



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

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San Francisco, CA 94105-3901

James D. Marshall
Senior Engineer
Central Valley Regional Water Quality Control Board (Regional Board)
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114

Subject: Tentative Order Amending Waste Discharge Requirements for Sacramento-San Joaquin Delta Dischargers [Delta Regional Monitoring Program]

Dear Mr. Marshall:

Thank you for this opportunity to comment on the Tentative Order, and for the fine work being done by technical staff and management at the Regional Board to bring to fruition the Delta Regional Monitoring Program (Delta RMP).

Advancing regional water quality monitoring and assessment programs is one of EPA's seven top priorities under our Bay Delta Action Plan, and establishing the Delta RMP would represent a significant milestone under the Plan. While we strongly support the concept of regional monitoring in the Delta, we have the following concerns, observations, and recommendations to help clarify and strengthen several aspects of the Tentative Order and the Delta RMP itself.

1. Continuity of Monitoring: Please clarify the Tentative Order so that the possible gap in time is minimized between when the individual POTWs switch from their permit receiving water monitoring requirements to the monitoring requirements under the Delta RMP; e.g., one to three months. We expect receiving water monitoring by individual POTWs to continue under existing NPDES permit conditions until the monitoring program under the Delta RMP has been well defined and is ready to commence.

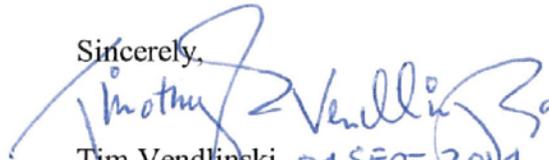
2. Monitoring Parameters: Please identify in the Tentative Order the list of monitoring parameters for the Delta RMP and define the frequency of sampling envisioned under the program. As you know, the Delta RMP is currently structured to assess four categories of contaminants: current use pesticides, mercury, pathogens, and nutrients. We encourage the Regional Board to incorporate toxicity testing into the design and implementation of the Delta RMP as it serves as a powerful tool toward: (a) evaluating the response of aquatic life to mixtures of contaminants in receiving waters; (b) detecting adverse effects on aquatic life that may not be protected by existing permit limits on effluent; (c) identifying the contaminants causing acute or chronic effects on aquatic life (including "emerging" contaminants); and (d) providing scientists and agencies a pathway for identifying and regulating the source(s) of those contaminants.

3. Cost Neutrality: The emphasis placed on “cost neutrality” by the regulated community and carried over as a theme of the Delta RMP bypasses the question of whether or not existing investments are adequate for assessing the condition of designated uses and the potential adverse effects of contaminant discharges on aquatic life. We recommend that the Regional Water Board first calculate the total cost of a robust RMP that would adequately characterize baseline conditions, including the impacts of discharges, and then index the cost of this program to inflation so that “cost neutrality” is tied to the stewardship of valuable monitoring program over time and not to the uncoordinated program of the present.

4. Transitioning the Regulated Community into the RMP: We understand that the Regional Board will, in subsequent phases of the Delta RMP, transition dischargers besides the POTWs into the program. These parties include dredging companies in the Delta, Caltrans, agricultural dischargers governed by the Irrigated Lands Regulatory Program, and large and small municipalities (MS4s) whose stormwater discharges are governed by CWA §402. We look forward to working with the Regional Board to ensure that the transitions of these remaining stakeholders are done in a way that draws on the experience from RMPs elsewhere and so they contribute to the long-term stability and success of the Delta RMP.

Thank you for your willingness to consider our concerns, observations, and recommendations as you proceed with the Tentative Order. If you wish to discuss our points in more detail, please contact me a (415) 972-3469.

Sincerely,



Tim Vendlinski 04 SEPT 2014
Bay Delta Program Manager