

EXHIBIT B

Foster, Melissa A.

From: Sheth.Gary@epamail.epa.gov
Sent: Friday, December 07, 2007 10:23 AM
To: jill.yaeger@madera-county.com; jnishi@madera-county.com; Sykes, Marilyn M.;
lcarter01@comcast.net; alanandcarol@gmail.com; mgrossi@fresnobee.com;
agordus@dfg.ca.gov; egabriel@sierrastar.com; kzkranson@hotmail.com;
Jack.Niblett@chukchansigold.com; brewski@psnw.com; pugfan@sti.net;
polly_hayes@yahoo.com; hotshots@ocsnet.net; sierratech@sti.net;
ameen_khan@boxer.senate.gov; dharvey@waterboards.ca.gov; featherlitefws@oakhurst.net;
stairs@sti.net; Foster, Melissa A.; Brenner, Barbara A.; Hecox, Elizabeth; Campos, Michael;
midgm@madera-id.org; mirasierra@sierratel.com; DaleDrozen@sti.net;
jkipp@waterboards.ca.gov; elmerstoon@sti.net; Chris.Valadez@mail.house.gov; like1999
@att.net; caltekruise@caconsult.org; divirgilio@att.net; barbwirebob@sti.net;
lheffing@calpoly.edu; gchavez@rainforrent.com; ballew@sti.net; jhjfjellbo@sti.net;
gingerj@sti.net; byjupiter@sti.net; jstanovich@madera-county.com; daday@sierrastar.com;
BH195@sti.net; Flynn@sti.net; wwspock@sti.net; info@cfwatershed.org;
cathy.messerschmitt@madera-county.com; danielboland@aol.com
Subject: Response To Comments and Final Permit for Chukchansi WWTP
Attachments: Chukchansi Comment response Final11-30.pdf; ChukchansiFS11-30.pdf;
ChukchansiPermit11-30.pdf; ChukchansiPermitAppendix.pdf



Chukchansi
Comment response Fi .pdf (94 KB)



ChukchansiFS11-30



ChukchansiPermit11-30.pdf (131...



ChukchansiPermitA
ppendix.pdf (...)

Please find attached the Comment Response Document and the final NPDES Permit for the Chukchansi WWTP (NPDES Permit No. CA0004009), along with the final Fact Sheet. Within 33 days of the signing of the permit i.e. by January 5th 2008, any person who filed comments on the proposed permit may petition the Enviornmental Appeals Board (EAB) to review the conditions of the permit. The petition shall include a statement of the reasons supporting that review. Please see 40 CFR (Code of Federal Regulations) Section 124 and the revisions at 65 Fed. Register 30886 for complete description of the requirements regarding appeal of NPDES permits. If you would like to review or request any documents from the Administrative Record please contact Gary Sheth at the mailing address, telephone number, or email address below. The Comment Response Document, Final Permit and Factsheet are also available, or will be available shortly, on EPA Region IX 's Website at:
<http://www.epa.gov/region09/water/npdes/permits.html>

Thank you,

Gary Sheth
CWA Standards & Permits Office
Water Division, WTR-5
USEPA Region 9
San Francisco, CA 94105
Tel: 415.972.3516
Fax: 415.947.3545
email: sheth.gary@epa.gov

(See attached file: Chukchansi Comment response Final11-30.pdf) (See
attached file: ChukchansiFS11-30.pdf) (See attached file:
ChukchansiPermit11-30.pdf) (See attached file:
ChukchansiPermitAppendix.pdf)

EXHIBIT C

Foster, Melissa A.

From: Sykes, Marilyn M.
Sent: Monday, January 22, 2007 4:41 PM
To: 'sheth.gary@epa.gov'
Cc: Ron Pistoiresi (rpistoiresi@tmo.blackberry.net); midgm@madera-id.org; Rhonda Cargill (cargill@madera-id.org)
Subject: Draft NPDES Permit No. CA0004009 for the Chukchansi Gold Resort and Casino Wastewater Treatment Plant, 711 Lucky Lane, Coarsegold, California
Attachments: 4644_001.pdf



4644_001.pdf (222 KB)

See attached letter, which also being transmitted via first class mail.

Michael A. Campos
Stoel Rives LLP
770 L St., Suite 800
Sacramento, CA 95814
Tel: 916.447.0700
Fax: 916.447.4781
Email: macampos@stoel.com

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Sacramento, California 95814
main 916.447.0700
fax 916.447.4781
www.stoel.com

MICHAEL A. CAMPOS
macampos@stoel.com

January 22, 2007

VIA EMAIL AND FIRST CLASS MAIL

Gary Sheth
CWA Standards & Permits Office
Water Division, WTR-5
USEPA Region IX
75 Hawthorne Street
San Francisco, CA 94104

**Re: Draft NPDES Permit No. CA0004009 for the Chukchansi Gold Resort and Casino
Wastewater Treatment Plant, 711 Lucky Lane, Coarsegold, California**

Dear Mr. Sheth:

The Madera Irrigation District (the "District") appreciates the opportunity to comment on draft NPDES permit No. CA0004009 (the "draft permit") issued by the EPA on December 22, 2006 regarding the Chukchansi Gold Resort and Casino Wastewater Treatment Plant located at 711 Lucky Lane in Coarsegold, California. Because of the limited information provided and the volume of concerns that the District has regarding the draft permit, the District hereby requests, pursuant to 40 C.F.R. § 124.12(c), that EPA hold a public hearing on the draft permit to allow all concerned citizens ample opportunity to raise objections to the proposed discharge and/or the terms of the draft permit. In addition, the District requests that it be placed on the mailing list of interested persons to receive any future-issued information or notifications related to the draft permit, the discharger, or proposed discharges to Coarse Gold Creek, including notifications related to any upcoming public hearings on the draft permit.

The District concurs with the comments on the draft permit submitted by Ms. Joanne Kipps, Mr. Lloyd Carter, President of the California Save Our Streams Council, and the Madera County Resource Management Agency and incorporates the same herein. In addition, the District would like to point out that generally the Central Valley Regional Water Quality Control Board has not allowed surface water discharges of treated effluent when land application alternatives are available. And even in situations where the Regional Board has allowed such discharges, it has only done so with strict conditions, such as allowing such flows only during wet winter months when land application is not a viable discharge alternative due to extreme saturation, and only if a threshold dilution factor of the wastewater is met by naturally occurring flows (*i.e.*, there are

Oregon
Washington
California
Utah
Idaho



Gary Sheth
January 22, 2007
Page 2

large natural flows in the water to which the discharge will occur), just to name a few. (See, e.g., Order No. R5-2005-0319, NPDES No. CA0085146 (Oct. 20, 2005).)

Given the fact that the draft permit contains effluent limitations that are not sufficiently stringent for tertiary-treated wastewater (the proposed form of treatment by the discharger), does not contain adequate data regarding the volume and quality of receiving water flows, and does not specify the volume of water to be discharged to the waters of the United States, the District requests that EPA not finalize the permit as currently drafted. As noted above, at a minimum the District requests that EPA hold a public hearing on the draft permit to gather additional information regarding the public's concerns related to the terms of the draft permit and proposed discharge, and then revise the draft permit to incorporate such comments.

According to the draft permit, the WWTP is currently designed to treat 170,000 gpd of wastewater and actually treats 104,000 gpd. The treated wastewater is disposed of via recycling to the casino for use in toilet flushing and landscape irrigation or via sprayfield irrigation. The proposed conversion of the discharger's operation to Immersed Membrane Bioreactor (MBR) would include a design to treat 350,000 gpd and it would have an average flow of 235,000 gpd, more than twice the existing treatment and disposal capacity. However, the Fact Sheet and the draft permit do not expressly state the flow volume that is proposed to be disposed via surface water disposal, rendering the actual volume of wastewater proposed to be added to the Creek unknown, so assimilative capacity is unable to be determined. Instead, the Fact Sheet merely states "The increased treated flow will be split with some of the flow treated via existing contact chlorination and recycled for use in the casino toilets and irrigation, or sent for disposal via subsurface leachfields or sprayfield irrigation. The additional flow will be disposed as surface water disposal via a discharge point in a creek or drainage course on Tribal land, which passes to the south of the WWTP, ultimately feeding into Coarse Gold Creek."

