

ITEM: 8

SUBJECT: United Auburn Indian Community, Auburn Rancheria Casino Wastewater Treatment Plant, Placer County

BOARD ACTION: *Consideration of NPDES Permit Revision and Cease and Desist Order.*

BACKGROUND: The United Auburn Indian Community owns and operates a wastewater collection, treatment, and disposal system, and provides sewerage service to the Auburn Rancheria Casino, a gaming and entertainment facility. The tertiary treatment system consists of an influent pump station, headworks (flow measurement and fine screening), immersed membrane bioreactor (IMB), and ultraviolet light disinfection. The IMB combines an anoxic zone, aeration, clarification, and membrane filtration into a single tank. The filtration stage is a microfiltration process, in which wastewater is pulled by vacuum through membranes. Sludge is dewatered in sludge stabilization basins and disposed off-site. Treated municipal wastewater is discharged to an unnamed tributary of Orchard Creek, Orchard Creek, Auburn Ravine, the East Side Canal, the Cross Canal, and the Sacramento River. Treated wastewater is also used to irrigate on-site landscaping for exterior decorative fountains and toilet flushing within the gaming facility.

Revised NPDES Permit

The permit includes new limitations for copper, bromoform, dibromochloromethane, dichlorobromomethane, persistent chlorinated hydrocarbons pesticides, aluminum, atrazine, boron, fluoride, methylene blue active substances (MBAS), sulfate, arsenic, total trihalomethanes, electrical conductivity, and total chlorine residual.

Cease and Desist Order

The proposed Cease and Desist Order is included to provide compliance time schedules for meeting persistent chlorinated hydrocarbons pesticides, aluminum, atrazine, boron, fluoride, methylene blue active substances (MBAS), nitrate, sulfate, arsenic, total trihalomethanes, electrical conductivity, and ammonia limitations in the proposed permit.

ISSUES: 1. The Discharger requests the monthly average Effluent Limitation for ammonia be replaced by the monthly median limitation.

Monthly average limitations are required by federal regulations, 40 CFR 122.45. The monthly average limitation for ammonia is based U.S. EPA's Ambient Criteria for the Protection of Fresh Water Aquatic Life and use of a monthly median value allowing higher peaks would not be protective of the beneficial uses of the receiving stream.

2. The Discharger requests the language, stating that the Regional Board will review the workplan for adequacy and meet with the United Auburn Indian

Community to discuss any changes that may be required to achieve full compliance be added to the Cease and Desist Order.

Regional Board staff, the Indian Community, and the consultants have had good and open communication throughout the permitting process. Staff does not believe the requested language, agreeing to meet to discuss workplan adequacy, is necessary.

3. The Discharger requests the compliance date of 16 March 2006 for ammonia and nitrate be eliminated from the Cease and Desist Order.

The existing WDRs, Order No. 5-01-068, adopted in 16 March 2001, contain Effluent Limitations for ammonia and nitrate. Ammonia and nitrate limitations have been violated and effluent levels continue to present a reasonable potential to cause or contribute to an exceedance of permit limitations. The facility was designed to nitrify and denitrify, but has had some problems. Staff has included the compliance time period to allow for correction of any system or operational problems, which staff believes can and should be completed within the time allowed. Staff understands a desire for a longer compliance period to avoid any potential violations, however the Discharger did not present any technical explanation of why nitrification and denitrification cannot be achieved within the allotted time period. Compliance with ammonia and nitrate Effluent Limitations is required by 16 March 2006, which staff believes is reasonable. Compliance with the Cease and Desist Order exempts the Discharger from mandatory minimum penalties during the compliance period. The proposed Cease and Desist Order has been modified to include a separate full compliance date of 16 March 2006 for ammonia and nitrate.

4. The Tentative NPDES Permit was issued for public review on 22 November 2004. Consequently, the Regional Board staff received a letter requesting Designated Party status from Mr. John Branagh, adjacent land owner to the Auburn Rancheria Casino WWTP, on 10 January 2005. In this letter, Mr. Branagh expressed the concern that if the United Auburn Indian Community is not in compliance with the proposed permit, his property values will be affected. No specific concerns regarding the water quality were addressed in his letter.

Mgmt. Review _____
Legal Review _____

17-18 March 2005
Central Valley Regional Water Quality Control Board
11020 Sun Center Dr. #200
Rancho Cordova, CA 95670