Julie C. Monson Post Office Box 1029 Point Reyes Station CA 94956

AUG 24 2007

August 23, 2007

California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Attention: John West

Re: Borello Sewage Treatment Facility Draft Revised WDRs

I am a resident of Point Reyes Station and a member of the Tomales Bay Watershed Council, and have recently become concerned about the scale and regulation of the Borello Sewage Treatment Facility in Point Reyes. From the information contained in the CRWQCB's Draft Tentative Order, it is obvious to me that this facility is very probably degrading the water quality of Tomales Bay, and that measures to protect against this—the responsibility of the RWQCB-- are feeble at best. Given the constraints of the upcoming hearing in response to the Draft Tentative Order, and in the interests of being as helpful as possible, I suggest the following:

1. Regarding Self Monitoring. I strongly urge the WQCB to require a weekly inspection conducted not by the Discharger, but by an independent agent, to ensure that the regulations in the Tentative Order are being complied with. The potential for incremental or greater pollution of Tomales Bay is increased if this treatment facility is solely monitored by the Discharger or her agents.

2. The existence and scale of the Borello Sewage Treatment Facility is not well known by residents of the Tomales Bay watershed. I urge you to add to the Draft Tentative Order a requirement that a twice-annual report be made available to the residents and businesses in the entire Tomales Bay watershed, so that people living and working here understand its local benefits and hazards.

3. Finally, I strongly urge the WQCB, perhaps in cooperation with the Discharger, to begin long-term planning to reduce the scale of this enterprise, with the 20-year expectation that it would be either 1) eliminated, or 2) reduced in size and so carefully regulated that any pollution from the project's effluent could never, under any circumstances, pollute ground water or the waters of Tomales Bay.

I plan to attend the Public Hearing on October 10th and hope to able to speak to this issue as a concerned citizen and resident of Point Reyes Station.

Sincerely,

Julie C. Monson

Cc: Lynn Woolsey, Representative, 6th District
Jared Huffman, State Assembly, 6th District
Steve Kinsey, Marin County Supervisor, District 4
Michael Mery, Tomales Bay Watershed Council
Neysa King, Tomales Bay Watershed Council

2

Michael Mery

August 23, 2007

John West
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

I am writing to comment on the Borello Sewage Draft WDR.

The Borello facility is valuable local resource and its continued operation is important for local residents and property owners. That it be responsibly operated is very important. With that in mind, I have some suggestions and comments on the draft as follows:

- Relying **entirely** on self-monitoring is naïve at best and close to irresponsible given the nature of the business. It is very easy, very tempting, to offer service for cash since there is no independent paper trail to check to see if all waste has been properly recorded. Self-monitoring, self-reporting, is notoriously encouraging of 'skimming,' taking non-reported cash as often occurs in the restaurant business. I am **NOT** suggesting any misreporting of data. I **AM** pointing out that self-monitoring when there is a possible conflict between financial self-interest and full reporting is problematic.
- The suggested water balance process is a good change, but is inadequate to determine whether the facility is properly operated and monitored. A water balance would be part of an audit. See below.
- Further water quality testing is also appropriate and useful, but testing below and above the site is in order to determine if there are any differences seems essential. In addition, testing in streams SE of the Borello site that drain to Millerton Creek is also in order. If there is upstream contamination, it may not originate on the Borello property. Out of fairness to the permit holder, other possible sources should be tested.
- I strongly encourage the Board to require an annual audit paid from business receipts. In that the disposal charges are moderate, the slight increase per load that an audit would require would not be burdensome at all. Being a local property owner with a septic system, I understand the pumping and associated charges and an additional $10, say, is of no consequence. The audit process would enable the

P.O. Box 729, 64 Knob Hill Road, Pt. Reyes Station, CA 94956
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Regional Board staff to reconcile number of loads, total volume, pond capacity and reported gross income. It would still be possible, in principle, for the operator to fudge the numbers, but it would be very difficult. Currently and under the draft order, it is very easy to do so.

