



Central Valley Regional Water Quality Control Board

20 December 2022

Juan Somoano, President
Glenn Springs Holdings, Inc. and
Miller Springs Remediation
Management Inc.
5 Greenway Plaza, Ste. 110
Houston, TX 77046

CERTIFIED MAIL
7022 2410 0000 2157 7060

NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2022-0006 FOR LIMITED THREAT DISCHARGES TO SURFACE WATER; GLENN SPRINGS HOLDINGS, INC. AND MILLER SPRINGS REMEDIATION MANAGEMENT, INC., FORMER J.R. SIMPLOT FACILITY, MERCED COUNTY

Our office received a Notice of Intent on 27 September 2022 from Glenn Springs Holdings, Inc. and Miller Springs Remediation Management Inc. (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). This project is hereby assigned Limited Threat General Order R5-2022-0006-007 and National Pollutant Discharge Elimination System (NPDES) Permit CAG995002. Please reference your Limited Threat General Order number, **R5-2022-0006-007**, in your correspondence and submitted documents. This NOA shall become effective on **1 January 2023**.

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/rwqcb5/board_decisions/adopted_orders/general_orders/r5-2022-0006_npdes.pdf) (https://www.waterboards.ca.gov/rwqcb5/board_decisions/adopted_orders/general_orders/r5-2022-0006_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

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

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, total recoverable lead, total recoverable zinc, and nitrate showed reasonable potential for the discharge to cause or contribute to an exceedance of water quality objectives in Middle Lateral Canal, which is a water of the United States. However, the proposed treatment system addresses the water quality concern by reducing lead, zinc, and nitrate concentrations below water quality objectives; therefore, the Project qualifies for the Limited Threat General Order. Water Quality-Based Effluent Limitations have been established for lead, zinc, and nitrate based on the discharge's reasonable potential to exceed water quality objectives. Additionally, Technology-Based Effluent Limitations have been established for 1,2,3-trichloropropane, 1,1-dichloroethylene, 1,1-dichloroethane, acetone, chloroform, tetrachloroethylene, and trichloroethylene due to the presence of these constituents in groundwater and based on the expected performance of the treatment technology.

PROJECT DESCRIPTION

From about 1971 to 1982, the Occidental Petroleum Corporation operated a retail fertilizer distribution facility at this site. The J.R. Simplot Company operated the same type of facility at the site from about 1982 to 1992. Miller Springs Remediation Management, Inc. (subsidiary to Glenn Springs Holdings, Inc.) purchased the site in 2000 and remains the owners of the property. Glenn Springs Holdings, Inc. (subsidiary to Occidental Petroleum Corporation) manages the Facility on behalf of Miller Springs Remediation Management, Inc. and Occidental Petroleum Corporation. The Facility is a groundwater extraction and treatment system operating since December 2017 that is addressing impacts emanating from the releases of constituents of concern, including 1,2,3-trichloropropane and nitrate from the retail fertilizer distribution facilities, which have impacted both soil and groundwater.

Four groundwater extraction wells pump groundwater to the treatment system at a combined design flow rate of 0.115 million gallons per day (mgd) on average, with a maximum design combined flow of 0.216 mgd. As of 31 August 2022, the system has discharged a total of 146,660,000 gallons of treated water. Flow passes through bag filters in two parallel trains of two vessels in series for particulate removal. Following bag filtration, flow enters 2,000-pound granular activated carbon (GAC) vessels, configured in two parallel trains of two vessels in series. Depending on the nitrate concentrations in the wastewater stream, a portion of the flow may be sent to the ion exchange system, consisting of four vessels in series for nitrate removal. The waste stream that bypasses the ion exchange system is blended, as necessary, with the ion exchange effluent. The blended and treated groundwater is then sent, via underground pipeline, to Middle Lateral Canal, which is owned by Merced Irrigation District. Middle Lateral Canal flows south to Livingston Canal, which in turn flows north to the Merced River, a water of the United States. See enclosed project map. Middle Lateral Canal is an intermittent, concrete-lined canal that is used for delivery of irrigation water.

