

Response to Comments:

AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION (BASIN PLAN) TO REVISE STANDARDS FOR SURFACE WATERS OF THE ANTELOPE HYDROLOGIC UNIT

Judy Hohman, U.S. Fish and Wildlife Service

Comment 1: We ask the State Board consider retaining Water Contact Recreation (REC-1) as a beneficial use; Piute Ponds is used by duck hunters who frequently enter the water to hunt.

State Water Board Response 1: State Water Board staff acknowledges and appreciates the comment made by the U.S. Fish and Wildlife Service regarding the retention of the Water Contact Recreation (REC-1) beneficial use. The proposed amendments include removal of the REC-1 beneficial use designation based on the Lahontan Water Board's staff finding that REC-1 is not an existing use and cannot reasonably be attained. Wading is included in the definition of the REC-1 use. However, hunting is among the activities listed in the definition of the REC-2 (Non-contact Water Recreation) beneficial use. The Basin Plan defines REC-2 as beneficial uses of waters used for recreational activities involving proximity to water, but not normally involving body contact with water where ingestion of water is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beach combing, camping, boating, tidepool and marine life study, hunting, sightseeing and aesthetic enjoyment in conjunction with the above activities. Since Piute Ponds are completely located within Edwards Air Force Base (EAFB) property, which is surrounded by a fence and locked gates and patrolled by military police, this prevents public access to the area. The various security controls help ensure that Piute Ponds are only used as a restricted recreational impoundment for non-body-contact with the water, which is concordant with REC-2.

Although removal of the REC-1 use is proposed, the Lahontan Water Board's regionwide water quality objectives for coliform bacteria will continue to apply, and Los Angeles County Sanitation District (LACSD) No. 14 would still need to meet California Department of Health Services disinfection criteria for these "restricted recreational impoundments". This objective applies to all surface waters of the region, whether or not they are designated for the REC-1 use.

Proposed removal of the use would occur for all waters below LACSD No. 14's discharge. However, it would remain a designated use for Amargosa Creek and its tributaries upstream from the LACSD No. 14 discharge, and for minor surface waters and wetlands of the Lancaster Hydrologic Area (HA). Because all waters below LACSD No. 14's discharge are located within the boundaries of EAFB, unauthorized personnel are not allowed to visit the treatment facilities, Piute Ponds and wetlands, the adjacent impoundment areas, or Rosamond Dry Lake. Entrance to the area is only authorized by EAFB and LACSD No. 14 personnel,

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and to small groups of students, birdwatchers, hunters, and scientists allowed entry under permits from EAFB.

Effluent discharged to Piute Ponds is chlorinated to protect the health of Air Force personnel who use this area for duck hunting during the duck hunting season. Hunters are aware of the fact that Piute Ponds contains treated wastewater. However, hunters may wade in the ponds, but they use boats and waders, which prevent direct body contact with the water. These hunters are EAFB personnel and are familiar with the fact that they should not have unrestricted body contact with the water. Although it cannot be ruled out that hunters may fall by accident in the water, these incidents would be strictly accidental.

Comment 2: Regarding water quality objectives for Piute Ponds and Piute Ponds wetlands: We ask the State Board to consider different standards for assessing nitrogen levels. Rather than using ammonia, we recommend assessing water quality objectives using total nitrogen load. This approach considers ammonia and other forms of nitrogen that are present in the surface waters. Ammonia may be present within acceptable levels but the total nitrogen load may be toxic to wildlife species and/or the trophic levels upon which they depend in the food chain/web.

We acknowledge that our recommendations may not apply under this amendment process, but may be appropriate for future consideration under a different process. If so, we support the proposed amendment and ask that we be included in any future considerations of beneficial uses and water quality objectives regarding nitrogen.

State Water Board Response 2: Setting objectives for nitrogen compounds other than ammonia is outside the scope of this basin planning project. Because ammonia is toxic to fish, the Water Boards, at the recommendation of the U.S. Environmental Protection Agency, establish ammonia objectives in addition to any other nitrogen limitations. In addition to ammonia, other nitrogen compounds are currently regulated either through other numeric (e.g. maximum contaminant levels) or narrative objectives in the Basin Plan. State Water Board staff encourages the U.S. Fish and Wildlife Service to submit its concerns regarding nitrogen loading to the Lahontan Water Board as part of the 2009 Triennial Review issue. If the U.S. Fish and Wildlife Service has data that nitrogen is currently impairing a beneficial use in these waters we encourage the service to submit that data to the Lahontan Water Board during the next data solicitation for 303(d) listing consideration. The next data solicitation is anticipated in late 2009 or early 2010.

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In addition, the Lahontan Water Board previously touched upon total nitrogen levels when responding to comments made by the peer reviewer, Dr. Rhea Williamson, Professor in the Department of Civil and Environmental Engineering at California State University, San Jose, about Issues related to Kjeldahl nitrogen, and how such issues should be addressed when interpreting ammonia sources.