

Chapter 4 IMPLEMENTATION

Introduction

A program of implementation to protect beneficial uses and to achieve water quality objectives is an integral component of this Basin Plan. The program of implementation is required to include, but is not limited to:

- A description of the nature of actions that are necessary to achieve the objectives, including recommendations for appropriate action by any entity, public or private.
- A time schedule for the actions to be taken.
- A description of surveillance to be undertaken to determine compliance with objectives.

(CA Water Code § 13242)

The surveillance activities needed to determine compliance with objectives are described in Chapter 7, "Monitoring and Assessment." The remaining requirements are fulfilled by this Chapter.

This Chapter includes discussions of general control actions and related issues, a description of the Region's Nonpoint Source Program, and discussions of specific types of activities and their related water quality problems, control actions and time schedules for the actions to be taken. Control actions specific to the Lake Tahoe Basin are included in Chapter 5 of this Plan.

General Control Actions and Related Issues

The Regional Board regulates the sources of water quality related problems that could result in actual, or potential, impairments of beneficial uses or degradations of water quality. The Regional Board regulates both point and nonpoint source discharge activities. A point source discharge generally originates from a single, identifiable source, while a nonpoint source discharge comes from diffuse sources. To regulate the point and nonpoint sources, control actions are required for effective water quality protection and management. Such control actions are set forth for implementation by the State Board, by other agencies with water quality or related authority, and by the Regional Board.

Control Actions under State Board Authority

The State Board has adopted several statewide or areawide water quality plans and policies that complement or may supersede portions of this Basin Plan. These plans and policies may include specific control measures. Some State Board plans and policies do not affect waters of the Lahontan Region. See Chapter 6, "Plans and Policies," for summaries of the most significant State Board plans and policies that do affect the Lahontan Region.

Control Actions to be Implemented by Other

Agencies with Water Quality or Related Authority
Water quality management plans prepared under Section 208 of the Federal Water Pollution Control Act (Clean Water Act) have been completed by various public agencies. These Section 208 plans, as well as other plans adopted by federal, state, and local agencies, may affect the Regional Board's water quality management and control activities. A summary of relevant water quality management plans is included in Chapter 6, "Plans and Policies." The Regional Board can also be party to official agreements with other agencies, such as memoranda of understanding (MOUs) or management agency agreements (MAAs) that recognize and rely on the water quality authority of other agencies.

Control Actions under Regional Board Authority

Control measures implemented by the Regional Board must provide for the attainment of this Basin Plan's beneficial uses and water quality objectives (see Chapter 2, "Beneficial Uses," and Chapter 3, "Water Quality Objectives"). In addition, the control measures must be consistent with State Board and Regional Board plans, policies, agreements, prohibitions, guidance and other restrictions and requirements. The most significant Regional Board policies are described in Chapter 6, "Plans and Policies."

To prevent water quality problems, waste discharge restrictions are often used. The waste discharge restrictions can be implemented through Water Quality Certification, National Pollutant Discharge Elimination System (NPDES) permits, waste discharge requirements/permits (WDRs), conditional waivers of WDRs, discharge

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prohibitions, enforcement actions, and special designations.

Water Quality Certification

Clean Water Act Section 401 Water Quality Certification (Water Quality Certification) gives the Regional Board extremely broad authority to review proposed activities in and/or affecting the Region's waters. The Regional Board can then recommend to the State Board that it grant, deny, or condition certification of federal permits or licenses that may result in a discharge to "waters of the United States."

National Pollutant Discharge Elimination System (NPDES)

NPDES permits are issued to regulate discharges of waste to "waters of the nation" including discharges of storm water from urban separate storm sewer systems and certain categories of industrial activity. Waters of the nation are surface waters such as rivers, lakes, bays, estuaries, oceans, etc. The permits are authorized by Section 402 of the federal Clean Water Act and Section 13370 of the California Water Code. The permit content and the issuance process are contained in the Code of Federal Regulations (40 CFR Part 122) and Chapter 9 of the California Code of Regulations. Regional Water Boards are authorized to take a variety of enforcement actions to obtain compliance with a NPDES permit. Enforcement may be only a simple order requiring the discharger to take corrective action to comply with the terms of its permit or may be an order prescribing civil monetary penalties.

NPDES permits are required to prescribe conditions of discharge that will ensure protection of beneficial uses of the receiving water as described in this Basin Plan, water quality control plans adopted by the State Water Board for inland surface waters, enclosed bays and estuaries, the ocean, and water quality control policies adopted by the State Water Board for specific types of discharges or uses of waste water.

In addition to regulating discharges of waste water to surface waters, NPDES permits also require municipal sewage treatment systems to conduct pretreatment programs if their design capacity is greater than 5 million gallons per day. Smaller municipal treatment systems may be required to conduct pretreatment programs if there are significant industrial users of their systems. The pretreatment programs must comply with the federal regulations at 40 CFR Part 403.

The U.S. Environmental Protection Agency has approved the State's program to regulate discharges of waste water to "waters of the nation." The State, through the Regional Water Boards, issues the

NPDES permits, reviews discharger self-monitoring reports, performs independent compliance checking, and takes enforcement actions as needed. State authority to issue compliance schedules for effluent limitations in NPDES permits is summarized below in the section on "Compliance Schedules in NPDES Permits."

Waste Discharge Requirements (WDRs)

The California Water Code authorizes Regional Water Boards to regulate discharges to land to protect water quality. Regional Water Boards issue WDRs in accordance with Section 13263 of the California Water Code. Regional Water Boards are authorized to review WDRs periodically. Regional Water Boards issue WDRs, review self-monitoring reports submitted by the discharger, perform independent compliance checking, and take necessary enforcement action. The California Water Code authorizes the Regional Water Boards to issue enforcement actions (see below) ranging from orders requiring relatively simple corrective action to monetary penalties in order to obtain compliance with WDRs.

Waivers of WDRs

Regional Water Boards may waive the requirement for filing a report of waste discharge or for issuance of WDRs pursuant to CA Water Code § 13269 if the Regional Water Board determines, after any necessary state board or regional board meeting, that such waiver is consistent with any applicable state or regional water quality control plan and is in the public interest. WDRs and report filing requirements can be waived for a specific discharge or types of discharges. Such waivers may also be issued by the State Board. A waiver is conditional and may be terminated at any time by the State or Regional Board and must be renewed after no more than five years to remain in legal effect.

Mixing Zones

The State Board has adopted conditions for use of mixing zones and dilution credits for toxic priority pollutants in the "Implementation of Toxic Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California Policy" (State Board Res. No. 2005-0019). This policy is commonly referred to as the "State Implementation Policy" or SIP. A copy of the SIP is included in Appendix B of this Basin Plan. The standards implemented through the SIP are those promulgated by the USEPA in the National Toxics Rule and California Toxics Rule, and the narrative water quality objectives for toxicity in Basin Plans.

The Regional Board may grant mixing zones and

dilution credits in NPDES permits for toxic priority pollutants in accordance with the SIP. The Regional Board may grant mixing zones and dilution credits in NPDES permits for pollutants not covered by the SIP and may grant mixing zones and dilution credits in WDRs for toxic (including priority pollutants), conventional (as defined by Clean Water Act section 304(a)(4)), and non-conventional (other than toxic or conventional) pollutants under any of the following conditions.

A mixing zone shall be as small as practicable. The following conditions must be met in allowing a mixing zone:

A. A mixing zone shall not:

- (1) compromise the integrity of the entire water body;
- (2) cause acutely toxic conditions to aquatic life passing through the mixing zone;
- (3) restrict the passage of aquatic life;
- (4) adversely impact biologically sensitive or critical habitats, including, but not limited to, habitat of species listed under federal or State endangered species laws;
- (5) produce undesirable or nuisance aquatic life;
- (6) result in floating debris, oil, or scum;
- (7) produce objectionable color, odor, taste, or turbidity;
- (8) cause objectionable bottom deposits;
- (9) cause nuisance;
- (10) dominate the receiving water body or overlap a mixing zone from different outfalls; or
- (11) be allowed at or near any drinking water intake. A mixing zone is not a source of drinking water pursuant to the Sources of Drinking Water Policy (State Board Res. No. 88-63).

B. The Regional Board shall deny or significantly limit a mixing zone and dilution credit as necessary to protect beneficial uses or comply with other regulatory requirements. Such situations may exist based upon the quality of the discharge, hydraulics of the water body, or the overall discharge environment (including water column chemistry, organism health, and potential for bioaccumulation).

If the Regional Board allows a mixing zone and dilution credit, the permit or WDR shall specify the method by which the mixing zone was derived, the

dilution credit granted, and the point(s) in the receiving water where the applicable criteria/objectives must be met. The application for the permit or WDR shall include, to the extent feasible, the information needed by the Regional Board to make a determination on allowing a mixing zone, including the calculations for deriving the appropriate receiving water and effluent flows, and/or the results of a mixing zone study. If the results of the mixing zone study are unavailable by the time of permit or WDR issuance/reissuance, the Regional Board may establish interim requirements.

Prohibitions and Exemptions from Prohibitions

The Regional Board has the authority to “specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted” (CA Water Code § 13243). These discharge prohibitions may be adopted, revised, or rescinded as necessary. The Regional Board has adopted both regionwide and watershed-specific discharge prohibitions that are described in Sections 4.1 and 5.2 of this Basin Plan. For certain discharges and activities, the Regional Board may grant exemptions from certain prohibitions. Prohibition exemptions are discretionary actions of the Regional Board, are conditional, and are allowed under the circumstances described in Sections 4.1 and 5.2. Chapter 6 of this Basin Plan also identifies State and Regional Board plans and policies that include exemptions from waste discharge prohibitions.

Enforcement Actions

To facilitate remediation of water quality problems, or in instances where waste discharge restrictions or other provisions of this Basin Plan are violated, the Regional Board can use different types of enforcement measures. These measures can include:

- A written **Notice to Comply** can be issued for minor violations during field inspections by Regional Board staff, at the discretion of the inspector. The Notice is issued to a representative of the facility being inspected, and states the nature of the alleged violation, a means to comply, and a time limit for compliance (not to exceed 30 days). The violator must sign and return the notice to the Regional Board within five working days of achieving compliance. If compliance is achieved within the stated time limits, and if the case is not subject to a fine under federal law, the violation is not subject to civil penalties. (The law establishing the authority for the Notice to Comply does not limit the Regional Board’s authority for criminal enforcement or its ability to cooperate in criminal enforcement

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proceedings.) The Regional Board may take other enforcement actions upon failure to comply or if necessary to prevent harm to public health or the environment. A Notice to Comply cannot be used for a knowing, willful, or intentional violation, for a case where the violator benefits economically for noncompliance, for chronic violations, or a recalcitrant violator, or for violations that cannot be corrected within 30 days.

- A **Notice of Violation** or NOV is a letter formally advising a discharger in noncompliance that additional enforcement actions may be necessary if appropriate corrective actions are not taken.
- A **Time Schedule Order** or TSO (CA Water Code § 13300) is a time schedule for specific actions a discharger shall take to correct or prevent violations of requirements. A TSO is issued by the Regional Board for situations in which the Board is reasonably confident that the problem will be corrected.
- A **Stipulated Penalty Order** (CA Water Code § 13308) is an order that specifies a time schedule for compliance with another enforcement order and prescribes civil penalties that are due if compliance is not achieved in accordance with that schedule. The amount of the civil penalty shall be based upon the amount reasonably necessary to achieve compliance.
- A **Cleanup and Abatement Order** or CAO (CA Water Code § 13304) is an order requiring a discharger to clean up a waste or abate its effects or, in the case of a threatened pollution or nuisance, take other necessary remedial action. A CAO can be issued by the Regional Board or by the Regional Board Executive Officer for situations when immediate action is needed on an urgent problem from regulated or unregulated discharges that are creating or threatening to create a condition of pollution or nuisance.
- A **Cease and Desist Order** or CDO (CA Water Code § 13301) is an order requiring a discharge to comply with WDRs or prohibitions according to a time schedule, or if the violation is threatening, to take appropriate remedial or preventative action. A CDO is issued by the Regional Board when violations of requirements or prohibitions are threatened, are occurring, or have occurred and probably will continue in the future. Issuance of a CDO requires a public hearing.

Monetary liabilities or fines (**administrative civil liabilities** or ACLs) may also be imposed administratively by the Regional Board. Under certain circumstances, enforcement actions are referred to the State Attorney General or District Attorney.

State Water Resources Control Board Resolution 92-49, as amended, includes statewide policies and procedures for investigation and cleanup and abatement of discharges under Water Code Section 13304. The statewide Water Quality Enforcement Policy (State Board Resolution 2009-0083) provides direction on types of violations that shall be brought to the attention of Regional Boards by staff, on procedures for coordination and cooperation with other agencies, and on setting amounts for ACLs. Copies of both of these policies are included in Appendix B to this Basin Plan.

Special Designations

Some water bodies have special designations and related narrative discharge restrictions. Examples of special designations are Outstanding National Resource Water, Sole-source Aquifer, Wild and Scenic River, and Water Quality Limited Segment. Applicable special designations and discharge restrictions are described the “Resources Management and Restoration” section of this Chapter.

Implementation Schedules

The Porter-Cologne Act (CA Water Code § 13242[b]) requires a Basin Plan’s program of implementation for achieving water quality objectives to include a “time schedule for the actions to be taken.” Because of the lack of ambient water quality monitoring data for most of the water bodies of the Lahontan Region (see Chapter 7), it is not possible to state whether or not these waters are in achievement of all water quality objectives, or to set compliance schedules for achievement. The Regional Board periodically reviews available information on attainment of objectives and support of beneficial uses as part of the Water Quality Assessment (ongoing), Section 305(b) reporting (every six years), and Triennial Review (every three years) processes. These reviews may result in Basin Plan amendments and/or the issuance of new or revised waste discharge permits that may include specific compliance schedules for particular dischargers or for all discharges affecting particular water bodies. The Regional Board is also required to prioritize impaired water bodies listed as “Water Quality Limited” under Section 303(d) of the Clean Water Act for the development of “Total Maximum Daily Loads” (TMDLs) of pollutants to be used in setting wasteload allocations for dischargers, in order to ensure

attainment of standards. See Section 4.13 of this chapter for more information on TMDLs.

Some of the water quality control programs for the Lahontan Region do have specific compliance deadlines that are discussed later in this Basin Plan. For example, the Lake Tahoe TMDL includes 5-year load reduction requirements for the four major pollutant source categories. Some of the waste discharge prohibitions discussed later in this Chapter also include specific compliance dates.

Compliance schedules may be included in WDRs, waivers of WDRs, CAOs, CDOs, TSOs, stipulated penalty orders pursuant to Water Code section 13308, and investigative orders pursuant to Water Code sections 13267 and 13383. However, NPDES permits for existing discharges may include compliance schedules only under limited circumstances, as described below.

Compliance Schedules in NPDES Permits

Section 301(b) (1)(c) of the Clean Water Act requires NPDES permits to include effluent limitations as stringent as needed to attain water quality standards. Compliance schedules for attainment of effluent limitations may be included in NPDES permits for implementation of new, revised, or newly interpreted standards under specific circumstances, if the state has authority to issue such schedules.

The State Board has adopted a “Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits” (Resolution No. 2008-0025). A copy of this policy is included in Appendix B. The policy applies to all NPDES permits that are modified or reissued after its effective date (December 17, 2008). It authorizes the Regional Boards to include a compliance schedule in a permit for an existing discharger for attainment of an effluent limitation for a new, revised or newly interpreted water quality objective or criterion, when the Regional Board determines that the discharger needs additional time to implement actions to comply with the limitation. Compliance schedules are **not** authorized in permits for new dischargers. See the policy for definitions and additional details on provisions related to National Toxics Rule and California Toxics Rule standards, and circumstances under which compliance schedules are or are not authorized in NPDES permits.

Innovative Technology and Demonstration Projects
The Regional Board occasionally receives proposals for the use of innovative technology, either as part of projects or activities that it regulates, or as a water quality mitigation measure. Examples include the use of bacteria as ice nucleating agents for

snowmaking at ski areas, and bioremediation technology for cleanup of toxic substance leaks and spills in ground water. Regional Board staff will evaluate such proposals on a case-by-case basis in relation to applicable water quality standards, discharge prohibitions, effluent limitations, and the risk of adverse water quality impacts from the specific technology. Because of the high resource value and extreme sensitivity of some of the waters of the Lahontan Region, some types of demonstration projects using new technology should be carried out within other watersheds.

Interstate Issues

The Lahontan Region includes most of California’s common boundary with Nevada, and a small common boundary with Oregon. There are a number of interstate lakes, streams, and ground water basins. Section 518 of the federal Clean Water Act allows Indian tribes to apply to the USEPA to be treated as states for purposes of setting and implementing water quality standards under Sections 303 and 401 of the Act. At least one tribe within the Lahontan Region had been granted such status.

Historically, interstate water quantity issues have been of greater concern than water quality issues. (See the discussion of water quantity issues in the “Resources Management” section of this Chapter). However, the requirement for efforts by both California and Nevada to protect Lake Tahoe led to the development of the bi-state Tahoe Regional Planning Agency and a bi-state *Water Quality Management Plan for the Lake Tahoe Region* under Section 208 of the Clean Water Act (see Chapter 5). Impacts of pumping in Nevada on ground water supplies in Death Valley, and impacts of radioactivity from the Nevada Test Site on ground water quality in Death Valley, are also of concern. Utility scale solar and wind power plants near the California-Nevada border may also affect surface and/or ground waters in the Lahontan Region.

In both planning and regulatory activities for interstate waters, Regional Board staff considers the applicable water quality standards of the other state. Regional Board staff request the opportunity to review and comment on revisions of other state’s water quality plans for waters shared with the Lahontan Region, and provides these states with similar opportunities to comment on Basin Plan revisions. If Regional Board Basin Plan amendments or waste discharge permits appear to create a possibility of conflict with another state’s standards, Regional Board staff consults with water quality staff of the other state to attempt to resolve the conflict. Because most water quality objectives for Lahontan Region waters are based on historical water quality

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and antidegradation considerations, water quality permits that ensure compliance with California standards generally should be adequate to prevent violation of another state's standards.

Nonpoint Source Program

Nonpoint sources of pollution are generally defined as sources that are diffuse and/or not subject to regulation under the federal National Pollutant Discharge Elimination System (for surface water discharges). Nonpoint sources include agriculture, grazing, silviculture, abandoned mines, construction, stormwater runoff, etc. Nonpoint sources have been identified as a major cause of water pollution in California according to the State Board's 1990 *Water Quality Assessment* report and 1988 *Nonpoint Source Problem Inventory for Surface Waters*.

The federal Clean Water Act (CWA) is the principal federal water quality protection statute. For point source discharges to surface waters, the CWA establishes a permit system. However, nonpoint sources are exempt from federal permitting requirements, as are discharges to ground water. The CWA was amended in 1987 to include a new Section 319 entitled "Nonpoint Source Management Programs." Section 319 requires states to develop Assessment Reports and Management Programs describing the states' nonpoint source problems. The State Board's November 1988 *Nonpoint Source Problem Inventory for Surface Waters* and its current nonpoint source program plan and policy, and water quality assessment procedures respond to this requirement.

The State Board first adopted a statewide *Nonpoint Source Management Plan* in 1988. In 2000, this plan was replaced by the *Plan for California's Nonpoint Source Pollution Control Program*. In 2004, the State Board adopted a "Policy for the Implementation and Enforcement of the Nonpoint Source Pollution Control Program" (State Board Res. No. 2004-0030). This policy summarizes the authority of the State and Regional Boards to control nonpoint source discharges under the Porter-Cologne Act.

