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**ATTACHMENT F – FACT SHEET**

This Fact Sheet includes the legal basis and technical rationale for the Order’s waste discharge requirements. .

**I. PERMIT INFORMATION**

<b>WDID</b>	<b>3442009001</b>
<b>Discharger</b>	The CHY Company and Olive Springs Quarry, Inc.
<b>Name of Facility</b>	Olive Springs Quarry, Soquel
<b>Facility Address</b>	1399 Olive Springs Road
	Soquel, CA 95073
	Santa Cruz County
<b>Facility Contact, Title and Phone</b>	Gerry Harn, Manager (831) 475-1610
<b>Authorized Person to Sign and Submit Reports</b>	Jonathan Nelson, Manager (831) 475-1610
<b>Mailing Address</b>	P.O. Box 747, Soquel, CA 95073
<b>Billing Address</b>	P.O. Box 747, Soquel, CA 95073
<b>Type of Facility</b>	NAICS Code 212313 – Crushed and Broken Granite Mining and Quarrying
<b>Threat to Water Quality</b>	3
<b>Complexity</b>	A
<b>Pretreatment Program</b>	None
<b>Reclamation Requirements</b>	None
<b>Facility Permitted Flow</b>	None
<b>Facility Design Flow</b>	<u>Discharge Point 002</u> : From 2000 – 2002, discharges of process wastewater occurred 3 to 4 days per year at approximately 0.03 million gallons per day (mgd). No discharges from Discharge Point 002 were reported in 2003 and 2004.
<b>Watershed</b>	Soquel Creek Watershed
<b>Receiving Water</b>	Soquel Creek
<b>Receiving Water Type</b>	Inland Freshwater

Olive Springs Quarry, Inc. (hereinafter Discharger) is the operator of the Olive Springs Quarry, a granite rock quarry and processing facility located on land leased from Setzer Forest Products, Inc. The facility discharges wastewater to Soquel Creek, a water of the United States, and is currently regulated by Order No. 00-013, which was adopted on May 19, 2000 and expired on May 19, 2005.

The Discharger filed a Report of Waste Discharge and submitted an application for renewal of its Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permit in February 2005. Tetra-Tech staff, on behalf of the Regional Board, conducted a site visit on September 13, 2004, to observe operations and collect data to develop permit limitations and conditions.

**II. FACILITY DESCRIPTION**

**A. Description of Wastewater Treatment or Controls**

Olive Springs Quarry is a granite quarry and processing facility, which consists of three parcels of land leased from Setzer Forest Products, Inc. Leasehold 1 is on the facility’s western side and includes the granite quarry and processing areas (rock sorter, rock washer, asphalt batch plant, truckbed wash rack, and associated structures and processes). The Discharger uses no explosives. The Discharger has

disturbed no land and conducts no industrial activity on Leasehold 2, which is between Leaseholds 1 and 3. Leasehold 3, comprising approximately 15 acres, is in the facility's southwestern portion and includes the office, weigh station, and a large field used for stockpiling fill material.

Wash plant and asphalt plant process wastewater and storm water from the processing area, flow to a settling pond, from which clarified water is recycled. The Discharger uses a polymer to enhance separation and enable recycling of process water. Solids are dredged from the settling pond approximately every other month and are used offsite by providers of "bagged" soil.

Storm water from the quarry area and a 2 gallons per minute (gpm) groundwater seep from the quarry's exposed wall ) flow to Pond A (with approximately 211,000 cubic feet of capacity), the first of three storm water detention ponds on the Leasehold 1 area. Pond A overflows into Pond B (with approximately 240,000 cubic feet of capacity) through an elevation control pipe; and overflow from Pond B enters Pond C, where it is recycled to the quarry's processing area. During storm events, Pond B can discharge directly to Soquel Creek at Discharge Point 001. Discharges from Pond B occur through a siphon so discharges continue until the surface elevation of Pond B falls to 10 – 15 feet below the elevation of the outlet pipe.

Pond C, with a design capacity of 110,000 cubic feet, receives overflow/clarified water from Pond B and from the settling pond that serves the quarry's processing area. Water is either recycled from Pond C, or, during significant storm events, it overflows to Soquel Creek through Discharge Point 002. When makeup water is needed for processing, it is pumped from Soquel Creek into Pond C.

