

**Friends of the North Fork**  
7143 Gardenvine Avenue  
Citrus Heights, California 95621-1966

June 15, 2007

Central Valley Regional Water Quality Control Board  
11020 SunCenter Dr. #200  
Rancho Cordova, California 95670

Re: California Environmental Quality Act concerns  
Colfax wastewater NPDES No. CA0079529  
June 21, 2007 Board Agenda

Dear Board:

The public and the board do not have necessary CEQA analysis with which to make a properly informed decision on this project. It is the board's responsibility to get a CEQA document circulated for comment with the non-exempt board's water quality issues covered in it. If the Board disagrees about its CEQA responsibilities, we nonetheless urge the Board to address these issues in the permit.

Friends of the North Fork is a California nonprofit incorporated February 2005 to preserve the wildness and beauty of the North Fork American River. Our board members have for many years hiked, biked, floated, swam, explored, protected and lived near North Fork waters, trails, cultural, historic, fish & wildlife, visual and its other physical and biological resources.

It is necessary for the public that the discharges into the North Fork and its tributaries by the Colfax wastewater treatment facilities be made the subject of monitoring.

The Colfax CEQA documents do not fulfill the board's needs regarding project aspects not exempted from CEQA by Water Code section 13389. A primary example of the need for this analyses is loading the intermittent watercourse, Smuthers Ravine, Bunch Canyon and the North Fork American River with flows that change miniscule and larger flows into significant watercourses and increases in the flows of the other watercourses below the project. Needed analyses include:

- Disclosure and analysis of the quality issues of receiving waters ("unknown tributary," Smuthers Ravine, Bunch Canyon, North Fork American, Folsom Reservoir, public and private drinking water intakes), such as watercourse classification, basin and other water quality-related

- plans and policies, uses and users of the waters including complaints, description of the results of existing water quality monitoring, etc.
- Cumulative impacts on the watershed of Colfax and other sewage treatment plants.
  - Disclosure and analysis of the Board's support of, use and policy on the use of sewage dams large and small on the watercourses, e.g. a 75-foot dam here plus two smaller ones, including dam safety regulation, monitoring and safety analysis of the leaking dam in this case.
  - The nature, location, volume and content/quality, history of discharges from the existing Colfax plant and extent of and absence of remedy from the project.
  - Project flow and loads analysis (1/06/06 memo "Flow and Loads Analysis").
  - Review of costs, timelines and comparative water quality factors relating to alternatives to the Board's project funding decision, such as piping Colfax sewage to the regional wastewater plant (e.g., see 7/29/05 memo, "Review of Facilities Plan and Discussion of Alternatives."
  - Existing odor problems caused by the plant along the discharge routes including at the side of the North Fork American River where I have been exposed to them as a hiker.
  - The Board's role protecting the public trust in the affected waterways.
  - Review of monitoring needs for affected watercourses.
  - Notification of downstream users when their water uses are negatively impacted.

The board must consider the appropriate mechanisms to see to it that its CEQA issues are addressed as part of its Public Resources Code section 21080.5 Certification, and for aspects of the project that are not exempt from CEQA, actions such as:

- (1) Assuming lead agency status,
- (2) Subsequent or supplemental EIR, or
- (3) At minimum assuring the preparation and circulation of an Addendum to the EIR covering these board issues by Colfax, or by the Board.

The State Board staff's 1/8/07 "Environmental Review Summary" does not consider mechanisms to address the Board's water issues. Further, the State Board did not submit comments, data or anything else to Colfax when Colfax prepared its EIR.

We conclude that CEQA is not functioning on this project and that the Central Valley Board needs to implement CEQA in an appropriate manner not, for instance, for its actions to assure compliance with treatment requirements, but for non-exempt project environmental impacts such as watercourse flow enhancements and any exercise of its authority based on state law and authority as distinct from its NPDES authority.

As a Responsible Agency the Board must:

- Describe for the lead agency the board's CEQA needs including its issues that must be covered in an EIR. It hasn't done so.
- Assure that the Board and public have the necessary CEQA documentation circulated for public comment before the Board acts. It hasn't done so.
- Make the necessary CEQA findings specific to its non-exempt statutory responsibilities. It hasn't done so.

Sincerely,

Michael Garabedian, President  
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