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Before The Environmental Appeals Board  
United States Environmental Protection Agency  
Washington, D.C.

2007 JAN -4 AM 8:53

ENVIR. APPEALS BOARD

**In Regards to:** The Chukchansi Gold Resort and Casino  
Waste Water Treatment Plant  
711 Lucky Lane  
Coarsegold, California 93614

Permit No. CA 0004009

**From:** Caroline A. Rodely  
45323 Park Sierra Drive #412  
Coarsegold, California 93614

PETITION FOR REVIEW

## INTRODUCTION

Pursuant to 40 C.F.R. & 124.19(a), Caroline A. Rodely ("Petitioner"), petitions for review of the conditions of NPDES Permit No. CA0004009, ("Permit"), which is due to be issued to the Chukchansi Gold Resort and Casino ("Permittee") on January 5, by the United States Environmental Protection Agency ("Permitter"). The Permit would authorize the Permittee to discharge treated waste water effluent into an unnamed ditch leading into Coarsegold Creek. The creek runs half a mile through the middle of the property where the Petitioner has her home.

The Petitioner contends:

1. That the Coarsegold Creek is dry up to five months of the year and any discharge during that time will change the ecology of the creek.
2. No E.I.R. was done on the Coarsegold Creek. As a result the effect on the wildlife in the area cannot be assessed.

## THRESHOLD PROCEDURAL REQUIREMENTS

Petitioner has standing to petition for review of the permit decision because it participated in the public comment period on the permit. [40 C.F.R. & 124.19 (a).]

Copies of the written comments made by Petitioner are in Exhibit A.

## ARGUMENT

1. The Permitter concluded that it would be safe to discharge treated water by reviewing the literature (see Response to Comments Document 3/3 ). Since they did not reference the literature, the reader has no way of knowing what it contained. The Permitter also concluded that there would be no degradation of water quality in critical periods. How can that be when the effluent is being added to a dry creek?

2. The World Wildlife Fund (Exhibit B) lists 367 species in this ecoregion. Two of these are Western Toad which is listed as “near-threatened”, and the South Western Toad. Since these are the only toads in the region, those the petitioner has seen in the creek must be one of these varieties. They bury themselves in the drying mud ready to emerge with the winter rains.

Another species, not only listed by the Fund, but seen and photographed in the creek by neighbors, is the Western Pond Turtle. It is referred to as being “vulnerable”. Since there are no other turtles listed, it must be this type.

#### CONCLUSION

The petitioner requests that the permitter strengthen the permit to disallow discharge of water when the creek is not already flowing.

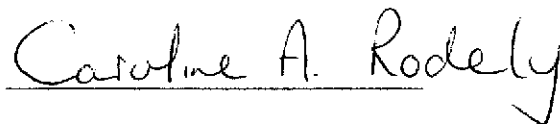
#### EXHIBITS

Exhibit A: The Petitioner

Exhibit B: The World Wildlife Fund

Exhibit C: Turtle

Date: December 29, 2007



Caroline A. Rodely

45323 Park Sierra Drive

Coarsegold, California 93614

Telephone 559-658-8696 ext: 412

**EXHIBIT A**  
**THE PETITIONER**

**Caroline A. Rodely –Permit # CA 0004009**

45323 Park Sierra Drive, # 412  
Coarsegold, CA 93614

(559) 658-8696 ext 412

February 6, 2007

CWA Standards & Permits Office  
Water Division, WTR-5  
USEPA Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Attention: Mr. Gary Sheth

Reference: Chukchansi NPDES Permit No.CA0004009

Dear Mr. Sheth::

I recently heard with horror that the Chukchansi Casino has asked for a permit to dump treated effluent into the Coarsegold Creek. After thinking a lot about it, I wondered if you are aware that this is a dry creek 3-4 months of the year, and adding water would change the whole ecology of it. I think the Fish and Game people would have something to say about that.

In thinking more it would seem that the extra water has to come from more wells on the Casino site. The last time they started new wells, several existing, neighboring wells went dry and the Casino is still supplying them with water. The dumping of effluent is part of the larger picture, and I wonder if the Chukchansis have been exactly honest about all these environmental issues.

