

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION NO. R6T-2003-0021

**WAIVER OF FILING A REPORT OF WASTE DISCHARGE AND WAIVER OF
WASTE DISCHARGE REQUIREMENTS FOR SPECIFIC TYPES OF PROJECTS
CONDUCTED ON LANDS ADMINISTERED BY THE UNITED STATES FOREST
SERVICE-LAKE TAHOE BASIN MANAGEMENT UNIT (LTBMU)**

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 State Water Resources Control Board and the U.S. Forest Service (USFS) signed a Management Agency Agreement (MAA) in 1981 which designated the USFS as the Water Quality Management Agency for all activities on National Forest Service lands. This designation acknowledges that the USFS has the authority and capability to implement non-point source control measures on USFS lands in California; and

WHEREAS, Pursuant to Section 13269 of the California Water Code, the Regional Board may waive the need for waste discharge requirements for specific types of discharges, where such a waiver is not against the public interest. Such waivers may be conditional and may be terminated at any time, but these waivers expire effective January 1, 2003, and that new waivers of waste discharge requirements for specific types of discharges must be renewed at minimum every five years; 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 within the Lake Tahoe Hydrologic Area (HU 634.00) of the Lahontan Region would not be against the public interest, provided the applicant obtains from the Regional Board a 401 Water Quality Certification for those projects requiring an Army Corps of Engineers Section 404 Permit and a Basin Plan Prohibition Exemption for new disturbance, or new land coverage, or excavation/fill in sensitive areas:

1. WATER QUALITY IMPROVEMENT PROJECTS IN SENSITIVE LANDS. These are projects that are necessary for environmental protection and whose primary purpose is to reduce, control, or mitigate existing sources of erosion or water pollution. Sensitive lands, as defined in this document, are lands classified as either stream environment zone (SEZ) or lands within the 100-year floodplain.
2. SPECIFIC PROJECTS WITH LITTLE DISTURBANCE IN SENSITIVE LANDS. These specific projects propose some disturbance in sensitive lands but less than 1000 square feet of new impervious land coverage or less than 2000 square feet of new ground disturbance or less than 100 cubic yards of fill or excavation. Specific projects only include three categories: a) public outdoor recreation projects that, by their very nature, must be sited in sensitive lands; b) public service projects that are necessary for public health, safety, or environmental protection; or c) projects which require access across stream environment zones (SEZs) to otherwise buildable sites. For a public outdoor recreation project that proposes disturbance within a 100-year flood plain, it must be part of the LTBMU's long range plans for public outdoor recreation.
3. ANY OTHER PROJECT WITH NO DISTURBANCE IN SENSITIVE LANDS. These projects can be any type or activity but do not include proposals for disturbance in sensitive lands nor new development in excess of the land capability system limits on Class 1a, 1c, 2 or 3 lands.

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

WHEREAS, Regional Board staff has prepared a Mitigated 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 Mitigated 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 waste discharge requirements for the categories of projects specified herein that are conducted on lands administered by the LTBMU; and

WHEREAS, the Regional Board conducted a public hearing on May 21-22, 2003 in Tahoe City, California, and considered all testimony and evidence concerning this matter.

THEREFORE BE IT RESOLVED, the Regional Board waives the filing of a report of waste discharge and waste discharge requirements for the categories of projects specified above, provided the applicant obtains from the Regional Board a 401 Water Quality Certification for those projects requiring an Army Corps of Engineers Section 404 Permit and a Basin Plan Prohibition Exemption for new disturbance, or new land coverage, or excavation/fill in sensitive areas prior to conducting the project; and

BE IT FURTHER RESOLVED, the Regional Board authorizes and directs the Executive Officer to enter into a Memorandum of Understanding (MOU) with the LTBMU implementing the provisions of the MAA for activities administered by the LTBMU, outlining the categories of

affected projects, each agency's role, and coordination requirements to ensure each is complying with the MOU; and

BE IT FURTHER RESOLVED, pursuant to CWC Section 13269, the waiver of waste discharge requirements for the categories of waste specified herein shall not exceed five years in duration; and

BE IT FURTHER RESOLVED, the Regional Board may review the Waiver at any time and may modify or terminate the Waiver in its entirety or for individuals, as is appropriate; 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 LTBMU.

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 May 21, 2003.

HAROLD J. SINGER
EXECUTIVE OFFICER