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 shall not exceed 0.216 Million Gallons per Day (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 parameters identified in items 1-6, below:

1. **pH.** 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.** There shall be no chronic toxicity in the discharge.
3. **Whole Effluent Toxicity, Acute.** 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.
4. **Salinity.** For a calendar year, the annual average effluent electrical conductivity shall not exceed 700 μ mhos/cm.
5. **Diazinon and Chlorpyrifos.** For water bodies specified in Table 3-4 of the Basin Plan for the Sacramento and San Joaquin River Basin, effluent diazinon and chlorpyrifos concentrations shall not exceed the sum of one (1.0) as identified below:
 - i. Average Monthly Effluent Limitation (AMEL)
 $S_{AMEL} = CD \text{ M-avg}/0.079 + CC \text{ M-avg}/0.012 \leq 1.0$
CD M-avg = average monthly diazinon effluent concentration in μ g/L
CC M-avg = average monthly chlorpyrifos effluent concentration in μ g/L
 - ii. Maximum Daily Effluent Concentration (MDEL)
 $S_{AWEL} = CD \text{ W-avg}/0.16 + CC \text{ W-avg}/0.025 \leq 1.0$

CD W-avg = average weekly diazinon effluent concentration in µg/L
 CC W-avg = average weekly chlorpyrifos effluent concentration in µg/L

6. Constituents and Parameters of Concern. 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	Average Monthly Effluent Limitations	Maximum Daily Effluent Limitations	Section Reference
Nitrate Nitrogen, Total (as N)	mg/L	10	20	V.A.1.e
Lead, Total Recoverable	ug/L	2.1	4.2	V.A.1.g
Zinc, Total Recoverable	ug/L	67	130	V.A.1.g
1,2,3-Trichloropropane	ug/L		0.5	V.B.2
1,1-Dichloroethylene	ug/L		0.5	V.B.2
1,1-Dichloroethane	ug/L		0.5	V.B.2
Acetone	ug/L		0.5	V.B.2
Chloroform	ug/L		0.5	V.B.2
Tetrachloroethylene	ug/L		0.5	V.B.2
Trichloroethylene	ug/L		0.5	V.B.2

Middle Lateral Canal 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.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.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 following monitoring locations to demonstrate compliance with the effluent limitations, discharge specifications, and other requirements in the General Order:

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 Middle Lateral Canal.
	RSW-001U	Middle Lateral Canal, approximately 200 feet upstream from the point of discharge.
	RSW-001D	Middle Lateral Canal, Approximately 1,500 feet downstream from the point of discharge.
	IX-001	A location where representative measurements of the ion exchange system can be obtained.

Effluent Monitoring – When discharging to surface water, the Discharger shall monitor the effluent at EFF-001 in accordance with Effluent Monitoring Tables 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
Total Flow	MGD	Meter	Continuous
Electrical Conductivity at 25 degrees Celsius (degrees C)	µmhos/cm	Grab	1/Month
pH	standard units	Grab	1/Month

Parameter	Units	Sample Type	Minimum Sampling Frequency
Temperature	Degrees F	Grab	1/Month
Nitrate Nitrogen, Total (as N)	mg/L	Grab	1/Month
Lead, Total Recoverable	µg/L	Grab	1/Month
Zinc, Total Recoverable	µg/L	Grab	1/Month
Volatile Organic Compounds	µg/L	Grab	1/Quarter
Hardness, Total (as CaCO ₃)	mg/L	Grab	2/Year
Chlorpyrifos	µg/L	Grab	2/Year
Diazinon	µg/L	Grab	2/Year
Standard Minerals	mg/L	Grab	1/Year
Chronic Toxicity	--	Grab	1/Two Years
Acute Toxicity	% survival	Grab	1/Two Years

