

**Regional Water Quality Control Board
Central Valley Region
Board Meeting – 25/26 October 2007**

**Response to Written Comments for PacificUS Real Estate Group
SilverTip Resort Village Wastewater Treatment Facility
Mariposa County
Tentative Waste Discharge Requirements**

At a public hearing scheduled for 25/26 October 2007, the Regional Water Quality Control Board, Central Valley Region (Regional Water Board) will consider adoption of Waste Discharge Requirements Order No. R5-2007-_____ for the PacificUS Real Estate Groups proposed Wastewater Treatment Facility (WWTF) for the proposed SilverTip Resort Village. This document contains responses to written comments received from interested parties regarding the Tentative Waste Discharge Requirements (TWDRs) circulated on 20 July 2007. Written comments from interested parties were required by public notice to be received by the Regional Water Board by 23 August 2007 to receive full consideration. Written comments were received from:

1. California Department of Public Health (DPH), Drinking Water Field Operations Branch, Fresno, 9 August 2007.
2. PacificUS Real Estate Group, Pasadena, 20 August 2007.
3. Yosemite Alpine Community Services District, 23 August 2007.
4. Yosemite Alpine Village Association, 23 August 2007.

Written comments from the above interested parties are summarized below, followed by the response of the Regional Water Board staff.

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

DPH – COMMENT 1: The DPH notes that Finding No. 44 of the TWDRs includes a reference to the “California Code of Regulations (CCR), Section 64431, Table 64431-B (Fluoride).” The DPH point out that Table 64431-B no longer exists in Title 22.

RESPONSE: The comment was verified and the reference to Table 64431-B (Fluoride) in Finding No. 44 was removed.

DPH – COMMENT 2: The DPH states “*Groundwater Limitation 1. a (ii) specifies that the release of waste constituents shall not cause the groundwater to exceed a total coliform concentration of 2.2 MPN/100 mL.*” The DPH’s Total Coliform Rule, adopted in 1991, lowered the detection limit to 1.1 MPN and the DPH recommends changing Groundwater Limitation 1.a (ii) from 2.2 MPN/100 mL to 1.1 MPN/100 mL.

RESPONSE: The 2.2 MPN/100 mL groundwater limitation listed is the water quality objective (WQO) listed in the Sacramento and San Joaquin River Basin Plan. The WQO reflects the drinking water standard in effect when the Basin Plans were originally adopted. The 1.1 MPN/100 mL is the drinking water standard based on current Title 22 requirements. The main issue is the method of analyses used. State Method (SM)

9221C can detect to 2.0 MPN/100 mL making it the suitable method to determine compliance with the WQO, while SM 9221B can detect concentrations to 1.0 MPN/100 mL making it the suitable method to determine compliance to the drinking water standard. Effectively, there is little difference in a 1.1 or 2.2 MPN/100 mL requirement, as typically either method would detect coliform organisms if they were present. The Basin Plan criteria include narrative language requiring the Discharger to comply with both Basin Plan and Title 22 limitations. Groundwater Limitation 1.a(ii) will remain 2.2 MPN/100 mL; however, Groundwater Limitation .1.a(iii) requires compliance with Title 22 MCLs. The Monitoring and Reporting Program will require that coliform analyses be conducted in accordance with SM 9221B.

DPH – COMMENT 3: DPH criteria for sampling recycled (treated) wastewater requires daily coliform sampling and continuous turbidity monitoring and requests the Monitoring and Reporting Program R5-2007-_____ be modified accordingly.

RESPONSE: The MRP has been amended to include continuous turbidity monitoring. However, requesting daily coliform sampling of the wastewater discharged to the leachfield would be impractical. Total coliform samples have a holding time of 6 hours and it could be difficult for the Discharger to collect the sample in the winter months when wastewater is being discharged to the leachfield and transport the sample to the lab. The WDRs will require daily total coliform sampling of the effluent when it is used for irrigation purposes and weekly sampling when it is discharged to the leachfield. If no wastewater is discharged, samples will not need to be collected.

DPH – COMMENT 4: The DPH express concern about the location of the leachfield and spray field areas, which are upgradient and near domestic water supply wells, specifically the two Yosemite Alpine Community Service District (YACSD) Wells, which the DPH notes have shallow casings and are located in close proximity to one of the spray fields. The DPH note that well STR-4 is shown on Attachment B, Site Plan, within a spray field area. The DPH state the leachfield and spray fields should be relocated to provide more separation distance and protection for groundwater resources and note the wells have shallow casings.

RESPONSE: *Spray Field Location:* Attachment B included in the TWDR depicted the general location of the spray field areas. The map is not of the scale to definitively show the individual areas and was not intended to indicate that any of the wells on the property would be within the spray field areas. The Discharger will be required to meet Title 22 setback requirements (Section 60310) regarding the distance a domestic well is from irrigated recycled water areas (50 feet) and from recycled water storage impoundments (100 feet).

