
Central Valley Regional Water Quality Control Board

28 August 2025

Christopher H. Neudeck
Reclamation District 2040
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NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE RECLAMATION DISTRICT 2040, RD 2040 VICTORIA ISLAND 2024 EMERGENCY LEVEE REPAIR PROJECT (WDID#5B39CR00418), SAN JOAQUIN COUNTY

On 20 June 2025, Reclamation District 2040 received a Notice of Applicability through the Clean Water Act Section 401 General Water Quality Certification of the United States Army Corps of Engineers (USACE) Regional General Permit 8 (WQ 2023-0061-DWQ) (General Certification Order). Following issuance of the NOA, the Applicant was notified that the Project would be authorized under a Nationwide Permit #3 (Maintenance Activities) through Section 404 of the Clean Water Act. This order rescinds the NOA issued on 20 June 2025 to a Water Act Section 401 General Water Quality Certification and Order of the United States Army Corps of Engineers 2021 Nationwide Permits (General Certification Order).

On 8 July 2025, the Applicant filed a request for coverage under the 25 February 2022 State Water Resources Control Board Clean Water Act Section 401 General Water Quality Certification and Order of the United States Army Corps of Engineers 2021 Nationwide Permits (General Certification Order) for the RD 2040 Victoria Island 2024 Emergency Levee Repair Project (Project). After review of the notification and the supplemental material submitted by the Applicant, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has determined that the Project qualifies for enrollment under this General Certification Order. The proposed activity will take place within less than 0.6 acre/350 linear feet of waters of the United States.

The Central Valley Water Board is certifying this Project under United States Army Corps of Engineers Nationwide Permit #3 (Maintenance Activities), subject to the conditions and the notification requirements described in the Nationwide Permit ("Special Conditions"). This Notice of Applicability is being issued under the General Certification Order pursuant to Section 3838 of the California Code of Regulations.

A copy of the [General Certification Order](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2021/certification-denial-corps-nationwide-permit-project-general-order-10122021.pdf)

(https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2021/certification-denial-corps-nationwide-permit-project-general-order-10122021.pdf) can be found on the State Water Resources Control Board's General Order webpage and is enclosed.

The Project must proceed in accordance with the requirements contained in this Notice of Applicability and General Certification Order. The Project is described in the notification form requesting coverage under the General Certification Order, dated 15 March 2021, and supplementary information (Application Package). Coverage under the General Certification Order is no longer valid if the Project (as described) is modified.

PROJECT DESCRIPTION:

The 1.7-acre Reclamation District (RD) 2040 Victoria Island 2024 Emergency Levee Repair Project (Project) consists of placement of restoring the levee prism and integrity of the RD 2024 Victoria Island levee due to an imminent levee failure. 350 linear feet of fine-grained fill material and riprap on the waterside slope above and below the medium high high watermark. The work occurred over multiple tidal cycles. The levee slope where the emergency fill and riprap was placed had preexisting riprap prior to the levee failure.

The Project will permanently impact 0.6 acre/350 linear feet of waters of the United States.

PROJECT LOCATION:

Section 8, Township 1 S, Range 4 E, MDB&M

Latitude: 37°51'39.46" and Longitude: -121°33'16.89"

PROJECT SCHEDULE:

21 October 2024 through 22 October 2024

APPLICATION FEE RECEIVED:

An application fee of \$4,212.00 was received on 3 June 2025. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

If you have any questions regarding this Notice of Applicability, please contact Sara Gevorgyan by phone at (916) 464-4710 or by email at

Sara.Gevorgyan@waterboards.ca.gov.

Original Signed by Anne Walter for:
Patrick Pulupa
Executive Officer

Enclosure: State Water Board Certification of the 2021 Nationwide Permits General
Water Quality Certification and Order

cc: [Via email only]

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