Table 3 Notes

- Electrical conductivity, pH, turbidity, and temperature.** 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.
- For hardness, lead, and zinc.** Monitoring for hardness shall be performed concurrently with effluent sampling for lead and zinc if effluent sampling for any of these pollutants is required.
- Volatile Organic Compounds.** Volatile Organic Compounds shall include the following: 1,1-Dichloroethane, 1,1-Dichloroethylene, 1,1,1-Trichloroethane, 1,1,2-Trichloroethane, 1,1,2,2-Tetrachloroethane, 1,2-Dichlorobenzene, 1,2-Dichloroethane, 1,2-Dichloropropane, 1,2-Dichloroethylene (cis and trans), 1,2,3-Trichloropropane, 1,3-Dichlorobenzene, 1,3-Dichloropropene (cis and trans), 1,4-Dichlorobenzene, Acetone, Acrolein, Acrylonitrile, Benzene, Bromoform, Bromomethane, Carbon Tetrachloride, Chlorobenzene, Chlorodibromomethane, Chloroethane, Chloroform, Chloromethane, Dichloromethane, Dichlorobromomethane, Ethylbenzene, Tetrachloroethylene, Toluene, Trichloroethylene, and Vinyl Chloride.
- Chlorpyrifos and Diazinon.** Chlorpyrifos and diazinon shall be sampled using U.S. EPA Method 625M, Method 8141, or equivalent GC/MS method with a lower reporting level than the Basin Plan Water Quality Objectives of 0.015 µg/L and 0.1 µg/L for chlorpyrifos and diazinon, respectively. After two years of 2/Year monitoring, the Discharger may request the Executive Officer amend the NOA to reduce monitoring of chlorpyrifos and diazinon to 1/Year.
- Chronic Toxicity.** Chronic toxicity testing shall be conducted if there are at least 15

days of discharge in a calendar quarter. See the Monitoring and Reporting Program (Attachment C) for toxicity monitoring requirements.

7. **Acute Toxicity.** The acute toxicity testing shall be conducted with fathead minnows (*Pimephales promelas*). The acute toxicity testing samples shall be analyzed using EPA-821-R-02-012, Fifth Edition. Temperature, total residual chlorine, and pH shall be recorded at the time of sample collection. If an acute toxicity test does not meet all test acceptability criteria, as specified in the test method, the Discharger must re-sample and re-test as soon as possible, not to exceed 7 days following notification of test failure.
8. **Standard Minerals.** Standard minerals shall include the following: boron, calcium, iron, magnesium, potassium, sodium, chloride, manganese, phosphorus, total alkalinity (including alkalinity series), and hardness, and include verification that the analysis is complete (i.e., cation/anion balance).

Effluent Characterization Monitoring – Section II.B.2 of the Limitations and Discharge Requirements section of the Limited Threat General Order R5-2022-0006 requires that dischargers submit new analytical results every 5 years for pollutants specified in Table I-1 of Attachment I of Limited Threat General Order R5-2022-0006. The duration of the Project is expected to last more than 5 years; therefore, the Discharger shall submit monitoring results by **18 December 2026** for the following constituents shown in Table 4 and subsequent Table 4 Notes:

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	Degrees F	Grab
Electrical Conductivity at 25 degrees C	µmhos/cm	Grab
Turbidity	NTU	Grab
CTR Priority Pollutants	See Attachment I, Table I-3 Screening Levels for Priority Pollutants	See Attachment I, Table I-3 Screening Levels for Priority Pollutants
Volatile Organic Compounds (VOCs)	See Attachment I, Table I-5 Screening Levels for VOC Remediation Projects	See Attachment I, Table I-5 Screening Levels for VOC Remediation Projects

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.
5. **For VOC Constituents.** See Attachment I, Table I-5 of the Limited Threat General Order.

Receiving Water Monitoring - When discharging to surface water, the Discharger shall monitor the receiving water at RSW-001U and RSW-001D, in accordance with the Receiving Water Monitoring Table of the Limited Threat General Order and this NOA. If there is no upstream receiving water flow, monitoring at RSW-001U is not required and the self-monitoring report shall state that monitoring was not conducted due to no upstream receiving water flow. The applicable monitoring requirements are as follows in Table 5 and subsequent Table 5 Notes:

Table 5. Receiving Water Monitoring Requirements

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

Table 5 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 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-001U and RSW-001D. 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.