In the Permit Application Summary (draft permit page 3), the information summarized therein indicates that all of the flow (up to 350,000 gpd) will be discharged to Coarse Gold Creek, but then states that "some of the wastewater may be used on the Reservation for irrigation or non-potable uses." Since the draft permit does not specify how much volume will be discharged to the Creek, and does not specify the volume that will be recycled or disposed of via land application, it must be assumed that the flows to the Creek will be 350,000 gpd.

The receiving water to which the proposed discharge will occur is an ephemeral stream with unknown rates of flow, which could potentially fluctuate from large flows during the wet, winter months to very low or no-flows during warm, dry times of the year, such as the summer months.



Gary Sheth
January 22, 2007
Page 3

The Fact Sheet for the draft permit (Fact Sheet Part III, page 2) notes that municipal (MUN) beneficial uses apply to the receiving water because it is a tributary to the Fresno River. Thus, the addition of an unknown volume of treated wastewater to the receiving water, at a volume that could be as much as 350,000 gpd, will surely have an impact on domestic uses of River flows.

For example, riparian users that rely on the Fresno River and/or Hidden Lake as a domestic water supply could encounter flows comprised entirely of flows provided by the WWTP's proposed discharge. Clearly, before EPA issues a permit allowing such a discharge to occur, effluent limitations (*i.e.*, nitrogen, phosphorus, ammonia) need to be included in the permit to protect MUN uses, as well as to protect the habitat for fish and other aquatic life. Moreover, data needs to be obtained and analyzed in order to compile an adequate portrait of the existing quality of the receiving water, the average flows therein (over a twelve-month time period, not just seasonal flows), and the exact volume of water proposed to be discharged to the receiving water on a regular basis by the discharger.

The Fact Sheet incorrectly refers to the discharger as seeking a "renewal" of their NPDES permit, yet "no water is currently discharged into a receiving water which is a water of the U.S." under the discharger's current operations. (Fact Sheet, p. 2). The reference to the discharger's application "to renew" its NPDES permit is therefore misleading in that the discharger is not currently permitted to discharge to waters of the United States, nor does its existing operations discharge to waters of the United States. At quick glance, the Fact Sheet is drafted in such a way that infers that surface water discharges are already occurring at the site, and that the discharger has merely proposed a method by which to more effectively and efficiently treat its wastewater such that larger volumes of wastewater can be treated and discharged from its WWTP. This, in reality, is not the case, and as the Fact Sheet later mentions, the discharger is not currently discharging wastewater to a water of the United States. This latter fact needs to be more clearly explained in the Fact Sheet, and any ambiguity regarding whether the discharger is seeking a renewed permit or a new permit needs to be resolved.¹

The District's request for a public hearing to address the issues contained herein is shared by other concerned parties and by Madera County. Due to the inadequate data available regarding

¹ There is a typographical error in the Fact Sheet as well. On page 5 of the Fact Sheet, there is an errant reference to California Regional Water Quality Control Board Region 3. The reference to "Region 3" should be changed to read "Region 5."



Gary Sheth
January 22, 2007
Page 4

the quality of the receiving waters, the exact amount of volume proposed to be discharged to the waters of the United States, the reliance on the receiving waters for domestic purposes, and the lack of effluent limitations to protect such uses as well as habitat of the receiving waters for fish and other aquatic life, the District reiterates its request that the EPA schedule a public hearing that would facilitate communication between the discharger, regulators, and the concerned community regarding the proposed discharge.

The District thanks you for your consideration of its comments on the draft NPDES permit.

Very truly yours,

Michael A. Campos

cc: Ron Pistoresi
MID Board Members

Foster, Melissa A.

