Jim Colston
Tri-TAC Chair
Orange County Sanitation District
P.O. Box 8127
Fountain Valley, CA 92728
(714) 593-7458
jcolston@ocsd.com

February 15, 2008

Tam Doduc, Chair and Members
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812

Via Electronic Mail and U.S. Mail

SUBJECT: **COMMENTS REGARDING WATER BOARDS DRAFT STRATEGIC PLAN UPDATE 2008-2012—VERSION 3 (January 25, 2007)**

Dear Chair Doduc and Members of the Board:

The California Association of Sanitation Agencies (CASA) and Tri-TAC are pleased to offer our comments on the Water Boards Draft Strategic Plan Update 2008-2012. As you know, CASA and Tri-TAC are statewide organizations comprised of members from public agencies and other professionals responsible for wastewater treatment. Tri-TAC is jointly sponsored by CASA, the California Water Environment Association (CWEA), and the League of California Cities. The constituency base for CASA and Tri-TAC collects, treats and reclaims more than two billion gallons of wastewater each day and serves more than 90 percent of the sewered population of California.

At the outset, CASA and Tri-TAC wish to acknowledge the Water Boards' inclusive and transparent process for developing and updating the Strategic Plan. We appreciate the several opportunities we have had to meet with you and key Water Board staff to discuss the program priorities and goals. The process recognizes the value and importance of including stakeholders in helping to guide and shape the Water Boards' blueprint for action over the next five years.

From a substantive standpoint, we believe the Water Board has appropriately identified the water supply/water quality interface, as well as how water supply and water quality interface with habitat and other related in-stream uses, an overarching theme. We also applaud the Strategic Plan emphasis on building a performance-based organization through identification of specific achievable targets and actions. Our comments are offered in the

spirit of improving and refining the current draft of the Strategic Plan to help ensure that implementation of the plan will lead to meaningful and measurable results.

As a practical matter, it is our understanding from the Strategic Planning workshop held on February 6, 2008 that not all priority areas have goals and objectives that are designed to fully achieve the priority within the strategic planning period of 2008-2012, and also that the specific priority statements (contained in boxes above the issue statements) may primarily relate to one goal more than others in a particular priority area. Because this may lead to confusion and unrealistic expectations, we recommend that the issue statement and plan (i.e., goals and objectives) for each priority area be drafted as consistently as possible; and to the extent to which the goals and objectives are only expected to partially achieve the priority due to the long-term and evolving nature of the issues and programs; that that be clearly stated in the text.

Environmental Priorities

CASA and Tri-TAC were pleased to see several of our own top priorities included in earlier drafts of the Water Boards' Strategic Plan update. Most of these remain in the latest iteration of the Plan, within the stated Environmental Priorities and Planning Priorities. We have often stressed the need to update and improve Basin Planning in order to reduce the incidence of policy making on a permit-by-permit basis. Water use efficiency—and increasing the use of recycled water in particular—is a key priority for us. We also believe there is a need to improve the Total Maximum Daily Load (TMDL) program, including developing implementation plans that effectively address all sources and to more efficiently "bundle" TMDLs in priority watersheds. Our comments on each of the six program priority areas are provided below.

Program Priority 1: Protect and Restore Surface Waters

CASA and Tri-TAC appreciate the over-arching goal of decreasing the number of impaired water bodies in priority watersheds by 10 percent by 2015, working toward fully supporting beneficial uses by 2030, and using the TMDL process as a tool to meet these goals. CASA and Tri-TAC also understand the relationship between surface water supplies and compliance with water quality standards.

- Goal 1 is very ambitious, in that it aims to decrease the number of impaired water bodies in priority watersheds by 10% by 2015 and work toward fully supporting beneficial uses by 2030. If the State Water Board expects to eliminate 10% of impairments in priority watersheds by 2015 and address **all** impairments by 2030, CASA and Tri-TAC must express some reservations regarding the achievability of this schedule. In particular, we are concerned that the goal fails to consider practical realities associated with some of the impairments. For example, salinity is a very real problem in the Sacramento-San Joaquin Delta, which is by any measure a high priority watershed. Given the size and complexity of the Delta, it is currently unknown how long it might take to eliminate salinity impairments and fully achieve water quality standards. Also, legacy pesticides such as DDT are no longer used in California but are still causing impairment, in large part due to sediment transport. Implementation plans for constituents such as these may well exceed the time estimates proposed by

the State Water Board. To avoid establishing a goal that is unable to accurately reflect time schedules contained in various implementation plans, we recommend that the specific dates of 2015 and 2030 be removed. At a minimum, the State Water Board should specify that this goal (and the Priority 1 goal statement) are in relation to the 2006 303(d) list, not the list as it may be updated in the future, which creates a "moving target" issue.