Ion Exchange Monitoring – The Discharger shall monitor the waste stream being routed to the ion exchange system at IX-001 as follows:

Table 6. Ion Exchange Monitoring Requirements

Parameter	Units	Sample Type	Monitoring Frequency
Flow	mgd	Meter	1/Day

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 **First Quarter 2023**. This report shall be submitted on **1 May 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 7, 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 7. 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

All notification of non-compliance and questions regarding compliance and enforcement shall be directed to Hossein Aghazeynali of the Central Valley Water Board's NPDES Compliance and Enforcement Unit. Mr. Aghazeynali can be reached at (559) 445-6194 or by email at Hossein.Aghazeynali@waterboards.ca.gov.

Questions regarding the permitting aspects of this NOA and written notification for termination of coverage under the Limited Threat General Order, shall be directed to Nicolette Dentoni of the Central Valley Water Board's NPDES Permitting Unit. Ms. Dentoni can be reached at (559) 444-2505 or by email at Nicolette.Dentoni@waterboards.ca.gov.

The Central Valley Water Board is implementing a Paperless Office system to reduce our paper use, increase efficiency, and provide a more effective way for our staff, the public, and interested parties to view documents in electronic form. Therefore, the Discharger is required to submit all self-monitoring and technical reports required by this NOA via CIWQS submittal. In general, if any monitoring data for a monitoring location can be submitted using a computable document format (CDF) file upload, then it should be uploaded as a CDF file upload. However, certain parameters that cannot be uploaded to the CIWQS data tables, such as the receiving water conditions log, should be uploaded as a Portable Document Format (PDF), Microsoft Word, or Microsoft Excel

file attachment. Also, please upload or enter a cover letter summarizing the content of the report to the submittal tab of the CIWQS module for each submittal.

All other documents not required to be submitted via CIWQS shall be converted to a searchable PDF and submitted by email to the [Central Valley Water Board email](mailto:centralvalleyfresno@waterboards.ca.gov) (centralvalleyfresno@waterboards.ca.gov) with the following information:

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

- Attention: NPDES Compliance and Enforcement Unit
- Discharger: Glenn Springs Holdings, Inc. and Miller Springs Remediation Management Inc.
- Facility: Former J.R. Simplot Facility
- County: Merced County
- CIWQS Place ID: 272841

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 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.

Original Signed by Clay L. Rodgers for:
Patrick Pulupa
Executive Officer

Enclosures (3): Attachment A - Project Location Map
Attachment B – Supplemental Fact Sheet

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)
Siddharth Sewalia, Regional Water Quality Control Board, Rancho Cordova (email only)

