

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2006-0042

WAIVING WASTE DISCHARGE REQUIREMENTS
FOR
CALIFORNIA DEPARTMENT OF WATER RESOURCES
FREMONT WEIR SEDIMENT REMOVAL PROJECT
YOLO AND SUTTER COUNTIES

WHEREAS, Water Code Section 13260(a) requires that any person discharging wastes or proposing to discharge wastes with the region that could affect the quality of waters of the State shall file a Report of Waste Discharge; and

WHEREAS, the California Department of Water Resources submitted a Report of Waste Discharge and a Report of Waste Discharge Amendment for the Fremont Weir Sediment Removal Project on 14 February and 17 March 2006 respectively; and

WHEREAS, on 29 March 2006, the California Department of Water Resources approved an Initial Study/Mitigated Negative Declaration for the Fremont Weir Sediment Removal Project, which contained several mitigation measures, none of which were related to water quality; and

WHEREAS, Fremont Weir is located at the head of the Yolo Bypass, approximately nine miles southeast of Knights Landing; and

WHEREAS, the Fremont Weir and the Yolo Bypass are key facilities that provide flood protection to the cities of Sacramento and West Sacramento; and

WHEREAS, sediment deposits in the Yolo Bypass reduce the flow capacity of the weir and the efficiency of the flood control system by blocking water from entering the Bypass and forcing flows to remain in the Sacramento River, increasing the potential of flooding in cities of Sacramento and West Sacramento; and

WHEREAS, the flood carrying capacity of the Fremont Weir is currently inadequate due to sediments deposited upstream of the weir during previous flood seasons; and

WHEREAS, to restore the flood carrying capacity, approximately 800,000 to 1,000,000 cubic yards of sediment need to be removed from in front of and downstream of the weir. This maintenance removal of excess sediments will restore the design capacity of this part of the Sacramento River Flood Control Project; and

WHEREAS, spoils from the Fremont Weir Sediment Removal Project will be discharged to 200 acres of agricultural land; and

WHEREAS, the discharge site is located immediately east of Fremont Weir, at Yolo County Assessors Parcel Numbers (APN) 57-030-06 and 57-030-08; and

WHEREAS, the discharge site is separated from the Yolo Bypass to the west and the Sacramento River to the northwest by a 20-foot tall earthen levee and adjacent parcels to the north, east and south are also agricultural land; and

WHEREAS, the spoils will be deposited to a depth of five feet to act as a levee buttress over approximately 15 acres and to a depth of approximately three feet over the remaining approximately 185 acres; and

WHEREAS, the Department of Water Resources has demonstrated that native soils underlying the discharge site and sediments to be removed from Fremont Weir have similar leachable metals contents; and

WHEREAS, the Department of Water Resources has demonstrated that the sediments to be removed from Fremont Weir are not contaminated with organochlorine, organophosphate, or organonitrogen pesticides; and

WHEREAS, the Regional Water Quality Control Board, Central Valley Region (hereafter Regional Board) has a statutory obligation to prescribe waste discharge requirements except where a waiver is not against the public interest; and

WHEREAS, the Regional Board has determined that due to the chemical nature of the spoils, the discharge poses little or no threat to water quality if the spoils are discharged under conditions that prevent erosion and discharge to surface water; and

WHEREAS, the Regional Board held a hearing on 5 May 2006 and considered all evidence concerning this matter:

RESOLVED, that the California Regional Water Quality Control Board, Central Valley Region, waives waste discharge requirements for the California Department Water Resources Fremont Weir Sediment Removal Project, subject to the following conditions:

1. The discharge of sediments shall not create a condition of pollution or nuisance as defined in Section 13050, California Water Code; and
2. Sediment will not be placed within 200 feet of any irrigation ditch; and
3. Emplaced sediment will be compacted to approximately 85 percent of relative compaction; and

4. The margins of the emplaced sediments will be sloped at a ratio of three horizontal to one vertical along the north, east, and south margins; and
5. Best management practices will be employed as needed to prevent excess erosion and runoff from the emplaced sediments; and
6. Long term erosion and runoff will be controlled by active cultivation of agricultural crops by the owner and any leasees; and
7. The California Department of Water Resources will submit a final report documenting the removal and discharge of sediments from the Fremont Weir no later than **60 days** after completion of the project.
8. This waiver expires 60 days from the completion of the Fremont Weir Sediment Removal Project.

RESOLVED, that this action waving waste discharge requirements is conditional and may be terminated at any time.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a true, full, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 5 May 2006.

PAMELA C. CREEDON, Executive Officer