Central Valley Regional Water Quality Control Board

9 May 2025

Lindsey Nichols
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VIA EMAIL
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AMENDED NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2022-0006-03 FOR LIMITED THREAT DISCHARGES TO SURFACE WATER; BALLANTYNE HOLDINGS LLC, FORMER MARLEY COOLING TOWER COMPANY, SAN JOAQUIN COUNTY

Our office received a Report of Waste Discharge that contained the information required in a Notice of Intent (NOI) on 31 March 2023 from Ballantyne Holdings, LLC (Discharger), for discharge of treated groundwater and storm water to surface water and enrollment under the General Order for Limited Threat Discharges to Surface Waters (Limited Threat General Order) R5-2022-0006-03 (Project). Based on the NOI and subsequent information submitted by the Discharger, staff has determined that the Project meets the required conditions for approval under the Limited Threat General Order. This Project is hereby assigned Limited Threat General Order R5-2022-0006-035 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995002. Please reference your Limited Threat General Order number, **R5-2022-0006-035**, in your correspondence and submitted documents.

Discharges to surface waters from the Facility are currently regulated by Order R5-2019-0018. The Limited Threat General Order was amended on 23 August 2024, as current Order R5-2022-0006-03. This NOA, authorizing coverage under Limited Threat General Order R5-2022-0006-03, shall become effective on 1 April 2025, and at which time the terms and conditions in Order R5-2019-0018 will cease to be effective except for enforcement purposes. To meet the provisions contained in division 7 of the Water Code (commencing with section 13000) and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements contained in the Limited Threat General Order R5-2022-0006-03 and as specified in this NOA.

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/r5-2022-0006-03_amended.pdf).

MAY 2025 AMENDMENT
After notification from the Discharger on 9 April 2025, it was determined by Central Valley Water Board staff that the chromium effluent limitation and monitoring requirements of the 16 January 2025 NOA incorrectly required "Chromium (IV), Total" instead of "Chromium (IV)" as is specified in the Limited Threat General Order. Therefore, this NOA has been amended as of the date of this issuance to reflect the correct requirements of the Limited Threat General Order and supersedes the previously issued 16 January 2025 NOA for this project.

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 chromium (VI), copper, and iron water quality objectives in the Stockton Diverting Canal, which is a water of the United States, tributary to the Calaveras River within the Calaveras River Watershed. However, the proposed treatment system addresses the water quality concern by reducing constituent(s) concentrations below water quality objectives; therefore, the Project qualifies for the Limited Threat General Order.

PROJECT DESCRIPTION
The Discharger owns and operates the Former Marley Cooling Tower Company (Facility), a groundwater extraction and treatment system intended to address a hexavalent chromium plume in groundwater. The Facility's treatment system discharges wastewater into the Stockton Diverting Canal. The Stockton Diverting Canal is an engineered drainage canal which re-connects Upper Mormon Slough to the Calaveras River on the East side of Stockton. From approximately October to April each year, the East Stockton Water District dams the Calaveras River at its fork with Upper Mormon Slough, diverting flows through Upper Mormon Slough and the Stockton Diverting Canal. For the remainder of the year, flows are split between the Calaveras River and Upper Mormon Slough. A series of check dams are installed along the Calaveras River, Upper Mormon Slough, and the Stockton Diverting Canal to provide irrigation water for adjacent farmers. During this time, there are periods of limited or no flow in the Stockton Diverting Canal.

At the Facility site location, the Discharger previously operated a cooling tower fabrication plant that included a wood preservation process which was discontinued in 1991. These historic operations are associated with contamination of soils and

groundwater underlying the site. Soils have been contaminated with copper, chromium, and arsenic; groundwater has been contaminated with chromium and copper.

The Department of Toxic Substances Control is the lead agency for the Facility's site cleanup which issued a final Remedial Action Plan in 2007. The Remedial Action Plan included a pilot study of calcium polysulphate and ethanol injection which successfully demonstrated the efficacy of in-situ chromium (IV) reduction and led to authorization of full-scale implementation of the in-situ treatment at the site. The Waste Discharge Requirements for the protection of groundwater are being implemented under separate Order R5-2007-0126 issued by the Central Valley Water Board on 13 September 2007, which was revised by Monitoring and Reporting Program Order R5-2012-0814 on 5 September 2012.

