

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION

**STIPULATED AGREEMENT**  
**WITH THE UNITED STATES FOREST SERVICE, LAKE TAHOE BASIN**  
**MANAGEMENT UNIT**  
**TO MAINTAIN TEMPORARY BEST MANAGEMENT PRACTICES (BMPS) TO**  
**INFILTRATE STORMWATER RUNOFF AT MEEKS BAY RESORT MARINA AND**  
**DEVELOP AND IMPLEMENT PLANS TO COMPLY WITH THE**  
***WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION;***  
**MEEKS BAY MARINA,**  
**WDID NO. 6A090050000**  
**ORDER NO. R6T-2017-0013**  
El Dorado County

---

The California Regional Water Quality Control Board, Lahontan Region (Water Board) finds:

1. The United States Department of Agriculture's United States Forest Service Lake Tahoe Basin Management Unit (USFS) oversees the Meeks Bay Resort and Marina property on the west shore of Lake Tahoe, El Dorado County Assessor Parcel No. **016-041-10-100** on behalf of the United States, which holds title to the property. The Washoe Tribe of California and Nevada (Washoe Tribe) holds a special use permit from the USFS to manage and operate the Meeks Bay Resort and Marina property for the purposes of constructing, operating, and maintaining a resort/marina. The Washoe Development Enterprise manages the Meeks Bay Resort and Marina pursuant to the special use permit to the Washoe Tribe. The Washoe Development Enterprise entered into an agreement with Action Motorsports of Tahoe, Inc. (aka Action Water Sports), to operate the Meeks Bay Marina and to undertake certain projects to maintain, recondition, and improve the Meeks Bay Resort and Marina. The USFS and the Washoe Tribe have amended the special use permit issued to the Washoe Tribe removing the operation of a marina at the Meeks Bay Resort. In addition, the Washoe Tribe has terminated its contract with Action Motorsports, Inc. and Action Motorsports, Inc. no longer operates the Meeks Bay Marina. Thus there is no longer an active marina operating at Meeks Bay, and no such activities can resume without regulatory action by the USFS.

For the purposes of this Agreement, the USFS, as land manager, National Environmental Policy Act (NEPA) Lead Agency, and responsible party for future decision-making, is the sole signatory representing the Meeks Bay Resort Marina area. The Water Board is the agency responsible for ensuring state and federal water pollution laws are followed and will serve as Lead Agency under the California Environmental Quality Act (CEQA) for any discretionary actions proposed under this Agreement.

2. The Water Board adopted the Water Quality Control Plan for the Lahontan Region (Basin Plan). The Basin Plan contains waste discharge prohibitions established for the Lake Tahoe Hydrologic Unit (HU) in Chapter 5.2 including the following specific prohibitions:
  - a. The discharge attributable to human activities of any waste or deleterious material to surface waters of the Lake Tahoe HU is prohibited.
  - b. The discharge attributable to human activities of any waste or deleterious material to land below the highwater rim of Lake Tahoe or within the 100-year floodplain of any tributary to Lake Tahoe is prohibited. (This Requirement is also contained in Section IV.J.6 of Order No. R6T-2011-0024, NPDES No. CAG616003 - Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for Storm Water Runoff Associated with Marina Operations and Discharges from Maintenance Dredging in the Lake Tahoe Hydrologic Unit (2011 Marina General Permit)).
3. The Water Board and the Nevada Division of Environmental Protection (NDEP) developed the bi-state Lake Tahoe Total Maximum Daily Load (TMDL) to identify the pollutants responsible for deep water transparency decline, quantify the major pollutant sources, assess the lake's assimilative capacity, and develop a plan to reduce pollutant loads and restore Lake Tahoe's deep water transparency to meet the established standard.

The Water Board evaluated load reduction opportunities for all pollutant sources as part of the Pollutant Reduction Opportunity Report (Lahontan and NDEP 2008a) and found that the most cost effective and efficient load reduction options for the forested upland, stream channel erosion, and atmospheric deposition sources are consistent with existing programs. The Pollutant Reduction Opportunity Report concluded that continued implementation of measures to address disturbances in undeveloped areas, control eroding stream banks, and reduce atmospheric deposition are critical to meeting required load reductions. Therefore, a regulatory policy that maintains the current implementation approaches for these source categories is appropriate to meet TMDL load allocations.

The most significant and currently quantifiable load reduction opportunities are within the urban uplands source. The Meeks Bay Marina unpaved parking lot is an example of such an urban upland source. Because urbanized areas discharge the overwhelming bulk of the average annual fine sediment particle load reaching Lake Tahoe, much of the load reductions must be accomplished from this source.

4. On April 13, 2011, the Water Board adopted Order No. R6T-2011-0024, NPDES No. CAG616003 - Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for Storm Water Runoff Associated with Marina Operations and Discharges from Maintenance Dredging in the Lake Tahoe Hydrologic Unit (2011 Marina General Permit). The Marina General Permit was recently updated and re-issued in June, 2016 (2016 Marina General Permit).

Coverage for the Meeks Bay Marina expired on October 31, 2016 because neither the USFS nor the Washoe Tribe submitted a Notice of Intent to Comply with the 2016 Marina General Permit.

5. On June 16, 2011, a Notice of Intent to comply with the terms of the 2011 Marina General Permit was submitted for the operations of the Meeks Bay Marina located at 7901 Highway 89, Meeks Bay, California (see attached location map). The Notice of Intent identifies the USFS as the property owner and Bob Hassett (Action Motorsports, Inc.) as the developer/contractor for the Meeks Bay Marina.
6. Section VII.C.3 of the 2011 Marina General Permit requires Dischargers to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). Section 9 of the Meeks Bay Marina SWPPP (prepared by Bob Hassett of Action Water Sports, dated June 21, 2012) states the marina parking lot, "...requires retro-fitting with storm water BMPs [Best Management Practices] to comply with the provision of the [Marina] General Permit and other regulations." SWPPP Section 7 states the retro-fit plan, "...will include paving the parking area and installing the necessary storm water treatment BMPs to meet Lahontan requirements."

The February, 1997 "Prospectus: Operations and Maintenance of Meeks Bay Resort and Marina" was prepared by the USFS as a part of the invitation for proposals to operate the Meeks Bay Resort and Marina. The Prospectus identifies erosion problems throughout the resort and, in particular, at the Meeks Bay Marina. The Prospectus requires a plan and implementation schedule for installing BMPs from the selected operator/permittee. While many BMP's and upgrades were completed, problems remained, particularly as addressed by this Agreement.

7. Water Board staff inspected the Meeks Bay Marina on July 16, 2014 to evaluate compliance with the 2011 Marina General Permit. The inspection report identifies the dirt parking lot as a potential sediment source into Lake Tahoe due to the failure to install adequate erosion and sediment control BMPs. Drainage improvements had not been installed within the dirt parking lot as required by the SWPPP. The dirt parking lot area slopes towards the marina waters (Lake Tahoe). The gangways to the marina slips are located on low-lying areas along the edge of the dirt parking lot, which create areas for rills and gullies to erode the adjacent slope during storm events. The construction of the area at the time of the inspections created a situation that threatened to discharge sediments from the dirt parking lot into Lake Tahoe, in violation of section IV.J.6 of the Marina General Permit.
8. Water Board and USFS staff met from October 29, 2014 through February 5, 2015 to discuss the violations at the Meeks Bay Marina and to evaluate potential corrective action options in a manner that respects the long-term planning goals for the entire Meeks Bay Resort area. The short- and long-term corrective action elements were memorialized in a Notice of Violation (NOV), dated February 24, 2015 (attached). The USFS implemented BMPs to address the short-term

corrective action elements identified in the NOV. Long-term corrective actions are the subject of this Agreement.