- An objection to the audit requirement, according to Mr. West, is that no other facility has a required audit. It is my understanding that there is **NO** other similar facility in this jurisdiction. (I think Mr. West agrees.) Mr. West mentioned the Olema Campground – no audit is required. The campground treats effluent from the campground and associated activities. They do not run a business relying on outside contractors for their income. In the case of the Borello ponds, more oversight seems entirely appropriate. (This is not to imply that the Campground system is without problems. As we all know, that is hardly the case. An audit might be a very good idea in this case as well.)

Thanks you for your consideration.

Respectfully,

Michael Mery

Cc: Bruce Wolfe
Steve Kinsey
Jared Huffman
Marc Commandatore
Dale Hopkins
Leslie Ferguson

P.O. Box 729 Pt. Reyes Station, CA 94956
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CALIFORNIA REGIONAL WATER
SEP 14 2007
QUALITY CONTROL BOARD

Richard Plant
PO Box 684
Inverness, CA 94937
9/12/07

California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Attention: John West

Re: Borello Sewage Treatment Facility Draft Revised WDRs

I write as a long term resident of Inverness which is near the south end of Tomales Bay and directly across the bay from the Borello Ponds. I want to point out some important facts for consideration. One is that there is an oyster growing business in the near vicinity. Another is that at certain times of the year the rate of evaporation at the south end of Tomales Bay exceeds the input of fresh water, causing this part of Tomales Bay to become hyper-saline. Therefore the rate of exchange with sea water can be very slow. In effect, the south end of Tomales Bay can be exceedingly vulnerable to pollution and high levels of nutrient.

The Borello Ponds are operated as a private for profit venture, but the potential impacts can adversely affect ecosystem and the human public health. Therefore I believe that it is of highest importance that the operation of the facility be monitored other than by self monitoring. I suggest that an independent or public agency play this role. The Draft Tentative Order does not appear to afford this safeguard.

Sincerely,

Richard Plant

cc. Bruce West, Executive Director
Dyan Whyte

State of California—Health and Human Services Agency
California Department of Public Health

MARK B HORTON, MD, MSPH
Director

ARNOLD SCHWARZENEGGER
Governor

CALIFORNIA REGIONAL WATER
SEP 18 2007
QUALITY CONTROL BOARD

September 14, 2007

Mr. John West
Regional Water Quality Control Board, San Francisco Bay Region
1515 Clay St. Suite 1400
Oakland, CA 94612

Dear Mr. West:

The California Department of Public Health (CDPH) appreciates the opportunity to evaluate and comment on revisions to the 'REVISED WASTE DISCHARGE REQUIREMENTS (WDR) FOR: JUDY BORELLO AND BORELLO SEWAGE TREATMENT FACILITY POINT REYES STATION, MARIN COUNTY', draft dated August 9, 2007. CDPH supports updating the waste discharge requirements for this facility.

As you are aware the CDPH is the state agency responsible for the classification and regulation of commercial shellfish companies in Tomales Bay. The proposed waste discharge requirements are for a facility that is adjacent to Millerton Creek. Millerton Creek is a relatively small sub-watershed of Tomales Bay. During winter storms Millerton Creek is capable of delivering elevated levels of fecal coliform (maximum > 1,600,000 most probable number per 100 milliliters (MPN/100 mL); n= 121 from CDPH water quality data) from nonpoint sources, which include the Borello Sewage Treatment Facility (Not a point source discharge), cattle grazing, and septic systems.

The complex semidiurnal tide drainage of Tomales Bay has most recently been modeled by the University of California at Berkeley (UC Berkeley Hydrodynamic Model of Tomales Bay), with funding from the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) to help develop data for the Tomales Bay Pathogen Total Maximum Daily Load (TMDL). The modeling data suggests that Millerton Creek runoff has the ability to affect the water quality at the commercial shellfish growing area lease M-430-05 during relatively small rainfall events of less than 0.50". The mouth of Millerton Creek is less than 1-mile from the lease area.

