

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

**MEETING OF JANUARY 16-17, 2013
BARSTOW, CA**

ITEM: 13

SUBJECT: ***PUBLIC HEARING - 2012 TRIENNIAL REVIEW OF THE
WATER QUALITY CONTROL PLAN FOR THE LAHONTAN
REGION (BASIN PLAN)***

DISCUSSION: Periodic review and update of Basin Plans is required under state and federal law. The "Triennial Review" process in California involves Water Board action to prioritize a list of basin planning issues for the staff to address over the following three years. Triennial Review is not a regulatory action and therefore, does not require environmental review.

For the 2012 Triennial Review process, Water Board staff prepared a draft list of basin planning projects and a staff report. These documents were made available on the Board's internet webpage and the topics list and hearing notices were sent to the Basin Plan mailing list and electronic mailing lists, including the Triennial Review e-mail list. Sixteen sets of written public comments were received. A document with written public comments and a staff response is enclosed with this agenda item.

After consideration of written public comments, public comments presented during the two scoping meetings held in September and October 2012, and Board member comments made during the scoping meetings, staff prepared final recommendations for planning topics to be addressed over the next three fiscal years (Table 1 in Attachment A to the proposed resolution).

Following Water Board action, the resolution and the administrative record of the 2012 Triennial Review process will be transmitted to the State Water Resources Control Board and the US Environmental Protection Agency. No formal State Board action will be taken.

**RECOMMEND-
ATION:** Adoption of proposed resolution.

Enclosures	Item	Bates Number
1	Proposed Resolution	13-5
	Attachment A – 2012 Triennial Review Priority List	13-7
2	Staff Report on 2012 Triennial Review	13-19
	Written Comments with Staff Response (Attachment B to the Staff Report)	13-51

ENCLOSURE 1

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

RESOLUTION R6T-2013-(PROPOSED)

**TRIENNIAL REVIEW OF WATER QUALITY CONTROL PLAN FOR
THE LAHONTAN REGION (BASIN PLAN)**

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

1. The Water Quality Control Plan for the Lahontan Region (Basin Plan) took effect March 31, 1995 and has been amended since that date.
2. State and federal laws require periodic review and revision of Basin Plans.
3. The Water Board is responsible for reviewing water quality standards and implementation plans as appropriate and for modifying and adopting standards contained in the Basin Plan under provisions set forth in Section 303(c) of the federal Clean Water Act and Section 13240, Division 7 of the California Water Code. The federal process is called "Triennial Review."
4. The Water Board and its staff implemented the 2012 Triennial Review by:
 - a. Sending letters to the Region's Basin Plan mailing list and the electronic mailing list for Triennial Review, with a list of potential planning issues for public comment.
 - b. Making the issues list and a staff report available to the public on request and posting these materials on the Water Board's Internet web page.
 - c. Noticing and conducting two public scoping meetings at its September 12 and 13, 2012 regular meeting in Barstow and October 10 and 11, 2012 regular meeting in South Lake Tahoe.
 - d. Responding to public comments received during the designated period.
 - e. Noticing and conducting a public hearing in Barstow on January 17, 2013, prior to Board consideration.
5. As a result of the Triennial Review process, the Water Board formulated the priority issues list shown in Attachment A. This attachment includes recommendations for both regional and statewide planning priorities and identifies priority topics that would require additional funding to be addressed before the next Triennial Review.

THEREFORE BE IT RESOLVED:

1. The Water Board, in fulfillment of the requirements of Section 303(d) of the Federal Clean Water Act and Section 13240, Division 7 of the California Water Code, has done the following:
 - a. Concluded the 2012 Triennial Review of the Lahontan Basin Plan
 - b. Approved the priority list (Table 1 in Attachment A) for revision of the Lahontan Basin Plan
 - c. Concluded that all other planning issues identified by staff and the public during the 2012 Triennial Review process would require additional funding in order to be addressed before the next Triennial Review.
2. The Water Board's Triennial Review actions do not preclude other Basin Plan revisions that may become necessary before the next Triennial Review in 2015.

I, Patty Z. Kouyoumdjian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Lahontan Region, on January 17, 2013.

Patty Z. Kouyoumdjian
EXECUTIVE OFFICER

Attachment A 2012 Triennial Review Priority List

ATTACHMENT A

Table 1 - 2012 TRIENNIAL REVIEW RECOMMENDED PRIORITY LIST

Projects with Available Resources	Description	Resource Needs (PY)	Estimated Completion Time (or year, if known)
#1 Prohibition amendments (Ongoing work)	This project would amend Basin Plan Chapters 4 and 5 to make editorial revisions to remove inconsistencies regarding waste discharge prohibitions and exemption criteria affecting the entire Lahontan Region, add or clarify exemption criteria, and would include some unrelated changes to other parts of the plan.	0.2 (Additional resources from management, not accounted for in Basin Planning Program, will be used.)	Fall 2013
#2 Revise water quality objectives for bacteria	<p>Based on the results of ongoing field sampling in the Lahontan Region, revisions to federal criteria for recreational waters, and a proposed State Water Board policy (anticipated in early 2013), revisions will be proposed to the current regionwide objectives for "Bacteria, Coliform" specific to our region to incorporate new information including the use of E. coli as an indicator.</p> <p>Staff recommends data be collected and analyzed to determine whether bacteria site specific objectives for Bridgeport Valley are warranted. Furthermore, data should be collected and analyzed region-wide, staff should evaluate the State Board and USEPA's E. Coli and enterococci standard setting process, and staff should evaluate options for modernizing bacteria standards.</p>	3.5	2016 - 2017 (see Table 3 for detailed listing of tasks)

Table 1 - 2012 TRIENNIAL REVIEW RECOMMENDED PRIORITY LIST

Projects with Available Resources	Description	Resource Needs (PY)	Estimated Completion Time (or year, if known)
#3 Remove the MUN beneficial use designation from 2 groundwater basins at China Lake Naval Air Weapons Center	Water Board staff is reviewing technical information provided by the U.S. Navy. If the MUN use is shown not to be an existing or feasibly attainable use of the affected ground waters, Table 2-2 of the Basin Plan may be amended to remove the MUN use designation for portions of two groundwater basins.	0.4 (The Navy will provide technical support)	Spring 2014
#4 Incorporate State Water Board wastewater treatment policy into the Basin Plan and revise existing language and associated changes if needed.	The State Water Board adopted a policy including statewide control measures for onsite wastewater treatment systems (septic systems) on June 19, 2012. The policy directs Regional Water Boards to incorporate it into their Basin Plans within 12 months of its effective date. Revisions to Chapter 4 and the appendices of the Lahontan Basin Plan may also be necessary for compatibility. Staff may consider and recommend other Basin Plan revisions related to onsite wastewater treatment systems, including additional monitoring and treatment.	0.5	By April 2014 (May be completed in conjunction with Project #1 Prohibition Amendment effort)
#5 Program Manager	The Basin Planning Program Manager participates in State/Regional Water Board Roundtable activities, and workplan development, provides information to the public, etc.	0.3 (0.10 PY per year)	Ongoing

Table 1 - 2012 TRIENNIAL REVIEW RECOMMENDED PRIORITY LIST

Projects with Available Resources	Description	Resource Needs (PY)	Estimated Completion Time (or year, if known)
#6 2015 Triennial Review	Prepare the 2015 Triennial Review staff report and priority list. Host scoping meetings and hearings, as necessary, for Water Board consideration.	0.2	October 2015
#7 Miscellaneous work that will not directly result in Basin Plan amendments	Staff resources are needed for work such as: coordination with other states, other agencies, and Native American tribes regarding water quality standards; development and management of contracts related to planning; staff training, etc.	0.3 (0.1 PY per year)	Ongoing
#8 Review new scientific information to consider changes to the water quality objectives for nearshore areas of Lake Tahoe.	Evaluate research findings in late 2012 and propose next steps to set nearshore assessment indicators as a first step to developing new nearshore water quality standards. Resource needs listed here only include staff evaluation of research findings, interagency coordination, public meetings, stakeholder outreach, and development of a workplan.	0.3	2013

Table 1 - 2012 TRIENNIAL REVIEW RECOMMENDED PRIORITY LIST

Projects Requiring Additional Resources	Description	Resource Needs (PY)	Estimated Completion Time (or year, if known)
#9 Incorporate Antelope Valley Salt and Nutrient Management Plan into the Basin Plan	The State Water Board's Recycled Water Policy directs Regional Water Boards to incorporate Salt and Nutrient Management Plans (SNMPs) completed by stakeholder groups into the Basin Plans. The Antelope Valley SNMP is expected to be submitted to the Lahontan Water Board in 2014. Consider revising groundwater objectives to account for expected changes in salt and nutrients.	0.3	FY 15-16
#10 Incorporate Mojave Basin Salt and Nutrient Management Plan into the Basin Plan	The State Water Board's Recycled Water Policy directs Regional Water Boards to incorporate SNMPs completed by stakeholder groups into the Basin Plans. The Mojave Basin SNMP is expected to be submitted to the Lahontan Water Board in 2014. Consider revising water quality objectives for Mojave groundwater and river to account for expected changes in salt and nutrients.	0.3	FY 15-16

Table 1 - 2012 TRIENNIAL REVIEW RECOMMENDED PRIORITY LIST

Projects Requiring Additional Resources	Description	Resource Needs (PY)	Estimated Completion Time (or year, if known)
#11 Update Chapter 5 of the Basin Plan to reflect pending revisions to the Tahoe Regional Planning Agency's (TRPA's) regional land use and water quality plans.	Chapter 5 of the Lahontan Basin Plan incorporates the regulatory provisions of TRPA's 1988 <i>Water Quality Management Plan for the Lake Tahoe Region</i> ("208 Plan"). TRPA adopted revisions to its regional land use plan on 12/12/12, and is beginning revisions to the 208 Plan. Staff resources are needed to coordinate with TRPA to ensure consistency with the Lake Tahoe TMDL. Changes to Basin Plan Chapter 5 may be necessary to reflect the TRPA plan revisions as finally adopted.	0.3	9 months (May be completed in conjunction with Project #1 Prohibition Amendment effort)
	PY Totals for Projects #1 through #11	6.6	

Table 1 - 2012 TRIENNIAL REVIEW RECOMMENDED PRIORITY LIST

Projects Requiring Additional Resources	Description	Resource Needs (PY)	Estimated Completion Time (or year, if known)
#12 Hydromodification (Riparian Protection Policy)	Revise Basin Plan to include specific implementation measures to protect all beneficial uses of ground and surface waters from the effects of development and hydromodification. Specific emphasis is needed on protecting desert surface waters, including measures to control or prevent excessive erosion of soft soils and subsequent down stream sediment deposition, adversely impacting Aquatic and Wildlife Habitats.	1.0	One year (To begin following USEPA wetland grant funded projects)
#13 Biological indicators	Revise existing narrative water quality objective for protection of aquatic communities (nondegradation of aquatic communities objective).	1.5	Two years
#14 Squaw Valley groundwater withdrawal	Evaluate the effects of potential increased groundwater withdrawal in Squaw Valley on the water quality of Squaw Creek and its tributaries. In particular, examine the interplay of water supply and water quality influencing biological conditions and a consideration of flow requirements for Squaw Creek.	0.5	6 months (to begin after receiving data evaluation from ground water study)
#15 Revised Hot Creek water quality objectives	Develop revised objectives for Hot Creek (Owens River HU) based on changes in water quality related to increased constituent levels emanating from the natural groundwater flows entering the creek.	1.0	9 months

Table 1 - 2012 TRIENNIAL REVIEW RECOMMENDED PRIORITY LIST

Projects Requiring Additional Resources	Description	Resource Needs (PYs)	Estimated Completion Time (or year, if known)
<p>#16 Adopt or revise site-specific water quality objectives for Fish Springs in the Owens Valley to facilitate NPDES permitting for a state fish hatchery.</p>	<p>The Department of Fish and Game (DFG) operates Fish Springs hatchery in the Owens Valley where source water is ground water and the discharge from the hatchery forms Fish Springs Creek. The Basin Plan currently has an objective for Fish Springs Creek above the hatchery, however, water no longer exists at that location. Water Board proposes removing this objective from the Basin Plan and setting an objective for Fish Springs creek below the hatchery. This effort may involve gathering additional water quality information from LADWP.</p>	<p>1.0</p>	<p>One year</p>
<p>#17 Susan River site specific objectives</p>	<p>Develop revised objectives for section of the Susan River and its tributaries downstream of Susanville’s Community Services District (District). Consider lowering water quality while ensuring continued protection of beneficial uses. Staff will need to involve the District, current downstream agricultural users, and the Department of Fish and Game in evaluating alternatives including: increased treatment, increased land disposal capacity, and establishing or ensuring minimum flows in Susan River and its tributaries.)</p>	<p>2.0</p>	<p>One and a half years</p>

Table 1 - 2012 TRIENNIAL REVIEW RECOMMENDED PRIORITY LIST

Projects Requiring Additional Resources	Description	Resource Needs (PYs)	Estimated Completion Time (or year, if known)
#18 Revise Chapter 3 language on determining compliance with water quality objectives.	The proposed revisions would change water quality objectives expressed as “means of monthly means” to annual means and define minimum sample numbers and sampling frequencies for determining compliance with objectives. This could avoid the need for new Clean Water Act Section 303(d) listings based on very small sample numbers, and facilitate delisting.	1.0	One year
#19 Dairies Strategy	Revise the Basin Plan, Section 4.10, to include an updated Dairy Regulatory Strategy to address groundwater pollution from dairies. (It may be possible to implement an appropriate strategy without a Basin Plan amendment.)	0.5	One year
#20 BIOLOGICAL Beneficial Use for Mojave River	Add the Biological Use (BIO) for specific reaches of the Mojave River with remaining viable habitat, specifically from Bear Valley Road to Helendale.	0.3	9 months

Table 1 - 2012 TRIENNIAL REVIEW RECOMMENDED PRIORITY LIST

Projects Requiring Additional Resources	Description	Resource Needs (PYs)	Estimated Completion Time (or year, if known)
#21 Clarify Table 2-1, for Hydrologic Unit 628 (Mojave River)	Correct duplicative features of list of beneficial uses between the major and sub-watershed of the Mojave River Hydrologic Unit.	0.3	9 months
#22 Eagle Lake “building moratorium”	Amend the Basin Plan to lessen restrictions on building density for septic systems. (See Comment Letter “Eagle Lake” dated 10/9/12 in Attachment A.) This project may be addressed by incorporating State Board’s new Onsite Wastewater Treatment Systems Policy.	0.5	One year
#23 Biotic Ligand Model for copper	Incorporate the USEPA national criteria for copper into water quality standards program using the Biotic Ligand Model. (See Comment Letter “Copper water quality standards” dated 10/1/12 in Attachment A.)	0.5	One year
#24 Revise PCPs water quality objectives	The USEPA recommends a revision of water quality objectives for pentachlorophenol (PCPs), where appropriate. The USEPA believes existing objectives are not sufficiently protective of early life stages of salmonids. (See Comment Letter “Triennial Review” dated 10/18/12 in Attachment A.)	1.0	Two years

Table 1 - 2012 TRIENNIAL REVIEW RECOMMENDED PRIORITY LIST

Projects Requiring Additional Resources	Description	Resource Needs (PYs)	Estimated Completion Time (or year, if known)
#25 Remove two beneficial uses from Piute Ponds wetlands	This project would involve removal of Groundwater Recharge (GWR) and Agricultural Supply (AGR) beneficial uses from the Piute (also known as Paiute) Ponds and wetlands in the Amargosa Creek watershed eastern Los Angeles County. The ponds and wetlands are maintained with effluent from the Los Angeles County Sanitation District No. 14 (Lancaster) wastewater treatment facilities. (See Comment Letter "Groundwater recharge and agricultural supply beneficial use designations" dated 9/27/12 in Attachment A.)	1.0	One and a half years
	PY Totals for Projects #12 through #25	12.1	

ENCLOSURE 2

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STAFF REPORT

on

**Triennial Review
of the
Water Quality Control Plan
for the Lahontan Region**

California Regional Water Quality Control Board
Lahontan Region
2501 Lake Tahoe Boulevard
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December 2012

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Figure 1	Map of the Lahontan Region
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Table 2	2012 Triennial Review Recommended Priority List
Table 3	Bacteria Water Quality Objective Tasks
Table 4	Status of 2009 Triennial Review Priorities for Basin Planning Activities
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Introduction

The California Regional Water Quality Control Board, Lahontan Region (Water Board) is the state agency responsible for setting and implementing water quality standards in about 20 percent of California - east of the Sierra Nevada crest and in the Northern Mojave Desert (Figure 1). Water quality standards and control measures are contained in the *Water Quality Control Plan for the Lahontan Region* (Basin Plan). The current Basin Plan took effect in 1995, replacing three earlier plans. As of early 2012, 13 sets of amendments to the 1995 plan have received all necessary approvals. The Basin Plan is available on the Water Board's Internet web page at: <http://www.waterboards.ca.gov/lahontan>.

State and federal laws require periodic review and revision of Basin Plans; the federal process is called "Triennial Review." Due to resource limitations and the complexity of California's plan amendment process, Triennial Review in California is generally limited to identification of the highest priority planning projects to be addressed over the three years between one Triennial Review cycle and the next. Unless it actually involves adoption of plan amendments, Triennial Review is not a regulatory action and does not require environmental analysis under the California Environmental Quality Act. The

Water Board's current Triennial Review priorities were adopted in October 2009 and have been used to allocate resources, including Water Board staff (staff) time, towards accomplishing the priorities as much as feasible.

Two public scoping meetings were held: (1) at the September 12, 2012 regular meeting in Barstow and (2) at the October 11, 2012 regular meeting in South Lake Tahoe. A public hearing for Triennial Review adoption is scheduled for the Water Board's January 17, 2013 meeting in Barstow.

This staff report provides information on the Triennial Review process and on planning projects identified by staff. Additional projects may be identified at the January 2013 public hearing. Staff will make final recommendations regarding priority planning projects following the public hearing. The Water Board will be asked to approve a "short list" of projects to be addressed by staff over the following three fiscal years, and to prioritize the remaining projects for future action as resources allow. The review process does not necessarily mean that specific revisions will be made to the Basin Plan, but after investigation by staff, the identified projects may result in Basin Plan amendments. The Water Board has the ability to change priorities between the Triennial Review cycles.

Water Quality Standards

In California, water quality standards include designated beneficial uses of water, narrative and numerical water quality objectives, and a nondegradation policy. Water quality objectives are similar to federal "water quality criteria," but objectives are regulatory and criteria are not. Water quality standards in the Lahontan Basin Plan are set forth in Basin Plan chapters 2, 3, and 5.

(http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/reference_s.shtml). The plan's beneficial use tables (Basin Plan Chapter 2) include both existing and potential beneficial uses of water. Most of the numerical objectives are based on historical water quality data collected before adoption of the 1975 North and South Lahontan basin plans. Unless criteria for variances to objectives are specifically included in the Basin Plan, variances or exceptions cannot be granted without Basin Plan amendments to revise the objectives.

Applicable water quality standards also include numerical limits for toxic "priority pollutants" promulgated as surface water standards by the U.S. Environmental Protection Agency (USEPA) under the National Toxics Rule and California Toxics Rule. These standards have not yet been physically incorporated into the Basin Plan.

All of the waters of the Lahontan Region are internally drained (i.e., the waters of the Region do not flow into the world's oceans), and many of them are isolated. The U.S. Army Corps of Engineers has determined that some waters within the Lahontan Region are not "waters of the United States" under the federal Clean Water Act. State standards still apply to any "waters of the State" that are determined not to be waters of the United States.

Triennial Review Process and Public Participation

The Water Board's 2012 Triennial Review Process involves:

- Sending staff's draft projects list and the hearing notices to the Water Board's Basin Plan mailing list and to an electronic mailing list for the Triennial Review.
- Making copies of the hearing notice, projects list, and this staff report available on the Water Board's webpage.
- Providing a 45-day public review period for the projects list and the opportunity to submit other projects and written comments.
- Preparing written responses to written public comments. All written comments and responses will be provided to the Water Board before the hearing.
- Testimony at the public hearings.
- Water Board adoption of a resolution identifying priority planning projects to be addressed by staff and projects requiring additional funding.
- Submission of the adopted priority list to the State Water Resources Control Board (State Water Board) and USEPA.

Table 4 shows status of the previous 2009 Triennial Review priority list and project status as of December 2012.

Basin Plan Amendment Process

The Basin Plan amendment process is summarized in Table 1, adapted from the State Water Board's planning guidance. As the table indicates, the process is lengthy and complex. (The table does not include the revisions that may need to be made in preliminary drafts in response to comments by internal reviewers and in response to scientific peer review.) Chronologically, the process can require six months to more than a year between the end of the "research" period in Step A and Water Board action, and nine months or more can be required after Water Board action for the amendments to receive all needed approvals. "Research" for Basin Plan amendments can include scientific literature review and/or water quality monitoring or special studies. Scientific peer review is required for amendments involving scientific judgment, and the reviewer's comments may result in significant changes to preliminary draft amendments before they are released for public review. Following Water Board adoption, amendments must be approved by the State Water Board, the California Office of Administrative Law (OAL), and (in some cases) the USEPA. To facilitate the OAL review process, staff prepares and indexes a detailed administrative record.

Planning Considerations

Budget - The Water Board's planning resources are limited. Some Basin Plan amendments may also require contracted studies for data collection (e.g., special monitoring studies to facilitate update of water quality objectives) or predictive modeling.

