



Court Briefly Stops Clock on Discharge Permit Filtration Requirement to Give State Water Board More Time to Consider SRCSD's Appeal

On January 23, 2012 a Sacramento Superior Court judge issued an order that provides the Sacramento region relief for about five months from the filtration and disinfection requirements of its contested wastewater discharge permit. This action gives the State Water Board more time to consider SRCSD's appeal of the permit, which was issued by the Regional Board in December 2010. All parties agreed to the stipulation.

After the State Water Board failed to take action on SRCSD's appeal of the Regional Board's action by the statutory deadline, SRCSD needed to file a lawsuit on December 30, 2011, requesting relief from the filtration, disinfection, and ammonia removal requirements contained in its new wastewater discharge permit to preserve its legal rights and expedite a decision on the issue.

Here is a chronology of events associated with the permit and SRCSD's appeal:

- **December 2010:** Regional Board approves new permit standards for SRCSD that requires it to build new treatment facilities that include filtration, disinfection, and ammonia removal processes.
- **January 2011:** SRCSD files an appeal with the State Water Board to review the Regional Board's decision on the new permit. Under statute that governs the appeal process, the State Water Board had until December 23, 2011 to act on the appeal.
- **December 23, 2011:** State Water Board fails to take action on SRCSD's petition request and instead opts to consider the appeal under a different regulatory authority that has no firm deadline. SRCSD had 30 days from this date to file suit against the Central Valley Water Board and protect its full ability to seek relief through the legal process.
- **December 30, 2011:** SRCSD files a lawsuit in Sacramento Superior Court requesting relief from the filtration, disinfection, and ammonia removal requirements contained in its new wastewater discharge permit.
- **January 23, 2012:** A Sacramento Superior Court judge issued an order that provides the Sacramento region a "stay" for about five months from the filtration and disinfection requirements of the new permit and gives the State Water Board more time to consider SRCSD's full appeal of the permit before litigation is pursued.

Why did SRCSD file the lawsuit?

SRCSD had no assurances as to when or whether the State Water Board would make a decision on their permit appeal, and needed to preserve its legal avenues. With \$2 billion in treatment facility upgrades looming, SRCSD and its ratepayers cannot wait indefinitely for decisions on this significant issue. We need clarity on what must be planned and built within the 10-year timeframe established in the new permit.

As many argued before the Regional Board when the permit was being considered, SRCSD maintains that the permit's conditions and excessive requirements are not based on clear rationale and sound science and that, despite their \$2 billion cost to Sacramento ratepayers, they go beyond what is needed to produce a meaningful public health and environmental protection benefit in the Sacramento River and Delta.

January 26, 2012

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The Sacramento Bee reports on this legal update

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For more information on SRCSD's position and its filed lawsuit, read the [Sacramento Delta Solutions newsletter from January 3, 2012](#).

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Thank You.

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Sincerely,

The Sacramento Delta Solutions Team