On two recent occasions in 2006 and 2007 CDPH has sampled Millerton Creek above and bellow of the Borello Sewage Treatment Facility. On January 30, 2006 the CDPH sampled Millerton Creek below the Borello Sewage Treatment Facility and found fecal coliform (FC) levels above the established TMDL of 200 MPN (> 1600 MPN). On February 28, 2007 CDPH sampled Millerton Creek above and below the Borello

CALIFORNIA REGIONAL WATER
SEP 18 2007
QUALITY CONTROL BOARD

Sewage Treatment Facility and again found the FC levels exceeding the TMDL (3300 MPN and 4900 MPN, respectively). Stream flow estimates on these sampling days ranged from 2-cubic feet per second (CFS) in 2007 to 100 CFS in 2006. The daily FC loadings were estimated for both events to be between 2 X 10^{11} FC/day and 4 x 10^{12} FC/day. It should be noted that similar levels of fecal coliform concentrations and loadings were found in a study that the SFBRWQCB participated in 1995 and 1996 (Investigation of Nonpoint Pollution Sources Impacting Shellfish Growing Areas in Tomales Bay, 1995-1996) and documentation in the Tomales Bay Pathogen TMDL.

Fecal coliform bacteria are the indicator species used to determine water quality in shellfish growing waters. Please keep in mind that disease-causing organisms found in human waste can include noroviruses, hepatitis viruses, *Escherichia coli* (a fecal coliform species), *Escherichia coli O157:H7* and other enteric (intestinal origin) pathogens could be in Millerton Creek. The positive relationship between sewage-polluted shellfish and enteric disease is well established. Because shellfish filter large quantities of water as part of their feeding process, they are capable of concentrating pathogenic bacteria, viruses, marine toxins, and other poisonous and deleterious substances. Therefore, shellfish may contain higher levels of chemical contaminants or pathogens than are found in the water in which they grow.

The following are comments regarding the WDR and Operations and Maintenance (O&M) Program. Please note that in a previous email sent by the CDPH on August 17, 2007 comments only concentrated on missing information and questions the CDPH had with respect to the WDR and corresponding documents. The following comments are more specific in nature:

Draft Tentative Order:

1. In the Pond Operation Specifications the SFBRWQCB outlines that the only previsions for preventing the threat of overflows is that a minimum freeboard of two (2) feet shall be maintained. If this freeboard level can not be maintained then the Borello Sewage Treatment Facility, shall implement removal of liquid from the pond(s) by pump truck for 'haul away' to a legal point of disposal and continue such removal until a freeboard level of at least two feet is regained and maintained. The entire pond area is not paved so this operation may be difficult during times when soils are saturated. Also site drainage is not connected to a collection system retuning any runoff to the ponds. The CDPH would like notification when any pond freeboard is measured to be at 2 feet or less. Of paramount concern is that any poor housekeeping of sewage during such transfer could enter Millerton Creek and pose a threat to public health and the environment.

2. In the Pond Cleaning Specifications section the SFBRWQCB outlines in detail the sampling that is required for sludge. The CDPH would like a copy of all results from the CAM 17 metals forwarded at the same frequency required by the WDR to this office.

3. In the Reclaimed Wastewater Specifications the SFBRWQCB allows the Borello Sewage Treatment Facility to irrigate in the designated spray field Area 1 only during the period from April 1 to the first rain storm in excess of 0.50 inch which occurs after October 31. The SFBRWQCB should be aware that the CDPH manage its nearest commercial shellfish growing area to be closed when a rainfall of 0.40 inch during a 24-hour period at any time during the year. The CDPH is requesting that the SFBRWQCB change the language to state that any storm of 0.40 inch in a 24-hour period at any time of the year triggers abatement of irrigation. If this should occur out side of the April 1 to October 31 period a monitoring plan should be developed to asses any impacts to Millerton Creek during the irrigation period. The CDPH records indicate that in the past 5-years every April has recorded a storm of .0.50 inch or greater of rainfall in a 24-hour period. In addition, in the last three years the month of May has recorded a single storm of 0.50 inch or greater. Recently, in July 2007 a storm of 0.20 inch was recorded and every other year storms greater than 0.40 inches have occurred in June. The CDPH recommends that the SFBRWQCB increase the non-irrigation period to May 15 each year with an additional provision for monitoring any such irrigation outside the non-irrigation period. The CDPH measures rainfall at Tomasini Point (http://cdec.water.ca.gov/cgi-progs/queryFx?s=TMP) and at Tomales Bay Oyster Company via a non-public access rain gauge.

