

Lahontan-issued stormwater permit being appealed to state

By Kathryn Reed

A joint appeal to the state Water Resources Control Board is being crafted by South Lake Tahoe, and El Dorado and Placer counties regarding the stormwater permit the Lahontan Regional Board approved earlier this month.

El Dorado County initiated the process. Legal counsels for the three jurisdictions with the assistance of outside attorneys in Sacramento are finalizing the paperwork. All three are sharing in the nearly \$20,000 it will cost to file the petition.

The deadline to file is Jan. 5.



Lahontan
Executive
Director
Harold Singer,
third from
left, told the
board Dec. 6
the stormwater
permit should
be approved.

Photo/LTN

Because the petition is not expected to be finalized until the deadline, the exact language and specific arguments are not yet public.

“We hope to get some modifications to the permit which will at least modify the tools used and get the costs down somewhat,” El Dorado County Chief Counsel Lou Green told *Lake Tahoe News*.

The three jurisdictions don't believe the regional board on Dec. 6 understood their concerns or listened well. They also don't understand why the disagreements couldn't be talked through before the board approved the permit.

Lahontan Regional Water Quality Control Board gets to tell the three government entities on the California side of Lake Tahoe what to do when it comes to water issues. Nevada does not have an equivalent layer of government.

“We have always approached water quality on a regional level and we aren't anymore,” South Lake Tahoe Mayor Claire Fortier said. “We need a concerted and collaborative effort to reach the goals. If the problem is roads, then let's put money into roads.”

No one is arguing stormwater should not be treated or that lake clarity is not important. What they disagree with is the language and requirements in the permit. This also then puts another layer of responsibility on two-thirds of the lake, instead of taking a basinwide approach to the sediment issue. Monitoring and costs associated with it are huge stumbling blocks for the local entities.

“For some reason the money doesn't matter (to Lahontan). Boy, if I ever thought of a time when money mattered, it's now with how bad the economic times are,” Ken Grehm, Placer County public works director, told *Lake Tahoe News*.

“I would like to focus on cleaning up water, not so much on monitoring. Let local agencies provide services and let scientists do what they do. The real concern is I don’t know if this will work,” Grehm said of Lahontan’s rules.

He would prefer a slower, more calculated approach instead of jumping in with both feet to unchartered processes like Lahontan has mandated.

All jurisdictions call the permit an unfunded mandate. They are told to do something and no money is provided. Lahontan uses a state definition for “unfunded mandate” that differs from conventional wisdom.

Equality is an issue as well. The state water board is working on the overdue stormwater permit for Caltrans that will likely have a special section for highways in the basin. That permit, according to Lahontan, is likely to resemble what the city and counties are being asked to do.

The U.S. Forest Service, which owns about 75 percent of the land in the Lake Tahoe Basin, falls under the federal Clean Water Act instead of a municipal stormwater permit.

Lauri Kemper, second in charge at Lahontan, said she didn’t realize an appeal was in the works, but was not surprised. She said the process is the people in the petition unit do not work with the regional board on permitting issues, but are more independent. The petition unit has the authority to dismiss the petition or have a public hearing before the state board.

“If it goes to a public hearing, we would prepare a rebuttal then,” Kemper explained.

The South Lake Tahoe City Council will discuss the issue in closed session at the Jan. 3 meeting. (The full City Council agenda is online.)

The Placer County Board of Supervisors will have the petition on closed session Jan. 10. Placer County Counsel Anthony La Bouff said staff has authority from the board to go forward with the petition.

“There are a lot of moving parts in Lake Tahoe all the time. This is just one of them,” La Bouff said of the stormwater permit issue.