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**June 15, 2007**

**Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive  
Rancho Cordova, CA 95670**

**Re: Colfax Wastewater Treatment Facility**

This letter is to comment on Item No. 13 on the Central Valley Regional Water Quality Control Board (R5WB) agenda for June 21-22, 2007, which concerns the wastewater treatment facility owned and operated by the City of Colfax in Placer County (WWTF). This letter is submitted on behalf of myself and the California Citizens for Environmental Justice (CCEJ).

This letter is to protest the unlawful action proposed, as explained below.

Finding No. 5 on page 2 of the proposed Cease and Desist Order (CDO) indicates that on June 14, 2001, the R5WB adopted CDO No. 5-01-181 for the WWTF.

Finding No. 7 on page 2 of the proposed CDO indicates that no environmental analysis pursuant to California Public Resources Code (PRC) §21000 et seq. (California Environmental Quality Act, CEQA) has been performed because the project is exempt under California Code of Regulations Title 14 (14 CCR) §15321(a)(2).

The action to approve the proposed Resolution is not lawful for the following reason:

- 1) The action taken on June 14, 2001 placed the project site on the Cortese List by operation of California Government Code §65962.5(a)(3) because the R5WB issued a CDO pursuant to California Water Code §13301.
- 2) PRC §21084(c) prohibits the use of Categorical Exemptions (CE) promulgated pursuant to PRC §21084(a) for projects on sites included in the Cortese List by operation of GC §65962.5. 14 CCR §15300.2(e) prohibits the use of CE, including 14 CCR §15321, on sites included in the Cortese List.

Therefore, the citation of 14 CCR §15321(a)(2) is not a lawful reason for not performing an environmental analysis prior to approval of the Resolution.

Please also be advised that this unlawful action is the continuation of a long standing pattern of non-compliance with CEQA.

Yours Truly,

cc: SWRCB  
Sacramento Superior Court Cases No. 07CS00021, 07CS00648