

DIRECTORS

CLAUDIA C. ALVAREZ, ESQ.
PHILIP L. ANTHONY
DON BANKHEAD
KATHRYN L. BARR
DENIS R. BILODEAU, P.E.
JAN DEBAY
IRV PICKLER
STEPHEN R. SHELDON
NOBLE J. WAITE
ROGER C. YOH, P.E.



ORANGE COUNTY WATER DISTRICT

ORANGE COUNTY'S GROUNDWATER AUTHORITY

OFFICERS

President
KATHRYN L. BARR

First Vice President
PHILIP L. ANTHONY

Second Vice President
JAN DEBAY

General Manager
MICHAEL R. MARKUS, P.E.

May 28, 2010

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

RE: Comments of the Orange County Water District regarding
2010 Integrated Report/Section 303(d) List

Dear Ms. Townsend:

Please accept the following comments from the Orange County Water District concerning the recommendations in the 2010 Integrated Report to list the Santa Ana River Reach 2 as impaired for cadmium, lead, and copper.

The Orange County Water District (OCWD) was established by the State of California in 1933 to manage the Orange County Groundwater Basin. Water produced from the basin is the primary water supply for approximately 2.5 million residents in Orange County. OCWD maintains and operates facilities in the cities of Anaheim and Orange to recharge Santa Ana River water into the groundwater basin. OCWD diverts water from Reach 2 of the Santa Ana River and subsequently recharges the water into the groundwater basin. Santa Ana River baseflow and stormflow provide the majority of water supply used to recharge the basin. As this is the primary supply of source water for recharging the Orange County Groundwater Basin, protecting the water quality in the river is of paramount importance to OCWD.

OCWD has worked and continues to work cooperatively with the Santa Ana Regional Water Quality Control Board (Regional Board) as well as other stakeholders on a number of task forces and work groups. These groups are formed to assist in the protection of the quality of surface water and groundwater supplies in the watershed. These cooperative efforts have resulted in basin plan amendments and regulatory decision making that is based on the most up-to-date scientific information and collaboration among the stakeholders. These efforts maximize resource protection in an efficient manner by the regulators and stakeholders working together. The State Water Resources Control Board's

Jeanine Townsend, SWRCB
May 28, 2010
Page 2 of 2

support of these collaborative efforts has been vital to the success of these watershed protection efforts. These efforts have also focused basin planning work on the most critical water quality and environmental issues.

OCWD supports the decision of the Regional Board to use the site-specific translators to determine compliance with allowable concentrations of dissolved metals in surface waters and the Regional Board's subsequent decision not to list the Santa Ana River Reach 2 as impaired for cadmium, lead, and copper. Based on the 2010 Integrated Report, we understand that the State Board's decision to override this recommendation and propose the listing concerns an interpretation of U.S. EPA guidance and the use of translators. We also understand that State Board staff and Regional Board staff disagree on this issue.

The decision to add a water body to the impaired list is an important one that results in a devotion of a great deal of limited staff time and public resources. We ask that the State Board reconsider the recommendation in the 2010 Integrated Report to list the Santa Ana River Reach 2 as impaired for cadmium, lead, and copper. We also ask that State Board staff meet with Regional Board staff and local stakeholders to review the appropriate use of site-specific translators. A careful and thoughtful review is necessary to assure that such a decision be made on the basis of actual water quality impairment rather than an administrative technicality.

Thank you for the opportunity to submit these comments.

Sincerely,



Michael R. Markus, P.E.
General Manager