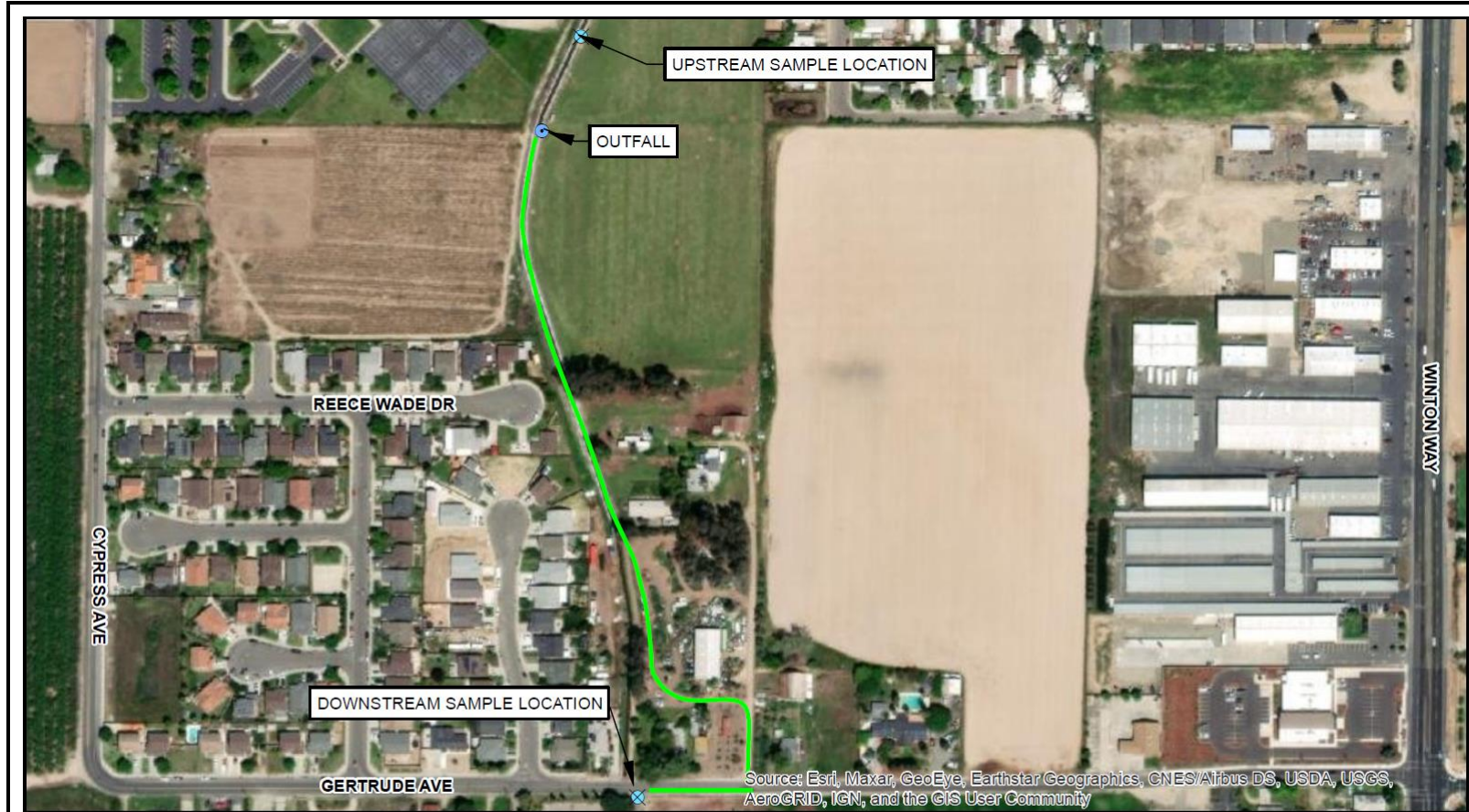
Juan Somoano, President
Glenn Springs Holdings, Inc. and
Miller Springs Remediation Management Inc.

- 12 -

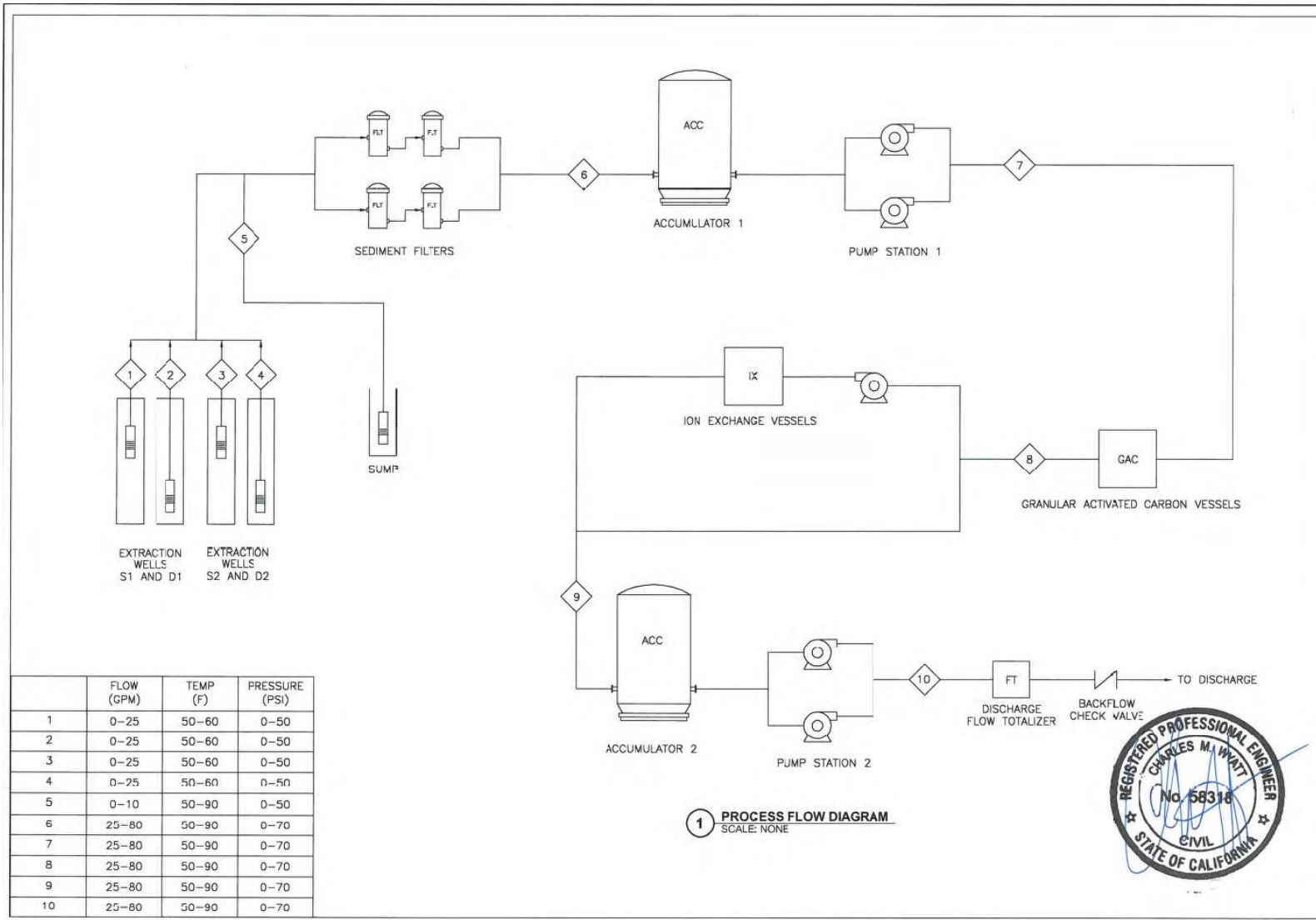
20 December 2022
Former J.R. Simplot Facility
R5-2022-0006-007

