



CVCWA

Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

MICHAEL RIDDELL – Chair, City of Riverbank
CASEY WICHERT – Secretary, City of Brentwood

TERRIE MITCHELL – Vice Chair, Sacramento Regional CSD
TONY PIRONDINI – Treasurer, City of Vacaville

December 26, 2013

Via Electronically Only

Ms. Gayleen Perreira
Senior Engineer
Regional Water Quality Control Board,
Central Valley Region
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670
gperreira@waterboards.ca.gov

RE: Comments on the Tentative Waste Discharge Requirements Order R5-2014-XXXX, City of Lincoln, Wastewater Treatment and Reclamation Facility, Placer County

Dear Ms. Perreira:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to submit comments on the tentative Waste Discharge Requirements for the City of Lincoln (City), Wastewater Treatment and Reclamation Facility (Tentative Order). CVCWA is a non-profit association of public agencies located within the Central Valley region that provide wastewater collection, treatment, and water recycling services to millions of Central Valley residents and businesses. We approach these matters with the perspective of balancing environmental and economic interests consistent with state and federal law. In this spirit, we provide the following comments on the regulation of the collection systems in the Tentative Order. By including the collection system in the National Pollutant Discharge Elimination System (NPDES) permit in a substantive manner, the Central Valley Regional Water Quality Control Board (Regional Board) unnecessarily regulates the City's collection system and subjects the City to possible third party lawsuits.

The Tentative Order states that the City's "collection system is part of the system that is subject to this Order," and as such, the City "must operate and maintain its collection system . . . and mitigate and discharge from the collection system in violation of this Order."¹ However, the State Water Resources Control Board (State Board) regulates sanitary sewer systems greater than one mile in length that collect and convey untreated or partially treated wastewater to treatment facilities under the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, Order No. 2006-0003-DWQ (State Board Order No. 2006-0003-DWQ). State Board Order No. 2006-0003-DWQ requires enrollees, which includes municipalities that operate sanitary sewer systems, to develop sewer system management plans and other measures to prevent sanitary sewer overflows.²

Sanitary sewer systems pose unique challenges for water quality regulation, and the State Board has adequately addressed these challenges in State Board Order No. 2006-0003-DWQ with which the City must comply. The Regional Board does not need to regulate collection systems further in the City's NPDES permit. Not only does the inclusion of the collection systems as part of the NPDES permit in its entirety represent duplicative regulation, it subjects the City to possible third party lawsuits because any sanitary sewer overflow will violate the permit's Discharge Prohibitions.

To the extent that federal regulations require publicly-owned treatment works to properly operate and maintain all facilities and systems of collection, such requirements are adequately contained in the Standard Provisions. (See Attachment D - Standard Provisions, I.D., at p. D-1.) With respect to other provisions, such as Discharge Prohibitions and specific collection system requirements in the Tentative Order, the inclusion of collection systems in the manner as provided in the Tentative Order may subject the City to duplicative liability for sanitary sewer overflows that may reach waters of the United States. CVCWA understands that such discharges are not authorized and constitute a violation of the Clean Water Act. However, by also having collection systems subject to the Discharge Prohibitions in the Tentative Order, such discharges become a permit violation as well as an unauthorized discharge. To avoid this unintended result, CVCWA recommends that, at the very least, the Tentative Order be revised to specifically state that the Discharge Prohibitions are not applicable to collection systems, which are regulated under State Board Order No. 2006-0003-DWQ.

CVCWA respectfully requests that the Regional Board delete from the Tentative Order paragraph VI.C.5.c and the corresponding discussion on pages F-60 and F-61 in the Fact Sheet.

¹ Tentative Order at p. 18.

² Order No. 2006-0003-DWQ at pp. 2-3, 10-15.

Ms. Gayleen Perreira
Re: CVCWA Comments on the Tentative WDRs Order R5-2014-XXXX, City of Lincoln
December 26, 2013

Page 3 of 3

We appreciate your consideration of these comments. If you have any questions or if CVCWA can be of further assistance, please contact me at (530) 268-1338 or eeofficer@cvcwa.org.

Sincerely,



Debbie Webster,
Executive Officer

cc (*via email*): Pamela Creedon, Central Valley Regional Water Quality Control Board