discharge or project is identified on the attachment to this Resolution, waste discharge requirements may still be issued for that discharge or project if it represents a threat to water quality; and

WHEREAS, the Regional Board staff has prepared a negative declaration in accordance with the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) and State guidelines, and the Regional Board has considered the negative declaration and determined there will be no significant adverse impacts to the environment from the waiver of waste discharge requirements for the specific types of projects described in the attachment to this Resolution; and

WHEREAS, the Regional Board held a hearing on January 14-15, 1988 in Ridgecrest, Kern County and considered all evidence concerning this matter.

THEREFORE BE IT RESOLVED, that the Regional Board waives waste discharge requirements for the specific types of waste discharges shown on the attachment to this Resolution except for those specific discharges for which waste discharge requirements have previously been adopted or where in the opinion of the Executive Officer, waste discharge requirements are necessary; and

BE IT FURTHER RESOLVED, that those specific types of discharges shown on the attachment to this Resolution, must be in compliance with applicable sections of the Water Quality Control Plans for the North and South Lahontan Basins as amended and the Lake Tahoe Basin Water Quality Plan; and

BE IT FURTHER RESOLVED, that the Regional Board adopts the Negative Declaration and directs the Executive Officer to file all appropriate notices; and

BE IT FURTHER RESOLVED, that this action waiving the issuance of waste discharge requirements is conditional and the Executive Officer can recommend that the Regional Board adopt waste discharge requirements for any of the specific types of discharges listed on the attachment.

I, O. R. Butterfield, 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 January 14, 1988.



O. R. BUTTERFIELD
EXECUTIVE OFFICER

ATTACHMENT TO RESOLUTION NO. 6-88-18 (WAIVER POLICY)

WAIVER CONDITIONS

TYPE OF PROJECT OR
WASTE DISCHARGE

CONDITIONS

Underground Tank Abandonments/
Replacements

If regulated by Local Implementing Agencies (and TRPA for projects in the Lake Tahoe Basin)

Pier Repairs with No Increase
in Square Footage

Use of sediment screens, adherence to "Guidelines for Erosion Control" as described in the Basin Plans, and approval of California Department of Fish and Game.

Minor Dredging Operations

When operation is short-term, spoil is non-toxic, and discharge is to land.

Stormwater Runoff

No anticipated water quality impacts, no NPDES permit required by Federal regulation, and no potential for contact with toxic or hazardous materials.

Dewatering from Construction
Sites

No pollutants are present and there is no discharge to surface waters.

Minor Stream Channel Alterations

Where regulated by California Department of Fish and Game under Fish and Game Code Section 1600 - 1603.

Sand, gravel and quarry operations

Where all operations and wash waters are confined to land; no discharge to surface waters will occur and stockpiles are protected from flooding.

Erosion from construction

Operation complies with the "Guidelines for Erosion Control" within the Basin Plans for the Lahontan Region (and utilizes the TRPA Best Management Practices for projects within the Lake Tahoe Basin).

Test pumpings of fresh water

Pollutants are neither present in the groundwater nor are added, and the well is not part of a groundwater cleanup project.

Discharge from flushing of domestic water lines and tanks

Discharge has no toxic or hazardous constituents.

Individual sewage disposal systems, and small community, commercial, institutional and industrial operations which utilize on-site wastewater treatment and disposal for domestic wastes

The discharge is not to surface waters.

Inert solid wastes (non-water soluble, non-decomposable, non-hazardous i.e. earth, rock, concrete, etc.)

Small scale operations using good disposal and erosion control practices such that discharges to surface waters will not occur and complies with California Administrative Code, Title 23, Chapter 3, Subchapter 15, Section 2524.

Underground Injection

Where EPA's Underground Injection Control permit is determined to be adequate to protect groundwaters.

Use of reclaimed wastewater for soil compaction or dust control

Where applicable Dept. of Health Services' guidelines are followed.

Confined animal wastes

Discharger complies with the California Administrative Code, Title 23, Chapter 3, Subchapter 15, and no NPDES permit is required by Federal regulation, and the California Environmental Quality Act has been complied with.

Drilling muds	Discharges to sumps with at least two feet of freeboard. Sump must be dried by evaporation or pumping. Drilling muds may remain in sump only if discharger demonstrates it is inert waste. Sump area shall be restored to preconstruction state within sixty days of completion or abandonment of the well.
Swimming pool discharges	Drainage contains no toxic levels of chlorine and no discharge to surface waters will occur.
Lake or Reservoir drainage projects	Pollutants are not present, discharge rates are such that they do not cause erosion, sediment control measures are in place and beneficial uses of the downstream waterway are maintained.
Timber Harvest Projects	Operating under approved California Department of Forestry Timber Harvesting Plans or Federal Timber Sales.
Minor Hydro projects	Operation under water rights permit from the State Water Resources Control Board or California Department of Fish and Game conditions, no water quality impacts are anticipated, and California Environmental Quality Act (CEQA) has been complied with.
Telephone, natural gas and electric utility vault and conduit flushing and draining	Where there is no discharge to surface waters and no toxic or hazardous materials within the discharge.
Emergency action projects	Where an action is needed to protect water quality and waste discharge requirements may be adopted at a later date.
Geothermal well drilling/testing	Where no hazardous materials are used in drilling operations.
Pipeline/Tank Testing	Where freshwater is used.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

Board Order No. 6-81-7

Variance to Prohibition of New Septic Tank
Subdivisions in the Truckee River Hydrologic
Unit

The California Regional Water Quality Control Board, Lahontan Region finds:

1. The Regional Board adopted amendments to the Water Quality Control Plan for the North Lahontan Basin for the Truckee River and Little Truckee River hydrologic units on June 26, 1980. Such plan amendments were subsequently approved by the State Water Resources Control Board on October 16, 1980.
2. The 1980 basin plan amendments included the following prohibitions:
 - "1. Discharge of wastewater or wastewater effluent resulting in an average total nitrogen concentration in the (undiluted) wastewater exceeding 9 mg-N/liter entering the Truckee River or any of its tributaries above the Boca Reservoir outlet confluence is prohibited."
 - "3. No discharge of domestic wastewater to individual facilities such as septic tank/leachfield systems shall be permitted for any subdivisions* which did not discharge prior to October 16, 1980. This shall apply to all areas where underlying groundwaters are tributary to the Truckee River or any of its tributaries above the confluence of the Boca Reservoir outlet and the Truckee River. An exemption to the prohibition may be granted whenever the Regional Board finds that operation of individual domestic wastewater facilities in a particular area will not individually or collectively, directly or indirectly affect water quality."
- *As defined in the Subdivision Map Act (Government Code 66424)
3. Subdivisions with a large average lot size of five (5) acres or greater are not amenable to sewerage to a consolidated wastewater facility, since the length of sewer line per residence and associated costs would be excessive.
4. For subdivisions remote from existing or proposed sewerage facilities, the cost of installing connecting facilities would be excessive. The lower the number of lots, the greater would be the sewerage facility cost per lot.

5. The Tahoe Truckee Sanitation Agency (TTSA) regional wastewater facility expansion authorized by the basin plan amendments will have its major impact on the section of the Truckee River between Martis Creek and Prosser Creek. Septic tank subdivisions affecting other sections of the river are less undesirable than those which would add to the effects of TTSA in this critical section. Since the major impact of the TTSA discharger will be at the upstream end of the critical section, discharges downstream of the critical section are less undesirable than upstream discharges.
6. It is desirable that septic tank subdivision discharges be controlled by a public entity, since enforcement of the regulatory powers of the Regional Board and other governmental agencies are limited where a large number of scattered discharges are involved. Increased regulatory control generally results in greater protection of the public health and some decrease in nutrient discharges from septic tank subdivisions.
7. The Regional Board has prepared a negative declaration in accordance with the California Environmental Quality Act (Public Resources Code, Section 21000 et. seq.) and the State guidelines, and the Board determines that there will be no substantial adverse changes in the environment as a result of the project.

The Regional Board hereby orders:

1. No new divisions of land into greater than five (5) lots for development will be permitted unless a civil engineer registered by, or an engineering geologist certified by the State of California provides data which substantiates that criteria for waste disposal from land developments specified in the Water Quality Control Plan for the North Lahontan Basin can be met on all proposed lots or that proposed specially designed onsite wastewater systems will protect water quality. Where special onsite systems are employed, such qualified individual shall inspect and certify proper installation of all systems. For all proposed subdivisions, a report of waste discharge including information which is deemed necessary for evaluation shall be submitted to the Regional Board.
2. No proposed division of land for development where the average lot size is less than two and one-half (2½) acres (gross acreage, including road easements, etc.) shall be exempt from the prohibitions specified in Finding No. 2 above, except where the Regional Board determines that a variance shall be granted because temporary, short-term use of onsite systems is proposed. Such variance may be granted where the developer intends to sewer the subdivision to an existing or proposed sewerage system connected to an approved wastewater treatment and disposal facility such as the TTSA facility and connecting sewerage facilities are not

completed or sufficient wastewater flow capacity is not available. The following criteria must be met for a temporary-use variance to be granted by the Executive Officer, though the Regional Board may waive any or all of them:

- A. The criteria specified in Order No. 1 above must be met for all proposed lots where interim onsite discharge is proposed.
 - B. A written commitment to provide wastewater capacity for the proposed development within five (5) years of issuance of a variance from the governing board of the approved wastewater treatment and disposal facility and a written commitment from an appropriate public entity that any necessary sewerage facilities not to be completely financed by the discharger applying for the variance (such as an interceptor sewer proposed from an adjacent subdivision.) will be completed within five (5) years shall be submitted to the Regional Board.
 - C. Sewerage facilities to be installed in the proposed subdivision and additional sewerage facilities which the developer must install to connect the subdivision to an appropriate wastewater treatment and disposal facility shall be designed and an estimate of construction costs shall be prepared by a civil engineer registered by the State of California. The developer shall submit written certification that such sewerage facilities will be completed within two (2) years of issuance of a variance and make a commitment to finance the construction costs such as posting a bond with an appropriate governmental agency.
 - D. The developer shall obtain a written commitment from an existing appropriate public entity to operate and maintain sewerage facilities serving the development. If such commitment cannot be obtained, the developer must obtain a written commitment from the appropriate county to form a new public entity.
3. Exemptions to the prohibitions specified in Finding No. 2 above shall be considered on a case-by-case basis for proposed divisions of land for development with an average lot size (gross average) not less than two and one-half (2-1/2) acres where long-term use of onsite wastewater systems is proposed. The following point system shall be utilized for evaluation of such proposed land divisions:

A.	<u>Average Lot Size (Gross), Acres</u>	<u>Point Allowance</u>
	Larger than 5	10
	Larger than 4½	8
	Larger than 4	6
	Larger than 3½	4
	Larger than 3	2
	Larger than 2½	0
B.	<u>Distance of Nearest Land Division Boundary to Existing/Proposed Sewerage Facilities, Miles</u>	<u>Point Allowance</u>
	Greater than 1.5	4
	Greater than 1	3
	Greater than 0.5	2
	Greater than 0.2	1
C.	<u>Total Single Family Dwelling Equivalents</u>	<u>Point Allowance</u>
	Less than 6	3
	Less than 51	2
	Less than 101	1
D.	<u>Shortest Distance (River/Stream Length) of Land Division Effluent Surface Water Entrance Area from Critical Section of Truckee River Between Martis Creek and Prosser Creek</u>	
I.	<u>Effluent Enters Upstream of Critical Section, Miles</u>	<u>Point Allowance</u>
	Greater than 6	3
	Greater than 4	2
	Greater than 2	1
II.	<u>Effluent Enters Downstream of Critical Section, Miles</u>	<u>Point Allowance</u>
	Greater than 1.75	5
	Greater than 1.50	4
	Greater than 1.25	3
	Greater than 1.00	2
	Greater than 0.75	1
E.	<u>Will a Public Entity be Formed for Control of Design, Installation, Oper- ation, and Maintenance of Onsite Systems?</u>	<u>Point Allowance</u>
	Yes	4
	No	0

Proposed land divisions where a point total of ten (10) or more can be demonstrated may be granted a variance to the prohibition specified in Finding No. 2 above. Variances will not be granted where it is apparent that adverse biostimulatory effects could occur in local surface waters, generally where effluent from a large land division would be tributary to a small lake or stream, or where the Regional Board finds that the land division would threaten to adversely affect water quality.

For divisions of land where fewer than six (6) lots are involved and the above-listed criteria can be met, the Regional Board delegates authority to the Executive Officer to issue a conditional waiver of the issuance of waste discharge requirements in accordance with Section 13269 of the California Water Code.

I, Roy C. Hampson, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on March 12, 1981.


