

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2014-0123

RESCISSION OF CLEANUP AND ABATEMENT ORDER R5-2009-0030
FOR
EL DORADO COUNTY
AND THE
UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE,
ELDORADO NATIONAL FOREST

RUBICON TRAIL
EL DORADO COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter referred to as "Central Valley Water Board") finds that:

1. On 23 April 2009, the Central Valley Water Board adopted Cleanup and Abatement Order (CAO) R5-2009-0030 for El Dorado County (County) and the United States Department of Agriculture, Forest Service, Eldorado National Forest (Forest Service).
2. The CAO was adopted to address water quality impacts on the Rubicon Trail, an off-highway vehicle route connecting the town of Georgetown in El Dorado County to Homewood, on the west side of Lake Tahoe. The Rubicon Trail ranges in condition from a well-defined dirt road to granite domes, ledges, and rock debris that create moderate to difficult passage for street legal vehicles and off highway vehicles. The water quality impacts included human sewage, sediment transport to surface waters, and spills of oil and grease.
3. The CAO required the County and Forest Service to work together to jointly cease the discharge of sediment and other wastes due to motorized vehicle use to waters of the state, and required the following:
 - a. Submittal of a *Rubicon Trail Saturated Soil Water Quality Protection Plan* designed to minimize or prevent water quality impacts caused by vehicle usage when the Rubicon Trail is covered by snow, during snow melt, or after rainfall events. The plan was to consider a seasonal closure or weather-dependent closure and include education, implementation, and enforcement components.
 - b. Maintenance related activities including: installation of water breaks, cross drains, and rock filled rolling dips along the trail; dispensing wag bags and cardboard commodes, installing educational signage, and constructing bridges over Gerle Creek and Ellis Creek.

- c. Submittal of a 2009 and a 2010 *Maintenance Training Plan* describing how the volunteers, County staff, and Forest Service staff will be trained to install the maintenance projects to appropriate specifications.
 - d. Submittal of a *Long Term Management Plan for the Rubicon Trail* which was to include a definition of the County's and Forest Services' responsibilities with respect to the Rubicon Trail; the results of a Trail use count; an estimate of the number of people and vehicles that can use the Trail without adversely impacting water quality; a determination of the actual location of the Rubicon Trail; a strategy to address waste management along the Trail; procedures to enforce the use of spill kits; a discussion of law enforcement patrols; a discussion of the cost and funding sources to implement the Plan; and procedures for constructing and maintaining drainage features, stream crossings, and trail segments.
 - e. Submittal of an *Annual Rubicon Trail Summary*
4. The CAO states that after three years of implementation of the *Long Term Management Plan*, Water Board staff shall evaluate whether the County and Forest Service have taken all reasonable steps to protect water quality and whether activities on the Rubicon Trail still impact, or threaten to impact, water quality. Water Board staff's review finds that, among other items, the following have been completed:
- a. The County has submitted the documents required by the CAO;
 - b. To reduce the movement of sediment off the Trail, the County has closed alternate routes, reduced the rock size in Little Sluice, and installed over 475 BMPs (best management practices) which include rock fill, rock check crossing, rock ditches, corduroy, log barriers, rock barriers, etc. These BMPs are have been "adopted" by 14 different user groups who are monitoring their efficiency and conducting maintenance as necessary. The volunteers are recording their observations in a County-maintained database.
 - c. The County obtained several sources of funding in order to design and build bridges over Gerle Creek, Ellis Creek, and the FOTR crossing.
 - d. A vault toilet was constructed east of Ellis Creek, and eight portable toilets have been placed at other locations along the Trail. The toilets are serviced by the Rubicon Trail Foundation.
 - e. Spill kits and wag bags continue to be provided to Trail users from the Loon Lake Kiosk location. Although vehicles continue to spill oil, petroleum, and grease on the granite rocks, and the County and user groups clean up these spills using a solution that is designed to degrade petroleum products.

- f. The El Dorado County Sheriff's Department and the State Parks law enforcement officers now patrol the trail on weekends and holidays.
 - g. The County has enacted a comprehensive public outreach program, focusing on the "Four S's" which are sanitation, spills, sedimentation, and safety. In addition, the County implemented an Adopt A Trail program. The County has developed a website (<http://www.edcgov.us/Government/Rubicon/Monitoring.aspx>) on which it includes information about current trail conditions, monitoring, the oversight committee, safety, sanitation, spill, the sedimentation, and other topics.
 - h. The Forest Service issued a Rubicon Trail easement to the County; the easement delegates responsibility to the County to maintenance, monitoring, and potential closures of the Trail.
 - i. The County has implemented a winter monitoring program and has the ability to close the Rubicon Trail when conditions are such that vehicle traffic could cause sediment transport to surface waters (i.e., during snow melt). In 2014, the County closed the Trail for three periods, for a total of 34 days. The results of winter inspections are posted on the County's website.
 - j. The location of the Rubicon Trail has been surveyed and the Trail location adopted by the El Dorado County Board of Supervisors on 26 January 2010. The County, along with user groups, developed trail markers, maps, and educational materials to inform the public of the trail location.
5. The County and Forest Service have completed all of the tasks in CAO R5-2009-0030. The County's *Saturated Soil Water Quality Protection Plan* contains reasonable steps to protect water quality and continuing implementation of that plan should minimize or eliminate future threatened impacts to water quality along the Rubicon Trail. Therefore, it is appropriate to rescind CAO R5-2009-0030.
 6. The Central Valley Water Board has notified the Discharger and interested agencies and persons of its intent to rescind CAO R5-2009-0030 and has provided them with an opportunity for a public hearing and an opportunity for them to submit their written views and recommendations.
 7. The Central Valley Water Board, in a public meeting, heard and considered all comments and evidence pertaining to this matter.

IT IS HEREBY ORDERED that Cleanup and Abatement Order R5-2009-0030 is rescinded.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region on 10 October 2014.

- *original signed by* -

PAMELA C. CREEDON, Executive Officer

WSW: 13Oct14