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## Central Valley Regional Water Quality Control Board

22 May 2024

Jeff Roberts, Manager  
Assemi Group, Inc.  
1396 Herndon Avenue, Suite 110  
Fresno, CA 93711

**CERTIFIED MAIL**  
**7020 2450 0000 6785 6709**

### **NOTICE OF APPLICABILITY**

**RESOLUTION R5-2023-0061**  
**WAIVER OF WASTE DISCHARGE REQUIREMENTS, REPORTS OF WASTE**  
**DISCHARGE AND/OR WATER RECYCLING REQUIREMENTS**  
**FOR SPECIFIC TYPES OF DISCHARGE WITHIN THE CENTRAL VALLEY REGION**

**ASSEMI GROUP, INC.**  
**RECYCLED WATER USE FOR CONSTRUCTION**  
**FRESNO COUNTY**  
**(ENROLLEE # R5-2023-0061-0017)**

On 14 March 2024, Jeff Roberts with the Assemi Group, Inc. (hereafter Discharger) submitted a Report of Waste Discharge (RWD) for coverage under Resolution R5-2023-0061, *Waiver of Waste Discharge Requirements, Reports of Waste Discharge, and/or Water Recycling Requirements for Specific Types of Discharge Within the Central Valley Region* (Low Threat Waiver) to renew coverage for the use of recycled water for construction purposes (Project) within the Millerton New Town specific area (or Community) in Fresno County. Additional information to support the RWD including the application fee were received on 4 April, 17 April, and 13 May 2024.

A June 2019 Title 22 Engineering Report for the use of tertiary disinfected recycled water for dust suppression and construction purposes was prepared for the Project by Robert Dawyot (RCE 27580) with Allied Engineers, Inc. and submitted to the State Water Resources Control Board, Division of Drinking Water (DDW). DDW approved the Title 22 Engineering Report in a letter dated 30 July 2019. According to RWD no changes with regard to the use and handling of recycled water are proposed.

Based on the information provided in the RWD, the discharge meets the required conditions for approval under the Low Threat Waiver. You are hereby assigned **enrollee number R5-2023-0061-0017**. Please include this number on all

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

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correspondence related to this discharge. A [copy of the Low Threat Waiver](#) is enclosed and available on the Central Valley Water Boards website at:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2023-0061.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2023-0061.pdf)

Please familiarize yourself with the contents of the Low Threat Waiver. The discharge must be managed in accordance with the requirements contained in the Low Threat Waiver Conditions of Discharge (Attachment A, Table 1, Category 11 - Recycled water for construction projects and road dust control) and with the information submitted in the RWD and this Notice of Applicability (NOA). Note that the Low Threat Waiver will expire on **14 December 2028**. After which you will need to cease the discharge or submit a new RWD and application fee to seek coverage under a renewed waiver, general order, or individual waste discharge requirements.

## LOCATION

Construction activities that will make use of recycled water include grading, excavation, and compaction for new infrastructure and development within the Community. The Community consists of approximately 2,200 acres bisected by Millerton Road just south of Millerton Lake in Fresno County (36° 59' 2.88" N, 119° 39' 34.60" W), about 10 miles north of Fresno as shown in **Attachment A**.

This portion of Fresno County is within the San Joaquin River Basin. The operative Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (hereafter Basin Plan) designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve water quality objectives for all waters of the Basin.

## DISCHARGE DESCRIPTION

The Project will utilize tertiary treated disinfected effluent from the Millerton New Town Wastewater Treatment Facility (WWTF) operated by Fresno County Special District #34 (District). The WWTF is regulated by Waste Discharge Requirements (WDRs) Order R5-2008-0127. The District also has a Master Reclamation Permit R5-2008-0128, adopted on 21 July 2008, to manage recycled water use within the Community. However, Master Reclamation Permit R5-2008-0128 is not currently in effect since an appropriate administrative structure has not been finalized and the District is not equipped to manage recycled water use until the administrative structure has been established. Until Master Reclamation Permit R5-2008-0128 becomes effective, the limited use of recycled water for construction and dust control within the Community will be regulated by this NOA. According to the RWD, the Discharger and its general contractor (On Point Grading and Paving) will be responsible for the distribution and use of recycled water as described in this NOA.

Recycled water will be taken from a lined effluent storage pond (Pond 2) adjacent to the WWTF and pumped through a temporary aboveground water line to a water tower

adjacent to the construction areas (see **Attachment B**) where it will be transferred to water trucks for reuse. Recycled water will be used for construction purposes including dust suppression and soil compaction within designated areas of the Community. All construction workers and water truck drivers working at the site will be instructed in the use and handling of recycled water.

The temporary water line used to convey recycled water to the water tower consists of six-inch black high-density polyethylene (HDPE) pipe. Per plans approved by Fresno County the pipeline is secured to the temporary bridge, crossing at White Fox Creek, in a metal sleeve to provide additional stability and secondary containment in case of a leak or rupture.

### **MONITORING AND REPORTING**

The Monitoring and Reporting Program for Order R5-2008-0127 requires the District to provide a summary of all recycled water uses in its annual monitoring report. To comply with this requirement, the recycled water user (i.e., Discharger) shall provide quarterly reports to the District for recycled water use, including volume and application rate by application area (i.e., Tract). In addition, the Discharger shall provide records of its recycled water use to the Central Valley Water Board and DDW upon request.

### **FACILITY-SPECIFIC REQUIREMENTS**

The Low Threat Waiver and this NOA covers the discharge of recycled water for dust suppression and construction purposes within the Millerton New Town community. The Discharger shall comply with the requirements specified in the Low Threat Waiver and the facility specific requirements listed below.

1. Application to a surface water, surface water drainage course, or biologically or culturally sensitive area is prohibited.
2. Application of recycled water at a location or in a manner different from that described in the Title 22 Engineering Report, RWD, and this NOA is prohibited.
3. Recycled water will not be sprayed where it could contact or enter passing vehicles, occupied buildings, storm drains, or areas where food is handled or eaten.
4. Recycled water shall be applied at a rate that will not result in surface runoff or ponding.
5. The area around the water tower and aboveground recycled water line shall be visually inspected on a daily basis, when in use, for evidence of leaks and/or cracks. In addition, all workers who can or will come in contact with recycled water will be informed of the fact and will be instructed in the safe handling and use of recycled water.

6. Warning signs shall be posted throughout the use area including along the recycled water pipeline, water trucks, and water tower with the statement "RECYCLED WATER – DO NOT DRINK" and an international symbol signifying that the water is not to be used for drinking.

Please review this NOA carefully to ensure that it completely and accurately reflects the facility name, location, and details of the proposed discharge. Failure to comply with the requirements of the Low Threat Waiver and this NOA may result in enforcement action as authorized by provisions of the California Water Code, which could include civil liability.

### **DOCUMENT SUBMITTALS**

All monitoring reports and other correspondence should be converted to a searchable Portable Document Format (PDF) and submitted electronically. Documents that are less than 50 MB should be emailed to: [centralvalleyfresno@waterboards.ca.gov](mailto:centralvalleyfresno@waterboards.ca.gov).

To ensure that your submittal is routed to the appropriate staff person, the following information should be included in the body of the email or any documentation submitted to the mailing address for this office:

**Facility Name:** Assemi Group Millerton New Town Recycled Water Project  
**Program:** Non-15  
**Resolution:** R5-2023-0061-0017  
**CIWQS Place ID:** 894878

Documents that are 50 MB or larger should be transferred to a CD, DVD, or flash drive and mailed to:

Central Valley Regional Water Quality Control Board - Fresno Office  
1685 E Street,  
Fresno, CA 93706

All documents, including responses to inspections and written notifications, submitted to comply with this Waiver shall be directed, via the paperless office system, to the Compliance and Enforcement Unit, attention to Omar Mostafa. Mr. Mostafa can be reached at (559) 445-5197 or [Omar.Mostafa@waterboards.ca.gov](mailto:Omar.Mostafa@waterboards.ca.gov). Questions regarding the permitting aspects of the Waiver, and notification for termination of coverage under the Waiver, shall be directed, via the paperless office system, to the WDR Permitting Unit, attention Katie Carpenter. Ms. Carpenter can be reached at (559) 445-5551 or by email at [Katie.Carpenter@waterboards.ca.gov](mailto:Katie.Carpenter@waterboards.ca.gov).

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Resources Control 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 Resources Control 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 NOA falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Resources Control 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 or will be provided upon request. ([http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)).

