



CVCWA

Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

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July 8, 2011

Sent via email to: commentletters@waterboards.ca.gov



Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000

Re: Proposed Basin Plan Amendments for New Alamo and Ulatis Creek Site Specific Objectives (SSOs)

Dear Ms. Townsend:

This letter is in response to the proposed amendments to the Water Quality Control Plan for the Sacramento and San Joaquin Basins (Basin Plan) to establish site-specific water quality objectives (SSOs) for New Alamo and Ulatis Creeks for chloroform, chlorodibromomethane (DCBM), and dichlorobromomethane (DCBM).

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to provide comments regarding the proposed amendments to the Basin Plan. CVCWA is a consortium of publicly owned treatment works (POTWs) located in the Central Valley. CVCWA's primary purpose is to exchange information and provide a unified voice on regulatory issues that impact the Central Valley region. Many of our member agencies operate wastewater treatment plants (WWTP) that discharge effluent into waterbodies with inappropriately designated uses. As a result, we have a great interest in the proposed Basin Plan amendments for SSOs for New Alamo and Ulatis Creeks.

CVCWA is pleased to support amendments to the Basin Plan providing for SSOs for the lower segments of New Alamo and Ulatis Creeks for chloroform (46 µg/l), DCBM (4.9µg/l), and

DCBM (16 µg/l). The adoption of basin plan amendments is within the authority of the regional water boards. (Wat. Code, § 13240.) Additionally, the amendments would aid in the achievement Objective 4.3 of the Strategic Plan Update: 2008-2012, which sets a goal to accomplish near-term priority basin plan amendments that incorporate State Water Resources Control Board (SWRCB) requirements and stakeholder interests. (Strategic Plan Update 2008-2012, State Water Resources Control Board, Sept. 2, 2008, at p. 29.) CVCWA commends the Central Valley Regional Water Quality Control Board's (Central Valley Water Board) amendment to the plan which recognizes that the SSOs will provide for the reasonable protection of municipal (MUN) beneficial use of segment waters, present no significant adverse impact to the environment, and cost-efficiently resolve compliance issues pertaining to the operation of the City of Vacaville's Easterly WWTP.

The SSOs incorporated in the Central Valley Water Board's Resolution No. R5-2010-0047 protect the most highly exposed human water users to a maximum risk level of 10^{-4} , in compliance with the California Toxics Rule (65 FR 31,68.) and the United States Environmental Protection Agency's (EPA) recommended human health criteria for chloroform. Peer-reviewed scientific studies commissioned by the Central Valley Water Board, and performed following the requirements of the Health and Safety Code section 57004, indicate that the proposed amendments would not pose a significant threat to human health. (Health & Saf. Code, § 57004.) In addition, the Central Valley Water Board found that the amendments would not impose adverse environmental effects and are consistent with state and federal anti-degradation policies. In sum, the lack of a threat to human health and the environment supports approval of the Basin Plan amendment.

Further, the Central Valley Water Board's Resolution marks the consummation of a nearly decade long process to respond to an SWRCB order that directed the Central Valley Water Board to address water quality standards issues associated with Old Alamo Creek, and its tributaries. (See SWRCB Order WQO 2002-0015.) While supportive of the amendments, CVCWA believes that both the SWRCB and the Central Valley Water Board need to develop a more streamlined and practical process for the consideration of beneficial use designations, and application of appropriate water quality objectives, including SSOs. Currently, the Basin Plan improperly designates many waterbodies due to the generic application of blanket designations through the tributary footnote and the incorporation of Resolution No. 88-63. To now re-evaluate those blanket designations and the water quality objectives applicable to the beneficial uses, municipalities like Vacaville and others are being forced to spend millions of dollars to right a wrong that was done over 20 years ago. The Basin Plan amendment for the New Alamo and Ulatis Creek SSOs is just one example of the extreme burden placed on municipalities in seeking to ensure that water quality standards are appropriate for any given receiving water. The determination of what are the appropriate beneficial uses and applicable water quality objectives for specific water bodies should not be this difficult.

Accordingly, CVCWA supports the need for a more efficient process for the consideration of revisions to water quality standards. A more streamlined regulatory approach is needed to update waterbody designations and save both the state and the regulated community much-needed time and to better allocate water quality resources. Nine years from an order raising these issues to a proposed amendment for SSOs is too long. Ideally, the New Alamo and Ulatis Creek SSOs will highlight this cumbersome process and provide an illustration as to why a more efficient process is necessary.

For these reasons, CVCWA requests that the SWRCB approve the proposed amendments for SSOs for the lower segments of New Alamo and Ulatis Creeks while also considering methods to streamline this time-consuming process.

Thank you for your consideration of our comments.

Very truly yours,



Debbie Webster, Executive Officer
Central Valley Clean Water Association

c: Pamela Creedon – CVRWQCB (email)
Vicki Shidell – City of Vacaville (email)