The Discharger constructed three ponds in Leasehold 3 to collect and clarify storm water from unpaved areas used to stockpile fill and other unprocessed material. Two ponds discharge (Discharge Points 003 and 004) to a drainage ditch that follows Olive Springs Road and flows to Soquel Creek. The third pond (Discharge Point 005) discharges to a 24-inch culvert that flows directly to Soquel Creek. The ponds have 2 to 3-foot berms constructed of ¾ inch washed granite, which retain storm water to allow settling and filtration before discharge. Provisions of Industrial Activities Storm Water General Permit No. 97-03 DWQ regulate storm water discharges from Discharge Points Nos. 001, 003, 004, and 005.

The Discharger periodically removes the berms and returns them to the processing area to remove filtered and settled solids. Upgradient to the Leasehold 3 area is a 44-acre residential development, which is surrounded by drainage ditches. During significant storm events, these drainage ditches can overflow onto Leasehold 3. Stockpiles on the Leasehold 3 area are maintained with vegetative cover.

Due to extensive recycling of process water, no discharges occurred from Discharge Point 002 in 2003 and 2004; between 2000 and 2002, discharges of process wastewater occurred 3 to 4 days per year at approximately 0.03 mgd.

On-site storm water collection and control facilities are designed to retain runoff from a 50-year, 2-hour storm event, in accordance with applicable mining regulations of the Santa Cruz County Code at Chapter 16.54.

## B. Discharge Points and Receiving Waters

Discharge Point	Discharge Location	Description
001	37° 03' 45" N latitude 121° 55' 15" W longitude	Discharge of storm water runoff from the Leasehold 1 area from Pond B to Soquel Creek.
002	37° 03' 30" N latitude 121° 55' 15" W longitude	Discharge of process wastewater and storm water from Pond C to Soquel Creek.
003	37° 03' 15" N latitude 121° 55' 15" W longitude	Discharge of storm water from the southernmost detention pond on the Leasehold 3 area (Detention Pond 1) to a drainage ditch adjacent to Olive Springs Road. Ultimate discharge is to Soquel Creek.

Discharge Point	Discharge Location	Description
004	37° 03' 15" N latitude 121° 55' 15" W longitude	Discharge of storm water from Detention Pond 2 on the Leasehold 3 area to a drainage ditch adjacent to Olive Springs Road. Ultimate discharge is to Soquel Creek.
005	37° 03' 15" N latitude 121° 55' 15" W longitude	Discharge of storm water from the northernmost detention pond on the Leasehold 3 area (Detention Pond 3) to a 24 inch culvert that discharges directly to Soquel Creek.

Soquel Creek flows through the Big Basin Hydrologic Unit (HU) and ultimately discharges to the Pacific Ocean. Direct discharges from the facility to the creek occur through Discharge Points 001, 002, and 005. Stormwater from Discharge Points 003 and 004 is discharged to a drainage ditch adjacent to Olive Springs Road that flows to Soquel Creek.

On the opposite (east) side of Soquel Creek from the facility, natural earth/rock slides are common and can significantly change receiving water quality.

### C. Summary of Existing Requirements and Self-Monitoring Report (SMR) Data

**1. Effluent Limitations.** Order No. 00-013 included the following numeric effluent limitations for Discharge Point 002. Order No. 00-013 requires the Discharger to reduce pollutants in storm water discharges at Discharge Points 001, 003, 004, and 005 by implementing Best Management Practices described in a Storm Water Pollution Prevention Plan (SWPPP).

Constituent	Units	Effluent Limitation		
		Monthly Average	4-Day Average	Maximum Daily
TSS	mg/L	-	-	50
Settleable Solids	mL/L/hr	0.3	-	-
Aluminum	mg/L	-	-	1.0
Arsenic	mg/L	-	-	0.05
Barium	mg/L	-	-	1.0
Cadmium	mg/L	-	0.0004	-
Total Chromium	mg/L	-	0.05	-
Copper	mg/L	-	0.01	-
Lead	mg/L	-	0.03	-
Mercury	mg/L	-	0.0002	-
Nickel	mg/L	-	0.1	-
Selenium	mg/L	-	0.01	-
Silver	mg/L	-	-	0.0041
Zinc	mg/L	-	0.004	-
Acute Toxicity	Percent Survival	-	-	-
Chronic Toxicity	TUc	-	-	-

### 2. Receiving Water Limitations

Order No. 00-013 required discharges from Discharge Point 002 not cause or contribute to exceedances of the following Receiving Water Limitations.

