



# TULE BASIN WATER QUALITY COALITION

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July 16, 2014

State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-2000

Attn: Jeanne Townsend, Clerk to the Board

Re: Basin Plan Triennial Review for the Tulare Lake Basin Comments on Amendments to the Water Control Plan for the Tulare Lake Basin, December 2013

Dear Ms. Townsend:

Since the Regional water Quality Control Board did not consider the comments submitted by Attorney William J. Thomas' letter submitted February 14, 2013, the Tule Basin Water Quality Coalition has prepared comments for the State Board's consideration on the so stated "several non-regulatory amendments to correct errors and update language in the Water Quality Control Plan for the Tulare Lake Basin (Basin Plan)" as developed and approved by the Central Valley Regional Water Quality Control Board (Water Board) March 24, 2014; as follows:

- (1.) **Amendments 2.1 through 2.14** are primarily clarification of the Basin Plan boundary, conformance with Department name changes, regulatory references and other minor modifications that have no regulatory effect.
- (2.) **Amendment 2.15 Policy for Implementation of Toxics. Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California (SIP).** The statement proposes to include in the Amendment in the last sentence "The SIP including future revisions is incorporated into this Basin Plan and shall be implemented according to the policy's provisions."

We interpret that sentence to mean that the Regional Board staff may revise the policies for implementation of Toxics Standards for Inland Surface Waters at will, without the normal process of notices, comments, hearings and approval of the Regional Board and State Board, which is unacceptable.

- (3.) **Amendment 2.16 Water Quality Enforcement Policy and Supplemental Environmental Projects Policy.**

This amendment proposes to add Enforcement Policy and take actions that are not clear and proposes to allow the Regional Board staff to make future revisions without the normal process. This amendment needs clarification or exclusion.

(4.) **Amendment 2.17 Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List.**

The proposed policy states "The 303(d) listing policy, including future revisions, is incorporated into this Basin Plan and shall be implemented in accordance with the Policy's provisions."

The statement implies the policy for listing Section 303(d) water bodies can be changed by Regional Board staff without further evaluation by the public or the water body owners, which eliminates the normal process and is unacceptable.

(5.) **Amendment 2.18 Water Quality Control Policy for Addressing Impaired Waters: Regulatory Structure and Options.**

The last sentence of the proposed policy states: "The Impaired Waters Policy, including future revisions, is incorporated into this Basin Plan and shall be implemented in accordance with the Policy's provisions."

Again, the statement appears to mean Regional Board staff can change the policy for addressing the listing of Section 303(d) water bodies and they "shall be implemented in accordance with the Policy's provisions" without the normal process of public notice, comments and hearings which is the current process, the statement "including future revisions" is unacceptable and needs to be excluded from the Amendment.

(6.) **Amendment 2.19 Policy for Compliance Schedules in Pollutant Discharge Elimination System (NPDES) Permits.**

The proposed policy addition on compliance schedules states that "The Compliance Schedule Policy, including future revisions, is incorporated into the Basin Plan and shall be implemented in accordance the Policy's provisions."

The proposed Policy indicates the Regional Water Board staff can mandate a schedule for compliance with water quality objectives and water quality criteria, and the Policies may be revised in the future, without appropriate review, comment and hearing before the Regional Board and State Board. The proposed addition is not a non-regulatory correction of error or update of language of the Basin Plan, but a revision that would provide the Regional Board staff with the ability to set a schedule for compliance without the normal process for review and comment by the permittee. The proposed Policy change is dictatorial and needs clarification or deletion.



(7.) **Amendment 2.20 Policy for Water Quality Control for Recycled Water.**

The proposed Policy addition states in the last sentence: "The Recycled Water Policy, including future revisions, is incorporated into this Basin Plan and shall be implemented in accordance with the Policy's provisions."

Again, the statement establishes the authority of the Regional Board staff to revise the Policy's for Water Quality Control for Recycled Water without the normal process and such procedure is unacceptable. The statement "including future revisions" should be deleted.

(8.) **Amendment 3. Other Considerations.**

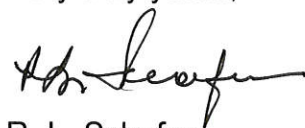
We take issue with the statement:

"The proposed Basin Plan amendments are to correct errors and update language. In addition, incorporate State Water Board policies that have already been adopted and implemented by the Water Boards."

The repeated statement "including future revisions" goes beyond correction of errors, updating language and incorporating adopted State Water Board policies and would result in amendments of the Basin Plan by the Regional Board staff without the normal notice, comment, hearing and Water Boards action and is unacceptable. We request the State Board delete the statement "including future revisions" from all of the proposed amendments.

Thank you for consideration of our comments.

Very truly yours,



R. L. Schafer

cc: Pamela C. Creedon  
William Thomas  
David Orth  
Mark Larson  
Dennis Keller  
John Schaap

Ernest Conant  
David De Groot  
Sean Geivet  
Steve Drumright