



# CVCWA

## Central Valley Clean Water Association

*Representing Over Fifty Wastewater Agencies*

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November 27, 2017

***Via Electronic Mail Only***

Andrew Altevogt  
Assistant Executive Officer  
California Regional Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670

SUBJECT: Proposed Central Valley Region Climate Change Work Plan

Dear Mr. Altevogt:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to comment on the *Proposed Central Valley Region Climate Change Work Plan* (Draft Work Plan). CVCWA is a non-profit association of public agencies located within the Central Valley region that provide wastewater collection, treatment, and water recycling services to millions of Central Valley residents and businesses. We approach these matters with the perspective of balancing environmental and economic interests consistent with state and federal law.

As a preliminary matter, CVCWA apologizes for submitting these comments after the comment period deadline. We recognize that climate change is an important issue and that Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff have worked diligently to put forward a thoughtful and meaningful Draft Work Plan. We have carefully reviewed the Draft Work Plan, and as proposed, it could have significant impact on Central Valley POTWs and how they are regulated and permitted by the Central Valley Water Board. We provide our comments here.

CVCWA joins the California Association of Sanitation Agencies (CASA) in their comments submitted on November 20, 2017. In addition to supporting CASA's comments, we provide additional general comments as well as specific comments on language within the Draft Work Plan.

## **I. General Comments**

Overall, the Draft Work Plan appears to focus on actions that the Central Valley Water Board may take in regulating dischargers to address climate change and its potential impacts on the environment, including but not limited to impacts related to flooding and storm intensity and timing. The Draft Work Plan appears to be void of considering or prioritizing permitting actions or basin planning that would assist in reducing greenhouse gas emissions. For example, in Central Valley Water Board permitting actions that may result in higher levels of treatment of wastewater, the Central Valley Water Board should carefully weigh the risk of such action as compared to the environmental benefit. In consideration of the risk, the Central Valley Water Board needs to consider the impact on greenhouse gas (GHG) emissions.

Further, the Draft Work Plan needs to better recognize that addressing climate change will require balancing amongst various actions. It appears that the Draft Work Plan attempts to identify the need for balance when it identifies the need for regulatory flexibility. However, it may be appropriate to provide additional text where appropriate to identify that addressing climate change is a balance between potential environmental impacts in that improvements to address one environmental issue may unintentionally cause another impact.

Moreover, the Draft Work Plan should recognize the ongoing efforts that are already occurring to address GHG emissions. Over the last several years, many POTWs have taken significant actions to reduce greenhouse gas (GHG) emissions. Such actions include switching to alternative fuels, use of solar panels, increased recycled water production and use, changes in pump efficiencies, and biogas production to name a few. As it moves forward to implement the Draft Work Plan, the Central Valley Water Board should recognize the considerable progress that has already been made by many.

Next, the Draft Work Plan references the use of trends, changing climate conditions, worst case scenarios, and other factors that may be considered when permitting and renewing permits for POTWs. Although the Draft Work Plan describes some new flexible permitting approaches developed through CV-SALTS that may assist in addressing resiliency as well as allowing for collaborative solutions that will likely have less GHG impacts and greater water quality benefits than end of pipe compliance at a POTW, CVCWA remains concerned that proposed changes in the permitting process to address the factors identified above may have significant impacts on POTWs. Thus, to the extent

that the Central Valley Water Board proposes to change its approach in permitting or facility requirements (e.g., water balance approach), CVCWA requests to be involved in discussions pertaining these potential changes.

## **II. Climate Action Plans**

As indicated previously, CVCWA joins CASA's comments, and in particular CASA's comments with respect to the imposition of Climate Action Plans. CVCWA is concerned that the requirement for mandatory Climate Action Plans may be cost prohibitive for some communities, and in particular for small, disadvantaged communities in the Central Valley. To date, most municipal Climate Action Plans are focused on reducing the carbon footprint of the municipality, and for wastewater components, reducing energy demands. Few of them focus on system resiliency, which appears to be the expectation of the Draft Work Plan. Accordingly, developing new Climate Action Plans to evaluate system preparedness may be costly, and a difficult task for many POTWs.