I know the time for public comment has passed but since no one saw your notice buried in the Fresno Bee three days before Christmas and Fresno is not our county. I would ask you to start the clock again. If you will schedule a hearing I will undertake to get all the interested parties informed

Sincerely,

Carol Rodely

Caroline Rodely  
45323 Park Sierra Drive # 412  
Coarsegold, CA 93614  
(559) 658-8696 ext 412

EPA HEARING,  
Coarsegold, April 26, 2007  
EPA NPDES No. CA0004009

By now you probably know the Coarsegold Creek is dry three months of the year although this was not mentioned in the permit specifications. To dump anything in this creek during the dry months would encourage mosquitoes to breed in the pools that would never dry out. The rest of the year the natural flow will mix with the flow from the Casino and wash down stream. From what I hear there are possible damaging elements (like pharmaceuticals for instance) that will remain in the water. If we don't know the danger these elements pose, lets not take a chance. Kids swim, animals drink and people fish in this water.

If the plant malfunctions on a busy weekend, the County and the EPA need not be told for 24hrs (orally) and by 9am on the next working day. How long will it take them to fix the problem and how much pollution will have escaped? Nobody will know.

Since the County says they no longer have jurisdiction does the need to notify them still apply and whom do we call if we see something untoward in the Creek? The Fish and Game Department doesn't seem to want to be involved.

There are alternatives to discharging into Coarsegold Creek. The Casino obviously has a permit to truck sewage sludge off the site, so it must be possible to give them a permit to take treated water off the site. Oakhurst Water Treatment will take it for \$9 a load to spray on their fields. At the Supervisor's Forum a fellow said there is a need for water to spray for dust control on building sites. There is also a rumor that the Casino has bought Bible Story Land, a few miles south of here to build a golf course. Golf courses take a lot of water and until it is built they could spray it on their land down there.

Has any serious thought been given to putting some of the huge amount of water taken from the water table back into it?

Please specify that the Casino find an environmentally sound way of disposing of this water rather than dumping it in Coarsegold Creek.

Thank you

*Caroline Rodely*  
Caroline Rodely

**EXHIBIT B**  
**WORLD WILDLIFE FUND**

**Caroline A. Rodely –Permit # CA 0004009**

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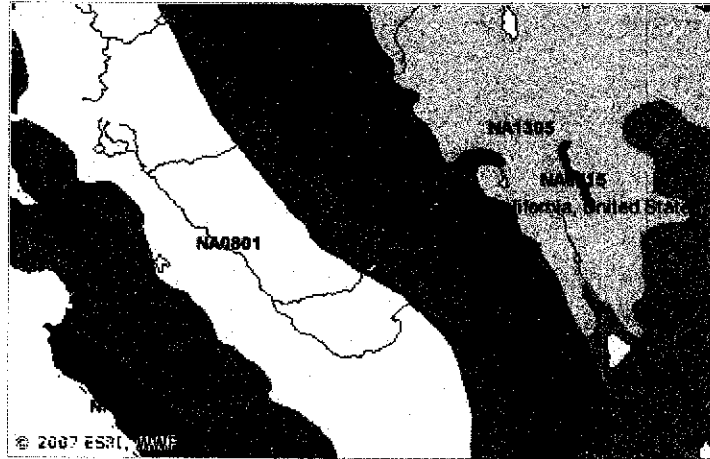
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**Ecoregions near Coarsegold, California, United States**

Code	Ecoregion Name
NA0527	<a href="#">Sierra Nevada forests</a>
NA1202	<a href="#">California interior chaparral and woodlands</a>

