
Central Valley Regional Water Quality Control Board

25 June 2021

John Stanek
Tracy Phase 2, LLC and Tracy Phase 3, LLC
888 San Clemente Drive, Suite 100
Newport Beach, CA 92660

NOTICE OF APPLICABILITY FOR COVERAGE UNDER ORDER NO. 2004-0004-DWQ, STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR DREDGED OR FILL DISCHARGES TO WATERS DEEMED BY THE U.S. ARMY CORPS OF ENGINEERS TO BE OUTSIDE OF FEDERAL JURISDICTION, TRACY HILLS PHASE 2 INITIAL GRADING PROJECT (WDID#5B39CR00356), SAN JOAQUIN COUNTY

On 21 April 2021, Tracy Phase 2, LLC and Tracy Phase 3, LLC submitted a Notice of Intent (NOI) to enroll under and comply with State Water Resources Control Board (State Water Board) Order No. 2004-0004-DWQ, Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the United States Army Corps of Engineers to be Outside of Federal Jurisdiction.

The Central Valley Water Quality Control Board (Central Valley Water Board) has reviewed your enrollment materials and finds the Tracy Hills Phase 2 Initial Grading Project (Project) meets the requirements of, and is hereby enrolled under, Order No. 2004-0004-DWQ. You may proceed with your Project in accordance with the Order.

A copy of [Order 2004-0004-DWQ](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf) (https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf) can be found on the State Water Resources Control Board's Adopted Orders webpage and is enclosed.

Please familiarize yourself with the requirements of Order No. 2004-0004-DWQ. You are responsible for complying with all applicable Order requirements. Failure to comply with Order No. 2004-0004-DWQ constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

PROJECT DESCRIPTION:

The 523-acre Project consists of mass grading to prepare the site for developing residential, mixed-use, and commercial development based on projected near-term market demands, as well as install key infrastructure improvements within the Project site, including:

- **Utilities**

- Electric distribution lines and new substation;
- Sewer pipelines and pump stations; and
- Water supply distribution pipelines, storm drain pipelines, retention basins, water storage tanks, and a pump station.

- **Road Construction**

Proposed Improvements include extending South Lammers Road and constructing roads internal to the residential, mixed-use business park, and commercial development areas.

- **Conservation Easement Area**

A localized Habitat Conservation Plan (HCP) has been developed to cover Incidental Take Coverage under the Federal and State Endangered Species Act (ESA) and project-related effects to listed species. The Plan preserves approximately 2,730 acres as a Conservation Easement Area adjacent to the Project site to support Incidental Take Permit (TE89287D-0), issued on 1 February 2021 by the United States Fish and Wildlife Service pursuant to Section 10(a)(2)(B) of the Federal ESA, as well as Incidental Take Permit No 2081-2018-032-R3 issued by the California Department of Fish and Wildlife.

Project elements that affect aquatic resources include filling an isolated wetland swale (SW-1). The Project will permanently impact 0.042 acre of wetland habitat.

PROJECT LOCATION:

The Project is located in the city of Tracy, within San Joaquin County. The approximate center of the Project area is located at latitude 37.676335°N and longitude 121.478032°W.

PROJECT SCHEDULE:

September 2021 through October 2026

APPLICATION FEE RECEIVED:

\$2,762.00 was received on 21 April 2021. 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 E - Low Impact Discharges (fee code 87) with the dredge and fill fee calculator.

AVOIDANCE AND MINIMIZATION MEASURES:

The work will be conducted during dry weather. Standard construction best management practices (BMPs) will be employed to minimize dust, erosion, and potential sedimentation. These BMPs include use of water trucks, compacting soil, installing erosion control measures, re-seeding disturbed areas, and implementing all erosion control measures (e.g., silt fences, straw wattles, hay bales, etc.)

COMPENSATORY MITIGATION:

The Central Valley Water Board is not requiring compensatory mitigation for the subject Project because a localized Habitat Conservation Plan was established adjacent to the Project area what will preserve 2,730 acres within a Conservation Easement Area.

TERMINATION OF COVERAGE:

Upon completion of the Project, you shall submit a complete Notice of Termination (NOT) requesting to be un-enrolled under Order No. 2004-0004-DWQ. Attachment 2 to the Order contains the NOT form.

If you have questions concerning this matter, please contact Nicholas White by phone at (916) 464-4856 or by email at Nicholas.White@waterboards.ca.gov.

