30 January 2018

Dave Scott
EHRS Manager
Ampine: A Division of Timber Products Company
11610 Ampine Fibreform Road
Sutter Creek, CA 95685

CERTIFIED MAIL
91 7199 9991 7035 8418 7470

NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2016-0076 FOR LIMITED THREAT DISCHARGES TO SURFACE WATER; AMPINE: A DIVISION OF TIMBER PRODUCTS COMPANY, AMPINE PROCESS WATER DISCHARGE, AMADOR COUNTY

Our office received a Notice of Intent on 11 July 2017 from Ampine: A Division of Timber Products Company (hereinafter Discharger) for continued coverage of the discharge of process water to surface water. The Discharger is currently covered under a Notice of Applicability (NOA) for the Limited Threat General Order R5-2013-0073, which has been renewed by Order R5-2016-0076. Based on the application packet and subsequent information submitted by the Discharger, staff has determined that the Ampine Process Water Discharge (Project) meets the required conditions for approval under the General Order for Limited Threat Discharges to Surface Water (Limited Threat General Order), Tier 2. This project is hereby assigned Limited Threat General Order R5-2016-0076-018 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995002. Please reference your Limited Threat General Order number, **R5-2016-0076-018**, 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 Limited Threat General Order. To conserve resources, the Limited Threat General Order may be viewed at the following web address: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076_mod.pdf. A copy of the Limited Threat General Order can also be obtained by contacting or visiting the Central Valley Water Board's office weekdays between 8:00 AM and 5:00 PM.

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 reasonable potential for the discharge to cause or contribute to an exceedance of copper water quality objectives in the Stony Creek, which is a water of the United States.

However, the proposed treatment system addresses the water quality concern by reducing copper concentrations below water quality objectives; therefore, the Project qualifies for the Limited Threat General Order.

PROJECT DESCRIPTION

The Project is located at 11610 Ampine Fibreform Road in Sutter Creek, California as shown in the attached Project Location Map (Attachment A). The Discharger manufactures particleboard for distribution using a dry process that is fully contained. However, the process wastewater from boiler blowdown, cooling tower water, turbine cooling water, equipment wash water, and when in use, biofilter blowdown, is discharged to a series of three unlined treatment ponds which allows the process water to settle before it is land applied from the last pond using a sprinkler system that is permitted under Order R5-2008-0167-001 for discharge to land. Water from the last pond may also be discharged to Stony Creek during significant storm events. The last time water was discharged to Stony Creek was 8 February 2017 due to a greater than average 2016 water year, prior to that event the last discharge occurred in April 2011.

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, only effluent limitations for acute toxicity, copper, and pH, as specified in Section V.A.1 of the Limited Threat General Order, are applicable to this discharge. The applicable effluent limitations are shown below:

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

2. **Whole Effluent Toxicity, Acute (Section V.A.3.b).** 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.

3. **Constituents and Parameters of Concern (Section V.A.1.e).** The following constituents and parameters in Table 1 below have been identified as having reasonable potential to cause or contribute to an in-stream excursion from water quality objectives, and shall not exceed the effluent limitations as listed.

Table 1. Effluent Limitations for Constituents and Parameters of Concern

Parameter	Units	Effluent Limitations		Section Reference
		Average Monthly	Maximum Daily	
Copper, Total Recoverable	µg/L	2.4	4.9	V.A.1.e

The Receiving Water 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. Receiving Water Limitations are based on water quality objectives contained in the Basin Plan for the Sacramento and San Joaquin River Basin and are a required part of the Limited Threat General Order. 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);
- 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);
- 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 in accordance with Attachment C of the Limited Threat General Order.

Monitoring Locations – The Discharger shall monitor the effluent 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 Stony Creek.

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

Table 3. Effluent Monitoring

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Total Flow	MGD	Estimate	1/Week	[2,3]
Electrical Conductivity @ 25 ºC	µmhos/cm	Grab	1/Week	[2,3]
pH	standard units	Grab	1/Week	[2,3]
Turbidity	NTU	Grab	1/Week	[2,3]
Temperature	°F	Grab	1/Week	[2,3]
Dissolved Oxygen	mg/L	Grab	1/Week	[2,3]
Hardness, Total (as $CaCO_3$)	mg/L	Grab	1/Year	[2,3,4]
Copper, Total Recoverable	µg/L	Grab	1/Month	[2,4]
Acute Toxicity	% survival	Grab	1/Permit Term[9]	[3,9]

[2] 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.

[3] 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.

[4] Monitoring for hardness shall be performed concurrently with effluent sampling for cadmium, chromium (III), copper, lead, nickel, silver, and/or zinc if effluent sampling for any of these pollutants is required.

