



**California Regional Water Quality Control Board
Central Valley Region**

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27 July 2009

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Ms. Jill Miller
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NOTICE OF APPLICABILITY (NOA); LOW THREAT GENERAL WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2008-0081; OAKDALE & SOUTH SAN JOAQUIN IRRIGATION DISTRICT, DBA TRI-DAM; TULLOCH HYDROELECTRIC PROJECT NO. 2067; THIRD GENERATING UNIT; CALAVERAS AND TUOLUMNE COUNTIES

Our office received a Notice of Intent (NOI) on 15 May 2009 from Oakdale & South San Joaquin Irrigation District, DBA Tri-Dam for the Tulloch Hydroelectric Project No. 2067, Third Generating Unit Project. Based on the information in the NOI, staff of the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has determined that the project meets the required conditions for approval under the General Order for Dewatering and Other Low Threat Discharges to Surface Waters (Low Threat General Order). For this Low Threat General Order, Oakdale & South San Joaquin Irrigation District, DBA Tri-Dam, and MWH Americas, Inc. are designated as the Dischargers. This project is hereby assigned Low Threat General Order No. R5-2008-0081-033 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995001.

The Low Threat General Order (enclosed) 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. You are urged to familiarize yourself with the contents of the entire document. The Low Threat General Order prescribes mandatory discharge monitoring requirements. The project activities shall be operated in accordance with the requirements contained in this NOA, the Low Threat General Order, and with the information submitted by the Dischargers.

CALIFORNIA TOXIC RULE / STATE IMPLEMENTATION POLICY MONITORING

The Low Threat 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 are found in Attachment B of the Low Threat General Order. Review of your water quality data in reference to the CTR screening values showed no reasonable potential to impact the Stanislaus River, the receiving water.

CLEAN WATER ACT SECTION 303(d)

The Stanislaus River is listed under the Clean Water Act 303(d) List of impaired water bodies as impaired due to Unknown Toxicity, Mercury, Diazinon, and Group A Pesticides (Organochlorine Pesticides). Impaired water bodies do not support beneficial uses. Section 303(d) of the Clean Water Act requires listing of impaired water bodies. The Dischargers provided wastewater analyses of 303(d)-listed constituents as part of the NOI and CTR sampling. No 303(d)-listed constituents were detected and no 303(d)-listed contaminants are proposed for discharge during this project. Therefore, this discharge may be covered under this Order.

PROJECT DESCRIPTION

In February 2006, the Federal Energy Regulatory Commission (FERC) issued a new license to Tri-Dam to continue operation and maintenance of Tulloch Hydroelectric Project No. 2067. The existing project consists of two turbine-generator units immediately downstream and at the toe of Tulloch Dam. As part of the new license, Tri-Dam was granted permission to construct an additional generating facility at Tulloch Dam. The project will be constructed in two phases. Phase I consists of construction of a new road, a parking lot, and a tailwater exclusion wall to help minimize dewatering for Phase II. Phase II consists of construction of a new powerhouse, turbine, generator, transformer, and other equipment. Construction dewatering required during Phase II will discharge into the tailwater of Tulloch Dam, which is a portion of the Stanislaus River. The discharge rate will range from 0.07 mgd to 0.25 mgd and occur over 12 months.

MONITORING AND REPORTING

The Dischargers are required to comply with all the monitoring and reporting requirements contained in Attachment E of the Low Threat General Order, with the addition of the 303(d)-listed constituents Mercury, Diazinon, and Organochlorine Pesticides. This includes notifying Central Valley Water Board staff 24 hours before the start of each new discharge, as soon as you anticipate any noncompliance, and when the discharge ceases.

Effluent and receiving water analytical monitoring shall be conducted and the results submitted to the Central Valley Water Board on a quarterly basis unless specified otherwise. The Dischargers must submit quarterly reports, as described in Attachment E, Section X, even if there is no discharge or receiving water flow during the reporting quarter, until the Discharger formally requests that coverage under this Order be terminated. Please reference your unique Order number, R5-2008-0081-033, in your correspondence and submitted documents.

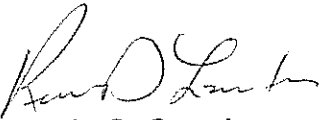
GENERAL INFORMATION AND REQUIREMENTS

The required annual fee (as specified in the annual billing you will receive from the State Water Resources Control Board) shall be submitted until the discharge is terminated. The Discharger(s) must notify the Central Valley Water Board in writing if the discharge regulated by this Low Threat General Order is no longer necessary, so we may terminate applicability of this Low Threat General Order and avoid additional and unnecessary billing.

ENFORCEMENT

Failure to comply with the Low Threat General Order may result in enforcement actions, which could include civil liability. Late reporting and effluent limitation violations are subject to a Mandatory Minimum Penalty (MMP) of \$3,000 per violation [California Water Code Section 13385(h) and (i)]. If there is no discharge during a quarterly monitoring period, a report indicating that no discharge occurred must be submitted to avoid the monetary penalties.

All monitoring report submittals, notification of the beginning and end of discharge, and questions regarding compliance and enforcement shall be directed to Spencer Joplin at (916) 464 - 4660 or SJoplin@waterboards.ca.gov. Questions regarding the permitting aspects of this Low Threat General Order, and requests for termination of coverage under this Order, may be directed to Elizabeth Thayer at (916) 464-4671 or ethayer@waterboards.ca.gov.

for 
Pamela C. Creedon
Executive Officer

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

cc: U.S. Environmental Protection Agency, Region IX, San Francisco
Mr. Phil Isorena, Division of Water Quality, State Water Board, Sacramento

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