

Task 2 - Workplan

Comment No.	Date Received	Comment Source	Deliverable	Comment	Response
1	11/01/13	J. Brownell CVRWQCB	Evaluation of Beneficial Uses for LSJRV - Evaluation Document	Page 2, footnote 3. Delete the footnote; it seems like an opinion	The footnote, <i>Although the Basin Plan does not define the terms existing, potential, or existing limited beneficial use, for regulatory purposes there is no difference between an existing and potential beneficial use</i> , was retained. The footnote was added in order to provide clarification regarding the regulatory ramifications of the different types of Basin Plan designations and was based on personal communication with Betty Yee.
2	11/01/13	J. Brownell CVRWQCB	Evaluation of Beneficial Uses for LSJRV - Evaluation Document	Page 4, second full paragraph beginning with Beneficial uses. In the last sentence of paragraph, delete <i>Mendota Bam</i> and replace with <i>mouth of the Merced River</i> .	Although this specific edit was not made, other edits were made to the same sentence to clarify that the table in Attachment B is a summary of the designated uses in the Basin Plan for the San Joaquin River. Footnote 6 also clarifies what specific reaches are included in this summary.
3	11/01/13	J. Brownell CVRWQCB	Evaluation of Beneficial Uses for LSJRV - Evaluation Document	Page 4, second full paragraph, first bullet item. Do not delete the word <i>potential</i>	This edit was not made since this is a summary of the beneficial use designations. This summary does not distinguish between the type of designation - existing, potential, or existing limited for each beneficial use.
4	11/01/13	J. Brownell CVRWQCB	Evaluation of Beneficial Uses for LSJRV - Evaluation Document	Page 5, third paragraph, 3rd sentence. question about this sentence: <i>As part of the process of establishing these objectives at Vernalis, the State Water Board directed the Regional Water Board to evaluate whether salinity objectives are needed upstream for protection of both in-basin uses and Southern Delta agriculture.</i> Is this true? or did SB direct RB to establish objectives upstream of Vernalis for LSJR basin ag protection only, not S Delta?	Since this was a part of the original Evaluation Document language, no edits were made to this section. However, it is noted that, within the Water Right Decision 1641 (March 15, 2000) discussion of responsibility for meeting the southern delta salinity objectives, it is stated that "The Central Valley RWQCB is hereby directed promptly to develop and adopt salinity objectives and a program of implementation for the main stem of the San Joaquin River upstream of Vernalis (page 85)". On page 79 it also states "The 1995 Bay-Delta Plan contains salinity objectives for the San Joaquin River at Vernalis and for three locations within the southern Delta...to protect agricultural beneficial uses of water in the southern Delta."
5	11/01/13	J. Brownell CVRWQCB	Evaluation of Beneficial Uses for LSJRV - Evaluation Document	Page 6, sentence starting on line 8. Why was this sentence, starting with the word <i>Beneficial</i> removed?	This sentence was added back in since it may help to clarify that both the beneficial use categories and designations were considered within this review.
6	11/01/13	J. Brownell CVRWQCB	Evaluation of Beneficial Uses for LSJRV - Evaluation Document	Page 8, line 9. replace the word <i>as</i> with the word <i>because</i> in the following line: <i>for municipal or domestic uses as the California Department of Public Health's Drinking</i>	This edit was made.
7	11/01/13	J. Brownell CVRWQCB	Evaluation of Beneficial Uses for LSJRV - Evaluation Document	Page 8, first paragraph, second to last sentence. change: <i>This department regulates all municipal and domestic (public water systems) water supply systems.</i> To: <i>This department regulates all public municipal and domestic water supply systems.</i>	This edit was made.