The current groundwater extraction and treatment facility is designed to treat a maximum flow of 0.94 million gallons per day (MGD), but the average daily discharge flow is 0.17 MGD. The treatment system at the Facility consists of an electrochemical reduction and precipitation unit (ECS). Ion exchange (IX) was also previously utilized at the site until 2011. The ECS unit consists of an electrochemical reduction (E-Floc) and precipitation process that uses iron as the reducing agent for the chromium (VI) followed by the addition of polymers to optimize settling. The effluent is then filtered prior to discharge. The solids from the clarifier are pumped and accumulated in a filter press. The filter press filtrate and mixed media filter backwash are returned to the treatment plant for further treatment. As a result of in-situ remediation being conducted at the site, multiple extraction wells have met cleanup goals. When sufficient storm water is accumulated on the North Yard to justify treatment, the operator will manually initiate storm water treatment through the E-Floc system.

Groundwater is extracted from seven operative extraction wells on and off-site. The groundwater extraction system can operate in a cyclical fashion or in a hydraulic control with residual source targeting arrangement. In a cyclical fashion, the system operates in two cycles lasting 56 hours or on a continuous basis with all extraction wells pumping at rates varying from 10 to 90 gallons per minute, depending on effective capture of the groundwater contamination plume. When cycling, primary groundwater extraction is alternated between the north zone and the area south of the site. Water extracted from the north zone has higher contaminant concentrations. During south zone pumping, the capacity of the treatment plant is not fully utilized unless supplemental waste sources are added. Flushing water, from local municipal water supply, may be added to supplement the groundwater contaminant concentrations. In a hydraulic control with residual source targeting arrangement, select extraction wells on the south and north yards are operated to maintain downgradient hydraulic control while also targeting areas with the highest residual chromium (VI) levels.

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 calculated flow shall not exceed 0.94 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 through 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 shall at all times be within the range of 6.5 and 8.5.
2. **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.

3. **Constituents and Parameters of Concern (Section V.A.1.e).** The Discharger shall maintain compliance with the following effluent limitations at Discharge Point 001.

   a. The Discharger shall maintain compliance with the effluent limitations specified in Table 1:

Table 1. Effluent Limitations for Constituents and Parameters of Concern

Parameter	Units	Average Monthly Effluent Limitation	Maximum Daily Effluent Limitation	Section Reference
Chromium (VI)	micrograms per liter (µg/L)	8	16	V.A.1.f
Copper, Total	µg/L	6.6	18	V.A.1.f
Iron, Total	µg/L	470	930	V.A.1.e

The Stockton Diverting Canal is not listed on the Clean Water Act 303(d) List of impaired water bodies. Therefore, no additional 303(d) based effluent limitations or monitoring requirements are included in this NOA.

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).

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.

For enrollees under the Salinity Control Program's Alternative Salinity Permitting Approach, Table 15 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 in 2023 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 December 2021 to December 2023, the annual average effluent concentration for EC was 828 micromhos per centimeter (µmhos/cm), which results in an annual average EC effluent trigger of 1,100 µmhos/cm per Table 15 of the Limited Threat General Order. If the calendar annual average effluent EC exceeds 1,100 µmhos/cm, the Salinity Evaluation and Minimization Plan shall be reviewed and updated. The updated Salinity Evaluation and Minimization Plan shall be submitted by 1 April following the calendar year in which the EC concentration exceeded the trigger.

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
--	INF-001	Former sampling location where a representative sample of the influent to the former ion-exchange system could be collected prior to any treatment processes.
--	INF-002	A location where a representative sample of the influent to the electrochemical and precipitation system can be collected prior to any treatment processes
001	EFF-001	A location where a representative sample of the effluent can be collected prior to discharging to the Stockton Diverting Canal. (Latitude 37°58'20.8" N, Longitude: 121°13'40.1" W)
--	RSW-001	Stockton Diverting Canal, approximately 7,500 feet upstream from the point of discharge at the Main Street Bridge station (Latitude: 37º57'41" N, Longitude:121°12'18.7" W)
--	RSW-002	Stockton Diverting Canal, approximately 1450 feet downstream from the point of discharge at the Fremont Street Bridge station (Latitude: 37°58'27", Longitude: 121°13'52.7" W)

Influent Monitoring – The Discharger shall monitor the influent to the influent to the electrochemical and precipitation system at INF-002 as follows in Table 3 and subsequent Table 3 Notes:

Table 3. Influent Monitoring Requirements

Parameter	Units	Sample Type	Minimum Sampling Frequency
Arsenic, Total	µg/L	Grab	1/Quarter
Chromium (VI)	µg/L	Grab	1/Quarter
Copper, Total	µg/L	Grab	1/Quarter
Electrical Conductivity @ 25 °C	µmhos/cm	Grab	1/Quarter
Iron, Total	µg/L	Grab	1/Quarter

Table 3 Notes

1. Pollutants shall be analyzed using the analytical methods described in 40 CFR part 136 or by methods approved by the Central Valley Water Board or the State Water Board.
2. Grab samples shall not be collected at the same time each day in order to get a complete representation of variations in the influent.
3. Influent sampling shall be performed concurrently with effluent sampling.

