

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION

RESOLUTION R6T-2003-0029

**AL AND KARLA POMBO, HOBART MILLS INDUSTRIAL PARK -  
EXEMPTION TO A PROHIBITION CONTAINED IN THE WATER QUALITY  
CONTROL PLAN FOR THE LAHONTAN REGION**

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**WHEREAS**, the California Regional Water Quality Control Board, Lahontan Region finds:

1. On March 11, 2002, Al and Karla Pombo (hereinafter referred to as Discharger) submitted an incomplete Report of Waste Discharge to the Regional Water Quality Control Board, Lahontan Region (Regional Board) for the Hobart Mills Industrial Park Project (hereinafter referred to as the Project). The Report of Waste Discharge was determined to be complete upon the submittal of additional information on April 4, 2003.
2. The Project consists of constructing an industrial/business park on three contiguous parcels. The total property size will be approximately 133 acres. It is proposed to install a centralized on-site septic tank/leachfield system to treat and dispose domestic wastewater from the proposed development. It is estimated that a maximum of 6,500 gallons per day (gpd) of domestic wastewater will be generated (and treated on site) from the Project. The Project will be served by a centralized water system operated by the Discharger, which will be supplied by a domestic well located more than 1,000 feet away and cross-gradient from the proposed discharge disposal area.
3. The Project is located at 14825 Old Highway 89 North, Nevada County Assessor Parcel Numbers 16-540-04, -08, and -09. The area is approximately four miles north of Truckee adjacent to Highway 89-North. The Project is within the portion of the Truckee River Hydrologic Unit above the confluence of the Truckee River and the Boca Reservoir outlet. The Project area is shown in Attachments "A" and "B", which are made a part of this Resolution.
4. The Regional Board adopted the *Water Quality Control Plan for the Lahontan Region* (Basin Plan), which became effective on March 31, 1995. This Resolution implements the Basin Plan, as amended.
5. The Basin Plan prohibits the discharge of domestic wastewater to individual facilities such as septic tank/leachfield systems for any subdivision that: (1) did not discharge prior to October 16, 1980, and (2) is in an area where the underlying ground waters are tributary to the Truckee River or any of its tributaries above the confluence of the Boca Reservoir outlet and the Truckee River. The Basin Plan allows an exemption to

the prohibition whenever the Regional Board finds that, "...operation of individual domestic wastewater facilities in a particular area will not individually or collectively, directly or indirectly affect water quality."

6. On March 12, 1981 the Regional Board adopted Board Order No. 6-81-7, "Variance to Prohibition of New Septic Tank Subdivisions in the Truckee River Hydrologic Unit." This Order is included in the Basin Plan in its entirety. A copy of that Order is shown in Attachment "C", which is made a part of this Resolution. The Regional Board may grant a variance to the prohibition for non-residential developments only when the following criteria are satisfied:

- a. *A civil engineer registered by, or an engineering geologist certified by, the State of California provides data which substantiates that criteria for waste disposal from land developments specified in the Basin Plan can be met on all proposed lots or that proposed specially designed on-site wastewater systems will protect water quality.*

On October 1, 2002, Trygve Loken, a California certified engineering geologist, Certification No. EG 1811, prepared an on-site sewage disposal percolation test report for the proposed Project. The proposed disposal site satisfied established percolation rate criteria for on-site waste disposal. On April 4, 2003, John Shaw, a California registered civil engineer, Certification No. C61007, submitted the remaining portions of an on-site sewage disposal report. The proposed disposal site satisfies standard criteria established for maximum building density; minimum distances to wells, surface waters, and property boundaries; depths to impervious layers; minimum depth to high ground water; and maximum ground slope.

- b. *No proposed division of land for development where the average lot size is less than 2½ acres (gross acreage) shall be exempt from the prohibition except where the Regional Board determines that a variance shall be granted because temporary, short-term use of on-site systems is proposed.*

The maximum wastewater flow is estimated at 6,500 gallons per day. This flow equates to approximately 26 equivalent dwelling units (EDUs) based upon 250 gallons per day per EDU. The average equivalent lot size for each EDU is approximately 5.11 acres on the existing 133-acre Project site.

- c. *Proposed land divisions where a point total of ten or more can be demonstrated may be granted a variance to the prohibition. A point system is established in Board Order No. 6-81-7.*

A total of 21 points are demonstrated. The average lot size is over 5 acres (10 points), the distance of the nearest land division boundary to an existing/proposed sewerage facility is approximately 4 miles (4 points), the number of single family dwelling equivalents is 26 units (2 points), and the shortest distance of land

division effluent surface water entrance area downstream from the critical section of the Truckee River is over 2 miles (5 points).

- 7. The Nevada County Planning Commission on June 28, 2001, in accordance with the California Environmental Quality Act adopted a mitigated negative declaration for the Project.
- 8. The Regional Board heard and considered all public comments on this matter at a public meeting and determined that the Project meets the exemption criteria for the following reasons:
  - a. A California Registered civil engineer and a California certified engineering geologist provided data reviewed by Regional Board staff which substantiates that the Basin Plan criteria for an on-site waste water disposal system can be satisfied by the Project.
  - b. The average equivalent lot size is greater than 2.5 acres.
  - c. The 10-point minimum criteria established by Regional Board Order No. 6-81-7 is satisfied by the Project.

**THEREFORE BE IT RESOLVED THAT:**

- 1. The criteria established for exemptions to the Basin Plan prohibition stated in Finding No. 6 above will be met for the Hobart Mills Industrial Park Project.
- 2. The Regional Board hereby grants an exemption to the Basin Plan prohibition stated in Finding No. 5 for the Hobart Mills Industrial Park Project.
- 3. The Regional Board may revoke this exemption if it is demonstrated that the septic system is adversely impacting ground water quality for designated beneficial uses.

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 12, 2003.

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HAROLD J. SINGER  
EXECUTIVE OFFICER

- Attachments:
- A. Project Vicinity Map
  - B. Project Map
  - C. Board Order No. 6-81-7