9. Water Board staff inspected the Meeks Bay Marina on July 23, 2015 to evaluate additional temporary BMPs that had been installed as a requirement of the February 24, 2015 NOV and to evaluate compliance with the Marina General Permit. The inspection report identifies deficiencies in implementing the SWPPP due to incorrectly installed and inadequately maintained BMPs. The observed deficiencies resulted in discharges of sediments into waters of Lake Tahoe, in violation of section IV.J.6 of the Marina General Permit.
10. Water Board staff issued a second NOV on October 29, 2015 for the violations documented in the July 23, 2015 inspection report. The USFS revised its short-term corrective actions in response to the second NOV.
11. Water Board staff, USFS staff, along with the Washoe Tribe and Action Water Sports of Tahoe, Inc., as interested parties, met extensively to discuss the best way to address the Meeks Bay Marina and nearby unpaved parking lot area. The USFS and Washoe Tribe, as the land manager and lessor going forward, agreed that they would not continue the operation of the Marina in its current form. The Washoe Tribe discontinued its agreement with Action Water Sports of Tahoe, Inc. for operation of a Marina, so there are no current marina operations.
12. The USFS has committed to beginning the process of determining the future use of the Meeks Bay Marina site. This process will involve the public and comply with the National Environmental Policy Act (NEPA) and any other relevant federal regulations. Actions associated with future use will be conducted in a manner that is also in compliance with state of California water quality regulations, including the Lahontan Water Board Basin Plan. The process for determining the appropriate actions associated with future use of the Meeks Bay Marina site and implementing the identified actions consistent with achieving appropriate environmental benefits is hereinafter referred to as the "Project."
13. Water Board and USFS staff met at the Meeks Bay Marina site on August 4, 2016 to discuss the necessary actions to be completed to stabilize the entire marina site while the USFS pursues a long-term plan for future use of the site. It was agreed that the boundary of the entire marina site encompasses the entire day-use dirt area. This area extends from where the detention pond was constructed last November west of the boat ramp to the dirt area along Meeks Creek located northwest of the old bridge abutment. The area also extends north from the marina to the wood posts delineating the dirt parking/road area from the campground. This area is the entire day-use area accessible and used by marina users, as evidenced by boat trailers still parked at the far western edge.

It was also agreed that the USFS would develop and implement a BMP Plan for the entire Marina site (including the entire parking area), and the Water Board would in

turn revoke coverage under the 2011 Marina General Permit once the BMP Plan was implemented. The BMP Plan has been developed and is currently being implemented, and coverage under the 2011 Marina General Permit has been terminated as noted in Finding No. 4, above. This Stipulated Agreement/Order details the additional actions to be taken by the USFS and the Water Board to implement the Project.

14. Water Code section 13301 states, in part,

“When a regional board finds that a discharge of waste is taking place, or threatening to take place, in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action.”

15. The Water Board is issuing this Stipulated Agreement/Order to the USFS to ensure that interim control measures approved by the Water Board and installed by the USFS are maintained to prevent the discharges and threatened discharges of sediments in stormwater runoff from the Meeks Bay Marina site into Meeks Creek and Lake Tahoe until the Project can be implemented and completed. This Stipulated Agreement/Order will also ensure that the Project will provide enhanced environmental benefits for the health of Lake Tahoe and the surrounding area by measuring project success against a set of criteria developed for assessing multiple benefits including, but not limited to: biodiversity, bank stabilization, riparian vegetation density and diversity, groundwater recharge and elevation, wildlife habitat and diversity, and flood attenuation. The Project will be developed and constructed consistent with all relevant Water Code sections.

16. Water code section 13267, subdivision (b) states:

“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharge, discharges, or is suspected of having discharged or discharging or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring these reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”

17. The technical reports submitted under this Agreement are necessary to ensure and verify progress and ongoing compliance. The burden, including costs, of the reports required by this Agreement bear a reasonable relationship to the need for the reports and the benefits to be obtained therefrom.
18. The Water Board notified interested persons of its intent to consider adoption of this Agreement and provided an opportunity to submit written comments and appear at a public hearing. The Water Board, in a public hearing, heard and considered all comments.
19. Issuance of this Agreement is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, section 21000, et seq.), in accordance with section 15321, subdivision (a)(2), title 14, California Code of Regulations.
20. Any person aggrieved by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

THEREFORE, IT IS HEREBY AGREED to that, pursuant to Water Code sections 13267 and 13301, the USFS shall cease and desist from discharging waste or threatening to discharge waste, in violation of the Basin Plan and the 2011 Marina General Permit, and IT IS HEREBY STIPULATED that the USFS and the Water Board agree to comply with the other provisions of this Agreement:

1. The USFS shall maintain the interim BMPs in place until permanent BMPs replace the interim BMPs as a stormwater management tool. The USFS must perform all reasonable repairs or maintenance of the BMPs until permanent BMPs are complete or replace the interim BMPs as a stormwater management tool.

For any land disturbance activities required to meet this Agreement, even if temporary, submit to this office 30 days in advance of planned implementation, designs and plans including runoff calculations to show containment or treatment of the 20-year, 1-hour storm (1 inch) with a time schedule for implementation.

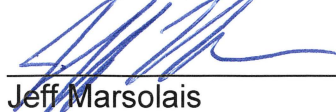
2. The USFS completed the interim BMPs in response to the August 2016 inspection, and submitted as-built plans to the Water Board. Water Board staff reviewed the as-built plans and inspected and accepted the interim BMPs as of December 2016. The as-built plans will become part of this Order for the long-term maintenance of the interim BMPs.
3. The USFS shall inspect the BMPs present at the site twice a year minimum, with one inspection prior to the site closure for winter, and another inspection prior to opening the Resort for the summer.
4. By **November 15 of each year**, submit to the Water Board a report including the results of at least two inspections (per #4 above) describing the conditions of the Meeks Bay Marina site and certify that the site is in compliance with requirements to infiltrate the 10-year, 24-hour storm (equivalent to at least 1 inch of precipitation) from the parking areas and roadways and adjacent disturbed lands. The Report will also discuss the status of disturbed lands (area disturbed) and measures taken to control dust and limit new disturbance. The Report shall describe any steps taken in the previous year to reduce disturbed lands, and ensure runoff and sediment from the site is prevented from entering Meeks Creek or Lake Tahoe.
5. By **July 1, 2017**, USFS intends to prepare and issue a joint Notice of Intent/Notice of Preparation (NEPA/CEQA/TRPA) pursuant to section 1508.22 of the Code of Federal Regulations (CFR) and CEQA guidelines section 21000 describing a proposed Project that includes permanent BMPs, provided the Water Board (CEQA agency) and Tahoe Regional Planning Agency (TRPA) agree with the Project. The USFS will conduct scoping in compliance with NEPA and USFS policy.
6. By **November 1, 2017**, submit to the Water Board for its acceptance the results of a first phase assessment for the Project. The assessment will evaluate expected environmental benefits from the Project given existing site constraints. The assessment will also provide multi-benefit success criteria for the Project including, but not limited to: biodiversity, bank stabilization, riparian vegetation density and diversity, groundwater recharge and elevation, wildlife habitat and diversity, and flood attenuation. The assessment will also identify a five-year monitoring program for the Project with expected measurable targets. The monitoring program will include an adaptive management program to outline steps to be implemented should success criteria not be achieved within any given year.
7. By **July 1, 2018**, the USFS intends to prepare a draft EIS/EIS/EIR (NEPA, TRPA, CEQA) document for public comment, provided support from the Water Board and TRPA is available in a timely manner and the draft EIS/EIS/EIR is approved by the Water Board and TRPA.

8. By **July 1, 2019**, the USFS intends to make available a final EIS/EIS/EIR and a draft Record of Decision to commenters with status for the required Objection Period in compliance with NEPA, provided support from the Water Board and TRPA is available in a timely manner.
9. By **December 31, 2019**, the USFS intends to issue a final record of decision for the Project for the future of the Meeks Bay Marina site and request funding for design and construction
10. By **December 31, 2021**, the USFS intends to complete at least 50-percent design plans for the Project.
11. By **December 31, 2022**, the USFS intends to submit final design plans and permit applications to TRPA and the Water Board for construction of the project anticipated for construction beginning summer 2023 and completion by November 1, 2025.
12. Each year commencing **March 15, 2018**, and annually thereafter, the USFS shall submit a report describing the progress of the Project. The report shall include a detailed implementation schedule including timelines to complete environmental documentation (CEQA and NEPA), funding, design review, permitting and construction, and all the remaining requirements to complete the Project. Based on the information in the annual report, the Forest Service may request or the Water Board may consider amending this Agreement to alter, add, or clarify implementation due dates.
13. Upon conclusion of the Project, the USFS will submit a final report describing the completion of the Project. Upon approval by the Water Board, this Agreement will be concluded in response to the completion of the Project.



