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Central Valley Regional Water Quality Control Board

22 November 2017

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NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2016-0076 FOR LIMITED THREAT DISCHARGES TO SURFACE WATER; DUTCH SLOUGH TIDAL MARSH RESTORATION PROJECT, CONTRA COSTA COUNTY

Our office received a Notice of Intent (application) on 16 October 2017 from the State of California - Department of Water Resources (hereinafter Discharger), for discharge of untreated groundwater to surface water. Based on the application packet submitted by the Discharger, staff has determined that the project meets the required conditions for approval under the General Order for Limited Threat Discharges to Surface Water (Limited Threat General Order), Tier 1B. This project is hereby assigned Limited Threat General Order R5-2016-0076-023 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995002. Please reference your Limited Threat General Order number, **R5-2016-0076-023**, in your correspondence and submitted documents.

The enclosed Limited Threat General Order may also be viewed at the following web address: http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076_mod.pdf. You are urged to familiarize yourself with the contents of the entire document. The Limited Threat General Order prescribes mandatory discharge monitoring and reporting requirements. The project activities shall be operated in accordance with the requirements contained in this NOA and the Limited Threat General Order.

CALIFORNIA TOXICS RULE / STATE IMPLEMENTATION POLICY MONITORING

The Limited Threat General Order incorporates the requirements of the California Toxics Rule (CTR) and the State Water Resources Control Board's (State Water Board), *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). Screening levels for CTR constituents and other constituents of concern are found in Attachment I of the Limited Threat General Order. Review of your water quality data in comparison to the screening values, showed no reasonable potential for the discharge to cause or contribute to an exceedance of water quality objectives in Emerson Slough, which is a water of the United States.

PROJECT DESCRIPTION

The Dutch Slough Tidal Marsh Restoration Project (Project) will restore tidal marsh and other natural habitats to a 1,187 acre site owned by the Discharger. The site is comprised of three leveed parcels in Oakley, Contra Costa County, on the western edge of the Sacramento-San

Joaquin Delta (see enclosed Project Map). The three parcels had been in agricultural and grazing production for approximately 100 years when the Discharger purchased the property in 2003. Construction will primarily consist of excavation and placement of soils to create a gradually sloping marsh plain. Other construction actions include levee improvements, building new levees and habitat berms, and planting of native plants. To make up the fill deficit a planned onsite borrow site in the northeastern portion of the Emerson parcel must be enlarged to provide up to 1,000,000 cubic yards of fill material. As the site is excavated to deeper elevations, increasing volumes of groundwater will seep into the pit. Discharge is anticipated to be approximately 3.0 million gallons per day (MGD) when excavation is occurring at the deepest levels. Removal of borrow material and the associated dewatering is expected to occur from April through September 2018.

EFFLUENT LIMITATIONS

Effluent limitations are specified in Section V. Effluent Limitations and Discharge Specifications of the Limited Threat General Order. Based on the information provided in the NOI, only effluent limitations for pH, as specified in Section V.A.1 of the Limited Threat General Order, are applicable to this discharge. The applicable effluent limitations are shown below:

1. **pH (Section V.A.1.b.ii).** The pH of all limited threat discharges within the Sacramento and San Joaquin River Basins (except Goose Creek) shall at all times be within the range of 6.5 and 8.5.

Emerson Slough is part of the western portion of the Sacramento – San Joaquin Delta Waterways, which is listed on the Clean Water Act 303(d) List of impaired water bodies for mercury, chlorpyrifos, DDT, diazinon, group A pesticides, and electrical conductivity (EC). Sampling results for mercury, chlorpyrifos, DDT, diazinon, and group A pesticides submitted with the Discharger's NOI showed that these constituents were not detected in the discharge. EC was detected in the discharge, but considering the volume and duration of the discharge it is expected the discharge will have minimal impact to EC levels in Emerson Slough.

