

APPENDIX B

**Response to Comments
on the
Initial Study/Mitigated Negative Declaration
for the
Three Creeks Parkway Restoration Project**

LIST OF COMMENT LETTERS

1. Contra Costa Health Services (August 4, 2016)
2. Ann Kennedy (August 12, 2016)
3. East Contra Costa County Habitat Conservancy (August 15, 2016)
4. Central Valley Regional Water Quality Control Board (August 25, 2016)
5. Delta Stewardship Council (August 30, 2016)
6. East Bay Regional Park District (September 1, 2016)
7. Chevron (September 1, 2016)
8. City of Brentwood Public Works Department (September 2, 2016)
9. **Governor's Office of Planning and Research (State Clearinghouse)** (September 2, 2016)

COMMENT LETTER #1. CONTRA COSTA HEALTH SERVICES (August 4, 2016)

Comment 1-1: Contra Costa Health Services notes that permits will be required for well or soil boring activities prior to commencing drilling activities and abandoned wells and septic tanks must be destroyed under permit.

Response: Comments have been noted and forwarded to the project design team. No further response is necessary.

WILLIAM B. WALKER, M.D.
HEALTH SERVICES DIRECTOR
RANDALL L. SAWYER
CHIEF ENVIRONMENTAL HEALTH & HAZMAT OFFICER
MARILYN C. UNDERWOOD, PHD, REHS
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August 4, 2016

Claudia Gemberling
Contra Costa Public Works Department
255 Glacier Dr.
Martinez, CA 94553

RE: Three Creeks Parkway Restoration (CP 16-39)
Marsh Creek Channel
APN Various

Dear Ms. Gemberling:

The Contra Costa Environmental Health Division (CCEHD) has received a request for agency comments for the above referenced project. The following are our comments:

1. A permit from CCEHD is required for any well or soil boring prior to commencing drilling activities, including those associated with water supply, environmental investigation and cleanup, or geotechnical investigation.
2. Any abandoned wells (water, environmental, or geotechnical) and septic tanks must be destroyed under permit from CCEHD. If the existence of such wells or septic tanks are known in advance or discovered during construction or other activities, these must be clearly marked, kept secure, and destroyed pursuant to CCEHD requirements.

1-1

These comments do not limit an applicant's obligation to comply with all applicable laws and regulations. If you should have any questions, please feel free to call me at (925) 692-2535.

Sincerely

Joseph G. Doser, R.E.H.S.
Supervising Environmental Health Specialist

JGD:tf



COMMENT LETTER #2. ANN KENNEDY (August 12, 2016)

Comment 2-1: Ms. Kennedy notes that she lives next to Marsh Creek between Deer Creek and Sand Creek and endorses the restoration project and offers citizen volunteers if needed; also suggested to plant milkweed for the monarch butterflies.

Response: Letter in support of this project is acknowledged. Plant suggestion has been noted and forwarded to the project design team for consideration. No further response is necessary.

Claudia Gemberling

From: Ann Kennedy <annwkennedy@att.net>
Sent: Friday, August 12, 2016 11:43 AM
To: Claudia Gemberling
Subject: Three Creeks Parkway Restoration

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Gemberling

I wholeheartedly endorse this restoration. Living next to Marsh Creek between Deer Creek and Sand Creek makes us sensitive to the need to restore the natural beauty to this area. If there is anything to be done by citizen volunteers don't hesitate to call on us. Also don't forget to plant milkweed for the monarch butterflies.

2-1

Thanks. Ann Kennedy

Sent from my iPhone

**COMMENT LETTER #3. EAST CONTRA COSTA COUNTY HABITAT
CONSERVANCY** (August 15, 2016)

Comment 3-1: The East Contra Costa County Habitat Conservancy notes that the East Contra Costa County HCP/NCCP take coverage should be listed in Section 2.7 Permits and Approvals Required and pointed out that the East Contra Costa County Habitat Conservancy is first abbreviated as ECCCHC on page 4 but then called out differently on page 34 (as the Conservancy) and 37 (as the Habitat Conservancy).

Response: Comments noted and included in this CEQA record for the final IS/MND. No further response is necessary.

Claudia Gemberling

From: Claudia Gemberling
Sent: Thursday, August 18, 2016 2:12 PM
To: 'Joanne Chiu'
Cc: Abigail Fateman
Subject: RE: CEQA - Three Creeks Parkway Restoration Project, Brentwood

Thank you for your comments Joanne. Mike Wood has not started the PSR application. Anticipating he will do that in October. The IS/MND discusses the habitat assessment/surveys conducted in support of CEQA. Let me know if you have any other questions.

Thanks.

Claudia Gemberling
(925) 313-2192

From: Joanne Chiu [<mailto:Joanne.Chiu@dcd.cccounty.us>]
Sent: Monday, August 15, 2016 4:34 PM
To: Claudia Gemberling
Cc: Abigail Fateman
Subject: RE: CEQA - Three Creeks Parkway Restoration Project, Brentwood

Hi Claudia,

I have fairly minor comments.

- Page 19, Section 2.7 Permits and Approvals Required, should include ECCC HCP/NCCP take coverage, as discussed in the bio section.
- The East Contra Costa County Habitat Conservancy is first abbreviated as ECCCHC on p. 4 but then called out differently on p. 34 (as the Conservancy) and 37 (as the Habitat Conservancy). Not a big deal but a consistency thing.

3-1

Has Mike Wood completed the HCP/NCCP PSR application? The IS/MND discusses planning surveys that were performed by Wood Biological Consulting in 2015 and 2016. Is the application ready for review?

Thank you,
Joanne

From: Claudia Gemberling [<mailto:claudia.gemberling@pw.cccounty.us>]
Sent: Wednesday, August 03, 2016 12:07 PM
To: Abigail Fateman
Cc: Allison Van Dorn; Joanne Chiu
Subject: CEQA - Three Creeks Parkway Restoration Project, Brentwood

Hi Abby, the CEQA document for the Three Creeks Parkway Restoration project along Marsh Creek in Brentwood is out for public review. The 30-day review period is August 3 – September 2. The CEQA document is posted at the PWD link: <http://ca-contracostacounty2.civicplus.com/4841/Public-Input> and DCD link: <http://www.co.contra-costa.ca.us/4841/Public-Input>. Let me know if you have any questions. Otherwise, provide any comments you may have. Thanks!

COMMENT LETTER #4. CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD (August 25, 2016)

Comment 4-1: The Central Valley Regional Water Quality Control Board (Central Valley Water Board) states that their agency is delegated with the responsibility of protecting the quality of surface and ground waters of the state and as such their comments will address concerns surrounding those issues. The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act which requires each Basin Plan contain water quality objectives to ensure reasonable protection of beneficial uses as well as a program of implementation for achieving water quality objectives. The Central Valley Water Board further notes that all wastewater discharges must comply with the Antidegradation Policy contained in the Basin Plan. The Central Valley Water Board offers links for more information.

Response: Comments noted. No further response is necessary.

Comment 4-2: The Central Valley Water Board notes various permits that may be required for the project if applicable (Construction Storm Water General Permit, Phase I and II Municipal Separate Storm Sewer System (MS4) Permits, Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit – Water Quality Certification, Waste Discharge Requirements – Discharges to Waters of the State, Dewatering Permit, Regulatory Compliance for Commercially Irrigated Agriculture, Low or Limited Threat General National Discharge Elimination System (NPDES) Permit, NPDES Permit).

Response: As noted in Section 2.7 “Permits and Approvals Required” the project will require a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers and Section 401 permit - Water Quality Certification from the Central Valley Water Board, and Section 2.9 “Hydrology and Water Quality” notes that a NPDES *General Permit for Storm Water Discharges Associated with Construction and Land Disturbances* will be obtained. Other permits noted will be considered and obtained if applicable to the project.

