

SCAPSOUTHERN CALIFORNIA ALLIANCE OF
PUBLICLY OWNED TREATMENT WORKS

10.15

Mr. Craig Wilson, Chief
Division of Water Quality
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812

June 3, 2002

Via Facsimile
916 341 5550

**Re: Comments Regarding the Proposed 2002 Clean
Water Act Section 303(d) List**

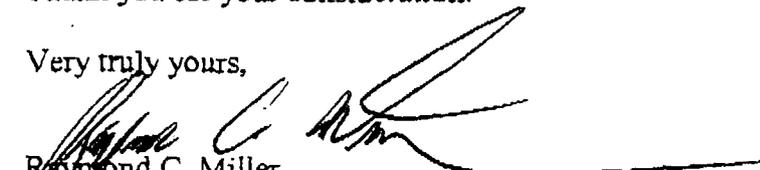
Dear Craig:

Due to unforeseen circumstances, SCAP was unable to submit its comments regarding the 303(d) List.

Mary Jane Foley hopes you will be able to include these comments in the public record for the Ontario workshop.

Thank you for your consideration.

Very truly yours,


Raymond C. Miller
Executive Director

enclosure

SCAP

SOUTHERN CALIFORNIA ALLIANCE OF
PUBLICLY OWNED TREATMENT WORKS

Arthur G. Baggett, Jr., Chair
State Water Resources Control Board
1001 J Street
Sacramento, CA 95814

May 30, 2002

**SUBJECT: COMMENTS REGARDING THE PROPOSED 2002 CLEAN
WATER ACT SECTION 303(d) LIST**

Dear Chairman Baggett and Members of the Board:

The Southern California Alliance of Publicly Owned Treatment Works (SCAP) wishes to express its appreciation to the Staff and Board for the time and effort they made to meet with us and consider our collective concerns. SCAP represents 55 southern California wastewater treatment agencies in seven counties, and the 303(d) list is one of the most important issues they all face.

Our comments will be brief and to the point. While there is much to support on the new list, there are still a few issues that we would like to ask the Board to consider.

First, our support. The "Watch List" is a great addition to the process. Instead of listing waters as polluted because you don't have enough data to say they aren't, the idea of collecting the data, analyzing it, and then listing if appropriate is a sound, scientific approach.

We also support the idea of delisting waters where the source of pollution is naturally occurring. Salinity, arsenic, and boron can all naturally occur in a water body at a concentration that is unsafe for human consumption without any human intervention.

We support the concept of delisting waters where Quality Control/Quality Assurance standards were inadequate or non-existent. Making sound policy decisions demands that the minimum of sound scientific methods were used to determine impairment.

Finally, we support the "TMDLs Completed List." It is important that the public and the regulated community know where TMDL efforts have been completed and whether or not the desired regulatory outcome was achieved.

Now our concerns. Many of the listings before you today are there simply because they were on the 1998 list. They have not been subject to the criteria we

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State Water Resources Control Board
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supported above, but have been effectively "grandfathered" in. It is a large burden to review those listings, but we would argue that waiting until the next listing cycle to do so could cause the State to place resources and efforts towards issues that could not withstand the scrutiny you are proposing for new listings.

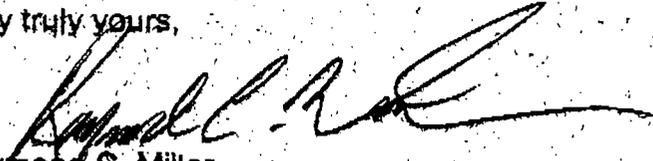
We are concerned that the Board will list waters that have violated informal advisory criteria instead of adopted water quality objectives. State and federal water quality regulations have a standards setting process that has been very effective over the last 30 years. Listing a water body because of perceptions about its quality, rather than violations of a known pollutant standard, circumvents that process.

Similarly, listing a water body based upon a single sample, or very limited data, jumps to a conclusion that may or may not be valid. We are aware of a listing that is based upon the result of a fish tissue sample taken on a single day, and a listing based upon five samples taken during one month in 1998.

And finally, while we applaud the process that the State has used to develop its recommendations, we cannot similarly support the process used at the Regional Board level. While regional staff met with us, there was little involvement with policy makers, and little or no opportunity for public comment - we feel this is poor public policy. It's our belief that local problems are best dealt with on the local level and suggest that when the statewide policy is written for developing the 303(d) list, more communication at the local level be a priority.

Again, we thank you for this opportunity to comment, we appreciate your efforts in making the process open to all points of view, and we look forward to your consideration of our concerns.

Very truly yours,



Raymond C. Miller
Executive Director