

**CITY OF DAVIS  
CITY OF ROSEVILLE  
CITY OF VACAVILLE  
SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT**

*Via Electronic and U.S. Mail*

November 12, 2004

Dena McCann  
Division of Water Quality  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 94812-1000

**SUBJECT: COMMENTS REGARDING THE SCOPE OF THE FED FOR  
PROPOSED REVISIONS TO THE STATE IMPLEMENTATION  
POLICY FOR TOXICS**

Dear Ms. McCann:

The cities of Davis, Roseville, Vacaville and the Sacramento Regional County Sanitation District appreciate the opportunity to comment on the proposed scope of the functional equivalent document (FED) for the proposed amendments to the "Policy for the Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California" (the "SIP"). Our agencies support the two substantive amendments proposed by State Water Resources Control Board staff. The Policy should allow water effects ratios (WERs) to be established as a permitting action, as contemplated by the California Toxics Rule (CTR). (Issue 1.) It does not make sense to require agencies to undertake a Basin Plan amendment process to adjust metals criteria in a manner expressly allowed in the CTR. In addition, we support elimination of the ambient background-only trigger for reasonable potential. (Issue 2.)

In its alternatives analysis, the FED should analyze the costs to individual dischargers and the SWRCB and regional boards to go through a Basin Plan amendment process to implement WERs. Experience has shown that even non-controversial discharger-initiated basin plan amendments require many months and hundreds of thousands of dollars to complete. With regard to Issue 2, the issue description suggests that dischargers may be required to monitor for pollutants for which there is no reasonable potential. While such monitoring may be warranted in some cases, the SWRCB has recognized that effluent and receiving water monitoring costs can pose substantial burdens to the regulated community and has directed staff to work with interested persons to reduce these costs. (SWRCB Resolution 2004-032.) If the proposed amendment is going to require increased monitoring as an alternative, the FED should consider the costs to dischargers of requiring this additional monitoring.

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Thank you for the opportunity to provide our comments. Our agencies support the proposed amendments to the SIP as a first step toward improving point source permitting. We look forward to the opportunity to work with the SWRCB on additional amendments in the future to address such critical issues as effluent dependent waters and whole effluent toxicity.

Sincerely,

/s/  
Robert Weir  
City of Davis

/s/  
Arthur J. O'Brien  
City of Roseville

/s/  
David K. Tompkins  
City of Vacaville

/s/  
Stan Dean  
Sacramento Regional County  
Sanitation District

cc: Warren Tellefson, Executive Director, CVCWA