



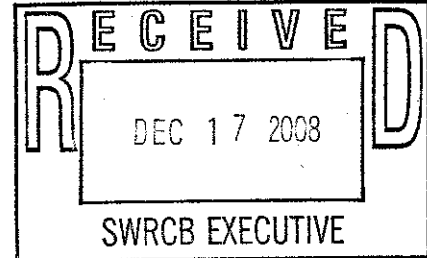
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METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office

December 17, 2008

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, California 95814



Re: Comment Letter – Anti-Degradation Policy (Resolution 68-16)

Dear Chair Doduc and Members of the Board:

The Metropolitan Water District of Southern California (Metropolitan) appreciates the opportunity to comment with respect to the State Water Resources Control Board's review of the State's Anti-Degradation Policy. Metropolitan, through its member agencies, provides approximately half of the water used by 18 million people in a six-county region. Metropolitan's two major sources of supply are water diverted from the Sacramento-San Joaquin Bay-Delta and from the Colorado River. Metropolitan is also engaged in innovative water management programs with its member agencies and other partners, which include groundwater conjunctive use, groundwater recovery, water recycling, seawater desalination, and aggressive water conservation. Maintaining high quality source waters is essential not only to our mission of providing water that is safe to drink, but to enable the innovative water management programs that maximize the beneficial use of available water supplies. The State's Anti-degradation Policy is thus of critical interest to Metropolitan.

Our comments below address the questions posed in the State Water Board's October 16, 2008, "Notice of Staff Workshop" on the Anti-degradation Policy periodic review.

Surface Water Aspects of the Anti-degradation Policy

Should the State's Anti-degradation Policy be revised as it pertains to surface waters? If so, how should it be revised?

Metropolitan interprets the State's Anti-degradation Policy as posed in this question to mean the document State Water Board Resolution No. 68-16 "Statement of Policy with Respect to Maintaining High Quality Waters in California." The Anti-degradation Policy is to protect and maintain the "quality of [] waters of the State [that are] higher than that established by the adopted policies..." Thus, the Anti-Degradation Policy operates to "fill in the gaps" for those pollutants that are not yet regulated or for which existing regulations are not fully protective of

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beneficial uses. Metropolitan believes this is a very sound policy consistent with the State's fundamental water policy of maximizing beneficial use of waters while preventing waste or unreasonable use. (Cal. Const., Art. X, § 2.) Resolution No. 68-16 is a proper articulation of the State's Anti-Degradation policy and no revision is warranted.

Should the implementing procedures as contained in APU 90-004 be revised? If so, how should they be revised?

Metropolitan believes that additional guidance in applying the State's Anti-Degradation Policy is warranted in order to address uneven application of the policy among the Regional Water Boards and basic questions such as the thresholds that trigger anti-degradation analysis. Metropolitan recommends that the State Water Board evaluate the applicability of recent U.S. Environmental Protection Agency (USEPA) guidance on anti-degradation when considering new implementing guidance, such as the USEPA Interim Economic Guidance for Water Quality Standards, March, 1995, which addresses the role of socioeconomics in anti-degradation analyses. Metropolitan also believes that any new implementing guidance must be flexible and adaptable to change, to accommodate local conditions, to allow new and innovative water management approaches that further beneficial uses, to respond to new findings and methods in water quality analyses, and to accommodate other state policies that may be adopted over time. Further, this guidance should clearly recognize the potential effects on downstream uses of waters when evaluating the maintenance and protection of water quality.

Should the implementation procedures be formally adopted as guidance or regulations by the State Water Board?

As noted above, Metropolitan believes any new guidance should be flexible and adaptable to change. For this reason, Metropolitan recommends that implementation procedures or other forms of guidance not be adopted as regulations, as regulations are inherently less flexible.

Should the implementation procedures in APU 90-004 be extended beyond the point source discharge permitting program?

Although the State Anti-degradation Policy extends beyond point sources, Metropolitan believes it is prudent for the Board to focus on new guidance for the point source discharge program as a first priority.

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Groundwater Aspects of the Anti-degradation Policy

Should the State's Anti-degradation policy be revised as it applies to groundwater?

Resolution No. 68-16 has long been interpreted to apply to both surface water and groundwater. While Metropolitan has some concerns regarding consistent application of the policy to groundwater, it believes Resolution No. 68-16 itself is a proper articulation of the State's Anti-Degradation policy and no revision is warranted.

If so, why should it [the State's Anti-degradation Policy] be revised, and how should it be revised?

Metropolitan does not believe any revision to the State's Anti-degradation Policy is warranted with respect to either surface water or groundwater.

However, if new implementation guidance is planned for groundwater applications, that guidance should address the following points:

- Guidance should be flexible and balanced to accommodate local conditions, different types of groundwater projects, and allow maximum beneficial use.
- Guidance should be coordinated with and be consistent with other state policies including the State Water Board Strategic Plan and the Recycled Water policy to facilitate sustainable local water supplies and meeting the Recycled Water goal of 1 million acre-feet of reuse by 2010.
- Guidance should be clear and consistent to streamline implementation of different types of groundwater projects including conjunctive use, interbasin transfers, recycled water recharge, stormwater recharge and desalination projects.
- Guidance should recognize that each source of water has differing constituents and concentrations. While it is important to preserve high-quality groundwaters, it is also important to the beneficial uses that various sources of water can be stored in groundwater basins for later recovery and use. Guidance should focus on constituents and concentrations that directly affect the beneficial uses to which the groundwater is being put, and should allow flexibility to store water in groundwater basins with differing constituent characteristics.
- Guidance should be coordinated with the California Department of Public Health with respect to its role in the protection of public health in drinking water supplies.

Metropolitan appreciates the opportunity to provide input to the State Water Board's review of the State's Anti-Degradation Policy and we look forward to working with the State Water Board

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

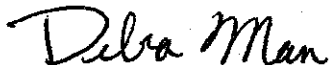
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as the periodic review of the State's Anti-degradation Policy moves forward. If you have any questions on Metropolitan's comments please contact Adam Kear at 213-217-6057.

Sincerely,

A handwritten signature in cursive script that reads "Debra Man".

Debra Man

Assistant General Manager

The Metropolitan Water District of Southern California