

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

NPDES NO. CA 0084140

MONITORING AND REPORTING PROGRAM NO. R5-2002-0214

FOR  
STIMPEL-WIEBELHAUS ASSOCIATES  
dba SWA AT MOUNTAIN GATE  
AND  
CURTIS PARTNERS LLP  
SHASTA COUNTY

The monitoring and reporting program (MRP) incorporates requirements for monitoring: precipitation, effluent (Discharge 001, 002, and 003), receiving water (R-1, R-2, and R-3), and aboveground petroleum storage.

**PRECIPITATION MONITORING**

The daily precipitation at the facility shall be recorded on weekdays and weekends. The reading shall be taken at the same time each day and submitted as follows:

<u>Constituent</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Sampling Frequency</u>	<u>Reporting Frequency</u>
Precipitation	Inches	Visual	Daily	Monthly

**EFFLUENT MONITORING  
(Discharges 001, 002 and 003)**

During periods of discharge from the French Drain and Sedimentation Basins B and C (Discharge 001), Sedimentation Basin D (Discharge 002), and Sedimentation Basin E (Discharge 003), effluent samples shall be collected from the culvert exit points for the following:

<u>Constituent</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Sampling Frequency</u>
Estimated Flow	cfs	Visual	Daily <sup>1</sup>
pH	Units	Grab	Daily <sup>1</sup>
Settleable Solids	ml/L	Grab	Daily <sup>1</sup>
Total Suspended Solids	mg/L	Grab	Daily <sup>1</sup>
Turbidity	NTU	Grab	Daily <sup>1</sup>
Oil and Grease	mg/L	Grab	Annually <sup>2</sup>
Specific Conductance	µmhos/cm	Grab	Annually <sup>2</sup>
Hardness	mg/L	Grab	Annually <sup>5</sup>
Priority Pollutant Metals <sup>3</sup>	µg/L	Grab	Annually <sup>5</sup>
Aluminum	µg/L	Grab	Annually <sup>5</sup>

<u>Constituent</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Sampling Frequency</u>
Cyanide	µg/L	Grab	Annually <sup>5</sup>
Iron	µg/L	Grab	Annually <sup>5</sup>
Manganese	µg/L	Grab	Annually <sup>5</sup>
<u>Acute Toxicity<sup>4</sup></u>	% Survival	Grab	Annually <sup>5</sup>

<sup>1</sup> During rainfall events exceeding 1 inch.

<sup>2</sup> Samples shall be collected during daylight hours during the first hour of the first discharge after the dry season when there is upstream flow in the West Fork of Stillwater Creek.

<sup>3</sup> Antimony, arsenic, beryllium, cadmium, chromium III, chromium VI, copper, lead, mercury (EPA Method 1669/1631), nickel, selenium, silver, thallium, zinc

<sup>4</sup> 96-hour Bioassay using Rainbow Trout as the test species

<sup>5</sup> Samples shall be collected during daylight hours during the first hour of the first discharge from Sedimentation Basin D (Discharge 002) after the dry season, when there is upstream flow in the West Fork of Stillwater Creek. Sample results shall be submitted no later than **15 March** each year. After two samples have been collected, the frequency may be reduced upon approval of the Executive Officer.

During periods of discharge from Discharge 001, Discharge 002, and Discharge 003, attention shall be given to the visual appearance of the wastewater. Visual observations shall document the presence or absence of:

- |                                 |                             |
|---------------------------------|-----------------------------|
| a. Floating or suspended matter | d. Turbidity                |
| b. Oil sheen or slick           | e. Odor                     |
| c. Discoloration                | f. Source of any pollutants |

### THREE SPECIES CHRONIC TOXICITY

Chronic toxicity monitoring shall be conducted to determine whether the effluent (Discharge 002) is contributing toxicity to the West Fork of Stillwater Creek. The testing shall be conducted as specified in EPA 600/4-91-002, or latest edition. Chronic toxicity samples shall be collected at the discharge prior to its entering the West Fork of Stillwater Creek. Twenty-four hour composite or individual grab samples shall be representative of the volume and quality of the discharge. Date and time of sample collection shall be recorded. The results shall be submitted with the monitoring report and include the following:

Species: Pimephales promelas, Ceriodaphnia dubia, and Selenastrum capricornutum

Frequency: Once during the 5-year permit renewal period.

