

EXHIBIT P

From: <Tinger.John@epa.gov>
To: <jbrax@sonoma-county.org>
Date: 4/30/2007 11:34:26 AM
Subject: Fw: dry creek Comments ? (reminder)

Jeff,

Thank you very much for your very thorough review and comments on the water balance technical memo. (Faxed on April 27, 2007)

To address a few of the items you raised, there was an error in the formula presented shown on page 2 of the water balance technical memo, which stated that the Kc value was 0.8. The Kc value used in the equations was actually 1.4, which is appropriate for "High Microclimates": "High Microclimate: $k_{mc} = 1.1 - 1.4$: Sites which are exposed to direct winds atypical for the area, heat inputs from nearby sources, and/or reflected light would be considered to be in the high microclimate category." [page 22 of <http://www.owue.water.ca.gov/docs/wucols00.pdf>] You will see that the numbers presented in Table 1 account for this observed discrepancy.

As I noted earlier, the NPDES permit includes a requirement to maximize all available recycle/reuse of wastewater prior to discharge [part I.A. (1)] but does not include specific requirements for the development of new irrigation lands nor does it have requirements for the specific quantities of wastewater to be recycled/reused. While I do not dispute the other concerns you raise regarding very specific technical aspects of this document, the proposed water balance represents a reasonable approach to on-site water usage.

The authority of the Clean Water Act is to regulate the discharge of a pollutant through a point source to a water of the United States. The Clean Water Act through NPDES permits establishes the conditions of the discharge necessary to achieve compliance: it does not mandate the technology or methodology that a permittee may achieve compliance, which may be met through a variety of treatment technologies, pollution prevention, pollutant or water reduction/savings, product substitution, alternative disposal methods, etc. I have reviewed the water balance, and believe that it demonstrates the Tribe has the ability to meet the requirements that will be contained in the NPDES permit, i.e., that there will be no discharge to the Russian River from May 15 to October 1. It is the permittee's responsibility to design, operate, and maintain its system to ensure that Part I.A(1) of the permit is complied with. As part of this, the permit will contain requirements for a "surface water discharge operation plan" and associated reporting requirements describing past, future, and anticipated disposal methods.

In this review, I note that the water balance included conservative assumptions based on the design daily flow capacity of the treatment plant of 120,000 gallons per day and the 100-year rainfall; and included reasonable estimates of Kc values, loss rates, precipitation indexes, toilet reuse volumes, and storage capacity. While the water balance demonstrates a methodology to achieve compliance, I note that there are many other potential avenues that may offer better long-term solutions such as selling the water, additional recycle/reuse, or

decreased flow rates. The water balance as presented is not a compliance document and is not incorporated into the permit conditions; we will assure compliance thru Part I.A.(1) of the permit, and thru the required monitoring & reporting requirements that demonstrate water usage at the site. I'd be happy to forward these reporting documents to the County, and would encourage your continued participation in review of these compliance materials to assure compliance with the NPDES permit.

Thank you very much,
John

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