



CVCWA

Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

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Sent via U.S Postal Mail and Electronic Mail

July 1, 2008

The Honorable Philip L. Isenberg
Chairman of the Governor's Delta Vision
Blue Ribbon Task Force
650 Capitol Mall, Fifth Floor
Sacramento, CA 95814

Email: dv_context@calwater.ca.gov

SUBJECT: Preliminary Staff Draft of the Delta Vision Strategic Plan (June 18, 2008)

Dear Mr. Isenberg:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to comment on the Preliminary Staff Draft of the Delta Vision Strategic Plan (Strategic Plan), released for public review and comment on June 18, 2008. CVCWA represents the interests of more than 60 wastewater agencies in the Central Valley in regulatory matters related to water quality and the environment. Included in that membership are a number of wastewater agencies that will be directly or indirectly impacted by the actions identified in the Strategic Plan. On behalf of its member agencies, CVCWA provides the following general comments on portions of the Strategic Plan. Also, as the Governor's Delta Vision Blue Ribbon Task Force (Task Force) moves forward to revise and improve the Strategic Plan, CVCWA will submit more detailed and specific comments as appropriate.

As an initial matter, CVCWA must first convey its concern that the Delta Vision's Stakeholder Coordinating Committee did not include representation from *any* municipal wastewater interests within or outside of the Delta. It is unfortunate that such an important stakeholder interest was omitted from the stakeholder committee process, especially since significant key actions contained in the Strategic Plan, directly or indirectly, implicate wastewater agencies in or near the Delta. No plan for the Delta can succeed if it is crafted without the active and open participation of all key interested stakeholders. As a result, CVCWA finds it necessary to provide comments here on key actions that may impact the ability of wastewater agencies to

cost effectively treat wastewater to the highest level that is reasonable considering the various beneficial uses of water throughout the Delta.

Our comments are organized to follow the structure provided in the Strategic Plan.

Strategy 1: Create Multi-part Governance Structure

CVCWA has not yet taken a position regarding the efficacy of creating a new multi-part governance structure for the Delta. However, should such a governance structure move forward, CVCWA recommends that the permanent Public Advisory Group (Strategic Plan at p. 16) include a representative of municipal wastewater. As mentioned above, wastewater agencies are important stakeholders in the Delta with specific interests. Moreover, wastewater treatment and recycling are essential components of any sustainable long-term strategy for the Delta, which cannot be adequately understood and explored without wastewater agency participation. Thus, wastewater interests must be represented in some capacity within the proposed new Delta governance structure.

Strategy 2: Ensure consistency of Action Among Existing state, federal and local entities

Action 2.1 would require the development of a “*legally binding California Delta Ecosystem and Water Plan to establish a detailed management structure for attainment of co-equal goals as well as identified land use issues in the Delta region.*” (Id. at p. 21.) To the extent that the California Delta Ecosystem and Water Plan (CDEW Plan) is a water quality control plan, as indicated in Figure 1, the plan must be adopted in accordance with the principles and requirements set forth in the Porter-Cologne Water Quality Control Act (Porter-Cologne). (Wat. Code § 13000 et seq.) In particular, Porter-Cologne requires that activities affecting water quality must regulated “to attain the highest water quality which is *reasonable*, considering all the demands being made and to be made on those waters” (Wat. Code § 13000, emphasis added; See also Wat. Code § 13001.) CVCWA recommends that the Strategic Plan be revised to clearly identify the legal principles that would apply to the CDEW Plan.

Strategy 3: Finance the Activities Called for In the CDEW Plan

The cost estimates identified in Strategy 3 of the Strategic Plan focus primarily on levee system improvements and alternative conveyance systems. The estimates fail to include any of the potential costs associated with the CDEW Plan actions that would require increased levels of wastewater treatment (discussed further below) and the expansion of recycled water use. In order for the Task Force to truly understand the real costs associated with the proposed actions and implementation of CDEW Plan, all costs relative to new or revised water quality requirements must be included and considered.

