

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

**MEETING OF NOVEMBER 16, 2010
SOUTH LAKE TAHOE**

ITEM: 6

SUBJECT: PUBLIC HEARING FOR PROPOSED AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION INCLUDING THE DRAFT LAKE TAHOE TOTAL MAXIMUM DAILY LOAD FOR SEDIMENT AND NUTRIENTS AND DRAFT SUBSTITUTE ENVIRONMENTAL DOCUMENTS

BACKGROUND: Water Board staff released the draft Lake Tahoe TMDL Report and proposed Basin Plan amendments for public comment on July 9, 2010. The Water Board opened a public hearing on the draft report and Basin Plan amendments on September 8, 2010, and received oral comment during the public hearing. The Water Board Chair continued the public hearing to the November 2010 meeting.

Water Board staff received ten written public comment letters by the requested submittal date of September 13, 2010. Water Board staff have provide written responses to comments received on or before September 13, 2010, and are included as Enclosure 6. Enclosure 5 includes a new appendix containing a compilation of the assumptions used in the Lake Tahoe TMDL development.

ISSUES AND DISCUSSION: Basin Plan Amendment

Does the Lake Tahoe TMDL-related scientific research support the proposed Basin Plan amendments? Specifically, do the research findings support shifting the Water Board's municipal stormwater regulatory approach from concentration-based numeric effluent limits for runoff discharges to required reductions in average annual pollutant loads for urban stormwater runoff?

For additional detail, see Enclosure 1 – October 14, 2010 cover letter.

Load Allocations

The proposed Basin Plan amendment (Enclosures 2 and 3) includes a table of pollutant load allocations that include 5-year load allocations for four major pollutant source categories identified by

the Lake Tahoe TMDL: Forest Uplands, Urban Uplands, Atmospheric Deposition, and Stream Channel Erosion.

Do the data used to evaluate the sources of pollutants causing Lake Tahoe's deep water transparency loss and the analysis of load reduction opportunities support the proposed distribution of pollutant load allocations?

The pollutant load allocations are described in Chapter 10 of Enclosure 5 – Lake Tahoe Total Maximum Daily Load Report.

Environmental Analysis

The Water Board is the Lead Agency responsible for evaluating potential environmental impacts of the proposed Basin Plan amendment. Under the provisions of California Public Resources Code section 21080.5, the state's Secretary for Resources has certified the regulatory programs of state agencies as exempt from the requirements of preparing environmental impact reports and related documents, if the Secretary finds that the program meets the criteria specified in that section of the code. The Basin Planning process of the Water Boards is certified as such a program as described and listed in CEQA Guidelines section 15251 (g). In accordance with the Guidelines, documents supporting the Lake Tahoe TMDL comprise the required Substitute Environmental Documentation.

Does the Regulatory Analysis described in Chapter 16 of the Lake Tahoe Total Maximum Daily Load Report (Enclosure 5), and the associated documents provide adequate environmental analysis pursuant to CEQA requirements?

Implementation Timeframe

The proposed Basin Plan amendment includes an implementation schedule for achieving the pollutant load reductions needed to restore Lake Tahoe's deep water transparency. The schedule requires load reductions to achieve the Clarity Challenge (77- 80 feet of measured Secchi depth transparency) within the first 15 years of TMDL implementation and load reductions to meet the clarity standard within 65 years.

Considering the load reduction opportunity analysis findings and associated cost estimates, is the proposed implementation plan appropriate?

RECOMMENDATION:

Adoption of the Proposed Resolution (Enclosure 4) which will certify the Substitute Environmental Documentation as being adequate, amend the Basin Plan as proposed, and adopt the draft Lake Tahoe Total Maximum Daily Load for Nutrients and Fine Sediment.

Enclosures:

1. October 14, 2010 cover letter – Summary of Issues
2. Proposed Basin Plan Amendment
3. Proposed Basin Plan Amendment Comparison between July 2010 draft and October 2010 Draft.
4. Proposed Basin Plan Amendment Resolution
5. Lake Tahoe Total Maximum Daily Load Report (October 2010) including new appendix
6. Response to Comments