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California League of Conservation Voters
California Sportfishing Protection Alliance
Clean Water Action
DeltaKeeper
Environmental Defense Fund
League of Women Voters of California
Natural Resources Defense Council
The Bay Institute

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by fax, email and first class mail

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RE: Comments on the Draft Water Quality Component (August 1997)

Thank you for the opportunity to comment on the Draft Water Quality Component (August 1997). In addition to this letter, you will find included preliminary comments prepared for the Environmental Water Caucus by Inge Werner, Ph.D., and other supporting documents.

In our view, the Water Quality Program (WQP) Component Draft report while acceptable as a first look falls far short of articulating the comprehensive vision for improving water quality in the delta and for beneficial uses of delta water throughout California. Improvement of water quality is one of CALFED's principal objectives, and deserves full treatment. The draft does not provide adequate context for the water quality problems or a statement of relative priority, contains numerous significant data gaps, provides an overly narrow range of action strategies, and needs a clearer statement of how the program will be implemented, funded, and assured.

STRENGTHEN DON'T WEAKEN ENFORCEMENT OF EXISTING STANDARDS.

We are concerned by statements made in the Executive Summary (E-6) and Section 5 (5-1) regarding whether "existing standards are appropriate... and what level of exceedance is relevant...". In our view, the CALFED program is compelled to at least maintain if not improve upon current water quality standards for the delta (including but not limited to Vernalis, X2, export/inflow ratio) not lower these as was considered earlier this year (April 25) by the CALFED Management Team, as part of the Operations plan. As we have noted earlier (April 29 letter from TBI, EDF, NRDC, and SSFBA to CALFED Management Team) such relaxation of standards disregards the provisions of the Clean Water Act, the Endangered Species Act, and the Bay Delta Accord. We also have not been able to fully analyze the impact of the proposed California Toxics Rule on CALFED and would like to see this more thoroughly discussed in the next iteration of the WQP. Comments made to EPA on the proposed rule by Communities for a Better Environment (9/24/97) are included here as an attachment to suggest some of our initial concerns.

SET PRIORITIES FOR EVALUATION AND ACTION.

We strongly encourage CALFED to employ some kind of systematic ranking scheme to assess the most important water quality issues. If this is the idea behind the Action strategies section, then the organization of the section and the individual strategies should indicate this.

CALFED NEEDS TO USE A BROAD RANGE OF IMPLEMENTATION APPROACHES.

The action strategies (section 7) rely much too heavily on voluntary measures and incentives to accomplish the performance targets indicated. CALFED should not limit itself to cooperative programs when CALFED agencies have direct enforcement/regulatory control over water quality including non point source pollution. We feel strongly that CALFED needs to use a complete toolbox for getting the water quality gains envisioned. CALFED ought to commit to implementing existing laws and programs as a matter of course.

The WQP needs assurances built in that tie water user benefits to improvements in water quality. The performance standards described need to go further. Why not adopt a performance standard that commits to attainment of water quality standards over a given number of river miles by a certain year? CALFED should also give serious consideration to implementing the water quality recommendations of the SF Estuary Project — the result of a stakeholder driven process. The expanded toolbox should also include new regulatory tools, strengthening legislation, financial and contractual arrangements and institutional approaches. The use of these tools should be in concert with other elements of common programs. For instance the water quality improvements associated with certain ecosystem restoration objectives or the water quality benefits derived from additional water for the environment gained from additional water conservation/reclamation.

CMARP NEEDS MORE TEETH.

The Comprehensive Monitoring, Assessment and Research Program (CMARP) needs considerable improvement to fill its critical role in improving water quality. The program as envisioned still leaves unanswered many of the questions raised by DeltaKeeper and others (5/29 letter to Lester Snow). Please review this letter again as part of our comments. Their key point is that the focus of this program needs to go beyond documenting and evaluating beneficial use impairments; it should also record improvements achieved. Projects considered for funding by CALFED should be prioritized by their potential effectiveness in addressing identified water quality issues.

FILL THE DATA GAPS.

The WQP contains numerous data gaps in section 4 tables, most notably the lack of data related to bromide from seawater intrusion or for TOC from in delta sources. Also see our more detailed comments below regarding the need for improved bioassay protocols (especially native species) and other specific criteria. Given how much remains to be understood about the extent of water quality problems and the actions that may be needed to address them, we are concerned that it will not be possible to adequately evaluate conveyance and storage alternatives, with respect to this common program in advance of the decision on a preferred alternative.

DRINKING WATER ACTION STRATEGIES ARE TOO NARROWLY FOCUSED.

