

# CENTENNIAL RANCHES

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**Respond to:**  
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October 18, 2012

Don Jardine, Board Chair  
Peter Pumphrey, Vice Chair  
Jack Clarke, Board Member  
Keith Dyas, Board Member  
Amy Horne, Ph.D., Board Member  
Eric Sandel, Board Member  
Patricia Kouyoumdjian, Executive Officer  
Richard Booth, Unit Chief, TMDL/Basin Planning Unit  
Bruce Warden, Ph.D  
California Regional Water Quality Control Board  
Lahontan Region  
2501 Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150

**RE: SUPPLEMENTAL COMMENTS RE BASIN PLAN AMENDMENTS – TRIENNIAL  
REVIEW - FECAL COLIFORM PATHOGEN OBJECTIVE**

Dear Board Chair, Board Members, Ms. Kouyoumdjian, Mr. Booth and Dr. Warden:

Centennial Ranches has submitted several documents to the Lahontan Board on the pathogen basin plan issue during workshops, Board waiver hearings, and relative to this triennial review. In our October 5 submittal, we had officially requested that all relevant materials, public record request items, and meeting transcripts be placed in the administrative record for the triennial review. We hereby renew that request.

**1.** We now submit additional comments to respond to newly presented information/charts and to respond to questions that have been raised at the two triennial review scoping meetings.

The staff has presented for the Board's review 21 proposed projects for possible basin plan amendment prioritization. Such triennial review decisions are always difficult for Regional Boards because the resource and staff availability is limited. That is certainly true of these deliberations at the Lahontan Board.

As Richard Booth pointed out at the triennial review hearing, there are seven ongoing committed projects which will require the dedication of 4.5 pys over the next three years, and 14 uncommitted projects, 13 of which would require (excluding the bacteria objective) 12.3 pys. Additionally, the bacteria issue would require from .5 py to 5 pys, depending on the selected option. On balance, depending on the option chosen for the bacteria objective, doing all the projects would require from 22 to 27 pys.

As Mr. Booth further indicated in his PowerPoint, the “current staff allocation is 5.7 pys over three years.” He further pointed out on his PowerPoint that “planning staff can complete all the committed projects with 1.1 pys remaining.” This 1.1 py would not get much done on the other uncommitted items.

It was further indicated that additional flexibility can be realized by utilizing some additional program funds/resources (such as NPS, NPDES/and from external resources (i.e., grants, TMDL contracts), but even with those augmentations only limited additional personnel and resources are available. Therefore, the prioritization of triennial review issues must be evaluated in respect to the staffing availability. As we have pointed out previously and will further embellish below, this makes selecting Option 2 and engaging Phase 1 of the bacteria objective project, the prudent and responsible management decision.

**2.** Mr. Booth had prepared a very busy PowerPoint page reflecting each of the 20 possible triennial review topics, including each of the three options for the 21st issue, our pathogen objective reform. (See Attachment A.) The colors in each of the issue columns reflect a best guess as to when the commitment of personnel and resources would be required as between year 2012/13, year 2013/14, year 2014/15 and on into the future. The chart is very informative, but is also partly misleading, in it does not break the options associated with the pathogen objective into its various phases. Consequently, at first brush, one could easily see that each of the other 20 programs call for the commitment of 2 or less pys; but as to each of the three options relative to the pathogen objective, the chart indicates that those would require from 5 to 6.5 pys (those upper bound numbers, however, are inconsistent with actual documents associated with the pathogen objective, which indicates that either 3.5 or 5 pys would be required for the options, if all phases were fully concluded). As to the pathogen issue, Phase 1 of Option 2 would require only .5 py, and that would be committed and completed in the first half of 2013. Thereby, by comparison to the other 20 columns, the .5 py commitment of resources would only slightly exceed seven of the other possible projects and would be less than 16 of the other possible projects. Consequently, invoking Phase 1 of Option 2 would result in the amendment of the pathogen standard for Bridgeport with a minimum commitment of resources and the shortest possible time. Clearly, a sound business decision.

