



CVCWA

CENTRAL VALLEY CLEAN WATER ASSOCIATION

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October 2, 2026

Via Email Only

California Regional Water Quality Control Board
Central Valley Region
Attn: Mason Gatti, Environmental Scientist
r5triennial-review@waterboards.ca.gov

Re: CVCWA Comment Letter – 2027 Joint Triennial Review of the Water
Quality Control Plans for the Sacramento River and San Joaquin River
Basins and the Tulare Lake Basin

To the Central Valley Regional Water Quality Control Board:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to provide comments to inform the Central Valley Regional Water Quality Board's (Regional Board) 2027 Joint Triennial Review of the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and the Tulare Lake Basin (Basin Plans). CVCWA is a nonprofit association of public agencies located within the Central Valley region that provide wastewater collection, treatment, and water recycling services to millions of Central Valley residents and businesses.

A. Re-Evaluation of the Prospective Incorporation by Reference of the Maximum Contaminant Levels

Re-evaluation of the incorporation by reference of maximum contaminant levels (MCLs) as water quality objectives remains a high priority for CVCWA and its members. CVCWA requests that the Regional Board prioritize, plan for, and allocate staff resources to develop a basin plan amendment in this three-year basin planning cycle. This issue was identified as Project 15 in the 2024 Triennial Review Workplan, and was ranked at "Rank 4: Meets 2 Criteria" for the criteria "efficient use of board or public resources" and "special stakeholder interest," and was not allocated resources.

The prospective incorporation by reference of newly adopted MCLs as water quality objectives without consideration of their applicability and attainability presents significant issues of concern for publicly-owned treatment works (POTWs). Given the

stated level of MCL development over the next several years by the Division of Drinking Water (DDW) at the State Water Resources Control Board (State Water Board), the timing of this basin plan revision is more important than ever. MCLs for a number of constituents are in process or planned: PFAS, N-nitroso-dimethylamine (NDMA), disinfection byproducts (Total Trihalomethanes, Haloacetic Acids), Styrene, Cadmium, Mercury, 1,4-Dioxane, and Arsenic.¹ The State Water Board adopted Resolution No. 2026-0008² in March 2026, prioritizing the development of MCLs for those compounds. DDW has stated it intends to propose standards as low as economically feasible for *drinking water systems* in accordance with Health and Safety Code 116270 and 116365.

Without a basin plan amendment, MCLs adopted by the State Water Board, in the context of protecting drinking water served to customers at the tap, will automatically become water quality objectives in the Basin Plans, which directly impact the NPDES and WDR permitting process. Additionally, the compliance schedule period starts as of the effective date of the MCL without consideration of significant treatment plant upgrades that may be required, which increase the costs to rate payers within Central Valley communities and can divert POTW agency resources away from planned projects – such as increased water recycling efforts. As such, the automatic incorporation of MCLs can be an impediment to water recycling/efficient use/integrated water management and we request that it be prioritized under this criterion, in addition to the two criteria described above.

Moreover, automatic incorporation by reference of these MCLs does not provide for consideration of the attainability and economic impacts that the MCL could have on POTWs when implemented as a water quality objectives and effluent limitations in NPDES permits or Waste Discharge Requirements, as required by California Water Code section 13241. The analysis of economic impacts and other factors in the Water Code is not an advisory exercise. It is a legal requirement for adopting water quality objectives. It is the Regional Board's responsibility to ensure that the appropriate analysis required by Water Code sections 13241 and 13242 is undertaken prior to incorporating newly-adopted MCLs into the Basin Plans as water quality objectives.

As mentioned, this has been a priority issue for CVCWA and our members for years and is also supported by the California Association of Sanitation Agencies and others. In light of the importance and relative urgency of addressing the prospective incorporation of MCLs as water quality objectives, CVCWA requests that the Regional Board include the re-evaluation and modification of the incorporation by reference of

¹ See "Regulations in Process or Planned" at https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Regulations.html.

² State Water Resources Control Board Resolution No. 2026-0008 Adopting the Prioritization of Drinking Water Regulations Development for Calendar Year 2026, at https://waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2026/rs2026-0008.pdf

MCLs into Basin Plans as water quality objectives as a priority in the 2027 triennial review workplan.

B. Review of Site-Specific Cadmium, Copper, and Zinc Water Quality Objectives for the Sacramento River

The existing water quality objectives for cadmium, copper, and zinc create regional compliance issues without corresponding evidence of aquatic life impacts. POTWs owned and operated in the Central Valley, many with high levels of treatment, are unable to consistently comply with zinc or copper effluent limitations, subjecting them to enforcement actions and compliance schedules despite the absence of evidence that their discharges cause acute toxicity in aquatic life, as the Basin Plan objectives north of Highway 32 do not appropriately account for site-specific bioavailability. The State Water Board's Site-Specific Water Quality Objectives for Copper and Zinc Project appropriately reevaluates how copper and zinc objectives are developed and applied, and the Basin Plan objectives should be similarly reviewed and updated.

C. Renew Efforts To Establish a MUN Use for Agriculturally Dominated Surface Water Bodies

As the Regional Board recognized in adopting the Agriculturally Dominated Water Bodies Evaluation: Municipal and Domestic Supply (MUN) Beneficial Use Project basin plan amendment (Resolution R5-2017-0088), agricultural water bodies are unique and may not support the same level of beneficial use protection traditionally associated with perennial, natural streams. As such, a process to determine the appropriate application of, and level of protection for, the MUN beneficial use in different types of agriculturally dominated surface water bodies across the Central Valley is needed, rather than a blanket or "tributary" approach. CVCWA urges the Regional Board to renew its efforts to establish a water body categorization framework in the Basin Plans that the Board could utilize to determine the appropriate application of, and level of protection for, the MUN beneficial use in different types of agriculturally dominated surface water bodies across the Central Valley. Further, the need to evaluate the level of appropriate protection of MUN beneficial uses in agriculturally dominated water bodies is necessary to ensure appropriate beneficial use protection that is reasonable, considering all demands being placed on the waters and the total values involved. (Wat. Code, §§ 13000, 13241.)

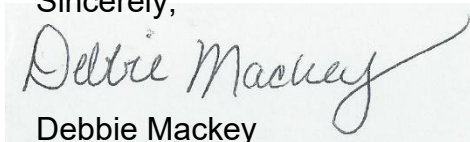
The Regional Board has already done the bulk of the staff work needed to move forward with the MUN designation. Unfortunately, the Basin Plan amendments have not yet been approved by the State Water Board. CVCWA recommends that the Regional Board renew discussions with the State Water Board staff and identify a path forward for these important beneficial use designations.

Moreover, the CV-SALTS initiative identified the need to evaluate the level of appropriate protection of MUN beneficial uses in agriculturally dominated water bodies

due in part to the increased reuse of drainage water to maximize limited resources. As CV-SALTS designs and implements salinity management activities to achieve long-term sustainability and control the rate of degradation, the regulatory framework must accommodate approaches that protect beneficial uses reasonably and appropriately.

We appreciate your consideration of these comments. If you have any questions or if CVCWA can be of any further assistance, please contact me at (530) 268-1338 or eeofficer@cvcwa.org.

Sincerely,

A handwritten signature in black ink that reads "Debbie Mackey". The signature is fluid and cursive, with a long, sweeping tail on the "y".

Debbie Mackey
Executive Officer