



# CVCWA Central Valley Clean Water Association

Representing Over Sixty Wastewater Agencies

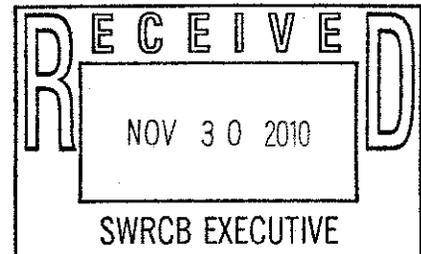
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**ED CROUSE – TREASURER, RANCHO MURIETA CSD**

Via Electronic Mail

November 30, 2010

Ms. Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814  
[commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)



**SUBJECT: COMMENT LETTER: REGION 5 “NON-REGULATORY” BASIN PLAN AMENDMENTS**

Dear Ms. Townsend:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to provide comments regarding the amendments to the Water Quality Control Plan for the Sacramento San Joaquin River Basins. 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 affecting POTWs throughout the region.

As an initial matter, we note that the proposed amendments are incorrectly denominated as “non-regulatory” in nature. To the contrary, as pointed out to the Regional Water Board during its consideration of the amendments, the proposed Basin plan provisions are substantive in nature. As such, the Water Boards are required to comply with Water Code sections 13241 and 13242 in developing and adopting the amendments.

CVCWA urges the State Water Board not to approve the amendments that would incorporate the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, as revised in 2006 (the 2006 Bay Delta Plan). The 2006 Bay Delta Plan, including water quality objectives, has yet to be approved by the United States Environmental Protection Agency (U.S. EPA), and therefore the objectives are not in force. (40 C.F.R. § 131.21.) Moreover, the State Water Board is in the process of reviewing and potentially revising the 2006 Bay Delta Plan, including a review of the water quality objectives and their implementation. It simply makes no sense to incorporate those requirements into the Basin Plan during a time when it is undisputed that the objectives are in flux. Lastly, the 2006 Bay Delta Plan is currently the

subject of legal challenges. (*City of Tracy v. State Water Resources Control Board*, Sacramento Superior Court Case No. 34-2009-80000392-CU-WM-GDS); *City of Stockton v. State Water Resources Control Board*, Sacramento County Superior Court No. 34-2010-80000488-CU-WM-GDS.) We are aware of no urgency that would warrant amending the Basin Plan to include these objectives, which may soon change due to action by U.S. EPA, the State Water Board or the courts.

For these reasons, CVCWA requests that the State Water Board to reject, or at a minimum, defer adoption of the proposed amendments incorporating the 2006 Bay Delta Plan.

Thank you for your consideration of our comments.

Sincerely,



Debbie Webster  
Executive Officer

cc: Tom Howard, State Water Board Executive Director  
Pamela Creedon, Regional Water Board Executive Officer