



Linda S. Adams  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair

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Arnold  
Schwarzenegger  
Governor

15 June 2009

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Mr. Stephen Lane,  
Project Engineer  
Applied Engineering and Geology, Inc.,  
P.O. Box 247  
Lincoln, CA 95648

CERTIFIED MAIL  
7006 2150 0000 7086 7535

Mr. Kevin Ballard, Owner  
Copper Hotel/Saloon  
140 Greenway Drive  
Walnut Creek, CA 94596

## **NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2008-0085; COPPER HOTEL/SALOON AND ADAMS GENERAL STORE PROJECT, CALAVERAS COUNTY**

Our office received an application package on 11 September 2008 from Mr. Stephen Lane of Applied Engineering and Geology, Inc., for the contaminated groundwater treatment project. Based on the application package and subsequent information submitted, we have determined that the project meets the required conditions for approval under the General Order for Discharge to Surface Waters of Groundwater from Cleanup of Petroleum Fuel Pollution (Petroleum General Order). For this Petroleum General Order Permit, Applied Engineering and Geology, Inc., and Copper Hotel/Saloon are jointly designated as Dischargers. This project is hereby assigned Petroleum General Order No. R5-2008-0085-009 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG915001.

The Petroleum General Order (enclosed) may also be viewed at the following web address: [http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2008-0085.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2008-0085.pdf). You are urged to familiarize yourself with the contents of the entire document. The Petroleum General Order prescribes mandatory discharge monitoring requirements. The project activities shall be operated in accordance with the requirements contained in this NOA, the Petroleum General Order, and with the information submitted by the Discharger.

## **CALIFORNIA TOXIC RULE / STATE IMPLEMENTATION POLICY MONITORING**

The Petroleum General Order incorporates the requirements of the California Toxic Rule (CTR) and the State Water Resources Control Board's (State Water Board), *Policy for Implementation of Toxic Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*, 2005, also known as the State Implementation Policy (SIP). Screening levels for CTR constituents are found in Attachment B of the Petroleum General Order.

*California Environmental Protection Agency*



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Review of your water quality data in reference to the CTR screening values showed no reasonable potential to impact the receiving waters. In addition, the receiving waters are not listed under the Clean Water Act 303(d) List of impaired water bodies. Therefore, no additional effluent limitations or additional monitoring requirements will be added to this Petroleum General Order.

### **PROJECT DESCRIPTION**

The Project site is a former gas station with three underground storage tanks that were used to store gasoline fuel. The Site is located at 86 and 102 Main Street, east of State Highway 4, and near the northwestern corner of the town of Copperopolis, Calaveras County. The Site was closed for groundwater cleanup due to petroleum fuel contamination. The Discharger began operating a groundwater remediation system (Facility) in June 2005 that discharged treated groundwater to a drainage ditch along Highway 4, which flows into Penny Creek, a tributary of the Stanislaus River. The Facility was authorized to discharge in accordance with the general NPDES permit for discharges from Groundwater Cleanup of Petroleum Fuel Pollution (General Order No. 5-01-119) adopted by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) on 16 June 2000. General Order No. 5-01-119 expired and was renewed when the Central Valley Water Board adopted Order No. R5-2008-0085 on 12 June 2008. The Facility has ceased discharging pending approval of coverage under the renewed Petroleum General Order.

The Facility extracts groundwater contaminated with petroleum hydrocarbons. Prior to discharge, the contaminated groundwater is treated with an air stripper and activated carbon to remove the petroleum hydrocarbons. The design treatment capacity of the Facility is 6 gpm. Concentrations of petroleum hydrocarbons in the groundwater have shown a dramatic decrease since the operation of the Facility.

Approval for regulatory coverage under the Petroleum General Order is for the re-commencement of the discharge that was regulated under the previous Petroleum General Order No. 5-00-119-32. The discharge is to re-commence immediately upon issuance of this NOA and will continue until the site is remediated to levels acceptable to the Calaveras County Environmental Health Department, with concurrence from Central Valley Water Board staff.

### **MONITORING AND REPORTING**

The Discharger is required to comply with all the monitoring and reporting requirements contained in Attachment E of the Petroleum General Order. This includes notifying Central Valley Water Board staff 24 hours before the start of each new discharge, notification of noncompliance or anticipated noncompliance, and quarterly reporting of monitoring results.

Effluent and receiving water monitoring shall be conducted and submitted to the Central Valley Water Board on a quarterly basis. You must submit quarterly reports, even if there is no discharge or receiving water flow during the reporting quarter, until Regional Water Board staff formally terminates your coverage under the Petroleum General Order.

Please reference your unique Order number, **R5-2008-0085-009**, in your correspondence and submitted documents.

### **GENERAL INFORMATION AND REQUIREMENTS**

The Discharger will be required to implement its Pollution Prevention and Monitoring and Reporting Plan, if applicable. Discharge of material other than what is described in the application is prohibited.

The required annual fee (as specified in the annual billing you will receive from the State Water Board) shall be submitted until this NOA is officially terminated. The Discharger submitted a check with the initial application package in the amount of \$3,436.50. The Discharger will be notified of any amount due or any adjustments made to the annual fees. You must notify this office in writing if the discharge regulated by this Petroleum General Order is no longer necessary, so we may terminate applicability of this Petroleum General Order and avoid additional unnecessary billing.

Failure to comply with the Petroleum General Order may result in enforcement actions, which could include civil liability. Some late reporting and effluent limitation violations are subject to a Mandatory Minimum Penalty (MMP) of \$3,000 per violation [California Water Code Section 13385(h) and (i)]. If you have no discharge during a quarterly monitoring period, you must still submit a report indicating that no discharge occurred, or you may be subject to MMPs.

All monitoring reports submittals, discharge notifications, and questions regarding compliance and enforcement shall be directed to Glenn Meeks at (916) 464-4708 or [gmeeks@waterboards.ca.gov](mailto:gmeeks@waterboards.ca.gov). Questions regarding the permitting aspects of your Petroleum General Order coverage may be directed to Anand Mamidi at (916) 464-4853 or [amamidi@waterboards.ca.gov](mailto:amamidi@waterboards.ca.gov).

*Original Signed By*

Pamela C. Creedon  
Executive Officer

Enclosure: General Order No. R5-2008-0085 (Dischargers only)

cc: U.S. Environmental Protection Agency, Region IX, San Francisco  
Mr. Phil Isorena, Division of Water Quality, State Water Board, Sacramento

bcc: Glenn Meeks, CVRWB, Sacramento