

Comment Summary of Focus Group Meetings for Biostimulatory Substances

Ten focus group meetings were held with representatives from Native American Tribes, Northern Environmental Justice/Non-Governmental Organizations (NGO), Southern California Non-Governmental Organization, Publicly Owned Treatment Works (POTWs), Dairy/Concentrated Animal Feed Operations (CAFOs)/Grazers, Industrial Dischargers, Northern and Southern California Storm Water Agencies, Water Supply and Water Management, and Agriculture and Irrigated Lands.

Element 1: Water Quality Objectives

Element 1.1: Type of Water Quality Objectives for Biostimulatory Substances

<i>Options Presented</i>	<i>Participants in support</i>
<p>a. Statewide water quality objectives (WQOs) for Total Nitrogen (TN), Total Phosphorus (TP), Chlorophyll-a (Chl-a), and Ash Free Dry Mass (AFDM) based on reference approach studies. Reference approach studies such as ones established for U.S. EPA’s Ecoregion approach or the Office of Research and Development (ORD) – Southern California Coastal Water Research Project (SCCWRP) reference approach study.</p>	<p>Southern California Non-Governmental Organization (NGO).</p>
<p>b. WQOs for biostimulatory substances using a narrative objective <u>without</u> numeric translators.</p>	<p>Not Supported.</p>
<p>c. WQO for biostimulatory substances using a narrative objective <u>with</u> numeric translators.</p>	<p>Publicly Owned Treatment Works (POTWs).</p> <p>Industrial Dischargers are in favor of the narrative objective, but are undecided on the guidance for the translators.</p> <p>The Northern California Storm Water Agency are in favor of the narrative objective, but is undecided on the guidance for the translators.</p> <p>Native American Tribes are in favor of the narrative with numeric translators, but they want to see the details of the numeric translators before fully supporting the regulatory option.</p>

	Northern California Environmental Justice/Non-Governmental Organizations is in favor of the narrative objectives with translator mechanisms.
	The Southern California Storm Water Agency is in favor of this option as long as the guidance provides clear direction on how the guidance should be used in developing Total Maximum Daily Loads (TMDLs) and permit limits to be consistent with the policy.
	Water Supply and Water Management is accepting of narrative objectives with numeric translators, but would like to see more of the details on how numeric translators will be used.
	Agriculture and Irrigated Lands are in favor of the narrative objective, but is undecided on the guidance for the translators.
d. WQO for biostimulatory substances using site-specific objectives.	Not Supported.
e. WQO for biostimulatory substances using site-specific objectives in combination with other Element 1 options.	<p>POTWs.</p> <p>Northern California Storm Water Agency.</p> <p>Southern California Storm Water Agency favor this option if staff includes a structured mechanism for adjusting numeric guidance based on site-specific information rather than requiring the full development of site-specific objectives.</p>
f. Concerned about the enforcement of numeric translators and how they would be applied.	Southern California NGO.
g. We would like to see an example of a narrative objective.	Northern California Environmental Justice/NGOs.

Element 1.2: If using a Narrative, should there be a consistent Numeric Translator?	
<i>Options Presented</i>	<i>Participants in support</i>
a. Use the Biological Condition Gradient (BCG) as a numeric translator. This would include the use of both the Macroinvertebrates and Algal California Stream Condition Indices (CSCIs).	POTWs. Southern California NGO likes the idea of the CSCI as a statewide tool, but they are concerned about its use and application.
b. Use the Ecoregion/reference approach as a numeric translator.	Not Supported.
c. Use the Weight of Evidence approach as a numeric translator.	POTWs.
d. Use of numeric translators in general.	Southern California Storm Water Agency are in favor of numeric translators if staff establishes numeric targets from numeric translators with reasonable expectations. Dairy/CAFOs/Grazers are in favor of the numeric translators, but the group is still unsure about them with the little information on how they will work or be used.
e. We suggest that the development of the BCG and its “scores” be data driven.	Industrial Dischargers.
f. We would like to see more explanation of the numeric translators, like the BCG, when that information is ready.	Native American Tribes.
g. We would like the Weight of Evidence to be more protective.	Northern California Environmental Justice/NGOs.
h. We note that different groups will put different emphasis on the various factors in determining where a waterbody needs to be on the BCG scale.	Northern California Environmental Justice/NGOs.
i. The group wants water sources to move towards a 1 on the BCG.	Water Supply and Water Management.
Element 2: Program of Implementation	
Element 2.1: Best way to implement new Water Quality Objectives	
<i>Options Presented</i>	<i>Participants in support</i>
a. A program of implementation based on a source-by-source approach.	One member of the Industrial Discharge group.
b. A program of implementation based on a Coordinated Watershed Management Approach.	POTWs. Southern California NGO.

