



Jeanine Townsend
State Water Resources Control Board
Division of Water Quality
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Fax: (916) 341-5620

May 28, 2010

RE: PG&E's Comment Letter – 2010 Integrated Report / Section 303(d) List

Dear Ms. Townsend (clerk to the Board):

Pacific Gas and Electric Company (PG&E) appreciates the opportunity to provide additional comments on the development of this important document. PG&E also appreciates the responsiveness of both the Central Valley Regional Water Quality Control Board (CVRWQCB) and the State Water Resource Control Board (SWRCB) for considering the re-designation of the North Fork Feather River (NFFR) listings for mercury and unknown toxicity based on available information and data.

These new listing designations are provided in the SWRCB's *Draft 2010 Integrated Report-Category 5 List of Water Quality Limited Segments* (SWRCB 2010a); however, the individual fact sheets for NFFR mercury and NFFR unknown toxicity do not include this new information (CVRWQCB 2009a, SWRCB 2010b). Therefore, PG&E recommends that the decision fact sheets for these listings (NFFR mercury and NFFR unknown toxicity) be revised to indicate the specific water segment (from Poe Reservoir Dam to Lake Oroville) that is being addressed. PG&E believes that naming the specific reach that is being considered for impairment in the *Conclusion Section* of the respective decision fact sheets will reduce any potential confusion on behalf of the public.

PG&E is also re-submitting detailed comments to the SWRCB's *Draft California 2010 Integrated Report (303(d) List/305(b) Report)* for specific water bodies that PG&E believes require further consideration by the SWRCB.

PG&E did submit similar comments to the CVRWQCB March 16, 2009; however, PG&E believes some of the responses to comments provided by the CVRWQCB were inadequate or incorrect based on the available data and information for specific listed water bodies. Therefore, PG&E is re-submitting to the SWRCB the original comments that were provided to the CVRWQCB for these specific water bodies and a summary of our specific concerns is provided in this letter.

PG&E's fact sheet comments are being re-submitted to the SWRCB for the following:

- Water Segment Delineation (original Attachment A)
- Sullivan Guideline (original Attachment B)
- Feather River, North Fork (below Lake Almanor) – for water temperature (original Attachment F)
- Willow Creek (Madera County) – for water temperature (original Attachment G)
- Yuba River, South Fork (below Lake Spaulding to Englebright Reservoir) – for water temperature (original Attachment H)
- South Fork Yuba River (below Lake Spaulding to Englebright Reservoir) – for mercury (original Attachment I)
- Bear River (Amador County) – for copper (original Attachment J)

Summary of PG&E's Specific Concerns

Attachment A: Water Segment Delineation

- In the current 303(d) list there is no discussion of determining water segments, rather entire river reaches spanning as much as 50 or more miles are listed as one continuous segment.
- It is not clear that the current water body delineations were based on altitude, physical, biological or chemical conditions.
- The U. S. Environmental Protection Agency (USEPA) recommends that states partition waters to represent homogeneity in physical, biological or chemical conditions.
- PG&E believes for a river that flows through various environments including high elevation and different climates, the river should be split into appropriate river reaches or water segments (e.g., for assessing water temperature conditions).
- PG&E believes that known sensitive warm or cold water species would be more adequately protected under a scenario that utilizes water segment delineation factors (altitude, physical, biological, or chemical).

Attachment B: Sullivan Guideline

- SWRCB and the CVRWQCB state that the Sullivan report should be used as an evaluation guideline for water temperature for California surface waters in the fact sheets used to determine listing or delisting of water segments under the Clean Water Act Section 303(d).

- However, the SWRCB's use of binomial distributions to determine listing status with this guideline (in the SWRCB's Water Quality Control Policy or Listing Policy) implies that the report is being used as an objective rather than an evaluation guideline.
- Appropriate use of the Sullivan report would be to use it strictly as an evaluation guideline (i.e., screening tool) in conjunction with available biological data or other lines of evidence to determine the health of California surface waters.
- Binomial distributions do not apply to guidelines and are meant for use with objectives. In addition, there are a number of technical issues associated with the Sullivan report, which reinforce that it should be used strictly as an evaluation guideline or screening tool.

Attachment F: Feather River, North Fork (below Lake Almanor) listing for Water Temperature

- PG&E's original comments apply with the intent of demonstrating that there is insufficient evidence to list the NFFR for water temperature and the available current data show that water temperature alone is not a good measure of the health of water segments as displayed by the available biological data.
- In addition, the elevation and climatic influences on the waters in the lower elevation reaches are much greater compared to the waters originating at Canyon Dam and these influences should be accounted for in any assessments of the health of the water segment.
- One standard cold water temperature criterion should not be applied directly to all reaches without consideration of other influencing factors such as elevation, biological assemblage (warm versus cold water species), and climate.

