



California Sportfishing Protection Alliance

"An Advocate for Fisheries, Habitat and Water Quality"

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3 January 2009

Mr. Ken Landau, Assistant Executive Officer
Mr. Jim Marshall, Sr. WRCE
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6144

VIA: Electronic Submission
Hardcopy if Requested

RE: Resolution in Support of Regionalization, Reclamation, Recycling and Conservation for Wastewater Treatment Plants

Dear Messrs. Landau and Marshall,

The California Sportfishing Protection Alliance (CSPA) has reviewed the proposed Resolution in Support of Regionalization, Reclamation, Recycling and Conservation for Wastewater Treatment Plants (Resolution) and submits the following comments.

While CSPA is highly supportive of regionalization, reclamation, recycling and conservation, the Board should be aware of potential downsides that we discuss below. Also, we are somewhat puzzled by the proposed Resolution in that it is duplicative of long-existing requirements and will further stress the Regional Board's existing limited staff resources. The commitment of staff to: 1) attend additional meetings and public outreach efforts, 2) consider "innovative" permitting options that may prove to be highly contentious and 3) develop and propose Basin Plan amendments regarding regionalization, recycling, reclamation and conservation are likely to divert significant resources from mandatory core regulatory functions. For example, planning staff is already a decade behind on identified and much needed Basin Plan modifications that are likely to be far more consequential in water quality protection. CSPA believes that simply requiring adequate Reports of Waste Discharge could achieve most of the goals in the proposed Resolution.

The Resolution extensively cites the Policy for Water Quality Control (6 July 1972), which is incorporated into the Water Quality Control Plan for the Sacramento River and the San Joaquin River Basins and the Water Quality Control Plan for the Tulare Lake Basin (Basin Plans). The proposed Resolution fails however to mention the requirements of Resolution No. 77-1 Policy with Respect to Water Reclamation in California (Policy). Both the Resolution and Policy are incorporated into the Basin Plan.

Finding No. 5 of the proposed resolution cites: "The Sacramento/San Joaquin Basin Plan prohibits discharges to water bodies, including sloughs and streams with intermittent flow or dilution capacity, for

which the Regional Water Board has held that the direct discharge of wastes is inappropriate as a permanent disposal method.” The corresponding requirements in the proposed Resolution are:

- “1. Consistent with the policies described above, new dischargers, and existing dischargers requesting an increase in regulated discharge flow, should provide in it’s Report of Waste Discharge (ROWD), a status report regarding its efforts in the following areas:
 - a) wastewater recycling and reclamation;
 - b) water conservation measures; and
 - c) regional wastewater management solutions (e.g. regionalization).
2. As required by the Basin Plans, all dischargers requesting a National Pollutant Discharge Elimination System (NPDES) permit for discharges to surface waters, must also include an evaluation of wastewater reclamation and land disposal as alternative disposal methods in the ROWD.”

At the Central Valley Regional Water Quality Control Board’s 4/5 December 2008 Board Meeting for the El Dorado Irrigation District Deer Creek Wastewater Treatment Plant Tentative Waste Discharge Requirements we submitted the following as a part of our written comments:

“The Basin Plan, Implementation, Page IV-24-00, prohibits the discharge of wastewater to low flow streams as a permanent means of disposal and requires the evaluation of land disposal alternatives, Implementation, Page IV-15.00, Policies and Plans (2) Wastewater Reuse Policy. The Basin Plan, Implementation, Page IV-24-00, Regional Water Board Prohibitions, states that: “Water bodies for which the Regional Water Board has held that the direct discharge of waste is inappropriate as a permanent disposal method include sloughs and streams with intermittent flow or limited dilution capacity.” The proposed Permit characterizes the receiving stream as low flow, or ephemeral, with no available dilution. The proposed Permit does not discuss any efforts to eliminate the discharge to surface water and compliance with the Basin Plan Prohibition. Federal Regulation 40 CFR 122.4 states that no permit shall be issued for any discharge when the conditions of the permit do not provide for compliance with the applicable requirements of the CWA and are inconsistent with a plan or plan amendment.”

