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TWSA Membership:

Cave Rock Water System
Edgewood Water Company
Glenbrook Water Cooperative
Incline Village GID
Kingsbury GID
Lakeside Park Association
North Tahoe PUD
Round Hill GID
Skyland Water Company
South Tahoe PUD
Tahoe City PUD
Zephyr Water Utility



10/28/2021

Submitted to Lahontan Water Board via:

lahontan@waterboards.ca.gov and Russell.Norman@waterboards.ca.gov

To the Lahontan Regional Water Quality Water Board,

On behalf of the Tahoe Water Suppliers Association (TWSA) Board of Directors, we submit comments based from the following documents:

TENTATIVE RESOLUTION GRANTING AN EXEMPTION TO THE AQUATIC PESTICIDE DISCHARGE PROHIBITION IN THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION FOR THE CONTROL METHODS TEST OF HERBICIDES AND OTHER TECHNIQUES TO REDUCE AQUATIC INVASIVE PLANTS IN THE TAHOE KEYS LAGOONS

https://www.waterboards.ca.gov/lahontan/board_decisions/tentative_orders/2021/tkweedsres.pdf

TENTATIVE WASTE DISCHARGE REQUIREMENTS AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR TAHOE KEYS PROPERTY OWNERS ASSOCIATION TAHOE KEYS LAGOON AQUATIC WEEDS CONTROL METHODS TEST

https://www.waterboards.ca.gov/lahontan/board_decisions/tentative_orders/2021/tkweedspermit.pdf

MITIGATION MONITORING AND REPORTING FOR THE CONTROL METHODS TEST OF HERBICIDES AND OTHER TECHNIQUES TO REDUCE AQUATIC INVASIVE PLANTS IN THE TAHOE KEYS LAGOONS

https://www.waterboards.ca.gov/lahontan/board_decisions/tentative_orders/2021/tkweedsmmrp.pdf

LAHONTAN STAFF REPORT

https://www.waterboards.ca.gov/lahontan/water_issues/programs/tahoe_keys_weed_control/docs/tkweedstaff.pdf.pdf

AMENDED TKPOA APPLICATION/PLAN 2021 DOCUMENTS

www.tahoeweeds.org

TWSA Board Comments:

1. The TWSA Board acknowledges the significant investment of resources over a long period of time by the regulators, scientists, stakeholders, facilitation teams, project proponents and interested parties. We are now reviewing a project built from years of ongoing discussion, research and stakeholder input.

We acknowledge the extensive requirements which have been developed for planning, implementation, communications, mitigation, monitoring and reporting for the proposed project. There is a tremendous amount of information presented before us.

As a note on process: during the first several weeks of this comment period, the Application information posted on the www.tahoekeysweeds.org website was the outdated 2019 project description. This is unfortunate because the updated 2021 application used to draft the Lahontan documents under review contained important revised information about the actual project but was not updated until October 1. As such, we request that the public comment period be extended so that the public has the full benefit to review and comment on all of the current documents.

2. The TWSA Board continues to support Action Alternative 1 (AA1 = non-herbicide tests only) identified in the DEIR as the “environmentally superior alternative”. Action Alternative 1 would proceed only with tests of non-herbicide methods of aquatic weed control. Under this alternative, no treatments with herbicides would be conducted, and other elements of the test program (i.e., ultraviolet light, LFA, and Group B methods) would be as described above for the Proposed Project. This alternative was identified as the environmentally superior alternative (Section 5.7).

Analysis provided in multiple documents determines that Lake Tahoe is not at risk from this proposed test of mixed methods. The reports include analysis of the estimated possible public exposure if there were a release into the lake (if mitigations failed). One of TWSA’s biggest concerns have been - would there be any threat to the lake’s source water intakes and municipal water supply? This scenario has been very well analyzed, and it appears to be very well mitigated.

Documentation provided estimates the possible level of potential active ingredients at drinking water intakes, at <0.9 µg/L. Additionally, with reasoning, the baseline water quality objectives of Non Detect (ND) for Endothall, Triclopyr, and Rhodamine WT are provided. This is where the TWSA *2014 Lake Tahoe Flow Modeling, Potential Pathogen Transport and Risk Modeling Report*¹ and the CMT movement of active ingredients out of the West Channel into Lake Tahoe, then move throughout our source water.

