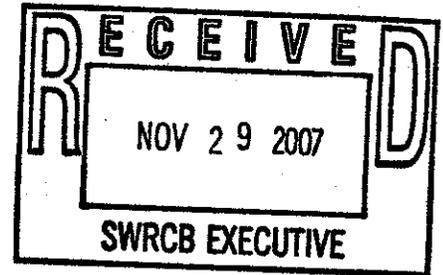


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10545 Armstrong Avenue**Mather, CA 95655****Tele: [916] 876-6000****Fax: [916] 876-6160****Website: www.srscsd.com**Jeanine Townsend
Acting Clerk to the Board
Executive Office
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100**Submitted Via e-mail to:** commentletters@waterboards.ca.gov**Subject Line: Comment Letter – Sediment Quality Objectives****Board of Directors
Representing:**

County of Sacramento

County of Yolo

City of Citrus Heights

City of Elk Grove

City of Folsom

City of Rancho Cordova

City of Sacramento

City of West Sacramento

Mary K. Snyder
District EngineerStan R. Dean
Plant ManagerWendell H. Kido
District ManagerMarcia Maurer
Chief Financial Officer

Dear Ms. Townsend:

The Sacramento Regional County Sanitation District (District) provides sanitary sewer conveyance, treatment, and reclamation to over one million residents and thousands of commercial and industrial businesses in the greater Sacramento area. On average, over 165 million gallons of wastewater is collected, treated, and safely discharged each day. The District appreciates this opportunity to comment on the State Water Resource Control Board's proposed Water Quality Control Plan (Plan) for Enclosed Bays and Estuaries of California, Sediment Quality Objectives (SQO) (Part 1). In particular, we endorse the process that the SWRCB has used to develop the proposed SQO, and agree that implementing the SQO based on Multiple Lines of Evidence (MLOE) including sediment toxicity, the condition of the benthic community, and sediment chemistry are appropriate. We also support the multiple categories approach for each line of evidence, as well as the de-emphasizing of use of best professional judgment in the interpretation of data results. However, the District does have some specific concerns and comments on the proposed SQO policy and has outlined them below in more detail.

General Comments**Interim Phase for Estuaries**

The District has reservations regarding the application of the proposed interim approach for estuaries; given the lack of adequate information to properly establish tools and metrics for these evaluations. For enclosed bays, the State Water Board relied on substantial existing data from various programs to evaluate potential indicators and refine the indicators to develop the thresholds to assess response. However, as the State Water Board staff has recognized, the data needed to develop indicators for estuaries is not yet available. Thus, in Phase I, the State Water Board is proposing an interim approach to interpret the narrative objective in estuaries. Therefore, we strongly encourage the State Water Board devote sufficient resources to expedite data collection and tool development in the Delta, northern SF Bay, and other estuaries in the State. In particular, expedition of data procurement is important because the sediment quality determinations made during the interim period may lead to near-term management decisions, which may adversely and inappropriately affect the resources of regulated parties.

Technology in balance with nature

The District also recommends that the SQO Staff Report be revised to more clearly delineate how the steps and responsibilities necessary to transition from the interim approach in Phase I to the more robust approach in Phase II will play out and be funded. This is particularly important because, as has been acknowledged, the development and interpretation of MLOE tools in estuaries is significantly more difficult than the work completed to date for coastal embayments. Thus, a substantial amount of effort will be required during this transition. In discussing the need for the interim phase, the staff report merely describes how indicators and thresholds for bays cannot be applied to estuaries without undergoing rigorous assessments. While this language is useful, further clarification of the steps to be played out as well as available funding sources necessary to arrive at Phase II goals should be delineated. In particular, the State Board should state its commitment to shoulder the financial burden of this effort, as was done for the coastal bays.

The interim approach requires the use of three lines of evidence and requires the determination of effect for at least two lines to determine that a site is "Impacted." The determination of effect, however, would seem to depend on where the chosen metric falls in relation to the reference envelope developed using reference site data and statistical methods. However, a proper determination of the reference envelope when approached on a regional basis would require significant resources, straining stakeholders in the Central Valley.

Receiving Water Limits

The District supports the application of SQOs as the basis for Receiving Water Limitations in NPDES permits. This approach is a rational because causation is not established from the initial test results that are determined in the SQO evaluation process. Stressor identification studies are necessary to link a permitted source with toxic pollutants identified in those studies. Therefore, the determination of whether a permitted source will cause or contribute to the violation of a sediment quality receiving water limitation should only be made after the stressor identification studies are completed.

Stressor Identification

The District supports the step-wise approach to stressor identification, target development, and management actions that are prescribed in the Plan. However, we have specific comments that seek to clarify the steps and to ensure that Regional Boards will follow those steps in implementing the Plan.

We also have specific comments regarding the steps to be taken in response to a determination that sediments in a water body are "Possibly Impacted," "Likely Impacted," or "Clearly Impacted." We recommend a tiered response, wherein sites listed as "Clearly Impacted" would receive first priority in terms of resource commitment and initiation of follow-up studies; sites classified as "Likely Impacted" would be second priority. For sites listed in these two categories, we recommend the policy establish a deadline for completion of the studies in the approved work plan within two (2) years of approval of that plan by the Regional Board.

We agree with proposed policy language that water bodies that are listed as "Possibly Impacted" should be treated differently from water bodies that are determined to be "Clearly" or "Likely Impacted". We believe that sediments listed as "Possibly Impacted" have the greatest uncertainty in terms of impacts and will be the most difficult to evaluate to determine causative factors and management solutions. We request policy language additions that would clearly acknowledge the difficulties in determining causation or stressors for sites classified as "Possibly Impacted". We also request that a different set of actions be identified to address "Possibly Impacted" sites. Specifically, we request that the following steps to be taken for "Possibly Impacted" sites: (1) perform an additional round of monitoring using three lines of evidence to confirm the initial assessment; (2) if the outcomes are confirmed by the additional monitoring, perform an initial stressor

identification study; (3) if the stressor identification study does not yield conclusive results, develop and implement a second stressor identification study building off the result of the initial study; (4) if the second stressor identification study is inconclusive, postpone further studies pending completion of the next round of routine SQO monitoring.

Detailed Comments

In addition to, or in support of, the above comments, the District is providing the following specific comments to the referenced Sections of the proposed policy:

Section VI. Integration and Interpretation of MLOE, Subsection 4.b. Relationship to the Aquatic Life – Benthic Community Protection Narrative Objective

The policy should be revised to state that Regional Boards “shall designate” (rather than “may designate”) the category “Possibly Impacted” as meeting the protective condition if studies demonstrate that measures of effects and exposure are not responding to toxic exposures in sediment and other causes of the observed responses are known to exist in a given water body. Sediments that are “Possibly Impacted” means that contamination may be causing adverse impacts to aquatic life, but these impacts are either small or uncertain because of relatively poor agreement among MLOE. Given this definition, we see no need to authorize Regional Board discretion when available evidence indicates measured effects are not in response to toxic exposures in sediment, particularly since the language is conditioned on a finding that other causes of observed responses are known to exist in the water body. We would agree, however, that substantiation of “other” causes be emphasized and closely tracked where regional discretion is voided.

Lastly, we note that in proposing the “Unimpacted” and “Likely Unimpacted” categories the State Board has recognized that this option provides for a margin of safety. This margin exists because the next category “Possibly Impacted” indicates that there would be more sites in this category that are unimpacted than actually impacted. (Staff Report section 5.6)

Section V.J. Application of Aquatic Life – Benthic Protection to Other Bays and Estuaries

The proposed Plan authorizes the use of CA LRM Pmax metric for evaluating the sediment chemistry line of evidence. The use of this metric in estuaries should be validated prior to its use in the interpretation and implementation of SQOs.

Additionally, the appropriateness of the selected sediment toxicity tests (*Hyaella* and *Eohaustorius*) in San Francisco Bay and the Sacramento-San Joaquin Delta needs to be validated. Historic issues have existed regarding the grain size and other characteristics of San Francisco Bay sediments that may affect the toxicity test results for these species. If the validity of these test species is confirmed, the use of the threshold values listed in Table 13 for *Hyaella* and *Eohaustorius* test result interpretation must also be validated for use in estuaries.

Section V.J. Table 13 [page 19] and 14 [page 20]

The District supports the use of measures that indicate clear evidence of impact, which presumably is the intent of these tables based on the Table 14 matrix and the definition of “Impacted” under Table 13. We understand the value in conservative assumptions built into an “effect” determination using the metrics prescribed in Table 13. However, we request additional information that demonstrates that the use of reference ranges or intervals for chemical concentrations and benthic community data are proper thresholds of high exposure or high disturbance.

Section VII.F. Stressor Identification

Exceedance of the direct effects SQO indicates that toxic pollutants are a “likely cause,” but does not demonstrate conclusively that toxic pollutants are the stressor driving an impact determination.

Physical alterations or other nontoxic related stressors (i.e. nutrients) can also degrade the benthic community. This is reflected in the definition of “Likely Impacted” since the evidence upon which this determination is based is “persuasive” but not “clear” and may have conflicting lines of evidence. The language of the policy should be modified to clarify this point.

