



CVCWA Central Valley Clean Water Association

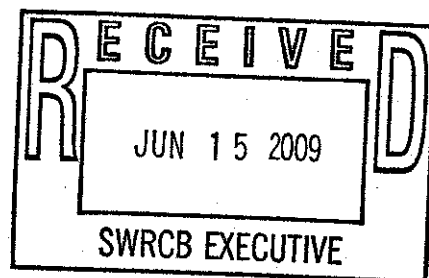
Representing Over Sixty Wastewater Agencies

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June 15, 2009

Mr. Curtis Yip
State Water Resources Control Board
Division of Water Rights – Bay Delta Unit
P.O. Box 2000
Sacramento, CA 95812-2000
commentletters@waterboards.ca.gov



SUBJECT: Comments on Draft Staff Report 2009 Periodic Review of the 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento San-Joaquin Delta Estuary

Dear Mr. Yip:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to review the draft *Staff Report 2009 Periodic Review of the 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary* (Draft Staff Report). In particular, CVCWA appreciates the State Water Resources Control Board's (State Water Board) efforts to obtain comments and information from the many diverse stakeholders that have an interest in Bay-Delta matters. Stakeholder involvement is crucial to the basin planning process, and CVCWA realizes that incorporating the input of so many stakeholders can be a difficult task. Thus, we appreciate the time and consideration the State Water Board staff has taken to review and incorporate the comments of all interested parties.

CVCWA is a non-profit association of 60 agencies that own and operate wastewater treatment facilities throughout the Central Valley Region. CVCWA and its member agencies have a keen interest in any changes to the Bay-Delta Plan. Wastewater discharge permits must be consistent with applicable water quality control plans, including at times the Bay-Delta Plan. State Water Board decisions with respect to the Bay-Delta Plan can have a significant impact on our members, and we applaud the Draft Staff Report's thoughtful analysis of these difficult and complex issues.

We appreciate your consideration of the comments provided in our letter of March 19, 2009. (See Section VI, Appendix A at p. 59.) However, CVCWA is concerned that the State Water Board intends to consider Water Code sections 13000 and 13241 only if water quality

objectives in the Bay-Delta Plan are further revised. In our March 19, 2009 comment letter, we pointed out that the State Water Board's 2006 amendments expanded the application of the salinity objectives, both in terms of geographic scope and by extending the regulatory reach to include wastewater dischargers. We noted that this expansion is inappropriate and unlawful as applied to municipal dischargers until such time as the State Water Board complies with sections 13000, 13241 and 13242 of the Water Code. Due to the implications associated with the 2006 amendments, the State Water Board must revisit such revisions even if objectives in the Bay Delta Plan are not further modified.

In general, CVCWA supports the recommendations in the Draft Staff Report with respect to "Additional Issues Identified for Further Review." In particular, CVCWA supports the staff's recommendation to forego establishing objectives for ammonia as part of its update of the Bay-Delta Plan. As noted in the Draft Staff Report, current Delta ammonia concentrations are far lower than what federal criteria suggest are fatal to even the most sensitive fish species, and much more work is needed to reduce the many uncertainties surrounding the effects of ammonia on the Bay-Delta. (See Draft Staff Report at p. 36.) Further, the Draft Staff Report appropriately identifies the Regional Water Quality Control Board as the entity with primary responsibility for developing and implementing control programs to address ammonia, including possible basin plan amendments. (Draft Staff Report at p. 37.)

With respect to toxicity objectives, CVCWA supports the Draft Staff Report's recommendation to *not* consider objectives for toxicity as part of its update of the Bay-Delta Plan. As the Draft Staff Report recognizes, additional research, further monitoring, and supplementary data are needed before determining the impacts of emerging contaminants, pyrethroids, and toxicity on the Bay Delta. Without a deeper level of information and understanding, setting objectives for toxicity would be premature and speculative. The State Water Board realizes the need for improved scientific data on this significant and important issue, and CVCWA supports its decision not to consider objectives for toxicity in relationship to the Bay-Delta Plan.

Overall, CVCWA commends State Water Board staff for preparing a Draft Staff Report that is balanced, well-written, and easily accessible. Moreover, CVCWA appreciates the consideration given to our previous comments. We look forward to working with the State Water Board in the future on this very important issue.

Sincerely,



Debbie Webster, Executive Officer
Central Valley Clean Water Association

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