	<p>Southern California Storm Water Agency are in favor of this option as long as the approach provides flexibility on the types of implementation actions and a mechanism to consider the potential improvement in the waterbody conditions as a result of feasible implementation actions.</p>
	Dairy/CAFOs/Grazers.
	Agriculture and Irrigated Lands are in favor of this option, but are apprehensive over how the different groups will work together in a fair manner.
	Industrial Dischargers are in favor of this approach, but would like to see the details first before fully supporting it.
	Northern California Environmental Justice/NGOs.
	Native American Tribes are in favor of this approach if everyone is able to work together. Although Native American Tribes are in favor of the coordinated approach, the group wants to see the details before they fully support the regulatory option.
c. A program of implementation based on a combination of both a. and b.	Water Supply and Water Management.
d. Include a list of regulatory options within the program of implementation that could be used.	Northern California Storm Water Agency.
e. We like the coordinated approach, but there is apprehension over how the different groups will work together in a fair manner.	Agriculture and Irrigated Lands.
f. We suggest that staff look into the nutrient programs in the Chesapeake Bay.	Industrial Dischargers.
g. We would like to make sure that all of the stakeholders are on board with the new approach.	Southern California Storm Water Agency.

The comments section below is a collection of individual topics that stemmed from the open discussion and questions received from the focus group members about the elements above of the proposed amendments for biostimulatory substances.

Comments:

Comment Topic 1: Phasing and Prioritization

<i>Consideration or Concern</i>	<i>Commenter</i>
a. Have the biostimulatory substances project address the State’s waterbodies and expectations with phases and prioritization.	POTWs.
	Northern California Storm Water Agency.
	Northern California Environmental Justice/NGOs.
b. There is concern about the different factors that are prioritized by different stakeholders such as flow vs. habitat restoration and how this will impact which stressors are prioritized first.	Northern California Environmental Justice/NGOs.
c. Make clear that an expectation to handle all waterbodies at once is not being looked at as the preferred approach.	POTWs.
d. There is Sustainable Groundwater Management Act overlap and urgency to address certain streams prior to others.	Northern California Environmental Justice/NGOs.

Comment Topic 2: Setting Expectations

<i>Consideration or Concern</i>	<i>Commenter</i>
a. Consider setting limits or targets based on reasonable expectations.	POTWs.
	Southern California NGO.
	Northern California Storm Water Agency.
b. Consider developing a program of implementation that is feasible, realistic, and economically sound with reasonable expectations.	Northern California Storm Water Agency.
c. There is a concern that using the BCG would label waterbodies as being non-impaired and acceptable without moving forward to improve water quality or biological condition.	Native American Tribes.
d. Set blanket expectations.	Not Supported.
e. There is concern that interpretation of the assessment framework and tools of the biostimulatory substances project would be misinterpreted at the regional level even though State Water Board staff is presenting options that include elements of flexibility.	Southern California Storm Water Agency.

