



Central Valley Regional Water Quality Control Board

19 March 2024

Brittan Ashjian, CEO
RE Mason Engineering, Inc.
1195 W. Shaw Avenue, #D
Fresno, CA 93711

CERTIFIED MAIL
7020 2450 0000 6785 8857

NOTICE OF APPLICABILITY

WATER QUALITY ORDER 2003-0003-DWQ; STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES TO LAND WITH A LOW THREAT TO WATER QUALITY; RE MASON ENGINEERING, INC.; LEBEC SLURRY POND; KERN COUNTY

On 2 February 2024, RE Mason Engineering, Inc. (hereafter Discharger) submitted a Notice of Intent (NOI) to obtain coverage under *Statewide General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality*, Water Quality Order 2003-0003-DWQ (hereafter General Order) for discharge of concrete slurry waste to a lined pond from nearby construction projects in Kern County. The submittal includes a signed NOI, technical information, and an application fee.

Based on the information provided, the proposed discharge meets the conditions of the General Order for small inert solid waste disposal operations. The discharge is hereby covered under the General Order and assigned enrollee number **2003-0003-DWQ-0243**. Please include this number on all correspondence related to this discharge. A copy of the [Low Threat General Order](#) is enclosed and available on the Central Valley Water Board's website at:

(https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/water_quality/2003/wqo2003-0003.pdf).

Due to the type and manner of the discharge, this NOA is accompanied by a separate Monitoring and Reporting Program (MRP) R5-2024-0806 to ensure compliance with the conditions in the General Order.

PROJECT LOCATION

The slurry pond will be constructed off of Lebec Road and Landfill Road intersection in Lebec in Kern County as shown in **Attachment A** (34.8247°, -118.8766°). This portion of Kern County is within the Tulare Lake Basin.

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

1685 E Street, Fresno, CA 93706 | www.waterboards.ca.gov/centralvalley

The operative Water Quality Control Plan for the Tulare Lake Basin (hereafter Basin Plan) designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve water quality objectives for all waters of the basin.

PROJECT DESCRIPTION

The proposed project will include construction of a lined slurry pond that will accept concrete slurry from nearby construction projects including a Caltrans highway project. The pond will be approximately 100 feet long 50 feet wide and 12 feet deep with an estimated storage capacity of about 350,000 gallons. The pond will be lined with a single layer 45-mil polypropylene liner. According to the Discharger, about 5,000 to 20,000 gallons of slurry waste per week will be discharged to the pond. To prevent overtopping, the discharge will be halted when the pond reaches 80% capacity, and the slurry will be removed and transported to an approved facility for disposal. To prevent damage to the liner, the slurry will be removed using a smooth edge bucket excavator.

Upon closure, the pond will be fully excavated, the liner removed, and the pond backfilled with soil from the site and returned to grade. The excavated material and liner will be disposed of at a permitted facility.

A review of the GeoTracker database did not identify any open cleanup sites within 500 feet of the project site.

FACILITY-SPECIFIC REQUIREMENTS

The General Order and this NOA covers the discharge concrete slurry waste from nearby construction projects to a lined pond at Lebec Road and Landfill Road. The Discharger shall comply with the requirements specified in the General Order and the facility-specific requirements listed below.

1. Discharge of slurry waste at a location or in a manner different from that described in this NOA is prohibited.
2. The disposal of wastes shall not cause pollution, contamination, or nuisance as defined in CWC Section 13050.
3. Runoff or discharge of waste to a wetland, surface water, surface water drainage course, or biologically or culturally sensitive area is prohibited.
4. Failure to comply with the requirements of this NOA, MRP R5-2024-0806 (enclosed), and the General Order, could result in enforcement actions as authorized by provisions of the California Water Code.
5. The Discharger shall submit the required annual fee (as specified in the annual billing statement issued by the State Water Resources Control Board) until this NOA is officially terminated.

6. The Discharger shall notify the Central Valley Water Board of any change in agreement or proposed discharge or disposal of slurry waste as described in the NOI and this NOA.

All monitoring reports and other correspondence should be converted to a searchable Portable Document Format (PDF) and submitted electronically. Documents that are less than 50 MB should be emailed to: centralvalleyfresno@waterboards.ca.gov.

