

STAFF REPORT/SUBSTITUTE ENVIRONMENTAL DOCUMENT

FOR

**PROPOSED AMENDMENTS TO THE
WATER QUALITY CONTROL PLAN FOR THE
LAHONTAN REGION (BASIN PLAN)
CLARIFYING THE ANTIDEGRADATION POLICY,
ADDING MIXING ZONE PROVISIONS, REVISING
CERTAIN WASTE DISCHARGE PROHIBITIONS, AND
AMENDING CHAPTER 5 – WATER QUALITY
STANDARDS AND CONTROL MEASURES FOR THE
LAKE TAHOE BASIN**

STATE CLEARINGHOUSE NUMBER 2014012059

California Regional Water Quality Control Board, Lahontan Region
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(BASIN PLAN)
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LAKE TAHOE BASIN**

MARCH 2014

Executive Summary

Amendments to the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) are proposed that will (1) clarify application of the state's antidegradation policy by removing reference to a nondegradation objective, (2) add mixing zone provisions, (3) revise certain existing waste discharge prohibitions and/or exemptions to those prohibitions, delete certain existing waste discharge prohibitions and applicable exemptions, and add certain waste discharge prohibitions and exemptions, (4) amend Chapter 5 for consistency with the updated Clean Water Act Section 208 Water Quality Management Plan (208 Plan), and (5) correct grammatical and punctuation errors, and address outdated policy references. Clarifying application of the antidegradation policy in part by removing references to the nondegradation objective is needed to add clarity for implementation. The Basin Plan lacks provisions to explicitly allow mixing zones, and amendments are needed to allow the Lahontan Water Board to consider mixing zones for certain discharges where effluent water quality is less than the receiving water quality objectives. Amendments regarding prohibitions are needed to add clarity, eliminate duplication, add flexibility to allow certain discharges, and simplify enforcement actions. With the approval of the Tahoe Regional Planning Agency's updated Clean Water Action Section 208 Plan in 2011, amendments are needed to align Basin Plan Chapter 5 (Water Quality Standards and Control Measures for the Lake Tahoe Basin) with the revised 208 Plan and the updated Tahoe Regional Planning Agency Regional Plan.

The Basin Plan amendments related to removing the nondegradation objective, which is duplicative of the state antidegradation policy, amending Chapter 5 of the Basin Plan for consistency with the updated 208 Plan, and correcting grammatical and punctuation errors are not subject to the California Environmental Quality Act because these changes would not have a direct or indirect physical change on the environment. Environmental analysis of the other proposed amendments indicates there will be less

than significant adverse environmental effects from adoption of the proposed amendments and their implementation.

I. Introduction

The Porter-Cologne Water Quality Control Act authorizes the California Water Quality Control Board, Lahontan Region (Lahontan Water Board) to adopt and amend a regional water quality control plan (Basin Plan). The Lahontan Water Board is the lead agency for the proposed amendments to the Basin Plan presented in this document. The California Environmental Quality Act (CEQA) authorizes the Secretary for Resources to certify the Lahontan Water Board's water quality planning process as being "functionally equivalent" to the requirements of CEQA for preparation of environmental documentation, such as an Environmental Impact Report (EIR) or Negative Declaration (title 14, California Code of Regulations, section 15251, subdivision (g)). In lieu of these documents, the Water Board is required to prepare a Substitute Environmental Document (SED).

This SED and Staff Report describe the proposed amendment to the Basin Plan and includes the following information to fulfill the environmental document preparation requirements.

- Proposed Basin Plan Amendments.
- Environmental Checklist that identifies potentially significant adverse environmental impacts and mitigation measures of the Basin Plan amendment as required by California Code of Regulations, title 23, section 3777.
- CEQA findings pertaining to the proposed Basin Plan Amendment.

These documents are available on request from the Lahontan Water Board. They are also available on the Internet at: <http://www.waterboards.ca.gov/lahontan>.

II. Proposed Action

The proposed action is the adoption of amendments to Lahontan Water Board's Basin Plan that would (1) change reference to the State Water Resources Control Board (State Water Board) Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California," (Resolution 68-16) and federal antidegradation policy/regulations from a water quality objective ("nondegradation objective") to a policy statement and implementation measure, (2) add Basin Plan language explicitly allowing the Lahontan Water Board to authorize mixing zones, (3) revise existing waste discharge prohibitions and/or exemptions to those prohibitions, delete certain existing waste discharge prohibitions and applicable exemptions, and add certain waste discharge prohibitions and exemptions, (4) amend Chapter 5 (Water Quality Standards and Control Measures for the Lake Tahoe Basin) for consistency with the updated Clean Water Act Section 208 Water Quality Management Plan (208 Plan),

and (5) correct grammatical and punctuation errors and address outdated policy references.

A. Removal of Nondegradation Objective and Replacement with Reference to State Antidegradation Policy

In 1968, the State Water Board adopted a “Statement of Policy with Respect to Maintaining High Quality Waters in California” with Resolution No. 68-16, also known as the state antidegradation policy. The US Environmental Protection Agency (USEPA) has also adopted a federal antidegradation policy as part of its water quality standards regulations (40 C.F.R. 131.12.). In 1987, the State Water Board determined that the state policy incorporated the federal policy in cases where the federal policy is applicable. The state antidegradation policy restricts degradation of waters where existing water quality is higher than is necessary for protection of beneficial uses of the water.

The current Basin Plan refers to the state antidegradation policy as the “nondegradation objective.” Specifically, the introductory portion of Basin Plan Chapter 3 (Water Quality Objectives) describes a regionwide “nondegradation objective” that directly references state and federal *antidegradation* policies. The concept of “nondegradation” is not defined in Basin Plan or in state or federal water quality law. The semantic inconsistency has resulted in confusion among Lahontan Water Board staff and the public regarding application of the antidegradation policy and compliance with narrative water quality objectives. While most narrative water quality objectives can be readily translated into numeric values or other assessment criteria, the “nondegradation objective” references a detailed policy rather than specific water quality criteria, creating difficulty and inconsistency in determining whether a prohibition on violating water quality objectives has been violated.

Basin Plan references to the “nondegradation objective” will be replaced with reference to “Antidegradation Policy.” Reference to the “nondegradation objective” would also be removed from the regionwide waste discharge prohibition on violating water quality objectives, as the prohibition is redundant with a new regionwide waste discharge prohibition that effectively prohibits the unauthorized discharge of any waste to waters of the state. Because all proposed discharges to waters of the Lahontan Region undergo assessment of consistency with the state (and if applicable, federal) antidegradation policy as part of the Lahontan Water Board’s discharge permitting process, there would be no impacts to water quality by removing the nondegradation objective.

B. Addition of Authority to Allow Mixing Zones

A mixing zone is a limited volume of receiving water that is allocated for mixing with a wastewater discharge where water quality criteria can be exceeded without causing adverse effects to the overall water body. Within the defined mixing zone, water quality

objectives do not apply; however, mixing zones must not unreasonably affect the water quality and beneficial uses of the water body.

The State Water Board's "Implementation of Toxic Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California Policy" (Res. No. 2005-0019) (referred to as the "State Implementation Policy," or "SIP") established conditions for use of mixing zones and dilution credits for toxic priority pollutants in discharges to waters of the United States.

The Basin Plan currently lacks any reference to mixing zones and does not include provisions to allow for mixing zones in a manner consistent with the State Water Board policy. Lahontan Water Board staff propose adding language to the Basin Plan to allow for mixing zones. Mixing zone language will acknowledge mixing zones allowed under the State Water Board SIP and expand the use of mixing zones to waters and constituents not covered by the State Water Board policy, such as groundwaters. Mixing zone language in the proposed Basin Plan amendment will require meeting similar conditions as those in the State Water Board SIP Policy. Mixing zone language will require that the mixing zone must be as small as practicable and not (1) compromise the integrity of the entire water body, (2) dominate the receiving water body or overlap with a mixing zone from another discharge, (3) be at or near any drinking water intake, (4) cause acutely toxic conditions to aquatic life passing through the mixing zone, (5) restrict the passage of aquatic life, (6) adversely impact biologically sensitive or critical habitats, including, but not limited to, habitat of species listed under federal or state endangered species laws, (7) produce undesirable or nuisance aquatic life, (8) result in floating debris, oil or scum, (9) produce objectionable color, odor, taste, or turbidity, (10) cause objectionable bottom deposits, or (11) cause nuisance.

C. Changes to Waste Discharge Prohibitions and Associated Exemptions

Section 13243 of the Water Code gives Water Boards, in Basin Plans or waste discharge requirements, authority to "specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted." Water Boards may take enforcement action for violations of waste discharge prohibitions. Basin Plan Chapter 4.1 (Waste Discharge Prohibitions) describes waste discharge prohibitions adopted pursuant to Water Code Section 13243 for the Lahontan Region to protect surface and ground water quality and to limit the discharge of certain types of waste into the Region's waters. The chapter includes region-wide prohibitions, prohibitions for individual hydrologic units, and exemption criteria for specific prohibitions.

