



RRWPC

Russian River Watershed Protection Committee

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Sonoma LAFCO Commissioners
Cynthia Olson: staff

RRWPC Comments on Municipal Service Review of January 9, 2023
By E. Mulberg & Associates

March 1, 2023

Dear Commissioners:

Today you will consider a minor sphere of influence adjustment to the Russian River County Sanitation District (RRCSD). I have reviewed the document and on behalf of Russian River Watershed Protection Committee (RRWPC), a nonprofit corporation that has been in existence since 1980 and began tracking RRCSD at that time, while it was still in the planning phases. Over the years we have closely tracked its evolution and are currently in the process of writing a paper on its history of Sanitary Sewer Overflows (SSO's).

RRWPC does not think that the specific project for which this effort is supposedly intended, necessarily merits a major planning effort to include a lengthy complicated document. (3 parcels with one 21 unit project). Yet we want to get these comments into the record as a precursor to a much larger effort down the road that would include hooking up other communities. We also think that there are so many inadequacies and imperfections in the document supporting this current effort, we did not want it serving as a model for any future planning. There are mistakes in this document that give such basic misinformation as to wonder about the qualifications of the author. We think they copied much of it from another inadequate document because the misinformation looks very familiar. For instance, the project is located on Highway 116, NOT River Road. Also, the District was formed around 1953, NOT 1983, when the RRCSD first went on line. These things are so basic, that it makes one wonder about the validity of the other information. I went through the document and include my notes/concerns below for you to see.

Of the 19 dischargers into the Russian River, who as a group contributed 1,729,925 gallons of raw or partially treated sewage into that water body or a tributary, 1,445,969 gallons were contributed by RRCSD over a ten year period from 2007 to July, 2017. That is 5 times the total of all other 18 dischargers (*"Updated Final Staff Report for the Action Plan for the Russian River Watershed Pathogen*

TMDL” pages 6-24 and 6-25, by staff of the North Coast Regional Water Quality Control Board.) I would say that makes RRCSD the worst polluter on the Russian River.

Most of those gallons were released during major floods. We consider a major flood anything over 40'. Flooding in Guerneville begins at 32'. It is our understanding that the collection system operates fairly well between 32' and 39' or 40'. (All floods between 39' and 40' came before construction of the RRCSD.) (There were 15 floods 40' and over according to the National Weather Service document: Russian River Historical crests.) Of those 15 floods, six occurred after RRCSD went on line (not counting 1983 when it first became available for hookups): 1986, 1995 (2), 1997 (two were listed, but they were a day apart so we count them as one), 2006, and 2019. (There were also spills after July, 2017, but along with the very large 2019 spill, is still under negotiation and has not been resolved yet.) RRCSD's discharge permit considers all those spills as violations.

For the past violations, SCWA was allowed to construct projects in lieu of paying part of the fine. RRWPC is fully supportive of doing that. They built the Third Unit Processes Project, the Nutrient Removal Project, the Disinfection Project and some other small ones. RRWPC supported all of those, as well as the concept of using penalty money to improve the system. Most of the time that's how they get necessary projects funded.

Local citizens, many of low and moderately low income, cannot afford all of the repairs needed on that system, especially the collection system. One could write a book on all the problems the County encountered as they constructed the system including 30 change orders, cost overruns that doubled the anticipated cost of the system, lawsuits between contractor and engineer and County (which County lost), problems with EPA funding, and serious problems with construction. Design changes were made to save money and could of resulted in a second class system. There is evidence now that that is part of the current problems.

As a result of some of the violations, SCWA was forced to do assessments of the collection system including pump stations, headworks, and force mains, including one across the river. The accident at Vacation Beach in 2014 with a broken underground pipe that leaked about 100,000 gallons or more into the river, resulted in a penalty that was supposed to trigger an analysis of the three components mentioned. It's 2023 and things didn't get serious until the big SSO's in 2019 when they (SCWA) were finally forced to get moving on an assessment by West Yost. The study was finally released last year. The final conclusions estimated that \$50M was needed for repairs with a 50% contingency. I have been told that designs have been commenced and efforts begun to find funding for all of it. We'll see....

Anyway, I am coming to the end of my time for making comments. I had a lot of trouble getting hold of the document and then couldn't print it when I did. A friend sent me his copy and that one printed fine. The notice printed in the PD had a different link to the document than I was sent by staff. The website link from staff had a link to the document itself that didn't work for me. Not sure why I had so much trouble when others didn't. I had an email exchange with another staff person several weeks ago. I asked for an alert when the document came out. I was told it came into your office at that time (early February) and it would be made available on website; I kept looking and didn't see it. Is there a conclusion to be drawn here? Anyway, below are my page by page comments. I've had to work quickly, so I have not been able to integrate them into a single letter.

Thank you for the opportunity to comment. I will try to attend the meeting (bad weather would make it hard). I would probably have little to add beyond what appears here. I would also like to suggest that any consultants hired in the future to write information about the system, be required to study the NPDES Permit produced by the North Coast Regional Board and other related documents that agency has generated. Their information is far more trustworthy than other information out there.

