TRPA
APC
PACKETS

OCTOBER
1980
NOTICE OF MEETING OF THE
ADVISORY PLANNING COMMISSION OF THE
TAHOE REGIONAL PLANNING AGENCY

NOTICE IS HEREBY GIVEN that on __October 8, 1980___ at
10:00 a.m. at the hearing room of the Tahoe
Regional Planning Agency, located at 2155 South Avenue, South
Lake Tahoe, California, the Advisory Planning Commission of
said agency will conduct its regular meeting. The agenda for
said meeting is attached to and made a part of this notice.

Dated: October 1, 1980

By: Philip A. Overeynder
Executive Director
Tahoe Regional Planning Agency
PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV PUBLIC HEARING

General Plan Amendment to Reclassify Parcels Abutting the North Side of Vista Avenue Between Coon Street and Chipmunk in Kings Beach, Placer County, California - from General Commercial to Tourist Commercial

V PUBLIC WORKS

A. Douglas County Sewer Improvement District No. 1, Wastewater Treatment Facility Improvements

B. Nevada Division of State Parks, Spooner Lake Dam Reconstruction, Douglas County

VI CLEARINGHOUSE

A. U.S. Environmental Protection Agency, Incline Village General Improvement District Wastewater Facility Grant Increase to Provide for Cumulative Impact Analysis of Disposal in the Carson Valley

B. U.S. Environmental Protection Agency, Notice of Proposed Rule Making on the Lake Tahoe Basin Nonattainment Air Quality Plan

VII PLANNING MATTERS

A. Lead Agency Designation for the Nonattainment Air Quality Plan

B. Status of the Water Quality Management (208) Plan for the Tahoe Basin

C. Project Exempt from Environmental Impact Report Requirements

VIII REPORTS

A. Public Interest Comments

B. APC Members

IX RESOLUTIONS

X CORRESPONDENCE

XI PENDING MATTERS

XII ADJOURNMENT
REGULAR MEETING MINUTES

I CALL TO ORDER AND DETERMINATION OF QUORUM

The meeting was called to order at 10:20 a.m. by Chairman Phil Overeynder. It was noted that the meeting had been properly posted as required by Nevada and California laws.

APC Members Present: Mr. Combs, Mr. Burnham, Mr. Iturreria, Mr. Hoole, Mr. Sanford (for El Dorado County Health), Mr. Wright, Mr. Keith Maki, Mr. Antonucci, Mr. Hansen (present at 11:05 a.m. during discussion on agenda item V A.), Mr. Bidart, Ms. McMorris, Mr. Bailey, Mr. Renz (for Douglas County Health), Mr. Parson

APC Members Absent: Mr. Milam, Mr. Drawbaugh, Mr. Scribner, Mr. Hoefer

II APPROVAL OF AGENDA

MOTION by Mr. Burnham with a second by Mr. Bidart to approve the agenda as presented. The motion carried unanimously.

III DISPOSITION OF MINUTES

MOTION by Mr. Bidart with a second by Mr. Combs to approve the August 13, 1980 APC regular meeting minutes as presented. The motion carried unanimously.

IV PUBLIC HEARING

South Shore Marina (Tahoe Keys), General Plan Amendment to Reclassify Four Parcels Totaling 5.67 Acres from High Density Residential to General Commercial, City of South Lake Tahoe

Phil Overeynder, Executive Director, presented the staff summary and recommendation on the General Plan amendment for South Shore Marina. The applicant was requested by the staff to process the amendment in order to bring the existing marina into a conforming status. The current residential zoning prohibits any improvement to or modification of the existing commercial uses. Staff recommends approval of the use reclassification with 70% allowable coverage. This change would recognize existing uses (with the exception of the three apartment units) as conforming; any further expansion of the marina, however, would require conformance with the land coverage limitations. Coverage currently is 87.7%. Conformance could be achieved through a reduction in land coverage or by acquisition of additional lands, recognizing the coverage limitations associated with such property.

Mr. Dick Horton, the attorney for and partner in the marina, spoke on behalf of the marina and explained ongoing efforts to improve the appearance and usefulness of the marina.
by landscaping, painting, converting the docks from wood and plastic to concrete, and by improving the ramp. At the time the marina was purchased, it was not known that the use was nonconforming. With regard to the existing 87.7% coverage, the only way that the coverage can be cut down is to reduce the amount of parking; this, in turn, will reduce the usefulness of the marina to the public. The applicant would like to keep the land coverage as it is and would work with the staff to bring coverage into the allowable on any future expansion of the marina. Future dredging operations will likely be undertaken in conjunction with the homeowners association. Whether or not to dredge is determined by the Lake's level and the natural action of the waters in the channel. With regard to staff’s concern that the three existing apartment units are not permitted in the General Commercial land use district, these will be used by marina employees who will be on the site at night for security purposes.

The marina would like to expand in the future, but this is up to Dillingham Development Company which owns the vacant land to the east and to the south. Some preliminary acquisition negotiations have taken place. Additional property would be used for more parking spaces and perhaps a restroom and launching ramp. If additional land can be acquired, the Agency's land coverage requirements can be met.

Don McDougall, owner of property located on the east channel out of the marina, advised that the additional boat traffic was causing problems with the channel retaining walls surrounding the entire area and creating problems with the homeowners' docks. The current request is not in keeping with the original concept of the Tahoe Keys marina where the maximum boat length was to be 25 feet and all slips were to be a maximum of 8 feet wide. These requirements do not agree with what is now being accommodated. The cost to the property owners to maintain the slips and channels, which are already in disarray from wave action, is high, and improvement is difficult because so many agencies must give approval. Additional commercial operations would also tax the Keys water supply. With increased commercial use of the marina, there will be an increase in pollutants to the lagoons from the roadways and dock and large boat spills. There are currently people living on boats tied up at the marina and their outflows from sinks, wash basins, and showers are going directly into the lagoons or the Lake. The additional noise and speed hazards are a nuisance and a danger, particularly in view of the fact that the subject area is in the middle of a bird sanctuary.

Staff explained that, under current zoning, the marina could continue as a nonconforming use but could not expand or improve the facilities. Any impacts resulting from proposed expansion should the amendment be approved would come under formal scrutiny.

William Patterson, consultant/manager of the Tahoe Keys Property Owners Association, explained that while the homeowners had no objection to the rezoning of the property in the marina they were concerned with the effect of expansion on the marina's water treatment facility which is tied into the residential treatment plant. The existing facilities and bulkheads may be taxed to their total capacity now without additional expansion and a larger commercial operation. It is requested that the concerns of the homeowners be taken into account should the marina come in for any expansion.

