

Greg



March 28, 2007

Ms. Pamela C. Creedon
Executive Officer
Regional Water Quality Control Board
- Central Valley Region
11020 Sun Center Drive
Rancho Cordova, CA 95670

SUBJECT: Tentative NPDES No. CA0078930 City of Biggs Wastewater Treatment Plant

Dear Ms. Creedon:

The Northern California Water Association and the California Rice Commission have recently reviewed the Tentative Order for the City of Biggs Wastewater Treatment Facility. While our two organizations do not normally comment on NPDES permits for wastewater treatment facilities, the City of Biggs' tentative order addresses an issue of great importance to our organizations and the farmers and ranchers throughout the Sacramento Valley. The issue of interest for our organizations is how the tentative order proposes to address a municipal (MUN) beneficial use designation for an agricultural drain.

We support the language in the tentative order that recognizes the exceptions to the State Water Board's Drinking Water Policy (Resolution 88-63) for agricultural conveyance facilities. We also agree with the beneficial use designations as contained in the tentative order, which specifically do not include MUN uses because of the exceptions contained in Resolution 88-63 for water bodies designed or modified for the primary purpose of conveying agricultural drainage waters.

However, despite this appropriate beneficial use determination, the tentative order claims that the exceptions to Resolution 88-63 "are not self-effectuating, and therefore may only be implemented through the rule-making process of a Basin Plan amendment." We are concerned with the implication that this language may have on the many agricultural conveyance facilities located throughout the Sacramento Valley.

Ms. Pamela C. Creedon

Re: Tentative NPDES No. CA0078930 City of Biggs WWTP

April 1, 2007

Page 2

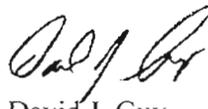
To the extent that the Regional Water Board is relying on the State Water Board's decision in the City of Vacaville Order (WQO 2002-0015), we contend that such reliance is misplaced. The State Water Board's decision in the City of Vacaville Order hinged on finding that Old Alamo Creek did not fit within the exceptions contained in Resolution 88-63. The Order did not directly determine if the exceptions within Resolution 88-63 require a basin plan amendment to be applied. Thus, the State Water Board's Order in the City of Vacaville does not apply to agricultural conveyance facilities that fit within an exception in Resolution 88-63.

We believe that the exceptions contained in Resolution 88-63 are self-effectuating and do not require a basin plan amendment for agricultural conveyance facilities that fit within the exception. To that end, we encourage you and your staff to amend the tentative order for the City of Biggs Wastewater Treatment Facility, accordingly.

Sincerely yours,



Tim A. Johnson
California Rice Commission



David J. Guy
Sacramento Valley Water Quality
Coalition

cc: Kenneth Landau, Central Valley Regional Water Quality Control Board
Greg Cash, Central Valley Regional Water Quality Control Board