

## Lahontan Regional Water Quality Control Board

June 29, 2018

WDID 6A290408N01

### INTERESTED PERSONS

### **Public Comment Period – Notice of Proposed Rescission of Cleanup and Abatement Order No. R6T-2007-0015, Issued to Tahoe Donner Equestrian Center, Town of Truckee, Nevada County - Written Comments Due No Later than 5:00 PM, July 30, 2018**

On April 25, 2007, the Lahontan Regional Water Quality Control Board (Water Board) issued Cleanup and Abatement Order No. R6T-2007-0015 (Order) to Tahoe Donner Association (Discharger) to address violations of waste discharge prohibitions contained within the *Water Quality Control Plan for the Lahontan Region* (Basin Plan). The Order required the Discharger to cleanup and abate discharges of horse manure and sediment to surface waters at the Tahoe Donner Equestrian Center. As discussed in the enclosed draft document, the Discharger has complied with the requirements of the Order. Therefore, Water Board staff proposes rescinding Cleanup and Abatement Order No. R6T-2007-0015. The enclosed draft document that will rescind Cleanup and Abatement Order No. R6T-2007-0015 upon its signature, is also available at the Water Board's website:

[http://www.waterboards.ca.gov/lahontan/water\\_issues/programs/enforcement/](http://www.waterboards.ca.gov/lahontan/water_issues/programs/enforcement/)

**Persons may comment on the proposed rescission by submitting written comments so that they are received no later than 5:00 p.m. on July 30, 2018.** Please include "Tahoe Donner Equestrian Facility CAO Rescission" in the subject line, and submit by email to [RB6enproceed@waterboards.ca.gov](mailto:RB6enproceed@waterboards.ca.gov). For those that do not have the ability to email written comments, please include the same subject line, as above, and send your written comments to:

Lahontan Regional Water Quality Control Board  
2501 Lake Tahoe Blvd  
South Lake Tahoe, CA 96150  
Attn. Jeff Brooks

If you have any questions concerning this matter, please contact Jeff Brooks, Senior Engineering Geologist at (530) 542-5420 ([Jeff.Brooks@waterboards.ca.gov](mailto:Jeff.Brooks@waterboards.ca.gov)), or me at (530) 542-5452 ([Lisa.Scoralle@waterboards.ca.gov](mailto:Lisa.Scoralle@waterboards.ca.gov)).



for Lisa Scorable  
Engineering Geologist

Enclosure: Tahoe Donner Equestrian Center CAO Rescission Proposed Order

cc: Patty Z. Kouyoumdjian, Lahontan Water Board  
Jeff Brooks, Lahontan Water Board  
Tahoe Donner Equestrian Center Mailing List

LAS/mm/T: Tahoe Donner Equestrian Center CAO Rescission Cover Letter JB

PETER C. PUMPHREY, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

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

**BOARD ORDER NO. R6T-2018-(PROPOSED)**

**RESCISSION OF CLEANUP AND ABATEMENT ORDER NO. R6T-2007-0015  
ISSUED TO TAHOE DONNER ASSOCIATION**

**FOR**

**DISCHARGING HORSE MANURE AND SEDIMENT AT THE TAHOE DONNER  
EQUESTRIAN CENTER TO SURFACE WATERS OF THE TRUCKEE RIVER  
HYDROLOGIC UNIT IN VIOLATION OF WASTE DISCHARGE PROHIBITIONS  
CONTAINED WITHIN THE WATER QUALITY CONTROL PLAN FOR THE  
LAHONTAN REGION**

\_\_\_\_\_  
Nevada County

The California Regional Water Quality Control Board, Lahontan Region (Water Board) finds:

1. The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains the following waste discharge prohibitions.

*“The discharge, attributable to human activities, of any waste or deleterious material to surface waters of the Truckee River Hydrologic Unit or Little Truckee River Hydrologic Unit is prohibited.”*

*“The discharge or threatened discharge, attributable to human activities, of waste to lands within the 100-year floodplain of the Truckee River, Little Truckee River, and their tributaries is prohibited.”*

(Basin Plan, Chapter 4, Implementation, Unit/Area-Specific Prohibitions for the Truckee River and Little Truckee River Hydrologic Units, p. 4.1-16)

2. Pursuant to California Water Code section 13050, subdivision (d):

“Waste” includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.

The discharges of horse manure and sediment, which are considered wastes, violate the prohibitions cited in Finding No. 1.

3. In 2005 and 2006, Water Board staff received complaints of waste discharges to surface waters at the Tahoe Donner Equestrian Center (Facility). Water Board staff inspections confirmed that waste discharges of horse manure and sediment were occurring at the Facility in violation of the prohibitions cited in Finding No. 1.
4. On April 25, 2007, the Water Board issued Cleanup and Abatement Order No. R6T-2007-0015 (Order) to Tahoe Donner Association (Discharger) to address violations of waste discharge prohibitions in the *Water Quality Control Plan for the Lahontan Region* (Basin Plan).
5. The Order required the Discharger to identify interim measures to eliminate discharges of waste (i.e., horse manure and sediment) to surface waters, collect and analyze monthly surface water samples and submit monthly reports of results, and submit a long-term plan to maintain compliance with the Basin Plan prohibitions.
6. In response to the Order, the Discharger implemented monthly surface water sampling and reporting, prepared and implemented an updated Manure Management Plan, and delineated wetland habitat and 100-year floodplain area associated with affected surface waters. The Discharger's long-term compliance plan proposed a two-phased approach that included; 1) relocating horse corrals outside of floodplain areas and historical wetland habitat, followed by 2) restoring impacted historical wetland habitat.
7. The Discharger subsequently relocated the horse corrals outside of floodplain areas and initiated wetland habitat restoration. The wetland restoration plan required the most-disturbed (eastern) portion of the historical wetland area to be fenced, non-native species to be removed, and the area reseeded with native local species. Annual vegetation monitoring was to be performed for a minimum of five years or until final success criteria were met. The less-disturbed (western) portion of the historical wetland area was restored without the need for reseeding and annual monitoring, primarily by fencing off the area to prevent human, equestrian, and vehicular traffic from disturbing the wetland, and allowing it time to recover.
8. The final annual vegetation monitoring performance report (2016 Final Monitoring Report, dated August 2016, prepared by Kelly Biological Consulting) concluded that the restored wetland area was well-vegetated and stable, and that five-year performance standards (i.e., final success criteria) for the restoration project have been achieved.
9. On June 12, 2018, the Discharger submitted photo documentation demonstrating that the final sections of wetland habitat protective fencing have been installed, effectively protecting the restored wetland habitat from disturbance associated with human, equestrian, and vehicular traffic.

10. The Water Board finds that the corrective actions taken by the Discharger in response to the Order adequately addressed the violations that led to its issuance. The corrective actions mitigated the discharges of waste horse manure and sediment to surface waters by improving manure management practices, removing horse corrals from historical wetland areas, and restoring the damaged historical wetlands on the site.
11. The Discharger has complied with the requirements of the Order; and therefore, it is in the public interest to rescind the Order. The Water Board has notified the Discharger and interested persons of its intent to rescind the Order through a 30-day public notice and request for comments. The Water Board has considered all comments pertaining to the proposed rescission.
12. Issuance of this Rescission Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, section 21000, et seq.), in accordance with title 14, California Code of Regulations, section 15321.

**IT IS HEREBY ORDERED** that Cleanup and Abatement Order No. R6T-2007-0015 be rescinded.

Ordered by: \_\_\_\_\_ Dated: \_\_\_\_\_  
PATTY Z. KOUYOUMDJIAN  
EXECUTIVE OFFICER