

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

**MEETING OF MARCH 9-10, 2022
VIDEO/TELECONFERENCE**

ITEM 9

TRIENNIAL REVIEW HEARING AND BOARD CONSIDERATION

CHRONOLOGY

November 15, 2018	Resolution R6T-2018-0050 approves the 2018 Triennial Review List
October 6, 2021	Board workshop on 2022 Triennial Review
December 17, 2021	Draft Staff Report Released for 30-day public comment period
January 27, 2022	Notice of public hearing and Water Board consideration

BACKGROUND

Federal and state law require periodic review of Water Quality Control Plans (Basin Plans). This review process is referred to as the “Triennial Review” process. Triennial Review in California is generally limited to identifying high priority basin planning issues and projects to be addressed during the following three years. The prioritized Triennial Review project list essentially serves as the three-year work plan for the Water Board’s Basin Planning program. Approving the Triennial Review list does not require environmental review (e.g., CEQA). The Water Board’s most recent Triennial Review Project List was adopted in November 2018 and identified priority basin planning issues and projects to be addressed during the three-year period of 2018 - 2021.

ISSUES

The Triennial Review is a requirement of the Clean Water Act. It provides the Water Board opportunity to periodically consider issues with the Basin Plan or that can be addressed through amending the Basin Plan, and to do so within a public process. The Water Board adoption of the Triennial Review, complete with a prioritized list of basin planning issues, guides the basin planning program for a subsequent three-year period. This item is the venue for the Water Board to review and consider adoption of the 2022 Triennial Review and associated prioritized list of issues.

DISCUSSION

The Triennial Review process includes:

- Holding a public workshop
- Drafting a Staff Report and circulating it for public comment
- Evaluating all timely comments received
- Preparing a prioritized Project List for Water Board consideration
- A public hearing for the Water Board to consider approval of the Triennial Review List
- Submitting the Triennial Review to State Water Board and the USEPA

The purpose of this hearing is to 1) revisit the goals of the Triennial Review 2) present and describe the prioritization criteria 3) discuss the projects and their category of prioritization 4) discuss comments received, and 5) to receive input and comments from the public and other interested parties.

The contents of the Triennial Review Staff Report include:

- A brief description of each issue
- An estimate of the time and staff resources needed to investigate the issue and to prepare a plan amendment to deal with the issue
- A (generalized) ranking of the issues by priority
- Identifying the issues that would require additional funding (not High priority)

The Planning and Assessment Unit, which includes the Basin Planning program, includes three staff members who split resources between Basin Planning efforts, TMDL projects, and the Integrated Report. Some basin planning issues respond to needs of specific regulatory programs. Evaluating and addressing these issues can benefit from the time and expertise of regulatory program staff, in collaboration with basin planning staff. The Triennial Review includes 18 issues in prioritization categories. This is fewer than the list of issues presented at the October 6, 2021 workshop, as some of the issues were combined.

Prioritization of the basin planning issues primarily relies on assessing the issues against a set of nine criteria to guide the prioritization recommendation to the Board. The criteria reflect the Goals contained within the Strategic Narrative presented to the Water Board at the June 2021 meeting. Issues were scored on an equally weighted scale for each criterium. An exception, Human Health, was weighted 150%. The criteria with which staff assessed the basin planning issues are below. They are defined within the Staff Report:

- Protect Public Health
- Protect Aquatic Life
- Outstanding National Resource Waters
- Climate Change Adaptation and Mitigation
- Seek Environmental Justice and intentional support of Disadvantaged Communities
- Improve communication by promoting clarity and consistency

DISCUSSION

- Customer service responsiveness by improving process, efficiency and seeking agreeable water quality improvements
- Previous Priority with Allocated Resources
- Basin Planning Need Aligns with Triennial Review Period

The Water Board is not bound by the recommended prioritization and may change the priorities of the basin planning issues prior to approving the Triennial Review List. Evaluation of a basin planning issue does not guarantee a Basin Plan amendment.

CLIMATE CHANGE RESPONSE

The Triennial Review process aims to address any discrete basin planning projects needed in the Lahontan Region, consistent with the Climate Change Adaptation and Mitigation Strategy (Strategy) and Climate Change Action Plan. Basin planning efforts that support the overarching Policy Statements in the Strategy are prioritized through the Triennial Review process, within the resource constraints of the basin planning program, and as supported by other programs. One issue proposed for the High Priority category with a strong nexus to the Strategy is entitled Groundwater Protection Prohibitions, which would seek to limit certain land uses and developments in critical recharge areas to mitigate impacts from climate change and population growth. Several others have potential elements in response to climate change, including the Riparian, Floodplain, and Wetland Protection Updates issue and the High-Quality Beneficial Use issue.

PUBLIC OUTREACH/INPUT

Water Board staff initiated the Triennial Review process by publicly noticing a September public workshop and inviting interested parties to provide input regarding future basin planning priorities. The September workshop was postponed to October due to impacts from the Caldor Fire. The public notice was posted on the Water Board's website under the Announcements section and remains on the Basin Planning program webpage. Notice of this posting was also distributed through the Basin Planning- Triennial Review and Basin Planning – Regionwide Lyris lists on August 17, 2021.