Notes below cover pages 1-3 through 7-2. Also I am pretty sure the map (Exhibit 5-1) is incorrect. The pipeline from Beanwood goes all the way to Drake Estates. Also the pipeline from Vacation Beach goes from that pump station back to Highway 116 on Neeley Rd. From Neeley, it crosses the River on the Guerneville Bridge (probably still on the old bridge).

1-3

The project is on Highway 116, not River Road.

- The District was formed around 1953, not 1983. RRCSD went on line in late 1983 I believe.
 - RRCSD is the worst polluter among all the other 18 dischargers to the river. From 2007 to 2017 they discharged 5 times more raw and partially treated sewage into the river than the 18 other dischargers put together. There is an assessment of the system recently (West Yost Report release about 8 months ago.) that was completed recently that determined that the 11 pump stations, a large part of the force main and the headworks need about \$50M worth of work. I have learned that the assessments are complete; the plans for the work are starting, and grant funding for \$50M is being pursued.
 - I believe it is misguided to base population growth projections for the future using information about growth in Sonoma County urban areas because:
 - There are many second homes in our area and many people are here only in the summer.
 - There are many vacation rentals that are occupied mostly on weekends and not much in winter
 - Judging by the lack of growth of summer flows to the treatment plant, there has been a pretty steady permanent population over the last 40 years in our area. If Sweetwater Springs Water District has not been consulted about this, they should be. Anticipation of growth should come from the possibility of hooking whole other communities to our system such as Monte Rio and Villa Grande. This is being seriously looked at as you know and should be part of your discussion. We live in a very sensitive environment regularly subject to serious landslides (that have taken out houses on occasion), very bad floods every few years, (people living in flood way always surprised at how bad it gets), falling branches and trees during big wind events, etc. It is not an easy place to live and all of this needs to be addressed when growth is planned.
 - We are concerned that this document would be used to justify much great additions in the future. While we have not yet read the whole document yet, what we have seen so far does not indicate to us that it's an adequate assessment to serve what will be needed and may be planned for the future. This document should not serve as the basis for any future projects.
 - Other thoughts about RRCSD:
 - RRCSD rated capacity is at 710,000 gpd. Yet summer capacity is limited to 510,000 gpd. The reason is that their irrigation capacity is limited although actual flows appear to be under capacity.
 - The approximately 200 page NPDES Permit from Regional Board requires that all flows to treatment plant be treated to tertiary level and that many other requirements be met, including an expansion of irrigation capability. Their irrigation capacity has not reached the level whereby they can operate at 710,000 gpd. This is a problem during large floods over 40' (that have occurred in 1986, 2 in 1995, 1997, 2006, 2017, and 2019.) Every single time high level floods have produced breakdowns in the collection system and sometimes elements of the treatment plant. Usually, things function okay up to 40' floods (starting at 32')
 - Description of land use category should include recreation. Also, the Drake Road area is not mentioned as part of the area served by local water and sewer.
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P 2-2

A sphere of influence may be amended or updated. An amendment is a relatively limited change to the sphere or map to accommodate a specific project. An update is a comprehensive review of the sphere that includes the map and relevant portions of one

Or more MSRs. CKH requires updates at least every 5 years or as needed.

It would be helpful to differentiate the different sized pipes and also the size and location of the force main pipelines which are the most problematic.

2-4

Sonoma County Community Development Commission was in charge of Redevelopment when it was active, but was involved with housing issues long before Redevelopment studies occurred. I would not call it a successor to Redevelopment.

Will the project be on all three parcels mentioned?

2-6

The WWTP has a capacity of 0.71 mgd. Average dry weather flow (ADWF) is 0.3 mgd. Since the capacity is more than twice the ADWF and with anticipated low levels of growth, the system has sufficient capacity.

(See my comments in letter: capacity is only good part of the time: see earlier notes concerning capacity limits with irrigation and during flood periods and the amount of work that needs to be done on current collection system to bring it into compliance with discharge permit.)

Also: The RRCSD anticipates spending \$19.7 million in the next five years on 7 capital improvements projects." This does not include other potential improvements that will be needed in the near future. There is a current permit violation negotiation going on now between SCWA and Regional Board. It's been going on for 2 years. The recommended penalty is about \$2.3M. Your statement is very misleading and probably incorrect.

2.10

After a careful review of services that the District delivers there is only one potential SOI update. The area known as George's Hideaway has been proposed for Permanent Supportive Housing (PSH). The location with respect to the District is shown in Exhibit

2-10. The project is located approximately 1.9 miles south of Guerneville and approximately a quarter mile south to the District's boundaries. The area consists of three parcels and a total of approximately two acres. The development is proposed by the Sonoma County Community Development Commission, a successor to the redevelopment agency. The proposal will include 21 units and will be seeking a sphere amendment and annexation. (Permanent Supportive Housing)

2.11

Therefore, we recommend that the District apply for the SOI amendment and to annex the territory to the District concurrently.

3-1

Population increase based on population changes that I already addressed. They assume area will grow at same rate as County. This is fallacy for reasons I mentioned.

