

Mary Fiore-Wagner - RE: Basin Plan Amendment - Drinking water intake speciofic language

From: "Andrea L. Seifert" <ASeifert@ndep.nv.gov>
To: Jennifer Carr <jcarr@ndep.nv.gov>, Daniel Sussman <DSussman@waterboards.ca.gov>, "Fiore-Wagner, Mary" <MFWagner@waterboards.ca.gov>, "Reed, Greg" <agreed@rhgid.org>, "Sawyer,Rebecca M." <rebecca_sawyer@ivgid.org>, "Dunbar, Madonna" <madonna_dunbar@ivgid.org>
Date: 6/3/2011 10:43 AM
Subject: RE: Basin Plan Amendment - Drinking water intake speciofic language
CC: Jeryl Gardner <JGARDNER@ndep.nv.gov>, Alan Tinney <atinney@ndep.nv.gov>, Alex Lanza <alanza@ndep.nv.gov>, Dave Emme <demme@ndep.nv.gov>, Dave Gaskin <dgaskin@ndep.nv.gov>
Attachments: 2011-06-02 Comments to LRWQCB Draft Basin Plan Amendments.docx; 2011-06-02 Comments to LRWQCB Draft Basin Plan Amendments.docx

Attached is the recommendations based on my review. Please feel free to contact me if there are any questions.

Andrea Seifert

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From: Jennifer Carr
Sent: Thursday, June 02, 2011 4:01 PM
To: Daniel Sussman; Fiore-Wagner, Mary; Reed, Greg; Sawyer, Rebecca M.; Andrea L. Seifert; Dunbar, Madonna
Cc: Jeryl Gardner; Alan Tinney; Alex Lanza; Dave Emme; Dave Gaskin
Subject: RE: Basin Plan Amendment - Drinking water intake speciofic language

Good afternoon everyone,
 NDEP has drafted a comment document as discussed. It will be reviewed tomorrow by Andrea Seifert and forwarded on to you. I must note that several interested staff and managers in the Bureau of Water Pollution Control are not here this week. In the interest of time and progress, we will send you the preliminary draft tomorrow, with follow up next week to let you know if we have any additional thoughts or amendment.
 Sincerely, Jennifer Carr

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**Nevada Division of Environmental Protection
Bureau of Safe Drinking Water and Bureau of Water Pollution Control**

Comments to the

**Lahontan Regional Water Quality Control Board
“Draft Basin Plan Language, Attachment 2: Draft Waste Discharge Prohibition and
Exemption Criteria Language – Pesticide Basin Plan Amendment”**

General Comments:

- The Nevada Division of Environmental Protection (NDEP) appreciates the opportunity to comment on this important document and looks forward to working with the Lahontan Regional Board on these projects in the future.

- The Section-Specific comments include an item designed to target the fact that NDEP intends to limit our interest in proposed projects to those that only involve shared waters that exist within Nevada (i.e. Lake Tahoe) or interstate waters that flow into Nevada (i.e. the Truckee, Carson & Walker Rivers).

- As included in the Section-Specific Comments, NDEP requests active involvement in the review and decision-making process related to this Basin Plan. The dynamics of water bodies make it difficult to predict outcomes of proposed projects, and this is a good step toward ensuring that all parties are working together to ensure protection of our natural environment and communities who use our waters for consumption.

- As was discussed on the May 9, 2011 conference call, coliform and turbidity can be secondary adverse effects in projects designed to eradicate invasive species. Even for non-chemical approaches, it is prudent to evaluate and track projected and actual effects a project will have on drinking water quality. This is true of all water purveyors, but in the Tahoe Basin in particular, systems with Filtration Avoidance status must be actively involved in this evaluation process going forward with each project. NDEP comment on this Lahontan Regional Board Draft Basin Plan does not constitute concurrence that the future projects will not result in Filtration Avoidance status issues. With that said, the detection of a regulated chemical would not, in and of itself, nullify Filtration Avoidance status.

- As was also discussed on the call, the application of pesticides has the potential to impact any drinking water source, filtered or unfiltered. Intakes for filtration treatment plants are also

important to consider as they are designed to treat for bacteria, viruses and protozoa, not chemicals.

- NDEP recommends that any Basin Plan Aquatic Pesticide Use Exemptions granted by the Lahontan Regional Board be handled on a project-specific basis and that recurring annual “blanket” Exemptions not be utilized.

Section-Specific Comments:

All comments refer to the “*Draft Basin Plan Language, Attachment 2: Draft Waste Discharge Prohibition and Exemption Criteria Language – Pesticide Basin Plan Amendment*” Mar 2011, *Draft for Public Review*

- At the bottom of page 2, the NDEP suggests that the definition of a “pesticide” be expanded to include non-chemical approaches in order to be able to address secondary adverse effects from biomass decomposition & other issues. If the Lahontan Regional Board has another regulatory vehicle to address this concern, the NDEP is interested in discussion on what that mechanism is. The following language is offered:

For the purposes of this Exemption, “pesticides” also includes non-chemical applications of controls for aquatic animal or plant pests that could have a temporary adverse effect on water quality.

- On page 7, the NDEP requests consideration of the following language insertions in the section regarding Exemption Criteria for Aquatic Pesticide Use. The text in red was suggested by CDPH on May 19, 2011; however, the NDEP suggests amending the language to be less specific about distance to a surface water intake.

An exemption request must contain the following information acceptable to the Regional Board. The Regional Board will act in consultation with the California Department of Public Health (CDPH), the Nevada Division of Environmental Protection (NDEP) and drinking water purveyors for review and acceptance of the request. The NDEP will limit involvement to interstate waters that exist within, or flow to, the State of Nevada.

1. Project Information shall be submitted with four (4) copies and is to include:

- a. Project description including, but not limited to, proposed schedule, duration, name of pesticide, method and rate of application, spatial extent, water body, control/mitigation measures to be used, contact information.

b. Purpose and need for project.

c. The chemical composition of the pesticide to be used, including inert ingredients.

d. An estimate of the maximum foreseeable concentrations of pesticide components in any surface water intake used for drinking water supplies ~~within 1/2 mile of~~ with any potential to be impacted by the point of application.

e. Public notification and warning plan must be implemented before and during the project and include any water use restrictions or precautions during treatment if necessary.

~~f. Suitable measures will be taken to identify~~ Documentation that outreach was conducted to communicate with drinking water purveyors with potentially affected sources of potable surface and ground water intakes. Drinking Water Purveyors will respond, stating their interest in continuing involvement in the project, or if they do not believe the project has the potential to adversely affect their water supply. The project proponent will, and to provide potable drinking water where necessary and will obtain any necessary permits from CDPH and NDEP for supply of the potable drinking water.

g. Spill contingency plan to address proper transport, storage, spill prevention and cleanup.

In the proposed language offered in item f, the NDEP anticipates that a list of drinking water purveyors could be developed and a project proponent would simply be required to contact everyone on the list to determine their interest in continued involvement.

- On page 8, the NDEP request consideration of the following language insertion in the section regarding Exemption Criteria for Vector Control.

2. Aquatic pesticide applications must minimize impacts to beneficial uses by implementing BMPs to limit the effects of the pesticide to the shortest time and within the smallest area necessary for project success. If the beneficial uses include drinking water, then the impacts must be eliminated.

Jennifer L. Carr, P.E., C.E.M.
Chief, Bureau of Safe Drinking Water

June 3, 2011
P:/BSDW/Bureau Chief/Unique Issues/

