

Comment Summary and Responses
 Comment Deadline: March 1, 2012
 Amendment to the Water Quality Control Plan for the Lahontan Region to
 Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective
 with a regionwide waste discharge prohibition on pesticides with exemption criteria

List of Commenters:

Comment Reference	Organization	Representative
1	California Association of Sanitation Agencies Tri-TAC	Roberta Larson Terrie Mitchell
2	California Watershed Network	Laurel Ames
3	General Public	Mark Acri Sherri Acri
4	General Public	Alberto Aldrete
5	General Public	Jerry Banks
6	General Public	Bobbie Canepa
7	General Public	Stephen Caplan Cheryl Caplan
8	General Public	Stephen Conklin A.Elizabeth Creer
9	General Public	Jon Cook
10	General Public	Vera Corley
11	General Public	Marjorie Daum
12	General Public	Frank DeGregory
13	General Public	Craig Dighero
14	General Public	Kimberley Dighero
15	General Public	Chris Disney Pat Disney
16	General Public	Leland Douglas
17	General Public	Greg Feet
18	General Public	Robert Fife Arlene Fife
19	General Public	Gary Gall
20	General Public	Robert Gier Rosamond Gier
21	General Public	Peter Grant Vikki Grant
22	General Public	Greg Haubner

Comment Summary and Responses
 Comment Deadline: March 1, 2012
 Amendment to the Water Quality Control Plan for the Lahontan Region to
 Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective
 with a regionwide waste discharge prohibition on pesticides with exemption criteria

Comment Reference	Organization	Representative
23	General Public	William Heiss
24	General Public	Dorie Hession
25	General Public	Tom Irwin
26	General Public	Richard Jacquet Peggy Jacquet
27	General Public	Jack Kahler Jeri Kahler
28	General Public	Warren Kaplan
29	General Public	Stephen Kay Marcia Kay
30	General Public	Christopher Kersch
31	General Public	Mark Koffman
32	General Public	Peter Kulka
33	General Public	Jim Lewis Debbie Lewis
34	General Public	Les Lovell Kathay Lovell
35	General Public	Carra MacFarlane
36	General Public	Clark McDonald
37	General Public	Mike Ogness Martha Ogness
38	General Public	Charles Oleson Wendy Oleson
39	General Public	Greg Peck Joan Peck
40	General Public	Stephen Pevenage Kimberly Pevenage
41	General Public	Matt Phillips
42	General Public	Ann Pinkwasser David Pinkwasser
43	General Public	David Price

Comment Summary and Responses
 Comment Deadline: March 1, 2012
 Amendment to the Water Quality Control Plan for the Lahontan Region to
 Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective
 with a regionwide waste discharge prohibition on pesticides with exemption criteria

Comment Reference	Organization	Representative
		Mary Ann Price
44	General Public	John Puccinelli Barbara Puccinelli
45	General Public	Adam Reilly
46	General Public	Michael Rhymes
47	General Public	Stuart Roberson
48	General Public	Rene Scribe
49	General Public	Dennis Severloh Norma Severloh
50	General Public	Wes Smith
51	General Public	Jack Solomon
52	General Public	Ron Solomon
53	General Public	Tom Spencer
54	General Public	William Sprow
55	General Public	Loretta Stein
56	General Public	Anna Storm Paul Storm
57	General Public	Don Tang
58	General Public	Robert Toaz
59	General Public	Kenneth Williams
60	General Public	Susan Wolff
61	General Public	Donald Young DeLora Young
62	General Public	Various Petitioners
63	Hordman, Cormany, Hair & Compton LLP Attorneys	William Hair
64	League to Save Lake Tahoe	Carl Young
65	Tahoe Water Suppliers Association	Gregory Reed

Comment Summary and Responses
 Comment Deadline: March 1, 2012
 Amendment to the Water Quality Control Plan for the Lahontan Region to
 Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective
 with a regionwide waste discharge prohibition on pesticides with exemption criteria

Response to Comments:

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
0.1	Multiple	<p>Many of the comments submitted encourage the State Water Resources Control Board's (State Water Board) approval of this amendment to the Water Quality Control Plan for the Lahontan Region to replace a pesticide water quality objective with a regionwide waste discharge prohibition on pesticides. Similar letters of support were previously submitted by some of the same commenters during the Lahontan Water Board's public comment periods for the amendment.</p>	<p>No written response is necessary for these comment letters that can be characterized as letters of support. Many of the support letters contain details about the efficacy and cost associated with the control of aquatic invasive weeds present throughout the Tahoe Keys Lagoons located in Lake Tahoe, CA; these statements do not require a response. Lahontan Water Board staff wants to assure commenters that their letters were received and duly noted in responses to comments provided by the Lahontan Water Board staff.</p>

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
0.2	Multiple	<p>Tahoe project-specific comment</p> <p>Several of the comment letters were submitted by individuals associated with the Tahoe Keys Property Owners Association (e.g., homeowner, second homeowner, general manager, board member).</p> <p>Comment letters referred to a research project that was undertaken within the Tahoe Keys lagoon system during the summer of 2011. The letters contained the following quote or similar language: <i>“Extensive research was conducted this past summer in the Keys. The project was undertaken in cooperation with TRPA and the Lahontan Water Board, and will be continued in the summer of 2012. The study included what are called “dye studies” to map the degree to which herbicides, if applied, would be contained in the Keys. These studies have demonstrated that the controlled application of herbicides in the Keys will remain in the Keys and not impact surface water intakes in other areas of Lake Tahoe. The remoteness of the Keys to the intakes areas and the rapid dispersal of low herbicide concentrations used will assure compliance to the highest standard.”</i></p> <p>This is a project-specific comment. This is not a comment that directly addresses the proposed action (approval of an amendment to the pesticide water quality objective for the Lahontan Water Board Basin Plan). Nonetheless, a response to the comment, including factual clarifications is provided.</p>	<p>This comment presents information specific to a section of Lake Tahoe from the perspective of a potential project proponent preparing justification for a site specific use of aquatic herbicide treatment or treatments. Opportunity to comment on the proposed basin plan amendment is not the appropriate forum for this comment. Rather, this information would be appropriate to submit when seeking an exemption to the proposed pesticide prohibition currently under review by the State Water Resources Control Board.</p> <p>Research conducted in summer 2011 is part of an ongoing, multi-pronged, multi-year research project. The use of a tracer dye is one element of the research project. The other element of the research project is the testing of alternative, non-chemical methods of aquatic weed control. This element of the research project, not the dye element, comprises the bulk of the study, funding expenditures, and use of multi-agency staff time.</p> <p>The results of this dye study is a precursor to a potential aquatic herbicide study. The success of the dye study does not guarantee that a pilot or research scale use of aquatic herbicides will be authorized by the Lahontan Water Board. The dye study will inform the environmental analysis of a proposed aquatic herbicide study.</p> <p>The fluorescent dye Rhodamine WT was injected into some Tahoe Keys lagoons as a surrogate for aquatic pesticides. The studies examine the rate at which the dye disperses and breaks down during several different seasons.</p> <p style="text-align: right;">Revised: May 16, 2012</p> <p>(Response 0.2 continues on next pages.)</p>

Comment Summary and Responses
 Comment Deadline: March 1, 2012
 Amendment to the Water Quality Control Plan for the Lahontan Region to
 Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective
 with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
0.2 (cont.)	Multiple		<p>(Response 0.2 continued.)</p> <p>The Lahontan Water Board staff participated in an advisory role, as a permitting agency for the non-chemical methods portions of the study, and as an investigator focused on the use of Rhodamine dye. The Lahontan Water Board's Investigative Order requires the project proponent to develop and implement a public notification plan and furnish technical reports of monitoring results. The Lahontan Water Board provided no funding for the Tahoe Keys project.</p> <p>Monitoring reports provided in accordance with Investigative Order R6T-2010-0037 demonstrate that the dye injected in summer 2011 did not travel outside of the Tahoe Keys waterways. During the fall 2011 study, monitoring indicated the dye did travel through the west channel of the Tahoe Keys into Lake Tahoe, where its concentration decreased below the detection limit. During both seasons, the dye did not remain in the location of injection, but dispersed away from the injection point.</p> <p>(Response continued on next page.)</p>