ROY C. HAMPSON
EXECUTIVE OFFICER

ORDER NO. 6-70-48

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

Regarding Sewage Export Variance
Lake Tahoe Basin

The California Regional Water Quality Control Board, Lahontan Region, finds:

1. The Regional Board, on June 23, 1966, adopted a "Lake Tahoe Water Quality Control Policy".
2. On October 26, 1967, the Regional Board adopted an "Addendum Regarding Implementation" to the Lake Tahoe policy.
3. The implementation addendum established schedule guidelines for the accomplishment of total sewage export from the California portion of the Lake Tahoe Basin by 1970.
4. The Porter-Cologne Water Quality Control Act, which became effective on January 1, 1970, requires in Section 13951 that by January 1, 1972, all waste from within the basin be exported.
5. Section 13951 of the Porter-Cologne Act also declares that the further use of any waste disposal means within the basin after January 1, 1972 is a public nuisance except as permitted pursuant to that Section.
6. The pursuant provision of Section 13951 states that this Regional Board can exclude a particular area of the basin from the requirements of the section if it can make the following specific findings regarding the area:
 - (a) That the continued operation of septic tanks, cesspools, or other means of waste disposal in such area will not, individually or collectively, directly or indirectly, affect the quality of the waters of Lake Tahoe, and
 - (b) That the sewerage of such area would have a damaging effect upon the environment.
7. An area may be found to not affect the quality of the waters of Lake Tahoe upon the condition that the following restrictions are met for all waste discharges within the area:
 - a. Seasonal occupancy be normally limited to the summer months.
 - b. Toilet wastes be exported from the Lake Tahoe Basin or incinerated.

- c. Solid wastes be exported from the Lake Tahoe Basin.
 - d. No automatic washing machines, dishwashers, or garbage disposals be used.
 - e. Only natural soaps or phosphate free cleaning agents be used.
 - f. Food wastes be exported from the Lake Tahoe Basin or incinerated.
 - g. Wash waters be discharged to leaching areas located a minimum of 100-feet from any surface water with a soil mantle adequate for percolation.
8. The following areas can meet the above restrictions:
- Echo Lakes
 - Angora Lakes
 - Lilly Lake
 - Glen Alpine
 - Fish Hatchery Tract
 - Lots 1, 19-23, 33, 35, 62 and 63 of Fallen Leaf Lake Tract
9. The sewerage of an area shall be found to have a damaging effect upon the environment if shown by an environmental impact study submitted to and evaluated by the Board.
10. U. S. Forest Service has submitted a report to the Board which shows that sewerage of the following areas would have a damaging effect upon the environment:
- Echo Lakes
 - Angora Lakes
 - Lilly Lake
 - Fish Hatchery Tract
 - Lots 1, 19-23, 33, 35, 62 & 63 of Fallen Leaf Lake Tract
11. The following areas, which were considered, do not meet the requirements of Section 13951:
- Glen Alpine
 - Emerald Bay
 - Kings View Subdivision
 - Echo Summit
 - Echo Road and Echo Chalet
 - East and South Shore Areas of Fallen Leaf Lake

This Regional Board hereby orders that:

- I. Section 13951 of the California Water Code shall not apply to the below listed areas which are therefore excluded from the export mandate provided all restrictions listed under finding #7 are met,

Echo Lakes
Angora Lakes
Lilly Lake
Fish Hatchery Tract
Lots 1, 19-23, 33, 35, 62 & 63 of Fallen Leaf Lake Tract
- II. The exclusions granted by this order shall be reviewable by the Regional Board on its own motion but at least by June 1, 1981.
- III. No other area within the Lake Tahoe Basin is excluded by this order.

I, John T. Leggett, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an order adopted by the California Regional Water Quality Control Board, Lahontan Region, on December 10, 1970.

John T. Leggett
Executive Officer

ORDER NO. 6-71-17

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

Regarding Sewage Export Variance
Lake Tahoe Basin

The California Regional Water Quality Control Board, Lahontan Region, finds:

1. The Regional Board, on December 10, 1970, adopted Order No. 6-70-48 setting forth a policy on variances to the requirement for sewage export from the Lake Tahoe Basin.
2. Order No. 6-70-48 states that an area can be granted a variance if several conditions regarding the effect of the disposal of wastes in the area on water quality can be met and if an environmental impact study shows that sewerage of the area would have a damaging effect upon the environment.
3. In Order No. 6-70-48 it was found that the Glen Alpine area could meet the water quality conditions, but no environmental impact study had been submitted specifically for the area.
4. A letter submitting an environmental impact study showing that sewerage of the Glen Alpine area would be damaging to the environment has since been received and evaluated.

This Regional Board hereby orders that:

- I. Section 13951 of the California Water Code shall not apply to the Glen Alpine area which is therefore excluded from the export mandate provided all restrictions listed under finding #7 of Board Order No. 6-70-48 are met.
- II. The conditions by which the exclusion is granted by this order shall be reviewable by the Regional Board on its own motion but at least by June 1, 1981.

I, John T. Leggett, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Lahontan Region, on May 17, 1971.

John T. Leggett
Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

BOARD ORDER NO. 6-74-139

REGARDING SEWAGE EXPORT VARIANCE
LAKE TAHOE BASIN

The California Regional Water Quality Control Board, Lahontan Region, finds:

1. The Porter-Cologne Water Quality Control Act, which became effective on January 1, 1970, requires in Section 13951 that all wastes within the Lake Tahoe Basin be exported by January 1, 1972.
2. The pursuant provision of Section 13951 states that this Regional Board can exclude a particular area of the basin from the requirements of the section if it can make the following specific findings regarding the area:
 - a. That the continued operation of septic tanks, or other means of waste disposal in such area will not individually or collectively, directly or indirectly, affect the quality of the waters of Lake Tahoe, and
 - b. That the sewerage of such area would have a damaging effect upon the environment.
3. The Regional Board, on December 10, 1970, adopted Order No. 6-70-48 setting forth a policy on variances to the requirement for sewage export from the Lake Tahoe Basin in accord with the Porter-Cologne Water Quality Control Act.
4. Order No. 6-70-48 stipulated that an area may be found to not affect the quality of the waters of Lake Tahoe upon the condition that the following restrictions are met for all waste discharges within the area:
 - a. Seasonal occupancy be normally limited to the summer months.
 - b. Toilet wastes be exported from the Lake Tahoe Basin or incinerated.
 - c. Solid wastes be exported from the Lake Tahoe Basin.
 - d. No automatic washing machines, dishwashers, or garbage disposal be used.
 - e. Only natural soaps or phosphate free cleaning agents be used.
 - f. Food wastes be exported from the Lake Tahoe Basin or incinerated.
 - g. Wash waters be discharged to leaching areas located a minimum of 100 feet from any surface water with a soil mantle adequate for percolation based upon a geologic report.
5. The following area can meet the above restrictions:

Lot 43 of the Echo Road Tract. The existing cabin on this lot is located approximately 175 feet from the nearest adjacent cabin.

6. On July 5, 1974, the El Dorado County Superior Court issued a Peremptory Writ of Mandamus requiring the Regional Board to reconsider the matter and grant a variance to Lot #43, Echo Road Tract, subject to such restrictions as are deemed appropriate within the Board's discretion.

IT IS HEREBY ORDERED that:

- I. Section 13951 of the California Water Code shall not apply to disposal of wastewater from a summer home owned by Mr. Theodore A. Dungan on Lot #43, Echo Road Tract, and such disposal is therefore excluded from the export mandate, provided that the following conditions and restrictions be met:
 - a. All wastewater be discharged to the present existing septic tank and leaching areas; provided further that any expansion of the present leaching facilities shall be to leaching areas located a minimum of 100 feet from any surface water with a soil mantle adequate for percolation based upon a geologic report. The owner or holder of Lot #43, Echo Road Tract, shall comply with the provisions of Section 13264(a) of the Water Code.
 - b. Seasonal occupancy be normally limited to the summer months.
 - c. Solid wastes be exported from the Lake Tahoe Basin.
 - d. No automatic washing machines, dishwashers, or garbage disposal be used.
 - e. Only natural soaps or phosphate free cleaning agents be used.
 - f. Food wastes be exported from the Lake Tahoe Basin or incinerated.
- II. The conditions by which the exclusion is granted in this Order shall be reviewable by the Regional Board on its own motion, but at least by June 1, 1981.
- III. No other discharge within the Lake Tahoe Basin is permitted by this Order.

I, Roy C. Hampson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on October 24, 1974.


ROY C. HAMPSON
EXECUTIVE OFFICER

I concur as to form
and substance:

JAMES K. NORMAN
Attorney for Theodore A. Dungan

Date:

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

**AMENDED RESOLUTION NO. 6-90-22
FOR**

**DELEGATING AUTHORITY TO THE EXECUTIVE OFFICER
TO GRANT EXCEPTIONS TO PROHIBITIONS FOR SPECIFIC CIRCUMSTANCES**

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

1. Water Code Section 13260(a) requires that any person discharging waste or proposing to discharge waste within the Region, other than to community sewer system, that could affect the quality of the waters of the state, shall file a report of waste discharge; and
2. The California Regional Water Quality Control Board, Lahontan Region, has a statutory obligation to prescribe waste discharge requirements for discharge of any waste that could affect water quality except that waste discharge requirements may be waived when it is not against the public interest pursuant to California Water Code Section 13269; and
3. The Regional Board adopted Resolution No. 6-88-18, "Waiver of Waste Discharge Requirements for Specific Types of Discharges" (Attachment "A"); which specifies the types of projects for which the Executive Officer can waive Waste Discharge Requirements. Additionally the Regional Board adopted General Waste Discharge Requirements (Board Order No. 6-91-31) for the construction of small commercial, multi-family residential, utility, and public works projects in the Lake Tahoe Basin; and
4. The Water Quality Control Plan for the North Lahontan Basin (North Lahontan Basin Plan) as amended prohibits the discharge or threatened discharge attributable to human activities of solid or liquid waste materials including soil, silt, clay, sand and other organic and earthen materials, that result from the placement of said materials below the high-water rim of Lake Tahoe or within the 100-year flood plain of the Truckee River or any tributary to Lake Tahoe or the Truckee River; and
5. The North Lahontan Basin Plan allows an exception to the prohibitions of Finding No. 4 for the Truckee River and Little Truckee River Hydrologic Units for only the following types of projects:
 - a. projects solely intended to reduce or mitigate existing sources of erosion or water pollution
 - b. bridge abutments and approaches and other essential transportation facilities identified in a County plan
 - c. projects necessary to protect public health or safety or to provide essential public services

- d. projects necessary for public recreation
 - e. repair or replacement of existing structures
 - f. outdoor recreation projects within the 100-year flood plain which have been man-altered by grading and/or filling activities which occurred prior to June 26, 1975; and
6. The North Lahontan Basin Plan allows an exception to the prohibitions of Finding No. 4 for the projects listed in Finding No. 5 only when the Regional Board makes all of the following findings:
- a. There is no reasonable alternative to locating the project or portions of the project within the 100-year flood plain.
 - b. The project, by its very nature, must be located within the 100-year flood plain. The determination of whether a project, by its very nature, must be located in a 100-year flood plain shall be based on the type of project proposed, not the particular site proposed.
 - c. The project incorporates measures which will ensure that any erosion and surface runoff problems caused by the project are mitigated to levels of insignificance.
 - d. The project will not individually or cumulatively with other projects, directly or indirectly, degrade water quality or impair beneficial uses of water.
 - e. All 100-year flood plain areas and volumes lost as a result of the project will be completely mitigated by restoration of a previously disturbed flood plain within or as close as practical to the project site. The restored, new, or enlarged flood plain shall be of sufficient area and volume to more than compensate for the flood flow attenuation capacity, surface flow treatment capacity and ground water flow treatment capacity which are lost as a result of the project; and
7. The Lake Tahoe Basin Water Quality Plan (Lake Tahoe Basin Plan) as amended prohibits the following:
- a. discharge from new development in stream environment zones or which is not in accordance with land capability
 - b. discharge to stream environment zones
8. The Lake Tahoe Basin states that the prohibitions listed in Finding No. 7 shall not apply to any structure the Regional Board, or a management agency designated by the State Board to implement the Lake Tahoe water quality plan, approves as reasonably necessary;

- a. to control existing sources of erosion or water pollution,
- b. to carry out the 1988 TRPA regional transportation plan,
- c. for health, safety, or public recreation,
- d. for access across SEZ's to otherwise buildable parcels

Approval of exemptions shall include the findings set forth in Section 20.4 of Tahoe Regional Planning Agency's Code of Ordinances (the most recent version is included as Attachment "B"); and

9. Both the North Lahontan Basin Plan and the Lake Tahoe Basin Plan use the terms "exception" and "exemption" interchangeably. For the purposes of this Resolution, the term "exception" will be used in all places other than where quoted from the Plans and will mean both terms; and
10. The Regional Board finds that several small projects which qualify for a waiver or are covered under the General Waste Discharge Requirements, would be subject to the prohibitions of Findings No. 4 and 7. Additionally, the Regional Board finds that many of these projects would clearly qualify for an exception to the prohibitions. However the Executive Officer cannot grant waivers or a Notice of Applicability of the General Waste Discharge Requirements for these projects since, at present, only the Regional Board can grant Basin Plan exceptions; and
11. The Regional Board finds that delegating authority to the Executive Officer to grant the exceptions to the prohibitions when the project meets the waiver conditions of Resolution 6-88-18 or the conditions of the General Waste Discharge Requirements (Board Order No. 6-91-31) and meets the exception criteria in the North Lahontan Basin Plan or Lake Tahoe Basin Plan where such findings are not against the public interest, would enable Regional Board staff to use resources more effectively; and
12. The Regional Board finds that delegation of authority to grant exceptions when projects qualify for a waiver of Waste Discharge Requirements or are covered under the General Waste Discharge Requirements can allow qualifying projects to proceed in a timely manner; and
13. The Regional Board finds that delegating authority to the Executive Officer to grant exceptions to the Basin Plan prohibitions specified in Findings No. 4 and 7 for projects of less than 500 square feet of coverage, or 1000 square feet of ground disturbance, or 50 cubic yards of fill or excavation, and/or when a project is limited to the placement of temporary structures below the high water rim of Lake Tahoe, including but not limited to steel boat launch extensions, when necessary to maintain existing access to Lake Tahoe when the surface elevation of Lake Tahoe falls below 6223 (Lake Tahoe Datum), would not be against the public interest when the discharge is

mitigated as required by the Basin Plans and could not adversely affect the quality or the beneficial uses of the waters of the State; and

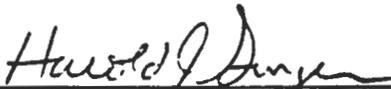
14. A Report of Waste Discharge shall be filed for any discharge for which approval is sought pursuant to this Resolution; and
15. Discharge from a project cannot commence until such time as the Regional Board Executive Officer has prepared and sent a letter indicating that an exception to the Basin Plan prohibitions is granted and that waste discharge requirements for the project are waived or a Notice of Applicability of the General Waste Discharge Requirements is issued; and
16. The Regional Board finds that even if a discharge or project qualifies for an exception under this Resolution, the Regional Board retains the authority to issue or deny waste discharge requirements for that discharge or project; and
17. The Regional Board held a hearing on February 8, 1990 in Truckee, Nevada County and May 9, 1991 in Susanville, Lassen County and considered all evidence concerning this matter.