**3.** Mr. Booth also distributed a grading matrix whereby his suggested nine criteria can be comparatively weighted.

We certainly believe that correcting the basin plan error relative to the bacteria standard is the highest priority and is completely ripe for action after the many years of focus and extensive data collection. We will present our evaluation of this item as against the suggested

criteria by filling in the matrix chart relative to our issue. We will not be grading the other competing projects. We note that the suggested scoring would call for double points (20) for the “benefits” derived from addressing that item. That seems reasonable enough, but two important factors have been omitted from the chart. Those two criteria items would be a “minimum commitment of resources” and the efficiency of completing the project in a “timely manner.” In that we have already talked about the timeliness and the efficient commitment of resources of Phase 1 of Option 2, those two additional columns would each achieve the highest ranking of 10.

The **Benefits** derived (possible 20), would rank 17. This issue is a holdover item where the Board did not take action during the previous triennial review, and has not addressed it as part of the waiver that was previously adopted. Therefore, the benefit of completing something the Board committed to is very high. Similarly, having a defensible objective in place of this present anomaly which has been embarrassing to this Board, would likewise be a significant benefit. Board members have acknowledged this is presently a non-enforceable objective for agricultural waters; therefore, the benefit of having a proper and enforceable standard is clearly of high benefit. Additionally, avoiding the possibility of this matter being appealed to the State Board or otherwise to court to compel Board action, is a significant benefit to the agency. Lastly, cooperating with the Bridgeport ranchers who have worked closely with this Board for many years also merits a high score in the Benefit column.

**Specific Waterbody vs. Regionwide.** The amendment to the basin plan having to do with the pathogen objective involves all agricultural waters of the region. The agricultural waiver has been in place for many years, has been extended for five additional years, and involves all of the waters into the Bridgeport valley. Phase 1 of Option 2 deals with the Bridgeport valley waters and the subsequent Phases deal with all other agricultural waters of the valley. Therefore, this criteria scores as a 9.

**Commitment of Resources.** The ag waiver coordination with the University of California, coordination with the Bridgeport ranchers, coordination with the University of California on water quality monitoring, and dealing with sister agencies (i.e., State Water Board, U.S. Forest Service), has made this bacteria objective one of the highest resource commitments by Lahontan staff. Similarly, the many exchanges with the ranchers, hearings and workshops before this Board, all have amounted to a significant commitment of resources. In fact, this is a far greater commitment of resources than it will take to conclude the Phase 1 of Option 2 amendment. Consequently, this column scores a 10.

**Expending of Outside Resources.** This criteria also scores a 10 because of the hundreds of thousands of dollars the Bridgeport ranchers have committed to during the seven years of extensive monitoring, meeting with the staff and implementation of BMPs, and best control technologies which have been extraordinary. Similarly, the commitment of resources from the University and through bond and proposition monies by staff have likewise been significant.

**External Resources Available.** This criteria again scores very high (9 of 10) because of the ranchers’ continual commitment to monitoring and implementing best management practices.

Also, continuation of the University's efforts, etc., further demonstrate the importance of dealing with this issue.

**Volume of Water Affected.** Swauger Creek, Green Creek, Virginia Creek, Summers Creek, East Walker River, Robinson Creek, Buckeye Creek, are waters affected by the first phase of Option 2. All other agricultural waters will be involved in subsequent phases of Option 2, therefore the quantity of water affected clearly ranks a score of 10.

**Number of People Affected.** This criteria is a little vague in that all of the Bridgeport ranchers, their employees and guests are affected in the immediate phase. In the subsequent phase, all other ranchers and recreationists in the region would be affected. The affected waters are extensive, and we are developing an appropriate standard for REC-2 exposures; therefore, in the private and public lands areas the number of people could be significant. Consequently, we score that as a 9.

**Implementation of State Board Policy.** State Board advanced a policy in 1975 and called for the uniformity of bacteria standards among the regions, but stated that "more stringent limits for waters may be included if substantiated by local epidemiological experience of existing water quality." There were no such studies indicating a different level was required. The Regional Board has never engaged such a study; therefore, the 20 col FC/100mL standard has always been outside the State Board policy. State Board policy also calls for enforceable objectives. As has been stated, this pathogen objective has not been viewed by this Board as an enforceable standard, and it could not be a standard for enforcement. This action would therefore entirely harmonize this basin plan with the State Board policy. We score this as a 10.

