CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2008-0070

CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR
EAST BAY MUNICIPAL UTILITY DISTRICT
FOLSOM SOUTH CANAL CONNECTION PROJECT
DEWATERING DISCHARGE TO LAND
SACRAMENTO AND SAN JOAQUIN COUNTIES

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

WHEREAS, East Bay Municipal Utility District (hereafter referred to as "Discharger"), submitted a RWD for the discharge of extracted groundwater to support construction of the Folsom South Canal Connection Project on 30 November 2007; and

WHEREAS, the entire project site, including the dewatering discharge areas, encompasses portions of the following Sections, and is depicted on Attachment A, which is attached hereto and forms part of this resolution by reference:

County	Township and Range	Section Nos.
Sacramento	T5N, R7E	1, 2, 11, 13, 14, 23, 24
Sacramento and San Joaquin		25, 26
San Joaquin		35, 36
San Joaquin	T5N, R8E	31, 32, 33, 34, 35, 36
San Joaquin	T5N, R9E	31
San Joaquin	T4N, R7E	1, 2
San Joaquin	T4N, R8E	1, 2, 3, 4,5, 6
San Joaquin	T4N, R9E	6, 7, 18, 19, 29, 30

WHEREAS, the RWD identified ownership and contact information for every parcel along the pipeline alignment. Individual dewatering discharge areas ("designated disposal areas") were not identified in the RWD because it is likely that there will be numerous designated disposal areas owned by various third parties along the pipeline alignment and the disposal areas will be identified as needed as construction progresses; and

WHEREAS, the Discharger will obtain permission from the owner of each parcel where groundwater will be discharged and will notify the Regional Water Board of the details of the discharge in advance by submitting a Notice of Intent; and

WHEREAS, the project includes installation of approximately 75,550 lineal feet of 72-inch diameter pipe in trenches excavated approximately 14 to 25 feet deep; trenchless pipeline crossings at the State Highway 12, State Highway 88, and the Mokelumne River; and excavated stream crossings at Dry Creek, Bear Creek, Coyote Creek, and various other named and unnamed creeks along the pipeline alignment; and

WHEREAS, based on the geotechnical engineer's report, most of the dewatering will likely be limited to areas adjacent to Dry Creek, Coyote Creek, and Bear Creek; permanently flooded wetlands on private property (between Station 274+00 to 287+00 in T5N, R7E, Sections 35 and 36); the Mokelumne River, and State Highway 12; and

WHEREAS, shallow groundwater will be extracted within each dewatering area, conveyed by temporary pipeline, and discharged to the nearest designated disposal area. Extraction methods may include dewatering wells, sheet piles with sump pumps, and/or shallow well points; and

WHEREAS, dewatering wells, if used, will be constructed under well permits obtained from either the San Joaquin Environmental Health Department or the Sacramento County Environmental Management Department (as appropriate); and

WHEREAS, where dewatering is required, the Discharger may discharge the water to percolation/evaporation areas, spray irrigate crops or native vegetation, use water for construction dust control, and/or use water for moisture conditioning of fill materials used in construction; and

WHEREAS, dewatering discharge areas used for percolation/evaporation will be selected to prevent discharges to surface waters. Sediment will be captured in geotextile filter bags surrounded by a secondary filtration barrier (e.g., straw bales) and disposed of in designated areas with appropriate erosion controls. If needed, temporary berms will be constructed to contain the water.

WHEREAS, the expected dewatering discharge rates are unknown; and

WHEREAS, dewatering is expected to begin in March 2008 and end by July 2009; and

WHEREAS, management of discharge rates and areas will be used to contain the water at all times. If necessary due to extreme precipitation conditions, temporary berms will be constructed as needed to prevent discharges outside of the designated disposal area; and

WHEREAS, the depth to shallow groundwater varies greatly along the entire pipeline alignment. Local shallow groundwater flow is generally towards Dry Creek or the Mokelumne River, and may be affected by local groundwater supply wells; and

WHEREAS, groundwater samples from the dewatering sites or designated disposal areas were not tested, but there is no indication that the proposed discharges will unreasonably degrade groundwater quality in violation of State Water Board Resolution No. 68-16 (the "Antidegradation Policy"); and

