

July 15, 2002

Subject: Initial EBMUD Comments and Questions concerning the “**Preliminary Draft Policy on Water Quality and CALFED Projects,**” distributed at the June 28, 2002 Drinking Water Subcommittee (Bay Delta Public Advisory Committee).

1. One overall comment is that the Preliminary Draft Policy lacks the type of detail that would allow a reader to understand how it will be implemented. A workplan for developing a detailed and meaningful Policy seems more appropriate at this time rather than the actual Policy itself.
2. A definition for “adversely affect drinking water quality” should be provided. The specific constituents of concerns should be identified along with the quantity (or concentration) considered to be an adverse impact. If the definition is dependent on hydrology (wet period vs. dry period), project operations, or ambient conditions then those topics should be specifically discussed. It may be appropriate to put detailed technical information in an appendix, but detailed interpretation is necessary so CALFED management and stakeholders can understand and implement the proposed Policy.
3. Another fundamental issue that is not addressed is how the Policy will be applied or enforced. Who is going to determine whether there is a water quality “impact?” Where is the location of the “impact” to be measured? If strict quantitative criteria are to be used, the state of technical understanding and modeling uncertainty must be addressed in Policy development.
4. The concept where a CALFED project adversely affecting water quality must be linked with a project that improves water quality should be considered from a NEPA and CEQA perspective. Would one project become integrally tied with the other project? A specific legal analysis of this point is needed, as well as addressing will happen if a project cannot overcome its adverse effect, a subject raised by Subcommittee members at the June 28th meeting. The preliminary draft Policy seems to propose a “fully mitigate” standard that might not allow a lead agency to adopt overriding considerations.
5. Is the Subcommittee’s effort to further define CALFED’s Equivalent Level of Public Health (ELPH) target related to the definition of “adverse impact” and should it be discussed in the Policy? In other words, is the Policy to be applied in the strictest sense - no increases in concentration in water quality parameters at intakes and/or other key locations; or would other factors be considered, such as the treatment train used by the one or more specific water agency(ies) using a particular intake? And how are increases at some times combined with decreases

- at other times, neither of which require changes in or eliminate the need for treatment to meet standards, to be addressed?
6. The temporal and spatial aspects of the “linked” project to improve water quality need to be addressed as was suggested by a Subcommittee member on June 28th.
 7. Application of the Policy to ERP projects was also discussed at the June 28th meeting and additional discussion seems necessary to determine how the Policy applies to those projects. Many of the ERP projects utilize an adaptive management approach where precise impacts cannot be ascertained at the outset. Does some type of monitoring component need to be added? Input from the CALFED Science Program also seems appropriate.

We endorse the idea of developing a drinking water quality policy. There are many complex issues that need to be considered during development and implementation of such a policy, some of which have been identified above. While our initial reaction is that it is premature to adopt a far-reaching policy without more planning, we look forward to continuing to participate if additional details are developed.

Brian Campbell
Senior Engineering Planner
(510) 287-0680
bcampbel@ebmud.com