CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Lahontan Regional Water Quality Control Board

May 3, 2012

TO ALL INTERESTED PERSONS AND AGENCIES:

PROPOSED RESOLUTION FOR THE SOUTH TAHOE PUBLIC UTILITY DISTRICT EMERGENCY SEWER LINE PROTECTION PROJECT – EXEMPTIONS TO WASTE DISCHARGE PROHIBITIONS CONTAINED IN THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION, EL DORADO COUNTY

And

DRAFT ORDER FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND PROHIBITION EXEMPTION FOR SOUTH TAHOE PUBLIC UTILITY DISTRICT UPPER TRUCKEE RIVER EMERGENCY SEWER LINE PROTECTION PROJECT, EL DORADO COUNTY, WDID NO. 6A091201004

The California Regional Water Quality Control Board, Lahontan Region (Water Board) will consider adopting a Resolution that will grant exemptions to waste discharge prohibitions contained in the Water Quality Control Plan for the Lahontan Region, and subsequently allow for issuance of a Clean Water Act Section 401 Water Quality Certification (WQC) Order. The Resolution, as proposed, would grant an exemption to the waste discharge prohibitions for the discharge or threatened discharge, of solid or liquid waste, including soil, silt, sand, clay, or other organic or earthen material, to Stream Environment Zones in the Lake Tahoe Basin, and the discharge of waste which causes violation of any narrative water quality objective, including the Nondegradation Objective.

The Proposed Resolution is posted on the Water Board's Internet website at: http://www.waterboards.ca.gov/lahontan/public_notices/bp_prohibition_exceptions.shtml. If you wish to comment on the Proposed Resolution, please provide us with your written comments no later than **June 2, 2012.**

The Proposed Resolution is scheduled for consideration of adoption at a public meeting of the Water Board on June 13 and 14, 2012 in Barstow, at which time additional opportunity for oral public comment may be provided if requested. The draft 401 WQC Order is also being circulated for public comment at this time with comments due by **June 2, 2012,** but will not be adopted at the meeting. Issuance of the WQC Order is delegated to the Water Board Executive Officer. Water Board meeting agendas are published on the Water Board's internet website at www.waterboards.ca.gov/lahontan/board_info/.

You may contact Dale Payne, Environmental Scientist, at (530) 542-5464 (DPayne@waterboards.ca.gov) or Chuck Curtis, Supervising Water Resources Control Engineer (CCurtis@waterboards.ca.gov) if you have any questions or wish to discuss the Proposed Resolution or 401 Water Quality Certification Order.

Scott C. Ferguson, P.E.
Senior Water Resources Control Engineer
Enforcement and Special Projects Unit

Enclosure: Proposed Resolution
Draft 401 Water Quality Certification Order

DYP/adw/T:\ Agenda Items\2012\6-June\STPUD UTR Exemptions\STPUD transmittal

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION R6T-2012-(PROPOSED)

SOUTH TAHOE PUBLIC UTILITY DISTRICT, UPPER TRUCKEE RIVER EMERGENCY SEWER LINE PROTECTION PROJECT - EXEMPTIONS TO WASTE DISCHARGE PROHIBITIONS CONTAINED IN THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION

El Dorado County

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

1. On January 30, 2012, the South Tahoe Public Utility District (District) submitted information to the California Regional Water Quality Control Board, Lahontan Region (Water Board) as part of an Application for Clean Water Act Section 401 Water Quality Certification (Water Quality Certification) for the Upper Truckee River Emergency Sewer Line Protection Project (hereafter referred to as the "Project"). The District subsequently submitted additional information to complete the application.

2. The Project site is located west of the intersection of Bakersfield Street and Country Club Drive in Meyers, south of South Lake Tahoe. The Project is within the Lake Tahoe Hydrologic Unit and Upper Truckee River watershed, in El Dorado County. The Project vicinity is shown in Attachment A, which is made part of this Resolution.

3. The primary purpose of the Project is to protect an existing 12-inch diameter sewer line and associated 48-inch diameter manhole located within the bed and bank of the Upper Truckee River. The sewer line, which runs across the river channel, is currently exposed and at risk of being damaged and failing due to further riverbed erosion. The manhole is located within an eroding section of riverbank and is at risk of being exposed, and subsequently damaged and failing, if the riverbank is not stabilized. The at-risk sewer line and manhole convey approximately 150,000 gallons of raw sewage per day from the Meyers area to the District's Lodi Pump Station.

4. The Project involves installing rock armor on the eroding riverbed and riverbanks to protect the sewer manhole at the river's edge and to protect the sewer line that crosses the river channel. The Project also includes installing three rock/riffle grade control structures, a rock key to reduce the potential of erosion at the sewer line location, and vegetating the rock armor on the riverbanks. By implementing these

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measures, the District will also be restoring river channel stability and sewer line protection. The District will also implement Best Management Practices throughout the Project area, including access and staging areas.

