

**RESPONSE TO COMMENTS
ON THE
2014 TRIENNIAL REVIEW OF THE BASIN PLANS**

This document summarizes comments pertaining to the 2014 Triennial Review (TR) of the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins and Tulare Lake Basin (Basin Plans) received by the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board), and provides staff response to those comments.

In this document, comments are distinguished by written and verbal, are in chronological order, and are referred to by number as indicated in the following tables.

Table 1: Written comments received prior to the 24 October 2012 and 6 December 2012 TR workshops.

Comment #	Comment Date	Submitted by	Representative
1	1 October 2012	GEI Consultants, Inc.	Robert W. Gensemer, Ph.D., Senior Ecotoxicologist
2-5	10 October 2012	Central Valley Clean Water Association (CVCWA)	Debbie Webster, Executive Officer
6-8	10 October 2012	Sacramento Regional County Sanitation District (SRCSD)	Linda Dorn, Environmental Program Manager
9-10	10 October 2012	Westlands Water District & State Water Contractors	Craig Manson, General Counsel & Terry L. Erlewine, General Manager
11-12	22 October 2012	Amador County Environmental Health Department	Michael W. Israel, REHS, Environmental Health Director
13-15	28 November 2012	North Eastern California Water Association (NECWA)	Pam Giacomini, Executive Director
16	5 December 2012	Placer County Water Agency	Benjamin Ransom, Environmental Scientist

Table 2: Verbal comments received during the 24 October 2012 and 6 December 2012 TR workshops.

Comment #	Comment Date	Submitted by	Representative
17-19	24 October 2012	Southern San Joaquin Valley Water Quality Coalition & Tule River Sub-Watershed – Tule River Water Association	Richard “Dick” Schafer, P.E., Committee Member
20	24 October 2012	California Rural Legal Assistance Foundation	Walter Ramirez
21	24 October 2012	Stoel Rives LLP	Loren Harlow
22-24	6 December 2012	Central Valley Clean Water Association (CVCWA)	Debbie Webster, Executive Officer
25-29	6 December 2012	San Joaquin River Group & San Joaquin Tributaries Authority	Dennis Westcot, Project Administrator
30-31	6 December 2012	Metropolitan Water District in Southern California	Lynda Smith
32	6 December 2012	San Joaquin River Exchange Contractor’s Authority	David Cory

Table 3: Written comments received after the 24 October 2012 and 6 December 2012 TR workshops.

33	29 January 2013	Belridge Water Storage District	Greg A. Hammett, General Manager
----	-----------------	---------------------------------	----------------------------------

Table 4: Written comments received prior to the 4/5 December 2014 TR Hearing

34-41	17 October 2014	San Joaquin Tributaries Authority (SJTA)	Valerie C. Kincaid, O'Laughlin & Paris LLP
42-48	17 October 2014	Sacramento Regional County Sanitation District (SRCSD)	Linda Dorn, Environmental Program Manager
49	17 October 2014	Central Valley Clean Water Association (CVCWA)	Debbie Webster, Executive Officer

Robert W. Gensemer, Ph.D., Senior Ecotoxicologist, GEI Consultants, Inc.

1. *GEI Consultants, Inc. submitted comments on behalf of their client, the International Copper Association and Copper Development Association (ICA/CDA).*

The ICA/CDA encourages the Central Valley Water Board to consider updating its aquatic life criteria for copper to use the Biotic Ligand Model (BLM), as recommended and adopted by the United States Environmental Protection Agency (EPA).

Language supporting the allowance of the BLM as a method for calculating water quality standards could be added to the section Water Quality Objectives for Inland Surface Waters in the Basin Plans.

The Central Valley Water Board agrees that the most current scientific information should be used to establish water quality objectives. Update of the water quality objectives for copper has been added to Issue No. 8 of the Triennial Review Work Plans.

Debbie Webster, Executive Officer, Central Valley Clean Water Association (CVCWA)

2. *CVCWA continues to support efforts by the Central Valley Water Board to undertake comprehensive review of the Basin Plans as part of the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) process.*

The Central Valley Water Board acknowledges the comment and support.

3. *The Central Valley Water Board should evaluate the blanket MUN designations under the current implementation of the Basin Plans and generally ensure the proper identification of beneficial uses.*

The Central Valley Water Board agrees some concerns have been expressed with the implementation of the State Water Board Resolution 88-63 (Sources of Drinking Water Policy) that assigned the MUN designation to water bodies which have not been included in Table II-1 of the Basin Plans with specific beneficial use designations. The Central Valley Water Board is conducting pilot projects to evaluate the MUN beneficial use designation through CV-SALTS. This issue is discussed further in the Triennial Review Work Plans as Issue Nos. 1 and 2.

4. *The Central Valley Water Board should consider the Tulare Lake Basin Plan effluent limitations that require discharges not to exceed the quality of source water plus 500 micromhos per centimeter ($\mu\text{mhos/cm}$).*

CVCWA urges the Central Valley Water Board to re-evaluate the Tulare Lake Basin Plan and whether these effluent limitations are appropriate.

The Central Valley Water Board in a joint effort with State Water Resources Control Board (State Water Board) and stakeholders called CV-SALTS is addressing salinity and nitrate problems in California's Central Valley. CV-SALTS is charged with developing a salt and nitrate management plan for the Central Valley. The management plan will include the development of implementation options for reducing salts that may include re-evaluating the current effluent limitations. Issue No. 9 of the Triennial Review Work Plan for the Tulare Lake Basin addresses this.

5. *CVCWA strongly supports the development and adoption of a salinity variance policy and believes the Central Valley Water Board should address the need for a salinity variance for both Basin Plans.*

The Central Valley Water Board acknowledges the support and comment. The Central Valley Water Board adopted amendments to the Basin Plans to provide procedures to issue a variance from meeting water quality based effluent limits to NPDES dischargers in accordance with Title 40, Code of Federal Regulations, Section 131.13. Since a variance only applies for dischargers subject to NPDES permits, an exception has been adopted into the Basin Plans for dischargers subject to waste discharge requirements (WDRs) and conditional waivers. The amendments must be approved by the State Water Board, the Office of Administrative Law and the US Environmental Protection Agency (USEPA) before going into effect. Issue No. 1 of the Triennial Review Work Plans addresses this.

Linda Dorn, Environmental Program Manager, Sacramento Regional County Sanitation District (SRCSD)

6. *In general, SRCSD agrees with the prioritization of the triennial review.*

The Central Valley Water Board acknowledges the comment.

7. *The Delta Stewardship Council September 25, 2012, Draft Delta Plan recommends the preparation and implementation of a study plan for development of nutrient objectives in this triennial review period, not the development and implementation of nutrient criteria for the Delta. Without a good understanding of what level of nutrients the ecosystem needs to be sustainable, the consequences of developing and quickly implementing nutrient criteria could be substantial. The Draft Delta Plan additionally recommends that studies needed for the development of criteria be completed by 2016, within this triennial review time period. Therefore, we would like for the status to reflect the development of a study plan for criteria development, as the Draft Delta Plan recommends.*

The Central Valley Water Board agrees that the Delta Plan recommends preparation of a study plan, followed by studies before development of nutrient objectives. In February 2014, staff presented an updated Strategic Work Plan for the Delta and recommended development and implementation of a nutrient study work plan. Issue No. 9 of the Triennial Review Work Plan for the Sacramento and San Joaquin River Basins has been revised to describe the updated Strategic Work Plan.

8. *SRCS D supports the comments submitted by the CVCWA for the Sacramento River and San Joaquin River Basins.*

See comments and response to comment nos. 2 through 5.

Craig Manson, General Counsel, Westlands Water District and Mr. Terry L. Erlewine, General Manager, State Water Contractors (collectively, Public Water Agencies)

9. *The Public Water Agencies urge the Central Valley Water Board to designate nutrients as a high priority Triennial Review issue and devote necessary staff and scientific resources to continue to address the nutrient-related water quality impacts on aquatic life in the Bay-Delta.*

Issue no. 9 of the Triennial Review Work Plan for the Sacramento and San Joaquin River Basins describes concerns in the Delta.

10. *The Public Water Agencies urges the Central Valley Water Board to develop numeric water quality objectives for nutrients, including ammonium and nitrate, to protect aquatic life and municipal water supply beneficial uses.*

Issue no. 9 of the Triennial Review Work Plan for the Sacramento and San Joaquin River Basins describes concerns in the Delta.

Michael W. Israel, REHS, Environmental Health Director, Amador County Environmental Health Department

11. *The current basin plan, page IV-24.00, prohibits discharges of wastes from new and existing leaching and percolation system in two sites within Amador County – Amador City and the broadly defined Martell area. Both stem from Regional Board order 73-129. The Amador City prohibition affects all parcels within the city limits and is now somewhat superfluous. The Martell area prohibition is more problematic.*

Though portions of the six square mile area affected by the Martell area prohibition (sections 17, 18, 19, 20, 29 and 30, T6N, R11E, MDM) are within the city limits of Jackson or Sutter Creek or are within the Amador Water Agency's sewer Improvement District #12, portions of the area are not served and it is not feasible to serve the parcels at present. Factors such as terrain, parcel size and Wastewater Treatment Plant (WWTP) capacity limit the ability to provide service. Unless significant projects, such as major subdivisions, are proposed on the unserved parcels it is also not likely they will be served in the foreseeable future. The existing general plan land use designation of A-G limits land divisions to 40 acre density but with the prohibition in place there is no

feasible way for such projects to proceed or to enable construction of a home on an existing parcel. This severely limits the rights of owners of these properties.

Though I was not with Amador County when 73-129 was adopted I have been told by those who were involved that the prohibitions were implemented to facilitate funding for sewer projects long since built and now serving these two prohibition areas. The Martell area prohibition appears to have been arbitrarily broad. The boundaries do not coincide with city spheres of influence, planned development, impaired waters or any other driving factor.

In the early 1970's there were fewer options for on-site wastewater management. Today this department processes permits and oversees the successful installation and operation of on-site systems in areas with conditions more challenging than the Martell area affected by the prohibition. We have extensive experience with supplemental treatment systems, evaporative systems, site modification, and other means to help assure success of on-site systems in challenging areas while protecting public health and waters of the state. We believe that the Amador City and Martell area prohibitions have long since served their purpose and that at present the hardship they place on property owners far outweighs the potential benefit. We recommend the prohibitions be lifted.

The State Water Board adopted the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems, Resolution No. 2012-0032 (Policy), on 19 June 2012. The Policy took effect on 13 May 2013 and requires the Regional Water Quality Control Boards (Regional Boards) to incorporate onsite wastewater treatment systems (OWTS) standards established in the Policy into their Basin Plans within 12 months of the effective date. Implementation of the Policy will be over seen by the State Water Board and Regional Water Boards, and local agencies (e.g., county and city departments and independent districts) have the opportunity to implement local agency management programs if approved by the applicable Regional Water Board. The Policy recognizes that responsible local agencies can provide the most effective means to manage OWTS on a routine basis and relies extensively on local county and city programs to regulate OWTS. The Central Valley Water Board has amended its Basin Plans to incorporate the OWTS Policy. In the Staff Report supporting the amendments, the Board recognized that the Policy does not include provisions for prohibition areas, but a Local Agency Management Plan (LAMP) will need to recognize prohibition areas in order to be acceptable. Therefore, consistent with the adopted prohibitions, a local agency that includes special provisions in its LAMP to apply in prohibition areas may be allowed to grant exemptions from the prohibitions in accordance with the LAMP, upon approval by the Board. At this time, the Central Valley Water Board does not have adequate data to evaluate the prohibitions. If appropriate, it is expected that LAMPs that address prohibition areas will also include provisions to collect information that is suitable for reviewing the prohibitions.

12. *On another front, private water supply wells near regional board regulated discharges have been impacted in the past by nitrate in excess of safe drinking water standards. This office recently received a report from a local citizen of nitrate contamination of*

groundwater connected to another local discharger. This office was able to obtain some monitoring information from regional board staff but this can be burdensome. It appears that although individual monitoring events exceeded drinking water standards the system was not yet in violation though it may only be a matter of time until it is. I don't believe any communication with this office would have been forthcoming unless/until enforcement action is initiated.

Accessing monitoring information can be difficult; in one instance a formal PRA request was required and staff had to travel to Sacramento to review files. I believe that requiring dischargers to provide copies of monitoring reports to local Environmental Health Departments will make things easier for your agency and ours and may help forestall impacts to public health. We request that the Board consider requiring that dischargers copy all monitoring reports to the local Environmental Health jurisdiction.

The Central Valley Water Board recognizes programmatic and public needs to develop and utilize a database that is easily accessible to all to obtain monitoring data. The Regional Water Boards are moving towards electronic record keeping with a goal of developing a web-based system to make Regional Water Boards' records readily available to the public.

Pam Giacomini, Executive Director, North Eastern California Water Association (NECWA)

Ms. Giacomini submitted comments on the behalf of Rod McArthur, President of NECWA.

13. *NECWA requests that the Basin Plan be modified to change the beneficial uses of the Pit River from Likely on the South Fork, the entire North Fork of the Pit to the confluence of Fall River or segments thereof from COLD WATER HABITAT and COLD WATER SPAWNING to WARM WATER HABITAT and WARM WATER SPAWNING.*

NECWA requests working with staff to share knowledge and monitoring data gathered of the Pit River.

