

FRIENDS OF THE NORTH FORK

7143 Gardenvine Avenue
Citrus Heights CA 95621

March 20, 2013

Elizabeth Thayer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive #200
Rancho Cordova
California 95670

Re: Colfax POTW February 19, 2013 Notice
NPDES Permit No. CA0079529

Dear Ms. Thayer,

Friends of the North Fork ("Friends") was a party in the last renewal of this permit and requests designated party status again. We incorporated in 2005 as nonprofit organization with the purpose of protecting the North Fork American River watershed. We have one board member who owns property on Sorefinger Point and another who owns property between the point and where discharges from the Colfax POTW enter the river, both whose families take drinking water from the river. In 1999 I walked by this point of river entry to experience the foul smell caused by the POTW. Friends has a lengthy track record of efforts to protect the watershed, including party status contesting terms in Colfax POTW orders of Central Valley Regional Water Quality Control Board ("Board").

Need for additional public involvement public involvement and extension of comment period and evidence submission deadline

We request a 30-day extension of time to submit evidence and comments. The comment period for this permit is itself inadequate for Friends and for the public. The Board needs to also provide a workshop in Colfax for the public where the proposed permit and order are explained and where questions may be asked. Further, the applicant and the Central Valley organization representing sanitation districts have had an opportunity for review and comment on certain aspects for the drafts. Of critical need for Friends is that Friends meet with Board staff and, if they want to, Colfax, to discuss our issues and ask questions.

WDR Order Issues

A. The discharge point location is by itself inadequate. Having the single POTW discharge point in the unnamed tributary is inappropriate and is inadequate for

the purpose of protecting the quality of the waters of the State including the North Fork American River. Friends proposes that the remedy for this problem is for the POTW to have two discharge points, the existing one and a second one being where the discharges from the POTW enter the North Fork. It is this second point, for example, that there should be monitoring at, above and below the point of river entry.

B. The draft order erroneously provides that industrial pretreatment requirements are not applicable and there appears to be little or no viability of the program in this Board's region and little or no attention to the program at State Board level.

The Colfax NPDES permit needs at minimum to include an investigation of possible industrial sources of pollution with a reopener clause to include a pretreatment program as necessary, and we believe it is. Below is a 2011 Colfax industry street survey. Web pages for two major printing industries that are located in Colfax are also below. The Colfax operation is in regular limits violation for printer element copper and at least one time for aluminum.

Colfax street survey:

Canyon Way

- Plaza Tire and Auto – auto and truck tire and mechanical repair.
- Winner Chevrolet – auto and light truck sales, full service vehicle repair
- 2 Restaurants
- Vehicle Tow service (AAA)
- Hills Flat – sales of Lumber, nursery, and hardware; tool and equipment rental business, industrial and shipping center (empty)
- Sierra RV center – RV and travel trailer sales and service.
- Chevron Fuel station (no repair)
- Valero fuel station (no repair)
- Office and business, industrial, and shipping Center center (empty)
- 2 restaurants
- Auto repair
- restaurants
- Amerigas Propane yard
- Loomis tank sales yard
- Unused equipment yard

Hwy 174

- Hickey auto body repair and auto painting
- Colfax food and gasoline
- All Phase auto repair
- Caltrans equipment yard
- Restaurant/bar
- Down the hill by the RR tracks
- 2 large warehouse/industrial buildings – appear empty'
- large equipment/truck yard – active

Main Street

- Suburban Propane yard
- Marine/motor repair/machine shop
- Farm store
- Nursery/grower's supply
- Railroad equipment yard and warehouse
- Main street business district
 - 4 restaurants
 - retail businesses

Church street

- Colfax Motor Sports (machine shop)
- Cabinet shop (in alley)
- Various warehouses and light industrial (in alley)
- Fire station

Grass Valley Street

- City of Colfax Corporate and equipment yard, and recycling center
- Winner Chevrolet auto body repair and auto paint shop

Railroad Street

- Empty industrial/warehouse building (old cold storage building)
- Mostly empty old fruit shed – light industrial and commercial
- RJ Miles – gravel yard, equipment and truck yard
- Union Pacific Railroad – rail yard, equipment and truck yard, general dump area

Auburn Street

- Verizon telephone switch center and truck yard
- Transmission repair center
- Drycleaners – I don't know if they clean on site
- Restaurant
- Hansen Brothers – general landscape material, gravel, equipment rental, truck and equipment yard
- fueling station (no repairs)
- 7 restaurants
- retail and grocery
- commercial laundry
- Colfax Car Wash
- County public works maintenance station – truck and equipment park and repair, road material storage
- Lorang Brothers – construction truck and equipment storage and repair
- Fox barrel Cider maker and sales room
- empty light industrial spaces