	<b>Dilutions (%)</b>					<b>Controls</b>	
	<u>100</u>	<u>75</u>	<u>50</u>	<u>25</u>	<u>12.5</u>	<u>Receiving Water</u>	<u>Lab Water</u>
% Discharge 001 Effluent	100	75	50	25	12.5	0	0
% Dilution Water <sup>1</sup>	0	25	50	75	87.5	100	0
% Lab Water	0	0	0	0	0	0	100

<sup>1</sup> Dilution water shall be receiving water from the West Fork of Stillwater Creek taken upstream from the discharge point (R-1). If the receiving water exhibits toxicity the Discharger may be required to use lab water as dilution water. The dilution series may be modified after the initial test upon approval of the Executive Officer.

### RECEIVING WATER MONITORING

Receiving water samples shall be taken from the following stations:

<u>Station</u>	<u>Description</u>
R-1	West Fork of Stillwater Creek, immediately below the confluence of the intermittent tributary to West Fork of Stillwater Creek and the Sedimentation Pond A discharge
R-2	Unnamed intermittent tributary to West Fork of Stillwater Creek, south of Scalehouse
R-3	West Fork of Stillwater Creek, 100 feet downstream from Discharge 003

Grab samples shall be collected at approximately the same time as the discharge samples. The results shall be submitted with the monthly monitoring report and include the following:

<u>Constituent</u>	<u>Units</u>	<u>Station</u>	<u>Sampling Frequency</u>
Estimated upstream flow	cfs	R-1, R-2	Daily <sup>1</sup>
pH	Units	R-1, R-2, R-3	Daily <sup>1</sup>
Total Suspended Solids	mg/L	R-1, R-2, R-3	Daily <sup>1</sup>
Turbidity	NTU	R-1, R-2, R-3	Daily <sup>1</sup>
Hardness	mg/L	R-1, R-3	Annually <sup>2</sup>
Priority Pollutant Metals <sup>3</sup>	µg/L	R-1, R-3	Annually <sup>2</sup>
Aluminum	µg/L	R-1, R-3	Annually <sup>2</sup>
Cyanide	µg/L	R-1, R-3	Annually <sup>2</sup>
Iron	µg/L	R-1, R-3	Annually <sup>2</sup>
Manganese	µg/L	R-1, R-3	Annually <sup>2</sup>

<sup>1</sup> During rainfall events exceeding 1 inch.

<sup>2</sup> Samples shall be collected during daylight hours during the first hour of the first discharge after the dry season, when there is upstream flow in the West Fork of Stillwater Creek. Sample results shall be reported no later than **15 March** each year.

<sup>3</sup> Antimony, arsenic, beryllium, cadmium, chromium III, chromium VI, copper, lead, mercury (EPA Method 1669/1631), nickel, selenium, silver, thallium, zinc.

Turbidity (NTU) shall be determined by (1) individual samples or (2) by samples taken over an appropriate averaging period.

- (1) Individual Sampling.
- (2) Averaging Periods – a minimum of four samples per day from each upstream and downstream station for a period of up to 4 days during discharge. Samples collected for averaging must be spaced at least 3 hours apart.

In conducting the receiving water sampling, a log shall be kept of the receiving water conditions at stations R-1, R-2, and R-3. Attention shall be given to the presence of or absence of:

- |                                 |                    |
|---------------------------------|--------------------|
| a. Upstream flow                | e. Scum or foam    |
| b. Floating or suspended matter | f. Bottom deposits |
| c. Oil sheen or slick           | g. Aquatic life    |
| d. Discoloration                |                    |

### **ABOVEGROUND PETROLEUM STORAGE MONITORING**

The Discharger shall visually inspect the aboveground petroleum storage tank, as required by the facility's Spill Prevention Control and Countermeasure Plan. A report of the inspection shall be submitted stating whether a spill or leakage has been detected. In the event of a petroleum release, a report shall be submitted describing the corrective action that was taken to remediate and dispose of the contaminated area. The results shall be submitted with the monthly monitoring report.

### **REPORTING**

Monitoring results shall be submitted to the Regional Board by the **1<sup>st</sup> day of the second month** following sample collection. (i.e., the January report is due by 1 March).

In reporting the monitoring data, the Discharger shall arrange the data in tabular form so that the date, the constituents, and the concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the discharge complies with waste discharge requirements.

If the Discharger monitors any pollutant at the locations designated herein more frequently than is required by this Order, the results of such monitoring shall be included in the calculation and reporting of the values required in the discharge monitoring report form. Such increased frequency shall be indicated on the discharge monitoring report form.

