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January 27, 1998

Mr. Rick Woodard
CalFed Water Quality Program
1416 9th Street, Room 1148
Sacramento, CA 95814

Re: CalFed Parameter Assessment Team listing process comments

Dear Mr. Woodard:

The California Rice Industry Association appreciates your efforts in continuing to include us in the ongoing water quality discussions related to the CalFed process. We hope you will find our comments useful in meeting the ultimate goals of the program.

The CalFed Water Quality Technical Group and its sub-group of technical advisors, the Parameter Assessment Team (PAT), have devoted much time recently to discussing the process of listing water quality "parameters of concern." Over the past year, we have suggested that great care be used to ensure that CalFed listings of water bodies and contaminants of concern do not go beyond the federal Clean Water Act's Section 303(d) list, nor beyond those outlined in the Central Valley Regional Water Quality Control Board's Basin Plan. We also have advocated that a process be included to ensure that as the Basin Plan and 303(d) listings are updated, corresponding CalFed documents be revised to remain consistent. In other words, any CalFed reporting of listed contaminants or numeric targets should show a direct link to the regulatory agency that created that information, and a direct link to the site in question. There should not be a separate list of "CalFed numbers."

Supporting this concept is the Regional Water Quality Control Board's January 23, 1998 decision to remove carbofuran from the 303(d) list, where it had been identified as impairing a 30-mile section of the Sacramento River. Only a month ago, the Parameter Assessment Team declined to make the same decision. It seems clear to us now that carbofuran should not be designated by CalFed to be a parameter of concern in the Sacramento River or Delta, and we propose that carbofuran now be removed from the CalFed discussions of potential parameters of concern.

More attention to the details of this process of listing parameters of concern is critical. We question whether CalFed should advance its work ahead of other agencies who regulate water quality. The U.S. Environmental Protection Agency has a long record of basing its action on a vast scope of literature, which can vary widely in scientific quality and relevance to site-specific problems. In short, once a water body goes on record as impaired, or a chemical constituent is listed as causing that impairment, or a numeric objective set, it can set off a process leading to more regulation, no matter what the original intention. Countering these efforts can be an extremely difficult and expensive task.

To summarize, we believe that the PAT should be guided by the following during its discussions:



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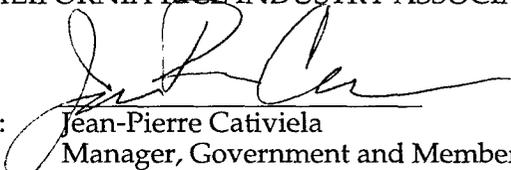
- Any parameter of concern listing should have an appropriate basis in California regulations and should be updated as those regulations are updated, and in any case, should certainly not contradict those regulations,
- Any numeric goal or objective should be based in a federal or State of California regulation actually applicable to the region in question, and
- The CalFed parameter of concern listing should have some hope of realizing a CalFed goal.

The last of these three points is critical. Many regulations exist to protect water quality and beneficial uses, but not all of them have an impact on the Bay-Delta ecosystem. Thus, the PAT should delete from its list of parameters of concern any item which it believes is not of consequence in meeting the goals of CalFed. This merely allows the appropriate regulatory agencies to continue doing their jobs without forcing CalFed to list pollutants or waterways that have no appreciable effect on the Delta ecosystem. Those parties who believe new listings are in order may continue to propose action to the appropriate regulatory authorities.

Again, we appreciate the opportunity to comment on these proceedings, and would be happy to discuss the matter with you at any time.

Sincerely,

CALIFORNIA RICE INDUSTRY ASSOCIATION

by: 
Jean-Pierre Cativiela
Manager, Government and Member Affairs

c: CalFed Parameter Assessment Team members

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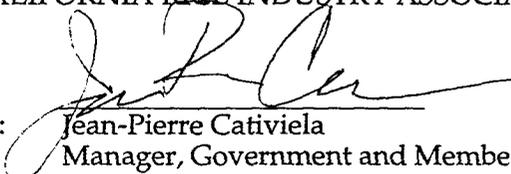
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