Projects needing additional funding - The State Water Board's guidance for the Triennial Review process asks Regional Water Boards to identify planning projects that would require additional funding to address. The Lahontan Water Board will be asked to choose a small subset of the planning projects identified by staff and the public for emphasis over the next three years; ideally the total estimated cost of the selected projects should not exceed the resources expected to be available within that time. All of the remaining projects will be identified as projects requiring additional funding in order to be addressed during the next three years.

Total Maximum Daily Loads (TMDLs) - The federal Clean Water Act requires states to identify surface water bodies that are not meeting standards due to pollutants (the "Section 303(d) list"), and to determine sources and source loading, then prepare strategies called TMDLs to ensure attainment of standards. In California, TMDLs and TMDL implementation programs are generally (but not always) adopted as Basin Plan amendments. Priorities and schedules for TMDL development are determined through the Section 303(d) list update process and through the Water Board's annual TMDL program workplans. Section 303(d) listing does not necessarily mean that TMDLs (and/or Basin Plan amendments) will be developed for all listed waters; the impairment issues may be addressed in other ways.

Work on Basin Plan amendments to incorporate TMDLs will be supported with state and/or federal TMDL program funds, not Basin Planning funds. Public comments may be submitted on TMDL issues as part of the Triennial Review process. Responses to these comments will be prepared, and they will be added to the Water Board's Triennial Review files. However, the Water Board's action will focus on priorities for use of Basin Planning funds for planning projects other than TMDL development.

Over the next three years, staff will work to address the water quality impairments through the TMDL Program for the following:

- Susan River for toxicity from unknown sources
- Eagle Lake for nutrients
- Donner Lake for polychlorinated biphenyls
- Bodie Creek for metals
- Certain tributaries to Lake Tahoe impaired by nutrients and sediment.

Comments

During the public participation process including the Public Scoping meetings in September and October 2012, staff received 16 comment letters or emails addressing 12 planning topics. As part of the Triennial Review process, Water Board staff has responded to these written comments, except for three letters supporting the MUN use de-designation at China Lake Naval Air Weapons Station. These letters support this project (Project #3 in Table 2). Staff recommends this project as a high priority as explained below; no further response is necessary. Comments and responses are in Attachment B.

The purpose of the Triennial Review is to identify high priority planning projects. Commenters suggested that specific proposed projects be given a high priority or suggested that a certain proposed project given less priority as an amendment to the Basin Plan. Many comments received were directly related to the bacteria Water Quality Objective (WQO). Rather than comment specifically on the priority of the planning project, many of the letters advocated specific changes. The Triennial Review process itself does not allow the Water Board to amend the Basin Plan. Its purpose is to prioritize projects for the upcoming three years considering the limitations in staff resources.

Although the Water Board cannot amend the Basin Plan during this process, staff believes it is important that the Board be informed on the bacteria WQO issues raised by commenters and to the staff responses. Staff originally presented three options to approach the bacteria WQO project during the Scoping meetings in September and October 2012. After additional evaluation and consideration of all ongoing efforts, staff recommends continuing with the tasks in Table 3 (Attachment A) and using this information for future evaluation of the bacteria WQO.

Making changes to the current WQO for bacteria is premature. The main reasons for this are as follows:

- 1) The USEPA recently released the [2012 Recreational Water Quality Criteria](#) (November 2012). State Water Board staff is considering this new USEPA guidance as it develops its own state recreational water policy with bacteria standards. Lahontan Water Board staff needs to consider this potential statewide guidance as it develops. Since it is uncertain as to how any new criteria will be incorporated statewide, a Basin Plan amendment should not proceed until State Water Board releases its recreational water policy with bacteria objectives.
- 2) The Water Board has invested staff resources and funding to assist in the evaluation of the current bacteria standard in the Basin Plan. With many planned projects in the upcoming three years (refer to Table 3, Attachment A), it would be premature to change the bacteria WQO until these projects

are complete. This information will assist in informing any changes to the bacteria WQO.

- 3) Many of the comments received are from the Bridgeport ranchers. They suggest a change in the bacteria WQO for the Bridgeport Valley to 200 colony forming units (cfu) per 100 milliliters (mL). Changing the WQO in the Bridgeport Valley to 200 cfu/100mL is not needed while the 2012 Grazing Waiver is in effect and could exhaust limited staff time. The 2012 Grazing Waiver includes a time table for compliance and requires that the enrollees covered under the waiver develop a schedule to implement rangeland water quality best management practices that reduces and/or maintains fecal coliform concentrations to an interim goal of 200 cfu/100mL and attains the highest water quality reasonably achievable.

2012 Triennial Review Planning Projects

After reviewing written public comments and testimony, staff prepared a recommended priority list (Table 2) for the Board to consider during the January 2013 public hearing. Staff will request the Water Board choose a subset of projects from Table 2 and from any new projects identified in public comments, and direct staff to investigate these projects over the next three years and develop draft Basin Plan amendments as appropriate.

The Table 2 priority list differs from the priority list presented during the scoping process of the last few months. Some proposed projects will not be completed during the current triennial period and their personnel-year (PY) estimates have been reduced (e.g., the Antelope Valley and Mojave basin Salt and Nutrient Management Plans). Some staff resources have been re-allocated from other programs such as TMDL implementation to Basin Planning activities (e.g., Update Chapter 5 to reflect revisions from the Tahoe Regional Planning Agency's regional land use and water quality plans). Because of these reductions of PY project estimates and staff resource re-allocations, the total PYs available for Basin Planning activities for the three-year period is 6.6 PYs.

High Priority Projects - Staff recommends the Board rate eleven Basin Planning projects as high priority (Table 2) to receive the current funding for staff resources that allow 6.6 PYs over the three-year period that began on July 1, 2012 and ends June 30, 2015. All of the recommended high priority projects are underway.

- The project described as “prohibitions amendments” (Project #1 in Table 2) is nearing the public scoping stage and should continue to completion during calendar year 2013.
- The bacteria WQO project (Project #2) should receive high priority because of the important economic considerations, including grazing and recreation concerns, and the related strong public interest. Additionally, staff has spent

considerable time and effort on this project, including sampling, contracting, analysis, assessments, and public outreach.

- De-designation of MUN beneficial use at certain groundwater basins at China Lake Naval Air Weapons Station (Project #3) has undergone considerable investigation and data collection by the US Navy and is ready to begin the Basin Plan amendment process. Additionally, the project receives local support, based on current Triennial Review comments received.
- The State Board requires all regions adopt the Septic System Policy, also known as the Onsite Wastewater Treatment system Policy (Project #4). Staff is evaluating the Policy and any changes necessary to the Basin Plan as a result of adopting the State Board Policy.
- Three of the projects are programmatic (Projects #5, #6, and #7). They are necessary to maintain management of the Basin Planning program, perform inevitable but unpredictable miscellaneous Basin Planning tasks, and to perform the next Triennial Review in 2015. These three projects total 0.8 PYs of the total 6.6 PYs available.
- The “Tahoe nearshore project” (Project #8) was initiated by a legislative directive and has strong local support. Staff recommends this project as high priority.
- Salt and nutrient groundwater management plans (Projects #9 and #10) are required under State Board’s Recycled Water Policy and are key components to assess possible changes in groundwater Water Quality Objectives for our Region’s priority groundwater basins.
- An amendment to Chapter 5 of the Basin Plan is required to incorporate revisions to Tahoe Regional Planning Agency’s Regional Plan Update so that the Regional Plan is consistent with the Lake Tahoe TMDL (Project #11).

Moderate and Low Priority Projects - Staff recommends the Board assign moderate priority status to Projects #12 through #21 and low priority to the remaining Projects #22 through #25. Moderate and low priority projects are numbered in order of recommended priority, but subject to change based on ongoing and future investigations and information, and public and Board input.

Staff does not anticipate working on low priority projects unless it can be incorporated into another project. It is possible that several of the moderate or low priority projects will receive attention for various reasons. Some may be incorporated into a high priority project. For example, Project #22 (Eagle Lake “building moratorium”) may be addressed by adopting State Board’s Septic System Policy (Project #4). Project #21 (Clarify Basin Plan Table 2-1) may be addressed by including it in the prohibition amendment project (Project #1).

Other Resources - Besides incorporation into another project, moderate priority projects may receive resources from other sources besides the 6.6 PYs devoted to Basin Planning. For example, interested parties may provide technical assistance that free up Water Board PYs allotted to a high priority project for use in a moderate priority project. Also, with mutual agreement between a Discharger and the Water Board, a Supplemental Environmental Project (SEP) may be used to support technical assistance, including a Basin Planning project. Previous student contracts and the current Scientific Aide program add valuable personnel to some Basin Planning tasks without drawing from the Basin Planning funds. In addition, other Water Board programs, such as the Surface Water Ambient Monitoring Program (SWAMP), Nonpoint Source (NPS) program, and other regulatory programs, may provide monitoring data and/or other information that advances certain planning projects without the direct expenditure of planning resources.

Schedules for completion of public draft amendments and Water Board action on specific projects will depend upon the complexity of the selected projects. Some of the projects may be worked upon between Fiscal Years 12-13 and 15-16, with Board action on plan amendments after 2016. If important new projects arise before the next Triennial Review, planning priorities may be changed by the Water Board. Projects not selected for emphasis in the next three fiscal years will be identified as projects requiring additional funding. If additional funding is received or outside support provided, staff will attempt to address more projects. Staff will reconsider these projects during the next Triennial Review process and may recommend them as priorities at that time.

Table 1 Summary of Basin Plan Amendment Process

(Refer to page 37 in the hyperlink)

WHO...	DOES WHAT?
REGIONAL BOARD	<p>A. IDENTIFY THE NEED for a Plan amendment based on the Triennial Review, public concerns, new or revised laws, regulations or policies, etc. Undertake work to develop solutions - research, field work (e.g. collect chemical, physical, and/or biological monitoring data; data analysis), etc.</p> <p>B. PLAN the Administrative Record for the amendment.</p> <p>C. PREPARE NECESSARY DOCUMENTS STAFF REPORT on the proposed amendment; reasonable alternatives, mitigation, economic considerations, and anti-degradation as required <ul style="list-style-type: none"> • If addressing beneficial uses • If addressing water quality objectives • If addressing an implementation plan THE CEQA CHECKLIST DRAFT AMENDMENT DRAFT RESOLUTION</p> <p>D. EXTERNAL SCIENTIFIC PEER REVIEW</p> <p>E. PUBLISH A HEARING NOTICE / NOTICE OF FILING at least 45 days prior to the hearing</p> <p>F. RESPOND to comments – revising the draft amendment and staff report as necessary</p> <p>G. ADOPTION HEARING</p> <p>H. REGIONAL BOARD TRANSMIT two copies of the complete administrative record to the State Board; and PARTICIPATE in SWRCB Workshop and Board Meeting</p>
STATE BOARD	<p>I. APPROVE AMENDMENT at a public meeting (or return it to the Regional Board for further consideration)</p>
REGIONAL BOARD	<p>J. TRANSMIT approved amendment to Office of Administrative Law (OAL) for review and approval of the regulatory provisions</p> <p>K. TRANSMIT the OAL approved amendment to US EPA, if needed, for review and approval of surface waters standards and their implementing provisions</p> <p>L. (1) FILE CEQA NOTICE OF DECISION with the Secretary of Resources after final approval by OAL or US EPA. (2) Either pay Department of Fish & Game filing fee or submit Certificate of Fee Exemption.</p> <p>M. PRINT and DISTRIBUTE Amendment</p>

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Table 2 - 2012 TRIENNIAL REVIEW RECOMMENDED PRIORITY LIST

Projects with Available Resources	Description	Resource Needs (PY)	Estimated Completion Time (or year, if known)
#1 Prohibition amendments (Ongoing work)	This project would amend Basin Plan Chapters 4 and 5 to make editorial revisions to remove inconsistencies regarding waste discharge prohibitions and exemption criteria affecting the entire Lahontan Region, add or clarify exemption criteria, and would include some unrelated changes to other parts of the plan.	0.2 (Additional resources from management, not accounted for in Basin Planning, will be used.)	Fall 2013
#2 Revise water quality objectives for bacteria	<p>Based on the results of ongoing field sampling in the Lahontan Region, revisions to federal criteria for recreational waters, and a proposed State Water Board policy (anticipated in early 2013), revisions will be proposed to the current regionwide objectives for "Bacteria, Coliform" specific to our region to incorporate new information including the use of E. coli as an indicator.</p> <p>Staff recommends data be collected and analyzed to determine whether bacteria site specific objectives for Bridgeport Valley are warranted. Furthermore, data should be collected and analyzed region-wide, staff should evaluate the State Board and USEPA's E. Coli and enterococci standard setting process, and staff should evaluate options for modernizing bacteria standards.</p>	3.5	2016 - 2017 (see Table 3 for detailed listing of tasks)

Table 2 - 2012 TRIENNIAL REVIEW RECOMMENDED PRIORITY LIST

Projects with Available Resources	Description	Resource Needs (PY)	Estimated Completion Time (or year, if known)
#3 Remove the MUN beneficial use designation from 2 groundwater basins at China Lake Naval Air Weapons Center	Water Board staff is reviewing technical information provided by the U.S. Navy. If the MUN use is shown not to be an existing or feasibly attainable use of the affected ground waters, Table 2-2 of the Basin Plan may be amended to remove the MUN use designation for portions of two groundwater basins.	0.4 (The Navy will provide technical support)	Spring 2014
#4 Incorporate State Water Board wastewater treatment policy into the Basin Plan and revise existing language and associated changes if needed.	The State Water Board adopted a policy including statewide control measures for onsite wastewater treatment systems (septic systems) on June 19, 2012. The policy directs Regional Water Boards to incorporate it into their Basin Plans within 12 months of its effective date. Revisions to Chapter 4 and the appendices of the Lahontan Basin Plan may also be necessary for compatibility. Staff may consider and recommend other Basin Plan revisions related to onsite wastewater treatment systems, including additional monitoring and treatment.	0.5	By April 2014 (May be completed in conjunction with Project #1 Prohibition Amendment effort)
#5 Program Manager	The Basin Planning Program Manager participates in State/Regional Water Board Roundtable activities, and workplan development, provides information to the public, etc.	0.3 (0.10 PY per year)	Ongoing

Table 2 - 2012 TRIENNIAL REVIEW RECOMMENDED PRIORITY LIST

Projects with Available Resources	Description	Resource Needs (PY)	Estimated Completion Time (or year, if known)
#6 2015 Triennial Review	Prepare the 2015 Triennial Review staff report and priority list. Host scoping meetings and hearings, as necessary, for Water Board consideration.	0.2	October 2015
#7 Miscellaneous work that will not directly result in Basin Plan amendments	Staff resources are needed for work such as: coordination with other states, other agencies, and Native American tribes regarding water quality standards; development and management of contracts related to planning; staff training, etc.	0.3 (0.1 PY per year)	Ongoing
#8 Review new scientific information to consider changes to the water quality objectives for nearshore areas of Lake Tahoe.	Evaluate research findings in late 2012 and propose next steps to set nearshore assessment indicators as a first step to developing new nearshore water quality standards. Resource needs listed here only include staff evaluation of research findings, interagency coordination, public meetings, stakeholder outreach, and development of a workplan.	0.3	2013

Table 2 - 2012 TRIENNIAL REVIEW RECOMMENDED PRIORITY LIST

Projects Requiring Additional Resources	Description	Resource Needs (PY)	Estimated Completion Time (or year, if known)
#9 Incorporate Antelope Valley Salt and Nutrient Management Plan into the Basin Plan	The State Water Board's Recycled Water Policy directs Regional Water Boards to incorporate Salt and Nutrient Management Plans (SNMPs) completed by stakeholder groups into the Basin Plans. The Antelope Valley SNMP is expected to be submitted to the Lahontan Water Board in 2014. Consider revising groundwater objectives to account for expected changes in salt and nutrients.	0.3	FY 15-16
#10 Incorporate Mojave Basin Salt and Nutrient Management Plan into the Basin Plan	The State Water Board's Recycled Water Policy directs Regional Water Boards to incorporate SNMPs completed by stakeholder groups into the Basin Plans. The Mojave Basin SNMP is expected to be submitted to the Lahontan Water Board in 2014. Consider revising water quality objectives for Mojave groundwater and river to account for expected changes in salt and nutrients.	0.3	FY 15-16

Table 2 - 2012 TRIENNIAL REVIEW RECOMMENDED PRIORITY LIST

Projects Requiring Additional Resources	Description	Resource Needs (PY)	Estimated Completion Time (or year, if known)
#11 Update Chapter 5 of the Basin Plan to reflect pending revisions to the Tahoe Regional Planning Agency's (TRPA's) regional land use and water quality plans.	Chapter 5 of the Lahontan Basin Plan incorporates the regulatory provisions of TRPA's 1988 <i>Water Quality Management Plan for the Lake Tahoe Region</i> ("208 Plan"). TRPA adopted revisions to its regional land use plan on 12/12/12, and is beginning revisions to the 208 Plan. Staff resources are needed to coordinate with TRPA to ensure consistency with the Lake Tahoe TMDL. Changes to Basin Plan Chapter 5 may be necessary to reflect the TRPA plan revisions as finally adopted.	0.3	9 months (May be completed in conjunction with Project #1 Prohibition Amendment effort)
	PY Totals for Projects #1 through #11	6.6	

Table 2 - 2012 TRIENNIAL REVIEW RECOMMENDED PRIORITY LIST

Projects Requiring Additional Resources	Description	Resource Needs (PY)	Estimated Completion Time (or year, if known)
#12 Hydromodification (Riparian Protection Policy)	Revise Basin Plan to include specific implementation measures to protect all beneficial uses of ground and surface waters from the effects of development and hydromodification. Specific emphasis is needed on protecting desert surface waters, including measures to control or prevent excessive erosion of soft soils and subsequent down stream sediment deposition, adversely impacting Aquatic and Wildlife Habitats.	1.0	One year (To begin following USEPA grant funded projects)
#13 Biological indicators	Revise existing narrative water quality objective for protection of aquatic communities (nondegradation of aquatic communities objective).	1.5	Two years
#14 Squaw Valley groundwater withdrawal	Evaluate the effects of potential increased groundwater withdrawal in Squaw Valley on the water quality of Squaw Creek and its tributaries. In particular, examine the interplay of water supply and water quality influencing biological conditions and a consideration of flow requirements for Squaw Creek.	0.5	6 months (to begin after receiving data evaluation from ground water study)
#15 Revised Hot Creek water quality objectives	Develop revised objectives for Hot Creek (Owens River HU) based on changes in water quality related to increased constituent levels emanating from the natural groundwater flows entering the creek.	1.0	9 months

Table 2 - 2012 TRIENNIAL REVIEW RECOMMENDED PRIORITY LIST

Projects Requiring Additional Resources	Description	Resource Needs (PYs)	Estimated Completion Time (or year, if known)
<p>#16 Adopt or revise site-specific water quality objectives for Fish Springs in the Owens Valley to facilitate NPDES permitting for a state fish hatchery.</p>	<p>The Department of Fish and Game (DFG) operates Fish Springs hatchery in the Owens Valley where source water is ground water and the discharge from the hatchery forms Fish Springs Creek. The Basin Plan currently has an objective for Fish Springs Creek above the hatchery, however, water no longer exists at that location. Water Board proposes removing this objective from the Basin Plan and setting an objective for Fish Springs creek below the hatchery. This effort may involve gathering additional water quality information from LADWP.</p>	<p>1.0</p>	<p>One year</p>
<p>#17 Susan River site specific objectives</p>	<p>Develop revised objectives for section of the Susan River and its tributaries downstream of Susanville’s Community Services District (District). Consider lowering water quality while ensuring continued protection of beneficial uses. Staff will need to involve the District, current downstream agricultural users, and the Department of Fish and Game in evaluating alternatives including: increased treatment, increased land disposal capacity, and establishing or ensuring minimum flows in Susan River and its tributaries.)</p>	<p>2.0</p>	<p>One and a half years</p>

Table 2 - 2012 TRIENNIAL REVIEW RECOMMENDED PRIORITY LIST

Projects Requiring Additional Resources	Description	Resource Needs (PYs)	Estimated Completion Time (or year, if known)
#18 Revise Chapter 3 language on determining compliance with water quality objectives.	The proposed revisions would change water quality objectives expressed as “means of monthly means” to annual means and define minimum sample numbers and sampling frequencies for determining compliance with objectives. This could avoid the need for new Clean Water Act Section 303(d) listings based on very small sample numbers, and facilitate delisting.	1.0	One year
#19 Dairies Strategy	Revise the Basin Plan, Section 4.10, to include an updated Dairy Regulatory Strategy to address groundwater pollution from dairies. (It may be possible to implement an appropriate strategy without a Basin Plan amendment.)	0.5	One year
#20 BIOLOGICAL Beneficial Use for Mojave River	Add the Biological Use (BIO) for specific reaches of the Mojave River with remaining viable habitat, specifically from Bear Valley Road to Helendale.	0.3	9 months

Table 2 - 2012 TRIENNIAL REVIEW RECOMMENDED PRIORITY LIST

Projects Requiring Additional Resources	Description	Resource Needs (PYs)	Estimated Completion Time (or year, if known)
#21 Clarify Table 2-1, for Hydrologic Unit 628 (Mojave River)	Correct duplicative features of list of beneficial uses between the major and sub-watershed of the Mojave River Hydrologic Unit.	0.3	9 months
#22 Eagle Lake “building moratorium”	Amend the Basin Plan to lessen restrictions on building density for septic systems. (See Comment Letter “Eagle Lake” dated 10/9/12 in Attachment A.) This project may be addressed by incorporating State Board’s new Onsite Wastewater Treatment Systems Policy.	0.5	One year
#23 Biotic Ligand Model for copper	Incorporate the USEPA national criteria for copper into water quality standards program using the Biotic Ligand Model. (See Comment Letter “Copper water quality standards” dated 10/1/12 in Attachment A.)	0.5	One year
#24 Revise PCPs water quality objectives	The USEPA recommends a revision of water quality objectives for pentachlorophenol (PCPs), where appropriate. The USEPA believes existing objectives are not sufficiently protective of early life stages of salmonids. (See Comment Letter “Triennial Review” dated 10/18/12 in Attachment A.)	1.0	Two years

