

ITEM: 26

SUBJECT: Donner Summit Public Utility District, DSPUD Wastewater Treatment Plant, Nevada County

BOARD ACTION: *Consideration of New Cease and Desist Order*

BACKGROUND: The Donner Summit Public Utility District (Discharger) is the owner and operator of the DSPUD Wastewater Treatment Plant (Facility), which provides service to the Van Norden and Soda Springs areas, the Sugar Bowl and Soda Springs Ski Resorts, the Serene Lakes subdivision, and the Sierra Lakes County Water District. The Facility is currently authorized to discharge an average dry weather flow of 0.52 million gallons per day (MGD). The receiving water is the South Yuba River. Discharge to the South Yuba River is prohibited from 1 August to 30 September. The Facility also uses spray irrigation for land disposal of effluent, generally from July through September, and when weather conditions permit. Effluent is also reclaimed for snowmaking at the Soda Springs Ski Area.

Previous CDOs have provided mandatory minimum penalties (MMPs) protection and time schedules for compliance with final effluent limitations. The Discharger is currently constructing an upgrade to the Facility that is intended to enable the Facility to comply with all final effluent limitations. The proposed CDO provides additional time for completion of construction, and operational refinements where necessary, of the Facility upgrades and protection from MMPs, as allowed by California Water Code section 13385(j)(3)(C)(ii)(II), for ammonia, copper, cyanide, dichlorobromomethane, manganese, nitrate, silver, and zinc. The proposed CDO also provides protection from MMPs for aluminum, which has not been provided protection in previous CDOs.

The Facility upgrade construction project should be completed in December 2014 and the new Facility should be operational in February 2015. However, because of the extreme climate, and the fluctuations in flow and organic loading from seasonal tourism, it is anticipated that a full year of operation will be necessary to balance the biological processes and to reliably meet the final effluent limitations. Therefore, the proposed CDO requires compliance with final effluent limitations for ammonia, cyanide, dichlorobromomethane, manganese, nitrate, and silver by 1 April 2016 (approximately 1-year after completing Facility upgrades). The CDO requires compliance with final effluent limitations for aluminum, copper, and zinc by 1 May 2016. Additional time for future compliance efforts is allowed for aluminum, copper and zinc because the Facility upgrades may not reduce these constituents enough to achieve compliance with final effluent limitations.

ISSUES: Public comments on the tentative CDO were received from the Discharger and the South Yuba River Citizens League (SYRCL).

The Discharger supports the tentative CDO as written. SYRCL has been granted designated party status for the Board hearing.

Following is a summary of the major issue and the staff response:

**Compliance Date.** SYRCL recognizes the need for additional time to complete the Facility upgrade project, but expresses disappointment that the Facility would need until 1 April 2016 to comply with final effluent limitations for ammonia and nitrate. SYRCL requested that the Facility be required to comply with final effluent limitations by 1 April 2015. Staff believes that the Facility's unique circumstances warrant a full year of operation to reach a steady-state condition at the Facility and to reliably comply with final effluent limitations (i.e., the extreme climate at the project location and the fluctuations in flow and loading from the seasonal tourism).

RECOMMENDATION: Adopt the proposed CDO.

Mgmt. Review AWL

Legal Review \_\_\_\_\_

27/28 March 2014 Board Meeting

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