

September 10, 2010

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CITY OF
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Mr. Kenneth D. Landau, Assistant Executive Officer
California Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114

Subject: Comments to the State Wastewater Discharge Permit for the Sacramento Regional County Sanitation District's Wastewater Treatment Facility

Dear Mr. Landau,

The City of Folsom (Folsom) has received the public announcement issued on September 3, 2010, by the California Regional Water Quality Control Board, Central Valley Region (CVRWQCB) regarding the proposed waste discharge requirements (WDR) for the Sacramento Regional County Sanitation District (SRCSD). Based on the proposed WDR, as downloaded from the CVRWQCB's website, the City is herein submitting our concerns.

During the past decade, Folsom has successfully worked hard with the CVRWQCB to develop and maintain a highly proactive sanitary sewer management program. We pride our changes made to work positively with the CVRWQCB in promoting effective and reasonable management activities to protect our environment while remaining cost-effective to our customers. Folsom's initial sanitary sewer management plan (SSMP), which was developed with the CVRWQCB staff several years ago, closely mirrors the RWQCB's current general permit for SSMP's.

We commend your office in developing such proactive and reasonable approaches to protect our environment. Consequently, we are somewhat surprised by the proposed WDR to SRCSD that will require significant and expensive technological treatment processes to their regional facility. Specifically, the proposed permit will require filtration, used to treat water against harmful cysts removal (such as giardia), and a new process that is targeted to reduce ammonia in SRCSD's discharges into the Sacramento River. Impacts to the Delta have been controversial through accusations that SRCSD's ammonia levels are a major suspect for disrupting the ecology of the Sacramento-San Joaquin Delta. Folsom has concerns regarding the CVRWQCB's process, including the proposed permit conditions, which may not meet the regulatory requirements and which are counter to the proactive nature of the CVRWQCB's process to work with communities as required for the following items:

- a) Consideration of economic factors;
- b) Reasonableness in factoring water quality objectives based on water quality conditions of the discharger; and
- c) Considerations to establish reasonable protection objectives in the WDR based on demonstrated adverse impacts rather than non-validated and speculative information.

Economic Impacts: Requirements for the Reasonable Protection of Beneficial Uses and the Prevention of Nuisance

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act), through Section 13241 Water Quality Objectives, establishes a requirement for reasonableness. Specifically, §13241 recognizes that economic factors must be considered when establishing water quality objectives. The effect of substantially reducing the economic viability of growth in Sacramento County and West Sacramento will be to create market pressures for that growth to move elsewhere in the region and beyond.

Economic Impacts to Sacramento Region’s Ratepayers

The costs to the SRCSD customers, including Folsom, for the proposed permit is estimated by SRCSD to exceed \$2-billion. In recognition of these costs, the CVRWQCB is proposing to give SRCSD 10 years to comply. This impact would likely triple the monthly costs to existing Sacramento communities and adversely impact the region’s economic viability as a result of these new monthly costs. The conditions in the proposed WDR does not consider the economic objectives as required under §13241.d of the Porter-Cologne Act.

<p><u>Porter-Cologne Act: Economic Considerations:</u></p> <ul style="list-style-type: none"> • Proposed WDR increases ratepayer costs & fees by \$2-billion • Triples monthly rates to houses • Triples Impact Fees for new construction • The proposed WDR does not consider economic objectives as required under §13241.d and §13241.e of the Porter-Cologne Act.
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Economic Impacts to Sacramento Region’s Blue Print for Growth

The Sacramento region, in 2004, adopted a blue print plan for growth in the region that recognizes environmental protection and the need to strategically allow growth in recognized areas. A significant element for the economic vitality of the Sacramento region is to allow for planned growth and to remain competitive with fees in order to allow smart growth to occur. SRCSD has indicated that this WDR would more than triple the connection fees to planned Sacramento communities. This new cost burden would adversely impact the region’s economic viability. Additionally, we are concerned that the cost increases from the WDR will have an adverse impact on the affordable and less expensive housing products in which there is a growing market demand, and does not consider the need for developing housing within the region as required under §13241.e.

Reasonable Judgment Required to be Considered: Requirements for the Reasonable Protection of Beneficial Uses and the Prevention of Nuisance

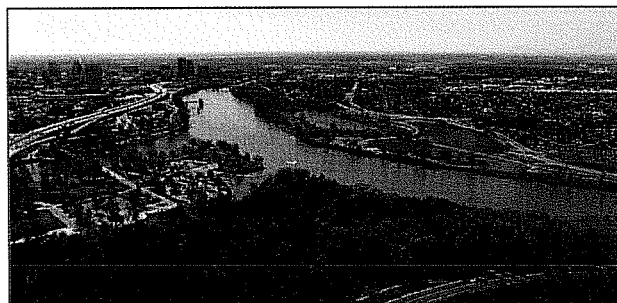
The Porter-Cologne Act, through Section 13241 Water Quality Objectives, establishes a requirement for reasonableness. §13241.c recognizes that the water quality may be changed and considered when establishing water quality objectives. §13241.c also recognizes that the water quality conditions could be achieved through control plans. A wastewater treatment facility could be viewed as a mechanism to control factors that affect water quality. §13241 requires that reasonable judgment should be used to determine the benefits and impacts when considering establishing water quality objectives. The conditions in the proposed WDR does not consider the reasonable protection objectives as required under §13241 of the Porter-Cologne Act.

