

San Francisco Bay Regional Water Quality Control Board

*Sent via email and certified mail
Certified Mail No. 7014-0510-0001-3749-9412*

November 8, 2018
WDID No. 2 43I006687

Stevens Creek Quarry, Inc.
Attn.: Jason Voss
12100 Stevens Canyon Road
Cupertino, CA 95014

Subject: Technical Report Order Per Water Code Section 13267, Stevens Creek Quarry, Inc., Santa Clara County

Dear Mr. Voss:

This Water Code section 13267 order requires Stevens Creek Quarry, Inc. (Quarry) to submit a technical report of monitoring results for its discharges to Rattlesnake and Swiss creeks **by May 15, 2019**. As explained below, we require monitoring information to evaluate the nature and extent of potential impacts to Rattlesnake Creek, Swiss Creek, and waters downstream from the Quarry, and to determine whether the current Industrial Stormwater General Permit¹ (Permit), another permit, or a combination of permits is appropriate to regulate this facility.

Background

The Quarry owns and operates an industrial facility at 12100 Stevens Canyon Road, Cupertino, Santa Clara County. Facility operations include quarrying, processing, and hauling aggregate materials, and recycling construction and landscaping materials. Rattlesnake and Swiss creeks, which are both waters of the United States, merge within the facility and discharge to Stevens Creek Reservoir, a drinking water reservoir.

The Quarry is currently enrolled under the Permit, which requires enrollees to develop and implement site-specific stormwater pollution prevention plans (SWPPPs) to minimize or prevent pollutant discharges, to monitor stormwater, and to improve management practices over time. Where particularly high levels of those pollutants for which the permit has established numeric action levels are found in a facility's stormwater discharges, the facility must improve management practices through an "exceedance response action." The Quarry has reported stormwater discharges that frequently exceed numeric action levels for total suspended solids, iron, and nitrate.

¹ State Water Board Order No. 2014-0057 DWQ, General Permit for Storm Water Discharges Associated with Industrial Activities, NPDES Permit No. CAS000001.

Data Requirements

The Quarry shall conduct the monitoring described in Table 1, which sets forth monitoring locations, analytes, field parameters, and sampling frequencies. The Quarry shall use monitoring and analytical methods capable of achieving the minimum levels discussed in Attachment 1 and listed in Tables 2 through 6. The Quarry shall follow the toxicity testing requirements discussed in Attachment 2. The bases for these data requirements are explained below:

- Monitoring constituents in the Permit that have exceeded numeric action levels (listed in Table 2) is required at outfalls OF-1 through OF-6 (Figure 1) for a minimum of three runoff-generating storms during the 2018-19 rainy season. Stormwater samples taken during the 2016-17 rainy season exceeded the numeric action levels for iron in 10 of 12 samples and for nitrate in 9 of 12 samples. Samples taken during the 2017-18 rainy season exceeded the numeric action levels for total suspended solids in 5 of 7 samples, for iron in 5 of 5 samples, and for nitrate in 5 of 5 samples. The sampling required here is intended to help us determine the source of these constituents within the Quarry property and provide a comparison to background data so we can determine whether there may be off-site sources of these constituents. These data may also be of use to the Quarry to evaluate changes in runoff quality as new management practices are implemented.
- Monitoring conventional analytes (listed in Table 3a) and field parameters (listed in Table 3b), and monitoring or estimating volumetric flow rates is required at outfalls OF-1 through OF-6 (Figure 1) for a minimum of three runoff-generating storms during the 2018-19 rainy season. The conventional analytes and field parameters affect how metals and other chemicals behave in water and how, in turn, biota are affected. For example, changes in total dissolved solids and hardness affect the toxicity of dissolved metals in water. We will use the flow estimates to understand the approximate volume of stormwater discharged from the facility and the proportional contributions from each outfall to the total discharge flow, and to evaluate the effectiveness of management practices in the runoff areas associated with these outfalls. We will also use flow information, in combination with suspended solids measurements, to assess the total discharge of suspended solids from the facility and how that compares with the suspended solids discharged from the watershed above the facility.
- Monitoring total and dissolved concentrations of metals and metalloids (listed in Table 4) is required at outfalls OF-1 through OF-6 (Figure 1) for a minimum of three runoff-generating storms during the 2018-19 rainy season. Metals and metalloids naturally occur at the facility and on adjacent land, and may be present in runoff. In addition, materials transported to the facility from other facilities (e.g., Lehigh Permanente Quarry) may be sources of selenium, nickel, and other metals to stormwater runoff. We will use these data to determine whether facility operations are increasing metals and metalloids in Rattlesnake and Swiss creeks above background conditions, and whether the concentrations in facility discharges are potentially toxic to freshwater organisms (i.e., above the concentrations listed in Table 3-4 of the San Francisco Bay Water Quality Control Plan [Basin Plan]).²

