



**Environmental Utilities**  
2005 Hilltop Circle  
Roseville, California 95747

November 13, 2012

Melissa Dekar  
Regional Water Quality Control Board, Central Valley Region  
11020 Sun Center Drive, #200  
Rancho Cordova, CA 95670-6114

*Submitted by E-mail.*

**RE: Comments on Central Valley Diuron Total Maximum Daily Load and Basin Plan Amendment**

Dear Ms. Dekar:

On October 30, 2012, staff of the Central Valley Regional Water Quality Control Board (Regional Water Board) held a California Environmental Quality Act (CEQA) Scoping meeting regarding the development of a Basin Plan Amendment (BPA) and Total Maximum Daily Load (TMDL) for diuron. At the meeting, public comments were solicited with regard to a range of project actions, alternatives, reasonably foreseeable methods of compliance, environmental impacts and potential mitigation measures that should be considered and addressed by the Regional Water Board. Staff of the City of Roseville (City) could not attend the scheduled scoping meeting date, but were represented by the City's consultant, Dr. Brant Jorgenson of Robertson-Bryan, Inc. (RBI).

The City appreciates this opportunity to provide written scoping comments regarding this proposed project, due on November 13, 2012 to the Regional Water Board. The City holds National Pollutant Discharge Elimination System (NPDES) permits for both municipal stormwater and municipal wastewater (i.e., POTW) discharges to Pleasant Grove Creek, and is particularly interested in regulatory activities related to urban use pesticides as the Pleasant Grove Creek system has become the focus of much independent study and monitoring. The City has been an active participant and stakeholder in the Regional Water Boards Central Valley Pesticide BPA and TMDL project, having provided previous comments on Regional Water Board related actions such as the derivation of pesticide aquatic life criteria and Aquatic Life Uses report.

Many of our concerns regarding this diuron BPA and TMDL project, and the various related historic reports and studies leading up to this project, have been expressed verbally at previous stakeholder meetings and as formal written comments related to the Regional Water Boards Central Valley Pesticide BPA and TMDL project (now apparently focused exclusively on chlorpyrifos and diazinon). The bulleted comments provided below reflect much of this history and attempt to focus more generally on the City's broad concerns versus specific detailed concerns since exact BPA language has currently not been proposed.

1. Range of Project Alternatives: The City requests that Regional Water Board staff include in its list of water quality objective alternatives the alternative of adopting water quality objectives based solely on aquatic life criteria derived utilizing national recommended EPA methodology<sup>1</sup>. The City has provided formal written comment on three separate occasions regarding the use of alternative methodology developed by the University of California at Davis for the derivation of pesticide criteria from limited datasets (i.e., UC Davis methodology). As previously expressed in written comments, the City does not believe use of the UC Davis methodology and criteria are appropriate for the adoption of formal Basin Plan objectives (i.e., water quality standards), nor does the City believe that staff of the Regional Water Board have fully considered the ramifications of setting such a precedent.

The City understands that to utilize the EPA methodology additional toxicity tests would need to be conducted. The City does not believe this to be too large a financial hurdle. Only a handful of targeted toxicity tests would be required to fill existing gaps in the diuron data set for aquatic plant species. It is possible that funding for such additional toxicity tests could be obtained from the Regional Water Board's regulatory partners, such as federal EPA and the California Department of Pesticide Regulation.

2. Economic Costs of Compliance and Cumulative Impacts: The City requests that a comprehensive economic analysis and cumulative environmental impact analysis be conducted. In particular, if the adopted TMDL includes language that broadly and indiscriminately targets potential sources that are *tributary* to an impaired water body, without language or discretionary authority aimed at limiting the list of sources in some scientifically defensible way, cases will exist where dischargers that are technically tributary will be burdened with waste load allocations, effluent limits, and monitoring reporting requirements when in reality they represent virtually no risk whatsoever. Under such a scenario, a greater share of discharger resources will be directed at managing a regulatory created environmental risk which could result in the diversion of resources from management activities that actually provide measurable environmental benefits. The City suggests that in such tributary language an exemption for dischargers that can demonstrate de minimis risk. Presently the City is confronted with new significant regulatory burdens related to diazinon and chlorpyrifos TMDLs on the Sacramento River because Pleasant Grove Creek is tributary to the Sacramento River, despite the fact that flows on Pleasant Grove Creek are diverted for agriculture, diluted by multiple other agricultural return waters and tributary streams before reaching the Sacramento, if ever reaching the Sacramento River at all. In fact, virtually every named waterbody in the Sacramento Valley is tributary to the Sacramento River, and thus nearly every NPDES permit holder in the Sacramento Valley should technically receive a waste load allocation and monitoring and reporting requirements for chlorpyrifos and diazinon despite any evidence to the contrary.

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<sup>1</sup> U.S. Environmental Protection Agency. 1985. Guidelines for deriving numerical national water quality criteria for the protection of aquatic organisms and their uses. PB-85-227049. United States Environmental Protection Agency, National Technical Information Service, Springfield, VA.

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Please enter these comments into the projects administrative record and address them accordingly as the project further develops. We look forward to our continued participation in this Regional Water Board project.

Thank you for your time and consideration.

Sincerely



Kelye A. McKinney  
Engineering Manager

Cc: Danny McClure, Central Valley Regional Water Quality Control Board