

Lahontan Regional Water Quality Control Board

May 7, 2014

Nancy Gibson
U.S. Forest Service- LTBMU
35 College Drive
South Lake Tahoe, CA 96150

BOARD ORDER NO. R6T-2014-0035 FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR THE WILLIAM KENT CAMPGROUND REDEVELOPMENT PROJECT, LAKE TAHOE HYDROLOGIC UNIT, PLACER COUNTY, WDID 6A311403003

The California Regional Water Quality Control Board, Lahontan Region (Water Board) has received a complete Clean Water Act (CWA) Section 401 Water Quality Certification (WQC) application and application filing fee for the William Kent Campground Redevelopment Project (Project) in Placer County. This Order for WQC hereby assigns this Project the following reference number: Waste Discharger Identification (WDID) No. 6A311403003. Please use this reference number in all future correspondence regarding this Project.

Any person aggrieved by this action of the Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations (CCR), title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions will be provided upon request or may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality.

PROJECT DESCRIPTION

Table of Project Information:

WDID Number	6A311403003
Applicant	Nancy Gibson, U.S. Forest Service-Lake Tahoe Basin Management Unit (LTBMU), 35 College Drive, SLT CA 96150
Agent	Michael Gabor, same address
Project Name	William Kent Campground Redevelopment Project

Table of Project Information continued:

Project Purpose and Description	Remove storm drain pipe and concrete headwall from below Lake Tahoe high water elevation and replace with an open rock lined channel.						
Project Type	Stormwater improvement						
Project County	Placer						
Project Address or other Locating Information	177 Sequoia Ave., Tahoe City, CA; William Kent Campground Day-Use Beach site;						
Location Latitude/Longitude	Latitude:39.1396 N, Longitude: 112.1543 W						
Hydrologic Unit(s)	Hydrologic Unit, 634.30						
Overall Project Area	22 acres						
Receiving Water(s) Name	Lake Tahoe						
Water Body Type(s)	Lake						
Designated Beneficial Uses	MUN, AGR, GWR, NAV, REC-1, REC-2, COMM, COLD, WILD, BIOL, MIGR, SPWN						
Potential Water Quality Impacts	Sediment, turbidity						
Area of Water(s) within the Overall Project Area	1600 square feet (0.04 acres)						
Impacts of fill to waters of the state, including waters of the U.S. (WOUS)	Waterbody Type	Permanent			Temporary		
		Acres or Sq. Ft.	Linear Feet	Cubic Yards	Acres or Sq. Ft.	Linear Feet	Cubic Yards
	<i>Lake</i>		108	80			
	<i>Riparian</i>						
	<i>Stream</i>						
Impacts of Dredging (Excavation) to waters of the state, including WOUS.	Waterbody Type	Permanent			Temporary		
		Acres or Sq. Ft.	Linear Feet	Cubic Yards	Acres or Sq. Ft.	Linear Feet	Cubic Yards
	<i>Lake</i>	1600 sf		202			
	<i>Riparian</i>						
	<i>Stream</i>						
Total	1600 sf		202				
Federal Permit(s)	The Applicant has applied for U.S. Army Corps of Engineers (USACOE) authorization to proceed under a Nationwide Permit 27, pursuant to CWA section 404.						
Non-Compensatory Mitigation	The Project will implement Best Management Practices (BMPs) identified in the SWPPP to minimize impacts to water quality. Work will only occur if Lake Tahoe elevation is below 6226-feet.						
Compensatory Mitigation	None required						
Applicable Fees	\$1389						
Fees Received	\$1389						

CEQA COMPLIANCE

On January 9, 2014 the Water Board provided notice of intent to adopt a Mitigated Negative Declaration (MND) for the Project, State Clearinghouse No. 2014012017. The MND reflects the Water Board's independent judgment and analysis. After considering the document and the comments during the public review process, the Water Board adopted the MND on April 10, 2014, and filed a Notice of Determination on April 14, 2014, for the Project, pursuant to the California Environmental Quality Act, (CEQA Public Resources Code 21000, et seq.). The Water Board determined that the Project with mitigation measures will not have a significant effect on the environment. Mitigation monitoring is described in the Storm Water Pollution Prevention Plan (SWPPP) prepared by the Applicant and will be enforced through the National Pollutant Discharge Elimination System Construction Storm Water Permit (NPDES Permit).