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	46	<a href="#"><i>Batrachoseps pacificus</i></a>	Channel Islands Slender Salamander	Amphibia		Yes	<a href="#">Images</a>
	47	<a href="#"><i>Batrachoseps simatus</i></a>	Kern Canyon Slender Salamander	Amphibia	<u>Vulnerable</u>	Yes	<a href="#">Images</a>
	48	<a href="#"><i>Bombycilla cedrorum</i></a>	Cedar Waxwing	Aves		No	<a href="#">Images</a>
	49	<a href="#"><i>Botaurus lentiginosus</i></a>	American Bittern	Aves		No	<a href="#">Images</a>
	50	<a href="#"><i>Branta canadensis</i></a>	Canada Goose	Aves		No	<a href="#">Images</a>
	51	<a href="#"><i>Bubo virginianus</i></a>	Great Horned Owl	Aves		No	<a href="#">Images</a>
	52	<a href="#"><i>Bucephala albeola</i></a>	Bufflehead	Aves		No	<a href="#">Images</a>
	53	<a href="#"><i>Bucephala clangula</i></a>	Common Goldeneye	Aves		No	<a href="#">Images</a>
✓	54	<a href="#"><i>Bufo boreas</i></a>	Western Toad	Amphibia	<u>Near Threatened</u>	No	<a href="#">Images</a>
✓	55	<a href="#"><i>Bufo microscaphus</i></a>	Southwestern Toad	Amphibia		No	<a href="#">Images</a>
	56	<a href="#"><i>Buteo jamaicensis</i></a>	Red-tailed Hawk	Aves		No	<a href="#">Images</a>
	57	<a href="#"><i>Buteo lagopus</i></a>	Rough-legged Hawk	Aves		No	<a href="#">Images</a>
	58	<a href="#"><i>Buteo lineatus</i></a>	Red-shouldered Hawk	Aves		No	<a href="#">Images</a>
	59	<a href="#"><i>Buteo regalis</i></a>	Ferruginous Hawk	Aves	<u>Near Threatened</u>	No	<a href="#">Images</a>
	60	<a href="#"><i>Buteo swainsoni</i></a>	Swainson's Hawk	Aves		No	<a href="#">Images</a>
	61	<a href="#"><i>Butorides striatus</i></a>	Striated Heron	Aves		No	<a href="#">Images</a>
	62	<a href="#"><i>Calcarius lapponicus</i></a>	Lapland Longspur	Aves		No	<a href="#">Images</a>
	63	<a href="#"><i>Calidris alba</i></a>	Sanderling	Aves		No	<a href="#">Images</a>
	64	<a href="#"><i>Calidris alpina</i></a>	Dunlin	Aves		No	<a href="#">Images</a>
	65	<a href="#"><i>Calidris canutus</i></a>	Red Knot	Aves		No	<a href="#">Images</a>
	66	<a href="#"><i>Calidris mauri</i></a>	Western Sandpiper	Aves		No	<a href="#">Images</a>
	67	<a href="#"><i>Calidris minutilla</i></a>	Least Sandpiper	Aves		No	<a href="#">Images</a>
	68	<a href="#"><i>Callipepla californica</i></a>	California Quail	Aves		No	<a href="#">Images</a>
	69	<a href="#"><i>Calypte anna</i></a>	Anna's Hummingbird	Aves		No	<a href="#">Images</a>
	70	<a href="#"><i>Calypte costae</i></a>	Costa's Hummingbird	Aves		No	<a href="#">Images</a>
	71	<a href="#"><i>Campylorhynchus brunneicapillus</i></a>	Cactus Wren	Aves		No	<a href="#">Images</a>
	72	<a href="#"><i>Canis latrans</i></a>	Coyote	Mammalia		No	<a href="#">Images</a>
	73	<a href="#"><i>Carduelis lawrencei</i></a>	Lawrence's Goldfinch	Aves		No	<a href="#">Images</a>
	74	<a href="#"><i>Carduelis pinus</i></a>	Pine Siskin	Aves		No	<a href="#">Images</a>
	75	<a href="#"><i>Carduelis tristis</i></a>	American Goldfinch	Aves		No	<a href="#">Images</a>
	76	<a href="#"><i>Carpodacus mexicanus</i></a>	House Finch	Aves		No	<a href="#">Images</a>
	77	<a href="#"><i>Castor canadensis</i></a>	American Beaver	Mammalia	<u>Lower Risk</u>	No	<a href="#">Images</a>

