

# Environmental group goes to court over Watsonville sewage treatment

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Friends of the Sea Otter, the Carmel-based group opposed to Watsonville's request for a waiver of federal standards for sewage treatment, is now asking a court to intervene.

The environmental group filed a petition in Superior Court in Sacramento earlier this month after deciding it had exhausted its "administrative remedies," Richard Magruder, Friends of the Sea Otter's executive director, said this morning.

The city now treats sewage to "advanced primary" standards, one level below the "secondary" treatment required by federal law. The city is seeking a waiver of the requirement to move to secondary treatment because of the expense of upgrading the sewage treatment plant.

Friends of the Sea Otter, the Sierra Club and the state Department of Fish and Game appealed an approval of the waiver by the regional Water Quality Control Board, but that appeal was turned down in January by the State Water Resources Control Board.

David Koch, the city's assistant

public works director, said some changes are being made in the waiver permit, increasing monitoring programs for the effluent. The waiver will then move to the federal Environmental Protection Agency for final approval.

The petition filed by Friends of the Sea Otter asks the court to order the Water Resources Control Board to deny the waiver.

One of the legal arguments put forth in the petition, Magruder said, is that in the appeal process the burden of proof was placed on the environmental groups to show that the treated sewage harms the ecosystem of the Monterey Bay. Magruder said that under the Federal Clean Water Act the burden of proof has to be on the party requesting the waiver.

Koch said it may have fallen on Friends of the Sea Otter to prove the harmful effects in the appeal process, but, he said, the city has had to show that there will be no harmful effects during the waiver application process. The city's position has been backed up by "reams of studies," he said.

"The city has already passed the test," he said.

The city's effluent actually meets secondary standards in all measures except one, the level of organic matter released into the bay, Koch said. Koch and Magruder disagree over whether this higher level affects marine life adversely.

The city has already spent \$35 million to bring treatment to advanced primary, and Koch estimates it would take about \$12 million more to get it to secondary. It would also cost about \$500,000 more a year to operate at the higher level, he said. The city is, however, beginning another study, which will take another look at a possible upgrade.

Because the plant has already been operating at a higher level than expected and because some new technology has been developed, Koch said it's possible that the costs of upgrading might not be quite as high as those estimates.

Magruder said he understands the city's financial plight and praised the city's work so far, saying "they've done a remarkable job." But, he said, Monterey Bay's ecosystem is "too sensitive" to take chances with.

"That money has to be found," he said.