

## Donner Summit Public Utility District

P.O. Box 610 53823 Sherritt Lane – Soda Springs California –95728  
Phone (530) 426-3456 – Fax (530) 426-3460

January 6, 2009

Mr. Wade Freedle  
President of the Board  
Sierra Lakes County Water District  
P.O. Box 1039  
Soda Springs, CA 95728-1039

**Re: Letter to the SLCWD Board of Directors from Mr. Joe Gray**

Dear Wade:

I returned to the office today after taking time off for the holidays and received a copy of Mr. Joe Gray's (Joe) letter to the Directors of the Sierra Lakes County Water District (SLCWD), dated December 30, 2008 and a similar letter to Mr. Spencer Joplin with the Regional Water Quality Control Board, dated December 29, 2008. As I related to you today, if these letters were addressed to the Donner Summit Public Utility District (DSPUD) Board of Directors, I would prepare a written response for the Board's review. Since DSPUD and SLCWD have a mutual interest in the operation of the wastewater treatment plant, I feel I should extend the same courtesy and respect to SLCWD as the DSPUD Board. Due to time constraints presented by meeting the deadline for your Board packet I'm not sure how much information I can cover in this letter but I'll try to address as much as possible.

I think everyone would agree that there has been a fair amount of interest about DSPUD's wastewater treatment plant during the past year and a half. Most of what has been written has come from individuals or entities outside of the Summit area and has been misleading and incorrect (either by design or out of ignorance). And let's be honest, this heightened interest is due to the yet to be submitted, proposed development at Royal Gorge. Up until now I chose to remain silent because, 1.) typically the District does to respond to op-ed pieces, 2.) a response would give credibility to the various author(s) and their works, 3.) none of these people or groups will contribute to repaying the debt (read: rate increases) that DSPUD and SLCWD ratepayers will incur due to plant improvements and, 4.) DSPUD has made available on its website numerous documents concerning the wastewater treatment plant and its operations, including notice of violations and fines. However, Joe, as a ratepayer deserves a response.

### Letter to SLCWD Board of Directors

In his letter, Joe offers some practical suggestions that would be "relatively inexpensive" to implement. He alleges the DSPUD is not doing all it can operationally, and that myself and Jim King ignored his questions regarding why the plant works fine some months and not others.

Joe wondered if insulation around the processing tanks would help with the low temperature problems. Please be aware that both processing tanks are insulated. The District has discussed enclosing the process units as Joe suggests.

BOARD MEMBERS: --Cathy A. Preis, President --Rachel Tolmachoff, Vice President --Bob Sherwood, Secretary  
-- Philip Gamick-- Dave Oneto

DISTRICT STAFF: Thomas G. Skjelstad, General Manager -- Jim King, Chief Plant Operator --  
Julie Bartolini, Office Manager

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Our consulting engineers inform us that they do not believe enough would be gained (a rise in temperature) to warrant such an expenditure. Also, keep in mind that the District is close to receiving its new discharge permit, so it would be imprudent to allocate capital funds at this time since we don't know what new regulations the State will impose.

The "feeding" of the inflow to equalize the input load is accomplished by an automatic control valve and not manually or "ad-hoc". Currently the District does not feed oxygen at the flow equalization tank, as the tank is open and any oxygen introduced would be lost to the atmosphere. The District understands the benefits that another equalization tank would reap and has had several discussions with our consulting engineers.

As has been stated many times, denitrification at DSPUD is difficult to achieve because of erratic flows, variable loads and low temperature of the influent. This is not a "stock excuse" and is supported by Joe himself in his email to myself and Jim King (see attached copies). One needs only look at the monthly flow sheets to recognize this fact. Loading or strength of the flow is also a factor, possibly the most influential component, preventing denitrification. As Jim King points out in his response to Joe, BOD load is very important to the process and without consistent BOD loads the plant will fall in and out of compliance. It is common knowledge that bacteria have a difficult time in low temperatures. Since both DSPUD and SLCWD deliver drinking water from surface water sources that freeze over in the wintertime, the influent is at a temperature which makes the normal biological process very difficult to achieve. Keep in mind that it isn't a matter of having all three components present at the same time; the absence of one of the three can cause problems. As to the District not replying to Joe's emails, as pointed out previously, copies of the communication between the District and Joe are attached.