Table 11 in the August 2004 Report of Waste Discharge indicates recycled water will be applied to about 5.27 acres of land as follows:

Proposed Irrigation Areas	Area in Square Feet	Area in Acres
Meadow Areas	86,000	1.97
Greenbelts, Planters	25,000	0.57
Road Slopes	102,000	2.34
Motel Landscaping	11,000	0.25
Commercial Landscaping	6,000	0.14
Totals	230,000	5.27

The Discharger is required to submit a Title 22 Engineering Report as indicated in [Provision H.11.a.](#) of TWDR Order No. R5-2007-____, before construction may proceed. The Title 22 Engineering report will include a Use Area Management Plan that will describe the recycled water plan in detail including the specific locations of the areas to receive recycled water. Attachment B has been amended to indicate “general areas of spray field application.”

The issues of the distance of the various wells onsite with regards to the proposed leachfield location, the communication of the bedrock groundwater and alluvial groundwater, well construction details, and the attenuation of various constituents were previously addressed in one or more of the following documents:

- October 1999, *Antidegradation Analysis for Silvertip Resort Village Wastewater*, prepared by Kenneth D. Schmidt and Associates;
- September 2001, *Antidegradation Analysis for Silvertip Resort Village Wastewater*, prepared by Kenneth D. Schmidt and Associates;
- 29 September 2001, *Antidegradation Analysis*, prepared by Ripley Pacific Company;
- March 2002, *Hydrogeologic Conditions and Wastewater Management Plan Supplemental Report*, prepared by Ripley Pacific Company; and
- 25 August 2004, *Report of Waste Discharge*, prepared by Ripley Pacific Company.

Proximity of Wells to Leachfield: The minimum setback distance for a potable well to a leachfield is 150 feet. The closest well, well STR-2, is located about 275 feet from the nearest point of the proposed leachfield. YACSD Well No. 1 is located about 850 feet from the nearest point of the leachfield and is on the northern side of the existing creek in the meadow. YACSD well No. 2 is located about 350 feet from the nearest point of the leachfield. It is assumed some degradation of the beneficial uses of the upper aquifer will occur, but attenuation and dilution should keep various inorganic concentrations (salts) within drinking water limits. The Discharger provided water and nitrogen balances indicating the majority of the nitrogen will be used by the turf grasses in the meadow and landscaped areas. The recycled water will be tertiary treated and the resulting effluent will have a total nitrogen limit of 10 mg/L. A provision will be added to the TWDR that

requires the Discharger to maximize the separation distance between YACSD Well No. 2 and the leachfield.

Groundwater Source and Communication between Bedrock and Alluvial Aquifers:

Groundwater at the proposed SilverTip Resort site is reported to be contained mainly in fractured bedrock zones and to a lesser extent in shallow alluvial deposits. Seven water supply wells are present on the property proposed for the SilverTip Resort. Five of those wells, STR-1 through STR-5, reportedly obtain water from production zones ranging from 125 feet bgs to over 800 feet bgs, with the majority of the water being produced from greater than 500 feet. The YACSD wells are reported to draw water from a shallower fracture zone present from about 125 feet to about 300 feet bgs (for well YACSD No. 1).

The Discharger has asserted that the fractured bedrock aquifer is separated by the presence of a large generally unfractured mass of granitic bedrock from about 50 feet bgs to about 200 feet bgs. Boring logs for the five STR wells were evaluated to support this conclusion and the Discharger conducted various pump tests. While some connection of the aquifers is likely, the Discharger conducted a pump test in November 1999 that illustrated the deeper bedrock wells were not in direct communication with the YACSD wells or the shallow test wells set in the weathered zone in the meadow area. Well STR-5 was pumped for 16 days, and the only drawdown was observed in the deeper STR wells, not the YACSD wells or the shallow wells indicating there is separation between the two aquifers.

Well Construction Details: The construction details of the YACSD wells are unknown other than the depth of the wells and dates of drilling. The table in Finding 28 of the TWDR incorrectly indicated the casing depths for YACSD Wells Nos. 1 and 2 were 15 and 50 feet, respectively. That information was incorrect and the table has been corrected to show the casing details are unavailable. Information presented in a March 2002, *Hydrogeologic Conditions and Wastewater Management Plan Supplemental Report* prepared by Ripley Pacific Company indicates well YACSD No. 1 was first drilled in 1968 to a depth of 80 feet and had a 14-foot casing. This well was deepened to a depth of 320 feet in 1997. YACSD Well No. 2 was originally drilled to a depth of 52 feet in 1968, was deepened to 175 feet in 1989, and deepened to 230 feet bgs in 1997. While the construction details for the two YACSD wells could not be located, the existing well installation requirements in 1997 would have required a minimum seal of at least 50 feet and possibly deeper depending on the conditions encountered (the presence of weathered or unweathered bedrock). Weathered bedrock is reported to be about 20 feet near well YACSD No. 1 and about 50 to 55 feet at YACSD Well No. 2. Assuming the seals for the YACSD wells were installed to at least 50 feet and considering the tertiary treatment of the effluent and the distance the effluent will have to travel before it reaches the YACSD wells, it would seem unlikely that tertiary treated effluent would adversely impact the YACSD wells.

Relocating Leachfield and Spray Fields: Regarding the location of spray fields, please refer to the first paragraph of this response.

It is not readily clear to Regional Water Board staff that there are better locations for the leachfield. If it were moved to the meadow area it would be much closer to Big Creek, closer to the alluvial groundwater, and would pose a higher risk to surface water quality as the effluent would have less retention time in the subsurface to attenuate. It could be moved to the northwest corner of the property, but that area is where the intermittent creek enters the property and it would likely have higher groundwater levels and would increase the potential for the daylighting of effluent. It could be relocated to the northern side of the canyon, but then the leachfield would be within the 150 feet of wells STR-3 and STR-4. The current location of the leachfield seems to be the best location considering the topography of the site and the locations of the various supply wells.

PACIFIC-US REAL ESTATE GROUP (DISCHARGER)

DISCHARGER – COMMENT 1: Regarding the Information Sheet, page 1, replace last sentence with “*The WWTF will be designed to have an annual average daily flow of 33,500 gallons per day (gpd) and a peak daily flow of 74,000 gpd.*”

RESPONSE: Comment noted and the TWDR has been amended to reflect the flow rate as requested.

DISCHARGER – COMMENT 2: Regarding the Information Sheet, page 3. Insert “near the leachfield” after “*...flow is to the north/northeast*”.

RESPONSE: Comment noted and the TWDR has been amended as indicated.

DISCHARGER – COMMENT 3: Regarding the Information Sheet, page 5. Replace “*high*” water quality with “*good*” water quality.

RESPONSE: Comment noted and the wording of the TWDR was changed from “high” to “excellent.”

DISCHARGER – COMMENT 4: Regarding the Information Sheet, page 5. Delete “*surface water monitoring.*” See item 17 below.

RESPONSE: Surface water monitoring will not be removed from the monitoring program. Surface water monitoring was included as mitigation measure monitoring #17, #02R, and #09R of the Final EIR. The potential daylighting of effluent and the potential to impact adjacent Big Creek have always been a key concern of this project and surface water monitoring will allow for the assessment of any impact to Big Creek and/or the intermittent stream that crosses through the property.

DISCHARGER – COMMENT 5: Regarding the TWDR, pages 1 and 2, the project features description is not accurate. We suggest that it be replaced as follows:

- a. A 137 room hotel;
- b. A large conference center;
- c. 30 cabins for hotel guest use;
- d. Up to 4 small conference centers;
- e. A tennis court;
- f. An exterior swimming pool and deck;
- g. 3 decorative ponds;
- h. Parking for 359 vehicles;
- i. A two story commercial building;
- j. Housing for hotel employees;
- k. Associated accessory uses;
- l. An effluent storage tank;
- m. Potable water storage tanks;
- n. Parking, roadways, pathways, utility line extensions, etc; and
- o. An onsite wastewater disposal system.

RESPONSE: Comment noted and the TWDR has been amended as indicated.

DISCHARGER – COMMENT 6: Regarding TWDR, page 2, Item # 11. Replace “0.1 Nephelometric turbidity units” with “0.2 Nephelometric turbidity units.”

RESPONSE: Comment noted and the TWDR has been amended as indicated.

DISCHARGER – COMMENT 7: Regarding TWDR, page 7, Item # 31. Replace the entire paragraph as follows: *“The resulting groundwater elevations indicate an eastward direction of flow in these wells, but these levels are the piezometric surface readings that re above the water production zone due to induced pressure from the overlying bedrock. The actual depth to the water producing zones is much greater than the piezometric groundwater level as shown in the previous table. Groundwater flow and movement in the igneous bedrock environments is controlled primarily by flow through the fractures and the direction is determined primarily by locations of groundwater recharge and discharge.”*

RESPONSE: The sentence was amended as follows: *The resulting groundwater elevations indicate an eastward direction of flow in these wells, but these levels are piezometric surface readings that are above the true groundwater level due to induced pressure from the overlying bedrock. These readings are not indicative of a uniform groundwater table or the direction of groundwater flow. The actual depth to the water production zones is much greater than the piezometric groundwater levels as shown in the previous table. Groundwater flow and movement in igneous bedrock environments is*

controlled primarily by flow through fractures and the direction is dictated by the orientation of the fractures in the area encountered ,and by locations of groundwater recharge and discharge.

DISCHARGER – COMMENT 8: Regarding TWDR, page 7, Item # 32. Delete sentence “Other construction details (screened intervals, filter material, location of seals, etc.) are unknown.” Next sentence, insert “*monitor*” after “Three.”

RESPONSE: No changes made. Regional Water Board staff can find no reason to change the sentence as requested. To the best of our knowledge, the statement is true that the construction details of the wells in question are unknown. Should the Discharger have this information, it may include it in the Monitoring Well Installation Work Plan that will be required. The next sentence was changed to include “*monitoring*” after “Three.”

