



Central Valley Regional Water Quality Control Board

5 June 2024

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NOTICE OF APPLICABILITY FOR COVERAGE UNDER ORDER WQ 2022-0048-DWQ, ORDER FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND WASTE DISCHARGE REQUIREMENTS FOR RESTORATION PROJECTS STATEWIDE, 2024 MOKELUMNE RIVER SURFACE WATER DIVERSION FISH SCREENING PROJECT (WDID#5B39CR00405), SAN JOAQUIN COUNTY

On 30 April 2024, the East Bay Municipal Utility District (EBMUD) 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 Water Quality Control Board (Central Valley Water Board) has reviewed your enrollment materials and finds the 2024 Mokelumne River Surface Water Diversion Fish Screening 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 No. WQ 2022-0048-DWQ](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo2022-0048-dwq.pdf) (https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo2022-0048-dwq.pdf) can be found on the State Water Resources Control Board's General Orders webpage.

Please familiarize yourself with the requirements of Order No. WQ 2022-0048-DWQ. You are responsible for complying with all applicable Order requirements. Coverage under the Order is no longer valid if the Project (as described) is modified. Failure to comply with Order No. WQ 2022-0048-DWQ constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

PROJECT DESCRIPTION:

The Project will replace 3 unscreened water diversion structures with self-cleaning cone fish screens, which will directly benefit juvenile Chinook salmon and steelhead trout in the lower Mokelumne River through the enhancement of in-channel rearing habitat and by reducing entrainment losses. The self-cleaning fish screens will be designed, fabricated, delivered, and mounted to a fabricated steel screen base at each diversion site. Because of the shallow water depth, one cone screen approximately 96 inches in diameter will be installed at each site. A brush cleaning system, including a submersible hydraulic motor and three external brushes, will keep grass, algae, and other debris from accumulating on the surface of the screen.

Similar installation methods will occur at all three sites. No dewatering is anticipated to be necessary. A silt curtain will be installed in the river around each work area. The silt curtain will be anchored to the shore both upstream and downstream. The bottom of the silt curtain will be weighted with a heavy log chain to fit the contour of the riverbed and will be outfitted with floats. The existing pump structure will be removed using an excavator; the debris will be hauled away and the pump will be salvaged. A floating platform will be used to gain access to the pump structure at the water surface. The entire system including the screen, base, intake pipes, and support piles will be installed using an excavator. The new pilings that will be driven in the footprint of the old pilings are 8-inch pipes that will be driven approximately 20 feet into the substrate using a vibratory pile hammer. All piles will be driven during three days of construction, over a brief period of no more than one hour. Based on prior sound monitoring for similar work conducted by the contractor, sound levels will not exceed thresholds established by the National Marine Fisheries Service (NMFS). The new pump structure and screens will be installed using a crane, and once in place, the salvaged pump will be reinstalled. Once complete, the silt curtain will be removed.

At all three sites, the new pump structure (screen included) will be nearly the same cross-sectional area as the existing pump structure; therefore, there will be no permanent impacts associated with this project. At site 3, 5 to 10 cubic yards of bed material will need to be excavated from the riverbed in front of the pump to ensure proper placement of the pump.

PROJECT LOCATION:

All three of the screening projects are located along the north bank of the Mokelumne River near Acampo in San Joaquin County.

- **Diversion Site 1:** Latitude: 38.211233°, Longitude: -121.354889°
- **Diversion Site 2:** Latitude: 38.212068°, Longitude: -121.379392°
- **Diversion Site 3:** Latitude: 38.221214°, Longitude: -121.399403°

PROJECT SCHEDULE:

August 2024 through September 2024

APPLICATION FEE RECEIVED:

\$796.00 was received on 22 May 2024. 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.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The Central Valley Water Board has determined that the Project is exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15061.

Specifically, the issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, title 14, sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), and 15303 (New Construction or Conversion of Small Structures).

Additionally, the Central Valley Water Board concludes that no California Code of Regulations, title 14, section exceptions to the CEQA exemption apply to the activities approved by this Order.

The Central Valley Water Board will file a Notice of Exemption with the State Clearinghouse within five (5) working days from the issuance of this Order. (California Code of Regulations., title 14, section 15062.)

REPORTING AND NOTIFICATION REQUIREMENTS

The Permittee shall follow notification and reporting requirements described in this Notice of Applicability (NOA), and those found in Attachment D of the Order WQ 2022-0048-DWQ, unless specified as an optional requirement and excluded from this NOA.

