

taken. If it shall appear, after an opportunity for the respondent to present his or her case (or, if no appearance is made, after report by the District Manager as to status), that the violation is not corrected, the Board of Trustees may extend the time for correction, or otherwise condition the terms of the District Manager's order to correct, or refer the matter to such attorney or attorneys as it chooses for commencement of legal proceedings to enforce compliance (hereinafter called the "enforcement attorney").

G. Upon receipt of such referral, together with a copy of all documents relevant to the matter, the enforcement attorney shall, in writing, by certified mail, return receipt requested, or by personal delivery, demand compliance by the respondent within ten (10) days of the receipt of such written demand.

H. At the regularly scheduled meeting of the Board of Trustees occurring next after expiration of such ten (10) day period, the enforcement attorney shall report to the Board of Trustees; if compliance has occurred, no further action need be taken. If it has not, the Board may direct the enforcement attorney to commence such legal proceedings as may be necessary and appropriate to enforce compliance.

Section 7.02. Definitions. In this Chapter, "correction" or "compliance" includes the submission and review of such plans as may be designated by the District Manager, Engineer, or Board, and the application for such permits, and execution of such documents, as may be requested by the District Manager, Engineer, or Board.

CHAPTER 8 MISCELLANEOUS

Section 8.01.	Applicability of Standards
Section 8.02.	No Mandatory Duty of Care
Section 8.03.	Severability

Section 8.01. Applicability. These Encroachment Standards Rules and Regulations do not apply to any structure built before April 4, 1983. Any applicant who claims that his/her structure is exempt because of the construction date bears the burden of proof to demonstrate that construction date.

Section 8.02. No Mandatory Duty of Care. These Encroachment Standards Rules and Regulations are not intended to and shall not be construed or given effect in a manner that imposes upon the District, or any officer or employee thereof, a mandatory duty of care towards persons or property within the District or outside of the District so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 8.03. Severability. If any provision of these Encroachment Standards Rules and Regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these Encroachment Standards Rules and Regulations which can be given effect without the invalid provision or application. To this end, the provisions of these Encroachment Standards Rules and Regulations are severable. The Board of Trustees hereby declares that it would have adopted these Encroachment Standards Rules and Regulations irrespective of the invalidity of any particular portion thereof.

EXHIBIT "A-1"

GRANT OF EASEMENT
OR RIGHT OF ENCROACHMENT

RECORDING REQUESTED BY, AND
WHEN RECORDED MAIL TO:

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT OF EASEMENT
OR RIGHT OF ENCROACHMENT

The undersigned, being all of the owners of Lot ____, Tract ____ (Contra Costa County, California), do hereby grant to _____, the present owner of Lot ____, Tract ____, Contra Costa County, California, and the successor owners the perpetual right to:

Moor a vessel on or behind Grantee's lot which may intrude by not more than ____ feet beyond the extension of the common property line of the above lots onto the area behind Grantor's lot.

The rights granted hereby concern the use of said Grantee's lot and shall run with ownership of the same.

Dated:

GRANTOR:

STATE OF CALIFORNIA)
)
COUNTY OF _____)

On _____, before me, _____, personally
appeared _____, personally known to me
(or proved to me on the basis of satisfactory evidence) to be the person(s) whose
name(s) is/are subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____ (Seal)

EXHIBIT "A-2"

GRANT OF EASEMENT
OR RIGHT OF ENCROACHMENT
AND RESTRICTIVE COVENANT

RECORDING REQUESTED BY, AND
WHEN RECORDED MAIL TO:

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT OF EASEMENT
OR RIGHT OF ENCROACHMENT
AND RESTRICTIVE COVENANT

The undersigned, being all of the owners of Lot _____, Tract _____ (Contra Costa County, California), do hereby grant to _____, the present owner of Lot _____, Tract _____, Contra Costa County, California, and the successor owners the perpetual right to:

Construct and maintain a dock on or behind Grantee's lot which will extend to a point within _____ feet of the extension of the common property line of the above lots.