5. The purpose of this Resolution is to grant exemptions to the waste discharge prohibitions contained in the Water Quality Control Plan for the Lahontan Region (Basin Plan) for erosion control activities associated with the Project that will discharge waste earthen materials to a stream environment zone (SEZ) and surface waters.

6. The Basin Plan specifies the following waste discharge prohibition applicable to SEZs in the Lake Tahoe basin:

   "The discharge or threatened discharge, attributable to new development in Stream Environment Zones, of solid or liquid waste, including soil, silt, sand, clay, or other organic or earthen material, to Stream Environment Zones in the Lake Tahoe Basin is prohibited." (Chapter 5, page 5.2-4)

7. The Basin Plan specifies the following applicable regionwide waste discharge prohibition:

   "The discharge of waste which causes violation of any narrative water quality objective contained in this Plan, including the Nondegradation Objective, is prohibited." (Chapter 5, page 5.2-1)

   The Basin Plan contains the following narrative water quality objective for turbidity:

   "Waters shall be free of changes in turbidity that cause nuisance or adversely affect the water for beneficial uses. Increases in turbidity shall not exceed natural levels by more than 10 percent." (Chapter 5, page 5.1-9)

Lake Tahoe Basin SEZ Prohibition Exemption Criteria and Findings

8. The Project, as proposed, will result in discharges of earthen materials to a SEZ. Therefore, the Project requires an exemption to the waste discharge prohibition cited in Finding No. 6, above.

9. The Basin Plan contains a provision that the waste discharge prohibition cited in Finding No. 6, above, shall not apply to any activity the Water Board approves as reasonably necessary for erosion control projects, habitat restoration projects, wetlands rehabilitation projects, stream environment zone restoration projects, and similar projects, provided the following findings can be made:

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a. The project, program, or facility is necessary for environmental protection.

The Project will prevent sewage discharges to the Upper Truckee River that would likely occur as a result of additional river channel erosion further exposing the existing sewer line that crosses beneath the river and an associated sewer manhole located within the riverbank. The facilities, without the proposed protection, will be exposed to river flows and debris that will eventually damage the facilities, causing them to fail and discharge sewage to the river. The Project will prevent such discharges from occurring, and in doing so, will protect the environment from nutrients, bacteria, viruses, and other pollutants associated with sewage discharges.

b. There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in the Stream Environment Zone.

The Project is intended to protect the existing sewer line and manhole from further river channel erosion at their current location. Relocating the sewer line would either involve greater SEZ encroachment and disturbance than currently proposed given the extensive Upper Truckee River SEZ habitat in this portion of the District's service area, or require the District to construct and operate a new sewer pump station. The District currently does not have the financial resources available to fund and quickly build a new sewer pump station. The sewer line and manhole would be at an increasing risk of damage and failure while the District pursues financing, and designs and builds a new pump station, which would take two to four years to complete. This makes the pump station alternative infeasible for the current conditions. The District has also designed the Project to minimize the extent of SEZ encroachment (e.g., using existing pathways for access, minimizing the amount of rock armoring to that necessary to project the sewer line and manhole).

c. Impacts are fully mitigated.

The Project design includes temporary and permanent Best Management Practices to mitigate the Project's impacts. Temporary Best Management Practices will minimize water quality impacts during construction. All areas disturbed during construction will either be re-stabilized with rock armoring or with vegetation. The Project will ultimately result in reduced river channel erosion and a reduced threat of sewage discharges to the Upper Truckee River.

<u>Regionwide Prohibition Exemption Criteria and Findings</u>

10. Monitoring data for the Upper Truckee River shows that the river typically has very low natural levels of turbidity, except during high flow events (e.g., spring runoff, rain on snow events). Due to the very low turbidity levels that are anticipated to occur

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during the Project, even a slight increase in fine sediment input to the river during the Project is likely to exceed and result in a violation of the narrative water quality objective for turbidity cited in Finding No. 7, above. For example, an increase in turbidity from 1.0 NTU to 2.0 NTU or from 10 NTU to 12 NTU would violate the turbidity objective. Based upon anticipated environmental conditions, the Project, as proposed, will likely result in the narrative water quality objective for turbidity contained in the Basin Plan to be violated. Therefore, the Project requires an exemption to the waste discharge prohibition cited in Finding No. 7, above.

11. The Water Board may grant an exemption to all prohibitions contained in the Basin Plan, including the discharge of waste which causes violation of any narrative water quality objective contained in the Basin Plan, whenever it finds that a restoration project meets all of the following criteria:

    a. The project will eliminate, reduce, or mitigate existing sources of soil erosion, water pollution, and/or impairment of beneficial uses of water.

       The Project is restoring river channel stability and sewer line protection by eliminating, or at a minimum, significantly reducing ongoing river channel erosion at and near the sewer line location within the river channel. The District will install rock revetment to stabilize the riverbed and riverbank in order to stop the soil erosion that is currently occurring within the river channel. The rock revetment on the riverbank will be vegetated. By completing the Project, the District will reduce an existing source of erosion at the sewer line location and significantly reduce the risk of a sewer line failure and sewage discharge to the Upper Truckee River.

    b. There is no feasible alternative to the project that would comply with the provisions of the Basin Plan, precluding the need for an exemption.