The Central Valley Water Board is interested in assuring that beneficial uses are appropriately designated. Certainly, any amendments to modify the aquatic life or habitat beneficial uses will only occur after appropriate opportunity for public participation. This issue will be included in Issue Nos. 2 and 13 of the Triennial Review Work Plan for the Sacramento and San Joaquin River Basins.

14. *NECWA requests that site-specific objectives for pH be developed for the Tributaries and the mainstem Pit (similar to those that exist for Goose Lake) to reflect natural ambient background conditions of higher pH in native waters for the entire Upper Pit River system.*

The Central Valley Water Board is interested in establishing water quality objectives that ensure reasonable protection of the beneficial uses. The Central Valley Water Board understands that water quality depends on the environmental characteristics of the

hydrographic unit under consideration. Evaluation of the pH objectives for the Pit River will be included in Issue No. 13 of the Triennial Review Work Plan for the Sacramento and San Joaquin River Basins.

15. *NECWA requests that designations for CONTACT RECREATION be deleted for waters to which they do not apply and to those within designated wildlife habitat areas and refuge areas (due to the presence of large concentrations of water fowl throughout the year).*

The Central Valley Water Board considers beneficial use designations as a high priority. It is unclear which water bodies are being referred to with this comment. The Basin Plan has not designated any water bodies as wildlife habitat area or refuge areas. The Wetlands Water Supply Channels (98) in the Grassland Watershed do not have recreational beneficial uses (REC-1 or REC-2) designated. This issue will be included in Issue No. 2 of the Triennial Review Work Plan for the Sacramento and San Joaquin River Basins.

Benjamin Ransom, Environmental Scientist, Placer County Water Agency

16. *Placer County Water Agency requested revisions to the Sacramento and San Joaquin River Basin Plan, Table II-1, Surface Water Bodies and Beneficial Uses, for the Yuba River and the American River to include WARM freshwater as an existing beneficial use for the mid to low elevations of the South, Middle, and North Yuba Rivers and the North Fork and Middle Fork American Rivers.*

Placer County Water Agency provided in their letter a revised Table II-1 (see table below, changes are shown underlined and in red text) to demonstrate changes and additional information was provided in support of their contention.

SURFACE WATER BODIES		HYDRO UNIT NUMBER	FRESHWATER HABITAT ¹	
			WARM	COLD
41	YUBA RIVER			
	SOURCES TO ENGLEBRIGHT RESERVOIR	517.		
	<u>NORTH YUBA RIVER</u>	<u>517.5</u>	<u>E</u>	<u>E</u>
	<u>MIDDLE YUBA RIVER</u>	<u>517.41</u>	<u>E</u>	<u>E</u>
42	<u>SOUTH YUBA RIVER</u>	<u>517.42</u>	<u>E</u>	<u>E</u>
	<u>ABOVE</u> ENGLEBRIGHT DAM TO FEATHER RIVER	517.3	E	E
44	AMERICAN RIVER			
	NORTH FORK, SOURCE TO FOLSOM LAKE	514.5	<u>P</u> E	E
45	MIDDLE FORK, SOURCE TO FOLSOM LAKE	514.4	<u>P</u> E	E
46	DESOLUTION VALLEY LAKES	514.4		E
48	SOUTH FORK	513.3		E
	SOURCES TO PLACERVILLE	513.3	P	E
49	PLACERVILLE TO FOLSOM LAKE	514.32	E	E
50	FOLSOM LAKE	514.23	E	E
51	FOLSOM DAM TO SACRAMENTO RIVER	519.21	E	E

¹E: Existing beneficial uses; P = Potential beneficial uses

The Central Valley Water Board seeks to ensure that beneficial uses are appropriately designated. This issue will be included in Issue No. 2 of the Triennial Review Work Plan for the Sacramento and San Joaquin River Basins.

Richard “Dick” Schafer, P.E., Committee Member, Southern San Joaquin Valley Water Quality Coalition and Tule River Sub-Watershed – Tule River Water Association

17. *The Coalition does not support the Central Valley Water Board’s statement that, “Elevated salinity and nitrates in surface and groundwaters in California’s Central Valley is an increasing problem affecting much of California. As surface and groundwater supplies become scarcer, and as wastewater streams become more concentrated, salinity and nitrate impairments are occurring with greater frequency and magnitude.” The Coalition would like surface waters to be removed from the statement.*

The Coalition provided surface water monitoring data of the Tule River and Deer Creek from 2006 through 2012 and groundwater monitoring data of Tipton, Poplar, and the City of Porterville in support of their contention.

The Central Valley Water Board acknowledges your comment and appreciates the monitoring data supporting your contention. Programs such as the Total Maximum Daily Loads (TMDLs) and Impaired Water Bodies 303(d) List have identified areas of the Kings River to have impairments of salts such as electrical conductivity and molybdenum. Issue No. 1 of the Triennial Review Work Plans describes the salinity issues in the Central Valley and the Central Valley Water Board’s proposed actions.

18. *The Coalition supports the consideration of the de-designation of MUN, IND, PRO, REC1, WARM and COLD for surface waters of reaches of valley floor streams that intermittently flow and are typically dry or above a prescribed level. The Coalition supports the staff’s efforts to re-evaluate the groundwater beneficial uses in the Tulare Lakebed.*

The Central Valley Water Board acknowledges the comment.

19. *Although the Basin Plan describes various groundwater quality problems that exist throughout the basin and includes numerous policies that address prevention and cleanup of groundwater quality programs, the current proposed Irrigated Lands Regulatory Program General Order for groundwater will result in the development of a Groundwater Quality Assessment Report.*

It appears that Issue 1: Salt and Nitrate Management Plan and Issues 3: Groundwater Assessment and Control Programs, as set forth in the Triennial Review as high priority issues, will be addressed by the Regional Board’s proposed Waste Discharge Requirements General Order for the Tulare Lake Basin.

The issues with ground water include a variety of discharge sources. The Central Valley Water Board completed a ground water protection strategy in 2010 (Resolution R5-2010-0095) that identifies current and future actions to protect ground water quality, abate degradation, and improve and restore water quality in Central Valley ground

water. The implementation of the Long-term Irrigated Lands Regulatory Program that includes ground water protection was determined to be a high priority. Basin planning priorities identified in the Roadmap are completion of the CV-SALTS efforts and the adoption of the Onsite Wastewater Treatment Systems Policy. CV-SALTS efforts to develop a salt and nitrate management plan is discussed further in Issue No. 1. of the Triennial Review Work Plans. The Central Valley Water Board recently amended its Basin Plans to incorporate the OWTS Policy. The Ground Water Assessment and Control Issue is discussed in Issue No. 11 of the Triennial Review Work Plan for the Tulare Lake Basin.

