CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION

ORDER NO. 86-13
NPDES NO. CA0028924

WASTE DISCHARGE REQUIREMENTS FOR:

LINCOLN PROPERTY COMPANY
RIVER PARK TOWERS
CITY OF SAN JOSE
SANTA CLARA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region, (hereinafter called the Board), finds that:

1. Lincoln Property Company, (hereinafter called the discharger), is developing a site located in downtown San Jose, bordered by Park Avenue, San Carlos Street, Highway 87 and to the east by the Guadalupe River, as shown on Attachment 1, Site Plan, hereinafter a part of this Order. The property is bisected by Prevost Street.

2. Until the early 1970s, the portion of this site west of Prevost Street was occupied by a laundry and dry cleaning facility. For the last three years, portions of the site and laundry buildings have been used by various businesses including: a material salvage and precious metal recovery industry, a body shop, an automobile restoration business, a tire reclamation business, and a car rental operation.

3. Currently the site is being excavated and the foundation laid for an underground garage and two 16-story office buildings. The excavation for the garage extends to the top of the shallow saturated zone beneath the site and water entering the excavation has to be pumped out and discharged. This discharge is temporary and will be terminated when the floor of the garage is complete.

4. Because this water was found to have concentrations of volatile organic solvents in the range of 961 to 1490 ppb (approximately 80% trichloroethylene) it is passed through an aeration treatment system prior to discharge to the Guadalupe River.

5. Water enters the treatment system from the de-watering wells

and sump pumps around the garage excavation at an average flow rate of 10 gallons per minute, as shown on Attachment 2.

6. The water enters a 4000 gallon holding tank, is pumped through a series of sprinkler heads into a 22000 gallon aeration tank, passed through a re-circulation line back to the holding tank and re-circulated through the system 4 - 5 times prior to discharge to the storm drain. Spraying results in the release of volatile components from the water to the air. The treated effluent is discharged to a storm drain where it flows easterly a distance of approximately 250 feet where it discharges to the Guadalupe River. The Guadalupe River flows northward to the South San Francisco Bay.

7. The concentration of volatile organic chemicals in the effluent is currently below 80 ppb and at the discharge point in the river it is below 10 ppb.

8. Future cleanup activities at this site will involve additional extraction, treatment, and discharge of groundwater. Discharge flow rates may increase up to .03 mgd under this permit.

9. The Regional Board adopted a revised Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) on July 21, 1982. The Basin Plan contains water quality objectives for the Guadalupe River and South San Francisco Bay and contains discharge prohibitions applicable to shallow water discharges in these areas.

10. The existing and potential beneficial uses of Guadalupe River and South San Francisco Bay are:

    Industrial Service Supply
    Water Contact Recreation
    Non-contact Recreation
    Navigation
    Warm and Cold Fresh Water Habitat
    Wildlife Habitat
    Fish Migration
    Fish Spawning
    Ocean Commercial and Sport Fishing
    Preservation of Rare and Endangered Species
    Shellfish Harvesting
    Estuarine Habitat

11. The effluent limit of 100 ppb for total synthetic volatile organic compounds is based on water quality considerations and best engineering judgment as to concentrations that can be reasonably attained by the application of the best treatment technology readily available at reasonable costs.

12. The Basin Plan prohibits discharge of wastewater which has

"particular characteristics of concern to beneficial uses" (a) "at any point in San Francisco Bay south of the Dumbarton Bridge" and (b) "at any point where the wastewater does not receive a minimum initial dilution of at least 10:1 or into any nontidal water, deadend slough, similar confined water, or any immediate tributary thereof." Because of the magnitude of the groundwater pollution problem and the urgency relative to cleaning it up, the Board believes that application of these prohibitions would result in delays and increased work load that would not be justified.

13. The Basin Plan prohibits discharge of "all conservative toxic and deleterious substances, above those levels which can be achieved by a program acceptable to the Board, to waters of the Basin." The discharger's dewatering and treatment system and associated operation, maintenance, and monitoring plan constitutes an acceptable control program for minimizing the discharge of toxicants to waters of the State.

14. The issuance of waste discharge requirements for the discharge is exempt from the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code (CEQA) pursuant to Section 13389 of the California Water Code.

15. The Board has notified the discharger and interested agencies and persons of its intent to issue waste discharge requirements for the discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

16. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that the discharger, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and Guidelines adopted thereunder, shall comply with the following:

A. Effluent Limitations

1. The discharge of water containing constituents in excess of the following limits is prohibited:

Constituent	Unit	Maximum Concentration
Total Volatile Organic Chemicals (includes: CCl4, Chlorobenzene, Chloroform, 1,1 DCA, 1,2 DCA, 1,1 DCE, trans 1,2 DCE, trans 1,3 dichloropropene, PCE,	mg/l	.100

toluene, 1,1,1 TCA, TCE,
Vinyl Chloride)

2. The pH of the discharge shall not exceed 8.5 nor be less than 6.5.

3. In any representative set of samples, the discharge of waste shall meet the following limit of quality:

TOXICITY:

The survival of test fishes in 96-hour bioassays of the effluent as discharged shall be a median of 90% survival and a 90 percentile value of not less than 70% survival.

B. Receiving Water Limitations

1. The discharge of waste shall not cause the following conditions to exist in waters of the State at any place:

a. Floating, suspended, or deposited macroscopic particulate matter or foam;

b. Bottom deposits or aquatic growths;

c. Alteration of temperature, turbidity, or apparent color beyond present natural background levels;

d. Visible, floating, suspended, or deposited oil or other products of petroleum origin:

e. Toxic or other deleterious substances to be present in concentrations or quantities which will cause deleterious effects on aquatic biota, wildlife, or water fowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.

2. The discharge of waste shall not cause the following limits to be exceeded in waters of the State in any place within one foot of the watersurface:

a.	pH:	The pH shall not be depressed below 6.5 nor raised above 8.5, nor caused to vary from normal ambient pH levels by more than 0.5 units.
b.	Un-ionized ammonia (as N)	0.025 mg/l Annual Median 0.400 mg/l Maximum

3. This discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Board or the State Water Resources Control Board as required by the Federal Water Pollution Control Act and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal Water Pollution Control Act or amendments thereto, the Board will revise and modify this Order in accordance with such more stringent standards.

C. Provisions

1. The discharger shall comply with all sections of this order immediately upon adoption.

2. The discharger shall comply with the self-monitoring program as adopted by the Board and as may be amended by the Executive Officer.

3. Discharge relating to future cleanup activities shall meet the above specifications and require the associated monitoring described in the self-monitoring program. If future discharge flow rates exceed .025 mgd, a technical report acceptable to the Executive Officer evaluating the impact of this discharge on the river shall be submitted within 90 days.

4. Any discharge to a location other than the storm drain or increases in volume discharged to more than .03 mgd on a 90 day running average shall require the submission of a second NPDES Application.

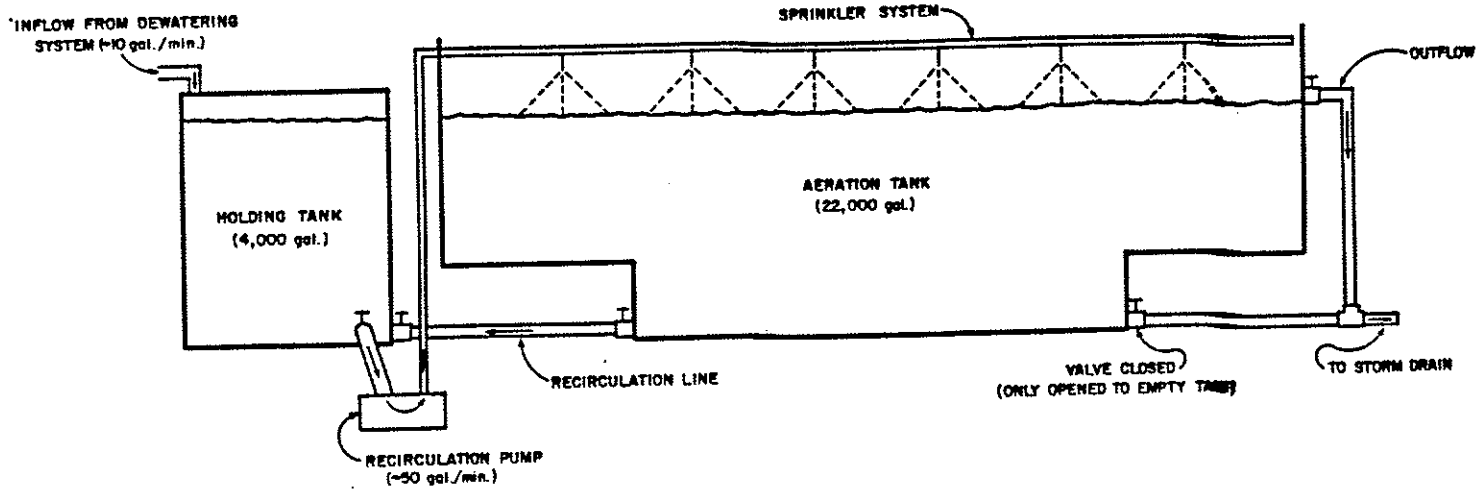
5. This Order expires March 1, 1991 and the discharger must file a report of Waste Discharge in accordance with Title 23, California Administrative Code, not later than 180 days in advance of such expiration date as application for issuance of new waste discharge requirements.

