

ITEM: 7

SUBJECT: Root Creek Water District, Riverstone Wastewater Treatment Facility, Madera County

BOARD ACTION: *Consideration of New Waste Discharge Requirements*

BACKGROUND: The Root Creek Water District, in conjunction with Riverstone Development, LLC, and San Joaquin River Ranch, LLC, submitted a Report of Waste Discharge (RWD) for the construction and operation of wastewater treatment facilities (WWTFs) for the proposed Riverstone Development Project (formerly Gateway Village).

Wastewater treatment for the proposed Development will be constructed in phases. For the first phase, wastewater treatment and disposal will be handled by an initial WWTF, designed to treat and dispose of up to 0.3 million gallons per day (mgd) of secondary undisinfected wastewater to a series of evaporation/percolation ponds. When flows to the initial WWTF approach 80% capacity, construction will begin on a tertiary WWTF. At build-out, the tertiary WWTF will produce up to 1.8 mgd of disinfected tertiary treated wastewater for irrigation of crops and landscaping.

The proposed Order sets effluent limits for flow, BOD, TSS, and total nitrogen for both the initial and tertiary WWTFs. In addition, the proposed Order includes additional effluent limits for the tertiary WWTF for turbidity and total coliform organisms, and sets specific specifications for operation of the UV disinfection system. The proposed Order requires submittal of a copy of the approved Title 22 Engineering Report, with approval letter from the State Water Board, Division of Drinking Water (DDW), and a Notice of Intent for coverage under Water Quality Order 2014-0090, *General Waste Discharge Requirements for Recycled Water Use* (Recycling General Order), prior to initiating wastewater recycling operations.

Though the Board's consideration of the WDRs was initially on the Board's uncontested calendar, the Board opened a hearing at its 5 December 2014 Board Meeting to address late comments. These comments, submitted by Mr. Jeffrey Reid with McCormick Barstow LLP on behalf of Mr. Richard Gunner, a neighboring land owner, called into question the Project's compliance with the California Environmental Quality Act (CEQA). The Commenter's primary contention was that recent changes to the WWTF design merited the preparation of a subsequent Environmental Impact Report (EIR).

As described in the tentative Waste Discharge Requirements (TWDRs), the initial WWTF will discharge secondary undisinfected wastewater to evaporation/percolation ponds until a tertiary WWTF is built when flows approach 0.3 mgd. This is a change from the design presented in the EIR that was certified by Madera County in 2007; the initial design proposed to store secondary disinfected wastewater in lined ponds before using this water to irrigate crops, and proposed the construction of a tertiary WWTF when flows approached 0.55 mgd. The primary issue for the Board's consideration is whether these changes are significant enough to require the preparation of a subsequent EIR.

Board staff evaluated the specific technical aspects of the proposed changes in wastewater treatment, handling, and disposal options, and assessed the potential environmental impacts associated with these changes. Concluding that

none of the conditions in Public Resources Code section 21166 or California Code of Regulations, title 14, section 15162(a) that would require the preparation of a subsequent EIR are present, Board staff prepared an Addendum to the EIR rather than a subsequent EIR.

The TWDRs were revised to reflect preparation of the EIR Addendum and its conclusions. The EIR Addendum and revisions made to the TWDRs were circulated for public comment.

ISSUES:

The only critical comments were received from Mr. Reid, who reiterated the contention that the changes to the project were significant enough so as to require the preparation of a subsequent EIR. Board staff made minor changes to Finding 33 in the TWDRs to reflect that the importation of surface water and the contract agreement with Paramount Land Company were a part of the Project's design intended to mitigate groundwater overdraft in the area and not a specific mitigation measure identified in the EIR. However, Board staff still contend that, despite the changes to the project, none of the conditions requiring preparation of a subsequent EIR are present.

The major issues brought up in Mr. Reid's comments are summarized below, followed by Board staff's responses. More detailed responses and explanations are included in the EIR Addendum and staff's Response to Comments.

