28 June 2018

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NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2016-0076 FOR LIMITED THREAT DISCHARGES TO SURFACE WATER; CVIN, LLC, BOREHOLE SEEP PROJECT, NEVADA COUNTY

Our office received a Notice of Intent on 28 October 2017 from CVIN, LLC (CVIN) for its CVIN Borehole Seep Project (Project) located on Hennessy Elementary School property owned by the Grass Valley Unified School District (GVUSD). With the seep originating on GVUSD property but being created by work performed by CVIN, CVIN and GVUSD are collectively hereafter referred to as the Discharger. The Discharger was previously covered under a Notice of Applicability (NOA) for the Low Threat General Order R5-2013-0074. 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. Therefore, this Project is hereby assigned Limited Threat General Order R5-2016-0076-028 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995002, and this NOA shall become effective on **1 July 2018**. Please reference your Limited Threat General Order number, **R5-2016-0076-028**, 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 Limited Threat General Order. To conserve resources, the Limited Threat General Order may be viewed at the following web address: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf. A copy of the Limited Threat General Order can also be obtained by contacting or visiting the Central Valley Water Board's office weekdays between 8:00 AM and 5:00 PM.

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 Wolf Creek, which is a water of the United States; therefore, the Project qualifies for the Limited Threat General Order.

PROJECT DESCRIPTION

The Project is located in the parking lot of Grass Valley Charter School at 214 Colfax Avenue, Grass Valley, California. Groundwater was discovered during installation of a cable utility at the Project site in January 2014. In December 2014, the Discharger completed installation of a 4" diameter polyvinyl chloride (PVC) weep pipe to collect the groundwater and convey it to an existing 6" PVC storm drain pipe. The weep pipe collects approximately 0.013 million gallons per day (MGD) of groundwater which discharges to Wolf Creek and is expected to continue in perpetuity. During collection and conveyance, the groundwater is not allowed to reach the surface or co-mingle with other constituents.

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 not required as the discharge did not show reasonable potential to cause or contribute to an exceedance of water quality objectives in Wolf Creek.

Wolf Creek is listed for fecal coliform on the Clean Water Act 303(d) List of impaired water bodies. A Total Maximum Daily Load (TMDL) has not yet been established for Wolf Creek. Therefore, 303(d) based effluent limitations or monitoring requirements are not included in this NOA (R5-2016-0076-028).

RECEIVING WATER LIMITATIONS

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

- Bacteria (VIII.A.2);
- Biostimulatory substances (VIII.A.3);
- Chemical constituents (VIII.A.4);
- Color (VIII.A.5);
- Dissolved oxygen (VIII.A.6.a);
- Floating material (VIII.A.7);
- Oil and grease (VIII.A.8);
- pH (VIII.A.9.a);
- Pesticides ((VIII.A.10);
- Radioactivity (VIII.A.11);
- Suspended sediments (VIII.A.12);
- Settleable substances (VIII.A.13);
- Suspended material (VIII.A.14);
- Taste and odors (VIII.A.15);
- Temperature (VIII.A.16.a);
- Toxicity (VIII.A.17); and
- Turbidity (VIII.A.18.a).

MONITORING AND REPORTING

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

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

Table 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 Wolf Creek.

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

Table 2. Effluent Monitoring

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Total Flow	MGD	Meter	1/Quarter	[1]

[1] 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.

Receiving Water Monitoring – *Not required.* Based on the effluent and receiving water data collected between 11 January 2015 and 21 December 2017, the discharge is a low volume discharge that has no significant adverse impact on water quality. Furthermore, the effluent is groundwater that shows no reasonable potential to cause an in-stream excursion of water quality objectives and the quality of the groundwater should remain consistent. Therefore, receiving water monitoring requirements have not been retained from NOA R5-2013-0074-148.

Monitoring Report Submittals - Monitoring in accordance with this NOA shall begin upon **1 July 2018**. Monitoring Reports shall be submitted to the Central Valley Water Board on a quarterly basis, beginning with the **Third Quarter 2018**. This report shall be submitted on **1 November 2018**. If the 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 3, 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

Sampling Frequency	Monitoring Period Begins On…	Quarterly Report Due Date
1/Day, 1/Week, 1/Month, 1/Quarter	1 July 2018	1 May (1 Jan – 31 Mar) 1 Aug (1 Apr – 30 Jun) 1 Nov (1 Jul – 30 Sep) 1 Feb, of following year (1 Oct – 31 Dec)

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

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: Marisela Peña. Ms. Peña can be reached at (916) 464-4826 or marisela.pena@waterboards.ca.gov.

We have transitioned to a paperless office, therefore, please convert all documents to a searchable Portable Document Format (pdf) and email them to centralvalleysacramento@waterboards.ca.gov. **Please include the following information in the email:** Attention: NPDES Compliance and Enforcement Unit; Discharger: CVIN, LLC; Facility: Borehole Seep Project; County: Nevada County; and the CIWQS place ID 813743 in the body of the email. 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". Please include the attached Monitoring Report Transmittal Form as the first page of each Monitoring Report.

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. Copies of the law and regulations applicable to filing petitions may be found on the internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

Original Signed by Patrick Pulupa

Patrick Pulupa
Executive Officer

Enclosures (3): Attachment A – Project Location Map
Attachment B – Rationale for Effluent Monitoring
Monitoring Report Transmittal Form (Discharger only)

cc: David Smith, U.S. EPA, Region IX, San Francisco (email only)
Afrooz Farsimadan, Division of Water Quality, State Water Board, Sacramento (email only)

ATTACHMENT A – PROJECT LOCATION MAP

ATTACHMENT B – RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

I. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

A. Effluent Monitoring

1. This NOA reduces the monitoring frequency for flow from continuous to once per quarter. The Central Valley Water Board finds that this frequency is sufficient to characterize the effluent.

2. Monitoring data submitted from 11 January 2015 to 21 December 2017 for biochemical oxygen demand, electrical conductivity, pH, settleable solids, total suspended solids, temperature, and total residual chlorine did not demonstrate reasonable potential to exceed water quality criteria. Thus, specific monitoring requirements for these parameters have not been retained from NOA R5-2013-0074-148.

3. Section II.B.2 of the Limitations and Discharge Requirements section of the Limited Threat General Order requires that dischargers submit new analytical results every 5 years for pollutants specified in Table I-1 of Attachment I. Based on the submitted NOI and effluent data between 11 January 2015 and 21 December 2017, the Project is a Tier 1A discharge that has no significant adverse impact on water quality. Therefore, in accordance with the SIP for low volume discharges where it has been determined there are no significant adverse impacts on water quality, the Central Valley Water Board has determined that the Project is exempt from periodic effluent characterization monitoring.