

EXhibit J

002



## California Regional Water Quality Control Board

### North Coast Region

William R. Massey, Chairman



Lin Lu  
Secretary of  
Environmental Protection

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Arnold  
Schwarzenegger  
Governor

October 2, 2006

Mr. John Tinger  
Permits and Standards Branch  
U.S Environmental Protection Agency  
Region IX, WTR-5  
San Francisco, CA 94105-3901

Dear Mr. Tinger:

**Subject:** Comments on the Proposed National Discharge Elimination System (NPDES) Permit, CA0005241 for the Dry Creek Rancheria wastewater treatment plant

**File:** Dry Creek Rancheria, Sonoma County

Thank you for the opportunity to review and comment on the above-referenced permit. Overall, we believe that this is a well drafted permit that includes many requirements necessary to protect water quality and public health. The permit requires that wastewater be treated to an advanced level and it contains effluent limits for pollutants of concern. We support these requirements and, if properly implemented, we believe they should ensure a high level of wastewater treatment.

We appreciate your commitment to draft a permit that is consistent with the *Water Quality Control Plan for the North Coast Region* (Basin Plan). The permit implements Basin Plan effluent and receiving water quality standards applicable for the Russian River watershed. However, we are concerned that discharges to the watercourse identified as stream A1 are in direct conflict with our Basin Plan prohibitions. The Implementation chapter of the Basin Plan contains point source discharge prohibitions for all freshwater watercourses within the Region. In general, the prohibitions can be grouped into three categories:

- Prohibition or seasonal prohibition on discharges to major rivers and their tributaries.
- Prohibition on discharges to coastal streams and natural drainage ways that flow directly to the ocean.

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- Prohibition on discharges to surface freshwater impoundments and their tributaries.

The proposed permit describes stream A1 as not being a tributary to the Russian River. Therefore, this watercourse is considered to be a freshwater impoundment and/or tributary to a freshwater impoundment and discharges of treated wastewater should be prohibited. The permit as written would allow year-round discharges into stream A1, even when there is no flow in the receiving water. The stream would flow off of tribal lands until ultimately pooling in the channel and infiltrating into the ground. It has been reported that this stream periodically floods onto downstream agricultural lands. Wastewater discharges to this isolated stream would result in the accumulation of pollutants over time. Summer discharges would collect in the channel and may result in nuisance algal blooms and mosquito habitat. We request that the permit be rewritten to ensure full compliance with the Basin Plan.

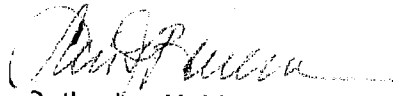
In addition the proposed permit contains monitoring requirements intended to ensure that the treated effluent meets permit standards. We request that copies of the submitted monitoring reports be forwarded to our agency. We will keep a file of these reports that will be available for review by the public.

We request that our agency receive prompt notification in the event of any accidental spill or a discharge of effluent that would result in a risk to public health.

It appears that the Permittee will utilize chlorine for disinfection. However, the permit does not contain effluent limits for chlorine residual. Chlorine can be highly toxic to aquatic organisms even at very low levels. We request that appropriate chlorine residual effluent limits be included in the permit and that levels in discharges to receiving waters be monitored on a continuous basis.

Thank you for the opportunity to review and comment on this permit. If you have any comments or questions please feel free to contact myself or John Short on my staff.

Sincerely,

  
Catherine Kuhlman  
Executive Officer

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