Grantee agrees that no vessel shall be moored or any obstruction placed along side of the dock on Lot _____ that encroaches over the property line of Lot _____. This covenant is made by the Grantee and binds Grantee's heirs, successors, assigns, and permittees.

The rights granted hereby concern the use of said Grantee's lot and shall run with the ownership of the same.

The above restrictive covenant runs to the benefit of the adjoining property owners, and Reclamation District No. 800.

GRANTOR:

Dated: _____

GRANTEE:

Dated: _____

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____, before me, _____, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____ (Seal)

and DISCOVERY BAY RECLAMATION AND
DRAINAGE MAINTENANCE DISTRICT

O. BOX 1461, STOCKTON, CA. 95201

February 27, 1975

Contra Costa County
Planning Department
P. O. Box 951
Martinez, California 94553

Attention: Arnold B. Jones

RE: Final Development Plan for
Discovery Bay

Dear Sir:

Please receive this letter in response to the request of Bob Hodgson and yourself that I comment on the following portion of the October 9, 1974 Flood Control letter:

"Prior to approval of the final development plan, a report shall be submitted thoroughly spelling out the degree of maintenance to be provided, how the people will be assessed for this maintenance, and what plans Reclamation District 800 has for repair of the existing erosion of the levee slopes."

Water Quality

Water quality in the lagoons and lakes will be maintained by the Districts in accordance with the requirements as set down by the Central Valley Regional Water Quality Control Board. Standards have been set which require a rather extensive monitoring program and the District is now in the process of working out with the developer a plan of action to cover interim operation prior to completion of the planned improvements and water quality control works.

Debris Clearance

The Districts have carried out debris clearance on an incident by incident basis and are now in the process of evaluating costs for a program of periodic removal.

Levee Maintenance and Erosion Control

The levee maintenance and erosion control functions of the Districts must be divided into two categories for discussion. Those within the developed area and those without.

(a) Within Development Area. The policy is to require each lot owner to maintain his own lot at his own expense. This responsibility has been clearly set forth under Article XXXV of the Covenants, Conditions and Restrictions which in most pertinent part provide:

"Slope Control Areas and Elevation Control Easements as defined above shall at all times be kept and maintained by the owner of such lot of which the said Slope Control Areas and Elevation Control Easements is a part, save and except for such improvements for which a public authority or District is responsible.

Failure of the owner of any lot or lots subject to the requirements in this article as outlined above to comply with these regulations, restrictions and conditions shall entitle the District and/or Committee in its own discretion, after five (5) days written notice to the owner at the address of his residence lot or any other such address submitted by him for notice purposes, to restore, alter or reconstruct, at the expense of the owner of said lot, the Slope Control Area and Elevation Control Easement in question to the condition, which it is required to be in, pursuant to the aforesaid conditions, requirements and regulations of this article and any prevalent regulation or ordinance of Reclamation District #800, and to keep, maintain or preserve same in such condition, all at the expense of the said owner of the lot or lots."

The Districts' plan has been to take action only where the principal levee systems (elevation control easement area) or facilities of the District are threatened and where a particular lot with a protected slope is threatened by a lack of adjoining owner slope maintenance. The degree of maintenance required will vary from situation to situation. The rationale behind this policy is that the slope will be protected as improvements are constructed

on individual lots. Some lot owners prefer to install bulkheads of various types which fit into their particular architectural program thus rendering undesirable rock rip rapping by the District. Since the expense of slope protection within the developed area even if performed by the District will be that of the affected lot owner on a lot by lot basis, the Board of Trustees has preferred to allow the individual owners a degree of flexibility. As to encroachments within the lagoons, lakes and slope control and elevation control easements, none are allowed without a permit from the Districts.

