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CENTRAL VALLEY REGION

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**WASTE DISCHARGE REQUIREMENTS
ORDER R5-2022-XXXX**



ORDER INFORMATION

Order Type(s):	Waste Discharge Requirements
Status:	Tentative
Program:	Non-15 Discharges to Land
Region 5 Office:	Sacramento (Rancho Cordova)
Discharger(s):	Western Aggregates, LLC.
Facility:	Western Aggregates
Address:	4711 Hammonton Road
County:	Yuba
Parcel Nos.:	006-160-018; 006-160-024; 006-160-037; 006-160-042; 006-160-126; 006-160-127; 006-160-132; 006-160-133; 018-150-007; 018-150-008; 018-150-009; 018-160-031; 018-160-032; 018-160-033; 018-160-034.
Prior Order(s):	5-00-107

CERTIFICATION

I, PATRICK PULUPA, Executive Officer, hereby certify that the following is a full, true, and correct copy of the order adopted by the California Regional Water Quality Control Board, Central Valley Region, on XX October 2022.

PATRICK PULUPA, Executive Officer

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TABLE OF CONTENTS

WASTE DISCHARGE REQUIREMENTS ORDER R5-2022-XXXX	1
TABLE INDEX	ii
GLOSSARY	iii
FINDINGS	5
Introduction	5
Facility Location (Yuba Goldfields).....	6
Facility Operations and Discharge	6
Site-Specific Conditions	9
Groundwater Conditions	11
Legal Authorities	11
Basin Plan Implementation	12
Salt and Nitrate Control Programs Reopener.....	13
Compliance with Antidegradation Policy	14
California Environmental Quality Act.....	16
Other Regulatory Considerations	16
Scope of Order.....	17
Procedural Matters.....	18
REQUIREMENTS	18
A. Discharge Prohibitions	18
B. Flow Limitations	19
C. Discharge Specifications.....	19
D. Groundwater Limitations	20
E. Land Application Area Specifications.....	21
F. Solids Disposal Specifications	21
G. Provisions	21
ENFORCEMENT	24
ADMINISTRATIVE REVIEW	24
INFORMATION SHEET	29

TABLE INDEX

Table 1. Data Summary for Excavation Areas	7
Table 2. Flow Rates to the DDA (million gallons per day)	8
Table 3. DDA Sampling Results	8
Table 4. Upgradient and Downgradient Data Comparison	9
Table 5. Data Comparison	14

GLOSSARY

APN.....	Assessor's Parcel Number
bgs	below ground surface
BPTC.....	Best Practical Treatment or Control
CEQA.....	California Environmental Quality Act, Public Resources Code section 21000 et seq
CV-SALTS.....	Central Valley Salinity Alternatives for Long-Term Sustainability
DDA.....	Designated Disposal Area
EC	Electrical Conductivity
FEMA	Federal Emergency Management Agency
gpd	gallons per day
MCL.....	Maximum Contaminant Level
MG[D].....	Million Gallons [per Day]
mg/L	milligrams per liter
MRP	Monitoring and Reporting Program
msl.....	Mean Sea Level
MUN	Municipal
N.....	Nitrogen
NA	Not Applicable or Not Available
ND	not detected or non-detect
ng/L	Nanograms per liter
NTU.....	Nephelometric Turbidity Units
NPDES.....	National Pollutant Discharge Elimination System
OAL	Office of Administrative Law

P&O Study	Prioritization and Optimization Study of the Salt Control Program of CV-SALTS
RL.....	Reporting Limit
RWD.....	Report of Waste Discharge
SERC	State of Emergency Response Commission
SPRRs	Standard Provisions and Reporting Requirements
Title 22	California Code of Regulations, Title 22
Title 23	California Code of Regulations, Title 23
Title 27	California Code of Regulations, Title 27
TPH.....	Total Petroleum Hydrocarbons
USEPA.....	United States Environmental Protection Agency
Wat. Code	Water Code
WDRs.....	Waste Discharge Requirements
WQOs	Water Quality Objectives
µg/L	Micrograms per Liter
µmhos/cm.....	Micromhos per Centimeter

FINDINGS

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

Introduction

1. A Report of Waste Discharge (RWD), dated 1 November 2021, was submitted to the Central Valley Water Board that describes mining-related operations and process wastewater discharged to land for the Western Aggregate Facility. Additional information was submitted on 23 March 2022.
2. Western Aggregates, LLC. owns and operates the aggregate mining and processing facility and is therefore responsible for compliance with these Waste Discharge Requirements (WDRs).
3. The Facility is located at 4711 Hammonton Road, approximately six miles northeast of Marysville, California, within an unincorporated area of Yuba County, as shown on Attachment A. The Facility is located within Sections 1, 2, 11, and 12 of T15N, R4E; Sections 4, 5, and 6 of T15N, R5E; and Sections 32 and 33 of T16N, R5E, Mount Diablo Base and Meridian. The Discharger's vested mining rights include approximately 3,900 acres; however, the Discharger only mines on the 1,390 acres covered by the *Amended Reclamation Plan for Western Aggregates LLC*. (Lilburn, 2012), as shown on Attachment B.
4. This Order replaces WDRs Order No. 5-00-107, which was adopted by the Central Valley Water Board on 15 June 2000.
5. Cal Sierra Development, Inc., owns the precious mineral rights under much of Western Aggregates' vested rights area and has a priority to mine. The overlapping gold dredging operations and wastewater discharge activities are regulated separately under WDRs Order No. 5-00-102, which were adopted by the Central Valley Water Board on 15 June 2000.
6. The following material are attached and incorporated as part of this Order:
 - a. Attachment A – Site Location Map
 - b. Attachment B – Site Features Map
 - c. Attachment C – Planned Phases
 - d. Attachment D – Wastewater Flow Schematic
 - e. Information Sheet
 - f. Standard Provisions and Reporting dated 1 March 1991 (SPRRs)

7. Attached is **Monitoring and Reporting Program (MRP) R5-2022-XXXX**, which requires monitoring and reporting for discharges regulated under these WDRs.

Facility Location (Yuba Goldfields)

8. The Facility is located within the Yuba Goldfields, where extensive deposition of historical hydraulic mining debris and subsequent gold dredging activities have occurred for over a century. Many parts of the Yuba Goldfields have been dredged several times as gold recovery methods improved and the depths to which the dredges could reach increased. The Discharger operates an aggregate mining facility within the Yuba Goldfields
9. The channels, lakes, and ponds that are present throughout the Yuba Goldfields were created as a result of gold dredging activities. These water bodies occur in topographically low areas between tailing piles, where the groundwater surface is exposed. The U.S. Army Corps of Engineers determined that the ponds and channels within the Yuba Gold Fields were not jurisdictional waters of the U.S. under the Clean Water Act (March, July, and November 1995 Army Corps letters to Cal Sierra, Western, and Teichert, respectively, and December 1998 letter to LASER).
10. Although the Discharger does not dredge for gold, it discharges into the same type of manmade dredger ponds as a gold dredge. Federal courts have concluded that groundwaters, even if hydraulically connected to surface waters, are not waters of the U.S. The Regional Board concurs that this discharge is not to waters of the U.S. and has made a historical practice of issuing WDRs instead of National Pollutant Discharge Elimination System (NPDES) permits for mining activities in the Yuba Gold Fields.

Facility Operations and Discharge

11. Aggregate mining operations at the Facility include excavation, sorting, storage, and transport of extracted aggregate and sediment. The exact locations of gravel extraction are dynamic, and change based on new locations within the site boundary to be mined. The area is scheduled to be mined in phases, as shown on Attachment C.
12. Aggregate mining at the Facility includes excavation of dredge tailings above groundwater using conventional mining equipment (e.g., loaders, excavators, bulldozers) and recovery of material below the groundwater surface using wet mining equipment, which in the past has included use of a dragline and dredges, including hydraulic suction dredges and bucket line dredges. A clam shell dredge is currently used to extract material from excavation areas. The mined material is transported from the excavation area to the aggregate processing plant by truck and conveyor belt, where a series of screens, crushers, and classifiers produce a range of aggregate products. No chemical additives are used to process the aggregate.

13. Aggregate excavation areas greater than three feet below the water table have been monitored for pH, electrical conductivity (EC), and total mercury since 2000. Monthly monitoring data collected in 2019, 2020, and 2021 are summarized below. NA indicates months where analytical data were not available. Note that mercury analysis was only required on a semi-annual basis.

Table 1. Data Summary for Excavation Areas

Year	Result	pH	EC (µmhos/cm)	Total Mercury (ng/L)
2019	Min	6.84	0.12	8.5
	Max	7.58	0.17	20
	Ave	7.17	0.13	14
2020	Min	6.84	0.14	NA
	Max	7.27	138	NA
	Ave	7.07	114	NA
2021	Min	6.97	116	2.3
	Max	8.47	543	6.8
	Ave	7.58	222	4.6

14. During excavation at the dredge, water is pumped from the Excavation Area at a rate of approximately 450 gallons per minute (gpm) and used to wash a fraction of the fines from the mined material before it is transferred by conveyor belt to the aggregate processing plant. The water pumped from the Excavation Area for initial washing is returned to the excavation area. The use of water by the dredge is not discharged to any other area.

15. Excavated material transferred to the aggregate processing plant is washed and screened using water pumped from a man-made source water pond west of the plant site. Wastewater is generated from washing and sorting the aggregate material. Wastewater and fines are discharged to a settling pond, referred to as the Designated Disposal Area (DDA), as shown on Attachment B. The water discharged to the DDA recharges back into the local groundwater system while the fines accumulate within the pond. Between 2018 and 2021, freeboard in the DDA varied between ≥ 2 feet to > 10 feet. A portion of the wastewater is recycled back to the plant for reuse. The Facility also has a dry crushing plant, which utilizes supply water for dust control and wash down.

16. The daily flow rates of wastewater discharged to the DDA are calculated as the sum of the clamshell dredge flow and the wet plant flow. Wet plant daily flow is the product of the daily hours of operation times a unit flow rate of 4,300 gpm. The wet unit flow rate was determined on 9 November 2005 by Vezer's Precision Industrial Constructors International, Inc. as described by Kwest Engineering's 12 December

2005 document titled *Recalculation of Flow Rate into DDA, Monitoring and Report Program No. 5-00-107, Western Aggregates*. Flow rates to the DDA for monitoring years 2019, 2020, and 2021 are summarized below. NA indicates months where data were not available.

Table 2. Flow Rates to the DDA (million gallons per day)

Month	2019		2020		2021	
	Max. Daily Flow	Monthly Ave. Daily Flow	Max. Daily Flow	Monthly Ave. Daily Flow	Max. Daily Flow	Monthly Ave. Daily Flow
Jan	3.49	2.7	NA	NA	3.45	2.61
Feb	2.99	2.17	NA	NA	3.45	2.7
Mar	2.98	2.61	NA	NA	NA	NA
Apr	2.86	2.5	2.97	2.66	4.49	3.60
May	3.75	2.52	4.36	2.45	4.95	2.80
Jun	4.95	4.43	4.88	3.1	4.86	3.16
Jul	4.91	3.15	9.78	3.64	4.96	3.01
Aug	4.86	3.32	4.9	3.15	4.54	3.39
Sep	4.82	3.22	NA	NA	4.54	3.36
Oct	3.44	2.96	4.86	3.21	4.54	3.55
Nov	4.67	2.61	4.89	2.99	4.28	2.77
Dec	NA	NA	4.45	2.75	3.78	2.5

17. Water samples have been collected from the DDA since 2000 and analyzed for pH and EC monthly, and total mercury, total petroleum hydrocarbons as diesel (TPHd) and motor oil (TPHmo), and oil and grease semi-annually. Analytical data for the DDA for monitoring years 2019, 2020, and 2021 are summarized below.

Table 3. DDA Sampling Results

Year		pH	EC (µmhos/cm)	Total Mercury (ng/L)	TPHd (mg/L)	TPHmo (mg/L)	Oil & Grease (mg/L)
2019	Min	6.69	0.053	28	ND	ND	ND
	Max	7.76	0.98	140	ND	ND	ND
	Ave	7.14	0.72	63	ND	ND	ND
2020	Min	6.46	0.08	NA	ND	ND	ND
	Max	7.87	93	NA	ND	ND	ND
	Ave	7.07	66	NA	ND	ND	ND

Year		pH	EC (µmhos/cm)	Total Mercury (ng/L)	TPHd (mg/L)	TPHmo (mg/L)	Oil & Grease (mg/L)
2021	Min	6.52	59	190 3.4 (see Note 1)	ND	ND	ND
	Max	8.19	215	210 9.4 (see Note 1)	ND	ND	ND
	Ave	7.12	109	200 13.3 (see Note 1)	ND	ND	ND

Table Note 1: The first result shown is from June 2021 where the samples were unfiltered. The second result is from samples collected in December 2021 that were filtered using a 0.45-micron filter.

18. Because mining and processing operations are conducted in an area adjoining the Yuba River and the Facility is in hydraulic connection to the river via groundwater and surface water drainage courses, there were concerns noted in WDRs Order No. 5-00-107 that the operations may adversely affect turbidity levels and water quality in the Yuba River. The Discharger has collected samples monthly from the river since 2000; one sample 1,000 feet upgradient of the Facility (R-1) and one sample 2,000 feet downgradient (R-2). Average concentrations for analytical data collected in 2019, 2020, and 2021 are summarized in Table 4. Units for the analytical results are µmhos/cm for EC and nephelometric turbidity units (NTUs) for turbidity.

Table 4. Upgradient and Downgradient Data Comparison

Sample Location	2019			2020			2021		
	pH	EC	Turbidity	pH	EC	Turbidity	pH	EC	Turbidity
Upgradient (R-1)	7.1	0.04	19.9	7.1	43.4	20.9	7.3	136.8	10.7
Downgradient (R-2)	7.1	0.04	19.6	7.1	43.6	17.1	7.4	108.7	13.5

19. The Discharger has two septic tank/leachfield systems for domestic waste from the office and laboratory (approved by Yuba County in 1990 and 1991) and two portable self-contained units (chemical toilets) to treat the domestic waste in the field. The septic systems are permitted through Yuba County Environmental Health Department.

Site-Specific Conditions

20. The site is located within the Yuba Gold Fields, which consists of placer deposits washed down from the Sierra Nevada foothills that have been mined several times. As with most rivers within the Sacramento Valley, the Yuba River recharges the local

groundwater basin. Within the Gold Fields, the Yuba River is supplying groundwater to an area with enhanced permeability and unique surface characteristics. The present-day mining activity and disturbed sediments are separated from the well-established channel of the Yuba River. The U.S. Army Corps of Engineers identified the ephemeral ponds and channels created by the gold dredge activity as being away from the Yuba River Channel and above the high-water mark and has determined that ponds and channels within the goldfields are not jurisdictional waters of the U.S.

21. The Corps exempts Goldfields ponds and channels from Clean Water Act jurisdiction under its industrial process exemption. Under this exemption, the Corps has interpreted the term “waters of the U.S.” to not include artificial lakes or ponds created by excavating dry land (51 Fed. Reg. 41217).
22. Gold Fields ponds and channels are man-made and percolate to the groundwater. Under 40 CFR 122.2, EPA has drawn a distinction between natural and artificial ponds. As artificial, manmade ponds, the ponds within the designated disposal and excavation areas are not waters of the U.S. Additionally, under the waste treatment system exclusion of 40 CFR 122.2, the ponds within the designated disposal and excavation areas are not waters of the U.S.
23. USEPA has reviewed the Goldfields gold dredging operation and concluded that this operation does not involve a point source discharge to waters of the U.S. (Development Document for Proposed Effluent Limitations for Placer Mining, EPA 440/1-85/061-B, October 1985).
24. According to the Central Valley Flood Protection Board (CVFPB), most of the Yuba Goldfields area is outside of the floodway (CVFPB, 2021). The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) shows much of the Facility as being within the 100-year floodplain of the Yuba River (FEMA, 2021). However, in late 2015 and early 2016, the Three Rivers Levee Improvement Authority (TRLIA) completed 2.1 miles of levee improvements within dredge tailings in the southwest area of the Facility as part of the Goldfields 100-Year Interim Flood Protection Project, as shown on Attachment C (TRLIA, 2021; Handen et al., 2016). Construction of the Crossing 21 component of the Goldfields 100-Year Interim Flood Protection Project, across a large channel approximately 2,500 feet north of the current DDA (see Figures 3 and 10) was completed in late 2016 and early 2017 (TRLIA, 2021; Handen Co. and MBK Engineers, 2017).
25. Hydraulic modeling and topographic surveys of the elevation of the dredge tailing piles confirms that, with the TRLIA levee improvements, all parts of Lake 1, Lake 2, Lake 3, current and former DDAs, and the processing plant area at the Facility are protected from inundation by a 100-year flood event on the Yuba River (TRLIA, 2021; Handen Co. et al., 2016, Appendix C). The southwest portion of Area 2 (shown on Attachment B) of the Facility would still be subject to inundation by a 100-year flood on the Yuba River if a breach of the south training levee occurs. Before

mining occurs in southwest portion of Area 2, modifications will be required to provide 100-year flood protection. It is anticipated that these modifications would be similar to those completed in the 2.1-mile levee improvement area along the south side of the Lake 4 and Lake 5 area, which consisted of using local dredge tailings to fill in channels and hollows that were at elevations below the design flood elevation. The levee improvements were based on a design flood elevation of 98 feet above mean sea level (ft msl) and three feet of freeboard were provided such that the levee crest is at 101 ft msl (TRLIA, 2021; Handen Co. et al., 2016).

26. Land features in the area consist of ridges of dredge tailings consisting primarily of cobbles stacked by dredges, remnants of past and current gold dredging activities. The channels, lakes, and ponds that are present throughout the Yuba Goldfields occur in topographically low areas between the tailing piles, where the groundwater surface is exposed.
27. Land surface elevations range from approximately 95 feet above mean sea level (msl) to 160 feet msl.
28. The Western Region Climate Center for the City of Marysville and the Marysville Airport at the closest climate stations. The average water year (1 October through 30 September) rainfall in the Marysville area is approximately 21 inches per year.

Groundwater Conditions

29. There are no groundwater monitoring wells at the Facility. The man-made surface water features are located in low lying areas, where the groundwater surface is exposed.
30. Groundwater elevations as reflected in ponds and channels north of the Facility demonstrate that the flow direction is away from the Yuba River (RWD, 2021).

Legal Authorities

31. This Order is adopted pursuant to Water Code section 13263, subdivision (a), which provides in pertinent part as follows:

The regional board, after any necessary hearing, shall prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge..., with relation to the conditions existing in the disposal area or receiving waters upon, or into which, the discharge is made or proposed. The requirements shall implement any relevant water quality control plans that have been adopted, and shall take into consideration the beneficial uses to be protected, the water quality objectives reasonable required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Section 13241.

32. Compliance with section 13263, subdivision (a), including implementation of applicable water quality control plans, is discussed in the findings below.
33. The ability to discharge waste is a privilege, not a right, and adoption of this Order shall not be construed as creating a vested right to continue discharging waste. (Wat. Code, § 13263, subd. (g).)
34. This Order and its associated MRP are also adopted pursuant to Water Code section 13267, subdivision (b)(1), which provides as follows:

[T]he regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste ... shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

35. The reports required under this Order, as well as under the separately issued MRP, are necessary to verify and ensure compliance with these WDRs. The burden associated with such reports is reasonable relative to the need for their submission.

Basin Plan Implementation

36. Pursuant to Water Code section 13263, subdivision (a), WDRs must “implement any relevant water quality control plans..., and shall take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Section 13241.”
37. This Order implements the Central Valley Water Board’s Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition, revised May 2018 (Basin Plan), which designates beneficial uses for surface water and groundwater and establishes water quality objectives (WQOs) necessary to preserve such beneficial uses. (See Wat. Code, § 13241 et seq.)
38. The beneficial uses of the Yuba River are municipal, domestic, and agricultural supply; recreation; esthetic enjoyment; navigation; ground water recharge; contact recreation, canoeing and rafting, other non-contact recreation, warm and cold freshwater habitat, warm and cold-water migration, warm and cold-water spawning, and wildlife habitat.

39. Per the Basin Plan, beneficial uses of the underlying groundwater include domestic, industrial, and agricultural supply.
40. The Basin Plan establishes narrative water quality objectives for chemical constituents, tastes and odors, and toxicity in groundwater. It also sets forth a numeric objective for total coliform organisms.
41. The Basin Plan's numeric WQO for bacteria requires that the most probable number (MPN) of coliform organisms over any seven-day period shall be less than 2.2 per 100 mL in MUN groundwater.
42. The Basin Plan's narrative WQOs for chemical constituents, at a minimum, require MUN-designated waters to meet the MCLs in Title 22 of the California Code of Regulations (Title 22). The Basin Plan recognizes that the Central Valley Water Board may apply limits more stringent than MCLs to ensure that waters do not contain chemical constituents in concentrations that adversely affect beneficial uses.
43. The narrative toxicity WQO requires that groundwater be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, animal, plant, or aquatic life associated with designated beneficial uses.
44. Quantifying a narrative WQO requires a site-specific evaluation of those constituents that have the potential to impact water quality and beneficial uses. The Basin Plan states that when compliance with a narrative WQO is required to protect specific beneficial uses, the Central Valley Water Board will, on a case-by-case basis, adopt numerical limitations in order to implement the narrative WQO.

Salt and Nitrate Control Programs Reopener

45. The Central Valley Water Board adopted Basin Plan amendments incorporating new programs for addressing ongoing salt and nitrate accumulation in the Central Valley at its 31 May 2018 Board Meeting. The Basin Plan amendments were conditionally approved by the State Water Board on 16 October 2019 (Resolution 2019-0057) and by the Office of Administrative Law (OAL) on 15 January 2020 (OAL Matter No. 2019-1203-03).
 - a. For nitrate, dischargers that are unable to comply with stringent nitrate requirements will be required to take on alternate compliance approaches that involve providing replacement drinking water to persons whose drinking water is affected by nitrates. Dischargers may comply with the new nitrate program either individually or collectively with other dischargers. However, aggregate processing facilities are exempt from the Nitrate Control Program.
 - b. For salinity, dischargers that are unable to comply with stringent salinity requirements will instead need to meet performance-based requirements and participate in a basin-wide effort to develop a long-term salinity strategy for the Central Valley. Dischargers received a Notice to Comply with instructions and

obligations for the Salt Control Program within one year of 17 January 2020, the effective date of the amendments. The Discharger (CV SALTS ID #2078) has chosen to pursue Option 2 (Alternative Salinity Permitting Approach).

46. As these strategies are implemented, the Central Valley Water Board may find it necessary to modify the requirements of these WDRs to ensure the goals of the Salt and Nitrate Control Programs are met.

Compliance with Antidegradation Policy

47. State Water Resources Control Board Resolution 68-16 (“Policy with Respect to Maintaining High Quality Waters of the State”) (Resolution 68-16) prohibits degradation of high-quality groundwaters unless it has been shown that:

- a. The degradation is consistent with the maximum benefit to the people of the state.
- b. The degradation will not unreasonably affect present and anticipated future beneficial uses.
- c. The degradation does not result in water quality less than that prescribed in state and regional policies, including violation of one or more water quality objectives, and
- d. The discharger employs best practicable treatment or control (BPTC) to minimize degradation.

48. Water quality concerns associated with this aggregate processing facility include pH levels, EC, turbidity, mercury, and TPH. Historic mining activities within the Yuba River watershed used mercury to amalgamate gold. Significant amounts of mercury were lost during this process, resulting in residual mercury within the Yuba River sediments. In addition, when WDRs Order No. 5-00-107 were adopted, there was uncertainty associated with aggregate material potentially coming into contact with fuels and lubricants used by the mining equipment, and potential water quality impacts on the Yuba River from mining activities.

49. Average concentrations of constituents for monitoring years 2019 to 2021 are summarized below.

Table 5. Data Comparison

Sample Location	pH	EC (µmhos/cm)	Turbidity (NTU)	Mercury (ng/L)	TPH (mg/L)
Excavation Area	7.3	105	not analyzed	9.6	not analyzed
DDA	7.1	50	not analyzed	109 13.3 (see Note 1)	ND

Sample Location	pH	EC (µmhos/cm)	Turbidity (NTU)	Mercury (ng/L)	TPH (mg/L)
Yuba River R-1	7.1	62	17	not analyzed	not analyzed
Yuba River R-2	7.2	52	17	not analyzed	not analyzed

Table Note 1: First result shown is from unfiltered samples; second result is from filtered samples.

50. **Electrical Conductivity and Turbidity.** As shown in Table 5, analytical data are relatively similar between the three monitored locations, indicating the aggregate mining and processing at the Facility has had a negligible impact on water quality in the area.

51. **Mercury.** Mercury detected in water samples is the result of historical mining practices. When WDRs Order No. 5-00-107 was adopted, there were concerns regarding mercury methylation and its impacts on the food chain. Mercury has been detected at concentrations exceeding 50 ng/L (water quality objective in WDRs Order No. 5-00-107), as described in the 2021 RWD:

In 2008, Neptune and Company, Inc. conducted an evaluation of potential reuse of the sediments from the DDA (Neptune, 2008). For the 2008 study, total mercury was analyzed in 37 sediment samples from the DDA. Eight of the 37 samples had mercury levels that were below the laboratory reporting limit. The range of mercury concentrations from the DDA was within or less than the background concentration range for mercury from native soils from other parts of California. The nine samples with the highest total mercury concentrations were also analyzed for soluble mercury. A study conducted in 2010 for Western Aggregates by MACTEC (MACTEC, 2010) found that mercury levels in DDA sediment samples were consistent with background levels in soils throughout the region and were below health-based levels. MACTEC (2010) concluded that the characterization of the DDA sediments did not indicate the presence of mercury at concentrations that would impact the Yuba River or cause bioaccumulation. All nine samples were below the analytical reporting limit for soluble mercury.

Based on available information from Western Aggregates, it appears that sampling for mercury in the past has included both filtered and unfiltered samples, thus reflecting dissolved and total mercury results. The inconsistent sampling methodology likely explains the highly variable mercury results, especially for the DDA water samples where high turbidity and suspended solids levels are present. Based on the testing of the nine samples with the highest sediment mercury levels in the Neptune (2008) study, the mercury sorbed to the fine tailings fraction does not readily partition to the water and is relatively insoluble. Due to the presence of the land buffers, which filter out the suspended sediments, the primary concern with

mercury migrating out of the excavation area and DDA is in the dissolved phase. Therefore, future samples for mercury should be filtered before preservation and analysis, to reflect the mobile, dissolved-phase concentration.

As long as mining continues in the Yuba Gold Fields, mercury will continue to be detected in wastewater. Mercury will continue to be sampled and monitored in the DDA.

52. **TPH.** TPH and oil and grease in water samples collected from the DDA have not been detected at concentrations greater than detection limits. It does not appear that material removed from the excavation areas and processed in the plant are coming into contact with equipment in a manner where it could be exposed to petroleum hydrocarbons.
53. Degradation of groundwater by some of the typical waste constituents associated with aggregate mining and processing facilities, after effective source control, treatment, and control measures are implemented, is consistent with the maximum benefit to the people of the state. The Discharger's operation provides approximately 45 jobs. The economic prosperity of valley communities and associated industry is of maximum benefit to the people of the State and provides sufficient justification for allowing the limited groundwater degradation that may occur pursuant to this Order.
54. Based on the foregoing, the adoption of this Order is consistent with the State Water Board's Antidegradation Policy.

California Environmental Quality Act

55. The issuance of this Order, which prescribes requirements and monitoring of waste discharges at an existing facility, with negligible or no expansion of its existing use, is exempt from the procedural requirements of the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq., pursuant to California Code of Regulations, title 14, section 15301.

Other Regulatory Considerations

56. In compliance with Water Code section 106.3, it is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. Although this Order is not subject to section 106.2, it nevertheless promotes that policy by requiring discharges to meet Title 22 MCLs designed to protect human health and ensure that water is safe for domestic use.
57. This Order implements the Central Valley Water Board's Basin Plan, which designates beneficial uses for surface water and groundwater and establishes WQOs necessary to preserve such beneficial uses. (Wat. Code, § 13241 et seq.)

58. Based on the threat and complexity of the discharge, the facility is determined to be classified as 3C, as defined below:

- a. Category 3 – Those discharges of waste that could degrade water quality without violating water quality objectives, or could cause a minor impairment of designated beneficial uses as compared with Category 1 and Category 2.
- b. Category “C” – Any discharger for which waste discharge requirements have been prescribed pursuant to Section 13263 of the Water Code not included in Category A or Category B as described above. Included are dischargers having no waste treatment systems or that must comply with best management practices, dischargers having passive treatment and disposal systems, or dischargers having waste storage systems with land disposal.

59. This Order, which prescribes WDRs for discharges of wastewater, is exempt from the prescriptive requirements of California Code of Regulations, title 27 (Title 27), section 20005 et seq. (See Cal. Code Regs., tit. 27, § 20090, subds. (a)-(b).)

60. The State Water Board adopted Order 2014-0057-DWQ (NPDES General Permit CAS000001) specifying waste discharge requirements for discharges of storm water associated with industrial activities and requiring submittal of a Notice of Intent by all affected industrial dischargers. Most storm water at the Facility remains on-site, within the exception of the scale house area near the entrance to the Facility off of Hammonton Road. Storm water in this area is allowed to discharge off-site through the Discharger’s coverage under General Order No. 2014-0057-DWQ (NPDES No. CAS000001).

Scope of Order

61. This Order is strictly limited in scope to those waste discharges, activities, and processes described and expressly authorized herein.

62. Pursuant to Water Code section 13264, subdivision (a), the Discharger is prohibited from initiating the discharge of new wastes (i.e., other than those described herein), or making material changes to the character, volume and timing of waste discharges authorized herein, without filing a new Report of Waste Discharge (RWD) per Water Code section 13260.

63. Failure to file a new RWD before initiating material changes to the character, volume or timing of discharges authorized herein, shall constitute an independent violation of these WDRs.

64. This Order is also strictly limited in applicability to those individuals and/or entities specifically designated herein as “Discharger,” subject only to the discretion to designate or substitute new parties in accordance with this Order.

Procedural Matters

65. All the above and the supplemental information and details in the attached Information Sheet (incorporated herein), were considered in establishing the following conditions of discharge.
66. The Discharger, interested agencies, and interested persons were notified of the Central Valley Water Board's intent to prescribe the WDRs in this Order, and provided an opportunity to submit their written views and recommendations at a public hearing. (Water Code, §13167.5.)
67. At a public meeting, the Central Valley Water Board heard and considered all comments pertaining to the discharges regulated under this Order.
68. The Central Valley Water Board will review and revise the WDRs in this Order as necessary.

