



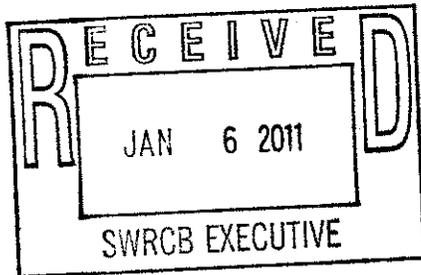
**NEVADA COUNTY SANITATION DISTRICT NO. 1**  
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(530) 265-1411 FAX (530) 265-9849 <http://new.mynevadacounty.com>

Steven L. DeCamp  
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January 4, 2011

Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 "I" Street  
Sacramento, CA 95814



File: 300.14 001

**SUBJECT: Comment Letter – Policy for Toxicity Assessment and Control**

Dear State Water Resources Control Board:

Thank you for extending the time to comment on potential new regulations for toxicity assessment and control at wastewater treatment plants to January 21, 2011. Nevada County Sanitation District No. 1 (District) is a small organization responsible for the operation of ten wastewater treatment facilities serving approximately 6,500 Equivalent Dwelling Units (EDUs) total. The District has three wastewater treatment plants with NPDES permits which are Lake Wildwood, Lake of the Pines, and Cascade Shores wastewater treatment plants. Although these are the District's "big" plants, they only serve 2,915, 2,101, and 86 EDUs respectively. The District operates these facilities with seven Operators and adjustments in the monitoring requirements have a noticeable impact on the operating budget of the individual facilities. Each rate-payer in the respective zones currently pays \$995, \$1,185, and \$2,445 per year for wastewater treatment.

Nevada County Sanitation District No. 1 is concerned that the rapid implementation of the proposed new regulations will cause irreversible and expensive tightening of toxicity monitoring requirements without improving effluent quality. The additional comment time allowed the District's contract laboratory, Sierra Foothills Laboratory, Inc., time to reanalyze recent toxicity test results to determine the impact of the new rule and statistical method on District operations. The primary concern is that implementation of the proposed regulations will have the following impact on the effort and cost for the small western Nevada County wastewater treatment plants and other smaller foothill communities.

The proposed rule increases compliance sampling from twice per year to four times per year. Increases in compliance sampling requirements will more than double the cost of monitoring alone. The price more than doubles because of double the monitoring and the TST statistical method is not capable of analyzing Ceriodaphnia survival data, and there is no specification on how to get that done and reportable for compliance purposes. This will have a direct impact by increasing the cost of sampling and monitoring from \$6,500 per year to \$14,000 at the Lake Wildwood, Lake of the Pines, and Cascade Shores wastewater treatment plants. This results in a per EDU increase of \$2.57, \$3.57, and \$87.21 and does not actually improve the quality of effluent. Furthermore, in this political climate it is unlikely a rate increase will be approved through the Proposition 218 process so the additional monitoring could detract from effluent quality because additional sampling costs will be removed from the budget that supports normal operations and maintenance activities.

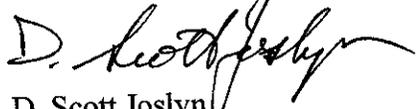
The proposed rule assumes the samples being monitored are toxic rather than non-toxic (i.e. guilty until proven innocent). Testimony presented to the Water Board on Tuesday, November 16, 2010, indicates that by using current methods which are written into federal law at 40CFR

Part 136, it has been estimated that 5.9 percent of the tested samples are "false negatives," meaning that they get a PASS when they really are toxic. The proposed TST statistical method may result in 15 percent of the tested samples being "false positives," meaning they will get a FAIL when they really are non-toxic. This essentially means that 20 percent more sample results will indicate violation. An analysis of two years worth of existing data from the District's plants (12 sampling periods) shows that one of the tests would have resulted in a "Toxic Result" when the existing data and statistical method determined a "Non-toxic Result." If sampling four times per year per plant is required the District anticipates one or two more possible violations. Each violation could cause fines, but more specifically will require accelerated monitoring. This has the potential to add \$7,200 to \$14,000 for accelerated monitoring if there is a problem with the regular quarterly sampling. Accelerated monitoring does not contribute towards a higher level of treatment and would cost money from the operations budget. If during accelerated monitoring additional samples are found to be toxic then an investigation of possible sources needs to be conducted. East Bay Municipal Utility District (EBMUD) reports that one such investigation cost approximately \$200,000, which is the entire annual budget at Cascade Shores. None of the District's treatment plants have industrial enterprises, and it is likely that if effluent toxicity is detected it is either a false report or is coming from an individual resident "flushing" a commercially available toxic chemical down the toilet while cleaning their garage. Remember that small treatment zones, especially Cascade Shores, do not have enough flow to dilute the impact of a single resident.

The proposed rule does not improve the effluent quality of any Nevada County Sanitation District No. 1 treatment plant. All of the District's treatment plants serve residential communities and light commercial industries such as convenience stores and restaurants. The District believes that management efforts should be spent achieving better quality effluent with less cost, not just increasing monitoring for more cost. The District hopes the Water Board will consider the financial impact on small communities and also determine that additional effluent sampling and analysis does not necessarily improve water quality.

Sincerely,

DOUG FARRELL, INTERIM DIRECTOR  
Nevada County Sanitation District No. 1



D. Scott Joslyn  
Wastewater Operations Manager

DSJ:cn

cc: Nevada County Sanitation District No. 1 Board of Directors  
Pamela Creedon, California Regional Water Quality Control Board, Central Valley Region