



# CVCWA Central Valley Clean Water Association

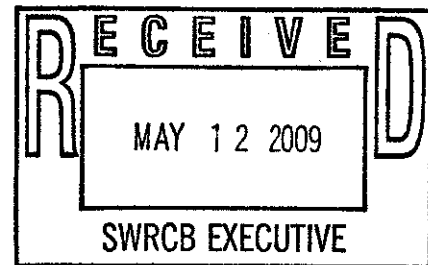
Representing Over Sixty Wastewater Agencies

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May 12, 2009

Ms. Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95812-0100



**SUBJECT: SWRCB/OCC Files A-1846(a) and A-1846(b)**

Dear Ms. Townsend:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to review the revised, proposed order in the matter of *Petitions of Environmental Law Foundation and California Sportfishing Protection Alliance (Waste Discharge Requirements Order No. R5-2007-0036 [NPDES No. CA0079154] and Time Schedule Order No. R5-2007-0037 for City of Tracy)*. Our comments on the revised, proposed order (Draft Order) are provided here.

With respect to electrical conductivity, CVCWA appreciates the clarifications regarding the potential planning options that might be available to Tracy and similarly situated dischargers. We also appreciate the proposed direction to staff at the State Water Resources Control Board (State Water Board) and the Central Valley Regional Water Quality Control Board (Regional Water Board) to work together to develop interim and long-term planning solutions to address these issues. Unfortunately, we remain unconvinced that these planning options are viable solutions within the short time period that Tracy and others might be allowed before becoming subject to mandatory minimum penalties.

Further, we are concerned with footnote 17, which states that salts “are more amenable to interim planning solutions than bioaccumulative and toxic pollutants.” (Draft Order at p. 10.) This statement implies that it should be relatively easy for wastewater dischargers to address salinity in wastewater. We disagree. In short, the primary methods for reducing salinity in wastewater are to address the water supply and limit the use of water softeners. For Central Valley communities, changing water supply from groundwater to surface water is not easy or guaranteed. Also, limiting the use of water softeners is legally challenging and may only occur on new development, not existing development. Regardless, both activities take time to

implement and are not "interim" planning solutions. For these reasons and the ones stated in our original comments, CVCWA encourages the State Water Board to reject the portions of the Draft Order pertaining to electrical conductivity. At the very least, the State Water Board should revise the Draft Order to be consistent with its previous decision in the *Tosco* case. (See *In the Matter of the Review of its own Motion of Waste Discharge Requirements for the Avon Refinery*, SWRCB Order No. WQ 2001-06.)

With respect to the revisions in the Draft Order for mixing zone and chronic toxicity, CVCWA appreciates the revisions and supports adoption of these portions of the Draft Order with the revisions.

Finally, CVCWA appreciates the proposed revisions to the portions of the Draft Order pertaining to bis(2-ethylhexyl)phthalate. However, the proposed revisions are too narrow and do not fully capture the Regional Water Board's discretion to determine the appropriateness and sufficiency of data. To address these concerns, CVCWA encourages the State Water Board to adopt the language recommended by the Regional Water Board.

Thank you for considering our comments and the comments of others on all of these important issues.

Sincerely,



Debbie Webster, Executive Officer  
Central Valley Clean Water Association

c: (sent electronically to all listed)  
Steve Bayley - City of Tracy  
Melissa A. Thorne - Downey Brand LLP  
Pamela Creedon - CVRWQCB  
Bill Jennings - CSPA  
Adam Lazar - Environmental Law Foundation  
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