



Central Valley Regional Water Quality Control Board

24 April 2014

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NOTICE OF APPLICABILITY (NOA); LOW THREAT GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2013-0074; EMERSON RANCH CONSTRUCTION DEWATERING PROJECT; CONTRA COSTA COUNTY

Our office received a Notice of Intent (NOI) on 28 February 2014 from the Stevens, Ferrone and Bailey Engineering Company, on behalf of Brookfield Emerson Land LLC (Discharger) for its Emerson Ranch Construction Dewatering Project. Based on the information in the NOI, Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff has determined that the project meets the required conditions for approval under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order). This project is hereby assigned Low Threat General Order R5-2013-0074-142 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995001. Please reference unique Order R5-2013-0074-142 in all future correspondence and documents.

The Low Threat General Order (enclosed) may be viewed at the following web address: http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf. You are urged to familiarize yourself with the contents of the entire document. The Low Threat General Order prescribes mandatory discharge monitoring requirements. The project activities shall be operated in accordance with the requirements contained in this NOA, the Low Threat General Order, and with the information submitted by the Discharger.

CALIFORNIA TOXICS RULE / STATE IMPLEMENTATION POLICY MONITORING

The Low 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 are found in Attachment B of the Low Threat General Order. Review of your water quality data in comparison to the CTR screening values showed no reasonable potential to cause or contribute to an in stream exceedance of the CTR criteria to Emerson Slough.

PROJECT DESCRIPTION

The Emerson Ranch Construction Dewatering Project site is located in Oakley, California, and is bordered by Cypress Road to the south, Sellers Avenue to the east, Contra Costa Canal to the north, and the newly constructed Emerson Ranch Phase 1 Development to the west. Site activities include dewatering of the excavation for construction of future Emerson Lake. A pumping and piping system was installed to dewater the excavation and pump it to three basins on the east side of the property. The basins are used for temporary detention of water as well as de-silting of the

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water before discharge. The effluent will be pumped from the three detention basins to a storm drain at the northeast corner of the site, where it travels north along Sellers Avenue to an outfall structure in Emerson Slough. Emerson Slough is tributary to Sacramento San Joaquin Delta. The maximum pumping rate will be 0.25 million gallons per day and is schedule to continue from April 2014 until approximately November 2014 or approximately 8 months.

MONITORING AND REPORTING

The Discharger must notify Central Valley Water Board staff 24 hours 1) before the start of each new discharge, 2) as soon as noncompliance is anticipated, and 3) when the discharge ceases. The Discharger must submit quarterly reports, as described in Attachment E, Section X of the Low Threat General Order, even if there is no discharge or receiving water flow during the reporting quarter, until the Discharger formally requests that coverage under the Order be terminated. The first quarterly monitoring report is to cover the months of April through June 2014, and is to be submitted by 1 August 2014.

Monitoring Locations – The discharge is to the upstream end of Emerson Slough, thus upstream receiving water monitoring is infeasible and not required for this project. The Discharger shall monitor the effluent and downstream receiving water at the specified locations as follows:

Table E-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 the storm drain adjacent to Sellers Avenue.
--	RSW-002	The receiving water, approximately 50 feet downstream from the point of discharge to Emerson Slough.

Effluent Monitoring – The Discharger shall monitor the effluent as follows:

Table E-3. Effluent Monitoring – Discharges Greater than 4 Months in Duration

Parameter	Units	Sample Type	Minimum Sampling Frequency ^{1,2}	Required Analytical Test Method
Biochemical Oxygen Demand (5-Day @ 20 °C)	mg/L	Grab	1/Quarter	2
Chlorine, Total Residual	mg/L	Grab	1/Quarter	2,3,4
Electrical Conductivity @ 25 °C	µmhos/cm	Grab	1/Quarter	2
Flow	MGD	Meter	Continuous	2
pH	standard units	Grab	1/Month	2
Settleable Solids	mL/L	Grab	1/Quarter	2
Total Suspended Solids	mg/L	Grab	1/Quarter	2
Temperature	°F	Grab	1/Month	2

¹ If the discharge is intermittent rather than continuous, then on the first day of each such intermittent discharge, the Discharger shall monitor and record data for all of the constituents listed above, after which the frequencies of analysis given in the schedule shall apply for the duration of each such intermittent discharge. In no event shall the Discharger be required to monitor and record data more often than twice the frequencies listed in the table.

² Pollutants shall be analyzed using the analytical methods described in 40 CFR Part 136.

³ A handheld field meter may be used, provided the meter utilizes a USEPA-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 Total chlorine residual must be monitored with a method sensitive to and accurate at a reporting level of 0.08 mg/L, or any more stringent reporting level included in a final statewide policy or standard for total residual chlorine.

Receiving Water Monitoring – The Discharger shall monitor the downstream receiving water as follows:

Table E-5. Receiving Water Monitoring – Discharge Greater than 4 Months in Duration

Parameter	Units	Sample Type	Monitoring Frequency	Required Analytical Test Method
Dissolved Oxygen	mg/L	Grab	1/Month	1
Electrical Conductivity @ 25 °C	µmhos/cm	Grab	1/Month	1
pH	standard units	Grab	1/Month	1
Temperature	°F	Grab	1/Month	1
Turbidity	NTU	Grab	1/Month	1

¹ Pollutants shall be analyzed using the analytical methods described in 40 CFR Part 136.

In conducting the receiving water sampling, a log shall be kept of the receiving water conditions throughout the reach bounded by storm drain outlet and RSW-002. 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.

GENERAL INFORMATION AND REQUIREMENTS

The required annual fee (as specified in the annual billing you will receive from the State Water Resources Control Board) shall be submitted until the discharge is terminated. To terminate coverage under the Low Threat General Order, the Discharger must submit written notification to the Central Valley Water Board that the discharge regulated by this Low Threat General Order has ceased and is no longer necessary. If a timely written request is not received, then 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 Low 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. Late reports may be subject to an MMP of \$3,000 for each period of 30 days late. When discharges do not occur during a quarterly monitoring period, the Discharger must still submit a quarterly report indicating that no discharge occurred to avoid being subject to enforcement actions.

COMMUNICATION

All monitoring report submittals, notification of the beginning and end of discharge, and questions regarding compliance and enforcement shall be directed to Mohammad Farhad of the Central Valley Water Board's NPDES Compliance and Enforcement Unit. Mr. Farhad can be reached at (916) 464-1181 or Mohammad.Farhad@waterboards.ca.gov.

Questions regarding the permitting aspects of this Low Threat General Order, and written notification for termination of coverage under the Low Threat General Order, shall be directed to Jim Marshall of the Central Valley Water Board's NPDES Permitting Unit. Mr. Marshall can be reached at (916) 464-4772 or James.Marshall@waterboards.ca.gov.

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. Copies of the law and regulations applicable to filing petitions may be found on the internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

Original Signed By Kenneth D. Landau for

Pamela C. Creedon
Executive Officer

Enclosure: General Order R5-2013-0074 (Discharger only)

cc: Dave Smith, U.S. Environmental Protection Agency, Region IX, San Francisco
Phil Isorena, Division of Water Quality, State Water Board, Sacramento