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## Central Valley Regional Water Quality Control Board

10 May 2024

Kelly Rogers  
Land Development Manager  
Eight Mile Development, Inc.  
10100 Trinity Parkway, 5th Floor  
Stockton, CA 95217

VIA EMAIL  
KROGERS@AGSPANOS.COM

### **NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2022-0006-02 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 25 March 2024 from ENGEO Incorporated for Eight Mile Development, Inc. (hereinafter Discharger), for the discharge of dewatered groundwater to surface water for enrollment under the General Order for Limited Threat Discharges to Surface Water (Limited Threat General Order) R5-2022-0006-02. This project is hereby assigned Limited Threat General Order NOA number R5-2022-0006-033 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995002. Please reference your Limited Threat General Order NOA number, **R5-2022-0006-033**, in your correspondence and submitted documents.

Discharges to surface waters from the Facility were previously regulated by Limited Threat General Order R5-2016-0076-01, Notice of Applicability (NOA) R5-2016-0076-057. The Limited Threat General Order was renewed in 2022 and amended in 2023, as current Order R5-2022-0006-02. This NOA, authorizing coverage under Limited Threat General Order R5-2022-0006-02, shall become effective on the date of this NOA, and at which time the terms and conditions in NOA R5-2016-0076-057 will cease to be effective except for enforcement purposes. To meet the provisions contained in division 7 of the Water Code (commencing with section 13000) and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements contained in the Limited Threat General Order R5-2022-0006-02 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/r5-2022-0006-02.pdf) ([https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2022-0006-02.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2022-0006-02.pdf))

### **APRIL 2024 RENEWAL**

On 20 March 2024, the Discharger requested to extend the duration of the discharge through April 2029 to expand the dewatering area and include additional discharge

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

paths to support additional construction areas where dewatering is needed. The discharge type, location, maximum and average daily discharge rates, and receiving water will remain the same as the permitted by the previous NOA. The Discharger submitted supplemental groundwater sampling results on 7 December 2023, and supplemental NOI information, for continued coverage under the Limited Threat General Order R5-2022-0006-02.

### **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 the Bishop Cut, which is part of the Eastern Portion of the Sacramento – San Joaquin Delta.

### **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 under construction until approximately April 2029.

### **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 rate shall not exceed 4.0 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 1-4, 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. 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 20°Fahrenheit (°F).
- 4. 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)**  
 $SAMEL = CD\ M\text{-avg}/0.079 + CC\ M\text{-avg}/0.012 \leq 1.0$   
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)**  
 $SAWEL = CD\ W\text{-avg}/0.16 + CC\ W\text{-avg}/0.025 \leq 1.0$   
CD W-AVG = average weekly diazinon effluent concentration in µg/L  
CC W-AVG = average weekly chlorpyrifos effluent concentration in µg/L

Bishop Cut, which is part of the Eastern Portion of the Sacramento – San Joaquin Delta is listed for chlorpyrifos, DDT, diazinon, group A pesticides, and mercury on the Clean Water Act 303(d) List of impaired water bodies. A Total Maximum Daily Load (TMDL) has not yet been established for Receiving Water. Therefore, no additional 303(d) based effluent limitations or monitoring requirements are included in this NOA (R5-2022-0006-033).

## 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).

## 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. 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 April 2025**.

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, 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 collected by the Discharger in 2023, the

average effluent concentration for EC was 470 µmhos/cm based on 2 samples, which results in an **annual average EC effluent trigger of 940 µmhos/cm** per Table 15 of the Limited Threat General Order. If the calendar annual average effluent EC exceeds 940 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.

**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:

**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-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 2. 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
Chronic Toxicity	--	Grab	1/Project Term

**Table 2 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.
3. **Chronic toxicity.** Chronic toxicity testing shall be conducted within 3 months of initiation of discharge. See the Monitoring and Reporting Program (Attachment C, Section V) 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. The Project is considered a groundwater discharge. Therefore, the Discharger shall submit monitoring results by **01 May 2029** 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
Turbidity	NTU	Grab
Dissolved Oxygen	mg/L	Grab
Aluminum, Total	µg/L	Grab
Manganese, Total	µg/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**

1. **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.

2. **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.
3. **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-001U and RSW-001D, in accordance with Table C-5 of the Limited Threat General Order and this NOA. If there is no upstream receiving water flow, monitoring at RSW-001U is not required and the self-monitoring report shall state that monitoring was not conducted due to no upstream receiving water flow. 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
pH	standard units	Grab	1/Month
Temperature	°F	Grab	1/Month
Turbidity	NTU	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-001U and RSW-001D. 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 2024**. This report shall be submitted on **1 August 2024**. All Monitoring Reports shall specify the dates during the monitoring period the discharge did or did not occur. 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 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**

<b>Monitoring Period for All Sampling Frequencies</b>	<b>Quarterly Report Due Date</b>
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](mailto:centralvalleysacramento@waterboards.ca.gov) and [mohammad.farhad@waterboards.ca.gov](mailto: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: 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".

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](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)) or will be provided upon request.

Kelly Rogers  
Land Development Manager  
Eight Mile Development, Inc.

