



California Stormwater Quality Association®

Dedicated to the Advancement of Stormwater Quality Management, Science and Regulation

December 19, 2014

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



Subject: Comments on the Proposed Amendment to the Water Quality Control Policy for
Developing the Clean Water Act Section 303(d) List

Dear Ms. Townsend:

The California Stormwater Quality Association (CASQA) appreciates the opportunity to provide comments on the proposed approval of the amendments to the Water Quality Control Policy for Developing the Clean Water Act Section 303(d) List (Listing Policy). CASQA generally supports the proposed changes to the Listing Policy; however, we have concerns over how Water Quality Control Plan For Enclosed Bays and Estuaries Plan Part I: Sediment Quality (SQO Part I) will be incorporated. CASQA recommends the modification of several sections of the Listing Policy to better incorporate the methodologies of the sediment quality objectives (SQOs) outlined in SQO Part I. The breadth of analysis required by the SQOs should be recognized in the Listing Policy.

SQO Part I is proposed to be incorporated into Section 6.1.3 (Evaluation Guideline Selection Process) by reference. Because the SQOs are structured around assessing the risk to aquatic life and human health via multiple lines of evidence (sediment toxicity, condition of benthic biota, and sediment chemistry), the applicability of SQO Part I should also be recognized within corresponding sections of the Listing Policy. Further, current language related to causality should be modified to reference the stressor identification process described within SQO Part I to ensure that proper causal assessments are performed before linking stressors to impairments of sediment quality.

The following language is recommended to ensure clear incorporation of SQO Part I within the Listing Policy.

3.6 Water/Sediment Toxicity

Add language at the end of paragraph one to read:

“Where SQOs are relevant and apply, toxicity data shall be interpreted in accordance with the multiple lines of evidence approach as outlined in SQO Part I.”

Sections A – C are not applicable where a triad of data (chemistry, bioassessment, and toxicity) is available. Causal assessments should be centered on the stressor identification requirements contained in SQO Part I (Section VII.F). For clarity, Sections A – C should not apply where the

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sediment quality objectives apply. Therefore, where sediment quality objectives apply, we request the following language be included in lieu of Sections A – C:

“Where impairments of sediment quality are identified through the multiple lines of evidence approach as described in SQO Part I, listings should be only for the impairment of sediment quality. Upon performance of the stressor identification process per SQO Part I and identification of the specific stressor, the listing may be modified to reflect the pollutant contributing to or causing the observed impact.”

3.8 Adverse Biological Response

Add language at the end of the section to incorporate Part II of the Sediment Quality Objectives when adopted as follows:

“Upon adoption of Part II Sediment Quality Objectives related to bioaccumulation, the evaluation should follow guidelines set forth in Part II of the SQO Plan where applicable.”

3.9 Degradation of Biological Populations and Communities

Add language at the end of the section to read:

“Where SQOs are relevant and apply, bioassessment data shall be interpreted in accordance with the multiple lines of evidence approach as outlined in SQO Part I. Where impairments of sediment quality objectives are identified, listings should be for the impairment of sediment quality. Upon performance of the stressor identification process per SQO Part I and identification of the specific stressor, the listing may be modified to reflect the pollutant contributing to or causing the observed impact.”

6.1.5.8 Evaluation of Bioassessment Data

Add a fifth bullet as follows:

“Where SQOs are relevant and apply, bioassessment data shall be interpreted in accordance with the multiple lines of evidence approach as outlined in SQO Part I.”

In closing, CASQA would again like to thank the State Water Board for the opportunity to comment on this important element of water quality management policy in California. These comments are offered for your consideration in an effort to improve the integration of SQO Part I into 303(d) listing and delisting decisions in the future. Feel free to contact me with any questions at (805) 654-5051.

Sincerely,



Gerhardt Hubner, Chair – California Stormwater Quality Association

cc: CASQA Board of Directors and Executive Program Committee