

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Request for Review)
and Stay of Waste Discharge Require-)
ments for McKeon Construction on)
Lake Forest Glen, Prescribed by)
California Regional Water Quality)
Control Board, Lahontan Region)

Order No. 71-6

McKeon Construction filed a petition on January 7, 1971, requesting that the State Water Resources Control Board review and stay the waste discharge requirements on its development at Lake Tahoe which were prescribed by the California Regional Water Quality Control Board, Lahontan Region in Order No. 6-70-47 on December 10, 1970.

This petition contended that the order of the regional board was improper because:

1. Unnaturally diverted groundwaters are not necessarily "industrial waste," as that term is defined by law, and;
2. Paragraph 6 of Order No. 6-70-47 is too vague and uncertain to permit petitioner to ascertain its meaning, and is therefore unenforceable.

The State Water Resources Control Board has reviewed the petition and examined the record of the regional board and makes the following findings:

1. McKeon Construction Company, Inc., is presently developing Lake Forest Glen Subdivision, a condominium development

consisting of 400 townhouses in Placer County.

2. McKeon Construction Company, Inc., has placed perforated metal pipe in a backfilled ditch, 15 feet deep, 4 feet wide and approximately 400 feet long on the northerly border of the development to collect groundwater and surface water from an unnamed creek, commonly called Mill Creek, and divert it into a storm drainage system.

3. The area which is by-passed by the collected groundwater and diverted streams is a marsh or meadow area on which part of the development is proposed to be built. The marsh or meadow area consists of rich organic material and silt.

4. The collected groundwater, storm water runoff and relocated stream are diverted into a common culvert and discharged into the channel of the unnamed creek where it is carried into Lake Tahoe.

5. Numerical water quality requirements are established by Order No. 6-70-47 at the point of discharge from the culvert into the unnamed stream at Lake Forest Glen.

6. The water quality control plan for Lake Tahoe adopted in 1966, prohibits the discharge of "industrial waste" into waters of the Lake Tahoe Basin.

7. The Regional Board, in its effort to protect a natural resource of the Lake Tahoe Basin, to wit: a marsh or meadow area with meandering streams running through the property of the petitioner, prohibited the discharge of the collected groundwater and diverted streams as an "industrial waste" as stated in paragraph 6 of Order No. 6-70-47.

Adopted as the decision and order of the State Water Resources Control Board at a meeting duly called and held at Los Angeles, California.

Dated: February 4, 1971

KERRY W. MULLIGAN

Kerry W. Mulligan, Chairman

E. F. DIBBLE

E. F. Dibble, Vice Chairman

NORMAN B. HUME

Norman B. Hume, Member

RONALD B. ROBIE

Ronald B. Robie, Member

W. W. ADAMS

W. W. Adams, Member

8. The action of the regional board in prohibiting the discharge of diverted groundwater is not necessary for the protection of the quality of waters of the Lake Tahoe Basin. The prohibition should be replaced with appropriate waste discharge requirements.

9. Protection of Lake Tahoe and its tributaries from the effects of siltation as the result of activities of man in accordance with the Lake Tahoe Water Quality Control Plan will be provided by the appropriate waste discharge requirements.

IT IS HEREBY ORDERED THAT:

1. The California Regional Water Quality Control Board, Lahontan Region, at the earliest possible date undertake appropriate proceedings to remove the prohibition of the waste discharge contained in paragraph 6 of Order No. 6-70-47 and place such requirements on the discharge as the Board determines to be appropriate.

2. Pending the action of the regional board the petitioner is granted a stay of enforcement of paragraph 6 in Order No. 6-70-47. The remaining requirements of Order No. 6-70-47 are not stayed by this order.