Lauri Kemper  
Assistant Executive Officer  
Lahontan Water Board

3/24/17



Jeff Marsolais  
Supervisor, Lake Tahoe Basin Management Unit, USFS

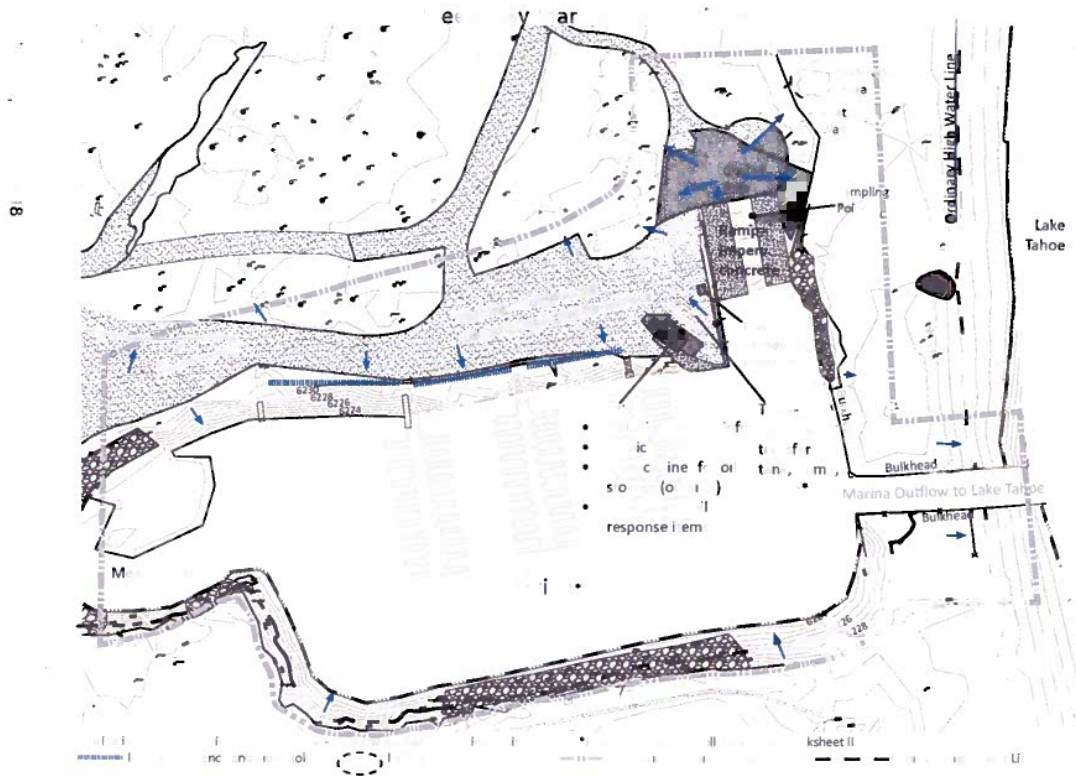
I, Patty Z. Kouyoumdjian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Agreement accepted by the California Regional Water Quality Control Board, Lahontan Region on March 16, 2017.

PATTY Z. KOUYOUMDJIAN  
EXECUTIVE OFFICER



Attachment A: Location Map

EJT/gg/T: USFS Meeks Resort  
Settlement File Under: ECM



## Lahontan Regional Water Quality Control Board

February 24, 2015

CERTIFIED MAIL NO. 7009 0820 0001 6638 8253

Jennifer Johnson, Interim Director  
Washoe Environmental Protections Department  
Washoe Tribe of California and Nevada  
919 US Highway 395 South  
Gardnerville, NV 89410

**NOTICE OF VIOLATION OF NPDES GENERAL PERMIT REQUIREMENTS FOR LAKE TAHOE MARINAS, NOTICE OF VIOLATION OF *THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION*, AND REQUEST FOR WORKPLAN AND IMPLEMENTATION SCHEDULE - MEEKS BAY MARINA, EL DORADO COUNTY, WDID NO. 6A090050000**

California Regional Water Quality Control Board, Lahontan Region (Water Board) staff inspected the Meeks Bay Marina on July 16, 2014. A copy of the inspection report is enclosed. The inspection was performed as part of the Water Board's routine inspection program to verify compliance with the *National Pollutant Discharge Elimination System General Permit for Industrial Activities and Maintenance Dredging at Marinas in the Lake Tahoe Hydrologic Unit*, Board Order No. R6T-2011-0024 (Marina General Permit).

The inspection report identifies the dirt parking lot as a potential sediment source into Lake Tahoe due to the failure to install adequate erosion and sediment control best management practices. No drainage improvements have been installed within the dirt parking lot, and the dirt parking lot area slopes towards the marina waters. The gangways to the marina slips are located on low lying areas along the edge of the dirt parking lot, which create areas where rills and gullies can erode the adjacent slope during a storm event.

Subsequently, Water Board Executive Officer Patty Kouyoumdjian, Lake Tahoe Basin Management Unit Supervisor Nancy Gibson, and respective staff met on October 29, 2014 to discuss the violations at the Meeks Bay Marina. The violations (see following discussion) were acknowledged by all parties at the meeting. It was agreed that Water Board and Forest Service staffs will evaluate potential corrective action options in a manner that respects the long-term planning goals for the entire Meeks Bay Resort area. The identified corrective action elements would then be memorialized in a Notice of Violation.

Water Board and US Forest Service (Forest Service) technical staffs met again on February 5, 2015 to discuss the results of project scoping associated with the long-term

KIMBERLY COX, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

2501 Lake Tahoe Blvd., So. Lake Tahoe, CA 96150 | [www.waterboards.ca.gov/lahontan](http://www.waterboards.ca.gov/lahontan)

improvements for the Meeks Bay Resort area. The short-term implementation plan provides for installing drainage dips/infiltration trenches and fiber rolls between the unpaved areas and the marina/ramp areas. The long-term plan provides for stabilizing all unpaved areas and the installing storm water retention basins. The long-term plan is scheduled to be fully developed by July 2016, with construction to be completed in 2017. The elements that will address the violations associated with the Meeks Bay Marina are incorporated into this Notice of Violation.

## **PERMIT VIOLATIONS**

Section VII.C.3 of the Marina General Permit requires you to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). Section 9 of your SWPPP states the marina parking lot, "...requires retro-fitting with storm water BMPs [Best Management Practices] to comply with the provision of the General Permit and other regulations." Section 7 of your SWPPP (dated June 21, 2012) states the retro-fit plan, "...will include paving the parking area and installing the necessary storm water treatment BMPs to meet Lahontan requirements." The inspection report documents your failure to comply with the SWPPP by not paving the parking lot and by not installing the necessary storm water treatment BMPs.

The SWPPP for the Meeks Bay Marina facility is dated June 21, 2012, and the inspection was conducted July 16, 2014. At a minimum, you have therefore been in violation of your current SWPPP and the existing Marina General Permit for over a year. Our file history suggests that this violation has been ongoing for many more years. The February, 1997 "Prospectus: Operations and Maintenance of Meeks Bay Resort and Marina" was prepared by the Forest Service, Lake Tahoe Basin Management Unit as a part of the invitation for proposals to operate the facility. The Prospectus identifies erosion problems throughout the resort and, in particular, at the marina, and it requires a plan and implementation schedule for installing BMPs from the selected operator/permittee. Additionally, prior versions of the SWPPP contained the requirement to pave the parking lot and install appropriate storm water BMPs. This requirement was contained in SWPPPs dated November 15, 2000; March 17, 2006; and April 15, 2008. Therefore, permit violations for failing to install the necessary BMPs potentially date back to November, 2000 – almost fourteen years ago.

## **BASIN PLAN VIOLATIONS**

The *Water Quality Control Plan for the Lahontan Region* prohibits, "The discharge, attributable to human activities, of solid or liquid waste materials, including soil, silt, clay, sand and other organic and earthen materials, to the surface waters of the Lake Tahoe Basin..." Your failure to retrofit the unpaved parking lot has created areas where rills and gullies have formed (see attached inspection report). At a minimum, the rills and gullies provide evidence of past discharges of earthen materials into Lake Tahoe in violation of the Basin Plan.

