
Central Valley Regional Water Quality Control Board

3 December 2013

Ken Vang
County Engineer
County of Madera
2037 W. Cleveland Avenue
Madera, CA 93637

CERTIFIED MAIL
7012 2920 0000 1430 4838

NOTICE OF APPLICABILITY

ORDER NO. R5-2013-0074 (NPDES NO. CAG995001); WASTE DISCHARGE REQUIREMENTS FOR DEWATERING AND OTHER LOW THREAT DISCHARGES TO SURFACE WATERS; COUNTY OF MADERA; WATER SYSTEM IMPROVEMENTS FEASIBILITY STUDY FOR MAINTENANCE DISTRICT #6 (LAKE SHORE); WDID 5B20NP00011

On 30 October 2013, the County of Madera (Discharger) submitted a Notice of Intent (NOI) Package to comply with Order No. R5-2013-0074 (NPDES Permit No. CAG995001), Waste Discharge Requirements for Dewatering and Other Low Threat Discharges to Surface Waters (General Order) for discharges of groundwater to an unnamed creek approximately 100 yards upstream of the confluence of the unnamed creek and Bass Lake. Based on information in the NOI Package and subsequent documentation submitted on 20 November 2013, we have determined that the discharge of groundwater from a test well in Maintenance District # 6, Lake Shore, herein meets the conditions for enrollment under the General Order. The Discharger is hereby assigned Order No. **R5-2013-0074-138**, NPDES Permit No. **CAG995001**, and WDID # **5B20NP00011**. The Discharger may proceed to discharge in accordance with the General Order and this Notice of Applicability.

The General Order is enclosed and may also be viewed at the following web address: http://www.swrcb.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf. You are urged to familiarize yourself with the contents of the entire document. The Project activities shall be operated in accordance with the requirements contained in this Notice of Applicability, the General Order, and with the information submitted by the Discharger.

PROJECT DESCRIPTION

The Discharger provides water service for Maintenance District # 6, Lake Shore, which is located on the north shore of Bass Lake on Road 274.

The Discharger recently drilled a test well as part of a broader water quality improvement project aimed at providing efficient and effective solutions for the area's water treatment needs. The test well needs to be pumped for 14 days to demonstrate the reliability of the well over a sustained period of time. The groundwater will be discharged directly to an unnamed creek approximately 100 yards upstream of the confluence of the unnamed creek and Bass Lake. The Discharger expects the flow rate discharged to the unnamed creek will be approximately 120 gallons per minute. The Discharger estimates the total amount of groundwater discharged to Bass Lake from this Project will be approximately 2.4 million gallons.

CALIFORNIA TOXICS RULE/STATE IMPLEMENTATION POLICY MONITORING

The General Order incorporates the requirements of the California Toxics Rule (CTR) and the State Water Resources Control Board's *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*, 2005, also known as the State Implementation Policy (SIP).

Section 5.3 of the SIP allows "*short term or seasonal exceptions from meeting the priority pollutant criteria/objectives if determined to be necessary to implement control measures...*" The Discharger qualifies for the exception in Section 5.3 of the SIP and, therefore, 1) is not required to conduct priority pollutant monitoring and 2) is not subject to the priority pollutant criteria and objectivities in the CTR and SIP. Dischargers authorized to discharge under the 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 project.

MONITORING AND REPORTING

Upstream and effluent monitoring shall comply with this Notice of Applicability and the Monitoring and Reporting Program (MRP) in Attachment E of the General Order. The Discharger must notify Central Valley Water Board staff 24 hours before the start of the discharge and as soon as noncompliance it anticipated. As required in Section IX. of the Monitoring and Reporting Program of the General Order, the Discharger shall submit a post-discharge report after the discharge.

The background monitoring location (RSW-001) shall be in Bass Lake outside the influence of the discharge to obtain representative background samples. The discharge-influenced receiving water monitoring location (RSW-002) shall be in Bass Lake within the visible plume to characterize the discharge to the lake.

The Discharger shall also conduct the monitoring it proposed that is required as part of the SIP, Section 5.3 exception. The Discharger proposes to conduct 1/week effluent monitoring and 2/week receiving water monitoring for arsenic. The Discharger shall also conduct turbidity monitoring before project initiation, daily during the project, and after the project at the point the unnamed creek enters Bass Lake. The Discharger shall take pictures of the actual discharge of groundwater to the unnamed creek and Bass Lake. All pictures taken of the receiving waters and the discharge shall be included in the post-discharge report.

The MRP requires submittal of quarterly SMRs, which are to include the results of all monitoring specified in the MRP, the Discharger's Monitoring and Reporting Plan, and this Notice of Applicability.

Quarterly SMRs shall be submitted to the Central Valley Water Board, Fresno Office (Attention: NPDES Program) and are due on **1 May, 1 August, 1 November, and 1 February**. Quarterly SMRs are required even if there is no discharge or receiving water flow during the reporting quarter.

The following information shall be included in the SMRs, as well as report transmittal letters, submitted to the Central Valley Water Board:

The agency name, facility name, waste discharge requirements order number, WDID number, and contact information (telephone address and e-mail address, if available)

GENERAL INFORMATION AND REQUIREMENTS

The Discharger is subject to the terms and conditions of the General Order and this Notice of Applicability. The Discharger is also responsible for paying the annual fee (as specified in the annual billing the Discharger will receive from the State Water Resources Control Board) until coverage under the General Order is officially terminated. To officially terminate coverage, the Discharger shall request, in writing, termination of coverage under the General Order. The Notice of Termination form is enclosed.

ENFORCEMENT

Failure to abide by the requirements of the General Order and this Notice of Applicability could result in enforcement actions as authorized by provisions of the California Water Code. Violations of the effluent limitations contained in the General Order may be subject to a \$3,000 Mandatory Minimum Penalty (MMP) per violation for serious or chronic violations if certain conditions are met [California Water Code section 13385(h) and (i)]. In addition, a SMR received more than 30 days after its due date may be subject to a \$3,000 MMP. An additional \$3,000 MMP is mandated for each additional 30 days a SMR is late.

COMMUNICATION

All monitoring reports submittals, notification of the beginning of discharge, post-discharge report, and questions regarding compliance and enforcement shall be directed to Jill Walsh of the Central Valley Water Board's NPDES Compliance and Enforcement Unit. Ms. Walsh can be reached at (559) 445-5130 or at Jill.Walsh@waterboards.ca.gov.

Questions regarding the permitting aspects of this General Order, and written notification for termination of coverage under the General Order, shall be directed to Alexander Mushegan at the Central Valley Water Board's NPDES Permitting Unit. Mr. Mushegan can be reached at (559) 488-4397 or at Alexander.Mushegan@waterboards.ca.gov.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Resources Control Board to review the action in accordance with California Water Code section 13320 and Title 23, California Code of Regulations, Sections 2050 and following. The State Water Resources Control Board must receive the petition by 5:00 p.m., 30 days after the date of this Notice of Applicability, except if the thirtieth day following the date of this Notice of Applicability falls on a Saturday, Sunday, or State holiday, the petition must be received by the State Water Resources Control 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 Lonnie Wass for

Pamela C. Creedon
Executive Officer

Enclosures: Order No. R5-2013-0074 (Discharger only)
Notice of Termination Form (Discharger only)

cc: David Smith, USEPA Region IX, WTR-5, San Francisco
Phil Isorena, State Water Resources Control Board, DWQ, Sacramento
Department of Water Resources, San Joaquin District, Fresno
Department of Fish and Wildlife, Region IV, Fresno
Mark Reitz, AECOM, 1360 E. Spruce Avenue, Fresno, CA 93720