



Central Valley Regional Water Quality Control Board

24 August 2023

Hillary Evanko
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NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2022-0006-01 FOR LIMITED THREAT DISCHARGES TO SURFACE WATER; LEHIGH SOUTHWEST CEMENT COMPANY, CALAVERAS CEMENT PLANT PROJECT, CALAVERAS COUNTY

Our office received a Notice of Intent on 1 May 2023 from Lehigh Southwest Cement Company (hereinafter Discharger), for discharge of treated leachate to surface water. The Discharger is currently covered under a Notice of Applicability (NOA) for the Limited Threat General Order R5-2016-0076-01, which has been rescinded except for enforcement purposes and renewed by Order R5-2022-0006-01. Based on the application packet submitted by the Discharger, staff has determined that the project meets the required conditions for approval under the General Order for Limited Threat Discharges to Surface Water (Limited Threat General Order), process water. This project is hereby assigned Limited Threat General Order R5-2022-0006-025 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995002. Please reference your Limited Threat General Order number, **R5-2022-0006-025**, in your correspondence and submitted documents.

The project activities shall be operated in accordance with the requirements contained in the Limited Threat General Order and as specified in this NOA. You are urged to familiarize yourself with the entire contents of the enclosed [Limited Threat General Order](#) (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2022-0006-01_npdes.pdf).

CALIFORNIA TOXICS RULE / STATE IMPLEMENTATION POLICY MONITORING

The Limited Threat General Order incorporates the requirements of the California Toxics Rule (CTR) and the State Water Resources Control Board's (State Water Board), *Policy for Implementation of Toxics 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 and other constituents of concern are found in Attachment I of the Limited Threat General Order.

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

Review of your water quality data in comparison to the screening values, did not show reasonable potential for the discharge to cause or contribute to an exceedance of water quality objectives in the Calaveras Creek, which is a water of the United States.

PROJECT DESCRIPTION

The Former Calaveras Cement Plant Project (Project) is the site of a former limestone quarry and cement production facility, which was in operation from 1926 to 1982. Cement production ceased in 1983 and the plant has been decommissioned and demolished. The Project site is now owned by Martin Marietta Southern California Cement, LLC (f/k/a Lehigh Cement West, LLC). The San Andreas Aggregates Plant located on the Project site is operated by Martin Marietta Northern California Aggregates, LLC (f/k/a Hanson Aggregates Mid-Pacific, LLC, f/k/a Hanson Aggregates Mid-Pacific, Inc.). Lehigh Southwest Cement Company, the original property owner, remains responsible for certain closure and post-closure maintenance of the Project site regulated by Title 27 Waste Discharge Requirements Order R5-2017-0077. The discharge covered under this NOA consists of treated leachate from the Leachate Collection and Recovery Systems associated with cover systems at two cement kiln dust (CKD) water management areas known as CKD-1 and CKD-3 to Calaveras Creek. The leachate piped from CKD-1 and trucked from CKD-3 is combined and treated by an ultrafiltration and reverse osmosis combined system (UF/RO system) with carbon dioxide addition as needed for pH control prior to discharge to Calaveras Creek through an existing outfall serving storm water from the surface of CKD-1. Waste streams from the UF/RO system, brine, and solids will be hauled for offsite disposal at an appropriate facility. The average daily discharge is projected to be approximately 11,520 gallons per day (GPD) with a maximum daily discharge of 13,500 GPD (treatment system maximum operation capacity).

DISCHARGE PROHIBITIONS

Discharge prohibitions are specified in Section IV Discharge Prohibitions of the Limited Threat General Order. Based on the information provided in the NOI, the following discharge prohibitions are applicable to this discharge:

- Prohibition IV.A
- Prohibition IV.B
- Prohibition IV.C
- Prohibition IV.D. The flow rate shall not exceed 0.0335 MGD.

EFFLUENT LIMITATIONS

Effluent limitations are specified in Section V. Effluent Limitations and Discharge Specifications of the Limited Threat General Order. Based on the information provided in the NOI, effluent limitations are only required for the parameter identified in items 1-3, below:

1. **pH (Section V.A.1.b.i).** The pH of all limited threat discharges within the Sacramento and San Joaquin River Basins (except Goose Lake in Modoc County) shall at all times be within the range of 6.5 and 8.5.