² The Basin Plan can be accessed at: https://www.waterboards.ca.gov/sanfranciscobay/basin_planning.html

- Monitoring priority pollutants specified in the California Toxics Rule³ (listed in Table 5) and pollutants with Basin Plan water quality objectives for municipal supply⁴ (listed in Table 6) (some of which are also priority pollutants) is required at outfalls OF-1, OF-2, and OF-4 (Figure 1) for a minimum of one runoff-generating storm each during the 2018-2019 rainy season. These three outfalls are associated with discharges from the upper, middle, and lower facility areas. These data are needed to determine whether the discharges pose a reasonable potential to cause or contribute to exceedances of water quality objectives because monitoring by the Quarry and the Water Board has indicated that facility operations may be discharging pollutants to creeks and the Stevens Creek Reservoir. These data will allow the Water Board to determine if the facility requires an individual, site-specific discharge permit.
- Monitoring of background and receiving waters is required at locations BG-1, BG-2, RW-1, and RW-2 (Figure 1) for the constituents listed in Tables 2, 3a, 3b, and 4 for a minimum of two runoff-generating storms during the 2018-19 rainy season. In addition, the Quarry shall monitor or estimate volumetric flow rates at stations BG-1 and BG-2 during the monitored runoff-generating storm events. The background measurements will represent water quality in portions of the creek from watersheds not affected by facility operations. The receiving water measurements will represent how the facility affects background and downstream water quality.
- Testing for acute toxicity to water fleas (*Ceriodaphnia dubia*), fathead minnows (*Pimephales promelas*), and green algae (*Selenastrum capricornatum*) is required for water discharged from outfalls representing the upper, middle, and lower facility (OF-1, OF-2, and OF-4, Figure 1) for one storm during the 2018-2019 rainy season. Water samples from the three sampling locations shall be tested individually, not combined prior to testing. The Surface Water Ambient Monitoring Program measured toxicity to each of those species in Stevens Creek during an assessment of nine San Francisco Bay Area watersheds in 2002-2003.⁵ That study prompted additional toxicity testing, the designation of Stevens Creek as an impaired water body in 2010⁶, and ongoing efforts by the Water Board and others to identify the sources of toxicity to Stevens Creek. Water Board staff also measured toxicity to the water flea in 2018 using water collected in Rattlesnake Creek adjacent to Quarry property.⁷ We will use the required toxicity measurements to evaluate whether the facility contributes to the observed toxicity adjacent to and downstream of the facility.

Technical Report Requirements

The Quarry shall submit a technical report by May 15, 2019, that provides the results of the monitoring described above and in this Order's attachments, figure, and tables. The technical report shall include a description of field and laboratory procedures; copies of monitoring, sampling, and analytical records; and a summary and discussion of the results relative to facility operations. For volumetric flow rates, the Quarry shall provide information on the procedures and methods used to measure or estimate flows, start and end times for measurements and estimates, and estimates of the proportion of total facility stormwater runoff discharged from each of the six outfalls (OF-1 through OF-6). The Quarry shall

³ See <https://www.epa.gov/wqs-tech/water-quality-standards-establishment-numeric-criteria-priority-toxic-pollutants-state>

⁴ Basin Plan Table 3-5.

⁵ Water Quality Monitoring and Bioassessment in Nine San Francisco Bay Region Watersheds in 2001-2003 (June 2007), Surface Water Ambient Monitoring Program, State Water Resources Control Board.

⁶ https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/stevenscktoxicity.html

⁷ Draft Surface Water Ambient Monitoring Program Contract Progress Report #1, dated May 4, 2018 (final pending).

include a map of the facility and surroundings showing the catchment areas and drainage pathways flowing to each outfall.

Statutory Authority

These requirements are made pursuant to California Water Code section 13267, which allows the Water Board to require technical or monitoring program reports from any person who has discharged, discharges, proposes to discharge, or is suspected of discharging waste that could affect water quality. This sampling is necessary because existing data show exceedances of total suspended solids, iron, and nitrate numeric action levels in facility discharges, aquatic toxicity adjacent to and downstream of the facility, and potential impacts to water quality in the Stevens Creek Reservoir, which includes municipal and domestic supply as a beneficial use. The Water Board has considered the facility's operations and communicated with facility owners, operators, and consultants to arrive at an appropriate scope of sampling. The burden, including costs, of this report bears a reasonable relationship to the benefits to be obtained from it. Specifically, the report is necessary to ensure protection of human health and the environment. For more information regarding the Water Board's authority to require technical reports, please refer to the attached fact sheet (Attachment 3).

Failure to respond or late response may subject the Quarry to civil liability imposed by the Water Board up to a maximum amount of \$1,000 per day. Any extension to the above deadline must be confirmed in writing by Water Board staff.

Industrial Stormwater General Permit Compliance

The rainy season has started, and the Quarry must ensure that all required erosion and sediment control management practices are in place and appropriately maintained in preparation for upcoming storms. Water Board staff plan to inspect the facility in November to evaluate compliance with the Permit and preparations for the monitoring required by this directive.