The District has never used "threats" of expensive upgrades to get dilution credits. The State, although sympathetic, doesn't base dilution credits on the cost of upgrades. Dilution credits are granted based on EPA rules and regulations which I will address later in this letter. Nor have we "pushed" for big development to pay for these upgrades. What we have consistently stated and maintained is that *if* a big development project is approved by either Placer or Nevada counties, the developer will pay for the necessary plant upgrades or expansion brought on by the development. On this point I guess I'm confused but is Joe suggesting that the existing ratepayers pay for plant improvements or expansion instead of the developer?

#### **Letter to Spencer Joplin**

In general, the letter to Spencer covers the same issues that were addressed in the letter to the SLCWD Board so I will briefly respond.

To begin, it is a fact that the DSPUD has had many violations since 2002, actually 2000; however, it is incorrect to state that most of the violations were from exceeding ammonia and nitrate limitations. From January 1, 2000 to June 30, 2006 the State recognized 84 violations, 72 of which were subject to mandatory fines (see attached). Of these 84 violations not one was the result of ammonia or nitrate levels in the discharge. From July 1, 2006 to the present the District

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has received eight violations; seven for nitrates and one for ammonia. To try and put some perspective on the number of violations incurred I should point out that the DSPUD has the opportunity to go out of compliance (violate) some 2,550 times per year. Additionally, the State of California assessed some \$14.4 million dollars in fines in the year 2008. And while some of these fines were retroactive I think it illustrates a larger problem that something is wrong with this system.

It is true that treated effluent from the spray irrigation fields reached the Yuba this summer. This was not due to a "failure" in the irrigation system as stated, but rather a loader ran over a marked sprinkler line while working on the ski hill. The excessive coliform count was an anomaly but will most likely result in a fine.

Joe goes on to address the algal bloom that occurred in June of 2008. Please refer to the DSPUD's letter to the Regional Water Quality staff dated December 24, 2008 regarding the algal bloom and proposed fines a copy of which should be in your Board packet. Also, it has been stated that DSPUD did little to nothing to try and determine the cause of the bloom and attempt any subsequent fixes. I believe that a review of ECO:LOGIC's two letters dated July 11, 2008 and September 4, 2008 should clear up those misconceptions.

Much has been written about DSPUD's request for dilution credits which at this time Regional Board staff support. Regional Board policy and EPA guidelines are clear on how dilution is determined. When deciding if dilution is available the Regional Board staff use certain criteria which includes historical stream flows, and historical discharge flow. For acute aquatic life a formula of 1Q10 or the 1-day low flow in the Yuba over a 10-year period is used. For chronic aquatic life the formula is 7Q10 or the 7-day low flow over a 10-year period is used. For all other criteria a harmonic mean flow is used. The DSPUD relied on 51 years of South Yuba River flows with data received from PG&E. Based on the this data and the calculations ECO:LOGIC determined that the ratio of river flow to discharge is 24:1. By regulation and policy a dilution ratio of 20:1 is mandatory in order to receive credits. For a more detailed and comprehensive explanation of dilution credits I would advise you go to the DSPUD website and download the numerous reports that explain this much better than I have.

The letter goes on to cite the SYRCL report. Time doesn't permit me to adequately respond to the report. However, in the very near future I will respond and will make sure that you receive copies.

As always, please don't hesitate to contact me, if you should have any questions or need additional information.

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Sincerely,



Thomas G. Skjelstad  
General Manager

Cc: DSPUD Board of Directors  
Mr. Joe Gray



Linda S. Adams  
Secretary for  
Environmental  
Protection

### California Regional Water Quality Control Board Central Valley Region

Robert Schneider, Chair



Arnold  
Schwarzenegger  
Governor

Sacramento Main Office  
11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114  
Phone (916) 464-3291 • FAX (916) 464-4645  
<http://www.waterboards.ca.gov/centralvalley>

2 October 2006

Thomas G. Skjelstad, General Manager  
Donner Summit Public Utility District  
P.O. Box 610  
Soda Springs, CA 95728

#### DRAFT ADMINISTRATIVE CIVIL LIABILITY COMPLAINT FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES; FACILITY, DONNER SUMMIT PUBLIC UTILITY DISTRICT WASTEWATER TREATMENT PLANT, NEVADA COUNTY

