



November 13, 2012

Ms. Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor [95814]  
P.O. Box 100  
Sacramento, CA 95812-0100

Via E-mail: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)



**SUBJECT: Comments to A-2144 – December 4, Board Meeting**

Dear Ms. Townsend:

The Bay Area Clean Water Agencies (BACWA) appreciates the opportunity to comment on the State Water Resource Control Board's Draft Order WQ 2012- In the matter of Own Motion Review of Waste Discharge Requirements Order No. R5-2010-0114 [NPDES No. CA0077682] for Sacramento Regional Wastewater Treatment Plant (SRWTP). BACWA is a joint powers agency whose members own and operate publicly-owned treatment works (POTWs) and sanitary sewer systems that collectively provide sanitary services to over 6.5 million people in the nine county San Francisco Bay Area. BACWA members are public agencies, governed by elected officials and managed by professionals charged with protecting the environment and public health. BACWA members are currently working collaboratively with the San Francisco Bay Regional Water Quality Control Board and the San Francisco Estuary Institute to develop a Nutrient Strategy to support on-going, scientifically based nutrient management decisions to protect beneficial uses of the San Francisco Estuary.

BACWA members are concerned that the proposed order concludes that point source dischargers are contributing to exceedances of downstream biostimulatory water quality objectives, but includes no findings to demonstrate that SRCSD's discharges have a reasonable potential to cause or contribute to exceedances of the narrative biostimulatory water quality objectives. Instead, the proposed order states that reductions of total nitrogen loads from point sources are necessary to protect beneficial uses from cultural eutrophication. In fact, the proposed order justifies the nitrate effluent limitation of 10 mg/L based on the totality of the circumstances and because the provision is within a "zone of reasonableness" considering current technologies. The order appears to opine in footnotes 100 and 129 that the Central Valley and San Francisco Regional Boards should "consider similar controls for significant controllable sources of nutrient loading to the Bay-Delta ecosystem," which appears to be a call to reduce nutrients before nutrient objectives are established, which could lead to iterative projects as scientific knowledge is developed. BACWA members are concerned that both the zone of reasonableness approach and footnotes 100 and 129 indicate numeric nutrient objectives will be set without a scientific basis, putting public resources at risk.

In the final portion of the draft Order, there is a discussion of the Nutrient Numeric Endpoint (NNE) framework that is under development for the San Francisco Bay. This is part of the Joint effort that BACWA is currently collaborating on in the Bay Area. Some of the guiding principals for this joint effort are joint fact-finding and use of peer-reviewed science for the basis of nutrient management decisions. Our review of the science and evidence suggest that more work is needed before hundreds of millions of dollars should be spent removing ammonia and reducing total nitrogen in discharges near/in the Suisun Bay. The Draft Order identified several stressors, overlooked some (e.g. pesticides), but presented no compelling evidence that ammonia or total nitrogen was controlling the decline of the ecosystem, or that if they were removed conditions in the Delta would improve. Similar efforts in the Chesapeake Bay and the Narragansett Bay have shown little results after the expenditure of billions of dollars to control point source nutrient inputs. BACWA is working with the San Francisco Water Board and SFEI to help fund and conduct joint fact-finding so that peer reviewed, scientifically based management activities can be developed and implemented, with a knowledge of what environment improvements might be gained at what cost. We bring up the Chesapeake and Narragansett Bays as examples because until non-point sources of nutrients are addressed, there will be limits to what receiving water improvements can be realized by only controlling the point sources.

In summary, BACWA's review of the science and evidence suggests more work is needed before hundreds of millions of dollars are spent on nutrient reduction in the San Francisco Bay area. BACWA and member agencies are currently collaborating to conduct such work and are develop a program with the San Francisco Water Board and SEFI to support the development of a cost effective nutrient strategy. We urge you to support this effort to develop a nutrient management framework based on peer-review science to support the expenditure of public resources.

Respectfully Submitted,



James M. Kelly  
Executive Director  
Bay Area Clean Water Agencies

cc: BACWA Executive Board