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December 6, 2013

California Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, California 95670-6114

Re: City of Sacramento, Discharge Permit for Combined Wastewater Collection and Treatment System (Order No. R5-2010-0004 (NPDES No. CA0079111)

To Whom It May Concern:

On behalf of Natural Resources Defense Council (and our nearly 80,000 members in California), we write in regard to the above-referenced permit (the "Permit") and the Water Quality Assessment Report ("Report") that the City of Sacramento (the "City") submitted to the Board on June 28, 2013, pursuant to the Permit's requirements.[1]

For the reasons detailed below, we respectfully request that Board direct the City – pursuant to the Permit's requirement to "maximize use of the collection system for storage" of wet weather flows – to enhance efforts to reduce base sanitary wastewater flows into the system through water conservation. By reducing sanitary wastewater flows, the City would create additional space within the collection system for storage (and conveyance for treatment) of wet weather flows.[2] Unless the City takes full advantage of all practicable opportunities to reduce water usage, it cannot fully satisfy its obligation to "maximize" the use of the collection system for storage.

Specifically, we request that the Board direct the City to accelerate – within the portions of the city that contribute sanitary flow into the combined sewer system – the City's existing program of installing meters and converting customers to volumetric billing. Volumetric billing, for both drinking water and wastewater, is a proven means of reducing water usage and sanitary

[1] Permit at ¶ VI.C.2.a. (Available at http://www.swrcb.ca.gov/rwqcb5/board_decisions/adopted_orders/sacramento/r5-2010-0004.pdf).

[2] We note that New York City has estimated that projected future declines in water usage "will reduce CSO volumes by approximately 1.7 bgy [billion gallons per year], or 8% of overall city CSOs, by 2030" and concluded that "reducing water use is a cost-effective strategy for reducing CSOs." *NYC Green Infrastructure Plan* at 4, 45 (available at http://www.nyc.gov/html/dep/pdf/green_infrastructure/NYCGreenInfrastructurePlan_LowRes.pdf).

wastewater flows.[3] Indeed, the City recently adopted a Water Conservation Plan that projects meter installation and volumetric billing will reduce consumption by 10% among newly-metered customers.[4] We applaud the City's initiative to adopt this new Water Conservation Plan; however, we note that the plan does not improve upon the pre-existing meter retrofit program (which is being phased-in over the next 12 years), and that the many voluntary programs included in the plan will depend on prior implementation of metering and volumetric billing to create an incentive for customer participation.

The specific grounds for our request are set forth below.

Permit Requirements

The Permit (at ¶ VI.C.4.b.) requires the City to comply with the "Nine Minimum Controls," in accordance with the USEPA's CSO Control Policy.[5] Among these controls is the requirement to "maximize the use of the collection system for storage" (see Permit ¶ VI.C.4.b.ii).[6] EPA's guidance concerning implementation of the Nine Minimum Controls identifies water conservation measures as an appropriate CSO control, explaining that "[w]ater conservation will reduce dry weather sanitary flow and increase the volume of combined sewage that can be retained in the CSS and treated at the POTW treatment plant."[7]

The Permit also required the City, in the Report, to "evaluat[e] the potential impact of CSO discharges in relation to all applicable water quality objectives … and designated uses" and to "evaluat[e] necessary updates and/or revisions to the Nine Minimum Controls and/or Long-Term Control Plan if the assessment indicates that applicable water quality objectives are exceeded or that designated uses are impaired."[8] The Permit specifically identifies "increasing the storage capacity of the existing combined sewer system and the up-stream separate sanitary

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[3] For example, the California Urban Water Conservation Council's ("CUWCC") best management practices ("BMPs") require signatory water utilities to install meters and transition to volumetric water rates; the CUWCC projects that "meter retrofits and volumetric rates combined will result in a 20% reduction in demand for retrofitted accounts." CUWCC, *Memorandum of Understanding Regarding Urban Water Conservation in California*, BMP 1.3 (available at http://www.cuwcc.org/mou/bmp1-utility-operations-programs.aspx). Further, the CUWCC BMPs require signatory utilities that provide both water and sewer service to adopt volumetric billing for wastewater as well. *Id*., BMP 1.4, Part II. *See also* NRDC, *Volumetric Pricing for Sanitary Sewer Service in California Would Save Water and Money*, available at http://www.nrdc.org/water/files/Volumetric-Wastewater-FS.pdf.

