

From: "david jenkins" <flocdoc@pacbell.net>
To: "Fred Lacaro" <LACAF@dwq.swrcb.ca.gov>
Date: 1/18/04 2:16PM
Subject: Functional Equivalent Document

#2
read
1/19/04

Dear Mr. Lacaro (Fred),

Here are my review comments on the Functional Equivalent Document.

Respectfully submitted,

Yours sincerely,

David Jenkins
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Mr. Fred LaCaro
TMDL Listing Unit
Division of Water Quality
State Water Resources Control Board
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TT
rec'd
1/19/04

Functional Equivalent Document

Review Comments of David Jenkins

I have laid out my comments in the format of "Agreeing" (or not) with the Recommendation for each issue, with comments where appropriate.

Issue No.

- | | |
|----|--|
| 1 | Agree. Make document as specific and focused as possible. |
| 2 | Agree. Make document as specific and focused as possible. |
| 3 | Disagree. I prefer Alternative 2 because it gives less room for argument (i.e. litigation!). |
| 4A | Agree. This reflects real effects/conditions much better than instantaneous maxima (which overstate the severity of the condition) and statistically are "rare events". |
| 4B | Agree. Rules for determining ocean water quality should be a statewide rather than a regional issue. |
| 4C | Agree. Consistency is needed. |
| 4D | Either Alternative 3 (recommended) or Alternative 4 would suffice. |
| 4E | Either Alternative 3 (recommended) or Alternative 4 would suffice. |
| 4F | Agree. |
| 4G | Agree. Alternative 3 is OK but Alternative 2 should be substituted when RTAG/STAG report is ready (? on the next go around).
Phosphorus is misspelled (as "phosphorous") in a couple of Places in this Section (p.82, para 2 line 3 and p.83, para 3 line 3). |

- 4H I would prefer Alternative 2 even though an NPDES permit is not involved. This is a powerful way to call attention to this problem and it needs all the attention it can get!!
- 5A I prefer Alternative 2 unless the health advisory can be shown to be a "one shot deal" (accident, act of God etc.)
- 5B Agree.
- 5C I prefer Alternative 3 because it contains the seeds of being able to provide a water quality fix to the problem.
- 5D Agree. This type of pollution is so site/effect specific that a case-by-case consideration is better.
- 5E Agree. Flexibility is needed to deal with case-by-case specificity.
- 5F Agree. This is too complex for use of a simplified approach.
- 5G Agree.
- 5H Agree.
- 6 Agree (obviously)
- 6A-6E No comments. The details of statistical analysis are outside my area of expertise.
- 6F I am not sure which of Alternative 2 or 3 is the better. Alternative 2 gives less "wiggle room" but I do not know if it is better from a statistical point of view.
- Figure 22 on p 186 is not clear. It does not correspond with the text. The WQO is not indicated on the Figure.
- 7A If just the recommended Alternative 2 is done and the Board staff situation remains the same you will also be behind in the task and it will get worse and worse as time goes by. Why not use a combination of Alternatives 1 and 2 in which a certain number or a certain fraction) of the existing list that does not have new data/information is revisited in each cycle. In this way you would have a chance of eventually catching up.
- 7B Agree...but I would add that a review of current appropriate literature published in archival journals should be reviewed.

This could be a task prepared by a contractor for all Regional Boards.

- 7C Agree,3 – use the greatest possible number of resources to collect data! This will help reach the most informed decision.
- 7D Agree...but add a “catch-all” section “Other Considerations/Information to include possible points that may not fit any of listed categories.
- 7E Agree. Obvious choice if data are to be defensible.
- 7F Agree. General guidance is appropriate because of the wide range of situations that will have to be considered.
- 7G Age of data *per se* is not important. The important things to determine are the quality and relevance to the current situation. If data score high on these counts there is every justification to use them even if they are old.
- 7H Agree. This allows better focus on problematic areas and concentrates resources on the real problem.
- 7I Agree... as long as the CWC act sections referred to on p.214, para 6 are well focused.