



January 28, 2009

Ms. Lauren Clyde
Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

Subject: Comments on the Proposed Basin Plan Amendment

Dear Ms. Clyde:

The Russian River Watershed Association (RRWA) is an association of local public agencies in the Russian River Watershed that have come together to coordinate regional programs for clean water, fisheries restoration, and watershed enhancement. We represent agencies that manage both stormwater and treated wastewater within the Russian River Watershed, and are directly affected by the proposed *Basin Plan Amendment to Establish Exception Criteria to the Point Source Waste Discharge Prohibitions by Revising the Action Plan for Storm Water Discharges and Adding a New Action Plan for Low Threat Discharges* (Low Threat BPA).

The purpose of this letter is to express RRWA's support for the proposed Low Threat BPA. The proposed Low Threat BPA is needed to address the conflict between regional and statewide permits that allow year-round low threat discharges, and the existing prohibitions in the Basin Plan. We agree with the high priority placed on the resolution of this conflict as noted in the Draft Staff Report (North Coast RWQCB; November 20, 2008); and believe the proposed Low Threat BPA will remove an unnecessary obstacle which inhibits habitat restoration and water recycling projects which would have an overall beneficial impact within the Russian River Watershed.

Specifically, we concur with the Staff Report which concludes that the proposed Low Threat BPA will provide a higher degree of water quality protection by acknowledging that these low threat discharges exist and providing a regulatory program that allows the discharges to occur under prescribed conditions. We would like to note that the conditions that we understand will apply to irrigation sites in general - and recycled water irrigation sites in particular - represent more intense regulation of irrigation to control runoff than currently exists in this region and will be difficult to achieve for some of our members and costly for irrigators regardless of water source. However, the

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proposed Low Threat BPA appears to provide the necessary flexibility to permit writers to take into account project-specific issues.

The proposed Low Threat Discharge Action Plan would impose the requirement that all such discharges “comply with applicable water quality objectives.” RRWA supports the notion that, by definition, a low threat discharge must not adversely affect beneficial uses. The proposed language, however, is overly restrictive and ambiguous. It is overly restrictive in that a low volume, low threat discharge could contain a constituent at a concentration that exceeds a water quality objective but does not cause the objective to be exceeded in waters of the State. It is ambiguous in that some water quality objectives are expressed as an allowable receiving water quality change relative to ambient conditions (e.g., turbidity, temperature), which means that compliance cannot be assessed in the discharge alone. Based on these considerations, RRWA proposes the following revision to page 3 of the proposed Low Threat Action Plan:

“2. The discharge shall not cause ~~comply with all~~ applicable water quality objectives to be exceeded.”

RRWA commends Regional Water Board staff for its effort to bring this important policy matter to the Board for consideration and thanks the Board for making this possible. We appreciate your consideration of these comments.

Sincerely,



Jake Mackenzie, Chair, RRWA Board of Directors
Russian River Watershed Association, www.rrwatershed.org

cc: RRWA Board of Directors