## **WORKPLAN AND IMPLEMENTATION SCHEDULE**

All entities (USFS, Lahontan Water Board, Marina operator) recognize the unpaved parking lot as a potential sediment source to Lake Tahoe. Furthermore, all entities recognize the need to stabilize the parking lot and install appropriate stormwater BMPs in order to prevent sediments from discharging into Lake Tahoe. Because this need has been documented as far back as 1997, and potentially further, the Water Board requires implementation of the Meeks Bay Marina SWPPP without further delay to comply with the Marina General Permit. We therefore request that you:

1. By **May 1, 2015**, submit to this office an amendment to the Meeks Bay Marina SWPPP. The amendment will consist of a description and plan for installing temporary BMPs to address existing storm water runoff from un-paved areas. The amendment will also include a revised map of the marina. The revised map shall provide the following information:
  - Locations and descriptions of proposed temporary BMPs
  - Drainage areas and flow directions
  - Collection and conveyance systems and/or structures
  - Catch basins and other existing BMPs
  - Boat washing areas
  - Outfall/discharge locations to land,
  - Outfall/discharge locations to water
  - Location of potential sources of pollutants
  - Impervious areas
  - Monitoring locations for discharges to land and to water
  - Snow storage areas
  - Location of fueling station and any fuel storage areas or any other areas of industrial activity
  - Location of pump-out facility
  - Marina facility boundaries (include associated parking and driveway areas)
  - Topography and elevations
  - Lake shoreline with ordinary high water elevation indicated
2. By **May 22, 2015**, install temporary BMPs in accordance with the amended SWPPP. At no time following May 22, 2015 shall any parking or vehicular activity be allowed on any unpaved surface in violation of the Marina General Permit and associated SWPPP, unless appropriate temporary BMPs are installed.
3. By **May 22, 2015**, submit to this office documentation that all temporary BMPs have been installed in accordance with amended SWPPP. Also, submit to this office a plan with schedule to inspect all temporary BMPs on a weekly basis and immediately correct any observed deficiencies. The plan shall specify the level of

wear on each installed BMP that would classify it as deficient. The plan shall provide for the monthly submittal of all weekly inspection reports to the Lahontan Water Board. The plan shall be an amendment to the SWPPP for the facility.

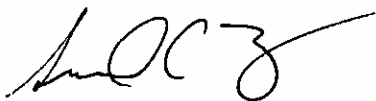
4. By **July 31, 2016**, submit to this office an appropriate retrofit plan for the existing dirt parking area with a time schedule for implementation. The implementation time schedule must provide for completion by October 15, 2017.
5. By **October 15, 2017**, complete the BMP retrofit plan and submit photo-documentation and a narrative description of such to this office.

#### **POTENTIAL ADMINISTRATIVE CIVIL LIABILITY**

This Notice informs you of violations of the Marina General Permit so that you may take immediate actions to comply with requirements. The Water Board is authorized to impose administrative civil liability for such violations on a daily basis for each violation (California Water Code sections 13350 and 13385).

Water Board staff will evaluate your response to this Notice to achieve compliance with the Marina General Permit. Continued non-compliance with the Marina General Permit may result in additional enforcement action, including, but not limited to, administrative civil liabilities. The Water Board may impose administrative civil liability up to \$10,000 for each day in which each violation of the Marina General Permit occurs pursuant to California Water Code section 13385(c). Please be advised that the number of days of violation may continue to accrue until each instance of violation has been satisfactorily corrected. The Water Board reserves the right to take any further enforcement action authorized by law.

Please contact Eric J. Taxer at (530) 542-5434 or Tobi Tyler at (530) 542-5435 if you have any questions regarding this Notice.



Scott C. Ferguson, P.E.  
Supervising Water Resource Control Engineer

Enclosure: July 16, 2014 Inspection Report

cc (w/enclosure):

Johnathan Cook-Fisher, Special Use Permit Coordinator, United States Forest Service  
Gina M. Thompson, Forest Recreation, Lands, Special Uses and Heritage Staff Officer, United States Forest Service

Jay Kniep

Ken Kasman, TRPA

Suzanne Garcia, Assistant Legal Counsel, Washoe Tribe of California and Nevada

Jeff Marsolais, Acting Forest Supervisor, Lake Tahoe Basin Management Unit, United States Forest Service

Bob Hassett, Action Water Sports, Meeks Bay Marina

SCF/dk/T: Meeks Bay Marina, NOV for July 2014 Inspections  
File Under: Marinas / Meeks Bay Marina / WDID 6A0900500000



# COMPLIANCE INSPECTION REPORT

ROUTING: SF  
CH

FILE/WDID #: 6A090050000

BOARD ORDER NO: R6T-2011-0024  
NPDES NO: CAG616003

## PRE-INSPECTION REVIEW

DISCHARGER: Action Motorsports of Tahoe  
DISCHARGER CONTACT: Bob Hassett  
DISCHARGER PHONE NUMBER: (530) 542- 6552 [work]  
DISCHARGER ADDRESS: P.O. Box 9653, South Lake Tahoe, Ca 96150

CATEGORY: 3C  
TYPE: IND

FACILITY NAME: Mæeks Bay Resort & Marina  
FACILITY ADDRESS: 3501 Bode Drive, South Lake Tahoe, CA 96150

DATE OF LAST INSPECTION: Unknown  
PROBLEMS NOTED: N/A

DATE LAST SMR SUBMITTED: November 15, 2014

PROBLEMS NOTED: Multiple violations were cited for the annual report. The following items were noted and entered in CIWQS for the 2012-2013 reporting year.

1. The discharger conducted seven out of the required minimum of twelve monthly visual inspections.
2. Two storm water discharge events were sampled per identified location "ramp" but no samples were provided for parking lot run-off.
3. Two of four benchmark sampling events were conducted for the surface water discharge sampling point, "ramp."
4. One out of two required pH sampling results were conducted for marina surface waters.
5. All four storm water inspection logs were missing various sections including: weather reports, photographs, inspector's name, title and signature.
6. The site map did not identify sampling locations as required despite answering "yes" to question #50 in the annual report form. A new site map was requested (and yet to be provided) indicating which effluent limits the sample points are intended to be compared with (discharge to land treatment systems or discharge to surface waters).

## FIELD OBSERVATIONS

INSPECTOR: Kelsi Buts, Scientific Aid  
Eric Taxer, WRCE

DATE: July 16, 2014  
TIME: 12:55 p.m.

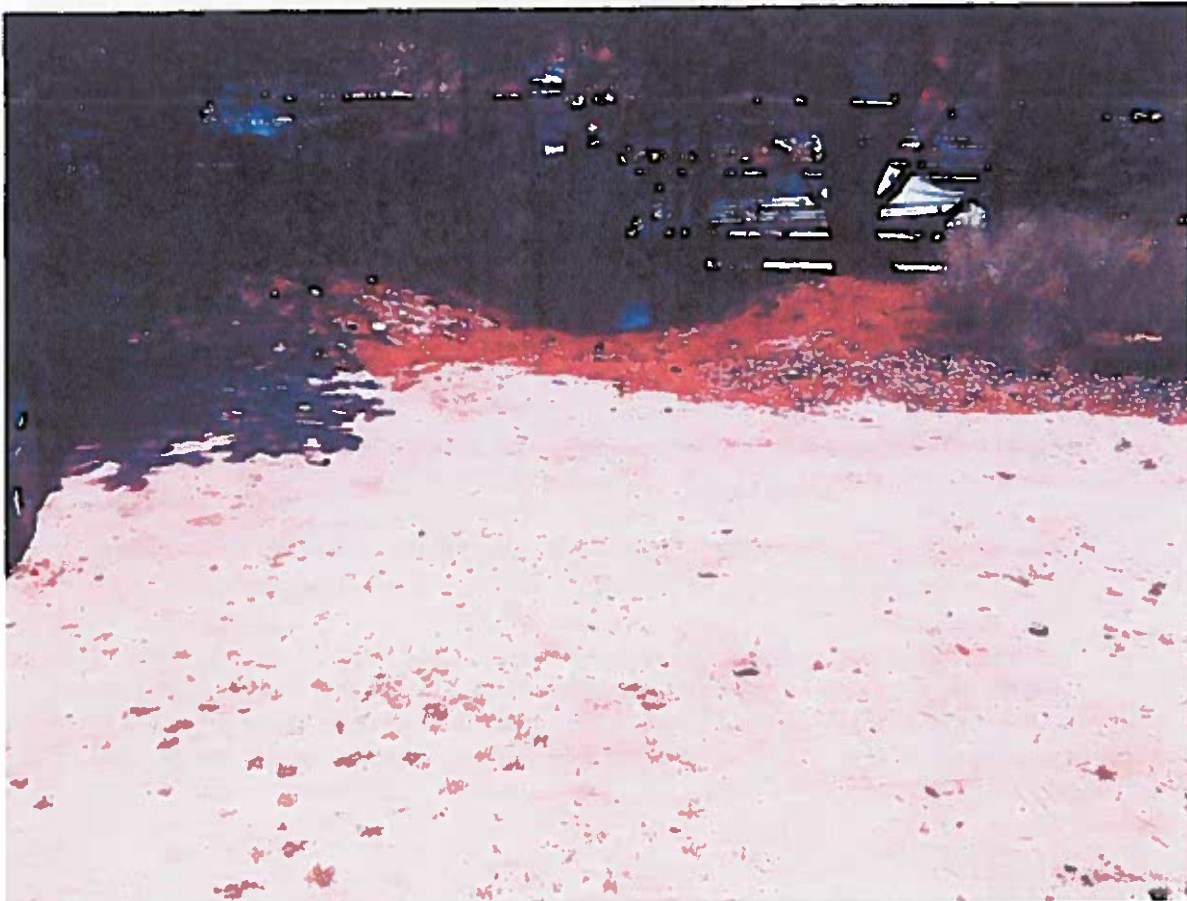


DISCHARGER REP: Jay Knlep, QSD  
Chris Gallup, Operations Manager  
Ed Oliver, Site Manager

**REMARKS:**

The weather was hot, sunny, and little to no breeze. There were some clouds moving in. All photos were taken with a Sony Cyber-Shot DSC-5700 by Eric Taxer, WRCE.