DISCHARGER – COMMENT 9: Regarding TWDR, page 8, Item # 33. Insert new sentence (immediately after first sentence) “Historical data indicates rises during precipitation and snowmelt periods, and declines during the summer.”

RESPONSE: Comment noted and the TWDR has been amended as indicated.

DISCHARGER – COMMENT 10: Regarding TWDR, page 9, Item # 35. Revise sixth sentence as follows “*Four to five monitoring wells will likely be required to adequately monitor shallow groundwater near the proposed leachfield and in the application areas.*”

RESPONSE: Comment was amended to read, “*Four to five monitoring wells will likely be required to adequately monitor shallow groundwater near the proposed leachfield and the spray field application areas.*”

DISCHARGER – COMMENT 11: Regarding TWDR, page 13, Item # 50, lower right box. Insert word “supply” after Construct in second paragraph.

RESPONSE: Comment noted and the TWDR has been amended as indicated.

DISCHARGER – COMMENT 12: Regarding TWDR, page 20, Item B.1. Replace 1.a. as follows: ‘*an annual average discharge flow of 33,500 gpd; and.*’ On 1. b. replace “*mgd*” with “*gpd.*”

RESPONSE: Comments noted and the TWDR has been amended as indicated.

DISCHARGER – COMMENT 13: Regarding TWDR, page 21, Item C. 1. Request relaxation of seasonal nitrate nitrogen limit to <25 mg/L for spray irrigation, and <10 mg/L for subsurface dispersal. This is an energy saving measure during irrigation season to reduce use of internal recirculation pumps. 25 mg/L is an agronomic rate of nitrogen application (see RWD p. 38, Sec. 7.6.) for spray irrigation.

RESPONSE: No changes made. Effluent will be stored in an approximately 510,000 to 750,000 gallon tank prior to discharging it to either the leachfield or the spray field. Use of the spray field should be maximized, but there may be times when the discharge needs to be switched to the leachfield on short notice (e.g., during a storm event). While the Regional Water Board encourages energy conservation, protecting water quality remains the main goal. If the Discharger can meet the limit of 10 mg/L for nitrate nitrogen in the winter when the effluent is applied to the leachfield, it would seem that limit could easily be obtained in the summer months as well. A nitrogen limit of 10 mg/L will be more protective of surface and groundwater quality while still allowing the recycling effluent.

DISCHARGER – COMMENT 14: Regarding TWDR, page 25, Item G.1.a. Request delete provision (ii) “Total Coliform organisms of 2.2 MPN/100 mL.” The WWTF effluent is monitored weekly for coliform, and testing for coliform from the monitoring wells is problematic. See Response #16 below.

RESPONSE: No changes made. The limit shown is a groundwater limit, not a monitoring requirement that the Discharger will have to routinely include in monitoring requirements. Per the Basin Plan, the Discharger shall not cause groundwater to contain total coliform at a concentration of 2.2 MPN/100 mL. Monitoring groundwater for total coliform organisms will not typically be required, unless the Discharger has routine (three or more consecutive samples) detections of total coliform in the effluent samples.

DISCHARGER – COMMENT 15: TWDR Attachment B. Spray field area is shown as two discrete locations, however RWD Table 11 indicates numerous locations for effluent irrigation areas beyond the two discreet areas indicated. Request notation on Attachment B that lists all application areas beyond what is shown graphically.

RESPONSE: See response to DHS Comment 4.

DISCHARGER – COMMENT 16: Monitoring and Reporting Program (MRP) page 2, Effluent Monitoring. Insert turbidity specification per Title 22 Sec 60301.320, see TWDR p. 21, then Item 5.a.

RESPONSE: See response to DHS Comment 3.

DISCHARGER – COMMENT 17: MRP page 5, Groundwater Monitoring. Request delete “total coliform organism” monitoring from table and reduce frequency general minerals sampling from quarterly to annually.

RESPONSE: Comment for total coliform noted and the MRP has been amended as indicated. The frequency of general minerals monitoring in groundwater will not be reduced to annually as explained in footnote 6 of the table. Quarterly monitoring is required for a period of 2 years (eight sampling events) to collect a statistically viable data set before the construction of the proposed resort. Such background groundwater-quality

data are useful in assessing seasonal trends that may occur and allow comparison to groundwater quality data collected after the WWTF at the resort becomes operable.

DISCHARGER – COMMENT 18: MRP page 5, Surface Water Monitoring. Request delete entire section. Both EC and turbidity surface water monitoring are redundant with EC and turbidity effluent monitoring. Other contributors to EC (such as highway road salt and turbidity from upstream erosion) are beyond the control of this Discharger. Effluent monitoring of these parameters is sufficiently protective of surface water quality based on controllable factors of SilverTip wastewater operations.

RESPONSE: See response to Dischargers Comment 4.

MS. KAREN GLENDENNING, SECRETARY FOR YOSEMITE COMMUNITY SERVICES DISTRICT (YACSD).

Ms. Glendenning's letter provides comments in 28 individual paragraphs outlining the concerns of the YACSD. Each paragraph/area of concern is addressed in the following pages.