REQUIREMENTS

IT IS HEREBY ORDERED pursuant to Water Code sections 13263 and 13267, that the Discharger and their agents, employees, tenants, and successors shall comply with the following:

A. Discharge Prohibitions

1. Discharge of wastes to surface waters or surface water drainage courses outside the DDA and excavation areas is prohibited.
2. Discharge of waste classified as 'hazardous', as defined in the California Code of Regulations, title 22, section 66261.1 et seq., is prohibited.
3. Discharge of waste classified as 'designated', as defined in Water Code section 13173, in a manner that causes violation of Groundwater Limitations, is prohibited.
4. Treatment system bypass of untreated or partially treated waste is prohibited, except as allowed by Section E.2 of the Standard Provisions and Reporting Requirements for Waste Discharge Requirements, 1 March 1991 edition (Standard Provisions or SPRRs).
5. Discharge of waste at a location or in a manner different from that described in the Findings is prohibited.
6. Discharge of toxic substances into any wastewater treatment system or land application area such that biological treatment mechanisms are disrupted is prohibited.

8. Discharge of domestic wastewater to the DDA and Excavation Areas is prohibited.
9. Discharge of process wastewater to the domestic wastewater treatment system (septic system) is prohibited.
10. The use of any chemical additives in the sand/gravel wash process is prohibited.
11. Concrete processing of any kind is prohibited.

B. Flow Limitations

1. Effluent flows from the processing plant to the DAA shall not result in freeboard less than two feet, as measured from the water surface to the lowest point of overflow. If freeboard is expected to be exceeded, discharges to the DDA must cease or be directed to an alternative DDA until sufficient capacity in the active DDA is available to resume discharging.

C. Discharge Specifications

1. No waste constituent shall be released, discharged, or placed where it will cause a violation of the Groundwater Limitations of this Order.
2. Wastewater treatment, storage, and disposal shall not cause pollution or nuisance as defined by Water Code section 13050.
3. More than one DDA may be operated at a time. However, the total surface acreage for all active DDAs shall not exceed 100 acres.
4. The Discharger shall maintain a 35-foot buffer surrounding the DDA and Excavation Areas. The land buffer shall not have any channels, swales, or culverts that could possibly, under 100-year storm water event, convey surface water to the Yuba River, surrounding channels, lakes, or ponds. The point of compliance for all Prohibitions, Specifications, and Limitations shall be at the outer edge of the DDA or Excavation Areas.
5. The Discharger shall operate all systems and equipment to optimize the quality of the discharge.
6. All conveyance, treatment, storage, and disposal systems shall be designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-year return frequency.
7. Objectionable odors shall not be at an intensity that creates or threatens to create nuisance conditions that affects an entire community or neighborhood, or any considerable number of persons.

8. The Discharger shall design, construct, operate, and maintain all ponds sufficiently to protect the integrity of containment dams and berms and prevent overtopping and/or structural failure. The operating freeboard in any pond shall never be less than two feet (measured vertically from the lowest possible point of overflow). As a means of management and to discern compliance with this requirement, the Discharger shall install and maintain in each pond a permanent staff gauge with calibration marks that clearly show the water level at design capacity and enable determination of available operational freeboard.
9. Wastewater treatment, storage, and disposal ponds or structures shall have sufficient capacity to accommodate allowable wastewater flow, design seasonal precipitation, and ancillary inflow and infiltration during the winter while ensuring continuous compliance with all requirements of this Order. Design seasonal precipitation shall be based on total annual precipitation using a return period of 100 years, distributed monthly in accordance with historical rainfall patterns.
10. On or about **1 October** of each year, available capacity shall at least equal the volume necessary to comply with Discharge Specifications D.8 and D.9.
11. All ponds and open containment structures shall be managed to prevent breeding of mosquitoes. Specifically:
 - a. An erosion control program shall be implemented to ensure that small coves and irregularities are not created around the perimeter of the water surface.
 - b. Weeds shall be minimized through control of water depth, harvesting, or herbicides.
 - c. Dead algae, vegetation, and debris shall not accumulate on the water surface.
 - d. The Discharger shall consult and coordinate with the local Mosquito Abatement District to minimize the potential for mosquito breeding as needed to supplement the above measures.
12. Newly constructed or rehabilitated berms or levees (excluding internal berms that separate ponds or control the flow of water within a pond) shall be designed and constructed under the supervision of a California Registered Civil Engineer.

D. Groundwater Limitations

Release of waste constituents from any portion of the Facility shall not cause or contribute to groundwater containing constituent concentrations in excess of the concentrations specified below or in excess of natural background quality, whichever is greater:

1. Constituents in concentrations that exceed either the Primary or Secondary MCLs established in Title 22 of the California Code of Regulations, excluding

salinity since the Discharger has chosen the Alternative Option for the Salt Control Program and is in good standing with the P&O Study.

2. Contain taste or odor-producing constituents, toxic substances, or any other constituent in concentrations that cause nuisance or adversely affect beneficial uses.

E. Land Application Area Specifications

1. Land application of wastewater (dust control activities) shall be managed to minimize erosion and runoff.

F. Solids Disposal Specifications

1. If removed from the site for disposal, sediments shall be disposed of in a manner approved by the Executive Officer and consistent with Title 27, division 2. Removal for land disposal at facilities (i.e., landfills, composting facilities, soil amendment sites operated in accordance with valid waste discharge requirements issued by a Regional Water Board) will satisfy this specification.
2. Any proposed change in solids use or disposal practice shall be reported in writing to the Executive Officer at least 90 days in advance of the change.

G. Provisions

1. If new levees are to be constructed, the Discharger is required to contact the Central Valley Water Board prior to the design phase for the new levee(s).
2. In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain workplans for investigations and studies, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall bear the professional's signature and stamp.
3. The Dischargers shall submit the technical reports and work plans required by this Order for consideration shall incorporate comments from the Central Valley Water Board in a timely manner, as appropriate. Unless expressly stated otherwise in this Order, the Discharger shall proceed with all work required by the foregoing provisions by the due dates specified.
4. The Discharger shall comply with Monitoring and Reporting Program **R5-2022-XXXX** and any revisions thereto as ordered by the Executive Officer.

The submittal dates of Discharger self-monitoring reports shall be no later than the submittal date specified in the MRP.

5. The Discharger shall comply with the Standard Provisions, which are attached hereto and made part of this Order by reference.
6. The Discharger shall comply with all conditions of this Order, including timely submittal of technical and monitoring reports. On or before each report due date, the Discharger shall submit the specified document to the Central Valley Water Board or, if appropriate, a written report detailing compliance or noncompliance with the specific schedule date and task. If noncompliance is being reported, then the Discharger shall state the reasons for such noncompliance and provide an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Central Valley Water Board in writing when it returns to compliance with the time schedule. Violations may result in enforcement action, including Central Valley Water Board or court orders requiring corrective action or imposing civil monetary liability, or in revision or revocation of this Order.
7. The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by the Discharger when the operation is necessary to achieve compliance with the conditions of this Order.
8. The Discharger shall use the best practicable control technique(s) including proper operation and maintenance, to comply with this Order.
9. As described in the Standard Provisions, the Discharger shall report promptly to the Central Valley Water Board any material change or proposed change in the character, location, or volume of the discharge.
10. In the event that the Discharger reports toxic chemical release data to the State Emergency Response Commission (SERC) pursuant to section 313 of the Emergency Planning and Community Right to Know Act (42 U.S.C. § 11023), the Discharger shall also report the same information to the Central Valley Water Board within 15 days of the report to the SERC.
11. At least 90 days prior to termination or expiration of any lease, contract, or agreement involving disposal or recycling areas or off-site reuse of effluent, used to justify the capacity authorized herein and assure compliance with this Order, the Discharger shall notify the Central Valley Water Board in writing of the situation and of what measures have been taken or are being taken to assure full compliance with this Order.