AUG 29 2016

Environmental

EDMUND G. BROWN JR.
GOVERNORMATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION**Central Valley Regional Water Quality Control Board**

25 August 2016

Claudia Gemberling
Contra Costa County
Department of Conservation and Development
255 Glacier Drive
Martinez, CA 94553

CERTIFIED MAIL
91 7199 9991 7035 8360 9782

**COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE
DECLARATION, THREE CREEKS PARKWAY RESTORATION PROJECT,
SCH# 2016082008, CONTRA COSTA COUNTY**

Pursuant to the State Clearinghouse's 3 August 2016 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Three Creeks Parkway Restoration Project, located in Contra Costa County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources

Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:

http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

4-1

4-2

(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements – Discharges to Waters of the State

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

4-2

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

4-2

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

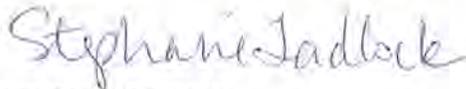
NPDES Permit

If the proposed project discharges waste that could affect the quality of the waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml

If you have questions regarding these comments, please contact me at (916) 464-4644 or Stephanie.Tadlock@waterboards.ca.gov.



Stephanie Tadlock
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

COMMENT LETTER #5. DELTA STEWARDSHIP COUNCIL (August 30, 2016)

Comment 5-1: Delta Plan Policies: Delta Stewardship Council (Council) notes that the Delta Plan includes 14 regulatory policies that are applicable to all covered actions and provides a few key regulatory policies that may be applicable to the project and provides staff contact information for guidance.

Response: The project proponents will consult with the Council to ensure the project is consistent with the Delta Plan regulatory policies as applicable to the project.

Comment 5-2: Best Available Science and Adaptive Management: Delta Plan Policy G P1 "Detailed Findings to Establish Consistency with the Delta Plan" calls for covered actions to document use of best available science which should be consistent with criteria listed in Appendix 1A "Best Available Science" of the Delta Plan regulations such as relevance, inclusiveness, and objectivity.

Delta Plan Policy G P1 also calls for ecosystem restoration projects to include adequate provisions for continued implementation of adaptive management, appropriate to the scope of the action; this requirement can be satisfied through development of an adaptive management plan that is consistent with the framework described in Appendix 1B "Adaptive Management" of the Delta Plan along with documentation of adequate resources to implement the proposed adaptive management process.

The Council provided the Delta Science Program contact information for consultation to assist in document preparation for use of best available science and adaptive management.

Response: The project will ensure consistency with Delta Plan Policy G P1 as well as implement the Best Available Science criteria listed in Table 1A-1 of Appendix 1A (Relevance, Inclusiveness, Objectivity, Transparency and Openness, Timeliness, Peer Review) and an Adaptive Management plan described in Appendix 1B which provides a framework to plan, implement, evaluate and respond as applicable to the project.

Comment 5-3: Mitigation Measures: Delta Plan Policy GP 1 also requires that actions not exempt from CEQA and subject to Delta Plan regulations must include applicable feasible mitigation measures consistent with those identified in the Delta Plan Program Environmental Impact Report (PEIR) or substitute mitigation measures that are equally or more effective. The Council also notes that the Delta Plan Mitigation and Monitoring Reporting Program (MMRP) should be used to ensure compliance with the Delta Plan mitigation measures and provided a link to the document.

Response: Comments noted. The Delta Plan PEIR MMRP was reviewed and determined that the project MMRP is consistent with the Delta Plan PEIR MMRP as applicable to the project. Nevertheless, the Delta Plan PEIR will be referenced should other applicable mitigation measures become warranted that is not already included in the project MMRP.

Comment 5-4: Habitat Restoration: The Council notes that Delta Plan Policy ER P2 “Restore Habitats at Appropriate Elevations” states that habitat restoration must occur at appropriate elevations and be consistent with Appendix 3 “Habitat Restoration” of the Delta Plan regulations, which is an excerpt from the 2011 Draft Ecosystem Restoration Program Conservation Strategy. Appendix 3 describes many ecosystem benefits related to restoring floodplains, however it cautions that such restoration should include investigation and implementation of Best Management Practices (BMPs) to control methylmercury production and transport since periodic wetting and drying makes these areas prone to methylation of mercury. Marsh Creek is currently cited as exceeding water quality standards for mercury on the Central Valley Regional Water Quality Control Board’s 303(d) list of impaired water bodies, making management of mercury issues relevant to the Parkway Project. The Council recommends that the MND specifically address the potential impact of the project to contribute to methylation of legacy mercury in the Marsh Creek watershed and explain how the project either is designed to minimize this impact or includes appropriate mercury related BMPs.

Response: Comments noted. Marsh Creek is listed as impaired for mercury due to an abandoned mercury mine in the upper watershed, but bio-sentinel and chemical surveys over the last two decades have found relatively low levels of mercury and methylmercury in the watershed below Marsh Creek Reservoir, which appears to act as a mercury trap (John Cain, American Rivers, personal communication). Nevertheless, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has established methylmercury waste load allocations for all dischargers to the Delta through the Sacramento-San Joaquin Delta Estuary Total Maximum Daily Load (TMDL) (Delta Mercury TMDL) with intentions of reducing the mercury concentrations in fish down to levels considered to be protective of people and wildlife who consume fish from the Delta. The Delta Mercury TMDL translates reduced levels of mercury in fish to a water column target of 0.06 nanograms unfiltered methylmercury per liter (ng/L). If the average total methylmercury concentration in a water body exceeds 0.06 ng/L, follow-up actions are required to investigate causes and determine reasonable and foreseeable means of attaining a 0.06 ng/L.

The Contra Costa Clean Water Program (CCCWP) began implementation of a Methylmercury Control Study in 2012 to fulfill requirements of the Central Valley Municipal Regional Stormwater Discharge Permit (Order No. R5-2010-010). A Methylmercury Control Study Work Plan (Amec 2013) was prepared to 1) evaluate the

effectiveness of existing Best Management Practices (BMPs) for the control of methylmercury; 2) evaluate additional or enhanced BMPs, as needed, to reduce mercury and methylmercury discharges to the Delta; and 3) determine the feasibility of meeting methylmercury waste load allocations. Wet year and dry year samples were obtained at several locations along Marsh Creek within the project vicinity from spring 2012 through spring 2015: just upstream and downstream of the City of Brentwood Wastewater Treatment Plant (downstream of the project site), and at the confluences of Sand Creek, Deer Creek, and Dry Creek (all tributaries to Marsh Creek); Sand and Deer Creek confluences occur within the project segment, and Dry Creek is upstream of the project site. Methylmercury concentrations ranged between non-detect to 1.2 ng/L (Contra Costa Clean Water Program, Methylmercury Control Study Progress Report, October 2015).

Creating an intermittently flooded floodplain on Marsh Creek could create a methylated environment resulting in an increased level of methylmercury if there is elemental mercury present. However, based on the hydrology in Marsh Creek, the inundation events have a very short duration and are infrequent, which would presumably limit mercury export into Marsh Creek and the Delta. Further monitoring will be conducted to compare post-project levels to the pre-project data gathered from 2012 to 2015 to help determine whether implementation of this project will have any effect on methylation. Project construction will incorporate applicable BMPs to avoid or minimize off-site sediment transport.

Comment 5-5: Invasive Species: The Council notes that Delta Plan Policy ER P5 states “The potential for new introductions of or improved habitat conditions for nonnative invasive species, striped bass, or bass must be fully considered and avoided or mitigated in a way that appropriately protects the ecosystem.” **Nonnative species**, such as terrestrial and aquatic weeds, are a major obstacle to successful restoration because they affect the survival, health, and distribution of native wildlife and plant species. Although there is little chance of eradicating most established nonnative species, management can be designed to reduced their abundance.

The Council suggests **consideration of incorporating the Delta Plan’s PEIR Biological Resources Mitigation Measure 4-1** which calls for an invasive species management plan to be developed and implemented for any projects that could lead to introduction or facilitation of invasive species establishment. The mitigation requirement also calls for the plan to include nonnative species eradication methods (if eradication is feasible), nonnative species management methods, early detection methods, notification requirements, BMPs for preconstruction, construction, and post construction periods, monitoring, remedial actions and reporting requirements, and provisions for updating the target species list over the lifetime of the project as new invasive species become potential threats to the integrity of the local ecosystems.

Response: Comments noted. The project will implement an invasive species management plan consistent with the Delta Plan's recommendation as applicable to the project.