Enclosed is a draft Attachment A—Record of Violations, that staff has prepared as part of a draft Administrative Civil Liability Complaint (ACLC). The ACLC is proposed to be issued by the Executive Officer of the Central Valley Regional Water Quality Control Board (Regional Water Board) pursuant to California Water Code Section 13385 for violations of Waste Discharge Requirements (WDR) Order No. R5-2002-0088 (NPDES No. CA0081621) that have occurred at the Donner Summit wastewater treatment plant since 1 January 2000. The draft ACLC proposes an administrative civil liability in the amount of two hundred sixteen thousand dollars (\$216,000) for mandatory minimum penalties for effluent limitation violations.

Please review the Record of Violations for accuracy and submit any comments/corrections by **16 October 2006**. We plan to transmit the ACLC for public review after that date. If you have any questions regarding the violations or draft ACL, please contact Mr. Barry Hilton at (916) 464-4762.

PATRICIA LEARY  
Senior Engineer  
NPDES Compliance and Enforcement

#204K

Enclosure

## ATTACHMENT A

Donner Summit Public Utility District  
Wastewater Treatment Plant

RECORD OF VIOLATIONS (1 January 2000 – 30 June 2006) MANDATORY PENALTIES  
(Data reported under Monitoring and Reporting Program Nos. 95-150 and R5-2002-0098))

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period Type</u>	<u>Remarks</u>
1	1/1/2000	Total Suspended Solids	mg/L	15	19	Weekly	3
2	1/11/2000	Total Coliform Organisms	MPN/100 mL	23	110	Daily	3
3	3/31/2000	BOD	lbs/day	43	383	Monthly	1
4	4/1/2000	BOD	lbs/day	65	192	Weekly	1
5	5/3/2000	pH	pH units	6.5	6.4	Daily	4
6	7/1/2000	Total Suspended Solids	mg/L	10	12	Monthly	4
7	7/8/2000	Total Suspended Solids	mg/L	15	20	Weekly	4
8	11/27/2000	pH	pH units	6.5	6	Daily	4
9	1/1/2001	Total Suspended Solids	mg/L	10	11	Monthly	3
10	1/3/2001	Total Suspended Solids	mg/L	30	31	Daily	4
11	1/6/2001	Total Suspended Solids	mg/L	15	21	Weekly	4
12	1/9/2001	Total Coliform Organisms	MPN/100 mL	23	27	Daily	4
13	5/10/2001	Total Coliform Organisms	MPN/100 mL	23	1600	Daily	4
14	6/12/2001	Total Coliform Organisms	MPN/100 mL	23	130	Daily	4
15	12/29/2001	BOD	lbs/day	65	71	Weekly	3
16	12/29/2001	BOD	mg/L	15	26	Weekly	1
17	12/31/2001	BOD	lbs/day	130	186	Daily	1
18	12/31/2001	BOD	mg/L	30	51	Daily	1
19	12/31/2001	BOD	lbs/day	43	47	Monthly	4
20	12/31/2001	BOD	mg/L	10	16	Monthly	1
21	12/31/2001	BOD	% removal	85	71	Monthly	4
22	1/1/2002	Total Suspended Solids	mg/L	10	13	Monthly	4
23	1/2/2002	Total Suspended Solids	lbs/day	129	133	Daily	4
24	1/2/2002	Total Suspended Solids	mg/L	30	47	Daily	1
25	1/3/2002	BOD	lbs/day	130	140	Daily	4
26	1/3/2002	BOD	mg/L	30	60	Daily	1
27	1/5/2002	BOD	lbs/day	65	163	Weekly	1
28	1/5/2002	BOD	mg/L	15	56	Weekly	1
29	1/5/2002	Total Suspended Solids	lbs/day	65	133	Weekly	1
30	1/5/2002	Total Suspended Solids	mg/L	15	47	Weekly	1
31	1/8/2002	BOD	mg/L	30	36	Daily	4
32	1/12/2002	BOD	mg/L	15	23	Weekly	1
33	1/22/2002	BOD	mg/L	30	43	Daily	1
34	1/26/2002	BOD	lbs/day	65	66	Weekly	4
35	1/26/2002	BOD	mg/L	15	31	Weekly	1
36	1/29/2002	BOD	mg/L	30	34	Daily	4
37	1/31/2002	BOD	lbs/day	43	60	Monthly	4
38	1/31/2002	BOD	mg/L	10	27	Monthly	1
39	1/31/2002	BOD	% removal	85	73	Monthly	4
40	2/1/2002	Total Suspended Solids	mg/L	10	12	Monthly	4

