

Chapter 6

PLANS AND POLICIES

The State Water Resources Control Board (State Board) has adopted a number of statewide or area-specific water quality plans which complement the Regional Boards' Basin Plans and which may supersede previously adopted provisions of Basin Plans to the extent that any inconsistencies occur; the most stringent plan provisions take precedence. Both the State Board and Regional Boards may adopt policies, separate from the Basin Plans, which provide detailed direction on the implementation of certain plan provisions. A Regional Board plan, policy, or guideline adopted to implement, interpret or make specific the Basin Plan prior to October 14, 1994, is superseded by this revised plan unless it is expressly mentioned in this plan. The following is a summary of all important plans and policies affecting the Lahontan Region Basin Plan. Citation of these documents is not meant to imply incorporation-by-reference. Copies of Regional and State Board policies are included in Appendix B of this plan.

State Board Plans

Several of the State Board's plans concern types of water bodies not found in the Lahontan Region, and thus do not affect Regional Board activities. These include: the *Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin* (December 2006, Res. 2006-0098), the *Water Quality Control Plan for Ocean Waters of California* (amended September 2009, Res. 2009-0072) and the *Water Quality Control Plan for Enclosed Bays and Estuaries* (Part 1 Sediment Quality, Res. 2008-0070). The following are summaries of plans which are applicable to the Lahontan Region:

1. Thermal Plan

The *Water Quality Control Plan for the Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California* was adopted by the State Board in 1972 and amended in September 1975 (Res. 75-89). It specifies water quality objectives, effluent quality limits, and discharge prohibitions related to thermal characteristics of interstate waters and waste discharges. The portions of this plan applicable to the Lahontan Region are those concerning interstate waters.

2. Nonpoint Source Program Plan

In December 1999 (Res. 99-114), the State Board adopted a *Nonpoint Source Program Plan*

pursuant to Section 319 of the federal Clean Water Act. The plan is composed of two volumes – *Volume I: Nonpoint Source Program Strategy and Implementation Plan for 1998-2013* and *Volume II: California Management Measures for Polluted Runoff*. The plan identifies nonpoint source control programs and milestones for their accomplishment. It emphasizes cooperation with local governments and other agencies to promote the implementation of Best Management Practices and remedial projects.

3. California Rangeland Water Quality Management Plan

The California Rangeland Water Quality Management Plan (Rangeland Plan) was developed by the Rangeland Management Advisory Committee (RMAC), a statutory committee which advises the California Board of Forestry on rangeland resources. The Rangeland Plan was accepted by the State Board in 1995 (Res. No. 95-43). It summarizes authorities and mandates for water quality and watershed protection, and specifies a framework for the voluntary and cooperative development of ranch management strategies for water quality protection under Tier I of the State Board's 1988 Nonpoint Source Management Plan, which has been superseded by the 2000 *Plan for California's Nonpoint Source Pollution Control Program* and the 2004 *Policy for the Implementation and Enforcement of the Nonpoint Source Pollution Control Program*. Certain provisions of the Rangeland Plan are no longer applicable due to the new State Board's new Program and Policy. (See the Introduction to Chapter 4 of this Basin Plan for an explanation of the Nonpoint Source Plan.)

4. Strategic Plan

After comprehensive formal strategic planning efforts involving State and Regional Board staff and external stakeholders, the State Board adopted a Strategic Plan in 1995 and updated it last in 2008 (Res. 2008-0063). The plan includes goals, objectives, and performance measures to guide ongoing decision-making and appropriate allocation of scarce resources. The strategic planning process is recognized as an ongoing and inherent function of management.

State Board Policies

Again, certain State Board policies are not applicable to the water bodies of the Lahontan Region. These include: the Water Quality Control Policy for Enclosed Bays and Estuaries of California (Res. 74-43), and the Pollutant Policy Document for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Res. 90-67). The following are summaries of important policies that **are** applicable to the Lahontan Region:

1. **Statement of Policy with Respect to Maintaining High Quality of Water in California**

The State Board adopted this policy in 1968 (Res. No. 68-16). The Policy restricts the Regional Board and dischargers from reducing the water quality of surface or ground waters even though such a reduction in water quality might still allow the protection of the beneficial uses associated with the water prior to the quality reduction. The goal of the policy is to maintain high quality waters, and the Regional Board must enforce it.

