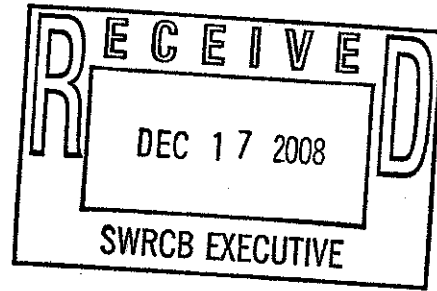




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December 17, 2008



Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Board of Directors
Representing:

- County of Sacramento
- County of Yolo
- City of Citrus Heights
- City of Elk Grove
- City of Folsom
- City of Rancho Cordova
- City of Sacramento
- City of West Sacramento

SUBJECT: Review of the "Statement of Policy with Respect to Maintaining High Quality Waters in California" – State Water Resources Control Board Resolution No. 68-16

Ms. Townsend:

The following comments pertaining to the SWRCB notice dated October 16, 2008 are offered by Sacramento Regional County Sanitation District (SRCS D). In addition to these comments, SRCS D supports the comments offered by the Central Valley Clean Water Association on this topic.

SRCS D's comments are focused on three areas to assist the SWRCB in its evaluation of the need for change in Resolution 68-16 and supporting implementation guidance. These areas are: (1) water quality conditions and trends in the Central Valley and San Francisco Bay (2) Resolution 68-16 and its implementation in NPDES permits, and 3) questions asked as part of the notice for the workshop on the antidegradation policy.

Mary K. Snyder
District Engineer

Stan R. Dean
Plant Manager

Wendell H. Kido
District Manager

Marcia Maurer
Chief Financial Officer

1. Water quality conditions and trends in the Central Valley and San Francisco Bay.

The notion that water quality conditions in the State are worsening is not borne out by available ambient data.

Assertions have been commonly made that water quality conditions are deteriorating due to increasing population, urbanization, and the SWRCB's failure to properly implement the State and Federal antidegradation policies.

The attached power point slides present ambient water quality conditions in the Delta (data sources are DWR-MWQI, IEP and others). The ambient data plots for organic carbon, Total N, Total P and Ammonia at different locations in the Delta show that water quality conditions in the Delta, in general, are not deteriorating and, in fact, are improving at a number of locations for these parameters. This conflicts with the "common wisdom" that portrays the Delta water quality as degrading due to population growth and urbanization.

Similar findings exist regarding water quality trends in SF Bay. From the 2006 Regional Monitoring Program annual report, the following excerpt highlights findings regarding status and trends of contamination: "...the most striking

observation is that the data suggest declining trends in multiple contaminants...in water, total and dissolved PCBs, DDTs, nickel and selenium exhibit significant declines in some or all of the monitoring stations...results suggest a general decline in waterborne concentrations of these contaminants." No trends are seen in dissolved copper or methylmercury data in water. The only contaminant with an increasing trend reported in SF Bay waters is PAHs.

The Bay Institute Ecological scorecard for San Francisco Bay [2005] states that open waters of the Bay are cleaner than in 2003, although not all standards are met. The composite grade in their Water Quality Index went from a C- in 2003 to a B- in 2005.

The use of the number of 303(d) listings to indicate a trend in worsening water quality is a flawed approach.

The total number of 303(d) listings in California since 1990 doesn't necessarily relate to the actual ambient water quality conditions in the State. The number of listings, over time, instead is a function of increased attention on 303(d) listings since 1996. SWRCB issued its listing guidance in 2003 and has led the effort to bring greater consistency and documentation to the 303(d) listing process. The increase in the number of listings in more recent listing cycles is plainly more related to data availability than to actual changes that are happening in the environment.

2. Resolution 68-16 and its implementation in NPDES permits.

"Antidegradation" does not mean that no change in water quality is allowable under State or Federal policies.

SWRCB Resolution 68-16 requires: "...highest water quality consistent with maximum benefit to the people of the State." This determination requires a balancing of costs and benefits of additional treatment or other control measures in comparison to incremental changes in water quality.

The California Water Code further clarifies the standard for water quality regulation, as follows:

CWC Section 13000 states: "...activities and factors which may affect the quality of the waters of the State shall be regulated to attain the highest water quality which is reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible."

CWC Section 13241 states: "...it is recognized that it may be possible for the quality of water to be changed by some degree without unreasonably affecting beneficial uses."

The implementation to date of SWRCB Resolution 68-16 in NPDES permits under the SWRCB guidance document (Administrative Procedures Update 90-04 (APU 90-04) has been consistent with these provisions of the Water Code.

SWRCB Resolution 68-16 is being successfully implemented in many NPDES permits in the Central Valley (Region 5) and in the San Francisco Bay area (Region 2).

Following the guidance provided in APU 90-04, detailed antidegradation analyses have been developed by permittees for Regional Board approval to support (1) increases in NPDES permitted discharge

capacity or (2) new discharges to surface waters of the State. In recent times, increases in existing discharges or new discharges have only been approved where found to be consistent with Resolution 68-16 and the Federal antidegradation policy.

In Region 2, this has been the practice since 1998. In Region 5, this practice has been implemented more recently (2006).

Partial Listing of POTWs with approved antidegradation analyses, mostly in support of increased NPDES-permitted discharges

Region 2

South Bayside System Authority [1996]
Petaluma [2003]
Novato Sanitary District [2004]
Central Contra Costa Sanitary District [2004]
East Bay Dischargers Authority [2005]
Fairfield Suisun Sewerage District [2006]

Region 5

Manteca [2006]
Yuba City [2007]
Modesto [2007]
EID [2007]
Roseville [2008]
Ironhouse Sanitary District [2008] [new discharge]

In accordance with APU 90-04, antidegradation analyses are substantial technical efforts, addressing effects of increased loadings and significance of incremental water quality changes, often employing sophisticated water quality modeling tools to quantify and assess consistency with both 68-16 and the Federal antidegradation policy.

APU 90-04 has provided sufficient guidance to prepare antidegradation analyses approvable by Regional Water Boards and USEPA.

