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February 29, 2008

Ms. Karen Larsen
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Water Board Bay Delta Team
California Regional Water Quality Control Board
Central Valley Region
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Re: Comments on Staff Report titled Central Valley Water Board Actions to Protect Beneficial Uses of the Sacramento-San Joaquin Delta

Ms. Larsen:

The Sacramento Regional County Sanitation District (District) appreciates the opportunity to provide comments on the staff report titled *Central Valley Water Board Actions to Protect Beneficial Uses of the Sacramento-San Joaquin Delta*. The District is a regional sanitation district that serves over a million customers in the Sacramento metropolitan area and owns and operates the Sacramento Regional Wastewater Treatment Plant (SRWTP). The SRWTP discharges directly into the Sacramento River downstream of Freeport, which is part of the Delta Waterways (northern portion), in the Central Valley Regional Water Quality Control Board area.

The Staff Report requests input from stakeholders for use in the development of a strategic work plan for Bay-Delta actions to be taken by the Central Valley Regional Board. The District has the following comments regarding the content of the Staff Report and the questions posed in that document. Our comments are focused on the language of the Staff Report dealing with the proposed new actions to (1) Assess the Potential Impact of Ammonia on Delta Species and (2) develop a Comprehensive Regional Monitoring Program.

Assess the Potential Impact of Ammonia on Delta Species [page 6-7]

Under "Rationale", the staff report states that "elevated ammonia concentrations in San Francisco Bay and Suisun Marsh...reduce marine phytoplankton production rates..." and that "researchers suspect that ammonia levels in the Delta may be sufficiently elevated to inhibit phytoplankton production in the Delta as well." The staff report further states that "reduced algal production could have profound effects on the abundance and distribution of aquatic organisms in the Delta including those associated with the POD."

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The District believes that this language should be modified. The language implies dramatic effects in San Francisco Bay and Suisun Marsh and fails to put the magnitude of the alleged effect in proper context. The language also places an overemphasis of the likelihood and significance of the effect in the Delta, in the advance of any studies of the Delta that would prove or disprove the hypothesis advanced by a DWR researcher.

The staff report also states that "IEP researchers suggest that Delta smelt and juvenile salmon may be impacted by ammonia levels in the Sacramento River...and in the San Joaquin River in the vicinity of the City of Stockton." The report should be modified to state that these "suggestions" are from preliminary data analyses which have not been validated, and as a result, the conclusions are questionable until further scientifically defensible studies subject to independent review and public scrutiny are conducted.

The District is particularly sensitive regarding the staff report language because of the credibility that has been granted to the researchers in question who have alleged in multiple public forums that a significant ammonia impact is likely occurring in the Delta. These alleged impacts are being presented without adequate scientific investigation and measured analysis.

Under the heading "Action", the staff report states that "...the Water Boards will seek funding to conduct screening studies to determine whether freshwater diatoms and Delta smelt could be impacted by ammonia concentrations in the Sacramento River. In addition, the Water Boards will coordinate with researchers collecting information on the potential direct toxicity of ammonia to salmon and Delta smelt."

In the first case, the District objects to the narrowing of the discussion to whether ammonia could be impacting diatoms in the Delta. The question is not whether ammonia could potentially impact diatoms – the question is whether ambient ammonia concentrations (which have not changed significantly over the past decade or more) could have caused population level effects on Delta smelt and other impacted fish species in the Delta since 2000. Therefore, rather than limiting the screening study to a simplified analysis regarding diatoms, the screening study must take into account food chain linkages and complexities at a system scale if it is to have any value in the assessment of impacts on fisheries.

In the second case, it was the District's understanding that the Regional Water Board would be exercising some review and control over the ammonia toxicity screening study that has been proposed by IEP. The District has obtained an early copy of the work plan for the proposed IEP study, and finds it to be lacking in numerous areas. The District has significant comment on the following areas of the work plan:

- Documentation on the study methods and results obtained in 2006 and 2007 that have led to the proposed work plan.
- Details regarding the proposed sampling methods, frequency, and number.
- Details regarding the proposed Delta smelt toxicity bioassay methods and method validation.
- Details regarding the methodology to account for actual dilution of SRWTP effluent in the Sacramento River.
- Details regarding environmental relevance of the study design.
- Details regarding the statistical significance of the study results and the adequacy of replication.
- Methodology to interpret study results to isolate ammonia effects.

The District is concerned that these issues be addressed prior to performance of the study to avoid the current situation where issues of completeness and scientific rigor reduce the value of work performed to date. The implication that the Regional Water Board will merely coordinate with the IEP researchers sends a message that the proposed studies will occur outside the direct control of the Regional Board or any interested parties.

The District supports the input provided by CVCWA in response to the following questions in the Staff Report:

What long-term ammonia studies should be conducted?

