

Chapter 6

PLANS AND POLICIES

The State Water Resources Control Board (State Board) has adopted a number of statewide or area-specific water quality plans which complement the Regional Boards' Basin Plans and which may supersede previously adopted provisions of Basin Plans to the extent that any inconsistencies occur; the most stringent plan provisions take precedence. Both the State Board and Regional Boards may adopt policies, separate from the Basin Plans, which provide detailed direction on the implementation of certain plan provisions. A Regional Board plan, policy, or guideline adopted to implement, interpret or make specific the Basin Plan prior to October 14, 1994, is superseded by this revised plan unless it is expressly mentioned in this plan. The following is a summary of all important plans and policies affecting the Lahontan Region Basin Plan. Citation of these documents is not meant to imply incorporation-by-reference. Copies of Regional and State Board policies are included in Appendix B of this plan.

State Board Plans

Several of the State Board's plans concern types of water bodies not found in the Lahontan Region, and thus do not affect Regional Board activities. These include: the *Water Quality Control Plan for the Sacramento-San Joaquin Delta and Suisun Marsh* (August 1978, Res. 78-43), and the *Water Quality Control Plan for Ocean Waters of California* (amended March 1990, Res. 90-27). The following are summaries of plans which are applicable to the Lahontan Region:

1. Thermal Plan

The *Water Quality Control Plan for the Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California* was adopted by the State Board in 1972 and amended in September 1975 (Res. 75-89). It specifies water quality objectives, effluent quality limits, and discharge prohibitions related to thermal characteristics of interstate waters and waste discharges. It is included in Appendix B. The portions of this plan applicable to the Lahontan Region are those concerning interstate waters.

2. Lake Tahoe Basin Water Quality Plan

This plan was adopted in 1980 and amended in January 1983 (Res. 83-10) and June 1989 (Res. 89-53). It includes numerical objectives, waste discharge prohibitions, and water quality control

measures applicable to Lake Tahoe and its tributaries. The essential portions of the *Lake Tahoe Basin Water Quality Plan* have been incorporated into the text (Chapter 5) of this *Water Quality Control Plan for the Lahontan Region* (Basin Plan). The State Board may consider rescinding the *Lake Tahoe Basin Water Quality Plan* following approval of this Basin Plan.

3. Nonpoint Source Management Plan

In November 1988 (Res. 88-123), the State Board adopted a *Nonpoint Source Management Plan* pursuant to Section 319 of the federal Clean Water Act. The plan identifies nonpoint source control programs and milestones for their accomplishment. It emphasizes cooperation with local governments and other agencies to promote the voluntary implementation of Best Management Practices and remedial projects.

4. California Pesticide Management Plan for Water Quality

This plan implements a Management Agency Agreement (MAA) between the State Board and the California Department of Pesticide Regulation. The Plan and MAA were approved by both agencies on March 19, 1997. They provide for ongoing cooperation and communication among the State Board, DPR, Regional Boards, and County Agricultural Commissioners in developing and implementing plans, policies, and "reduced risk practices" to control potential water quality impacts of pesticides. A more detailed summary of the plan and MAA is included in Section 4.10.

5. Strategic Plan

After comprehensive formal strategic planning efforts involving State and Regional Board staff and external stakeholders, the State Board adopted a Strategic Plan in 1995 and updated it in 1997. The plan includes goals, objectives, and performance measures to guide ongoing decision-making and appropriate allocation of scarce resources. The strategic planning process is recognized as an ongoing and inherent function of management. The plan includes a Watershed Management Initiative (WMI) Chapter for each Regional Board. (See the discussion of the WMI in Chapter 4 of this Basin Plan.) WMI Chapters are updated annually; the Strategic Plan as a whole is considered to be a five-year plan. The

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Strategic Plan and WMI Chapters are non-regulatory workplans and budget documents.

