

January 27, 2017

**VIA FIRST CLASS MAIL AND EMAIL: [COMMENTLETTERS@WATERBOARDS.CA.GOV](mailto:COMMENTLETTERS@WATERBOARDS.CA.GOV)**Jeanine Townsend  
Clerk to the Board  
STATE WATER RESOURCES CONTROL BOARD  
1001 I Street, 24th Floor  
Sacramento, CA 95814

Re: Comment Letter – Variance Policy – Scoping Comments

Dear Ms. Townsend:

On behalf of Dave Wood and John Lacey and all of the Centennial Ranch team, I wanted to share a few thoughts on the Board's proposal moving the basin plan pathogen objective from fecal coliform to E. coli.

This pathogen standard/objective has been the focus of considerable discussion and Regional Board focus in the Lahontan Region, particularly involving the Bridgeport Valley. As the Board recognizes, the pathogen standard in virtually all the other Regional waters has been set at 200 col fc/100 ml. The exception has been in the Lahontan Region. Decades back, the Region had adopted an atypical standard of 20 col fc/100 ml to preserve the pristine waters of the central portions of Lake Tahoe. It later morphed into being applied lake-wide. Years later, without any study or review, it again morphed into being the only pathogen standard and became applicable Region-wide. It garnered little attention until interest was directed to the Bridgeport Valley and the standard was being applied not to the pure waters of Lake Tahoe, but to native streams which fall from the Sierra's Eastern face through recreational, homesite and ranch users.

Since the early 2000s, the Bridgeport landowners and ranchers commenced coordinating with the University of California, Davis, to monitor the Bridgeport Valley waters and to advise on management practices to both measure and reduce pathogen loads in the extensive valley water courses. In 2004, the Lahontan Board began implementing extensive management demands on these ranches. After several years of monitoring, it became apparent even to this aggressive Regional Board that (1) pathogen loads in natural streams are difficult to control or predict as there are many sources, (2) the natural river conditions change remarkably, and (3) the data offers general trends but is characterized by irregular spikes and lulls. For these and other reasons, the Lahontan Board revised their pathogen standard up tenfold to 200 col fc/100 ml on an interim basis.

The University of California and USEPA have been each suggesting that an E. coli standard was much more scientific, predictable and proper to use than the old fecal coliform regulatory standard.

USEPA finally issued a directive to the Federal agencies and the states that they should switch to the more appropriate E. coli standard. For upland fresh water they suggested that either 120 or 128 colonies E. coli/100 ml would provide adequate public health protections.

We highly support the State Board's efforts to move to E. coli as the applicable pathogen standard and to set it at the USEPA recommended level of 128 E. coli/100 ml.

We plan to remain engaged in the State Board's deliberations on this subject and wish to be on any State Board meeting email or Lyris list as to pathogen standards

Very truly yours,

DOWNEY BRAND LLP



William J. Thomas

WJT.kc

cc: Felicia Marcus, Chair, SWRCB  
Dorene D'Adamo, Vice Chair, SWRCB  
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