



Central Valley Regional Water Quality Control Board

3 May 2012

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Daniel J. Sholl, General Manager
California Sprouts, LLC
5640 Warehouse Way
Sacramento, CA 95819

NOTICE OF APPLICABILITY (NOA); LIMITED THREAT GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2008-0082 (GENERAL ORDER); CALIFORNIA SPROUTS, LLC, SACRAMENTO COUNTY

Our office received a Report of Waste Discharge application dated 25 January 2012 from the California Sprouts, LLC (hereinafter Discharger and Facility), for discharge of process water to surface water. Based on the application packet and subsequent information submitted by the Discharger, Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff has determined that the project meets the required conditions for approval under the General Order for Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water (Limited Threat General Order). This project is hereby assigned Limited Threat General Order R5-2008-0082-027 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995002. Please reference your Limited Threat General Order number, **R5-2008-0082-027**, in your correspondence and submitted documents.

The Limited Threat General Order shall become effective on **7 June 2012**, when the existing individual NPDES permit for the Facility, Order R5- 2005-0034 (NPDES No. CA0082961, originally issued to Pacific Coast Sprouts Farm) is rescinded by a separate action of the Central Valley Water Board at its regularly scheduled Board meeting. The second Quarter 2012 monitoring report required by Order R5-2005-0034 shall contain monitoring results through 7 June 2012, and is due by 1 August 2012.

The Limited Threat General Order is enclosed, and may also be viewed at the following web address:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2008-0082.pdf. You are urged to familiarize yourself with the contents of the entire document.

The Limited Threat General Order prescribes mandatory discharge monitoring and reporting requirements. The project activities shall be operated in accordance with the requirements contained in this NOA and the Limited Threat General Order.

PROJECT DESCRIPTION

The Discharger owns and operates a mung bean sprouts farm located at 5640 Warehouse Way in Sacramento. A location map is provided in Enclosure A, which is included as part of this NOA. The Facility produces 3.5 million pounds per year of organic mung bean sprouts. Supply water is provided by an on-site water supply well. The water is used to irrigate and cool the bean sprouts during the growing stage and to wash the bean sprouts upon completion of the growing cycle.

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA G. CREEDON P.E., BCCEE, EXECUTIVE OFFICER

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The Facility may generate up to 60,000 gallons per day (gpd) of flow through wastewater from irrigation and bean sprouts cooling. No chemicals are used in the growing process. A schematic of the process flow is included in Enclosure B, incorporated herein and made part of this NOA.

Wash water is produced during washing of equipment used for sprout growing. A small amount of chlorine is used during equipment cleaning. Therefore, all wash water is discharged directly to the City of Sacramento sanitary sewer.

Process water from growing sprouts is discharged into the City of Sacramento storm drain system. Waters in the storm drain system are collected in a sump and then pumped to an open storm drain channel that carries the discharge and other runoff within the drainage area approximately one to two miles prior to discharging to Morrison Creek, a water of the United States and a tributary to the Sacramento-San Joaquin Delta.

CALIFORNIA TOXIC RULE / STATE IMPLEMENTATION POLICY MONITORING

The Limited Threat General Order incorporates the requirements of the California Toxic Rule (CTR) and the State Water Resources Control Board's (State Water Board), *Policy for Implementation of Toxic 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 are found in Attachment B of the Limited Threat General Order. Review of the effluent water quality data in comparison to the CTR screening values, showed no reasonable potential for the discharge to cause or contribute to an exceedence of the CTR water quality objectives in Morrison Creek. Therefore, no screening level requirements for priority pollutants are included in this NOA.

EFFLUENT LIMITATIONS

Effluent limitations are specified in Section V. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS of the Limited Threat General Order. The following effluent limitations are applicable to this discharge and are contained in Section V. A and V. B of the Limited Threat General Order:

Effluent Limitations – Applicable to All Limited Threat Discharges

V.A.2. Acute Whole Effluent Toxicity. Survival of aquatic organisms in 96-hour bioassays of undiluted waste for all limited threat discharges shall be no less than:

- a. 70%, minimum for any one bioassay; and
- b. 90%, median for any three consecutive bioassays.

