



September 4, 2014

Delivered Via E-mail to: Kari.Holmes@waterboards.ca.gov

Ms. Kari Holmes
California Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Subject: Comments of the State Water Contractors and Westlands Water District Regarding the Tentative Order Amending Waste Discharge Requirements to Allow for Participation in the Delta Regional Monitoring Program

Dear Ms. Holmes:

The State Water Contractors (SWC) and Westlands Water District (collectively, "Public Water Agencies") appreciate the opportunity to provide comments on the Central Valley Regional Water Quality Control Board's (Regional Water Board) Tentative Order Amending Waste Discharge Requirements to Allow for Participation in the Delta Regional Monitoring Program (Delta RMP). The Public Water Agencies have a significant interest in the health of the San Francisco Bay/Sacramento-San Joaquin River Delta (Bay-Delta) ecosystem and in the development of management actions to address stressors on the Bay-Delta, including water quality impairment. The development and implementation of a coordinated water quality monitoring program is an important step to advance our understanding of contaminant occurrence and sources, and support development of water quality management actions.

The Public Water Agencies support the efforts of the Regional Water Board to develop the Delta RMP. We recognize that the Regional Water Board has made progress on the development of the Delta RMP, including establishing a Steering Committee and Technical Advisory Committee (TAC), developing program goals, objectives and guiding principles, and supporting the efforts of the TAC and TAC subgroups to develop proposed monitoring designs for specific constituents. However, even with the progress to date, there is still substantial, important work remaining to complete development of the Delta RMP.

Accordingly, the Public Water Agencies are concerned that the Tentative Order is premature and not ready for Regional Board consideration. Since the Delta RMP is still under development, interested stakeholders are not able to evaluate and understand the implications of the Tentative Order. The Public Water Agencies therefore must oppose consideration of the Tentative Order at this time, and urge that the Tentative Order be pulled from Regional Board consideration at the October 9/10, 2014 Board meeting. The Tentative Order should instead undergo further development and revisions as part of the Delta RMP Steering Committee

process and be brought back for Regional Board consideration at a future date, along with a complete Delta RMP.

The Public Water Agencies have several specific concerns with the Tentative Order detailed below.

1. Potential data gaps. The Tentative Order proposes amendments to 15 individual Waste Discharge Requirements for NPDES dischargers that discharge to the Delta. The Tentative Order would be effective immediately upon adoption and would allow dischargers to participate in the Delta Regional Monitoring Program in lieu of conducting their current receiving water monitoring requirements for surface water. Because the details of the Delta RMP are unknown at this time, including schedule and specific monitoring plans, it is not possible to evaluate the implications of the Tentative Order. There could be many months and potentially more than a year when there would be no receiving water monitoring conducted. This could result in a large gap in understanding Delta water quality and the impacts of contaminants on aquatic life and drinking water beneficial uses. The Tentative Order should be revised to include a detailed analysis of the existing receiving water monitoring and how it compares to the monitoring that will be conducted under the Delta RMP. The interested public should be able to understand all the changes in constituent monitoring.

2. Prior review and approval of participation. We are also concerned that Regional Water Board Executive Officer review and approval is not required prior to participating in the Delta RMP. The Tentative Order should be revised to include appropriate Regional Water Board approval.

3. The level of required participation should be clarified. The Tentative Order includes language stating that if the discharger participates in the Delta RMP, the receiving water monitoring is not required as long as the discharger "adequately supports the Delta RMP". It is not clear what is meant by "adequately supports", and the Tentative Order should be revised to specifically define "adequately supports." Item #14 in the Tentative Order findings instead states that the criteria for determining adequate participation will be developed by the Steering Committee. These criteria should be developed and included as revisions to the Tentative Order for full review and vetting by the public and the Board.

4. Additional cost information should be gathered and reviewed. As part of the Delta RMP development process, the Regional Water Board should collect information from dischargers on their current receiving water monitoring costs. This information should be reviewed for reasonableness and compared to costs for similar monitoring programs. The revisions to each of the discharge permits in the Tentative Order should include a requirement to contribute, at a minimum, the amount of money that is currently spent on the receiving water monitoring to the Delta RMP. The proposed amendments to each of the individual permits contain a paragraph justifying the need for a Delta RMP that states, "*However, the equivalent funds spent on current monitoring efforts could be used more efficiently and productively, and provide a better understanding of geographic and temporal distributions of contaminants and physical conditions in the Delta, and of other Delta water quality issues, if those funds were used for a coordinated ambient monitoring effort, rather than continue to be used in individual, uncoordinated ambient water quality monitoring programs.*" This requires knowledge of both the amount of funds spent on current

monitoring and on the constituents and geographic and temporal scope of existing monitoring programs.

5. Current monitoring information should be evaluated to ensure RMP provides for sufficient coverage. The Regional Water Board should develop a database of the existing receiving water monitoring that is conducted by the 15 dischargers who will be covered by this order. This should include constituents, analytical methods, detection limits, frequency of monitoring, and locations where monitoring is conducted. This information should then be used to ensure that the Delta RMP includes a level of monitoring that addresses the key constituents and key locations.

6. The mechanisms for continued compliance monitoring should be clarified. In the Tentative Order it is not clear how compliance with receiving water limitations in the permit will be determined if the discharger is not required to monitor receiving water and the Delta RMP data will not be used. The proposed amendments to individual permits in the Tentative Order state that, *"Delta RMP data is not intended to be used directly to represent either upstream or downstream water quality for purposes of determining compliance with this Permit."* This language appears to conflict with other text stating, *"Instead, data from the Regional Monitoring Program will be utilized to characterize the receiving water for the next permit renewal."* Further consideration should be given to this issue, as it appears inconsistent to say on the one hand that the Delta RMP data would not be adequate for determining compliance with the permit, but still be appropriate for use when characterizing the receiving water for the permit renewal.

The Public Water Agencies appreciate the opportunity to provide comments on the Tentative Order. If you have any questions regarding these comments, please contact Lynda Smith of the Metropolitan Water District of Southern California at 916-650-2632 or lsmith@mwadh2o.com, or Philip Williams of Westlands Water District at 916-321-4207 or pwilliams@westlandswater.org.

Sincerely,



Thomas Birmingham
General Manager
Westlands Water District



Terry L. Erlewine
General Manager
State Water Contractors