

**SWQTF***California Stormwater Quality Task Force*

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May 16, 2002

Mr. Craig J. Wilson, Chief
Monitoring and TMDL Listing Unit
Division of Water Quality
State Water Resources Control Board
Post Office Box 100
Sacramento, CA 95812-0100

Subject: Comments on Proposed 2002 Clean Water Act Section 303(d) List of Water Quality Limited Segments

Dear Mr. Wilson:

On behalf of the California Stormwater Quality Task Force (Task Force), I would like to take this opportunity to provide comments on the Proposed 2002 Clean Water Act Section 303(d) List of Water Quality Limited Segments (2002 303(d) list). The Task Force appreciates the effort by the State Water Resources Control Board (State Board) to address some of the many issues with the 303(d) listing process that California municipalities face in attempting to control pollutant discharges from urban storm water systems.

The Task Force was formed in 1989 to provide advice to the State Board on the development of National Pollutant Discharge Elimination System (NPDES) permits and related regulatory guidelines for storm water discharges. In this capacity, the Task Force has assisted the State Board in the development and implementation of the storm water permitting process. Our membership is primarily composed of storm water quality managers from cities, counties, and special districts throughout California. The Task Force has representation from public agencies that serve approximately 22 million people in California.

The task of effectively managing and preventing the introduction of pollutants into urban runoff in order to obtain or maintain receiving water beneficial uses is challenging. The listing process has become critical because the 303(d) list is a pivotal link between the beneficial uses and water quality objectives in basin plans and Total Maximum Daily Loads (TMDLs). Therefore, the Task Force takes great interest in and commends your staff for taking significant steps toward developing a more scientific, consistent, and reasoned approach to listing waterbodies in California.

Mr. Craig J. Wilson
May 15, 2002

Page 2

While the proposed 2002 303(d) list represents a major improvement to the 303(d) listing process in California, much more still needs to be done. As the National Research Council (NRC) pointed out in its report, *Assessing the TMDL Approach to Water Quality Management*, "Many waters now on the state 303(d) lists were placed there without the benefit of adequate water quality standards, data, or waterbody assessment." (NRC, p.4) The NRC also notes that prior to a waterbody assessment, states should first assign appropriate use designations that can then be refined before the development of the TMDLs.

The Task Force supports staff's recommendations to develop and place certain waterbodies on a Watch List instead of adding them to the 303(d) list when there is insufficient data to determine a waterbody's status. This scientifically based rationale helps prioritize and address problem areas and will ultimately save the municipalities and Regional Boards a significant amount of effort and resources in addressing pollutants and waterbodies that may otherwise have been inappropriately listed.

The Task Force strongly recommends that the State Board assign a high priority to the completion of the proposed Water Quality Control Policy. In order to focus statewide efforts and resources on priority waterbodies, it is very important that clear and consistent statewide policy be developed and implemented prior to the development of future 303(d) lists. The Assembly Bill 982 Public Advisory Group and the Task Force's Impaired Waters/TMDL/Watershed Management Work Group have identified a number of issues that should be addressed in this Policy including:

- The Policy should facilitate the use of alternative mechanisms such as Water Quality Attainment Strategies that might help maintain beneficial uses without the time, energy, and expense related to TMDL development;
- The Policy should address the translation of narrative water quality objectives into numeric standards upon which TMDLs could be based. In this regard, the weight of evidence approach should be evaluated and guidance provided for its use;
- The Policy should provide guidance and criteria for removing an impaired waterbody from the 303(d) list if a TMDL, Implementation Plan, or some other implementation process has been adopted. The waterbody could then be added to the Watch List or to a separate implementation list so that progress could continue to be monitored;
- The Policy should provide for a major re-evaluation of appropriate beneficial uses and water quality objectives in all Basin Plans;
- The Policy should identify the data standards required to place waterbodies on the 303(d) list or the Watch List so that decisions place waterbodies on these lists are based on consistent data standards statewide;

Mr. Craig J. Wilson
May 15, 2002

Page 3

- The Policy should provide guidance that waterbodies listed for pollution or general impairment of beneficial uses be placed on the Watch List until specific pollutants have been identified and sufficient data collected to evaluate assimilation capacity and properly determine load allocations, waste load allocations, and other parameters needed to establish a TMDL; and
- The Policy should provide for the reassessment of legacy listings because a number of old listings have been continuously carried forward (e.g. organochlorine pesticides, PCBs) even though the original bases have changed and/or supporting data are lacking. For example, some of the old waterbody/pollutant combinations on the 1998 list might best be moved to the Watch List so that the scientific basis and rationale for which they were originally listed can be re-confirmed. The resource and cost implications of erroneous listings are too great to continually carry forward old listings for which there may be insufficient supporting data.

Again, the California Stormwater Quality Task Force appreciates your efforts to improve the scientific basis for the 2002 303(d) List and looks forward to working with you on the development of the proposed new Water Quality Control Policy. We thank you for this opportunity to submit comments. If you have any questions or need clarification please feel free to call me at (925) 423-6679.

Sincerely,



Sandra Mathews, Chair
California Stormwater Quality Task Force

cc: SWQTF Executive Committee