



Central Valley Regional Water Quality Control Board

17 June 2026

Maya McInerney
525 Golden Gate Avenue
San Francisco, CA 94102

CERTIFIED MAIL
9589 0710 5270 1470 8211 16

NOTICE OF APPLICABILITY

WATER QUALITY ORDER 2003-0003-DWQ, STATEWIDE WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES TO LAND WITH A LOW THREAT TO WATER QUALITY, SAN FRANCISCO PUBLIC UTILITIES COMMISSION, CHERRY VALLEY DAM SPILLWAY IMPROVEMENT PROJECT, TUOLUMNE COUNTY

On 25 March 2026, San Francisco Public Utilities Commission (SF PUC) submitted a Notice of Intent (NOI) to obtain coverage under *Statewide General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality*, WQ Order 2003-0003-DWQ (hereafter General Order). The NOI was submitted for the proposed discharge of seepage water to land from temporary construction and dewatering activities associated with improvements at the Cherry Valley Dam spillway discharge channel. SF PUC is hereafter referred to as Discharger. The NOI submittal included an application fee, analytical data, a copy of a December 2025 Special Use Permit with the United States (US) Forest Service, and supplemental project information.

Based on the information provided in the NOI, the proposed discharge meets the conditions of the General Order. The discharge is hereby covered under the General Order and assigned enrollee number 2003-0003-DWQ-0271. Please include this number on all correspondence related to this discharge. A copy of the Low Threat General Order is enclosed and available on the [Central Valley Water Board's website](#).

(https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

PROJECT LOCATION

The Cherry Valley Dam forms Cherry Lake on Cherry Creek, a tributary to the Mokelumne River, at an elevation of about 4,700 feet above mean sea level and is about 20 miles northeast of Groveland in Tuolumne County. It is situated about 1.5 miles west Yosemite National Park and about 2 miles west of Eleanor Lake as shown on **Attachment A**.

NICHOLAS AVDIS, CHAIR | PATRICK PULUPA, EXECUTIVE OFFICER

1685 E Street, Fresno, CA 93706 | www.waterboards.ca.gov/centralvalley

PROJECT DESCRIPTION

The Cherry Valley Dam was constructed in 1956 and includes a concrete overflow weir spillway that ultimately discharges to an unlined discharge channel that directs flows to Cherry Creek when the dam overflows. Debris from landslides on slopes adjacent to the discharge channel have obstructed the channel and has caused spillway flows to be diverted to the east. The Discharger proposes to remove approximately 17,000 cubic yards of existing debris (e.g., soils, gravels, cobbles, and boulders) from the spillway discharge channel to expose the original spillway channel's granitic bedrock base. Additionally, the Discharger proposes to construct an armored fill embankment to reestablish flow along the original discharge course, install erosion protection for side slopes of the discharge channel, and make improvements to the upper and lower haul roads. The Discharger submitted a Clean Water Act section 401 Water Quality Certification and Order on 31 July 2025 that was approved 28 August 2025 to protect surface water quality during the project, which became effective 20 January 2026 and expires on 19 January 2031.

A temporary rock berm will be installed within the discharge channel to facilitate construction activities and access. A water diversion consisting of a cofferdam will be installed upstream of the work area to control seepage flow from Cherry Lake to maintain dry worksite conditions. Water from seepage and/or precipitation from within the project work area will need to be pumped out to conduct the rehabilitation/repair work, and the Discharger estimates the project will produce a total of about 10,000 gallons of water that will be stored temporarily in a collection basin and/or Baker tanks, prior to use for dust control on nearby dirt access roads.

Access road improvements will include clearing downed trees, minor grading and placement of aggregate to restore areas where the existing aggregate has been eroded, and localized widening to assist the turning radius of construction vehicles. The construction project will also include re-grading an unpaved, steeply sloped section of the existing access road along the southern edge of the dam for truck access and widening of another section of the same road south of the valve house, where sloughing on to the road below has narrowed the access for large equipment. Widening would be accomplished by limited excavation into the slope on the western side of the road.

The project site will consist of a project work area, road improvement areas, and up to four construction staging areas south of the Cherry Valley Dam as shown on **Attachment B**. The project is anticipated to take four to six months to complete and is anticipated to occur from June through December of 2026.

The majority of the project activities will be conducted within the City and County of San Francisco's rights-of-way and occur on land under the Discharger's jurisdiction. One of the roadways in the project work area is owned by the US Forest Service, for which the Discharger obtained a December 2025 Special Use Agreement from the US Forest Service for the project during the construction activities.

Seepage water quality is anticipated to be similar to that in Cherry Lake Reservoir with the only constituent of concern listed as total suspended solids due to potential entrainment of sediment during dewatering. The NOI notes the contractor will be required to allow solids to settle out of collected water and solids may be further filtered before discharge. Settled solids will be disposed of properly and pH and turbidity will be tested before discharging to land. If necessary, a filter could be used prior to pumping water from the collection basin into the baker tank and/or a filter could be used prior to pumping construction water into the water truck for discharge as dust control along the access roads.

For dust control, the seepage water would be discharged along a 0.3-mile segment of Forest Service Road 1N98 connecting staging area 2 to the project work area, as well as within staging area 2 and the other staging areas and access roads (see Attachment B). The seepage water will be pumped to a water truck and then discharged along the existing dirt roads and staging areas.

The contractor will determine the BMPs to be used and they will be reviewed and approved by the Discharger before implementation. Fiber rolls/wattles may be placed on the downstream edge of the road to slow water flow in certain areas. Where drainages cross the dirt access roads, water will not be discharged within approximately 100 feet of the upslope side from the drainage, and not within 50 feet on the downslope side of the drainage.

The Discharger will conduct inspections to confirm that the discharge remains on the roadway, does not come into contact with surface waters, and does not create erosion of the roadway to develop.

PROJECT-SPECIFIC REQUIREMENTS

The General Order and this NOA covers the use of water collected during the dewatering activities proposed as part of the Cherry Valley Spillway Improvement project for dust control along dirt roads used to access the Cherry Valley Dam Spillway site. The Discharger shall comply with the requirements specified in the General Order and the facility-specific requirements listed below.

1. Discharge of accumulated seepage water and precipitation at a location or in a manner different from that described in this NOA is prohibited.
2. The disposal of waste shall not cause pollution, contamination, or nuisance as defined in CWC Section 13050.
3. Discharge of wastes to lands not owned or controlled by the discharger is prohibited, unless the discharger has a written lease or an agreement with the owner.
4. Runoff or discharge of seepage water to a wetland, surface water, surface water drainage course, or biologically or culturally sensitive area is prohibited.

5. In accordance with the General Order's Monitoring and Reporting Program all monitoring results, including volume and location of discharges, shall be submitted on a semi-annual basis (i.e., July through December monitoring data shall be submitted by 15 February of each year, and January through June monitoring data shall be submitted by 15 August of each year). Monitoring shall include the approximate volume of discharge at each discharge location and date of each discharge
6. The Discharger shall submit the required annual fee (as specified in the annual billing statement issued by the State Water Resources Control Board) until this NOA is officially terminated.

Please review this NOA carefully to ensure that it completely and accurately reflects the details of the proposed discharge. Failure to comply with the requirements of this NOA, the General Order, or applicable monitoring requirements may result in enforcement action as authorized by provisions of the California Water Code, which could include civil liability

Document Submittals

All monitoring reports and correspondence should be converted to a searchable Portable Document Format (PDF) and submitted electronically. Documents that are less than 50 MB should be emailed to: centralvalleyfresno@waterboards.ca.gov.

To ensure that your submittal is routed to the appropriate staff person, the following information should be included in the body of the email or any documentation submitted to the mailing address for this office:

Program: Groundwater Quality Protection Program
Discharger: San Francisco Public Utilities Commission
Facility Name: Cherry Dam Spillway Improvement
Order: 2003-0003-DWQ-0271
CIWQS Place ID: 906967

Documents that are 50 MB or larger should be transferred to a CD, DVD, or flash drive and mailed to:

Central Valley Regional Water Quality Control Board - Fresno Office
1685 E Street
Fresno, CA 93706

All documents, including responses to inspections and written notifications, submitted to comply with this Waiver shall be directed, via the paperless office system, to the Compliance and Enforcement Unit, attention to Omar Mostafa. Mr. Mostafa can be reached at (559) 445-5197 or Omar.Mostafa@waterboards.ca.gov. Questions regarding the permitting aspects of the General Order, and notification for termination of coverage under the NOA, shall be directed, via the paperless office system, to the Groundwater

Quality Protection Program, attention Jeff Pyle. Mr. Pyle can be reached at (559) 445-5145 or by email at Jeffrey.Pyle@waterboards.ca.gov.

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 California Code of Regulations, title 23, 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 NOA, except that if the thirtieth day following the date of this Order 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](https://www.waterboards.ca.gov/public_notices/petitions/water_quality) may be found on the internet (https://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

Digitally signed by Alex S. Mushegan
For Patrick Pulupa
Executive Officer

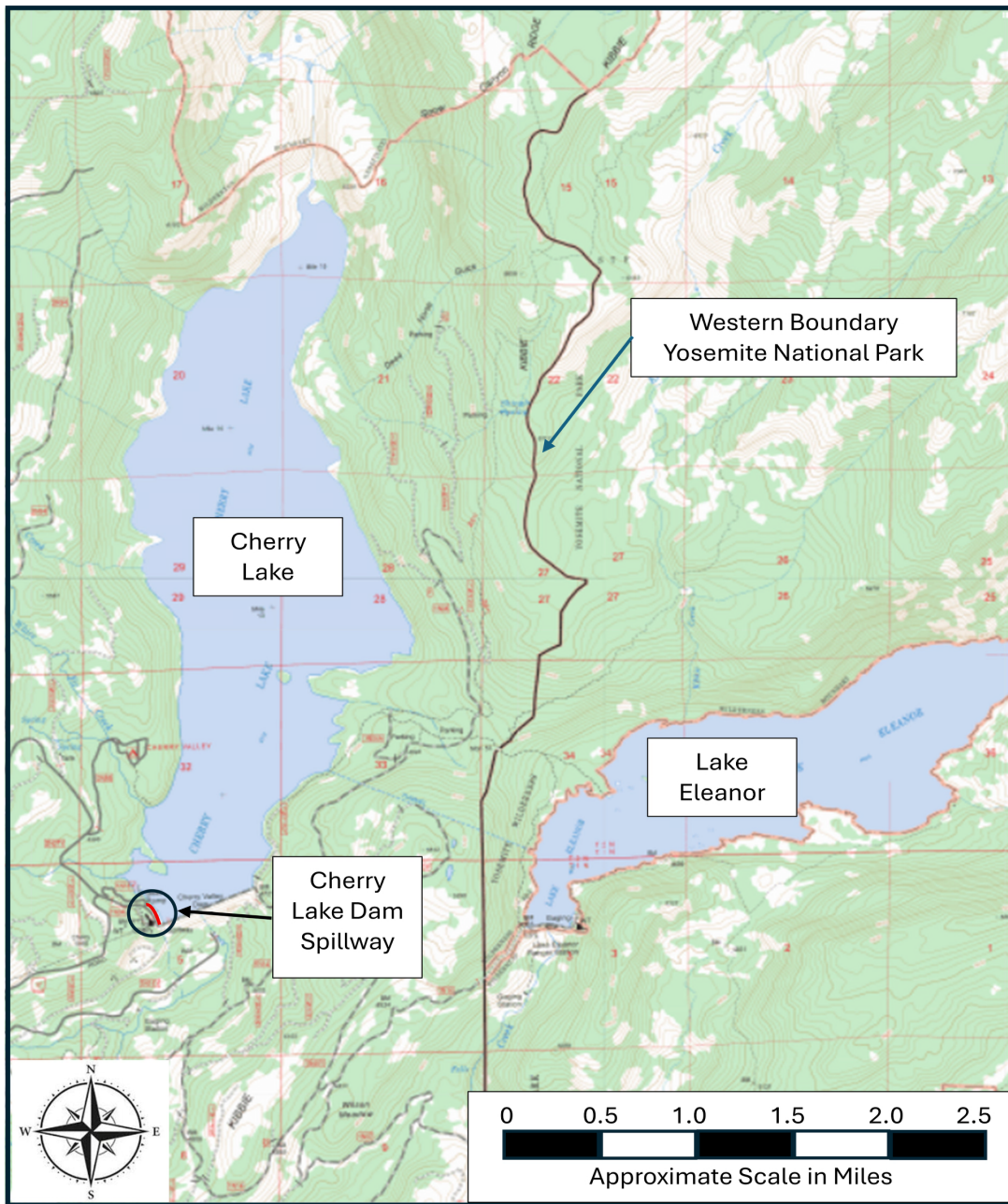
(see next page for attachments, enclosure, and cc list)

Attachments: Attachment A - Site Location Map
Attachment B - Site Map

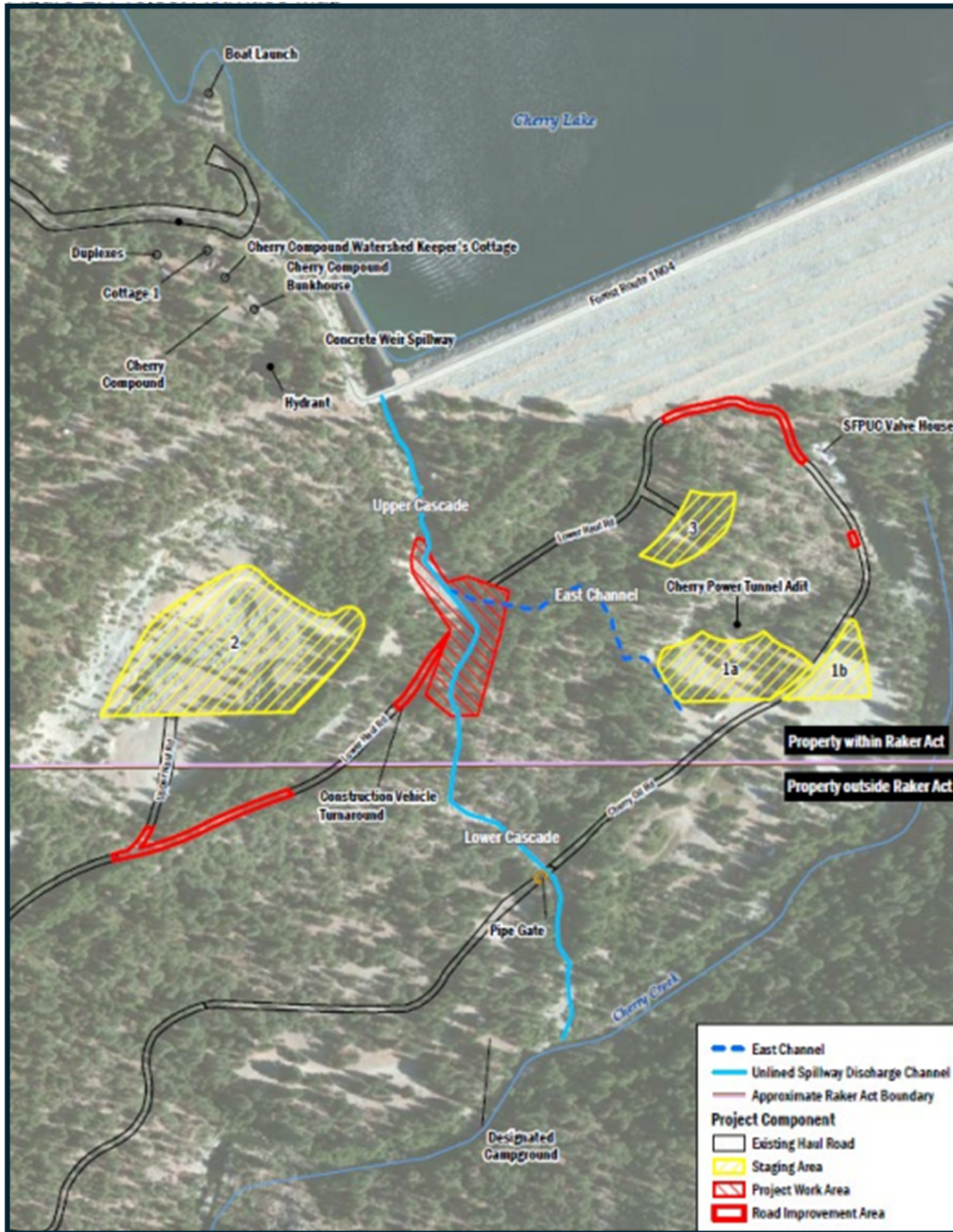
Enclosure: Low Threat Order 2003-0003-DWQ

cc:

- Chris Moskal, State Water Resources Control Board, OCC (via email)
- Stephanie Torres, State Water Resources Control Board, DWQ (via email)
- Sudarshan Poudyal, State Water Resources Control Board, DDW (via email)
- Omar Mostafa, Central Valley Water Board (via email)
- RB5Scvsalts@waterboards.ca.gov
- Tuolumne County Environmental Health Division (via email)
- Maya McInerney, SF PUC (via email)



ATTACHMENT A – SITE LOCATION MAP
NOTICE OF APPLICABILITY 2003-0003-DWQ-0271



ATTACHMENT B- PROJECT SITE MAP
 NOTICE OF APPLICABILITY 2003-0003-DWQ-0271