You informed Water Board staff on September 21, 2018, that the Quarry was expanding Pond 5 to detain additional runoff from the upper quarry and is planning to create a new detention pond to the northeast of the former sediment pond #4 in Rattlesnake Creek. We also understand that the Quarry has recently started accepting aggregate materials from the Lehigh Permanente Quarry for processing and sale. Those materials may contain pollutants, including selenium, that are different from the ones previously at the facility. The facility's July 16, 2018, SWPPP, in Section 7.5, states that total selenium is not being monitored because it has not been identified at the facility. Pursuant to Permit Section X.B, a facility's SWPPP shall be revised whenever necessary, and significant revisions must be uploaded to SMARTS within 30 days of the revision. For more minor revisions, the SWPPP must be uploaded at least once every three months. The Quarry shall upload an amended SWPPP by December 1, 2018, that addresses any changes at the facility since the July 16 SWPPP, including to drainage paths, the composition, processing, and storage of material imported to the facility, the potential impacts of imported materials to the quality of stormwater runoff, and the management practices implemented to address those impacts. The amended SWPPP must also include a revised monitoring program consistent with Permit requirements.

Conclusion

This Water Code section 13267 order requires the Quarry to submit a technical report of monitoring results for its discharges to Rattlesnake and Swiss Creeks by **May 15, 2019**. It also orders the Quarry to comply with Permit requirements for the Quarry to update and file in SMARTS its facility SWPPP, and sets a

deadline of no later than December 1, 2018, for submittal of an updated SWPPP. The information above explains the requirements and the reasons for them.

If you have any questions about this letter, please contact Jack Gregg at (510) 622-2437 or by e-mail to Jack.Gregg@waterboards.ca.gov.

Sincerely,

Lisa Horowitz McCann
Assistant Executive Officer

cc: Christopher Hoem, Santa Clara County, Christopher.Hoem@pln.sccgov.org
Kirsten Struve, Santa Clara Valley Water District, KStruve@valleywater.org
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Figures

Figure 1. Monitoring locations

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Table 1. Monitoring locations, constituents, and minimum sampling frequencies

Table 2. Analytes that exceeded the Industrial Stormwater General Permit numeric action levels

Table 3a. Conventional analytes

Table 3b. Field measurements

Table 4. Metals and metalloids (total and dissolved analysis)

Table 5. Priority pollutants list based on the California Toxics Rule, suggested methods and acceptable minimum detection limits

Table 6. Water Quality Objectives for Municipal Supply

Attachments:

