

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

**MEETING OF JULY 16-17, 2014  
SOUTH LAKE TAHOE**

**Late Addition**

**ITEM: 12**

**SUBJECT: WASTE DISCHARGE REQUIREMENTS FOR TAHOE KEYS  
PROPERTY OWNERS ASSOCIATION (TKPOA), EL DORADO  
COUNTY**

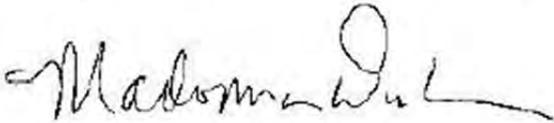
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Please add the following pages as Enclosure 4, Response to Comments, for this item.

Comment	Response
<div data-bbox="205 245 466 360">  <p><b>Tahoe Water Suppliers Association</b> Protect the Source</p> </div> <div data-bbox="506 261 749 337"> <p>1220 Sweetwater Road Incline Village, Nevada, 89451 775-832-1212</p> </div> <div data-bbox="793 245 980 500"> <p><b>TWSA Members:</b> Cave Rock Water System Edgewood Water Company Glenbrook Water Company Incline Village GID Kingsbury GID Lakeside Park Association North Tahoe PUD Round Hill GID Skyland Water Company South Tahoe PUD Tahoe City PUD Zephyr Water Utility</p> </div> <p data-bbox="226 448 317 469">6/23/2014</p> <p data-bbox="226 542 949 610"><b>TWSA Comment Regarding Lahontan Region Water Quality Control Board Tentative Water Quality Certification and Waste Discharge Requirements (WDR) for Tahoe Keys Property Owners Association (TKPOA) - comment period ending 7/3/14.</b></p> <p data-bbox="226 638 949 703">The Tahoe Water Suppliers Association represents the majority of the municipal water purveyors whose source of drinking water is Lake Tahoe. We appreciate the efforts of Lahontan staff to formalize TKPOA prior informal practices and requirements into this Board Order.</p> <p data-bbox="226 730 921 773">We wish to offer the following comments or suggestions regarding WDID6A09008900 (Board Order No. R6T-2014-TENT).</p> <ol data-bbox="254 800 949 959" style="list-style-type: none"> <li>1. The TWSA supports the strong emphasis in fertilizer/nutrient management formalized in this permit with mandatory public education, water quality monitoring and specific goals/deadlines for a management plan for nutrient reduction.</li> <li>2. The TWSA supports the defined requirement for an Integrated Weeds Management Plan with specific deadlines and deliverables.</li> <li>3. The TWSA appreciates the clear statements referenced several times in the document that this Board Order does not authorize the use of chemical methods for Aquatic Weeds.</li> </ol> <p data-bbox="226 987 417 1008">Our revision suggestions:</p> <p data-bbox="226 1036 968 1122">Page 8, item 14, Table 3: Raw data used to prepare the annual averages should be offered in greater detail in an appendix. There is significant information available for seasonal nutrient loading that is not presented in the annual averages presented in Table 3. This information should be published in conjunction with the WDR.</p> <p data-bbox="226 1149 949 1219">Page 10 under Non-Chemical Control of Aquatic Invasive Species Paragraph 4; end of paragraph: "Final results for this study are pending, though preliminary results suggest bottom barriers are expensive and demonstrate limited long term effectiveness in reducing aquatic plant growth."</p> <p data-bbox="226 1247 926 1312">This sentence is in direct contradiction with the statement on page 12, item 17 b: "handpulling, suction dredged-assisted removal, and cutting by marine harvesters is not as effective as bottom barrier placement in areas similar to the Tahoe Keys Lagoons."</p>	<p data-bbox="1058 976 1902 1138"><b>TWSA-R1:</b> The raw data from which Table 3 averages were derived is from self-monitoring reports under the prior NPDES permit (Board Order No. R6-2004-0024 (NPDES Permit No. CA103021). As such, the data is publicly available and can be provided upon request. We typically do not append raw data to permits, since it serves no direct function to the permit itself and adds to reproduction costs.</p> <p data-bbox="1058 1195 1902 1276"><b>TWSA-R2:</b> Text has been removed from page 10 that confuses with the text on page 12. New text has been added on page 10, "Final results for this study are pending," to make language consistent with that on page 12, item 17.</p>

