



# CVCWA

## Central Valley Clean Water Association

*Representing Over Fifty Wastewater Agencies*

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ED CROUSE – TREASURER, RANCHO MURIETA CSD

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April 23, 2013

Ms. Felicia Marcus, Chair and Board Members  
Ms. Dianne Riddell, Environmental Program Manager  
State Water Resources Control Board  
PO Box 100  
Sacramento, CA 95814

**Subject:           Comments on report titled *Comprehensive (Phase 2) Review and Update to the Bay-Delta Plan, Draft Bay-Delta Plan Workshops, Summary Report* prepared by ICF International dated January 2013.**

Chair Marcus and Board Members:

At a meeting held on April 9, 2013 regarding the Phase 2 Bay-Delta Plan update, comments were invited by the State Board on the discussion that occurred that day and on the report titled *Comprehensive (Phase 2) Review and Update to the Bay-Delta Plan, Draft Bay-Delta Plan Workshops, Summary Report* (Summary Report) that was used to initiate the discussion. The Central Valley Clean Water Association (CVCWA) is providing comments to identify concerns with the report and to seek modification of the report. Additionally CVCWA is reiterating some of the comments we made at the Board meeting concerning the proposal to evaluate nutrients.

CVCWA is a nonprofit association of Publicly Owned Treatment Works (POTWs) located throughout the Central Valley. CVCWA's primary mission is to represent wastewater agencies in regulatory matters while balancing environmental and economic interests. CVCWA members have a deep commitment to the protection of beneficial uses in the waters of the Central Valley, and have a special interest in the protection of uses in the Delta. With the exception of one, CVCWA members include all POTWs in the legal Delta.

### **Comments on the Report:**

The Summary Report consists of four main sections: (1) a 17-page opening section that attempts to summarize key points of agreement, key points of disagreement, uncertainties, and questions for each of several topical areas, and (2) three sections that include summaries of panel presentations, questions by Board members, and answers to those questions for each of three Phase 2 workshops held in the fall of 2012.

CVCWA has specific comments regarding the “key points of agreement” that were listed for the topics “Nutrient and Plankton” and “Contaminants” and a general comment regarding the report.

#### **Nutrients and Plankton**

The report states, on Page 11, that “There was broad agreement that the amounts and types of nutrients strongly affect the level of primary productivity and that nutrients can also affect the composition of the plankton community.”

CVCWA believes that this statement misrepresents the discussion that occurred during the panel proceedings. A more accurate and acceptable statement would be that:

There was broad agreement that the role of nutrients in the Delta ecosystem should be addressed, that linkages between flows, residence times and nutrient effects must be examined, and that nutrient management strategies should be developed and evaluated.

CVCWA requests that the subject “key points of agreement” statement in the report be eliminated in favor of the suggested statement. At a minimum, it is requested that the words “strongly” and “can” be replaced with the word “may” if the current sentence is retained.

#### **Contaminants**

The report states, on page 12, that “Stakeholders agreed that contamination is likely to be causing impacts both on certain individual species and on overall habitat conditions.”

CVCWA disagrees that this agreement was reached during the panel proceedings. CVCWA requests that the following substitute statement be made in the summary section of the report:

“It was largely agreed that the role of contaminants, in combination with flow, should be considered in these proceedings.”

CVCWA requests that the current “key points of agreement” statement in the report be eliminated in favor of the suggested statement. At a minimum, the current statement should be modified by replacing the words “is likely to” with the word “may”.

Finally, CVCWA requests that language be added to the beginning of the report to clarify that this document is essentially a compilation of meeting notes by the contractor, ICF International, and that conclusions regarding points of agreement and disagreement are merely the opinions of the author(s), and are not the product of a rigorous attempt to validate the results of the panel discussions with participants. It should also be noted that the statements made in the report do not reflect approval by the panel members or by other participants in the process and shall have no regulatory or binding effect on any party.

**Nutrient Proposal:**

With members both inside and outside the Delta, CVCWA has been closely tracking and looking for opportunities to participate in the development of nutrient objectives. We have met with both State Water Board staff and Central Valley Regional Water Board management to discuss the development of objectives for nutrients. The nutrient effort in the Central Valley is just beginning. Based on other efforts in the San Francisco Bay and Southern California that both funding and time are needed to develop the necessary science for appropriate objectives. We urge the State Water Board to work closely with the Central Valley Region and its stakeholder, including CVCWA, in developing nutrient objectives and its implementation plan both inside and outside of the Delta.

One step contemplated by the Delta Science Program at the State Water Board was to assemble stakeholder to hold a workshop on Delta nutrients. CVCWA would like to be involved in this effort.

We appreciate the opportunity to provide these comments and are available to answer any questions you have.

Sincerely,



Debbie Webster  
Executive Officer

c: Pamela Creedon – Central Valley RWQCB