



19 October 2006

CERTIFIED MAIL
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Ms Joan Phillippe, City Manager
City of Colfax
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COMPLIANCE DEADLINE EXTENSION, ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2003-0167, 13267 ORDER TO SUBMIT INFORMATION, CITY OF COLFAX, PLACER COUNTY

Administrative Civil Liability Order No. R5-2003-0167 assessed mandatory penalties for violations of Waste Discharge Requirements Order No. 5-01-180 (NPDES Permit No. CA0079529) in the amount of \$351,000. The ACL Order allows the City, in lieu of paying the penalty, to complete a project to achieve full compliance with the permit by 14 June 2006. The ACL Order also allows the Executive Officer, at our discretion if reasonable conditions warrant, to extend the full compliance deadline by six months. Failure to provide full compliance by the deadline requires the penalty to be paid in full to the Regional Water Board.

The City submitted a letter dated 24 May 2006 requesting a six-month extension of the compliance date. The letter included plans and a time schedule to complete interim improvements by 14 December 2006, and then construct a new wastewater treatment facility by November 2007. The City has indicated that it would be in full compliance with the NPDES permit by 14 December 2006.

Given the City's financial situation and the magnitude of the penalty, we will grant the City the requested extension to provide the time to come into full compliance. However, even with the extension, we have concerns whether all the necessary interim projects can be completed, and that the projects will bring the City into full compliance with the NPDES permit by the deadline of 14 December 2006.

Our concerns are outlined below:

1. The interim tertiary wastewater treatment plant was initially constructed to allow dewatering of Pond 3, with the City intending to have the new facility come on-line in order to meet full compliance with the permit. The interim plant utilizes an unusual configuration for a tertiary plant. Effluent from aerated ponds, including the collected dam seepage, is currently dosed with chlorine for disinfection and polymer for coagulation, and the chlorine contact channel is used simultaneously for chlorine contact and secondary sedimentation. The effluent is then passed through sand filters that are more typically used in agricultural operations, and then is dechlorinated prior to discharge. We understand that the City has recently added

California Environmental Protection Agency

MS: Jean P. Huppé 10 October 2006

additional filter units to increase the capacity of that unit process. We inspected the facility with the Department of Health Services on 13 October 2006, and are waiting for its evaluation of the adequacy of the facility to meet permit limitations. Some of the areas of concern raised included the unusual treatment train, and that the filters may not have adequate media depth and expansion capability (for backwashing) to adequately treat the wastewater. The City must provide a technical report, signed and stamped by a Registered Civil Engineer in the State of California, providing information to demonstrate that the treatment process meets the requirements in Effluent Limitations B.1. for turbidity and coliform, B.2. requiring that the wastewater be settled, oxidized, coagulated, and filtered, or equivalent treatment provided, and that the facility will continue to adequately treat the expected higher flows throughout the winter season.

2. The seepage collection system at the base of the dam is not currently collecting all the seepage from Pond 3. Our staff inspected the area on 20 September 2006 and found seepage in the vicinity of the abandoned seepage treatment system that appeared to have bypassed the seepage collection system located up gradient of the area. At a follow-up inspection on 13 October 2006, our staff found the area of concern being excavated to install additional French drains to collect the seepage. Continued discharge of untreated seepage to surface waters is in violation of Discharge Prohibition A.1. and A.2., and is in violation of Cease and Desist Order No. 5-01-181. Additionally, the seepage collection system and pump are located at the base of the dam, adjacent to a creek. We are concerned about flood levels in the creek potentially inundating the seepage collection system, resulting in a discharge of wastewater to the creek. The City must provide a technical report, signed and stamped by a Registered Civil Engineer in the State of California, which provides information to demonstrate that the seepage collection system has been improved and that it is designed to substantially collect all the seepage from Pond 3, and to outline the level of flood protection that exists for the seepage collection system.
3. The City has historically had infiltration and inflow (I/I) problems into the collection system and directly into the treatment plant that inundated the facility during storm events. We remain concerned that the I/I problems have not been remedied, and the proposed ditch and Pond 3 lining projects intended to reduce additional seepage into the plant have not been completed. Therefore, flows at the facility are likely to again be high during the rainy season, and this may compromise the ability of the City to contain and properly treat all the wastewater and seepage. The City must provide a technical report, signed and stamped by a Registered Civil Engineer or Registered Geologist in the State of California, that provides information to demonstrate that the drainage diversion project will adequately divert storm runoff around the treatment ponds and prevent inundation and pond overflows.
4. The City is required to provide continuous flow monitoring of both the influent and the effluent pursuant to its NPDES permit. At this time there is a Parshall flume to monitor influent flow, but the flume design does not allow unobstructed flow immediately downstream, and may result in backups and inaccurate readings during high flow events. The City is in the process of modifying the device in an attempt to

improve its operation.

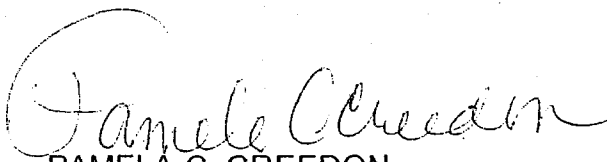
5. The facility utilizes chlorine for disinfection, and is required by the permit to provide continuous chlorine monitoring by 14 June 2006. The City proposed to install a continuous sulfur dioxide monitor in lieu of chlorine monitoring to demonstrate that excess dechlorination chemical residual is present in discharges. It appears that the monitoring system, including a flow recorder, will be completed and operational in order to be in compliance with the permit.
6. The monitoring and reporting program requires that influent BOD and suspended solids monitoring be conducted using a 24-hour flow proportional composite sampler. The City installed a composite sampler that was not capable of collecting flow proportional samples. We understand that this is also being corrected.

The City indicated, in its letter dated 24 May 2006, that it was proposing to add 10 connections to the collection system in the second half of 2006 and an additional 40 connections in 2007 prior to completing the new treatment plant. We are concerned that additional connections to the plant may exacerbate any compliance problems and we do not recommend the City allow growth pending resolution of the compliance issues at the facility. Based upon your conversation with my staff on 12 October 2006, we understand and appreciate that the City does not plan to approve additional connections pending obtaining the renewed NPDES permit and resolution of these issues.

The City must provide a technical report by **15 November 2006** to address our concerns and demonstrate that the changes needed to meet full compliance will be completed by 14 December 2006.

Finally, we propose to include an **informational item on the agenda for the 7/8 December 2006 meeting of the Regional Water Board**, to discuss compliance issues regarding the City of Colfax. The City and other interested parties will be provided an opportunity to make presentations for the Board and to discuss any concerns they may have regarding the facility. Further information on this agenda item will be provided at a later date.

Please contact Patricia Leary at (916) 464-4623 if you have any questions in this regard.


PAMELA C. CREEDON
Executive Officer

cc: Frances McChesney, State Water Resources Control Board, Sacramento
Mark Bradley, Office of Enforcement, State Water Resources Control Board, Sacramento
Carl Lischeske, Department of Health Services, Sacramento
Motherlode Chapter, Sierra Club, Sacramento
Senator Dave Cox, First Senate District, Sacramento
Mr. and Mrs. Allen Edwards, Colfax
Mr. Bill Jennings, Watershed Enforcers, Stockton