

Lahontan Regional Water Quality Control Board

June 26, 2014

Robert Lauchland
3855 W. Turner Road
Lodi, CA 95242

BOARD ORDER NO. R6T-2014-0046 FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR THE LAUCHLAND DOCK REMODEL PROJECT, TOWN OF TRUCKEE, NEVADA COUNTY, WDID 6A291403002

The California Regional Water Quality Control Board, Lahontan Region (Water Board) has received a complete Clean Water Act (CWA) section 401 Water Quality Certification (WQC) application and application filing fee from Robert Lauchland (Applicant) for the Lauchland Dock Remodel Project (Project) in Truckee, Nevada County. This Order for WQC hereby assigns this Project the following reference number: Waste Discharger Identification (WDID) No. 6A291403002. Please use this reference number in all future correspondence regarding this Project.

Any person aggrieved by this action of the Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations (CCR), title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

PROJECT DESCRIPTION

Table of Project Information:

WDID Number	6A291403002
Applicant	Robert Lauchland 3855 W. Turner Road Lodi, CA 95242
Project Name	Lauchland Dock Remodel Project
Project Purpose and Description	Attach a 20 by 20 foot platform at the end of an existing 40 feet by 6 feet dock on Donner Lake. Two steel girders, six steel posts and six concrete footings will be used to support the addition to the dock.
Project Type	Boating and Navigation
Project County	Nevada

Table of Project Information Continued:

Project Address or other Locating Information	15078 Southshore Drive, Truckee, CA						
Location Latitude/Longitude	Latitude: 39.317, Longitude: -120.279						
Hydrologic Unit(s)	Truckee River Hydrologic Area, 635.20 in the Truckee River Hydrologic Unit, 635.00						
Overall Project Area	0.5 acres						
Receiving Water(s) Name	Donner Lake, a tributary of the Truckee River						
Water Body Type(s)	Lake						
Designated Beneficial Uses	MUN, AGR, GWR, FRSH, REC-1, REC-2, COMM, COLD, WILD, BIOL, RARE, MIGR, SPWN, WQE, FLD						
Potential Water Quality Impacts	Discharge of materials to the lakebed from Project implementation.						
Area of Water(s) within the Overall Project Area	1,200 square feet, 20 linear feet						
Impacts of Fill within Waters of the state, including Waters of the U.S. (WOUS)	Waterbody Type	Permanent			Temporary		
		Square Feet	Linear Feet	Cubic Yards	Square Feet	Linear Feet	Cubic Yards
	<i>Lake</i>	6					
	<i>Riparian</i>						
	<i>Stream</i>						
	<i>Wetland</i>						
Federal Permit(s)	The Applicant has applied for U.S. Army Corps of Engineers (USACOE) authorization to proceed under Nationwide Permit No. 25, pursuant to CWA section 404.						
Non-Compensatory Mitigation	The Project will occur during the low water level periods of Donner Lake to ensure all work in the lakebed occurs in dry conditions. Work within the lakebed will be conducted by hand labor and the proposed footings will be poured in place. Concrete will be transported to each individual footing by concrete delivery hose so no concrete will be mixed on site. If necessary, sandbags will be used to create a small dewatering berm to serve as a receiving site for any water pumped from the excavated pier footing holes. No pressure treated wood will be used in any portion of this pier Project.						
Compensatory Mitigation	No mitigation necessary due to very minor impact area.						
Applicable Fees	\$1,201 (base application fee)						
Fees Received	\$1,201						

CEQA COMPLIANCE

Water Board staff have determined that this Project is exempt from the California Environmental Quality Act (CEQA)(Public Resources Code Section 21000 et seq.). In accordance with section 15303, the basis for CEQA exemption is "New Construction or Conversion of Small Structures." A Notice of Exemption will be filed with the State Clearinghouse concurrently with issuing this Order.

WATER QUALITY CONTROL PLAN WASTE DISCHARGE PROHIBITION

The Water Board has adopted a *Water Quality Control Plan for the Lahontan Region* (Basin Plan), which specifies the following discharge prohibition:

"4(c) The discharge or threatened discharge, attributable to human activities, of solid or liquid waste materials including soil, silt, clay, sand, and other organic or earthen materials to lands within the 100-year floodplain of the Truckee River or any tributary to the Truckee River is prohibited."

No exemption to the above Basin Plan prohibition is granted with the WQC. Therefore, the Project proponent must not discharge waste of any kind, including those cited above, below the 100-year floodplain of Donner Lake.

SECTION 401 WATER QUALITY CERTIFICATION

Authority

Section 401 of the CWA (33 U.S.C., paragraph 1341) requires that any applicant for a CWA section 404 permit, who plans to conduct any activity that may result in discharge of dredged or fill materials to WOUS, must provide to the permitting agency a certification that the discharge will be in compliance with applicable water quality standards of the state in which the discharge will originate. No section 404 permit may be granted (or valid) until such certification is obtained. The Applicant submitted a complete application and application filing fee required for WQC under section 401 for the Project. The Applicant has applied for USACOE authorization to proceed under Nationwide Permit No. 25 pursuant to CWA section 404.