The District recommends that ammonia studies be conducted and interpreted as part of a comprehensive set of studies to be performed to evaluate the causes of the POD. Those studies should include the various factors that could be influencing the POD, including contaminants, invasive species, water diversions (screened and unscreened), food web disruption, habitat degradation, predation and disease/pathogens. With this approach the relative contribution of individual factors affecting the POD can be determined.

With regard to ammonia toxicity, the District strongly recommends that long-term studies should be developed, performed and interpreted in the context of USEPA ambient water quality criteria and USEPA guidelines for the development of site-specific ammonia concentrations applicable to the Delta for protection of aquatic life.

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With regard to the impact of ammonia on the Delta food web and subsequent population-level effects on Delta fisheries, long-term studies of ammonia should be integrated with large scale studies of the food web and its dynamic effect on fisheries populations. In addition, ammonia fate and transport from all sources must be evaluated to clearly understand the role of ammonia and the relative contribution of the sources. As stated previously, the studies should not be limited to the impacts of ammonia on diatoms, as is currently described in the Staff Report.

What should the discharger's role be in the studies?

The District supports the recommendation by CVCWA that discharger representatives should be included on an Ammonia Studies Steering Committee, together with representatives from the Water Boards, Fish and Game, NOAA Fisheries and other appropriate stakeholders. The role of the Steering Committee would be to develop and direct the performance of Delta-specific ammonia criteria and impact studies and to assist in obtaining funding for the studies.

Should the Water Board convene a summit to present studies and gather information related to the impact of ammonia on Delta species?

The District agrees with CVCWA that the ammonia impact studies performed to date are an inadequate basis for convening a "summit" on the topic of ammonia impacts in the Delta. The District supports the CVCWA suggestion to convene an independent technical review panel to review a work plan for ammonia studies developed under the direction of the Steering Committee.

Comprehensive Regional Monitoring Program [page 3-5]

The Staff Report indicates that Water Boards staff will develop a comprehensive long-term, coordinated Delta-wide monitoring program. The District recommends that this program be developed through a stakeholder approach (which includes Water Boards staff) to secure buy-in and participation by the other affected parties. In addition to the San Francisco Bay RMP model, the District recommends that the approach to monitoring program development taken by the Sacramento River Watershed Program also be employed. The District also requests that the staff report language be modified to acknowledge the need to coordinate with the SRWP in linking a Delta monitoring program to the Sacramento River watershed.

What are the advantages and disadvantages of implementing a regional monitoring and assessment program?

The District is supportive of and sees clear advantages to the development of a regional monitoring and assessment program for the Delta.

What should be the geographic and temporal scope of a regional monitoring program?

The District agrees with CVCWA that the primary focus of the program should be long-term and on the Delta. The program should also address and support monitoring in the tributaries to the Delta, (e.g. in the Sacramento River and San Joaquin River watersheds).

What should be the management framework, including data compilation, assessment and reporting for a regional monitoring program?

The District supports the position of CVCWA that management of the regional monitoring program (e.g. Board of Directors) must include significant representation from Central Valley stakeholders (clean water agencies, storm water agencies, agriculture, drinking water agencies, and others) together with State and Federal agency representatives. A non-profit entity, similar to the San Francisco Estuary Institute (SFEI), would be one feasible option to address the need for data compilation, assessment and reporting. In its present organizational structure, and given its strong San Francisco-Bay focus, the District agrees that SFEI would not be well suited to manage and implement the regional monitoring program in the Delta.

What should be the goals and objectives of the program? Which beneficial uses should be assessed? What are the most important parameters to monitor? What kinds of products should the program produce and at what frequency?

The District agrees with CVCWA that, at a minimum, the goals and objectives of the program should include the following: characterization of ambient water and sediment quality conditions, identification of areas of impairment, assessment and projection of quality trends, effective dissemination of information, and coordination with other programs to promote efficiency and quality assurance.

What other efforts should be coordinated with a regional monitoring program? How can various mandates be achieved through a regional Monitoring program?

The regional monitoring program should be coordinated with other ongoing monitoring in the Central Valley, including the Sacramento River Watershed Program, and other established, routine monitoring programs.

What resources should support the program? How can current Water Board monitoring be optimized? Are there other programs or efforts that could be leveraged to support regional monitoring?

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The District supports CVCWA's position that the regional monitoring program will require the integration of federal, state, local and external resources. The District recommends that NPDES-required ambient monitoring be minimized or eliminated to help create funding availability for the regional program. The District also supports the position that beneficiaries of the Delta resources (e.g. water supply entities) be required to provide significant funding for the regional program in exchange for representation on an advisory committee for the program.

We appreciate the opportunity to provide this feedback on this important topic.

Sincerely,



Wendell H. Kido
District Manager

cc: Mary Snyder – District Engineer, SRCSD
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