The proposed amendments will revise, rescind, and add certain waste discharge prohibitions and associated exemption criteria. The amendments will remove duplicative area-specific prohibitions, add a region-wide prohibition on unauthorized discharges, and provide exemption criteria that would allow the Lahontan Water Board to conditionally exempt discharges from nearly every prohibition. Prohibitions without exemptions would be deleted, with limited exception for the Lake Tahoe Hydrologic Unit and for area-specific sewage waste discharge prohibitions. The amendments will also

add language to automatically grant conditional exemptions to waste discharge prohibitions for specified limited-threat discharges and clarify the application of exemption criteria for floodplain prohibitions in the Truckee River watershed. Finally, the amendments will consolidate waste discharge prohibitions for the Lake Tahoe Basin related to the 100-year floodplain and Stream Environment Zone Protection and clarify the application of prohibition exemption criteria.

The proposed amendments also modify the pesticide prohibition exemption criteria to clarify the type of project that may qualify for an exemption and who may apply.

D. Chapter 5 - Water Quality Standards and Control Measures for the Lake Tahoe Basin

The current Basin Plan includes an entire chapter on water quality control measures for the Lake Tahoe Basin. The Chapter reflects the planning and political context of the late 1980s. The Tahoe Regional Planning Agency (TRPA) adopted its Regional Plan in 1987 and the following year (1988) prepared a bi-state Clean Water Action Section 208 Water Quality Management Plan (208 Plan). As part of the 1989 conditional approval of the 1988 208 Plan, the State Water Board directed the Lahontan Water Board to incorporate most provisions of the 208 Plan into the Basin Plan. Consequently, the Basin Plan describes best management practices, land capability and coverage requirements, and development restrictions that were part of the 1988 208 Plan. The Basin Plan also includes numerous references to TRPA programs and policies that were part of the 1988 208 Plan.

On December 12, 2012 the TRPA adopted a new Regional Plan and prepared an updated 208 Plan to align with updated policies and other planning documents, including the Lake Tahoe TMDL. The State Water Board approved the updated 208 Plan on May 7, 2013 (Resolution 2013-0014) and the USEPA approved it on June 19, 2013. With the adoption and approval of the updated TRPA Regional Plan and 208 Plan, the Basin Plan references to TRPA and 208 Plan policies are outdated.

The Lake Tahoe Basin chapter of the Basin Plan will be edited to reflect the current TRPA Regional and 208 Plans and to remove reference to TRPA land use regulations from the prohibitions and exemptions for floodplains and Stream Environment Zones (SEZs). These edits will eliminate detailed discussions of land coverage policy (Chapter 5.4), remedial offset policy (Chapter 5.5), and development standards and restrictions (Chapter 5.7 and 5.8). The edits will also remove the extensive references to the previous 208 Plan and associated policies.

E. Grammar, Punctuation, and Outdated References Correction

The primary grammar corrections are to replace the word “which” with “that” in clauses that clearly are restrictive. “Which” is normally used in nonrestrictive (or nonessential) clauses, while “that” is used in restrictive (essential) clauses.

The introductory portion of Chapter 4 needs to be updated to reference the State Water Board's "Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits" (Resolution No. 2008-0025). The Nonpoint Source Pollution portion of the introduction needs to be updated to reference the "Policy for the Implementation and Enforcement of the Nonpoint Source Pollution Control Program" (State Water Board Resolution No. 2004-0030).

The wastewater treatment facilities discussion in Basin Plan Chapter 4.4 will be changed from discussion of individual facilities to a summary of the types of wastewater treatment facilities in the Lahontan Region. This modification will result in less need for future Basin Plan updates due to facility changes, which occur relatively frequently.

Chapter 4.4 must also be amended to incorporate the State Water Board's Onsite Wastewater Treatment System (OWTS) Policy for septic systems and similar treatment and disposal systems (approved by State Water Board Resolution No. 2012-0032). This policy became effective statewide in May 2013, and will supersede the applicable parts of the Lahontan Water Board's current septic system siting criteria in May 2018.

Clarifications are needed in the discussion on forestry practices, conditions, and needs contained in Chapter 4.9 – Resource Management and Restoration.

References to outdated plans and policies in "Chapter 6 – Plans and Policies" will be deleted and new text added to summarize new and existing plans and policies that are now in effect.

III. Purpose of Proposed Amendments

The purposes of the amendments are:

- (1) Clarify that the state and federal antidegradation policies are not water quality objectives, but are policies for implementation of water quality objectives and other water quality control measures;
- (2) Provide the Lahontan Water Board the flexibility to allow mixing zones;
- (3) Revise waste discharge prohibitions and associated exemption criteria to eliminate duplication, add clarity, rescind unneeded prohibitions, and add prohibition exemption criteria to provide flexibility to approve certain discharges and to simplify enforcement procedures;
- (4) Address inconsistencies between the Basin Plan and recently adopted policies in the Lake Tahoe Basin; and
- (5) Correct grammar, punctuation, and outdated policy references.

IV. Considerations of Antidegradation When Removing a Water Quality Objective

These amendments propose, in part, to remove reference to the "Nondegradation Objective" and clarify language regarding the "Antidegradation Policy." Although the

Nondegradation Objective is not truly a water quality objective but a restatement of State Water Board and federal policies, it could be argued that the Lahontan Water Board is removing a water quality objective from the Basin Plan. According to the State Water Board's Administrative Procedures Manual (Chapter 8, "Water Quality Planning"), relaxation or removal of water quality objectives must conform to State Water Board Resolution 68-16, including the continued protection of existing and potential beneficial uses.

The federal regulations covering antidegradation must be addressed whenever a Water Board proposes to relax a water quality objective. [40 CFR 131.12]. The federal antidegradation regulations apply to waters of the United States (generally navigable surface waters, their tributaries, and adjacent wetlands). Resolution 68-16, the State antidegradation policy, applies to all waters of the state including surface waters, ground waters, and wetlands. Both state and federal antidegradation policies provide for protection of water quality that is better than that needed to protect all existing beneficial uses.

The amendment language is virtually identical to the former water quality objective, which referenced Resolution 68-16 and the federal antidegradation policy. The only significant difference is that the section now references the Antidegradation Policy, as opposed to using the term "Nondegradation Objective." Because the antidegradation policies remain in effect in the Basin Plan and will continue to protect water quality that is better than needed to protect all existing beneficial uses, referring to these requirements as a policy rather than as a "nondegradation objective" will not result in degradation of water quality above that allowed under the antidegradation policies and will continue to protect high quality water and existing and potential beneficial uses.

Removal of the "nondegradation objective" from the current waste discharge prohibition that states,

"The discharge of waste which causes violation of any narrative water quality objective contained in this Plan, including the Nondegradation Objective, is prohibited,"

conforms to the antidegradation policies (1) because the "nondegradation objective" is not truly a water quality objective but is a State Water Board policy that will remain in place and (2) because a more clear method of prohibiting discharges that might degrade water quality is being proposed through the new waste discharge prohibition on unauthorized discharges.

V. Environmental Impact Evaluation

Pursuant to California Code of Regulations, title 23, section 3777, any standard, rule, regulation, or plan proposed for board approval or adoption must be accompanied by the following:

- Environmental Checklist
- Written report containing a brief description of the proposed activity or project, reasonable alternatives to the proposed activity, and mitigation measures to minimize any significant adverse environmental impacts of the proposed activity.

As noted previously, several of the proposed Basin Plan amendments will not have any impact on the environment. Changing the “Nondegradation Objective” to a reference to the Antidegradation Policy will not result in any direct or reasonably foreseeable indirect physical effects on the environment. Similarly, neither amending Chapter 5 of the Basin Plan for consistency with the updated 208 Plan nor fixing grammatical and punctuation errors will have any direct or reasonably foreseeable indirect physical effects on the environment. In addition, these changes have independent utility of the other changes being made, and are not contingent upon any of the other Basin Plan amendments being proposed. Because these changes will not have any physical impacts on the environment, they are not subject to CEQA, and, therefore, do not need to be further analyzed in this SED. (23 Cal Code Regs § 3720(b) (regulations for preparing SED do not apply to activities not subject to CEQA); Pub. Resources Code § 21065 (defining “project” as activity that may cause either direct physical change in environment or reasonably foreseeable indirect physical change in environment).)

The other proposed Basin Plan amendments will not result in any specific activity that may impact the environment beyond the scope of what is currently provided for in the existing Basin Plan. The Lahontan Water Board is required by CEQA to analyze impacts and mitigation measures that are a reasonably foreseeable consequence of adopting the Basin Plan amendments; here there are none that cannot be mitigated to levels less than significant.

A. Economic Analysis

When proposing to adopt a rule or regulation requiring the installation of pollution control equipment or a performance standard or treatment requirement, CEQA requires Regional Water Boards to take into account a reasonable range of factors, including economics (Public Resources Code, section 21159 [a][1]). The consideration of economic factors is not required for much of this action. The proposed action includes adoption of Basin Plan amendments that clarify state and federal antidegradation policies; aligns the Basin Plan with adopted policies in the Lake Tahoe basin; and corrects grammatical and punctuation errors and outdated policy and information references in the Basin Plan. Those proposed amendments do not establish a new rule requiring the installation of pollution control equipment, or a performance standard or treatment requirement that necessitates a method of compliance. Establishing mixing zone provisions and changing the waste discharge prohibition and exemption regulations could be considered regulations requiring installation of pollution control equipment or performance standards or treatment requirements; economic considerations associated with these are discussed below.