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 4 and subsequent Table 4 Notes:

Table 4. Effluent Monitoring Requirements

Parameter	Units	Sample Type	Minimum Sampling Frequency
Discharge Flow Rate	MGD	Meter	Continuous
Electrical Conductivity @ 25 °C	µmhos/cm	Grab	1/Month
pH	standard units	Grab	1/Month
Turbidity	nephelometric turbidity unit (NTU)	Grab	1/Month
Temperature	Fahrenheit (°F)	Grab	1/Month
Dissolved Oxygen (DO)	milligrams per liter (mg/L)	Grab	1/Month
Hardness, Total (as CaCO3)	mg/L	Grab	1/Month
Acute Toxicity	% survival	Grab	1/Quarterly
Chronic Toxicity	toxic unit-chronic (TUc)	Grab	1/Year
Chromium (VI)	µg/L	Grab	1/Month
Copper, Total	µg/L	Grab	1/Month
Iron, Total	µg/L	Grab	1/Month

Table 4 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.
3. **For hardness and copper.** Monitoring for hardness shall be performed concurrently with effluent sampling for copper.

4. **Acute and chronic toxicity.** Chronic and acute toxicity testing shall be conducted within 3

months of effective date of this NOA. For acute toxicity testing, the test species shall be fathead minnows (*Pimephales promelas*). 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 treated groundwater and storm water source discharge. Therefore, the Discharger shall submit monitoring results by 1 April 2030 for the following constituents shown in Table 5 and subsequent Table 5 Notes, below:

Table 5. 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
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 5 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-7 of the Limited Threat General Order and this NOA. If there is no upstream receiving water flow, monitoring at RSW-001 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 6 and subsequent Table 6 Notes:

Table 6. Receiving Water Monitoring Requirements

Parameter	Units	Sample Type	Monitoring Frequency
Dissolved Oxygen	mg/L	Grab	1/Month
Electrical Conductivity @ 25 ºC	µmhos/cm	Grab	1/Month
Hardness, Total (as CaCO3)	mg/L	Grab	1/Quarter
pH	standard units	Grab	1/Month
Temperature	°F	Grab	1/Month
Turbidity	NTU	Grab	1/Month

Table 6 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-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 **Second Quarter 2025**. This report shall be submitted on **1 August 2025**. 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

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: Ballantyne Holdings, LLC
- Facility: Former Marley Cooling Tower Company
- County: San Joaquin County
- CIWQS place ID: 239601

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) or will be provided upon request.

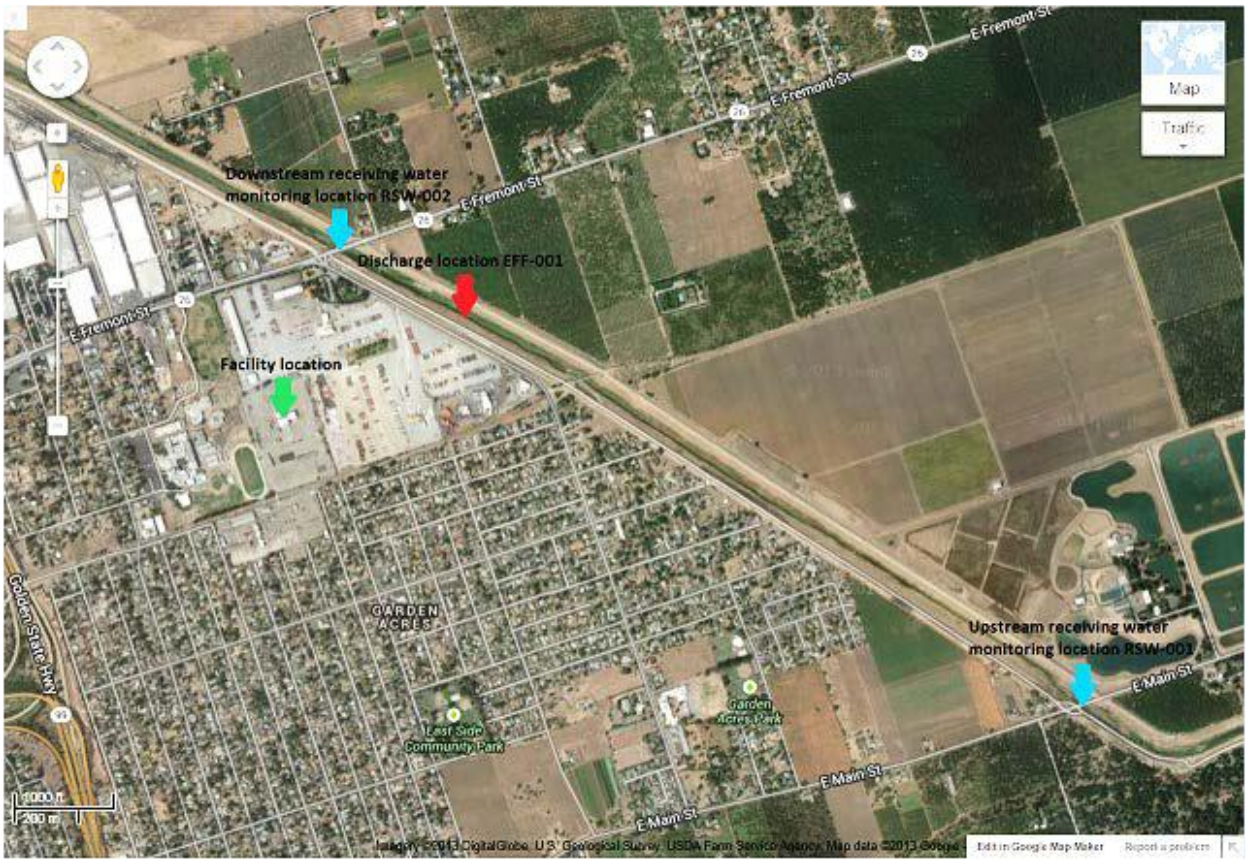
Adam Laputz Digitally signed by Adam Laputz
Water Boards Date: 2025.05.13 15:01:57 -07'00'

