
Central Valley Regional Water Quality Control Board

24 October 2013

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NOTICE OF APPLICABILITY (NOA); LIMITED THREAT GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2013-0073 (GENERAL ORDER); OLEANDER ESTATES UNIT 2 – WILD WOOD DEWATERING PROJECT, SAN JOAQUIN COUNTY

Our office received a Report of Waste Discharge application on 10 October 2013 from Mazingo Construction (Contractor), for DR Horton Bay Inc. (Discharger) for the Oleander Estates Unit 2 – Wild Wood Dewatering Project (Project). 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 of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water (Limited Threat General Order). This project is hereby assigned Limited Threat General Order **R5-2013-0073-034** and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995002. Please reference your Limited Threat General Order number, **R5-2013-0073-034**, in your correspondence and submitted documents.

The Limited Threat General Order is enclosed, and may also be viewed at the following web address:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.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 B of the Limited Threat General Order. Review of your effluent water quality data in comparison to the screening values, showed reasonable potential for the discharge to cause or contribute to an exceedence of the water quality objectives in the South San Joaquin Irrigation District (SSJID) French Camp Outlet Canal. Due to the exceedence of arsenic, this discharge has a limited threat to water quality.

PROJECT DESCRIPTION

The Project site is located approximately 0.5 miles east of Airport Way and 1 mile south of Highway 120 in the City of Manteca, San Joaquin County. The project site is located approximately 4.5 miles east of the Delta Waterways at latitude of 37° 46' 31.98" N and longitude of -121° 14' 41.06" W. The Project consists of the construction of 118 residential lots on approximately 25 acres. Work includes excavation, grading, storm drain basin construction, installation of underground wet utilities (sewer, water, storm, irrigation) and related facilities, placement of crushed aggregate base, hot mix asphalt, placement of thermoplastic striping and pavement markings, traffic signs, concrete work including curb, gutter and sidewalk, and various other items not specifically mentioned above that are required by the project plans.

The Project will consist of constructing 20 to 30 temporary dewatering wells that will discharge at a rate of 25 gallons per minute. From the initial point of discharge at the storm water catch basin, the water will travel approximately two thirds of a mile in SSJID Lateral Ya to SSJID Drain 8. From the SSJID Drain 8, the water will travel approximately 1 mile to the SSJID French Camp Outlet Canal. Once the water reaches the canal it will travel approximately 7.5 miles to French Camp Slough where it will continue to travel an additional 4 miles to the San Joaquin River.

EFFLUENT LIMITATIONS

Effluent limitations are specified in Section V. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS of the Limited Threat General Order. The following effluent limitations are applicable to this discharge and are contained in Section V. A through C of the Limited Threat General Order:

A. Effluent Limitations – Applicable to All Limited Threat Discharges

1. Priority Pollutants

Parameter	Units	Effluent Limitations	
		Average Monthly	Maximum Daily
Arsenic (Total Recoverable)	µg/L	10	20

2. Acute Whole Effluent Toxicity. Survival of aquatic organisms in 96-hour bioassays of undiluted waste for all limited threat discharges shall be no less than:

- a. 70%, minimum for any one bioassay; and
- b. 90%, median for any three consecutive bioassays.

Effluent Limitations – Limited Threat Discharge to Specific Waterbodies

4. The pH of all limited threat discharges within the Sacramento and San Joaquin River Basins (except Goose Creek) shall at all times be within the range of 6.5 and 8.5.

The SSJID French Camp Outlet Canal is not listed under the Clean Water Act 303(d) List of impaired water bodies. Therefore, no additional 303(d) based effluent limitations or monitoring requirements will be added to this Limited Threat General Order.

MONITORING AND REPORTING

Monitoring and reporting requirements are contained in Attachment E of the Limited Threat General Order. The Discharger is required to comply with the following monitoring and reporting requirements for the effluent and receiving water as specified in Attachment E of the Limited Threat General Order.

Effluent Monitoring – The Discharger shall monitor the limited threat discharge during discharge to the storm water catch basin as follows:

Parameter	Units	Sample Type	Monitoring Frequency	Required Analytical Test Method
Total Flow	gpd	Estimate	1/Day ¹	--
Electrical Conductivity @ 25 C°	µmhos/cm	Grab	1/Month ¹	2
pH	standard units	Grab	1/Day ¹	2
Arsenic (Total Recoverable)	µg/L	Grab	1/Month ¹	2,3
Acute Toxicity	% survival	Grab	1/Project Term ¹	4
Chronic Toxicity	--	Grab	1/Project Term ¹	5

¹ When discharging to the surface water.

² Pollutants shall be analyzed using the analytical methods described in 40 CFR Part 136.

³ For priority pollutant constituents with effluent limitations, detection limits shall be below the effluent limitations. If the lowest minimum level (ML) published in Appendix 4 of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Plan or SIP) is not below the effluent limitation, the detection limit shall be the lowest ML. For priority pollutant constituents without effluent limitations, the detection limits shall be equal to or less than the lowest ML published in Appendix 4 of the SIP.

⁴ The acute toxicity testing samples shall be analyzed using EPA-821-R-02-012, Fifth Edition. Temperature, ammonia, total residual chlorine, and pH shall be recorded at the time of sample collection. No pH adjustment may be made unless approved by the Executive Officer.

⁵ The presence of chronic toxicity shall be estimated as specified in Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition, EPA/821-R-02-013, October 2002.

Receiving Water Monitoring – The Discharger shall monitor the receiving water 200 feet upstream (RSW-001) and downstream (RSW-002) of the discharge point during discharge as follows:

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

¹ 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.

The Discharger must notify Central Valley Water Board staff 24 hours 1) before the initiation of the discharge, and 2) as soon as noncompliance is anticipated. The Discharger shall also notify Central Valley Water Board staff when the discharge ceases. 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 2013. 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. 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.

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 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. 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 monitoring reports submittals, notification of the beginning and end of discharge, and questions regarding compliance and enforcement shall be directed to Mohammad Farhad of the

Central Valley Water Board's NPDES Compliance and Enforcement Unit. Mr. Farhad can be reached at (916) 464-1181 or Mohammed.Farhad@waterboards.ca.gov.

Questions regarding the permitting aspects of your Limited Threat General Order, and written notification for termination of coverage under the Order, shall be directed to Jim Marshall at (916) 464-4772 or at James.Marshall@waterboards.ca.gov.

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 or will be provided upon request.

Original Signed by Richard Loncarovich for

Pamela C. Creedon
Executive Officer

Enclosure: General Order R5-2013-0073 (Discharger only)

cc: David Smith, U.S. Environmental Protection Agency, Region IX, San Francisco
Phil Isorena, Division of Water Quality, State Water Board, Sacramento
Phil Gianfortone, Mazingo Construction Inc., Oakdale (email only)