

**FACT SHEET  
DRAFT  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT  
NO. CA0084292**

Permittee's Name: Rumsey Band of Wintun Indians Cache Creek Casino Resort

Mailing Address: P.O. Box 65  
14455 State Highway 16  
Brooks, CA 95606

Plant Location: State Highway 16 and County Road 78A  
Brooks, CA 95606

Contact Person Jim Etters, Director of Land Management  
(530) 796-3400

**I. Status of Permit**

This is a new permit application to allow surface water discharges for an existing facility that currently land applies, leaches, and/or recycles all wastewater on-site. In accordance with 40 CFR 122.2, this is classified as a new discharger. The facility has a design flow less than 1 million gallons per day, therefore EPA has classified it as a minor facility.

**II. General Information**

The Cache Creek Casino Resort is located on the Rumsey Indian Rancheria of Wintun Indians of California, in Yolo County, California near the town of Brooks.

**III. Facility Information**

The existing waste water treatment plant (WWTP) serves the Cache Creek Casino Resort, which includes gaming areas, restaurants, a hotel, retail shops, conference center and golf course. There are no industrial operations discharging to the WWTP.

The annual average daily flow of the WWTP has been approximately 200,000 gallons per day (gpd) over the past two years. The existing WWTP employs a membrane bioreactor (MBR) followed by chlorine disinfection. Currently, all wastewater generated from the WWTP is either land-applied on site (through landscape irrigation or spray-field irrigation), re-used on-site

(through use in toilet flushing), or disposed of via leachfields. Several of the landscape irrigation areas (golf course) are located on fee lands (lands owned by the Tribe but not held in Trust) and therefore the Tribe has obtained a Waste Discharge Requirement (WDR) Order No. R5-2006-0121 from the State of California to allow the Tribe to apply recycled water to lands for irrigation and to fill a decorative pond. The WDR establishes effluent limitations, monitoring & reporting requirements, discharge prohibitions, and requirements to protect groundwater and human health. The Tribe is also operating under EPA's Underground Injection Control (UIC) Program for the subsurface discharge of treated wastewater.

Due to a planned expansion of the Resort, the WWTP is anticipated to have an average annual flow of 450,000 gpd at projected use levels, with a peak day flow of 640,000 gpd. The existing WWTP will therefore be expanded to a 700,000 gpd design capacity. As part of the expansion, the facility will increase the existing two MBR process trains to four process trains.

After the expansion, the Tribe will no longer use sprayfields to discharge treated effluent, but will continue to reuse effluent on-site (for toilet flushing), for irrigation, and leachfield groundwater recharge.

At the headworks, wastewater will be fine screened by two rotary drum screens with 2 mm openings before proceeding to the MBR treatment train. The MBR is a modified activated biosolids process designed for biological oxidation, nitrification, denitrification, and solids separation. The membrane filters are suspended in the MBR tanks and a slight vacuum is applied to pull clear effluent through the membranes. The membranes replace the clarifier and filter used in conventional tertiary treatment plants. Each of the MBR process trains operates an anoxic basin followed by an aeration basin to remove nutrients. Treatment starts in 39,000-gallon anoxic basins, which also receive recirculated mixed liquor from the aeration basin in the MBR and waste activated sludge. These streams are mixed without aeration to promote denitrification and alkalinity recovery. Effluent from the anoxic basin is then conveyed to the aeration/membrane basin system.

Four microfiltration cassettes are installed in each of the 104,000-gallon aeration basins. Permeate pumps draw wastewater through microfiltration fibers contained in the cassettes, and scour air is supplied beneath the cassettes to remove solids from between the microfiltration fibers. Additional air is supplied through fine bubble diffusers in the aeration basin to support aerobic biodegradation. Two permeate pumps are typically in operation, and there is one standby pump. Likewise, two blowers are typically run for the scour and process air systems, and there is one backup blower. During the process, a constant source of coarse bubble scour air is applied at the bottom of the membrane cassettes to remove solids that might accumulate between and on the surface of the membrane, and the membranes are backwashed with sodium hypochlorite to remove biological growth on the membranes.