Comment	Response
<p style="text-align: right;">2</p> <p>These statements should be clarified and made to match. Bottom barriers are an effective method of weed control, evidence supports this through the recent full eradication of invasive weeds in Emerald Bay by use of bottom barriers and hand pulling.</p> <p>Page 12, Item 17, c: 'Projects allowed by this order must not exceed 5 acres of bottom barriers.' At a 5 acre limit annually, it will take an estimated 34 years to cover all areas of the Tahoe Keys. TKPOA should be required to file for a CEQA permit exploring the potential for a 'mitigated negative declaration'; thereby allowing for much larger areas to be treated with bottom barriers.</p> <p>Page 13; item F: The suggestion of improved harvester design is mentioned. TKPOA should be required to investigate the modification of their equipment. There is an excellent resource available in the document: <i>Management Plan for Eurasian Milfoil in the Okanagan, British Columbia, Genevieve Dunbar, April 2009.</i></p> <p>The Okanagan Basin Water Board website contains a larger amount of information on roto-tilling versus harvesting and non-chemical methods. They have developed a custom roto-tiller which is used in the winter months to pull the roots of the plants, thereby reducing the use of the harvesters which cut the plants and produce fragments. <a href="http://www.obwb.ca/milfoil/methods-of-control/">http://www.obwb.ca/milfoil/methods-of-control/</a></p> <p>Page 14, item 3, #2: change 'Promoting' best management practices to 'Requiring' best management practices.</p> <p>Page 14, item 19: please set a reasonable deadline for 100% TRPA BMP Compliance for both common area and residential properties, to be consistent with page 22, items b-e.</p> <p>Page 15, item 1, line c: add 'Aggressively' before 'Pursue institutional changes'.</p> <p>Page 17, item 22, change: The discharges under this permit "<del>will not</del>" to "shall not" adversely affect drinking water quality.</p> <p>Page 20, item 5, add may be granted in writing by the Executive Director add "plus the written approval of other regulatory agencies including TRPA."</p> <p>Page 20, Item 6: Remove all reference to exemptions for this requirement. Items #1-5 &amp; #7-11 have no exemptions. The exemption criteria is too broad to adequately address water provider concerns. Remove:  <del>An exemption to this prohibition may be granted whenever the Water Board finds all of the following:</del>  <del>a. The discharge of waste will not, individually or collectively, directly or indirectly, unreasonably affect the water for its beneficial uses, and</del>  <del>b. There is no reasonable alternative to the waste discharge, and</del>  <del>c. All applicable and practicable control and mitigation measures have been incorporated to minimize potential adverse impacts to water quality and beneficial uses.</del></p>	<p><b>TWSA-R3:</b> Text was changed to clarify that the limit is five acres total lifetime for the project.</p> <p><b>TWSA-R4:</b> Text was added to include including improved harvester design in aquatic plant control methods.</p> <p><b>TWSA-R5:</b> Rototilling has been added to Order II.C.7, requiring TKPOA to assess other mechanical methods such as rototilling.</p> <p><b>TWSA-R6:</b> This is part of an education and outreach section of the Integrated Management Plan requiring TKPOA to perform certain actions. The permit is to TKPOA and is not issued to the individual homeowners, so the permit has no authority over the private homeowners. TKPOA may make changes in their CC&amp;Rs that require homeowners to install BMPs, but it requires a supermajority of TKPOA homeowner votes to make such changes.</p> <p><b>TWSA-R7:</b> A deadline for private property BMP compliance is outside the scope of our authority, see response to comments <b>TWSA-6</b>, above.</p> <p><b>TWSA-R8:</b> "Aggressively" is not needed since the WDR requires TKPOA to pursue the institutional changes in its NPS Plan and submit the plan annually for Water Board Executive Officer review and acceptance.</p> <p><b>TWSA-R9:</b> The "will not" term is appropriate for the Findings section, while "shall not" is appropriate for the Orders section of the permit. No changes made.</p> <p><b>TWSA-R10:</b> The other agencies have separate and distinct authorities, so it is not appropriate to require actions by the other regulatory agencies in this WDR.</p> <p><b>TWSA-R11:</b> The exemptions listed are verbatim from the Lahontan Basin Plan and, therefore, cannot be altered or removed.</p>