Task 2 - Workplan

Comment No.	Date Received	Comment Source	Deliverable	Comment	Response
8	11/01/13	J. Brownell CVRWQCB	Evaluation of Beneficial Uses for LSJRV - Evaluation Document	Page 9, first bullet items.. delete the following words: <i>The largest diversion for irrigation is the</i>	This edit was made.
9	11/01/13	J. Brownell CVRWQCB	Evaluation of Beneficial Uses for LSJRV - Evaluation Document	Page 9, second bullet items. delete the following words: <i>Followed by</i>	This edit was made.
10	11/01/13	J. Brownell CVRWQCB	Evaluation of Beneficial Uses for LSJRV - Evaluation Document	Page 10, sixth line. second to last word should be <i>PROC</i> , not <i>PRO</i>	This edit was not made since this acronym should be consistent with the acronym used for the definition. However, it should be noted that there is a discrepancy within the Basin Plan. The beneficial use definition notes the use of PRO, while the beneficial use table II-1 notes the use of PROC. Industrial Process Supply (PRO) - Uses of water for industrial activities that depend primarily on water quality.
11	11/01/13	J. Brownell CVRWQCB	Evaluation of Beneficial Uses for LSJRV - Evaluation Document	Page 19, second bulleted heading on the page. the abbreviation for Industrial Process Supply should be (<i>PROC</i>), not (<i>PRO</i>)	This edit was made. However, it should be noted that there is a discrepancy within the Basin Plan. The beneficial use definition notes the use of PRO, while the beneficial use table II-1 notes the use of PROC. Industrial Process Supply (PRO) - Uses of water for industrial activities that depend primarily on water quality.
12	11/01/13	J. Brownell CVRWQCB	Evaluation of Beneficial Uses for LSJRV - Evaluation Document	Page 21, fourth heading. the abbreviation for Industrial Process Supply should be (<i>PROC</i>), not (<i>PRO</i>)	This edit was made. However, it should be noted that there is a discrepancy within the Basin Plan. The beneficial use definition notes the use of PRO, while the beneficial use table II-1 notes the use of PROC. Industrial Process Supply (PRO) - Uses of water for industrial activities that depend primarily on water quality.
13	11/01/13	J. Brownell CVRWQCB	Evaluation of Beneficial Uses for LSJRV - Evaluation Document	Page 24. remove the reference to footnote 11 in the cell of the table in the Reach 83 row and the MUN column.	Due to other edits that were made within the document, this edit was not made.
14	11/01/13	Dennis Westcot (SJTA)	Evaluation of Beneficial Uses for LSJRV - LWA Memorandum	There were numerous editorial changes needed to the LWA Memorandum. These were done as track changes in the actual document and save as "DWW editorial notes on the LWA LSJR Task 8a Oct 2313". These are only suggestions to LWA and they can ignore them if they want.	The edits were appreciated and accepted.
15	11/01/13	Dennis Westcot (SJTA)	Evaluation of Beneficial Uses for LSJRV - Evaluation Document	While it is nice that they took the time to edit our Committee Document. I feel this document belongs to the LSJR Committee and is their work. If any editing is done, it should be done with the Committee approval otherwise the document should remain as it was given to LWA.	The LWA Team agrees that this document should reflect the views of the LSJRC. The recommendations provided were consistent with our Workplan and should be reviewed by the LSJRC before finalizing the document.
16	11/01/13	Dennis Westcot (SJTA)	Evaluation of Beneficial Uses for LSJRV - LWA Memorandum	Page 5; Recommendation on Sport Fishing (COMM). It is suggested that the wording be modified as follows: Based on the observation that professionally-guided sport fishing is widespread along the San Joaquin River and Southern Delta and that national and international sport fishing tournaments will expand in the future, this option presumes that the sport and recreational beneficial (COMM) use could be added to Table II-1 in the Basin Plan as an existing use for Reach 83.	This edit was made.

