

Association of California Water Agencies

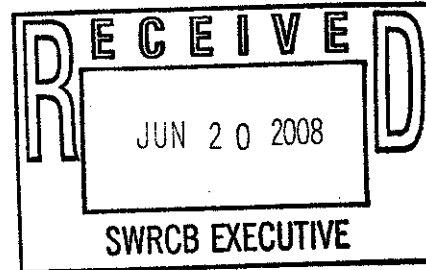
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Public Comment
Strategic Plan Update
Deadline: 6/20/08 by 12 p.m.

June 20, 2008

Sent By Electronic Mail to:
commentletters@waterboards.ca.gov

Ms. Tam Doduc, Chair
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814



Re: Comments on Strategic Plan Update 2008-2012 - May 30, 2008 Draft

Dear Ms. Doduc:

The Association of California Water Agencies (ACWA) appreciates this opportunity to provide comments on the May 30, 2008 draft of the Water Boards' Strategic Plan Update 2008-2012. ACWA consists of 450 public water agencies. Our members serve over 90% of the delivered water in California for domestic, agricultural and industrial uses.

ACWA is pleased to comment that, in general, this draft of the Strategic Plan is a significant improvement over the previous version that was the subject of ACWA's February 15, 2008 letter. We appreciate the reorganization of the document to improve its flow and readability, correct ambiguities, and offer a clearer and more cohesive statement of the Board's proposals to improve water quality.

However, ACWA continues to have specific concerns about some parts of the Strategic Plan. These specific concerns include:

1. ACWA believes that the Strategic Plan continues to need a clearer and more concise "high level" vision for what the State Board is trying to accomplish. Please refer to our previous comments in the ACWA comment dated February 15, 2008 (attached).

2. We recommend that the Strategic Plan summarize the prioritized actions that the SWRCB intends to take in relation to the crisis in the Delta by listing proposed policy commitments that are anticipated in the draft Strategic Workplan for the Bay-Delta.
3. Under the "Protection" value expressed on page 8, ACWA notes that under California water quality statutes "beneficial uses of California's waters" provides the key vehicle for "enhancement of the public trust".
4. Under the "Desired Conditions" value expressed on page 9, ACWA is concerned that the reference to "equitable" in this context and elsewhere in the document (see p.11) should not be understood to suggest a new standard for water rights appropriation that is intended as an administrative challenge to the "prior appropriation doctrine", which is the long-established legal basis for water use in California. If this is the intent, any effort to implement this challenge is certain to be met with vigorous opposition by water agencies.
5. ACWA suggests rewording the second full paragraph on page 12, and Action 1.1.4 on page 15, to correct the continued reference to "pollutant load reductions" (required by TMDL's under the authorities of the federal Clean Water Act) as a basis for proposed regulation of stream flows under state law. The Clean Water Act (Section 106 (g)) is clear that state reserves authority over water rights and that CWA compliance does not require regulation of stream flows. ACWA encourages the SWRCB to reconsider our previous comment letter dated February 15, 2008.
6. This matter of regulating stream flows is addressed more fully in Objective 1.3 and Action 1.3.1 and 1.3.2 on page 16. Again, we encourage the SWRCB to reconsider our comments of February 15, 2008:

This entire Objective and associated Actions should be deleted or, at a minimum, the Objective and Action revised to focus on the water quality priority goal, leaving open a broad array of tools to accomplish this goal. The goal is presented as a water quality goal but this objective has nothing to do with water quality; it's a water supply issue. The discussion section of this Priority provides little development of the issue or need for the action. If the Board intends to tackle water supply issues, then this should be called out more transparently with expanded discussion on the purpose and intent.

