State Water Resources Control Board

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Arnold Schwarzenegger
Governor

June 14, 2010

Senator Diane Feinstein
United States Senate
331 Hart Senate Building
Constitution Avenue & 2nd Street, NW
Washington, D.C. 20510-0504

Dear Senator Feinstein:

Thank you for your letter dated May 20, 2010, concerning ammonia discharges into and affecting the Sacramento-San Joaquin Delta. We appreciate your continued interest in this issue and look forward to working with you - and all interested parties - as we pursue real solutions for the problems facing the Delta.

As you know, the California Water Boards have been aggressively engaged in this topic for several years. The boards have undertaken, sponsored, or participated in several studies to examine the acute and chronic toxicity associated with elevated levels of ammonia/ium to the Delta ecosystem. Some of these studies have focused specifically on toxicity with respect to Federally and State-Listed endangered and threatened species. The studies are designed to determine if elevated ammonia levels may be inhibiting the food web upon which *pelagic* and *salmonid* species of the Delta depend. Some of those studies are being concluded, while others are ongoing.

The Central Valley Water Board anticipates conducting a public hearing in December 2010 to consider a permit renewal for the Sacramento Regional Wastewater Treatment Plant. Regional Water Board staff have met frequently with the Sacramento Regional County Sanitation District and many other stakeholders to evaluate the impacts of the discharge. Agencies using downstream waters have been active participants in these meetings. In considering the available information and preparing for the hearing, Regional Water Board staff developed issue papers on human health and aquatic toxicity and circulated them for public review and comment. The issue papers help identify concerns, crystallize issues, and provide information to assist the permitting process and to educate stakeholders.

Our evolving understanding of the myriad stressors affecting the Delta will be a key issue in the Central Valley Water Board's consideration of the Sacramento Regional Wastewater Treatment Plant permit. The Central Valley Water Board will do everything it reasonably can to complete this process as quickly as possible and in full compliance

with the Federal Clean Water Act and California's Porter-Cologne Water Quality Control Act. Both Acts require discharge permits to be protective of human health and the Delta ecosystem.

You have previously demonstrated your commitment to the role and value of sound science in environmental policy decisions by launching the National Academy of Sciences review last fall of the federal agencies' "biological opinions" related to the Delta smelt and the Chinook salmon. The same commitment to sound science guides the Central Valley Water Board's development of the draft permit for the Sacramento Regional Wastewater Treatment Plant.

Similarly, the State Water Board just concluded three days of testimony on flow criteria for the Delta ecosystem. As part of the flow criteria proceeding, the State Water Board heard extensive scientific and expert testimony on flow and other factors, including ammonia, that impact the Delta ecosystem. The scientist who prepared the paper referenced in your letter was an active participant in the State Water Board's proceeding. The scientific information from these proceedings will prove useful in future proceedings to protect and restore the Delta.

The Water Boards greatly appreciate and value your concern and interest in this matter, and we look forward to working with you and other federal and state elected officials in trying to resolve the complex water quality challenges facing the Delta today. Many challenges remain ahead, and these challenges can only be overcome by the collective resolve of all parties to work toward a common good and collectively beneficial result. As the *Sacramento Bee* Editorial Board opined on May 21, 2010, such an effort "would be far more productive than continuing with the current pattern of finger-pointing and scientific cherry-picking."

Very truly yours,

Charles R. Hoppin, Chairman
State Water Resources Control Board

Pamela Creedon, Executive Officer
Central Valley Water Board