Comment Topic 3: Beneficial Uses	
<i>Consideration or Concern</i>	<i>Commenter</i>
a. Water Boards should consider the refinement of beneficial uses to have them be more specific to the function of the waterbody.	POTWs.
b. Consider what the community at the local level wants when addressing beneficial uses.	Southern California Storm Water Agency.
c. Agriculture should be considered as a beneficial use.	Agriculture and Irrigated Lands.
Comment Topic 4: Flow	
<i>Consideration or Concern</i>	<i>Commenter</i>
a. Consider hydrology and seasonal change in setting expectations regarding beneficial use attainment and biological condition.	POTWs.
b. Consider that flow can be essential in supporting a biological habitat.	POTWs.
Comment Topic 5: Adaptive Management and Flexibility	
<i>Consideration or Concern</i>	<i>Commenter</i>
a. Define the term "adaptive management". Include adaptive management.	POTWs.
	Northern California Storm Water Agency.
	Industrial Dischargers.
b. Include an adaptive expectation cycle with specific intervals for re-opening that would reevaluate control actions and expectations over a span of time during implementation efforts.	POTWs.
	Northern California Storm Water Agency.
c. Do not restrict the alternative management actions to attain a particular numerical target.	POTWs, Northern California Storm Water Agency.
d. Consider reducing the amount of strategy plans that are developed from different point and non-point source programs and have one overarching plan instead.	Dairy/CAFOs/Grazers.
	Southern California Storm Water Agency.
	Northern California Storm Water Agency.

Comment Topic 6: Cost of Compliance	
<i>Consideration or Concern</i>	<i>Commenter</i>
a. Consider including a cost effective analysis within the program of implementation.	POTWs.
	Dairy/CAFOs/Grazers.
	Native American Tribes.
b. Consider technology, feasibility, and cost.	Southern California Storm Water Agency.
c. Consider defining the point of compliance and how a credit-trading system will work with the coordinated efforts with small areas.	Southern California Storm Water Agency.
d. We would like to see more details, how the project will be incorporated into permits, and how the co-permittees and other dischargers will contribute resources.	Southern California Storm Water Agency.
Comment Topic 7: Merging Efforts and other Existing Programs	
<i>Consideration or Concern</i>	<i>Commenter</i>
a. Consider combining and/or coordinating with other nutrient management programs that already exist.	POTWs.
	Agriculture and Irrigated Lands.
	Industrial Dischargers.
	Native American Tribes.
	Dairy/CAFOs/Grazers.
b. Include seasonal consideration and exempt wet weather flows from meeting objectives when there is no impact on beneficial uses.	Southern California Storm Water Agency.
c. Be aware of the North Valley Regional Recycled Water Program and other similar water supply facilities which will add nutrients to the Delta-Mendota Canal and downstream waters.	Water Supply and Water Management.
d. The Biostimulatory Substances Amendment must recognize that eutrophication is only a single manifestation of the impacts of biostimulatory substances. Changes in flora and fauna, system diversity, toxicity, impacts to endangered species, human health impacts, and hazardous algal blooms are additional impacts that must be considered. Managing simply for eutrophication is inappropriate and does not protect the wider range of beneficial uses.	Water Supply and Water Management.
	Northern California Environmental Justice/NGOs.
e. Consider coordinating with the Central Valley Regional Water Board to craft an irrigated lands program.	Northern California Environmental Justice/NGOs.
f. Traditional sampling methods do not work the same for sampling storm water since storm water is highly variable.	Southern California Storm Water Agency.

