



Central Valley Regional Water Quality Control Board

14 October 2020

Mark Eshelman
Phelan Development
220 Montgomery Street, Suite 315
San Francisco, CA 94104

Certified Mail
7020 0640 0000 7627 3754

NOTICE OF APPLICABILITY

**WATER QUALITY ORDER 2003-0003-DWQ
STATEWIDE WASTE DISCHARGE REQUIREMENTS
FOR
DISCHARGES TO LAND WITH A LOW THREAT TO WATER QUALITY
PHELAN DEVELOPMENT,
PHELAN WAREHOUSE PROJECT – BUILDINGS 1 AND 2
SAN JOAQUIN COUNTY**

On 17 August 2020, Phelan Development (Discharger) submitted a Notice of Intent (NOI) to obtain coverage under Water Quality Order 2003-0003-DWQ, *Statewide General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality* (hereafter General Order) for construction dewatering for the above-referenced project. Additional information was submitted on 14 September 2020 that included the discharger monitoring plan (DMP). The submittal contains all the information required to evaluate applicability of the General Order; therefore, the NOI is considered complete. Based on the information provided in the NOI, the discharge meets the conditions of the General Order. The discharge is hereby covered under State Water Resources Control Board General Order 2003-0003-DWQ-0214. Please include this number on all correspondence related to this discharge.

PROJECT LOCATION AND DESCRIPTION

The Phelan Warehouse Project is located at 3458 Yosemite Avenue, Lathrop in San Joaquin County. The project consists of constructing two buildings (Buildings 1 and 2). Dewatering will be necessary for the installation of underground utilities and a sanitary sewer pump station.

The installation of dewatering wells is scheduled to begin in August 2020. Based on the Discharger's experience on nearby projects, the dewatering wells (approximately 65 wells) will initially be pumped at 50-60 gallons per minute, but after drawdown, the flow rate is expected to be reduce to 20 gallons per minute. An estimated 1.9 million gallons per day is expected to be discharged during dewatering activities. The extracted water

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

will be piped over to a bermed unlined temporary percolation/evaporation pond, as shown on Attachment A. Based on the expected pumping rates and duration of pumping, the pond is expected to adequately contain the water, while maintaining the required two feet of freeboard. As described in the Discharger's Discharge Monitoring Plan, if the pond capacity is reached, dewatering operations will stop until sufficient capacity is again available. Extracted water will also be used for on-site construction dust control when needed.

Groundwater samples were collected from a separate project located approximately one mile north of the Phelan Warehouse Project location. Groundwater samples were analyzed for metals and organics (pesticides and polychlorinated biphenyls [PCBs]). No constituents of concern for the protection of groundwater were identified.

Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, revised May 2018 (hereafter Basin Plan), designates beneficial uses, establishes water quality objectives, contains implementation plans and policies for protecting waters of the basin, and incorporates by reference plans and policies adopted by the State Water Resources Control Board. Pursuant to §13263(a) of the California Water Code (CWC), waste discharge requirements must implement the Basin Plan.

FACILITY-SPECIFIC REQUIREMENTS

The General Order and this Notice of Applicability regulates construction dewatering for the Phelan Warehouse Project.

1. Water extracted during construction shall be disposed of as described in the Notice of Intent and in accordance with the requirements contained in the General Order.
2. Storage tanks and infiltration basin will be monitored regularly to ensure sufficient capacity for the discharge.
3. Discharges at a location or in a manner different from that described in the Notice of Intent or this Notice of Applicability is prohibited.
4. All technical reports required herein that involve evaluation, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code, section 6735, 7835, and 7835.1. As required by these laws, completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work.
5. Monitoring results shall be submitted on a semi-annual basis in accordance the General Order's Monitoring and Reporting Program. For the January through June reporting period, the monitoring report is **due August 15**. For the July through December reporting period, the monitoring report is **due February 15**.

6. The Discharger shall submit the required annual fee (as specified in the annual billing issued by the State Water Resources Control Board) until the Notice of Applicability is officially terminated.
7. Failure to abide by the conditions of the General Order, including its monitoring and reporting requirements, and this letter authorizing applicability could result in enforcement actions, as authorized by provisions of the California Water Code.

DOCUMENT SUBMITTALS

All monitoring reports and other correspondence should be converted to searchable Portable Document Format (PDF) and submitted electronically. Documents that are less than 50 MB should be emailed to:

centralvalleysacramento@waterboards.ca.gov

To ensure that your submittal is routed to the appropriate staff person, the following information should be included in the body of the email or any documentation submitted to the mailing address for this office:

Facility Name: Phelan Warehouse Project, San Joaquin County		
Program: Non-15 Compliance	Order: R5-2003-0003-DWQ-0214	CIWQS Place ID: 868985

Documents that are 50 MB or larger should be transferred to a CD, DVD, or flash drive and mailed to:

Central Valley Regional Water Quality Control Board
ECM Mailroom
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Now that the NOA has been issued, the Board's Compliance and Enforcement section will take over management of your case. Brendan Kenny is your new point of contact for any questions about the Order. In addition, all monitoring and technical reports should be submitted to him. The enclosed transmittal sheet shall be included with each monitoring report. If you find it necessary to make a change to your permitted operations, Brendan will direct you to the appropriate Permitting staff. You may contact Brendan at (916) 464-4635 or at bkenny@waterboards.ca.gov.



for Patrick Pulupa
Executive Officer

Enclosure(s): cc w/ encl: Dave Koffman, SWPPPSTER, Sacramento
cc w/o encl: San Joaquin County Environmental Health Department



~ 0.25 miles

SITE LOCATION MAP
PHELAN WAREHOUSE PROJECT –
BUILDINGS 1 & 2
SAN JOAQUIN COUNTY

Note: All locations are approximately located.