

Lahontan Regional Water Quality Control Board

January 18, 2013

Summary of Proposed Lahontan Region Basin Plan Amendments for California Environmental Quality Act Scoping Meetings

Water Board staff are proposing various amendments to the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) to update cited State and Regional Board plans and policies, correct errors, remove duplication, and clarify applicability of our regulations. Below is a summary of the proposed changes. Information and input from the public and agencies is sought on the potential environmental effects of the proposed Basin Plan amendments and the range of alternatives that should be evaluated.

A summary of proposed Basin Plan amendment is provided below.

1. Editorial changes to correct grammar or sentence structure in Chapters 3, 4 and 5.
2. Update and correct references, including discussion of State and Regional Board plans and policies in Chapter 6.
3. Modify Table 2-1, Beneficial Uses of Surface Waters of the Lahontan Region, for the Mojave Hydrologic Unit (HU) to remove duplication, correct errors and add receiving waters, as appropriate.
4. Chapter 3 - Water Quality Objectives
 - a. Improve description and implementation of the Antidegradation Policy of the State Board and federal antidegradation regulations.
 - b. Correct typographical error on Lake Tahoe electrical conductivity water quality objective (change 50 degrees C to 25 degrees C).
 - c. Correct Mojave River name (at Lower Narrows) in Table 3-20 (delete "West Fork").
5. Amend Chapter 4 to:
 - a. Incorporate State Board policy on mixing zones for NPDES waste discharge permits in *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (SIP). Increase or expand the use/applicability of provisions of the SIP for additional constituents not covered by the SIP. This would clarify applicability of receiving water limits and provide flexibility for permitting while still protecting water quality and beneficial uses.
 - b. Incorporate State Board policy authorizing use of compliance schedules in NPDES permits.
6. Section 4.1 – Clarify, simplify, and consolidate waste discharge prohibitions:
 - a. Consolidate the narrative (No. 1) and numeric (No. 2) objective violation prohibitions.
 - b. Add prohibition for unauthorized discharges (new No. 3).

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- c. Eliminate regionwide prohibition Nos. 4 and 5, as new No. 3 covers these types of discharges.
 - d. Authorize Executive Officer to grant exemption to prohibitions for emergency projects.
 - e. Authorize Executive Officer to grant exemptions for restoration projects.
 - f. Provide authorization/exemptions for a list of limited threat discharges (discharges with limited threat to water quality and with no significant effect to the environment) if specific conditions/criteria are met.
 - g. Incorporate Surprise Valley, Cowhead Lake, Madeline Plains, Duck Flat, Susanville (prohibition Nos. 1 through 3), Smoke, Carson River, and Walker River HU prohibitions into revised regionwide prohibition No. 1 and new No. 3.
 - h. Clarify Eagle Drainage HU prohibitions and remove prohibitions.
 - i. Consolidate Little Truckee River and Truckee River HUs, and add exemption criteria for relocation of existing structures or impervious areas or new structures or impervious areas within the 100-year floodplain when restoration associated with the project results in a net environmental benefit, similar to Lake Tahoe exemption criteria.
 - j. Remove Executive Officer exemption delegation language, as delegations to the Executive Officer may be amended at the will of the Board.
 - k. Remove septic system prohibition for Glenshire and Devonshire subdivisions, as those areas are now sewered.
 - l. Amend figures as appropriate to reflect prohibition changes.
7. Amend section 4.4 to incorporate the 2012 State Board policy on onsite wastewater treatment systems.
8. Update section 4.9 to reflect current regulation of forest and vegetation management activities.
9. Section 5.1 – Lake Tahoe Water Quality Standards:
- a. Improve description and implementation of the Antidegradation Policy of the State Board and federal antidegradation regulations.
 - b. Correct typographical error on ammonia formula (change 0.052 to 0.52).
 - c. Correct typographical error on Lake Tahoe electrical conductivity water quality objective (change 50 degrees C to 25 degrees C).
10. Section 5.2 – Lake Tahoe HU prohibitions:
- a. Add general language regarding prohibitions.
 - b. Delete language of regionwide prohibitions and refer to section 4.1, where regionwide prohibitions are located.
 - c. Remove prohibitions that are duplicative of regionwide prohibitions or other Tahoe prohibitions.
 - d. Improve descriptions of floodplain and Stream Environment Zone (SEZ) prohibitions and associated exemption criteria.
11. Section 5.4 – Lake Tahoe HU Land Capability and Coverage Limitations: Update Basin Plan language to reference the Tahoe Regional Planning Agency (TRPA) and local government regulations and planning documents, and remove outdated references to regulations no longer in effect.
12. Section 5.5 – Remedial Programs and Offset: Update discussion of TRPA's new Regional Plan, and refer to TRPA regulations.