Also, there are a lot of elderly single and couples living in the area year round. I doubt very much that population will increase the same amount as County wide. We also don't seem to have as many kids as we used to.

Again, you left out Drake Road area.

4-1

Why not mention that our low income community gets to pay second highest rates of the eight sewer systems managed by SCWA? Also, what was your low income assessment based on? How did you determine income levels? Also, many houses are second homes. Did you identify those? We don't necessarily disagree with you about low income, but would like some evidence showing how you came to your determination. (Where did the \$62,938 come from and did size of family affect it?) There are many very nice houses in those two areas shaded on the map.

Sewer Capacity: RRCSD (5-1 to 5-3);

5-1 (bottom of page):

The discharge of wastewater is specifically allowed into the Russian River between October 1st and May 15th. It does state that irrigation commences on May 15th, but it would be better to be consistent with these dates, as they are occasionally the subject of heavy violations and penalties.

5-2

SCWA assumed operations of RRWPC in 1995; there were two floods that year in January and March. It is important to note that most of the improvements were the result of heavy penalties by the Regional Board. They were allowed to use part of the money to repair some of the problems being experienced. I am including a partial list of most of the spills by RRCSD over the years.

Under Capital Improvements you fail to mention the West Yost assessment of pump stations indicating that \$50M worth of work is needed to repair 11 pump stations. They are working on that now. There is also need to replace large portions of force main, including part that crosses the river. There were several emergency pipe breakages where the Supervisors had to spend about \$3M to repair (2021 and 2022).

Regarding capacity, since the system was put on line in 1983 (not counting '83 because there were few hookups at that point), there have been five floods over 40' (system seems to be able to handle floods under that level) in 1986, 1995 (2), 1997, 2006, and 2019. Between 2007 and 2017 (July), RRCSD illegally discharged through Sanitary Sewer Overflows (SSO's) 1,448,554 gallons into the Russian River. Between July 2017 and August, 2019, another 2.3 mg was illegally discharged. We haven't had any large floods since. This amount is 5 times greater than all 18 other dischargers put together during that time period. Currently, RRCSD may be liable for \$23M in fines for the period July, 2017 through March 2019. **In our view, until all repairs are made, there should be no additional annexations to our system.**

5-3

I believe that dry weather flow between May 15 and Sept. 30 is 0.510 gpd.

Determinations on page 5-3 have been addressed already.

Item 5.3: State and federal grants and loans are not always available and are not to be fully counted on. What alternative funding is available for District expansion? This is probably not a big deal for this annexation, but it will be when whole communities come forward and want to be served by this system.

Your maps don't seem to note the project in relation to the sewer system.

6-1 and 6-2:

It would be helpful to have some fiscal comparisons to other similar treatment plants/collection systems. It is my impression that SCWA has pretty high administrative costs. While we may not pay salaries directly, certainly some of our costs go towards that expenditure. It is my understanding that in 2020, salaries and benefits of the top managers were in the \$350,000+ range. It is misleading to say that RRCSD does not incur any payroll costs. Part of that is absorbed under different cost headings so it's not like we don't contribute to that expense. Given that we have been designated a low income community, how in the world does SCWA get off raising rates by 8.5%? By the way, your chart on 6-2 says that annual rate per ESD is \$1,774. Well, for 2023-24, our costs will be over \$2,000 a year.

What's the difference between being charged for salaries and benefits and having it part of the operation costs? It would seem to come out the same. I would think that employee costs would be determined on the amount of time dedicated to RRCSD work. At least, it would be helpful to have more detail on this.

8-1

This section implies that the WAC engages RRCSD ratepayers at WAC meetings. While I have attended water contractor meetings (which is what the WAC is), for many years, I am not there to engage with SCWA and/or WAC members on wastewater issues. I have never heard members of the WAC discuss wastewater issues. They are contractors of the water which is sold to their cities and water providers by SCWA. What is this sentence trying to say in that regard? "SCWA engages its residence (?) through a water advisory committee or WAC." It goes on to talk about WAC reviewing budgets (not for wastewater facilities however) and rate structures. It then says, "In addition, the RRCSD communicates to residents through its website." I ask, "in addition" to what? It then goes on to mention the annual report to ratepayers and announces the meeting where fees will be increased. None of this has anything to do with WAC, other than the same agency serves different roles with different entities. That does not mean that the entities are connected to one another. All of the items under "Determinations" are true. It is also true that about 15 or more other entities are overseen by the Board of Supervisors: some through the Water Agency and some not.

What is the point of this section in regard to LAFCo?

Also, Supervisors seldom meet weekly anymore. They usually meet twice a month lately.

Finally it's true that SCWA hires people to do a certain kind of task for wastewater treatment plants and then move those people around on an as-needed basis. (At least they used to do this and I think they still do but haven't heard it discussed for quite a while.) I sometimes wonder if that is part of RRCSD's problem. It seems as though they only have two people available during floods at the plant. I know they work very hard and I don't want to criticize them in any way, but perhaps there needs to be a study of their manpower demands and whether they are adequately filled during all occasions.

Thank you,

Brenda Adelman
Russian River Watershed Protection Committee