All current and proposed nonpoint source discharges that could affect the quality of waters of the state should be regulated under WDRs, waivers of WDRs, waste discharge prohibitions, other orders of the Regional Board or State Board or some combination of these regulatory tools. The State and Regional Boards also implement a broad program of outreach, education, technical assistance and financial incentives. This program is supplemented by collaborative activities with other agencies and non-governmental organizations to facilitate control of nonpoint sources.

Best Management Practices

Property owners, managers or other dischargers may implement "Best Management Practices" (BMPs) to protect water quality. The term "Best Management Practices" used in reference to control measures for nonpoint source water pollutants is analogous to the terms "Best Available Technology/Best Control Technology" (BAT/BCT) used for control of point source pollutants. The USEPA (40 CFR § 103.2[m]) defines BMPs as follows:

"Methods, measures, or practices selected by an agency to meet its nonpoint source control needs. BMPs include, but are not limited to structural and nonstructural controls and operation and maintenance procedures. BMPs can be applied before, during and after pollution producing activities to reduce or eliminate the introduction of pollutants into receiving waters."

USEPA regulations (40 CFR § 130.6 [b][4][i]) provide that Basin Plans:

"shall describe the regulatory and nonregulatory programs, activities, and BMPs which the agency has selected as the means to control nonpoint source pollution where necessary to protect or achieve approved water uses. Economic, institutional, and technical factors shall be considered in a continuing process of identifying control needs and evaluating and modifying the BMPs as necessary to achieve water quality goals."

BMPs fall into two general categories:

- **Source controls** that prevent a discharge or threatened discharge. These may include measures such as recycling of used motor oil, fencing streambanks to prevent livestock entry, fertilizer management, street cleaning, revegetation and other erosion controls, and limits on total impervious surface coverage. Because the effectiveness of treatment BMPs is often uncertain, source control is generally preferable to treatment. It is also often less expensive.
- **Treatment controls** that remove pollutants from stormwater before it reaches surface or ground waters. These include infiltration facilities, oil/water separators, and constructed wetlands.

BMPs for development projects can be applied both to new project construction, and, through “retrofitting,” to existing structures, roads, parking lots, and similar facilities. It may be possible to carry out an areawide retrofit program as part of a local government redevelopment project.

Several important points about BMPs must be emphasized at the outset:

- The use of BMPs does **not** necessarily ensure compliance with effluent limitations or with receiving water objectives. Because nonpoint source control has been a priority only since the 1970s, the long-term effectiveness of some BMPs has not yet been documented. Some source control BMPs (e.g., waste motor oil recycling) may be 100 percent effective if implemented properly. Information to date indicates that treatment control BMPs are **not** 100 percent effective, even if maintained and operated properly. Monitoring and evaluation of BMP effectiveness is an important part of nonpoint source control programs.
- The selection of individual BMPs must take into account site-specific conditions (e.g., depth to ground water, quality of runoff, infiltration rates). Not all BMPs are applicable at every location. High ground water levels may preclude the use of runoff infiltration facilities, while steep slopes may limit the use of wet ponds.
- To be effective, most BMPs must be implemented on a long-term basis. Structural BMPs (e.g., wet ponds and infiltration trenches) require periodic maintenance, and may eventually require replacement.

- The “state-of-the-art” for BMP design and implementation is expected to change over time.

To date, the greatest attention has been given to development of BMPs for erosion and stormwater control in connection with construction projects, urban runoff, and timber harvest activities. BMPs are now being developed for control of a number of other nonpoint sources, including range livestock grazing and agricultural runoff.

General information on recommended nonpoint source management practices is provided under different water quality problem categories throughout this Chapter and in Chapter 5 on the Lake Tahoe Basin. For detailed information on the design, implementation, and effectiveness of specific BMPs, the reader should consult the appropriate BMP Handbook for the project type or location.

Specific Types of Activities and Their Related Water Quality Problems, Control Actions, and Time Schedules for the Actions to be Taken

This Plan considers specific types of problem-related activities with their water quality impacts, control actions and time schedules under the thirteen categories of:

- 4.1 Waste Discharge Prohibitions
- 4.2 Spills, Leaks, Complaint Investigations, and Cleanups
- 4.3 Stormwater Runoff, Erosion, and Sedimentation
- 4.4 Wastewater—Treatment, Disposal and Reclamation
- 4.5 Solid and Liquid Waste Disposal to Land
- 4.6 Ground Water Protection and Management
- 4.7 Mining, Industry, and Energy Production
- 4.8 Land Development
- 4.9 Resources Management and Restoration
- 4.10 Agriculture
- 4.11 Recreation
- 4.12 Military Installations
- 4.13 Total Maximum Daily Loads

General water quality impacts from each category of activities are first described, followed by details specific to the types of activities in each category.

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4.1 WASTE DISCHARGE PROHIBITIONS

Section 13243 of the Water Code gives Regional Boards, in Basin Plans or waste discharge requirements, authority to “specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted.” Regional Boards may take enforcement action for violations of waste discharge prohibitions. The Water Code may also contain waste discharge prohibitions that are applicable in the Lahontan Region.

This section of the Basin Plan contains waste discharge prohibitions that apply to the entire Lahontan Region and waste discharge prohibitions that apply to specific watersheds (hydrologic units (HUs) or hydrologic areas (HAs)). Watershed-specific prohibitions are listed by watershed in geographical order from north to south. Prohibitions that apply to the entire Region are listed first.

Waste discharge prohibitions in this chapter and Chapter 5 (Water Quality Control Standards for the Lake Tahoe Basin) do not apply to discharges of stormwater when wastes in the discharge are controlled through the application of management practices or other means and the discharge does not cause a violation of water quality objectives. For existing discharges, waste discharge requirements, including, if authorized, NPDES permits, may contain a time schedule for the application of control measures and compliance with water quality objectives. In general, the Regional Board expects that control measures will be implemented in an iterative manner as needed to meet applicable receiving water quality objectives.

Exemptions to Waste Discharge Prohibitions

The Basin Plan allows exemptions to certain waste discharge prohibitions if the applicable criteria are met, as described further, below. Exemptions are generally provided on a case-by-case basis, although the Regional Board may find that certain types of discharges are exempt from certain or all applicable waste discharge prohibitions. Exemptions to regionwide, hydrologic unit, and hydrologic area prohibitions may be granted as specified in this chapter and Chapter 5 for the Lake Tahoe Hydrologic Unit.

Section 13223 of the Water Code allows Regional Boards to delegate many of their powers to their

Executive Officers. This section also provides that, whenever any reference is made in the Porter-Cologne Water Quality Control Act to an action that may be taken by a Regional Board, such reference includes such action by its Executive Officer pursuant to powers and duties delegated by the Regional Board., except as limited by section 13223(a).

A discharger seeking an exemption from a waste discharge prohibition must file project information sufficient to demonstrate that it meets the applicable criteria. Discharges subject to a prohibition cannot commence until such time as the Regional Board has provided written concurrence that the applicable criteria are met. In addition to the exemption, the discharger must obtain all other relevant and appropriate Regional Board permits or authorizations for the project or activity (e.g., water quality certification under Section 401 of the Clean Water Act). Except in emergency situations, the Executive Officer will notify the Regional Board and interested members of the public 10 days in advance of the intent to grant an exemption to allow for public comment on whether the exemption proposal meets the applicable criteria. Such notification may be provided by electronic notification, including Internet posting.

Regionwide Prohibitions

1. The discharge of waste that causes violation of any narrative or numeric water quality objective contained in this Plan is prohibited.
2. Where any numeric or narrative water quality objective contained in this Plan is already being violated, the discharge of waste that causes further degradation or pollution is prohibited.
3. The discharge of waste that could affect the quality of waters of the state that is not authorized by the State or Regional Board through waste discharge requirements, waiver of waste discharge requirements, NPDES permit, cease and desist order, certification of water quality compliance pursuant to Clean Water Act section 401, or other appropriate regulatory mechanism is prohibited.
4. The discharge of untreated sewage, garbage, or other solid wastes into surface waters of the Region is prohibited. (For the purposes of this prohibition, “untreated sewage” is that which exceeds secondary treatment standards of the Federal Water Pollution Control Act, which are incorporated in this plan in Section 4.4 under “Surface Water Disposal of Sewage Effluent.”).

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5. The discharge of pesticides to surface or ground waters is prohibited¹.

Exemptions to prohibition 5 may be allowed subject to the criteria below detailed in the section titled "Exemption Criteria for Aquatic Pesticide Use."

For purposes of the Basin Plan, pesticides are defined in Food and Agriculture Code section 12753 to include any spray adjuvant or any substance, or mixture of substances which is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest, as defined in Section 12754.5, which may infest or be detrimental to vegetation, man, animals, or households, or be present in any agricultural or nonagricultural environment whatsoever.

As defined in section 12754.5 of the Food and Agriculture Code, a pest is any of the following that is, or is liable to become, dangerous or detrimental to the agricultural or nonagricultural environment of the state:

- (a) Any insect, predatory animal, rodent, nematode, or weed.
- (b) Any form of terrestrial, aquatic, or aerial plant or animal, virus, fungus, bacteria, or other microorganism (except viruses, fungi, bacteria, or other microorganisms on or in living man or other living animals).
- (c) Anything that the director of the Department of Food and Agriculture, by regulation, declares to be a pest.

"Aquatic pesticides" are pesticides registered by the California Department of Pesticide Regulation (DPR) and formulated for use in water to control aquatic animal or plant pests. An aquatic pesticide is any substance (including biological agents) applied in, on, or over the waters of the State or in such a way as to enter those waters for the purpose of inhibiting the growth or controlling the existence of any plant or animal in those waters.

Aquatic pesticides, for purposes of this Regionwide

¹ Compliance with this prohibition will be assessed or measured by evidence of pesticide application to liquid water or by analyzing water samples (from either surface or ground waters) for the presence of pesticides. Therefore, proper application of terrestrial pesticides directly to plants or animals located in a surface water (as defined by the Water Code) under dry conditions or directly to land adjacent to a surface water should not (1) result in a violation of the prohibition, (2) require the project proponent to submit an exemption request to the Regional Board, nor (3) require the Regional Board to consider exemptions to the prohibition.

Prohibition, also include adulticides which are applied by spraying, either by ground or aerial application, at, over, or near water to control adult mosquitoes. During adulticide applications, a portion of the pesticide will unavoidably be deposited to surface waters in order to effectively target the adult mosquitoes.

Exemptions to Regionwide Prohibitions

An exemption to prohibitions 1 and 2, above, may be granted whenever the Regional Board finds all of the following:

- a. The discharge of waste will not, individually or collectively, directly or indirectly, adversely affect beneficial uses, *and*
- b. There is no reasonable alternative to the waste discharge, *and*
- c. All applicable and practicable control and mitigation measures have been incorporated to minimize potential adverse impacts to water quality and beneficial uses.

Exemptions for Emergency Projects

The Regional Board recognizes that emergency projects may require the discharge of waste to water as part of actions to address the emergency. Due to the exigencies of the emergency situation, normal public noticing and Regional Board action on granting prohibition exemptions may not be possible. For waste discharged as a result of emergency projects, exemptions to all prohibitions contained in this Basin Plan may be granted by the Regional Board's Executive Officer for the following projects:

1. Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code.

Dry condition example: The application of terrestrial pesticides to the dry stream beds of ephemeral streams would not require a prohibition exemption since this situation involves pesticide application under a dry condition (i.e., no liquid water is present in the ephemeral stream).

Adjacent to surface water example: The application of terrestrial pesticides along a canal to kill weeds and help maintain structural stability would not require a prohibition exemption since this situation involves pesticide application to land, not liquid water.

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2. Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare.
3. Specific actions necessary to prevent or mitigate an emergency. *This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term.*

Exemptions to all waste discharge prohibitions for emergency projects meeting the above qualifications may be granted whenever the Executive Officer finds that a specific project meets all of the following criteria:

- a. There is no feasible alternative to the project that would comply with the Basin Plan prohibitions, *and*
- b. All applicable control and mitigation measures that are practicable have been incorporated to minimize potential adverse impacts to water quality and beneficial uses.

Exempted Low Threat Discharges

The Regional Board has determined that the discharges listed in Table 4.1-1 are exempt from applicable regionwide and hydrologic unit/area waste discharge prohibitions subject to all the conditions set forth below and the discharge-specific conditions in Table 4.1-1.

1. For proposed discharges to surface water, the applicant must provide information supporting why discharge to land is not practicable.
2. The discharge must not adversely affect the beneficial uses of the receiving water.
3. The discharge must comply with all applicable water quality objectives.
4. Best practicable treatment or control of the discharge shall be implemented to ensure that pollution or nuisance will not occur.

Exemption Criteria for Aquatic Pesticide Use

Purpose and Need for Exemption

The Regional Board recognizes that certain activities involving the application of pesticides (defined above) may be in the public interest because they protect public health and safety or provide ecological preservation. Under some circumstances the

Regional Board may grant an exemption to the prohibition and allow a direct application of pesticides to water. This exempted action will constitute a discharge of pollutants into waters of the United States or waters of the State and require coverage under an appropriate permit. Circumstances eligible for a prohibition exemption involve the use of aquatic pesticides for purposes of vector control, fisheries management, and control of aquatic invasive species or other harmful organisms under emergency or non-emergency situations (e.g., control of harmful cyanobacteria blooms affecting a drinking water supply, control of aquatic invasive species interfering with safe navigation).

If an exemption to the prohibition is granted, waters of exceptional quality within the treatment area² may be temporarily degraded due to the application of aquatic pesticides.

Pursuant to the State Board's "Statement of Policy with Respect to Maintaining High Quality of Waters in California" (Resolution No. 68-16), any degradation of high quality water is only permissible if the Regional Board finds that such a lowering of the existing water quality will be consistent with the maximum benefit to people of the State. Similarly, the federal Antidegradation Policy (40 CFR 131.12) dictates that water quality shall be preserved unless it is determined that the lowering of water quality is necessary to accommodate important economic or social development. Additionally, it requires that water quality be adequate to protect existing uses fully.

The prohibition exemption criteria require that degradation of existing high water quality is limited to the shortest possible time and confined to the smallest area necessary for project success. The spatial extent of the treatment area and the duration of the treatment event will vary from project to project and will be proposed by the project proponent and accepted or modified by the Regional Board and specified in the final project plans, exemption conditions, and appropriate permit.

The project proponent shall work with Water Board staff to propose numeric limits for each aquatic pesticide project, which will be incorporated as exemption conditions in the Water Board's resolution granting the prohibition exemption and/ or requirements of the appropriate permit. Permit requirements and/or conditions of the exemption may include, but not be limited to, discharge limits for application rates, receiving water limitations for

² The treatment area is the area being targeted to receive lethal doses of aquatic pesticides to control a specific pest. Within the

treatment area, a spatial zone of impact exists in which water quality and beneficial uses are temporarily not protected.

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pesticide residue levels, limits on the temporal and spatial extent (areal and depth) of the treatment area, and recovery time expectations and biotic metrics to assess restoration of affected non-target species.

These project specific requirements issued by the Water Board will ensure project design and implementation will not unreasonably affect beneficial uses. The Water Board will evaluate the exemption request and determine if it satisfies exemption criteria that require project plans to incorporate best management practices to limit adverse impacts to the shortest time possible while achieving project success.

To verify compliance with water quality objectives and discharge requirements, project proponents will implement compliance monitoring. Monitoring will commence no more than one week after the application event³. The time frame in which a project must achieve compliance with water quality objectives with the exception of the biocriteria objectives⁴, will vary by project depending on the type of pesticide proposed, site specific conditions, and temporal extent of treatment event. Reasonable compliance times will be assigned based on the duration of the treatment event and will be included in the Water Board's resolution to grant exemption. The duration of the treatment event will be determined by whether the pesticide in use is a fast-acting chemical or a slow-release systemic compound and by considering site-specific conditions (flow, target species, water chemistry). For fast-acting pesticides it may be possible to achieve compliance with water quality objectives within a week of the application event. Fast-acting pesticides degrade quickly, usually within a week of application, and so are applied at high concentrations to be effective before degrading. Slower acting pesticides are effective at lower concentrations less toxic to non-target species, but degrade more slowly and require a longer treatment event before complying with water quality objectives.

The receiving water is defined as water outside of the treatment area. Outside the treatment area, compliance with water quality objectives is required within the receiving water at all times during and after the treatment event (Figure 1). During aquatic

pesticide applications, an intentional lethal concentration of chemical is applied to water to control pests. The addition of the chemical results in a lowering of existing water quality. For effective treatment, a spatial and temporal zone of impact⁵ corresponding to the treatment area is required, and the Regional Board acknowledges that existing uses and the level of water quality necessary to maintain those uses will not be protected within this zone during the treatment event⁶.

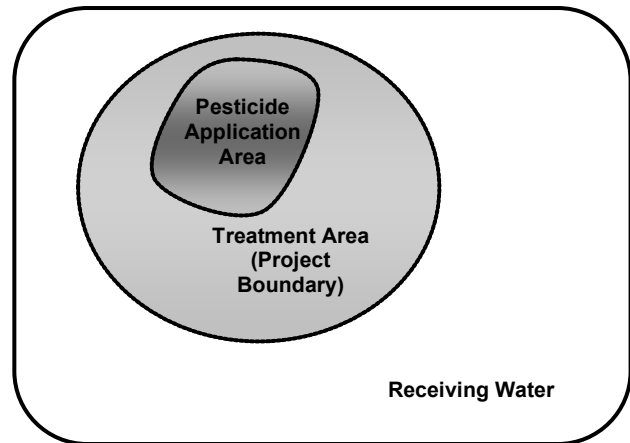


Figure 1.

If an aquatic pesticide project is allowed to occur, the Regional Board must find that the discharge complies with the antidegradation policies, and water quality objectives are restored within the treatment area, within the shortest time reasonably possible after the application event, and within the receiving water during and after the treatment event.

The Regional Board acknowledges that water quality degradation may occur outside of the treatment area if pesticide residues escape the treatment area. While the presence of these residues may temporarily degrade the existing high water quality, the impact is not expected, nor will it be allowed, to violate water quality objectives that are established at levels protective of beneficial uses. Any water quality degradation within the receiving water is expected to be temporary, since pesticide residues escaping the treatment area breakdown through degradation mechanisms (volatilization, photolysis, etc.) and is not expected to persist beyond hours or days. Appropriate protection measures (application

³ The application event is the time that the pesticide is directly introduced into the treatment area, and not the length of time that the introduced pesticide releases active or inert ingredients into the environment.

⁴ Biocriteria objectives include species composition, non-degradation of aquatic communities, and any future biocriteria objectives adopted by the State or Regional Board.

⁵ The Zone of Impact is a spatial and temporal zone that exists during, and is targeted by, aquatic pesticide treatments in which existing uses and the level of water quality necessary to maintain

those uses will not be protected. The Zone of Impact ceases to exist once the treatment event is completed.

⁶ The treatment event is the period during which the aquatic application is actively killing or controlling the target pest within the treatment area. It starts upon initiation of the application event and proceeds until the concentration of the aquatic pesticide is below that which can kill the target pest. During the treatment event, a spatial and temporal zone of impact exists in which water quality and beneficial uses are temporarily not protected.

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methods, compliance with pesticide label instructions, implementation of best management practices (BMPs)) shall be implemented during the project to ensure that any lowering of water quality is limited to the shortest possible time.