**Basin Plan Consistency.** As has been pointed out many times, and has been expressly acknowledged by this Board, this pathogen objective is wholly inconsistent with pathogen standards in all other basin plans. Part of this amendment would be to bring this pathogen objective consistent with other basin plans, therefore this scores a 10.

**Summary Review.** With the two additional criteria categories that had been overlooked in this chart (addressed above), the total possible points would be 120. The pathogen item scores 114 of 120 possible points. (See Attachment B, Richard Booth's Chart as amended.)

In addition to evaluating the importance of taking on any particular issue, it should be considered whether a particular issue is ripe for amendment because it has been thoroughly vetted, has all appropriate supportive data, and has the support from the main constituencies.

Dealing with the pathogen objective and moving towards implementing of Phase 1 of Option 2 meets all those criteria. This issue has been ripe for action for some seven years, the constituency has called for and has been active in supporting such an amendment for many years, and there is a robust database supporting this amendment in the nature of monitoring water quality data in Bridgeport, compared to the paucity of supporting information behind adoption of the 20 col FC and its applicability to agricultural waters. Further, the record is clear that this objective, and consequently this basin plan, is wholly inconsistent with other regions of

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California and the nation. By all those criteria, this matter is not just ripe, it is long overdue and cries out for amendment. It would be a breach of responsibility for this Board not to address this issue in the shortest amount of time with the minimum commitment of additional resources.

4. The Board should also give focused consideration of the US Forest Service comments. They point out the 20 col FC/100mL objective is totally unsupportable because it “does not allow any coliform bacteria from humans or livestock.” They point out that the public lands are for multiple uses; therefore, this is an unreasonable objective, totally inconsistent, “not in compliance with applicable federal regulations,” and inconsistent with the US EPA standard of 200 col FC/100mL. They further point out that there has been no scientific support for 20 col FC/100mL, and this Board has stated that 200 col FC/100mL was fully protective of even REC-1 waters. (We have pointed out that there are not REC-1 waters in the Bridgeport Valley.) They also cite supportive data and call for this Board to immediately shift to 200 col FC/100 mL. This should be seriously considered and save significant resources. Staff will try to convince you that you need to go through much field work and data collection, but this is not the case.

5. **Summary.** By all perspectives, the Board should prioritize review of the bacteria objective and in doing so, immediately select and invoke Phase 1 of Option 2.