Comment 5-6: Respect Local Land Use: The Council notes that Delta Plan Policy DP P2 calls for habitat restoration projects to avoid or reduce conflicts with existing uses and to consider comments from local agencies and the Delta Protection Commission. The Council also notes that the MND states the project is consistent with the City of Brentwood General Plan and would not affect any land use of adjoining parcels to the project area, which is primarily designated residential. The MND also describes how the Parkway Project would protect East Bay Regional Park District's Marsh Creek trail by relocating it to new top of the eastern bank under the proposed project.

Response: Comments noted. No further response necessary.

Comment 5-7: Inconsistencies with the Delta Plan: The Council notes that the MND should discuss any inconsistencies between the proposed plan and the Delta Plan and that according to the CEQA Guidelines Appendix G a project that is inconsistent with any applicable land use plan, policy, or regulations may result in a finding of significant impact on the environment.

Response: Comments noted. The project is consistent with the Delta Plan as it is a multi-benefit project that will reduce flood risk associated with a changing climate, improve Delta water quality, restore denuded stream-side habitat, and enhance the Delta as a place. Further, the project will advance water quality recommendations of the Delta Plan to improve environmental water quality by reducing several pollutants conveyed to the Delta by urban and stormwater run-off including nitrates, pathogens, and contaminants with development of new floodplain wetlands and riparian vegetation along the channel that will cleanse polluted run-off that drain to Marsh Creek, Dutch Slough, and eventually to the Delta and Bay. Improving environmental water quality in Marsh Creek is particularly important to further the Delta Plan's goal of protecting Dutch Slough – a priority habitat restoration area.

Comment 5-8: Delta Plan Recommendations: *Protect and Enhance Recreational Opportunities:* The Council notes that the Delta Plan recommends protecting and improving existing recreation opportunities while seeking ways of providing new and better coordinated opportunities. Delta Plan Recommendation DP R11 calls for providing new and protecting existing recreational opportunities in the Delta and Suisun Marsh. Additionally, Recommendation DP R16 states that public agencies owning land should increase opportunities, where feasible, for bank fishing, hunting, levee-top trails, and environmental education.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
CONTRA COSTA COUNTY PUBLIC WORKS DEPARTMENT
THREE CREEKS PARKWAY RESTORATION PROJECT (SCH# 2016082008)
COUNTY FLOOD CONTROL DISTRICT #7562-6D8176; COUNTY CEQA FILE #: CP 16-39

The Council also notes that they appreciate that the MND describes how the project would relocate the Marsh Creek trail and how the lower 1,600 feet of the project would be integrated into a new city park and include interpretive signs.

Response: Comments noted. The project is consistent with DP R11 “Provide New and Protect Existing Recreation Opportunities” and DP R16 “Encourage Recreation on Public Lands” as the project will protect and improve the existing creek trail and provide interpretive aides for environmental education for visitors.

Comment 5-9: Final Remarks: The Council notes that they overall support this project and look forward to working with and providing guidance to County staff on the requirements of filing a Delta Plan Certification of Consistency.

Response: Letter in support of this project is acknowledged. No further response necessary.



DELTA STEWARDSHIP COUNCIL

A California State Agency

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August 30, 2016

Chair
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Claudia Gemberling, Environmental Analyst II
Contra Costa County
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255 Glacier Drive
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Members
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Susan Tatayon
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Executive Officer
Jessica R. Pearson

RE: Three Creeks Parkway Restoration Project Initial Study and Mitigated Negative Declaration, SCH# 2016082008

Dear Ms. Gemberling:

We appreciate the opportunity to comment on the Initial Study and Mitigated Negative Declaration (MND) for the Three Creeks Parkway Restoration Project (hereafter referred to as the "Parkway Project"). The non-profit American Rivers and the Contra Costa County Flood Control and Water Conservation District will implement a project in the City of Brentwood to restore approximately 4,000 linear feet of Marsh Creek and adjacent floodplain and riparian habitat.

As you may know, the Delta Stewardship Council (Council) through the Delta Reform Act was granted specific regulatory and appellate authority over certain actions that take place in whole or in part in the Delta and Suisun Marsh; the Council exercises this authority through the development and implementation of the Delta Plan. The Delta Plan applies a common sense approach based on the best available science to achieve the coequal goals of protecting and enhancing the Delta ecosystem and providing for a more reliable water supply for California, while protecting and enhancing the unique cultural, recreational, and agricultural values of the Delta as an evolving place.

According to the Delta Reform Act, it is the state or local agency approving, funding, or carrying out the project that must determine if that project is a "covered action" subject to Delta Plan regulations, and if so, to file a certification of consistency with the Delta Plan.

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

Delta Plan Policies

The Delta Plan includes 14 regulatory policies that are applicable to all covered actions. Below we have highlighted a few key regulatory policies from the Delta Plan that may be relevant to the Parkway Project.

5-1

Best Available Science and Adaptive Management

Delta Plan Policy **G P1** (23 California Code of Regulations [CCR] Section 5002) calls for covered actions to document use of best available science. This documentation should be consistent with the criteria listed in Appendix 1A of the Delta Plan regulations (available at <http://deltacouncil.ca.gov/docs/appendix-1a>), which include relevance, inclusiveness, and objectivity.

Additionally, Policy **G P1** calls for ecosystem restoration projects to include adequate provisions for continued implementation of adaptive management, appropriate to the scope of the action; this requirement can be satisfied through the development of an adaptive management plan that is consistent with the framework described in Appendix 1B of the Delta Plan (<http://deltacouncil.ca.gov/docs/appendix-1b>), along with documentation of adequate resources to implement the proposed adaptive management process.

5-2

Staff from the Delta Science Program can provide consultation to assist in preparation of documentation of use of best available science and adaptive management. Please contact Darcy Austin (darcy.austin@deltacouncil.ca.gov) of the Delta Science Program to arrange those discussions.

Mitigation Measures

Delta Plan Policy **G P1** (23 CCR Section 5002) also requires that actions not exempt from the California Environmental Quality Act (CEQA) and subject to Delta Plan regulations must include applicable feasible mitigation measures consistent with those identified in the Delta Plan Program Environmental Impact Report (PEIR) or substitute mitigation measures that are equally or more effective. The Delta Plan Mitigation and Monitoring Reporting Program is to be used to ensure compliance with the Delta Plan mitigation measures and this document is available at http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20Item%206a_attach%202.pdf

5-3

Council staff can provide a slightly reformatted Microsoft Word document version of the MMRP document which may help Contra Costa County staff with the process of cross-referencing between Delta Plan mitigation measures with those in the project's MND.

Habitat Restoration

Delta Plan Policy **ER P2** (23 CCR Section 5006) states that habitat restoration must occur at appropriate elevations and be consistent with Appendix 3 of the Delta Plan regulations, which is an excerpt from the 2011 Draft Ecosystem Restoration Program Conservation Strategy. Appendix 3 describes the many ecosystem benefits related to restoring floodplains, however it also cautions that such restoration should include investigation and implementation of Best Management Practices (BMPs) to control methylmercury production and transport since periodic wetting and drying makes these areas prone to methylation of mercury. Marsh Creek is currently cited as exceeding water quality standards for mercury on the Central Valley Regional Water Quality Control Board's 303(d) list of impaired water bodies, making management of mercury issues relevant to the Parkway Project. We recommend that the MND specifically address the potential impact of the project to contribute to methylation of legacy mercury in the Marsh Creek watershed and explain how the project either is designed to minimize this impact or includes appropriate mercury related BMPs.

5-4

Invasive Species

Delta Plan Policy **ER P5** (23 CCR Section 5009) states, "The potential for new introductions of or improved habitat conditions for nonnative invasive species, striped bass, or bass must be fully considered and avoided or mitigated in a way that appropriately protects the ecosystem." Nonnative species, such as terrestrial and aquatic weeds, are a major obstacle to successful restoration because they affect the survival, health, and distribution of native wildlife and plant species. Although there is little chance of eradicating most established nonnative species, management can be designed to reduce their abundance.