78	<a href="#"><i>Cathartes aura</i></a>	Turkey Vulture	Aves		No	<a href="#">Images</a>
79	<a href="#"><i>Catharus guttatus</i></a>	Hermit Thrush	Aves		No	<a href="#">Images</a>
80	<a href="#"><i>Catharus ustulatus</i></a>	Swainson's Thrush	Aves		No	<a href="#">Images</a>
81	<a href="#"><i>Catherpes mexicanus</i></a>	Canyon Wren	Aves		No	<a href="#">Images</a>
82	<a href="#"><i>Catoptrophorus semipalmatus</i></a>	Willet	Aves		No	<a href="#">Images</a>
83	<a href="#"><i>Certhia americana</i></a>	Brown Creeper	Aves		No	<a href="#">Images</a>
84	<a href="#"><i>Ceryle alcyon</i></a>	Belted Kingfisher	Aves		No	<a href="#">Images</a>
85	<a href="#"><i>Chaetodipus californicus</i></a>	California Pocket Mouse	Mammalia	<a href="#">Lower Risk</a>	No	<a href="#">Images</a>
86	<a href="#"><i>Chamaea fasciata</i></a>	Wrentit	Aves		No	<a href="#">Images</a>
87	<a href="#"><i>Charadrius alexandrinus</i></a>	Snowy Plover	Aves		No	<a href="#">Images</a>
88	<a href="#"><i>Charadrius montanus</i></a>	Mountain Plover	Aves	<a href="#">Vulnerable</a>	No	<a href="#">Images</a>
89	<a href="#"><i>Charadrius semipalmatus</i></a>	Semipalmated Plover	Aves		No	<a href="#">Images</a>
90	<a href="#"><i>Charadrius vociferus</i></a>	Killdeer	Aves		No	<a href="#">Images</a>
91	<a href="#"><i>Charina bottae</i></a>		Reptilia		No	<a href="#">Images</a>
92	<a href="#"><i>Chen rossii</i></a>	Ross's Goose	Aves		No	<a href="#">Images</a>
93	<a href="#"><i>Chlidonias niger</i></a>	Black Tern	Aves		No	<a href="#">Images</a>
94	<a href="#"><i>Chondestes grammacus</i></a>	Lark Sparrow	Aves		No	<a href="#">Images</a>
95	<a href="#"><i>Chordeiles acutipennis</i></a>	Lesser Nighthawk	Aves		No	<a href="#">Images</a>
96	<a href="#"><i>Cinclus mexicanus</i></a>	American Dipper	Aves		No	<a href="#">Images</a>
97	<a href="#"><i>Circus cyaneus</i></a>	Northern Harrier	Aves		No	<a href="#">Images</a>
98	<a href="#"><i>Cistothorus palustris</i></a>	Marsh Wren	Aves		No	<a href="#">Images</a>
99	<a href="#"><i>Clemmys marmorata</i></a>	Western Pond Turtle	Reptilia	<a href="#">Vulnerable</a>	No	<a href="#">Images</a>
100	<a href="#"><i>Clethrionomys californicus</i></a>	Western Red-backed Vole	Mammalia	<a href="#">Lower Risk</a>	No	<a href="#">Images</a>
101	<a href="#"><i>Cnemidophorus tigris</i></a>	Western Whiptail	Reptilia		No	<a href="#">Images</a>
102	<a href="#"><i>Coccyzus americanus</i></a>	Yellow-billed Cuckoo	Aves		No	<a href="#">Images</a>
103	<a href="#"><i>Colaptes auratus</i></a>	Northern Flicker	Aves		No	<a href="#">Images</a>
104	<a href="#"><i>Columba fasciata</i></a>	Band-tailed Pigeon	Aves		No	<a href="#">Images</a>
105	<a href="#"><i>Contia tenuis</i></a>	Sharp-tailed Snake	Reptilia		No	<a href="#">Images</a>
106	<a href="#"><i>Contopus sordidulus</i></a>	Western Wood-Pewee	Aves		No	<a href="#">Images</a>
107	<a href="#"><i>Corvus brachyrhynchos</i></a>	American Crow	Aves		No	<a href="#">Images</a>
108	<a href="#"><i>Corvus corax</i></a>	Common Raven	Aves		No	<a href="#">Images</a>
109	<a href="#"><i>Crotalus viridis</i></a>	Western Rattlesnake	Reptilia		No	<a href="#">Images</a>

**EXHIBIT C**

**TURTLE**

**Caroline A. Rodely –Permit # CA 0004009**