CCR, title 23, section 3831(e) grants the Water Board Executive Officer the authority to grant or deny WQC for projects in accordance with CWA section 401. The Project qualifies for such WQC.

Standard Conditions

Pursuant to CCR title 23, section 3860, the following standard conditions are requirements of this certification:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and CCR title 23, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license unless the pertinent certification application was filed pursuant to CCR title 23, section 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action shall be conditioned upon total payment of the full fee required under CCR Section title 23, section 3833, unless otherwise stated in writing by the certifying agency.

4. Neither Project construction activities nor operation of the Project may cause a violation of the Basin Plan, may cause a condition or threatened condition of pollution or nuisance, or cause any other violation of the Water Code.
5. The Project must be constructed and operated in accordance with the Project described in the application for water quality certification that was submitted to the Water Board. Deviation from the Project description constitutes a violation of the conditions upon which the certification was granted. Any significant changes to this Project that would have a significant or material effect on the findings, conclusions, or conditions of this certification, including Project operation, must be submitted to the Executive Officer for prior review and written approval.
6. This WQC is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any conditions contained in any other permit or approval issued by the state of California or any subdivision thereof may result in the revocation of this certification and civil or criminal liability.
7. The Water Board may add to or modify the conditions of this certification as appropriate to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the CWA, or as appropriate to coordinate the operations of this Project with other projects where coordination of operations is reasonably necessary to achieve water quality standards or protect the beneficial uses of water. Notwithstanding any more specific conditions in this certification, the Project must be constructed and operated in a manner consistent with all water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the CWA.
8. This certification does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C. sections 1531 et seq.). If a "take" will result from any act authorized under this certification, the Applicant must obtain authorization for the take prior to construction or operation of the Project. The Applicant is responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this certification.

Additional Conditions

Pursuant to CCR title 23, section 3859(a), the following additional conditions are requirements of this certification:

1. No excavated soil, lakebed materials, debris, cement, concrete (or wash water therefrom), oil or petroleum products must be allowed to enter into or be placed where it may be washed from the Project site by rainfall or runoff into waters of the

state. When operations are completed, any excess material must be removed from the Project work area, and from any areas adjacent to the work area where such material may be transported into waters of the state. The discharge of wastes within the 100-year floodplain of Donner Lake is prohibited.

2. The Project must be implemented during low-water conditions. Installation of the pilings and other elements of the Project must occur above the actual water line of Donner Lake.
3. Direct discharge to the Lake from dewatering operations is prohibited.
4. The Applicant must stabilize from erosion all areas of temporary impacts to waters of the state and all other areas of temporary upland disturbance due to placement of dredged and/or fill material which could result in a discharge or a threatened discharge to waters of the state.
5. The Applicant must prevent the introduction or spread of noxious/invasive weeds within the Project and staging area. Control measures may include cleaning all equipment and gear prior to use on the site.
6. Water Board staff must be notified 48 hours prior to commencement of ground disturbance.
7. The Applicant must permit Water Board staff or its authorized representative upon presentation of credentials:
 - a) Entry onto Project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - b) Access to copy any record required to be kept under the terms and conditions of this Order.
 - c) Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Order.
 - d) Sampling of any discharge or surface water covered by this Order.
8. A copy of this Order must be maintained at the Project site so as to be available at all reasonable times to site operating personnel and Water Board staff.
9. Construction equipment must be monitored for leaks, and removed from service if necessary to protect water quality.
10. An emergency spill kit must be at the Project site at all times.

Enforcement

1. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of

2. CWA section 401(d), the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
3. In response to a suspected violation of any condition of this certification, the State Water Board or the Water Board may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring report the State Water Board or Water Board deems appropriate, provided that the burden, including costs, of the reports must be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
4. In response to any violation of the conditions of this certification, the Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

Section 401 Water Quality Certification Requirements Granted

I hereby issue an Order certifying that any discharge from the referenced Project will comply with the applicable provisions of CWA sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards), and with other applicable requirements of state law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this WQC.

Except insofar as may be modified by any preceding conditions, all WQC certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Applicant's Project description and the terms specified in this WQC order, and (b) compliance with all applicable requirements of the Basin Plan.

We look forward to working with you in your efforts to protect water quality. If you have questions, please contact Tobi Tyler, Water Resources Control Engineer, at (530) 542-5435 or Alan Miller, North Basin Regulatory Unit Chief, at (530) 542-5435.


PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

cc: Leah Fisher, U.S. Army Corps of Engineers, Sacramento Office
Angela Calderaro, California Department of Fish and Wildlife
Ninette Lee, California State Lands Commission
Jason Brush, Wetlands Regulatory Office (WTR-8), US EPA, Region 9
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