



Public Comment  
Anti-Degradation Policy  
Deadline: 12/17/08 by 12 noon

JOHN Y. "JACK" DIEPENBROCK  
KAREN L. DIEPENBROCK  
KEITH W. McBRIDE  
BRADLEY J. ELGIN  
EILEEN M. DIEPENBROCK  
MARK D. HARRISON  
GENE K. CHEEVER  
LAWRENCE B. GARCIA  
ANDREA A. MATARAZZO  
JOEL PATRICK ERB  
JOH D. RUBIN  
JENNIFER L. DAUER  
JEFFREY K. DORSO

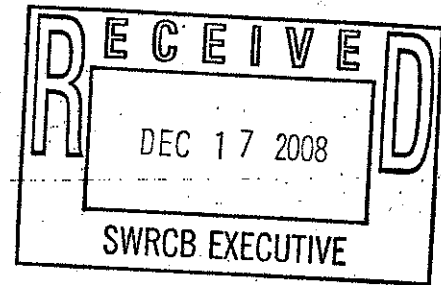
JEFFREY L. ANDERSON  
SEAN K. HUNGERFORD  
LEONOR Y. DICICAN  
JULIE V. NELSER  
CHRIS A. MCCANDLESS  
DAVID P. TEMBLADOR  
DAN H. SILVERBOARD  
LAPHONT T. KING, JR.  
DANIEL J. WHITNEY  
DAVID A. DIEPENBROCK  
JONATHAN B. MARZ  
VALENE C. RINCAID  
RACHEL A. COLES  
COURTNEY K. FRIEH  
ANTHONY J. CORTEZ  
BRADLEY B. JOHNSON

R. JAMES DIEPENBROCK  
(1929-2002)

December 17, 2008.

Via E-Mail: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)  
And U.S. Mail

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



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

Dear State Water Resources Control Board:

The San Luis & Delta-Mendota Water Authority ("Authority") and Westlands Water District ("Westlands") offer the following comments on the questions posed by the State Water Resources Control Board's ("State Water Board") October 16, 2008 "Notice of Staff Workshop" regarding the periodic review of its antidegradation policy.

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

The State Water Board antidegradation policy for surface water, as set forth in Resolution 68-16, provides adequate guidance and requisite water quality protection and therefore need not be revised.

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

The State Water Board should provide additional guidance on how it will establish threshold or baseline water quality. However, the guidance provided by the

400 CAPITOL MALL  
SUITE 1800  
SACRAMENTO, CA 95814

WWW.DIEPENBROCK.COM 916 492.5000  
FAX: 916 446.4535

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State Water Board should take into consideration the differing hydrologic conditions (drought) and provide sufficient flexibility to allow all available water to be put to its maximum beneficial use.

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

If the State Water Board were to provide guidance, it should not be in the form of regulation. Consistent with its previous actions, any further State Water Board direction should take the form of informal guidance.

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

No, at this time, the State Water Board should focus its resources on point source discharges.

*Should the State's Antidegradation policy be revised as it applies to groundwater?*

The antidegradation policy currently provides sufficient protection to both surface and groundwater. Unlike its surface water counterpart, the application of the antidegradation policy to groundwater is not guided by any State Water Board direction. Therefore, although the policy itself should not be revised, it may be helpful for the State Water Board to provide an informal guidance document on the application of the antidegradation policy to groundwater.

*If so, why should it be revised and how should it be revised?*

If the State Water Board were to produce a guidance document for implementing the antidegradation policy as it relates to groundwater, the State Water Board should maintain the policy's existing ability to adapt to varying conditions. Any revisions should ensure continued adaptability to allow for the development and management of maximum beneficial use.

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The Authority and Westlands appreciate the opportunity to provide comments on the antidegradation policy and hope the above comments are helpful in guiding the State Water Board's periodic review.

Very truly yours,

DIEPENBROCK HARRISON  
A Professional Corporation



Valerie C. Kincaid

VCK/jvo

cc: Dan Nelson  
Tom Birmingham