Comment	Response
<p>Page 23, item 3: add: "and stakeholders" <span style="float: right;">3</span></p>	<p><b>TWSA-R12:</b> This clause is primarily for inspections and not intended for stakeholders. TKPOA must demonstrate to Water Board staff that the document is readily available for their staff to read and implement. Once complete, this document will be available for review by other stakeholders from the Water Board.</p>
<p>Page 24, item 2: deadline seems incorrect. 'beginning in January 31, 2016' should this be 'beginning in January 31, 2017'?</p>	<p><b>TWSA-R13:</b> January 31, 2016 is correct.</p>
<p>Attachment B: we suggest adding a monitoring point close to the mouth of the Marina Channel.</p>	<p><b>TWSA-R14:</b> Water quality monitoring is required when the circulation system is operating, and the monitoring points are at the discharge points. Monitoring at the intake and outlet points is critical to understand the water quality conditions of the circulation system. Monitoring water quality at the mouth of the Marina Channel has no bearing on the circulation system.</p>
<p>Attachment D: we encourage the construction of the groundwater monitoring wells.</p>	
<p><b><u>MONITORING REPORT</u></b></p>	<p><b>TWSA-R15:</b> Attachment D requires consideration of installation of groundwater monitoring wells.</p>
<p>Page 1: remove reference to 'weekly thereafter'; this phrase is not referenced in the document.</p>	<p><b>TWSA-R16:</b> The phrase "weekly thereafter" has been removed and replaced by a definition of monthly monitoring.</p>
<p>Page 1: Add definition of "monthly" as 30 days.</p>	
<p>Page 2, Item 1: Add Marina Channel Monitoring Point</p>	<p><b>TWSA-R17:</b> same as Response <b>TWSA-R14</b>, above.</p>
<p>Page 2, Item 5: Elaborate/Define: 'other conditions'.</p>	<p><b>TWSA-R18:</b> The term "other conditions" is designed for conditions that could not reasonably be anticipated.</p>
<p>Page 3: Add TDS, pH, and Turbidity to the monitoring parameters to be consistent with the baseline data presented in Table 3 in the Board Order.</p>	<p><b>TWSA-R19:</b> The prior permit was an NPDES permit, which has required monitoring elements. This is a new WDR permit, which has no such requirements. All monitoring parameters under the WDR must be justified anew. TDS, pH, and turbidity were not considered directly relevant to the problem of excessive aquatic plant growth in the Keys as were N and P.</p>
<p>Page 4, item E: 'shall keep a log <del>or</del> permanent record'; revise to "shall keep a log <u>and</u> permanent record"</p>	
<p>Page 5, Item G: Add Non Point Source Plan Monitoring: "TKPOA shall conduct monitoring and maintain permanent record for irrigation and fertilizer practices based on Attachment D of the Board Order".</p>	<p><b>TWSA-R20:</b> Current language is appropriate since it allows for the use of auto recorders</p>
<p>Page 5, item 2: 'Any omission of data <del>should</del> be accompanied by an explanation and plan to obtain the omitted data. Reword: Any omission of data <u>shall</u> be accompanied by an explanation and plan to obtain the omitted data.</p>	<p><b>TWSA 20:</b> The NPS Plan requires TKPOA to evaluate and assess its fertilizer management practices, which includes application rates and timing in the context of reducing potential source loading. The NPS Plan also requires effectiveness monitoring of TKPOA's management actions.</p>
	<p><b>TWSA 21:</b> Change made to "shall."</p>

Comment	Response
<p data-bbox="216 337 898 363">Please feel free to contact me directly if you have any questions.</p> <p data-bbox="216 406 785 431">Respectfully submitted on behalf of the TWSA Board.</p>  <p data-bbox="216 683 982 776">Madonna Dunbar Executive Director, Tahoe Water Suppliers Association Resource Conservationist, Incline Village General Improvement District</p>	

Comment	Response
 <p data-bbox="352 267 808 373"> <b>UNITED STATES ENVIRONMENTAL PROTECTION AGENCY</b>            REGION IX            75 Hawthorne Street            San Francisco, CA 94105-3901            July 1, 2014         </p> <p data-bbox="247 397 619 503">           Bruce Warden, Ph.D.            Environmental Scientist            Lahontan Regional Water Quality Control Board            2501 Lake Tahoe Blvd            South Lake Tahoe, CA 96150         </p> <p data-bbox="304 527 903 568">           Re: Tentative Waste Discharge Requirements for Tahoe Keys Property Owners Association (Board Order No. R6T-2014)         </p> <p data-bbox="247 592 388 609">           Dear Dr. Warden:         </p> <p data-bbox="247 633 913 779">           The following are EPA Region 9's comments on the tentative Waste Discharge Requirements (WDRs) (Board Order No. R6T-2014) for the Tahoe Keys Property Owners Association (TKPOA), which the Lahontan Regional Water Quality Control Board (Regional Board) released for public comment on June 3, 2014. These WDRs are an important mechanism for furthering the state's load reduction goals embodied in the Lake Tahoe TMDL and for controlling the Keys' contributions to propagating Aquatic Invasive Species (AIS) in the Lake.         </p> <ol data-bbox="273 803 924 1274" style="list-style-type: none"> <li>1. We applaud that the proposed WDRs seek to address the invasive weed problem in the Keys and Tallac Lagoon and Keys Marina, which previous permits have not addressed directly. The WDRs authorize bottom barrier deployment and require development and initial implementation of an Integrated Management Plan (IMP) for Aquatic Invasive Weeds (AIW). We encourage the Regional Board to strengthen these measures to ensure that AIS discharges into and dissemination around Lake Tahoe from the Keys will not continue (see also comment #3 below). We also encourage the Regional Board to include more specific AIS control requirements and to identify measurable indicators to facilitate assessment of progress of the AIS control program as it relates to TKPOA management (see also comment #5).</li> <li>2. There appears to be overlap between the proposed WDRs and the 2011 NPDES municipal stormwater permit (No. CAG616001) for the City of South Lake Tahoe (CSLT), with respect to how stormwater runoff within TKPOA is addressed for both CSLT and shared Cove 3C system components. The WDRs appropriately require TKPOA to "promote compliance with the municipal stormwater permit" (p. 19) and to "document coordination with" CSLT with respect to the shared facilities. The WDRs implicitly acknowledge that some stormwater runoff enters surface waters without draining into CSLT storm drains, and promote compliance</li> </ol>	<p data-bbox="1060 860 1900 966"> <b>USEPA-R1:</b> Order II.C. (Bates pages 12-28 and 12-29) requires the Integrated Management Plan to include best management practices to limit the spread of viable plant fragments and to consider weed fragment control and boat inspections.         </p>

