



Central Valley Regional Water Quality Control Board

11 June 2024

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VIA EMAIL
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NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2022-0006-02 FOR LIMITED THREAT DISCHARGES TO SURFACE WATER; YUBA COUNTY WATER AGENCY, COLGATE TUNNEL AND COLGATE PENSTOCK, YUBA COUNTY

Our office received a Notice of Intent on 6 April 2022 from Yuba County Water Agency (hereinafter Discharger), for discharge of process water to surface water from the Colgate Tunnel and Colgate Penstock project (Project). Based on the application packet and subsequent information submitted by the Discharger, staff have determined that the project meets the required conditions for approval under the General Order for Limited Threat Discharges to Surface Water (Limited Threat General Order), Process Water. This project is hereby assigned Limited Threat General Order enrollee number **R5-2022-0006-029**. Please reference your Limited Threat General Order enrollee number above in your correspondence and submitted documents.

The project activities shall be operated in accordance with the requirements contained in the Limited Threat General Order and as specified in this NOA. You are urged to familiarize yourself with the entire contents of the enclosed [Limited Threat General Order](#) (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2022-0006-02.pdf).

CALIFORNIA TOXICS RULE / STATE IMPLEMENTATION POLICY MONITORING

The Limited Threat General Order incorporates the requirements of the California Toxics Rule (CTR) and the State Water Resources Control Board's (State Water Board), *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*, 2005, also known as the State Implementation Policy (SIP). Screening levels for CTR constituents and other constituents of concern are found in Attachment I of the Limited Threat General Order. Review of your water quality data in comparison to the screening values, showed reasonable potential for the discharge to cause or contribute to an exceedance of turbidity water quality objectives in the Yuba River, which is a water of the United

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

States. However, the proposed treatment system addresses the water quality concern by reducing constituent(s) concentrations below water quality objectives; therefore, the Project qualifies for the Limited Threat General Order.

PROJECT DESCRIPTION

To conduct remediations on the Colgate Penstock Shutoff Valve (CPSV) and other maintenance tasks, the water pathway from New Bullards Bar Dam to the New Colgate Powerhouse must undergo dewatering. While the initial dewatering phase proceeds normally, subsequent seepage, from groundwater and system leaks, is anticipated. This seepage, during tunnel maintenance, will be gathered, processed in treatment tanks, and then discharged to the Yuba River near the Powerhouse. Although the exact volume of water seepage is uncertain, past data from 14 years ago project a daily discharge rate of 2 MGD. The entire discharge for the project, which spans a timeframe of approximately 120 days beginning on or after 1 October 2024, amounts to roughly 240 million gallons. This seven-days-a-week operation coincides with the Powerhouse's shutdown.

Seepage water from the tunnel will be isolated and treated at a temporary facility before being discharged. The discharge will be treated for turbidity, pH, and settleable solids. A rock trap will be used prior to treatment, with water then moved to temporary Baker Tanks for further treatment. The location of the tanks, near the tunnel exit or by the Powerhouse, and their number will be contractor-decided, based on the water's quality and quantity. Solids from the treatment will be disposed off-site. For pH control, acid treatment or carbon dioxide systems may be used. Treated water will then flow to the Yuba River, either continuously or intermittently, accounting for the elevation drop with energy dissipaters to prevent damage or erosion. If post-treatment quality isn't met, all work will halt for corrective action.

EFFLUENT LIMITATIONS

Effluent limitations are specified in Section V. Effluent Limitations and Discharge Specifications of the Limited Threat General Order. Based on the information provided in the NOI, effluent limitations are only required for the parameter identified in items 1-3, below:

1. **pH (Section V.A.1.b.i).** The pH of all limited threat discharges within the Sacramento and San Joaquin River Basins (except Goose Lake in Modoc County) shall at all times be within the range of 6.5 and 8.5.
2. **Salinity (Section V.A.1.d.i).** The monthly average effluent electrical conductivity shall not exceed 700 micromhos per centimeter ($\mu\text{mhos/cm}$).
3. **Whole Effluent Toxicity, Acute (Section V.A.3.a).** Survival of aquatic organisms in 96-hour bioassays of undiluted waste for all limited threat discharges shall be no less than:
 - i. 70%, minimum for any one bioassay; and

- ii. 90%, median for any three consecutive bioassays.

RECEIVING WATER LIMITATIONS

The Limited Threat General Order includes receiving surface water limitations in Section VIII.A. Based on the information provided in the NOI, only the following receiving surface water limitations are applicable to this discharge:

- Bacteria (VIII.A.2);
- Biostimulatory substances (VIII.A.3);
- Chemical constituents (VIII.A.4);
- Color (VIII.A.5);
- Dissolved oxygen (VIII.A.6);
- Floating material (VIII.A.7);
- Oil and grease (VIII.A.8);
- pH (VIII.A.9.a);
- Pesticides ((VIII.A.10);
- Radioactivity (VIII.A.11);
- Suspended sediments (VIII.A.12);
- Settleable substances (VIII.A.13);
- Suspended material (VIII.A.14);
- Taste and odors (VIII.A.15);
- Temperature (VIII.A.16.a);
- Toxicity (VIII.A.17); and
- Turbidity (VIII.A.18.a).

MONITORING AND REPORTING

Monitoring and reporting requirements are contained in Attachment C of the Limited Threat General Order. The Discharger is required to comply with the following specific monitoring and reporting requirements for the effluent and receiving water in accordance with Attachment C of the Limited Threat General Order.

Monitoring Locations – The Discharger shall monitor the effluent and receiving water at the specified location as follows:

Table 2. Monitoring Station Locations

Monitoring Location Name	Monitoring Location Description
EFF-001	A location where a representative sample of the effluent can be collected prior to discharging to Yuba River.
RSW-001	Yuba River, approximately 200 feet upstream from the point of discharge.

Monitoring Location Name	Monitoring Location Description
RSW-002	Yuba River, approximately 200 feet downstream from the point of discharge.

Effluent Monitoring – When discharging to surface water, the Discharger shall monitor the effluent at EFF-001 in accordance with Table C-3 of the Limited Threat General Order and this NOA. The applicable monitoring requirements are as follows in Table 3 and subsequent Table 3 Notes:

Table 3. Effluent Monitoring Requirements

Parameter	Units	Sample Type	Minimum Sampling Frequency
Discharge Flow Rate	MGD	Calculated	1/Day
pH	standard units	Grab	1/Day
Turbidity	NTU	Grab	1/Day
Electrical Conductivity @ 25 °C	µmhos/cm	Grab	1/Week
Temperature	°F	Grab	1/Week
Dissolved Oxygen (DO)	mg/L	Grab	1/Month
Acute Toxicity	% survival	Grab	1/Project Term

Table 3 Notes

- Electrical conductivity, pH, turbidity, temperature, and DO.** A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program shall be maintained at the Facility.
- All parameters, except flow.** Pollutants shall be analyzed using the analytical methods described in 40 C.F.R. part 136 or by methods approved by the Central Valley Water Board or the State Water Board.
- pH and Turbidity Minimum Sampling Frequency.** If the discharge complies with the pH effluent limits and receiving water turbidity limits for the first two weeks after initial discharge from the treatment system, the Discharger may reduce the effluent pH and turbidity monitoring to 1/Week.
- Acute toxicity.** The test species shall be fathead minnows (*Pimephales promelas*). See the Monitoring and Reporting Program (Attachment C, Section V) for toxicity monitoring requirements.

Receiving Water Monitoring - When discharging to surface water, the Discharger shall monitor the receiving water at RSW-001 and RSW-002, in accordance with Table C-5 of

the Limited Threat General Order and this NOA. The applicable monitoring requirements are as follows in Table 4 and subsequent Table 4 Notes:

Table 4. Receiving Water Monitoring Requirements

Parameter	Units	Sample Type	Monitoring Frequency
Dissolved Oxygen	mg/L	Grab	1/Month
Electrical Conductivity @ 25 °C	µmhos/cm	Grab	1/Month
pH	standard units	Grab	1/Month
Temperature	°F	Grab	1/Month
Turbidity	NTU	Grab	1/Week

Table 4 Notes

1. **All parameters.** Pollutants shall be analyzed using the analytical methods described in 40 C.F.R. part 136 or by methods approved by the Central Valley Water Board or the State Water Board.
2. **All parameters.** A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program shall be maintained by the Discharger.
3. **Turbidity.** A daily observation log shall be kept for the presence or absence of turbidity in the receiving water conditions throughout the reach bounded by RSW-001 and RSW-002.

