

CMAC

Construction Materials
Association Of California

10.14

May 28, 2002

Mr. Craig J. Wilson
Chief, Monitoring & TMDL Listing Unit
Division of Water Quality
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812

Subject: Proposed 2002 Clean Water Act Section 303 (d) List

Dear Mr. Wilson:

The Construction Materials Association of California (CMAC) has recently reviewed the Proposed 303 (d) list and would like to offer several comments.

Background

CMAC is the trade association for aggregate and ready mix producers in Northern and Central California. Our members provide the construction materials to build roads, bridges, homes, schools, and waterways. Construction materials are the first step in California's \$100 billion construction industry, which accounts for 10% of California's economy.

As an industry subject to permitting and other regulatory requirements to meet federal, state, and local water quality objectives, our members are interested in issues pertaining to the designation of impaired water bodies and associated attainment mechanisms, such as total maximum daily loads (TMDL).

Comments

In general, we commend the Water Resources Control Board for advocating an approach to the listing of water bodies for the 303 (d) list that is more scientific, consistent, and reasoned. In the past, water bodies have been placed on the list "without the benefit of adequate water quality standards, data, or water body assessment," according to the National Research Council. Due to the nexus between the 303 (d) list and regulatory requirements, we believe a scientifically valid listing process is crucial.

We also support the Water Board's proposal to create a "Watch List" for several water bodies. This would be used to further evaluate a body where information is incomplete, without having to place it on the 303 (d) list. This is a reasoned approach, and should help ensure the listing process is focused on priority water bodies and pollutants. We

also commend the proposed removal of several water bodies from the 303 (d) list where water quality objectives have been met.

Recommendations:

→ To further ensure a focused regulatory process, we recommend that the Water Board also work towards completion of a proposed Water Quality Control Policy prior to development of future 303 (d) lists. In particular, we offer these recommendations:

- Develop alternatives, such as best management practices (BMP) for stormwater discharges, that allow achievement of water quality objectives without resort to numeric limits.
- Ensure that management practices or control measures apply evenly to all sources.
- Develop scientific and consistent criteria for placement of water bodies on the 303 (d) list or the Watch List.
- Develop a de-listing process for water bodies--including those previously listed--that have met water quality objectives. This process could include a mechanism for monitoring.
- Develop a policy that first places a water body on the "Watch List" until specific pollutants are identified and a water body assessment is complete. This will allow development of meaningful TMDLs.
- Consider ways to include narrative water quality objectives into numeric standards upon which TMDLs can be developed. The "weight of evidence" approach should be considered.
- Include a process to re-evaluate beneficial uses and water quality objectives for Basin Plans.

We appreciate recent opportunities to discuss impaired water bodies and the TMDL regulations with the Water Board and CalEPA. We hope these comments are helpful, and please let us know if we can provide further information.

Sincerely,



Linda A. Falasco
Executive Director

**cc: C. Brian Haddix, Undersecretary, CalEPA
Kathy Fletcher, Deputy Secretary, CalEPA
Tom Howard, Deputy Directory, Water Resources Control Board**