



August 26, 2011

Ms. Betty Yee
California Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

Re: Triennial Review of the Basin Plans for the Sacramento and San Joaquin River Basins

Dear Ms. Yee:

The City of Live Oak is pleased that the Central Valley Regional Water Quality Control Board has identified the issue of inappropriate beneficial use designations in its Triennial Review Work Plan. The City of Live Oak recommends that the list of water bodies on page 18 of the Triennial Review Work Plan be expanded to also include the agricultural drains that the City of Live Oak discharges its effluent into. The City of Live Oak recommends this expansion because it is particularly concerned about the MUN beneficial use designation that has been assigned to the agricultural drains into which it discharges its treated wastewater effluent. The agricultural drains fit within the agricultural conveyance exception to the MUN designation contained in the State Water Resources Control Board's Sources of Drinking Water Policy (Resolution 88-63), and the nearest downstream designated water body does not have the MUN beneficial use designation. The City has submitted information to the CVRWQCB documenting that these drains were constructed in the early 1900's and were never a natural waterbody. Thus, the City of Live Oak believes that de-designation through a Basin Plan Amendment is fully warranted.

The immediate need for the de-designation becomes evident when the potential costs of compliance are considered. On June 10, 2011, the Regional Water Board adopted an NPDES permit for the City of Live Oak's Wastewater Treatment Plant discharge that includes the MUN beneficial use designation for Lateral Drain No. 1 and Lateral Drain No. 2. For the City of Live Oak's 8500 citizens to comply with its previous NPDES permit a completely new \$20 million WWTP plant is nearing completion. With the approval of the City's NPDES permit that applies the MUN beneficial use to Lateral Drain Nos. 1 and 2, the City of Live Oak faces an

additional \$4 million in costs, plus on-going operational expense, above those for the current upgrades to comply with the water quality-based effluent limitations designed to satisfy the MUN beneficial use designation. The City of Live Oak's single-family residential customers could ultimately see a 33% increase in their sewer bills above the 2011 sewer fee, which means bills could be as high as \$80/month. These costs would place a significant burden on Live Oak residents and businesses because Live Oak is a disadvantaged community with a median household income of approximately \$32,000/year – to institute water quality objectives the CVRWQCB Board members acknowledged made no logical sense.

Also, the City of Live Oak is concerned that the Triennial Review Work Plan indicates that stakeholders will be the primary source of funding for beneficial use de-designations. The studies are costly, and it is inappropriate to place this burden on the Live Oak and its ratepayers. As such, the City of Live Oak should not be responsible for funding the de-designation effort. At the June 10, 2011 Regional Water Board meeting, Chairperson Hart acknowledged the inequity of imposing the costs associated with a Basin Plan amendment process on dischargers to rectify this problem. Specifically, Chairperson Hart indicated that "in adopting the Resolution 88-63 without excepting out these ag drains, we should accept responsibility for that. It's our fault that we didn't catch that, that we didn't except these drains out, and we should fix it." The City of Live Oak requests that the Work Plan be revised to identify state funding options that may be available to fund these efforts versus identifying "stakeholders" as the funding mechanism.

In summary, the City of Live Oak requests that the list of water bodies on page 18 of the Work Plan be expanded to include the agricultural drains into which Live Oak discharges its treated wastewater effluent. The City of Live Oak looks forward to working with the Regional Water Board to ensure that a Basin Plan amendment removing the MUN designation from its agricultural drains is processed as quickly as possible.

Thank you for considering these comments.

Sincerely,



William P. Lewis
Public Works Director