



Central Valley Regional Water Quality Control Board

14 April 2021

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AMENDED NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2016-0076-01 FOR LIMITED THREAT DISCHARGES TO SURFACE WATER; EIGHT MILE DEVELOPMENT, INC., WESTLAKE COMMUNITY CONSTRUCTION DEWATERING PROJECT, SAN JOAQUIN COUNTY

Our office received a Notice of Intent (NOI) on 3 June 2019 from ENGEO Incorporated for Eight Mile Development, Inc. (hereinafter Discharger), for discharge of dewatered 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), Tier 1B. This project is hereby assigned Limited Threat General Order R5-2016-0076-057-01 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995002. Please reference your Limited Threat General Order number, **R5-2016-0076-057-01**, in your correspondence and submitted documents.

The project activities shall be operated in accordance with the requirements contained in the Limited Threat General Order and as specified in this NOA. You are urged to familiarize yourself with the entire contents of the Limited Threat General Order. The enclosed Limited Threat General Order may also be viewed on the [Central Valley Water Board's Adopted Orders Page](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf) (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf). Additional copies of the Limited Threat General Order can be obtained by contacting or visiting the Central Valley Water Board's office weekdays between 8:00 AM and 5:00 PM.

AMENDMENT

On 2 April 2021, the Discharger requested an amendment of NOA R5-2016-0076-057 to increase the flow effluent limitation from 2.0 million gallons per day (MGD) to 4.0 MGD. This increase was requested in order to facilitate a change in the construction schedule where dewatering activities associated with deep utilities installation and basin regrading will overlap, increasing the flow volume for a period of approximately 3 months in the summer of 2021. The total volume of dewatered groundwater discharged over the duration of the dewatering activities is not expected to increase due to this adjustment. Therefore, this NOA has been amended as of the date of this issuance to

include a flow effluent limitation of 4.0 MGD and update the Facility Description to reflect these changes and supersedes the previously issued NOA R5-2016-0076-057.

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 and other constituents of concern are found in Attachment I of the Limited Threat General Order.

Review of your water quality data in comparison to the screening values, showed no reasonable potential for the discharge to cause or contribute to an exceedance of water quality objectives in Bishop Cut, which is part of the Eastern Portion of the Sacramento – San Joaquin Delta, and a water of the United States.

PROJECT DESCRIPTION

The Westlake Community Dewatering Project (Project) is a master-planned community that will convert agricultural land into a mixed-use residential and commercial community. The Project is located approximately 1 mile east of Interstate 5 in Stockton, California, and is bound by Pixley Slough and White Slough to the south, Bishop Cut to the west, Eight Mile Road to the north, and existing residential developments to the east. During previous explorations at the Project site, groundwater was encountered at depths ranging from approximately 2 to 8 feet below the existing ground surface. Due to the relatively shallow depth of groundwater on the property, construction dewatering will be necessary during the proposed lake excavation and underground utility construction. Groundwater extracted through the dewatering process is planned to be discharged to the existing onsite retention basins as covered under State Water Resources Control Board General Order 2003-0003-DWQ-0192, *Statewide General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality*. Dewatering began in 2018 and will continue as needed for underground utility construction and lake excavation. The current retention basin and percolation rates have provided adequate capacity to manage groundwater derived from excavation dewatering. However, discharge to surface waters could be needed at times. Considering the capacity of the basins and proposed pump system, pumping rates are anticipated to peak at approximately 4.0 million gallons per day (MGD) during winter lake dewatering activities and deep utilities installation, with average discharge volumes estimated at about 0.7 MGD. The excess flow from the retention basins will be discharged to the Road 2042 drainage ditch and then pumped over the levee to Bishop Cut for disposal. The project is expected to be completed by September 2022.

EFFLUENT LIMITATIONS

Effluent limitations are specified in Section V. Effluent Limitations and Discharge Specifications of the Limited Threat General Order. Based on the information provided in the NOI, effluent limitations are only required for the parameter identified in item 1 below:

- 1. Flow (Section V.A.1.a).** The discharge flow rate shall not exceed 4.0 MGD.

2. **pH (Section V.A.1.b.ii).** The pH of all limited threat 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.
3. **Whole Effluent Toxicity, Chronic (Section V.A.2.a).** There shall be no chronic toxicity in the discharge. See the Monitoring and Reporting Program (Attachment C).

