



CVCWA

Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

MICHAEL RIDDELL – CHAIR, CITY OF CERES
JEFF WILLETT – SECRETARY, CITY OF STOCKTON

STEVE HOGG – VICE CHAIR, CITY OF FRESNO
ED CROUSE – TREASURER, RANCHO MURIETA CSD

September 9, 2011



Via Electronic Mail

Charles Hoppin, Chair and Members
State Water Resources Control Board
1001 I Street, 24th Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100

Attn: Ms. Jeanine Townsend
Clerk to the Board
commentletters@waterboards.ca.gov

RE: Comments to SWRCB/OCC File A-2144(a) and A-2144(b) — September 20, 2011 Board Meeting

Dear Chair Hoppin and Board Members:

The Central Valley Clean Water Association (CVCWA) submits these comments on the draft order for the State Water Resources Control Board (State Water Board) to review *on its own motion* the above-referenced file (Draft Order). Specifically, the Draft Order states the State Water Board's intention to review Waste Discharge Requirements Order No. R5-2010-0114¹ (WDRs) issued by the Central Valley Regional Water Quality Control Board on December 9, 2010, to the Sacramento Regional County Sanitation District (District) for discharges from the Sacramento Regional Wastewater Treatment Plant.

CVCWA is a non-profit association representing more than 50 publicly owned treatment works (POTWs) throughout the Central Valley in regulatory matters involving surface water discharge and land application. We approach these matters with a perspective to balance

¹ NPDES No. CA0077682.

environmental and economic interests consistent with state and federal law. Given the significance of the issues surrounding the WDRs, CVCWA intends to participate to ensure our members' interests are fully represented.

With regard to the Draft Order, we appreciate that review of the WDRs will entail the disposition of many highly complex technical, legal and policy issues of statewide interest. However, we are concerned with the consequences of the State Water Board reviewing the matter on its motion. In this case, the complex and significant issues and economic costs associated with the WDRs underscores the importance of reviewing them within the timeframe provided for in the State Water Board's own regulations and in a timeframe shorter than that contemplated in the Draft Order.

In particular, delay can be costly to POTWs in two ways. For the permittee, unless permit limitations have been stayed, the POTW must continue to provide invaluable wastewater treatment services on a daily basis regardless of any petition for review and comply with permit conditions that are being challenged. To avoid committing scarce and often irretrievable public resources toward compliance with permit provisions that ultimately may be rescinded or modified, POTWs and their ratepayers need timely resolution of challenged issues. For example, ensuring compliance with challenged effluent limitations or treatment standards often requires spending substantial amounts of public funds to plan for and build additional or new facilities and to conduct environmental review under the California Environmental Quality Act. Further, such expenditures and the planning and environmental review involved typically must commence immediately after the permit's adoption. Therefore, prolonged administrative review of requirements can lead to significant hardship on the residents and businesses within the POTW's service area for no meaningful water quality benefit. Secondly, the significant new policy interpretations in this permit could affect other POTWs in the Central Valley with permits and permit applications. Accordingly, the State Water Board should avoid taking matters on its "*own motion review*" and should instead endeavor to complete review of petitions within the 270-day review period established in section 2050.5(b) of Title 23 of the California Code of Regulations.

Thank you for your consideration of CVCWA's concerns with the Draft Order. We look forward to participating in future State Water Board proceedings involving the WDRs. Please contact me at (530) 268-1338 or eofficer@cvcwa.org if you have any questions regarding these comments.

Sincerely,



Debbie Webster,
Executive Officer