



Central Valley Regional Water Quality Control Board

23 October 2023

Gabe Brown
Manager
Bear River Land Holdings, LLC
7919 Folsom Blvd., Suite 300
Sacramento, CA 95826

VIA EMAIL
GABEB@AKTDEV.COM

CERTIFIED MAIL
7022 2410 0001 5093 8770

NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2022-0006 FOR LIMITED THREAT DISCHARGES TO SURFACE WATER; BEAR RIVER LAND HOLDINGS, LLC, PATTERSON SAND & GRAVEL DEWATERING PROJECT, PLACER COUNTY

Our office received a Notice of Intent on 9 May 2023 from Bear River Land Holdings, LLC (hereinafter Discharger), for discharge of treated groundwater to surface water. Based on the application packet and subsequent information 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), Groundwater Source. This project is hereby assigned Limited Threat General Order R5-2022-0006-026 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995002. Please reference your Limited Threat General Order number, **R5-2022-0006-026**, 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.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. Review of your water quality data in comparison to the screening values, showed no reasonable potential for the discharge to cause or contribute to an exceedance of water quality objectives in the Lower Bear River, which is a water of the United States.

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

PROJECT DESCRIPTION

The Discharger's Patterson Sand and Gravel Facility Dewatering Project (Project) is located on the Lower Bear River, approximately 4 miles northeast of the town of Sheridan and southwest of Camp Far West Reservoir (see Attachment A). The Project consists of dewatering activities associated with sand and gravel mining that is being conducted by the Discharger on the Project site. The Discharger has operations occurring simultaneously on both sides of the Lower Bear River and include aggregate processing operations on property owned by the Discharger to the south of the Lower Bear River, and mining operations on property leased by the Discharger to the north of the Lower Bear River. Typical mining operations involve the dewatering of active mining cells to facilitate dry excavation with conventional mining equipment such as excavators and haul trucks. In the current active mining cells, water is pumped and discharged to a large formerly excavated quarry pond identified as Pond 3, which is regulated by Waste Discharge Requirements Order 87-106. In order to establish and maintain sufficient freeboard in Pond 3, the Discharger will pump water from Pond 3 to the Lower Bear River via a temporary over-ground pipeline that will be removed when not in use. The anticipated average daily and maximum daily discharge flows when discharging are approximately 1.5 million gallons per day (MGD) and 2.9 MGD, respectively. The anticipated discharge will occur for approximately 120 days, on an annual basis, commencing around the month of June every year. The estimated mining termination date in the currently approved Reclamation Plan is 2045; however, the Discharger will likely not need to dewater during the entire life of the mining operation.

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 and 2, below:

1. **Flow (Section V.A.1.a).** The flow rate shall not exceed 1.5 MGD.
2. **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.

The Lower Bear River is listed under the Clean Water Act 303(d) List of impaired water bodies for chlorpyrifos, copper, and mercury. Initial sampling data submitted by the Discharger indicated that the discharge from the Facility will not contribute to the impairment of the Lower Bear River for these constituents. Therefore, no additional effluent limitations or monitoring are included in this NOA (R5-2022-0006-026) based on the 303(d) list status of the Lower Bear River.

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.a.iv);
- 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.a);
- Toxicity (VIII.A.17); and
- Turbidity (VIII.A.18.a).

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 2. 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 Lower Bear River. |
| -- | RSW-001 | Lower Bear River, approximately 200 feet upstream from the point of discharge. |
| -- | RSW-002 | Lower Bear River, 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 3 and subsequent Table 3 Notes:

Table 3. 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/Week |
| pH | standard units | Grab | 1/Week |
| Turbidity | NTU | Grab | 1/Week |
| Temperature | °F | Grab | 1/Week |
| Dissolved Oxygen (DO) | mg/L | Grab | 1/Week |

Table 3 Notes

- 1. 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.
- 2. 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.

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 groundwater discharge. Therefore, the Discharger shall submit monitoring results by **1 November 2027** for the following constituents shown in Table 4 and subsequent Table 4 Notes, below:

Table 4. Effluent Characterization Monitoring

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

| Parameter | Units | Sample Type |
|-------------------------|---|---|
| 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 4 Notes

- 1. 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.
- 2. 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.
- 3. For DO, pH, temperature, electrical conductivity, TDS, 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.
- 4. 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-5 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/Week |
| Electrical Conductivity @ 25 °C | µmhos/cm | Grab | 1/Week |
| pH | standard units | Grab | 1/Week |
| Temperature | °F | Grab | 1/Week |
| Turbidity | NTU | Grab | 1/Week |

Table 4 Notes

- 1. 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.** 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 **Fourth Quarter 2023**. This report shall be submitted on **1 February 2024**. All Monitoring Reports shall specify the dates during the monitoring period the discharge did or did not occur. If 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: Bear River Land Holdings, LLC
- Facility: Patterson Sand & Gravel
- County: Placer County
- CIWQS place ID: 738280

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".