(b) Outside Development Area

The levee system outside the developed area is maintained at District expense as in the past. Maintenance is performed with the objective of preserving the structural integrity of the levee system. This, of course, differs from the concern within the developed area where prevention of erosion of land areas is important to sustain usable lot size. The long term objective is to provide wave wash protection primarily with rock rip rap for the waterside face of all levees outside the developed area and to gradually increase the freeboard and structural section.

Drainage

The main drainage system of the District which includes the two major pumping plants and a system of canals is operated and maintained by the Districts at District expense so as to provide adequate terminal drainage for the developed area and adequate water level control for the agricultural areas.

Assessments

Assessments for the activities of the Districts are presently levied upon the assessed value of "land only" on the County Roll. A maximum rate has been set for each District by vote of the landowners. The maximum rate for Discovery Bay Reclamation and Drainage Maintenance District is \$1.00/\$100.00 and for Reclamation District 800 is \$1.00/\$100.00. The Board of Trustees can elect to levy on land and improvements but have chosen to levy only upon land. Generally speaking the developed area lies within both Discovery Bay Reclamation and Drainage Maintenance District and Reclamation District 800. The agricultural area on the other hand lies only within Reclamation District 800. For the fiscal year 1974-75 Reclamation District 800 levied at a \$1.00/\$100.00 rate and Discovery Bay Reclamation and Drainage Maintenance District levied at a \$.50/\$100.00 rate.

The Districts can levy at the maximums provided; can make increases in limited circumstances as provided by law; and of course, can increase rates to limits as approved in an appropriate election.

Other Comments On the October 9, 1974 Flood Control Letter

Recommendation 5) The Districts have in the past required a minimum finished floor elevation of 9.2 MSL in accordance with the requirements of the State Reclamation Board.

Recommendation 7) The Districts policy towards construction of structures over or into elevation control easement has not been one of prohibition but one rather of preserving and maintaining the structural integrity of the levee system.

Recommendation 8) The nature of the release contemplated by "Flood Control" is unclear. It would seem that it would be more appropriate to merely require that responsibility for acceptance of drainage flows be determined as it has been in the past.

Recommendation 11) This recommendation seems inappropriate as these ditches are within the jurisdiction of Reclamation District 800.

Recommendation 18) Should include Reclamation District 800.

Recommendation 19) Should include Reclamation District 800.

Recommendation 20) It would appear that a more proper analysis of drainage contribution from the water quality management facilities is required before it can be determined if additional pumping capacity is required. Time of runoff evaporation, retention time, discharge to future lagoons and combined operation of the two major pumping facilities must be considered. It would appear to be appropriate to require that the developer enter into an agreement with Reclamation District 800 whereby the developer would pay for the installation of additional pumping capability if the same be required.

Additionally, it is expected that Covenants, Conditions and Restrictions as recorded on previous tracts within the Districts would also be required for future tracts and that the developer be required to meet all requirements of Reclamation

