



CVCWA

Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

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TERRIE MITCHELL – SACRAMENTO REGIONAL CSD
ED CROUSE – TREASURER, RANCHO MURIETA CSD

July 24, 2012

Sent via electronic mail to: MSullivan@waterboards.ca.gov

Ms. Meghan Sullivan
Environmental Scientist
California Water Quality Control Board
Central Valley Division
11020 Sun Center Drive, #200
Rancho Cordova, CA 95870-6114

RE: Comments on June 2012 Delta Regional Monitoring Program Draft Framework

Dear Ms. Sullivan:

The Central Valley Clean Water Association (CVCWA) offers these comments for consideration by the Central Valley Regional Water Quality Control Board (Regional Water Board) staff on the Delta Regional Monitoring Program (RMP) June 14, 2012 Draft Framework (Draft Framework). CVCWA represents more than 50 public agencies located within the Central Valley region that provide wastewater collection, treatment and water recycling services to millions of Central Valley residents and businesses. There are no fewer than fourteen publically owned treatment works (POTW) and combined sewer system (CSS) member agencies within the legally defined Delta.

The Draft Framework diverges significantly from the May 2010 Draft Delta Regional Monitoring Plan (see Attachment 1) and significantly from prior discussions CVCWA has had with the Regional Water Board's Executive Management on this subject.

We understand the challenges in managing stakeholder processes, and we request that Regional Water Board staff and stakeholders strive to collaboratively create an effective RMP

that engages all affected stakeholders to develop an effective and inclusive stakeholder governance structure to establish RMP priorities that meet stakeholder needs. The Draft Framework falls short of this goal by excluding stakeholder involvement in setting RMP priorities.

The June 2012 Draft Framework includes specific details of a proposed monitoring program, but also has significant gaps describing how monitoring priorities were developed and how the initial framework would be funded. CVCWA requests that the Regional Water Board delay implementation of the Draft Framework monitoring until the issues of governance and funding can be developed by the participating stakeholders and stakeholder priorities can be discussed. CVCWA is very concerned that, if implemented as proposed, the Draft Framework would cause significant costs to CVCWA members without providing substantial benefit.

Alternatively, we recommend following the approach presented in the Sacramento Regional County Sanitation District "*Delta Regional Monitoring Program – An Alternative Strategy*" plan (see Attachment 2). This plan has an aggressive timetable that will allow governance and priority setting to be better developed for the mutual benefit of all stakeholders and is consistent with the approach previously presented by Regional Board staff.

Central Valley and Delta communities have been impacted significantly by the economic downturn. However, many of these same communities are moving forward with water supply, collection system, and wastewater treatment capital improvement projects collectively costing billions of dollars. Cost neutrality for NPDES permittees should not only continue to be a primary stated goal of the RMP (see attached May 2010 Draft Delta Regional Monitoring Plan), but it needs to be a goal that must be realized and demonstrated.

CVCWA offers specific comments and suggestions below on some of the significant issues in the Draft Framework needing further resolution through a stakeholder process.

Regional Policy Effort Fragmentation

CVCWA is engaged in a number of regional regulatory and policy initiatives including the Central Valley Drinking Water Policy, CV-SALTS, Delta Mercury Control Program, and others. All these efforts would benefit from a trusted scientific entity to collect and analyze data of various types, such as a Regional Monitoring Program could provide. Funding for these ongoing stakeholder efforts has come from numerous sources, but is reliant, in part, on funding from stakeholder agencies including CVCWA member agencies. It is highly inefficient and expensive for these multiple individual efforts to develop data and analysis tools that are scientifically defensible and generally accepted by all Delta stakeholders. These fragmented and "competing" science approaches hamper progress in protecting the Delta. Opportunities for efficiencies through a regional monitoring program are available through coordination with these other efforts where existing stakeholder processes are underway.

CVCWA requests that representatives from these other ongoing stakeholder processes be included as “stakeholders” in the RMP process to identify potential pilot projects and collaboration.

Studies and Monitoring Supporting NPDES Permits

It has been stated in meetings and conversations that all current NPDES monitoring requirements will be reviewed and considered for identification of cost offsets can be identified. Many of the current monitoring requirements for POTWs are needed to meet information requirements prescribed in the State Implementation Plan to appropriately calculate effluent limitations. In most cases, reasonable potential analyses for dischargers are very specific to the discharge and discharge location, and unlike the San Francisco Bay RMP, multiple agencies cannot use the same sites for sampling. Furthermore, dischargers are subject to monitoring for TMDL purposes or compliance purposes, and it may not be in a discharger’s interest to replace a compliance monitoring point.

