



August 2, 2005

State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Attention: Rik Rasmussen, Chief, Planning Standards & Implementation Unit

Re: TMDL Policy and Guidance

The Southern California Alliance of Publicly Owned Treatment Works – or SCAP as we are commonly referred to – represents 63 public agencies that provide both water and wastewater treatment to nearly 18 million people in parts of Los Angeles, Orange, San Diego, Santa Barbara, Riverside, San Bernardino and Ventura counties. We treat and safely reuse or dispose of over 1 billion gallons of wastewater each day and deliver over 1.7 billion gallons of drinking water per day.

The SCAP Water Issues Committee has reviewed the latest TMDL Policy and Guidance and would like to request that a representative or representatives of our Alliance be part of the review effort for the technical modules which were going to be added to the Guidance in a phased approach.

The SCAP Water Issues Committee has concerns with parts of the adopted Policy because issues resulting from recent TMDLs have not yet been adequately addressed by the Policy or Guidance. For example, guidance on how to use a “natural source exclusion” procedure for enclosed harbors would be very helpful. Lacking such guidance resulted in our Regional Board using baseline values from an open beach to compare (inappropriately) with an enclosed harbor. SWRCB support of the “natural source exclusion” method, which would address pollutants caused by natural sources, would be very helpful in creating reasonable TMDLs.

SCAP is also concerned with the inconsistent application of Margin of Safety (MOS) in TMDLs. Though we understand that you have earlier stated that the burden of proof should be on the stakeholder, the stakeholders need a transparent understanding of the technical evidence used to determine the MOS. Without such guidance, TMDLs with more than 70 percent MOS will not be uncommon, as illustrated by the Ballona Creek Estuary Toxics TMDL.

As you can see, these and many other important issues need to be addressed in order to fulfill the intent and usefulness of the Policy and Guidance. We would like to have issues resolved prior to TMDL development, rather than after the TMDL has been developed.

Thank you for your consideration of our issues. We look forward to working you on the Policy implementation.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond C. Miller", is written over a light blue horizontal line.

Raymond C. Miller
Executive Director