cc (continued): Merced Irrigation District, Merced
 Lisa Waskom, Glenn Springs Holdings, Inc. (email only)
 Monty Johnson, J.R. Simplot Company (email only)
 Kyle McDonald, Trihydro Corporation (email only)
 Fritz Krembs, Trihydro Corporation (email only)
 Sarah Torres, PG Environmental (email only)

ATTACHMENT A – PROJECT LOCATION MAPS



<p>EXPLANATION</p> <p>⊗ APPROXIMATE SAMPLING LOCATION</p> <p>⊙ APPROXIMATE LOCATION OF NEW OUTFALL</p> <p>— MIDDLE LATERAL CANAL ACCESS ROUTE</p>			<p>Trihydro CORPORATION</p> <p>1252 Commerce Drive Laramie, WY 82070 www.trihydro.com (P) 307/745.7474 (F) 307/745.7729</p>		<p>FIGURE 1</p> <p>ACCESS TO MIDDLE LATERAL CANAL SAMPLING LOCATIONS</p>	
			<p>SAMPLE ANALYSIS PLAN</p> <p>GROUNDWATER TREATMENT FACILITY</p> <p>6245 WINTON WAY, WINTON, CALIFORNIA</p>		<p>Drawn By: DH Checked By: CK Scale: 1" = 300' Date: 4/1/22 File: Fig1_CanalSampAccess.mxd</p>	



REV.	DATE	DESCRIPTION	BY	CHK

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DRAWN BY: JLP
CHECKED BY: JB
DATE: 7/11/2016
SCALE: NONE
FILE: JFC-GW-15-10000-01004

Trihydro
 15225 Commerce Drive
 Carlsbad, CA 92008
 www.trihydro.com
 (760) 439-0000

PROCESS FLOW DIAGRAM

GROUNDWATER TREATMENT FACILITY
 6245 WINTON WAY, WINTON, CALIFORNIA

SHEET	11	11 OF 26
REV #		



ATTACHMENT B – SUPPLEMENTAL FACT SHEET

I. RATIONALE FOR EFFLUENT LIMITATIONS

A. 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 Order, with the exception of effluent limitations for total recoverable zinc, and 1,1-dichloroethylene. The effluent limitations for these pollutants are less stringent than those in NOA R5-2016-0076-010. This relaxation of effluent limitations is consistent with the anti-backsliding requirements of the CWA and federal regulations.

