

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – DIVISION OF FINANCIAL ASSISTANCE  
OCTOBER 16, 2012**

**ITEM 4**

**SUBJECT**

CONSIDERATION OF A PROPOSED RESOLUTION TO ALLOCATE \$750,620 FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA) TO PLACER COUNTY DEPARTMENT OF PUBLIC WORKS (PLACER COUNTY) FOR THE SNOW CREEK RESTORATION PROJECT (PROJECT)

**DISCUSSION**

Placer County is requesting \$750,620 from the CAA to remove possible contaminated fill from a 2.5-acre property in Tahoe Vista, CA, near the north shore of Lake Tahoe, on which an old cement batch plant was once located, and to restore sensitive stream riparian areas and wetlands damaged by the development.

The original cement plant began operation in 1948, providing materials for the asphalt paving of Highway 267. The plant remained in operation until 2003. In 2008, Placer County acquired the property for restoration purposes with a Sierra Nevada-Cascade Conservation grant. Prior to the property's purchase, all buildings, an underground storage tank, above ground storage tanks, hazardous storage containers, and contaminated soil were removed and disposed of. The remaining historic fill currently on the site includes cement ash, stone, and concrete, heavy sediment, and nitrogen, that over the years has contaminated sensitive riparian stream areas and wetlands on site, stream and wetland areas that flow into Snow Creek and historic wetlands downstream, eventually draining to Lake Tahoe.

The anticipated Project duration is 3.5 years and will include planning, permitting, removing historic fill and utilities in the area, constructing a stormwater pre-treatment system, and restoring the stream and wetland areas on the property. Along with the actual cleanup components of the Project, the Project also includes quantifying the cleanup benefit through the use of a computer model; the construction of a bike path that will provide continuous open space for access to nature, recreation, and safe alternative transportation between two communities in King's Beach; and interpretative signage educating visitors about the riparian areas, wetlands, and water quality. If the proposed Resolution is approved, the resulting contract with Placer County would allow use of CAA funds only for appropriate elements of the Project.

The requested CAA funding for this Project is one part of the overall funding secured by a Sierra Nevada-Cascade Conservation Grant, California Resources Agency Rivers and Parkway Grant, U.S. Environmental Protection Agency Brownfield Grant, U.S. Department of Interior Bureau of Land Management funding, and Tahoe Regional Planning Agency funding, with total Project funds of \$4,564,120. All other funds besides the CAA funding have been secured.

The State Water Board established Program Preferences for CAA funds based on statewide priorities and Strategic Goals outlined in the Strategic Plan Update 2008-2012.

The Project meets CAA Program Preference 2 (Disadvantaged Communities Environmental Justice infrastructure needs) because it will provide a nearby disadvantaged community, Kings Beach, a community with an MHI less than 80 percent, with continuous open space for access to nature and recreation. The Project also addresses Program Preference 3, cleanup and/or abatement of 2006-listed water bodies that will help implement a Total Maximum Daily Load (TMDL). Through the process of removing present and past fill, the Project will be removing sediment. In 2006, Lake Tahoe was listed on the 303(d) List for erosion/siltation; in November 2010, a TMDL for Lake Tahoe was adopted by the Lahontan Regional Water Board and subsequently approved by the state Water Board and by U.S. EPA in August 2011. Because the property drains to Lake Tahoe and Lake Tahoe has a TMDL for sediment, the restoration of the property will help implement the TMDL and thus, meet this CAA program preference.

The requested allocation is consistent with the purposes of Water Code Section 13442. Section 13442 provides that the State Water Board may order monies to be paid from the CAA to a public agency and certain not-for-profit organizations and tribal governments that serve disadvantaged communities, and have the authority to cleanup or abate the effects of a waste in order "to assist it in cleaning up the waste or abating its effects on the waters of the state."

### **POLICY ISSUE**

1. Should the State Water Board approve funding for \$750,620 from the CAA to the Project?
2. Should the State Water Board approve the funding with the expectation that if the agreement has not been executed by December 15, 2012, the Executive Director will bring this item back to the State Water Board in January 2013 for possible rescission of funding?
3. Should the State Water Board revert any unexpended funds to the CAA as of September 30, 2015, unless the Deputy Director or Assistant Deputy Director of the Division authorizes an extension? The funds will be available until June 30, 2015.