THEREFORE BE IT RESOLVED:

1. That the Regional Board delegates authority to the Executive Officer to grant exceptions to Basin Plan Prohibitions for the Truckee River Hydrologic Unit and the Lake Tahoe Basin for specific discharges where:
 - a. the project qualifies for a waiver pursuant to Resolution No. 6-88-18, or is covered by the General Waste Discharge Requirements (Board Order No. 6-91-31), and
 - b. the project meets exception criteria of the North Lahontan Basin Plan or the Lake Tahoe Basin Plan, and
 - c. the project is:
 - i. limited to the placement of temporary structures below the high water rim of Lake Tahoe, such as steel boat launch extensions, when necessary to maintain existing access to Lake Tahoe when the surface elevation of Lake Tahoe falls below 6223 (Lake Tahoe Datum). Temporary structures will be removed from Lake Tahoe within 12 months of their installment, unless otherwise approved by the Regional Board, and/or
 - ii. less than the following specific size limitations:
 - (a) 500 square feet of coverage, or
 - (b) 1,000 square feet of ground disturbance, or
 - (c) 50 cubic yards of fill or excavation.

2. Except in emergency situations, the Executive Officer shall notify the Board and interested members of the public of his intent to issue a waiver or a Notice of Applicability subject to this Resolution at least 10 days prior to issuance.
3. The Executive Officer shall submit a report to the Regional board at the regularly scheduled Board meetings listing the items issued subject to this Resolution since the last notification.
4. That this action delegating authority to the Executive Officer to grant exceptions is conditional and the Executive Officer may recommend that the Regional Board adopt waste discharge requirements for any of the specific types of discharge included in this Resolution.

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 May 9, 1991.



HAROLD J. SINGER
EXECUTIVE OFFICER

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION NO. 6-88-18

WAIVER FOR WASTE DISCHARGE REQUIREMENTS
FOR SPECIFIC TYPES OF DISCHARGES

WHEREAS, Water Code Section 13260(a) requires that any person discharging waste or proposing to discharge waste within the Region, other than to a community sewer system, that could affect the quality of the waters of the state, shall file a report of waste discharge; and

WHEREAS, the California Regional Water Quality Control Board, Lahontan Region has a statutory obligation to prescribe waste discharge requirements except where a waiver is not against the public interest pursuant to California Water Code Section 13269; and

WHEREAS, California Water Code Section 13269 stipulates that any waiver of filing a report of waste discharge and/or prescribing waste discharge requirements shall be conditional and may be terminated at any time by the Regional Board; and

WHEREAS, the Regional Board finds that waiving of waste discharge requirements for specific categories or types of projects or discharges, where such a waiver is not against the public interest, would enable Regional Board staff resources to be used more effectively; and

WHEREAS, the Regional Board finds that a waiver of waste discharge requirements for the types of discharges identified on the attachment to this Resolution would not be against the public interest when the discharge is effectively regulated by other public agencies, by the discharger pursuant to State regulations or guidelines, or could not adversely affect the quality or the beneficial uses of the waters of the State; and

WHEREAS, a Report of Waste Discharge shall be filed for any discharge for which a waiver is sought pursuant to this Resolution; and

WHEREAS, discharge from a project cannot commence until such time as the Regional Board Executive Officer has prepared and sent a letter waiving waste discharge requirements for the project or the Regional Board has adopted waste discharge requirements for the project; and

WHEREAS, the Regional Board finds that even if a discharge or project is identified on the attachment to this Resolution, waste discharge requirements may still be issued for that discharge or project if it represents a threat to water quality; and

WHEREAS, the Regional Board staff has prepared a negative declaration in accordance with the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) and State guidelines, and the Regional Board has considered the negative declaration and determined there will be no significant adverse impacts to the environment from the waiver of waste discharge requirements for the specific types of projects described in the attachment to this Resolution; and

WHEREAS, the Regional Board held a hearing on January 14-15, 1988 in Ridgecrest, Kern County and considered all evidence concerning this matter.

THEREFORE BE IT RESOLVED, that the Regional Board waives waste discharge requirements for the specific types of waste discharges shown on the attachment to this Resolution except for those specific discharges for which waste discharge requirements have previously been adopted or where in the opinion of the Executive Officer, waste discharge requirements are necessary; and

BE IT FURTHER RESOLVED, that those specific types of discharges shown on the attachment to this Resolution, must be in compliance with applicable sections of the Water Quality Control Plans for the North and South Lahontan Basins as amended and the Lake Tahoe Basin Water Quality Plan; and

BE IT FURTHER RESOLVED, that the Regional Board adopts the Negative Declaration and directs the Executive Officer to file all appropriate notices; and

BE IT FURTHER RESOLVED, that this action waiving the issuance of waste discharge requirements is conditional and the Executive Officer can recommend that the Regional Board adopt waste discharge requirements for any of the specific types of discharges listed on the attachment.

I, O. R. Butterfield, 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 January 14, 1988.


O. R. BUTTERFIELD
EXECUTIVE OFFICER

ATTACHMENT TO RESOLUTION NO. 6-88-18 (WAIVER POLICY)

WAIVER CONDITIONS

<u>TYPE OF PROJECT OR WASTE DISCHARGE</u>	<u>CONDITIONS</u>
Underground Tank Abandonments/ Replacements	If regulated by Local Implementing Agencies (and TRPA for projects in the Lake Tahoe Basin)
Pier Repairs with No Increase in Square Footage	Use of sediment screens, adherence to "Guidelines for Erosion Control" as described in the Basin Plans, and approval of California Department of Fish and Game.
Minor Dredging Operations	When operation is short-term, spoil is non-toxic, and discharge is to land.
Stormwater Runoff	No anticipated water quality impacts, no NPDES permit required by Federal regulation, and no potential for contact with toxic or hazardous materials.
Dewatering from Construction Sites	No pollutants are present and there is no discharge to surface waters.
Minor Stream Channel Alterations	Where regulated by California Department of Fish and Game under Fish and Game Code Section 1600 - 1603.
Sand, gravel and quarry operations	Where all operations and wash waters are confined to land; no discharge to surface waters will occur and stockpiles are protected from flooding.
Erosion from construction	Operation complies with the "Guidelines for Erosion Control" within the Basin Plans for the Lahontan Region (and utilizes the TRPA Best Management Practices for projects within the Lake Tahoe Basin).

Test pumpings of fresh water

Pollutants are neither present in the groundwater nor are added, and the well is not part of a groundwater cleanup project.

Discharge from flushing of domestic water lines and tanks

Discharge has no toxic or hazardous constituents.

Individual sewage disposal systems, and small community, commercial, institutional and industrial operations which utilize on-site wastewater treatment and disposal for domestic wastes

The discharge is not to surface waters.

Inert solid wastes (non-water soluble, non-decomposable, non-hazardous i.e. earth, rock, concrete, etc.)

Small scale operations using good disposal and erosion control practices such that discharges to surface waters will not occur and complies with California Administrative Code, Title 23, Chapter 3, Subchapter 15, Section 2524.

Underground Injection

Where EPA's Underground Injection Control permit is determined to be adequate to protect groundwaters.

Use of reclaimed wastewater for soil compaction or dust control

Where applicable Dept. of Health Services' guidelines are followed.

Confined animal wastes

Discharger complies with the California Administrative Code, Title 23, Chapter 3, Subchapter 15, and no NPDES permit is required by Federal regulation, and the California Environmental Quality Act has been complied with.

Drilling muds

Discharges to sumps with at least two feet of freeboard. Sump must be dried by evaporation or pumping. Drilling muds may remain in sump only if discharger demonstrates it is inert waste. Sump area shall be restored to preconstruction state within sixty days of completion or abandonment of the well.

Swimming pool discharges

Drainage contains no toxic levels of chlorine and no discharge to surface waters will occur.

Lake or Reservoir drainage projects

Pollutants are not present, discharge rates are such that they do not cause erosion, sediment control measures are in place and beneficial uses of the downstream waterway are maintained.

Timber Harvest Projects

Operating under approved California Department of Forestry Timber Harvesting Plans or Federal Timber Sales.

Minor Hydro projects

Operation under water rights permit from the State Water Resources Control Board or California Department of Fish and Game conditions, no water quality impacts are anticipated, and California Environmental Quality Act (CEQA) has been complied with.

Telephone, natural gas and electric utility vault and conduit flushing and draining

Where there is no discharge to surface waters and no toxic or hazardous materials within the discharge.

Emergency action projects

Where an action is needed to protect water quality and waste discharge requirements may be adopted at a later date.

Geothermal well drilling/testing

Where no hazardous materials are used in drilling operations.

Pipeline/Tank Testing

Where freshwater is used.

ATTACHMENT "B"

(20.3.D)

other project area, may be applied to the total area encompassed by Land Capability Districts 4 through 7, inclusive, to determine the amount of coverage, to which amount may be added the aggregate of base coverages attributable to portions of the parcel or other project area within Land Capability Districts 1 through 3, inclusive. No coverage shall be placed on any land within Land Capability Districts 1 through 3, inclusive, except as provided in Subsection 20.3.A.

- (b) Transferred Coverage: In the event additional coverage is permitted by transfer of land coverage pursuant to Subsection 20.2.B, the amount of total coverage shall be calculated by applying the percentage coverage figures set forth in Subsection 20.2.B to the project area determined pursuant to Subparagraph 20.3.D(1).
- (c) Land Coverage In Right-Of-Way: Existing or proposed land coverage in a public street or highway right-of-way shall be attributable to the owner of the right-of-way. Proposed coverage in such right-of-way shall be pursuant to a transfer of land coverage based upon a ratio of one square foot of land coverage retired for each square foot of new coverage proposed. Transfer of such coverage shall be pursuant to the requirements of Subsection 20.3.C. The owner of the right-of-way may arrange the transfer of land coverage with the person, if any, benefiting from the proposed land coverage in the right-of-way.

- (3) Calculation Of Permissible Land Coverage Under IPES: Calculation of permissible land coverage for parcels subject to IPES shall be in accordance with Chapter 37.
- (4) Overhang Allowance: For every three feet off of the ground surface, one foot of the horizontal overhang dimension shall be excluded from land coverage calculations. The remainder of the overhang shall be counted.

20.4 Prohibition Of Additional Land Coverage In Land Capability Districts 1a, 1c, 2 And 3 And 1b (Stream Environment Zones): No additional land coverage or other permanent land disturbance shall be permitted in Land Capability Districts 1a, 1c, 2, and 3 and Land Capability District 1b (stream environment zones) except as follows:

20.4.A Exceptions For Land Capability Districts 1a, 1c, 2 And 3 Prohibition: The following exceptions apply to the prohibition of land coverage and disturbance in Land Capability Districts 1a, 1c, 2 and 3:

- (1) IPES: Land coverage and disturbance for single family houses may be permitted in Land Capability Districts 1a, 1c, 2 and 3, when reviewed and approved pursuant to IPES in accordance with Chapter 37.
- (2) Public Outdoor Recreation Facilities: Land coverage and disturbance for public outdoor recreation facilities, which includes public recreation projects on public lands, private recreation projects through use of public lands, and private recreational projects on private lands that are depicted or provided for on a public agency's recreational plan, may be permitted in Land Capability Districts 1a, 1c, 2 and 3 if TRPA finds that:
 - (a) The project is a necessary part of a public agency's long-range plans for public outdoor recreation;
 - (b) The project is consistent with the Recreation Element of the Regional Plan;
 - (c) The project, by its very nature, must be sited in Land Capability Districts 1a, 1c, 2 or 3, such as a ski run or hiking trail;
 - (d) There is no feasible alternative which avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2 and 3; and
 - (e) The impacts of the coverage and disturbance are fully mitigated through means including, but not limited to, the following:
 - (i) Application of best management practices; and
 - (ii) Restoration, in accordance with Section 20.4.C, of land in Land Capability Districts 1a, 1c, 2 and 3 in the amount of 1.5 times the area of land in such districts covered or disturbed for the project beyond that permitted by the coefficients in Subsection 20.3.A.
- (3) Public Service Facilities: Land coverage and disturbance for public service facilities may be permitted in Land Capability Districts 1a, 1c, 2 and 3 if TRPA finds that:
 - (a) The project is necessary for public health, safety or environmental protection;

- (b) There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2 and 3; and
- (c) The impacts of the coverage and disturbance are fully mitigated in the manner prescribed by Subparagraph 20.4.A(2) (e).