- Objective 1.1 calls for a statewide strategy to efficiently prepare, adopt, and implement TMDLs in order to adopt and begin implementation of TMDLs for all 2006-listed water bodies *in priority watersheds* by 2012.

- Action 1.1.1 calls for the Water Boards to document priority watersheds by December 2008. Clearly, the feasibility of achieving Goal 1 and Objective 1.1 hinges on focusing the Water Boards' efforts on a manageable number of priority watersheds. It should be recognized that, in may cases, the more difficult problems, such as legacy pollution, may warrant a higher priority, yet be more difficult and resource-intensive and time-consuming to address; to the extent that the other actions under Objective 1.1 are also intended to focus efforts exclusively or primarily on these high priority watersheds, that should be clearly identified in the Strategic Plan.

- Action 1.1.3 proposes to develop a standard, comprehensive TMDL implementation plan format by September 2008. CASA and Tri-TAC appreciate the State Water Board's efforts to simplify TMDL implementation, avoid unnecessary duplication of effort, and provide consistency statewide. Toward that end, we support greater consistency in the form and structure of implementation plans, which we believe may facilitate prompt adoption of non-controversial TMDLs. With regard to substantive requirements, however, we are concerned that a standard implementation format for multiple pollutants may fail to properly consider site-specific factors associated with the various receiving waters. For example, California's geographic diversity may affect many elements of a TMDL and the ability of local stakeholders to comply with waste load allocations and load allocations. Throughout the state, watersheds are affected differently by rainfall, soil types, and mineral content of various soil types, population densities, industries, available open space, agriculture and a number of other key issues. It may not be possible to develop a standard format considering the large number of variables from one watershed to the next, even for the same pollutant. At a minimum, in the interest of transparency (Priority 6), we recommend that stakeholders be provided opportunities to participate in the development of, or at lease to comment on, the TMDL implementation plan format.

- Action 1.1.4 states that "[w]here full TMDL implementation will not achieve water quality standards without flow augmentation in a given water body, consider water quantity factors in TMDLs and refer to State Water Board for consideration as water rights issue by 2012." We appreciate the Water Boards' acknowledgment that flow, as well as pollutant sources, may have a significant effect on water quality. Although not specified in the language proposed, CASA and Tri-TAC presume that the action item pertains to

TMDLs for priority watersheds and is not intended to encompass all watersheds, as it is unrealistic to believe that TMDL implementation plans for all watersheds will be completed by 2012. We recommend that the State Water Board revise the action item to clarify its applicability. Moreover, it is our understanding that the Division of Water Rights already has a significant backlog of applications and petitions. Thus, the State Water Board must take into account that including a flow component in TMDLs may lead to potential delays in attaining this goal.

- Objective 1.2, Action 1.2.1 and Action 1.2.2 – CASA and Tri-TAC support the approach outlined in this objective and believe that it is important to address inappropriate water quality standards prior to the development of TMDLs. However, we are concerned that the objectives and actions proposed here are not supported by the State Water Board's draft Compliance Schedule Policy, which is currently under public review. Regional Water Boards are required to adopt NPDES permits that implement existing state water quality standards. The primary regulatory mechanism that allows for flexibility in dealing with standards in a NPDES permit is the availability of compliance schedules. The State Water Board's proposed draft Compliance Schedule Policy would eliminate the Regional Water Boards' discretion to grant a compliance schedule for actions aimed at addressing water quality standards. Thus, while the Strategic Plan action item identifies the need to revise water quality standards, under the draft Compliance Schedule Policy, a Regional Water Board, would be unable to adopt a compliance schedule to account for the time needed to revise the standard. As a result, the NPDES permittee may be forced to build additional treatment facilities to treat effluent to a level that meets an existing water quality standard that is destined to be revised, and that would not be needed once the standard is addressed. CASA and Tri-TAC encourage the State Water Board to ensure that the objectives and actions in the Strategic Plan are not prevented from occurring due to provisions in the State Water Board policies.

