



# CVCWA

## Central Valley Clean Water Association

*Representing Over Fifty Wastewater Agencies*

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**MICHAEL RIDDELL – Chair, City of Riverbank**  
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**TERRIE MITCHELL – Vice Chair, Sacramento Regional CSD**  
**TONY PIRONDINI – Treasurer, City of Vacaville**

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September 4, 2014

**Via Electronic Mail Only**

Ms. Kari Holmes  
Water Resource Control Engineer  
Regional Water Quality Control Board,  
Central Valley Region  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670  
[Kari.Holmes@waterboards.ca.gov](mailto:Kari.Holmes@waterboards.ca.gov)

RE: Comments on the Tentative Order Amending Waste Discharge Requirements for Sacramento-San Joaquin Delta Dischargers

Dear Ms. Holmes:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to comment on the Tentative Order Amending Waste Discharge Requirements for Sacramento-San Joaquin Delta Dischargers (Tentative Order). 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. In this letter, we provide the following comments regarding the implementation of the Delta Regional Monitoring Plan (RMP).

CVCWA has been an active participant in the Central Valley Regional Water Quality Control Board's (Central Valley Water Board) process to develop a Delta RMP, and supports the

Central Valley Water Board's efforts to start creating incentives for discharger participation in this program. CVCWA agrees that a scientifically-sound and objective Delta RMP is important and advantageous for dischargers, the Central Valley Water Board, and most importantly, the public. Accordingly, CVCWA supports these crucial first steps towards creating a vigorous and viable Delta RMP. Further, CVCWA recognizes that this program is in its infancy, and will continue to develop and evolve over time.

The Tentative Order begins to establish the necessary incentives for publicly owned treatment works (POTWs) participation, and we appreciate that the primary goal with this first step is to create an incentive that is cost neutral for POTWs. It is important to recognize, however, that POTWs are just one small part of discharges to the Delta and that this program will need to include many others to ultimately be successful. We look forward to working with the Central Valley Regional Board to develop a robust program that provides for important information, and that does not increase monitoring costs and burdens on POTWs and other dischargers.

With respect to the revisions contained in the Tentative Order, CVCWA's comments here are intended to ensure that the revisions are clear and concise, and do not create confusion or uncertainty for the Delta POTWs that are subject to the changes.

#### **I. Compliance Determination Language**

The Tentative Order proposes to add language into the Compliance Determination section of these permits to clarify how Delta RMP data could and could not be used with respect to determining individual discharge compliance. Based on our review, there appears to be some inconsistencies with respect to this language that should be rectified. Specifically, the Tentative Order states that receiving water data that is not specifically required to be collected by the permit, i.e., data collected from the Delta RMP, will not be used directly to determine that the discharge is in violation of the permit. However, in the next sentence, the Tentative Order states that data from the Delta RMP may be used in conjunction with other data to determine if a discharge is in compliance with the permit.

The Monitoring and Reporting Program revisions include an explanation as to what is meant with respect to the compliance determination language referenced here. For example, the Monitoring and Reporting Program revisions explain that Delta RMP monitoring stations are integrator sites, and that normally such stations would not be able to identify the source of any specific constituent but help to identify issues needing further evaluation. It further explains how the Delta RMP data could be used, in conjunction with other information, to determine a likely source. CVCWA agrees with the explanations provided in the Monitoring and Reporting Program proposed language. To ensure consistency between the compliance determination language and the Monitoring and Reporting Program, we recommend that the compliance determination language be revised as follows:

As described in Section VIII of Attachment E, such data may be used, if scientifically defensible, in conjunction with other receiving water data, effluent data, receiving water flow data, and other pertinent information to determine whether or not a discharge is in compliance with this Permit.

Further, the Compliance Determination language for the Delta RMP needs to be consistent with other Compliance Determination language in the individual permits. For example, the City of Woodland's Tentative Order (which will be considered on the same day as this Tentative Order) includes receiving water limitations for temperature and pH, among other parameters. Under the Monitoring and Reporting Program in the City of Woodland Tentative Order, the City of Woodland must monitor these parameters at receiving water monitoring locations RSW-001 and RSW-002. For temperature specifically, the Compliance Determination language in the City's of Woodland's Tentative Order provides that compliance with the temperature receiving water limitation will be determined based on the difference in temperature measured at RSW-001 and RSW-002. With the proposed Delta RMP language, a discharger does not have to conduct individual receiving water monitoring if it participates in the Delta RMP, yet the data from the Delta RMP may not be used to determine compliance. These types of logical inconsistencies should be reevaluated for all of the Delta POTWs subject to the Tentative Order to ensure that each discharger fully understands how compliance with the receiving water limitations will be determined if it participates in the Delta RMP.

## **II. Special Reopener Provisions**

Most of the National Pollutant Discharge Elimination System permits for the Delta POTWs subject to the Tentative Order include a Special Reopener Provision, which states that the "Central Valley Water Board is developing a Regional Monitoring Program for the Sacramento-San Joaquin Delta." This section should be deleted, or at least revised to account for the adoption of the Delta RMP with the Tentative Order.

## **III. Effluent and Receiving Water Characterization**

The Tentative Order proposes to allow Delta POTWs the option of using the Delta RMP in lieu of the receiving water monitoring that would otherwise occur as part of this special study. CVCWA appreciates the language that creates this incentive, and is supportive of this and other efforts that could further incentivize support for the Delta RMP. However, with respect to the Effluent and Receiving Water Characterization requirements, CVCWA requests additional clarification for dischargers that choose to participate in the Delta RMP. As currently proposed, individual POTWs will have a choice in selecting between conducting receiving water monitoring for the receiving water characterization study, or relying on data from the Delta RMP for such characterization. However, the proposed language does not clarify if individuals will need to supplement Delta RMP data if the Delta RMP does not collect receiving water characterization data for all of the parameters listed in the table of parameters. The language in the Monitoring

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and Reporting Program should be revised to clarify the individual discharger's responsibilities with respect to obtaining such characterization information so that there are no surprises when subsequent reports of waste discharge are filed for permit renewals.

Further, when a Delta POTW chooses to use the Delta RMP for obtaining receiving water data associated with this requirement, it must be clear that requirements for concurrent sampling should occur to the extent feasible or practical. In other words, there needs to be some flexibility in using Delta RMP collected receiving water data that may have been collected prior to, or after effluent characterization samples. By providing this flexibility, Delta POTWs will be further incentivized to use the Delta RMP, which will benefit all with respect to the development of consistent and sound water quality data for the Delta.

We appreciate your consideration of these comments. If you have any questions or if CVCWA can be of further assistance, please contact me at (530) 268-1338 or [eoofficer@cvcwa.org](mailto:eoofficer@cvcwa.org).

Sincerely,



Debbie Webster,  
Executive Officer

cc (via email): Pamela Creedon, Central Valley Regional Water Quality Control Board  
([pcreedon@waterboards.ca.gov](mailto:pcreedon@waterboards.ca.gov))