The Discharger may also be requested to submit an annual report to the Board with both tabular and graphical summaries of the monitoring data obtained during the previous year. Any such request

shall be made in writing. The report shall discuss the compliance record. If violations have occurred, the report shall also discuss the corrective actions taken and planned to bring the discharge into full compliance with the waste discharge requirements.

All reports submitted in response to this Order shall comply with the signatory requirements of Standard Provisions D.6.

The Discharger shall implement the above monitoring program as of the date of this Order.

Ordered by: \_\_\_\_\_  
THOMAS R. PINKOS, Executive Officer

\_\_\_\_\_  
6 December 2002  
(Date)

JFR:

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER NO. R5-2002-0214

NPDES NO. CA0084140

WASTE DISCHARGE REQUIREMENTS  
FOR  
STIMPEL-WIEBELHAUS ASSOCIATES  
dba SWA AT MOUNTAIN GATE  
AND  
CURTIS PARTNERS LLP  
SHASTA COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Board) finds that:

1. Stimpel-Wiebelhaus Associates, a general partnership consisting of Stimpel-Wiebelhaus Incorporated and Highgrade Incorporated, both California corporations, submitted a Report of Waste Discharge (RWD), dated 31 August 2001, and applied for a permit renewal to discharge waste under the National Pollutant Discharge Elimination System (NPDES). The property, (Assessor's Parcel Nos. 307-340-004, 307-340-008 and 307-350-007), is owned by Curtis Partners LLP, a limited liability partnership. The general partner of Curtis Partners LLP is Keluche Creek Properties, Inc., a California corporation. Curtis Partners LLP leases the property to Stimpel-Wiebelhaus Associates to operate SWA at Mountain Gate, which is currently regulated under Waste Discharge Requirements Order No. 97-067 (NPDES No. CA0084140).
2. Stimpel-Wiebelhaus Associates dba SWA at Mountain Gate and Curtis Partners LLP (hereafter Discharger) is northeast of Mountain Gate in portions of Sections 10, 11, 14, and 15, T33N, R4W, MDB&M, as shown on Attachment A, which is attached hereto and part of this Order by reference. Surface water drainage from the property is to the West Fork of Stillwater Creek, a tributary of Stillwater Creek and the Sacramento River.
3. Water for industrial use is supplied by an on-site well drilled in July 1988. The well casing is 8-inch diameter. The depth is approximately 160 feet below ground surface (bgs). The screened interval is from 100 to 140 feet bgs. Bottled water is supplied for drinking purposes.
4. The property is in the Enterprise Flat Hydrologic Area (No. 508.10), as depicted on interagency hydrologic maps prepared by the Department of Water Resources (DWR) in August 1986. The mean annual rainfall is approximately 64 inches and the 10-year 24-hour storm is 7.0 inches. The pan evaporation rate is approximately 68 inches per year, based on information obtained from DWR Bulletin 73-79 (November 1979).
5. The Discharger's facility consists of: a limestone quarry, rock crushing and screening plant, aggregate stockpiles, unpaved roadways, office building, portable toilets, shop building, and aboveground petroleum storage. The Discharger intends to install a hot mix asphalt concrete

- plant within the next two years. Wastes generated at the facility include: domestic wastewater and waste petroleum products. Potential wastes include: polluted dust control wastewater and polluted storm water runoff.
6. A french drain previously collected storm water runoff from the rock crushing and screening plant and discharged through a 4-inch plastic pipe to the West Fork of Stillwater Creek and was designated as Discharge 001. This pipe has been connected to the discharge pipe from Sedimentation Basins B and C, which was previously designated as Discharge 002. The combined discharge is now designated as Discharge 001.
  7. The Discharger has constructed five sedimentation basins to retain solids carried in storm water runoff, as shown on Attachment B, which is attached hereto and part of this Order by reference. Sedimentation Basin A, northeast of the crushing and screening plant, collects runoff from an area that is mostly undisturbed. The discharge from Sedimentation Basin A flows through an 18-inch corrugated metal pipe to the West Fork of Stillwater Creek. Sedimentation Basins B and C are immediately east of the quarry and have a combined discharge through an 18-inch corrugated metal pipe to the West Fork of Stillwater Creek (Discharge 001). Sedimentation Basin D, northwest of the quarry, collects runoff from most of the plant, stockpiles, and quarry and discharges it to the West Fork of Stillwater Creek (Discharge 002). Sedimentation Basin E, northwest of the scalehouse, collects runoff from the scale and entrance roadway and discharges it to the West Fork of Stillwater Creek (Discharge 003).
  8. Domestic wastewater is retained in portable toilets until it is removed by a commercial hauler and disposed off-site.
  9. The Discharger stores diesel fuel in a 10,000 gallon single walled tank east of the grinding plant between Sedimentation Basins A and B. Containment for the tank is a concrete structure three feet high. Typically up to six 55-gallon drums containing medium drill oil, 80-90 weight oil, 30-weight oil, antifreeze, and grease are also stored within the bermed area. Gasoline is stored in an 800 gallon steel tank within the containment structure. Various explosives, as described in the information sheet, are stored in a locked magazine in the northeast corner of the quarry.
  10. On 15 October 2001, the Shasta County Planning Commission approved Reclamation Plan Number 2-88 for Mountain Gate Limestone Quarry. In accordance with the plan, reclamation will occur when the quarry is depleted and phased out.
  11. The Code of Federal Regulations (CFR), 40 CFR Part 436, contains effluent limitation guidelines for the mineral mining and processing point source category that are divided into thirty-eight subcategories. Subpart B-Crushed Stone Subcategory generally includes all types of rock and stone and specifically applies to the processing of calcite in conjunction with the processing of crushed and broken limestone. Subpart C-Construction Sand and Gravel is