- Objective 1.4 and Actions 1.4.1, 1.4.2, and 1.4.3 – This objective and its action items identify the very important long-term issue of ensuring adequate stream flows that is beginning to come to the forefront in California. This issue is the meeting point between water supply, water quality and in-stream habitat needs. Clearly, addressing this issue will be controversial in many instances, given the fact that, according to the Issue Summary, existing claimed water rights and current permitted water appropriations amount to be about to about five times California's average annual surface water supply. What this objective and these action items do not acknowledge and address is the fact that, for streams that depend heavily on the discharge of recycled water for flow (also called "effluent dependent waters" or "effluent dominated waters"), which are common in much of central and southern California, increases in water conservation and recycling in order to create a more sustainable water supply (Priority 3) may clash with efforts to ensure adequate minimum flows, especially as water supplies tighten in the face of population growth and reduced supplies available for importation. Clearly, it will be very important for the State Water Board to balance these various needs and interests; and CASA and Tri-TAC recommend that these potential conflicting priorities be explicitly acknowledged in the Strategic Plan, since it is unfair to local agencies attempting to both

comply with discharge permits (and TMDL requirements) and increase the water recycling (thereby increasing water supplies) to be caught in the middle with conflicting mandates (i.e., discharging to maintain minimum flows for fish habitat and/or to meet the requirements of downstream water rights holders and a seasonal prohibition on discharge to improve water quality, which has led to increased water recycling as an alternative to discharge). We recommend that analysis be conducted as a new Action 1.4.4 (or alternatively, this could be placed under Objective 3.2) to determine the extent of the issue and the implications of achieving the Water Boards' multiple goals. Examples of areas that should be analyzed are the constraints recycled water suppliers face in trying to utilize water recycling to comply with discharge prohibitions is seasonal or inadequate demand for the recycled water; in contrast, minimum stream flow requirements may limit the availability of recycled water supplies.

- Objective 1.5 and Actions 1.5.1 and 1.5.2. – This objective and its actions items are specific to enforcement and may not be appropriate for inclusion here. As an alternative, as discussed at the February 6, 2008 workshop, we recommend deleting objective 1.5. Action 1.5.1 should be moved to become a new Action 7.1.3, as reducing the MMP backlog is a consistency related process improvement. Action 1.5.2 should be moved to become a new Action 1.2.3 under Objective 1.2, as the nonpoint source pilot program envisioned constitutes an alternative strategy for attaining water quality standards. We also recommend that the action be broadened beyond the Central Valley, and suggest the following language:

> 12.3. The State and Regional Water Boards will work collaboratively to pilot enforcement programs and other innovative approaches to protect and restore surface water quality, initially focusing on facilitating compliance with waivers for irrigated agriculture.

Program Priority 2: Protect Groundwater

CASA and Tri-TAC fully support the State Water Board's intent to protect and improve groundwater quality. We recognize that the State's groundwater resources are valuable natural resources in need of protection from activities that can cause degradation. However, we are concerned that the call for reducing discharges in high use basins by 25% by 2020 is shortsighted and inconsistent with some Basin Plan policies. As expressed, the goal automatically assumes that groundwater quality will improve by reducing groundwater discharges. This may not be true, as water recycling and many land disposal activities may help to recharge groundwater aquifers, benefit from natural soil filtration, and provide good quality water that helps to improve rather than degrade groundwater quality. This goal also fails to recognize that many discharges to groundwater are heavily regulated and may not cause degradation.

