



CVCWA Central Valley Clean Water Association

Representing Over Sixty Wastewater Agencies

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Submitted Via Electronic Mail

Lixin Fu
Regional Water Quality Control Board,
Central Valley Region
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670
lfu@waterboards.ca.gov

Re: **Central Valley Clean Water Association's Comments on the Tentative Order for the Calaveras County Water District, Copper Cove Wastewater Treatment Plant**

Dear Ms. Fu:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to submit these comments on the tentative waste discharge requirements for the Calaveras County Water District (District), Copper Cove Wastewater Treatment Plant (Tentative Order). CVCWA is a non-profit organization of agencies that own and operate wastewater treatment facilities throughout the Central Valley. CVCWA represents its members in regulatory matters that affect surface water discharge and land application with a perspective to balance environmental and economic interests consistent with applicable law.

Accordingly, CVCWA has a keen interest in the how the Central Valley Regional Water Quality Control Board (Regional Water Board) applies title 27 of the California Code of Regulations (Title 27) in waste discharge permits. CVCWA also has an interest in the requirements specified in waste discharge permits for operations and maintenance plans (O&M Plans). CVCWA requests that you revise the Tentative Order's provisions related to Title 27 and the O&M Plan consistent with the comments below.

A. Title 27's Reuse Exemption Applies to the Effluent Storage Pond and Land Application Area

CVCWA agrees with the Tentative Order that the District's wastewater treatment ponds and reuse of the treated wastewater at the water recycling areas are unconditionally exempt from Title 27 under its sewage exemption (Section 20090(a)) and reuse exemption (Section 20090(h)),

respectively. (See Tentative Order at p. 16.) However, CVCWA respectfully disagrees that the District's treated effluent discharged to the effluent storage pond and land application area must qualify for the wastewater exemption (Section 20090(b)) to be exempt from Title 27. Rather, CVCWA contends that the unconditional reuse exemption of Section 20090(h) applies. This exemption states:

Reuse-Recycling or other use of materials salvaged from waste, or produced by waste treatment, such as scrap metal, compost, and recycled chemicals, provided that discharges of residual wastes from recycling or treatment operations to land shall be according to applicable provisions of this division. (Cal. Code Regs., Tit. 27, § 20090(h).)

CVCWA recognizes that the State Water Resources Control Board's (State Water Board) recent order regarding the City of Lodi (Order WQ 2009-0005) (Lodi Order) alters how the Regional Water Board is to apply the Title 27 exemptions. However, key facts distinguish the District's circumstances from Lodi's and support application of the reuse exemption in a manner consistent with the Lodi Order. First, the District's use of the effluent storage pond meets the criteria for the reuse exemption because the pond holds only *treated* municipal effluent (i.e., secondary treated recycled water) for beneficial reuse. (Tentative Order at pp. 2, 3.) In Lodi's case, the State Water Board refused to apply the reuse exemption since some of the wastewater stored in Lodi's pond was allegedly *untreated* industrial waste. (Lodi Order at p. 9.)

Further, the treated effluent the District applies to land is also exempt under the reuse exemption of Section 20090(h). In the Lodi Order, the State Water Board concluded that Lodi's land application did not qualify for the reuse exemption because a portion of the industrial waste stream was allegedly untreated. (Lodi Order at p. 9.) In the District's case, the reuse exemption applies because *all* the wastewater is of municipal origin and undergoes secondary treatment prior to land application. (Tentative Order at p. 3.) The land application occurs only when the recycled water is not needed for use at the Saddle Creek Golf Course. (*Ibid.*) The District expects the recycled water demand for the golf course to exceed the recycled water production and be the primary means of reuse so that the land application area will serve only as a backup. (*Id.* at p. 4.)

The Lodi Order does not constrain the Regional Water Board to apply only the wastewater exemption when issuing waste discharge requirements under facts similar to the District's. The State Water Board made clear that "the wastewater exemption in section 20090(b), rather than the sewage or reuse exemptions, is the most appropriate exemption to consider applying to *Lodi's* land disposal activities." (Lodi Order at p. 8, emphasis added.) The Lodi Order rested on specific findings regarding Lodi's activities—mixing untreated waste streams with treated effluent—that are not present here. The difference between applying the reuse exemption rather than the wastewater exemption is not without importance. The wastewater exemption is conditional and requires the District to demonstrate compliance with the Basin Plan prior to permit issuance. The reuse exemption is unconditional and does not require such a demonstration. As such, the exemption selected affects whether the District is in compliance with the Title 27 regulations.

For these reasons, CVCWA requests that you revise the Tentative Order to apply the reuse exemption to the treated effluent stored in the effluent storage pond and land application area. Further, CVCWA also requests that you revise the Tentative Order to delete the evaluation

and reporting requirements related to determining whether the treated effluent so stored and land applied properly qualifies for the wastewater exemption (Section 20090(b)).

B. The O&M Plan Requirements Are Overly Prescriptive

The Tentative Order requires the District to submit an updated O&M Plan and prescribes in great detail what the O&M Plan must contain. CVCWA takes no issue with requiring the O&M Plan to address certain topics, such as those identified in the Tentative Order (e.g., operation and control of wastewater treatment or sludge handling). However, CVCWA submits that the informational requirements prescribed for each topic are overly prescriptive. They could unduly restrain the District's operational flexibility or cause the O&M Plan to omit valuable information that the District would otherwise provide. As a result, CVCWA asks that you delete the requirements listed after each topic.

Thank you for considering these comments on the Tentative Order and CVCWA's above-requested revisions. Please contact me at (530) 268-1338 if you have any questions.

Sincerely,



Debbie Webster
Executive Officer