



Central Valley Regional Water Quality Control Board

26 May 2022

Susan Dell'Osso
President
Reclamation District 2062
73 West Lathrop Road
Lathrop, CA 95330

VIA EMAIL
sdelloso@riverislands.com

NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2022-0006-001 FOR LIMITED THREAT DISCHARGES TO SURFACE WATER; RIVER ISLANDS SUBDIVISION CONSTRUCTION DEWATERING PROJECT (PROJECT); SAN JOAQUIN COUNTY

Our office received a Notice of Intent (NOI) application on 13 March 2017 from Robertson – Bryan, Inc. on behalf of River Islands Development, LLC for discharge of construction dewatering 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), as a clean or relatively pollutant-free wastewater. The Discharger was issued Notice of Applicability (NOA) R5-2016-0076-004 providing coverage under the Limited Threat General Order on 28 March 2017 and was subsequently revised on 23 February 2018 and 11 March 2019.

In a letter dated 10 November 2021, the Discharger requested another revision of the NOA for a change in ownership and to add additional discharge locations along the Stewart Tract Central Agricultural Drain. The NOA has been updated to change the ownership from River Islands to Reclamation District 2062 and to include additional discharge locations. Furthermore, on 17 February 2022, the Central Valley Water Board adopted renewed Limited Threat General Order R5-2022-0006. Therefore, this NOA is also updated to provide continued coverage of the Project under renewed Limited Threat General Order R5-2022-0006, which includes requirements to develop and implement a salinity evaluation and minimization plan and electrical conductivity effluent trigger, and updated effluent characterization monitoring requirements.

This project is hereby assigned Limited Threat General Order R5-2022-0006-001 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995002. This NOA supersedes NOA R5-2016-0076-004. Please reference your Limited Threat General Order number, **R5-2022-0006-001**, in your correspondence and submitted documents.

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

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/r5-2022-0006_npdes.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. The Limited Threat General Order requires that dischargers submit new analytical results every five years for parameters specified in Table I-1 of Attachment I. The Discharger submitted analytical results on 2 September 2020. 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 the Paradise Cut and the Stewart Tract Central Agriculture Drain, which are waters of the United States.

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 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 are Paradise Cut and the Stewart Tract Central Agriculture Drain (see enclosed Project Map).

The development of the River Islands subdivision includes the excavation of several 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 either discharged to a designated retention basin or directly to the receiving water. The discharge to the retention basin 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.

The Project is a multi-phase construction dewatering project and the need to discharge to surface water will likely continue through the completion of the Project, which is expected to be completed over the next 10 years. Dewatering is expected to commence in March of each year and discharges to surface water will typically occur on an intermittent basis through 31 October of each year. However, construction and

dewatering activities may initiate earlier than March or continue later than October if conditions are dry. Based on the construction schedule, retention basin capacity and the percolation of current dewatering operations, the Discharger has proposed to discharge to Paradise Cut and the Stewart Tract Central Agriculture Drain under the Limited Threat General Order. During dewatering, groundwater can be pumped into the retention basin, and then pumped from the retention basin into Paradise Cut or the Stewart Tract Central Agriculture Drain, which are waters of the United States within the Sacramento – San Joaquin Delta (Delta). Dewatering can also be pumped directly to receiving water. Annually, pumping rates are anticipated to peak at approximately 7 million gallons per day (MGD); however, an average discharge rate of 4.5 MGD or less is expected over the discharge season. The Discharger proposes to conduct dewatering simultaneously in more than one area of the development, which necessitates the need to discharge in multiple locations. The Project proposes to discharge to Paradise Cut and/or to five discharge points along the Stewart Tract Central Agriculture Drain, depending on the location of the construction dewatering (See Attachment A).

Paradise Cut and the Stewart Tract Central Agriculture Drain are 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 of similar quality to Stewart Tract Central Agriculture Drain and is consistently below background EC levels in Paradise Cut.

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 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. **Diazinon and Chlorpyrifos.** 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 $\mu\text{g/L}$.

CC M-AVG = average monthly chlorpyrifos effluent concentration in $\mu\text{g/L}$

- ii. Average Weekly Effluent Limitation (AWEL)

(a) $SAWEL = CD\ W\text{-avg}/0.16 + CC\ W\text{-avg}/0.025 \leq 1.0$

(b) CD W-AVG = average weekly diazinon effluent concentration in $\mu\text{g/L}$.

