



CVCWA

Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

MICHAEL RIDDELL – CHAIR, CITY OF RIVERBANK
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STEVE HOGG – VICE CHAIR, CITY OF FRESNO
ED CROUSE – TREASURER, RANCHO MURIETA CSD

March 23, 2010

Mr. Thomas Jabusch
Aquatic Science Center
4911 Central Avenue
Richmond, CA 94804

Sent via email to: Thomas@aquaticscience.org

Subject: Delta RMP – 2012 Draft Pulse of the Delta Review Comments

Dear Mr. Jabusch,

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to review and provide comments on the draft *Pulse of the Delta*. CVCWA is a nonprofit association of local public agencies providing wastewater collection, treatment, and water recycling in the Central Valley. CVCWA's primary purpose is to exchange information and provide a unified voice on regulatory issues affecting publically owned treatment works (POTWs) throughout the region.

CVCWA offers the following comments on the preliminary draft of the *Pulse of the Delta*.

Delta Regional Monitoring Program (RMP) Framework:

At the November 2011 Delta RMP stakeholder meeting, CVCWA recommended that the Delta RMP look to multi-stakeholder regulatory efforts, specifically the Delta Methylmercury TMDL, to be the pilot project for the Delta RMP. Even if the logistics and timing do not work, the idea behind that pilot project remains the same: an RMP in the Delta will be successful only if it brings together a diverse set of stakeholders behind a project, rather than a project which focuses on NPDES permittees. The Delta Methylmercury stakeholder group, as well as other efforts such as CV-SALTS and the Drinking Water Policy Workgroup provide great opportunities for pilot projects because in all these efforts stakeholders are working together towards solutions which will require ambient water quality monitoring for providing basis for regulatory decisions. Additionally, the data required is not necessarily already being collected by a single agency.

Although other RMP across the state can provide valuable lessons to development of a Central Valley or Delta RMP, we are concerned the RMP development approach taken in the Bay Area and in Southern California may not work in the rural Delta. Rather than starting with a broad based question such as “Are contaminants in the Delta at levels of potential concern?”, we recommend a more focused question on the specific regulatory questions these stakeholder programs are trying to answer.

We again ask the Regional Board to expand the Delta RMP to a broader, more inclusive stakeholder group, which includes the water purveyors, DWR, the Irrigated Lands Program, and other appropriate entities. We highly recommend the Delta RMP start with one of the stakeholder processes above, all which advocate for regional monitoring approaches.

Science in the *Pulse of the Delta*:

The *Pulse of the Delta* is the main communication tool of the Delta RMP and the content therein must be held to a high standard. At some point, the Delta RMP stakeholders must agree upon the standard for science presented in the *Pulse of the Delta*. Without an agreed upon and stated standard, a reader may believe that the information presented in each article has gone through a rigorous scientific journal review process – which may not be true. The goals of “reliable and objective scientific information” and “sound scientific information” form the cornerstone of valuable RMP.

This edition of the *Pulse of the Delta* has an article on ammonia toxicity that is based on Swee Teh’s 2011 work. There have been concerns about Teh et al. (2011) that makes CVCWA question if it is appropriate to present it in the *Pulse of the Delta*.

Pacific EcoRisk (EcoRisk) recently finished an independent review of Teh et al. (2011), and they found numerous inconsistencies in the report. The EcoRisk review is attached for your convenience, but the conclusion of the report stated:

The reviewer is troubled by the absence of any discussion by Teh et al. regarding the variability in their test response data, either between tests or within tests (i.e., inter-replicate variability). Without such acknowledgement, it is left for the non-scientist to assume that the data as presented are definitive. Moreover, it raises the question of whether the data from this study are adequate (or ‘ready’) for use in regulatory decision-making. However, it is important to note that this critical review is not intended to negate Teh et al.’s general observations that ammonia is toxic to naupliar, juvenile, and/or adult *P. forbesi* at elevated concentrations and that this toxicity is strongly influenced by pH. Indeed, the primary question of ‘what are the effects of ammonia on *P. forbesi*’ is relevant and Teh et al.’s study results certainly compel a more thorough examination of this. However, the problems associated with Teh et al.’s experimental methodology for Subtasks 3-3 and 3-4-1 and significant questions regarding the analysis of the resulting data do indicate that the quality of the work should preclude the resulting “critical threshold” data (i.e., NOECs, LOECs, and point estimates [e.g., ECx, LCx, and ICx values]) from being used for regulatory purposes.

The Delta RMP must be cautious when presenting “new” or “emerging” science in the *Pulse of the Delta*. It would be a disservice to the RMP stakeholders and the public if the *Pulse of the Delta* presented science that doesn’t meet basic quality requirements.

Other Minor Comments

The Pulse of the Delta indicates that a Statewide TMDL for mercury is being developed. This statement should be clarified. CVCWA is aware that the State Water Board is working on a statewide mercury objective, although what is uncertain is if will. At this point, the TMDL or “plan of implementation” is being limited to 70+/- reservoirs within the state. Regional and State Water Board staff have indicated that TMDLs for waterbodies downstream of major dams will be addressed through a different process.

Again, thank you for the opportunity to provide these comments. Please contact me if you have any questions concerning our comments.

Sincerely,



Debbie Webster, Executive Officer
Central Valley Clean Water Association

Cc: Meghan Sullivan, CVRWQCB [MSullivan@waterboards.ca.gov]

Attachments: Pacific EcoRisk Review of Swee Teh 2011