The SWRCB's guidance was written to address both the State and Federal anti-degradation policy requirements in NPDES permitting. Following this guidance, a Regional Board must decide whether a proposed new or expanded discharge will be consistent with the intent and purpose of the State and Federal anti-degradation policies. Importantly, in every case where this guidance has been followed in California, USEPA has approved the proposed increase in NPDES permitted discharge or new NPDES discharge. As noted, the current interpretation is that an antidegradation analysis is needed only where an increase in NPDES permitted capacity or a new discharge to surface waters is involved. This is the appropriate approach. Performance of an antidegradation analysis on every NPDES permit renewal would be overly burdensome on the regulated community and on the SWRCB and Regional Boards and would be unproductive where the discharge will not exceed the previously approved NPDES permit capacity.

3. Questions asked as part of the notice for the workshop on the antidegradation policy.

Should the State's Anti-degradation Policy be revised as it pertains to surface waters?

No, the existing policy is adequate.

Should the State's Antidegradation Policy be revised as it applies to groundwater?

No. However the implementation of the policy in groundwater needs to be clarified to resolve questions regarding the point of application of the policy and the use of the policy to provide reasonable protection of groundwater uses.

Should the implementation procedures as contained in APU 90-004 be revised?

No, the existing procedures provide adequate direction and flexibility.

Should the implementation procedures be formally adopted as guidance or regulations by the State Water Board?

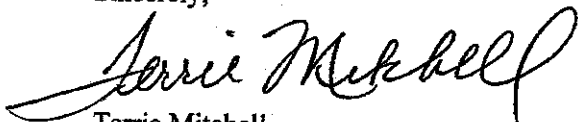
No, formal adoption of the existing procedures would not provide added value.

Should the implementation procedures in APU 90-004 be expanded beyond the point source discharge permitting program?

SRCS D has no position on this issue.

In summary, SRCS D supports the existing policy and implementation procedures for surface waters as adequate and does not believe that the SWRCB should invest scarce resources in modifications of these documents. Clarification of the implementation procedures for application of the policy to groundwater would be beneficial. SRCS D would welcome participation in the development of such procedures.

Sincerely,



Terrie Mitchell
Manager, Legislative and Regulatory Affairs
SRCS D

Attachment

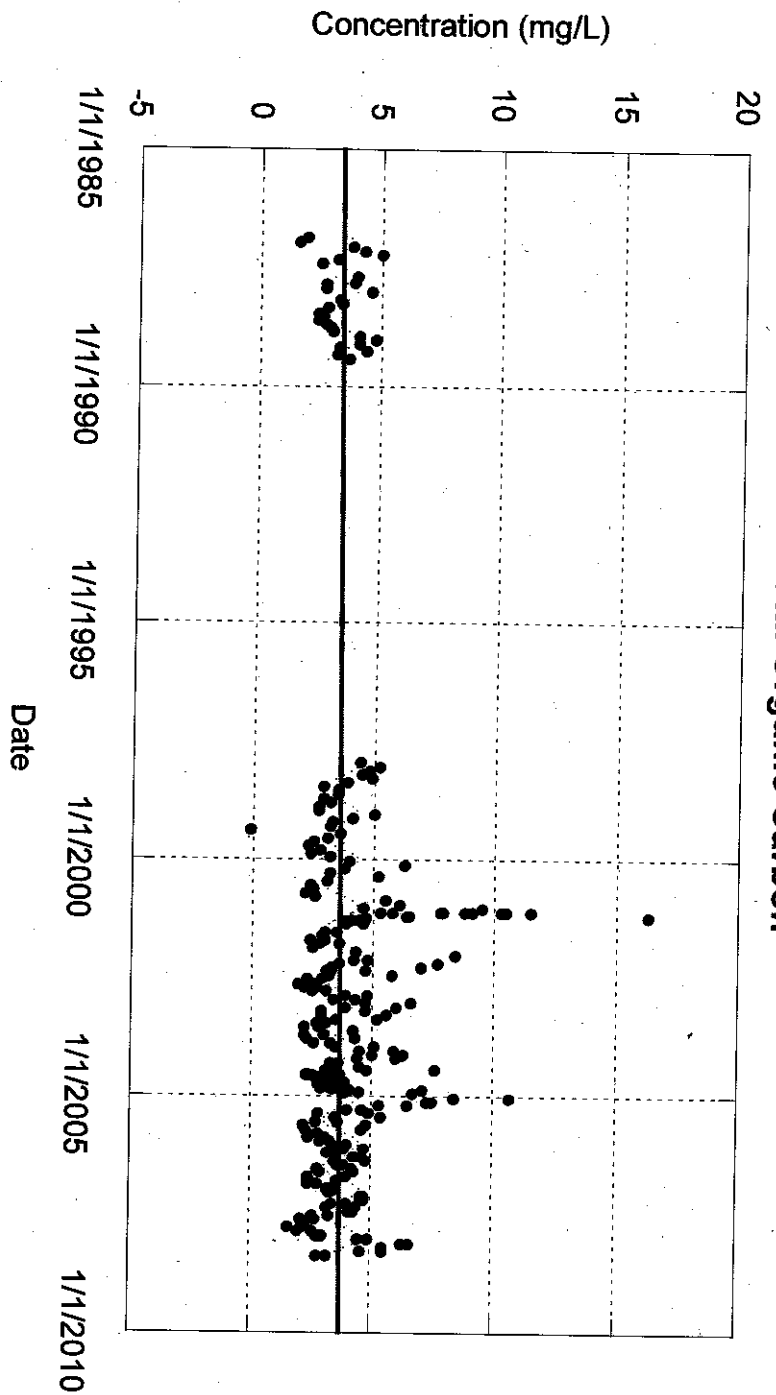
cc: Debbie Webster, CVCWA
Mary Snyder, District Engineer
Stan Dean, District Manager
Prabhakar Somavarapu, Plant Manager, SRCS D

