

33
12-6-11

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

ITEM NO. 1

**COPY SENT TO BOARD MEMBERS
FOR THEIR INFORMATION**

LATE REVISION

DATE 12-14-11

**MEETING OF DECEMBER 6-7, 2011
SOUTH LAKE TAHOE**

FOR

**Updated Waste Discharge Requirements and National Pollutant Discharge
Elimination System Permit for Storm Water/Urban Runoff Discharges from
El Dorado County, Placer County, and the City of South Lake Tahoe within
the Lake Tahoe Hydrologic unit, Placer and El Dorado Counties**

Revise the following specific text within Enclosure 1 for this item. Deleted text is shown as ~~strikeout~~, added text is shown as shaded. The 24 changes to three documents (Proposed Permit, Fact Sheet, and Proposed Monitoring and Reporting Program) are organized, below, by document, and by **Bates** number in the Board meeting material:

Proposed Permit

1. **01-0016**, Finding F.9, make possessive: "...CalTrans'..."
2. **01-0016**, Finding F.11, add a sentence:
 11. The approved Basin Plan amendment acknowledges a decline in nearshore water quality as evidenced by increased growth of attached algae. Pollutant load reduction actions taken to implement the Lake Tahoe TMDL, including pollutant load reductions required by this Permit, are anticipated to improve the nearshore environment by decreasing pollutant loads entering the lake. Additional analysis, however, is needed to quantify this benefit and to determine if additional resource management actions are needed to address the nearshore water quality problems. **Such analysis is beyond the scope of this permit.**
3. **01-0018**, Order II.B and Order II.C, make possessive: "...Permitees'..."

Submitted by #33
at Board Hearing of 12/6/11

4. **01-0020**, Order III.A.2.h, change the text as follows:

h. Require the use of control measures to prevent or reduce the discharge of pollutants to achieve water quality objectives the maximum extent practicable.

5. **01-0020**, Order III.A.3, 2nd paragraph, correct the errata as follows:

No later than **March 15, 2013** each Permittee shall submit a statement certified by its legal ~~counsel~~ counsel that the Permittee possesses all necessary legal authority to comply with this Permit through adoption of ordinances and/ or municipal code modifications. ~~These~~ statements shall include:

6. **01-0021**, Order III.B, 1st paragraph, change “8” to “9”:

Federal Regulations (40 CFR 122.26(d)(2)(iv)) require the Permittees to develop and implement a Storm Water Management Plan (SWMP) during the term of this Order. Each Permittee shall amend its SWMP to include components 1-~~98~~ below.

7. **01-0023**, Order III.B.1.d and Order III.B.1.e, change text as follows:

- d. Construction Site Enforcement

Permittees shall enforce their storm water ordinances and other regulatory mechanisms for all construction sites to maintain compliance with local ordinances and discharge prohibitions contained in this Permit. Permittees shall document any non-compliance with Permit or ordinance requirements and report ~~inspection findings~~ identified compliance issues as part of their Annual Report as described under Section IV.C of the Monitoring and Reporting Program (Attachment C).

In accordance with the Enforcement Response Plan required under Section III.B.8 of this Permit, each Permittee shall follow up on inspection findings and take actions necessary for construction sites to comply with Permit requirements. ~~Permittees shall document any non-compliance with local ordinances and report inspection findings as part of their Annual Report as described under Section IV.C of the Monitoring and Reporting Program (Attachment C).~~

- e. Oversight by Others

Permittees may make use of construction site outreach, inspection, and enforcement actions taken by other responsible agencies (such as the Tahoe Regional Planning Agency or the Water Board). If a Permittee chooses to use the efforts of other agencies to meet Permit requirements, Permittees must provide detailed documentation of the outreach, inspection, and/or enforcement action taken by others.

