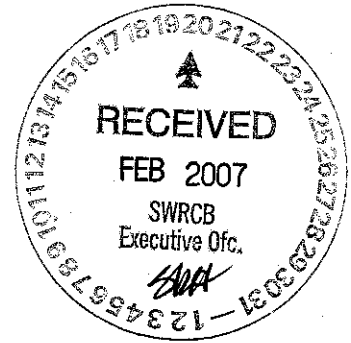


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February, 20 2007

Tam Doduc, Chair and Board  
State Water Resources Control Board  
1001 I Street  
Sacramento, California 95814



Re: Comments on Draft State Water Board Order, "In the Matter of Own Motion Review of EBMUD Wet Weather Permit (Order No. R2-2005-0047 [NPDES No. CA0038440]) and Time Schedule Order (Order No. R2-2005-0048), SWRCB/OCC File A-1771

Dear Chair Doduc and Members of the Board:

I am concerned about a certain elements of the above-described Draft Order. I have long been involved in protecting the beneficial uses of the Laguna de Santa Rosa (Russian River), receiving waters for the City of Santa Rosa's Subregional water Reclamation System. Your decision in the above-described Draft Order will have far reaching influence on what happens with Santa Rosa's NPDES permit as well as with all such permits statewide.

My concern is with the Draft Order's findings and direction with respect to compliance schedules. In particular:

1. Wet weather facilities and overflow structures should comply with the secondary treatment requirements of the Clean Water Act.
2. Basin Plan limits that purport to waive the secondary treatment requirements of the CWA are illegal, must be eliminated where they exist in Basin Plans, and cannot form the basis of effluent limits in NPDES permits.
3. Reasonable Potential Analyses must be conducted for discharges from wet weather facilities and overflow structures.
4. Water Quality Based Effluent Limits for wet weather facilities and overflow structures must ensure compliance with CTR, NTR, and Basin Plan limits.
5. Self-monitoring programs need to be sufficiently frequent and comprehensive to assess compliance with permit limits and facility performance through fully representative data.

The Draft Order inappropriately endorses compliance schedules for new or more stringent limits in NPDES permits. Because compliance schedules extending beyond 1977 are inconsistent with the requirements of the CWA, we urge the State Water Board to amend the Draft Order and direct the San Francisco RWQCB to eliminate all compliance schedules from the EBMUD permit, and require issuance of TSOs for parameters for which the San Francisco RWQCB finds immediate compliance infeasible.

Approval of the Order as written, with amendments for compliance schedules, is critical to correcting an increasing pattern of permits statewide that do not meet the minimum requirements of the Clean Water Act and state law. Thank you.

Sincerely,  
Nancy Kay Webb