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

Gabe Brown
Manager
Bear River Land Holdings, LLC

- 8 -

23 October 2023
Patterson Sand & Gravel Dewatering Project
R5-2022-0006-026

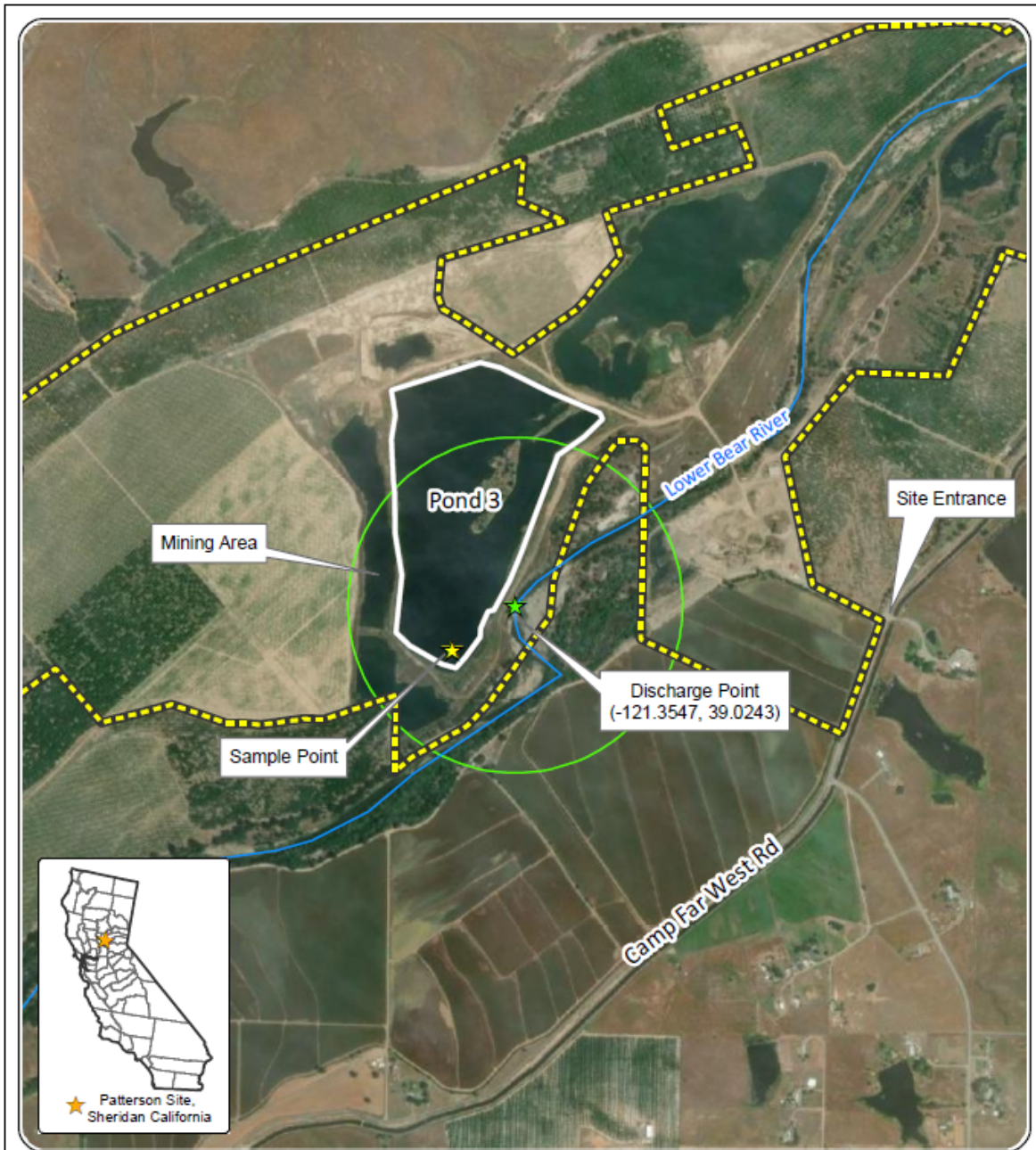
Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Links to the law and regulations applicable to filing petitions may be found on the [Petitions Home Page](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) (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

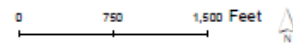


Service Layer Credits: Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Legend:

- Sample Point
- Discharge Point
- Lower Bear River
- Pond 3
- Site Boundary
- 1,500 foot Radius

PATTERSON SAND & GRAVEL
BEAR RIVER LAND HOLDINGS, LLC
LIMITED THREAT DISCHARGE
NOTICE OF INTENT
Figure 1



*Note: No known groundwater wells or residences within 1,500 feet.
Disclaimer: Project data was mapped for planning purposes only.
No liability is assumed for accuracy of the data shown.*