4. In the Specifications for Sewage Sludge Disposal Area there appears to be no monitoring for runoff of the sludge. The CDPH recommends that a monitoring plan be developed to determine if any sludge drying operation facilitate runoff to Millerton Creek.

5. In the Reporting of Hazardous Substance Release the Borello Sewage Treatment Facility should be instructed to notify the State Office of Emergency Services (916) 262–1621 or (800) 852-7550. In addition, the facility should contact the nearest Shellfish Grower (Tomales Bay Oyster Company at (415) 663-1242), the California Department of Public Health at (510) 412-4635 or (510) 412- 4631. These phone numbers should be included in any notification section of the WDR or the O&M Program. Notification is very important to the CDPH's management of the shellfish growing area since any spill or release may affect water quality and public health causing a closure of the shellfish growing area and possibly a recall of shellfish product from the market. This information should be included in the Endangerment of Health or the Environment section of the WDR.

6. Related to comment # 5 above the SFBRWQCB should require in the Self-Monitoring Program a sampling scheme independent of the proposed monthly monitoring to identify and assess any sewage spill emergency from the facility that may enter Millerton Creek.

Self-Monitoring Program:

1. In the section for the Millerton Gulch Creek samples water samples shall be taken from Millerton Gulch Creek (MGC) at a monthly interval during the wet season from October 1 through March 31 and analyzed for fecal coliform are too infrequent to detect changes in water quality. The CDPH recommends that weekly sampling be required along with time–integrated sampling triggered by rainfall 24-hour rainfall events of 0.25 inch. Since most of the fecal coliform is delivered during rainfall events it is more important to sample during these events. Time-integrated sampling relative to rainfall events will help isolate each any pollution source form the Borello Ponds along the creek. In addition, the CDPH encourages the SFBRWQCB to work with the Borello Sewage Treatment Facility to monitor all of the critical control points of the facility that could help isolate any fecal coliform or other pathogen sources that could breach impoundments and runoff sludge drying areas. The CDPH would stress that any water quality sampling in the WDR that is analyzed for fecal coliform use the same methods that are used for the beneficial use of shellfish. Any laboratory utilized by the facility to perform analysis of shellfish growing waters must be accredited by the CDPH Environmental Laboratory Accreditation Program (ELAP) for shellfish and shellfish growing waters. The nearest laboratory is Sonoma County Public Health Laboratory (3313 Chanate Road, Santa Rosa, CA 95404 (707) 565-4711). The CDPH also request this be required by any third party sampling scheme.

2. The SFBRWQCB should add a section on Irrigation and sludge monitoring as well as emergency spill monitoring to the Self-Monitoring Program. See comment number 3, 4, and 6 of this letter.

3. In the Report Submittals section the CDPH should be copied on all reports or submittals form the Borello Sewage Treatment Facility. All reports or submittals should be forwarded to the following address:

   The California Department of Public Health
   (Please universally change our name in the WDR)
   Environmental Management Branch
   Preharvest Shellfish Unit /, MS G-165
   850 Marina Bay Parkway
   Richmond, CA 94804
   ATTN. Tomales Bay Shellfish Growing Area Manager

Nonpoint source pollution from Millerton Creek may be the single largest source of pathogens to shellfish growing area lease M-430-05. Therefore, management of the shellfish growing area is linked to runoff pollution from Millerton Creek. As you are well aware the only management control that has been implemented by CDPH to control runoff to the shellfish growing areas for the nonpoint source pollution are the rainfall

closure rules (Any 0.40 inch rainfall during any 24-hour period will close the shellfish growing area for a minimum 4-days. An additional day shall be added to the closure if the 24-hour cumulative rainfall exceeds 0.67 inch. An additional day shall also be added to the closure if the 10-day cumulative rainfall exceeds 2.0 inches). If the sources of pathogens continue to pollute Millerton Creek the rainfall closure rules may have to be changed with an increase in the closure period.