We suggest you consider incorporating into the MND Delta Plan PEIR's **Biological Resources Mitigation Measure 4-1** which calls for an invasive species management plan to be developed and implemented for any projects that could lead to introduction or facilitation of invasive species establishment. The plan must ensure that invasive plant species and populations are kept below preconstruction abundance and distribution levels and be based on best available science and developed in consultation with Department of Fish and Wildlife and local experts (e.g., UC Davis, California Invasive Plant Council). This mitigation requirement also calls for the plan to include the following elements:

5-5

- Nonnative species eradication methods (if eradication is feasible)
- Nonnative species management methods
- Early detection methods
- Notification requirements
- Best management practices for preconstruction, construction, and post construction periods
- Monitoring, remedial actions and reporting requirements

- Provisions for updating the target species list over the lifetime of the project as new invasive species become potential threats to the integrity of the local ecosystems

Respect Local Land Use

Delta Plan Policy **DP P2** (23 CCR Section 5011) calls for habitat restoration projects to avoid or reduce conflicts with existing uses and to consider comments from local agencies and the Delta Protection Commission. The MND states that the project is consistent with the City of Brentwood General Plan and would not affect any land use of adjoining parcels to the project area, which is primarily designated residential. The MND also describes how the Parkway Project would protect East Bay Regional Park District's Marsh Creek trail by relocating it to new top of the eastern bank under the proposed project.

5-6

Inconsistencies with the Delta Plan

The MND should discuss any inconsistencies between the proposed plan and the Delta Plan, as required by section 15125(d) of the CEQA Guidelines. Please note that the CEQA guidelines' Appendix G states that a project that is inconsistent with any applicable land use plan, policy, or regulations may result in a finding of significant impact on the environment.

5-7

Delta Plan Recommendations

The Delta Plan contains 74 recommendations, which we encourage project proponents to consider as they design and implement their projects and programs. Although these recommendations are non-regulatory in nature, progress towards their implementation will help with achieving the coequal goals in a manner that protects and enhances the unique values of the Delta.

Protect and Enhance Recreational Opportunities

The Delta Plan recommends protecting and improving existing recreation opportunities while seeking ways of providing new and better coordinated opportunities. Delta Plan Recommendation **DP R11** calls for providing new and protecting existing recreational opportunities in the Delta and Suisun Marsh. Additionally, Recommendation **DP R16** states that public agencies owning land should increase opportunities, where feasible, for bank fishing, hunting, levee-top trails, and environmental education. We appreciate how the MND describes how the project would relocate the Marsh Creek trail and how the lower 1,600 feet of the project would be integrated into a new city park and include interpretive signs.

5-8

Claudia Gemberling, Environmental Analyst II
Contra Costa County
Public Works Department
August 30, 2016
Page 5

Final Remarks

Overall we support Contra Costa County and American Rivers in this initiative to restore habitat along a stretch of urbanized creek in the City of Brentwood. We look forward to working with County staff on this project and, if necessary, provide early consultation to County staff on the requirements of filing a Delta Plan certification of consistency. I encourage you to contact Daniel Huang at Daniel.Huang@deltacouncil.ca.gov for any questions you have regarding issues raised in this comment letter.

5-9

Sincerely,



Cassandra Enos-Nobriga
Deputy Executive Officer
Delta Stewardship Council

COMMENT LETTER #6. EAST BAY REGIONAL PARK DISTRICT (September 1, 2016)

Comment 6-1: The East Bay Regional Park District (Park District) appreciates that the Marsh Creek Trail within the project area will be located above the 100-year flood plain zone which will avoid increased maintenance costs and potential trail closures. The project is considering a pervious surface for the trail as part of the proposal required by the East Contra Costa County Habitat Conservancy. The Park District comments that they maintain a portion of the Marsh Creek Trail and requests that a local funding mechanism be established to accommodate additional maintenance required for this type of surface.

Response: The Contra Costa County Flood Control District has been having discussions with the City of Brentwood Parks and Recreation Department about the local funding mechanism and the City has agreed they'll provide additional funding for the additional maintenance required for this type of surface.

Comment 6-2: The City of Brentwood is proposing to widen Central Blvd. to four (4) lanes by adding a new bridge. The Park District comments safety concerns regarding the increased distance trail users would have to travel across Central Blvd. once additional lanes are added. The Park District supports the trail passing under the bridge(s) and elimination of at grade crossing which is a much safer experience for trail users and may improve traffic flow on Central Blvd. Additional structures required to protect the bridge abutments and trail alignment under the bridge will need to be included in the CEQA analysis.

Response: The project will include armoring under the bridge to protect the bridge and proposed trail undercrossing. The armoring will be a combination of concrete and riprap. The riprap will be vegetated where accessible to sunlight. The MND points out that other locations within the project segment will need to be armored to stabilize slopes which will minimize erosion and provide stabilized slopes for the trail relocation as noted in the Biological Resources, Geology and Soil, and Hydrology and Water Quality sections. No additional structures will be necessary to protect the bridge abutments or trail.

Comment 6-3: The Park District requests that the Contra Costa County Flood Control District design the trail undercrossing to Caltrans Chapter 1000 Class I bikeway standards, which calls for at least ten (10) feet of overhead clearance if possible which will also allow enough clearance for equestrians, emergency vehicles and overhead signage if necessary. The Park District will still need to preserve emergency vehicle and maintenance access through the current on street trail entrances for operational purposes.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
CONTRA COSTA COUNTY PUBLIC WORKS DEPARTMENT
THREE CREEKS PARKWAY RESTORATION PROJECT (SCH# 2016082008)
COUNTY FLOOD CONTROL DISTRICT #7562-6D8176; COUNTY CEQA FILE #: CP 16-39

Response: The trail will be designed to the Class I Bikeway standards with the exception that the 10-ft recommended clearance is not achievable under the existing bridge. The design can achieve 8-ft minimum clearance as specified by the Caltrans standards. The Federal Highway Administration standards for equestrians recommends a 12-ft clearance. It is our expectation that equestrians will need to use the Central Blvd. at-grade crossing. Emergency vehicle and maintenance access (EVMA) will be maintained at street level as well.



2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381 T: 1-888-EBPARKS F: 510-569-4319 TRS RELAY: 711 WWW.EBPARKS.ORG

COMMENT LETTER #6

Claudia Gemberling, Environmental Analyst II
Contra Cost County Public Works Department
255 Glacier Drive
Martinez, CA 94553

RE: Notice of Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration

Dear Ms. Gemberling,

The East Bay Regional Park District (Park District) has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the Three Creeks Parkway Restoration (the project), proposed by the Contra Costa County Flood Control District (CCCFCD). The Park District has a long term commitment to protecting and maintaining open space in Contra Costa County and providing safe non-motorized public transportation and recreational opportunities by way of our Regional Trail Network. The District operates and maintains the Marsh Creek Regional Trail (the Trail) on the east side of Marsh Creek, which is within the project’s scope.

The project proposes to relocate the trail for approximately 0.8 mile as part of the restoration effort of Marsh Creek. The Park District appreciates the CCCFCD’s willingness to relocate the existing trail above the 100 year flood plain to avoid increased maintenance costs and potential trail closures. The CCCFCD is considering a pervious surface for the trail as part of the proposal required by the East Contra Costa Habitat Conservancy. The Park District maintains this portion of the Marsh Creek Trail and requests that a local funding mechanism be established to accommodate additional maintenance required for this type of surface.

6-1

The City of Brentwood is proposing to widen Central Blvd to four (4) lanes by adding a new bridge. The Park District has safety concerns regarding the increased distance trail users would have to travel across Central Blvd. once additional lanes are added. The Park District supports the trail passing under the bridge(s) on Central Blvd. and the elimination of the existing at grade crossing; which is a much safer experience for trail users and may improve traffic flow on Central Blvd. There are several schools within .5 mile of the project, and students and parents will be able to walk/bike to school on a safer route with this improvement. Additional structures required to protect the bridge abutments and trail alignment under the bridge, which may encroach into the creek channel, will need to be included in your CEQA analysis.

6-2

The Park District requests that CCCFCD design the trail undercrossing to Caltrans Chapter 1000 Class I bikeway standards, which calls for at least ten (10) feet of overhead clearance if possible. This also allows enough clearance for equestrians, emergency vehicles and overhead signage if necessary. The Park District will still need to preserve emergency vehicle and maintenance access (EVMA) through the current on street trail entrances for operational purposes.

6-3

The Park District appreciates the opportunity to review the IS/MND and provide comments. We look forward to working with the CCCFCD on this project. Please provide any future information and design plans for Park District review. If you have any questions or concerns, please contact me at (510) 544-2609, or by e-mail at swilson@ebparks.org.

Respectfully,

Suzanne Wilson
Senior Planner – Trails Development

CC – Neoma Lavallo, Planner EBRPD; Sean Dougan, Trails Development Program Manager EBRPD

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Ward 5

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General Manager

Claudia Gemberling

From: Suzanne Wilson <swilson@ebparks.org>
Sent: Thursday, September 01, 2016 1:53 PM
To: Claudia Gemberling
Cc: Sean Dougan; Neoma Lavalle
Subject: Three Creeks Parkway Restoration Comment Letter
Attachments: Three Creeks Parkway Restortation Comments_EBRPD.pdf

Dear Ms. Gemberling,

Thank you for the opportunity to review and provide comments on the Initial Study/Mitigated negative Declaration for the Three Creeks Parkway Restoration Project. Please the East Bay Regional Park District's comments attached. Don't hesitate to contact me should you have any questions.



Suzanne Wilson

Senior Planner - Trails Development | Trails Development Program

East Bay Regional Park District

2950 Peralta Oaks Court, Oakland, CA 94605

T: 510-544-2609 | F: 510-569-1417

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COMMENT LETTER #7. CHEVRON (September 1, 2016)

Comment 7-1: Leidos Engineering LLC, on behalf of Chevron Environmental Management Company (CEMC), describes the background of inactive, historic crude-oil pipelines within the project vicinity and identifies the approximate location of the former Old Valley Pipeline (OVP) and Tidewater Associated Oil Company (TAOC) alignments **with respect to the project's layout. Leidos further states that CEMC conducted risk assessments** at numerous locations within known historical crude-oil release points along the former OVP and TAOC pipelines and analytical results have indicated that the crude-contaminated soil was non-hazardous. If soil affected by the historical release of crude oil from these former pipelines is encountered during construction activities it may be reused as backfill on site. Parties conducting construction activities in the vicinity of these former pipeline rights-of-way may wish to use the information provided in the letter to help prepare for the possibility of encountering pipelines and pipeline-related asbestos-containing materials ACM during the course of their work.

Response: Comments have been noted and forwarded to the project design team. No further response is necessary.



Mike N. Oliphant
Project Manager
Mining and Specialty
Portfolio

**Chevron Environmental
Management Company**
P.O. Box 6012
San Ramon, CA 94583
Tel (925) 842 9922
mike.oliphant@chevron.com

September 1, 2016

Stakeholder Communication – Contra Costa County

Ms. Claudia Gemberling
Environmental Analyst II
Contra Costa County Public Works Department
255 Glacier Drive
Martinez, California 94553

Subject: Comments on the Initial Study and Proposed Mitigated Negative Declaration for the Three Creeks Parkway Restoration Project
Chevron Environmental Management Company
Historical Pipeline Portfolio–Bakersfield to Richmond

Dear Ms. Gemberling:

On behalf of Chevron Environmental Management Company (CEMC), Leidos, Inc. (Leidos; CEMC contract consultant) recently reviewed the Initial Study and Proposed Mitigated Negative Declaration for the Three Creeks Parkway Restoration Project (proposed project). The information contained in this letter may help you to understand something about Chevron's former pipeline operations in the City of Brentwood, as residual weathered crude oil, abandoned pipeline, and asbestos-containing materials (ACM) could potentially be encountered during subsurface construction activities in the vicinity of these former pipeline locations within the existing former pipeline rights of way (ROW).

Portions of the former Old Valley Pipeline (OVP) and Tidewater Associated Oil Company (TAOC) pipelines existed in the vicinity of the proposed project area. These formerly active pipelines were constructed in the early 1900s and carried crude oil from the southern San Joaquin Valley to the San Francisco Bay Area. Pipeline operations for the OVP ceased in the 1940s, and in the 1970s for the TAOC pipelines. When pipeline operations ceased, the pipelines were taken out of commission. The degree and method of decommissioning varied: in some instances the pipelines were removed, while in others they remained in place. Because these pipelines have been decommissioned, with the majority of pipelines having been removed, they are not readily identified as underground utilities through the Underground Service Alert North System or utility surveys. Figure 1 illustrates the locations of the former OVP and TAOC ROWs with respect to the proposed project area. The location of the pipelines shown on Figure 1 is based on historical as-built drawings and the approximated positional accuracy of the alignments is generally +/- 50 feet. The OVP and TAOC pipelines were installed at depths of up to 10 feet below ground surface. The steel pipelines were typically encased in a protective coating composed of coal tar and ACM.

Working under the direction of State regulatory agencies, CEMC conducted risk assessments at numerous locations with known historical crude-oil release points along the former OVP and TAOC pipelines. Analytical results from these risk assessments indicated that the crude-contaminated soil was non-hazardous. Accordingly, it is likely that

September 1, 2016

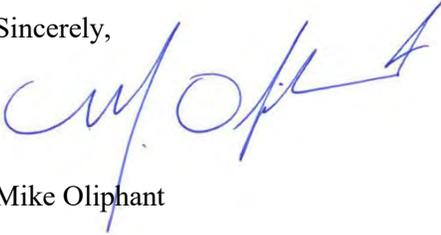
Page 2 of 2

if soil affected by the historical release of crude oil from these former pipelines is encountered during construction activities it may be reused as backfill on site. Properly abandoned crude-oil pipeline may be left in the ground. Parties conducting construction activities in the vicinity of these former pipeline ROWs may wish to use the information provided in this letter to help prepare for the possibility of encountering abandoned pipelines and pipeline-related ACM during the course of their work.

6-1

For more information regarding these historic pipelines, please visit <http://www.hppinfo.com/>. If you would like additional information, or would like to request more detailed maps, please contact Leidos consultants Mike Hurd (michael.t.hurd@leidos.com) at (510) 466-7161 or Tan Hoang (tan.t.hoang@leidos.com) at (916) 979-3742.

Sincerely,



Mike Oliphant

MO/klg

Enclosure:

Figure 1. Historical Pipeline Rights of Way – Lower Reach Improvements

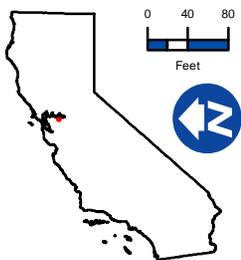
ss

cc: Mr. Mike Hurd – Leidos
475 14th Street, Suite 610, Oakland, California 94612
Mr. Erik Nolthenius – City of Brentwood Planning Division
150 City Park Way, Brentwood, California 94513

FILE: Q:\HPP\BTR\MANAGEMENT\STRATEGY\POTENTIAL_PROJECTS\CONTRA_COSTA\THREECREEKSPARKWAYPROJECTS\FIGURE_1P\SEP_FIG1_THREERIVERSPKWY_2016_08.MXD



Map is compiled from data sources that vary in accuracy; features may not be displayed in exact relationship to one another. Do not rely on map for legal information or underground work.



CALIFORNIA LOCATION MAP

-  Historical Old Valley Pipeline (OVP)
-  Historical Tidewater Associated Oil Company (TAOC) Pipeline

HISTORICAL PIPELINE RIGHTS OF WAY

LOWER REACH IMPROVEMENTS
Brentwood, California

DATE: 8/18/2016 ANALYST: HOANGTA FIGURE:



1

Claudia Gemberling

From: Hoang, Tan T. <TAN.T.HOANG@leidos.com>
Sent: Thursday, September 01, 2016 4:10 PM
To: Claudia Gemberling
Cc: Hurd, Michael T.; Anzelon, Danny B.; planning@brentwoodca.gov
Subject: Comments on the IS/MND for the Three Creeks Parkway Restoration Project
Attachments: Three Creeks MND Comment Letter.pdf

Ms. Gemberling,

On behalf of Chevron Environmental Management Company (CEMC), please see the attached comment letter on the Initial Study and proposed Mitigated Negative Declaration for the Three Creeks Parkway Restoration Project in Brentwood, CA. This letter describes the background of inactive, historic crude-oil pipelines within the project's vicinity, including one map that show the approximate location of the former Old Valley Pipeline (OVP) and Tidewater Associated Oil Company (TAOC) alignments with respect to the lower reach improvements of project area (Figure 1).

Please let me know if you have any questions. A hard copy of this letter will also be mailed to your office.

Thank you.

Tan Hoang, AICP | Leidos

Land Use Planner | Infrastructure

phone: 916.979.3742

tan.t.hoang@leidos.com | leidos.com/infrastructure

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COMMENT LETTER #8. CITY OF BRENTWOOD PUBLIC WORKS DEPARTMENT

(September 2, 2016)

Comment 8-1: The City of Brentwood Public Works Department (City) suggested to include in the last paragraph of Section 2.2 "Project Location and Surrounding Land Uses" on page 8 that the planned linear city park part of the Pulte development is planned to be under construction during the spring and/or summer of 2017.

Response: Comment noted and is included in this CEQA record for the final IS/MND. No further response is necessary.

Comment 8-2: The City notes that the footnotes to Table 1 in Section 2.4 "Project Components" on page 10 indicate that the parcel numbers and ownership information are shown on Figures 4, 6, and 8, but the information is not shown.

Response: Comment noted. The figures have been updated and included in this CEQA record for the final IS/MND. No further response is necessary.

Comment 8-3: The City commented that Section 2.4.1 "Middle Reach" does not address the "Phase II Design Alternative" widening shown in blue and noted on Figure 7.

Response: The intent was to have an alternative if the sewer line could be relocated in accordance with City requirements.

Comment 8-4: The City recommends not using the term "relocation" in Section 2.4.3 Sewer Line Relocation on page 17 (page number not shown) because the sewer line will remain in place and suggested revising to "Existing Sewer Main".

Response: Comment noted and is included in this CEQA record for the final IS/MND. No further response is necessary.

Comment 8-5: The City recommends changing the wording to "City of Brentwood Encroachment and/or Grading Permit" in Section 2.7 "Permits and Approvals Required" in the last line on page 19 as the City will want to review items such as construction plans, haul truck routes, traffic control, bonds, working hours, and possibly impose conditions such as repair of improvements damaged during construction, periodic coordination with City staff, and potential need for settlement monitoring.

Response: Comment noted and is included in this CEQA record for the final IS/MND. No further response is necessary.

Comment 8-6: The City of Brentwood PWD comments on Section 5.8.2 “Hazards and Hazardous Materials” discussion item g on page 60 that if APN 017-110-011 “DLT Ventures (Griffith)” is not made available for soil stockpiling, it does not appear that the project has adequate space at other locations to stockpile a significant amount of excavated material based on the other parcels identified in Section 2.4, Table 1. This could result in a frequency of haul truck traffic that is worthy of further consideration. **The City’s permit process will help identify the haul routes and traffic control that will be needed to mitigate impacts.**

The City recommends considering less precise language that would leave open the possibility of access from alternative locations. Construction staging may require cycling earthmoving trucks through the project if turn-around space is limited. The City comments that it should be stipulated that access and haul routes will be agreed upon during the design process, prior to construction.

Response: Comments noted. The MND analyzed potential stockpile locations and haul routes. Feasible stockpile locations and haul routes will be finalized during the permit process prior to start of construction.

Comment 8-7: The City comments that while the statement in the “Background” of Section 5.16.1 “Transportation and Traffic” is true for access directly to the creek, other possible access points as shown in Figure 3 should be mentioned and evaluated. The City also comments that it should be noted that some of the streets mentioned may be under developer control, or may be deemed not suitable for haul truck traffic, and therefore not allowed for construction access.

Response: Comments noted. Some of the access points shown in Figure 3 are for public access to existing and planned city parks part of the Pulte Development (i.e., Bella Drive, Island Palm Way) which may not be accessible upon project completion as noted by the City but will be determined during the design process. As noted in discussion items a, b of Section 5.16, construction vehicles would access the project site via local roadways and existing maintenance roads or the regional trail along the creek. Central Blvd. and Dainty Avenue are local roadways that provide access to the project site and trail; the County Flood Control District maintenance road at Sungold Park within the Carmel Estates development is another access point.

Comment 8-8: The City comments that discussion items “a” and “b” in Section 5.16.3 “Transportation and Traffic” on page 75 discusses the duration of construction and construction traffic and suggests noting the number of trips per day that would be needed to achieve those durations. The City also comments that traffic control measures for hauling trucks would likely be justified, and required, as part of an encroachment permit. And, notes that if parcel 017-110-011 would be used for

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
CONTRA COSTA COUNTY PUBLIC WORKS DEPARTMENT
THREE CREEKS PARKWAY RESTORATION PROJECT (SCH# 2016082008)
COUNTY FLOOD CONTROL DISTRICT #7562-6D8176; COUNTY CEQA FILE #: CP 16-39

stockpiling, and subsequent trucking away from the site, the access to that property for trucking would be Minnesota Avenue.

Response: Comments noted. The exact number of trips per day needed to achieve the construction and construction traffic durations will be determined when the contractor obtains the encroachment permit as well as traffic control measures for haul trucks.

Comment 8-9: The City comments on Section 5.17 "Utilities and Service Systems" that even though a conflict or interaction with the existing sewer system, other than adjustments to manhole lids, is extremely unlikely, a response protocol should be created that identifies what actions need to be taken in the event of damage to existing facilities.

The City also comments that the City requires vehicular access over the sanitary sewer main that is not subject to the 100 year flood event and proposed widening near 371+00 would appear to impact that requirement, but widening may have already been accomplished at that location. No typical section for 371+00 is provided to clarify. Relocation of the sanitary sewer main may be necessary to ensure the aforementioned requirement is met.

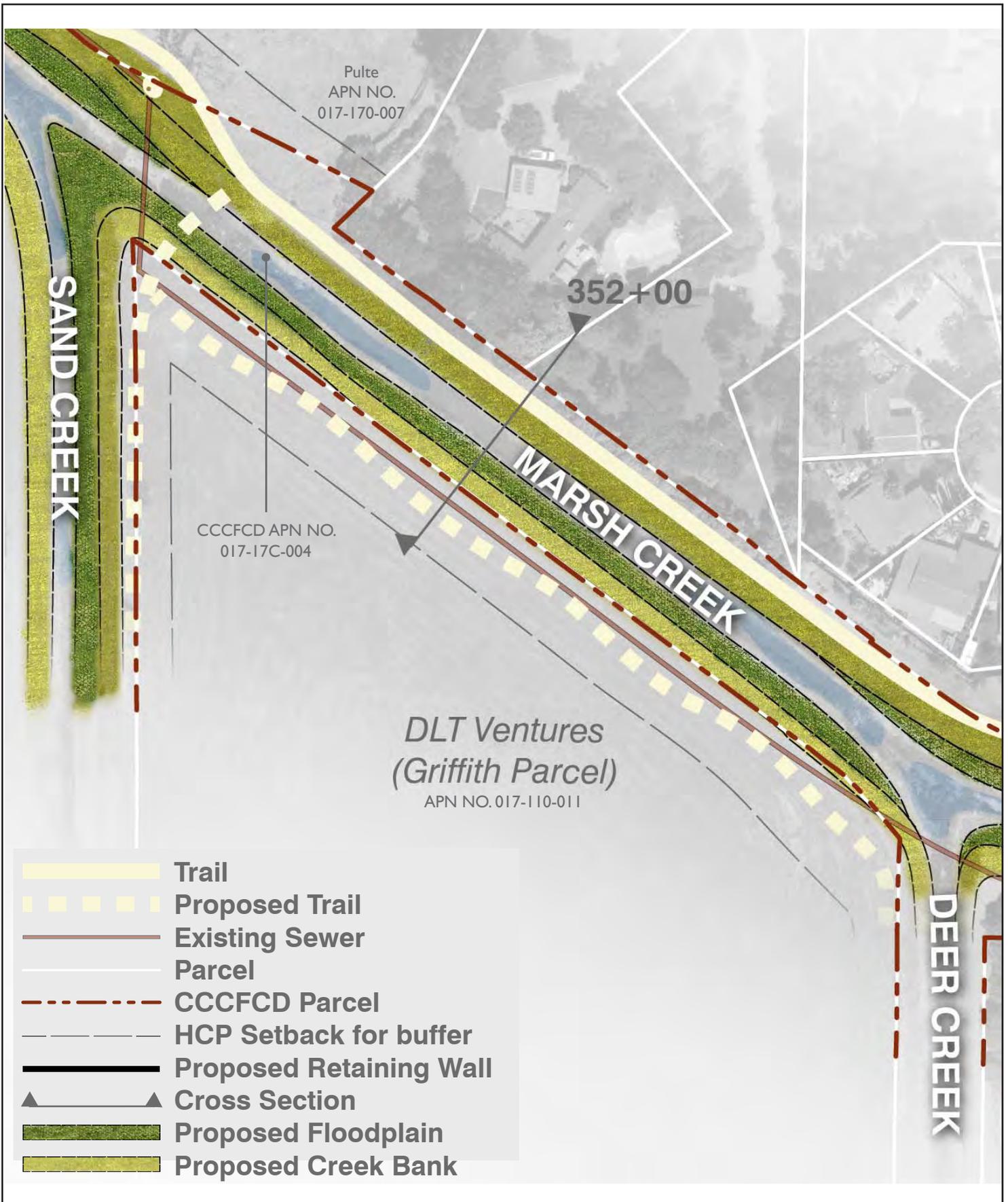
Response: Comments noted. A response protocol will be prepared prior to construction to address necessary actions in the event of damage to the City's existing facilities.

The existing sewer line location is below the existing top of bank at station 371+00 and is currently below the 100-year flood event. The proposed project will not affect this condition. The proposed project grading begins immediately downstream of station 371+00 and transitions to a widened left bank. The City will have an opportunity to review project plans to ensure an acceptable design.



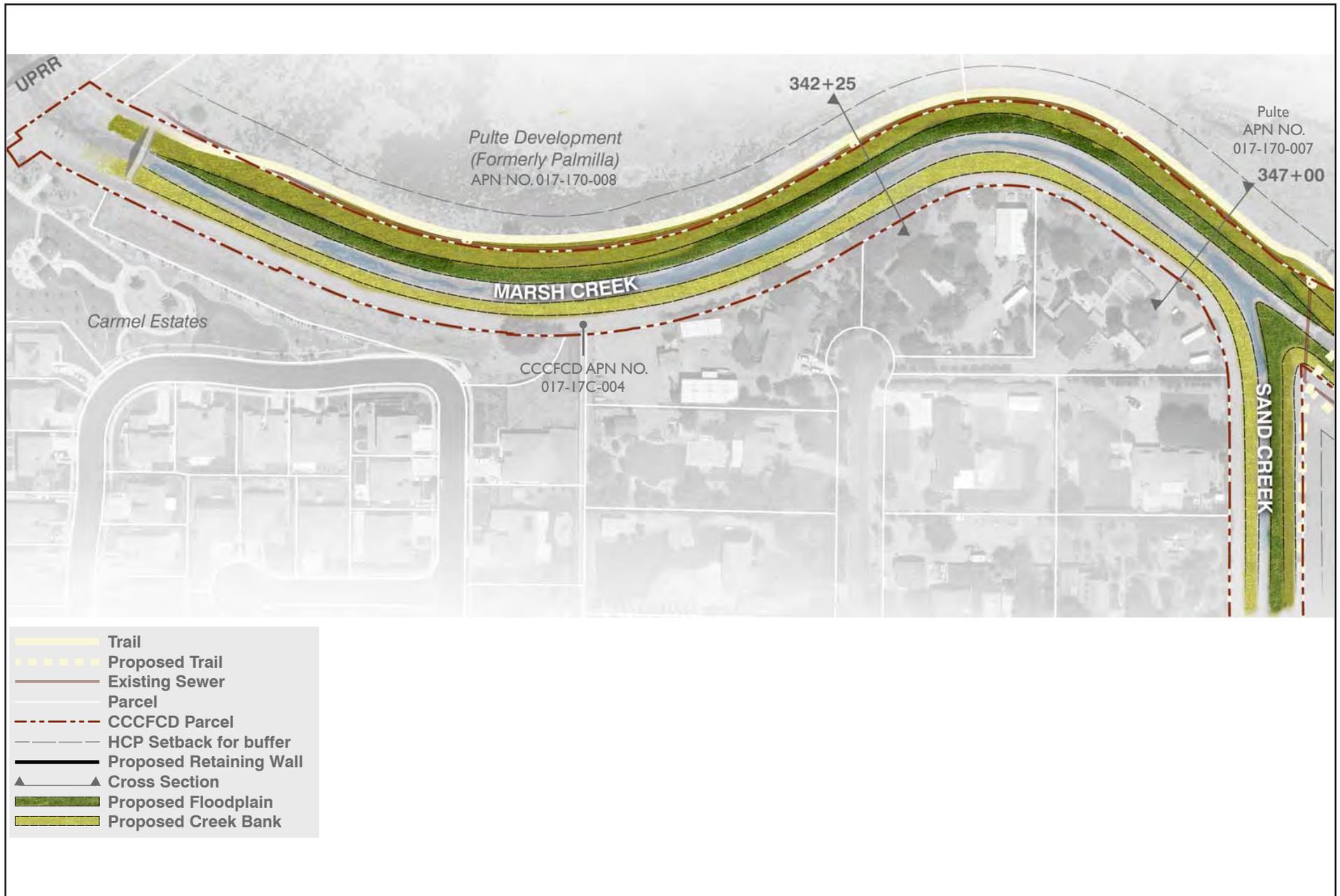
SOURCE: Restoration Design Group, Inc. 2016

FIGURE 4



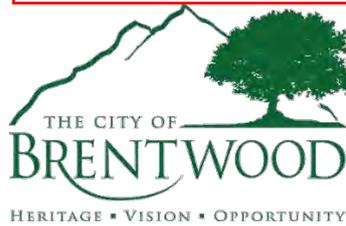
SOURCE: Restoration Design Group, Inc. 2016

FIGURE 6



SOURCE: Restoration Design Group, Inc. 2016

FIGURE 8



September 2, 2016

Contra Costa County Public Works Department
255 Glacier Drive
Martinez, CA 94553
Attn: Claudia Gemberling, Environmental Analyst II

Re: Three Creeks Parkway Restoration
Initial Study – Mitigated Negative Declaration

Dear Ms. Gemberling:

Thank you very much for the opportunity to review the Initial Study – Mitigated Negative Declaration for this important project. City staff has reviewed it and offers the following comments for your consideration:

- 1. Section 2.2 “Project Location and Surrounding Land Uses,” Page 8: In the last paragraph of the section, it may be worth noting that the park is planned to be under construction during the spring and/or summer of 2017. 8-1
- 2. Section 2.4 “Project Components”, Page 10: The footnotes to Table 1 indicate that the parcel numbers and ownership information are shown on Figures 4, 6, and 8, but the information is not shown. 8-2
- 3. Section 2.4.1 “Middle Reach”: This section does not address the “Phase II Design Alternative” widening shown in blue and noted on Figure 7. 8-3
- 4. Section 2.4.3 “Sewer Line Relocation”, Page 17 (page number not shown): I would recommend not using the term “relocation” because the sewer line will remain in place. Maybe something more general like “Existing Sewer Main” would be more appropriate. 8-4
- 5. Section 2.7 “Permits and Approvals Required”, Page 19, last line: I would recommend changing the wording to “City of Brentwood Encroachment and/or Grading Permit”. With the encroachment permit application process, the city will want to review items such as construction plans, haul truck routes, traffic control, bonds, working hours, and possibly impose conditions such as repair of improvements damaged during construction, periodic coordination with city staff, and potential need for settlement monitoring. 8-5
- 6. Section 5.8.2, discussion item g, Page 60:
 - a. If APN 017-110-011 “DLT Ventures (Griffith)” is not made available for stockpiling, It does not appear that the project has adequate space at other locations to stockpile a significant amount of excavated material, based on the other parcels identified in the Section 2.4, Table 1. This could result in a frequency of haul truck traffic that is worthy of further consideration. The City’s permit process will help identify the haul routes and traffic control that will be needed to mitigate impacts. 8-6

