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California Regional Water Quality Control Board Central Valley Region

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Arnold
Schwarzenegger
Governor

27 October 2008

Mr. Michael W. Bollinger, Project Manager
S.J. Louis Construction, Inc.
P.O. Box 459
Rockville, MN 56369

CERTIFIED MAIL
7007 2560 0001 7472 1872

NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2008-0081 (GENERAL ORDER); DEWATERING AND OTHER LOW THREAT DISCHARGES TO SURFACE WATERS; FREEPORT REGIONAL WATER PROJECT (FRWP), SEGMENT 3, SACRAMENTO COUNTY

Our office received a Notice of Intent (NOI) on 1 August 2008 from S.J. Louis Construction, Inc. (Discharger) for the FRWP Segment 3 Project. Based on the information in the submittal, we have determined that the project meets the required conditions for approval under the General Order for Dewatering and Other Low Threat Discharges to Surface Waters (General Order No. R5-2008-0081). This project is hereby assigned General Order No. R5-2008-0081-010 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995001.

The General Order prescribes mandatory discharge monitoring requirements. The project activities shall be operated in accordance with the requirements contained in the General Order and with the information submitted in the NOI. You are urged to familiarize yourself with the contents of the entire document. For your convenience, a copy of the General Order is enclosed, and it may also be viewed at the following web address:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2008-0081.pdf.

CALIFORNIA TOXIC RULE / STATE IMPLEMENTATION POLICY SAMPLING

This 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). Screening levels for CTR constituents or Priority Pollutants are found in Attachment B of the General Order.

Review of your water quality data in reference to the CTR constituent screening levels showed no reasonable potential to impact the receiving water. Therefore, no additional effluent limitations or additional monitoring requirements are required for this project.

California Environmental Protection Agency

PROJECT DESCRIPTION

The FRWP involves a cooperative effort between the Sacramento County Water Agency (SCWA) and East Bay Municipal Utility District (EBMUD). The FRWP includes construction of four separate segments of a water pipeline that will transport Sacramento River water from an intake facility located south of Meadowview Road and Interstate 5, continuing in a westward direction, with a branch to the new Vineyard Water Treatment Plant, and then terminating at EBMUD's Folsom South Canal. The pipeline will be capable of conveying 185 million gallons of water per day.

FRWP Segment 3, to which this NOA applies, is about 4.2 miles long and begins at the intersection of Gerber Road and Vineyard Road. This intersection is where Segment 2 ends, Segment 3 continues to the east, and Segment 4 initiates northward. The Segment 3 pipeline is constructed along Gerber Road and then across open land, terminating at the Folsom South Canal. The discharge will consist of water used for hydrostatic testing of the pipeline. The source water used for testing may be from the SCWA, a private well, or transferred from testing of Segment 2 or Segment 4, provided the test water from these adjacent segments has been approved for coverage under General Order No. R5-2008-0081. The discharge will be to Gerber Creek, Laguna Creek, and an unnamed tributary to Laguna Creek. These receiving waters are tributary to the Sacramento River. Prior to discharge, the water will be tested for chlorine residual, pH, and turbidity.

The proposed discharge is scheduled to commence in October 2008 and be completed by the end of December 2008.

REPORTING

Quarterly Reports shall be submitted to the Regional Water Board office (Attention: NPDES Program) by the first day of the second month following each calendar quarter. Reporting requirements are found in Attachment E of the General Order.

GENERAL INFORMATION AND REQUIREMENTS

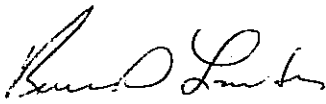
The Discharger will be required to follow their Pollution Prevention and Monitoring and Reporting Plan. Effluent and receiving water monitoring of this dewatering/low threat discharge shall be conducted and submitted to the Regional Water Board, quarterly, until completion of the project. The Regional Water Board shall be notified immediately if any violation, nuisance, or detriment to the receiving water is observed during implementation of the project.

Failure to comply with the Effluent Limitations and Receiving Water Monitoring requirements in the General Order could result in an enforcement action as authorized by provisions of the California Water Code. Discharge of material other than what is described in the NOI 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 Notice of Applicability is officially terminated. You must notify this office in writing when the project has been completed and the discharge is no longer necessary, so we may terminate applicability of this General Order and avoid additional unnecessary billing.

Violations of the effluent limitations contained in this order may be subject to a \$3,000 Mandatory Minimum Penalty (MMP) per violation for serious or chronic violations if certain conditions are met [Water Code Section 13385(h) and (i)]. In addition, an effluent monitoring report received more than 30 days after its due date is subject to a \$3,000 MMP. An additional \$3,000 MMP is mandated for each additional 30 days a report is late. If you have no discharge, you must still submit a report indicating that no discharge occurred, or you may be subject to the MMP.

If you have any question or comments regarding your General Order coverage, please contact David Kirn of our office at (916) 464-4761 or at dwkirn@waterboards.ca.gov.



for PAMELA C. CREEDON
Executive Officer

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

cc: U.S. Environmental Protection Agency, Region IX, San Francisco
U.S. Army Corps of Engineers, Sacramento
Department of Fish and Game, Region 2, Rancho Cordova
Ms. Lori Okun, Office of Chief Counsel, State Water Board, Sacramento
Mr. Phil Isorena, Division of Water Quality, State Water Board, Sacramento
Ms. Susan Kelly, Central Valley Regional Water Quality Control Board, Rancho Cordova