Comment	Response
<p data-bbox="569 256 611 277" style="text-align: center;">- 2 -</p> <p data-bbox="241 305 940 354">with a Nonpoint Source Water Quality Management Plan (NPS Plan) by means of education and outreach activities.</p> <p data-bbox="241 383 940 553">The WDRs would benefit from clarifying that all stormwater runoff from TKPOA is the responsibility of CSLT, which is required under the NPDES municipal stormwater permit for the CSLT to protect receiving water quality; Finding B.1 for the municipal stormwater permit indicates the permit applies to "all stormwater/urban runoff" within jurisdiction of the CSLT, and this would include all discharges from the TKPOA. See also comment #5 below concerning the absence of applicable effluent limitations in the proposed WDRs.</p> <p data-bbox="241 578 940 675">The WDRs should also clarify whether the Tahoe Keys marina is covered by the general NPDES permit issued by the Regional Board in 2011 for discharges from marinas (NPDES No. CAG616003), and where this permit fits in the overall regulatory framework for discharges in the Tahoe Keys area.</p> <p data-bbox="205 724 940 1032">3. One very significant impact of TKPOA on Lake Tahoe's water quality is the export/dissemination of AIS, especially the invasive weeds Eurasian watermilfoil and Curlyleaf pondweed. Boat traffic is suspected to be a primary mechanism by which these weeds are transported throughout Lake Tahoe, notably into Emerald Bay, where an extensive eradication program became necessary. Under the IMP for AIW, TKPOA must propose weed management and control methods. The primary specified method of reducing the dissemination into Lake Tahoe of invasive weeds is boat inspections and public involvement and education (Finding 18.f, p. 13). EPA recommends that the IMP should specify how inspections would be conducted and how their effectiveness at detecting weeds would be determined, monitored, and improved; we also recommend that boat decontamination should be specified as a measure in the WDR if inspections detect the presence of invasive weeds.</p> <p data-bbox="241 1060 940 1352">The WDR should also expressly state that other NPDES permits will also apply to discharges from vessels operating in the Keys and elsewhere in Lake Tahoe, and the AIS management program in the WDR should be coordinated with these separate permitting systems to ensure maximum effectiveness. EPA recently reissued its NPDES vessel general permit (VGP) for non-recreational vessels greater than 79 feet in length, and the permit became effective in December 2013. In the upcoming months, we anticipate issuance of another permit covering non-recreational vessels less than 79 feet (small VGP); this permit is anticipated to become effective in December 2014. Additional information concerning these permits can be found at: <a href="http://cfpub.epa.gov/npdes/home.cfm?program_id=350">http://cfpub.epa.gov/npdes/home.cfm?program_id=350</a>. One of the goals of these permits is to control the spread of invasive species and</p>	<p data-bbox="1060 399 1902 480"><b>USEPA-R2:</b> Finding 7 on page 5 of the WDR (Bates page 12-11) specifies that "CSLT is responsible for all stormwater within its jurisdiction, which includes the stormwater from private properties in the TKPOA area."</p> <p data-bbox="1060 537 1902 667"><b>USEPA-R3:</b> Since the Tahoe Keys Marina is a separate facility from the TKPOA area, it is not appropriate to state how the Tahoe Keys Marina facility is regulated in this WDR. This WDR is solely issued to TKPOA and the requirements are imposed solely on TKPOA and not on the Tahoe Keys Marina.</p> <p data-bbox="1060 756 1902 943"><b>USEPA-R4:</b> Order II.C. of the WDR requires TKPOA to develop and submit an Integrated Management Plan for the Aquatic Invasive Plant Species. The IMP is to be submitted annually to the Water Board Executive Officer for review and acceptance. The IMP would need to include, at a minimum, a discussion of this potential transport mechanism and optional management measures to address the transport. Because all boats entering Lake Tahoe are required to be inspected and certified to be clean, an additional inspection is not needed.</p> <p data-bbox="1060 1081 1902 1219"><b>USEPA-R5:</b> Because this WDR cannot require individual aquatic vessels to comply with an NPDES permit, then expressly stating that requirement is not appropriate in this WDR. Furthermore, this WDR requires TKPOA to perform actions under its control and TKPOA has no authority to control private aquatic vessels.</p>

