



February 20, 2015

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
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commentletters@waterboards.ca.gov



Subject: Comment Letter – Statewide Bacteria Objectives – Scoping Comments

The Sacramento Stormwater Quality Partnership (Partnership) appreciates this opportunity to provide comments on the Informational Document for the Public Scoping Meeting for Proposed Statewide Water Contact Recreation Bacteria Objectives Amendments to Water Quality Control Plans for Inland Surface Waters, Enclosed Bays and Estuaries and the Ocean Waters of California (Scoping Document). The Partnership is comprised of the County of Sacramento and the cities of Sacramento, Citrus Heights, Elk Grove, Folsom, Galt and Rancho Cordova that are co-Permittees in the municipal separate storm sewer system (MS4) National Pollutant Discharge Elimination System permit (NPDES No. CAS082597, Order No. R5-2008-0142).

The Partnership has reviewed comments on the Scoping Document that were prepared by the California Stormwater Quality Association (CASQA); we fully support CASQA's comments in support of the State Water Board's effort to develop the statewide bacteria objectives, and we agree with the specific concerns that CASQA raised. The State Water Board's effort will provide consistency statewide with recreational objectives based on the United States Environmental Protection Agency's (USEPA) 2012 Recreational Water Quality Criteria (RWQC). The objectives reflect current epidemiologic data, and consider implementation issues relevant to stormwater agencies. As noted in the CASQA comments, there are additions and adjustments to the State Water Board's proposed approach that would further improve the effectiveness and suitability for stormwater. The Partnership would like to highlight the following comments that are particularly relevant to inland, Northern California stormwater agencies:

1. Allow a reference system/antidegradation or natural sources exclusion approach in situations where a TMDL is not in place.
2. Request State Water Board guidance on application of the natural source exclusion approach, which should be developed using a stakeholder process.
3. Support the approach to allow suspension of recreational objectives in engineered and non-engineered channels during high flow events.

4. Allow seasonal suspensions and limited REC-1, but clarify that a use attainability analysis is not required for suspension of objectives.

COMMENT 1 – ALLOW A REFERENCE SYSTEM/ANTIDegradation OR NATURAL SOURCES EXCLUSION APPROACH IN SITUATIONS WHERE A TMDL IS NOT IN PLACE.

The Partnership supports the State Water Board’s recommendation to allow the use of reference system/antidegradation approach (RSAA) or natural sources exclusion approach (NSEA). It is important that stormwater agencies focus bacteria reduction efforts on anthropogenic sources. However, the Scoping Document is not clear on whether the RSAA or NSEA approaches would apply specifically during TMDL development and implementation, or would be applicable to situations where a TMDL does not exist. The use of the RSAA/NSEA should not be limited to use within the context of a TMDL. In the Central Valley region, there are few bacteria TMDLs, but there are instances where water quality objectives still apply and may be utilized to develop permit conditions, including receiving water limitations. Compliance with these requirements could end up being more restrictive than TMDL requirements if a RSAA approach is only allowed within the context of a TMDL.

COMMENT 2 – REQUEST THAT THE STATE WATER BOARD DEVELOP CLEAR GUIDANCE ON APPLICATION OF THE NSEA APPROACH USING A STAKEHOLDER PROCESS.

The Partnership would also appreciate clear guidance from the State Water Board on how the NSEA approach could be applied across common scenarios, to allow a streamlined way for stormwater agencies to implement the NSEA approach. The EPA is developing technical guidance for developing site-specific objectives using quantitative microbial risk assessment (QMRA) in its document “Site-Specific Alternative Recreational Criteria Technical Support Materials for Predominantly Non-Human Fecal Sources”. The document will describe the process to conduct a sanitary characterization, and provide QMRA from several conservative scenarios (with predominant sources being birds (gulls or chickens), pigs, or other non-pathogenic sources), along with the appropriate risk-based objectives for those scenarios. The Partnership requests that the State Water Board use the documentation that the EPA is developing to facilitate the application of site-specific objectives across areas with similar characteristics. Accordingly, the Partnership requests that the State Water Board provide a streamlined process for one site-specific objective to be applied in a region over multiple waterbodies that have similar characteristics. For instance, the Sacramento region has many urban tributaries with similar conditions. It would be appropriate to develop one site-specific objective that would apply to all urban tributaries that exhibit similar characteristics. With these considerations in mind, the Partnership requests that the State Water Board provide a streamlined process to implement the NSEA approach.