The goal also fails to address the potential increase of wastes being discharged to surface waters because of a reduction in discharges to groundwater. For CASA and Tri-TAC member agencies, treated wastewater that cannot be put to use for reclamation must be disposed of in

some manner. If the Water Boards move forward to eliminate 25% of waste discharges to groundwater, some wastewater entities may be forced to find an alternative method of disposal, which would most likely result in a surface water discharge. For instance, POTWs in the Tulare Lake Basin this could be especially problematic because discharges to surface waters are discouraged and not considered to be permanent solutions (See Tulare Lake Basin Plan at p. IV-9.). Many POTWs in other regions would also be faced with limited or no other discharge options, due to the lack of naturally occurring surface water bodies (e.g., Lahontan region). Thus, CASA and Tri-TAC encourage the State Water Board to reconsider equating groundwater improvements to the elimination of discharges and instead to focus on prevention of groundwater contamination (rather than reducing or eliminating "discharges" per se).

CASA and Tri-TAC are also concerned that this Program Priority fails to recognize that not all groundwaters are used, or are suitable, for municipal and domestic use. We encourage the State Water Board to include an objective that looks to prioritize groundwater basins that are in fact used for municipal and domestic supply and focus regulatory efforts in those efforts. This is not unlike the identification of priority watersheds in the TMDL context. In addition, the Strategic Plan should include an action item for groundwater that prioritizes the need to revise water quality standards as appropriate when pollutants occur naturally or when there are inappropriate designations of beneficial uses. By focusing the State's efforts and resources on those groundwater basins, we can ensure that the highest priorities are addressed.

From the discussion at the workshop, we believe the intended emphasis was to reduce pollutants entering groundwater basins. To clarify this intent and state the goal appropriately, we recommend the following revision to Priority 2:

> Improve groundwater quality by preventing and, where necessary, reducing groundwater contamination in high use basins by 25% by 2020.

We also believe it is appropriate for the Strategic Plan to recognize that aquifer storage and recovery projects and recycled water groundwater recharge projects can play an important role in protecting and improving groundwater quality—for example, by providing water for seawater intrusion barriers. Thus, we recommend the addition of a new Action 2.3.2 as follows:

> *Develop policies to facilitate the implementation of aquifer storage and recovery projects and recycled water groundwater recharge projects that protect or enhance groundwater quality by December 2008.*

Program Priority 3: Promote Sustainable Water Supplies

As noted above, CASA and Tri-TAC share the goal of increasing the use of recycled water to help meet the State's water supply needs. We are very pleased to see this section significantly re-drafted from the November 30, 2007 version, which reflected essentially a

"command and control" mandate approach to increasing recycling. The latest version recognizes the reality identified by California's Water Recycling Task Force, which issued its recommendations in 2003.[1] The broad-based Task Force, which was chaired by then-Water Board Member Richard Katz, identified the most significant barriers to meeting the statutory goal of recycling one million acre feet of water by 2011. These included lack of available funding for projects and research and the need for additional public outreach and education programs to address public perceptions and fears about water reuse. Equally important—and a major focus of the report—is the need to reform regulatory and permitting practices that lead to delays, increased project costs and unnecessary constraints on recycled water use. We hope that the Water Recycling Policy, scheduled for adoption in March 2008, will address some of these barriers.

Though much improved the revised draft Strategic Plan continues to take a mandate-based approach to recycling, while proposing a collaborative approach to water conservation and stormwater. Action 3.2.1 calls for requiring, through permit provisions, water recycling plans for wastewater treatment agencies in areas using imported water supplies, and prioritizing implementation of those plans (again, presumably through regulatory requirements) for plants that discharge into waterbodies from which the water is not easily recovered. Contrast this with the proposed action for water conservation, which emphasizes working with other state agencies and stakeholders to update best management practices, or the proposed action for stormwater, which calls for working with stakeholders to develop a reuse target.

Action 3.2.1 is overly focused on forcing change through regulation of recycled water producers. It is overly simplistic to impose mandates on those wastewater plants in areas with imported water supplies and expect that this will lead to additional water recycling.[2] The action presumes that the major reason that greater water recycling is not occurring in these areas is because the wastewater agencies have failed to plan for it or are somehow recalcitrant. We submit this is generally not the case. Water recycling plans would benefit agencies faced with significant obstacles to the expansion of recycled water use, which may be recalcitrant or political in nature and therefore difficult and extremely time consuming to address. However, most agencies are not faced with recalcitrant or political obstacles to greater recycling, and for these agencies the preparation of a water recycling plan would not serve as a useful tool to increase the quantity of water recycled.

There are many factors that influence the ability to reuse water, including level of treatment, proximity to customers and use areas, and permitting requirements imposed by the Regional Water Boards. Wastewater agencies alone cannot determine how and where their recycled water is used. There are permitting constraints imposed by the Regional Water Boards and the Department of Public Health, and water supply agencies, rather than, wastewater entities are generally the purveyors of recycled water. Additionally, there are a number of statutory

---

[1] *Water Recycling 2030: Recommendations of California's Water Recycling Task Force* (June 2003).

[2] We also question the authority under which the State Water Board proposes to impose this mandate. Although the State Water Board has the authority to order potable water users to use recycled water *(see CA Water Code Section 13550 et seq.)*, the State and Regional Water Boards are precluded from prescribing the manner of compliance with a waste discharge requirement or order, in most cases *(see CA Water Code Section 13360)*, and so it is unclear under what guise the Water Boards could mandate the development and implementation of water recycling plans by NPDES/WDR permit holders.

provisions that limit a wastewater agency's ability to unilaterally maximize recycling (See e.g., Pub. Util.Code section 1501; Wat. Code sections 13579-13583). Finally, it is important to recognize that the cost of obtaining and serving recycled water in relation to the costs of alternatives, including local groundwater, conservation, and other supplies, is one of the most important drivers that determines how much water recycling occurs.

We recommend that action 3.2.1 be redrafted to reflect the same collaborative approach set forth for stormwater and water conservation:

> Replace Existing Objective 3.2. with the following:
>
> Work with the Department of Water Resources and the California Department of Public Health to increase water recycling and enhance sustainable water supplies in a manner protective of groundwater and surface water quality.
>
> Replace existing Action 3.2.1 with the following new language:
>
> Working with the Department of Water Resources, the Department of Public Health and affected stakeholders, to develop a Recycled Water Action Plan that utilizes a range of tools, including funding and other incentives, technical assistance, public education and outreach, permitting flexibility and regulatory approaches to attain the Legislature's goal of recycling one million acre-feet of water by 2010. For wastewater treatment plants located in areas using imported water supplies, require the development of Water Recycling Plans when significant institutional obstacles to otherwise feasible recycling projects or expanded recycling projects are identified.

In the Issue Statement section, we also recommend that a discussion of the interplay between several issues be included. For instance, as water conservation increases, the amount of recycled water produced may decrease (unless population growth in the service area offsets the impact of water conservation). Also increased water conservation can increase the concentration of certain constituents, such as salts, which could impact water recycling efforts. Likewise, as mentioned previously, new minimum stream flow requirements may lead to increased or decreased conservation and/or water recycling efforts, depending on site-specific circumstances. As a final note, we believe that the issue summary should recognize the efforts of local public agencies in furthering water recycling and water conservation programs. Thus, we recommend that the first sentence under "Why this issue is so critical…" be amended as follows:

> Despite the many positive efforts made to date by local, state and federal funding agencies to promote and fund water use efficiency projects…

PLANNING PRIORITIES

PRIORITY 4. CALIFORNIA WATER QUALITY PLAN and PRIORITY 5. BASIN PLANNING

General Comments

CASA and Tri-TAC supports the State Water Resource Control Board (SWRCB) establishing the Basin Planning process as one of its planning priorities within the updated Strategic Plan. Basin Planning fits with Tri-TAC's overall goal to facilitate the development of appropriate water quality standards and implementation mechanisms. Tri-TAC commends the SWRCB for including stakeholders in the Basin Plan update process.

Since Basin Plans are the key basis for regulatory actions and guide stakeholders with watershed management strategies at the regional level, it is a practical approach for implementing programs and establishing policies to address unique local water quality-related issues and conditions.

Outdated Basin Plans information should be brought up-to-date using accepted scientific research and information. Water quality objectives should take into account the natural condition of a water body including naturally occurring pollutants and any legacy pollutants. Tri-TAC strongly recommends that the SWRCB use existing scientific research as the basis for updating Basin Plan goals and objectives and ensuring any changes made to Basin Plan goals and objectives are based on sound scientific rationale.

Tri-TAC agrees that developing a single clear format for the Basin Plans will make coordination with the SWRCB and all regional boards more efficient and effective as well as more accessible and understandable to the public. Also, a single format does not prevent the creation of plans that are unique to each region, a fundamental function of each regional board.

Issue Summary

Tri-TAC agrees with the SWRCB's statement that "*water supply and use are inherently linked to water quality.*" Tri-TAC also believes it is prudent to coordinate Basin Plans with the Department of Water Resources (DWR) Water Plan, when applicable, to reduce redundancy or conflicts in regulations and to ensure that strategies and objectives from both the RWQCB and the DWR related to water quality are linked and conveyed accurately in both of their individual plans.

Tri-TAC supports regular updates to all of the Basin Plans, including detailed discussions of planning and prioritizing actions within individual watersheds. An example includes urbanization, water recycling and plans to address impaired waters. With the TMDL program more fully realized, ongoing activities to restore impaired waters should be included as a part of these planning efforts. Tri-TAC recognizes that some water quality issues are better approached on a statewide basis. Tri-TAC recommends developing a hybrid process where issues that can be equitably and effectively implemented by following a statewide regulatory approach be utilized; and water quality matters that differ significantly by region due to hydrology, land use and topography be addressed independently by the regional boards.

Why this Issue is so Critical to the Water Boards and to our Stakeholders

Tri-TAC strongly agrees with the SWRCB's statement *as found* on page 20 under the Why this issue is so critical to the Water Boards and to our stakeholders section, that "*Basin Plans that clarify regulatory approaches and the application of regulations to different water body types and situations may reduce or eliminate excessively long permit discussions, appeals, remands, and litigation.*"

Tri-TAC strongly recommends that the SWRCB retain the language from the November 30, 2007 draft of the Strategic Plan Update on page 3 under this same section, which stated that inadequate Basin Plans result in..."*inconsistent and inequitable application of regulatory approaches.*" Possible inconsistencies between Basin Plans are extremely problematic for entities that are regulated by two regional boards, particularly when those regional boards have significant differences in their regulatory approaches. Tri-TAC recommends adding a mechanism to the Basin Plan, as part of its streamlining process, to address this type of jurisdictional issue to ensure that entities which are covered by two or more regional boards avoid being inconsistently regulated.

Tri-TAC also acknowledges the important role climate change will play in addressing future water quality issues, and supports the SWRCB including impacts of climate changes as a factor to be addressed during the Basin Plan Triennial Review process.

Tri-TAC finds the intent of the following statement found on page 20, "*Beyond their uses for regulatory program implementation, it is unclear how the Basin Plans and statewide plans inform the water supply strategies in the Water Plan*", to be ambiguous. Tri-TAC recommends modifying this language in order to clarify the statement.

Basin Plan goals and objectives should be incorporated into the DWR Water Plan since water quality issues also affect potable water supplies.

Long-Range Approaches to Managing the Problem

Tri-TAC finds the following statement on page 20 under the Long-range approaches to managing the problem, "*To better address the existing and emerging challenges of water quality control, we envision a comprehensive, statewide update of the Basin Plan contained in a California Water Quality Plan that fully addresses the priorities for each region* ..." to be unclear. Tri-TAC recommends modifying the following language to clarify this statement.

To better address the existing and emerging challenges of water quality control and to fully address the priorities for each region, we envision including the updated comprehensive statewide Basin Plans into the California Water Quality Plan.

Also stated under this section is a list of priorities for each region that will be included in the Basin Plans and the California Water Quality Plan. Tri-TAC strongly supports the following priorities because of their effect on and importance to POTWs:

- Reviewing and updating beneficial uses, and designating tiered aquatic life uses;
- Evaluating numeric objectives to ensure appropriate limits are used in permits; and
- Developing long-term salt management plans for protection of surface and groundwater

Priority 4. California Water Quality Plan – Goal, Objectives and Actions

Goal 4

It is Tri-TAC's understanding that under Objective 4.1, the SWRCB will create a new planning document, the California Water Quality Plan, which would not only encompass the Basin Plan triennial review process, but the California Water Quality Plan would itself be incorporated into the DWR Water Plan. Tri-TAC understands the rationale for this decision, but is concerned that the effort needed to implement the California Water Quality Plan will take resources away from other high priority programs and projects the SWRCB and regional board staff is responsible for overseeing or implementing. Tri-TAC also questions whether the SWRCB has already gained support from both the RWQCBs and DWR to proceed with this approach.