(4) Erosion Control And Other Environmentally Oriented Projects And Facilities: Land coverage and disturbance may be permitted in Land Capability Districts 1a, 1c, 2 and 3 for erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects, and similar projects, programs and facilities if TRPA finds that:

- (a) The project, program or facility is necessary for environmental protection; and
- (b) There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2 and 3.

20.4.B Exceptions For Land Capability District 1b (Stream Environment Zone): The following exceptions apply to the prohibition of land coverage and disturbance in land capability district 1b (stream environment zone):

(1) Stream Crossings: Land coverage and disturbance for projects to effect access across stream environment zones to otherwise buildable sites, if such projects otherwise comply with applicable development standards in Chapter 27, may be permitted in Land Capability District 1b (stream environment zones) if TRPA finds that:

- (a) There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in the stream environment zone, or that encroachment is necessary to reach the building site recommended by IPES; and
- (b) The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in Subparagraph 20.4.A(2) (e), with the exception that the restoration requirement in such Subsection shall apply exclusively to stream environment zone lands.

- (2) Public Outdoor Recreation: Land coverage and disturbance for public outdoor recreation facilities may be permitted in Land Capability District 1b (stream environment zones) if TRPA finds that:
- (a) The project is a necessary part of a public agency's long range plans for public outdoor recreation;
 - (b) The project is consistent with the Recreation Element of the Regional Plan;
 - (c) The project, by its very nature must be sited in a stream environment zone, such as bridges, stream crossings, ski run crossings, fishing trails, and boat launching facilities;
 - (d) There is no feasible alternative which would avoid or reduce the extent of encroachment in the stream environment zone; and
 - (e) The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in Subparagraph 20.4.A(2)(e), with the exception that the restoration requirement in such Subsection shall apply exclusively to stream environment zone lands.
- (3) Public Service: Land coverage and disturbance for public service facilities may be permitted in Land Capability District 1b (stream environment zones) if TRPA finds that:
- (a) The project is necessary for public health, safety or environmental protection;
 - (b) There is no reasonable alternative, including a bridge span or relocation, which avoids or reduces the extent of encroachment in the stream environment zone; and
 - (c) The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in Subparagraph 20.4.A(2)(e), with the exception that the restoration requirement in such Subsection shall apply exclusively to stream environment zone lands.
- (4) Erosion Control And Other Environmentally Oriented Projects And Facilities: Land coverage and disturbance may be permitted in Land Capability District 1b (stream environment zones) for erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs and facilities if TRPA finds that:

20.4.B)

- (a) The project, program, or facility is necessary for environmental protection; and
- (b) There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in the stream environment zone.

20.4.C Restoration Requirements: The following requirements apply to restoration:

- (1) The restoration requirements of Subparagraph 20.4.A(2)(e), may be accomplished onsite or offsite by the applicant or another agency approved by TRPA. Such restoration requirements shall be in lieu of any land coverage transfer requirement or water quality mitigation fee pursuant to Chapter 82.
- (2) Only land which has been disturbed or consists of hard coverage or soft coverage shall be eligible for credit for restoration. Restoration plans shall require restoration to cause the area to function in a natural state with provisions for permanent protection from further disturbance. Lands disturbed by the project and then restored are not eligible for credit. Permanent protection from further disturbance shall include, but not be limited to, recordation by the owner of deed restrictions, or other covenants running with the land, on a form approved by TRPA, against parcels in private ownership, permanently assuring the restoration requirements of Subparagraph 20.4.A(2)(e). TRPA shall obtain appropriate assurance from a public agency that the requirements of Subparagraph 20.4.A (2)(e) are met.

20.5 Excess Land Coverage Mitigation Program: This Section applies to projects where the amount of land coverage existing prior to the project in the project area exceeds the base land coverage for the project area prescribed by Subsection 20.3.A. Land coverage in excess of the base land coverage shall be mitigated by the transfer of land coverage pursuant to Subsection 20.3.C or the land coverage mitigation program set forth in this Section.

20.5.A Implementation Of Program: Except as otherwise provided by Subsection 20.5.B, all projects on parcels, or other applicable project areas, with unmitigated excess land coverage, shall be subject to the land coverage mitigation program set forth in this section. Projects subject to the program shall reduce land coverage by the amounts specified in Subparagraph 20.5.A(1) and (2).

- (5) Tyrolian Village: Land coverage and disturbance for single family houses may be permitted in Land Capability Districts 1a, 1c, 2 and 3, when reviewed and approved in accordance with Chapter 36, on parcels in Tyrolian Village, Units #1 through 5, inclusive, for which complete applications were filed and accepted by TRPA pursuant to the "Agreement Between The Tyrolian Village, Inc. And The Tahoe Regional Planning Agency Regarding Erosion Control Improvements And Reclassification Of Upper Tyrolian Village" dated May 26, 1983."

20.4.B Exceptions For Land Capability District 1b (Stream Environment Zone): The following exceptions apply to the prohibition of land coverage and disturbance in land capability district 1b (stream environment zone):

- (1) Stream Crossings: Land coverage and disturbance for projects to effect access across stream environment zones to otherwise buildable sites, if such projects otherwise comply with applicable development standards in Chapter 27, may be permitted in Land Capability District 1b (stream environment zones) if TRPA finds that:
- (a) There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in the stream environment zone, or that encroachment is necessary to reach the building site recommended by IPES; and
 - (b) The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in Subparagraph 20.4.A(2)(e), with the exception that the restoration requirement in such Subsection shall apply exclusively to stream environment zone lands.
- (2) Public Outdoor Recreation: Land coverage and disturbance for public outdoor recreation facilities may be permitted in Land Capability District 1b (stream environment zones) if TRPA finds that:
- (a) The project is a necessary part of a public agency's long range plans for public outdoor recreation;
 - (b) The project is consistent with the Recreation Element of the Regional Plan;
 - (c) The project, by its very nature must be sited in a stream environment zone, such as bridges, stream crossings, ski run crossings, fishing trails, and boat launching facilities; in accordance with the Guidelines Regarding Public Outdoor Recreation Facilities and

(20.4.B)

Activities Which Create Additional Land Coverage or Permanent Disturbance and Which By Their Very Nature Need Not Be Sited in Sensitive Lands (1a, 1b, 1c, 2, 3 or SEZs), Water Quality Management Plan for the Lake Tahoe Region, Volume I, Table 16, dated November, 1988.

- (d) There is no feasible alternative which would avoid or reduce the extent of encroachment in the stream environment zone; and
 - (e) The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in Subparagraph 20.4.A(2)(e), with the exception that the restoration requirement in such Subsection shall apply exclusively to stream environment zone lands.
- (3) Public Service: Land coverage and disturbance for public service facilities may be permitted in Land Capability District 1b (stream environment zones) if TRPA finds that:
- (a) The project is necessary for public health, safety or environmental protection;
 - (b) There is no reasonable alternative, including a bridge span or relocation, which avoids or reduces the extent of encroachment in the stream environment zone; and
 - (c) The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in Subparagraph 20.4.A(2)(e), with the exception that the restoration requirement in such Subsection shall apply exclusively to stream environment zone lands.
- (4) Water Quality Control Facilities: Land coverage and disturbance may be permitted in Land Capability District 1b (stream environment zones) for erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs and facilities if TRPA finds that:
- (a) The project, program, or facility is necessary for environmental protection;
 - (b) There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in the stream environment zone; and
 - (c) Impacts are fully mitigated and, if applicable, transferred land coverage requirements pursuant to 20.3.C(2)(e) are met.

20.4.C Restoration Requirements: The following requirements apply to restoration:

- (1) The restoration requirements of Subparagraphs 20.3.C(2)(e) and 20.4.A(2)(e), may be accomplished onsite or offsite by the applicant or another agency approved by TRPA. Such restoration requirements shall be in lieu of any land coverage transfer requirement or water quality mitigation fee pursuant to Chapter 82.
- (2) Only land which has been disturbed or consists of hard coverage or soft coverage shall be eligible for credit for restoration. Restoration plans shall require restoration to cause the area to function in a natural state with provisions for permanent protection from further disturbance. Lands disturbed by the project and then restored are not eligible for credit. Permanent protection from further disturbance shall include, but not be limited to, recordation by the owner of deed restrictions, or other covenants running with the land, on a form approved by TRPA, against parcels in private ownership, permanently assuring the restoration requirements of Subparagraphs 20.3.C(2)(e) or 20.4.A(2)(e), as applicable. TRPA shall obtain appropriate assurance from a public agency that the requirements of Subparagraph 20.3.C(2)(e) or 20.4.A(2)(e), as applicable are met.

20.5 Excess Land Coverage Mitigation Program: This Section applies to projects where the amount of land coverage existing prior to the project in the project area exceeds the base land coverage for the project area prescribed by Subsection 20.3.A. Land coverage in excess of the base land coverage shall be mitigated by the transfer of land coverage pursuant to Subsection 20.3.C or the land coverage mitigation program set forth in this Section.

20.5.A Implementation Of Program: Except as otherwise provided by Subsection 20.5.B, all projects on parcels, or other applicable project areas, with unmitigated excess land coverage, shall be subject to the land coverage mitigation program set forth in this section. Projects subject to the program shall reduce land coverage by the amounts specified in Subparagraph 20.5.A(1) and (2).

- (1) **Excess Coverage Calculation: Excess land coverage equals the existing amount of land coverage, less the total of the following: the maximum allowable amount of base coverage; the amount of coverage approved by transfer; and the amount of coverage previously mitigated under this Section.**

Excess Coverage (% sq. ft.) = Existing Coverage (% sq. ft.) - (Maximum coverage (% sq. ft.) + Transferred Coverage (% sq. ft.) + Previously Mitigated Coverage (% sq. ft.)).

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

RESOLUTION NO. 6-93-08

**DELEGATING AUTHORITY TO THE EXECUTIVE OFFICER TO GRANT EXCEPTIONS TO
BASIN PLAN PROHIBITIONS REGARDING DISCHARGES OF EARTHEN MATERIALS TO
FLOODPLAINS AND STREAM ENVIRONMENT ZONES**

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

1. Water Code Section 13260(a) requires that any person discharging waste or proposing to discharge waste within the Region, other than to a community sewer system, that could affect the quality of the waters of the state, shall file a report of waste discharge.
2. The California Regional Water Quality Control Board, Lahontan Region, has a statutory obligation to prescribe waste discharge requirements for the discharge of any waste that could affect water quality except that waste discharge requirements may be waived when it is not against the public interest pursuant to California Water Code Section 13269.
3. The Regional Board adopted Resolution No. 6-88-18, "Waiver of Waste Discharge Requirements for Specific Types of Discharges" which specifies the types of projects for which the Executive Officer can waive Waste Discharge Requirements.
4. The Regional Board adopted General Waste Discharge Requirements, Board Order No. 6-91-31, regulating discharges from the construction of small commercial, multi-family residential, utility and public works projects within the Tahoe Basin. The General Permit allows the Executive Officer to issue a Notice of Applicability for specific projects, thus allowing construction to proceed under provisions of the General Waste Discharge Requirements.
5. The Water Quality Control Plan for the North Lahontan Basin (North Lahontan Basin Plan), as amended, prohibits the discharge or threatened discharge attributable to human activities of solid or liquid waste materials including soil, silt, clay, sand and other organic and earthen materials, due to the placement of said materials below the highwater rim of Lake Tahoe or within the 100-year flood plain of the Truckee River or any tributary to Lake Tahoe or the Truckee River.

6. The North Lahontan Basin Plan allows an exception to the prohibitions of Finding No. 5 for the Truckee River and Little Truckee River Hydrologic Units for only the following types of projects:
 - o projects solely intended to reduce or mitigate existing sources of erosion or water pollution
 - o bridge abutments and approaches and other essential transportation facilities identified in a County plan
 - o projects necessary to protect public health or safety or to provide essential public services
 - o projects necessary for public recreation
 - o repair or replacement of existing structures
 - o outdoor recreation projects within the 100-year flood plain which have been man-altered by grading and/or filling activities which occurred prior to June 26, 1975.