       The Project is intended to protect the existing sewer line and manhole from further erosion and potential failure and discharge of sewage into the Upper Truckee River. Rerouting the sewer line to avoid all SEZ encroachment is financially infeasible at this time given the extensive Upper Truckee River SEZ habitat area, the portion of the District's service area served by the sewer line, and the likelihood that a new pump station would need to be financed, designed, and constructed in order to avoid all SEZ impacts. The sewer line and manhole would be at an increasing risk of damage and failure while the District pursues financing, and designs and builds a new pump station, making the pump station alternative infeasible for the current conditions.

    c. Land disturbance will be limited to the absolute minimum necessary to correct or mitigate existing sources of soil erosion, water pollution, and/or impairment of beneficial uses of water.

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The District will define of the Project boundaries using BMPs, vegetative fencing, and will protect soils along the access road, staging areas, and river crossing. Land disturbance will be kept to the minimum necessary to complete the Project.

d. All applicable Best Management Practices and mitigation measures have been incorporated into the project to minimize soil erosion, surface runoff, and other potential adverse environmental impacts.

   It is the Project's objective to significantly reduce an existing source of erosion within the Upper Truckee River, thus avoiding damage to and failure of the sewer line. The Project also incorporates BMPs and erosion control measures to reduce soil erosion, surface runoff, and other adverse environmental impacts within and adjacent to the Upper Truckee River during Project construction.

e. The project complies with all applicable laws, regulations, plans, and policies.

   The Project complies with all applicable laws, regulations, plans, and policies, including the Basin Plan exemption criteria associated with Basin Plan waste discharge prohibitions. The Project has received permits from the U.S. Army Corps of Engineers and the Tahoe Regional Planning Agency. The District is also coordinating with the California Department of Fish and Game in order to comply with that agency's regulations. Exemptions to waste discharge prohibitions are needed for a Clean Water Act section 401 Certification Order to be issued by the Water Board's Executive Officer for the Project.

f. Additional exemption criteria apply to restoration projects proposed within the Lake Tahoe Basin. To the extent that they are more stringent, the Lake Tahoe Basin criteria supersede the regionwide criteria, above.

   As described in Finding No. 9, above, disturbances within the SEZ resulting from Project activities require an exemption to a waste discharge prohibition against the discharge or threatened discharge of waste to SEZs attributable to new development or permanent disturbance within a SEZ. Finding No. 9, above, provides the necessary information demonstrating how the Project satisfies the exemption criteria for the SEZ-related waste discharge prohibition. This exemption is also part of this resolution.

12. The exemption to the waste discharge prohibition cited in Finding No. 7, above, applies to the following Project activities:

    a. Placement and removal of the stream crossing structure that will provide access to the center island work area;

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b. Placement and removal of stream diversion structures in either branch of the river around the center island;

c. Initial dewatering of each branch of the river channel; and

d. Reintroduction of river flows into each branch of the re-stabilized river channel.

13. The District will minimize turbidity levels to the maximum extent practicable using BMPs and setting the Project up to be conducted when river flows are 50 cubic feet per second (cfs) or less, and are forecasted to remain at such levels. In the event that river flows are unexpectedly forecasted to increase above 50 cfs, the Project area within the river channel will be temporarily prepared to receive river flows without exceeding the temporary water quality objective for turbidity identified below.

14. Through the use of BMPs and scheduling, turbidity levels 100 feet downstream of the Project area are not expected to exceed a one-hour rolling average of 20 NTU, unless turbidity levels upstream of the Project area already exceed a one-hour rolling average of 20 NTU. If turbidity levels upstream of the Project area exceed a one-hour rolling average of 20 NTU, then turbidity levels downstream of the Project area shall not increase more than 10 percent of upstream turbidity levels. These are the Project's temporary water quality objectives and will be enforced through the Clean Water Act Section 401 Water Quality Certification to be issued by the Water Board's Executive Officer.

California Environmental Quality Act

15. The Water Board's Executive Officer has filed a Notice of Exemption related to adopting this Resolution granting exemptions to the Basin Plan waste discharge prohibitions cited in Finding No. 6 and Finding No. 7, above. The Water Board's Executive Officer will also file a Notice of Exemption for the Clean Water Act Section 401 Water Quality Certification the Executive Officer will issue following adoption of this Resolution. Both Notices of Exemption are being filed in accordance with the California Environmental Quality Act (Public Resources Code 21000, et seq.), citing Public Resource Code section 21080(b)(4) (specific actions necessary to prevent or mitigate an emergency) and California Code of Regulations section 13269(b) (emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety, or welfare) and section 15269(c) (specific actions necessary to prevent or mitigate an emergency). The Project qualifies as a California Environmental Quality Act exempt emergency project because without the proposed Project actions, the sewer line and manhole could fail due to continued river channel erosion, thereby causing raw sewage to discharge into the Upper Truckee River, and resulting in loss of sewer services for a significant number of residences and businesses in the Meyers area.