2. **Whole Effluent Toxicity, Chronic (Section V.A.2.a).** There shall be no chronic toxicity in the discharge.
3. **Whole Effluent Toxicity, Acute (Section V.A.3.a).** Survival of aquatic organisms in 96-hour bioassays of undiluted waste for all limited threat discharges shall be no less than:
 - i. 70%, minimum for any one bioassay; and
 - ii. 90%, median for any three consecutive bioassays.

The Calaveras Creek is not listed under the Clean Water Act 303(d) List of impaired water bodies. Therefore, no additional 303(d) based effluent limitations or monitoring requirements will be added to this Limited Threat Notice of Applicability.

RECEIVING WATER LIMITATIONS

The Limited Threat General Order includes receiving surface water limitations in Section VIII.A. Based on the information provided in the NOI, only the following receiving surface water limitations are applicable to this discharge:

- Bacteria (VIII.A.2);
- Biostimulatory substances (VIII.A.3);
- Chemical constituents (VIII.A.4);
- Color (VIII.A.5);
- Dissolved oxygen (VIII.A.6.b.i);
- Floating material (VIII.A.7);
- Oil and grease (VIII.A.8);
- pH (VIII.A.9.a);
- Pesticides ((VIII.A.10);
- Radioactivity (VIII.A.11);
- Suspended sediments (VIII.A.12);
- Settleable substances (VIII.A.13);
- Suspended material (VIII.A.14);
- Taste and odors (VIII.A.15);
- Temperature (VIII.A.16.b);
- Toxicity (VIII.A.17); and
- Turbidity (VIII.A.18.a).

SPECIAL PROVISIONS

The Limited Threat General Order contains Provisions in Section IX.C. Based on information provided in the NOI the following site-specific special provisions are applicable to the Project.

Salinity Evaluation and Minimization Plan – The Limited Threat General Order in Section IX.C.3.c requires Dischargers with projects greater than or equal to 180 days in duration to submit and implement a Salinity Evaluation and Minimization Plan to identify and address sources of salinity discharged from the Facility. The Limited Threat

General Order allows under limited circumstances to waive this requirement, such as for construction dewatering project where salinity is naturally high. Therefore, best management practices through implementation of a Salinity Evaluation and Minimization Plan are necessary to manage salinity levels. A Salinity Evaluation and Minimization Plan shall be submitted by **1 April 2024**.

For enrollees under the Salinity Control Program’s Alternative Salinity Permitting Approach, Table 16 of the Limited Threat General Order includes performance-based electrical conductivity (EC) triggers to be included in the NOA to ensure the Salinity Evaluation and Minimization Plan is effective. The Discharger submitted a Notice of Intent for the Salinity Control Program on 9 July 2021 indicating its intent to comply with the Alternative Salinity Permitting Approach and participate in the CV-SALTS Prioritization and Optimization Study. Based on effluent EC data from May 2018 to May 2023, the annual average effluent concentration for EC was 22 µmhos/cm; therefore, an annual average EC effluent trigger and Salinity Evaluation and Minimization Plan requirement are not included in this NOA.

MONITORING AND REPORTING

Monitoring and reporting requirements are contained in Attachment C of the Limited Threat General Order. The Discharger is required to comply with the following specific monitoring and reporting requirements for the effluent and receiving water in accordance with Attachment C of the Limited Threat General Order.

Monitoring Locations – The Discharger shall monitor the effluent and receiving water at the specified location as follows:

Table 1. Monitoring Station Locations

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
001	EFF-001	A location where a representative sample of the effluent can be collected prior to discharging to Calaveras Creek.
--	RSW-001	Calaveras Creek, approximately 200 feet upstream from the point of discharge.
--	RSW-002	Calaveras Creek, approximately 200 feet downstream from the point of discharge.