WATER QUALITY CONTROL PLAN WASTE DISCHARGE PROHIBITION

To protect beneficial uses and achieve water quality objectives for the waters in the Lake Tahoe hydrologic unit, the Water Quality Control Plan for the Lahontan Region (Basin Plan) specifies the following discharge prohibitions:

- a. *The discharge or threatened discharge, attributable to new development in Stream Environment Zones, of solid or liquid waste, including soil, silt, sand, clay, rock, metal, plastic, or other organic, mineral or earthen materials, to Stream Environment Zone in the Lake Tahoe Basin is prohibited. (Chapter 5, Waste Discharge Prohibitions, page 5.2-4)*
- b. *The discharge, attributable to human activities, of solid or liquid waste materials, including soil, silt, clay, sand, and other organic and earthen materials to lands below the highwater rim of Lake Tahoe or within the 100-year floodplain of any tributary to Lake Tahoe is prohibited. (Chapter 5, Waste Discharge Prohibitions, page 5.2-3)*

The Project will involve soil disturbance and discharge of earthen materials within a stream environment zone (SEZ) and to lands below the highwater rim of Lake Tahoe. (Basin Plan page 5.8-7) but will result in overall enhancement of SEZ within the campground and improved storm water infiltration at the shorezone of Lake Tahoe.

Exemption Granted

At its April 10, 2014 meeting, the Water Board adopted Resolution No. R6T-2014-0029 to grant exemptions to the Basin Plan prohibitions described above for the Project. The Water Board found that the Project met all the conditions and eligibility criteria for an exemption to the Basin Plan waste discharge prohibitions. The Applicant has incorporated appropriate BMPs into the Project to ensure that any erosion and surface runoff caused by the Project are minimized to a level of less than significant.

SECTION 401 WATER QUALITY CERTIFICATION

Authority

Section 401 of the CWA (33 U.S.C., paragraph 1341) requires that any applicant for a CWA section 404 permit, who plans to conduct any activity that may result in discharge of dredged or fill materials to WOUS, must provide to the permitting agency a certification that the discharge will be in compliance with applicable water quality standards of the state in which the discharge will originate. No Section 404 permit may be granted (or valid) until such certification is obtained. The Applicant submitted a complete application and the fees required for WQC under section 401 for the Project. The Applicant has applied for USACOE authorization to proceed under Nationwide Permit No. 27 pursuant to CWA section 404.

CCR title 23, section 3831(e) grants the Executive Officer the authority to grant or deny WQC for projects in accordance with CWA Section 401. This Project qualifies for such WQC.

Standard Conditions

Pursuant to CCR title 23, section 3860, the following standard conditions are requirements of this certification:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and CCR title 23, section 3867.
2. This certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license unless the pertinent certification application was filed pursuant to CCR title 23, section 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action must be conditioned upon total payment of the full fee required under CCR title 23, section 3833, unless otherwise stated in writing by the certifying agency.
4. Neither Project construction activities nor operation of the Project may cause a violation of the Basin Plan, may cause a condition or threatened condition of pollution or nuisance, or cause any other violation of the Water Code.
5. The Project must be constructed and operated in accordance with the description in the application for WQC that was submitted to the Water Board. Deviation from the Project description constitutes a violation of the conditions upon which the certification was granted. Any significant changes to this Project that would have a significant or material effect on the findings, conclusions, or conditions of this certification, including Project operation, must be submitted to the Executive Officer for prior review and written approval.

6. This WQC is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any conditions contained in any other permit or approval issued by the state of California or any subdivision thereof may result in the revocation of this WQC and civil or criminal liability.
7. The Water Board may add to or modify the conditions of this certification as appropriate to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or CWA section 303, or as appropriate to coordinate the operations of this Project with other projects where coordination of operations is reasonably necessary to achieve water quality standards or protect the beneficial uses of water. Notwithstanding any more specific conditions in this WQC, the Project must be constructed and operated in a manner consistent with all water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or CWA section 303.
8. This certification does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C. sections 1531 et seq.). If a "take" will result from any act authorized under this certification, the Applicant must obtain authorization for the take prior to construction or operation of the Project. The Applicant is responsible for meeting all applicable requirements of the Endangered Species Act for the project authorized under this certification.

Additional Conditions

Pursuant to CCR title 23, section 3859(a), the following additional conditions are requirements of this certification:

1. The Applicant must maintain a copy of this Order at the Project site so as to be available at all times to site operating personnel and agencies.
2. The Applicant must notify Water Board staff within 48 hours prior to commencement of the Project.
3. The Applicant must immediately (within two hours) notify Water Board staff by telephone whenever an adverse condition occurs as a result of this Project. Such a condition includes, but is not limited to, a violation of the conditions of this Order, a significant spill of petroleum products or toxic chemicals, or damage to control facilities that would cause noncompliance. A written notification of the adverse condition must be provided to the Water Board within two weeks of occurrence. The written notification must identify the adverse condition, describe the actions necessary to remedy the condition, and specify a timetable, subject to any modifications by Water Board staff, for the remedial actions.