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16. The Water Board has notified the District and interested agencies and persons of its intent to adopt this Resolution.

17. The Water Board, in a public meeting, heard and considered all comments pertaining to the proposed Project and proposed exemptions to waste discharge prohibitions in the Basin Plan.

THEREFORE, BE IT RESOLVED THAT:

1. The Water Board finds that the Project satisfies the criteria for exemptions to the waste discharge prohibitions cited in Finding No. 9, above.

2. The Water Board hereby grants an exemption to the Basin Plan waste discharge prohibition cited in Finding No. 6, above, for the Upper Truckee River Sewer Line Protection Project.

3. The Water Board finds that the Project satisfies the criteria for exemptions to the waste discharge prohibitions cited in Finding No. 11, above.

4. The Water Board hereby grants an exemption to the Basin Plan waste discharge prohibition cited in Finding No. 7, above, for the Upper Truckee River Sewer Line Protection Project.

5. Prior to construction commencing, the District must receive Water Quality Certification pursuant to Clean Water Act section 401.

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 June 14, 2012.

_____
HAROLD J. SINGER
EXECUTIVE OFFICER

Attachments: A. Project Vicinity Map

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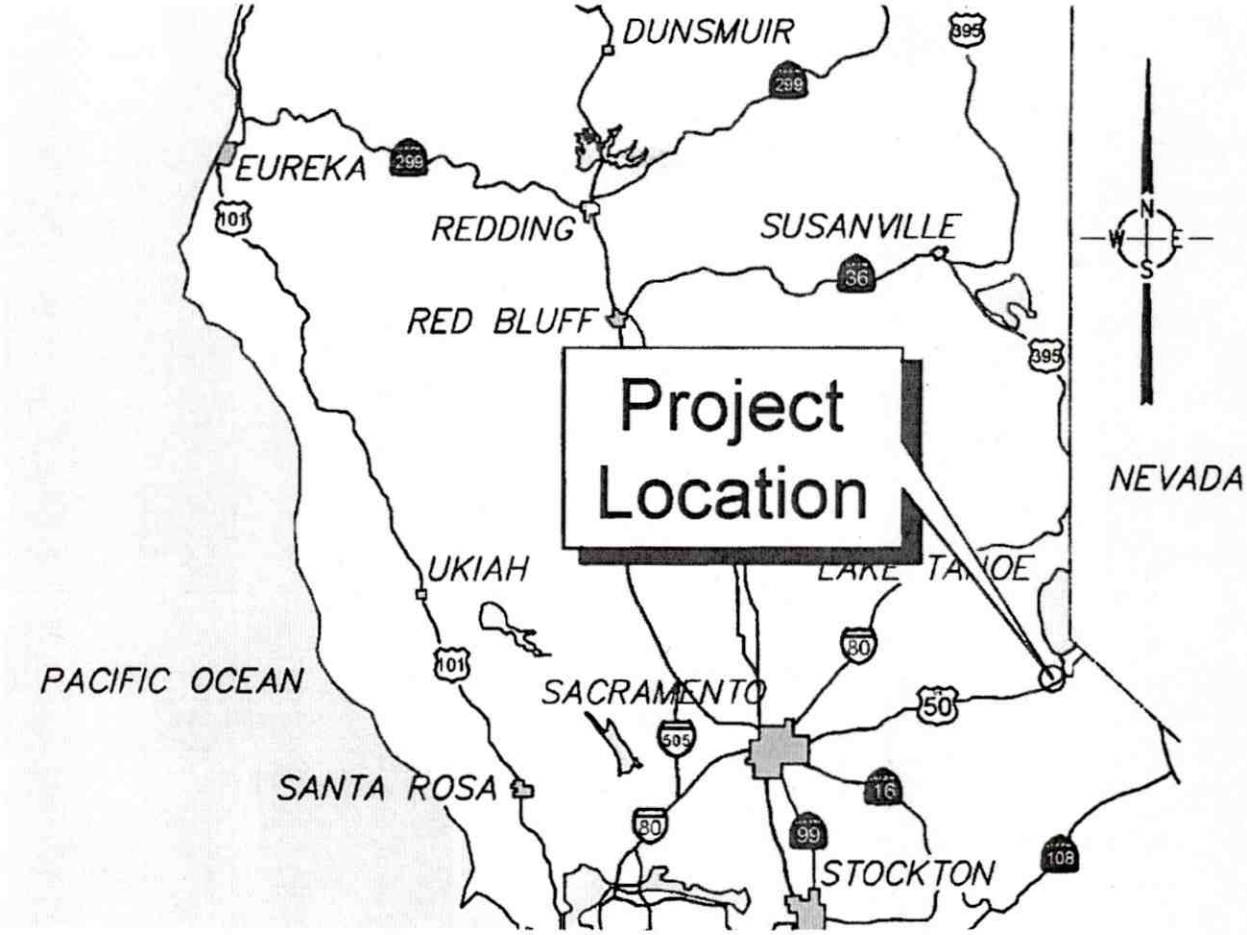

