

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 92-25

CONSIDERATION OF THE TAHOE REGIONAL PLANNING AGENCY'S
"FINANCIAL PLAN FOR THE KEY MITIGATION PROGRAMS OF THE
WATER QUALITY MANAGEMENT PLAN"

WHEREAS:

1. Lake Tahoe is an Outstanding National Resource Water whose water quality is impaired by pollutants from a variety of nonpoint sources, including erosion, stormwater runoff, and the disturbance of wetlands (Stream Environment Zones); and
2. Section 208 of the Federal Clean Water Act requires the development of area-wide water quality management plans known as 208 Plans. The States of California and Nevada have designated the bi-state Tahoe Regional Planning Agency (TRPA) as the agency responsible for 208 Plan development and implementation for the Lake Tahoe Basin; and
3. The bi-state nature of Lake Tahoe Basin water quality planning under TRPA necessitates that any 208 Plan developed by TRPA be certified by both the State of California and the State of Nevada before certification by the U.S. Environmental Protection Agency (EPA); and
4. TRPA adopted a bi-state Water Quality Management Plan for the Lake Tahoe Region (208 Plan) in 1988. Key elements of this plan are a Capital Improvements Program for Erosion and Runoff Control, a Stream Environment Zone Restoration Program, a Best Management Practices Implementation Program, and a Monitoring Program; and
5. In 1989, the State Water Resources Control Board (State Water Board) conditionally certified TRPA's 208 Plan (State Water Board Resolution No. 89-32). The conditions of certification included a requirement for TRPA to prepare a financial plan for the key mitigation programs listed above. This plan was to identify responsible agencies, projected costs and staffing requirements, funding sources, actions to be taken by TRPA to secure adequate funds, and contingency measures which will be taken if adequate funds are not acquired for each program; and
6. TRPA prepared and adopted a "Financial Plan for the Key Mitigation Programs of the Water Quality Management Plan", and submitted this plan to the State Water Board in August 1991; and

7. The State Water Board reviewed TRPA's financial plan and found the plan to be deficient and not meeting the requirements of the condition as outlined above and specifically stated in State Water Board Resolution No. 89-32.

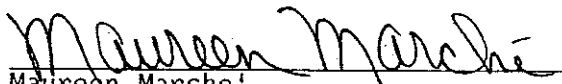
THEREFORE, BE IT RESOLVED:

That the State Water Board:

1. Does not accept TRPA's "Financial Plan for the Key Mitigation Programs of the Water Quality Management Plan" as submitted as satisfying the conditions of certification of TRPA's 208 Plan.
2. Remand the financial plan to TRPA for revision to meet the requirements of the conditions of certification as stated in State Water Board Resolution No. 89-32 and discussed in State Water Board Workshop Item No. 7 of March 4-5, 1992 (attached). These deficiencies should be addressed by TRPA in the revised financial plan and submitted to the State Water Board no later than November 15, 1992.
3. Will reconsider certification of the TRPA 208 Plan if TRPA fails to submit a revised financial plan fully conforming to the requirements of State Water Board Resolution No. 89-32.
4. Transmit copies of this resolution to the U.S. Environmental Protection Agency, the Nevada Division of Environmental Protection, and TRPA.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on March 19, 1992.



Maureen Marche
Administrative Assistant to the Board

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 89-32

CONDITIONAL CERTIFICATION OF THE TAHOE REGIONAL
PLANNING AGENCY REVISED WATER QUALITY
MANAGEMENT PLAN FOR THE LAKE TAHOE REGION

WHEREAS:

1. Lake Tahoe has been designated as an Outstanding National Resource Water and is undergoing a continuing trend toward increased levels of primary productivity and decreased water clarity. Deterioration of the Lake's quality is related to nonpoint pollution sources and is in violation of State and federal water quality standards. Water quality in the tributary lakes and streams is being impacted by sediment and nutrient loading linked to development in the Lake Tahoe Basin, and
2. Lake Tahoe is located in both the States of California and Nevada, and responsibility for its protection is jointly shared by those states and the bi-State Tahoe Regional Planning Agency (TRPA). The States have designated TRPA as the water quality management agency for the Lake Tahoe Region under Section 208 of the federal Clean Water Act, and
3. The California Regional Water Quality Control Board, Lahontan Region (Lahontan Regional Board) adopted the Water Quality Control Plan for the North Lahontan Basin (Basin Plan) in 1975, and
4. The State Water Resources Control Board (State Board) adopted its Lake Tahoe Basin Water Quality Plan in 1980 (amended 1983), and
5. TRPA adopted its bi-State Lake Tahoe Basin Water Quality Management (208) Plan in 1981, which incorporated many portions of the State Board's 1980 Plan. The 1981 TRPA 208 Plan was conditionally certified by the State Board and conditionally approved by the U.S. Environmental Protection Agency (EPA), and
6. On November 30, 1988, TRPA adopted a revised 208 Plan in order to allow for implementation of its comprehensive 1987 Regional Plan, and
7. TRPA has submitted the revised 208 Plan to the State Board with a request for certification of the Plan, and

8. State Board staff has reviewed the revised 208 Plan and has concerns about the Plan's adequacy to provide a level of water quality protection equal to or better than the existing TRPA 208 Plan, as previously expressed to TRPA and described in Attachment 1.

THEREFORE, BE IT RESOLVED:


That the State Board:

1. Certifies the revised 208 Plan entitled "Water Quality Management Plan for the Lake Tahoe Region", with the conditions listed in Attachment 2 to this resolution.
2. Directs the State Board and Lahontan Regional Board staffs to work with TRPA to develop and submit interim amendments to the State Board for updating the Lake Tahoe Basin Water Quality Plan, allowing use of the Individual Parcel Evaluation System (IPES), capital improvements, and coverage transfer programs; incorporating the revised Best Management Practices handbook (Volume 2 of the revised 208 Plan); revising criteria for identification of Stream Environment Zones (SEZ); and revising restrictions on encroachment and vegetation alterations in SEZ, consistent with the revised 208 Plan, no later than July 1989.
3. Directs Lahontan Regional Board staff, with the assistance of State Board staff, to work with TRPA to comprehensively review the revised 208 Plan, the Lake Tahoe Basin Water Quality Plan, and the North Lahontan Basin Water Quality Control Plan and prepare amendments to the North Lahontan Basin Water Quality Control Plan, containing all appropriate water quality control measures of the Lake Tahoe Basin Water Quality Plan and the revised 208 Plan. The amendments should be prepared and circulated as soon as possible, so that the Lahontan Regional Board can adopt the amendments no later than December 1989.
4. Will consider the rescission of the Lake Tahoe Basin Water Quality Plan immediately upon State Board approval of the North Lahontan Basin Water Quality Control Plan, as amended, provided that the North Lahontan Basin Water Quality Control Plan addresses all inconsistencies with the revised 208 Plan and incorporates all appropriate portions of the State Board's Lake Tahoe Basin Water Quality Plan.
5. Authorizes the Executive Director to submit the revised 208 Plan and the State Board Resolution, conditionally certifying the revised 208 Plan to EPA with a request for approval, as conditioned.

6. Will periodically evaluate the performance of TRPA as the designated 208 planning agency for the Lake Tahoe Basin, the adequacy of the revised 208 Plan, and its implementation in accordance with the terms contained in the revised 208 Plan and the State Board's conditions on its certification.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 20, 1989.



Maureen Marché
Administrative Assistant to the Board

CONDITIONS OF CERTIFICATION OF THE
TAHOE REGIONAL PLANNING AGENCY
REVISED WATER QUALITY MANAGEMENT PLAN
FOR THE LAKE TAHOE REGION

I. The Tahoe Regional Planning Agency (TRPA) will develop a financial plan for the revised 208 Plan's key mitigation programs, which the revised 208 Plan relies on for mitigation of the water quality impacts of further development in the Lake Tahoe Region. The financial plan will identify responsible agencies, projected costs and staffing requirements (both short-term and for the revised 208 Plan's 20-year lifetime), and funding sources. The financial plan will identify actions to be taken by TRPA to secure adequate funds for the program. The financial plan will also identify contingency measures which will be taken if adequate funds are not acquired for each program. The key mitigation programs to be addressed are:

- A. Capital Improvement Programs (CIP).
- B. Stream Environment Zone (SEZ) Restoration Program.
- C. Best Management Practices (BMP) Implementation Program.
- D. Monitoring Program.

The financial plan will be submitted to the State Water Resources Control Board (State Board) for acceptance by May 30, 1990.

II. TRPA will submit an annual 208 Plan report to the State Board by July 30 of each year, beginning in 1990, which will summarize monitoring results and trends for the following parameters:

A. Water Quality:

- 1. Littoral and pelagic water quality of Lake Tahoe, including primary productivity and clarity.
- 2. Lake Tahoe tributaries for total nitrogen, phosphorus, iron, and suspended sediment. Data will be analyzed for individual tributaries, watersheds, and the basin as a whole.

3. Surface runoff for total nitrogen, phosphorus, iron, and suspended sediment. Data will be analyzed for individual watersheds and the basin as a whole.
4. Ground water for total nitrogen, phosphorus, iron, turbidity, and grease and oil.
5. Other lakes in the Tahoe Region, for all applicable State Standards. "Other lakes" shall include, but not be limited to, Fallen Leaf, Upper and Lower Echo, and Cascade Lakes.

B. Airborne Sources of Nutrients:

1. Traffic volume in terms of vehicle miles travelled (VMT) for peak summer days.
2. Atmospheric Nutrient Loading in terms of annual average particulate NO₃ concentration (ug/m³) at the Lake Tahoe Boulevard air quality monitoring station, and at appropriate air quality monitoring buoys on the Lake Tahoe surface.

C. Other Programs:

1. CIP program expenditures, miles of improved road shoulder, acreage of improved right of way, and operation and maintenance costs.
2. SEZ restoration program expenditures and acreage restored.
3. Results of a stratified random sample survey of the rate of BMP application (i.e., voluntary BMPs).
4. Annual amount of land coverage and/or disturbance, as derived from the data base of TRPA-approved building permits.
5. Update on status of the financial plan, including revised costs of and success in obtaining funds for implementing key mitigation programs, specified in Condition I, and any contingency measures that will be taken if adequate funds have not been acquired for each program.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION NO. 6-91-924

TRANSMITTING RECOMMENDATIONS TO THE STATE WATER RESOURCES CONTROL BOARD
REGARDING THE TAHOE REGIONAL PLANNING AGENCY'S "FINANCIAL PLAN FOR THE KEY
MITIGATION PROGRAMS OF THE WATER QUALITY MANAGEMENT PLAN"

WHEREAS, THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LAHONTAN REGION, FINDS:

1. Lake Tahoe is an Outstanding National Resource Water whose water quality is impaired by pollutants from a variety of nonpoint sources, including erosion, stormwater runoff, and the disturbance of wetlands (Stream Environment Zones), and
2. The Tahoe Regional Planning Agency (TRPA) adopted a bistate Water Quality Management Plan for the Lake Tahoe Region ("208 Plan") in 1988. Key elements of this plan are a Capital Improvements Plan for Erosion and Runoff Control, a Stream Environment Zone Restoration Program, a Best Management Practices Implementation Program, and a Monitoring Program, and
3. In 1989, the State Water Resources Control Board (State Board) conditionally certified TRPA's 208 Plan (State Board Resolution 89-32). Conditions included a requirement for TRPA to prepare a financial plan for the key mitigation programs listed above. This plan was to identify responsible agencies, projected costs and staffing requirements, funding sources, and actions to be taken by TRPA to secure adequate funds for the program, and
4. TRPA prepared and adopted a "Financial Plan for the Key Mitigation Programs of the Water Quality Management Plan", and submitted this plan to the State Board in August, 1991, and
5. The Lahontan Regional Board reviewed TRPA's financial plan and discussed it at its September 12-13, 1991 meeting.

THEREFORE BE IT RESOLVED:

1. The Regional Board recommends that the State Board accept TRPA's financial plan with the recognition that the plan as now written is conceptual. The State Board should require TRPA to submit semi-annual reports on January 31st and July 31st of each year to the State Board and the Lahontan Regional Board describing the progress made in implementing the actions listed on pages 19 thru 23 of the financial plan.

III. TRPA will submit a progress report to the State Board, beginning in December 1991 and every five years thereafter, for the life of the revised 208 Plan. The five-year report will summarize the data contained in the previous annual reports, assess trends shown by the data, and determine progress made toward all Plan Thresholds and interim targets. In addition, the 1991 five-year report will:


- A. Provide interim targets and compliance schedules for all Thresholds.
- B. Evaluate the adequacy of the revised 208 Plan's monitoring program.
- C. Evaluate the adequacy of TRPA water quality mitigation fees and all other components of TRPA's financial plan in providing necessary funds for implementation of the revised 208 Plan.

IV. TRPA will notify the State Board 90 days in advance of a proposed change in the Individual Parcel Evaluation System (IPES) line. Upon notification of a proposed move in the IPES line, the State Board will assess the reasonableness of progress being made toward meeting the revised 208 Plan's Thresholds and interim targets and, in accordance with its responsibilities as a certifying agency under Section 208 of the Clean Water Act, make a determination regarding continued State Board certification of the revised 208 Plan.

V. No 208 Plan update or amendment shall be effective unless and until it has been certified by the State Board and approved by the U.S. Environmental Protection Agency.

2. Copies of this resolution shall be transmitted to the State Board, the U.S. Environmental Protection Agency, the Nevada Division of Environmental Protection, and TRPA.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Lahontan Region, on September 12, 1991.



HAROLD J. SINGER
EXECUTIVE OFFICER