ATTACHMENT A

Remarks:

1. Serious Violation: For Group 1 pollutants that exceed the effluent limitation by 40 percent or more.
2. Serious Violation: For Group 2 pollutants that exceed the effluent limitation by 20 percent or more.
3. Non-serious violations falls within the first three violations in a six-month period, thus is exempt.
4. Non-serious violation subject to mandatory penalties

<u>VIOLATIONS AS OF:</u>	<u>06/30/2006</u>
Group 1 Serious Violations:	37
Group 2 Serious Violations:	0
Non-Serious Exempt from MPs:	11
Non-serious Violations Subject to MPs:	35
<u>Total Violations Subject to MPs:</u>	<u>72</u>

Mandatory Minimum Penalty = (37 Serious Violations + 35 Non-Serious Violations) x \$3,000 = \$216,000

3875 Atherton Road  
Rocklin, CA 95765916.773.8100 TEL  
916.773.8448 FAX

January 8, 2009

Tom handed  
to Bd Friday  
@ the mtg.

Mr. Tom Skjelstad  
General Manager  
Donner Summit Public Utility District  
PO Box 610  
Soda Springs, CA 95728

**Re: Review of "Letter to SLCWD Board of Directors from Mr. Joe Gray"**

Dear Mr. Skjelstad:

Thank you for providing me a copy of "Letter to the SLCWD Board of Directors from Mr. Joe Gray" dated January 6, 2009 for review. I am writing to correct some potential misunderstandings regarding the availability and application of dilution credits.

In the letter, the following statement was made (near the bottom of page 3):

"Based on the this data and the calculations ECO:LOGIC determined that the ratio of river flow to discharge is 24:1. By regulation and policy a dilution ratio of 20:1 is mandatory in order to receive credits."

All regulatory criteria tied to the "20:1" level of dilution is not by regulation. The 20:1 dilution criterion is a policy recommendation by the State of California Department of Public Health (DPH) that is limited in scope only to addressing the need for a wastewater effluent to undergo filtration and enhanced disinfection to control pathogens released into the environment. If 20:1 dilution is not always present when discharging, the DPH recommends filtration and enhanced disinfection. Filtration reduces both the concentrations of biological oxygen demand (BOD; a measure of organic strength) and total suspended solids (TSS). If 20:1 dilution were present, the typical average monthly BOD and TSS limitation would be set at 30 mg/L. The lack of 20:1 dilution results in more restrictive BOD and TSS limitations of 10 mg/L. The current treatment plant effluent is set at the more restrictive criteria typical of less than 20:1 dilution (e.g., 10 mg/L) because 20:1 dilution is not always present.

Regarding disinfection, if 20:1 dilution were always present, the typical disinfection objective would be a 7-day median most probable number of 23 total coliform bacteria per 100 mL. The lack of reliable 20:1 dilution results in the more restrictive total coliform bacteria limitation of 2.2 total coliform bacteria per 100 mL. The current treatment plant effluent is set at the more restrictive criteria typical of less than 20:1 dilution (e.g., 2.2 total coliform bacteria per 100 mL) because 20:1 dilution is not always present.



Mr. Tom Skjelstad  
January 8, 2009  
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We are not making any regulatory changes to the pathogen and/or BOD and TSS limitations that are affected by the presence of or lack of 20:1 dilution.

The regulation of nitrate, priority pollutants, or any other water quality parameter other than pathogens is unaffected by the 20:1 dilution criteria described by the DPH. As you correctly stated in your letter, each water quality objective has its own specific dilution requirements. Please let me know if you require further discussion regarding the assignment of the appropriate dilution for those constituents other than pathogens. A review is available in the documents you referred to in your response letter.

Sincerely,

**ECO:LOGIC Engineering**

A handwritten signature in black ink, appearing to read "Robert W. Emerick". The signature is written in a cursive style with a large, stylized initial "R".

Robert W. Emerick, Ph.D., P.E.  
Principal