Comment

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October 19, 2012

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

Dear Mr. Booth:

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

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

Response

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

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

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County of Lassen **BOARD OF SUPERVISORS** **ROBERT F. PYLE** *District 1* **JIM CHAPMAN** *District 2* **LARRY WOSICK** *District 3* **BRIAN D. DAHLE** *District 4* **JACK HANSON** *District 5* County Administration Office 221 S. Roop Street, Suite 4 Susanville, CA 96130 Phone: 530-251-8333 Fax: 530-251-2663 October 19, 2012 Richard Booth Chief, TMDL/Basin Planning Unit Lahontan Regional Water Quality Control Board 2501 Lake Tahoe Blvd. South lake Tahoe, CA 96150 Dear Mr. Booth: I appreciate the opportunity to share comments on the Triennial Review of the Lahontan Basin Plan particularly the topic of water quality objectives for bacteria. An appropriate and effective water quality standard should adequately protect resources and alleviate risks to human health, provide a viable objective for land use management activities, be clearly linked to beneficial uses of the water, and be scientifically defensible. In this context, Lahontan's current bacteria standard of 20 cfu/100 mL falls short. The standard is far lower than needed to protect beneficial uses, it has been demonstrated by research and monitoring to be unachievable in a number of watersheds, and appears in practicality to be nearly unenforceable in many situations. I ask that you use the Triennial Review process to shift to either the former EPA standard of 200 cfu/100 mL or the EPA recommended standard for E.coli. The EPA based standards would be more appropriate and would also make Lahontan more consistent with the neighboring Central Valley Region. It seems, for example, difficult to justify why Lassen County waters flowing into the Honey Lake Basin should be held to a 10X more restrictive standard than water flowing into the Feather River or Pit River systems. Or for that matter, why local water bodies which predominantly do not have high contact recreation or municipal uses should be held to a far more stringent bacteria standard than waters that feed directly into the state's largest municipal water districts. Furthermore, while I sincerely appreciate the on-going local collaborations with Lahontan staff, and we take pride in the proactive efforts of the agricultural community to adopt management measures to improve water quality, the current bacteria standard does not itself provide an incentive for good stewardship and/or the further adoption of best management practices, as even waters far upstream of livestock grazing and/or agricultural systems have been shown to commonly exceed 20 cfu/100mL. 1	**Lassen-3**: As noted above, in nearly all places where livestock are kept away from surface waters, the water quality meets the 30-day log mean for the existing standard of 20 cfu/100mL. For example, south of Lassen County in the Bridgeport Valley, data indicate that the log-mean fecal coliform concentration in waters entering the Valley generally meets the standard, except when livestock are present in the upstream areas. Please refer to the bacteria monitoring data in Nilson, C., and others, 2012. Bacteria Monitoring in the Eastern Sierra Nevada, Summary of Results for 2011—Staff Report. Lahontan Regional Water Quality Control Board, South Lake Tahoe, CA. March 27, 2012. 34 pp.

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