In late September 2021, staff met with a group of individuals to discuss the Triennial Review process and the process to amend the Basin Plan. The group's primary interest was designation of Tribal Beneficial Uses in the Mono Basin and, also, in the Owens Valley. The group included representatives from multiple Native American Tribes and non-governmental organizations.

Prior to the October Board workshop, staff received five letters regarding issues of specific interest to the public, Tribes, and stakeholders. The October workshop provided opportunity for public input directly to the Board.

Staff developed a draft Triennial Review Staff Report using direction rendered by the Board at the October workshop and the input received from the public. On December

17, 2021, the draft Staff Report was posted on the Basin Planning program webpage and a notice of the comment period was posted on that page and the Lahontan Water Board website homepage in the announcements section. The notice was also distributed to the Basin Planning – Triennial Review, Basin Planning – Regionwide, and Basin Planning – Tribal Beneficial Uses Lyrus lists the same day. Two formal comment letters were submitted.

The notice of hearing and consideration meeting was posted to the Water Board homepage and Basin Plan program webpage on January 27, 2022. The notice was distributed via the Basin Planning – Triennial Review, Basin Planning – Regionwide, Basin Planning – Tribal Beneficial Uses, and Board Meeting Lyrus lists. The hearing is an opportunity for the public to address the Board directly.

PRESENTERS

Daniel Sussman, Water Board, Senior Environmental Scientist

RECOMMENDATION

Adopt a resolution approving the 2022 Triennial Review List.

ENCLOSURE	ITEM	BATES NUMBER
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ENCLOSURE 1

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

LAHONTAN REGION

RESOLUTION R6T-2022-PROPOSED

2022 TRIENNIAL REVIEW OF THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION (BASIN PLAN)

WHEREAS, the California Regional Water Quality Control Board, Lahontan Region (hereafter Lahontan Water Board), finds that:

1. The Water Quality Control Plan for the Lahontan Region (Basin Plan) took effect March 31, 1995 and has been amended from time to time since that date.
2. The Basin Plan contains the Lahontan Region's water quality standards, which consist of beneficial uses of waters in the Lahontan Region, water quality objectives, as well as an anti-degradation policy. The Basin Plan also contains a program of implementation, including but not limited to, control measures necessary to protect water quality for the beneficial uses.
3. State and federal laws require periodic review of Basin Plans. Pursuant to California Water Code section 13240 and Clean Water Act section 303(c), the Water Board is responsible for periodically reviewing water quality standards and, as appropriate, modifying and adopting standards contained in the Basin Plan. This process is known as "Triennial Review."
4. The Water Board and its staff implemented the 2022 Triennial Review by:
 - a. Noticing a public workshop scheduled for a regular meeting on September 15, 2021. The August 17, 2021 Notice included a request for input by September 22, 2021 on issues that could be addressed in future Basin Plan amendments. The regular meeting and workshop were postponed due to impacts from the Caldor Fire which caused the evacuation of the City of South Lake Tahoe.
 - b. Conducting a postponed public workshop at its October 6, 2021 meeting.
 - c. Noticing and circulating a draft Staff Report and draft Triennial Review List projects, and posting these materials on the Water Board's Internet web page, for public review and comment during a 30-day period between December 17, 2021 and January 17, 2022;
 - d. Responding to public comments received during the December 17, 2021 – January 17, 2022 public comment period, and carefully taking such comments and other factors into consideration when developing the Proposed 2022 Triennial Review List; and
 - e. Noticing and conducting a public hearing to receive oral comments at the Water Board's regularly scheduled March 9-10, 2022 meeting.

5. As a result of the Water Board's Triennial Review process, the Water Board has identified and prioritized its basin planning issues in the 2022 Triennial Review List, which contains a brief description of each issue in Attachment A of this Resolution and as described in the Final Staff Report – 2022 Triennial Review of the Water Quality Control Plan for the Lahontan Region. The 2022 Triennial Review List also identifies basin planning issues that will require additional funding before they can be addressed. These additional projects are presented in the Medium Priority and Low Priority categories.
6. The Triennial Review process does not necessarily involve the revisions of all or any particular component of the water quality standards every three years. Moreover, identification of an issue during Triennial Review does not necessarily mean that any Basin Plan amendment will be made over the course of the three-year review cycle. While the Water Board is required to conduct a review of its Basin Plan, neither federal nor state law imposes a duty to revise or modify it.