Strategy 6: Reduce or Remove Stressors to the Delta Ecosystem

The Strategic Plan makes a general reference to “ammonia and other nutrients from sewage outfalls” having a substantial impact on living organisms of the Delta. (Strategic Plan at p. 37.) This broad-brush statement is unsupported by any evidence contained in the Strategic Plan, or otherwise referenced. Currently, there are numerous studies underway to determine if ammonia in treated effluent is having effects on organisms in the Delta. In the meantime, wastewater agencies are required to meet stringent effluent limitations to protect aquatic life from

a number of pollutants, including ammonia toxicity. To avoid misleading implications, CVCWA recommends that the Strategic Plan be revised to avoid statements that summarily conclude treated wastewater is a major cause of impairments to the Delta ecosystem.

Strategy 7: Maximize Regional Water Self-Sufficiency Throughout California

Actions 7.5, 7.5.1 and 7.6 collectively encourage the use of recycled water in order to help address water supply reliability in California. (Strategic Plan at p. 45 - 47.) CVCWA and its member agencies strongly support the increased use of recycled water. In fact, many CVCWA agencies in the Central Valley are well positioned to provide recycled water to public and private entities; however, the lack of infrastructure to deliver recycled water, as well as the high regulatory burden associated with permitting projects, constitute very real disincentives. To better implement this action, CVCWA recommends that the Strategic Plan be revised to provide financial and regulatory incentives for wastewater agencies to provide recycled water. Also, the Strategic Plan should recognize the State Water Resources Control Board's (State Water Board) current efforts to develop a recycled water policy for the state and include that important effort within the Strategic Plan.

Strategy 8: Integrate and Strengthen Management of All Aspects of the Water Cycle Including Water Quality

CVCWA is very concerned with Action 8.5 in its entirety. Without any evidence or support, it would require control of anthropogenic contaminants at the source before they enter the Delta based merely on the presumption that preventing contaminants from entering waterways is the most efficient and sustainable strategy for protecting Delta water quality for drinking water uses. (Strategic Plan at p. 53-54.) While we understand the value of source water protection, CVCWA disagrees with the overly simplistic presumption underlying this Action because it fails to consider that many contaminants are naturally occurring and that no amount of source control will necessarily resolve Delta water quality issues for drinking water uses. Also, this action fails to balance the cost of source control and advanced treatment at all wastewater plants with the efficiency and sustainability of treating drinking water supplies upon delivery to a drinking water provider.

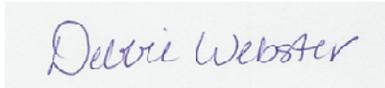
Finally, on a more general note, this action fails to consider the general framework articulated by the Legislature in Porter-Cologne. As discussed above, regulation for the protection of water quality must be reasonable. (Wat. Code § 13000.) The law requires the state to balance all of the demands being placed upon the water, including economic and social considerations. (Ibid.) Action 8.5 provides no balancing or consideration of all of the demands and instead rushes to judgment that advanced treatment for all wastewater agencies discharging to the Delta must be implemented. Further, the action does not define "advanced treatment." Due to the fact that Action 8.5 is unsupportable in its current form, CVCWA recommends that it be removed from the Strategic Plan.

The Honorable Philip L. Isenberg – Delta Vision Blue Ribbon Committee Chair
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In summary, CVCWA has identified several significant concerns with portions of the Strategic Plan that relate specifically to wastewater agencies and the treatment of wastewater. To ensure that the Strategic Plan is reasonable and workable for all stakeholders, we respectfully request that the Strategic Plan be modified as indicated above. Again, CVCWA appreciates this opportunity to comment and please be assured that we will continue to comment on the Strategic Plan as it is further developed and revised. If you have any questions, please do not hesitate to contact me at (530) 268-1338.

Sincerely,

A handwritten signature in blue ink that reads "Debbie Webster". The signature is written in a cursive style and is centered within a light gray rectangular box.

Debbie Webster

c: Tam Dodoc – SWRCB
Pamela Creedon - CVRWQCB