

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition of )  
the County of Inyo and Inyo )  
County Service Area No. 1 )  
for Review of Water Quality )  
Staff Determinations, Grants )  
Section )

Order No. WQG 74-3

BY BOARD MEMBER MAUGHAN:

By letter dated August 28, 1973, the County of Inyo and Inyo County Service Area No. 1 (petitioners) requested the State Water Resources Control Board (State Board) to review determinations of the staff of the Division of Water Quality (staff). The determinations involve decisions by staff that certain sewer lines proposed for construction by petitioners are trunk sewers and do not meet the criteria for classification as interceptors. At the time of hearing, petitioners also generally questioned the appropriateness of capacity limits established by the staff.

A hearing was held on the petition on November 20, 1973.

Summary of Facts

Petitioners proposed a 1972-73 fiscal year project, generally encompassing extension of sewers to outlying areas in the vicinity of the City of Bishop and expansion of capacity at the existing City of Bishop treatment plant to serve the enlarged area.

The project was initially assigned to Priority Group D, and petitioners supplied a project report. Staff review of the project report disclosed that the project actually involved four distinct aspects:

1. Construction of a sewer line from the Paiute-Shoshone Indian Reservation located west of the City of Bishop to the City of Bishop treatment plant. The Indian reservation has an existing treatment plant which will be abandoned and eliminated as a part of the project.

2. Construction of a sewer line for other service areas located west of the City of Bishop, including Westridge Community Service District, with treatment to be furnished at the City of Bishop treatment plant.

3. Construction of a sewer line for the North Bishop area, including Meadow Farms Community Services District, with treatment to be furnished at the City of Bishop treatment plant. This line would not only provide a sewer line for the general area north of the City of Bishop, it would also serve to replace the present sewer line from Meadow Farms Community Services District to the City of Bishop treatment plant.

4. Expansion of capacity at the City of Bishop treatment plant to provide capacity for the enlarged service area.

After review of the proposed project, staff concluded:

1. The sewer line from the Paiute-Shoshone Indian Reservation was an interceptor, fulfilled the criteria for classification as a Class A interceptor, and was eligible for funding in fiscal year 1972-73. No question is raised by petitioners concerning this staff determination.

2. The remaining sewer lines for the other service areas located west and north of the City of Bishop are not interceptors but trunk sewers. As such, these lines are not eligible for funding in fiscal year 1972-73.

3. All of the enlarged service areas are within the logical service area of the City of Bishop treatment plant. Eligible project cost for enlargement of the treatment plant of the City of Bishop is limited to the cost of construction of treatment facilities to treat an average daily flow of 0.85 mgd, based on a projected population of 6,800 persons in the additional service areas by 1984.<sup>1</sup>

#### Contentions of Petitioners

At the time of hearing, petitioners generally contended that the project encompassed a regional system which would transport sewage from three areas north and west of the City of Bishop, that these areas were at least one mile distant from the City of Bishop, and that the three areas were separate and distinct areas which could logically be served by separate treatment plants. Petitioners further contended that the capacity limitations placed upon the project by staff were unrealistic and unreasonable.

#### Findings and Conclusions

Having considered the contentions of petitioners and the evidence, we find and conclude as follows:

1. Findings on Contention that Sewer Transport Lines are Interceptors. Under the regulations which apply to this project, an interceptor is basically a closed conduit whose primary purpose is to transport rather than collect waste.<sup>2</sup>

1. The eligible cost of this portion of the project is subject to the capacity limits set forth in Section 2144, Subchapter 7, Chapter 3, Title 23, California Administrative Code, as amended on February 15, 1973.
2. See Section 2102(b), Subchapter 7, Chapter 3, Title 23, California Administrative Code, adopted February 17, 1972.

Inasmuch as all waste conduits serve, in some sense, both to collect and to transport waste, the determination of whether the primary purpose of a particular conduit is the transportation of waste rather than the collection thereof involves a number of complex and difficult considerations. In the process of administration of the grant program, staff developed and uniformly applied a number of criteria relating to determination of whether a particular sewer line qualified as an interceptor. One of the fundamental requirements for interceptor classification involved a requirement that the sewer line in question provide service to a separate, isolated area which logically would be served, or is in fact served, by a separate treatment plant. This requirement was based upon a concept that, under such circumstances, the primary purpose of a sewer line from the terminus of the collection system of the separate area would in fact be transportation rather than collection. On the other hand, if the proposed service area, instead of being separate and isolated, is in fact within the natural and logical service area of an already existing treatment plant, staff has uniformly considered necessary sewer lines as being a part of the collection system of the treatment plant.

In this particular matter, staff concluded that, except for the area of the Indian reservation which had its own treatment plant, the proposed service areas to the north and west of the City of Bishop were in fact within the natural and logical service area of the plant of the City of Bishop and that these proposed service areas would not logically support separate treatment facilities. Consequently, staff concluded that sewer lines from

this treatment plant to these areas would in fact be a part of the collection system for this plant.

After review of the evidence in this matter, we concur with the staff determination. The proposed service areas to the north and west of the City of Bishop are within the natural and expected service areas of the City of Bishop treatment plant. Sewer lines from this treatment plant to these areas would logically form a natural part of the collection system for this plant.

2. Finding on Contention that Capacity Limits are Unreasonable. The evidence at the hearing indicated that staff had properly applied Section 2144 of the grant regulations to this proposed project in determining those capacity limits for which grant funding was permissible. Indeed, petitioners did not argue that Section 2144 had been improperly applied by staff. Their contention was that growth in the areas involved would exceed growth rates allocated to them under Section 2144. This allegation may or may not be true. Certainly, we hope that population projections developed under Section 2144 will be reasonably accurate. However, as we have pointed out in a recent review of staff utilization of Section 2144,<sup>3</sup> the primary purpose of Section 2144 is to provide a reasonable and equitable formula for allocation of limited grant funds among competing California municipalities. At present, grant funds available for construction of treatment works in California are insufficient to provide for funding of all wastewater treatment projects, or all elements and portions of each project.

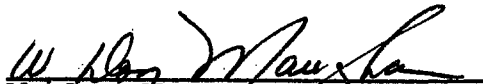
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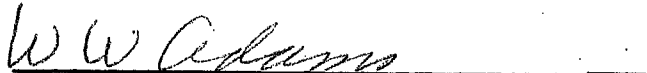
3. See State Board Order No. 73-27.

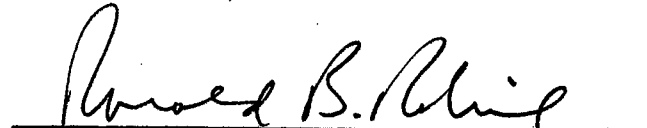
IT IS HEREBY ORDERED that the petition of the County of Inyo and Inyo County Service Area No. 1 be, and it is, denied.


Dated: January 17, 1974

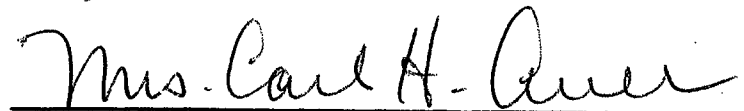
We Concur:

  
W. Don Maughan, Member

  
W. W. Adams, Chairman

  
Ronald B. Robie, Vice Chairman

  
Roy E. Dodson, Member

  
Mrs. Carl H. (Jean) Auer, Member