WHEREAS, the State of California Department of Fish and Game has issued Streambed Alteration Agreements that govern construction activities at stream crossings where trenchless pipe installation techniques will not be used; and

WHEREAS, four pipeline segments are within the 100-year flood plain. Potential dewatering discharge areas will be protected from flood inundation because a) the Streambed Alteration Agreements for the project prohibit work in two of these areas between 1 November and 30 March, when most flooding occurs; b) the segment that is within the Mokelumne River floodplain will not be excavated and the trenchless pipeline staging areas will be outside of the floodplain; and c) the segment that is within the floodplain of the Camanche Reservoir Spillway is owned by the Discharger, who will shut down construction if flooding is threatened.

WHEREAS, the RWD included an Environmental Compliance Management Plan developed for the project that includes general and specific procedures that the construction contractor must follow and Best Management Practices for pollution prevention. The plan provides for independent oversight of the contractor by both Discharger and consultant personnel; and

WHEREAS, on 5 March 2004, the Freeport Regional Water Authority released a Final Environmental Impact Report (FEIR) for the Freeport Regional Water Project. The Freeport Regional Water Authority was formed by East Bay Municipal Utility District and the Sacramento County Water Agency as a Joint Powers Agency. The Folsom South Canal Connection Project is part of the Freeport Regional Water Project. The FEIR includes a list of the water quality-related permits required and found that there would be no significant impacts to water quality as a result of the project. Therefore, the FEIR did not include mitigation measures to protect water quality. The Regional Water Board is a responsible agency under the California Environmental Quality Act and concurs with the FEIR's conclusions with respect to water quality impacts. Compliance with the conditions of this Resolution will prevent significant impacts to water quality; and

WHEREAS, on 26 April 2006, the Executive Officer issued a Clean Water Act Section 401 Water Quality Certification for the discharge of dredged and/or fill materials for the Freeport Regional Water Project; and

WHEREAS, the Discharger plans to complete the project as four separate construction contracts and has required that the contractor in each case submit a Notice of Intent (NOI) to obtain coverage under the NPDES General Permit for Discharges of Storm Water Associated with Construction Activities (Water Quality Order 99-08-DWQ). Two of the contracts have been awarded and two separate contractors have submitted the required NOI, which requires implementation of a project-specific Storm Water Pollution Prevention Plan. The contractors for the remaining contracts will also be required to submit an NOI; and

WHEREAS, surface water drainage from the project site is to the Mokelumne River via Dry Creek, Coyote Creek, Bear Creek, and various other named and unnamed drainages; and

WHEREAS, the designated beneficial uses of the of the Mokelumne River downstream of Camanche Dam are agricultural supply; water contact recreation; non-contact water recreation; warm and cold freshwater habitat; migration of aquatic organisms; spawning, reproduction, and/or early development; and wildlife habitat; and

WHEREAS, the designated beneficial uses of the groundwater are municipal and domestic supply, agricultural supply, and industrial service supply; and

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

WHEREAS, the Regional Water Board has determined that due to the fact that shallow groundwater will be extracted from, and discharged back into, the same aquifer with low to moderate potential for evapoconcentration near the same area from which it was extracted, the discharge poses little or no threat to water quality if the discharge is temporary and water is discharged under conditions that prevent discharge to surface water; and

WHEREAS, Section 13267(b) of the California Water Code provides that: "*In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports"*; and

WHEREAS, The reports required by attached Monitoring and Reporting Program No. R5-2008-0070 are necessary to ensure compliance with this Resolution. The Discharger owns and operates the facility that discharges the waste subject to this Order; and

WHEREAS, the Regional Water Board held a hearing on 25 April 2008 in Rancho Cordova, California 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 Folsom South Canal Connection Project dewatering discharge, subject to the following conditions:

Discharge Prohibitions

1. Discharge of extracted groundwater to surface waters or surface water drainage courses is prohibited.

2. Discharge of waste classified as “hazardous” as defined in 27 CCR Section 20164 is prohibited.

3. Bypass or overflow of extracted groundwater from any land application or disposal area is prohibited.

Discharge Specifications:

1. The daily discharge flow shall not exceed that which can be fully contained with no discharge to surface waters on any day.