Table 2 - 2012 TRIENNIAL REVIEW RECOMMENDED PRIORITY LIST

Projects Requiring Additional Resources	Description	Resource Needs (PYs)	Estimated Completion Time (or year, if known)
#25 Remove two beneficial uses from Piute Ponds wetlands	This project would involve removal of Groundwater Recharge (GWR) and Agricultural Supply (AGR) beneficial uses from the Piute (also known as Paiute) Ponds and wetlands in the Amargosa Creek watershed eastern Los Angeles County. The ponds and wetlands are maintained with effluent from the Los Angeles County Sanitation District No. 14 (Lancaster) wastewater treatment facilities. (See Comment Letter "Groundwater recharge and agricultural supply beneficial use designations" dated 9/27/12 in Attachment A.)	1.0	One and a half years
	PY Totals for Projects #12 through #25	12.1	

Table 3 Bacteria Water Quality Objective Tasks

Task	Details	Staff PYs and Contract Funds (if applicable)	Timeline
(1) Proposition 84 grant	<p>(1) Rivers and Ranches- (a) implementation of grazing management practices on private ranch properties</p> <p>(2) UC Davis subcontract- (b) pre and post- management practices implementation bacterial monitoring bacterial source tracking in priority watersheds to determine source of impairment (Trout Crk, Tallac Crk, Susan River, Bishop Crk, Swauger Crk);</p> <p>(3) UC Santa Barbara subcontract – (c) establishment of a bacterial analysis lab near Mammoth Lakes; receive and run water samples</p> <p>(4) Grant management</p> <p>(5) Outreach</p>	<p>(a) \$352,840 (b) \$400,000 (c) \$56,000</p> <p>0.15 PY/year</p>	Grant concludes March 1, 2016
(2) Grazing Advisory Group (GAG)	Internal R6 working group that coordinates efforts and shares data between Non-point Source (NPS), Surface Water Ambient Monitoring Program (SWAMP), and basin planning projects in relation to grazing/bacteria. Coordinate on projects/contracts and determine/delegate work tasks. This is the platform for sharing information, coordinating projects in the region, and planning new/future projects.	0.05 PY/year	Monthly/Quarterly during development of bacteria basin plan amendment
(3) Eastern Sierra Bacteria monitoring (internal)	Monitoring performed by R6 planning, Non Point Source, and SWAMP staffs during the grazing season, including pre- and post- grazing. Based on data, monitoring sites may change or additional sites may be added. This monitoring ensures Lahontan staff is evaluating possible impairments due to grazing and tracking seasonal/annual variations.	0.60 PY/year	May through October/ November annually
(4) Compile all bacterial data and map it	This data should include data from the UC Davis contract #08-076-160 (completed July 15, 2010) which includes 337 stream water samples collected from 35 sample locations and analyzed for <i>E. coli</i> and fecal coliform. Additional data to be analyzed includes the Bridgeport ranchers Grazing Waiver data, internal Eastern Sierra Bacteria data, SWAMP data, permittee data (?), and data from future grants/contracts.	0.10 PY	Initial task could be completed by June 30, 2013; additional data entry completed by June 30, 2016

Table 3 Bacteria Water Quality Objective Tasks

Task	Details	Staff PYs and Contract Funds (if applicable)	Timeline
(5) Compile all Bridgeport Valley Grazing Waiver information	Evaluate the Bridgeport Waiver information, including the “Section 13267” information submitted last year by the ranchers. This evaluation can and should include reporting on miles of property fenced from waterways, miles of streams still exposed to uncontrolled access by livestock, acres of various implementation actions completed, proportion of irrigation return flows treated or eliminated, money spent, Grazing Management Practices (GMPs) in relation to distance to monitoring sites, etc. This information will assist in evaluating efforts of Bridgeport Valley ranchers and determine if they have completed all feasible GMPs on their properties. If this information is not readily available, additional PYs would be needed to gather this information from the ranchers.	0.07 PY	Task could be completed by June 30, 2013; additional information input completed annually
(6) UC Santa Barbara SNARL contract No. 12-067-160	At no fewer than 8 watersheds, conduct longitudinal (i.e., headwaters-to-mouth) stream surveys for bacterial indicators. This design can provide site-specific data for many watersheds and the data analysis could reveal trends (and quantification) of bacteria levels in headwaters (i.e., “background”), above/below grazing areas, above/below urban/residential areas, etc.	\$130,000 (0.05 PY/yr from SWAMP to manage contract)	Contract concludes March 20, 2015 (or sooner)
(7) Track USEPA/StBd bacteria standards	USEPA recently announced its release of new Water Quality Criteria for Recreational Waters. The State Board is in the process of creating a new bacteria amendment based on USEPA’s recent announcement. Staff will need to evaluate the new USEPA guidance and possibly provide input to State Board for our regional interests/considerations.	0.05 PY/year	Possibly next 1-3 years

Table 3 Bacteria Water Quality Objective Tasks

Task	Details	Staff PYs and Contract Funds (if applicable)	Timeline
(8) Internal working group to evaluate basin plan amendment options	This group evaluates the information gathered and tasks completed (in this table) to define feasible options for a regionwide basin plan amendment to present to upper management and Lahontan's Grazing Advisory Group.	0.10 PY/year (years 2 and 3)	Next 3 years
(9) Possible future contract (FY 13-14): UC Santa Barbara SNARL contract	Currently a contract request as priority ranking 1. If funded, the contractor will test and employ library-independent microbial source tracking approaches to determine bacteria sources in surface waters. Specifically, the contractor will test and refine recently developed animal feces-specific <i>Bacteriodes spp.</i> qPCR primers, and use the assays to determine bacteria sources in the Region.	\$190,000 requested 0.05 PY/yr to manage contract; program to be determined)	Contract may conclude June 30, 2016
TOTAL PYs (next 3 years)			3.5

TABLE 4 STATUS OF 2009 TRIENNIAL REVIEW PRIORITIES FOR BASIN PLANNING ACTIVITIES

Topic No.	Topic	2009 Description and Estimated Completion Date	Status in December 2012
0	Complete Lake Tahoe TMDL and associated amendments to Chapter 5	Ongoing work that will use TMDL program rather than Basin Planning program resources.	The TMDL was adopted by the Regional Water Board on 11/16/10 and the State Board on 4/19/11. The U.S. Environmental Protection Agency approved the TMDL on 8/16/11 and is now in effect.
1	Complete amendments to the water quality objective for pesticides	Ongoing work (in FY 09-10 workplan). The estimated completion date was May 2010.	The pesticide Basin Plan amendment was adopted by the Regional Water Board on 12/7/11 and the State Board on 5/15/12. The Office of Administrative Law (OAL) approved the Amendment on 9/6/12. It will become effective pending OAL and USEPA approval.
2	Complete amendments to plan provisions affecting the shorezone of Lake Tahoe.	Ongoing work (in FY 09-10 workplan). The estimated completion date was July 2010.	Further work on these amendments has been suspended pending the resolution of the litigation.

TABLE 4 STATUS OF 2009 TRIENNIAL REVIEW PRIORITIES FOR BASIN PLANNING ACTIVITIES

Topic No.	Topic	2009 Description and Estimated Completion Date	Status in December 2012
3	Complete Tahoe/Truckee Prohibition/forestry amendments.	Ongoing work (in FY 09-10 workplan). Revise exemption criteria for 100-year floodplain waste discharge prohibitions in the Lake Tahoe and Truckee River watersheds to be consistent and to clarify application of exemption criteria to forest fuel reduction activities. Update Chapter 4 and 5 discussions on timber harvest and vegetation management. The estimated completion date was October 2010.	The scope of this project has been expanded to include update of waste discharge prohibitions and exemption criteria for the entire Lahontan Region. The tentative schedule calls for CEQA scoping in winter 2012, release of public drafts in April, and Water Board action in Fall 2013.
4	Complete Chapter 5 amendments to incorporate Tahoe Regional Planning Agency's (TRPA's) new 20 year Regional Plan	Ongoing assistance to TRPA to ensure that TRPA Regional Plan is consistent with the Lake Tahoe TMDL. Additional water quality programs and implementation measures will be incorporated into Chapter 5 of the Basins Plan following TRPA's adoption of its Regional Plan. The estimated completion date for the Basin Plan amendments was early 2012.	TRPA Governing Board approved its Regional Plan Update on 12/12/12. Staff recommends the Chapter 5 Basin Plan amendments project as high priority in the 2012 Triennial Review.

TABLE 4 STATUS OF 2009 TRIENNIAL REVIEW PRIORITIES FOR BASIN PLANNING ACTIVITIES

Topic No.	Topic	2009 Description and Estimated Completion Date	Status in December 2012
5	Revise water quality objectives for the Mojave River	Initial effort to gather information from Mojave Water Agency and other entities. Prepare workplan and resource estimate to complete Basin Plan amendment to revise objectives. The estimated completion date for the investigation was June 2012.	A staff report on the investigation was completed in October 2011. It concludes that currently available surface water data for the Mojave River and tributary streams are inadequate to serve as the basis for updated objectives.
6	Modify waste discharge prohibitions to protect additional prime groundwater recharge areas of arid basins	Initial effort during this Triennial Review cycle. Prepare scope, workplan and resource estimate to complete basin plan amendment. The estimated completion date was June 2012.	No work on this topic has been done to date. The need for these amendments should be clarified upon completion of ongoing work by stakeholders on salt/nutrient management plans and Integrated Regional Water Management Plans for specific watersheds. Funding sources other than Basin Planning are being used for Water Board staff participation in these stakeholder planning efforts.

TABLE 4 STATUS OF 2009 TRIENNIAL REVIEW PRIORITIES FOR BASIN PLANNING ACTIVITIES

Topic No.	Topic	2009 Description and Estimated Completion Date	Status in December 2012
7	Revise bacteria objectives	Initial effort includes managing contract to collect data and compare fecal coliform bacteria levels to E. coli levels in waters of the Lahontan Region, and reviewing proposed State Water Board and USEPA criteria. Basin Plan amendment (post 2013 at the conclusion of a Proposition 84 grant study) will incorporate the State Water Board's bacteria policy when final and consider revisions to the Lahontan Region's bacteria- related objectives. The estimated completion date was June 2013.	The State Water Board has not yet released a public draft of its proposed bacteria policy. The USEPA issued final revised criteria for recreational waters (including inland waters) in November 2012. Bacteria sampling by UC Davis in 2009-2010 has been completed. The Proposition 84 funded study will involve further assessment by UC Davis. Revised objectives for E. coli are now expected to be developed by 2017.
8	Miscellaneous work that will not directly result in Basin Plan amendments	Work includes coordination with other states, agencies, tribes and TRPA regarding standards revisions, contract management for plan-related work, staff training, administrative staff updates of electronic plan, coordination with State Water Board Division of Water Rights and water purveyors in Squaw Valley, Placer County regarding ground water management issues, work with third parties on nutrient and salt management plans developed under State Water Board's Recycled Water Policy, etc.	Miscellaneous planning-related work, including coordination with stakeholders involved with aquatic invasive species, is ongoing.

TABLE 4 STATUS OF 2009 TRIENNIAL REVIEW PRIORITIES FOR BASIN PLANNING ACTIVITIES

Topic No.	Topic	2009 Description and Estimated Completion Date	Status in December 2012
9	Update of entire Basin Plan	Update of the plan to improve its usability for staff and the public. Revisions will address new and revised State Water Board plans and policies, California Toxics rule standards, Nonpoint Source Plain, waiver and enforcement provisions, Surface water Ambient Monitoring Program, Watershed Management Initiative, revised maps, a revised beneficial use table reflecting the CalWater watershed numbering system, etc. Salt/nutrient management plans completed in response to the State Water Board's recycled water policy may be incorporated into the Basin Plan as part of this project if they are available before public drafts are completed. Estimated completion date was Spring 2012.	Work on this topic has been delayed due to resource limitations and other planning priorities. Staff maintains a list of needed editorial and regulatory plan changes on an ongoing basis. Some of these changes (e.g., updated reference to the current Water Code waiver provisions, the State Water Board Nonpoint Source Plan, NPDES compliance schedules, and the California Toxics Rule) will be proposed as part of the prohibition amendments (Topic No. 3). The State Water Board has contracted for preparation of revised Basin Plan maps in Geographic Information System (GIS) format as part of an effort to provide "Web Portal" access to the Basin Plans.

TABLE 4 STATUS OF 2009 TRIENNIAL REVIEW PRIORITIES FOR BASIN PLANNING ACTIVITIES

Topic No.	Topic	2009 Description and Estimated Completion Date	Status in December 2012
10	Remove MUN use from Eastern Indian Wells Valley and Salt Wells Valley Basins	This project was requested in comments from the China Lake Naval Air Weapons Center. Staff will rely upon the Navy to provide adequate information and data to justify the amendments. Depending on the availability of data the project may or may not be completed within the next 3 years. The estimated completion date was "after 2012."	After indicating in 2010 that it was no longer interested in pursuing these amendments, the Navy expressed renewed interest in 2011 and delivered a technical justification report in May 2012 in response to a detailed staff letter requesting more information. Staff has reviewed the report and is evaluating whether de-designation of MUN use in portions of the two groundwater basin is appropriate.
11	2009 and 2012 Triennial Review	Resources are needed to develop a draft priority list and related documents, respond to public comments, and prepare agenda materials and administrative records.	Work on the 2012 Triennial Review process is expected to begin in late Fiscal Year 2011/2012.
12.	Program Manager	Program manager participates in State/Regional Board roundtable meetings, aids in workplan development, provides information to the public, etc.	The Program Manager's duties are ongoing.

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Attachment B

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

**2012 Triennial Review
Comment Letters**

Water Board staff received 16 comment letters or emails related to the 2012 Triennial Review. The table below lists the attached letters in order of date received.

	Subject	Author	Agency	Received
1	Remove MUN beneficial use from two groundwater basins at China Lake	Lee Sutton	Restoration Advisory Board Community Co-chair	9/11/12
2	Remove MUN beneficial use from two groundwater basins at China Lake	Don Zdeba	Chair of Indian Wells Valley Cooperative Groundwater Management Group	9/24/12
3	Bacteria Water Quality Objectives	Randy Moore	Regional Forester, US Forest Service, Pacific Southwest Region	9/26/12
4	Groundwater recharge and agriculture supply beneficial use designations	Grace Robinson Chan	Chief Engineer and General manager, County Sanitation Districts of Los Angeles County	9/27/12
5	Copper water quality standards	Robert Gensemer	Geotechnical Environmental Water Resources Ecological, representing International Copper Association and Copper Development Association	10/1/12
6	Fecal Coliform Pathogen Objective	William Thomas	Centennial Ranches	10/5/12
7	Eagle Lake	Suzanne Braun Frost	Individual	10/9/12
8	Remove MUN beneficial use from two groundwater basins at China Lake	Don Zdeba	General Manager, Indian Wells Valley Water District	10/15/12
9	Triennial Review	Joe Pepi	Watershed/SEZ Restoration Coordinator, California Tahoe Conservancy	10/18/12

**2012 Triennial Review
Comment Letters (continued)**

	Subject	Author	Agency	Received
10	Supplemental Comments – Fecal Coliform Pathogen Objective	William Thomas	Centennial Ranches	10/18/12
11	Triennial Review	Janet Hashimoto	Manager Standards and TMDL Office, US Environmental Protection Agency	10/18/12
12	Revise Chapter 3 language (means of monthly means)	Marcia Beals	General Manager, Tahoe-Truckee Sanitation Agency	10/19/12
13	Susan River and Salt/Nutrient Management Plans	Edward Koch	State Supervisor, US Fish & Wildlife Service, Pacific Southwest Region	10/19/12
14	Hot Creek and Bacteria Water Quality Objectives	Katherine Rubin	Manager of Wastewater Quality and Compliance, City of Los Angeles Department of Water & Power	10/19/12
15	Bacteria Water Quality Objectives	Margo Parks and Kari Fisher	Associate Director of Government Relations, California Cattleman's Association (Parks) and Associate Counsel, California Farm Bureau Federation (Fisher)	10/19/12
16	Bacteria Water Quality Objectives	Jack Hanson	District 5 Supervisor, Lassen County	10/19/12

Staff has responded to bacteria water quality objective and fecal coliform pathogen issues in the 2012 Grazing Waiver Response to Comments. To review these responses, please visit:

http://www.waterboards.ca.gov/la_hontan/water_issues/programs/nps/index.shtml

Lee Sutton
RAB Community Co-chair
231 S. Lilac St.
Ridgecrest, CA 93555
(760) 375-1981

September 7, 2012

Mr. Richard Booth
Chief, TMDL/Basin Planning Unit
California Regional Water Quality Control Board, Lahontan Region
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

RE: Proposed Basin Plan Amendment to Remove the MUN Beneficial Use Designation from Salt Wells Valley and Shallow Groundwater in Eastern Indian Wells Valley at NAWs China Lake, California

Dear Mr. Booth:

On behalf of the Naval Air Weapons Station (NAWS) China Lake Restoration Advisory Board (RAB), I would like to take this opportunity to extend our support of the Navy's request for an amendment to the Basin Plan that would remove the Municipal and Domestic Supply (MUN) use designation from the northern portion of the Salt Wells Valley and shallow groundwater in the eastern Indian Wells Valley. The areas proposed for the groundwater exemption to the Basin Plan amendment are provided in the "*Draft Technical Justification for Beneficial Use Changes for Groundwater in Salt Wells Valley and Groundwater in Eastern Wells Valley, Naval Air Weapons Station China Lake, California*" that was prepared for the Navy and dated May 25, 2012.

A subcommittee of 5 out of 8 RAB members reviewed the referenced Technical Justification for the amendment to the Basin Plan. The review subcommittee consisted of representatives for the Indian Wells Valley Water District, Kern County Environmental Health Services Department, Kern County Water Agency, and community members. A committee meeting was held on July 31, 2012 to discuss the contents of the document, with the following conclusions:

- **Salt Wells Valley Water Basin 6-53.** The change of use classification for Salt Wells Valley is so straightforward that there was little discussion. There is not reasonably useable groundwater in the area for contaminants to affect.
- **Indian Wells Valley Water Basin 6-54.** For shallow groundwater in the eastern Indian Wells Valley (known as the Shallow Hydrogeologic Zone or SHZ) the issue is more complex. The rationale for the change is based on the findings of the Basewide Hydrogeologic Characterization Study in 2003 that identified a thick clay layer underlying the SHZ and sealing it off from the regional aquifer. This clay layer extends from the Little Lake fault zone on the west to the bedrock of Lone Butte on the east. The water in the SHZ is of very bad quality and cleaning it to drinking water standards would not be reasonable.

As a result, the NAWs China Lake RAB recommends that the Water Board amends the Water Quality Control Plan for the Lahontan Region to remove the MUN beneficial use designation for groundwater in these areas. Removal of the MUN beneficial use designation is in the Water Board's and community's best interest because it will allow remedial action objectives and groundwater cleanup goals to be based on human health and ecological risk-based objectives, rather than on the current but unattainable Federal and State Maximum Contaminant Levels (MCLs). The RAB recognizes that these proposed changes to the Basin Plan will enable the Navy and Water Board to reconcile differences in groundwater cleanup objectives and expedite cleanup programs at multiple NAWs China Lake Installation Restoration Program sites while reducing the costs for groundwater cleanup.

Lee Sutton
September 7, 2012
Page 2

Sincerely,



Lee Sutton, RAB Community Co-chair

Copy To:

Mr. Omar Pacheco
California Regional Water Quality Control Board
Lahontan Region 6
14440 Civic Drive, Suite 200
Victorville, California 92392

Mr. Danny Domingo
Department of Toxic Substances Control
Site Mitigation and Brownsfield Reuse Program
1515 Tollhouse Road
Clovis, CA 93611

Mr. James McDonald, Code
Naval Air Weapons Station, China Lake
429 East Bowen Road, Stop 4014
China Lake, CA 93555-6108

Mr. Mike Stoner
Naval Air Weapons Station, China Lake
429 East Bowen Road, Stop 4014
China Lake, CA 93555-6108

Mr. Leroy Corlett
1217 Inyo
Ridgecrest, CA 93555

Mr. Charlie Bauer
Kern County Environmental Health Services Department
2700 M Street, Suite 300
Bakersfield, CA 93301

Mr. Ray Kelso
2362 Lumill St
Ridgecrest, CA 93555

Mr. Terry Rogers
743 E. Burns St.
Ridgecrest, CA 93555

Mr. Brian Bartells
425 E. Far Vista
Ridgecrest, CA 93555

Mr. Craig McKenzie
1031 N Scott St.
Ridgecrest, CA 93555



**INDIAN WELLS VALLEY
COOPERATIVE GROUNDWATER MANAGEMENT GROUP**

Post Office Box 1329
Ridgecrest, California 93556-1329

September 21, 2012



Mr. Richard Booth
Chief, TMDL/Basin Planning Unit
California Regional Water Quality Control Board, Lahontan Region
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96251

RE: Proposed Basin Plan Amendment to Remove the MUN Beneficial Use Designation from Salt Wells Valley and Shallow Groundwater in Eastern Indian Wells Valley at NAWS China Lake

Dear Mr. Booth:

I am writing on behalf of the Indian Wells Valley Cooperative Groundwater Management Group (IWVCGMG); a public water data sharing group consisting of most of the major local water producers, government agencies, and other water stakeholders in the valley. The group was formed in 1995 to enable a coordination of resources to collect data, facilitate joint studies, communicate water-related issues through public outreach, and practice responsible stewardship of the water resources in the Indian Wells Valley.

