



Central Valley Regional Water Quality Control Board

10 October 2019

County of Lake | Water Resources Department
Attn: Scott DeLeon
255 Forbes St. Lakeport, CA 95453
Scott.DeLeon@lakecountyca.gov

CERTIFIED MAIL
7019 0700 0002 0111 5275

County of Lake | Water Resources Department
Attn: Angela De Palma-Dow
255 Forbes St. Lakeport, CA 95453
Angela.DePalma-Dow@lakecountyca.gov

CERTIFIED MAIL
7019 0700 0002 0111 5282

ORDER PURSUANT TO WATER CODE SECTION 13267

You are legally obligated to respond to this Order. Please read this Order carefully.

The Central Valley Regional Water Quality Control Board (Central Valley Water Board or Board) issues this Order pursuant to California Water Code section 13267, which requires the submittal of a written technical report to the Board that assesses all management practices that have been implemented to reduce phosphorus loads to Clear Lake in response to the Clear Lake Nutrient Total Maximum Daily Load (TMDL). This report and the associated deliverables must be submitted to the Board in accordance with the schedule outlined in this Order. Applicable monitoring data that has not previously been submitted to the Board shall also be included with the technical report.

This information is to be submitted to:

Attention: Taran Sahota
California Regional Water Quality Control Board,
Central Valley Region
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670
taranjot.sahota@waterboards.ca.gov

Central Valley Water Board staff is requesting information to assess whether the County of Lake Water Resources Department (Lake County) is in compliance with the assigned load allocation under the Clear Lake Nutrient TMDL, as required by the 2006 Amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins for the Control of Nutrients in Clear Lake (Basin Plan Amendment).

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

This Order, which requires the submittal of technical information describing the management practices implemented to reduce phosphorus loads to Clear Lake, is being issued because Lake County is one of the responsible parties identified and assigned a load allocation in the 2006 Clear Lake Nutrient TMDL. The Clear Lake Nutrient TMDL Control Program was adopted in 2006. The waste load allocations were based on modeling studies that predicted a 40% reduction in average phosphorus loading would significantly reduce the frequency of algae blooms. The load allocation for nonpoint source dischargers is 85,000 kg/year average annual phosphorus load (five year rolling average). Lake County, the U.S. Bureau of Land Management (USBLM), U.S. Forest Service (USFS), and Irrigated Agriculture are responsible for controlling phosphorus discharges from those portions of the watershed within their respective authority. The compliance date for the TMDL was 19 June 2017.

According to the [2018 Clear Lake Nutrient TMDL Technical Memorandum](#), which summarizes and evaluates previously available data and implementation efforts, staff cannot verify that the Lake County waste load allocation is being met. Although management practices have been implemented extensively to reduce contributions of phosphorus loads to Clear Lake, and the utilization of management practices indicate sediment and nutrient loading reductions, there is insufficient data to quantify the phosphorus loading reductions into Clear Lake from unincorporated County lands.

Therefore, Central Valley Water Board is requesting the following information with the associated deadlines for each task:

- 1) By 31 January 2020, submit a compiled list of implemented management practices that reduce soil erosion in the unincorporated areas of the County pre- and post-TMDL adoption.
- 2) By 31 March 2020, submit a rough estimate of the County's load reduction based on the identified management practices. This estimate shall demonstrate whether a 40% reduction in the phosphorus load has been made since the implementation of the TMDL. This estimate can be calculated using any available data, from modelling, literature and case study data corresponding to each practice and its estimated reduction.
- 3) By 30 June 2020, submit a written technical, final report that describes management practices implemented to reduce phosphorus loads to Clear Lake. This assessment will summarize the prior deliverables and must include:
 - A comparison of pre- and post-TMDL management practices,
 - An evaluation of the effectiveness of management practices implemented by Lake County,
 - Applicable monitoring data that has not previously been submitted to the Board,
 - A total number of acres implementing current management practices,
 - Summary of total acres associated with each current management practice, and
 - An estimate of the load reduction from Lake County based on the implementation of management practices compared to the TMDL load allocation.
- 4) Board staff will review the findings of the technical report once submitted. Based on the assessment, if Board staff conclude that the load allocation for Lake

County is not being met, the Executive Officer will notify you and require you to submit a Work Plan. The Work Plan to reduce discharges of phosphorus and comply with the designated allocation is due to the Board within six months of the date of Executive Officer notification that a Plan is required. This Work Plan shall include:

- A detailed timeline outlining when Lake County will be in compliance with the specified load allocation,
- Additional management practices that will be implemented,
- The potential locations of future management practices, and
- A quantitative estimate of the load reduction based on the methods outlined in the Work Plan.

5) All submittals pursuant to this Order must be accompanied by a signature statement whereby the person submitting the report represents:

“I certify under penalty of law that to the best of my knowledge and belief, this document and any attachments submitted is true, accurate, and complete and was prepared by me or under my direction or supervision. I am aware that there are significant penalties for knowingly submitting false information.”

If, in the opinion of the Assistant Executive Officer, there is failure in complying with this Order, the Assistant Executive Officer may issue a complaint for administrative civil liability. Failure to timely submit the required information may result in the imposition of administrative civil liability (monetary penalty) of up to \$1,000 per day under Water Code section 13268. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law, including, but not limited to, issuance of Orders under Water Code section 13304 to mandate implementation of the TMDL waste load allocation and submission of a technical report. You have the right to appeal the Central Valley Water Board’s issuance of this order by submitting a petition for review to the State Water Board. The State Water Board must receive the petition by 5 p.m., 30 days after the date this Order is issued, unless the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, in which case the petition must be received by 5 p.m. on the next business day. The regulations applicable to filing petitions may be found on the State Water Resources Control Board’s [public notices website](#) or will be provided upon request

If you require more time than allowed by this Order to submit the information, please submit a written request for a time extension to the Executive Officer. The Executive Officer will review and approve requests for time extensions on a case-by-case basis.

If you have any questions regarding this Order, please contact Taran Sahota at (916) 464-4716 or via email at taranjot.sahota@waterboards.ca.gov.

ORIGINAL SIGNED BY PATRICK PULUPA
PATRICK PULUPA, Executive Officer