
Central Valley Regional Water Quality Control Board

16 August 2023

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NOTICE OF APPLICABILITY FOR COVERAGE UNDER ORDER NO. WQ 2022-0048-DWQ, ORDER FOR CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION AND WASTE DISCHARGE REQUIREMENTS FOR RESTORATION PROJECTS STATEWIDE, STOCKTON EAST WATER DISTRICT, BELLOTA WEIR IMPROVEMENT PROJECT (WDID# 5B39CR00382), SAN JOAQUIN COUNTY

On 21 March 2023, the Stockton East Water District submitted a Notice of Intent (NOI) to enroll under and comply with State Water Resources Control Board (State Water Board) Order No. WQ 2022-0048-DWQ, Order for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide (Order).

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed your enrollment materials and finds the Bellota Weir Improvement Project (Project) meets the requirements of, and is hereby enrolled under, Order No. WQ 2022-0048-DWQ. You may proceed with your Project in accordance with the Order. This Notice of Applicability is being issued under the General Certification Order pursuant to Section 3838 of the California Code of Regulations.

A copy of [Order WQ 2022-0048-DWQ](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wq2022-0048-dwq.pdf) (https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wq2022-0048-dwq.pdf) can be found on the State Water Resources Control Board's General Orders webpage.

The Project is described in the notification form requesting coverage under the Order, dated 21 March 2023, and supplementary information (Application Package). Coverage under the Order is no longer valid if the Project (as described) is modified. Failure to comply with the Order constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

PROJECT DESCRIPTION:

The 15.5-acre Project will include work on the Bellota Weir located on the Mormon Slough/Calaveras River. Project components consists of improving fish passage by designing and constructing a new crest gate dam, fishway, and fish screens, reducing fish entrainment by constructing a new non-entraining fish barrier at Old Calaveras River and new surface water intake with fish screens, and providing more reliable water delivery through weir and intake improvements.

Project elements that affect aquatic resources include:

- Removal of the existing Bellota Weir and construction of a concrete dam with a series of weir gates designed to modulate forebay pool elevations based on operational needs;
- Addition of sluicing functions in the forebay, intake manifold, and screen channel to improve sediment conveyance;
- Installation of a roughened channel combined with a fishway utilizing both vertical slot, pool, and weir techniques to accommodate the full range of flows and river stages at the site and improve fish migration passage over the weir;
- Providing reliable fish screening, both for the Bellota Intake and the Old Calaveras River, to prevent fish entrainment;
- Use of an earthen embankment to provide a non-entraining fish barrier to Old Calaveras River.

The Project will temporarily impact 0.57 acre/23 linear feet and permanently impact 0.5 acre/640 linear feet of streambed. Temporarily impacted areas will be restored to pre-Project conditions.

PROJECT LOCATION:

The Project is located at 42340 State Route 26 and 24645 East Shelton Road in Linden. The approximate center of the Project area is located at latitude 38.0523139 Degrees North and longitude 121.01147 Degrees West.

PROJECT SCHEDULE:

June 2023 through October 2027

APPLICATION FEE RECEIVED:

\$729.00 was received on 18 April 2023.

The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as category D - Ecological Restoration and Enhancement Projects (fee code 85) with the dredge and fill fee calculator.

ANNUAL REPORTING:

The Permittee shall submit an Annual Report each year on the 1st day of September beginning one year after the effective date of this Notice of Applicability. Annual

reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

The Annual Report shall include the information specified in Report Type 1 in Attachment D, Part A of the Order. The Permittee shall submit the report in accordance with the report submittal instructions in Attachment B of the Order and email it to centralvalleysacramento@waterboards.ca.gov with a cc to Jenna Yang at Jenna.Yang@waterboards.ca.gov. The WDID No. for this Project is 5B39CR00382.

DEWATERING PLAN & WATER QUALITY MONITORING

For any dewatering activities, a dewatering plan shall be submitted for acceptance at least thirty (30) days prior to initiation of any water diversions. The Permittee shall notify the Water Board at least forty-eight (48) hours prior to initiating work in flowing or standing water or stream diversions. Notification may be made via e-mail, delivered written notice, or other verifiable means. Additionally, the Permittee shall work with the Central Valley Water Board to obtain coverage under an NPDES permit for dewatering activities that result in discharges into surface water or obtain coverage under Waste Discharge Requirements (WDRs) for dewatering activities that result in discharges to land.

In addition to the water quality monitoring requirements in the Order, sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 1 sampling parameters. The sampling requirements in Table 1 shall be conducted upstream out of the influence of the Project, and approximately 300 feet downstream of the work area. Water quality monitoring data shall be reported in accordance with Report Type 7 in Attachment D, Part C of the Order.

Table 1. Sample Type and Frequency Requirements

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Dissolved Oxygen	mg/L and % saturation	Grab	Every 4 Hours
pH	Standard Units	Grab	Every 4 hours
Turbidity	NTU	Grab	Every 4 hours
Temperature	°F (or as °C)	Grab	Every 4 hours
Visible construction related pollutants ¹	Observations	Visual Inspections	Continuous throughout the construction period

¹ Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

During planned in-water work, dewatering activities, or during the installation of removal of temporary water diversions, any discharge(s) to waters of the state shall conform to the following water quality standards:

- a. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
- b. Activities shall not cause dissolved oxygen to be reduced below 5.0 mg/L for waters designated with the WARM beneficial use, and 7.0 mg/L for waters designated with the COLD or SPWN beneficial uses, in surface water.
- c. Activities shall not cause pH to be depressed below 6.5 nor raised above 8.5 in surface water.
- d. Activities shall not cause turbidity increases in surface water to exceed:
 - i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
 - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
 - iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
 - iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
 - v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior permission of the Central Valley Water Board Executive Officer.

- e. Activities shall not cause temperature in surface waters to increase more than 5°F above natural receiving water temperature for waters with designated COLD or WARM beneficial uses.

Violations of water quality standards shall be reported in accordance with Report Type 6 in Attachment D, Part C of the Order.

NOTICE OF COMPLETION

Upon completion of the Project, the Permittee shall submit a Request for Notice of Project Complete (NOC) no later than 30 days after Project completion. The NOC shall demonstrate the Project was carried out in accordance with the Project description, include a map of the Project location with final boundaries of the restoration area, and include post-project photographs. More information on the NOC is detailed in Report Type 4 in Attachment D, Part B of the Order.

If you have any questions regarding this Notice of Applicability, please contact Jenna Yang at (916) 464-4764 or at Jenna.Yang@waterboards.ca.gov.

Original Signed by Anne Walters for:

Patrick Pulupa
Executive Officer

cc: [Via email only]

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