

Sent: Thursday, October 09, 2014 9:08 AM
To: Madigan, John@Waterboards
Cc: Tang, Lila@Waterboards; Austin, Tamarin@Waterboards; Azimzadeh, Farhad@Waterboards; Brown, Kevin@Waterboards
Subject: Tentative Cease and Desist Order for City of Calistoga, Dunaweal Wastewater Treatment Plant, Napa County

Categories: Important

October 9, 2014

Mr. John H. Madigan, P.E.
Water Resources Control Engineer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Re: Tentative Cease and Desist Order for the City of Calistoga, Dunaweal Wastewater Treatment Plant, Napa County; Comments by California Fisheries & Water Unlimited

Mr. Madigan;

I thank the San Francisco Bay Regional Water Quality Control Board for their continued time and attention in the matter of the City of Calistoga Dunaweal Wastewater Treatment Plant, especially as it pertains to critical protections of the Napa River and its resources.

As you're aware, California Fisheries & Water Unlimited has standing in regard to the pollution of the State's waters of the Napa River by the City of Calistoga at the Dunaweal Wastewater Treatment Plant; see the Public Trust Complaint for Investigation by the late Bob Baiocchi of CF&WU, dated March 17, 2013, filed with the San Francisco Bay Regional Water Quality Control Board. CF&WU is also on record with your agency in opposing the discharge of any/all secondary-treated or tertiary-treated wastewater to the Napa River until all appropriate mitigation measures are in place that protect the beneficial uses of the State's waters of the Napa River, and in opposing select alternatives detailed in the Bypass Alternative Investigation Report of the City of Calistoga, dated June 24, 2013; see communications by Christina Aranguren of CF&WU, dated February 14, 2014 and June 5, 2014, filed with the San Francisco Bay Regional Water Quality Control Board.

At this time, CF&WU would like to reiterate its position on select alternatives of the Bypass Alternatives Investigation Report of the City of Calistoga of June 24, 2013, and respectfully submit into the administrative record new comment related to on-going problems created by the City of Calistoga Dunaweal Wastewater Treatment Plant which continue to affect the beneficial uses of the Napa River.

These include:

1. The opposition of any/all modifications to the City of Calistoga's NPDES Permit that would extend the seasonal discharge start and stop

dates to the Napa River. The Napa River is a federal Clean Water Act 303(d)-listed perennial Class 1, anadromous fisheries-bearing watercourse with threatened or impaired values, mainly due to fine sediment depositions, nutrients, and pathogens. It is not a sewer.

2. The opposition of any/all modifications that would increase the City of Calistoga's effluent pumping capabilities to the Napa River. It is not a city sewer, but an impaired, perennial watercourse capable of supporting anadromous fisheries and should be managed as such. Migratory fisheries are indicator species, highly sensitive to environmental disturbance such as reductions in water quantity, habitat alteration, and degrading water quality resulting from factors such as siltation or pollution, and provide early warning signs of ecosystem deterioration. Coho salmon became extinct in the Napa River watershed in the 1960's. Steelhead were listed as threatened in Napa County in 1997 under the Endangered Species Act and their populations are currently in severe decline. A very small Chinook salmon run still exists today. In the matter of water quality, CF&WU respectfully reminds the San Francisco Bay Regional Water Quality Control Board of its public trust obligations to native fisheries as well as to agriculture.

3. The opposition to increasing the landscape irrigation program by the City of Calistoga of its recycled wastewater at contracted water use sites and city and county-owned properties until the Regional Water Board has been determined that all known contaminants, including antimony, boron, ammonia, cyanide, mercury, copper, arsenic, chlorodibromomethane, dichlorobromomethane, salts, oil, grease, and PCB's, will not cause or contribute to soil and/or groundwater pollution, having the potential to affect public health and degrade local wells. It is critical to note that City of Calistoga recycled wastewater is currently being used as irrigation on many sports fields utilized by the public, including Calistoga's Little League Field, Logvy Community Park, Napa County's Mount St. Helena Golf Course, Calistoga Elementary School, Calistoga High School, and Community Presbyterian Church, among others. If local reports are accurate, then these sites are becoming more saturated as regulations at the Dunawall Wastewater Treatment Plant tighten. Other reports claim the loss of trees due to the use of the recycled wastewater; CF&WU urges investigation prior to agency support of this measure. CF&WU requests the specific data which detail any adverse effects to public health from continued recreation on sports fields, lawns, golf courses, et al originating from the irrigation of recycled wastewater containing the nuisance pollutants (above), with particular regard to the specific effects upon children's health.