Regarding the cost of complying with the proposed mixing zone provisions, one must consider the current cost of complying with existing waste discharge regulations and

how the mixing zone provisions change that. Currently (except for discharges regulated under the mixing zone provisions of the State Implementation Policy for priority toxic pollutants), discharges must meet the water quality objectives of the receiving water, with no allowance provided for mixing or dilution. The proposed mixing zone provisions would allow a discharge with effluent concentrations greater than the receiving water quality objectives if the discharge and resulting mixing zone meet certain criteria that are protective of water quality and beneficial uses. Therefore, the amount of treatment required of a discharge could be reduced, but would not be increased, from that currently required. That results in potential treatment cost savings. The magnitude of reduced treatment and associated cost savings is specific to the concentration and mass-loading of pollutants in the discharge, the receiving water hydrologic characteristics, and the beneficial uses and sensitive receptors of the water body.

Regarding the cost of complying with the proposed waste discharge prohibition and exemption changes, similar to mixing zones above, there may be cost savings but no additional costs associated with compliance with the proposed regulations. The cost of complying with the new prohibition on unauthorized discharges is the same as the current situation: proposed dischargers submit a report of waste discharge seeking a waste discharge requirements from the Water Board; fees for the waste discharge requirements are based on the proposed discharge's threat to water quality and complexity; and the required level of treatment (and associated cost) is that needed to comply with existing regulations and policies. The other proposed waste discharge prohibition and exemption changes either (1) clarify and do not change the prohibition or substantive conditions of the exemption or (2) provide exemptions for discharges that previously had none. There is no economic impact associated with the first, and there may be potential savings associated with the second, as discharges or threatened discharges to water may be allowed if exemption conditions are met, where currently the waste is not allowed to discharge to water and must be disposed of in a manner that is almost always more costly. The proposed waste discharge prohibition exemption criteria could have a positive economic effect by allowing a discharge associated with a development project that would be prohibited under the current exemption criteria. The magnitude of any such positive economic effect would be specific to the type of project proposed.

B. Alternatives Analysis and Issues Dismissed From Further Evaluation

California Code of Regulations, title 23, section 3777 established the SED requirements for adoption or approval of plans and policies. The requirements (section 3777 (b)) include an analysis of reasonable alternatives to the project and mitigation measures to reduce any adverse environmental impacts. Section 3777(e) does, however, allow the Lahontan Water Board to forgo the required alternatives analysis if "the board determines that no fair argument exists that the project could result in any reasonably foreseeable significant adverse environmental impacts". In lieu of an alternatives analysis, the SED must include a finding to that effect.

The proposed Basin Plan amendments will not result in any foreseeable significant adverse impacts and thus no alternatives analysis is necessary. In addition, many of the proposed amendments involve changes that have either been previously analyzed by other SEDs adopted by the Water Board or have no potential for any environmental impact whatsoever.

The following sections discuss each of the proposed Basin Plan amendment categories, and describe why the changes will have either no foreseeable significant adverse impacts or no environmental impact at all. Those categories that will have no impact will not be further discussed in the environmental checklist and associated analysis.

1. Nondegradation Objective

By referencing applicable state and federal policy, the current “objective” is confusing to implement and potentially impossible to enforce. As such, the “objective” and the associated prohibition and other references are equivalent to implementing the state and federal antidegradation policies.

The proposed language that replaces the “nondegradation objective” with a clear reference to state and federal antidegradation policies does not functionally alter the water quality protections afforded by the Basin Plan and will not lessen any existing policies or measures. Consistent with current practice and federal and state antidegradation requirements, any potential degradation of existing high-quality waters will continue to be evaluated by the Lahontan Water Board, and the Lahontan Water Board may set any appropriate level of acceptable degradation—including no degradation—in compliance with antidegradation policy. Furthermore, the proposed Basin Plan amendments include a new regionwide prohibition on any unauthorized discharge of waste to waters of the state, providing additional protections. There are no foreseeable direct or reasonably foreseeable indirect physical impacts on the environment associated with removing the nondegradation objective; thus, the issue will not be further discussed in the environmental checklist. (23 Cal Code Regs § 3720(b) (regulations for preparing SED do not apply to activities not subject to CEQA); Pub. Resources Code § 21065 (defining “project” as activity that may cause either direct physical change in environment or reasonably foreseeable indirect physical change in environment).)

2. Mixing Zones

Allowing for mixing zones provides additional flexibility to the Lahontan Water Board’s waste discharge regulations while maintaining its authority to deny or significantly limit a mixing zone as necessary to protect beneficial uses or comply with other regulatory requirements. In evaluating a proposed mixing zone, the Lahontan Water Board must consider the quality of the discharge, hydraulics of the receiving water body, and the overall discharge environment, including water chemistry, organism health, and potential bioaccumulation, if applicable. Mixing zone language will require that the mixing zone must be as small as practicable and not (1) compromise the integrity of the

entire water body, (2) dominate the receiving water body or overlap with a mixing zone from another discharge, (3) be at or near any drinking water intake, (4) cause acutely toxic conditions to aquatic life passing through the mixing zone, (5) restrict the passage of aquatic life, (6) adversely impact biologically sensitive or critical habitats, including, but not limited to, habitat of species listed under federal or state endangered species laws, (7) produce undesirable or nuisance aquatic life, (8) result in floating debris, oil or scum, (9) produce objectionable color, odor, taste, or turbidity, (10) cause objectionable bottom deposits, or (11) cause nuisance.

Given the stringent conditions specified for allowing mixing zones and that the Lahontan Water Board's must deny or significantly limit a mixing zone to protect beneficial uses or comply with other regulatory requirements, there are no foreseeable significant adverse environmental impacts associated with this change; thus, no alternatives have been considered. The potential impacts associated with allowing mixing zones will be discussed further in the environmental checklist.

3. Waste Discharge Prohibitions and Associated Exemptions

A number of amendments will address inconsistencies, redundancies, and lack of clarity regarding Basin Plan waste discharge prohibitions and related prohibition exemption criteria language. Certain prohibition changes will conditionally allow discharges where they are currently prohibited, but none of these conditionally allowed discharges will affect beneficial uses or result in exceedance of water quality objectives in the Basin Plan.

Changes to the general waste discharge prohibitions in Basin Plan Sections 4.1 and 5.2 will reduce duplication, improve staff and public understanding of the prohibitions, and enhance the clarity of established basin plan prohibitions. Clear, unambiguous prohibitions and associated exemption criteria will reduce misinterpretation of the Basin Plan and allow the Lahontan Water Board flexibility to determine when a given discharge may or may not be allowed. By providing clear exemption criteria, the Lahontan Water Board will provide for discharges under limited conditions that may be necessary to allow activities that benefit the people of California and still protect water quality and limit any potential environmental impacts.

Lahontan Water Board staff currently evaluate and process waste discharge prohibition exemptions for some discharges that have little or no potential to adversely affect water quality and beneficial uses. The work required to process these applications for exemptions for limited threat discharges is not an efficient use of staff resources, as the resulting water quality benefit is not commensurate with the effort. By granting automatic conditional exemptions in the Basin Plan for certain limited threat discharges, water quality will continue to be protected, but with less effort by Lahontan Water Board staff. Enforcement could still be brought against any discharger that does not comply with the conditions of the exemption, if circumstances warrant.

Amendments are also proposed for prohibitions that limit discharges in the Truckee and Little Truckee River watersheds. In the Truckee and Little Truckee River watersheds, Lahontan Water Board staff and others have found there are potential projects that could be designed and constructed in a manner that would result in improvement of floodplain function and water quality, but are not currently allowed because they don't fit any allowable exemption categories from the existing prohibitions or can't meet all exemption criteria. The proposed changes will provide exemption criteria to allow these types projects to go forward, and will include conditions that would ensure water quality and floodplain beneficial use protection. The changes will provide criteria that provide exemptions for floodplain projects that maintain or improve floodplain *function*, rather than just focusing on the floodplain *area and volume* and will remove the criteria requiring that a project's sole purpose be to restore floodplain or address existing erosion or pollution sources. These changes will allow projects that provide improvements to floodplains in the Truckee and Little Truckee watersheds that are currently unable to go forward because of narrow prohibition exemption criteria.

The proposed amendments also modify the pesticide prohibition exemption criteria to clarify the type of projects and project proponents that may qualify for an exemption. The proposed language adds to the definition of projects that are "otherwise proposed to serve the public interest," projects that protect drinking water supplies, water distribution systems, and flood control channels. The language also clarifies that aquatic pesticide application projects that are neither emergencies nor time-sensitive may be performed by certain entities that are neither state nor federal agencies. The proposed changes do not alter (increase) the potential effects of exempted discharges; they only clarify the types of projects that may be approved under the exemption and who may apply. The potential adverse environmental effects of the discharge of aquatic pesticides were previously evaluated in an SED certified by the Lahontan Water Board on December 7, 2011 that accompanied the original pesticide prohibition Basin Plan amendment and the issue will not be further discussed in the environmental checklist for this Basin Plan amendment.

There are no foreseeable significant adverse environmental impacts associated with the Basin Plan waste discharge prohibitions and exemption criteria changes described above. The potential impacts associated with various prohibitions and exemption criteria will be discussed further in the environmental checklist.

4. Chapter 5 - Water Quality Standards and Control Measures for the Lake Tahoe Basin

With the adoption and approval of the updated TRPA Regional Plan and 208 Plan, the Basin Plan references to TRPA and 208 Plan policies are outdated. Some existing waste discharge prohibitions and exemption criteria for the Lake Tahoe Hydrologic Unit are based on the outdated policies and land use requirements and which are outside of the Lahontan Water Board's jurisdiction over water quality. Similar to Chapter 4, the waste discharge prohibitions and associated exemption criteria related to various types of disturbance are confusing and inconsistent. Amendments to align the Basin Plan

with current TRPA and 208 Plan policies will not alter established quality protection standards for the Lake Tahoe Basin. The edits will align the Basin Plan with the most up-to-date plans and policies and will also clarify the application of waste discharge prohibitions and associated exemption criteria.

The potential environmental impacts associated with the 208 Plan policy change were assessed in an Environmental Impact Statement (EIS) prepared by TRPA as part of its Regional Plan Update process. The State Water Board relied on the TRPA environmental analysis when it certified the TRPA 208 Plan May 7, 2013 (State Water Board Resolution 2013-0014). The Water Board notified the public of its intent to rely on the TRPA's environmental analysis and filed a Notice of Determination certifying the TRPA EIS on March 22, 2013. The development and land coverage in the Lake Tahoe Basin will continue to be regulated by the TRPA and local land use agencies. There are no foreseeable direct or reasonably foreseeably indirect physical environmental effects associated with these changes and the issue will not be further discussed in the environmental checklist. (23 Cal Code Regs § 3720(b) (regulations for preparing SED do not apply to activities not subject to CEQA); Pub. Resources Code § 21065 (defining "project" as activity which may cause either direct physical change in environment or reasonably foreseeable indirect physical change in environment).)

5. Grammar, Punctuation, and Outdated References Corrections

The proposed corrections do not functionally change any portion of the Basin Plan. There are no foreseeable significant adverse environmental impacts associated with these changes and the issue will not be further discussed in the environmental checklist. (23 Cal Code Regs § 3720(b) (regulations for preparing SED do not apply to activities not subject to CEQA); Pub. Resources Code § 21065 (defining "project" as activity that may cause either direct physical change in environment or reasonably foreseeable indirect physical change in environment).)

Environmental Checklist

I. Background

Project Title: Basin Plan Amendments Revising the Nondegradation Objective and Waste Discharge Prohibitions

Contact Person: Chuck Curtis

Project Description: Amendments to the Water Quality Control Plan for the Lahontan Region (Basin Plan) that will (1) clarify application of the state's antidegradation policy by removing reference to a nondegradation objective, (2) add mixing zone provisions, (3) revise certain existing waste discharge prohibitions and/or exemptions to those prohibitions, delete certain existing waste discharge prohibitions and applicable exemptions, and add certain waste discharge prohibitions and exemptions, (4) amend Chapter 5 for consistency with the updated Clean Water Act Section 208 Water Quality Management Plan (208 Plan), and (5) correct grammatical and punctuation errors, and address outdated policy references.

Because changes to the nondegradation objective language, the amendment to Chapter 5 to reflect the current 208 Plan, and the grammatical, punctuation, and policy reference corrections have no direct or reasonably foreseeable indirect effect on the environment, the activity is not subject to CEQA and will not be further assessed in the following checklist. (23 Cal Code Regs § 3720(b) (regulations for preparing SED do not apply to activities not subject to CEQA); Pub. Resources Code § 21065 (defining "project" as activity that may cause either direct physical change in environment or reasonably foreseeable indirect physical change in environment).)

The mixing zone provisions require that the mixing zone be as small as practicable and not (1) compromise the integrity of the entire water body, (2) dominate the receiving water body or overlap with a mixing zone from another discharge, (3) be at or near any drinking water intake, (4) cause acutely toxic conditions to aquatic life passing through the mixing zone, (5) restrict the passage of aquatic life, (6) adversely impact biologically sensitive or critical habitats, including, but not limited to, habitat of species listed under federal or state endangered species laws, (7) produce undesirable or nuisance aquatic life, (8) result in floating debris, oil or scum, (9) produce

objectionable color, odor, taste, or turbidity, (10) cause objectionable bottom deposits, or (11) cause nuisance. These project elements provide assurance that any proposed mixing zone will not have adverse environmental impacts.

The waste discharge prohibition changes and associated exemption criteria edits include provisions to protect water quality and prevent adverse environmental impacts while at the same time providing the board flexibility to allow discharges as part of projects that provide important benefits. For exemptions to regionwide prohibitions for emergency projects, exemption criteria require that (1) there are no feasible alternatives that would comply with prohibitions; (2) applicable best management practices and mitigation measures are incorporated to minimize potential impacts; (3) any temporary lowering of water quality is consistent with the State Water Board antidegradation policy. CEQA Guidelines identify emergency projects as exempt from the requirements of CEQA. (14 Cal Code Regs § 15269.)

For limited threat discharge exemptions, criteria require (1) the discharge must not adversely affect receiving water beneficial uses; (2) the discharge must comply with applicable water quality objectives; and (3) best practical treatment or control be implemented to avoid conditions of pollution or nuisance. In addition, these exemptions are limited to certain types of discharges that by their nature have less potential threat to water quality, and such discharges must also meet any discharge-specific conditions identified in Table 4.1-1 of the Basin Plan.

When considering whether to allow exemptions for restoration work, criteria require the project (1) will eliminate, reduce or mitigate existing sources of erosion, water pollution, or beneficial uses impairment; (2) have no feasible alternatives that would comply with prohibitions; and (3) incorporates all applicable and practicable control and mitigation measures to minimize potential impacts to the minimum necessary for the project.

Similar or more restrictive exemption criteria must be met before the Water Board will consider allowing exemptions to area-specific waste discharge prohibitions. These exemption criteria provide assurance that adverse environmental impacts will be avoided.

II. Environmental Impacts

The environmental factors checked below could be potentially affected by this project. See the checklist on the following pages for more details.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry Resources	<input type="checkbox"/>	Air Quality
<input checked="" type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input checked="" type="checkbox"/>	Geology/Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards & Hazardous Materials	<input checked="" type="checkbox"/>	Hydrology/Water Quality
<input type="checkbox"/>	Land Use/Planning	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise
<input type="checkbox"/>	Population/Housing	<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Transportation/Traffic	<input type="checkbox"/>	Utilities/Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-d) The project will not affect scenic vistas, as no viewsheds will be impeded. No scenic resources will be damaged.

The project includes modifying waste discharge prohibitions and associated exemptions. Exemptions to waste discharge prohibitions could allow temporary creation of unsightly turbid water, but these exemptions are already allowed in many areas. Project elements include exemption criteria requiring water quality and beneficial uses be protected (including the REC-2, Non-contact Water Recreation use, which includes aesthetic enjoyment).

The project includes provisions to allow waste discharge mixing zones; conditions for allowing a mixing zone include not producing objectionable color or turbidity. No light sources or reflective structures will be constructed as a result of this project.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
2. AGRICULTURAL AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental impacts, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of conservation as an optional model to use in assessing impacts on agriculture and farmland. In				

determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping & Monitoring Program of the California Resources Agency, to non-agricultural uses? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined by Public Resources Code section 4526)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a-e) Adoption of this action will not result in the loss of farmland or forest lands or the conversion of farmland to non-agricultural use or forest land to non-forest use. The project will not affect existing zoning for agriculture or forest land or timberland.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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3. **AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a-e) Adoption of this action will not conflict with or obstruct implementation of any air quality plan, violate any air quality standard, expose sensitive receptors to substantial pollutant concentrations in air, will not result in cumulatively considerable net increase of any criteria pollutant in air for which the project region is in non-attainment under federal

or state standards, and will not create objectionable odors affecting a substantial number of persons, as the potential discharge of waste to water in compliance with the Basin Plan requirements will not result in an increase of aerial emissions.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the DFG or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the DFG or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the federal Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-d) Exemptions to Basin Plan waste discharge prohibitions could allow temporary impacts to biological resources. The existing Basin Plan already provides for exemptions to many waste discharge prohibitions and the amendment changes do not substantively increase the potential for additional construction projects or other activities beyond the scope of what is already provided for in existing regulation. Furthermore, prohibition exemption criteria require the implementation of applicable best management practices and other measures to minimize potential adverse impacts to water quality and beneficial uses, including wildlife habitat. Finally, before any prohibition exemption can be provided, the Lahontan Water Board or other lead agency must certify a project-level environmental analysis conducted to assess the potential impact on biological and other environmental resources.

The project includes provisions to allow waste discharge mixing zones under certain conditions. Within a mixing zone, biological resources may be adversely affected; however the conditions for allowing a mixing zone include making the mixing zone as small as practicable, and other mixing zone conditions described in the project description effectively protect the biological resources of the water body. Those conditions require that a mixing zone shall not:

- compromise the integrity of the entire water body;
- cause acutely toxic conditions to aquatic life passing through the mixing zone;
- restrict the passage of aquatic life;
- adversely impact biologically sensitive or critical habitats, including, but not limited to, habitat of species listed under federal or State endangered species laws;
- produce undesirable or nuisance aquatic life;
- dominate the receiving water body or overlap a mixing zone from different outfalls.

