RESOLUTION 2010-17

ADOPT A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO CALIFORNIA OBJECTING TO INCREASES IN THE PERMITTED DISCHARGE LIMITS OF THE SACRAMENTO REGIONAL WASTEWATER TREATMENT PLANT UNTIL AND UNLESS, (1) THERE IS A CONCLUSIVE SCIENTIFIC FINDING THAT SUCH DISCHARGES WILL HAVE NO SIGNIFICANT NEGATIVE IMPACT ON ENDANGERED AND THREATENED DELTA FISH SPECIES OR, (2) EFFECTIVE AMMONIA REMOVAL EQUIPMENT IS INSTALLED AT THE SACRAMENTO REGIONAL WASTEWATER TREATMENT FACILITY.

WHEREAS, the water supply upon which millions of Californians depend has been sharply reduced due to new regulations from the US Fish and Wildlife Service and the National Marine Fisheries Service imposed in the Sacramento-San Joaquin Bay-Delta Estuary (Delta) for the ostensible purpose of aiding recovery of several endangered or threatened fish species, including the Delta Smelt, and

WHEREAS, curtailments in Delta water pumping has resulted in decreased economic activity, losses in employment, community and family hardships, and environmental damage; and

WHEREAS, reduced Delta water deliveries from State and Federal water projects will continue to retard economic recovery, especially in the San Joaquin Valley.

Adopted 01-28-10
Approved 02-08-10
Effective 02-08-10

2010-17

WHEREAS, the US Fish and Wildlife Service and the National Marine Fisheries Service have constrained State and Federal pumping in the Delta and thereby substantially reducing water deliveries to the rest of California in the unsubstantiated belief that restrictions on pumping will result in the recovery of endangered native fish species in the Delta; and

WHEREAS, a growing body of scientific evidence indicates that the primary threat to native species in the Delta is not the operation of State and Federal pumping facilities, but rather other causes, including collapse of the aquatic food web on which the threatened species depend; and

WHEREAS, no level of pumping curtailment will recover the aquatic food web on which said species depend; and

WHEREAS, studies indicate that elevated ammonia concentrations in the Delta may be a primary contributor to food web collapse; and

WHEREAS, the Sacramento Regional County Sanitation District (SRCSD) owns and operates the Sacramento Regional Wastewater Treatment Plant which discharges an average of 141 million gallons per day of ammonia laden effluent into the Sacramento River, just upstream of the Delta; and

WHEREAS, the Sacramento Regional Wastewater Treatment Plant discharge is larger than the combined capacity of all the other municipal wastewater plants discharging to the Delta; and

WHEREAS, the Sacramento Regional Wastewater Treatment Plant is the single largest source of ammonia in the Delta; and

WHEREAS, the Central Valley Regional Water Quality Control Board (Regional Board) is currently considering renewal of the National Pollutant Discharge Elimination System (NPDES) permit for the Sacramento Regional Wastewater Treatment Plant discharge; and

WHEREAS, notwithstanding growing concerns over the potentially deleterious impacts of ammonia discharges, the permit renewal will be considered by the Central Valley Regional Water Quality Control Board in 2010, including a request by SRCSD to increase its permitted discharge from 181 million gallons per day to 218 million gallons per day.

NOW, THEREFORE BE IT RESOLVED, by the City of Fresno as follows:

The Council objects to increases in the permitted discharge limits of the Sacramento Regional Wastewater Treatment Plant until and unless, (1) there is a conclusive scientific finding that such discharges will have no significant negative impact on endangered and threatened Delta fish species or, (2) effective

ammonia removal equipment is installed at the Sacramento Regional Wastewater Treatment Facility.

The Council urges the Regional Board to expedite and redouble efforts to identify and regulate any discharges into the Delta which have material adverse impacts on the health and habitat of threatened or endangered species native to the Delta.

The Council further authorizes and directs the City Clerk to forward a copy of this resolution to the Central Valley Regional Water Quality Control Board.

The Council further authorizes and directs that a copy of this resolution be forwarded to Governor Schwarzenegger, the California Secretary of Resources, the California Secretary of the Environmental Protection Agency, the California State Water Resources Control Board, the US Department of Interior, the US Environmental Protection Agency, and the White House Council on Environmental Quality.

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss
CITY OF FRESNO)

I, REBECCA E. KLISCH, CMC, City Clerk of the City of Fresno, California, hereby certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California at a regular meeting held on the 28th day of January, 2010.

AYES : Borgeas, Brand, Dages, Perea, Sterling, Xiong, Westerlund
NOES : None
ABSENT : None
ABSTAIN : None

Mayor Approval: N/A, 2010.
Mayor Approval/No Return: February 8, 2010.
Mayor Veto: N/A, 2010.
Council Override Vote: N/A, 2010.

REBECCA E. KLISCH, CMC
City Clerk

By: Rebecca E Klisch

NO RETURN

January 29, 2010

Council Adoption: 01/28/10
Mayor Approval:
Mayor Veto:
Override Request:

TO: MAYOR ASHLEY SWEARENGIN

FROM: REBECCA E. KLISCH, CMC
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 1/28/10, Council adopted the attached Resolution No. 2010-17 entitled **Objecting to increased in permitted discharge limits of Sacto Regional WW Treatment Plant, etc.**, Item No. **9:45 A.M. #1-A**, by the following vote:

Ayes	:	Borgeas, Brand, Dages, Perea, Xiong, Sterling, Westerlund
Noes	:	None
Absent	:	None
Abstain	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before February 8, 2010. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

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APPROVED:

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

_____

_____

_____ Date: _____
Ashley Swearengin, Mayor

COUNCIL OVERRIDE ACTION: Date: _____

Ayes	:
Noes	:
Absent	:
Abstain	: