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## Central Valley Regional Water Quality Control Board

27 March 2012

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### **REVISED NOTICE OF APPLICABILITY (NOA); LOW THREAT GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2008-0081; PRE-STARTUP & MAINTENANCE DEWATERING FOR EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD), SEGMENT 3 & FREEPORT SOUTH CANAL CONNECTION PIPELINES PROJECT, SACRAMENTO COUNTY**

Our office issued a NOA dated 16 February 2010 based on information received from a 27 August 2009 Notice of Intent (NOI) submitted by the East Bay Municipal Utility District, (Discharger) for the Pre-Startup & Maintenance Dewatering for EBMUD, Segment 3 & Freeport South Canal Connection Pipelines Project (Project). Based on the information in the NOI, Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff determined that the Project met the required conditions for approval under the *Waste Discharge Requirements for Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order), and was assigned Low Threat General Order R5-2008-0081-050 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995001.

By letter dated 29 November 2011, the Discharger requested regulatory coverage for spray water as one additional type of low threat surface water discharge from the Project and submitted a revised Pollution Prevention and Monitoring and Reporting (PPMRP). This revised NOA incorporates the approved revised 29 November 2011 PPMRP, which addresses the spray water discharge and complies with the Low Threat General Order. Please continue to reference unique Order R5-2008-0081-050 in all future correspondence and documents.

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/r-2008-0081.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r-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 Discharger.

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KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON, EXECUTIVE OFFICER

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## **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).

Section 5.3 of the SIP allows "*exceptions from meeting the Priority Pollutant criteria/objectives if determined to be necessary to implement control measures...*" The Discharger qualified for the SIP exception in Section 5.3 and is not required to conduct Priority Pollutant (CTR constituent) sampling. Dischargers authorized to discharge under this Low Threat General Order who have been granted an exception to the priority pollutant criteria and objectives in the SIP, must provide certification by a qualified biologist that the beneficial uses of the receiving water have been restored upon completion of the discharge.

## **PROJECT DESCRIPTION**

The Discharger requested coverage under the Low Threat General Order for three types of discharges, as discussed below.

**Pipeline Testing Discharges.** The first type of discharges are from hydrostatic integrity testing that check for cracks in the mortar-lined Folsom South Canal Connection (FSCC) Pipeline. The FSCC Pipeline is 72 inches in diameter and 19 miles long. The source water for this discharge is surface water from the Mokelumne Aqueduct. The maximum flow rate is estimated at 2.3 million gallons daily. The pipeline testing discharges have already occurred and were completed within a two week period, thus meeting the eligibility requirements of the Low Threat General Order, because each discharge was less than four months per discharge period.

**Maintenance Dewatering Discharges.** The second type of discharges result from the operation and maintenance of the installed Pipelines. Stagnant water in low lying areas from Segment 3 and FSCC Pipelines will be discharged to minimize biological growth. The Discharger estimates this procedure to occur, on average, once every three years with possible future discharge time restrictions placed by the local flood control agency during flood events. The source water is surface water from the Sacramento River and American River. During the maintenance dewatering discharges, since the FSCC Pipeline is lined with mortar, the Discharger will monitor and treat the discharge water for elevated pH. In addition, the Discharger will chlorinate and dechlorinate, as necessary, to eradicate the growth of the Quagga Mussel that may accumulate in the Pipelines.

It is estimated that a total of 18 million gallons will be discharged at 12 locations, within a two-week period, from both pipelines during a typical operational maintenance phase. The approximate discharge locations for each pipeline and their respective receiving waters is shown in Table 1 of the Revised PPMRP. Flows are expected to range from 0.1 to 2.9 million gallons per day. These discharges meet the eligibility requirements of the Low Threat General Order, because each discharge is less than four months per discharge period.

**Spray Water Discharges.** The third type of discharges is spray water at the Clay Station Pumping Plant. A traveling screen is used to prevent medium sized debris from entering the intake pumps. Spray water is used to clean the screens. Solid waste from this process will be collected and properly disposed of to a nearby landfill.

Spray water discharges, will occur only when the Clay Station Pumping Plant is in operation and will be discharged to an overland seasonal drainage that enters Griffith Creek, which is tributary to Laguna Creek and the Cosumnes River. This discharge rate is estimated at approximately 2,000 gallons per day. These spray water discharges meet the eligibility requirements of the Low Threat General Order, because the flow does not exceed 0.25 million gallons per day.

### **MONITORING AND REPORTING**

The Discharger must notify Central Valley Water Board staff: 1) 24 hours before the start of each new discharge or per the Discharger's PPMRP, 2) as soon as noncompliance is anticipated, and 3) when the discharge ceases. This is a maintenance project where the Discharger requested numerous discharge points.

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 Discharger 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 the Low Threat General Order be terminated. The quarterly reports must include (1) information regarding the start of each discharge including the date, location and flow (2) the duration of discharge and (3) the date the discharge ceased.

### **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 due and payable until the discharge is terminated. The Discharger 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. Effluent limitation violations are subject to a Mandatory Minimum Penalty (MMP) of \$3,000 per violation. Late reports are subject to an MMP of \$3,000 per each period of 30 days late. If you have no discharge during a quarterly monitoring period, you must still submit a report indicating that no discharge occurred, or you may be subject to civil liability.

All monitoring report submittals, notification of the beginning and end of discharge, and questions regarding compliance and enforcement shall be directed to Lucio Orellana at (916) 464-4660 or [lorellana@waterboards.ca.gov](mailto:lorellana@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 Michael Negrete at (916) 464-4662 or [mnegrete@waterboards.ca.gov](mailto:mnegrete@waterboards.ca.gov).

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](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

*Original Signed By Kenneth D. Landau for*

Pamela C. Creedon  
Executive Officer

Enclosure (2):           General Order No. R5-2008-0081 (Discharger only)  
                                  Revised PPMRP (Discharger only)

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