Contra Costa County
Planning Department
Page -5-
February 27, 1975

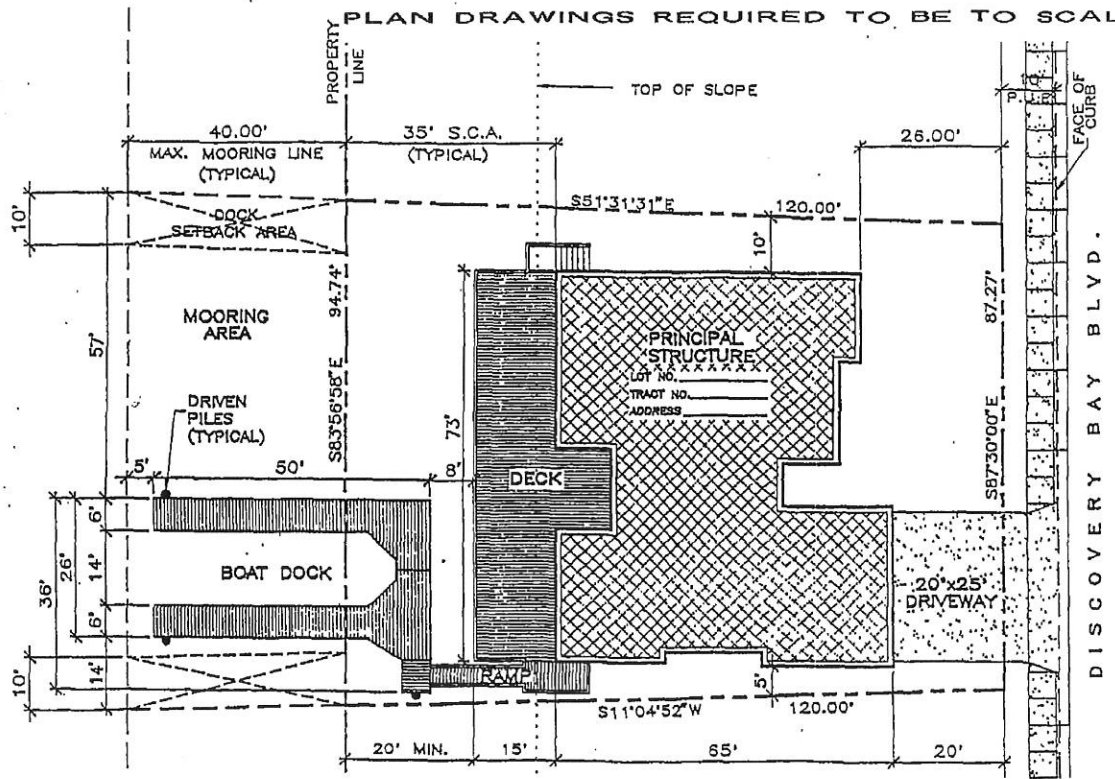
District 800 and Discovery Bay Reclamation and Drainage Maintenance District including those requiring the granting of easements including but not limited to easements for 1) maintenance and operation of the entire water quality management system, 2) Debris clearance, 3) slope control, and 4) elevation control.

Yours very truly,

Dante John Nomellini
Secretary

DJN:cw
cc: Discovery Bay Corporation
William R. Baldwin
Joseph R. Cecchini
Edward Goggan

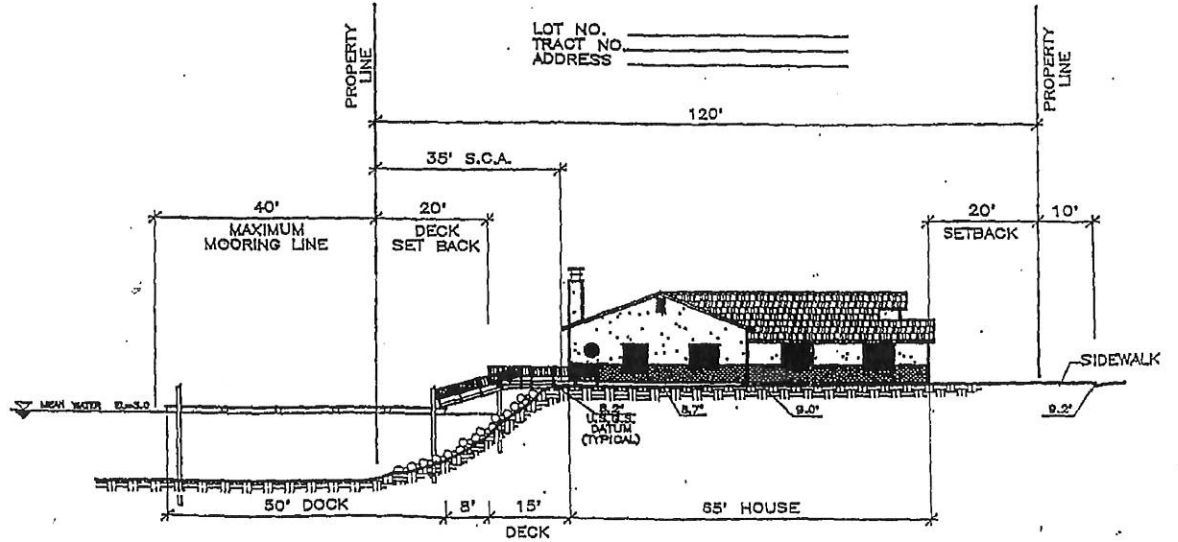
PLAN DRAWINGS REQUIRED TO BE TO SCALE



SAMPLE LOT PLOT PLAN

RECLAMATION DISTRICT
NO. 800
BYRON TRACT

PLAN DRAWINGS REQUIRED TO BE TO SCALE



SAMPLE LOT PROFILE

RECLAMATION DISTRICT
NO. 800
BYRON TRACT

EXHIBIT "E"
PERMIT

RECLAMATION DISTRICT NO. 800
AND DISCOVERY BAY RECLAMATION AND
DRAINAGE MAINTENANCE DISTRICT

PERMIT

LOT: _____

TRACT: _____

ADDRESS: _____

P.O. Box 262, BYRON, CA 94514 (510) 634-2351

OWNER: _____ BUILDER: _____

Please accept this as approval from the above Districts to proceed with construction of your _____ House _____ Deck _____ Dock, _____ (Other) Plans. The approval granted herewith is subject to the following:

- _____ That no structural wood members be used below elevation 8.2 MSL, other than treated piles.
- _____ That quarry stone riprap be installed to provide slope surface protection. The riprap must extend from election minus (-) 2.0 MSL to elevation 7.0 MSL along the entire Slope Control Area.
- _____ That finished floor elevation be at least elevation 9.2 MSL.
- _____ That quarry stone riprap be carried to the top of slope due to the coverage of the deck over the slope.
- _____ That styrofoam, fiberglass or concrete floats be utilized for floatation.
- _____ That all irrigation, precipitation and other on-lot surface flows be collected and conveyed to the bays and lakes without wetting of the Slope Control Area.
- _____ Interior Lot. No special requirements.
- _____ Review for negative impacts only. No fee.

Note: Reclamation District Elevation Control Easements (R.D.E.C.E.) are for the purpose of maintaining a minimum ground or structural elevation. All structures or other encroachments within this area may from time to time be required to be removed by the owners or at the owner's expense.

Slope Control Areas (S.C.A.) are subject to erosion from wavewash, tidal action, surface runoff, floodflows and other sources and are subject to instability due to tidal action, vegetation, rodents, varying soil conditions, and varying water conditions. The Slope Control Areas require continuous access for maintenance and therefore no principal structures should be placed thereon. All structures or other encroachments within this area will from time to time be required to be removed by the owners or at the owner's expense.

Reclamation District No. 800's approval does not include review or evaluation of the adequacy of the structural design. The applicant should engage appropriate engineers, contractors, and other experts to analyze available information and/or conduct test upon which to base conclusions and to determine the actual conditions to be encountered and to design and construct the structures as appropriate. Lateral earth pressures associated with slope movement as well as vertical loads should be considered. Design should include provisions for collection and conveyance of irrigation, precipitation, and other on-lot surface flows to the bays and lakes without wetting of the Slope Control Area.

Decks and other structures located on or near the slopes and water areas are subject to differential movement both in the horizontal and vertical direction. Design and use of lightweight concrete and other rigid deck coverings should anticipate more noticeable reflection of movement in the form of cracking and gaping.

The owner assumes all risk of damage or loss to the structures permitted hereby and agrees to hold Reclamation District No. 800 harmless with regard to any such damage.

This permit is conditioned upon proper execution and recordation of the Reclamation District No. 800 Covenants, Release and Indemnification document.