Constituent	Receiving Water Limitation
Taste and odor producing substances	Discharges shall not impart undesirable tastes and odors to edible products of aquatic origin, cause nuisance, or adversely affect beneficial uses.

Floating material	Discharges shall not cause nuisance or adversely affect beneficial uses.
Suspended material	Discharges shall not cause nuisance or adversely affect beneficial uses.
Settleable material	Discharges shall not cause deposition that results in nuisance or adversely affect beneficial uses.
Oils, grease, and waxes	Discharges shall not: cause a visible film on the water or coatings on objects in the water, cause nuisance or, adversely affect beneficial uses.
Biostimulatory substances	Discharges shall not promote aquatic growth that causes nuisance or adversely affects beneficial uses.
Suspended sediment	Discharges shall not alter sediment loading so as to cause nuisance or adversely affect beneficial uses.
Turbidity	Discharges shall not increase turbidity: <ul style="list-style-type: none"> <li>• 5 NTU, where natural turbidity is less than 25 NTU;</li> <li>• 20 %, where natural turbidity is between 25 and 50 NTU;</li> <li>• 10 NTU, where natural turbidity is between 50 and 100 NTU;</li> <li>• 10 %, where natural turbidity is greater than 100 NTU.</li> </ul>
Radionuclides	Discharges shall not cause conditions deleterious to human, plant, animal, or aquatic life, or result in accumulation of radionuclides in the food web.
Temperature	Temperature shall not be increased more than 5° F.
Dissolved oxygen	Discharges shall not reduce dissolved oxygen below 7.0 mg/L.
pH	Discharges shall not depress pH below 7.0, nor raise pH above 8.3, nor cause pH to change more than 0.5 units from ambient conditions.

#### D. Compliance Summary

##### 1. Effluent Compliance

From 2000 through 2004, the Discharger reported 10 periods of process wastewater discharge from Discharge Point 002. Seven effluent samples were collected during discharge events and analyzed for conventional parameters with the following results.

##### Effluent Characterization - Discharge Point 002, 2000 – 2004

Constituent	Units	Mean Concentration	Maximum Concentration
Turbidity	NTU	21	33
TSS	mg/L	17	32
Settleable Solids	ml/L	0.1	0.2
pH	pH units	6.5 - 7.7	

TSS and settleable solids in discharges from Discharge Point 002 were consistently within numeric effluent limitations established by Order No. 00-013.

During the term of Order No. 00-013, recirculating process water from Pond C was also sampled and analyzed for metals and toxicity; however, these samples were not collected during periods of discharge and results are not reported here.

During the term of Order No. 00-013, storm water discharges from Discharge Points 001, 003, 004, and 005 were sampled 94 times and analyzed for conventional parameters with the following results. These data are presented to characterize storm water discharges, as Order No. 00-013 did not establish numeric effluent limitations for storm water discharges.

**Storm Water Characterization - Discharge Points 001, 003 – 005, 2000 - 2004**

Constituent	Units	Mean Concentration 001	Mean Concentration 003 - 005	Maximum Concentration
Turbidity	NTU	35	78	254
TSS	mg/L	22	43	190
Settleable Solids	ml/L	< 0.1	0.09	< 0.4
pH	pH units	6.2 - 7.8		

**2. Receiving Water Compliance**

During the term of Order No. 00-013, the Discharger collected samples at the following 5 receiving water locations.

Monitoring Location	No. of Samples	Description
S1	15	The most upstream monitoring location, upstream of Discharge Point 001.
S2	1	Downstream of Discharge Point 001.
S3	7	Upstream of Discharge Point 002 and downstream of S2.
S4	4	Downstream of Discharge Point 002.
S5	12	The most downstream monitoring station, downstream of S4.

