



Central Valley Regional Water Quality Control Board

28 June 2012

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NOTICE OF APPLICABILITY (NOA); LOW THREAT GENERAL WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2008-0081; SACRAMENTO AREA FLOOD CONTROL AGENCY, PHASE 3 LANDSIDE IMPROVEMENTS, GIANT GARTER SNAKE DRAINAGE CANAL PROJECT; SACRAMENTO COUNTY

Our office received a Notice of Intent (NOI) on 7 May 2012 from Sacramento Area Flood Control Agency, (Discharger) for the Natomas Levee System Phase 3 Landside Improvements Project (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 the *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order). This project is hereby assigned Low Threat General Order R5-2008-0081-113 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995001. Please reference the unique Order R5-2008-0081-113 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 Discharger.

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).

The Discharger has complied with the California Environmental Quality Act (CEQA) by submitting the, "*Final Environmental Impact Statement/ Final Environmental Impact Report on the American River Watershed Common Features Project/ Natomas Post-Authorization Chance Report/ Natomas Levee Improvement Program, Phase 4B Landside Improvements Project.*"

After compliance with CEQA, Section 5.3 of the SIP allows “exceptions from meeting the Priority Pollutant criteria/objectives if determined to be necessary to implement control measures...”

The Discharger is requesting an exception from the CTR requirements under the SIP Categorical Exceptions, Item Number 1, regarding resource management conducted by a public entity to fulfill statutory requirements under the California Water Code. The Discharger has requested a categorical exception under the California Water Code, Section 83000(f), *“It is the policy of the State to more effectively integrate its flood protection systems with its water supply and conveyance systems in order to conserve limited public dollars, increase the available water supply, improve water quality, increase wildlife and ecosystem protections, protect public health and safety, and address the effect of climate change.”*

This Project is part of the Natomas Levee Improvement Project that will provide the 53,000 acre Natomas Basin, including a portion of the City of Sacramento with a 100-year level of flood protection and specifically to enhance habitat for the Giant Garter Snake species. Therefore, the Discharger qualifies for the SIP exception in Section 5.3 and is not required to conduct the Priority Pollutant (CTR constituent) sampling.

Dischargers authorized to discharge under this Low Threat General Order that 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.

PROJECT DESCRIPTION

The Discharger proposes to discharge groundwater from dewatering activities associated with the construction of the Giant Garter Snake (GGS) Drainage Canal, a below grade canal designed to provide habitat for the Giant Garter Snake. The GGS Drainage Canal will be, six to seven feet deep, with a ten to twelve feet wide bottom, that will run parallel to the Sacramento River East Levee approximately 8.2 miles long, located near Reclamation District 1000 Pumping Plant No. 2 in the north and Interstate 5 in the south. The majority of the land designated for construction is owned by the Sacramento County Airport System.

Groundwater will be pumped from approximately 100 shallow extraction wells. A temporary pipe will be installed as a conductor casing at each extraction well. A tank for sediment removal will be placed prior discharge into surface water.

A total estimated discharge flow between 80-100 gallons per minute or between 0.12 -0.14 million gallons daily will occur at seven discharge locations described on Table 1 of the NOI: *Proposed Discharge Locations*. These points have been identified as the Upper GGS Drainage Canal, Walnut Road Ditch, Jacob Slough, Reservoir Road Ditch, School House Road Ditch No.1, School house Road Ditch No. 2, and West Drainage Canal, all tributary to the Sacramento River.

MONITORING AND REPORTING

All Dischargers must notify Central Valley Water Board staff 24 hours 1) before the start of each new discharge or per the Discharger's PPMRP, 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 Dischargers 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 Lucio Orellana of the Central Valley Water Board's NPDES Compliance and Enforcement Unit. Mr. Orellana can be reached at (916) 464-4660 or lorellana@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.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this NOA, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water 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.

Original signed by Ken Landau for

Pamela C. Creedon
Executive Officer

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

John A. Bassett
Director of Engineering
SAFCA, Giant Garter Snake Drainage Canal Project

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