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State Water Resources Control Board  
100 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814



RE: AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION TO REPLACE THE REGIONWIDE PESTICIDE WATER QUALITY OBJECTIVES WITH A REGIONWIDE WASTE DISCHARGE PROHIBITION ON PESTICIDES WITH EXEMPTION CRITERIA FOR AQUATIC PESTICIDE APPLICATION AND CERTIFICATION OF SUBSTITUTE ENVIRONMENTAL DOCUMENTATION

To Whom It May Concern:

I wish to express my concern regarding the proposed amendment to the Water Quality Control Plan for the Lahontan Region to replace the Regionwide Pesticide Water Quality Objectives with a Regionwide Waste Discharge Prohibition on Pesticides with Exemption Criteria for Aquatic Pesticide Application and Certification of Substitute Environmental Documentation. While I acknowledge that the presence of aquatic invasive species in the lake is an issue of concern, I do not believe that the proposed amendment regarding the use of pesticides will be the answer that we are looking for. I am concerned that removing the strict language of the existing Basin Plan concerning prohibition of aquatic pesticide will provide opportunity for the excessive use of aquatic pesticides and consequently the many negative impacts associated with their use.

By allowing the use of aquatic pesticides in the lake, we may only be trading the issues we are attempting to treat with pesticides, for many other issues associated with the use of pesticides. The historic use of pesticides illustrates that these chemicals can have had unanticipated consequences, and perhaps one of the best known examples is DDT; DDT was believed to be the answer to many issues that plagued society yet it had many negative repercussions, and while this pesticide has been banned for decades it is still present in the environment. My concern with the modern use of pesticides is founded in the fact that there are many things that we may or do not know regarding some of the pesticides on the market, much more robust research is needed to full understand the long and short term impacts that these chemicals may have on ecosystems. Our fresh water ecosystems and drinking water supplies are far too precious of a resource, especially here in California, to risk exposure to chemicals with unknown and unintended consequences.

I respectfully ask the board to maintain the current regulation which states:

“Pesticide concentrations, individually or collectively, shall not exceed the lowest detectable levels, using the most recent detection procedures available. There shall not be an increase in pesticide concentrations found in bottom sediments. There shall be no detectable increase in bioaccumulation of pesticides in aquatic life.”

If it is absolutely necessary to approve the amendment, there are a number of additional points to consider, and many areas of the amendment would benefit from strengthening the language to add clarity. When considering the proposed amendment I respectfully request that the Board consider and address the following points:

- Removing the language from the existing Basin Plan which concerns the limit on the detectable increase in bioaccumulation can have a significant, unforeseen impact on species, especially those belonging to higher trophic levels.
- The criterion outlined in the proposed amendment does not use language which explicitly defines and/or restricts the type of pesticides that may be used in projects that meet exemption requirements. With many pesticides, including rotenone, we do not fully understand the short and long-term effects. If we do not fully comprehend the consequences associated with the application of these chemicals we cannot anticipate or control temporal and spatial impacts associated with their usage. If a document exists that restricts which pesticides may be used, the amendment should name the document specifically.
- Often these pesticides are very toxic and unavoidably kill non-targeted species. In many cases the recovery time associated with the return of non-target species is unclear. Non-targeted species can include species endemic to the area, as well as undiscovered species. While the Regional Board acknowledges that projects may occur where non-targeted species may not ever fully recover, it is unclear under what circumstances that this will be an acceptable risk. We must consider if the threat of extirpation of non-targeted species is appropriate for projects that qualify for an exemption, but are not deemed an emergency. While the current language of the amendment requires monitoring until non-target species return, monitoring alone does not guarantee the return of these organisms, nor does it guarantee the protection of the natural ecosystem. Criterion must be added which establishes that proposed projects that are not applying as or do not qualify for exemption as an emergency must demonstrate that non-target species will fully recover within a specific timeline (two years). The added criterion that requires proof that species will recover will contribute to reducing the uncertainty of when or if these non-target species will return.
- Projects seeking exemption must be required to establish that multiple non-chemical measures appropriate for the targeted organism were unsuccessful despite best efforts. Appropriate methods would take into account the biological drivers of the organism and would avoid excessive growth and distribution of said organism. For example, harvesting is not an appropriate non-chemical measure if it promotes the growth and spreading of the invasive species. The proposed amendment currently states:

“Demonstration that non-chemical measures were evaluated and found inappropriate/ineffective to achieve the project goals. (Alternatives to pesticide use must be thoroughly evaluated and implemented when feasible (as defined in CEQA Guideline 15364: "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors).)”

The language here would benefit from specifying that “... all possible non-chemical measures appropriate for the target organism...” were evaluated.

Additionally, concerning the feasibility it is not clear how the economics are verified to ensure that numbers presented accurately represent the cost.

- Currently under “Projects That Are Neither Emergencies Nor Time Sensitive” the amendment states:  
 “...proponent may petition the Regional Board to release it from annual monitoring and reporting and mitigation obligations. Such petitions must include: (1) results of mitigation efforts, (2) monitoring trends demonstrating maturity of an asymptotic recovery, and (3) evidence that the ability to attain full recovery has been significantly affected by natural environmental factors (e.g., fires, floods, drought) or catastrophic events (e.g., chemical spills) during the years of monitoring. Annual monitoring shall continue unless and until the Regional Board rescinds the monitoring requirements.”

This would benefit from revision to say "... or catastrophic events (e.g. , chemical spills) unrelated to the project..."

- If the amendment is adopted, it must include language that mandates the establishment of a region wide monitoring program be set in place to specifically assess the level of pesticides throughout the entire Lahontan region. Each project submitting for exemption should be required to pay a fee that contributes to the maintenance of this region wide monitoring program. While monitoring is required for each individual project approved for exemption where pesticides are applied, the entire ecosystem must be monitored to assess the overall impact of all approved projects.
- Currently the proposed amendment does not contain language that restricts the number of projects that may occur at the same time and/or within a given time period. If the number of projects or a limit on the total area that can be treated within a given time period is not established, it provides an opportunity for a large influx of projects to occur at the same time which can have deleterious effects on the ecosystem as a whole. It is essential the amendment include restrictions on the number of projects or the total area that may be treated within a given time frame. Proposed projects seeking exemption that wish to treat a large area that may exceed any spatial restriction can be implemented in stages.
- Individual projects that cover large areas should be required to go through an additional committee and review.
- As the proposed projects that apply for exemption will impact the public and as in some cases the application of pesticides will literally be in the backyard of citizens, it is imperative that the documents submitted for projects seeking exemption be made available for public review and an opportunity for the public to comment prior to the approval of the project. This opportunity for public review and comment must be clearly defined in the amendment.
- It is not clear how the public will be informed of projects that are approved. As projects will inevitably occur where the public will come into contact with water contaminated with pesticides, the public must be fully informed of the ingredients in the pesticide, both active and inert, and all possible side effects. Additionally, if projects are to take place directly adjacent to homes, all residents should be informed directly. This should be outlined in the amendment.
- Lake Tahoe is an exceptionally unique natural feature and should specifically be exempt from any aquatic pesticide use.

While this amendment may have been created with good intent, to allow the use of aquatic pesticides for public interest, the amendment does not guarantee that the opportunity it provides for the use of pesticides in the lake will not have detrimental consequences. Had this amendment come to my attention while under review by the Lahontan Region Water Quality Control Board, I would have used every opportunity possible to express my concern with this amendment; however, as this was not the case, I am using this opportunity to express my concern to the State Water Resources Board. I also wish to incorporate the comments from the Tahoe Water Suppliers Association.

Thank you for your time and consideration,

Dorie Hession