

SOUTH DELTA WATER AGENCY

4255 PACIFIC AVENUE, SUITE 2
STOCKTON, CALIFORNIA 95207
TELEPHONE (209) 956-0150
FAX (209) 956-0154
E-MAIL Jherrlaw@aol.com

Directors:

Jerry Robinson, Chairman
Robert K. Ferguson, Vice-Chairman
Natalino Bacchetti, Secretary
Jack Alvarez
Mary Hildebrand

Engineer:

Alex Hildebrand
Counsel & Manager:
John Herrick

June 7, 2006

Via Fax (916) 464-4779

Mr. Danny McClure
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114

Re: Draft Environmental Document Regarding Proposed Basin Plan
Amendment for Diazinon and Chlorpyrifos

Dear Mr. McClure:

The following are South Delta Water Agency's comments to the above-referenced draft environmental document.

Page 12 notes that, "It is not the intent of this Amendment to establish water quality objectives in canals or drains that are not hydrologically connected by surface water flows or distinct and readily identifiable." Later in the document on page 71 it notes that surface water flows do not include pumping. I believe further clarification is necessary to insure there is no misunderstanding about whether or not there are or will be objectives established in agricultural drains.

Page 24 first references the proposed objectives of 160 ng/L for diazinon and 25 ng/L for chlorpyrifos. The objectives are specified as hourly concentrations. It is not clear how an hourly objective would be monitored or enforced. Does this mean that more than one sample will need to be taken at a specific site in order to establish an hourly concentration? Current sampling processes approved by the Regional Board specify grab samples taken periodically but not numerous grab samples taken over an hour or some other short period of time.

Mr. Danny McClure
June 7, 2006
Page - 2 -

The document notes in Tables 2.8 and 2.9 that the southern and central Delta do not appear to be in any meaningful way experiencing problems with diazinon and chlorpyrifos. This apparent lack of a serious problem should be taken into account when establishing and enforcing water quality objectives.

The document notes on page 30 that diazinon concentrations during high winter storms in Sacramento and San Joaquin River flows will increase the concentrations in the Delta. The Basin Plan dealing with areas contributing diazinon in the Delta should not be such to allow flushing of the chemical in a manner that precludes the normal agricultural practices of Delta farmers.

Page 36 appears to allow the Basin Plan Amendment and Water Quality Objectives to be implemented through ag waiver coalitions. This should be specifically stated so there is no misunderstanding.

The document does not appear to take into consideration that joint toxicity issues are thought to be relevant only about a certain threshold. We understand the prevailing scientific position to be that the additivity formula should not be employed when constituents are below the level of any biological influence.

Page 64 notes that concentrations of the constituents entering the Delta are expected to be no higher than those allowed by the current basin plan. If the incoming water has the maximum allowable concentration of diazinon and chlorpyrifos, that would preclude any downstream agricultural use which would discharge water back into the Delta. It would seem the more appropriate approach would be to have the incoming water quality be at levels below the standard so that further downstream use is possible.

On pages 77 through 78 under the discussion for available practices and technology, the document notes that some of the proposed practices might also recharge groundwater through increased infiltration. This observation is generally untrue in the Delta given the high groundwater levels (sometimes being above the land).

On page 80 and other places, it notes the proposed conditional prohibition for discharges. Given the relatively rapid rate by which these chemicals break down, it is not clear why a previous year's violation should preclude any discharge in a future year.

The evaluation of the costs associated with implementing the Basin Plan Amendment and Water Quality Objectives needs further work. The document references certain savings or avoided costs due to already existing changes in agricultural practices, narrative water quality standards, and expected changes in chemicals used. Such assumptions do not appear to take into

Mr. Danny McClure

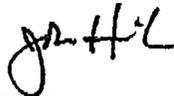
June 7, 2006

Page - 3 -

account actual costs that will be required to come into compliance under a specific numeric standard. The document references ranges of costs associated with implementation of the ag practices to address the water quality objectives. Again, the evaluation may be understated given the assumptions previously referred to. In addition, we don't see any real discussion about how an alfalfa farmer might absorb an extra \$100 per acre cost. Such an increased cost would seem on its face to result in it being economically unfeasible to implement such practices. Similarly, the change in per-acre production cost seems to be understated in light of the cost of implementing the practices.

Please call me if you have any questions or comments.

Very truly yours,



JOHN HERRICK

JH/dd