California Department of Public Health will continue to work with your agency to improve water quality in Tomales Bay. Thank you for the opportunity to share this information with you. If you have any questions or comments please contact me at (510) 412-4631 or angelo.commandatore@CDPH.ca.gov.

Sincerely,

A. Marc Commandatore
Environmental Scientist
Environmental Management Branch
Preharvest Shellfish Unit

~~LBOA~~ 9/17/07
2.JRW 5

Tomales Bay Association

P.O. Box 369
Pt. Reyes Station, California 94956

14 September 2007

Bruce Wolfe, Executive Director
Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612 fax 510 622-2460

Re. Revised Tentative Orders of
Self Monitoring Program (SMP) and WDR for
Borello Sewage Ponds, Marin County

Dear Mr. Wolfe,

As an entirely voluntary organization, we appreciate the amount of time, including your staff's time, that is devoted to permits such as this. We would like to go on record as supporting the comments of Mrs. Julie Monson. We also have concerns that there should be third party oversight.

The general section of WDR describes Millerton Gulch Creek as a seasonal ephemeral creek. It should be noted that Millerton Creek was in past a perennial salmonid bearing creek and could be again. Mr. John West recorded testimony of a former California Highway Patrolman who had lived on the ranch and recalled the runs of adult steelhead in that creek. Also, see below

Regarding the SMP specifics, we suggest

II. Self-Monitoring Provisions.
1. Incoming sewage:
add

d. Name and signature of the driver and hauling company, if different from c. above.

PART II
2.

Freeboard should be checked more frequently during rainfall events. Once a week is insufficient. Heavy rains which cause considerable local erosion and flooding damage in a relatively short time serve as a reminder that it is essential to increase the inspection, observations and recording frequency during periods of rainfall, and especially heavy rainfall. Independent monitoring devices are a good suggestion.

Note of correction on 2.d. should read *less than* 2 feet freeboard, not "below" 2 foot freeboard.

4. Need to add that under storm events and unusual conditions of greater than normal rainfall that balance calculations shall be weekly or as determined by RWQCB staff, and that

staff should be contacted in the event of large storms or periods of unusually high precipitation.

5. Water board staff needs to pay site visit following the irrigation field breaching in order to verify and document correctness of the action.

7. Millerton Gulch Creek Samples: Millerton Creek should be monitored more frequently than proposed. Once a month is insufficient.

A greater frequency of grab samples, especially during wet season, and at some points in the irrigation season needs to be established. Analysis of both total and e.coli as well as fecal coliform should occur. We also suggest additional sites both upstream and downstream, under recommendations of Ca State Health Dept. personnel, and that once established the sites should be fixed within reason. We also strongly suggest that third party sampling be established at those locations. Dissolved Oxygen should also be part of sampling program, and Nitrogen levels should be measured as well

Miller ton Gulch is a 'blue line' stream on the USGS 7 1/2 minute series map for the Inverness Quadrangle. The map Data is 1952, field check 1954, and indicates a year round stream that is likely capable of supporting salmonids, among other species. Bill Cox, CDF&G biologist, stated in a telephone conversation on January 23, 1997, that while he has no recent reports of salmonids in Millerton, that anecdotal reports do indicate that salmonids have inhabited the stream in past decades. TBA has received other anecdotal information that both salmon and steelhead came into Millerton Creek every winter and were numerous. We submit that water for enhancement of fish and wildlife resources in Miller ton Gulch and in Tomales Bay are beneficial uses potentially affected by this operation.

A copy of the annual report should be sent to the Marin County free public library at Point Reyes Station.

Our earlier request that operators of privately owned and operated facilities be held to the same standards as publicly operated facilities still holds. This is in fact a loophole that the RWQCB should attempt to resolve with the SWRCB to change. The Regional Board should be able to set qualification standards for the operators of this and other private facilities. Thank you for your consideration.