Effluent from the MBRs is sent to a chlorine contact tank (sodium hypochlorite) for disinfection. For the water that will be discharged, chlorination will be followed by dechlorination with sulfur dioxide or sodium salts.

The WWTP will be constructed with 562,000 gallons of emergency storage capacity, which is sufficient to store over 24 hours of flow from the average daily flow volume.

Biosolids will be sent to a digester and belt filter press, and solids will be hauled off to the landfill.

**IV. Receiving Water**

The effluent from the WWTP that cannot be recycled, re-used, or infiltrated will be discharged to Cache Creek via an unnamed tributary/channelized ditch located on the Rancheria. At the point of discharge, the unnamed tributary flows through a segment of pipe, eliminating the need for a diffuser. The treated wastewater will traverse approximately ½ mile in the tributary/channelized ditch before flowing into Cache Creek.

Cache Creek flows generally southeast from Clear Lake to the Cache Creek Settling Basins and the Yolo Bypass, where it joins with the Sacramento River Delta. The flows in Cache Creek are largely dependent on the releases from the dam at Clear Lake and Indian Valley Dam.

**V. Description of Discharge**

The discharge will be tertiary treated municipal wastewater. Although this is a new permit, and therefore no discharge data is available, the WWTP has been in operation for several years and has been operating under a WDR Order from the State of California. Therefore, monitoring data from the effluent of the WWTP is available and has been provided in the permit application.

Data for 36 months from January 2005 to December 2007 was provided for BOD<sub>5</sub>, TSS, Nitrate as N, chloride, sodium, TDS, turbidity, pH and Coliform.

The permit application includes the following effluent data for the existing (non-discharging) treatment system:

Pollutant or parameter	Average Historical effluent	Maximum Daily Historical Effluent
BOD <sub>5</sub>	< 5 mg/L	> 15.7 mg/L
TSS	< 5 mg/L	7 mg/L
Fecal Coliform	< 2 MPN	1600 MPN *Occurred out of WWTP,

		but upstream of R.W. tank. Likely due to service work on membranes. All R.W. delivered to toilets/urinals < 2 MPN at all times.
Nitrate as N	2.2 mg/L	3.5 mg/L

## VI. Regulatory Basis for NPDES Permit Effluent Limitations

Section 301(a) of the Clean Water Act provides that the discharge of any pollutant to waters of the United States is unlawful except in accordance with an NPDES permit. Section 402 of the Act establishes the NPDES program. The program is designed to limit the discharge of pollutants into waters of the U.S. from point sources (40 CFR 122.1 (b)(1)) through a combination of various requirements including technology-based and water quality-based effluent limitations.

### Technology-based effluent limitations

Under 40 CFR Part 125.3(c)(2), Technology based treatment requirements may be imposed on a case-by-case basis under Section 402(a)(1) of the Act, to the extent that EPA promulgated effluent limitations are inapplicable, i.e., the regulation allows the permit writer to consider the appropriate technology for the category or class of point sources and any unique factors relating to the applicant.

The minimum levels of effluent quality attainable by secondary (Cache Creek has tertiary) treatment for Settleable Solids, as specified in the EPA Region IX Policy memo dated May 14, 1979, are listed below:

30-day average - 1 ml/l  
Daily maximum - 2 ml/l

EPA developed technology-based treatment standards for municipal wastewater treatment plants in accordance with Section 301(b)(1)(B) of the Clean Water Act. As a municipal wastewater treatment system, the minimum levels of effluent quality attainable by secondary treatment for Biochemical Oxygen Demand (BOD<sub>5</sub>), Total Suspended Solids (TSS), and pH, as defined in 40 CFR 133.102, are listed below and are incorporated in the permit.

BOD<sub>5</sub>:  
Concentration-based Limits  
30-day average - 30 mg/l  
7-day average - 45 mg/l

Removal Efficiency - minimum of 85%

TSS:

Concentration-based Limits

30 - day average - 30 mg/l

7 - day average - 45 mg/l

Removal efficiency - Minimum of 85%

pH:

Instantaneous Measurement: 6.0 - 9.0 standard units (s.u.)

