



Central Valley Regional Water Quality Control Board

06 October 2022

Mike Evans
Director
DeNova Homes
1500 Willow Pass Court

VIA EMAIL
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NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2016-0076-01 FOR LIMITED THREAT DISCHARGES TO SURFACE WATER; DENOVA HOMES, SUMMER LAKES NORTH PROJECT, CONTRA COSTA COUNTY

Our office received a Notice of Intent on 28 December 2022 from DeNova Homes (hereinafter Discharger), for discharge of treated groundwater to surface water. Based on the application packet and subsequent information 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), Clean or relatively pollutant-free wastewater. This project is hereby assigned Limited Threat General Order R5-2022-0006-006 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995002. Please reference your Limited Threat General Order number, **R5-2022-0006-006**, 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 enclosed [Limited Threat General Order](#) (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf).

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 reasonable potential for the discharge to cause or contribute to an exceedance of arsenic and total suspended solids (TSS) water quality objectives

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

in the Delta Waterways (Western Portion), which is a water of the United States. However, the proposed treatment system addresses the water quality concern by reducing arsenic, and total suspended solids concentrations below water quality objectives; therefore, the Project qualifies for the Limited Threat General Order.

PROJECT DESCRIPTION

The Summer Lake North Property is a residential subdivision project that will generally include development of an approximately 394-acre site including construction of a man-made lake/detention pond, and levees. The site is located at the northeast corner of Cypress Road and Bethel Island Road in the City of Oakley in Contra Costa County, California. Grading activities on the Summer Lake North development will include excavation and dewatering of the lake/detention pond, a pump station for the lake, underground utility installation and other activities associated with land development.

According to the Dewatering Plan, dewatering at the site will consist of three phases of dewatering: 1) utility trench dewatering, 2) pump station dewatering, and 3) lake dewatering. It is anticipated that dewatering phases 1 and 2 (utility trench and pump station dewatering) will be performed concurrently and then phase 3 (lake dewatering) will follow. It is anticipated that pumping and discharge from the site will range from approximately 0.40 million gallons per day (MGD) to 0.86 MGD assuming medium conductivity of the on-site soils. Pumping at the site is scheduled to begin approximately in or after October 2022. Dewatering will be ongoing during site utility installation, lake construction, and pump station construction as described above. The schedule for site development is not yet finalized, but dewatering may be ongoing for approximately 2 to 3 years.

Water removed during these phases will be pumped to Baker tanks at the surface to allow for settling/treatment. Water will then be discharged from the Baker Tanks to an existing pump station on the east side of Sandmound Boulevard via existing on-site drainage channels. The pump station has a forebay/intake pond where water collects before being pumped through existing piping to Sandmound Slough. Sandmound Slough flows into the Delta Waterways (Central Portion). Treatment will consist of using a filtration system (i.e., sand and/or cartridge filter units) to reduce total suspended solids (TSS).

DISCHARGE PROHIBITIONS

Discharge prohibitions are specified in Section IV Discharge Prohibitions of the Limited Threat General Order. Based on the information provided in the NOI, the following discharge prohibitions are applicable to this discharge:

- Prohibition IV.A
- Prohibition IV.B
- Prohibition IV.C
- Prohibition IV.D. The flow shall not exceed 1 million gallons per day (MGD)

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 items 1-7, below:

1. **pH (Section V.A.1.b.i).** 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.
2. **Whole Effluent Toxicity, Chronic (Section V.A.2.a).** There shall be no chronic toxicity in the discharge.
3. **Whole Effluent Toxicity, Acute (Section V.A.3.a).** Survival of aquatic organisms in 96-hour bioassays of undiluted waste for all limited threat discharges shall be no less than:
 - i. 70%, minimum for any one bioassay; and
 - ii. 90%, median for any three consecutive bioassays.
4. **Temperature.** For discharges within the legal boundaries of the Sacramento-San Joaquin Delta, the maximum temperature of the discharge shall not exceed the natural receiving water temperature by more than 4°Fahrenheit (°F).
5. **Diazinon and Chlorpyrifos.** For water bodies as specified in Table 3-4 of the Basin Plan for the Sacramento and San Joaquin River Basin, effluent diazinon and chlorpyrifos concentrations shall not exceed the sum of one (1.0) as identified below:
 - i. Average Monthly Effluent Limitation (AMEL)
$$\text{SAMEL} = \text{CD M-avg}/0.079 + \text{CC M-avg}/0.012 \leq 1.0$$

CD M-AVG = average monthly diazinon effluent concentration in µg/L
CC M-AVG = average monthly chlorpyrifos effluent concentration in µg/L
 - ii. Maximum Daily Effluent Limitation (MDEL)
$$\text{SAWEL} = \text{CD W-avg}/0.16 + \text{CC W-avg}/0.025 \leq 1.0$$

CD W-AVG = average weekly diazinon effluent concentration in µg/L
CC W-AVG = average weekly chlorpyrifos effluent concentration in µg/L
6. **Constituents and Parameters of Concern (Section V.A.1.e).** The following constituents and parameters in Table 1 below have been identified as having reasonable potential to cause or contribute to an in-stream excursion from water quality objectives and shall not exceed the effluent limitations as listed.

