

ATTACHMENT 2

Cathleen Goodwin
State of California Regional Water Quality Control Board
North Coast Region
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

December 21, 2010

**Subject: Shone Farm Reservoir: Request for Waiver of Waste Discharge Requirements
B&R File No. 2700.05**

Dear Ms. Goodwin:

The Regional Water Quality Control Board has issued for public comment its draft Conditional Waiver of Waste Discharge Requirements for Santa Rosa Junior College Shone Farm Reservoir and Frost Protection System (Waiver). The Waiver finds that the recycled water reservoir and frost protection project complies with the *Basin Plan* and sets forth requirements for construction, operation and reporting. The Waiver is scheduled for hearing at the Regional Board meeting January 27, 2011. We have reviewed and discussed the draft Waiver with Santa Rosa Junior College District (District) staff. This letter has been prepared to convey the District's comments to the Regional Board.

The District wishes to comment on content of the Waiver as follows:

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1.	Order: 7	<p>The Findings state that "Setbacks to on-site drainage swales shall not exceed 100 feet." The District understands that the intent of this requirement is to protect against recycled water from frost protection spray entering surface waters. The District supports this intent, but believes that it would better be achieved through design of the individual vineyard's frost protection systems than through imposition of a numerical set-back requirement. The Waiver includes the requirement that, "The Discharger shall submit to the Regional Water Board Executive Officer, plans for vineyard frost protection infrastructure and run-off control measures for each vineyard block before using frost protection in the block". The District proposes that the Waiver language be revised to include that such plans include drainage swales within 100 feet down-gradient of the vineyard and design features to prevent frost protection run-off from entering said swales.</p> <p>In the event that the Regional Board feels that imposition of a numerical limit on the set-back to drainage swales is needed, the District suggests that the set-back distance be reduced from 100 feet to 50 feet. Selection of 50 feet would be consistent with the requirement in the Town of Windsor Permit Attachment G, Water Reclamation Requirements and Provisions, that there be no recycled water</p>

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		<p>irrigation within 50 feet of any domestic water supply water well or domestic supply surface intake. The existing recycled water irrigation infrastructure at Shone Farm is designed with 50 foot set-backs to property lines and drainage swales. A 50-foot set-back would be two times greater than the 25 foot set-back from top of bank of <u>streams</u> required under the Sonoma County Grading, Drainage, Vineyard/Orchard Site Development Ordinance, for vineyards on ground with slopes up to ten percent. As noted in the Waiver, frost protection at Shone Farm will take place on land that ranges from flat to no more than six percent slope.</p>
2.	Order: 8	<p>The Waiver establishes that the duration of the Waiver cannot exceed 5 years, as stipulated in Water Code Section 13269. 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. 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.</p> <p>The District notes that the use of the Waiver process to consider construction of a recycled water reservoir with an earthen liner is a new procedure, resulting from the State Board's Lodi decision. The District elected to use the Waiver process as a means to allow construction of the reservoir as designed without waiting for the issue to be settled on the State level. However, the Lodi decision is increasingly recognized as a misapplication to recycled water storage reservoirs of a regulation intended for waste storage ponds. It is reasonable to expect that in the future recycled water reservoirs may be exempted from Title 27 requirements for waste storage ponds. The District therefore requests that the Waiver recognize that it may be not be necessary to continue to renew the Waiver in the future.</p>
3.	MRP: 2	<p>The draft Waiver requires monitoring of the water stored in the reservoir for dissolved oxygen (weekly) and odors (daily). These monitoring requirements appear unnecessary, for reasons listed hereafter. The Findings do not provide a rationale this monitoring. The District is not aware of existing Region 1 permits with requirements for monitoring these constituents in recycled water storage reservoirs. The District is not operating a wastewater treatment facility and is not in possession of the equipment nor trained personnel to conduct reliable dissolved oxygen monitoring. Measurement of odor is entirely subjective. Also, the reservoir is not located near residences where odors, should there be any, could disturb people in their homes. The District therefore requests that the odor and dissolved oxygen monitoring requirements be removed from the Waiver.</p>
4.	MRP: 3	<p>The draft Waiver requires that, "The Discharger shall submit final plans and specifications to the Regional Board Executive officer at least 90 days in advance of initiating construction of the recycled water storage reservoir." The implication of this requirement is that the intent of the Regional Board is to review the documents</p>