THEREFORE, BE IT RESOLVED THAT:

1. The Water Board, in fulfillment of the requirements of California Water Code section 13240 and Clean Water Act section 303(c), has:
 - a. Concluded the 2022 Triennial Review of the Water Quality Control Plan for the Lahontan Region.
 - b. Approved the 2022 Triennial Review List as set forth in Attachment A to this Resolution.
 - c. Concluded that projects identified in the 2022 Triennial Review List as Medium Priority and Low Priority require additional funding before they can be addressed.
2. The Water Board's Triennial Review actions do not preclude other revisions to the Water Quality Control Plan for the Lahontan Region that may become necessary before the next Triennial Review.
3. The entire Water Quality Control Plan for the Lahontan Region shall remain in effect until such time that the Water Board adopts specific amendments and the appropriate state and federal agencies approve such amendments.

I, Michael R. Plaziak, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Lahontan Region, on March 10, 2022.

MICHAEL R. PLAZIAK, PG
EXECUTIVE OFFICER

Attachment A: 2022 Triennial Review List

ATTACHMENT A

Lahontan Water Board 2022 Triennial Review List

Below are descriptions of the basin planning issues being considered for prioritization. Presented are summaries of the issues, estimated time to address the issues, and relevant notes. Issues are presented by priority category (High, Medium, Low) and are alphabetized within the category.

Appendix A does not include a description dedicated to tracking State Board Policies and standards actions under development, though such resource commitment will be included in annual workplans. Tracking such projects, and responding to State Board requests for engagement, takes relatively few resources and ensures Water Board staff can bring region-specific input into the development process. Such efforts could result in a basin planning action, but the readiness for these efforts to result in potential amendments to the Basin Plan is not consistent with this Triennial Review period. Examples of State Board projects under development include the Biostimulatory Substances Objective Program to Implement Biological Integrity and the Toxicity Assessment and Control Policy.

High Priority

Bacteria Water Quality Objectives: Fecal Coliform Removal

Summary: Bacteria WQOs use the presence of fecal indicator bacteria (FIB) as a measurement of pathogen risk. Two bacteria WQOs apply to the Lahontan Region surface waters. These include a regionwide WQO of 20 cfu/100 mL fecal coliform WQO measured as a logarithmic mean and a statewide WQO for REC-1 designated waters of 100 cfu/ 100 mL E. coli WQO measured as a geomean. Having two bacteria WQOs causes difficulty for stakeholder messaging, permitting, and water quality assessment purposes. Additionally, using fecal coliform has not been a US EPA recommended FIB since 1986. This project would remove the regionwide fecal coliform based water quality objective from the Basin Plan. A summary of the statewide WQO would be added to the Basin Plan. The action may also update the narrative WQO.

Notes: Updating the bacteria WQO in the Lahontan Basin Plan has been a top Triennial Review priority for several cycles. The USEPA's approval letter of the current Basin Plan also recommended an update to the FIB used for the bacteria WQO. This project is underway and is scheduled for board action in early 2023.

Resources: Estimated project time 1-2 years (project underway). Estimated 0.75 PY.

Editorial Amendment

Summary: Update the Basin Plan to fix errors in the Mojave River Surface Water Beneficial Uses Basin Plan amendment (Mojave BU BPA). The amendment was adopted by the Water Board and approved by the USEPA with the expectation that the Water Board would fix some inadvertent errors in the amendment text. Staff will also propose making other changes to the Basin Plan with this amendment, as well as fixing typos and other edits that are not substantive changes.

Note: The amendment will not be subject to CEQA if it will not have a direct or reasonably foreseeable indirect impact on the environment.

Resources: Estimated project time is 0.5 years. Staff has begun working on this amendment and plans to bring it to the Water Board for consideration as early as June 2022.

Groundwater Protection Prohibitions

Summary: Establish prohibitions limiting certain discharges in critical recharge areas and high priority groundwater basins to mitigate impacts from climate change and population growth. Such actions would be a source water protection measure and compliment protection of headwaters. Prohibition areas could coincide with high priority groundwater basins as identified by the Department of Water Resources. Lake Tahoe and Truckee riparian and floodplain development prohibitions could serve as a template.

Resources: Estimated project time is 4 years. Estimated 1.5 – 2 PY.

High Quality Beneficial Use

Summary: The Lahontan Region contains an abundance of exceptionally high-quality waters. This project would explore creation of a beneficial use connected to high quality waters. Designation of waters with the beneficial use could be associated with commensurately protective water quality objectives. The protection of high-quality waters is important for preserving water quality, water supply, hydrologic function, and habitat in the face of climate change and population pressures, including recreational pressures.

Notes: Development and designation of such a beneficial use will assist the success of future updates to the Basin Plan (see 2018 Triennial Review Priority 11; WQOBU) while ensuring continued water quality protection of waters that meet the use definition. This project was borne of the Bacteria WQO Evaluation Project (2018 Triennial Review Priority 1) and endorsed in the proceedings of the May 2021 Board meeting.

Resources: Estimated project time is 3-5 years. Estimated staffing need 1.5-2.5 PY.

