

Draft Comment Summary and Responses
 Comment Deadline: October 31, 2016 by 12:00 noon
 Amendment to the Water Quality Control Plan for the Central Coastal Basin (Basin Plan)
 to Revise Beneficial Use Designations and to Make Editorial Changes

List of Commenters:

Comment Reference	Organization	Representative
1	Grower-Shipper Association of Central California	Abby Taylor-Silva Vice President, Policy & Communications
2	KMI	Kay Mercer, President
3	Santa Clara Valley Water District	Kirsten Struve

Response to Comments:

No.	Author	Comment	Response
1.1	Abby Taylor-Silva	<p>Generally, the Central Coast Water Board was responsive to many of the comments made by GSA. We are concerned however that comments made by Grower-Shipper Association in our letter dated June 17, 2016 regarding Amendments to Clarify the Designation of Groundwater Beneficial Uses and specifically the state’s Antidegradation policy were not appropriately considered (State Water Board’s Statement of Policy with Respect to Maintaining High Quality of Waters in California, Resolution No. 68-16 (hereafter referred to as “Antidegradation Policy”).</p> <p>Generally, the State Board has made clear that the Antidegradation Policy is <i>not</i> a “zero-discharge” policy. (See, e.g., Order No. 86-10, pp. 44-45 [“Resolution No. 68-16 is not a ‘zero-discharge’ standard but rather a policy statement that existing quality be maintained when it is reasonable to do so.”]; see also, <i>id.</i>, p. 44 [“This policy does not absolutely require existing high water quality be maintained; rather, any change</p>	<p>Staff is not providing a direct response to the issues raised about the Antidegradation Policy in this comment for the following reasons:</p> <ol style="list-style-type: none"> 1) This comment was previously raised and addressed during the Central Coast Regional Water Quality Control Board (Central Coast Water Board) process to adopt the 2016 Basin Plan amendment (Amendment). 2) This comment does not address substantive or editorial changes proposed or approved by the Central Coast Water Board with this Amendment. 3) This comment is inconsistent with the procedural requirements used to implement the State Water Board’s regulatory programs, pursuant to State Water Board regulations (23 Cal. Code Regs. § 3779, subd. (f)). <p>Explanations are as follows.</p> <ol style="list-style-type: none"> 1) Comment raised previously. This comment, submitted to the State Water Board on this matter, is identical to a comment submitted to the Central Coast Water Board at the time the draft version of this

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		<p>must be both consistent with maximum public benefit and not unreasonably affect beneficial uses.”].) We feel this is being ignored by the Central Coast Regional Board, which seems to be trying to establish a no degradation policy, which is inconsistent with the State’s Anti-degradation plan. This basin plan shouldn’t have statements which say you can’t have degradation, instead the Basin Plan should refer to the State’s Antidegradation Policy.</p>	<p>Amendment was under Central Coast Water Board consideration. During its consideration, the Central Coast Water Board provided the following written response to this comment:</p> <p>“The quoted language is currently in the Basin Plan and is not a new amendment being added by this project. The only change in the language is to the cited table; it is currently pointing to Basin Plan Table 3-4, but should point to Basin Plan Table 3-2, since this project will remove the currently named Basin Plan Tables 3-1 and 3-2 and renumber all other tables in Chapter 3. This confusion was caused by the draft strikeout/underline version of the Basin Plan, which mistakenly shows this language as new text, and this has been corrected. Staff recommends no changes to the proposed amendment based on this comment.”</p> <p>2) Comment does not address Amendment.</p> <p>This comment argues against the existing antidegradation language contained in the agricultural supply water quality objectives of the Basin Plan. These objectives and their associated antidegradation language were adopted in the 1975 Basin Plan, and have not been altered by this Amendment. The edits to this part of the Basin Plan were non-substantive corrections as shown in the strikeout/underline red text below:</p>