Changes in water quality are allowed only if the Regional Board finds the change: (1) is consistent with maximum benefit to the people of the State, (2) does not unreasonably affect present and anticipated beneficial uses, and (3) does not result in water quality less than that prescribed in water quality control plans or policies. USEPA regulations require each state to adopt an "antidegradation" policy and to specify the minimum requirements for its implementation. The federal view is that an antidegradation policy is a critical component of surface water quality standards. Policy 68-16 preceded the federal regulations and is more complete in that it applies to both ground and surface waters.

2. **The State Policy for Water Quality Control**

This policy declares the State Board's intent to protect water quality through the implementation of water resources management programs and serves as the general basis for subsequent water quality control policies. It was adopted by the State Board by motion on July 6, 1972.

3. **Water Quality Control Policy on the Use and Disposal of Inland Waters Used for Powerplant Cooling**

This policy was adopted by the State Board in June 1975 (Res. No. 75-58). Its purpose is to

provide consistent principles and guidance for supplementary waste discharge or other water quality control actions for thermal powerplants using inland waters for cooling. The Regional Board is responsible for its enforcement.

4. **Policy and Action Plan for Water Reclamation in California**

This policy was adopted in January 1977 (Res. No. 77-1). Among other things, it requires the Regional Boards to conduct reclamation surveys and specifies reclamation actions to be implemented by the State and Regional Boards and other agencies. The policy and action plan are contained in the State Board report entitled *Policy and Action Plan for Water Reclamation in California*.

5. **Policy on the Disposal of Shredder Waste**

This State Board Resolution (No. 87-22), adopted in March 1987, permits the disposal into certain landfills of wastes, produced by the mechanical destruction of car bodies, and old appliances and similar castoffs, under specific conditions designated and enforced by the Regional Boards.

6. **Sources of Drinking Water Policy**

This policy was adopted in May 1988 (Res. No. 88-63). It specifies which ground and surface waters are considered to be suitable or potentially suitable for the beneficial use of water supply (MUN). It allows the Regional Board some discretion in making MUN determinations.

7. **Policy for Regulation of Discharges of Municipal Solid Waste**

This policy (Res. No. 93-62) directs the Regional Water Boards to amend waste discharge requirements for municipal solid waste landfills to incorporate pertinent provisions of the federal "Subtitle D" regulations under the Resource Conservation and Recovery Act (RCRA).

8. **Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304 (as amended on April 21, 1994 and October 2, 1996)**

This policy (Res. Nos. 92-49 and 1996-0079) sets forth procedures to be followed by all Regional Boards in preliminary site assessment, including: soil and water investigations, proposal, selection, and implementation of cleanup actions, and

monitoring to determine the effectiveness of cleanup and abatement. (See the Section 4.2 of Chapter 4 on “Spills, Leaks, Complaint Investigations, and Cleanup” for a more detailed summary of this resolution.)

9. **Policy for the Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP)**

This policy (Res. Nos. 2000-0015, 2000-0030, and 2005-0019) contains implementation provisions for 126 priority toxic pollutant criteria found within the National Toxics Rule, the California Toxics Rule, and for priority pollutant objectives in the Basin Plan. The SIP applies to discharges of toxic pollutants and allows for a standardized approach for permitting, maintaining statewide consistency.

10. **Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program**

This policy (Res. No. 2004-0030) explains how the Water Code mandates and authorities will be used to implement the State Board’s Nonpoint Source Program Plan. The policy also provides a bridge between the Program Plan and the State Board’s Water Quality Enforcement Policy (see below).

11. **Water Quality Control Policy for Developing California’s Clean Water Act Section 303(d) List**

This policy (Res. No. 2004-0063) describes the process by which the State Board and Regional Boards will comply with the listing requirements of section 303(d) of the federal Clean Water Act. The objective of this policy is to establish a standardized approach for developing California’s section 303(d) list in order to achieve the overall goal of achieving water quality standards and maintaining beneficial uses in all of California’s surface waters.