MOTION by Ms. McMorris with a second by Mr. Bidart to recommend approval of the General Plan amendment for the South Shore Marina from High Density Residential to General Commercial with land coverage to be limited to 70%. The motion carried on the following vote:
V  PUBLIC WORKS

A. Incline Village General Improvement District, Water Distribution System Improvements, Water Tank Addition, Washoe County

Planning Assistant Jim Dana presented the staff summary and recommendation and explained that the eight concerns enumerated in the August 5, 1980 staff summary had been adequately addressed by the applicant at the September 9, 1980 Development Review Committee meeting. The staff has proposed that the access road within the ski area not be improved. The applicant has indicated on the plans that drainage and erosion control devices will be installed and staff feels they are adequate for both the new and the existing tanks. The additional 250,000 gallon water storage and distribution tank is to augment the existing fire protection capacity in the area which, due to the construction of the Bitterbrush project, is inadequate. The new tank will be connected to the existing transmission main and will be interconnected to the existing tank so that water level in the two tanks will always be equal. As staff understands the situation, the total diversion of water from Incline Creek would not be changed. The maximum allowable diversion would be 1,440 acre feet per year; however, the calculated maximum diversion is not practically achievable due to seasonal alterations in the stream. Incline Village GID estimates that the practical maximum diversion is 1,000 acre feet annually.

The Nevada Department of Fish and Game has commented that some flows are critical in Incline Creek to maintain primary fish habitats but has advised that it has no control over water quality or fish habitats in a stream once a diversion permit has been issued by the Nevada Department of Water Resources. At this time, the District does not propose to change the diversion structure but will install a flume device and will also monitor diversion quantities at the diversion point. Based on yesterday's meeting, staff recommends a conditional approval. Aside from the standard conditions, staff recommends that the applicant institute a program for monitoring Incline Creek flows and the amount of water being diverted, with copies of the resultant report to be available to the staff. The District is to maintain minimum flows consistent with the physical capacity of the Incline Watershed, Incline Creek and existing fish habitats. Staff's aim is to protect, to the extent possible within the existing water law, the fish resource of the stream.

Dave Antonucci criticized the wording of the conditions as being too vague, stating they could be interpreted to mean that during low periods, the stream could be sucked dry on the basis that it is within the physical limitation of the watershed. For the condition to be meaningful, a minimum flow would have to be maintained downstream of the diversion. That can be easily determined by Fish and Game by studying the geometry of the slopes, etc. A study should be undertaken to determine the exact figure and the District should be required to adhere to that figure.
APC REGULAR MEETING MINUTES SEPTEMBER 10, 1980

Staff advised that the neighboring Bitterbrush Subdivision was included by the District in the calculations for projected water needs. The Bitterbrush Subdivision is being required, however, to provide increased fire protection in the area. With regard to increasing potential population, the constraining factor is water rights which limit the amount of development to be serviced in the service area. Incline Village GID will be doing the work associated with installing the new tank, but Bitterbrush will be paying for the tank and improvements. Bitterbrush has insured that it will provide any necessary funding to meet adequate domestic and fire flow needs in the area. During low flows at Incline Creek, diversion is not undertaken because of turbidity. The District is responsible for maintaining safe water standards and to date has had no problems.

Milton Sharp, on behalf of the application, explained that the sole purpose of the new tank is to augment fire protection reserves and has nothing to do directly with being able to supply domestic water to Bitterbrush or Tyrolian Village. The impetus for the construction of the tank has been generated by the current construction of Bitterbrush, but the tank is needed as critically if the subdivision were not constructed. The 250,000 gallon tank now provides fire reserve for Ski Incline as well as Tyrolian Village. When the Ski Incline snowmaking operation is in process, a lot of water is used and can draw the level of water in the tank down, decreasing fire protection reserves. A number of situations such as 100% occupancy of Tyrolian Village or the snowmaking operation at Ski Incline would be sufficient to deplete the reserve in the existing tank. Discussion followed on whether or not the new tank would allow additional development in the area not now possible. Mr. Sharp advised that the neighboring subdivisions have recorded final maps and are in the process of building out. If the tank is not approved, additional fire reserve will have to be obtained elsewhere; the alternatives are not viable, however.

Jack Shefchik, District Engineer, answered questions about the mechanics of the diversion. When asked if the District would be willing to conduct a one year study to measure flows of Incline Creek and to work with the Nevada Fish and Game Department to determine what the appropriate minimum flows should be, Mr. Shefchik agreed. It is not anticipated that complete diversion of the stream will be undertaken due to the hardship imposed on the pipelines. The low level on the existing tank is 10 feet of water; when the water reaches this level, the pump comes on. Ski Incline has in the past voluntarily shut down its snowmaking operation if the water storage reserve has gotten that low.

MOTION by Ms. McMorris to approve the Incline Village GID request for a new 250,000 gallon water tank with the conditions recommended by the staff. Second by Mr. Burnham.

Mr. Antonucci asked that staff's first condition be amended to state that Incline Village GID, in conjunction with the Nevada Department of Fish and Game, shall conduct a study of minimum flow rates necessary in Incline Creek for maintenance of fishery and wildlife habitats and the resulting recommended minimum flows shall be met by the District at all times in the future. The study shall be completed and submitted to TRPA by October 1, 1981.

Mr. Shefchik stated he had no problem with that condition.

Ms. McMorris and Mr. Burnham agreed to incorporate this amendment into the motion.
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Mr. Antonucci proposed that the second special staff condition be reworded to state that Incline Village GID shall, through ordinance or other means, require that Ski Incline not be allowed to encroach into fire flows for the purposes of snowmaking.

Mr. Shefchik advised that he could not agree to this condition since it was a question really of District policy.

Ms. McMorris asked that this amendment not be incorporated into the motion.

The vote on Mr. Antonucci’s amendment that Ski Incline not be allowed to encroach into the fire flows for the purpose of snowmaking carried the following vote:

Ayes: Mr. Combs, Mr. Iturreria, Mr. Sanford, Mr. Hoole, Mr. Wright, Mr. Antonucci, Mr. Bidart, Mr. Bailey, Mr. Parson

Nays: Mr. Burnham, Mr. Maki, Mr. Hansen, Ms. McMorris, Mr. Renz

Abstain: None

Absent: Mr. Milam, Mr. Drawbaugh, Mr. Scribner, Mr. Hoefer

The motion by Ms. McMorris to approve the project (to include the two amended conditions along with the standard conditions) carried unanimously.

B. Douglas County Sewer Improvement District, Wastewater Treatment Plant Improvements

Phil Overeynder brought the APC up to date on the project which was originally heard by the APC in April of this year. The proposal is to expand the facility to 3.75 million gallons per day (MGD). Current capacity is 2.5 to 2.6 MGD. Previous APC and staff concerns related to financing; the Nevada Division of Environmental Protection (NDEP) review and issuance of a waste discharge permit; and federal funding and regulation.