Original Signed By James Marshall for:

Patrick Pulupa
Executive Officer

Enclosure: State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ

Attachments: Figure 1 – Project Location Map
Figure 2 – Project Site Map

cc: Distribution List (via email only, with enclosure)

Department of Fish and Wildlife, Region 3
2081-2018-032-R3
AskBDR@wildlife.ca.gov

United States Environmental Protection Agency
R9CWA401@epa.gov

CWA Section 401 WQC Program
State Water Resources Control Board
Stateboard401@waterboards.ca.gov

Bill Jennings
CA Sportfishing Protection Alliance
DeltaKeep@me.com

Kyrsten Shields
Helix Environmental Planning, Inc.
KyrstenS@helixepi.com



Figure 1 – Project Location Map

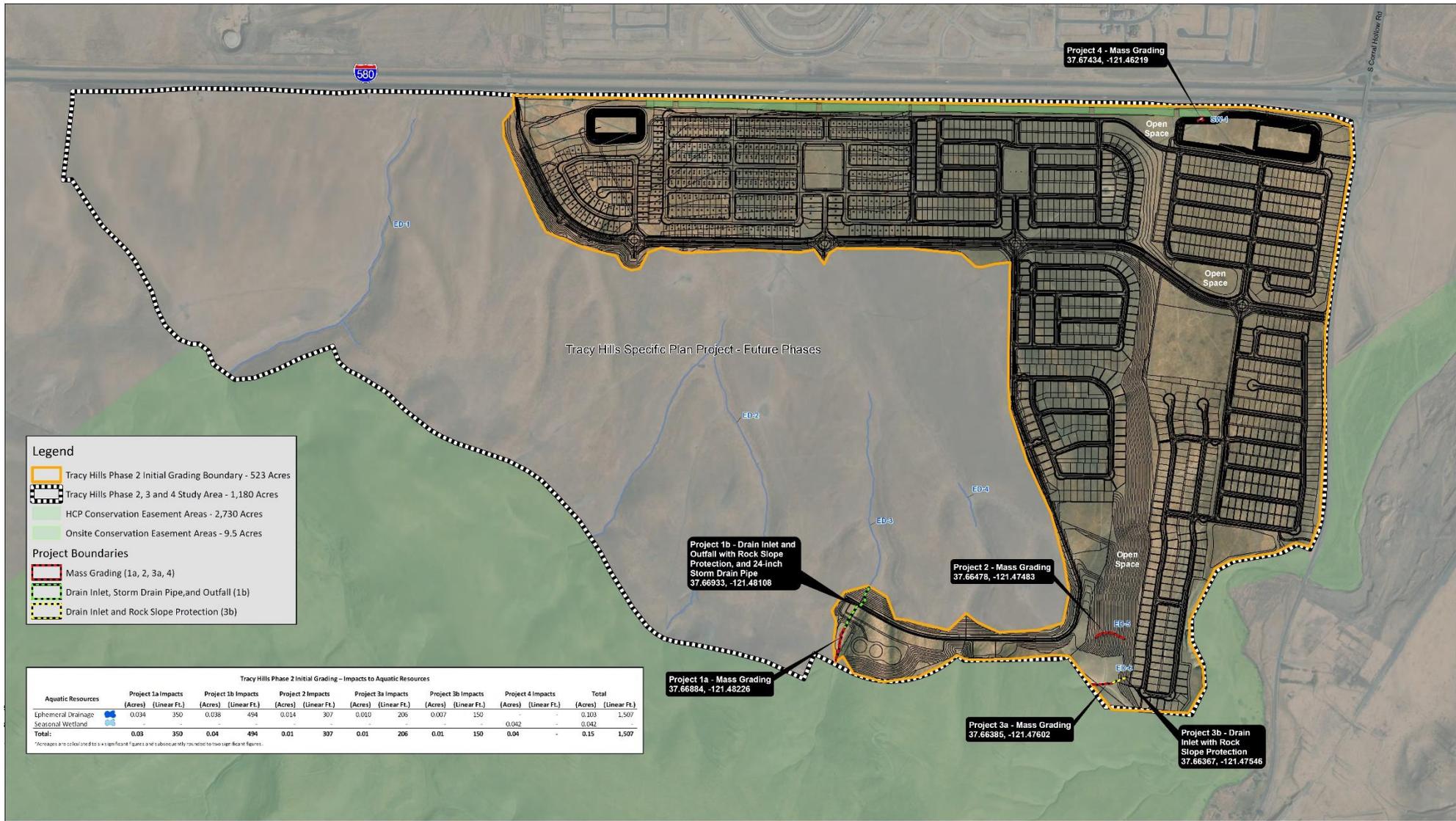


Figure 2 – Project Site Map