

October 17, 2014

Ms. Betty Yee
Regional Water Quality Control Board, Central Valley Region
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Rancho Cordova, CA 95670

Electronic Mail: byee@waterboards.ca.gov

SUBJECT: 2014 Triennial Review for the Sacramento River and San Joaquin River Basins

Dear Ms. Yee,

The Sacramento Regional County Sanitation District (Regional San) appreciates the opportunity to provide comments as part of the Triennial Review of the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Basin Plan). The Clean Water Act's triennial review process is critical to ensure maintenance and amendment of the Basin Plan, as necessary, to achieve the highest water quality that is reasonably attainable.

Given the importance of the basin planning process to achieve water quality objectives, wastewater agencies, industry, agriculture, the State and Regional Water Boards and other stakeholders must all work together to find creative solutions for updating this Basin Plan. Our commitment to stakeholder processes is demonstrated by our participation in the coordinated control study effort of the Mercury TMDL implementation, Drinking Water Policy Basin Plan Amendment, Delta Regional Monitoring Program (RMP), Delta Nutrient Management Strategy, Water Quality Monitoring Council's Estuary Portal workgroup, and CV-SALTS.

In general Regional San agrees with the prioritization effort of this triennial review. However, we have supporting comments and requests for clarification on the following issues. Detailed comments, listed by issue, are described below the bulleted summary with recommended deletions in ~~strikeout~~ and additions underscored.

- **Issue 2:** Please clarify if the new beneficial uses discussed in the statewide mercury program should be included in the "discussion" section. This will help provide transparency between statewide efforts and Regional Water Board's existing efforts.
- **Issue 5:** Please clarify who will be leading efforts related to mercury, methylmercury issues, the State or Regional Water Board. Again, this helps provide transparency between statewide and regional efforts.
- **Issue 6:** We support re-evaluation of the use of secondary MCLs, because secondary MCLs are based on consumer's taste and odor issues.
- **Issue 9:** We encourage the Regional Board to continue to work with stakeholders to determine a fair baseline funding mechanism of the Delta RMP, and in developing a nutrient study plan. Also, we support the recognition of water recycling as a high priority activity.

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- **Issue 10:** Please clarify the role of USEPA Headquarters in registering pesticides and the coordination role the Regional Board has with USEPA in registering replacement pesticides that may cause water quality issues.
- **Issue 11:** Please clarify if the mercury load reduction program pertains to just reservoirs, or to areas that already have mercury TMDLs and Basin Plan requirements.

Issue 2: Beneficial Use Designations for Surface and Ground Waters

The State Water Board and Regional Water Board staff has been discussing new beneficial uses such as supporting cultural use and subsistence fishing, associated with the Statewide Mercury Program. For clarification purposes, if these new beneficial uses are being considered, please address them in the “Discussion” section.

Issue 5: Participation in State Water Board Plans and Policies and Other Statewide Issues

The first sentence of the “Discussion” section states,

“The State Water Board may develop plans and policies which, when adopted, supersede any regional water quality control plans for the same waters to the extent of any conflict (Water Code, §13170).”

Three items contained in the list that follows the discussion section are “Mercury Offset Policy”, “Mercury TMDL (Reservoirs)”, and “Methylmercury Objectives”.

The sentence following the listed items states,

“Once the State Water Board’s plans and policies become effective, the Central Valley’s Basin Plans should be amended to provide the most updated information to stakeholders.”

The basin plan amendment associated with the Delta Mercury Control Program, effective October 20, 2011, spans from 2011 through 2020. This basin plan amendment includes the development of a mercury offset program and determination of “how and if Dischargers can attain load and wasteload allocations set by the Board”. During recent focus workgroup meetings related to the Statewide Mercury Control Program, State Water Board staff has indicated that the statewide efforts are not intended to replace or supersede adopted basin plans related to the control of mercury and methylmercury.

Since the Delta Mercury Control Program for the Sacramento-San Joaquin Delta is in the implementation phase with significant progress on mercury control efforts, its plan, terms, limits, and requirements should not be amended based on planning efforts for upstream water bodies.

Our concerns related to this issue are similar to those described for Issue No. 11, and are therefore discussed further there as well.

Page 22: Please make the following changes in the first paragraph:

“Coordination between the State Water Board and the Regional Water Board on development of statewide and regional policies is an efficient use of limited basin planning resources.”

Page 23: Delete the paragraph that follows the item list and replace it with the following:

“The State Water Board’s plans and policies will be coordinated with the Central Valley’s Basin Plans to avoid duplication and to ensure compatibility.”

Issue 6: Secondary Maximum Contaminant Levels (MCLs) as Water Quality Objectives for Surface and Ground Waters

Regional San strongly supports the re-evaluation of the use of secondary MCLs as water quality objectives. We concur with the previous triennial review comment that stated,

“...the use of secondary MCLs should be re-evaluated because secondary MCLs are based on consumer acceptance levels and are therefore unrelated to human health and welfare or the protection of aquatic life. Also, secondary MCLs were developed to be applied at the tap, not to the drinking water source (or in this case ambient water).”

Issue 9: Implementation of the Delta Strategic Work Plan

Regional San strongly supports the Regional Board’s efforts to work with dischargers, and other stakeholders, in developing the Delta Regional Monitoring Program (RMP). Currently the Delta RMP Steering Committee is developing a funding structure. We encourage the Regional Board staff to continue working with all stakeholders in developing a baseline funding mechanism, contributed to by all stakeholders, supporting the RMP program.

Page 34: Discussion Item Number 4 is to develop and implement a nutrient study plan for the Delta. We support the creation of the Stakeholder and Technical Advisory Group for developing the nutrient study plan and encourage Regional Board staff to follow a transparent process in developing the nutrient study plan. Additionally, we believe this is an opportunity to discontinue historical combat science, and create mutually supported research leading to answering management questions regarding nutrients role in the Delta ecosystem.

Additionally, we strongly support the Water Board’s recognition of Water Recycling as a high priority activity for basin planning efforts and working towards eliminating impediments to reclamation as listed in item 8.

Issue 10: Pesticide Control Efforts

The Regional Board should recognize the role USEPA Headquarters has in registering pesticides, and clearly state what, if any, coordination role the Regional Board has with USEPA in registering replacement pesticides that may cause water quality issues.

Page 37: The last sentence of the first paragraph states that adopting numeric objectives for pyrethroids will resolve the problem of replacement pesticides, such as pyrethroids, because compliance time schedule orders will be established. Compliance time schedule orders in NPDES permits will not address consumer use of pesticides, which is the primary way for pyrethroids entering wastewater. As in the example of California Department of Pesticide Regulation restrictions on consumer use of organophosphorus (OP) pesticides diazinon and chlorpyrifos, regulating use is what ultimately led to a reduction of OP pesticides in wastewater. We encourage Regional Board staff to develop an effective relationship with USEPA Office of Pesticide Programs, to help evaluate and ensure that registration of replacement pesticide products does not cause water quality issues.

Issue 11: Mercury Load Reduction Program

The discussion of this issue in the first paragraph on page 40 states,

“Elevated mercury levels can be expected in areas where mercury was mined (Coast Range), where mercury was used to extract gold (Sierra Nevada and Cascade Range), and in downstream water bodies.”

And

“Recent studies may result in health advisories being issued for additional water bodies as well as more water bodies being added to the Clean Water Act 303(d) list for mercury impairments.”

The second paragraph states,

“The Regional Water Board adopted Basin Plan Amendments that include fish tissue objectives, implementation programs, and TMDL allocations for controlling mercury and methylmercury in Clear Lake, Cache Creek and its tributaries, and the Delta.”

It is unclear what Issue 11 is intended to address since the discussion includes areas that have ongoing load reduction efforts in place and areas for which the plans have not yet been developed. There is no “Needed Action” stated in Issue 11. We encourage the State and Regional Water Board to clarify that Issue 11 is related to the statewide mercury control program for reservoirs, if that is what is intended.

We have expressed our concern regarding clarity of whether the statewide issue will supersede already existing TMDLs and Basin Plan amendments in the comments related to Issue 5.

Also, for future mercury reduction efforts, it should be noted that the factsheet and other documents associated with mercury control in the State indicate that source control (reductions) alone may not solve the fish tissue methylmercury problem. The State is encouraged to pursue other options for mercury load reductions as well.

In conclusion, we are supportive of the prioritization efforts of the Triennial Review and the use of stakeholder processes for addressing water quality issues. Thank you again for the opportunity to comment on the 2014 Triennial Review. If you have any questions, please contact Sam Safi at (916) 876-6290 or at safis@sacsewer.com

Sincerely,



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Environmental Program Manager

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