



CVCWA Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

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Ms. Karen Larsen
Senior Environmental Specialist
Water Board Bay Delta Team
California Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-

RE: Comments on Staff Report titled Central Valley Water Board Actions to Protect Beneficial Uses of the Sacramento-San Joaquin Delta

Ms. Larsen:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to provide comments on the subject Staff Report. CVCWA also intends to provide oral testimony at the public meeting scheduled for March 5, 2008.

The stated purpose of the public meeting is to gather input from stakeholders for use in the development of a strategic work plan for actions to be taken by the Central Valley Regional Board as described in the 'Delta Actions Resolution' (Resolution No. R5-2007-0161), adopted by the Central Valley Regional Board on December 6, 2007. Ultimately, these actions will be part of a comprehensive Bay-Delta program that will be developed in coordination with other Bay-Delta planning efforts, including Delta Vision, Bay Delta Conservation Plan, and the Delta Risk Management Strategy.

CVCWA is an association of public agencies whose members own and operate municipal wastewater treatment systems in the Central Valley. CVCWA members provide the funding and resources necessary to remove pollutants from municipal wastewater on a continuous basis to levels that are protective of water quality and beneficial uses in accordance with the requirements of the Clean Water Act and the California Water Code.

CVCWA provided testimony at the December 6, 2007 Board hearing where the Delta Actions Resolution was adopted. CVCWA has indicated its concern for the need to take appropriate and timely actions to address the Bay-Delta issues and its willingness to be an active participant in

the development and implementation of a solution to this problem. CVCWA has requested that the process be open to stakeholder involvement given its potential regulatory implications. CVCWA will continue to be actively involved in this ongoing public process.

Our comments in this document are focused on the new actions identified in the Staff Report and specifically address the areas of requested input, as follows. Questions from the Staff Report are included below in *italics*.

Comprehensive Regional Monitoring Program

What are the advantages and disadvantages of implementing a regional monitoring and assessment program?

If properly configured and implemented, advantages of a regional monitoring and assessment program would significantly outweigh disadvantages.

A regional monitoring program in the Delta which includes coordination with monitoring in the Sacramento and San Joaquin River watersheds is needed to: (1) fill data gaps such as sediment quality lines of evidence (benthic community indices, toxicity, chemistry), pathogens, nutrients, organic carbon, etc; (2) to answer fate, transport and transformation questions for various water quality parameters; (3) to provide input for Delta models; (4) and to generally refine our understanding of the relationships between water and sediment quality, ecosystem functions and beneficial uses attainment.

A well-coordinated regional monitoring effort will focus on collecting and synthesizing data for areas of concern (from both an input and effects basis), while meeting the requirements of regulatory programs. Data gathered through such a program reduces duplicity in data collection, focuses on constituents that are of needed to further the science in an area, and decreases the efforts needed to combine data that would otherwise be collected from multiple programs. CVCWA's suggestions for incorporating regulatory monitoring into a regional monitoring program are discussed later in this letter.

What should be the geographic and temporal scope of a regional monitoring program?

The primary focus of the program should be a long-term evaluation of the Delta. The program should also address, through coordination or through direct association, monitoring in the tributaries to the Delta. The program should also provide the framework and opportunity for performance of special studies (both long- and short-term).

What should be the management framework, including data compilation, assessment and reporting for a regional monitoring program?

The management of the program must include significant representation from Central Valley stakeholders (clean water agencies, storm water agencies, agriculture and others) together with State and Federal agency representatives. A non-profit entity, similar to the San Francisco Estuary Institute (SFEI), would represent a feasible option to address the need for data compilation, assessment and reporting. In its present organizational structure, and given its strong San Francisco Bay focus, the SFEI is not well suited to manage and implement the regional monitoring program in the Delta.

What should be the goals and objectives of the program? Which beneficial uses should be assessed? What are the most important parameters to monitor? What kinds of products should the program produce and at what frequency?

The goals and objectives of the program should be similar to those for the San Francisco Bay Regional Monitoring Program. A generic listing of those objectives includes the following: characterization of ambient water and sediment quality conditions, identification of areas of impairment, assessment and projection of quality trends, effective dissemination of information, and coordination with other programs to promote efficiency and quality assurance.

The uses to be protected and parameters to be monitored should result from decision-making processes, strategic plans and specific monitoring work plans developed within the program to meet identified information needs of stakeholders. It is anticipated that monitoring to address the status of all designated beneficial uses would be included in the program.

The program should produce technical reports, conceptual models and other work products that serve the function of technical outreach, coordination and other needs of the stakeholders in the program.

What other efforts should be coordinated with a regional monitoring program? How can various mandates be achieved through a regional monitoring program?

The regional monitoring program should be coordinated with other ongoing monitoring in the Central Valley, including the Sacramento River Watershed Program, IEP, DWR- MWQI, USGS, San Francisco Bay RMP and other established, routine monitoring programs.

What resources should support the program? How can current Water Board monitoring be optimized? Are there other programs or efforts that could be leveraged to support regional monitoring?

The regional monitoring program is of sufficient magnitude to require the integration of federal, State, local and external resources. CVCWA strongly recommends consideration of one aspect of the San Francisco Bay RMP model with respect to POTWs, where NPDES-required ambient monitoring has been minimized or eliminated to help create funding availability for the regional program. CVCWA also believes that beneficiaries of the Delta resources (e.g. water supply entities) be required to support the funding of the regional program.

Assess the Potential Impact of Ammonia on Delta Species

CVCWA agrees that potential impacts of ammonia on delta species should be investigated as part of the POD, but we are very concerned about the approach taken to date regarding ammonia impact studies. Several studies currently proposed have not met appropriate standards of quality for study design, data quality assurance or completeness and have not been subject to public or peer review. In addition, some preliminary data analyses have been used to make conclusory statements in various public forums regarding the existence of "ammonia problems" in the Delta associated with wastewater discharges, when it has not been proven that any problems are due to these sources, particularly since it has been noted that POD began in 2000 while POTWs have been discharging treated wastewater since the 1980s or earlier.

What long-term ammonia studies should be conducted?

The ammonia studies should be conducted in the context of an overall suite of studies being performed to evaluate the causes of the POD. Those studies should include the various factors that could be influencing the POD, including contaminants, invasive species, water diversions (screened and unscreened), food web disruption, habitat degradation, predation and disease/pathogens. With this approach the relative contribution of individual factors affecting the POD can be determined.

With regard to ammonia toxicity, long-term studies should be developed, performed and interpreted in the context of USEPA ambient water quality criteria and USEPA guidelines for the development of site-specific ammonia concentrations applicable to the Delta for protection of aquatic life.

With regard to the impact of ammonia on the Delta food web and subsequent population-level effects on Delta fisheries, long-term studies of ammonia should be integrated with large scale studies of the food web and its affect on fisheries. In addition, ammonia fate and transport from all sources must be evaluated to clearly understand the role of ammonia and the relative contribution of the sources. The studies should not be limited to the impacts of ammonia on diatoms, as is currently described in the Staff Report.

What should the discharger's role be in the studies?

CVCWA recommends that discharger representatives should be included on an Ammonia Studies Steering Committee, together with representatives from the Water Boards, Fish and Game, NOAA Fisheries and other appropriate stakeholders. The role of the Steering Committee would be to develop and direct the performance of Delta-specific ammonia criteria and impact studies and to assist in obtaining funding for the studies.

Should the Water Board convene a summit to present studies and gather information related to the impact of ammonia on Delta species?

Ammonia impact studies performed to date are not sufficient for consideration at this time. Also, the purpose of a "summit" meeting is not clear. CVCWA would suggest instead the convening of an independent technical review panel to review a work plan for ammonia studies developed under the direction of the Steering Committee. After the work plan has been refined by the independent panel and the Steering Committee, a public meeting could be convened to gather additional comment on the work plan prior to implementing the studies.

Monitoring to Characterize Discharges from Delta Islands

What is the most critical information that should be gathered with respect to Delta island drainage?

CVCWA advocates that the monitoring of discharges from Delta islands be adequate to characterize loadings of organic carbon, nutrients and pathogens for the purposes of verifying the performance of existing analytical models for these parameters.

Delta Waterways TMDLs

CVCWA points out that several of the listed Delta TMDLs (mercury, salt, boron, bacteria) are not associated with the protection of aquatic life beneficial uses.

Central Valley Drinking Water Policy

The Drinking Water Policy development effort is currently focused on the concerns of drinking water agencies, which may be in conflict with ecosystem health and the sustainability of Delta fisheries. For instance, drinking water agencies advocate significantly lower levels of organic carbon and nutrients throughout the Delta to prevent nuisance growths of algae in water supply conveyance facilities and reservoirs. If the system was managed single-mindedly to achieve those levels, the pelagic organism decline could be further exacerbated and other Delta ecosystem functions could be significantly impaired. The Water Boards must carefully evaluate and balance these ecosystem needs in the development of a drinking water policy.

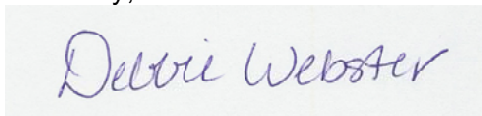
Conclusion

CVCWA supports the establishment of a regional monitoring program in the Delta and Central Valley and seeks equitable representation for itself and other Central Valley stakeholders in the decision-making structure for the program. Funding for the program should come from multiple sources, including the State and federal government.

CVCWA also supports meaningful, scientifically defensible studies and monitoring activities to address the POD. CVCWA advocates the formation and requests representation on an Ammonia Study Steering Committee to lead the development and implementation of ammonia impact studies in the Delta.

We appreciate the opportunity to provide this feedback on this important topic.

Sincerely,



Debbie Webster
Executive Officer
CVCWA

Cc: Mike Chrisman, Resources Agency Secretary
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