Task 2 - Workplan

Comment No.	Date Received	Comment Source	Deliverable	Comment	Response
17	11/01/13	Dennis Westcot (SJTA)	Evaluation of Beneficial Uses for LSJRV - LWA Memorandum	Page 5; Recommendation on Wildlife Refuges (BIOL). Disagree with the recommendation as this recommendation by the LSJR Committee was made with the recognition that the San Joaquin River National Wildlife Refuge consists of riparian vegetation along both banks of the LSJR and protection of this vegetation is no different that protection of agriculture. The only difference is that the refuge managers are farming riparian vegetation for the benefit of the wildlife food supply. Salinity will have a major impact on their ability to achieve this objective.	The LWA Team does not recommend this modification to the Basin Plan at this time since the addition of a designated beneficial use requires technical justification that the use exists or has the potential to occur in the water body. In addition, depending on the designation, scientific peer review of the supporting technical documents and justification may be required. Given the current timeframe for the development of the BPA for salt and boron in the Lower San Joaquin River, it would be difficult for the LSJRC to develop the technical information necessary to also add this beneficial use as a part of the current BPA.
18	11/01/13	Dennis Westcot (SJTA)	Evaluation of Beneficial Uses for LSJRV - LWA Memorandum	Page 5 and 6; Recommendation on Industrial Process Supply (PROC). Disagree with the recommendation. PROC vs. IND is the key to this. Under IND, water quality is not considered important and it so states in the definition. Alternatively, the definition for PROC specifically states that water quality is a major concern. In the case of PROC, the primary water quality factor is salinity. The Technical Committee of CV-SALTS did an evaluation of PROC and determined that significant impacts could occur with higher salinity. As this is a beneficial use designation, it needs to be clarified that salinity is not a factor in the primary use which is incidental equipment washing during agricultural operations.	The LWA Team does not recommend this modification to the Basin Plan at this time since modifying a beneficial use may require a structured scientific analysis similar to that which is required for a UAA or even require a full UAA. Given the current timeframe for the development of the BPA for salt and boron in the Lower San Joaquin River, it would be difficult for the LSJRC to develop the technical information necessary to also modify this beneficial use as a part of the current BPA.
19	11/01/13	Dennis Westcot (SJTA)	Evaluation of Beneficial Uses for LSJRV - LWA Memorandum	Page 6; Recommendation on Industrial Process Supply (PROC). Disagree that this recommendation would present a new policy precedent for the Central Valley Regional Water Quality Control Board. They have used this designation in the past, including in defining limitations involving salinity impacts on beneficial uses.	Edits were made to the recommendation.
20	11/01/13	Dennis Westcot (SJTA)	Evaluation of Beneficial Uses for LSJRV - LWA Memorandum & Evaluation Document	General Comment on PROC vs. PRO. They are used interchangeably in the Basin Plan from the Central Valley. In the definitions, PRO is used. In Table II-1, Industrial Process Supply is defined by PROC. The latter was used throughout the LSJR Committee draft document to be consistent with Table II-1 in the Basin Plan for the Sacramento and San Joaquin River Basins.	Agreed. There is an inconsistency within the Basin Plan when is comes to the use of the acronyms PRO and PROC. For the sake of the memorandum and Evaluation Document, the LWA Team used the term PRO when referring to the beneficial use definition and PROC when referring to Table II-1.
21	11/01/13	Dennis Westcot (SJTA)	Evaluation of Beneficial Uses for LSJRV - LWA Memorandum	Page 6; Recommendation on Municipal Beneficial Use (MUN). LWA Team state that " <i>First, the addition of footnote language would not materially change the implementation of the MUN objective. If consumption of untreated surface water was specifically described as an intended domestic use to be protected in the Basin Plan, the water quality objectives pertaining to such a use would be the same as those that pertain to other municipal and domestic uses. Therefore, there would be no change in the effective regulation resulting from implementation of the MUN use, with or without the footnote.</i> " For Salinity, this is not a true statement. The secondary drinking water standards show a range of salinity levels acceptable depending upon the level of use being made of the water supply. In the past, it has been assumed that drinking water use is continuous on the LSJR and therefore 303(d) listing have been made for salinity while the actual use is only incidental or short term. Under this, the salinity levels allowable would be much higher, thus it does materially change the implementation of the MUN objectives.	The LWA Team does not recommend this modification to the Basin Plan at this time since modifying a beneficial use may require a structured scientific analysis similar to that which is required for a UAA or even require a full UAA. Given the current timeframe for the development of the BPA for salt and boron in the Lower San Joaquin River, it would be difficult for the LSJRC to develop the technical information necessary to also modify this beneficial use as a part of the current BPA.
22	11/01/13	Dennis Westcot (SJTA)	Evaluation of Beneficial Uses for LSJRV - LWA Memorandum	Page 6; Recommendation on Municipal Beneficial Use (MUN). The LWA Team state that the proposed footnote would set policy precedent and that a Use Attainability Analysis (UAA) would be needed. A UAA is needed when a proposal is made to remove a beneficial use and you must use the factors in 40 CFR 131.10(g) to do so. This is not a beneficial use removal, it is a clarification of the level of use so that the proper water quality objectives can be applied to that use.	The LWA Team does not recommend this modification to the Basin Plan at this time since modifying a beneficial use may require a structured scientific analysis similar to that which is required for a UAA or even require a full UAA. Given the current timeframe for the development of the BPA for salt and boron in the Lower San Joaquin River, it would be difficult for the LSJRC to develop the technical information necessary to also modify this beneficial use as a part of the current BPA. In addition, the use of different MCL values can and will be considered as part of the alternative water quality objectives evaluation for the LSJR as part of this project. The LWA Team believes that these different values can be considered without changing the beneficial use designations.

