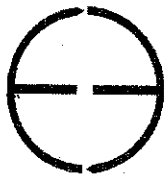
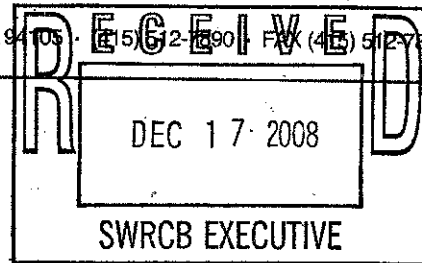


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December 17, 2008

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

RE: "Comment Letter - Anti-degradation Policy (Resolution 68-16)"

Dear Ms. Townsend:

The California Council for Environmental and Economic Balance (CCEEB) is a non-partisan, non-profit organization of business, labor and community leaders that seeks to achieve the State's environmental goals in a manner consistent with a sound economy. On behalf of CCEEB, we offer the following comments with respect to the Boards' interrogatories posed at the November 17, 2008 workshop on the Anti-degradation Policy.

The current Anti-degradation Policy is adequate

Although the current Anti-degradation Policy was adopted in 1968, and would be considered extremely brief by today's standards, CCEEB believes that the Policy has stood the test of time and that there is no need to reopen the Policy for revisions or modifications. In addition, its current implementation guidance for surface water is adequate to perform the function for which it was originally intended.

CCEEB has a vast variety of member companies, which operate oil refineries, wastewater treatment facilities, electrical generation plants and other endeavors. These members comply with a variety of water quality regulations, waste discharge requirements, TMDLs, and clean-up and abatement orders, all of which are driven by the current Policy and have resulted in improved water quality controls. The current Anti-degradation Policy and its subsequent clarifying policies and guidance such as the Board's 1990 Administrative Procedures Update 90-004 have therefore been more than adequate to ensure the required level of water quality protection.

Presentations made at the November 17, 2008 Board workshop did not contain any significant evidence to suggest that the Policy was neither inadequate nor not performing the function for which it was originally intended. The argument was made that the Policy is inadequate due to the fact that the number of impaired water bodies in the state has increased since the Policy was adopted. This

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argument does not take into consideration that the criteria for impairment listing, as well as the analytical detection limits to assess impairment, are significantly lower today than they were when the policy was adopted. Hence, the argument that an inadequate Policy is responsible for the increase in designations of impaired water bodies is flawed. Accordingly, there does not appear to be any basis for the State Board to reopen or modify the Policy. Doing so would only add duplicative and potentially conflicting provisions for protecting waters that already have adequate protection in existing policies, laws and regulations--most of which were adopted subsequent to 1968, in full conformance with the Anti-degradation Policy.

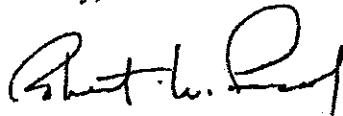
Supplemental Groundwater "Guidance" to the Regional Boards Should Be Considered

The portion of the November 17, 2008 workshop relating to the application of the Anti-degradation Policy to groundwater did indicate the existence of some problems and lack of application of the Policy in a consistent and effective manner. In some cases, the application of the Policy as applied to groundwater has resulted in outcomes that were not supported by the scientific data and, as a result, entailed significant cost expenditures that were not justified by the associated risk.

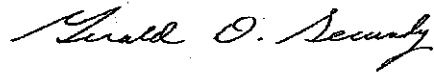
The issues raised at the workshop with respect to the application of the Policy to groundwater would suggest that it may be desirable for the Board to issue some supplemental "guidance" to the Regional Boards as to the applicability of the Policy to groundwater. Such guidance should encourage a consistent, reasonable, and practical approach, with protection standards commensurate with likely beneficial uses. It should also consider economic feasibility as a factor in determining criteria such as cleanup limits. As such, CCEEB encourages the Board to conduct additional outreach to further identify stakeholders as well as potential issues and resolutions to those issues. CCEEB believes that any such supplemental guidance should only be based on sound science and with the full participation of all potentially affected stakeholders. CCEEB would be pleased to participate in the activities of such an advisory group of stakeholders.

We appreciate this opportunity to comment on the Boards' existing Anti-degradation Policy. If we can provide any further information or be of any additional assistance please feel free to contact us.

Sincerely,



Robert W. Lucas
Waste & Water Quality Project Manager



Gerald D. Secundy
President

cc: Members of the State Water Resources Control Board
Dorothy Rice, Executive Director, SWRCB
Jonathan Bishop, Chief Deputy Director, SWRCB