
Central Valley Regional Water Quality Control Board

23 February 2018

Susan Dell'Osso
Project Director
River Islands Development, LLC
73 West Stewart Road
Lathrop, CA 95330

CERTIFIED MAIL
91 7199 9991 7035 8364 7135

REVISED NOTICE OF APPLICABILITY (NOA); LIMITED THREAT GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2016-0076-01; RIVER ISLANDS SUBDIVISION CONSTRUCTION DEWATERING PROJECT (PROJECT); SAN JOAQUIN COUNTY

Our office received a Notice of Intent (NOI) application on 13 March 2017 from Robertson - Bryan, Inc. on behalf of River Islands Development, LLC (hereinafter Discharger), for discharge of construction dewatering groundwater to surface water. Based on the application packet submitted by the Discharger, staff has 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), as a Tier 1B discharge. This project is hereby assigned Limited Threat General Order R5-2016-0076-004 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995002. A Notice of Applicability (NOA) was issued on 28 March 2017 for Phase III of the Project.

This NOA supersedes the original NOA issued on 28 March 2017 and has been revised to include coverage of subsequent phases of the Project. Limited Threat General Order Number **R5-2016-0076-004** should continue to be referenced in any correspondence and submitted documents.

The Limited Threat General Order may be viewed at the following web address: http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf. You are urged to familiarize yourself with the contents of the entire document. The Limited Threat General Order prescribes mandatory discharge monitoring and reporting requirements. The project activities shall be operated in accordance with the requirements contained in this NOA and the Limited Threat General Order.

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 are found in Attachment I of the Limited Threat General Order. Review of your influent water quality data in comparison to the screening values, showed no reasonable potential for the discharge to cause or contribute to an exceedance of the applicable water quality objectives in the receiving water for all constituents.

PROJECT DESCRIPTION

The Project is located in the City of Lathrop within the River Islands project subdivision. The River Islands subdivision is a master-planned community that will convert approximately 4,900 acres of agricultural land into a mixed-use residential and commercial community. The Project is located in the western portion of Lathrop and is bound by the San Joaquin River to the north and east, Paradise Cut to the west, and Union Pacific Railroad tracks to the south. The nearest existing surface water drainage within the project area consists of the San Joaquin River and Paradise Cut, which parallel three-quarters of the perimeter around the planned community (see enclosed Project Map).

The development of the River Islands subdivision includes the excavation of seven lakes within the project area. Due to the relatively shallow depth of groundwater on the property (average elevation of the project area is 15 feet above mean sea level), dewatering has been necessary during lake excavation. Groundwater extracted through the dewatering process is currently discharged to a designated retention basin. This discharge is covered under State Water Resources Control Board General Order 2003-0003-DWQ-0128, General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality.

The Project is a multi-phase construction dewatering project and the need to discharge to surface water will likely continue through the completion of the Project, which is expected to be complete by 2023, but may extend further depending on construction delays. Dewatering is expected to commence in March of each year and discharges to surface water will typically occur on an intermittent basis through 31 October of each year. However, construction and dewatering activities may initiate earlier than March or continue later than October if conditions are dry. Based on the construction schedule, retention basin capacity and the percolation of current dewatering operations, the Discharger has proposed to discharge to Paradise Cut under the Limited Threat General Order. During dewatering, groundwater will be pumped into the retention basin, and then pumped from the retention basin into Paradise Cut, a water of the United States within the Sacramento – San Joaquin Delta (Delta). Annually, pumping rates are anticipated to peak at approximately 7 million gallons per day (MGD); however, an average discharge rate of 4.5 MGD or less is expected over the discharge season.

Paradise Cut is part of the southern portion of the Delta, which is listed on the Clean Water Act 303(d) List of impaired water bodies for mercury, chlorpyrifos, DDT, diazinon, group A pesticides, and electrical conductivity (EC). Sampling results for mercury, chlorpyrifos, DDT, diazinon, and group A pesticides submitted with the Discharger's NOI showed that these constituents were not detected in the discharge, and the EC of the discharge is below background EC levels in Paradise Cut.