6. This Order shall serve as a national Pollutant Discharge Elimination System permit pursuant to Section 402 of the Federal Water Pollution Control Act, or amendments thereto, and shall become effective at the end of ten days from date of hearing provided the Regional Administrator, U.S. Environmental Protection Agency, has no objection.

I, Roger B. James, Executive Officer do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region on March 19, 1986.

ROGER B. JAMES
Executive Officer

Attachments: Site map
Aeration System Diagram
Self-Monitoring Program



NOT TO SCALE

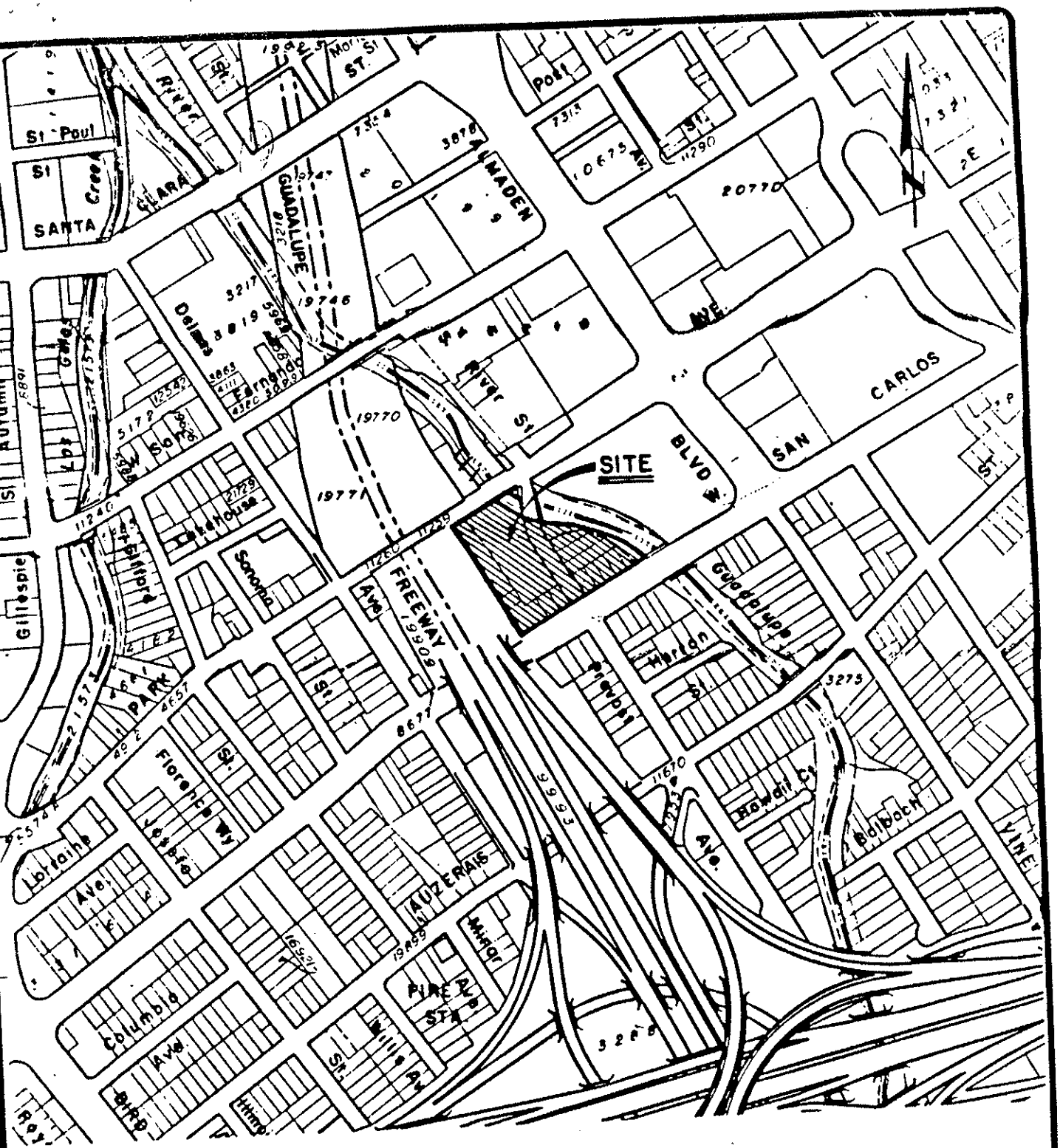
Beta Associates

DE-WATERING AERATION SYSTEM
RIVERPARK TOWERS
SAN JOSE, CALIFORNIA

FIGURE 1

PROJECT 156-16

BRUNING 44 131



Base map ref: County of Santa Clara, Department of Public Works, Sheet 83, 1976

SCALE: 1"= 500'

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LOCATION MAP

RIVER PARK DEVELOPMENT CONTAMINATION INVESTIGATION

CITY OF SAN JOSE **CALIFORNIA**

FIGURE 1

PROJECT 156-1.3

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

T E N T A T I V E

SELF-MONITORING PROGRAM
FOR

LINCOLN PROPERTY COMPANY

RIVER PARK TOWERS

SAN JOSE

NPDES NO. CA0028224

ORDER NO. 86-13

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

SELF-MONITORING PROGRAM

A. GENERAL

Reporting responsibilities of waste dischargers are specified in Sections 13225(a), 13267(b), 13268, 13383, and 13387(b) of the California Water Code and this Regional Board's Resolution No. 73-16.

The principal purposes of a monitoring program by a waste discharger, also referred to as self-monitoring program, are: (1) to document compliance with waste discharge requirements and prohibitions established by this Regional Board, (2) to facilitate self-policing by the waste discharger in the prevention and abatement of pollution arising from waste discharge, (3) to develop or assist in the development of effluent of other limitations, discharge prohibitions, national standards or performance, pretreatment and toxicity standards, and other standards, and (4) to prepare water and wastewater quality inventories.