Sincerely,

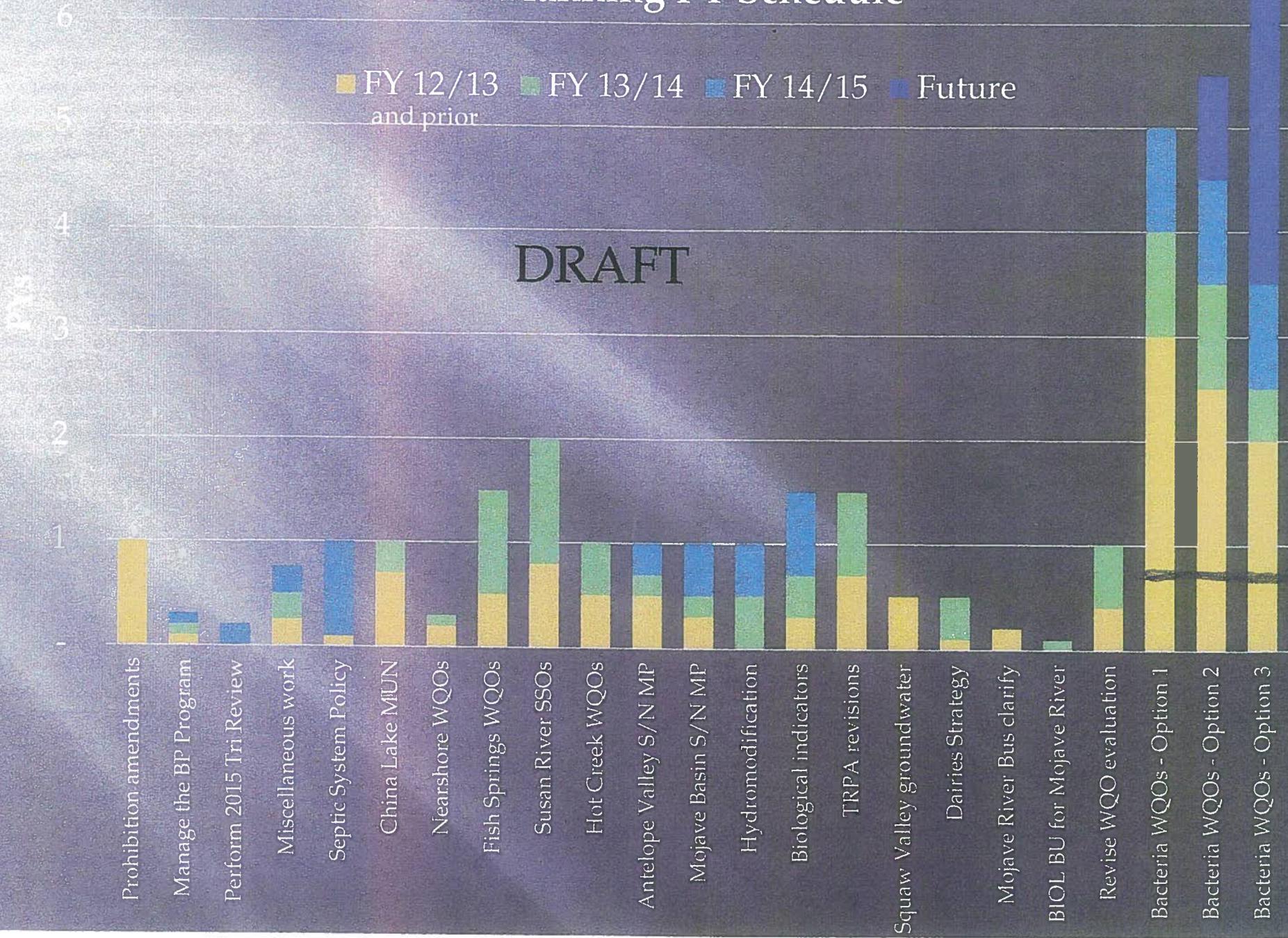


WILLIAM J. THOMAS

WJT:lmg

Attachments

# Basin Planning PY Schedule



A

23/7

### Lahontan Staff Criteria for Evaluation of Triennial Review Projects

**"B"**

**Maximum points available**      20                      10                      10                      10                      10                      10                      10                      10                      10                      10                      120

Proposed Project	Benefits	Specific Waterbody vs Regionwide	Staff Resources Already Expended	External Resources Already Expended	External Resources Available	Volume of Water Affected	Number of People Affected	Implement State Board Policy	Basin Plan Consistency	Minimum Commitment of Resources	Timeliness	Total
Prohibition Amendments												
Manage the BP Program												
Perform 2015 Tri Review												
Miscellaneous work												
Septic System Policy												
China Lake MUN	15	5	10	10	10	1	5	0	0			56
Nearshore WQOs												
Fish Springs WQOs												
Susan River SSOs												
Hot Creek WQOs												
Antelope Valley S/N MP												
Mojave Basin S/N MP												
Hydromodification												
Biological indicators												
TRPA revisions												
Squaw Valley groundwater												
Dairies Strategy												
Mojave River BUs clarify												
BIOL BU for Mojave River												
Revise WQO evaluation												
Bacteria WQOs - Option 1												
Bacteria WQOs - Option 2	17	9	10	10	9	10	9	10	10	10	10	114
Bacteria WQOs - Option 3												

BP = Basin Plan  
 BU = Beneficial Uses  
 S/N MP = Salt and Nutrient Management Plan  
 SSOs = Site Specific Objectives  
 TRPA = Tahoe Regional Planning Agency  
 WQOs = Water Quality Objectives

