

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 80-81

CONDITIONS FOR CERTIFICATION OF A WATER QUALITY PLAN  
SUBMITTED BY THE TAHOE REGIONAL PLANNING AGENCY

WHEREAS:

1. It is the responsibility of the State Board under Section 208 of the Clean Water Act to certify to the Environmental Protection Agency an areawide water quality plan (208 plan) for the Lake Tahoe Basin.
2. Any 208 plan certified by the State Board must provide that further deterioration of the outstanding water quality of Lake Tahoe shall not be permitted.
3. In 1974, California and Nevada designated the Tahoe Regional Planning Agency to prepare a 208 plan for the Lake Tahoe Basin.
4. On January 25, 1978, the Tahoe Regional Planning Agency approved a 208 plan for the Lake Tahoe Basin which was conditionally approved by Nevada on May 23, 1978.
5. The 208 plan submitted by the Tahoe Regional Planning Agency in 1978 would not have protected Lake Tahoe from further degradation.
6. On July 20, 1978, the State Board rejected the plan submitted by the Tahoe Regional Planning Agency and reaffirmed its decision on November 6, 1978.
7. When the State Board rejected the 208 plan submitted by the Tahoe Regional Planning Agency, the State Board assumed responsibility for preparing an adequate plan.
8. The State Board has prepared a Lake Tahoe Basin Water Quality Plan which provides the needed control measures to protect Lake Tahoe water quality.
9. The plan meets all requirements of Section 208 of the Federal Clean Water Act and Environmental Protection Agency regulations interpreting the Act.
10. Full implementation of the control measures in the State Board's plan on both sides of the Lake is needed to protect Lake Tahoe water quality.
11. The plan provides that before the State Board considers certification of the plan to the Environmental Protection Agency, the Tahoe Regional Planning Agency shall be given another opportunity to submit an adequate plan.
12. California and Nevada have ratified amendments to the Tahoe Regional Planning Compact which require the Tahoe Regional Planning Agency to adopt an amended regional plan.
13. The regional plan must ensure attainment of water quality standards, within the thirty months after the Compact is ratified by Congress.

THEREFORE BE IT RESOLVED:

1. That the State Board, acting pursuant to a delegation of authority from the Governor of the State of California, adopts the following list of the elements which should be included in a 208 plan for the Lake Tahoe Basin. The State Board will certify a 208 plan submitted by the Tahoe Regional Planning Agency if and only if the plan meets these conditions, or provides fully equivalent protection of Lake Tahoe water quality.

A. The 208 plan must provide for implementation of each of the control measures set forth in Section B of Chapter III of the Lake Tahoe Basin Water Quality Plan prepared by the State Water Resources Control Board.

B. The 208 plan shall identify the means of implementation. The 208 plan may rely on implementation by the Tahoe Regional Planning Agency or by other agencies making implementation commitments.

C. The 208 plan shall include regulatory programs to enforce controls relating to:

- o Erosion and Urban Runoff Control Projects
- o Onsite Surface Runoff Control
- o Development Restrictions
- o Best Management Practices for Permitted Development
- o Forest Practices
- o Construction and Dredging in Lake Tahoe
- o Vessel Wastes

Except where other agencies make implementation commitments, the 208 plan must include a commitment by the Tahoe Regional Planning Agency to enforce these programs.

D. The regulatory program enforcing restrictions on development:

- o Shall apply to any new structure which has not received a valid sewer connection permit before October 29, 1980.
- o Shall not allow exceptions or variances except where such variances or exceptions are allowed under the Lake Tahoe Basin Water Quality Plan prepared by the State Water Resources Control Board.
- o Shall include a transfer of development rights system or similar measures which provide compensation to lot owners who can realize no beneficial use of their lands as a result of the restrictions on development set by the 208 plan.

E. The 208 plan shall not prohibit or limit the ability of any other agency to enforce controls consistent with the State Water Resources Control Board's Lake Tahoe Basin Water Quality Plan.

2. The 208 plan submitted by the Tahoe Regional Planning Agency may provide for enforcement of controls on an interim basis, pending adoption of an amended regional plan as provided by Compact amendments recently ratified by California and Nevada provided:
  - A. State Board approval of the 208 plan shall be conditioned upon submission of the amended regional plan to the State Board, and State Board certification of the regional plan as consistent with Section 208 of the Clean Water Act.
  - B. Enforcement on an interim basis will not delay implementation of any of the control measures.
3. If the Tahoe Regional Planning Agency adopts an adequate 208 plan, the State Board is prepared to assist in its implementation. To ensure the effectiveness of the State Board's program, the 208 plan shall include, or the Tahoe Regional Planning Agency shall accept as a condition of certification:
  - A. A requirement that National Pollutant Discharge Elimination System permits be issued for storm sewers. These permits shall include conditions enforcing best management practices and other control measures including conditions requiring construction of erosion control projects, enforcing onsite controls, and applying development restrictions.
  - B. A requirement that the National Pollutant Discharge Elimination System permits for sewerage agencies prohibit issuance of new connections to development which is not in accord with the development restrictions in the 208 plan.
  - C. A statement that a project for construction of municipal waste treatment facilities is consistent with the 208 plan only if it is assured that it will not be used to serve development which is in violation of the plan.
4. The 208 plan may address the issues of municipal waste treatment needs, solid waste, and recommendations concerning State water quality standards in any of the following ways:
  - A. Addressing these issues in the 208 plan.
  - B. Agreeing to address these issues as part of continuing planning, including amendments to the regional plan.
  - C. Accepting as a condition of certification those provisions of the Lake Tahoe Basin Water Quality Plan prepared by the State Water Resources Control Board which address these issues.
5. The State Board authorizes the Executive Director to provide any clarification or greater detail requested by the Tahoe Regional Planning Agency concerning the requirements for certification of the 208 plan.

6. The Tahoe Regional Planning Agency shall adopt and submit to the State Board a 208 plan not later than 90 days after this resolution is adopted. After the expiration of 90 days, the State Board shall consider the issues of plan certification and designation of the agency responsible for continuing planning.
7. If the Tahoe Regional Planning Agency does not submit an adequate plan before the State Board acts on plan certification and agency designation, the State Board may reconsider these issues if the Tahoe Regional Planning Agency submits a 208 plan at a later date.

CERTIFICATION

The undersigned, Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on October 29, 1980.



---

Clint Whitney  
Executive Director