6. **California Rangeland Water Quality Management Plan**

The California Rangeland Water Quality Management Plan (Rangeland Plan) was developed by the Rangeland Management Advisory Committee (RMAC), a statutory committee which advises the California Board of Forestry on rangeland resources. The Rangeland Plan was accepted by the State Board in 1995. It summarizes authorities and mandates for water quality and watershed protection, and specifies a framework for the voluntary and cooperative development of ranch management strategies for water quality protection under Tier I of the SWRCB's Nonpoint Source Management Plan. (See the Introduction to Chapter 4 of this Basin Plan for an explanation of the Nonpoint Source Plan.) The Rangeland Plan provides that where water quality or the beneficial uses of water are impaired or threatened, ranch owners shall develop an individual Rangeland Water Quality Management Plan (RWQMP) or participate in one of the several other recognized individual or coordinated rangeland planning processes. The Rangeland Plan also describes sources of technical and financial assistance available to ranch owners.

State Board Policies

Again, certain State Board policies are not applicable to the water bodies of the Lahontan Region. These include: the Water Quality Control Policy for Enclosed Bays and Estuaries of California (Res. 74-43), and the Pollutant Policy Document for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Res. 90-67). The following are summaries of important policies which **are** applicable to the Lahontan Region:

1. **The State Policy for Water Quality Control**

This policy declares the State Board's intent to protect water quality through the implementation of water resources management programs and serves as the general basis for subsequent water quality control policies. It was adopted by the State Board by motion on July 6, 1972. It is included in Appendix B.

2. **State Board Resolution No. 68-16, Statement of Policy with Respect to Maintaining High Quality of Water in California**

The State Board adopted this policy in 1968. Essentially, it generally restricts the Regional

Board and dischargers from reducing the water quality of surface or ground waters even though such a reduction in water quality might still allow the protection of the beneficial uses associated with the water prior to the quality reduction. The goal of the policy is to maintain high quality waters, and the Regional Board must enforce it.

Changes in water quality are allowed only if the change: (1) is consistent with maximum benefit to the people of the State, (2) does not unreasonably affect present and anticipated beneficial uses, and (3) does not result in water quality less than that prescribed in water quality control plans or policies. USEPA regulations require each state to adopt an "antidegradation" policy and to specify the minimum requirements for its implementation. The federal view is that an anti-degradation policy is a critical component of surface water quality standards. Policy 68-16 preceded the federal regulations and is more complete in that it applies to both ground and surface waters. It is included in Appendix B.

In 1987, the USEPA Region IX, adopted guidelines for implementation of the federal antidegradation policy within its jurisdiction. The guidelines outline the type of information which must be provided to justify lowering of water quality. (See Chapter 3 for further discussion of State and federal nondegradation/anti-degradation regulations in relation to water quality objectives.)

3. **State Board Resolution No. 75-58, Water Quality Control Policy on the Use and Disposal of Inland Waters Used for Powerplant Cooling**

This policy was adopted by the State Board in June 1975. Its purpose is to provide consistent principles and guidance for supplementary waste discharge or other water quality control actions for thermal powerplants using inland waters for cooling. The Regional Board is responsible for its enforcement. It is included in Appendix B.

4. **State Board Resolution No. 77-1, Policy and Action Plan for Water Reclamation in California**

This policy was adopted in January 1977. Among other things, it requires the Regional Boards to conduct reclamation surveys and specifies reclamation actions to be implemented by the State and Regional Boards and other agencies.

The policy and action plan are contained in the State Board report entitled *Policy and Action Plan for Water Reclamation in California*. Resolution No. 77-1 is included in Appendix B.

5. State Board Resolution No. 87-22, Policy on the Disposal of Shredder Waste

This State Board Resolution, adopted in March 1987, permits the disposal into certain landfills of wastes, produced by the mechanical destruction of car bodies, and old appliances and similar castoffs, under specific conditions designated and enforced by the Regional Boards. It is included in Appendix B.

6. State Board Resolution No. 88-63, Sources of Drinking Water Policy

This policy was adopted in May 1988. It specifies which ground and surface waters are considered to be suitable or potentially suitable for the beneficial use of water supply (MUN). It allows the Regional Board some discretion in making MUN determinations. It is included in Appendix B.

