Central Valley Regional Water Quality Control Board

15 December 2020

Mark Barkau
Project Manager
Flatiron/Dragados/Sukut Joint Venture
2959 Eva Road
Lake Isabella, CA 95814

CERTIFIED MAIL
7018 1830 0001 0014 8976

AMENDED NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2016-0076-01 FOR LIMITED THREAT DISCHARGES TO SURFACE WATER; US ARMY CORPS OF ENGINEERS AND FLATIRON DRAGADOS SUKUT JOINT VENTURE, LAKE ISABELLA DAM SAFETY MODIFICATION PROJECT, KERN COUNTY

Our office received a Notice of Intent on 22 March 2019, and a subsequent amendment request as described below, from US Army Corps of Engineers and Flatiron/Dragados/Sukut Joint Venture (hereinafter Discharger), for discharge of treated groundwater to surface water. Based on the application packet and subsequent information submitted by the Discharger, staff has determined that the discharge 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 R5-2016-0076-053 and National Pollutant Discharge Elimination System (NPDES) Permit CAG995002. Please reference the Limited Threat General Order number, **R5-2016-0076-053**, in correspondence and submitted documents.

The project activities shall be operated in accordance with the requirements contained in the Limited Threat General Order and as specified in this amended NOA. You are urged to familiarize yourself with the entire contents of the enclosed Limited Threat General Order (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf). A copy of the Limited Threat General Order can also be obtained by contacting the staff identified at the end of this NOA.

AMENDMENT
On 9 November 2020, the Discharger requested an amendment of the NOA to add another discharge point (Discharge Point 002) to the project to facilitate dewatering-related efforts associated with the excavation along the downstream toe of the Main Dam at Lake Isabella. Previously, NOA R5-2016-0076-053 only included Discharge

Point 001, which addressed the excavation dewatering along the downstream toe of the Auxiliary Dam at Lake Isabella. Both discharges will be dewatering water from Lake Isabella that will be detained, settled, and filtered. Discharge Point 001 remains to Lake Isabella, and the newly added Discharge Point 002 will be to the Kern River. Therefore, this NOA has been amended as of the date of this issuance to include Discharge Point 002 to Kern River, which is reflected in all sections and attachments of this amended NOA, and has superseded the previously issued NOA R5-2016-0076-053.

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 Lake Isabella or in the Kern River, which are waters of the United States.

PROJECT DESCRIPTION

The Army Corps of Engineers is undertaking a project to repair Isabella Dam for protection from safety issues posed by floods, earthquakes, and seepage. The project includes various modifications, including excavation along the downstream toes of both the Auxiliary Dam and the Main Dam at Lake Isabella. This NOA covers the dewatering discharges from the toe drain excavations. All dewatering water associated with the Auxiliary Dam excavation will be directed to a portion of the Borel Canal where water will be detained in two million gallon PVC-lined settling basins. A portion of the detained water will be sent through a sand media filter for reuse during the construction activities. Excess water that exceeds land application and construction activities needs will be sent through sand media filters to be discharged back into Lake Isabella (Discharge Point 001) via a floating discharge line to accommodate fluctuating lake levels. A portion of dewatering water associated with the Main Dam excavation will be used for reuse during construction activities. Excess Main Dam dewatering water not utilized for construction will be pumped through two 21,000 gallon tanks setup in series in a weir configuration to reduce solids and then filtered through a sand media filtration system prior to discharge to the Kern River (Discharge Point 002) via a floating discharge line.

Upon issuance of the initial NOA, the Discharger began dewatering activities at the Auxiliary Dam and began discharge to Lake Isabella (Discharge Point 001) in May 2019. For Discharge Point 001, the Discharger anticipates an average daily discharge rate of 250,000 gallons per day, depending on production and other disposal options. Given the capacity of the pumps, the maximum daily discharge would be 829,440

gallons per day at Discharge Point 001. At the time of the initial NOI submittal, the project lifespan was estimated at six months, and a total volume of around 45 million gallons was anticipated to be discharged to Lake Isabella. As of the Third Quarter 2020 Monitoring Report, a total of 60 million gallons has been discharged to Lake Isabella. The timeline for this project has also shifted, and as of the date of this amended NOA, the Discharger anticipates another three to six months of discharge, which reflects a total of 23-26 months from initial discharge. In addition to the Auxiliary Dam (Discharge Point 001) dewatering that began in May 2019, the updated project timeline includes dewatering from the Main Dam (Discharge Point 002) to begin in late December 2020. Anticipated daily discharge is approximately 60,000 gallons per day on average and 72,000 gallons per day as maximum daily discharge. The overall total discharge from the Auxiliary Dam to Lake Isabella and the Main Dam to Kern River would be approximately 96 million gallons. Of this total discharge, the water discharged from Main Dam to the Kern River would be approximately 9 million gallons.

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, effluent limitations for both Discharge Point 001 and Discharge Point 002 are only required for the parameters identified below:

Table 1. Effluent Limitations

Parameter	Unit	Average Monthly Effluent Limitation	Maximum Daily Effluent Limitation	Section Reference
Total Suspended Solids	mg/L	10	20	V.B.1

1. **Flow (Section V.A.1.a).** The flow rate shall not exceed 0.83 million gallons per day at Discharge Point 001.

2. **Flow (Section V.A.1.a).** The flow rate shall not exceed 0.08 million gallons per day at Discharge Point 002.

3. **pH (Section V.A.1.b.iii).** The pH of all limited threat discharges within the Tulare Lake Basin shall at all times be within the range of 6.5 and 8.3.

4. **Whole Effluent Toxicity, Chronic (Section V.A.2.a).** There shall be no chronic toxicity in the discharge.

Lake Isabella is listed for pH and dissolved oxygen on the Clean Water Act 303(d) List of impaired water bodies. Total Maximum Daily Loads (TMDLs) have not yet been established for Lake Isabella. The lower Kern River is not listed on the 303(d) List of impaired water bodies for any constituents. Therefore, no additional 303(d) based effluent limitations or monitoring requirements are included in this NOA (R5-2016-0076-053).

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 both Discharge Points 001 and 002:

- Un-ionized Ammonia (VIII.A.1);
- Bacteria (VIII.A.2);
- Biostimulatory substances (VIII.A.3);
- Chemical constituents (VIII.A.4);
- Color (VIII.A.5);
- Dissolved oxygen (VIII.A.6.a.i-iv);
- Floating material (VIII.A.7);
- Oil and grease (VIII.A.8);
- pH (VIII.A.9.c);
- Pesticides ((VIII.A.10.a, b, and c);
- 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.a);
- Toxicity (VIII.A.17); and
- Turbidity (VIII.A.18.b).

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:

Table 2. Monitoring Station Locations

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
001	EFF-001	A location where a representative sample of the Auxiliary Dam effluent can be collected prior to discharging to Lake Isabella
	RSW-001U	Lake Isabella, a location outside the influence of the effluent and no more than a 200-foot radius from the point of discharge to Lake Isabella
	RSW-001D	Lake Isabella, a location representative of the effluent's influence and no more than a 30-foot radius from the point of discharge to Lake Isabella
002	EFF-002	A location where a representative sample of the Main Dam effluent can be collected prior to discharging to Kern River
	RSW-002U	Kern River, approximately 200 feet upstream of Discharge Point 002
	RSW-002D	Kern River, approximately 200 feet downstream of Discharge Point 002

Effluent Monitoring – When discharging to Discharge Point 001, the Discharger shall monitor the effluent at EFF-001 in accordance with Table C-3 of the Limited Threat General Order and this NOA. When discharging to Discharge Point 002, the Discharge shall monitor the effluent at EFF-002 in accordance with Table C-3 of the Limited Threat General Order and this NOA. The applicable monitoring requirements for both discharge points are as follows in Table 3 and subsequent Table 3 Notes:

Table 3. Effluent Monitoring

Parameter	Unit	Sample Type	Minimum Sampling Frequency
Total Flow	MGD	Estimate	1/Day
Electrical Conductivity @ 25 degrees C	µmhos/cm	Grab	1/Week
pH	standard units	Grab	1/Week
Turbidity	NTU	Grab	1/Week
Temperature	degrees F	Grab	1/Week
Total Suspended Solids	mg/L	Grab	1/Week
Dissolved Oxygen	mg/L	Grab	1/Week