7. The North Lahontan Basin Plan allows an exception to the prohibitions of Finding No. 5, for the project types listed in Finding No. 6, only when the Regional Board makes all of the following findings:
 - o There is no reasonable alternative to locating the project or portions of the project within the 100-year flood plain.
 - o The project, by its very nature, must be located within the 100-year flood plain. The determination of whether a project, by its very nature, must be located in a 100-year flood plain shall be based on the type of project proposed, not the particular site proposed.
 - o The project incorporates measures which will insure that any erosion and surface runoff problems caused by the project are mitigated to levels of insignificance.
 - o The project will not individually or cumulatively with other projects, directly or indirectly, degrade water quality or impair beneficial uses of water.
 - o All 100-year flood plain areas and volumes lost as a result of the project will be completely mitigated by restoration of a previously disturbed flood plain within or as close as practical to the project site. The restored, new, or enlarged flood plain shall be of sufficient area and volume to more than compensate for the flood flow attenuation capacity, surface flow treatment capacity, and groundwater flow treatment capacity which are lost as a result of the project.

8. The Lake Tahoe Basin Water Quality Plan (Lake Tahoe Basin Plan), as amended prohibits the following:
 - o discharge from new development in stream environment zones or which is not in accordance with land capability
 - o discharge to stream environment zones

9. The Lake Tahoe Basin Plan states that the prohibitions listed in Finding No. 8 shall not apply to any structure the Regional Board, or a management agency designated by the State Board to implement the Lake Tahoe water quality plan, approves as reasonably necessary;
 - o to control existing sources of erosion or water pollution,
 - o to carry out the 1988 TRPA regional transportation plan,
 - o for health, safety, or public recreation,
 - o for access across SEZ's to otherwise buildable parcels

Approval of exemptions shall include the findings set forth in Section 20.4 of Tahoe Regional Planning Agency's Code of Ordinances.

10. Both the North Lahontan Basin Plan and the Lake Tahoe Basin Plan use the terms "exception" and "exemption" interchangeably. For the purposes of this Resolution, the term "exception" will be used in all places other than where quoted directly from the Plans.

11. On March 8, 1990, the Regional Board adopted Resolution No. 6-90-22, which delegated authority to the Executive Officer to grant exceptions to the Basin Plan Prohibitions referred to in Findings No. 5 and 8 above. The Resolution delegated this authority for projects that can meet the necessary exception findings and that meet the following size criteria:
 - a. less than 500 square feet of coverage, or
 - b. less than 1,000 square feet of ground disturbance, or
 - c. less than 50 cubic yards of fill or excavation.

12. Since Resolution No. 6-90-22 was adopted, several prohibition exceptions have been granted by the Executive Officer. However, due to the size limitations mentioned above, many projects which would otherwise qualify for a waiver or approval under the General Waste Discharge Requirements are required to obtain an exception from the Regional Board.

13. The Regional Board finds that delegating authority to the Executive Officer to grant the exceptions to the prohibitions when the project meets conditions for a waiver or approval under the General Waste Discharge Requirements and meets the exception criteria in the North Lahontan Basin Plan or Lake Tahoe Basin Plan would enable Regional Board staff to use resources more effectively.
14. The Regional Board finds that delegation of authority to grant exceptions can allow qualifying projects to proceed in a more timely manner.
15. The Regional Board finds that delegating authority to the Executive Officer to grant exceptions to the Basin Plan prohibitions specified in Findings No. 5 and 8 for projects of less than 1,000 square feet of new impervious coverage, and 2,000 square feet of new ground disturbance and 100 cubic yards of fill or excavation would not be against the public interest when the discharge is mitigated as required by the Basin Plans, and will not adversely affect the quality or the beneficial uses of the waters of the State.
16. A Report of Waste Discharge shall be filed for any discharge for which approval is sought pursuant to this Resolution.
17. Discharge from a project cannot commence until such time as the Regional Board Executive Officer has prepared and sent a letter indicating that an exception to the Basin Plan prohibitions is granted and that waste discharge requirements for the project are waived or the General Waste Discharge Requirements are applicable.
18. The Regional Board held a hearing on January 28 and 29, 1993 in Truckee, California and considered all evidence concerning this matter.

THEREFORE BE IT RESOLVED:

1. The Regional Board delegates authority to the Executive Officer to grant exceptions to Basin Plan Prohibitions for the Truckee River Hydrologic Unit and the Lake Tahoe Basin for specific discharges where:
 - a. the project qualifies for a waiver of Waste Discharge Requirements or can be covered under General Waste Discharge Requirements, and
 - b. the project meets exception criteria of the North Lahontan Basin Plan or the Lake Tahoe Basin Plan, and
 - c. the project is less than the following specific size limitations:

- 1) 1,000 square feet of new impervious coverage, and
 - 2) 2,000 square feet of new ground disturbance, and
 - 3) 100 cubic yards of fill or excavation.
2. Except in emergency situations, the Executive Officer shall notify the Board and interested members of the public of his intent to issue an exception subject to this Resolution at least ten (10) days before the exemption is issued. A notice of the exception will also be published in a local newspaper and interested parties will be allowed at least seven (7) days to submit comments. All comments received and staff's response to the comments will be forwarded to the Board with the proposed exception. Any Regional Board member may direct that an exception not be granted by the Executive Officer and that it be scheduled for consideration by the Regional Board.
3. This action delegating authority to the Executive Officer to grant exceptions is conditional and the Executive Officer may recommend that certain exception requests be considered by the Regional Board.
4. Resolution No. 6-90-22 is hereby rescinded.

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 January 29, 1993.


HAROLD J. SINGER
EXECUTIVE OFFICER

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION 82-4

Approving the Tahoe Regional Planning Agency's
Mitigation Fee Program as an Offset Policy

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

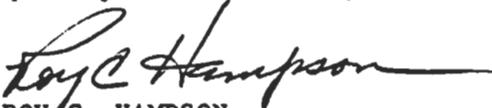
1. On October 29, 1980, the State Water Resources Control Board (State Board) adopted the Lake Tahoe Basin Water Quality Plan, and
2. The Regional Board is responsible for implementing this plan unless other agencies adopt and enforce adequate control measures, and
3. The plan prohibits discharges from new development in the Lake Tahoe Basin which is not offset by the implementation of remedial control projects for existing erosion and surface runoff problems, and
4. The plan encourages the development by local or regional governments of an offset policy or policies whereby permission for new development is linked to accomplishment of remedial projects. Such policies may allow the payment of offset fees or the performance of remedial work by landowners on an individual basis, and
5. The plan directs the Regional Board to review the progress of local governments toward the development of adequate offset policies within eighteen months (by May, 1982), and to adopt and enforce a Regional Board offset policy if necessary, and
6. The Tahoe Regional Planning Agency (TRPA) has adopted a schedule of mitigation fees for new development. These fees are paid by landowners upon the issuance of building permits, and deposited in joint accounts administered by TRPA and county or city governments. The funds in these accounts are to be used as the local shares of the costs of remedial erosion control projects, and
7. In adopting an amended "208" Water Quality Management Plan for the Lake Tahoe Basin, TRPA adopted the priority system for remedial control projects in California which is set forth in the State Board plan, and
8. The mitigation fee schedule and project priority system together meet the State Board plan's criteria for an offset policy. However, the mitigation fees may not be adequate to fund the local shares of remedial project costs, and

9. No other local or regional government has developed an offset policy.

THEREFORE BE IT RESOLVED:

1. The Tahoe Regional Planning Agency's mitigation fee program is approved as the offset policy for new development on high capability land in the Lake Tahoe Basin Water Quality Plan, for the 1982 building season.
2. The Regional Board will review the ongoing implementation of the TRPA offset program.
3. The Regional Board reserves the right to adopt and implement its own offset policy at a later date if the TRPA mitigation fee program proves inadequate to meet the requirements of the Lake Tahoe Basin Water Quality Plan.

I, Roy C. Hampson, 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 March 11, 1982.


ROY C. HAMPSON
EXECUTIVE OFFICER

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION 82-6

Interpretation of the Water Quality Control Plan for the
North Lahontan Basin Regarding Eagle Lake High Water Line

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

1. The Regional Board is committed to the protection of the water quality of Eagle Lake and its tributary surface and groundwaters, and
2. The Regional Board has designated in the Water Quality Control Plan for the North Lahontan Basin that the present and potential beneficial uses of the Eagle Lake Hydrologic Subunit are: municipal and domestic supply, agricultural supply, groundwater recharge, water-contact recreation, non-water-contact recreation, cold freshwater habitat, wildlife habitat, and preservation of rare and endangered species, and
3. The Regional Board finds that the maintenance of the water quality of Eagle Lake is dependent upon the maintenance of high quality surface and groundwater inflows, and
4. The Water Quality Control Plan for the North Lahontan Basin requires a minimum separation of 200 feet from a lake or reservoir as measured by the high water line, and
5. The Water Quality Control Plan for the North Lahontan Basin does not define a high water line for Eagle Lake, and
6. The Regional Board staff has prepared an extensive staff report entitled, "Interpretation of the North Lahontan Basin Plan Regarding Eagle Lake High Water Line" that addresses all of the following: substantial evidence that the discharge of waste from certain onsite waste disposal systems will impair present or future beneficial uses of water, cause pollution, nuisance, contamination, and unreasonably degrade the quality of water of the Eagle Lake Basin; consideration of possible adverse impacts if such discharge is permitted; failure rates of any existing individual disposal systems; evidence of existing, prior, or potential contamination; existing and planned land use; dwelling density; historic population growth; consideration of past, present, and probable beneficial uses of the water: environmental characteristics of the hydrographic unit; water quality considerations that could be reasonably achieved through the coordinated control of all factors which affect water quality in the area; economic considerations; and the need for developing housing in the region, and
7. The Regional Board staff has evaluated the approximate 100 year high water line for Eagle Lake and determined it to be 5117.5 Feet, and

8. The Water Quality Control Plan for the North Lahontan Basin requires a minimum depth of soil of five feet from the bottom of a disposal pit to groundwater, and
9. The groundwater depth near Eagle Lake fluctuates with lake level and the groundwater gradient is approximately +4.5 feet/1000 feet of horizontal distance from the lake, and
10. The Regional Board staff has determined that disposal of waste to onsite subsurface disposal systems located on lands below a surface elevation of 5130 feet will result in violations of the Water Quality Control Plan for the North Lahontan Basin when the elevation of Eagle Lake reaches 5117.5 feet, and
11. The discharge of waste from subsurface disposal systems installed at elevations such that they would easily be flooded would result in a direct discharge of human pathenogenic bacteria and viruses and a potentially significant increase in nutrient loading to the lake, and
12. Such discharges would result in violation of the following water quality objectives of the Water Quality Control Plan for the North Lahontan Basin;
 - . Surface wastes shall not contain concentrations of coliform organisms attributable to human waste
 - . For groundwaters used for domestic or municipal supply the median concentration of coliform organisms over any seven-day period shall be less than 2.2/100ml

and will impair present or future beneficial uses of the Eagle Lake Hydrologic Subunit, will cause pollution, nuisance, or contamination, or unreasonably degrade the quality of the waters of the Eagle Lake Hydrologic Subunit.

THEREFORE BE IT RESOLVED, that:

1. For purposes of protecting water quality and implementing the Water Quality Control Plan for the North Lahontan Basin, the Regional Board defines the high water line of Eagle Lake to be 5117.5 feet given the present status of the Bly Tunnel and its seal, and
2. No discharge of waste from any subsurface disposal system located on any lot or portion of a lot in the Eagle Lake Basin with a surface elevation less than 5130 feet or that is indicated as below the 5130 foot elevation on Figures 3 through 6 and 8 through 14 of the March, 1982 staff report, "Interpretation of the North Lahontan Basin Plan Regarding Eagle Lake High Water Line", shall be permitted which did not discharge prior to May 13, 1982.

An exemption to this prohibition may be granted by the Executive Officer after presentation by the proposed discharger to the Regional Board and the County Sanitarian of geologic and hydrologic evidence that subsurface disposal will not, individually or collectively result in pollution or nuisance. This evidence shall include submission of data on surface elevation, lake elevation, and groundwater elevation at the time of lake elevation measurement, for the portion of the lot to be used for subsurface disposal plus any additional evidence that the Regional Board's Executive Officer indicates as necessary in determining that the subsurface disposal system will not individually or collectively result in pollution or nuisance.

I, Roy C. Hampson, 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 May 13, 1982.


ROY C. HAMPSON
EXECUTIVE OFFICER

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION 82-7

Regarding Regional Board Policy on Geothermal
Development in the Eagle Lake Hydrologic Unit

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

1. The Regional Board is committed to the protection of the water quality in Eagle Lake and its tributary surface and groundwaters.
2. The Regional Board recognizes that the maintenance of the water quality of Eagle Lake is dependent upon the maintenance of its high quality surface and groundwater inputs.
3. The Regional Board is supportive of Geothermal Resource development throughout the Lahontan Region where it can be shown that such development can take place without risk of significant water quality degradation.
4. Adequate mitigation measures for the protection of water quality are not contained in either draft or final environmental assessments or in subsequent special stipulations proposed by the U.S. Forest Service in consideration of granting leases for geothermal resource explorations in the Eagle Lake Hydrologic Unit.
5. Geothermal development within the Eagle Lake Basin poses the risk of highly significant adverse water quality impacts within the Eagle Lake Hydrologic Unit.
6. The Regional Board is in the process of evaluating existing and potential water quality conditions within the Eagle Lake Basin and will be proposing amendments to the Eagle Lake Hydrologic Unit portions of the North Lahontan Basin Water Quality Plan for consideration by the Regional Board by early 1983.

