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## Central Valley Regional Water Quality Control Board

05 June 2025

Matthew Collins  
Sr Director, Land Development  
KB HOME North Bay LLC  
4830 Business Center Drive, Suite 150  
Fairfield, CA 94534

VIA EMAIL  
MCOLLINS@KBHOME.COM

### **NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2022-0006-03 FOR LIMITED THREAT DISCHARGES TO SURFACE WATER; KB HOME NORTH BAY LLC, BURROUGHS PROPERTY PROJECT, CONTRA COSTA COUNTY**

Our office received a Notice of Intent (NOI) on 10 March 2025 from KB HOME North Bay LLC (hereinafter Discharger) for the discharge of treated groundwater 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 and subsequent information submitted by the Discharger, staff has determined that the Burroughs Property Project (Project) meets the required conditions for approval under the Limited Threat General Order, as a construction dewatering project. This Project is hereby assigned Limited Threat General Order R5-2022-0006-039 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995002. Please reference your Limited Threat General Order number, **R5-2022-0006-039**, 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](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, 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

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NICHOLAS AVDIS, CHAIR | PATRICK PULUPA, EXECUTIVE OFFICER

reasonable potential for the discharge to cause or contribute to an exceedance of total suspended solids water quality objectives in the Delta Waterways (Western Portion), which is a water of the United States. However, the proposed treatment system addresses the water quality concern by reducing Total Suspended Solids (TSS) concentrations below water quality objectives; therefore, the Project qualifies for the Limited Threat General Order.

### **PROJECT DESCRIPTION**

Burroughs Property is located at the northeast corner of East Cypress Road at Knightsen Avenue in the City of Oakley in Contra Costa County, California. Attachment A shows the Project location. The proposed Project includes the construction of approximately 208 residential units on 43 acres. The Project is bordered on the west by Little Dutch Slough, on the north/northeast by Contra Costa Canal property (previously undergrounded), and on the south by East Cypress Road.

Dewatering activities are necessary for underground utility installation on the Project. Discharge is expected to be ongoing for approximately four months from May through August 2025. Groundwater was encountered at elevations ranging from approximately 5 to 10 feet below ground surface. The groundwater has been tested and found to contain Total Suspended Solids (TSS) concentrations that must be treated prior to discharge.

Groundwater extracted through the dewatering process will be treated by settling in siltation tanks near the discharge points. Siltation tanks (or Baker Tanks) will be equipped with multiple baffles to remove sand and grit from dewatering water and will be tested prior to discharge. The estimated discharge rate from the dewatering wells is approximately 3,250 gallons-per-minute. The treated water will be discharged to existing City of Oakley East Cypress Road storm drain system at two points located at the southwest and southeast corners of the site on East Cypress Road (see Attachment A). The City of Oakley storm drain system on East Cypress Road outfalls into Little Dutch Slough near the southwest corner of the Project, north of the intersection with Knightsen Avenue. Little Dutch Slough is located within the Delta Waterways (western portion), which is a water of the United States.

### **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 5 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-X, 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)  
$$\text{SAMEL} = \text{CD M-avg}/0.079 + \text{CC M-avg}/0.012 \leq 1.0$$
  
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)  
$$\text{SAWEL} = \text{CD W-avg}/0.16 + \text{CC W-avg}/0.025 \leq 1.0$$
  
CD W-AVG = average weekly diazinon effluent concentration in µg/L  
CC W-AVG = average weekly chlorpyrifos effluent concentration in µg/L
5. **Constituents and Parameters of Concern (Section V.A.1.e).** The following constituents and parameters in Table 1 below have been identified as having reasonable potential to cause or contribute to an in-stream excursion from water quality objectives and shall not exceed the effluent limitations as listed.

**Table 1. Effluent Limitations for Constituents and Parameters of Concern**

Parameter	Units	Average Monthly Effluent Limitations	Maximum Daily Effluent Limitations	Section Reference
Total Suspended Solids (TSS)	mg/L	10	20	V.B.1.a

Delta Waterways (Western Portion) are listed for arsenic, chlordane, chlorpyrifos, DDT (Dichlorodiphenyltrichloroethane), diazinon, dieldrin, electrical conductivity, group A pesticides, invasive species, mercury, polyaromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), total DDT and toxicity on the Clean Water Act 303(d)

List of impaired water bodies. A Total Maximum Daily Load (TMDL) has not yet been established for Delta Waterways (Western Portion). Therefore, no additional 303(d) based effluent limitations or monitoring requirements are included in this NOA.

### **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 – Not Applicable.*** 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 Project. The duration of this project is less than 180 days; therefore, a SEMP is not required for this Project.

### **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 in accordance with Attachment C of the Limited Threat General Order.

**Monitoring Locations** – The Discharger shall monitor the effluent at the specified location as follows:

**Table 2. 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 entering the City of Oakley Storm Drain.

**Effluent Monitoring** – When discharging to the storm drain and 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 3. Effluent Monitoring Requirements**

Parameter	Units	Sample Type	Minimum Sampling Frequency
Discharge Flow Rate	MGD	Calculated (see table note 1)	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
Total Suspended Solids	mg/L	Grab	2/Month
Iron, Total	mg/L	Grab	1/Month
Manganese, Total	mg/L	Grab	1/Month
Chronic Toxicity	--	Grab	1/Project Term

**Table 3 Notes**

1. **Discharge Flow Rate.** If discharges occur at both discharge locations in the same day, the discharge flow rate shall be reported as the sum of flow from both locations.
2. **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.
3. **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.

4. **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.

**Receiving Water Monitoring - Not required.** The Project discharges directly to the storm drain system which has multiple inputs before reaching Little Dutch Slough. Therefore, receiving water monitoring in Little Dutch Slough would not provide sufficient information to evaluate compliance with the receiving water limitations. Where feasible, compliance with the receiving water limitations will be evaluated through monitoring of the effluent.

**Monitoring Report Submittals** - Monitoring in accordance with the Limited Threat General Order shall begin upon initiation of discharge. Monitoring Reports shall be submitted to the Central Valley Water Board on a quarterly basis, beginning with the **Second Quarter 2025**. This report shall be submitted on **1 August 2025**. All Monitoring Reports shall specify the dates during the monitoring period the discharge did or did not occur. If monitoring samples were not obtained within 24 hours of initiation of the discharge, the Discharger must document the reasons in the corresponding Monitoring Report. If treatment and 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**

Monitoring Period for All Sampling Frequencies	Quarterly Report Due Date
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: KB HOME North Bay LLC
- Facility: Burroughs Property
- County: Contra Costa County
- CIWQS place ID: 461174

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.

Matthew Collins  
Sr Director, Land Development KB  
HOME North Bay LLC

- 8 -

05 June 2025  
Burroughs Property  
R5-2022-0006-039

***Original Signed By Adam Laputz  
on 6 June 2025 at 1:41 PM***

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