12. In the event of any change in control or ownership of the facility, the Discharger must notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to the Central Valley Water Board.
13. To assume operation as Discharger 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 and address and telephone number of the persons responsible for contact with the Central Valley Water Board, and a statement. The statement shall comply with the signatory paragraph of Standard Provision B.3 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 Water Code. If approved by the Executive Officer, the transfer request will be submitted to the Central Valley Water Board for its consideration of transferring the ownership of this Order at one of its regularly scheduled meetings.
14. In order to secure revocation of WDRs that are no longer necessary because the discharge to land permitted under this Order has ceased, the Discharger must contact the Central Valley Water Board to discuss appropriate wastewater treatment system closure requirements.
15. A copy of this Order including the MRP, Information Sheet, Attachments, and Standard Provisions, shall be kept at the discharge facility for reference by operating personnel. Key operating personnel shall be familiar with its contents.
16. The Central Valley Water Board will review this Order periodically and will revise requirements when necessary.

ENFORCEMENT

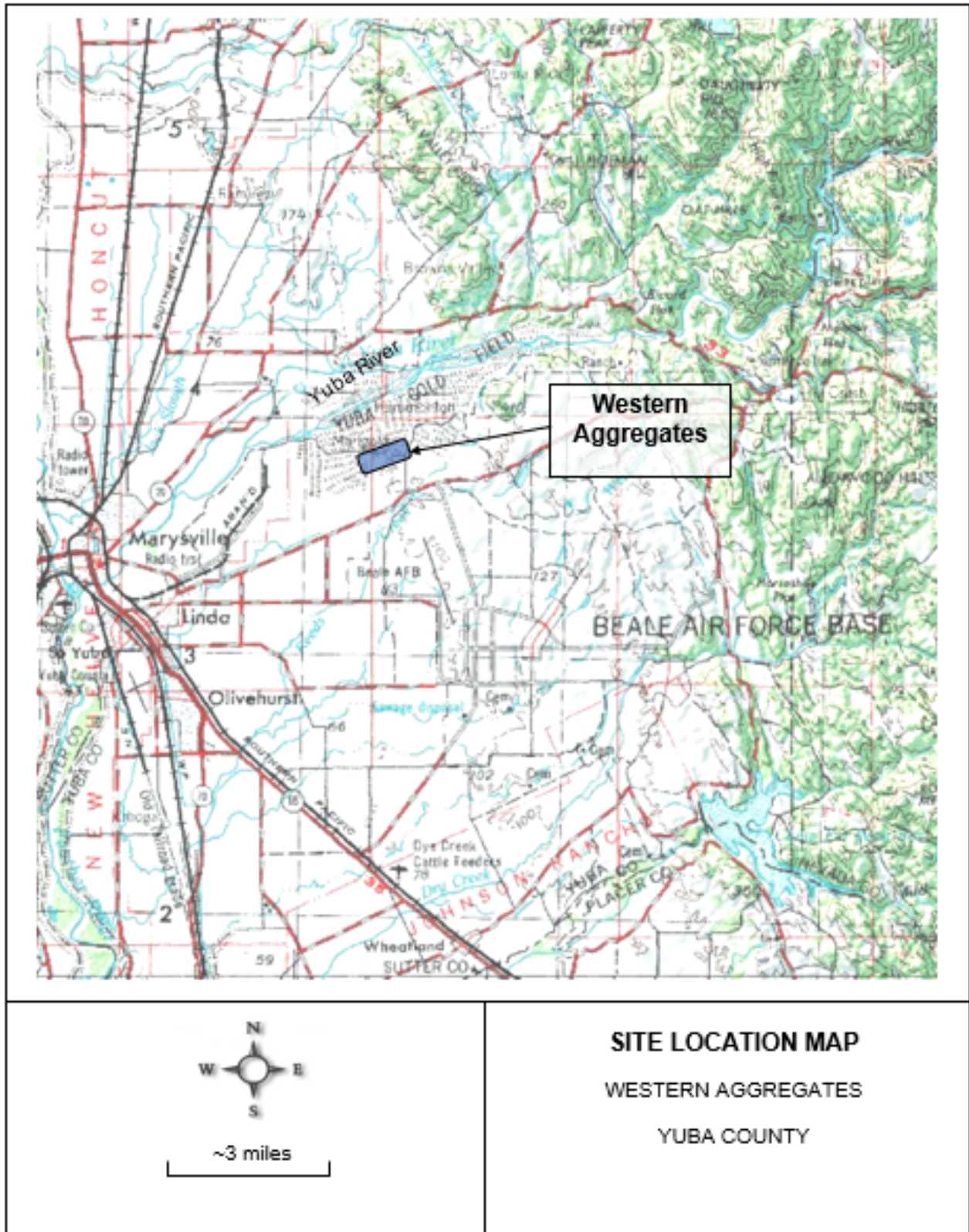
If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order may result in the assessment of Administrative Civil Liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350 and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

ADMINISTRATIVE REVIEW

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board for administrative review in accordance with Water Code section 13320, and California Code of Regulations, title 23, section 2050 et seq. To be timely, the State Water Board must receive the petition by 5 pm on the 30th day after the date of this Order, except that if the 30th day falls on a Saturday, Sunday or State Holiday, the petition must be received by the State Water Board by 5 pm on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet on the [Water Boards Public Notice web page](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) (http://www.waterboards.ca.gov/public_notices/petitions/water_quality).