The following table summarizes receiving water data generated during the term of Order No. 00-013.

Monitoring Station	Constituent Concentration				
	S1	S2	S3	S4	S5
Dissolved Oxygen – mg/L					
mean	9.6	9.3	10.1	11.3	9.8
minimum	7.6	9.3	8.6	10.8	8.7
Turbidity – NTU					
mean	737	2600	184	215	277
maximum	2700	2600	280	270	780
TSS – mg/L					
mean	1560	7440	380	210	630
maximum	6520	7440	990	290	1620
Settleable solids – ml/L					
mean	2.6	4.5	0.6	0.2	1.2
maximum	8.5	4.5	2.0	0.3	3.1
pH	6.9 – 8.8	8.0	7.5 – 8.0	7.7 – 8.2	7.7 – 8.2
Temperature - ° F	37 - 52	52	37 - 48	37 - 48	39 - 48

The Discharger's Self Monitoring Reports do not indicate if receiving water samples were collected during periods of discharge or otherwise.

As noted previously, natural earth/rock slides occur frequently on the east side of Soquel Creek. Generally, the slides occur just upstream of receiving water Monitoring Locations S2 and S5 and just downstream of S1, and cause elevated levels of suspended and settleable solids and turbidity in the creek.

**E. Planned Changes**

The Discharger reports no planned changes to the facility during the term of Order no. R3-2005-0057

**III. APPLICABLE PLANS, POLICIES, AND REGULATIONS**

The requirements contained in the proposed Order are based on the requirements and authorities described in this section.

**A. Legal Authorities**

This Order is issued pursuant to Section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (U.S. EPA) and Chapter 5.5, Division 7 of the California Water Code (CWC). It shall serve as an NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements pursuant to CWC Article 4, Chapter 4 for discharges to waters of the State.

**B. California Environmental Quality Act (CEQA)**

This action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21100, et seq.) in accordance with CWC section 13389.

**C. State and Federal Regulations, Policies, and Plans**

**1. Water Quality Control Plans**

The Regional Board adopted a *Water Quality Control Plan for the Central Coast Region* (hereinafter the Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the Basin Plan. Beneficial uses applicable to Soquel Creek are as follows.

Discharge Point	Receiving Water	Beneficial Uses
001 - 005	Soquel Creek	MUN - Municipal and Domestic Supply AG - Agricultural Supply IND - Industrial Service Supply GWR - Ground Water Recharge REC-1 – Water Contact Recreation REC-2 - Non-Contact Water Recreation WILD - Wildlife Habitat COLD - Cold Fresh Water Habitat MIGR - Migration of Aquatic Organisms SPWN - Spawning, Reproduction, and/or Early Development BIOL - Preservation of Biological Habitats of Special Significance FRSH - Freshwater replenishment COMM - Commercial and Sport Fishing

Groundwater throughout the Central Coastal Basin is suitable for agricultural water supply, municipal and domestic supply, and industrial use.



## **2. Thermal Plan**

The State Board adopted a *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California* (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. The Thermal Plan contains temperature objectives for inland surface waters, which are applicable to the Discharger. The general objective for temperature from the Basin Plan's Section II.A.2.a is more limiting, however, and is included as a receiving water limitation in the Order.

## **3. National Toxics Rule (NTR) and California Toxics Rule (CTR)**

U.S. EPA promulgated the NTR on December 22, 1992 and amended it on May 4, 1995 and November 9, 1999. U.S. EPA promulgated the CTR on May 18, 2000 and amended it on February 13, 2001. The CTR includes water quality criteria for the priority, toxic pollutants and applies to this discharge.

## **4. State Implementation Policy**

On March 2, 2000, the State Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP establishes procedures to implement NTR, CTR and Basin Plan water quality objectives. The SIP requires Dischargers to submit sufficient data for use in SIP procedures to determine the need for and calculate Water Quality-Based Effluent Limitations WQBELs, when necessary. With respect to the priority pollutant criteria promulgated for California by the U.S. EPA through the NTR, the SIP became effective on April 28, 2000; and with respect to the priority pollutant criteria promulgated for California by the U.S. EPA through the CTR, the SIP became effective on May 18, 2000.