RECEIVING WATER LIMITATIONS

The Limited Threat General Order includes receiving surface water limitations in Section VIII.A. Based on the information provided in the NOI, only the following receiving surface water limitations are applicable to this discharge:

- Bacteria (VIII.A.2);
- Biostimulatory substances (VIII.A.3);
- Chemical constituents (VIII.A.4);
- Color (VIII.A.5);
- Dissolved oxygen (VIII.A.6.b.iii);
- Floating material (VIII.A.7);
- Oil and grease (VIII.A.8);
- pH (VIII.A.9.a);
- Pesticides ((VIII.A.10);
- Radioactivity (VIII.A.11);
- Suspended sediments (VIII.A.12);
- Settleable substances (VIII.A.13);
- Suspended material (VIII.A.14);
- Taste and odors (VIII.A.15);
- Temperature (VIII.A.16);

- Toxicity (VIII.A.17); and
- Turbidity (VIII.A.18.a).

MONITORING AND REPORTING

Monitoring and reporting requirements are contained in Attachment C of the Limited Threat General Order. The Discharger is required to comply with the following specific monitoring and reporting requirements for the effluent and receiving water in accordance with Attachment C of the Limited Threat General Order.

Monitoring Locations – The Discharger shall monitor the effluent and receiving water at the specified locations as follows in Table 1:

Table 1. Monitoring Station Locations

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
001	EFF-001	A location where a representative sample of the effluent can be collected prior to discharging to Emerson Slough.
--	RSW-001	Emerson Slough, approximately 200 feet upstream from the point of discharge.
--	RSW-002	Emerson Slough, approximately 200 feet downstream from the point of discharge.

Effluent Monitoring – When discharging to surface water, the Discharger shall monitor the effluent at EFF-001 in accordance with Table C-2 of the Limited Threat General Order and this NOA. The applicable monitoring requirements are as follows in Table 2:

Table 2. Effluent Monitoring

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Total Flow	MGD	Estimate	1/Day	
Electrical Conductivity @ 25 °C	µmhos/cm	Grab	1/Week	1,2
pH	standard units	Grab	1/Week	1,2
Turbidity	NTU	Grab	1/Week	1,2
Temperature	°F	Grab	1/Week	1,2
Dissolved Oxygen	mg/L	Grab	1/Week	1,2

¹ A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program shall be maintained at the Facility.

² Pollutants shall be analyzed using the analytical methods described in 40 C.F.R. part 136 or by methods approved by the Central Valley Water Board or the State Water Board.

Receiving Water Monitoring - When discharging to surface water, the Discharger shall monitor the receiving water at RSW-001 and RSW-002, in accordance with Table C-3 of the Limited Threat General Order and this NOA. The applicable monitoring requirements are as follows in Table 3:

Table 3 Receiving Water Monitoring Requirements

Parameter	Units	Sample Type	Monitoring Frequency	Required Analytical Test Method
Flow Direction	North or South	Observation	1/Month	--
Dissolved Oxygen	mg/L	Grab	1/Month	1,2
Electrical Conductivity @ 25 °C	µmhos/cm	Grab	1/Month	1,2
pH	standard units	Grab	1/Month	1,2
Temperature	°F	Grab	1/Month	1,2
Turbidity	NTU	Grab	1/Month	1,2

¹ Pollutants shall be analyzed using the analytical methods described in 40 C.F.R. part 136 or by methods approved by the Central Valley Water Board or the State Water Board.

² A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program shall be maintained by the Discharger.

In conducting the receiving water sampling, a log shall be kept of the receiving water conditions throughout the reach bounded by RSW-001 and RSW-002. Attention shall be given to the presence or absence of:

- a. Floating or suspended matter
- b. Discoloration
- c. Bottom deposits
- d. Aquatic life
- e. Visible films, sheens, or coatings
- f. Fungi, slimes, or objectionable growths
- g. Potential nuisance conditions

Notes on receiving water conditions shall be summarized in the Monitoring Report.

Monitoring Report Submittals - Monitoring in accordance with this NOA shall begin upon the date of this NOA. Monitoring Reports shall be submitted to the Central Valley Water Board on a quarterly basis, beginning with the **Fourth Quarter 2017**. This report shall be submitted on **1 February 2018**. If monitoring samples were not obtained within 24 hours of initiation of the discharge, the Discharger must document the reasons in the corresponding Monitoring Report. If the discharge has not begun there is no need to monitor. However, a certified Monitoring Report must be submitted stating that there has been no discharge. Table 4, below, summarizes the Monitoring Report due dates required under the Limited Threat General Order. Quarterly Monitoring Reports must be submitted until your coverage is formally terminated in accordance with the Limited Threat General Order, even if there is no discharge during the reporting quarter.