8. **01-0023** and **01-0024**, Order III.B.2, change text as follows:

2. Commercial, Industrial, Municipal and Residential Component

Each Permittee shall ~~develop and implement~~ SWMP elements ~~measures~~ to reduce, to the maximum extent practicable, pollutants in runoff from commercial, industrial, municipal, and residential properties within its jurisdiction. The purpose of this Component is to identify potential pollutant sources, prioritize existing or potential water quality threats associated with different land uses, and provide outreach, education, and enforcement measures to reduce and/or eliminate storm water pollution from these sources.

a. Commercial, Industrial, and Municipal Site Inventory and Prioritization

Each Permittee shall develop and annually update an inventory of high priority commercial, industrial, and municipal activities and pollutant sources. The high priority commercial, industrial, and municipal site inventory shall consider including, ~~at a minimum~~ the following business types and activities:

- (1) Automobile mechanical repair, maintenance, or cleaning;
- (2) Automobile and other vehicle body repair or painting;
- (3) Retail or wholesale fueling;
- (4) Eating or drinking establishments;
- (5) Mobile carpet, drape or furniture cleaning;
- (6) Concrete mixing or cutting;
- (7) Painting and coating;
- (8) Mobile pool and spa cleaning;
- (9) Snow removal and storage activities;
- (10) Parking areas with more than 30 parking spaces;
- (11) Off-pavement parking and storage yards;
- (12) Municipal maintenance yards.

The use of a Geographical Information System (GIS) database is highly recommended, but not required.

9. **01-0025**, Order III.B.2.e, correct errata:

e. Oversight by Others

Permittees may make use of commercial and industrial site outreach, inspection, and enforcement actions taken by other responsible agencies (such as the Tahoe Regional Planning Agency or the Water Board). If a Permittee chooses to use the efforts of other agencies to meet Permit requirements, Permittees must provide detailed documentation of the outreach, inspection, and/or enforcement action taken by others.

10. **01-0029**, Order III.C, change numbering and text as follows:

9. ~~C.~~ Fiscal Analysis

Each Permittee shall ~~annually~~ conduct a fiscal analysis of its urban runoff management program in its entirety, including development and implementation of both SWMP and Pollutant Load Reduction Plans (IV.C below), along with operations and maintenance costs. This analysis shall, for each fiscal year covered by this Permit, evaluate the expenditures (such as capital, operation and maintenance, education, and administrative expenditures) necessary to achieve Permit compliance. Such analysis shall include a description of the source(s) of funds that are proposed to meet the necessary expenditures, including legal restrictions on the use of such funds.

11. **01-0030** and **01-0031**, Order IV.B, edit text as follows:

B. Pollutant Load Reduction Requirements and Water Quality-Based Effluent Limits

For the first five year milestone, jurisdiction-specific waste load reduction requirements, incorporated into this Permit as average annual particle number- and mass-based effluent limits (Table IV.B.1), are calculated by multiplying the percentage of reduction required by the urban uplands for each pollutant by each jurisdiction's individual baseline load. Each jurisdiction must reduce fine sediment particle (FSP), total phosphorus (TP), and total nitrogen (TN) loads by 10%, 7%, and 8%, respectively, by ~~December 5~~ September 30, 2016.

Table IV.B.1 – Maximum average annual particle number- and mass-based effluent limits for Fine Sediment Particles (FSP) Total Phosphorus (TP) and Total Nitrogen (TN) to meet the first five year TMDL milestone

Jurisdiction	Baseline FSP (# of particles)	FSP Allowable Load	Baseline TP (kg)	TP Allowable Load	Baseline TN (kg)	TN Allowable Load
El Dorado County	2.2 x 10 ¹⁹	2.0 x 10 ¹⁹	1043	970	4082	3755
Placer County	2.6 x 10 ¹⁹	2.3 x 10 ¹⁹	1111	1033	4635	4264
City of South Lake Tahoe	1.9 x 10 ¹⁹	1.7 x 10 ¹⁹	789	734	3361	3092

Pollutant load reductions shall be measured in accordance with the processes outlined in the Lake Clarity Crediting Program Handbook (Attachment D). To demonstrate compliance with the average annual fine sediment particle pollutant load reduction requirements outlined in Table IV.B.1, each Permittee must earn and maintain Lake Clarity Credits in accordance with Table IV.B.2 by **December 5, 2016** for water year October 1, 2015 to September 30, 2016, and for subsequent water years.

