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U.S. Protection Agency
Clerk of the Board, Environmental Appeals Board (MC 1103B)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

ENVIR. APPEALS BOARD

CONTEST OF FINAL NPDES PERMIT NO. CA0004009 FOR THE CHUKCHANSI GOLD RESORT AND
CASINO WASTEWATER TREATMENT PLANT AT 711 LUCKY LANE, COARSEGOLD, CALIFORNIA


I am a California-registered civil engineer and a senior water resource control engineer with the California Regional Water Quality Control Board, Central Valley Region. I submitted written comments to the draft permit via 21 January 2007 e-mail and provided verbal comments at EPA's 26 April 2007 public hearing in Coarsegold. I contest the final permit as a private citizen and request EPA review the final permit for the following reasons.

The final permit and Response to Comments indicate the permit requires effluent discharged to the receiving water be comparable in quality as disinfected tertiary recycled water, as defined in Title 22, California Code of Regulations, Section 60301.230. In commenting to the draft permit, I stated the following: "The draft permit establishes a limit of 2.2 MPN for fecal coliform and only requires one monthly grab sample for determining compliance with this limitation. The permit should establish effluent limitations for turbidity and TCO [total coliform organisms] at least as stringent as Title 22, and require monitoring at frequencies required by Title 22. Section 60231 of Title 22 requires disinfected tertiary recycled water be sampled at least once daily for TCO, and continuously sampled for turbidity using a continuous turbidity and recorder following filtration."

While the final permit establishes effluent limitations for TCO and turbidity that reflect Title 22 requirements, it does not require the same frequency of monitoring as that required by Title 22. Title 22 requires disinfected tertiary recycled water be monitored continuously for turbidity and daily for TCO. Because of the limited or non-existent dilution provided by the receiving water, it is incumbent upon the tribe to operate and maintain the casino's wastewater treatment facility in a manner that ensures effluent discharged to the receiving water meets the prescribed limitations at all times. Monitoring at the frequency prescribed in Title 22 is appropriate to ensure the discharge consistency complies with the prescribed limitations. The final permit should be revised to require effluent monitoring for TCO and turbidity be at least as stringent as that prescribed by Title 22.

Additionally, the Response to Comments refers to, but does not include, an Appendix A, which contains the results of a priority pollutant scan performed by BSK Analytical Laboratories. Failure to include the results of this scan makes it impossible to review this data, as well as to ascertain the adequacy of EPA's reasonable potential analysis and the final permit's dismissal of Trihalomethanes (THMs) as a priority pollutant of concern. Due to the tribe's use of chlorine for wastewater disinfection prior to in-casino reuse, there appears reasonable potential for the final discharge, even though disinfected by ultraviolet treatment technology, to contain individual THMs in concentrations that approach, if not exceed, levels prescribed in the California Toxics Rule. This appendix should be distributed to interested parties and the deadline for requesting EPA review the final permit should be extended accordingly. At a minimum, the final permit should be revised to (1) require at least monthly monitoring for individual THMs and (2) include a reopener to allow for the establishment of effluent limitations for individual THMs should monitoring data demonstrate the discharge has reasonable potential for causing exceedances California Toxic Rule limits for individual THMs.

Please keep me informed as to any revision of the final permit by EPA as a result of its review.


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