

Public Comment  
Bay-Delta Strategic Workplan  
Deadline: 7/9/08 by 12 p.m.



# CVCWA

## Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

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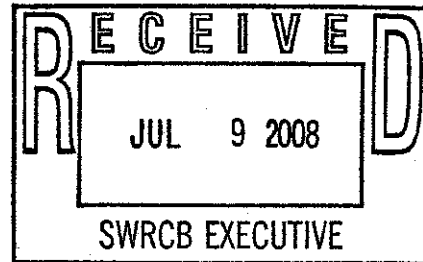
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July 9, 2008

*Sent via US Mail and Electronic Mail*

Jeanine Townsend,  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, California 95812

Email: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)



**SUBJECT: Comments on the Water Boards Strategic Workplan for Activities in the San Francisco Bay / Sacramento-San Joaquin Estuary Dated June 2008**

Dear Ms. Townsend and State Water Resources Control Board Members,

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to provide comments on the State Water Resources Control Board (State Board) and Regional Water Quality Control Boards (Regional Boards) (collectively Water Boards) Strategic Workplan for Activities in the San Francisco Bay/Sacramento-San Joaquin Estuary (Workplan). CVCWA represents the interests of more than 60 wastewater agencies in the Central Valley in regulatory matters related to water quality and the environment. Included in that membership are a number of wastewater agencies that will be directly or indirectly impacted by the actions identified in the Strategic Plan. On behalf of its member agencies, CVCWA provides the following general comments on of the Strategic Plan. We have also provided more specific comments as identified below.

CVCWA fully appreciates the Water Boards efforts in preparation of the Strategic Workplan. The Workplan presents important work that needs to be completed to protect beneficial uses of waters in the Delta. The commitment to stakeholder involvement and pursuit of science-based decisions is fully supported by CVCWA and its members.

However, CVCWA is concerned about the efforts identified in the Workplan as compared to other regulatory and political forums that are also addressing Delta water quality issues. Under the authority of the Porter Cologne Water Quality Control Act (Porter-Cologne), the Water Boards are

the state agencies responsible for protecting water quality in the state's waters. As the responsible agencies under Porter-Cologne, it is critical that decisions affecting water quality do not bypass the Water Boards. Thus, CVCWA urges the Water Boards to be actively engaged in as many of these forums as possible and make sure the provisions and processes established in state law for water quality are followed, particularly those related to development and implementation of water quality standards.

The Workplan appropriately recognizes that the ecosystem in the Delta is extremely complex and that there are many different factors affecting its health. In particular, the Workplan states "[s]cientists hypothesized that at least three general factors may be acting individually or in concert to lower pelagic productivity: 1) toxic effects; 2) exotic species effects; and 3) water project effects." The Water Boards must not lose sight of these facts. Moreover, the Water Boards must take care to avoid reaching conclusions that would result in directing expenditures in ineffective ways.

CVCWA is also concerned with the Water Boards' ability to maintain the necessary staffing and resources to remain sufficiently engaged in Delta issues. In many of the Workplan tasks, the estimates of required staff time and available financial resources appears to be underestimated. While we understand that the Water Boards have many priorities, CVCWA contends that dedication of resources towards Delta issues is critical. In providing funding, it is important to keep in mind that there are many diverse uses and beneficiaries of the Delta, and that everyone has an obligation to participate in finding and implementing solutions via a thorough, comprehensive scientific-based process.

One of the key elements of the Workplan is establishment of a comprehensive monitoring program. CVCWA believes that this is a very important effort that should move forward as a priority task. In the development of such a program, careful consideration must be given to the governance structure to ensure that such a program is supported by both state regulators and the regulated community. Support by all impacted parties is fundamental to bringing water quality data under one umbrella so that the benefits of a comprehensive program can be realized. Such benefits include elimination of duplicative water quality data collection efforts, improved quality control of water quality data, elimination of conflicting and data sets, and improved coordination in the timing of collecting water samples.

CVCWA's more specific comments on the various elements in the Workplan are provided below.

#### ***Develop and Implement Total Maximum Daily Loads (TMDLs)***

CVCWA recommends that the expected timeline for the Central Valley Regional Board's hearing on the Delta Mercury TMDL be revised to reflect recent events. Thus, the expected schedule for the Delta Mercury TMDL given on p.40 should be edited as follows:

"It is anticipated that the Delta Mercury TMDL will be considered by the Central Valley Regional Water Board ~~in the next several months~~ by early 2009."

Regional Board staff members are proposing a process of using a third-party facilitator to organize stakeholder input for revising the Basin Plan amendment. Comments from a broad spectrum of stakeholders over the past several years have pointed out serious concerns with the

amendment. It is unreasonable to expect that the TMDL will be considered in the next several months. In addition, CVCWA recommends that consideration be given to an alternative process for developing and implementing TMDLs in the Central Valley.

The Regional Board is, and should continue to consider a TMDL development and implementation process that is more stakeholder-driven, which would more fully include stakeholders in the information-gathering and decision-making process. There are several examples of such a process discussed in WEF's Third-Party TMDL Development Tool Kit. This document is available for free at <http://www.wef.org/NR/rdonlyres/030A0B07-6449-4451-909B-B7529E7D4214/0/ToolKitWebVersion.pdf>. There are even examples within the state—but in a different region—referenced in the tool kit.