[4] City of Sacramento, Water Conservation Plan (Oct. 29, 2013), p. 110 (available at http://sacramento.granicus.com/MetaViewer.php?view_id=22&clip_id=3361&meta_id=406393).

[5] Pursuant to section 402(q) of the Clean Water Act, all permits for CSO discharges "shall conform to the [USEPA CSO] Control Policy." 33 U.S.C. § 1342(q).

[6] *See also* USEPA, CSO Control Policy, Part II.A.3, available at http://www.epa.gov/npdes/pubs/owm0111.pdf.

[7] USEPA, *Combined Sewer Overflows: Guidance for Nine Minimum Controls*, p. 8-3 (1995), available at http://www.epa.gov/npdes/pubs/owm0030.pdf. While the EPA Guidance recommends water conservation in connection with Control #7 ("pollution prevention), it would seem to more appropriately fall under the category of Control #2 ("Maximum use of the collection system for storage"), since reducing the dry-weather base flow would free up additional capacity in the collection system for wet-weather flows.

[8] Permit at ¶ VI.C.2.a.ii.

system" as one of the potential updates to the Nine Minimum Controls that must be considered in light of the Report's findings.[9]

Findings of the Report

The Report finds that, for at least one pollutant present in combined sewer overflow ("CSO") discharges, methylmercury, compliance with water quality standards in downstream receiving waters "may require further reductions of CSS discharges to the Sacramento River."[10] It further states that the City's efforts to reduce methylmercury discharges associated with CSOs "will be focused on reducing methylation potential from the treatment and conveyance processes and reducing the discharge volumes to the Sacramento River using a combination of Low Impact Development (LID) strategies and continuing Capital Improvement Plan (CIP) projects described in the Long Term Control Plan (LTCP)."[11]

More generally, with respect to future reductions in CSO discharges, the Report states that "[f]urther improvements to the system through the LTCP Combined Sewer Improvement Program projects, expected integration of low impact development practices, and potential operational optimization should reduce from or maintain at the current frequency and volume of CSS overflow discharges."[12] The Report also asserts that the City is fully implementing the Nine Minimum Controls.[13]

Requested Action by the Board

The City's current and planned efforts to further reduce CSO discharges, as summarized in the Report, fall short of fully implementing the Permit's requirement to "maximize the use of the collection system for storage" because the City has not taken full advantage of opportunities to reduce base sanitary flow through policies and programs to promote water conservation. Moreover, since the Report finds that, with respect to at least one pollutant, the City's CSO discharges may contribute to a violation of water quality standards, the Permit requires that the City identify "necessary updates and/or revisions to the Nine Minimum Controls and/or Long-Term Control."[14] One such update to the Nine Minimum Controls should be the enhancement of the City's existing water conservation efforts.

The characteristics of the City's CSO events suggest that water conservation efforts could contribute significantly to achieving further CSO reductions. The Report indicates that the

[9] Permit at ¶ VI.C.4.b.ii(b).

[10] Report at 8-6. (The organizations signing this letter have not performed any independent review of the technical analysis underlying the Report's findings that CSO discharges do not otherwise contribute to the impairment of designated uses of receiving water bodies. Therefore, we take no position as to whether such findings are accurate; we urge the Board to rigorously review all of the Report's findings.)

[11] *Id*.

[12] *Id*. at 8-6.

[13] *Id*. at 1-6.

[14] Permit at ¶ VI.C.2.a.ii.

number of CSO events and the volume of CSO discharges have both dropped to a relatively low level in recent years. This suggests that, if water conservation measures were deployed to achieve even modest reductions in base sanitary flow, enough extra "storage" space could be created in the system to reduce a significant share of the remaining CSO discharges.

We have identified at least one respect in which the City can readily improve its water conservation efforts in a manner that would contribute to CSO reductions: accelerating the installation of meters and implementation of volumetric billing for water, specifically in those sections of the city that are either served by combined sewers or are hydraulically "upstream" of such areas.

