



## California Sportfishing Protection Alliance

*"An Advocate for Fisheries, Habitat and Water Quality"*

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2 January 2007

Ms. Pamela Creedon, Executive Officer  
Mr. Kenneth Landau, Assistant Executive Officer  
Mr. Dave Carlson, Env. Program Manager, NPDES  
Ms. Diana Messina, Sr. WRC Engineer  
Regional Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-6144

VIA: Electronic Submission  
Hardcopy if Requested

RE: Waste Discharge Requirements (NPDES Permit No. CA0078662) for El Dorado  
Irrigation District Deer Creek Wastewater Treatment Plant, El Dorado County

Dear Messrs. Landau, Carlson and Mesdames Creedon and Messina:

The California Sportfishing Protection Alliance and Watershed Enforcers (CSPA) has reviewed the Central Valley Regional Water Quality Control Board's (Regional Board) tentative Waste Discharge Requirements (NPDES Permit No. CA0078662 for El Dorado Irrigation District Deer Creek Wastewater Treatment Plant, El Dorado County (Discharger) and submits the following comments.

CSPA requests status as a designated party for this proceeding. CSPA is a 501(c)(3) public benefit conservation and research organization established in 1983 for the purpose of conserving, restoring, and enhancing the state's water quality and fishery resources and their aquatic ecosystems and associated riparian habitats. CSPA has actively promoted the protection of water quality and fisheries throughout California before state and federal agencies, the State Legislature and Congress and regularly participates in administrative and judicial proceedings on behalf of its members to protect, enhance, and restore California's degraded surface and ground waters and associated fisheries. CSPA members reside, boat, fish and recreate in and along waterways throughout the Central Valley, including El Dorado County.

The proposed Permit includes a site-specific water effects ratio for copper and proposes to eliminate the Effluent Limitation without complying with the requirements of the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (SIP), the California Water Code (CWC) Section 13241, Federal Regulations 40 CFR 131.11, or the California Environmental Quality Act (CEQA).

The proposed Permit, Finding 20 d, includes a site-specific water effects ration for copper and proposes to eliminate the Effluent Limitation for copper in Table B-1. The SIP, Section 5.2, establishes requirements for development of Site-Specific Objectives. SIP Section 5.2 requires that the Regional Board shall, at a public meeting, consider initiating the development of a site-specific objective under specific listed conditions. The Regional Board did not hold a public hearing regarding the development of the site-specific objective contrary to the requirements of the SIP. The public has been excluded from the process of development of the proposed water quality objective.

SIP Section 5.2 further requires that: “In accordance with the State’s Porter-Cologne Water Quality Control Act (Division 7 of the Water Code), objectives must provide for the reasonable protection of beneficial uses based on consideration of the factors listed in Water Code Section 13241.” In proposing the site-specific water quality objective the proposed Permit does not contain an analysis of the factors listed in Water Code Section 13241. The proposed Permit fails to comply with the SIP requirements and CWC Section 13241.

SIP Section 5.2 requires that: “In accordance with Federal law (CWA) and regulations (40 CFR 131.11, revised as of July 1, 1997), the objectives must be based on sound scientific rationale and protect the designated beneficial uses of the receiving water.”

As mentioned above the Regional Board failed to hold the required public hearing and consider the factors of CWC 13241 eliminating the process to evaluate whether sound scientific rationale was used in the process or whether the proposed objective is protective of the designated beneficial uses of the receiving water.

The proposed Permit, Finding 20 d, states that the lowest recorded upstream hardness value was 23 mg/l. The Finding further states that further investigation indicates that the hardness value represents an analytical reporting. This is apparently based on the statement that: “Upstream receiving water hardness values recorded for the same day indicates an upstream hardness of 226 mg/l.” There is no information to conclude that the lower hardness value is invalid as opposed to the higher value, only that they conflict. Using the lower hardness results in determination that the discharge presents a reasonable potential to exceed water quality objective and an Effluent Limitation would be required in accordance with 40 CFR 122.44.

The establishment of water quality objectives is subject to the requirements of CEQA. A thorough CEQA analysis is necessary to determine the water quality impacts of the proposed water quality objective and the impacts to surface water beneficial uses.

The proposed Permit fails to fulfill the requirements of the SIP and comply with the CWC, Federal Regulations and CEQA. The permit must not be adopted as currently proposed and must be revised, following a through CEQA analysis, to address the factors in CWC 13241, and to include an effluent limitation for copper.

Thank you for considering these comments. If you have questions or require clarification, please don't hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Jennings". The signature is written in a cursive, flowing style with some loops and flourishes.

Bill Jennings, Executive Director  
California Sportfishing Protection Alliance