



SOUTH YUBA RIVER CITIZENS LEAGUE

February 24, 2014

Mr. Kenneth Landau, Assistant Executive Officer
Ms. Gayleen Perreira, Senior Engineer
Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, Suite 100
Rancho Cordova, CA 95670-6144

Re: Tentative Cease and Desist Order for the Donner Summit PUD Wastewater Treatment Plant (NPDES Permit #CA0081621)

Dear Mr. Landau and Ms. Perreira,

The South Yuba River Citizens League (SYRCL) requests status as a designated party for the hearing concerning the Donner Summit Public Utility District (DSPUD). SYRCL is a 501(c)(3) community organization with the mission of uniting the community to protect and restore the Yuba River watershed. SYRCL conducts water quality monitoring throughout the Yuba River watershed and at sites located on the South Yuba River upstream and downstream of wastewater discharge by DSPUD.

SYRCL members reside along and recreate within the South Yuba River downstream of the point of DSPUD's wastewater discharge. In 2008, residents informed SYRCL of disturbing levels of sludge and algae in the river which was subsequently determined by the Water Quality Control Board to be a nuisance attributable to ammonia and nitrate pollution from Donner Summit PUD and subject to a \$25,000 discretionary penalty (Administrative Civil Liability Order R5-2012-0552).

SYRCL submitted extensive comments in 2009 on the Tentative Waste Discharge Requirements (NPDES Permit #CA0081621) and Tentative Cease and Desist Order (CDO) for the Donner Summit PUD. We remain appreciative of the responses received by Water Quality Control Board staff, although somewhat disappointed that the resulting CDO provided DSPUD nearly five years of interim effluent limitations that pose a risk to water quality and stream health for the South Yuba River. We are more disappointed, however, that Donner Summit PUD has not been able to complete the upgrade of their waste water treatment plant during this time and is seeking another CDO to extend their period of protection from Mandatory Minimum Penalties (MMPs).

SYRCL reluctantly accepts the need for a new CDO to extend DSPUD's construction and compliance time. However, we request revisions of the tentative order to restrict the period for interim effluent limitations and establish that DSPUD will be subject to MMPs for exceeding final effluent limitations for ammonia and nitrate beginning April 1, 2015. By this date, DSPUD should either be in compliance with the limitations necessary to protect the South Yuba River or receive penalties for failure to finance, construct and effectively operate the new plant upgrades.

Please consider that DSPUD has been able to apply former MMPs to the construction costs for plant upgrades designed to remedy to the pollution problem (Administrative Civil Liability Order R5-2012-0552). We have reviewed 20 months of monitoring data by DSPUD for subsequent periods in 2012 and 2013 and noted 69 additional daily and monthly violations that would be subject to MMPs if not for the interim effluent limitations of CDO R5-2009-0035. While we are pleased to know that DSPUD is making progress in plant upgrades, we insist on accountability for rapid resolution of a pollution problem in the South Yuba River that has been documented for many years.

We are concerned for the vulnerability of the South Yuba River to pollution this year. The drought of 2014 is far more severe than the drought of 2008 when high levels of ammonia and nitrogen impaired the river with sludge and algae. We will be monitoring river conditions and intend on sharing any noteworthy results in an expedient manner with both the DSPUD and the Water Quality Control Board.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Reedy". The signature is fluid and cursive, with a large initial "G" and "R".

Gary Reedy
Science Program Director