SWRCB Workshop Antidegradation

CVCWA Presentation

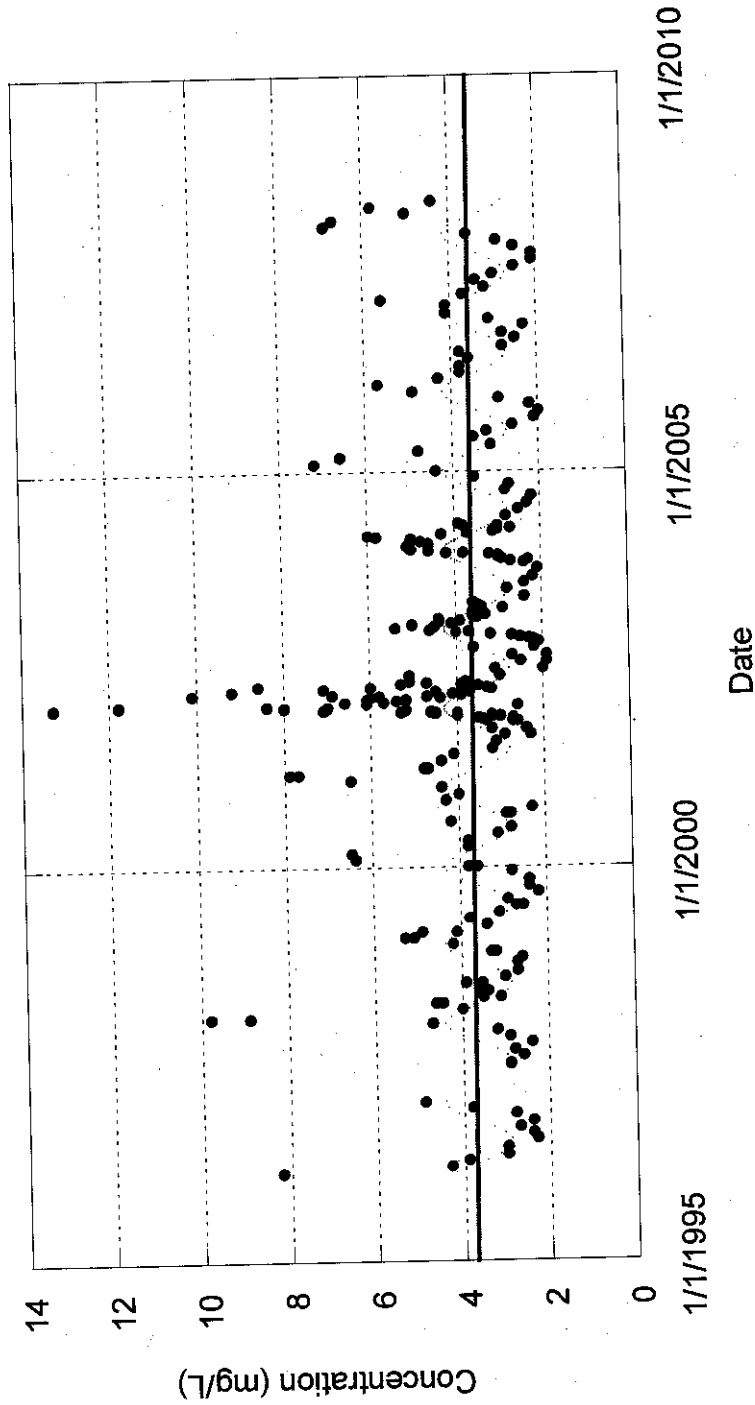
November 17, 2008

Delta Pumping Plant Headworks at H.O. Banks Total Organic Carbon



No statistically significant trend with time.

Contra Costa's Los Vaqueros intake on Old River near Byron
Total Organic Carbon

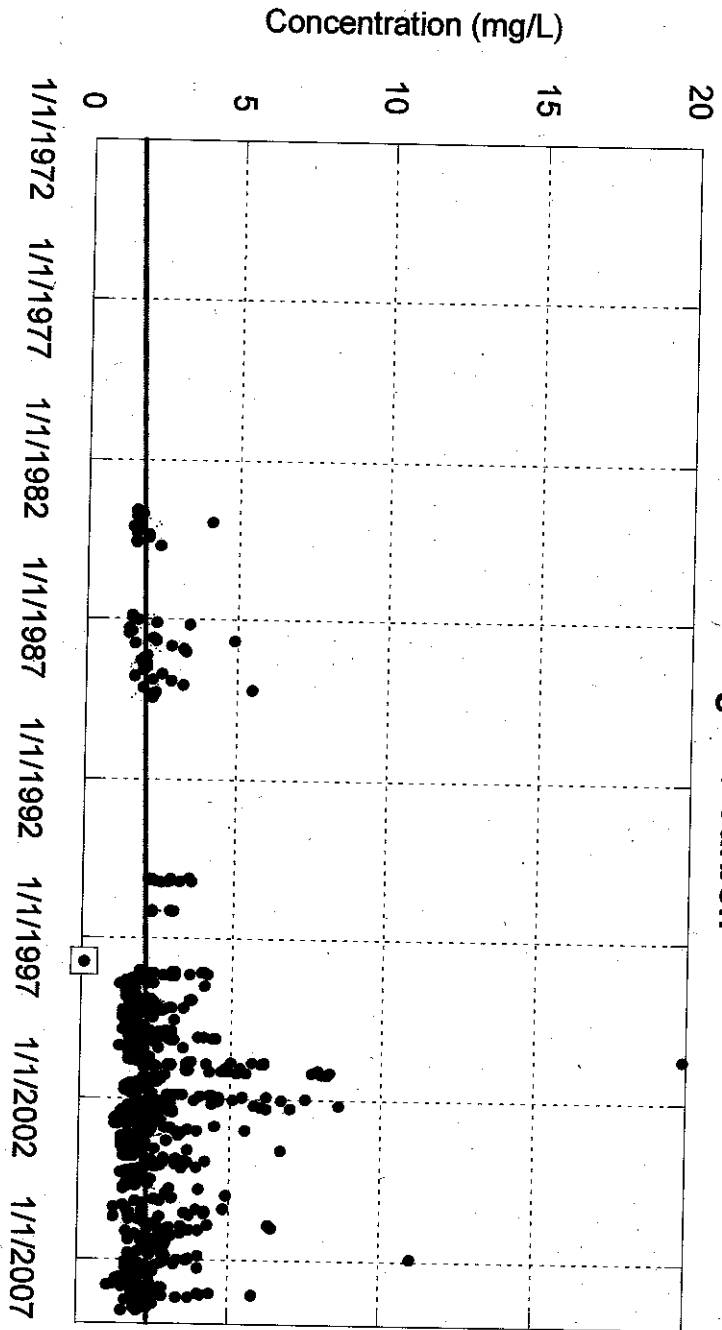


No statistically significant trend with time.