7. State Board Resolution No. 92-49, Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304 (as amended on April 21, 1994 and October 2, 1996).

This resolution sets forth procedures to be followed by all Regional Boards in preliminary site assessment, including: soil and water investigations, proposal, selection, and implementation of cleanup actions, and monitoring to determine the effectiveness of cleanup and abatement. It is included in Appendix B. (See the Section 4.2 of Chapter 4 on "Spills, Leaks, Complaint Investigations, and Cleanup" for a more detailed summary of this resolution.)

8. State Board Resolution No. 96-030, Water Quality Enforcement Policy.

This policy directs that enforcement actions throughout the state shall be consistent, predictable, and fair. It provides direction on types of violations which shall be brought to the attention of Regional Board members, on escalation of enforcement procedures from less formal to more formal levels, on cooperation and coordination with other agencies and referrals of violations to the Attorney General, and on factors to be considered in setting amounts for Administrative Civil Liabilities (ACLs). The policy supports the concept of

supplemental environmental projects (e.g., mitigation measures) in exchange for suspension of a portion of an ACL or other monetary assessment.

Regional Board Policies

The Lahontan Regional Board has adopted a large number of policy statements over the years. The following are summaries of all of the policies which are in effect as of the date of adoption of this plan, and which the Regional Board will use to implement this plan. A Regional Board plan, policy, or guideline adopted to implement, interpret or make specific the Basin Plan prior to October 14, 1994, is superseded by this revised plan unless it is expressly mentioned in this plan.

1. Policies Delegating Authority (Resolutions 6-90-72 and 6-91-927)

Under Resolution 6-90-72, the Regional Board delegated to the Executive Officer, under the general direction and control of the Board, all of the powers and duties of the Board under Division 7 of the California Water Code except those specified in Section 13223(a). (This section lists powers and duties which may not be delegated.) Resolution 6-90-72 also reserves to the Regional Board the authority to state policy and create procedure to be followed by the Executive Officer. Resolution 6-91-038 delegates authority to the Executive Officer to approve closure plans for waste management units. Copies of both Resolutions are included in Appendix B.

2. Waiver Policy (Resolution 6-88-18)

The waiver policy delegates authority to the Executive Officer to waive waste discharge requirements for certain types of projects. (See Appendix B for copy of Resolution.)

3. Regional Board Guidelines for Implementation of Criteria for Individual Waste Disposal Systems (Resolution 6-88-16)

These guidelines provide for the implementation of the regionwide septic system criteria (guidelines are included in Chapter 4 and Appendix C) through Memoranda of Understanding with local governments. They describe circumstances under which areawide exemptions from the density limits may be granted. Other Regional Board policies which set forth specific guidelines for exemptions from localized septic system prohibitions (e.g., Truckee River) are cited in Chapter 4.

4. **Exemption Policies for Basin Plan Prohibitions**

Chapter 4 includes prohibitions against discharges from septic systems, and from other sources, which affect certain areas within the Lahontan Region. In some cases, detailed sets of exemption criteria for prohibitions were adopted as Basin Plan amendments, and are now included in the body of this Basin Plan. In other cases, separate Regional Board policies have been adopted to set forth or to clarify exemption criteria. Board Order 6-81-7 outlines a point system for evaluation of proposed new septic system subdivisions in the Truckee River prohibition area. Board Orders 6-70-48, 6-71-17, and 6-74-139 describe sewage export variances for the Lake Tahoe Basin. Copies of these Board Orders are included in Appendix B. Exemption criteria for specific septic system prohibition areas are included in Chapter 4.