[9] Acute toxicity testing shall be conducted within 3 months of initiation of discharge. For acute toxicity testing, the test species shall be fathead minnows (*Pimephales promelas*). See the Monitoring and Reporting Program (Attachment C) 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 an ongoing discharge. Therefore, the Discharger shall submit monitoring results by 30 January 2023 for the following constituents shown in Table 4, below:

Table 4. Effluent Characterization Monitoring

Parameter[1,4]	Units	Sample Type	Required Analytical Test Method
Biochemical Oxygen Demand (BOD)	mg/L	Grab	[2]
Total Suspended Solids (TSS)	mg/L	Grab	[2]
Dissolved Oxygen (DO)	mg/L	Grab	[1, 2]
Hardness	mg/l	Grab	[1, 2]
pH	standard units	Grab	[1, 2]
Temperature	°F	Grab	[1, 2]
Electrical Conductivity @ 25 ºC	µmhos/cm	Grab	[1, 2]
Total Dissolved Solids (TDS)	mg/L	Grab	[1, 2]
Turbidity	NTU	Grab	[1, 2]
Chlorine, Total Residual	mg/L	Grab	[1,2]
CTR Priority Pollutants[3]	µg/L	Grab	[2]

[1.] 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. 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. See Attachment I, Table I-3 of the Limited Threat General Order.
4. The Discharger is not required to conduct effluent monitoring for constituents that have already been sampled in a given month, as required in Table 3, except for hardness, pH, and temperature, which shall be conducted concurrently with the effluent sampling.

Receiving Water Monitoring - *Not required.* Discharge from the last treatment pond mixes with discharge from the last sedimentation basin for stormwater drainage before discharge to Stony Creek. Receiving water monitoring would reflect the effects of the combined discharges and would not represent the effects of the discharge covered under this NOA. Therefore, compliance with receiving water limitations will be determined through effluent monitoring.

Monitoring Report Submittals - Monitoring in accordance with this NOA shall begin upon **30 January 2018**. Monitoring Reports shall be submitted to the Central Valley Water Board on a quarterly basis, beginning with the **First Quarter 2018**. This report shall be submitted on **1 May 2018**. If monitoring samples were not obtained within 24 hours of initiation of the discharge, the Discharger must document the reasons in the corresponding Monitoring Report. If the 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

Sampling Frequency	Monitoring Period Begins On…	Quarterly Report Due Date
1/Day, 1/Week, 1/Month, 1/Quarter	30 January 2018	1 May (1 Jan – 31 Mar) 1 Aug (1 Apr – 30 Jun) 1 Nov (1 Jul – 30 Sep) 1 Feb, of following year (1 Oct – 31 Dec)

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
All documents, including Monitoring Reports, response to inspections, written notifications, and documents submitted to comply with this NOA and the Limited Threat General Order, should be submitted to the NPDES Compliance Unit, Attention: Kari Holmes. Ms. Holmes can be reached at (916) 464-4623 or Kari.Holmes@waterboards.ca.gov.

We have transitioned to a paperless office, therefore, please convert all documents to a searchable Portable Document Format (pdf) and email them to centralvalleysacramento@waterboards.ca.gov. **Please include the following information in the email:** Attention: NPDES Compliance Unit; Discharger: Ampine: A Division of Timber Products Company; Facility: Ampine Process Water Discharge; County: Amador; and the CIWQS place ID 239636 in the body of the email. 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". Please include the attached Monitoring Report Transmittal Form as the first page of each Monitoring Report.

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. Copies of the law and regulations applicable to filing petitions may be found on the internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