The Regional Board limits pesticide applications subject to the exemption to those conducted for purposes that serve the public interest (e.g., to restore natural resources or protect public health and safety or beneficial uses). State and federal regulations including the (1) Endangered Species Act, (2) Health and Safety Code, (3) Safe Drinking Water Act, and (4) Nonindigenous Aquatic Nuisance Prevention and Control Act compel state and federal agencies and public entities to (a) restore and preserve threatened and endangered species, (b) protect public health from disease-carrying vectors, (c) protect municipal drinking supplies, and (d) prevent damage to valuable aquatic habitats by controlling the spread of aquatic invasive species. Accomplishing these tasks effectively may require treating surface waters with aquatic pesticides.

Discharges of pesticide concentrations needed for effective resource management may cause waters to temporarily exceed established narrative or numeric water quality objectives (e.g., color, chemical constituents, toxicity, species composition). When an exemption to the prohibition on pesticide use in water is granted, a short-term or seasonal exemption to the prohibition on violating narrative or numeric water quality objectives may also be granted for specific water quality objectives. A longer-term exemption to the species composition objective may be granted on a project-by-project basis.

Provided aquatic pesticides are applied under the circumstances listed below, projects subject to this exemption will be considered consistent with the state antidegradation policy incorporated into this Basin Plan because such projects provide the maximum benefit to people of the State and are necessary to accommodate important economic or social development. Additionally, any degradation of water quality associated with the proposed aquatic pesticide use would only be temporary in nature and

protective of beneficial uses provided the project complies with the exemption criteria specified below.

Findings Necessary to Grant Exemption

An exemption to the waste discharge prohibition for aquatic pesticide use may be granted by the Regional Board if all the following findings are made:

- (a) The project is an eligible circumstance as described below.
- (b) The project satisfies all the applicable exemption criteria.

Granting an exemption is at the discretion of the Regional Board. The Regional Board may deny an exemption request even though the project meets all the necessary project conditions and criteria. For example, this may occur as the Regional Board is considering the tradeoffs between use of pesticides and the actual and/or potential environmental impacts of an invasive species infestation. For instance, when considering a repeated application of an herbicide to address an infestation of aquatic invasive vegetation, the Regional Board may determine that it would be less harmful to let the infestation continue than to repeatedly apply pesticides.

Circumstances Eligible for Prohibition Exemption
Requests for exemption to this prohibition will be considered for the following circumstances:

Vector Control

Prohibition exemptions will be considered for the purposes of "Vector Control" where the proposed project is conducted to protect public health by eliminating pests with the direct application of larvicides to surface waters or aerial spraying of adulticides that have the potential to drift to surface waters.

Government agencies (e.g., local and county vector control districts) that apply aquatic pesticides for vector control to protect public health, must be a signatory to a Cooperative Agreement with the California Department of Public Health (DPH) pursuant to Section 116180 of the Health and Safety Code. (There are situations where vector control agencies contract their applications to private applicators. For these scenarios, the private applicators must be covered under the terms of the Cooperative Agreement and work under the authority and guidance of the vector control district.)

Individuals applying larvicides or adulticides must be either (1) a government agency employee (or authorized contractor) certified by DPH as a public health pesticide applicator or (2) a private applicator

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protecting public health on private lands who can provide documentation that he or she is licensed or certified, if required, by the County Agricultural Commissioner (CAC), or Director of DPR when there is no CAC.

Fisheries Management

Prohibition exemptions will be considered for "Fisheries Management" if the project proponent is the California Department of Fish and Wildlife (DFW) or United States Fish and Wildlife Service (USFWS).

Aquatic pesticide applications implemented by the USFWS and the DFW for Fisheries Management may be considered for an exemption if the pesticide use is proposed to (1) restore and protect of threatened or endangered species, (2) control of fish diseases where the failure to treat could result in significant damage to fisheries resources or aquatic habitat, or (3) elimination of species (as defined in CA Fish and Wildlife Code § 2118), where competition or predation from such species threatens native fish populations, or populations of other organisms (includes rare, unique, sensitive, or candidates for listing as endangered or threatened species).

The Regional Board may, on a project-by-project basis, grant an exemption for the use of fish toxicants in other kinds of fisheries management activities, when the DFW or the USFWS can provide the necessary justification for allowing a temporary lowering of water quality consistent with the provisions of the federal Antidegradation Policy (contained in 40 CFR § 131.12) and State Board Resolution No. 68-16.

Controlling Aquatic Invasive Species (AIS) or Other Harmful Species

Prohibition exemptions will be considered for "Controlling AIS or Other Harmful Species" if the use of aquatic pesticides is to protect public health and safety, the environment, or for other situations described below. Projects proposed for these circumstances will have different criteria depending on whether the projects are considered as emergency, time sensitive, or projects that are neither emergencies nor time sensitive.

Emergency Projects. Emergency Projects are those undertaken in response to an emergency as set forth in Public Resource Code section 21060.3; or projects that meet the CEQA definition of Emergency Projects set forth in CEQA Guidelines 15269(a)(b)(c) and require immediate action to control the pest of concern.

Time Sensitive Projects. For Time Sensitive Projects

proposed for purposes of AIS control, the project proponent must demonstrate that the decision to apply aquatic pesticides is in compliance with an adopted Aquatic Invasive Species Management Plan. The AIS of concern must be affecting a water body where that species is not already established. The AIS must be recognized as a species of concern by the Aquatic Nuisance Species Task Force, listed as a Restricted Animal in California Administrative Code Title 14, section 671, listed as an Injurious Wildlife Species in the Lacey Act (50 CFR 16.11-16.15), addressed in the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, listed as a Noxious Weed Species in either Title 3, Section 4500 of the California Department of Food and Agriculture, Federal Noxious Weed Act. P.L. 93-629, or is a dreissenid mussel as addressed in section 2301 of the Fish and Game code. The project proponent must be a state or federal agency with the legal authority to control aquatic invasive species as identified in the January 2008 (as amended) California Aquatic Invasive Species Management Plan, Appendices B and C.

For Time Sensitive Projects proposed to protect drinking water supplies, water distribution systems, and flood control channels, or otherwise proposed to serve public interest, the project proponent must be (1) the public agency mandated to protect such facilities, or (2) a private entity (e.g., a homeowners association, private water utility) that has control over the financing for, or the decision to perform, aquatic pesticide applications.

For non-Emergency and non-Time Sensitive projects proposed for purposes of protecting drinking water supplies, water distribution systems, navigation, agricultural irrigation, flood control channels, control of AIS, or for purposes that otherwise serve the public interest, the project proponent must be (1) a state, federal, or public agency (local or regional) with legal authority to manage the affected resources or protect such facilities, or (2) private entity (e.g., a homeowners association, private water utility) that has control over the financing for, of the decision to perform, aquatic pesticide applications. For projects proposed for purposes of AIS control, the project proponent must demonstrate that the decision to apply aquatic pesticides is consistent with an adopted Aquatic Invasive Species Control Management Plan.

Exemption Criteria for Aquatic Pesticide Use

Aquatic pesticide use proposed under the circumstances listed above may be considered for an exemption to the waste discharge prohibition for aquatic pesticides. Project proponents that receive a prohibition exemption must obtain coverage under

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an applicable permit, such as an individual or general NPDES permit or WDRs, or a waiver of WDRs issued by the State or Regional Water Board. Project proponents that receive a prohibition exemption must apply pesticides consistent with label instructions approved by the United States Environmental Protection Agency (USEPA) under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and any Use Permits issued by the CAC which incorporate permit conditions recommended by the Department of Pesticide Regulation and the California Department of Public Health.

Project implementation, with its associated control measures and compliance monitoring, must demonstrate compliance with Basin Plan Water Quality objectives, effluent limitations, and receiving water limitations, which must be maintained (a) in the receiving water at all times during and after the treatment event, and (b) within the treatment area after completion of the aquatic pesticide treatment event. (Exemptions to the prohibition on violating narrative or numeric water quality objectives may be granted for specific water quality objectives. See Chapter 3 for project-specific water quality objectives or receiving water limitations that apply to fisheries management projects using rotenone.)

An exemption request must be submitted to the Water Board and contain the following information acceptable to the Regional Board.⁷

1. Project Information to include:
 - a. Project description including, but not limited to, proposed schedule, duration, name of pesticide, method and rate of application, spatial extent, water body, control/mitigation measures to be used, contact information.
 - b. Purpose and need for project.
 - c. The chemical composition of the pesticide to be used, including inert ingredients if available from the manufacturer.
 - d. Communication and notification plan to be implemented before, during and after the project. The plan will include documented measures to notify potentially affected parties who may use the potentially affected water for any beneficial use. The notification plan must include any associated water use restrictions or precautions. Project

proponents will provide potable drinking water where necessary and shall obtain any necessary permits from CDPH and NDEP for supply of potable drinking water.

For projects conducted in an ONRW (e.g. Lake Tahoe) the following additional requirements apply to project proponents:

- i. Provide via certified mail, or equivalent, notice of the proposed pesticide project to water purveyors whose source water relies on the surface water and/or groundwater wells designated under the direct influence of the surface water.
- ii. Provide to the Regional Board comments written from, and written responses to, the water purveyors notified pursuant to d.i., above.
- iii. An estimate of the maximum foreseeable concentrations of pesticide components in any surface water intake used for drinking water supplies.

Public notification requirements may be waived where project proponent is an agency signatory to Cooperative Agreement with DPH and evidence is provided of notification exemption.

- e. Spill contingency plan to address proper transport, storage, spill prevention and cleanup.
2. Notice of Intent for coverage under the appropriate State Board or Regional Board permit or a report of waste discharge for pesticides or pesticide use not covered under an existing State Board or Regional Board NPDES General Permit for aquatic pesticide discharges.
 3. California Environmental Quality Act (CEQA) Documentation. The lead agency is required to

⁷ The Regional Board will consult with the Nevada Division of Environmental Protection (NDEP) when a project affects interstate waters that exist within, or flow to, the State of Nevada. The Regional Board will consult with the California Department of

Public Health (CDPH) when reviewing exemption requests that may affect surface drinking water intakes.

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conduct the appropriate environmental analysis and the project proponent shall submit the certified environmental document with the exemption request. If the project lead is a federal agency then it must prepare a CEQA equivalent document.

- Information to comply with section 5.3 of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California (State Implementation Plan or SIP). This information is **only** required if the proposed application of aquatic pesticides contains priority pollutants. Projects involving discharges that contain priority pollutants require a short-term or seasonal exception from meeting the priority pollutant criteria/objectives prior to treatment of surface waters with aquatic pesticides. Section 5.3 of the SIP allows the Regional Board, on a case-by-case basis, to consider and grant such short-term or seasonal exceptions.)
- Information (evidence the project will benefit people of California, a management plan detailing control measures to avoid and mitigate adverse impacts, compliance with use restrictions, etc.) that allows the Regional Board to find that the proposed aquatic pesticide application complies with federal and state antidegradation policies. (This request for information is waived for Vector Control projects and for projects proposed in response to an emergency as defined by Public Resources Code 21060.3. because these project types underwent antidegradation analysis for adoption of the exemption criteria into the Basin Plan.)
- Information that the project satisfies the additional exemption criteria for the particular circumstance as specified below.

Exemption Criteria for Vector Control

The Regional Board herein grants an exemption to the prohibition on discharge of pesticides to surface or ground waters where the project proponent can verify that the project meets the following criteria, which must be submitted with an exemption request to the Regional Board. The Regional Board finds that Vector Control projects comply with state and federal antidegradation policies, since (1) these projects are implemented in the best interest of people of California for the purposes of the protection of public health, and (2) these projects limit water quality impacts and provide reasonable protection of beneficial uses by satisfying the below-listed exemption criteria nos. 1 and 2.

- The planned treatment will result in the minimum discharge of chemical substances that can reasonably be expected for an effective treatment.
- Aquatic pesticide applications must minimize impacts to beneficial uses by implementing BMPs to limit the effects of the pesticide to the shortest time and within the smallest area necessary for project success.

Exemption Criteria for Fisheries Management

Project proponents seeking a prohibition exemption to use aquatic pesticides for "Fisheries Management" must satisfy the criteria listed in Chapter 4, section 4.9 titled Control Measures for Rotenone Use and Other Fish Toxicants" and must submit this information with an exemption request to the Regional Board.

Exemption Criteria for Controlling Aquatic Invasive Species (AIS) and Other Harmful Species

Emergency Projects. The Regional Board herein grants an exemption to the prohibition on discharge of pesticides to surface or ground waters where the project proponent can verify that (1) the project meets the following criterion, which must be submitted with an exemption request, and (2) a Notice of Exemption (NOE) has been filed, as required under CEQA. Coverage under the appropriate permit must be sought by the project proponent within 30 days after the NOE is filed.

For projects implemented by state or local agencies, the agency must demonstrate that the project meets the CEQA Emergency Project definition set forth in Public Resource Code section 21060.3 (same as CEQA Guidelines section 15359); or that the project meets the CEQA definition of Emergency Projects set forth in CEQA Guidelines 15269(a)(b)(c). For these state or local agency projects the state or local agency will file the NOE. If a federal agency, such as USFWS, is the project proponent, the federal agency must provide evidence that the pesticide application meets the CEQA emergency definition. For these federal projects, the Regional Board will file the NOE.

The Regional Board retains authority to require project and post-project monitoring and reporting and retains authority to take enforcement action where appropriate to restore/recover water quality or beneficial uses.

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Time Sensitive Projects. In the exemption request, the project proponent must demonstrate to the Regional Board the time sensitive nature of the project by demonstrating the existing or imminent deleterious effects of an infestation and the importance of an expedited action. The Regional Board will respond within ten days. The Regional Board may then grant the prohibition exemption where the project proponent can verify the project meets the following criteria, which must be submitted with the exemption request. (The Regional Board may expedite granting of the exemption and require that compliance with criteria be demonstrated within ten days of the prohibition exemption being granted.)

1. Demonstration that non-chemical measures were evaluated and found inappropriate/ineffective to achieve the project goals. (Alternatives to pesticide use must be thoroughly evaluated and implemented when feasible (as defined in CEQA Guideline 15364: "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.)
2. A plan detailing mitigation and management measures must be submitted and implemented. The Plan must incorporate control measures to limit adverse impacts to the shortest time necessary for project success. The Plan should include measures to remove and dispose of dead biomass which are adequate to protect water quality and beneficial uses. (Removal of biomass may not be necessary in situations where recovering the dead biomass creates a greater potential to impact water quality.)
3. The planned treatment protocol will result in the minimum discharge of chemical substances that can reasonably be expected for an effective treatment.
4. Monitoring and reporting program must be submitted and implemented to evaluate impacts and verify restoration of water quality in the treatment area. The program must be sufficient to determine compliance with criterion No. 3.

The project monitoring program must include pre- and post-project sampling of water, sediment, and biota to determine if toxicity persists as a result of project implementation. At the discretion of the Regional Board, due to the urgency of Time Sensitive projects, the collection and analysis of sediment and biological samples may be waived and/or a reference site may be

used to represent pre-project conditions.

Unless waived by the Regional Board, the project proponent shall develop a biological monitoring program to evaluate (a) the magnitude and extent of potential impacts to, and (b) the post-project recovery of non-target organisms and rare/threatened or endangered species. The biological monitoring program must be based on an appropriate study design, metrics, and performance criteria to evaluate restoration of aquatic life as specified below in criterion no. 7. This requirement may be waived at the discretion of the Regional Board where the Regional Board finds that there is no significant threat to non-target aquatic organisms.

Projects That Are Neither Emergencies Nor Time Sensitive. An exemption to the prohibition on discharge of pesticides to surface or ground waters may be granted by the Regional Board for Projects That Are Neither Emergencies or Time Sensitive where the project proponent can verify that the project meets both the above-listed criteria nos. 1 through 4 and the following additional criteria, which must be submitted with the exemption request.

5. Purpose and Goals statement that (a) demonstrates that the target organism is a primary cause of the problem being addressed, and (b) provides evidence that the proposed application of pesticides will accomplish the project goals.
6. A description of the failure of non-chemical measures to effectively address the target organisms. The description will include either (1) evidence that non-chemical efforts failed to address target organisms or (2) justification, accepted by Regional Board, of why non-chemical measures were not employed or are not feasible (CEQA Guideline 15364) to achieve the treatment goals.
7. A monitoring and reporting program accepted by the Regional Board, will be followed to assess the effects of treatment on surface and ground waters, and on bottom sediments if specified by the Regional Board. The monitoring and reporting program must include, but not be limited to, monitoring sites, analytes, methods, frequencies, schedule, quality assurance, and measurable objectives to determine if the project goals were achieved (e.g., acreage treated, reduction in biomass of target species, improved water quality). The monitoring plan must identify a dedicated budget and specify the entity/person(s) responsible for the monitoring.

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The pre-project biological monitoring program and the monitoring, reporting, and mitigation program⁸ for non-target communities shall be peer-reviewed⁹ by independent experts. The peer reviewers shall be proposed by project proponent(s) and shall be mutually agreeable to both the project proponent(s) and the Regional Board.

The biological monitoring program must be based on an appropriate study design, metrics, and performance criteria to evaluate restoration of non-target biological life potentially affected by the pesticide application. Monitoring of biota should include appropriate indicators (e.g., macroinvertebrates, aquatic plants). The indices used in the assessment must be commonly accepted by the scientific community and accepted by the Regional Board.

For projects with the goal of removing an invasive species community, project proponent shall consider using a reference site to gauge restoration of the non-target species to desired conditions or establish project goals and objectives. The recovery target will be measured using appropriate indicators (e.g., macroinvertebrates, aquatic plants) that demonstrate restoration of non-target species to levels equal to or better than pre-treatment conditions (a reference site may be used to represent pre-project conditions).

When applicable, biological monitoring shall be designed, and conducted as long as needed, no less than annually, to effectively demonstrate that non-target macroinvertebrate populations have been fully restored. Fully restored means that the structure and function of non-target macroinvertebrate communities have returned to conditions that reflect pre-project conditions. Function will be judged by metrics and indices related to trophic levels (e.g., functional feeding groups) and productivity (e.g., abundance, biomass). Structure will be judged based on metrics and indices related to richness and diversity (e.g., taxa richness, multivariate O/E (observed/expected) model predictions, multivariate ordinations) and presence of sensitive and rare taxa. This definition of “fully

restored” shall be provided to the peer reviewers prior to peer review of the monitoring and reporting program, with instructions to determine whether the monitoring design is capable of determining whether full restoration has been achieved.

Within two years of the last treatment for a specific project, a qualified biologist(s) representing the project proponent must assess the restoration of non-target aquatic life and benthic communities within the treated waters, and if, based on the monitoring data, the evidence demonstrates, certify in writing that all affected non-target biological communities have been fully restored. The certification shall be accompanied by a report detailing the pre-project and post-project monitoring, including detailed explanation of the assessment methods used and the rationale for the certification. Macroinvertebrates shall be identified and classified, and data provided in electronic formats using conventions acceptable to the Regional Board.

If non-target biological communities are not fully restored after two years, the project proponent must conduct continued annual monitoring and implement the proposed mitigation measures until the Regional Board accepts the certification.

The Regional Board acknowledges that projects may occur where the non-target communities do not fully recover to pre-project levels. After five years of annual post-project monitoring, the project proponent may petition the Regional Board to release it from annual monitoring and reporting and mitigation obligations. Such petitions must include: (1) results of mitigation efforts, (2) monitoring trends demonstrating maturity of an asymptotic recovery, and (3) evidence that the ability to attain full recovery has been significantly affected by natural environmental factors (e.g., fires, floods, drought) or catastrophic events (e.g., chemical spills) during the years of monitoring. Annual monitoring shall continue unless and until the Regional Board rescinds the monitoring requirements.

