



**2022 TRIENNIAL REVIEW OF THE LAHONTAN WATER
QUALITY CONTROL PLAN
STAFF REPORT**

March 2022



STATE OF CALIFORNIA
Gavin Newsom, Governor

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
Jared Blumenfeld, Secretary

STATE WATER RESOURCES CONTROL BOARD
E. Joaquin Esquivel, Chair

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,
LAHONTAN REGION**

PETER C. PUMPHREY, CHAIR
DON JARDINE, VICE CHAIR
AMY HORNE, PHD, MEMBER
KIMBERLY COX, MEMBER
KEITH DYAS, MEMBER
ESSRA MOSTAFAVI, MEMBER

Mike Plaziak, Executive Officer
2501 Lake Tahoe Blvd., South Lake Tahoe, CA 96150
15095 Amargosa Road, Building 2, Suite 210, Victorville CA 92394
Internet: [Lahontan Water Board Website](#)

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Introduction

The California Regional Water Quality Control Board, Lahontan Region (Water Board) is the state agency with primary responsibility for setting and implementing water quality standards in the part of California located east of the Sierra Nevada crest, from the Oregon border into the northern Mojave Desert. The Lahontan Region encompasses roughly 24 percent of California and includes 700 lakes and over 3,000 miles of rivers and streams. The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) defines and designates beneficial uses of surface waters and groundwaters (i.e., waters of the state), establishes narrative or numeric water quality objectives (WQOs) to protect beneficial uses, and contains provisions to protect high quality waters from degradation (i.e., antidegradation). The Basin Plan also includes programs of implementation for achieving WQOs. The current Basin Plan took effect in 1995. The current Basin Plan, complete with approved amendments, can be accessed from the [Lahontan Water Board Basin Plan Program webpage](#).

California Water Code section 13240 states that basin plans “shall be periodically reviewed and may be revised.” Additionally, section 303(c)(1) of the federal Clean Water Act (CWA) requires that a State review its water quality standards and, as appropriate, modify and adopt standards, at least once every three years. This process is known as the *Triennial Review*. Examples of issues considered in a Triennial Review include developing new or revising existing WQOs; evaluating, adding, or removing beneficial use designations for specific surface water bodies and/or ground water basins; and developing new or revising existing implementation measures, such as waste discharge prohibitions. The issues evaluated as part of this Triennial Review are described in the **Lahontan Water Board 2022 Triennial Review List (Triennial Review List)** which is available on the Water Board’s [webpage](#).

The Triennial Review does not require environmental analysis under the California Environmental Quality Act.

Water Quality Standards

Under the Clean Water Act, water quality standards include designated uses, water quality criteria, and an antidegradation policy. The Porter-Cologne Water Quality Control Act (Porter-Cologne) and state law parlance refers to the components of a water quality standard as beneficial uses, water quality objectives, and the antidegradation policy (Resolution 68-16). Porter-Cologne authorizes the Water Board to establish a program of implementation for water quality protection in California. A program of implementation includes actions necessary to achieve objectives, a time schedule for the actions to be taken, and monitoring to determine compliance with WQOs and protection of beneficial uses of water. Water quality encompasses the physical, chemical, and biological health of a waterbody. Changes to water quality standards require a Basin Plan amendment. Water quality standards (beneficial uses and WQOs) are set forth in Basin Plan Chapters 2, 3, and 5 and can be viewed at:

http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/reference_s.shtml).

The Basin Plan's beneficial use tables (Tables 2-1 and 2-2) include both existing and potential beneficial uses.

Triennial Review Process

Water quality issues with a potential basin planning nexus are solicited from multiple sources. These include State Board requirements, Water Board staff, permittees, Tribal governments, and an assortment of stakeholders.

The Triennial Review process will result in a generalized priority ranking of issues that may be addressed by the basin planning program. There are many different issue types, including efforts to improve program(s) implementation, improvements to reflect updated science, and water quality standards actions.

The Triennial Review List includes a description of each issue and an estimate of the time required to complete a project to address the issue. This effort prioritizes a total of 18 basin planning issues.

Public Engagement

Triennial Review is a public process. The 2022 Triennial Review process has included the following steps:

- Internal solicitation of issues from Water Board staff
- October 6, 2021 Board workshop describing the purpose and process of the Triennial Review and seeking input and additions from the Water Board and public on a list of unprioritized issues
- December 17, 2021 release of a draft staff report for public comment
- March 2022 hearing and consideration of a resolution approving the 2022 Triennial Review

After adoption, staff will transmit an adopted resolution and Triennial Review staff report to the U.S. Environmental Protection Agency.

Summary of Comment Letters

Prior to the October workshop staff received five letters from the public, Tribes, and stakeholders. These letters were summarized at the October 2021 Board workshop and included letters from:

- Party: California Department of Fish and Wildlife (CDFW); Issue: Request that Water Board develop site specific nitrogen water quality objectives for Hot Creek
- Party: Mono Lake Kutzadika'a Tribe; Issue: Designation of Mono Lake and tributaries with CUL and T-SUB beneficial uses

- Party: Mono Lake Committee; Issue: Support of Mono Lake Kutzadika'a Tribe request
- Party: California Indian Legal Services; Issue: Support of Mono Lake Kutzadika'a Tribe request
- Party: Karen Bryan, private citizen; Issue: Stormwater permitting for Ritter Ranch Development Project, City of Palmdale

These letters were submitted prior to the release of the draft Triennial Review Staff Report and 2022 Triennial Review List. The letters were considered in the development of the Staff Report and 2022 Triennial Review List.

- The CDFW comment is addressed by a high priority Triennial Review issue.
- On September 28, 2021 staff met with the three parties supporting Tribal Beneficial Use designations for Mono Lake and its tributaries to explain the Triennial Review process, the basin planning process, and to learn from the Tribal representatives about their relationship with Mono Lake. Designation of Tribal Beneficial Uses is a high priority Triennial Review issue.
- The comment from Ms. Bryan was not a basin planning issue and stormwater program staff in the Water Board's Victorville office provided response to Ms. Bryan.

At the close of the December 17, 2021- January 17, 2022 comment period, staff received two comment letters. A summary of comments and responses was prepared in "2022 Triennial Review Response to Comments" document and was made available on the Lahontan Website. A summary of the comment letters is below:

- Commenter: Mammoth Community Water District; Issue: Laurel Pond beneficial uses evaluation.
- Commenter: Southern California Edison; Issues: four comments related to water quality objectives and permitting related to hydroelectric dam operations and maintenance

Prioritization

At the June 16, 2021 Board Meeting the Water Board executive team presented a strategic planning document (Strategic Narrative) to the Lahontan Water Board ([link to Board Item](#)). The Strategic Narrative describes the agency's Vision, Mission, Core Values and revised Goals. After receiving Board direction at the October 6, 2022 Board meeting, project staff developed nine (9) prioritization criteria. Seven of the criteria are derived from the agency Goals. Two more criteria together capture the readiness of an issue (Basin Planning Need Aligns with Triennial Review Period) and supporting continued work on of previously prioritized basin planning issues (Previous Priority with Allocated Resources). in consultation with executive management derived primarily from the agency Goals. The prioritization criteria are listed below. The breadth of prioritization criteria provides a suitable approach to compare disparate basin planning issue types for workplan assignment.

Prioritization Criteria

Protect human health: An issue has a nexus with the protection of human health and such protections can be improved by addressing the issue. Examples could include protecting or restoring beneficial uses, such as REC-1, MUN or COMM, or incorporating updated human health water quality objectives into the Basin Plan.

Protect aquatic life: An issue has a nexus with improving the Water Board's ability to protect aquatic life beneficial uses, such as COLD, WARM, or SPWN. Examples include standards actions or improving or updating implementation tools available to regulatory staff.

Outstanding National Resource Waters: A nexus to restoring, maintaining, or enhancing the water quality of Lake Tahoe or Mono Lake, California's two ONRWs.

Climate Change Adaptation and Mitigation: Changes to the Basin Plan which help the Water Board implement the Climate Change Adaptation and Mitigation Strategy and support the Water Board's ability to restore, enhance, and preserve water resources in the face of climate change. Examples include protections for source waters, changes to encourage meadow restoration, and floodplain protections.

Seek Environmental Justice and intentional support of Disadvantaged Communities: Actions that allow for proactive and intentional support of Disadvantaged Communities or historically disenfranchised populations, including Native American residents of the Lahontan Region. Such populations are often more susceptible to the human health risks associated with drinking water pollution, climate change, and land use patterns, and are often the least financially able to adapt to such challenges.

