



## California Sportfishing Protection Alliance

*"An Advocate for Fisheries, Habitat and Water Quality"*

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3 September 2014

Mr. Ken Landau, Assistant Executive Officer  
Ms. Kari Holmes  
Regional Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-6144

VIA: Electronic Submission  
Hardcopy if Requested

RE: Consideration of Order Amending Waste Discharge Requirements to Allow for Participation in the Delta Regional Monitoring Program

Dear Mr. Landau, Ms. Holmes,

The California Sportfishing Protection Alliance (CSPA) has reviewed the proposed Order amending waste discharge requirements for 15 NPDES permits to allow for participation in the Delta Regional Monitoring Program (Delta RMP) current under development.

The Delta RMP responds to the need to improve coordination across multiple monitoring programs and to create a more comprehensive picture of conditions across the Delta as a whole. CSPA has long supported and routinely called for comprehensive monitoring of water quality within the Delta. We fully support the Delta RMP's goal of comprehensive sampling in the Delta. CSPA's primary mission is the protection of aquatic life; however we recognize that all the beneficial uses of a water body are related. The Delta is in a state of decline and it has long been our position that wastewater discharges are at least a contributing factor. The Delta is impaired for unknown toxicity. Now is the time to conduct comprehensive chemical specific sampling and analysis to determine the cause of the toxicity impairment, not to conduct more stand alone toxicity testing to confirm the already well documented impairment.

However, we're concerned with the proposal to fund the Delta RMP by replacing existing NPDES Discharger receiving water monitoring stations with a regional ambient monitoring program. CSPA cannot agree with the proposal to reduce any monitoring at wastewater treatment plants, but instead recommends that monitoring be significantly increased for wastewater discharges. We also object with the Delta RMP where chemical sampling and analysis is only implemented if a sample is deemed toxic. There are questions concerning whether aquatic-tox species represent the most sensitive species in the Delta. Toxicity investigations have not been overwhelmingly successful at identifying the causative pollutant and aquatic toxicity is not always the most sensitive beneficial use for any individual pollutant. Chemical specific sampling and analysis must be conducted to determine the cause of toxic

impairment to the Delta. The State's Implementation Plan requires wastewater Dischargers to conduct receiving water sampling and analysis for priority pollutants and non-priority pollutants, pursuant to the California Toxics Rule; that data must be compiled and analyzed. NPDES Dischargers are also required to sample and analyze the effluent for priority and non-priority pollutants. This data set represents a starting point for determining pollutants of concern, for finding data gaps and for establishing what and where additional sampling needs to be conducted.

The Delta RMP does not address the Delta's designated beneficial uses of Irrigated Agriculture, Municipal and Domestic Supply, Contact Recreation and Industrial Process Supply. For many pollutants, such as pathogens, salts, arsenic, iron, manganese and "constituents of emerging concern," etc., these beneficial uses are the most sensitive use of the receiving stream. The entire premise of the Delta RMP is that there is currently insufficient data to determine the quality of water column in the Delta and whether beneficial uses are protected. If Delta waters were held to the same standard as ocean beaches; how many days would these waters be closed to contact recreation? For many Industrial Supply water users (boilers, cooling towers, etc.), reverse osmosis is standard practice because the quality of the water may damage their systems. What is the cost to industry? Why prepare another incomplete report? It is a common complaint that technical reports, taking years to produce, only conclude that there is insufficient information to move forward. Failure to assess the health of all the Delta's beneficial uses renders the Delta RMP incomplete before it begins. Instead the Delta must be a comprehensive water quality analysis that addresses the health of all the beneficial uses of the Delta.

