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MATTHEW RODRIGUEZ
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ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

30 May 2013

Jeff Burns
President of the Board
Hart Creek Estates Mutual Water Company
300 H Street
Bakersfield, CA 93301

CERTIFIED MAIL
7011 0110 0001 2272 4663

NOTICE OF APPLICABILITY

ORDER NO. R5-2008-0081-119 (NPDES NO. CAG995001); WASTE DISCHARGE REQUIREMENTS FOR DEWATERING AND OTHER LOW THREAT DISCHARGES TO SURFACE WATERS; HART CREEK ESTATES MUTUAL WATER COMPANY, HART CREEK ESTATES MUTUAL WATER COMPANY PIPELINE FLUSHING, WDID 5C15NP00018

Our office received a Notice of Intent (NOI) Package on 19 February 2013 on behalf of the Hart Creek Estates Mutual Water Company (Discharger) to comply with Order No. R5-2008-0081 (NPDES Permit No. CAG995001), Waste Discharge Requirements for Dewatering and Other Low Threat Dischargers to Surface Waters (General Order) for discharges associated with potable water pipeline flushing. Based on information in the NOI Package and subsequent documentation submitted on 29 April 2013, we have determined that the discharge of dechlorinated water flushed from the Hart Creek Estates Mutual Water Company distribution system herein meets the conditions for enrollment under the General Order. The Discharger is hereby assigned Order No. **R5-2008-0081-119**, NPDES Permit No. **CAG995001**, and WDID # **5C15NP00018**. The Discharger may proceed to discharge in accordance with the General Order and this Notice of Applicability.

The General Order is enclosed and may also be viewed at the following web address: http://www.swrcb.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2008-0081.pdf. A copy of the General Order and this Notice of Applicability are required to be maintained at the facility and be available at all times to operating personnel. Key operating personnel are required to be familiar with its content.

PROJECT DESCRIPTION

Hart Creek Estates Mutual Water Company provides potable water to the Hart Creek Estates development, which is located in Kern County just south of State Route 58 between the community of Caliente and the City of Tehachapi. The Discharger is required by the California Department of Public Health to occasionally flush its potable water delivery system. The Discharger anticipates that flushing activities will occur twice per year. The Discharger will flush potable water from approximately 37 fire hydrant and blow-off assembly locations and estimates that approximately 185,000 gallons will be discharged each flushing event. The flushed potable water will be discharged to the paved roads within Hart Creek Estates development, which drain to surrounding unnamed creeks that flow northeast to Tehachapi Creek. The flushing activities will be conducted by SkOO'kum H2o Monitoring, Inc.

The only chemical added to the water system is 12.5% sodium hypochlorite. Sodium hypochlorite is injected at each of the three water supply wells for disinfection. The Discharger will treat the flushed potable water with Vita-D-Chlor™ before it is discharged to the surrounding unnamed creeks. In addition, the Discharger proposes to use one or more of the following methods at the discretion of the water system operator: 1) installation of straw waddles at the point of discharge, 2) installation of a bag filter at the point of discharge, and/or 3) discharge of the initial water at each discharge point to a water truck which will use the water for dust control. The Discharger will only conduct flushing activities when the surrounding unnamed creeks are dry.

CALIFORNIA TOXICS RULE/STATE IMPLEMENTATION POLICY MONITORING

The General Order incorporates the requirements of the California Toxics Rule (CTR) and the State Water Resources Control Board's *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*, 2005, also known as the State Implementation Policy (SIP).

Section 5.3 of the SIP allows "*short term or seasonal exceptions from meeting the priority pollutant criteria/objectives if determined to be necessary to implement control measures...*" The Discharger qualifies for the exception in Section 5.3 of the SIP and, therefore, 1) is not required to conduct priority pollutant monitoring and 2) is not subject to the priority pollutant criteria and objectives in the CTR and SIP. Dischargers authorized to discharge under the General Order who have been granted an exception to the priority pollutant criteria and objectives in the SIP must provide certification by a qualified biologist that the beneficial uses of the receiving water have been restored upon completion of the project.