The IWVCGMG wishes to express our support for the Navy's request for an amendment to the Basin Plan that would remove the Municipal and Domestic Supply (MUN) use designation from the northern portion of Salt Wells Valley and from shallow groundwater in the eastern Indian Wells Valley. The areas that would be included under this exemption to the Basin Plan amendment are designated in the document *entitled "Draft Technical Justification for Beneficial Use Changes for Groundwater in Salt Wells Valley and Groundwater in Eastern Wells Valley, Naval Air Weapons Station, China Lake, California"* that was prepared for the Navy and dated May 25, 2012.

The IWVCGMG bases its support on the findings of the Naval Air Weapons Station (NAWS) China Lake Restoration Advisory Board (RAB) and our own Technical Advisory Committee. A subcommittee of the RAB was charged with reviewing the referenced Technical Justification for the amendment and recommended to the full committee during a July 31st meeting that the Water Board amend the Water Quality Control Plan for the Lahontan Region to remove the MUN beneficial use designation for groundwater in the two sub-basins; Salt Wells Valley Water Basin 6-53 and Indian Wells Valley Water Basin 6-54.

Removal of the MUN beneficial use designation is in the Water Board's and the community's best interest because it will allow remedial action objectives and groundwater cleanup goals to be based

Indian Wells Cooperative Groundwater Management Group

September 21, 2012

Page 2

on human health and ecological risk-based objectives, rather than on the current but unattainable Federal and State Maximum Contaminant Levels (MCLs). The RAB maintains these proposed changes to the Basin Plan will enable the Navy and Water Board to reconcile differences in groundwater cleanup objectives and expedite cleanup programs at multiple NAWS China Lake Installation Restoration Program sites while reducing the costs for groundwater cleanup.

Should you have any questions regarding this letter of support, please contact me at (760)384-5555 or you may e-mail me at don.zdeba@iwwvd.com.

Regards,



Don Zdeba
Chair, Indian Wells Valley Cooperative Groundwater Management Group

cc:

Mr. Omar Pacheco
California Regional Water Quality Control Board
Lahontan Region 6
14440 Civic Drive, Suite 200
Victorville, CA 92392

Mr. Mike Stoner
Naval Air Weapons Station, China Lake
429 East Bowen Road, Stop 4014
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Comment

Response



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File Code: 2530
Date: SEP 26 2012

Richard Booth
Chief, TMDL/Basin Planning Unit
Lagontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd
South Lake Tahoe, California 96150



Dear Mr. Booth:

The USDA Forest Service, Pacific Southwest Region (USFS), offers the following comments on the Triennial Review of the Lahontan Basin Plan specific to the topic "Revise water quality objectives for bacteria".

1. The current basin plan objective for fecal coliform (FC) is a log mean of 20 colony forming units per 100 milliliters (cfu/100 mL) and is applied to all surface waters within the Lahontan Region because all surface waters have the contact recreation (REC-1) beneficial use designation.
2. The current basin plan objective does not allow any concentrations of coliform bacteria from humans or livestock.
3. Both U.S. Environmental Protection Agency (USEPA) regulations and the State's Porter-Cologne Act require that basin plan objectives be scientifically defensible and based on the protection of identified beneficial uses.
4. The current basin plan objective has no scientific basis linking the objective to protection of the identified REC-1 beneficial use, and is therefore not in compliance with applicable federal regulations and State law. The most recent (1976) USEPA standard for FC for recreational waters was 200 cfu/100 mL. This standard is used currently by the Central Valley Regional Board, which adjoins the Lahontan Region to the west. In 1986, the USEPA shifted to a standard based on E. Coli, and the 2012 draft USEPA water-quality standards uses this same E. Coli standard of a geometric mean of 126 cfu/100mL and a 75th percentile of 235 cfu/100 mL. The USEPA standard was based on extensive scientific studies to establish links between ambient bacterial concentrations and impacts to human health. No such studies have demonstrated a need for a basin plan objective of 20 cfu/100 mL, which is ten times lower than the most recent USEPA FC standard.
5. The Lahontan Board acknowledged in Resolution No. R6T-2007-0019 that a FC standard of 200 cfu/100 mL was protective of beneficial uses, which include REC-1.
6. The current basin plan objective is not consistently achieved even in the absence of livestock. Data provided by Lahontan Board staff (Smith, D.F., Lahontan Regional Water

USFS-1: The comment that "the current basin plan objective has no scientific basis linking the objective to protection of the identified REC-1 beneficial use" is incorrect. The scientific state-of-knowledge demonstrates that the presence of fecal indicator bacteria (FIB) in water (e.g., fecal coliform, enterococci, *E. coli*) indicates a potential threat to beneficial uses of water (including REC uses) due to fecal contamination. The USEPA has long recognized fecal coliform bacteria as a cost-effective and reliable indicator of fecal contamination. (Reference: [USEPA, 1976. Quality Criteria for Water, pp. 79-82.](#)) Since that time, the USEPA has continually recommended the use of various FIB to reveal the presence of fecal contamination, and to indicate a risk to human health. For example, in the [2012 EPA Recreational Water Quality Criteria](#), (November 26, 2012), the USEPA states: *(continued on next page)*



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USFS-1 (continued from previous page):

"...The basis for recommending criteria that use bacterial indicators of fecal contamination is that pathogens often co-occur with indicators of fecal contamination...Public health agencies have long used FIB to identify potential for illness resulting from recreational activities in surface waters contaminated by fecal pollution...Although most strains of FIB are not pathogenic, they demonstrate characteristics that make them good indicators of fecal contamination (i.e., often of fecal origin and simple methods of detection) and thus, indirectly indicate the potential presence of fecal pathogens capable of causing GI illnesses. As such, FIB are 'pathogen indicators' as that term is defined by CWA §502(23) –'a substance that indicates the potential for human infectious diseases'..."

Though the USEPA's most current FIB criteria focus on *E. coli* and enterococci (not fecal coliform), the USEPA's FIB criteria are not standards in California. The Lahontan Basin Plan's water quality objectives for fecal coliform bacteria were approved by the USEPA and remain valid. In sum, the available scientific evidence, taken as a whole, demonstrates that the presence of FIB (including fecal coliform bacteria) in water indicates a risk to human health. The existing 20 cfu/100mL standard has a risk to human health of less than one person in 1000 to become ill who contact waters containing fecal contamination. The scientific foundation for the Basin Plan's bacteria objectives is well established.

The comment appears to confuse the interaction between science and policy as they relate to the adoption of water quality standards. While scientists can estimate and quantify the threats posed by various levels of FIB in water, scientists alone do not dictate the numeric standard. (continued on next page)



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Richard Booth
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Lagontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd
South Lake Tahoe, California 96150



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USFS-1 (continued from previous page): Decision-makers determine the standard, based on societal factors (including local, regional, and/or statewide considerations) and the state-of-knowledge that exists at the time of adoption. Therefore, various numeric standards for FIB are in use throughout America; there is not currently any "one-size-fits-all" bacteria standard used in California, or throughout the United States. (See also Responses USFS-5, USFS-8, and USFS-9, below.)

Further, the comment does not cite any regulation(s) or statute(s), or articulate why the "current basin plan objective...is...not in compliance with applicable federal regulations and State law." The Lahontan Water Board, composed of members duly appointed by the Governor, lawfully adopted the Basin Plan's water quality objectives for bacteria in 1974, and those objectives have been approved by both the State Water Resources Control Board and the U.S. Environmental Protection Agency (in 1975 and 1995). The current objectives comply with all relevant State laws and federal regulations.

The Water Board acknowledges that new technologies have emerged, and that new information and FIB criteria have become available since the Basin Plan's objectives for bacteria were adopted (in 1975) and amended (in 1995). Water Board staff is currently reviewing the USEPA's latest Recreational Water Quality Criteria (released in November 2012; *ibid*), and conducting FIB monitoring to characterize bacteria concentrations at numerous locations throughout the Region. Unless and until the Lahontan Regional Board considers and adopts amendments to the Basin Plan's bacteria objectives, the current objectives remain valid and must be adhered to by all dischargers in the Region.



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USFS-2: Finding 4 in Resolution No. R6T-2007-0019 acknowledged that USEPA found that the federal FC criterion of 200 cfu/100mL is sufficiently protective of beneficial uses; the Lahontan Water Board did not explicitly find that 200 cfu/100mL is protective of beneficial uses for the Lahontan Region. Federal (USEPA) criteria are, in general, minimum requirements that USEPA expects the states to follow. The federal criterion for fecal coliform bacteria (200 cfu/100mL, log mean) is therefore the highest concentration that USEPA considers adequate to protect water-contact recreation beneficial uses. Both federal and State laws and regulations provide that the Regional Boards may adopt water quality objectives that are more protective than USEPA's criteria, and the Lahontan Regional Board has lawfully adopted its own objectives. The Lahontan Regional Board has (in Resolution No. R6T-2007-0019, and elsewhere) articulated its rationale for adopting water quality objectives which are more protective than USEPA's FC criterion. Furthermore, Resolution No. R6T-2007-0019 applies only to the Bridgeport Valley and East Walker tributaries.



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Comment

Response

Richard Booth

2

Quality Control Board, written communication, March 16, 2012) indicate that FC concentrations exceeded the basin plan objective on numerous occasions on streams on the Inyo National Forest when cattle were not present. A study recently completed by the USFS and UC Davis found that of 743 samples collected across 12 USFS grazing allotments, 50 percent exceeded the 20 cfu/100 mL standard. For 125 samples collected at sites identified as recreational sites without key grazing areas, 46 percent exceeded the 20 cfu/100 mL standard. In contrast, only 10 percent of all samples and 6 percent of samples from recreational sites without key grazing areas exceeded the 200 cfu/100 mL standard advocated by the USEPA.

7. The current basin plan objective, in requiring bacterial concentrations that are too low to be generally achievable and ten times lower than needed to protect identified beneficial uses, and in completely prohibiting coliforms from humans or livestock, does not allow reasonable use of public lands consistent with the Multiple Use Sustained Yield Act.

8. Your staff proposes three options for revising the current basin plan objective, all of which would require at least three years of staff work. We suggest that you immediately shift either to the former USEPA standard of 200 cfu/100 mL, consistent with the neighboring Central Valley Region, or to the proposed USEPA standard for E. Coli. Such a change is supported by credible scientific information, would protect designated beneficial uses, and would require no investment of staff resources.

9. We recommend that a 10 percent subset of any samples collected for the purpose of assessing the basin plan objective for bacteria be analyzed for identification and quantification of pathogens in order to link revised objectives to risks to human health.

Thank you for the opportunity to comment on the Triennial Review of the Basin Plan. If you have any questions, please contact Barry Hill, Regional Hydrologist, at (707) 562-5968.

for 
RANDY MOORE
Regional Forester

cc: Barry Hill

USFS-3: The Basin Plan's bacteria objectives are based on 30-day log means (i.e., geometric averages), so it is inappropriate and incorrect to assess water quality conditions solely on individual samples and not on 30-day log means. It has been our experience that, in the vast majority of cases, the 30-day log mean of multiple results comply with the Basin Plan's fecal coliform objective of 20 cfu/100 mL, except in places where livestock are allowed uncontrolled access to surface waters and livestock use is concentrated in and near surface waters. See, for example, [Nilson, C., and others, 2012. Bacteria Monitoring in the Eastern Sierra Nevada, Summary of Results for 2011—Staff Report. Lahontan Regional Water Quality Control Board, South Lake Tahoe, CA. March 27, 2012. 34 pp.](#))

USFS-4: The available data indicate that the Basin Plan's current water quality objective for fecal coliform bacteria (20 cfu/100 mL, 30-day log mean) is generally achievable. The current objectives were adopted by the Regional Water Board and were approved by the State Water Resources Control Board and the U.S. Environmental Protection Agency.

Comment

Response

Richard Booth

2

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Barrie L. Bryant
for RANDY MOORE
Regional Forester

cc: Barry Hill

USFS-5: The 2012 Triennial Review Staff Report recommends that Water Board staff continue to work on the water quality bacteria objectives as one of its highest basin planning priorities over the next three years. The Staff Report does not include a recommendation for choosing one of the three options previously listed in a scoping report. Rather, the 2012 Triennial Review Staff Report describes specific tasks that need completion as part of continuing focus on the water quality bacteria objectives project.

Any revision of the Basin Plan's water quality objectives would require staff resources, and the proposals that the Water Board consider less protective FIB objectives for the entire Region represents significant changes that would likely be controversial, hence resource-intensive.

The State's landmark Porter-Cologne Act established nine independent regional water boards, and it authorizes and directs the regional boards to adopt regional water quality objectives based on a host of factors. The nine regional water boards show that California has many geographic differences in water quality, actual and potential beneficial uses, and unique economies throughout the state. Therefore, the regional basin plans are not always consistent, as is necessary to address the regional differences within California.

Comment	Response
<p>Richard Booth 2</p> <p>Quality Control Board, written communication, March 16, 2012) indicate that FC concentrations exceeded the basin plan objective on numerous occasions on streams on the Inyo National Forest when cattle were not present. A study recently completed by the USFS and UC Davis found that of 743 samples collected across 12 USFS grazing allotments, 50 percent exceeded the 20 cfu/100 mL standard. For 125 samples collected at sites identified as recreational sites without key grazing areas, 46 percent exceeded the 20 cfu/100 mL standard. In contrast, only 10 percent of all samples and 6 percent of samples from recreational sites without key grazing areas exceeded the 200 cfu/100 mL standard advocated by the USEPA.</p> <p>7. The current basin plan objective, in requiring bacterial concentrations that are too low to be generally achievable and ten times lower than needed to protect identified beneficial uses, and in completely prohibiting coliforms from humans or livestock, does not allow reasonable use of public lands consistent with the Multiple Use Sustained Yield Act.</p> <p>8. Your staff proposes three options for revising the current basin plan objective, all of which would require at least three years of staff work. We suggest that you immediately shift either to the former USEPA standard of 200 cfu/100 mL, consistent with the neighboring Central Valley Region, or to the proposed USEPA standard for E. Coli. Such a change is supported by credible scientific information, would protect designated beneficial uses, and would require no investment of staff resources.</p> <p>9. We recommend that a 10 percent subset of any samples collected for the purpose of assessing the basin plan objective for bacteria be analyzed for identification and quantification of pathogens in order to link revised objectives to risks to human health.</p> <p>Thank you for the opportunity to comment on the Triennial Review of the Basin Plan. If you have any questions, please contact Barry Hill, Regional Hydrologist, at (707) 562-5968.</p> <p> for RANDY MOORE Regional Forester</p> <p>cc: Barry Hill</p>	<p>USFS-6: The linkage between presence of indicator bacteria and human health is established. Further, monitoring for specific pathogens is very costly, the methods for detecting and/or quantifying many waterborne pathogens are not well standardized, the potential for “false negatives” is generally high and/or not precisely quantified for pathogens, the Basin Plan contains no water quality objectives for specific pathogens, and the USEPA has not promulgated criteria for specific waterborne pathogens. In sum, pathogen monitoring is very expensive, and results from pathogen monitoring are very difficult and/or impossible to interpret.</p> <p>Monitoring for all known waterborne pathogens would be cost prohibitive, and monitoring for a limited suite of waterborne pathogens at 10 percent of sites would be costly while not ruling out risks to human health (and potentially not answering any management question/s at all). This is precisely why the USEPA has long recommended (and continues to recommend) the use of fecal indicator bacteria for assessing microbial water quality. In its most recent criteria document for recreational waters, the USEPA (2012) stated:</p> <p>“...EPA is not publishing criteria for ‘pathogens’ because the state of the science was not sufficient at the time of completion of these RWQC. In addition, there are numerous pathogens that cause the full range of illnesses associated with primary contact recreation. Pathogen-specific enumeration methods for environmental waters were not available at the time of the NEEAR study, and thus health relationships with specific pathogens were not established.” USEPA, 2012. Recreational Water Quality Criteria, USEPA Office of Water #820-F-12-058, Washington, D.C.)</p> <p>For all of the above reasons, routine monitoring for specific pathogens is not warranted at this time.</p>

Comment

Response



**COUNTY SANITATION DISTRICTS
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www.lacsd.org

GRACE ROBINSON CHAN
Chief Engineer and General Manager

September 26, 2012
File No. 14-14.01-00
20-04.01-00

Via Electronic Mail

Mr. Richard Booth
California Regional Water Quality Control Board
Lahontan Region
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

Dear Mr. Booth:

2012 Triennial Review of the Lahontan Basin Plan

Thank you for the opportunity to provide comments on the 2012 Triennial Review of the Water Quality Control Plan for the Lahontan Region (Basin Plan). Within the jurisdiction of the California Regional Water Quality Control Board, Lahontan Region (Regional Board), County Sanitation District Nos. 14 and 20 of Los Angeles County (Sanitation Districts) operate the Lancaster and Palmdale Water Reclamation Plants (WRPs), respectively. These plants operate under Regional Board Orders and may be directly impacted by modifications to the Basin Plan.

The Sanitation Districts request that the Regional Board consider as a high priority for the 2012 Triennial Review the examination of Beneficial Use (BU) designations for Amargosa Creek downstream of the point of Lancaster WRP discharge, Piute Ponds (also known as "Piute Ponds"), and the Piute Ponds Wetlands, all of which are located in the Lancaster Hydrologic Area. The Regional Board has put forth substantial efforts toward establishing specific BUs for Piute Ponds in the past and has repeatedly indicated its intent^{1,2} to consider changes in the designation of other BUs, namely Ground Water Recharge (GWR) and Agricultural Supply (AGR). This specific issue was considered in the 2009 Triennial Review, and was identified by the Regional Board as a priority, but one that would require additional resources in order to be addressed.³ The Sanitation Districts would like to support efforts to de-designate these BUs, and suggest that the issue be considered as a high priority because these beneficial uses do not actually exist for these receiving waters. The Sanitation Districts are greatly concerned that there remains the risk that inappropriate water quality standards could be applied to these waterbodies, and the discharges to them, despite the fact that the BU designations are not appropriate. Application of drinking water or salt-sensitive agriculture based limits to end of pipe discharges would likely require advanced treatment. Application of those same limits to receiving water would result in the

LACSD-1: The 2012 Triennial Review Staff Report recommends Project #25, Beneficial Uses at Paiute Ponds, as low priority for basin planning resources. The record may or may not support removal of two designated present or potential beneficial uses for Paiute Ponds, and working on the beneficial use removal is not needed at this time. The Sanitation Districts' discharge complies with current permit requirements.

¹ Letter to Sanitation Districts from Regional Board, "Comments On Los Angeles County Sanitation Districts' October 2003 Aquatic Biological Survey and Beneficial Use Designation Reports for Paiute Ponds, Amargosa Creek, and Rosamond Dry Lake," January 20, 2004.

² Lahontan Regional Board, "Technical Staff Report: Revised Water Quality Standards for Surface Waters of the Antelope Hydrologic Unit," August 2007.

³ Lahontan Regional Board Resolution R6T-2009-013, adopted October 15, 2009.

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need for advanced treatment and greatly increased flows in the waterbodies to counteract the effects of evapoconcentration.

Ground Water Recharge (GWR)

The Sanitation Districts have provided the Regional Board with substantial technical evidence indicating that the GWR Beneficial Use does not exist for Amargosa Creek downstream of the point of Lancaster WRP discharge, Piute Ponds, and the Piute Ponds Wetlands. Since submitting the reports, "*Beneficial Use Designation Report*" (October 2003) and "*Addendum to Final Report, Beneficial Use Designation Report*" (August 2004), the Sanitation Districts have investigated extensively the areas of Amargosa Creek, Piute Ponds and Rosamond Dry Lake as part of the Lancaster WRP Groundwater Monitoring Plan. In accordance with waste discharge requirements⁴, this Groundwater Monitoring Plan was implemented to investigate the potential effects of discharges to the Lancaster WRP receiving waters on underlying groundwater quality. A summary of the findings of this study was submitted to the Regional Board in the final report, "*Lancaster Water Reclamation Plant Groundwater Monitoring Plan: Evaluation of Phase II Investigation Results at Piute Ponds*" in December 2005. The analysis indicated that there is no significant recharge to the groundwater aquifer below Piute Ponds and Rosamond Dry Lake, due to the presence of a thick lacustrine clay layer. Shallow water exists below the Piute Ponds area, but it is isolated from the groundwater aquifer by this clay layer, which dips to the west or southwest of Piute Ponds. Since shallow groundwater below Piute Ponds has the potential to flow down the slope of the lacustrine clay layer and contribute to the observed perched intervals, which in turn creates the possibility of contributing to recharge of the regional groundwater aquifer, the Sanitation Districts retained Geochemical Technologies Corporation (GTC) to further investigate this hypothesis. GTC evaluated hydrogeological and groundwater quality data, and based on this evaluation, concluded that there is insignificant or no recharge to the regional groundwater aquifer under the Lancaster WRP receiving waters, because there appears to be no mechanism that provides a pathway for recharge. The findings of this study are contained in the previously submitted memorandum, "*Subsurface Geohydrology Project: Piute Ponds*" (December 2006), prepared by GTC.

Agricultural Supply (AGR)

The waters of Amargosa Creek downstream of the point of Lancaster WRP discharge, Piute Ponds, and the Piute Ponds Wetlands have not been used since at least 1968, the date the Regional Board uses for purposes of determining an "existing use", nor are they proposed to be used as agricultural supply. The waterbodies downstream of the point of Lancaster WRP discharge exist wholly within property owned by the US Air Force and the limited-access area is maintained for the purposes of habitat maintenance. There may have been a previous understanding by the Regional Board staff that the water in Piute Ponds would be diverted to agricultural sites for crop irrigation. This is not the case and there are no plans to do so. Water that flows through the ponds is discharged to Rosamond Dry Lake. The Sanitation Districts and Edwards Air Force Base are currently evaluating options to maintain the integrity of Piute Ponds, but none of these involve the use of Piute Ponds water for agricultural supply.

Recycled water used for agricultural supply is piped directly from the Sanitation Districts-operated water reclamation facilities, and is never conveyed from Amargosa Creek downstream of the point of Lancaster WRP discharge, Piute Ponds, or the Piute Ponds Wetlands. Ambient water from Piute Ponds is not suitable as irrigation water for agricultural uses, primarily due to high salt levels. Any water diverted from Piute Ponds and used for irrigation would have to be treated (salt removal) or blended with another source of water to make it suitable for crop irrigation.

The Regional Board has indicated that, "if future management scenarios for the Piute Ponds do not include agricultural diversions, the Water Board may consider removing the AGR use from the ponds and wetlands at a later date."⁵ Again, there are no plans for diversions of water from Piute Ponds for

⁴ Lahontan Regional Board Order No. R6V-2002-05, adopted September 11, 2002.

⁵ Lahontan Regional Board, "*Technical Staff Report: Revised Water Quality Standards for Surface Waters of the Antelope Hydrologic Unit*," August 2007.

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agricultural supply; thus, the Sanitation Districts request that AGR be de-designated as a beneficial use for Amargosa Creek downstream of the point of Lancaster WRP discharge, Piute Ponds, and the Piute Ponds Wetlands.

In addition, as explained earlier in regards to groundwater recharge, there is very limited connectivity from Amargosa Creek downstream of the point of Lancaster WRP discharge, Piute Ponds, or the Piute Ponds Wetlands to the regional groundwater aquifer that is used for some agricultural activities. Thus, the AGR beneficial use for groundwater would not be affected by de-designating this use for surface water.

Again, the Sanitation Districts thank you for the opportunity to comment on the 2012 Triennial Review of the Lahontan Basin Plan, and hope that you will come to the same conclusion as you did in 2009 regarding the Beneficial Uses in question. Additionally, the Sanitation Districts may be able to offer staff resources to assist with your Basin Planning efforts, as they pertain to Sanitation Districts' activities and concerns. If you have any questions, please contact Erika de Hollan at (562) 908-4288, extension 2836 or by email at (edehollan@lacsds.org).

Very truly yours,

Grace Robinson Chan



Mike Sullivan
Section Head
Monitoring Section

MS:EXD:lmb

Comment	Response
<div data-bbox="892 293 1016 367" data-label="Image"> </div> <p data-bbox="375 396 510 417">October 1st, 2012</p> <p data-bbox="275 444 363 505">Geotechnical Environmental Water Resources Ecological</p> <p data-bbox="375 440 751 547">Richard Booth California Regional Water Quality Control Board Lahontan Region 2501 Lake Tahoe Boulevard South Lake Tahoe, CA 96150</p> <p data-bbox="375 570 953 612">Re: 2012 Triennial Review of the Water Quality Control Plan for the Lahontan Region</p> <hr/> <p data-bbox="375 662 504 683">Dear Mr. Booth:</p> <p data-bbox="375 703 1014 938">We contacted the Lahontan Regional Water Quality Control Board (Regional Board) in fall 2010 on behalf of our client, the International Copper Association and Copper Development Association (ICA/CDA), to request information concerning the region's copper criteria and the schedule of the upcoming triennial review of the Water Quality Control Plan for the Lahontan Region (Basin Plan). ICA/CDA played a significant role in sponsoring scientific research used in development of the freshwater Biotic Ligand Model (BLM) for copper, which was adopted by the United States Environmental Protection Agency (EPA) in its latest national ambient water quality criteria (EPA 2007). ICA/CDA is now interested in encouraging efforts by states and tribes to incorporate these latest recommended EPA national criteria for copper into their water quality standards programs.</p> <p data-bbox="375 959 1014 1065">It is our understanding that the triennial review of the Basin Plan is currently underway and that public comments on the proposed amendments are due by October 19th, 2012. Thus, the purpose of this letter is to urge the Regional Board to consider updating its aquatic life criteria for copper to use the BLM as currently recommended by EPA.</p> <p data-bbox="375 1086 1014 1321">The current aquatic life criteria in the California Toxics Rule (CTR) used to derive freshwater copper standards, like most states' criteria, only take into account hardness as a factor that modifies toxicity. Using only hardness as a modifying factor for metals criteria is an outdated approach that excludes a substantial body of peer-reviewed scientific literature demonstrating that additional modifying factors can and should be incorporated into regulatory benchmarks or standards, while providing the same levels of aquatic life protection required under the Clean Water Act (EPA 1985, 1994, 2001, 2007). Like most metals, copper toxicity is a function of its bioavailability, which in addition to being controlled by hardness, is also strongly related to other important factors such as dissolved organic carbon (DOC), alkalinity, pH, and temperature. The key strength of the BLM is that it accounts for</p> <p data-bbox="375 1365 506 1382">www.geiconsultants.com</p> <p data-bbox="743 1365 1014 1411">GEI Consultants, Inc./Ecological Division 4601 DTC Boulevard, Suite 900, Denver, CO 80237 303.662.0100 Ex: 303.662.8757</p>	<p data-bbox="1171 659 1871 813">GEI-1: This project is a low priority for basin planning resources. There is no need to amend the basin plan to require use of the freshwater Biotic Ligand Model (BLM) for copper. The basin plan currently contains a narrative water quality objective for toxicity:</p> <p data-bbox="1268 846 1898 1117"><i>“All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, bioassays of appropriate duration and/or other appropriate methods as specified by the Regional Board.”</i></p> <p data-bbox="1171 1149 1898 1304">The toxicity water quality objective does not preclude the use of a model such as the BLM. This water quality objective is sufficiently flexible for the Regional Board to require use of the BLM, or other appropriate methods, through established regulatory methods on a case-by-case basis.</p>

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Richard Booth
Lahontan Regional Water Quality Control Board

multiple factors—in addition to hardness—that mitigate or exacerbate copper’s toxic effect on aquatic life.

Similar to copper, BLMs have been developed, validated, and are available for regulatory use for several other metals, including zinc, lead, nickel, and cadmium. While EPA has yet to develop formal recommended national ambient water quality criteria using BLMs for these other metals, the models are widely available and are being applied in regulatory programs in several European countries and Canada. ICA/CDA fully supports and shares their desire to move towards bioavailability models such as the BLM as being the current state of both scientific and regulatory practice.

There also are practical advantages for using the BLM; it is a cost effective regulatory tool compared to other site-specific toxicity test procedures (e.g., water-effect ratios), and the BLM software is publicly available, sanctioned by EPA, and requires only brief training to generate rapid and useable output. Therefore, BLM-based criteria provide a practical means of deriving demonstrably more accurate levels of aquatic life protection across a broad range of water quality conditions.

Please let us know how we can assist the Regional Board in its consideration of the BLM during the triennial review. GEI or ICA/CDA could help in a variety of ways, including preparation of written or oral testimony supporting the technical basis of the BLM, or providing guidance on application of the BLM to water quality criteria and what type of implementation approach would best fit your available datasets. ICA/CDA has also sponsored BLM training sessions over the past several years, and they have been well-attended by both regulators and the regulated community. If desired, it may be possible to provide this course or related education materials if you would find that helpful as a means of helping inform the public and stakeholders as to the basis and application of the BLM.

We appreciate the opportunity to provide you with this prospective proposal. Please let us know if you have any questions. We look forward to discussing this with you further.

Sincerely,

GEI CONSULTANTS, INC.



Robert W. Gensemer, Ph.D.
Senior Ecotoxicologist
bgensemer@geiconsultants.com
(303)264-1130

<u>Comment</u>	<u>Response</u>
<p data-bbox="333 298 464 337">Page 3 October 1st, 2012</p> <p data-bbox="655 298 1008 337">Richard Booth Lahontan Regional Water Quality Control Board</p> <p data-bbox="333 399 386 418">RWG</p> <p data-bbox="333 423 800 532">cc: Joe Gorsuch, CDA Steven Canton, GEI Stephanie Baker, GEI David DeForest, Windward Environmental Eric Van Genderen, International Zinc Association</p> <p data-bbox="333 578 428 597">References</p> <p data-bbox="333 626 957 719">U.S. Environmental Protection Agency (EPA). 1985. Guidelines for deriving numerical national water quality criteria for the protection of the aquatic organisms and their uses. PB85-227049, U.S. Environmental Protection Agency, Washington, D.C.</p> <p data-bbox="333 743 978 813">U.S. Environmental Protection Agency (EPA). 1994. Interim guidance on determination and use of water-effect ratios for metals. EPA-823-B-94-001, U.S. Environmental Protection Agency, Washington, D.C.</p> <p data-bbox="333 837 972 907">U.S. Environmental Protection Agency (EPA). 2001. Streamlined water-effect ratio procedure for discharges of copper. EPA-822-R001-005, U.S. Environmental Protection Agency, Washington, D.C.</p> <p data-bbox="333 932 989 1002">U.S. Environmental Protection Agency (EPA). 2007. Aquatic life ambient freshwater quality criteria – copper. EPA-822-R-07-001, U.S. Environmental Protection Agency, Washington, D.C.</p>	

Comment

Response

CENTENNIAL RANCHES

652 W. Cromwell, Suite 103
Fresno, CA 93711

Respond to:
William J. Thomas
500 Capitol Mall, Suite 1700
Sacramento CA 95814
(916) 325-4000

October 5, 2012

Don Jardine, Board Chair
Peter Pumphrey, Vice Chair
Jack Clarke, Board Member
Keith Dyas, Board Member
Amy Home, Ph.D., Board Member
Eric Sandel, Board Member
Patricia Kouyoumdjian, Executive Officer
Bruce Warden, Ph.D
California Regional Water Quality Control Board
Lahontan Region
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

**RE: COMMENTS RE BASIN PLAN AMENDMENTS – TRIENNIAL REVIEW
FECAL COLIFORM PATHOGEN OBJECTIVE**

Dear Board Chair, Board Members, Ms. Kouyoumdjian, and Dr. Warden:

INTRODUCTION

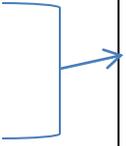
John and Mark Lacey, David Wood, Marcus Bunn and I submit the following comments as to the Triennial Review issues on behalf of Centennial Ranches.

I. PRIORITIZE THE BACTERIA OBJECTIVE REVIEW

We strongly support the Regional Board prioritizing the Basin Plan bacteria objective for review, modification and clarification in the triennial review process. The reasons for such prioritization are numerous.

1. This issue was among the issues identified during the last triennial review, but it was not acted upon. notwithstanding that this has been continually sought by the region’s ranchers since 2004. Throughout this time period the ranchers in the Bridgeport Valley have been totally engaged in water quality mitigation, and making extensive management commitments which have improved water quality.

CentennialOct5-1: The Lahontan Water Board has been dedicated to gathering and evaluating data/information for reviewing the bacteria standard. In this past Triennial Review cycle, the Lahontan Water Board executed a contract with UC Davis for \$60K to evaluate fecal coliform and *E. coli*, initiated internal bacteria monitoring in the region, is currently soliciting willing ranchers to participate in a grant funded grazing management practices implementation project, and has contracted for additional lab analysis of bacteria at the Sierra Nevada Aquatic Research Laboratory through UC Santa Barbara. Please also refer to Table 3, Water Quality Bacteria Objectives tasks (2012 Triennial Review Staff Report, Attachment A)



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<p>a. Land operators have implemented many best management practices during this period in complete cooperation with the Regional Board staff and the University of California.</p> <p>b. As a result of these best management practices, water monitoring results have evidenced significantly improved water quality. It is further notable that:</p> <ol style="list-style-type: none"> 1) The water coming into irrigated lands in the Bridgeport Valley often exceeds the existing basin plan standard of 20 col FC/100 mL, and at times even exceeds the interim 200 col FC/100mL level; 2) The periods of water quality exceedances have consequently narrowed during the waiver period to a couple of mid-summer months and now only involve a couple of the Valley’s watercourse segments; and, 3) Best practical control practices (including rotational grazing, armor crossings, fence off riparian pastures, cattle management, vegetative buffer zones, control of irrigation runoff) have all been employed by our ranch and have contributed to these water quality improvements; however, additional management practices or technologies will have to yet be developed by our ranch and the other Bridgeport landowners working with the University to achieve consistent compliance with a reasonable water quality objective. (Exhibit A) <p>2. This Basin Plan bacteria objective was never intended for application to agricultural water when promulgated. It was never reviewed for application to agricultural pastures (discussed further below).</p> <p>3. When the last agricultural waiver for the Bridgeport Valley was adopted in 2007 the ranchers were promised that this standard would be reviewed and amended, but that was never accomplished. The Board itself stated in the previous waiver:</p> <p>Finding 4: “Fecal Coliform Water Quality Objective. The Water Board has set the Region-wide water quality objective for fecal coliform at 20 colonies per 100 ml, ten times more stringent than the Federal standard at 200 colonies per 100 ml and any other Region in California, recognizing that waters in the Lahontan Region are generally pristine, and recreation is the major use of these waters. USEPA finds the Federal standard to be protective of water contact recreational beneficial uses. However, during the Grazing workshop and Triennial review of the October 11, 2006 Water Board meeting, the Water Board heard public comments regarding revising the fecal coliform standard to be consistent with Federal standards for areas, such as Bridgeport Valley, where beneficial uses have historically been predominantly agricultural. If, during the time of this Waiver, the Water Board has sufficient information to propose a Basin Plan Amendment for fecal coliform, Waiver conditions, milestones, and timelines may be revised accordingly.”</p> <p>82226.00001\7579442.1</p>	<p>CentennialOct5-2: The data indicates that the 30-day log-mean fecal coliform concentration in waters entering Bridgeport Valley generally meets the standards, except when livestock are allowed unrestricted access to water in the upstream areas. Please refer to the bacteria monitoring data in Nilson, C., and others, 2012. Bacteria Monitoring in the Eastern Sierra Nevada, Summary of Results for 2011—Staff Report. Lahontan Regional Water Quality Control Board, South Lake Tahoe, CA. March 27, 2012. 34 pp.)</p> <p>CentennialOct5-3: Water quality exceedances for fecal coliform are generally when livestock are present, during the spring through the fall grazing period. According to the memorandum on February 9, 2012 sent by Centennial Ranches to Dr. Bruce Warden, exceedances of both 20 cfu/100m and 200 cfu/100mL have and do occur.</p> <p>CentennialOct5-4: The Basin Plan objective is applicable to all waters of the state in Region 6. Water quality objectives are set for beneficial uses of the waters, and do not vary based on the type of contamination at issue.</p> <p>CentennialOct5-5: The 2012 Triennial Review Staff Report (see Attachment A) recommends that Water Board staff continue to work on the water quality bacteria objectives as one of its highest basin planning priorities over the next three years. The Triennial Review Staff Report does not include a recommendation for choosing one of the three options previously listed in a scoping report. Rather, the 2012 Triennial Review Staff Report describes specific tasks that need completion as part of continuing focus on the water quality bacteria objectives project. State Water Board Resolution No. 68-16 requires that before changes to standards that maintain high quality water can be done, it must be “demonstrated to the State that any change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies.” Changes to numeric water quality objectives must be scientifically defensible and be consistent with Resolution 68-16. Please refer to Table 3, Water Quality Bacteria Objectives tasks.</p>

Comment	Response
<p>4. This Board scheduled and held a workshop on this very issue (September 12) and throughout that discussion Board members acknowledged this objective is a recognized problem and indicated further that the existing 20 col FC/100mL objective would not be enforced against agriculture, and additionally expressed that this objective would be reviewed and amended.</p> <p>For these and other reasons, we feel this objective should be a prioritized item for amendment during the present triennial basin plan review. We come to that position being fully cognizant that basin plan amendments involve the commitment of scarce resources.</p> <p>II. RESPONDING TO THE BOARD'S NOTICE OF POSSIBLE TRIENNIAL REVIEW ISSUES</p> <p>1. <u>Competing Issues.</u></p> <p>We recognize that there are several issues appropriate for triennial review and there is competition for personnel and resources. Some of these issues are ongoing projects with committed resources leaving only a few available personnel year resources for new projects. However, as we look across the other possible issues under review, none seem to be as compelling as fixing the region's problem with clarifying the pathogen objective.</p> <p>The pathogen/bacterial objective is more than ripe for immediate review and modification. It has been a holdover item from the past triennial review, where it was not addressed. The Board has stated it would revise this objective and has heard considerable testimony as to the need for and appropriateness of a timely amendment. Further, there is a full supportive database to do so.</p> <p>2. <u>The Existing Objective is Not Applicable to These Waters.</u></p> <p>The existing waiver, with its generally applicable 20 col FC/100 mL objective, is an extreme bacteria objective, totally inappropriate for agricultural waters. No other water in the state or nation is regulated to the 20 col FC/100 mL objective. We compared this Region's pathogen objective to those other Regional Boards basin plan objectives, virtually all of which have the base objective of 200 col. FC/100 mL for municipal and contact recreation, and, in fact, most have non-contact recreation objective at 2000 col. The Bridgeport Valley waters do not have either municipal (MUN) or contact recreation (REC 1) beneficial uses.</p> <p>3. <u>Extensive Supportive Data Has Been Collected.</u></p> <p>The SWRCB SWAMP program, University of California and the Regional Board have all engaged extensive monitoring over the last six years. The USGS has also collected data in the Bridgeport area. Moreover, the Bridgeport Ranchers in coordination with the University of California and the Regional Board have collected six years of water monitoring data throughout the Bridgeport Valley area. This constitutes an enormous data base and certainly enough on which to base an adjustment in the Basin Plan clarifying that the originally adopted 20 col FC/100 mL objective should only be applicable to Lake Tahoe and pristine waters of the region which it was designed to protect and set a 200 col/100 mL (the same as virtually all other regional waters in the state) in the agricultural areas of the Lahontan Region.</p> <p>82226.00001\7579442.1</p>	<p>CentennialOct5-6: The 2012 Grazing Waiver includes a time table for compliance and requires that the enrollees covered under the waiver develop a schedule to implement rangeland water quality best management practices that reduces and/or maintains fecal coliform concentrations to an interim goal of 200 cfu/100mL and attains the highest water quality reasonably achievable. The 2012 Grazing Waiver does not include 20 cfu/100mL as a compliance standard. Staff is committed to evaluating the current bacteria objective as is demonstrated in the proposed tasks for this upcoming Triennial Review cycle (Attachment A/Table 3).</p> <p>CentennialOct5-7: same as Response CentennialOct5-1.</p> <p>CentennialOct5-8: The state of California recognizes distinct geographic differences exist across the state so it developed nine, geographically-based, regional boards. Each regional board is responsible for developing standards to protect the region's beneficial uses. For example, the North Coast Region has a bacteria WQO of 50 cfu/100mL which is different than other Regions. The 1975 Water Quality Control Plan (Basin Plan) for the North Lahontan Basin applied the 20 cfu/100mL standard to ten water bodies, including the East Walker River which is in the Bridgeport Valley. The existing 20 cfu/100mL standard has a risk to human health of less than one person in 1000 to become ill who contact waters containing fecal contamination. The 20 cfu/100mL standard was extended to the rest of the Region in the 1995 Basin Plan update. REC-1 is a beneficial use for the Bridgeport Valley waterbodies.</p> <p>CentennialOct5-9: The 2012 Triennial Review Staff Report (see Attachment A) recommends that Water Board staff continue to work on the water quality bacteria objectives as one of its highest basin planning priorities over the next three years. The Staff Report does not include a recommendation for choosing one of the three options previously listed in a scoping report. Rather, the 2012 Triennial Review Staff Report describes specific tasks that need completion as part of continuing focus on the water quality bacteria objectives project. Changing an existing water quality objective must be scientifically defensible and must comply with State Water Board Resolution No. 68-16.</p>