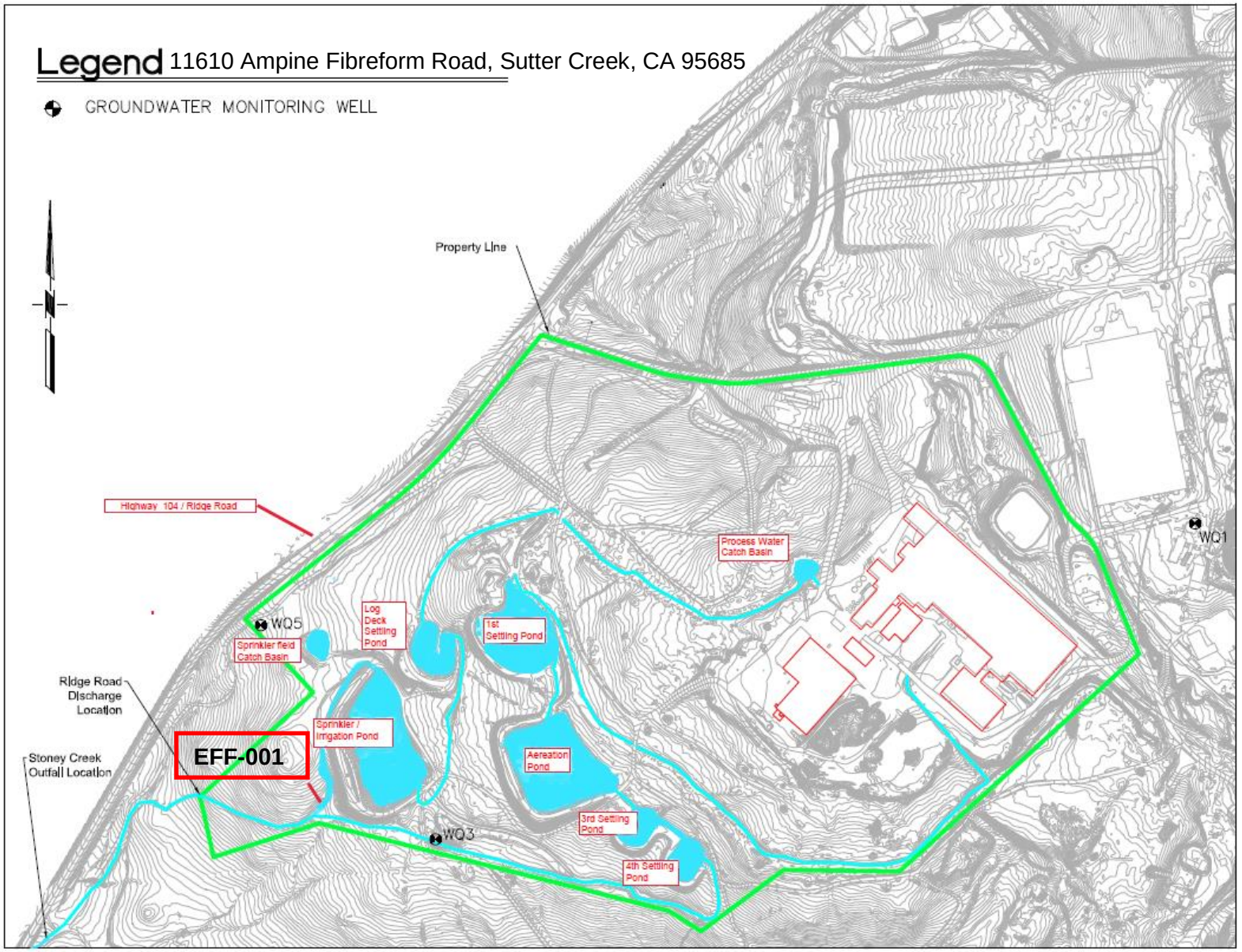
Original Signed by Adam Laputz for

Pamela C. Creedon
Executive Officer

Enclosures (3): Attachment A - Project Location Map
Attachment B - Rationale for Effluent Limitations and Monitoring
Monitoring Report Transmittal Form (Discharger only)

cc: David Smith, U.S. EPA, Region IX, San Francisco (email only)
Afrooz Farsimadan, Division of Water Quality, State Water Board, Sacramento (email only)

ATTACHMENT A - PROJECT LOCATION MAP



ATTACHMENT B – RATIONALE FOR EFFLUENT LIMITATIONS AND MONITORING

I. RATIONALE FOR EFFLUENT LIMITATIONS

1. Satisfaction of Anti-Backsliding Requirements

The CWA specifies that a revised permit may not include effluent limitations that are less stringent than the previous permit unless a less stringent limitation is justified based on exceptions to the anti-backsliding provisions contained in CWA sections 402(o) or 303(d)(4), or, where applicable, 40 C.F.R. section 122.44(l).

The effluent limitations in this NOA are at least as stringent as the effluent limitations in the previous NOA, with the exception of effluent limitations for iron and manganese. The effluent limitations for these pollutants are less stringent than those in Limited Threat General Order R5-2013-0073-039. This relaxation of effluent limitations is consistent with the anti-backsliding requirements of the CWA and federal regulations.

a. CWA section 402(o)(1) and 303(d)(4). CWA section 402(o)(1) prohibits the establishment of less stringent water quality-based effluent limits "*except in compliance with Section 303(d)(4).*" CWA section 303(d)(4) has two parts: paragraph (A) which applies to nonattainment waters and paragraph (B) which applies to attainment waters.

i. For waters where standards are not attained, CWA section 304(d)(4)(A) specifies that any effluent limit based on a TMDL or other WLA may be revised only if the cumulative effect of all such revised effluent limits based on such TMDL's or WLAs will assure the attainment of such water quality standards.

ii. For attainment waters, CWA section 303(d)(4)(B) specifies that a limitation based on a water quality standard may be relaxed where the action is consistent with the antidegradation policy.

