



# California Regional Water Quality Control Board Central Valley Region

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MPN



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23 November 2010

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## NOTICE OF APPLICABILITY (NOA); LOW THREAT GENERAL WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2008-0081; CONTRA COSTA ROCK SLOUGH FISH SCREEN PROJECT; CONTRA COSTA COUNTY

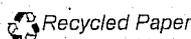
Our office received a Notice of Intent (NOI) on 30 September 2010 from Bureau of Reclamation (Discharger) for the Contra Costa Rock Slough Fish Screen Project. Based on the information in the NOI, Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff has determined that 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. R5-2008-0081-087 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995001. Please reference the unique Order No. R5-2008-0081-087 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](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).

**California Environmental Protection Agency**



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 qualified for the SIP exception in Section 5.3 because this project is considered a fishery management project conducted by a public entity and therefore is not required to conduct the Priority Pollutant (CTR constituent) sampling. Dischargers authorized to discharge under this Low Threat 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 discharge.

## **PROJECT DESCRIPTION**

The Discharger proposes to discharge groundwater to surface waters associated with the installation of a fish screen with the dimensions of 30 feet wide and 320 feet long at the intersection of Rock Slough and the Contra Costa Canal (CCC) that is located approximately 2.5 miles east of the Community of Oakley. The fish screen will keep a number of resident and migratory fish species, including the threatened Delta smelt and the endangered winter-run Chinook salmon from entering the CCC.

Additional construction will include clearing the construction areas, constructing new access roads, installing three coffer dams and setback levees. The Discharger has already obtained a Water Quality Certification and Stormwater Permit from our office to cover these activities.

The Discharger has already installed 30 shallow wells and is currently discharging approximately 0.3 MGD to land, under the Low Threat Discharge to Land Permit No. 2003-003-DWQ-0008 for this project. However, discharge to land will be limited or infeasible during heavy rains, and this is why the Discharger is requesting coverage under the Low Threat NPDES Permit to discharge to surface waters. It is expected that the flow will be 0.3 MGD intermittently discharged directly into Rock Slough. Rock Slough directly discharges into the CCC.

The raw water can be diverted into four reservoirs and to five water agencies besides being used also for agricultural irrigation, municipal and industrial uses along the CCCs' 52-mile long canal.

## **CEQA**

The Discharger submitted a, "CEAQ Addendum No. 2, Dewatering Plan Modification, Negative Declaration, as adopted by the California Department of Water Resources on 22 October 1997, State Clearinghouse No. 97092079."

## **MONITORING AND REPORTING**

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

The Discharger is required to comply with all the monitoring and reporting requirements contained in Attachment E of the Low Threat General Order.

Effluent and receiving water analytical monitoring shall be conducted and the results submitted to the Central Valley Water Board on a quarterly basis unless specified otherwise. The

Discharger must submit quarterly reports, as described in Section X of the Monitoring and Reporting Program, Attachment E of the Low Threat General Order, 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.

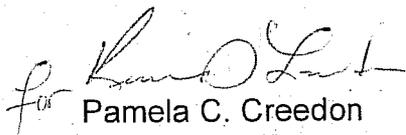
### **ENFORCEMENT**

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 Spencer Joplin of the Central Valley Water Board's NPDES Compliance and Enforcement Unit. Mr. Joplin can be reached at (916) 464-4660 or [sjoplin@waterboards.ca.gov](mailto:sjoplin@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](mailto:mnegrete@waterboards.ca.gov).

  
for  
Pamela C. Creedon  
Executive Officer

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

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