

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION NO. R6T-2016-0035

RENEWED 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 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 file a report of waste discharge; and

WHEREAS, the California Regional Water Quality Control Board, Lahontan Region (Water Board) has a statutory obligation to prescribe waste discharge requirements, except where a waiver is consistent with the applicable Water Quality Control Plan (Basin Plan) and is in 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 Water 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 that may have a substantial effect on natural resources of the Basin, including water quality; and

WHEREAS, the Water Board finds that waiving the filing of a report of waste discharge and waste discharge requirements for constructing new facilities and modifying and/or expanding existing facilities in the Lake Tahoe Hydrologic Area (HU 634.00) of the Lahontan Region would be consistent with the Basin Plan and in the public interest, provided the project or discharge is effectively regulated by the TRPA and does **not** involve:

1. Total land disturbance of one (1) acre or more,
2. More than 1,000 square feet of new disturbance or 100 cubic yards of fill in lands classified as stream environment zones (SEZs),
3. Best management practice (BMP) retrofit of ski areas,
4. Properties for which waste discharge requirements have previously been adopted,
5. Dredging, or
6. Public erosion control/runoff treatment; and

WHEREAS, the Water 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 be consistent with the Basin Plan and in the public interest when the project or discharge is effectively regulated by the TRPA, provided the applicant obtains 401 Water Quality Certification from the Water 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 Water 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 Water Board staff to use its resources effectively and to reduce duplicative regulatory requirements; and

WHEREAS, the Water Board adopted a negative declaration on March 12, 2003, in accordance with the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) and State guidelines that 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 Water Board Executive Officer signed a Memorandum of Understanding (MOU) with the TRPA on August 5, 2003, that identifies lead agency regulatory responsibility for specific project types in the Lake Tahoe region, consistent with this Resolution, and describes projects that will be overseen by both agencies. The 2003 MOU enhances both Water Board and TRPA efficiency by reducing regulatory redundancy while maintaining water quality protection; and

WHEREAS, the Water Board held a hearing on May 11 and 12, 2016, in South Lake Tahoe, El Dorado County and considered all evidence concerning this matter.

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

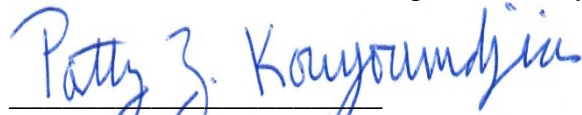
BE IT FURTHER RESOLVED, the Water Board does **not** waive the filing of a report of waste discharge and waste discharge requirements for projects and activities where, in the opinion of the Executive Officer, waste discharge requirements are necessary or that involve any of the following:

1. Over one acre of total land disturbance, or
2. More than 1,000 square feet of new disturbance or 100 cubic yards of fill in lands classified as SEZs,
3. Wetland restoration, or
4. Properties for which waste discharge requirements have previously been adopted, or
5. Dredging; 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 Water 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 Water Board adopt waste discharge requirements for any of the specific types of projects or discharges, or any individual project or discharge.

I, Patty Z. Kouyoumdjian, 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 11, 2016.



PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER