



# CALIFORNIA ASSOCIATION of SANITATION AGENCIES

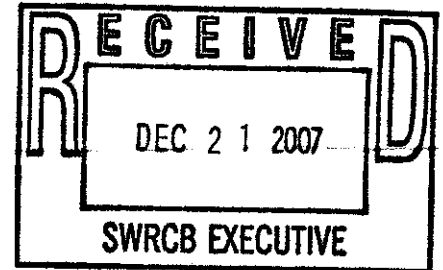
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December 21, 2007

1/15/08 BdMtg.  
A-1754 City of Arcata  
Deadline: 1/3/08 by 12 p.m.

Via Electronic Mail & U.S. Mail

Ms. Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor [95814]  
P.O. Box 100  
Sacramento, CA 95812-0100



ATTN: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Re: Comments Regarding Draft Order for City of Arcata: SWRCB OCC File No.  
A-1754 - January 15, 2008 Board Meeting

Dear Ms. Townsend:

The California Association of Sanitation Agencies (CASA) appreciates the opportunity to submit comments on the Draft Order related to the City of Arcata's Petition for Review regarding assessment of Mandatory Minimum Penalties (MMPs) for violations of the City's NPDES permit.

We are pleased that the State Water Board decided to review the petition, and that the Draft Order proposes to correct errors in the calculation of the penalties. This type of oversight is critical to ensure that MMPs, which equate to direct fiscal effects on small communities such as Arcata, are properly calculated and that the law is applied fairly.

CASA also encourages the State Water Board to review and rule on the other issues raised by Arcata. Many of these issues, such as how to count violations subject to MMPs and how to differentiate between chronic and serious violations are of continuing importance for CASA members. CASA is working with State Water Board staff to attempt to address ambiguities and concerns with regard to the implementation of MMPs in the context of the revisions to the Water quality Enforcement Policy. The Arcata Draft Order, however, presents the State Water Board with a timely opportunity to provide immediate and clear direction to the Regional Water Boards on several of these issues.

In addition, CASA supports Arcata's request that the State Water Board consider the issues raised in this petition (SWRCB OCC File No. A-1754) in conjunction with the City's second petition that seeks to adjust its permit requirements to more appropriately fit the wetland treatment system. CASA is very supportive of sustainable treatment approaches; penalizing an agency because the traditional permit does not neatly fit the natural treatment process is a disincentive for implementing these kinds of green solutions. For this reason, CASA asks that in lieu of dismissing the issues not reviewed in the Draft Order, the State

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Board defer review of those issues and consolidate them with issues raised in the second petition related to the appropriateness of the City's NPDES permit requirements.  
Thank you for the opportunity to comment.

Sincerely,



Roberta L. Larson  
Director, Legal & Regulatory Affairs

RLL/jlp