⁸ The mitigation program must examine potential measures to facilitate the restoration of non-target species to pre-project abundance and diversity. The mitigation program must include a discussion of mitigation measures included and those that were considered but rejected. The project proponent must justify why these measures were rejected as feasible mitigation measures. The requirement to implement mitigation measures may be waived during post-project recovery at the discretion of the

Regional Board.

⁹ The Regional Board can exempt project proponents from the requirement of preparing an externally peer reviewed monitoring and reporting, and mitigation program (e.g., project applicant proposes the use of standardized peer reviewed monitoring protocols).

Exemption Criteria for Restoration Projects

The Regional Board encourages restoration projects that are intended to reduce or mitigate existing sources of soil erosion, water pollution, or impairment of beneficial uses. For waste earthen materials discharged as a result of restoration projects, exemptions to the above prohibitions, and all other prohibitions contained in this Basin Plan, may be granted by the Regional Board's Executive Officer whenever a specific project meets all of the following criteria:

1. The project will eliminate, reduce or mitigate existing sources of soil erosion, water pollution, and/or impairment of beneficial uses of water, *and*
2. There is no feasible alternative to the project that would comply with the Basin Plan prohibitions, *and*
3. All applicable and practicable control and mitigation measures have been incorporated into the project to minimize land disturbance, soil erosion, discharges of turbid water, and other potential adverse impacts to water quality and beneficial uses to the minimum necessary to complete the project.

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TABLE 4.1-1. LOW THREAT DISCHARGES THAT ARE CONDITIONALLY EXEMPT FROM WASTE DISCHARGE PROHIBITIONS

The exempt waste discharges must meet general conditions in Basin Plan section on Limited Threat Discharges, enumerated below, in addition to meeting the applicable specific conditions for discharge categories.

General Conditions for Exemption:

1. For proposed discharges to surface water, the applicant must provide information supporting why discharge to land is not practicable.
2. The discharge must not adversely affect the beneficial uses of the receiving water.
3. The discharge must comply with all applicable water quality objectives.
4. Best practicable treatment or control of the discharge must be implemented to ensure that pollution or nuisance will not occur.

Specific Conditions for Exemption:

Discharge Category	Conditions for Exemption
Atmospheric condensate from refrigeration and air conditioning systems	Must not contain chemicals or materials that would adversely affect water quality.
Groundwater from foundation drains, crawl-space pumps, and footing drains	Must not contain chemicals or materials that would adversely affect water quality.
Water main, storage tank, fire hydrant flushing	Water discharged must consist of potable water. Must use best management practices to reduce soil erosion from discharged water to a level of insignificance.
Incidental runoff from landscape irrigation	Must not contain fertilizers or pesticides. For recycled water used for irrigation, must discharge to land.
Non-contact cooling water	Must not contain biocides, anti-scalants or other additives.
Aquifer or pump testing water	Must not be in an area of known groundwater contamination. If discharged to surface water, the quality of the discharge must be substantially similar to the quality of the receiving water.
Construction dewatering	Must not be in an area of known soil or groundwater contamination where that contamination could adversely affect the discharge and/or the receiving water.
Utility vault and conduit flushing and draining	Must not contain chemicals or materials that would adversely affect water quality.
Hydrostatic testing, maintenance, repair and disinfection of potable water supply pipelines	Water discharged must consist of potable water. Must use best management practices to reduce soil erosion from discharged water to an insignificant level.

TABLE 4.1-1. LOW THREAT DISCHARGES THAT ARE CONDITIONALLY EXEMPT FROM WASTE DISCHARGE PROHIBITIONS

Specific Conditions for Exemption (continued):

Discharge Category	Conditions for Exemption
Hydrostatic testing of newly constructed pipelines, tanks, reservoirs, etc., used for purposes other than potable water supply (e.g., gas, oil, reclaimed water, etc.)	Potable water must be used in the hydrostatic test. Must not contain chemicals or materials that would adversely affect water quality. Must use best management practices to reduce soil erosion from discharged water to an insignificant level.
Disposal of treated groundwater	Treatment must remove contaminants of concern to non-detectable levels.
Pier pilings (driven)	Piles must be driven. Where the lakebed contains clayey or silty substrate, caissons, turbidity curtains, or other best management practices must be used to limit generated turbidity to smallest area practicable.
Buoys and aids to navigation	Must not contain chemicals or materials that would adversely affect water quality.
Scientific instrumentation for water quality or resources study	Must meet the general conditions for exemption.

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Considerations for Water Recycling Projects

The State Board adopted a Recycled Water Policy (Res. No. 2009-0011, amended by Res. No. 2013-0003) that indicates the State and Regional Boards will exercise their authorities to the fullest extent to encourage the use of recycled water, consistent with state and federal water quality laws. The Regional Board encourages the reuse of treated domestic wastewater, and desires to facilitate its reuse (see Section 4.4 of this Chapter). The need to develop and use recycled water is one factor the Regional Board will evaluate when considering exemption requests to waste discharge prohibitions. Other considerations, including potential impacts of nutrients in recycled water on aquatic life and the assimilative capacity of groundwater basins for salts and nutrients, will also apply.

Unit/Area-Specific Prohibitions

Figures depicting specific prohibition areas are located at the end of this Section. Figure 4.1-1 provides an overview of the Lahontan Region with the approximate location of all prohibition areas. Area-specific prohibitions are grouped by watersheds, which are discussed in a north to south order.

Susanville Hydrologic Unit

(Figure 4.1-2)

1. The discharge of waste within the following described area (referred to as the Cady Springs Prohibition Area) from leaching or percolation systems installed after August 17, 1995 is prohibited: The Cady Springs Prohibition Area is defined as follows and is shown for information in Fig. 4.1-2:

U.S.G.S. Map (7.5 Minute Series),
Susanville Quadrangle:

T.30.N. and R.11.E., Including:

Sections 1 through 18, 20 through 28, and portions of Sections 19, 29, 33, 34, 35, and 36. The boundary defining the portions of Sections 19, 29, 33, and 34 is based on the surface water divide between Piute Creek and Susan River drainages and the fault trace F1 as described in the Cady Springs Water Quality Phase I Report (DWR 1993); the portions of those Sections within the Piute Creek drainage and north of the fault are included in the prohibition area. Areas

north of the Susan River in Section 36 are included in the prohibition area. **Excluding:** Sections 30, 31 and 32.

T.29.N. and R.11.E., Including:

Areas north of the Susan River in Sections 2 and 3. **Excluding:** Section 1, and Sections 4 through 36.

Projects that satisfy the following criteria shall be exempt from the above-stated prohibition:

- a. The discharge is composed of domestic wastewater only; *and*
- b. The proposed disposal system satisfies the Regional Board's criteria for individual waste disposal systems (minimum distances, percolation rates, soil characteristics, depth to ground water, ground slope, expansion area), as prescribed in Section 4.4 of this Chapter; *and*
- c. One of the following:
 - i. The proposed project is residential, inside an "Existing Land Development," the net lot area is 15,000 square feet or more, and the wastewater discharge will not exceed one equivalent dwelling unit (EDU) per net lot area per day. This criterion is based on existing septic density requirements, as prescribed in Chapter 4.4 of this Water Quality Plan. The net lot area is that contained inside the boundaries set forth in the legal lot description; or
 - ii. The proposed project is non-residential or of mixed occupancy, inside an "Existing Land Development," the net lot area is 15,000 square feet or more, and the wastewater discharge does not exceed one EDU per net lot area per day, as determined using the estimated waste/sewage flow rates in the Uniform Plumbing Code.

For proposed projects in "Existing Land Development" that do not satisfy the above-stated exemption criteria, an exemption to the prohibition may nonetheless be granted by the Regional Board's Executive Officer

4.1, Waste Discharge Prohibitions

after submittal by the proposed discharger of a Report of Waste Discharge that includes geologic and hydrologic evidence and an acceptable engineering design that sufficiently demonstrate that the use of the proposed leaching system will not, of itself or in conjunction with the use of other systems in the area, result in a pollution or nuisance, or other adverse effects to water quality or beneficial uses. (Guidance for preparing a Report of Waste Discharge may be obtained by contacting the office of the Regional Board.)

For purposes of the above-stated exemption criteria, "Existing Land Development" is defined as subdivisions or individual parcels that have legal lot descriptions approved by local agencies prior to April 21, 1995.

The Regional Board will not issue discharge permits for proposed leaching or percolation systems on "new lots" inside the prohibition area. For purposes of this prohibition, "new lots" are defined as lots created for development after April 21, 1995 by means of parcel splits and/or land divisions. An exemption may be granted by the Regional Board for projects on "new lots," provided the project is necessary for public health and safety, or other necessary public services that, by their inherent nature, must be located in close geographic proximity to the served public. Examples of such public services would be schools and post offices. To obtain an exemption, the proposed discharger must submit a Report of Waste Discharge that includes geologic and hydrologic evidence and an acceptable engineering design demonstrating that the use of the proposed leaching system will not, of itself or in conjunction with the use of other systems in the area, result in a pollution or nuisance, or other adverse effects to water quality or beneficial uses.

Eagle Drainage Hydrologic Area

(Figure 4.1-3)

1. New discharge of waste within the Spalding Tract and Stones-Bengard subdivisions is prohibited after March 30, 1987. For the purposes of this prohibition, new discharge of waste is the installation of new septic systems, or expansion of existing septic systems.

2. The discharge of waste containing nutrients from the Spalding Tract or Stones-Bengard subdivisions to any surface waters or ground waters in the Eagle Drainage Hydrologic Area is prohibited after September 14, 1989.
3. The discharge of waste from septic systems within the Eagle's Nest Tract for more than a single five-consecutive-month period each calendar year is prohibited.
4. The discharge of phosphates to onsite wastewater treatment (septic) systems is prohibited in Eagle's Nest Tract.
5. The maximum development density for new development that discharges wastes to subsurface disposal systems shall be one single family dwelling equivalent per 20 acres. For non-residential development, and/or where pre-discharge nutrient removal is provided, single family dwelling equivalence shall be based on mean total nitrogen discharge or mean total phosphorus discharge to the subsurface disposal system(s), whichever is more restrictive. Approval by the Regional Board's Executive Officer is required for each system prior to discharge from the system. Before granting such approval, the Executive Officer must find (based on evidence presented by the proposed discharger) that soils have good phosphorus removal capability, and that the system will comply with all other applicable criteria contained in this Plan.

For purposes of the above prohibition, "new development" is defined as any subdivision of land in any area other than the existing Spalding Tract, Stones-Bengard and Eagle's Nest Tract subdivisions.

6. The discharge of wastes containing nutrients from wastewater treatment facilities on lands administered by the U.S. Forest Service, Lassen National Forest, to surface waters or ground waters in the Eagle Drainage Hydrologic Area is prohibited.
7. The discharge of wastes containing nutrients from the Bald Hills Campground to surface waters or ground waters in the Eagle Drainage Hydrologic Area is prohibited.

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8. The discharge of wastes containing nutrients from any new recreational facility or use area to surface waters or ground waters in the Eagle Drainage Hydrologic Area is prohibited. For purposes of this prohibition any new or increased discharge of waste from any recreational facility or use area other than that discharged as of July 15, 1985 is prohibited unless the nutrient discharge equivalent is less than or equal to one single family dwelling per 20 acres.
9. The discharge of wastes containing nutrients from any subsurface disposal system on a lot with an elevation of less than 5130 feet is prohibited.

Truckee River and Little Truckee River Hydrologic Units

(Figures 4.1-4 through 4.1-6)

1. The discharge, attributable to human activities, of any waste or deleterious material to surface waters of the Truckee River HU or Little Truckee River HU is prohibited.

The Regional Board may grant an exemption to this prohibition when the Regional Board finds that all of the following criteria are met:

- a. The discharge of waste will not, individually or collectively, directly or indirectly, adversely affect beneficial uses, *and*
 - b. There is no reasonable alternative to the waste discharge, *and*
 - c. All applicable and practicable control and mitigation measures have been incorporated to minimize potential adverse impacts to water quality and beneficial uses.
2. The discharge or threatened discharge, attributable to human activities, of waste to lands within the 100-year floodplain of the Truckee River, Little Truckee River, and their tributaries is prohibited.

- a. The Regional Board may grant exemptions to this prohibition for the repair, replacement, or relocation of existing structures, provided that the repair, replacement or relocation does not reduce or adversely affect the existing floodplain function¹⁰. Prior to granting any such exemption, the Regional Board shall require demonstration by the proposed discharger that all applicable and practicable control and mitigation measures have been incorporated into the project such that potential adverse impacts to water quality and beneficial uses are the minimum necessary to complete the project.

- b. The Regional Board may grant exemptions to this prohibition for the discharge from existing and replacement onsite wastewater treatment systems, such as septic systems, within the 100-year floodplain when the Regional Board finds all of the following:

- (1) the discharge will not adversely affect the beneficial uses of surface or ground waters, *and*
- (2) the system is properly functioning or is being replaced with a properly functioning system, *and*
- (3) the system is in compliance with septic system requirements in this Basin Plan, the State Water Board's Onsite Wastewater Treatment System Policy, or an approved Local Agency Management Program.

- c. The Regional Board may grant exemptions to this prohibition for the following categories of new projects within the 100-year floodplain¹¹:

- (1) Projects intended to reduce or mitigate existing sources of

¹⁰ Floodplain function includes the conveyance of floodwaters along with other hydrologic, geomorphic, biological and ecological processes such as groundwater recharge, floodwater filtration, sediment transport, spawning gravel replenishment, seed dispersal, and riparian vegetation

maintenance.

¹¹ The use of the term "project" within the exemption criteria applies to an element or elements of an overall project where

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erosion or water pollution, or to restore or improve the floodplain function.

- (2) Projects and activities essential for transportation, including stream crossings, 100-year floodplain crossings and associated facilities such as bridge abutments and approaches, installation and maintenance of storm drains and storm water treatment facilities, and road and highway maintenance activities. This category includes stream crossings in approved state or federal timber harvest plans or when consistent with State or Regional Board regulation, and discharge of gravel, rock, or other suitable material for stream crossings on un-surfaced roads for erosion control.

Projects and activities necessary to protect public health or safety or to provide essential public services, including, but not limited to, utilities such as water and sewer lines, forest management activities to reduce the risk and severity of wildfires, and projects needed to protect the health and safety of occupants of existing structures.

- (3) Private piers or projects necessary for public recreation, including providing access to water-dependent recreational opportunities, such as installation of public boat ramps.
- (4) Projects for monitoring or scientific research related to natural resources and environmental quality. This category includes equipment or structure installation for basic data collection, research, experimental management and resource evaluation activities that do not result in a significant

adverse effect on water quality or beneficial uses.

An exemption to prohibition 2, above, may be allowed for a specific new project only when the Regional Board makes all of the following findings:

- i. The project is included in one or more of the categories listed above.
- ii. There is no reasonable alternative that avoids or reduces the extent of encroachment by the project within the 100-year floodplain.
- iii. For private pier and public recreation projects, the project, by its very nature, must be located within the 100-year floodplain. (This finding is not required for those portions of outdoor public recreation projects to be located in areas that were substantially altered by grading and/or filling activities before June 26, 1975.) The determination of whether a project, by its very nature, must be located in a 100-year floodplain shall be based on the kind of project proposed, not the particular site proposed. Exemptions for projects such as recreational facility parking lots and visitor centers, which by their very nature do not have to be located in a 100-year floodplain, will not be allowed in areas that were not substantially altered by grading and/or filling prior to June 26, 1975.
- iv. All applicable and practicable control and mitigation measures have been incorporated such that potential adverse impacts to water quality are the minimum necessary to complete the project and beneficial uses are protected.
- v. The project will not reduce or adversely affect the existing floodplain function. This shall be ensured by restoration of previously disturbed areas within the 100-year floodplain within the project site, or by improvement of floodplain function within or as close as practical to the project site. The restored or improved 100-year floodplain function must more than offset the floodplain function lost by construction of the project. This finding will not be required for: (1) essential public health or safety projects, (2)

that element or those elements are within the 100-year floodplain. Exemption criteria are to be assessed for those

project elements within the 100-year floodplain.

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projects to provide essential public services that the Regional Board finds such mitigation measures to be infeasible because the financial resources of the entity proposing the project are severely limited, or (3) monitoring or scientific research projects where the Board finds the floodplain function will not be significantly reduced.

3. Discharge in the Truckee River and Little Truckee Hydrologic Units of wastewater or wastewater effluent resulting in an average total nitrogen concentration in the (undiluted) wastewater exceeding 9 mg-N/liter entering the Truckee River or any of its tributaries above the Boca Reservoir outlet confluence is prohibited (Figure 4.1-6).

4. Discharge in the Truckee River and Little Truckee River Hydrologic Units of domestic wastewater to individual facilities such as septic tank-leachfield systems is prohibited for any subdivisions (as defined by the Subdivision Map Act, Government Code 66424) that did not discharge prior to October 16, 1980. This prohibition shall apply to all areas where underlying ground waters are tributary to the Truckee River or any of its tributaries above the confluence of the Boca Reservoir outlet and the Truckee River (Figure 4.1-6).

An exemption to this prohibition may be granted whenever the Regional Board finds (based on geologic and hydrologic evidence presented by the proposed discharger) that operation of individual domestic wastewater facilities in a particular area will not unreasonably affect water quality or beneficial uses.

Exclusion of certain existing septic tank subdivisions from the site-specific waste discharge prohibitions above is not a mandate for build-out of all such subdivisions, and it is assumed that a large portion of existing lots currently approved for septic tank systems will eventually be sewer to the Tahoe-Truckee Sanitation Agency (TTSA).

5. Once sewer lines are installed in a subdivision or area, within the Little Truckee River or Truckee River Hydrologic Units, the discharge of wastes or wastewater to individual systems (such as septic tank-leachfield systems) from all new dwellings

constructed or installed within 200 feet of the sewer line is prohibited.

6. Continued onsite discharge of septic tank effluent from structures within 200 feet of any existing sewer line connecting to TTSA, including the Truckee River Interceptor, where a septic tank-leachfield system is found to function improperly at any time, and/or where septic tank-leachfield construction is found to be in violation of the minimum criteria listed in this Plan, is prohibited.

An exemption to this prohibition may be granted whenever the Regional Board finds (based on geologic and hydrologic evidence presented by the proposed discharger) all of the following:

- (1) that operation of individual domestic wastewater facilities in such an area will not adversely affect beneficial uses,
- (2) that connecting to the sewer system would have a damaging effect on the environment, and
- (3) that, if the onsite wastewater treatment system is not functioning properly, the system is repaired or replaced such that it will function properly.

Lake Tahoe Hydrologic Unit

This Basin Plan contains a separate chapter (Chapter 5) concerning Lake Tahoe and its watershed. Waste discharge prohibitions and applicable prohibition exemptions in effect for the Lake Tahoe HU are included in that chapter. Regionwide waste discharge prohibitions (and applicable prohibition exemptions) also apply in the Lake Tahoe HU in addition to the Lake Tahoe-specific prohibitions.

Carson River Hydrologic Units

(Figure 4.1-7)

1. The discharge, attributable to human activities, of any waste or deleterious material to surface waters of the East Fork Carson River HU or West Fork Carson River HU is prohibited.

The Regional Board may grant an exemption to this prohibition when the Regional Board finds that all of the following criteria are met:

4.1, Waste Discharge Prohibitions

- a. The discharge of waste will not, individually or collectively, directly or indirectly, adversely affect beneficial uses, *and*
- b. There is no reasonable alternative to the waste discharge, *and*
- c. All applicable and practicable control and mitigation measures have been incorporated to minimize potential adverse impacts to water quality and beneficial uses.