Date Issued: _____

DISTRICT MANAGER
RECLAMATION DISTRICT NO. 800

RECLAMATION DISTRICT NO. 800

"SAMPLE" PLAN APPROVAL STAMPINGS

IMPORTANT

Slope Control Areas (S.C.A.) are subject to erosion from wavewash, tidal action, surface runoff, floodflows and other sources and are subject to instability due to tidal action, vegetation, rodents, varying soil conditions, and varying water conditions.

The Slope Control Areas require continuous access for maintenance and therefore no principal structures should be placed thereon. All structures or other encroachments within this area will from time to time be required to be removed by the owners or at the owner's expense.

Reclamation District No. 800's approval does not include review or evaluation of the adequacy of the structural design. The applicant should engage appropriate engineers, contractors, and other experts to analyze available information and/or conduct tests upon which to base conclusions and to determine the actual conditions to be encountered and to design and construct the structures as appropriate.

Lateral earth pressures associated with slope movement as well as vertical loads should be considered. Design should include provisions for collection and conveyance of irrigation, precipitation, and other on-lot surface flows to the bays and lakes without wetting of the slope control area.

The owner assumes all risk of damage or loss to the structures permitted hereby and agrees to hold Reclamation District No. 800 harmless with regard to any such damage.



**CLIENT'S
COPY**

**DERC
COPY**

**REC 800
COPY**

**INSPECTORS
COPY**

**CALL REC 800
FOR FORM
INSPECTION**

DECKS AND OTHER STRUCTURES LOCATED ON OR NEAR THE SLOPES AND WATER AREAS ARE SUBJECT TO DIFFERENTIAL MOVEMENT BOTH IN THE HORIZONTAL AND VERTICAL DIRECTION. DESIGN AND USE OF LIGHTWEIGHT CONCRETE AND OTHER RIGID DECK COVERINGS SHOULD ANTICIPATE MORE NOTICEABLE REFLECTION OF MOVEMENT IN THE FORM OF CRACKING AND GAPPING.

EXHIBIT "G"

RECLAMATION DISTRICT NO. 800
"PLAN REVIEW"

OWNER: _____

LOT: _____

CONDITION: _____

DATE: ____/____/____

DISTRICT MANAGER
RECLAMATION DISTRICT NO. 800

EXHIBIT "H"

WHEN RECORDED RETURN TO:

Reclamation District No. 800
P.O. Box 262
Byron, California 94514

COVENANTS AND
RELEASE AND INDEMNIFICATION

WHEREAS, the undersigned, made application to RECLAMATION DISTRICT 800, a political subdivision of the State of California, for approval of plans to construct certain works or perform work (hereinafter collectively referred to as proposed works) (1) on or near the levees, banks, or slopes surrounding or within the confines of said District; (2) in or near the waters within said District; or (3) near any other facility of said District; and

WHEREAS, the governing board of said District is of the opinion that said proposed works to some extent interfere with and are a handicap in the repairing and maintenance of the District's levees, banks, slopes, waterways or other facilities should an emergency arise or should it at any time become necessary that work be performed on or near the District's levees, banks, slopes, or waterways or other facilities at or about the point where the proposed works of applicant are to be constructed or undertaken.

NOW THEREFORE, in consideration of the governing board of said District granting approval of said plans in writing to the undersigned, it is agreed as follows:

Owners do hereby agree that at all times during and after the construction of the proposed work that owners shall, upon demand, either written or verbal, by said District perform at their own cost and expense and within the time limits set by said District all levee, bank, slope, and bulkhead rehabilitation, maintenance or repair work ordered to be performed by said District on the lands of said owners in the immediate area of said proposed work.

In the event that owners fail to perform said work as ordered or if District elects to perform said work then owners agree upon demand either written or verbal by said District to remove any and all such works which are located within the waterways, slope control easements, elevation control easements or other areas over which District has an easement or title so as to permit said District or its agents, employees or contractors to enter in, upon or around the aforesaid levees, banks, slopes or other areas for the purpose of working upon, maintaining or reconstructing the same.

If and in the event that in the sole discretion of the governing board of said District, an emergency exists or may arise which requires that work be performed on the levees, banks, slopes or other District facilities in the immediate area of said proposed works, or in the event after demand is made, owners fail to remove such works, then and in that event owners hereby give to said District, its agents, employees or contractors, the right and permission to remove

any and all works and any appurtenances thereto reasonably necessary or convenient to the performance of such work.

Owners and the undersigned agreed and acknowledge that decks and other structures located on or near the slopes and water areas are subject to differential movement both in the horizontal and vertical direction, and design and use of lightweight concrete and other rigid deck coverings should anticipate more noticeable reflection of movement in the form of cracking and gapping.

Owners and the undersigned do hereby hold the said District, its governing board, agents, employees and contractors, harmless from any and all liability arising out of or by reason of said proposed works having been approved, constructed, undertaken or removed as aforesaid, and it is specifically agreed that owners shall within thirty (30) days from date of written demand having been made by District reimburse said District for (1) all costs and expenses incurred in the removal of said works or any appurtenances thereto by said District, its agents, employees and/or contractors including reasonable attorney's fees and interest and (2) for all costs and expenses incurred by District in performing levee, bank, slope, and bulkhead rehabilitation, maintenance or repair work on Owner's lands which work was ordered by District to be performed but was not performed by Owners. All of said costs and expenses which are not reimbursed within the time specified shall be and become a lien upon the real property hereinafter described as of the date said work or works are started and shall remain as such until the same are paid in full. Said obligation to reimburse District shall also constitute and be a personal liability of the owner. In the event foreclosure of such lien or other enforcement action is required, said District shall be entitled to recover, in addition to such costs and expenses, the costs of suit together with reasonable attorney's fees to be fixed by the Court.

That the undersigned do state under penalty of perjury that they are all of the owners of the real property described as follows:

The terms and conditions herein shall bind the heirs, assigns, executors, administrators and transferees and shall run with the land for the benefit of all other lands within the above referred to District thereby binding all future owners.

Dated and executed at _____, California, this _____ day of _____, _____.

Name:

Name:

STATE OF CALIFORNIA)
)
COUNTY OF _____)

On _____, before me, _____, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____ (Seal)

STATE OF CALIFORNIA)
)
COUNTY OF _____)

On _____, before me, _____, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____ (Seal)



CALIFORNIA
 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—
 CENTRAL VALLEY REGION

3231 S STREET
 SACRAMENTO, CALIFORNIA 95816-7090
 PHONE (916) 445-0270

CERTIFIED MAIL
 1202328

10 May 1985

Mr. Dante Nomellini
 Reclamation District No. 800
 P. O. Box 1461
 Stockton, CA 95201

TRANSMITTAL OF AMENDED WASTE DISCHARGE REQUIREMENTS

Enclosed is an official copy of Order No. 85-070 as amended by the California Regional Water Quality Control Board, Central Valley Region, at its last regular meeting.

Kenneth D. Landau

KENNETH D. LANDAU
 Senior Engineer

WLC:jec

Enclosures - Adopted Amended Order
 Standard Provisions (discharger only)

cc+encl: U.S. Environmental Protection Agency, Region 9, San Francisco
 U.S. Fish & Wildlife Service, Sacramento
 U.S. Army Corps of Engineers, Sacramento District
 Sanitary Engineering Branch, Dept. of Health Services, Berkeley
 Department of Water Resources, Central District, Sacramento
 Department of Fish & Game, Region II, Rancho Cordova
 Office of Chief Counsel, Water Resources Control Board, Sacramento
 County Health Department, Contra Costa County, Martinez
 Mr. Harry DeVoto, Byron
 Mr. James W. Howton, Seattle

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. 85-070

NPDES NO. CA0079910

WASTE DISCHARGE REQUIREMENTS
FOR
DISCOVERY BAY DEVELOPMENT
RECLAMATION DISTRICT NO. 800
BYRON TRACT
CONTRA COSTA COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Board) finds that:

