

Lahontan Regional Water Quality Control Board

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File: Environmental Review

Governor's Office of Planning & Research

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STATE CLEARINGHOUSE

Comments on the Draft Subsequent Environmental Impact Report and Specific Plan for the Tioga Inn Workforce Housing Project; State Clearinghouse No. 1992012113, Lee Vining, Mono County

Lahontan Regional Water Quality Control Board, (Water Board) staff has reviewed a Draft Subsequent Environmental Impact Report and Specific Plan for the Tioga Inn Workforce Housing Project (Project) recommending adoption of an Environmental Impact Report (EIR) for the Project. Water Board staff requests that the following comments be addressed and incorporated into the final EIR for the Project. This letter describes various permits that may apply to the Project. The letter also discusses post construction stormwater measures such as Low Impact Development (LID) to minimize impacts to receiving waters. The proposed treatment plant must attain an effluent concentration not to exceed 10 mg/L total nitrogen to protect against groundwater quality degradation.

Project Summary

The Project proposes the construction of up to 100 workforce housing units to accommodate employees of the previously approved hotel and restaurant, plus the addition of a third gas pump island, replacement of an existing septic system with a new wastewater treatment plant tied to a new subsurface drip irrigation system for disposal with associated infrastructure, expanded propane storage, replacement of the water tank, realignment of an interior road, and changed parcel boundaries and acreages.

Authority

The State Water Resources Control Board (State Water Board) and the Water Board regulates discharges of waste in order to protect water quality and, ultimately, the

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beneficial uses of waters of the State. State law assigns responsibility for protection of water quality in the Lahontan Region to the Water Board.

Permits

Activities associated with construction of the Project may require permits issued by the State Water Board or Water Board.

1) A Clean Water Act (CWA), section 402, subdivision (p) stormwater permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Stormwater Permit, State Water Board Order No. WQ 2009-0009-DWQ may be required for land disturbance associated with the Project. The NPDES permit requires the development of a Stormwater Pollution Prevention Plan and implementation of best management practices (BMPs).

2) General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems, State Water Board Order No. WQ 2014-0153-DWQ, or individual Waste Discharge Requirements, will be the likely regulatory measure for the new packaged wastewater treatment system and wastewater disposal.

3) If the use of recycled water is intended as a proponent of the project, then Water Reclamation Requirements for Recycled Water Use, State Water Board Order No. WQ 2016-0068-DDW, or an individual order, may be used as the regulatory measure.

4) Streambed alteration and/or discharge of fill material to a surface water including areas associated with washes or other drainage features, even if currently dry, may require a CWA, section 401 water quality certification (WQC) for impacts to federal waters (waters of the U.S.), or dredge and fill Waste Discharge Requirements (WDRs) for impacts to non-federal (State) waters, both issued by the Lahontan Water Board.

Information regarding these permits, including application forms, can be downloaded from the Water Board's web site (<http://www.waterboards.ca.gov/lahontan/>). If the project is not subject to federal requirements, activities that involve fill or alteration of surface waters, including drainage channels or other stormwater improvements, may still be subject to State permitting.

Potential Impacts to Waters of the State and Waters of the United States

Surface waters include, but are not limited to, drainages, streams, washes, ponds, pools, and may be permanent or intermittent. Waters of the State may include waters determined to be isolated or otherwise non-jurisdictional by the U.S. Army Corps of Engineers (USACE). We request that the EIR identify and incorporate measures into the project to avoid surface waters and the project be provided with buffer zones where possible. If the project alters drainages, then we request that the project be designed such that it would maintain existing hydrologic features and patterns to the extent feasible.

Low Impact Development Strategies and Storm Water Control

The project description stated in the EIR should identify features for the post-construction period that will control stormwater and prevent pollutants from non-point sources from entering and degrading surface or groundwaters. The foremost method of reducing impacts to watersheds from urban development is "Low Impact Development" (LID), the goals of which are to maintain a landscape functionally equivalent to predevelopment hydrologic conditions and to minimize generation of non-point source pollutants. LID results in less surface runoff and potentially less impacts to receiving waters, the principles of which include:

- Maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge;
- Reducing impervious cover created by development and the associated transportation network; and
- Managing runoff as close to the source as possible.

Please identify and state in the EIR both on-site and off-site stormwater management strategies and BMPs that will be incorporated into the planning process and project for both pre-and post-construction phases of the project. Please state in the EIR project-incorporated measures that will be used to ensure that stormwater generated by the project is kept clean and properly managed both during and post-construction. Please state in the EIR who will be responsible for ensuring post-construction BMPs and required maintenance.

Avoidance and Impact Analysis

Please clarify in the EIR how spills will be avoided and cleaned up if they occur. Describe how spills from the plant or pump station will be prevented and addressed if they do occur. Also describe how leaks from trucks and equipment, or other chemicals used onsite will be contained and managed.

Water Quality and Wastewater Re-use or Disposal

The scope of work proposed for implementing the new wastewater treatment plant is to decommission the existing septic tank while retaining the existing septic leach-field. The proposed packaged wastewater treatment plant will be sized to treat wastewater to meet USEPA secondary standards. Furthermore, the effluent from the proposed plant should not exceed 10 milligrams per liter (mg/L) total nitrogen. The proposed project must produce the highest water quality achievable so that any percolation of these waters may not adversely degrade the groundwater quality.

The proposed plant will use the treated wastewater effluent for a sub-surface irrigation system. A letter by the State Water Board, Division of Drinking Water (DDW) must be issued providing approval of a California Code of Regulations (CCR), title 22 Engineering Report, or a letter issued to the Discharger stating the irrigation system does not need to meet CCR, title 22 recycled water requirements. The supernatant from

the proposed packaged wastewater treatment plant will seasonally discharge to a new drip irrigation leach-field at a rate of 40,800 gallons per day (GPD) during the spring, summer, and fall. When the flow decreases during the winter months, the effluent discharge will be diverted to flow to the existing leach-field at a rate of 22,000 GPD. The EIR must include a description of the disposal of solids generated from the treatment process. Also, the EIR must justify that the minimum distance to groundwater is at least 40 feet wherever the percolation rate exceeds 5 minutes per inch at the new leach-field. The EIR must discuss the construction of upgradient and downgradient groundwater monitoring wells at the leach-fields to assess the groundwater quality from the effluent discharge of the proposed wastewater treatment plant.

The EIR must state how the project will comply with the Recycled Water Policy, as it describes measures for wastewater re-use, in a safe and protective alternative to potable water for such approved uses. The EIR must analyze alternatives and control measures available for use of the recycled water and identify any mitigation measures to address future increases in salinity, which are expected to occur in groundwaters as a result of the project.

Closing

Please note that obtaining a permit and conducting monitoring does not constitute adequate mitigation. Development and implementation of acceptable mitigation is required to minimize project impacts.

Thank you for the opportunity to comment on the proposed project. If you have any questions please contact me at (760) 241-7366 (john.morales@waterboards.ca.gov), or Jehiel Cass, P.E., Senior Water Resource Control Engineer, at (760) 241-2434 (jehiel.cass@waterboards.ca.gov).



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