

City of Colfax
Comments on Proposed Order Requiring City to
Cease and Desist from Discharging Contrary to Requirements

The city has reviewed the proposed cease and desist order. We believe that the basis of the proposed order is flawed and request that the order not be approved.

The city offers two points.

The first addresses the October 2008 mandate to cease wastewater seepage from the storage reservoir. The city has previously committed to lining the reservoir (Pond 3). The interim tertiary treatment plant was constructed and put on line in August 2005 to allow for dewatering of the reservoir which was substantially accomplished by November 2005. The dewatering was necessary to conduct the necessary geotechnical studies to enable design of the lining project. However, as the dewatering process was approaching completion, the plant experienced tremendous inflow of water due to an extremely wet 2005/6 winter season. We have not been able to complete the dewatering process since that time. Now, in making every effort to get the new plant under construction, the city is on the threshold of beginning that construction. It is critical that the storage reservoir remain in operation during the construction of the new plant. The existing interim plant will continue in full operation during the entire construction of the new plant. To take it "off-line" to stop the seepage puts the city in an extremely precarious position. Ponds 1 and 2 have a combined storage capacity of five million gallons as compared to the 69 million-gallon capacity of the reservoir. It is not possible to continue operation of the existing plant without the benefit of the reservoir. To do so puts the city in an almost certain position to be in violation of the permit and certainly creates potential for downstream degradation.

The point is: the city needs the reservoir in operation during construction of the new plant to provide a failsafe operation and treatment storage in the event of a system disruption. The reservoir is an integral component in addressing any catastrophic occurrence.

The city has previously provided a time schedule indicating that the pond could be lined by November 2009. This assumes that construction of the new plant can begin on July 1, 2007* with targeted completion being August 2008. On completion, dewatering of ponds 1 and 2 will occur for maintenance, patching and permanent pump back facilities. This process is anticipated to cover three months from August 2008 to mid-November 2008. The new plant would then be used to dewater the reservoir and remove the sludge by routing through the new belt filter press preparing for construction of the pond liner August 2009 through November 2009.

The second point focuses on the premise of the proposed cease and desist order itself. The city takes the position that it is in compliance with the current mandates. All of the seepage is now captured and pumped back to the treatment plant for treatment. There is no seepage bypass of the collection system discharging to surface water. There is no violation.

The proposed order for the FIRST time indicates to the city that Regional Water Quality Control Board (RWQCB) staff believes that ". . . it is possible that wastewater seepage bypasses this

collection system or occurs at other locations and discharges to surface water in violation of Discharge Prohibition A”. There is absolutely no evidence of this. On what basis is this statement made?

In fact preliminary evidence suggests that the seepage may not be coming from the reservoir at all and may in fact be groundwater. The city refers to a March 2004 City of Colfax Wastewater Treatment Plant Geology, Soils, and Seismicity study prepared by Brown and Caldwell that states: “Current conditions indicate that infiltration of fluids through the bedrock material to the underlying groundwater from the unlined surface impoundments is **minimal to non existent.**” (Emphasis added). Combined with the analytical results of a chemistry analyses conducted by the RWQCB staff October 12, 2006 at four sites and provided to the city after request on June 4, 2007, there is certainly preliminary evidence that suggests the constituents in the pond and the water at the toe of the dam are not the same. The fingerprints of the water from the four sample sites clearly indicate similarities in the creek to seepage waters and in the treated effluent to reservoir waters. There is no similarity between the reservoir and seepage waters.

Granted further testing must be done to determine whether the October 2006 set of samples is representative or not. And, the city also grants the fact that other constituents need to be analyzed as well to ascertain with certainty the waters are different.

If the result of the tests show that the seepage is groundwater and not reservoir water, and if there continues to be seepage after the reservoir is dewatered, it may not be possible to stop the seepage.

A cease and desist at this point without substantiating data is premature at best. At a projected cost of approximately \$9 per month per EDU to line the pond, there is an obligation on all sides to make certain there is quantifiable justification for the expense.

* Dependent on receiving SRF Plan and Specifications approval so that bid can be awarded