Exemption criteria for discharge prohibitions related to Stream Environment Zones and 100-year floodplains in the Lake Tahoe Basin, and for the 100-year floodplain prohibitions in the Truckee River and Little Truckee River watersheds, are set forth in Chapters 4 and 5. These criteria require specific findings described in Chapters 4 and 5, and in Regional Board Order 6-90-22. Those chapters and Board Order 6-90-22 delegate authority to the Executive Officer to make exemption findings for these prohibitions under certain circumstances. Board Order 82-4 is used in implementation of the Lake Tahoe Basin prohibitions against discharges from new development which is not offset by remedial projects. Copies of the Board Orders are included in Appendix B.

5. **Interpretation of the High Water Line for Eagle Lake, Susanville Hydrologic Unit (Resolution 82-6)**

This Basin Plan's minimum siting criteria for septic tanks, sewer lines, leaching fields, and seepage pits include minimum distances of separation from lakes and reservoirs as measured from the high water line (see Table 4.4-1). This Resolution defines the high water line for Eagle Lake to be 5117.5 feet, a definition used in prohibiting the discharge of wastes from subsurface disposal systems on a lot with an elevation of less than 5130 feet. A copy of this Resolution is included in Appendix B. (See

Section 4.1 of this Basin Plan for waste discharge prohibitions for Eagle Lake.)

6. **Policy on Geothermal Development in the Eagle Lake Basin, Lassen County (Resolution 82-7)**

This resolution states the policy of the Regional Board to oppose any further consideration of geothermal exploration or development in the Eagle Lake Basin until it can be shown that such activities can be conducted without any risk of significant water quality degradation. This resolution is included in Appendix B.

7. **Regional Board Order 6-93-104 (NPDES NO. CAG916001, Waste Discharge Requirements for/General National Pollutant Discharge Elimination System Permit for Surface Water Disposal of Treated Ground Water.**

This regionwide general permit sets forth conditions for disposal to surface water of ground water which has been treated to remove petroleum products and chlorinated hydrocarbons, as part of remediation activities for leaking underground and aboveground fuel tanks and other unauthorized discharges. Such ground water must have been treated to nondetectable contaminant concentrations. Board Order 6-93-104 is included in Appendix B of this Basin Plan.

Water Quality Management Plans Adopted by Other Agencies

In the 1970s, funds were provided for water quality management planning under Section 208 of the federal Clean Water Act. A number of Section 208 Plans affecting the Lahontan Region were completed. Other plans adopted by federal, state, and local agencies may also affect the Regional Board's activities. The following is a summary of important plans:

1. **U.S. Forest Service, Pacific Southwest Region, Water Quality Management for National Forest Lands in California.**

This plan was completed in 1979. It identifies water quality problems associated with silviculture and other Forest Service land management activities, and sets forth Best Management Practices.

2. **U.S. Bureau of Land Management, 208 Water Quality Management Report.**

This plan was completed in 1979. It identifies BLM management activities which affect water quality, water quality concerns of BLM's Districts within California, and includes recommendations for development of Best Management Practices to correct existing problems.

3. **California Department of Transportation, Best Management Practices for Control of Water Pollution (Transportation Activities).**

This plan summarizes procedures within Caltrans's planning, construction, and operation & maintenance programs which can be used to control water quality problems. The State Board has recognized the procedures as Best Management Practices.

4. **Local Government Plans**

Several local governments in the Region completed Section 208 water quality management planning studies to identify problems, followed by governing body action to commit the local government to improve effectiveness of its regulatory structure to prevent similar problems in the future. These studies include:

California City:

- Use of individual wastewater disposal systems and alternatives

City of Bishop:

- Surface flow management/urban runoff
- Erosion control and abatement

Inyo County:

- Use of individual wastewater disposal systems and alternatives
- Surface flow management/urban runoff
- Erosion control and abatement

Los Angeles County:

- Use of individual wastewater disposal systems and alternatives
- Surface flow management/urban runoff
- Erosion control and abatement

5. **Tahoe Regional Planning Agency, Water Quality Management Plan for the Lake Tahoe Region ("208 Plan").**