Tri-TAC recommends the SWRCB not create an additional planning document as part of the 2008 Strategy Plan update, but rather focus their efforts on streamlining and implementing the priorities of the Strategic Plan.

Objective 4.2.1 states that the SWRCB will "*Build a collaborative partnership of federal, state, and local interests to examine the connections between water quality, water quantity, and climate change on the coast from central California to the Oregon border, to pilot approaches that could be expanded for regional or statewide application for discussion in the California Water Quality Plan.*" Tri-TAC believes this is a very forward-thinking approach and agrees that collaboration between regulatory agencies and other interest groups is the best way to ensure all water quality-related issues are addressed. However, Tri-TAC believes that establishing and facilitating a partnership between federal, state and local entities to address a myriad of water quality issues is extremely ambitious and will require a lot of resources to accomplish this objective.

Tri-TAC proposes the SWRCB focus their efforts during this Strategic Plan update on streamlining the Basin Plans and if resources are deemed available also craft the California Water Quality Plan. After accomplishing these objectives during the 2008 Strategic Plan, the SWRCB would have more resources to devote to establishing and overseeing the collaborative partnership during the next planning cycle.

Priority 5. Basin Planning – Goal, Objectives and Actions

Goal 5

Tri-TAC generally supports Goal 5 under the Basin Planning – Goal, Objectives and Actions section on page 22 that states, *"Basin Plans are consistently organized by 2012, and updated by 2015, to provide a clear structure that readily conveys the beneficial uses, water quality*

objectives, goals for watersheds, plans for achieving those goals, and monitoring to inform and adjust the plans."

Consistency is important for both the SWRCB and regional boards in administering programs, and for the regulated community who must comply with the Basin Plans, especially for those entities that are located between two regional board jurisdictions. However, certain local socioeconomic circumstances coupled with land use patterns and watershed conditions may require unique regulatory and management approaches for addressing water quality related problems at the regional level. Therefore, Tri-TAC believes there should be a consistent process for updating Basin Plans, including consistent use of format, terminology, and accessibility. These goals should be met within a reasonable time frame. However, Tri-TAC would also recommend maintaining flexibility in Basin Plan policy to allow for addressing unique regional issues and objectives in distinct ways that are most appropriate for the benefit of local water quality conditions.

Tri-TAC members regularly participate in repeating basin planning processes with their local regional boards. We strongly support balancing the goal to implement a consistent format with required planning elements while allowing for local prioritization of issues to address regional water issues. Regarding timing, Tri-TAC supports a regularly repeated process for basin planning. Each regional board should be required to conduct basin planning at regular intervals recognizing that only high priority issues will likely get addressed during any one cycle, but that all issues may be addressed over time as the cycle repeats.

Examples of excellent basin planning processes in the Santa Ana region include the recent salt/nitrogen task force and the ongoing stormwater quality task force. These efforts are focused and prioritized planning efforts to address regional water quality needs. However, on the other side of the ledger, access to the complete Santa Ana Basin Plan requires the downloading of eight individual plan amendments. The core planning document has not been updated since 1995. This entire plan is long overdue for a plan-wide update with all of the amendments incorporated into a single, accessible document.

Priority 6: Transparency and Accountability

Action 6.1.1 calls for the Water Boards to develop an inventory of all current programs and functions by December 2008, in order to establish a "baseline" for determining what changes and resources are needed. CASA and Tri-TAC recommend that this inventory include, in addition to where and how resources are assigned, an identification of the resources required to administer those programs and functions. The concept is to have the Water Boards articulate both existing resources and the additional resources needed in order to fulfill its mission. We recommend the following revision:

Action 6.1.1. Prepare by December 2008 a documented inventory of Water Board programs and functions to establish a baseline for determining changes that are needed to improve effectiveness and efficiency, beginning with the enforcement program. This inventory will include, at a minimum, where and how resources are assigned, and what resources are required to administer those programs and perform those functions.