4. The support of the demolition and relocation of the City of Calistoga's Riverside Ponds due to their proximity to the sensitive riparian environment of the adjacent Napa River and the potential for seepage, percolation, flooding, and/or uncontrolled discharges, and their proximity to agriculture and wells, pursuant to the Clean Water Act of 1972. CF&WU also supports the subsequent and thorough restoration of the site to original conditions;

5. The support of immediate posting of visible signage at all city/county borders to the Napa River which are located adjacent and/or

south of the Dunaweal WWTP in order to prevent human contact and protect public health until the time when the public can be assured of the safety of the State's waters. (Please note that in the course of light conversation, I have heard testimony from two credible sources who have casually inspected the Napa River adjacent the Dunaweal WWTP; each required antibiotics following their respective treks. Whether the consequences are coincidental or not remains undetermined; any identifications and details may be provided, pending permission);

6. The support of immediate notification to all downstream water users that bypass the State's waters of the Northern Napa River for irrigation, frost protection, or other purposes of current violations by the City of Calistoga;

7. The support of new technologies and related equipment to remove nuisance pollutants at the Dunaweal WWTP prior to its wastewater entering the Napa River environment, and/or soil or groundwater at recycled irrigation sites;

8. The support of immediate new limitations on boron levels for any/all wastewater discharge(s) within the greater Napa County;

9. The support of the immediate implementation of a 2001 Agreement Between the City of Calistoga and The Calistoga Spas to identify, monitor, and meter the City of Calistoga's commercial geothermal water users, effectively reducing geothermal inflows to the wastewater collection system;

10. The support of an immediate, city-wide moratorium on any/all proposed or approved construction within the City of Calistoga limits until the public can be assured that the Dunaweal WWTP is in full compliance of state and federal statutes which affect water quality -- in dry, very dry, and multiple drought years -- and that future violations will not occur under the increased load(s). Calistoga's City Manager made this point clear at a January 7, 2104 City Council meeting when he confirmed that a new effluent storage treatment pond would resolve current storage deficiencies, making it evident that new development would further stress capabilities of the Dunaweal WWTP and would require additional measures.

11. The support of mandatory minimum penalties for current violations in order to provide incentive against future violations of the City of Calistoga's NPDES Permit, since last year's penalty (\$6,000 in fines for violations of elevated antimony levels, March, 2013) does not appear to have influenced changes in city practices. In addition, the on-going drought and effects of climate change may further increase the City of Calistoga's need to discharge in a manner contrary to that described in their NPDES Permit;

12. Lastly, pursuant to PRC 4582.71, CF&WU urges the San Francisco Bay Regional Water Quality Control Board to uphold its public trust obligations and duty to protect the beneficial uses of the State's waters in denying THP 1-13-126 NAP, and to make Napa Valley history in doing so.

No state agency may be more aware of the seriousness of the City of Calistoga's current situation than the San Francisco Bay Regional Water Quality Control Board. Continuing water rights litigation, severe water supply limitations, critical wastewater treatment plant deficiencies requiring emergency discharges of effluent to an already-impaired Napa River, and on-going pollution of nuisance constituents (primarily geothermal in origin) continue to plague the community and the Northern Napa River watershed. Despite the enormity of its problems with infrastructure, city management has been focused upon aggressive resort development, ignoring the salient fact that the small municipality is simply incapable of handling the added load, and making it vulnerable to violations of the federal Clean Water Act. If a July 15, 2014 study by the UC Davis Center for Watershed Sciences is correct and a fourth year of drought is likely to continue through 2015 regardless of El Nino conditions, then the Napa River watershed and the larger community of Calistoga is at tremendous risk.

The people of the State of California request relief from their San Francisco Bay Regional Water Quality Control Board. I urge agency support.

Respectfully submitted,

Christina Baiocchi Aranguren
California Fisheries & Water Unlimited

cc: Bruce H. Wolfe, Chief Executive Officer; SFBRWQCB
Lila Tang, Chief, NPDES Wastewater Division; SFBRWQCB
Tamarin Austin, Legal Counsel, SFBRWQCB
Farhad Azimzadeh, NPDES Enforcement Officer, SFBRWQCB
Kevin Brown, PG, CEG, SFBRWQCB

bcc: Interested Parties