



California Regional Water Quality Control Board Central Valley Region

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27 October 2009

Mr. James Dane
Former Question Market
4437 Anatolia Drive
Rancho Cordova, CA 95742

CERTIFIED MAIL
7009 1410 0000 7143 1604

NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2008-0085-010; FORMER QUESTION MARKET, 973 N TOWNSHIP RD, YUBA CITY, SUTTER COUNTY

Our office received an application packet in September 2008 from Applied Engineering and Geology, Inc. for the petroleum cleanup project at the Former Question Market in Yuba City. The project was delayed at the request of the Discharger, due to lack of funding to operate the cleanup system. In September 2009, the Discharger requested that the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) staff restart the permitting process. Based on the application packet 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, Mr. James Dane is designated as the Discharger. This project is hereby assigned Petroleum General Order No. R5-2008-0085-010 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. 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 as specified in the Petroleum General Order, and in accordance with this NOA 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.

Review of your water quality data in reference to the CTR screening values showed no reasonable potential to impact the receiving waters. Discharge of the treated wastewater is to the roadside ditch along Township Road, an unnamed tributary of Live Oak Canal that eventually discharges to the Sacramento River. Neither the unnamed tributary nor Live Oak

California Environmental Protection Agency

Canal is 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 formerly had two underground storage tanks (USTs) that were used to store gasoline. The tanks were removed and groundwater was found to be impacted with MTBE, lead, and gasoline range hydrocarbons, including benzene, toluene, ethylbenzene, and xylenes. There are three domestic water supply wells within 150 feet of the former USTs. Ten monitoring wells were installed to determine the extent of groundwater contamination and three extraction wells (EWs) have been installed to aid in groundwater treatment. Currently only EW-2 is used for the groundwater extraction and treatment system. The system operates continuously with an average flow rate of three gallons per minute (gpm) and a maximum flow rate of six gpm. Extracted groundwater first passes through a filter to remove fine sediment, then through three 2,000 lb liquid-phase granular activated carbon vessels (to remove gasoline constituents), and finally through two 200 lb organoclay vessels (to remove lead). Treated water is discharged into a storm water drainage ditch along North Township Road, which flows south into Live Oak Canal. Water from Live Oak Canal is eventually discharged to the Sacramento River. Discharge of material other than what is described in the application is prohibited.

Samples will be collected monthly from the influent port and after each vessel. Initially, the samples from the second and third carbon vessels will be placed on hold at the laboratory. If water from the first vessel contains breakthrough constituents, then the sample from the next downstream vessel will be analyzed, and so forth. When analysis of the second vessel indicates breakthrough, carbon will be replaced in the three vessels.

Approval for regulatory coverage under the Petroleum General Order is for the re-commencement of the discharge that was regulated under the previous Petroleum Clean Up General Order No. 5-00-119-53. The current Petroleum General Order No. R5-2008-0085 was adopted on 12 June 2008 and expires 1 June 2013. Dischargers, who are covered under the current General Order at the time it expires, will continue to be covered for a limited time (to be specified at a later date). Upon reissuance of the Order, if remediation is not complete and the discharge to surface water must continue, the Discharger must file a revised application for the reissued Order. The discharge will continue until the site is remediated to levels acceptable to the Nevada County Environmental Health Department, with concurrence from our Central Valley Water Board office. If the project is completed, the Discharger must submit a request for termination.

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 Central Valley Water Board

staff formally terminates your coverage under the Petroleum General Order. Please reference your unique Order number, R5-2008-0085-010, in your correspondence and submitted documents.

PUBLIC NOTICE REQUIREMENTS

Attachment G, Section F of the General Order lists components of a public notification letter and requires the Discharger to post the letter in public areas and to send or present the letter to interested parties, the local County Health Department, the California Department of Fish and Game and nearby residents, including all adjacent property owners and all residents within a 500 foot radius of the treatment facility and discharge point. Once the public notice requirements have been completed, the Discharger must provide the Central Valley Water Board with a copy of the public notification letter and certification of who was provided with the letter.

GENERAL INFORMATION AND REQUIREMENTS

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. 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 you may 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 report submittals, discharge notifications, and questions regarding the investigation and cleanup of the petroleum pollution shall be directed to Jim Barton at (916) 464-4615 or jbarton@waterboards.ca.gov. Questions regarding the permitting aspects of your Petroleum Threat General Order coverage may be directed to Elizabeth Thayer at (916) 464-4671 or ethayer@waterboards.ca.gov.


for Pamela C. Creedon
Executive Officer

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

cc: U.S. Environmental Protection Agency, Region IX, San Francisco
Phil Isorena, Division of Water Quality, State Water Board, Sacramento
Sharon Schifferns, Sutter County Department of Environmental Health
Kurt Schoenwald, Sutter County Agricultural Commissioner's Office