



## Central Valley Regional Water Quality Control Board

29 June 2016

Susan Dell'Osso  
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### **NOTICE OF APPLICABILITY (NOA); LOW THREAT GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2013-0074; RIVER ISLANDS SUBDIVISION CONSTRUCTION DEWATERING PROJECT – PHASE II; SAN JOAQUIN COUNTY**

Our office received a Notice of Intent (NOI) on 11 May 2016 from ENGEO Incorporated, on behalf of River Islands Development, LLC (hereinafter Discharger) for its River Islands Subdivision Construction Dewatering Project – Phase II (Project). Based on the information in the NOI, Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff has determined that the project meets the required conditions for approval under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order). This project is hereby assigned Low Threat General Order R5-2013-0074-155 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995001. Please reference unique Order **R5-2013-0074-155** in all future correspondence and documents.

The enclosed Low Threat General Order may also be viewed at the following web address: [http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf). You are urged to familiarize yourself with the contents of the entire document. The Low 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, the Low Threat General Order, and with the information submitted by the Discharger.

#### **CALIFORNIA TOXICS RULE / STATE IMPLEMENTATION POLICY MONITORING**

The Low 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 B of the Low Threat General Order. Review of your water quality data in comparison to the CTR screening values showed no reasonable potential to cause or contribute to an instream exceedance of the CTR criteria in the receiving water.

#### **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

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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.

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.

Dewatering is expected to occur 1 July 2016 through 1 November 2016. 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 Low Threat General Order. During dewatering, groundwater will continue to 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). Pumping rates are anticipated to peak at approximately 7 million gallons per day (MGD); however, an average discharge rate of 4.5 MGD is expected over the project duration of four months.

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 monitoring for EC is required in this NOA.

**MONITORING AND REPORTING**

The Discharger must notify Central Valley Water Board staff 24 hours 1) before the start of each new discharge, 2) as soon as non-compliance is anticipated, and 3) when the discharge ceases.

The Discharger must submit quarterly reports, as described in Attachment E, Section X of the Low Threat General Order, even if there is no discharge or receiving water flow during the reporting quarter, until the Discharger formally requests that coverage under the Order be terminated.

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

**Table E-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 Paradise Cut.
--	RSW-001	Paradise Cut, approximately 50 feet upstream from the point of discharge.
--	RSW-002	Paradise Cut, approximately 50 feet downstream from the point of discharge.

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

**Table E-3. Effluent Monitoring – Discharges Less than 4 Months in Duration**

Parameter	Units	Sample Type	Minimum Sampling Frequency <sup>1,2</sup>	Required Analytical Test Method
Biochemical Oxygen Demand (5-Day @ 20 °C)	mg/L	Grab	2/Month	3
Chlorine, Total Residual	mg/L	Grab	1/Discharge Event	3,4,5
Electrical Conductivity @ 25 °C	µmhos/cm	Grab	2/Month	3
pH	standard units	Grab	2/Month	3
Settleable Solids	ml/L	Grab	2/Month	3
Total Suspended Solids	mg/L	Grab	2/Month	3

- <sup>1</sup> If the discharge is intermittent rather than continuous, then on the first day of each such intermittent discharge, the Discharger shall monitor and record data for all of the constituents listed above, after which the frequencies of analysis given in the schedule shall apply for the duration of each such intermittent discharge. In no event shall the Discharger be required to monitor and record data more often than twice the frequencies listed in the table.
- <sup>2</sup> The first sample shall be collected at the start of discharge.
- <sup>3</sup> Pollutants shall be analyzed using the analytical methods described in 40 CFR Part 136.
- <sup>4</sup> A handheld 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.
- <sup>5</sup> Total chlorine residual must be monitored with a method sensitive to and accurate at a reporting level of 0.08 mg/L, or any more stringent reporting level included in a final statewide policy or standard for total residual chlorine.

**Receiving Water Monitoring** – When discharging to Paradise Cut, the Discharger shall monitor, or provide monitoring data, for the receiving water at RSW-001 and RSW-002 as follows:

**Table E-5. Receiving Water Monitoring – Discharges Less than 4 Months in Duration**

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

- <sup>1</sup> Pollutants shall be analyzed using the analytical methods described in 40 CFR Part 136.

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.

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**Monitoring Report Submittals** - Monitoring in accordance with the Low 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 2016. This report shall be submitted on **1 November 2016**. 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 E-6, below, summarizes the monitoring report due dates required under the Low Threat General Order. Quarterly monitoring reports must be submitted until your coverage is formally terminated in accordance with the Low Threat General Order, even if there is no discharge during the reporting quarter.

**Table E-6. Monitoring Periods and Reporting Schedule**

Sampling Frequency	Monitoring Period Begins On...	Quarterly Report Due Date
1/Discharge Event, Continuous, 2/Week, 1/Month, 2/Month, 1/Quarter	1 July 2016	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 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 the discharge is terminated. To terminate coverage under the Low Threat General Order, the Discharger must submit written notification to the Central Valley Water Board that the discharge regulated by this Low Threat General Order has ceased and is no longer necessary. If a timely written request is not received, then 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 Low Threat General Order may result in enforcement actions, which could include civil liability. Effluent limitation violations are subject to Mandatory Minimum Penalties (MMPs) of \$3,000 per violation. Violations of the Low Threat General Order or the Monitoring and Reporting Program may subject the Discharger to discretionary penalties of up to \$10,000 per violation. In addition, late monitoring reports are subject to both discretionary and mandatory penalties. 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**

Now that an NOA has been issued for your project, the Central Valley Water Board's Compliance and Enforcement section will take over management of your case. Mohammad Farhad is your point of contact for any questions about your NOA or the Low Threat General Order. If you find it necessary to make a change to your NOA, Mr. Farhad will direct

you to the appropriate Permitting staff. You may contact Mr. Farhad 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 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](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: General Order R5-2013-0074 (Discharger only)  
Monitoring Report Transmittal Form (Discharger only)

cc: David Smith, U.S. EPA, Region IX, San Francisco (email only)  
Phil Isorena, State Water Resources Control Board, Sacramento (email only)