applicable to the mining and processing of sand and gravel for construction or fill uses. These regulations include a limitation for pH between 6.0 and 9.0. Overflow associated with a 10-year, 24-hour rainfall event is not subject to the pH limitation.

12. The Code of Federal Regulations (CFR), 40 CFR Part 443, contains effluent limitation guidelines for the paving and roofing materials point source category that are divided into four subcategories. Subpart B-Asphalt Concrete Subcategory is applicable to discharges resulting from the production of asphalt concrete. This regulation prohibits the discharge of process wastewater pollutants to surface waters.
13. The Board adopted a *Water Quality Control Plan, Fourth Edition, for the Sacramento and San Joaquin River Basins* (hereafter Basin Plan). The Basin Plan designates beneficial uses, establishes water quality objectives, and describes an implementation program and policies to achieve water quality objectives for all waters of the Basin. This includes plans and policies adopted by the SWRCB and incorporated by reference, such as Resolution No. 68-16, Statement of Policy with Respect to Maintaining High Quality of Waters in California. These requirements implement the Basin Plan.
14. USEPA adopted the *National Toxics Rule* (NTR) on 5 February 1993 and the *California Toxics Rule* (CTR) on 18 May 2000. These Rules contain water quality standards applicable to this discharge. The State Water Resources Control Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (known as the State Implementation Policy), which contains guidance on implementation of the NTR and the CTR.
15. The Basin Plan on page II-2.00 states that: "Existing and potential beneficial uses which currently apply to surface waters of the basins are presented in Figure II-1 and Table II-1. The beneficial uses of any specifically identified water body generally apply to its tributary streams." The beneficial uses of Stillwater Creek are not individually identified in the Basin Plan. Application of the tributary rule requires the beneficial uses of any specifically identified water body apply to its tributary streams. The Basin Plan does not identify any beneficial uses specifically for Stillwater Creek, but the Basin Plan does identify present and potential uses for the Sacramento River, to which Stillwater Creek is tributary.

The Basin Plan identifies the following beneficial uses for the Sacramento River: municipal and domestic supply; agricultural supply; water contact and noncontact recreation; warm and cold freshwater habitat, migration of aquatic organisms; spawning, reproduction, and/or early development of fish; esthetic enjoyment; groundwater recharge; freshwater replenishment; and preservation and enhancement of fish, wildlife and other aquatic resources. In addition, State Board Resolution 88-63, incorporated into the Basin Plan pursuant to Regional Board Resolution 89-056, requires the Regional Board to assign the municipal and domestic supply use to water bodies that do not have beneficial uses listed in Table II-1.



