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Central Valley Water Board Supports Court Ruling on Sacramento Sewer Standards

Sacramento Superior Court Judge Michael Kenny has issued an order that allows the Sacramento Regional Sanitation District (District) a delay of no more than six months to fully comply with requirements that the District treat wastewater discharged into the Sacramento River for disease-causing pathogens.

A permit issued in December 2010 by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) set up a 10-year time schedule for the District to meet a number of requirements for tertiary filtration of its wastewater. The permit requires the District to apply more stringent treatment to its discharged wastewater for ammonia and nitrates that are harmful to aquatic life, and adds tertiary filtration treatment requirements for pathogens, which are harmful to humans.

The District appealed the permit to the State Water Resources Control Board (State Water Board), which is expected to take up the matter as early as April. On December 30, 2011, the District, rather than wait to hear the State Water Board's decision, filed suit in Sacramento Superior Court asking for judicial relief to eliminate a wide variety of limits and requirements in the permit.

Four days later, on January 3 of this year, the District filed an application with Judge Kenny to stay tertiary filtration requirements, possibly allowing the District to delay the required work to remove pathogens for up to two years. In response, the Central Valley Water Board worked with the District to agree to the stipulated stay.

"Since the permit provides the District a 10-year time schedule, a 6-month delay is inconsequential," said Central Valley Water Board Executive Officer Pamela Creedon. "The Central Valley Water Board worked with the Sanitation District to agree to this stipulated stay - for no longer than six months - to ensure that the State Water Board rightfully has the first opportunity to provide a review of the permit, and possibly eliminate a prolonged and costly court battle.

"The stipulated stay allows the State Water Board the necessary time to review the Central Valley Water Board's adoption of the District's permit, without premature, undue, and unnecessary litigation from the District.

"We believe the court's order will ultimately benefit public health and the environment by expediting this very complex process. In contrast, the District's efforts to stay these requirements could possibly delay compliance for as long as two years."

Improved wastewater quality is necessary because the existing discharge is harming aquatic life in the Sacramento River, Delta, and Suisun Bay, and is increasing the risk of illness and infection for people using the River and Delta. The Central Valley Water Board concluded there is sound science supporting the treatment improvements, and disagrees with the District's position that the permit is unjustified and overly stringent. It is unknown precisely what costs the District will incur to update its thirty-year-old treatment system to the level required by the permit. However, some studies and estimates given at the Central Valley Water Board's public hearing were less than half the amount suggested by the District.

California Environmental Protection Agency

