

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION

RESOLUTION NO. 87-25

REQUESTING PRESIDENTIAL AND CONGRESSIONAL REVIEW  
OF THE ENVIRONMENTAL PROTECTION AGENCY'S DEMAND FOR  
DECHLORINATION OF COACHELLA SANITARY DISTRICT'S DISCHARGE  
FROM ITS MUNICIPAL WASTEWATER TREATMENT PLANT NO. 2  
INTO THE COACHELLA VALLEY STORMWATER CHANNEL

- WHEREAS, Under Division 7 of the California Water Code, the California Regional Water Quality Control Boards are required to establish waste discharge requirements governing the discharge of sewage and other wastes; and
- WHEREAS, Under said Division 7, and via delegation from the Environmental Protection Agency (EPA), the California Regional Water Quality Control Boards are empowered to issue National Pollutant Discharge Elimination System (NPDES) permits governing the discharge of sewage and other wastes to navigable waters of the United States, said permits however being subject to objection from the Regional Administrator of the EPA; and
- WHEREAS, During 1986, the Coachella Sanitary District submitted an application for an NPDES permit for future municipal wastewater discharge from its proposed wastewater treatment plant No. 2 to the Coachella Valley Stormwater Channel which, other than during storm periods, serves principally as an irrigation drainage conveyance; and
- WHEREAS, In accordance with recommendations from the State Department of Health Services, this Regional Board required that the Coachella Sanitary District accomplish a specific reduction in the bacteriological count in its municipal wastewater discharge to the Coachella Valley Stormwater Channel due to accessibility of the channel to children in the area; and the practical accomplishment of such reduction in bacteriological count is achieved by disinfection of the effluent wastewater, the feasible disinfection procedure being chlorination; and
- WHEREAS, As part of its processing of said NPDES permit, the Regional Board forwarded draft copies to interested persons and agencies requesting comments thereon; and in correspondence dated September 9, 1986, the EPA submitted the following objection, and stated that if the objection is not resolved, EPA may itself issue the permit.

*Cancelled  
9/20/89*

"Objections

1. The draft permit contains no limit on chlorine residual. One of the beneficial uses of the receiving water is fish habitat. Furthermore, the permit application indicates that the proposed effluent will contain 5.3 to 6.6 mg/l chlorine residual. This level for discharge exceeds the acute toxicity threshold for aquatic life. Therefor, we recommend that a limit be set for total residual chorine at 0.02 mg/l instantaneous maximum and 0.01 mg/l monthly average (the limits recommended by EPA's water quality criteria)."

; and

WHEREAS, EPA's objection, if complied with, means that in addition to constructing chlorination facilities Coachella Sanitary District must also construct dechlorination facilities estimated as costing \$150,000.00, and must bear additional annual operation and maintenance costs estimated to be \$11,000.00; and

WHEREAS, The Regional Board realizes its duty to protect beneficial water uses, and would not object to EPA's demand if indeed there was aquatic life in the channel of quality and quantity that warrants these costs, and to the extent that the value of protecting the actual aquatic life in the channel in the proximate location of the discharge exceeds the insurance that a chlorine residual would provide for protection of the health of children who have access to the channel; and

WHEREAS, Biological investigations of the Coachella Valley Stormwater Channel to date, in the vicinity of the Coachella Sanitary District's proposed discharge, and for a reasonable reach downstream, do not indicate such a quality and quantity of aquatic life as to warrant imposition of the above-mentioned additional expenditures upon the Coachella Sanitary District, and no concerns have been raised about the welfare of any possible aquatic life in the channel; and

WHEREAS, The Coachella Sanitary District, in correspondence dated October 22, 1986 (copy attached) considers the dechlorination requirement to be inappropriate in comparison to the actual quality and extent of aquatic and wildlife habitat in the storm water channel; but since the District must expedite construction of additional sewerage capacity, it requested that the Regional Board revise the NPDES permit to include the effluent chlorine limitation, hoping that the Regional Board's Basin Plan can be revised prior to the anticipated starting date of the District's municipal wastewater treatment plant; and