(c) CC W-AVG = average weekly chlorpyrifos effluent concentration in $\mu\text{g/L}$.

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.);
- Toxicity (VIII.A.17); and
- Turbidity (VIII.A.18.a).

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. The Limited Threat General Order allows under limited circumstances to waive this requirement, such as for construction dewatering project where salinity is naturally high. In this case, however, the Project utilizes ponds to store the naturally high salinity groundwater prior to discharging, which can result in salinity concentration increases due to evapotranspiration. Therefore, 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 September 2022**.

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 Discharge submitted a Notice of Intent for the Salinity Control Program in October 2021 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 2 September 2020 to 27 December 2021, the maximum effluent concentration for EC was 7,421 $\mu\text{mhos/cm}$, which results in an annual average EC effluent trigger of 4,500 $\mu\text{mhos/cm}$ per Table 15 of the Limited Threat General Order. If the calendar annual average effluent EC exceeds 4,500 $\mu\text{mhos/cm}$, 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.

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 at Discharge Point 001 to Paradise Cut.
--	RSW-001U	Paradise Cut, approximately 200 feet upstream of Discharge Point 001.
--	RSW-001D	Paradise Cut, approximately 200 feet downstream of Discharge Point 001.
002	EFF-002	A location where a representative sample of the effluent can be collected prior to discharging at Discharge Point 002 to the Stewart Tract Central Agricultural Drain.
003	EFF-003	A location where a representative sample of the effluent can be collected prior to discharging at Discharge Point 003 to the Stewart Tract Central Agricultural Drain.
004	EFF-004	A location where a representative sample of the effluent can be collected prior to discharging at Discharge Point 004 to the Stewart Tract Central Agricultural Drain.
005	EFF-005	A location where a representative sample of the effluent can be collected prior to discharging at Discharge Point 005 to the Stewart Tract Central Agricultural Drain.
006	EFF-006	A location where a representative sample of the effluent can be collected prior to discharging at Discharge Point 006 to the Stewart Tract Central Agricultural Drain.
--	RSW-002U	Stewart Tract Central Agricultural Drain, approximately 200 feet upstream of all effluent discharges active during the monitoring event (Discharge Points 002–006).
--	RSW-002D	Stewart Tract Central Agricultural Drain, approximately 200 feet downstream of all effluent discharges active during the monitoring event (Discharge Points 002–006).

Effluent Monitoring – When discharging to Paradise Cut, the Discharger shall monitor the effluent at EFF-001 and when discharging to the Stewart Tract Central Agriculture Drain, the Discharger shall monitor the effluent at EFF-002, EFF-003, EFF-004, EFF-

005, and EFF-006, 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, Total	GPD	Estimated	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

Table 3 Notes

- 1. 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.
- 2. 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.

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. The Project is considered a clean or relatively pollutant-free wastewater discharge. The Discharger last submitted analytical results on 5 May 2020. Therefore, the Discharger shall submit representative monitoring results by **4 May 2025** for the following constituents shown in Table 4 and subsequent Table 4 Notes, below, for one discharge monitoring location:

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

Parameter	Units	Sample Type
Total Dissolved Solids (TDS)	mg/L	Grab
Turbidity	NTU	Grab
Chlorine, Total Residual	mg/L	Grab
CTR Priority Pollutants	ug/L	Grab

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 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, 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.
- 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, or provide monitoring data, for the receiving water at RSW-001U and RSW-001D when discharging to Paradise Cut and RSW-002U and RSW-002D when discharging to the Stewart Tract Central Agriculture Drain 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
pH	standard units	Grab	1/Month
Temperature	°F	Grab	1/Month
Turbidity	NTU	Grab	1/Month

Table 5 Note

- 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. 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-001U and RSW-001D or by RSW-002U and RSW-002D. 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 this NOA shall begin upon the date of this NOA. Monitoring Reports shall be submitted to the Central Valley Water Board on a quarterly basis, beginning with the **Second Quarter 2022**. This report shall be submitted on **1 August 2022**. 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 seasonal discharge event, 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: Reclamation District 2062
- Facility: River Islands Subdivision Construction Dewatering Project
- County: San Joaquin County
- CIWQS place ID: 811213

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

Susan Dell'Osso
President
Reclamation District 2062

- 11 -

26 May 2022
River Islands Subdivision Dewatering
R5-2022-0006-001

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)
 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

