



Sierra Nevada Group

(Mother Lode Chapter)

P.O. Box 1042 Nevada City, California 95959

March 5, 2009

Diana Messina, Senior Engineer
California Regional Water Quality Control Board, Central Valley Region
11020 Sun Center Drive, Suite 100
Rancho Cordova, CA 95670-6144

Re: The Central Valley Regional Water Quality Control Board's Tentative Permit for the Donner Summit PUD Permit Nos. CA0081621 and Tentative Cease and Desist Order for the Donner Summit PUD

Dear Ms. Messina and Central Valley Regional Water Quality Control Board,

The Sierra Nevada Group of the Sierra Club Mother Lode Chapter appreciates the opportunity to comment on the Tentative Permit for the Donner Summit Public Utility District Permit Nos. CA0081621 and Tentative Cease and Desist Order for the Donner Summit Public Utility District (DSPUD.) The Sierra Club's members and supporters are more than 1.3 million of your friends and neighbors. Inspired by nature, we work together to protect our communities and the planet. The Club is America's oldest, largest and most influential grassroots environmental organization. Therefore most of our specific comments address threats to the river, its fish and to the people who use the river for recreation and fishing.

Locally, the Sierra Nevada Group has 1,556 members in Western Nevada County, Sierra County and portions of Yuba and Sutter County. The South Yuba River runs through western Nevada County and Yuba and Sutter counties and Donner Summit is within one to two hours driving time from our homes.

Kathryn Gray, in an op-ed piece published on YubaNet, said it well when she wrote about the South Yuba River,

“The South Yuba River is a Sierra Nevada treasure. A few miles past Emigrant Gap, eastbound travelers on Interstate 80 can see inviting glimpses of a boulder tumbled river. Those who exit onto old Highway 40 at Cisco Grove and follow the course of the river up to its Donner Summit headwaters are rewarded with views of the granite reaches, and twistings and turnings of the South Yuba, a river rich in history and beauty. Those same travelers should think twice before picnicking on the river bank, though, and under no circumstances should they allow their children to play in the water, because for some months, the upper South Yuba River is treated more as a convenient conduit for sewage effluent than as a living, flowing river.”

Specific Comments

The Sierra Nevada Group requests status as a “designated party” for the purposes of the public hearing on April 23-24 on this matter.

According to the Air Resources Board Climate Change Program all state projects that concern water must take into consideration the impacts of climate change. The Tentative Order does not take climate change into account.

We find some of the issues are of particular interest and have reasonable solutions. We have reviewed the Cease and Desist Order (CDO) and accompanying documents and our comments on the proposed granting of a new permit follow.

We ask the California Regional Water Quality Control Board (WQB) to change the CDO to resume the compliance of the DSPUD.

1. We recommend that instrumentation, which continuously collects stream flow data be installed near the discharge point. We will refer to this as a “flow meter.” The current flow meter is located at Cisco Grove, which is 10 miles downstream of the point where DSPUD is discharging effluent into the river. Much of the permit is concerned with the ratio of discharge to water in the stream against which the DSPUD is judged compliant or not in compliance with limits of constituents per liter of water. These cannot be determined if the WQB and the DSPUD don’t know how much water is in the river at the point of discharge. We urge the WQB to change the CDO to reflect this deficiency and require that DSPUD install a flow meter close to their point of discharge.

Further, we urge the WQB to require a flow study based on the collected data under the quality assurance criteria of the US Geological Survey.

The DSPUD has acknowledged this deficiency in its response letter dated February 11, 2009, p. 9 “ . . . that Cisco Grove river flow data are only an indicator of possible river flows at the DSPUD effluent discharge point. That is why DSPUD has proposed . . . installing an accurate stream gage at the effluent discharge point. . . ” [*Letter on the Donner Summit Public Utility website www.dspud.com/current-topics.php in response to the SYRCL Report dated September 30, 2008.*]

We note that in the ten (10) miles of river flow before the flow meter measures the amount of water in the river, there are various small ephemeral tributaries adding water to the river’s flow. One of the charming sights on I-80 is the number of streams and waterfalls slipping down the granite as the snow melts. It is also important to note that Rattlesnake Creek flows into the South Yuba River at Cisco Grove. It is not clear how much of the water measured at Cisco Grove is from Rattlesnake Creek and the other creeks.

To get a real picture of the ratio of discharge of constituents to river water, the flow meter must be placed at a reasonable distance from the point of discharge.

One might argue that it is “just a river” and the water will flow into a reservoir, Lake Spaulding, and any pollutants will be diluted beyond danger before the river continues into populated areas.