2. The volume of water applied to any discharge area on any single day shall not exceed the percolation capacity of the soil based on soil type, pre-discharge soil moisture conditions, and weather conditions.

3. Water used for dust control or irrigation shall be applied using appropriate methods and rates to prevent runoff into storm drain systems and other surface water drainage courses.

4. The discharge shall not cause a condition of pollution or nuisance as defined by the California Water Code, Section 13050.

5. Objectionable odor originating at the discharge areas shall not be perceivable beyond the limits of those areas.

6. The Discharger shall operate all systems and equipment to optimize the quality of the discharge.

7. The Discharger shall fully implement the Environmental Compliance Management Plan included in the Report of Waste Discharge.

8. Storm water best management practices, as described in the Storm Water Pollution Prevention Plan, shall be implemented around the discharge areas at all times.

9. This waiver expires on 24 April 2013. The Discharger must submit a RWD at least 120 days before the expiration date to obtain a new waiver if they wish to continue the discharge after the expiration date.

Provisions

1. Pursuant to Section 13267 of the California Water Code, the Discharger shall comply with the monitoring and reporting requirements prescribed in Monitoring and Reporting Program No. R5-2008-0070. In so doing, the Discharger shall comply with the "Standard Provisions and Reporting Requirements for Waste Discharge Requirements", dated 1 March 1991, which are attached hereto and made part of this Order by reference.
2. Prior to initiating use of any dewatering discharge area, the Discharger shall submit a completed Notice of Intent using the forms provided in Monitoring and Reporting Program No. R5-2008-0070. Regional Water Board approval of the Notice of Intent is not required before commencing the discharge.

RESOLVED, that this action waving waste discharge requirements is conditional and may be terminated at any time prior to 24 April 2013.

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 25 April 2008.

_____
PAMELA C. CREEDON, Executive Officer

Attachments: Monitoring and Reporting Program
A – Vicinity Map
Standard Provisions and Reporting Requirements

ALO: 5/13/08

ATTACHMENT A

Drawing Reference: Report of Waste Discharge, East bay Municipal Utility District, November 2007

LOCATION MAP
EAST BAY MUNICIPAL UTILITY DISTRICT
FOLSOM SOUTH CANAL CONNECTION PROJECT
SACRAMENTO AND SAN JOAQUIN COUNTIES

RESOLUTION NO. R5-2008-0070

N

Approx. Scale

0 1 2 miles

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

MONITORING AND REPORTING PROGRAM NO. R5-2008-0070
FOR
EAST BAY MUNICIPAL UTILITY DISTRICT
FOLSOM SOUTH CANAL CONNECTION PROJECT
DEWATERING DISCHARGE TO LAND
SACRAMENTO AND SAN JOAQUIN COUNTIES

This Monitoring and Reporting Program (MRP) describes requirements for monitoring the discharge of extracted groundwater to land. This MRP is issued pursuant to Water Code Section 13267. The Discharger shall not implement any changes to this MRP unless and until a revised MRP is issued by the Executive Officer.

PRE-NOTIFICATION OF PLANNED DISCHARGE

Prior to any discharge of extracted groundwater to land, the Discharger shall obtain permission from the owner of each parcel where groundwater will be discharged and shall notify the Regional Water Board of the details of the discharge in advance by submitting a Notice of Intent (NOI), which is presented as Attachment A to this MRP.

1. A NOI is required for each area to which extracted groundwater will be land applied (designated discharge area).
2. A NOI is not required for use of extracted groundwater for construction project dust control or moisture conditioning of fill materials.
3. Regional Water Board approval of the Notice of Intent is not required before commencing the discharge.

DESIGNATED DISCHARGE AREA MONITORING

The Discharger shall monitor the dewatering discharge areas in accordance with the following. Monitoring shall be performed at least weekly and the results shall be included in the monthly monitoring report. Erosion, ground saturation, the effectiveness of containment berms and levees, and nuisance conditions shall be evaluated weekly and discussed in the report. The discharge shall also be monitored to estimate hydraulic loading rates.

