



Central Valley Regional Water Quality Control Board

2 July 2013

CERTIFIED MAIL:
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WDID: 5A04NP00029

Mike Glaze
South Feather Water & Power Agency
2310 Oro-Quincy Hwy
Oroville, CA 95965

NOTICE OF APPLICABILITY (NOA); LOW THREAT GENERAL WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2013-0074; SOUTH FEATHER WATER & POWER AGENCY; BUTTE COUNTY

Our office received a Notice of Intent (NOI) on 10 June 2010 and supplemental information submitted on 13 August 2010, 10 September 2010, and 15 September 2010 from the South Feather Water and Power Agency (Discharger) for potable water supply system discharges. Based on the information in the NOI and supplemental information, Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff 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). This project is hereby assigned Low Threat General Order No. R5-2013-0074-001 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995001, and WDID#5A04NP00029. Please reference the unique Order No. **R5-2013-0074-123** in all future correspondence and documents. The Discharger may proceed to discharge in accordance with the General Order and this Notice of Applicability.

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/r5-2013-0074.pdf You are urged to familiarize yourself with the contents of the entire document. 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.

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).

The Discharger requested a categorical exception to the requirement for meeting the CTR pollutant criteria in the Low Threat General Order, as authorized by Section 5.3 of the SIP, and are qualified for the SIP Exception 5.3 and are not required to conduct Priority Pollutant CTR

constituent sampling. The Discharger certified that its discharges are necessary to implement drinking water control measures conducted to fulfill statutory requirements under the federal Safe Drinking Water Act and the California Health and Safety Code. 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

South Feather Water & Power Agency (SFWPA) provides potable water for approximately 6,500 domestic water connections in Butte County. SFWPA periodically needs to dewater water main pipelines and reservoir and storage facilities for routine maintenance; in addition, SFWPA has periodic unscheduled water discharges due to water main breaks, damage to pipelines from construction activities, vandalism, and/or equipment failures. A Pollution Prevention and Monitoring and Reporting Plan (PPMRP) was submitted with the NOI that detailed the distribution system, flow rates, best management practices, treatment systems, and a monitoring and reporting program.

MONITORING AND REPORTING

All Dischargers must notify Central Valley Water Board staff 24 hours before the start of each new discharge, as soon as noncompliance is anticipated, and when the discharge ceases. Therefore, the Discharger was required to submit a Pollution Prevention and Monitoring and Reporting Program (PPMRP) with the NOI. The PPMRP submitted by the Discharger complied with Attachment H and with Sections I, IX, and X of Attachment E of the old Low Threat General Order (R5-2008-0081); since submittal of the NOI and PPMRP, the Low Threat General Order has been revised (R5-2013-0074). Therefore, the Discharger needs to submit a revised PPMRP (Attachment H) that addresses all the items outlined in the Pollution Prevention Plan and Monitoring and Reporting Program Sections; please submit this to the Central Valley Water Board by 1 December 2013.

Effluent and receiving water analytical monitoring shall be conducted as described in the approved PPMRP 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 this Order be terminated.

The following information shall be included in the monitoring reports, as well as report transmittal letters, submitted to the Central Valley Water Board:

The agency name, facility name, waste discharge requirements order number, WDID number and contact information.

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. To terminate coverage under the Low Threat General Order, the Dischargers must submit written notification to the Central Valley Water Board that the discharge regulated by this Low Threat General Order has ceased and is no longer necessary. If a timely written request is not received, then the Discharger will be required to pay additional annual fees as determined by the State Water Resources Control Board.

ENFORCEMENT

Failure to abide by the requirements of the General Order and this Notice of Applicability could result in enforcement actions as authorized by provisions of the California Water Code. Violations of the effluent limitations contained in the General Order may be subject to a \$3,000 Mandatory Minimum Penalty (MMP) per violation for serious or chronic violations if certain conditions are met [California Water Code section 13385(h) and (i)]. In addition, a SMR received more than 30 days after its due date may be subject to a \$3,000 MMP. An additional \$3,000 MMP is mandated for each additional 30 days a SMR is late.

The Discharger is subject to the terms and conditions of the General Order and this Notice of Applicability. The Discharger is also responsible for paying the annual fee (as specified in the annual billing the Discharger will receive from the State Water Resources Control Board) until coverage under the General Order is officially terminated. To officially terminate coverage, the Discharger shall request, in writing, termination of coverage under the General Order.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Resources Control Board to review the action in accordance with California Water Code section 13320 and Title 23, California Code of Regulations, Sections 2050 and following. The State Water Resources Control Board must receive the petition by 5:00 p.m., 30 days after the date of this Notice of Applicability, except if the thirtieth day following the date of this Notice of Applicability falls on a Saturday, Sunday, or State holiday, the petition must be received by the State Water Resources Control 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/ or will be provided upon request.

REPORTING

The Central Valley Water Board shall be notified immediately if any violation, nuisance or detriment to the receiving water is observed during implementation of the project. All monitoring report submittals, notification of the beginning and end of discharge, and questions regarding compliance and enforcement shall be directed to Jacqueline Matthews of the Central Valley Water Board's NPDES Regulatory Unit. Mrs. Matthews can be reached at (530) 224-3249 or jmatthews@waterboards.ca.gov.

Clint E. Snyder
Assistant Executive Officer

JMM:lmw

Enclosures: Low Threat General Order R5-2013-0074