THEREFORE BE IT RESOLVED:

1. It is the policy of the Regional Board to oppose any further consideration of geothermal exploration or development in the Eagle Lake Basin until such time as it can be shown that such activities can be conducted without any risk or significant water quality degradation.

2. This policy be reviewed by the Regional Board at such time that revisions are considered for the Water Quality Control Plan for the Eagle Lake Basin or at such time that information is submitted to the Regional Board that proposed Geothermal drilling activities within the Eagle Lake Basin will not pose a risk of significant water quality degradation.

I, Roy C. Hampson, 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 May 13, 1982.


ROY C. HAMPSON
EXECUTIVE OFFICER

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

BOARD ORDER NO. 6-93-104

NPDES NO. CA ~~0103080~~ G916001

WASTE DISCHARGE REQUIREMENTS

FOR

**GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
FOR SURFACE WATER DISPOSAL OF TREATED GROUND WATER**

Lahontan Region

The California Regional Water Quality Control Board, Lahontan Region (Regional Board), finds:

1. Justification for the General Permit

Numerous unauthorized releases of petroleum product and chlorinated hydrocarbon pollutants have impacted ground waters of the Lahontan Region. Releases occur from leaking underground and aboveground fuel tanks and other unauthorized discharges.

Several treatment technologies currently employed for remediation include the extraction and aboveground treatment of ground water. Such methods include disposal to nearby surface waters.

The discharge of water from a ground water treatment unit to navigable waters is a discharge of waste that could affect the quality of the waters of the United States. This Permit covers the discharge of treated ground water from cleanups of pollution, other than through a community wastewater collection and treatment facility, to surface waters of the United States.

40 Code of Federal Regulations (CFR) 122.28 provides for the issuance of general permits to regulate discharges of waste which are generated from similar sources. On September 22, 1989, the US Environmental Protection Agency (USEPA) and the State Water Resources Control Board (SWRCB) entered into a memorandum of agreement which authorized and established procedures for the SWRCB and the Regional Boards to issue general National Pollutant Discharge Elimination System (NPDES) Permits in accordance with 40 CFR 122.28.

2. Issuance of the General Permit

The responsible party(ies) and property owner, or solely the property owner, are considered as "Discharger" for the purposes of this Permit.

An NPDES application must be filed by the Discharger for each proposed discharge to be covered by this Permit. The application must include an appropriate filing fee. Information necessary to support the application is listed in a separate document titled Information to Support Discharge of Treated Ground Water to Surface Waters (Application). This document may be obtained from either Regional Board Office.

GENERAL ORDER FOR DISCHARGE -2-
OF TREATED WATER TO SURFACE
WATERS FROM THE INVESTIGATION
AND CLEAN-UP OF POLLUTION

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BOARD ORDER NO. 6-93-104
NPDES NO. CA 0103080

This Permit shall only apply to Dischargers to whom a Notice of Applicability (NOA) has been issued by the Executive Officer. A NOA must be issued for each proposed discharge.

3. Wastewater Description

The primary pollutants covered by this Permit are petroleum product and chlorinated hydrocarbon constituents. Petroleum hydrocarbon constituents include total petroleum hydrocarbons measured as gasoline, diesel, kerosene, fuel oil, and heavier carbon ranges; benzene, toluene, ethylbenzene, and xylenes; tetraethyl lead; and, ethylene dibromide. Chlorinated hydrocarbon constituents include trichloroethene and tetrachloroethene and their secondary degradation products. A complete list of constituents covered by this Permit are included in the Discharge Specification section of the Permit.

4. North/South Lahontan Basin Plan

The Regional Board adopted Water Quality Control Plans for the North and South Lahontan Basins on June 26, 1975 and May 8, 1975, respectively. This Permit implements these Plans, as amended.

The SWRCB has adopted a Water Quality Plan for the Lake Tahoe Basin. This Plan contains water quality objectives for all waters of the Lake Tahoe Basin. This Permit implements the Lake Tahoe Plan.

The North and South Lahontan Basin Plans contain prohibitions for the discharge of waste to surface waters in the following areas of the Lahontan Region:

- a. North Lahontan Basin Plan Prohibitions
 - i. Surprise Valley, Eagle Lake, Madeline Plains, and the Honey Lake Hydrologic Unit.
 - ii. Truckee River, Lake Tahoe, East and West Fork Carson River, and East and West Fork Walker River Hydrologic Unit.
 - iii. Glenshire and Devonshire subdivisions
- b. South Lahontan Basin Plan Prohibitions
 - i. Mono - Owens Planning Unit
 - (1) Rush Creek Watershed above the outlet from Grant Lake
 - (2) Mill Creek and Lee Vining Creek Watersheds
 - (3) The Owens River and tributaries upstream of Crowley Lake above an elevation of 7,200 feet

GENERAL ORDER FOR DISCHARGE -3-
OF TREATED WATER TO SURFACE
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AND CLEAN-UP OF POLLUTION

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- (4) The Owens River and Tributaries downstream of Crowley Lake above an elevation of 5,000 feet
 - (5) Mammoth Creek Watershed above an elevation of 7,650 feet, including the drainage area of the community of Mammoth Lakes
 - (6) Inyo County Service Area No. 1, including Assessment Districts No. 1 and No. 2, Rocking K subdivision, and City of Bishop
- ii. Antelope Valley Planning Area
- (1) The Antelope Hydrologic Unit above an elevation of 3,500 feet
- iii. Mojave River Planning Area
- (1) The Mojave Hydrologic Unit above an elevation of 3,200 feet
 - (2) Silver Lake Watershed
 - (3) Deep Creek Watershed above an elevation of 3,200 feet
 - (4) Grass Valley Creek Watershed above an elevation of 3,200 feet
 - (5) The Mojave River upstream of the Lower Narrows at Victorville
 - (6) Area North of State Highway 18 within the area commonly known as Apple Valley Desert Knolls

5. Beneficial Uses

The designated uses of ground waters within the Lahontan Region as designated in the North and South Lahontan Basin Plans are:

- a. municipal and domestic supply
- b. industrial supply
- c. agricultural supply
- d. freshwater replenishment

These beneficial uses apply to all ground waters of the Region except where lesser beneficial uses are designated in the Water Quality Control Plans.

The designated uses of surface waters in the Lahontan Region as designated in the North and South Lahontan Basin Plans are:

- a. municipal and domestic supply
- b. agricultural supply

GENERAL ORDER FOR DISCHARGE -4-
 OF TREATED WATER TO SURFACE
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- c. industrial service supply
- d. ground water recharge
- e. water contact recreation
- f. non-contact water recreation
- g. warm freshwater habitat
- h. cold freshwater habitat
- i. wildlife habitat
- j. saline water habitat
- k. hydropower generation
- l. preservation of rare and endangered species
- m. freshwater replenishment

These beneficial uses apply to surface waters of the Lahontan Region except where lesser beneficial uses are designated in the Water Quality Control Plans.

6. Discharge Prohibition Exemption

The proposed discharges covered by this Permit are ground water that has been treated to nondetectable contaminant concentrations and will not individually or collectively, directly or indirectly, affect water quality or result in a pollution or nuisance. Therefore, the proposed discharges may be granted an exemption to the above discharge prohibitions where such exemptions are allowed for in the Basin Plans.

7. Established Water Quality Standards

SWRCB Resolution No. 68-16

SWRCB Resolution No. 68-16 is a part of the North and South Lahontan Basin Plans and describes a nondegradation policy for the waters of the State. ~~Man-made fuel constituents~~ are not naturally occurring, and thus pre-existing background concentrations of these constituents are considered nondetectable (below current analytical laboratory detection limits) in waters of the Region.

Existing Best Practicable Treatment (BPT) for the treatment of polluted ground water is capable of reliably removing most man-made constituents to nondetectable levels. The commonly achieved detection limits for these constituents in ground water are as follows:

Constituent	Detection Level	Units	Analytical Methods*
Total Petroleum Hydrocarbons	50	µg/l	EPA Method 8015 (C ₂ - C ₄₆)
Benzene	0.1	µg/l	EPA Method 602
Toluene	0.5	µg/l	EPA Method 602
Xlylene	0.5	µg/l	EPA Method 602
Ethylbenzyne	0.5	µg/l	EPA Method 602

GENERAL ORDER FOR DISCHARGE -5-
OF TREATED WATER TO SURFACE
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Constituent	Detection Level	Units	Analytical Methods*
Total Lead	1.0	µg/l	Graphite Furnace AA
Naphthalene	0.5	µg/l	EPA 610
Methyl t-butylether (MTBE)	40.0	µg/l	EPA 8020 or 8015
Ethylene Dichloride (EDB)	0.02	µg/l	DHS-AB1803
1,2 Dichloroethane (1,2 DCA)	0.5	µg/l	EPA 601
Trichloroethane (1,1,1 TCA)	0.5	µg/l	EPA 601
Tetrachloroethene (PCE)	0.5	µg/l	EPA 601
Trichloroethene (TCE)	0.5	µg/l	EPA 601
Trans-1,2 Dichloroethene (Trans-1,2 DCE)	0.5	µg/l	EPA 601
Cis-1,2 Dichloroethene (Cis-1,2 DCE)	0.5	µg/l	EPA 601
1,1 Dichloroethene (1,1 DCE)	0.5	µg/l	EPA 601
1,1 Dichloroethane (1,1 DCA)	0.5	µg/l	EPA 601
1,1,2 Trichloroethane (1,1,2 TCA)	0.5	µg/l	EPA 601
Vinyl Chloride	0.5	ug/l	EPA 601

* Alternative analytical methods that provide equivalent detection limits may be proposed in the NPDES Permit application.

Primary Drinking Water Standards

The State of California and/or the USEPA have set primary drinking water standards for the following hydrocarbon constituents as follows:

Constituent	Level	Units	Consideration
EDB	0.02	µg/l	Primary State of CA MCL
1,2 DCA	0.50	µg/l	Primary State of CA MCL
Total Lead	15	µg/l	Primary Federal MCL
Benzene	1.0	µg/l	Primary State of CA MCL
Toluene	100	µg/l	Primary State of CA MCL
Xylenes	680	µg/l	Primary State of CA MCL
Ethylbenzene	1760	µg/l	Primary State of CA MCL
PCE	5	µg/l	Primary State of CA MCL
TCE	5	µg/l	Primary State of CA MCL
1,1,1 TCA	200	µg/l	Primary State of CA MCL
trans-1,2 DCE	10	µg/l	Primary State of CA MCL
cis-1.2 DCE	6	µg/l	Primary State of CA MCL

GENERAL ORDER FOR DISCHARGE -6-
OF TREATED WATER TO SURFACE
WATERS FROM THE INVESTIGATION
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Constituent	Level	Units	Consideration
1,1 DCE	6	µg/l	Primary State of CA MCL
1,1 DCA	5	µg/l	Primary State of CA MCL
1,1,2 TCA	32	µg/l	Primary State of CA MCL
Vinyl Chloride	0.5	ug/l	Primary State of CA MCL

Secondary Drinking Water Standards

The State of California has set secondary drinking water standards for taste and odor of all constituents at a maximum contaminant level of three threshold odor units (TOU) Section 64473, Title 22, of the California Code of Regulations. The Federal EPA has proposed secondary drinking water standards for a select group of constituents based on a three TOU concentration (Federal Register, Vol. 54, No. 97, pp. 22138, 22139). The following proposed secondary standards are lower than or equal to the primary drinking water standards set for these constituents by the State of California.

Constituent	Level	Units	Consideration
Total Petroleum Hydrocarbons (C ₂ -C ₄₆)	100	µg/l	Taste and Odor
Toluene	42	µg/l	Taste and Odor
Ethylbenzene	29	µg/l	Taste and Odor
Total Xylenes	17	µg/l	Taste and Odor

EPA Health Advisory Levels

The USEPA has established Health Advisory levels for selected petroleum product constituents in ground water as follows:

Constituent	Level	Units	Consideration
Naphthalene	20	µg/l	Health Advisory
Methyl t-butyl ether (MTBE)	40	µg/l	Health Advisory

8. Resolutions

The Regional Board has considered antidegradation pursuant to 40 CFR 131.12 and SWRCB Resolution No. 68-16 and finds that the subject discharges are consistent with the provisions of these policies. An antidegradation analysis is not necessary for this Permit. Discharges not consistent with the provisions of these policies and regulations are not covered by this general Permit.

GENERAL ORDER FOR DISCHARGE -7-
OF TREATED WATER TO SURFACE
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9. Clean Water Act

Effluent limitations, toxic, and pretreatment effluent standards established pursuant to Sections 301, 302, 304, and 307 of the Clean Water Act and amendments thereto are applicable to the discharge.

10. California Environmental Quality Act Compliance

The action to adopt an NPDES Permit is exempt from the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, it seq.) in accordance with Section 13389 of the California Water Code and Section 15263 of the CEQA.

11. Notification of Interested Parties

The Regional Board has notified interested agencies and persons of its intent to prescribe WDRs.