Table 4. Monitoring Periods and Reporting Schedule

Sampling Frequency	Monitoring Period Begins On...	Quarterly Report Due Date
1/Day, 1/Week, 1/Month, 1/Quarter	22 November 2017	1 May (1 Jan – 31 Mar) 1 Aug (1 Apr – 30 Jun) 1 Nov (1 Jul – 30 Sep) 1 Feb, of following year (1 Oct – 31 Dec)

Salinity Evaluation and Minimization Plan – When the discharge of effluent electrical conductivity is greater than 900 µmhos/cm, flow is greater than 0.25 MGD, and the discharge will be continuous for 180 days or more, Section IX.C.3.c of the Limited Threat General Order requires Dischargers submit and implement a Salinity Evaluation and Minimization Plan in order to ensure adequate measures are taken to reduce the discharge of salinity. In accordance with this NOA and the Limited Threat General Order, the Discharger shall submit and implement a Salinity Evaluation and Minimization Plan **within 60 days** after initiation of discharge to Emerson Slough.

GENERAL INFORMATION AND REQUIREMENTS

The Discharger must notify Central Valley Water Board staff within 24 hours of having knowledge of 1) the start of each new discharge, 2) noncompliance, and 3) when the discharge ceases. The Central Valley Water Board shall be notified immediately if any effluent limit violation is observed during implementation of the project.

Discharge of material other than what is described in the application is prohibited. The required annual fee (as specified in the annual billing you will receive from the State Water Resources Control Board) shall be submitted until this NOA is officially terminated. You must notify this office in writing when the discharge regulated by the Limited Threat General Order is no longer necessary by submitting the Request for Termination of Coverage (Attachment E). If a timely written request is not received, the Discharger will be required to pay additional annual fees as determined by the State Water Resources Control Board.

ENFORCEMENT

Failure to comply with the Limited 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. In addition, late Monitoring Reports may be subject to MMPs or discretionary penalties of up to \$1,000 per day late. When discharges do not occur during a quarterly report monitoring period, the Discharger must still submit a quarterly certified Monitoring Report indicating that no discharge occurred to avoid being subject to enforcement actions.

COMMUNICATION

All documents, including Monitoring Reports, written notifications, and documents submitted to comply with this NOA and the Limited Threat General Order, should be submitted to the NPDES Compliance Unit, Attention: Kari Holmes. Ms. Holmes can be reached at (916) 464-4623 or Kari.Holmes@waterboards.ca.gov.

Patty Finfrock
Program Manager I
Dutch Slough Tidal Marsh Restoration Project

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We have transitioned to a paperless office, therefore, please convert all documents to a searchable Portable Document Format (pdf) and email them to centralvalleysacramento@waterboards.ca.gov. **Please include the following information in the email:** Attention: NPDES Compliance Unit; Discharger: State of California Department of Water Resources; Facility: Dutch Slough Tidal Marsh Restoration Project; County: Contra Costa; and the CIWQS place ID 840937 in the body of the email. Documents that are 50 megabytes or larger must be transferred to a DVD, or flash drive and mailed to our office, attention "ECM Mailroom-NPDES". Please include the attached Monitoring Report Transmittal Form as the first page of each Monitoring Report.

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 ADAM LAPUTZ FOR

Pamela C. Creedon
Executive Officer

Enclosures (3): General Order R5-2016-0076 (Discharger only)
Monitoring Report Transmittal Form (Discharger only)
Project Map

cc: David Smith, U.S. EPA, Region IX, San Francisco (email only)
Afrooz Farsimadan, Division of Water Quality, State Water Board, Sacramento (email only)

Project Map – Dutch Slough Tidal Marsh Restoration Project
Site and Discharge Location
R5-2016-0076-023