Comment	Response
<p style="text-align: center;">- 3 -</p> <p>we would encourage the Regional Board to forward to EPA any information it has or may encounter related to noncompliance by vessels subject to these permits.</p> <p>In addition, under the 2008 Clean Boating Act (CBA), EPA and the U.S. Coast Guard have been tasked with the development of regulations to minimize pollutant discharges from recreational vessels. It is difficult to predict when these regulations might be finalized, but controlling the spread of invasive species will be one of the primary goals, and we expect the regulations will eventually assist in controlling such species in the Lake Tahoe area. Additional information about the CBA can be found at:  <a href="http://water.epa.gov/lawsregs/lawsguidance/cwa/vessel/CBA/about.cfm">http://water.epa.gov/lawsregs/lawsguidance/cwa/vessel/CBA/about.cfm</a>.</p> <p>4. The WDRs should include effluent limitations, which should be at least as stringent as those in the existing NPDES permit (sections I.A and B, p. 12). Lake Tahoe is listed as an Outstanding National Resource Water (ONRW) and is the subject of major long-term efforts to protect its water quality. EPA notes that, according to the Regional Board's own analysis in section 14 of the draft WDR, the TKPOA discharge consistently did not achieve compliance with the applicable California Water Quality Objectives (WQOs) for Lake Tahoe for Total Nitrogen, Total Phosphorous, or Total Dissolved Solids during the years 2007-2013. This demonstrates clearly that those parameters are "discharged at a level which will cause...an excursion" above the state water quality standards and therefore would be required to have effluent limitations included in any applicable NPDES permit [40 CFR §122.44(d)(1)(i)]. In order to provide equivalent protection to the waters of Lake Tahoe, which are already listed as impaired by those specific parameters, the WDR should at a minimum maintain the effluent limitations set for those parameters in preceding NPDES permits.</p> <p>5. The proposed WDRs include monitoring requirements for aquatic plants and bottom barriers (if they are deployed), with flow and ambient water quality monitoring required if the circulation system is operated. EPA recommends that the quarterly ambient water quality monitoring requirements of the existing NPDES permit be included in the WDRs, both for establishing background water quality and to detect water quality degradation from non-point sources.</p> <p>Measuring aquatic plant types, percent cover, plant height and estimated biomass and location is a useful way to measure the end result of AIS control efforts. We suggest that in addition to this ambient status and trends monitoring, implementation and effectiveness monitoring should be included in order to promote adaptive management of the control effort.</p>	<p><b>USEPA-R6:</b> Finding 14 on page 8 of the WDR (Bates page 12-14) gives the background water quality data and does not state that the water quality is a result of TKPOA discharges. The numeric effluent limits for surface water discharges have been added to the WDR in Order I.C. on pages 18-19 (Bates pages 12-24 and 12-25) as a backstop in case TKPOA does not document coordination with the City of South Lake Tahoe for the shared stormwater facilities. As stated in the Lahontan Basin Plan, the numeric effluent limits do not apply if a stormwater facility operator documents coordination with the local municipality for the local to meet its TMDL load reduction requirements.</p> <p><b>USEPA-R7:</b> Background water quality monitoring is unnecessary since TKPOA monitored the lagoon water quality for six years and the dataset is sufficient to establish background conditions. Because water quality monitoring cannot be solely relied upon to detect degradation from non-point sources, and in most cases cannot be definitively traced back to the source, then this WDR focuses on monitoring the actions of TKPOA and does not require ambient water quality monitoring.</p> <p><b>USEPA-R8:</b> Orders II.B. and II.C. of the WDR (Bates pages 12-28 thru 12-30) require implementation and effectiveness monitoring and adaptive management for the actions specified in the NPS Plan and the IMP, respectively.</p>

**Comment**

**Response**

- 4 -

We appreciate the opportunity to provide our views on the tentative WDRs. If you have any questions regarding this matter, please contact Jack Landy, Region 9's Lake Tahoe Basin Coordinator at (775) 589-5248, or Pascal Mues of the NPDES Permits Section at (415) 972-3768.

Sincerely,



July 1, 2014

David Smith, Manager  
NPDES Permits Section (WTR-2-3)

**Comment**

**Response**



*Tahoe Keys*

PROPERTY OWNERS' ASSOCIATION

356 Ala Wai Blvd.  
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FAX (530) 541-2521  
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June 30, 2014

Bruce T. Warden, Ph.D.  
Environmental Scientist  
Lahontan Regional Water Quality Control Board  
2501 Lake Tahoe Blvd  
So. Lake Tahoe, CA 96150

VIA EMAIL: bruce.warden@ waterboards.ca.gov

Dear Dr. Warden:

**Subject: Comments on Tentative Water Quality Certification and Waste Discharge Requirements for Tahoe Keys Property Owners Association**

The Tahoe Keys Property Owners Association (TKPOA) appreciates the opportunity to comment on the Tentative Water Quality Certification and Waste Discharge Requirements (WDR) for Tahoe Keys Property Owners Association. The Association also greatly appreciates the efforts made by the Water Board Staff in working with its staff in the preparation of the tentative documents. In particular, you and Doug Smith were very helpful and maintained an excellent level of communication during the process.

