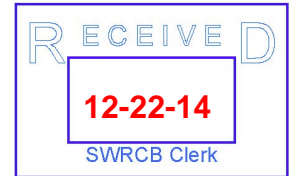




Quartz Valley Indian Reservation  
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To: California State Water Resources Control Board  
From: Crystal Robinson, Environmental Director Quartz Valley Indian Reservation  
Date: December 22, 2014  
Re: Review and comments on *(Draft) Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List*



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## INTRODUCTION

The Quartz Valley Indian Reservation has been involved in the 303 (d) Listing process in the Klamath Basin since the first proposed listings on the Scott River tributary over fifteen years ago. The Tribe has been collecting data since 2007 with EPA funding and has developed a robust Quality Assurance Plan for implementing the program in the Scott River and its tributaries. We work collaboratively with the North Coast Regional Water Quality Control Board on water quality impairments in this system and will continue with the future TMDL development proposed for the Scott and tributaries in the North Coast Regional Water Board Staff Report of the 2012 Integrated Report. We thank you for this opportunity to comment and look forward to a continued working relationship with your agency in both the development and implementation of impaired water bodies impacting the cultural resources of the Tribe.

## COMMENTS

The California State Water Resources Control Board (State Board) has proposed revisions to its Water Quality Control Policy for Developing the Clean Water Act Section 303(d) List (Listing Policy) of impaired waterbodies. As summarized in the public comment notice, the purpose of the revisions is to promote efficiency and streamline the process of preparing the list of impaired waterbodies, which typically runs years behind schedule. The two primary proposed means for expediting the process are to 1) require that all water quality data to be considered in listing decisions must be submitted through the California Environmental Data Exchange Network (CEDEN), except those few types of data and information that are incompatible with CEDEN, and 2) provide the State Board with flexibility to update the list on a regional rotation cycle (including acting on behalf of a regional board if a region does not move quickly enough), rather than the entire state for each listing cycle.

While we sympathize with the amount of work required for State and Regional Board staff to prepare the list under the current process, we are concerned that some of the proposed revisions to the Listing Policy will shift that workload onto other agencies and the public who submit water quality data. The proposed Listing Policy would define “readily available information” as only the information contained within CEDEN, limiting the scope of information that the State and Regional Boards are required to consider. In concept, we strongly support the idea of using a centralized database to house all the water quality data used to inform listing decisions; however, the CEDEN system is not yet ready to fulfill that role. The most acute shortcoming of the CEDEN is that it cannot yet exchange data with federal databases such as the U.S. Geological Survey’s (USGS) National Water Information System (NWIS) and the U.S. Environmental Protection Agency’s (EPA) STORET (STOrage and RETrieval) and Water Quality Exchange (WQX). We understand that the State and Regional Boards are aware of this issue and plan to add this capability to CEDEN at some point in the future; however, we have heard that same promise for many years and it appears to us that progress on this feature has been slow and that it will likely be at least several additional years before it is actually implemented. Our Tribe’s water quality monitoring program is funded primarily by EPA, so we already submit nearly all of our water quality data to WQX/STORET, as required by EPA. It would be an unfunded burden for us to also have to submit our data through CEDEN if we want it to be utilized for listing decisions. Therefore, we respectfully request that the Listing Policy’s proposal to require submission of data through CEDEN be delayed until CEDEN is able to harvest data from WQX/STORET. Alternatively, NWIS and WQX/STORET could be included in the definition of “readily available information.” NWIS and WQX/STORET are already merged into the publicly available national Water Quality Portal ([www.waterqualitydata.us](http://www.waterqualitydata.us)), so it would only require one additional query for State and Regional Boards to retrieve NWIS and WQX/STORET data. Another significant deficiency of CEDEN is its inability to store continuous data (e.g. hourly water temperature data collected with automated sensors). We urge the State and Regional Boards to prioritize adding these essential features (exchanging data with NWIS and WQX/STORET, and the ability to store continuous data) to the CEDEN system.

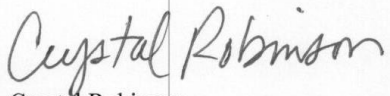
We are unclear how the additional flexibility proposed in the Listing Policy (i.e., a regional rotation cycle rather than the current statewide cycle, and the ability for the State Board to act if a Regional Board is too slow) would actually affect timelines for listing decisions, we do however, support the concept of timely updates to the 303(d) list utilizing recent data. We would like to add that any impairment with the ability to impact human health should be considered for listing outside of the regular listing cycles. Waiting years to submit data that’s indicating harmful impairments to human health; and then wait years for the TMDL and its implementation is just not proactive or protective of people. Filing law suits to speed up the listing process is a tactic some have taken to get around the usual process, but this requires money and time that would be better spent on actually eliminating the pollutant causing the impairment. We would like to see additional flexibility regarding public health threat impairments included in the Listing Policy, specifically:

1. Open data submission for listing recommendation of public health impairments

2. Firm timelines requiring a quicker completion of the public health threat impairment listing, TMDL development and implementation
3. Priority given for completion over existing TMDL's being developed

The health of the entire watershed is important to the Tribe but people take precedent and we would expect the SWRCB to implement their programs with that same policy.

Sincerely,



Crystal Robinson  
Environmental Director  
Quartz Valley Indian Reservation