

Lahontan Regional Water Quality Control Board

## MEMORANDUM

**TO:** Water Board Members



**FROM:** Patty Z. Kouyoumdjian  
Executive Officer  
Lahontan Regional Water Quality Control Board

**DATE:** November 13, 2015

**SUBJECT: Exemption to the Discharge Prohibition for 100-Year Floodplain within the Lake Tahoe Hydrologic Unit for the Highway 50/89 Y to Trout Creek Water Quality Improvement Project, El Dorado County**

In ten days, I intend to sign the enclosed memorandum granting an exemption to the above-cited discharge prohibitions specified in the *Water Quality Control Plan for the Lahontan Region* (Basin Plan). The exemption will allow the Project proponent to install stormwater treatment facilities on Highway 50 between the 50/89 Y and Trout Creek in South Lake Tahoe.

The Project meets requirements for an exemption to the discharge prohibition. A public notice soliciting comments on the proposed Project will be posted on the Water Board's website for 10 days.

Please contact Bud Amorfini, Engineering Geologist, at (530) 542-5463, or me at (530) 542-5412, if you have any questions or comments regarding this matter.

Enclosure: Draft Memo Granting Prohibition Exemption

Lahontan Regional Water Quality Control Board

## MEMORANDUM

**TO:** Darrell Naruto  
Caltrans District 3  
703 B Street  
Marysville, CA 95901  
(via email: [darrell.naruto@dot.ca.gov](mailto:darrell.naruto@dot.ca.gov))

**FROM:** PATTY Z. KOUYOUMDJIAN  
EXECUTIVE OFFICER  
Lahontan Regional Water Quality Control Board

**DATE:**

**SUBJECT: Exemption to Waste Discharge Prohibition for the  
Cal Trans Highway 50/89 Y to Trout Creek Water Quality  
Control Project, El Dorado County**

The California Department of Transportation – District 3 (Applicant) submitted information to the California Regional Water Quality Control Board, Lahontan Region (Water Board) requesting an exemption from a prohibition contained in the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) on waste discharges to floodplains within the South Tahoe Hydrologic Area (HU No. 634.10). An exemption is requested to construct an outlet structure from a stormwater treatment facility associated with the above-cited Project.

The overall Project scope is to construct drainage improvements and stormwater treatment facilities on Highway 50 between the 50/89 Y to Trout Creek. As part of the Project, Caltrans proposes to install a Delaware Sand Filter on the embankment above the Upper Truckee River on the southeast side of the road where Highway 50 crosses the river. The proposal requires placement of a 12-foot by 12-foot rock energy dissipater apron at the treatment structure outlet, above the ordinary high water mark of the river but below the level of the 100-year flood plain.

### Waste Discharge Prohibition and Exemptions

The Water Board adopted the Water Quality Control Plan for the Lahontan Region (Basin Plan), Chapter 5 of the Basin Plan (Water Quality Standards and Control Measures for the Lake Tahoe Basin), specifies the following waste discharge prohibition:

- ...2. "The discharge attributable to human activities of any waste or deleterious material to land below the highwater rim of Lake Tahoe or within the 100-year floodplain of any tributary to Lake Tahoe is prohibited."

In accordance with the Basin Plan, the Water Board may grant exemptions to Prohibition 2, above, for erosion control projects, habitat restoration projects, wetland rehabilitation projects, SEZ restoration projects, and similar projects, programs, and facilities, if all of the following findings can be made:

1. There is no reasonable alternative, including relocation, that avoids or reduces the extent of encroachment below the highwater rim of Lake Tahoe, within the 100-year floodplain, or within the SEZ; and
2. Impacts are fully mitigated.

The Project is an erosion control and water quality improvement project. The design and location of the Delaware Sand Filter is necessary for gravity flow. To get the treated water from the filter to the river without causing erosion provides no reasonable alternative to putting the rock slope protection for the outfall discharges within the 100-year floodplain. Temporary construction impacts will be mitigated by the use of required sediment and erosion control practices. The soil in the area under the rock energy dissipater will be excavated and removed from the Project site such that new rock placement will not reduce floodplain capacity or function. The structure will control and minimize potential erosion at the outlet of the treatment device. Impacts are fully mitigated. The Project qualifies for an exemption as allowed under the Basin Plan.

### Compliance with California Environmental Quality Act (CEQA)

The Water Board has determined that this Project is exempt from the California Environmental Quality Act (CEQA; Public Resources Code Section 21000 et seq.). In accordance with section 15302, the basis for CEQA exemption is "Replacement or Reconstruction." A Notice of Exemption will be filed with the State Clearinghouse concurrently with issuing this Order.

### Delegation of Authority for Granting and Exemption

The Water Board has delegated authority to grant exemptions for Basin Plan waste discharge prohibitions to the Executive Officer pursuant to Resolution No. R6T-2015-0038, for specific discharges where the proposed Project meets the conditions in the Basin Plan.

### Prohibition Exemption Granted

As demonstrated above, the Project meets the conditions and criteria for an exemption to the above-cited waste discharge prohibition. A draft notice of exemption was posted on the Water Board website and distributed through an interested persons mailing list allowing at least ten (10) days to submit comments. The Project is hereby granted an exemption to the above-cited waste discharge prohibition. Construction of the outfall energy dissipater will be regulated under the Tahoe Construction General Permit as part of the 50/89 Y to Trout Creek Project.

We look forward to working with you in your efforts to protect water quality. If you have questions, please contact Bud Amorfini, Engineering Geologist, at (530) 542-5463 or Alan Miller, Chief, North Basin Regulatory Unit, at (530) 542-5430.