

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2007-0143

AMENDING WASTE DISCHARGE REQUIREMENTS  
ORDER NO. R5-2005-0032  
NPDES NO. CA0084697

FOR  
UNITED AUBURN INDIAN COMMUNITY  
AUBURN RANCHERIA CASINO  
WASTEWATER TREATMENT PLANT  
PLACER COUNTY

The California Regional Water Quality Control Board, Central Valley Region (hereafter Regional Water Board) finds that:

1. Waste Discharge Requirements Order No. R5-2005-0032, NPDES No. CA0084697, was adopted 17 March 2005, prescribing waste discharge requirements for the United Auburn Indian Community (hereafter Discharger), Auburn Rancheria Casino (Thunder Valley) Wastewater Treatment Plant, in Placer County.
2. The Discharger collects, treats, and disposes a maximum of 0.35 million gallons per day (mgd) of wastewater from several restaurants and the casino gaming facilities. The wastewater is discharged to an unnamed tributary of Orchard Creek, which is tributary to 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 for toilet flushing within the gaming facility.
3. Order No. R5-2005-0032 contains Finding No. 8, which describes the beneficial uses and ephemeral nature of the unnamed tributary of Orchard Creek, which receives the discharged wastewater. The unnamed tributary of Orchard Creek is an ephemeral stream in the absence of the discharge. The beneficial uses of the unnamed tributary of Orchard Creek must be protected, but no credit for receiving water dilution is available.
4. Order No. R5-2005-0032 contains Provisions I.5 and I.6, which provide time schedules to meet Effluent Limitations C.2 for copper, bromoform, dibromochloromethane, and dichlorobromomethane. The final compliance date is 11 March 2008.
5. The Discharger has increased copper monitoring of the discharged wastewater and of waste streams before they enter the treatment plant to provide more information on sources of copper. The Discharger has conducted research and has applied engineering techniques, copper corrosion inhibitors to the water supply, and metals precipitants at the treatment plant in the efforts to reduce copper concentrations.

6. The USEPA has acknowledged that some portions of dissolved metals, including dissolved copper, are not bioavailable. The USEPA has approved several scientifically defensible methods, including the Water Effects Ratio (WER) procedures, to derive site-appropriate metals objectives. The *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP) includes provisions for Development of Site-Specific Objectives, including the USEPA WER procedures.
7. The Discharger submitted a letter dated 25 June 2007, stating that the efforts to date have not resulted in effluent copper levels that would meet the final copper effluent limitation, which becomes effective 11 March 2008. In the 25 June 2007 letter, the Discharger reported that a WER Study may result in new information supporting site-appropriate copper toxicity criteria and effluent limitations that the Discharger will be able to achieve.
8. In the 25 June 2007 letter, the Discharger requested an extension of the copper effluent limitation compliance date of 11 March 2008. Order No. R5-2005-0032 expires 1 March 2010.
9. Due to the time remaining on the existing permit term, the Regional Water Board has considered this request and determined that an extension to the copper effluent limitation compliance date in Order No. R5-2005-0032 is appropriate.
10. The action to adopt or amend an NPDES permit for an existing facility is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.), requiring preparation of an environmental impact report or negative declaration in accordance with Section 13389 of the California Water Code.
11. The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to amend waste discharge requirements for this discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
12. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the waste discharge requirements amendment.
13. This Resolution shall amend Waste Discharge Requirements Order No. R5-2005-0032, NPDES No. CA0084697, pursuant to Section 402 of the Clean Water Act, and any amendments thereto, and shall take effect upon the date of hearing, provided USEPA has no objections.

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**IT IS HEREBY ORDERED** that Order No. R5-2005-0032 is amended solely to change the final compliance date for the final effluent limitation for copper in Provisions I.5 and I.6 from 11 March 2008 to 1 March 2010. The United Auburn Indian Community, its agents, successors and assigns, in order to meet the provisions contained in Division 7 of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the amended Order No. R5-2005-0032.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 26 October 2007.

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PAMELA C. CREEDON, Executive Officer