In considering allowing a mixing zone, the Lahontan Water Board or other lead agency must certify a project-level environmental analysis that will assess the potential impact on biological and other environmental resources associated with any mixing zone approval. In accordance with CEQA, identified project-level mitigation measures must be a condition of any project approval.

These project elements effectively reduce the potential impacts to biological resources to less than significant levels.

e) The project will not conflict with local policies or ordinance protecting wildlife resources.

f) The proposed amendments are not in conflict with any Habitat Conservation Plan in the Lahontan Region. The Lahontan Region contains several Habitat Conservation Plans (HCPs) as determined by reviewing the USFWS Ecosystem Conservation Online System's Regional Summary Report on March 9, 2011. The HCPs address the following species: desert tortoise (*Gopherus agassizii*) threatened, and the southwestern willow flycatcher (*Empidonax traillii extimus*), endangered. The proposed amendments do not conflict with HCPs covering these animals. A review of the recovery plans for the desert tortoise and southwestern willow flycatcher indicates that the proposed amendments are not in conflict with the HCPs in the Lahontan Region.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
5. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-d) The proposed project will not adversely affect any archeological sites or historic resources.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
6. GEOLOGY and SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated in the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines & Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternate wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a,c) The project will have no effect on people or structures associated with earthquakes, ground shaking, ground surface failure, liquefaction, or landslides.

b) This project includes modifying waste discharge prohibitions and associated exemptions. Exemption criteria associated with soil disturbance require the implementation of erosion control measures to limit potential effects to less than significant levels.

d,e) The project could allow discharge of waste to expansive soils, but existing septic siting criteria prevent septic or similar wastewater disposal systems on soils incapable of supporting the use of septic tanks or alternate wastewater disposal systems. The potential effect from discharges to expansive soils would have a less than significant effect.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
7. GREENHOUSE GAS EMISSIONS -- Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

environment?

- b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

a) The Basin Plan amendment is not expected to increase the amount of construction or result in any additional greenhouse gas emissions beyond what is currently allowed by the existing Basin Plan.

b) The proposed amendments and their implementation would not conflict with greenhouse gas emission plans, policies or regulations.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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8. HAZARDS and HAZARDOUS MATERIALS. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or to the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a-c) The proposed amendments to the pesticide prohibition exemptions do not alter (or increase) the potential adverse environmental effects from the use of aquatic pesticides (hazardous materials) that were previously evaluated in a Substitute Environmental Document that was certified by the Lahontan Regional Board on December 7, 2011. The other prohibitions and exemptions and their implementation do not permit hazardous waste discharges and are not associated with hazardous materials.

d) The project is not located on a hazardous materials site and will not result in a significant hazard to the public or the environment.

e,f) The project does not directly propose any action at or near public or private airports or landing strips and cannot be reasonably expected to impact airport land use plans or result in a safety hazard for people working within the vicinity of such facilities.

g,h) The project will not affect any emergency response or emergency evacuation plans, nor will it expose people or structures to wildland fire risks.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
9. HYDROLOGY and WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) The project will amend Basin Plan waste discharge prohibitions and associated exemption criteria and in some cases add new prohibition exemption language where such options did not previously exist. The project will also add provisions to allow the Lahontan Water Board to conditionally allow mixing zones. The mixing zone provisions could allow temporary or localized water quality standard violations. The prohibition exemption language and the mixing zone provision language include specific criteria described in the project description that limit the applicability of exemptions and mixing zones. Those conditions require that a mixing zone shall not:

- compromise the integrity of the entire water body;
- cause acutely toxic conditions to aquatic life passing through the mixing zone;
- restrict the passage of aquatic life;

- adversely impact biologically sensitive or critical habitats, including, but not limited to, habitat of species listed under federal or State endangered species laws;
- produce undesirable or nuisance aquatic life;
- dominate the receiving water body or overlap a mixing zone from different outfalls.

Prohibition exemption criteria require the implementation of best management practices and the consideration of reasonable alternatives to mitigate potential impacts to less than significant levels.

b-e) The project will not impact groundwater supplies or interfere with groundwater replenishment, nor will the project directly affect existing drainage patterns in a manner that would influence erosion rates. Similarly, these Basin Plan amendments will not create or contribute runoff that will affect the capacity of storm water drainage infrastructure or add sources of polluted runoff.

f) The project will provide the Lahontan Water Board the flexibility to allow waste discharges in areas where such discharges were previously prohibited. The project will also allow the Lahontan Water Board to consider mixing zones in specific instances.

Without appropriate limitations, these changes could potentially degrade water quality. The project does, however, include detailed limitations on mixing zone application and provides specific criteria for granting waste discharge prohibitions. Those conditions require that a mixing zone shall not:

- compromise the integrity of the entire water body;
- cause acutely toxic conditions to aquatic life passing through the mixing zone;
- restrict the passage of aquatic life;
- adversely impact biologically sensitive or critical habitats, including, but not limited to, habitat of species listed under federal or State endangered species laws;
- produce undesirable or nuisance aquatic life;
- dominate the receiving water body or overlap a mixing zone from different outfalls.

These project elements, detailed in the project description, ensure that the potential water quality impacts will be less than significant.

g, h) The project amends the Basin Plan 100-year floodplain prohibition exemption criteria in the Truckee and Little Truckee River watersheds to allow projects to be constructed in the 100-year floodplain in some instances. The proposed amendments require that any exempted project not reduce or adversely affect the existing floodplain function, effectively limiting the potential for adding significant structures to be constructed in the 100-year floodplain. In addition, a project-specific CEQA analysis must be conducted for any potential project that would include adding structures to the floodplain and the associated impacts would be fully assessed at that time. These criteria serve to

limit the potential impact associated with placing structures within the 100-year floodplain of the Truckee and Little Truckee Rivers to less than significant levels.

i, j) The project will not expose people or structures to a significant risk of loss, injury, or death involving flooding, nor will it increase the risk of inundation by flood, seiche, tsunami, or mudflow.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
10. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a, b) The proposed Basin Plan amendments will not physically divide a community. The action proposes to alter Lahontan Water Board regulations, but will not otherwise conflict with any regulations of any agencies with overlapping jurisdiction to the Lahontan Water Board.

c) The Lahontan Region contains parts of the El Dorado County and Placer County. Both the El Dorado County Integrated Natural Resources Management Plan and the Placer County Natural Community Conservation Plan apply to areas of these counties on the west slope of the Sierra, outside of the Lahontan Region. The Lahontan Region contains several Habitat Conservation Plans (HCPs) as determined by reviewing the USFWS Ecosystem Conservation Online System's Regional Summary Report on March 9, 2011. The HCPs address the following species: desert tortoise (*Gopherus agassizii*) threatened, and the southwestern willow flycatcher (*Empidonax traillii extimus*), endangered. The proposed amendments do not conflict with HCPs covering these animals. A review of the recovery plans for the desert tortoise and southwestern willow flycatcher indicates that the proposed amendments are not in conflict with the HCPs in the Lahontan Region.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
11. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a, b) The Basin Plan amendments will not directly impact mineral resources of the region, nor any mineral resource recovery sites.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
12. NOISE. Would the project result in:				
a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing in or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing in or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a, b) Any new construction allowed by the proposed Basin Plan amendments will need to evaluate potential noise impacts on a site-specific basis and will need to comply with local, state, and regional noise control regulations.

c) Additional project implementation that may occur due to the proposed Basin Plan amendments will not result in permanent increases in ambient noise levels.

d) Additional project implementation that may occur due to the proposed Basin Plan amendments is not expected to result in a substantial increase in noise levels.

e) The proposed Basin Plan amendments will not contribute to or increase noise associated with air traffic or airstrips.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
13. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

a-c) No element of this project will result in an increased population, induce population growth, nor will the project displace existing housing or residents.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
14. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the public services:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-e) The proposed Basin Plan amendments will not directly affect any public services.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
15. RECREATION. Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a, b) The Project will not increase the use of recreation facilities nor require the expansion of recreational facilities to meet an increase in recreation demand resulting from the project.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
16. TRANSPORTATION / TRAFFIC. Would the project:				
a) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a-f) The project will not result in a burden to transportation infrastructure, impede emergency access, change air traffic patterns, conflict with any transportation plans or policies that support alternative transportation.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
17. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-g) The project is not expected to exceed existing wastewater treatment requirements, require the construction or expansion of wastewater treatment facilities, or cause changes consumptive water use patterns. The proposed amendments are not expected to result in projects that would require new or expanded storm water drainage facilities, nor will they impact the permitted capacity of any landfill or influence compliance with solid waste statutes and regulations.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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18. MANDATORY FINDINGS OF SIGNIFICANCE.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of potential future projects) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) By offering exemptions to waste discharge prohibitions where none currently exist and by allowing for the establishment of mixing zones, the project could potentially degrade the quality of surface and ground waters in the Lahontan Region. The project does, however, include stringent requirements and criteria associated with all waste discharge prohibition exemptions and mixing zones that are part of this project to ensure that any potential impacts are reduced to less than significant levels. The proposed Basin Plan amendments are not expected to reduce fish and wildlife habitat, threaten plant or animal communities, or impact the range of endangered plant and animal species.

b, c) There are no impacts associated with the project that may be considered cumulatively considerable, nor are there any anticipated direct or indirect impacts on human beings. The proposed Basin Plan amendments do not explicitly authorize any particular project or action, but rather adjust existing regulations to provide for greater clarity and efficiency. Any specific project that the Lahontan Water Board considers approving under the amended Basin Plan will need to conduct site-specific environmental analysis to assess the impact on various resources, including cumulative impacts.

Prepared By:



Robert Larsen
Senior Environmental Scientist

4/9/14
Date

Reviewed by:



Chuck Curtis
Supervising Water Resource Control Engineer

APR 9, 2014
Date

Authority: Public Resources Code Sections 21083, 21084, 21084.1, and 21087.

Reference: Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.1 through 21083.3, 21083.6 through 21083.9, 21084.1, 21093, 21094, 21151; *Sundstrom v. County of Mendocino*, 202 Cal. App. 3d 296 (1988); *Leonoff v. Monterey Board of Supervisors*, 222 Cal. App. 3d 1337 (1990).

Response to Comments – March 20, 2014

Proposed Amendments to the
Water Quality Control Plan for the Lahontan Region (Basin Plan)

David Shaw (Balance Hydrologics, Inc.)

Comments

Responses



PO Box 1077 • Truckee • CA 96160
Berkeley • Santa Cruz • Truckee
balanohydro.com • email: office@balanohydro.com

March 11, 2014

Chuck Curtis
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd
South Lake Tahoe, California 96150
(530) 542-5400

RE: Comments on Proposed Lahontan Region Basin Plan Amendments

Dear Mr. Curtis:

At the request of Squaw Valley Ski Holdings, LLC, Balance Hydrologics, Inc. reviewed the Lahontan Regional Basin Plan Amendments¹ proposed by the Lahontan Regional Water Quality Control Board ("Lahontan") and provided comments to you in a letter dated May 30, 2013. We understand that Lahontan will now consider certifying an environmental document and adopting the amendments,² and is accepting written comments on the proposed amendments and Staff Report/Substitute Environmental Review Document.

Overall, the proposed amendments appear to be consistent with the initial comments provided on the draft proposed amendments. We commend the Regional Board for reducing obstacles to ecosystem restoration, rehabilitation, and land development projects that will result in no impact, or a net benefit, to floodplain functions, values, and other resources impacted by legacy land uses and prior disturbance.

Additionally, we wish to reiterate an earlier comment related to how the 100-year floodplain is defined. We recommend that a geomorphic basis be used to establish the appropriate areas for floodplain protection, rather than a simplified approach based on current topographic conditions or flood-risk mapping provided by the U.S. Army Corps of Engineers, U.S. Geological Survey, and/or FEMA.

Thank you for the opportunity to comment on the Basin Plan amendments on behalf of Squaw Valley Ski Holdings, LLC.

Sincerely,

BALANCE HYDROLOGICS, Inc.

David Shaw, P.G.
Principal Hydrologist / Geologist

¹ The proposed amendments were summarized in a January 19, 2013 memo issued by the Lahontan Regional Water Quality Control Board (Regional Board) and provided for download at the Lahontan website http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/index.shtml. Downloaded on May 14, 2013

² The revised amendments are summarized in a March 2014 Staff Report/Substitute Environmental Document and provided for download at the Lahontan website: http://www.waterboards.ca.gov/rwqcb6/water_issues/programs/basin_plan/index.shtml#raftfipa. Downloaded on March 10, 2014.

DS R1: Comment noted; no response required.

DS R2: Waste discharge prohibitions apply, in part, to the "100-year floodplain" of the Truckee River, Little Truckee River, Lake Tahoe, and their tributaries. The 100-year floodplain is that area expected to be covered by water from a flood having a one percent chance of being equaled or exceeded in any given year. This is the base flood used as a national standard by the Federal Emergency Management Agency (FEMA) and other federal agencies. Water Board staff recognize that some areas in the 100-year floodplain have been developed and no longer support all the floodplain functions of a natural floodplain. Nonetheless, restricting the applicability of floodplain waste discharge prohibitions to areas exhibiting the natural geomorphic characteristics of a floodplain would serve to allow discharges that would further disrupt and reduce the floodplain functions, including reducing the capacity to route flood flows. The proposed waste discharge prohibition exemption criteria provide opportunities to improve and change existing floodplain function by allowing a change in floodplain area or volume if overall floodplain function is maintained or improved. This may allow changes in the floodplain topography or location such that currently developed areas are effectively removed from the 100-year floodplain.

Response to Comments – March 20, 2014

Proposed Amendments to the
Water Quality Control Plan for the Lahontan Region (Basin Plan)

Tahoe Water Suppliers Association

Comments

Responses



1220 Sweetwater Road
Incline Village, Nevada, 89451
775-832-1212

TWSA Members:
Cave Rock Water System
Edgewood Water Company
Glenbrook Water Company
Incline Village GID
Kingsbury GID
Lakeside Park Association
North Tahoe PUD
Round Hill GID
Squand Water Company
South Tahoe PUD
Tahoe City PUD
Zephyr Water Utility

March 11, 2014

RE: Public Comment / LRWQCB Basin Plan Amendment

Dear Lahontan Regional Water Quality Control Board,

The Lake Tahoe watershed has benefited from a long history of source water protection, allowing local water purveyors to provide exceptionally high quality drinking water to their customers with minimal treatment. Several Tahoe water providers maintain a rarely granted status for a drinking water suppliers within a watershed open to multiple uses; an exemption to the requirements for filtration from the US EPA.


The Tahoe Water Suppliers Association (TWSA) consists of public water suppliers in the Lake Tahoe Basin whose source of drinking water is Lake Tahoe. The majority of our members pull water directly from Lake Tahoe to service their customers. There are 160,000 public water systems in the United States. Only sixty systems in the entire nation hold filtration exemption status with the US EPA defining special water treatment requirements. Six of those sixty are Tahoe Water Supplier Association members, taking surface water from Lake Tahoe.

It is unusual for the US EPA to grant filtration exemption status to a drinking water provider located in a watershed open to multiple uses, such as Tahoe. These six filtration exemptions attest to the extremely high water quality of Lake Tahoe. The TWSA has established an aggressive source water protection education program which includes the popular "I Drink Tahoe Tap" campaign; educating the public on the excellent tap water provided to our communities.

The language revisions now being considered by the Lahontan Regional Water Quality Control Board for final approval potentially allowing for the direct introduction of herbicides into an open water application at Lake Tahoe are of paramount concern to the TWSA membership. Municipal water supply treatment processes are not designed to, nor are they effective at, removing chemical contaminants.

TWSA R1: The proposed amendments do not directly allow the introduction of herbicides to Lake Tahoe. The Water Board adopted amendments in 2011 that prohibited herbicide (pesticide) discharges and provided exemption criteria that could in limited cases allow herbicides to be discharged to surface waters. The amendments proposed here slightly modify what entities may be considered for an exemption.

Comments	Responses
<p style="text-align: right;">2</p> <p>The TWSA has been a supporting member of the efforts of the Lake Tahoe Aquatic Invasive Species Working Group. In the past, we have provided staff resources to support water quality monitoring needs during the Asian Clam Projects in Marla Bay. We regularly attend meetings and work sessions. While acknowledging the challenge that lies ahead in successful management of Aquatic Invasive Species at Lake Tahoe, the water providers cannot support the direct introduction of any chemical agent into Lake Tahoe as a management tool.</p> <p>Lake Tahoe is a Tier 3, Outstanding National Resource Water (ONRW). This is the highest designation of a non-degraded water body in the nation. Lake Tahoe is not simply a California water body; these are federally owned waters, Tahoe is a national treasure.</p> <p>The Tahoe Water Suppliers Association and the Nevada Division of Environmental Protection Bureau of Safe Drinking Water are currently funding a refined Risk Assessment and Lake Current Modeling Project, which will assist in analyzing the potential transport disbursement of lake born contaminants.</p> <p>While this project will assist in understanding how contaminants travel in the lake, the greater question is - should chemical methods be used before all non-chemical methods have been thoroughly exhausted?</p> <p>It is acknowledged that the Tahoe Keys Homeowners Association is developing an Aquatic Weeds Management Plan which will include an herbicide application project. How is Tahoe, as a Tier III ONRW, going to be differentiated from other water bodies and afforded the highest level of protection of any water body in the nation if herbicides can be used to eradicate weeds in an open water situation?</p> <p>Will the LRWQCB require the Tahoe Keys Marina to be completely isolated from Lake Tahoe itself as mitigation for project approval; including rerouting the Upper Truckee River around the marina and requiring non-permeable barricades at the marina openings to Lake Tahoe?</p> <p>Will the LRWQCB require ongoing fertilizer management and monitoring to ensure the turf areas and storm runoff from the Tahoe Keys are providing no bio-nutrients to the marina waters BEFORE approving a chemical project? These mitigations will certainly drive up costs. However, invasive species can be managed in non-chemical manners which are being rejected as too costly. Cost analysis of non-chemical versus chemical methods must include mitigation measures to prevent migration of the chemical doses to open water.</p>	<p>TWSA R2: Amendments adopted in 2011 allowed the use of pesticides in surface waters under certain conditions. The amendments proposed here do not expand that potential use other than to clarify what entities and under what circumstances they may apply for an exemption.</p> <p>TWSA R3: The criteria for an exemption to the pesticide discharge prohibition were specified in the December 2011 amendments and can be accessed at http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/dec2011bpa/enc4_basin_plan_lang_attach2.pdf. These criteria include demonstration that non-chemical measures were evaluated and found inappropriate/ineffective to achieve project goals. Alternatives to pesticide use must be evaluated and implemented when feasible.</p> <p>TWSA R4: Lake Tahoe, as an Outstanding National Resource Water (ONRW), is afforded to highest protection in accordance with state and federal antidegradation policies. No permanent or long-term reduction in water quality is allowed. The existing pesticide prohibition and exemption criteria provide that protection. The amendments proposed here do not change that level of protection.</p> <p>TWSA R5: See the 2011 exemption criteria. Controls for each project will be based on the specifics of the proposed project.</p> <p>TWSA R6: Where fertilizer application is identified as a cause of an adverse effect on beneficial uses of water or where in violation of a prohibition, the Water Board may bring action to stop the discharge. (cont.)</p>

