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18 FEB 2004

Mr. Craig J. Wilson  
TMDL Listing Unit, Division of Water Quality  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

Re: Draft Water Quality Control Policy Comments

Dear Mr. Wilson:

Thank you for the opportunity to review the **DRAFT** "Water Quality Control Policy For Developing California's Clean Water Act Section 303(d) List" and the **DRAFT** "Functional Equivalent Document (FED)." The following are comments and suggestions offered by members of my staff.

The USDA, Natural Resources Conservation Service (NRCS) applauds that the State Water Quality Control Board (SWRCB) recognizes the State needs to review on a regular basis its policies and procedures on the listing and delisting of the State's waters in the Section 303(d) list. We recommend that the SWRCB adopt into the proposed policy the National Academy of Sciences (NAS) recommendation "develop appropriate use designations for water bodies in advance of assessment and refine these use definitions prior to TMDL development." As pointed out in the FED, "the preparation of the list does not require states to reexamine whether ...standards are appropriate." It is recommended that a scientific review be incorporated into the 303(d) listing and TMDL process.

Specific Comments:

- (1) NRCS agrees with the following statement on page 33 of the FED: "The advantage of combining the triennial review process and the development of the Section 303(d) list is that the SWRCB would be more likely to identify real water quality problems." (Issue 1, Alt. 2)
- (2) Section 3.1 of the Draft Policy states: "Visual assessment or other semi-quantitative assessments may not be used as the sole line of evidence to support a section 303(d) listing." However, section 3.1.7 appears to suggest otherwise. What is the SWRCB intent?

(3) We recognize that economic concerns are not a factor in developing the list. It should be recognized that both the listing and the subsequent development of a TMDL and associated BMPs and Management Measures (MMs) may have significant local and regional economic impacts. Further, the overall process does not address how various sectors of the economy will absorb the costs.

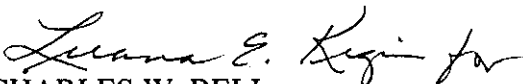
(4) Inappropriate 303(d) listings due to legacy problems and natural sources are not adequately addressed in the policy.

(5) Appendix - pg 6. 3.1.10. Trends in Water Quality. Three years of data collection may not be sufficient to establish specific baseline conditions in natural resource environments. Natural variation due to many biotic and abiotic factors can not be accounted for in a minimum of three years. For example, the impacts of a naturally occurring drought can, through decreased flows, significantly degrade water temperature to the point the segment may be considered to be listed in the State's 303(d) list.

(6) Appendix – pg 20. 6.2.5.2. Age of Data. We assume that this program and requirement will last longer than 10 years. Therefore, limiting data only to the last 10-year period for listing and delisting is not adequate to establish long-term baselines of information or establish a standardized approach for California's Section 303(d) list.

The 303(d) list is an important state document and the recommendations suggested by your staff will add consistency and quality to the listing and delisting process, and also maintain the flexibility needed to promote good water quality throughout the state.

Sincerely,

  
CHARLES W. BELL  
State Conservationist

cc:

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