

TED GRANDSEN
DIVISION 1

GAIL L. PRINGLE, TREASURER
DIVISION 4

SCOTT H. QUADY, DIRECTOR
DIVISION 2



11/1/11 Bd. Hearing
Ocean Plan Amendment
Deadline: 10/24/11 by 12:00 noon
WILLIAM R. SEAVER, VICE PRESIDENT
DIVISION 5

DONALD G. HAUSER, SECRETARY
DIVISION 3

SUSAN B. MULLIGAN, P.E.
GENERAL MANAGER

web site: www.calleguas.com

2100 OLSEN ROAD • THOUSAND OAKS, CALIFORNIA 91360-6800 805/526-9323 • FAX: 805/522



October 21, 2011

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

Subject: Comments on the Proposed Model Monitoring Plan to be Included in Appendix III of the Amended California Ocean Plan

Dear Ms. Townsend and Members of the Board:

Calleguas Municipal Water District (District) appreciates this opportunity to provide comments on the State Water Resources Control Board's (State Water Board) proposed amendments to the 2009 California Ocean Plan, specifically on the addition of a discharger "model monitoring program" to Appendix III of the Ocean Plan. This letter provides a discussion of the primary issues of concern to the District.

The Calleguas Creek Watershed in Ventura County is impaired for salts (specifically boron, chloride, sulfate, and total dissolved solids). A critical element for achieving compliance with the Salts TMDL in the watershed is the Calleguas Regional Salinity Management Pipeline (SMP) which will collect tertiary treated effluent from wastewater treatment plants and concentrate generated at brackish groundwater desalter plants for discharge through a recently completed ocean outfall. The effluent is of very high quality with no measurable bacteria expected.

While in principle we agree with implementing a question-driven monitoring program we contend that this type of program should not be mandated in a statewide policy such as the Ocean Plan. The proposed Ocean Plan amendment would be duplicative of existing efforts and result in significant cost burden to the District without a clear environmental benefit. Additionally, as proposed, many of the requirements are confusing and contradictory and need to be clarified before dischargers and regulators may proceed with implementation.

A discussion of each of our primary concerns and suggested revisions is provided below.

1. Proposed amendments duplicate existing regulatory requirements.

Currently, Appendix III of the Ocean Plan includes standard monitoring procedures that provide direction to the Regional Water Boards in developing monitoring programs to accompany discharge permits. We consider this to be an appropriate level of direction to

be included within a statewide Plan or Policy as it gives Regional Water Boards the flexibility to effectively address regional water quality issues and tailor monitoring programs to specific NPDES permits and TMDLs. The proposed Model Monitoring amendments detract from the more effective practice of developing monitoring requirements for specific dischargers to address particular environmental circumstances, and the amendments would add unnecessary complexity to the growing list of overlapping regulatory requirements facing coastal dischargers. At a minimum, any amendment to the existing guidance should be carefully evaluated with respect to duplication of effort, particularly regarding ongoing NPDES Permit, TMDL, and AB 411 monitoring.

We believe that the proposed Model Monitoring requirements are duplicative in nature and unnecessary given other regulatory programs already in place. **We respectfully request that the proposed Model Monitoring amendments be withdrawn, and that State Water Board staff instead produce non-regulatory guidance for the Regional Water Boards and dischargers.**

Should the State Water Board decide to pursue the amendment, we feel that the Model Monitoring Program should provide minimum requirements for ocean monitoring and not try to capture all types of monitoring that could be necessary for a specific type of discharge. Regional Water Boards already have authority to require additional monitoring through NPDES Permit provisions, TMDL Implementation Plans, and other regulatory mechanisms. **If the amendments continue to be proposed, we urge the State Water Board to include only minimum monitoring requirements in statewide policies such as the Ocean Plan.**

2. The proposed Model Monitoring imposes significant cost burdens without a clear environmental benefit.

a. Increased frequency of ocean monitoring for bacteria is costly and unnecessary.

The District is already facing significant monitoring costs associated with its ocean discharge. We are concerned with the additional cost of implementing the increased monitoring requirements outlined in the Model Monitoring program. The Staff Report (Table 2, page 43) estimates costs of up to \$3.8 million for wastewater dischargers alone. As high as this figure seems, it is actually underestimated because it includes only analytical costs, without consideration for sampling costs. In order to obtain the required sample, staff/contract crews would have to drive to a harbor, take a boat out to the receiving water sampling location, collect the sample, and transport it to a lab. These significant costs are not included in the estimated analytical cost of \$90 per sample. Under Section 4.1 of the amended Appendix III of the Ocean Plan, the District would have to collect these samples for a minimum frequency of five times per month. Costs for obtaining and analyzing the necessary samples for the District are anticipated to be in the thousands or tens of thousands per dollars per month, even though the discharge is comprised of recycled water and

concentrate from treatment of brackish groundwater and therefore contains no bacteria.