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		<p>and potentially to require changes thereto. Because of the tight schedule for constructing the reservoir, the District requests that (1) the Regional Board commit to returning comments within 30 days and (2) the 90 days be reduced to 60 days.</p> <p>Brelje & Race plans to submit the final plans and specifications to the District for Bid on January 28th, 2011, pursuant to adoption of the Conditional Waiver by the Regional Board. The Bid period is scheduled for five weeks, closing on March 4, 2011. The bid has been scheduled for late winter to allow time for processing of bid documents before the beginning of the construction season in mid-April, and completion of earthwork during the dry season of 2011. A delay of the bid for 90 days pending review by Regional Board staff would push construction of earthwork into the next rainy season. If the District were to proceed with the bid on January 28, and if Regional Board comments were received after the end of the bid period, the comments would potentially lead to Change Orders and to additional costs over which the District would have little control. The District requests changes to the Regional Board’s review schedule that will allow construction to proceed on schedule without risk of unforeseen change orders.</p> <p>The District proposes that it will submit a set of the final plans and specifications to the Regional Board on January 28, 2011. The District requests that the Regional Board commit to providing its comments within 30 days of receipt of the documents, so that, if changes to the documents are required, the District will have time to issue an Addendum during the bid period. To assist the Regional Board in meeting this request, the District commits to providing the Regional Board with a “key” to the bid documents that indicates where within the bid documents to find text and/or drawings that address the features enumerated under Finding No.9 of the Conditional Waiver.</p> <p>The District also requests that the period between submittal of the documents to the Regional Board and beginning of construction be reduced from 90 days to 60 days, to allow beginning of construction in April 2011.</p> <p>The District will, of course, comply with the requirement that, “Upon completion of the recycled storage reservoir construction, the Discharger shall submit as-built plans and specifications and all geotechnical test results associated with the test fill, results from compaction testing of the clay liner, and the topographic survey that verifies liner thickness.”</p>
5.	MRP: 3 & 4	<p>“The Discharger shall submit Monthly SMRs...” The District requests that “monthly” be modified to “annually.” Monthly reports would include the information listed in MRP Section III. for continuous, daily or weekly checks, and reporting of frost protection events. Monthly submittal of records of these routine activities would create unnecessary paperwork. Reporting of spills or overflows is required in Section G, assuring that the Regional Board will be informed in a timely</p>

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		manner of any urgent issues. The District would agree to submit reports quarterly during the first year of reservoir operation, to establish Regional Board confidence in operating and reporting protocols.

The District suggests the following revisions to the Waiver, reflecting perceived typographical errors and choice of language:

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1.	Order: 2	The last sentence reads, "The reservoir and pumping facilities will also provide recycled water to supplement groundwater used to irrigate Shone Farm agricultural fields as recycled water is available during the summer months." Please revise to read, "The reservoir and pumping facilities will also provide recycled water to supplement recycled water provided directly from the Town of Windsor recycled water distribution system during the summer months."
2.	Order: 12	Please replace "spills and leaks of waste" with "spills and leaks of recycled water."
3.	MRP: 9	In the last sentence of the second paragraph, it appears that "City's reclamation plan" should be replaced with "District's recycled water storage reservoir and frost protection."
4.	MRP: 5	Section F lists requirements for the Annual Monitoring Report. Some of the requirements seem inappropriate for a Waiver of WDRs, specifically: No.3. The District requests that "discussion of compliance (or lack thereof) with all effluent limitations and WDRs" be modified to read "discussion of annual operations and any deviations from planned or expected conditions." No.4. The District requests deletion of "certificate grades," as Shone Farm staff are not, nor are they required to be, certified wastewater treatment operators. No.7. The District requests deletion of "wastewater treatment facility" and insertion of "recycled water storage reservoir."

Please contact me if questions arise.

Thank you for your continued cooperation and support of the Project.

Very truly yours,

BRELJE & RACE

Richard J. Ingram

cc/enc: Tony Ichan, Santa Rosa Junior College
 Craig Scott, Town of Windsor

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Dave Richardson, RMC Consultants