Tahoe’s sheer volume of water (between the treatment areas and the intakes), coupled with timing, mitigation and monitoring for the project provides a safety factor for drinking water wells or lake intakes. In the end, the final safety factor is based on dilution.

Though the Draft EIR/EIS states that the proposed CMT will not significantly impact filtration exemption, care needs to be taken to protect source water for future use. At this time, the Safe Drinking Water Acts, Surface Water Treatment Rule’s (SWTR) exemption criteria, focus on turbidity and bacteriological composition. The same Safe Drinking Water Act is constantly updated to protect potable water from chemicals, including the Unregulated Contaminant Monitoring Rule (UCMR) and Disinfectants and Disinfection Byproducts Rules (DBPR).

¹ LAKE TAHOE FLOW MODELING, POTENTIAL PATHOGEN TRANSPORT AND RISK MODELING, June 2014, https://www.yourtahoepace.com/uploads/pdf-public-works/Schladow_Risk_Assessment_Phase_2_Final_Report_Jun_2014_FINAL.pdf

It is logical to apply the same theory to filtration exemption and future criteria for chemical composition.

Concurrent with this document review period, the CA State Water Resources Control Board, Division of Drinking Water, is discussing policy change to ensure that the State Water Board develops the analytical methods to detect lower concentration of contaminants in drinking water to support the development of new or lower drinking water standards. The State Water Resources Control Board unanimously approved the resolution, *"AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO ENTER INTO AN INTERAGENCY AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE FOR CONSULTING SERVICES ON ANALYTICAL METHODS AND RESEARCH FOR THE DRINKING WATER PROGRAM"* on 10/19/2021.

This resolution will ensure that the state water board develops the analytical methods to detect low concentrations of contaminants in drinking water to support the development of new or lower drinking water standards. Fiscal Impact, the interagency agreement will be for an amount not to exceed \$6,218,479 over three years.

3. US EPA and Californian EPA both recognize Lake Tahoe as an "Outstanding National Resource Water, Tier 3. (ONRW). There are only two ONRWs within California. Our understanding of this designation drives the logic of only testing non-chemical methods on a larger scale, before approving an exemption to permit an herbicide discharge.

TWSA views the introduction of herbicides (even as a 'one-time' test) into Lake Tahoe, as a Tier 3 Outstanding National Resource Water with 6 filtration exempt water systems (out of 60 nationally), as a last resort, and only after all possible non-chemical methods have been tested on a larger scale. Is herbicide application, even for testing, really the right approach in a Tier 3 ONRW of international significance? A realistic assumption is that a successful test indicates a future large-scale project, potentially with herbicides. We do understand Lahontan reserves the right to NOT permit future use.

4. We continue to support the testing of (Group B) non-herbicide methods at a larger scale, before chemical treatment is considered. Specifically, greater use of Diver Assisted Suction Harvesting (DASH) for larger scale treatment. The DASH method is highly selective and effective. Divers manually remove the entire plant which reduces concerns over re-growth or nutrient loading from plant die-off. (Table 7. Application, April 30, 2021, pg. 67-68).

5. We support greatly expanding the scale of use for the Laminar Flow Aeration (LFA) testing scope. Laminar Flow Aeration has excellent results as a water quality improvement for reducing sediment depth and decreasing sediment nutrient content. It is also proposed as a mitigation to offset low level Dissolved Oxygen (should these conditions occur). Nutrients available in sediment has been determined as the main 'food source' in the Keys' nutrient cycle. TKPOA has instituted non-point source management protocols to reduce ongoing runoff loading. This emphasis is critical to ongoing success. Please see this report on LFA used regionally: <https://www.clean-flo.com/wp-content/uploads/2020/05/Ski-Run-Marina-First-Year-Report-Jan-2020.pdf>

6. The Antidegradation Analysis (AA) (offered in Attachment G / Order / Section VII. Maximum Benefit to the People of the State) has statements in the findings which need further clarification. Specifically, Item 4 (in an interesting interpretation) SUPPORTS THE USE OF HERBICIDE for an ability to protect Tahoe's 'outstanding aesthetic' standard.

This statement sets precedent that herbicides are an acceptable option at small scale in an ONRW Tier 3; in the scope of tools for environmental restoration. The AA supports a presumption that the primary beneficial uses of Lake Tahoe ONRW 3 status is for clear, blue waters. The focus should be on the pristine water quality that provides surface water filtration exempt water quality for our customers, exempt or otherwise. The AA prioritizes the project goal for clarity standard rather than overall water quality.