7. ACWA suggests clarifying the proposed goals listed under "Priority 3. Promote Sustainable Water Supplies" (p. 22) by source and timeframe. One approach might be to present a table that would be organized to identify "Year 2002 Level of Use" by source (recycled water, storm water, urban conservation, etc.), "Proposed 2010 Target", "Proposed 2015 Target" (increase over 2002 levels), "Proposed 2030 Target" (additional increase over 2002 levels). This should not be done unilaterally, but rather in close consultation with the Department of Water Resources (DWR) and California water agencies, with reference to the California Water Plan and the current 2009 Update process.
8. ACWA continues to oppose commitments by the SWRCB to initiate groundwater adjudication proceedings as suggested in Action 2.1.3 on page 20. Although this version of the Strategic Plan contains a more nuanced tone, we encourage the SWRCB to reconsider our comments regarding "initiating actions" (aka groundwater adjudications), as expressed in our February 15, 2008 letter:

Although Water Code Section 2100 authorizes the State Board to initiate adjudications of impaired groundwater basins, the Board has never exercised this authority, and rightfully so. Groundwater adjudications take decades to complete, are extremely expensive and very time consuming. The Board does not have enough staff or funds to execute legal proceedings of this magnitude. Given the improbability of this occurring, this action reads more as a threat that is not well received by ACWA members. Additionally, this proposal, if implemented, would extend the Board's involvement in local groundwater management, something ACWA has long opposed.
9. ACWA recommends that the last sentence in the last full paragraph on page 23, under "Long-range approaches to managing the problem", be expanded as a separate paragraph to describe how the SWRCB intends to address "economics and effective marketing" and that similar paragraphs should also be developed to address storm water and water conservation. This section should define an explicit leadership role for the SWRCB (again in consultation with DWR).
10. ACWA recommends that the first sentence of the second paragraph on page 24, be further developed to address the role of the SWRCB in "creating and reinvigorating partnerships".

Ms. Tam Doduc, Chair
State Water Resources Control Board
June 20, 2008

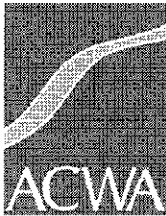
11. ACWA reiterates our previous comments regarding the proposed Action 3.1.2 and Action 3.2.1 and encourages the SWRCB to avoid references to possible confrontational water rights or regulatory actions where such actions would likely be counterproductive and ineffective. Rather, a clear commitment to cooperative, incentive-based collaborative efforts is recommended in the first instance.
12. ACWA recommends that another Action (3.2.4?) be added to commit SWRCB to develop a statewide public relations campaign, in consultation with DWR and in cooperation with the water agencies, to promote recycled water and to improve public perception.

As we concluded in our last letter, we congratulate the SWRCB for this effort. We look forward to working with the Board and staff to cooperatively implement the many actions that are called for in the Strategic Plan. If you have any questions, please feel free to contact David Bolland, Senior Regulatory Advocate, at daveb@acwa.com or 916-441-4545.

Sincerely,



Krista Clark
Director of Regulatory Affairs



Association of California Water Agencies

Leadership Advocacy Information Since 1910

February 15, 2008

Ms. Tam Doduc
Chair
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Re: Comments on Strategic Plan Update 2008-2012

Dear Ms. Doduc:

The Association of California Water Agencies (ACWA) appreciates this opportunity to provide comments on the Water Boards' Strategic Plan Update 2008-2012. ACWA consists of 450 public water agencies. Our members serve over 90% of the delivered water in California for domestic, agricultural and industrial uses.

ACWA applauds the Board's effort to update its Strategic Plan in a meaningful and thorough manner. The State of California is facing some of the most significant water challenges it has faced in decades. Changing climate patterns, population growth, and court decisions, among other factors, continue to impact the reliability, availability and quality of water supplies. To meet these challenges, the Board needs a bold and visionary water plan. A comprehensive and thoughtful revision of the State Water Resources Control Board's Strategic Plan (Plan) is a step in the right direction.