I called Jay Knlep, QSD, on July 10, 2014 to inform him we would be inspecting the facility. Eric Taker and I arrived to inspect at 12:30 a.m. Chris Gallup, director of operations and Jay Knlep had yet to arrive. While we waited, we inspected the dirt parking lot. No drainage improvements have been installed and the area slopes towards the marina waters. The gangways to the slips in the inner marina lie on low lying sections that posed an opportunity for rill or gully erosion during a storm event. These are potential sources of sediment as there are no BMPs. Photographs Nos. 1 through 4 document the state of the parking area and areas of erosion concern.



**Picture 1: The parking lot is composed of exposed loose dirt and a small amount of gravel on the edges. The depression in the photo is a gangway to the marina slips below. There is no berm protecting this area from concentrated flow down along the gangway causing erosion.**



**Picture 2: The walkway is downward sloping from the parking lot to the gangways. Potential for rill or gully erosion into the marina surface waters is possible.**



**Picture 3: Gangway number three is also in a low depression of the hillside. These are potential sediment sources as there are no BMPs installed.**





**Picture 4: This is gangway number 1, closest to the lake. Due to the topography of the parking lot, a low spot forms at the top and runs down during significant rain events.**

Jay Kniep and Chris Gallup arrived at 12:55 p.m. and met us in the parking lot. Jay stated that most of the runoff during storms is on the boat ramp and sometimes on the first gangway. He states that the other gangways don't experience the same flow due to natural berms of gravel or dirt that prevent flow. Jay only monitors one point, the boat ramp sheet flow, during storm events, which is very difficult to capture.

The state of the parking lot was discussed. The land is owned by the U.S. Forest Service and the Washoe Tribe leases the land for the Meeks Bay Marina and Resort. Action Motorsports of Tahoe then leases the marina operation from the Washoe Tribe. When concerns about potential sediment sources were brought up, Jay indicated that Bob Hassett, owner of Action Watersports of Tahoe, does not own the land and cannot fix the parking lot himself. A discussion of on-site improvements restrictions commenced. The U.S. Forest Service is ultimately the limiting owner of the site and any improvements would need to be taken up with them. We stated that we will draft a letter addressed to all three owner/operators (U.S.F.S, the Washoe Tribe, and Action Motorsports of Tahoe) requiring a plan and improvement schedule to address the sedimentation spots.

We then moved on to the small main marina area. The marina as a whole contains 120 slips in an inner marina and no buoys. Most of the slips were empty. A boat rental operation is conducted from a small office onsite. The waste oil and oily rags are kept in a shed within secondary containment. The shed is also a storage area.



**Picture 5: The waste oil is contained in a second container. Oil rags are also double contained up in the right hand corner. The rest of the items are stored floatation devices, etc.**

There is a public boat ramp with newer, smooth concrete. Jay commented that the smooth surface makes it nearly impossible to capture runoff samples. This ramp is the only discharge point of the marina, and it discharges to surface water.

A file inspection was conducted following the site tour. All the files were on-site and current. There are no fueling pumps; all rental boat fueling is conducted from a tank located on the back of the manager's pickup truck. There is no sale of diesel on site.

**CONDITIONS IN VIOLATION:** Lack of appropriate BMPs to prevent sedimentation from the dirt parking lot into the marina surface waters.

**ACTION SUGGESTED:** Issue a Notice of Violation requiring a site improvement plan.

**BY:** Kelsi Buts, Scientific Aid

**DATE:** July 23, 2014

*Kelsi Buts*

*7/23/14*





EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

---

## Lahontan Regional Water Quality Control Board

October 29, 2015

Bob Hassett  
Action Water Sports  
Meeks Bay Marina  
PO Box 9653  
South Lake Tahoe, CA 96158  
[wtrspt@charter.net](mailto:wtrspt@charter.net)

**CERTIFIED MAIL: 7009 0820 0001 6638 8055**  
(Tracking No: 9590940307105196099446)

Jennifer Johnson, Interim Director  
Washoe Environmental Protections Dept.  
Washoe Tribe of California and Nevada  
919 US Highway 395 South  
Gardnerville, NV 89410  
[Jennifer.johnson@washoetribe.us](mailto:Jennifer.johnson@washoetribe.us)

**CERTIFIED MAIL: 7009 0820 0001 6630 1030**  
(Tracking No: 9590940307105196099439)

Jeff Marsolais, Forest Supervisor  
Lake Tahoe Basin Management Unit  
United States Forest Service  
35 College Drive  
South Lake Tahoe, CA 96150  
[jmarsolais@fs.fed.us](mailto:jmarsolais@fs.fed.us)

**CERTIFIED MAIL: 7009 0820 0001 6630 6103**  
(Tracking No: 9590940307105196099460)

**NOTICE OF VIOLATION OF NPDES GENERAL PERMIT, BOARD ORDER NO. R6T-2011-0024, REQUIREMENTS FOR LAKE TAHOE MARINAS AND VIOLATION OF THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION - MEEKS BAY MARINA, EL DORADO COUNTY, WDID NO. 6A090050000**

This letter serves to notify you of violations of your permit. The violations include failure to maintain best management practices (BMPs) and exceeding effluent limitations in January 2014. This letter also discusses inconsistencies between facility staff's observations documented in self-inspection reports and the Lahontan Regional Water Quality Control Board (Water Board) staff's July 23, 2015, observations documented in the enclosed inspection report.

---

KIMBERLY COX, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

2501 Lake Tahoe Blvd., So. Lake Tahoe, CA 96150 | 14440 Civic Dr., Ste. 200, Victorville, CA 92392  
e-mail [Lahontan@waterboards.ca.gov](mailto:Lahontan@waterboards.ca.gov) | website [www.waterboards.ca.gov/lahontan](http://www.waterboards.ca.gov/lahontan)



## INTRODUCTION

Water Board staff inspected the Meeks Bay Marina on July 23, 2015. A copy of the inspection report is enclosed. The inspection was performed to evaluate the additional temporary BMPs that had been installed as a requirement of the Water Board's February 24, 2015, Notice of Violation (NOV). You amended the facility's Storm Water Pollution Prevention Plan (SWPPP) on June 3, 2015, to identify and implement the additional BMPs. Water Board staff also evaluated compliance with the *National Pollutant Discharge Elimination System General Permit for Industrial Activities and Maintenance Dredging at Marinas in the Lake Tahoe Hydrologic Unit*, Board Order No. R6T-2011-0024 (Marina General Permit, hereinafter referred to as Permit).

The inspection report identifies deficiencies in implementing the SWPPP, also identified, below. The deficiencies resulted in the discharge of sediments into waters of Lake Tahoe.

1. The existing site gradient prevents stormwater runoff from flowing into the designated infiltration area near the boat ramp.
2. Fiber rolls are not installed in accordance with the SWPPP. Fiber roll ends are not turned up (J-Hooked), are not appropriately overlapped, and are not installed along a level contour.
3. Fiber rolls are not maintained in accordance with the SWPPP. Sections of fiber rolls are flattened or otherwise degraded, resulting in a loss of capacity/effectiveness. Sediments accumulating behind fiber roll sections need to be removed to maintain capacity.

The August 10 and September 9, 2015, submittals of the July and August 2015 weekly self-inspection reports (emails from Bob Hassett to Eric Taxer) state that all BMPs are appropriately installed and that no rills, gullies, or accumulated sediments were observed during all nine weekly inspections conducted in July and August. These reports conflict with the site conditions that were observed and documented by Water Board staff.

Water Board staff also reviewed the results of the facility's annual report, which was submitted on November 14, 2014. The analytical results in the report are associated with samples collected from stormwater runoff entering the marina (waters of Lake Tahoe) from the boat ramp during rainfall events on January 9 and May 20, 2014. The results are summarized in the following table.

