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MARCH 5, 2009

FAX COVER SHEET

TO: DIANA MESSINA, SENIOR ENGINEER
CENTRAL VALLEY REGION WATER QUALITY
CONTROL BOARD

FROM: JOHN TIMMER

ABOUT: DOWNER SUMMIT PUD permit

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Diana Messina, Senior Engineer
Central Valley Region Water Quality Control Board
11020 Sun Center Drive, Suite 100
Rancho Cordova, CA 95670-6144

March 5, 2009

Dear Ms Messina,

I work and play throughout the drainage of the South Yuba River. I have visited all of the river's reaches from the headwaters down to Marysville. I have hiked along its banks and on hot days, I have swum in its cooling waters. I have also walked its dry streambed where it is an ephemeral stream. I have led and participated in river monitoring and river clean-up operations along the South Yuba River for more than a decade. I clearly value a clean river. I implore the CVRWCB to provide the greatest protection to this river and its downstream users when they re-permit the operation of the Donner Summit PUD's sewer plant in Soda Springs.

I have studied the issues surrounding the Donner Summit PUD's tentative permit to discharge its effluent into the South Yuba River's drainage. I am distressed to find how much effluent is released into the streambed along a stretch of the river that is often devoid of water from July through November. I am thoroughly distressed to find that the DSPUD relies on models based on a water gauge ten miles down stream that does not reflect in any reasonable way the water flow at the site of discharge.

Please consider the following issues pertaining to the DSPUD's permit application and decrease or end the discharge of effluent into the South Yuba River. I would once again like to feel safe entering the waters of this cool and refreshing Sierra stream as it splashes down through granite boulders.

Prohibit discharge to the river when land disposal is feasible. This prohibition was clearly part of the 2002 Waste Discharge Requirements but has somehow been lost or deemphasized. The basic purpose of the National Pollution Discharge Elimination System is to "eliminate discharge". DSPUD appears to have discharged in the past when land disposal was feasible. In order to protect the South Yuba River from pollution, this new order must minimize discharge.

Prohibit discharge to the river for a longer period than just August 1 to September 30. Due to very low stream flows and vulnerability to negative effects of additional nutrients (e.g. biostimulation) during peak summer, discharge should be prohibited during the month of July. In the rare event of excessive late spring snowpack, discharge to the river in July could be allowed under special notification and rationale.

Require (under Special Studies) a Flow Study based on the installation of a stream gage which continuously collects streamflow data under quality assurance criteria of the US Geologic Survey. Make this special study requisite for any future formulation of dilution credits. Note that estimation of streamflow at the point of discharge based on a watershed area ratio and the Cisco gage 10 miles downstream is a wholly inadequate method considering the resources at stake. Any formulation of dilution credits requires actual streamflow data at the point of discharge. This study could correlate flows at the point of discharge with the Cisco gage (still under operation by

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PG&E) to derive much improved estimates of dilution available in various months. The stream gage should be operative by Oct. 1 2009 and a final flow study report submitted by November 1, 2012.

The Flow Study and possibly other special provisions should make note of Climate Change and the likelihood that in certain months less natural water in the South Yuba River will be available for dilution than in the past. Request that hydrologic data from subsequent to 1994 (available from PG&E) be utilized, as well as data from the newly required gage at the discharge point. PG&E has noted less snowpack the last decade compared to the past. Also, the California DWR has strongly suggested that statewide water management systems adapt with climate change. See <http://www.water.ca.gov/climatechange/articles.cfm>

Request the No Dilution Credit Option. Note that the South Yuba River is an ephemeral stream at the point of discharge with very low flows at times during winter. Dilution credits could only be supported after the completion of the type of Flow Study described above.

Reduce period of interim limits for ammonia, nitrate, aluminum, manganese, copper, cyanide, aldrin, alpha BHC, silver, and zinc from 5 years to 3 years. DSPUD claims that they could not make improvements until the new limits were issued by the RWB. While some uncertainty of exact limits existed for some pollutants until the tentative permit was released, the initial actions required to reduce pollution were known and feasible years ago. This tentative permit is almost 2 years overdue and the very last of those in the region up for renewal. DSPUD has been granted an additional five years before new limits would apply. Since the interim, performance-based limits, represent unacceptable pollution to the South Yuba River, the final limits should be applied as soon as possible.

Recalculate the interim limits for nitrate and ammonia using data inclusive of the fall, winter and spring of 2008. The interim limits in the tentative order only include a brief portion of the record since plant improvements were completed in April 2007. As a result the limits are much higher than necessary. Because past performance has been shown to cause nuisance pollution in the South Yuba River, interim limits for nitrates, in particular, should be reduced below the proposed 53 mg/L.

How the Tentative Permit Fails to Protect the River

1. The tentative permit does nothing to further limit discharge to the river as opposed to alternatives: land disposal (spray irrigation), reuse (snowmaking and sale of reclaimed water), or augmented storage (greater storage capacity could provide flexibility for two primary alternatives to discharge). This order provides a permit to comply with the National Pollutant Discharge Elimination System, yet makes no progress to reduce discharge to the South Yuba River. In addition to emphasizing that discharge is not to take place when land disposal is feasible, as more clearly noted in the previous permit, the new permit should extend the period during which no discharge is allowed and set enforceable criteria for requiring an alternatives to discharge. The previous permit duly notes that the South Yuba River at the point of discharge is an ephemeral stream and that effluent may provide the entire volume of streamflow at times. The tentative permit fails to note this fact and fails to consider (despite submittal by SYRCL in Sept. 2008) evidence that the dry period is extending earlier in the summer.

2. The tentative permit grants inappropriate dilution credits for dichlorobromomethane and nitrates based on unrealistic hydrological assumptions. For dichlorobromomethane, a dilution credit of 24.5:1 is provided based on
 - a. Harmonic mean flow at Cisco Grove gage (1945 - 1994)
 - b. Effluent level
 - c. 0.405 flow at discharge site assertion by DSPUD that all

For nitrates, the tentative permit takes a more conservative approach and grants a 1.8:1 dilution. Still this dilution credit involves misleading assumptions:

- a. Cisco Grove gage (1945 - 1971?)
 - b. Maximum monthly discharge from past record, not allowable 0.52 MGD
3. The tentative permit involves a Cease and Desist Order (aka waiver) which rewards DSPUD for poor performance and lack of progress on known needs for improvement in reduction of pollution. The CDO provides the maximum period (5 years) for complying with final limits for nitrate, aluminum, manganese, copper, cyanide, aldrin, alpha BHC, silver, zinc, and dichlorobromomethane. Because this tentative permit is almost 2 years overdue and the very last of those in the region up for renewal, DSPUD has had at least that period of time to begin the necessary and inevitable work toward compliance with the limits. While some uncertainty existed in the required limits for some pollutants up until the tentative permit was released, the kind of actions now specified were clearly predictable, and DSPUD could have begun that work years ago. The interim limits for nitrate are based on "current performance". If DSPUD had more effectively treated nitrates, then the interim limit would be lower. The period evaluated for performance includes the period (April 1 2007 -) for which DSPUD has received a Notice of Violation for high nitrate levels in discharge and causing biostimulation to the South Yuba River. The NOV even includes a discretionary penalty based on the cost savings DSPUD afforded by not earlier implementing (as ordered to) a truly effective project for meeting nitrate limits.

Thanks for your time and attention to this matter. Pure water is becoming a very rare commodity in California. Please do all that you can to make sure that our streams (and the South Yuba in this case) remain healthy and are not allowed to become dumping grounds. A clear Sierra stream should be all that it seems to be to those folks who visit them.

Respectfully,



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