Comment Summary and Responses
 Comment Deadline: March 1, 2012
 Amendment to the Water Quality Control Plan for the Lahontan Region to
 Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective
 with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
0.2 (cont.)	Multiple		<p>(Response 0.2 continued.)</p> <p>The Tahoe Keys lagoons do not contain surface water intakes. Preliminary sampling results indicate that the dye surrogate became undetectable at the exit from the Tahoe Keys and so would not threaten surface water intakes that rely on Lake Tahoe as their source water. This assertion would be examined for a specific herbicide based on maximum contaminant levels and herbicide detection limits. Tahoe Keys drinking water wells may be influenced by the dye at detectable limits that are below maximum concentration guidelines (100 ppt for drinking water) recommended in a 1988 memo from the USEPA Criteria and Standards Division (Office of Drinking Water).</p> <p>Fluorescence was detected in several drinking well samples during the summer 2011 project, but the concentrations were near the detection limit of the instrumentation and so the results are inconclusive (11-62 parts per trillion). Precautions and mitigation measures for any proposed use of aquatic pesticides would incorporate lessons from the referenced studies, and would be project specific.</p>

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
1.1	California Association of Sanitation Agencies Tri-TAC Roberta Larson Terrie Mitchell	<i>Our associations were not aware of the proposed Basin Plan amendment during the Regional Water Quality Control Board (Regional Water Board) process and therefore, did not previously provide comments on the proposed amendment.</i>	Lahontan Water Board staff believes they did a reasonable job of developing an Interested Persons Mailing List for this amendment. We focused on entities that would likely propose the use of aquatic pesticides or oppose the use of aquatic pesticides, which is why POTWs weren't specifically noticed. Though CASA and Tri-Tac were not individually noticed regarding the amendment, all the public meetings and public hearings held regarding the amendment and the opportunities for public comment were noticed in newspapers of general distribution throughout the northern and southern Lahontan region, and posted on the Lahontan Water Board's internet page. Public meetings and hearings included three CEQA Scoping meetings held in June and July of 2009, the April and May 2011 Lahontan Water Board public hearings to solicit comments on the amendment, and the December 2011 Lahontan Water Board public hearing during which the Lahontan Water Board considered adoption of the amendment. Additionally, several affiliates and individual member agencies of CASA-TriTac were noticed regarding the public meetings and hearings and the public comment periods. Notified affiliates included the California EPA and the U.S. EPA. Notified member agencies include the Tahoe Truckee Sanitation Agency, North Tahoe Public Utility District, South Tahoe Public Utility District, and the Tahoe City Public Utility District.

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
1.2	California Association of Sanitation Agencies Tri-TAC Roberta Larson Terrie Mitchell	<i>In general, we do not object to what appears to be the purpose of the amendment, which is to provide an exemption to the prohibition on the discharge of aquatic pesticides, which are applied by spraying, either by ground or aerial application to control adult mosquitoes.</i>	We want to clarify that the purpose of the amendment is not limited to the control of mosquitoes. The purpose of the amendment is to give the Water Board discretion to allow or deny short-term discharges of aquatic pesticide that are proposed for purposes of vector control, public health and safety, preservation of ecological integrity, fisheries management, and projects implemented for these purposes in response to emergency situations. Refer to the Substitute Environmental Document (pp. 7-11) for a more detailed discussion on the circumstances eligible for an exemption.
1.3	California Association of Sanitation Agencies Tri-TAC Roberta Larson Terrie Mitchell	<i>However, we are concerned that the new discharge prohibition will adversely affect publicly-owned treatment works (POTWs) which may discharge trace amounts of pesticides.</i>	Water Board staff understand the POTWs' concern because ultimately POTWs are responsible for complying with permit requirements that incorporate Basin Plan Prohibitions. Water Board staff acknowledges there is a limited risk of trace amounts of pesticides being discharged in effluent from the POTW. At this time, our permits issued for POTWs in the Lahontan Region, do not require testing for these constituents. The POTWs should continue monitoring for priority pollutants as required by their NPDES permits. We acknowledge that this monitoring is limited and may not capture pesticides that may be entering, and subsequently discharging from, the treatment plant. The results of this monitoring provide a reasonable screening to determine whether future, more comprehensive monitoring is required to evaluate potential discharges of pesticides.

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
1.4	California Association of Sanitation Agencies Tri-TAC Roberta Larson Terrie Mitchell	<i>We therefore request that the Basin Plan amendment be revised to include an exemption for trace amounts of pesticides discharged in a POTW's effluent. Such an exemption could be contingent upon routine monitoring for acute and chronic toxicity in the POTW's effluent, to ensure that waters discharged do not contain pesticides in toxic amounts, in conjunction with a narrative effluent limit to meet the Basin Plan's toxicity requirement that "[a]ll waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life."</i>	<p>It is not appropriate to revise the amendment language to include an exemption for a speculative discharge. Instead, the potential discharge of trace amounts of pesticides in a POTW's effluent, is more appropriately handled when the NPDES permits for the POTW's in the Lahontan Region are reissued. The approach may be for the permit to include effluent limits.</p> <p>In the event that there is evidence that toxic concentrations of pesticides are present in water, the Lahontan Water Board may use its prosecutorial discretion to require further investigation or take other enforcement actions if necessary.</p>
2.1	California Watershed Network Laurel Ames	<i>The board proposes to permit aerial spraying of insecticides, despite the CDC recommendation to not spray as it is highly ineffective, reaches only 10% of the mosquitos that are flying at that moment, and does not treat the larvae which are hatching all day long. Only larvacide applied to the source will treat the larvae.</i>	<p>The role of the Lahontan Water Board, through granting a conditional prohibition exemption and subsequently regulating the aquatic pesticide discharge under the appropriate permit, is to regulate discharges of pollutants to waters of the U.S. and not to identify or promote specific mosquito control techniques. Vector control programs use a variety of chemical and non-chemical control techniques to control mosquitos. When using chemical methods, both larval mosquito control and adult mosquito control are essential to vector control programs, and as such, the amendment language should not preclude the appropriate use of both larvicides and adulticides.</p> <p>To clarify, CDC's view of, and current recommendations for, adulticiding can be found at: http://www.cdc.gov/ncidod/dvbid/westnile/resources/wnv_ReportOverview.htm</p>

Comment Summary and Responses
 Comment Deadline: March 1, 2012
 Amendment to the Water Quality Control Plan for the Lahontan Region to
 Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective
 with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
2.2	California Watershed Network Laurel Ames	<i>The exemption criteria includes [sic] BMPs for mitigation of the impacts of aerial spraying. The document does not explain what BMPs would be used to limit the fatality rate of sprayed pesticides on other flying insects, nor the birds that rely on those insects for food, nor the loss of the pollinators for the native flowers.</i>	<p>The commenter is directed to review the vector control districts' NPDES Pesticide Application Plans (PAPs) and the "Best Management Practices for Mosquito Control in California" for BMPs that address these concerns. In addition, pesticide labels include specific application conditions and restrictions (including buffer zones) that limit non-target "fatality rates." Through the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. § 136) a pesticide label is recognized as a binding contract and departure from the label language is a violation of state and federal laws.</p> <p>(Email communication with California Department of Public Health – Vector Borne Disease Section, April 13, 2012.)</p> <p>For further discussion on impacts to non-target species, see response to comment 2.3.</p>

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
2.3	California Watershed Network Laurel Ames	<i>In fact, the proposed amendment permits activities such as aerial spraying that will significantly damage the fabric of the Tahoe ecosystem, killing more predator insects that kill mosquitos than the poison kills mosquitos.</i>	<p>A review of the extensive peer reviewed scientific literature on the impact of ultralow volume mosquito adulticiding (ULV) on non-target organisms overwhelming refutes the commenter's statements. For example:</p> <p>Breidenbaugh MS and Szalay FA. 2010. Effects of Aerial Applications of Naled on Nontarget Insects at Parris Island, South Carolina. <i>Env. Entomol.</i> 39:591-599.</p> <p>Davis RS and Peterson RKD. 2008. Effects of single and multiple applications of mosquito insecticides on nontarget arthropods. <i>J. Am. Mosq. Control Assoc.</i> 24:270-280.</p> <p>Jensen T, Lawler SP, Dritz DA. 1999. Effects of ultralow volume pyrethrin, malathion, and permethrin on nontarget invertebrates, sentinel mosquitoes, and mosquitofish in seasonally impounded wetlands. <i>J Am Mosq Control Assoc</i> 15:330-338.</p> <p>Kwan JA, Novak, MG, Hyles TS, and Niemela MK. 2009. Mortality of nontarget arthropods from an aerial application of pyrethrins. <i>J Am Mosq Control Assoc.</i> 25:218-220.</p> <p>(Response 2.3 continues on next page.)</p>

Comment Summary and Responses
 Comment Deadline: March 1, 2012
 Amendment to the Water Quality Control Plan for the Lahontan Region to
 Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective
 with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
2.3 (cont.)	California Watershed Network Laurel Ames		(Response 2.3 continued) To summarize the above recent scientific studies, all of the authors concluded that despite significant control of mosquitoes and other biting flies, there were no significant impacts to nontarget organisms (e.g. no change in nontarget abundance, diversity, or populations). It is important to note that in these studies, the level and intensity of adulticiding tested was many times greater than ULV activities within the Basin. (Email communication with California Department of Public Health – Vector Borne Disease Section, April 13, 2012.)

