



Central Valley Regional Water Quality Control Board

15 June 2012

Derek Lee
Senior Environmental Health & Safety Specialist
East Bay Municipal Utility District
375 Eleventh Street
Oakland, CA 94607-4240

CERTIFIED MAIL
7010 3090 0001 4843 1636

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

Our office received a Notice of Intent (NOI) on 26 March 2012 from East Bay Municipal Utility District (Discharger) for the Mokelumne Aqueduct Interconnection Project, and a complete Pollution Prevention and Monitoring and Reporting Plan (PPMRP). 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 R5-2008-0081-111 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995001. Please reference the unique Order R5-2008-0081-111 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).

Screening levels for CTR constituents are found in Attachment B of the Low Threat General Order. Review of your water quality data in comparison to the CTR screening values, showed no reasonable potential to impact Marsh Creek, Indian Slough, wetland to Old River and the San Joaquin River.

PROJECT DESCRIPTION

Currently, the Mokelumne Aqueducts do not have any interconnections along their 82-mile length, and each aqueduct is operated independently. Surface water is conveyed from the Pardee Reservoir through the Pardee Tunnel, and enters the three aqueducts at the West Portal location. The aqueduct system is vulnerable to levee failures and flooding in the Delta. Connecting the three aqueducts would allow the Discharger to maximize water transmission capacity after a seismic or flooding event to reduce the risk of water service interruptions to East Bay customers.

The Discharger will construct interconnections between the three Mokelumne Aqueducts on both sides of the Delta. Drainage of the aqueducts at certain sections will be discharged to surface water. Only one aqueduct will be shut down at a time. A total of 122.6 million gallons of raw surface water at five locations will be discharged along the alignment of the Mokelumne Aqueducts. The discharge locations are described on Table 1 of the NOI: *Water Discharge Locations from the Mokelumne Aqueducts*. The maximum flow rate, 10 million gallons per day, will be discharged at the San Joaquin River at the San Joaquin Wasteway Station No. 1929. The project is scheduled to begin on 1 November 2012, and is projected to be completed within four months.

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.

Effluent and receiving water analytical monitoring shall be conducted as described in the PPMRP approved on 24 April 2012, and the results submitted to the Central Valley Water Board on a quarterly basis. 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 Mohammad Farhad of the Central Valley Water Board's NPDES Compliance and Enforcement Unit. Mr. Farhad can be reached at (916) 464-1181 or mfarhad@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 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

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EBMUD, Mokelumne Aqueduct Interconnection Project

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