



**AMADOR COUNTY
ADMINISTRATIVE AGENCY**

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January 22, 2006

Mr. John Tinger
U.S. Environmental Protection Agency, Region IX
CWA Office of Permits and Standards, WTR-5
75 Hawthorne Street
San Francisco, CA 94105

Dear Mr. Tinger:

Please accept the attached comments on the notice of proposed action to issue a new National Pollutant Discharge Elimination System (NPDES) Permit for the Wastewater Treatment Plant at the Buena Vista Rancheria for the Flying Cloud Casino as an addendum to the County of Amador's January 10 letter. If you have any questions concerning the attached please contact Environmental Health Director Michael Israel at 209-223-6439 or me at 209-223-6470.

Sincerely,

Patrick Blacklock
County Administrative Officer

c: Honorable Members, Amador County Board of Supervisors
Ms. Andrea Hoch, Legal Affairs Secretary to Governor Arnold Schwarzenegger
Mr. Richard McHenry, California Regional Water Quality Control Board
Ms. Kathy Brown, Senior Fish & Wildlife Biologist/U.S. Fish & Wildlife Service
Mr. Tom Hoover, Jackson Valley Irrigation District
Mr. Joe Spano, California Department of Health Services
Mr. Larry Eng, Acting Chief/Region II California Department of Fish & Game
Buena Vista Tribe of Me-Wuk Indians of California
Mr. John Hahn, County Counsel
Mr. Michael W. Israel, Environmental Health Director
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ENVIRONMENTAL HEALTH DEPARTMENT LAND USE AGENCY

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MEMORANDUM

TO: Patrick Blacklock, CAO
John Hahn, County Counsel

FROM: Michael W. Israel, Environmental Health Department *MWI*

DATE: January 13, 2006

SUBJECT: Flying Cloud Casino USEPA NPDES Permit Application - Comments

Basic Application information, section A. 5. indicates the discharge to be located in "Indian country". The December 16, 2005 Statement of Basis, Proposed Draft NPDES Permit indicates the discharge to be to a "partially constructed, partially natural channel" that parallels Coal Mine Road for approximately one half mile then turns west, crossing Coal Mine Road via a culvert, and joins the unnamed tributary of Jackson Creek. It is somewhat misleading to refer to this discharge to what appears to be a roadside drainage ditch for a county maintained road as being located in "Indian country". Central Valley Regional Water Quality Control Board Environmental Scientist Scott Kranhold's November 16, 2005 letter to the governor's office states that if tertiary treated wastewater is discharged into surface drainages or creeks that flow off-site or is discharged off-site to spray fields and/or drain fields or sold (or presumably used regardless the financial arrangement) as reclaimed water off-site, then the discharge would be subject to regulatory oversight of the Regional Board. The author recommends participation in regional wastewater planning and development. This makes sense since it does not appear feasible to develop on-site treatment and disposal without potentially significant off-site impacts to water quality.

I find no information on critical flow for the receiving stream. This may result in the tributary and possibly Jackson Creek being listed as a 303(d) impaired waterway. This not only represents an impact, whether real or perceived, to water quality it would also affect the regulatory framework for land use around the waterways. I find no mention of monitoring of the receiving water for potential quality impacts.

I echo the points made the January 12, 2006 letter from Richard McHenry, Senior Engineer with the Central Valley Regional Water Quality Control Board. I was unaware that a similar plant in use at

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Thunder Valley was experiencing the difficulties discussed. I would strongly urge that this design proposal not be approved unless and until it is shown that the design is effective in this kind of application. I also had the same concerns regarding BOD5 & TSS standards and ammonia/nitrate removal and monitoring.

The discharge will likely result in water present in the unnamed tributary year round. This off-site body of water would likely pose increased potential for mosquito propagation and related public health risks from West Nile Virus and other mosquito borne disease due to the year round flow and lack of direct access by the discharger to maintain the water way located on private property as needed to minimize this impact.