

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Review of  
Lahontan Regional Water Quality  
Control Board Order No. 6-80-73,  
Regarding Waste Discharge  
Requirements for Tahoe City Public  
Utility District and the State  
Department of Parks and Recreation  
for Star Harbor Athletic Field.  
Our File No. A-282.

Order No. WQ 80-23

BY THE BOARD:

The California Regional Water Quality Control Board, Lahontan Region (Regional Board) adopted Order No. 6-80-73, prescribing waste discharge requirements for the Star Harbor Athletic Field. The Order also provided that it would not take effect until the State Water Resources Control Board (SWRCB) reviewed and approved the waste discharge requirements.

I. DISCUSSION

The site where the proposed Star Harbor Athletic Field is to be located is in Placer County two miles east of Tahoe City on Highway 28. It is a 10 acre site bounded by several streams and classified as a stream environment zone. Since 1969, the natural topography has been altered by the placement of dredge spoil over a large portion of the site. The dredge spoil occurred as a result of the construction of nearby condominiums. Consequently, the area does not fully perform the normal filtration and nutrient removal functions of a stream zone.

The parcel was acquired by the Department of Parks and Recreation (Department) in February 1977 and was leased to the Tahoe City Public Utility District (TCPUD) for recreational purposes in July 1978. The lease agreement

required the Department's approval of improvements. TCPUD submitted conceptual plans to the Department in January 1980 calling for the development of baseball diamonds and playfields. The Department conditionally approved these plans and encumbered grant funds for construction in May 1980. Environmental documents for the project needed to comply with the California Environmental Quality Act (CEQA) were filed in January, and the Placer County Board of Supervisors approved the project Notice of Determination of Compliance in May 1980. The environmental documents indicate that this site is realistically the last remaining feasible site for this type of recreational facility for this locale.

The Placer County Planning Department issued a conditional use permit for the project in March 1980. The California Tahoe Regional Planning Agency (CTRPA) and the Tahoe Regional Planning Agency (TRPA) both issued permits with conditions in May 1980.

The Regional Board initially indicated it would waive discharge requirements for the project. The Tahoe Resource Conservation District petitioned the Regional Board's proposed action to waive requirements. This petition was to be heard at the August 14, 1980 Regional Board meeting. Before the Regional Board heard the matter, some individuals took matters into their own hands and performed extensive unauthorized work, including major grading, on the site. The Regional Board issued Cleanup and Abatement Order No. 80-7, in an attempt to stabilize the area before winter. The Cleanup and Abatement Order has been complied with and the area has been stabilized. The Regional Board adopted final waste discharge requirements in Order No. 6-80-73, on October 9, 1980. The requirements included a proviso requested by the State Board that the Order not take effect until State Board approval was given.

## II. ISSUES

### 1. Applicability of the Lake Tahoe Basin Water Quality Control Plan.

On October 29, 1980, the State Board adopted the Lake Tahoe Basin Water Quality Plan (Water Quality Plan). This Plan contains very strict controls to protect water quality of Lake Tahoe and prohibits discharges from new developments in stream environment zones. These prohibitions do not apply "to any new development holding a valid sewer permit issued before adoption of this Plan, so long as all necessary approvals are obtained. Best management practices will be required in these cases".<sup>1/</sup>

A sewer permit is a preliminary requirement to be obtained before other permits. In the case of the Star Harbor Athletic Field, the project did not have a valid sewer permit because no sewer permit was required. In addition, the project had obtained all other needed approvals. Therefore, in accordance with the Water Quality Plan, we find that this project is not subject to the Plan's prohibitions against new development. Waste discharge requirements for the project should instead be evaluated in accordance with the Water Quality Control Plan for the North Lahontan Basin of June 26, 1975 (Basin Plan) and best management practices should be required.<sup>2/</sup>

### 2. Appropriateness of the Waste Discharge Requirements.

We have reviewed the waste discharge requirements prescribed by the Regional Board in Order No. 6-80-73 and find that they implement the Basin Plan, and prescribe best management practices to be followed. Seventeen specific practices

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1. Lake Tahoe Basin Water Quality Control Plan, October 1980, page 164.
  2. While the Water Quality Plan itself is not applicable to this case, it should be noted that the findings of fact combined in the Plan may be considered by the Regional Board in reviewing cases such as this. A discharge prohibition may be appropriate in given cases based on such findings or other environmental factors.

for the protection of water quality are prescribed. The waste discharge requirements provide that the remaining dredge spoil shall be removed from the site and the flood plain restored to the maximum extent practicable. The Regional Board found that this should result in a net increase in the "available" stream environment zone. The project was revised in other respects to meet Regional Board concerns. Revisions included a major cutback in project extent and remedial work to offset project impacts. Restoration work of the area is required to enhance the ability of this stream environment zone to provide water quality protection.

### III. CONCLUSIONS

For the following reasons, we approve the Regional Board waste discharge requirements:

1. The prohibitions contained in the Water Quality Plan are not applicable because:
  - a. The project did not need a sewer permit;
  - b. Environmental documentation was complete and CEQA had been complied with;
  - c. Conceptual approval of development plans had been granted by the Department;
  - d. Placer County Planning Department had issued a conditional use permit;
  - e. CTRPA approval with conditions had been obtained;
  - f. TRPA approval with conditions had been obtained;
  - g. Best management practices were required;
2. The Regional Board properly exercised its discretion to issue waste discharge requirements because:

- a. Major restoration work on the balance of the site will be performed;
- b. The project was extensively revised and rescoped to be compatible with the site capability and capacity;
- c. The waste discharge requirements prescribe strict controls for the protection of water quality;
- d. The project will provide needed public recreation facilities for which there is no feasible alternative site;

While approving these requirements, we must note with displeasure the action of certain persons doing extensive grading in a very sensitive environment without the necessary permits and approvals. This type of action can cause irreparable damage to fragile areas, which is why the close scrutiny and review of several agencies is needed. The Lake Tahoe Basin can ill afford this type of lawless action. We expressly note that our approval of this project is based on the factors listed above, and not on the unsanctioned grading activity.

IV. ORDER

IT IS HEREBY ORDERED that Regional Board Order No. 6-80-73 is approved as appropriate and proper.

DATED: December 18, 1980

/s/ Carla M. Bard  
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Carla M. Bard, Chairwoman

/s/ William J. Miller  
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William J. Miller, Vice-Chairman

/s/ L. L. Mitchell  
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L. L. Mitchell, Member

/s/ Jill B. Dunlap  
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Jill B. Dunlap, Member

/s/ F. K. Aljibury  
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F. K. Aljibury, Member