Table IV.B.2 – Minimum Lake Clarity Credit Requirements

Jurisdiction	Min. Lake Clarity Credit Requirement*
El Dorado County	220
Placer County	260
City of South Lake Tahoe	190

*The Lake Clarity Crediting Program Handbook defines one (1) Lake Clarity Credit as equal to 1.0 x 10¹⁶ fine sediment particles with a diameter less than 16 micrometers

12. **01-0033**, Order IV.D, change text as follows:

D. Development Impacts Land Use Changes and Management Practices

If either land use changes or management practices associated with development or re-development result in a reduction of pollutant loads from the estimated baseline, then this reduction can be counted toward meeting pollutant load reduction requirements. Conversely, actions to eliminate any pollutant load *increase* from these ~~new land disturbing activities~~ changes will not be counted towards the annual load reduction requirements.

In accordance with the Basin Plan, Permittees must ensure that changes in land use, impervious cover, or operations and maintenance practices do not increase a catchment's average annual baseline pollutant load.

13. **01-0035**, Order VI.D, change "6" to "5":

D. This Order expires on December ~~56~~, 2016. The Permittees must file a report of waste discharge in accordance with Title 23, California Code of Regulations, no later than 180 days in advance of such date as application for an updated Municipal NPDES Permit.

14. **01-0036**, Order VI.E, change last date in table as follows:

Development Impact Statement	I.G, IV.I	March 15, 2014 5 and annually thereafter
------------------------------	-----------	-----------------------------------------------------

Attachment A, Fact Sheet

15. **01-0046**, correct the Public Hearing information as follows:

Date: ~~November 6~~ December 6-7, 2011
Time: To be determined
Location: ~~Lake Tahoe Community College~~ Embassy Suites Hotel
~~4 College Drive~~ 4130 Lake Tahoe Blvd
South Lake Tahoe, CA 96150

Attachment C –Monitoring and Reporting Program

16. **01-0051**, section I.B, change text as follows:

To demonstrate compliance with the fine sediment particle pollutant load reduction requirements outlined in Table IV.B.1, each Permittee must earn and maintain Lake Clarity Credits in accordance with Table IV.B.2 ~~by December 5, 2016~~ for water year October 1, 2015 to September 30, 2016, and for subsequent water years.

17. **01-0054**, section I.G, delete 2nd paragraph:

~~As part of this assessment, each Permittee shall determine if the magnitude of land use, impervious cover, and operations and maintenance practices has confirmed that the model assumptions and input variables used to calculate the Permittee's baseline pollutant load estimates are no still valid and that such changes have not caused any increase in pollutant loads beyond the baseline estimate.~~

18. **01-0055**, section II.A, 3rd paragraph, change "assess" to "consider".

19. **01-0057**, section II.D.3 and section II.D.4, change “approved” to “authorized”

20. **01-0061**, section III.D, 2nd paragraph, change the text as follows:

Permittees shall make all monitoring data and associated analytical reports available ~~through~~ to managers of a regional data center (such as the Tahoe Integrated Information Management System or RSWMP database)-, and ~~optionally~~ through their web sites. Permittees shall notify stakeholders and members of the general public about the availability of electronic and paper monitoring reports through notices distributed through appropriate means, such as an electronic mailing list or posting on Permittee websites.

21. **01-0063**, section IV.C and section IV.D, delete the word “detailed”

22. **01-0063**, section IV.F, edit text as follows:

F. Storm water Monitoring Report

By March 15, 2014 and by March 15 of each subsequent year ~~of each year~~ of the Permit term, each Permittee shall submit a comprehensive electronic report that summarizes cumulative storm water monitoring results from the catchment load monitoring and BMP effectiveness evaluations conducted during the previous water year (October 1 – September 30).

23. **01-0064**, section IV.F.10, add the following text:

10. For long-term catchment monitoring, provide recent data in context with cumulative comparable results from previous years, noting trends. Consider the season type (wet, average, dry,) for each seasonal data point when evaluating trends and inter-annual variability in catchment results. Compare measured pollutant loads with modeled average annual variables and model outputs.

24. **01-0066**, section IV.I, add the following text:

I. Impacts Influencing Baseline Pollutant Loads Report

Each Permittee shall provide a ~~statement of findings~~ details of the assessment conducted pursuant to Monitoring and Reporting Program Section I.G. to demonstrate compliance with Permit Order IV.D.