There are a number of technical studies and tools for which a Delta RMP could provide data including metals translators, mixing zone modeling, far field and near field modeling for Antidegradation Policy compliance, Delta Methylmercury TMDL studies and fish tissue investigations, pathogen fate and transport and risk assessment studies and modeling, dynamic modeling of receiving waters for calculating effluent limitations, modeling of the watershed and impact of POTW point sources on downstream locations, etc. These are all relevant and ongoing needs for POTWs and the Regional Water Board. Collaborative efforts also provide benefits to smaller POTWs who may not have the technical or financial resources to complete these studies.

CVCWA requests that the Regional Water Board specify how the RMP will provide benefits and potential cost offsets for POTWs.

Aquatic Toxicity Monitoring

The Draft Framework relies heavily on aquatic toxicity monitoring, including an emphasis on *Hyalella azteca* water column and sediment testing. While the proposed aquatic toxicity monitoring may provide an “integrated” indicator, the results are non-targeted, likely related to multiple toxicants and would be difficult to directly tie to specific point or non-point source management measures. While there may be specific targeted applications of aquatic toxicity testing that would be useful, CVCWA does not believe that the proposed toxicity monitoring is helpful for the following reasons:

- The proposed chronic exposure period would require “flow-through” or more real time renewal testing to be representative of actual receiving water conditions over the long test period in the Delta where conditions can change rapidly in a six hour period.

- Chronic toxicity tests are poor indicators of instream impacts. Although there is a common perception that the results of WET tests are relatively good predictors of instream biological impacts, scientific research has not shown this to be true. A noteworthy study conducted on the subject indicates that chronic WET tests are generally poor predictors in instream impacts even when using the more robust EC/IC25 statistical analyses.¹
- The Draft Framework does not include specific information on aquatic toxicity effect triggers and follow-up activities. It is well recognized that follow-up monitoring is expensive without guaranteed success of toxicity identification. A common problem is that the initially observed toxic effect is not persistent; in such cases, continued investigations will not provide definitive results.
- The proposed framework includes *Hyaella azteca* water column testing, but there is no EPA promulgated *water column* test method for this species. There are sediment toxicity methods and while water column testing is performed by some limited subset of laboratories, use of water column *Hyaella azteca* test should be limited to research endeavors, not permit compliance monitoring. *Hyaella azteca* is included as a supplemental species in the “Methods Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms” (EPA 2002, Fifth Edition). In this context it is intended to validate the test species and no *Hyaella azteca* specific test, test parameters, or method development data are included in the test method.

For these and other reasons, *Hyaella azteca* water column testing is not appropriate for this initial phase of the RMP.

CVCWA requests that the proposed aquatic toxicity sampling be omitted from the initial phase of RMP implementation.

Inaccurate Estimate of Available Funds

The Draft Framework includes cost estimates for a range of monitoring programs, spanning the low-end (\$180,918), mid-range (\$1,772,942) and high-end (\$3,066,075). Regional Board staff stated at the July 9, 2012 meeting with the NPDES discharger group and the June 20, 2012 webinar conference call that the mid-range to high-range program costs are “achievable”. However, the basis for this assessment was not provided, as Table 6.2 of the Draft Framework was omitted from the circulated document. While Regional Board staff has reviewed current monitoring costs submitted by NPDES dischargers, CVCWA’s understanding is that existing Delta

¹ Evaluating Whole Effluent Toxicity Testing as an Indicator of Instream Biological Condition. Water Environment Research Foundation (WERF) Project Report 95-HHE-1. 1999.

NPDES surface water monitoring costs are significantly less than the mid-range proposed program cost.

Based on the expected level of funding and offset costs from the NPDES dischargers, if the Regional Board proceeds with the framework instead of pursuing an alternative strategy,

CVCWA requests that only the low-end program be implemented, with a focus on providing monitoring efficiencies to NPDES dischargers and other participating stakeholders for their existing programs. These efficiencies could include logistical support of common Delta sampling events, reporting tools, and analysis of existing data and data needs.

CVCWA appreciates your consideration of these comments. Please contact me at (530) 268-1338 or eoofficer@cvcwa.org if I can be of further assistance.

Sincerely,



Debbie Webster,
Executive Officer

Attachment 1. May 2010 Draft Delta Regional Monitoring Program

Attachment 2: *"Delta Regional Monitoring Program – An Alternative Strategy"*