12. Consideration of Public Comments

The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that the Discharger shall comply with the following:

I. DISCHARGE SPECIFICATIONS

A. Effluent/Discharge Limitations

Numerical effluent limitations listed below include 30-day median and daily maximum values. Thirty-day median concentration limits listed below are based on what is achievable by Best Practicable Treatment (BPT). BPT for petroleum and chlorinated hydrocarbon constituents is capable of reliably treating to below laboratory detection limits. Daily maximum values are based established water quality standards which are protective of beneficial uses of ground and surface waters of the Lahontan Region.

Thirty-day median values are to be calculated based on the analytical results of samples obtained over 30 successive days ("running 30-day median"). A sufficient number of samples must be collected and analyzed to demonstrate compliance with the effluent limitations.

Discharge Specifications of this Permit list the 30-day median effluent limitations.

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If the analytical results of effluent sampling indicate a detectable concentration of a constituent that is listed in the NOA, then sufficient samples must be collected and analyzed during the ensuing 30 days to demonstrate compliance with the 30-day median effluent limitations. The running 30-day median time frame shall begin the day the sample containing a detectable concentration was collected. Any detected concentration above a daily maximum value listed in this Permit is a violation of the Permit.

1. The discharge of an effluent in excess of the following limits is prohibited. All samples of effluent are to be single grab samples.

Constituents	Units	30-day Median	Daily Maximum
Total Petroleum Hydrocarbons (C ₂ -C ₄₆)	µg/l	< 50	100
Benzene	µg/l	< 0.50	1.0
Toluene	µg/l	< 0.50	42.0
Ethylbenzene	µg/l	< 0.50	29.0
Total Xylenes	µg/l	< 0.50	17.0
Total Lead	µg/l	< 1.0*	15.0
Naphthalene	µg/l	< 0.5	20
MTBE	µg/l	< 40	40
EDB	µg/l	< 0.02	0.02
1,2 DCA	µg/l	< 0.50	0.50
1,1,1 TCA	µg/l	< 0.50	200
PCE	µg/l	< 0.50	5.0
TCE	µg/l	< 0.50	5.0
Trans-1,2 DCE	µg/l	< 0.50	10
Cis-1,2 DCE	µg/l	< 0.50	6
1,1 DCE	µg/l	< 0.50	6
1,1 DCA	µg/l	< 0.50	5
1,1,2 TCA	µg/l	< 0.50	32
vinyl chloride	ug/l	< 0.50	0.50

* This 30-day median limit could be set above 1.0 µg/l if the Discharger can demonstrate in the NPDES Permit Application that background Total Lead concentrations in the receiving water are greater than 1.0 µg/l. Any 30-day median limit allowed above 1.0 µg/l will be listed in the NOA. All samples for total lead are to be filtered samples.

2. The discharge shall not have a pH of less than 6.5 nor greater than 8.5.

3. There shall be no acute or chronic toxicity in undiluted effluent. Acute toxicity is defined as less than ninety percent survival fifty percent of the time, and less than seventy percent survival ten percent of the time.

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The tests shall be conducted using standard test organisms in undiluted effluent in 96-hour static or continuous flow tests. Chronic toxicity shall be in accordance with and as defined in Short-Term Methods for Estimating the Chronic Toxicity of Effluent and Receiving Waters to Freshwater Organisms, EPA-600/4-85-014.

B. Receiving Water Limitations

1. The discharge shall not cause the presence of the following substances or conditions in a receiving water:
 - a. Concentrations of dissolved oxygen to fall below 7.0 mg/l. If background dissolved oxygen of the receiving water is less than 7.0 mg/l, then the discharge shall not depress the natural dissolved oxygen concentration.
 - b. Oils, greases, waxes, or other materials to form a visible film or coating on the water or ground surface.
 - c. Oils, greases, waxes, floating material (liquids, solids, foams, and scums) or suspended material to create a nuisance or adversely affect beneficial uses.
 - d. Toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, aquatic life.
 - e. Aesthetically undesirable discoloration.
 - f. Fungi, slimes, or other objectionable growths.
 - g. Turbidity to increase more than 10 percent of background levels, and/or to levels toxic to natural flora and/or fauna.
 - h. The normal ambient pH to fall below 6.5, exceed 8.5, change by more than 1.0 units, or change to a level that is toxic to the natural flora and/or fauna.
 - i. Deposition of material that causes nuisance or adversely affects beneficial uses.
 - j. The normal ambient temperature to be altered more than five degrees Fahrenheit.
 - k. Radionuclides to be present in concentrations that are harmful to human, plant, animal, or aquatic life, or that results in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life.

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- i. Concentrations of radionuclides in excess of the maximum contaminant levels specified in the California Code of Regulations, Title 22, Division 4, Chapter 15.
- m. Taste or odor-producing substances to impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, or to cause nuisance or adversely affect beneficial uses.
- n. Violation of any applicable water quality standard for receiving waters adopted by the Regional Board or the SWRCB pursuant to the Clean Water Act and regulations adopted thereunder.

C. General Requirements and Discharge Prohibitions

1. All discharges covered by this Permit shall be limited to treated ground water from the investigation and remediation of ground water pollution. This Permit shall apply only to discharges that meet the following conditions.
 - a. The identified pollutants have effluent limitations prescribed in this general Permit;
 - b. The treatment system is capable of reliably meeting all prescribed effluent limitations in this general Permit; and
 - c. The general water quality of the discharge is of equal to or better water quality than that of the receiving water. General water quality is to be determined as part of the Permit application process.
2. There shall be no discharge, bypass, or diversion of polluted or partially treated ground water, sludge, grease, oils, purge water, development water, or pump test water from the collection, transport, or disposal facilities to adjacent land areas or surface waters.
3. The discharge shall not cause a pollution as defined in Section 13050 of the California Water Code, or a threatened pollution.
4. Neither the treatment nor the discharge shall cause a nuisance as defined in Section 13050 of the California Water Code.
5. The discharge of treated wastewater except to the disposal point(s) authorized in the NOA is prohibited.
6. The discharge shall not cause erosion of sediments.

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II. PROVISIONS

A. Discharge Prohibitions

Discharges regulated by this Order are hereby exempt from the Discharge Prohibitions described in the North and South Lahontan Basin Plans where the Basin Plans provide for such exemptions.

B. Standard Provisions

The Discharger shall comply with the "Standard Provisions for Waste Discharge Requirements," dated July 1, 1993, in Attachment "A", which is made part of this Permit. Items 13 and 16 of the Standard Provisions do not apply to this general Permit.

C. Monitoring and Reporting

1. Pursuant to the California Water Code Section 13267(b), the Discharger shall comply with the Monitoring and Reporting Program No. 93-104 as specified by the Executive Officer.
2. The Discharger shall comply with the "General Provisions for Monitoring and Reporting", dated July 1, 1993, which is attached to and made part of the Monitoring and Reporting Program.

D. Applicability

1. Wastewater remediated by the treatment unit may typically be generated from the following sources during the investigation and/or remediation of ground water pollution:
 - a. Ground water extracted from the underlying aquifer as part of the ground water remediation process.
 - b. Potentially polluted ground water generated during aquifer pump tests.
 - c. Potentially polluted well development water.
 - d. Potentially polluted well purge water generated during ground water monitoring.
2. This Permit does not pre-empt or supersede the authority of other agencies to prohibit, restrict, or control the discharge of treated ground water. B-141

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3. When individual WDRs are issued to a Discharger otherwise subject to this Permit, the applicability of this Permit to the Discharger is automatically terminated on the effective date of the individual Permit.
4. Dischargers currently regulated under an existing NPDES Permit shall continue to be regulated by the existing Permit until its expiration. At least 180 days prior to expiration of the existing Permit, the Discharger shall file a revised Report of Waste Discharge (RWD). The Discharger shall be subject to the requirements of this general Permit only after a NOA has been issued by the Executive Officer.

E. Expiration Date

This general Permit expires on **November 17, 1998**. However, the general Permit shall continue in force and effect until a new general Permit is issued.

F. National Pollutant Discharge Elimination System

This Permit shall become the NPDES Permit pursuant to Section 402 of the Federal Water Pollution Control Act or amendments thereto upon its adoption by the Regional Board.

The NPDES Permit becomes effective 10 days after adoption by the Regional Board provided no objection from the USEPA have been received. If the Regional Administrator objects to its issuance, the Permit shall not become effective until such objection is withdrawn.

G. Definitions

"Waste" as used in this Permit includes, but is not limited to, any waste or waste constituent as defined in Section 13050 of the California Water Code, or Section 2601, Article 10, Chapter 15, Title 23, of the California Code of Regulations.

H. Operation and Maintenance

The Discharger shall not allow pollutant-free wastewater to be discharged into the collection, treatment, and disposal system in amounts that significantly diminish the system's capability to comply with this Permit. Pollutant-free wastewater may include rainfall, ground water, surface water, cooling waters, and condensates.

I. Notifications of Modifications

1. At least 180 days prior to making any change in the discharge point (Outfall), place of use, or purpose of use of the wastewater, the Discharger shall file a new RWD/NPDES application. Any change in the character of the influent shall be reported to the Regional Board.

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2. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this Permit by letter. A copy of this letter should be immediately forwarded to this office.
3. The Discharger shall notify the Regional Board within 30 days when the clean-up activities are complete or the discharge will no longer occur. At that time the Executive Officer will consider withdrawal of the NOA. Once the NOA is withdrawn, the Discharger will no longer be covered by this Permit.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an NPDES Permit adopted by the California Regional Water Quality Control Board, Lahontan Region, on November 19, 1993.


HAROLD J. SINGER
EXECUTIVE OFFICER

Attachments: A. Standard Provisions for Waste Discharge Requirements

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

MONITORING AND REPORTING PROGRAM NO. 93-104
NPDES NO: CA 0103080

FOR

**GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT FOR SURFACE WATER DISPOSAL OF TREATED GROUND WATER**

I. MONITORING

The Information to Support Discharge of Treated Ground Water to Surface Waters (Application) necessitates the submittal of laboratory analytical data from ground water samples collected from ground water monitoring wells within the ground water pollution plume. Based on these analysis, the final Report of Waste Discharge (RWD) should indicate all constituents of concern (COCs) that will be treated by the ground water treatment system.

The following Influent, Effluent, and Receiving Water Monitoring schedules detail sampling frequency. Constituents to be sampled for will be listed in the Notice of Applicability (NOA). Under certain adverse conditions, more frequent sampling is required if it is appropriate. An adverse condition is defined as any problem which does or could affect treatment facility efficiency. If at any time the system is shut down for a continuous time period greater than 60 days, the influent, effluent, and receiving water monitoring programs and toxicity testing must be reinitiated unless otherwise specifically approved by the Executive Officer.

A. Treatment Facility Startup Monitoring

Prior to disposal of any treatment effluent, the Discharger shall conduct startup monitoring to confirm that the treatment unit will produce effluent that complies with standards prescribed in the National Pollutant Discharge Elimination System (NPDES) Permit. During startup monitoring, the Discharger shall direct the treatment unit discharge to a temporary, impervious storage container. Startup monitoring shall be conducted until two consistent, consecutive sample results indicate that the treatment system effluent has stabilized and is in compliance with the Permit. Samples shall be collected a minimum of twelve and a maximum of 72 hours apart. Only treatment unit effluent is required to be analyzed during startup monitoring. Any treatment unit discharge that does not meet discharge specifications for effluent shall not be discharged to surface waters.

B. Flow Monitoring

The following information shall be recorded in a permanent log book:

1. The total volume, in gallons, of wastewater flow to the treatment facility for each day.
2. The total volume, in gallons, of wastewater flow to the treatment facility each month.
3. The average flow rate, in gallons per day, of wastewater flow to the treatment facility for each month.
4. The total volume of wastewater discharged from the treatment facility each month.

C. Treatment Facility Influent Monitoring

The purpose of the required influent monitoring is to verify the efficiency of the treatment system. Influent samples shall be collected after the last connection and before the wastes enter the treatment system. Influent samples should be representative of the volume and nature of the influent. Time of collection for grab samples must be discretely recorded. Specific constituents to be monitored shall be named in the NOA.

The minimum sampling frequency shall be as follows:

1. During the first two months of treatment unit operation, influent samples shall be collected on the 1st, 2nd, 4th, 7th, 14th, 21st, 28th, 42nd, and 56th days of operation.
2. During the third to sixth month, influent sampling shall be conducted every 30 days.
3. Thereafter, influent sampling shall be conducted every 90 days.

D. Treatment Facility Effluent Monitoring

Effluent samples shall be collected immediately downstream of the last connection through which wastes can be admitted into the outfall. Effluent samples should be representative of the volume and nature of the discharge. Time of collection of grab samples shall be discretely recorded. The required sampling frequency shall be the same as that for the influent monitoring program as described above.

E. Receiving Water Monitoring

All receiving water samples shall be grab samples. Receiving water samples shall be collected in the same frequency as detailed in the influent monitoring program above. Receiving water samples shall be obtained from the following:

<u>Station</u>	<u>Description</u>
R-1	Upstream from the discharge point at a location specified in the NOA
R-2	No greater than 100 feet down stream of the discharge point at a location specified in the NOA
R-3	If applicable, the ultimate receiving water at a location specified in the NOA

In conducting any receiving water sampling in accordance with the required sampling frequency, a log shall be kept of the receiving water conditions throughout the reach bounded by Stations R-1, R-2, and R-3. Attention shall be given to the presence or absence of:

- a. floating or suspended matters
- b. discoloration
- c. bottom deposits
- d. aquatic life

Notes on receiving water conditions shall be maintained in a permanent logbook and summarized in the monitoring report.

