

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2007-0045

WAIVING WASTE DISCHARGE REQUIREMENTS
FOR
CALIFORNIA DEPARTMENT OF WATER RESOURCES
TISDALE BYPASS SEDIMENT REMOVAL PROJECT
SUTTER COUNTY

WHEREAS, California 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 (RWD) for the Tisdale Bypass Sediment Removal Project on 1 March 2007, and amendments to the RWD on 22 March 2007; and

WHEREAS, on 4 April 2007, the California Department of Water Resources approved an Initial Study/Mitigated Negative Declaration for the Tisdale Bypass Sediment Removal Project, which contained several mitigation measures, including the water quality mitigation measures of placing the spoils in upland areas that are not subject to flooding and reseeding non-agricultural spoils areas to reduce erosion; and

WHEREAS, Tisdale Bypass is located between the Sacramento River and the Sutter Bypass at Sacramento River Mile 119 in Sutter County; and

WHEREAS, the Tisdale Bypass is an important flood protection facility to help relieve flooding on the Sacramento River; and

WHEREAS, sediment deposits in the Tisdale Bypass reduce the flow capacity of the bypass and the efficiency of the flood control system; and

WHEREAS, to restore the flood carrying capacity, approximately 2,000,000 cubic yards of sediment need to be removed from the bypass channel to restore the design capacity of this part of the Sacramento River Flood Control Project; and

WHEREAS, spoils from the Tisdale Bypass Sediment Removal Project will be discharged at two sites immediately north of the northern bypass levee designated as Spoil Area 1 and Spoil Area 2; and

WHEREAS, approximately 1,750,000 cubic yards of spoils will be placed at Spoil Area 1 which is a 65-acre portion of Sutter County Assessor's Parcel Number (APN)

21-280-007, and spoils at this location will be placed to a thickness of 20 to 25 feet as a stockpile of emergency levee repair material; and

WHEREAS, approximately 250,000 cubic yards of spoils will be placed at Spoil Area 2 which is a portion of the Tisdale Bypass north levee, and spoils at this location will be placed at the toe of, and against, the existing levee to buttress and strengthen it; and

WHEREAS, the discharge sites are separated from the Tisdale Bypass by an earthen levee and adjacent parcels are also agricultural land; and

WHEREAS, the Department of Water Resources has demonstrated that native soils underlying the discharge sites generally have similar or higher leachable metals contents than the sediments to be removed from Tisdale Bypass; and

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

WHEREAS, the Department of Water Resources proposes to conduct erosion control measures where necessary at the spoil sites including soil compaction, sloping for positive drainage, and seeding/revegetation; and

WHEREAS, the Department of Water Resources concluded that the project would therefore have no net impact to water quality; and

WHEREAS, the Regional Water Quality Control Board, Central Valley Region (hereafter 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 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 Water Board held a hearing on 4 May 2007 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 Tisdale Bypass 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 10 feet of any irrigation ditch; and
3. Emplaced sediment will be compacted and vegetated where necessary to prevent erosion; and
4. The margins of the emplaced sediments will be sloped at a ratio of no greater than three horizontal to one vertical (3 to 1) where stockpiled, and no greater than 2.5 to 1 where used for levee buttress; and
5. Best management practices will be employed as needed to prevent excess erosion and runoff from the emplaced sediments; and
6. The California Department of Water Resources will submit a final report documenting the removal and discharge of sediments from the Tisdale Bypass no later than **60 days** after completion of the project.
7. This waiver expires 60 days from the completion of the Tisdale Bypass Sediment Removal Project, but no later than 15 November 2008.

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 4 May 2007.

PAMELA C. CREEDON, Executive Officer