

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
JUNE 21, 2016**

ITEM 6

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION ON CONCURRENCE WITH THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD'S ORDER GRANTING AN EXCEPTION TO THE STATE THERMAL PLAN FOR THE SACRAMENTO REGIONAL WASTEWATER TREATMENT PLANT

DISCUSSION

On April 21, 2016, the Central Valley Regional Water Quality Control Board (Regional Water Board) granted the Sacramento Regional County Sanitation District (Regional San) an exception to the effluent temperature limitation of the State Water Resources Control Board's (State Water Board) 1972 "Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California" (Thermal Plan) for the Sacramento Regional Wastewater Treatment Plant. As this exception requires State Water Board's concurrence before it becomes effective, the Regional Water Board has requested State Water Board concurrence.

The Sacramento Regional Wastewater Treatment Plant (SRWTP) is owned and operated by the Regional San. The SWRTP provides waste water treatment service for the cities of Sacramento, West Sacramento, Rancho Cordova, Citrus Heights, Elk Grove, and Folsom. The SWRTP also provides service for unincorporated Sacramento County and the communities of Courtland and Walnut Grove. Approximately 1.4 million people are located within the service area.

The Thermal Plan allows the Regional Water Board to grant exceptions to specific water quality objectives in the Thermal Plan so long as the exceptions comply with federal Clean Water Act (CWA) Section 316(a) and federal regulations. The applicable exception is promulgated in section 125.73(a), which provides that: "Thermal discharge effluent limitations or standards established in permits may be less stringent than those required by applicable standards and limitations if the discharger demonstrates to the satisfaction of the director that such effluent limitations are more stringent than necessary to assure the protection and propagation of a balanced, indigenous community of shellfish, fish and wildlife in and on the body of water into which the discharge is made. This demonstration must show that the alternative effluent limitation desired by the discharger, considering the cumulative impact of its thermal discharge together with all other significant impacts on the species affected, will assure the protection and propagation of a balanced indigenous community of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made."

Regional San submitted documentation – including the results of comprehensive thermal effects studies conducted in 2010, 2013, and 2015 and a synthesis report – to the Regional Water Board to support its request for an exception to the Thermal Plan Objectives 5A(1)(a) and 5A(1)(b). Based on the evidence provided, the Regional Water Board found that Regional San adequately demonstrated that the effluent and receiving water limitations based on the Thermal

Plan are more stringent than necessary to assure the protection and propagation of a balanced, indigenous community of shellfish, fish and wildlife, as required by CWA Section 316(a).

POLICY ISSUE

Should the State Water Board concur with the Thermal Plan exception for SRWTP granted by the Central Valley Regional Water Boards?

FISCAL IMPACT

Central Valley Regional Water Board and State Water Board work associated with or resulting from this action will be addressed with existing and future budgeted resources.

REGIONAL BOARD IMPACT

Yes. The Central Valley Regional Water Board may be impacted by this decision. The Thermal Plan exception was approved by the Regional Water Board when the Regional Water Board approved the NPDES permit for the SRWTP. Without the Thermal Plan exception the SRWTP will not be able to meet the thermal objectives and will need to revise the NPDES permit.

STAFF RECOMMENDATION

That the State Water Board:

1. Concurs with the Central Valley Regional Water Board action granting SRWPT an exception to the Thermal Plan and adopting alternative less stringent thermal effluent limitations as specified in the Central Valley Regional Water Board's [Order No. R5-2016-0020](#).
2. Conditions the alternate effluent limitations on continuing compliance with the provisions of CWA Section 316(a) regarding maintenance of balanced, indigenous communities of marine life in the vicinity of the discharge. The alternate effluent limitations shall be reviewed by Central Valley Regional Water Board at the time of any renewal of SRWTP discharge permit to assure that balanced indigenous communities of aquatic life are being maintained in the vicinity of the discharge.