## **5. Anti-Degradation Policy**

40CFR131.12 requires State water quality standards include an anti-degradation policy consistent with the federal policy. The State Board established California's anti-degradation policy in State Board Resolution 68-16, which incorporates the requirements of the federal anti-degradation policy. Resolution 68-16 requires existing quality of waters be maintained unless degradation is justified based on specific findings. The permitted discharge is consistent with the anti-degradation provision of 40CFR131.12 and State Board Resolution 68-16.

## **6. Anti-Backsliding Requirements**

CWA sections 402(o)(2) and 303(d)(4) and NPDES regulations at 40CFR122.44 (l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed.

## **7. Monitoring and Reporting Requirements**

40CFR122.48 requires all NPDES permits to specify requirements for recording and reporting monitoring results. CWC Sections 13267 and 13383 authorize the regional boards to require technical and monitoring reports. The Monitoring and Reporting Program (Attachment E of this Order) establishes monitoring and reporting requirements to implement federal and State requirements.

## **D. Impaired Water Bodies on CWA 303 (d) List**

On June 5 and July 25, 2003, the U.S. EPA approved the list of impaired water bodies, prepared by the State Board pursuant to Section 303 (d) of the CWA – those water bodies not expected to meet applicable water quality standards after implementation of technology-based effluent limitations for point sources. Soquel Creek is not included as an impaired water body on the 303 (d) list.

## **IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS**

To protect beneficial uses of waters of the United States, the CWA requires dischargers of wastewater from point sources to reduce the amount of conventional, nonconventional, and toxic pollutants in the

discharges. Effluent limitations and other waste discharge requirements in NPDES permits govern the discharge of pollutants to surface waters. There are two principal bases for effluent limitations. First, 40 CFR 122.44 (a) requires permits include applicable technology-based limitations and standards. Second, 40 CFR 122.44 (d) requires permits include WQBELs to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water. Where numeric water quality objectives have not been established, 40CFR22.44(d) specifies that WQBELs may be established using U.S. EPA criteria guidance under CWA Section 304 (a), proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information, or an indicator parameter.

## A. Discharge Prohibitions

In accordance with CWC section 13243, the Regional Board, in the Basin Plan or in Waste Discharge Requirements Orders, may specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted. Following is a summary of discharge prohibitions established by the Order and the rationale for each prohibition.

1. **Discharge Prohibition III. A; i.e. no discharge to locations except as described in the Order.** This Prohibition is retained from the previous Order and is based on the CWA and implementing regulations, which require an NPDES permit for the discharge of pollutants from any discrete location.
2. **Discharge Prohibition III. B; i.e. no discharge of wastes except as described in the Order.** The Prohibition is retained from the previous Order. As described by State Board Order WQO 2002-0012, it is an appropriate prohibition, as the CWA requires enforcement of all water quality standards including those not expressed as effluent limitations.
3. **Discharge Prohibition III. C: i.e. no discharge of fuels, greases or oils.** The Prohibition is retained from the previous Order.
3. **Discharge Prohibition III. D; i.e. no bypass of the treatment system and subsequent discharge to Soquel Creek.** This Prohibition is retained from the previous Order, is required by the Basin Plan and is consistent with Standard Provision No. 7 (Attachment D).
4. **Discharge Prohibition III. E; i.e. no creation of pollution, contamination or nuisance.** This Prohibition is retained from the previous Order and is based on CWC section 13050.
5. **Discharge Prohibition III. F; i.e. no adverse impacts to beneficial uses or threatened or endangered species.** This Prohibition is retained from the previous Order and is based on the Basin Plan, which, in accordance with CWC section 13241, must include water quality objectives to ensure the reasonable protection of beneficial uses and the prevention of nuisance.
6. **Discharge Prohibition III. G; i.e. no discharge of radioactive substances.** This prohibition is retained from the previous Order.