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
2.4	California Watershed Network Laurel Ames	<i>The Board must assure the public that, despite the overwhelming evidence to the contrary that aerial spraying is more effective than source control, uses less pounds or gallons [sic] of pesticide, and that the spraying or fogging can be limited to areas that are immediately adjacent to water sources. The agency responsible for the spraying must provide a complete work plan and annual report that explains the methodology for studying the impacts of spraying or fogging on the insect and bird populations, the number of scientists that will be retained to do the baseline and after-project studies, the exact name and quantity of the pesticide used, and detailed maps of each application area.</i>	<p>Most communities which maintain a vector control program have not abandoned the ability to control adult mosquitoes (for examples please refer to Vector Control NPDES PAPs available on the SWRCB NPDES website.) The cornerstone of modern mosquito control practices is to adopt a justifiable tiered approach that includes source reduction, public education, larviciding, and adulticiding (i.e. Integrated Pest Management.) Vector control agencies, including those in the Lahontan Region, focus on source reduction, public education and larval control. Eliminating larval mosquito habitat where possible and larviciding will reduce adult mosquito populations, but those measures will never be completely effective in controlling mosquitos, and alone will not stop an immediate public health threat. Larval mosquito habitats are constantly being eliminated and created. While it is conceivable to locate most larval habitats in any area – the process is never perfect and there may always be sources that a program cannot locate or cannot adequately treat. As part of a tiered response to a public health threat, adulticiding is the only way to control the biting mosquito population and to address immediate problems that are above and beyond the capabilities of the larviciding program. (Email communication with California Department of Public Health – Vector Borne Disease Section, April 13, 2012.)</p> <p>Vector control agencies must follow requirements of the NPDES permit application and permit conditions. Additionally, the amendment requires vector agencies to submit information about their pesticide application plans. For further discussion of disclosure, see responses 2.2 and the second half of response 24.10.</p>

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
2.5	California Watershed Network Laurel Ames	<i>"In addition, implementation monitoring must include the extent of overspray in each application area, the time of day and weather conditions, the amount of drift into housing areas, and the specific telephone notification system for residents who may be impacted by the spraying or fogging."</i>	<p>Vector control projects granted an exemption to the prohibition will subsequently be covered under the State Water Board's NPDES General Permit for Vector Control. The Vector Control Permit requires pesticide applicators to prepare a Pesticide Application Plan (PAP) and satisfy notification requirements.</p> <p>The PAP must include a discussion about how the pesticide applicator will ensure the "Correct Use of Pesticides," and "ensure that all reasonable precautions are taken to minimize the impacts caused by pesticide applications. Reasonable precautions include using the right spraying techniques and equipment, taking account of weather conditions and the need to protect the environment."</p> <p>Some of the project details sought by the commenter are disclosed, in part, when project applicants comply with the following notification requirements outlined in the Vector Control General Permit: "Every calendar year, prior to the first application of pesticides, the Discharger shall notify potentially affected governmental agencies and, if the Discharger has a website, post the notification at its website. The notification shall include the following information: a statement of the Discharger's intent to apply pesticide(s); name of pesticide(s); purpose of use; general time period and locations of expected use; any water use restrictions or precautions during treatment; and a phone number that interested persons may call to obtain additional information from the Discharger."</p> <p>(Response 2.5 continues on next page.)</p>

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to
 Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective
 with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
2.5 (cont.)	California Watershed Network Laurel Ames		(Response 2.5 continued.) Division Six of the California Food and Agriculture Code (3 CCR 6) regulates pesticide usage in California and contains specific public notification and pesticide usage reporting requirements. Vector control agencies are legally bound to follow these regulations. The State Water Board currently oversees the Vector Control General Permit which already requires notification of affected agencies (Email communication with California Department of Public Health – Vector Borne Disease Section, April 13, 2012.)
3	Mark Acri Sherri Acri	Support Letter	See Response 0.1.
4	Alberto Aldrete	Support Letter	See Response 0.1.
5	Jerry Banks	Support Letter	See Response 0.1.

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
6	Bobbie Canepa	<i>My concern, as a representative of our homeowners, is the Lahontan response to comment letters November 23, 2011(copy enclosed). Quote from Lahontan, "There is a chance that the use of pesticides may affect the water quality of the Tahoe Keys wells."</i>	<p>Similar to a comment provided by Tahoe Keys resident Brady Hodge dated November 14, 2011, the commenter is concerned that aquatic pesticide applications may impact the water quality of the three drinking water wells located in the Tahoe Keys. Lahontan staff's November 23, 2011 response (BJH R1), which is partially quoted by the commenter, was provided in response to Mr. Hodge's comment. Our response recognized that if aquatic pesticide use occurs within the Tahoe Keys lagoons, "There is a chance that the use of pesticides may affect the water quality of the Tahoe Keys wells." The rest of the response, which was not quoted by the commenter, is intended to ensure the commenter that any potential impacts to drinking water sources will be considered during the development and implementation of the proposed pesticide application. The quote continues, "It is speculative to specify the chance, given the range of factors of influence associated with an individual project. A non-exhaustive list of these factors includes pesticide properties, ambient conditions, substrate, well depth proximity, and pump rate. Project proponents are required to provide composition, fate and transport, and risks to water supplies. Proponents are also required to include water suppliers in their public notification plans, including any water use restrictions, or precautions. Proponents will provide potable drinking water where necessary."</p> <p>(Response continued on next page.)</p>

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
6 (cont.)	Bobbie Canepa		<p>(Response 6 continued.)</p> <p>Additionally, we direct the commenter to the language in the adopted Basin Plan Amendment in the section titled "Waste Discharge Prohibition and Exemption Criteria Language – Exemption Criteria for Aquatic Pesticide Use, Nos. 1d and 3, Criterion No. 1d," (page 73 of 98) which requires the project proponent to prepare a "Communication and notification plan to be implemented before, during, and after the project. The plan will include documented measures to notify potentially affected parties who may use the potentially affected water for any beneficial use. The notification plan must include any associated water use restrictions or precautions. Project proponents will provide potable drinking water where necessary and shall obtain any necessary permits from CDPH and NDEP for supply of potable drinking water." Criterion No. 3 requires the project proponent to prepare and submit to the Lahontan Water Board the appropriate environmental analysis in compliance with the California Environmental Quality Act. Preparation of the CEQA document will disclose potential impacts, including any to drinking water supplies, and allows the public an opportunity to review and comment on the proposed project. If a project is proposed within the Tahoe Keys lagoon system, we encourage you to participate by sharing your concerns during the CEQA scoping, the CEQA comment period, and the Lahontan Board hearing to consider granting an exemption.</p>

Comment Summary and Responses
 Comment Deadline: March 1, 2012
 Amendment to the Water Quality Control Plan for the Lahontan Region to
 Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective
 with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
7	Stephen Caplan Cheryl Caplan	Support Letter	See Response 0.1.
8	Stephen Conklin A.Elizabeth Creer	Support Letter	See Response 0.1.
9	Jon Cook	Support Letter	See Response 0.1.
10	Vera Corley	Support Letter	See Response 0.1.
11	Marjorie Daum	Support Letter	See Response 0.1.
12	Frank DeGregory	Support Letter	See Response 0.1.
13	Craig Dighero	Support Letter	See Response 0.1.
14	Kimberley Dighero	Support Letter	See Response 0.1.
15	Chris Disney Pat Disney	Support Letter and Tahoe Project-Specific Comment	See Responses 0.1 and 0.2.
16	Leland Douglas	Support Letter	See Response 0.1.
17	Greg Feet	Support Letter	See Response 0.1.
18	Robert Fife Arlene Fife	Support Letter	See Response 0.1.

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
19	Gary Gall	Support Letter	See Response 0.1.
20	Robert Gier Rosamond Gier	Support Letter	See Response 0.1.
21	Peter Grant Vikki Grant	Support Letter	See Response 0.1.
22	Greg Haubner	Support Letter	See Response 0.1.
23	William Heiss	Support Letter	See Response 0.1.
24.1	Dorie Hession	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 tropic [sic] levels.	For each specific pesticide, the California Department of Pesticide Regulation's registration process considers ecotoxicity of each pesticide permitted. The Water Board does retain the right, within the proposed exemption process, to deny an exemption request based on evidence submitted in the exemption process, including public testimony, written and oral, against granting an exemption.

