

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 (Board), finds:

1. On March 21, 2001, the Board adopted Order No. 01-036 (Order), 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 Watershed is the New Almaden Mining District as evidenced by the high mercury concentration in sediments in the upper Guadalupe Watershed as compared to the Project.
3. After adoption of Order No. 01-036, the Dischargers have proposed to revise the mercury monitoring requirements of the Self-Monitoring Program (attachment to the Order No. 01-036). 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 mercury-related impacts have been adequately mitigated as required by Order No. 01-036 and no further mitigation is warranted. The mercury monitoring conducted by the Dischargers pursuant to the revised Self-Monitoring Program (Monitoring Associated with Mercury Releases and Reports to be Filed with the Regional Board) will provide information on mercury flux through the Project area from upstream sources.
5. This amendment is not a project under California Environmental Quality Act (CEQA) as it will result in no physical change to the environment because the mercury monitoring will occur at two locations that have existing water quality

monitoring equipment and no additional equipment is required to be installed, so 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 as originally adopted. The Dischargers shall comply with all of the requirements of the 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.

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Bruce H. Wolfe  
Executive Officer

Attachments:

- (1) Revised Self-Monitoring Program