ACWA worked closely with its membership to perform a detailed review of the Plan. The comments in this letter should be viewed as representing the broad interests of the ACWA membership. We have found many statements and priorities that indicate the Board's desire to set and achieve real, quantifiable improvements in water quality, which we greatly support. However, there are also substantial problems with the draft Plan. We have many detailed comments on the substance of the Plan, but want to highlight the following general themes that run throughout the document:

GENERAL COMMENTS

The Plan is appropriately focused on outcomes rather than outputs. We appreciate the thoughtfulness that went into setting measurable goals and objectives based on real results

instead of just trying to improve existing processes. For years, the State and Regional Water Boards have been too focused on issuing water quality permits, enforcement and violations, rather than demonstrating true water quality improvement. This shift to measurable results and accountability is refreshing and most welcome. We do have suggestions on how to improve some of the measurable objectives, which are noted later in this letter.

The Plan commendably attempts to approach water quality issues through watershed-based programs and projects. In several locations, the Plan identifies regional, collaborative solutions to localized problems. These types of programs may be less burdensome, less expensive and less time-consuming than traditional regulation. However, the document does not employ this philosophy on a consistent basis and misses opportunities for broad coordination and cooperation on programs that would meet multiple objectives. Again, we have provided more details on this later in this letter.

Despite the effort to concentrate on outcomes versus outputs and to apply watershed-based solutions, the Plan too often resorts to regulatory approaches that we believe will be counterproductive. The Plan is inconsistent in its direction and tone, in one paragraph lauding the notion of collaboration and in the next promising formal enforcement action. The Plan talks about collaboration but frequently defaults to command and control regulation. The Board's biggest successes have come through collaboration, while mandated programs have had mixed results. The Board should encourage creativity, innovation and outside-the-box thinking for itself and all stakeholders and the Plan should be a vehicle to advance those values.

The Plan needs a broader context and better-defined long-term water policy vision. This Plan is being developed at a critical time in California's water history. As a major player in California water policy, the Board should take this opportunity to state its position and long-term vision for how California's environmental and economic water needs will be met. With the Delta crisis, climate change, population growth and court cases all in play, the Board needs a clear statement of how water quantity and water quality decisions will be balanced. Consideration of the big picture will provide better context for the reader and help guide balanced implementation of the goals.

The Plan proceeds as if California has ample supplies of water, just not of adequate quality. The Plan does not adequately recognize the water supply problems California is facing. California has a water supply problem that must be addressed by the State. As the Board itself notes, with a rapidly increasing population and climate change as well as recent court actions and regulations promulgated under the State and Federal Endangered Species Act, it is short-sighted to not recognize that massive water shortages are in California's water future. The Plan needs to recognize the importance of water quantity in addition to water quality.

The Plan assumes – without supporting documentation – that there is substantial waste or unreasonable use of water in California. ACWA members have invested heavily to use water most effectively for the benefit of their ratepayers. Statements regarding waste or unreasonable are often used to justify the reallocation of water supplies without acknowledging the importance of providing water either for urban or agricultural uses. The Water Code recognizes the importance of consumptive uses of water, not just the needs of fish and wildlife. If waste and unreasonable use is a major concern, the Plan should create a process to identify where this is a challenge, what is creating the challenge, and how the situation could be improved or resolved.

CONTESTED PROVISIONS

Before delving into our detailed comments on the elements of the Plan, we would like to draw your attention to two proposals that give us great concern and to which we are strongly opposed. ACWA opposes these elements because they will interfere with the existing water rights system and are likely to induce unprecedented litigation. To keep these proposals in the Plan would cause us to vigorously oppose adoption of the document in whole.

Action 1.1.4 Where full TMDL implementation will not achieve water quality standards without flow augmentation in a given water body, consider water quality factors in TMDLs and refer to State Water Board for consideration as a water rights issue by 2012.

This proposal, if implemented on a major river system, would effectively commence a general stream adjudication of the kind not previously seen in California. Experience in other states suggests that such processes often require 25 to 50 years to complete. Additionally, the Board may be violating the Clean Water Act, which says that State water rights laws should not be affected. It goes without saying that there are more productive and effective ways to achieve water quality improvements. This is such a flawed concept that it is essentially a deal-breaker and should be deleted.

ACWA strongly urges the Board to delete this provision from the Plan.

Action 2.1.3 If no regional strategy has been developed for a high-use groundwater basin by 2012, and a Regional Board concludes that limits on extractions are appropriate to improve groundwater quality, the Regional Water Board shall request that the State Water Board initiate a groundwater adjudication, in accordance with Water Code Section 2100, to protect groundwater quality.

Although Water Code Section 2100 authorizes the State Board to initiate adjudications of impaired groundwater basins, the Board has never exercised this authority, and rightfully so. Groundwater adjudications take decades to complete, are extremely expensive and very time consuming. The Board does not have enough staff or funds to execute legal proceedings of this magnitude. Given the improbability of this occurring, this action reads more as a threat

that is not well received by ACWA members. Additionally, this proposal, if implemented, would extend the Board's involvement in local groundwater management, something ACWA has long opposed.

The Board has numerous tools at its disposal to ensure water quality is protected. Aside from legal and regulatory methods, the Board should focus even greater attention on collaborative partnerships to leverage resources and expertise to solve local water quality problems. ACWA members are very supportive of the local groundwater management planning activities created under AB 3030 and SB 1938, as well as the direction that integrated regional water management is heading. We welcome the Board's support of these cooperative programs, and other creative pursuits, as the most effective ways to deal with these issues.

ACWA strongly urges the Board to delete this provision from the Plan.

DETAILED COMMENTS

We have reviewed the Plan in great detail and offer the following comments to support many of the identified actions and to suggest improvements to others. As stated earlier, we applaud this ambitious undertaking and are committed to working with the Board to see that a progressive and visionary document is eventually adopted.

Priority #1: Protect and Restore Surface Waters

Goal statement:

- The title of this Priority should be changed to "Protect and Restore Surface Water Quality" as reflected in the goal statement.
- The goal statement seems to be overly ambitious and possibly should be revised to be more realistic. However, it is also our understanding that these ambitious dates may have legal drivers which necessitate them.
- We recommend that the last few words of the goal statement, "...focusing resources on TMDL adoption and implementation" be deleted. The goal should focus on improvements in water quality, not reductions in the number of 303(d) listings or TMDL development. The TMDL program is one tool the Board can use to meet water quality objectives, but other creative tools should be considered as well.

Issue Statement:

- The document refers to developing minimum stream flow standards for priority water bodies and is currently underway in the North Coast per AB 2121. Although not overtly stated, this section reads as though the North Coast could serve as a model for statewide minimum stream flow standards, which would be inappropriate. The Board should instead focus on local physical solutions to meeting the needs of

public trust resources. ACWA intends to comment separately on the Board's draft AB 2121 policy.

Objectives and Actions:

- *Action 1.1.2 Document by September 2008 the pollutants or groups of pollutants for which TMDLs can be developed and implemented on a watershed, regional, or statewide basis.* Although this will be difficult, it is an admirable goal that should be pursued. Any opportunities to streamline processes while maintaining effectiveness is highly supported by water agencies.
- *Action 1.1.4 Where full TMDL implementation will not achieve water quality standards without flow augmentation in a given water body, consider water quantity factors in TMDLs and refer to State Water Board for consideration as a water rights issue by 2012.* This proposal, if implemented on a major river system, would effectively commence a general stream adjudication of the kind not previously seen in California. Experience in other states suggests that such processes often require 25 to 50 years to complete. As stated earlier in our comments, ACWA strongly urges deletion of this Action.
- *Objective 1.2 Develop and implement alternative regional or statewide strategies that result in water bodies meeting water quality standards without TMDLs by 2012.* ACWA strongly supports this Objective and the accompanying Actions to revise standards for naturally-occurring contaminants, revise improper beneficial uses, and seek alternative strategies in addition to TMDLs to improve water quality. This is the sort of collaborative, non-regulatory thinking that should result in water quality improvements with less time and expense.
- *Objective 1.4 Ensure that adequate stream flows are available for the protection of fish and wildlife habitat by December 2012 while meeting the need for diversions of water for other uses.* This entire Objective and associated Actions should be deleted or, at a minimum, the Objective and Action revised to focus on the water quality priority goal, leaving open a broad array of tools to accomplish this goal. The goal is presented as a water quality goal but this objective has nothing to do with water quality; it's a water supply issue. The discussion section of this Priority provides little development of the issue or need for the action. If the Board intends to tackle water supply issues, then this should be called out more transparently with expanded discussion on the purpose and intent.
- *Action 1.4.3 For priority streams where minimum flow standards have been developed and are not being met, determine by December 2012 what State Water Board-mandated actions (such as conservation, recycling, and limiting amount of water diverted) are necessary to protect the public trust by preventing waste or unreasonable use.* This is likely to provoke extensive litigation and is not likely to benefit public trust resources in the near future (if ever). The Board already has the authorities to prosecute cases of waste and unreasonable use. This Action is a good example of defaulting to a regulatory environment. As we've suggested above, either this entire Objective needs to be deleted or, at a minimum, the Objective and