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			<p>In addition, waters used for irrigation and livestock watering shall not exceed concentrations for those chemicals listed in Table 3-42. Salt concentrations for irrigation waters shall be controlled through implementation of the anti-degradation policy (Appendix A-2) to the effect that mineral constituents of currently or potentially usable waters shall not be increased. It is emphasized that no controllable water quality factor shall degrade the quality of any ground-water<u>groundwater</u> resource or adversely affect long-term soil productivity.</p> <p>Where wastewater effluents are returned to land for irrigation uses, regulatory controls shall be consistent with Title 22 of the California Code of Regulations and with relevant controls for local irrigation sources.</p> <p>Therefore, the comment was irrelevant to the substance of the Central Coast Water Board’s consideration of the original, proposed Amendment, and is also irrelevant to the substance of the State Water Board’s consideration of the Amendment.</p> <p>3) Comment inconsistent with procedures.</p> <p>The State Water Board Notice of Opportunity to Comment concerning this Basin Plan amendment accurately informs interested persons of the procedural requirements used to implement the State Water Board’s regulatory programs. The requirements specify that a commenter must explain why the Central Coast Water Board’s response was inadequate. The commenter does not explain why she believes that the Central Coast Water Board’s response was inadequate.</p> <p>The State Water Board Notice of Opportunity to Comment</p>

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			<p>concerning this Basin Plan amendment included the following procedural requirements, according to State Water Board regulations (23 Cal. Code Regs. § 3779, subd. (f)):</p> <p>“The state board, when considering approval of a regional board's adoption of an amendment to its water quality control plan or guideline, shall prescribe a comment period of not less than 30 days. The state board may refuse to accept any comments received after the noticed deadline. All comments submitted to the state board must be specifically related to the final amendment adopted by the regional board. If the regional board previously responded to the comment, the commenter must explain why it believes that the regional board's response was inadequate. The commenter must include either a statement that each of the comments was timely raised before the regional board, or an explanation of why the commenter was unable to raise the specific comment before the regional board. The state board may refuse to accept any comments that do not include such a statement. The state board is not required to consider any comment that is not in compliance with this section.”</p> <p>While staff determined that this comment does not warrant a response as described above, staff finds that this comment may be appropriate for the commenter to present to the Central Coast Water Board during the next triennial review of the Basin Plan.</p>
1.2	Abby Taylor-Silva	Additionally, we are concerned about the addition of the following language without further clarification: “ <i>Where wastewater effluents are returned to land for irrigation uses, regulatory</i>	Again, this comment concerns <i>existing</i> (since 1975) Basin Plan language that was not altered by this 2016 Basin Plan amendment.

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		<p><i>controls shall be consistent with Title 22 of the California Code of Regulations and with relevant controls for local irrigation sources.</i>” To ensure there is no question that the regional board is referring to Publicly Owned Treatment Works (POTW), as would be expected in this Title 22 reference, we ask that to be included in this statement as follows: <i>“Where wastewater effluents are returned to land for irrigation uses as part of Publicly Owned Treatment Works (POTW) General Permits, regulatory controls shall be consistent with Title 22 of the California Code of Regulations and with relevant controls for local irrigation sources.”</i></p>	<p>Thus, this comment submitted to the State Water Board is not specifically related to the final amendment adopted by the Central Coast Water Board, and is therefore inconsistent with the procedural requirements used to implement the State Water Board’s regulatory programs, pursuant to State Water Board regulations (23 Cal. Code Regs. § 3779, subd. (f)).</p> <p>This comment may more appropriately be brought to the Central Coast Water Board’s attention during the next triennial review of the Basin Plan.</p>
2.1	Kay Mercer	<p>This comment letter is similar to comment 1.2 submitted in the comment letter submitted by Abby Taylor-Silva of the Grower-Shipper Association of Central California.</p> <p>The commenter is under the incorrect impression that the following is newly-proposed Basin Plan language:</p> <p>“Where wastewater effluents are returned to land for irrigation uses, regulatory controls shall be consistent with Title 22 of the California Code of Regulations and with relevant controls for local irrigation sources.”</p>	See response 1.2.
3.1	Kirsten Struve	“The Water District encourages the Central Coast Regional Water Quality Control Board to use NTU instead of JTU for turbidity measurements.”	This comment concerns <i>existing</i> Basin Plan language that was not altered by this 2016 Basin Plan amendment.

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			<p>Thus, this comment submitted to the State Water Board is not specifically related to the final amendment adopted by the Central Coast Water Board, and is therefore inconsistent with the procedural requirements used to implement the State Water Board's regulatory programs, pursuant to State Water Board regulations (23 Cal. Code Regs. § 3779, subd. (f)).</p> <p>This comment may more appropriately be brought to the Central Coast Water Board's attention during the next triennial review of the Basin Plan.</p>
3.2	Kirsten Struve	"Use of fecal coliform as bacterial indicators: The US EPA has been recommending E. Coli or enterococci as better indicators of health risk from water contact."	See response 3.1.

For further information on this topic, please contact:

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