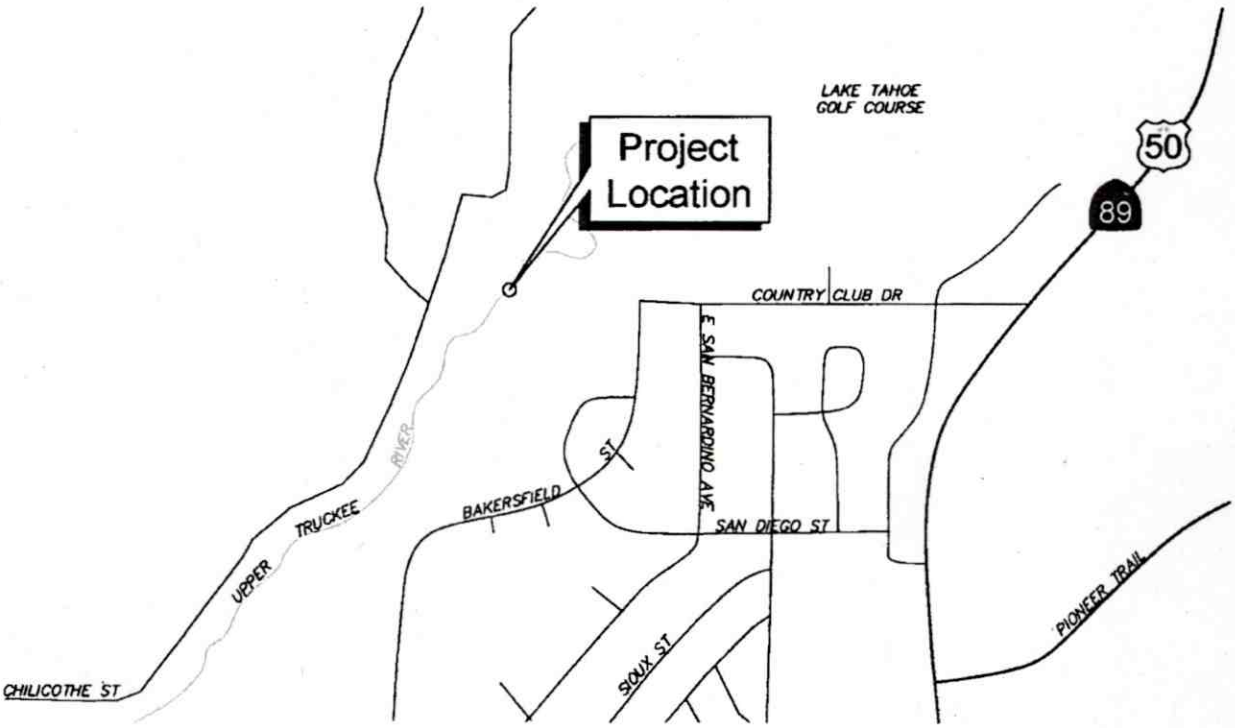

Attachment A

Project Vicinity Maps

Paul Sciuto, Assistant General Manager
South Tahoe Public Utility District
1275 Meadow Crest Drive
South Lake Tahoe, CA 96150

ORDER FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND PROHIBITION EXEMPTION FOR UPPER TRUCKEE RIVER EMERGENCY SEWER LINE PROTECTION PROJECT, EL DORADO COUNTY, WDID 6A091201004

The California Regional Water Quality Control Board, Lahontan Region (Water Board) has received a complete Clean Water Act Section 401 Water Quality Certification (WQC) application, and application filing fees for the South Tahoe Public Utility District's (District) Upper Truckee River Emergency Sewer Line Projection Project (Project) in El Dorado County. The Water Board also received information to support granting an exemption from certain waste discharge prohibitions in the Water Board's *Water Quality Control Plan for the Lahontan Region* (Basin Plan). This Order for WQC hereby assigns this Project the following Waste Discharger Identification (WDID) No. 6A091201004. 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 Resources Control Board (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.