*Original Signed by Alexander S. Mushegan*  
For Patrick Pulupa  
Executive Officer

Attachments: Attachment A – Location Map  
Attachment B – Site Plan

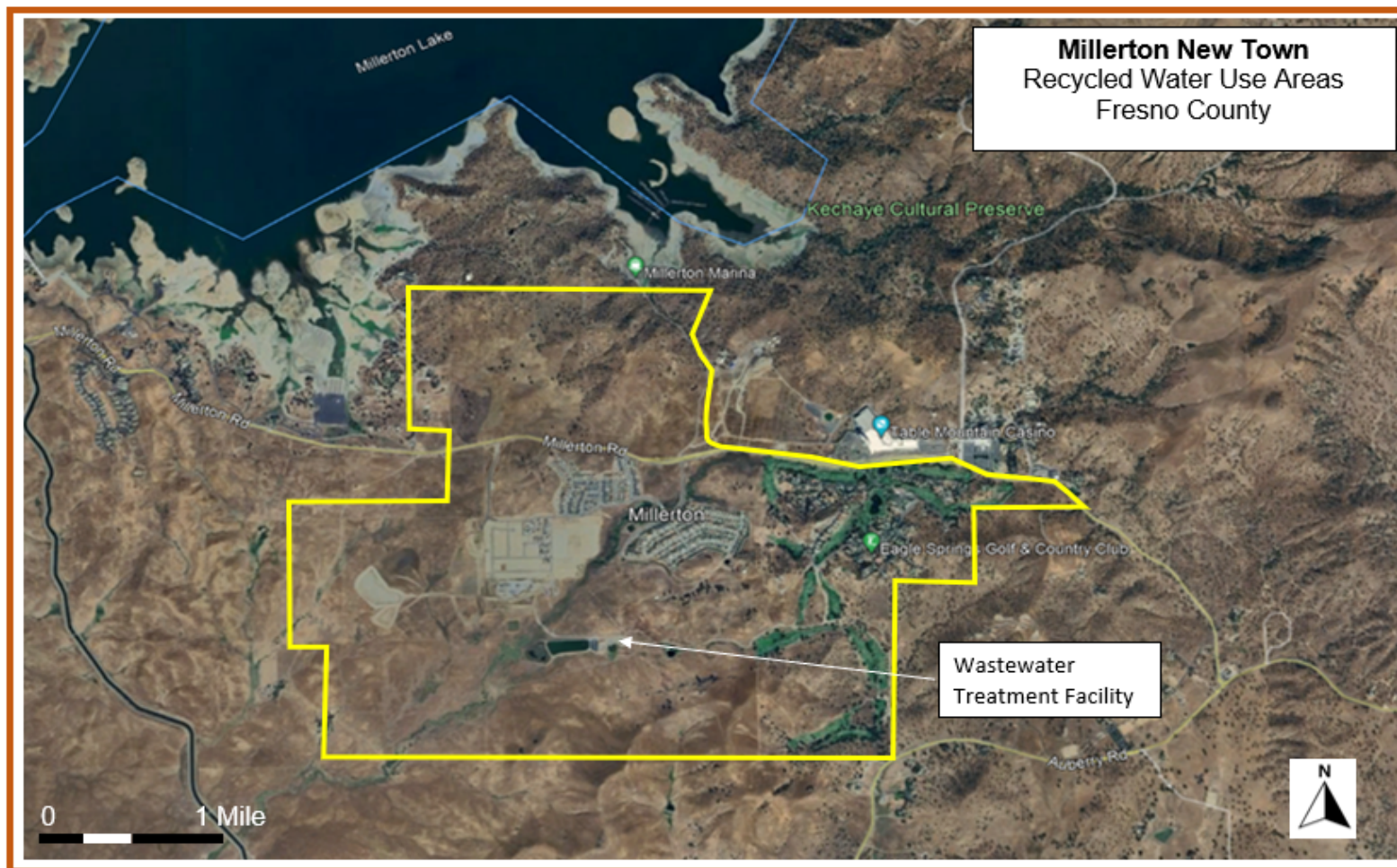
Enclosure: Low Threat Waiver, Resolution R5-2023-0061

cc w/o enc.:

- Omar Mostafa, Central Valley Water Board, Fresno (via email)
- Sudarshan Poudyal, State Water Resources Control Board, Division of Drinking Water (via email)
- Jeff Densmore, State Water Resources Control Board, Division of Drinking Water (via email)
- Christopher Bump, Fresno County Special Districts (via email)
- Nick Sylvester, Fresno County Special Districts (via email)
- Bryan Childress, The Wallace Group (via email)



**ATTACHMENT A – LOCATION MAP**



**ATTACHMENT B - SITE PLAN**

