

APPENDIX D

**COMMENTS RECEIVED
IN SEPTEMBER 2006**

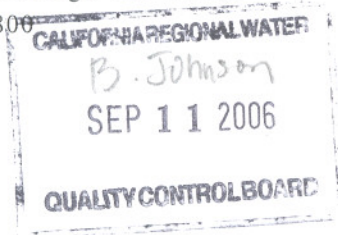
CITY OF CALISTOGA

1232 Washington Street • Calistoga, CA 94515

707.942.2800

September 7, 2006

Mr. Bruce H. Wolfe
Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612



**Subject: City of Calistoga Comments on SFBRWQCB Tentative Order,
Dated August 18, 2006 (NPDES Permit No. 0037966)**

Dear Mr. Wolfe:

The City of Calistoga (City) provides the following comments to the Regional Water Board's Tentative Order dated August 18, 2006.

1. Effective Dates for Final Effluent Limits: It is the City's belief that the incorporation of effective dates for final effluent limits which are beyond the term of this Permit are not appropriate in this Permit. This Permit expires on February 28, 2010, which is prior to the indicated effective dates for the final limits. The referenced dates, which occur after the expiration of this Permit, should appropriately be addressed and incorporated into the subsequent Permit.

The pertinent effective dates are found at the following locations in the Tentative Order:

- Attachment F – Fact Sheet, Rationale for Effluent Limitations and Discharge Specifications IV.D.2. (page F-35), Footnote for Table F-9
- Attachment F – Fact Sheet, Rationale for Effluent Limitations and Discharge Specifications IV.E.1.e. (page F-39)

The effective dates referenced above are of particular concern since the Tentative Order states that "...final limits shall become effective..." (and refers to dates in April and May 2010). This establishes a future requirement, which is beyond the term of this Permit. Overall, it is this City of Calistoga's understanding that the inclusion of these future dates, beyond the date of expiration of this Permit, is for reference purposes only. In order to clarify this intent, we request that either:

- a) these sections be deleted, or
- b) these sections be revised to be similar to the phraseology used at Footnote 3 to Table 5 (on Page 12), which states that "...interim limits... shall remain in effect until..."

2. Regional Board Standard Provision VII.A.2 – Duplicative Requirements (page 15): The City requests a change to the wording of this section. The current wording is somewhat ambiguous, such that it is unclear whether one or two violations would be assessed. It is the City of Calistoga's understanding that the violation of a duplicative requirement (federal and regional Standard Provision) does not constitute two separate violations. In order to clarify this language, we suggest the following revisions to Provision VII.A.2.:

"Regional Water Board Standard Provisions ... Duplicative requirements in the federal Standard Provisions in VI.A.1.2, above (Attachment D) and the regional Standard Provisions (Attachment G) are not separate requirements. A ~~such that~~ violation of a duplicative requirement *does not* constitutes two separate violations."

3. Attachment F - Fact Sheet, Rationale for Effluent Limitations and Discharge Specifications IV.C.2.b, Dilution Credit Policy, (page F-18): The only final WQBEL in this Permit is for mercury, and we suggest the second to the last sentence in this section be revised to reflect this fact.
4. Attachment F - Fact Sheet, Rationale for Effluent Limitations and Discharge Specifications IV.C.2.c, Future Permit Dilution Consideration, (pages F-18 to F-20): The City has concerns about the approach taken in the writing of this section. The following reasons are offered in explanation of the City's concerns: 1) The concept of the Permit has changed significantly since this text was originally conceived. Given the short duration of this Permit and the Special Studies that are provided for in this Permit, this section as written is no longer appropriate to this Permit, and will be inapplicable at the time of consideration of the next Permit. 2) At the end of the Permit term, actual discharge conditions will be evaluated and defined through required Special Studies which will be approved by the Regional Water Board. It would be speculative to discuss and attempt to require future Permit conditions at this time. 3) The City takes exception to several of the assumptions, conclusions, and proposed actions that are included in this section as it is written.

The City of Calistoga understands that the Water Board's objective is to preserve some of the facts and reasoning that were considered during the development of this Permit, and we agree that it is important to fully document this process and provide an aid to the writers of the next Permit. However, the City believes that this section, as currently written, may prejudice the writing of the next Permit, and we therefore request that this section be revised to reflect the emphasis on utilization of the results of the future Special Studies in evaluating and subsequently determining future Permit requirements. The City believes the results of the Special Studies should be the principal consideration when determining future dilution credits, ratios, and related requirements.

The City would like to again recognize the consideration and hard work of the Water Board staff during the development of this Permit. The City of Calistoga shares many of the same objectives of the Water Board and its staff with regard to protecting the Napa River and its water quality and beneficial uses.

Please contact Paul Wade if you have any questions regarding these comments or if would like to discuss them in more detail.

Sincerely,



James C. McCann
City Manager



Paul W. Wade
Public Works Director/City Engineer

cc: Lila Tang and Bill Johnson, RWQCB
Denise Connors, Larry Walker Associates

From: <Johnithin@aol.com>
To: <wjohnson@waterboards.ca.gov>
Date: 9/18/2006 11:04:53 AM
Subject: Calistoga NPDES Permit Comment

Living Rivers Council
1325 Imola Ave. PMB 614
Napa, California, 94558
(707) 255-7434
(707) 259-1097 fax
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay St., Suite 1400
Oakland, CA 94612

Re: Comments to the re-issuance of NPDES # CA0037966, City of Calistoga,
Dunaweal Treatment Plant Discharge Permit
September 18, 2006

1. The steelhead and Coho swim upstream to their ancestral spawning grounds using their acute sense of smell to find their way. The release of by products of chlorine and other agents are present in the effluent discharged into the Napa River at the same time the steelhead and salmon are migrating upstream past the outfalls of the Dunaweal Treatment Plant. If foreign water containing sulfur and salt by products are introduced during the spawning run, Living Rivers Council asks, will that affect their ability to find their way? Will this introduction of foreign waters interfere with the homing abilities of the fish?

2. Why has not the City of Calistoga upgraded their sewer treatment plant to provide for year round tertiary treated water? During the 1992 issuing of the NPDES it was proposed by the Sierra Club for a fully upgraded tertiary treatment plant. Why has this not been built? A timetable should be ordered under the NPDES permit for a plant capable of treating all sewer water to tertiary standards.

3. Calistoga has been cited many times in the past for discharges of insufficiently treated effluent into the river. It resulted in fines and orders to upgrade their plant and leaking underground pipes. Under the revised permit the City of Calistoga is required to self monitoring the water quality. Any substandard water discharged by the plant operator will have to be reported by the same plant operator. Self monitoring and self regulation by an offender is not in the public interest. Public agencies are not immune to the foibles of individuals and just as susceptible to deliberate disregard of environmental regulation. We have personally reported both a deliberate discharge of toxic material by the Napa City Water District administrators and a diesel leak that was covered up by Napa State Hospital administrators. The State Water Board's "standard operating procedure" for sewer operators should be changed to require a third party sampling such as an independent lab, for monitoring, analysis, and reporting to the State Water Board. The SWRCB must not fail the public trust and should move to expedite full charge of their authority to recover public resources to health and for future generations.

Chris Malan
John Stephens, 707-251-0106

CC: <cmalan@starband.net>