



CVCWA Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

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May 12, 2008

The Honorable Mark Leno, Assemblymember
State Capitol
Room 2114
Sacramento, CA 94249-0013

RE: **CENTRAL VALLEY CLEAN WATER ASSOCIATION OPPOSITION TO AB 2986**

The Central Valley Clean Water Association (CVCWA) is writing in opposition AB 2986 (Leno) relating to wastewater collection and treatment facilities. CVCWA consists of 60 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.

CVCWA opposes this bill because it interferes with current efforts aimed towards reducing sanitary sewer overflows (SSOs) and treatment plant effluent violations. If approved, the bill will cause additional costs to the operators of the wastewater collection and treatment facilities and the communities they serve without any commensurate improvement in water quality. The requirements come at a time when State and local resources are stretched, substantial increased costs are anticipated due programs that are already underway, and major efforts are being implemented to address SSOs and new water quality standards.

AB 2986 proposes that the State Water Resources Control Board (State Water Board) begin administering new program requirements (system grading, public access to records, satellite system metering, etc.) required by the bill and compels the State Water Board to adopt fees to pay for the costs of the program. The bill sets no limits on the level of effort to be provided by the State Water Board and no limits on the amount of fees that can be charged. In all likelihood, this bill will significantly increase the fees currently paid by wastewater agencies and could impact the capability of many small agencies to operate their systems with the limited funds they have available.

AB 2986 program requirements for a grading system and other measures such as metering and public access to records are designed to bring attention to poor performing sanitary sewer systems and wastewater treatment facilities. However, these objectives are already addressed through the State Water Board's Order 2006-0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewers (WDR) dated May 2, 2006 and through improvements to the

California Integrated Water Quality System (CIWQS), the State Water Board's database for SSOs and treatment plant effluent violations.

The WDR requires all public owned sewer systems greater than one mile in length to:

- Apply to the State Water Board for a waste discharge permit.
- Notify regulatory and response agencies and the public regarding SSOs and submit spill reports of the SSO to the State via CIWQS, which are available to the public.
- Develop and implement a Sewer System Management Plan (SSMP) for each separate sewer system.
- Communicate regularly with the public on the development, implementation and performance of its SSMP.

SSMPs are detailed comprehensive documents that will outline how each sewer system will be properly operated and maintained. Through implementation of the SSMPs, utilities will identify weaknesses in their systems through regular audits, and will be required to make corrections to deficiencies in their SSMP and collection systems.

In the Central Valley, sewage collection systems registered for the WDR and began reporting SSOs on-line on September 2, 2007. Our members and others in the Central Valley and across the State are now in the process of developing SSMPs following the guidelines and time schedules that were adopted in the State's WDR.

CVCWA is skeptical that meaningful measurements to "grade" collection systems and treatment facilities can be developed which would provide additional public understanding and benefits beyond what is being accomplished through the WDR and current reporting system. All collection systems in the State are now reporting SSOs to the State Water Board's CIWQS database, which is accessible to the public. AB 2986 requires an additional report with letter grades that are overly broad in their application and duplicate the purpose of the CIWQS system. CVCWA does not believe the grading system will provide meaningful information to base funding and planning decisions upon.

CVCWA is very concerned about the potential for a grade to lead to unintended consequences. It could be expected that utilities will take actions to get better grades, but those actions may result in better grades without meaningful environmental benefit. Refocusing priorities towards the grade will cause other important activities to get set aside. A likely outcome will be utilities chasing grades for the sake of public image at the expense of the health of the overall utility and ultimately the environment.

One unintended consequence that is clearly being set up in the bill is the provision that funding will be available for certain agencies that receive an "F" grade. This will actually provide incentive to marginal utilities to perform worse so they can then get an "F" grade and the associated funding.

The case is similar with treatment plant effluent data. State Water Board staff and stakeholders are working to improve the CIWQS database so that the data available to the public is accurate and meaningful. Due to the complexity of discharge permits in California and the number of requirements, this is not an easy task. The grading system proposed in AB 2986 will likely come

before the necessary corrections to the database are implemented, thereby presenting letter grades based on data that may or may not be correct.

CVCWA and its members are committed to reducing SSOs, improving permit compliance, and improving public awareness through outreach efforts including providing the public with meaningful and accurate data. CVCWA and other industry organizations worked directly with the State Water Board as they developed the WDR; we are actively involved in training and outreach efforts to all collection systems in the Central Valley to heighten awareness of the WDR and develop cost-effective strategies to reduce SSO; and are actively participating on the CIWQS task force subgroups to improve the data base and its value to the public. However, as described above, we do not believe the program requirement of AB 2986 will add any benefit to communities and the environment beyond what is currently being implemented, but will cost our communities significant dollars and will divert attention away from other more effective efforts to protect water quality. For these reasons, CVCWA opposes AB 2986.

If you have any questions regarding the Central Valley Clean Water Association's position on this proposed measure, feel free to contact me at (530) 268-1338.

Sincerely,

Debbie Webster
Executive Officer

c: Pamela Creedon, Central Valley RWQCB