1. Notification for In-Water Work and Diversions

The project proponent 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 via e-mail, delivered written notice, or other verifiable means. Within three (3) working days following completion of work in water or stream diversions an In-Water Work and Diversions Water Quality Monitoring Report must be submitted to the Water Board.

2. Environmental Monitoring

Per General Protection Measure 5 (GPM-5) of the Order, a resource specialist shall ensure that all applicable protective measures are implemented during project construction. The resource specialist shall have authority to stop any work if they determine that any permit requirement is not fully implemented. The resource specialist shall prepare and maintain a monitoring log of construction site conditions and observations, which will be kept on file.

NOTICE OF COMPLETION:

Upon completion of the Project, you shall submit a Notice of Completion (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.

If you have questions concerning this matter, please contact Nicholas Savino by phone at (916) 464-4920 or by email at Nicholas.Savino@waterboards.ca.gov.

Original Signed by Anne Walters for:
Patrick Pulupa
Executive Officer

Attachments: Figure 1 – Project Location
Figure 2 – Diversion Site Locations
Figure 3 – Diversion Site 1
Figure 4 – Diversion Site 2
Figure 5 – Diversion Site 3

cc: [Via email only]

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Figure 1: Project Location

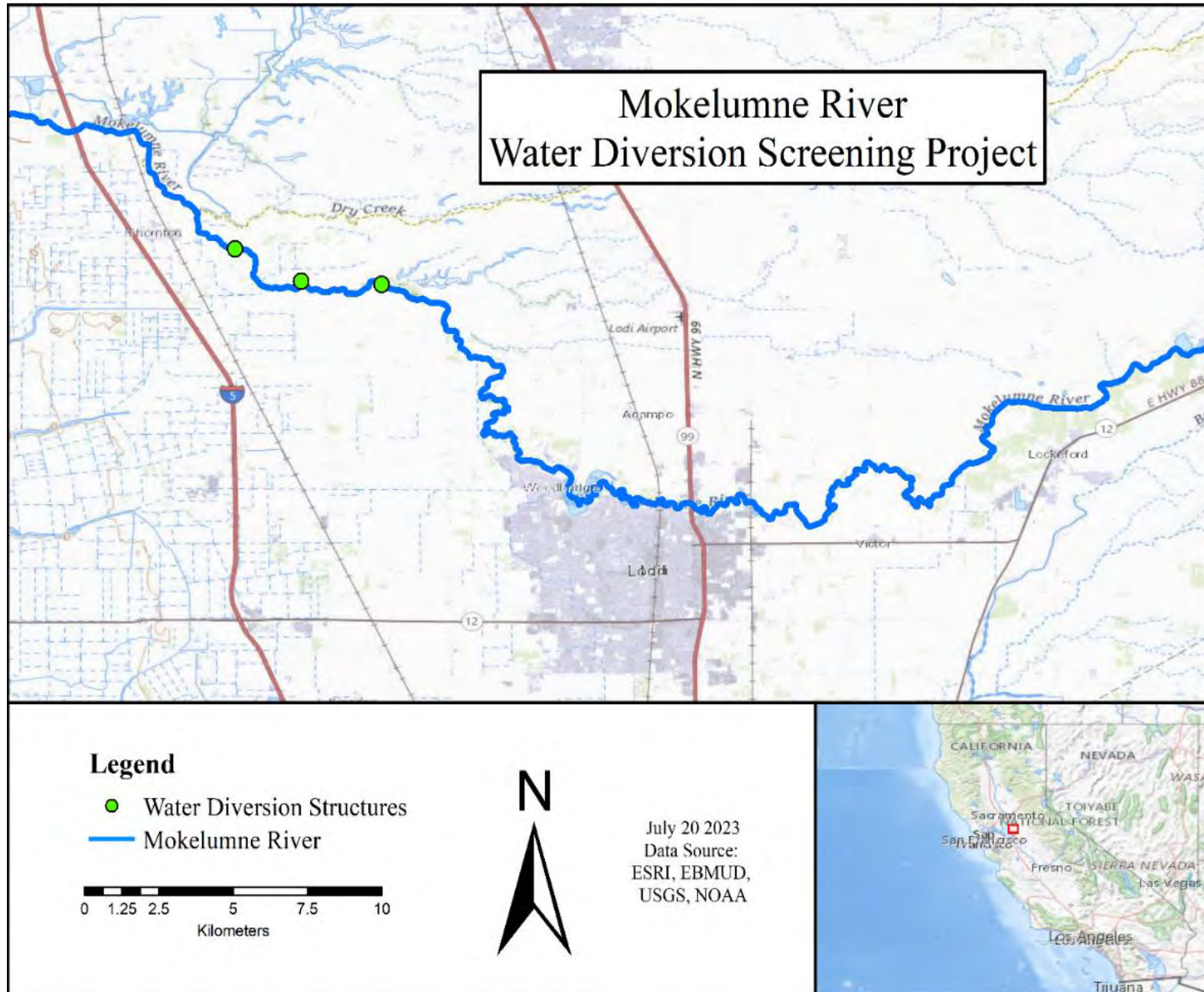


Figure 2: Diversion Site Locations



Figure 3: Diversion Site 1

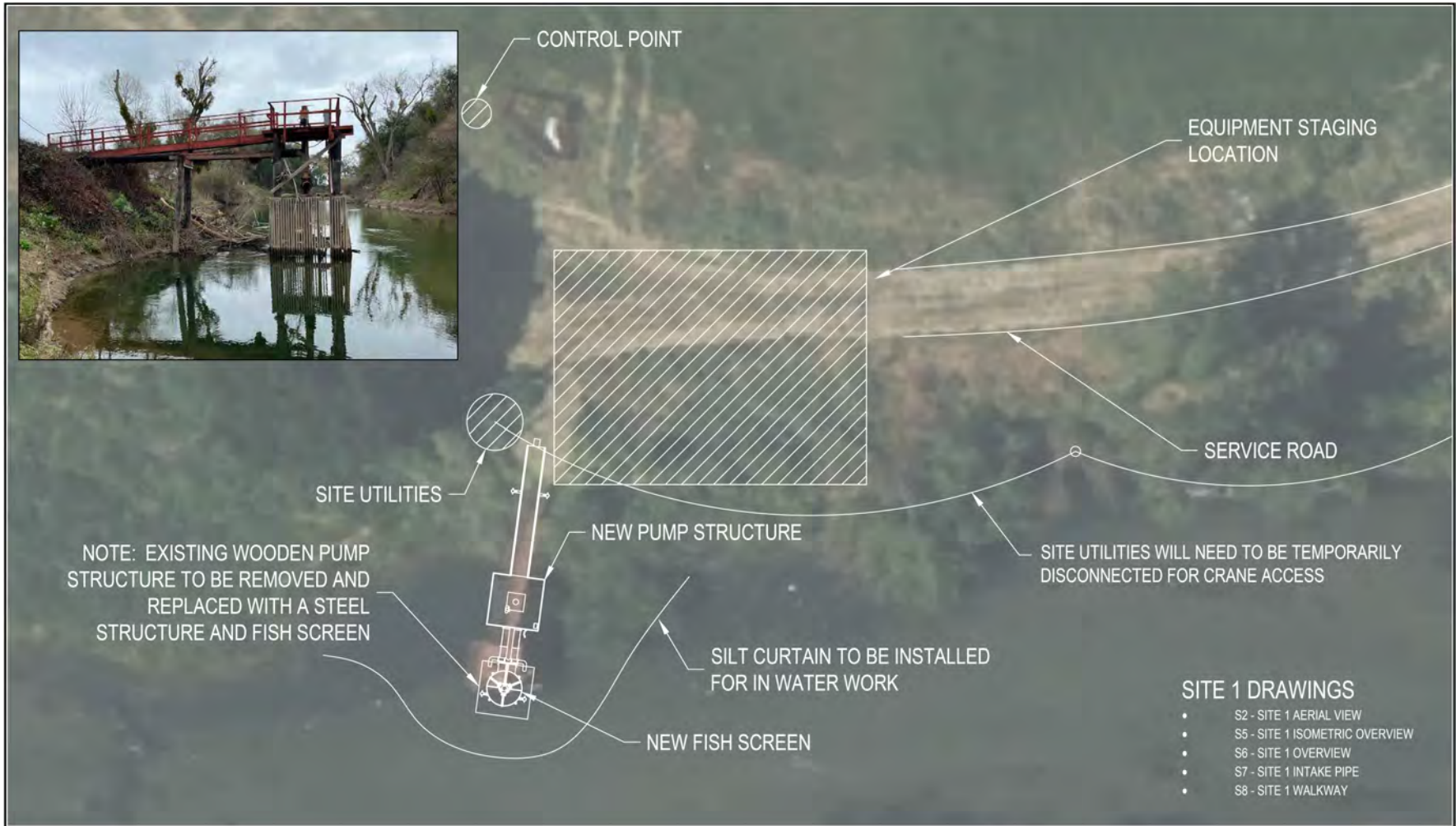


Figure 4: Diversion Site 2



Figure 5: Diversion Site 3