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
24.2	Dorie Hession	<i>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.</i>	<p>In authoring the amendment and exception criteria, the Lahontan Water Board made a conscious decision not to limit prohibition exemptions to specific aquatic pesticides. Limiting use of aquatic pesticides to specific chemicals was considered and opted against. The logic for not choosing specific chemicals is discussed in the alternatives section found on page 30 of the Substitute Environmental Documentation. The justification for why the amendment does not limit projects to specific chemicals, includes the need to accommodate site specific conditions, and the desire to be able to take advantage of advances in aquatic pesticide formulations and technologies as they become available, without first having to amend the basin plan.</p> <p>Existing NPDES general permits for aquatic pesticides are written to cover specific chemicals, with specific discharge limitations. It is advantageous for a project proponent to propose a pesticide that is covered in an existing NPDES general permit. If a project proponent seeks exemption to use a pesticide not covered by an existing permit, then the Water Board will need to develop a project specific permit, and the proponent will be responsible for providing information on the pesticide to be analyzed and incorporated in the permit writing process. Rotenone projects, pre-amendment, are allowed with a variance and are subject to regulation with a project specific NPDES permit.</p> <p>(Response continued on next page)</p>

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
24.2 (cont.)	Dorie Hession		(Response 24.2 continued) Additionally, all exemption requests must satisfy criterion 1a and 1c, which requires the disclosure of chemical composition, spatial extent of the project, application rates and methods, and mitigation, monitoring, and control measures.
24.3	Dorie Hession	<i>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.</i>	When a request for an exemption is brought before the Lahontan Water Board for consideration, it will include analysis of impacts to non-target organisms, which may include endemic species. It is the role of the Lahontan Water Board to consider the project information, including relative risk to non-target species, and use its discretion to weigh that evidence against the benefits the project provides to human health and safety or the health and stability of the aquatic community. Also, see page 8 of response to comments by Don and Nancy Erman, response D&NE R9 from the first public comment period before the Lahontan Water board (May 13, 2011 deadline).

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
24.4	Dorie Hession	<p><i>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.))”</i></p> <p><i>The language here would benefit from specifying that “... all possible non-chemical measures appropriate for the target organism...” were evaluated.</i></p>	<p>At the time the request for exemption is submitted, the project proponent must provide evidence that non-chemical methods failed to address the target species or provide justification, accepted by the Lahontan Water Board, of why non-chemical measures were not employed or are not capable of achieving the treatment goals.</p> <p>The evidence supplied with the exemption request must convince the Lahontan Water Board that the project applicant did its due diligence to evaluate other non-chemical measures. The Lahontan Water Board could find that the project applicant was deficient in its evaluation of non-chemical control measures and deny the project applicant’s request for exemption and/or request a more thorough evaluation be completed. Granting a prohibition exemption is at the discretion of the Lahontan Water Board. The Lahontan Water Board may deny an exemption request and encourage further implementation of non-chemical methods.</p>
24.5	Dorie Hession	<p><i>Additionally, concerning the feasibility it is not clear how the economics are verified to ensure that numbers presented accurately represent the cost.</i></p>	<p>A project proponent could assert that a non-chemical control measure is not feasible based wholly, or in part, on economic factors. The justification provided must be acceptable to the Lahontan Water Board as stated in the exemption criteria. Upon review of the evidence provided to the Lahontan Water Board, the Lahontan Water Board could determine the evidence insufficient and deny the exemption request or request more information to verify costs.</p>

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
24.6	Dorie Hession	<p><i>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..”</i></p>	<p>The Lahontan Water Board may choose to deny the petition and continue to require monitoring even if recovery has stalled due to a catastrophic event, especially one related to the project.</p> <p>Chemical spills related to the pesticide application is also addressed by criterion No. 1.e. in the “Waste Discharge Prohibition and Exemption Criteria Language – Exemption Criteria for Aquatic Pesticide Use (page 73 of 98)”, which requires the project proponent to prepare a spill contingency plan to address proper transport, storage, spill prevention and cleanup. Though the commenter’s suggestion is reasonable, staff believes that the ability for the Lahontan Water Board to approve or deny an exemption request based on evidence presented by the proponent provides adequate coverage of the issue. The Lahontan Water Board may choose to request continued monitoring precisely as a response to a catastrophic event, or may supplement monitoring with an Investigative Order requiring the party responsible for the spill to conduct monitoring and furnish technical reports.</p>

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
24.7	Dorie Hession	<i>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 through-out 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.</i>	<p>Aquatic pesticide discharges that receive exemption to the prohibition will subsequently be covered under an appropriate permit issued by the State Board or the Lahontan Water Board. Regardless of whether general or individual Waste Discharge Requirements or an NPDES permit is issued to cover the discharge, the project proponent is required to pay an annual fee. Aside from projects covered under the Statewide NPDES Vector Control General Permit, all annual fees include a surcharge for ambient water monitoring. These funds are used in part, to support statewide water quality monitoring efforts which may include testing for pesticides.</p> <p>Additionally the Department of Pesticide Regulation (DPR) implements a surface water protection program that includes maintenance of a water quality monitoring database. The database collects and makes available to the public, pesticide detections from environmental monitoring studies conducted by federal, state, and local agencies, private industry, and environmental groups.</p> <p>DPR uses the surface water monitoring data to track the presence of pesticides in water and identify potential contamination problems before direct evidence of water quality impairment.</p>

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
24.8	Dorie Hession	<i>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.</i>	<p>The number of projects is limited by the number of completed project applications submitted that meet the proposed Basin Plan Amendment exemption criteria and, where required, the Lahontan Water Board acts to grant an exemption.</p> <p>Staff responds to this comment by offering the same response (TASC R9) provided to a similar comment submitted by Tahoe Area Sierra Club during the Lahontan Water Board's public comment period which reads:</p> <p>Request to limit the number of projects is a reasonable request. This request was presented to the Board at the April and May 2011 meetings. At each meeting the Board expressed opinion that the control measures in the proposed language, and the discretion given the Lahontan Water Board, satisfied the Board sufficiently and staff should proceed without limiting the number of projects.</p>
24.9	Dorie Hession	<i>Individual projects that cover large areas should be required to go through an additional committee and review.</i>	<p>Staff believes that the ability for the Lahontan Water Board to approve or deny a petition based on evidence presented by the proponent provides adequate coverage of the issue. When considering an exemption request, the Lahontan Water Board considers all project details (including project size), impacts, and public comments. The Board has discretion to deny a project based on the size and scope of the project. A project proponent subsequently may choose to reduce the scope of a project and re-submit an exemption request.</p>

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
24.10	Dorie Hession	<i>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.</i>	<p>Documents submitted for projects seeking exemption are public records. Documents are made available for public review under the Public Records Act. Aside from aquatic pesticide discharges proposed for purposes of vector control or declared emergencies, all projects seeking a prohibition exemption will be considered by the Lahontan Water Board in a public hearing.* Supporting documents for agenda items being considered at the public hearing are posted on the Lahontan Water Board's public website at least 10 days prior to the scheduled meeting. If you wish to be added to the interested parties list for a specific agenda item (e.g., granting of an exemption to the pesticide prohibition), please contact the staff person listed with the item in the agenda announcement. To view or download documents, go to the Lahontan Water Board's public website. Comments on individual items are welcome and encouraged. Written comments on an agenda item must be submitted on or before the due date listed in the hearing notice associated with the agenda item. Hearing notices are distributed to persons who have indicated they want to receive information about a specific item and are posted on the Lahontan Water Board's public website. This process allows public participation in governmental decisions prior to the possible approval of an exemption to a basin plan prohibition. The public is also provided the opportunity for meaningful public comment at the Lahontan Board public hearing.</p> <p>(Response is continued on next page.)</p>

Comment Summary and Responses
 Comment Deadline: March 1, 2012
 Amendment to the Water Quality Control Plan for the Lahontan Region to
 Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective
 with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
24.10 (cont.)			<p>(Response 24.10 continued)</p> <p>To receive e-mail notices regarding aquatic pesticide projects being considered for an exemption, subscribe to the LYRIS listserve with your name and e-mail address, and check the box for “Basin Plan Prohibition Exceptions – Aquatic Pesticide Projects” at http://www.waterboards.ca.gov/resources/email_subscriptions/reg6_subscribe.shtml.</p> <p>*The amendment does provide the Lahontan Water Board the ability to expedite the granting of a prohibition exemption for projects that meet time-sensitive criteria. In these circumstances the Executive Officer may grant the prohibition exemption outside of a public hearing, but a 10-day public comment period is required to provide the opportunity for public comment before the exemption is granted.</p> <p>Projects proposed for vector control purposes are automatically exempt once they meet the criteria set forth in the Basin Plan for those types of projects. Such projects must subsequently enroll under the State Water Board’s General NPDES Permit for Vector Control. Prior to coverage under the Vector Permit, all Pesticide Application Plans (PAP) that correspond to a specific project are posted online for a 30-day public review period at the State Water Resources Control Board’s Internet Site. Refer to page 16 of 112 pages of the State Board’s Vector Control Permit to view all the information that must be contained in the PAP.</p>