YACSD – COMMENT 1: *“..deny the PacificUS Real Estate Groups application.....on the basis of the State Water Board Resolution No. 68-16 Statement of Policy With Respect to Maintaining High Quality Waters in California” or “Antidegradation Policy.....”*

RESPONSE: The State Water Board Resolution 68-16 requires that “high quality waters of the State shall be maintained consistent with the maximum benefit to the people of the State.” The County of Mariposa circulated various Environmental Impact Reports (Draft EIR, Revised Draft EIR, Final EIR, and Addendum to Final EIR) that addressed this issue. On 2 December 2003, the Mariposa County Board of Supervisors adopted resolution No. 03-442 certifying the EIR, adopting the CEQA findings; and approving the mitigation-monitoring program for the SilverTip Resort, and hence, certifying the project is consistent with the maximum benefit to the people of the State. In addition, the Discharger will implement the use of Best Practical Treatment or Control such as the design and construction of the tertiary wastewater treatment system that is proposed. The proposed treatment system was designed to minimize potential degradation, which is consistent with State Water Board Resolution 68-16.

YACSD – COMMENT 2: *“..deny the PacificUS Real Estate Groups application for a wastewater treatment facility on the basis that the design does not include all parcels that were used for the density formulation when the applicant put forward the Final EIR. (Items 3 & 4).”*

RESPONSE: The discrepancies in the acreage shown in items 3 and 4 does not change the density formulation used for the EIR. The acreages are almost identical, and no new structures or usage has been proposed, so the density formulation would not have changed. Additionally, the issue is a Land Use issue, which is not regulated by the Regional Water Board. Land Use issues for this project are overseen by the Mariposa County Planning Department.

YACSD – COMMENT 3: *“..reconfigure the PacificUS Real Estate Groups application for a wastewater treatment facility on the basis that the three decorative ponds are a potential pollution source for the groundwater. Applications of pesticides to prevent mosquito development will have the capability of degrading the watershed. All areas of California are under advertisement to help prevent West Nile Disease as ell as other mosquito born diseases and this will increase the potential for mosquito breeding. (Item 5 h.).”*

RESPONSE: The Discharger will be held responsible for all controls regarding nuisance conditions such as the breeding of mosquitoes. There are other options besides pesticides to address mosquitoes such as aeration, skimming, and adding fish that eat

the mosquito larva. Should pesticides be used, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) requires users to be certified to apply pesticides for mosquito control purposes.

YACSD – COMMENT 4: *“The Yosemite Alpine Community Service District needs to know what level of Certified Wastewater Treatment Operator will be on duty when the required Grade III Operator is off duty. The plant will be running 24/7 and all hours of operation need to be covered by appropriately licensed personnel. (Item 8).”*

RESPONSE: Wastewater treatment plant operators are certified by the State Water Resources Control Board, Office of Operator Certification. Mr. Jim Willis of that office was contacted regarding plant operator requirements. Mr. Willis stated that the regulations require a minimum of a Grade III Plant Operator to be in charge of a tertiary treatment plant, but the operator is not required to be at the site at all times. Any other personnel that will be responsible for the operation of the WWTF must have a minimum of a Grade II Operators License. Lower grades such as an Operator in Training can work under the direct supervision of the Grade III WWTF Operator.

YACSD – COMMENT 5: *“..deny the PacificUS Real Estate Groups application for a wastewater treatment facility on the basis of no plans are put forth for when the secondary unit fails or when the power generator fails. Will the resort and all associated units for forced to close and cease to produce effluent? (Item 12).”*

RESPONSE: The Discharger addressed backup power systems in Section 6.2.5, Redundant Design Features, of the Report of Waste Discharge. The proposed backup power system is typical for wastewater treatment plants and meets all applicable requirements and regulations if constructed as proposed. In a scenario that the Discharger’s backup power system fails and the WWTF is not be able to treat the wastewater, the Discharger would also not have power for its tenants and would have to cease operating until the problems could be corrected.

YACSD – COMMENT 6: *“..deny the PacificUS Real Estate Groups application for a wastewater treatment facility on the basis of no plans are put forth for when the emergency 3-day storage basin fills or fails. Will the resort and all associated units be forced to close and cease when the emergency 3-day storage basin fills? (Item 13).”*

RESPONSE: The Discharger will submit a Title 22 Engineering Report for the proposed facility a part of which will include an Operations and Maintenance Plan. The O & M Plan will address emergency procedures in the case the emergency storage reservoir is used or if a release were to occur.

YACSD – COMMENT 7: *“..deny the PacificUS Real Estate Groups application for a wastewater treatment facility on the basis of the planned wastewater reuse for irrigation. The Tenaya Lodge originally intended to use their tertiary treated effluent for irrigation purposes but*

they are unable to do so. The Tenaya has a long history of not being able to keep their tertiary treated effluent at a level to allow the application of their tertiary treated effluent to their landscaping areas. (Item 14)."

