



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

May 15, 2013

Jay Simi
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Re: Amendment to the Water Quality Control Plan to Establish a Drinking Water Policy for Surface Waters of the Sacramento-San Joaquin Delta and Upstream Tributaries.

Dear Mr. Simi:

Thank you for the opportunity to review and comment on the draft Drinking Water Policy. In recent discussions with staff regarding the implementation language of the proposed narrative water quality standard for *Cryptosporidium* and *Giardia*, we recommended the language be revised to allow for flexibility in the reasonable potential analysis. We understand that the current "triggers" should not be used for the reasonable potential analysis; however, it would be inappropriate to infer that based on evaluation of historical data, reasonable potential could never be identified in the future for *Cryptosporidium* and *Giardia*. Rather than including a blanket determination that there is no reasonable potential, we recommend revising the policy language to allow for permit writer discretion in the future. This will enable permit writers to consider new data and information that the Regional Board find appropriate for translating these narrative objectives, along with new discharge data and information from NPDES permitted facilities, to evaluate whether reasonable potential exists for particular facilities. Earlier this week, we suggested policy language for your consideration.

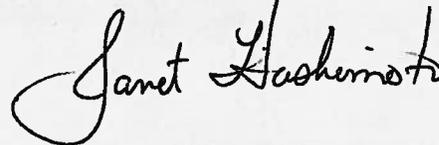
The Regional Board should also consider whether the use of a narrative water quality standard for *Cryptosporidium* and *Giardia* fits well with the intent of the Drinking Water Policy as a monitoring and investigation trigger. Once a water quality standard is adopted, it becomes the basis for legally enforceable effluent limitations, listing decisions for impaired waters, and other water quality standards implementation requirements.

We appreciate the opportunity to provide input on the draft policy as well as the productive conversations we have had with staff concerning this issue. We look forward to continuing discussions with your staff to address our concern. If you would like to discuss these comments, please contact Elizabeth Sablad at (415) 972-3044 or Matt Mitchell at (415) 972-3508.

Sincerely,

A handwritten signature in black ink, appearing to read "David Smith". The signature is fluid and cursive, with the first name "David" written in a larger, more prominent script than the last name "Smith".

David Smith, Manager
NPDES Permits Office (WTR-5)

A handwritten signature in black ink, appearing to read "Janet Hashimoto". The signature is fluid and cursive, with the first name "Janet" written in a larger, more prominent script than the last name "Hashimoto".

Janet Hashimoto, Manager
Standards and TMDL Office (WTR-2)