Effluent Monitoring – When discharging to surface water, the Discharger shall monitor the effluent at EFF-001 in accordance with Table C-3 of the Limited Threat General Order and this NOA. The applicable monitoring requirements are as follows in Table 2 and subsequent Table 2 Notes:

Table 2. Effluent Monitoring Requirements

Parameter	Units	Sample Type	Minimum Sampling Frequency
Discharge Flow Rate	MGD	Calculated	1/Day
Electrical Conductivity @ 25 °C	µmhos/cm	Grab	1/Quarter
pH	standard units	Grab	1/Week
Turbidity	NTU	Grab	1/Week
Temperature	°F	Grab	1/Week
Dissolved Oxygen (DO)	mg/L	Grab	1/Week
Chronic Toxicity	--	Grab	1/5 years

Table 2 Notes

- Electrical conductivity, pH, turbidity, temperature, and DO.** A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program shall be maintained at the Facility.
- All parameters, except flow.** Pollutants shall be analyzed using the analytical methods described in 40 C.F.R. part 136 or by methods approved by the Central Valley Water Board or the State Water Board.
- Chronic toxicity.** Chronic toxicity testing shall be conducted within 3 months of initiation of discharge. See the Monitoring and Reporting Program (Attachment C, Section V) for toxicity monitoring requirements.

Section II.B.2 of the Limitations and Discharge Requirements section of the Limited Threat General Order requires that dischargers submit new analytical results every 5 years for pollutants specified in Table I-1 of Attachment I. The Project is considered a process water discharge. Therefore, the Discharger shall submit monitoring results by **24 August 2028** for the following constituents shown in Table 3 and subsequent Table 3 Notes, below:

Table 3. Effluent Characterization Monitoring

Parameter	Units	Sample Type
Dissolved Oxygen (DO)	mg/L	Grab
Hardness	mg/L	Grab
pH	standard units	Grab
Temperature	°F	Grab
Electrical Conductivity @ 25 °C	µmhos/cm	Grab
Biochemical Oxygen Demand (BOD)	mg/L	Grab
Total Suspended Solids (TSS)	mg/L	Grab
Turbidity	NTU	Grab
Chlorine, Total Residual	mg/L	Grab
Aluminum, Total	µg/L	Grab

Parameter	Units	Sample Type
Dissolved Organic Carbon	mg/L	Grab
Iron, Total	µg/L	Grab
Manganese, Total	µg/L	Grab
CTR Priority Pollutants	See Attachment I, Table I-3 of the Limited Threat General Order	See Attachment I, Table I-3 of the Limited Threat General Order

Table 3 Notes

- For all parameters.** The Discharger is not required to conduct effluent monitoring for constituents that have already been sampled in a given month, as required in Table E-3, except for hardness, pH, and temperature, which shall be conducted concurrently with the effluent sampling.
- For all parameters.** Pollutants shall be analyzed using the analytical methods described in 40 C.F.R. part 136 or by methods approved by the Central Valley Water Board or the State Water Board.
- For DO, pH, temperature, electrical conductivity, and turbidity.** A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program shall be maintained at the Facility.
- For CTR Priority Pollutants.** See Attachment I, Table I-3 of the Limited Threat General Order.

Receiving Water Monitoring - When discharging to surface water, the Discharger shall monitor the receiving water at RSW-001 and RSW-002, in accordance with Table C-6 of the Limited Threat General Order and this NOA. The applicable monitoring requirements are as follows in Table 4 and subsequent Table 4 Notes:

Table 4. Receiving Water Monitoring Requirements

Parameter	Units	Sample Type	Monitoring Frequency
Dissolved Oxygen	mg/L	Grab	1/Month
Electrical Conductivity @ 25 °C	µmhos/cm	Grab	1/Month
Hardness, Total (as CaCO ₃)	mg/L	Grab	1/Month
pH	standard units	Grab	1/Month
Temperature	°F	Grab	1/Month
Turbidity	NTU	Grab	1/Month

Table 4 Notes

- All parameters.** Pollutants shall be analyzed using the analytical methods described in 40 C.F.R. part 136 or by methods approved by the Central Valley Water Board or the State Water Board.

2. **All parameters except for hardness.** A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program shall be maintained by the Discharger.

In conducting the receiving water sampling, a log shall be kept of the receiving water conditions throughout the reach bounded by RSW-001 and RSW-002. Attention shall be given to the presence or absence of:

- a. Floating or suspended matter
- b. Discoloration
- c. Bottom deposits
- d. Aquatic life
- e. Visible films, sheens, or coatings
- f. Fungi, slimes, or objectionable growths
- g. Potential nuisance conditions

Notes on receiving water conditions shall be summarized in the Monitoring Report.