With regard to funding, the voters in the Douglas County Sewer Improvement District service area recently approved a $6 million bond issue; the bonds are currently being sold at that full amount. The District anticipates it can construct the improvements within the $6 million budget. On NDEP review, the APC had earlier commented it was inappropriate for TRPA to take action on the application prior to receiving comments and action from NDEP on a waste discharge permit under a National Pollution Discharge Elimination System (NPDES). Staff recently received a copy of the draft waste discharge permit. When the land application system is fully operational, the discharge to the Carson River would terminate and there would be no requirements under federal law for a waste discharge permit; however, in Nevada, there are continuing requirements for land application. That is the point in time when the 3.75 MGD effluent limitation will be in effect. The public comment period is currently open on the NDEP permit and the APC comments are requested.

-5-
The third area of concern is federal funding and regulation. When the project was first presented in April, a federal funding decision could not be made until the finalization of the draft EIS for the South Tahoe PUD and DCSID facilities. That draft was reviewed in detail by the Agency. The EIS states that EPA wanted substantial mitigation measures in terms of air quality, traffic, noise, etc. prior to finalizing the EIS. Subsequent to that, however, EPA has taken a position that, until the 208 situation is resolved and there is a certified plan for the Basin, it will not final the EIS. The situation with regard to finalizing the EIS and having an EPA statement on federal funding for the project is the same now as it was in April. To complicate matters further, there is a draft Executive Order which would limit federal activities in the Basin prior to establishment of environmental threshold limitations. Federal funding and permitting activities are to be consistent with these threshold limits. Although the Order has not yet been issued, it may have an effect on EPA’s position since EPA has to sign off on the waste discharge permit in the event the project is approved by TRPA and NDEP.

Although staff has answers regarding the financing program, it is still studying whether to recommend plant expansion to 3.75 or limit flows to something less, consistent with the pending bistate compact which proposes a flow limitation of 3.0 MGD. Staff recommends continuing the item for 30 days to give EPA an opportunity to review the proposed permit, at which time it is hoped the bistate compact will have been acted on in Nevada.

Jere Williams, on behalf of the District, asked that the project be approved because of various landmark dates under the permit by which certain requirements are to be met, the next being in October, 1980. The not-yet-approved permit requires that a progress report be submitted by October 1, 1980, and the District is trying to comply with these deadlines. As an additional note, the actual flow in the peak month in 1980 was 2.328 MGD, not the anticipated 2.5 MGD.

Marvin Tebeau, NDEP Permits Officer, explained that the draft permit was prepared to comply with the proposed bistate compact amendments. The draft would limit the increase in effluent discharge rates to 2.5 MGD (30 day average) until 60 days of compliance with existing standards is attained, to 3.0 MGD (30 day average) until the pressure filter system is fully operational, and to 3.32 MGD until the land application system is fully operational. The compliance schedule calls for the land application system to be fully operational by July, 1983. Verbal agreement on the permit has been received from EPA by phone with some minor changes; nothing has been received in writing. Although DCSID would like TRPA’s approval in order that its commitments and deadlines can be met under the new permit, the permit has been drafted so that there is some leeway.

Staff reiterated its recommendation that the matter be continued 30 days so that final comments can be received from EPA and it will be known what effect the compact would have on the proposal. It appears the compact would not prohibit further expansion beyond the 3.0 MGD but would require additional information to be generated should it go over 3.0. Staff does not yet know what review criteria will be required.

Janet Rosati, representing EPA, advised that a memorandum of understanding signed by DCSID and the EPA division director did not specifically say that the District would remain in the process through the final EIS report, but it does say that Douglas County SID will report to EPA which mitigation measures it will implement and on what schedule. It is implied that DCSID will go further than the draft process but it does not say the District will stay in the process.
APC REGULAR MEETING MINUTES SEPTEMBER 10, 1980

MOTION by Mr. Antonucci to adopt the staff recommendation to continue the matter to the next meeting pending resolution of the various factors and issues which have been identified in the discussion. Second by Mr. Combs. The motion carried on the following vote:

Ayes: Mr. Combs, Mr. Burnham, Mr. Iturreria, Mr. Sanford, Mr. Hoole, Mr. Wright, Mr. Maki, Mr. Antonucci, Mr. Bidart, Ms. McMorris, Mr. Bailey, Mr. Renz

Nays: Mr. Hansen

Abstain: None

Absent: Mr. Milam, Mr. Drawbaugh, Mr. Scribner, Mr. Hoefer, Mr. Parson

VI REPORTS

A. Public Interest Comments - none

B. APC Members

Dave Antonucci informed the APC that Lahontan has issued a letter of warning to the utility districts on the North Shore that they are out of sewage capacity and that no additional new construction is to be approved for three years at least. The districts are committed over 3.0 MGD and their flow limitation is 2.94 MGD. All existing, valid building permits will be honored, but no new permits will be issued until completion of the new treatment plant expansion.

Bill Combs announced the birth of his son David William on August 26.

Phil asked if the APC would consider a resolution commending Verne Rosse for his many years on the APC. The APC directed staff to prepare such a resolution.

Phil introduced Chris Elfving and Vicki Belquist who are working with the Agency as interns.

VII RESOLUTIONS - none

VIII CORRESPONDENCE - none

IX PENDING MATTERS - none

X ADJOURNMENT - The meeting adjourned at 12:55 p.m.

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment (916) 541-0246.

Respectfully submitted,

[Signature]

Julie D. Frame
Administrative Assistant
Joyce Grunauer  
General Plan Amendment  
Placer County

Amendment Request

The applicant is requesting an amendment to the TRPA land use district maps to reclassify her property from General Commercial to Tourist Commercial. This application is being processed in order that the applicant may construct a single family dwelling and utilize a sewer permit she recently received.

In order to prevent a case of spot zoning and to obtain TRPA staff support, the applicant has included adjacent properties not owned by her in the request. All affected property owners have been sent written notice of the public hearing.

Property Location and Description

The properties under consideration are located on the north side of Brockway Vista Avenue between Coon Street and Chipmunk Street in Kings Beach, as shown on the attached map. The applicant's property is located approximately in the middle of the block.

Land Use

The area under consideration for reclassification is part of Brockway Vista Subdivision which is an older subdivision which was subdivided into narrow lots 25 feet wide. Although each lot could be a legitimate building site under any non-commercial land use district, the trend has been to aggregate these narrow lots into more suitable building sites. The 6.2 acre area to be considered has approximately 73 lots which are aggregated into approximately 26 parcels of contiguous ownership. There are 16 single family dwellings on 32 lots, 3 motels on 11 lots, one state park parking lot on 4 lots, and 10 undeveloped parcels consisting of 26 lots.

The existing land use pattern is primarily residential and tourist residential on Brockway Vista Avenue. The properties to the north which abut Highway 28 are commercial; the properties to the east are residential; and the state beach is to the west.

Land Capability

The TRPA land capability maps indicate the entire area is classified as capability 5, or low hazard lands, which permit 25% land coverage. There are no stream environment zones in the area. The TRPA Land Use Ordinance permits coverage overrides up to 70% land coverage because the properties in question are classified as General Commercial.

Local Zoning

Placer County has the entire area zoned commercial but has recently processed a variance and a rezoning to residential to permit the construction of a single family dwelling on the applicant's 50 x 150 property. The CTRPA is considering a reclassification on the subject lot to permit the construction of the subject single family dwelling.

9/30/80
Analysis

Land Use Impacts - The proposed zoning will permit the construction of residential units up to 15 units per acre which was not permitted under the General Commercial land use district. All uses now existing would be conforming under the proposed change. There should be no significant loss in commercially zoned lands since Tourist Commercial permits limited commercial uses.

Environmental Impacts - The permitted land coverage will be reduced from 70% permitted under General Commercial to 50% for commercial or 35% for residential under Tourist Commercial. The development of 35% of the remaining area could occur with either land use classification. A survey of the area would indicate a need for some site improvements, i.e. repairs, drainage, etc.

Public Service Impacts - The development potential in regards to public service demand may be increased since residential uses will now be permitted. It is difficult to assess the difference in potential impacts since both General Commercial and Tourist Commercial permit a broad range of development; however, there are some serious problems related to water and sewer no matter what the development for this area.

By letter dated September 5, 1980, the Lahontan Regional Water Quality Control Board has indicated that there is no excess sewage treatment capacity available to the North Tahoe Public Utility District (NTPUD) which services the area. Also, the NTPUD has indicated that their existing annual water rights are 2,230 acre feet which is far short of the estimated 3,719 to 6,476 acre feet needed for build-out under the TRPA General Plan.

Alternatives

Retain the General Commercial Land Use Designation - This alternative would provide the maximum permitted land coverage (70%) and require the eventual phasing out of residential uses. The TRPA Dornbusch Study did indicate there would be a shortage of commercial floor area at buildout under the current TRPA General Plan.

Reclassify to High Density Residential - This alternative would provide 50% land coverage and residential uses at 15 units per acre. It would not permit any commercial or tourist residential uses. This would be compatible with the existing lot density (11 lots per acre) and the land use district on the south side of Brockway Vista.

Recommendation

The Agency staff recommends the request for reclassification to Tourist Commercial be approved and the land coverage limitations be established at 35% for residential uses and 50% for commercial uses.
September, 1980 APC Action

The Advisory Planning Commission (APC) considered DCSID’s application to expand and upgrade its wastewater treatment facility as described in the attached staff summaries on September 10, 1980. The APC accepted staff’s recommendation that the project be continued for 30 days in order to resolve the following concerns:

1. Environmental Protection Agency (EPA) comments on the proposed expansion and revision of the NPDES permit for the facility.

2. Effects of the proposed bistate compact revisions affecting expansion of public works facilities including sewage treatment facilities.

The status of resolution of each of those concerns is outlined in this memorandum.

EPA Comments

The APC anticipated receipt of EPA comments on the proposed NPDES permit for the expanded plant to be transmitted to the Nevada Division of Environmental Protection (NDEP) and TRPA by the end of September, 1980. At this time, no written comments regarding the effect of the proposed expansion on federal funding or permits for the treatment plant expansion have been received from the EPA. Verbal conversations with EPA indicate two concerns with regard to the draft permit proposed by NDEP, both of which are raised by the revised TRPA compact as enacted by the Nevada Legislature on September 13, 1980. These questions involve flow limitations consistent with the compact requirements and the extent of mitigation measures required for a plant expansion.

Flow Limitations Imposed by Compact Revisions

The Nevada statutes which enact the revisions to the Tahoe Regional Planning Compact include limitations on construction of wastewater treatment facilities as follows:

*(f) No facility for the treatment of sewage may be constructed or enlarged except:

(1) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the Clean
Water Act, 33 U.S.C. paragraph 1251 et seq., and the applicable state law for control of water pollution;

(2) To accommodate development which is not prohibited or limited by this section; or

(3) In the case of Douglas County Sewer District #1, to modify or otherwise alter sewage treatment facilities existing on the effective date of the prohibition imposed by this section so that such facilities will be able to treat the total volume of effluent for which they were originally designed, which is 3.0 million gallons per day. Before commencing such a modification or alteration, the district shall submit to the Tahoe Regional Planning Agency its report identifying any significant soil erosion problems which may be caused by such modifications or alterations and the measures which the district proposes to take to mitigate or avoid such problems...

The prohibitions outlined above are effective immediately upon passage of the Nevada legislation and are binding upon Nevada agencies. Agency legal counsel has advised that these requirements are not binding upon TRPA but are an indication of strong policy direction.

Agency staff's review of the consistency of the application with the above requirements indicates the following requirements for wastewater treatment consistent with building activity authorized under the limitations on residential and commercial development.

<table>
<thead>
<tr>
<th>Existing capacity</th>
<th>2.5 MGD (million gallons per day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing flow (August, 1980)</td>
<td>2.32</td>
</tr>
<tr>
<td>Projected residential development =</td>
<td>1,320 units @ 300 gpd/unit</td>
</tr>
<tr>
<td>Projected hotel/casino development &quot;vested&quot; under compact provisions</td>
<td>0.40</td>
</tr>
<tr>
<td>Other (commercial/recreational/public service)</td>
<td>0.19</td>
</tr>
<tr>
<td>Total:</td>
<td>$3.33 MGD</td>
</tr>
</tbody>
</table>

The proposed NPDES permit would limit flow to 3.32 MGD.

Mitigation Measures

The legislation enacted by Nevada requires the submission of a plan to mitigate soil erosion problems. Testimony presented during the Nevada legislative hearings on the subject bill indicates that the legislative intent is to require on-site improvements for erosion control and not mitigation of off-site impacts (secondary impacts) which may be facilitated by a plant expansion. The Agency's standard conditions of approval for administrative permits address this problem.
Recommendation

Agency staff recommends approval of the proposed wastewater treatment plant expansion subject to the attached conditions. Agency staff also recommends that a letter of comment to the Nevada Division of Environmental Protection be transmitted requesting that the peak 30 day flow be limited to 50,000 MGD.

