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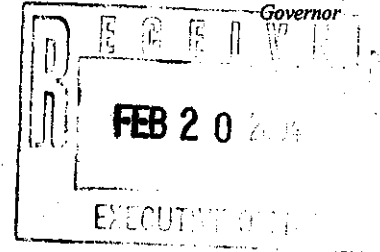
# California Regional Water Quality Control Board Santa Ana Region



**Terry Tamminen**  
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**Arnold Schwarzenegger**  
Governor



**TO:** Celeste Cantú  
Executive Director  
**STATE WATER RESOURCES CONTROL BOARD**

**FROM:** Gerard J. Thibeault   
Executive Officer  
**SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD**

**DATE:** February 18, 2004

**SUBJECT:** WATER QUALITY CONTROL POLICY FOR DEVELOPING  
CALIFORNIA'S CLEAN WATER ACT SECTION 303(D) LIST;  
DECEMBER 2003 (LISTING POLICY)

Thank you for the opportunity to provide comments on the draft 303(d) Listing Policy. I would like to give my full support to the comments that are to be submitted by the TMDL Roundtable. The TMDL Roundtable includes Regional Board staff and managers who have years of experience interpreting water quality standards and evaluating a vast array of environmental data and information. Given their experience and the lead role the Regions have in conducting the 303(d) List assessment, we hope the State Board will give a great deal of weight and deference to the TMDL Roundtable's comments and suggestions, particularly since it will be primarily Regional Board staff that will be making the data evaluation and assessment decisions using the final approved Listing Policy.

Our concerns relate to three areas proposed in the draft Listing Policy. Again, let me reiterate that these are also the primary concerns expressed by the TMDL Roundtable and are discussed in greater detail in the Roundtable comment letter. The TMDL Roundtable has also prepared recommended modifications to the proposed Listing Policy, resulting in what I believe is a sensible and viable approach for making listing decisions in future listing cycles. Thus, I fully support the Roundtable's recommendations for how to address these issues in the Listing Policy.

Our three areas of concern are as follows:

1. Proposed policy specifies an unworkable standard statistical method (binomial method) for data analysis, with limited use of the weight of evidence approach.
2. Proposed policy contains confusing, redundant, or unnecessary language and overrides regional board policies and what must remain regional board priority decisions.
3. Contrary to federal regulations, the proposed policy specifies 303(d) list review to include priority setting and TMDL development and completion schedules.

I appreciate your attention to these issues and, as always, I would be willing to have my staff work with your staff to make the changes necessary to address our concerns and the concerns of the TMDL Roundtable. If you have any questions, please feel free to contact me (909)782-3284.

cc: Regional Board Executive Officers  
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Ken Harris, DWQ  
Craig J. Wilson, DWQ  
Thomas Mumley, TMDL Program Coordinator, San Francisco RWQCB (2)  
Regional Board TMDL Roundtable Representatives