

**From:** James D Maynard <jmaynard@jamesmaynardlaw.com>  
**To:** Wendy Wyels <wwyels@waterboards.ca.gov>, Mary Boyd <mboyd@waterboards.ca...>  
**CC:** Patrick Pulupa <PPulupa@waterboards.ca.gov>, Ken Landau <klandau@waterbo...>  
**Date:** 3/14/2012 10:12 AM  
**Subject:** SDCP Follow-Up: City of Lone  
**Attachments:** 03-14-2012 City Response to RWQCB Letter.pdf

Wendy,

I write to enclose electronic copies of the letters that went out in today's mail regarding the SDCP Addendum and the questions posed in Ms. Boyd's letter of February 16, 2012. As requested by Ms. Boyd, a hard copy of the Addendum prepared by RBI is enclosed with my cover letter as is Interim City Manager Jeff Butzlaff's certification of the information in the Addendum.

As noted in the attached letter, in addition to approval of the Winzler & Kelly contract, Council will also discuss authorizing Winzler & Kelly to hire Robertson-Bryan Inc. as a sub-consultant to draft the RWD at next Tuesday's meeting. Ms. Pawson will be sending me a revised project schedule this week which I will transmit to you under separate cover as soon as I receive it.

All the Best,  
James

James D. Maynard  
City Attorney for Lone  
Maynard Law  
1501 28th Street  
Sacramento, CA 95816  
916-733-3510 (P)  
916-733-3512 (F)  
www.jamesmaynardlaw.com  
jmaynard@jamesmaynardlaw.com

\*\*\*\*\*

This message is private and confidential and may be protected by the attorney-client privilege or may be protected attorney work product. If you believe you have received this in error, please destroy any copies of the message and contact the sender immediately.



**CITY ATTORNEY  
CITY OF IONE**



March 14, 2012

Ms. Wendy Wyels  
Supervisor, Compliance and Enforcement  
Regional Water Quality Control Board  
Central Valley Region  
11020 Sun Center Dr., Suite 200  
Rancho Cordova, CA 95670-6114

Ms. Mary Boyd  
Water Resource Control Engineer,  
Compliance and Enforcement  
Regional Water Quality Control Board  
Central Valley Region  
11020 Sun Center Dr., Suite 200  
Rancho Cordova, CA 95670-6114

**Re: City of Ione Response to RWQCB Letter of February 16, 2012**

Dear Ms. Wyels and Ms. Boyd:

The City of Ione has asked that I respond to your letter of February 16, 2012 regarding the City's submission of its Seepage Discharge Compliance Plan in accordance with the deadlines of the April 2011 Cease and Desist Order. As you know, Robertson-Bryan Inc. ("RBI") submitted an Addendum to the Regional Board under separate cover. A hard copy of that Addendum, along with a certification letter from Interim City Manager Jeff Butzlaff, are included as enclosures. The City of Ione greatly appreciates the assistance you and your staff have provided the City as it struggles to resolve its wastewater issues.

As you know, the enclosed Addendum, drafted by RBI, answers most of the questions posed by the Regional Board in its review of the Seepage Discharge Compliance Plan. First, the water balance in the Addendum includes the AWA backwash water and flows from ARSA in excess of water needed by the Castle Oaks Golf Course. Additionally, the City does plan to invoke the five-year termination clause in the 2007 Agreement between ARSA, CDCR and the City of Ione to eliminate ARSA's flows from the system. First, however, the City must reach agreements with CDCR and with the Castle Oaks Golf Course to ensure that both entities have access to sufficient recycled water for each respective facility.

The City has a meeting scheduled with CDCR to discuss the provision of recycled water to the Preston Youth Correctional Facility for March 20, 2012. The City does not anticipate difficulty reaching a similar agreement with Castle Oaks Golf Course. Once those

Wendy Wyels  
Mary Boyd  
March 14, 2012

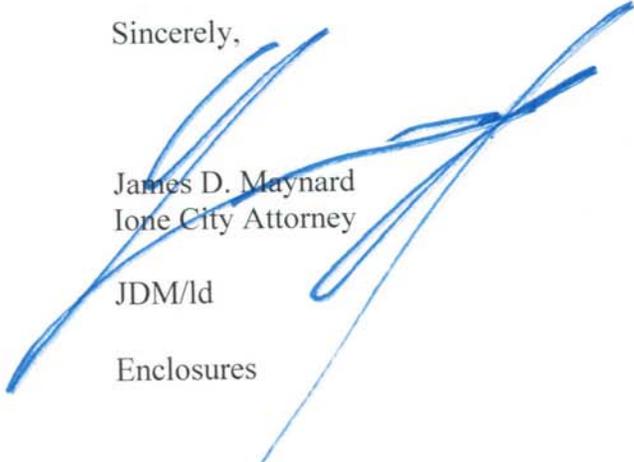
agreements are negotiated, the City will notify ARSA, pursuant to Paragraph 8.a of the 2007 Agreement, that ARSA must eliminate its flow to the tertiary treatment plant. Should the City be able to provide that five-year notice by May 30, 2012, the ARSA flow would terminate in May 2017 which would likely eliminate the need, as proposed on page four of the Addendum by RBI, for "partial tertiary treatment" in the summer of 2017.