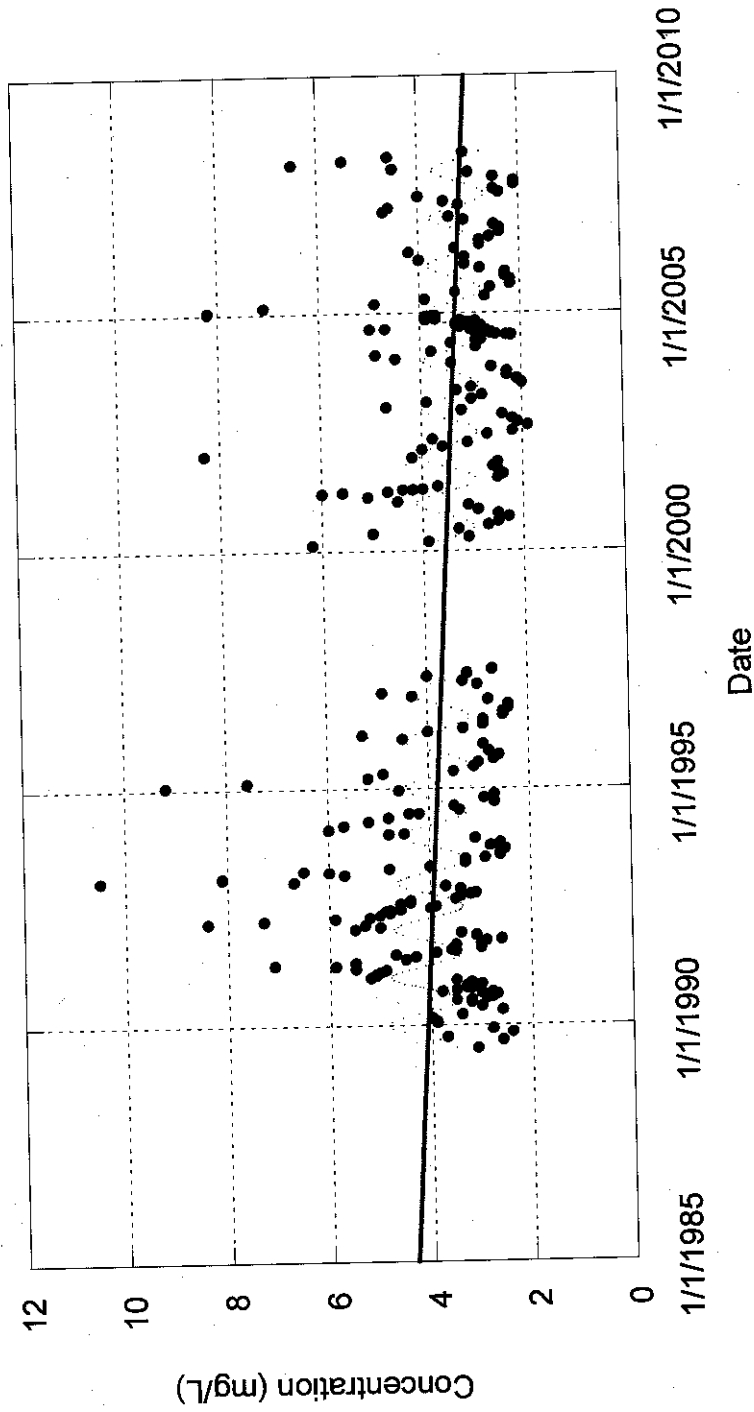
• TOC (mg/L)
— Regression Line

$R^2 = 15.5$

**Sacramento River at Greene's Landing and Hood
Total Organic Carbon**

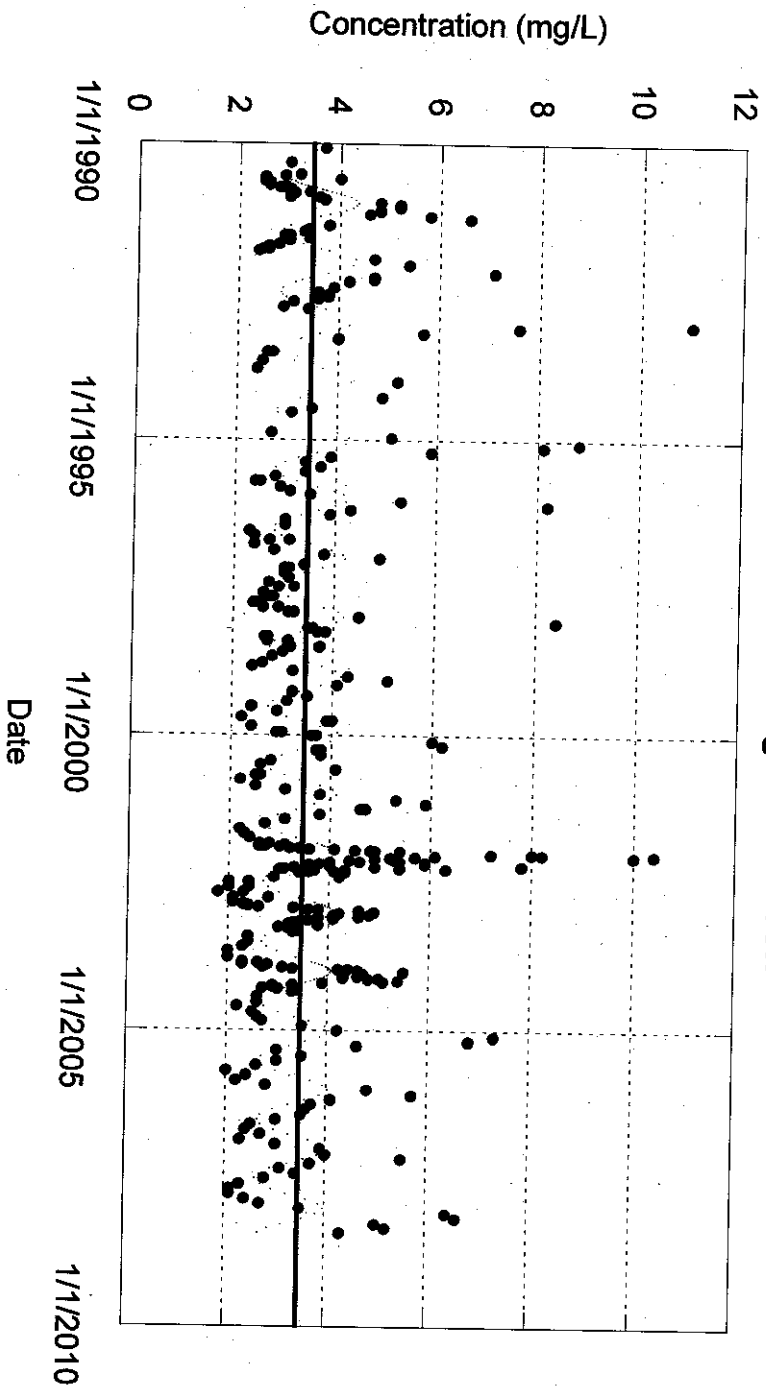


Delta Pumping Plant Headworks at H.O. Banks