Attachment 1 - Monitoring and Flow Measurement Requirements

Attachment 2 – Toxicity Testing Requirements

Attachment 3 - Water Code Section 13267 Fact Sheet

FIGURE

Figure 1. Monitoring locations

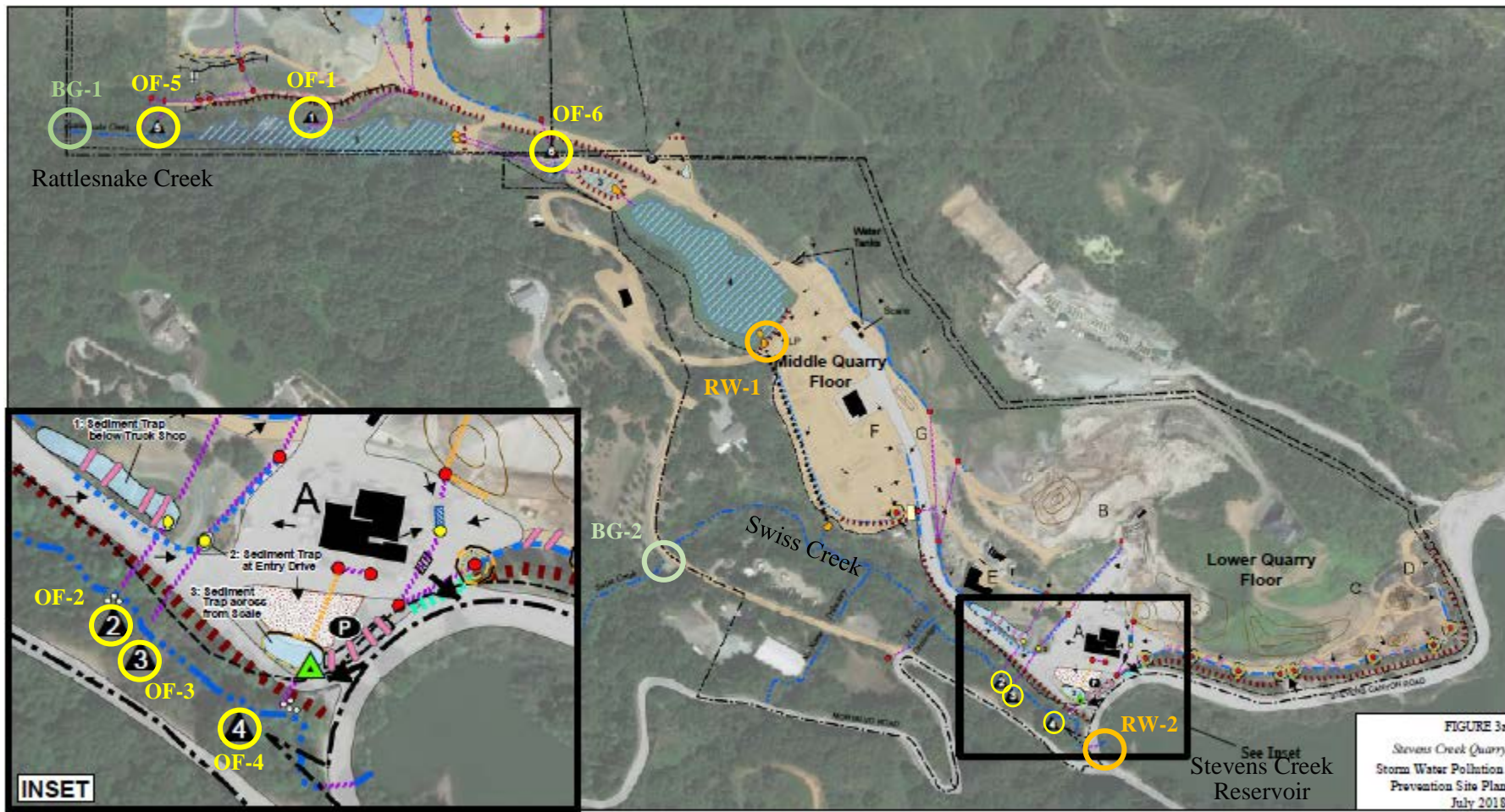


FIGURE 3a
Stevens Creek Quarry
Storm Water Pollution
Prevention Site Plan
July 2018

LEGEND

A Office, Scale House, Scale	F Voss Trucking	Building	Stockpile	Concrete Swale	Metal Stormwater Storage Tank	Culvert	Rock Bars
B Recycle Plant	G Fueling Area and Fuel Tanks	Structure	Earth Bars	Direction of Flow	Drop Inlet	French Drain	Ceir Wattles
C Topsoil Plant	Property Line	Paved Road	Paved Bars	Sediment Trap and ID Number	Stand Pipe	Graze	Silt Fence
D Garden Waste Recycle Center	Mixing Limit Line	Unpaved Road	Former Sediment Pond in Rattlesnake Creek and ID Number	Former Sediment Pond in Rattlesnake Creek and ID Number	Weir	Open Concrete Drainage Box with Check Dams	Rock Dispersor
E Quarry Maintenance/Storage	Ingress/Egress	Gravel/Stock Surface	Drainage Ditch	Open Concrete Drainage Box with Check Dams	Check Dam	Low Point	Rock Lining
					Bypass Pipe	Check Dam	4x8 Rock

Outfall (OF) locations	
Background (BG) locations	
Receiving Water (RW) locations	

(Source: The original figure is Figure 3a from the facility SWPPP Site Plan, dated July 2018. Modified by Jack Gregg to show monitoring locations (colored circles and associated labels at left).

TABLES

Monitoring Location	Station Code	Location Description	TSS ¹ , Iron, Nitrate plus Nitrite	Conventional Analytes, Field Measurements	Metals, Metalloids	Priority Pollutants/ Municipal Supply	Acute Toxicity ²
			(Table 2)	(Tables 3a and 3b)	(Table 4)	(Tables 5 & 6)	
Outfall Monitoring							
Outfall #1	OF-1	Discharge to Rattlesnake Creek representing runoff from Upper Quarry conveyed through Pond 5, 37°18'3.4"N, 122°5'31.9"W.	3 Storms	3 Storms	3 Storms	1 Storm	1 Storm
Outfall #2	OF-2	Discharge to Swiss Creek representing runoff from Middle Quarry conveyed through Sediment Trap #1, 37°17'46.5"N, 122°5'6.9"W.	3 Storms	3 Storms	3 Storms	1 Storm	1 Storm
Outfall #3	OF-3	Discharge to Swiss Creek representing runoff from Recycle Plant area conveyed through Sediment Trap #2, 37°17'46.1"N, 122°5'6.6"W.	3 Storms	3 Storms	3 Storms		
Outfall #4	OF-4	Discharge to Swiss Creek representing runoff from Lower Quarry area conveyed through Sediment Trap #3, 37°17'44.8"N, 122°5'5.1"W.	3 Storms	3 Storms	3 Storms	1 Storm	1 Storm
Outfall #5	OF-5	Discharge to Rattlesnake Creek representing runoff from road between upper quarry and creek, approximately 37°18'3.4"N, 122°5'40.6"W.	3 Storms	3 Storms	3 Storms		
Outfall #6	OF-6	Discharge to Rattlesnake Creek representing runoff from Upper Quarry Sand Plant area discharged to former sediment pond #2, approximately 37°18'2.4"N, 122°5'25.5"W.	3 Storms	3 Storms	3 Storms		
Background Monitoring							
Rattlesnake Creek - Background	BG-1	Rattlesnake Creek within 100 feet upstream of Outfall #5, approximately 37°18'3.5"N, 122°5'41.5"W.	2 Storms	2 Storms	2 Storms		
Swiss Creek - Background	BG-2	Swiss Creek, upstream of quarry discharges, approximately 37°17'49.7"N, 122°5'21.5"W.	2 Storms	2 Storms	2 Storms		