In conducting the receiving water sampling, a log shall be kept of the receiving water conditions throughout the reach bounded by RSW-001 and RSW-002. Attention shall be given to the presence or absence of:

- a. Floating or suspended matter
- b. Discoloration
- c. Bottom deposits
- d. Aquatic life
- e. Visible films, sheens, or coatings
- f. Fungi, slimes, or objectionable growths
- g. Potential nuisance conditions

Notes on receiving water conditions shall be summarized in the Monitoring Report.

Monitoring Report Submittals - Monitoring in accordance with the Limited Threat General Order shall begin upon initiation of discharge. Monitoring Reports shall be submitted to the Central Valley Water Board on a quarterly basis, beginning with the **Second Quarter 2024**. This report shall be submitted on **1 August 2024**. All Monitoring Reports shall specify the dates during the monitoring period the discharge did or did not occur. If monitoring samples were not obtained within 24 hours of initiation of the discharge, the Discharger must document the reasons in the corresponding Monitoring

Report. If treatment and discharge has not begun there is no need to monitor. However, a certified Monitoring Report must be submitted stating that there has been no discharge. Table 5, below, summarizes the Monitoring Report due dates required under the Limited Threat General Order. Quarterly Monitoring Reports must be submitted until your coverage is formally terminated in accordance with the Limited Threat General Order, even if there is no discharge during the reporting quarter.

Table 5. Monitoring Periods and Reporting Schedule

Monitoring Period for All Sampling Frequencies	Quarterly Report Due Date
First Quarter (1 January through 31 March)	1 May
Second Quarter (1 April through 30 June)	1 August
Third Quarter (1 July through 30 September)	1 November
Fourth Quarter (1 October through 31 December)	1 February of the following year

GENERAL INFORMATION AND REQUIREMENTS

The Discharger must notify Central Valley Water Board staff within 24 hours of having knowledge of 1) the start of each new discharge, 2) noncompliance, and 3) when the discharge ceases. The Central Valley Water Board shall be notified immediately if any effluent limit violation is observed during implementation of the project.

Discharge of material other than what is described in the application is prohibited. The required annual fee (as specified in the annual invoice you will receive from the State Water Resources Control Board) shall be submitted until this NOA is officially terminated. You must notify this office in writing when the discharge regulated by the Limited Threat General Order is no longer necessary by submitting the Request for Termination of Coverage (Attachment E). If a timely written request is not received, the Discharger will be required to pay additional annual fees as determined by the State Water Resources Control Board.

ENFORCEMENT

Failure to comply with the Limited Threat General Order may result in enforcement actions, which could include civil liability. Effluent limitation violations are subject to a Mandatory

Minimum Penalty (MMP) of \$3,000 per violation. In addition, late Monitoring Reports may be subject to MMPs or discretionary penalties of up to \$1,000 per day late. When discharges do not occur during a quarterly monitoring period, the Discharger must still submit a quarterly certified Monitoring Report indicating that no discharge occurred to avoid being subject to enforcement actions.

COMMUNICATION

We have transitioned to a paperless office; therefore, please convert all documents to a searchable Portable Document Format (pdf). All documents, including Monitoring

Jacob Vander Meulen
Manager
Yuba County Water Agency

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Colgate Tunnel and Colgate Penstock
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Reports, written notifications, and documents submitted to comply with this NOA and the Limited Threat General Order, should be submitted to the NPDES Compliance and Enforcement Unit, Attention: Mohammad Farhad at centralvalleysacramento@waterboards.ca.gov and mohammad.farhad@waterboards.ca.gov. Mr. Farhad may also be reached by phone at (916) 464-1181.

Please include the following information in the body of the email:

- Attention: NPDES Compliance Unit
- Discharger: Yuba County Water Agency
- Facility: Colgate Tunnel and Colgate Penstock
- County: Yuba County
- CIWQS place ID: 893855

Documents that are 50 megabytes or larger must be transferred to a DVD, or flash drive and mailed to our office, attention "ECM Mailroom-NPDES".