B. SAMPLING AND ANALYTICAL METHODS

Sample collection, storage, and analyses shall be performed according to the latest edition of Standard Methods for the Examination of Water and Wastewater prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation, EPA "Test Methods" for organic chemical analysis, or other methods approved and specified by the Executive Officer of this Regional Board.

C. REPORTS TO BE FILED WITH THE REGIONAL BOARD

1. Violations of Requirements

In the event the discharger is unable to comply with the conditions of the waste discharge requirements and prohibitions due to:

(a) maintenance work, power failures, or breakdown of waste treatment equipment, or

(b) accidents caused by human error or negligence, or

(c) other causes such as acts of nature,

(d) poor operation or inadequate system design,

The discharge shall notify the Regional Board office by telephone as soon as he or his agents have knowledge of the incident and confirm this notification in writing within two weeks of the telephone notification. The written report shall include pertinent information explaining reasons for the noncompliance and shall indicate what steps were taken to prevent the problem from recurring.

The discharger shall file a written report at least 15 days prior to advertising for bid on any construction project which would cause or aggravate the discharge of waste in violation of requirements; said report shall describe the nature, costs, and scheduling of all action necessary to preclude such discharge.

In addition, if the noncompliance caused by items (a), (b), (c), or (d) above is with respect to any of the effluent limits, the waste discharger shall promptly accelerate this monitoring program as required by the Board's Executive Officer for those constituents which have been violated. Such analysis shall continue until such time as the effluent limits have been attained, or until such time as the Executive Officer determines to be appropriate. The results of such monitoring shall be included in the regular Self-Monitoring Report.

