



# California Regional Water Quality Control Board

## Colorado River Basin Region

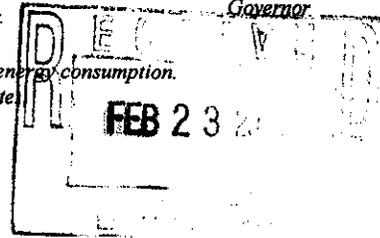


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Arnold Schwarzenegger  
Governor

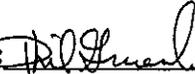
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**TO:** Celeste Cantú, Executive Director  
Tom Howard, Chief Deputy Director  
State Water Resources Control Board

**FROM:** Philip Gruenberg  
Executive Officer

**DATE:** 20 February 2004

**SIGNATURE:** 

**SUBJECT:** WATER QUALITY CONTROL POLICY FOR DEVELOPING CALIFORNIA'S  
CLEAN WATER ACT SECTION 303(d) LIST; DECEMBER 2003 (LISTING  
POLICY)

Thank you for the opportunity to provide comments on the draft "Water Quality Control Policy for Guidance on Assessing California Surface Water" (Draft Policy). We fully support the comments submitted by the TMDL Round Table, which includes Regional Board staff and managers who have years of experience interpreting water quality standards and evaluating a vast array of environmental data and information.

Primarily, we have major concerns with the resources, staff and funding alike, that would be needed to comply with this Policy. The Draft Policy specifies that all water bodies on the 2002 303(d) list would be reevaluated using the Policy over the next two listing cycles, which would place a tremendous strain on our already limited staff resources. In addition, requiring that all surface water bodies be assessed, including waters that have no previous monitoring data, along with the development of extensive fact sheets, is impractical given staff and budget constraints.

In addition, the binomial method with a 10% acceptable exceedance rate is the primary method proposed in the draft policy for evaluating water quality data. Although such an approach would provide consistency in how standards are evaluated, it is inconsistent with how standards are written. It would be feasible to use the binomial method as a screening tool in combination with a more comprehensive analysis that can take into account other relevant factors. We support the recommendation by the TMDL Round Table to use the binomial method in conjunction with a well defined "weight of evidence" method. Such an approach will help ensure that the Regional Boards will make reasoned decisions in determining whether standards are attained.

Finally, the Listing Policy proposes to supersede any Regional Board policies that address interpretation of narrative water quality objectives, but only for the purposes of the Listing

Policy. A dual system of standards interpretation would be established in those regions with such policies. One system of interpretation would exist for the Listing Policy and another system for all other Regional Board actions, resulting in confusion and inconsistency regarding how Regional Boards address water quality problems. We recommend that the following sentence in the Listing Policy (Section 6.2.3) be deleted: "This section supersedes any regional water quality control plan or water quality control policy to the extent of any conflict."

I appreciate your attention to our comments.