



California Sportfishing Protection Alliance

"An Advocate for Fisheries, Habitat and Water Quality"

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5 December 2006

Ms. Pamela Creedon, Executive Officer
Mr. Kenneth Landau, Assistant Executive Officer
Mr. Jack DelConte, Principal WRCE
Ms. Wendy Wyels, Envir. Program Mgr.
Mr. Scott Kranhold, Envir. Scientist
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6144

VIA: Electronic Submission
Hardcopy if Requested

RE: Cease and Desist Order for California State Department of Corrections and Rehabilitation, Mule Creek State Prison Wastewater Treatment Plant, Amador County

Dear Messrs DelConte, Landau, Kranhold and Mesdames Creedon and Wyels;

The California Sportfishing Protection Alliance, Watershed Enforcers and San Joaquin Audubon (CSPA) has reviewed the Central Valley Regional Water Quality Control Board's (Regional Board) tentative Cease and Desist (Order) for Mule Creek State Prison Wastewater Treatment Plant (WWTP) and submits the following comments. The designated comment period has expired and CSPA submits these comments as a courtesy heads-up of arguments we will be orally presenting at the hearing.

1. The proposed Cease and Desist Order (CDO) fails to require that the State of California comply with Waste Discharge Requirements (WDR).

The proposed CDO Findings go into great detail citing that the State of California (Discharger) has intentionally violated WDRs by overpopulating the Mule Creek Prison which directly results in overloading their wastewater treatment plant (WWTP). The State of California has intentionally violated the WDR flow limitation which in turn has caused violations on numerous occasions of Discharge Prohibitions regarding bypasses and discharges to surface waters of untreated or partially treated sewage. California Water Code (CWC) Section 13301 grants the Regional Board in adopting CDOs the option of requiring Discharger comply forthwith, comply in accordance with a time schedule, or to require remedial or preventative action. The proposed CDO requires the Discharger implement internal flow reduction measures over a multi-year process, but does not require the Discharger achieve full compliance with the flow of 0.74 mgd included as a limitation in the WDR. The CDO instead requires compliance with an

influent flow of 0.782 mgd, which does not appear to the design flow of the WWTP or technically based.

2. The CDO should be revised to require, and the Discharger has the ability to achieve, compliance with WDRs forthwith.

As stated above, the Discharger has intentionally violated WDRs by overpopulating the Mule Creek Prison. The Discharger has the ability, if required, to reduce the prison population thereby eliminating WDR violations and threatened violations. The State of California should be held to a higher standard for achieving compliance with environmental regulations. The CDO should be revised to require compliance with WDRs forthwith.

3. The proposal for compliance in the CDO is technically flawed and will not likely result in compliance.

The proposed CDO requires the Discharger implement internal flow reduction measures over a multi-year process. The reduction measures are flow conservation measures from water saving devices. WWTPs are designed for both hydraulic and organic loadings. The compliance proposal fails to consider that the flow reduction measures will result in more concentrated organic loadings to the WWTP. The proposed flow reduction measures will reduce the flow to a level greater than the original design flow, 0.782 mgd instead of 0.74 mgd. The influent organic loading rate will not be reduced, but will actually remain at the currently inflated level and be more concentrated because of the flow reduction measures. The increased organic loading, substantially over the design rate, will result in continued violations. The required plan in the CDO will likely lead to further noncompliance after several years of futile effort. As previously stated, compliance can be achieved immediately by reducing the prison population. The only other measure to assure compliance is to expand the WWTP.

Thank you for considering these comments. If you have questions or require clarification, please don't hesitate to contact us.

Sincerely,



Bill Jennings, Executive Director
California Sportfishing Protection Alliance