Walker River Hydrologic Units

(Figure 4.1-8)

1. The discharge, attributable to human activities, of any waste or deleterious material to surface waters of the East Walker River HU or West Walker HU is prohibited.

The Regional Board may grant an exemption to this prohibition when the Regional Board finds that all of the following criteria are met:

- a. The discharge of waste will not, individually or collectively, directly or indirectly, adversely affect beneficial uses, *and*
- b. There is no reasonable alternative to the waste discharge, *and*
- c. All applicable and practicable control and mitigation measures have been incorporated to minimize potential adverse impacts to water quality and beneficial uses.

Mono and Owens Hydrologic Units

(Figures 4.1-9 through 4.1-13)

1. The discharge of waste to surface water, including sewage or sewage effluent, is prohibited in the following locations:

- (a) Mill Creek and Lee Vining Creek watersheds (Figure 4.1-9).
- (b) Rush Creek watershed above the outlet from Grant Lake (Figure 4.1-9).
- (c) The Owens River and its tributaries upstream of Crowley Lake above elevation 7,200 feet (Figure 4.1-10).

- (d) The Owens River and its tributaries downstream of Crowley Lake above elevation 5,000 feet (Figure 4.1-11).

An exemption to this prohibition may be granted whenever the Regional Board finds (based on geologic and hydrologic evidence presented by the proposed discharger) that the discharge of waste to surface waters will not, individually or collectively, directly or indirectly, adversely affect water quality or beneficial uses.

2. The discharge of waste from existing leaching or percolation systems is prohibited in the following areas:

- (a) Rush Creek watershed above the outlet of Grant Lake (Figure 4.1-9).
- (b) Mammoth Creek watershed above elevation 7,650 feet, including the drainage area of the community of Mammoth Lakes (Figure 4.1-12).

An exemption to this prohibition may be granted whenever the Regional Board's Executive Officer finds (based on geologic and hydrologic evidence presented by the proposed discharger) that the continued operation of septic tanks, cesspools, or other means of waste disposal in a specific area will not, individually or collectively, directly or indirectly, adversely affect water quality or beneficial uses, and that the sewerage of such area would have a damaging effect upon the environment.

3. The discharge of waste is prohibited within the following portions of Inyo County Service Area No. 1:

- (a) Assessment District No. 1 (Fig. 4.1-13).
- (b) Assessment District No. 2 (Fig. 4.1-14).
- (c) City of Bishop (Fig. 4.1-13).

An exemption to this prohibition may be granted whenever the Regional Board's Executive Officer finds (based on geologic and hydrologic evidence presented by the proposed discharger) that the continued operation of septic tanks, cesspools, or other means of waste disposal in a specific area will not, individually or collectively, directly or indirectly, adversely affect water

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quality or the water for beneficial uses, and that the sewerage of such area would have a damaging effect upon the environment.

An exemption to this prohibition may be granted whenever the Regional Board finds that a solid waste disposal site operated in accordance with an approved solid waste disposal plan will not, directly or indirectly, adversely affect water quality or beneficial uses.

4. The discharge of waste from new leaching and percolation systems is prohibited in the following areas (for this prohibition, new systems are any installed after May 15, 1975):

- (a) Rush Creek watershed above the outlet from Grant Lake (Figure 4.1-9).
- (b) The following portions of Inyo County Service Area No. 1:
 - (1) Assessment District No. 1 (Figure 4.1-13).
 - (2) Assessment District No. 2 (Figure 4.1-14).
 - (3) Rocking K Subdivision (Fig. 4.1-13)
 - (4) City of Bishop (Fig. 4.1-13).
- (c) Mammoth Creek watershed, including the drainage area of the community of Mammoth Lakes, and the Sherwin Creek watershed upstream of the confluence of Sherwin and Mammoth Creeks (Figure 4.1-12).

An exemption to this prohibition may be granted whenever the Regional Board's Executive Officer finds (based on geologic and hydrologic evidence presented by the proposed discharger) that leaching system disposal will not, directly or indirectly,

individually or collectively, result in a pollution or nuisance, or other adverse effects to water quality or beneficial uses.

5. The discharge of waste within the following described area from new or existing leaching or percolation systems is prohibited (for this prohibition, new systems are any installed after May 15, 1975):

The area commonly known as the Hilton Creek/Crowley Lake communities included within the W/2, SW/4, Section 25, E/2, SE/4 and the SW/4, SE/4 and the S/2, SW/4 of Section 26, N/2, NE/4, NE/4, Section 34, N/2, NW/4 and the N/2, SE/4, NW/4 and the W/2, NE/4, Section 35, T4S, R29E, MDB&M (Figure 4.1-15).

An exemption to the prohibition against discharge of waste from new septic/leaching systems may be granted by the Regional Board's Executive Officer after presentation by the proposed discharger of geologic and hydrologic evidence and an acceptable engineering design which sufficiently demonstrate that the use of the proposed leaching system will not, of itself or in conjunction with the use of other systems in the area, result in a pollution or nuisance, or other adverse effects to water quality or beneficial uses.

An exemption to the prohibition against discharge of waste from existing septic/leaching systems may be granted by the Regional Board's Executive Officer after presentation by the discharger of geologic and hydrologic evidence that the continued use of an existing leaching disposal system will not, individually or collectively, result in a pollution or nuisance, or other adverse effects to water quality or beneficial uses.

Antelope Hydrologic Unit

(Figure 4.1-16)

1. The discharge of waste to surface water is prohibited above elevation 3,500 feet.

An exemption to this prohibition may be granted whenever the Regional Board finds that the discharge of waste to surface waters will not, individually or collectively, directly or indirectly, adversely affect water quality or beneficial uses.

Mojave Hydrologic Unit

(Figure 4.1-17 and 4.1-18)

1. The discharge of waste to surface water in the Mojave Hydrologic Unit that is tributary to the West Fork Mojave River or Deep Creek, above elevation 3,200 feet (approximate elevation of Mojave Forks Dam), is prohibited. This prohibition does not apply to stormwater discharges unless such discharges create a condition of pollution or nuisance. (Figure 4.1-17)

An exemption to this prohibition may be granted by the Regional Board whenever the Regional Board finds that the discharge of waste will not, individually or collectively, directly or indirectly, result in exceeding the water quality objectives or unreasonably affect the water for its beneficial uses.

2. The discharge of waste to land or water within the following areas is prohibited (Figure 4.1-17):

- (a) The Silverwood Lake watershed.
- (b) The Deep Creek watershed above elevation 3,200 feet.
- (c) The Grass Valley Creek watershed above elevation 3,200 feet.

This prohibition does not apply to stormwater discharges unless such discharges create a condition of pollution or nuisance.

An exemption to this prohibition may be granted by the Regional Board whenever the Regional Board finds that the discharge of waste will not, individually or collectively, directly or indirectly, result in exceeding the water quality objectives or unreasonably affect the water for its beneficial uses.

3. The discharge of waste from new leaching or percolation systems is prohibited in the following areas (Figure 4.1-17):

- (a) The Silverwood Lake watershed.
- (b) Deep Creek and Grass Valley Creek watersheds above elevation 3,200 feet.

For this prohibition, "new" systems are any installed after May 15, 1975.

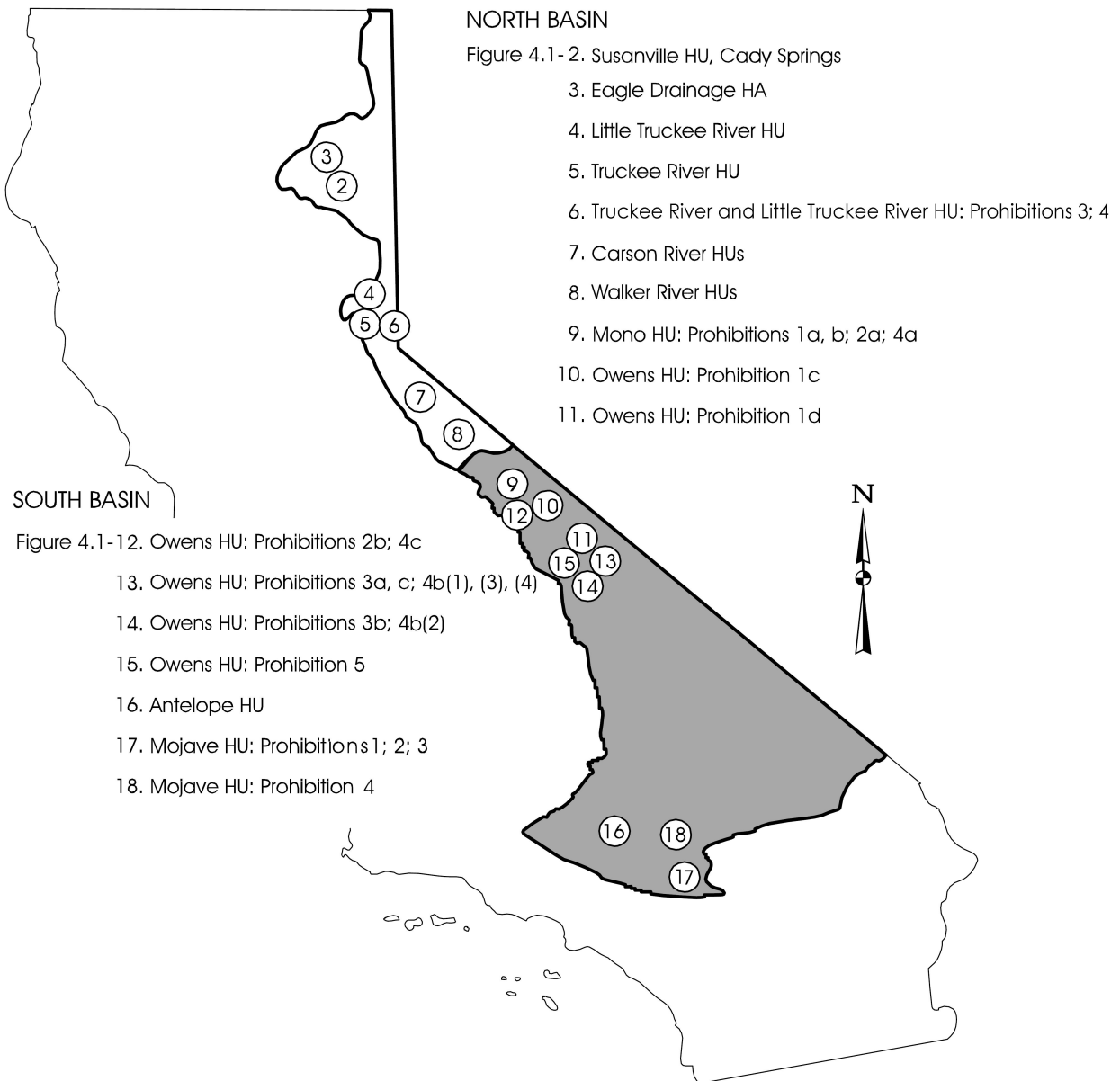
An exemption to this prohibition may be

granted whenever the Regional Board's Executive Officer finds that the operation of septic tanks, cesspools, or other means of waste disposal in a particular area will not, individually or collectively, directly or indirectly, adversely affect water quality or beneficial uses, and that the sewerage of such area would have a damaging effect upon the environment.

4. The discharge of wastes of sewage-bearing origin to surface waters in the Mojave Hydrologic Unit upstream of the Lower Narrows at Victorville is prohibited. (Figure 4.1-18)

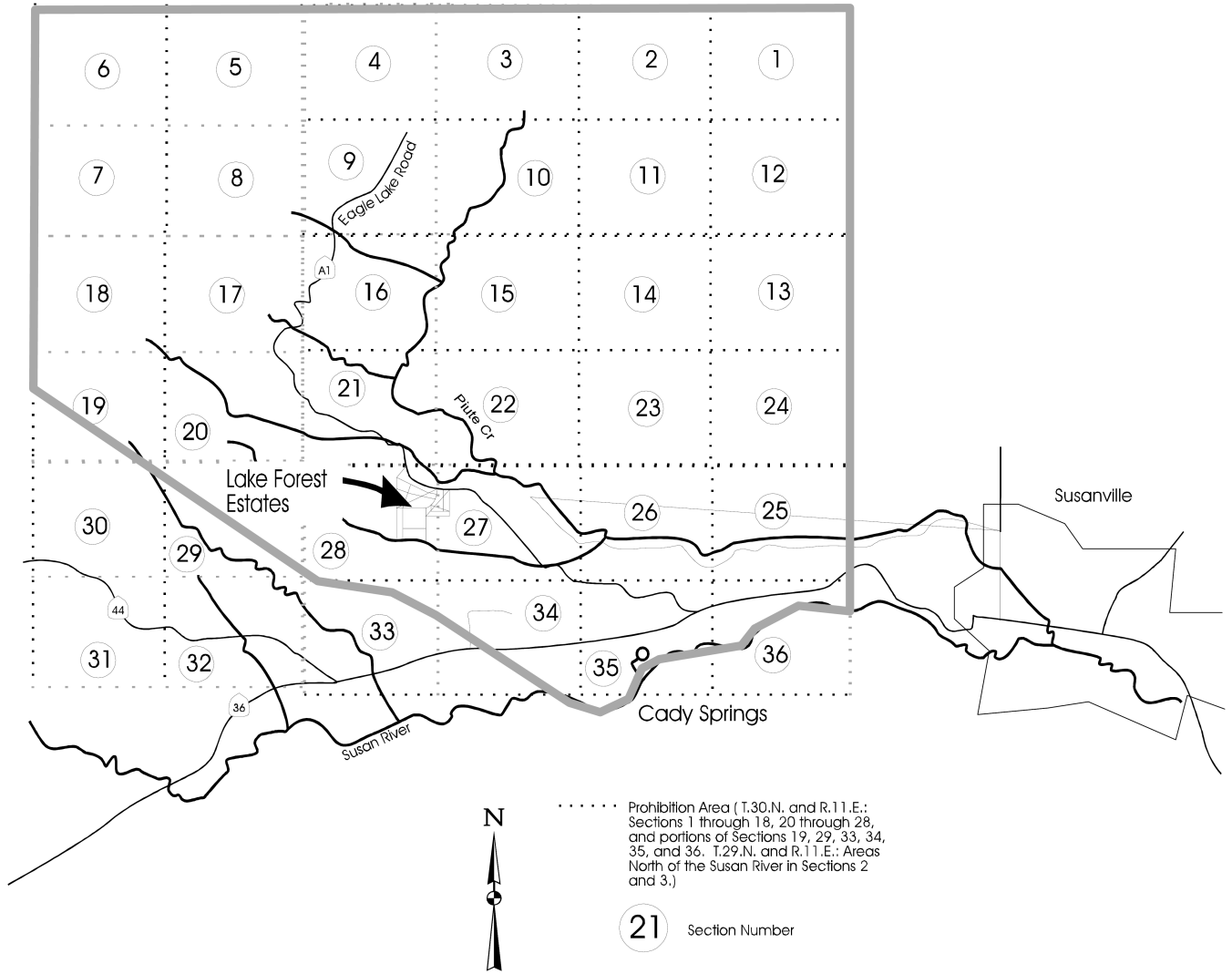
An exemption to this prohibition may be granted by the Regional Board whenever the Regional Board finds that the discharge of waste will not, individually or collectively, directly or indirectly, result in exceeding the water quality objectives or unreasonably affect the water for its beneficial uses.

**Figure 4.1-1
LAHONTAN BASIN PROHIBITION AREAS**



NOTICE:
The information contained on the figures and diagrams in this publication are intended for reference only. Consult with Regional Board staff for exact boundary lines and other information.