The Aquatic Science Center is governed by a Board of Directors that is currently comprised of the following members: Chief of the Water Division, State Water Resources Control Board, Executive Officers of the Central Valley and San Francisco Bay Regional Water Quality Control Boards, three representatives from the Bay Area Clean Water Agencies, and the Director of US EPA's, Region 9, Water Division. In this case, the Executive Officer of the Regional Water Board will, as a Board Member of the Aquatic Science Center, request that the Regional Board reduce receiving water sampling requirements for wastewater dischargers to pay for sampling within the Delta. Wastewater Dischargers are being asked (required) to fund the Delta RMP. The wastewater Dischargers will be "asked" to fund this project by the Executive Officer of the Regional Board who also oversees permits, compliance and enforcement. A Discharger may very well feel that failure to comply with the request to conduct sampling at a location remote from their discharge, or to contribute money to the Regional sampling program is indeed not optional. Compliance with and enforcement of NPDES permits must not be sacrificed to implement the Delta RMP, both programs are critical to achieving and maintaining water quality in the Delta.

It should be a primary goal of the Delta RMP to augment data collected with the surface water sampling data collected by wastewater Dischargers. The following comments address several issues however focus on the specific concern regarding the elimination of individual wastewater discharger surface water monitoring:

1. The California Water Code, Porter Cologne § 13267, allows the Regional Board to require investigations and inspections. Section 13267 allows that a regional board, in establishing or

reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any plan or requirement authorized by this division, may investigate the quality of any waters of the state within its region.

Section 13267,(b)(1) specifically states that: *“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”* (Emphasis added)

Generally, the Regional Board has easily defended required Monitoring Programs as necessary for assessing compliance with Waste Discharge Requirements. This program proposes to replace Discharger specific receiving water monitoring with general Delta monitoring which may be unrelated to the Discharger’s specific wastewater discharge. Under these circumstances the Regional Board cannot defend any reasonable relationship to the need for sampling at a location that may be unrelated to the specific wastewater discharge. The Regional Board would also be hard pressed to provide any evidence supporting sampling at a location that may be unrelated to the specific wastewater discharge. The Regional Board has long stated that wastewater Dischargers are not responsible for upstream water quality for which they have no control. Sampling far field above or below a wastewater discharge would make it challenging to provide a defensible argument that a Discharger is responsible for paying for sampling and preparation of a technical report.

The burden of the costs for monitoring the Delta should be from statewide resources as the Delta provides drinking water across the state. It would seem reasonable that water users, agricultural wastewater dischargers and Stormwater dischargers should share the burden. CSPA encourages additional monitoring of wastewater discharges to confirm compliance with waste discharge requirements, however wastewater dischargers are not the sole water quality threat to the Delta.

2. Receiving Water sampling is a critical component of assessing compliance with Waste Discharge Requirements. Waste Discharge Requirements contain Receiving Water Limitations. Receiving Water Limitations are permit limitations. Federal Regulations, 40 CFR §§ 122.44(i) and 122.48, which require that NPDES permits to include requirements to monitor sufficient to assure compliance with permit limitations and requirements, the mass or other measurement specified in the permit for each pollutant limited in the permit, and the volume of effluent discharged from each outfall. NPDES permits are required to include monitoring specifying the type, the interval, and the frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring. Monitoring reports must be submitted at least annually. Receiving water parameters, such as pH, dissolved oxygen,

temperature, can change quickly and monitoring should be frequent to assure compliance. Elimination of the surface water sampling requirements for surface water Dischargers would violate the requirements of 40 CFR 122.44(i) and 122.48. Compilation of the data from all Delta wastewater Dischargers could be used to significantly improve the Delta RMP database.

3. Current receiving water sampling is inadequate and should be expanded, not eliminated. The Central Valley routinely includes mixing zones in NPDES permits. To date we have not seen a single NPDES permit adopted by the Central Valley Regional Board that requires instream verification of the mixing zone analysis, which has been based on modeling. Hydraulic models for mixing zones have been the subject of controversy. In some instances, such as the Sacramento Regional Wastewater Treatment Plant many hydraulic models have been applied in numerous layers, yet the Regional Board did not require instream verification of the mixing zone modeling. While it is critical permit compliance information; verification of mixing zone compliance data could also be used to significantly improve the Delta RMP database.

4. In addition to official mixing zone allowances, the Central Valley Regional Board routinely utilizes the “Emerick” method for establishing limitations for hardness dependent metals. The “Emerick” method is based on the use of assimilative capacity within the receiving stream, or as applied by the Regional Board an unofficial mixing zone. Again, we can find no examples where the Regional Board has required instream sampling to verify the accuracy of the “Emerick” method or to assure instream compliance with metals criteria.

5. The NPDES permit for the Sacramento Regional Wastewater Treatment Plant used assimilative capacity in determining the reasonable potential for salinity constituents, EC and TDS. Again, the Regional Board has not required instream sampling to verify the accuracy of the method used, to assess the size of the mixing zone, or to measure compliance with criteria. The receiving water compliance verification sampling could also be used to significantly improve the Delta RMP database.

The Delta is listed as impaired for unknown toxicity. The Sacramento Regional Wastewater Treatment Plant has been allowed to remove ammonia from toxicity samples prior to analysis for quite some period of time. Sampling within the receiving stream to determine if the discharge is acutely toxic to aquatic life could be critical information to include in the Delta RMP.

For the City of Rio Vista’s most recent NPDES permit valid data was discarded because it contained elevated concentrations of metals. The likelihood of data peaks being “real” absent erroneously reporting, questionable quality control/quality assurance practices or varying seasonal or daily conditions is more defensible than the data being an “outlier,” hence the EPA and SIP requirement that data may not be arbitrarily discarded or ignored. In this case the Regional Board in discarding data cites that, “The 18 December 2002 receiving water sampling event included elevated concentrations for several metals, which is an indication of high sediment load in the river that occurs during storm events.” The proposed Permit does not cite the specific metals or the measured concentrations. The Regional Board is likely correct that there was a high sediment load in the receiving stream during the cited storm event. The Regional Board does not mention that this period would also represent numerous other wet weather sources of high pollutants such as mine drainage, storm water and sewer system

overflows. Upstream mines in this watershed are well documented to contain significantly higher metal concentrations during storm events, which result in overflows from the mine site. Storm water has routinely been shown to contain toxic constituents particularly during periods of first flush. The Delta RMP, on page 10, concludes that sampling after a winter rain event will be required to detect any stormwater-related contamination and toxicity in the water column; here that data exists and has been thrown out which could be critically useful to the Delta RMP.

There are numerous stormwater outfalls upstream of the City's discharge. The Regional Board permits the discharge of partially treated domestic sewage, which may contain high levels of toxic pollutants, including metals, from the upstream City of Sacramento's combined sewer system. The Regional Board also does not explain that the transport and mixing of sediment releases toxic constituents contained in the sediments. The Regional Board should have viewed this data point as particularly valuable in assessing potential toxicity and as a worst-case data point rather than simply discarding it. The allowance for a mixing zone, absent this data representative of the assimilative capacity, cannot be accurate or protective of the beneficial uses of the receiving stream. The Regional Board is required to protect the beneficial uses of the receiving stream during all periods of the five-year life of the NPDES permit, not just during nice weather. It is particularly critical to assess the impacts of the City's wastewater discharge during critical periods. The Regional Board's discarding of this data is not defended by a single argument or technical authority that would support that the data is not only representative of the discharge but is essential and critical in writing a permit that is protective of water quality and the beneficial uses of the receiving stream. Even when the Regional Board has had access to valid receiving water data it was discarded and mixing zones were adopted. Mixing zones must not only be confirmed as valid using instream sampling, but sampling should also be conducted during critical periods of flow.

The City of Rio Vista, under Order No. R5-2008-0108, was allowed to discharge ammonia up to 91 mg/l as a daily maximum. Once again there has been no in stream sampling to show that there is no toxicity within the mixing zone and the receiving stream. The receiving water sampling of this discharge should be increased to assess acute ammonia toxicity, which would also be critical information to the Delta RMP.

