



California Regional Water Quality Control Board
North Coast Region
Geoffrey M. Hales, Chairman



Linda S. Adams
Secretary for
Environmental Protection

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August 31, 2010

SEP 03 2010

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Mr. Chris Christensen, Foreperson
2010-2011 Sonoma County Civil Grand Jury/
P.O. Box 5109
Santa Rosa, CA 95402

Dear Mr. Christensen:

Subject: Response to Findings and Recommendations of the 2009-2010 Sonoma County Civil Grand Jury Report: Slippery Costs and Rising Fees in the Graton Community Services District

File: Graton Community Services District Wastewater Treatment Facility
WDID No. 1B840600SON

We have reviewed the 2009-2010 Sonoma County Grand Jury Report titled, "Slippery Costs and Rising Fees in the Graton Community Services District". The last page of the report includes a list of required and requested responses to findings and recommendations in the report. Our responses to comments directed to our agency are as follows:

Finding F-1a states "Some GCSD Directors felt the redwood grove natural filtration did not succeed because of capricious decisions by the NCRWQCB."

Response to Finding F-1a. In 2005, the GCSD General Manager and consulting engineer proposed utilizing irrigation of the redwood grove as a means to dispose of secondary treated effluent from the wastewater treatment facility. Regional Water Board staff commented on the redwood grove disposal plan in letters dated September 13, 2005 and November 29, 2005. These letters identified the need for studies to demonstrate that effluent disposal would not adversely impact groundwater, the nearby wetland, or Atascadero Creek, but did not discourage the District from continuing its consideration of this potential disposal option. The District did not respond to those letters.

Finding F-6 states "Cease and Desist Order R1-2008-1009 was issued by the NCRWQCB requiring the GCSD to meet tertiary treatment standards by October 2010.

California Environmental Protection Agency

The Cease and Desist Order actually increases their priority ranking for obtaining outside funding.”

Response to Finding F-6. A cease and desist order (CDO) is adopted by the Regional Water Board pursuant to sections 13301 and 13303 of the California Water Code for dischargers violating or threatening to violate waste discharge requirements or prohibitions prescribed by the Regional Water Board or State Water Board. CDOs establish time schedules that the discharger must follow in order to achieve compliance and may shield the discharger from mandatory minimum penalties and citizen lawsuits. Dischargers may find it difficult to achieve compliance with water quality regulations for reasons ranging from lack of funding to cover high costs to refusal to comply, and a CDO is a common enforcement tool in these situations. Although there is no specific policy that requires a higher priority ranking for obtaining outside funding, Regional Water Board staff believe that the existence of an enforcement order like a CDO can be used by a discharger to demonstrate the need for outside funding assistance

Recommendation R-3 states “In cooperation with the SCWA, the NCRWQCB, and/or one or more local educational institutions, schedule training conferences relating to new industry developments and trends, and cost effective management. Ideally, as there are many small districts such as GCSD in Sonoma County and elsewhere in Northern California, the conferences should be open to any who would benefit from attendance. Small districts such as the GCSD have well intentioned members who do learn from experience, but the lack of training does cause mistakes that can be expensive.”

Response to Recommendation R-3. We support this recommendation. Regional Water Board staff recognize that small districts have limited resources, and many have limited experience for complying with complicated environmental regulations. We agree that it would be beneficial to provide training conferences to provide these small districts with training and tools to achieve compliance. It is also beneficial to provide opportunities to bring small districts together to share successes (what is working for them) and brainstorm ideas for addressing problematic areas. Regional Water Board staff is open to working with SCWA and/or local educational institutions to plan these training opportunities.

In addition, the Rural Community Assistance Corporation (RCAC) provides assistance and free online and classroom workshops that are targeted to assist small (population less than 20,000 persons) and disadvantaged (less than 80 percent of the Statewide median household income) communities, however workshops are open to all. Workshops planned for the remainder of 2010 are described on the RCAC website at: <http://www.rcac.org/doc.aspx?58>. Workshops include topics such as small wastewater system operations and maintenance, capital improvement planning, financial management and rate setting for wastewater boards, how to hire a consultant, Clean Water State Revolving Fund application process, and many others.

If you have any questions regarding this matter, please call Cathy Goodwin of my staff at (707) 576-2687.

Sincerely,



Catherine Kuhlman
Executive Officer

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Enclosures:

cc: The Honorable Gary Nadler, Presiding Judge, Sonoma County Grand
Jury/Superior Court of California County of Sonoma, 600 Administration Drive,
Santa Rosa, CA 95403