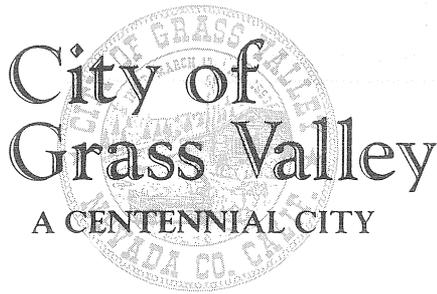


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PUBLIC WORKS DEPARTMENT

Engineering Division



April 15, 2010

Mr. Josh Palmer  
Water Resource Control Engineer  
California Regional Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive #200  
Rancho Cordova, CA 95670

**Subject: City of Grass Valley Comments on March 11, 2010 Tentative Cease and Desist Order for the City of Grass Valley Wastewater Treatment Plant (NPDES Permit No. CA0079898)**

Dear Mr. Palmer,

The City of Grass Valley (City) appreciates the opportunity to submit comments on the March 11, 2010 Tentative Cease and Desist Order (CDO) for the City of Grass Valley Wastewater Treatment Plant (WWTP). The City supports the major provisions of the tentative CDO and believes that the proposed time schedule will result in the WWTP's compliance with final effluent limitations in the City's National Pollutant Discharge Elimination System (NPDES) permit (CA0079898, Order No. R5-2009-0067).

The City requests that the Regional Water Board extend the compliance schedule to June 12, 2014 from the proposed compliance schedule expiration of May 31, 2014 so that the CDO will expire at the same time as the City's current NPDES permit. The City believes that this will minimize potential confusion with the applicable effluent limitations.

The City would like to remind the Regional Water Board that compliance with final effluent limitations for manganese and nitrate + nitrite will ultimately depend on the efforts currently undertaken by Newmont USA Limited (Newmont) to build its own treatment facility to divert Drew Tunnel discharge from the WWTP for treatment. Newmont submitted a Report of Waste Discharge to the Regional Water Board to apply for an NPDES permit for its treatment facility. Newmont also conducted preliminary bench and pilot tests on the Drew Tunnel discharge to determine the most feasible method of metals removal. Because the removal of the Drew Tunnel discharge is out of the City's control, the City appreciates the language in the CDO that allows for future modification of the compliance schedule in the event that the removal of the Drew Tunnel discharge does not occur before the expiration of the compliance schedule (CDO page 6, Item 2).

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Since the City completed its upgrade of the WWTP disinfection facility, the City has complied with its final effluent limitations for chlorodibromomethane, cyanide, dichlorobromomethane, and total coliform, which were all constituents with compliance schedules in the City's previous CDO (Order No. R5-2009-0068). The City will continue to explore options for attaining compliance with final manganese and nitrate + nitrite effluent limitations as Newmont works to remove Drew Tunnel discharge to the WWTP.

Finally, one issue that recently arose in regards to the final effluent limitations for nitrate + nitrite is that the City received a Notice of Violation (NOV), dated February 22, 2010, from the Regional Water Board NPDES Compliance and Enforcement Unit. The NOV classified the WWTP effluent average monthly nitrate + nitrite concentration (11 mg/L as N) in December 2009 as a violation of the City's final effluent limitation for nitrate + nitrite (10 mg/L as N) in its NPDES permit. In December 2009, the City's previous CDO (Order No. R5-2009-0068) was in effect and contained an interim daily maximum effluent limitation of 17 mg/L as N. No effluent nitrate + nitrite sample exceeded the interim effluent limitation. Because the interim effluent limitation was in effect until March 1, 2010, the City contends that nitrate + nitrite did not exceed the applicable effluent limitation in December 2009. Further, as a result of the new CDO, the City would expect that compliance with the provisions of that order will avoid further notifications of violations. This is particularly important in this case where the effluent quality in question is connected to the elimination of the Drew Tunnel discharge.

The City greatly appreciates the past efforts that you and your staff have made to assist our efforts to address the final effluent limitations compliance issues associated with the Drew Tunnel discharge and to address other site specific aspects of the City's discharge. If you have any questions, or need further information, please contact me at (530) 477-4625.

Sincerely,

**CITY OF GRASS VALLEY**  
Public Works Department

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

By: 

Trisha Tillotson  
Senior Civil Engineer

Cc: Diana Messina, Central Valley Regional Water Quality Control Board  
Jim Marshall, Central Valley Regional Water Quality Control Board  
John Wright, City of Grass Valley  
Mike Healy, City of Grass Valley  
Tom Grovhoug, Larry Walker Associates  
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