

JUN 30 1998

Tri-TAC

Jointly sponsored by:
League of California Cities
California Association of Sanitation Agencies
California Water Pollution Control Association

01360

Reply to:

June 30, 1998

CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814
Attn: Mr. Rick Breitenbach

Subject: Comments on Draft Programmatic Environmental Impact Statement / Environmental Impact Report for the CALFED Bay-Delta Program, SCH No. 96032083, DES No. 9809

Dear Mr. Breitenbach:

The following comments on the Draft CALFED EIS/EIR and supporting documents are submitted by Tri-TAC. Tri-TAC is a California-based organization comprised of members from public agencies responsible for wastewater treatment. Tri-TAC is an advisory group which includes representatives from the California Association of Sanitation Agencies (CASA), the California Water Environment Association (CWEA), and the League of California Cities. The constituency base encompasses most of the sewered population of California.

Our comments relate to the policy implications of the proposed water quality program elements described in the EIS/EIR. Specific statements and elements of the CALFED water quality program and ecosystem restoration program plan suggest a water quality management scheme that is not consistent with the current legal framework and regulatory approach. For instance, a number of statements are made in the EIS/EIR documents regarding the benefits of reductions in loadings and concentrations of contaminants. However, no analysis is offered to address the magnitude of the potential control actions or the benefit to be achieved through such actions. This implies a water quality control policy which would encourage or require control actions across the board, without consideration of necessity or benefit. We therefore recommend the following:

1. The EIS/EIR should state that the CALFED water quality control program will be implemented in conformance with California and federal laws, regulations and policies governing water quality management. Applicable state and federal laws governing water quality including the California Water Code, the Clean Water Act and the Safe Drinking Water Act. The EIS/EIR should clearly state that the CALFED program will comply with the requirements and procedures stipulated in existing law and will not impose a new regulatory structure in California. Current laws, regulations and policies are based on the adoption of water quality objectives to ensure the reasonable protection of beneficial uses and the development of programs of implementation to achieve those objectives. The

EIS/EIR should specifically reference these existing regulatory processes and requirements as the framework to be employed in its water quality common program.

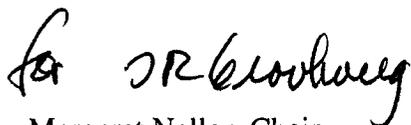
2. The designation and use of "target levels" should be removed from the CALFED water quality program unless the target levels coincide with adopted water quality objectives or other legally enforceable standards. Where CALFED target levels are based on advisory criteria or guidelines, the potential exists for improper use of these values. It should be anticipated that these target levels will be used, informally and in some cases inappropriately, in the future either to establish numeric effluent limits in permits or to determine load allocations to implement Total Maximum Daily Loads (TMDLs). The use of target levels is inconsistent with the California Water Code, which has specific requirements for the adoption and implementation of water quality plans and objectives (see California Water Code Section 13240 et seq.).

We recommend that the EIS/EIR only include target levels which have been legally adopted in accordance with applicable procedures. If left in the document, those target levels which are advisory in nature and are not legally enforceable should be specially identified as such. Examples of these advisory target values include tissue and sediment values and EPA criteria which have been proposed as water quality standards under the California Toxics Rule, but not yet formally adopted.

3. Finally, with regard to the Water Quality Program actions for agricultural and urban drainage and runoff, we believe that CALFED has ignored the option of reducing toxics impairment through source control assessments. An improved understanding of the sources of pesticides, metals, and TOC from agricultural and urban runoff is needed.

Thank you for the opportunity to comment on this document. We support your efforts in restoring and enhancing the Bay-Delta ecosystem. We are also very supportive of the watershed management approach which you have identified as a key component of the CALFED program. If you have questions regarding these comments, please contact me at (562) 699-7411, Extension 2801.

Sincerely,



Margaret Nellor, Chair
Tri-TAC

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