

Central Valley Regional Water Quality Control Board

19 June 2013

CERTIFIED MAIL
7010 0290 0000 8536 4568

Mark Seedall
Contra Costa Water District
P.O. Box H2O
Concord, CA, 94524

CERTIFIED MAIL
7010 0290 0000 8536 4575

Gail Newton
Dept. of Water Resources
901 P Street, 4th Floor
Sacramento, CA 95814

CERTIFIED MAIL
7010 0290 0000 8536 4582

Edward Biggs
Bethell Island LLC
8020 Kains Avenue, #108
Albany, CA 94706

CERTIFIED MAIL
7010 0290 0000 8536 4599

Brent Gilbert
Trustee of Mark E. Gilbert Admin. Trust
3740 Point of Timber
Brentwood, CA 94513

NOTICE OF APPLICABILITY: WATER QUALITY ORDER 2003-0003-DWQ-0043, CONTRA COSTA CANAL REPLACEMENT SEGMENTS 2 THROUGH 5, DEWATERING DISCHARGE TO LAND, CONTRA COSTA WATER DISTRICT, CONTRA COSTA COUNTY

On 16 June 2009, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) issued a Notice of Applicability (NOA) under State Water Resources Control Board's Water Quality General Order 2003-0003-DWQ, for discharge of extracted groundwater during Segment 1 of the Contra Costa Canal Replacement project. On 14 May 2013, the Central Valley Water Board received a Report of Waste Discharge requesting coverage for Segments 2 through 5 of the project.

Based on information in the RWD and additional information received on 10 June 2013, the proposed land discharge of extracted groundwater satisfies the general and specific conditions of General Order 2003-0003-DWQ for the category of small/temporary dewatering projects. Therefore, this serves as formal notice that General Order 2003-0003-DWQ is applicable to the sites and discharge described below. You are hereby assigned General Order No. 2003-0003-DWQ-0043 for the remainder of the project.

A copy of the General Order is enclosed. You can also find the General Order on the State Water Board's website at

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/wqo03.shtml

It is necessary to be familiar with the contents of the entire General Order. The discharge must be managed in accordance with the requirements contained in the General Order and with the information submitted in the RWD.

DISCHARGE DESCRIPTION

The Contra Costa Canal Replacement Project is along the alignment of the existing Contra Costa Canal between Rock Slough and Pumping Station No. 1, which is on the east side of Oakley. The project will include excavation of the existing canal and dewatering along its entire length to facilitate placement of a 10-foot diameter reinforced concrete pipeline at an approximate depth of 20 feet to replace the unlined canal. Shallow groundwater will be extracted through shallow wells to facilitate pipeline construction, and will be discharged to designated disposal areas for percolation.

The project site, including the dewatering discharge areas, encompasses portions of Sections 19, 28, 29, 30, 33, and 34, T2N, R3E and MDB&M, and is depicted on Attachment A, which forms part of this Notice by reference. The dewatering discharge sites are owned by the California Department of Water Resources (approximately 1,164 acres on APNs 032-081-015, 032-084-018, 037-191-036), Edward Biggs, Bethel Island LLC (approximately 347 acres on Assessors Parcel Numbers (APN) 020-140-048 and 020-150-003), and Brent Gilbert, as Trustee of the Mark E. Gilbert Administrative Trust (approximately 124 acres on APN 032-081-016).

The data provided show that groundwater conditions are as described in the 2009 NOA. Shallow groundwater is typically five to eight feet below the surrounding grade along the entire pipeline alignment. Regional groundwater flow is generally northward towards the river. Based on data collected by Contra Costa Water District, shallow groundwater quality along the north side of the canal on the former Emerson Dairy site is saline with high concentrations of dissolved solids (970 to 1,500 mg/L), sodium (300 to 360 mg/L), chloride (160 to 430 mg/L). Nitrate nitrogen concentrations have also been elevated up to 25 mg/L. There is no evidence to suggest that these conditions are not widespread under the former dairy, which ceased operation within the last six years.

The RWD states that the previous operation and maintenance plan with best management practices will continue to be implemented. The RWD also demonstrates adequate disposal capacity for anticipated discharge rates using a reasonably conservative numerical model. Proposed maximum dewatering discharge rates will vary between approximately 4.5 and 9.6 million gallons per day (mgd) during the months April through November. Extracted groundwater will be conveyed by temporary pipelines to the designated disposal areas and will be land applied using flood irrigation methods. The existing berms and levees surrounding the discharge sites and management of discharge rates and schedules will be used to contain the water at all times.

Due to the fact that shallow groundwater will be extracted from, and discharged back into, the same aquifer with little potential for evapoconcentration and in or near the same area from which it was extracted, the discharge poses little or no threat to water quality if the water is discharged under conditions that prevent discharge to surface water.

MONITORING AND REPORTING PROGRAM

The Discharger shall continue to comply with the monitoring and reporting requirements prescribed in Monitoring and Reporting Program R5-2009-0827, a copy of which is enclosed

GENERAL INFORMATION AND REQUIREMENTS

The Dischargers shall comply with the Prohibitions, Discharge Specifications, Provisions, and Standard Provisions of Water Quality Order No. 2003-0003-DWQ. Please review this Notice of Applicability carefully to ensure that it completely and accurately reflects the proposed project and dewatering discharge. If the discharge violates the terms or conditions, the Central Valley Water Board may take enforcement action, including assessment of administrative civil liability. If the method of waste disposal changes from that described in the RWD, you must submit a new RWD.