However, in the ten miles between the point of discharge and the flow meter, the South Yuba River runs through heavily used recreational areas. It is not in an unused canyon or a series of falls in the backcountry; it is the headwaters of a river that flows through two National Forest Service campgrounds - Hampshire Rocks and Big Bend - beside the private Cisco Grove Campground and RV Park, along private cabins and the Rainbow Lodge hotel/restaurant complex. The obligation entrusted to the DSPUD is greater because they are at the headwaters of a well-used river.

In various public meetings conversations with knowledgeable people yielded suggestions for improvements to the DSPUD monitoring system. It is not for us to specify the details but we urge the WQB to make adequate monitoring a requirement of their permit to operate.

2. The nitrate levels discharged are too high. Nitrate is harmful to humans and when it reaches a certain level, it will trigger algae blooms. Algae blooms remove oxygen from the water and will not be able to sustain fish and vertebrates and other living organisms resulting in dead zones.

The WQB found proposed dilution credits for nitrates to be insufficiently protective of human health. This is the reason that we find this issue to be of concern. People use the South Yuba River even before it enters Lake Spaulding.

The DSPUD has requested a discharge requirement of 18mg/l, an increase from the current standard of 10mg/l. All the nearby wastewater treatment facilities are held to the same discharge requirement of 10mg/l for nitrates due to the same reasoning. The DSPUD should not be granted an exception to this rule, which other districts must fulfill. If anything, being at the headwaters is an even more important responsibility.

The DSPUD has acknowledged that the algae blooms “. . . tracked back to its effluent discharge point.” (p. 8, 2-11-09 response letter). . .and that DSPUD must act to avoid causing, contributing to, or exacerbating such objectionable conditions in the future.”

3. Increase storage capacity. The DSPUD’s current storage tank with only 3 days storage capacity is inadequate to avoid an accidental spill in the event of a large storm especially if it coincides with a peak use weekend, even though the DSPUD states they have never suffered an accidental spill.

More storage space could be a solution to other problems including excess nitrate discharge. The DSPUD seems to agree that additional water storage might enable them to avoid adding to algae blooms. On page 10 of their response letter they state,

“ . . . constructing effluent storage for use when spring growths begin to occur appears to be more sustainable, but involves taking land for the effluent storage reservoir(s).”

The DSPUD currently has a 1.5 million gallon capacity which at its maximum of 0.52 million gallons is about three (3) days worth of storage. By increasing water storage capacity, the DSPUD would be able to

- accommodate the higher inflow they experience during three or four peak-capacity weekends, some of which are at very cold times of the year;
- insure against an accidental overflow;

- give the DSPUD flexibility to hold the water until a better condition exists for spraying or for gradually discharging into the river.
4. Compliance with limits of dichlorobromomethane must be maintained. While it is a new constituent to be reckoned with, it is a known carcinogen. The most efficient way to deal with this constituent is not to create it in the first place. It is a byproduct of chlorine. There are other ways to purify water, such as using ultra violet light.
 5. Do not allow discharge into the river when dispersal onto land is available. The DSPUD has claimed that the ski slope is north facing and holds snow longer. ***Require the DSPUD to propose measurable criteria of the condition of the ski slope to determine when the ski slope is available and when it is not available. Currently, it seems to be a case of “eyeballing” the land.***

We are concerned, and urge the WQB to be concerned, about the amount of effluent being discharged into the South Yuba River at low water times – early summer through fall. It is an ephemeral stream for several months of the year. As noted above, it is a well-used river, during those same months. ***We would like to see re-instituted the 2002 Waste Discharge Requirements that prohibited discharge to the river when land disposal is feasible. These requirements seem to have been de-emphasized or lost in the new Tentative Order. To protect the South Yuba River from pollution, this new order must minimize discharge, just as the National Pollution Discharge Elimination System seeks to “eliminate” discharge.***

Conclusions and Comments

The request to have the fines waived and then to have an extension of another five (5) years without fines for poor performance disregards the good faith with which other districts have complied with the regulations. Other districts with similar conditions of operation are able to meet the same regulations or even more stringent requirements. We believe the DSPUD should be held to those standards as well.

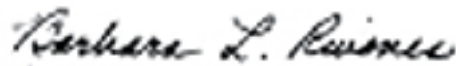
In our review, we see a lack of strategic planning that would identify issues and establish milestones toward a 5-10 year goal. A strategic plan also takes into consideration potential growth scenarios including a worst case and/or best case. We see none of that in the various documents we reviewed.

A strategic plan, must also consider the potential impacts of climate change on the flows in the South Yuba, which would have important implications on the quantity and timing of effluent discharges.

Sincerely,



Olivia Diaz, Vice Chair
Sierra Nevada Group of the
Sierra Club



Barbara Rivenes, Conservation Chair
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