INTERNAL MEMORANDUM

TO: Project File – 2014 Basin Plan Amendments

FROM: Chuck Curtis
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LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD

DATE: April 23, 2014

SUBJECT: DOCUMENTATION SUPPORTING DECISION TO NOT CONDUCT SCIENTIFIC PEER REVIEW FOR LAHONTAN BASIN PLAN AMENDMENTS, ADOPTED WITH RESOLUTION NO. R6T-2014-0027

External scientific peer review is required pursuant to Health and Safety Code section 57004 prior to the Water Board adopting regulations that have a scientific basis, with certain exceptions. The amendments to the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) that were adopted by Resolution No. R6T-2014-0027 did not contain regulation requiring scientific peer review.

The amendments include reorganization of the Beneficial Use table for the Mojave Hydrologic Unit to be consistent with the format of rest of the Hydrologic Units in the Region. As part of that reorganization, corrections and additions were made to receiving water body names. The corrections and additions are based on United States Geological Survey topographic maps, the National Hydrography Dataset, and the California Department of Water Resources Bulletin 118. All of these sources have previously been peer reviewed by recognized experts. One surface water was added to the Beneficial Use table: Sheep Creek in the El Mirage Hydrologic Area. This was done to clarify that Heath Canyon Creek discharges to Sheep Creek; as tributary waters, the same beneficial uses that Heath Canyon Creek had were applied to Sheep Creek. Pauite (Piute) Spring was removed from the Beneficial Use table, as it is located in the Colorado River Region and discharges to the Piute Wash and the Piute Valley Groundwater Basin in that Region.

The amendments contain corrections of water quality objectives that contain either typographical or other errors. The corrections are based on USEPA Ambient Water Quality Criteria for Ammonia – 1984 and from the USEPA web site on monitoring and assessment for conductivity that is based on the *Standard methods for the examination*

of water and wastewater, 18th ed., American Public Health Association. These are documents that have been previously peer reviewed by recognized experts.

The amendments include correction of the name of the term NO_3-N (nitrate as nitrogen) and provide names for the terms NO_3 as NO_3 (nitrate as nitrate), Fe (iron), SO_4 (sulfate) and TDS (total dissolved solids) where names were lacking. These are standard terms and no peer review is required for these clarifications.

The amendments include clarifications of water quality objectives for aluminum and manganese in the Bryant Creek Basin. Of the three metals for which water quality objectives are provided[i], the water quality objective for iron is singled out as "dissolved iron," and the form of the other two metals (aluminum and manganese) are not identified as to form (dissolved or total recoverable). Due to iron's explicit form being identified, it follows that, where form is not identified, the form for aluminum and manganese must be of the other form, that is, total recoverable. The Water Board and its staff have consistently interpreted these objectives in this manner.

The amendments include waste discharge prohibitions and exemption criteria for certain prohibitions. The prohibitions are policy-based and not based on any particular empirical data or other scientific findings, conclusions or assumptions.

The amendments include provisions allowing mixing zones. Mixing zones for toxic priority pollutants in NPDES permits were previously specified by the State Water Board as part of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Policy, or SIP). The amendments add a Regional Board policy allowing mixing zones in NPDES permits for pollutants not covered by the SIP and allowing mixing zones in Waste Discharge Requirements for toxic, conventional, and non-conventional pollutants in federal and non-federal waters, including groundwater. The policy identifies the criteria under which a mixing zone may be granted; the criteria are the same criteria used in the SIP. The non-SIP mixing zone policy in the amendments is not based on any particular empirical data or other scientific findings, conclusions or assumptions.

The amendments update and clarify existing policies, practices, and references. Where any of those policies have regulatory effect, scientific peer review, if required, was performed prior to their adoption by the State Board.

[i] Water quality objectives for copper and arsenic were previously identified for the Bryant Creek Basin, but those objectives were superseded by the California Toxics Rule and the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Policy, or SIP).