[Handwritten note: a number consistent w/the compact.]
DCSID - Plant Expansion
Conditions of Approval

1. Each of the following conditions shall be completely performed prior to the issuance of any building or grading permits:
   
a. The final revegetation, slope stabilization, and drainage plans shall be submitted to and approved by the Agency staff. These plans shall clearly depict: 1) slope stabilization methods to be performed to stabilize all existing and proposed cut and fill slopes and areas denuded of vegetation; 2) areas to be revegetated, including complete specifications for such revegetation; 3) fencing for vegetation protection; 4) temporary and permanent erosion control devices; 5) measures to be taken for dust control; and 6) all drainage facilities.
   
b. Calculations and other necessary analyses demonstrating that the design of the surface water runoff control system will meet the requirements for surface and/or subsurface discharge as established in the Uniform Regional Runoff Quality Guidelines as well as other requirements set forth in the Lake Tahoe Basin Water Quality Management Plan. Such calculations and analyses shall be prepared by a qualified civil engineer and submitted to the Agency for staff review and approval.
   
c. All authorizations (except building and grading permits) from appropriate public authority applicable to the proposed development shall be obtained, i.e. state highway encroachment permits, state waste discharge permits.
   
d. The final construction drawings for all site improvements shall be found by Agency staff to be in substantial conformance with the plans and information submitted as part of this application and this finding so indicated in writing to the permit-issuing authority.

2. Upon the issuance of building and grading permits, construction shall proceed in the following sequence:
   
a. Such trees as TRPA has authorized shall be removed and the initial phase of the vegetation preservation and protection plan shall be completed.
   
b. Installation of fencing for vegetation protection.
   
c. Installation of temporary erosion protection devices.
   
d. Prior to the removal of spoil material from the construction site, a separate grading permit shall be obtained from the permit-issuing authority for offsite disposal of spoil materials.
   
e. Completion of rough grading including installation of mechanical stabilization devices.
   
f. Completion of structure foundations.
   
g. Final grading and installation of base for paved areas.

10/1/80
h. Completion of structures.

i. Paving.

j. Landscaping and revegetation.

3. Compliance with all requirements and conditions of the permit-issuing authority. None of said requirements and conditions shall be waived or modified without the concurrence of TRPA.

4. Whenever possible, all utilities shall occupy common trenches and shall be installed at one time. Trench spoil shall be stored upgradient of the trench.

5. There shall be no grading or land disturbance performed with respect to the project between October 15 and May 1, unless proper approvals are obtained.

6. Replanting of all exposed surfaces, as per the revegetation and slope stabilization plan, shall be accomplished within the first growing season following disturbance. Planting shall be accomplished prior to the October 15 grading and land disturbance deadline.

7. Trees and natural vegetation to remain on the site shall be fenced for protection. Scarring of trees shall be avoided and, if scarred, damaged areas shall be repaired with tree seal.

8. Areas to be paved shall be paved prior to October 15.

9. Mud shall not be tracked off the construction site. Grading operations shall cease in the event that a danger of tracking mud offsite exists. The site shall be cleaned up and road right-of-way swept clean when necessary.

10. During construction, environmental protection devices such as adequate erosion control devices, dust control and vegetation protection barriers shall be maintained.

11. Rehabilitation and cleanup of the site following construction must include removal of all construction waste and debris.

12. This approval expires eighteen (18) months from the date of Governing Body approval unless substantial work has commenced on the project.

13. All other permits regarding the development shall comply with these conditions.

14. No structure shall exceed an average height of 40 feet measured from the natural grade.

15. This approval becomes invalid if a local government permit for this project expires.

16. Physical barriers shall be provided to confine any vehicles to designated parking and driveway areas.

10/1/80
17. The maximum land coverage on the site after completion of the project shall not exceed 199,262 sq. ft.

18. Agency staff shall be notified at least 48 hours prior to the commencement of construction. This notification shall include: a) who will be doing the work; b) when the work will commence; and c) when the completion of work is expected.
MEMORANDUM

DATE: September 3, 1980

TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: Douglas County Sewer Improvement District, Wastewater Treatment Plant Improvements

Background

During April, 1980, the Advisory Planning Commission reviewed a request by the Douglas County Sewer Improvement District (DCSID) to expand and upgrade its facilities located near Round Hill. The APC determined that the proposal was premature in that financing of the proposed facility had not been determined or secured, the Nevada Division of Environmental Protection (NDEP) had not issued a revised waste discharge permit which would permit any expansion, and there were unanswered questions regarding federal grants to fund the proposed project. The project, as evaluated in April, is outlined in the attached staff summary. This memo serves to update the APC members regarding the current status of the above concerns as well as to present a recommended course of action.

Financing Status

DCSID gained approval of a $6 million bond which would provide for construction of the facilities as outlined in the attached staff summary with the deletion of the substantial effluent storage reservoirs proposed in the Carson Valley. The project would propose to utilize land treatment and discharge on a year-round basis.

NDEP Review

NDEP has reviewed the proposed project including the plans and specifications and has issued a tentative determination for a revised waste discharge permit (NPDES permit). After public hearing and approval by EPA, NDEP proposes to issue a revised waste discharge permit which would allow the plant to be expanded to 3.75 million gallons per day (MGD) capacity. However, the draft permit would limit the increase in effluent discharge rates to 2.5 MGD (30 day average) until 60 days of compliance with existing standards is attained, to 3.0 MGD (30 day average) until the pressure filter system is fully operational, and to 3.32 MGD until the land application system is fully operational. The draft compliance schedule calls for the land application system to be fully operational by July, 1983. At that time, all discharges to the Carson River would be terminated and the facility would no longer require an NPDES permit (requires EPA approval), but would require a permit from NDEP for land application. The public comment period on the proposed NPDES permit expires on September 22, 1980.
Federal Funding and Regulation

As outlined in the attached staff summary, Federal funding for an expansion and upgrading for the DCSID facility is contingent upon finalizing an Environmental Impact Statement. The draft EIS recommends that all secondary impacts of any treatment plant expansion be adequately mitigated prior to a commitment for Federal funding. The status of the EIS at this time is the same as presented in April, 1980. However, the applicant has indicated that Federal funding is not a prerequisite to plant expansion and upgrading under the year-round land treatment mechanism and with funds available from bond proceeds.

A draft Federal Executive Order on Lake Tahoe affecting Federal funding and permitting activities could potentially affect the current proposal. If adopted, Federal funding and permitting activities would be required to be consistent with environmental threshold capacities, and any adverse environmental impacts (as identified in the draft EIS) would be required to be offset. The Federal position regarding implementation of the Executive Order is obviously clouded at this point in time.

Unresolved Questions

Staff’s review of the information currently available raises several questions which are currently unresolved. First is the advisability of expanding the facility to 3.75 MGD but limiting the treatment plant flows via the NPDES permit. The details of the financing program have not been made available to the staff, but it appears that the flow limitations would be difficult to enforce if the financing program were based on connections to a 3.75 MGD facility. The physical limitations of the facility may ultimately dictate the final flow limitations and would be outside of TRPA jurisdiction once the facility was constructed.

The second unresolved question is the compatibility of the proposed expansion with the draft Federal Executive Order and other pending legislation. Federal comments on the proposed permit have not been received and will not likely be received by the date of the APC meeting. The pending Tahoe Regional Planning Compact (California S.B. 82) proposes a flow limitation of 3.0 MGD for the DCSID facility which would not be compatible with the current proposal.