1. Discovery Bay Development, Reclamation District No. 800 (hereafter Discharger) submitted a Report of Waste Discharge, dated 17 April 1984, and additional information dated 19 December 1984 and 2 January 1985, to discharge waste under the National Pollutant Discharge Elimination System (NPDES).
2. The Discharger discharges treated lake and lagoon water from Willow Lake into Indian Slough, thence to Old River and the San Joaquin River, waters of the United States, at a point in the southwest 1/4 of Section 24, T1N, R3E, MDB&M.
3. A system of siphons circulates water through the lagoons and lake (see Attachments A-C). Total average flow through the project is 42 million gallons per day.
4. Copper sulfate treatment of Willow Lake has occurred in the past but has not been necessary since 1979. Copper sulfate treatment might be used in the future if filamentous algae becomes a problem.
5. Domestic wastes from the Discovery Bay Development are transported to Discovery Bay Treatment Plant, Contra Costa Sanitation District No. 19, for secondary treatment and disposal under Waste Discharge Requirements Order No. 81-037, adopted by the Board on 27 March 1981.
6. The Board, on 25 July 1975, adopted a Water Quality Control Plan for the Sacramento-San Joaquin Delta Basin (5B). These requirements are consistent with that Plan.

WASTE DISCHARGE REQUIREMENTS ORDER NO. 85-070
DISCOVERY BAY DEVELOPMENT
RECLAMATION DISTRICT NO. 800
BYRON TRACT
CONTRA COSTA COUNTY

-2-

7. The beneficial uses of Indian Slough, Old River, and San Joaquin River are domestic, municipal, industrial and agricultural supply; recreation; esthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife and other aquatic resources.
8. Effluent limitation, and toxic and pretreatment effluent standards established pursuant to sections 301, 302, 304, and 307 of the Clean Water Act and amendments thereto are applicable to the discharge.
9. The action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), in accordance with Section 13389 of the California Water Code.
10. The Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for this discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
11. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.
12. This Order shall serve as an NPDES permit pursuant to Section 402 of the Clean Water Act, or amendments thereto, and shall take effect ten days from the date of hearing, provided EPA has no objections.

IT IS HEREBY ORDERED that Discovery Bay Development, Reclamation District No. 800, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

- A. Effluent Limitations; Willow Lake Discharge Site 4 (or Temporary Site 4A):
 1. The discharge of an effluent with a copper ion concentration in excess of 0.1 mg/l is prohibited.

WASTE DISCHARGE REQUIREMENTS ORDER NO. 85-070
DISCOVERY BAY DEVELOPMENT
RECLAMATION DISTRICT NO. 800
BYRON TRACT
CONTRA COSTA COUNTY

2. The discharge shall not have a pH less than 6.5 nor greater than 8.5.
3. By-pass or overflow of untreated or partially treated waste is prohibited.
4. The Discharger shall use the best practicable cost-effective control technique currently available to limit mineralization to no more than a reasonable increment.
5. Survival of test fishes in 96-hour bioassays of undiluted waste shall be no less than:

Minimum for any one bioassay - - - - - 70%
Median for any three or more bioassays - - - - - 90%

B. Receiving Water Limitations:

1. The Discharger shall not cause the dissolved oxygen concentration in Indian Slough or Old River to fall below 5.0 mg/l.
2. The discharge shall not cause visible oil, grease, scum, foam, floating or suspended material in the receiving waters or watercourses.
3. The discharge shall not cause concentrations of any materials in the receiving waters which are deleterious to human, animal, aquatic, or plant life.
4. The discharge shall not cause esthetically undesirable discoloration of the receiving waters.
5. The discharge shall not cause fungus, slimes, or other objectionable growths in the receiving waters.
6. The discharge shall not cause bottom deposits in the receiving waters.
7. The discharge shall not increase the turbidity of the receiving waters by more than 10% over background levels.