

PUBLIC WORKS DEPARTMENT

Engineering Division

May 11, 2009

Mr. Ken Landau
California Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114

**Subject: Comments on Revised Tentative Order and Cease and Desist Order
City of Grass Valley, NPDES Permit No. CA 0079898**

Dear Mr. Landau,

These comments are submitted in response to your notice dated April 9, 2009 pertaining to the revised Tentative Order for the City of Grass Valley's NPDES permit and the accompanying revised Cease and Desist Order (CDO).

In a letter dated January 14, 2009, the City provided comments on a proposed Tentative Order and CDO. In that letter, the City supported the proposed Tentative Order with regards to the application of site-specific translator and Water Effect Ratio values for copper and zinc in the determination of reasonable potential for those constituents. The City continues to support those elements of the proposed Tentative Order and CDO, which will avoid significant and unwarranted compliance problems for the City and will be protective of beneficial uses in Wolf Creek. The City also supports the proposed reopener language to allow submittal and consideration of a dilution study in the future to address the actual harmonic mean dilution which occurs in Wolf Creek in the establishment of human-health based effluent limits.

The City has the following specific comments pertaining to the revised Tentative Order and CDO and requests that the Regional Board make modifications to address these comments, as appropriate. In particular, the first comment is very important to address the City's ability to comply with final manganese effluent limits.

Comments on Revised Tentative Order and CDO

Cease and Desist Order Time Schedule for Manganese Effluent Limit

The City is currently unable to meet a final effluent limit for manganese of 50 ug/l in winter months due to the high levels of manganese in the Newmont Mining Corporation (Newmont) flow originating from the Drew Tunnel. As you know, the City has worked for years with your office to resolve the problems associated with the connection of mine drainage from the Drew Tunnel to the City's wastewater treatment plant. After extensive effort, the City and Newmont settled their litigation in January, 2009 and Newmont has agreed to separate its flow from the City plant and to obtain its own NPDES discharge permit.

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On March 19, 2009, Newmont submitted a letter to your office initiating the NPDES permit application process. The letter included a Report of Waste Discharge for a discharge of treated mine drainage. The time frame for the implementation of this project is now a matter of actions by Newmont and your office to move the proposed Newmont project forward and to complete the NPDES permitting process for the Newmont discharge. The City has completed the actions within its control to resolve the manganese problem and is committed to working with Newmont to move their project forward as soon as possible. However, the completion of the project which will resolve the City's manganese compliance problem is now beyond the City's control.

The City requests that the compliance date in the proposed CDO for the final manganese effluent limit be modified from March 1, 2010 to a date in the future that reflects the time that it will take for Newmont to complete its project, for your office to adopt an NPDES permit for the Newmont discharge of treated effluent, and for the Drew Tunnel discharge flow to be removed from the City's treatment plant. In the intervening period, the City requests that the interim limit for manganese be retained.

VI. Provisions, C. Special Provision 1. e. Reopener Provisions, Dilution/Mixing Zone Study

The City requests that the language in the second sentence of this provision be changed to state that the Regional Board "will reopen" rather than "may reopen" the permit (Order) to include effluent limitations based on an appropriate dilution factor. The City has provided information to date that indicates that a harmonic mean dilution credit is appropriate for the establishment of human health-based effluent limits in the City's NPDES permit. If additional information is submitted in response to this provision, at additional expense to the City, it is only proper that the permit shall be reopened to establish appropriate limits.

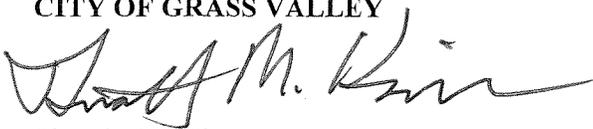
VI. Provisions, C. Special Provision, 6.f. Special Provisions for Municipal Facilities (POTWs only)

The City has a software system in place to automatically contact operators in the event of alarms generated at the wastewater treatment plant. As such, it appears that the proposed requirement described in Provision 6.f. is unnecessary and should be eliminated. The City requests that this action be taken, if appropriate.

In the event that a new system is required that exceeds the capabilities of the City's existing system, the City requests that the proposed deadline for installation of an electronic notification system for continuous recording device alarms be extended from December 30, 2009 to June 1, 2010 to allow adequate time to develop and implement this new system.

Thank you in advance for your careful consideration of the information provided in this letter.

Sincerely,
CITY OF GRASS VALLEY



Timothy M. Kiser, PE
Public Works Director/City Engineer

Cc: Tom Grovhoug, Larry Walker Associates