

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260
Phone: (760) 346-7491

Public Notice No. 7-08-32
September 2, 2008
NPDES No. CA0104451

**NOTICE OF APPLICATION AND PUBLIC HEARING FOR
DISCHARGE PERMIT**

The following discharger has filed an application for re-issuance of a discharge permit under Section 402 of the federal Clean Water Act National Pollutant Discharge Elimination System permit program (33 U.S.C. § 1342), Board Order No. R7-2008-0020:

**NILAND SANITARY DISTRICT WASTEWATER TREATMENT PLANT
NILAND – IMPERIAL COUNTY**

The staff of the California Regional Water Quality Control Board, Colorado River Basin Region (Regional Water Board) has prepared a Draft Board Order, No. R7-2008-0020, for the above Discharger containing effluent and receiving water limitations and special provisions, in accordance with the federal Clean Water Act, 33 U.S.C. § 1251 et seq., and Division 7 of the California Water Code, commencing with Section 13000. This Draft Board Order amends the existing Board Order, No. R7-2003-0049.

In connection with the Draft Board Order, the Discharger conducted a Biological Assessment of the receiving waters for designation as a freshwater habitat and submitted it to the United States Environmental Protection Agency (USEPA) for approval. The discharger conducted the Biological Assessment in order to obtain relief from the more stringent effluent limitations prescribed in the existing Board Order, which are only applicable to salt water habitats. Since the Biological Assessment demonstrated that the receiving water would be more properly characterized as a freshwater habitat, the discharger sought USEPA approval for re-designation of the receiving water as a freshwater habitat. Despite this re-designation, all effluent limitations in the Draft Board Order are at least as stringent as the effluent limitations in the existing Board Order with the exception of copper and selenium. The effluent limitations for these two constituents meet freshwater habitat effluent limitation requirements. On July 14, 2008, the USEPA issued a tentative approval for the discharger's request to designate the receiving waters as a freshwater habitat, which is publicly noticed pursuant to this Notice.

The Regional Water Board will hold a Public Hearing on the Tentative Board Order during its regular meeting, which is scheduled as follows:

Date: November 19, 2008
Time: 10:00 a.m.
Location: City of Indio
City Council Chambers
150 Civic Center Mall
Indio, CA 92201

The Regional Water Board and USEPA will accept comments during a thirty (30) day public comment period, which begins September 5, 2008, and ends October 6, 2008. Persons wishing to submit comments on the Tentative Board Order are requested to do so as soon as possible, but no later than October 6, 2008, so that they may be given sufficient consideration. Comments should be mailed to the attention of Jose Figueroa-Acevedo at the address shown below or faxed to the office at (760) 341-6820.

California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
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Comments made in reference to USEPA's tentative approval letter and the Biological Assessment should be directed to:

Mathew Mitchell
USEPA
75 Hawthorne Street (WTR-5)
San Francisco, CA 94105

Affected stakeholders and other interested persons are invited to attend and express their views on this matter at the Public Hearing. Those who wish to speak at the hearing will be asked to fill out a speaker request card and provide it to Regional Water Board staff. In order to have adequate time for the presentations by Regional Water Board staff, however, comments from the public will be limited to five (5) minutes per person. If your presentation may take longer, please let Regional Water Board staff know before speaking so that the presentation can be appropriately scheduled at the hearing. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive. To ensure accuracy of the record, the Regional Water Board requests that any speakers who have prepared written statements for oral presentation at the hearing submit those statements to Regional Water Board staff before or during the hearing.

The application for re-issuance of the discharge permit, the existing Board Order, the Tentative Board Order, USEPA's tentative approval letter, the Biological Assessment, written comments received, and related documents may be inspected and copied at the Regional Water Board office. Contact Jose Figueroa-Acevedo, Water Resources Control Engineer, at (760) 776-8967 for any questions regarding this matter. Also, copies of USEPA's tentative approval letter and the Biological Assessment are available on the Regional Board's website at:

http://www.waterboards.ca.gov/coloradoriver/board_decisions/adopted_orders/boardorders2008.shtml

Interested parties are advised that the full text of the current NPDES Permit Board Order No. R7-2003-0049, and the Draft Board Order No. R7-2008-0020, are available on the Regional Water Board's web site at:

http://www.waterboards.ca.gov/coloradoriver/board_decisions/adopted_orders/. Under the heading of "Board Orders", select "Years 2003, and 2008" then Orders R7-2003-0049, R7-2008-0020, respectively. If you need a hard copy of these orders mailed to you, please contact Hilda Vasquez by phone at (760) 346-7491 or via e-mail at hvasquez@waterboards.ca.gov.

Any person who is disabled and requires special accommodations to participate in this Public Hearing, please contact Hilda Vasquez at (760) 776-8950 no later than ten (10) days before the scheduled Public Hearing.

Please bring the foregoing to the attention of anyone you believe may be interested in this matter.