Riparian, Floodplain, and Wetland Protection Updates

Summary: Staff would evaluate the need for updating existing Basin Plan language for consistency and clarity and would consider the need to add additional protections. Such amendment to the Basin Plan would increase the ability of staff to protect water resources and their efficiency in doing so, specifically through the 401/Dredge and Fill and Enforcement programs. Some of the possibilities would include: an updated and specific floodplain definition for ephemeral streams to support staff in implementing the applicability of the Truckee and Tahoe 100-year floodplain prohibition; refining the definition of “riparian areas” to ease determinations by staff and dischargers if a riparian area is a Water of the State; clarify or update the definition of Stream Environment Zones (SEZ) in Chapter 5 (Lake Tahoe Basin) as it relates to lands below high water line in Lake Tahoe and other area lakes; and consider language requiring setbacks from wetlands.

Note: The issue combines several topics included in the October 2021 Triennial Review Board Workshop. Some of the topics described have clear solutions and others would require a more involved development and administrative process.

Resources: Estimated project time is 4 years if addressed as single project. Estimate of 1.5 PY Basin Planning staff and 1-2 PY 401 Program staff.

Tribal Beneficial Use and Subsistence Beneficial Use Designations

Summary: In 2017 the State Board developed Tribal and Subsistence Fishing beneficial uses. The definitions are for Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB). Mercury WQOs are associated with T-SUB and SUB. In September 2020, the Water Board adopted Resolution R6T-2020-0057 adding the beneficial use definitions to the Basin Plan. This action was approved by the Office of Administrative Law in September 2021. This project would designate water bodies in the Lahontan Region with the appropriate beneficial use or uses. To designate the CUL or T-SUB beneficial use a California Native American Tribe must confirm the designation is appropriate.

Note: The TBUs project was a priority of the 2018 Triennial Review. The project is assigned staff resources in the current work plan.

Resources: Estimated project time is 5+ years regionwide. Estimated staff time is 0.5-1PY per year, excluding assistance from the Office of Public Participation and executive engagement.

Update Total Nitrogen WQO for Hot Creek

Summary: The California Department of Fish and Wildlife (CDFW) operates the Hot Creek Fish Hatchery (Hatchery). The project would assess the nitrogen inputs to the Hatchery’s spring fed water supply and determine if a site-specific objective

for nitrogen should be developed for Hot Creek. A revised, or new, site-specific objective may supplant the existing limit in the Hatchery's NPDES permit.

Notes: The Water Board, at the March 2021 Board meeting, adopted a Time Schedule Order providing the CDFW time to comply with the permit effluent limitations and requiring tasks to assess sources of nitrogen.

Resources: Estimated project time is 3-5 years. This project would involve staff from several programs, with an estimated total staffing requirement of 2-2.5 PY. Staffing could be reduced depending on project contribution from CDFW.

Medium Priority

Evaluate Developing Instream Flow Criteria

Summary: This issue considers developing narrative or site-specific numeric flow criteria. Flow is a complex characteristic of streams and rivers. It can be considered an influence on the physical, chemical, and biological aspects of waterbody health. Flow affects a waterbody's water quality in different manners depending on the analyte of concern and the source of the analyte in the water column. Seasonal flow variation is also important to the timing and success of life cycle stages of various aquatic vertebrates and invertebrates. This issue has a climate change nexus with changing precipitation regimes and peak snowmelt runoff, and with the release and timing of impounded waters and water rights.

Note: Traditionally the purview of the Division of Water Rights and California Department of Fish and Wildlife, there is building interest from the Division of Water Quality and Regional Board in addressing instream flow from a water quality perspective. Most notably, the State Board Policy for Maintaining Instream Flows in Northern California Coast Streams (effective 2014) has a limited geographic scope and focus (anadromous salmonids). The [Cannabis Cultivation Policy](#) (2019) includes flow and gaging requirements so growers can determine when they may divert water. The Cannabis Policy instream flow requirements includes many [Lahontan Region waters](#).

Resources: Estimated project time is 5-10 years, fewer if Cannabis Policy requirements can be adapted. Estimated 1-5 PY.

Evaluate USEPA Clean Water Act Section 304(a) Criteria

Summary: Federal regulations at 40 CFR 131.20(a) require states to consider, as part of their triennial review process, the adoption of new or revised Clean Water Act section 304(a) water quality criteria recommendations for human health, aquatic health, and recreation as water quality standards (WQS) into their state plans. Criteria published by the United States Environmental Protection Agency (USEPA) since May 30, 2000, are required to be evaluated.

Note: The 2018 Triennial Review included the recommendation that the Water Board support the State Board in its authority to consider these criteria for statewide standards actions. As a medium priority issue, as identified above, the recommendation is to continue to support the State Board.

Resources: Estimated project time is 0.5-5 years. Resource need varies from 0.2 PY to 2 PY depending on decisions to review, adopt, or defer to State Board action.