Comment	Response
<p>It is totally unreasonable that MUN waters in Sacramento, San Francisco and Los Angeles have a 200 col pathogen objective, and the cattle meadows of Bridgeport, or elsewhere for that matter (i.e., Mammoth, Owens Valley, Willow Creek Valley), would be held to 20 col FC/100mL.</p> <p>4. <u>History of the Existing Fecal Objective.</u></p> <p>We had officially served a Public Record Act request on the Regional Board for all records and documents relating to the development of the present basin plan objective. The earlier records confirm that the early focus was principally limited to the waters surrounding Lake Tahoe and in the Lake waters themselves. It is very instructive that the water data from 1966-1971 indicated fecal standards in Lake Tahoe itself of 32, 64, 240 and 700 fecal colonies depending on lakeshore development and distance from shore.</p> <p>The early Basin was bifurcated and referred to as the North and the South Lahontan Regions. The Lahontan Board for the North Lahontan Region in 1973 set forth an REC 1 objective of 200 FC/100 mL for most Regional waters, including the East Walker and Lake Tahoe, and the non-contact REC 2 standard was set at 2000 FC/100mL.</p> <p>In December 1974, the Lahontan South Basin also referenced the U.S. Department of Interior federal standard of 1000 FC/100mL.</p> <p>In 1975 the State Board stated: "State Board has indicated the desire to achieve uniform wording and presentation of water quality objectives in the basin plans." At that time, the State Board set 200 col FC/100mL as the REC 1 standard, but also stated: "As a minimum requirement, fecal coliform limits should be established for all waters using the language provided. Alternative, more stringent limits for individual waters or groups of waters may be included if substantiated by local epidemiological experience or evidence of existing water quality."</p> <p>In 1976, the US EPA recommended revising the North Lahontan areas near Lake Tahoe to be the then present Lake Tahoe water quality, whatever that actually was. The Region's response was that the Lake may be near zero in the middle, but is far higher at shore, so the Regional staff merely <u>arbitrarily</u> settled on a single 20 FC/100mL value for the Lake. In 1983, the North Lahontan Region set this 20 FC/100 mL standard for the Truckee River to protect from "human wastes".</p> <p>In 1994, the North and South Lahontan Regions were combined and the 20 FC/100mL objective was thereby simply retained in the basin plan as applicable throughout the Region and simply add the words "and livestock" (without any analysis) so that thereafter it read to deal with "human and livestock waste."</p> <p>Notwithstanding the State Board's directive for uniformity, the Lahontan Region, which had been nearly exclusively focused on Lake Tahoe, (a) collapsed the North and South Regions together, (b) came up with an arbitrary Lake Tahoe standard of 20 col FC, notwithstanding that much of the Lake itself exceeded that level even then, (c) expanded its scope to also deal with livestock waste (no mention of wildlife contribution) and (d) imposed the 20 col FC/100 mL objective throughout the Region. It did so without any supportive epidemiological experience or</p> <p>82226.00001\7579442.1</p>	<p>CentennialOct5-10: The state of California recognizes distinct geographic differences exist across the state so it developed nine, geographically-based, regional boards. Each regional board is responsible for developing standards to protect the region's beneficial uses. In recognition of such differences among the state, the informational document <i>Public Scoping Meeting for Proposed Revision to the Bacterial Standards for Water Contact Recreation in Fresh Waters in California</i> circulated in September 2008 by the State Board states, "The proposed policy may be applied statewide or may exclude waters under the jurisdiction of the Los Angeles Water Board and the Lahontan Water Board."</p> <p>CentennialOct5-11: The 1975 Water Quality Control Plan (Basin Plan) for the North Lahontan Basin applied the 20 cfu/100mL standard to ten water bodies, including the East Walker River which is in the Bridgeport Valley. The existing 20 cfu/100mL standard is associated with a risk to human health of less than one person in 1000 to becoming ill when they come into contact with waters containing fecal contamination. The 20 cfu/100mL standard was extended to the rest of the Region in the 1995 Basin Plan update. Based on concerns about the compatibility of the 20 cfu/100mL standard with areas with historic agricultural uses, such as the Bridgeport Valley, Water Board staff began conducting studies in the past couple years on both fecal coliform and E. coli, covering a wide range of land use types in the region, including agriculture. State Water Board Resolution No. 68-16 requires that before changes to standards that maintain high quality water are done, it must be "demonstrated to the State that any change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies." Changes to numeric water quality objectives must be scientifically defensible and be consistent with Resolution 68-16.</p>

Comment	Response
<p>water data or any consideration of the agricultural areas of the Region, as the State Board had expressly directed that they do since their order in 1975.</p> <p>This Board had no data to support that this objective would ever be applied to agricultural water. Moreover, it is important to recognize that we are not proposing to amend the objective for Lake Tahoe or other pristine waters. Therefore, we are “not reducing” a present applicable health standard, and furthermore, there is no MUN or REC1 use of the Bridgeport Valley waters. We are merely pointing out to the Board that this 20 col objective was set with no supportive data, is improper, and must be immediately amended as to the agricultural waters so as to harmonize this region with other regions of the state.</p> <p>5. <u>Best Management Practices.</u></p> <p>Best management practices will continue to be developed and implemented by Bridgeport ranchers, notwithstanding any amendment to the Basin Plan. In fact, best practical control practices (i.e., crossings, fence off riparian pastures, cattle management, vegetative buffer zones, control irrigation runoff, etc.) have been employed and have directly contributed to water quality improvements; however, additional practices or technologies will have to yet be developed by the landowners working with the University to achieve consistent compliance with a reasonable water quality objective.</p> <p>Centennial has installed nearly 15 miles of riparian protective fences and have fenced off a vegetative filter along the entire three to four mile south side of US 395. We have also installed many miles of temporary fencing for water protection and to allow for improved cattle management. We have also gone to more intense short-term grazing in key areas all governed by consideration of water quality. These capital, operational and management costs have exceeded several hundred thousand dollars of commitment by Centennial Ranches to water quality.</p> <p>6. <u>Impact of Continuing Inaction.</u></p> <p>Should the Board fail to take action to amend the existing bacteria objective and proceed to apply the existing basin plan pathogen objective, the Bridgeport ranchers cannot possibly comply with the 20 col FC objective. Doing so will give rise to Notices of Violation and Cease and Desist orders, which will prevent the valley’s continued commercial cattle operations, which in turn will give rise to abandoning the spreading of irrigation water in the valley or continuing to retain irrigation waters in Twin Lakes. This would be devastating to the county, the ranch community, Bridgeport residents and those at Twin Lakes, Bridgeport businesses, recreationists, campers, boaters and fishermen.</p> <p>III. REVIEW OF THE THREE OPTIONS FOR REFORM OF THE BACTERIA OBJECTIVE</p> <p>The staff report advances three options by which the Board, through the triennial review, may remedy the problem with the bacteria objective. The bacteria objective options vary widely in the effective date and the commitment of resources.</p> <p>82226.00001\7579442.1</p>	<p>CentennialOct5-12: Funds are currently available through the Rivers and Ranches Proposition 84 grant to assist ranchers in implementing grazing management practices on their properties by offering financial and technical assistance.</p> <p>CentennialOct5-13 The 2012 Grazing Waiver includes a time table for compliance and requires that the enrollees covered under the waiver develop a schedule to implement rangeland water quality best management practices that reduces and/or maintains fecal coliform concentrations to an interim goal of 200 cfu/100mL and attains the highest water quality reasonably achievable. The 2012 Grazing Waiver does not include 20 cfu/100mL as a compliance standard.</p>

Comment	Response
<p>These options vary by resource needs and time to complete the effort, and both of these are critical as the Board has limited resources presently available for new basin plan amendments. Further, this issue has been with the Board since before 2006, and it was on the previous triennial review issue list, but was not able to be addressed in that review.</p> <p>The range of these three alternatives run from .5 to 5 personnel years of commitment (tenfold), and from 6 months to 5 years to make an amendment (also tenfold). It is instantly apparent that the 6-month time line committing only .5 personnel years is exceedingly attractive, so long as it makes sense on a more detailed analysis.</p> <p>Follows is such an analysis which bears out that Option 2, the 6 months amendment for Bridgeport is responsible management.</p> <p>The existing pathogen objective may make sense for Tahoe and the pristine regional waters of the region, however, we have been seeking the Board's addressing and setting an objective for the agricultural areas of the region for eight years. For the last six years (now, almost seven years), the Bridgeport valley ranchers have been extensively monitoring water quality for fecal coliform. The protocol for such monitoring has been jointly coordinated with experts from the University of California and Regional Board staff. In short, that monitoring has been of waters 1) before reaching the valley's agricultural uses (often exceeding the 20 col FC objective, and occasionally exceeding the 200 col FC interim objective), 2) midway across the valley, 3) before reaching the Bridgeport Reservoir (improving and now reducing exceedances of 200 col FC to only a couple of water courses during the heart of the summer), and 4) leaving the Bridgeport Reservoir (always below the 20 col FC objective, and most often without any fecal detectable).</p> <p>These data comport with data independently generated by each USGS, SWAMP, Lahontan Board, and University of California. Consequently, the data base presently available is robust and supports bringing the Bridgeport agricultural waters in line with all other water quality pathogen objectives in the state, as Option 2 reflects.</p> <p>By comparison, Option 1 would equate to making no changes in the objective for three years (totally irresponsible), and spend 5 PYs in doing so (which the Regional Board does not have available, and cannot commit to).</p> <p>Option 3 is divided into two phases with Phase 1 addressing Bridgeport only, however, taking two years (four times as long as Option 2 to do so) and requiring 3.5 personnel years to do so (7 times more costly than Option 2). This would consequently also be a poor management decision.</p> <p>The advantage of Option 2 would be to actually commence a remedy within six months of a problem the Board created long ago, and to be able to actually complete part of this assignment on a timely basis. Moreover, it could turn out that US EPA settles on a new federal bacteria standard, and the State Board may then adopt it as a statewide objective so as it will be included in all basin plan, which may preclude the Board from fully implementing Phase II of Option 2. Therefore, the Board would save this further commitment of resources, and not have</p>	<p>CentennialOct5-14: The Lahontan Water Board has been dedicated to gathering and evaluating data/information for reviewing the bacteria standard. In the past Triennial Review cycle, the Lahontan Water Board executed a contract with UC Davis for \$60K to evaluate fecal coliform and <i>E. coli</i>, initiated internal bacteria monitoring in the region, is currently soliciting willing ranchers to participate in a grant funded grazing management practices implementation project, and has contracted for additional lab analysis of bacteria at the Sierra Nevada Aquatic Research Laboratory through UC Santa Barbara. Please also refer to Table 3, Water Quality Bacteria Objectives tasks (2012 Triennial Review Staff Report, Attachment A)</p> <p>CentennialOct5-15: The options presented at the Board meeting in September/October were provided as possible avenues for amending the basin plan for bacteria. Although PYs are taken into account when developing options for a basin plan amendment, defensible science to provide recommendations is necessary. The 2012 Triennial Review Staff Report (see Attachment A) recommends that Water Board staff continue to work on the water quality bacteria objectives as one of its highest basin planning priorities over the next three years. The Triennial Review Staff Report does not include a recommendation for choosing one of the three options previously listed in a scoping report. Rather, the 2012 Triennial Review Staff Report describes specific tasks that need completion as part of continuing focus on the water quality bacteria objectives project, including demonstrating compliance with State Water Board Resolution No. 68-16, the State's Non-degradation policy.</p>

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Comment

Response

to abandon efforts that would have already been started, as would be the case with engaging either Option 1 or Option 3.

Upon analysis, therefore, it seems clear that Option 2 should be selected and Phase 1, thereunder be commenced forthwith.

IV. ADMINISTRATIVE RECORDS

We hereby request that all documents, submittals, testimony and records submitted by Centennial, our representatives, and those of all other Bridgeport Ranchers be included as part of this Administrative Record. This expressly includes all such documents submitted within the last year addressing the ag waiver, monitoring results, our request and the Board's response to our Public Records Act request, transcripts of the Board meeting of September 12, 2012, and transcripts for each of these Triennial Review scoping hearings.

Sincerely,



WILLIAM J. THOMAS

WJT:img

Comment

Response

Booth, Richard@Waterboards

From: Suzanne Braun <suzybraun2001@yahoo.com>
Sent: Tuesday, October 09, 2012 3:40 PM
To: Booth, Richard@Waterboards
Subject: Fw: Eagle Lake Basin Plan

Subject: Eagle Lake Basin Plan

Dear Sir:

I would like to have this added to the Eagle Lake Basin Plan Agenda for further consideration. The Following properties were "subdivided" off an original parcel of 40 acres starting in about 1958 or so. There are 5 properties. There are as follows:

APN # 089-020-18-11. Betty Braun owner; Parcel; 493-690 Eagle Lake Rd. 7.5 acres
089-020-15-11. Suzanne Braun Frost, owner; and Raymond Braun 493-680 Eagle Lake Rd (corner) 7.5 acres
089-020-12-11 Suzanne Braun Frost, Owner; 493-550 Eagle Lake Rd. 7.5 acres
089-020-11-11 Steven G. Braun; owner, physical address unknown. 7.5 acres
and
089-020-04-11 Evelyn Cervanek, (et al) physical address unknown. 5 acres.

We would like the Water Board to "reconsider" AND RECIND for only these properties the moratorium on "no build" since none of them are 20 acres or more. These properties are essentially worthless as they are now, and thus restricting further, will continue to be detrimental to the owners, as NO ONE wants to buy them, yet the property taxes continue to go up, and some have even been dramatically increased by the Lassen County TAX office not taking into account they are not buildable. Reassessing their value with land that is "buildable elsewhere in Lassen County; and some that is greater than 50 miles away. These are an extreme burden and extremely cumbersome process for anyone who would wish to purchase or build a home on them as they sit now. Not mentioning the added expense to please every agency for a permit for septic, well, and building permits And have for the past 30 plus years. I understand the need for building permits. I understand the need for permits to do wells and septic also. Last year I contacted an engineer (the one who actually did the plan for the Spalding holding ponds) and the cost would be \$30,000.00 for each parcel and No guarantee on acceptance to the Lahontan Water Board."

The Elevation of these Properties is above the 5130 elevation and actual is 5138 ft of elevation.

I am asking for these 5 parcels to be considered as buildable. Whereas a Family dwelling and a guest home could be build on each parcel. I am not asking for further subdivision. Case in Point in 1998, 85 acres subdivided into I think 30 lots for homes. Now called "Castle Estates"; near the Stones Landing.

I am asking for some common sense to be present in the reconsideration of these parcel tp be buildable. These parcels were divided in about 1958 and up to maybe 1970 or 1971. These are only 5 parcels in the entire Eagle Lake Basin. And I ask that it be done sooner rather than later, as one owner is 90 years old, and the rest of us are all over 60 years old. A couple of us may like to build as we have been heirs, and have been then since 1956, and the others may want to sell. Right now it worthless as 7.5 acres.

If you have any questions, Please feel free to call me. or email me. 530-816-0558; email: suzybraun2001@yahoo.com.

Thank you for reading this, and Please present this to the Board, as since I work, I am unable to attend the Lake Tahoe meeting, The Barstow meeting is too far to drive, and again, I work and unable to attend.

Sincerely, Suzanne Braun Frost

Braun-1: The Lahontan Water Board does not regulate land use and its Basin Plan does not contain a prohibition on residential building in the Eagle drainage hydrologic area. Rather, the Basin Plan contains a prohibition on discharge of wastes and does not prohibit residential building. Chapter 4.1 of the Basin Plan states,

"The maximum development density for new development which discharges wastes to subsurface disposal systems shall be one single family dwelling equivalent per 20 acres. For nonresidential development, and/or where predischage nutrient removal is provided, single family dwelling equivalence shall be based on mean total nitrogen discharge or mean total phosphorus discharge to the subsurface disposal system(s), whichever is more restrictive. Approval by the Regional Board's Executive Officer is required for each system prior to discharge from the system. Before granting such approval, the Executive Officer must find (based on evidence presented by the proposed discharger) that soils have good phosphorus removal capability, and that the system will comply with all other applicable criteria contained in this Plan.

For purposes of the above prohibition, "new development" is defined as any subdivision of land in any area other than the existing Spaulding Tract, Stones-Bengard and Eagle's Nest Tract subdivisions."

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INDIAN WELLS VALLEY WATER DISTRICT

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October 10, 2012

Mr. Richard Booth
Chief, TMDL/Basin Planning Unit
California Regional Water Quality Control Board, Lahontan Region
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96251

RE: Proposed Basin Plan Amendment to Remove the MUN Beneficial Use Designation from Salt Wells Valley and Shallow Groundwater in Eastern Indian Wells Valley at NAWS China Lake

Dear Mr. Booth:

I am writing on behalf of the Indian Wells Valley Water District (IWWVD), a public agency servicing over 12,000 residential and commercial connections within an approximate 40 square mile area of the Indian Wells Valley.

The IWWVD wishes to express our support for the Navy's request for an amendment to the Basin Plan that would remove the Municipal and Domestic Supply (MUN) use designation from the northern portion of Salt Wells Valley and from shallow groundwater in the eastern Indian Wells Valley. The areas that would be included under this exemption to the Basin Plan amendment are designated in the document *entitled "Draft Technical Justification for Beneficial Use Changes for Groundwater in Salt Wells Valley and Groundwater in Eastern Wells Valley, Naval Air Weapons Station, China Lake, California"* that was prepared for the Navy and dated May 25, 2012.

The IWWVD bases its support on the findings of the Naval Air Weapons Station (NAWS) China Lake Restoration Advisory Board (RAB). A subcommittee of the RAB was charged with reviewing the referenced Technical Justification for the amendment and recommended to the full committee during a July 31st meeting that the Water Board amend the Water Quality Control Plan for the Lahontan Region to remove the MUN beneficial use designation for groundwater in the two sub-basins; Salt Wells Valley Water Basin 6-53 and Indian Wells Valley Water Basin 6-54.

Removal of the MUN beneficial use designation is in the Water Board's and the community's best interest because it will allow remedial action objectives and groundwater cleanup goals to be based on human health and ecological risk-based objectives, rather than on the current but unattainable Federal and State Maximum Contaminant Levels (MCLs). The RAB maintains these proposed changes to the Basin Plan will enable the Navy and Water Board to reconcile differences in groundwater cleanup objectives and expedite cleanup programs at multiple NAWS China Lake Installation Restoration Program sites while reducing the costs for groundwater cleanup.

500 West Ridgecrest Boulevard – Mailing Address: P.O. Box 1329, Ridgecrest, California 93556-1329
(760) 375-5086 Fax (760) 375-3969

www.iwwvd.com E-mail: iwwvd@iwwvd.com

Should you have any questions regarding this letter of support, please contact me at (760)384-5555 or you may e-mail me at don.zdeba@iwvwd.com.

Regards,



Don Zdeba
General Manager

cc:

Mr. Omar Pacheco
California Regional Water Quality Control Board
Lahontan Region 6
14440 Civic Drive, Suite 200
Victorville, CA 92392

Mr. Mike Stoner
Naval Air Weapons Station, China Lake
429 East Bown Road, Stop 4014
China Lake, CA 93555-6108

Mr. Danny Domingo
Department of Toxic Substances Control
Site Mitigation and Brownsfield Reuse Program
1515 Tollhouse Road
Clovis, CA 93611

Mr. Leroy Corlett
1217 N. Inyo
Ridgecrest, CA 93555

Mr. James McDonald, Code
Naval Air Weapons Station, China Lake
429 East Bowen Road, Stop 4014
China Lake, CA 93555-6108

Mr. Terry Rogers
743 E. Burns St.
Ridgecrest, CA 93555

Comment

Response

Booth, Richard@Waterboards

From: Joe Pepi <jpepi@tahoe.ca.gov>
Sent: Thursday, October 18, 2012 2:32 PM
To: Booth, Richard@Waterboards
Cc: Lisa O'Daly
Subject: Triennial Basin plan Review Scoping comments

Richard: Here are some of the written comments on scoping for the Lahontan triennial review. As I stated in my phone message there will be some additional comments on Topic No. 3 "Tahoe/Truckee Prohibition/Forestry Amendments coming next week. The comments I have at this time to pass on are as follows:

1. The Conservancy is a leader in bicycle trail planning and development on the California side of the Lake Tahoe Region. In our roles of funder and project proponent, we have experienced the difficulty and delay in project review and permitting created by different project requirements employed by TRPA, LTWQCB, and the U.S. Army Corps of Engineers. To reduce the cost and time required for implementation of bike trail projects, we recommend as a high priority Lahontan staff work to complete Chapter 5 basin plan revisions needed to be compatible with the emerging TRPA Regional Plan revision. Specifically, this includes 1) a consistent determination that bike trail projects are linear public service/transportation projects, and 2) a consistent way to evaluate, calculate, and determine needed offsetting mitigation for bike trail land coverage. Additionally, as we have noted in other venues, we continue to feel a flexible approach to matching SEZ and wetland impact with functionally equivalent restoration is needed in this small watershed to allow bike trail projects to be constructed.
2. The Conservancy supports the growing concern related to near shore water quality and supports review of existing information to determine appropriate objectives for this critical area of the lake. We believe these objectives should seek to improve near shore water quality while protecting important public lake access needs such as public piers and water transit opportunities.

Let me know if you have any questions.

Thanks,

Joe Pepi
California Tahoe Conservancy
Watershed/ SEZ Restoration Program Coordinator
1061 Third Street
South Lake Tahoe, CA 96156
(530) 543-6066
jpepi@tahoe.ca.gov

CTC-1: Project #11, Revise Chapter 5 for TRPA's Plan, is a high priority especially now that TRPA adopted its Regional Plan Update (RPU) on December 12, 2012. Water Board staff will work on this project through the TMDL implementation program primarily rather than using only basin planning resources. This project falls more appropriately under TMDL implementation tasks because major portions of the TRPA RPU involved making the RPU consistent with the Lake Tahoe TMDL, but minor adjustments will likely be needed in the Basin Plan once the RPU receives all required approvals (e.g. state, federal) to become in effect. Your suggestions will be carefully considered when staff commences work on this project, which is anticipated to begin either spring/summer 2013 or in fiscal year 2013-2014.

CTC-2: Project #8, Lake Tahoe Nearshore, is a high priority and staff will continue closely following and helping to guide the various research projects underway in the nearshore.

