



# California Regional Water Quality Control Board Lahontan Region



**Linda S. Adams**  
Acting Secretary for  
Environmental Protection

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150  
(530) 542-5400 • Fax (530) 544-2271  
[www.waterboards.ca.gov/lahontan](http://www.waterboards.ca.gov/lahontan)

**Edmund G. Brown Jr.**  
Governor

Julie Ryan  
South Tahoe Public Utility District  
1275 Meadow Crest Drive  
South Lake Tahoe, CA 96150

## **NOTICE OF APPLICABILITY OF GENERAL WASTE DISCHARGE REQUIREMENTS FOR THE RALPH TANK BEST MANAGEMENT PRACTICES AND STREAM ZONE ENVIRONMENT RESTORATION PROJECT, WDID 6A091105006, BOARD ORDER NO. 6-91-31-263, EL DORADO COUNTY**

On May 23, 2011 the Lahontan Regional Water Quality Control Board (Water Board) received a report of waste discharge, associated plans and information for the above-referenced project. On June 13, Water Board staff received additional information to complete the application for the project. Water Board staff have determined that this project meets the required conditions to be approved under the Lake Tahoe General Waste Discharge Requirements (General Permit). All the requirements contained in the General Permit will be applicable to your project. You are hereby assigned Board Order No. 6-91-31-263 for the Ralph Tank Best Management Practices (BMP) and Stream Environment Zone (SEZ) Restoration Project.

### **PROJECT DESCRIPTION**

The project consists of removal of existing pavement, structures, and a domestic water tank; restoration of disturbed pervious areas with native vegetation; installation of access barriers to deter disturbance of restored areas; and restoration of roughly 4,500 square feet of SEZ. Access to the existing well will be maintained for well monitoring purposes only, and will not allow for vehicular access.

### **LAND COVERAGE**

The project complies with land coverage restrictions specified in the Water Quality Control Plan for the Lahontan Region (Basin Plan). The project does not involve any new impervious coverage.

### **CEQA COMPLIANCE**

The project is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with, California Code of Regulations, Title 14, section 15333 –

***California Environmental Protection Agency***

Small Habitat Restoration Projects. The Water Board will file a Notice of Exemption concurrently with this Notice of Applicability.

### **WASTE DISCHARGE PROHIBITION**

To protect beneficial uses and achieve water quality objectives for the waters of Lake Tahoe and its tributaries, the Basin Plan specifies the following discharge prohibition:

*The discharge or threatened discharge, attributable to new development in Stream Environment Zones, of solid or liquid waste, including soil, silt, sand, clay, rock, metal, plastic, or other organic, mineral, or earthen materials, to Stream Environment Zones in the Lake Tahoe Basin is prohibited.*

### **STREAM ENVIRONMENT ZONE PROHIBITION EXEMPTION FINDINGS**

Resolution No. R6T-2008-031 delegates authority to the Water Board Executive Officer to grant exceptions to the above-referenced discharge prohibition for projects that satisfy criteria specified in Resolution No. R6T-2008-031. The criteria that the project must satisfy are:

1. *The Executive Officer has the authority to authorize the project under an existing general permit, general waiver or individual water quality certification order, excluding projects that require a Board action; and*
2. *The project meets the exemption or exception criteria set forth in the Basin Plan; and*
3. *The project's primary purpose is to reduce, control, or mitigate existing sources of erosion or water pollution.*

The primary purpose of the Ralph Tank BMP and SEZ Restoration Project is to remove existing structures and impervious coverage, and restore the site to reduce existing sources of erosion. The Project is located next to Bijou Creek in South Lake Tahoe.

The Basin Plan allows exemptions to the above-cited discharge prohibition 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:

- (a) The project, program, or facility is necessary for environmental protection.** The Project is being implemented to restore SEZ with site rehabilitation and revegetation. The Project is necessary for environmental protection as it is designed to reduce erosion and restore SEZ functions near Bijou Creek.

**(b) There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in the SEZ.**

The Project will result in temporary disturbance associated with site restoration; however, the Project includes measures to stabilize soils through revegetation. There is no reasonable alternative to reduce the extent of encroachment to the SEZ; and

**(c) Impacts are fully mitigated.**

Full mitigation of impacts of the Project includes, but is not limited to, proper design and implementation of all applicable BMPs. Impacts are fully mitigated by habitat restoration and SEZ restoration. Temporary BMPs and erosion control measures to be implemented at the Project site include: orange construction boundary fencing, fiber rolls, erosion control fencing, and stabilization of ingress and egress routes.

### **EXEMPTION GRANTED**

As demonstrated above, the Project meets the conditions and criteria for an exemption to the SEZ discharge prohibition. The applicant has incorporated the appropriate BMPs into the Project to ensure that any erosion and surface runoff caused by the Project are minimized to levels of insignificance. The Project is hereby granted an exemption to the above-cited discharge prohibition.

Except in emergency situations, the Executive Officer shall notify the Water Board and interested members of the public of his intent to issue an exemption at least ten (10) days before the exemption is issued. A notice of exemption will be posted on the Water Board website and distributed through an interested persons mailing list allowing at least ten (10) days to submit comments.

### **GENERAL INFORMATION**

1. The project shall be constructed in accordance with requirements contained in the General Permit and in accordance with the information submitted in the Report of Waste Discharge.
2. Water Board staff shall be notified at least 72 hours prior to the start of the project activities.
3. An annual fee is required to be paid until the Notice of Applicability is officially revoked. The fee amount will be specified in an invoice from the State Water Resources Control Board. Revocation procedures are specified in section F. Revocation Procedures (page 8) of the Order.
4. Failure to abide by the conditions of the General Permit could result in an enforcement action as authorized by provisions of the California Porter-Cologne Water Quality Act.

5. Please refer to the Board Order Number and WDID Number in any future correspondence regarding this project.

We look forward to working with you on this project and appreciate your efforts to protect water quality. If you have any questions please contact Dale Payne at (530) 542-5464 or Alan Miller, Chief, North Basin Regulatory Unit, at (530) 542-5430.

HAROLD J. SINGER  
EXECUTIVE OFFICER

Enclosure: Waste Discharge Requirements/General Permit 6-91-31

cc: Tahoe Regional Planning Agency

DYP/clhT: Ralph Tank BMP SEZ Restoration 91-31 NOA.doc  
File Under: South Tahoe Public Utility District

DRAFT