Upon review of the flow conditions, habitat values, and beneficial uses of the west fork of Stillwater Creek, the Regional Board finds that the beneficial uses identified in the Basin Plan for the Sacramento River are applicable to the west fork of Stillwater Creek. The Basin Plan defines the beneficial uses and with respect to disposal of wastewaters states that "... disposal of wastewaters is [not] a prohibited use of waters of the State; it is merely a use which cannot be satisfied to the detriment of beneficial uses." The Regional Board finds that the beneficial uses identified in the Basin Plan for the Sacramento River are applicable to west fork Stillwater Creek based upon the following facts:

a. *Domestic Supply and Agricultural Supply*

The State Water Resources Control Board (SWRCB) has issued water rights to existing water users along Stillwater Creek and the Sacramento River downstream of the discharge for domestic and irrigation uses. Since west fork Stillwater Creek is an intermittent stream, the creek likely provides groundwater recharge during periods of low flow. The groundwater is a source of drinking water. In addition to the existing water uses, growth in the area, downstream of the discharge is expected to continue, which presents a potential for increased domestic and agricultural uses of the water in Stillwater Creek.

b. *Water Contact and Noncontact Recreation and Esthetic Enjoyment*

The Regional Board finds that the discharge flows through rural residential areas and there is ready public access to Stillwater Creek. Exclusion of the public is unrealistic. Contact recreational activities are likely to increase as the population in the area grows. Prior to discharge into the Sacramento River, Stillwater Creek flows through areas of general public access. The Sacramento River also offers recreational opportunities.

c. *Groundwater Recharge*

In areas where groundwater elevations are below the stream bottom, water from the stream will percolate to groundwater. Since west fork Stillwater Creek is at times dry, it is reasonable to assume that the stream water is lost by evaporation, flow downstream and percolation to groundwater providing a source of municipal and irrigation water supply.

d. *Freshwater Replenishment*

When water is present in the west fork of Stillwater Creek, there is hydraulic continuity between it and the Sacramento River. During periods of hydraulic continuity, the west fork of Stillwater Creek and Stillwater Creek add to the water quantity and may impact the quality of water flowing down stream in the Sacramento River.

e. *Preservation and Enhancement of Fish, Wildlife and Other Aquatic Resources.*

The west fork of Stillwater Creek and Stillwater Creek flow to the Sacramento River. The California Department of Fish and Game (DFG) has verified that the fish species present in Stillwater Creek and downstream waters are consistent with both cold and warm water fisheries, that there is a potential for anadromous fish migration necessitating a cold water designation and that trout, a cold water species, have been found downstream of the discharge point. The Basin Plan (Table II-1) designates the Sacramento River from Shasta Dam to Colusa Basin Drain as being both a cold and warm freshwater habitat. Therefore, pursuant to the Basin Plan (Table II-1, Footnote (2)), the cold designation applies to the west fork of Stillwater Creek and Stillwater Creek. The cold-water habitat designation necessitates that the in-stream dissolved oxygen concentration be maintained at, or above, 7.0 mg/l.

The beneficial uses of any specifically identified water body generally apply to its tributary streams. The Regional Board finds that, based on hydraulic continuity, aquatic life migration, existing and potential water rights, and the reasonable potential for contact recreational activities, that the beneficial uses of the Sacramento River apply to Stillwater Creek and the west fork of Stillwater Creek. The Regional Board also finds that based on the available information that the west fork Stillwater Creek is an intermittent stream. The intermittent nature of the west fork Stillwater Creek means that the designated beneficial uses must be protected, but that no credit for receiving water dilution is available. In the majority of cases discharge from the facility occurs only when there is flow in west fork Stillwater Creek as most of the discharge volume is due to storm water runoff.

16. The Basin Plan states that “*Water Bodies within the basins that do not have beneficial uses designated in Table II-1 are assigned MUN designations in accordance with the provisions of State Water Board Resolution No. 88-63 which is, by reference, a part of this Basin Plan.*” State Water Resources Control Board Resolution No. 88-63 “Sources of Drinking Water” provides that “*All surface and ground waters of the State are considered to be suitable, or potentially suitable, for municipal or domestic water supply and should be so designated by the Regional Boards...*”. The beneficial use of municipal and domestic supply is applicable to the Stillwater Creek and the west fork of Stillwater Creek based on Resolution 88-63, the Basin Plan tributary rule, and actual uses.
17. The beneficial uses of groundwater are municipal and domestic supply, industrial supply, and agricultural supply.
18. The U.S. Environmental Protection Agency (USEPA) and the Board have classified this discharge as a minor discharge.
19. Federal regulations contained in 40CFR 122.4(d) require effluent limitations for all pollutants that are or may be discharged at a level that will cause or have the reasonable potential to

cause or contribute to an in-stream excursion above a narrative or numerical water quality standard. Based on information submitted as part of the application, in studies, and as directed by monitoring and reporting programs the Board finds that the discharge does have a reasonable potential to cause or contribute to an in-stream excursion above a water quality objective for settleable solids and pH. Effluent limitations for these constituents are included in this Order.