7. Closing off the Keys, or installing a boat lock system, could also rapidly and successfully achieve a lake wide goal to limit the spread of invasive weeds from boating activity. Existing vector controls from the channels and marinas can certainly be enhanced. Restricting boating would directly reduce the spread of weeds. Boating is a known vector for the spread of the weeds (per Lahontan staff report), but reducing boating is not part of the equation.

8. Multiple pre-and-post-project notifications have been defined for contact to the area water providers potentially affected by the project.

a) In the Application's Communication Plan 6.2. Water Purveyors section - there is clear instruction for 30 day minimum pre-project notification to: TWSA; STPUD, LUKINS, TKPOA water companies.

b) However, the language in the tentative WDR permit is not quite as defined and potentially requires greater scope of notification. Has staff developed the full scope of notification/ mailing list required to include private intakes or other public water providers? The TWSA assumes no responsibility for providing notification to any other water providers (other than TWSA member agencies: Cave Rock Water System, Edgewood Water Company, Glenbrook Water Cooperative, Incline Village GID, Kingsbury GID, Lakeside Park Association, North Tahoe PUD, Round Hill GID, Skyland Water Company, South Tahoe PUD, Tahoe City PUD, Zephyr Water Utility).

c) The Application states that the 30-day notification will be via USPS to TWSA, STPUD, Lukins, and TKPOA; however, the Draft WDR states the discharger must provide via Certified Mail, or equivalent, to water purveyors whose source water relies on the surface water and/or groundwater wells designated to be under the direct influence of the surface water.

9. Coontail is a floating (non-rooted) native aquatic plant considered to be growing at nuisance level. It contributes a considerable amount biomass. Is it targeted for mechanical removal or treatment with herbicides? There is not much mention of its management in the permit.

10. Cost information is presented in greater detail in the 2021 Application. However, this information is not presented in a consistent manner and will become a larger decision factor for any larger scale project. A consistent method should be established for evaluating costs to be inclusive of permitting, mitigation and monitoring. Cost for CEQA DEIR/DEIS analysis; mitigation, monitoring and reporting should be included towards the cost of herbicides. Information presented by agency staff, in public meetings, has acknowledged the herbicide component of the proposed project as the piece that triggered the need for full CEQA analysis; all other methods require less intensive review.

11. Per anti-degradation guidance (40 CFR § 131.12 (2)), the Non-Point Source Plan should be augmented with ongoing storm-water and fertilizer management improvements to reduce land-based, non-point source loading. Such enhancements could include: requiring buffer strips with a designated 'turf setback' requirement zone (removing turf from edge of water landscaping), nitrogen fertilizer restrictions, and the addition of storm drain inlet filters. Storm water was identified as a secondary major contributor to water

column nutrient loading in the DEIR. The Keys water conditions are a result of ongoing, unmitigated conditions from land-based activities. It is clearly stated in anti-degradation policy that all cost-effective and reasonable BMP's must be in place before the State authorizes degradation of high quality waters.

12. A requested analysis on the socio-economic impacts to the DRINK TAHOE TAP® brand was determined outside the scope of this DEIS. (Pg. 3.1-15). Tahoe Tap is an award winning, high quality tap water. The DRINK TAHOE TAP® brand and corresponding goodwill has been developed for more than 10 years regionally and receives broad community, regional and national support. The introduction of herbicides may have a strong impact on consumer confidence in the tap water, despite the precautions and mitigations. We were under the assumption that this question is being evaluated as part of anti-degradation analysis. But it appears that the impacts to our trademarked brand was not considered.

These articles support our concerns:

<https://www.wqpmag.com/tapping-filtration>

<https://tahoe.ucdavis.edu/microplastics>

<https://www.raleys.com/our-purpose/sustainability-initiatives/>


<https://www.winsightgrocerybusiness.com/retailers/how-raleys-fighting-food-waste>

13. In addition to this letter, the Tahoe Water Suppliers Association has commissioned an independent review of this Tentative Resolution, Tentative WDR and NPDES Permit, and Mitigation Monitoring and Reporting for the Control Methods Test by Water Quality & Treatment Solutions Inc.

The consultant comments are forthcoming and we ask these also be included as part of the formal record.

Thank you for the opportunity to comment.

Respectfully Submitted on behalf of the Tahoe Water Suppliers Association Board,



Madonna Dunbar, TWSA Executive Director



Suzi Gibbons, TWSA Board Chair