



Press Release

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For Immediate Release

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CSPA Wins Major Clean Water Act Lawsuit Against Water Board *Sacramento wastewater treatment plant must meet CWA requirements*

The California Sportfishing Protection Alliance (CSPA) prevailed in a lawsuit against the Central Valley Regional Water Quality Control Board (Regional Board) regarding the wastewater discharge permit for the Sacramento Regional Wastewater Treatment Plant (Treatment Plant). Sacramento Superior Court Judge Michael P. Kenny ruled, on 18 August 2014, that the Regional Board's permit violated explicit federal Clean Water Act (CWA) requirements in developing effluent limits for hardness dependent metals, in failing to impose a weekly effluent limitation for aluminum and improperly granting the Facility an exception to the Thermal Plan. A writ of mandate will be issued directing the Regional Board to comply with applicable requirements and return to court within 60 days, setting forth what it has done to comply with the writ. The court will retain jurisdiction to ensure compliance.

"This is an important victory for clean water and healthy fisheries, as the Regional Board has been using the same illegal methods in developing discharge limits for wastewater permits throughout the Central Valley," said CSPA Executive Director Bill Jennings adding, "The fact that virtually every significant waterway in the Central Valley is identified as legally impaired and violating water quality standards is an indictment of the waterboards failure to comply with a CWA that was adopted more than forty years ago." "Under withering political pressure from the regulated community, the Regional Board has been ignoring numerous legal requirements and weakening waste discharge requirements in recent years. The court has now told them they must comply with the law and compliance with the law will require significant improvement in the treatment of wastewater," Jennings said.

The Treatment Plant is authorized to discharge up to 181 million gallons a day of treated wastewater into the Sacramento River, representing 85% of all wastewater discharged into the Sacramento River and 60% of the total volume of municipal wastewater discharged within the Delta. The Sacramento River in the vicinity of the discharge is identified as an Impaired Waterbody and Toxic Hot Spot and is essential habitat and crucial migration

corridor for five species listed pursuant to state or federal endangered species acts. Sensitive life stages of listed species are present twelve months of the year.

The Regional Board issued the permit on 9 December 2010. CSPA appealed the permit to the State Water Resources Control Board on 5 January 2011. On 4 December 2012, the State Board approved an amended permit and dismissed the issues CSPA had raised in its appeal. CSPA filed the lawsuit on 3 January 2013.

CSPA Compliance Director, Richard McHenry, a former Regional Board supervising engineer who retired as the State Board's Chief Engineer in the Enforcement Division, said, "hopefully, the Regional Board will begin enforcing the law against dischargers rather than protecting dischargers from the law. The mass loading of an astonishing array of toxic pollutants to Central Valley waterways is increasing and there is simply no alternative to strict compliance with regulatory requirements if we're going to protect our rivers and streams."

CSPA agreed with the Regional and State Water Boards on requirements that the Treatment Plant meet tertiary treatment standards and eliminate the vast quantities of ammonia in the discharge. However, having taken that positive step in requiring major disinfection and nutrient loading improvements in the permit, the Water Boards ignored numerous other important CWA legal requirements. Because of the complicated and highly technical nature of the nineteen violations initially contained in the lawsuit, CSPA elected to simplify the petition to fully focus on six specific technical issues. It prevailed on three of the six issues and now understands what needs to be inserted into the administrative record in future comments on the remaining issues.

CSPA's attorney, Andrew L. Packard, observed, "If there was ever a time and place where the Clean Water Act's implementing regulations should be given their fullest and most protective interpretation, it is in the last major migration corridor for an array of listed species in the Central Valley. The Regional Board's cavalier approach to the federal permitting requirements for wastewater treatment plants has statewide ramifications and we're delighted the court has ruled in our favor on these issues."

The Law Offices of Andrew Packard and Lozeau/Drury LLP represent CSPA in this matter.

The California Sportfishing Protection Alliance (CSPA) is a 501(c)(3) non-profit public benefit conservation and research organization established in 1983 for the purpose of conserving, restoring, and enhancing the state's water quality, wildlife and fishery resources and their aquatic ecosystems and associated riparian habitats. More information can be found at www.calsport.org.