Recommendation

Agency staff recommends that the proposal be continued for 30 days pending resolution of Federal comments on the NPDES permit and details regarding the compatibility of the financial program with the proposed permit.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Douglas County Sewer Improvement District (DCSID)
Public Works, Douglas County

Project Location and Description

The applicant requests an administrative permit to construct improvements necessary at the Douglas County Sewer Improvement District (DCSID) wastewater treatment plant to permit treatment and disposal of peak month flows of 3.75 MGD. These improvements to be constructed at the treatment facility in Round Hill will increase the capacity by 1.25 MGD under current discharge standards.

Background

The wastewater treatment plant was constructed in 1968 and is an activated sludge-type secondary treatment facility with a design capacity of 3.0 MGD. The plant was designed to provide for future expansion to 6.0 MGD in increments of 1.5 MGD each. Effluent from the treatment plant is pumped to an adjacent on-site holding reservoir for storage prior to pumping over the Daggett Pass to the Carson Valley where it is applied as irrigation water on a ranch in accordance with procedures approved by the Nevada Division of Environmental Protection Services. Present authorization is only for summer land application with winter outfall to the Carson River. However, winter land application is being performed under a test program supervised by State and EPA officials to determine the feasibility of year-round land application. Sludge from the treatment process is thickened, dewatered, incinerated, and disposed of on-site in ash lagoons. The principal features and proposed improvements of the treatment plant are shown schematically on Figure 1.

The DCSID No. 1 wastewater treatment plant was originally designed and constructed as a 3.0 MGD plant on the basis of BOD loadings anticipated at the time as appropriate for the service area. As a result of BOD loadings which actually were encountered in operation of the plant and as a result of increased effluent quality standards subsequently required by State and Federal regulatory agencies, the present rating of the plant is considered by EPA to be about 2.5 to 2.6 MGD. While recent evaluation by the DCSID's engineers indicates that the EPA rating is probably low, it is acknowledged that the 1979 peak month flow of 2.3 MGD is expected to reach 2.5 MGD.

On-Site Impacts

The applicant's information report indicates that all of the improvements will be located on the site of the existing treatment facility. The additional land coverage (2,291 square feet) associated with this project will increase the land coverage to 12.79% which is well within the land capability limit of 25%. The applicant has not submitted any plans for construction indicating the location and type of construction proposed nor details regarding drainage, slope stabilization and erosion controls.

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Compatibility With Agency Plans

208 Plan - The Lake Tahoe Basin Water Quality Management Plan (208 Plan) identifies a wastewater treatment facility at the subject site. The 208 Plan further indicates a facility with a treatment capacity of 3.0 MGD. The existing plant with improvements approved by the Agency will have a treatment capacity of 2.5 MGD.

Water and Sewer Master Plan - The 1973 TRPA Water and Sewer Plan and Program indicates the existing DCSID plant to have a capacity of 3.0 MGD and an ultimate capacity of 6.0 MGD. These capacities were based on the projection of the buildout occurring under the 1972 TRPA General Plan.

General Plan Buildout

To accurately determine future plant requirements based on the TRPA General Plan, the engineers for the District have reviewed each area or general improvement district served by the District to identify the number of vacant properties on which residential or commercial development would be authorized under the General Plan. This research has provided the information set forth below.

DCSID Flow Projections - Near-Term Buildout

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<thead>
<tr>
<th>Description</th>
<th>Flow Rate</th>
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<tr>
<td>Average Daily Flow, August 1979</td>
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<tr>
<td>Projected Hotel/Casino Development</td>
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<td>Projected Residential Development</td>
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<td>Projected Recreational Development</td>
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<td>Projected Public Service</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>4.50 MGD</strong></td>
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</tbody>
</table>

*0.5 is estimated for the Jennings and Kahle hotel casino projects

Compatibility With Other Plans and Programs

NDEP Waste Discharge Permit - The NDEP has issued revised waste discharge requirements which will become effective in 1982. The permit conditions would require removal of un-ionized ammonia, phosphorous and chlorine prior to discharge to the Carson River.

DCSID Facility Plan - DCSID has prepared a facility plan for wastewater treatment plant improvements in order to meet the 1982 waste discharge permit requirements as determined by NDEP. The plan was presented to the Environmental Protection Agency (EPA) as part of an application for federal funding for the improvements. EPA has determined that the project would have a significant impact on the environment and has required that an EIS would be required. A draft EIS has been prepared by EPA, but no decision has been made to date regarding the federal grant.
The facility plan as prepared by DCSID calls for improvements to the treatment plant, construction of a major storage reservoir and acquisition of land and improvements in order to provide land treatment of secondary sewage effluent. Effluent disposal to the Carson River would be ceased under this plan.

Draft EIS for Wastewater Facilities, South Shore - The EPA has prepared a draft EIS which identifies the secondary impacts of wastewater treatment plant expansion on the South Shore (including DCSID and STPUD). The draft EIS is based on a 3.0 MGD capacity for the DCSID facility.

The DEIS identifies impacts and proposed mitigation measures which the EPA felt should be incorporated into planning efforts of local and regional agencies prior to initiating any treatment plant expansion. The Agency has provided comments on the draft EIS indicating which mitigation measures it would commit to for implementation.
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: April 15, 1980

TO: TRPA Governing Board

FROM: The Staff

SUBJECT: Status Report on Proposed DCSID Improvement Plans

As represented at the April, 1980 Governing Board meeting the Douglas County Sewer Improvement District (DCSID) has submitted an application to TRPA to construct improvements to the wastewater treatment plant to permit treatment and disposal of peak month flows of 3.75 MGD. It has been determined upon review at the Development Review Committee and Advisory Planning Commission meetings that this application is premature, since this proposal is still in the conceptual stages and lacks approval of a revised waste discharge permit from the Nevada Division of Environmental Protection (NDEP) to allow for the increased flow. This finding is based on the facts that financing arrangements had not been completed, construction drawings were not available, the Nevada Division of Environmental Protection and Douglas County had not reviewed the proposal, and there were unanswered questions with regard to future funding from the Environmental Protection Agency (EPA).

Since the issue of capacity must still be addressed with proposed developments in Douglas County, staff has prepared the following status report on DCSID.