Parameter	Units	Type of Sample	Monitoring Frequency	Reporting Frequency
Flow from extraction area to each discharge area [1]	gallons and inches	Estimation	Daily	Monthly
Rainfall	inches	Measurement	Daily	Monthly
Net acreage receiving the discharge [1]	acres	Estimation	Daily	Monthly
Evidence of discharge outside the designated disposal area	Present or Absent		Daily	Monthly

[1] Specific extraction and discharge areas shall be identified on a scaled map.

REPORTING

In reporting monitoring data, the Discharger shall arrange the data in tabular form so that the date and monitoring results are readily discernible. The data shall be summarized in such a manner to clearly illustrate compliance with the conditions of Resolution No. R5-2008-0070. The results of any monitoring done more frequently than required at the locations specified in the Monitoring and Reporting Program shall be reported to the Regional Water Board.

A. Monthly Monitoring Reports

Monthly reports shall be submitted to the Regional Water Board on the **1st day of the second month following monitoring** (i.e. the January Report is due by 1 March). At a minimum, the monthly monitoring reports shall include the following:

1. The results of dewatering discharge area monitoring as specified above;
2. A detailed description of any observed instances of runoff from dust control or fill moisture conditioning operations where extracted groundwater is used and corrective actions taken; and
3. A detailed plan to prevent future runoff discharges, as applicable.

B. Annual Report

An Annual Report shall be prepared after each year and after completion of the project. The Annual Report shall include all monitoring data required in the monthly schedule, and shall be submitted to the Regional Water Board by **1 February each year**. In addition to the data normally presented, the Annual Report shall include the following:

1. Tabular and graphical summaries of all data collected during the year.
2. An evaluation of the discharge areas and discussion of any structural or operational improvements needed for future use of these areas.
3. A discussion of compliance and the corrective action taken.
4. A discussion of any data gaps and potential deficiencies/redundancies in the monitoring system or reporting program.

A letter transmitting the self-monitoring reports shall accompany each report. The letter shall include a discussion of all problems found during the reporting period, and actions taken or planned for correcting them, such as operation or facility modifications. If the Dischargers

have previously submitted a report describing corrective actions and/or a time schedule for implementing the corrective actions, reference to the previous correspondence will be satisfactory. The transmittal letter shall contain the penalty of perjury statement by the Discharger, or the Discharger's authorized agents, as described in the Standard Provisions General Reporting Requirements Section B.3.

The Discharger shall implement the above monitoring program as of the date of this Resolution.

Ordered by:_____
PAMELA C. CREEDON, Executive Officer

_____
(Date)

ALO:5/13/08

MONITORING AND REPORTING PROGRAM NO. R5-2008-0070
ATTACHMENT A

NOTICE OF INTENT TO DISCHARGE EXTRACTED GROUNDWATER TO LAND IN ACCORDANCE WITH CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD RESOLUTION NO.

(Not required for discharges of extracted groundwater for construction site dust control or backfill moisture conditioning.)

TO: Guy Childs
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

DATE: _____

DISCHARGE SITE INFORMATION:

A. Name of Property Owner: _____

B. Street Address:

_____

_____

_____

C. Owner's Mailing Address:

_____

_____

_____

D. County: _____

E. APN: _____

F. Township, Range, and Section: _____

PROJECTED DATES OF DISCHARGE: _____

ESTIMATED DAILY DISCHARGE RATE: _____ gpd

ESTIMATED DISCHARGE AREA: _____ acres

DISCHARGE METHOD: _____

CONTAINMENT METHOD: _____

_____

_____

_____

Attachments[1]: Approved Variance Request Form
Pipeline Plan and Section Showing Discharge Area
BMP Description

[1] **All of the attachments listed above must be submitted**, and they shall contain at least the information presented in the attached examples.