Attachment G: Willow Creek (Madera County) listed for Temperature

- PG&E's original comments apply with the intent of protecting known sensitive species (hardhead) that have been documented in Willow Creek and which require warmer water temperatures that are representative of the current conditions in Willow Creek and do not warrant listing.
- Willow Creek from the confluence of Whiskey Creek to the San Joaquin River is considered Critical Habitat for hardhead by the Sierra National Forest.
- It is inappropriate to base water temperature criteria only on the cold water species listed in the Sullivan guideline. The 21°C Sullivan criterion is administered for salmonid species (Steelhead) and does not correlate with the status of a species that has been documented in Willow Creek and known to prefer warmer water temperatures (hardhead).
- Monitoring results from the ongoing water temperature monitoring program indicate that water temperatures in lower Willow Creek are in an optimal range for use by Hardhead and other warm water species present such as Sacramento pikeminnow and Sacramento sucker.

Attachment H: South Fork Yuba River (from Lake Spaulding to Englebright Reservoir) listed for Water Temperature

- PG&E's original comments demonstrate that there is insufficient evidence to list the South Fork Yuba River for water temperature; and the available data show that water temperature alone is not a good measure of the health of water segments.
- Biological data suggest that historically the upper South Fork Yuba River supported cold water species, primarily rainbow trout and brown trout (introduced); and the lower South Yuba River transitions into a warm water fish assemblage of native Sacramento pikeminnow and hardhead (Gast et. al. 2005).
- The natural climatic influences on the waters in the lower elevation reaches are much greater compared to the waters originating at Lake Spaulding and these influences should be accounted for in any assessments of the health of the water segment.
- One standard cold water temperature criterion should not be applied directly to all reaches without consideration of other influencing factors such as elevation, biological assemblage (warm versus cold water species), and climate.
- Annual maximum water temperature could not be met naturally in many points along the South Fork Yuba River below Lake Spaulding to Englebright Reservoir as demonstrated by unimpaired hydrology for this river.
- Existing water temperature data do not support the use of a 21°C annual maximum water temperature because regulated flows in the South Fork Yuba River (below Lake Spaulding to Englebright Reservoir) in the summer (July-September) are virtually identical to the unimpaired flows in the summer.

Attachment I: South Yuba River (from Lake Spaulding to Englebright Reservoir) listed for Mercury

- PG&E believes that the TMDL process will be more effective if truly impaired water segments are addressed by adopting a water segment delineation process when determining the list of 303(d) impaired waters.
- There are no data to indicate impairment from below Lake Spaulding to Washington Creek. The listing should be revised to list only from Washington Creek to Englebright Reservoir based upon the available data and information within those reaches.

Attachment J: Bear River below Lower Bear River Reservoir listing for Copper

- Many samples were collected prior to 2005 before the FERC required flow conditions for the Bear River had been fully implemented, therefore the sample results are obsolete and do not accurately represent the ambient water quality conditions under the new FERC flow requirements.
- The new FERC required flow releases had not been fully implemented until early 2005; and the only data that should be used to make a listing determination are data from 2005 to the present.

- Dissolved copper levels at station BR1 were reduced during the monitoring program from 2005 to the present due to completion of facility modification and implementation of the new FERC-required flow regime and are now consistent with unaffected background measurements collected at the inflow to the project.

References

Central Valley Regional Water Quality Control Board (CVRWQCB). 2009a. *Final 2008 California 303(d)/305(b) Integrated Report Supporting Information – Appendix F: Decision Fact Sheets for Region 5*, Final September 2009.

Central Valley Regional Water Quality Control Board (CVRWQCB). 2009b. *Clean Water Act Section 305(b) and 303(d) Integrated Report for the Central Valley Region – September 2009 Final Staff Report, Appendix J – Response to Public Comments*, September 2009.

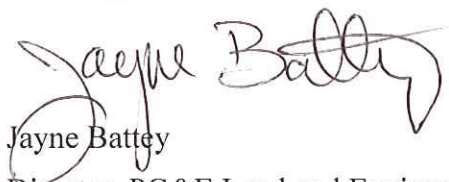
Gast, Tom, Mark Allen, and Scott Riley. 2005. *Middle and South Yuba Rainbow Trout (Onchorhynchus mykiss) Distribution and Abundance Dive Counts, August 2004*. Included as Appendix G of CDWR 2006.

State Water Resources Control Board (SWRCB). 2010a. *Draft California 2010 Integrated Report (303(d) List/305(b) Report) Category 5 List of Water Quality Limited Segments*, Draft April 19, 2010.

SWRCB. 2010b. *Draft California 2010 Integrated Report (303(d) List/305(b) Report) Supporting Information – Decision Fact Sheets and Associated Lines of Evidence*, Draft April 19, 2010.

If you have any questions please contact Brian Frantz at 925-415-6351.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jayne Battey". The signature is fluid and cursive, with the first name "Jayne" written in a larger, more prominent script than the last name "Battey".

Jayne Battey

Director, PG&E Land and Environmental Management