Background

The DCSID wastewater treatment plant was constructed in 1968 to treat and export all sewage generated in the various improvement districts in Douglas County. It is an activated sludge-type secondary treatment facility which was initially constructed with a design capacity of 3.0 MGD. The plant was designed to provide for future expansion to 6.0 MGD in increments of 1.5 MGD each. Effluent from the treatment plant is pumped to an adjacent on-site holding reservoir for storage prior to pumping over Daggett Pass to the Carson Valley where it is applied as irrigation water on a ranch in accordance with procedures approved by the Nevada Division of Environmental Protection. Present authorization is only for summer land application with winter outfall to the Carson River. However, winter land application is being performed under a test program supervised by State and EPA officials to determine the feasibility of year-round land application. Sludge from the treatment process is thickened, dewatered, incinerated, and disposed of on-site in ash lagoons.
The DCSID No. 1 wastewater treatment plant was originally designed and constructed as a 3.9 MGD plant on the basis of BOD loadings anticipated at the time as appropriate for the service area. As a result of BOD loadings which actually were encountered in operation of the plant and as a result of increased effluent quality standards subsequently required by State and Federal regulatory agencies, the present rating of the plant is considered by EPA to be about 2.5 to 2.6 MGD. While recent evaluation by the DCSID's engineers indicates that the EPA rating is probably low, it is acknowledged that the 1979 peak month flow of 2.3 MGD is expected to reach 2.5 MGD this summer.

Compatibility With TRPA Plans

208 Plan - The Lake Tahoe Basin Water Quality Management Plan (208 Plan) identifies a wastewater treatment facility at the subject site. The 208 Plan further indicates a facility with a treatment capacity of 3.0 MGD. The existing plant with improvements approved by the Agency will have a treatment capacity of 2.5 MGD.

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General Plan Buildout

To determine future plant requirements accurately, based on the TRPA General Plan, the engineers for the District have reviewed each area or general improvement district served by the District to identify the number of vacant properties on which residential or commercial development would be authorized under the General Plan. This research has provided the information set forth below:

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<td>.96*</td>
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<td>Projected Residential Development</td>
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<td>Projected Recreational Development</td>
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Compatibility With Other Plans and Programs

NDEP Waste Discharge Permit - NDEP has issued revised waste discharge requirements which will become effective in 1982. The permit conditions would require removal of un-ionized ammonia, phosphorus and chlorine prior to discharge to the Carson River. The permit limits peak day flows to 3.0 MGD.

DCSID Facility Plan - DCSID has prepared a facility plan for wastewater treatment plant improvements in order to meet the 1982 waste discharge permit requirements as determined by NDEP. The plan was presented to EPA as part of an application for federal funding for the improvements. EPA has determined that the project would have a significant impact on the environment and has required that an EIS would be required. A draft EIS has been prepared by EPA, but no decision has been made to date regarding the federal grant.

The facility plan as prepared by DCSID calls for improvements to the treatment plant, construction of a major storage reservoir, and acquisition of land and improvements in order to provide land treatment of secondary sewage effluent. Effluent disposal to the Carson River would be ceased under this plan.

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The DEIS identifies impacts and proposed mitigation measures which the EPA felt should be incorporated into planning efforts of local and regional agencies prior to initiating any treatment plant expansion. TRPA has provided comments on the draft EIS indicating which mitigation measures it would commit to for implementation.

Conclusions

1. Existing treatment capacity of 2.5 - 2.6 MGD will be utilized during the 1980 construction season.

2. Existing commitments for currently approved and subdivided lands exceed the existing capacity of the plant by 1.53 MGD (4.03 MGD-2.5 MGD).

3. Proposals for wastewater treatment plant expansion have not been acted upon by the required authorities (NDEP, TRPA) to allow for upgrading or expansion of the present facility. The EPA grant for the proposed plant upgrading and land disposal system in the Carson Valley cannot be resolved until a final EIS is issued by EPA.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Nevada Division of State Parks
Spooners Lake Dam Reconstruction
Douglas County

Summary

The applicant, the Nevada State Parks Division, is requesting approval to reconstruct the Spooners Lake dam located on Spooner Summit in Douglas County. The Department of Wildlife plans to develop a quality fishery at Spooners Lake. Presently, it is not usable due to a malfunctioning outlet valve, seepage through the dam, and frequent winter kills. With the planned development, the dam will be replaced, lake depth increased and the diversion from North Canyon Creek to Spooners Lake reactivated. With these actions, a viable fishery can be established.

It will be managed on the premise of a trophy type quality experience for the angler. Regulations will call for the use of artificial lures, only a limit of two or three fish and possibly a size limit. Initially brook trout would be the fish of choice. If they maintain the desired qualities it is felt they can, then they will continue to be used. If not, then another species will be utilized.

Project Description

The planned earthfill dam will replace the existing dam at Spooners Lake which, due to significant leakage, is not stable. Spooner Dam will be a zoned earthfill dam approximately 30 feet high with a crest length of approximately 430 feet in the same location as the existing dam structure. The reservoir capacity will be approximately 1,580 acre feet with a reservoir area at the spillway level of approximately 100 acres. The embankment is to be constructed from the existing dam materials and from sandy materials on the site. A broad crested concrete spillway will be located at the site of the existing spillway. The spillway will have a capacity of 127 cfs during maximum flood releases. An outlet structure will be built into the dam structure to allow maintenance of flows into North Canyon Creek. Water flows into the dam will be diverted from North Canyon Creek north of the dam structure and south of the connection with Secret Harbor Creek. This is the site of an existing unused diversion point. A new diversion structure and associated improvements are proposed. An eight inch pressure pipe approximately 3,300 feet in length will be placed. The maximum depth of the reconstructed dam water levels will be 23 feet.

Effect on Existing Water Rights and Diversions

A court decree dated July 2, 1930 specifically divides the water rights on Secret Harbor Creek and North Canyon Creek between three parties. The decree establishes the amounts and timing of diversions by each of the three parties. Diversion rates are variable depending on the time of year. Diversions to the dam structure will be carried on during the summer months and will be discontinued during the winter. The Glenbrook Company has rights to waters from North Canyon Creek which will be subject to diversion into the reservoir. The outlet structure is designed to maintain these required flows. The Fulstone rights now belonging to State Parks allow the storage of up to 1,500 acre feet per year. Insufficient information has been provided to insure that the diversion.

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structures proposed will be sensitive to the diversion requirements. No information has been provided as to the maximum capacity of the proposed diversion structures. No monitoring program or devices are proposed. Also, no information has been provided on the average, minimum, or maximum stream flows of either Secret Harbor Creek or North Canyon Creek.

Proposed Diversion Line

The line shown on the submitted plans is proposed to follow an existing roadway and disturbed area that was previously a flume line. Agency staff has not reviewed this project in the field and has questions regarding this alignment. The project is scheduled for Development Review Committee field review on October 2, 1980, at which time, staff members from the Nevada Department of Fish and Game and the U.S. Forest Service will be consulted. This diversion line will be drained prior to the winter season each year. Based upon the plans submitted, Agency staff is unable to verify that the proposed release points are within existing drainage areas and will not result in significant erosion.