Table 1. Effluent Limitations for Constituents and Parameters of Concern

Parameter	Units	Average Monthly Effluent Limitations	Maximum Daily Effluent Limitations	Section Reference
Arsenic	µg/L	10	20	V.A.1.f
Total Suspended Solids	mg/L	10	20	V.B.1.a

Delta Waterways (Central Portion) are listed for Chlorpyrifos, DDT (Dichlorodiphenyltrichloroethane), Diazinon, Mercury, and Toxicity on the Clean Water Act 303(d) List of impaired water bodies. A Total Maximum Daily Load (TMDL) has not yet been established for Delta Waterways (Central Portion). Therefore, no additional 303(d) based effluent limitations or monitoring requirements are included in this NOA (R5-2022-0006-006).

SPECIAL PROVISIONS

The Limited Threat General Order contains Provisions in Section IX.C. Based on information provided in the NOI the following site-specific special provisions are applicable to the Project.

Salinity Evaluation and Minimization Plan – The Limited Threat General Order in Section IX.C.3.c requires Dischargers with projects greater than or equal to 180 days in duration to submit and implement a Salinity Evaluation and Minimization Plan to identify and address sources of salinity discharged from the Facility. Given the project location and salinity levels in the groundwater, best management practices through implementation of a Salinity Evaluation and Minimization Plan are necessary to manage salinity levels. A Salinity Evaluation and Minimization Plan shall be submitted by **1 April 2023**.

For enrollees under the Salinity Control Program’s Alternative Salinity Permitting Approach, Table 15 of the Limited Threat General Order includes performance-based electrical conductivity (EC) triggers to be included in the NOA to ensure the Salinity Evaluation and Minimization Plan is effective. The Discharger submitted a Notice of Intent for the Salinity Control Program on 30 September 2022 indicating its intent to comply with the Alternative Salinity Permitting Approach and participate in the CV-SALTS Prioritization and Optimization Study. Based on effluent EC data from November 2021 to July 2022, the maximum treated effluent concentration for EC was 7,700 µmhos/cm, which results in an annual average EC effluent trigger of 3,800 µmhos/cm per Table 15 of the Limited Threat General Order. If the calendar annual average effluent EC exceeds 3,800 µmhos/cm, the Salinity Evaluation and Minimization Plan shall be reviewed and updated. The updated Salinity Evaluation and Minimization Plan shall be submitted by 1 April following the calendar year in which the electrical conductivity concentration exceeded the trigger.

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.

In accordance with Attachment C, Item I.K of the Limited Threat General Order, for intermittent discharges, upon startup of the discharge, the Discharger shall monitor and record data for all constituents listed in the NOA. This pertains to Table 3 and Table 5, below. The frequency of subsequent analysis will then follow the schedule described in Table 3 and Table 5, below. In no event is the Discharger required to monitor and record data more often than twice the frequencies stated in this NOA.

Monitoring Locations – The Discharger shall monitor the effluent and receiving water at the specified location as follows:

Table 2. 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 Sandmound Slough.
--	RSW-001	Sandmound Slough, approximately 200 feet upstream from the point of discharge.
--	RSW-002	Sandmound Slough, 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-3 of the Limited Threat General Order and this NOA. The applicable monitoring requirements are as follows in Table 3 and subsequent Table 3 Notes:

Table 3. Effluent Monitoring Requirements

Parameter	Units	Sample Type	Minimum Sampling Frequency
Discharge Flow Rate	MGD	Calculated	1/Day
Electrical Conductivity @ 25 °C	µmhos/cm	Grab	1/Week
pH	standard units	Grab	1/Week
Turbidity	NTU	Grab	1/Week
Temperature	°F	Grab	1/Week
Dissolved Oxygen (DO)	mg/L	Grab	1/Week
Hardness, Total (as CaCO ₃)	mg/L	Grab	1/Week
Arsenic	µg/L	Grab	1/Week
Total Suspended Solids	mg/L	Grab	1/Week
Acute Toxicity	% survival	Grab	1/Project Term
Chronic Toxicity	--	Grab	1/Project Term

Table 3 Notes

- Electrical conductivity, pH, turbidity, temperature, and DO.** 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.
- All parameters, except flow.** 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.
- For hardness, cadmium, chromium (III), copper, lead, nickel, silver, and zinc.** Monitoring for hardness shall be performed concurrently with effluent sampling for

cadmium, chromium (III), copper, lead, nickel, silver, and/or zinc if effluent sampling for any of these pollutants is required.