1. 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.

- a. 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 TMDLs or WLAs will assure the attainment of such water quality standards.
- b. 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.

Middle Lateral Canal is considered an attainment water for total recoverable zinc and 1,1-dichloroethylene because the receiving water is not listed as impaired on the 303(d) list for these constituents. “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. As discussed below, removal of the effluent limits complies with federal and state antidegradation requirements. Thus, relaxation of effluent limitations for total recoverable zinc and 1,1-dichloroethylene from NOA R5-2016-0076-010 meets the exception in CWA section 303(d)(4)(B).

2. 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 R5-2016-0076-010 was issued indicates that 1,1-dichloroethylene does not exhibit reasonable potential 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 R5-2016-0076-010 was issued indicates that less stringent effluent limitations for total recoverable zinc based on available data satisfy requirements in CWA section 402(o)(2). The updated information that supports the removal or relaxation of effluent limitations for these constituents includes the following:

- a. **1,1-Dichloroethylene.** Effluent monitoring data collected between December 2017 and June 2022 for 1,1-dichloroethylene indicate that the discharge does not exhibit reasonable potential to cause or contribute to an exceedance of water quality criteria. The water quality-based effluent limitation for 1,1-dichloroethylene was not retained from NOA R5-2016-0076-010. However, a technology-based effluent limitation has been included in this NOA based on the expected performance of the treatment system to remove 1,1-dichloroethylene from the influent.
- b. **Total Recoverable Zinc.** The MDEL and AMEL for total recoverable zinc have been changed from NOA R5-2016-0076-010. Water quality criteria for zinc are dependent on the ambient hardness. Based on updated effluent and receiving water hardness data collected between December 2017 and June 2022, this NOA includes less stringent effluent limitations for zinc.

Thus, relaxation of effluent limitations for 1,1-dichloroethylene and total recoverable zinc from NOA R5-2016-0076-010 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 R5-2016-0076-010 was issued.

3. **Flow.** NOA R5-2016-0076-010 included flow as an effluent limit at Discharge Point 001 based on the project design flow rate. In accordance with Order R5-2022-0006, compliance with the flow limit was calculated using the maximum daily flow. Flow is not a pollutant; therefore, the effluent limitation has been changed to a discharge prohibition in this NOA, which is an equivalent level of regulation. This NOA is not less stringent because compliance with flow as a discharge prohibition will be determined the same way as the previous NOA. Flow as a discharge prohibition adequately regulates the Project, does not allow for an increase in the discharge of pollutants, and does not constitute backsliding.

B. 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 relaxes effluent limitations for 1,1-dichloroethylene 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 this parameter 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 water. 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

A. Effluent Monitoring

1. Pursuant to the requirements of 40 C.F.R. section 122.44(i)(2) effluent monitoring is required for all constituents with effluent limitations. Effluent monitoring is necessary to assess compliance with effluent limitations, assess the effectiveness of the treatment process, and to assess the impacts of the discharge on the receiving stream and groundwater.
2. Effluent monitoring frequencies and sample types for flow (continuous), pH (1/month), temperature (1/month), electrical conductivity (1/month), nitrate nitrogen (1/month), total recoverable lead (1/month), total recoverable zinc (1/month), VOCs (1/quarter), hardness (2/year), and chronic toxicity (1/two years) have been retained from NOA R5-2016-0076-010 to determine compliance with limitations and discharge prohibitions for these parameters.
3. NOA R5-2016-0076-010 required annual monitoring for acute toxicity. Monitoring for acute toxicity has been reduced to 1/two years given a history of 100% survival results and to align with chronic toxicity monitoring requirements.
4. NOA R5-2016-0076-010 required quarterly monitoring for persistent chlorinated hydrocarbon pesticides. Non-detect results during the last permit cycle for these constituents warrants a reduction in monitoring frequency for

this group. Specific monitoring for persistent chlorinated hydrocarbon pesticides is not included in this Order. However, this group is included in the effluent characterization study.