The Stony Creek is considered an attainment water for iron and manganese because the receiving water is not listed as impaired on the 303(d) list for these constituents.[1] As discussed below, removal of the effluent limits complies with federal and state antidegradation requirements. Thus, removal of the effluent limitations for iron and manganese from NOA R5-2013-0073-039 meets the exception in CWA section 303(d)(4)(B).

b. CWA section 402(o)(2). CWA section 402(o)(2) provides several exceptions to the anti-backsliding regulations. CWA 402(o)(2)(B)(i) allows a renewed, reissued, or modified permit to contain a less stringent effluent limitation for a pollutant if information is available which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of a less stringent effluent limitation at the time of permit issuance.

Updated information that was not available at the time NOA R5-2013-0073-039 was issued indicates that iron and manganese do not exhibit reasonable potential

[1] "The exceptions in Section 303(d)(4) address both waters in attainment with water quality standards and those not in attainment, i.e. waters on the section 303(d) impaired waters list." State Water Board Order WQ 2008-0006, Berry Petroleum Company, Poso Creek/McVan Facility.

to cause or contribute to an exceedance of water quality objectives in the receiving water. Additionally, updated information that was not available at the time NOA R5-2013-0073-039 was issued indicates that less stringent effluent limitations for iron and manganese based on available data satisfy requirements in CWA section 402(o)(2). The updated information that supports the relaxation of effluent limitations for these constituents includes the following:

i. **Iron and Manganese.** On 11 July 2017, the Discharger submitted a Notice of Intent with updated analytical data that indicates that iron and manganese in the discharge do not exhibit reasonable potential to cause or contribute to an exceedance of their respective Secondary MCLs.

Thus, removal of the effluent limitations for iron and manganese from NOA R5-2013-0073-039 is in accordance with CWA section 402(o)(2)(B)(i), which allows for the removal of effluent limitations based on information that was not available at the time previous NOA R5-2013-0073-039 was issued.

2. Antidegradation Policies

This NOA does not allow for an increase in flow or mass of pollutants to the receiving water. Therefore, a complete antidegradation analysis is not necessary. The NOA requires compliance with applicable federal technology-based standards and with WQBEL's where the discharge could have the reasonable potential to cause or contribute to an exceedance of water quality standards. The permitted surface water discharge is consistent with the antidegradation provisions of 40 C.F.R. section 131.12 and State Water Board Resolution No. 68-16. Compliance with these requirements will result in the use of best practicable treatment or control of the discharge. The impact on existing water quality will be insignificant.

This NOA removes effluent limitations for iron and manganese based on updated monitoring data demonstrating that the effluent does not cause or contribute to an exceedance of the applicable water quality criteria or objectives in the receiving water. The removal of WQBEL's for these parameters will not result in an increase in pollutant concentration or loading, a decrease in the level of treatment or control, or a reduction of water quality. Therefore, the Central Valley Water Board finds that the removal of effluent limitations does not result in an increase in pollutants or any additional degradation of the receiving eater. Thus, the removal of effluent limitations is consistent with the antidegradation provisions of 40 C.F.R. section 131.12 and State Water Board Resolution No. 68-16.

II. RATIONALE FOR EFFLUENT MONITORING

1. Effluent Monitoring

a. Effluent monitoring frequency and sample type for flow (once per week), electrical conductivity (once per week), pH (once per week), turbidity (once per week), temperature (once per week), dissolved oxygen (once per week), and hardness (once per year) have been retained from NOA R5-2013-0073-039 to determine compliance with effluent limitations for these parameters.

b. NOA R5-2013-0073-039 required monitoring for acute toxicity once per project term. Since the discharge is ongoing, this NOA updates acute toxicity monitoring to once per permit term.

c. Monitoring data submitted with the 11 July 2017 Notice of Intent indicates that copper has reasonable potential to cause or contribute to an exceedance of water quality criteria. Therefore, this NOA establishes monthly monitoring requirements for copper.

d. Monitoring data submitted with the 11 July 2017 Notice of Intent for iron and manganese did not demonstrate reasonable potential to exceed water quality objectives/criteria. Thus, specific monitoring requirements for these parameters have not been retained from NOA R5-2013-0073-039.

e. Due to the large capacity of the settling ponds and the infrequent, low volume discharge, the Central Valley Water Board finds that the effluent does not have reasonable potential to cause chronic toxicity. Thus, specific monitoring requirements for chronic toxicity have not been retained from NOA R5-2013-0073-039.