Monitoring Location	Station Code	Location Description	TSS ¹ , Iron, Nitrate plus Nitrite	Conventional Analytes, Field Measurements	Metals, Metalloids	Priority Pollutants/ Municipal Supply	Acute Toxicity ²
			(Table 2)	(Tables 3a and 3b)	(Table 4)	(Tables 5 & 6)	
Receiving Water Monitoring							
Rattlesnake Creek - Receiving Water	RW-1	Rattlesnake Creek at the weir that discharges from former sedimentation pond #4, approximately 37°17'56.7"N, 122°5'17.0"W.	2 Storms	2 Storms	2 Storms		
Swiss Creek - Receiving Water	RW-2	Swiss Creek more than 50 feet downstream of Outfall #4 and upstream of Stevens Creek Reservoir, approximately 37°17'44.1"N, 122°5'02.9"W.	2 Storms	2 Storms	2 Storms		

¹ TSS means total suspended solids.

² Acute toxicity for *Ceriodaphnia dubia*, *Selenastrum capricornutum*, and *Pimephales promelas* test species, at a minimum, as discussed in Attachment 2.

Table 2. Analytes that exceeded Industrial Stormwater General Permit numeric action levels

Analytes	Units
Total suspended solids	µg/L
Iron	µg/L
Nitrate + Nitrite (as N)	µg/L

Table 3a. Conventional analytes

Analytes	Units
Total dissolved solids	µg/L
Total Organic Carbon	mg/L
Total Alkalinity	mg/L
Hardness (as CaCO ₃)	mg/L

Table 3b. Field measurements

Parameters	Units
Volumetric Flow Rate (Discharge)	MGD
Turbidity	NTU
Dissolved oxygen	mg/L
Specific Conductance (EC)	µS/cm
pH	standard units
Temperature	Degrees Celsius

Table 4. Metals and metalloids (total and dissolved analysis)

Analytes	Minimum Level & Units
Arsenic	See Table 5, CTR No. 2
Cadmium	See Table 5, CTR No. 4
Copper	See Table 5, CTR No. 6
Chromium (total)	See Table 5, CTR No. 5
Lead	See Table 5, CTR No. 7
Mercury	See Table 5, CTR No. 8
Nickel	See Table 5, CTR No. 9
Selenium	See Table 5, CTR No. 10
Zinc	See Table 5, CTR No. 13

Table 5. Priority pollutants list based on the California Toxics Rule

CTR ⁸ No.	Pollutant/Analyte	Analytical Method ⁹	Minimum Level (µg/L)
1	Antimony	204.2	10
2	Arsenic	206.3	20
3	Beryllium	Flame atomic absorption	20
4	Cadmium	200 or 213	10
5a	Chromium (III)	SM 3500	5
5b	Chromium (VI)	SM 3500	5
	Chromium (total) ¹⁰	SM 3500	50
6	Copper	200.9	5
7	Lead	200.9	5
8	Mercury	245.1 or 245.2	0.2
9	Nickel	249.2	5
10	Selenium	200.8 or SM 3114B or C	5
11	Silver	272.2	10
12	Thallium	279.2	10
13	Zinc	200 or 289	20
14	Cyanide	SM 4500 CN ⁻ C or I	
15	Asbestos	0100.2 ¹¹	
16	2,3,7,8-TCDD and 17 congeners (Dioxin)	1613	
17	Acrolein	603	2.0
18	Acrylonitrile	603	2.0
19	Benzene	602	0.5
33	Ethylbenzene	602	0.5
39	Toluene	602	0.5
20	Bromoform	601	0.5
21	Carbon Tetrachloride	601	0.5
22	Chlorobenzene	601	0.5
23	Chlorodibromo methane	601	0.5
24	Chloroethane	601	0.5
25	2-Chloroethylvinyl Ether	601	1
26	Chloroform	601	0.5
75	1,2-Dichlorobenzene	601	0.5
76	1,3-Dichlorobenzene	601	0.5
77	1,4-Dichlorobenzene	601	0.5
27	Dichlorobromomethane	601	0.5
28	1,1-Dichloroethane	601	0.5
29	1,2-Dichloroethane	601	0.5
30	1,1-Dichloroethylene or 1,1-Dichloroethene	601	0.5
31	1,2-Dichloropropane	601	0.5
32	1,3-Dichloropropylene or 1,3-Dichloropropene	601	0.5
34	Methyl Bromide or Bromomethane	601	1.0
35	Methyl Chloride or Chloromethane	601	0.5

