



CVCWA

Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

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October 10, 2012

Sent Via Electronic Mail

Pamela Creedon, Executive Officer
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

Submitted via electronic mail to: byee@waterboards.ca.gov

Re: The Central Valley Clean Water Association's Comments on the 2013 Triennial Review for the Sacramento and San Joaquin River Basins and Tulare Lake Basin

Dear Ms. Creedon:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to provide comments on the 2013 joint triennial review of the water quality control plans for the Sacramento River and San Joaquin River Basins and the Tulare Lake Basin (Basin Plans). CVCWA is a non-profit organization representing more than 50 publicly owned treatment works (POTWs) throughout the Central Valley Region in regulatory matters affecting surface water discharge, land application, and water reuse. We approach these matters with a perspective that balances environmental and economic interests consistent with state and federal law.

We believe that the Clean Water Act's triennial review process is critical to ensure that the Basin Plans are maintained and amended as necessary to achieve the highest water quality that is reasonably attainable. Given the importance of the Basin Plans to water quality regulation, stakeholders (including POTWs, industry, and agriculture, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) and others) must work together to

find creative solutions for updating these vital documents. CVCWA and its members continue to look for ways to establish mutually agreeable partnerships among interested parties to facilitate necessary updates to the Basin Plans. We also urge the Central Valley Water Board to consider the need for coordinated comprehensive monitoring to develop the science related to proper identification of beneficial uses and other basin planning needs.

CVCWA continues to support efforts by the Central Valley Water Board to undertake comprehensive review of the Basin Plans as part of the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) process. However, we understand that CV-SALTS is limited to issues with respect to salinity and nutrients, and that the lack of financial resources prevents the Central Valley Water Board from reviewing the Basin Plans in their entirety, or all of the issues described in the Notice of Public Workshops (Notice) for this matter. Accordingly, this letter identifies issues that we believe are the highest priority for the Central Valley Water Board to address during this triennial review. Described in more detail below, these issues include:

- The proper identification of beneficial uses, including consideration of the blanket assignment of municipal and domestic supply (MUN) designations where State Water Resources Control Board (State Water Board) Resolution No. 88-63 "Sources of Drinking Water Policy" (Resolution No. 88-63) applies (Sacramento and San Joaquin Rivers Basin Plan at p. II-2.01; Tulare Lake Basin Plan at pp. II-3, V-2);
- The effluent limitations in the Tulare Lake Basin Plan (pp. IV-10, IV-11) that maximum electrical conductivity (EC) of a discharge shall not exceed the quality of the source water plus 500 micromhos per centimeter ($\mu\text{mhos/cm}$) under certain circumstances; and
- The need for a salinity variance for both Basin Plans.

A. The Central Valley Water Board Should Evaluate the Blanket MUN Designations Under the Current Implementation of the Basin Plans and Generally Ensure the Proper Identification of Beneficial Uses

CVCWA is pleased that the Notice identifies assessment of the MUN designation as applied to effluent-dominated water bodies (EDWs) and agricultural drains (presumably under Resolution No. 88-63) as a potential high priority for consideration during the 2013 triennial review. (Notice at Attachment 1A, pp. 1-3 and Attachment 1B, pp. 1-2.) We believe it is important to identify the correct beneficial uses for water bodies and agree that assessment of the MUN designation is a high priority. We urge the Central Valley Water Board to consider the blanket MUN designation with regard to all EDWs and agricultural drains, not just a select group. (See *ibid.*)

As you know, Resolution No. 88-63 has been incorporated into the Basin Plans and interpreted as designating the MUN use to EDWs and agricultural drains. (Sacramento and San

Joaquin Rivers Basin Plan at p. II-2.01; Tulare Lake Basin Plan at pp. II-3, V-2.) Further, the exceptions of Resolution No. 88-63 have recently not been interpreted as self-implementing when waste discharge requirements are adopted. As such, Basin Plan amendments have been determined necessary to apply these exceptions. This has resulted in POTWs having to meet stringent, end-of-pipe effluent limitations for an MUN use that often does not exist or would be excepted from application under Resolution No. 88-63. Given the widespread and serious consequences of the blanket MUN designation, the Central Valley Water Board should re-evaluate the Basin Plans' implementation of Resolution No. 88-63, especially regarding the application of the exceptions therein. Where the MUN designation is not appropriate, the Central Valley Water Board must undertake efforts to de-designate MUN from such waterbodies.

B. The Central Valley Water Board Should Consider the Tulare Lake Basin Plan Effluent Limitations That Require Discharges Not to Exceed the Quality of Source Water Plus 500 μ mhos/cm

The Tulare Lake Basin Plan includes an effluent limitation stating that the maximum EC of discharges to surface waters may not exceed the quality of the source water plus 500 μ mhos/cm, or 1,000 μ mhos/cm, whichever is more stringent. (Tulare Lake Basin Plan at p. IV-10.) The Tulare Lake Basin Plan also includes an effluent limitation for discharges to land that states the maximum EC shall not exceed the EC of the source water plus 500 μ mhos/cm. (*Id.* at p. IV-11.) CVCWA urges the Central Valley Water Board to re-evaluate whether these effluent limitations are appropriate.

CVCWA submits that there is no credible scientific basis to conclude that a reasonable incremental EC increase for domestic water use is 500 μ mhos/cm over source water. It is our understanding that this principle *might* have come from literature that was available in the early 1970s. However, documentation of it is uncertain, and further review or study of this issue has not occurred since the early 1970s. Moreover, the principle and effluent limitations do not take into account current water conservation practices and water conservation mandates for 2020. Thus, the effluent limitations may not be appropriate as applied to today's communities. Accordingly, CVCWA recommends that the Central Valley Water Board re-evaluate the effluent limitations.

C. The Central Valley Water Board Should Address the Need for a Salinity Variance for Both Basin Plans

As the Notice acknowledges, salt management is the most serious long-term water quality issue in the Sacramento and San Joaquin River Basins and elevated salinity in Central Valley surface waters and groundwater is an increasing problem. (Notice at Attachment 1A, p. 1 and Attachment 1B, p. 1.) The Central Valley Water Board, the State Water Board, and other stakeholders are in the process of developing a comprehensive salt and nitrate management

plan for the Central Valley. CV-SALTS is a key strategic initiative related to this effort. CV-SALTS will include Basin Plan amendments that establish regulatory structures and policies to support Basin-wide salt and nitrate management.

Central Valley Water Board staff is currently developing a variance policy related to CV-SALTS. This variance policy will provide controlled exceptions from meeting water quality objectives, and numeric effluent limits derived to implement the water quality objectives, for salinity constituents until the salt and nitrate management plan is adopted. The variance policy will serve to ensure that the regulatory atmosphere is conducive for dischargers to participate in CV-SALTS and that ultimate regulatory requirements are consistent with an overall sustainable policy. CVCWA strongly supports the development and adoption of this variance policy and believes that the 2013 triennial review should address this effort.

We appreciate your consideration of our comments and look forward to participating in the 2013 triennial review of the Basin Plans. Please do not hesitate to contact me at (530) 268-1338 or eofficer@cvcwa.org if I can be of further assistance.

Sincerely,



Debbie Webster,
Executive Officer