Unresolved Questions

1. What are the hydrological characteristics of Secret Harbor Creek and North Canyon Creek?

2. Will the proposed diversion maintain minimum water flows in North Canyon Creek to maintain existing water rights?

3. Will downstream fish habitats on North Canyon Creek be affected by the proposed diversion?

4. Is unnecessary disturbance occurring due to the location of the proposed diversion line?

5. Is the existing parking at the area sufficient to meet increased recreational demand?

6. Are the diversion line release points within existing drainages?

7. Will the new structure substantially affect the water table in the existing meadow?

8. Is there sufficient downstream capacity to adequately handle the flows generated by the release of water through the spillway during flood conditions?

Recommendation

Due to unresolved questions associated with this project, Agency staff is not prepared to make a recommendation at this time. Based upon the answers received at the DRC field review, Agency staff will make a recommendation at the October 8 APC meeting.

10/1/80
POOR QUALITY ORIGINAL (S) TO FOLLOW

HIGH DESERT MICROIMAGING, INC.
1225 FINANCIAL BLVD
RENO, NV 89502
(775) 359-6980
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Clearinghouse
U. S. Environmental Protection Agency
Incline Village GID Wastewater Facility
Grant Increase for Cumulative Impact
of Waste Disposal in Carson Valley

Background

Agency staff has received a request to review a proposal by the Incline Village
General Improvement District (IVGID) to develop a cumulative impact analysis
of wastewater disposal in the Carson Valley. The impact analysis would be
funded under an EPA grant agreement.

Both districts providing wastewater treatment within the Nevada portion of the
basin currently utilize the Carson River for wastewater disposal. Because of more
stringent water quality standards on the Carson River, both districts (as well as
other waste dischargers located in the Carson Valley) propose to utilize various
forms of land treatment and disposal to meet these upgraded requirements. The
Douglas County Commissioners have taken the position that a cumulative impact
study addressing the effect of these land discharges must be performed prior to
acceptance of the IVGID proposal. The Agency has denied at least 6 requests
for new subdivisions in the Incline Village area based partially on the failure to
demonstrate that an adequate wastewater treatment and disposal mechanism exists
to meet the revised waste discharge requirements of the Nevada Division of
Environmental Protection. This proposal would facilitate a resolution of this
existing problem consistent with the requirements of Douglas County.

Recommendation

Agency staff recommends support of the proposed cumulative impact analysis.

It is further recommended that D.C. submit to IVGID a
listing of items which must be covered as part of a
cumulative impact analysis.
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: October 1, 1980

TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: Agenda Items VI B. and VII A. - U.S. Environmental Protection Agency Notice of Proposed Rule Making on the Basin's Nonattainment Air Quality Plan and Lead Agency Designation for the Nonattainment Air Quality Plan

The U.S. Environmental Protection Agency has issued a notice of proposed rule making on the Tahoe Air Basin Nonattainment Area Plans. A summary of the proposed actions regarding conditional approval of both the California and Nevada plans is attached. Comments on the proposed rule making are due by October 10, 1980. Satisfactory compliance with the conditions of approval is currently scheduled for January 1, 1981. Failure to satisfy the conditions of approval would result in mandatory sanctions regarding Federal funding for highways and sewage treatment facilities. Details of the proposed rule making are available in the TRPA office. Any comments on the proposed ruling should be transmitted to EPA by October 10, 1980. TRPA staff would appreciate any comments from APC members at the October 8 meeting.

EPA's proposed rule making on the Nonattainment Air Quality Plan emphasizes the need for a bistate planning program. The State of California Air Resources Board's Nonattainment Plan indicates that it will reconsider designation of TRPA as the lead agency in air quality planning for the Tahoe Basin upon adoption of a revised bistate compact. Staff would like the APC's comments and recommendations on this proposal.
DATE: October 1, 1980

TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: Status of the Water Quality Management (208) Plan for the Tahoe Basin

The State of California released its final version of the Water Quality Management (208) Plan for the Tahoe Basin, and the APC will be discussing the options for TRPA action with regard to this proposal. A more detailed presentation will be given at the October 8 meeting.

CONTINUE FOR 30 DAYS

MEETING SCHEDULED FOR OCT. 14

TRPA APPROACH & SWRCB
- ASK EPA FOR CONDITIONAL APPROVAL OF TRPA PLAN
- CONTINUE BI-STATE PLANNING
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: October 1, 1980

TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: Projects Exempt from Environmental Impact Statement Requirements

Background

Agency staff has placed this item on the APC agenda in response to the request of Governing Body members to consider the types of projects which would not be subject to Article VII of the proposed Tahoe Regional Planning Compact. Article VII (f) of the proposed compact requires the following:

"The agency shall adopt by ordinance a list of classes of projects which the agency has determined will not have a significant effect on the environment and therefore will be exempt from the requirement for the preparation of an environmental impact statement under this article. Prior to adopting the list, the agency shall make a written finding supported by substantial evidence in the record that each class of projects will not have a significant effect on the environment."

Agency staff has outlined a number of alternatives which may be appropriate to satisfy the requirements of this section as follows:

1. Define existing Agency regulatory requirements as defining those projects not subject to Agency review and therefore not subject to EIS requirements.

2. Utilizing existing regional environmental impact analyses (i.e. South Tahoe PUD and Douglas County SID EIS on Wastewater Facilities, the Lake Tahoe Environmental Assessment, etc.), identify those categories and classes of projects which will and will not have a significant impact on the environment. Where sufficient information to assess the cumulative impacts of development classes is not available, defer judgments until a cumulative impact analysis is prepared under the Threshold and General Plan analysis. Any projects considered not to be subject to EIS requirements would be covered under these "master" environmental reports. Agency review if required could therefore focus on on-site concerns.
3. Defer judgments on classes of projects exempt from EIS requirements until the completion of new master environmental documents which would be developed as part of the Threshold and General Plan development process.

Analysis

Existing information available in various environmental documents indicates some classes of projects not now subject to Agency review (Alternative 1) would have a cumulative impact on the environment. Deferring any decisions regarding the classes of projects subject to EIS requirements and Agency review may result in all proposals unnecessarily being subject to Agency review in the interim. Alternative 2 would utilize currently available information to document the classes of projects which should be exempt from EIS requirements.

Recommendation

Agency staff recommends adoption of Alternative 2 and requests that a workshop session of APC members be scheduled to discuss the details necessary to implement an ordinance amendment.
### TAHOE BASIN NONATTAINMENT AREA PLANS
Federal Register Notice of Proposed Rulemaking
September 10, 1980

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Comparison with Criteria for Approval

13. EXTENSION REQUIREMENTS
   A. Alternative Siting Cond.  --  --
   B. I/M                  --  --  --
   C. Other Measures      Cond.  --  --
   D. Basic Transportation Needs Cond.  --  --
14. EXTENSION REQUIREMENTS FOR VOC RACT --  --  --