



# California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair



Arnold  
Schwarzenegger  
Governor

Linda S. Adams  
Secretary for  
Environmental  
Protection

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114  
Phone (916) 464-3291 • FAX (916) 464-4645  
<http://www.waterboards.ca.gov/centralvalley>

12 November 2009

FILE COPY

CERTIFIED MAIL

7006 2150 0000 7086 7856

Mr. Michael R. Finnegan  
U.S. Bureau of Reclamation  
Central California Area Office  
7794 Folsom Dam Road  
Folsom, CA 95630-1799

CERTIFIED MAIL

7006 2150 0000 7086 7849

Mr. Javier Castellanos  
Martin Brothers Construction  
20 Light Sky Court  
Sacramento, CA 95828

## **NOTICE OF APPLICABILITY (NOA); LOW THREAT GENERAL WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2008-0081; U.S. BUREAU OF RECLAMATION, FOLSOM DAM SAFETY AND FLOOD DAMAGE REDUCTION, PHASE II MODIFICATIONS PROJECT, SACRAMENTO COUNTY**

Our office received a Notice of Intent (NOI) on 9 August 2009 from U.S. Bureau of Reclamation and Martin Brothers Construction (Dischargers) for the Folsom Dam Safety and Flood Damage Reduction, Phase II Modification Project. Based on the information in the NOI, staff of the Central Valley Regional Water Quality Control Board (Central Valley Water Board) 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. R5-2008-0081-038 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995001. Please reference the unique Order No. R5-2008-0081-038 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 Dischargers.

### **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 Dischargers qualified for the SIP exception in Section 5.3 and are not required to conduct 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. The U.S. Bureau of Reclamation has submitted the, *"Folsom Dam Safety and Flood Damage Reduction Final Environmental Impact Statement/Environmental Impact Report, March 2007,"* and this document fulfills their CEQA requirements.

### **PROJECT DESCRIPTION**

The Dischargers proposes to discharge Folsom Lake water and groundwater associated with the construction of a new Auxiliary Spillway controlled by six submerged tainter gates, including an approach channel, a concrete-lined chute and a stilling basin. The objective of this project is to reduce damages from flooding to the Sacramento area by increasing outlet efficiencies at Folsom Dam, by releasing water earlier prior to a flood event. All these new structures will be located along the western and southern portion of Folsom Lake. This new spillway will provide the operational capability for improved hydrologic control. These improvements will enable the U.S. Bureau of Reclamation to achieve controlled sustained discharge earlier and for longer durations in an effort to prevent the Folsom Dam or its embankment from overflowing during a flood event when the reservoir storage capacity is exceeded. The flow will be intermittent throughout the project and may periodically exceed 0.25 million gallons per day. The proposed project will begin by 13 November 2009 and is expected to be completed by 1 December 2010. The discharges will enter mostly back into Folsom Lake or possibly into the American River.

### **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 Dischargers are 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 Dischargers 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. The Dischargers must notify the Central Valley Water Board in writing if the discharge regulated by this Low Threat General Order is no longer necessary, so we may terminate applicability of this Low Threat General Order and avoid additional and unnecessary billing. The U.S. Bureau of

Reclamation will follow the mitigation Measures found in Table 2-2 of the *"Folsom Dam Safety and Flood Damage Reduction Final Environmental Impact Statement/ Environmental Impact Report, March 2007."*

#### **ENFORCEMENT**

Failure to comply with the Low Threat General Order may result in enforcement actions, which could include civil liability. Late reporting and effluent limitation violations are subject to a Mandatory Minimum Penalty (MMP) of \$3,000 per violation [California Water Code Section 13385(h) and (i)]. If there is no discharge during a quarterly monitoring period, a report indicating that no discharge occurred must be submitted to avoid the monetary penalties.

All monitoring report submittals, notification of the beginning and end of discharge, and questions regarding compliance and enforcement shall be directed to Mr. Spencer Joplin 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 requests for termination of coverage under this Order, may be directed to Ms. Elizabeth Thayer at (916) 464-4671 or [ethayer@waterboards.ca.gov](mailto:ethayer@waterboards.ca.gov).

Pamela C. Creedon  
Executive Officer

Enclosure: General Order No. R5-2008-0081 (Dischargers 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