Whitcomb Ave

- Riebes Auto Parts
- Sierra Horticulture -- ??
- Several empty commercial/light industrial buildings
- GKM – industrial printing
- Tully Wihr Inc – industrial printing

(end of survey)

The last two industries of the survey are examples of industries in Colfax that have Categorical Standards:

1) GKM – industrial printing, Web page:

<http://www.gkmcop.com/>

From GKM web pages:

GKM Corporation

986 S Canyon Way, Colfax, CA 95713

(530) 823-7070

2)Tully Wihr Inc – industrial printing (web page:

<http://tullywihr.com/>

From: <https://twweb.tullywihr.com/forms/contact/contact.html>,

Corporate Office

Colfax

148 Whitcomb Avenue Colfax, CA 95713 800 -789-6594 or 530-346-2649 530 -346-8187 Fax

At a meeting in 2011 Friends presented its concerns about the need for an industrial pretreatment program to the Board enforcement officer and enforcement staff and counsel. At the following Colfax order hearing staff was questioned about pretreatment and a board member also asked at least one question of staff.

On January 31, 2013 we suggested the need for a pretreatment program for this permit and asked for a meeting, and we were directed to this comment period.

We have not received any verbal or written acknowledgment that our pretreatment complaints have been investigated, responded to, or documented as required in the 1989 California NPDES program approval and industrial pretreatment program delegation from USEPA.

Indeed, Friends has not seen a report of discussion industrial pretreatment on the (regional) Board agendas we have been receiving for a number of years. We have asked the State Board gto identify industrial pretreatment agenda items, but none have been identified to us.

The proposed permit to support its "Not Applicable" determination with any facts or explanation is unjustified in light of our raising the issue with the Board, and the draft permit and Board inattention to our concerns suggest to us that the pretreatment delegation is not being implemented and that the delegation should be removed form the state.

C. The permit needs to require the content and monitoring of sludge, biosolids and all other removals and the disposition of the materials. The content of process, physical and all other removals from the waste stream needs to require testing and monitoring, identification of the class or category of the materials, method of transport, location of disposition, identity of disposition site and company, classifications of the disposition site.

D. The proposed infiltration and inflow language should not allow the possibility of terminating any further I & I correction. Only partial I&I is addressed. The proposed order would violate Clean Water Act Infiltration and Inflow regulation sections 40 CFR 35.927, 35.927-1 and 35.927-2.

E. The actions of the Board under the existing permit and its enforcement and the draft permit demonstrate that the Board is improperly willing to allow the quality of the waters of the North Fork to deteriorate. For example, as we understand it, staff has indicated that it and the board are not required to protect the drinking water quality of the North Fork from Colfax discharges. The permit needs to address and correct this including identification of public and private water supplies taken from the river below where the discharge enters the river.

F. The proposed permit does not contain limitations, standards or other controls on pollutant discharges designed to and necessary to protect wildlife. Wildlife require protection from discharges that affect them that are independent of controls designed to protect humans.

G. The draft fails to protect California Species of Concern and Threatened Species, the fishery and the macro invertebrate assemblage. Colfax discharges affect areas where there are field sightings of the foothill yellow legged frog, California newt, garter snakes, western pond turtles, and robust macro invertebrates, and a rainbow trout fishery. The Department of Fish and Wildlife has expressed its concerns of this nature, but the Board appears to have ignored them.

H. The draft fails to address unregulated drinking water and unregulated water quality contaminants. The status of state and regional board activities such as contaminants of emerging concern and their relationship to the POTW is necessary.

I. The background, facility description, and minor discharge classification require revision and major changes. The permit needs to be set in the context of the North Fork, the Auburn State Recreation Area and recreation amenities, and other public uses and plans of the area into which the discharges flow. The decades of Colfax past on ongoing and current violations need to be described in detail including the manner in which the proposed permit addresses and doesn't address them.

J. The description and permit need to describe and address that the POTW discharge appears to enter the same ravine as storm water runoff from the Colfax.

K. The management of mercury in the permit needs to address the Delta and development of the current statewide mercury TMDL, and the American River Mercury TMDL program that was started and withdrawn after its CEQA scoping notice was issued.

L. Individual description is needed if the discharges from the earlier Colfax POTW entered a different watershed.

M. The permit needs to incorporate by reference all standards and other protections that are adopted by the Boards.

.N. All draft permit terms and conditions without factual presentation and explanation and with conclusory remarks are inadequate.

Sincerely,

/s/

Michael Garabedian, President
916-719-7296.