MONITORING AND REPORTING PROGRAM NO. R5-2008-0070
ATTACHMENT A
(EXAMPLE)

VARIANCE REQUEST FORM

Date Approval Required: 1/10/08 Variance Request No: Sample 1946-1

Date Submitted: 1/3/08 Specification: 1946 ☑ 1947 ☐ 1954 ☐ 1955 ☐

Landowner: Zicari
APN# 023-150-31 Station Number/Location: 925+50/Cord Road

Current Land Use: grassland/no development Existing Sensitive Resource? Yes ☐ No ☑

Resource Type(wetland, oak tree, stream, etc.): grassland

Variance From (check one): Mitigation Measure ☐ Permit ☑ Plan ☐ Specification ☐ Drawing ☐ Other ☐

Specify Source (e.g., Mitigation Measure 7-2): Permit # entered here

Detailed Description of Variance and Justification: Attachments? Yes ☑ No ☐ Photos? Yes ☐ No ☑

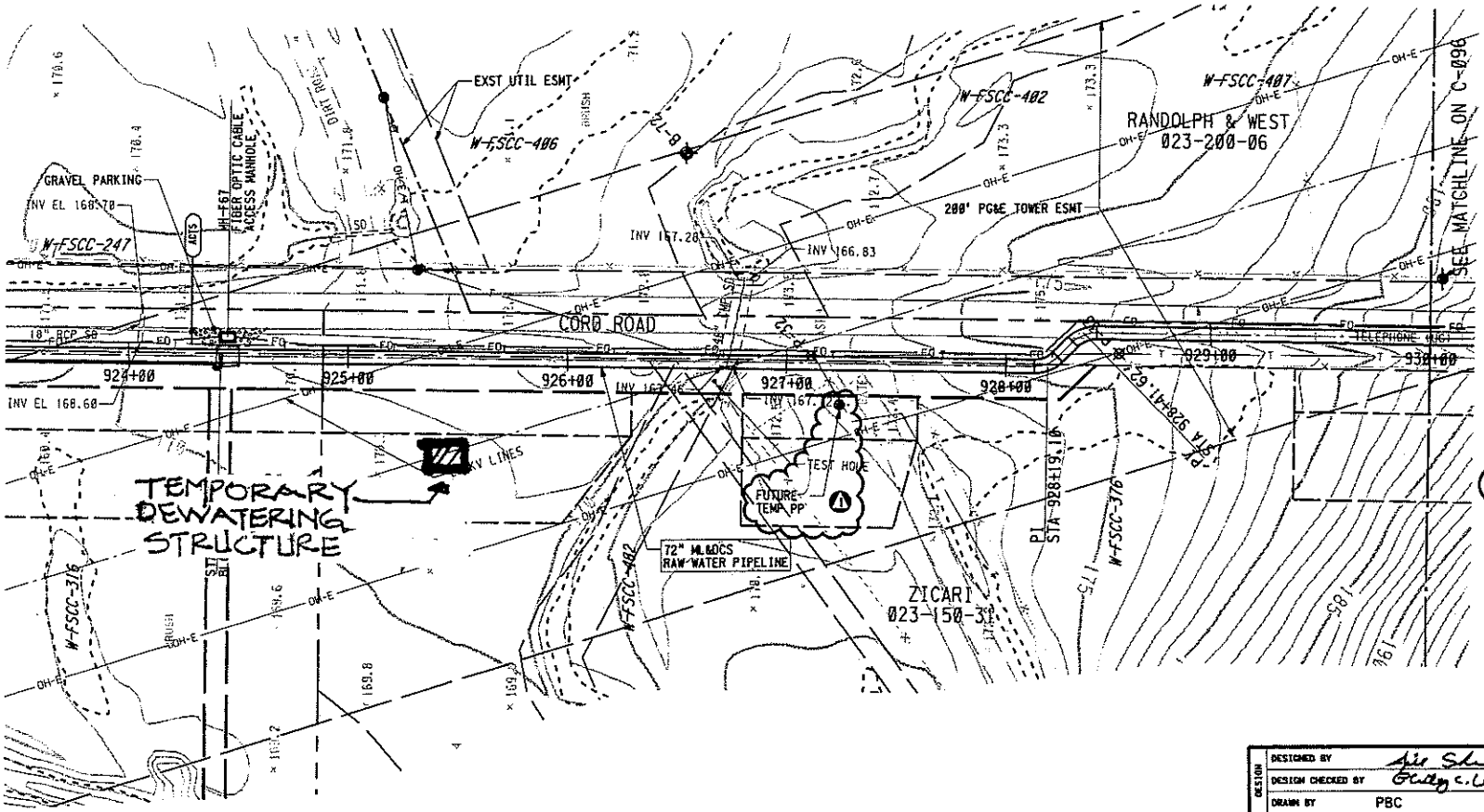
Contractor request for placement of temporary dewatering structure adjacent to temporary construction easement for trench dewatering. Dewatering will occur at Station 925+50 (see attached map). A gravity bag filter (see attached typical NS-2) will be set-up at this location.

