



Central Valley Regional Water Quality Control Board

30 May 2019

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NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2016-0076-01 FOR LIMITED THREAT DISCHARGES TO SURFACE WATER; US ARMY CORPS OF ENGINEERS AND FLATIRON DRAGADOS SUKUT JOINT VENTURE, LAKE ISABELLA DAM SAFETY MODIFICATION PROJECT, KERN COUNTY

Our office received a Notice of Intent on 22 March 2019 from US Army Corps of Engineers and Flatiron/Dragados/Sukut Joint Venture (hereinafter Discharger), for discharge of treated groundwater to surface water. Based on the application packet and subsequent information submitted by the Discharger, staff has determined that the project meets the required conditions for approval under the General Order for Limited Threat Discharges to Surface Water (Limited Threat General Order), Tier 1B. This project is hereby assigned Limited Threat General Order R5-2016-0076-053 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995002. Please reference your Limited Threat General Order number, **R5-2016-0076-053**, in your correspondence and submitted documents.

The project activities shall be operated in accordance with the requirements contained in the Limited Threat General Order and as specified in this NOA. You are urged to familiarize yourself with the entire contents of the Limited Threat General Order. To conserve resources, the Limited Threat General Order may be viewed at the following web address: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf. A copy of the Limited Threat General Order can also be obtained by contacting or visiting the Central Valley Water Board's office weekdays between 8:00 AM and 5:00 PM.

CALIFORNIA TOXICS RULE / STATE IMPLEMENTATION POLICY MONITORING

The Limited Threat General Order incorporates the requirements of the California Toxics Rule (CTR) and the State Water Resources Control Board's (State Water Board), *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). Screening levels for CTR constituents and other constituents of concern are found in Attachment I of the Limited Threat General Order. Review of your water quality data in comparison to the screening values, showed no reasonable potential for the discharge to cause or contribute to an exceedance of water quality objectives in Lake Isabella, which is a water of the United States.

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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PROJECT DESCRIPTION

The Army Corps of Engineers is undertaking a project to repair Isabella Dam for protection from safety issues posed by floods, earthquakes, and seepage. The project includes various modifications, including excavation along the downstream toe of the Auxiliary Dam at Lake Isabella. This NOA covers the dewatering discharges from the toe drain excavation. All dewatering water will be directed to a portion of the Borel Canal where water will be detained in two million gallon PVC-lined settling basins. A portion of the detained water will be sent through a sand media filter for reuse during the construction activities. Excess water that exceeds land application and construction activities needs will sent through sand media filters to be discharged back into Lake Isabella via a floating discharge line to accommodate fluctuating lake levels.

The Discharger plans to begin dewatering activities in May 2019, where discharge to Lake Isabella would begin within 3 days following startup operations. The Discharger anticipates an average daily discharge rate of 250,000 gallons per day, depending on production and other disposal options. Given the capacity of the pumps, the maximum daily discharge would be 829,440 gallons per day. Given the estimated project lifespan of six months, a total volume of around 45,000,000 gallons is anticipated to be discharged to Lake Isabella.

EFFLUENT LIMITATIONS

Effluent limitations are specified in Section V. Effluent Limitations and Discharge Specifications of the Limited Threat General Order. Based on the information provided in the NOI, effluent limitations are only required for the parameters identified below:

Table 1. Effluent Limitations

Parameter	Unit	Effluent Limitations		Section Reference
		Average Monthly	Maximum Daily	
Total Suspended Solids	mg/L	10	20	V.B.1

- 1. Flow (Section V.A.1.a).** The flow rate shall not exceed 0.83 million gallons per day.
- 2. pH (Section V.A.1.b.iii).** The pH of all limited threat discharges within the Tulare Lake Basin shall at all times be within the range of 6.5 and 8.3.
- 3. Whole Effluent Toxicity, Chronic (Section V.A.2.a).** There shall be no chronic toxicity in the discharge.