***Evaluate Effects of Ambient Ammonia Concentrations on Delta Smelt Survival and Algal Primary Production and Control those Effects as Necessary***

CVCWA agrees with the Workplan, which states: "The effects of these discharges on the Delta ecosystem are not well understood and require additional analyses." Before requiring further ammonia controls on wastewater agencies in the Central Valley, CVCWA encourages the Regional Board to first evaluate the magnitude and extent of ammonia impacts on Delta Smelt survival. Information and studies to date are preliminary and should not be used to make long-lasting regulatory decisions. The relative contribution of potential ammonia effects in the Delta will also need to be determined in order to correctly prioritize any control measures in terms of resources and timing. Furthermore, between evaluating the effects (a laboratory-based study) and controls (potentially very expensive capital improvement projects), there should be a step to evaluate the fate and transport of ammonia from identified sources. Ammonia discharged from municipal wastewater treatment plants and all other sources is diluted, oxidized, and cycled in water environments. Unless these transformations in the water environment are understood, there is a high probability of misdirecting significant expenditures with little benefit.

The timeline presented on p.17 should reflect this additional study component, which may extend beyond end of the effects study to consider levels of effect identified. The timeline presented on p.17, staff resources (Table 1), and contract resources (Table 2) should reflect these additional study components.

***Evaluation, Development, and Implementation of a Comprehensive Delta Monitoring Program***

CVCWA recommends that the description of the SRWP monitoring program study be revised as follows:

The Sacramento River Watershed Program and the Central Valley Clean Water Agencies also have partnered to develop a pilot RMP for the lower Sacramento River is currently investigating options for developing a sustainable, stakeholder-based regional monitoring program for the mainstem Sacramento River.

Although CVCWA is very supportive of a regional monitoring program, we are one of what will need to be a more comprehensive group of stakeholders. As such, the comprehensive monitoring program as described on p.38 should include wastewater and stormwater

stakeholders as active decision-makers and participants. Currently, statements in the Workplan do not properly reflect the genesis or the character of the San Francisco Bay RMP.

The San Francisco Bay RMP was started in the early 1990s by NPDES permittees, to satisfy ambient receiving water monitoring requirements. The additional benefit of the collaborative effort was that one entity could then comprehensively assess the data and adaptively manage the program. Representatives from the discharger community were—and continue to be—key participants in the program.

The San Joaquin River Basin Monitoring Partnership is scoped to identify current monitoring efforts, conduct a gap analysis, and propose improvements. The final report is expected to summarize findings and give recommendations for how to proceed with a regional monitoring effort, but would not result in an RMP with which to integrate.

As you are aware, the IEP originally was formed to conduct environmental and water quality monitoring in the Delta mandated under the State Board's water rights decision that implements the permit for the USBR and DWR to operate the Central Valley Project and the State Water Project, respectively. The mandated monitoring under DWR's Environmental Monitoring Program (found at the following link: <http://baydelta.water.ca.gov/emp/>) includes only few water quality parameters as tabulated here:

**Table 3-1 Water quality parameters measured**

Parameter	Units
Water temperature	°C
Dissolved oxygen	mg/L
Specific conductance	µS/cm
Secchi disk depth	cm
Turbidity	NTU
Orthophosphate	mg/L
Total phosphorus	mg/L
Kjeldahl nitrogen	mg/L
Dissolved inorganic nitrogen	mg/L
Dissolved organic nitrogen	mg/L
Total dissolved solids	mg/L
Total suspended solids	mg/L
Volatile suspended solids	mg/L
Silica	mg/L
Chloride	mg/L

Interestingly, this table was copied from a 2001-2002 annual monitoring report, which is the most recent available on-line.

In addition to the Environmental Monitoring Program, the IEP conducts special studies to improve understanding of the Delta ecosystem and the factors affecting it. That is, the special studies are reactionary, investigating causes only after symptoms have been identified. The most significant of those studies is the recent focus on the pelagic organism decline and the potential stressors that may be contributing to the decline. Potential constituents of concern for assessing water quality-related impacts to the pelagic organisms in the Delta are ammonia/nutrients, toxicity,

pesticides, mercury, and metals. But without a long-term, continuous, comprehensive monitoring database, trend analyses and holistic assessments are not possible.

Wastewater and stormwater agencies have been required to monitor their discharges regularly for many years. These data are checked, assessed for compliance, and reported regularly. It is unfortunate that without the context of regional monitoring, the data are not being used to their fullest potential. The Delta RMP could improve on the current situation by including wastewater and stormwater monitoring program managers. To date, the IEP agencies seem to have institutional barriers to cooperating with municipalities and special districts. To ensure that there is a successful regional monitoring program, CVCWA encourages the Regional Board to work towards a truly collaborative approach that includes all relevant stakeholders.

In summary, CVCWA appreciates all of the efforts put forward by Water Board staff and looks forward to working with staff to improve on the tasks identified in the Workplan as we all work together towards protecting water quality in the Delta.

Sincerely,



Debbie Webster  
Executive Officer  
Central Valley Clean Water Association

c: Pamela Creedon – CVRWQCB