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PROJECT DESCRIPTION

Table of Project Information:

WDID Number	6A091201004
Applicant	Paul Sciuto, Assistant General Manager South Tahoe Public Utility District 1275 Meadow Crest Drive South Lake Tahoe, CA 96150 530-543-6202/530-544-4964
Agent	Northwest Hydraulic Consultants Brent Wolfe 870 Emerald Bay Rd. South Lake Tahoe, CA 96150 530-544-3788
Project Name	Upper Truckee River Emergency Sewer Line Protection Project
Project Purpose and Description	Armor eroding riverbed and riverbanks to protect manhole at river's edge and to raise the riverbed to protect a sewer line that crosses beneath the Upper Truckee River. Install three rock/riffle grade control structures. Install vegetated rock slope bank protection near and upstream of manhole. Install rock key to reduce potential of river channel erosion at the pipeline location. Restore river channel stability and sewer line protection.
Location (closest City & County)	South Lake Tahoe, El Dorado County. The Project is located on lands owned and/or administered by the California Department of State Parks and Recreation, Lake Valley State Recreation Area.
Location Latitude/Longitude	38.865794/-120.020617
Hydrologic Unit(s)	634.10 South Tahoe Hydrologic Area
Project Area	41,550 square feet (0.95 acre); accessible from the intersection of Country Club Drive and Bakersfield Street
Receiving Water(s) Name	Upper Truckee River, Lake Tahoe
Water Body Type(s)	River
Wetlands within the Project area	Not delineated. Entire project area is considered Stream Environment Zone (SEZ).
Area of Water(s) of the U.S. (WOUS) within the project area	15,400 square feet (0.35 acre) below Ordinary High Water (OHW)
Area of Permanent	14,375 square feet (0.33 acre)

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Table of Project Information:

Impacts to WOUS	
Linear feet of Permanent Impacts to WOUS	300 linear feet
Volume of excavation and fill in WOUS	196 cubic yards (cy) excavation. 438 cy fill; 402 cy below Ordinary High Water (OHW)/36 cy above OHW. Net fill in WOUS is 242 cy.
Federal Permit(s)	The Applicant has applied for U.S. Army Corps of Engineers (USACOE) authorization to proceed under a Nationwide Permit No. 3, pursuant to Clean Water Act section 404.
Non-Compensatory Mitigation	During construction of the Project, the Applicant will follow Best Management Practices designed to minimize the short-term degradation of water quality.
Compensatory Mitigation	Restore vegetation and soil stability to all disturbed areas within the project site.
Applicable Fees	$944.00 base fee + $9.44/linear foot of permanent impacts [$9.44 X 300 = $2,832.00] = $3,776.00
Fees Received	$640.00 +$304.00 = $944.00
Fees Due	**$2,832.00**

CEQA COMPLIANCE

The Project is statutorily exempt from the California Environmental Quality Act (CEQA), according to the California Code of Regulations (CCR) title 14, section 15269(c). The Water Board will file a Notice of Exemption with the State Clearinghouse concurrently with this Order.

BASIN PLAN DISCHARGE PROHIBITIONS

On June ??, 2012, the Water Board adopted Resolution No. R6T-2012-XXXX granting exemptions to the following two Basin Plan waste discharge prohibitions:

> "The discharge or threatened discharge, attributable to new development in Stream Environment Zones, of solid or liquid waste, including soil, silt, sand, clay, or other organic or earthen material, to Stream Environment Zones in the Lake Tahoe Basin is prohibited." (Chapter 5, page 5.2-4)

> "The discharge of waste which causes violation of any narrative water quality objective contained in this Plan, including the Nondegradation Objective, is prohibited." (Chapter 5, page 5.2-1)

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SECTION 401 WATER QUALITY CERTIFICATION

Authority

Section 401 of the CWA (33 U.S.C., paragraph 1341) requires that any applicant for a CWA Section 404 permit, who plans to conduct any activity that may result in discharge of dredged or fill materials to waters of the United States, must provide to the permitting agency a certification that the discharge will be in compliance with applicable water quality standards of the state in which the discharge will originate. No Section 404 permit may be granted (or valid) until such certification is obtained. The District has submitted a complete application and an application fee for Water Quality Certification under Section 401 for the Upper Truckee River Emergency Sewer Line Protection Project. The Applicant has applied for ACOE authorization to proceed under a Nationwide Permit No. 3, pursuant to CWA section 404.

California Code of Regulations (CCR) Title 23, Section 3831(e) grants the Water Board Executive Officer the authority to grant or deny water quality certification for projects in accordance with Section 401 of the CWA. The Project qualifies for such water quality certification.

Standard Conditions

Pursuant to CCR title 23, section 3860, the following standard conditions are requirements of this certification:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to California Water Code Section 13330 and CCR title 23, section 3867.

2. This certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license unless the pertinent certification application was filed pursuant to CCR title 23, section 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. The validity of any non-denial certification action must be conditioned upon total payment of the full fee required under CCR title 23, section 3833, unless otherwise stated in writing by the certifying agency.

4. Neither project construction activities nor operation of the project may cause a violation of the Water Quality Control Plan for the Lahontan Region (Basin Plan), may cause a condition or threatened condition of pollution or nuisance, or cause any other violation of the California Water Code.

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5. The project must be constructed and operated in accordance with the project described in the application for water quality certification that was submitted to the Water Board. Deviation from the final project description constitutes a violation of the conditions upon which the certification was granted. Any significant changes to this project that would have a significant or material effect on the findings, conclusions, or conditions of this certification, including project operation, must be submitted to the Executive Officer for prior review and written approval.