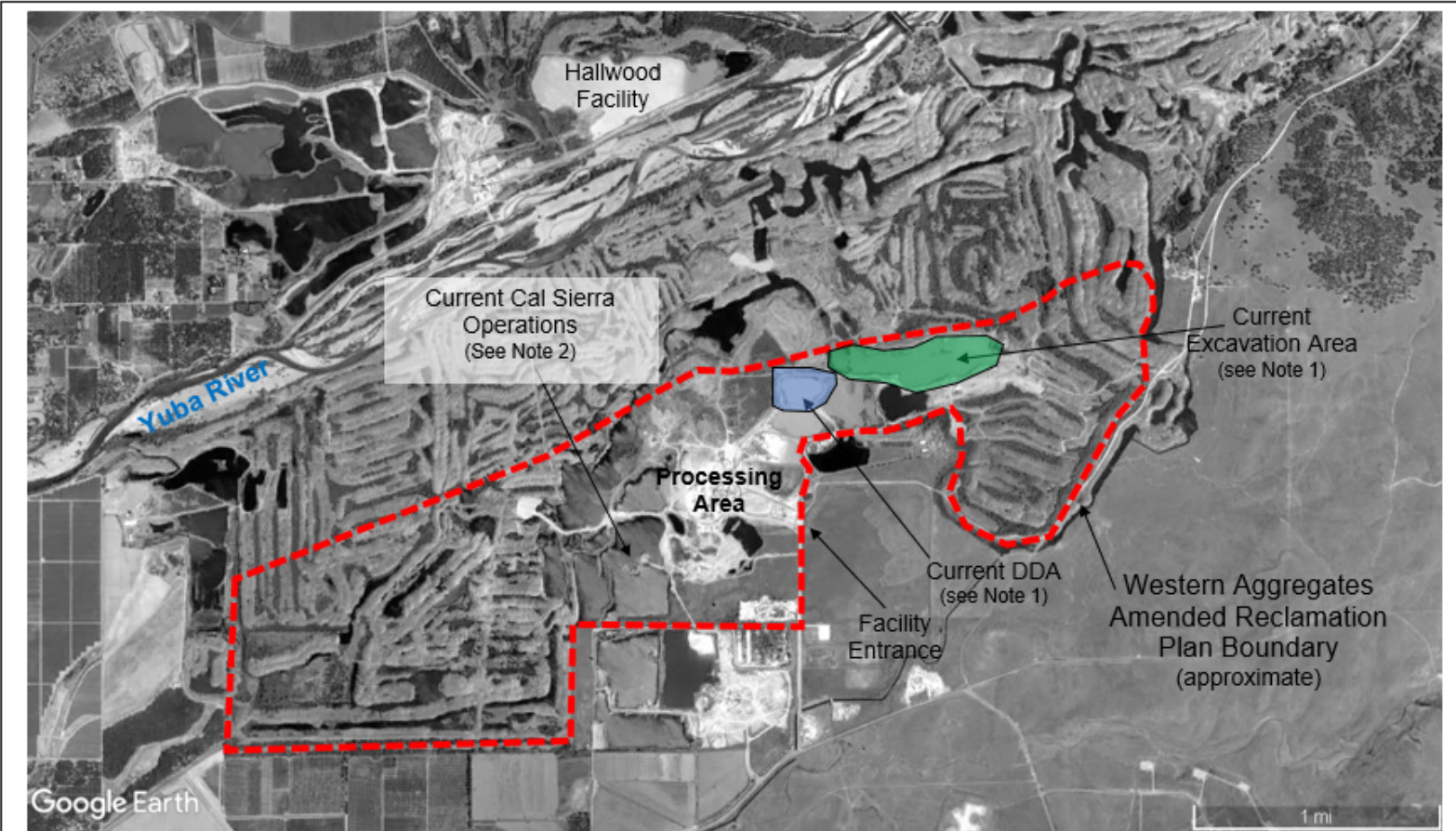
ORDER NO. R5-2022-XXXX

ATTACHMENT A



ORDER NO. R5-2022-XXXX

ATTACHMENT B



Note 1: The DDA and Excavation Area locations are dynamic and change based on new locations to be mined. The locations shown are current as of 2022.

Note 2: Cal Sierra conducts gold mining within Western Aggregates property. The location of the mining activities and discharge area (DDA) are approximate. Cal Sierra's wastewater discharge is regulated under WDRs Order No. 5-00-102.



