



Central Valley Regional Water Quality Control Board

5 October 2020

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NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2016-0076-01 FOR LIMITED THREAT DISCHARGES TO SURFACE WATER; BUZZ OATS CONSTRUCTION, LONE TREE ROAD IMPROVEMENTS PHASE II CONSTRUCTION DEWATERING PROJECT, SACRAMENTO COUNTY

Our office received a Notice of Intent on 14 September 2020 from the Buzz Oats Construction (Discharger), for discharge of dewatered groundwater to surface water. Based on the application packet submitted by the Discharger, staff has determined that the project meets the required conditions for approval under the General Order for Limited Threat Discharges to Surface Water (Limited Threat General Order), Tier 1A. This project is hereby assigned Limited Threat General Order R5-2016-0076-066 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995002. Please reference your Limited Threat General Order number, **R5-2016-0076-066**, in your correspondence and submitted documents.

The project activities shall be operated in accordance with the requirements contained in the Limited Threat General Order and as specified in this NOA. You are urged to familiarize yourself with the entire contents of the enclosed [Limited Threat General Order](#) (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf).

CALIFORNIA TOXICS RULE / STATE IMPLEMENTATION POLICY MONITORING

The Limited Threat General Order incorporates the requirements of the California Toxics Rule (CTR) and the State Water Resources Control Board's (State Water Board), *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*, 2005, also known as the State Implementation Policy (SIP). Screening levels for CTR constituents and other constituents of concern are found in Attachment I of the Limited Threat General Order. Review of your water quality data in comparison to the screening values, showed no reasonable potential for the discharge to cause or contribute to an exceedance of water quality objectives in the seasonal drainage that is tributary to the Lone Tree Canal, which is a water of the United States.

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

PROJECT DESCRIPTION

The Lone Tree Road Improvement Phase II Construction Dewatering Project (Project) comprises approximately 14 acres and is located 0.40 miles south of Elverta Road and 0.30 miles east of Metro Air Park Way in Sacramento, CA. The Project involves the dewatering activities associated with the construction of approximately 6,000 feet of new sewer line south along the future Lone Tree Road and to the west along Allbaugh Drive. Dewatering will be accomplished via a total of 120 dewatering wells being employed in phases, beginning with 40 wells and backfilling excavation while installing more wells to stay ahead of excavation. The Discharger anticipates no more than 40 to 60 wells operating at one time and an anticipated maximum flow rate of 1.8 million gallons per day (MGD). The extracted groundwater will initially be pumped and contained onsite in a 40-acre temporary infiltration/holding basin with 80-acre feet/26 million-gallon capacity. The duration of the dewatering activities is anticipated to be approximately 10 weeks and then the site will be stabilized for the winter. If the project enters the wet season and infiltration and evaporation are not occurring on an acceptable time frame from the infiltration/holding basin then direct discharge to surface waters will be implemented. If the surface water discharge takes place, dewatered groundwater will be discharged to an on-site seasonal drainage which flows to a retention basin. Water collected in the retention basin is pumped to the Lone Tree Canal by Reclamation District 1000 when flood conditions exist. The Lone Tree Canal is owned and operated by Reclamation District 1000. The Project's land discharge component is covered under the Statewide General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality (2003-0003-DWQ).

EFFLUENT LIMITATIONS

Effluent limitations are specified in Section V. Effluent Limitations and Discharge Specifications of the Limited Threat General Order. Based on the information provided in the NOI, effluent limitations are only required for the parameter identified in items 1 and 2, below:

- 1. Flow (Section V.A.1.a).** The flow rate shall not exceed 1.8 MGD.
- 2. pH (Section V.A.1.b.i).** The pH shall, at all times, be within the range of 6.5 and 8.5.

The Receiving Water is not listed under the Clean Water Act 303(d) List of impaired water bodies. Therefore, no additional 303(d) based effluent limitations or monitoring requirements will be added to this Limited Threat Notice of Applicability.

RECEIVING WATER LIMITATIONS

The Limited Threat General Order includes receiving surface water limitations in Section VIII.A. Based on the information provided in the NOI, only the following receiving surface water limitations are applicable to this discharge:

- Bacteria (VIII.A.2);
- Biostimulatory substances (VIII.A.3);
- Chemical constituents (VIII.A.4);
- Color (VIII.A.5);
- Dissolved oxygen (VIII.A.6.a.i-iii);

- Floating material (VIII.A.7);
- Oil and grease (VIII.A.8);
- pH (VIII.A.9.a);
- Pesticides ((VIII.A.10);
- Radioactivity (VIII.A.11);
- Suspended sediments (VIII.A.12);
- Settleable substances (VIII.A.13);
- Suspended material (VIII.A.14);
- Taste and odors (VIII.A.15);
- Temperature (VIII.A.16.a);
- Toxicity (VIII.A.17); and
- Turbidity (VIII.A.18.a).

MONITORING AND REPORTING

Monitoring and reporting requirements are contained in Attachment C of the Limited Threat General Order. The Discharger is required to comply with the following specific monitoring and reporting requirements for the effluent in accordance with Attachment C of the Limited Threat General Order.

Monitoring Locations – The Discharger shall monitor the effluent at the specified location as follows:

Table 1. Monitoring Station Locations

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
001	EFF-001	A location where a representative sample of the effluent can be collected prior to discharging to the Lone Tree Canal.

Effluent Monitoring – When discharging to surface water, the Discharger shall monitor the effluent at EFF-001 in accordance with Table C-3 of the Limited Threat General Order and this NOA. The applicable monitoring requirements are as follows in Table 2 and subsequent Table 2 Notes:

Table 2. Effluent Monitoring Requirements

Parameter	Units	Sample Type	Minimum Sampling Frequency
Total Flow	MGD	Estimate	1/Day
Electrical Conductivity @ 25 °C	µmhos/cm	Grab	1/Week
pH	standard units	Grab	1/Week
Turbidity	NTU	Grab	1/Week
Temperature	°F	Grab	1/Week
Dissolved Oxygen (DO)	mg/L	Grab	1/Week

Table 2 Notes

1. **Electrical conductivity, pH, turbidity, temperature, and DO.** A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program shall be maintained at the Facility.
2. **All parameters, except flow.** Pollutants shall be analyzed using the analytical methods described in 40 C.F.R. part 136 or by methods approved by the Central Valley Water Board or the State Water Board.
3. **Chronic toxicity.** Chronic toxicity testing shall be conducted within 3 months of initiation of discharge. See the Monitoring and Reporting Program (Attachment C) for toxicity monitoring requirements.

Receiving Water Monitoring – Not required. The on-site seasonal drainage into which the discharge occurs is pumped into the Lone Tree Canal, which directly drains into the RD-1000 West Main Drainage Canal at the pump in point. The RD-1000 West Main Drainage Canal has multiple inputs prior to the discharge reaching the Sacramento River. Therefore, receiving water monitoring in the Lone Tree Canal or the RD-1000 West Main Drainage Canal would not effectively identify possible impacts to the receiving water caused by the Discharger's effluent. Compliance with receiving water limitations will be evaluated through effluent monitoring.

Monitoring Report Submittals - Monitoring in accordance with the Limited Threat General Order shall begin upon initiation of discharge. Monitoring Reports shall be submitted to the Central Valley Water Board on a quarterly basis, beginning with the **Fourth Quarter 2020**. This report shall be submitted on **1 February 2021**. All Monitoring Reports shall specify the dates during the monitoring period the discharge did or did not occur. If monitoring samples were not obtained within 24 hours of initiation of the discharge, the Discharger must document the reasons in the corresponding Monitoring Report. If discharge has not begun there is no need to monitor. However, a certified Monitoring Report must be submitted stating that there has been no discharge. Table 4, below, summarizes the Monitoring Report due dates required under the Limited Threat General Order. Quarterly Monitoring Reports must be submitted until your coverage is formally terminated in accordance with the Limited Threat General Order, even if there is no discharge during the reporting quarter.

Table 3. Monitoring Periods and Reporting Schedule

Monitoring Period for All Sampling Frequencies	Quarterly Report Due Date
First Quarter (1 January through 31 March)	1 May
Second Quarter (1 April through 30 June)	1 August
Third Quarter (1 July through 30 September)	1 November
Fourth Quarter (1 October through 31 December)	1 February of the following year

GENERAL INFORMATION AND REQUIREMENTS

The Discharger must notify Central Valley Water Board staff within 24 hours of having knowledge of 1) the start of each new discharge, 2) noncompliance, and 3) when the discharge ceases. The Central Valley Water Board shall be notified immediately if any effluent limit violation is observed during implementation of the project.

Discharge of material other than what is described in the application is prohibited. The required annual fee (as specified in the annual invoice you will receive from the State Water Resources Control Board) shall be submitted until this NOA is officially terminated. You must notify this office in writing when the discharge regulated by the Limited Threat General Order is no longer necessary by submitting the Request for Termination of Coverage (Attachment E). If a timely written request is not received, the Discharger will be required to pay additional annual fees as determined by the State Water Resources Control Board.

ENFORCEMENT

Failure to comply with the Limited Threat General Order may result in enforcement actions, which could include civil liability. Effluent limitation violations are subject to a Mandatory Minimum Penalty (MMP) of \$3,000 per violation. In addition, late Monitoring Reports may be subject to MMPs or discretionary penalties of up to \$1,000 per day late. When discharges do not occur during a quarterly monitoring period, the Discharger must still submit a quarterly certified Monitoring Report indicating that no discharge occurred to avoid being subject to enforcement actions.

COMMUNICATION

We have transitioned to a paperless office; therefore, please convert all documents to a searchable Portable Document Format (pdf). All documents, including Monitoring Reports, written notifications, and documents submitted to comply with this NOA and the Limited Threat General Order, should be submitted to the NPDES Compliance and Enforcement Unit, Attention: Paul Wadding, at centralvalleysacramento@waterboards.ca.gov and paul.wadding@waterboards.ca.gov. Mr. Wadding may also be reached by phone at (916) 464-4826.

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

- Attention: NPDES Compliance Unit
- Discharger: Buzz Oats Construction
- Facility: Lone Tree Road Improvements Phase II Construction Dewatering
- County: Sacramento County
- CIWQS Place ID: 868984

Documents that are 50 megabytes or larger must be transferred to a DVD, or flash drive and mailed to our office, attention "ECM Mailroom-NPDES".

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of

this NOA, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Links to the law and regulations applicable to filing petitions may be found on the [Water Quality Petitions Page](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) (http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

Patrick Pulupa,
Executive Officer

Enclosures (3): Attachment A - Project Location Map
 General Order R5-2016-0076-01 (Discharger only)
 Monitoring Report Transmittal Form (Discharger only)

cc: Peter Kozelka, U.S. EPA, Region IX, San Francisco (email only)
 Elizabeth Sablad, U.S. EPA, Region IX, San Francisco (email only)
 Division of Water Quality, State Water Board, Sacramento (email
 only)

ATTACHMENT A – PROJECT LOCATION MAP

