

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

**MEETING OF JUNE 19 AND 20, 2013
LEE VINING**

ITEM: 15

SUBJECT: **POLLUTANT LOAD REDUCTION PLANS FOR EL DORADO COUNTY, PLACER COUNTY, AND THE CITY OF SOUTH LAKE TAHOE**

CHRONOLOGY: November 16, 2010 –The Water Board amended the Lahontan Basin Water Quality Control Plan to incorporate a Total Maximum Daily Load (TMDL) and TMDL implementation plan to address Lake Tahoe’s declining deep water transparency.

April 19, 2011 – The State Water Board approved the Lake Tahoe TMDL amendments adopted by the Regional Board.

December 6, 2011 – The Water Board adopted Order R6T-2011-0101, updating waste discharge requirements and National Pollutant Discharge Elimination System Permit for urban storm water runoff in the Lake Tahoe hydrologic unit (Municipal Permit). The Municipal Permit includes important elements of the Lake Tahoe TMDL implementation plan, including pollutant load reduction requirements and related planning and tracking components.

October 10, 2012 – The Water Board amended the Lake Tahoe Municipal Permit to correct errata, clarify the intent of various requirements, and adjust language to address Permittee concerns.

March 15, 2012 –The City of South Lake Tahoe, El Dorado County, and Placer County each submitted a Pollutant Load Reduction Plan describing how urban runoff pollutant load reduction requirements for the first TMDL implementation phase will be met.

ISSUE: Should the Board accept the submitted Pollutant Load Reduction Plans?

DISCUSSION:

The Lake Tahoe TMDL identified urban storm water runoff as the largest controllable source of pollutants causing Lake Tahoe's transparency decline. The pollutant load allocations require each municipal jurisdiction to reduce fine sediment particle loading by ten percent during the first five year TMDL implementation phase.

To implement the load reduction requirements and facilitate TMDL implementation, the Municipal Permit requires each co-permittee to develop and submit comprehensive Pollutant Load Reduction Plans by March 15, 2013.

Each co-permittee submitted a Pollutant Load Reduction Plan on March 15, 2013 as required. The Pollutant Load Reduction Plans list which catchments (subwatersheds) each permittee plans to perform load reduction work, describe proposed pollutant control measures, and provide quantitative load estimates to demonstrate that proposed actions in identified watersheds will meet load reduction requirements.

The Municipal Permit states that the Water Board must accept the submitted Pollutant Load Reduction Plans at a public meeting following a public review and comment period.

Water Board staff posted the Pollutant Load Reduction Plans on the Water Board website on April 2, 2013. These plans are roughly 20-30 pages in length and are available on the Water Board website.

http://www.waterboards.ca.gov/lahontan/water_issues/programs/tmdl/lake_tahoe/npdes.shtml

Staff notified interested parties through the Water Board email listserv that the Pollutant Load Reduction Plans were available for review and requested comments by May 10, 2013.

The League to Save Lake Tahoe and the United States Environmental Protection Agency (US EPA) submitted comments on the proposed Pollutant Load Reduction Plans (Enclosures 2 and 3). The League supports the Water Board's acceptance of the municipalities plan and offered suggestions for improving plan requirements in the next permit term (scheduled for 2016).

The US EPA did not recommend any changes to the Pollutant Load Reduction Plans and stated their interest in ongoing collaboration with the Water Board and municipal partners in plan implementation. US EPA staff offered several suggested improvements to the Lake Clarity Crediting Program that will be considered as part of the Lake Tahoe TMDL Management System adaptive management process.

RECOMMENDATION:

Adopt the Proposed Resolution (Enclosure 1) accepting the submitted Pollutant Load Reduction Plans

Enclosure	Description	Bates Number
1	Resolution R6T-2013-PROPOSED	15-7
2	League to Save Lake Tahoe Comments	15-11
3	U.S. EPA Comments	15-15

