California Regional Water Quality Control Board
Santa Ana Region

December 1, 2006

STAFF REPORT

ITEM: **9**

SUBJECT: Amendment of Order No. R8-2004-0046, NPDES No. CA8000405, Waste Discharge Requirements for Canyon Lake Property Owners Association – Order No. R8-2006-0075

DISCUSSION:

On June 4, 2004, the Board adopted Order No. R8-2004-0046, NPDES No. CA8000405. Order No. R8-2004-0046 regulates the dredging activities within the East Bay portion of Canyon Lake to remove sediments from the lake and deposit them at the nearby Audie Murphy Ranch development site.

Order No. R8-2006-0046 requires the discharger to monitor the discharge of dewatering filtrate for total suspended solids and turbidity. The Order requires that total suspended solids and turbidity concentrations in the discharge not exceed 75 mg/l and 5NTU, respectively.

The discharger has installed several settling basins and utilized polymers to reduce turbidity but has not been able to meet the turbidity limit. Compliance with the suspended solids limit has been consistently achieved. The discharger has placed the project on hold due to threat of $3000 per day mandatory penalties for turbidity violations. The discharger has requested that the Board amend Order No. R8-2004-0046 to eliminate the turbidity limit so that the project can proceed .

The antibacksliding provisions of the Clean Water Act prohibit modifying a permit to include effluent limits less stringent than those in the previous permit (or, as proposed in this case, to delete effluent limits), unless certain exceptions are met. In this case, the permittee has implemented and operated reasonable treatment methods but has been unable to meet the turbidity limits; no reasonably available remedy, other than ceasing the dredging operation, is available. The dredging project is necessary to protect the beneficial uses of Canyon Lake. Provided that compliance is achieved with the suspended solids and receiving water limitations in Order No. R8-2006-0046, water quality and beneficial uses in the Lake will be protected. Accordingly, it is appropriate, and consistent with the antibacksliding provisions, to amend Order No. R8-2004-0046 to eliminate the turbidity limit.

The following are the recommended changes to Order No. R8-2004-0046. (Deleted text is struck out and added text is bold and highlighted.)

1. Order No. R8-2004-0046, page 3 of 7, modify Discharge Specifications A.2 as follows:

   2. The discharge of dewatering filtrate to the lake, containing **total dissolved solids** ~~constituent~~ concentrations in excess of **75 mg/l** ~~the following limits~~ is prohibited.~~:~~

~~CONSTITUENT~~	~~CONCENTRATION LIMIT~~
~~Total Suspended Solids~~	~~75 mg/l~~
~~Turbidity~~	~~5 NTU~~

2. Monitoring and Reporting Program No. R8-2004-0046, Page 3 of 5, modify General Monitoring Requirements A.11 as follows:

   11. Weekly, at a minimum, the following sample locations shall be monitored **for turbidity** in the water around each active dredging operation **and effluent discharge point:**

      a. Within approximately 100 feet from each location being dredged. Samples shall be obtained from a depth of three feet below the water surface and, where possible, three feet above the bottom of the lake.

      b. At a background sampling location in an undisturbed portion of the lake at the same depths, on the same day that the above samples are obtained.

      c. **Effluent discharge point: Within a point where effluent mixes with the receiving water and a point immediately outside the mixing zone of the effluent and receiving water. The sampling locations and mixing zone (if discernible) relative to the outfall shall be mapped and distances shown.**

3. Monitoring and Reporting Program No. R8-2004-0046, Page 3 of 5, modify Dewatering Filtrate (tailwater) Monitoring B.1 as follows:

   1. The following shall constitute the monitoring program for dewatering filtrate discharges:

Constituent	Type of Sample	Units	Minimum Frequency of Sampling and Analysis
Sediment Volume	---------	Cubic yards	Continuous
Filtrate Flow	---------	gpd	"

Constituent	Type of Sample	Units	Minimum Frequency of Sampling and Analysis
pH	---------	pH Units	"
~~Turbidity~~	~~Grab~~	~~NTU~~	~~During the first 30 minutes of each discharge and then daily thereafter for continuous discharges~~
Total Suspended Solids	Grab	mg/l	During the first 30 minutes of each discharge and then weekly thereafter for continuous discharges
Total Nitrogen	"	"	"
Ammonia Nitrogen	"	"	"
Nitrite Nitrogen	"	"	"
Nitrate Nitrogen	"	"	"
Total Kjeldahl Nitrogen	"	"	"
Total Phosphorous	"	"	"
Soluble Reactive P	"	"	"
Acute Toxicity Test	"	Pass/Fail	During the first 30 minutes of discharge and then annually thereafter

II. WRITTEN COMMENTS

Interested persons are invited to submit written comments on the proposed discharge limits and the staff report. Comments should be submitted by November 13, 2006, either in person or by mail to:

Jawed Shami
California Regional Water Quality Control Board
Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3348

III. INFORMATION AND COPYING

Persons wishing further information may write to the above address or call J. Shami of the Regional Board at (951) 782-3288. Copies of the application, proposed waste discharge requirements, Fact Sheet, and other documents (other than those which the

Executive Officer maintains as confidential) are available at the Regional Board office for inspection and copying between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday (excluding holidays).

IV. REGISTER OF INTERESTED PERSONS:

Any person interested in a particular application or group of applications may leave his/her name, address, and phone number as part of the file for an application.

