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December 4, 2014

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**VIA ELECTRONIC MAIL**

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Re: Root Creek Water District, Riverstone Wastewater  
Treatment Facility Waste Discharge Requirements  
Agenda Item 33 of the December 5/6 Agenda of the  
Central Valley Water Board

Dear Ms. Creedon and Ms. Carpenter:

I am writing as the General Counsel of Root Creek Water District "RCWD" in response to the December 3, 2013 letter you received from Jeff Reid, on behalf of Richard Gunner, concerning the proposed Root Creek Water District Waste Discharge Requirements. The issues raised in Mr. Reid's letter and accompanying materials have no merit.

As the responsible agency concerning the waste water treatment plant, RCWD has reviewed the Environmental Impact Report certified by the Madera County Board of Supervisors on September 11, 2007. California Public Resources Code Section 21166 sets forth the standard for determining when a supplemental Environmental Impact Report or other CEQA document is required. The statute states that a subsequent document is not required unless at least one of three things occurs: there is a substantial change in the project that requires a major revision to the EIR; substantial changes occur with respect to the circumstances within which the project is being done that require major changes in the EIR; or, new information that was not known and could not be known at the time the EIR was certified becomes available.

RCWD has reviewed all of the refinements of the waste water treatment plant that have been agreed upon between RCWD's consultants and the Regional Water Quality Control Board Staff. RCWD has compared those refinements with the 2007 EIR and determined that none of them will result in any new or increased impacts compared to the discussion in the EIR. Certainly no refinements in the proposed Waste Discharge Requirements rise to the much higher threshold for requiring additional environmental review as stated in PRC 21166. Therefore,

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RCWD made the determination that no additional environmental document is required to address the refinements that have been proposed in the more detailed design of the wastewater treatment and disposal system.

Mr. Reid's letter and the attachments do not even contend that any aspect of the proposed Waste Discharge Requirements constitutes a substantial change in the project that requires a major revision of the 2007 EIR pursuant to PRC 21166.

The letter submitted to you by David Mc Glasson of Provost & Pritchard responds to all the technical points raised by Mr. Reid. Mr. McGlasson demonstrates that the proposed treatment and disposal processes are not substantial changes, do not require major revision of the EIR and, in all cases, the final design of the system will have the same or reduced impacts compared to the conceptual design studied in the 2007 EIR.

Therefore, RCWD respectfully requests that the Board approve the proposed Waste Discharge Requirement's for RCWD at the December 5, 2014 hearing. Thank you for your consideration.

Very truly yours,

By:   
Loren J. Harlow for Christopher L. Campbell  
BAKER MANOCK & JENSEN, PC

CLC:TLW

cc: Mr. Tim Jones  
Ms. Andrea Matarazzo  
Mr. Dave McGlasson