⁸ California Toxics Rule (<https://www.epa.gov/wqs-tech/water-quality-standards-establishment-numeric-criteria-priority-toxic-pollutants-state>)

⁹ The suggested method is the U.S. EPA Method unless otherwise specified (“SM” means “Standard Methods”). Stevens Creek Quarry, Inc. may use another U.S. EPA-approved or recognized method if that method has a level of quantification below the applicable water quality objective. Where no method is suggested, Stevens Creek Quarry, Inc. has the discretion to use any standard method.

¹⁰ Analysis for total chromium may be substituted for analysis of chromium (III) and chromium (VI) if the concentration measured is below the lowest hexavalent chromium criterion (11 µg/l).

¹¹ Determination of Asbestos Structures over 10 [micrometers] in Length in Drinking Water Using MCE Filters, U.S. EPA 600/R-94-134, June 1994.

Table 5. Priority pollutants list based on the California Toxics Rule

CTR ⁸ No.	Pollutant/Analyte	Analytical Method ⁹	Minimum Level (µg/L)
36	Methylene Chloride or Dichloromethane	601	0.5
37	1,1,2,2-Tetrachloroethane	601	0.5
38	Tetrachloroethylene	601	0.5
40	1,2-Trans-Dichloroethylene	601	0.5
41	1,1,1-Trichloroethane	601	0.5
42	1,1,2-Trichloroethane	601	0.5
43	Trichloroethene	601	0.5
44	Vinyl Chloride	601	0.5
45	2-Chlorophenol	604	2
46	2,4-Dichlorophenol	604	1
47	2,4-Dimethylphenol	604	1
48	2-Methyl-4,6-Dinitrophenol or Dinitro-2-methylphenol	604	10
49	2,4-Dinitrophenol	604	5
50	2-Nitrophenol	604	
51	4-Nitrophenol	604	5
52	3-Methyl-4-Chlorophenol	604	5
53	Pentachlorophenol	604	1
54	Phenol	604	1
55	2,4,6-Trichlorophenol	604	10
56	Acenaphthene	610 HPLC	1
57	Acenaphthylene	610 HPLC	10
58	Anthracene	610 HPLC	10
60	Benzo(a)Anthracene or 1,2 Benzanthracene	610 HPLC	10
61	Benzo(a)Pyrene	610 HPLC	10
62	Benzo(b)Fluoranthene or 3,4 Benzofluoranthene	610 HPLC	10
63	Benzo(ghi) Perylene	610 HPLC	5
64	Benzo(k)Fluoranthene	610 HPLC	10
74	Dibenzo(a,h) Anthracene	610 HPLC	10
86	Fluoranthene	610 HPLC	10
87	Fluorene	610 HPLC	10
92	Indeno(1,2,3-cd) Pyrene	610 HPLC	10
100	Pyrene	610 HPLC	10
68	Bis(2-Ethylhexyl)Phthalate	606 or 625	10
70	Butylbenzyl Phthalate	606 or 625	10
79	Diethyl Phthalate	606 or 625	10
80	Dimethyl Phthalate	606 or 625	10
81	Di-n-Butyl Phthalate	606 or 625	10
84	Di-n-Octyl Phthalate	606 or 625	10
59	Benzidine	625	5
65	Bis(2-Chloroethoxy)Methane	625	5
66	Bis(2-Chloroethyl)Ether	625	10
67	Bis(2-Chloroisopropyl)Ether	625	10
69	4-Bromophenyl Phenyl Ether	625	10
71	2-Chloronaphthalene	625	10
72	4-Chlorophenyl Phenyl Ether	625	5
73	Chrysene	625	10
78	3,3'-Dichlorobenzidine	625	5
82	2,4-Dinitrotoluene	625	10
83	2,6-Dinitrotoluene	625	5