The Plan should also address the case where stressors cannot be determined. It is anticipated that this will often be the case where the MLOE analysis yields a “Possibly Impacted” determination. It is anticipated that stressors will also not be able to be determined from some “Likely Impacted” and “Clearly Impacted” sites. We recommend the policy state that, where stressors cannot be identified and toxic pollutants cannot be ruled out, additional sediment monitoring shall be performed to confirm or reassess the initial SQO determination. A revised work plan should then be developed and implemented to make a final attempt at stressor identification. For “Possibly Impacted” sites, completion of that work should satisfy follow-up study requirements pending completion of additional routine monitoring.

Section VI., Table 11

We are supportive of the “Inconclusive” determination, with the provision that follow-up studies be performed to address the specific facts for the sites in question. As an alternative, we are supportive of a reclassification of the three “Inconclusive” cases to the “Likely Unimpacted” category pending further clarification.

Section V.F. Sediment Toxicity, Subsection 4 – Use of Supplemental Toxicity Tests [page 10]

The process for approval of additional sediment toxicity test types and protocols should be specified in greater detail. The methodology for determination of values to be used in Table 4 must be screened and validated prior to use in interpreting narrative objectives. The technical documentation for the values provided in Table 4 should also be referenced.

Sections V.F., V.G., and V.H Integration of Sediment Toxicity, Benthic Community, and Sediment Chemistry Categories [page 11]

These sections require the rounding up (to the next higher response category) of the average of categories when the average falls between two adjacent categories. This may lead to a conservative estimate of violations of the SQO. Where such rounding occurs, it should be tracked and taken into account in causation studies and in the establishment of sediment management requirements. It should also be considered as part of the 303(d) listing determination. This is particularly important where “rounding up” causes a site to be classified as “Possibly Impacted” where a “Likely Unimpacted” determination would result otherwise.

Section VII. C. Exceedance of Receiving Water Limit

The criteria for establishing an exceedance of a SQO receiving water limit on an NPDES permit requires the stations included in the analysis to be located in the vicinity of the discharge location.

The Plan should also require the stations to have a strong link to the discharge in question, such as being located along a discharge gradient in the immediate vicinity of a discharge. Likewise, the policy should state that a determination that a discharge is causing or contributing to an SQO exceedance must only be made after completion of stressor identification and source assessment studies that definitively link specific toxic pollutants in a discharge to the SQO exceedance. The policy should also state that such studies will commonly be performed as an element of the TMDL process for 303(d) listed water bodies.

Section VII. F. Stressor Identification, Subsection 3d – Multiple Sources

This section directs Regional Water Boards to require multiple sources present in a water body to take all reasonable steps to address an exceedance of the SQO. This section should also clarify that the steps to be taken include the confirmation and pollutant identification steps wherein causative pollutants have been identified and linked to the sources in question. The Regional Water Boards should refrain from requiring further steps of dischargers where a causal link cannot be established or is inconclusive.

Section VII.G. Development of Site-Specific Management Guidelines

We recommend deletion of the sentence that starts with “Although this relationship is not always easy...” This sentence appears to establish a backdoor standard that may exceed the intent of the SQO.

Appendix C – Direct Effects Station Assessment, Example Calculation

The example provided in the appendix highlights the effect of rounding up. In the example provided, the sediment in question was listed as “Possibly Impacted” as a result of the “rounding up” of the chemistry result. If the result was rounded down, the result would have been a low exposure to chemicals, and the category in the MLOE combination table would have changed from No. 38 to No. 22, “Likely Unimpacted.”

The example provided also demonstrates the sensitivity of the approach to an individual test result. In this case, a single elevated concentration for mercury led to a result of “Moderate Exposure” in the California Logistic Regression Model (CA LRM). All other individual chemical results in the CA LRM were at a score of “Low Exposure,” or less. The score for the sediment sample using the Chemical Score Index (CSI) led to a finding of “Low Exposure.” As noted above, due to the rounding up approach, the CA LRM result ultimately led to a finding of “Possibly Impacted.”

The policy or guidance should clarify how situations such as those shown in the example calculation should be addressed in the implementation of follow-up studies and management actions.

Conclusion

In closing, SRCSD appreciates the opportunity to work with the SWRCB on this draft SQO and hope you find our comments helpful. The District is highly supportive of the technically sound, data driven approach that is embodied in the current proposal. The District is also very pleased with the stakeholder process that you have employed over the past four years - while all the technical work has been progressing. We have been especially impressed with the efforts you have taken to validate the SQO numeric sediment assessment tools using an independent panel of national experts. We believe this process has led to a strong draft policy.

If you have any questions regarding our comments, please feel free to contact Terrie Mitchell at 916-876-6092.

Sincerely,



Wendell H. Kido
District Manager

cc: Terrie Mitchell – SRCSD
Mary Snyder – SRCSD