Comment

Response

CENTENNIAL RANCHES

652 W. Cromwell, Suite 103
Fresno, CA 93711

Respond to:
William J. Thomas
500 Capitol Mall, Suite 1700
Sacramento CA 95814
(916) 325-4000

October 18, 2012

Don Jardine, Board Chair
Peter Pumphrey, Vice Chair
Jack Clarke, Board Member
Keith Dyas, Board Member
Amy Horne, Ph.D., Board Member
Eric Sandel, Board Member
Patricia Kouyoumdjian, Executive Officer
Richard Booth, Unit Chief, TMDL/Basin Planning Unit
Bruce Warden, Ph.D
California Regional Water Quality Control Board
Lahontan Region
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

**RE: SUPPLEMENTAL COMMENTS RE BASIN PLAN AMENDMENTS – TRIENNIAL
REVIEW – FECAL COLIFORM PATHOGEN OBJECTIVE**

Dear Board Chair, Board Members, Ms. Kouyoumdjian, Mr. Booth and Dr. Warden:

Centennial Ranches has submitted several documents to the Lahontan Board on the pathogen basin plan issue during workshops, Board waiver hearings, and relative to this triennial review. In our October 5 submittal, we had officially requested that all relevant materials, public record request items, and meeting transcripts be placed in the administrative record for the triennial review. We hereby renew that request.

1. We now submit additional comments to respond to newly presented information/charts and to respond to questions that have been raised at the two triennial review scoping meetings.

The staff has presented for the Board's review 21 proposed projects for possible basin plan amendment prioritization. Such triennial review decisions are always difficult for Regional Boards because the resource and staff availability is limited. That is certainly true of these deliberations at the Lahontan Board.

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General Note:

Responses are provided to those comments requiring a response. Lack of a response to a comment does not imply agreement with that comment.

Comment	Response
<p>October 18, 2012 Page 2</p> <p>As Richard Booth pointed out at the triennial review hearing, there are seven ongoing committed projects which will require the dedication of 4.5 pys over the next three years, and 14 uncommitted projects, 13 of which would require (excluding the bacteria objective) 12.3 pys. Additionally, the bacteria issue would require from .5 py to 5 pys, depending on the selected option. On balance, depending on the option chosen for the bacteria objective, doing all the projects would require from 22 to 27 pys.</p> <p>As Mr. Booth further indicated in his PowerPoint, the “current staff allocation is 5.7 pys over three years.” He further pointed out on his PowerPoint that “planning staff can complete all the committed projects with 1.1 pys remaining.” This 1.1 py would not get much done on the other uncommitted items.</p> <p>It was further indicated that additional flexibility can be realized by utilizing some additional program funds/resources (such as NPS, NPDES/and from external resources (i.e., grants, TMDL contracts), but even with those augmentations only limited additional personnel and resources are available. Therefore, the prioritization of triennial review issues must be evaluated in respect to the staffing availability. As we have pointed out previously and will further embellish below, this makes selecting Option 2 and engaging Phase 1 of the bacteria objective project, the prudent and responsible management decision.</p> <p>2. Mr. Booth had prepared a very busy PowerPoint page reflecting each of the 20 possible triennial review topics, including each of the three options for the 21st issue, our pathogen objective reform. (See Attachment A.) The colors in each of the issue columns reflect a best guess as to when the commitment of personnel and resources would be required as between year 2012/13, year 2013/14, year 2014/15 and on into the future. The chart is very informative, but is also partly misleading, in it does not break the options associated with the pathogen objective into its various phases. Consequently, at first brush, one could easily see that each of the other 20 programs call for the commitment of 2 or less pys; but as to each of the three options relative to the pathogen objective, the chart indicates that those would require from 5 to 6.5 pys (those upper bound numbers, however, are inconsistent with actual documents associated with the pathogen objective, which indicates that either 3.5 or 5 pys would be required for the options, if all phases were fully concluded). As to the pathogen issue, Phase 1 of Option 2 would require only .5 py, and that would be committed and completed in the first half of 2013. Thereby, by comparison to the other 20 columns, the .5 py commitment of resources would only slightly exceed seven of the other possible projects and would be less than 16 of the other possible projects. Consequently, invoking Phase 1 of Option 2 would result in the amendment of the pathogen standard for Bridgeport with a minimum commitment of resources and the shortest possible time. Clearly, a sound business decision.</p> <p>3. Mr. Booth also distributed a grading matrix whereby his suggested nine criteria can be comparatively weighted.</p> <p>We certainly believe that correcting the basin plan error relative to the bacteria standard is the highest priority and is completely ripe for action after the many years of focus and extensive data collection. We will present our evaluation of this item as against the suggested</p> <p>82226.00001/7627075.1</p>	<p>CentennialOct18-1: The options presented at the Board meeting in September/October were provided as possible avenues for amending the basin plan for bacteria. Although PYs are taken into account when developing options for a basin plan amendment, defensible science to provide recommendations is necessary. The 2012 Triennial Review Staff Report (see Attachment A) recommends that Water Board staff continue to work on the water quality bacteria objectives as one of its highest basin planning priorities over the next three years. The Triennial Review Staff Report does not include a recommendation for choosing one of the three options previously listed in a scoping report. Rather, the 2012 Triennial Review Staff Report describes specific tasks that need completion as part of continuing focus on the water quality bacteria objectives project. State Water Board Resolution No. 68-16 requires that before changes to standards that maintain high quality water are made, it must be “demonstrated to the State that any change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies.” Changes to numeric water quality objectives must be scientifically defensible and be consistent with Resolution 68-16.</p> <p>CentennialOct18-2: The PYs estimated for amending the basin plan for bacteria are rough estimates for the Board. They do not always reflect actual PYs needed. In a basin plan amendment, staff evaluates PYs needed, available science to support the amendment, and priority of such an amendment. All weigh heavily in deciding to amend the Basin Plan. The 2012 Triennial Review Staff Report (see Attachment A) recommends that Water Board staff continue to work on the water quality bacteria objectives as one of its highest basin planning priorities over the next three years. The Triennial Review Staff Report does not include a recommendation for choosing one of the three options previously listed in a scoping report. Rather, the 2012 Triennial Review Staff Report describes specific tasks that must be completed as part of continuing focus on the water quality bacteria objectives project. Please refer to Table 3, Water Quality Bacteria Objectives tasks.</p>

Comment	Response
<p>October 18, 2012 Page 3</p> <p>criteria by filling in the matrix chart relative to our issue. We will not be grading the other competing projects. We note that the suggested scoring would call for double points (20) for the “benefits” derived from addressing that item. That seems reasonable enough, but two important factors have been omitted from the chart. Those two criteria items would be a “minimum commitment of resources” and the efficiency of completing the project in a “timely manner.” In that we have already talked about the timeliness and the efficient commitment of resources of Phase 1 of Option 2, those two additional columns would each achieve the highest ranking of 10.</p> <p>The Benefits derived (possible 20), would rank 17. This issue is a holdover item where the Board did not take action during the previous triennial review, and has not addressed it as part of the waiver that was previously adopted. Therefore, the benefit of completing something the Board committed to is very high. Similarly, having a defensible objective in place of this present anomaly which has been embarrassing to this Board, would likewise be a significant benefit. Board members have acknowledged this is presently a non-enforceable objective for agricultural waters; therefore, the benefit of having a proper and enforceable standard is clearly of high benefit. Additionally, avoiding the possibility of this matter being appealed to the State Board or otherwise to court to compel Board action, is a significant benefit to the agency. Lastly, cooperating with the Bridgeport ranchers who have worked closely with this Board for many years also merits a high score in the Benefit column.</p> <p>Specific Waterbody vs. Regionwide. The amendment to the basin plan having to do with the pathogen objective involves all agricultural waters of the region. The agricultural waiver has been in place for many years, has been extended for five additional years, and involves all of the waters into the Bridgeport valley. Phase 1 of Option 2 deals with the Bridgeport valley waters and the subsequent Phases deal with all other agricultural waters of the valley. Therefore, this criteria scores as a 9.</p> <p>Commitment of Resources. The ag waiver coordination with the University of California, coordination with the Bridgeport ranchers, coordination with the University of California on water quality monitoring, and dealing with sister agencies (i.e., State Water Board, U.S. Forest Service), has made this bacteria objective one of the highest resource commitments by Lahontan staff. Similarly, the many exchanges with the ranchers, hearings and workshops before this Board, all have amounted to a significant commitment of resources. In fact, this is a far greater commitment of resources than it will take to conclude the Phase 1 of Option 2 amendment. Consequently, this column scores a 10.</p> <p>Expending of Outside Resources. This criteria also scores a 10 because of the hundreds of thousands of dollars the Bridgeport ranchers have committed to during the seven years of extensive monitoring, meeting with the staff and implementation of BMPs, and best control technologies which have been extraordinary. Similarly, the commitment of resources from the University and through bond and proposition monies by staff have likewise been significant.</p> <p>External Resources Available. This criteria again scores very high (9 of 10) because of the ranchers’ continual commitment to monitoring and implementing best management practices.</p> <p>82226.00001/7627075.1</p>	<p>CentennialOct18-3: The Lahontan Water Board has been dedicated to gathering and evaluating data/information for reviewing the bacteria standard. In this past Triennial Review cycle, the Lahontan Water Board executed a contract with UC Davis for \$60K to evaluate fecal coliform and <i>E. coli</i>, initiated bacteria monitoring in the region by Water Board staff, is currently soliciting willing ranchers to participate in a grant funded grazing management practices implementation project, and has contracted for additional lab analysis of bacteria at the Sierra Nevada Aquatic Research Laboratory through UC Santa Barbara. Please also refer to Table 3, Water Quality Bacteria Objectives tasks (2012 Triennial Review Staff Report, Attachment A).</p> <p>CentennialOct18-4: The 2012 Grazing Waiver includes a time table for compliance and requires that the enrollees covered under the waiver develop a schedule to implement rangeland water quality best management practices that reduces and/or maintains fecal coliform concentrations to an interim goal of 200 cfu/100mL and attains the highest water quality reasonably achievable. The 2012 Grazing Waiver does not include 20 cfu/100mL as a compliance standard. The Water Board is committed to evaluating the current bacteria objective as is demonstrated in the proposed tasks for this upcoming Triennial Review cycle (Attachment A/Table 3).</p>

Comment	Response
<p>October 18, 2012 Page 4</p> <p>Also, continuation of the University's efforts, etc., further demonstrate the importance of dealing with this issue.</p> <p>Volume of Water Affected. Swauger Creek, Green Creek, Virginia Creek, Summers Creek, East Walker River, Robinson Creek, Buckeye Creek, are waters affected by the first phase of Option 2. All other agricultural waters will be involved in subsequent phases of Option 2, therefore the quantity of water affected clearly ranks a score of 10.</p> <p>Number of People Affected. This criteria is a little vague in that all of the Bridgeport ranchers, their employees and guests are affected in the immediate phase. In the subsequent phase, all other ranchers and recreationists in the region would be affected. The affected waters are extensive, and we are developing an appropriate standard for REC-2 exposures; therefore, in the private and public lands areas the number of people could be significant. Consequently, we score that as a 9.</p> <p>Implementation of State Board Policy. State Board advanced a policy in 1975 and called for the uniformity of bacteria standards among the regions, but stated that "more stringent limits for waters may be included if substantiated by local epidemiological experience of existing water quality." There were no such studies indicating a different level was required. The Regional Board has never engaged such a study; therefore, the 20 col FC/100mL standard has always been outside the State Board policy. State Board policy also calls for enforceable objectives. As has been stated, this pathogen objective has not been viewed by this Board as an enforceable standard, and it could not be a standard for enforcement. This action would therefore entirely harmonize this basin plan with the State Board policy. We score this as a 10.</p> <p>Basin Plan Consistency. As has been pointed out many times, and has been expressly acknowledged by this Board, this pathogen objective is wholly inconsistent with pathogen standards in all other basin plans. Part of this amendment would be to bring this pathogen objective consistent with other basin plans, therefore this scores a 10.</p> <p>Summary Review. With the two additional criteria categories that had been overlooked in this chart (addressed above), the total possible points would be 120. The pathogen item scores 114 of 120 possible points. (See Attachment B, Richard Booth's Chart as amended.)</p> <p>In addition to evaluating the importance of taking on any particular issue, it should be considered whether a particular issue is <u>ripe</u> for amendment because it has been thoroughly vetted, has all appropriate <u>supportive data</u>, and has the support from the main <u>constituencies</u>.</p> <p>Dealing with the pathogen objective and moving towards implementing of Phase 1 of Option 2 meets all those criteria. This issue has been ripe for action for some seven years, the constituency has called for and has been active in supporting such an amendment for many years, and there is a robust database supporting this amendment in the nature of monitoring water quality data in Bridgeport, compared to the paucity of supporting information behind adoption of the 20 col FC and its applicability to agricultural waters. Further, the record is clear that this objective, and consequently this basin plan, is wholly inconsistent with other regions of</p> <p>82226.00001\7627075.1</p>	<p>CentennialOct18-5: State Board developed bacterial objectives of 200 cfu/100mL. With any objective developed by State Board, the regional boards must either adopt that objective or have objectives more stringent based on the beneficial uses of the region. For the bacteria standard in our Basin Plan, the Board in 1974 chose the 20 cfu/100mL standard, which was subsequently adopted by the State Water Board and USEPA in 1975. 20 cfu/100mL is the enforceable standard in the region, except for the enrollees under the 2012 Grazing Waiver, where 200 cfu/100mL is the standard that must be met in 2017. Please refer to Centennial Ranches response CentennialOct18-4 and CentennialOct18-6.</p> <p>CentennialOct18-6: The state of California recognizes distinct geographic differences exist across the state so it developed nine, geographically-based, regional boards. Each regional board is responsible for developing standards to protect the region's beneficial uses. In recognition of such differences among the state, the informational document <i>Public Scoping Meeting for Proposed Revision to the Bacterial Standards for Water Contact Recreation in Fresh Waters in California</i> circulated in September 2008 by the State Board states, "The proposed policy may be applied statewide or may exclude waters under the jurisdiction of the Los Angeles Water Board and the Lahontan Water Board."</p>

<u>Comment</u>	<u>Response</u>
<p>October 18, 2012 Page 5</p> <p>California and the nation. By all those criteria, this matter is not just ripe, it is long overdue and cries out for amendment. It would be a breach of responsibility for this Board not to address this issue in the shortest amount of time with the minimum commitment of additional resources.</p> <p>4. The Board should also give focused consideration of the US Forest Service comments. They point out the 20 col FC/100mL objective is totally unsupportable because it “does not allow any coliform bacteria from humans or livestock.” They point out that the public lands are for multiple uses; therefore, this is an unreasonable objective, totally inconsistent, “not in compliance with applicable federal regulations,” and inconsistent with the US EPA standard of 200 col FC/100mL. They further point out that there has been no scientific support for 20 col FC/100mL, and this Board has stated that 200 col FC/100mL was fully protective of even REC-1 waters. (We have pointed out that there are not REC-1 waters in the Bridgeport Valley.) They also cite supportive data and call for this Board to immediately shift to 200 col FC/100 mL. This should be seriously considered and save significant resources. Staff will try to convince you that you need to go through much field work and data collection, but this is not the case.</p> <p>5. Summary. By all perspectives, the Board should prioritize review of the bacteria objective and in doing so, immediately select and invoke Phase 1 of Option 2.</p> <p>Sincerely,  WILLIAM J. THOMAS</p> <p>WJT:lmg</p> <p>Attachments</p> <p>82226.00001\7627075.1</p>	<p>CentennialOct18-7: Lahontan Water Board staff has not proceeded forward with developing an amendment to the Basin Plan for a multitude of reasons, including: 1) EPA recently released the 2012 recreational water quality criteria. It is still uncertain how this might be incorporated into State Board policy and used by the regional boards. Creating a new standard that may not be consistent with newer criteria may make it void; 2) the Lahontan staff are gathering all available information and science to advise them if changes should be made to the bacteria water quality objectives in our unique region (please refer to Table 3, Water Quality Bacteria Objectives tasks [2012 Triennial Review Staff Report, Attachment A]); 3) Changing the WQO in the Bridgeport Valley to 200 cfu/100mL is not needed while the 2012 Grazing Waiver is in effect. The 2012 Grazing Waiver includes a time table for compliance and requires that the enrollees covered under the waiver develop a schedule to implement rangeland water quality best management practices that reduces and/or maintains fecal coliform concentrations to an interim goal of 200 cfu/100mL and attains the highest water quality reasonably achievable. The 2012 Grazing Waiver does not include 20 cfu/100mL as a compliance standard. Staff is committed to evaluating the current bacteria objective as is demonstrated in the proposed tasks for this upcoming Triennial Review cycle (Attachment A/Table 3).</p>

Comment

Response



Comment

Response

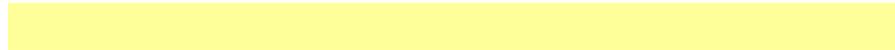
Lahontan Staff Criteria for Evaluation of Triennial Review Projects

"B"

Maximum points available 20 10 10 10 10 10 10 10 10 10 10 120

Proposed Project	Benefits	Specific Waterbody vs Regionwide	Staff Resources Already Expended	External Resources Already Expended	External Resources Available	Volume of Water Affected	Number of People Affected	Implement State Board Policy	Basin Plan Consistency	Minimum Commitment of Resources	Timeliness	Total
Prohibition Amendments												
Manage the BP Program												
Perform 2015 Tri Review												
Miscellaneous work												
Septic System Policy												
China Lake MUN	15	5	10	10	10	1	5	0	0			56
Nearshore WQOs												
Fish Springs WQOs												
Susan River SSOs												
Hot Creek WQOs												
Antelope Valley SN MP												
Mojave Basin SN MP												
Hydromodification												
Biological indicators												
TRPA revisions												
Squaw Valley groundwater												
Dairies Strategy												
Mojave River BUS clarify												
BiOL BU for Mojave River												
Revise WQO evaluation												
Bacteria WQOs - Option 1												
Bacteria WQOs - Option 2	17	9	10	10	9	10	9	10	10	10	10	114
Bacteria WQOs - Option 3												

BP = Basin Plan
 BU = Beneficial Uses
 SN MP = Salt and Nutrient Management Plan
 SSOs = Site Specific Objectives
 TRPA = Tahoe Regional Planning Agency
 WQOs = Water Quality Objectives



Comment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

OCT 18 2012

Mr. Richard Booth
Chief, TMDL/Basin Planning Unit
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

Dear Mr. Booth:

This letter responds to the Regional Board's solicitation of public comments regarding issues to be considered in the 2012 Triennial Review of the Water Quality Control Plan for the Lahontan (Basin Plan). We appreciate this opportunity to provide input to the Triennial Review scoping process.

We agree that the projects summarized in the 2012 Triennial Review Topic List are priority issues. Additionally, we continue to support as a high priority, identification of freshwaters that support early life stages of salmonids, and revision of pentachlorophenol (PCP) water quality objectives, where appropriate, as part of this Triennial Review process. This request is a result of US EPA's Endangered Species Act consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service (the Services) for the California Toxics Rule (CTR). The Services' Biological Opinion for the CTR concluded that the CTR criteria for PCP were not protective of early life stages of salmonids under conditions of low dissolved oxygen and high temperatures. Protective criteria are outlined in US EPA's November 14, 2007 letter to the State and Regional Boards.

We look forward to working with you further on the priority issues identified through this Triennial Review scoping process. If you have any questions, please do not hesitate to call me at (415) 972-3452 or Matthew Mitchell at (415) 972-3508.

Sincerely,

Janet Hashimoto
Janet Hashimoto, Manager
Standards and TMDL Office

cc: Tom Maurer, U.S. Fish and Wildlife Service
Joe Dillon, National Marine Fisheries Service

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Response

USEPA-1: Changing the evaluation criteria in the California Toxics Rule (CTR) is a low priority for this region's basin planning resources. This project is not needed because the Basin Plan currently contains a narrative water quality objective for toxicity, which is sufficiently flexible to allow for a more sensitive evaluation of pentachlorophenol (PCP):

"All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, bioassays of appropriate duration and/or other appropriate methods as specified by the Regional Board."

This water quality objective allows the Regional Board to require an evaluation of PCP concentrations under low dissolved oxygen and high temperatures on a case-by-case basis. It is more appropriate to use regulatory program resources to address this concern. Potential amendments to the CTR should be pursued through the State Water Board.

Comment

Response



TAHOE-TRUCKEE SANITATION AGENCY

A Public Agency
13720 Butterfield Drive
TRUCKEE, CALIFORNIA 96161
(530) 587-2525 • FAX (530) 587-5840

Directors
O.R. Butterfield
Dale Cox
Erik Henrikson
S. Lane Lewis
Jon Northrop
General Manager
Marcia A. Beals

VIA U.S. MAIL AND FACSIMILE

19 October 2012

Mr. Richard Booth
Chief, TMDL/Basin Planning Unit
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

RE: 2012 Triennial Review of the Water Quality Control Plan for the Lahontan Region

Dear Mr. Booth:

This letter is in response to your request for written public comments on a draft list of staff-recommended priority topics for the next Triennial Review of the Water Quality Control Plan for the Lahontan Region.

Tahoe-Truckee Sanitation Agency (T-TSA) would like to comment on a topic shown in Table 2 of the 2012 Triennial Review Topic List for the Lahontan Region, which reads:

“Revise Chapter 3 language on determining compliance with water quality objectives”

“The proposed revisions would change water quality objectives expressed as ‘means of monthly means’ to annual means and define minimum sample numbers and sampling frequencies for determining compliance with objectives. This could avoid the need for new Clean Water Act Section 303(d) listings based on very small sample numbers, and facilitate delisting.”

