

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION R6T-2003-0035

**PROSSER CREEK CHARTER SCHOOL
EXEMPTION TO A PROHIBITION CONTAINED IN THE
WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION**

WHEREAS, the California Regional Water Quality Control Board, Lahontan Region finds:

1. On August 3, 2001, the Prosser Creek Charter School (hereinafter referred to as Discharger) submitted a septic system variance request associated with a three-phased expansion of an existing public charter school. The school facilities existing at the time of the request included a previously approved on-site septic tank/leachfield system designed to handle wastewater flows from 49 persons for a total of 1,348 gallons per day (gpd). The expansion request included the construction of a second on-site septic tank/leachfield system designed to accommodate an additional 2,475 gpd of wastewater flows (hereinafter referred to as the Project).
2. The Project is located on a 40-acre parcel at 12640 Union Mills Road, Truckee, Nevada County Assessor Parcel Number 48-080-89. The Project is within the portion of the Truckee River Hydrologic Unit above the confluence of the Truckee River and the Boca Reservoir outlet. The Project area is shown in Attachments "A" and "B", which are made a part of this Resolution.
3. The Regional Board adopted the *Water Quality Control Plan for the Lahontan Region* (Basin Plan), which became effective on March 31, 1995. This Resolution implements the Basin Plan, as amended.
4. The Basin Plan prohibits the discharge of domestic wastewater to individual facilities such as septic tank/leachfield systems for any subdivision that: (1) did not discharge prior to October 16, 1980, and (2) is in an area where the 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. The Basin Plan allows an exemption to the prohibition whenever the Regional Board finds that, "...operation of individual domestic wastewater facilities in a particular area will not individually or collectively, directly or indirectly affect water quality."
5. On March 12, 1981 the Regional Board adopted Board Order No. 6-81-7, "Variance to Prohibition of New Septic Tank Subdivisions in the Truckee River Hydrologic Unit." This Order is included in the Basin Plan in its entirety. A copy of the Order is shown in Attachment "C", which is made a part of this Resolution. The Project did not satisfy the 10-point exemption criteria established in the Order for the long-term use of an on-site septic tank/leachfield system. Only 8 points were demonstrated for the Project. The average equivalent lot size is 2.6 acres (0 points), the distance of the nearest land division boundary to an existing/proposed sewerage facility is approximately 0.5 miles (1 point), the total number of single family dwelling equivalents is 15 units (2 points), and the shortest distance of project effluent surface water entrance area downstream from the critical section of the Truckee River is over 2 miles (5 points).

6. However, Board Order No. 6-81-7 allows the Regional Board's Executive Officer to grant a temporary-use variance for up to a two-year period where it is apparent that a developer intends to connect a project to an existing or proposed sewerage system connected to an approved wastewater treatment and disposal facility. The criteria used for determining whether a temporary-use variance is appropriate are (the Regional Board may waive one or more of the following requirements):

a. A civil engineer registered by, or an engineering geologist certified by, the State of California provides data which substantiates that criteria for waste disposal from land developments specified in the Basin Plan can be met on all proposed lots or that proposed specially designed on-site wastewater systems will protect water quality.

A California Registered Civil Engineer, Charles Kull, provided data in the August 3, 2001 submittal that substantiates criteria for waste disposal could be met for the Project.

b. Sewerage facilities to be installed for a development and additional sewerage facilities which the Discharger must install to connect the development to an appropriate wastewater treatment and disposal facility shall be designed and an estimate of construction costs shall be prepared by a civil engineer registered by the State of California. The Discharger shall submit written certification that such sewerage facilities will be completed within two years of issuance of a variance and make a commitment to finance the construction costs such as posting a bond with an appropriate governmental agency.

In a letter dated September 24, 2001, the Truckee Sanitary District (TSD) committed to designing, constructing, and maintaining an extension of the TSD's sewage collection system along Union Mills Road to the project site by the end of the 2003 construction season. The District would negotiate repayment of the sewage collection system directly with the Discharger.

c. The Discharger shall obtain a written commitment from an existing appropriate public entity to operate and maintain sewerage facilities serving the development.

In a letter dated June 12, 2001, the Tahoe-Truckee Sanitation Agency (TTSA) indicated available capacity at its wastewater treatment plant facility for the project.

7. On October 4, 2001, the Regional Board's Executive Officer issued a temporary-use variance for the Project (Attachment "D") in accordance with the criteria contained in Board Order No. 6-81-7. The temporary-use variance for the Project expires on October 4, 2003.

8. On April 18, 2003, the Tahoe Truckee Unified School District (TTUSD) conditioned its renewal of the Prosser Creek School's charter on moving the school from its present Union Mills location to property currently owned and operated by the TTUSD for the 2004/2005 school year, starting in fall 2004. The Discharger intends to operate its school program at the existing Union Mills Road location for the 2003/2004 school year.

9. Subsequent to the TTUSD requirement that the Discharger relocate its facility, the TSD withdrew its commitment to design, construct, and maintain an extension of the District's sewage collection system along Union Mills Road to the project site.

10. On June 6, 2003, the Discharger submitted a complete Report of Waste Discharge (RWD) to the Regional Water Quality Control Board, Lahontan Region (Regional Board) for an extension to the temporary-use variance for the operation of a septic tank/leachfield system located at the Discharger's facility.

- 11. The RWD cites a cost estimate of \$2,000 to appropriately abandoning the septic tank/leachfield system (pumping the tank, disconnecting the system, and filling the tank with inert material or crushing the tank). The Discharger has set aside a bank account in the amount of \$5,092.97 and committed it to this specific activity. In addition, the Discharger has budgeted \$110,000 in site improvement costs for the Union Mills location to cover the costs of restoring the property and abandoning the septic tank/leachfield system in association with moving the school facility to the TTUSD-owned property.
- 12. The Town of Truckee on August 15, 2001, in accordance with the California Environmental Quality Act adopted a mitigated negative declaration for the Project.
- 13. The Regional Board heard and considered all public comments on this matter at a public meeting and determined that it would not be against the public interest to extend the temporary-use variance for the Project for another season.

THEREFORE BE IT RESOLVED THAT:

- 1. The criteria established for a temporary-use variance to the Basin Plan prohibition stated in Finding No. 4 above will be met for the Project.
- 2. The Regional Board hereby grants a one-year extension to the temporary-use variance that was previously authorized by the Regional Board Executive Officer on October 4, 2001 for the Project. The temporary-use variance for the Project will expire on **September 1, 2004**.
- 3. The Prosser Creek Charter School shall submit verification to the Regional Board office no later than **October 31, 2004** that the Project’s septic tank/leachfield system has been appropriately abandoned.
- 4. The Regional Board may revoke this exemption if it is demonstrated that the septic system is adversely impacting ground water quality for designated beneficial uses.

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 July 9, 2003.

HAROLD J. SINGER
EXECUTIVE OFFICER

- Attachments:
- A. Project Vicinity Map
 - B. Project Site Map
 - C. Board Order No. 6-81-7
 - D. October 4, 2001 Temporary Variance Authorization