

Response to Comments
Russian River County Sanitation District Wastewater Treatment Facility
WDID No. 1B820450SON

Draft Cease and Desist Order No. R1-2014-0034

Comment letters on the May 13, 2014, draft Cease and Desist Order (Order No. R1-2014-0034) for the Russian River CSD Wastewater Treatment Facility were received from:

- A. Sonoma County Water Agency (letter signed by George Lincoln), June 12, 2014
- B. AMEC Environment and Infrastructure, Inc. (letter signed by Lester Feldman), June 13, 2014.

This document provides Regional Water Board staff responses to comments provided by each commenter. The May 13, 2014, version of Order No. R1-2014-0034 is referred to as “the Draft Order” in this document. The version of Order No. R1-2014-0034 that has been modified in response to comments and that will be presented to the Regional Water Board at the August 14, 2014, hearing is referred to as “the Proposed Order”.

Each response indicates whether or not changes were made to the cease and desist order (CDO) in response to the comment. Additions to CDO language are indicated with underline text and deletions are indicated with strikeout text.

A. Sonoma County Water Agency representing the Russian River CSD

Comment 1. Changes are requested to Finding 13 to accurately describe the possible cause of the February 13, 2014, force main rupture/sanitary sewer overflow (SSO) and the Russian River County Sanitation District (District) collection system projects.

Response: The requested changes have been made to the Proposed Order.

Comment 2. Changes are requested to Finding 14 to accurately describe the location of the February 13, 2014 SSO and the status of the vulnerability assessment.

Response: The requested changes have been made to the Proposed Order.

Comment 3. The District requests inclusion of a new finding to address future violations and enforcement actions related to this CDO. If additional violations of land discharge specifications, groundwater limitations, or discharge prohibitions occur while the District is implementing tasks required under the CDO, the District asks the Regional Water Board to consider actions already undertaken and progress made to improve conditions.

Response: The Regional Water Board recognizes that violations of Discharge Prohibition III.E, Land Discharge Specification IV.B.1, and Receiving Water Limitation V.B may occur while the Permittee is addressing the violations and/or threatened violations that are the subject of the Proposed CDO. The Proposed CDO includes

interim land discharge specifications for TDS and sodium that are based on current Facility performance to recognize that the Facility cannot currently meet the Land Discharge Specifications in section IV.B.1 of Order No. R1-2012-0002. Requirement 5 of the Proposed CDO requires the Permittee to operate and maintain, as efficiently as possible, all facilities and systems necessary to comply with all prohibitions, effluent limitations and requirements identified in Order No. R1-2014-0002.

Any future enforcement action related to the issues addressed in the Proposed CDO would be discretionary actions and Regional Water Board staff routinely consider efforts and progress a permittee has made toward compliance in determining any civil liabilities assessed. The State Water Board Water Quality Enforcement Policy requires Regional Water Board staff to consider a number of factors in setting a proposed administrative civil liability, including three factors related to the violator's conduct: the violator's culpability, efforts to clean up and cooperate with regulatory authorities after the violation, and compliance history.

No changes were made to the Proposed CDO in response to this comment.

Comment 4. Changes to some of the task descriptions and compliance dates in Requirement 2 are requested in order to obtain and utilize information from the tasks as they are implemented and ensure sufficient time is available to prepare useful, complete reports.

Response: The Proposed Order includes modified compliance dates for Requirement 2, Tasks B, C, D, E, and G, as follows:

- Task B: Report submittal date changed from February 1, 2016, to March 15, 2016. This change provides an extra month and a half for the Permittee to analyze the groundwater data and prepare the report.
- Task C: Survey dates changed from September 1, 2015 through December 31, 2015, to January 1, 2016 to April 30, 2016. This change allows groundwater monitoring under Task B to be completed prior to initiating Task C.
- Task C: Report submittal date changed from February 1, 2016 to July 15, 2016.
- Task D: Source control testing dates changed from May 1, 2016 through April 30, 2017, to July 1, 2016 through June 30, 2017.
- Task D: Report submittal date changed from July 1, 2017 to September 1, 2017.
- Task E: I/I study period changed from May 1, 2016 through August 1, 2016 to July 1, 2016 through October 1, 2016.
- Task G: Final implementation date changed from September 30, 2018 to January 31, 2018. Implementation tasks are anticipated to be completed sooner than what was reflected in the Draft Order.

In addition, the Task Description for Task E has been modified to require that a single report be submitted that identifies the rehabilitation plans and schedules. This change eliminates the need for the Permittee to submit annual progress reports.

Comment 5. If penalties are assessed for the February 13, 2014 SSO, the District will ask the Regional Water Board to approve an Enhanced Compliance Action (ECA) so a portion of the penalty can be utilized for collection system repairs. The collection system tasks prescribed in Requirement 5 of the CDO will be proposed for the ECA. The District requests a written commitment from the Regional Water Board, either within the CDO or by separate letter, stating that tasks prescribed in Requirement 5 can be used to offset penalties related to the February 13, 2014 spill.