Patrick Pulupa, Executive Officer

Enclosures (2): Attachment A - Project Location Map
Appendix

cc: 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)

ATTACHMENT A – PROJECT LOCATION MAP



APPENDIX – SUPPLEMENTAL FACT SHEET

I. RATIONALE FOR EFFLUENT LIMITATIONS

A. Satisfaction of Anti-Backsliding Requirements

The Clean Water Act (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, Code of Federal Regulations (C.F.R.), 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 Facility's previous Order R5-2019-0018, with the exception of effluent limitations for chromium (VI), copper, and electrical conductivity. The effluent limitations for these pollutants are less stringent than those in Order R5-2019-0018. 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.

   Calaveras River, Lower (from Stockton Diverting Canal to the San Joaquin River) is considered an attainment water for chromium (VI), copper, and electrical conductivity because the receiving water is not listed as impaired on the 303(d) list for these constituents.

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 Order R5-2019-0018 was issued indicates that electrical conductivity did 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 Order R5-2019-0018 was issued indicates that less stringent effluent limitations for chromium (VI) and copper based on available data satisfy requirements in CWA section 402(o)(2). The updated information that supports the removal of effluent limitations for electrical conductivity as discussed below:

a. **Electrical Conductivity**. The effluent monitoring data collected between December 2021 and December 2023 indicates that electrical conductivity in the discharge does not exhibit reasonable potential to cause or contribute to an exceedance of the respective Secondary MCL limit.

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 WQBELs 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.

II. RATIONALE FOR MONITORING

A. Influent Monitoring

1. All influent monitoring frequencies from Order R5-2019-0018 have been retained along with the addition of quarterly iron monitoring.

B. 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. All effluent monitoring frequencies from Order R5-2019-0018 have been retained except for chronic toxicity, total dissolved solids, iron, and total suspended solids. Iron monitoring frequency was increased from quarterly to monthly to determine compliance with effluent limitations. Total dissolved solids monitoring was discontinued because electrical conductivity provides similar information and is used to determine if the electrical conductivity trigger is exceeded. Total dissolved solids monitoring was discontinued because it is not required for compliance determination or to determine proper operation of the treatment system. Chronic toxicity monitoring was reduced from quarterly to annual monitoring as required for projects with treatment enrolled under the LTGO.

C. Receiving Water Monitoring

1. Receiving water monitoring is necessary to assess compliance with receiving water limitations and to assess the impacts of the discharge on the receiving stream. Receiving surface water monitoring frequencies and sample types have been retained from Order R5-2019-0018 except for flow, total dissolved solids and turbidity. Since the Discharger is currently monitoring for electrical conductivity, total dissolved solids monitoring has been discontinued and turbidity monitoring has been increased from quarterly to monthly. Flow monitoring has been discontinued because it is not required for determining compliance with receiving water limitations.