Objective 6.2 focuses on enhancements needed to the Water Boards' water quality data systems, and includes a variety of action items to improve CIWQS, the groundwater monitoring data system, and online mapping technology. We strongly support these efforts, particularly Action 6.2.1, and we cannot emphasize enough the critical role that accomplishing this action plays in achieving many of the other elements of the Strategic Plan (as well as for baseline program implementation). Therefore, within the Strategic Plan, we recommend that efforts in association with Action 6.2.1 receive the highest priority level and that these efforts precede others, such as Actions 6.2.3 and 6.4.1, which cannot proceed meaningfully unless the CIWQS system is fully functional.

Objective 6.4 calls for development of a web-based information portal to provide a "water quality report card" that will "communicate to the public the quality of the State's waters." The notion of providing a "simple to read" report card for the public to ascertain the "health" of California's waters is a good one which we support. However, this "report card" needs to be carefully developed to guard against misuse and confusion. For example, a report card that merely says something such as, "Seventy five percent of California waters are impaired" - without explaining how this was determined, what it means and why - could lead someone to think that they can't drink or swim in, or fish from *any of* those waters. It is also important to recognize that many of California's water bodies are highly modified (e.g., hydrologic modifications such as dams, channel straightening, and concrete lining) and, in many streams, flows are managed, either for water transport purposes or flood management purposes, which may result in intermittent flows, dry reaches, lack of suitable substrate for aquatic life habitat, impediments to anadromous fish migration, etc. These factors may cause or contribute to difficulties in designated use attainment as much or more than the quality of the water (i.e., the pollutant loads or concentrations), yet these factors are rarely mentioned or factored in when considering the status of water bodies in California.

Priority 7: Consistency

We support Goal 7, which establishes a goal to enhance consistency across the Water Boards to ensure effective, efficient and predictable, as well as fair and equitable. It also bears stating that the levels of environmental and human health protection achieved by the Regional Boards' water quality programs should be equivalent (when applied to equivalent circumstances), but the means of achieving those protection levels should be flexible to account for regional differences.

We are concerned that Action 7.1.1 is far too detailed for the Strategic Plan, and presupposes outcomes of the ongoing process to revise the Water Quality Enforcement Policy. This level of detail should be left to the Policy adoption process. We recommend that Action 7.1.1 be revised as follows:

> Adopt and implement, by October 2008, revisions to the Water Quality Enforcement Policy to, at a minimum, ensure consistent enforcement response. The policy will also establish a clear, consistent statewide approach to the prioritization of enforcement targets, based on threats and adverse impacts to beneficial uses.

We suggest that a new Action 7.2.5 be added to develop standardized procedures for Regional Water Boards to follow if they are going to deviate from established statewide policies that would include, at minimum, findings that a Regional Water Board would have to make to justify those deviations. We also recommend that the Water Boards maintain, on their website, a comprehensive list of Regional Board actions that deviate from the established State Board policies.

> **Action 7.2.5.** Develop standardized procedures for Regional Water Boards to follow when deviating from established statewide policies, including, at a minimum, specific findings made by the Regional Board to justify such deviation. The Water Boards will maintain and make readily available on the Water Boards' web page a list of Regional Water Boards' actions that deviate from established State Board policies.

Priority 8: Workforce Capacity

One of the long-range and five-year approaches to addressing some of the issues identified in this Priority is to do a better job of "partnering" with non-Water Board entities. This was a common theme in several of the stakeholder meetings, and we applaud the Water Boards for attempting to reflect this input in the Plan. We believe partnering should expand beyond other state agencies to local governments and others with relevant expertise. We recommend adding two additional actions:

> **Action 8.4.3.** Convene workgroups with potential partners to explore development of training academies that will foster enhanced sharing of information and expertise related to Water Boards programs.
>
> **Action 8.4.4.** Develop an ongoing Technical Advisory Group to provide advice to the Water Boards concerning information sharing, training and professional development of Water Board staff.

Thank you for the opportunity to participate in the Strategic Planning process and to share our thoughts on the most recent draft of the plan. We would be pleased to meet with you at your convenience to discuss our ideas further.

Jim Colston, Chair
Tri-TAC

Roberta Larson
CASA

JC:wh
H:/dept/TS/620/general data/ Tri-TAC/D1_JC_Water Board_Strategic Plan Comments_2008-2012.doc