The need for salinity management was recognized in 1975 with the adoption of the Tulare Lake Basin Plan. In 2006, the Central Valley Water Board, the State Water Board, and stakeholders began a joint effort to address salinity and nitrate problems in California's Central Valley and adopt long-term solutions that will lead to enhanced water quality and economic sustainability. CV-SALTS is a collaborative basin planning effort aimed at developing and implementing a comprehensive salinity and nitrate management program. The State Water Board also recognizes salinity issues when using recycled water. In its Recycled Water Policy, the State Water Board requires stakeholders to work together to develop salt and nutrient management plans. In the Central Valley, the only acceptable process to develop these salt and nutrient management plans is through CV-SALTS (R5-2010-0024) While irrigated lands may be a significant source in parts of the region, the Central Valley Water Board recognizes that almost all waste discharge categories contribute to salt loads to surface and ground waters. Issue No. 1 of the Triennial Review Work Plans provides information on the concerns and efforts that are underway as well as additional actions that staff will take if adequate funding becomes available.

Walter Ramirez, California Rural Legal Assistance Foundation

20. *Mr. Ramirez briefly gave a description of a 2012 report prepared by the UC Davis Center for Watershed Science addressing contamination of groundwater in the Tulare Lake Basin and Salinas Valley. The California Rural Legal Assistance Foundation wants the Central Valley Water Board to be mindful of the people being impacted by not having access to safe drinking water.*

The California Rural Legal Assistance Foundation would like to see more done in the 2013 Triennial Review to address cleaning up and restoring areas already impacted by nitrate and other pollutants and to stop the continued pollution.

The Central Valley Water Board recognizes the critical importance of preserving, enhancing, and restoring the quality of California's water resources. In 2010, the Central Valley Water Board approved a Ground Water Quality Protection Strategy or "Roadmap" with Resolution No. R5-2010-0095. The Roadmap identifies current and future actions to protect ground water quality, abate degradation, and improve and restore water quality in Central Valley ground water. Almost all identified current and future actions can be implemented through the existing programmatic structure of the

Central Valley Water Board and through improved partnerships with other agencies or organizations. The ongoing Central Valley Water Board programs along with coordination with other agencies and stakeholders interested in water quality protection are the means to address cleaning and restoring our water quality from nitrates and other pollutants.

Loren Harlow, Stoel Rives LLP

21. *Mr. Harlow thinks the Tulare Lake Basin Plan should be re-evaluated with respect to the implementation of the industrial waste discharge effluent limit for electrical conductivity (EC) of 500 μ mhos/cm over source water.*

He recommends that the industrial waste discharge effluent limit for electrical conductivity (EC) of 500 μ mhos/cm over source water should have a geographic reference contributed to it. As an example he mentions the poor water quality of the west side and how it's moved to the valley for collection of drainage where the Basin Plan recommends the waste discharge to be managed.

See response to comment no. 4.

CV-SALTS is developing a Salt and Nitrate Management Plan for the Central Valley. It is expected that the CV-SALTS will consider geographic differences in salinity concerns when developing the management plan. These efforts are included in Issue Nos. 1 and 9 of the Triennial Review Work Plan for the Tulare Lake Basin.

Debbie Webster, Executive Officer, Central Valley Clean Water Association (CVCWA)

22. *Urges continued support for CV-SALTS, there is important work being done including the proper identification of beneficial uses.*

See response to comment no. 2.

23. *The EC limit for the Tulare Lake Basin should be re-evaluated.*

See response to comment no. 4.

24. *Urges continued support for the variance policy.*

See response to comment no. 5.

Dennis Westcot, Project Administrator, San Joaquin River Group and San Joaquin Tributaries Authority

25. *The San Joaquin River Group and San Joaquin Tributaries Authority will continue actively supporting CV-SALTS program as a high priority.*

The Central Valley Water Board values the support of the San Joaquin River Group and San Joaquin Tributaries Authority.

26. *The San Joaquin River Group and the San Joaquin Tributaries Authority has worked with the Central Valley Water Board, the Port of Stockton, the San Luis & Delta-Mendota Water Authority, the San Joaquin Valley Drainage Authority, and the State Water Contractors to develop a plan to provide funding for an aerator as a long term solution to the dissolved oxygen (DO) level problems in the San Joaquin River. Other parties are needed to be part of the process to make the long term aerator agreement viable.*

The Central Valley Water Board will continue working with stakeholders that are responsible for the low DO conditions and will implement actions that will require these responsible parties to contribute to reducing the DO problem. More information may be found in issue no. 9 of the Triennial Review Work Plan for the Sacramento and San Joaquin Rivers.

27. *The DO objective for the Deep Water Ship Channel needs to be reviewed. The energy and financial costs to keep the DO above 6 mg/L are high so the Board needs to decide if these costs are really appropriate.*

The DO objective of 6.0 mg/L from September to November was established by the State Water Board in the Bay-Delta Plan. State Water Board adopted water quality control plans that supersede Central Valley Water Board Basin Plans for the same geographic area (Wat. Code, §13170). In order to change this water quality objective, the State Water Board must change it in the Bay-Delta Plan. Central Valley Water Board staff will work with State Water Board staff to review the DO objective during Phase II of the Bay-Delta Plan update.

28. *Currently there are mandatory restrictions in the Basin Plan on discharges of oxygen demanding substances including nutrients to the San Joaquin River and its tributaries. Recent scientific studies have shown that the San Joaquin River (SJR) water is generally nutrient rich in comparison to the Sacramento River and is critical in sustaining the food web in the Delta. The Board needs to review the new studies to assure that the Basin Plan requirements are not counterproductive and contribute to undermining the Delta food web.*

Central Valley Water Board staff participates in nutrient studies that have been completed or are in-progress for the Delta. The studies are not indicating a need for the addition of nutrients from the San Joaquin River. Staff will continue working with the scientists. Issue No. 9 of the Triennial Review Work Plan for the Sacramento River and San Joaquin River Basins describes the Central Valley Water Board's current and additional actions to investigate nutrients in the Delta and to address dissolved oxygen issues in the south Delta.

29. *These issues need to be addressed in order to develop a DO plan that is consistent with present information and limits the costs of operating the aerator, thus allowing money to*

be spent on other more viable alternatives for maintaining DO in the Stockton Deep Water Ship Channel.

Issue no. 9 of the Triennial Review Work Plan for the Sacramento River and San Joaquin River Basins has additional discussion of the DO issues in the Stockton Deep Water Ship Channel and the Central Valley Water Board's actions.

Lynda Smith, Metropolitan Water District in Southern California

30. *Appreciates the efforts of staff on the development of a Central Valley Drinking Water Policy and their continued work on this issue to ensure that the stakeholder workgroup and the process is staying on schedule to bring a proposed Basin Plan amendment to the Board for consideration in the middle of next year.*

The Central Valley Water Board acknowledges the comment.

