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November 3, 2010

Delta Stewardship Council  
Council Members  
980 Ninth Street, Suite 1500  
Sacramento, California 95814

Via E-Mail: [deltaplancomment@deltacouncil.ca.gov](mailto:deltaplancomment@deltacouncil.ca.gov)

**Re: Preliminary Draft Initial Sections of Notice of Preparation for  
The Delta Plan, October 18, 2010**

Dear Council Members:

The Sacramento Regional County Sanitation District (SRCSD) appreciates the opportunity to comment on the Delta Stewardship Council's (Council) draft Notice of Preparation (NOP) for the Environmental Impact Report (EIR) that will be prepared to support adoption of the future Delta Plan. The Delta Plan and the associated environmental evaluation are of keen interest to SRCSD.

While SRCSD appreciates the Delta Council's outreach efforts to interested parties, it appears premature to circulate a draft NOP for an EIR without a draft Delta Plan (Plan) available to review. Not only does the lack of information about the Plan make it impossible to offer constructive comments on the scope of environmental review or alternatives, but there is also insufficient information about the proposed Plan requirements to permit SRCSD to understand its role vis-à-vis Plan implementation.

SRCSD provides wastewater collection and treatment services to 1.3 million residents of the greater Sacramento area. SRCSD owns and operates its treatment system in accordance with its National Pollutant Discharge Elimination System (NPDES) permit, issued by the State of California, providing protection of beneficial uses of the Sacramento River and Sacramento-San Joaquin Delta. SRCSD serves its customers by protecting public health and the environment through reliable and safe conveyance, treatment and disposal of wastewater. Many of the legislative objectives for the Plan mirror SRCSD's operating objectives for environmental stewardship of the Delta.

SRCS D has no information about the specific activities the Council contemplates that SRCS D would undertake in implementation of the Plan. The NOP nevertheless includes SRCS D in the "Initial List of Responsible and Trustee Agencies for Development of the Delta Plan Environmental Impact Report." The NOP defines "Responsible Agency" as:

a public agency, other than a lead agency, that has the responsibility for implementing or approving the Delta Plan, or aspects, or portions of the Delta Plan.

By contrast, CEQA Guidelines, Section 15381, defines "Responsible Agency" as:

a public agency which proposes to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term "Responsible Agency" includes all public agencies other than the Lead Agency which have discretionary approval power over the project.

Under CEQA, it thus appears that identification of SRCS D as a responsible agency for the Delta Plan is inappropriate, as SRCS D does not propose to carry out the Plan, does not propose to approve the Plan, and does not have "discretionary approval power" over the Plan. Moreover, SRCS D's discharge of treated wastewater is subject to the requirements of its NPDES permit issued by the Central Valley Regional Water Quality Control Board (Regional Water Board), and that permit is the appropriate place for determining wastewater treatment requirements.

While it likely is not a responsible agency under the Plan, SRCS D is interested in plan development and environmental review. The relationship of the Plan to the Regional Water Board's regulatory authority over activities within the Delta, and to SRCS D's operations, must be clearly identified in the Plan. To provide an adequate opportunity for interested parties to evaluate the Plan and offer the specific and constructive comments on the scope of the environmental analysis, the Council should not issue the NOP until the draft Plan is complete and should circulate the Draft Plan prior to issuance of or with the NOP.

SRCS D thanks you for the opportunity to provide these comments at this stage in the development of the Plan and EIR and looks forward to continued involvement in development of a Plan that will lead to the recovery of the Delta ecosystem. If you would like to discuss this further, please contact Terrie Mitchell at 916-876-6092 ([mitchellt@sacsewer.com](mailto:mitchellt@sacsewer.com)) or me at 916-875-9101 ([deans@sacsewer.com](mailto:deans@sacsewer.com)).

Sincerely,



Stan Dean  
District Engineer

cc: Prabhakar Somavarapu, Director of Policy and Planning  
Terrie Mitchell, Legislative and Regulatory Affairs Manager