To ensure that your submittal is routed to the appropriate staff person, the following information should be included in the body of the email or any documentation submitted to the mailing address for this office:

Facility Name: Lebec Slurry Pond
Program: NON-15.
Order: 2003-0003-DWQ-0243
MRP: R5-2024-0806
CIWQS Place ID: 893480

Documents that are 50 MB or larger should be transferred to a CD, DVD, or flash drive and mailed to:

Central Valley Regional Water Quality Control Board Fresno Office
1685 E Street
Fresno, CA 93706

All documents, including responses to inspections and written notifications, submitted to comply with this Waiver shall be directed, via the paperless office system, to the Compliance and Enforcement Unit, attention to Omar Mustafa. Mr. Mustafa can be reached at (559) 445-5197 or Omar.Mustafa@waterboards.ca.gov. Questions regarding the permitting aspects of the Waiver, and notification for termination of coverage under the Waiver, shall be directed, via the paperless office system, to the WDR Permitting Unit, attention Salvador Vargas. Mr. Salvador Vargas can be reached at (559) 444-2488 or by email at Salvador.Vargas@waterboards.ca.gov.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Resources Control Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Resources Control Board must receive the petition by 5:00 p.m., 30 days after the date of this NOA, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Resources Control Board by 5:00 p.m. on the next business day. [Copies of the law and regulations applicable to filing petitions](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) may be found on the internet or will be provided upon request.
(http://www.waterboards.ca.gov/public_notices/petitions/water_quality).