PUBLIC WORKS DEPARTMENT

Mailing Address

150 City Park Way, Brentwood, CA 94513

www.brentwoodca.gov

Engineering Division

Physical Address

150 City Park Way, Brentwood, CA 94513

Phone (925) 516-5420 – Fax (925) 516-5421

Operations Division

Physical Address

2201 Elkins Way, Brentwood, CA 94513

Phone (925) 516-6000 – Fax (925) 516-6001

- b. I recommend considering less precise language that would leave open the possibility of access from alternative locations. Construction staging may require cycling earthmoving trucks through the project if turn-around space is limited. It should be stipulated that access and haul routes will be agreed upon during the design process, prior to construction. **8-6**
7. Section 5.16.1, "Background" – While the statement is true for access directly to the creek, what if other access points are possible? Shouldn't those be mentioned and evaluated also? Other access points are shown on the exhibit for Figure 3, but not discussed anywhere else. However, it should also be noted that some of the streets mentioned above may be under developer control, or may be deemed not suitable for haul truck traffic, and therefore not allowed for construction access. **8-7**
8. Section 5.16.3 (.2 was skipped), discussion items "a" and "b", Page 75: In the discussion of duration of construction and construction traffic, it might be useful to see the number of trips per day that would be needed to achieve those durations. Traffic control measures for hauling trucks would likely be justified, and required, as part of an encroachment permit. Also, if parcel017-110-011 would be used for stockpiling, and subsequent trucking away from the site, the access to that property for trucking would be Minnesota Ave. **8-8**
9. Section 5.17, Utilities and Service Systems: Even though a conflict or interaction with the existing sewer system, other than adjustments to manhole lids, is extremely unlikely, a response protocol should be created that identifies what actions need to be taken in the event of damage to the existing facilities. **8-9**

The City of Brentwood requires vehicular access over the sanitary sewer main that is not subject to the 100 yr flood event. Proposed channel widening near 371+00 would appear to impact that requirement, but widening may have already been accomplished at that location. No typical section for 371+00 is provided to clarify. Relocation of the sanitary sewer main may be necessary to ensure the aforementioned requirement is met.

Thank you again for the opportunity to review and comment on the IS/MND. If you have any questions, please feel free to contact me by phone (925-516-5420) or by e-mail (shunn@brentwoodca.gov). The City looks forward to construction of the project.

Very truly yours,



Steven J. Hunn
Senior Engineer

Cc: Miki Tsubota, Director of Public Works / City Engineer
Jack Dhaliwal, Assistant Director of Public Works/Engineering
Steve Kersevan, Engineering Manager
Erik Nolthenius, Planning Manager
Martin Lysons, Assistant City Attorney

Claudia Gemberling

From: Hunn, Steve <shunn@brentwoodca.gov>
Sent: Friday, September 02, 2016 12:25 PM
To: Claudia Gemberling
Cc: Tsubota, Miki; Dhaliwal, Jagtar; Kersevan, Steven; Nolthenius, Erik; Lysons, Martin E.; Silfies, Heather
Subject: RE: Three Creeks Parkway Restoration, IS/MND review
Attachments: Three Creeks IS-MND review R2_SJH-signed.pdf

Claudia,

Please accept my apology for submitting my review letter prematurely. I've attached an updated letter with one item added and another. Please discard the previous letter submitted. Again, please feel free to call if you have any questions or concerns.

Sincerely,
Steve Hunn, Senior Engineer
Public Works/Engineering
925.516.5370

From: Hunn, Steve
Sent: Friday, September 02, 2016 9:09 AM
To: 'Claudia Gemberling'
Cc: Tsubota, Miki; Dhaliwal, Jagtar; Kersevan, Steven; Nolthenius, Erik; Lysons, Martin E.; Silfies, Heather
Subject: Three Creeks Parkway Restoration, IS/MND review

Claudia,

Thank you for the opportunity to review the IS/MND for the proposed Three Creeks Parkway Restoration project, County File No. CP 16-39. Please find attached my letter of review and comment on the IS/MND document. Please feel free to call me with any questions.

Sincerely,
Steve H

COMMENT LETTER #9. STATE CLEARINGHOUSE (September 2, 2016)

Comment 9-1: The Governor's Office of Planning and Research, State Clearinghouse and Planning Unit noted that the IS/MND was submitted to selected state agencies for review and provided the list of those agencies and comments letters received. The Central Valley Regional Water Quality Control Board was the only agency that submitted a comment letter to the State Clearinghouse.

Response: The Central Valley Regional Water Quality Control Board comment letter is addressed in Comment Letter #4 of this package. No further response is necessary.



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

September 2, 2016

Claudia Gemberling
Contra Costa County
255 Glacier Dr
Martinez, CA 94553

RECEIVED
SEP 06 2016
Environmental

Subject: Three Creeks Parkway Restoration
SCH#: 2016082008

Dear Claudia Gemberling:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on September 1, 2016, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

9-1

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2016082008
Project Title Three Creeks Parkway Restoration
Lead Agency Contra Costa County

Type MND Mitigated Negative Declaration

Description The County Flood Control and Water Conservation District, in partnership with American Rivers, a non-profit organization that protects rivers and restores damaged rivers, proposes to widen approximately 4,000 lf of the Marsh Creek channel from Dainty Ave to an existing pedestrian bridge just before the UPRR tracks with floodplain benches, which will meet the District's standards for 100-year flood protection, and native riparian vegetation that will enhance habitat and recreation. Some work may occur within the flow line of the creek to create in stream habitat by placing boulders and large woody debris, and the placement of rock slope protection. The project will also include a slight relocation of the existing East Bay Regional Park District Marsh Creek trail along the eastern bank to the new grade.

Lead Agency Contact

Name Claudia Gemberling
Agency Contra Costa County
Phone 925-313-2192 **Fax**
email
Address 255 Glacier Dr
City Martinez **State** CA **Zip** 94553

Project Location

County Contra Costa
City Brentwood
Region
Lat / Long 37° 56' 04" N / 121° 42' 33" W
Cross Streets Central Blvd
Parcel No. 017-17C-004, -20C-XXX
Township 1N **Range** 2E **Section** 12? **Base** MD

Proximity to:

Highways 4
Airports
Railways UPRR
Waterways Marsh Creek
Schools Bristow MS
Land Use Creek: no designation; adjacent land uses: low and medium res density, Ranchette Estate, Park

Project Issues Air Quality; Archaeologic-Historic; Biological Resources; Geologic/Seismic; Noise

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 3; Delta Protection Commission; Department of Parks and Recreation; Central Valley Flood Protection Board; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Regional Water Quality Control Bd., Region 5 (Fresno); Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

Date Received 08/03/2016 **Start of Review** 08/03/2016 **End of Review** 09/01/2016



9-1-16
t



EDMUND G. BRIDGE JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

25 August 2016

Governor's Office of Planning & Research

AUG 31 2016

Claudia Gemberling
Contra Costa County
Department of Conservation and Development
255 Glacier Drive
Martinez, CA 94553

CERTIFIED MAIL

STATE CLEARINGHOUSE 7199 9991 7035 8360 9782

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, THREE CREEKS PARKWAY RESTORATION PROJECT, SCH# 2016082008, CONTRA COSTA COUNTY

Pursuant to the State Clearinghouse's 3 August 2016 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Three Creeks Parkway Restoration Project, located in Contra Costa County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources

Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:
http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements – Discharges to Waters of the State

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

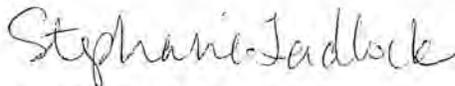
NPDES Permit

If the proposed project discharges waste that could affect the quality of the waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml

If you have questions regarding these comments, please contact me at (916) 464-4644 or Stephanie.Tadlock@waterboards.ca.gov.



Stephanie Tadlock
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento