



Central Valley Regional Water Quality Control Board

23 April 2025

Scott Moseman
Director of Finance
Lake Wildwood Association
11255 Cottontail Way
Penn Valley, CA 95946

VIA EMAIL
SCOTTM@LWWA.ORG

CERTIFIED MAIL
7022 2410 0002 2881 5514

NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2022-0006-03 FOR LIMITED THREAT DISCHARGES TO SURFACE WATER; LAKE WILDWOOD ASSOCIATION, LAKE WILDWOOD, NEVADA COUNTY

Our office received a Notice of Intent (NOI) on 5 February 2025 from Lake Wildwood Association (hereinafter Discharger), for alum application to surface water, for enrollment under the General Order for Limited Threat Discharges to Surface Water (Limited Threat General Order) R5-2022-0006-03. Based on the NOI, Alum Application Plan (AAP), and subsequent information submitted by the Discharger, staff has determined that the project meets the required conditions for approval under the Limited Threat General Order, baseline monitoring for alum applications. The AAP was posted on the Central Valley Regional Water Quality Control Board's website on 26 February 2025 for a 30-day public comment period that ended on 27 March 2025. No public comments were received and subsequently the AAP was deemed complete by Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff. Therefore, this project is hereby assigned Limited Threat General Order R5-2022-0006-037 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995002. Please reference your Limited Threat General Order number, **R5-2022-0006-037**, in your correspondence and submitted documents.

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/r5-2022-0006-03_amended.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*,

NICHOLAS AVDIS, CHAIR | PATRICK PULUPA, EXECUTIVE OFFICER

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 Lake Wildwood, tributary to Deer Creek, which is a water of the United States.

PROJECT DESCRIPTION

The Discharger intends to apply alum treatments to Lake Wildwood (Lake) during the 2025 spring season to reduce concentrations of phosphorus with the intent to suppress nuisance algal growth. The Lake, formed in 1965, is an impoundment of Deer Creek and is approximately 290 acres in surface area with a volume of approximately 6,400 acre-feet. The Lake develops thermal stratification in the spring that rapidly forms an anoxic hypolimnion, and experiences strong algal blooms during the summer months; these conditions negatively affect recreational activities and other beneficial uses. The alum treatment will strip dissolved and particulate forms of phosphorus from the water column and is dosed to inactivate about 10% of the mobile-phosphorous within the deeper bottom sediments.

The Discharger plans to apply 30,800 gallons of liquid alum treatment throughout 110 acres of the Lake, conforming to its 20-foot bathymetric contour line, to target the deeper part of the lake that lies below the thermocline. The treatment application is expected to take three to four days. The liquid alum will be delivered by tanker and loaded onto two or more application vessels from a staging area at the marina and pumped from tankers into 300-to-500-gallon totes and chemical storage tanks on the application vessels. The vessels are calibrated with specific dosing rates based on speed while following predetermined discharge lines. Alum application pumps will be used to regulate alum injection rate through manifold into diffuser array at the surface or within 2 feet below the Lake's surface. The entire treatment area will be subdivided into five smaller treatment areas with specified alum quantities required in each area based on the Lake's depths. Two weeks after treatment and monthly thereafter, for three months, depth-composited samples from each site will be collected and analyzed per the requirements in Attachment K of the Limited Threat General Order.

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.

EFFLUENT LIMITATIONS

Effluent limitations are specified in Section V. Effluent Limitations and Discharge Specifications of the Limited Threat General Order. The effluent limitations for alum application include the requirement to implement an approved Alum Application Plan (AAP) that describes appropriate best management practices (BMPs), including an appropriate rate of application and measures to take into account application conditions, such as pH levels in the receiving water. The BMPs within the AAP will be implemented to minimize any impacts caused by the discharge and assure the protection of water quality within the receiving waters and represent the appropriate level of control under CWA section 301(b) and 40 C.F.R. section 125.3.

40 C.F.R. section 122.44(k)(3) allows the use of other requirements such as BMPs in lieu of numeric effluent limits if, among other reasons, numeric effluent limits are infeasible. It is infeasible to establish numeric effluent limits because, consistent with the Clean Water Act, this General Order regulates the discharge of any residuals from alum application, rather than the direct application to receiving waters for phosphorus sequestration. Therefore, the effluent limitation for alum application more appropriately and feasibly includes the requirement to implement an approved AAP that describes appropriate BMPs.

RECEIVING WATER LIMITATIONS

The Limited Threat General Order includes surface water limitations in Section VIII.A. Surface Water Limitations. 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.a.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.a);
- 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.

Best Management Practices (BMPs) – Specific to alum application, the Limited Threat General Order includes the requirement to implement an approved AAP that describes appropriate BMPs, including an appropriate rate of application and measures to take into account application conditions, such as pH levels in the receiving water. The BMPs within the AAP will be implemented to minimize any impacts caused by the discharge and assure the protection of water quality within the receiving waters and represent the appropriate level of control under CWA section 301(b) and 40 C.F.R. section 125.3.

Salt Control Program – The Discharger submitted a Notice of Intent for the Salt Control Program in February 2025 indicating its intent to comply with the Alternative Salinity Permitting Approach and participate in the CV-SALTS Prioritization and Optimization Study. While alum treatments are expected to add salts to the receiving water, any increase in salinity shall not cause a violation of water quality objectives or significant impacts on aquatic life. Any change in water quality that is expected to occur as a result of the issuance of this NOA will be consistent with the maximum benefit to the people of the state and will not unreasonably affect present and anticipated beneficial uses. Furthermore, compliance with the requirements in this NOA will result in the use of best practicable treatment or control of the discharge.

Requirements for Dischargers Applying Alum for Phosphorus Sequestration – The Limited Threat General Order requires Dischargers applying alum to reduce phosphorous in receiving waters to comply with all special provisions in Section IX.C.6.b.i-iv:

- i. **Application Schedule.** The Discharger shall provide a phone number or other specific contact information to all persons who request the Discharger's application schedule. The Discharger shall provide the requester with the most current application schedule and inform the requester if the schedule is subject to change. Information may be made available by electronic means, including posting prominently on a well-known website.
- ii. **Public Notice Requirements.** Every calendar year, at least 15 days prior to the first application of alum, the Discharger shall notify potentially affected public agencies. The Discharger shall post the notification on its website if available. The notification shall include the following information:
 - (a) A statement of the discharger's intent to apply alum;
 - (b) Purpose of use;
 - (c) General time period and locations of expected use;
 - (d) Any water use restrictions or precautions during treatment; and
 - (e) A phone number that interested persons may call to obtain additional information from the Discharger.

- iii. **Alum Application Plan (AAP).** Dischargers shall submit an AAP with their Notice of Intent documents. Elements of the AAP are described in Attachment K of the Limited Threat General Order.
- iv. **AAP Processing, Approval, and Modifications.** Upon receipt of the AAP, staff will review the AAP for completeness and applicability for this General Permit and post on the Central Valley Water Board's website for a 30-day public comment period. If no comments are received and staff deem the AAP complete, the AAP will be incorporated into the NOA. If comments are received, staff will work with the Discharger to address comments to allow for NOA issuance as expeditiously as possible. Once approved, the AAP will be incorporated into the NOA.

Changes to the AAP must be submitted to NPDES permitting for approval and may require additional public comment prior to issuance of an amended NOA.

MONITORING AND REPORTING

Application and post-application monitoring shall be conducted as described in the approved AAP and reported per requirements contained in Attachment K.

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 application event, 2) noncompliance, and 3) when the application event ceases. The Central Valley Water Board shall be notified immediately if any effluent limit violation (i.e., not adhering to the BMPs in the approved AAP) or adverse event (i.e., fish kills) 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: Paul Wadding at centralvalleysacramento@waterboards.ca.gov and paul.wadding@waterboards.ca.gov. Mr. Wadding may also be reached by phone at (916) 464-4826.

Please include the following information in the body of the email:

- Attention: NPDES Compliance Unit
- Discharger: Lake Wildwood Association
- Facility: Lake Wildwood
- County: Nevada County
- CIWQS place ID: 899465

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) or will be provided upon request.

Patrick Pulupa, Executive Officer

Enclosures (3): Attachment A – Project Location Map
 Attachment B – Lake Wildwood Alum Application Plan
 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