12. **Water Quality Control Policy for Addressing Impaired Waters: Regulatory Structure and Options**

This policy (Res. No. 2005-0050) and the associated guidance document “A Process for Addressing Impaired Waters in California” are intended to ensure that the impaired waters of the state are addressed in a timely and meaningful manner. The policy identifies various options for addressing impaired waters, including adoption of Total Maximum Daily Load, (TMDLs) and site-specific water quality

objectives, modifying beneficial use designations, and leveraging the actions of other agencies or entities.

13. **Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits**

The policy (Res. No. 2008-0025) provides uniform provisions authorizing compliance schedules in NPDES permits, including the conditions under which a compliance schedule may be granted.

14. **Policy for Water Quality Control for Recycled Water**

The policy (Res. No. 2009-0011, as amended by Res. No. 2013-0003) provides direction to the Regional Boards, proponents of recycled water projects, and the public regarding the appropriate criteria to be used by the Water Boards in issuing permits for recycled water projects. The policy describes permitting criteria that are intended to streamline the permitting of the vast majority of recycled water projects. The intent of this streamlined permit process is to expedite the implementation of recycled water projects in a manner that implements state and federal water quality laws while allowing the Regional Boards to focus their limited resources on projects that require substantial regulatory review due to unique site-specific conditions. The policy requires the development of salt/nutrient management plans to address the sustainable use of recycled water while protecting the groundwater basins.

15. **Policy on Supplemental Environmental Projects**

Supplemental Environmental Projects (SEPs) are projects that enhance the beneficial uses of the waters of the State, that provide a benefit to the public at large and that, at the time they are included in the resolution of an administrative civil liability action, are not otherwise required of the discharger. The policy (Res. No. 2009-0013) addresses the State Board’s interest in monitoring the use of funds for SEPs that would otherwise be paid into accounts for which it has statutory management and disbursement responsibilities.

16. **Water Quality Enforcement Policy**

This policy (Res. No. 2009-0083) directs that enforcement actions throughout the state shall be consistent, predictable, and fair. It provides direction on types of violations that shall be brought to the attention of Regional Board

Ch. 6, PLANS AND POLICIES

members, on escalation of enforcement procedures from less formal to more formal levels, on cooperation and coordination with other agencies and referrals of violations to the Attorney General, and on factors to be considered in setting amounts for Administrative Civil Liabilities (ACLs). The policy supports the concept of supplemental environmental projects (e.g., mitigation measures) in exchange for suspension of a portion of an ACL or other monetary assessment (see the Policy on Supplemental Environmental Projects, above).

17. **Water Quality Control Policy for Low-Threat Underground Storage Tank Case Closure**

This policy (Res. No. 2012-0016) establishes consistent statewide case closure criteria for low-threat petroleum underground storage tank (UST) sites. The policy seeks to increase UST cleanup process efficiency to preserve limited resources for mitigation of releases posing a greater threat to human and environmental health.

18. **Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems**

This purpose of this policy (Res. No. 2012-0032) is to allow the continued use of onsite wastewater treatment (septic) systems (OWTS) while protecting water quality and public health. The policy establishes a statewide, risk-based, tiered approach for the regulation and management of OWTS installations and replacements and sets the level of performance and protection expected from OWTS. The policy also conditionally waives the requirement for owners of OWTS to apply for and receive Waste Discharge Requirements in order to operate their systems when they meet the conditions set forth in the policy.

Regional Board Policies

The Lahontan Regional Board has adopted a large number of policy statements over the years. The following are summaries of all of the policies that are in effect as of the date of adoption of this plan, and which the Regional Board will use to implement this plan. A Regional Board plan, policy, or guideline adopted to implement, interpret or make specific the Basin Plan prior to October 14, 1994, is superseded by this revised plan unless it is expressly mentioned in this plan.