20. On 11 December 2000, the Discharger was issued a letter under the authority of California Water Code Section 13267 requesting effluent and receiving water monitoring of priority pollutants to meet the requirements of the State Implementation Policy (SIP). Federal regulations contained in 40 CFR 122.4 (d) require effluent limitations for all pollutants that are or may be discharged at a level that will cause or have the reasonable potential to cause or contribute to an in-stream excursion above a narrative or numerical water quality standard. This Order specifies additional monitoring of effluent Discharge 002 after the first significant rainfall event in 2002 to determine the concentration of priority pollutant metals established in the CTR and NTR. This Order contains a provision that:
  - a. requires the Discharger to provide information as to whether the levels of these pollutants in the discharge cause or contribute to an in-stream excursion above a water quality standard;
  - b. if the discharge has a reasonable potential to cause or contributes to an in-stream excursion above a water quality standard; requires the Discharger to submit information to calculate effluent limitations for those constituents; and
  - c. allows the Regional Board to reopen this Order and include effluent limitation for those pollutants .
21. Federal Regulations for storm water discharges were promulgated by USEPA on 16 November 1990 (40 CFR Parts 122,123, and 124). The regulations require specific categories of facilities, which discharge storm water associated with industrial activity (storm water), to obtain NPDES permits and to implement Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology to reduce or eliminate industrial storm water pollution.
22. State Water Resources Control Board (SWRCB) Order No. 97-03-DWQ (General Permit No. CAS000001) specifies storm water waste discharge requirements associated with industrial activities, excluding construction activities, and requires either coverage under General Permit No. CAS000001 or an individual permit adopted for storm water runoff. This individual permit and the provisions and monitoring it contains concerning storm water relieve the Discharger from seeking coverage under General Permit No. CAS000001.

23. The discharge as permitted herein is consistent with the provisions of State Water Resources Control Board Resolution No. 68-16. Domestic wastewater is retained in portable toilets that are periodically pumped for off-site disposal. There are small quantities of industrial materials kept at the plant site but these have never been detected in the discharges. Diesel is stored in a 10,000 gallon tank which has adequate containment and protection from spillage. Pollutants in discharges from the sedimentation ponds consist exclusively of soil and rock debris which do not pose a threat to groundwater quality. First usable groundwater is encountered at approximately 100 feet below ground surface. In consideration of the conditions at the facility there are no requirements for a groundwater monitoring program.
24. The action to adopt an NPDES permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21100, et seq.), in accordance with Section 13389 of the California Water Code.
25. Effluent limitations, and toxic and pretreatment effluent standards established pursuant to Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 304 (Information and Guidelines), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act (CWA) and amendments thereto are applicable to the discharge.
26. The Regional Board has considered the information in the attached Information Sheet in developing the findings in this Order. The attached Information Sheet is part of this Order.
27. The Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for this discharge and has provided them an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
28. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.
29. This Order shall serve as an NPDES permit pursuant to Section 402 of the CWA, and amendments thereto, and shall take effect 10 days from the date of hearing, provided USEPA has no objections.

**IT IS HEREBY ORDERED** that Order No. 97-067 is rescinded and Stimpel-Wiebelhaus Associates, Inc., dba SWA At Mountain Gate and Curtis Partners LLP, their agents, successors, and assigns, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

**A. Discharge Prohibitions**

1. Discharge of wastewater, including storm water, at locations or in a manner different from that described in Finding Nos. 6 and 7 is prohibited.

2. The by-pass or overflow of wastes to surface waters is prohibited, except as allowed by Standard Provision A.13. (See attached “Standard Provisions and Reporting Requirements for Waste Discharge Requirements (NPDES)”).
3. The by-pass of sediment-laden storm water around the sedimentation basins is prohibited.
4. The discharge of asphalt process wastewater to surface waters is prohibited.
5. The discharge of hazardous or toxic substances, including solvents or petroleum products (i.e. oil, grease, gasoline and diesel) to surface waters or groundwater is prohibited.
6. Discharge of waste classified as “hazardous” as defined in Section 2521(a) of Title 23, California Code of Regulations (CCR), Section 2510, et seq., (hereafter Chapter 15) or “designated”, as defined in Section 13173 of the California Water Code, is prohibited.