Comments	Responses
<p style="text-align: right;">3</p> <p>As final consideration, two questions – What is the value of the 99.9% pure water in Lake Tahoe, one of the last, non-chemically contaminated bodies of water in the world? Chemicals may dilute, but they do not disappear. Any application of chemicals into Lake Tahoe will never leave the lake. Is this the legacy that we will leave in Lake Tahoe? The customer confidence we have built in “Tahoe Tap” cannot be replaced once chemicals are introduced into Lake Tahoe. Lake Tahoe’s Tier 3, Outstanding National Resource Water designation demands these questions be answered.</p> <p>Respectfully submitted on behalf of the TWSA Board,</p>  <p>A. Gregory Reed General Manager of Round Hill General Improvement District Board Chairman of the Tahoe Water Suppliers Association agreed@rhgid.org (775) 588-2571</p>	<p>TWSA R6 (cont.): The Water Board regulates fertilizer application at large turf facilities such as golf courses. The Water Board supports education of homeowners regarding fertilizer use and supports the Tahoe Regional Planning Agency’s efforts to phase out phosphorus-containing fertilizers in the Lake Tahoe Basin (see http://www.trpa.org/wp-content/uploads/14_AppxCR-1_FertilizerWhitePaper_FINAL.pdf).</p> <p>TWSA R7: Maintaining the high quality of Lake Tahoe’s water is a fundamental part of the Water Board’s protection program, including its waste discharge prohibitions. The Water Board may allow pesticide use in surface waters only to protect public health, public safety, or ecological integrity. The Water Board recognizes that pesticide applications may degrade water quality, but control measures built into the exemption criteria will limit the temporal and spatial extent of any impacts to water quality. Such a use may include use to protect a water intake structure used by one of the association’s members.</p>

Response to Comments – March 20, 2014

Proposed Amendments to the
Water Quality Control Plan for the Lahontan Region (Basin Plan)

Victor Valley Wastewater Reclamation Authority

Comments

Responses



Victor Valley Wastewater Reclamation Authority
A Joint Powers Authority and Public Agency of the State of California
Administrative Offices
15776 Main Street, Suite 3, Hesperia, CA 92345
Telephone: (760) 948-0849
Fax: (760) 948-9897
e-mail: msi@vwra.com

March 14, 2014

Mr. Chuck Curtis
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150
ccurtis@waterboards.ca.gov

Subject: Proposed Amendments for the Water Quality Control Plan for the Lahontan Region

Dear Mr. Curtis,

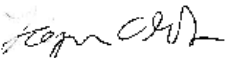
We have reviewed the Proposed Amendments for the Water Quality Control Plan for the Lahontan Region that were posted by the Lahontan Regional Board on January 14, 2014 and would like to offer the following comments regarding Solar Biosolids Dewatering Beds found in Chapter 4.4, Municipal and Domestic Wastewater Treatment, Disposal and Reclamation (p.4.4-5). In this section it is stated that,

'Percolation of this water in solar drying beds may be contributing to the salt and nutrient loading in the receiving groundwater basin. Large facilities with solar dewatering are urged to change to mechanical dewatering to avoid unnecessary loading of salts and nutrients to groundwater.'

VWRA currently uses solar drying beds and we have evaluated the relative impacts from drying bed seepage compared to other more significant discharges to groundwater. It was determined that the mean permeability for 7 drying beds tested at our facility was 6.6 x 10^-5 cm/sec. At that rate it would take several months for any leachate to reach groundwater based on a depth to groundwater of 50 feet below the beds. The maximum seepage rate was 12.4 cm/day (1.44 x 10^-3 cm/sec). For comparison, the percolation rate for the South Percolation Ponds was measured at 2.5-2.7 feet/day. This percolation rate is 6 times faster than the maximum seepage rate from the drying beds.

VWRA estimated that the seepage volume is approximately 62,000 gal/day based on application rates to the drying beds in 2011 and 2012 and accounting for evaporation. This value is 61 times smaller than the average flow rate to the percolation ponds over the same time period of approximately 3.8 MGD (i.e., 3,800,000/62,000 = 61.3).

VWRA R1: Water Board staff agree that relative impacts to groundwater should be evaluated. Direct comparison of percolation rates from sludge drying beds, which have high-strength waste, to percolation ponds, which contain low-strength treated waste, is not appropriate, as the nature of the waste and the potential effect on groundwater quality are much different.

Comments	Responses
<p>Page Two March 14, 2014</p> <p>The point of this evaluation is that impacts from solar drying beds are likely to be insignificant compared to other discharges to groundwater from a typical municipal treatment facility. In addition, Section 13360 of the California Water Code states that the Water Boards cannot specify the manner of treatment necessary to achieve compliance with waste discharge requirements. Finally, other environmental impacts should be considered and the energy requirements associated with solar drying beds are likely to far less than the use of mechanical dewatering.</p> <p>Therefore, in keeping with the proposed revision on p. 4.4 -2 that 'treatment processes should be tailored to ensure that local ground-waters are not <u>unreasonably</u> degraded', VVWRA requests that the section on Solar Dewatering Beds be modified to delete the sentence urging large facilities 'change to mechanical dewatering' and to add language regarding consideration of the relative impacts to groundwater from this source and other adverse environmental impacts that may occur as a result of mechanical dewatering.</p> <p>Thank you for the opportunity to provide these comments. Please, feel free to contact me should you have additional questions or concerns.</p> <p>Sincerely,  Logan Olds General Manager</p>	<div data-bbox="1146 305 1877 695" style="border: 1px solid black; padding: 5px;"> <p>VVWRA R2: The potential significance of solar drying beds impacts on groundwater must be evaluated on a case-by-case basis. VVWRA's solar drying beds have a compacted lining that reduces percolation. Not all solar drying beds have liners to reduce or eliminate percolation of contaminants to groundwater. The proposed language does not specify the manner of compliance with Water Board orders or regulations; it is advisory. Environmental impacts resulting from implementation of Water Boards requirements are evaluated at the time those</p> </div> <div data-bbox="1146 724 1877 846" style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>VVWRA R3: The proposed language has been modified to urge solar drying beds be lined or biosolids be mechanically dewatered.</p> </div>

Response to Comments – April 2, 2014

Proposed Amendments to the
Water Quality Control Plan for the Lahontan Region (Basin Plan)

William Thomas

Comments

Responses

Curtis, Chuck@Waterboards

From: William Thomas <William.Thomas@BBKLAW.COM>
Sent: Thursday, March 20, 2014 3:48 PM
To: Kouyoumdjian, Patty@Waterboards; Warden, Bruce@Waterboards; Wike, Amber@Waterboards; Curtis, Chuck@Waterboards
Cc: David E. Wood; David Todd Wood; John Lacey; Mark Lacey; Marcus Bunn; William.Thomas@bbklaw.com
Subject: Lahontan Amendments to Basin Plan

We have just received and reviewed the 182 pages of proposed amendments to the Lahontan Basin Plan.

This package contains literally thousands of amendments to the Basin Plan. Many of them are substantive: Non-Point Source Policy, Antidegradation Policy, beneficial use of designation, several water quality objective standards, nitrate objective, mixing zones, compliance standards, prohibitions, hydrologic unit amendments, solar biosolid dewatering beds, wastewater treatment system policy, forest management restoration, policy for recycled water, water quality enforcement policy, and many other amendments.

Many of these amendments involve topics which have had limited background, limited preceding review, minimum discussion time before the Board, limited data and have no compelling encouragement from either US EPA or the SWRCB to so amend.

I, however, wish not to comment on any of these significant matters.

What I wish to challenge is the Lahontan staff not advancing an amendment of the pathogen standard on pages 3-4 which thereby maintains the totally unworkable 20 col. Fecal Coliform (FC/100 mL) objective throughout the Lahontan basin. It has been legion that this objective is without basis and is a total aberration. This board has previously expressed that it intends to make a change so as to be consistent with the rest of the state at 200 col. FC / 100 ml. Lahontan Board members have also stated that the 20 col FC has been so discredited that it cannot be enforced and will have to be amended. The USEPA has recommended moving to an E. coli standard at a level equivalent to the 200 FC objective. This issue has been fully and repeatedly vetted before this board several times and discussed each year for nearly ten years. Water quality data has been collected for nearly a decade, which has further discredited this bogus 20 FC/100 mL objective.

