



CVCWA

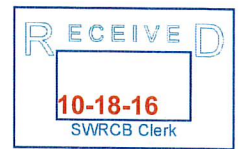
Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

TERRIE MITCHELL – Chair, Sacramento Regional CSD
TERESA TANAKA – Secretary, Calaveras County WD

CASEY WICHERT – Vice Chair, City of Brentwood
ROBERT GRANBERG – Treasurer, City of Stockton

October 18, 2016



Felicia Marcus, Chair
Members of the State Water Resources Control Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

SUBJECT: Proposed Changes to Water Quality Enforcement Policy

Dear Chair Marcus and Members of the Board:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to comment on the proposed revisions to the Water Quality Enforcement Policy. CVCWA is a non-profit association of public agencies located within the Central Valley region that provide wastewater collection, treatment, and water recycling services to millions of Central Valley residents and businesses. We approach these matters with the perspective of balancing environmental and economic interests consistent with state and federal law. With this letter, we join and support comments submitted by the California Association of Sanitation Agencies (CASA).

1 In general, we support CASA's request for further opportunities to engage stakeholders in providing alternative proposals, comments, and suggestions on the policy. For CVCWA in particular, we are concerned with the application of the Enforcement Policy on small, publicly owned treatment works (POTWs) in the Central Valley, and how it can result in extraordinarily high penalties on small agencies that lack staff and resources to address violations. Further engagement on this issue in particular would be valuable to CVCWA and the agencies we represent.

2 Like CASA, CVCWA is also concerned with revisions that restructure the classes for violations, and proposed amendments to per-gallon assessment calculations. In particular, CVCWA finds the

3 proposed blanket characterization of all acute toxicity violations as a Class I violation to be problematic. As stated by CASA, the presence of acute toxicity in wastewater typically has no relations to the culpability or actions of the discharger. As such, this provision needs to be removed. With respect to the per gallon assessment provisions and high volume discharge language, CVCWA is concerned that for very small facilities the provision may result in per gallon assessments at the maximum statutory level. For example, the proposed policy defines high volume as being between 100,000 gallons and 2,000,000 gallons. For small Central Valley dischargers, 5,000 gallons may be a high volume discharge as compared to their average dry weather flow, and thus it is reasonable for any per gallon assessment to be assessed at a much lower level than the statutory maximum of \$10.00 per gallon. The proposed policy needs to be revised to recognize the disparities in application of such penalties to small agencies as compared to others.

Thank you for the opportunity to provide comments. We look forward to engaging in additional discussions on this important policy.

Sincerely,



Debbie Webster,
Executive Officer