



California Regional Water Quality Control Board
Lahontan Region



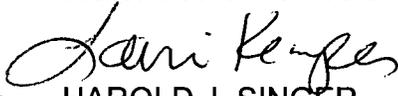
Linda S. Adams
Secretary for
Environmental Protection

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www.waterboards.ca.gov/lahontan

Arnold Schwarzenegger
Governor

MEMORANDUM

TO: Water Board Members

FROM: 
HAROLD J. SINGER

EXECUTIVE OFFICER
LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD

DATE: OCT 25 2010

**SUBJECT: EXEMPTION TO DISCHARGE PROHIBITION CONTAINED IN THE
WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION –
SCIENTIFIC MEASURING DEVICES PROJECT, PLACER COUNTY**

In ten days, I intend to sign the enclosed letter granting an exemption to the discharge prohibition specified in the *Water Quality Control Plan for the Lahontan Region* for Placer County's Scientific Measuring Devices Project (Project) in Placer County. The exemption will allow Placer County to install a new stream flow gauging station in Middle Martis Creek just south of Highway 267. This Project is part of Phase 1 of the *Truckee River Water Quality Monitoring Plan* for the Town of Truckee and Placer County.

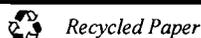
The Project site is located just south of Highway 267 and meets requirements for an exemption to the discharge prohibition. A public notice soliciting comments on the proposed Project will be posted on the Water Board's website for 10 days.

If you have any questions or comments regarding this matter, please contact Tobi Tyler at (530) 542-5435.

Enclosure: Draft Water Quality Certification Order, NOA and 100-year Floodplain Exemption

TT/chT: Placer Cnty Scientific Meas Memo 10_12_10 TT.doc
[File: 6A311009003 / Scientific Measuring Devices Project/ Placer County]

California Environmental Protection Agency





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Ken Grehm, Director
Placer County Department of Public Works
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EXEMPTION FROM THE 100-YEAR FLOODPLAIN DISCHARGE PROHIBITION AND COMPLIANCE WITH CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR NATIONWIDE PERMIT NO. 5, SCIENTIFIC MEASURING DEVICES PROJECT, PLACER COUNTY DEPARTMENT OF PUBLIC WORKS, PLACER COUNTY, WDID 6A311009003

The California Regional Water Quality Control Board, Lahontan Region (Water Board) has received information you submitted pertaining to the above-referenced project. This includes notification filing requirements, a \$77 filing fee, and information to comply with Conditions 1 – 10 of the Clean Water Act Section 401 Water Quality Certification (WQC) issued by the State Water Resources Control Board (State Water Board) for projects authorized under U.S. Army Corps of Engineers, Nationwide Permit No. 5. Placer County Department of Public Works' Scientific Measuring Devices Project (Project) is located on Middle Martis Creek in Placer County. The filing also provided information to support granting an exemption from a waste discharge prohibition in the Water Board's *Water Quality Control Plan for the Lahontan Region* (Basin Plan). This 100-year floodplain prohibition exemption hereby assigns this Project the following reference number: Waste Discharge Identification (WDID) No. 6A311009003. Please use this reference number in all future correspondence regarding this Project.

Any person aggrieved by this action of the Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

California Environmental Protection Agency



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GENERAL PROJECT DESCRIPTION

The Project entails placing a new stream flow gauging station in Middle Martis Creek just south of Highway 267 and passive sampling devices to conduct discrete community sampling at existing stormwater drainage outfalls in the Maris Creek watershed. The stream flow gauging station, located at coordinates 120°7'16.7" W and 39°18'7.5" N, will consist of a small depth measurement probe installed in the channel attached to an existing bridge, culvert or other stable structure. The discharge of fill for the gauging station involves less than one linear feet of stream. Discrete community level sampling will occur at specific locations targeting primary outfalls from developed areas. These sites will be located within the Martis Creek watershed and water will be sampled from the stormwater drainage systems associated with the developed areas in the watershed including, but not limited to, Northstar, Martis Camp, Lahontan Golf Club and/or Timilick. Passive sampling devices consisting of plastic bottles and mounting equipment will be installed within existing stormwater infrastructure. The samplers will be installed out of sight and where they do not interfere with the function of the drainage system. Placement of the gauging station is part of Phase 1 of the *Truckee River Water Quality Monitoring Plan* as developed in accordance with Water Board Orders to the Town of Truckee and Placer County.

WATER QUALITY CONTROL PLAN WASTE DISCHARGE PROHIBITION

The Water Board has adopted a *Water Quality Control Plan for the Lahontan Region* (Basin Plan), which specifies the following discharge prohibition:

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

The proposed Project would violate the prohibition as it involves alterations within the 100-year floodplain of Middle Martis Creek and other waters tributary to the Truckee River. The Water Board may grant an exception to the above-cited prohibition under certain conditions.

PROHIBITION EXEMPTION

1. *The Project purpose is included in one or more of the five categories listed in Section 4.1 of the Lahontan Basin Plan that read as follows: "(1) projects solely intended to reduce or mitigate existing sources of erosion or water pollution, or to restore the functional value to previously disturbed floodplain areas; (2) bridge abutment, approaches, or other essential transportation facilities identified in an approved county general plan; (3) projects necessary to protect public health or safety or to provide essential public services; (4) projects necessary for public*

recreation; and (5) projects that will provide outdoor public recreation within portions of the 100-year floodplain that have been substantially altered by grading and/or filling activities which occurred prior to June 26, 1975."

The Project purpose satisfies the third criteria above, "*projects necessary to protect public health or safety or to provide essential public services.*" The Project is for monitoring of mitigation measure implementation as part of Placer County's Martis Valley Community Plan, and will provide an essential public service by providing measurements to verify and ensure water quality is not degraded by development in Martis Valley.

- 2. There is no reasonable alternative to locating the project or portions of the project within the 100-year floodplain.*

The stream gauging equipment must be located within the flowing waters of the creek within the 100-year floodplain. There is no reasonable alternative to avoiding placing the equipment in the 100-year floodplain of Middle Martis Creek.

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

The purpose of the equipment is to monitor water quality within the stream channels located within the floodplain. The Project, therefore, by its very nature, must be located within the 100-year floodplain.

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

The Project involves very minor ground disturbance. The equipment will consist of a small probe (6" long by 1/2" diameter) installed in the channel attached to an existing bridge, culvert or other stable structure. Electrical conduit will house the communication cable which will run from the probe to the streambank. An electrical cable will be attached to the probe and housed in the conduit along the stream bank where it can be plugged into a lap top computer to download the data. All work will be done by hand and during periods of low flow. Any displaced rock or other material will be moved back into their original locations to match the pre-installation condition. The Project proposal incorporates measures that mitigate any possible erosion or surface water runoff problems.

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

The Project, as described above, involves installation methods to prevent direct or indirect water quality degradation or beneficial use impairment. The Project will not degrade water quality or impair beneficial uses of water.

6. *The project will not reduce the flood flow attenuation capacity, the surface flow treatment capacity, or the ground water flow treatment capacity from existing conditions. All 100-year floodplain areas and volumes lost as a result of the project must be completely mitigated by restoration of previously-disturbed floodplain within or as close as practical to the project site. The restored, new, or enlarged floodplain shall be 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.*

The equipment installed will not block or reduce the flood flow, therefore attenuation capacity will be unaffected. The surface flow treatment capacity or the ground water flow treatment capacity will not be modified from the existing conditions. Mitigation is not required.

DELEGATION AUTHORITY FOR GRANTING AN EXEMPTION

The Water Board has delegated authority to the Lahontan Water Board Executive Officer to grant exemptions to the 100-year floodplain discharge prohibition in the Truckee River Hydrologic Unit for specific discharges where the proposed Project meets the conditions required for a waiver of waste discharge requirements or for approval under general waste discharge requirements or a general National Pollutant Discharge Elimination System permit (NPDES). The Project will be regulated under the terms and conditions of the Statewide General Waste Discharge Requirements, Board Order No. 2003-0017-DWQ, which requires compliance with all conditions of the State Water Board Certification Order to ensure that water quality standards are met.

The other criteria that the Project must satisfy for delegation authority to be granted to the Water Board Executive Officer are as follows:

1. *The project is within the following size limitations:
less than 1000 square feet of new impervious coverage, or
less than 2000 square feet of new ground disturbance, or
less than 100 cubic yards of fill or excavation; or*
2. *The project's primary purpose is to reduce, control, or mitigate existing sources of erosion or water pollution; and*
3. *The project meets the exemption criteria set forth in the Basin Plan.*

The Project's primary purpose is providing measurements that ensure water quality is not degraded unacceptably by development in Martis Valley and to guide pollution reduction or control measures that may be needed. The Project meets the criteria 1, 2, and 3, above.

PROHIBITION EXEMPTION GRANTED

As demonstrated above, the Project meets the conditions and criteria for an exemption to the 100-year floodplain waste discharge prohibition. The applicant has incorporated appropriate measures into the Project to ensure that any erosion and surface runoff problems caused by the Project are minimized to levels of insignificance. 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.

If you have any questions regarding permit requirements, please contact Tobi Tyler at (530) 542-5435. Please use the above-referenced **WDID** and Board Order number in any future communications regarding this project and permit.

HAROLD J. SINGER
EXECUTIVE OFFICER

cc: Suzanne Wilkins, CDM
Dave Smith Wetlands Regulatory Office (WTR-8), US EPA, Region 9 (via email)
Erin Hess/U.S. Army Corps of Engineers, Sacramento Office
Bill Orme State Water Resources Control Board, Division of Water Quality (via email)

TT/clhT: Placer Cnty Scientific Meas FPE and 401 compliance 10-11-10.doc
[File: Scientific Measurement Devices Project / Placer County/WDID6A311009003]

DRAFT