The Regional Board has also asked that the City explain how it will meet the dates for compliance in the current Cease and Desist Order. First, the City has agendized a contract with Winzler & Kelly for its March 20, 2012 Council Meeting. It is anticipated that City Council will approve the Winzler & Kelly contract at that meeting. The Winzler & Kelly scope of work is included with the Addendum submitted by RBI and, among other tasks, includes: (1) a Sampling and Analysis Plan that will serve to confirm RBI's hypothesis that sludge in the bottom of Percolation Ponds 5 and 6 causes anoxic conditions; (2) an alternatives analysis to determine which potential technology will best resolve the City's regulatory compliance issues; (3) preparation of the documents required to support the City's application for State Revolving Fund monies; and (4) preparation of the preliminary design necessary to support the Report of Waste Discharge and Facilities Planning Report.

Additionally, the City plans to include the Report of Waste Discharge in Winzler & Kelly's proposed scope of work in order to expedite the production of that Report. I am informed by Mary Grace Pawson of Winzler & Kelly, however, that even should Council approve the engineering contract on March 20, 2012, it is unlikely that the Report of Waste Discharge will be submitted by the May 30, 2012 deadline. Ms. Pawson indicated that production of the Report of Waste Discharge will likely take an additional 45-60 days beyond the May 30, 2012 deadline given the time the City lost between mid-January and mid-March. The City is also talking with RBI regarding the firm's continued involvement in the project, either as a direct consultant to the City or as a sub-consultant to Winzler & Kelly to assist the City with compliance and potentially, to draft the Report of Waste Discharge. Once the necessary contracts are approved, the City will ask its engineering consultant to provide the Regional Board with an updated project schedule.

Although the City of Ione has spent some time grappling with the up-front engineering and design costs involved to ensure regulatory compliance, the City is now committed to moving toward such compliance as expeditiously as possible. The City looks forward to discussing these issues with you in the future.

Sincerely,



James D. Maynard  
Ione City Attorney

JDM/lid

Enclosures

Wendy Wyels  
Mary Boyd  
March 14, 2012

cc: Ione City Council (via e-mail only)  
Jeff Butzlaff, Interim City Manager (via e-mail only)  
Mary Grace Pawson, Winzler & Kelly (via e-mail only)  
Mike Bryan, Robertson-Bryan Inc. (via e-mail only)  
Art O'Brien, Robertson-Bryan Inc. (via e-mail only)  
Patrick Pulupa, Office of Chief Counsel, State Water Board, Sacramento  
Mike Isreal, Amador County Department of Environmental Health, Jackson



**CITY OF IONE  
P.O. BOX 398  
1 E. MAIN STREET  
IONE, CA 95640  
(209) 274-2412  
FAX (209) 274-2830**



March 14, 2012

Mary Boyd  
CVRWQCB  
11020 Sun Center Drive #200  
Rancho Cordova, CA 95670-6114

Subject: RBI Addendum to the Seepage Discharge Compliance Plan, City of Ione Wastewater Treatment Plant

Dear Ms. Boyd:

Herein submitted is the Addendum to the Seepage Discharge Compliance Plan as prepared by Robertson-Bryan, Inc. for the City of Ione's Wastewater Treatment Plant. It is provided in response to the February 16, 2012 letter from the Regional Board requesting certain clarifications of the Seepage Discharge Compliance Plan submitted by RBI to the Board on January 26, 2012.

Please do not hesitate to contact me at (209) 274-2412 if there are any questions.

**I certify under penalty of law that I have personally examined and am familiar with the information submitted herein and based on my inquiry of those individuals responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.**

Respectfully,

A handwritten signature in blue ink, appearing to read "L. Jeff Butzlaff".

L. Jeff Butzlaff  
Interim City Manager

cc: Patrick Pulupa, Office of Chief Counsel, State Water Board, Sacramento  
Mike Israel, Amador County department of Environmental Health, Jackson  
Wendy Wyels, Regional Board, Rancho Cordova  
Art O'Brien, Roberston-Bryan, Inc., Elk Grove  
Jim Scully, Ione