EFFLUENT LIMITATIONS

The Limited Threat General Order includes effluent limitations in Section V. Based on the information provided in the NOI, only effluent limitations for pH, as specified in Section V.A.1.b.i of the Limited Threat General Order, are applicable to this discharge. The applicable effluent limitations are shown below:

1. **pH (Section V.A.1.b.i).** The pH of all 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.

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.b.iii);
- 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);
- 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 in Table 1:

Table 1. Monitoring Station Locations

| Discharge Point Name | Monitoring Location Name | Monitoring Location Description ¹ |
|----------------------|--------------------------|---|
| 001 | EFF-001 | A location where a representative sample of the effluent can be collected prior to discharging to Paradise Cut. |
| -- | RSW-001U | Paradise Cut, approximately 200 feet upstream from the point of discharge. |
| -- | RSW-001D | Paradise Cut, approximately 200 feet downstream from the point of discharge. |

¹ See enclosed project map identifying the effluent and receiving water monitoring locations.

Effluent Monitoring – When discharging to Paradise Cut, the Discharger shall monitor the effluent at EFF-001 as follows in Table 2:

Table 2. Effluent Monitoring Requirements

| Parameter | Units | Sample Type | Minimum Sampling Frequency | Required Analytical Test Method |
|---------------------------------|----------------|-------------|----------------------------|---------------------------------|
| Discharge Flow Rate, Total | GPD | Estimated | 1/Day | |
| Electrical Conductivity @ 25 °C | µmhos/cm | Grab | 1/Week | 1, 2 |
| pH | standard units | Grab | 1/Week | 1, 2 |
| Turbidity | NTU | Grab | 1/Week | 1, 2 |
| Temperature | °F | Grab | 1/Week | 1, 2 |
| Dissolved Oxygen | mg/L | Grab | 1/Week | 1, 2 |
| Chronic Toxicity | -- | Grab | 1/Project Term | 2, 3 |

- ¹ A hand-held field meter may be used, provided the meter utilizes a USEPA-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.
- ² Pollutants shall be analyzed using the analytically methods described in 40 CRF Part 136 or by methods approved by the Central Valley Water Board or the State Water Board.
- ³ See the MRP (Attachment C, section V) for chronic toxicity monitoring requirements.

Section II.B.2 of the Limitations and Discharge Requirements section of the Limited Threat General Order requires that dischargers submit new analytical results every 5 years for pollutants specified in Table I-1 of Attachment I. The Project is considered a Tier 1B discharge. Therefore, the Discharger shall submit monitoring results by 5 May 2020 (5 years from the submission of the original Notice of Intent for the Project) for the following constituents shown in Table 3, below:

Table 3. Effluent Characterization Monitoring

| Parameter ¹ | Units | Sample Type | Required Analytical Test Method |
|--|----------------|-------------|---------------------------------|
| Biochemical Oxygen Demand (BOD) | mg/L | Grab | 2 |
| Total Suspended Solids (TSS) | mg/L | Grab | 2 |
| Dissolved Oxygen (DO) | mg/L | Grab | 1, 2 |
| Hardness | mg/l | Grab | 1, 2 |
| pH | standard units | Grab | 1, 2 |
| Temperature | °F | Grab | 1, 2 |
| Electrical Conductivity @ 25 °C | µmhos/cm | Grab | 1, 2 |
| Total Dissolved Solids (TDS) | mg/L | Grab | 1, 2 |
| Turbidity | NTU | Grab | 1, 2 |
| Unionized Ammonia Nitrogen, Total (as N) | mg/L | Grab | 2 |
| Chlorine, Total Residual | mg/L | Grab | 1, 2 |
| CTR Priority Pollutants ³ | µg/L | Grab | 2 |

- ¹ 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.

2. 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.
3. See Attachment I, Table I-3 of the Limited Threat General Order.

