



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION IX**  
**75 Hawthorne Street**  
**San Francisco, CA 94105-3901**

March 23, 2017

Anne Littlejohn  
Regional Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive, #200  
Rancho Cordova, CA 95670-6114

Dear Ms. Littlejohn:

Thank you for the opportunity to review and comment on the draft amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (the "Basin Plan") To Establish a Region-Wide Municipal and Evaluation Process in Agriculturally Dominated Surface Water Bodies and Remove the MUN Beneficial Use from 231 Constructed or Modified Ag Drains in the San Luis Canal Company District. We appreciate all of the efforts from the Regional Board staff to keep us informed during the development of the Basin Plan amendments.

EPA's Clean Water Act implementing regulations at 40 CFR §131.10(a) state, "If adopting new or revised designated uses, States must submit documentation justifying how their consideration of the use and value of water for those uses listed in this paragraph appropriately supports the State's action. A use attainability analysis may be used to satisfy this requirement."

The Staff Report (pp.19-21) says that the removal of MUN use from agricultural dominated waters that convey or hold agricultural drainage may be consistent with 40 CFR §131.10(g)(1), §131.10(g)(3), and §131.10(g)(4). However, in its removal of the MUN use for waters in the San Luis Canal Company District, the Staff Report does not include further analysis to explain why the use removal meets the relevant §131.10(g) factors. Under §131.10(a), the Regional Board may choose between developing a use attainability analysis or a use and value demonstration. In developing a use and value demonstration, States must consider relevant provisions in §131.10, including downstream protection and existing uses of the water (e.g., there is no evidence that the water body was used for this purpose and the water quality does not support this use).<sup>1</sup> The Regional Board provides some of the elements of this information in its 2016 San Luis Canal Company Categorization Report, but there is no further analysis in the Staff Report that results in a complete use and value demonstration. The Regional Board should either develop a use attainability analysis or complete a use and value demonstration and make this information available to the public before the Regional Board public hearing. We would be willing to assist you and provide additional information regarding these requirements.

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<sup>1</sup> See 80 FR 51026 (August 21, 2015).

We appreciate the opportunity to provide input on the draft amendments as well as the productive discussions we have had with staff concerning this issue. If you have any questions, please contact me at (415) 972-3508 or [mitchell.matthew@epa.gov](mailto:mitchell.matthew@epa.gov).

Sincerely,

*Matthew Mitchell*

Matthew Mitchell  
Water Quality Assessment Section