December 19, 2014

Sent via Electronic Mail to Rik.Rasmussen@waterboards.ca.gov

Subject: CASA Comments on SCCWRP Draft Science Plan and State Water Board Development of a Nutrient Policy for Inland Surface Waters

Dear Rik,

The California Association of Sanitation Agencies (CASA) appreciates the opportunity to provide comments on the “Draft Science Plan to Support Nutrient Objectives for California Wadeable Streams” (hereafter “Draft Science Plan”). CASA is an active participant in the State Water Resources Control Board (State Water Board) development of a nutrient policy for inland surface waters, and CASA representatives currently serve as the stakeholder leads within the stakeholder advisory group for the Publicly Owned Treatment Works (POTW) community.

At the outset, we wish to point out that many of the comments contained in the markups to the Draft Science Plan (attached hereto) are similar to and consistent with the suggestions CASA provided on the State Water Board technical work plan earlier this year. While we have provided suggested edits to the Draft Science Plan, we are still requesting that our prior markups to the State Water Board work plan be incorporated in that document.

We appreciate the scientific work that the Southern California Coastal Water Research Project (SCCWRP) is performing on behalf of the State Water Board in this effort. However, we have several concerns regarding the content and approach within the Draft Science Plan as well as the overall direction of this effort. Most notably, the Draft Science Plan seems to heavily emphasize the establishment of nutrient objectives and numeric limits to support the implementation of those objectives. The Draft Science Plan also appears to be steering the overall nutrient policy development process in the direction of numeric objectives which will be unattainable in many water bodies, and which will ultimately form a bright line defining the attainment (or impairment) of beneficial uses. Taken as a whole, CASA’s markups to the Draft Science Plan attempt to avoid the establishment of that bright line prior to development of essential information and consideration of substantive policy issues. While we understand that the development of numeric metrics (articulated as “threshold values”, “targets” or “biological endpoints”) is one component of the process, ultimately the nutrient policy must contain the flexibility to allow the State Water Board, regulated community and other stakeholders within a watershed to evaluate and determine appropriate endpoints for specific water bodies, taking attainability into account.

The heart of our concern with the Draft Science Plan is that the approach is geared almost exclusively toward numeric nutrient objectives as opposed to management and implementation strategies designed to control nutrients. For example, we believe the Draft Science Plan (Page 2) should shift its focus from terminology that references “science to support objectives” to instead
focus on “science to support the development of nutrient policy and management strategies” for
the State Water Board. As noted above, CASA has provided suggested markups on the State
Water Board’s technical workplan to convey these same concepts, and our proposed edits to the
Draft Science Plan are consistent in nature. CASA believes that the State Water Board’s nutrient
policy effort must incorporate the ability to manage to a range of outcomes in terms of stream
condition, biological endpoints, and other factors. The overall effort includes the activities
described in the Draft Science Plan, and thus the plan should include the development of this
information to support the evaluation of management strategies. The implementation of
narrative nutrient objectives should include science elements to ensure that essential
management-based information is included in the nutrient policy development effort.

Our proposed markups to the Draft Science Plan are designed to avoid a situation where
policy determinations regarding the attainment of beneficial uses are made during the scientific
research phase of nutrient policy development. CASA supports the development of sound
science to allow appropriate decisions to be made at the policy level, and we recognize the value
of understanding the linkages and uncertainties that exist regarding nutrients and other co-factors
and various biological condition indicators. However, this information should be a key input
into the overall policy development effort that will ultimately allow nutrient management and
regulatory policy decisions to be made, not the driver of the overall process. As has been
acknowledged by State Water Board staff and many others, nutrients pose a unique problem that
requires a different approach than traditional “one-size-fits-all” numeric targets and biological
endpoints for the whole State.

As an example of the focus on nutrient endpoints rather than overall nutrient
management, the Draft Science Plan (Page 5) draws a distinction between the use of watershed-
specific data and models as opposed to statewide statistical models in the nutrient policy
development and implementation effort. CASA has advocated strongly for the watershed-
specific approach to be recognized as a desirable (ideally, preferred) approach in the State Water
Board’s nutrient policy. The Draft Science Plan focuses on the science to support development
of a statewide approach, though CASA believes that much greater emphasis should be given in
this document to the support for the watershed-specific approach. Our comments pertaining to
Element 2 of the Draft Science Plan (Page 13) attempt to provide some specific thinking in this
regard. We believe further discussion and action on this point is needed in the near future as part
of the focus group meetings, which we anticipate will be occurring in early 2015.

In addition, at the Stakeholder Advisory Group meeting on December 9, the concept of
“tiered aquatic life uses” was raised. We believe this regulatory policy alternative should be
mentioned as an option in the State Water Board technical workplan and in the Draft Science
Plan. The scientific information resulting from execution of the Draft Science Plan would be
useful in exploring the use of tiered aquatic life use designations in different stream types and
different watershed situations to provide necessary regulatory flexibility.

Finally, pursuant to the timelines discussed at the stakeholder advisory group meeting on
December 9, we have, in a separate communication, provided our input regarding the final
independent science panel candidate. In addition, while we are continuing to review the USEPA-
ORD Report, we have no comments on that report at this time. We anticipate we may have comments on the technical content of that report in the future.

Again, we appreciate the opportunity to provide feedback on the Draft Science Plan and look forward to working through the stakeholder process going forward. We request that you discuss the overarching issues that we have raised in this letter with us to secure some level of agreement to ensure that these concepts are carried forward as the policy is developed.

Sincerely,

Adam D. Link
CASA Director of Government Affairs

cc:

Brock Bernstein
Martha Sutula, SCCWRP

Thomas R. Grovhoug, P.E.,
President, Larry Walker Associates
707 Fourth Street, Suite 200, Davis, CA 95616