Groundwater Basin/Subbasin Alignment and Beneficial Use Designations

Summary: The Basin Plan groundwater basins/subbasin information in the Lahontan Region has not kept pace with updates by the Department of Water Resources (DWR), the agency tasked with identifying the State's groundwater basins/subbasins on the basis of geological and hydrological conditions and consideration of political boundary lines whenever practical ([Water Code §12924](#)). Resolving this issue may involve a Basin Plan Amendment to revise Table 2-2 of the [Lahontan Basin Plan](#) (groundwater beneficial use designations). Such an effort may also include assessment of beneficial uses for the revised groundwater basins/subbasins, including recommendations to designate groundwaters with the MUN beneficial use where consistent with the Sources of Drinking Water Policy ([Resolution No. 88-63](#)). Resolving this issue may include replacing Plates 2A and 2B with links to an online interactive mapping tool (e.g., [SGMA Data Viewer](#), [GeoTracker](#), [GAMA GIS](#)) that is updated with any future changes to basin/subbasin boundaries identified by DWR. Alignment of the Basin Plan's groundwater basins/subbasins with DWR defined groundwater basins/subbasins would streamline coordination with DWR and the Sustainable Groundwater Management Act (SGMA), and would facilitate compliance with the 2019 [Recycled Water Policy Amendment](#) by reducing the number of groundwater basins/subbasins requiring evaluation and supporting development of a prioritization process for salt and nutrient management planning. Linking to an online interactive mapping tool maintained by the State will also facilitate any future groundwater basin/subbasin boundary updates implemented by DWR.

Note: This project is ongoing, led by the Regional Groundwater Specialist.

Resources: Estimated project time is 2-3 years. Estimated 2.5 PYs shared between programs.

Mojave Groundwater WQO

Summary: This project will evaluate groundwater quality information in the groundwater basins of the Mojave River to determine whether it is appropriate to revise and/or develop site specific groundwater quality objectives for the basins. The Mojave River basin is a fast-growing part of the Lahontan Region and includes disadvantaged communities. Past groundwater overdraft affected the Mojave River groundwater basins and led to the Adjudication of the Mojave Basin Area. Groundwater overdraft can concentrate trace chemicals, including naturally

occurring salts and contaminants resulting from human activities. Groundwater pollution is a concern to protect a sustainable domestic and industrial water supply.

Resources: Estimated project time is 4 years. Estimated 2+PY.

Update Prohibition Language for Consistency

Summary: The action would revise the language of the unit/area-specific prohibitions in Chapter 4.1 so that they are written in plain language and to be consistently interpreted and applied for the specific waste types, regionwide. Unit/area-specific prohibition language is inconsistent between unit/areas even though the prohibitions appear to be for the same types of wastes.

Resources: Estimated project time is 2 years. Total PY estimate of 0.75-1 PY split

Wastewater Basin Plan Updates

Summary: Staff would coordinate with the NPDES and WDR programs to revise and update Chapter 4.4 of the Basin Plan (Municipal and Domestic Wastewater: Treatment, Disposal, and Reclamation) to provide a more consistent and specific implementation plan for protection of water quality. Such an effort would also provide dischargers and stakeholders more clarity and specificity to meet such requirements. This issue includes evaluating the need for a regionwide prohibition on cesspools.

Resources: Estimated project time is 2 years, 0.5 PY Basin Planning staff and 0.5 PY wastewater programs staff.

Low Priority

Add Laurel Pond as a Named Waterbody in Table 2-1 and Evaluate BUs

Summary: Laurel Pond receives effluent from Mammoth Community Water District. The project would add Laurel Pond as a named water body and identify beneficial uses. Currently, as an unnamed waterbody in Chapter 2 of the Basin Plan, the beneficial uses assigned to Laurel Pond are those of "Minor Surface Waters." Subsequently, the project would evaluate whether the REC-1 and MUN beneficial uses are appropriate.

Note: This issue has a nexus with the Hot Creek issue. Further investigation is needed to determine the contribution level, if any, of the discharge to the Hot Creek nitrogen inputs through groundwater connectivity.

Resources: Estimated project time is 3-5 years. This project would involve staff from several programs, with an estimated total staffing requirement of 2.5 PY. MCWD has indicated interest in funding contractors to assist, which would reduce staffing needs.

Evaluate Site Specific WQO for TDS for Susan River

Summary: Staff would evaluate the appropriateness of the existing TDS water quality objective and determine if the Susanville Sanitary District can meet permit conditions through capital improvements or alternative methods. The Susan River Water Quality Objective (WQO) for total dissolved solids (TDS) at Litchfield is at 185 mg/L with a 90 percentile at 250mg/L. Data from 2011 indicated the TDS at the Litchfield site was 240 mg/L on average. The Susanville Sanitary District TDS discharge in 2011 below 400mg/L. In comparison, the drinking water standard for TDS is 500 to 1000mg/L. Altering the standards to a lower number standard could still be protective of beneficial use. Any Water Board action to change the WQO would include consideration of an antidegradation analysis.

Resources: Estimated project time is 4 years. Estimated staff time 0.25 Basin Planning staff and 0.25 NPDES staff per year.