1. **Policies Delegating Authority (Resolutions 6-90-72 and 6-91-938)**

Under Resolution 6-90-72, the Regional Board delegated to the 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). (This section lists powers and duties that may not be delegated.) Resolution 6-90-72 also reserves to the Regional Board the authority to state policy and create procedure to be followed by the Executive Officer. Resolution 6-91-938 delegates authority to the Executive Officer to approve closure plans for waste management units, with certain exceptions.

2. **Exemption Policies for Basin Plan Prohibitions**

Chapter 4 includes prohibitions against discharges from septic systems, and from other sources, that affect certain areas within the Lahontan Region. In some cases, detailed sets of exemption criteria for prohibitions were adopted as Basin Plan amendments, and are now included in the body of this Basin Plan. Board Orders 6-70-48, 6-71-17, and 6-74-139 describe sewage export variances for the Lake Tahoe Basin.

Exemption criteria for discharge prohibitions related to Stream Environment Zones and 100-year floodplains in the Lake Tahoe Basin, and for the 100-year floodplain prohibitions in the Truckee River and Little Truckee River watersheds, are set forth in Chapters 4 and 5. These criteria require specific findings described in Chapters 4 and 5. The Regional Board has at various times delegated authority to the Executive Officer to make exemption findings for these prohibitions under certain circumstances. Because the Regional Board may delegate or remove the authority of the Executive Officer to grant waste discharge prohibition exemptions at any time with appropriate public notice, generally, this Basin Plan will not explicitly list delegations for prohibition exemptions.

3. **Interpretation of the High Water Line for Eagle Lake, Susanville Hydrologic Unit (Resolution 82-6)**

This Basin Plan's minimum siting criteria for septic tanks, sewer lines, leaching fields, and seepage pits include minimum distances of separation from lakes and reservoirs as measured from the high water line (see Table

4.4-1). This Resolution defines the high water line for Eagle Lake to be 5117.5 feet, a definition used in prohibiting the discharge of wastes from subsurface disposal systems on a lot with an elevation of less than 5130 feet. A copy of this Resolution is included in Appendix B. (See Section 4.1 of this Basin Plan for waste discharge prohibitions for Eagle Lake.)

4. Policy on Geothermal Development in the Eagle Lake Basin, Lassen County (Resolution 82-7)

This resolution states the policy of the Regional Board to oppose any further consideration of geothermal exploration or development in the Eagle Lake Basin until it can be shown that such activities can be conducted without any risk of significant water quality degradation. This resolution is included in Appendix B.

Water Quality Management Plans Adopted by Other Agencies

In the 1970s, funds were provided for water quality management planning under Section 208 of the federal Clean Water Act. A number of Section 208 Plans affecting the Lahontan Region were completed. Other plans adopted by federal, state, and local agencies may also affect the Regional Board's activities. The following is a summary of important plans:

1. U.S. Forest Service, Pacific Southwest Region, Water Quality Management Handbook for National Forest System Lands in California

This handbook was completed in 2011 and is a chapter in the larger USFS Region 5 Forest Service Handbook. It identifies water quality problems associated with silviculture and other Forest Service land management activities, and sets forth programmatic Best Management Practices.

2. U.S. Bureau of Land Management, 208 Water Quality Management Report

This plan was completed in 1979. It identifies BLM management activities that affect water quality, water quality concerns of BLM's Districts within California, and includes recommendations for development of Best Management Practices to correct existing problems.

3. California Department of Transportation, Best Management Practices Manuals and Statewide Storm Water Pollution Prevention Plan

Caltrans regularly updates its Best Management Practices Manual and its Statewide Storm Water Pollution Prevention Plan. These documents summarize procedures within Caltrans's planning, construction, and operation and maintenance programs that can be used to control water quality problems.

