

Robert Ebel
State Water Resources Control Board
Division of Water Quality
P.O. Box 100
Sacramento, CA 95812-0100

June 23, 2008

Dear Mr. Ebel:

Russian River Watershed Protection Committee (RRWPC) is a nonprofit corporation working on issues that protect the health of the Russian River. We have approximately 1500 supporters who own property and recreate in the lower Russian River from Healdsburg to Jenner in Northern California. Many of our supporters, while owning property in the Russian River Area, live full time in San Francisco and the greater Bay Area and beyond. They all share a great love for the health and well being of our beautiful river and its extraordinary environment.

RRWPC supporters care deeply about water quality and sustaining the health of our river. We feel that the Russian River is currently at risk, suffering from numerous serious problems such as sediment and temperature impairments. The type of governance of our local Regional Water Quality Control Board will have an important direct impact on these values. For reasons indicated below, we urge you to make recommended changes to the "Water Quality Improvement Initiative". We also support the efforts of Coast Action Group and the Sonoma County Water Coalition in this matter.

The California State Water Resources Control Board recently published the document entitled the "Water Quality Improvement Initiative" which also included amended legislative language to which the recommended changes refer. While we support several proposals in this initiative that would streamline the procedures of Regional Boards to allow for water quality standards to be enforced expeditiously, we do, however, have concerns about several other proposals in this initiative, that we feel would be detrimental to the stated goal of improving water quality in California in general and in our own region in particular. We describe them below.

Changes in Conflicts Rules

These proposed changes would weaken the existing conflict-of-interest rules. After authority to approve discharge permits is delegated to Executive Officers, the changes would also eliminate the '10% rule' specified by section 87103.5 of the Government Code. We support the '10% rule' and wish for this rule to be applied without allowing trade association 'firewalls' between the regulators and the regulated. The proposed elimination of the '10% rule' is imprudent and unnecessary. These conflict rules provide a basis for decision-making unencumbered by unfair special interest control. Those in the employ of dischargers may have special water quality skills, yet we cannot

assume that they would make good independent decisions for protection of water resources for all Californians.

Transferring NPDES approval responsibility from the Regional Boards to Executive Officers appears to be an attempt to sidestep the requirement for consistency with federal Clean Water Act conflict rules. One stated objective of this proposed change is to increase the pool of qualified applicants for board seats. We disagree with the assertion that the pool of applicants is insufficient to fill Board seats with applicants that are intelligent and have "special competence in areas related to water quality." On the contrary, in the past, many qualified applicants appear to have been disqualified from the selection process because their passion for California's water quality may have proved to be inconvenient for dischargers.

Those who **are** appointed are sometimes embarrassingly uninformed about the function of that agency. One recent Regional Board appointee was quoted in the local press that she, "...expects the biggest issue the regional board will face during her tenure will be allocating water among competing interests and developing the infrastructure to deliver it." It seems she did not even understand the function of Regional Boards. At the same time, we know of numerous people, knowledgeable about agency responsibilities, who applied for the position and were never called to serve. The problem is not with the pool of applicants, but with the politicizing of the selection process.

Appointment of Board Chairs as Full Time Positions

The proposed Legislative Language would give the Governor authority to appoint full time Board Chairs. Both at Regional Board and State Water Policy levels, these appointed Chairs would set agendas and have a significant hand in water policy development, supplanting many functions now assigned to the more independent and experienced Executive Officers. We take issue with what appears to be the over-centralization of functions by political appointees that is implied by this proposal.

It is critically important that the function of the Board Chair and the Executive Officer not be merged. They need to be able to serve as a check and balance on one another with the policy/decision makers held separate from those responsible for day-to-day operations.

Statewide Consistency in Water Policy

The proposed changes are intended to increase consistency between the various Regional Boards. We agree that there are many areas where policy and regulation should be absolutely consistent. There are, however, areas where consistency would not be prudent. Many or most districts have environmental sensitivities specific to the geography and conditions of each. On occasion, the application of uniform standards would ignore these specific regional needs. We concur with the finding in the Strategic Planning Process that regional variability must be maintained in the application of Regional and State Board policy.

Determination of those areas in which state-wide consistency is required and other areas in which specific regional measures are required should be accomplished by all Board members, staff, and Executive Officers, as part of a continuous "Strategic Planning" process.

Basin Plan Amendment - TMDLs

Although the TMDL promulgation process has been inordinately slow, we do not believe it should be accelerated by eliminating the requirement for Regional and State Board approvals of TMDLs. This system of checks and balances, though somewhat cumbersome, allows for correction of errors and legal compliance with the State Water Code and Public Resources Code. Additionally, Basin Plan Amendments are important and serious tasks requiring a high degree of investigation, scientific review, legal consistency review, and responsible agency and public review.

We feel that the need is for adequate funding of existing processes, rather than elimination of prudent review.

In conclusion, we share your concern for the water quality of California, and will continue to carefully monitor all proposals for changes to oversight of the processes for protecting it. Thank you for this opportunity to comment of these very important proposed changes. Please do not hesitate to contact us for clarification of our comments or for further input.

Sincerely,

Brenda Adelman for Russian River Watershed Protection Committee

CC.

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