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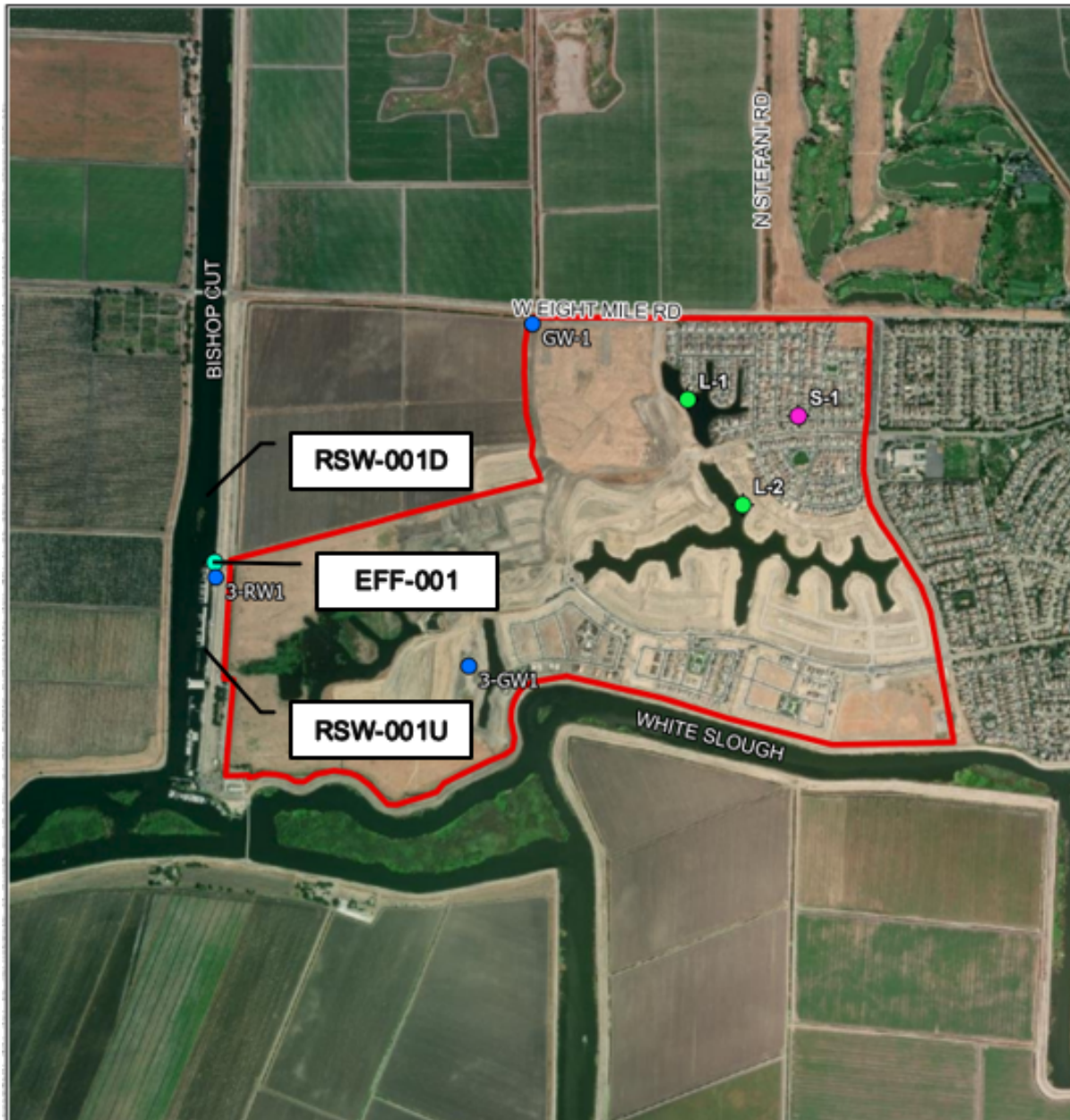
10 May 2024  
Westlake Community Construction  
R5-2022-0006-033

Patrick Pulupa, Executive Officer

Enclosures (2): Attachment A - Project Location Map  
Monitoring Report Transmittal Form (Discharger only)

cc: 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)

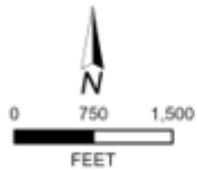
**ATTACHMENT A – PROJECT LOCATION MAP**



**EXPLANATION**

ALL LOCATIONS ARE APPROXIMATE

- PROJECT SITE
- 3-GW1 GROUNDWATER SAMPLE (ENGE0, 2023)
- L-2 RETENTION BASIN SAMPLES (ENGE0, 2019)
- S-1 GROUNDWATER SAMPLE (ENGE0, 2019)
- RECEIVING WATER DISCHARGE LOCATION (BISHOP CUT)



BASEMAP SOURCE: 2022 ESRI MAPPING SERVICE



**SITE PLAN**  
 WESTLAKE  
 STOCKTON, CALIFORNIA

PROJECT NO. : 10305.001.000	<b>2</b>
SCALE: AS SHOWN	
DRAWN BY: QRL    CHECKED BY: SDH	