



CVCWA

Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

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February 3, 2017

Via Electronic Mail Only

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814
commentletters@waterboards.ca.gov

RE: Comment Letter – Variance Policy – Scoping Comments

Dear Ms. Townsend:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to provide these comments in response to the State Water Resources Control Board's (State Water Board) Notice of Public Scoping Meeting for a Statewide Water Quality Standards Variance Policy. CVCWA represents over 50 publicly-owned treatment works (POTWs) that provide wastewater collection, treatment, and disposal for over 7 million people in the Central Valley. CVCWA's mission is to represent the interests of wastewater agencies in the Central Valley in regulatory matters that balance the need for environmental protection based on sound scientific information with a fair and reasonable economic basis. CVCWA was instrumental in the development of the Central Valley Regional Water Quality Control Board's (Central Valley Water Board) variance policy, and has a significant interest in the development of a statewide variance policy.

CVCWA supports the development and adoption of a Statewide Water Quality Standards Variance Policy (Statewide Policy) into the Statewide Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California (ISWEBE Plan). The Statewide Policy should be broad, and should clearly state that variances may be adopted for all pollutants,

subject to the federal regulatory requirements, including those listed in the California Toxics Rule (CTR). However, the Statewide Policy should not supersede or replace a variance policy already adopted and included in a regional board's water quality control plan.

Specifically, as indicated previously, CVCWA worked closely with the Central Valley Water Board to develop a general variance policy and a Streamlined Salinity Variance Policy for the Central Valley Region. These Central Valley policies should not be replaced by the Statewide Policy, but be supplemented where the Central Valley policy does not apply. For example, the Central Valley Water Board's general policy does not apply to California Toxics Rule constituents. To the extent that the Statewide Policy applies to these constituents, the Statewide Policy would therefore supplement the Central Valley's policy.

Next, CVCWA encourages the State Water Board to adopt a streamlined approach, or at the very least provide guidance for the development of a streamlined variance, for bacteria on a regional basis. POTWs meet bacteria standards through costly treatment processes. However, there may be instances where it is economically infeasible to meet a certain bacteria standard at the end of pipe, or as a receiving water limit. Thus, in some cases it may be appropriate for a POTW to receive a variance from meeting a bacteria water quality standard.

Lastly, CVCWA encourages the State Water Board and all regional boards to use variances for their intended purposes, and not as replacements for adopting reasonable water quality objectives consistent with the Porter-Cologne Water Quality Control Act (Porter-Cologne). Under Porter-Cologne, water quality objectives need to be set at a level to protect reasonable beneficial uses. Further, when adopting water quality objectives, regional boards must consider certain factors, including the attainability of the objective and economic considerations. It is imperative that regional boards adopt water quality objectives consistent with Porter-Cologne and not rely on the availability of variances as justification for adopting less than reasonable objectives.

CVCWA appreciates this opportunity to provide comments, and looks forward to reviewing the draft Statewide Policy when it is released in the future. Please contact me at eoofficer@cvcwa.org should you have any questions.

Sincerely,



Debbie Webster,
Executive Officer