V. PUBLIC HEARING:

The Regional Board will hold a public hearing regarding the proposed waste discharge requirements as follows:

DATE:	December 1, 2006
TIME:	9:00 a.m.
PLACE:	Irvine Ranch Water District Headquarters 15600 Sand Canyon Avenue Irvine

RECOMMENDATION:

Adopt Order No. R8-2006-0075, amending Order No. R8-2004-0046, NPDES No. CA8000405, as presented.

Comments were solicited from the following agencies:

U.S. Environmental Protection Agency, Permits Issuance Section (WTR-5) – Doug Eberhardt
U.S. Environmental Protection Agency, Wetlands and Sediment Management Section
U.S. Army District, Los Angeles, Corps of Engineers - Regulatory Branch
National Marine Fisheries Service, Long Beach
U.S. Fish and Wildlife Service, Carlsbad
State Water Resources Control Board, Office of the Chief Counsel
State Water Resources Control Board, Division of Water Quality
State Department of Fish and Game, Ontario
California Department of Health Services, San Diego
State Lands Commission – Jane SmithCalifornia Coastal Conservancy – Reed Holderman
California Coastal Commission – Steve Rynas
Riverside County Environmental Health – Sandy Bunchek
Riverside County Building and Safety
City of Canyon Lake, City Manager
Elsinore Valley Municipal Water District – Ronald Young

Natural Resources Defense Council- David Beckman
Lawyers for Clean Water C/c San Francisco Baykeeper
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Lawyers for Clean Water C/c San Francisco Baykeeper

California Regional Water Quality Control Board
Santa Ana Region

Order No. R8-2006-0075

Amending Order No. R8-2004-0046, NPDES No. CA8000405
Canyon Lake Property Owners Association
Riverside County

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), finds that:

1. On June 4, 2004, the Board adopted Order No. R8-2004-0046, NPDES No. CA8000405. Order No. R8-2004-0046 regulates the dredging activities within the East Bay portion of Canyon Lake to remove sediments from the lake and deposit them at the nearby Audie Murphy Ranch development site.

2. Order No. R8-2006-0046 requires the Canyon Lake Property Owners Association (hereinafter, discharger) to monitor the discharge of dewatering filtrate for total suspended solids and turbidity. The Order requires that total suspended solids and turbidity concentrations in the discharge not exceed 75 mg/l and 5NTU, respectively.

3. The discharger has installed several settling basins and utilized polymers to reduce turbidity but has not been able to meet the turbidity limit and has placed the dredging project on hold. The discharger has requested that Order No. R8-2004-0046 be amended to eliminate the turbidity limit.

4. Dredging of this portion of Canyon Lake is necessary to protect the water quality and beneficial uses of the Lake. Discharges associated with dredging can be regulated adequately pursuant to the suspended solids and receiving water limitations in Order No. R8-2004-0046. It is appropriate to amend Order No. R8-2004-0046 and eliminate the turbidity limit.

5. In accordance with California Water Code Section 13389, the issuance of these waste discharge requirements is exempt from those provisions of the California Environmental Quality Act contained in Chapter 3 (Commencing with Section 21100), Division 13 of the Public Resources Code.

6. The Board has notified the dischargers and other interested agencies and persons of its intent to amend Order No. R8-2004-0046 and has provided them with an opportunity to submit their written views and recommendations.

7. The Regional Board, in a public meeting, heard and considered all comments pertaining to the amendment.

IT IS HEREBY ORDERED that Order No. R8-2004-0046 shall be amended as follows:

1. Order No. R8-2004-0046, page 3 of 7, modify Discharge Specifications A.2 as follows:

   2. The discharge of dewatering filtrate to the lake containing total suspended solids concentration in excess of 75 mg/l is prohibited.

2. Monitoring and Reporting Program No. R8-2004-0046, Page 3 of 5, modify General Monitoring Requirements A.11 as follows:

   11. Weekly, at a minimum, the following sample locations shall be monitored for turbidity in the water around each active dredging operation and effluent discharge point:

      a. Within approximately 100 feet from each location being dredged. Samples shall be obtained from a depth of three feet below the water surface and, where possible, three feet above the bottom of the lake.

      b. At a background sampling location in an undisturbed portion of the lake at the same depths, on the same day that the above samples are obtained.

      c. Effluent discharge point: Within a point where effluent mixes with the receiving water and a point immediately outside the mixing zone of the effluent and receiving water. The sampling locations and mixing zone (if discernible) relative to the outfall shall be mapped and distances shown.

3. Monitoring and Reporting Program No. R8-2004-0046, Page 3 of 5, modify Dewatering Filtrate (tailwater) Monitoring B.1 as follows:

   1. The following shall constitute the monitoring program for dewatering filtrate discharges:

Constituent	Type of Sample	Units	Minimum Frequency of Sampling and Analysis
Sediment Volume	---------	Cubic yards	Continuous
Filtrate Flow	---------	gpd	"
pH	---------	pH Units	"

Constituent	Type of Sample	Units	Minimum Frequency of Sampling and Analysis
Total Suspended Solids	Grab	mg/l	During the first 30 minutes of each discharge and then weekly thereafter for continuous discharges
Total Nitrogen	"	"	"
Ammonia Nitrogen	"	"	"
Nitrite Nitrogen	"	"	"
Nitrate Nitrogen	"	"	"
Total Kjeldahl Nitrogen	"	"	"
Total Phosphorous	"	"	"
Soluble Reactive P	"	"	"
Acute Toxicity Test	"	Pass/Fail	During the first 30 minutes of discharge and then annually thereafter

4. All other conditions and requirements of Order No. R8-2004-0046 shall remain unchanged.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on December 1, 2006.

Gerard J. Thibeault
Executive Officer