



CVCWA

Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

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November 13, 2012

Sent Electronically only

Ms. Tessa Fojut
California Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, Ste. 200
Rancho Cordova, CA 95670
tfojut@waterboards.ca.gov

RE: Notice of California Environmental Quality Act Scoping for Central Valley Pyrethroid Pesticides Total Maximum Daily Load and Basin Plan Amendment

Dear Ms. Fojut:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to provide the early comments as part of the Central Valley Water Quality Control Board's (Central Valley Water Board) California Environmental Quality Act (CEQA) scoping process. CVCWA is a non-profit organization that represents publicly owned treatment works (POTWs) throughout the Central Valley Region in regulatory matters affecting surface water discharge and land application. We approach these matters with a perspective to balance environmental and economic interests consistent with applicable law. We are submitting these comments because the development of water quality objectives and a total maximum daily load (TMDL) for pyrethroid pesticides may have significant impacts on CVCWA's members and other POTWs throughout the Region.

In general, CVCWA believes it important for the Central Valley Water Board to conduct an appropriate environmental analysis for all of the water quality objective options identified in the Informational Document. For example, with each option, POTWs may have to undertake various

actions to ensure compliance. Actions for compliance may include new source control programs, and/or consideration of new treatment. These actions may result in various environmental impacts, which must be evaluated as part of the Central Valley Water Board's process for complying with CEQA. In another example, the various water quality objective options identified may impact the ability of consumers and others to use the products of concern. If such products are not available for use, what is the potential impact with respect to vector issues such as mosquitoes.

Similarly, the Central Valley Water Board needs to evaluate the environmental impacts associated with the various beneficial use designation options identified in the Informational Document. For example, the Board's environmental analysis will need to consider the environmental impacts of applying water quality objectives for pyrethroid pesticides to beneficial uses such as Commercial and Sport Fishing. The environmental analysis will also need to consider the extent to which the aquatic life beneficial use designations apply to water bodies throughout the Central Valley Region. The Central Valley Water Board has repeatedly determined that the tributary rule does not apply to constructed agricultural drains. Thus, to the extent that the aquatic life beneficial uses are being applied through the tributary rule, it will be important for the environmental analysis and the staff report in general to acknowledge this limitation with respect to application of the tributary rule.

With respect to the implementation program, the environmental analysis will need to evaluate environmental impacts associated with implementation. This will necessarily include the need to evaluate environmental impacts associated with the actions that will be required to meet and comply with the water quality objectives and the TMDL, and monitoring. For POTWs, this would include potential source control efforts, and impacts associated with various types of treatment that might be necessary for POTWs to comply with water quality objectives for pyrethroids both in water and sediment.

CVCWA also comments that when preparing the Staff Report, and its associated environmental analysis, the Central Valley Water Board will need to carefully consider all of the Water Code section 13241 factors for each alternative. Specifically, it is imperative that in evaluating the water quality objective options that the Board carefully consider the water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the areas, and costs associated with the achieving such conditions. It is also important that the Board remember that with respect to the adoption of water quality objectives, the Board should be looking to adopt water quality objectives that "will ensure reasonable protection of beneficial uses," and that are reasonable considering all of the demands placed on the water. (Wat. Code, §§ 13000, 13241.)

On a final note, CVCWA encourages the Central Valley Water Board to refrain from using any of the options identified until such time that the Basin Plan amendment has been adopted

and is in effect. As indicated, CVCWA appreciates the opportunity to provide these early comments, and will continue to provide additional comments as this process moves forward.

Sincerely,



Debbie Webster,
Executive Officer

c: Pamela Creedon, CVRWQCB (electronically)