**Meeks Bay Marina 2014 Annual Report - Analytical Results from Stormwater Runoff Samples Collected at Meeks Bay Marina Boat Ramp for Rainfall Events on January 9 and May 20, 2014:**

Constituent	Effluent Concentration	Effluent Limit	Serious Violation Limit (Exceeds 40 Percent of Limit)	Serious/Chronic Violation
Total Nitrogen	2.1 mg/L	0.5 mg/L	0.7 mg/L	Serious
Total Phosphorus	0.7 mg/L	0.1 mg/L	0.14 mg/L	Serious
Total Iron	14 mg/L	0.5 mg/L	0.7 mg/L	Serious
Turbidity	160 NTU	20 NTU	Not a Category	Chronic
Total Suspended Solids (TSS)	440 and 2 mg/L Sum = 442 mg/L	100 mg/L	EPA Final Benchmark Value of 100	N/A
Aluminum	13 and 0.14 mg/L Sum = 13.14 mg/L	0.75 mg/L	EPA Final Benchmark Value of 0.75 mg/L	N/A
Total Recoverable Lead	0.029 mg/L and ND Sum = 0.029 mg/L	0.014 mg/L	EPA Final Benchmark Value of 0.014 mg/L	N/A
Total Recoverable Zinc	0.130 and 0.0035 mg/L Sum = 0.1335 mg/L	0.04 mg/L	EPA Final Benchmark Value of 0.04 mg/L	N/A
Total Recoverable Copper	0.011 mg/L and ND Sum = 0.011 mg/L	0.0152 mg/L	EPA Final Benchmark Value of 0.0152 mg/L	N/A

**PERMIT VIOLATIONS**

Permit Order VII.C.3 requires you to develop and implement a SWPPP. The observed implementation deficiencies noted above violate the Permit.

Permit Order IV.J.6 prohibits the discharge or threatened discharge, attributable to human activities, of solid or liquid waste materials, including soil, silt, clay, sand, and other organic and earthen materials, to lands below the highwater rim of Lake Tahoe or within the 100-year floodplain of any tributary to Lake Tahoe. The failure to maintain BMPs and the evidence of sediment discharges into the marina (see attached inspection report) violates the Permit.



Permit Order V.A.1 establishes effluent limits for stormwater runoff entering Lake Tahoe. The 2014 annual report documents exceedances of the effluent limits for Total Nitrogen, Total Phosphorus, Turbidity, and Total Iron on January 9, 2014. These exceedances violate the Permit. Additionally, the effluent violations for Total Nitrogen, Total Phosphorus, Total Iron, and Turbidity are subject to minimum mandatory penalties [Water Code section 13385(h) and (i)].

Permit Order V.D. establishes benchmark limits for TSS, Aluminum, Total Recoverable Lead, Total Recoverable Zinc, and Total Recoverable Copper. The 2014 annual report documents exceedance of these benchmark limits. When the benchmark limits are exceeded, Permit Order V.D. requires you to,

*“... immediately initiate a review of the BMPs at the site, take corrective actions, and repeat the quarterly monitoring. These actions must be repeated until the average concentration from the quarterly sampling is less than the benchmark. Failure to implement corrective actions and monitoring requirements is a violation of this Marina General Permit.”*

You have not appropriately identified and implemented corrective actions to address the benchmark limit exceedances. The February 2015 NOV requires you to amend your SWPPP to include the installation and maintenance of temporary BMPs to address the unpaved parking situation. Those BMPs may, in fact, help to address the benchmark exceedances if they were effectively installed and maintained. However, you have failed to effectively implement and maintain the BMPs required by your SWPPP (and, therefore, required by your Permit). The failure to effectively implement the BMPs will likely result in additional benchmark and effluent limit exceedances. Such future exceedances may be subject to additional minimum mandatory penalties and discretionary liability.

## **BASIN PLAN VIOLATIONS**

Chapter 5.2 of the Basin Plan prohibits the discharge or threatened discharge, attributable to human activities, of solid or liquid waste materials, including soil, silt, clay, sand, and other organic and earthen materials, to lands below the highwater rim of Lake Tahoe or within the 100-year floodplain of any tributary to Lake Tahoe. The failure to maintain BMPs and the evidence of sediment discharges into the marina violates the Basin Plan.

## **WORKPLAN AND IMPLEMENTATION SCHEDULE**

1. By **November 30, 2015**, submit to this office, documentation that all BMPs have been properly installed/implemented and/or maintained in accordance with the June 2015 Amended SWPPP.

2. By **November 30, 2015**, submit to this office, documentation that facility staff responsible for conducting weekly site inspection and preparing site inspection reports, has reviewed this Notice and its enclosed inspection report's findings regarding BMP implementation and maintenance, and SWPPP requirements for proper BMP implementation and maintenance. Additionally, submit a SWPPP amendment that requires all weekly inspection reports to include date-stamped photographs of all inspected BMPs to verify accuracy of report findings.
3. In response to the benchmark limit exceedances, immediately initiate a review of the BMPs related to stormwater runoff at the site, implement the necessary corrective actions, and submit the results of the review and implemented corrective actions to this office by **December 28, 2015**. As stated above, effectively installing and maintaining the temporary BMPs identified in the June 2015 Amended SWPPP may address the conditions leading to the above-referenced benchmark limit exceedances. If you believe this to be the situation, then state in the report described in Requirement No. 1, above, that the actions/activities described in the report also address the conditions responsible for the above-referenced benchmark limit exceedances. Otherwise, identify the additional corrective actions taken in response to the benchmark limit exceedances.

## **POTENTIAL ADMINISTRATIVE CIVIL LIABILITY**

This Notice informs you of violations of the Marina General Permit and the Basin Plan so that you may take immediate actions to comply with requirements. The violations identified, above, are subject to additional enforcement action. The information, below, is being provided to inform you of the serious nature of these violations.

Water Board staff will evaluate your response to this Notice to achieve compliance with the Marina General Permit. Non-compliance with the Marina General Permit may result in additional enforcement action, including, but not limited to, administrative civil liabilities. The Water Board may impose administrative civil liability up to \$10,000 for each day in which each violation of the Marina General Permit occurs pursuant to California Water Code section 13385(c). Please be advised that the number of days of violation may continue to accrue until each instance of violation has been satisfactorily corrected. The Water Board reserves the right to take any further enforcement action authorized by law.

Additionally, certain effluent violations are subject to minimum mandatory penalties, pursuant to Water Code sections 13385(h) and 13385(i). The Water Board must assess a minimum of \$3,000 for each serious and chronic effluent violation. The Water Board may elect to assess a higher amount of up to \$10,000 per violation.

Bob Hassett, Meeks Bay Marina  
Jennifer Johnson, Washoe Tribe of CA & NV  
Jeff Marsolias, LTBMU, U.S.F.S.

- 6 -

It is also imperative that necessary corrective actions be completed prior to the onset of the upcoming wet-weather season to avoid further waste discharges from the marina facilities to Lake Tahoe. Keep in mind long-term weather forecasts indicating a greater potential for high-precipitation events during the upcoming wet-weather season when designing, implementing, and maintaining corrective actions/BMPs.

Please contact Eric J. Taxer, Water Resources Control Engineer, at (530) 542-5434, or Tobi Tyler, Water Resources Control Engineer, at (530) 542-5435, if you have any questions regarding this Notice.



Cathe Pool, P.E.  
Senior Water Resource Control Engineer

Enclosure: July 23, 2015, Inspection Report

cc (w/enclosure): Johnathan Cook-Fisher, Special Use Permit Coordinator, U.S.F.S.  
(via email: [jcfisher@fs.fed.us](mailto:jcfisher@fs.fed.us))  
Gina M. Thompson, Forest Recreation, Lands, Special Uses and  
Heritage Staff Officer, U.S.F.S.  
(via email: [gthompson04@fs.fed.us](mailto:gthompson04@fs.fed.us))  
Jay Kniep, (via email: [jaykniep@cs.com](mailto:jaykniep@cs.com))  
Ken Kasman, Tahoe Regional Planning Agency  
(via email: [kkasman@trpa.org](mailto:kkasman@trpa.org))  
Suzanne Garcia, Assistant Legal Counsel, Washoe Tribe of  
California and Nevada

# COMPLIANCE INSPECTION REPORT

ROUTING: SF  
CH

FILE/WDID #: 6A090050000

BOARD ORDER NO: R6T-2011-0024  
NPDES NO: CAG616003

## PRE-INSPECTION REVIEW

DISCHARGER: Action Motorsports of Tahoe  
DISCHARGER CONTACT: Bob Hassett  
DISCHARGER PHONE NUMBER: (530) 542- 6552 [work]  
DISCHARGER ADDRESS: P.O. Box 9653, South Lake Tahoe, CA 96150

CATEGORY: 3C  
TYPE: IND

FACILITY NAME: Meeks Bay Resort & Marina  
FACILITY ADDRESS: 3501 Bode Drive, South Lake Tahoe, CA 96150

DATE OF LAST INSPECTION: July 16, 2014

PROBLEMS NOTED: Lack of appropriate BMPs to prevent sedimentation from the dirt parking lot into the marina surface waters. NOV issued February 24, 2015. Facility SWPPP revised June 3, 2015.

