



Dear staff and Water board Members,

I have serious concerns over the announcement of proposal to amend: "STATE WATER RESOURCES CONTROL BOARD WATER QUALITY CONTROL POLICY FOR DEVELOPING CALIFORNIA'S CLEAN WATER ACT SECTION 303(d) LIST Adopted September 30, 2004"

- 1) It is hard to believe the 2004 "Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List" was never adopted, and is inferred by the State Water Board by this action to adopt. The title page states "Adopted September 30, 2004"
- 2) The purpose of the amendments is claimed "to create a more efficient and successful Clean Water Act 202(b) Integrated Report" and "process". What is the problem that the amendments are suppose to address? This is unclear to the public and not justified because the amendments appear to create an unsuccessful Integrated Report, and could jeopardize current process with a new process and removes/changes baseline data, will create new baselines, different and "limited" data. Loss of the last 10 year period of data collection, is not directed to be used.
- 3) **The proposal document appears to have deleted language, without showing the strikeouts**

- The title, "Function Equivalent Document" (page title)

The PROPOSED amended policy deleted entire sections (in the Table of Contents -"December 2,2003 DRAFT") without any discussion or strikeouts:

Under the Structure of CWA SECTION 303 LIST:

DELETED 2.2 TMDL's COMPLETED CATEGORY

DELETED: 2.3 ENFORCEABLE PROGRAM CATEGORY (p. 2)

Under the CALIFORNIA LISTING FACTORS

DELETED: 3.1 WATER QUALITY LIMITED SEGMENTS FACTORS

DELETED 3.1.11 Alternate Data Evaluation,

REPLACED with "3.11 SITUATION-SPECIFIC WEIGHT OF EVIDENCE LISTING FACTOR"

DELETED 3.2 TMDL's COMPLETED CATEGORY FACTORS

DELETED 3.3 ENFORCEABLE PROGRAM CATEGORY FACTORS

- 4) The 2004 policy appears to be 323 PAGES , the amended policy is 33 pages. EIR required,
- 5) The purpose of the section 303(d) list is to provide information about water bodies relative to existing standards. Preparation of the list does not require States to reexamine whether those standards are appropriate. The proposal admits that it is reexamining standards (with changed standards) and is an attempt to revise water quality standards before or during the listing process.

"this Policy provides guidance for interpreting data and information as they are compared to beneficial uses, existing numeric and narrative water quality objectives, and antidegradation considerations "

- 6) Water board states "The methodology to be used to develop the section 303(d) list is established by this Policy" -- is an amended policy (being proposed.) This is inappropriate.

- 7) The process for examining and assessing water quality standards is distinct and by necessity separate from the section 303(d) listing process. The water boards approach combines the section 303(d) process with standards review and revision.

“The states are required to assemble and evaluate all existing and readily available water quality-related data and information to develop the list and to provide documentation for listing or not listing a state’s waters.”

“This Policy applies only to the listing process methodology used” “to make decisions regarding standards attainment”

- 8) The 2004 policy states that visual types of assessment can be used as a baseline for gross problem identification, or for tracking gross changes over time (like for trash/litter problems.) Visual assessments are debatable. The 2014 proposal changes to “Visual assessments or other semi-quantitative assessments shall also be considered as ancillary lines of evidence to support a section 303(d) listing.”
- 9) The proposed amended policy revises existing water quality standards (i.e., beneficial uses, water quality objectives, or the State’s Non-degradation Policy) – is made without analysis or EIR. Is there an Environmental checklist for the effects the proposed changes that is expected to cause to areas that will be effected?
- 10) The proposed new policy revises changes the standard from requiring peer-reviewed literature to unknown standard regarding Sediment Quality Guidelines:

2004 policy: Sediment Quality Guidelines for Marine, Estuarine, and Freshwater Sediments: RWQCBs may select sediment quality guidelines that have been published in the peer-reviewed literature or by state or federal agencies. Acceptable guidelines include selected values: effects range-median, probable effects level, probable effects concentration, and other sediment quality guidelines. Only those sediment guidelines that are predictive of sediment toxicity shall be used (i.e., those guidelines that have been shown in published studies to be predictive of sediment toxicity in 50 percent or more of the samples analyzed).

- 11) The 2004 policy is changing the definitions of evidence to be available for assessing the entire program in place for over 10 years, Data will not be comparable, it may be lost. The new policy restricts information that will be used, is found in a single database, “CEDEN” . there is a conflict of interest because the state agencies operate the database, is the same agencies that regulate their own errors, promotes corruption and distrust. 2004: “6.2.1 Definition of Readily Available Data and Information RWQCBs and SWRCB shall assemble and consider all readily available data and information. The data and information shall be reviewed in the following order: submittals resulting from the solicitation, selected data possessed by the RWQCBs, and other sources. At a minimum, readily available data and information includes paper and electronic copies of: The most recent section 303(d) list, the most recent section 305(b) report, and the most recent California Integrated Water Quality Report; Drinking water source assessments; Information on water quality problems in documents prepared to satisfy Superfund and Resource Conservation and Recovery Act requirements
- 12) California has been developing 303(d)/305(b) Integrated Reports every two years since 1976. A regional board is required to report current data on progress of its waters every two years, this process allows the Coast Central Board to not assess the disasters currently and

continuing in Northern Santa Cruz headwaters to San Lorenzo River, entirely coated with sediment. It will allow another two years to flush away evidence that serious violations have occurred and are continuing. There are pools filled with 5 feet of sediment in several 6 feet pools at the Boy Scout Camp Lindblad that was allowed and issued timber harvest permit to log the inner gorges. The Regional Water Board has ZERO budget to run its Timber Harvest Program with a part time volunteer staff that is not trained. This destroyed our fisheries and quality of life.

- 13) It is disputed that “the Listing Policy was adopted prior to the development of sediment quality objectives.” This is not true.
- 14) The notice does not give enough time for public review. I am on the mailing list for notices, and I received the email re proposed deletion of agency policy on DECEMBER 17, 2014 IS without adequate time for comment due Dec. 22.

From: lyris@swrcb18.waterboards.ca.gov [<mailto:lyris@swrcb18.waterboards.ca.gov>]
Sent: Wednesday, December 17, 2014 2:15 PM
To: drew fenton
Subject: NOTICE OF PUBLIC HEARING AND CONSIDERATION OF ADOPTION - 303(d)
LIST

Thank you for this opportunity,
DREW FENTON