Dissolved Organic Carbon



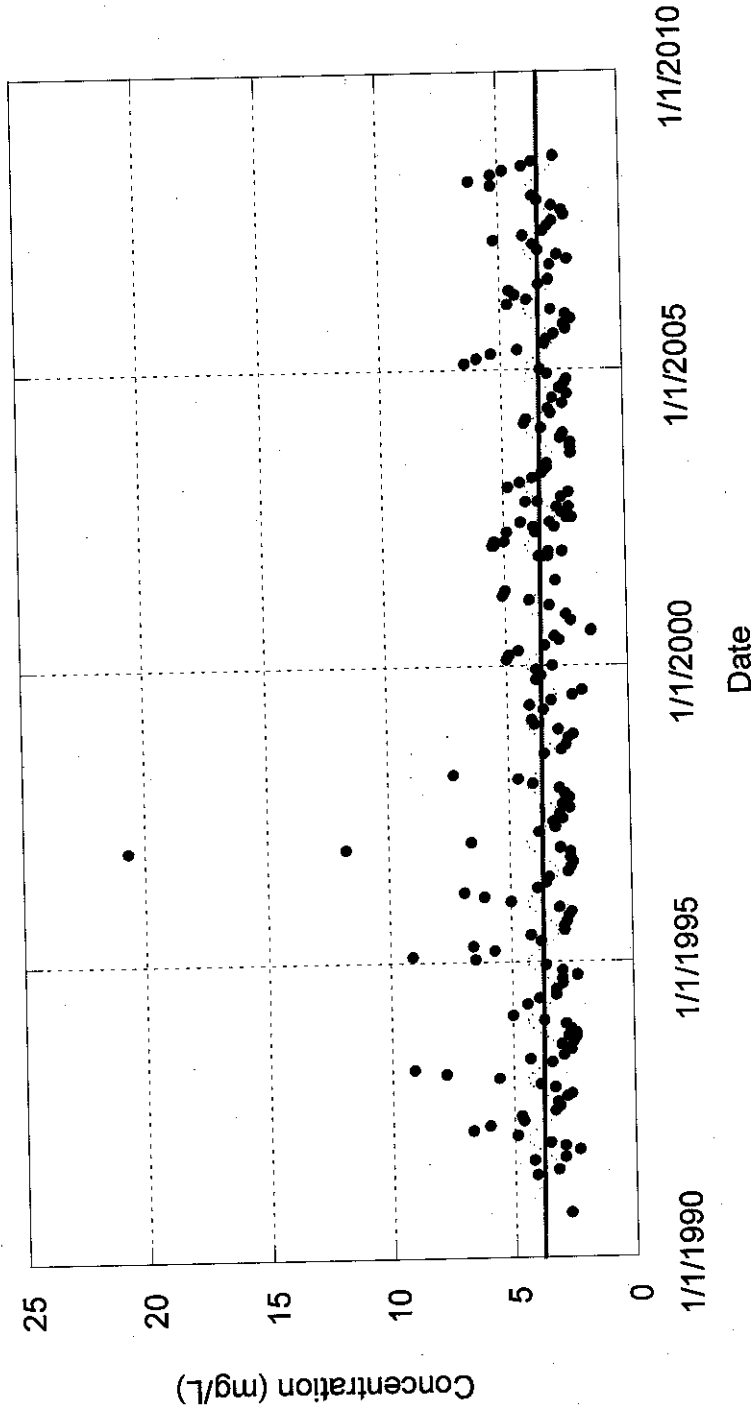
Downward trend with time.

Contra Costa's Los Vaqueros intake on Old River near Byron
Dissolved Organic Carbon



No statistically significant trend with time.