The Phase I Final Report for CALFED indicates that the Solution Scope will reach from the Sierra to the Sea as well as throughout the water system service areas. However the WQP includes insufficient discussion of the water quality benefits to be gained from water conservation, reclamation, pollution prevention, or riparian/wetlands restoration throughout the "solution area". The clearest example of this problem is found in the sections related to drinking water quality. The report offers only one method for reducing pathogens, TOC, turbidity and bromides "relocate the water supply intakes to areas that are not influenced by those discharges" implying a mandate for an isolated facility with an upstream intake! Since this method is only considered in some of the alternatives, by definition its not a "common program". Further this method is inconsistent with the overall CALFED approach of balancing multiple goals by advancing source replacement while sacrificing ambient water quality in the delta and ignoring the potential of source water protection measures.

Clearly there are other methods (some even listed in the two action items which precede this one) for controlling these contaminants such as increasing freshwater inflows, treating in-delta ag wastewater near to the pumps, better source control for pathogens (from grazing, feedlots and dairies), and the creation of natural pollutant filtration systems (wetlands, meander corridors, and forested areas along streams throughout the watershed). These should be more prevalent in the action strategies. The action strategies for drinking water quality could also pursue making improvements to source water from watersheds outside the delta, to upgrade drinking water quality for many delta water users. For instance, could

additional treatment and/or source protection of groundwater or Colorado River water improve water quality significantly when "blended" with water from the delta?

Why has CALFED singled out drinking water quality standards as the only area where the CALFED solution will address future standards. We are strong advocates of safe drinking water and strict health protective standards but our understanding is that EPA's rulemaking process for microbial contaminants and disinfection by products under the 1996 amendments to the SDWA is still in the early stages. We also understand that the rule will be made after considerable research (yet to be done) both in the development of treatment technologies and in source control measures and source water protection improvements. The WQP implies that these future standards can not be met without the relocation of intakes and their attendant conveyance facilities. At minimum, this is premature speculation, at worst it is driving a common program which is to bridge all alternatives toward a single outcome. Such a path clearly overlooks what could be more cost effective means of achieving better drinking water quality. Additionally some of the performance targets listed appear to be more stringent than is likely under the Stage 1 D/DBP rule and should be lowered. Hence, the ability of delta water to meet these more likely standards should be reassessed.

SIGNIFICANT ISSUES HAVE BEEN OVERLOOKED OR INADEQUATELY REVIEWED.

We would also like to note some gaps in the report with regard to what we believe may be significant water quality impacts and beneficial uses which have been overlooked or under evaluated.

These include but are not limited to the following:

The impact of the contamination of fish by pathogens, metals and pesticides is seriously undervalued in this report by the assumption that fish are consumed only by recreational fishers. There is a considerable amount of subsistence fishing in delta waters. Subsistence anglers eat as much as a pound of fish/ shellfish per day, considerably higher than the 1/7 lb per day standard used for recreational fishing. Bioaccumulation of toxins is inadequately addressed even though this problem is well documented (e.g. mercury). The WQP needs to have action strategies to address this issue.

The impacts of agricultural wastewater entering the California Aqueduct, via drain inlets in the San Luis Canal, not addressed (1995 DWR Water Quality Assessment of Floodwater Inflows in the San Luis Canal) as a drinking water quality issue. Surely these sources of salts, metals and organic compounds have a significant impact on water quality for Southern California users.

Recreational boating degrades water quality by contributing significant quantities of sewage, motor oil and MTBE especially from 2-stroke engines.

Exposure to pathogens associated with contact recreation in the delta is not adequately documented or evaluated.

Industrial Discharges are not enumerated or discussed thoroughly for

potential wastewater impacts. Also included here should be an analysis of "spill hazards" by commercial vessels moving up the delta to Sacramento and Stockton.

Silvicultural Operations are a major source of sediment loading in upper watersheds. CALFED should consider modifications to Timber Harvest Permits and other controls (buffers, cutting limits, harvest practices, revegetation) to protect source water in logging areas.

Pesticides, Dioxins, PAH's are under represented or absent in terms of potential impacts. The use of pesticides, especially those that cause cancer have risen dramatically in the past five years (Rising Toxic Tide-Californians for Pesticide Reform, August 1997, also comments from CBE enclosed). If the data is unavailable, the research should be made a high priority.

Illegal Methamphetamine Labs, according to the SF Chronicle (10/6/97), have become the #2 hazardous waste problem in the state. Each pound of meth results in 7 pounds of carcinogenic, toxic red sludge which may be getting dumped routinely into Delta waters. CALFED should coordinate with