**B. Effluent Limitations (Discharges 001, 002 and 003)**

1. The discharge of storm water from sediment ponds (Discharges 001, 002 and 003) in excess of the following limit is prohibited:

<u>Constituent</u>	<u>Unit</u>	<u>Daily Maximum</u>
Settleable Solids	ml/L	0.2

2. The discharge shall not have a pH less than 6.0 or greater than 9.0, except discharges associated with a 10-year 24-hour rainfall event.
3. Survival of aquatic organisms in 96-hour bioassays of undiluted waste shall be no less than:

Minimum for any one bioassay -----70%  
Median for any three or more consecutive bioassays---90%

**C. Discharge Specifications**

1. Neither the treatment nor the discharge shall cause a pollution or nuisance as defined by the California Water Code, Section 13050.
2. The discharge shall not cause degradation of any water supply.

3. Storm water discharges to any surface water or groundwater shall not adversely impact human health or the environment.
4. Storm water discharges shall not cause or contribute to a violation of any applicable water quality standards contained in the Basin Plan.

**D. Sludge, Topsoil, and Overburden Management**

1. Collected screenings, sludge and other solids removed from liquid waste, including pond sediments, shall be disposed of in a manner approved by the Executive Officer and consistent with *Consolidated Regulations for Treatment, Storage, Processing, or Disposal of Solid Waste*, as set forth in Title 27, California Code of Regulations (CCR), Division 2, Subdivision 1, Section 20005, et seq.
2. The disposal of topsoil and overburden from the limestone quarry shall be done in a manner to prevent nuisance, pollution or impairment of beneficial uses.
3. Any proposed change in sludge disposal, or topsoil and overburden storage practices shall be reported to the Executive Officer at least **90 days** in advance of the change.

**E. Receiving Water Limitations**

Receiving water limitations are based upon water quality objectives contained in the Basin Plan. As such, they are a required part of this permit. The discharge shall not cause the following in the West Fork of Stillwater Creek:

1. The turbidity of receiving waters to increase over background levels by more than:
  - a. 1 NTU when background turbidity is between 0 and 5 NTUs;
  - b. 20 percent when background turbidity is between 5 and 50 NTUs;
  - c. 10 NTUs when background turbidity is between 50 and 100 NTUs; and
  - d. 10 percent when background turbidity is greater than 100 NTUs.

In determining compliance with the above limits, appropriate averaging periods may be applied upon approval by the Executive Officer.

2. Suspended material in concentrations that cause nuisance or adversely affect beneficial uses.
3. Deposition of material that causes nuisance or adversely affects beneficial uses.

4. The normal ambient pH to fall below 6.5, exceed 8.5, or change by more than 0.5 units. In determining compliance with these limits, appropriate averaging periods may be applied upon approval by the Executive Officer.
5. Increase the normal ambient temperature of waters by more than 5°F (3°C). In determining compliance with these limits, appropriate averaging periods may be applied upon approval by the Executive Officer.
6. Oils, greases, waxes, or other materials to form a visible film or coating on the water surface or on the stream bottom.
7. Oils, greases, waxes, floating material (liquids, solids, foams, and scum), or suspended materials to create a nuisance or adversely affect beneficial uses.
8. Aesthetically undesirable discoloration.
9. Fungi, slimes, or other objectionable growths.
10. Concentration of dissolved oxygen to fall below 7.0 mg/L. The monthly median of the mean daily dissolved oxygen concentration shall not fall below 85 percent of saturation in the main water mass, and the 95<sup>th</sup> percentile concentration shall not fall below 75 percent of saturation.
11. Taste or odor-producing substances to impact undesirable tastes or odors to fish flesh or other edible products of aquatic origin, or to cause nuisance or adversely affect beneficial uses.
12. Aquatic communities and populations, including vertebrate, invertebrate, and plant species, to be degraded.
13. Toxic pollutants to be present in the water column, sediments, or biota in concentrations that adverse affect beneficial uses; that product detrimental response in human, plant, animal, or aquatic life; or that bioaccumulate in aquatic resources at levels which are harmful to human health.
14. Violations of any applicable water quality standard for receiving waters adopted by the Board or the SWRCB pursuant to the CWA and regulations adopted thereunder.

## **F. Groundwater Limitation**

The discharge, in combination with other sources, shall not cause usable groundwater underlying the facility to contain waste constituents statistically greater than background water quality.