Intake at Contra Costa pumping plant No. 1
Dissolved Organic Carbon

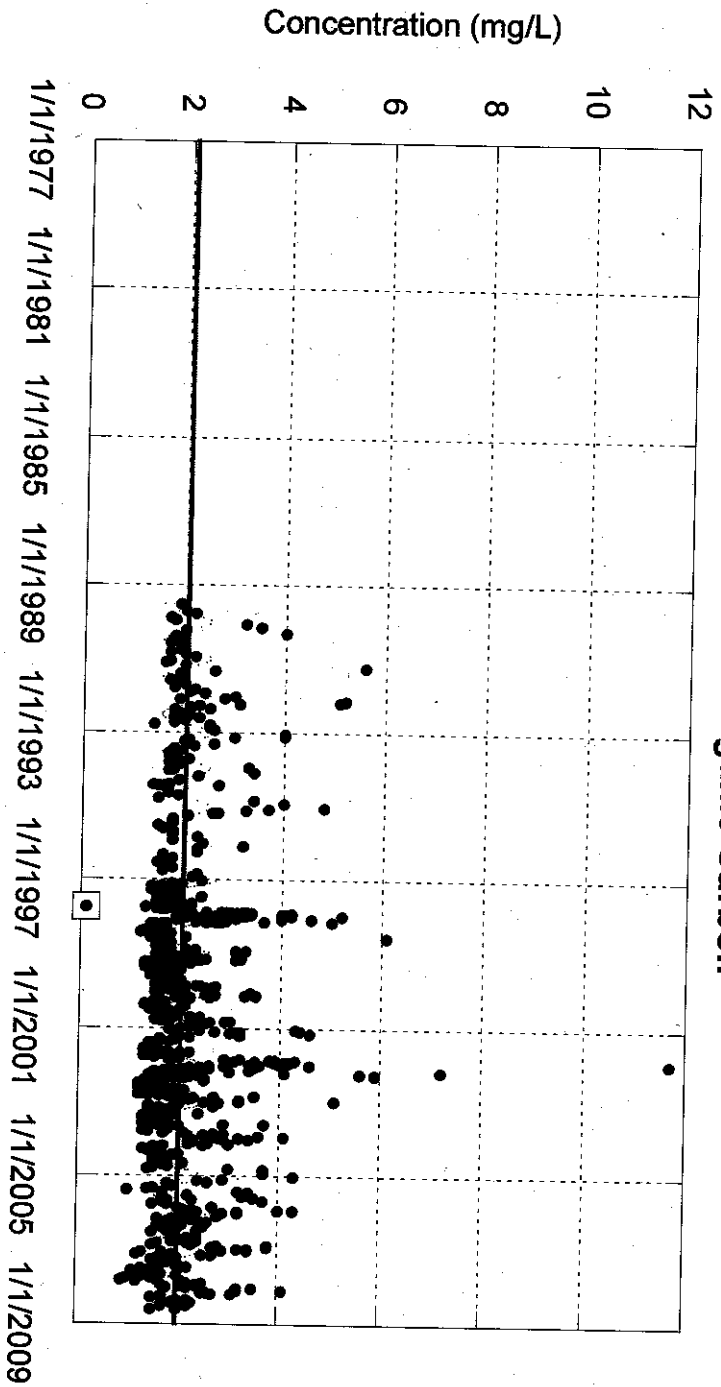


• DOC (mg/L)
— Regression Line

$R^2 = 12.9$

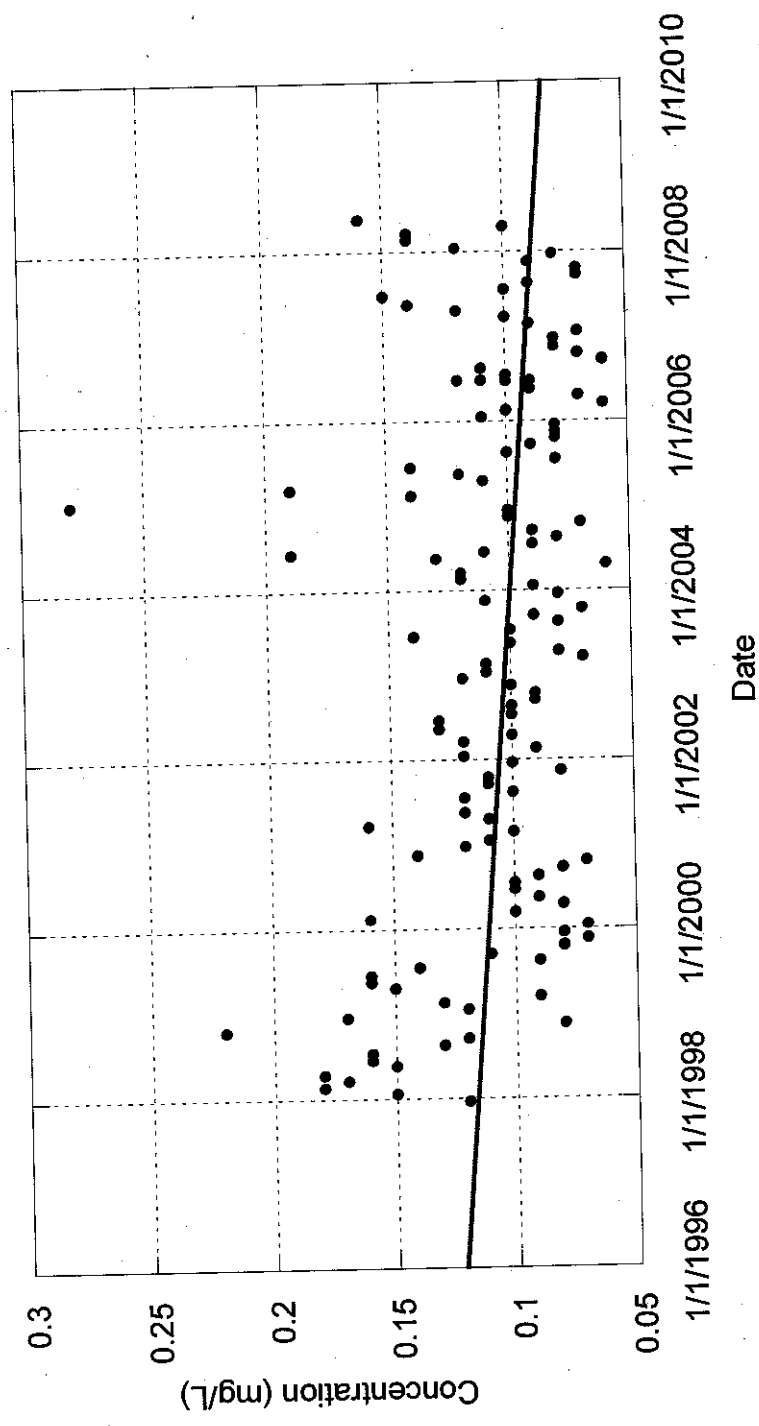
No statistically significant trend with time.

Sacramento River at Greene's Landing and Hood Dissolved Organic Carbon



No trend with time,
only with season.

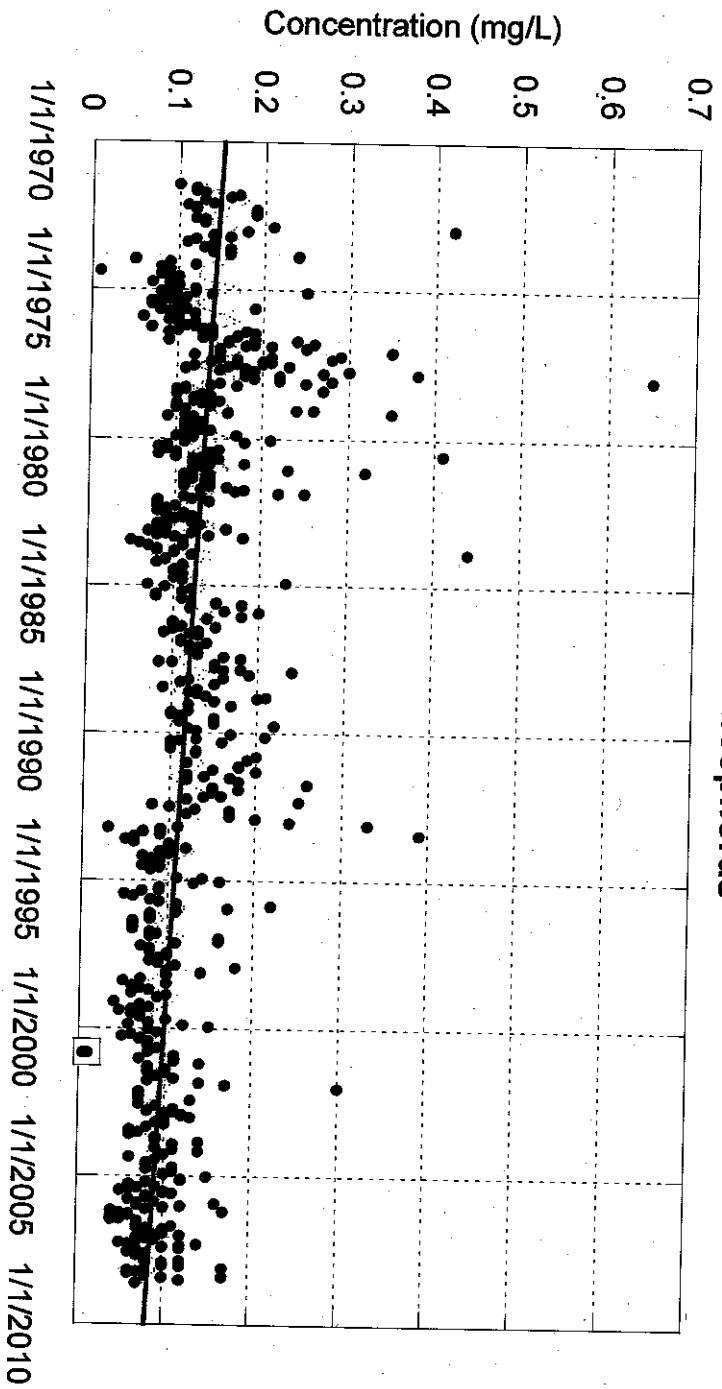
Delta Pumping Plant Headworks at H.O. Banks
Total Phosphorus



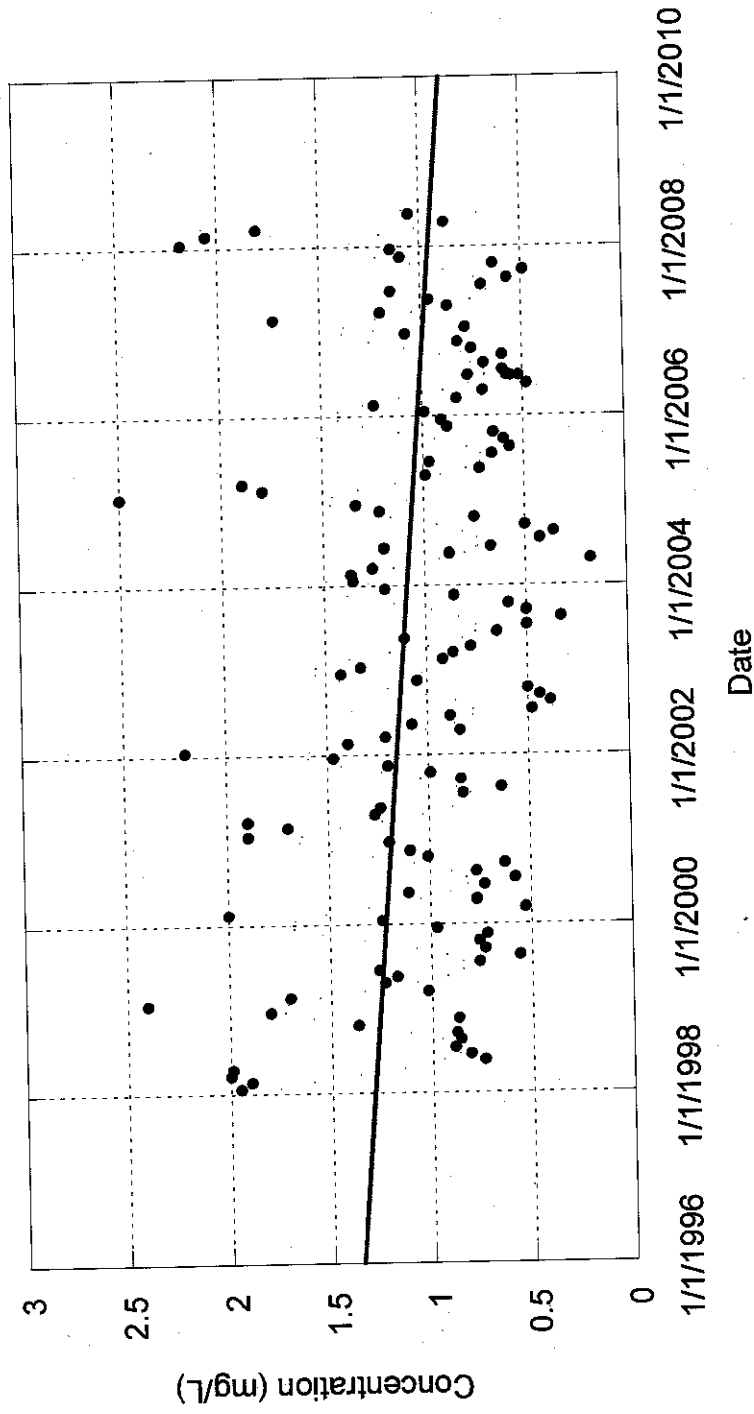
$R^2 = 8.5$

Downward trend with time.

Sacramento River at Greene's Landing and Hood Total Phosphorus



Delta Pumping Plant Headworks at H.O. Banks
Total Nitrogen

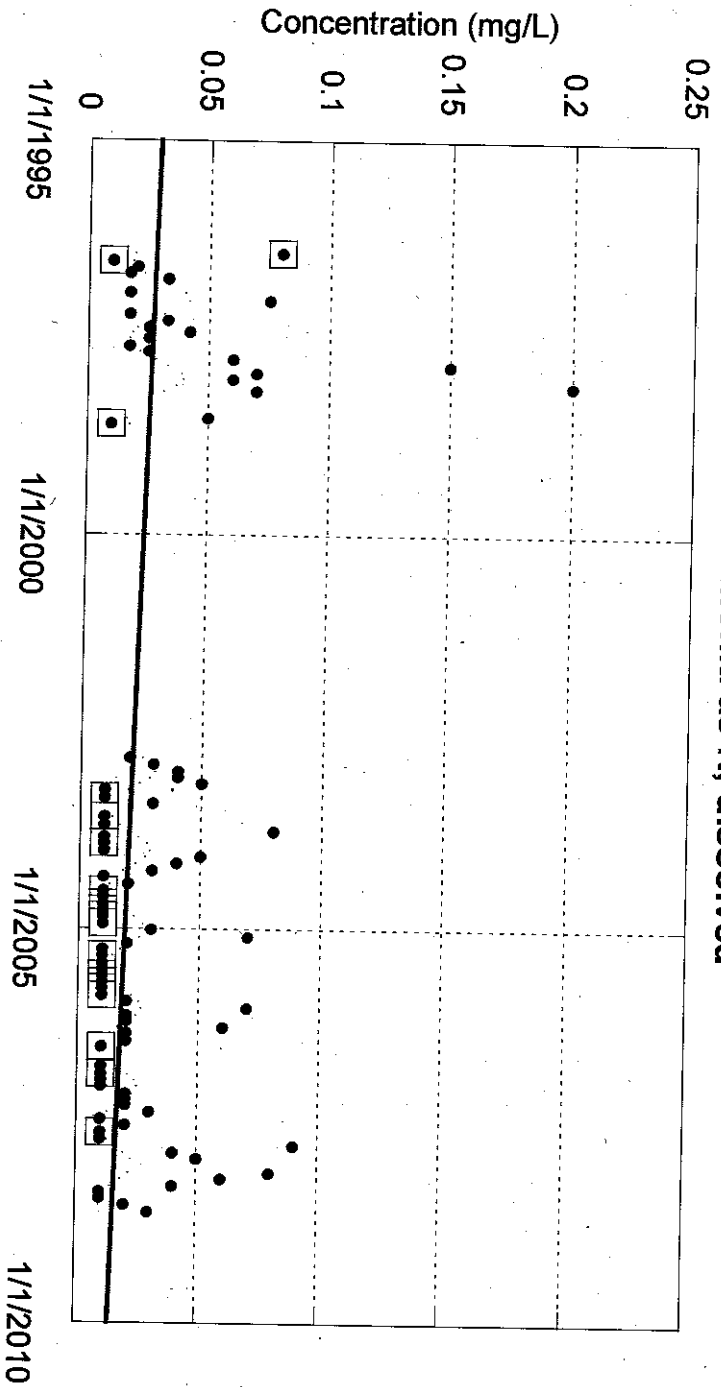


• Total Nitrogen (mg/L)
— Regression Line

$R^2 = 34.0$

Downward trend with time.

**Intake at Contra Costa pumping plant No. 1
Ammonia as N, dissolved**

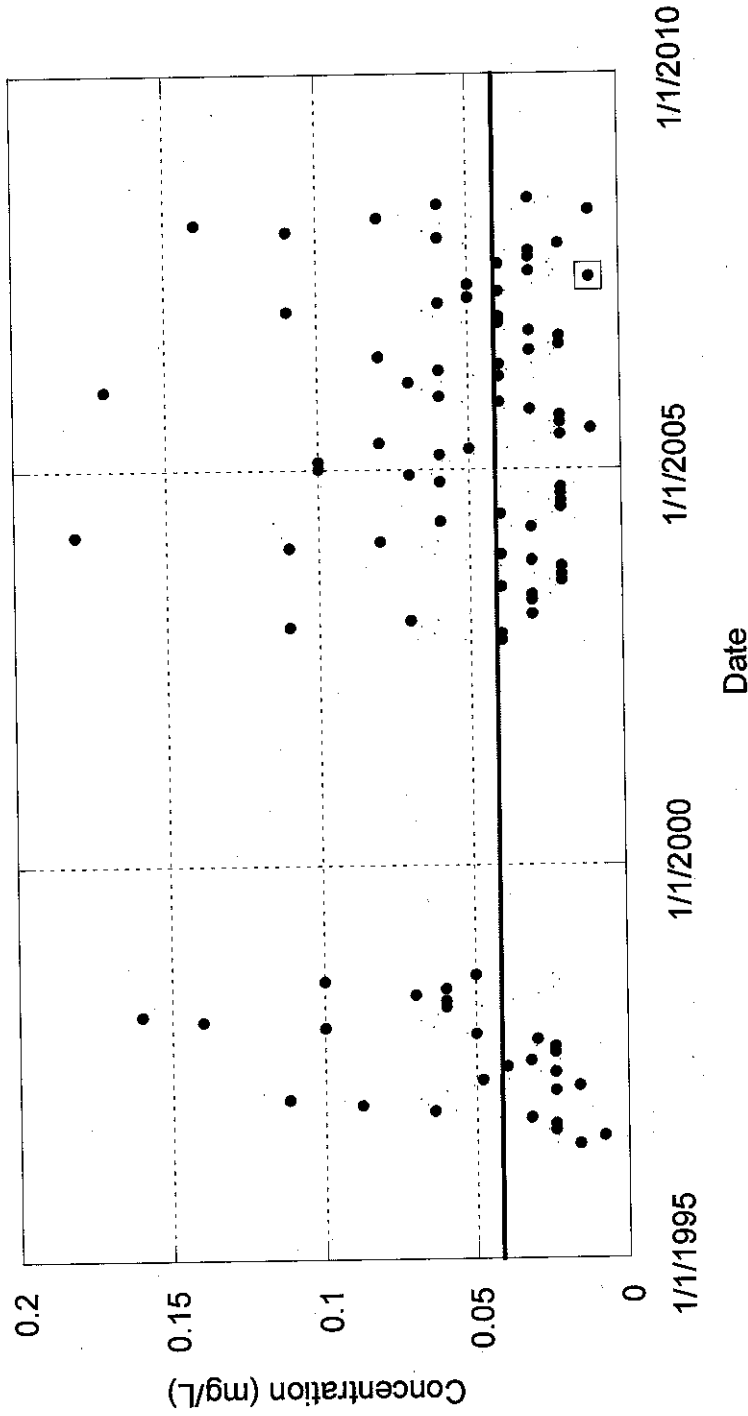


Downward trend with time.

| | |
|--------------------------|--------------------------------|
| <input type="checkbox"/> | Undetect |
| • | Ammonia as N, dissolved (mg/L) |
| — | Regression Line |

$R^2 = 20.3$

Contra Costa's Los Vaqueros Intake on Old River near Byron
Ammonia as N, dissolved



No statistically significant trend with time.

Delta Pumping Plant Headworks at H.O. Banks Ammonia as N, dissolved

