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### Comments on Strategy 3.5 of the VOLUME 2: 8 DELTA VISION STRATEGIC PLAN Fifth Staff Draft Version 5.5

October 17, 2008

Phil Isenberg, Chair  
Delta Vision Blue Ribbon Task Force  
Members of the Delta Vision Blue Ribbon Task Force:

“Strategy 3.5: Improve water quality to meet drinking water, agriculture, and ecosystem long-term goals” lists two performance measures:

*“Percentage of time that contaminants or their precursors meet, or are better than, water quality targets (+)*

*Concentrations of contaminants in urban runoff and agricultural drainage flowing into the Delta (-)”*

The use of the word “*contaminants*” in this application is inappropriate. The word should be changed to “**pollutants.**”

Contaminant/”Contamination” is defined in Porter Cologne § 13050 Definitions as:  
*“(k) ‘Contamination’ means an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. ‘Contamination’ includes any equivalent effect resulting from the disposal of waste, whether or not waters of the state are affected.”*

Thus, in the regulatory sense, the term contamination/contaminant is restricted to public health issues.

The word “pollution” is defined in Porter Cologne as,  
*“(l)(1) ‘Pollution’ means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following:  
(A) The waters for beneficial uses.  
(B) Facilities which serve these beneficial uses.  
(2) ‘Pollution’ may include ‘contamination’.”*

The term, “beneficial uses,” is defined in Porter Cologne as,  
*“(f) ‘Beneficial uses’ of the waters of the state that may be protected against quality degradation include, but are not limited to, domestic, municipal, agricultural and*

*industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.”*

Therefore, the correct word for use in this performance measure is “pollutants.”

We have previously provided the Task Force with comments on technical issues and problems we found in the water quality sections of staff drafts three and four:

Lee, G. F., and Jones-Lee, A., “Comments on ‘Draft Staff Report, Water Quality Control Plan for Enclosed Bays and Estuaries – Part 1. Sediment Quality Developed by State Water Resources Control Board, California Environmental Protection Agency July 18, 2008’” and Answers to SWRCB Staff Responses to Comments on September 2007 Proposed SQO Development Approach. Submitted to State Water Resources Control Board, Sacramento, CA. Report of G. Fred Lee & Associates, El Macero, CA, September 5 (2008). <http://www.gfredlee.com/SJR-Delta/SQOCommentsAnswers.pdf>

Lee, G. F., and Jones-Lee, A., “Comments on ‘Delta Vision Strategic Plan Fourth Staff Draft Volume 2: Strategy Descriptions,’” Comments submitted to P. Isenberg, Chair, Delta Vision Blue Ribbon Task Force, Sacramento, CA. Report of G. Fred Lee & Associates, El Macero, CA, September 30 (2008). <http://www.gfredlee.com/SJR-Delta/DeltaVisionStaffDraft4.pdf>

We pointed out in those comments that there were significant deficiencies in the staff drafts’ discussion of Delta water quality issues and approaches for eliminating those problems. VOLUME 2: DELTA VISION STRATEGIC PLAN Fifth Staff Draft Version 5.5 eliminates essentially all of the problems we identified and overall is much improved for providing guidance on implementing the Delta Vision Strategic Plan. We also found that that draft reasonably well incorporates our discussion of Delta nutrient water quality issues that we discussed in our most recent comments:

Lee, G. F., and Jones-Lee, A., “Comments on September 19, 2008 Delta Vision Task Force Meeting Discussion of Nutrient-Related Water Quality Problems in the Delta,” Comments submitted to P. Isenberg, Chair, Delta Vision Blue Ribbon Task Force, Sacramento, CA. Report of G. Fred Lee & Associates, El Macero, CA, October 14 (2008). <http://www.gfredlee.com/SJR-Delta/DeltaVisionCom9-19-08.pdf>.

Overall, we believe that the Delta Vision Blue Ribbon Task Force has made a significant contribution to developing an approach for management of the Delta Resources.

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