



# CVCWA

## Central Valley Clean Water Association

*Representing Over Fifty Wastewater Agencies*

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November 15, 2012

***Sent via electronic mail***

Ms. Anne Littlejohn  
California Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670  
[Anne.Littlejohn@waterboards.ca.gov](mailto:Anne.Littlejohn@waterboards.ca.gov)

**Subject: Evaluation of the Municipal and Domestic Supply Beneficial Use (MUN) in Agriculturally Dominated Water Bodies, Notice of Public Workshops and California Environmental Quality Act Public Scoping Meetings dated September 7, 2012**

Dear Ms. Littlejohn:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to provide these comments as part of the Central Valley Water Quality Control Board's (Central Valley Water Board) California Environmental Quality Act (CEQA) scoping process. CVCWA is a non-profit organization that represents publicly owned treatment works (POTWs) throughout the Central Valley Region in regulatory matters affecting surface water discharge and land application. We approach these matters with a perspective to balance environmental and economic interests consistent with applicable law. We are submitting these comments because the effort to evaluate the MUN use in agriculturally (Ag) dominated water bodies of the Central Valley and to develop subsequent Basin Plan amendments may have significant impacts on CVCWA's members and other POTWs throughout the Region.

CVCWA is fundamentally supportive of the concept of establishing appropriate beneficial uses and appropriate water quality objectives in the waters of the Central Valley. Such action is needed to remedy current problems with the existing regulatory framework and to make future

regulatory requirements effective and efficient. CVCWA believes that specific changes can be made to the Basin Plan that will provide needed changes in MUN designations in Ag dominated waters and maintain reasonable protection to MUN uses in properly designated downstream waters.

CVCWA appreciates that the Regional Water Board and CV-SALTS have cooperated on the proposed effort to craft an evaluation and subsequent Basin Plan amendment to address significant regulatory compliance issues facing the four small communities identified in the Notice and described in greater detail in the September 28, 2012 Information Document. As a top priority, this effort should remain focused on providing appropriate NPDES permitting relief to each of these communities and “fixing” the existing Basin Plan language that has led to the need for this Basin Plan amendment process.

CVCWA has been participating in the informal work group process that has been convened by Regional Water Board staff to implement this effort. We commend staff on their work to date and encourage a continuation of that process as an effective way to involve and inform multiple stakeholders and to craft a well-considered approach.

The September 7, 2012 Notice invited comments on (1) the methodology for characterizing and defining Ag dominated water body categories and (2) the appropriate scope and content of the proposed amendments and environmental documents. CVCWA offers the following comments addressing these two areas:

**I. Methodology for Characterizing and Defining Ag Water Categories**

- A. CVCWA is supportive of the decision tree approach that has been discussed to date in the work group meetings. We suggest that these discussions be continued to fully explore the details of the process and the regulatory hurdles that may occur. As noted above, we recommend continued work on these issues within the existing work group format.

**II. Scope and Content of the Proposed Amendments and Environmental Documents**

- A. As noted on page 2 of the Information Document, the existing Basin Plan contains language that, as newly interpreted by the Regional Water Board, requires a formal Basin Plan amendment to utilize the exceptions identified in SWRCB Resolution 88-63. One or more of the proposed alternatives should explicitly state that the Basin Plan language will be modified to eliminate this requirement in favor of Executive Officer approval, or other administrative solutions.
- B. CVCWA recommends that a new alternative be identified which narrowly focuses on the MUN de-designation and other provisions of a Basin Plan amendment needed to

address the issues described for the four case studies. We feel this alternative should be identified to avoid a possible case where the Basin Plan amendment needed for the case study communities is de-railed on the basis of issues unrelated to the specific case studies.

- C. In addressing the issue of compliance with MUN uses in downstream waters, the Basin Plan amendment should consider specific implementation language to prescribe consideration of mixing and dilution at the point of entry into those waters, as well as the appropriate averaging periods for assessment of compliance with MUN objectives in downstream waters.
- D. The analysis should evaluate and identify environmental and cost impacts associated with implementation of the various alternatives, including the No Action alternative. For the No Action alternative, this should include the evaluation of impacts associated with actions by POTWs to meet and comply with MUN water quality objectives and associated effluent limits under the existing NPDES permits.

As stated previously, CVCWA appreciates the opportunity to provide these early comments, and will continue to provide additional comments as this process moves forward.

Sincerely,



Debbie Webster,  
Executive Officer