



PLACER GROUP

P.O. BOX 7167, AUBURN, CA 95604

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May 8, 2006

Robert Schneider, Chair
California Regional Water Quality Control Board
11020 Sun Center Drive, # 200
Rancho Cordova, CA 95670-6114

Dear Chairman Schneider:

We are writing this letter to express our concern about historic and ongoing pollution from the City of Colfax Waste Water Treatment Plant. The public records make it clear that, during its 27 years of operation, this plant has violated its permit conditions thousands of times, and spilled or leaked hundreds of millions of gallons of polluted water. Pollution from this plant has destroyed habitat, contaminated downstream riparian areas, and sent huge volumes of polluted water into the American River.

Protecting water quality is a key component of protecting the country's riparian environments. With that in mind, Sierra Club, along with many other individuals and organizations, worked with lawmakers to develop our state and federal water quality laws. While those laws may not be perfect, they represent part of a heroic effort to save our nation's natural heritage.

Your agency has a legal mandate to enforce state and federal water quality laws at the Colfax treatment plant. Your agency recognized in the first months of its operation that the Colfax plant was creating substantial amounts of pollution. And you have received month after month of monitoring reports from Colfax documenting the ongoing pollution from the plant. Yet during the 27 years of your mandated oversight of the Colfax plant, you have yet to collect a single fine, and, in essence, have yet to punish Colfax for its repeated violations of water quality laws.

Within the next few months, the Colfax treatment plant will come before your board for re-permitting and review of its 2001 Cease and Desist Order. Colfax has failed to upgrade the treatment plant as ordered, and continues to violate its effluent limits. But despite the abysmal performance at the plant, Colfax has continued to add sewage hookups: adding over 20% since the order was issued, and poised to add another 30% or more in the near future. In addition, by failing to fix its treatment plant as you ordered, Colfax is saving

millions of dollars in construction costs, hundreds of thousands of dollars in annual interest expenses, and collecting on new hookups.

It is time (and past time) for your Board to fulfill its mandate and act aggressively with regard to the Colfax treatment plant. We ask that you and your board take the following actions:


Order an immediate moratorium on all sewer hookups within the City of Colfax -- This moratorium should stay in effect until Colfax demonstrates that it has completely upgraded its plant as ordered in the current Cease and Desist Order, and has operated the plant without discharge violations for at least one year (allowing the plant to prove its workability during a wet and a dry season).

Institute fines for violations of the current permit and Cease and Desist Order -- The City should be fined for all violations of the permit and order, using the maximum fines described in the year 2000 Migdon law as a guide for fine amounts.

Require restoration of the discharge stream (Smuther's Ravine) -- Damage has occurred to the riparian ecosystem by the long-term discharges of polluted water into Smuther's Ravine.

State and Federal water laws are in place to protect the environment. At the Colfax sewage treatment plant, those laws have not been enforced; the City has become a repeated and flagrant water law violator; thus, the environment and downstream water users have suffered. Meanwhile, hookups continue and revenue is generated in a "business as usual" atmosphere which only exacerbates an already intolerable situation. We ask that you fulfill your mandate with immediate actions to enforce water quality laws at the Colfax Wastewater Treatment Plant. Thank you for your attention to this matter.

Sincerely,



Marilyn Jasper, Chair, Placer Group

Cc City of Colfax
Bureau of Reclamation
Jay Galloway, Superintendent, Auburn State Recreation Area
Don Mooney, Esq.
Save the American River Association (SARA)
Placer County Board of Supervisors
Placer County Environmental Health