Task 2 - Workplan

Comment No.	Date Received	Comment Source	Deliverable	Comment	Response
23	11/01/13	Dennis Westcot (SJTA)	Evaluation of Beneficial Uses for LSJRV - LWA Memorandum	Page 6; Recommendation on Municipal Beneficial Use (MUN). The LWA Team state that incidental use would be constrained by the 2002 Long Term Interim Enhanced Surface Water Treatment Rule (IESTWR) promulgated under the Safe Drinking Water Act (SDWA) and State health codes require that surface water supplies be treated prior to domestic use. They thus come to the conclusion that incidental use would not be reasonable or legal. Tell that to the groups using it for drinking purposes. No recognizing it as an ongoing use is sticking your head in the sand. For salinity, the use could allow higher salinity that for long-term use and still all other protection means must be implemented to protect such uses.	Given the information provided, the LWA Team concluded that a modification to the MUN beneficial use was not recommended at this time. Given the current timeframe for the development of the BPA for salt and boron in the Lower San Joaquin River, it would be difficult for the LSJRC to develop the technical information necessary to also modify this beneficial use as a part of the current BPA. In addition, the use of different MCL values can and will be considered as part of the alternative water quality objectives evaluation for the LSJR as part of this project. The LWA Team believes that these different values can be considered without changing the beneficial use designations.
24	11/01/13	Dennis Westcot (SJTA)	Evaluation of Beneficial Uses for LSJRV - LWA Memorandum	Page 6; Recommendation on Municipal Beneficial Use (MUN). The LWA Team state that incidental use would not be allowed and should be discouraged. Maybe we don't like it, but it happens and we need to recognize it. These two recommendations say we should remove the beneficial use for the protection of the incidental users.	Given the information provided, the LWA Team concluded that a modification to the MUN beneficial use was not recommended at this time. Given the current timeframe for the development of the BPA for salt and boron in the Lower San Joaquin River, it would be difficult for the LSJRC to develop the technical information necessary to also modify this beneficial use as a part of the current BPA.
25	11/01/13	Dennis Westcot (SJTA)	Evaluation of Beneficial Uses for LSJRV - LWA Memorandum	Page 7. The incidental uses that occur as part of REC-1 were never brought into the discussion in the LSJR Committee's report. It is recognized that they occur and are not at the level found with short-term uses by transient type activities along the San Joaquin River.	The LWA Team included information in the memorandum to explain how incidental consumption of surface water during swimming or other contact recreational activities is already presumed in another beneficial use, REC-1. In addition, a typo found in the document was corrected. The last sentence now reads "Therefore, no changes to the <u>MUN REC-4</u> use are recommended to address the incidental intake of water during contact recreation".
26	11/01/13	Dennis Westcot (SJTA)	Evaluation of Beneficial Uses for LSJRV	Not in agreement with all of the editorial changes made to the Lower San Joaquin River Committee Report. To show these, I have accepted all of the changes made by the LWA Team and changed those were disagreement is. A copy of the revised document is attached.	The LWA Team agrees that this document should reflect the views of the LSJRC. The recommendations provided were consistent with our Workplan and should be reviewed by the LSJRC before finalizing the document.
27	11/05/13	John Herrick SDWA	Evaluation of Beneficial Uses for LSJRV	Footnote referred to on page 12 re critical habitat. We should check with environmental groups to make sure we have not missed something or misstated something. I wouldn't recommend a conclusion there is no critical habitat above the confluence with the Merced given the SJ Restoration efforts. I know fisherman who will dispute the notion that steelhead do not appear upstream of the Merced confluence. I am told that both steelhead and salmon somehow make it even above the Sack Dam. Anyway, this conclusion just doesn't seem correct to me.	The LWA Team did not make any changes based on this comment. It is recommended that the LSJRC consider this comment.