The requirement for increased frequency of bacteria monitoring is a good example as to why any amendment to existing guidance should be carefully evaluated with respect to duplication of effort (as noted in our previous comment). The State already has requirements for monitoring and protection of beach water quality (AB 411). California dischargers and regulators are dealing with an exceedingly complex set of overlapping regulatory requirements, and the requirements of the Model Monitoring would exacerbate this complexity while causing communities to expend resources on unnecessary and duplicative efforts. **If the amendments continue to be proposed, we request that the weekly bacteria monitoring requirement be removed and the amendments be reviewed for consistency with existing policies that require monitoring.**

b. Requirements for individual monitoring programs are unreasonable.

The proposed Ocean Plan amendment clearly tries to establish a policy that would encourage regional monitoring and such encouragement is welcome. However, if a discharger chooses not to participate in a regional program (or there is not a regional program available to participate in) then there should be some flexibility built into the policy that allows the Regional Water Board and discharger to design a monitoring program that satisfies the policy requirements regardless.

We request that if amended, the Model Monitoring include provisions that allow the discharger and Regional Water Board to reduce the components of individual monitoring program if appropriate. As currently drafted, the policy requires mandatory monitoring for all constituents.

3. Many of the proposed monitoring requirements are confusing and need clarification.

a. The proposed monitoring effort does not correlate with the stated monitoring questions.

The stated goal of the model monitoring effort, as noted in the second sentence of the Introduction section to the proposed Ocean Plan Amendment, is that “monitoring should be question driven rather than just gathering data.” The proposed Model Monitoring then goes to great length to establish a number of questions that would guide the monitoring effort and establishes a monitoring program to support these questions. While in concept this is a reasonable approach, the proposed monitoring program has little relationship to the stated questions. In fact, the proposed monitoring requirements will do little to answer the questions being proposed.

As an example, Section 4.1 for indicator bacteria for Point Sources is noted below:

4.1. Point Sources

Primary questions to be addressed:

- 1. Does the effluent comply with the water quality standards in the receiving water?*
- 2. Does the sewage effluent reach water contact zones or commercial shellfish beds?*

To answer these questions, core monitoring shall be conducted in receiving water for the indicator bacteria at a minimum five times per month for any point sources discharging treated sewage effluent:

- a. within one nautical mile of shore, or*
- b. within one nautical mile of a commercial shellfish bed, or*
- c. if the discharge is in excess of 10 million gallons per day (MGD).*

A review of this section clearly indicates that the proposed *receiving water* monitoring effort will not address the questions being proposed about the *effluent* quality. Another example of a question without a corresponding monitoring effort is in Section 5.1: “What is the fate of the discharge plume?” The document provides little guidance and actually adds confusion as to how some of these questions will be answered. This pattern is found throughout the document.

We urge the State Water Board to clarify the stated questions and ensure that there is a clear relationship between the questions and the monitoring requirements.

b. Monitoring requirements are confusing at best and contradictory at worst.

In order for the amendment to be implemented, the requirements need to be clear and consistent. In a number of locations, the requirements are unclear or contradictory. For example, Section 5.1 does not specify whether chemical constituents shall be monitored in the receiving water, in the effluent, or both, only that “core monitoring for the substances in Table 1 (and Table 2) shall be required periodically.” It is our understanding from reading the Staff Report that the requirement is intended for the effluent, but the amended Appendix III language does not make this clear.

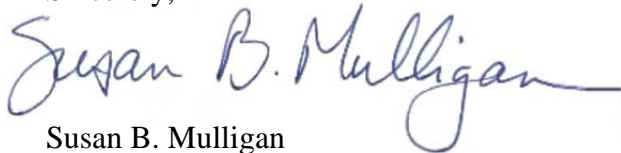
In another instance of confusion over the monitoring location, Section 7.1 notes that “Core monitoring for receiving water toxicity shall be required periodically. For discharges less than 10 MGD, the monitoring frequency for acute and chronic toxicity of the effluent should be at least annually. For discharges greater than 10 MGD, the monitoring frequency for acute and chronic toxicity of the effluent should be at least semiannually.” This language is contradictory. In the first sentence it states that core monitoring for receiving water toxicity is required, while the following two sentences state that monitoring will be performed on the effluent, not in the receiving water.

If pursued, the proposed Model Monitoring needs to clearly and consistently state the specifics of the monitoring effort, including requirements for characterization of effluent and receiving waters.

In summary, we respectfully request that the proposed Model Monitoring amendments be withdrawn, or in the least be reviewed for consistency with existing policies. We also urge the State Water Board to include only minimum requirements in statewide policies such as the Ocean Plan and allow Regional Water Boards to use their authority to establish different monitoring requirements as needed to address regional and local water quality issues through NPDES permit programs, TMDL Implementation Plans, and other regulatory tools. As proposed, the Model Monitoring requirements are too broad in scope and result in a significant cost burden to dischargers without a clear environmental benefit. Lastly, many of the proposed requirements are confusing and need to be clarified before dischargers and regulators can effectively implement them.

On behalf of the District, I want to thank you for the opportunity to submit these comments as part of the process to amend the California Ocean Plan. If you have any questions you may contact me by telephone at (805) 579-7115 or by e-mail at smulligan@calleguas.com.

Sincerely,

A handwritten signature in blue ink that reads "Susan B. Mulligan". The signature is written in a cursive style with a long, sweeping underline.

Susan B. Mulligan
General Manager
Calleguas Municipal Water District