The desperate staff response as to why they have not previously corrected this mistake in the basin plan was that it is difficult, burdensome and costly to make such amendment, and it may be challenged by EPA. None of those meritless reasons exists at this time; however, as such a few word amendment to the pathogen objective would add no burden or jeopardy to this massive basin plan amendment, which contains many more significant amendments with far less rationale.

Bill

William J. Thomas | Of Counsel
 500 Capitol Mall, Suite 1700, Sacramento, California 95814
 916.325.4000 Office | 916.551.2083 Direct | 916.325.4010 Fax



Thomas R1: Numerous changes you identify as substantive regard existing policies of the State Water Board. The proposed amendments summarize and reference these policies; they do not create any new policies.

The amendments correct two typographical errors in the water quality objectives and clarify or correct the terminology of several water quality objectives. These changes are either not significant or are needed to correct errors and add clarity. The proposed amendments reorganize the existing table of Beneficial Uses for the Mojave Hydrologic Unit to be consistent with the other hydrologic units of the Region. This change makes the table clearer and removes potential confusion in interpretation of the existing designated beneficial uses of those waters. There are no changes to existing designated beneficial uses as a result of the proposed amendments.

Mixing zones are already authorized for toxic priority pollutants regulated through NPDES permits. The proposed amendments add the authority to grant mixing zones for pollutants and waters not covered by the current policy.

The proposed amendments eliminate duplicative prohibitions, provide reasonable criteria for exemptions, and provide a ready means to address unauthorized waste discharges.

Comments (cont.)

Responses (cont.)

Curtis, Chuck@Waterboards

From: William Thomas <William.Thomas@BBKLAW.COM>
Sent: Thursday, March 20, 2014 3:48 PM
To: Kouryoumdjian, Patty@Waterboards; Warden, Bruce@Waterboards; Wike, Amber@Waterboards; Curtis, Chuck@Waterboards
Cc: David E. Wood; David Todd Wood; John Lacey; Mark Lacey; Marcus Bunn; William.Thomas@bbklaw.com
Subject: Lahontan Amendments to Basin Plan

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Many of these amendments involve topics which have had limited background, limited preceding review, minimum discussion time before the Board, limited data and have no compelling encouragement from either US EPA or the SWRCB to so amend.

I, however, wish not to comment on any of these significant matters.

What I wish to challenge is the Lahontan staff not advancing an amendment of the pathogen standard on pages 3-4 which thereby maintains the totally unsupportable 20 col. Fecal Coliform (FC)/100 mL objective throughout the Lahontan basin. It has been legion that this objective is without basis and is a total aberration. This board has previously expressed that it intends to make a change so as to be consistent with the rest of the state at 200 col. FC / 100 ml. Lahontan Board members have also stated that the 20 col FC has been so discredited that it cannot be enforced and will have to be amended. The USEPA has recommended moving to an E. coli standard at a level equivalent to the 200 FC objective. This issue has been fully and repeatedly vetted before this board several times and discussed each year for nearly ten years. Water quality data has been collected for nearly a decade, which has further discredited this bogus 20 FC/100 mL objective.

The desperate staff response as to why they have not previously corrected this mistake in the basin plan was that it is difficult, burdensome and costly to make such amendment, and it may be challenged by EPA. None of those meritless reasons exists at this time; however, as such a few word amendment to the pathogen objective would add no burden or jeopardy to this massive basin plan amendment, which contains many more significant amendments with far less rationale.

Bill

William J. Thomas | Of Counsel
 509 Capitol Mall, Suite 1700, Sacramento, California 95814
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Thomas R2:

Contrary to your statement, there has been significant time for review, comment, and discussion, and the proposed amendments are compliant with all noticing, agency consultation, and public review requirements. There have been considerable opportunities for public and agency input that the Water Board has provided through public scoping process and meetings, including at Water Board meetings in February 2013 (at which a comment letter from you was accepted into the record) and March 2013. The Water Board also discussed the proposed amendments at a status report given at the Water Board's regular November 2013 meeting. The proposed amendments were released for a 45-day public comment period in January 2014 and were widely noticed in newspapers, on the Water Boards web page, through mailings, and through email subscription services.

The State Water Board has generally encouraged the Regional Water Boards to incorporate State Water Board policies into their Basin Plans when they are updated, and the State Water Board has explicitly requested the Regional Water Boards incorporate the requirements of the Onsite Wastewater Treatment System (septic system) policy into their Basin Plans within 12 months of the effective date of the policy, or by May 13, 2014. The proposed amendments include that policy incorporation.

Comments (cont.)

Responses (cont.)

Curtis, Chuck@Waterboards

From: William Thomas <William.Thomas@BBKLAW.COM>
Sent: Thursday, March 20, 2014 3:48 PM
To: Kouryoumdjian, Patty@Waterboards; Warden, Bruce@Waterboards; Wike, Amber@Waterboards; Curtis, Chuck@Waterboards
Cc: David E. Wood; David Todd Wood; John Lacey; Mark Lacey; Marcus Bunn; William.Thomas@bbklaw.com
Subject: Lahontan Amendments to Basin Plan

We have just received and reviewed the 182 pages of proposed amendments to the Lahontan Basin Plan.

This package contains literally thousands of amendments to the Basin Plan. Many of them are substantive: Non-Point Source Policy, Antidegradation Policy, beneficial use of designation, several water quality objective standards, nitrate objective, mixing zones, compliance standards, prohibitions, hydrologic unit amendments, solar biosolid dewatering beds, wastewater treatment system policy, forest management restoration, policy for recycled water, water quality enforcement policy, and many other amendments.

Many of these amendments involve topics which have had limited background, limited preceding review, minimum discussion time before the Board, limited data and have no compelling encouragement from either US EPA or the SWRCB to so amend.

I, however, wish not to comment on any of these significant matters.

What I wish to challenge is the Lahontan staff not advancing an amendment of the pathogen standard on pages 3-4 which thereby maintains the totally unsupportable 20 col. Fecal Coliform (FC)/100 mL objective throughout the Lahontan basin. It has been legion that this objective is without basis and is a total aberration. This board has previously expressed that it intends to make a change so as to be consistent with the rest of the state at 200 col. FC / 100 ml. Lahontan Board members have also stated that the 20 col FC has been so discredited that it cannot be enforced and will have to be amended. The USEPA has recommended moving to an E. coli standard at a level equivalent to the 200 FC objective. This issue has been fully and repeatedly vetted before this board several times and discussed each year for nearly ten years. Water quality data has been collected for nearly a decade, which has further discredited this bogus 20 FC/100 mL objective.

The desperate staff response as to why they have not previously corrected this mistake in the basin plan was that it is difficult, burdensome and costly to make such amendment, and it may be challenged by EPA. None of those meritless reasons exists at this time; however, as such a few word amendment to the pathogen objective would add no burden or jeopardy to this massive basin plan amendment, which contains many more significant amendments with far less rationale.

Bill

William J. Thomas | Of Counsel
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Thomas R3: Making changes to the current bacteria Water Quality Objective (WQO) is premature, as explained on pages 6 and 7 of the Staff Report on Triennial Review, presented to the Water Board as Item 13 at the January 17, 2013 Board meeting:

http://www.waterboards.ca.gov/lahtontan/board_info/agenda/2013/jan/item_13.pdf.

The current bacteria WQO is based on data and knowledge available to the Water Board at the time of its adoption in 1975. Subsequent data do not contradict the original assessments.

In January 2013, the Water Board approved, as a priority, a project that staff consider revising the bacteria WQO based on up-to-date data, and on data to be gathered and assessed. At that time, the Water Board did not state its intention to be consistent with the rest of the state. There is no evidence in the meeting minutes nor in the audio tapes of the Board meetings that Water Board members stated the current 20 fecal coliform/100 mL bacteria WQO for contact recreational use (REC-1) has been discredited and that it cannot be enforced and will have to be amended. Water quality data collected to date does not discredit the current bacteria WQO. In fact, data often support a WQO of 20 fecal coliform/100 mL in many waters of the Region. Staff has been carefully evaluating the USEPA report you reference for its applicability to the Lahontan Region.

Comments (cont.)

Responses (cont.)

Curtis, Chuck@Waterboards

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Bill

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Thomas R4: Your characterization of the current bacteria WQO as a mistake is not shared or supported by the data or by the Water Board. However, staff have been evaluating the objective in light of water quality data that has been and continues to be collected and in light of USEPA actions and proposed actions of the State Board regarding bacteria objectives. Staff has been spending considerable resources and contact dollars evaluating bacteria data as outlined in the Staff Report referenced above and updated every six months in Executive Officer Reports. A detailed listing of bacteria WQO revision tasks are at: http://www.waterboards.ca.gov/lahontan/publications_forms/available_documents/e_o_reports/2014/eorpt_jan14.pdf. The threat of a challenge from USEPA, or from any interested party, does not deter the Water Board from carrying out its mission. Water Board staff use sound judgment for its recommendations regarding water quality objectives. We welcome and carefully review all reasonable "challenges" and comments as part of the scientific process to further our mission.

Depending on the result of the evaluation described above, changing the bacteria objective may require scientific analysis and peer review. Amendment of the bacteria objective cannot be added to the current set of Basin Plan amendments without additional environmental assessment and recirculation of the environmental document.

Please note that the comments raised in your March 20, 2014 email are similar to the comments you have sent on several previous occasions in 2012, and to which the Water Board provided written responses.