

HERUM CRABTREE BROWN
Attorneys At Law

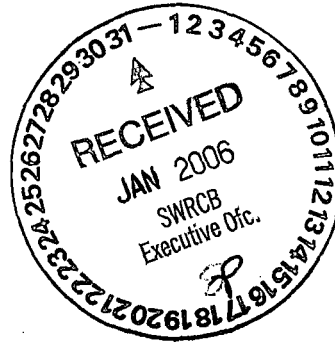
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Karna E. Harrigfeld
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January 31, 2006

VIA FACSIMILE AND E-MAIL
(916) 341-5620

Selica Potter, Acting Clerk of the Board
State Water Resources Control Board
Executive Office
1001 I Street, 24th Floor
Sacramento, California 95814



303 (d) Deadline: 1/31/06

Re: Stockton East Water District/303(d) List

Dear Ms. Potter:

On behalf of Stockton East Water District (SEWD), we provide the following comments on the Revision to the Federal Clean Water Act Section 303(d) list of water quality limited segments for California.

SEWD does not agree with the timetable set forth for adoption of a TMDL for the Calaveras River and Mormon Slough. The Calaveras River and Mormon Slough were listed for diazinon, organic enrichment/low dissolved oxygen and pathogens in the 2002 list. While we do not agree that either of these watercourses are impaired by these pollutants/stressors, the 2002 303(d) listing recognized that these reaches should be designated as "Low" priority for TMDL implementation.

The current draft establishes a 2008 completion date for TMDLs for the Calaveras River and Mormon Slough. This date is not supported in the record. There has been no additional testing, no additional sampling and no further analysis which warrants a change in the priority status of TMDL implementation for the Calaveras River and Mormon Slough from "Low" to "High." Moreover, the affected reach constitutes only a very small area of the lower Calaveras River, exclusively within the urban area of Stockton which impairment is caused by urban runoff and storm sewers.

- Doesn't agree w/ TMDL adoption timetable for Calaveras R. + Mormon Slough for diazinon, organic enrichment / low D.O. + pathogens.

Herum Crabtree Brown Attorneys

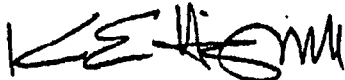
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Because of the limited number of samples taken to justify the original inclusion on the 2002 listing and the fact that it is only a small area of the lower Calaveras River exclusively within the urban area of the City of Stockton that is impaired, we believe that the Calaveras River and Mormon Slough do not meet the "high" priority designation and as such, we respectfully request that the TMDL completion date be moved to 2020 for the Calaveras River and Mormon Slough.

We understand that the next review of the 303(d) listing will occur in 2008. It is our intent over the course of the next two years to conduct additional sampling in the identified reach and work with the City of Stockton to determine the sources of the urban runoff and storm sewer discharges impairing the area with the intent to eliminate this problem. Our goal will be to locally solve this problem, so that the lower Calaveras River and Mormon Slough may be removed from the 303(d) listing in 2008. We hope this effort will allow the limited State resources to be directed to those areas where beneficial uses of water are being severely impaired.

Should you have any questions, please feel free to contact me.

Very truly yours,



KARNA E. HARRIGFELD
Attorney-at-Law

KEH:rl

cc: Mr. Kevin Kauffman, Stockton East Water District
Ms. Dorena Goding, Water Quality Assessment Unit



FAX COVER SHEET

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TO: SELICA POTTER **FAX NUMBER:** (916) 341-5620
 KEVIN KAUFFMAN (209) 948-0423
 DORENA GODING (916) 341-5550

FROM: KARNA E. HARRIGFELD, ESQ.

DATE TRANSMITTED: January 31, 2006 **FILE NUMBER:** 1026-106

DOCUMENT: Letter regarding comments on 303(d) listing.

COMMENTS: Confidential Urgent Please Sign and Return
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