



# CVCWA

## CENTRAL VALLEY CLEAN WATER ASSOCIATION

Formerly the Central Valley Wastewater Manager's Association

***Representing Over Forty Wastewater Agencies***

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December 30, 2005

*Via Electronic Mail*

Tam Doduc, Chair, and Members  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

c/o Selica Potter: [spotter@waterboards.ca.gov](mailto:spotter@waterboards.ca.gov)

**SUBJECT:    Comment Letter – Site-specific Exception to the Sources of  
Drinking Water Policy for Old Alamo Creek—January 18, 2006  
SWRCB Hearing**

Dear Chair Doduc and Members:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to provide comments on the proposed revisions to the Sources of Drinking Water Policy (Resolution 88-63) to establish a site-specific exception for Old Alamo Creek. CVCWA consists of 45 local 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. Many of our member agencies operate wastewater treatment plants that discharge to effluent dependent waterbodies (EDWs) with inappropriately designated uses, and we have followed the process for de-designating the municipal drinking water (MUN) use for Old Alamo Creek with great interest.

CVCWA supports the proposed amendment of Resolution 88-63 to establish an exception for Old Alamo Creek. Old Alamo Creek is a modified channel that has never been, and will never be, used as a source of municipal water. Old Alamo Creek conveys agricultural runoff and treated effluent. It is over twenty miles upstream of any actual source of drinking water, and Old Alamo Creek flow is diluted by over 100:1 prior to any diversion

of water used (after further treatment) for municipal purposes. Thus, the proposed exception to the Sources of Drinking Water is appropriate and we urge the Board's approval.

We cannot help but express concern, however, with the lengthy and resource-intensive process that was required to de-designate the MUN use from Old Alamo Creek. In 2002, the SWRCB adopted Order 2001-015, which found that MUN and COLD "are likely not appropriate uses for Old Alamo Creek" and directed the Central Valley Regional Board to expeditiously initiate appropriate amendments to the Basin Plan to consider de-designating COLD and MUN for the Creek. Nearly four years and several hundreds of thousands of dollars later, the SWRCB is at last poised to take the final remaining action to effect the de-designation of a use that existed—if anywhere—only on paper.

All of this was necessary because, quite simply, in 2001 the water boards changed their long-standing interpretation of the Basin Plan, and this reversal of position became, somehow, a discharger problem. In 2001, the water boards decided that the uses of hundreds of waterbodies like Old Alamo Creek were "designated" years earlier by the stroke of a pen, without any analysis or consideration of the real-world uses of these waters. It turns out that everyone involved—the Regional Board, the State Board, EPA, the Department of Health Services and the City of Vacaville—agree that the MUN use does not and will not exist in Old Alamo Creek. The fact that achieving the resolution of this non-issue required considerable effort and significant funding is very troubling, given the scope of the EDW use designation problems that remain to be addressed. Initially, many thought that the Old Alamo Creek de-designation process would serve as a template for remedying other inappropriate use designations. From today's vantage point, replicating the Old Alamo Creek experience is, understandably, not an attractive prospect to CVCWA members. Additionally, it is not at all clear that the Old Alamo Creek Basin Plan amendments will result in efficiencies for other EDWs.

Finally, we wish to identify one technical issue or question. In particular, it is not clear exactly why it is necessary to modify both the Central Valley Basin Plan and Resolution 88-63 itself. In Order WQO 2002-0015, the SWRCB concluded that Resolution 88-63 itself did not designate uses in the Central Valley Region. Rather, the Regional Board's incorporation of Resolution 88-63 into the Basin Plan resulted in the designation of MUN uses. Order WQO 2002-0015 at p. 39. The SWRCB also implied that even if the current, general exceptions in Resolution 88-63 apply to a water body, a basin plan amendment must occur to "de-designate" the use. *Ibid.* These conclusions would suggest that the amendment of the Basin Plan, without creating a separate exception in Resolution 88-63, would be sufficient to accomplish the task of removing the inappropriate MUN designation. This comment should not be construed as opposition to the proposed exception. It would, however, be appropriate for the SWRCB to clarify this issue for regulated parties.

We urge the Board to re-examine its policy and practice for addressing MUN use de-designations on EDWs in light of the Old Alamo Creek example. Ideally, this case

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provides an opportunity to reassess the wisdom and viability of a process so unnecessarily cumbersome that it cannot provide the comprehensive regulatory reform that is needed in the Central Valley.

Thank you for your consideration of our comments.

Sincerely,

QuickTime™ and a  
TIFF (LZW) decompressor  
are needed to see this picture.

Warren Tellefson  
Executive Officer

WT/jlp