RESPONSE: The Tenaya Lodge had problems with its wastewater system and a new leachfield was designed and installed from 1999 to 2001. However, the issues at Tenaya Lodge were related to exceeding the permitted flow limit and over saturating the near surface soils, not the quality of the effluent discharged and exceedance of effluent and/or groundwater limits. The design of the existing system had underestimated the use of the over 200-room resort and the Tenaya resort exceeded its flow limit of 50,000 gpd. The new Tenaya system does not utilize a spray field system (it was discontinued in 1999), but rather discharges all of the facilities wastewater to the upgraded leach fields. The annual average daily flow rate for the Tenaya Resort is now 80,000 gpd, 30,000 gpd greater than the earlier discharge. To the best of our knowledge, the facility has not had issues with daylighting effluent since the redesign of the disposal system in 1999 and monitoring wells do not indicate an impact from the WWTF.

YACSD – COMMENT 8: *“..deny the PacificUS Real Estate Groups application for a wastewater treatment facility on the basis of the planned wastewater reuse for groundwater recharge. Due to high water table and the amount of discharge water, the Tenaya Lodge leachfield experienced heaving of the soil and was subsequently abandoned and a new site was developed. It is important to note that the land area that experienced the heaving is significantly less wet than the proposed site at the Silvertip lodge. (Item 14).”*

RESPONSE: See response to YACSD Comment 7.

YACSD – COMMENT 9: *“..deny the PacificUS Real Estate Groups application for a wastewater treatment facility on the basis that they are proposing to infuse 36 acre feet of water in a meadow that will kill the native plants and trees that are the basis of coming “to the mountains.” The native vegetation does not require an influx of water – 36’ of water is a lot of water. (Item 16).”*

RESPONSE: This issue of wastewater volume was addressed in Section 3.4, Water Quality and Quantity of the September 2002 Revised Draft EIR. The Discharger has estimated that 36-acre feet of treated wastewater will be discharged per year with about 19 acre-feet discharged to the spray fields and 17 acre-feet discharged to the leachfield. Of the 19 acre-feet discharged to the spray fields for irrigation, about 10 acre-feet will percolate through the root zone and into the underlying alluvial groundwater.

The construction of the resort may displace some native plants and vegetation, but the Discharger will be required to meet all applicable regulations regarding plant and tree removal during construction of the Resort. The application of wastewater to the irrigated areas may alter the types of plants that will be present in various areas. That said,

treated wastewater will be applied at rates suitable for the agronomic demand presented in the RWD and other reports.

YACSD – COMMENT 10: *“..deny the PacificUS Real Estate Groups application for a wastewater treatment facility on the basis of the design for a spray field between the YACSD 2 wells, Identified on Attachment B as Y1 and Y2. The close proximity to the YACSD wells will degrade the water and that is not acceptable nor is it within the guidelines of State Water Board Resolution No. 68-16. (Item 19).”*

RESPONSE: See response to DHP Comment 2.

YACSD – COMMENT 11: *“..deny the PacificUS Real Estate Groups application for a wastewater treatment facility on the basis of the location of the leachfield upgradient to the YACSD wells Y1 and Y2, as per Attachment 2 of the permit. The proximity to the YACSD wells will degrade the water and that is not acceptable nor is it within the guidelines of State Water Board Resolution No. 68-16. (Item 19).”*

RESPONSE: See response to DHP Comment 2.

YACSD – COMMENT 12: The YACSD recommends that its name be corrected in Items 28 and 30.

RESPONSE: Comments noted and the WDR has been amended as indicated.

YACSD – COMMENTS 13 and 14: *“..deny the PacificUS Real Estate Groups application for a wastewater treatment facility on the basis of the lack of planned remediation of groundwater when detected by the planned monitoring wells. The location of a proposed monitoring well below the proposed spray field will detect contamination on its way to YACSD well No. 1.” “The location of proposed monitoring wells near proposed leachfield will detect contamination on its way to the YACSD Well No. 2 and ultimately YACSD Well No. 1.” “Water quality remediation plans need to be in place prior to contamination of the shared watershed. Plans to shut down the resort and all associated units need to be in place prior to the contamination and degradation of the proposed watershed. (Item 35).”*

RESPONSE: The Discharger does not intend to contaminate groundwater and the TWDRs have been written to protect against contamination. As previously indicated, some degradation is allowable if deemed in the best interest of the people of the state. The discharge, if treated as proposed (tertiary treatment of effluent, microfiltration, UV light disinfection, etc), should not unreasonably degrade the groundwater or surface water resources of the region.

YACSD – COMMENT 15: *“..deny the PacificUS Real Estate Groups application for a wastewater treatment facility, as designed with discharge of tertiary treated effluent into leachfields and spray fields, on the basis that discharge of tertiary treated effluent into Big*

Creek with an NPDES permit would be a better solution for the watershed. The location of the Wawona Wastewater Treatment Facility in Wawona (within Yosemite National Park) establishes the ability and appropriateness of such a facility. The Wawona WWTF is granted an operating permit by Order No. R5-2005-0155 with an NPDES permit # CA0081795 enabling the discharge of tertiary treated effluent into the south fork of the Merced River. The proposed SilverTip Resort Village WWTF would follow the same constraints as the Wawona WWTF and thus protect the watershed that is vital to Fish Camp. (Item 36)”

RESPONSE: This issue was addressed previously by the Discharger (4 March 2002, *Hydrogeologic Conditions and Wastewater Management Plan Supplemental Report*, prepared by Ripley Pacific Company) in detail. It was deemed that the subsurface application of wastewater was the most feasible choice due to concerns of low flows on Big Creek that would not allow for the direct application of effluent in the fall and winter months. The TWDR does contain a re-opener that could require direct discharge if unreasonable degradation of the beneficial uses of groundwater is observed.

YACSD – COMMENT 16: *“..deny the PacificUS Real Estate Groups application for a wastewater treatment facility on the basis that plans have not been developed for use of the emergency storage ponds during wintertime. The power goes out in the winter and when the backup generator fails after a couple of days, the emergency storage ponds will be full of snow thus limiting their effectiveness. A plan needs to be developed for the closing of the resort and all associated units until such time as all repairs are made. (Item 50)”*

RESPONSE: Regarding failure of the backup power generator, see response to YACSD Comment 5. The final details are still pending in the Discharger’s Title 22 Engineering Report, but information provided by Mr. Dana Ripley, the Discharger’s consultant, indicates the “emergency reservoir” will be a “bladder type of reservoir that will not be directly open to the atmosphere. The bladder will not fill with snow in the winter.

YACSD – COMMENT 17: *“..deny the PacificUS Real Estate Groups application for a wastewater treatment facility on the basis that feasible alternate sites were not fully investigated. The location of the Goat Meadow on the Mount Raymond Road would be a viable alternative-their own watershed to keep track of, no concern over light or noise pollution on neighbors, no building height restrictions (outside of Fish Camp Specific Plan), just as many jobs could be held at that location, just as much generation of substantial revenue potential, and just as much evidence that market force support of such a project. (Item 51)”*

RESPONSE: Alternative sites were explored in the EIR process and this site was approved by the lead agency, Mariposa County.

YACSD – COMMENT 18: *“..deny the PacificUS Real Estate Groups application for a wastewater treatment facility on the basis that the best interest of the people of the State is not in the best interest of the water of the State. Once a watershed is degraded the clean high quality water that was once a part of California will be no longer. High quality water is at a*

premium within California and the lowering of the water quality for the benefit of the market forces is unnecessary. (Item 52)”

RESPONSE: In December 2003, Mariposa County certified a Final EIR, including the mitigation measures described in Finding 50 and the Statement of Overriding Considerations described in Finding 51. Mariposa County found that any degradation that would occur is justified by the benefits of the project, and therefore, in the best interest of the people of the State. Regional Water Board staff reviewed the Final EIR and the mitigation measures it included. The Final EIR adequately describes the potential degradation of surface water and groundwater and includes adequate mitigation measures, which are incorporated into this Order, to protect the beneficial uses of those waters.

YACSD – COMMENT 19: *“..deny the PacificUS Real Estate Groups application for a wastewater treatment facility on the basis the protection of the high quality watershed is imperative and should be the guiding principle of the State Water Boards. Minimum state drinking water standards is not acceptable to an area with high quality water. (Item 53)”*

RESPONSE: See response to YACSD Comment 18.

YACSD – COMMENT 20: *“..deny the PacificUS Real Estate Groups application for a wastewater treatment facility on the basis that provisions have not been included to ensure that the future water quality standards that are not yet established will become effective when they are established. The state guidelines for the detection of contaminants have become more restrictive as studies have shown the potential for adverse effects on humans. As State and Federal regulations become more restrictive these same regulations need to be imposed upon the Silvertip Resort Village Wastewater Treatment Facility. These guidelines need to be included within the permitting process.”*

RESPONSE: The TWDRs were written to reflect the current standards in effect at this time. The Order may be amended at anytime in the future, but one cannot forecast what future water quality limits might be.

YACSD – COMMENT 21: *“..deny the PacificUS Real Estate Groups application for a wastewater treatment facility on the basis the location of spray fields adjacent to the 40 cabins on the property. The requirement of no spray drift near dwellings, designated outdoor eating areas, or food-handling facilities would preclude the location of a spray field near any of the 40 cabins or small conference centers. (see Attachment B for the location of the spray fields with lack of cabins and conference centers for reference.) (Item 7 of Waste Discharge Requirements).”*

RESPONSE: The Discharger will be required to meet all applicable regulations regarding the potential for drift of recycled effluent as indicated in Recycling Specifications D. 7 and 8 of this TWDR. The method of application to the spray field will be varied and will

include surface and subsurface drip emitters in selected locations to meet the applicable regulations regarding the use of disinfected effluent.

