

December 10, 2009

via E-mail to: dcmessina@waterboards.ca.gov

Diana Messina, Supervising Engineer
Central Valley Regional Water Quality Control Board

Re: Order No. R5-2010-XXXX, WDR NPDES No. CA0084697
Thunder Valley WWTP, Placer County

Dear Ms. Messina:

Please accept these comments on behalf of the Ophir Property Owners Association and Auburn Ravine Preservation Committee, Save Auburn Ravine Salmon and Steelhead, Granite Bay Flycasters, and the California Salmon and Steelhead Association. For many years our community has participated in Regional Board Permit development, and in discussions regarding effluent discharges to the Auburn Ravine, Permit violations, fish kills, and related matters.

Regional Board Tentative Orders for the Thunder Valley Wastewater Treatment Plant/WWTP/discharger include an *expansion of the existing discharge* from 0.35 to 0.875 MGD, or *2.5 times current permitted levels*. Media reports indicate that expansion of Thunder Valley facilities will cost near \$1 Billion, with potential annual profits of 400 to 500 million dollars.

Effluent from the WWTP is discharged to Orchard Creek. Orchard Creek is tributary to Auburn Ravine Creek and ultimately the Sacramento River, an impaired water body. Both the Auburn Ravine and the Sacramento River are known to support protected steelhead trout and are designated as Critical Habitat for Central Valley steelhead. The October 2009 NOAA/NMFS Draft Recovery Plan/Recovery Plan for Central Valley steelhead specifically notes the presence of steelhead in the Auburn Ravine and lists water temperature and water quality as primary stressors. (See 2.3, Fig 2-9 and 2-10; Attach C, C-7, C-10.) During periods of hydraulic continuity, Orchard Creek may impact the quality of water flowing in the Auburn Ravine and the Sacramento River.

A City of Auburn WWTP Stream Study noted the substantial reduction in stream rainbow trout biomass from fall to spring near the City's WWTP. (See p 3-15, and Fig 11, CH2MHILL August 1996.) In a subsequent analysis done for the Sierra Business Council, it was offered that this reduction was potentially due to downstream emigration of steelhead smolts. (See Auburn Ravine p 20, in Streams of Western Placer County...Literature Review, December 2003; et al.) California Department of Fish and Game/CDFG fish sampling done in 2004 and 2005 found a remarkable number of steelhead trout in the Auburn Ravine, with average relative abundance estimates of 2,163 individuals per river mile, and up to 7,985 individuals per river mile. Large numbers of the sampled fish were found to be sexually immature. (See Table 4, p 3, CDFG 1/4/08 Summary of 2004 and 2005 fish community surveys in Auburn Ravine and Coon Creek, Placer County.) The April 2009 Placer County Water Agency Auburn Tunnel Outlet Modification Initial Study notes that, based on CDFG and others' surveys, the Auburn Ravine may constitute a probable steelhead spawning area due to the presence of very

small juveniles during the spring, adding that year-round rearing may occur in the stream given the presence of both young-of-the-year and larger juveniles during the November, December, and April samplings. (See p 3-32, 3-37; et al.)

Consistency with the Endangered Species Act/ESA is affirmed in tentative orders. We failed, however, to see documentation of appropriate consultation and thorough analyses by NMFS and DFG for this process. We did not see evidence of analyses by these agencies related to current operations and proposed expansion of WWTP discharges—with careful consideration of relaxed limitations and extension of compliance dead-lines, impacts to protected fishery resources, compliance with ESA requirements and proposed Recovery goals.

Our initial evaluation of tentative orders and perusal by others with far greater expertise (incorporate by reference Comments by California Sportfishing Protection Alliance) raise a number of questions that are at once perplexing and troubling:

1. Given the *demonstrated inability of the existing WWTP to meet current discharge requirements, as well as the Regional Board's strong commitment to regionalization* of wastewater treatment systems, why is the discharger *not instead required to connect to the nearby Lincoln Regional WWTP*? Is this not the best solution for protection of the public and protected resources?
2. If the discharger is not required to promptly connect to the Lincoln WWTP, *why does the Regional Board not require construction of an expanded WWTP that can and will comply with discharge limits? (Rather than recommending an expanded WWTP that is not intended to comply with existing requirements.)*
3. *How is a relaxation of discharge limitations, accompanied by an extension to 2015 for compliance with discharge limits, in the best interests of the public and protected resources which may be affected by operation of a greatly expanded WWTP and discharge? i.e. Does the Regional Board indeed wish to publicly reward failure to comply with existing requirements by lowering the bar for compliance--as well as granting a vast expansion of operations?*
4. *Have appropriate consultations with NMFS and CDFG occurred? What specific comments have they offered in support of proposed relaxation of existing limitations, a history of failure to comply with same, presence of protected resources which may be increasingly affected by expanded operations, Endangered Species Act considerations, and proposed Recovery Plans for anadromous resources?*

Until the above matters are satisfactorily resolved, we encourage the members of the Regional Board to withhold approval of expansion of the discharge.

SARSAS is requesting that their representative, Stan Nader, be allowed to speak at the Hearing for this matter. Thank you for considering our comments.

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