- Acute and chronic toxicity.** Chronic and acute toxicity testing shall be conducted within 3 months of initiation of discharge. For acute toxicity testing, the test species shall be fathead minnows (*Pimephales promelas*). See the Monitoring and Reporting Program (Attachment C) for 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. Therefore, the Discharger shall submit monitoring results by **1 July 2027** for the following constituents shown in Table 4 and subsequent Table 4 Notes, below:

Table 4. Effluent Characterization Monitoring

Parameter	Units	Sample Type
Biochemical Oxygen Demand (BOD)	mg/L	Grab
Total Suspended Solids (TSS)	mg/L	Grab
Dissolved Oxygen (DO)	mg/L	Grab
Hardness	mg/l	Grab
pH	standard units	Grab
Temperature	°F	Grab
Electrical Conductivity @ 25 °C	µmhos/cm	Grab
Total Dissolved Solids (TDS)	mg/L	Grab
Turbidity	NTU	Grab
Chlorine, Total Residual	mg/L	Grab
CTR Priority Pollutants	See Attachment I, Table I-3 of the Limited Threat General Order	See Attachment I, Table I-3 of the Limited Threat General Order

Table 4 Notes

- For all parameters.** The Discharger is not required to conduct effluent monitoring for constituents that have already been sampled in a given month, as required in Table E-3, except for hardness, pH, and temperature, which shall be conducted concurrently with the effluent sampling.
- For all parameters.** 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.
- For DO, pH, temperature, electrical conductivity, TDS, and turbidity.** 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.

4. **For CTR Priority Pollutants.** See Attachment I, Table I-3 of the Limited Threat General Order.

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-5 of the Limited Threat General Order and this NOA. The applicable monitoring requirements are as follows in Table 5 and subsequent Table 5 Notes:

Table 5. Receiving Water Monitoring Requirements

Parameter	Units	Sample Type	Monitoring Frequency
Dissolved Oxygen	mg/L	Grab	1/Month
Electrical Conductivity @ 25 °C	µmhos/cm	Grab	1/Month
Hardness, Total (as CaCO ₃)	mg/L	Grab	1/Month
pH	standard units	Grab	1/Month
Temperature	°F	Grab	1/Month
Turbidity	NTU	Grab	1/Month
Arsenic	µg/L	Grab	1/Month
Total Suspended Solids	mg/L	Grab	1/Month

Table 5 Notes

1. **All parameters.** 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. **All parameters except for hardness.** 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 **Fourth Quarter 2022**. This report shall be submitted on **1 February 2023**. 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 treatment and 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 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

Monitoring Period for All Sampling Frequencies	Quarterly Report Due Date
First Quarter (1 January through 31 March)	1 May
Second Quarter (1 April through 30 June)	1 August
Third Quarter (1 July through 30 September)	1 November
Fourth Quarter (1 October through 31 December)	1 February of the following year

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 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 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

We have transitioned to a paperless office; therefore, please convert all documents to a searchable Portable Document Format (pdf). 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, at centralvalleysacramento@waterboards.ca.gov and mohammad.farhad@waterboards.ca.gov. Mr. Farhad may also be reached by phone at (916) 464-1181.

Please include the following information in the body of the email:

- Attention: NPDES Compliance Unit
- Discharger: DeNova Homes
- Facility: Summer Lake North
- County: Contra Costa County
- CIWQS place ID: 792822

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".

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. Links to the law and regulations applicable to filing petitions may be found on the [Petitions Home 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 (2): Attachment A - Project Location Map
Monitoring Report Transmittal Form (Discharger only)

cc: Elizabeth Sablad, U.S. EPA, Region IX, San Francisco (email only)

Mike Evans
Director
DeNova Homes

- 11 -

06 October 2022
Summer Lakes North
R5-2022-0006-006

Peter Kozelka, U.S. EPA, Region IX, San Francisco (email only)
Prasad Gullapalli, U.S. EPA Region IX, San Francisco (email only)
Division of Water Quality, State Water Board, Sacramento (email
only)
Sarah Torres, PG Environmental, Chantilly, Virginia (via email)

ATTACHMENT A – PROJECT LOCATION MAP

