

**Regional Water Quality Control Board**

**Central Valley Region**

**Board Hearing – 7,8 December 2017**

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RESPONSE TO WRITTEN COMMENTS ON CENTRAL VALLEY REGION CLIMATE CHANGE WORK PLAN

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At a public hearing scheduled for 7 and 8 December 2017, the Central Valley Regional Water Quality Control Board (“Board”) will consider adoption of a Resolution to approve the Central Valley Region Climate Change Work Plan (“Work Plan”).

The Central Valley Water Board provided interested persons the opportunity to submit written comments on the proposed Work Plan from October 20, 2017 to November 20, 2017. This document contains responses to written comments submitted to the Central Valley Water Board staff during this period.

Written comments were submitted by the Sierra Nevada Conservancy (November 6, 2017), the California Central Valley Flood Control Association (November 17, 2017), the California Association of Sanitation Agencies (November 20, 2017) and the Central Valley Clean Water Association (November 27, 2017). Comments and staff responses are summarized below.

**Sierra Nevada Conservancy:** Comments included concerns about increasing regulation related to reforestation; request to connect AB 32 related work to the Forest Carbon Plan; and requests for research related to forests and water quality impacts. There were no specific requests for changes to the Work Plan.

**RESPONSE:**

Staff agrees with the need to carefully consider the impacts of regulation on reforestation efforts. At this point staff is not proposing any additional regulations in that would impact reforestation. Forestry aspects of AB 32 and the Forest Carbon Plan are being coordinated by the California Board of Forestry and the California Air Resources Board. The Central Valley Water Board staff is engaged in these efforts and supports this coordination. One overarching theme of the Work Plan is the need for additional research to support future water quality efforts in across all Board programs. We believe that all of the concerns addressed by the Conservancy are addressed in the Work Plan.

**California Central Valley Flood Control Association:** A request was made for acknowledgement of the need for changes in reservoir operations and investments in levees in response to increased erosion and sediment loading associated with climate change.

**RESPONSE:**

Staff has included acknowledgement of these operational needs in Section 2.3 of the Work Plan.

**California Association of Sanitation Agencies.** Several issues were raised including 1) the need for further acknowledgement of the impacts of lower flows, increased indoor conservation, and water recycling on wastewater treatment plant operations; 2) a request to refrain from imposing additional reporting or greenhouse gas reduction requirements (eg. through Climate Action Plans); 3) a request for explanation of State and Regional Board authority related to climate change and NPDES permitting and concern that violations of climate change-related provisions in an NPDES permit could subject dischargers to citizen suits; 4) a recommendation that the Healthy Soils Initiative support the use of application of biosolids; 5) a request for rewording of sentences related to wastewater infrastructure in disadvantaged communities; and 6) a request for mention of the impacts of indoor water conservation on wastewater infrastructure.

**RESPONSE:**

- 1) Staff has included further acknowledgement of the impacts of lower flows, increased indoor conservation, and water recycling on treatment plant operations.
- 2) Staff disagrees with removing the recommendation for future requirement of climate action plans. In the short-term, climate action plans will only be requested on a voluntary basis, as a means to better understand the ways in which facilities are planning to adapt to climate change. The long-term plan to require climate action plans will only be implemented once a better understanding is gained of appropriate planning actions and will be done in coordination with dischargers. Changes have been made to Section 4 of the work plan acknowledging the need to work with dischargers on holistic plans which maximize benefits to the environment, while being reasonable and achievable.
- 3) Authority to include climate change-related provisions in Board-issued waste discharge requirements arises from the effect climate change will have on water quality, and the broad authority over water quality that Porter-Cologne provides Regional Boards. Any new resolutions or permitting actions that affecting external stakeholders that may be proposed from the actions taken pursuant to the proposed Resolution and the Work Plan would undergo a future public process. Clean Water Act section 505 (42 U.S.C. section 1365) provides the scope of a citizen suit against a discharger to be for alleged violations of an effluent standard or limitation, or an order issued by a State with respect to such a standard or limitation. NPDES dischargers are already subject to effluent limitations; it is unclear based on the comment how the proposed Resolution or implementation of the Work Plan would expose an NPDES discharger to increased enforcement by third parties.

- 4) This recommendation is better addressed by the Healthy Soils work group led by CDFA. Language has been added addressing the Board support for and engagement with this effort.
- 5) This sentence has been reworded to acknowledge that many communities have issues related to aging infrastructure, but that these issues are particularly acute in disadvantaged communities.
- 6) Language has been added to the NPDES section 3.2.1

**Central Valley Clean Water Association.** Several general issues were raised along with a number of suggestions for specific edits. General issues included 1) the lack of mention of greenhouse gas (GHG) reduction activities and 2) a request for stakeholder involvement before developing mandatory requirements for climate action plans. The commenter also requested 3) clarification of the need to address some particular impacts of climate change and 4) revisions to language regarding CV SALTS.

**RESPONSE:**

- 1) Requirements related to GHG reductions are generally beyond the scope of authority of the Central Valley Water Board. For this reason the Climate Change Work Plan is focused on adaptation to ongoing and future climate change as it relates to water quality. Staff acknowledge that POTWs and others have made significant efforts over the past decade to reduce their GHG emissions. Staff has added language in several areas of the Work Plan acknowledging the need to work on holistic solutions that protect water quality in the face of climate change, while considering the other environmental impacts of these efforts.
- 2) Language has been added to section 4.3.3 acknowledging the need to work with stakeholders on developing climate action plans that are reasonable and feasible and that consider all impacts to the environment.
- 3) Almost all specific clarifications and changes requested have been made in the specific pages and sections mentioned. The only changes which were not made were changing “will” to “may” and similar changes on page 31, section 3.2.1, and the language requested regarding modeling on page 49. Staff believe that the language used in the Work Plan adequately covers this issue.
- 4) Language related to CV SALTS has been updated in several places to clarify the development and milestones of the program and its links to other programs.