The City is currently in the midst of a long-term program to install water meters for all customers and transition metered customers to volumetric billing. However, the City's publicly available information about the program suggests it is not expecting to complete this program until 2025.[15] Moreover, a comparison between the City's map showing its schedule for installing meters[16] and a map of the City's combined sewer system and separate sewer system[17] indicates substantial overlap between the unmetered portion of the City and the areas served by the combined sewer system (or served by portions of the sanitary sewer system upstream of the combined system).[18] While some of these currently unmetered areas are identified as scheduled for meter installation between 2013 and 2016, many of them are simply identified as "remaining" to be metered or subject to "future" meter installation, without any specific timeline.

Therefore, to assure compliance with the Permit requirements cited above, the Board should direct the City to prioritize for meter installation and conversion to volumetric billing: (a) all customers within the CSO service area; and (b) all customers within any separate collection areas that feed into the combined system. Specifically, the City should be required to complete installation of meters for all such customers in the first phase of its metering program, *i.e.*, by 2016, and to transition all such customers to volumetric billing within one year after installation, as per the City's current billing rules.

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[15] *See* City of Sacramento Department of Utilities, "Water Meters Are Coming to Your Neighborhood," available at http://www.cityofsacramento.org/utilities/water/water-meters.cfm. (A copy of that web page is attached to this letter.)

[16] *See* City of Sacramento Department of Utilities, "Water Meter Track Our Progress," available at http://www.cityofsacramento.org/utilities/water/water_meter_track_our_progress.cfm. (A copy of the pdf version of the map, downloaded from that website, is attached to this letter.)

[17] *See* Report at p. 1-2.

[18] The Permit (at ¶ VI.C.4.b.ii(b)) expressly recognizes that, for purposes of the requirement to maximize use of the collection system for storage, the relevant "collection system" includes both "the existing combined sewer system and the up-stream separate sanitary system."

Thank you for your consideration of these comments. We would welcome the opportunity to discuss this matter with Board staff and with the City.

Sincerely,

/s
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encl.

Water Meters are Coming to Your Neighborhood

Water Meters are Coming to Your Neighborhood

In 2005, the City of Sacramento began one of the most significant capital improvement projects in its history: Install more than 110,000 water meters by 2025 and transition customers to a metered rate, as required by State law.

This is no easy task. With the City's aging infrastructure, many of these installations also include relocating leaky water mains from customers' backyards to the street. In addition, the State law requiring water meters provided no funding to help offset costs.

Despite these challenges, the City has made steady progress over the past several years with both installing meters and securing outside funding to help accelerate the program and minimize the financial burden on our customers.

The City of Sacramento is dedicated to making the water meter installation process and transition to metered rates as smooth as possible for our customers while complying with the State mandate. And, as the City continues to move forward with installing meters, we want you to be prepared.

This site is designed to help our customers prepare for water meters by outlining the City's plans for installing meters and progress to date, what customers can expect during the meter installation process, how to prepare for the switch to a metered rate and tips for saving water—and money—on your utility bill.

Should you have additional questions about the water meter program, please contact the Department of Utilities by calling 311 or (916) 264-5011.

Count your savings!

Water meters can help you understand how much water you use—**and can save!**

With water meters, you pay for only the amount of water you actually use—just as natural gas, telephone or electricity services are paid. You are in control of your own water bill. Also, meters can help you detect leaks and stop waste.

See how our new Automated Water Meter reading system can help you save water!

Frequently Asked Questions about Water Meters

OVERVIEW

Water Meter Program Manager Michelle Carrey, PE, provides an overview of the City's water meter program.

FAQs

What is the City doing to accelerate meter installation?

Who is paying for the metering program?

How does the City determine which areas will receive meters in what order?

Are customers notified prior to installing meters near or on their property?

HOT TOPICS

August 25:
Spare the Water Alert has been issued for due to heat! What can you do to help save water? Try running your sprinklers for 1-2 minutes less per station, you can save up to 250 gallons per cycle! How do you save water?

August 24:
Yet another great reason to drink up Sacramento! Your water quality is number #1 and it is a great way to lose weight!

August 23:
Our next Water Conservation Ambassador Training is tonight! 6-8 p.m. at the Asian Community Center, 7375 Park City Drive. Bonus, irrigation workshop from 8-9. Hope to see you there!

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METER RETROFIT PROGRAM - IMPLEMENTATION