In the written Response to Comments Regional Board staff responded as follows:

“Finally, the commenter is incorrect in characterizing the Basin Plan language regarding discharges to ephemeral streams as a prohibition. The Basin Plan expresses a strong policy against using ephemeral streams as a permanent discharge location where alternatives are available. However, such discharges are not prohibited unless the Regional Water Board adopts a site-specific or water-body-specific prohibition. The discharge is consistent with all applicable provisions of the Basin Plan.”

We have submitted similar comments on numerous NPDES permits recently adopted by the Regional Board with the same staff response. The language and citations in the proposed Resolution appears to concur with our permit comments. The Regional Board staff’s response clearly and intentionally fails to

implement the requirements of the Basin Plan Prohibition. It is illusive how staff developed their position, even stating that a Prohibition is not a prohibition.

The above is presented as an example that there are sufficient existing laws, regulations, policies and resolutions to properly regulate wastewater discharges and to accomplish the goals of the proposed Resolution. Direction to staff from the Board and the Executive Officer to comply with the Basin Plan and its incorporated Policies may prove a more effective way of achieving the goals of the proposed Resolution.

As noted above, water conservation is always applauded. However water conservation also equates to a higher strength wastewater. Water conservation reduces the hydraulic flows to wastewater treatment plants and produces a stronger organic strength wastestream that is commonly outside the design parameters of the plant; which may lead to violations or at a minimum operational difficulty. This may mean wastewater treatment facilities may need to expand or significantly modify operational procedures to deal with the higher strength wastewater. The Regional Board should be aware of and appropriately respond to the wastewater impacts of water conservation.

Increased use of recycled municipal and industrial wastewaters should carry a note of caution. There are more than twenty-six million organic and inorganic constituents, of which nearly nine million are commercially available. Some eight hundred thousand are produced in high volume. Less than one percent are inventoried or regulated by government bodies worldwide. From a water quality perspective, we regulate only about two hundred of them. Most, of these “Constituents of Emerging Concern” (CECs) including frequently used pharmaceuticals, household products and industrial chemicals are not on the regulatory radar screen. Many of these constituents are toxic in low concentration. Others are variously classified as carcinogens, endocrine disruptors, immune suppressors and reproductive and developmental toxins. The health effects of some of these chemicals are immediate; others manifest themselves slowly over generations. Their potential to harm is uncertain, as relatively few have been subjected to the full suite of toxicological studies. A number of these constituents are bioaccumulative. The additive or synergistic effects of these constituents acting together are poorly understood, as are their potential for long-term chronic impacts. Many degrade in the environment and form new unidentified compounds with unknown consequences. Others are persistent and have half-lives of thousands of years. Heath-based or ecosystem-based water quality standards are lacking and traditional wastewater treatment systems are not designed to remove these constituents. In addition, municipal wastewaters contain a vast array of pathogens and their genetic fragments. There is an emerging scientific literature that identifies the inadequacies of present disinfection technologies to address these pathogens. Prudence would suggest that wastewaters should always be subject to the highest possible level of treatment; i.e., both microfiltration and carbon filtration.

In discussing regionalization it should be recognized that it is typically the costs associated with the transport of recycled water that has reduced its use. Wastewater treatment plants are typically built at the edge of a community at the lowest possible elevation to utilize gravity to the greatest extent possible for sewerage conveyance. For recycled water deliveries this means increased pumping costs and typically construction of new segregated pipelines through existing communities for delivery to the point of use. For a regional system this distance significantly increases to outlying communities, the

generators of the waste, making reclamation not cost effective. When potable supply already exists at the project site; it is typically the costs of delivery that stops the use of reclaimed water.

The Central Valley has few regional wastewater treatment systems. Some “regional plants”, like the City of Lincoln, have constructed state of the art systems to produce a higher level of treatment than would be typical; however other larger regional plants produce secondary wastewater that is not nitrified or denitrified and may be far below treatment levels expected from even smaller dischargers. Regionalization in itself does not assure that a higher level of treatment or reliability will be provided. We also note that several communities have employed the goal of regionalization as a smokescreen to delay, by many years, crucially needed facility upgrades necessary for water quality protection.

Thank you for considering these comments. If you have questions or require clarification, please don't hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Jennings". The signature is fluid and cursive, with a large initial "B" and "J".

Bill Jennings, Executive Director
California Sportfishing Protection Alliance