

ATTACHMENT 3

Response to Comments and Staff Changes Shone Farm Reservoir and Frost Protection System Waiver of Waste Discharge Requirements (WWDR) Order No. R1-2011-0007

One comment letter on the November 21, 2010 draft WWDR (Order No. R1-2011-0007) for the Shone Farm Reservoir and Frost Protection System was received, from Brelje and Race Consulting Engineers on behalf of the Santa Rosa (Sonoma County) Junior College District (District). This document provides Regional Water Board staff responses to the District's comments. The responses indicate whether or not changes were made to the permit in response to the comment.

Santa Rosa Junior College District

Comment 1: The District is concerned about the requirement for 100-foot setbacks to drainage swales. The District supports the intent of the requirement for preventing recycled water runoff from reaching surface waters during frost protection use. The District believes that protection of surface waters from frost protection runoff would be better achieved through proper design of the individual vineyard frost protection systems than through imposition of a numerical set-back requirement.

Response: The Regional Water Board uses the 100-foot set-back as a rule of thumb for protecting riparian areas. In addition, the maps submitted with the Report of Waste Discharge show that the vineyard blocks are generally set back from on-site drainages by 100 feet or more. Regional Water Board staff recognize that the District has committed to a number of measures to ensure protection of water quality, including the submittal of plans and specifications for vineyard frost protection infrastructure and run-off control measures for each vineyard block in advance of using frost protection in the block. Therefore, the Order and monitoring and reporting program have been modified as follows:

Finding 9.m. has been modified to be a statement rather than a requirement as follows: "According to the Report of Waste Discharge, Ssetbacks to on-site drainage swales shall generally exceed 100 feet."

Section VI.B.1 of the monitoring and reporting program has been modified as follows: "The Discharger shall submit plans and specifications for vineyard frost protection infrastructure and run-off control measures for each vineyard block before using frost protection in the block. The plans and specifications shall identify drainage swales that are down-gradient from the vineyards that could be impacted by runoff from the vineyards and design features to prevent frost protection runoff from entering the drainage swales."

The language change to section VI.B.1 of the monitoring and reporting program does not limit the identification of drainage swales to those within 100 feet of the vineyard block, rather provides flexibility to require identification of any drainage swale that could be susceptible to receiving irrigation runoff. For example, sloped areas could result in runoff that could affect a drainage swale over 100 feet away. The Discharger must

evaluate each vineyard block and determine if measures are needed to protect any drainage swale within a reasonable distance that could be impacted by irrigation runoff and demonstrate that runoff measures are sufficient to prevent such runoff.

Comment 2a: The District suggests that language be added in the Conditional Waiver to allow for administrative extension/renewal of the Waiver, provided conditions of the Order are being met. The District is concerned that Board action can be very difficult to schedule, and the District does not want to be automatically out of compliance, nor have the District, Town and Board incur the costs of an entire new submittal every five years.

Response: The District recognized in its comment that the Waiver establishes that the duration of the Waiver cannot exceed 5 years, as stipulated in Water Code Section 13269. According to the Water Code, a waiver renewal requires an action of the Regional Water Board. Provided that the operation of the Shone Farm recycled water reservoir and frost protection system has no significant changes from conditions identified in the waiver and the system is operated in compliance with the waiver, future renewals could be done with a simple Report of Waste Discharge clarifying that operations have not changed from those identified in the original ROWD and the previously adopted waiver. The operation of the Shone Farm reservoir and frost protection system could also be addressed in future revisions of the Town of Windsor NPDES permit.

No changes were made to the Order in response to this comment.

Comment 2b: The District requests that the Waiver recognize that it may be not be necessary to continue to renew the Waiver in the future based on anticipated changes to Title 27 regulations with regard to recycled water storage ponds. The District believes that Title 27 requirements may be modified in the next five years to exempt recycled water storage reservoirs from the Title 27 requirements for waste storage ponds.

Response: Although changes to Title 27 are possible, it would be premature to make such statements in the Order.

No changes were made to the Order in response to this comment.

Comment 3: The Waiver provides an exemption from current Title 27 requirements. The District requests removal of monitoring requirements for dissolved oxygen and odors that are applied to water stored in the reservoir.

Response: Regional Water Board staff agree with the suggested removal of monitoring requirements for dissolved oxygen and odors for water stored in the reservoir. Section III. Recycled Water Storage Reservoir Monitoring of the monitoring and reporting program has been modified to remove the reservoir monitoring requirements for dissolved oxygen and odors. This requirement is very seldom included in Region 1 permits due to the low likelihood of recycled water ponds developing low dissolved oxygen conditions and resulting odor problems. In addition, the Shone Farm recycled water storage reservoir is located in an agricultural area where it would not disturb people in the unlikely event that odors were to develop.

Comment 4: The District requests modification of the requirement for submittal of final construction plans and specifications prior to construction of the recycled water storage reservoir. Because of the tight schedule for constructing the reservoir, the District requests that the requirement be changed to require submittal of final plans and specifications 60 days in advance of initiating construction, rather than 90 days in advance. In addition, the District requests that Regional Water Board staff commit to returning comments on the plans and specifications within 30 days of receiving the plans and specifications.

Response: Regional Water Board staff agree with the District's request. Section VI.A Reservoir Construction Reports of the monitoring and reporting program has been modified as follows: "The Discharger shall submit final plans and specifications to the Regional Water Board Executive Officer at least ~~90~~ 60 days in advance of initiating construction of the recycled water storage reservoir."

Section VI.A.1 of the monitoring and reporting program requires submittal of the final plans and specifications in advance of construction, but does not explicitly require approval in advance of construction. In light of the construction details that Regional Water Board staff has already reviewed in the Report of Waste Discharge, Regional Water Board staff view the section VI.A requirement as more of a formality and anticipate reviewing the final plans and specifications for consistency with the construction details already submitted and discussed. It should not be difficult to complete this process within 30 days of submittal. However, Regional Water Board staff recommends that the District submit the final plans and specifications as far in advance of the anticipated date for start of construction. Regional Water Board staff recognizes that the District's desire is to construct the reservoir during the 2011 construction season.

Regional Water Board staff will focus more attention on its review of post construction plans and specifications to verify that the proposed reservoir was constructed as proposed in the Report of Waste Discharge.

Comment 5: The District requests that the requirement for submittal of monitoring reports (for requirements specified in sections III through V of the monitoring and reporting program) be changed from monthly to annual. The District would agree to submit reports quarterly during the first year of reservoir operation to establish Regional Water Board Staff's confidence in operating and reporting protocols.

Response: Section VI.D.1 of the monitoring and reporting program has been modified as follows: "The Discharger shall report in the SMR the results for all monitoring in this MRP under sections III through V. During the first year of reservoir operation, the Discharger shall submit ~~monthly~~ quarterly SMRs including the results of all required monitoring using USEPA-approved test methods or other test methods specified in this Order. SMRs shall be submitted annually thereafter, unless otherwise required by the Regional Water Board Executive Officer. ..."

Comment 6: The District requests that the last sentence of Finding 3 of the Order be changed to reflect the fact that recycled water from the Shone Farm reservoir will be

used to replace recycled water delivered directly by the Town of Windsor, not groundwater.

Response: The last sentence of Finding 3 of the Order has been modified to read as follows: "... The reservoir and pumping facilities will also provide recycled water to supplement ~~groundwater~~ recycled water provided directly from the Town of Windsor recycled water distribution system used to irrigate Shone Farm agricultural fields as ~~recycled water is available~~ during the summer months."

Comment 7: The District requests that Requirement g. of the Order be modified to replace "spills and leaks of waste" with "spills and leaks of recycled water".

Response: Requirement g has been modified as follows: "The Discharger shall respond to all spills and leaks of ~~waste~~ recycled water in accordance with the June 2010 Shone Farm Reservoir Facilities Accidental and Emergency Response Plan for the Sonoma County Junior College District, and any future revisions thereto;"

Comment 8: The District requests that Finding 14 of the Order be changed to correct an error in the language.

Response: Finding 13 (formerly Finding14), paragraph 2, second to last sentence of the Order has been modified as follows: "... The Regional Water Board finds that with the implementation of mitigation measures identified in the CEQA document and implementation of an approved Operations and Maintenance Manual, all potentially significant impacts of the ~~City's reclamation plan~~ District's recycled water storage reservoir and frost protection system, will be reduced to levels of insignificance. ..."

Comment 9: The District requests that section VI.F.3 of the monitoring and reporting program be modified to replace the reference to "compliance ... with all effluent limitations and WDRs" with language that is more appropriate to the District's operations.

Response: Staff agrees with the suggested language change because this Order does not contain effluent limitations. Section VI.F.3 of the monitoring and reporting program has been changed to read as follows: "A comprehensive discussion of ~~the facility's compliance (or lack thereof) with all effluent limitations and other WDRs, and the corrective actions taken or planned, which may be needed to bring the discharge into full compliance with the Order~~ annual operations and any deviations from planned or expected conditions."

Comment 10: The District requests that section VI.F.4 of the monitoring and reporting program be modified to remove the words "certificate grades" because Shone Farm are not, nor are they required to be, certified wastewater treatment operators.

Response: Staff agrees with the suggested language change, therefore, section VI.F.4 of the monitoring and reporting program has been modified as follows: "The names, ~~certificate grades,~~ and general responsibilities of all persons employed at the Facility."

Comment 11: The District requests that section VI.F.7 of the monitoring and reporting program be modified to change the words “wastewater treatment facility” to “recycled water storage reservoir”.

Response: Staff agrees with the suggested language change, with a minor modification to capture the fact that this Order covers the recycled water storage reservoir and frost protection system. Section VI.F.7 of the monitoring and reporting program has been modified as follows: “A statement certifying whether the current operation and management manual, and contingency plan, reflect the ~~wastewater treatment facility~~ recycled water storage reservoir and frost protection system as currently constructed and operated, and the dates when these documents were last reviewed and last revised for adequacy.”

Changes Made by Regional Water Board Staff

During the public comment period for this Order, Regional Water Board Staff identified the following changes and recommends that these changes be incorporated into the Order adopted by the Regional Water Board:

1. Finding 12 of the public review draft duplicates language on the final page of the Order. Staff recommends that the duplicative language be removed from the findings section and retained as the final “BE IT FURTHER ORDERED” STATEMENT.
2. Finding 13.b.ii (formerly Finding 14.b.ii) should be modified to read as follows: “Borrow soils shall be visually inspected for concentrations of clean sand and tested periodically for passing No. 200 fraction and to demonstrate that the fill contains a minimum of 20% fines.”
3. The second sentence of Section III. RECYCLED WATER STORAGE RESERVOIR MONITORING of the monitoring and reporting program should be modified to read as follows: “... The Discharger shall ~~collect samples from one or more permanent monitoring locations that will provide representative samples,~~ monitor flow and rainfall in accordance with the following: ...” This change is recommended in light of the removal of monitoring requirements for dissolved oxygen.
4. Section G. Spills and Overflows Notification of the monitoring and reporting program should be modified to remove references to sanitary sewer overflows since this Order addresses the storage and use of recycled water. The words “sanitary sewer overflows (SSOs)” should be removed from subsections G.1 and G.2.