6. CSPA submitted significant comments on the Sacramento Regional Wastewater Treatment Plant NPDES permit regarding the discharge of "constituents of emerging concern" (CECs) and their impact on receiving water beneficial uses and the potential for violation of the narrative toxicity objective. These comments would also be applicable to all domestic wastewater discharges. Although specifically requested, the Regional Board failed to require any assessment of the discharge of CECs or the impact to beneficial uses, including toxicity. An assessment of CECs and their impact to beneficial uses would be critical information for the Delta RMP.

Threatened violation:

The increasing production and use of pharmaceuticals and personal care products (PPCPs) – some of which may be endocrine disrupting compounds (EDCs) – have led to a growing concern about the occurrence of these compounds in the environment. Recent studies have reported the occurrence worldwide of EDCs, PPCPs, and other organic

wastewater contaminants (OWCs) – collectively referred to as “constituents of emerging concern” (CECs) or “emerging constituents” (ECs) – in wastewater treatment plant (WWTP) effluents, surface waters used as drinking water supplies, and in some cases, finished drinking waters. Of the 126 samples analyzed for the project, one sample (American River at Fairbairn drinking water treatment plant [DWTP] intake collected in April 2008) had no detectable levels of any EDCs, PPCPs, or OWCs. All other samples had one or more analytes detected at or above the corresponding MRLs. The five most frequently detected PPCPs were caffeine, carbamazepine, primidone, sulfamethoxazole, and tris(2-chloroethyl) phosphate (TCEP). At the sample sites upstream of WWTP discharges in all three watersheds, the concentrations of selected PPCPs, except for caffeine, were low (i.e.,  $\leq 13$  ng/L), pointing to WWTP discharges as the main source of most PPCPs and OWCs in the environment. (Source, Fate, and Transport of Endocrine disruptors, Pharmaceuticals, and Personal Care Products in Drinking Water Sources in California, National Water Research Institute Fountain Valley, California, May 2010)

Over the last 10 years, reports of feminized wildlife have fueled chilling headlines. Most of these reports have focused on the many ways that estrogen in sewage effluent can distort normal male development. Now a new study reveals one way that the hormone pollutant can affect females: Too much estrogen causes subtle changes in female fish's courting behavior, which could alter a population's genetic makeup (Environ. Sci. Technol., DOI: [10.1021/es101185b](https://doi.org/10.1021/es101185b)).

Increase in intersex fish downstream from WWTP possibly associated with endocrine-active contaminants. (Boulder Colorado, Colorado University, 2008)

Skewed sex ratio downstream from WWTP possibly associated with endocrine-active contaminants. (Boulder Colorado, Colorado University, 2006)

Fluoxetine (FLX), Sertraline (SER) and their degradates NFLX, and NSER were the primary antidepressants in brain tissue samples. Little or no venlafaxine (VEN), the dominant antidepressant in both water and bed sediment, was present. Degradates were measured at higher concentrations in brain samples than parent compounds. (Boulder Creek, Colorado & Fourmile Creek, Iowa, the College of Wooster, 2010)

SAR sites (with WWTP or urban runoff influent) males had significantly lower Testosterone (T) than the reference site males. Males from SAR sites had significantly higher  $17\beta$ -estradiol (E2) than reference site. Females from SAR sites had significantly lower E2 than the reference site females. (USGS, Santa Ana River (SAR) SAR sites, 2009)

“Several recent studies have documented endocrine disruption in Delta fish. One of the biomarkers of EDCs is intersex fish, fish with both male and female reproductive organs. A recent histopathological evaluation of delta smelt for the Pelagic Organism Decline found 9 of 144 maturing delta smelt (6%) collected in the fall were intersex males. This study provides evidence that delta smelt are being exposed to EDCs. Brander and Cherr (2008) observed choriogenin induction in male silversides from Suisun Marsh. Riordan

and Adam (2008) reported endocrine disruption in male fathead minnows following in-situ exposures below the Sacramento Regional Treatment Plant. Lavado, et al. (in press) conducted studies in 2006 and 2007 to evaluate the occurrence and potential sources of EDCs in Central Valley waterways. In their study, estrogenic activity was repeatedly observed at 6 of 16 locations in the Bay-Delta watershed, including in water from the Lower Napa River and Lower Sacramento River in the Delta. Further studies are needed to identify the compounds responsible for the observed estrogenic activity and their sources.” (Alameda County Water District, Alameda County Flood Control and Water Conservation District, Zone 7, Metropolitan Water District of Southern California, San Luis & Delta-Mendota Water Authority, Santa Clara Valley Water District, State Water Contractors, June 1, 2010)

A recent study by the Toxic Substances Hydrology Program of the U.S. Geological Survey (USGS) shows that a broad range of chemicals found in residential, industrial, and agricultural wastewaters commonly occurs in mixtures at low concentrations downstream from areas of intense urbanization and animal production. The chemicals include human and veterinary drugs (including antibiotics), natural and synthetic hormones, detergent metabolites, plasticizers, insecticides, and fire retardants. One or more of these chemicals were found in 80 percent of the streams sampled. Half of the streams contained 7 or more of these chemicals, and about one-third of the streams contained 10 or more of these chemicals. This study is the first national-scale examination of these organic wastewater contaminants in streams and supports the USGS mission to assess the quantity and quality of the Nation's water resources. A more complete analysis of these and other emerging water-quality issues is ongoing. Knowledge of the potential human and environmental health effects of these 95 chemicals is highly varied; drinking-water standards or other human or ecological health criteria have been established for 14. Measured concentrations rarely exceeded any of the standards or criteria. Thirty-three are known or suspected to be hormonally active; 46 are pharmaceutically active. Little is known about the potential health effects to humans or aquatic organisms exposed to the low levels of most of these chemicals or the mixtures commonly found in this study. ("Pharmaceuticals, hormones, and other organic wastewater contaminants in U.S. streams, 1999-2000: A national reconnaissance," an article published in the March 15, 2002 issue of *Environmental Science & Technology*, v. 36, no. 6, pages 1202-1211. Data are presented in a companion USGS report, "Water-quality data for pharmaceuticals, hormones, and other organic wastewater contaminants in U.S. streams, 1999-2000" (USGS Open-File Report 02-94). These and other reports, data, and maps can be accessed on the Internet at <http://toxics.usgs.gov>.)

PPCPs are found where people or animals are treated with drugs and people use personal care products. PPCPs are found in any water body influenced by raw or treated sewage, including rivers, streams, ground water, coastal marine environments, and many drinking water sources. PPCPs have been identified in most places sampled. The U.S. Geological Survey (USGS) implemented a national reconnaissance to provide baseline information on the environmental occurrence of PPCPs in water resources. You can find more information about this project from the USGS's What's in Our Wastewaters and Where Does it Go? site. PPCPs in the environment are frequently found in aquatic environments

because PPCPs dissolve easily and don't evaporate at normal temperature and pressures. Practices such as the use of sewage sludge ("biosolids") and reclaimed water for irrigation brings PPCPs into contact with the soil.  
(<http://www.epa.gov/ppcp/faq.html#ifthereareindeed>)

From the recent scientific investigations and literature it is reasonable to conclude that "constituents of emerging concern" (CECs) are present in wastewater discharges. It is also reasonable to conclude that wastewater discharges into the Delta contain CECs in concentrations that at a minimum threaten to violate the Receiving Water Limitation for toxicity, which prohibits toxic substances to be present in concentrations that produce detrimental physiological responses in human or aquatic life. Receiving water monitoring from wastewater treatment plants should be expanded not eliminated.

7. The Basin Plan on page III-5.00 states that the "dissolved oxygen concentration shall not be reduced below the following minimum levels at any time:...Waters designated SPWN 7.0 mg/L." Table 1 of the dissolved oxygen (DO) section in EPA's Goldbook gives a 7-day mean coldwater criteria of 9.5 mg/L D.O. and a 1-day minimum coldwater criteria of 8.0 mg/L D.O. for protection of early life stages of coldwater fish that are present in inter-gravel waters. These do not represent assured no-effect levels. To quote the Goldbook, "if slight production impairment or a small but undefinable risk of moderate impairment is unacceptable, than one should use the 'no production impairment' values given in the document as means and the 'slight production impairment' values as minima. The table which presents these concentrations is reproduced here as table 2." Table 2 shows 11 mg/L D.O. as the level for no production impairment of embryo and larval stage salmonids. The Goldbook values are water column concentrations established to protect embryo and larval stage salmonids (that are present in the underlying intergravel waters). It is assumed that the intergravel waters have 3 mg/L less oxygen than the overlying water column. (For example, the 7-day mean criteria of 9.5 mg/L D.O. in the water column was established to provide a D.O. of 6.5 in the intergravel waters.) If the Basin Plan's 7.0 mg/L D.O. objective was interpreted to be for all of the water in the waterbody (including intergravel waters) then it could be in accordance with Goldbook criteria (between the slight production impairment and no production impairment listed in Table 2 of the Goldbook). But that's not how it's being used - it's being used as a water column objective (and the intergravel waters will have DO that's even lower - about 3 mg/L lower if the Goldbook's estimate is right) and 7.0 mg/L in the water column is not protective of embryo and larval stage salmonids in the underlying intergravel waters. The current dissolved oxygen sampling conducted as required in NPDES permits is for one sample upstream and one sample downstream, within the water column, there is no intergravel sampling required in any of the Central Valley Regional Board's NPDES permit that we have reviewed.

In discussing D.O., it must be added that dissolved oxygen concentrations are likely to be at their lowest levels near dawn. It is rare that NPDES permits require that surface water sampling be conducted when DO levels are likely to be at their lowest. Since the dissolved oxygen levels could impact the aquatic life beneficial use of the Delta this would be critical information to the Delta RMP.

8. CSPA has routinely observed that the Central Valley Regional Board cites the lack of sufficient data in assessing reasonable potential while preparing NPDES permits resulting in additional studies rather than Effluent Limitations. A robust data set is required in order to conduct a statistically valid reasonable potential analysis. Any reduction in receiving water sampling could result in a continued inability to determine reasonable potential for individual pollutants. A primary and elementary statistical tool is the student-T test, which requires a minimum of 13 samples to be considered statistically valid. There are few examples of NPDES permit, reasonable potential analyses where 13 or more data points were available for analysis.

It must be noted that the California Toxics Rule was adopted in 2000 and full compliance was required by 18 May 2005. Both the CTR and the State's CTR Implementation Plan (SIP) require full assessment of both the wastewater discharge and the receiving stream. Both the CTR and SIP requirements for adequate assessment of both the effluent and receiving water are required for renewing NPDES permit. Any reduction in receiving water sampling that compromised the ability to assess reasonable potential for individual priority pollutants would be in violation of the CTR and the SIP.

9. In reviewing NPDES permits in the Central Valley, the Receiving Water Limitations generally include: Bacteria, Biostimulatory Substances, Chemical Constituents, Color, Dissolved Oxygen, Floating Material, Oil and Grease, pH, Pesticides, Radioactivity, Suspended Sediments, Settleable Substances, Suspended Material, Taste and Odors, Temperature, Toxicity and Turbidity. It is common that there is no surface water sampling in NPDES permit in the Central Valley for: biostimulatory substances (nitrogen and phosphorous), chemical constituents (drinking water contaminants except for reasonable potential sampling), color (a laboratory procedure is available), oil and grease, suspended sediments or settleable substances. Receiving Water Limitations are based on water quality objectives contained in the Basin Plan and apply to all waters within the Basin, unless specified in the Basin Plan.

Not only is receiving water sampling absent for settleable material and oil and grease, but the Central Valley Regional Board has routinely removed effluent limitations from renewed NPDES permit for these constituents. The general rationale for removing oil and grease limitations from NPDES permits has been that communities, under the State Board's collection system general permit, are required to prepare and implement a fats, oil and grease (FOG) reduction program. This requirement of the general permit however has loopholes and is not binding on many NPDES dischargers. This assessment of oil and grease is also limited to cooking fats and oils and does not address petroleum-based oils. The assessment of compliance with the Receiving Water Limitation for oil and grease is generally lacking.

Color is generally assessed by visual observation, not laboratory analysis, which is available. There are numerous wastewater treatment systems in the Central Valley that utilize pond systems and mine discharges that are capable of discharging highly discolored water. Empire Mine is a good example of a mine with a history of discolored discharges. The City of Davis is a good example of a community that currently utilizes ponds for treatment, which have a discolored discharge due to algae growth. Any reduction in the surface water sampling program for such systems would impair the ability to take effective enforcement and protect the beneficial uses of the receiving stream.

The Central Valley Regional Board has also routinely removed effluent limitations from renewed NPDES permit for settleable solids and receiving water sampling is rarely, if ever, required. Domestic wastewater treatment plants generally discharge excessive settleable solids during periods of upset. Solids discharged from wastewater treatment systems during upset can contain significant quantities of pollutants and significantly impact the ability to disinfect the waste stream. Settleable solids discharges from mining and other industrial discharges have been documented to cover spawning areas significantly impacting the aquatic life beneficial use.

10. Receiving water sampling locations are typically selected by the wastewater discharger based on ease of access to the stream. NPDES permit boilerplate language has been modified to specify that compliance with receiving water limitations will be solely based on sampling at the specified sampling locations upstream and downstream of the point of discharge. The Basin Plan assumption that water quality objectives apply throughout the waterbody is negated by this permit requirement, which is sometimes hundreds or thousands of feet. Simply assessing compliance of the effluent will not suffice under these conditions.

The Central Valley Regional Board regulates temperature for a few Dischargers based on levels prescribed by the California Department of Fish and Game as protective of cold water fish species. Most Discharger's permit Receiving Water Limitations for temperature are based on the Board's thermal plan or the Basin Plan objective, which is essentially based on antidegradation. Permits have generally been modified to state that compliance is solely based on sampling at the specified locations upstream and downstream of the point of discharge, essentially allowing a mixing zone. For elevated temperature and cold water fish species this can cause harm to the aquatic life beneficial use, yet appear to be in compliance with the Receiving Water Limitation. Where effluent temperatures exceed the level recommended as necessary to protect cold water fish and cold water fish have been documented within the receiving stream, the in stream sampling for temperature should be increased.

In conclusion, it appears that the currently proposed Delta RMP would not provide any conclusion regarding the health of the Delta or the designated beneficial uses. Many of the primary beneficial uses are explicitly excluded from the study. At this point, wastewater Discharger's are conducting sampling and analysis of priority and non-priority pollutants for use in permit renewals. We have not seen any comprehensive analysis of this existing data. It was concluded at the State Water Resources Control Board's public hearing considering adoption of the 303d list, that more water bodies are not listed as impaired simply because there is very little comprehensive data for most surface waterbodies; this is also true for the Delta. Our review of the proposed Delta RMP shows that the actual useful data regarding the health of the Delta will be actually reduced by the program as it is currently proposed. The Delta is already impaired for unknown toxicity; additional toxicity testing will not identify the toxic constituents. A comprehensive analysis of the existing data for priority and non-priority pollutants would allow for an examination of what data needs to be collected and where. Increases in the receiving water sampling for Dischargers within, and contributing to, the Delta as discussed above could be critical and useful not only in developing a database of chemical specific sampling but in determining trouble spots. CSPA fully supports development of a comprehensive Delta

monitoring program that is capable of determining the health of all the beneficial uses of the Delta.

Thank you for considering these comments. If you have questions or require clarification, please don't hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Jennings". The signature is fluid and cursive, with the first name "Bill" being more prominent and the last name "Jennings" following in a similar style.

Bill Jennings, Executive Director  
California Sportfishing Protection Alliance