Figure 4.1-2
SUSANVILLE HYDROLOGIC UNIT
CADY SPRINGS



**Figure 4.1-3
EAGLE DRAINAGE HYDROLOGIC AREA**

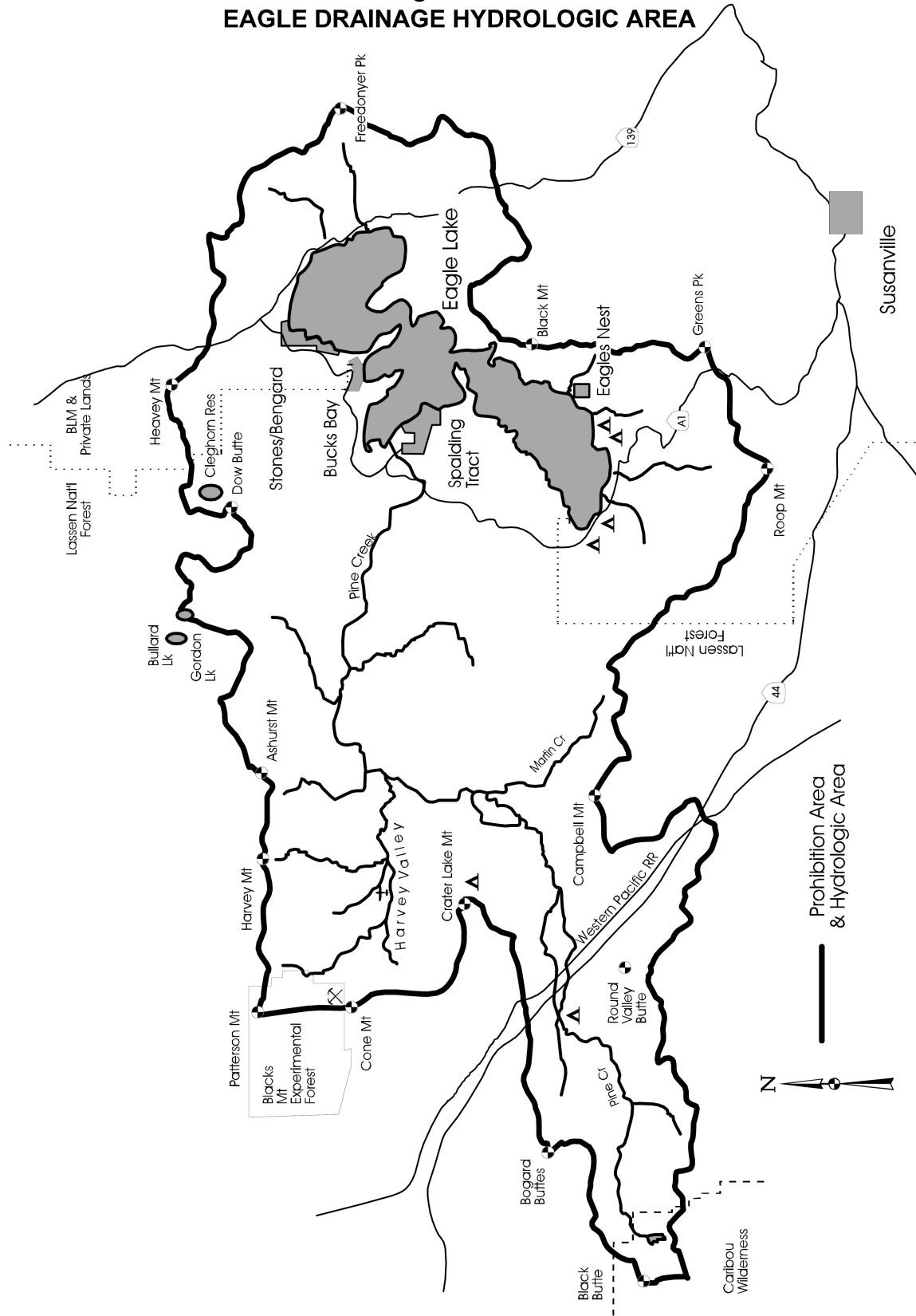


Figure 4.1-4
LITTLE TRUCKEE RIVER HYDROLOGIC UNIT

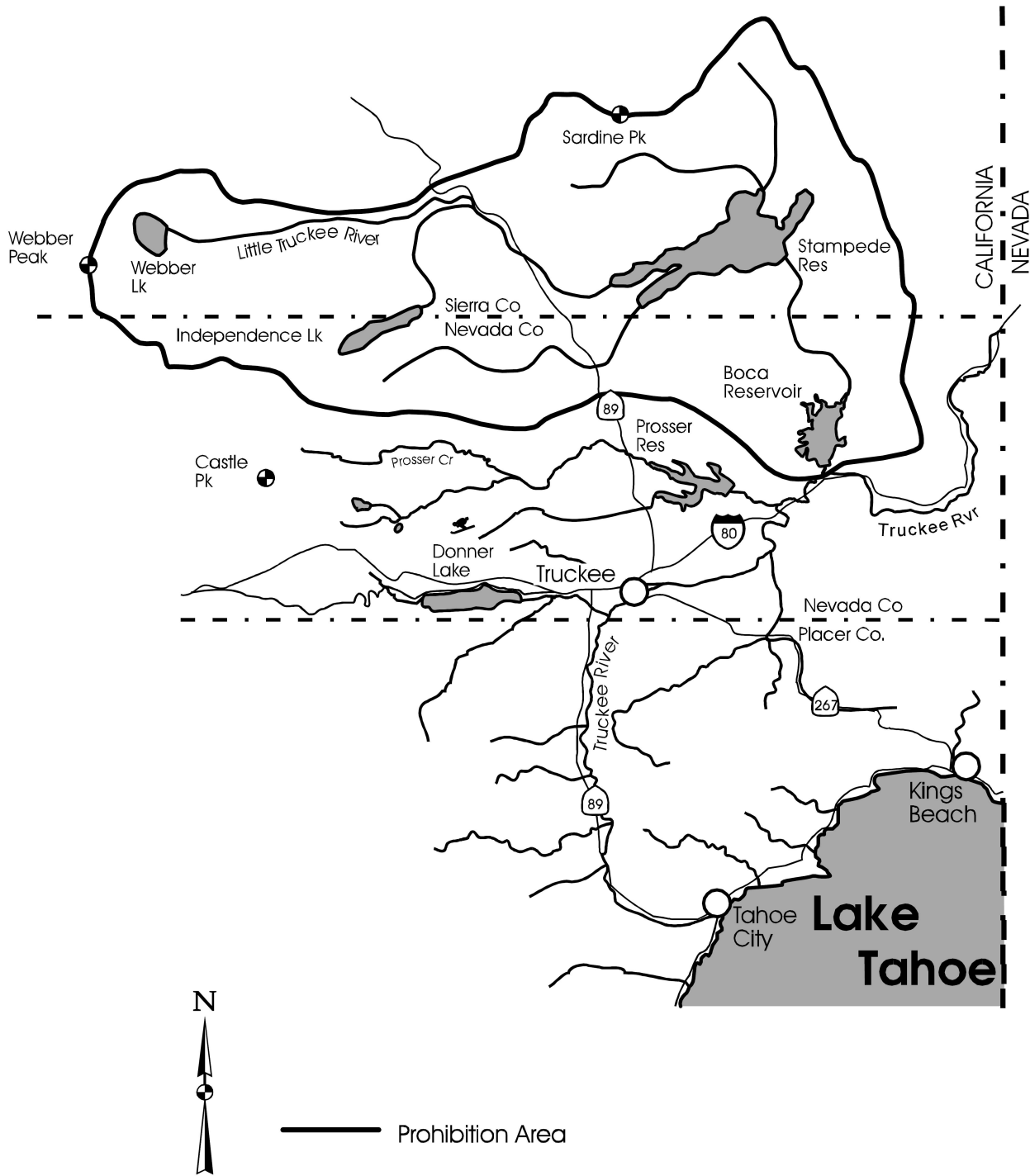


Figure 4.1-5
TRUCKEE RIVER HYDROLOGIC UNIT

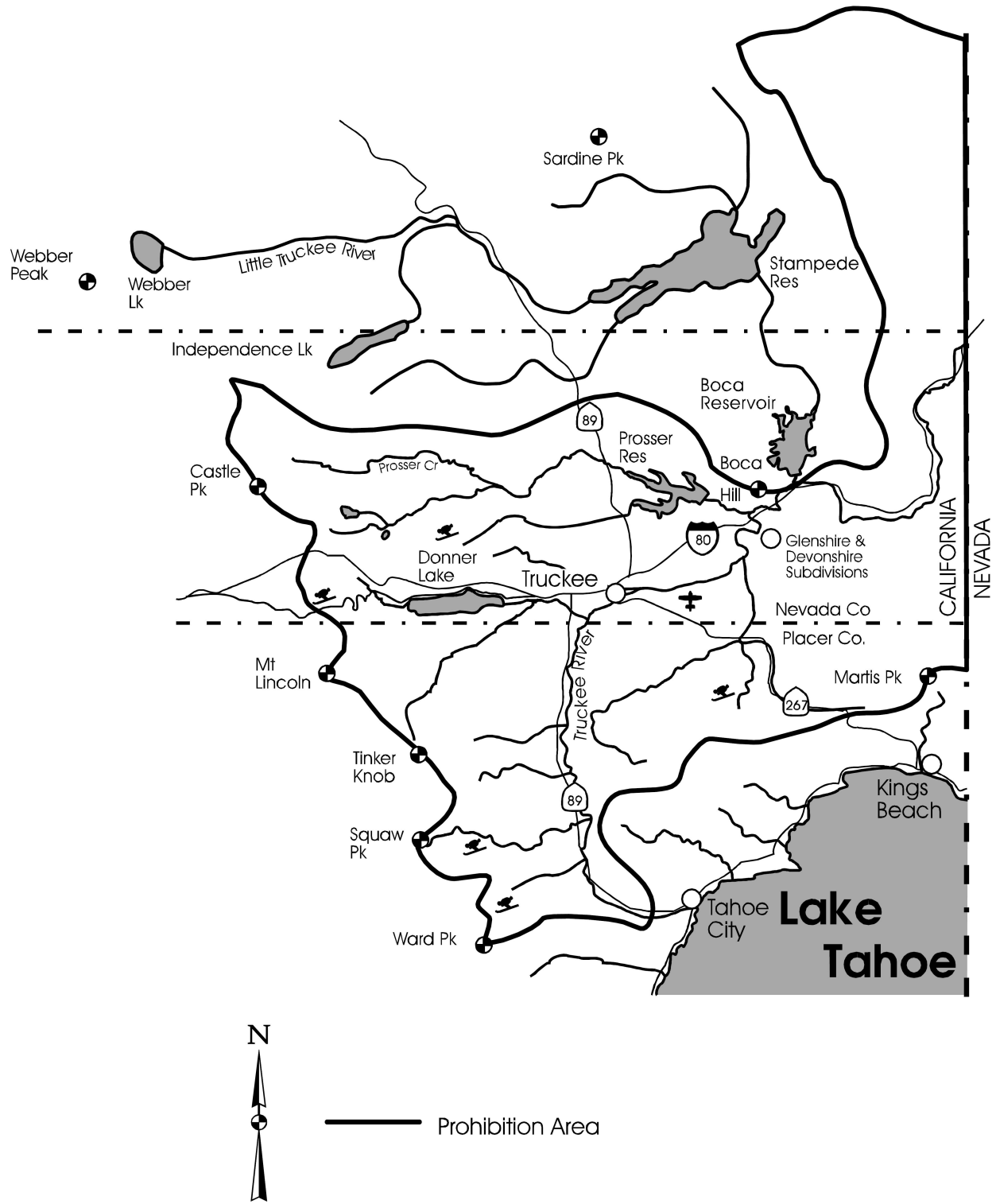
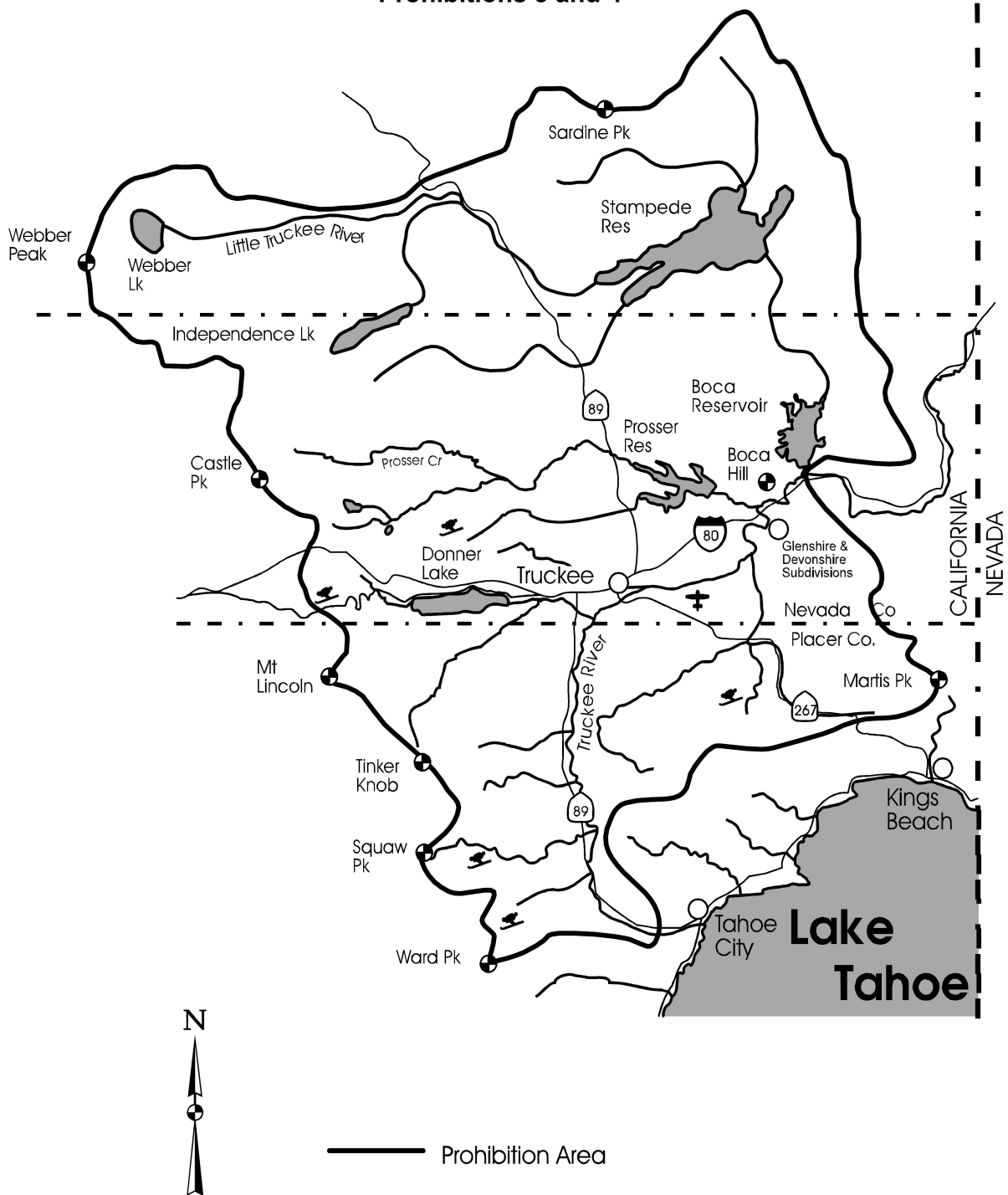
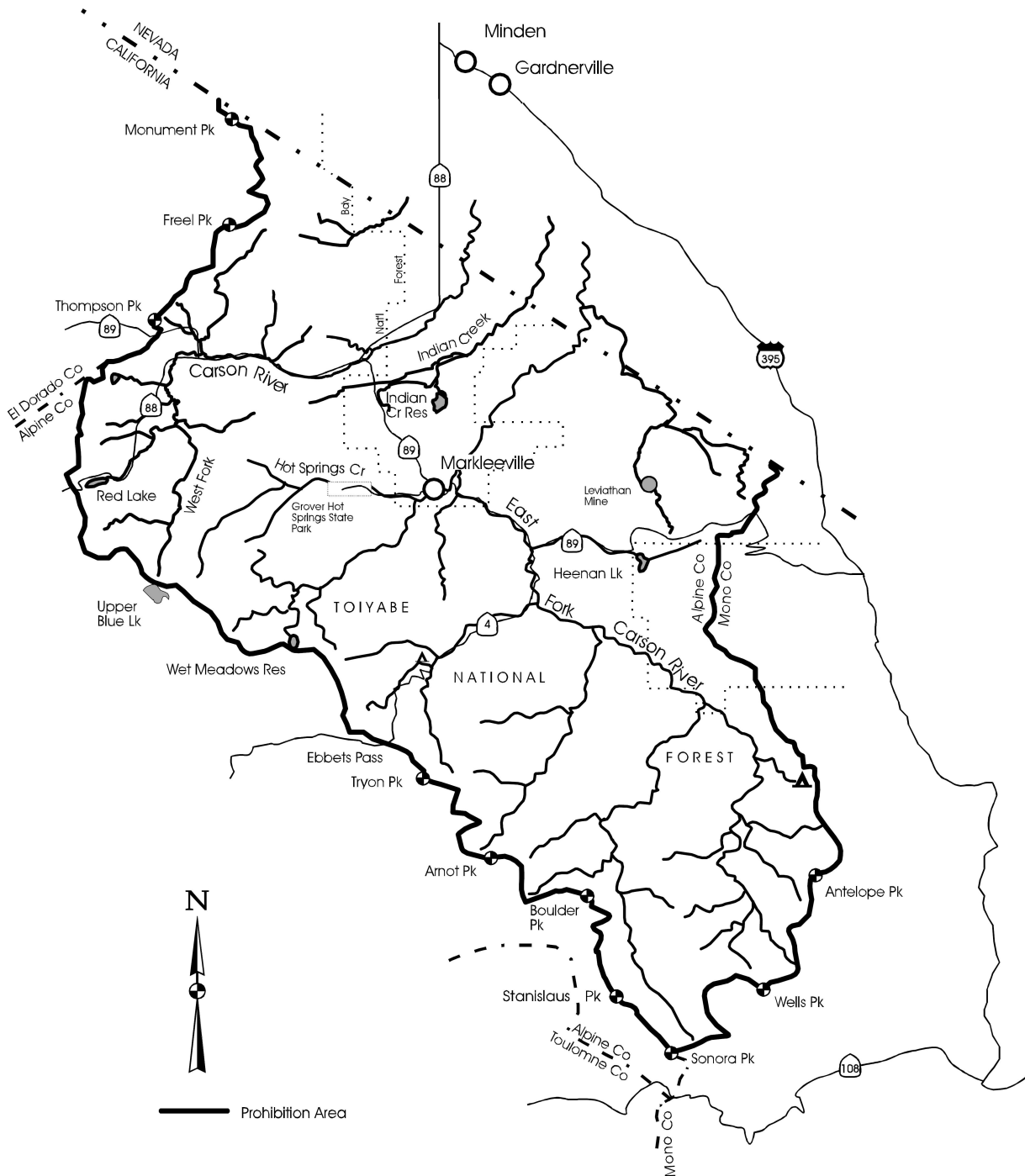


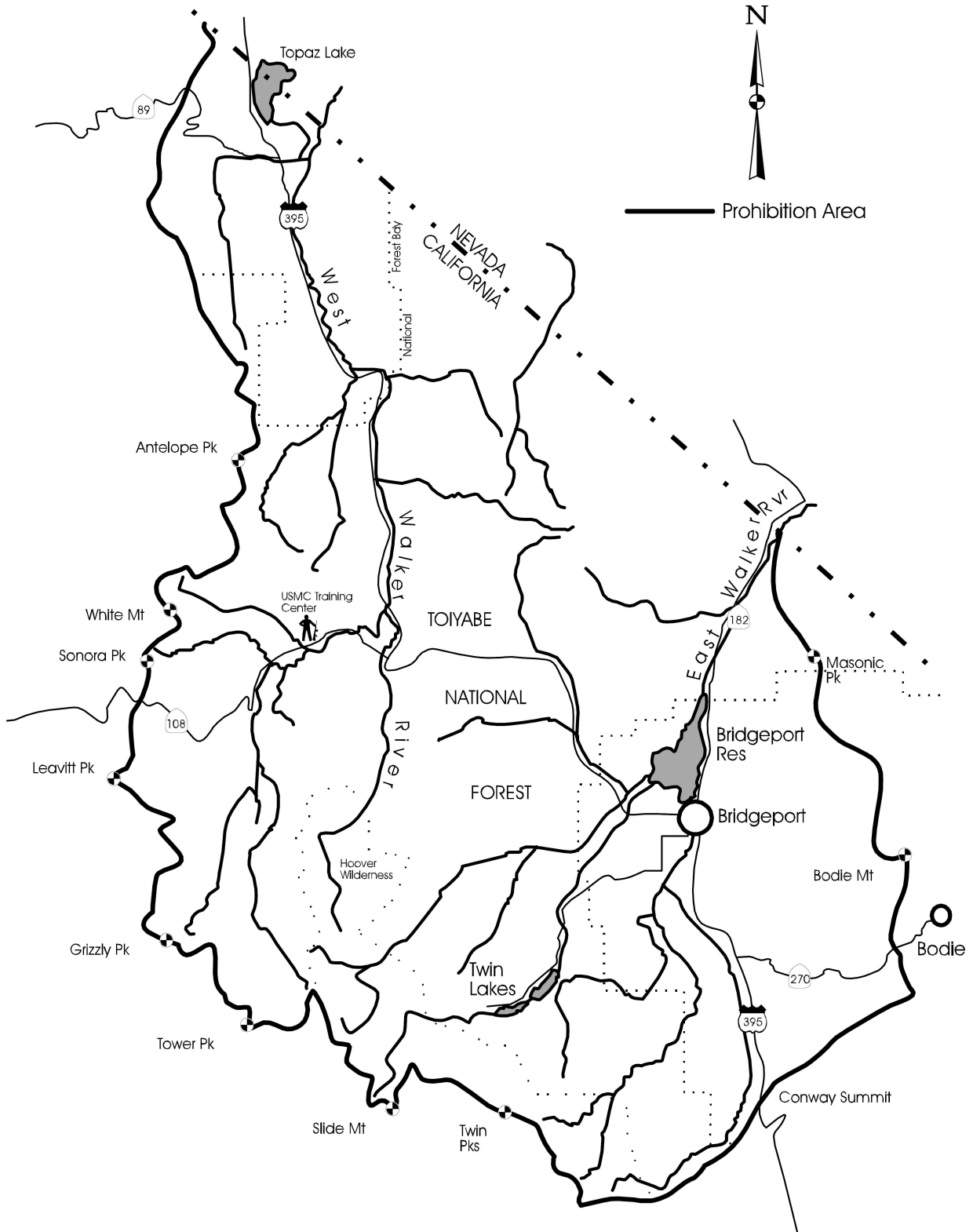
Figure 4.1-6
TRUCKEE RIVER AND LITTLE TRUCKEE RIVER HYDROLOGIC UNITS
UPSTREAM OF CONFLUENCE
Prohibitions 3 and 4