2. Bypass Reports

Bypassing reporting shall be an integral part of regular montioring program reporting. A report on bypassing of untreated waste or bypassing of any treatment units shall be made which will include cause, time and date, duration and estimated volume bypassed, method used in estimating volume, and persons and agencies notified. Notification to the Regional Board shall be made immediately by telephone (415-464-1255), followed by a written account within 15 days.

3. Self-Monitoring Reports

a. Reporting Period:

Written reports shall be filed regularly each month by the thirtieth day of the following month.

b. Letter of Transmittal:

A letter transmitting self-monitoring reports shall accompany each report. Such a letter shall include a discussion of requirement violations found during the reporting period and actions taken or planned for correcting any requirement violation. If the discharger has previously submitted a detailed time schedule for correcting requirement violations, a reference to this correspondence will be satisfactory.

Monitoring reports and the letter transmitting reports shall be signed either by a principal executive officer or other duly authorized employee. The letter shall contain a statement by the official, under penalty of perjury, that to the best of the signer's knowledge the report is true and correct.

c. Data Results:

(1) Results from each required analysis and observation shall be submitted in the monthly self-monitoring report. Results shall also be submitted for any additional analyses performed by the discharger for parameters for which effluent limits have been established by the Board.

(2) The report shall include a discussion of unexpected operational changes which could affect performance of the treatment system, such as flow fluctuations, maintenance shutdown, etc.

(3) The report shall also include a table identifying by method number the analytical procedures used for analyses. Any special methods shall be identified and should have prior approval of the Board's Executive Officer.

(4) Lab results should be copied and submitted as an appendix to the regular report.

(5) A map shall accompany the report, showing sampling locations and flow path to receiving waters.

(6) The report shall include an annual waste summary by month, for the current year showing the minimum, maximum, and average value for the month. The report for December shall include minimum, maximum and average for the year.

D. DESCRIPTION OF SAMPLING STATIONS

A. INFLUENT

Station	Description
I-1	At a point in the groundwater collection system immediately prior to treatment.

B. EFLUENT

Station	Description
E-1	At a point in the outlet or outfall from the groundwater treatment system prior to discharge to surface waters.

C. RECEIVING WATER

Station	Description
G-1	At the point in the Guadelupe River where the storm drain discharge occurs.
G-2	At a point in the Guadelupe River 50 feet downstream from G-1.

E. SCHEDULE OF SAMPLING AND ANALYSIS

The schedule of sampling and analysis shall be that given as Table I.

I, Roger B. James, Executive Officer, do hereby certify that the foregoing Self-Monitoring Program:

1. Has been developed in accordance with the procedure set forth in this Regional Board's Resolution No. 73-16 in order to obtain data and document compliance with waste discharge requirements established in Regional Board Order No. 86-13 .

2. Was adopted by the Board on March 19, 1986.

3. May be reviewed at any time subsequent to the effective date upon written notice from the Executive Officer or request from the discharger, and revisions will be ordered by the Executive Officer.

ROGER B. JAMES
Executive Officer

Attachments: Table I
Map of Sampling Stations and
Flow Path to Receiving Waters

TABLE 1
SCHEDULE FOR SAMPLING, MEASUREMENTS, AND ANALYSIS

Sampling Station	I-1	E-1	G-1	G-2								
TYPE OF SAMPLE	G	G	G	G								
Flow Rate (gal/day)		D										
pH (units)	M	M	M	M								
Temperature (°C)		M										
Total Volatile Organics	M	M	M[1]	M[1]								
EPA 601/602 for:	M	M	M	M								
Carbon Tetrachloride												
Chlorobenzene												
Chloroform												
1,1-Dichloroethane												
1,2-Dichloroethane												
1,1-Dichloroethene												
trans-1,2-Dichloroethene												
trans-1,3-Dichloropropene												
Tetrachloroethene												
Toluene												
1,1,1-Trichloroethane												
Trichloroethene												
Vinyl Chloride												
GC/MS Scan (EPA 624)		2/Y										
Toxicity		1/Y										

LEGEND FOR TABLE

G = grab sample
D = once each day
M = once each month
Q = quarterly, once in March, June, September and December
M/Q = monthly for three months at startup of operation; reduced to quarerly thereafter
2/Y = once in March and once in September
1/Y = once per year

FOOTNOTE:

1) If the flow rate of the Guadalupe River falls below .3 mgd weekly sampling and analysis is required.