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
24.11	Dorie Hession	<i>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.</i>	<p>See Response 24.10 which explains the ability of an interested person to review any information submitted to the Lahontan Water Board's office, including an exemption request submitted for a proposed aquatic pesticide project.</p> <p>We direct the commenter to the language on page 73 of 98 in the adopted Basin Plan Amendment in the section titled "Waste Discharge Prohibition and Exemption Criteria Language – Exemption Criteria for Aquatic Pesticide Use, Nos. 1a,1c and 1d. Among other project details, these criteria require the project proponent to furnish information about the chemical name and composition of the pesticide to be used, the method and rate of application, the project schedule, control and mitigation measures to be used, and the spatial extent of the project. Criterion No.1.d. requires the project proponent to prepare and implement a public notification plan, which if necessary, shall include any precautions or water use restrictions for potentially affected parties who may use the potentially affected water for any beneficial use (e.g., drinking water supply, contact recreation (swimming), non-contact recreation (kayaking)).</p>

Comment Summary and Responses
 Comment Deadline: March 1, 2012
 Amendment to the Water Quality Control Plan for the Lahontan Region to
 Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective
 with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
24.12	Dorie Hession	<i>Lake Tahoe is an exceptionally unique natural feature and should specifically be exempt from any aquatic pesticide use.</i>	<p>Staff responds to this comment by offering the same response provided to a similar comment submitted by the League to Save Lake Tahoe during the Lahontan Water Board's public comment period. A relevant excerpt of the previous response follows:</p> <p><i>“At both the April and May Board meetings the Board directed staff to retain the existing language which describes circumstances that may qualify for an exemption to the prohibition on aquatic pesticides. For Lake Tahoe, the Board did not want the scope of circumstances to be narrowed to just vector control and AIS emergencies. Instead the Board prefers to keep the language flexible for all waterbodies in our region regardless of ONRW [Outstanding National Resource Water] designation. The Board also indicated wanting the tool of pesticides available to combat AIS specifically because ONRW designation may warrant the need to protect unique waters. On a project-by-project basis the Water Board will use its discretion to consider, grant, or reject an exemption request.”</i></p> <p>See full response LTSLT R2 on page 52 of 91 pages, which was part of the first comment period before the Lahontan Water Board (May 13, 2011 deadline).</p>

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
24.13	Dorie Hession	<i>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>	<p>Though the commenter was not individually noticed during the development of the amendment, Lahontan Water Board staff provided ample opportunity for public involvement during the project planning and government decision making associated with the amendment. The public meetings and public hearings held regarding the amendment, and the opportunities for public comment were noticed in newspapers of general distribution throughout the northern and southern Lahontan region, and posted on the Lahontan Water Board's public internet page. Public meetings and hearings included three CEQA Scoping meetings held in June and July of 2009, the April and May 2011 Lahontan Water Board public hearings to solicit comments on the amendment, and the December 2011 Lahontan Water Board public hearing during which the Lahontan Water Board considered adopting the amendment.</p> <p>Additionally, Lahontan Water Board staff did a reasonable job of developing an Interested Persons Mailing List for this amendment. We focused on entities that would likely propose the use of aquatic pesticides or groups that would have concerns with the use of aquatic pesticides. In the Tahoe Basin, the League to Save Lake Tahoe and the Tahoe Area Sierra Club were individually noticed and Lahontan Water Board staff held stakeholder meetings with these groups to hear and vet their concerns with the proposed amendment. To capture concerns throughout the Lahontan Region, individual notice was provided to the Pesticide Action Network, the Center for Biological Diversity, Californians for Alternatives to Toxics, Sierra Club Chapters, Resource Conservation Districts and interested academia.</p>

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
24.14	Dorie Hession	I also wish to incorporate the comments from the Tahoe Water Suppliers Association.	See response to Comment Nos. 65.1 – 65.4 presented below.
25	Tom Irwin	Support Letter	See Response 0.1.
26	Richard Jacquet Peggy Jacquet	Support Letter	See Response 0.1.
27	Jack Kahler Jeri Kahler	Support Letter	See Response 0.1.
28	Warren Kaplan	Support Letter	See Response 0.1.
29	Stephen Kay Marcia Kay	Support Letter and Tahoe Project-Specific Comment	See Responses 0.1 and 0.2.
30	Christopher Kersch	Support Letter	See Response 0.1.
31	Mark Koffman	Support Letter and Specific Comments (below)	See Response 0.1.
31.1	Mark Koffman	<i>Use of specifically approved aquatic herbicides holds the promise of being able to treat invasive weed growth economically and with a significantly higher success rate. The herbicide can reach all of these small protected pockets of weeds and kill the plant to its root system.</i>	See response to comment 53.3.

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
31.2	Mark Koffman	<i>Some local residents and representatives of water purveyors have expressed concern that putting aquatic herbicides into these waters will affect domestic water supplies. As a member of the multi-agency group working on the problem of invasive species, I can say that no one wants to risk negatively affecting our pristine waters of Lake Tahoe. No one I know would ever suggest using a substance that creates that risk.</i>	See response to comment 53.4
31.3	Mark Koffman	<i>Marinas and lagoons like those in the Tahoe Keys offer the physical opportunity to isolate the treatment areas from the open areas of Lake Tahoe, allowing time for herbicides to breakdown to an inert state. It is my understanding from the testing conducted this far (dye-tests), that the surrogate did not travel more than a few yards from the application points. None was detected outside the channel entries to Tahoe Keys.</i>	See response to comment 53.5.
31.4	Mark Koffman	<i>Effective treatment strategies require economic feasibility. If a treatment isn't cost effective, it won't be used, and the "invasives" will continue to spread. Right now there is little federal or state funding available for these efforts. It will take all of the entities cooperating, including private sector contributors like TKPOA, to fund the work. Please don't doom this effort by denying the use of affordable treatments with safe herbicides.</i>	See response to comment 53.7
32	Peter Kulka	Support Letter and Tahoe Project-Specific Comment	See Responses 0.1 and 0.2.
33	Jim Lewis Debbie Lewis	Support Letter	See Response 0.1.

Comment Summary and Responses
 Comment Deadline: March 1, 2012
 Amendment to the Water Quality Control Plan for the Lahontan Region to
 Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective
 with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
34	Les Lovell Kathay Lovell	Support Letter	See Response 0.1.
35	Carra MacFarlane	Support Letter	See Response 0.1.
36	Clark McDonald	Support Letter and Tahoe Project-Specific Comment	See Responses 0.1 and 0.2.
37	Mike Ogness Martha Ogness	Support Letter	See Response 0.1.
38	Charles Oleson Wendy Oleson	Support Letter	See Response 0.1.
39	Greg Peck Joan Peck	Support Letter and Tahoe Project-Specific Comment	See Responses 0.1 and 0.2.
39.1	Greg Peck Joan Peck	<i>Non-chemical methods (harvesting, matts, and hand picking of aquatic weeds) of controlling invasive aquatic weeds have not worked in Lake Tahoe.</i>	Using bottom barriers, or “matts,” is the focus of an ongoing investigative effort. This experimental implementation is not complete. The results of this effort have not been finalized.
40	Stephen Pevenage Kimberly Pevenage	Support Letter and Tahoe Project-Specific Comment	See Responses 0.1 and 0.2.
41	Matt Phillips	Support Letter and Tahoe Project-Specific Comment	See Responses 0.1 and 0.2.

Comment Summary and Responses
 Comment Deadline: March 1, 2012
 Amendment to the Water Quality Control Plan for the Lahontan Region to
 Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective
 with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
42	Ann Pinkwasser David Pinkwasser	Support Letter	See Response 0.1.
43	David Price Mary Ann Price	Support Letter	See Response 0.1.
44	John Puccinelli Barbara Puccinelli	Support Letter	See Response 0.1.
45	Adam Reilly	Support Letter and Tahoe Project-Specific Comment	See Responses 0.1 and 0.2.
46	Michael Rhymes	Support Letter	See response 0.2
47	Stuart Roberson	Support Letter and Tahoe Project-Specific Comment	See Responses 0.1 and 0.2.
48	Rene Scribe	Support Letter	See Response 0.1.
49	Dennis Severloh Norma Severloh	Support Letter and Tahoe Project-Specific Comment.	See Responses 0.1 and 0.2.
50	Wes Smith	Support Letter	See Response 0.1.
51	Jack Solomon	Support Letter	See Response 0.1.
52	Ron Solomon	Support Letter	See Response 0.1.

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
53	Tom Spencer	Support Letter and Specific Comments (below)	See Response 0.1 and 0.2.
53.1	Tom Spencer	<i>Many members of TKPOA, like me, are encouraged that there may be hope for eradicating the milfoil, pondweed, bass and bluegill from the Tahoe Keys and other marinas on the lake. But this is an extremely costly undertaking, and not likely to happen using mechanical methods (hand-pulling and bottom barriers) which will cost many thousands of dollars per acre.</i>	The amendment provides a pathway for project proponents to explore the use of aquatic pesticides to meet their pest management goals. When requesting an exemption, the request requires the project proponent to justify why non-chemical methods are infeasible. This information may include a financial cost comparison as part of the justification. For more detail, see response TKPOA 2 R3 from the first public comment period before the Lahontan Water Board (May 13, 2011 deadline).
53.2	Tom Spencer	<i><u>Mechanical removal of weeds in a marina setting like the Tahoe Keys is likely to be unsuccessful</u> due to another issue – the physical presence of hundreds of structures like dock footings, pilings, bulkheads, and rock revetments. All of these physical accoutrements provide protected areas (nooks & cavities) where plants remain, and from where they repopulate.</i>	This is not a comment that directly addresses the proposed action (approval of an amendment to the pesticide water quality objective for the Lahontan Water Board Basin Plan) and is not a CEQA comment. This comment begins to address required criteria of a site specific project. Also, see response 0.2.
53.3	Tom Spencer	<i>Use of specifically approved aquatic herbicides holds the promise of being able to treat invasive weed growth economically and with a significantly higher success rate. The herbicide can reach all of these small protected pockets of weeds and kill the plant to its root system. <u>Yes, it may be possible to eradicate these weeds from the marinas, or at least keep the population controlled to the point where it poses no risk to the greater open lake area.</u></i>	Effectiveness and appropriateness for specific herbicides should be examined prior to an exemption request, and the request requires pesticide specific chemical information and a monitoring program that takes into account the physical-chemical properties of the pesticide. The last sentence of the comment should be addressed in the purpose and need of an exemption request, including the project's relation to an integrated pest management program. Also, see responses 0.1 and 0.2.

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
53.4	Tom Spencer	<i>Some local residents and representatives of water purveyors have expressed concern that putting aquatic herbicides into these waters will affect domestic water supplies. As a member of the multi-agency group working on the problem of invasive species, I can say that no one wants to risk negatively affecting our pristine waters of Lake Tahoe. No one I know would ever suggest using a substance that creates that risk.</i>	For projects proposed in Lake Tahoe (including attached marinas and lagoons), the criteria require coordination with drinking water purveyors and proof that concerns have been addressed. Also, see response 0.2.
53.5	Tom Spencer	<i>Marinas and channels like those in the Tahoe Keys offer the physical opportunity to isolate the treatment areas from the open areas of Lake Tahoe, allowing time for herbicides to breakdown to an inert state. It is my understanding from the testing conducted this far (dye-tests), that the surrogate did not travel more than a few yards from the application points. None was detected outside the channel entries to Tahoe Keys. Therefore it is not likely that any herbicide would leave the treatment areas.</i>	This is not a comment that directly addresses the proposed action (approval of an amendment to the pesticide water quality objective for the Lahontan Water Board Basin Plan) and is not a CEQA comment. This comment begins to address required criteria of a site specific project. It is speculative to state that no herbicide will leave the treatment areas. The tests referred to showed drift from the injection area. See response 0.2.

Comment Summary and Responses
 Comment Deadline: March 1, 2012
 Amendment to the Water Quality Control Plan for the Lahontan Region to
 Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective
 with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
53.6	Tom Spencer	<i>Opponents to use of herbicides want a 5 year moratorium to be imposed. <u>Waiting five more years to attack the invasive species in Lake Tahoe may put the problem out of reach of cost-effective control</u>, as the populations spread from the marinas to more open lake areas.</i>	Programs to address aquatic invasive species are not idle and are not waiting for the use of aquatic pesticides to act. The subject of a 5 year moratorium on herbicide use in Lake Tahoe was presented to the Lahontan Water Board at the April and May 2011 Board meetings. At those meetings, the Lahontan Water Board expressed that because of the requirements of the exemption criteria and the Lahontan Water Board's discretion to deny or approve exemption requests, that the amendment should proceed without a moratorium on proposals for Lake Tahoe projects. Also, see response to comment TASC R9 and TWSA R1 from the first public comment period before the Lahontan Water board (May 13, 2011 deadline).
53.7	Tom Spencer	<i>Effective treatment strategies <u>require economic feasibility</u>. If a treatment isn't cost effective, it won't be used, and the "invasives" will continue to spread. Right now there is little federal or state funding available for these efforts. It will take all of the entities cooperating, including private sector contributors like TKPOA, to fund the work. <u>Please don't doom this effort by denying the use of affordable treatments with safe herbicides</u>.</i>	The amendment does not address funding issues over time. It is the responsibility of project proponents to fund or partner to achieve their desired results. Cost-effectiveness and overall cost of a treatment may inform a control method's feasibility. The commenter is also reminded that the costs of ancillary project requirements, such as environmental documentation and the development and implementation of notification and monitoring and reporting plans should be factored into any cost analysis performed as part of an exemption request. Also, see response TKPOA 2 R3 from the first public comment period before the Lahontan Water board (May 13, 2011 deadline).
54	William Sprow	Support Letter	See Response 0.1.

Comment Summary and Responses
 Comment Deadline: March 1, 2012
 Amendment to the Water Quality Control Plan for the Lahontan Region to
 Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective
 with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
55	Loretta Stein	Support Letter	See Response 0.1.
56	Anna Storm Paul Storm	Support Letter	See Response 0.1.
57	Don Tang	Support Letter	See Response 0.1.
58	Robert Toaz	Support Letter and Tahoe Project-Specific Comment	See Responses 0.1 and 0.2.
59	Kenneth Williams	Support Letter	See Response 0.1.
60	Susan Wolff	Support Letter and Tahoe Project-Specific Comment	See Responses 0.1 and 0.2.
61	Donald Young DeLora Young	Support Letter	See Response 0.1.

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
62.1	Various Petitioners	<p><i>We the undersigned know that Lake Tahoe is a unique water system and natural environmental area serving residents and tourists and ask the California State Water Resources Board to maintain existing Regionwide Pesticide Water Quality Standards for the Lahontan Region which states:</i></p> <p><i>“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”</i></p>	<p>The comment addresses the existing regionwide pesticide water quality objective in general, and focuses on Lake Tahoe specifically. One alternative explored in the development of the pesticide amendment was to leave the water quality objective for pesticides as it existed prior to the amendment. At the May 2009 Lahontan Board Meeting, staff presented the impetus for amending the pesticide water quality objective and several options for moving forward. Among these options was to leave the objective in place. The Board directed staff to amend the existing water quality objective. Amending the pesticide amendment had been on the Lahontan Water Board’s priority list since 2003.</p> <p>In July 2009, staff held CEQA scoping meetings in South Lake Tahoe, Victorville and Bishop. At these meetings, a No Action alternative was presented, but no scoping comments were received in favor of pursuing the No Action alternative. The No Action alternative would have left the existing pesticide objective in place. Subsequently, the No Action alternative was analyzed as part of the CEQA analysis in the Substitute Environmental Documentation (functionally equivalent to an Environmental Impact Report). The No Action alternative would not meet the goals of the amendment. (See response 1.2 for description of the goals of the amendment.)</p> <p>Public comments received during the CEQA process also presented the option of excluding Lake Tahoe from the amendment, either through an outright exclusion, a five to ten year moratorium on proposing projects, or limiting the circumstances under which projects could be proposed in Lake Tahoe. (Response continues on next page)</p>

Comment Summary and Responses
 Comment Deadline: March 1, 2012
 Amendment to the Water Quality Control Plan for the Lahontan Region to
 Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective
 with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
62.1	Various Petitioners		<p>(Response 62.1 continued.)</p> <p>The Lahontan Water Board rejected these options. It is the Lahontan Water Board's view that the exemption criteria provide sufficient protection of Lake Tahoe's beneficial uses. Also, the Water Board is confident that their ability to approve or deny projects based upon, in part, the information provided by the proposed discharger to support the exemption criteria requirements, will enable them to protect the Lake and other important aquatic habitats throughout the region.</p> <p>Additionally, one Lahontan Water Board member stated that it is precisely because of Lake Tahoe's unique value that the discretion to allow aquatic pesticides in Lake Tahoe exists so as to protect the Lake from potential threats posed by aquatic invasive species, such as introductions of quagga or zebra mussels.</p>

