

Calistoga MMP Comments

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From: California Fisheries & Water Unlimited <calfisheriesandwaterunlimited@gmail.com>
Sent: Monday, November 02, 2015 12:23 PM
To: Azimzadeh, Farhad@Waterboards
Cc: Wolfe, Bruce@Waterboards; Austin, Tamarin@Waterboards; Tang, Lila@Waterboards; Madigan, John@Waterboards
Subject: Regulatory Measure ID No. 402862; Dunaweal WWTP, Calistoga, Napa County

Farhad Azimzadeh
Water Resources Control Engineer, NPDES Wastewater
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

November 3, 2015

Re: Regulatory Measure ID No. 402862; Dunaweal Wastewater Treatment Plant, 1100 Dunaweal Lane, Calistoga, Napa County; Comments by California Fisheries & Water Unlimited

Mr. Azimzadeh;

California Fisheries & Water Unlimited would like to thank the San Francisco Bay Regional Water Quality Control Board for their continued time and attention to the matter of the City of Calistoga Dunaweal Wastewater Treatment Plant, especially as it pertains to critical protections to the water quality of the Napa River and the People's public trust resources. The Napa River is a federal Clean Water Act 303(d)-listed perennial Class 1, anadromous fisheries-bearing watercourse with threatened or impaired values mainly due to fine sediment deposition, nutrients, and pathogens. It is not a city sewer.

CF&WU has standing with regard to the pollution of the State's waters of the Napa River by the City of Calistoga at the Dunaweal WWTP; see the Public Trust Complaint for Investigation to this agency filed by Bob Baiocchi, former director of CF&WU, of March 17, 2013; see also communications by Christina Aranguren of February 14, 2014, June 5, 2014, and oral testimony presented on November 12, 2014, in Oakland.

Please note that City of Calistoga residents were not publicly informed by the City of Calistoga of the settlement agreement for NPDES permit violations *until three weeks following* the September 21, 2015 notification by the Regional Water Board. It is the opinion of CF&WU that this delay, whether intentional or not, precludes the opportunity for public comment; therefore, an extension of an additional 30 days is requested. I am aware that the Water Code does not oblige a municipality to inform its residents of settlement agreements, but remain concerned that Calistogans, as California residents, be given opportunity for meaningful comment since they continue to experience some of the highest water and sewer rates in northern California and are very concerned about water and sewer-related issues.

At this time, CF&WU would like to reiterate some of its former comments and submit into the administrative record new comment related to the latest violations and on-going problems created by the City of Calistoga Dunaweal Wastewater Treatment Plant which continue to negatively impact the beneficial uses of the Napa River. These recommendations include:

1. An immediate, 30-day extension of the public comment period until December 2, 2015 for submission on the conditional offer to settle the recent violations of permit effluent limitations requirements of the City of Calistoga's NPDES permit;
2. The notification to all downstream water users that bypass the State's waters of the northern Napa River for irrigation, frost protection, or other purposes of the current violation of permit effluent limitation requirements by the City of Calistoga;
2. Pursuant to Water Code Section 13301, an immediate ban on new sewer connections until the City of Calistoga has demonstrated that it is in full compliance of all Cease and Desist Order tasks, all NPDES requirements, and all state/federal statutes which protect water quality of the Napa River and public trust assets for a period of at least three consecutive years;
3. The installation of equipment to remove nuisance pollutants at the Dunaweal facility prior to their entering the waters of the State;
4. The installation of equipment to remove nuisance pollutants at the Dunaweal facility prior to their utilization in the City of Calistoga's municipal recycled water system where they have the potential to contaminate public fields, parks, soils, wells, groundwater and affect public health;
5. The demolition of the City of Calistoga's "Riverside" effluent storage ponds due to their proximity to the Napa River and to agriculture and wells because of continuing seepage and percolation, the potential for flooding, and any uncontrolled or unauthorized discharges. CF&WU also supports the subsequent restoration of the site to original conditions;
6. The adoption of stringent new county-wide limitations on boron levels in wastewater discharge;
7. An increase in the amount of penalties issued in order to provide greater incentive against future violations at the problematic Dunaweal facility, especially as extended drought conditions and the effects of climate change have the potential of continuing the City of Calistoga's need to request emergency discharges to the Napa River and/or exceed municipal permit effluent limitation requirements;
8. Pursuant to PRC 4582.71, a denial of Timber Harvest Plan 1-13-126 NAP by Bruce H. Wolfe, Executive Officer of the San Francisco Bay Regional Water Quality Control Board, which is currently under review by the California Department of Forestry and Fire Protection and participating agencies. With approval expected within the next few weeks, this controversial THP will remove 8,185 trees within City of Calistoga limits to allow for the construction of Calistoga Hills Resort and housing development and will further stress the City of Calistoga's limited sewer capabilities and water supply system, which is currently in a second year of a Stage 2 Water Emergency with severe restrictions for city residents.

CF&WU urges the San Francisco Bay Regional Water Quality Control Board to uphold its public trust obligations and duty to protect the beneficial uses of the State's waters. The Napa River is not a sewer.

Respectfully submitted,

Christina Aranguren
California Fisheries & Water Unlimited

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