Response: Finding 13 of the CDO has been modified to clarify that the Permittee has already completed work necessary to correct the cause of the spill by repairing the ruptured force main. In addition, Finding 16 has been modified to read as follows: “~~Due to high priority of correcting vulnerabilities in the collection system and the limited resources available to the Permittee to address the many issues facing the Permittee (collection system correction, addressing limitations in the recycled water system and groundwater issues related to the land disposal system, etc.) the compliance schedules in this Order~~ The compliance schedules in this Order related to the land disposal and reclamation systems provide the Permittee with flexibility and extra more time and flexibility than would otherwise be afforded in order to allow the Permittee to make important improvements to the collection system in parallel to assessing and correcting issues related to the land disposal and reclamation systems. The spill that resulted from the force main failure will be addressed in more detail in a separate enforcement action.”

Since the purpose of the CDO is to address permit violations related to land discharge specifications and groundwater limitations, Finding 6 has been modified to remove the reference to Discharge Prohibition III.E (regarding sanitary sewer overflows). In addition, Finding 21 and the compliance schedule identifying collection system tasks (Requirement 5 of the Draft Order) have been removed from the Proposed Order.

Comment 6: Non-substantive comments and correction of typographical errors were identified in Findings 7, 15, and 22.

Response: The draft CDO was modified to correct typographical errors in Findings 7 and 21 (formerly Finding 22) and to make the requested non-substantive change to Finding 15, as follows:

- a. Finding 7 (second sentence) has been modified as follows: “... The monitoring data revealed that the effluent contains ~~levels of~~ nitrate, TDS, and sodium at levels that will cause ...”

- b. Finding 15 (last sentence) has been modified as follows: “ ... If the Permittee’s assessment of the force mains (Finding 13) reveals significant degradation, debt ~~would~~ could be secured to perform critical projects on an expedited basis.”
- c. Finding 21 has been modified as follows: “The Regional Water Board recognizes that the Permittee has ~~expanded~~ expended significant effort and financial resources over the last 10 years with the completion of the Third Unit Processes Project in 2006 ...”

B. AMEC Environment and Infrastructure, Inc.

Comment 1: Task A of Requirement 3 should require that the work plan be completed by the end of the next irrigation season (ending October 31, 2015) with a report due to the Water Board by December 31, 2015. In addition, the Water Board should require that any potential nuisance conditions encountered during the study be reported to the Water Board within 48 hours and that the study should contain specific mitigation measures proposed or taken to abate the condition.

Response: The Proposed Order has been modified to require the assessment of nuisance conditions be completed by the end of the irrigation season that follows submittal of the work plan and that a written report describing the results of the assessment of nuisance conditions be submitted by December 31, 2015.

The CDO was not modified to include a requirement for the Permittee to report nuisance conditions encountered during the study because Order No. R1-2014-0002 includes a requirement for the Permittee to report noncompliance with permit conditions within 24 hours of having knowledge of noncompliance.

Comment 2: Task B of Requirement 2 should specify that the following groundwater parameters of concern be monitored, including aluminum, nitrate, total dissolved solids, sodium, and pH. In addition, in order to fully evaluate groundwater conditions before and after scheduled implementation of treatment plant upgrades, the required groundwater evaluation should include all historic groundwater sampling data.

Response: The Proposed Order has been modified to include a footnote that identifies the parameters that must be monitored pursuant to Order No. R1-2014-0002 and to require a comparison of groundwater conditions before and after completion of the Permittee’s biological nutrient removal upgrade project.

Comment 3: The time schedules contained in Requirement 4 of the Draft Order should be shortened. Task A of Requirement 4.a requires submittal of a work plan for a hydrogeologic study to determine the fate and transport of wastewater parameters of concern found in the groundwater. The work plan is required to be submitted by August 14, 2016, which is 6 months after the required groundwater quality evaluation technical

report required by Draft Order Requirement 2, Task B. It is practicable and reasonable, since the technical report will already be completed, that this time schedule be shortened to a deadline of May 14, 2016. Additionally, Draft Order Requirement 4.a, Task A allows for up to three years to study the groundwater quality and potential surface water impacts related to the land disposal on the Burch Property. Given that the treatment plant improvements should already be implemented, there is no need for a three year study. Two years should be sufficient. As such, the study completion date should be no later than October 1, 2018.

Response: The compliance schedule for Requirement 4 has not been shortened. This compliance schedule provides the Permittee with more time and flexibility than would otherwise be afforded in order to allow the Permittee to make important improvements to the collection system concurrently with assessing and correcting issues related to the land disposal and reclamation systems. The Regional Water Board recognizes that the Permittee has limited resources and needs time to come up with the funding necessary to complete the work related to the land disposal/reclamation systems and the collection system.