



California Regional Water Quality Control Board Central Valley Region

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20 August 2009

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Mr. John C. Tillostson, P.E.
Director of Public Works
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Mr. Bob Zimmer
Zimm Industries, Inc.
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NOTICE OF APPLICABILITY (NOA); LOW THREAT GENERAL WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2008-0081; OLIVEHURST PUBLIC UTILITY DISTRICT (OPUD), WELL NO. 34, PHASE II PROJECT; YUBA COUNTY

Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff received a Notice of Intent (NOI) on 28 July 2009 from the Oliverhurst Public Utility District (OPUD) for the Well No. 34, Phase II Project. OPUD together with its contractor, Zimm Industries, Inc are hereafter referred to as Discharger. Based on the information in the NOI, staff of the Central Valley Water Board has determined that the project meets the required conditions for approval under the *Waster Discharge Requirements for Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order). This project is hereby assigned Low Threat General Order No. R5-2008-0081-040 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995001. Please reference the unique Order No. R5-2008-0081-040 in all future correspondence and documents.

A copy of the Low Threat General Order is enclosed and you may also be view the order 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).

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 and are not required to conduct Priority Pollutant (CTR constituent) sampling. Discharger 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 within **60 days**, 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 develop and conduct a pump test on Well No. 34. The Discharger also proposes to contain all drilling muds to land during the constructing phase and will only discharge groundwater free of any sediment during the development and test pumping phases. The proposed discharge flow will be between 300 to 5,500 gallons per minute for the development phase over a period of one to two days and 3,000 to 4,500 gallons per minute for a period of two to three days for the pump test phase. The proposed discharge will enter into a nearby agricultural canal that flows into Clark Slough a tributary of the Bear River.

MONITORING AND REPORTING

The Discharger must notify Central Valley Water Board compliance and enforcement 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 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 Discharger 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.

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 Spencer Joplin at (916) 464-4660 or 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 Mike Negrete at (916) 464-4662 or mnegrete@waterboards.ca.gov.



Pamela C. Creedon
Executive Officer

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

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