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14
15 BEFORE THE

16 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

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18 HEARING ON THE MATTER OF
CALIFORNIA DEPARTMENT OF WATER
19 RESOURCES AND UNITED STATES
BUREAU OF RECLAMATION REQUEST
20 FOR A CHANGE IN POINT OF DIVERSION
FOR CALIFORNIA WATER FIX.
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**SACRAMENTO REGIONAL COUNTY
SANITATION DISTRICT'S PART 2
OPENING STATEMENT**

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24 The Part Two testimony provided on behalf of Sacramento Regional County
25 Sanitation District (Regional San) will demonstrate that approval of the change petition
26 as proposed is not in the public interest. Unless there are substantial modifications or
27 conditions imposed to protect the public served by Regional San, the petition should be
28 denied.

1 As the Hearing Officers and State Water Board are well aware, Regional San
2 discharges treated municipal wastewater to the Sacramento River at a location just
3 upstream of the proposed new WaterFix diversion points. There are two currently
4 identifiable impacts on Regional San related to the construction and operation of the
5 proposed new locations for Delta export.

6 First, due to an increase in the frequency of low and tidally-influenced flows at the
7 point of discharge, Regional San will be required to divert effluent to storage more
8 frequently, and in fact dedicate a portion of the Sacramento Regional Wastewater
9 Treatment Plant (SRWTP) storage capacity to the WaterFix project. Regional San's
10 NPDES permit contains a discharge prohibition that makes it unlawful for Regional San
11 to discharge treated effluent any time the ratio of river flow to effluent is less than 14:1.
12 A river effluent condition of less than 14:1 can occur in situations of low flow when there
13 is tidal influence that slows or even reverses the flow of the river. In day-to-day
14 operations, when the 14:1 condition occurs or is being approached, Regional San
15 operators divert effluent into storage basins. The treated effluent is pumped back out
16 and discharged to the river when the 14:1 condition is again achieved and exceeded.
17 The diversion of water to storage and pumping out of storage has financial and
18 operational impacts on Regional San.

19 The Petitioners have acknowledged that operation of the proposed new
20 diversions would increase the frequency and magnitude of these low and reverse flow
21 conditions at Regional San's point of discharge. But they have proposed no identifiable
22 mitigation for the impacts or terms and conditions that would avoid the project's harm to
23 Regional San and its ratepayers.

24 The witnesses whose testimony relates to this first issue are Dr. Susan Paulsen
25 and Mr. Ruben Robles. Dr. Paulsen will quantify the increase in the frequency and
26 magnitude of the increased need to use storage capacity at the treatment plant.
27 Mr. Robles is the Director of Operations for Regional San and responsible for overall
28 operations of the treatment plant. He will testify as to the increased operational costs for

1 operation and maintenance. In addition, the effect of these new WaterFix-caused
2 burdens would be to effectively appropriate, to WaterFix's use, storage capacity that
3 Regional San has constructed and paid for, for its own needs and operations.
4 Mr. Robles will also testify as to the value of the storage capacity that would be
5 appropriated by WaterFix.

6 Beyond Mr. Robles's job of overseeing plant operations, he also has responsibility
7 for management of Regional San's EchoWater Project. As the Hearing Officers and
8 State Water Board know, the EchoWater Project is an approximately \$2 billion
9 undertaking that will add nutrient removal (ammonia and total nitrogen) and tertiary
10 filtration at the SRWTP, a massive and complex undertaking that is under construction
11 and on schedule.

12 This leads to the second impact on Regional San from WaterFix: that is,
13 increased regulatory burdens on Regional San that would foreseeably result, directly
14 and indirectly, from the siting and operation of major water diversion structures
15 immediately downstream of the location of treated wastewater discharge. Proponents of
16 WaterFix have been strident advocates of increased regulation of Regional San, both in
17 regulatory forums and massive communications and policy campaigns. This has
18 included the characterizing these diversions as "drinking water intakes" as a justification
19 for requiring tertiary filtration for SRWTP. We do not anticipate that this kind of advocacy
20 will subside when two new diversions are actually located immediately downstream of
21 the SRWTP discharge. We know that the Central Valley Regional Water Board, when it
22 writes Regional San's NPDES permits, will do its job, and we know that job may involve
23 judgments that are debatable. We simply do not see how, based on experience, one
24 could say that Regional San will not experience increased regulatory burdens for the
25 convenience of the WaterFix proponents if these new diversions are located as
26 proposed. Dr. Paulsen's testimony will relate to this subject as well as to the first issue.
27 Also, Tom Grovhoug, a leading expert in water quality regulation and NPDES permitting,
28 will testify about these impacts, including real-world examples that inform Regional San's

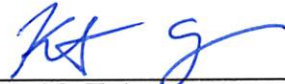
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concerns and objections.

The final witness will be Prabhakar Somavarapu, the District Engineer (equivalent of Executive Officer in other organizations). Mr. Somavarapu understands engineering, Regional San's operations, and policy. He will testify as to all these impacts and amplify the reasons that the petition should be denied due to the burdens that would be placed on the public that is served by Regional San. He will also provide testimony as to the types of conditions in an order that could potentially make the petition neutral as to Regional San's Part 2 interests.

SOMACH SIMMONS & DUNN

DATED: December 18, 2017

By  for

Kelley M. Taber
Attorneys for Sacramento Regional
County Sanitation District

1 STATEMENT OF SERVICE

2 CALIFORNIA WATERFIX PETITION HEARING
3 Department of Water Resources and U.S. Bureau of Reclamation (Petitioners)

4 I hereby certify that I have this day submitted to the State Water Resources Control Board and caused a true and correct copy of the following document(s):

5 **SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT'S PART 2 OPENING STATEMENT**

6 to be served by **Electronic Mail** (email) upon the parties listed in Table 1 of the Current
7 Service List for the California WaterFix Petition hearing, dated December 6, 2017,
8 posted by the State Water Resources Control Board at
9 http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml:

10 I certify that the foregoing is true and correct and that this document was executed on
11 December 18, 2017.

12 Signature: 
13 Name: Michelle Bracha
14 Title: Legal Secretary
15 Party/Affiliation: Sacramento Regional County Sanitation District
16 Address: 500 Capitol Mall, Suite 1000
17 Sacramento, CA 95814

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