TKPOA understands the importance of the aquatic invasive plants that are growing in the Tahoe Keys Lagoons. It has undertaken a three-year voluntary program of study to develop information that will support an effective long-term invasive species control strategy. It is TKPOA's hope that the requirements contained in the Tentative Certification and WDR will support moving forward and that effective aquatic invasive weed control programs, such as those in other water bodies of California, Washington and Vermont, will become part of its long-term control strategy.

TKPOA respectfully requests that the Lahontan Regional Water Quality Control Board consider the following comments on the Tentative Certification and Waste Discharge Requirements and hopes that changes will be made prior to issuance of the final Certification and WDR.

**I. General Terminology and Authority Limits.**

The Tahoe Keys consists of two lagoons. The west lagoon is referred to as the Main Lagoon and the east lagoon is referred to as the Marina Lagoon. As example, page 19 states that the shared storm drain discharges directly into the Tahoe Keys Marina when in fact it discharges into the Marina Lagoon. The Tahoe Keys Marina is a separate entity with its own NPDES Permit and is not included in this Certification and WDR. It would be helpful if accepted terminology were used throughout the document.

TKPOA-R1: "Lagoon" has been added to modify "Tahoe Keys Marina" where appropriate throughout the WDR and the other terminology has been clarified.

Comment	Response
<p>The Tahoe Keys development consists of 1,529 residential units; 335 of the residential units are surrounded by common property that is owned by TKPOA. The remaining residential units and the related properties are in private ownership. TKPOA's authority over the private properties is limited by its CC&amp;Rs and any change in authority would require amending the CC&amp;Rs, which requires a supermajority of the members. Changing TKPOA's authority to limit activities on the private property is unlikely.</p> <p><b>2. Prohibitions</b></p> <p>Page 18 of the Tentative Certification and WDR includes a prohibition against the discharge of water from residential car washing on the <u>assumption</u> that detergents containing phosphate will be used. This is a broad prohibition that will be difficult to enforce. Restating the prohibition against the discharge of water from residential car washing that contains detergents would be more appropriate.</p> <p>Page 18 of the Tentative Certification and WDR includes a prohibition against the discharge of chlorinated or de-chlorinated water from spas. TKPOA may be able to enact rules that prohibit this activity in the common properties but not in the private properties.</p> <p><b>3. Bottom Barrier Effectiveness and Cost.</b></p> <p>Page 10 states that the studies conducted by TKPOA over the past three years "suggest bottom barriers are expensive and demonstrate limited long-term effectiveness in reducing aquatic plant growth." The finding is more than a suggestion. The field studies of bottom barriers found, without question, that their effectiveness was limited and the cost was very high.</p> <p><b>4. Requirements for Individual Bottom Barriers.</b></p> <p>Page 27 requires that the Water Board be notified 21 days prior to the installation of individual bottom barriers to control aquatic weed growth and that the notification shall include an Individual Project Plan and Monitoring Plan. This is a significant requirement for the individual property owner who is considering the installation of a small (200 to 300 square foot) bottom barrier to control weed growth around their dock. This requirement is a disincentive that will reduce the number of individual bottom barriers. This requirement would also be a time consuming undertaking for Water Board staff.</p> <p>TKPOA will develop rules, applications, and permits to control the number and quality of installation of bottom barriers. It will monitor the installations and require their removal at the end of the growing season. It seems a more reasonable approach is to review TKPOA's requirements and activities and require changes where needed. If needed, TKPOA can develop a monitoring program that is applicable to all individual bottom barrier installations.</p> <p><b>5. Deadlines</b></p> <p>Page 19 states that the deadline for providing proof of meeting with the City of South Lake Tahoe regarding shared storm water facilities is October 1, 2014. The deadline table on page 30</p>	<p><b>TKPOA-R2:</b> The text, "containing detergents," has been added to the prohibition to clarify the meaning.</p> <p><b>TKPOA-R3:</b> The required NPS Plan should include education and outreach to the private property owners about the prohibition.</p> <p><b>TKPOA-R4:</b> That sentence in the Finding was deleted since a final report has not been received and the results are pending. Bottom barriers do not work in every condition.</p> <p><b>TKPOA-R5:</b> Order III.A.6. on page 26 of the WDR (Bates page 12-32) has been modified to require TKPOA to develop its rules, application processes, permits, and inspection and monitoring program for the bottom barrier placement. However, TKPOA retains all responsibility of the bottom barrier placement, which must conform to the best management practices described in Attachment E of the WDR (Bates page 12-47).</p>