DATE LAST SMR SUBMITTED: November 14, 2014 (Annual Report)

PROBLEMS NOTED: See table, below, of effluent limit violations from January 9, 2014 Sample date. Samples were collected from storm water runoff entering the marina (waters of Lake Tahoe) from the boat ramp during a rainfall event.

Constituent	Effluent Concentration	Effluent Limit	Serious Violation Limit (Exceeds 40% of Limit)	Serious/Chronic Violation?
Total Nitrogen	2.1 mg/l	0.5 mg/l	0.7 mg/l	Serious
Total Phosphorus	0.7 mg/l	0.1 mg/l	0.14 mg/l	Serious
Total Iron	14 mg/l	0.5 mg/l	0.7 mg/l	Serious
Turbidity	160 NTU	20 NTU	Not a Category.	No
Total Suspended Solids (TSS)	440 mg/l	100 mg/l	EPA Benchmark Value of 100	N/A
Aluminum	13 mg/l	0.75 mg/l	EPA Benchmark Value of .75	N/A
Total Recoverable Lead	0.029 mg/l	0.014 mg/l	EPA Benchmark Value of .014	N/A

Total Recoverable Zinc	0.130 mg/l	0.04 mg/l	EPA Benchmark Value of .04	N/A
Total Recoverable Copper	0.011 mg/l	0.0152 mg/l	EPA Benchmark Value of .0152	N/A

NOTE: EPA Benchmark Values are not considered effluent limits, as noted in Permit Order section V.D.

**FIELD OBSERVATIONS**

INSPECTOR: Eric J. Taxer, WRCE  
Will Chen, Scientific Aid

DATE: July 23, 2015  
TIME: 2:30 p.m. – 3:10 p.m.

DISCHARGER REP: Ed Oliver

TITLE: Site Manager

**REMARKS:**

Weather was sunny with a slight breeze, although rain had occurred in the area two days prior. All photographs were taken with a 7.2 Megapixel Sony Cybershot DSC-S700 camera. I took all photos, unless otherwise noted. Will Chen left a voice mail with Bob Hasset the morning of the inspection to inform him that we would be inspecting the facility later in the day.

The purpose of the inspection was to evaluate additional temporary best management practices (BMPs) that had been installed as a condition of the Water Board's February 24, 2015 NOV. The additional BMPs are documented in the facility's Storm Water Pollution Prevention Plan (SWPPP), which was updated on June 3, 2015.

Will Chen and I arrived on site at 2:30 p.m. While walking to the on-site manager's office, I observed a ponded area in the northeast driveway area, immediately north of the ramp. I took three photos, Photograph Nos. 01, 02 and 03. According to the facility SWPPP, the site area is to be graded to direct stormwater runoff from this area to a vegetated depression/infiltration area northwest of the driveway area (see Figure 1). Ponded water in this area indicates that the site is not sufficiently graded to direct runoff to an appropriate infiltration area, and such runoff may potentially flow toward the boat ramp and into the marina (waters of Lake Tahoe).

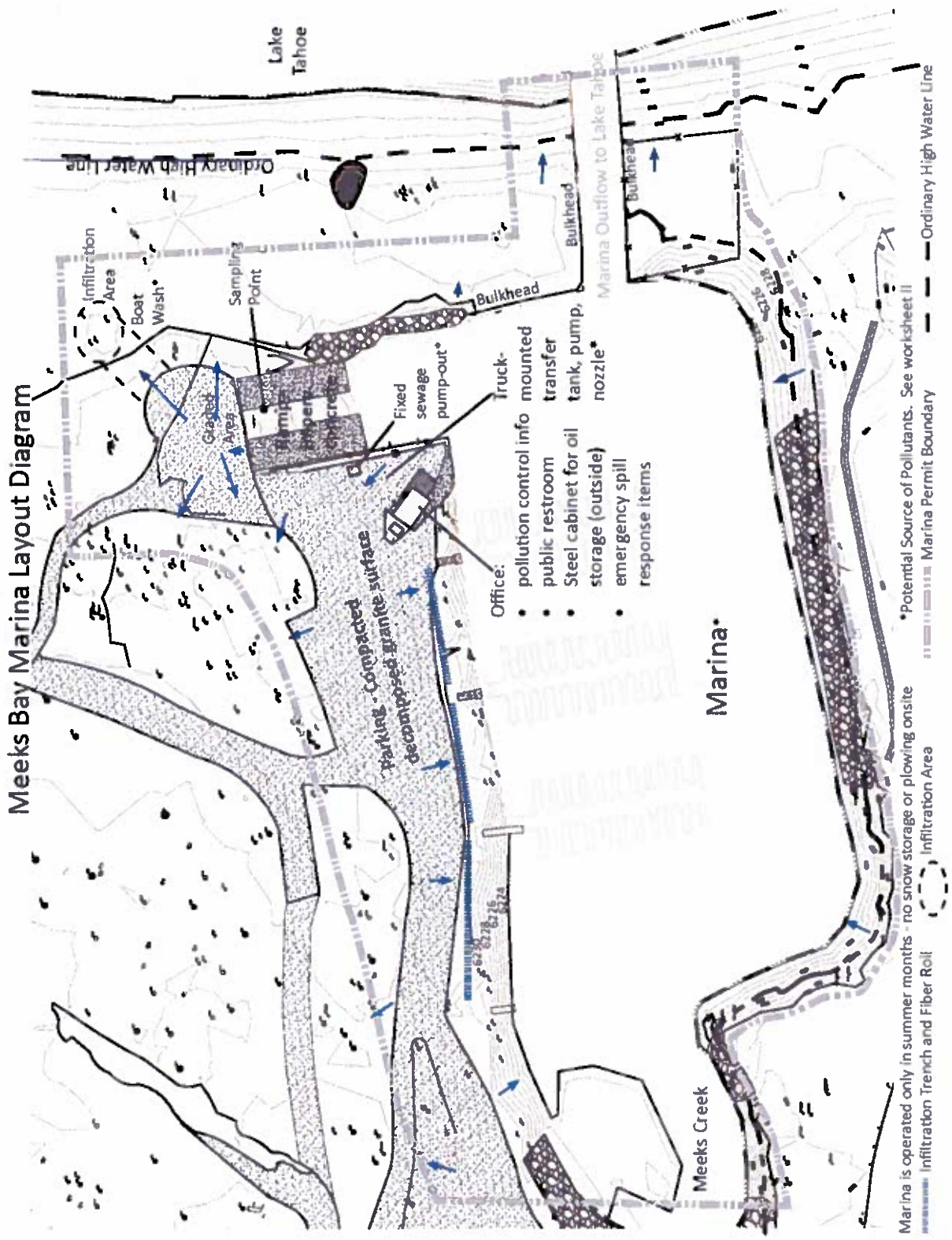


Figure 1. Site Map, From Page 18 of Meeks Bay Marina June 3, 2015 SWPPP





Photograph 01 - Facing West Toward Parking Area, Boat ramp on far left



Photograph 02 - Facing West Toward Parking Area, Panning right of Photo 1, Standing Ponded Water in Lot From Recent Rains



Photograph 03 - At Northeast area, Looking Northeast at Ponded Water In Parking Area. Per the SWPPP, the infiltration area should be located roughly where the willow stand in the center of the photograph is located. This Photograph was taken at the conclusion of the inspection at approximately 3:10 p.m.

We went to the site manager's building, and we identified ourselves to Ed Oliver, the marina site manager. Mr. Oliver permitted us to inspect the marina facility.

We walked the facility from the east toward the west. There is one boat launch ramp located on the east side of the facility. West of the boat ramp and west of the site manager's building, there are four pedestrian ramps into the marina to access boat slips. We observed a pump out station for boats West of the marina office, and we observed an oil storage containment and dumpster south of the marina shop. The oil containment and dumpster appeared clean.

