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Please note that the area code for telephone and fax has been changed to 530.

December 31, 1997

John Caffrey, Chairman  
State Water Res Control Board  
PO Box 100  
Sacramento, CA 95812-0100

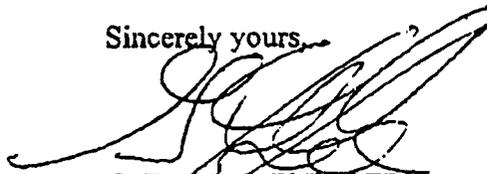
Dear Chairman Caffrey:

Recently, I have received requests for comments from several of the regional water quality control boards' staff as part of a general request that is made to individuals who have had interactions with the boards on water quality issues and basin plans. Because of the importance of the 303(d) list in establishing water pollution control policy within the state, I have taken time to provide a discussion of why some aspects of this list are technically invalid with respect to designating waterbodies where there is a real use impairment of the beneficial uses of the waterbody's waters that is of concern to the public. As discussed, the origin of the problem is not with the State Board's or regional boards' development of the list; it is with the US EPA's approach for implementation of the Clean Water Act. This is a fundamental problem related to the US EPA attempting to regulate chemical concentrations rather than chemical impacts.

A unique aspect of this situation is an attempt to try to get the regional boards and especially the NPDES-permitted dischargers of constituents to start to do the studies necessary to determine whether the exceedance of a water quality standard (objective) represents a real use impairment or is a reflection of an administrative exceedance of the EPA criterion/objective that is best corrected by demonstrating that the current approach of 303(d) list development is not in the best interests of Californians as well as people across the country.

If you, other members of the Board or the Board staff have questions about the attached discussion, please contact me.

Sincerely yours,



G. Fred Lee, PhD, DEE

Copy to: WRCB Members  
W. Pettit

GFL:oh  
Enclosure