4. Local Government Plans

Several local governments in the Region completed Section 208 water quality management planning studies to identify problems, followed by governing body action to commit the local government to improve effectiveness of its regulatory structure to prevent similar problems in the future. These studies include:

California City:

- Use of individual wastewater disposal systems and alternatives

City of Bishop:

- Surface flow management/urban runoff
- Erosion control and abatement

Inyo County:

- Use of individual wastewater disposal systems and alternatives
- Surface flow management/urban runoff
- Erosion control and abatement

Los Angeles County:

- Use of individual wastewater disposal systems and alternatives
- Surface flow management/urban runoff
- Erosion control and abatement

5. Tahoe Regional Planning Agency, Water Quality Management Plan for the Lake Tahoe Region ("208 Plan")

In the 1970s, the bistate Tahoe Regional Planning Agency (TRPA) was designated the 208 planning agency for the "Lake Tahoe Region," which includes most of the Lake Tahoe Hydrologic Unit and a small portion of the Truckee River Hydrologic Unit. TRPA's "208 Plan," which incorporated portions of the State Board's *Lake Tahoe Basin Water Quality Plan*, was certified by the states of California and Nevada and the USEPA in 1981. The 208 Plan was substantially revised and recertified in 1989.

Ch. 6, PLANS AND POLICIES

In 2012, the 208 Plan was again updated, along with its implementing Code of Ordinances. It identifies water quality problems that have contributed to the degradation of Lake Tahoe and sets forth a series of control measures including land use restrictions, wetland protection and restoration, use of a Best Management Practices Handbook, and a "Capital Improvements Program" of remedial erosion and surface runoff control projects to be implemented by state and local government agencies. (See Chapter 5 for a summary of important control measures from this plan.)

6. Other Plans

A number of other plans adopted by state, federal, and local government agencies affect the Regional Board's activities. These include the solid waste management and hazardous waste management plans adopted by counties, and land and resource management plans adopted by National Forests and BLM Districts. Regional Board staff review and comment on new and revised plans by other agencies as they are proposed and attempt to maximize coordination in implementation of water quality related measures.

Interagency Agreements

The State and/or Regional Boards have entered into Management Agency Agreements (MAAs) and Memoranda of Understanding (MOUs) or of Agreement (MOAs) with a number of other agencies to define procedures for implementation of the plans summarized above, or to clarify each agency's authority and responsibility in implementing water quality control measures where overlaps of jurisdiction occur. Some of the more important MAAs, MOUs, and MOAs are with the following agencies:

1. U.S. Forest Service

In February 1981 the State Board Executive Director signed a MAA with the U.S. Forest Service (USFS) which waives discharge requirements for certain USFS nonpoint source discharges provided that the Forest Service implements State Board approved Best Management Practices (BMPs) and procedures and additional provisions of the MAA. The MAA covers all USFS lands in California. Implementation of BMPs, in conjunction with monitoring and performance review requirements approved by the State and Regional Boards, is the primary method of meeting the Basin Plan's water quality objectives for the activities to which the BMPs apply. The

MAA does not include USFS point source discharges and in no way limits the authority of the Regional Board to carry out its legal responsibilities for management or regulation of water quality.

2. California Department of Forestry and Fire Protection

In February 1988, the State Board signed a MAA with the California Department of Forestry and Fire Protection (CALFIRE) and the California Board of Forestry (BOF), for the purpose of carrying out, pursuant to Section 208 of the federal Clean Water Act, the *Water Quality Management Plan For Timber Operations on Nonfederal Lands* (WQMP). As with the USFS MAA, the CALFIRE agreement requires the Department to implement certain BMPs to protect water quality from timber harvest and associated activities. However, the MAA obligates the Regional Boards to ensure that harvest operations incorporate BMPs and comply with applicable water quality standards. Appendix F of the MAA also calls for the preparation of a Memorandum of Understanding (MOU) for the Regional Boards, the State Board, and CALFIRE to prescribe interagency procedures for implementing BMPs. In 2003, the State and Regional Boards and CALFIRE entered into an MOU identifying procedures that will be used by each agency in carrying out their statutory activities to prevent adverse effects on beneficial uses of water from silvicultural activities on non-federal lands in California and to assist in restoring beneficial uses of water in watersheds where beneficial uses of water have been determined to be impaired.