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water 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 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 Board by 5:00 p.m. on the next business day. Links to the law and regulations applicable to filing petitions may be found on the [Petitions Home Page](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) (http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

Patrick Pulupa, Executive Officer

Enclosures (2): Attachment A - Project Location Map
Monitoring Report Transmittal Form (Discharger only)

cc via email: Peter Kozelka, U.S. EPA, Region IX, San Francisco
Prasad Gullapalli, U.S. EPA Region IX, San Francisco
Division of Water Quality, State Water Board, Sacramento
Xuan Luo, Central Valley Water Board, Rancho Cordova

ATTACHMENT A – PROJECT LOCATION MAPS

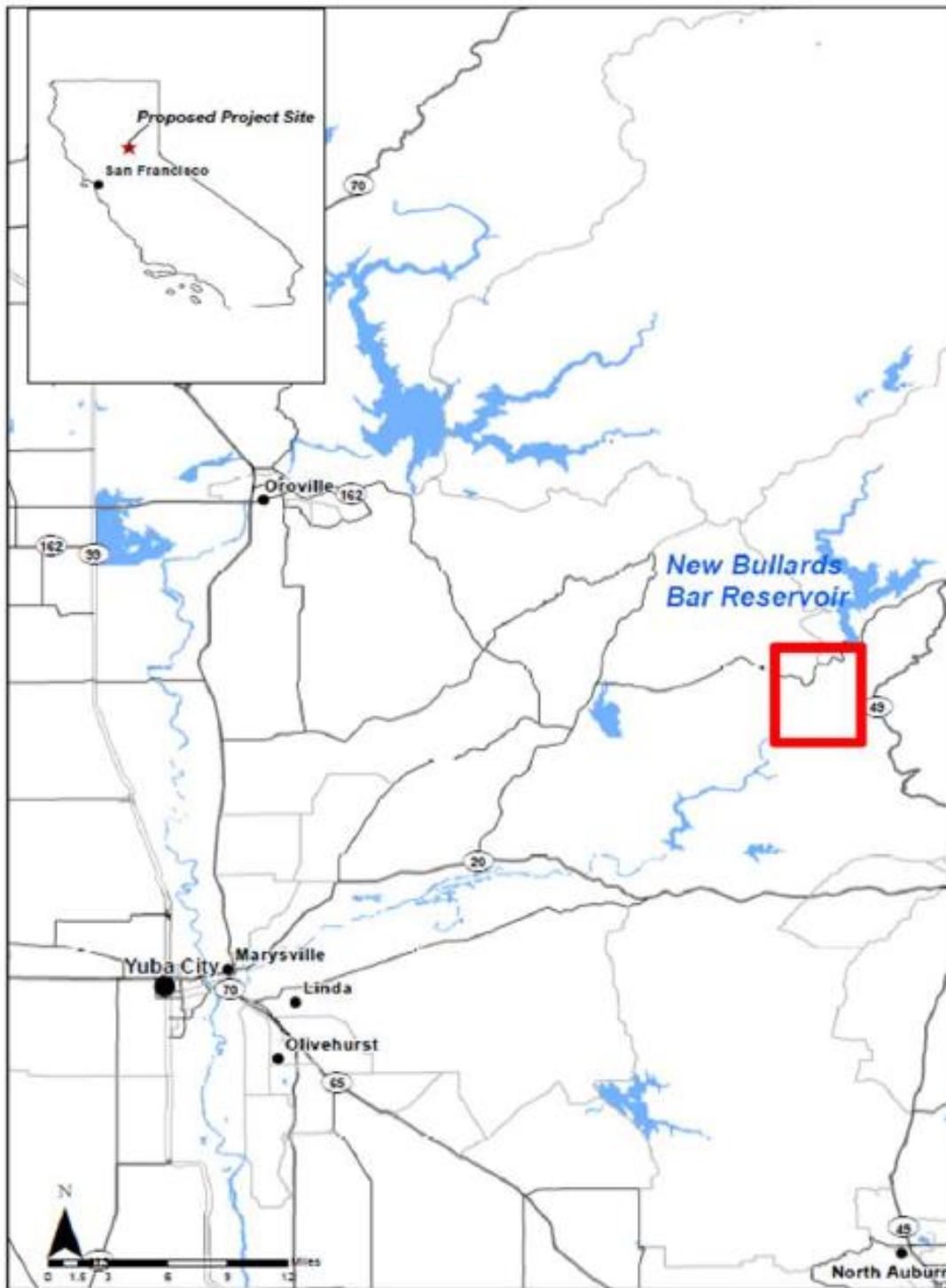


Figure 1. Tunnel Outage Project regional location map. The red box indicates where project components would occur.

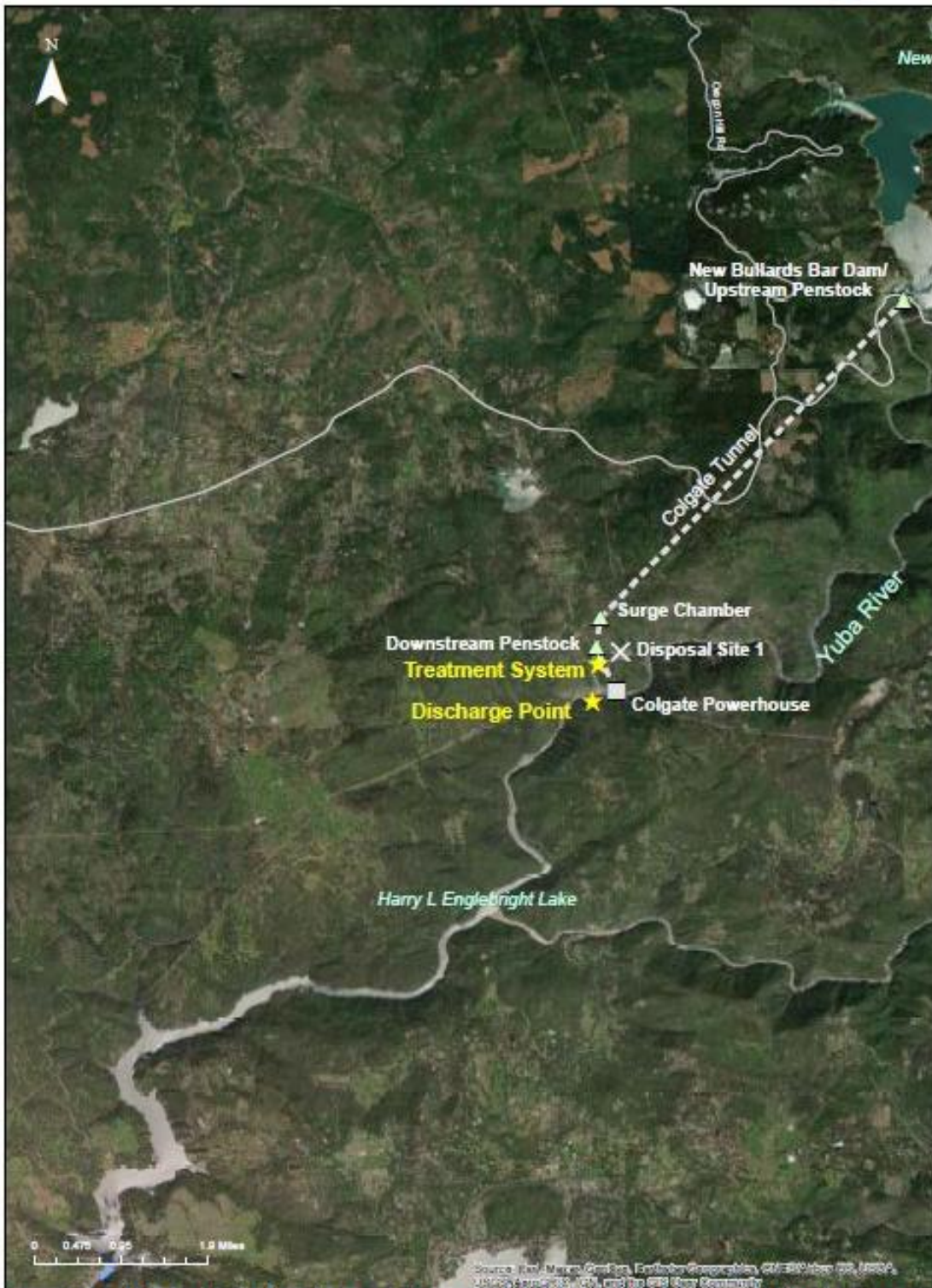


Figure 2. Tunnel Outage Project location map. The map includes the seven primary project locations, treatment system location, and discharge point into the Yuba River.

