

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO, 81-64

CERTIFYING IN PART THE TAHOE REGIONAL
PLANNING AGENCY 208 PLAN, AND SETTING
CONDITIONS OF CERTIFICATION

WHEREAS:

1. Section 208 of the federal Clean Water Act calls for preparation of areawide water quality management plans (208 Plans).
2. In January, 1978, the Tahoe Regional Planning Agency (TRPA) adopted a 208 Plan for the Lake Tahoe Basin.
3. In July, 1978, the State Board denied certification of the TRPA 208 Plan. The State Board reaffirmed the decision in November, 1978.
4. The State Board assumed responsibility for preparing a 208 Plan for the Lake Tahoe Basin. The State Board prepared and adopted the Lake Tahoe Basin Water Quality Plan, pursuant to State law. Adopted in October, 1980, the plan meets all requirements of Section 208 of the Clean Water Act.
5. To provide TRPA another opportunity to submit an adequate 208 Plan, the State Board did not certify the Lake Tahoe Basin Water Quality Plan to the Environmental Protection Agency for approval under Section 208 of the Clean Water Act. The State Board adopted Resolution 80-81, setting conditions for certification of a 208 Plan submitted by TRPA.
6. In response to State Board Resolution 80-81, TRPA prepared and submitted a revised 208 Plan. TRPA voted to adopt the 208 Plan at its May, 1981 governing board meeting, and the 208 Plan will take effect upon approval after second reading at the June governing board meeting.
7. For the California side of the Lake Tahoe Basin, the TRPA 208 Plan incorporates on an interim basis, pending completion of a revised regional plan, the provisions of the Lake Tahoe Basin Water Quality Plan.
8. With one exception, management of high erosion hazard and high runoff hazard lands, all other elements of the TRPA 208 Plan apply on both the California and the Nevada sides of the Lake Tahoe Basin. The TRPA 208 Plan elements setting restrictions on development apply on an interim basis, pending adoption of a revised regional plan.
9. For the Nevada side of the Lake Tahoe Basin only, the TRPA 208 Plan allows an exception from land capability coverage limitation for high erosion hazard and high runoff hazard lots approved after case-by-case review. Allowing the exception threatens to cause irreparable harm to water quality, and is not consistent with the nondegradation standard for Lake Tahoe.

10. As set forth by the June 1, 1981 Staff Report, the TRPA 208 Plan does not meet all of the requirements of State Board Resolution 80-81. Several issues required to be addressed by Resolution 80-81 and by Section 208 of the Clean Water Act have not been addressed in the TRPA 208 Plan. The TRPA 208 Plan does address the most critical water quality problems at Lake Tahoe, and adopts measures directed to controlling these water quality problems. The provision of the TRPA 208 Plan applicable to both sides of the region represent substantial progress toward achievement of water quality goals.

THEREFORE, BE IT RESOLVED:

1. That the State Board, acting for the Governor of the State of California, certifies the TRPA 208 Plan, with the following conditions and exceptions:

A. Conditions

1. That the water quality problems and control needs which are not addressed in the TRPA 208 Plan -- as set forth in the June 1 Staff Report -- shall be addressed in TRPA's revised regional plan.
2. That the revised regional plan shall address the impacts on water quality of the regional transportation plan, including the impacts of allowing exceptions from development prohibitions for elements of the regional transportation plan.
3. That TRPA shall submit the revised regional plan to the State Board and the Nevada Division of Environmental Protection (NDEP) for review and certification under Section 208 of the Clean Water Act.
4. That by December 31, 1981, TRPA shall develop the regulatory programs and adopt all ordinances necessary to carry out the provisions of the TRPA 208 Plan which address remedial erosion control projects, on-site runoff, forest practices, and transfer of development rights.
5. That by October 31, 1981, TRPA shall adopt the resolution necessary to carry out the offset program adopted as part of the TRPA 208 Plan.
6. That by October 31, 1981, TRPA shall amend the ordinances implementing its 208 Plan, or provide an interpretation of the ordinance by its legal counsel, clarifying that:
 - o the exemption for single-family dwellings with 1980 approvals or permit allocations does not exempt those structures from compliance with best management practices;

- o The exemption does not exempt those structures from any requirements in effect at the time they received the allocations or permit approvals; and
- o The exemption applies only to the construction for which the approvals or permit allocations were obtained, not for any later remodeling, addition or reconstruction which would require new permits.

B. Exception

1. The State Board does not certify the provisions of the TRPA 208 Plan applicable to the Nevada side only which address management of high erosion hazard and high runoff hazard lands. The State Board can certify this element of the TRPA 208 Plan if, after review of its experience with case-by-case review, TRPA decides not to continue the case-by-case review program, or TRPA can demonstrate to the State Board that the program can be continued consistent with water quality objectives.

2. That this certification shall take effect and shall be submitted to the Environmental Protection Agency as soon as the TRPA 208 Plan is approved upon second reading before the TRPA governing board.

CERTIFICATION

The undersigned, Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on June 18, 1981.



Clint Whitney
Executive Director