g. We would like staff to allow for approved watershed management plans developed in accordance with the proposed Biostimulatory Substances Amendments to supersede TMDL requirements.	Southern California Storm Water Agency.
h. Staff should align efforts with Air Resources Control Board since both agencies are requesting farmers to change their nutrient management systems.	Industrial Dischargers.
CommentTopic 8: Process and Policy	
<i>Consideration or Concern</i>	<i>Commenter</i>
a. Consider to not create a policy that makes it difficult for stakeholders to improve waterways.	Southern California Storm Water Agency.
b. There is concern that there will be an overwhelming number of different policies all asking for reduction, changes, or limits that require constant changes to farming practices, costing time and money.	Agriculture and Irrigated Lands.
c. Consider integrating and coordinating policies so overlap is minimized.	Dairy/CAFOs/Grazers.
	Agriculture and Irrigated Lands.
	Industrial Dischargers.
d. Consider excluding pre-existing programs from the biostimulatory substances project.	Industrial Dischargers.
e. Include the consideration of Human Rights to Water AB 685 when developing a program of implementation. It is now enshrined in Water Code section 106.3 and a State Water Board implementation resolution from February 16, 2016. Under AB 685, all relevant state agencies have an ongoing obligation to consider the human right to water in executing policy, budgetary, and programmatic duties.	Northern California Environmental Justice/NGOs.
f. It is more important to get a workable policy in place than to get reasonable numeric objectives.	Water Supply and Water Management.
g. Bio-Integrity: It may be difficult to use models that do not consider management expectations and a program of implementation that would take those expectations under consideration in highly developed areas .	Northern California Storm Water Agency

Comment Topic 9: Upstream and Downstream analysis	
<i>Consideration or Concern</i>	<i>Commenter</i>
a. Include upstream and downstream assessment in the Coordinated Watershed Management Approach.	Southern California Storm Water Agency.
	Native American Tribes.
	Northern California Environmental Justice/NGOs.
	Water Supply and Water Management.
	Northern California Storm Water Agency.
Comment Topic 10: Cap and Trade Program	
<i>Consideration or Concern</i>	<i>Commenter</i>
a. Consider a credit-trading system in the program of implementation.	POTWs.
	Agriculture and Irrigated Lands.
	Northern California Storm Water Agency.
b. Consider acute exposure of pollutants if a credit-trading program is established.	Northern California Environmental Justice/NGOs.
c. Social equality is underdeveloped in credit-trading programs.	Northern California Environmental Justice/NGOs.
d. I am open to the possibility of a credit-trading program, but I'm still apprehensive.	Southern California NGO.
Comment Topic 11: Recycled Water	
<i>Consideration or Concern</i>	<i>Commenter</i>
a. Include Recycled Water as a control action option within the program of implementation.	POTWs.
b. Algae and plants in the water can cause problems with the treatment process.	Water Supply and Water Management.
Comment Topic 12: Habitat, Hydrology, Highly Modified Channels, and Restoration	
<i>Consideration or Concern</i>	<i>Commenter</i>
a. Consider that hydrology can supply a beneficial biological habitat.	POTWs.
b. Consider that channelization may remove habitat and overwhelm water quality in a driver to biological condition.	POTWs.

c. Consider that there is no room for natural filtration or restoration in highly developed locations.	Southern California Storm Water Agency.
d. Rangelands have pristine habitat and are held to higher standards.	Dairy/CAFOs/Grazers.
e. Consider weather, climate change, flow, physical habitat, etc.	Industrial Dischargers.
f. Consider Climate Change.	Northern California Environmental Justice/NGOs.
g. Staff should allow for time to see the results of the restoration efforts.	Northern California Storm Water Agency.
h. We show support for different metrics in non-reference waters versus waters of “reference” water quality. We suggest consideration of tiered aquatic life uses in non-reference waters, potentially as Biological Condition goals for various waterbody classifications (e.g.: pristine/reference, low-density urban, high-density urban, engineered channel, etc).	POTWs.