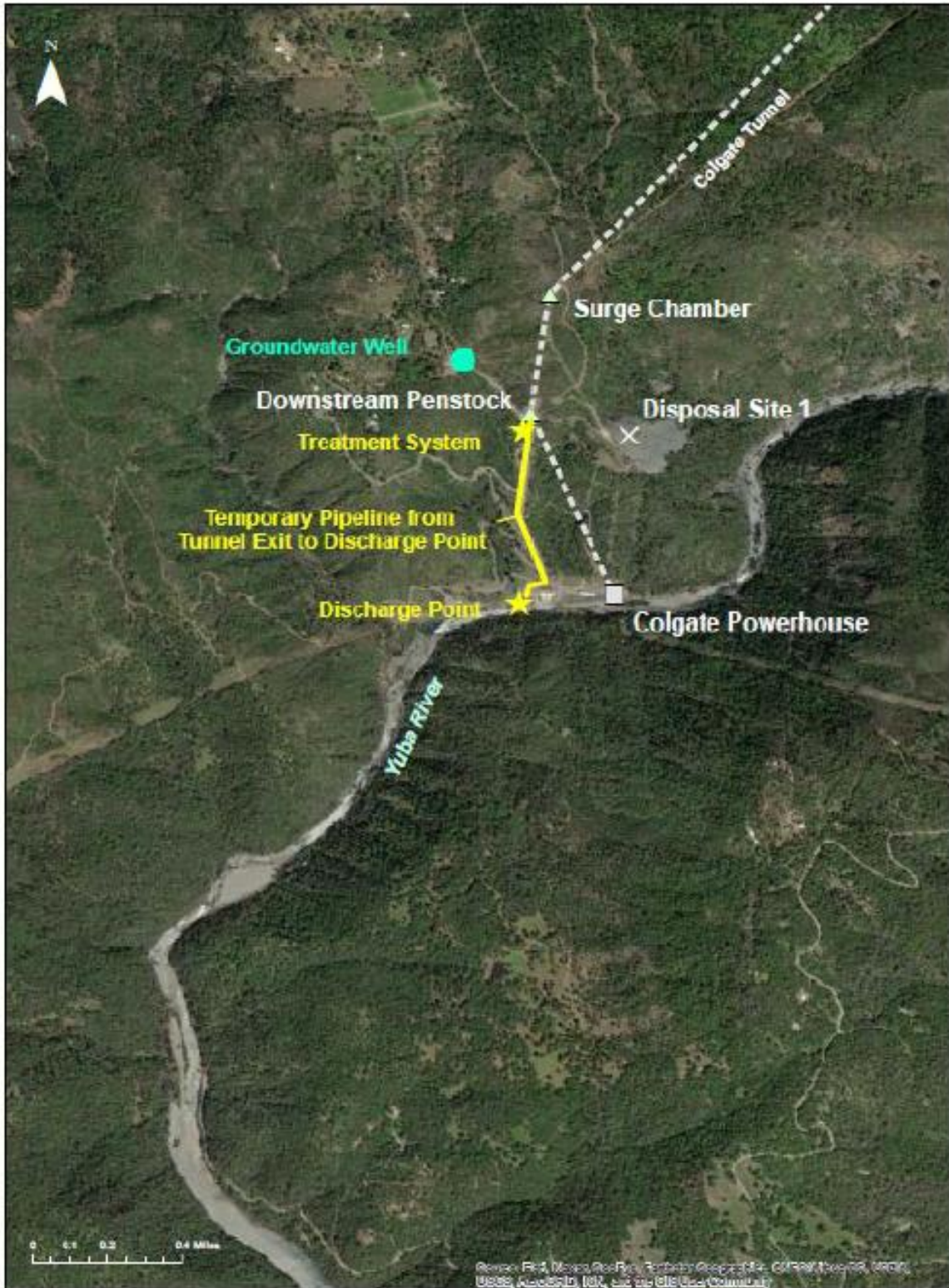


Figure 3. Close-up of Tunnel Outage Project location map that shows the treatment system, temporary system, temporary pipeline, discharge point into the Yuba River, and groundwater well within 1500 feet of tunnel exit.