II. TOXICITY TESTING

1. The Discharger shall perform toxicity testing, as described below, on the undiluted effluent. The effluent sample shall be collected immediately after discharge from the treatment unit, but prior to the wastewater reaching the receiving water. The tests shall be performed upon startup of the treatment facility and may also be required annually thereafter depending on the results of the initial toxicity testing.

Subsequent rounds of annual sampling shall be performed within 365 days of the startup date, and the results submitted to the California Regional Water Quality Control Board Lahontan Region (Regional Board) within 30 days thereafter. The results of the subsequent four annual tests, if required, shall be submitted to the Regional Board within 365 days of the previous annual sampling. The species to be used in the toxicity analysis and procedures are described below.

2. All tests shall be conducted on grab samples of undiluted treatment facility effluent. Analysis of Variance (ANOVA) shall be used to determine whether differences between control and effluent data are significant.
 - a. The Discharger shall conduct a seven day Ceriodaphnia survival and reproduction test on samples of undiluted effluent. Toxicity will be demonstrated if there is a statistically significant difference at the 95% confidence level in survival or growth between Ceriodaphnia exposed to an appropriate control water and undiluted effluent. All test solutions shall be renewed daily. If in any control, more than 20% of the test organisms die, that test (control and effluent) shall be repeated. Further, if in any control, the reproduction rate (of offspring per female) averages less than 15, that test (control and effluent) shall be repeated.
 - b. The Discharger shall conduct an eight day Pimephales promelas (fathead minnow) embryo larval survival and teratogenicity test on samples of undiluted effluent. Toxicity will be demonstrated if there is a statistically significant difference at the 95% confidence level in survival or growth between Pimephales promelas exposed to an appropriate control water and undiluted effluent. All test solutions shall be renewed daily. If in any control, more than 20% of the test organisms die, that test (control and effluent) shall be repeated.
 - c. The Discharger shall conduct a four day aquatic plant growth test on samples of undiluted effluent. Toxicity will be demonstrated if there is a statistically significant difference at the 95% confidence level in cell density, biomass, or chlorophyll absorbance between Selenastrum capricornutum exposed to appropriate control water and undiluted effluent. If in any control, the initial cell density decreases by more than 20%, that test (control and effluent) shall be repeated.

3. If any one test indicates the effluent is toxic, then another confirmatory chronic toxicity test using the specified methodology and same test species shall be conducted within 15 days. In no case shall the second confirmatory test results be submitted to the Regional Board later than 365 days from the previous annual sampling.
4. All test species, procedures, and quality assurance criteria used shall be in accordance with Short-term Methods for Estimating the Chronic Toxicity of Effluent and Receiving Waters to Freshwater Organisms, Section 13; Ceriodaphnia Survival and Reproduction Test Method 1002.0, Section 12; Fathead Minnow (Pimephales promelas) Embryo Larval Survival and Teratogenicity Test Method 1001.0, Section 14; Algal (Selenastrum capricornutum) Growth Test Method 1003.0, EPA 600/4-85-014. After one year of toxicity monitoring the results of the three species tests will be evaluated by the Regional Board, and a determination will be made as to which species is most sensitive to the undiluted effluent. Thereafter, all subsequent annual toxicity testing shall be performed on the one species considered most sensitive.
5. A toxicity monitoring program shall be prepared that includes procedures and techniques for sample collection, sample preservation and shipment, analytical procedures, and chain of custody control. The program shall be submitted not less than 60 days prior to startup of the treatment facility.

III. REPORTING

A. General Provisions

The Discharger shall comply with the "General Provisions for Monitoring and Reporting," which is made part of this Monitoring and Reporting Program.

B. Submittal Periods

Quarterly reports shall be submitted to the Regional Board by the fifteenth (15th) day of January, April, July, and October of each year.

In reporting the monitoring data, the Discharger shall arrange the data in tabular form so that the date of sample collection, the constituents, and the concentrations detected are readily discernible. Additionally, the data shall be narratively summarized in such a manner as to illustrate clearly to status of compliance with the Permit.

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MONITORING AND REPORTING
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Upon written request, the Discharger shall submit an annual report to the Regional Board by **January 30th** of the following year. The report shall contain tabular, graphic, and narrative descriptions of the monitoring data obtained during the previous year. Additionally, the report shall clearly document the status of compliance with the Permit. If any corrective actions were necessary during the year to maintain or retain compliance, this annual report shall discuss these actions in detail.

The Discharger shall implement the above monitoring program immediately upon the commencement of the initial Discharger covered by this general Permit.

Ordered by:


HAROLD J. SINGER
EXECUTIVE OFFICER

Date: November 19, 1993

Attachments:

General Provisions for Monitoring and Reporting

STANDARD PROVISIONS
FOR WASTE DISCHARGE REQUIREMENTS

1. **Inspection and Entry**

The discharger shall permit Regional Board staff:

- a. to enter upon premises in which an effluent source is located or in which any required records are kept;
- b. to copy any records relating to the discharge or relating to compliance with the waste discharge requirements;
- c. to inspect monitoring equipment or records; and
- d. to sample any discharge.

2. **Reporting Requirements**

- a. Pursuant to California Water Code 13267(b), the discharger shall immediately notify the Board by telephone whenever an adverse condition occurred as a result of this discharge; written confirmation shall follow within two weeks. An adverse condition includes, but is not limited to, spills of petroleum products or toxic chemicals, or damage to control facilities that could affect compliance.
- b. Pursuant to California Water Code Section 13260(c), any proposed material change in the character of the waste, manner or method of treatment or disposal, increase of discharge, or location of discharge, shall be reported to the Board at least 120 days in advance of implementation of any such proposal. This shall include, but not limited to, all significant soil disturbances.
- c. The owners/discharger of property subject to waste discharge requirements shall be considered to have a continuing responsibility for ensuring compliance with applicable waste discharge requirements in the operations or use of the owned property. Pursuant to 13260(c), any change in the ownership and/or operation of property subject to the waste discharge requirements shall be reported to the Board. Notification of applicable waste discharge requirements shall be furnished in writing to the new owners and/or operators and a copy of such notification shall be sent to the Board.
- d. If a discharger becomes aware that any information submitted to the Board is incorrect, the discharger shall immediately notify the Board, in writing and correct that information.
- e. Reports required by the waste discharge requirements, and other information requested by the Board, must be signed by a duly authorized representative of the discharger.
- f. If the discharger becomes aware that their waste discharge requirements (or permit) is no longer needed (because the project will not be built or the discharge will cease) the discharger shall notify the Regional Board in writing and request that their waste discharge requirements (or permit) be rescinded.

3. Right to Revise Waste Discharge Requirements

The Board reserves the privilege of changing all or any portion of the waste discharge requirements upon legal notice to and after opportunity to be heard is given to all concerned parties.

4. Duty to Comply

Failure to comply with the waste discharge requirements may constitute a violation of the California Water Code and is grounds for enforcement action or for permit termination, revocation and reissuance, or modification.

5. Duty to Mitigate

The discharger shall take all reasonable steps to minimize or prevent any discharge in violation of the waste discharge requirements which has a reasonable likelihood of adversely affecting human health or the environment.

6. Proper Operation and Maintenance

The discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the discharger to achieve compliance with the waste discharge requirements. Proper operation and maintenance includes adequate laboratory control, where appropriate, and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by the discharger, when necessary to achieve compliance with the conditions of the waste discharge requirements.

7. Waste Discharge Requirement Actions

The waste discharge requirements may be modified, revoked and reissued, or terminated for cause. The filing of a request by the discharger for waste discharge requirement modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any of the waste discharge requirements conditions.

8. Property Rights

The waste discharge requirements do not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

9. Enforcement

The California Water Code provides for civil liability and criminal penalties for violations or threatened violations of the waste discharge requirements including imposition of civil liability or referral to the Attorney General.

10. B-152 Availability

A copy of the waste discharge requirements shall kept and maintained by the discharger and be available at all times to operating personnel.

11. Severability

Provisions of the waste discharge requirements are severable. If any provision of the requirements is found invalid, the remainder of the requirements shall not be affected.

12. Public Access

General public access shall be effectively excluded from disposal/treatment facilities.

13. Transfers

Providing there is no material change in the operation of the facility, this Order may be transferred to a new owner or operation. The owner/operator must request the transfer in writing and receive written approval from the Board's Executive Officer.

14. Definitions

- a. "Surface waters" as used in this Order, include, but are not limited to, live streams, either perennial or ephemeral, which flow in natural or artificial water courses and natural lakes and artificial impoundments of waters. "Surface waters" does not include artificial water courses or impoundments used exclusively for wastewater disposal.
- b. "Ground waters" as used in this Order, include, but are not limited to, all subsurface waters being above atmospheric pressure and the capillary fringe of these waters.

15. Storm Protection

- a. All facilities used for collection, transport, treatment, storage, or disposal of waste shall be adequately protected against overflow, washout, inundation, structural damage or a significant reduction in efficiency resulting from a storm or flood having a recurrence interval of once in 100 years.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

GENERAL PROVISIONS FOR MONITORING AND REPORTING

1. SAMPLING AND ANALYSIS

- a. All analyses shall be performed in accordance with the current edition(s) of the following documents:
 - i. Standard Methods for the Examination of Water and Wastewater
 - ii. Methods for Chemical Analysis of Water and Wastes, EPA
- b. All analyses shall be performed in a laboratory certified to perform such analyses by the California State Department of Health Services or a laboratory approved by the Executive Officer. Specific methods of analysis must be identified on each laboratory report.
- c. Any modifications to the above methods to eliminate known interferences shall be reported with the sample results. The method used shall also be reported. If methods other than USEPA approved methods or Standard Methods are used, the exact methodology must be submitted for review and must be approved by the Executive Officer prior to use.
- d. The discharger shall establish chain-of-custody procedures to ensure that specific individuals are responsible for sample integrity from commencement of sample collection through delivery to an approved laboratory. Sample collection, storage and analysis shall be conducted in accordance with an approved Sampling and Analysis Plan (SAP). The most recent version of the approved SAP shall be kept at the facility.
- e. The discharger shall calibrate and perform maintenance procedures on all monitoring instruments and equipment to ensure accuracy of measurements, or shall ensure that both activities will be conducted. The calibration of any wastewater flow measuring device shall be recorded and maintained in the permanent log book.
- f. A grab sample is defined as an individual sample collected in fewer than 15 minutes.
- g. A composite sample is defined as a combination of no fewer than eight individual samples obtained over the specified sampling period at equal intervals. The volume of each individual sample shall be proportional to the discharge flow rate at the time of sampling. The sampling period shall equal the discharge period, or 24 hours, whichever period is shorter.

2. OPERATIONAL REQUIREMENTS**a. Sample Results**

Pursuant to California Water Code Section 13267(b), a copy of all sample results shall be available to the plant operator and/or Board staff for inspection. The results shall be retained for a minimum of three years.

b. Operational Log

- i. Pursuant to California Water Code Section 13267(b), an operation and maintenance log shall be maintained at the facility.
- ii. All monitoring and reporting data shall be recorded in a permanent log book.

3. REPORTING

- a. For every item where the requirements are not met, the discharger shall submit a statement of the actions undertaken or proposed which will bring the discharge into full compliance with requirements at the earliest time and submit a timetable for correction.
- b. The discharger shall maintain all sampling and analytical results, including strip charts; date, exact place, and time of sampling; date analyses were performed; sample collector's name; analyst's name; analytical techniques used; and results of all analyses. Such records shall be retained for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board.
- c. The discharger shall provide a brief summary of any operational problems and maintenance activities to the Board with each monitoring report. Any modifications or additions to, or any major maintenance conducted on, or any major problems occurring to the wastewater conveyance system, treatment facilities, or disposal facilities shall be included in this summary.
- d. Monitoring reports shall be signed by:
 - i. In the case of a corporation, by a principal executive officer at least of the level of vice-president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates;
 - ii. In the case of a partnership, by a general partner;
 - iii. In the case of a sole proprietorship, by the proprietor;

- iv. In the case of a municipal, state or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
- e. Monitoring reports are to include the following:
 - i. Name and telephone number of individual who can answer questions about the report.
 - ii. The Monitoring and Reporting Program Number.
 - iii. WDID Number.
 - iv. By January 30 of each year, the discharger shall submit an Annual Report to the Board with the following information:
 - (1) The compliance record and corrective actions taken or planned which may be needed to bring the discharge into full compliance with the discharge requirements.
 - (2) Graphical and tabular data for the monitoring data obtained for the previous year.
- f. Modifications
 - i. This Monitoring and Reporting Program may be modified at the discretion of the Regional Board Executive Officer.

4. NONCOMPLIANCE

- a. Any person failing or refusing to furnish technical or monitoring reports or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in an amount of up to one thousand dollars (\$1,000) for each day of violation under Section 13268 of the Water Code.