31. *We recommend the development of nutrient objectives be made a priority for basin planning work. Efforts are already underway at both the San Francisco Bay Regional Board and the State Water Resources Control Board and the Delta Stewardship Council in their Delta Plan has highlighted the development of nutrient criteria.*

Issue No. 9 of the Triennial Review Work Plan for the Sacramento River and San Joaquin River Basins describes concerns in the Delta including the need for nutrient criteria.

David Cory, San Joaquin River Exchange Contractor's Authority

32. *Efforts should be conducted to re-evaluate the allocation of responsibility for the dissolved oxygen (DO) problems in the Deep Water Ship Channel. The cause of the problem is the channel and not the dischargers of oxygen demanding substances. The Board committed to revisiting this issue upon the completion of certain studies and most of these studies have been completed.*

The DO issue in the Deep Water Ship Channel is discussed in issue no. 9 of the Triennial Review Work Plan for the Sacramento River and San Joaquin River Basins.

Greg A. Hammett, General Manager, Belridge Water Storage District

33. *Mr. Hammett submitted comments on behalf of Belridge Water Storage District, Berrenda Mesa Water District, Dudley Ridge Water District, and Lost Hills Water District (collectively, Districts).*

The Districts request the Central Valley Water Board to re-evaluate the beneficial uses of groundwater for the appropriate designations within the Districts. The Districts are aware pursuant to the Sources of Drinking Water Policy that changes to the beneficial use designations of groundwater are required to be approved by the Regional Board, the State Water Board and the Office of Administrative Law for amendment to the Tulare Lake Basin Plan

The Districts provided a preliminary water quality report to support the re-evaluation and designation of appropriate beneficial uses of groundwater.

The Central Valley Water Board appreciates the information that the Districts have provided. Issue No. 2 of the Triennial Review Work Plans describes the activities that the Central Valley Water Board is undertaking to evaluate beneficial uses.

WRITTEN COMMENTS RECEIVED PRIOR TO THE 4/5 DECEMBER 2014 HEARING ON THE DRAFT WORK PLANS

Valerie C. Kincaid, O’Laughlin & Paris LLP, San Joaquin Tributaries Authority (SJTA)

O’Laughlin & Paris LLP, submitted comments on behalf of their client, the San Joaquin Tributaries Authority.

34. *The Regional Board should revise the priority rankings of the activities listed in the Work Plan to better reflect the priorities of the Central Valley Regional Water Quality Control Board (“Regional Board”) and guide staffing and resources.*

The proposed priority rankings are consistent with stakeholder comments. During the public workshops, the Central Valley Water Board members indicated that these issues should be a high priority. Consistent with their priority rankings, staff is working on most of the high priority issues. While there may seem to be a large number of high priority issues, it should be noted that Central Valley makes up forty percent of California’s land area and the Sacramento-San Joaquin Delta alone, provides drinking water for more than 25 million people or approximately 60 percent of the population of California. The number of high priority issues is appropriate for a region as large and diverse as the Central Valley. Staff recommends no revisions to the Work Plans in response to this comment.

35. *Issue 1: Salt and Nitrate Management for Surface and Ground Waters*
State Water Board Review of Salinity Objectives: The Work Plan generally refers to the State Water Board process reviewing the southern Delta salinity objective. The Work Plan should be revised to more clearly describe how the State Water Board’s review of salinity objectives affects the Regional Board processes. Specifically, the Work Plan should clarify how the Regional Board processes will be affected if the State Water Board revises the southern Delta salinity objective.

The purpose of the Work Plan is to document the current and needed planning activities and the resources allocated or needed to complete the activities. When the State Water Board adopts a water quality control plan or amends a water quality control plan that includes provisions applicable in the Central Valley, no planning activities are needed from the Central Valley Water Board since the State Water Board’s plan supersedes the Central Valley Water Board’s plans to the extent of any conflict in accordance with Water Code section 13170 as discussed in Issue 5 of the Work Plan. Therefore, the

Triennial Review Work Plan is not the appropriate venue for a discussion of the impact of new or amended State Water Board water quality control plans on the Central Valley.

Changes to either beneficial uses or water quality objectives in a statewide water quality control plan affect the regulatory programs of the Regional Board. When adopting NPDES permits or waste discharge requirements, the effluent limitations and other provisions will need to assure that the discharge does not cause or contribute to an exceedance of the applicable water quality standards or objectives.

If the State Water Board adopts an implementation program, then the Regional Board must implement the implementation program.

Until the State Water Board adopts amendments to the Bay Delta Plan and the amendments are fully approved and in effect, the Regional Board cannot say how the amendments might be implemented.

Staff recommends no changes to the Work Plans to address this comment.

Funding: The Work Plan is unclear regarding future funding for CV-SALTS activities. The Work Plan indicates there remains approximately 3 million dollars to support CV-SALTS actions. (Work Plan, at 9 “[r]emaining funds of \$3 million [to] continue and support facilitation and technical studies...”) The Work Plan continues on to state that, “stakeholders are expected to develop a funding mechanism to obtain resources needed for CV-SALTS activities.” The process has not yet determined whether stakeholders are expected to develop a funding mechanism only if the \$3 million runs out. Further, the projected total project expense is not provided, nor is the process for developing a funding mechanism. The Work Plan should be revised to clarify when funding is necessary and the projected time and method of obtaining funding.

As noted on page 5 under Current Resources, an initial \$5 million was provided as seed money for the CV-SALTS initiative. The remaining \$3 million has been allocated to specific tasks to support development of the Salt and Nitrate Management Plan for the Central Valley Region and drafting of Basin Plan Amendment Language. The Central Valley Salinity Coalition (CVSC) which is the group formed to facilitate and fund CV-SALTS efforts is already providing additional funding and in-kind support, stakeholders are also providing matching funds to support specific technical projects. There is not a specific process that identifies how stakeholders will develop a funding mechanism, however the CVSC did form a Funding Subcommittee to investigate options. Stakeholders’ participation in CV-SALTS allows the stakeholders to determine their level of financial participation.

Commenter also cites page 6 under the section Needed Action(s) that stakeholders are expected to develop a funding mechanism. As noted above stakeholders are already providing funding for specific CV-SALTS technical projects. It is not part of the Central Valley Water Board’s authority to direct how stakeholders develop a funding mechanism for development or implementation of salt and nitrate management plans.

The specific details of stakeholder funding for each project are part of the project information within the CV-SALTS workplan located at: <http://www.cvsalinity.org/index.php/docs/documents-and-presentations/salt-and-nutrient-management-planning/1092-cv-salts-approved-workplan-final/file.html> and not the Triennial Review Work Plan. Staff recommends no changes to the Work Plans to address this comment.

36. Issue 2: Beneficial Use Designation for Surface and Ground Waters

Opposition to Blanket Municipal Designation: The Work Plan notes that some dischargers question the appropriateness of blanket MUN designation of undesignated water bodies. This is an understatement. The SJTA and its member agencies strongly oppose the blanket designation of MUN to all undesignated water bodies as unlawful and unsupported. The SJTA has been working with stakeholder groups and the Regional Board to develop a framework for addressing MUN designations. The effort has progressive significantly since the last Triennial Review, however, the SJTA would like to see the resolution of this issue remain the highest priority.