## 2. Water Quality-Based Effluent Limitations

Sections 402 and 301(b)(1)(C) of the Clean Water Act require that the permit contain effluent limitations that, among other things, are necessary to meet water quality standards. 40 CFR 122.44(d) provides that an NPDES permit must contain:

“Water quality standards and State requirements: any requirements in addition to or more stringent than promulgated effluent limitations guidelines or standards under sections 301, 304, 306, 307, 318 and 405 of CWA necessary to:

(1) Achieve water quality standards established under section 303 of the CWA, including State narrative criteria for water quality.”

40 CFR 122.44 (d)(1)(i) states:

“Limitations must control all pollutants or pollutant parameters (either conventional, nonconventional, or toxic pollutants) which the Director determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality.”

40 CFR 122.44 (d) (1) (ii) states:

“When determining whether a discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above a narrative or numeric criteria within a State water quality standard, the permitting authority shall use procedures which account for existing controls on point and non-point sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity) and where appropriate, the dilution of the effluent in the receiving water.”

40 CFR 122.44 (d)(1) (iii) states:

“When the permitting authority determines using the procedures in paragraph (d)(1)(ii) of

this section, that a discharge causes, has the reasonable potential to cause or contributes to an in-stream excursion above the allowable ambient concentration of a State numeric criteria within a State water quality standard for an individual pollutant, the permit must contain effluent limits for that pollutant.”

Guidance for the determination of reasonable potential to discharge toxic pollutants is included in both the Technical Support Document for Water Quality-Based Toxics Control (TSD) - Office of Water Enforcement and Permits, U.S. EPA, dated March 1991 and the U.S.EPA NPDES Permit Writers Manual - Office of Water, U.S. EPA, dated December 1996. EPA's technical support document contains guidance for determining the need for permit limits. In doing so, the regulatory authority must satisfy all the requirements of 40 CFR 122.44(d)(1)(ii). In determining whether the discharge causes, has the reasonable potential to cause or contributes to an excursion of a numeric or narrative water quality criterion for individual toxicants, the regulatory authority must consider a variety of factors. These factors include the following:

- Dilution in the receiving water,
- Existing data on toxic pollutants,
- Type of industry,
- History of compliance problems and toxic impacts,
- Type of receiving water and designated use.

Therefore, based on WWTP operations and projected waste water quality data provided in the application, EPA conducted a "reasonable potential" analysis to compare effluent discharges to water quality standards, as required by 40 CFR 122.44(d)(1)(ii), (iii) and (iv).

A. Dilution in the receiving water

Discharge from Outfall 001 is to a tributary of Cache Creek. Although dilution may be available in the receiving water, no dilution of the WWTP effluent has been considered in the development of water quality based effluent limits applicable to the discharge.

B. Existing data on toxic pollutants

This is a new discharge and therefore no discharge of effluent to surface waters has been reported. The WWTP will serve the Rancheria, including all flows that originate from sanitary uses at the gaming facility and hotel. No industrial sources will discharge to the WWTP, although there are numerous restaurants, a hotel, and ancillary activities at the site.

Although the WWTP has never discharged, operational data for conventional and non-conventional pollutants is available from the current treatment system performance (wastewater is used for re-use) and is presented in Section V of the fact sheet. The

available data consists of BOD<sub>5</sub>, TSS, Nitrate as N, chloride, sodium, TDS, turbidity, pH and Coliform and other toxic pollutants.

Based on a review of past performance data and proposed treatment technology consisting of a membrane bioreactor, the WWTP is expected to continue to discharge very high quality effluent. Due to the treatment technology employed and sources of domestic wastewater, EPA does not expect the facility to discharge toxic pollutants that may cause or have the reasonable potential to cause or contribute to a violation of water quality standards for Cache Creek. However, EPA has placed in the permit monitoring requirements for a priority pollutant scan and a whole effluent toxicity test to ensure that the WWTP is meeting all requirements to protect the beneficial uses of receiving waters. If future sampling analysis demonstrates that any pollutant has the reasonable potential to cause or contribute to a water quality impairment, EPA will reopen the permit to establish effluent limitations for that pollutant.

C. Type of Industry

Typical pollutants of concern in untreated and treated domestic wastewater include ammonia, nitrate, oxygen demand, pathogens, temperature, pH, oil and grease, and solids. Chlorine and turbidity may also be of concern due to treatment plant operations. Raw wastewater will be generating from domestic activities and there are no industrial operations generating wastewater on site.

D. Receiving Water

The Tribe does not have approved water quality standards for discharges to waters located on the Rancheria. However, the discharge of wastewater from the WWTP flows to Cache Creek for which the State of California has established water quality standards. Therefore, water quality standards applicable to Cache Creek and its tributaries are applicable to the discharge at the point where the discharge enters State waters.

EPA has therefore evaluated water quality standards based on the Water Quality Control Plan ("Basin Plan"), fourth edition, for the Sacramento River and San Joaquin River. The following beneficial uses are listed as existing applicable to Cache Creek (from Clear Lake to the Yolo Bypass):

**MUN** Municipal and Domestic Supply  
**AGR** Agricultural Supply & Stock Watering  
**PROC** – Process water  
**IND** Industrial Service Supply  
**REC-1** Water Contact Recreation  
**REC-2** Non-Contact Water Recreation  
**WARM** Warm Freshwater Habitat

**SPWN** Spawning, Reproduction, and/or Early Development  
**WILD** Wildlife Habitat

The following are listed as potential beneficial uses:  
**COLD** Cold Freshwater Habitat

Additionally, Cache Creek Lower (from Clear Lake to the Yolo Bypass) is listed as an impaired waterbody for unknown toxicity pursuant to Section 303(d) of the Clean Water Act.

Cache Creek Lower (from Clear Lake to the Yolo Bypass) is listed as an impaired waterbody for mercury pursuant to Section 303(d) of the Clean Water Act. (2006 Section 303(d) List)

E. Rationale for Effluent Limitations

EPA evaluated the typical pollutants expected to be in WWTP discharge effluent and selected the most stringent of applicable technology-based standards or water quality-based effluent limitations. Where effluent concentrations of toxic parameters are unknown or are not reasonably expected to be discharged in concentration that have the reasonable potential to cause or contribute to water quality standards, EPA has established monitoring requirements in the permit. This data will be re-evaluated and the permit re-opened to incorporate effluent limitations if necessary based on additional monitoring data.

In order to be conservative, the permit establishes the water quality standards applicable at the State boundary directly to the discharge location of the wastewater treatment plant without the benefit of dilution, i.e., establishing “end-of-pipe” limits.

*Ammonia*

Treated and untreated domestic wastewater may contain levels of ammonia that are toxic to aquatic organisms. Ammonia is converted to nitrate during biological nitrification process, and then nitrate is converted to nitrogen gas through biological denitrification process. USEPA’s Ambient Water Quality Criteria for the Protection of Freshwater Aquatic Life recommends acute and chronic criteria that are pH and temperature dependent. Due to the potential for ammonia to be present in sanitary wastewater at toxic levels and due to the conversion of ammonia to nitrate, effluent limitations are established for ammonia.

*Nitrate*

Treated and untreated domestic wastewater may contain levels of ammonia that are toxic to aquatic organisms. Ammonia is converted to nitrate during biological nitrification process, and then nitrate is converted to nitrogen gas through biological

denitrification process.

The primary MCL for protection of MUN is 10 mg/L and the USEPA Ambient Water Quality Criteria for the Protection of Human Health is also 10 mg/L for non-cancer effects. Due to the potential for ammonia to be present in sanitary wastewater and due to the conversion of ammonia to nitrate, effluent limitations are established for nitrate (measured as N).

*Total Dissolved Solids (TDS) /Electrical Conductivity (EC)*

The Basin Plan does not establish numerical water quality objectives for TDS/EC for Cache Creek.

To protect the beneficial uses of water for agriculture uses, studies by the United Nations have recommended a goal of 700 umhos/cm for electrical conductivity (EC). The California Department of Health Services has recommended an SMCL for EC of 900 umhos/cm, with an upper level of 1600 umhos/cm and a short term level of 2200 umhos/cm.

The WDR established interim effluent limits for 1,300 mg/L TDS as 30-Day Flow-weighted Average, and effective 30 June 2008, a limit of either 650 mg/L TDS as a 30-day Flow-weighted Average or the background groundwater concentration (whichever is higher).

The facility is in the process of implementing a new treatment system to control salinity in the effluent. The local drinking water is high in TDS (approximately 540 mg/L) and the Tribe treats source water to reduce salinity. The Tribe is in the process of installing an electro dialysis reversal (EDR) water softener for groundwater treatment, which started operation in May, 2009. The EDR will replace the existing Ion-Exchange water softener to reduce the levels of salt. This conversion should be complete by summer, 2009, at which time the Ion-Exchange softeners will be decommissioned. All drinking water for the facility will be treated with the EDR. The new system will employ a type of reverse osmosis system that will produce a highly concentrated brine which will be hauled offsite to EBMUD. It is projected that the new system will reduce TDS levels by 57%, and that the projected WWTP effluent will be approximately 510 mg/L TDS.

EPA has included monitoring for TDS and electrical conductivity in the permit to assess the levels of treatment achievable at the facility.

*Total Coliform bacteria:*

Based on the nature of WWTP effluent, there is a reasonable potential for coliform bacteria to violate water quality standards. Based on REC-1 Beneficial Use, total coliform concentration based on a minimum of not less than five samples for any 30-day period shall not exceed 200/100 ml, nor shall more than 10% of the total number of samples during any 30-day period exceed 400/100 ml - 10% of samples for 30-day

period. Based on MUN standards, total coliform must not exceed 2.2 /100mL in a 7 day average. Since the MUN is the most stringent standard, this limit is included in the permit.

The effluent is designed to meet California (Title 22) disinfection standards for the re-use of wastewater. Title 22 requires that for spray irrigation of food crops, parks, playgrounds, schoolyards, and other areas of public access, wastewater be adequately disinfected, oxidized, coagulated, clarified, and filtered and that the effluent total coliform levels not exceed 2.2 MPN/100 ml as a 7-day median.

*Total Residual Chlorine:*

Chlorine will be used to disinfect WWTP effluent intended for discharge, and de-chlorinated prior to discharge. Therefore there is a reasonable potential for chlorine residual to be present in the discharge and effluent limits for residual chlorine have been included in the permit.

*Dissolved oxygen*

The basin plan contains the requirement that dissolved oxygen not be reduced below 7.0 mg/L in the receiving water. Therefore, this is included in the permit.

*Oil and Grease*

Treated and untreated domestic wastewater may contain levels of oil and grease which may be toxic to aquatic organisms. There are no numeric water quality standards for oil and grease (only narrative standards which have been incorporated into the permit). Therefore, an effluent limit based on Best Professional Judgment is being established. Therefore, this is included in the permit.

*Mercury*

Mercury continues to be a water quality issue in the Clear Lake basin and Cache Creek Watershed as a result of historic mining activities. According to the Basin Plan, the Cache Creek watershed methylmercury and total mercury implementation program applies to Cache Creek (from Clear Lake to the Settling Basin outflow and North Fork Cache Creek from Indian Valley Reservoir Dam to the main stem of Cache Creek), Bear Creek, Sulphur Creek, and Harley Gulch. This implementation program is intended to reduce loads of methylmercury and total mercury to achieve all applicable water quality standards for mercury and methylmercury, including the site-specific water quality objectives for methylmercury in fish tissue. Guidance for monitoring mercury in fish, water, and sediment is provided in Chapter V, Surveillance and Monitoring, of the Basin Plan.

Tables IV-6.1 and 6.2 of the Basin Plan provide methylmercury load allocations for Cache Creek, its tributaries, and instream methylmercury production. Allocations are expressed

as a percent of existing methylmercury loads. The methylmercury allocations will be achieved by reducing the annual average methylmercury (unfiltered) concentrations to site specific, aqueous methylmercury goals. The Cache Creek methylmercury allocation at Yolo (the compliance point for the tributaries and Cache Creek channel for meeting the allocations and aqueous goals) is 39 grams/year.

The WWTP is not expected to contribute methylmercury loads in measurable quantities to Cache Creek due to the high level of treatment achieved, the lack of industrial facilities connected to the sewer system, and the relatively low volume of effluent that will be discharged to Cache Creek. Effluent monitoring data conducted at the facility since 2003 (14 separate sample events) have confirmed that mercury is not present in measurable quantities, with all results demonstrating non-detect levels of mercury in the effluent. Therefore, EPA has concluded that the discharge will not contribute to the exceedance of mercury in Cache Creek and is therefore consistent with the Basin Plan requirements. However, due to the water quality concerns of mercury and methylmercury in the Cache Creek watershed, EPA is establishing a monitoring requirement for mercury in the permit to ensure that the WWTP does not contribute to the water quality impairment.

The California Toxic Rule (CTR) human health criterion for consumption of water and organisms 0.050 µg/l as a 30-day average. Therefore, EPA is establishing an effluent limit for mercury at the most stringent level of protection of “criteria end of pipe” at 0.050 µg/l.

*Toxicity:*

The basin plan includes a narrative objective for toxicity that requires that: All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. As stated earlier, Cache Creek is listed as impaired for unknown toxicity. The WWTP is not expected to contribute toxicity to Cache Creek due to the high level of treatment achieved, the lack of industrial facilities connected to the sewer system, and the relatively low volume of effluent that will be discharged to Cache Creek. Therefore, the permit requires monitoring for toxicity based on chronic Whole Effluent Toxicity Procedures to ensure the discharge will not contribute to toxic effects on aquatic organisms.

3. Narrative water quality standards:

Narrative water quality standards contained in the permit are based upon water quality objectives contained in the Basin Plan.

**VII. Monitoring Requirements**

1. Priority Pollutants

The discharger must conduct a comprehensive screening test for the Priority Toxic Pollutants listed for the California Toxics Rule in the Code of Federal Regulations (CFR) at 40 CFR Section 131.38 in each year of the permit. If an exceedance of a criteria, or a reasonable potential for exceedance of a criteria is detected the permit may be re-opened to require appropriate limits.

2. Whole Effluent Toxicity

The permit establishes tests for toxicity for chronic toxicity.

Chronic toxicity testing evaluates reduced growth/reproduction at 100 percent effluent. Chronic toxicity is to be reported based on the No Observed Effect Concentration (NOEC). The permittee shall conduct short-term tests with the water flea, *Ceriodaphnia dubia* (survival and reproduction test), the fathead minnow, *Pimephales promelas* (larval survival and growth test) and the green alga, *Raphidocelis subcapitata* (growth test). The presence of chronic toxicity shall be estimated as specified by the methods in the 40 CFR Part 136 as amended on November 19, 2002.

**VIII. Special Conditions**

1. Pretreatment Requirements

As described above, there are no industrial facilities discharging to the WWTP. Therefore, there are no pretreatment requirements in this permit.

2. Re-use Standards

The Tribe will re-use wastewater for on-site irrigation and non-potable water uses such as toilet flushing. Water reclamation uses occur both on Tribal Trust land and Tribal Fee lands. For water reuse located on fee lands (lands owned by the Tribe but not held in Trust) the Tribe has obtained a Waste Discharge Requirement (WDR) Order No. R5-2006-0121 from the State of California to allow the Tribe to apply recycled water to lands for irrigation and to fill a decorative pond. The California Department of Health Services (DHS) has established statewide reclamation criteria in Chapter 3, Division 4, Title 22, California Code of Regulations (CCR), Section 60304, et seq. (Hereafter Title 22) for the use of reclaimed water. These requirements implement the reclamation criteria in Title 22. The WDR establishes effluent limitations, monitoring & reporting requirements, discharge prohibitions, and requirements to protect groundwater and human health.

The Tribe is not required to implement the conditions of the State-issued WDR on Tribal Trust Lands. However, the Tribe has voluntarily agreed to follow the reclamation criteria established by the California Department of Health Services to protect public health and the environment for water reuse. Because these standards are established in the existing WDR, these terms are not included in this NPDES permit.

### **IX. Threatened and Endangered Species**

EPA has determined that the proposed permit will have no effect on federally endangered or threatened species.

EPA obtained the list of federal endangered and threatened species for Yolo County from U.S Fish and Wildlife Service and completed a draft Biological Evaluation (BE) for the proposed permit. A biological assessment was also completed as part of the Tribal Environmental Impact Report for the Rumsey Band of Wintun Indians Cache Creek Destination Resort Project (draft TEIR April 2008, Final TEIR September 2008).

EPA notes that no aquatic endangered or threatened species are present in Cache Creek. While several endangered and threatened invertebrates [*Branchinecta conservatio* (Conservancy fairy shrimp (E)), *Branchinecta lynchi* (vernal pool fairy shrimp (T)), *Desmocerus californicus dimorphus* valley elderberry longhorn beetle (T)), and *Lepidurus packardi* (vernal pool tadpole shrimp (E))], are present in Yolo County, their habitats do not include free flowing streams of Cache Creek and will not be affected by the discharge. Several amphibians are also listed for Yolo County [*Ambystoma californiense* (California tiger salamander (T)) and *Rana aurora draytonii* (California red-legged frog (T))] however these species also do not inhabit Cache Creek and will not be affected by the discharge. A complete assessment of each species can be found in Chapter 3.4 “Biological Resources of the Draft TEIR (April 2008).

### **X. Historic Preservation**

No historic properties will be affected by the issuance of this permit.

### **XI. Permit Reopener**

The permit contains a reopener clause to allow for modification of the permit if reasonable potential is demonstrated during the life of the permit.

### **XII. Standard Conditions**

Conditions applicable to all NPDES permits are included in accordance with 40 CFR, Part 122.

### **XIII. Administrative Information**

#### Public Notice

The public notice is the vehicle for informing all interested parties and members of the general public of the contents of a draft NPDES permit or other significant action with respect to an NPDES permit or application. The basic intent of this requirement is to ensure that all interested parties have an opportunity to comment on significant actions of the permitting agency with respect to a permit application or permit. This permit is public noticed in a local newspaper after a pre-notice review by the applicant and other affected agencies.

#### Public Comment Period

40 CFR 124.10 requires that permits be public noticed in a newspaper of general circulation within the area affected by the facility or activity and provide a minimum of 30 calendar days for interested parties to respond in writing to EPA. In addition, Section 401(a)(2) of the Clean Water Act provides that, where this provision applies, an affected State may determine within 60 days whether a proposed discharge will violate any water quality requirements of the State. EPA has determined that it is appropriate to apply the procedures of Section 401(a)(2) to this permit application and that it is appropriate to allow public comment on the draft permit during the 60 day period provided for the State determination. After the closing of the public comment period, EPA is required to respond to all significant comments at the time a final permit decision is reached or at the same time a final permit is actually issued.

#### Public Hearing

A public hearing may be requested in writing by any interested party. The request should state the nature of the issues proposed to be raised during the hearing. A public hearing will be held if the Director determines there is a significant amount of interest expressed during the 30-day public comment period, or if significant new issues arise that were not considered during the permitting process.

### **XIV. Additional Information**

Additional information relating to this proposed permit may be obtained from the following locations:

U.S. Environmental Protection Agency, Region IX  
CWA Standards & Permits Office Mail Code: WTR-5  
75 Hawthorne Street  
San Francisco, California 94105-3901  
Telephone: (415) 972-3518  
Attn: John Tinger

## **XV. Information Sources**

While developing effluent limitations, monitoring requirements and special conditions for the draft permit, the following information sources were used:

1. Water Quality Control Plan ("Basin Plan"), fourth edition, for the Sacramento River and San Joaquin River.
2. EPA Technical Support Document for Water Quality-based Toxics Control dated March 1991.
3. U.S. EPA NPDES Basic Permit Writers Manual (December 1996).
4. 40 CFR Parts 122, 131, and 133.
5. Interim Final Regions 9 and 10 Guidance for Implementing Whole Effluent Toxicity Testing Programs, May 31, 1996.
6. NPDES permit application and Wastewater Engineering Report, December 2008.
7. NPDES permit application forms 1 and 2A, December 2008 and revised May 4, 2009.
8. ORDER NO. R5-2006-0121, WASTE DISCHARGE REQUIREMENTS FOR THE RUMSEY BAND OF WINTUN INDIANS CACHE CREEK GOLF CLUB WATER RECLAMATION PROJECT YOLO COUNTY, Central Valley Regional Water Quality Control Board.
9. Cache Creek Characterization and Assessment, Rumsey Band of Wintun Indians, March 2009.