MONITORING AND REPORTING

Water suppliers that have numerous discharge points covered by the General Order are not required to sample all discharges if reasonable assurance is provided that the discharges will comply with requirements. The Discharger proposes four representative sampling sites within the surrounding unnamed creeks in its Monitoring and Reporting Plan. Upstream and effluent monitoring shall comply with this Notice of Applicability and the Monitoring and Reporting Program (MRP) in Attachment E of the General Order, with the exception of sections IV and VIII. The Discharger shall conduct effluent and receiving monitoring in accordance with the Pollution Prevention and Monitoring and Reporting Plan submitted by the Discharger in lieu of the effluent and receiving water monitoring requirements contained in sections IV and VIII of the MRP in Attachment E.

The Discharger shall also conduct the monitoring it proposed that is required as part of the SIP exception. The Discharger proposes to take pictures of the receiving waters prior to and after discharge events. The Discharger shall also take pictures of the actual discharge of dechlorinated flushed water to the receiving waters. All pictures taken of the receiving waters and the discharge shall be included in the quarterly self-monitoring reports (SMRs). Please be advised that in accordance with the MRP, the Discharger shall notify our office a minimum of 24 hours before initiating the discharge to the surrounding unnamed creeks.

The MRP requires submittal of quarterly SMRs, which are to include the results of all monitoring specified in the MRP, the Discharger's Monitoring and Reporting Plan, and this Notice of Applicability. Quarterly SMRs shall be submitted to the Central Valley Water Board, Fresno Office (Attention: NPDES Program) and are due on **1 May, 1 August, 1 November, and 1 February**. Quarterly SMRs are required even if there is no discharge or receiving water flow during the reporting quarter.

The following information shall be included in the SMRs, as well as report transmittal letters, submitted to the Central Valley Water Board.

The agency name, facility name, waste discharge requirements order number, WDID number, and contact information (telephone address and e-mail address, if available)

GENERAL INFORMATION AND REQUIREMENTS

Failure to abide by the requirements of the General Order and this Notice of Applicability could result in enforcement actions as authorized by provisions of the California Water Code. Violations of the effluent limitations contained in the General Order may be subject to a \$3,000 Mandatory Minimum Penalty (MMP) per violation for serious or chronic violations if certain conditions are met [California Water Code section 13385(h) and (i)]. In addition, a SMR received more than 30 days after its due date may be subject to a \$3,000 MMP. An additional \$3,000 MMP is mandated for each additional 30 days a SMR is late.

The Discharger is subject to the terms and conditions of the General Order and this Notice of Applicability. The Discharger is also responsible for paying the annual fee (as specified in the annual billing the Discharger will receive from the State Water Resources Control Board) until coverage under the General Order is officially terminated. To officially terminate coverage, the Discharger shall request, in writing, termination of coverage under the General Order. The Notice of Termination form is attached.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Resources Control Board to review the action in accordance with California Water Code section 13320 and Title 23, California Code of Regulations, Sections 2050 and following. The State Water Resources Control Board must receive the petition by 5:00 p.m., 30 days after the date of this Notice of Applicability, except if the thirtieth day following the date of this Notice of Applicability falls on a Saturday, Sunday, or State holiday, the petition must be received by the State Water Resources Control Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality/ or will be provided upon request.

If you have any questions concerning this Notice of Applicability or the General Order, please contact Alexander Mushegan at (559) 488-4397 or at amushegan@waterboards.ca.gov.

Original Signed by Lonnie M. Wass for

Pamela C. Creedon
Executive Officer

Enclosures: Order No. R5-2008-0081 (Discharger only)
Notice of Termination Form (Discharger only)

cc: David Smith, USEPA Region IX, WTR-5, San Francisco
Phil Isorena, State Water Resources Control Board, DWQ, Sacramento
Department of Water Resources, San Joaquin District, Fresno
Department of Fish and Wildlife, Region IV, Fresno
Kern County, Department of Community Health, Environmental Health System,
Bakersfield
Dan Sackett, SkOO'kum H2o Monitoring, Inc., P.O. Box 361, Tehachapi, CA
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Curtis Skaggs, Dee Jaspar & Associates, Inc., 2370 Unicorn Road, Bakersfield,
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