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
62.2	Various Petitioners	<p><i>However if the State Board sees fit to pass the amendment that would allow the use of aquatic pesticides in the Lahontan Region which includes Lake Tahoe we the undersigned request:</i></p> <p><i>* We the undersigned need to ensure that Lake Tahoe maintains its unique world reputation of environmental beauty and its attraction for tourism, therefore, we need to know the exact consequence of any plan of action before it is approved and implemented.</i></p>	<p>It is the role of the Lahontan Water Board, in cooperation with sister water quality agencies, to ensure that Lake Tahoe maintains its unique reputation for environmental beauty. To this end, the Lahontan Water Board adopted an implementation plan (TMDL or Total Maximum Daily Load) to restore Lake Tahoe's transparency. Additionally, the Lahontan Water Board is working with the USEPA, Tahoe Regional Planning Agency and Nevada Division of Environmental Protection towards developing protections specific to nearshore water quality.</p> <p>The amendment provides the opportunity, or pathway, for project proponents to request an exemption of the pesticide prohibition. It is unreasonable to speculate on specific projects at this time. When a project is proposed there will be opportunity for public notification and involvement prior to and during the Lahontan Water Board's consideration of an exemption request (except for vector control projects and emergencies). Project details are a requirement of the exemption criteria, including any use restrictions or precautions. Projects are also subject to environmental analysis under the California Environmental Quality Act. The CEQA process includes environmental analysis and public disclosure. The number of opportunities for public interaction depends on the level of CEQA analysis (and type of environmental document) required, which is project specific. Additionally, the hearing at which the Lahontan Water Board considers an exemption request is noticed in advance and open to the public. One may sign up for Board meeting agenda notices on the Lahontan Water Board website.</p> <p>(Response 62.2 continued on next page.) Revised: May 16, 2012</p>

Comment Summary and Responses
 Comment Deadline: March 1, 2012
 Amendment to the Water Quality Control Plan for the Lahontan Region to
 Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective
 with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
62.2 (cont.)	Various Petitioners		(Response 62.2 continued from above.) To receive e-mail notices regarding aquatic pesticide projects being considered for a prohibition exemption, subscribe to the LYRIS listserv with your name and e-mail address, and check the box for "Basin Plan Prohibition Exceptions – Aquatic Pesticide Projects" at http://www.waterboards.ca.gov/resources/email_subscriptions/reg6_subscribe.shtml .

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
62.3	Various Petitioners	<p><i>For each proposed project regarding the use of pesticides we the undersigned need to know the effects of aquatic pesticides application on:</i></p> <ul style="list-style-type: none"> <i>- The ecosystem to which the pesticide will be applied</i> <i>- Surrounding habitats, especially those which are critical to the survival of wildlife</i> <i>- Water supply</i> <i>- Pets and humans that may be exposed to the pesticide, through contact including but not limited to: bathing, swimming, and consumption (drinking).</i> 	<p>As indicated by the comment, the questions are project specific and, therefore it is speculative to determine, at this time, the effects of aquatic pesticides on an ecosystem without knowing which ecosystem and which aquatic pesticide. As a project is proposed it must undergo environmental analysis through the CEQA process and must also meet the requirements of the amendment's exemption criteria. The CEQA process requires an analysis of a project to determine potentially significant impacts on the environment. The categories of analysis of potential environmental impacts include Hydrology/Water Quality, Hazards and Hazardous Materials, Public Services, Utilities and Service Systems, Biological Resources, and Recreation, among others.</p> <p>Exemption criteria requirements include a public notification plan, including the notification of use restrictions or precautions. At Lake Tahoe, the criteria require coordination between the project proponent and any drinking water purveyor which may potentially be affected. Both CEQA and the Lahontan Water Board hearing for the exemption request are part of public processes to identify and disclose potential impacts and possible mitigation measures and share the information with the public.</p>

Comment Summary and Responses
 Comment Deadline: March 1, 2012
 Amendment to the Water Quality Control Plan for the Lahontan Region to
 Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective
 with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
62.4	Various Petitioners	<p><i>* We the undersigned need to know how any aquatic pesticides being considered for use in proposed projects will break down in the environment; the chemical makeup of these pesticides; residence time of the pesticides the aquatic system; the bioaccumulation of the pesticide; and the temporal and spatial effects of any pesticide applied.</i></p>	<p>Before an aquatic pesticide discharge is permitted, the Lahontan Water Board also needs to know the same details, asked by the petitioners, about the fate, behavior, and impacts of the proposed pesticide. A project proponent must satisfy specific exemption criteria to qualify for an exemption. Project information that must be submitted includes information about the physical (fate and transport, residence time), chemical (chemical composition), and biological (toxicity, bioaccumulation) characteristics and effects of the aquatic pesticide proposed for use. The project proponent must also conduct the appropriate environmental analysis to identify and disclose potentially significant impacts, if any, associated with project implementation. The Lahontan Water Board retains the right within the exemption process, to deny an exemption request based on the project information and environmental impacts submitted with the exemption request.</p>
62.5	Various Petitioners	<p><i>* We the undersigned need to know for each project proposing the use of aquatic herbicides where applied herbicides will be transported due to the flow and movement of water, so that we can anticipate which regions of the lake may be affected by pesticide application.</i></p>	<p>When a project proponent submits an exemption request to the Lahontan Regional Board, the application must include specific project information as detailed in the section titled "Exemption Criteria for Aquatic Pesticide Use – Exemption Criteria Nos. (beginning on page 73 of 98). The project information must include the spatial extent of the proposed pesticide application. Project descriptions include, but are not limited to, proposed schedule, duration, name of pesticide, method and rate of application, spatial extent, water body, control and mitigation measures to be used, and contact information.</p>

Comment Summary and Responses
 Comment Deadline: March 1, 2012
 Amendment to the Water Quality Control Plan for the Lahontan Region to
 Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective
 with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
62.6	Various Petitioners	<i>We the undersigned need to know the impact that any change in water quality resulting from the application of aquatic pesticides may have on tributaries from the lake which provide water to surrounding counties.</i>	<p>When submitting a prohibition exemption request, the project applicant must prepare and implement a Communication and Notification Plan, which requires the project proponent to document measures to notify water users about the proposed pesticide application (see Exemption Criterion No. 1.d. on page 73 or 98.)</p> <p>Additionally, the Lahontan Region includes a number of water bodies that are shared with, or flow into, the State of Nevada. The amendment language requires consultation with the Nevada Division of Environmental Protection for projects that could affect waters of Nevada, and consultation with the California Department of Public Health for projects that may affect surface drinking water intakes (see Footnote No. 7. on page 73 or 98.)</p> <p>Staff believes that the above-stated requirements adequately ensures that potentially affected water users will be notified about the possible impacts associated with a change in water quality resulting from the aquatic pesticide application.</p>

Comment Summary and Responses
 Comment Deadline: March 1, 2012
 Amendment to the Water Quality Control Plan for the Lahontan Region to
 Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective
 with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
62.7	Various Petitioners	* <i>We the undersigned need to know the estimated affected population and fiscal impact from the use of the aquatic pesticides if the lake and/or drinking water sources are contaminated.</i>	<p>The estimated affected population and fiscal impact will vary from project-to-project, and be dependent on the physical, chemical, and biological characteristics of the aquatic pesticide as well as site specific environmental and hydrologic conditions.</p> <p>CEQA requires impact to humans be identified, along with risks and impacts to aquatic habitats and water supplies. CEQA also requires identification of mitigation measures which may include replacement water and implementation of contingency plans.</p>

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
62.8	Various Petitioners	<i>Additionally, we request studies of financial impacts for the infestations if no action is taken, along with the financial impacts of projects proposing the use of pesticides which include the monetary effects of associated risks to surrounding areas for the duration of the project and/or residence time of the proposed pesticide.</i>	<p>In making its case for a prohibition exemption, the project proponent must provide evidence, acceptable to the Lahontan Water Board, regarding why non-chemical measures are infeasible. A project proponent could contend that aquatic pesticide use is necessary because non-chemical measures are financially infeasible. If the Lahontan Water Board did not find the information sufficient to prove financial infeasibility, the Lahontan Water Board could request further studies of the financial impacts.</p> <p>To require each project proponent to conduct studies of the financial impacts of an infestation if no action is taken is outside the jurisdiction and expertise of the Lahontan Water Board, whose statutory mandate is limited to protecting water quality.</p> <p>To address aquatic invasive species in the Lake Tahoe region in a measured and coordinated way, federal, state, and local agencies formed the Lake Tahoe Aquatic Invasive Species Coordinating Committee. An early task of the Committee was to guide the development of the Lake Tahoe Aquatic Invasive Species Management Plan. Appendix E of this plan examines the potential economic implications of aquatic invasive species infestations.</p>
63	William Hair	Support Letter	See Response 0.1.