Improve communication by promoting clarity and consistency: Opportunities to improve issues of clarity or consistency within the Basin Plan. Benefits of such efforts include consistent interpretation of the Basin Plan by staff. Such changes will help improve internal communication, communication with stakeholders, and will ease personnel succession planning and training. Inaction on these issues will have a negative impact on the effectiveness of Water Board programs. Promoting clarity and consistency will help create a psychologically safe workplace.

Customer service responsiveness by improving process, efficiency and seeking agreeable water quality improvements: Addressing an issue helps the Water Board be responsive to stakeholder input and assists with, or provides for, agreeable water quality improvements. This criterion also seeks to improve efficiency in core regulatory programs and avoid actions that place unnecessary burden on public resources without the benefit of commensurate water quality protections.

Previous Priority with Allocated Resources: Issues were prioritized in previous Triennial Review cycles and/or resources were otherwise committed. Basin planning projects

designed to address specific issues do not often begin and end on the exact cycle of a Triennial Review. Similarly, many projects take more than three years to be completed, depending on the complexity of the technical and policy issues of an issue. This criterion supports the continued work on issues supported by Board action and/or Executive direction.

Basin Planning Need Aligns with Triennial Review Period: The issue is ripe to evaluate and address. It will not be dependent on outside information or resources not to be available in the three-year period of this Triennial Review.

Scoring and Results

Project staff assessed the 18 basin planning issues against the nine criteria listed above, then divided the issues into a High, Medium, and Low Priority categories, and consulted with executive management on the rankings. The prioritization is a recommendation to the Board and incorporates ranking by criteria assessment and executive input. The criteria are equally weighted, with exception of the Protect Human Health criterion, which is weighted 150% of the other individual criteria. The result of the prioritization assessment is the division of the basin planning issues into High, Medium, and Low priority categories. Issues within each category are not ranked. Having grouped categories instead of individual rankings is intended to provide flexibility for the basin planning program to consider individual staff expertise and available resources when assigning work. This exercise includes seven (7) issues that will be prioritized for resources in the forthcoming Triennial Review period. An additional six (6) issues are given Medium Priority, and five (5) issues were scored Low Priority.

The prioritization of issues presented below differ from the December 17, 2021 draft Triennial Review Staff Report in three ways.

1. The Update Total Nitrogen WQO for Hot Creek issue was previously categorized as Low Priority. At the May 2021 Board meeting, the Water Board approved a Time Schedule Order for the CDFW Hot Creek Fish Hatchery facility. During Board comments the Chair expressed an interest for the agency to work with CDFW to assess Hot Creek water quality objectives. As a result, Executive management recommends this issue be categorized High Priority.
2. The Mojave Groundwater WQO issue was previously categorized as High Priority. Discussions with project staff indicate the basin planning need does not align with this Triennial Review period, which resulted in revising its category to Medium Priority.
3. The Groundwater Beneficial Use Designations issue was updated and renamed Groundwater Basin/Subbasin Alignment and Beneficial Use Designations with an expanded scope summarized in the Triennial Review List. The prioritization category of the updated issue did not change.

Prioritization results in this report are presented to guide the Water Board in their prioritization and are not binding. The Water Board may choose to adjust the category of a basin planning issue before adopting the Triennial Review List. In this Triennial

Review period Water Board staff resources will be applied to the High Priority issues. If additional resources become available, then staff will work on a Medium Priority issue. In addition, the Water Board may consider updates to the planning priorities prior to the next scheduled Triennial Review through direction to the Executive Officer and Water Board staff.

High Priority issues include:

- Bacteria Water Quality Objectives: Fecal coliform objective removal
- Editorial Amendment
- Groundwater Protection Prohibitions
- High Quality Beneficial Use
- Riparian, Floodplain, and Wetland Protection Updates
- Tribal Beneficial Use and Subsistence Beneficial Use Designations
- Update Total Nitrogen WQO for Hot Creek

Medium Priority Issues include:

- Evaluate Developing Instream Flow Criteria
- Evaluate USEPA Clean Water Act Section 304(a) Criteria
- Groundwater Basin/Subbasin Alignment and Beneficial Use Designations
- Mojave Groundwater WQO
- Update Prohibition Language for Consistency
- Wastewater Basin Plan Updates

Low Priority Issues include:

- Add Laurel Pond as a Named Waterbody in Table 2-1 and Evaluate BUs
- Evaluate Site Specific WQO for TDS for Susan River
- Evaluate Truckee River Site Specific Objectives
- Evaluate WQOs for Association with Specific Beneficial Uses
- Update Basin Plan Reference Documents