YACSD – COMMENT 22: *“..modify the PacificUS Real Estate Groups application for a wastewater treatment facility to include languages other than English and Spanish on the warning signs for non-potable water. There is a large influx of German, French, Japanese, and Chinese visitors that need notification of the non-potability of the water. They may not know what the red line through the glass means. (Item D 2 Waste Discharge Requirement Order).”*

RESPONSE: Use area notification requirements are contained in the California Code of Regulations, Title 22. Social Security, Division 4. Environmental Health Chapter 3, Water Recycling Criteria, Article 4, Use Area Requirements. Title 22 requires signs to be printed in English and accompanied by the international symbol. Additional languages may be added, but the WDRs will require only those specified by Title 22.

YACSD – COMMENT 23: *“..deny the PacificUS Real Estate Groups application for a wastewater treatment facility on the basis of the inability to comply with the Use Area Monitoring requirements to conduct visual inspections for evidence of erosion, field saturation, runoff, daylighting of effluent in the leach field area, and/or the presence of nuisance conditions during the proposed wintertime use of the leachfields. The presence of several feet of snow will preclude the ability to visually inspect the leachfield. Will the resort and all associated users be required to close when visual inspection is not possible? (Use Area Monitoring)”*

RESPONSE: The presence of snow will limit the visual observation portion of the field inspections, but other monitoring measures will be implemented to provide monitoring during the winter months and during the snow melt period. Visual inspection to see if water is discharging into the stream will still be conducted. Upstream and downstream surface water monitoring of Big Creek and the intermittent stream that crosses the property will be conducted quarterly as a means of monitoring runoff from the site.

YACSD – COMMENT 24: *“The Yosemite Alpine Community Service District recommends the Regional Water Quality Control Board deny the proposed road connection with our District Maintained Black Pine Way and Silvertip Lane for the purpose of grading, construction, pumping tanks or visually inspecting leach fields or inspecting spray fields. These are private roads self-maintained by the Yosemite Alpine Community Service District. (Use Area Monitoring).”*

RESPONSE: This is not a water quality issue and Regional Water Board has no authority to approve or deny use of roads during construction activities.

YACSD – COMMENT 25: *“..deny the PacificUS Real Estate Groups application for a wastewater treatment facility on the basis of not including the +/- 2-acre parcel as part of the*

density and as part of the original land mass to use the proposed wastewater treatment facility. (Information Sheet)."

RESPONSE: See response to YACSD Comment 2.

YACSD – COMMENT 26: *"..deny the PacificUS Real Estate Groups application for a wastewater treatment facility on the basis of the prevention of the increase in the salinity of a River Basin. The Silvertip Resort has several acres of planned irrigation areas and the resulting fertilizing of the landscape will increase the salinity of the water. A majority of the landowners in Fish Camp do not plant grasses and this project more than quadruple the amount of grass and associated chemicals that will degrade the watershed. (Information Sheet, Basin Plan, Beneficial Uses and Regulatory considerations)."*

RESPONSE: See response to YACSD Comment 1.

YACSD – COMMENT 27: *"..deny the PacificUS Real Estate Groups application for a wastewater treatment facility on the basis that the market research done for the project is outdated and there is no need for use a project and thus no need for a wastewater treatment facility. Since the market research was done there has been the incident on September 11, increased gas prices, and increased security concerns which have left many hotel/motels with empty rooms year round. There is no need for such facility and the associated wastewater treatment facility. Fish Camp already is a "community center for this part of Mariposa County and the need for a wastewater treatment facility is not needed along with the associated resort. (information Sheet – Antidegradation)"*

RESPONSE: This is not a water quality issue and the Regional Water Board has no authority to deny the TWDRs based the market research used to develop the project.

YACSD – COMMENT 28: *"The Yosemite Alpine Community Services District reserves the right to all monitoring results for (A) discharge sampling points and (B) monitoring wells required of the proposed Silvertip Resort Village in Fish Camp."*

RESPONSE: All reports and analytical results submitted by the Discharger to the Regional Water Board become part of the public record when submitted and can be reviewed by members of the public upon appointment to do so.

MR. EUGENE GLENDENNING, PRESIDENT OF THE YOSEMITE ALPINE VILLAGE ASSOCIATION

Mr. Glendenning's letter provides comments outlining the concerns of the Yosemite Alpine Village Association with respect to the proposed SilverTip Resort Village. The concerns presented by Mr. Glendenning are summarized and addressed in the following pages. The Yosemite Alpine Village Association requests the Regional Water Board disapprove the WDRs application due to:

YOSEMITE ALPINE VILLAGE ASSOCIATION – COMMENT 1: *“..the Antidegradation Section of the proposed permit is incomplete and inadequate.”* As background information as to why the Antidegradation Section of the proposed permit is incomplete, Mr. Glendenning notes that the YACSD own two wells (Y1 and Y2) that are the sole water source for the Yosemite Alpine Village Association homes.

RESPONSE: See response to DPH comment 4 regarding the YACSD wells.

YOSEMITE ALPINE VILLAGE ASSOCIATION – COMMENT 2: *“An alternative exists which will concurrently protect the watershed and drinking source water quality while concurrently allowing the developer, PacificUS, to construct and operate the proposed project without modification.”*

RESPONSE: See response to YACSD Comment 15