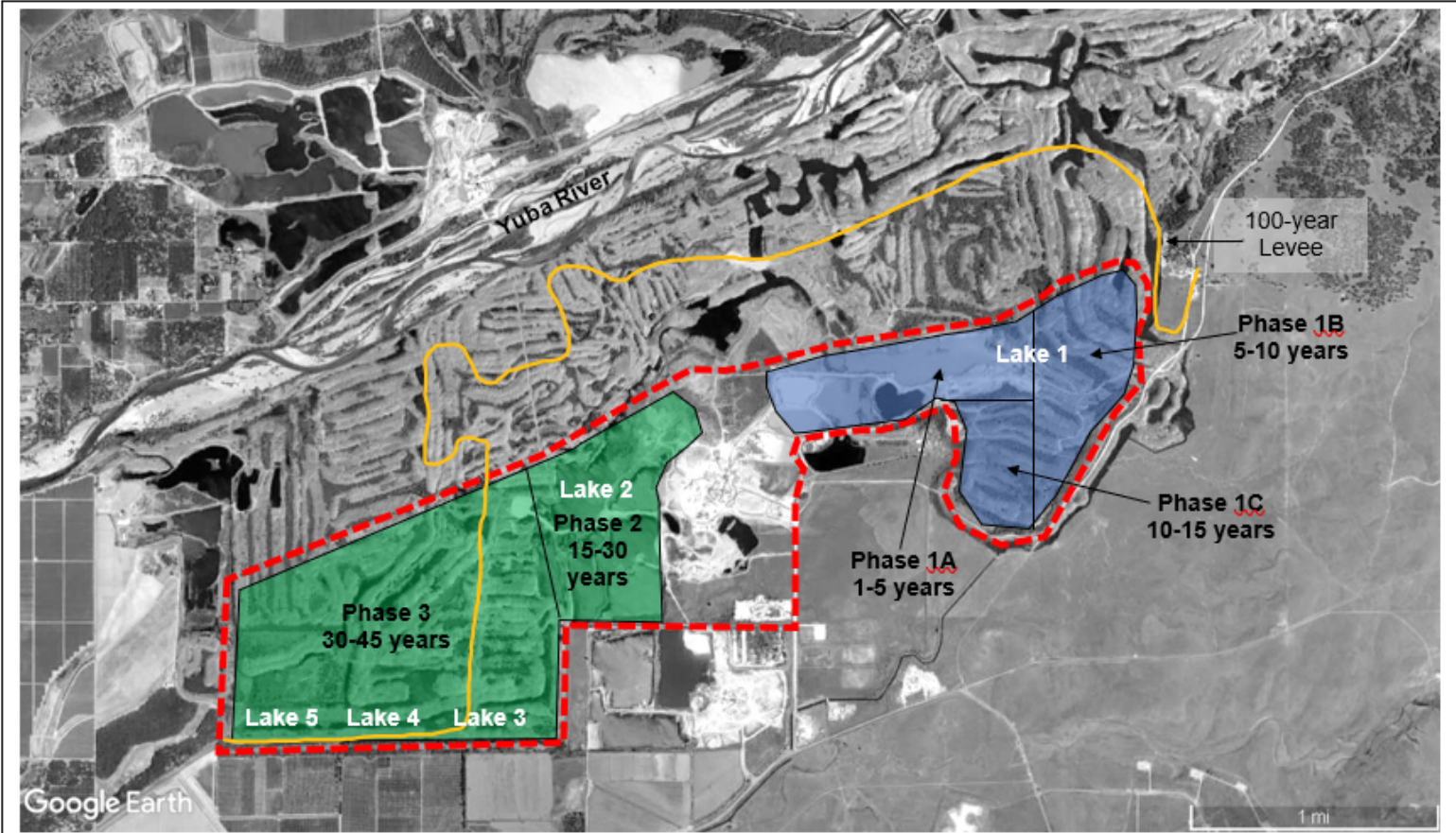
~0.5 miles







SITE FEATURES MAP
WESTERN AGGREGATES
YUBA COUNTY

ORDER NO. R5-2022-XXXX

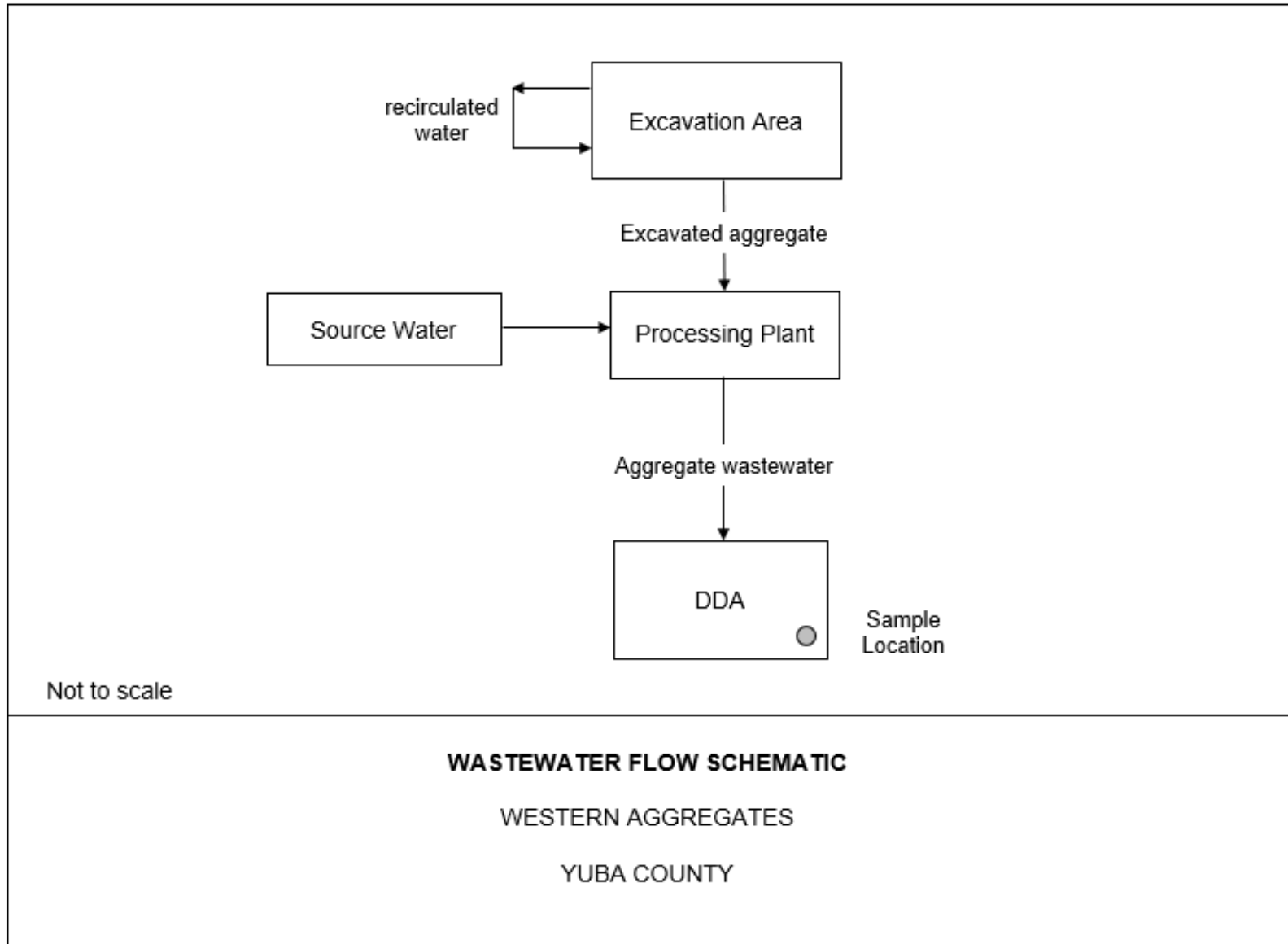
ATTACHMENT C



<p>Legend</p> <ul style="list-style-type: none"> Amended Reclamation Boundary Levee (100-year flood; approximate location)	 <p>~0.5 miles</p> 	<p>PLANNED PHASES WESTERN AGGREGATES YUBA COUNTY</p>
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ORDER NO. R5-2022-XXXX

ATTACHMENT D



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

WASTE DISCHARGE REQUIREMENTS ORDER R5-2022-XXXX
FOR
WESTERN AGGREGATES, LLC.
WESTERN AGGREGATES
YUBA COUNTY

INFORMATION SHEET

Background

Western Aggregates, LLC. owns and operates the aggregate mining and processing facility located at 4711 Hammonton Road in Yuba County. Aggregate mining operations at the Facility include excavation, sorting, storage, and transport of aggregate from previous dredger tailings. The exact locations of gravel extraction are dynamic, and change based on new locations within the Amended Reclamation Plan boundary to be mined.

Wastewater Generation and Disposal

Aggregate material is excavated from an Excavation Area and transported to the processing plant where it is washed, screened, and sorted. Wastewater generated from washing and sorting the aggregate material is discharged to a settling pond, referred to as the Designated Disposal Area (DDA). No chemical additives are used to process and wash the aggregate.

Groundwater Considerations

There are no groundwater monitoring wells at the Facility. The man-made surface water features are located in low lying areas where the groundwater surface is exposed.

Groundwater elevations as reflected in ponds and channels north of the Facility demonstrate that the flow direction is away from the Yuba River.

Antidegradation

Constituents and parameters of concern associated with aggregate facilities generally include salts and turbidity. Mercury and total petroleum hydrocarbons were also constituents of concern for Western Aggregates because of the historical use of mercury in gold mining activities and the potential for aggregate material and wastewater to come into contact with fuels and oils associated with mining and processing equipment. The Discharger has been monitoring the DDA, Excavation Area, and surface waters (including the Yuba River) for over 20 years. Minimum and maximum average concentrations of constituents for 2019, 2020, and 2021 are summarized below. As shown on the table, excavation, aggregate processing, and wastewater discharges have had negligible impacts on water quality.

Sample Location	pH	EC (µmhos/cm)	Turbidity (NTU)	Mercury (ng/L)	TPH (mg/L)
Excavation Area	7.3	105	not analyzed	9.6	not analyzed
DDA	7.1	50	not analyzed	109 13.3 (see Note 1)	ND
Yuba River R-1	7.1	62	17	not analyzed	not analyzed
Yuba River R-2	7.2	52	17	not analyzed	not analyzed

Note 1: First result is from an unfiltered water sample; second result was from a filtered water sample.

The excavation and discharge activities at the Facility have had a negligible impact on water quality, including water quality in the Yuba River.

Discharge Prohibitions, Effluent Limitations, Discharge Specifications, and Provisions

The total surface area of all active DDAs must be less than 100 acres.

A minimum of two feet of freeboard must be maintained in DDAs.

All DDAs and Excavation Areas must have a 35-foot land buffer that will not have any channels, swales, or culverts that could possibly, under 100-year storm water event, convey surface water to the Yuba River, surrounding channels, lakes, or ponds.

Monitoring Requirements

Section 13267 of the California Water Code authorizes the Central Valley Water Board to require monitoring and technical reports as necessary to investigate the impact of waste discharges on waters of the State. Water Code Section 13268 authorizes assessment of civil administrative liability where appropriate. The Order includes effluent monitoring requirements. This monitoring is necessary to characterize the discharge and evaluate compliance with the requirements and specifications in the Order.

Salt and Nitrate Control Programs Regulatory Considerations

As part of the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) initiative, the Central Valley Water Board adopted Basin Plan amendments (Resolution R5-2018-0034) incorporating new programs for addressing ongoing salt and nitrate accumulation in the waters and soils of the Central Valley at its 31 May 2018 Board Meeting. On 16 October 2019, the State Water Resources Control Board adopted Resolution No. 2019-0057 conditionally approving the Central Valley Water Board Basin Plan amendments and directing the Central Valley Water Board to make

targeted revisions to the Basin Plan amendments within one year from the approval of the Basin Plan amendments by the Office of Administrative Law. The Office of Administrative Law (OAL) approved the Basin Plan amendments on 15 January 2020. (OAL Matter No. 2019-1203-03).

Pursuant to the Basin Plan amendments, dischargers will receive a Notice to Comply with instructions and obligations for the Salt Control Program within one year of the effective date of the amendments (17 January 2020). Upon receipt of the Notice to Comply, the Discharger will have no more than six months to inform the Central Valley Water Board of their choice between Option 1 (Conservative Option for Salt Permitting) or Option 2 (Alternative Option for Salt Permitting). The level of participation required of dischargers whose discharges do not meet stringent salinity requirements will vary based on factors such as the amount of salinity in the discharge, local conditions, and type of discharge. The Discharger has chosen to pursue Option 2 (Alternative Salinity Permitting Approach).

For the Nitrate Control Program, aggregate facilities are exempt from the program.

Reopener

The conditions of discharge in the Order were developed based on currently available technical information and applicable water quality laws, regulations, policies, and plans, and are intended to assure conformance with them. The Order sets limitations based on the information provided thus far. If applicable laws and regulations change, or once new information is obtained that will change the overall discharge and its potential to impact groundwater, it may be appropriate to reopen the Order.

Legal Effect of Revocation of Prior WDRs or Orders on Existing Violations

The Central Valley Water Board's revocation of prior waste discharge requirements and/or monitoring and reporting orders does not extinguish any violations that may have occurred during the time those waste discharge requirements or orders were in effect. The Central Valley Water Board reserves the right to take enforcement actions to address violations of prior prohibitions, limitations, specifications, requirements, or provisions of revoked waste discharge requirements or orders as allowed by law.