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
64.1	League to Save Lake Tahoe Carl Young	<p><i>There is significant concern that aquatic pesticide application will infiltrate water intakes, which furnish thousands of residents at Lake Tahoe with their drinking water. In addition, many drinking water wells are located in extremely close proximity to the lagoons currently planned for intensive treatment, such as the Tahoe Keys area with thousands of citizens potentially affected. Drinking water contamination is a human health concern that can be costly to mitigate, especially if the populace is adversely affected. What protocol is established that provides ample and proper notification with a comment period to all residents that can be affected from exposure or any other form of contamination?</i></p>	<p>For projects proposed in Lake Tahoe (including attached marinas and lagoons), the criteria require coordination with drinking water purveyors and proof that concerns have been addressed. See Response 0.2 for further discussion of the potential of aquatic pesticides to impact drinking water intakes in the Tahoe Keys.</p> <p>The process of seeking an exemption includes at least three opportunities for public involvement. The amendment language specifies that all projects seeking an exemption to the prohibition must furnish the appropriate environmental documentation to comply with the California Environmental Quality Act (CEQA). Public participation is an essential part of the CEQA process. CEQA requires the disclosure of environmental impacts associated with a project and it allows members of the public the ability to challenge a project. The amendment also requires a public notification and communication plan be crafted and implemented (see Criteria 1d, page 73 of 98). Finally, projects that are not for the purpose of vector control and are not emergencies are considered by the Lahontan Water Board for an exemption. See response 24.10 for discussion on opportunities to provide public comment on a proposed project.</p>

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
64.2	League to Save Lake Tahoe Carl Young	<p><i>With respect to the significant impacts associated with pesticide use, conflicts with the current water quality objective, Lake Tahoe’s designation as an ONRW, and alternatives that exist that do not require pesticide application, the Lake Tahoe Basin needs to be excluded from this amendment, with the following exemptions:</i></p> <ul style="list-style-type: none"> • <i>In the emergency instance of the first introduction of a destructive aquatic invasive species,...</i> • <i>In order to directly safeguard human health and safety, the vector control of mosquitoes should be maintained, with pesticides allowed, if necessary. ...”</i> 	<p>Staff responds to this comment by offering the same response provided to a similar comment submitted by the League to Save Lake Tahoe during the Lahontan Water Board’s public comment period. A relevant excerpt of the previous response follows:</p> <p>At both the April and May Board meetings the Board directed staff to retain the existing language which describes circumstances that may qualify for an exemption to the prohibition on aquatic pesticides. For Lake Tahoe, the Board did not want the scope of circumstances to be narrowed to just vector control and AIS emergencies. Instead the Board prefers to keep the language flexible for all waterbodies in our region regardless of ONRW designation. The Board also indicated wanting the tool of pesticides available to combat AIS specifically because ONRW designation may warrant the need to protect unique waters. On a project-by-project basis the Water Board will use its discretion to consider, grant, or reject an exemption request.</p> <p>See full response LTSLT R2 on page 52 of 91 pages.</p>
64.3	League to Save Lake Tahoe Carl Young	<p><i>If aquatic pesticide is to be even considered for Lake Tahoe, only types that do not affect human health in any manner should be considered.</i></p>	<p>It is unreasonable to limit exemption requests to those chemicals that do not affect human health in any manner, and speculative at this time to determine if a chemical does not affect human health. Rather, the amendment requires that impacts be disclosed and evaluated as part of the environmental analysis required. Also, potentially affected users are notified of projects and the notification must include any associated water use restrictions or precautions.</p>

Comment Summary and Responses
 Comment Deadline: March 1, 2012
 Amendment to the Water Quality Control Plan for the Lahontan Region to
 Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective
 with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
64.4	League to Save Lake Tahoe Carl Young	<i>In addition, methods should be employed that increase contact time and decrease spread, such as bottom barriers, booms, curtains, and other efficient means.</i>	This comment provides a suggestion for guidelines that already exist within the amendment's exemption criteria. See Criterion 3 on page 75 of 98. Also, proponents must demonstrate that non-chemical methods failed to effectively address target organisms or are not feasible for achieving project goals.
64.5	League to Save Lake Tahoe Carl Young	<i>The League hereby incorporates the comments from the Tahoe Water Suppliers Association and Dorie Hession.</i>	See Responses to 24.1 – 24.14 provided above and 65.1-65.3 provided below.

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
65.1	<p>Tahoe Water Suppliers Association</p> <p>Gregory Reed</p>	<p><i>Lake Tahoe is a Tier 3, Outstanding National Resource Water (ONRW). This is the highest designation of a non-degraded water body in the nation. Lake Tahoe is not simply a California water body; these are federally owned waters, Tahoe is a national treasure.</i></p> <p><i>Therefore, the Tahoe Water Suppliers Association supports the continued prohibition on the use of any chemical agents in Lake Tahoe*.</i></p> <p><i>*As noted in previous public comment to Lahontan RQWCB: the one exception of chemical use that TWSA supports is to address a potential state declared emergency involving the Aquatic Invasive Species of zebra/quagga mussels.</i></p>	<p>Staff responds to this comment by offering the same response provided to a similar comment submitted by the League to Save Lake Tahoe during the Lahontan Water Board's public comment period. A relevant excerpt of the previous response follows:</p> <p>At both the April and May Board meetings the Board directed staff to retain the existing language which describes circumstances that may qualify for an exemption to the prohibition on aquatic pesticides. For Lake Tahoe, the Board did not want the scope of circumstances to be narrowed to just vector control and AIS emergencies. Instead the Board prefers to keep the language flexible for all waterbodies in our region regardless of ONRW designation. The Board also indicated wanting the tool of pesticides available to combat AIS specifically because ONRW designation may warrant the need to protect unique waters. On a project-by-project basis the Water Board will use its discretion to consider, grant, or reject an exemption request.</p> <p>See full response LTSLT R2 on page 52 of 91 pages.</p>

Comment Summary and Responses

Comment Deadline: March 1, 2012

Amendment to the Water Quality Control Plan for the Lahontan Region to Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
65.2	<p>Tahoe Water Suppliers Association</p> <p>Gregory Reed</p>	<p>Any proposed project which has the potential to impact drinking water quality, for even a short period of time, may have the potential to affect the filtration exemption status and consumer confidence of an affected water purveyor. Due to storage limitations, any project having impacts longer than 1 day could create major service issues for surface water providers, and undermine consumer confidence in the quality of the municipal water supply. How much water would be provided per customer and for how long? The volume of water needed for this mitigation measure need to be realistically evaluated. Many providers service thousands of customers. Using an alternative source of water during a project as a sufficient mitigation for the systems at Lake Tahoe, may not be realistic.</p>	<p>During the Lahontan Water Board's December 7, 2011 public hearing, additional language was added to the amendment at the commenter's request. This language requires the project proponent to coordinate with water purveyors whose source water may be impacted by the proposed pesticide application. (Refer to page 73 of 98; section titled "Exemption Criteria for Aquatic Pesticide Use – Exemption Criteria Nos. 1.d.i and 1.d.ii.") The intent of incorporating this additional language is to engage affected water purveyors during project development for purposes of (1) identifying impacts to drinking supplies, and (2) vetting appropriate and realistic mitigation measures. At the time the project proponent submits its request for an exemption to the prohibition to the Lahontan Water Board, the project proponents must provide documentation of its interaction with affected water purveyors.</p> <p>Part of the intent of requiring project proponents to consult with the water purveyors prior to requesting an exemption is to determine the necessity for, and the adequacy and feasibility of, an alternative water source. On a project-by-project basis, the water purveyor and the project proponent will consider volume and duration of supply when determining how much water, if any, will have to be provided during a pesticide application.</p>

Comment Summary and Responses
 Comment Deadline: March 1, 2012
 Amendment to the Water Quality Control Plan for the Lahontan Region to
 Approve a Basin Plan Amendment that replaces the regionwide pesticide water quality objective
 with a regionwide waste discharge prohibition on pesticides with exemption criteria

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
65.3	Tahoe Water Suppliers Association Gregory Reed	Therefore, the Tahoe Water Suppliers Association urges the State Board to modify the Lahontan Basin Plan to support continued prohibition on the use of any chemical agents in Lake Tahoe. We believe Lahontan RWQCB should successfully evaluate pesticide/herbicide usage under field conditions in the non-ONRW designated water bodies within their purview; before even considering such use at Lake Tahoe.	See Response to 65.1 provided above.