Evaluate Truckee River Site Specific Objectives

Summary: The Truckee River has multiple site-specific objectives with multiple points of compliance, each in close proximity. Having such numerous objectives complicates water quality assessment and regulatory practices. The project would evaluate the need for so many compliance points and if the many objectives are appropriate. Staff would recommend keeping as-is, reducing compliance points, and/or changing WQOs.

Resources: Estimated time is 4-5 years. Resolving this issue may draw on resources from the Basin Planning, TMDL, SWAMP, and regulatory programs, with an estimate of 2-3 PY total.

Evaluate WQOs for Association with Specific Beneficial Uses

Summary: Many of the Basin Plan WQOs are not explicitly linked to specific beneficial uses. Staff would evaluate WQOs and beneficial uses for association. In some situations, it will be appropriate to associate existing or updated WQOs with a specific beneficial use, and in some cases the objective may continue to apply generally, or to all beneficial uses. Associating WQOs with the protection of specific beneficial uses would be consistent with USEPA guidance on standards development and would ensure a scientific basis for numeric objectives. Such a change to the Basin Plan would aid staff work developing water quality assessments for the Integrated Report.

Note: This effort is a long-term need but is not necessarily ready for this Triennial Review period. The issue will be resource intensive and should be coordinated with (or after) the HQBU issue. This issue can also be used to create a regionwide

approach to evaluate and update surface water TDS water quality objectives and potentially other standards actions, as well.

Resources: Estimated project time 10 years; can be divided into sub-efforts. The issue presents an important need, but one that is resource intensive. Such an effort could be accomplished with an estimated is 1+ PY per year plus contract funds.

Update Basin Plan Reference Documents

Summary: The plates that display and categorize groundwater basins and watersheds in the Basin Plan can be digitized to increase ease of use and visual resolution. Appendices C and D address sewage and wastewaters disposal and related exemptions. They would be evaluated to determine if they are current and updated or deleted if superseded. Appendix B includes copies of State and Regional Board Policies used in Basin Plan Implementation. The list has not been updated to account for development of newer Policies, which are available online.

Resources: Estimated project time is 1-2 years. It is not clear that updating the plates needs a basin planning action, or if developing and linking to a digitized, or GIS, resource is sufficient.

ENCLOSURE 2



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**

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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

ENCLOSURE 3

Lahontan Water Board 2022 Triennial Review

Response to Comments

Letter	Label	Summary Comment	Response
Mammoth Community Water District (MCWD)	MCWD1	<p>I. MCWD requests the project priority be raised from low to high (for “Add Laurel Pond as a named waterbody and evaluate BUs)</p> <p>The existing Waste Discharge Requirements (WDRs) for Laurel Pond were issued on March 14, 1991. The regulatory framework at the time considered wastewater effluent discharges to Laurel Pond “land disposal of sewage effluent” and Laurel Pond was considered a “restricted recreational impoundment.” MCWD understands that the 1991 WDRs are outdated, and under the existing Water Quality Control Plan (Basin Plan) Laurel Pond would be categorized as a “water of the state” because it was an ephemeral water body prior to discharges commencing. As a “minor surface water”, beneficial uses are generically assigned to Laurel Pond and do not actually reflect the current or planned public uses of the pond, or what wildlife do or could inhabit the pond.</p>	<p>This project is one of many competing priorities for our limited Basin Planning Resources. The Lahontan Water Board's proposed rankings for these projects in the Triennial Review were developed using the rationale and ranking factors provided in the Staff Report. The application of these ranking factors resulted in a low ranking for this project in the current Triennial Review.</p> <p>As indicated in State Board WQO 2002-0015, “In California, the discharge of waste to state waters is a privilege, not a right. Dischargers who choose to dispose of their effluent in state waters have a responsibility to the waterbody that they are using for waste disposal. Waste disposal, although a reality, is not a recognized beneficial use of water. Hence, a discharger who contends that specific uses are not appropriate for a water used for waste disposal has an obligation to support that assertion with the necessary studies and investigations.”</p> <p>The information sought by the comprehensive groundwater study that is referenced in the comment seeks to understand</p>

Letter	Label	Summary Comment	Response
		<p>MCWD agrees updated WDRs are appropriate for Laurel Pond, but requests that the applicable beneficial uses be defined to reflect the actual existing and potential uses of the water body – not generically assumed beneficial uses. For example, MCWD is monitoring four new groundwater monitoring wells that were constructed in the summer of 2021, and is working with Lahontan staff on a comprehensive study of Laurel Pond and the down-gradient groundwater to determine if Groundwater Recharge is an appropriate beneficial use that needs protection. This is being done in preparation for a future updated WDR. To assist with this effort, MCWD is willing to work with Lahontan staff and is willing to provide resources to conduct the necessary studies in support of a Basin Plan Amendment.</p> <p>MCWD requests this proposed Basin Plan Amendment be assigned high priority so that it can be completed concurrently with the drafting of new WDRs for Laurel Pond. If new WDRs are issued prior to a Basin Plan Amendment, they would likely require financially burdensome wastewater treatment plant upgrades that would not be necessary to maintain the</p>	<p>the potential pathways and impacts of water infiltrated from Laurel Pond. The study is currently under development will provide information that Water Board staff can use to inform development of any new or updated permit for MCWD. Proceeding with a permit update or applying resources to evaluate the Basin Plan status of Laurel Pond (which could affect permit conditions) before learning of this information seems premature to staff.</p> <p>Thank you for indicating a willingness to work with Lahontan staff and to provide resources for any necessary studies. The ranking for this potential project can be re-evaluated in future triennial reviews at which point the studies discussed by the commenter and other data and information may be available. In the meantime, Water Board staff is committed to continuing work with the discharger to guide the studies which could be needed to inform potential board actions related to the development of new WDRs, and/or the modifications to the water quality standards for Laurel Pond.</p>

