



December 19, 2014

Ms. Felicia Marcus, Chair and Members  
State Water Resource Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

c/o Ms. Jeanine Townsend, Clerk to the Board

*Submitted via email: commentletters@waterboards.ca.gov*

**SUBJECT: Proposed Amendment to the Water Quality Control Policy  
for Developing the Clean Water Act Section 303(d) List**

Dear Ms. Marcus and Honorable Board Members:

The Sacramento Regional County Sanitation District (Regional San) appreciates the opportunity to provide comments on the Proposed Amendment to the Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (hereafter referred to as "Listing Policy"). The Clean Water Act's Section 303(d) listing process is critical to achieve the highest water quality that is reasonably attainable in a transparent manner.

In general, Regional San supports the steps taken by the State Water Resource Control Board (State Water Board) to promote efficiencies and streamlining of the 303(d) listing process. However, some of the proposed amendments have the potential to significantly impact Regional San. Our overarching concerns are detailed in the following comments on the proposed amendments to the 303(d) Listing Policy.

**First Proposed Amendment Section 6.1.1: Modification of the Definition  
"Readily Available Information"**

This proposed amendment to the Listing Policy modifies the definition of "readily available information" to include only information submitted to California Environmental Data Exchange Network (CEDEN). While it would be an ideal situation to obtain all relevant data from one source such as CEDEN, at this point in time, that capability does not currently exist with CEDEN. The following are some of the limitations of CEDEN:

1. Regional San and other National Pollutant Discharge Elimination System (NPDES) permit holders submit their data, including receiving water monitoring data, into the California Integrated Water Quality System (CIWQS). Unfortunately, CEDEN does not exchange data with CIWQS.

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2. The United State Geological Survey, the California Department of Water Resources, the Interagency Ecological Program, and most of the Regional Water Boards do not submit data to CEDEN. Hence, CEDEN does not have some of the most long-term historical data from important sources.
3. The data quality requirements as listed in Section 6.1.4 of the Listing Policy are more extensive than the data quality requirements of CEDEN. It seems that the Quality Assurance and Quality Control requirements should be consistent for all data submittals, including CEDEN.

Although, the proposed amendment does allow a pathway for additional data submission, the acceptance of that is at the discretion of the State and Regional Water Boards, and the Board(s) may opt not to accept that data for whatever reason. Regional San believes it will be more appropriate for the Regional Water Boards and State Water Board to base their initial assessment on a more comprehensive set of data for the Listing Policy. Our recommendation is to add CEDEN to the existing list of “readily available information” in the Section 6.1.1, and only take out data sources that may cause duplication with CEDEN data.

#### **Second Proposed Amendment Section 6.1.2.1: Changes to the 303(d) Listing Cycle**

Currently, all nine Regional Water Boards assess waters in their jurisdiction every listing cycle. This proposed amendment modifies the Listing Policy such that the 303(d) Listing Process is not required to include assessments from all regions for every listing cycle. Instead, at the beginning of each listing cycle, the State Water Board will identify which Regional Water Board(s) should make listing recommendations for that cycle. In general, Regional San believes that providing the authority for Regional Boards to process 303(d) list changes on a rotating basis and not every single listing cycle is a positive change to the Listing Policy. To continue to require each Regional Board to conduct a formal listing update process every single cycle is inefficient and unnecessary. However, Regional San’s only concern with this new approach is that if stakeholders are seeking to de-list a water body, they could face limitations if their region is on an “off-cycle”. We recommend that the State Water Board consider including a mechanism in the proposed amendment that allows stakeholders the ability to request consideration of listing/de-listing changes during off-cycles.

#### **Fourth Proposed Amendment Section 6.3: Delegation of Authority to Executive Director**

This proposed amendment would grant the State Water Board Executive Director the discretion and authority to finalize the proposed 303(d) List and submit it directly to U.S. EPA. Regional San has significant concerns with this modified provision. Currently the State Water Board is required to hold a public hearing on the final Statewide 303(d) list and to take a formal vote on any final decision made in regard to that list. Any listing changes are subject to State Water Board review, public notice and comment, and final approval. The existing process has provided interested parties with two distinct opportunities to address a proposed new or revised listing or de-listing, accompanied by appropriate notice when a listing proposal moves from the Regional Water Boards to the State Water Board. Converting the existing public, formal process into an administrative approval wholly delegated to the Executive Director eliminates an important step in the process and reduces overall transparency. Regional San recommends maintaining the existing process for State Water Board review of listing recommendations.

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In conclusion, we generally support the streamlining efforts of the State Water Board for 303(d) listings, but believe appropriate, comprehensive, quality data sets and transparency should remain part of the Listing Policy. If you have any questions, please contact me at [mitchellt@sacsewer.com](mailto:mitchellt@sacsewer.com) or (916) 876-6092.

Sincerely,

A handwritten signature in blue ink that reads "Terrie L. Mitchell". The signature is written in a cursive style.

Terrie L. Mitchell  
Legislative & Regulatory Affairs Manager

cc: Linda Dorn, Regional San  
Sam Safi, Regional San  
Christoph Dobson, Regional San