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

AW

December 31, 1997

Judy Heath  
CALFED Bay-Delta Program  
Water Quality Technical Group  
1416 Ninth Street; Ste 1155  
Sacramento, CA 95814

Dear Judy:

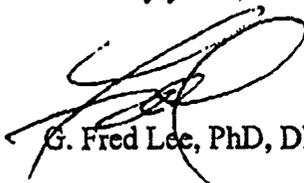
There have been several discussions in the CALFED Water Quality Technical Group about the appropriateness of using the WRCB and the regional boards' 303(d) list as the basis for designating impaired waterbodies and the constituents responsible for the impairment. Recently, I prepared a set of comments pertinent to the problems with how the 303(d) list is developed that have been submitted to several of the regional boards in response to the request for comments on their revised draft 303(d) list. Enclosed is a copy of the comments that I submitted to the Santa Ana Regional Water Quality Control Board. These comments are applicable to all regional boards, i.e. all waters within the state.

As I have commented a number of times at CALFED WQTG meetings, and as discussed in the attached comments, the basic approach that is being used to develop the 303(d) list is technically invalid in a number of ways, the most important of which is the assumption that a waterbody is impaired if there is more than one exceedance of a water quality standard in three years. Those familiar with how the US EPA criteria and standards are developed know that with few exceptions, this is grossly over-protective. This makes the 303(d) list an unreliable list of truly impaired waterbodies, since many of the impairments are administrative in nature due to the overly-protective characteristics of the US EPA water quality criteria. If those who advocate using the 303(d) list and the associated "cause" of the listing as a list of constituents that cause impairment of Delta waters and its tributaries would review how this list is developed, they could understand why the 303(d) list and the associated parameters is not an appropriate basis for formulating CALFED programs in the water quality management area.

The CALFED Water Quality Management program should not assume, as is being done now, that a waterbody on the 303(d) list is impaired, where this impairment represents an area that should receive CALFED funding for control of the constituents responsible for the impairment. If CALFED is to develop a technically valid water quality management program, it will be necessary to critically examine whether the waterbodies and the associated constituents on the 303(d) list represent real use impairments or simply reflect administrative exceedances of water quality criteria/standards. Failure to adopt this approach could readily result in CALFED spending large amounts of funds inappropriately, which will have little or no impact on the beneficial uses of the Delta and its resources.

If you or others have questions or comments on my comments on this issue, please bring them to my attention.

Sincerely yours,



G. Fred Lee, PhD, DEE

Copy to: R. Woodard  
L. Winternitz  
L. Snow  
J. Bruns

GFL:aa  
Enclosure