



California Regional Water Quality Control Board Central Valley Region

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Edmund G. Brown Jr.
Governor

12 September 2011

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NOTICE OF APPLICABILITY (NOA); LOW THREAT GENERAL WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2008-0081; EAST BAY MUNICIPAL UTILITY DISTRICT, MOKELUMNE AQUEDUCT NO. 1 PROJECT; SAN JOAQUIN AND CONTRA COSTA COUNTIES

Our office received a Notice of Intent (NOI) on 11 July 2011 from the East Bay Municipal Utility District (Discharger) for the Mokelumne Aqueduct No. 1 Project. Based on the information in the NOI, Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff has determined that the project meets the required conditions for approval under the General Order for Dewatering and Other Low Threat Discharges to Surface Waters (Low Threat General Order). This project is hereby assigned Low Threat General Order No. R5-2008-0081-103 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995001. Please reference the unique Order No. R5-2008-0081-103 in all future correspondence and documents.

The Low Threat General Order (enclosed) may also be viewed at the following web address:

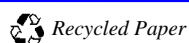
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2008-0081.pdf. You are urged to familiarize yourself with the contents of the entire document. The Low Threat General Order prescribes mandatory discharge monitoring requirements. The project activities shall be operated in accordance with the requirements contained in this NOA, the Low Threat General Order, and with the information submitted by the Dischargers.

CALIFORNIA TOXIC RULE / STATE IMPLEMENTATION POLICY MONITORING

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

Screening levels for CTR constituents are found in Attachment B of the Low Threat General Order. Review of the submitted water quality data in comparison to the CTR screening values, showed no reasonable potential to impact the receiving waters.

California Environmental Protection Agency



PROJECT DESCRIPTION

The Discharger proposes to discharge approximately 43 million gallons of raw water associated with dewatering activities during a construction project. The project is expected to start on 6 September 2011 and to be complete by 30 September 2011. The project is at six different locations along the alignment of the Mokelumne Aqueduct No.1, which are identified in Table 1 and shown on Figures 1-5, as part of their NOI application. The maximum flow at any one discharge point will be 4.3 million gallons per day. The project is to construct underpinnings for two temperature anchors at Station 2480 and Station 2580 to prevent further settlement of the aqueduct structure. The project also involves the removal and replacement of new pipeline underneath the anchors, and installation of new support piles to the existing anchors.

Three discharges will directly enter in Indian Slough, the wetland to Old River, and the San Joaquin River. Two discharges will flow through an earthen irrigation ditch and a man made channel prior to entering Old River. One discharge point will flow through a concrete-lined storm channel prior to entering the San Joaquin River.

The Discharger will provide treatment as necessary for all discharges to meet the Effluent and Receiving Water Limitations contained in the Low Threat General Order.

MONITORING AND REPORTING

All Dischargers must notify Central Valley Water Board staff: 1) 24 hours before the start of each new discharge, 2) as soon as noncompliance is anticipated, and 3) when the discharge ceases.

The Discharger must submit quarterly reports, as described in Attachment E, Section X, even if there is no discharge or receiving water flow during the reporting quarter, until the Discharger formally requests that coverage under this Order be terminated.

GENERAL INFORMATION AND REQUIREMENTS

The required annual fee (as specified in the annual billing you will receive from the State Water Resources Control Board) shall be submitted until the discharge is terminated. To terminate coverage under the Low Threat General Order, the Dischargers must submit written notification to the Central Valley Water Board that the discharge regulated by this Low Threat General Order has ceased and is no longer necessary. If a timely written request is not received, then the Dischargers will be required to pay additional annual fees as determined by the State Water Resources Control Board.

ENFORCEMENT

Failure to comply with the Low Threat General Order may result in enforcement actions, which could include civil liability. Effluent limitation violations are subject to a Mandatory Minimum Penalty (MMP) of \$3,000 per violation. Late reports may be subject to an MMP of \$3,000 for each period of 30 days late. When discharges do not occur during a quarterly monitoring period, the Discharger must still submit a quarterly report indicating that no discharge occurred to avoid being subject to enforcement actions.

COMMUNICATION

All monitoring report submittals, notification of the beginning and end of discharge, and questions regarding compliance and enforcement shall be directed to Victor Vasquez of the Central Valley Water Board's NPDES Compliance and Enforcement Unit. Mr. Vasquez can be reached at (916) 464-4623 or vvasquez@waterboards.ca.gov.

Questions regarding the permitting aspects of this Low Threat General Order, and written notification for termination of coverage under this Order, shall be directed to Mike Negrete of the Central Valley Water Board's NPDES Permitting Unit. Mr. Negrete can be reached at (916) 464-4662 or mnegrete@waterboards.ca.gov.

Original Signed By Kenneth D. Landau for

Pamela C. Creedon
Executive Officer

Enclosure: General Order No. R5-2008-0081 (Discharger only)

cc: Dave Smith, U.S. Environmental Protection Agency, Region IX, San Francisco
Phil Isorena, Division of Water Quality, State Water Board, Sacramento