



January 24, 2005

Arthur G. Baggett, Jr., Chair and Members  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812 0100

Via Electronic and U.S. Mail

Attn: Debbie Irvin, Clerk to the Board  
[dirvin@waterboards.ca.gov](mailto:dirvin@waterboards.ca.gov)

**Re: COMMENTS REGARDING DRAFT WATER QUALITY CONTROL POLICY FOR ADDRESSING IMPAIRED WATERS – REGULATORY STRUCTURE AND OPTIONS**

Dear Chairman Baggett and Members:

The Southern California Alliance of Publicly Owned Treatment Works (SCAP) appreciates the opportunity to provide comments on the Draft Water Quality Control Policy for Addressing Impaired Waters (the TMDL Policy). Our comments are brief due to the fact that we appreciate the general approach of the Policy and Guidance documents.

SCAP's recommendations for the Policy include:

Alternative Regulatory Program

Impairments addressed by an alternative regulatory program should be considered in lieu of the requirement to develop a TMDL.

We support the Policy's direction that requires:

- Confirmation of Impairment
- A process that supports the review and potential revision of water quality standards before the water body is listed
- Alternative Regulatory Programs that accomplish the same improvements as a TMDL

Implementation

Single Vote Issue – Due to concerns on consistency and interpretation, SCAP recommends that the Policy have strict concise language. We support the language suggested by CASA and Tri-TAC, "...the 'single vote' option is only available if the water body is listed as impaired pursuant to the Listing Policy, the water quality standard has been reviewed and determined to be appropriate, and a program of implementation for the objective has been adopted in accordance with Water Code section 13242."

Margin of Safety (MOS)

The issue of Margin of Safety needs to be as specifically defined as possible. Otherwise, inconsistency, subjectivity and varied interpretation will result. There should be a mandate that any additional margin of safety be based on sound scientific findings that have been peer reviewed. If a sound technical justification is developed that documents the need for a larger MOS, SCAP agrees with CASA and Tri-TAC that if technical scientifically justified information documents the need for a larger MOS, then an additional MOS can be added as a separate component of the TMDL.

Thank you for considering these comments. Multi-millions of dollars are at stake with this TMDL Policy and a practical common sense approach is critical.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond C. Miller". The signature is fluid and cursive, with a prominent initial "R" and a long, sweeping underline.

Raymond C. Miller  
Executive Director