Moreover, the Partnership requests that the State Water Board clarify key points in the NSEA approach as it develops the Staff Report and Statewide Objectives. The Partnership requests clarification on the definition of “natural” versus “anthropogenic” sources within urban watersheds. Specifically, the Partnership asks that wildlife sources within urban waterbodies

such as raccoons, rats, and pigeons be considered natural sources. Furthermore, under the federal Clean Water Act, stormwater agencies are responsible for reducing pollutants in their stormwater discharges to the maximum extent practicable (MEP). The Partnership requests the State Water Board provide consistency with the Clean Water Act requirements, and require the control of anthropogenic sources of bacteria to the MEP, rather than the control of *all* anthropogenic sources.

Due to the multiple considerations for NSEA application, the Partnership requests that the State Water Board use a stakeholder process to develop guidance for the NSEA approach. It is important that the stakeholder process have statewide geographic representation to ensure that the NSEA approach can be readily applied to waterbodies statewide.

COMMENT 3 -- SUPPORT THE APPROACH TO ALLOW SUSPENSION OF RECREATIONAL OBJECTIVES IN ENGINEERED AND NON-ENGINEERED CHANNELS DURING HIGH FLOW EVENTS.

The Partnership supports the State Water Board's recommendation to allow the suspension of recreational objectives in engineered and non-engineered channels during high flow events (high flow suspension; HFS), as conditions during storm events are unsafe for recreation in all channel types. Particularly for inland Northern California waterbodies, recreational uses do not exist during rain events that occur during the winter rainfall season, and objectives based on ingestion of water during recreational use should not be applied. The Partnership recommends that the State Water Board provide a streamlined process to implement HFS based on simple metrics, such as rainfall amounts. In addition, the Partnership requests that the State Water Board provide clarification that non-engineered channels include rivers.

COMMENT 4 - ALLOW SEASONAL SUSPENSIONS AND LIMITED REC-1, BUT CLARIFY THAT A USE ATTAINABILITY ANALYSIS (UAA) IS NOT REQUIRED FOR SUSPENSION OF OBJECTIVES.

The Partnership supports the State Water Board's approach to allow for seasonal suspension, variances and Limited REC-1 (LREC-1), as numerous waterbodies in Northern California are not supportive of recreation year-round due to physical limitations on access or water depths that are not conducive to water contact recreation. However, the Partnership requests that the State Water Board clarify that a UAA not be required for a suspension of objectives. Similar to a HFS, the objectives should be suspended where water is present but ingestion of water is not reasonably possible. Such a suspension may be more appropriate than removing a use or replacing REC-1 objectives with LREC-1, and would not require the removal of the use and initiating a corresponding UAA.

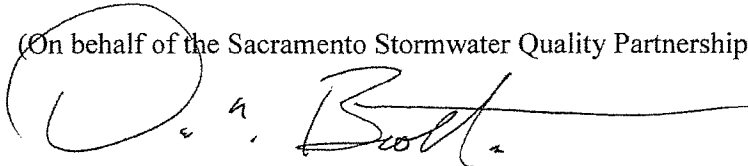
In closing, the Partnership appreciates the opportunity to comment on the Scoping Document and we hope that our comments will assist you in development of the bacteria objectives.

Ms. Jeanine Townsend
RE: Statewide Bacteria Objectives – Scoping Comments
February 20, 2015

If you have any questions or anything you would like to discuss, please contact Dana Booth of Sacramento County Department of Water Resources at 916-874-4389 or Sherill Huun of the City of Sacramento at 916-808-1455.

Sincerely,

(On behalf of the Sacramento Stormwater Quality Partnership)

A handwritten signature in black ink, appearing to read "Dana Booth", with a large circular scribble over the first few letters.

Dana Booth, Sacramento Stormwater Quality Partnership

A handwritten signature in black ink, appearing to read "Sherill Huun", written in a cursive style.

Sherill Huun, Sacramento Stormwater Quality Partnership

CC: Dave Tamayo, Sacramento County (via email)
Sarah Staley, City of Folsom
Brit Snipes, City of Rancho Cordova
Chris Fallbeck, City of Citrus Heights
Kyle Ericson, City of Sacramento
Dalia Fadl, City of Sacramento
Elissa Callman, City of Sacramento
William Forrest, City of Galt
Juan Chavez, City of Elk Grove
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