Monitoring Report Submittals - Monitoring in accordance with this NOA shall begin upon the date of this NOA. Monitoring Reports shall be submitted to the Central Valley Water Board on a quarterly basis, beginning with the **Third Quarter 2023**. This report shall be submitted on **1 November 2023**. All Monitoring Reports shall specify the dates during the monitoring period the discharge did or did not occur. If treatment and discharge has not begun there is no need to monitor. However, a certified Monitoring Report must be submitted stating that there has been no discharge. Table 5, below, summarizes the Monitoring Report due dates required under the Limited Threat General Order. Quarterly Monitoring Reports must be submitted until your coverage is formally terminated in accordance with the Limited Threat General Order, even if there is no discharge during the reporting quarter.

Table 5. Monitoring Periods and Reporting Schedule

Monitoring Period for All Sampling Frequencies	Quarterly Report Due Date
First Quarter (1 January through 31 March)	1 May
Second Quarter (1 April through 30 June)	1 August
Third Quarter (1 July through 30 September)	1 November
Fourth Quarter (1 October through 31 December)	1 February of the following year

GENERAL INFORMATION AND REQUIREMENTS

The Discharger must notify Central Valley Water Board staff within 24 hours of having knowledge of 1) the start of each new discharge, 2) noncompliance, and 3) when the

discharge ceases. The Central Valley Water Board shall be notified immediately if any effluent limit violation is observed during implementation of the project.

Discharge of material other than what is described in the application is prohibited. The required annual fee (as specified in the annual invoice you will receive from the State Water Resources Control Board) shall be submitted until this NOA is officially terminated. You must notify this office in writing when the discharge regulated by the Limited Threat General Order is no longer necessary by submitting the Request for Termination of Coverage (Attachment E). If a timely written request is not received, the Discharger will be required to pay additional annual fees as determined by the State Water Resources Control Board.

ENFORCEMENT

Failure to comply with the Limited Threat General Order may result in enforcement actions, which could include civil liability. Effluent limitation violations are subject to a Mandatory

Minimum Penalty (MMP) of \$3,000 per violation. In addition, late Monitoring Reports may be subject to MMPs or discretionary penalties of up to \$1,000 per day late. When discharges do not occur during a quarterly monitoring period, the Discharger must still submit a quarterly certified Monitoring Report indicating that no discharge occurred to avoid being subject to enforcement actions.

COMMUNICATION

We have transitioned to a paperless office; therefore, please convert all documents to a searchable Portable Document Format (pdf). All documents, including Monitoring Reports, written notifications, and documents submitted to comply with this NOA and the Limited Threat General Order, should be submitted to the NPDES Compliance and Enforcement Unit, Attention: Mohammad Farhad at centralvalleysacramento@waterboards.ca.gov and mohammad.farhad@waterboards.ca.gov. Mr. Farhad may also be reached by phone at (916) 464-1181.

Please include the following information in the body of the email:

- Attention: NPDES Compliance Unit
- Discharger: Lehigh Southwest Cement Company
- Facility: Lehigh Southwest Cement Company (f/k/a Calaveras Cement Company) – Former Calaveras Cement Plant
- County: Calaveras County
- CIWQS place ID: 843565

Documents that are 50 megabytes or larger must be transferred to a DVD, or flash drive and mailed to our office, attention "ECM Mailroom-NPDES".

Hillary Evanko
Senior Environmental Manager
Lehigh Southwest Cement Company

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Calaveras Cement Plant Project
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Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this NOA, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Links to the law and regulations applicable to filing petitions may be found on the [Petitions Home Page](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) (http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

Patrick Pulupa, Executive Officer

Enclosures (2): Attachment A - Project Location Map
Monitoring Report Transmittal Form (Discharger only)

cc: Elizabeth Sablad, U.S. EPA, Region IX, San Francisco (email only)
Peter Kozelka, U.S. EPA, Region IX, San Francisco (email only)
Prasad Gullapalli, U.S. EPA Region IX, San Francisco (email only)
Division of Water Quality, State Water Board, Sacramento (email only)
Sarah Torres, PG Environmental, Chantilly, Virginia (via email)