Comments/Conditions:

Contractor will have a representative on-site to monitor dewatering operations. All permit conditions will be implemented and complied with.

Request prepared by: John Doe Date: 1-3-08
(Signifies property owner approval)

Approvals (as required)	Date	Name (print)	Initials	Conditions (Describe Above)
District Senior Civil Engineer	1-3-08	Jack Smith	JS	Yes ☑ No ☐
Environmental Inspector	1-3-08	Randall Brown	RB	Yes ☑ No ☐
Environmental Supervisor	1-3-08	Kerry O'Neill	KO	Yes ☐ No ☑
Other				Yes ☐ No ☐



NOTES

1. VERIZON/GTE SHALL RELOCATE TELEPHONE LINE TO OTHER SIDE ROAD BETWEEN STA 907+90 AND STA 935+80 PRIOR TO CONSTRUC
2. HYDROSEED PER SPECS.
3. PROVIDE GROUND GRID AROUND VAULT PER TE033.
4. PROVIDE SPIRAL GRADIENT CONTROL MAT AROUND TEST STATION PER TE062.

PLAN
1"=40'

3" ON ORIGINAL DOCUMENT
0 1 2 3

NO.	DATE	REVISION	BY	REC.	APP.
1	18APR2007	REVISED PER ADDENDUM NO. 1	JS	DRD	DT

DESIGN
DESIGNED BY Jie Shu
DESIGN CHECKED BY Gladys C. Mellon
DRAWN BY PBC

REVIEW
PROJECT MGR. R.P.E. NO. C 38882 A. S. Jimy
PROJECT ENGR. R.P.E. NO. C 52111 Richard Pratt
RECOMMENDED SR. CIVIL ENGR. R.P.E. NO. C 32258 Daniel D. Wagner
APPROVED MGR. OF DESIGN R.P.E. NO. C 39851 David H. Pratt

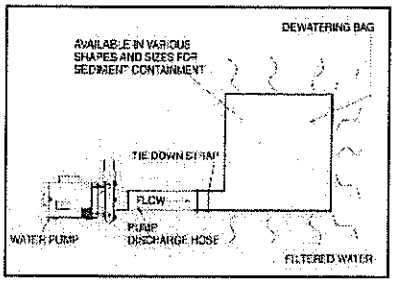
EAST BAY MUNICIPAL UTILITY DISTRI
OAKLAND, CALIFORNIA

FOLSOM SOUTH CANAL CONNECTION PIPELINE
CIVIL
PIPELINE PLAN AND PROFILE
STA 920+00 TO STA 930+00

PROJ NO. Z-002
SCALE AS SHOWN
DATE 07MAR2007

2089-C-095
STRUCT. DISC. NUMBER

Schematic Diagrams:



Gravity Bag Filter

Category 3: Basic Filtration Technologies

Gravity Bag Filter

Description:

A gravity bag filter, also referred to as a dewatering bag, is a square or rectangular bag made of non-woven geotextile fabric that collects sand, silt, and fines.

Appropriate Applications:

- Effective for the removal of sediments (gravel, sand, and silt). Some metals are removed with the sediment.

Implementation:

- Water is pumped into one side of the bag and seeps through the bottom and sides of the bag.
- A secondary barrier, such as a rock filter bed or straw/hay bale barrier, is placed ~~, a beneath and~~ beyond the edges of the bag to capture sediments that escape the bag.

Maintenance:

- Inspection of the flow conditions, bag condition, bag capacity, and the secondary barrier is required.
- Replace the bag when it no longer filters sediment or passes water at a reasonable rate.
- The bag is disposed off-site, or on-site as directed by the RE.