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12/9/09

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Re: Thunder Valley Comments

The Thunder Valley Casino plans to expand their operations in a \$1 billion project. Gaming analysts have estimated Thunder Valley's annual profits to be between \$400 million and \$500 million. (Sacramento Bee 8 January 2009).

The Casino's wastewater treatment plant which will be expanded from 0.35 million gallons per day (mgd) to 0.875 mgd to accommodate the increased discharges, which are regulated under an NPDES permit issued by the Central Valley Regional Water Quality Control Board (RWB), which has issued a tentative permit to allowing incharged discharge. The tentative permit shows chronic toxicity testing results demonstrate the discharge has a likely potential to exceed toxicity water quality objectives (page F-46). The tentative permit relaxes limitations for ammonia, arsenic, atrazine, boron, bromoform, chlorodibromomethane, copper, dichlorobromomethane, fluoride, MBAS, nitrate, persistent chlorinated hydrocarbon pesticides (except delta-BHC and endrin aldehyde), settleable solids, sulfate, total trihalomethanes, and turbidity which were present in the existing permit, Order No. R5-2005-0032 (pages F-50 and 51). And Time Schedule Order (TSO) states that "Immediate compliance with the new effluent limitations for cadmium, lead, and zinc are not possible or practicable". Why is Compliance with the limits for cadmium, lead and zinc not required under the TSO until 1 January 2015? So doing is death to fishes. The permit, Table F-2, shows that under the existing Order the Casino violated limitations for total coliform organisms, pesticides, aluminum, boron, electrical conductivity, copper, dibromochloromethane and pH. The RWB issued Administrative Civil Liability (ACL) Complaint No. R5-2006-0502 on 7 March 2006, which proposed to assess an administrative civil liability of \$435,000 against the Casino for violations of Order Nos. 5-01-068 and R5-2005-0032, but the penalty was reduced to paying a \$150,000 fine and work on a project to and complete the John D. Vincent Vernal Pool Preserve Enhancement Plan Supplemental Environmental Project. Why was the Casino given such lenience?

The RWB is allowing for a major expansion of the Casino's wastewater treatment plant to accommodate a \$1 billion project to build a hotel and other amenities anticipated to be complete in 2010. An expansion of the wastewater treatment plant will require significant design and construction, but the RWB is not requiring the Casino to build an expanded treatment system that can comply with permit limitations. Why not? The RWB is instead granting dispensation from regulations until January 2015 for the Casino to comply with wastewater discharge limits all the while polluting Orchard Creek and the Auburn Ravine. Why isn't the RWB mandating the Casino to design and construct a waste water treatment plant that can comply with discharge limits? Is such a plan part of the permitting process by RWB? It does not appear to be the case.

The City of Lincoln's wastewater treatment plant is visible from the Casino. The Lincoln wastewater treatment plant is recognized by the RWB as regional system with a much better compliance history than the Casino's operation. The RWB has allowed for extensive compliance schedules for the City of Auburn and Placer County wastewater treatment systems to encourage them to tie into the regional City of Lincoln wastewater system, actions that also polluted the Auburn Ravine. The RWB has adopted a reclamation policy stating that regionalization of wastewater facilities is a priority. The Regional Board's Executive Officer has stated numerous times in public presentations that wastewater regionalization is a high priority of the Regional Board. Yet, the Regional Board has done nothing to require or encourage the Casino eliminate their wastewater discharge and to connect to its neighbor, the City of Lincoln's wastewater treatment system. Why does the RWB not require the Casino to connect to this treatment plan?

The potential for salmon and steelhead being returned to the Auburn Ravine in great numbers is at its highest point ever with all flashboard dams in compliance with NOAA fish passage requirements. We are working with South Sutter Water District to install fish screens to enable fish to return to the Pacific Ocean to mature.

How does the *carte blanc* to pollute Orchard Creek and the Auburn Ravine given to the casino align itself with the only purpose for the existence of the RWB the guarantee of water quality in the Auburn Ravine and other California waterways? How?

Sincerely,

Thomas G.M. Bartos
President