In the 1970s, the bistate Tahoe Regional Planning Agency (TRPA) was designated the 208 planning agency for the "Lake Tahoe Region,"

which includes most of the Lake Tahoe Hydrologic Unit and a small portion of the Truckee River Hydrologic Unit. TRPA's "208 Plan," which incorporated portions of the State Board's *Lake Tahoe Basin Water Quality Plan*, was certified by the states of California and Nevada and the USEPA in 1981. The 208 Plan was substantially revised and recertified in 1989. It identifies water quality problems which have contributed to the degradation of Lake Tahoe and sets forth a series of control measures including land use restrictions, wetland protection and restoration, use of a Best Management Practices Handbook, and a "Capital Improvements Program" of remedial erosion and surface runoff control projects to be implemented by state and local government agencies. (See Chapter 5 for a summary of important control measures from this plan.)

6. **Other Plans**

A number of other plans adopted by state, federal, and local government agencies affect the Regional Board's activities. These include the solid waste management and hazardous waste management plans adopted by counties, and land and resource management plans adopted by National Forests and BLM Districts. Regional Board staff review and comment on new and revised plans by other agencies as they are proposed and attempt to maximize coordination in implementation of water quality related measures.

Interagency Agreements

The State and/or Regional Boards have entered into Management Agency Agreements (MAAs) and Memoranda of Understanding (MOUs) or of Agreement (MOAs) with a number of other agencies to define procedures for implementation of the plans summarized above, or to clarify each agency's authority and responsibility in implementing water quality control measures where overlaps of jurisdiction occur. Some of the more important MAAs, MOUs, and MOAs are with the following agencies:

1. **U.S. Forest Service**

In February 1981 the State Board Executive Director signed a MAA with the U.S. Forest Service (USFS) which waives discharge requirements for certain USFS nonpoint source discharges provided that the Forest Service implements State Board approved Best Management Practices (BMPs) and procedures and additional provisions of the MAA. The MAA

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covers all USFS lands in California. Implementation of BMPs, in conjunction with monitoring and performance review requirements approved by the State and Regional Boards, is the primary method of meeting the Basin Plan's water quality objectives for the activities to which the BMPs apply. The MAA does not include USFS point source discharges and in no way limits the authority of the Regional Board to carry out its legal responsibilities for management or regulation of water quality.

In 1993, the Regional Board entered into a MOU with the Lake Tahoe Basin Management Unit of the U.S. Forest Service. The MOU recognizes the unique and sensitive nature of Lake Tahoe, and specifies procedures to be used by the two agencies to expedite projects that will benefit water quality. The MOU provides for streamlined review of Forest Service projects by the Regional Board, and details a process whereby the agencies will prepare joint environmental documents.

2. **California Department of Forestry and Fire Protection**

In February 1988, the State Board signed a MAA with the California Department of Forestry and Fire Protection (CDF) and the California Board of Forestry (BOF), for the purpose of carrying out, pursuant to Section 208 of the federal Clean Water Act, the *Water Quality Management Plan For Timber Operations on Nonfederal Lands* (WQMP). As with the USFS MAA, the CDF agreement requires the Department to implement certain BMPs to protect water quality from timber harvest and associated activities. Approval of the MAA as a WQMP component by the USEPA results in the Regional Boards relinquishing their authority to issue WDRs for State timber operations. However, the MAA obligates the Regional Boards to ensure that harvest operations incorporate BMPs and comply with applicable water quality standards. Appendix F of the MAA also calls for the preparation of a Memorandum of Understanding (MOU) for the Regional Boards, the State Board, and the CDF to prescribe interagency procedures for implementing BMPs.

3. **California Department of Conservation, Division of Oil and Gas**

In March 1988, the State Board amended a February 1982 MOA with the State Department of Conservation, Division of Oil and Gas (CDOG), to regulate discharges from oil, gas, and geothermal

fields. The agreement requires CDOG to notify the Regional Boards of all new operators, all pollution problems associated with operators, and proposed discharges. CDOG and Regional Boards must also work together, within certain time-lines, to review and prepare discharge permits.