<p>State Water Board action on this item will assist the Water Boards in reaching Goal 4 of the Strategic Plan Update: 2008-2012 to comprehensively address water quality protection and restoration, the relationship between water supply and water quality, and describe the connections between water quality, water quantity, and climate change throughout California's water planning processes. In particular, approval of this item will assist in fulfilling objective 4.2 to take appropriate enforcement actions and innovative approaches as needed to protect and restore all surface waters.</p>

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2016-

CONCURRENCE WITH THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD'S ORDER GRANTING AN EXCEPTION TO THE STATE THERMAL PLAN FOR THE SACRAMENTO REGIONAL WASTEWATER TREATMENT PLANT

WHEREAS:

1. Sacramento Regional County Sanitation District (Regional San) owns and operates the Sacramento Regional Wastewater Treatment Plant (SRWTP) which provides water treatment service for the cities of Sacramento, West Sacramento, Rancho Cordova, Citrus Heights, Elk Grove, and Folsom. The SWRTP also provides service for unincorporated Sacramento County and the communities of Courtland and Walnut Grove.
2. The SRWTP operates under waste discharge requirements (WDR's) issued by the Central Valley Regional Water Quality Control Board (Regional Water Board) and is subject to the State Water Resources Control Board's (State Water Board) 1972 "Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed bays and Estuaries of California" (Thermal Plan) with respect to the thermal component of the discharge.
3. Regional San conducted several temperature studies at the request of the Central Valley Regional Water Board, the United States Fish and Wildlife Service, the National Marine Fisheries Service and the California Department of Fish and Wildlife (collectively, fishery agencies) to assess the thermal impacts of the discharge on aquatic life of the lower Sacramento River.
4. Regional San has requested an exception to the Thermal Plan and, in support of this request, has submitted documentation to the Central Valley Regional Water Board that indicates that the exception will result in maintenance of balanced indigenous communities of shellfish, fish and wildlife in the vicinity of the SRWTP discharge pursuant to federal Clean Water Act (CWA) Section 316(a).
5. After considering comments by the public and the scientific community, the Central Valley Regional Water Board found that the Thermal Plan exception in the form of alternative effluent limits could be allowed since the discharge from SRWTP will assure protection and propagation of balanced indigenous communities of fish, shellfish, and wildlife in the vicinity of the discharge.
6. On April 21, 2016, following a public hearing, the Central Valley Regional Water Board adopted WDR [Order No. R5-2016-0020](#) for the SRWTP that contains alternative effluent and receiving water limitations. The new WDR provides an exception to Thermal Plan Objectives 5A(1)(a) and 5A(1)(b).
 - a. The exception to Thermal Plan Objective 5A(1)(a) provides that the maximum temperature of the discharge shall not exceed the natural receiving water at Monitoring Location RSWU-001 by more than 20°F from 1 May through 30 September and more than 25°F from 1 October through 30 April.

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- b. The exception to Thermal Plan Objective 5A(1)(b) provides that (1) if the natural receiving water temperature is less than 65°F, the discharge shall not create a zone, defined by water temperature of more than 2°F above natural temperature, which exceeds 25 percent of the cross sectional area of the River at any point outside the zone of initial dilution and (2) if the natural receiving water temperature is 65°F or greater, the discharge shall not create a zone, defined by a water temperature of 1°F or more above the natural receiving water temperature which exceeds 25 percent of the cross sectional area of the River at any point outside the zone of initial dilution for more than one hour per day as an average in any month.
7. State Water Board staff has determined that the Central Valley Regional Water Board has followed proper procedures and acted within its authority in adopting SRWTP's alternative thermal effluent and receiving water limitations and in submitting these to the State Water Board for concurrence.
8. The Central Valley Regional Water Board's findings that the alternative thermal effluent and receiving water limitations comply with the requirements of CWA Section 316(a) also fulfill the requirements of State and federal antidegradation policies.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Concurs with the Central Valley Regional Water Board action granting SRWTP an exception to the Thermal Plan and adopting alternative less stringent thermal effluent and receiving water limitations as specified in the Central Valley Regional Water Board Order No. R5-2016-0020.
2. Conditions the alternative effluent and receiving water limitations on continuing compliance with the provisions of CWA Section 316(a) regarding maintenance of balanced, indigenous communities of shellfish, fish and wildlife in the vicinity of the discharge. The alternative limitations shall be reviewed by the Central Valley Regional Water Board at the time of any renewal of SRWTP's discharge permit to assure that balanced indigenous communities of aquatic life are being maintained in the vicinity of the discharge.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on June 21, 2016.

Jeanine Townsend
Clerk to the Board