

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

RESOLUTION NO.

CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS  
FOR  
EAST BAY MUNICIPAL UTILITY DISTRICT  
FOLSOM SOUTH CANAL CONNECTION PROJECT  
DEWATERING DISCHARGE TO LAND  
SACRAMENTO AND SAN JOAQUIN COUNTIES

WHEREAS, Water Code Section 13260(a) requires that any person discharging wastes or proposing to discharge wastes within the region that could affect the quality of waters of the State shall file a Report of Waste Discharge (RWD); and

WHEREAS, East Bay Municipal Utility District (hereafter referred to as "Discharger"), submitted a RWD for the discharge of extracted groundwater to support construction of the Folsom South Canal Connection Project on 30 November 2007; and

WHEREAS, the entire project site, including the dewatering discharge areas, encompasses portions of the following Sections, and is depicted on Attachment A, which is attached hereto and forms part of this resolution by reference:

County	Township and Range	Section Nos.
Sacramento	T5N, R7E	1, 2, 11, 13, 14, 23, 24
Sacramento and San Joaquin		25, 26
San Joaquin		35, 36
San Joaquin	T5N, R8E	31, 32, 33, 34, 35, 36
San Joaquin	T5N, R9E	31
San Joaquin	T4N, R7E	1, 2
San Joaquin	T4N, R8E	1, 2, 3, 4,5, 6
San Joaquin	T4N, R9E	6, 7, 18, 19, 29, 30

WHEREAS, the RWD identified ownership and contact information for every parcel along the pipeline alignment. Individual dewatering discharge areas ("designated disposal areas") were not identified in the RWD because it is likely that there will be numerous designated disposal areas owned by various third parties along the pipeline alignment and the disposal areas will be identified as needed as construction progresses; and

WHEREAS, the Discharger will obtain permission from the owner of each parcel where groundwater will be discharged and will notify the Regional Water Board of the details of the discharge in advance by submitting a Notice of Intent; and

WHEREAS, the project includes installation of approximately 75,550 lineal feet of 72-inch diameter pipe in trenches excavated approximately 14 to 25 feet deep; trenchless pipeline crossings at the State Highway 12, State Highway 88, and the Mokelumne River; and excavated stream crossings at Dry Creek, Bear Creek, Coyote Creek, and various other named and unnamed creeks along the pipeline alignment; and

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WHEREAS, based on the geotechnical engineer's report, most of the dewatering will likely be limited to areas adjacent to Dry Creek, Coyote Creek, and Bear Creek; permanently flooded wetlands on private property (between Station 274+00 to 287+00 in T5N, R7E, Sections 35 and 36); the Mokelumne River, and State Highway 12; and

WHEREAS, shallow groundwater will be extracted within each dewatering area, conveyed by temporary pipeline, and discharged to the nearest designated disposal area. Extraction methods may include dewatering wells, sheet piles with sump pumps, and/or shallow well points; and

WHEREAS, dewatering wells, if used, will be constructed under well permits obtained from either the San Joaquin Environmental Health Department or the Sacramento County Environmental Management Department (as appropriate); and

WHEREAS, where dewatering is required, the Discharger may discharge the water to percolation/evaporation areas, spray irrigate crops or native vegetation, use water for construction dust control, and/or use water for moisture conditioning of fill materials used in construction; and

WHEREAS, dewatering discharge areas used for percolation/evaporation will be selected to prevent discharges to surface waters. Sediment will be captured in geotextile filter bags surrounded by a secondary filtration barrier (e.g., straw bales) and disposed of in designated areas with appropriate erosion controls. If needed, temporary berms will be constructed to contain the water.

WHEREAS, the expected dewatering discharge rates are unknown; and

WHEREAS, dewatering is expected to begin in March 2008 and end by July 2009; and

WHEREAS, management of discharge rates and areas will be used to contain the water at all times. If necessary due to extreme precipitation conditions, temporary berms will be constructed as needed to prevent discharges outside of the designated disposal area; and

WHEREAS, the depth to shallow groundwater varies greatly along the entire pipeline alignment. Local shallow groundwater flow is generally towards Dry Creek or the Mokelumne River, and may be affected by local groundwater supply wells; and

WHEREAS, groundwater samples from the dewatering sites or designated disposal areas were not tested, but there is no indication that the proposed discharges will unreasonably degrade groundwater quality in violation of State Water Board Resolution No. 68-16 (the "Antidegradation Policy"); and

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WHEREAS, the State of California Department of Fish and Game has issued Streambed Alteration Agreements that govern construction activities at stream crossings where trenchless pipe installation techniques will not be used; and

WHEREAS, four pipeline segments are within the 100-year flood plain. Potential dewatering discharge areas will be protected from flood inundation because a) the Streambed Alteration Agreements for the project prohibit work in two of these areas between 1 November and 30 March, when most flooding occurs; b) the segment that is within the Mokelumne River floodplain will not be excavated and the trenchless pipeline staging areas will be outside of the floodplain; and c) the segment that is within the floodplain of the Camanche Reservoir Spillway is owned by the Discharger, who will shut down construction if flooding is threatened.