Before mandating Climate Action Plans, CVCWA recommends that the Central Valley Water Board undertake a process to work with CVCWA, CASA and other stakeholders to discuss the need and expectation for such plans. Further, the development of such plans must be balanced against other regulatory demands also being imposed on POTWs, e.g., compliance with CV-SALTS initiatives, groundwater sustainability mandates and water supply needs. If, based on discussions within a stakeholder process, it is determined that such Climate Action Plans specifically related to those regulated by the Central Valley Water Board are needed, then the Central Valley Water Board should work with POTWs and other stakeholders to develop templates for such plans. This will hopefully help POTWs and others to avoid spending significant resources on the development of early Climate Action Plans in the absence of clear direction as to their use and content.

## **III. Specific Comments/Requests for Clarification on Draft Work Plan**

- Page 12 of 65, last bullet: add another bullet to recognize that decreasing flows may also lead to increased algae growth.
- Page 15 of 65, second bullet: revise bullet to recognize that increased reuse and recycling may also decrease surface water flows.
- Page 25 of 65, third bullet: revise bullet to recognize that surface water temperature needs should be in ranges and not be a single static value.
- Page 25 of 65, third bullet: the Central Valley Water Board must be mindful that compliance with temperature objectives could be extremely energy intensive if compliance triggered the need for cooling effluent prior to discharge.
- Page 25 of 65, add new bullet: the list provided focuses on Basin Plan changes to address climate-related concerns but does not include a bullet to evaluate

discharger compliance with the existing Basin Plans due to climate related impacts or the impacts to climate that these changes may bring (e.g., additional energy use). To address this issue, we recommend that an additional bullet be added.

- Page 25 of 65, section 3.1.2: clarify that the TMDL program applies to surface waters only – not groundwater.
- Page 27 of 65, second full paragraph: clarify that the RMP provides baseline information only for constituents in the Delta.
- Page 29 of 65, section 3.1.5: reference to the SNMP goals needs to be consistent with the SNMP, which states that goals 2 and 3 are expected to be met where it is reasonable and feasible to do so.
- Page 30 of 65, first three lines of page: revise sentence to read as follows, “Revisions to the Variance and Exceptions policies are also being recommended to support the flexibility as long as ~~the dischargers~~ is are actively engaged in ~~through CV-SALTS in developing the long-term solutions.~~ Further, an potential advantage of regional solutions as encouraged in the SNMP is likely to result in less carbon impacts.”
- Page 31 of 65, section 3.2.1: throughout this section, the Draft Work Plan uses the term “will” rather than “may” when referring to potential impacts from climate change. Because there is still so much unknown, including the short and long-term impacts, we recommend that the section be revised in part to clarify that dischargers “may” need to consider some actions. For example, we recommend that the following sentences be revised as shown here:
  - “At the same time, increased focus on water conservation and recycling may result in lower flow rate, higher concentration discharges to surface waters, which could impact ~~impacting~~ the environment and the water quality of potable water supplies.”
  - “Permit requirements ~~will~~ may need to be updated in response to these trends, if observed.”
  - “Dischargers ~~will~~ may need to re-evaluate flood hazards and ~~their~~ potential impacts on facility operations due to anticipated climate change impacts.”
- Page 34 of 65, section 3.2.4: add to the Forest Activities Program that biosolids may be beneficial to fire-ravaged lands. CASA, CVCWA and others are working to obtain funding for a pilot study that would utilize biosolids on fire ravaged lands to demonstrate that biosolids can be beneficial in reforestation and slope stabilization efforts.
- Page 40 of 65, section 3.3: add a section for the regulation of recycled water. Recycled water is a unique resource that is regulated by the Central Valley Water Board. Because it is unique as a resource and not a waste, we recommend that

the groundwater regulation section call out recycled water separately from other waste discharge requirements.