Sincerely,

Kenneth J. Fox, President

6

From: "Spargo, Thor A" <thor.a.spargo@lmco.com>
To: John West <JWest@waterboards.ca.gov>
Date: 9/18/2007 10:55:27 AM
Subject: RE: Borello Sewage Treatment Facility Draft Revised WDRs

Hi John,

To follow-up discussions we had over the previous days and response to comments, we officially comment as follows.

We understand and agree to monitoring and notification as follows:

3. We agree and fully support increased notification to State WQCB, State DHS, Marin County DHS, Oyster grower (Drew Alden, in Tomales Bay near our facility), and ranchers (Bob Giacomini and Donna Furlong, whose dairy/cattle operations are on/use the creek), if there is a Borello Ponds septic spill and what extent the spill impacts Millerton Creek.

3. We agree and fully support monitoring and to test the irrigation field, where we actually irrigate hundreds of thousands of gallons of septic. These tests continue to actually (scientifically) show/prove that runoff from Borello Ponds is at or below coliform levels for Recreation Water and below other Tomales Bay watershed/runoff.

a. We agree to increased testing of the irrigation field if at any time the coliform levels are high - this would be equivalent to other facilities who have had high concentrations in their not well located and small irrigation fields.

3. We continue to be there and support when/if Professional folks want to sample the creek at anytime. Over the years, multiple times, there has been Millerton Creek sampling (e.g., State WQCB, State DHS), including a one year/rainy season program by the State WQCB (John, Becky, another) that gave results in local public meetings that there were no high/unusual concentrations from Millerton Creek watershed/runoff. (NOTE: There are high concentrations of wildlife and birds at the point where the creek feeds to Tomales Bay that is impacted by tidal action and can have concentrations due to this). We continue to meet, greet, support those who perform testing.

4. We continue to agree and fully support spending resources for monitoring, testing, and improvements (even beyond the permit) that add value and are effective: solids removal/spreading every year (~$12K),

lcrosse@marin.org; Don_Neubacher@nps.gov; questa@QuestaEC.com; elmore@svn.net; hogisland@svn.net; rlp@svn.net; tbafox@svn.net; tbwc@svn.net; djllewis@ucdavis.edu; Shakoora Azimi-Gaylon

Cc: Blair Allen; Bruce Wolfe; Dale Hopkins; Dyan Whyte; John Kaiser; John West; Mary Ann Beesley; Susan Gladstone; Wil Bruhns

Subject: Borello Sewage Treatment Facility Draft Revised WDRs

Dear Interested Parties:

Attached is a copy of draft waste discharge requirements (Tentative Order) for the subject facility. The Tentative Order will be considered by the Water Board at the October 10, 2007, meeting, as part of a public hearing. You will be notified of any change in meeting date. Any written comments you have regarding this Tentative Order should be submitted to the Board no later than 5 p.m. on September 14, 2007.

Any written comments received after this time may not be considered. The Water Board meeting will be held in the Elihu Harris State Building Auditorium at 1515 Clay Street, Oakland. The meeting starts at 9:00 a.m. Please note that you can also view this item online at: http://www.waterboards.ca.gov/sanfranciscobay/tentative_order.htm

If you have any questions, please contact me at (510) 622-2438 or e-mail on jwest@waterboards.ca.gov.

Thomas G Baty
Box 534
Inverness CA 94937

September 12, 2007

Bruce Wolfe, Executive Officer
SF Bay Regional Water Quality Control Board

Comments on draft WDR for the Borello Sewage Ponds

My comments will run from the particulars to more general concerns.

The draft characterizes the waste received at the facility as coming from "a limited number of haulers within the County of Marin." Reviewing the records at the Marin County Depart. Of Health Services for a snapshot period of 1/01 to 6/01, more than 60% of the waste received was from out-of-county haulers bringing in out-of-county waste. Marin County only requires that haulers register with the EHS. If there is (and there should be) a restriction to waste of Marin origins, then it needs to be spelled out .

The draft characterizes Millerton Gulch Creek as a "seasonal" and "ephemeral" stream. This is a blue-line stream that has through both permitted and un-permitted water impoundments has been reduced to seasonal flows. It is important that this legal document accurately reflects the USGS classification of this stream.

It is misleading to describe the Borello ponds as a treatment facility because of the simple fact that there is no prescribed or practiced holding time for raw sewage and no physical means to isolate ponded materials from incoming sewage. It is generally true for irrigation fluids and absolutely true for the sludge that the waste accepted in the morning can and is spread on the fields in the afternoon. Any biological benefits or "treatment" from holding times in the ponds are lost with each fresh dose of waste. There needs to be an operation and maintenance schedule that would isolate the holding ponds from incoming waste to allow any degree of treatment to take place. If the Discharger and Board staff continue to insist that treatment takes place by its current operational standards, it would be very helpful to see a verifiable analysis of bacterial levels in both the fluids and solids in Pond #1compared to what is dispersed onto the fields.

The Cleanup and Abatement Order (97-080) calls for an actual water balance that provides a weekly accounting of incoming septage, freeboard, spray irrigation, rainfall, and evaporation data. The Discharger has chosen to provide instead an average water balance that makes a somewhat hypothetical construction of how the system might function over the course of a year. The draft WDR calls for an annual water balance with bi-monthly actual and calculated volumes through the wet season. The water balance will be useful as long as consistent and accurate information is provided and the Board

commits the necessary resources for effective oversight. The water balance required by the CAO was generally ignored by the Discharger and not enforced by the Board.

The checks-and-balances benefit of the annual water balance would be greatly improved by a more direct linkage to the volumes of waste reported by the haulers, which currently are received by Marin County EHS, but should be part of the Board's oversight information. Another improvement would be a periodic audit of the water balance (quarterly would seem adequate) information by Board staff. A random review of monthly reports from the Discharger reveals discrepancies in volumes of incoming waste, rainfall figures, and available pond capacities.

Improved oversight by the Board staff and any independent verification of operational standards and system function would be very useful. For example, the CAM 17 tests on the sludge prior to removal is supposed to be sampled and analyzed by a certified lab. The test results reported by the lab list the owner of the facility as the person taking the samples. This does not engender trust and confidence in the operation nor in the regulatory body responsible to the public trust

It is very frustrating to be commenting once again on the inadequacies in operations and oversight of the Borello ponds and its WDR. Sludge ponds such as these are anachronisms that have long been disallowed in other areas of the state. The annual application of millions of gallons of primary effluent and untreated sludge onto 48 acres is not reclamation or reuse. Reasonable, cost-effective treatment systems are readily available: with adequate treatment, materials received at this facility could actually be put to real use rather than essentially dumped on the hillside adjacent to the bay.

With Tomales Bay listed as impaired by pathogens, the Tomales Bay Pathogen TMDL calling for zero contributions from human sources, and all monitoring of Millerton Creek still showing significant pathogen elevations, isn't it time we devised a new and better system for treating and disposing of our waste?

Respectfully,

Thomas G Baty

8

From: John West
To: Angelo Commandatore
Date: 9/19/2007 8:51:57 AM
Subject: RE: Borello Sewage Treatment Facility Draft Revised WDRs

Marc,

Provision C., #13:

The Discharger shall allow the Water Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;
b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this order or as otherwise authorized by the California Water Code, any substances or parameters at any location. [CWC Section 13267]

That language was included so that there's more flexibility with other agency coordination/support. So under specific conditions your agency and others (county) could be an authorized rep. You propose the conditions and we can set up an interagency agreement. I've seen this format at my office before and it seems appropriate.

Busy busy today, but let me know what you think.... -john

>>> "Commandatore, Angelo (CDPH)" <Angelo.Commandatore@cdph.ca.gov> 9/19/2007 7:52 AM >>>
John....the only thing I forgot in the letter was to add that CDPH wanted access any time to sample the creek.....Could you add that to the permit? This is very important since if there is a spill there is no other way to assess impacts if Borello does not monitor....Please let me know ASAP....MARC

A. Marc Commandatore

Environmental Scientist

State Shellfish Program

Environmental Management Branch

California Department of Public Health

850 Marina Bay Parkway, Room G165

Richmond, CA 94804 W (510)-412-4631

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