13. Section 5.7 – SEZ, Floodplains, Shorezones and Groundwater:

- a. Improve/update discussion of floodplain protection related to the Water Board's wetland protection policies and waste discharge prohibitions. Remove Figure 5.7-1 on setbacks as these apply to TRPA land development regulation (which will now be referenced), and not specifically to Regional Board permitting or waste discharge prohibitions.
- b. Improve discussion on development, land capability and coverage in SEZs in TRPA land development regulations; refer to TRPA regulations.
- c. Add discussion of discharges in SEZs and floodplains and refer to Section 5.2 prohibitions and exemptions.
- d. Clarify applicability of prohibitions for SEZ and floodplain/below highwater rim to the shorezone. Remove discussion of tolerance district classifications and man-modified reclassifications, and reference TRPA land development regulations.
- e. Remove discussion on Executive Officer authority to grant exemptions, as delegations to the Executive Officer may be amended at the will of the Board.
- f. Remove discussion of TRPA development standards; refer to TRPA regulations.
- g. Remove Table 5.7-2 – List of Potential SEZ Restoration Projects, Table 5.7-4 – Shorezone Tolerance Districts and Special Development Standards, as they are outdated or are applicable to TRPA.

14. Section 5.8 – Lake Tahoe HU Development Restrictions: Update section to remove outdated and/or duplicative language and refer to TRPA regulations and/or new and revised waste discharge prohibitions in other sections of the Basin Plan:

- a. Remove exemption criteria for prohibitions related to new subdivisions, new development in SEZs or not in accord with land capability, new development that is not offset by remedial projects, 100-year floodplains, and development of new piers, as prohibitions and exemptions are provided in Section 5.2.
- b. Remove discussion on restrictions on development of high erosion hazard lands, development related to coverage limits, development and disturbance in SEZs, development not offset by implementation of remedial erosion control measures, and development in 100-year floodplains, as prohibitions have been restated and are not directly tied to development as defined by TRPA Code.
- c. Remove discussions of transfer of development rights, other means of relief for landowners, and affordable housing, as prohibitions have been restated and are not directly tied to development as defined by TRPA Code.
- d. Remove Table 5.8-1 – Summary of Discharge Prohibitions, as the prohibitions have been restated and are not directly tied to development as defined by TRPA Code.

15. Section 5.12 – Roads and Rights-of-Way:

- a. Revise references to prohibitions on discharges from new development as prohibitions on discharges to SEZs and floodplains.
- b. Update discussion of Retrofit Requirements and the Capital Improvement Program, and refer to the Municipal Storm Water NPDES regulations and the Lake Tahoe TMDL requirements, including the Lake Tahoe Water Quality Crediting Program.

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- 16. Section 5.13 – Forest Management Activities – Clarify applicability of prohibitions and exemptions, including for vegetation management to reduce fire hazard and severity; update language to reflect current regulations and approaches.
- 17. Section 5.15 – Outdoor Recreation – Clarify applicability of prohibitions and exemptions.

Additional amendments to Chapter 5 for Lake Tahoe may be proposed to incorporate TRPA's December 2012 revisions to its Clean Water Act Section 208 Plan and Code of Ordinances, if those revisions become effective prior to release of the Water Board's draft amendments.