Table 5. Priority pollutants list based on the California Toxics Rule

CTR ⁸ No.	Pollutant/Analyte	Analytical Method ⁹	Minimum Level (µg/L)
85	1,2-Diphenylhydrazine (note) ¹²	625	1
88	Hexachlorobenzene	625	5
89	Hexachlorobutadiene	625	5
90	Hexachlorocyclo-pentadiene	625	5
91	Hexachloroethane	625	5
93	Isophorone	625	10
94	Naphthalene	625	10
95	Nitrobenzene	625	10
96	N-Nitrosodi-methylamine	625	10
97	N-Nitrosodi-n-Propylamine	625	10
98	N-Nitrosodiphenylamine	625	10
99	Phenanthrene	625	5
101	1,2,4-Trichlorobenzene	625	5
102	Aldrin	608	0.005
103	α-BHC	608	0.01
104	β-BHC	608	0.005
105	γ-BHC (Lindane)	608	0.02
106	δ-BHC	608	0.005
107	Chlordane	608	0.1
108	4,4'-DDT	608	0.01
109	4,4'-DDE	608	0.05
110	4,4'-DDD	608	0.05
111	Dieldrin	608	0.01
112	Endosulfan (alpha)	608	0.02
113	Endosulfan (beta)	608	0.01
114	Endosulfan Sulfate	608	0.05
115	Endrin	608	0.01
116	Endrin Aldehyde	608	0.01
117	Heptachlor	608	0.01
118	Heptachlor Epoxide	608	0.01
119-125	PCBs: Aroclors 1016, 1221, 1232, 1242, 1248, 1254, 1260	608	0.5
126	Toxaphene	608	0.5

¹² Measurement for 1,2-diphenylhydrazine may use azobenzene as a screen: if azobenzene is measured at greater than 1 ug/l, then Stevens Creek Quarry shall analyze for 1,2-diphenylhydrazine.

Table 6. Pollutants with water quality objectives for municipal supply¹³

Analyte	Units
Aluminum	µg/L
Barium	µg/L
Chloride	µg/L
Fluoride	µg/L
Manganese	µg/L
Sulfate	µg/L

¹³ Basin Plan Table 3-5:
https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/basinplan/web/docs/bp_ch3+tables.pdf

Mr. Jason Voss
Stevens Creek Quarry, Inc.

November 8, 2018

ATTACHMENTS

ATTACHMENT 1 - MONITORING AND FLOW MEASUREMENT REQUIREMENTS

- 1) Obtain data by collecting grab samples for laboratory analytical analysis or through field measurements of water quality, using best professional practices. Volumetric flow rate shall be measured or estimated using a standard industry method.
- 2) Do not submit sampling data for storms that cause less than 0.75 inches of precipitation within a 24-hour period.
- 3) Conduct sampling and analyses as follows:
 - a) Use test methods approved under 40 C.F.R. part 136, required under 40 C.F.R. chapter 1, subchapter N, or specified explicitly within this directive. For the priority pollutants, use the analytical methods listed in Table 2.
 - b) Perform water analyses using only laboratories certified for the analyses in accordance with California Water Code section 13176.
 - c) Properly calibrate and maintain all monitoring instruments and equipment to ensure accuracy of measurements.
 - d) Ensure that samples and measurements taken for the purpose of monitoring are representative of the monitored activity.
- 4) Use sufficiently sensitive test methods. Minimum levels (MLs) for priority pollutant tests are listed in Table 5. For other analytes and parameters (Tables, 2, 3a, 3b, 4 and 6) the method must meet the following criteria:
 - a) The method ML is at or below the level of the applicable water quality criterion for the measured pollutant or pollutant parameter, or the method ML is above the applicable water quality criterion but the amount of the pollutant or pollutant parameter in the sample is high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge; or
 - b) The method has the lowest ML of approved analytical methods for the measured pollutant or pollutant parameter.
- 5) Retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports for a period of at least three years from the date of the sample, measurement, or report. The Regional Water Board Assistant Executive Officer may extend this period.
- 6) Records of monitoring information shall include the following:
 - a) date, exact place, and time of sampling or measurements;
 - b) individuals who performed the sampling or measurements;
 - c) dates the analyses were performed;
 - d) individuals who performed the analyses;
 - e) analytical techniques or methods used; and
 - f) results of such analyses.
- 7) Report with each sample result the Reporting Level (RL) and Method Detection Limit (MDL) as determined by the procedure in 40 C.F.R. part 136. Report the results of analytical

ATTACHMENT 1 - MONITORING AND FLOW MEASUREMENT REQUIREMENTS

determinations for the presence of chemical constituents in a sample using the following reporting protocols:

- a) Sample results greater than or equal to the RL shall be reported as measured by the laboratory (i.e., the measured chemical concentration in the sample).
- b) Sample results less than the RL, but greater than or equal to the laboratory's MDL, shall be reported as "Detected, but Not Quantified" or "DNQ." The estimated chemical concentration of the sample shall also be reported.
- c) For purposes of data collection, the laboratory shall write the estimated chemical concentration next to DNQ. The laboratory may, if such information is available, include numerical estimates of the data quality for the reported result. Numerical estimates of data quality may be percent accuracy (+/- a percentage of the reported value), numerical ranges (low to high), or any other means the laboratory considers appropriate.
- d) Sample results less than the laboratory's MDL shall be reported as "Not Detected" or "ND."
- e) Laboratories shall be instructed to establish calibration standards so that the ML value (or its equivalent if there is differential treatment of samples relative to calibration standards) is the lowest calibration standard. Analytical data derived from extrapolation beyond the lowest point of the calibration curve may not be used.

