



CVCWA Central Valley Clean Water Association

Representing Over Sixty Wastewater Agencies

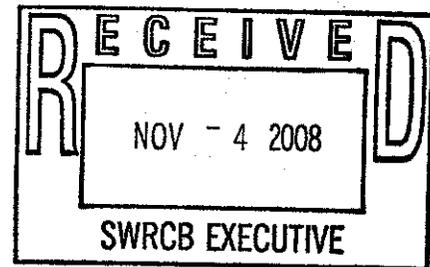
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HUMBERTO MOLINA – TREASURER, MERCED

Via Electronic and U.S. Mail

November 4, 2008

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814
commentletters@waterboards.ca.gov



**SUBJECT: COMMENTS REGARDING DRAFT ORDER REGARDING YUBA CITY—
SWRCB FILE NO, A-1895**

Dear Ms. Townsend:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to comment on the State Water Resources Control Board's (State Water Board) Proposed Order in the Matter of Petition of California Sportfishing Protection Alliance (CSPA) regarding the City of Yuba City Wastewater Treatment Plant. CVCWA is an organization comprised of approximately 60 clean water agencies, which provide wastewater collection and treatment services in the Central Valley. Many of our member agencies discharge treated effluent to surface waters, and therefore are concerned about the precedent that will be set by the proposed order.

CVCWA agrees with Yuba City that it is important that the discussion of the manner in which flows are used to calculate dilution be modified. (Proposed Order at p. 8, paragraph D.) As we understand the proposed Order, the Water Board would establish a specific low flow value as approved in the Lower Yuba River Accord (Order WR 2008-0014) for calculating dilution. We understand the State Water Board's interest in revising the permit to reflect its water rights decision, which had not been adopted at the time the permit was approved and therefore was not part of the record before the Regional Water Board. Now that the Accord has been adopted, it is appropriate to allow the Regional Water Board to determine actual flows and calculate dilution based on this new information.

Both the proposed order itself and the City of Yuba City's comments illustrate the technical complexity of this issue. The low flows of 150 cfs referenced in the proposed order equate to a return frequency of 1:100, which is not consistent with the design flows incorporated in the Policy for Implementation of Toxic Standards for Inland Surface Waters, Enclosed Bays and Estuaries (SIP). CVCWA does not believe it is advisable or appropriate for the State Water Board to establish specific design flows in an order. Rather, we recommend that the Regional Water Board be directed on remand to recalculate low flows and dilution consistent with the Lower Yuba River Accord, the California Toxics Rule and the SIP.

Thank you for your consideration of our comments.

Sincerely,



Debbie Webster, Executive Officer
Central Valley Clean Water Association

cc: Pamela Creedon, CVRWQCB
William Lewis, City of Yuba City