



California Sportfishing Protection Alliance

"An Advocate for Fisheries, Habitat and Water Quality"

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2 July 2009

Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board Members
State Water Resources Control Board
1001 "I" Street, 24th Floor (95814)
P.O. Box 100
Sacramento, CA 95812-0100
commentletters@waterboards.ca.gov

VIA: Electronic Submission
Hardcopy if Requested

RE: Petition of California Sportfishing Protection Alliance (Waste Discharge Requirement Order No. R5-2007-0013 [NPDES No. CA0079243] for City of Lodi, White Slough Water Pollution Control Facility, San Joaquin County), Central Valley Water Board, **SWRCB/OCC FILE A-1886**

Dear Ms. Townsend and Members of the State Water Board:

The California Sportfishing Protection Alliance has reviewed the revised draft order in the above reference matter and respectfully submits the following comments.

CSPA agrees with the proposed order and our comments are limited to the underline/strikeout portions of the Draft Order, with one exception. A significant amount of new information was presented to the State Board during the last hearing that we had no opportunity to rebut: specifically, that the Draft Order could impact reclamation efforts statewide. We believe the addition of pollutants to "reclaimed water," in this case untreated industrial wastes, is unique and unprecedented. Comingling of untreated industrial wastes and treated municipal effluent eliminates the combined wastestream from consideration as reclaimed water. Should the Board have lingering concerns regarding the effects of the proposed order on statewide reclamation, we look forward to an opportunity to address this matter during the hearing. We understand that we will be granted five minutes to speak at the upcoming hearing and, as the petitioners in this matter, we ask for the same time allowance that is granted the other speakers.

The Draft State Board Order has been amended for inclusion of California Code of Regulations (CCR) Title 27 20090 (h) on pages 6 and 7 and extensive discussion of applicable exemptions to CCR Title 27 beginning on page 8 in response to the Regional Board's citation of 20090 (h) as being applicable to wastewater reclamation.

Recycled domestic wastewater is specifically included in Title 27 20090 (b) by discussing "reclamation requirements" for wastewater. Title 27 20090 (h) list examples such as scrap metal, compost and recycled chemicals. If domestic wastewater reclamation were included in

20090 (h) it would have been specifically listed, as the massive volumes produced when compared to the other specifically listed examples. In either case, since 20090 (h) requires disposal to be in accordance with applicable provisions of Title 27; this would simply refer to 20090 (b) where reclamation requirements are specifically listed. Contrary to their conclusion, the Regional Board's citation of the Statement of Reasons (SOR) for considering adoption of Title 27 and exemptions for "recycling" under section 20090 (h) is not correct in including wastewater reclamation which is specifically addressed in 20090 (b). The citation regarding recycling from the SOR does not discuss wastewater. While we agree with the discussion of 20090 (h) in the Draft Order we request that the Order be amended to state that wastewater reclamation is specifically discussed in 20090 (b) and is not repeated in 20090 (h).

Reclaimed water in California is regulated under CCR Title 22, Division 4, Chapter 3, Water Recycling Criteria, and applies to domestic wastewater. Domestic wastewater typically contains domestic, industrial and commercial wastewaters that are combined in the sewer system and delivered for treatment to a wastewater treatment plant. The City of Lodi treats domestic wastewater. This treated domestic wastewater can be "reclaimed" for various uses in accordance with CCR Title 22. The City of Lodi collects industrial wastes in a separate collection system. Following treatment of the domestic wastewater, Lodi adds untreated industrial wastes and the sludge, or solids, that were removed during treatment of the domestic wastewater is added back into the treated wastestream. The addition of untreated industrial wastes and sludge to "reclaimed water" changes the character and nature of the effluent and the combined wastestream can no longer be titled "reclaimed water". Lodi is a unique and likely unprecedented situation where the Regional Board allows the addition of sludge and untreated industrial wastes to be added to the reclaimed water following treatment. The unusual addition of untreated industrial waste and sludge to treated domestic wastewater nullifies any exemption under Title 27 20090 (a) since it is no longer an unaltered "discharge of domestic sewage". We recommend that the Draft Order be amended to include a statement that the addition of pollutants to "reclaimed" water nullifies any exemption granted under 20090 (a).

CCR Title 27 Section 20090 clearly specifies that "wastewater" discharges can be exempted based on "preconditions." "Preconditions" can only mean that: for wastewater discharges (Section 20090 [b]) it must be shown that the discharge is regulated by; 1) Waste Discharge Requirements (WDRs, including reclamation requirements), 2) consistent with water quality objectives and/or the Basin Plan and 3) the sludge is properly discharged and the waste is not hazardous prior to issuance of WDRs. In the case of the City of Lodi the disposal of the comingled wastestreams has degraded and polluted groundwater quality and is therefore not in compliance with water quality objectives and/or the Basin Plan. The Basin Plan *Water Quality Objectives for Ground Waters, Chemical Constituents, and Toxicity* have been exceeded, with electrical conductivity exceeding the Title 22 MCLs and nitrate above the levels that produce detrimental responses in humans. We request the Draft Order be modified to state that the City of Lodi's wastewater discharge has contributed to pollution of groundwater with nitrates exceeding the Basin Plan's water quality objective for Toxicity.

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