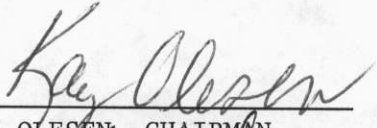
- WHEREAS, This Regional Board, in consideration of Coachella Sanitary District's request of October 22, 1986, did revise the subject NPDES permit to include the EPA's required chlorine residual limitation; and
- WHEREAS, The Federal Regulations do not per se contain a specific chlorine residual limitation, the only reference thereto being in the EPA's Water Quality Criteria, and the EPA is supposedly "recommending", but is actually demanding compliance with chlorine limits contained solely in its water quality criteria, without any consideration or allowance for local conditions; and
- WHEREAS, The EPA's objection to issuance of an NPDES permit places it in a position of strength to dictate even those constituent limitations that are not contained in the Federal Regulations, and which the EPA simply chooses to enforce without any consideration for local conditions; and
- WHEREAS, One of EPA's positions in this matter is that this Regional Board's Water Quality Control Plan (Basin Plan) lists "warm water habitat" and "wildlife habitat" as beneficial uses of the storm channel, and that therefor these beneficial uses must be protected; and
- WHEREAS, This Regional Board's reply to such EPA position is that when the Basin Plan was initially developed, the Regional Board was precluded from segmenting any stream for enunciation of beneficial uses, and was required to label an entire stream for a particular beneficial use if said beneficial use existed anywhere in the stream; and
- WHEREAS, The Regional Board is preparing to propose a revision to its Basin Plan, which would allow exceptions where the cost of dechlorination is clearly disproportionate to the beneficial uses that might be impaired by the discharge, but the outcome of this endeavor is uncertain, and particularly so since such Basin Plan revision must be approved by the EPA in order to become operative; and
- WHEREAS, The EPA is not showing flexibility for local conditions and concerns, but instead is enforcing its water quality criteria as if they are absolute standards; now therefor be it
- RESOLVED, That the California Regional Water Quality Control Board, Colorado River Basin Region requests of the President of the United States, and the United States Senators and Members of the House of Representatives:
1. That the Environmental Protection Agency be constrained from demanding that the above-mentioned specific chlorine residual limitation be contained in the NPDES

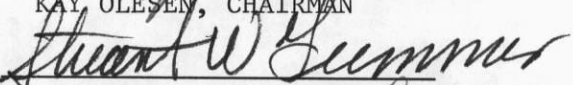
permit of Coachella Sanitary District, unless the EPA can support this demand with substantial evidence in the record to show that quality and extent of aquatic and wildlife habitat in the Coachella Valley Stormwater Channel in the vicinity of the District's wastewater discharge warrants the imposition of such chlorine residual limitation; and

2. That the EPA be constrained from objecting to issuance of the Regional Board's Order No. 86-58 (NPDES No. CA0105031), as initially adopted on September 17, 1986, to Coachella Sanitary District on grounds that the EPA's "recommended" chlorine residual limitations are not contained therein; and
3. That the Administrator of the Environmental Protection Agency be specifically directed to rescind Objection No. 1 which is contained in the EPA Region IX letter of September 9, 1986 to the Executive Officer of this Regional Board; and be it further

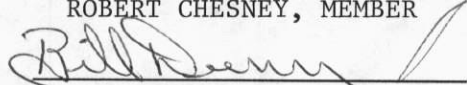
RESOLVED, That copies of this Board's adopted Resolution be forwarded to the President of the United States, to California's United States Senators, to those Members of the House of Representatives whose areas of representation are included within the Colorado River Basin Region of California, to the Administrator of the Environmental Protection Agency, and to others who may have need therefor and who may request same.

Adopted January 21, 1987

  
KAY OLESEN, CHAIRMAN

  
STUART GUMMER, VICE-CHAIRMAN

  
ROBERT CHESNEY, MEMBER

  
BILL DUNN, MEMBER

  
DON BRISCOE, MEMBER

  
ELVERA CODEKAS, MEMBER

  
RICHARD BENEDICT, MEMBER

  
MILAS RUSSELL, JR., MEMBER