**Figure 4.1-7
CARSON RIVER HYDROLOGIC UNITS
EAST & WEST FORKS**



**Figure 4.1-8
WALKER RIVER HYDROLOGIC UNITS
EAST & WEST FORKS**



**Figure 4.1-9
MONO HYDROLOGIC UNIT
Prohibitions 1a; 1b; 2a; 4a**

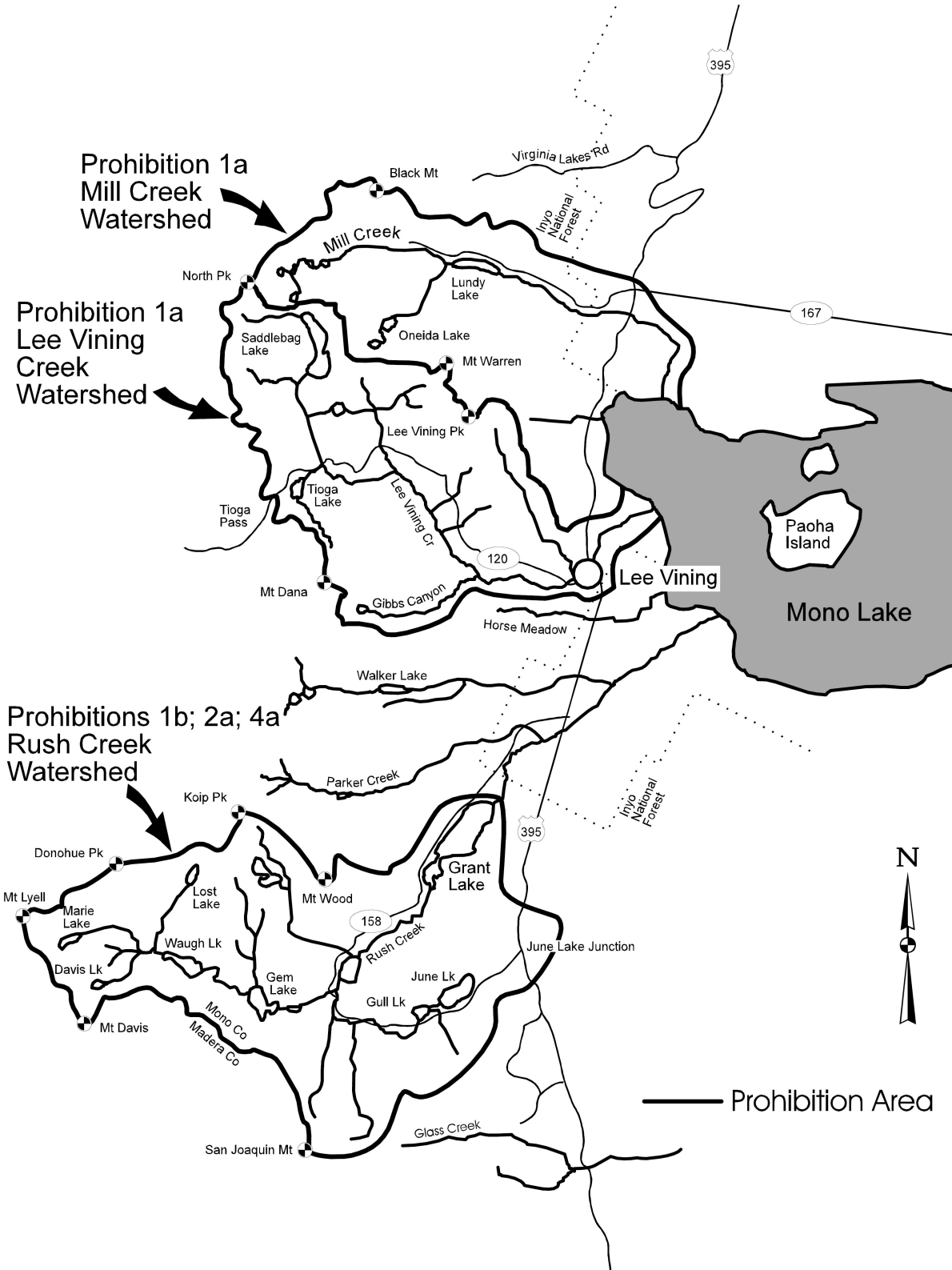
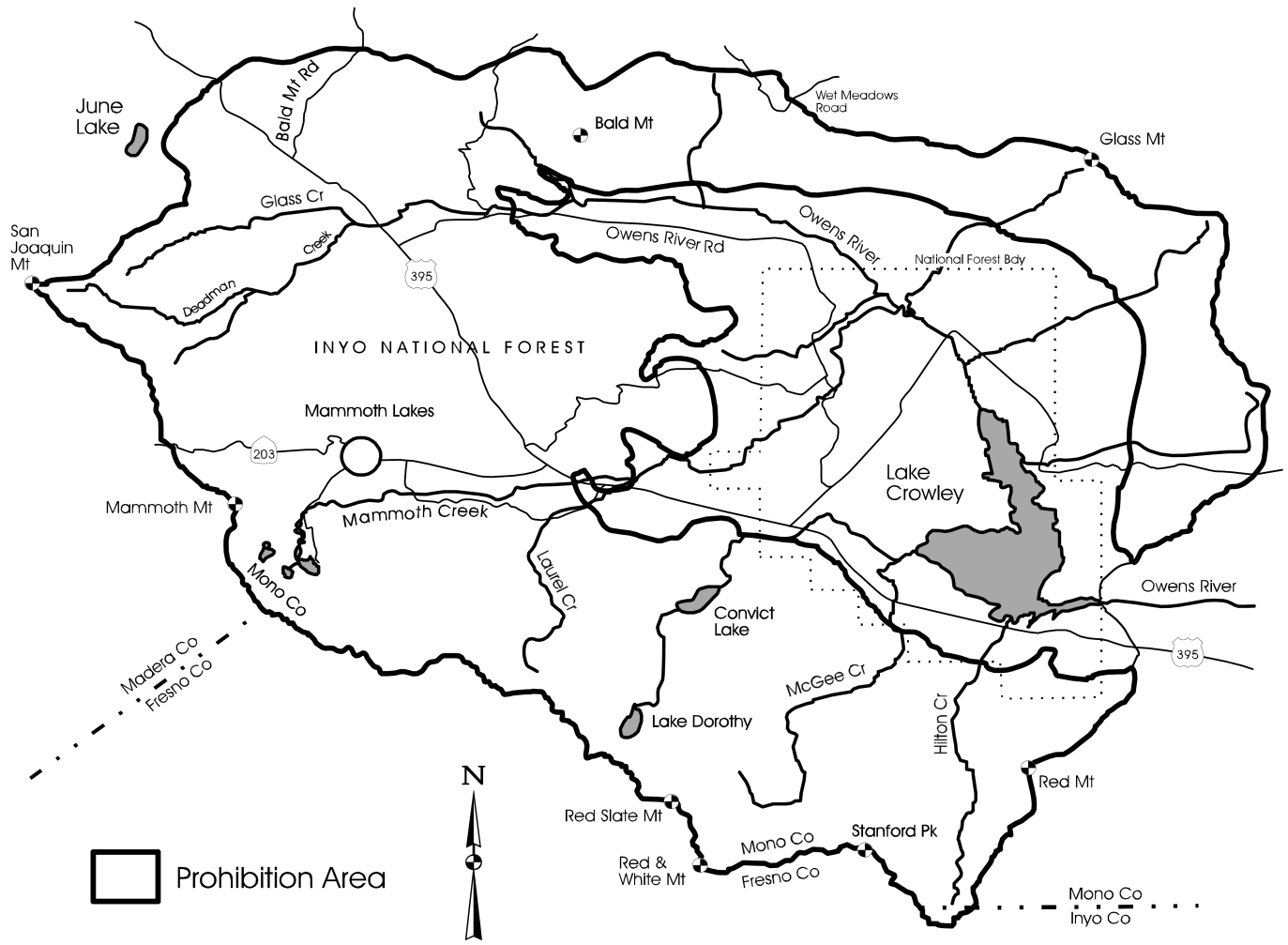


Figure 4.1-10
OWENS HYDROLOGICAL UNIT
Prohibition C



**Figure 4.1-11
OWENS HYDROLOGIC UNIT
Prohibition 1d**

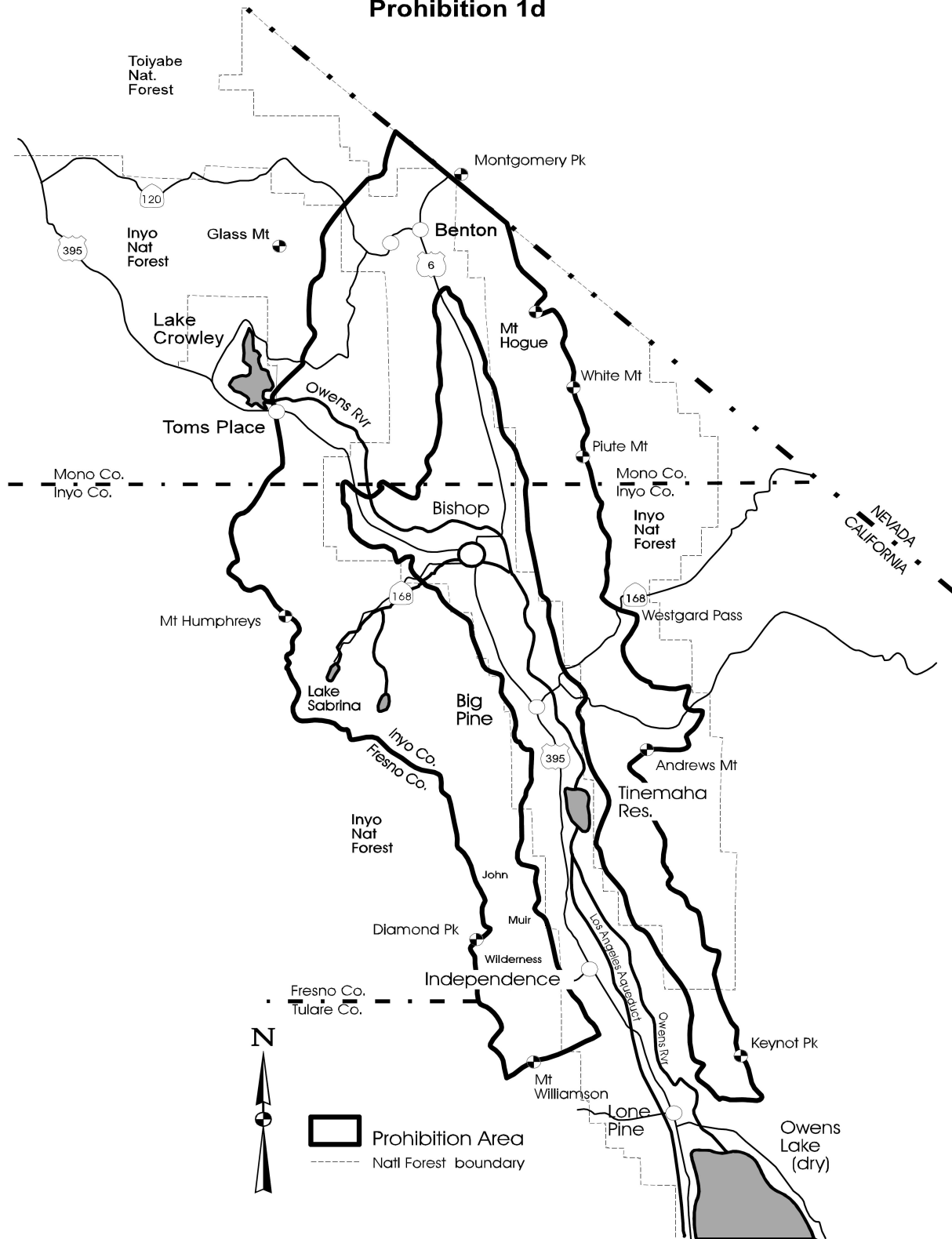


Figure 4.1-12
OWENS HYDROLOGIC UNIT
Prohibitions 2b; 4c

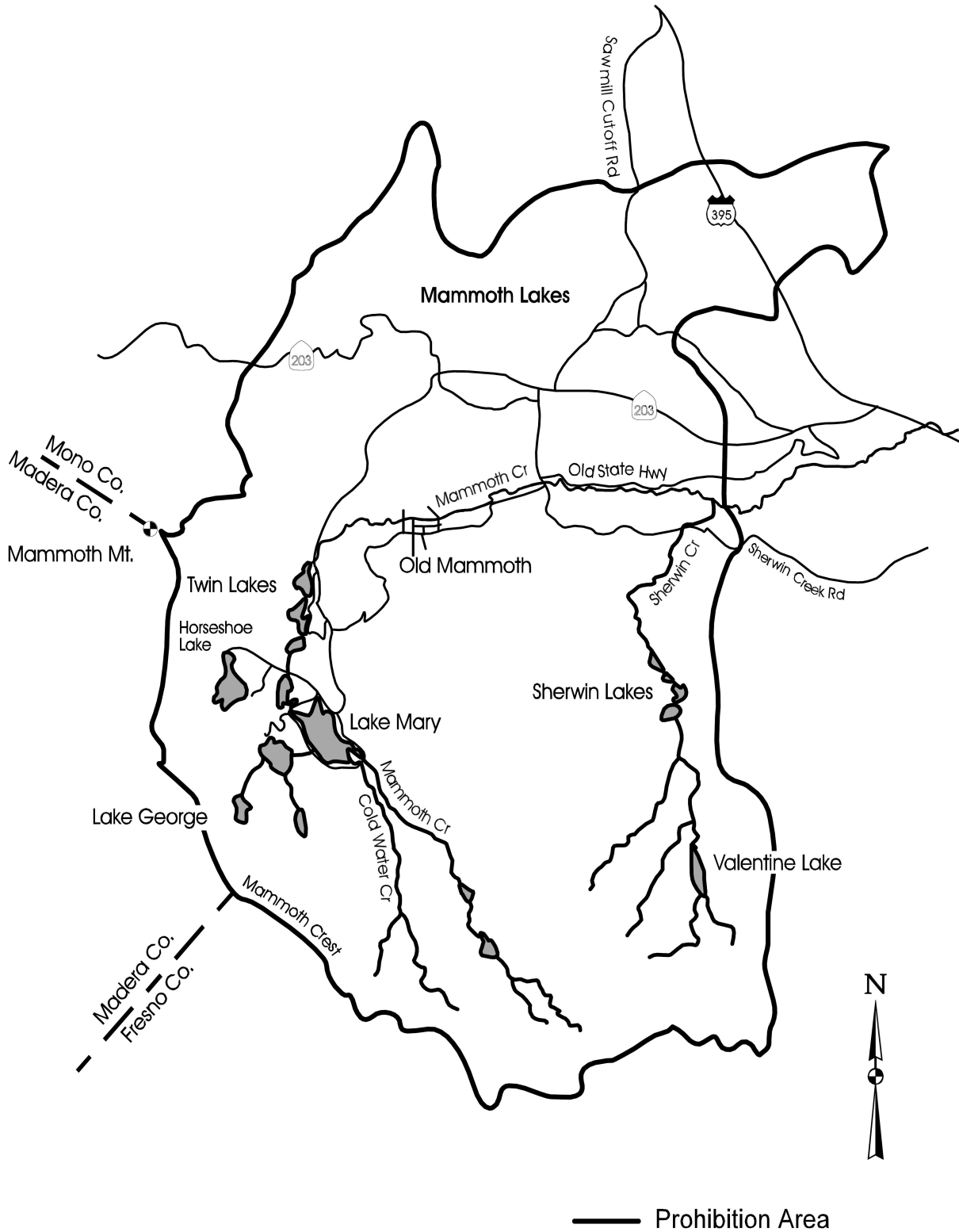


Figure 4.1-13
OWENS HYDROLOGIC UNIT
Prohibitions 3a, 3c; 4b(1), 4b(3), 4b(4)

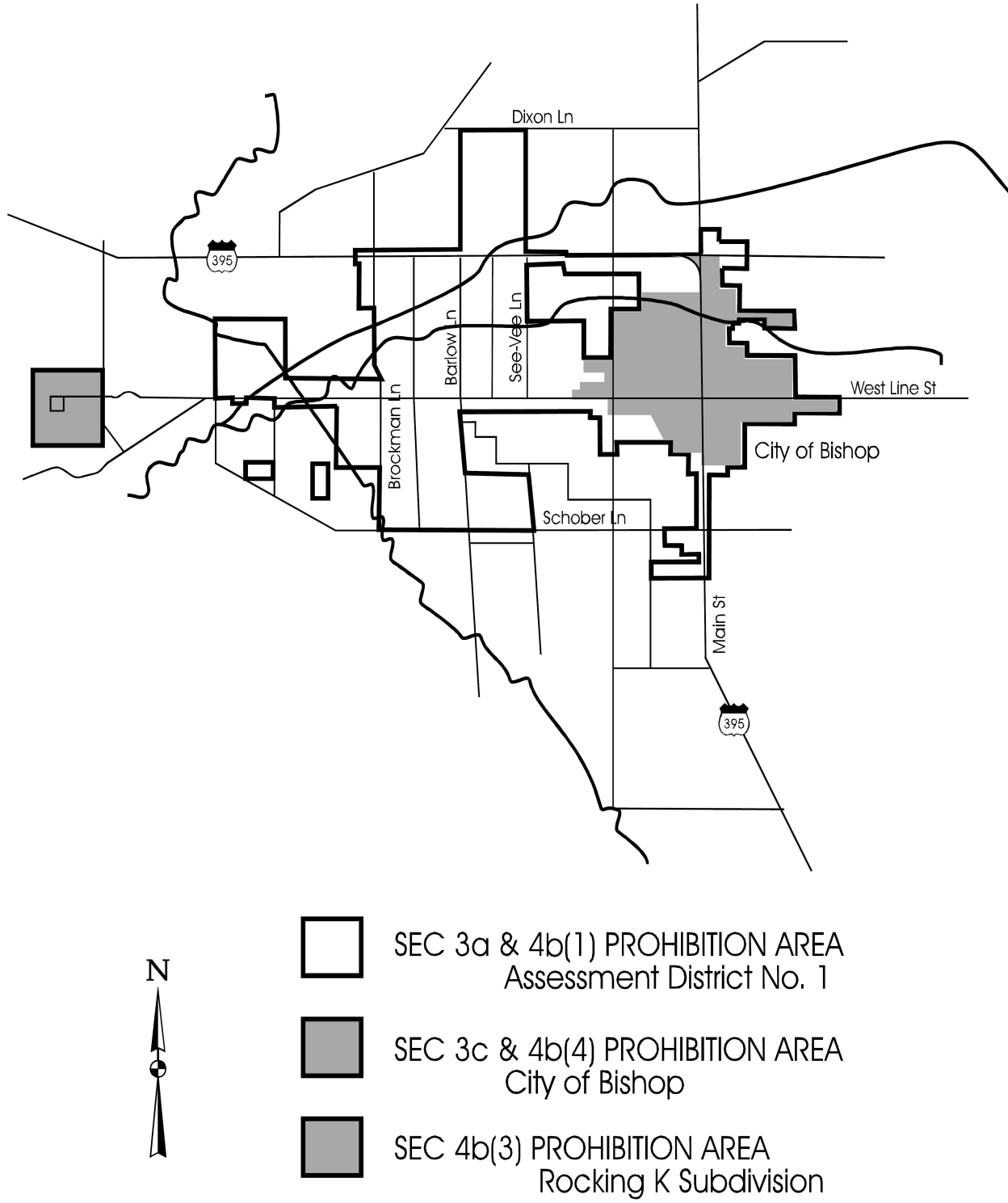


Figure 4.1-14
OWENS HYDROLOGIC UNIT
Prohibitions 3b; 4b(2)