Comment Topic 13: Data and Indicators and Seasonal Considerations

<i>Consideration or Concern</i>	<i>Commenter</i>
a. Consider using data to set watershed boundaries.	POTWs.
b. Consider addressing how data is gathered within the SWAMP database for this project. In addition, coordinate and package regulatory requirements to streamline the testing and reporting requirements.	POTWs. Agriculture and Irrigated Lands.
c. Consider including continuous monitoring.	Southern California NGO.
d. Consider the availability and access to data during wet weather in comparison to dry weather.	Southern California Storm Water Agency.
e. Consider data that already exist to characterize urban creeks and channels.	Southern California Storm Water Agency.
f. Consider what is defined as a unique system and how data can start to shape this definition.	Industrial Dischargers.
g. Develop guidance on what needs to be included in a good model.	Northern California Storm Water Agency.
h. There is concern over who will be taking up the time and cost associated with a new monitoring program. There is consensus that the monitoring should be incorporated into existing monitoring programs.	Agriculture and Irrigated Lands.
i. A suggestion that the information on the models be shared with the public.	Native American Tribes.
j. Include seasonal consideration and exempt wet weather flows from meeting objectives where there are no impacts on beneficial uses.	Southern California Storm Water Agency.
k. We are concerned about how the monitoring programs would take shape if CSCIs for bugs and algae are used.	Southern California NGO.

l. We are concerned that separate or event conflicting monitoring requirements are being inserted into various National Pollutant Discharge Elimination System permits, Waste Discharge Requirements, Waivers of Waste Discharge Requirements, etc. results in higher costs for all permittees and limits the ability to coordinate in order to fulfill the same monitoring goals.	Agriculture and Irrigated Lands.
m. There is good flood control mapping, but not all mapping has been done for all systems.	Southern California Storm Water Agency.
n. We are concerned about tracking nutrients effectively so that there is no chance Agriculture will have to reduce vital nutrients for crops.	Agriculture and Irrigated Lands.
Comment Topic 14: Enforcement	
<i>Consideration or Concern</i>	<i>Commenter</i>
a. Consider using clear measurements of impairment or non-impairment.	Southern California NGO.
b. Hold people responsible.	Southern California NGO.
c. We do not want streams to get improperly titled as “not impaired”.	Southern California NGO.
d. All of this will only work if you take a big enough step to begin the process. If not you will never catch up with the problem. Regulatory incentives for wetland protection and restoration are only as solid as the political will to enforce proper implementation and the long term commitment to maintaining the practice.	Northern California Environmental Justice/NGOs.
e. The Water Board staff can suggest how the narrative objectives with numeric targets will work but it does boil down to the stakeholder process because the Board is politically chosen. Therefore there is concern that political motive will affect implementation of the amendments.	Northern California Environmental Justice/NGOs.
f. There is a concern that the regulatory requirements in these biostimulatory substances related Municipal Separate Storm Sewer System (MS4) permits would not be stringent enough.	Southern California NGO.

Comment Topic 15: Sources of Nutrients	
<i>Consideration or Concern</i>	<i>Commenter</i>
a. Consider sewage systems.	Southern California Storm Water Agency.
b. Consider groundwater.	Southern California Storm Water Agency.
	Northern California Storm Water Agency.
	Industrial Dischargers.
	Northern California Environmental.
	Water Supply and Water Management.
	Native American Tribes.
c. Consider fish hatcheries.	POTWs.
d. Consider air deposition.	Southern California Storm Water Agency.
e. Consider reclaimed water-irrigation runoff from urban areas.	Southern California Storm Water Agency.
f. Consider that nitrogen and phosphorous are natural elements in our planet and atmosphere.	Dairy/CAFOs/Grazers.
g. Consider all sources.	Industrial Dischargers.
h. Some farmers have been applying too much fertilizer. Source control needs to be the first step.	Northern California Environmental Justice/NGOs.
i. Data does exist for many areas that indicates the sources of nutrient loading. Implementation does not need to wait for more science or data, but can proceed ahead based on the best available science. Treatment cannot be relied on as the only tool to control nutrient pollution. Source control – such as required nutrient balancing -- is essential.	Northern California Environmental Justice/NGOs.
j. Groundwater and surface water are connected.	Water Supply and Water Management.