ATTACHMENT A – PROJECT LOCATION MAP

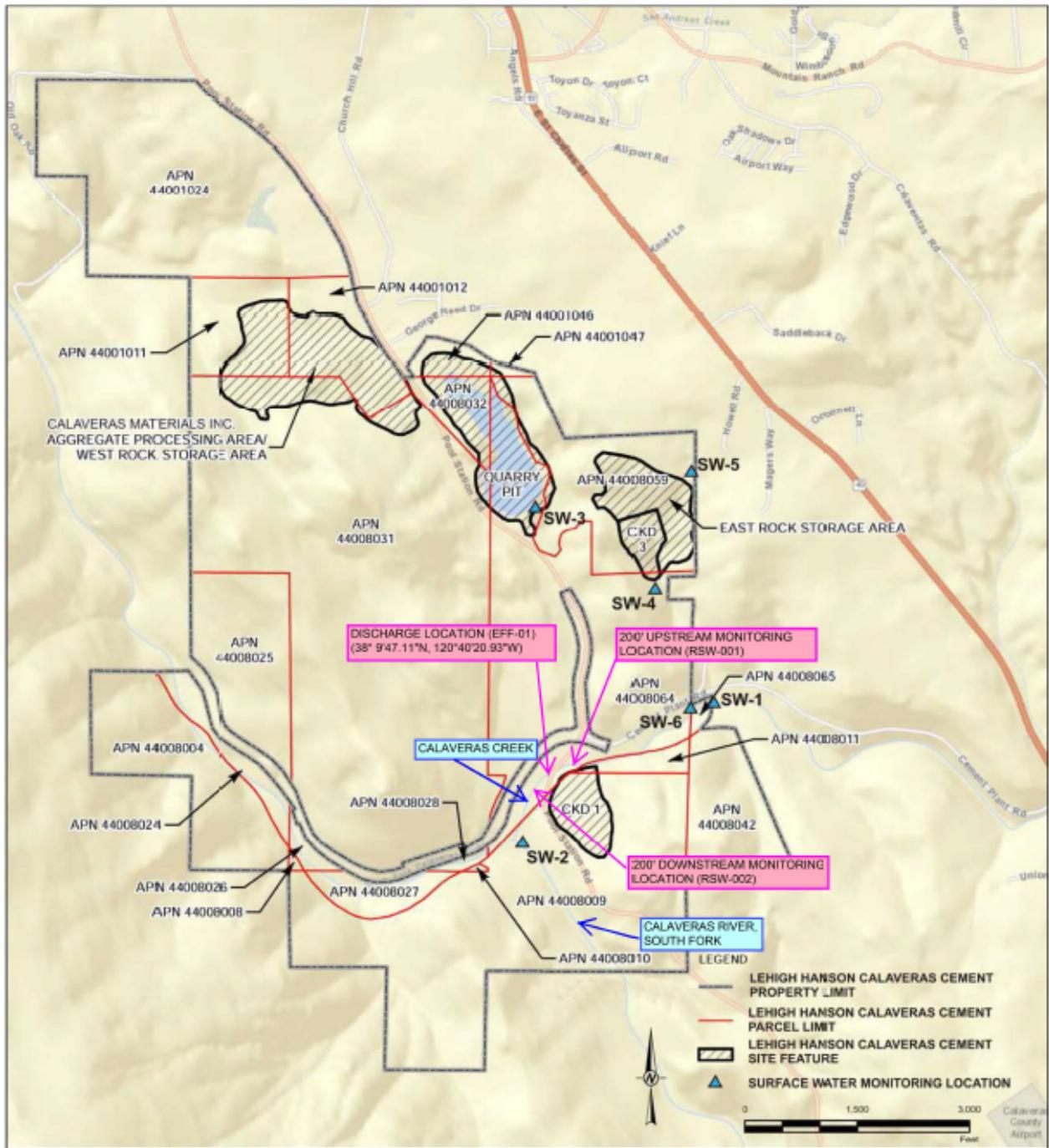


FIGURE 1 - SITE LOCATION MAP
 Lehigh Southwest Cement Company and
 Calaveras Cement Company
 Calaveras Cement Plant
 Calaveras County