Lake Isabella is listed for pH and dissolved oxygen on the Clean Water Act 303(d) List of impaired water bodies. Total Maximum Daily Loads (TMDLs) have not yet been established for Lake Isabella. Therefore, no additional 303(d) based effluent limitations or monitoring requirements are included in this NOA (R5-2016-0076-053).

RECEIVING WATER LIMITATIONS

The Limited Threat General Order includes receiving surface water limitations in Section VIII.A. Based on the information provided in the NOI, only the following receiving surface water limitations are applicable to this discharge:

- Un-ionized Ammonia (VIII.A.1);
- Bacteria (VIII.A.2);
- Biostimulatory substances (VIII.A.3);
- Chemical constituents (VIII.A.4);
- Color (VIII.A.5);
- Dissolved oxygen (VIII.A.6.a.i-iv);
- Floating material (VIII.A.7);
- Oil and grease (VIII.A.8);
- pH (VIII.A.9.c);
- Pesticides ((VIII.A.10.a, b, and c);
- Radioactivity (VIII.A.11);
- Suspended sediments (VIII.A.12);
- Settleable substances (VIII.A.13);
- Suspended material (VIII.A.14);
- Taste and odors (VIII.A.15);
- Temperature (VIII.A.16.a);
- Toxicity (VIII.A.17); and
- Turbidity (VIII.A.18.b).

MONITORING AND REPORTING

Monitoring and reporting requirements are contained in Attachment C of the Limited Threat General Order. The Discharger is required to comply with the following specific monitoring and reporting requirements for the effluent and receiving water in accordance with Attachment C of the Limited Threat General Order.

Monitoring Locations – The Discharger shall monitor the effluent and receiving water at the specified location as follows:

Table 2. Monitoring Station Locations

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
001	EFF-001	A location where a representative sample of the effluent can be collected prior to discharging to Lake Isabella.
--	RSW-001U	Lake Isabella, a location outside the influence of the effluent and no more than a 200-foot radius from the point of discharge to Lake Isabella.
--	RSW-001D	Lake Isabella, a location representative of the effluent’s influence and no more than a 30-foot radius from the point of discharge to Lake Isabella.

Effluent Monitoring – When discharging to surface water, the Discharger shall monitor the effluent at EFF-001 in accordance with Table C-2 of the Limited Threat General Order and this NOA. The applicable monitoring requirements are as follows in Table 3:

Table 3. Effluent Monitoring

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Total Flow	MGD	Estimate	1/Day	1,2
Electrical Conductivity @ 25 °C	µmhos/cm	Grab	1/Week	1,2
pH	standard units	Grab	1/Week	1,2
Turbidity	NTU	Grab	1/Week	1,2
Temperature	°F	Grab	1/Week	1,2
Total Suspended Solids	mg/L	Grab	1/Week	2
Dissolved Oxygen	mg/L	Grab	1/Week	1,2

¹ A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program shall be maintained at the Facility.

² Pollutants shall be analyzed using the analytical methods described in 40 C.F.R. part 136 or by methods approved by the Central Valley Water Board or the State Water Board.

Receiving Water Monitoring – The discharge point is in Lake Isabella immediately upstream of the Auxiliary Dam. Sampling of the receiving water at this type of discharge point would be unlikely to produce meaningful analysis of changes in receiving water due to influence of the discharge. Therefore, compliance with receiving water limitations will be determined through effluent monitoring.

A log shall be kept **1/Month** of the receiving water conditions throughout the reach bounded by RSW-001U and RSW-001D. Attention shall be given to the presence or absence of:

- a. Floating or suspended matter;
- b. Discoloration;
- c. Bottom deposits;
- d. Aquatic life;
- e. Visible films, sheens, or coatings;
- f. Fungi, slimes, or objectionable growths; and
- g. Potential nuisance conditions.

Notes on the receiving water conditions shall be summarized in the monitoring reports.

