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# CVCWA

## Central Valley Clean Water Association

*Representing Over Fifty Wastewater Agencies*

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Ms. Diana Messina, Senior Engineer  
 Regional Water Quality Control Board  
 Central Valley Region  
 11020 Sun Center Drive, #200  
 Rancho Cordova, CA 95670-6114

Re: Comments on the Tentative Waste Discharge Requirements for the City of Colusa Wastewater Treatment Plant (CA0078999)

Dear Ms. Messina:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to comment on the Tentative Waste Discharge Requirements for the City of Colusa Wastewater Treatment Plant (Tentative Order). CVCWA represents the interests of 60 wastewater agencies in the Central Valley in regulatory matters related to water quality and the environment.

CVCWA respectfully requests that the Central Valley Regional Water Quality Control Board (Regional Water Board) find that the agricultural drain to which the City of Colusa Wastewater Treatment Plant (WWTP) discharges does not have a designation of municipal and domestic supply (MUN) and modify the requirements in the Tentative Order accordingly. The Tentative Order applies the MUN designation to the agricultural drain based on the State Water Board's Sources of Drinking Water Policy (Resolution No. 88-63). The Tentative Order recognizes that Resolution No. 88-63 exempts from the MUN designation water in systems designed or modified to convey or hold agricultural drainage waters. The Tentative Order incorrectly concludes that the City must obtain approval from the State Water Resources Control Board (State Water Board) for that exception. As a result, the Tentative Order inappropriately includes effluent limits and other requirements related to aluminum, iron, manganese, trihalomethanes, foaming agents, and nitrite and nitrate to protect a nonexistent MUN use.

For the reasons explained below, CVCWA disagrees that the City must obtain approval from the State Water Board for the exception to the MUN designation in Resolution No. 88-63. A review of Resolution No. 88-63 and the Water Quality Control Plan for the Sacramento and San Joaquin River Basins (Basin Plan) establish that the exceptions are self-implementing. That is, the Regional Water Board need only find that the exception for agricultural drainage applies to exclude requirements in the Tentative Order related to the MUN designation.

**A. Resolution No. 88-63 Exempts the Agricultural Drain to Which the WWTP Discharges from the Generally Applicable MUN Designation**

Resolution No. 88-63 provides that all surface waters and groundwater are suitable or potentially suitable for the MUN use and the Regional Water Boards should designate them as such with certain exceptions. One such exception is where:

The water is in systems designed or modified for the primary purpose of conveying or holding agricultural drainage waters, provided that the discharge from such systems is monitored to assure compliance with all relevant water quality objectives as required by the Regional Boards. (Resolution No. 88-63.)

Accordingly, waters that meet the exception for agricultural drainage are not part of the class of surface waters or groundwater subject to a MUN designation. The unnamed agricultural drain to which the WWTP discharges qualifies for the exception to the blanket designation of MUN to surface waters.

**B. The Basin Plan Requires Case-by-Case Consideration of Beneficial Uses and Incorporates the Exceptions to MUN Designations Under Resolution No. 88-63 Where Applicable**

The Beneficial Uses chapter of the Basin Plan recognizes that it is impractical to list the beneficial uses of every surface water body in the region. (Basin Plan at p. II-2.00.) Therefore the Basin Plan states: "For unidentified water bodies, the beneficial uses will be evaluated on a case-by-case basis." (Basin Plan at p. II-2.00.) In addition, the chapter incorporates Resolution No. 88-63 into the Basin Plan: "Water 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-2.01, emphasis added.) Moreover, the Basin Plan reads: "In making any exemptions to the beneficial use designation MUN, *the Regional Board will apply the exceptions* listed in Resolution [sic] 88-63." (Basin Plan at p. II-2.01, emphasis added.)

The agricultural drain to which the WWTP discharges does not have a beneficial use designation in Table II-1. Therefore, the Basin Plan directs the Regional Water Board to consider the agricultural drain's beneficial uses on a case-by-case basis. In doing so, the Basin Plan requires that the Regional Water Board designate unidentified water bodies as MUN "in accordance with" Resolution No. 88-63, which includes exceptions. (Basin Plan at p. II-2.01.) The Basin Plan incorporates Resolution No. 88-63 without qualification, and Resolution No. 88-63 directs Regional Water Boards not to designate certain agricultural drains with the MUN beneficial use. The Basin Plan provides that the Regional Water Board – not the State Water Board – is to apply the exceptions in Resolution No. 88-63. Therefore, the plain language of the Basin Plan requires the Regional Water Board to apply Resolution No. 88-63's exception for waters in an agricultural drain in this case.

In summary, CVCWA respectfully requests the staff of the Regional Water Board find in accordance with the Basin Plan that the MUN designation does not apply to the agricultural drain to which the WWTP discharges. CVCWA also respectfully requests that the staff modify the requirements in the Tentative Order to reflect that finding.

Sincerely,



Debbie Webster, Executive Officer  
Central Valley Clean Water Association

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