

Item 4 LATE REVISIONS

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD LAHONTAN REGION MEETING OF JUNE 8-9, 2016 BISHOP

ITEM 4

GENERAL WASTE DISCHARGE REQUIREMENTS AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR STORM WATER RUNOFF ASSOCIATED WITH MARINA OPERATIONS IN THE LAKE TAHOE HYDROLOGIC UNIT—EL DORADO AND PLACER COUNTIES

LATE REVISIONS

The Water Board staff is recommending, on its own motion, the following Late Revisions to allow for an alternative approach to complying with control requirements for storm water runoff. The alternative approach is consistent with the Lake Tahoe Total Maximum Daily Load amendment to the Basin Plan that took effect on April 16, 2011. Water Board staff has consulted with United States Environmental Protection Agency (USEPA) staff regarding the proposed Late Revisions. USEPA staff is in agreement with the proposed Late Revisions.

The following changes are to be made to the proposed Order, with underlined text for additions and strike-through text for deletions:

On Bates Page 4-18, Order sections VI.A.2. and VI.A.3., will be numbered as sections VI.A.3 and VI.A.4, respectively, to accommodate insertion of a new section VI.A.2., as follows:

In the event that site conditions do not provide opportunities to infiltrate the runoff volume generated by a 20-year, 1-hour storm, a Discharger must either meet the numeric effluent limits in Table 3, or document coordination with the local municipality or state highway department receiving the discharge(s) to demonstrate that shared stormwater treatment facilities treating private property discharges and public right-of-way stormwater are sufficient to meet the municipality's average annual fine sediment and nutrient load reduction requirements, as set forth in the Lake Tahoe Total Maximum Daily Load (TMDL) and implementing regulations. Such coordination must be incorporated into the municipality's or state highway department's Pollutant Load Reduction Plan after an opportunity for public input and approval by the Executive Officer.

On Bates Page 4-110, Fact Sheet section IV.G.3., add the following paragraph after the first paragraph, as follows:

In 2010, a Total Maximum Daily Load (TMDL) was adopted for Lake Tahoe by the Water Board. The TMDL was incorporated as an amendment to the Basin Plan,

following all necessary approvals on August 16, 2011, and after the Water Board re-issued the MGP in Board Order No. R6T-2011-0024. The TMDL sets out reductions in total nitrogen, total phosphorus, and fine sediment that the counties of El Dorado and Placer, the City of South Lake Tahoe, and the state highway department (California Department of Transportation or Caltrans) must meet, and those allocations are set out as limits in municipal separate storm sewer system permits. Each entity identifies how it will meet the load reductions in Pollutant Load Reduction Plans approved by the Water Board. This MGP incorporates the TMDL language by reference to the Basin Plan, and allows for implementing alternative requirements such that, where a Discharger meets the criteria identified in section VI.A.2 of this Order, and is coordinating with a municipality or Caltrans on meeting the load reductions, the effluent limits in Table 3 of section VI of this Order do not apply. Such coordination has to be set forth in the Pollutant Load Reduction Plan after an opportunity for public input and approval by the Executive Officer.

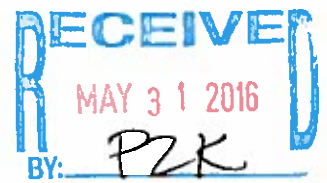
On Bates Page 4-111, Fact Sheet section IV.H.1., make changes to the paragraph, as follows:

Sections 402(o)(2) and 303(D)(4) of the CWA and federal regulations at 40 CFR section 122.44(1) prohibit backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, with some exceptions in which the limitations may be relaxed. Although the effluent limitations in this Order are at least as stringent as the effluent limitations in Order No. R6T-2011-0024, upon meeting the criteria identified in section VI.A.2 of this Order, this MGP allows for a Discharger to coordinate with a municipality or Caltrans, as an alternative to meeting effluent limits in Table 3, by demonstrating that shared stormwater treatment facilities treating discharges from the marina are sufficient to meet the municipality's or Caltrans' annual fine sediment, total nitrogen, and total phosphorus load reduction requirements. This alternative to meeting effluent limits in Table 3 is consistent with the Lake Tahoe Total Maximum Daily Load (TMDL) amendment to the Basin Plan that became effective on April 16, 2011. Allowing a change to effluent limitations that is consistent with a TMDL is one of the exceptions to anti-backsliding provisions permitted under section 303(d)(4).

Add the following enclosure 6, comments from Lake Tahoe Marina Association, to the agenda package following bates stamp page number 4-201.

ENCLOSURE 6

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May 27, 2016

Patty Kouyoumdjian, Executive Officer
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

RE: NPDES Marina General Permit Renewal

Dear Ms. Kouyoumdjian,

The Lake Tahoe Marina Association represents all 12 marinas in the California portion of the Lake Tahoe Basin. The mission of the Marina Association is to work cooperatively among ourselves and provide an umbrella organization to work in partnership with agencies and entities, including Lahontan, Tahoe Regional Planning Agency, Tahoe Conservancy, League to Save Lake Tahoe, and research institutions.

The purpose of this letter is to convey the support of the Marina Association for adoption of the proposed General Waste Discharge Requirements and NPDES Permit for Marina Operations.

Marina Association members work hard to understand the requirements and spend significant time and money toward achieving compliance. We appreciate the good work by your staff and their spirit of cooperation to resolve questions and suggestions during the renewal process. By working in partnership with your staff, our members could understand better the purpose and implementation of the permit. The staff met our suggestions with genuine concern and a willingness to resolve issues. The two stakeholder meetings opened the lines of communication and informed all parties on the realities of water quality protection and the marina operation. We met our mutual goal to develop requirements and monitoring programs that achieve greater effectiveness and appropriate applicability.

We look forward to working with you and your staff to put in place these and future recommendations to achieve our common goal of protecting and enhancing water quality of Lake Tahoe.

Sincerely,

A handwritten signature in black ink, appearing to read "Mansoor Alyeshmerni", with a long horizontal flourish extending to the right.

Mansoor "Elie" Alyeshmerni

President, Lake Tahoe Marina Association

P.O. Box 189, Tahoe Vista, CA 96148

Copy: Lake Tahoe Marina Association members