Comment	Response
<p>states that the deadline is July 12, 2015. The two deadline citations should be consistent and October 1, 2014 is acceptable.</p> <p><b>6. Mapping</b></p> <p>Page 22 item 2 maybe should read "An annual tally of the cumulative number of common properties..."</p> <p>TKPOA appreciates the opportunity to comment on this Tentative Certification and WDR and thanks you for considering our concerns.</p> <p>Respectfully Submitted,</p> <p>Daniel Moore Interim General Manager</p>	<p><b>TKPOA-R6:</b> The deadline is October 1, 2014, so the text has been corrected.</p> <p><b>TKPOA-R7:</b> the text has been corrected as suggested.</p>

Comment	Response
<p><b>Smith, Doug@Waterboards</b></p> <hr/> <p><b>Subject:</b> FW: Correction - Board Order R6T-2014-(TENT)</p> <p><b>From:</b> Steve Bridges [mailto:steve96158@excite.com]  <b>Sent:</b> Monday, July 07, 2014 11:11 AM  <b>To:</b> Warden, Bruce@Waterboards  <b>Subject:</b> Correction - Board Order R6T-2014-(TENT)</p> <p>Correction - Water Quality Certification and Waste Discharge Requirements for Tahoe Keys Property Owners Association - Board Order R6T-2014-(TENT)</p> <p>p. 5 <u>Stormwater</u> Copy incorrectly states Cove 3C has the only known TKPOA storm drain</p> <p>p. 18, 19 same issue</p> <p>Islanders III where we live also has TKPOA storm drains that empty to the lagoons, 552 Christie and 2031 Venice.</p> <p>Please add me to your list of interested parties to receive notifications of future TKPOA issues such as this with regard to the water and environment. <u>We are especially opposed to proposed use of herbicides and chemical weed killers in the water to treat weeds.</u> Our drinking water wells are located in close proximity.</p> <p>Thank you</p> <p>Steve Bridges Tahoe Keys</p>	<p><b>SB-R1:</b> Water Board inspected the locations and found the following:</p> <p>522 Christie: 1 drop inlet in the common parking lot  2031 Venice: 1 drop inlet in the common parking lot  Two storm drain pipes to the Tahoe Keys Main Lagoon clustered close together and between 522 Christie and 2031 Venice.  2081 Venice: 2 drop inlets and 1 storm drain to the Tahoe Keys Main Lagoon  Two pairs (in street gutter on opposing sides of Venice Dr.) of City of South Lake Tahoe (CSLT) drop inlets between addresses 2031 and 2081.</p> <p>Water Board staff contacted CSLT stormwater staff to alert them of the Islanders III stormwater drain system, and to solicit input on whether they are shared CSLT-TKPOA facilities. Regardless, CSLT is responsible for discharge from these drains under their existing municipal stormwater NPDES permit, and TKPOA will be required to cooperate with CSLT in their management under the conditions of our permit.</p> <p>You should be glad to know that this permit allows only non-chemical means for control of aquatic weeds (e.g. bottom barriers).</p>