6. This WQC is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this WQC and civil or criminal liability.

7. The Lahontan Water Board may add to or modify the conditions of this certification as appropriate to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act, or as appropriate to coordinate the operations of this project with other projects where coordination of operations is reasonably necessary to achieve water quality standards or protect the beneficial uses of water. Notwithstanding any more specific conditions in this certification, the project must be constructed and operated in a manner consistent with all water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.

8. This certification does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C. sections 1531 et seq.). If a "take" will result from any act authorized under this certification, the applicant must obtain authorization for the take prior to construction or operation of the project. The Applicant is responsible for meeting all applicable requirements of the Endangered Species Act for the project authorized under this certification.

Additional Conditions / Monitoring and Reporting Requirements

Pursuant to CCR title 23, section 3859(a), the following additional conditions are requirements of this certification:

1. All temporary best management practices (BMPs) must be inspected by Project personnel daily during project construction. The District must maintain daily

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inspection logs on site during project construction and provide a copy of inspection logs to Water Board staff upon request.

2. Prior to completing construction and demobilization, the District must clearly define all areas that will require revegetation and restoration due to soil disturbance, and report the areas to be restored in accordance land capability and coverage requirements verified in writing by the Tahoe Regional Planning Agency. Initial restoration actions in those areas must be accomplished before October 15, 2012. Areas to be revegetated must include, at a minimum, riverbanks, staging areas, temporary access route, and the dewatering basin. Temporary BMPs must be maintained in the disturbed areas until the restoration is completed and the areas are stabilized to prevent erosion.

3. The District must ensure that all biotechnical riverbank stabilization and wetland/SEZ restoration elements of the Project are fully incorporated through Project construction, including willow plugs, meadow/wetland sod, and any other channel vegetation. Monitoring of post-project vegetation conditions must follow guidelines and timelines as specified herein. Monitoring must continue until vegetation and relative soil stability are established, and all project elements are effectively achieving their objectives, including, but not limited to, successful revegetation, and river channel (bed and bank) stabilization.

   Revegetation implementation and subsequent monitoring in SEZ and wetland areas must follow guidelines and timelines as specified here. A compatible and appropriate seed mixture for the existing vegetation and soil conditions at the Project site is required to be used. Revegetation success criteria are based on a comparison to similar, undisturbed nearby areas, and must meet or exceed what is observed in these areas. Success criteria must include the following elements: soil moisture and compaction, native species composition, and percent cover (vegetative and total). Monitoring must include post-construction photographs and evaluation of the above criteria elements to confirm that the revegetation is successful. Monitoring must continue for a minimum three years and until the revegetation effort meets final success criteria.

   An annual report providing detailed information covering revegetation/restablization activity, a comparison of site conditions to interim and final success criteria, photo monitoring, and any corrective actions implemented in response to failing to meet interim or final success criteria, should such actions become necessary. The annual report shall address site conditions from October 1 through September 30 of the following year, and must be received by the Water Board by **November 1 following the end of each monitoring period. The first annual report is due November 1, 2012.**

4. Project-related activities shall not cause turbidity levels 100 feet downstream of the Project area to exceed a one-hour rolling average of 20 NTU, unless turbidity levels upstream of the Project area already exceed a one-hour rolling average of 20 NTU. If turbidity levels upstream of the Project area exceed a one-hour rolling average of

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20 NTU, then turbidity levels downstream of the Project area shall not increase more than 10 percent of upstream turbidity levels. Compliance with this temporary water quality limitation will be evaluated based upon the data obtain through the monitoring described below.

5. Near-continuous monitoring stations for turbidity shall be located within 100 feet upstream of and 100 feet downstream of the Project boundary to measure turbidity to the nearest 1 NTU. Alternate monitoring locations may be authorized in writing by the Executive Officer. The turbidity monitoring stations must be maintained and calibrated in accordance with manufacturer specifications, with records of calibrations and maintenance provided upon Water Board staff request. Near-continuous sampling protocol must include turbidity readings at approximately 15-minute intervals. A site plan identifying the locations of the monitoring stations, a description of the analytical equipment to be used, and the name(s) of the person or persons responsible for operating and maintaining the analytical equipment must be provided to the Water Board in writing a minimum of 72 hours prior to beginning any soil or vegetation-disturbing activities. Turbidity monitoring shall be initiated prior to beginning any soil or vegetation-disturbing activities. The date, time, sample location, and analytical results for all turbidity monitoring must be recorded.

6. The District must notify Water Board staff by telephone within 24 hours if monitoring data indicate that turbidity levels exceeded the temporary water quality limitation for turbidity identified in Additional Condition No. 5, above. The District must also provide a written report within 48 hours (two business days), identifying the cause(s) of the exceedance, corrective actions implemented and/or to be implemented to prevent a reoccurrence, and a schedule for implementing such corrective actions.

7. The District must notify the Water Board by telephone at least 24 hours prior to reintroducing river flows into either branch of the river channel following any in-channel (i.e. riverbank, riverbed, center island) work.

