

G. Fred Lee & Associates

27298 E. El Macero Dr.
El Macero, California 95618-1005
Tel. (916) 753-9630 • Fax (916) 753-9956
e-mail gfredlee@aol.com

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December 27, 1997

Richard Woodard
CALFED Bay-Delta Program
Water Quality Technical Group
1416 Ninth Street; Suite 1155
Sacramento, CA 95814

Dear Rick:

Attached is a set of comments that I have recently provided to Tom Mumley and Val Connor regarding the mission of the Urban Pesticide Committee. Since pesticides, including urban pesticides, are part of the CALFED activities, I thought you and CALFED management might be interested in these comments. Basically, it is my finding that the issues of urban pesticide toxicity as a significant water quality use impact have not been adequately addressed. While there is no doubt now that there is toxicity in urban stormwater runoff throughout the state due to organophosphate pesticides and possibly other constituents, the typical short pulse nature of this toxicity, relative to the time of exposure necessary to be adverse to aquatic life, and its limited scope with respect to the types of organisms that are impacted, raise questions about whether this toxicity is a cause of significant real water quality use impairments. The initial focal point of CALFED activities on urban stormwater runoff toxicity must be devoted to determining whether real water quality use impairments are occurring. To simply assume this, as is being done in some quarters, is technically invalid.

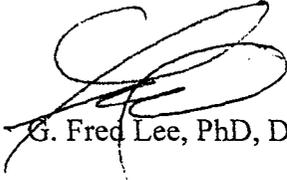
I have also enclosed a copy of my comments to the US EPA/USDA on their request for comments as part of the Clean Water Action Plan issues, as well as the comments that I submitted on the Water Resources Control Board's proposed approach for implementing the California Toxics Rule (CTR). In the CTR implementation policy comments, I have suggested to the State Water Resources Control Board that they develop a temporary waiver approach similar to that which has been developed by the state of Maine and approved by the US EPA. This waiver would exempt urban area and highway stormwater runoff from having to meet water quality standards and use attainability during wet weather flow conditions, provided that the NPDES stormwater discharger permittee demonstrates that failing to meet water quality standards will not result in a significant adverse impact on the beneficial uses of the receiving waters for the stormwater discharge. This waiver is specifically designed to address the significant over-regulation that is occurring now with the current regulatory approach which requires that urban area and highway stormwater runoff ultimately (within 10 years) have to meet water quality standards in the runoff waters.

I have also included in my WRCBCTR Policy comments a proposed temporary waiver approach from having to meet water quality standards associated with Delta dredging and especially dredged sediment beneficial use for levee enhancement and shallow water habitat development. This

approach evolved out of the work that I have been doing with the Resources Agency's Delta Levees and Shallow Water Habitat Advisory Committee. There is widespread agreement that currently dredged sediment management in the Delta is being significantly over-regulated. This over-regulation is impeding the development of approaches for beneficial use of dredge sediments.

If you or others have questions on these comments, please contact me.

Sincerely yours,



G. Fred Lee, PhD, DEE

Copies to: J. Heath
L. Winternitz
L. Snow

GFL:aa
Enclosure