4. Construction equipment shall be clean and free from oil, grease and loose metal material, and monitored for leaks. Equipment shall be removed from service if necessary to protect water quality.
5. An emergency spill kit shall be at the Project site at all times.
6. All temporary BMPs shall be inspected and maintained daily during Project construction. The Applicant shall keep daily inspection logs onsite during Project construction and provide a copy of inspection logs to Water Board staff upon request.
7. Rock proposed for placement must be washed and/or free of all adhered soil particles prior to placement. Wash water from rock washing must be disposed of either to the sanitary sewer, as allowed by the sewer agency, or directed to non-wetland, upland areas a minimum of 100 feet from the SEZ where the water is infiltrated into the soil.

Except as described in the Project application, no debris, cement, concrete (or wash water therefrom), sand, rock, soil, earthen materials or petroleum products must be allowed to enter into or be placed where it may be washed from the Project site by rainfall or runoff into waters of the state. When operations are completed, any excess material must be removed from the Project work area and any areas adjacent to the work area where such material may be transported into waters of the state.

8. The Applicant must permit Board staff or its authorized representative upon presentation of credentials:
 - a. Entry onto Project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - b. Access to copy any record required to be kept under the terms and conditions of this Order.
 - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Order.
 - d. Sampling of any discharge or surface water covered by this Order.
9. The Applicant must prevent the introduction or spread of noxious and invasive weeds within the Project and staging area. Control measures may include removing existing invasive vegetation, cleaning all equipment and gear prior to use on the Project site, using weed-free erosion control materials (including straw), and using weed-free seeds and plant material for revegetation of disturbed areas.
10. Staging areas and wetland areas that will be avoided near Project and/or staging areas must be protected by colored construction fencing or equivalent barriers.
11. The Applicant has prepared and submitted a detailed SWPPP as part of the NPDES Permit approval process required for this Project. The SWPPP describes detailed temporary BMPs, dewatering methods, and monitoring plans. Follow all terms and conditions of the submitted SWPPP, and any future amendments to the SWPPP accepted by Water Board staff.

12. The Applicant must follow terms and conditions contained in Water Board Resolution R6T-2014-0029 granting an exemption to prohibitions contained in the Basin Plan.

Enforcement

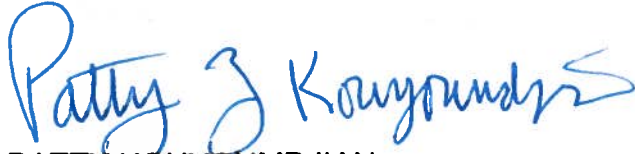
1. In the event of any violation or threatened violation of the conditions of this WQC, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of CWA section 401(d), the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
2. In response to a suspected violation of any condition of this certification, the State Water Board or the Water Board may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring report the State Water Board or Water Board deems appropriate, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
3. In response to any violation of the conditions of this certification, the Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

Section 401 Water Quality Certification Requirements Granted

I hereby issue an Order certifying that any discharge from the referenced Project will comply with the applicable provisions of CWA sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards), and with other applicable requirements of state law. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State WQC" which requires compliance with all conditions of this WQC.

Except insofar as may be modified by any preceding conditions, all WQC certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Applicant's Project description and the terms specified in this WQC order, and (b) compliance with all applicable requirements of the Basin Plan.

We look forward to working with you in your efforts to protect water quality. If you have questions, please contact staff person Laurie Scribe at (530) 542-5465.



PATTY KOUYOUMDJIAN
EXECUTIVE OFFICER

cc: Jason Brush, Wetlands Regulatory Office (WTR-8), US EPA, Region 9
(via email at R9-WTR8-Mailbox@epa.gov)
Bill Orme, State Water Resources Control Board, Division of Water Quality
(via email at Stateboard401@waterboards.ca.gov)
Kristine Hansen, U.S. Army Corps of Engineers, Sacramento District, Reno Field
Patrick Moeszinger, California Department of Fish and Wildlife
(via email to Patrick.Moeszinger@wildlife.ca.gov)

LS/adw/T: William Kent BMP Retrofit
File Under: WDID # 6A311403003, US Forest Service- LTBMU, William Kent Campground Redevelopment Project