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ENCLOSURE 1

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

LAHONTAN REGION

RESOLUTION R6T-2013-PROPOSED

**POLLUTANT LOAD REDUCTION PLAN ACCEPTANCE
EL DORADO COUNTY, PLACER COUNTY, AND THE CITY OF SOUTH LAKE
TAHOE**

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

1. Lake Tahoe is a designated Outstanding National Resource Water that is impaired by elevated fine sediment particle and nutrient inputs from developed lands, atmospheric deposition, and disturbed undeveloped lands and stream systems.
2. On November 16, 2010 the Water Board adopted Resolution R6T-2010-0058, amending the Water Quality Control Plan for the Lahontan Region (Basin Plan) to incorporate a Total Maximum Daily Load (TMDL) for sediments and nutrients for Lake Tahoe to restore Lake Tahoe's deep water transparency. The TMDL identified pollutant loads by source category, set load allocations at a basin-wide scale, and established an implementation plan. The State Water Board approved the Basin Plan amendments for the Lake Tahoe TMDL on April 19, 2011 and the United States Environmental Protection Agency approved the Basin Plan amendments and the Lake Tahoe TMDL on August 16, 2011.
3. To implement portions of the Basin Plan amendment related to reducing pollutant loading from urban areas, the Water Board adopted Order R6T-2011-0101 - Updated Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for Storm Water/Urban Runoff Discharges from El Dorado County, Placer County, and the City of South Lake Tahoe within the Lake Tahoe Hydrologic Unit (Municipal Permit). The Water Board amended the Municipal Permit on October 10, 2012 to adjust report submittal deadlines and add clarifying language.
4. To facilitate TMDL implementation, the Municipal Permit requires the City of South Lake Tahoe, El Dorado County, and Placer County to prepare PLRPs describing how each jurisdiction will meet pollutant load reduction requirements for the permit term. The Municipal Permit required the PLRPs be submitted by March 15, 2013, be circulated for public comment, and be considered for acceptance by the Water Board at a public meeting.

5. The City of South Lake Tahoe, El Dorado County, and Placer County each submitted a PLRP on March 15, 2013. The three submitted PLRPs comply with the requirements specified by the Municipal Permit.
6. On April 2, 2013 Water Board staff posted the three PLRPs on the Water Board website and notified interested parties through the Water Board email listserv that the PLRPs were available for review and requested comments by May 10, 2013.

THEREFORE, BE IT RESOLVED THAT:

The Lahontan Regional Water Quality Control Board accepts the Pollutant Load Reduction Plans submitted on March 15, 2013 by the City of South Lake Tahoe, El Dorado County, and Placer County.

I, Patty Z. Kouyoumdjian, 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 19 and 20, 2013.

PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

ENCLOSURE 2

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May 7, 2013

Robert Larsen
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd
South Lake Tahoe, CA 96150

RE: Pollutant Load Reduction Plans

Thank you for the opportunity to provide comments on the Pollutant Load Reduction Plans of the Lake Tahoe Municipal NPDES permit for Eldorado County, Placer County, and City of South Lake Tahoe.

After reviewing each jurisdiction's PLRP, the League to Save Lake Tahoe finds that the PLRPs meet the requirements of the current NPDES permit. The League suggests that for the next NPDES permit term the PLRPs and Crediting Program take into account how connectivity affects pollutant loads to the Lake. This was not a requirement for the PLRPs in the current permit term. The lack of connectivity accountancy in the PLRMs, while meeting permit requirements, may likely be giving inaccurate estimates to a jurisdiction's pollution inputs.

Thank you,

Nicole Gergans
Natural Resources Manager
League to Save Lake Tahoe

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ENCLOSURE 3

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Larsen, Robert@Waterboards

From: Landy, Jacques <Landy.Jacques@epa.gov>
Sent: Friday, May 10, 2013 4:47 PM
To: Larsen, Robert@Waterboards
Cc: Louis, Gail; Ziegler, Sam@epa.gov
Subject: RE: Pollutant Load Reduction Plans

Bob,

Thanks for the opportunity to comment on the Pollutant Load Reduction Plans (PLRPs) submitted by the municipal jurisdictions under Section IV.C of NPDES Permit No. CAG616001, for Storm Water/Urban Runoff Discharges from El Dorado Co (EDC), Placer Co, and the City of South Lake Tahoe (CSLT) within the Lake Tahoe Hydrologic Unit. These plans represent important milestones in the collaborative effort of attaining the Lake Tahoe TMDL's Clarity Challenge. Following are EPA's comments and observations on the plans.

In general, we find the PLRPs to be very instructive roadmaps that will help the individual communities and the public at large understand how jurisdictions intend to achieve the permit's effluent limits and Lake Clarity Credit Program (LCCP) requirements, as well as their intentions for complying with future permit load limits. The PLRPs all demonstrate a good faith effort to implement the innovative LCCP and to utilize the Pollutant Load Reduction Model (PLRM) embedded within the program. We note, however, that EDC raises numerous concerns/technical difficulties (Sec. 2.6) with PLRM and states its intent to "better understand BMP effectiveness and the PLRM," a goal also expressed by other jurisdictions (CSLT: Sec. 2.4, Placer Co: Sec. 3.0). EPA encourages the jurisdictions to actively participate in the Stormwater Tools Improvement Project to address these concerns and initiate the process of incorporating the latest information and understanding into priority tool refinements.