4. **California Department of Fish and Game**

In 1990, the Regional Board adopted amendments to the North and South Lahontan Basin Plans to permit conditional use of the fish toxicant rotenone by the Department of Fish and Game (DFG). The Regional Board and DFG entered into a 1990 MOU to facilitate implementation of the amendments. The MOU specifies the detailed information to be provided by DFG to the Regional Board before undertaking a rotenone application project, and the type of pre-project and post-project monitoring to be undertaken. It also sets forth the criteria to be used by the Regional Board Executive Officer in evaluating rotenone application projects, and requires the DFG to actively explore the development of rotenone formulations containing less objectionable compounds. (See the section of Chapter 4.9 on fisheries management.)

5. **California Environmental Affairs Agency, California Air Resources Board, and CA Integrated Waste Management Board**

Because many pollutants are "multi-media" (affecting air quality and soil as well as water) and because many environmental issues cut across agency jurisdictional lines, the State Board and the other agencies listed above entered into a MOU in 1990 to enhance program coordination, eliminate duplication of effort, and provide regulatory consistency. It outlines the statutory duties of each agency and sets up procedures for communication and conflict resolution between agencies.

6. **Department of Health Services (including the Department of Toxic Substances Control)**

To expedite the cleanup of hazardous waste sites and to eliminate duplication of effort, in 1990 the State Board entered into a MOU with the State Department of Health Services (which at that time contained the Toxic Substances Control Program now called the Department of Toxic Substances Control). The RWQCBs will be the lead agency when contamination is associated with inactive mines, leaking underground storage tanks, agricultural activities, surface impoundments, and non-hazardous waste landfills. The MOU defines

the responsibilities of the lead agency for coordinating and communicating cleanup activities with support agencies. Lead agencies must also notify support agencies before enforcement and settlement activities are implemented at hazardous waste sites.

7. Tahoe Regional Planning Agency (TRPA)

In 1994 the Regional Board entered into a MOU with the TRPA in order to reduce regulatory duplication in review and permitting of certain types of projects in the California portion of the Lake Tahoe watershed. The MOU assigns primary responsibility for permitting and enforcement for certain types of projects to only one agency, but does not limit the authority of either agency. It also provides for reporting by each agency to the other on permits issued under the MOU, and for ongoing discussions on possible expansion of the scope of the MOU.

8. Local Governments

The Lahontan Regional Board has entered into MOUs with local governments regarding the following subjects:

- Implementation of regionwide septic system criteria, including density limits. (The criteria are set forth in Chapter 4.)
- Closure, installation, repair, and soils investigations associated with underground tanks. Under these MOUs the Regional Board agrees to waive waste discharge requirements if the local government implements Best Management Practices for the activities listed above.
- On August 13, 1993 the Regional Board adopted a Memorandum of Understanding between the Regional Board, Inyo County, and the Mesa Community Services District regarding the implementation of the Mesa Wastewater Management Plan. This plan provides for the treatment of individual sewage discharges necessary to comply with Regional Board water quality objectives at the Mustang Mesa/Alta Vista (Mesa) Community in Inyo County. The plan was necessary in order to allow the community to develop its remaining lots which had been encumbered since a Regional Board prohibition was established in 1975. The plan calls for the pretreatment of septic effluent with intermittent sand filters and a ground water monitoring and reporting program.

9. Military Facilities (Federal Facilities Site Remediation Agreements)

High priority hazardous waste sites scheduled for cleanup under the federal "Superfund" program are placed on the National Priority List (NPL). The Superfund program provides funding and guidelines for cleanup of NPL sites. In California, a significant proportion of the NPL sites are military installations. Federal facilities in California, including military installations, which are **not** on the NPL can sign into a state compliance agreement called a Federal Facilities Site Remediation Agreement (FFSRA). A FFSRA is a document which formalizes a working agreement between the federal facility and state agencies. It establishes a schedule for site investigations and any necessary cleanup, and it provides the enforcement mechanism in cases where commitments are not met. More information on water quality control measures for military installations can be found in Section 4.12 of the Basin Plan.