December 17, 2008.

Via E-Mail: commentletters@waterboards.ca.gov
And U.S. Mail

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Re: Comment Letter – Anti-degradation Policy (Resolution 68-16)

Dear State Water Resources Control Board:

The San Luis & Delta-Mendota Water Authority ("Authority") and Westlands Water District ("Westlands") offer the following comments on the questions posed by the State Water Resources Control Board’s ("State Water Board") October 16, 2008 "Notice of Staff Workshop" regarding the periodic review of its antidegradation policy.

Should the State’s Antidegradation Policy be revised as it pertains to surface waters? If so, how should it be revised?

The State Water Board antidegradation policy for surface water, as set forth in Resolution 68-16, provides adequate guidance and requisite water quality protection and therefore need not be revised.

Should the implementing procedures as contained in APU 90-004 be revised? If so, how should they be revised?

The State Water Board should provide additional guidance on how it will establish threshold or baseline water quality. However, the guidance provided by the
State Water Board should take into consideration the differing hydrologic conditions (drought) and provide sufficient flexibility to allow all available water to be put to its maximum beneficial use.

Should the implementation procedures be formally adopted as guidance or regulations by the State Water Board?

If the State Water Board were to provide guidance, it should not be in the form of regulation. Consistent with its previous actions, any further State Water Board direction should take the form of informal guidance.

Should the implementation procedures in APU 90-004 be extended beyond the point source discharge permitting program?

No, at this time, the State Water Board should focus its resources on point source discharges.

Should the State's Antidegradation policy be revised as it applies to groundwater?

The antidegradation policy currently provides sufficient protection to both surface and groundwater. Unlike its surface water counterpart, the application of the antidegradation policy to groundwater is not guided by any State Water Board direction. Therefore, although the policy itself should not be revised, it may be helpful for the State Water Board to provide an informal guidance document on the application of the antidegradation policy to groundwater.

If so, why should it be revised and how should it be revised?

If the State Water Board were to produce a guidance document for implementing the antidegradation policy as it relates to groundwater, the State Water Board should maintain the policy’s existing ability to adapt to varying conditions. Any revisions should ensure continued adaptability to allow for the development and management of maximum beneficial use.
The Authority and Westlands appreciate the opportunity to provide comments on the antidegradation policy and hope the above comments are helpful in guiding the State Water Board's periodic review.

Very truly yours,

DIEPENBROCK HARRISON
A Professional Corporation

Valerie C. Kincaid

cc:    Dan Nelson
       Tom Birmingham