Road Ops Effectiveness Estimation: We note that the jurisdictions all rely primarily on water quality improvement projects and private property BMPs implemented within those project areas for obtaining the required credits, with minimal reliance on improved road operations and management measures (CSLT: 8%, Placer Co: 10%, EDC: 0%). All the jurisdictions state that in future permit terms, infrastructure operations and maintenance will play a more prominent role in their PLRPs and catchment credit schedules. EPA looks forward to assisting with the collaborative effort to better represent the effectiveness of such measures.

Connectivity validation: EPA applauds CSLT for the thoughtful approach it has taken to estimating connectivity, both for Pope Marsh (Sec. 5.1 of the City's 2011 Baseline Pollutant Load Estimate) and by means of a general connectivity methodology (Sec. 5.2). Regarding the method used to estimate barrier beach break-outs below Pope Marsh, EPA recommends that CSLT conduct field verification, perhaps by means of visual monitoring (such as photo-monitoring) to verify the conclusions concerning barrier beach break-out occurrences and their duration. Concerning the general connectivity methodology, EPA further recommends simple monitoring to validate the modeled estimates.

Inspections: EPA applauds CSLT's and Placer Co's statements (Secs. 2.4 and 6.0, respectively) that they will conduct site inspections and implement the tools available in their stormwater ordinances to control fine sediment discharges. The need to maintain inventories and conduct inspections of commercial, industrial and municipal facilities and to implement measures to reduce pollutant loads from these sites—including the jurisdictions' corporate yards-- was identified as a priority finding in the most recent EPA compliance audit of CSLT's and EDC's Storm Water Management Programs in 2009.

Crediting stream channel and floodplain restoration: Although not mentioned in any of the PLRPs, stream channel and floodplain restoration is another area in which future effort and research may develop both the necessary policy

framework and load estimation methodologies that could yield significant benefits under LCCP. The Lake Clarity Crediting Program Handbook (LCCPH) states (p. TT-20):

All load reductions achieved in addition to those identified in the Lake Tahoe TMDL Implementation Plan and supported by a rigorous load reduction estimate may be considered to contribute to an urban jurisdiction's lake clarity credits target. Load reductions resulting from stream restoration outside of the Upper Truckee River, Blackwood Creek or Ward Creek may be considered. Similarly, pollutant sinks not directly linked to a pollutant source in the TMDL may be considered, such as load reductions from increasing floodplain deposition of sediments.

As stated above and in EPA's 2003 Water Quality Trading Policy, it is not necessary that the pollutants removed as a result of non-urban load reductions originate from urban sources in order to be eligible to contribute to an urban jurisdiction's lake clarity credit target.

The LCCPH further indicates (p. TT-32):

... equivalency and uncertainty ratios may be applied that will provide assurances that the environmental benefit for non-urban pollutant controls are at least as beneficial to lake clarity as those achieved from urban stormwater reductions.

EPA considers that load reduction estimation methods for both channel restoration and floodplain deposition are sufficiently well-developed (an example is the Trout Creek restoration project) that urban jurisdictions should "...discuss the opportunities with regulators to determine if the opportunities may be eligible to generate credits." In order to improve certainty (or minimize equivalency and uncertainty ratios), it may be preferable to award credits retroactively based on estimations of actual load reductions achieved rather than to estimate potential load reductions based on application and verification of predictive models.

EPA appreciates the hard work undertaken by both Lahontan and stormwater jurisdiction staff in developing the LCCP and the PLRPs, and looks forward to collaborating in implementing these ambitious programs. Thanks again for the opportunity to comment and please contact me if you would like to discuss these matters further.

Sincerely,
Jack

Jack Landy
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From: lyris@swrcb18.waterboards.ca.gov [mailto:lyris@swrcb18.waterboards.ca.gov]
Sent: Tuesday, April 02, 2013 3:14 PM
To: Landy, Jacques
Cc: Larsen, Robert@Waterboards
Subject: Pollutant Load Reduction Plans

In accordance with the Municipal NPDES Storm Water Permit for Runoff Discharges in the Lake Tahoe Hydrologic Unit (Order R6T-2011-0101), the City of South Lake Tahoe, El Dorado County, and Placer County have each submitted Pollutant Load Reduction Plans describing how their respective municipalities will reduce fine sediment particle and nutrient loading to Lake Tahoe to meet established requirements. The submitted plans include measures taken since the Lake Tahoe TMDL baseline was established in 2004 and extend until the end of the existing permit term in 2015.

The plans are available for review on the Lahontan Water Board website:

http://www.waterboards.ca.gov/lahontan/water_issues/programs/tmdl/lake_tahoe/npdes.shtml