

Memorandum

Date: July 14, 2006

To: Ms. Pamela C. Creedon, Executive Officer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, California 95670-6114

From: Department of Water Resources

Subject: Draft Order – National Pollutant Discharge Elimination System (NPDES)
No. CA0084271, Mountain House Community Services District Wastewater Treatment
Facility, San Joaquin County

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The Department of Water Resources (DWR) strongly objects to the Draft NPDES permit allowing Mountain House Community Services District (Mountain House) to begin discharging to Old River when their wastewater is not in compliance with water quality objectives. Until now, Mountain House has contained their wastewater treatment and disposal activities on land. Now Mountain House is seeking to begin discharges to Old River, but their wastewater consistently does not meet the water quality objective for Chloride, Specific Conductance (EC), and Total Dissolved Solids [Mountain House Required Lab Data Spreadsheet dated 9-14-05]. Because this discharge to the receiving water is new, any contaminants it contains are new loads to the receiving water.

In the case of EC, the State Water Resources Control Board (SWRCB) has declared that Old River is under a threat of non-compliance (Cease and Desist Order No. 2006-0006). DWR, as the operator of the State Water Project, and the Bureau of Reclamation (Reclamation), as operator of the Central Valley Project, are subject to this Cease and Desist Order (CDO) to remove the threat of non-compliance with water quality objectives at three locations in the south Delta. As pointed out in Attachment F, page F-47 of the Draft Order, this reach of Old River frequently has no assimilative capacity. The Draft Order, if adopted, would aggravate salinity conditions in the south Delta and increase the frequency the water quality objectives would be exceeded.

The proposed discharge of wastewater with a discharge limit more than twice the water quality objective undermines all efforts to meet the water quality objective. The proposed effluent limit is 1875 $\mu\text{mhos/cm}$, while the water quality objective for Old River is 700 $\mu\text{mhos/cm}$. No effort is made in the Draft Order to obviate this lack of regulation. The effluent limit is allowed simply for constructing the plant. Special Provisions VI C2c and VI C2d are ordered to be completed while the plant discharges in non-compliance with the water quality objective, yet neither provision will bring the plant into compliance.

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The Draft Order does not implement the water quality objectives of the *Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (May 1995)*. In implementing the Water Quality Control Plan (WQCP), Water Rights Decision 1641 requires DWR and Reclamation to meet the salinity objectives of 700 $\mu\text{mhos/cm}$ from April through August and 1000 $\mu\text{mhos/cm}$ from September through March at the south Delta stations. On page F-48, the draft Order intimates that meeting the water quality objectives is the sole responsibility of DWR and Reclamation. But the WQCP is designed to be implemented in conjunction with RWQCB decisions to provide a coordinated approach to protecting the beneficial uses of the Bay-Delta estuary. The Draft Order is inconsistent with the approach intended by the WQCP and Water Rights Decision 1641, which focus on actions in the south Delta to control in-Delta discharges of salt, improve dilution flows and circulation. Neither suggests that municipal dischargers of salt in the south Delta should be allowed to increase salinity discharges as their municipalities grow and the municipal wastewater discharges increase.

This Draft Order allows the Mountain House to begin degrading water quality in the south Delta while the responsibility for meeting the south Delta salinity objectives falls primarily upon DWR and Reclamation. It alleviates Mountain House from any responsibility for degrading water quality in Old River and, together with the SWRCB's CDO, makes DWR and Reclamation responsible for diluting the added discharge of salt from growth in that development. DWR does not discharge waste to these waters but, per the CDO, is nevertheless being held responsible for meeting the water quality objectives for threatened violations under threat of project curtailment or Administrative Civil Liabilities.

I urge you not to allow Mountain House to discharge to Old River until its effluent meets applicable water quality objectives.

If you have any questions or need additional information, you may contact me at (916) 653-1099.

A handwritten signature in black ink, appearing to read 'K. Kelly', with a small 'f01' written below it.

Katherine F. Kelly, Chief
Bay-Delta Office