<p><u>Porter-Cologne Act: Water Quality Objectives:</u></p> <ul style="list-style-type: none"> • WDR requirements based on non-validated studies and information is not reasonable • The conditions in the proposed WDR does not consider the objectives as required under §13241.c of the Porter-Cologne Act.



Causes for Delta Impacts Redirected to Upstream Agencies

The State has been working for decades to address the continuing ecological issues in the Sacramento-San Joaquin Delta. The viability for various fish species and saltwater intrusion in the groundwater are valid concerns for the State due to the potential and adverse long-term impacts to the northern San Joaquin Valley’s agricultural economy – particularly with the on-going diversions of Delta water to southern California and the south San Joaquin Valley.



Confluence of Sacramento & American Rivers: The Sacramento Region has made substantial investments to protect the American River, a major tributary to the Delta.

There is no recognition of the community-based efforts and the subsequent millions of dollars spent on ecological enhancements by the American communities – the same customers that would be forced to fund WDR conditions, which have no scientific basis to demonstrate economical and environmental benefits to the Delta. Although SRCSD has proposed ammonia reduction improvements to address future conditions that may be caused by growth in the region, the CVRWQCB needs to allow the communities

impacted by any WDR to use their experience in developing innovative and economical solutions. For example, the American River agencies, through the Water Forum, have restored and enhanced the water quality and have maintained water flows to protect the American River ecosystem, a contributing waterway into the Delta.

Basis for Proposed Increased Level of Treatment

Ammonia consumes oxygen in the rivers and waterways and has been identified as a primary “suspect” for disrupting the food chain by preventing blooms of tiny zooplankton that feed Delta fish. SRCSD’s "secondary" treatment process recognizes the existing conditions of the Sacramento River. Thus, SRCSD has identified the need for ammonia improvements by modifying their secondary treatment process for future growth in the region.

Controversy in Permit Studies

There is significant debate in the regulatory and scientific arenas regarding the impacts of ammonia from SRCSD’s effluent into the Sacramento River and the associated ecological health of the Delta. There is no scientific consensus on whether ammonia is truly a primary factor in the Delta's decline. Questions regarding impacts from agricultural and mining activities and the cumulative impacts from southern California Delta diversions have been overshadowed. The conditions in the proposed WDR does not consider the reasonable protection objectives as required under §13241 of the Porter-Cologne Act.

<p>Porter-Cologne Act: Reasonable Water Quality Impacts:</p> <ul style="list-style-type: none"> • WDR requirements based on non-validated studies and information is not reasonable • CVRWQCB staff has publically acknowledged that they will not wait until there is scientific validation and consensus on ammonia impacts from SRCSD • The conditions in the proposed WDR does not consider the objectives as required under §13241 of the Porter-Cologne Act.
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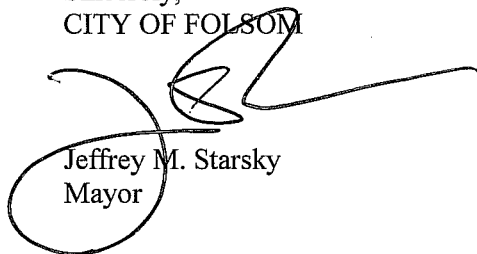
It is not reasonable for the CVRWQCB to pursue a WDR focused at SRCSD, as the largest upstream wastewater discharger into the Sacramento River, while acknowledging that they will not wait until there is scientific validation and consensus on ammonia impacts from SRCSD. Imposing an onerous WDR onto SRCSD when there is not enough evidence to justify ammonia regulation will have significant impacts to the Sacramento Region and establish an unnecessary trend to prematurely impose costly mandates prior to conclusions of the need, benefits and reasonableness to California communities.



Upon review of the WDR, it is apparent that the CVRWQCB failed to consider the water quality requirements of the Porter-Cologne Act when developing the WDR for SRCSD. The City of Folsom respectfully requests the CVRWQCB to deny the proposed WDR, and direct the CVRWQCB staff to consider validated scientific evidence, economic factors, and environmental characteristics of the Sacramento River and Delta to develop an appropriate WDR that meets the requirements of the State of California.

If you have questions regarding the comments on the referenced subject, please call me at 916.351-3573.