- Page 42 of 65, section 3.3.2, last paragraph: revise sentence as follows:
  - “Municipal waste water systems ~~will~~ may also have to deal with increased inflow and infiltration (I&I) into their systems ~~due to~~ if there are increasingly saturated soils accompanying increases in rainfall.”
- Page 43 of 65, first paragraph: references to changes in salinity permit limits needs to be reconciled with CV-SALTS and salinity permitting under the anticipated salinity control program.
- Page 47 of 65, fourth bullet: the reference to “surface water management infrastructure design” is confusing in that the Central Valley Water Board has not authority with respect to surface water management.
- Page 49 of 65, second paragraph: the Draft Work Plan makes reference to the need for predictive modeling under future climate change scenarios. CVCWA comments here that the state needs to take primary responsibility in such modeling efforts – not individual POTWs.
- Page 49 of 65, section 4.1.1: the process of updating older waste discharge requirements needs to occur in conjunction with implementation of the anticipated Nitrate and Salinity Control Programs developed via CV-SALTS. All of these efforts will require the use of significant Central Valley Water Board resources thus it is important to coordinate these efforts as much as possible for efficiency purposes. CVCWA would like to work with Central Valley Water Board staff in developing its yearling permitting workload as it relates to Central Valley POTWs. Further, this section references the need for updated water balances but does not provide any information regarding the appropriate standard that should be applied. This is a critical issue for many POTWs and CVCWA requests to be involved in discussions pertaining to changes in the way that POTWs are to prepare water balances.
- Page 50 of 65, Table 3: revise the stated summaries as follows:
  - Add to 4.1.1 summary additional statement: “Consider impact on climate change (e.g., increase in GHG emissions) when evaluating and issuing new WDR requirements.”
  - “Evaluate temperature criteria to determine achievable conditions, which may lead ~~ing~~ to changes in basin plan requirements.”
- Page 53 of 65, section 4.1.6: in its discussion regarding the Triennial Review process, the Draft Work Plan appears to suggest that the triennial reviews planning priorities will be specifically focused on climate change. Such a statement is premature as the triennial review process is whereby the Central Valley Water Board makes its decision regarding priorities. This Draft Work Plan cannot pre-set those priorities in advance of Central Valley Water Board action.

- Page 54 of 65, Table 4 and section 4.2.2: the summary with respect to CV-SALTS does not appear to be consistent with the SNMP and the Salinity Management Strategy. During the medium-term, the Salinity Management Strategy recommends implementation of the Prioritization and Optimization (P&O) Study. During implementation of the P&O Study, dischargers will be encouraged to participate or be subject to conservative salinity limitations in their permits. References to salt concentrations limits based on water conservation and recycling is not an accurate summarization of the medium term. Further, the summary in section 4.2.2 discusses salts but then includes FY20/21 and FY21/22 actions related to nitrates. This section should be revised to be more consistent with the SNMP and its recommended actions.
- Page 54 of 65, Table 4 and section 4.2.7: when discussing watershed planning frameworks, the Draft Work Plan should not limit such plans to forested landscapes. Watershed planning may also be beneficial in non-forested areas.
- Page 57, Table 5 and Page 59 of 65, section 4.3.4: CVCWA appreciates the need to be as prepared as possible for extreme weather events. However, CVCWA is concerned that as written the Draft Work Plan is suggesting that POTWs will need to build facilities to accommodate for extreme events that may occur rarely. This could be a very costly endeavor that is unnecessary on balance with potential environmental impacts. CVCWA respectfully requests to work closely with Central Valley Water Board staff on these issues.

#### IV. Conclusion

Climate change and its impacts are likely to be complex and varied. CVCWA encourages the Central Valley Water Board to be mindful of the complexity of these issues, and costs associated with addressing such impacts. More importantly, these issues will require coordination and collaboration between all levels of government – including municipalities and POTWs. We look forward to working with the Central Valley Water Board as a partner in addressing climate change as it impacts all of us.

Please do not hesitate to contact me directly if you have any questions.

Sincerely,



Debbie Webster,  
Executive Officer

cc: Pamela Creedon