



CVCWA Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

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September 30, 2007

Ms. Diana Messina, Senior Engineer
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive #200
Sacramento, CA 95670

Via Electronic Mail and Fax

SUBJECT: Tentative Waste Discharge Requirements for City of Jackson Wastewater Treatment Plant, Amador County

Dear Ms. Messina:

The Central Valley Clean Water Association (“CVCWA”) appreciates the opportunity to provide comments on the *Tentative Order for the City of Jackson Wastewater Treatment Plant* (“WWTP”), prepared by the Regional Water Quality Control Board (“Regional Board”) staff. In particular, CVCWA is concerned with provisions contained in the Tentative Order regarding the discharge prohibition unless 20:1 dilution is available. Our comments are as follows.

Discharge Prohibition

California law requires the Regional Board to regulate activities that may affect water quality “to attain the highest water quality which is reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible.” (Water Code §13000.) To that end, the Regional Board is required to adopt waste discharge requirements that implement relevant water quality control plans (i.e. Basin Plans) that have been adopted and shall take into consideration the beneficial uses to be protected and the water quality objectives reasonably required for that purpose. (Water Code §13263.)

The tentative order proposes a discharge prohibition within five years of the effective date of the permit unless 20:1 dilution of the effluent in the receiving water is available. (TO at p. 9.) According to the fact sheet, the discharge prohibition is based on a guidance letter issued to the Regional Board from the California Department of Public Health (CDPH). While CVCWA recognizes the need and value in the Regional Board’s collaboration and cooperation with sister agencies, CVCWA is concerned that CDPH’s position is not based on any adopted statute,

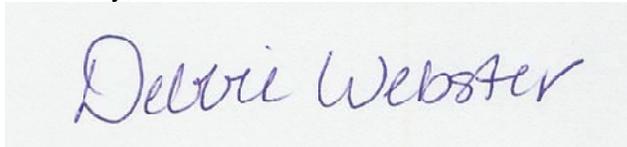
regulation or water quality objective. The letter issued to the Regional Board from CDPH merely suggests that CDPH considers the 20:1 dilution ratio necessary to limit risk. However, the letter does not cite to any references or studies that indicate risk is avoided at 20:1. Thus, CVCWA is concerned with the implication of CDPH's action and the Regional Board's response in proposing to adopt a discharge prohibition to implement CDPH guidance that is not adopted law or policy.

CVCWA also understands that the Regional Board's adoption of the discharge prohibition may have other unintended environmental impacts on fish and wildlife, and may impact downstream water rights holders. The facts of this case exemplify the Legislature's intent with regard to the need to balance all of the interests being placed on the water. The City of Jackson has a need to discharge tertiary treated effluent for its community of approximately 4,000 individuals. The Department of Fish and Game has a need to protect the fish and wildlife in Jackson Creek that depends on the discharge of treated wastewater. Downstream water rights holders have come to depend and rely on the discharge of treated wastewater for putting water to beneficial use, and the CDPH has a need to protect approximately 60 residences in Jackson Valley that receive raw water from Lake Amador for domestic use.

It appears to CVCWA that in adopting the proposed discharge prohibition, the Regional Board must balance all of these factors in making its decision and should not just merely propose a prohibition based on a comment letter received from CDPH. In this case, the comment letter from CDPH has no greater weight in value and authority than comment letters received from the Department of Fish and Game and others. As such, the Regional Board must base its decision on an evaluation of all of the information contained in the record and consider the efficacy of CDPH's proposed 20:1 dilution requirement. Thus, CVCWA encourages the Regional Board to re-evaluate all of the facts and circumstances surrounding the City of Jackson's discharge and determine what is the highest water quality which is reasonable based on all the demands being placed upon the water. At the very least, the Regional Board needs to clearly indicate that this discharge prohibition is limited to the facts and circumstances associated with the City of Jackson's discharge and that this in no way reflects Regional Board policy to be applied regionwide.

If you have any questions regarding our comments, please do not hesitate to contact me at (530) 268-1338.

Sincerely,



Debbie Webster, Executive Officer

c: Harold Welborn – ECO:LOGIC (via Email)
Joseph Spano – CDPH (via Email)