3. California Department of Conservation, Division of Oil and Gas

In March 1988, the State Board amended a February 1982 MOA with the State Department of Conservation, Division of Oil and Gas (CDOG), to regulate discharges from oil, gas, and geothermal fields. The agreement requires CDOG to notify the Regional Boards of all new operators, all pollution problems associated with operators, and proposed discharges. CDOG and Regional Boards must also work together, within certain time-lines, to review and prepare discharge permits.

4. Department of Toxic Substances Control – Hazardous Waste

To expedite the cleanup of hazardous waste sites and to eliminate duplication of effort, in 1990 the State Board entered into an MOU with

the State Department of Health Services (which at that time contained the Toxic Substances Control Program now called the Department of Toxic Substances Control). The Regional Boards will be the lead agency when contamination is associated with inactive mines, leaking underground storage tanks, agricultural activities, surface impoundments, and non-hazardous waste landfills. The MOU defines the responsibilities of the lead agency for coordinating and communicating cleanup activities with support agencies. Lead agencies must also notify support agencies before enforcement and settlement activities are implemented at hazardous waste sites.

5. Department of Toxic Substances Control – Brownfields

To improve coordination regarding the oversight of investigation and cleanup activities at “brownfield” sites, in 2005, a Memorandum of Agreement (MOA) was entered between the Department of Toxic Substances Control (DTSC), the State Water Board, the Regional Water Boards, and the California Environmental Protection Agency. Brownfields are “real property, the expansion, redevelopment, or reuse of which may be complicated by the presence of potential presence of a hazardous substance, pollutant, or contaminant.” The MOA was developed to ensure effective and expeditious cleanup of brownfield sites in a manner that is protective of public health and safety and the environment.

6. Tahoe Regional Planning Agency (TRPA)

In 1994, the Regional Board entered into a MOU with the TRPA in order to reduce regulatory duplication in review and permitting of certain types of projects in the California portion of the Lake Tahoe watershed. The MOU was updated in 2003. The MOU assigns primary responsibility for permitting and enforcement for certain types of projects to only one agency, but does not limit the authority of either agency. It also provides for reporting by each agency to the other on permits issued under the MOU, and for ongoing discussions on possible expansion of the scope of the MOU.

7. Local Governments

The Lahontan Regional Board has entered into MOUs with local governments regarding the following subjects:

- Implementation of regionwide septic system criteria, including density limits. (The criteria

are set forth in Chapter 4.) Implementation of the State Board’s Onsite Wastewater Treatment System Policy will result in revision or rescission of these MOUs, as local agencies will either adopt Local Area Management Plans or permit septic systems per the criteria in the OWTS Policy.

- Closure, installation, repair, and soils investigations associated with underground tanks. Under these MOUs the Regional Board agrees to waive waste discharge requirements if the local government implements Best Management Practices for the activities listed above.
- On August 13, 1993 the Regional Board adopted a Memorandum of Understanding between the Regional Board, Inyo County, and the Mesa Community Services District regarding the implementation of the Mesa Wastewater Management Plan. This plan provides for the treatment of individual sewage discharges necessary to comply with Regional Board water quality objectives at the Mustang Mesa/Alta Vista (Mesa) Community in Inyo County. The plan was necessary in order to allow the community to develop its remaining lots which had been encumbered since a Regional Board prohibition was established in 1975. The plan calls for the pretreatment of septic effluent with intermittent sand filters and a ground water monitoring and reporting program.

8. Military Facilities (Federal Facilities Site Remediation Agreements)

High priority hazardous waste sites scheduled for cleanup under the federal “Superfund” program are placed on the National Priority List (NPL). The Superfund program provides funding and guidelines for cleanup of NPL sites. In California, a significant proportion of the NPL sites are military installations. Federal facilities in California, including military installations, which are **not** on the NPL can sign into a state compliance agreement called a Federal Facilities Site Remediation Agreement (FFSRA). A FFSRA is a document which formalizes a working agreement between the federal facility and state agencies. It establishes a schedule for site investigations and any necessary cleanup, and it provides the enforcement mechanism in cases where commitments are not met. More information on water quality control measures for military installations can be found in Section 4.12 of the Basin Plan.

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