

Appendix A

Tentative Order (R2-2009-XXXX)
Amendment of Self-Monitoring Program of Waste
Discharge Requirements and Water Quality Certification
(Order No. 01-036)

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

TENTATIVE ORDER NO. R2-2009-XXXX

AMENDMENT OF SELF-MONITORING PROGRAM OF WASTE DISCHARGE REQUIREMENTS AND WATER QUALITY CERTIFICATION FOR:

**SANTA CLARA VALLEY WATER DISTRICT
U. S. ARMY CORPS OF ENGINEERS
CITY OF SAN JOSE**

**GUADALUPE RIVER PROJECT
and
GUADALUPE CREEK RESTORATION PROJECT**

SAN JOSE, SANTA CLARA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter, the Board), finds:

1. On March 21, 2001, the Board adopted Order No. 01-036, Waste Discharge Requirements and Water Quality Certification, for the construction of a flood control and restoration project known as the downtown Guadalupe River Project and Guadalupe Creek Restoration Project (hereinafter, the Project) in the City of San Jose, in Santa Clara County.
2. The significant source of mercury in the Guadalupe River watershed is the New Almaden Mining District as evidenced by the high mercury concentrations in sediments in the upper Guadalupe River watershed as compared to the Project area.
3. After adoption of Order No. 01-036, the Dischargers have proposed to revise the mercury monitoring requirements of the Self-Monitoring Program for the Project (attached to Order No. 01-036) to obtain mercury monitoring data. The revised mercury monitoring program will monitor mercury loads from the Guadalupe River watershed to the San Francisco Bay to assess progress in attaining the legacy and urban stormwater runoff mass load allocations assigned by the San Francisco Bay mercury TMDL and the Guadalupe River watershed mercury TMDL.
4. The Project's mercury-related impacts have been adequately mitigated as required by Order No. 01-036, and no further mercury-related mitigation is warranted. The mercury monitoring to be conducted by the Dischargers pursuant to the revised Self-Monitoring Program (Monitoring Associated with Mercury Releases and Reports to be Filed with the Board) will provide information on mercury flux through the Project area from upstream sources.
5. This amendment is not a project under the California Environmental Quality Act (CEQA) as it will result in no physical change to the environment. Mercury

monitoring will occur at two locations that have existing water quality monitoring equipment, and no additional equipment is required to be installed. Thus, no physical disturbance of the waterbody will occur.

6. The Board, in a public hearing, heard and considered all comments pertaining to this amendment of waste discharge requirements.

IT IS HEREBY ORDERED THAT:

Order No. 01-036 is amended to substitute the revised Self-Monitoring Program in place of the Self-Monitoring Program originally adopted. The Dischargers shall comply with all of the requirements of Order No. 01-036, as amended by Order No. R2-2009-XXXX.

I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, complete, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on May 13, 2009.

Bruce H. Wolfe
Executive Officer

Attachments:

- (1) Revised Self-Monitoring Program