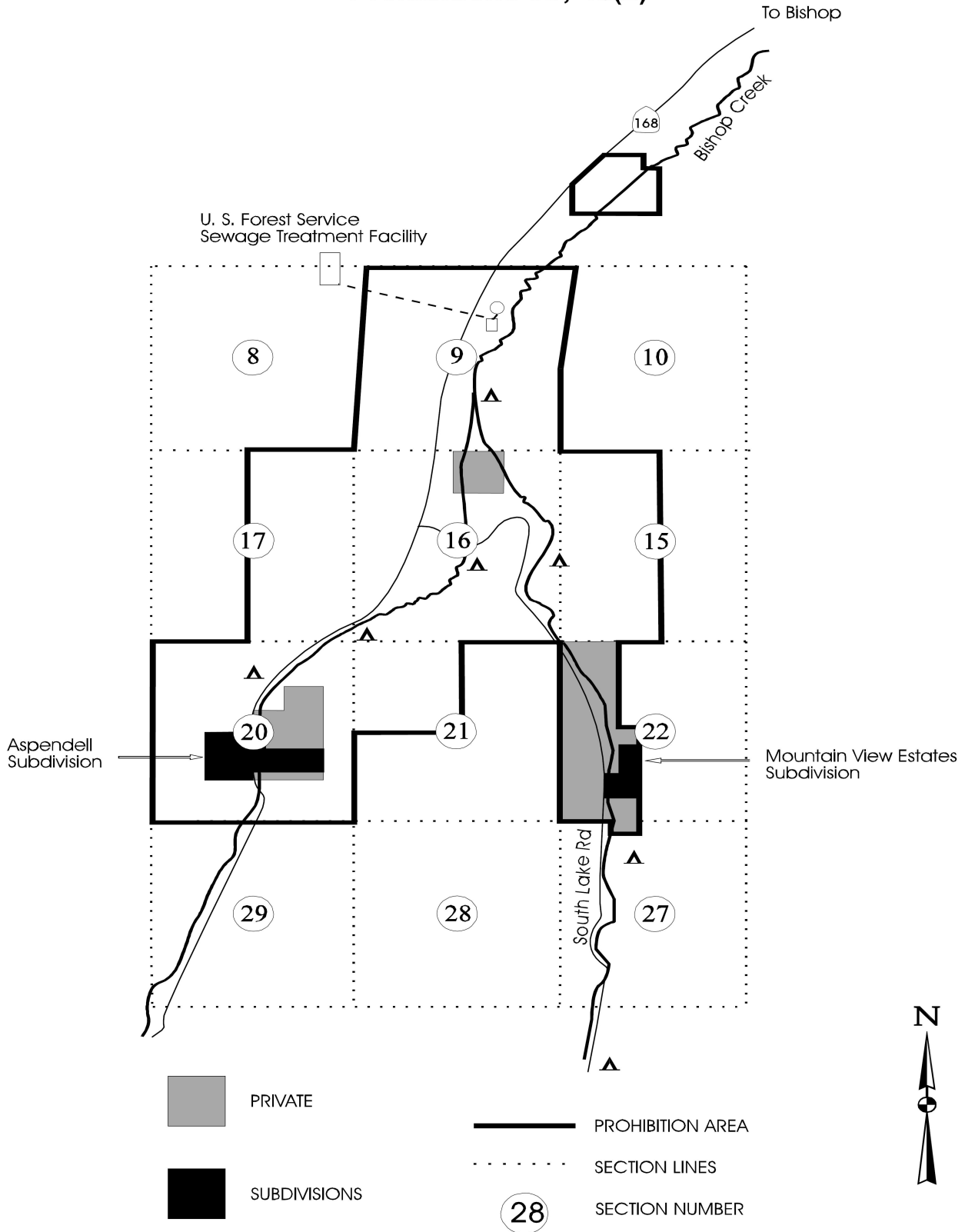


Figure 4.1-15
OWENS HYDROLOGIC UNIT
Prohibition 5

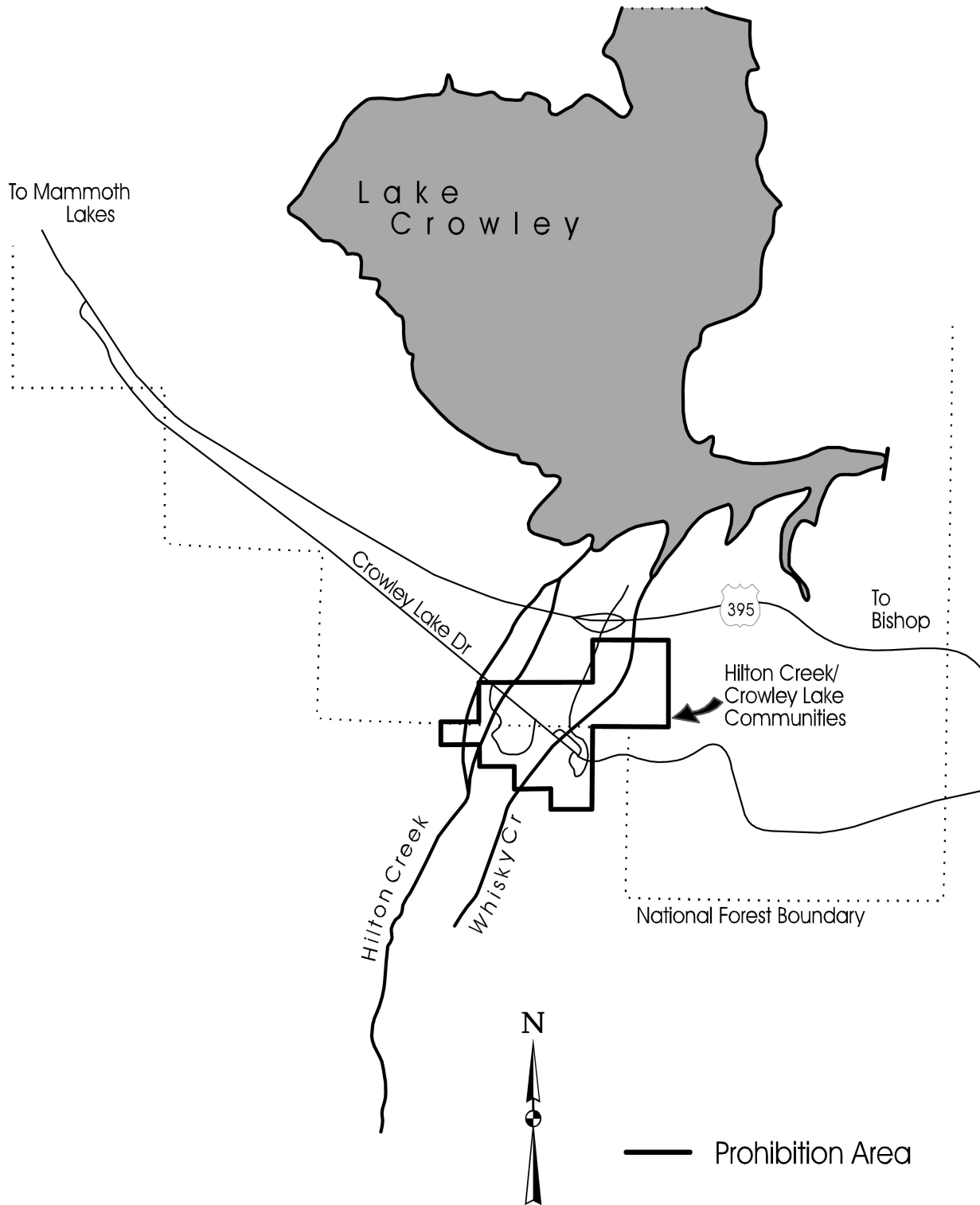


Figure 4.1-16
ANTELOPE HYDROLOGIC UNIT

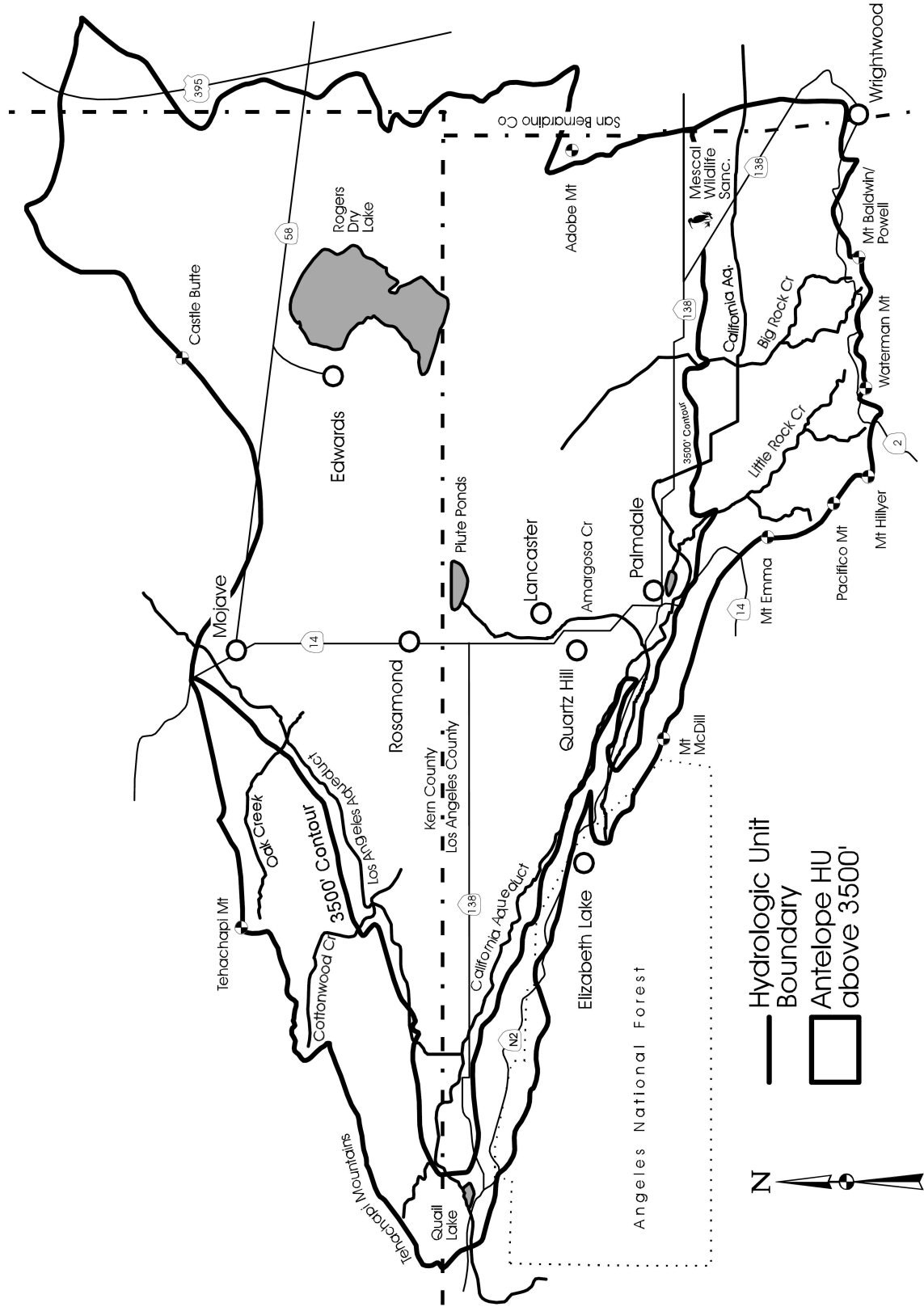


Figure 4.1-17
MOJAVE HYDROLOGIC UNIT
Prohibitions 1; 2; 3

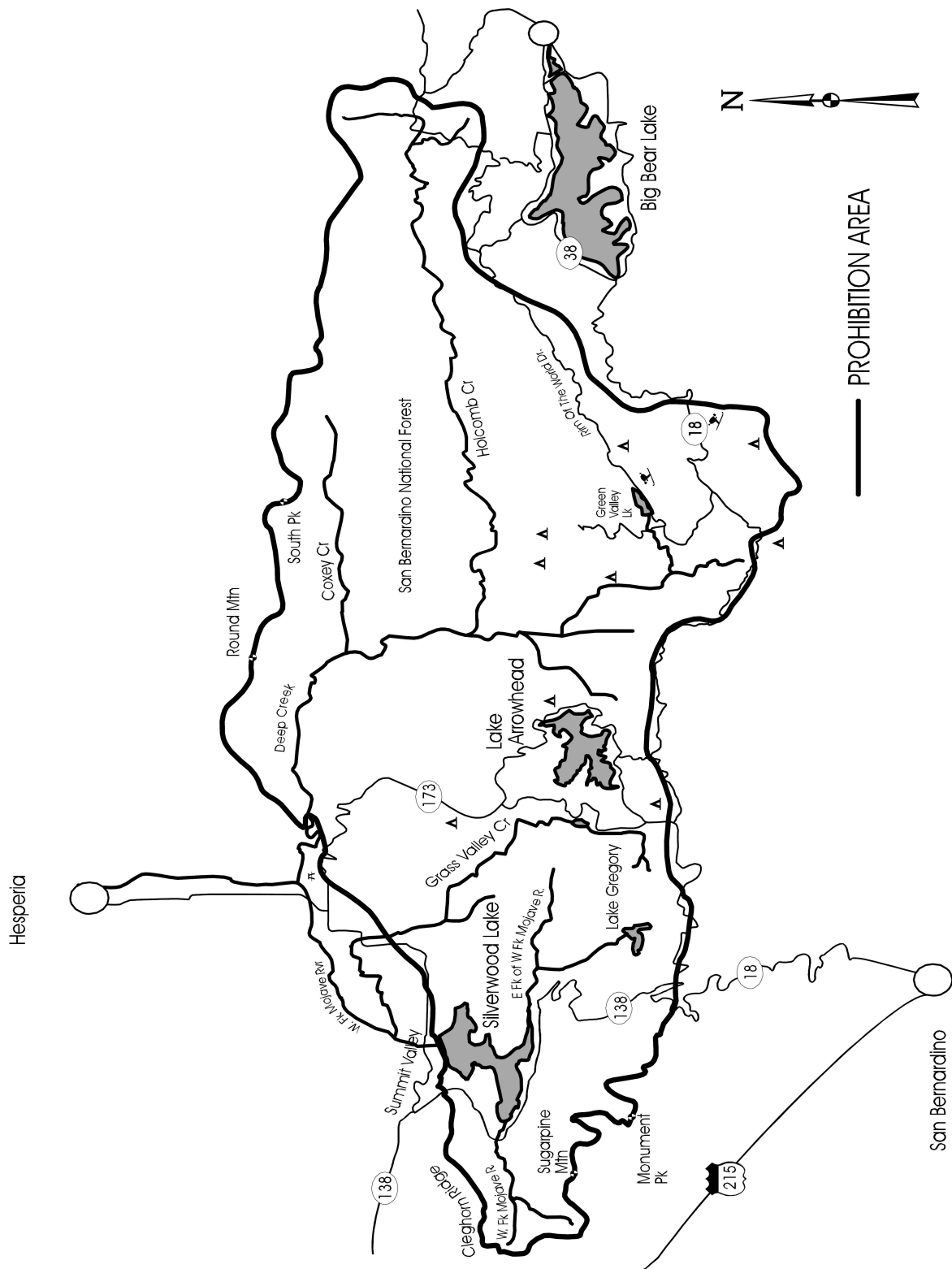
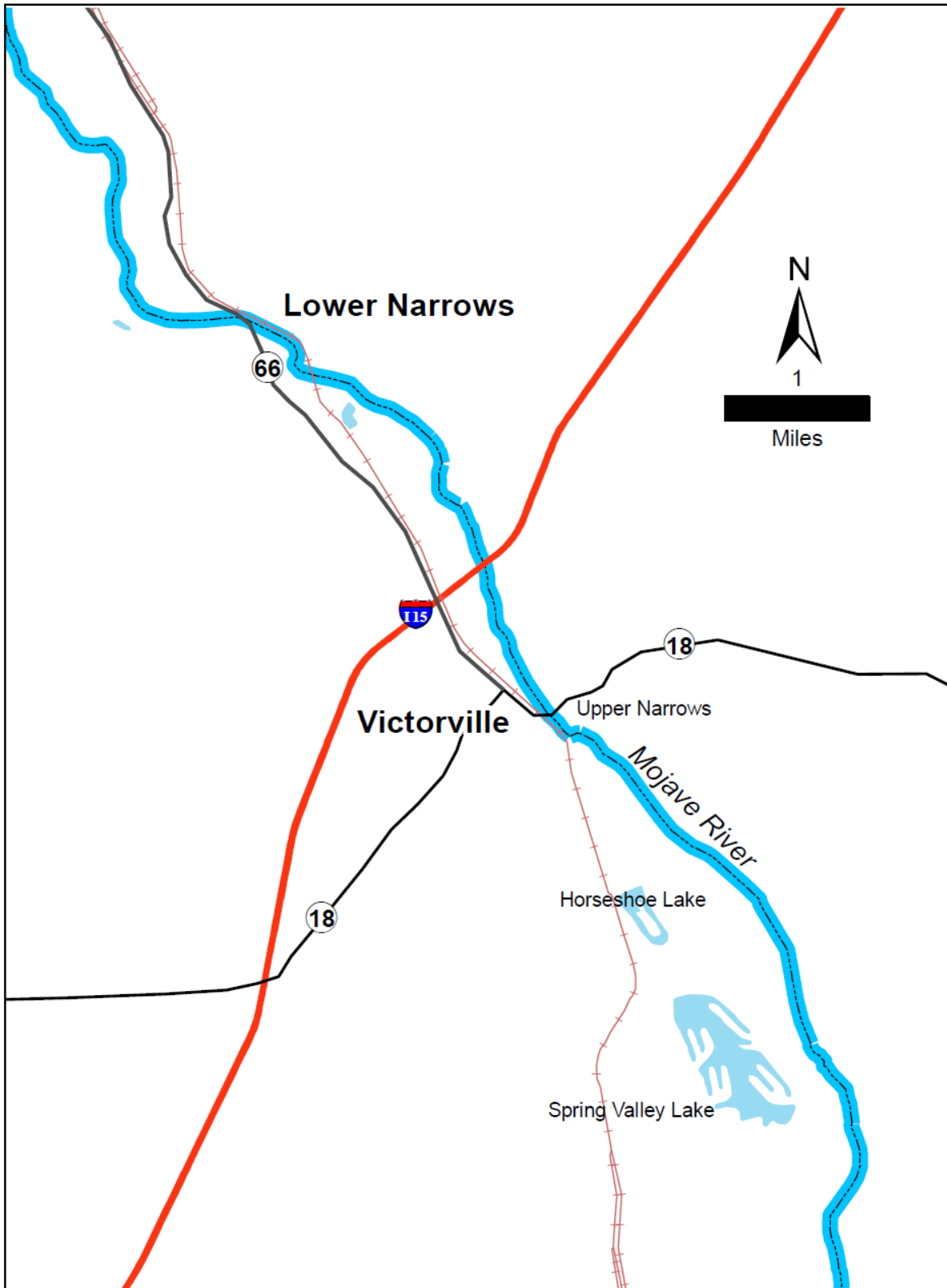


Figure 4.1-18
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Prohibition 4



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