Bishop Cut is part of the eastern portion of the Delta, which is listed on the Clean Water Act 303(d) List of impaired water bodies for chlorpyrifos, DDT, diazinon, group A pesticides, and mercury. Sampling results for chlorpyrifos, DDT, diazinon, group A pesticides, and mercury submitted with the Discharger's NOI showed that these constituents were not detected in the discharge, and therefore, effluent limitations for these constituents are not included in this NOA.

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.b);
- 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
001	EFF-001	A location where a representative sample of the effluent can be collected prior to discharging to Bishop Cut.
--	RSW-001U	Bishop Cut, approximately 200 feet upstream from the point of discharge.
--	RSW-001D	Bishop Cut, Approximately 200 feet downstream from the point of discharge.

Effluent Monitoring – When discharging to surface water, the Discharger shall monitor the effluent at EFF-001 in accordance with Table C-2 of the Limited Threat General Order and this NOA. The applicable monitoring requirements are as follows in Table 2:

Table 2. Effluent Monitoring

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Total Flow	MGD	Estimate	1/Day	1, 2
Dissolved Oxygen	mg/L	Grab	1/Week	1, 2
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
Chronic Toxicity	--	Grab	1/Project Term	2, 3

Table 2 Footnotes:

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. Chronic toxicity testing shall be conducted within 3 months of initiation of discharge.

Receiving Water Monitoring – When discharging to surface water, the Discharger shall monitor the receiving water at RSW-001 and RSW-002, in accordance with Table C-3 of the Limited Threat General Order and this NOA. The applicable monitoring requirements are as follows in Table 3:

Table 3. Receiving Water Monitoring Requirements

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

Table 3 Footnotes:

1. 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.
2. 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 by the Discharger.

In conducting the receiving water sampling, a log shall be kept of the receiving water conditions throughout the reach bounded by RSW-001 and RSW-002. 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 **Third Quarter 2019**. This report shall be submitted on **1 November 2019**. All Monitoring Reports shall specify the dates during the monitoring period the discharge did or did not occur. 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 discharge has not begun there is no need to monitor. However, a certified Monitoring Report must be submitted stating that there has been no discharge. Table 4, 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 4. Monitoring Periods and Reporting Schedule

Sampling Frequency	Monitoring Period Begins On...	Quarterly Report Due Dates
1/Day, 1/Week, 1/Month, 1/Quarter	6 August 2019	1 May (1 Jan – 31 Mar) Aug (1 Apr – 30 Jun) 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 invoice 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 by submitting the Request for Termination of Coverage (Attachment E). 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 may be subject to a Mandatory Minimum Penalty (MMP) of \$3,000 per violation. In addition, late Monitoring Reports may be subject to MMPs. When discharges do not occur during a quarterly monitoring period, the Discharger must still submit a quarterly certified Monitoring Report indicating that no discharge occurred to avoid being subject to enforcement actions.

COMMUNICATION

All documents, including Monitoring Reports, written notifications, and documents submitted to comply with this NOA and the Limited Threat General Order, should be submitted to the NPDES Compliance and Enforcement Unit, Attention: Mohammad Farhad. Mr. Farhad can be reached at (916) 464-1181 or mohammad.farhad@waterboards.ca.gov.

Kelly Rogers
Eight Mile Development, Inc.
Westlake Community Dewatering Project
R5-2016-0076-057-01

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We have transitioned to a paperless office, therefore, please convert all documents to a searchable Portable Document Format (pdf) and email them to the Central Valley Sacramento email box at centralvalleysacramento@waterboards.ca.gov. **Please include the following information in the email:**

Attention: NPDES Compliance Unit
Discharger: Eight Mile Development, Inc.
Facility: Westlake Community Dewatering Project
County: San Joaquin County
CIWQS place ID: 858712

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 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 [Central Valley Water Board's Water Quality Petitions Page](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) (http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request).

Patrick Pulupa,
Executive Officer

Enclosures (3): Project Location Map
General Order R5-2016-0076-01 (Discharger only)
Monitoring Report Transmittal Form (Discharger only)

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

PROJECT LOCATION MAP

