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Comment Summary and Responses
Comment Deadline: 8 November 2013

Amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to Establish a
Drinking Water Policy for Surface Waters of the Delta and its Upstream Tributaries

List of Commenters:

Comment Reference	Organization	Representative
1	Central Valley Drinking Water Policy Stakeholder Workgroup Core Team Members <ul style="list-style-type: none">California Urban Water AgenciesCentral Valley Clean Water AssociationCity of VacavilleSacramento Regional County Sanitation DistrictCalifornia Rice CommissionNorthern California Water AssociationSacramento County Department of Water ResourcesCalifornia Department of Water Resources	Cindy Paulson Debbie Webster Tony Pirondini Lysa Voight Tim Johnson Bruce Houdesheldt Dana Booth Cindy Garcia
2	Delta Stewardship Council	Cindy Messer
3	San Joaquin Tributaries Authority*	Jon Clancy
4	Friends of the North Fork**	Michael Garabedian

* Comments raised by the San Joaquin Tributaries Authority were not raised before the Central Valley Water Board nor was any explanation provided as to why these comments were not raised before the Central Valley Water Board. Similar comments were raised by the San Joaquin River Group Authority. We will address these comments for the completeness of the record.

** Comments raised by Friends of the North Fork were not raised before the Central Valley Water Board nor was any explanation provided as to why these comments were not raised before the Central Valley Water Board. We will address these comments for the completeness of the record.

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Response to Comments:

No.	Author	Comment (when exact comments are used they are provided in italics)	Response
0.1		<p><u>General Comment</u> Comments 4.1 – 4.6 submitted regarding the State Water Resources Control Board’s (State Water Board) approval of this amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to establish a Drinking Water Policy for surface waters of the Delta and its tributaries were not previously submitted to the Central Valley Water Board and have now been submitted to the State Water Board without explanation.</p>	<p>The State Water Board’s Notice of Opportunity to Comment concerning this Basin Plan amendment accurately informs interested persons of the procedural requirements used to implement the State Water Board’s regulatory programs. According to the State Water Board’s CEQA Regulations (California Code of Regulations, title 23, section 3779, subdivision (f)):</p> <p>The state board, when considering approval of a regional board’s adoption of an amendment to its water quality control plan or guideline, shall prescribe a comment period of not less than 30 days. The state board may refuse to accept any comments received after the noticed deadline. All comments submitted to the state board must be specifically related to the final amendment adopted by the regional board. If the regional board previously responded to the comment, the commenter must explain why it believes that the regional board’s response was inadequate. The commenter must include either a statement that each of the comments was timely raised before the regional board, or an explanation of why the commenter was unable to raise the</p>

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			<p>specific comment before the regional board. The state board may refuse to accept any comments that do not include such a statement. The state board is not required to consider any comment that is not in compliance with this section.</p> <p>During its consideration, the Central Valley Water Board received and provided written responses to all significant comments. The Central Valley Water Board's responses either indicated that changes would be made to the regulatory provisions or related documentation in view of the comment (in which case corresponding changes were made), or the Central Valley Water Board's written responses indicated that changes would not be made, and the response indicated why not.</p>
1.1	<p>Central Valley Drinking Water Policy Stakeholder Workgroup Core Team Members</p> <ul style="list-style-type: none">• Cindy Paulson• Debbie Webster• Tony Pirondini• Lysa Voight• Tim Johnson• Bruce Houdesheldt• Dana Booth	Support Letter	Comment noted.

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	<ul style="list-style-type: none"> Cindy Garcia 		
2.1	Delta Stewardship Council Cindy Messer	Support Letter	Comment noted.
3.1	San Joaquin Tributary Authority Jon Clancy	Policy should be modified to specifically exclude agricultural canals and drains unless they are presently serving as a source of municipal or domestic supplies.	<p>The San Joaquin Tributary Authority did not timely raise this comment before the Central Valley Water Board. However, this comment was timely raised to the Central Valley Water Board by the San Joaquin River Group Authority. See response 0.1.</p> <p>The Policy includes a narrative objective for <i>Cryptosporidium</i> and <i>Giardia</i> with compliance to be assessed only at public water system intakes. So, unless there is a public water system intake, agricultural canals and drains are excluded. The Policy does not modify the MUN beneficial use nor does it amend the Sources of Drinking Water Policy. As the Authority mentioned in its comment letter, there is another Board planning effort working on evaluating the appropriateness of the blanket MUN designation as mandated by the Sources of Drinking Water Policy. That planning effort is the appropriate venue to address potential changes to the MUN beneficial use designations.</p>
4.1	Friends of the North Fork Mike Garabedian	<i>“References to Appendix D and the Synthesis Report should be stricken. It is not and should not be in the materials.”</i>	This comment was not timely raised before the Central Valley Water Board nor has the commenter provided any explanation as to why this comment was not raised before the Central

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			<p>Valley Water Board. In fact, the comment was not submitted at all to the Central Valley Water Board. See response 0.1.</p> <p>The Synthesis Report, included as Appendix D of the Staff Report, summarized the findings of the Workgroup over the course of the development of the Policy and provides the information that was collected regarding the pollutants that are the subject of the Policy which focused on organic carbon, <i>Cryptosporidium</i>, and <i>Giardia</i>.</p>
4.2	<p>Friends of the North Fork</p> <p>Mike Garabedian</p>	<p>Project title should be changed to “Municipal Discharger Amendment to the Water Quality Control Plan for the Sacramento and San Joaquin River Basins” due to the involvement of publically owned treatment works and their representatives.</p>	<p>This comment was not timely raised before the Central Valley Water Board nor has the commenter provided any explanation as to why this comment was not raised before the Central Valley Water Board. In fact, the comment was not submitted at all to the Central Valley Water Board. See response 0.1.</p> <p>The Policy was developed in close collaboration with drinking water agencies, US EPA, and the California Department of Public Health, along with the regulated community including publically owned treatment works, urban interests, and agricultural interests. The suggested name change is not appropriate for the project.</p>
4.3	<p>Friends of the North Fork</p> <p>Mike Garabedian</p>	<p>The names, affiliations, and roles of Central Valley Drinking Water Policy Workgroup members need to be identified and the Workgroup/stakeholder process needs to be described.</p>	<p>This comment was not timely raised before the Central Valley Water Board nor has the commenter provided any explanation as to why this comment was not raised before the Central Valley Water Board. In fact, the comment was not submitted at all to the Central Valley Water</p>

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			<p>Board. See response 0.1.</p> <p>A history of the Workgroup process, as well as a list of participants in the Central Valley Drinking Water Policy Workgroup, is included in the Central Valley Drinking Water Synthesis Report. The Central Valley Drinking Water Policy Workgroup Synthesis Report is contained in Appendix D of the Staff Report.</p>
4.4	<p>Friends of the North Fork</p> <p>Mike Garabedian</p>	<p>Project scope should be expanded beyond the surface waters of the delta and its tributaries below the first major dams.</p>	<p>This comment was not timely raised before the Central Valley Water Board nor has the commenter provided any explanation as to why this comment was not raised before the Central Valley Water Board. In fact, the comment was not submitted at all to the Central Valley Water Board. See response 0.1.</p> <p>This project was designed in response to the need for a drinking water program identified in the 2000 CALFED Record of Decision for the Bay-Delta Program (see Central Valley Water Board Resolution R5-2004-0091) which is for the Bay-Delta. The policy was focused on the Delta as a source of drinking water. Since basin plan amendments require a lot of time and resources to develop the supporting information, it is not appropriate to try to expand the scope of a project at the end.</p> <p>The Water Boards have a process where the public has opportunity to identify the need for basin planning projects. This process is called</p>

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			<p>the triennial review. The Water Boards conduct a public review of each of its basin plans every three years to identify and prioritize basin planning issues. The need for a drinking water policy outside the geographic scope of the current project may be brought up before the Central Valley Water Board during the triennial review of the Water Quality Control Plan for the Sacramento River and San Joaquin River.</p>
4.5	<p>Friends of the North Fork</p> <p>Mike Garabedian</p>	<p>Project scope should be expanded to address antibiotic-resistant organisms and indicator bacteria.</p>	<p>This comment was not timely raised before the Central Valley Water Board nor has the commenter provided any explanation as to why this comment was not raised before the Central Valley Water Board. In fact, the comment was not submitted at all to the Central Valley Water Board. See responses 0.1 and 4.4.</p> <p>The Central Valley Water Board evaluated antibiotic resistant bacteria as a constituent of emerging concern and concluded that a policy that included constituents of emerging concern was not possible because of insufficient information (Larsen, 2005; technical memorandum, "Drinking Water Policy Constituent Prioritization Summary"). Antibiotic resistant bacteria were included in a 2012 report from the Constituents of Emerging Concern Advisory Panel as discussed in Section 2.7.3 of the Staff Report.</p> <p>This project includes a narrative water quality objective for <i>Cryptosporidium</i> and <i>Giardia</i> and does not rely on indicator bacteria. While the</p>

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			commenter recommends including indicator bacteria, the commenter did not identify what the bacteria is supposed to indicate.
4.6	Friends of the North Fork Mike Garabedian	<i>"There is no known effort to involve the public meaningfully in this discharger process."</i>	<p>This comment was not timely raised before the Central Valley Water Board nor has the commenter provided any explanation as to why this comment was not raised before the Central Valley Water Board. In fact, the comment was not submitted at all to the Central Valley Water Board. See response 0.1.</p> <p>CEQA scoping meetings were held for this project in Rancho Cordova, Stockton, and Chico in 2008. The meetings were noticed extensively via newspaper publication, email, and postal distribution. There was ample opportunity for the public to provide comments during the scoping process. Subsequent to the scoping meeting, public comment was also solicited for this project in 2010 when staff presented Resolution No. R5-2010-0079 to the Central Valley Water Board for adoption, in 2011 when staff presented a policy outline and workplan to the Central Valley Water Board for adoption, and finally in April of 2013 at the opening of the adoption hearing for the Policy.</p> <p>In addition to the previously identified opportunities for public comment Central Valley Water Board staff has engaged stakeholders with presentations and briefings.</p>