Action revised to focus on the water quality priority goal, leaving open a broad array of tools to accomplish this goal.

Priority #2: Protect Groundwater

Goal statement:

- The title of the Priority should be changed to “Protect Groundwater Quality” to reflect the intent of the goal statement and the Board’s jurisdiction.
- The goal statement is not results-oriented and is focused only on preventing discharges instead of demonstrating real results. Although preventing discharges in many cases will help improve groundwater quality, in just as many cases it may not improve quality (i.e., arsenic-laden basins) and could even degrade water quality (i.e., seawater intrusion barriers). ACWA offers the following as a more appropriate goal: “Improve groundwater quality by reducing concentrations of contaminants with highest public health risk by 50% by 2020.”
- If the goal stated is rephrased in this manner, the associated Objectives and Actions should be similarly restated to achieve this goal. Namely:
 - Basin assessments should be conducted to determine the “highest public health” threat contaminants. Most of these should be well known.
 - More focus should be placed on monitoring current and future conditions and working with local entities to assess basin quality.
 - Sources of the contamination should be identified and tools implemented to reduce the contamination or eliminate the exposure.

Issue Statement:

- The discussion focuses almost entirely on reducing discharges and provides little to no examination of other important groundwater quality aspects. We recommend the discussion section, as well as Objectives and Actions, provide adequate attention to these topics, among others:
 - Groundwater remediation – Many groundwater basins have already suffered impacts; preventing discharges is too late and water supply potential too great to be abandoned.
 - Groundwater recharge/aquifer storage and recovery (ASR) – These projects are important in helping to recover overdrafted basins, prevent seawater intrusion, and in meeting future water supplies. However, balancing these needs with water quality objectives has been challenging. The Board should provide a clear statement on the role of these projects and how they might be encouraged.
 - Salinity management – Whether it’s brackish water desalination or a seawater intrusion barrier, controlling groundwater salinity is important and these efforts should be recognized and encouraged.

- The discussion is very focused on preventing contamination of groundwater but devotes little attention to how the Board intends to balance water quality protection with putting the water to reasonable, beneficial use. The document correctly acknowledges the importance of our groundwater basins, not just as sources of water but also as storage facilities. Unfortunately, in some instances, water quality standards are stymieing needed projects. The Board must examine and improve upon the way these very important projects are being regulated.
- The goal and discussion is focused on "high use basins;" however, the term "high use" is not defined. The quality of water needed for urban use is different from the quality needed for agricultural use. In reality, the basins of greatest concern or impairment are often not "high use" basins. Additionally, the argument could be made that the high-use urban basins are some of the best managed basins in California. The Board should reconsider prioritizing based on risk or threat.
- The statement that legally-formed local groundwater management entities could be responsible for pollutant input and output is inaccurate. Most local entities do not have this legal authority.
- Presumably the reference to a comprehensive data management system is the same as the system mentioned in Priority 6. If so, a reference forward to that section would be helpful to avoid the perception that each entity would develop its own monitoring network.

Objectives and Actions:

- *Objective 2.1 Implement an integrated groundwater protection approach by 2012 to protect groundwater in high-use basins that...(c) encourages and facilitates local management of groundwater resources.* This should be revised to state "encourages and facilitates local management and beneficial use of groundwater resources."
- *Action 2.1.1 The State Water Board will prepare and post a map by March 2008 that identified high-use groundwater basins.* As mentioned earlier, "high-use" is not well defined. This map perhaps should include all basins and show potential for future use.
- *Action 2.1.2 The Regional Water Boards will encourage local entities to initiate the development of regional strategies to protect high-use groundwater basins.* It is not clear what type of regional strategies is being referred to here. If the intent is to encourage regional water quality management strategies, like the one created in the Santa Ana Region for salinity, this is laudable and supportable but should be made clearer.
- *Action 2.1.3 If no regional strategy has been developed for a high-use groundwater basin by 2012 and a Regional Water Board concludes that limits on extractions are appropriate to improve groundwater quality, the Regional Water Board shall request that the State Water Board initiate a groundwater adjudication, in accordance with Water Code Section 2100, to protect groundwater quality.* As previously stated, ACWA strongly opposes this Action and urges that it be deleted from the Plan.

- *Action 2.1.4 Where a decline in groundwater quality is due to unregulated discharges, the Regional Water Boards will regulate those discharges, such as those to agricultural lands, to protect groundwater quality.* As the Board is aware, the regulation of these discharges is controversial. Current efforts to manage these discharges are of a collaborative nature supported by ACWA. Any efforts to create formal regulations would have to be supported by better science and evidence than is currently available.
- *Objective 2.2 Improve the quality of groundwater for communities that rely on groundwater contaminated by anthropogenic sources.* ACWA supports this Objective and its accompanying Actions. We appreciate the commitment to work more closely with the Department of Public Health to identify the communities of concern and to devise strategies to resolve their water quality problems. ACWA is similarly committed to assisting these communities and would like to be an active partner in these efforts.
- *Action 2.2.2 By September 2009, in collaboration with the Department of Water Resources, and other involved agencies, identify and take action to address improperly destroyed, improperly abandoned or improperly sealed wells in these communities that may serve as potential pathways for contaminants to reach groundwater.* We wholly support this proposal. ACWA has long advocated for this sort of program but has been met with resistance by the counties who administer these programs, the well drillers, and by the Legislature due to the expense.
- *Objective 2.4 Improve the effectiveness of the Underground Storage Tank program in cleaning up contamination that may impact groundwater.* ACWA strongly supports this Objective and Action 2.4.1. Contamination from underground storage tanks has threatened or severely impaired the water supplies of many of our member agencies. Although MTBE has been banned in California, its legacy persists, with detections still occurring today. The impacts of ethanol-laden gasoline are still unknown and must be closely monitored.

Priority #3: Promote Sustainable Water Supplies

Goal statement:

- If the goal is to increase all sources of sustainable supplies, then the figure of 1,725,000 acre-feet per year is too conservative. The discussion section primarily focuses on recycling and conservation; however, if other sustainable water sources such as desalination, stormwater capture, and surface and groundwater storage are appropriately considered, the potential to increase supplies is much greater. If, as it appears in the discussion, this goal is meant to be strictly a recycling and conservation goal, then the goal should be revised accordingly. However, it is ACWA's opinion that the goal should address ALL sustainable supplies.
- This goal will be challenging to document since it is currently very difficult to measure the amount of sustainable supplies that are being used (especially those gained through conservation).

Issue statement:

- As mentioned above, this discussion makes little mention of stormwater, no mention at all of the role of desalination or surface and groundwater storage, or other “sustainable” supplies. We recommend this section be expanded to address a comprehensive solution to the State’s water problems.
- The issue statement briefly mentions the public perception issues surrounding recycled water but only suggests more research and data for which there is no Objective or Action. Instead, ACWA suggests the Board lead an aggressive collaborative public education campaign to assist water agencies in implementing recycled water, stormwater and conservation programs. Despite many efforts to create needed and beneficial projects, the public is too often resistant to using treated water or to lifestyle changes. To mandate these programs is ineffective if there is no market or public acceptance of the water.
- There is substantial controversy about the potential for more indoor water conservation due to market penetration. Also there are financial, logistical and political challenges for increased outdoor water conservation. We caution the Board against reliance on these numbers.
- Sustainable supplies may or not include water transfers, but nonetheless, they are an important tool in meeting our supply needs. However, the process for implementing water transfers is cumbersome and at times oppressive. The Board should encourage the removal of institutional barriers and improvements in infrastructure to facilitate transfers of all types.

Objectives and Actions:

- It is not clear how the stated objectives and actions will actually accomplish the goal. The goal seeks very specific results but the actions are vague and non-specific.
- *Action 3.1.1 Work with the CALFED agencies, CUWCC, and Agricultural Water Management Council and other stakeholders to assess and update urban BMPs and efficient water management practices (EWMPs) for agriculture, as appropriate.* We support this effort to assess and update the BMPs and EWMPs. We feel many existing BMPs and EWMPs are outdated or no longer effective and could benefit from revisions. We also suggest that this assessment include some aspect of financial feasibility since some entities, most notably small ag and urban agencies, will have difficulty meeting some of the standards.
- *Action 3.1.2 Work with the Department of Water Resources to ensure effective implementation by urban water suppliers of water demand management measures required as a condition for receiving financial assistance, and to take action, where appropriate, to limit waste and unreasonable use of water.* This Action suggests that those not specifically implementing the approved BMPs or EWMPs be subject to some sort of “action.” In effect this Action presumes that BMPs or EWMPs are the sole measure for whether water is being wasted or unreasonably used. ACWA members strongly support water conservation programs but not all conservation

programs make sense in all areas of the State. A more flexible but effective approach would be to work with local water suppliers to set reasonable, cost-effective targets, make effective tools available, and allow local water suppliers to employ the appropriate tools and meet the cost-effective targets.

- *Action 3.2.1 Require the development of Water Recycling Plans, through the permit/WDR renewal cycle, for wastewater treatment plants located in areas using imported water supplies. Prioritize implementation of the plans for those plants that discharge to water bodies from which the water is not easily recovered.* We have questions about the Board's authority to force the development of these plans and the effectiveness of such a mandate. We strongly support the development of water recycling projects as part of a comprehensive solution to the State's water problems and strongly encourage local wastewater and water agencies to work together to study and, if possible, implement recycled water projects. We are not certain the focus on areas of imported water will achieve the results the Board intends. It would also be helpful if the types of water bodies from which water is not easily recovered were identified (e.g., salt sinks, ocean, etc.).
- *Objective 3.3 Increase the acceptance and promote the reuse of stormwater as a locally available water supply.* We support the increased use of stormwater as part of a comprehensive solution to California's water problems. We recommend this goal be expanded to include public acceptance of recycled water, which is a much bigger challenge and requires greater State attention.

Priorities #4 & #5: Creation of a CA Water Quality Plan to accompany the California Water Plan and Updating the Basin Plan

Goal 4. Water Quality Plan:

- *Objective 4.1 Prepare a comprehensive California Water Quality Plan that can serve as a key component of the Water Plan, to guide the State's protection and restoration of water quality through statewide policies and plans, regional water quality control plans (Basin Plans), and the potential effects of climate change on water quality.* See comment under next bullet.
- *Action 4.1.1 Develop, by June 2009, the internal processes and mechanisms that will be used to determine how the Basin Plans and the statewide plans and policies, will be integrated to create the California Water Quality Plan that identifies statewide water quality priorities.* There appears to be inconsistency between Objective 4.1, above, and Action 4.1.1. The former states that a CA Water Quality Plan will be developed to guide statewide policies and plans, such as the Basin Plans (a top-down approach). Yet, Action 4.1.1 states that the Basin Plans and other plans will be integrated to form the CA Water Quality Plan (a bottom-up approach). Given the complexity and the inherent problems that currently exist with the Basin Plans, either approach is probably unwarranted.

- This must be implemented in a manner that addresses the balancing of water supply and water quality to ensure important groundwater recharge, conjunctive use and recycling projects can be developed.

Goal 5. Basin Plan Updates

- ACWA supports a thorough review and revision of all the Basin Plans. The goal is laudable but the objectives and actions seem more focused on document organization and formatting rather than scientific and policy consistencies. We encourage the Board to consider and add those scientific or policy directives that are appropriate, regardless of the basin.
- The discussion regarding the relevance of the Basin Plans is largely understated. These Plans are not just outdated; they are often times unrealistic and unsubstantiated. It is important that these updates be taken very seriously and incorporate the water supply goals detailed in the California Water Plan. The discussion accurately states that “water quality must be fully integrated into any decision making process regarding current and future water supply decisions.” However, the plan neglects to note the converse: that current and future water supply needs must be fully integrated into the water quality decision making process.
- The document mentions addressing the numeric standards in the basin plans but makes no mention of the narrative standards in some plans. How will these be addressed or will they be eliminated?

Priority #6: Transparency and Accountability:

Issue Statement:

- ACWA greatly appreciates the Board’s efforts to become more efficient, transparent and accountable. In fact, we wish the intent and tone found in this section permeated more of the document. We especially appreciate the statement on page 24 that “...collaboration with the public, regulated and scientific communities and other stakeholders to establish specific and realistic goals will assist us in directing our efforts toward those activities that demonstrate the most benefit for California’s water resources. This includes identifying programs that are no longer effective or beneficial.”
- *Action 6.1.3 Evaluate, reengineer, and implement improvements to Water Board processes, beginning with (a) a comprehensive evaluation of the process and timelines by December 2008 as a first step in streamlining the water rights application processing...* ACWA supports the water rights process as the first to undergo improvements. In fact, this process is in such disarray that ACWA welcomes it receiving greater attention than a mere mention buried in Priority #6, if there is way to accommodate this. This action/goal should make clear that the intent is to get more water rights applications processed and approved, not just to streamline the process. This problematic process is not mentioned in the discussion

section – it should be highlighted and the problems explained in detail. Additionally, we suggest the Board evaluate and improve its adjudicatory proceedings process.

- *Action 6.2.3 Use on-line mapping technology to present all relevant Water Board data by December 2009.* We support access to more on-line information but integration with other state agencies, when appropriate, is necessary. ACWA is especially excited and encouraged by demonstrations we have seen of DWR's Integrated Water Resource Information System and recommend the Board integrate its data with IWRIS as much as possible.
- *Objective 6.4 Create a portal by December 2008 for the public on the State Water Board's home page to access web-based water quality information for surface, ground, and coastal waters, and a web-based water quality report card...* ACWA does not support the development of a web-based report card. These exercises are subjective in nature and misleading. We recommend the Board consider a different way to present relative water quality data.

Priority #7: Consistency

- ACWA supports an effort to achieve greater consistency amongst the Regional Boards. This has been a long-standing concern of our member agencies. We especially appreciate the proposal in the issue statement that states "...On questions of law and overarching policy, the State Water Board should provide guidance and build a basic policy framework from which the regions can appropriately tailor action." In our opinion, this is exactly how the State and Regional Boards should interact. This approach provides consistency in policy but allows for regional variations, when appropriate.

Again, we congratulate the Board on this effort. We realize that many of our comments may warrant more details and discussion which we are happy to provide if given additional time and opportunity. We are committed to working with the Board to see that a visionary but effective plan is adopted and implemented. If you have any questions, please feel free to contact me at kristac@acwa.com or 916-441-4545.

Sincerely,



Krista Clark
Director of Regulatory Affairs