



October 6, 2010

Ms. Pamela Creedon  
Central Valley Regional  
Water Quality Control Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670

**Subject: Draft NPDES Permit for Sacramento Regional County  
Sanitation District (September 3, 2010 version)**

*Bay Area  
Clean Water Agencies*

*Bay Planning Coalition*

*California Association  
Of Sanitation Agencies*

*California Council for  
Environmental &  
Economic Balance*

*California Manufacturers  
& Technology Association*

*Chemical Industry Council*

*Chlorine Chemistry Council*

*Contra Costa Council*

*Tri-TAC*  
Sponsored by:  
League of California Cities  
California Association of  
Sanitation Agencies  
California Water  
Environment Association

*Western States  
Petroleum Association*

**Mike Rogge**  
Executive Committee

Dear Ms. Creedon:

The Partnership for Sound Science in Environmental Policy (PSSEP) is an association of San Francisco Bay area and statewide public and private entities – businesses, municipal wastewater treatment agencies, trade associations and community organizations. PSSEP and its members support and promote regulatory actions that are based on sound science and achieve reasonable protection of human health and the environment. Our members include municipal and industrial wastewater dischargers who have a profound interest in the regulatory actions of the Central Valley Regional Board, and we appreciate the opportunity to provide these comments on the draft NPDES Permit for the Sacramento Regional County Sanitation District (SRCSD) as proposed in the Regional Board Staff's September 3, 2010 Tentative Order (hereafter, "Draft TO").

PSSEP supports the Central Valley Regional Board's interest in protecting the water quality and ecosystem of the Sacramento-San Joaquin Delta - - indeed, many agencies and businesses who are members of PSSEP rely on the Delta for their water supply. Nevertheless, it is imperative that any regulatory system be based on sound, objective science and implemented fairly, consistently, and with due regard to both the benefits and costs that will be imposed on a given discharger.

PSSEP is primarily concerned that the Regional Board would impose specific permit requirements in the SRCSD Draft TO that are clearly not based on sound science, but reflect an indirect reliance on the "*precautionary principle*" that could result in the expenditure of more than **\$2 Billion**. Further, according to the Draft TO's "Fact Sheet", it is questionable whether some of these permit requirements are even necessary, or will result in Delta ecosystem improvements.

Ms. Pamela Creedon  
Central Valley Regional Water Quality Control Board  
October 6, 2010  
Page 2

### **Micro-Filtration Requirements**

The Draft TO would require SRCSD to treat its wastewater to meet so-called "Title 22" recycled water standards in a way that conflicts with applicable guidance from the California Department of Public Health, as well as the practice of Regional Boards throughout the state - - including the Central Valley Regional Board. It is well-known and commonly accepted that **current** CDPH guidance recommends adherence to the US EPA risk standard for pathogens exposure where receiving waters provide at least 20:1 dilution, as is the case for SRCSD's discharge. Indeed, a review of the Central Valley Regional Board's NPDES permit decisions since 2007 indicates that, of 18 permits issued to municipal dischargers to receiving waters that provide more than 20:1 dilution, 16 of those permits did not require the dischargers to implement micro-filtration treatment. The two exceptions were based on special circumstances. In 2010 *alone*, the Regional Board has issued **three** municipal wastewater NPDES permits that discharge to the Sacramento River relying on the 20:1 dilution standard.

According to the "Fact Sheet" that accompanies the Draft TO, your staff seeks to justify these unreasonable permit limits on the ground that "undiluted effluent may be used for the irrigation of food crops and/or body-contact recreation." (Fact Sheet at p. F-72; emphasis added.) Since the 1999 DPH guidance addresses potential health risks associated with "body-contact recreation", and since the Regional Board's recent permit decisions make clear that the more restrictive micro-filtration treatment is unnecessary to provide adequate protection for recreational uses in receiving waters that provide for greater than 20:1 dilution (as the Sacramento River does with respect to the SRCSD discharge), it can only be that your staff is imposing the more restrictive pathogens standard because "undiluted effluent may be used for the irrigation of food crops."

In essence, the Regional Board staff would have your Board impose these unreasonably restrictive permit limits solely on the basis of their inaccurate speculation that undiluted treated wastewater "**may**" be used for agricultural irrigation. This approach is without any scientific foundation and would move the Regional Board into the realm of applying the "*precautionary principle*" to its permitting decisions. The Regional Board must reject this effort, and direct your staff to base its permitting decisions on sound, objective science. The Sacramento Region can ill-afford the economic devastation that would be thrust upon it to build a **Billion Dollar** micro-filtration treatment plant just because the Regional Board staff thinks it "might be a good idea," based on a poor understanding of actual conditions.

Ms. Pamela Creedon  
Central Valley Regional Water Quality Control Board  
October 6, 2010  
Page 3

### Ammonia Requirements

Much has been made about ammonia discharges from the SRCSD treatment plant and their alleged impact on the Delta ecosystem. "Attachment K" to the Draft TO acknowledges that there is tremendous debate - - but very little consensus - - among the Delta scientific community whether ammonia discharges from the SRCSD treatment plant are toxic to any organisms in the Delta ecosystem or otherwise disrupt the delicate food web upon which Delta fish species depend.

Nevertheless, your staff concludes that the ammonia discharges are bad enough that SRCSD must build new treatment systems to: (1) completely remove the ammonia from its discharge (nitrification), and then (2) remove the increased nitrate that is produced in the nitrification process (denitrification). All of this could only be accomplished by SRCSD building new treatment systems anticipated to cost **\$782 Million**.

If there was compelling evidence that the ammonia discharges from SRCSD were having a negative impact on the Delta ecosystem, then it would be appropriate to consider imposing further regulatory constraints on those discharges. But there is no such compelling evidence, as your own staff has acknowledged. Indeed, requiring SRCSD to nitrify and denitrify its discharge may not positively affect the Delta, but once a decision has been made that requires a commitment of nearly \$800 Million in ratepayer money, it will be nearly impossible to undo it.

Your staff has publicly stated its view that this potentially unnecessary waste of public money is inconsequential, for as reported in the Sacramento Bee recently, your Assistant Executive Officer stated, "We believe it was appropriate to require reductions in ammonia now, as opposed to waiting perhaps years until there is scientific consensus." (Comments of Kenneth Landau, assistant executive director of the regional water board, reported September 3, 2010.) This repeated, dogmatic adherence to the unsanctioned "*precautionary principle*" is terribly unsettling, and could establish a dangerous precedent throughout California as businesses and local governments seek desperately to free themselves from the broad, economic crisis pervading the state.

Sincerely,



Mike Rogge  
Executive Committee