

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

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Ex C2

January 26, 1996

Chris Knopp  
Lake Tahoe Basin Management Unit  
870 Emerald Bay Road, Suite 1  
South Lake Tahoe, CA 96150

Dear Mr. Knopp:

**RESPONSE TO YOUR LETTER OF DECEMBER 8, 1995**

Thank you for your letter of December 8, 1995, regarding the minutes from our meetings regarding the Meiss grazing allotment. We have carefully reviewed and considered the points raised in your letter and believe that the concerns raised in your letter are the result of slightly different interpretations of State water quality standards and what was said at the meetings. I hope that this letter will clarify our intentions in this regard.

With regards to changing water quality standards, our water quality authority requires that we enforce existing State standards. The standards can only be "changed" with RWQCB, State Board, and the USEPA approvals, and only after full public participation and CEQA compliance. Development of site-specific objectives for these waters would require antidegradation analysis under State and Federal regulations. Where we (RWQCB staff) have some flexibility is in the method and timing of compliance. Our aim is to work cooperatively with the LTBMU and the permittee to implement nonpoint source control measures within the watersheds (including structural and nonstructural controls) with the objective of developing indices of watershed health (e.g., stream channel stability, riparian vegetation condition) that can act as surrogates for the more traditional water quality parameters (e.g., bacteria, nutrients). We will expect the LTBMU to monitor the instream water quality parameters during implementation phases at the Meiss allotment. When that monitoring shows that BMPs and management are adequate to meet State standards, the alternative indices for watershed health can then be used periodically to detect deterioration/improvements of watershed conditions.

Next I would like to address your concern regarding interpretations that might be made from bacteria samples collected in a single day. The RWQCB's Basin Plan states that:

"The log mean shall ideally be based on a minimum of not less than five samples collected as evenly spaced as practicable during any 30-day period. However, a log mean concentration exceeding 20/100 ml for any 30-day period shall indicate violation of this objective even if fewer than five samples were collected."

Chris Knopp

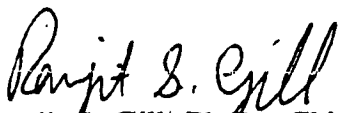
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The key phrases here are that sampling events will ideally be "evenly spaced", and that violations may be "indicate" even if fewer than five samples are collected. If all the samples were taken on one day and a problem was indicated, it would be highly unlikely that RWQCB staff would initiate enforcement action. The more likely response is generally to initiate more intensive sampling to characterize the nature and extent of the problem indicated by the limited data set. However, if we are diligently working towards implementation of nonpoint source controls and improved livestock management, such as is expected to occur within the Meiss allotment, more intensive instream sampling would likely not be a high priority. Again, we will expect some degree of monitoring of instream water quality parameters during BMP and management implementation, and will use the data as an indicator of whether applied BMPs and management are adequate, or if additional or modified nonpoint source controls and management is needed. RWQCB staff would not recommend enforcement action as long as diligent efforts are resulting in measurable improvements "on-the-ground". As discussed earlier, the monitoring plan should be agreed to and implemented in concert with BMP and management implementation.

In summary, I believe that current State standards, including the bacteria standard, can be met where livestock grazing is properly managed. The permittees representative, William Thomas, stated at our September 18, 1995 meeting that he also believes that this is possible. We have all agreed that changes are needed to bring the Meiss allotment into compliance. Let's get everyone together soon to formulate a plan to bring about the necessary changes.

I hope that this letter adequately addresses your concerns. Please call me at (916) 542-5426 if you would like to discuss these issues further, and work with Fred Blatt of my staff to prepare a plan for BMP implementation and monitoring for the Meiss allotment.

Sincerely,

  
Ranjit S. Gill, Ph.D., Chief,  
Planning and Toxics Unit

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[USFS - LTBMU]