8. Turbidity monitoring after project completion: The District must notify the Water Board in writing within 48 hours of construction completion. The District must thereafter meet the water quality objective for turbidity as stated in the Basin Plan. Monitoring of turbidity must continue under Additional Condition No. 5, above, until revoked in writing by the Water Board Executive Officer.

9. The District must monitor river volumetric discharge (flow) rates at the US Geological Survey gaging station (USGS 103366092) upstream of the Project, which shall serve as flow rates for the Project site for the purposes of this Order. The District must cease construction (other than to install or maintain BMPs) if flows at the above-cited gage meet or exceed 50 cubic feet per second (cfs). The District must notify Water Board staff by telephone within four hours if flows of 50 cfs or greater cause cessation of work. The District must notify the Water Board upon discovery if

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operations of the USGS gage are interrupted, and provide an alternative means of monitoring flow rates.

10. The District must provide a weekly summary report in writing to the Water Board, including BMPs implemented and maintained, inspection records, turbidity measurements including computed one-hour rolling averages and daily maximum values, river flows, and construction progress. Reports must be provided each Wednesday (providing information for the previous week, Sunday – Saturday) by close of business as a fax (530-542-5470) or delivered as a hard-copy to the Water Board main office at 2501 Lake Tahoe Blvd., South Lake Tahoe, 96150. Turbidity measurements may be submitted by email or on electronic data storage media as electronic files suitable for viewing using Microsoft Excel or Access programs.

11. The District must monitor predicted weather patterns for the Project area. If inclement weather is eminent (40 percent chance of precipitation or greater based on National Weather Service forecasts), construction activity at the Project site must halt except as needed for soil stabilization measures to be implemented until the weather event has ceased.

12. The District must immediately (within two hours of identifying adverse condition) notify Water Board staff by telephone whenever an adverse condition occurs while the project is actively under construction. Such a condition includes, but is not limited to, a violation of the conditions of this Order, a spill of sewage, a spill of petroleum products or toxic chemicals, or damage to control facilities that would cause or threaten noncompliance with this Order. A written notification of the adverse condition must be submitted to the Water Board within three days of occurrence. The written notification must identify the adverse condition, describe the corrective actions to address the condition, and specify a timetable, subject to any modifications by Water Board staff, for completing the corrective actions.

13. All rock, gravel bags, or other construction-related materials imported to the Project site and placed below the Ordinary High Water mark (OHW) at the Project site must be clean, washed and free of any adhered soil material.

14. No debris, cement, concrete (or wash water therefrom), or oil or petroleum products shall enter into or be placed where it may be washed from the Project site by rainfall or runoff into waters of the State. When operations are completed, any excess material must be removed from the Project work area, and from any areas adjacent to the work area where such material may be transported into waters of the State.

15. Construction equipment must be monitored for leaks, and removed from service if necessary to protect water quality.

16. An emergency spill kit must be at the project site at all times.

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17. At the direction and discretion of the California Department of State Parks and Recreation (State Parks), the District must stockpile and salvage the organic and hydric soils excavated but not reused as a part of this Project for later use by State Parks in planned river/park restoration projects. The District must plan in advance which soils excavated from the project site will be stockpiled for State Parks, and must indicate in the District's weekly reports (required by Additional Condition No. 10, above) the location of stockpiles or other storage locations.

18. The District must prevent the introduction or spread of noxious/invasive weeds within the Project and staging areas. Measures may include the treatment of on-site infestations, the cleaning of all equipment and gear that has been at an infested site, the use of weed-free erosion control materials (including straw), and the use of weed-free seeds and plant material for revegetation of all disturbed areas.

19. A copy of this Order must be maintained at the Project site and be available at all reasonable times to site operating personnel and Water Board staff.

Enforcement

1. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of Clean Water Act section 401(d), the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

2. In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (State Water Board) or the California Regional Water Quality Control Board (Lahontan Water Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring report the State Water Board or Lahontan Water Board deems appropriate, provided that the burden, including costs, of the reports must be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

3. In response to any violation of the conditions of this certification, the Lahontan Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

Section 401 Water Quality Certification Requirements Granted

I hereby issue an order certifying that any discharge from the referenced Project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment

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Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Applicant's Project description and the terms specified in this water quality certification order, and (b) compliance with all applicable requirements of the Basin Plan.

We look forward to working with you in your efforts to protect water quality. If you have any questions, please contact Dale Payne at (530) 542-5464 or Alan Miller at (530) 542-5430.

HAROLD J. SINGER
EXECUTIVE OFFICER

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Patrick Moeszinger / CA Dept. Fish and Game [Rancho Cordova]

DYP/adw/T:Agenda Items\2012\6-June\STPUD UTR Exemptions\STPUD Emergency Pipeline Repair (5-2-2012)
File Under: Upper Truckee River Sewer Line Protection Project/WDID No. 6A091201004/Water Quality Certification

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