Comment		Response
<b>Summary of TRPA Comments on WDR Permit by Bates Number</b>		
Bates 12-78 C1	Species implies inclusion of animals, such as warm-water fish or Asian clam. Although temperature is an important factor for animal growth rates, it is unclear if this paragraph is discussing all species or only plants. Consider adding a clarifying statement for other species.	<b>TRPA-R1:</b> This WDR directly addresses aquatic invasive plants and not fish or other wildlife. California Department of Fish and Wildlife will be addressing non-plant invasive species through other means. To avoid confusion about this issue, text in the tentative version of the WDR referring to "aquatic invasive species" has been modified to add the word "aquatic invasive plant species."
Bates 12-78 C2	Sources of sediment also include snowmelt runoff. The TRPA approved snow management plan approves snow to be stored in vegetated areas to percolate into the ground so then it may also be a source of oil and grease discharge to groundwater and surface water. There is a significant amount of snow that is stored on TKPOA common areas generated from TKPA common areas and I think this should be addressed in the WDR.	<b>TRPA-R2:</b> Text was added (Bates 12-24 and 12-28) requiring development of snow storages plans, mapping of snow storage areas and annual reporting.
Bates 12-78 C3	Define and use consistently: aquatic plants (includes native species), aquatic weeds (does this include native and nuisance?), aquatic invasive plants (does not include native species).	<b>TRPA-R3:</b> Text was added to define terms in the WDR (Bates 12-16) as follows:  <u>Aquatic Invasive Plant Species</u> -non-native aquatic plants, such as Eurasian Milfoil and Curly Leaf Pondweed <u>Aquatic Weeds</u> -includes aquatic invasive plant species and other, unwanted, native species such as Coontail. <u>Aquatic Plants</u> -includes all native, non-native, and invasive aquatic plant species. <u>Harvested Aquatic Weeds:</u> TKPOA removes significant quantities of N and P from the system by harvesting aquatic weeds and disposing them outside the Lake Tahoe Basin.
Bates 12-78 C4	aquatic plants	
Bates 12-80 C1	"plants" is consistent with discussion below.	
Bates 12-80 C2		
Bates 12-80 C3	"Weeds will be properly contained on site and while in transport to prevent the dispersal of propagules."	<b>TRPA-R4:</b> See definition in <b>TRPA-R3</b> above.
Bates 12-82 C1	Is there a way to measure the amount of irrigation runoff to know that it has been reduced as part of the NPS plan? Standing water as a result of over irrigation seems to be a common problem on both TKPOA common areas and the private properties.	<b>TRPA-R5:</b> See definition in <b>TRPA-R1</b> and <b>TRPA-R3</b> above. <b>TRPA-R6:</b> See definition in <b>TRPA-R1</b> and <b>TRPA-R3</b> above.
Bates 12-87 C1	Run-on statement. Clarify impacts to habitat for native and sport fisheries.	<b>TRPA-R7:</b> Text consistent with this was added to Finding 6 (Bates 12-11)
Bates 12-87 C2	"Plants" - Warm water fish removal research project is not discussed here.	<b>TRPA-R8:</b> Researchers can measure irrigation runoff, but this level of effort is beyond the scope of this permit, nor is it likely economically viable. Rather, the approach is to require TKPOA to develop an irrigation management system that is efficient, minimizing runoff and deep percolation of groundwater.
Bates 12-89 C1	this is an accurate use of "species"	
Bates 12-89 C2	"Plants"	<b>TRPA-R9:</b> See answer in <b>TRPA-R1</b> above.
Bates 12-93 C1	Is this the second element of the general approach?	<b>TRPA-R10:</b> See answer in <b>TRPA-R1</b> above.
Bates 12-93 C2	TKPOA has taken steps in the right direction to get BMPs completed at common areas, they will not be considered fully complaint until a fertilizer management plan has been approved by TRPA and the TKPOA.	<b>TRPA-R11:</b> Yes, this is the second element of the general approach.  <b>TRPA-R12:</b> A fertilizer management plan is a required component of the NPS plan in this WDR. Lahontan staff will work with TRPA staff and TKPOA staff to assure the NPS plan is consistent with the requirements of the fertilizer management plan.
Bates 12-95 C1	If the types of management practices in attachment D are not considered, then there should be an explanation of why they are not considered.	<b>TRPA-R13:</b> Order Section II.B.2.f, (Bates 12-28) states that "The written evaluation must explain rationale for choosing to implement certain elements and not all elements that are listed in Attachment D, including drought related water conservation measures to prevent overwatering and runoff)."

Comment		Response
Bates 12-95 C2	is the NPS plan only applicable for the common areas? They should be applicable and the implementation of it required on the common areas and the private residential neighborhoods. This paragraph makes it seem like the residential areas are excluded.	<b>TRPA-R13:</b> The WDR is for TKPOA, and the NPS plan applies directly to TKPOA common areas. Rather than WDRs for each individual homeowner, the WDR requires TKPOA to develop, implement, and track success of an education and outreach program for private homeowners.
Bates 12-104 C1	Should also include the pursuance of institutional changes as recommended in (Finding) 19.1.C I think this should be more than just a recommendation.	<b>TRPA-R14:</b> The WDR requires TKPOA to pursue the institutional changes in its NPS Plan and submit the plan annually for Water Board Executive Officer review and acceptance. TKPOA may make changes in their CC&Rs that facilitate BMP compliance, but it requires a supermajority of TKPOA homeowner votes to approve such changes.
Bates 12-119 C1	Should be required that it is reduced from 5 days a week to every other day.	<b>TRPA-R15:</b> The Water Board doesn't have authority under the TKPOA permit to require individual homeowners to water on alternate days. However, text was added to the WDR requires compliance with drought-related water conservation measures (Bates 12-28, 12-46), which include limited watering provisions.
Bates 12-121 C1	This should be a requirement, not a consideration. How else will you be able to measure the effectiveness of the management measures.	<b>TRPA-R16:</b> Attachment D, requires consideration of installation of groundwater monitoring wells. A requirement to install and maintain groundwater monitoring wells would have to be justified technically and economically.
Bates 12-123 C1	"Aquatic Invasive Plant Control" or "Aquatic Plant Control"	<b>TRPA-R17:</b> See definition in <b>TRPA-R3</b> above.
Bates 12-121 C2	"upland vegetated area"	<b>TRPA-R18:</b> The area used for washing will likely be a landscaped lawn, not an upland vegetated area in a natural landscape setting.