The Central Valley Water Board acknowledges the comment. The Work Plan has been revised to state that dischargers oppose the designated beneficial uses for effluent dominated surface water bodies and water bodies modified or constructed for agricultural uses.

Framework for Municipal Designation: The Work Plan suggests that the framework being developed with the Central Valley Regional Board and the San Joaquin River Basin “could” be used as a template for future basin plan amendments. The investment and effort to develop the framework has been committed with the understanding the framework will be used in future planning efforts. The Work plan should be revised to reflect that the framework will be used as a template in future basin plan amendments.

It is the Central Valley Water Board’s intent to develop a framework that can be used for future basin plan amendments. Until the framework is adopted, approved, and in effect, staff and the Central Valley Water Board cannot state that the framework will be used for future amendments. Stakeholder efforts and contributions are appreciated and will help assure the developmental progress of the framework and likelihood of adoption and approval. Staff does not recommend revising the Work Plans in response to this comment.

Method for Assigning Beneficial Uses: The Work Plan states it is necessary to develop a method for assigning beneficial uses. (Work Plan, at 15.) The Work Plan then makes several conclusions regarding grouping water bodies that are unclear and unsupported. For example, on page 15, the Work Plan states, “In addition, while grouping water bodies appears to be an efficient approach to addressing the beneficial use issues, the outcome is uncertain so securing funding is difficult.” It is not clear why the method “appears” efficient, why the outcome would be uncertain or why these attributes would make it difficult to secure funding. In addition, the proposed second method and/or how the second method would be applied to the current designations remains unclear. The

Work Plan should be revised to provide support for these statements or remove statements.

The sentences originate from previous triennial reviews where there has been discussion of addressing groups of water bodies but nothing has come of those discussions. Instead, the Board has evaluated beneficial uses for individual water bodies such as Old Alamo Creek. Staff agrees with the comment because staff is currently engaged in a process to develop a framework that has broad support from a wide range of stakeholders. The Work Plan has been revised to delete these sentences referring to the conclusion that grouping water bodies appears to be an efficient approach and uncertain outcomes lead to difficulty securing funding.

37. *Issue 3: Appropriate Beneficial Use Designation in Agricultural Dominated Water Bodies and Agricultural Conveyance Facilities*

Expedite Process: *The SJTA supports this process and encourages the completion of the process during the triennial review period. As noted in the Work Plan, this process has been ongoing since the 1990s; the Regional Board must develop a plan to complete this process.*

The Central Valley Water Board acknowledges the comment.

Clean Water Act Compliance: *The Regional Board has not previously confirmed whether this process would need to comply with the Clean Water Act. The Work Plan states that basin plan amendments would need to comply with the Clean Water Act, if applicable. (Work Plan, at 17 [“The recommended approaches require amending the Basin Plan. Basin Plan amendment would need to comply with the California Water Code and the Clean Water Act, if applicable.”].) The Regional Board should determine whether Clean Water act compliance is necessary and revise the Work Plan to require compliance or delete the reference for compliance.*

The Work Plan issue may be greater in scope than the current project underway by the CV-SALTS initiative. At this time, it is still not clear whether all these water bodies fall under the jurisdiction of the Clean Water Act or not. As projects are developed to address specific agricultural water bodies, it may become clear whether those specific water bodies are under the jurisdiction of the Clean Water Act. The Triennial Review Work Plan describes the general process and the factors that would affect resource needs or length of time a project may take. The specific details of each project are part of the project information and not the Triennial Review Work Plan. Staff recommends no change to the Work Plan to address this comment.

Phased Process: *In the “Needed actions” section, the Work Plan references a two phased process. Other than explaining the processes will be sequential, the Work Plan does not explain the proposed phased process. The Work Plan should be revised to disclose the process and actions necessary to complete the process.*

A description of Phase 2 was included under Current Actions. The Work Plan has been revised to move the description of Phase 2 into the Needed Actions section.

38. Issue 5: Participation in State Water Board Plans and Policies and Other Statewide Issues

Coordination with State Water Board: *The Work Plan states coordinating with the State Water Board is an efficient use of basin planning resources. (Work Plan, at 22.) The Work Plan is not clear on the process of coordination. For example, the Work Plan states that “staff working on CV-SALTS is also coordinating with the State Water Board staff on Bay-Delta Plan.” (Id.) The Work Plan fails to disclose how staff will work together; it is unclear whether CV-SALTS staff will be consulted as a responsible agency, whether it will simply provide public comment, or whether the State Water Board will rely on CV-SALTS staff for assistance in drafting or otherwise consulting on documents.*

Coordination between the State and Central Valley Water Board is an informal process since the two are the same agency. Coordination includes disclosing Central Valley Water Board plans, policies and priorities so that conflicts can be identified and resolved and the scope of the statewide plans and policies can be adjusted to include Central Valley Water Board priorities, if appropriate. Often Central Valley Water Board staff provides suggested language on documents for clarity. Because State Water Board projects are applicable statewide, Central Valley concerns may not be included in the final plan or policy. Since coordination between the State and Central Valley Water Boards is informal, staff recommends no changes to the Work Plan to address this comment.

39. Issue 7: Protection of Central Valley Fisheries and Other Aquatic Life

Dissolved Oxygen on the Stanislaus River: *The SJTA supports the review and revision of existing dissolved oxygen objectives on the Stanislaus River. However, the comment that the existing objectives fail to provide adequate protection for fisheries is not supported. (Work Plan, at 27 [“Commenters have requested that site specific dissolved oxygen objectives be developed for the Stanislaus River because the current dissolved oxygen water quality objectives do not provide adequate protection of the fisheries present in the River.”].)*

The following comment provided by Ms. Karna Harrigfeld, Stockton East Water District, during the workshop for the 2011 Triennial Review of the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins proposes that the current dissolved oxygen objectives are not adequate for the lower Stanislaus River and are detrimental to the fishery.

“Stockton East believes that there is sufficient evidence to add to the DO water quality objectives a specific objective for the Stanislaus River. Currently we have specific DO objectives for the Sacramento, Feather, Tuolumne and the Merced. And, as you know, the three main tributaries on the San Joaquin River are the Merced, the Tuolumne and the Stanislaus. Over the course of the past 15 years or more, stakeholders on the river have done an incredible amount of work on monitoring. And we have developed a whole host of information, and so it is our opinion that we would like to see a dissolved

oxygen objectives specifically set forth for the Stanislaus River and that it apply from Orange Blossom Bridge up to Goodwin, which is right below New Hogan and Tulloch Dam. So it is the major stretch where fishery resides during the time in which DO is an issue on the Stanislaus River.”

Staff recommends no revision to the Work Plans in response to this comment.

Temperature Objectives: The Work Plan states that USEPA Region 9 supports the scientific approach that USEPA Region 10 used to develop temperature standards. The Department of Fish and Wildlife supports the use of Region 10 guidance to develop temperature objectives. (Work Plan, at 28.) The Work Plan should be revised to make clear there is an important distinction between using the scientific approach by Region 10 to support the development of temperature criteria for Region 9 basins and using the Region 10 temperature guidelines. Using Region 10 temperature standards in the San Joaquin River basin is unsupported and unlawful. The SJTA supports developing specific water temperature requirements in the San Joaquin River Basin. The development of such requirements must be guided by a robust scientific process tailored to the local fisheries, climate, hydrology, and beneficial uses in the basin.

The Work Plan description of this issue has been revised to include reference to comments opposing use of the USEPA Region 10 temperature guidelines. Since the Work Plan recommends development of temperature objectives specifically to protect Central Valley salmonid beneficial uses, staff recommends no additional changes to the Work Plan.

40. Issue 9: Implementation of the Delta Strategic Work Plan

The control program for oxygen levels in the Stockton Ship Channel should be based on existing reports generated by the Stockton Deep Water Ship Channel Dissolved Oxygen Project. The SJTA supports this Project and believes it has demonstrated success.

The Central Valley Water Board thanks the SJTA for participating in this project. The latest project information is posted on our website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/tmdl/central_valley_projects/san_joaquin_oxygen/index.shtml

41. Issue 11: Mercury Load Reduction Program

The statewide Mercury program is in its initial and technical study stage. Because this process is just beginning and studies have not yet begun, the activity should be prioritized as medium or lower.

The statewide mercury control program for reservoirs is past its initial stage and staff is meeting with stakeholders and drafting a staff report for State Water Board consideration in late 2015. Issue 11 of the Triennial Review Work Plan for the

Sacramento River and San Joaquin River Basins has been revised to include additional information on the progress of this project.

Linda Dorn, Environmental Program Manager, Sacramento Regional County Sanitation District (Regional San)

42. Issue 2: Beneficial Use Designations for Surface and Ground Waters

The State Water Board and Regional Water Board staff has been discussing new beneficial uses such as supporting cultural use and subsistence fishing, associated with the Statewide Mercury Program. For clarification purposes, if these new beneficial uses are being considered, please address them in the "Discussion" section.

The State Water Board staff has been discussing with stakeholders defining definitions for new beneficial uses for Native American cultural uses and subsistence fishing uses. This effort has not been described as a regional water board effort. Before these beneficial uses have regulatory effect, a Basin Plan would need to be amended to designate these beneficial uses for specific water bodies. Any such amendment to the Basin Plan will be preceded by a public participation process and the public will have an opportunity to comment on the proposal. The Basin Plans do not identify all of the defined beneficial uses as applicable to Central Valley water bodies. For example, neither Basin Plans has applied the commercial and sportfishing beneficial use (COMM) to water bodies in the Central Valley until recently when the Central Valley Water Board applied COMM to water bodies as part of the mercury control programs. At this time, the Central Valley Water Board is not proposing designating CUL or FISH to any water bodies. Staff recommends no changes to the Work Plans to address this comment.

43. Issue 5: Participation in State Water Board Plans and Policies and Other Statewide Issues

The first sentence of the "Discussion" section states,

"The State Water Board may develop plans and policies which, when adopted, supersede any regional water quality control plans for the same waters to the extent of any conflict (Water Code, §13170)."

Three items contained in the list that follows the discussion section are "Mercury Offset Policy", "Mercury TMDL (Reservoirs)", and "Methylmercury Objectives".

The sentence following the listed items states,

"Once the State Water Board's plans and policies become effective, the Central Valley's Basin Plans should be amended to provide the most updated information to stakeholders."

The basin plan amendment associated with the Delta Mercury Control Program, effective October 20, 2011, spans from 2011 through 2020. This basin plan amendment includes the development of a mercury offset program and determination of "how and if

Dischargers can attain load and wasteload allocations set by the Board". During recent focus workgroup meetings related to the Statewide Mercury Control Program, State Water Board staff has indicated that the statewide efforts are not intended to replace or supersede adopted basin plans related to the control of mercury and methylmercury.

Since the Delta Mercury Control Program for the Sacramento-San Joaquin Delta is in the implementation phase with significant progress on mercury control efforts, its plan, terms, limits, and requirements should not be amended based on planning efforts for upstream water bodies.

Our concerns related to this issue are similar to those described for Issue No. 11, and are therefore discussed further there as well.

Page 22: Please make the following changes in the first paragraph:

"Coordination between the State Water Board and the Regional Water Board on development of statewide and regional policies is an efficient use of limited basin planning resources."

Page 23: Delete the paragraph that follows the item list and replace it with the following:

"The State Water Board's plans and policies will be coordinated with the Central Valley's Basin Plans to avoid duplication and to ensure compatibility."

At this time, the mercury control efforts underway at the statewide level are not intended to supersede Regional Water Board basin plans. However, during the development of the statewide project, if a need is identified to revise Regional Water Board basin plans, Regional Water Board staff will coordinate with State Water Board staff to identify these needs and help draft appropriate language into the statewide plan.

Also, see comments and response to comments nos. 41 and 47 for reference to Work Plan revision on additional description of the mercury control efforts.

The Central Valley Water Board appreciates the suggested revisions to the Work Plan. However, the suggested language could be read to imply that the Central Valley Water Board has influence over State Water Board plans and policies. While comments from the Regional Water Boards are considered, the State Water Board is not obligated to revise its plans and policies to conform to regional board priorities. Staff recommends no changes to the Work Plans.

44. *Issue 6: Secondary Maximum Contaminant Levels (MCLs) as Water Quality Objectives for Surface and Ground Waters*

Regional San strongly supports the re-evaluation of the use of secondary MCLs as water quality objectives. We concur with the previous triennial review comment that stated,

"...the use of secondary MCLs should be re-evaluated because secondary MCLs are based on consumer acceptance levels and are therefore unrelated to human

health and welfare or the protection of aquatic life. Also, secondary MCLs were developed to be applied at the tap, not to the drinking water source (or in this case ambient water).”

The Central Valley Water Board acknowledges the comment and has included this issue as a high priority. Current efforts reviewing salinity related secondary MCLs is noted as a component of the CV-SALTS initiative with future efforts to build off of the results.

45. Issue 9: Implementation of the Delta Strategic Work Plan

Regional San strongly supports the Regional Board’s efforts to work with dischargers, and other stakeholders, in developing the Delta Regional Monitoring Program (RMP). Currently the Delta RMP Steering Committee is developing a funding structure. We encourage the Regional Board staff to continue working with all stakeholders in developing a baseline funding mechanism, contributed to by all stakeholders, supporting the RMP program.

