



# CVCWA

## Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

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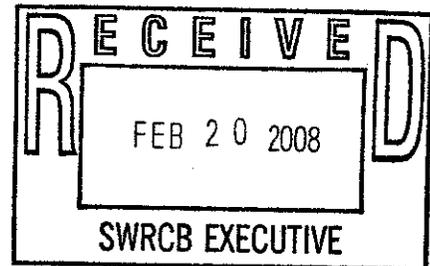
STAN DEAN – CHAIR, SRCSD    STEVE HOGG – VICE CHAIR, FRESNO  
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February 20, 2008

Via Electronic and US Mail

Tam Doduc, Chair, and Members  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814



ATTN: Jeanine Townsend, Clerk to the Board  
[commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

SUBJECT: Proposed Statewide Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits

Dear Chair Doduc and Members:

The Central Valley Clean Water Association (“CVCWA”) appreciates the opportunity to provide comments on the *Proposed Statewide Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits* (“Compliance Schedule Policy” or “Draft Policy”). CVCWA supports and is a co-signatory on the comments submitted by the California Association of Sanitation Agencies (“CASA”), Tri-TAC, Bay Area Clean Water Agencies, and Southern California alliance of POTWs. In addition, CVCWA writes separately to emphasize its concerns with regard to the Draft Policy’s impact on publicly owned treatment works (“POTWs”) in the Central Valley.

CVCWA is a non-profit association whose member agencies own and operate municipal wastewater treatment facilities throughout the Central Valley. CVCWA’s member agencies operate under NPDES permits and waste discharge requirements that are developed and adopted by the Regional Water Board in accordance with the requirements of the Clean Water Act and the Porter-Cologne Water Quality Control Act. These permits and requirements are established consistent with the water quality control plans (“Basin Plans”) for the Central Valley, the California Toxics Rule, the State’s *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (“SIP”), the Bay-Delta Plan, and other applicable plans and policies.

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The Central Valley Basin Plans authorize schedules of compliance for NPDES permits based on the shortest practicable time and in no event shall the schedule exceed ten years from the date of adoption (or new interpretation) of the objective or criteria. (See *Fourth Edition of the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins* at p. IV-16.00.) The Draft Policy would limit schedules of compliance in NPDES to five years and to being "as short as possible." The proposed changes limit Central Valley Regional Water Quality Control Board ("Regional Water Board") flexibility and set forth impractical requirements that may cause wide spread non-compliance in the Central Valley.

Many POTWs in the Central Valley are being required to upgrade existing secondary wastewater treatment facilities to tertiary treatment with nitrification/denitrification and ultraviolet disinfection. For many agencies, it is virtually impossible to implement such major modifications in five years. Schedules of compliance limited to five years are also unrealistic when time is needed to build new, or modify existing, treatment facilities to remove constituents not normally associated with traditional technology removal functions. For example, traditional wastewater technologies (including tertiary treatment) are designed to remove traditional constituents of concern such as BOD, suspended solids, nutrients, and pathogens. However, relatively little is known about the reliability of traditional technologies ability to remove certain metals and toxic organics. In such cases, additional time may be necessary to allow for additional studies and pilot tests to identify appropriate improvements before making capital investments.

In both cases, whether building new facilities to address traditional constituents or new, more difficult parameters, agencies must rely on State Revolving Fund loans to finance expensive capital improvement projects. Public agency projects are further complicated because they must conduct all contracting in an open and transparent process that adds additional time onto all major capital projects. By limiting compliance schedules to five years, many agencies will be in jeopardy of non-compliance.

In addition, the Regional Water Board is currently working on a watershed-based solution to address salinity build up in the Central Valley. The Regional Water Board recognizes that this is a major problem that will require significant effort and resources from all stakeholders to resolve. It is also recognized that it will take years to develop solutions and decades to implement solutions. The Draft Policy will unfairly impact NPDES permit holders because they will be limited to five-year compliance schedules to meet final effluent limitations for salinity while other Central Valley stakeholders may be subject to schedules that are decades long.

To avoid non-compliance and provide the Regional Water Board with necessary flexibility, CVCWA recommends that the Draft Policy be amended to allow for compliance schedules up to ten years, with provisions for an extension under specified conditions.

Finally, CVCWA recommends that the compliance schedule be set for a time period that is "as short as practicable." The terminology proposed in the Draft Policy ("as soon as possible") fails to consider practical considerations such as financing, rules governing public contracts, compliance with the California Environmental Quality Act, and other processes associated with major public capital improvement projects. All of these are factors that must be considered when the Regional Water Board determines the length of an appropriate compliance schedule to adopt in a NPDES permit.

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Unless the Draft Policy is revised substantially to reflect the changes suggested above and in comments submitted by CASA, Tri-TAC and others, CVCWA has major concerns with the practical application of the Draft Policy. It unreasonably restricts Regional Water Board flexibility and makes it almost impossible for POTWs to comply with new effluent limitations in a timely manner. Should the State Water Board determine it is infeasible to revise the statewide policy accordingly, we then encourage the State Water Board to adopt no policy and let existing Regional Water Board policies prevail. Thank you for your consideration of our comments.

Sincerely,



Debbie Webster, Executive Officer  
Central Valley Clean Water Association