## **G. Provisions**

1. The Discharger shall comply with all items of the “Standard Provisions and Reporting Requirements for Waste Discharge Requirements (NPDES),” dated 1 March 1991, which are part of this Order. This attachment and its individual paragraphs are referred to as “Standard Provision(s).”
2. The Discharger shall comply with the attached Monitoring and Reporting Program No. R5-2002-0214, which is a part of this Order, and any revisions thereto as ordered by the Executive Officer.
3. The Discharger shall conduct monitoring as specified in Monitoring and Reporting Program No. R5-2002-0214, to determine if the discharge from Discharge 002 contains priority pollutant metals in concentrations that may affect water quality. If after a review of the monitoring results it is determined that the discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above water quality objectives, this Order will be reopened and a limitation based on that objective included.
4. The Discharger shall conduct chronic toxicity testing as specified in Monitoring and Reporting Program No. R5-2002-0214. If the testing indicates that the discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above the water quality objective for toxicity, the Discharger shall initiate a Toxicity Identification Evaluation (TIE) to identify the causes of toxicity. Upon completion of the TIE, the Discharger shall submit a work plan to conduct a toxicity reduction evaluation (TRE), and upon approval conduct the TRE. This Order will be reopened to include a chronic toxicity limitation and/or a limitation for the specific toxicant identified in the TRE. Additionally, if a chronic toxicity water quality objective is adopted by the SWRCB, this Order may be reopened and a limitation based on that objective included.
5. Prior to **15 October** of each year, the Discharger shall implement necessary erosion control measures and any necessary construction, maintenance, or repairs of drainage and erosion control facilities at SWA at Mountain Gate.
6. The Discharger has prepared a Storm Water Pollution Prevention Plan (SWPPP) containing best management practices to reduce pollutants in the storm water discharges. The Discharger shall review and amend as appropriate the SWPPP whenever there is a



- change in construction, site operation, or maintenance that may affect the discharge of significant quantities of pollutants to surface water, if there are violations of this permit, or if the general objective of controlling pollutants in the storm water discharges has not been achieved. The amended SWPPP shall be submitted prior to **15 October** in the year in which it was prepared.
7. By **1 July** of each year, the Discharger shall submit a Storm Water Annual Report for the previous fiscal year (1 July to 30 June). The report shall be signed in accordance with Standard Provision D.6 and may be submitted using the General Industrial Storm Water Annual Report Form, provided by the State Water Resources Control Board, or in a format that contains equivalent information.
  8. The Discharger shall notify the Executive Officer at least **90 days** in advance of a change in the fuel used in the hot mix asphalt concrete plant having the potential to impact surface water or groundwater.
  9. The Discharger shall immediately report to the Regional Board any spill that potentially impacts surface waters.
  10. The Discharger shall comply with all conditions of this Order, including timely submittal of technical and monitoring reports as directed by the Executive Officer. Violations may result in enforcement action, including Regional Board or court orders requiring corrective action or imposing civil monetary liability, or in revision or rescission of this Order.
  11. The Discharger shall comply with the standards contained in the Health and Safety Code, Chapter 6.67, Aboveground Storage of Petroleum.
  12. The Discharger shall report promptly to the Board any material change or proposed change in the character, location, or volume of the discharge.
  13. The Discharger shall use the best practicable cost-effective control techniques(s) currently available to comply with discharge limits specified in this order.
  14. A copy of this Order shall be kept at the discharge facility for reference by operating personnel. Key operating personnel shall be familiar with its contents.
  15. This Order expires on **1 December 2007** and the Discharger must file a Report of Waste Discharge in accordance with Title 23, CCR, not later than **180 days** in advance of such date in application for renewal of waste discharge requirements if it wishes to continue the discharge.

16. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to this office.

To assume operation under this Order, the succeeding owner or operator must apply in writing to the Executive Officer requesting transfer of the Order. The request must contain the requesting entity's full legal name, the State of incorporation if a corporation, the name, address, and the telephone number of the persons responsible for contact with the Board, and a statement. The statement shall comply with the signatory paragraph of Standard Provision D.6 and state that the new owner or operator assumes full responsibility for compliance with this Order. Failure to submit the request shall be considered a discharge without requirements, a violation of the California Water Code. Transfer shall be approved or disapproved in writing by the Executive Officer.

17. Curtis Partners LLP, as owner of the real property at which the discharge will occur, is ultimately responsible for ensuring compliance with these requirements. Stimpel-Wiebelhaus Associates retains primary responsibility for compliance with these requirements, including day-to-day operations and monitoring. Enforcement actions will be taken against Curtis Partners LLP only in the event that enforcement actions against Stimpel-Wiebelhaus is ineffective or would be futile, or the enforcement is necessary to protect public health or the environment.

I, THOMAS R. PINKOS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 6 December 2002.

---

THOMAS R. PINKOS, Executive Officer

JFR: