



# CVCWA

**CENTRAL VALLEY CLEAN WATER ASSOCIATION**  
Formerly the Central Valley Wastewater Manager's Association

***Representing Over Forty Wastewater Agencies***

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April 3, 2007

Mr. James C. Pedri, P.E.  
Assistant Executive Officer  
Regional Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive, #200  
Rancho Cordova, CA 95670-6114

**SUBJECT:**    Renewal of Waste Discharge Requirements for City of Biggs Wastewater Treatment Plant, Butte County (NPDES No. CA0079154)

Dear Mr. Pedri:

The Central Valley Clean Water Association (“CVCWA”) has reviewed the proposed changes to the *Waste Discharge Requirements for City of Biggs Wastewater Treatment Plant* (“tentative order”), as prepared by the Central Valley Regional Water Quality Control Board (“Regional Board”) staff for consideration by the Regional Board. CVCWA first commented on this permit in October of last year and appreciates many of the responses prepared by the Regional Board staff on our comments. We have reviewed the Regional Board staff’s proposed revisions to the tentative order and have a few additional comments in response to those changes. Our comments on the proposed revisions are provided below.

## **I.    Maximum Daily Limit for Total Dissolved Solids**

The tentative order includes a maximum daily limit for total dissolved solids (TDS) set at 1000 mg/L. The tentative order has been revised to reflect a recommended agricultural water quality goal, in consultation with the University of California Davis Farm Advisor, set to 500 mg/L as a long-term average. Long-term averages are appropriate for the protection of the agricultural beneficial use as salinity impacts to agricultural are caused through time and are not caused by acute conditions. As such, CVCWA questions why the tentative order retains a maximum daily limit for TDS. For consistency with the other changes made on TDS, the maximum daily limit should be eliminated.

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## II. Beneficial Use Designation Study

The tentative order appears to appropriately determine that the existing beneficial uses of Lateral K are agricultural supply and the preservation and enhancement of fish, wildlife and other aquatic resources. The tentative order also appropriately recognizes that Lateral K fits within one of the exceptions contained within State Water Board's Sources of Drinking Water Policy ("Resolution 88-63"). Despite this, the tentative order includes a provision for a beneficial use designation study. The rationale for this study provision is that the exceptions in Resolution No. 88-63 are not self-effectuating, and therefore may only be implemented through the rule-making process of a Basin Plan amendment.

CVCWA disagrees with the Regional Board staff's characterization of Resolution 88-63 and the claim that the exceptions to the resolution are not self-effectuating. The Regional Board incorporated Resolution 88-63 into the Beneficial Use Chapter of the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins ("Basin Plan") in 1989. The language incorporating the Resolution states, "[w]ater bodies within the basins that do not have beneficial uses designated in Table II-1 are assigned MUN designations in accordance with the provisions of State Water Board Resolution No. 88-63 which is, by reference, a part of this Basin Plan." (Basin Plan at p. II-2.00.) Furthermore, the Basin Plan language states, "[i]n making exemptions to the beneficial use designation of MUN, the Regional Board will apply the exceptions listed in Resolution 88-63." (Basin Plan at p. II-2.00.)

On their face, these provisions incorporate Resolution 88-63, along with the exceptions, where they apply. Such an interpretation is consistent with the actual language of Resolution No. 88-63, which states that the all surface and groundwater is suitable or potentially suitable for MUN except for those waters falling within the exceptions contained in the Resolution. In other words, waters that meet the exceptions of the policy are not part of the class of surface or groundwaters subject to the Regional Board's MUN designation.

The State Water Board's decision in *City of Vacaville* (Order WQO 2002-0015) does not contradict the plain reading of the Basin Plan and its incorporation of Resolution 88-63. The State Board's decision in *City of Vacaville* hinged on finding that Old Alamo Creek did not fit within one of the exceptions contained in Resolution No. 88-63. "Old Alamo Creek does not appear to fit within Resolution No. 88-63's exceptions for systems that are modified for the primary purpose of conveying agricultural drainage waters or to convey or treat municipal wastewater or storm waters." (Order at p. 36.) The State Water Board did not expressly conclude that the exceptions in Resolution No. 88-63 are not self-effectuating. Thus, State Board's decision in *City of Vacaville* does not support the position that the exceptions to Resolution No. 88-63 are not self-effectuating.

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Accordingly, CVCWA contends that the requirement for a beneficial use designation study to support a basin plan amendment is inappropriate and must be removed from the tentative order.

In summary, CVCWA encourages the Regional Board staff to revise the City of Biggs tentative order by removing the daily maximum limit for TDS and by removing the beneficial use designation study, which, in essence, requires a basin plan amendment to de-designate a use that was not designated in the first place. If you have any questions regarding our comments, please do not hesitate to call me at (530) 886-4911.

Sincerely,



Warren Tellefson  
Executive Officer

WT/jp

cc: Greg Cash, Central Valley Regional Water Quality Control Board  
David L. Swartz, City of Biggs