From: Verhaag, Melissa A.
Sent: Monday, April 09, 2007 2:29 PM
To: 'sheth.gary@epa.gov'
Cc: 'midgm@madera-id.org'; Hecox, Elizabeth; Campos, Michael; Verhaag, Melissa A.; Brenner, Barbara A.
Subject: Comments of Madera Irrigation District to Draft NPDES Permit No. CA0004009
Importance: High
Attachments: 4644_001.pdf



4644_001.pdf (222 KB)

Mr. Sheth,

Pursuant to the re-issuance of the Public Notice regarding Draft NPDES Permit No. CA0004009 for the Chukchansi Gold Resort and Casino Wastewater Treatment Plant, 711 Lucky Lane, Coarsegold, California, I have attached a copy of Madera Irrigation District's comments to the Draft Permit. The comments were originally submitted to your office on January 22, 2007, yet neither the District nor our office received a copy of the re-issued Public Notice. Therefore, we believe that the attached comments may not yet be part of the administrative record and we would like to ensure that they are made part of the record prior to the April 26, 2007 Public Hearing.

As noted in the attached comment letter, please add the Madera Irrigation District to the interested persons list for this matter. The District can be reached through Michael Campos of Stoel Rives LLP, at the following address: 770 L Street, Suite 800, Sacramento, CA 95814.

If you have any questions, please feel free to contact me. Thank you.

Melissa

Melissa A. Verhaag
Stoel Rives LLP
770 L Street, Suite 800
Sacramento, CA 95814
Phone: (916) 319-4673
maverhaag@stoel.com



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MICHAEL A. CAMPOS
macampos@stoel.com

January 22, 2007

VIA EMAIL AND FIRST CLASS MAIL

Gary Sheth
CWA Standards & Permits Office
Water Division, WTR-5
USEPA Region IX
75 Hawthorne Street
San Francisco, CA 94104

**Re: Draft NPDES Permit No. CA0004009 for the Chukchansi Gold Resort and Casino
Wastewater Treatment Plant, 711 Lucky Lane, Coarsegold, California**

Dear Mr. Sheth:

The Madera Irrigation District (the "District") appreciates the opportunity to comment on draft NPDES permit No. CA0004009 (the "draft permit") issued by the EPA on December 22, 2006 regarding the Chukchansi Gold Resort and Casino Wastewater Treatment Plant located at 711 Lucky Lane in Coarsegold, California. Because of the limited information provided and the volume of concerns that the District has regarding the draft permit, the District hereby requests, pursuant to 40 C.F.R. § 124.12(c), that EPA hold a public hearing on the draft permit to allow all concerned citizens ample opportunity to raise objections to the proposed discharge and/or the terms of the draft permit. In addition, the District requests that it be placed on the mailing list of interested persons to receive any future-issued information or notifications related to the draft permit, the discharger, or proposed discharges to Coarse Gold Creek, including notifications related to any upcoming public hearings on the draft permit.

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Gary Sheth
January 22, 2007
Page 2

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The receiving water to which the proposed discharge will occur is an ephemeral stream with unknown rates of flow, which could potentially fluctuate from large flows during the wet, winter months to very low or no-flows during warm, dry times of the year, such as the summer months.



Gary Sheth
January 22, 2007
Page 3

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For example, riparian users that rely on the Fresno River and/or Hidden Lake as a domestic water supply could encounter flows comprised entirely of flows provided by the WWTP's proposed discharge. Clearly, before EPA issues a permit allowing such a discharge to occur, effluent limitations (*i.e.*, nitrogen, phosphorus, ammonia) need to be included in the permit to protect MUN uses, as well as to protect the habitat for fish and other aquatic life. Moreover, data needs to be obtained and analyzed in order to compile an adequate portrait of the existing quality of the receiving water, the average flows therein (over a twelve-month time period, not just seasonal flows), and the exact volume of water proposed to be discharged to the receiving water on a regular basis by the discharger.