T-TSA understands that the principal reason for the proposed revision is that there are several water bodies within the region for which there is scarce water quality information. Such is not the case for Truckee River. There are considerable data points and water quality data collected all along the River. The period of record is long and continuance. For this reason alone, the means of monthly means standard should continue to be utilized for the Truckee River. In addition, it is appropriate to continue to compare T-TSA’s compliance with water quality objectives (“WQOs”) based on a means of monthly means standard because it takes into consideration severe weather conditions (a major flood event or a severe drought) that may occur in a particular year. Extreme changes in flow can cause changes in the concentration of various background water quality characteristics upstream from T-TSA’s facility, which vary

TTSA-1: Project #18, Revise Chapter 3 “means of monthly means”, is a moderate priority project for basin planning resources. Staff is not currently working on this project and there are no changes proposed. Though there is not an urgent need to amend the Chapter 3 methodology at this time, permitting and compliance issues may elevate the urgency on this issue. If work on this project becomes a higher priority, then Staff requests assistance from the Tahoe-Truckee Sanitation Agency (TTSA) in evaluating all concerns about possible changes to the methodology, including TTSA’s concerns documented in this comment letter. This assistance is requested because of the limited basin planning resources.

Comment

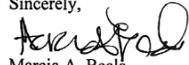
Response

inversely with flow for some constituents. T-TSA's ability to meet WQOs under such circumstances and using an "annual means" test could be problematical. The mean of monthly means standard, on the other hand, is the average of the monthly variations over a long period of time. This method reflects long-term average water quality based on every month of many years under vastly different hydrological conditions. From T-TSA's perspective, the seasonal and annual variations in water quality due to varying hydrological conditions need to be considered when evaluating T-TSA's potential impacts on water quality and beneficial uses of the Truckee River and Martis Creek.

Further, T-TSA's fairly recent wastewater treatment plant expansion project and its associated settlement agreement with the cities of Reno and Sparks, and the Pyramid Lake Paiute Tribe were premised on the continuation of the means of monthly means standard. It potentially could be very deleterious to T-TSA if such standard now were now changed to the proposed "annual means test."

For the foregoing reasons, T-TSA submits that it would be inappropriate to replace the means of monthly means standard for an annual means standard for the Truckee River. Thank you for the opportunity to comment. If you have any questions or would like to have a follow-up discussion on this matter, please do not hesitate to contact me.

Sincerely,



Marcia A. Beals
General Manager

MAB:ct
Attachment

cc: Jay Parker, Engineering Department Manager
Greg Schleusner, Laboratory Supervisor

Comment

Response



United States Department of the Interior

Pacific Southwest Region
FISH AND WILDLIFE SERVICE
Nevada Fish and Wildlife Office
1340 Financial Blvd., Suite 234
Reno, Nevada 89502

Ph: (775) 861-6300 ~ Fax: (775) 861-6301



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OCT 19 2012
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October 17, 2012
File No. 2013-CPA-0001

Mr. Richard W. Booth
TMDL/Basin Planning Unit
California Regional Water Quality Control Board Lahontan Region
2501 Lake Tahoe Boulevard
South Lake Tahoe, California 96150

Dear Mr. Booth:

Subject: Comments on the Triennial Review of the Water Quality Control Plan for the Lahontan Region

This letter transmits comments on the Triennial Review of the Water Quality Control Plan for the Lahontan Region for the U.S. Fish and Wildlife Service (Service), Nevada Fish and Wildlife Office. Our comments are based on information provided in a scoping letter sent via email by Ms. Amber Wike, dated August 17, 2012, requesting comments by October 19, 2012.

On page 5 of Table 2 (2012 Triennial Review Topic List), the Susan River Site Specific Objectives are listed. The Susan River provides inflow to Honey Lake. The lands immediately around Honey Lake and the lake bottom, during low water years, provide habitat for the endangered Carson wandering skipper (CWS; *Pseudocopaodes eumus obscurus*). While the relationship between water quality and CWS habitat is not fully understood, the Service is concerned with (1) possibly lowering water quality standards in the Susan River, and (2) the possible alternatives and their potential effects to the CWS and its habitat.

On page 6 of Table 2, the incorporation of both the Antelope Valley and Mojave Basin salt and nutrient management plans into the Basin Plan is mentioned. As part of the description, the consideration of revising the groundwater objectives to account for expected changes in salt and nutrients is mentioned. How would these revisions impact beneficial uses?



USFW-1: Project #15, Susan River Site Specific Objectives, is a moderate priority project for basin planning resources. If, and when, this project moves forward, Staff will consider the concerns about potential lowering of water quality standards in the Susan River and the possible alternatives and their potential effects to the Carson wandering skipper and its habitat.

USFW-2: Project #9 and #10, Salt and Nutrient Management Plans for Antelope Valley and Mojave Basin, are currently in progress and are high priority for basin planning resources. Los Angeles County Sanitation District (LACSD) is evaluating the data to characterize the Antelope Valley groundwater basin. It is uncertain at this time whether revisions to groundwater objectives will be pursued, but any such revisions must evaluate potential effect on present and potential beneficial uses, and would be a separate action from the adoption of the Salt and Nutrient Management Plans, with an additional opportunity for comments. The Mojave Water Agency is leading the effort to develop a salt and nutrient management plan for the Mojave basin and is in a similar planning and assessment stage as LACSD. The majority of effort on these plans is performed by either LACSD, or Mojave Water Agency, or its contractors, and final proposals are not anticipated until 2014 or 2015.

Comment

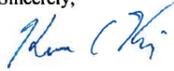
Response

Mr. Richard W. Booth

File No. 2013-CPA-0001

We appreciate the opportunity to provide comments on the Water Quality Control Plan. If you have any questions, please contact me or Kerensa King at (775) 861-6300.

Sincerely,

for 

Edward D. Koch
State Supervisor

Comment

Response

Department of Water and Power  the City of Los Angeles

ANTONIO R. VILLARAIGOSA
Mayor

Commission
THOMAS S. SAYLES, *President*
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RICHARD F. MOSS
CHRISTINA E. NOONAN
JONATHAN PARFREY
BARBARA E. MOSCHOS, *Secretary*

RONALD O. NICHOLS
General Manager

October 19, 2012

Mr. Richard Booth
Chief, TMDL/Basin Planning Unit
California Regional Water Quality Control Board
Lahontan Region
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

Dear Mr. Booth:

Subject: Comment Letter – Triennial Review of the Water Quality Control Plan for the Lahontan Region

The Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to submit comments on the triennial review of the Water Quality Control Plan for the Lahontan Region (Basin Plan). LADWP supports Lahontan’s Water Quality Control Plan and recognizes its importance in protecting beneficial uses; and submits the following comments:

Hot Creek Water Quality Objectives

LADWP supports the development of revised objectives for Hot Creek, to account for changed naturally-occurring pollutant concentration levels in natural groundwater flows. This would be in line with the Lahontan Regional Water Quality Control Board (RWQCB) policy regarding natural background conditions where concentrations are higher than the beneficial use protective water quality limit. RWQCB has stated that “their authority for protection of water quality from waste discharges is limited to regulation of ‘controllable water quality factors’ – those actions, conditions, or circumstances resulting from human activities that may influence the quality of waters of the state and that may be reasonably controlled. Where the natural background level is higher than the beneficial use protective water quality limit, the natural background level is considered to comply with the water quality objective. In such cases, other controllable factors are not allowed to cause any further degradation of water quality.”

Freshwater Bacterial Objective Revision

LADWP supports Option 2 of the Fact Sheet, in which site specific objectives of 200 colony forming units (CFUs) of *E. coli* per 100 milliliters (ml) would be used for Bridgeport Valley; then in a second phase, other areas within the Lahontan Region

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LA-1: Lahontan and State Water Board staff continue to work on developing amendments to the state listing policy to address water body impairments due solely to natural sources. In the absence of a statewide natural source exclusion policy, the only way to revise the Hot Creek Water Quality objectives is to develop site-specific objectives that are scientifically defensible. To expedite the work on this, LADWP can assist the Water Board staff on many tasks for this project. The recommendation in the 2012 Triennial Review Staff Report assigns this project a moderate priority and suggests working on it if additional resources become available.

LA-2: The 2012 Triennial Review Staff Report recommends that Water Board staff continue to work on the water quality bacteria objectives as one of its highest basin planning priorities over the next three years (see Table 2 in Attachment A). The Triennial Review Staff Report does not include a recommendation for choosing one of the three options. Rather, it describes specific tasks that must be completed as part of the Water Board’s continuing focus on the water quality bacteria objectives project (see 2012 Triennial Review Staff Report Table 3, Water Quality Bacteria Objectives tasks). For example, one such task is consideration of new federal and state bacteria guidance. In November 2012, USEPA released its *2012 Recreational Water Quality Criteria*; these guidelines include suggested values for *E. Coli* and enterococci values but not for fecal coliform. State Water Board staff is considering this new USEPA guidance as it develops its own state recreational water policy with bacteria standards. Any changes to existing water quality objectives must be scientifically defensible and protective of the region’s beneficial uses.

<u>Comment</u>	<u>Response</u>
<p>Mr. Richard Booth Page 2 October 19, 2012</p> <p>would be considered for standard changes as the State Board or USEPA conducts their own actions on this subject. For the second phase, LADWP recommends that all waterbodies within the Lahontan Region be assigned the objective of 200 CFU of E. coli per 100 ml objective; with future data collection, by Waste Discharge Requirement (WDR) permit holders, to be used to reevaluate the objective when needed. This will allow for consistency throughout the Region and State as soon as possible, and allow for antidegradation concerns to be addressed when necessary.</p> <p>If there are any questions, please contact Mr. Clayton Yoshida of the Wastewater Quality and Compliance Group at 213-367-4651.</p> <p>Sincerely  Katherine Rubin Manager of Wastewater Quality and Compliance</p> <p>CY:lr c: Mr. Clayton Yoshida</p>	

Comment

Response



October 19, 2012
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd
So. Lake Tahoe, CA 96150
Attention: Don Jardine, Board Chair
Patty Kouyoumdjian, Executive Officer
Bruce Warden, Ph.D., Environmental Scientist

The California Cattlemen's Association (CCA) and the California Farm Bureau Federation (CFBF) appreciate the opportunity to comment on the Lahontan Regional Water Quality Control Board's (Board) Triennial Review of the Basin Plan (Plan). As two organizations that represent ranchers and farmers all over the state of California, we are pleased to see that the Board is considering revising water quality objectives for bacteria in the triennial review. Ranchers are stewards of the land, and work tirelessly to ensure that the land is healthy and productive for the people of California and future generations of agricultural producers. In order to ensure a continuation of land management, it is critical that regulatory bodies establish policies which reflect sound science and logical application, and thus we encourage your adoption of revised bacteria standards.

CCA and CFBF strongly support the Board's prioritization of bacteria objectives in the Plan review. For eight years, the agricultural community has been asking for an amendment to the Plan to address a fecal coliform standard that we believe, and members of the Board and staff have agreed, is untenable. This item has been considered before as a potential priority item in previous triennial reviews, and we believe that, given the history of the issue, that the Board would be remiss in not accepting the item now.

As the Board is well aware, Lahontan Regional Water Quality Control Board is the only regional board to set a fecal coliform standard at 20 col fc/100ml. Both the EPA and all of the other regional boards have adopted a standard of 200 col fc/100ml. As far as can be determined, no scientific data has been shown to support the use of such a restrictive standard for the entire region. It is assumed that Lake Tahoe's uniquely high water quality was used as a baseline for this standard, but water data from 1966-1971 set forth fecal standards in Lake Tahoe itself of 32, 64, 240 and 700 fecal colonies depending on lakeshore development and distance from shore. These numbers would indicate that even Lake Tahoe is unlikely to meet the 20 col fc/100ml standard, further highlighting the need for revision and consideration. It is additionally evident that this standard was not intended to apply region-wide, as the beneficial use in many locations in the region, including Bridgeport Valley, have been historically and predominately agriculture. Not only is this standard seemingly arbitrary, but because of its unobtainable nature, does nothing to protect water quality.

Since 2004, ranchers in the Bridgeport Valley have been working with Board staff and experts from UC Cooperative Extension in a collaborative effort to reduce levels of fecal coliform by creating and

CCA/CFBF-1: The 1975 Water Quality Control Plan (Basin Plan) for the North Lahontan Basin applied the 20 cfu/100mL standard to ten water bodies, including the East Walker River which is in the Bridgeport Valley. The existing 20 cfu/100mL standard is associated with a risk to human health of less than one person in 1000 becoming ill when they come into contact waters containing fecal contamination. The 20 cfu/100mL standard was extended to the rest of the Region in the 1995 Basin Plan update. Based on concerns about the compatibility of the 20 cfu/100mL standard with areas with historic agricultural uses, such as the Bridgeport Valley, Water Board staff began conducting studies on both fecal coliform and E. coli, covering a wide range of land use types in the region, including agriculture. Note that the North Coast Regional Water Board's Basin Plan includes a fecal coliform standard of 50 cfu/100mL standard for waters with designated recreational use. (see http://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/083105-bp/04_water_quality_objectives.pdf)

In nearly all places where livestock are not allowed unrestricted access to surface waters, the water quality meets the 30-day log mean for the existing standard of 20 cfu/100mL. See, for example, [Nilson, C., and others, 2012. Bacteria Monitoring in the Eastern Sierra Nevada, Summary of Results for 2011—Staff Report. Lahontan Regional Water Quality Control Board, South Lake Tahoe, CA. March 27, 2012. 34 pp.](#))

<u>Comment</u>	<u>Response</u>
<p>implementing various best management practices. Their efforts have resulted in improved water quality and a decrease in the frequency of standard exceedances. This cooperation should be a model for the entire region, and should the Board opt not to prioritize the revision of the bacteria standard, it will send a message that proactive, collaborative approaches have a limited chance of creating or influencing policy change.</p> <p>Because of the Board’s acknowledgement that the standard is unworkable, the infeasibility of this standard in protecting water quality, and the work that has been done to date to improve water quality, and, CCA and CFBF firmly believe that the Board should demonstrate responsible policy setting and prioritize the revision of the bacteria standard.</p> <p>Staff has offered three options by which the Board may achieve the goal of revising the bacteria standards. Of the three, CCA and CFBF strongly urge your adoption of option two. While we certainly support option number one, which would make changes to the standard for the entire region, we believe that this should be a more long term goal that will come after the site –specific objective change to the Bridgeport Valley. Not only will option two require less staff, but it is also the most expeditious option. Acknowledging tight budgets and restricted resources, it would be appropriate for the Board to take advantage of the work that has already been done in Bridgeport and use their best management practices as a model for the rest of the region. Given the existing six years of data compiled by both Board staff and UC Cooperative Extension, the Board should prioritize this item and ultimately change the bacteria standard. By prioritizing and going forward with option two, the Board will vindicate the tremendous work that has already been done. Both CCA and CFBF would hate to see these efforts be rewarded with yet another delay in standard reform.</p> <p>CCA and CFBF encourage the Board to give these comments, and those from landowners, serious thought and consideration. Ranchers in the Lahontan Region are currently demonstrating levels of stewardship that should be applauded, and properly recognized with an appropriate bacteria standard change to the Basin Plan. We believe that the work that has been done over the past eight years has demonstrated not only sound scientific work, but an extraordinary effort on behalf of landowners. Ranchers’ efforts coupled with the Board’s repeated public acknowledgement of a workable standard makes the prioritization of this item both critical and time sensitive. We hope that the Board chooses to encourage the work that has been done and accept option two as presented by staff.</p> <p>Sincerely,</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;">  Margo Parks Associate Director of Government Relations, CCA </div> <div style="text-align: center;">  Kari Fisher Associate Counsel, CFBF </div> </div>	<p>CCA/CFBF-2: The 2012 Triennial Review Staff Report recommends that Water Board staff continue to work on the water quality bacteria objectives as one of its highest basin planning priorities over the next three years. The Triennial Review Staff Report does not include a recommendation for choosing one of the three options previously listed in a scoping report. Rather, the 2012 Triennial Review Staff Report describes specific tasks that must be completed as part of continuing focus on the water quality bacteria objectives project. State Water Board Resolution No. 68-16 requires that changes to standards that maintain high quality water can be done if “demonstrated to the State that any change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies.” Changes to numeric water quality objectives must be scientifically defensible and be consistent with Resolution 68-16. Please refer to Table 3, Water Quality Bacteria Objectives tasks.</p>

Comment

Response

County of Lassen
BOARD OF SUPERVISORS



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October 19, 2012

Richard Booth
Chief, TMDL/Basin Planning Unit
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd.
South lake Tahoe, CA 96150

Dear Mr. Booth:

I appreciate the opportunity to share comments on the Triennial Review of the Lahontan Basin Plan particularly the topic of water quality objectives for bacteria. An appropriate and effective water quality standard should adequately protect resources and alleviate risks to human health, provide a viable objective for land use management activities, be clearly linked to beneficial uses of the water, and be scientifically defensible. In this context, Lahontan's current bacteria standard of 20 cfu/100 mL falls short. The standard is far lower than needed to protect beneficial uses, it has been demonstrated by research and monitoring to be unachievable in a number of watersheds, and appears in practicality to be nearly unenforceable in many situations.

I ask that you use the Triennial Review process to shift to either the former EPA standard of 200 cfu/100 mL or the EPA recommended standard for E.coli. The EPA based standards would be more appropriate and would also make Lahontan more consistent with the neighboring Central Valley Region. It seems, for example, difficult to justify why Lassen County waters flowing into the Honey Lake Basin should be held to a 10X more restrictive standard than water flowing into the Feather River or Pit River systems. Or for that matter, why local water bodies which predominantly do not have high contact recreation or municipal uses should be held to a far more stringent bacteria standard than waters that feed directly into the state's largest municipal water districts. Furthermore, while I sincerely appreciate the on-going local collaborations with Lahontan staff, and we take pride in the proactive efforts of the agricultural community to adopt management measures to improve water quality, the current bacteria standard does not itself provide an incentive for good stewardship and/or the further adoption of best management practices, as even waters far upstream of livestock grazing and/or agricultural systems have been shown to commonly exceed 20 cfu/100mL.

Lassen-1: The 1975 Water Quality Control Plan (Basin Plan) for the North Lahontan Basin applied the 20 cfu/100mL standard to ten water bodies. The existing 20 cfu/100mL standard is associated with a risk to human health of less than one person in 1000 becoming ill when they come into contact waters containing fecal contamination. The 20 cfu/100mL standard was extended to the rest of the Region in the 1995 Basin Plan update. Based on concerns about the compatibility of the 20 cfu/100mL standard with areas that have had historic agricultural uses, Water Board staff began conducting studies on both fecal coliform and E. coli, covering a wide range of land use types in the region, including agriculture. The conclusions of those studies is that in agricultural areas where livestock are not allowed unrestricted access to surface waters, the water quality meets the 30-day log mean for the existing standard of 20 cfu/100mL.

Lassen-2: The state of California recognizes distinct geographic differences exist across the state so it developed nine, geographically-based, regional boards. Each regional board is responsible for developing standards to protect that region's beneficial uses. In recognition of such differences among the state, the informational document *Public Scoping Meeting for Proposed Revision to the Bacterial Standards for Water Contact Recreation in Fresh Waters in California* circulated in September 2008 by the State Water Board states, "The proposed policy may be applied statewide or may exclude waters under the jurisdiction of the Los Angeles Water Board and the Lahontan Water Board. The Water Board cannot amend the Basin Plan during the current Triennial Review process. The intent is to identify the Region's priorities (Also see Lassen-4 below)

Comment

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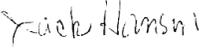
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Lassen-3: As noted above, in nearly all places where livestock are kept away from surface waters, the water quality meets the 30-day log mean for the existing standard of 20 cfu/100mL. For example, south of Lassen County in the Bridgeport Valley, data indicate that the log-mean fecal coliform concentration in waters entering the Valley generally meets the standard, except when livestock are present in the upstream areas. Please refer to the bacteria monitoring data in [Nilson, C., and others, 2012. Bacteria Monitoring in the Eastern Sierra Nevada, Summary of Results for 2011—Staff Report. Lahontan Regional Water Quality Control Board, South Lake Tahoe, CA. March 27, 2012. 34 pp.](#)

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<p>Given the lengthy consideration of the bacteria standard and the energy and expense of much data gathering to date, I would also urge the Board to simply adopt a single region-wide standard for agricultural and grazing lands in Lahontan's jurisdiction and to move forward in the most expedient time-frame allowable. Of the three options proposed by staff, Option 2 would appear to provide the simplest and quickest remedy. The current Triennial Review process provides an opportune time to change the bacteria standard and continue forward with effective management of the Region's water resources.</p> <p>Thank you again, for the opportunity to comment.</p> <p>Sincerely,</p>  <p>Jack Hanson District 5 Supervisor</p> <p style="text-align: center;">2</p>	<p>Lassen-4: The 2012 Triennial Review Staff Report (see Attachment A) recommends that Water Board staff continue to work on the water quality bacteria objectives as one of its highest basin planning priorities over the next three years. The Triennial Review Staff Report does not include a recommendation for choosing one of the three options previously listed in a scoping report. Rather, the 2012 Triennial Review Staff Report describes specific tasks that must be completed as part of continuing focus on the water quality bacteria objectives project (Please refer to Table 3, Water Quality Bacteria Objectives tasks in the 2012 Triennial Review Staff Report).</p> <p>State Water Board Resolution No. 68-16 requires that changes to standards that maintain high quality water can be done if “demonstrated to the State that any change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies.” Changes to numeric water quality objectives must be scientifically defensible and be consistent with Resolution 68-16</p>