1. Mr. Reid claims the proposed change from the discharge of disinfected secondary wastewater for irrigation of crops to the discharge of undisinfected secondary wastewater to evaporation/percolation ponds for the initial WWTF could present a public health risk for pathogens and will reduce reclamation opportunities.

Response: As discussed in more detail in the EIR Addendum, the potential exposure of the public to pathogens will be less than that considered in the EIR, since public access to the ponds will be precluded through the use of signs and fences, while the initial project would have discharged non-tertiary treated wastewater to food crops. The revised project also proposes to construct a tertiary WWTF sooner (when flows reach 0.3 mgd, rather than 0.55 mgd).

2. Mr. Reid claims the proposed discharge of wastewater to unlined ponds rather than lined ponds as proposed in the EIR would increase the potential environmental impacts to groundwater from harmful nutrients.

Response: Recognizing that discharges to unlined ponds present a risk to groundwater, the TWDRs require that the Discharger provide nitrogen removal for both the initial and tertiary WWTFs and implement salinity control measures. This will reduce nitrogen concentrations to less than 10 mg/L, and will ensure that water percolating from the ponds will not cause groundwater to exceed the State drinking water Maximum Contaminant Level (MCL) of 10 mg/L for nitrate as nitrogen, and that groundwater will meet water quality objectives related to nutrients and salts. With these measures and the conditions specified in the TWDRs, the potential threat to groundwater as a result of the discharge to unlined ponds will be equal to or less than that proposed in the EIR. In addition, with nitrogen removal, the overall amount of nitrogen from the application of recycled water will be less than that proposed in the EIR.

3. Mr. Reid claims the proposed change from the generation of Class B rather

than Class A biosolids as proposed in the EIR would entail significant disposal restrictions and present potential public health risks and nuisance conditions.

Response: The Discharger proposed as an option in the EIR to take biosolids to a Landfill for disposal. The temporary storage of Class B biosolids at the WWTF, where public access is precluded, will not increase the threat to public health. Further, the TWDRs include specifications that require implementation of treatment and control measures to prevent odor and nuisance conditions from extending beyond the WWTF, and require that biosolids be disposed of at an appropriately permitted facility. Thus, any potential threat to the environment from this change is insignificant.

4. Mr. Reid claims the proposed percolation of effluent from the initial WWTF and the storage of recycled water in unlined ponds will reduce the amount available for credit toward the required water balance for the Project, and that the Project's reliance on surface water imports to make up for the potential recharge lost due to percolation is unenforceable.

Response: The Water Supply Assessment shows that there are sufficient water supplies within the Project's design to meet its demands despite the potential loss of recycled water due to percolation. The proposed changes in wastewater treatment and disposal do not change the Project's commitment for the District to provide an average annual groundwater recharge capacity of 3,400 acre-feet. In a 9 March 2015 letter, Madera County states that the water supply and recharge measures proposed for the Project in the EIR are fully enforceable, irrespective of the allocation of supply between the various sources, and that the changes proposed in the TWDRs will not impair the County's ability to require Riverstone and its water purveyor (Root Creek Water District) to provide the approved amount of average annual beneficial recharge.

5. Mr. Reid claims that preparation of an addendum is inappropriate to address these issues since an Addendum does not need to be circulated for public review, and the proposed changes in WWTF design and disposal represent a significant change in the Project which should be addressed in a new or supplemental EIR.

Response: As discussed in the EIR Addendum and Response to Comments, staff believes that the proposed changes in WWTF design and disposal do not require the preparation of a subsequent EIR pursuant to Public Resources Code section 21166 or California Code of Regulations, title 14, section 15162(a). In its 9 March 2015 letter, Madera County, the approver of the original EIR, concurred.

RECOMMENDATION: Staff recommends that the Board adopt the proposed Waste Discharge Requirements as presented.

Mgmt. Review _____
Legal Review ___PEP___

16/17 April 2015
1685 E Street
Fresno, CA 93706