Sincerely,
CITY OF FOLSOM



Jeffrey M. Starsky
Mayor

Copy: City of Folsom (City Council/City Manager/City Attorney/Chief-Environmental & Water Resources)
SRCSD, District Engineer
Water Forum
Building Industry of America, Sacramento
Sacramento Area Council of Governments
file

Sacramento Regional County Sanitation District
 Sacramento Regional Wastewater Treatment Plant
 Tentative NPDES Permit Renewal and Time Schedule Order

Commenter: <u>City of Folsom</u>		
Comment No.	Topic (i.e., ammonia, Title 22 tertiary, dilution, etc.)	Summarized Comment
1	§ 13241. Water quality objectives, economic factors	<p>Establish a requirement for reasonableness: The WDR will substantially reduce the economic viability of growth in Sacramento County and West Sacramento that will create market pressures for growth to move elsewhere in the region and beyond.</p> <p>The proposed WDR does not consider economic objectives as required under the Porter-Cologne Act.</p>
2	§ 13241. Water quality objectives, economic factors	<p>The costs to the SRCSD customers for the proposed permit is estimated by SRCSD to exceed \$2-billion. In recognition of these costs, the CVRWQCB is proposing to give SRCSD 10 years to comply. This impact would likely triple the monthly costs to existing Sacramento communities and adversely impact the region's economic viability as a result of these new monthly costs.</p> <p>The proposed WDR does not consider the economic objectives as required under the Porter-Cologne Act.</p>
3	§ 13241. Water quality objectives, economic factors	<p>The Sacramento region, in 2004, adopted a blue print plan for growth in the region that recognizes environmental protection and the need to strategically allow growth in recognized areas. A significant element for the economic vitality of the Sacramento region is to allow for planned growth and to remain competitive with fees in order to allow smart growth to occur.</p> <p>The proposed WDR will adversely impact the regional housing through decreasing the economic viability in a region targeted for one of the highest growth rates. The conditions in the proposed WDR does not consider the economic objectives as required under the Porter-Cologne Act.</p>
4	§ 13241. Water quality objectives, economic factors	<p>The cost increases from the WDR will have an adverse impact on the affordable and less expensive housing products in which there is a growing market demand, and does not consider the need for developing housing within the region as required under §13241.e.</p>
5	§ 13241. Water quality objectives, past, present & future water quality conditions,	<p>§13241.c recognizes that the water quality may be changed and considered when establishing water quality objectives. §13241.c also recognizes that the water quality conditions could be achieved through controls which affect water quality. §13241 requires that reasonable judgment should be used to determine the benefits and impacts in considering establishing water quality objectives.</p>

Sacramento Regional County Sanitation District
 Sacramento Regional Wastewater Treatment Plant
 Tentative NPDES Permit Renewal and Time Schedule Order

Commenter: <u>City of Folsom</u>		
Comment No.	Topic (i.e., ammonia, Title 22 tertiary, dilution, etc.)	Summarized Comment
		The conditions in the proposed WDR does not consider the reasonable objectives as required under §13241 of the Porter-Cologne Act.
6	§ 13241. Water quality objectives, past, present & future water quality conditions,	<p>There is no recognition of the innovative, community-based solutions and the subsequent millions of dollars spent on ecological enhancements by the American River community.</p> <p>Despite commitments to protect the American River, SRCSD River customers would be forced to fund the conditions in the WDR, which have no scientific basis to demonstrate economical and environmental benefits to the Delta. SRCSD has proposed ammonia reduction improvements by modifying their secondary treatment process to get partial ammonia removal that will address future water quality conditions in the Sacramento River conditions that may be caused by growth in the region.</p>
7	§ 13241. Water quality objectives, past, present & future water quality conditions	The CVRWQCB needs to allow the communities impacted by any WDR to provide insight in developing innovative and economical solutions . For example, the American River agencies, through the Water Forum, have restored and enhanced the water quality and have maintained water flows to protect the American River ecosystem, a contributing waterway into the Delta.
8	§ 13241. Water quality objectives	There is significant debate in the regulatory and scientific arenas regarding the impacts of ammonia from SRCSD's effluent into the Sacramento River and the associated ecological health of the Delta. There is no scientific consensus on whether ammonia is truly the primary factor in the Delta's decline.
9	§ 13241. Water quality objectives	Questions regarding impacts from agricultural and mining activities and the cumulative impacts from southern California Delta diversions have been overshadowed . The conditions in the proposed WDR does not consider the reasonable protection objectives as required under §13241 of the Porter-Cologne Act.
10	§ 13241. Water quality objectives	<p>It is not reasonable for the CVRWQCB to be compelled to pursue a permit focused at SRCSD, as the largest upstream wastewater discharger into the Sacramento River, while acknowledging that they will not wait until there is scientific validation and consensus on ammonia impacts from SRCSD.</p> <p>Imposing an onerous WDR onto SRCSD when there is not enough evidence to justify ammonia regulation will have</p>