Table 3 Notes

1. **Electrical conductivity, pH, turbidity, temperature, and dissolved oxygen.** 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. **All parameters, except flow.** 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 – Discharge Point 001 is in Lake Isabella immediately upstream of the Auxiliary Dam. Sampling of the receiving water at this type of discharge point would be unlikely to produce meaningful analysis of changes in receiving water due to influence of the discharge. Therefore, compliance with receiving water limitations for Discharge Point 001 will be determined through effluent monitoring. Discharge Point 002 is in Kern River, which can be effectively monitored. Therefore, compliance with receiving water limitations for Discharge Point 002 will be determined through receiving water monitoring as specified in Table 4 below and subsequent Table 4 notes. When discharging to Kern River at Discharge Point 002, the Discharger shall monitor Kern River at RSW-002U and RSW-002D as follows:

Table 4. Receiving Water Monitoring (RSW-002U and RSW-002D)

Parameter	Units	Sample Type	Minimum Sampling Frequency
pH	standard units	Grab	1/Month
Dissolved Oxygen	mg/L	Grab	1/Month
Electrical Conductivity @ 25 degrees C	µmhos/cm	Grab	1/Month
Temperature	Degrees F	Grab	1/Month
Turbidity	NTU	Grab	1/Month

Table 4 Notes:

1. **All parameters.** 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. **All parameters.** 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.

During months where surface water discharge occurs, a log shall be kept 1/Month of the receiving water conditions for each discharge point that was utilized. For Discharge Point 001, receiving water conditions throughout the reach bounded by RSW-001U and RSW-001D shall be logged. For Discharge Point 002, receiving water conditions throughout the reach bounded by RSW-002U and RSW-002D shall be logged. 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; and
g. Potential nuisance conditions.

Notes on the receiving water conditions shall be summarized in the monitoring reports.

Monitoring Report Submittals – Monitoring in accordance with the Limited Threat General Order shall begin upon initiation of discharge. Monitoring Reports shall be submitted to the Central Valley Water Board on a quarterly basis, beginning with the **Second Quarter 2019**. This report shall be submitted on **1 August 2019**. All Monitoring Reports shall specify the dates during the monitoring period the discharge did or did not occur for each discharge point. 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 treatment and 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 5, 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 5. Monitoring Periods and Reporting Schedule

Sampling Frequency	Monitoring Period Begins On…	Quarterly Report Due Date
1/Day, 1/Week, 1/Month	30 May 2019	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)

GENERAL INFORMATION AND REQUIREMENTS

The Discharger must notify Central Valley Water Board staff within 24 hours of 1) the start of discharge and 2) having knowledge of noncompliance. 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 invoice 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 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, shall be directed, via the paperless office system, to the NPDES Compliance and Enforcement Unit. Any questions concerning compliance and enforcement issues should be directed to Hossein Aghazeynali who can be reached at (559) 445-6194 or Hossein.Aghazeynali@waterboards.ca.gov.

Questions regarding the permitting aspects of the Limited Threat General Order and notification for termination of coverage under the Limited Threat General Order, shall be directed, via the paperless office system, to the NPDES Permitting Unit, Attention: Nicolette Dentoni. Ms. Dentoni can also be reached at (559) 444-2505 or Nicolette.Dentoni@waterboards.ca.gov.

We have transitioned to a paperless office, therefore, please convert all documents to a searchable Portable Document Format (pdf) and email them to centralvalleyfresno@waterboards.ca.gov**. Please include the following information in the email**: Attention: NPDES Compliance Unit; Discharger: US Army Corps of Engineers and Flatiron/Dragados/Sukut Joint Venture; Facility: Lake Isabella Dam Safety Modification Project; County: Kern County; and the CIWQS place ID 857925 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 at 1685 “E” Street, Fresno, California 93706.