Receiving Water Monitoring - When discharging to surface water, the Discharger shall monitor, or provide monitoring data, for the receiving water at RSW-001U and RSW-001D when discharging to Paradise Cut as follows in Table 4:

Table 4. Receiving Water Monitoring Requirements

| Parameter | Units | Sample Type | Monitoring Frequency | Required Analytical Test Method |
|---------------------------------|----------------|-------------|----------------------|---------------------------------|
| pH | standard units | Grab | 2/Month | 1, 2 |
| Dissolved Oxygen | mg/L | Grab | 2/Month | 1, 2 |
| Electrical Conductivity @ 25 °C | µmhos/cm | Grab | 2/Month | 1, 2 |
| Temperature | °F | Grab | 2/Month | 1, 2 |
| Turbidity | NTU | Grab | 2/Month | 1, 2 |

¹ Pollutants shall be analyzed using the analytical methods described in 40 CFR Part 136 or by methods approved by the Central Valley Water Board or the State Water Board.

² A hand-held field meter may be used, provided the meter utilizes a USEPA-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.

In conducting the receiving water sampling, a log shall be kept of the receiving water conditions throughout the reach bounded by RSW-001U and RSW-001D. 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 First Quarter 2017. This report shall be submitted on 1 May 2017. 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 the discharge has not begun there is no need to monitor. However, a 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

| Sampling Frequency | Monitoring Period Begins On... | Quarterly Report Due Date |
|--|--------------------------------|---|
| 1/Day, 1/Week, 2/Month, 1/Project Term | 28 March 2017 | 1 May (1 Jan – 31 Mar) 1 Aug (1 Apr – 30 Jun) 1 Nov (1 Jul – 30 Sep) 1 Feb, of following year (1 Oct – 31 Dec) |

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 billing 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. 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 report monitoring period, the Discharger must still submit a quarterly monitoring report indicating that no discharge occurred to avoid being subject to enforcement actions.

COMMUNICATION

All documents, including monitoring reports, response to inspections, written notifications, and documents submitted to comply with this NOA and the Limited Threat General Order, should be submitted to the NPDES Compliance unit, attention Mohammad Farhad. Mr. Farhad can be reached at (916) 464-1181 or Mohammad.Farhad@waterboards.ca.gov.

We have transitioned to a paperless office, therefore, please convert all documents to a searchable Portable Document Format (pdf) and email them to centralvalleysacramento@waterboards.ca.gov. Please include the following information in the email: Attention: NPDES Compliance section; Discharger: River Islands Development, LLC; Facility: River Islands Subdivision Construction Dewatering Project; County: San Joaquin; and the CIWQS place ID **811213** in the body of the email. 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". Please include the attached Monitoring Report Transmittal Form as the first page of each monitoring report.

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

Susan Dell'Osso
Project Director
River Islands Subdivision Construction Dewatering Project

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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. Copies of the law and regulations applicable to filing petitions may be found on the internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

Original Signed by Adam Laputz for

Pamela C. Creedon
Executive Officer

Enclosures: Project Map - Effluent and Receiving Water Monitoring Locations
Monitoring Report Transmittal Form

cc: David Smith, U.S. EPA, Region IX, San Francisco (email only)
Afrooz Farsimadan, Division of Water Quality, State Water Board, Sacramento (email only)

Project Map - Effluent and Receiving Water Monitoring Locations

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EXPLANATION

ALL LOCATIONS ARE APPROXIMATE

- PROPOSED MONITORING LOCATION
- ⊕ EXISTING DISCHARGE PUMP
- ⊕ PROPOSED DISCHARGE PUMP
- ⊕ PROPOSED RECEIVING WATER DISCHARGE LOCATION (PARADISE CUT)
- PROPOSED DISCHARGE PIPELINE
- EXISTING DISCHARGE PIPELINE
- DEWATERING AREA
- RETENTION BASIN



BASE MAP SOURCE: GOOGLE EARTH PRO



SITE PLAN
RIVER ISLANDS
LATHROP, CALIFORNIA

| | | |
|--------------------------|----------------|---|
| PROJECT NO: 5044.411.103 | | 2 |
| SCALE: AS SHOWN | | |
| DRAWN BY: LL | CHECKED BY: ZC | |