Effluent Limitations – Limited Threat Dischargers to Specific Waterbodies

V.B.4. The pH of all limited threat discharges within the Sacramento and San Joaquin River Basins (except Goose Creek) shall at all times be within the range of 6.5 and 8.5.

MONITORING AND REPORTING

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

Effluent Monitoring – The Discharger shall monitor the effluent as required in Table E-2 for Total Flow, Electrical Conductivity @ 25°C, pH, and Whole Effluent Toxicity. All effluent samples shall be collected prior to discharge at EFF-001 (from the last drain in the growing-room through which the process effluent can be admitted into the City of Sacramento storm drain system - as shown in Enclosure B, a part of this NOA)

Receiving Water Monitoring – None required.

Monitoring in accordance with the Limited Threat General Order shall begin on **7 June 2012**. Monitoring reports shall be submitted to the Central Valley Water Board on a quarterly basis, and shall begin with the third Quarter 2012 self-monitoring report (due by 1 November 2012), which will include monitoring required as of the effective date of this NOA. Quarterly self-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 or receiving water flow during the reporting quarter.

The lower section of the Morrison Creek from the storm drain toward the Delta has been identified as a Water Quality Limited Segment for diazinon, pentachlorophenol, pyrethroids and sediment toxicity in Clean Water Act 303(d) List of impaired water bodies. The Discharger reports that the Facility does not use any pesticides or organic chemicals in the Facility's operations that are expected to contribute to an increase in the diazinon, pentachlorophenol, pyrethroids or sediment concentration to the Morrison Creek. Therefore, no additional effluent limitations or monitoring requirements are added to this NOA.

SATISFACTION OF ANTI-BACKSLIDING REQUIREMENTS

The effluent limitations in this NOA are at least as stringent as the effluent limitations in the previous individual NPDES permit, Order R5-2005-0034, with the exception of limitations for BOD₅, Total Suspended Solids, Total Residual Chlorine, Arsenic, Fluoride, Nitrate (as N), and Electrical Conductivity.

The previous Order included effluent limits for BOD₅, Total Suspended Solids, Arsenic, Fluoride, Nitrate (as N), and Electrical Conductivity. Based on the Discharger's last five years of effluent monitoring data for these constituents, the discharge does not demonstrate reasonable potential to cause or contribute to an instream excursion of the applicable water quality objectives in the receiving water. All samples were well below the effluent limitations. Therefore, the effluent limits for BOD₅, Total Suspended Solids, Arsenic, Fluoride, Nitrate (as N), and Electrical Conductivity have not been included in this NOA.

The previous Order also included daily maximum and monthly average effluent limits for total chlorine residual. The Discharger no longer uses chlorine in the bean growing process. However, a small amount of chlorine is used during equipment cleaning. But all wash water from equipment cleaning is discharged directly to the City of Sacramento sanitary sewer. Therefore, no chlorine is discharged to surface water and based on the Discharger's last five years of effluent data, the discharge does not demonstrate reasonable potential to cause or contribute to an instream excursion of the applicable water quality objectives in the receiving water.

The less stringent requirements for BOD₅, Total Suspended Solids, Total Residual Chlorine, Arsenic, Fluoride, Nitrate (as N), and Electrical Conductivity are consistent with the federal antibacksliding regulations, because the new data represents new information that was not available at the time the previous Order was adopted. The removal of these effluent limits for the discharge is consistent with state and federal antibacksliding requirements and is also consistent

with the antidegradation provisions of 40 CFR 131.12. Any impact on existing water quality will be insignificant.

GENERAL INFORMATION AND REQUIREMENTS

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 billing 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. 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. When discharges do not occur during a quarterly monitoring period, the Discharger must still submit a quarterly monitoring report indicating that no discharge occurred to avoid being subject to enforcement actions.

COMMUNICATION

All monitoring reports submittals and questions regarding compliance and enforcement shall be directed to Lucio Orellana of the Central Valley Water Board's NPDES Compliance and Enforcement Unit. Mr. Orellana can be reached at (916) 464-4660 or at lorellana@waterboards.ca.gov.

Questions regarding the permitting aspects of your Limited Threat General Order, and written notification for termination of coverage under the Order, shall be directed to Mr. Anand Mamidi at (916) 464-4853 or at amamidi@waterboards.ca.gov.

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.

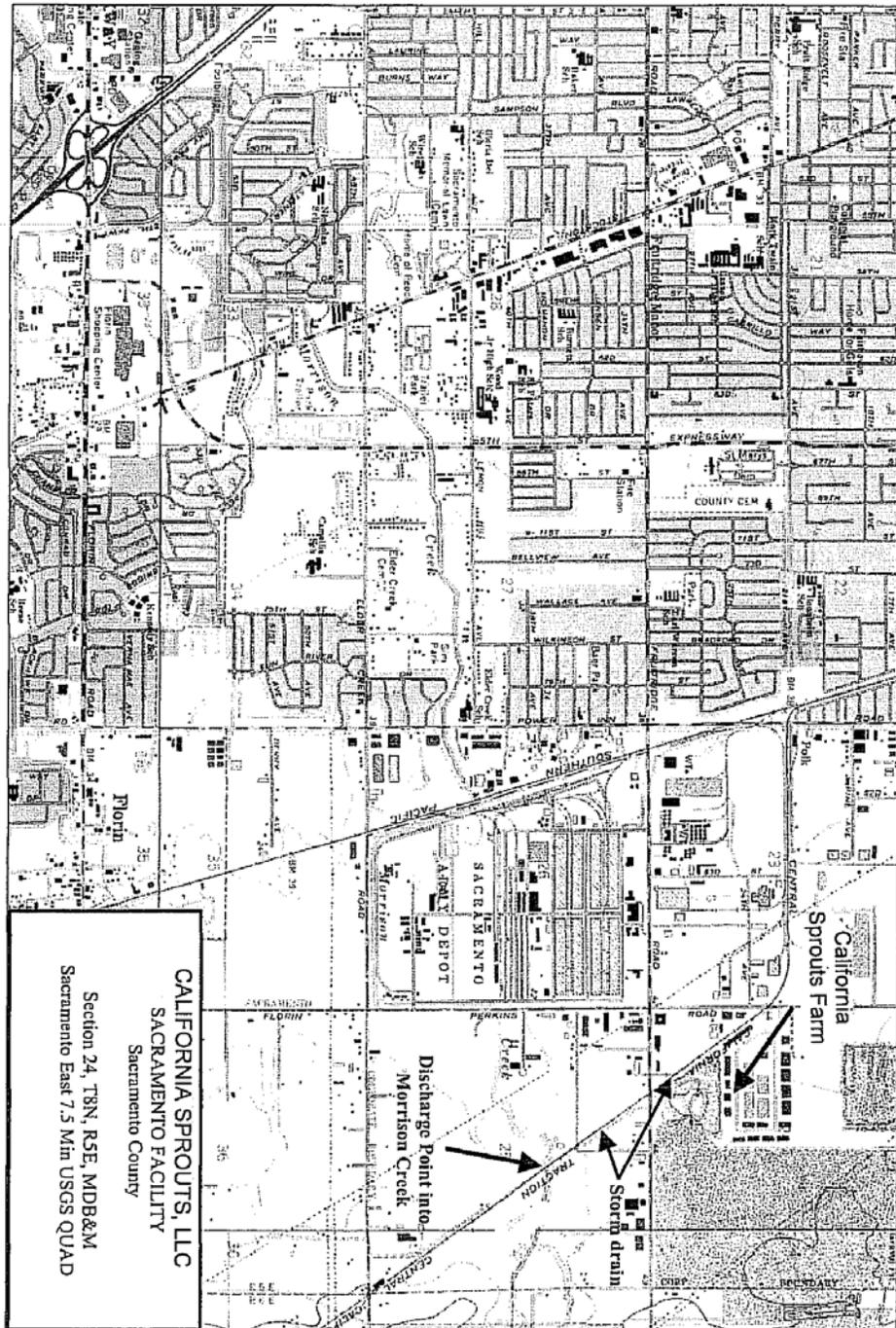
Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

Pamela C. Creedon
Executive Officer

Enclosure: General Order R5-2008-0082 (Discharger only)

cc: David Smith, U.S. Environmental Protection Agency, Region IX, San Francisco
Phil Isorena, Division of Water Quality, State Water Board, Sacramento

ENCLOSURE A – LOCATION MAP



ENCLOSURE B – FLOW SCHEMATIC