Letter	Label	Summary Comment	Response
		existing or potential beneficial uses at Laurel Pond.	
MCWD	MCWD 2	<p>II. MCWD requests that COLD beneficial uses also be studied for Laurel Pond, in addition to evaluating whether REC-1 and MUN beneficial uses are appropriate.</p> <p>MCWD would also like to evaluate the applicability of COLD beneficial uses at Laurel Pond. This would involve a study to evaluate physical conditions related to the natural features of the water body (i.e. substrate, cover, flow, depth, pools, riffles, etc.) and water quality (i.e. nutrients, oxygen, pH, temperature, etc.). This study would inform the aquatic habitat potential of Laurel Pond and possibly show that only site-specific objectives are needed for ammonia toxicity like the objectives for lower Amargosa Creek and the Piute Ponds and wetlands.</p>	See Summary Response # MCWD1.
Southern California Edison (SCE)	SCE1	<p>Comment #1: Greater alignment of receiving water WQOs with project-specific beneficial water uses</p> <p>SCE owns and operates hydroelectric generation facilities within the Lahontan Basin. Hydroelectric power generation and the associated recreational uses in/around hydro facility impoundments are considered beneficial water</p>	WQOs for better alignment with beneficial uses could be beneficial to multiple Water Board programs, and this issue was considered in the Triennial Review. This issue is part of a long-term approach to updating the Basin Plan, as indicated in the notes for the Evaluate WQOs for Association with Specific Beneficial Uses issue summary in the 2022 Triennial Review List document available

Letter	Label	Summary Comment	Response
		<p>uses. SCE's hydroelectric facilities require periodic repairs and routine maintenance, which often necessitate diversion and dewatering of work areas. Baseline water quality conditions in these pristine, high-elevation locations can be at or higher than the Lahontan Basin Plan Water Quality Objectives (WQOs), making compliance with the Basin Plan in certain locations such as Bishop Creek, highly challenging.</p> <p>SCE requests that the Water Board incorporate a process to tailor the Basin Plan thresholds to project or site-specific beneficial uses and associated downstream receiving waters. In the case of these remote hydroelectric facility projects, the driving factor may be maintaining a water quality standard necessary to support aquatic life and habitat (vs a drinking water standard). Anecdotally, baseline samples at SCE's Bishop Creek facilities are historically in the range of 1 NTU or less. Current allowable deviation for sediment would result in an exceedance of less than 1-2 NTU maximum, effectively not providing for any additional sediment load.</p>	<p>on the basin planning program webpage. The Lahontan Water Board's proposed rankings for Triennial Review basin planning issues were developed using the rationale and prioritization factors provided in the 2022 Triennial Review Staff Report. The application of these ranking factors resulted in a low ranking for this issue being recommended for the Low Priority category in the current Triennial Review.</p> <p>The Water Board may undertake basin planning efforts to develop site-specific water quality objectives to protect beneficial uses, particularly where staff determines the existing water quality objective is not suitable or appropriate for the waterbody condition. Such efforts are customarily identified, catalogued, and prioritized for staff resources through the Triennial Review process. The process to develop site specific water quality objectives follows US EPA guidelines and can be a resource intensive process, including technical work and the basin planning process.</p> <p>Similarly, if the commenter contends that a beneficial use is not appropriate for a particular waterbody or section of a waterbody, the Water Board asks that the commenter specify the waterbody location, the beneficial use in question, and provide studies or analysis to justify the assertion. The Water Board can use this information to prioritize the project in the</p>

Letter	Label	Summary Comment	Response
			<p>next Triennial Review process, and if necessary, to conduct a Use Attainability Analysis to determine if a beneficial use should be de-designated. Note that the Sources of Drinking Water Policy (Resolution No. 88-63) directs the Water Board to designate all surface waterbodies and groundwater basins with the MUN beneficial use unless one of several specific exceptions is met.</p> <p>Whether to allow a lowering of water quality due to permitted maintenance or construction activities would be addressed through the conditions of a Clean Water Act Section 401 Certification, and if applicable, through a Regional Board prohibition exemption determination.</p> <p>Additionally, any new or modified Beneficial Uses and water quality objectives would be adopted by the Lahontan Water Board in consideration of all legal and regulatory requirements and considerations, including protection of all designated and existing beneficial uses.</p>
SCE	SCE2	<p>Comment #2: Adopt mechanism for project-specific variance when baseline WQ is at or exceeds Plan WQOs</p> <p>For projects in locations where baseline WQ conditions are very close to or greater than defined WQOs, SCE requests the Regional Board consider the</p>	<p>Whether to allow a lowering of water quality due to permitted maintenance or construction activities would be addressed through the conditions of a Clean Water Act Section 401 Certification, and if applicable, through a Regional Board prohibition exemption determination.</p>