### **FISCAL IMPACT**

The uncommitted CAA balance is estimated to be no less than \$7.9 million.

### **REGIONAL BOARD IMPACT**

The Lahontan Regional Water Quality Control Board oversaw the past cleanup of hazardous materials and USTs at the site. A closure report was issued in 2009.

This type of restoration work supports the implementation of the Lahontan Regional Water Quality Control Board's 2010 adopted sediment/siltation TMDL for Lake Tahoe and is a very high priority water quality issue in their Region.

### **STAFF RECOMMENDATION**

The State Water Board should adopt the proposed Resolution.

State Water Board action on this item will assist the Water Boards in reaching Goal 1 of the Strategic Plan Update: Protect and Restore Surface Water Quality, by implementing strategies to fully support the beneficial uses for all 2006-listed water bodies by 2030.

# DRAFT

## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2012-

TO ALLOCATE \$750,620 FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA) TO THE PLACER COUNTY DEPARTMENT OF PUBLIC WORKS (PLACER COUNTY) FOR THE SNOW CREEK RESTORATION PROJECT (PROJECT)

### WHEREAS:

1. Placer County is requesting \$750,620 from the CAA to fund the Project;
2. In 2008, Placer County acquired a property on which an old cement batch plant was previously located, for restoration purposes, with a Sierra Nevada-Cascade Conservation grant;
3. The original cement plant, which began its operation on the site in 1948, provided materials for the asphalt paving of Highway 267. The remaining fill material on the site includes cement ash, stone, and concrete, heavy sediment, and nitrogen, that over the years has contaminated the on-site wetlands and sensitive riparian stream areas which flow into Snow Creek and then drain to Lake Tahoe;
4. The CAA funds will be used for planning, permitting, removing contaminated fill and utilities in the area, constructing a stormwater pretreatment system, and restoring the stream and wetland areas on the property;
5. The requested CAA funding is only a portion of the overall funding for this Project. The total Project cost is estimated at \$4,564,120, including a Sierra Nevada-Cascade Conservation grant, and funding from the California Resources Agency Rivers and Parkways, U.S. EPA Brownfields Program, U.S. Department of Interior Bureau of Land Management, and Tahoe Regional Planning Agency. All other funding sources have been secured;
6. The Project will provide the nearby small disadvantaged community of Kings Beach with a continuous open space for access to nature and recreation;
7. This type of restoration work supports the implementation of the Lahontan Regional Water Quality Control Board's 2010 adopted sediment/siltation TMDL for Lake Tahoe and is a very high-priority water quality issue in their Region;
8. The County was the lead agency under the California Environmental Quality Act (CEQA) and prepared an Initial Study which resulted in a Mitigated Negative Declaration that addressed associated environmental impacts. The State Water Board is providing funding for the Project and therefore is a responsible agency under CEQA; and
9. The requested allocation is consistent with the purposes of Water Code Section 13442. Section 13442 provides that the State Water Board may order monies to be paid from the CAA to a public agency and certain not-for-profit organizations and tribal governments that serve disadvantaged communities and have the authority to clean up or abate the effects of a waste in order "to assist it in cleaning up the waste or abating its effects on the waters of the state."

# DRAFT

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves funding for \$750,620 from the CAA to the Project.
2. Makes funding available to Placer County for appropriate Project costs, including; planning, permitting, removing contaminated fill and utilities in the area, constructing a stormwater pretreatment system, and restoring stream and wetland areas. Placer County shall mitigate any harmful project effects. The State Water Board will not release funding for the construction of the Project until Placer County, as lead agency, submits its CEQA documentation to the State Water Board for review, and the State Water Board or its delegee reviews and considers the documentation and issues findings in compliance with its role as a responsible agency under CEQA.
3. Approves the funding with the expectation that if the agreement has not been executed by December 15, 2012, the Executive Director will bring this item back to the State Water Board in January 2013 for possible rescission of funding.
4. Makes the funds available until June 30, 2015, and reverts any unexpended funds to the CAA as of September 30, 2015, unless the Deputy Director or Assistant Deputy Director of the Division of Financial Assistance authorizes an extension.

## CERTIFICATION

The undersigned, Clerk 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 Board held on October 16, 2012.

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Jeanine Townsend  
Clerk to the Board