Monitoring Report Submittals - Monitoring in accordance with the Limited Threat General Order shall begin upon initiation of discharge. Monitoring Reports shall be submitted to the Central Valley Water Board on a quarterly basis, beginning with the **Second Quarter 2019**. This report shall be submitted on **1 August 2019**. All Monitoring Reports shall specify the dates during the monitoring period the discharge did or did not occur. If monitoring samples were not obtained within 24 hours of initiation of the discharge, the Discharger must document the reasons in the corresponding Monitoring Report. If treatment and discharge has not begun there is no need to monitor. However, a certified Monitoring Report must be submitted stating that there has been no discharge. Table 4, below, summarizes the Monitoring Report due dates

required under the Limited Threat General Order. Quarterly Monitoring Reports must be submitted until your coverage is formally terminated in accordance with the Limited Threat General Order, even if there is no discharge during the reporting quarter.

Table 4. Monitoring Periods and Reporting Schedule

Sampling Frequency	Monitoring Period Begins On...	Quarterly Report Due Date
1/Day, 1/Week, 1/Month	30 May 2019	1 May (1 Jan – 31 Mar) 1 Aug (1 Apr – 30 Jun) 1 Nov (1 Jul – 30 Sep) 1 Feb, of following year (1 Oct – 31 Dec)

GENERAL INFORMATION AND REQUIREMENTS

The Discharger must notify Central Valley Water Board staff within 24 hours of 1) the start of discharge and 2) having knowledge of noncompliance. The Central Valley Water Board shall be notified immediately if any effluent limit violation is observed during implementation of the project.

Discharge of material other than what is described in the application is prohibited. The required annual fee (as specified in the annual invoice you will receive from the State Water Resources Control Board) shall be submitted until this NOA is officially terminated. You must notify this office in writing when the discharge regulated by the Limited Threat General Order is no longer necessary by submitting the Request for Termination of Coverage (Attachment E). If a timely written request is not received, the Discharger will be required to pay additional annual fees as determined by the State Water Resources Control Board.

ENFORCEMENT

Failure to comply with the Limited 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. In addition, late Monitoring Reports may be subject to MMPs or discretionary penalties of up to \$1,000 per day late. When discharges do not occur during a quarterly monitoring period, the Discharger must still submit a quarterly certified Monitoring Report indicating that no discharge occurred to avoid being subject to enforcement actions.

COMMUNICATION

All documents, including Monitoring Reports, written notifications, and documents submitted to comply with this NOA and the Limited Threat General Order, shall be directed, via the paperless office system, to the NPDES Compliance and Enforcement Unit. Any questions concerning compliance and enforcement issues should be directed to Gurjot Chahal who can be reached at (559) 445-5977 or gurjot.chahal@waterboards.ca.gov.

Questions regarding the permitting aspects of the Limited Threat General Order and notification for termination of coverage under the Limited Threat General Order, shall be directed, via the paperless office system, to the NPDES Permitting Unit, Attention: Nicolette Dentoni. Ms. Dentoni can also be reached at (559) 444-2505 or nicolette.dentoni@waterboards.ca.gov.

We have transitioned to a paperless office, therefore, please convert all documents to a searchable Portable Document Format (pdf) and email them to centralvalleyfresno@waterboards.ca.gov. **Please include the following information in the email:** Attention: NPDES Compliance Unit; Discharger: US Army Corps of Engineers and Flatiron/Dragados/Sukut Joint Venture; Facility: Lake Isabella Dam Safety Modification Project; County: Kern County; and the CIWQS place ID 857925 in the body of the email. Documents that are 50 megabytes or larger must be transferred to a DVD, or flash drive and mailed to our office at 1685 "E" Street, Fresno, California 93706.

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 SCOTT HATTON FOR

Patrick Pulupa
Executive Officer

Attachments: Attachment A - Project Location Map

Enclosures: Limited Threat General Order R5-2016-0076-01 (Discharger only)

cc: David Smith, U.S. EPA, Region IX, San Francisco (email only)
State Water Resources Control Board, DWQ, Sacramento (email only)
California Department of Fish and Wildlife, Fresno
Michael Chase, MC Environmental Solutions, Bakersfield (email only)

ATTACHMENT A – PROJECT LOCATION MAP

