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June 13, 2012

Delta Stewardship Council
980 9th Street, Suite 1500
Sacramento, CA 95814

Sent via e-mail: deltaplancomment@deltacouncil.ca.gov

Subject: Sacramento Regional County Sanitation District's Comments Regarding Final Staff Draft Delta Plan - Dated May 14, 2012

Dear Chairman Isenberg and Council Members:

The Sacramento Regional County Sanitation District (SRCSD) is providing the following comments on the Final Staff Draft Delta Plan (Final Staff Draft) released on May 14, 2012. SRCSD appreciates the Delta Stewardship Council's (Council) recognition that the Delta Plan will evolve over time and that it will be informed by science and adaptive management. Overall, the Final Staff Draft has improved substantially from previous drafts and is written in a fashion that will be easier for the general public to review.

Although many of our specific comments on the Fifth Draft were addressed in the Final Staff Draft, there still remain some issues that were not addressed. As a result, we would like to re-state those concerns by incorporating by reference our previous comments that have been submitted and that were not addressed or incorporated into the Final Draft Plan. Our overarching concerns that remain with the Final Staff Draft are focused on the discussion of scientific certainty regarding water quality compared to other factors (i.e., invasive species, water exports, entrainment, direct mortality, etc.) that impact the Delta ecosystem and with the proposed funding mechanisms to achieve the co-equal goals and implement the Delta Plan. We also have specific comments on Chapter 6 that relate to water quality.

Certainty of Science

The Final Staff Draft lacks a robust discussion on the certainty of the science in the Delta that would help policy makers prioritize their efforts, understand the significance of their decisions (including potential costs and benefits) and be aware of the relative certainty of the expected outcome. For instance, the certainty discussion could address the question: How important are known fish losses due to entrainment versus hypothetical losses due to other stressors? Without the certainty discussion, both policy makers and the public may be misled into thinking that many of the statements included in the Final Staff Draft are factual.

For example, there are many statements of "fact" within the Final Staff Draft that overstate the certainty of the science related to specific water quality issues. An example is the assumption that increasing urbanization has altered water quality and thus the ecosystem. According to the February 2012 technical report prepared by the Central Valley Drinking Water Policy work group, degradation of water quality in terms of drinking water constituents of concern (with the

exception of salt) is not expected to occur as a result of wastewater, urban runoff (related to urbanization), or agricultural sources through 2030. Another example is the constant portrayal of nutrients as contaminants, when in fact nutrients are required for a productive Delta ecosystem.

The Final Staff Draft also fails to strike the appropriate balance between discussing contaminants and discharges and the significant role that exports, non-native species and entrainment have on the deterioration of the Delta ecosystem, food web and water quality. The overall approach contained in the Final Staff Draft seems to overemphasize contaminants and discharges as “stressors” to the Delta ecosystem and simultaneously fails to adequately discuss the significant role of exports and entrainment on that same ecosystem. For instance, on Page 39, the “Science in the Delta – Why Does it Matter” text box tends to imply that climate change, drought and pollutants are the major driver for Delta ecosystem issues, with little or no discussion on the effects of entrainment, flow regimes or invasive species.

#### Funding Mechanisms for the Delta Plan

SRCS D appreciates the Final Staff Draft’s recommendation for a strong stakeholder role in the development of short and long-term financing plans. We look forward to being an active stakeholder in the development and review of a Delta Finance Plan.

However, SRCS D still has significant concerns with the current Funding Principles and Appendix O, Funding and Finance (see our previous comments on the Fifth Draft Delta Plan). The recommendation that stressor fees will be based on the volume of discharge, or pollutant loading, is inherently causing permitted dischargers to pay twice. National Pollutant Discharge Elimination System (NPDES) permittees are already paying into a “stressor fee” program by complying with the Clean Water Act. NPDES permittees effectively “pay” by complying with regulatory requirements that require investments in capital and operational enhancements to mitigate their impacts, and as a result, beneficial uses of water are protected. Therefore, any new stressor fees should be based on the degree to which a stressor is affecting beneficial uses and should not be based on the volume of effluent.

The Funding Principles to Support the Coequal Goals section should clearly identify all sources of funding (existing and proposed) that will be used to finance programs and projects in the Delta. In addition, we recommend that the Delta Plan include a more detailed outline of the fee authorization framework (including the public review process) that would include legislative oversight. As currently written, the proposed Funding Principles Chapter and companion Funding and Finance appendix provides too much discretion to the Council in establishing a fee structure and does not fairly evaluate all potential funding possibilities.

#### Chapter 6: Improve Water Quality to Protect Human Health and the Environment

We commend the Council for only including water quality recommendations in the Final Staff Draft, thereby avoiding redundancy with existing regulatory programs. We support the Central Valley Clean Water Associations (CVCWAs) comments regarding the Water Quality Recommendations in their June 13, 2012, comment letter, and incorporate them by reference. In addition to CVCWA’s comments, we would like to emphasize the importance of allowing adequate time to develop nutrient objectives in the Delta. The second bullet of Water Quality Recommendation 8 proposes that the Water Boards prepare and begin implementing a nutrient study plan for the Delta and Suisun Bay by January 1, 2013. This proposed deadline is not realistic. The San Francisco Bay Regional Water Board and State Water Board have already begun work on studying nutrients (SF Bay Numeric Nutrient Endpoints) in the San Francisco Bay

Delta Stewardship Council

June 13, 2012

Page 3

(including Suisun Bay), and the Central Valley Water Board is in the initial stages of developing a separate study plan for developing a Numeric Nutrient Endpoints process for the Delta. Therefore, we request the date of January 1, 2013 be changed to “one year from adoption of the Delta Plan” to allow for adequate time for the Central Valley Regional Water Board to develop a robust plan with stakeholder involvement (similar to the SF Bay process) that can be implemented.

SRCS D appreciates the opportunity to comment on the Final Draft Plan. If the Council or staff has any questions about these comments, please contact me at [mitchellt@sacsewer.com](mailto:mitchellt@sacsewer.com) or 916-876-6092 or Linda Dorn, [dornl@sacsewer.com](mailto:dornl@sacsewer.com) or 916-876-6030.

Sincerely,



Terrie Mitchell  
Manager, Legislative and Regulatory Affairs

cc: Stan Dean, District Engineer, SRCS D  
Prabhakar Somavarapu, Director of Policy & Planning, SRCS D