Letter	Label	Summary Comment	Response
		<p>addition of flexibility (e.g., a variance procedure) in how a proponent demonstrates Plan compliance.</p>	<p>In addition, State Board Resolution No. 2018 – 0053 included the adoption of a Variance Policy for the Water Boards. The Variance Policy is consistent with federal regulations which provides a regulatory framework for the adoption of a water quality standards variance (40 C.F.R. § 131.14). Adopted variances to water quality standards have up to a five-year expiration timeline.</p>
SCE	SCE3	<p>Comment #3: Adopt mechanism for allowance of release and timing of impounded waters when operations and maintenance activities cannot be delayed</p> <p>SCE is required to perform operational or maintenance activities for safety of our dams and supporting infrastructure, which may require the release of impounded waters or creating a dry workspace. SCE accounts for environmental conditions (e.g., drought) and evaluates other methods (e.g., divers, etc.) first to minimize the need for the release of impounded waters. However, cases do arise where the release of impounded waters will be necessary to operate and maintain the dams and supporting infrastructure. SCE requests additional flexibility be built into the Basin Plan for the allowance of required operations or</p>	<p>The comment is directed to the Lahontan Water Board, so this response is focused on the Lahontan Water Board's authority and the basin planning efforts, as prioritized through the Triennial Review process.</p> <p>There already exist mechanisms to facilitate operations and maintenance activities that anticipate water quality exceedances.</p> <p>The State Water Board division that focuses on FERC licensing and/ or water rights may also include conditions in any 401 Certifications for an SCE project. Such permits would require a Basin Plan prohibition exemption if water quality objective exceedances are anticipated.</p> <p>Operation and maintenance allowances can be included into 401 Certifications and permits as appropriate to accommodate emergency work as allowed under both the Clean Water Act and the Porter Cologne Water Quality Control Act.</p>

Letter	Label	Summary Comment	Response
		maintenance activities in these situations.	Finally, the Evaluate WQOs for Association with Specific Beneficial Uses issue, summarized in the 2022 Triennial Review List document, may also include consideration of averaging periods and exceedance frequencies, and other provisions which could accommodate releases of impounded waters while maintaining protection of beneficial uses. Additionally, See responses to SCE comments 1 and 2, above.
SCE	SCE4	<p>Comment #4: Riparian, Floodplain, and Wetland Protection Updates - refining the definition of “riparian areas”</p> <p>SCE preforms ongoing maintenance-related work on its facilities and infrastructure throughout its service territory and seeks permit authorization for projects with dredge and fill impacts to waters of the State. Inclusion of a riparian area to the defined waters of the State, which is often concurrent with US Army Corps of Engineers’ defined Ordinary High Water Mark, will potentially result in a significant expansion of Board jurisdiction and incur significant increases in permitting costs and resources. SCE would like to understand the Board’s definition and how/ where it will be applied. For example, will it be species dependent,</p>	<p>The State Board Dredge and Fill Policy (Resolution No. 2019-0015), adopted on April 2, 2019, includes the following definition of Wetlands:</p> <p style="padding-left: 40px;">An area is wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area’s vegetation is dominated by hydrophytes or the area lacks vegetation.</p> <p>Riparian areas are defined by vegetation species/assemblages and could include vegetation that grows alongside ephemeral washes in desert areas. The Water Board does not currently have criteria defined in an</p>

Letter	Label	Summary Comment	Response
		<p>or will it include any vegetation that grows alongside a stream channel, such as ephemeral streams within desert areas</p>	<p>adopted policy, and species that are hydrophytic at one elevation may grow in upland areas at higher elevations. Staff make determinations based on site-specific factors and often collaborate with California Department of Fish and Wildlife on such determinations.</p> <p>The defining riparian areas may be included as one aspect of an evaluation and basin planning effort associated with the Riparian, Floodplain, and Wetland Protection Updates issue summarized in the Lahontan Water Board 2022 Triennial Review List document available on the basin planning program webpage. A process to define “riparian areas” would be determined through the public Basin Planning process in which the commenter may participate. Alternatively, the State Water Board may address this issue through its planning processes so that the definition is consistent throughout California. The process to amend the Basin Plan with any outcome stemming from prioritization of the Riparian, Floodplain, and Wetland Protection Updates issue would include an assessment of environmental impacts and associated costs for potential changes to the Basin Plan.</p>