

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION NO. R6T-2003-0012

**WAIVER OF FILING A REPORT OF WASTE DISCHARGE AND WAIVER OF
WASTE DISCHARGE REQUIREMENTS FOR SPECIFIC TYPES OF PROJECTS OR
DISCHARGES REGULATED BY THE TAHOE REGIONAL PLANNING AGENCY**

WHEREAS, California Water Code Section 13260(a) requires that any person discharging waste or proposing to discharge waste within the Region, other than to a community sewer system, that could affect the quality of the waters of the state, shall file a report of waste discharge; and

WHEREAS, the California Regional Water Quality Control Board, Lahontan Region has a statutory obligation to prescribe waste discharge requirements, except where a waiver is not against the public interest pursuant to California Water Code Section 13269; and

WHEREAS, California Water Code Section 13269 stipulates that any waiver of filing a report of waste discharge and/or prescribing waste discharge requirements shall be conditional and may be terminated at any time by the Regional Board; and

WHEREAS, the Tahoe Regional Planning Agency (TRPA) is required by the Tahoe Regional Planning Compact (P.L. 96-551, 94 Stat. 3233, Cal. Govt. Code 66801; NRS 277.200) to regulate activities within the Lake Tahoe Basin which may have a substantial effect on natural resources of the Basin, including water quality; and

WHEREAS, the Regional Board finds that waiving the filing of a report of waste discharge and waste discharge requirements for the following categories of projects and activities within the Lake Tahoe Hydrologic Area (HU 634.00) of the Lahontan Region would not be against the public interest when the project or discharge is effectively regulated by the TRPA:

Construction of new facilities and modification and/or expansion of existing facilities, provided the project does not involve

1. Total land disturbance of one (1) acre or more,
2. More than 1,000 square feet of new disturbance in lands classified as stream environment zones (SEZs),
3. Best management practice (BMP) retrofit of ski areas,
4. Stream restoration,
5. Wetland restoration,
6. Properties for which waste discharge requirements have previously been adopted, or
7. Public erosion control/runoff treatment; and

WHEREAS, the Regional Board finds that waiving the filing of a report of waste discharge and waste discharge requirements for the following categories of projects and activities within the Lake Tahoe Hydrologic Area (HU 634.00) of the Lahontan Region would not be against the public interest when the project or discharge is effectively regulated by the TRPA, provided the applicant obtains 401 Water Quality Certification from the Regional Board for those projects requiring an Army Corps of Engineers Section 404 Permit:

1. Piers,
2. Boat ramps,
3. Buoys,
4. Floating docks and platforms, and
5. Shorezone protection structures; and

WHEREAS, the Regional Board finds that waiving the filing of a report of waste discharge and waste discharge requirements for cleanup and remediation activities, not involving discharges subject to NPDES regulations, at contaminated ground water sites would not be against the public interest, provided the responsible parties submit a project description to the Regional Board including an erosion control and soil stockpile management plan; and

WHEREAS, the Regional Board finds that waiving the filing of a report of waste discharge and/or waste discharge requirements for the categories of projects listed above would enable Regional Board staff to use its resources effectively and to reduce duplicative regulatory requirements; and

WHEREAS, Regional Board staff has prepared a negative declaration in accordance with the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) and State guidelines, and the Regional Board has considered the negative declaration and determined there will be no significant adverse impacts to the environment from the waiver of filing a report of waste discharge and/or waste discharge requirements for the categories of projects specified herein that are regulated by the TRPA; and

WHEREAS, the Regional Board held a hearing on March 12-13, 2003 in South Lake Tahoe, El Dorado County and considered all evidence concerning this matter.

THEREFORE BE IT RESOLVED, the Regional Board waives the filing of a report of waste discharge and/or waste discharge requirements for the projects and discharges as specified above; and

BE IT FURTHER RESOLVED, the Regional Board does **not** waive the filing of a report of waste discharge and waste discharge requirements for projects and activities where, in the opinion of the Executive Officer, waste discharge requirements are necessary or that involve any of the following:

1. Over one acre of total land disturbance,
2. More than 1,000 square feet of new disturbance in lands classified as SEZs,
3. BMP retrofit of ski areas,
4. Stream restoration,
5. Wetland restoration,
6. Properties for which waste discharge requirements have previously been adopted, or
7. Public erosion control/runoff treatment; and

BE IT FURTHER RESOLVED, the Regional Board authorizes and directs the Executive Officer to enter into a Memorandum of Understanding with the TRPA outlining the categories of effected projects, each agency's role, and coordination requirements to ensure each is complying with the MOU; and

BE IT FURTHER RESOLVED, any project requiring Water Quality Certification under Section 401 of the Clean Water Act must obtain that certification from the Regional Board prior to discharging; and

BE IT FURTHER RESOLVED, this action waiving the filing of a report of waste discharge and waste discharge requirements is conditional and the Executive Officer can recommend the Regional Board adopt waste discharge requirements for any of the specific types of projects or discharges, or any individual project or discharge, identified in the MOU with the TRPA.

I, Harold J. Singer, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Lahontan Region, on March 12, 2003.

HAROLD J. SINGER
EXECUTIVE OFFICER

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