Original Signed by Alexander S. Mushegan
For Patrick Pulupa,
Executive Officer

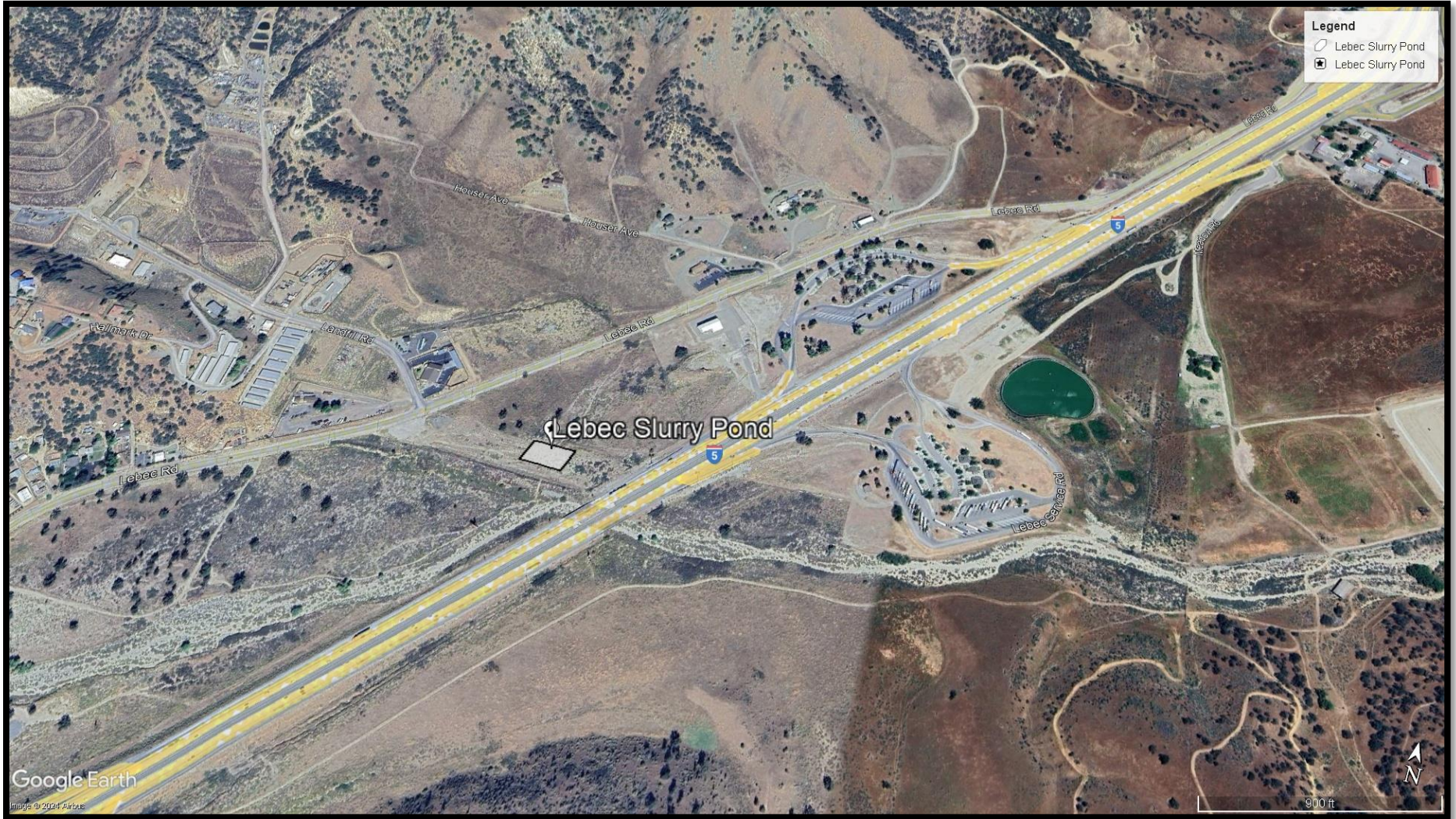
Attachments: Attachment A – Site Map

Enclosures: Monitoring and Reporting Program R5-2024-0806
Low Threat Order 2003-0003-DWQ

cc w/o encls.:

- Kennedy Knight, State Water Resources Control Board, OCC, Sacramento (via email)
- Laurel Warddrip, State Water Resources Control Board, DWQ, Sacramento (via email)
- Omar Mustafa, Central Valley Water Board, Fresno (via email)
- Kurt Souza, State Water Board Division of Drinking Water, Fresno (via email)
- Kern County Environmental Health Department, Fresno
- Kern County Public Works and Planning, Fresno
- Sarah Osborne, RE Mason Engineering, Inc., Fresno (via email)

ATTACHMENT A – Site Map



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

**MONITORING AND REPORTING PROGRAM R5-2024-0806
FOR
RE MASON ENGINEERING, INC.
LEBEC SLURRY POND
KERN COUNTY**

On 19 March 2024 the Central Valley Regional Water Quality Control Board (Central Valley Water Board) Executive Officer issued RE Mason Engineering, Inc. (hereafter Discharger) Notice of Applicability (NOA) 2003-0003-DWQ-0243 for coverage under *Statewide General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality* (General Order). NOA 2003-0003-DWQ-0243 is for the discharge of concrete slurry waste from nearby construction projects to a lined settling pond near the intersection of Lebec Road and Landfill Road in Kern County. This Monitoring and Reporting Program (MRP) is issued pursuant to California Water Code section 13267. The Discharger shall not implement any changes to this MRP unless and until the Central Valley Water Board adopts, or the Executive Officer issues, a revised MRP.

Section 13267, subsection (b)(1) of the California Water Code states:

“In conducting an investigation specified in subdivision (a), the 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 within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region 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.”

The Discharger owns and operates the area subject to NOA 2003-0003-DWQ-0243, and the monitoring reports are necessary to ensure the Discharger complies with the NOA and the conditions specified in the General Order. Pursuant to Water Code section 13268, the Discharger shall implement this MRP and shall submit the monitoring reports described herein.

Section 13268 of the California Water Code states, in part:

“(a)(1) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267, failing or refusing to furnish a statement of compliance as required by subdivision (b) of Section 13399.2, or

falsifying and information provided therein, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b)

(b)(1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with section 13323) of Chapter 5 for a violation of subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.”

A glossary of terms used in this MRP is included on the last page.

I. GENERAL MONITORING REQUIREMENTS

A. FLOW MONITORING

Hydraulic flow rates shall be measured at the monitoring points specified in this MRP. All flow monitoring systems shall be appropriate for the conveyance system (i.e., open channel flow or pressure pipeline) and liquid type. The measurements may be based on flow meter readings or pump run time estimate. The method of measurement must be specified. Flow meters shall be calibrated at the frequency recommended by the manufacturer; typically, at least once per year and records of calibration shall be maintained for review upon request.

B. MONITORING AND SAMPLING LOCATIONS

Samples shall be obtained at the monitoring points specified in this MRP. The Central Valley Water Board Executive Officer shall approve any proposed changes to sampling locations prior to implementation of the change.

The Discharger shall monitor the following locations as described in Table 1 to demonstrate compliance with the requirements of this MRP:

Table 1 - Monitoring Locations

Monitoring Location	Monitoring Location Description
PND-001	Slurry Pond
Solids	Solids removed from pond

C. SAMPLING AND SAMPLE ANALYSIS

All samples shall be representative of the volume and nature of the discharge or matrix of material sampled. Except as specified otherwise in this MRP, grab samples will be considered representative of water, wastewater, soil, solids/sludges and groundwater. The time, date, and location of each sample shall be recorded on the sample chain of custody form.

Field test instruments (such as those used to measure pH, temperature, electrical conductivity, dissolved oxygen, wind speed, and precipitation) may be used provided that:

1. The operator is trained in proper use and maintenance of the instruments;
2. The instruments are field calibrated at the frequency recommended by the manufacturer;
3. The instruments are serviced and/or calibrated by the manufacturer at the recommended frequency; and
4. Field calibration reports are submitted as described in the "Reporting" section of this MRP.

Laboratory analytical procedures shall comply with the methods and holding times specified in the following (as applicable to the medium to be analyzed):

- *Methods for Organic Chemical Analysis of Municipal and Industrial Wastewater* (EPA);
- *Test Methods for Evaluating Solid Waste* (EPA);
- *Methods for Chemical Analysis of Water and Wastes* (EPA);
- *Methods for Determination of Inorganic Substances in Environmental Samples* (EPA);
- *Standard Methods for the Examination of Water and Wastewater* (APHA/AWWA/WEF); and
- *Soil, Plant and Water Reference Methods for the Western Region* (WREP 125).

Approved editions shall be those that are approved for use by the United States Environmental Protection Agency (EPA) or the State Water Resources Control Board (State Water Board), Division of Drinking Water's Environmental Laboratory Accreditation Program (ELAP). The Discharger may propose alternative methods for approval by the Executive Officer. Where technically feasible, laboratory reporting limits shall be lower than the applicable water quality objectives for the constituents to be analyzed.

II. SPECIFIC MONITORING REQUIREMENTS

A. POND MONITORING

The discharge of slurry waste and condition of the slurry pond shall be monitored as specified in Table 2 below:

Table 2 - Pond Monitoring (PND-001)

<u>Constituent</u>	<u>Units</u>	<u>Sample Type</u>	<u>Monitoring Frequency</u>
Flow Measurement	gallons	Meter (see 1 below)	Daily
pH	pH units	Grab	Monthly
Electrical Conductivity	µmhos/cm	Grab	Monthly
Chloride	mg/L	Grab	Semi-Annually (see 2 below)
Hexavalent Chromium	µg/L	Grab	Semi-Annually (see 2 below)
Freeboard	Inch	Measurement	Monthly
Berm Condition (see 3 below)	--	Observation	Monthly
Liner Condition (see 4 below)	--	Observation	Monthly

1. Flow measurement may be metered or estimated based on trailer volume, pump run time, or other similar approved method. The method of measurement and calculations used shall be included in the annual report.
2. Semi-Annual samples shall be collected twice a year in the second and fourth quarters.
3. Berm condition evaluation: Report presence or absence of burrowing animals, erosion, odors, or similar conditions.
4. Liner condition shall be inspected when possible due to low water levels or when performing maintenance activities (i.e., removing solids). The inspection shall report on condition of the buffer zone, evidence of potential tears or punctures, and/or other damage. All inspections shall evaluate the condition of the liner for continued use and/or necessary repairs.

B. SOLIDS MONITORING

The Discharger shall maintain detailed records, including receipts (if applicable) for disposal and/or recycling of solids removed from the pond. The removal, storage, transportation, and disposal or recycling of such material shall be monitored as specified in Table 3 below.

Table 3 - Solids Monitoring

<u>Constituent</u>	<u>Units</u>	<u>Reporting Frequency</u>
Solids removed from the pond	Cubic Yards	Annually
Solids stockpiled onsite	Cubic Yards	Annually

<u>Constituent</u>	<u>Units</u>	<u>Reporting Frequency</u>
Solids transported offsite for disposal or recycling	Cubic Yards	Annually

III. REPORTING REQUIREMENTS

All monitoring reports should be converted to a searchable Portable Document Format (PDF) and submitted electronically. Documents that are less than 50MB should be emailed to: centralvalleyfresno@waterboards.ca.gov. Documents that are 50 MB or larger should be transferred to a CD, DVD, or flash drive and mailed to the following address:

Central Valley Regional Water Quality Control Board
Region 5 – Fresno Office
1685 “E” St.
Fresno, California 93706

To ensure that your submittal is routed to the appropriate staff person, the following information should be included in the body of the email or transmittal sheet:

Program: Non-15,
Facility: Lebec Slurry Pond
Order: 2003-0003-DWQ-0243
MRP: R5-2024-0806
County: Kern
Place ID: 893480

A transmittal letter shall accompany each monitoring report. The letter shall include a discussion of all violations of this MRP during the reporting period and actions taken or planned for correcting each violation. If the Discharger has previously submitted a report describing corrective actions taken and/or a time schedule for implementing the corrective actions, reference to the previous correspondence will be satisfactory. The transmittal letter shall contain a statement by the Discharger or the Discharger’s authorized agent certifying under penalty of perjury that the report is true, accurate and complete to the best of the signer’s knowledge.

In reporting monitoring data, the Discharger shall arrange the data in tabular form so that the date, sample type (e.g., effluent, groundwater, etc.), and reported analytical result for each sample are readily discernible. The data shall be summarized in such a manner to clearly illustrate compliance with waste discharge requirements and spatial or temporal trends, as applicable. The results of any monitoring done more frequently than required at the locations specified in the Monitoring and Reporting Program shall be reported in the next scheduled monitoring report.

Laboratory analysis reports shall be included in the monitoring reports. All laboratory reports must also be retained for a minimum of three years. For a discharger conducting any of its own analyses, reports must also be signed and certified by the chief of the laboratory.

Monitoring information shall include the method detection limit (MDL) and the Reporting limit (RL) or practical quantitation limit (PQL). If the regulatory limit for a given constituent is less than the RL (or PQL), then any analytical results for that constituent that are below the RL (or PQL) but above the MDL shall be reported and flagged as estimated.

All monitoring reports that involve planning, investigation, evaluation or design, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code sections 6735, 7835, and 7835.1.

A. ANNUAL MONITORING REPORTS

An Annual Report shall be prepared and submitted to the Central Valley Water Board **by 1 February** of each year. The Annual Report shall include the following information.

1. Names, general responsibilities, and contact information for persons to contact regarding the Facility for emergency and routine situations.
2. Tabular and graphical summaries of all data collected during the calendar year.
3. Copies of all laboratory analytical report(s).
4. A scale map showing the current location of the settling pond and relevant onsite features including any residual solids storage areas.
5. A summary of information on the disposal of solids removed from the pond during the calendar year. The summary should include removal date, volume removed, disposal method, and results of any monitoring required.
6. Calibration log verifying calibration of all handheld monitoring instruments and devices used to comply with the prescribed monitoring program.
7. A summary of any changes in processing or operation that might affect waste characterization and/or discharge rates.
8. A detailed summary of the pond liner condition and any repairs that were completed the past year.

If, in the opinion of the Executive Officer, the Discharger fails to comply with the NOA and the conditions specified in the Low Threat Waiver, 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 \$1,000 per violation, per day, depending on the violation, pursuant to Water Code section 13268. The Central Valley Water Board reserves the right to take any enforcement actions authorized by law.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Resources Control Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Resources Control Board must receive the petition by 5:00 p.m., 30 days after the date of this MRP, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Resources Control Board by 5:00 p.m. on the next business day. [Copies of the law and regulations applicable to filing petitions](#) may be found on the internet (http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided on request.

The Discharger shall implement the above monitoring program by the date of this MRP.

Ordered by: *Original Signed by Alexander S. Mushegan for:*

PATRICK PULUPA, Executive Officer

3/19/2024

(Date)

IV. GLOSSARY

BOD ₅	Five-day biochemical oxygen demand
CaCO ₃	Calcium carbonate
DO	Dissolved oxygen
EC	Electrical conductivity at 25° C
FDS	Fixed dissolved solids
TDS	Total dissolved solids
TKN	Total Kjeldahl nitrogen
TSS	Total suspended solids
Continuous	The specified parameter shall be measured by a meter continuously.
24-hr Composite	Samples shall be a flow-proportioned composite consisting of at least eight aliquots over a 24-hour period.
Once/3 Years	Sample shall be collected at least once every three years.
Daily	Every day.
Monthly	Once per calendar month.
Quarterly	Once per calendar quarter (i.e., January – March).
Semi-Annually	Twice per year. Semi-annual samples shall be collected in the second and fourth quarters.
Annually	Once per year.
mg/L	Milligrams per liter
mg/kg	Milligrams per kilogram
mL/L	Milliliters [of solids] per liter
µg/L	Micrograms per liter
µmhos/cm	Micromhos per centimeter
gpd	Gallons per day
mgd	Million gallons per day
General Minerals	Analysis shall include; alkalinity (as CaCO ₃), bicarbonate (as CaCO ₃), boron, calcium, carbonate (as CaCO ₃), chloride, iron, magnesium, manganese, nitrate as N, phosphate, potassium, sodium, sulfate, and verification that the analysis is complete (i.e., cation/anion balance).