WHEREAS, the RWD included an Environmental Compliance Management Plan developed for the project that includes general and specific procedures that the construction contractor must follow and Best Management Practices for pollution prevention. The plan provides for independent oversight of the contractor by both Discharger and consultant personnel; and

WHEREAS, on 5 March 2004, the Freeport Regional Water Authority released a Final Environmental Impact Report (FEIR) for the Freeport Regional Water Project. The Freeport Regional Water Authority was formed by East Bay Municipal Utility District and the Sacramento County Water Agency as a Joint Powers Agency. The Folsom South Canal Connection Project is part of the Freeport Regional Water Project. The FEIR includes a list of the water quality-related permits required and found that there would be no significant impacts to water quality as a result of the project. Therefore, the FEIR did not include mitigation measures to protect water quality. The Regional Water Board is a responsible agency under the California Environmental Quality Act and concurs with the FEIR's conclusions with respect to water quality impacts. Compliance with the conditions of this Resolution will prevent significant impacts to water quality; and

WHEREAS, on 26 April 2006, the Executive Officer issued a Clean Water Act Section 401 Water Quality Certification for the discharge of dredged and/or fill materials for the Freeport Regional Water Project; and

WHEREAS, the Discharger plans to complete the project as four separate construction contracts and has required that the contractor in each case submit a Notice of Intent (NOI) to obtain coverage under the NPDES General Permit for Discharges of Storm Water Associated with Construction Activities (Water Quality Order 99-08-DWQ). Two of the contracts have been awarded and two separate contractors have submitted the required NOI, which requires implementation of a project-specific Storm Water Pollution Prevention Plan. The contractors for the remaining contracts will also be required to submit an NOI; and

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WHEREAS, surface water drainage from the project site is to the Mokelumne River via Dry Creek, Coyote Creek, Bear Creek, and various other named and unnamed drainages; and

WHEREAS, the designated beneficial uses of the of the Mokelumne River downstream of Camanche Dam are agricultural supply; water contact recreation; non-contact water recreation; warm and cold freshwater habitat; migration of aquatic organisms; spawning, reproduction, and/or early development; and wildlife habitat; and

WHEREAS, the designated beneficial uses of the groundwater are municipal and domestic supply, agricultural supply, and industrial service supply; and

WHEREAS, the Regional Water Quality Control Board, Central Valley Region (Regional Water Board) has a statutory obligation to prescribe waste discharge requirements except where a waiver is not against the public interest; and

WHEREAS, the Regional Water Board has determined that due to the fact that shallow groundwater will be extracted from, and discharged back into, the same aquifer with low to moderate potential for evapoconcentration near the same area from which it was extracted, the discharge poses little or no threat to water quality if the discharge is temporary and water is discharged under conditions that prevent discharge to surface water; and

WHEREAS, Section 13267(b) of the California Water Code provides that: *“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports”*; and

WHEREAS, The reports required by attached Monitoring and Reporting Program No. \_\_\_ are necessary to ensure compliance with this Resolution. The Discharger owns and operates the facility that discharges the waste subject to this Order; and

WHEREAS, the Regional Water Board held a hearing on \_\_\_ in Rancho Cordova, California and considered all evidence concerning this matter:

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RESOLVED, that the California Regional Water Quality Control Board, Central Valley Region waives waste discharge requirements for the Folsom South Canal Connection Project dewatering discharge, subject to the following conditions:

**Discharge Prohibitions**

1. Discharge of extracted groundwater to surface waters or surface water drainage courses is prohibited.
2. Discharge of waste classified as "hazardous" as defined in 27 CCR Section 20164 is prohibited.
3. Bypass or overflow of extracted groundwater from any land application or disposal area is prohibited.

**Discharge Specifications:**

1. The daily discharge flow shall not exceed that which can be fully contained with no discharge to surface waters on any day.
2. The volume of water applied to any discharge area on any single day shall not exceed the percolation capacity of the soil based on soil type, pre-discharge soil moisture conditions, and weather conditions.
3. Water used for dust control or irrigation shall be applied using appropriate methods and rates to prevent runoff into storm drain systems and other surface water drainage courses.
4. The discharge shall not cause a condition of pollution or nuisance as defined by the California Water Code, Section 13050.
5. Objectionable odor originating at the discharge areas shall not be perceivable beyond the limits of those areas.
6. The Discharger shall operate all systems and equipment to optimize the quality of the discharge.
7. The Discharger shall fully implement the Environmental Compliance Management Plan included in the Report of Waste Discharge.
8. Storm water best management practices, as described in the Storm Water Pollution Prevention Plan, shall be implemented around the discharge areas at all times.

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- 9. This waiver expires on 24 April 2013. The Discharger must submit a RWD at least 120 days before the expiration date to obtain a new waiver if they wish to continue the discharge after the expiration date.

**Provisions**

- 1. Pursuant to Section 13267 of the California Water Code, the Discharger shall comply with the monitoring and reporting requirements prescribed in Monitoring and Reporting Program No. \_\_\_. In so doing, the Discharger shall comply with the "Standard Provisions and Reporting Requirements for Waste Discharge Requirements", dated 1 March 1991, which are attached hereto and made part of this Order by reference.
- 2. Prior to initiating use of any dewatering discharge area, the Discharger shall submit a completed Notice of Intent using the forms provided in Monitoring and Reporting Program No. \_\_\_. Regional Water Board approval of the Notice of Intent is not required before commencing the discharge.

RESOLVED, that this action waving waste discharge requirements is conditional and may be terminated at any time prior to 24 April 2013.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a true, full, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on \_\_\_.

\_\_\_\_\_  
PAMELA C. CREEDON, Executive Officer

Attachments: Monitoring and Reporting Program  
A – Vicinity Map  
Standard Provisions and Reporting Requirements

ALO: 4/9/08