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. Links to the law and regulations

applicable to filing petitions may be found on the Water Quality Petitions Page (http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

Original Signed by Clay L. Rodgers for:
Patrick Pulupa
Executive Officer

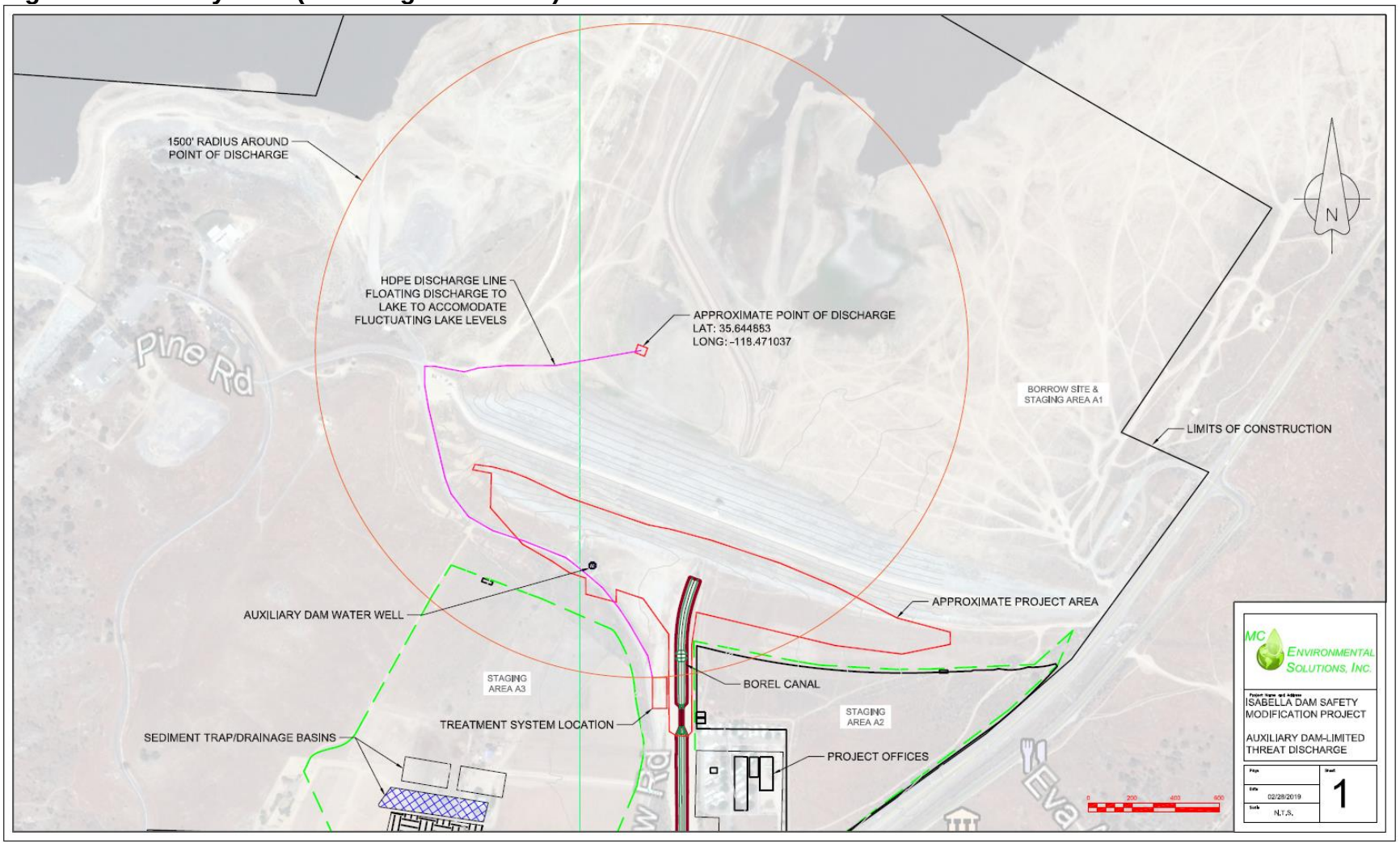
Attachment: Attachment A – Project Location Maps

Enclosure: Limited Threat General Order R5-2016-0076-01 (Discharger Only)

cc: Elizabeth Sablad, U.S. EPA, Region IX, San Francisco (email only)
Peter Kozelka, U.S. EPA, Region IX, San Francisco (email only)
State Water Resources Control Board, DWQ, Sacramento (email only)
California Department of Fish and Wildlife, Fresno
Michael Chase, MC Environmental Solutions, Bakersfield (email only)
Sarah Torres, PG Environmental (email only)

ATTACHMENT A – PROJECT LOCATION MAPS

Figure 1. Auxiliary Dam (Discharge Point 001)



ATTACHMENT A – PROJECT LOCATION MAPS

Figure 2. Main Dam (Discharge Point 002)