The amended SWPPP identifies the placement of BMPs (fiber rolls, boulders, drainage basins, and site grading) to prevent erosion from stormwater runoff entering the marina waters. The amended SWPPP requires all fiber rolls to be installed and maintained in accordance with the CASQA guidelines. The guidelines require:

- The ends of the fiber roll are to be turned up (J-Hooked) to prevent runoff from going around the fiber roll.
- Install along a level contour (parallel to grade, not perpendicular to the grade).
- If more than one fiber roll is placed in a row, the rolls should be overlapped, not abutted.



- Install and maintain fiber rolls to maintain a minimum height of four inches of fiber roll above grade (see entrenchment detail).
- Remove accumulated sediment behind the fiber roll when sediment accumulation reaches one-half the designated sediment storage depth, usually one half the distance between the top of the fiber roll and the adjacent ground surface.

The remaining photographs (nos. 03 through 31) document deficient and degraded fiber rolls which have resulted in eroded sediment discharge into the marina within waters of Lake Tahoe. A



Photograph 04 - Looking East, Northeast at fiber roll. The fiber roll is not J-Hooked at its end which is also installed perpendicular to the grade lower than the rest of the fiber roll, and not parallel to the grade. Any runoff that flows toward the fiber will flow along it toward the downgradient end and, eventually, down the boat ramp and into the marina.





**Photograph 05 - Flattened fiber roll adjacent to marina office, facing southwest. Also, the end of the fiber roll is installed perpendicular to the gradient, which will channelize storm water runoff.**



**Photograph 06 - BMP joint is not J-hooked, and the fiber roll section by the pilings has been flattened. This area is by marina office, facing southeast**





**Photograph 07 - First ramp west of office, facing south. A gap exists between the concrete section of the ramp walkway and the fiber roll to the right (west) of the ramp. Runoff that bypasses the drainage ditch will flow through this area and into the marina.**



**Photograph 08 - Second ramp west of office, facing southeast. Fiber rolls do not prevent runoff from going down ramp and into marina.**





Photograph 09 – Close up of Photograph No. 08. Note that ends of fiber rolls are not J-Hooked.



Photograph 10 – Moving closer to the ramp to get a further close-up of Photograph No. 08. Note that the fiber rolls do not prevent runoff from going down ramp and into marina





Photograph 11 – Moving closer to the second ramp west of office to get a further close up.



Photo 12 - Moving closer to the second ramp west of office to get a further close up within the marina area. Note that the fiber rolls were unable to prevent runoff from going down ramp and into marina, as evidenced by a sediment deposit in marina located on left (east) side of ramp.





Photograph 13 – Close up of sediment deposit noted in Photograph No. 12.



Photo 14 – From same location as Photograph No. 13, but looking on the west side of the second ramp west of office.





**Photograph 15 - About 20 feet west of 2nd ramp west from office, looking south-southeast. The fiber roll has been degraded degraded and flattened.**



**Photograph 16 - Mid-way between 2nd and 3rd ramps west from the office. The fiber rolls have been slightly flattened, and the ends have not been overlapped leaving a gap between the rolls where stormwater runoff can become concentrated.**





**Photograph 17 - 3rd ramp west from office, facing south. A rill has formed beneath the metal plate, creating a threatened discharge of sediments into the marina. No fiber rolls or other BMP exists to prevent runoff from flowing down this area and causing bank erosion.**



**Photograph 18 - Midway between 3rd and 4th ramps west of office. The ends of the fiber rolls are degrading, and they are barely overlapped.**





Photograph 19 - West of photo 18, between 3rd and 4th ramps west of office. In this area, the fiber rolls are adequately overlapped.



Photograph 20 - At 4th walkway ramp west of office. Fiber rolls to left of walkway and above walkway are not J-hooked at their ends. Fiber roll on right and above walkway is inundated with sediment, and evidence of sediment discharge into the marina is apparent.





Photograph 21 – Close up of the sediment-inundated fiber roll shown in Photograph No. 20.



Photograph 22 - Close up of the sediment-inundated fiber roll shown in Photograph No. 20, also showing sediment deposits down along the embankment and into Lake Tahoe.





Photograph 23 - Close up of the sediment-inundated fiber roll shown in Photograph No. 20, facing east. The fiber roll end in the foreground was slightly J-Hooked to capture runoff and sediment, while the end of the fiber roll at the top of the photograph is not J-Hooked and allows runoff to flow down the embankment. Photograph taken by Will Chen.



Photograph 24 – Close-up of the west side of the 4<sup>th</sup> walkway shown in Photograph No. 20. Evidence of erosion can be observed.





**Photograph 25 - 10 feet west of the 4<sup>th</sup> walkway west of the office. The fiber roll has degraded.**



**Photograph 26 - 20 feet west of 4th walkway ramp from office, facing east. No fiber roll has been installed, and a small gully erosion can be observed.**





Photograph 27 – Same photo point as Photograph No. 26, panning toward the southeast.



Photograph 28 - Same photo point as Photograph No. 26 and 27, panning toward the south.





**Photograph 29 - Standing at photo point 28, looking southwest. Fiber rolls have not been placed to collect potential stormwater runoff from the unpaved parking area.**



**Photograph 30 - Standing at photo point 28, panning west from photo point 29, looking southwest-west. Fiber rolls have not been placed to collect potential stormwater runoff from the unpaved parking area.**





**Photograph 31 - Standing at photo point 28, panning west from photo point 30, looking west to boat trailer parking area. Fiber rolls have not been placed to collect potential stormwater runoff from the unpaved parking area.**



**Photograph 32 - At west end of the marina boundary in the boat trailer parking area looking east. Fiber rolls were not installed at trailer parking area. Note the evidence of ponded water in the middle of the photograph, indicating fiber rolls may not be necessary in this area.**





Photograph No. 33 – Close-up of storm water ponding line noted in Photograph No. 32. While there isn't evidence that stormwater runoff discharged over the bank in this area, it is likely that storm water flowed eastward toward the discharge point noted in Photographs No. 26-28.

### **CONDITIONS IN VIOLATION:**

Permit Order VII.C.3 requires the Discharger to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). The following deficiencies in implementing the SWPPP were observed, resulting in violations of the permit.

1. Deficient site gradient which prevents stormwater runoff from flowing into designated infiltration area.
2. Fiber rolls were not installed in accordance with the SWPPP. Fiber roll ends were not turned up (J-Hooked), fiber rolls were not appropriately overlapped, and fiber rolls were not installed along a level contour.
3. Fiber rolls were not maintained in accordance with the SWPPP. Sections of fiber rolls had been flattened or had otherwise degraded, resulting in a loss of capacity. Fiber roll sections had been overwhelmed with sediments resulting in a loss of capacity.

Permit Order IV.J.6 and Chapter 5.2 of the *Water Quality Control Plan for the Lahontan Region*, prohibit the discharge or threatened discharge, attributable to human activities, of solid or liquid waste materials, including soil, silt, clay, sand, and other organic and earthen materials, to lands below the high water rim of Lake Tahoe or within the 100-year floodplain of any tributary to Lake Tahoe. The failure to maintain BMPs and the evidence of sediment discharges into the marina violates these prohibitions.

Permit Order V.A.1 establishes effluent limits for storm water runoff entering Lake Tahoe. The Discharger violated effluent limits for Total Nitrogen, Total Phosphorus, Turbidity, and Total Iron on January 9, 2014. Many of these effluent violations are subject to minimum mandatory penalties, pursuant to water code section 13385(h).

The Discharger violated benchmark limits established by Permit Order V.D. for TSS, Aluminum, Total Recoverable Lead, Total Recoverable Zinc, and Total Recoverable Copper. Permit Order V.D. requires the Discharger to,

*"... immediately initiate a review of the BMPs at the site, take corrective actions, and repeat the quarterly monitoring. These actions must be repeated until the average concentration from the quarterly sampling is less than the benchmark. Failure to implement corrective actions and monitoring requirements is a violation of this Marina General Permit."*

The Discharger has not identified nor has the Discharger implemented such corrective actions other than those required by the February, 2015 NOV.

**ACTION SUGGESTED:** Issue second Notice of Violation for all violations noted. Refer to enforcement committee for potential discretionary and minimum mandatory civil liability.

BY: Eric J. Taxer

TITLE: WRCE

DATE: August 10, 2015



**ACTION RECOMMENDED:**

BY:



TITLE:

SURCE

DATE:

8/17/15