Page 34: Discussion Item Number 4 is to develop and implement a nutrient study plan for the Delta. We support the creation of the Stakeholder and Technical Advisory Group for developing the nutrient study plan and encourage Regional Board staff to follow a transparent process in developing the nutrient study plan. Additionally, we believe this is an opportunity to discontinue historical combat science, and create mutually supported research leading to answering management questions regarding nutrients role in the Delta ecosystem.

Additionally, we strongly support the Water Board’s recognition of Water Recycling as a high priority activity for basin planning efforts and working towards eliminating impediments to reclamation as listed in item 8.

The Central Valley Water Board acknowledges the comment. However, please note that the inclusion of the Delta regional monitoring program and the documentation of recycling efforts were included in the description of the Delta Strategic Work Plan for completeness. These two items are not considered to be basin planning projects; therefore, no basin planning resources have been identified as currently available or needed for these two items. If work on these two items result in the need for a basin planning project, estimates of resources needed to complete the project will be developed. Staff recommends no revisions to the Work Plans in response to this comment.

46. Issue 10: Pesticide Control Efforts

The Regional Board should recognize the role USEPA Headquarters has in registering pesticides, and clearly state what, if any, coordination role the Regional Board has with USEPA in registering replacement pesticides that may cause water quality issues.

Page 37: The last sentence of the first paragraph states that adopting numeric objectives for pyrethroids will resolve the problem of replacement pesticides, such as pyrethroids,

because compliance time schedule orders will be established. Compliance time schedule orders in NPDES permits will not address consumer use of pesticides, which is the primary way for pyrethroids entering wastewater. As in the example of California Department of Pesticide Regulation restrictions on consumer use of organophosphorus (OP) pesticides diazinon and chlorpyrifos, regulating use is what ultimately led to a reduction of OP pesticides in wastewater. We encourage Regional Board staff to develop an effective relationship with USEPA Office of Pesticide Programs, to help evaluate and ensure that registration of replacement pesticide products does not cause water quality issues.

Staff agrees that coordination with USEPA Office of Pesticides and DPR are a critical part of pesticide control efforts. The Work Plan identifies review of the implementation provisions for pesticides to consider whether the provisions include adequate coordination with DPR, USEPA and County Agricultural Commissioners on pesticide registration and use regulations as a Needed Action. Coordination review is occurring as part of current efforts to develop pesticide TMDLs.

Currently, when approved pesticides come up for registration review, staff provides USEPA with data and information on impairments due to those pesticides, and comments to USEPA on the need to consider potential water quality impacts, particularly from stormwater and wastewater discharges. Staff coordinates with DPR consistent with the management agency agreement (MAA) between the State Water Board and DPR to monitor, identify and resolve water quality concerns due to pesticide use.

In the recent Basin Plan amendment to control diazinon and chlorpyrifos discharges (R5-2014-0041), the Central Valley Water Board adopted language recognizing that “implementation of the authorities of agencies that regulate pesticide use, including CDPR, USEPA Office of Pesticide Programs, and County Agricultural Commissioners, should be one of the primary mechanisms for addressing pesticide-caused water quality impairments. To ensure the best possible program, the Board will coordinate its pesticide control efforts with other agencies and organizations.”

Staff will continue to propose additional amendments to the Basin Plan to improve coordination on pesticide control efforts with other agencies and organizations. The Work Plan has been revised to include the intent of coordination with DPR, USEPA and County Agricultural Commissioners.

47. Issue 11: Mercury Load Reduction Program

The discussion of this issue in the first paragraph on page 40 states,

“Elevated mercury levels can be expected in areas where mercury was mined (Coast Range), where mercury was used to extract gold (Sierra Nevada and Cascade Range), and in downstream water bodies.”

And

“Recent studies may result in health advisories being issued for additional water bodies as well as more water bodies being added to the Clean Water Act 303(d) list for mercury impairments.”

The second paragraph states,

“The Regional Water Board adopted Basin Plan Amendments that include fish tissue objectives, implementation programs, and TMDL allocations for controlling mercury and methylmercury in Clear Lake, Cache Creek and its tributaries, and the Delta.”

It is unclear what Issue 11 is intended to address since the discussion includes areas that have ongoing load reduction efforts in place and areas for which the plans have not yet been developed. There is no “Needed Action” stated in Issue 11. We encourage the State and Regional Water Board to clarify that Issue 11 is related to the statewide mercury control program for reservoirs, if that is what is intended.

Issue 11 of the Triennial Review Work Plan for the Sacramento River and San Joaquin River has been revised to include additional information on the progress of the statewide mercury control programs for reservoirs. The additions made indicate that Central Valley Water Board staff is leading the effort to develop a control program to address mercury-impaired reservoirs.

48. *In conclusion, we are supportive of the prioritization efforts of the Triennial Review and the use of stakeholder processes for addressing water quality issues.*

The Central Valley Water Board acknowledges the comment.

Debbie Webster, Executive Officer, Central Valley Clean Water Association (CVCWA)

49. *Specifically, the Draft Sacramento/San Joaquin Triennial Review states the following: “It is anticipated that adopting numeric objectives for these pesticides will facilitate implementation since well-defined pesticide objectives and compliance time schedules will be established.” As worded, the statement does not properly reflect preparation of implementation plans as required by Water Code section 13242. Under the Water Code, when water quality objectives are adopted, a regional board is required to prepare a program of implementation for achieving the objectives. The program of implementation is required to include: (1) a description of the actions, which are necessary to achieve the objectives, including recommendations for actions to be taken by others; (2) a time schedule for the actions to be taken; and (3) a description of surveillance to be undertaken to determine compliance with the objectives.*

The reference to “compliance time schedules” as used in the Draft Sacramento/San Joaquin Triennial Review implies that proposed Basin Plan amendments for pesticides will include compliance time schedules as adopted in permits rather than a time schedule for global actions that are outlined in a Basin Plan amendment. To avoid confusion, we recommend that this statement be revised to be consistent with and

appropriately reference Water Code section 13242. Our suggested revision is as follows:

As is required by Water Code section 13242, the adoption of numeric objectives for these pesticides will include a program of implementation that includes a description of the nature of actions necessary to achieve objectives, time schedules for the actions to be taken, and description of surveillance/monitoring that will be undertaken to determine compliance with objectives.

Water Code section 13242 requires a program of implementation for achieving water quality objectives in the basin plan and does not necessarily require that every water quality objective has its own implementation program. When the Board adopts water quality objectives, additional provisions are added to the implementation program if the existing provisions are not adequate to achieve compliance with the objectives. However, staff agrees that the Work Plan should be revised to clarify that the adoption of numeric objectives and a control program for these pesticides will assure the reasonable protection of beneficial uses.