Contra Costa Water District will generate the waste subject to the terms and conditions of Water Quality Order No. 2003-0003-DWQ and will maintain exclusive control over the discharge. The California

Department of Water Resources; Edward Biggs, Bethel Island LLC; and Brent Gilbert, as Trustee of the Mark E. Gilbert Administrative Trust are named as co-dischargers because these entities own the land where the discharge will occur. As such, Contra Costa Water District is primarily responsible for compliance with Water Quality Order No. 2003-0003-DWQ.

Failure to comply with the requirements in the Order could result in an enforcement action as authorized by provisions of the California Water Code. Discharge of wastes other than those described in the RWD is prohibited.

The required annual fee specified in the annual billing from the State Water Board shall be paid until this NOA is officially terminated. You must notify this office in writing if the discharge regulated by this Order ceases so that we may terminate coverage and avoid unnecessary billing.

All monitoring reports, submittals, discharge notifications, and questions regarding compliance and enforcement should be directed to Guy Childs at (916) 464-4648 or gchilds@waterboards.ca.gov. Questions regarding the permit should be directed to Robin Merod at (916) 464-4697 or rmerod@waterboards.ca.gov.

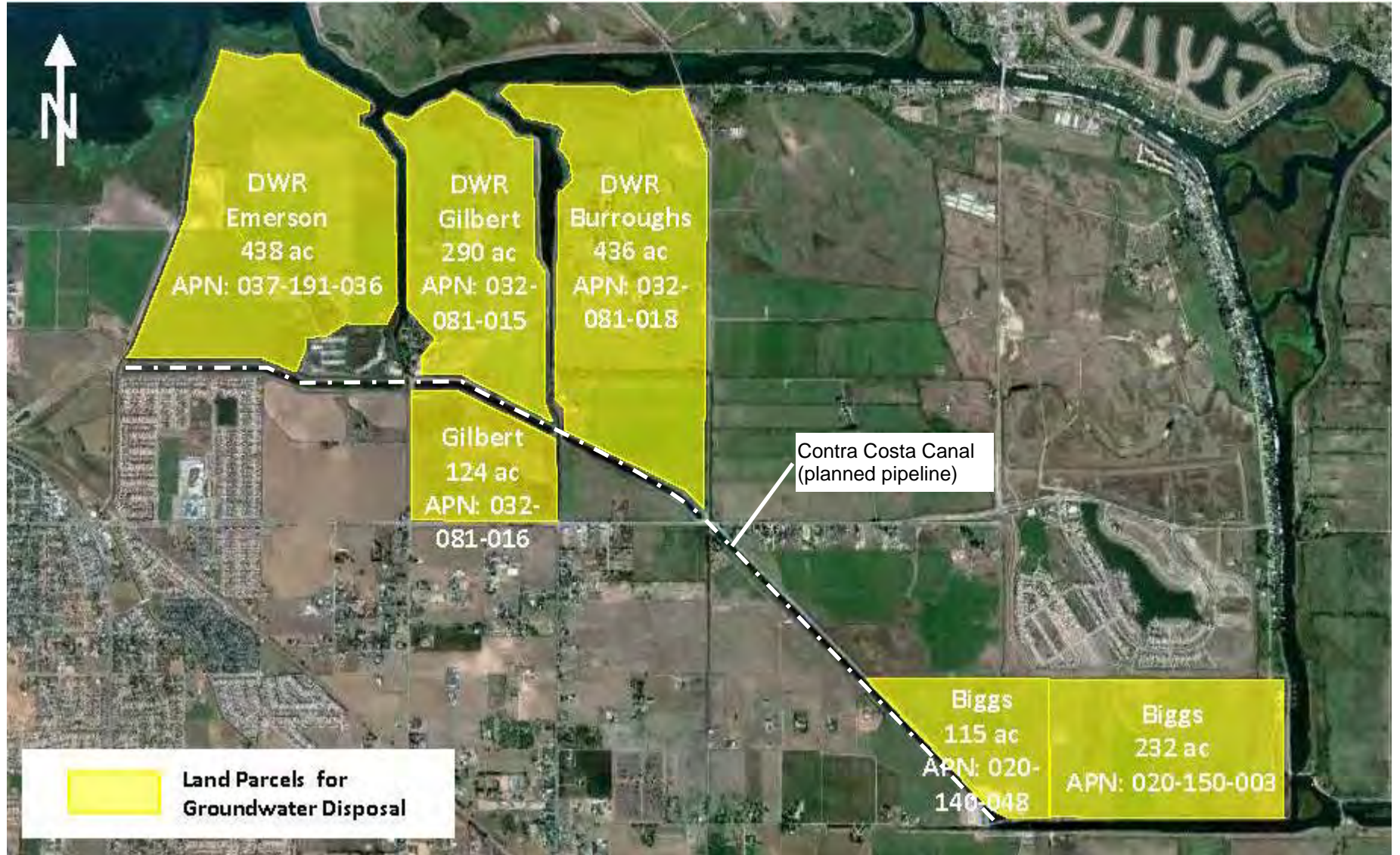
Original signed by Andrew Altevogt for

PAMELA C. CREEDON
Executive Officer

Enclosures: Water Quality Order 2003-0003-DWQ
Monitoring and Reporting Program R5-2009-0827

cc w/o enclosure:

Randall L. Sawyer, Contra Costa County Environmental Health Department, Concord



DRAWING REFERENCE:

RWD
 Contra Costa Water District
 May 2013

SITE PLAN

CONTRA COSTA WATER DISTRICT
 CANAL REPLACEMENT PROJECT
 CONTRA COSTA COUNTY

Approximate Scale:

1 inch = 2,540 feet

