Comment

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

OCT 18 2012

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

Dear Mr. Booth:

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

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

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

Sincerely,

Janet Hashimoto

Janet Hashimoto, Manager
Standards and TMDL Office

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

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Response

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

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

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

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