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Agriculture

Forest  
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File Code: 7430/2300

Date: March 1, 2011

Harold Singer  
Executive Officer  
California Regional Water Quality Control Board,  
Lahontan Region  
2501 Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150

Reference:

Forest Service, Lassen National Forest  
California Regional Water Quality Control Board,  
Lahontan Region  
Proposed Cease and Desist Order No. R6T-2001 for the  
Eagle Lake Wastewater Facility, Lassen National Forest  
WDID No. 6A188505700

Dear Mr. Singer:

The Forest Service, Lassen National Forest (LNF) submits this testimony with respect to the January 12, 2011, Proposed Cease and Desist Order No. R6T-2011-XXXX (proposed order) for the Eagle Lake Wastewater Facility located on the Lassen National Forest.

The California Regional Water Quality Board, Lahontan Region's (Regional Board) proposed order provides for compliance by December 2012, as well as a series of deadlines for submission of schedules and reports to ensure that the Forest Service's planned improvements to the Eagle Lake Wastewater Facility are completed in a timely manner in order to meet the waste discharge requirements (WDRs), Order R6T-2010-0056, and the proposed order. The WDRs set forth the requirements for the construction of a new wastewater facility and its operation, as well as monitoring and reporting.

The Forest Service has already undertaken significant efforts to enable it to come into compliance with the proposed order:

- In September 2009, the Forest Service began a soil and groundwater investigation and has submitted a draft report to the Regional Board. Three additional groundwater samples were taken from July to August 2010, and the results were forwarded to the Board, and will be incorporated into the final report, which the Forest Service expects to receive from its consultant in March 2011. The proposed order requires an additional soil and groundwater investigation plan and a report.



- The Forest Service constructed 4000 linear feet of perimeter fence in the fall of 2010. A perimeter fence is required for security and safety purposes and required in section I.E.3. of the WDRs. The perimeter fence will be completed by the main contractor.

- The Forest Service is installing a water supply well on the site. At the Regional Board staff's request, the Forest Service included a geological investigation of the site as part of this project. As a part of the geological investigation, the Forest Service had core drill samples taken and provided a copy of the report to Regional Board staff. During completion of installation of the water supply well in spring 2011, the Forest Service will do detailed well logging and provide a copy of that report to Regional Board staff.

- In September 2010, the Forest Service issued a contract (construction contract) for the design and construction of a new primary pond, a new evaporation pond, and a sludge drying facility; and the rehabilitation of three evaporation ponds, and a primary pond at the Eagle Lake Wastewater Facility. The contract award amount is \$4,883,000. Therefore, it is critical to keep the timing of this project on track by utilizing both the 2011 and 2012 construction seasons. Any delays will have significant impacts on the construction schedule, and the Forest Service may not have future funds available to complete the work.

- In January 2011, the Forest Service completed the 95 percent review of the drawings, specifications, and the contractor's Quality Control Plan. The Forest Service anticipates receiving the final construction package the first week in March, and submitting it to the Board.

The Forest Service has coordinated and met with Regional Board staff regarding these efforts and appreciates the cooperation and responsiveness of the Regional Board staff in responding to our questions, clarifying requirements and describing procedures to us as the Forest Service goes through this process.

The Forest Service has obligated sufficient appropriated funds in its issuance of the construction contract to complete the construction project, which would bring the Forest Service into compliance with the proposed order. The expiration date of the Forest Service's contract is December 30, 2012. The Forest Service's ability to use these obligated funds terminates on the expiration date of the contract. As the Regional Board may be aware, federal agencies may only spend funds in accordance with Congressional appropriations pursuant to the Anti-Deficiency Act, 31 U.S.C. 1341 et seq. Thus, Forest Service funding for the construction project expires at the end of 2012, and any future availability of funding is dependent upon the appropriations that the Forest Service receives from Congress.

In order for the Forest Service's contractor to complete construction by December 30, 2012, it is necessary that the Forest Service's contractor begin construction no later than June 1, 2011, because the Forest Service's contractor's schedule of work requires the entire construction season in order to stay on schedule. It is critical to the Forest Service's success in meeting the December 31, 2012, deadline in the proposed order for its contractor to be able to have the entire time of the available construction seasons in the next two years.

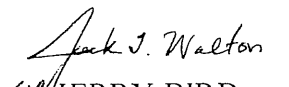
The following table summarizes some of the critical submittals and timeframes as stated in the Waste Discharge Requirements:

Item	Review Period	Comment
Engineering Design Report	180 days prior to construction	Draft submitted November 16, 2010. Contractor preparing addendum in response to Lahontan comments.
Detection Monitoring Program	120 days prior to construction	
Sampling and Analysis Plan	120 days prior to construction	
Final Construction Quality Assurance Report	30 days prior to use of a surface impoundment	To be submitted during each construction season to allow use of new ponds as soon as completed
Sludge Management Plan	120 days prior to use of sludge drying facility	Due March 30, 2011

A necessary component of meeting the deadlines in the proposed order and construction contract is a timely review and response by the Regional Board staff in reviewing submittals, such as drawings, specifications, final design documents, the sludge management plan, and other submittals. In its February 28, 2011, letter, the Regional Board staff has informed the Forest Service that it is confident that it will be able to provide such timely reviews.

The Forest Service will continue to consult and coordinate with Regional Board staff during project development. The Forest Service appreciates the opportunity to provide this testimony and facts regarding the proposed order.

Sincerely,

  
JERRY BIRD  
Forest Supervisor