ATTACHMENT 2 – TOXICITY TESTING REQUIREMENTS

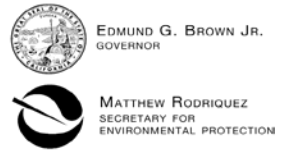
A. Acute Toxicity

1. Take grab or composite samples during the first 6 hours of a storm that has at least 0.75 inches of precipitation during a 24-hour period.
2. Use fathead minnow (*Pimephales promelas*), green algae (*Selenastrum capricornatum*), and *Ceriodaphnia dubia* as test organisms.
3. Perform all bioassays according to the most up-to-date protocols in 40 C.F.R. part 136, currently *Methods for Measuring the Acute Toxicity of Effluents and Receiving Water to Freshwater and Marine Organisms*, 5th Edition (EPA-821-R-02-012). If these protocols prove unworkable, the Assistant Executive Officer may grant exceptions in writing upon request with justification.
4. If specific identifiable substances in the discharge are rapidly rendered harmless upon discharge to the receiving water, acute toxicity may be determined after test samples are adjusted to remove the influence of those substances. Written acknowledgement that the Assistant Executive Officer concurs that the adjustment will not remove the influence of other substances must be obtained prior to any such adjustment.
5. Before test initiation and water renewals, shake water samples thoroughly in their original sample containers for 60 seconds and filter sub-samples through a 53- μ m screen to remove debris and other organisms. Prior to test initiation and renewals, warm sample water to test temperature ($25 \pm 1^\circ\text{C}$) using a water bath maintained at $25 \pm 2^\circ\text{C}$ and aerate at a rate of 100 bubbles per minute until the DO concentrations fall below saturation levels.
6. Record and report water quality measurements, including pH, electrical conductivity, dissolved oxygen, hardness, alkalinity, and temperature, for all treatments at test initiation and termination. Measure dissolved oxygen and pH on fresh sample water prior to renewals.

B. Reporting Requirements

Include the following, at a minimum, for each test with toxicity test results:

- a. Sample data
- b. Test initiation date
- c. Test species
- d. End point values for each dilution (e.g., number of young, growth rate, percent survival)
- e. Mean percent mortality (\pm s.d.) after 96 hours in 100% effluent (if applicable)
- f. IC₅₀ or EC₅₀ values for reference toxicant tests
- g. Available water quality measurements for each test (e.g., pH, dissolved oxygen, temperature, conductivity, hardness, salinity)



San Francisco Bay Regional Water Quality Control Board

Fact Sheet – Requirements for Submitting Technical Reports Under Section 13267 of the California Water Code

What does it mean when the Regional Water Board requires a technical report?

Section 13267¹ of the California Water Code provides that "...the regional board may require that any person who has discharged, discharges, or who is suspected of having discharged or discharging, or who proposes to discharge waste...that could affect the quality of waters...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires."

This requirement for a technical report seems to mean that I am guilty of something, or at least responsible for cleaning something up. What if that is not so?

The requirement for a technical report is a tool the Regional Water Board uses to investigate water quality issues or problems. The information provided can be used by the Regional Water Board to clarify whether a given party has responsibility.

Are there limits to what the Regional Water Board can ask for?

Yes. The information required must relate to an actual or suspected or proposed discharge of waste (including discharges of waste where the initial discharge occurred many years ago), and the burden of compliance must bear a reasonable relationship to the need for the report and the benefits obtained. The Regional Water Board is required to explain the reasons for its request.

What if I can provide the information, but not by the date specified?

A time extension may be given for good cause. Your request should be promptly submitted in writing, giving reasons.

Are there penalties if I don't comply?

Depending on the situation, the Regional Water Board can impose a fine of up to \$5,000 per day, and a court can impose fines of up to \$25,000 per day as well as criminal penalties. A person who submits false information or fails to comply with a requirement to submit a technical report may be found guilty of a misdemeanor. For some reports, submission of false information may be a felony.

Do I have to use a consultant or attorney to comply?

There is no legal requirement for this, but as a practical matter, in most cases the specialized nature of the information required makes use of a consultant and/or attorney advisable.

What if I disagree with the 13267 requirements and the Regional Water Board staff will not change the requirement and/or date to comply?

You may ask that the Regional Water Board reconsider the requirement, and/or submit a petition to the State Water Resources Control Board. See California Water Code sections 13320 and 13321 for details. A request for reconsideration to the Regional Water Board does not affect the 30-day deadline within which to file a petition to the State Water Resources Control Board.

If I have more questions, whom do I ask?

Requirements for technical reports include the name, telephone number, and email address of the Regional Water Board staff contact.

Revised January 2014

¹ All code sections referenced herein can be found by going to www.leginfo.ca.gov.