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The District's request for a public hearing to address the issues contained herein is shared by other concerned parties and by Madera County. Due to the inadequate data available regarding

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Gary Sheth
January 22, 2007
Page 4

the quality of the receiving waters, the exact amount of volume proposed to be discharged to the waters of the United States, the reliance on the receiving waters for domestic purposes, and the lack of effluent limitations to protect such uses as well as habitat of the receiving waters for fish and other aquatic life, the District reiterates its request that the EPA schedule a public hearing that would facilitate communication between the discharger, regulators, and the concerned community regarding the proposed discharge.

The District thanks you for your consideration of its comments on the draft NPDES permit.

Very truly yours,

Michael A. Campos

cc: Ron Pistoresi
MID Board Members

EXHIBIT D

NOTICE OF PROPOSED ACTION

by the

U.S. Environmental Protection Agency (EPA) Region IX

Public Notice #: CA-07-W-04

Public Notice Date: March 23, 2007

Comment Period Closes: May 8, 2007

The U.S. EPA (EPA) is re-issuing a notice of proposed action under the Clean Water Act to issue a National Pollutant Discharge Elimination System (NPDES) permit CA 0004009 to:

The Chukchansi Gold Resort and Casino Waste Water Treatment Plant
711 Lucky Lane
Coarsegold, California 93614

EPA had issued a notice of proposed action under the Clean Water Act for the above referenced action on December 22, 2006. However, due to significant amount of interest expressed during the comment period following December 22, 2006, EPA has decided to re-open the comment period for a further 45 days from the date of this public notice. All written comments received between the close of the previous comment period on January 21, 2007 and the re-opening of this comment period per this public notice will also be accepted for inclusion in the public record by EPA.

EPA has also decided to hold a public workshop followed by a public hearing on this proposal at least 30 days from the date of this public notice. During the workshop, EPA will present the proposal and respond to questions but will not accept oral comments to the administrative record. At the public hearing, a court reporter will be present and any person may submit oral or written statements and data concerning the draft permit for inclusion in the public record. Reasonable limits may be set upon the time allowed for oral statements. The public workshop will be held on April 26, 2007 from 5:00-6:00 pm and the public hearing will immediately follow from 6:00-8:00 pm at the Coarsegold Community Center located at 35610 Highway 41, Coarsegold, CA 93614.

The Chukchansi Gold Resort and Casino wastewater treatment plant (hereinafter "Chukchansi WWTP") is a tribally-owned wastewater treatment plant located in Madera County, California. The current Chukchansi WWTP serves a total population of approximately 15,000 residents and visitors and treats wastewater from the various facilities in the Chukchansi Gold Resort and Casino complex. Currently the plant is designed to treat 170,000 gallons per day (GPD) of wastewater. Treatment is via activated sludge process known as a sequencing batch reactor (SBR) which treats to a secondary level and is followed by a tertiary process capable of producing recycled water that meets the quality requirements promulgated in the California Code of Regulations (CCR) Title 22. Currently all treated wastewater is re-used, recycled or disposed of via permitted subsurface leachfields or sprayfield irrigation.

The owner proposes to convert the existing SBR treatment process to an Immersed Membrane Bioreactor (MBR) treatment plant. The MBR will produce a higher quality effluent on a consistent basis compared to the SBR. The design capacity of the MBR facility will be 350,000 GPD. Some of the flow will continue to be re-used, recycled or disposed of via permitted subsurface leachfields or sprayfield irrigation. Additional flow will be discharged to surface water via a discharge point located at Latitude: 37° 12' 49" N and Longitude: 119° 41' 42" W into a creek on Tribal land, which passes to the south of the Chukchansi WWTP, feeding into Coarsegold creek. Coarsegold creek is a tributary to the Fresno River and the San Joaquin River. The applicable water quality standards are specified in the permit and fact sheet and are based on the Water Quality Control Plan for the State of California, Central Valley Region, Water Quality Control Board, as well as Federal water quality standards.

For additional information, or to obtain a copy of the proposed permit and administrative record, please visit our website or contact:

Gary Sheth at:
(415) 972-3516 or at sheth.gary@epa.gov
Or by mail at
EPA Region IX (WTR-5)
75 Hawthorne Street
San Francisco, CA 94105
Website: <http://www.epa.gov/region09/water/npdes/pubnotices.html>