## B. Technology-Based Effluent Limitations

### 1. Scope and Authority

The CWA requires that technology-based effluent limitations be established based on several levels of controls:

- Best practicable treatment control technology (BPT) is based on the average of the best performance by plants within an industrial category or subcategory. BPT standards apply to toxic, conventional, and nonconventional pollutants.
- Best available technology economically achievable (BAT) represents the best existing performance of treatment technologies that are economically achievable within an industrial point source category. BAT standards apply to toxic and nonconventional pollutants.

- Best conventional pollutant control technology (BCT) is a standard for the control from existing industrial point sources of conventional pollutants including BOD, TSS, fecal coliform, pH, and oil and grease. The BCT standard is established after considering the “cost reasonableness” of the relationship between the cost of attaining a reduction in effluent discharge and the benefits that would result, and also the cost effectiveness of additional industrial treatment beyond BPT.
- New source performance standards (NSPS) that represent the best available demonstrated control technology standards. The intent of NSPS guidelines is to set limitations that represent state-of-the-art treatment technology for new sources.

The CWA requires U.S. EPA to develop effluent limitations, guidelines and standards (ELGs) representing application of BPT, BCT, BAT, and NSPS. CWA Section 402 (a) (1) and NPDES regulations at 40 CFR 125.3 authorize the use of best professional judgment (BPJ) to derive technology-based effluent limitations on a case-by-case basis where ELGs are not available for certain industrial categories and/or pollutants of concern. Where BPJ is used, the permit writer must consider specific factors specified at 40 CFR 125.3.

**2. Applicable Technology-Based Effluent Limitations**

At 40 CFR 436.20, ELGs have been established for the Crushed Stone Subcategory of the Mineral Mining and Processing Point Source Category. These guidelines require only that discharges of process wastewater be within the range of 6.0 to 9.0 and that mine dewatering discharges (water removed from the mine through the efforts of the mine operator) also be within the range of 6.0 to 9.0.

Additional technology-based effluent limitations of Order No. R3-2005-0057 and previous Orders have been established using BPJ. The following technology-based limitations, applicable to Discharge Point 002, for total suspended solids (TSS) and settleable solids are retained from Order No. 00-013. A pH limitation has been added to comply with the ELGs at 40 CFR 436.20.

**Summary of Technology-Based Effluent Limitations (Discharge Point 002)**

Pollutant	Units	Effluent Limitation	
		Daily Maximum	30-Day Average
pH	pH units	6.0 – 9.0 <sup>1</sup>	
TSS	mg/L	50	-
Settleable Solids	mL/L	-	0.3

**C. Water Quality-Based Effluent Limitations (WQBELs)**

**1. Scope and Authority**

Regulations at 40 CFR 122.44 (d) (1) (i), require permits to include WQBELs for pollutants (including toxicity) that are or may be discharged at levels that cause, have reasonable potential to cause, or contribute to an excursion above any State water quality objective. The process for determining reasonable potential and calculating WQBELs, when necessary, is intended to protect the designated uses of the receiving water as specified in the Basin Plan, and achieve applicable water quality objectives and criteria included in other state plans and policies, or water quality criteria contained in the CTR and NTR.

Order No. R3-2005-0057 includes WQBELs for aluminum, arsenic, barium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, zinc, and acute toxicity. Each of these constituents were also limited by Order No. 00-013. As discussed below, Order No. R3-2005-0057 does not retain the chronic toxicity limitation of the previous Order

**2. Applicable Beneficial Uses and Water Quality Criteria and Objectives**

Beneficial uses for Soquel Creek, established by the Basin Plan are:

- municipal and domestic supply
- agricultural water supply
- industrial service supply
- ground water recharge
- water contact recreation
- non-contact water recreation
- wildlife habitat
- cold fresh water habitat
- migration of aquatic organisms
- spawning, reproduction, and/or early development
- preservation of biological habitats of special significance
- freshwater replenishment
- commercial and sport fishing

Applicable water quality criteria for the protection of these beneficial uses are included in the Basin Plan, the NTR, and the CTR and include the following:

- Water quality criteria for the protection of aquatic life and human health for 126 priority, toxic pollutants established by the NTR and the CTR and described at 40 CFR 131.38.
- General objectives for all inland surface waters, established by Section II.A.2 of the Basin Plan.
- Specific objectives for inland surface waters established by Section II.A.2 of the Basin Plan for the protection of municipal and domestic water supplies. These criteria include the primary maximum contaminant levels for inorganic and organic chemicals presented in Tables 64431-A and 64444-A, respectively, of the California Code of Regulations Title 22, Division 4, Chapter 15.
- Specific objectives for inland surface waters established by Section II.A.2 of the Basin Plan for the protection of agricultural water supplies, including those presented in Tables 3-3 and 3-4 of the Basin Plan.
- Specific objectives for inland surface waters established by Section II.A.2 of the Basin Plan for the protection of water contact and non-contact water recreation.
- Specific objectives for inland surface waters established by Section II.A.2 of the Basin Plan for the protection of cold freshwater habitat and fish migration and spawning, including those presented in Tables 3-5 of the Basin Plan.

### **3. Determining the Need for WQBELs**

To determine whether a pollutant is or may be discharged at a level that will cause, have the reasonable potential to cause, or contribute to an in-stream excursion above a State water quality standard and then, if required, to develop specific effluent limitations for pollutants with applicable water quality criteria from the NTR, the CTR, or the Basin Plan, the Regional Board uses methodology from the SIP. The SIP requires the Regional Board to identify applicable water quality criteria and objectives and to use all available and representative data to perform a reasonable potential analysis (RPA).

During the term of Order No. 00-013, no (process wastewater) effluent samples were collected at Discharge Point 002 and analyzed for the toxic, priority pollutants; and therefore, no data is available for use in an RPA.

As described in II.C.1, above, Order No. 00-013 included either 4-day average or maximum daily effluent limitations for aluminum, arsenic, barium, cadmium, chromium, copper, lead, mercury,

nickel, selenium, silver, and zinc. In accordance with anti-backsliding provisions of the CWA [Sections 402 (o) (2) and 303 (d) (4)] and NPDES regulations at 40 CFR 122.44 (l), limitations for these metals are being retained in the re-issued permit. The Regional Board has re-calculated effluent limitations for these metals based on SIP methods to ensure Order No. R3-2005-0057's effluent limitations comply with applicable water quality criteria and objectives and thereby protect Soquel Creek's beneficial uses.

#### 4. WQBEL Calculations

The most stringent applicable water quality criteria for aluminum, arsenic, barium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, and zinc are presented in the following table.

Constituent	Most Stringent Water Quality Criteria	Source of Water Quality Criteria
Aluminum	1.0 mg/L	Title 22 MCL, a chronic human health criterion
Arsenic	50 µg/L	Title 22 MCL, a chronic human health criterion
Barium	1.0 mg/L	Title 22 MCL, a chronic human health criterion
Cadmium	0.4 µg/L	Basin Plan, a chronic aquatic life criterion for protection of fish spawning
Chromium (6)	11 and 16 µg/L	CTR chronic and acute criteria for protection of aquatic life
Copper	9.3 and 14 µg/L	CTR chronic and acute criteria for protection of aquatic life
Lead	3.2 and 82 µg/L	CTR chronic and acute criteria for protection of aquatic life
Mercury	0.05 µg/L	CTR chronic criterion for protection of human health
Nickel	52 and 470 µg/L	CTR chronic and acute criteria for protection of aquatic life
Selenium	20 µg/L	Basin Plan Table 3-4, chronic criterion for protection of irrigation supply water
Silver	4.1 µg/L	CTR acute criterion for protection of aquatic life
Zinc	4.0 µg/L	Basin Plan Table 3-5, chronic criterion for the protection of cold water aquatic life habitat

- ❑ For each water quality criterion/objective, an effluent concentration allowance (ECA) is calculated from the following equation to account for dilution and background levels of each pollutant.  

$$ECA = C + D(C - B) \dots$$
 where C is the water quality criterion, D is the dilution credit, and B is the ambient background concentration. Because no credit for dilution of the discharge by the receiving water is being allowed, D equals 0, and the ECA for each pollutant equals C.
- ❑ When the most stringent water quality criterion/objective is a human health criterion/objective (aluminum, arsenic, barium, mercury, and selenium), the average monthly effluent limitation (AMEL) is set equal to the ECA, and the maximum daily effluent limitation (MDEL) is calculated by multiplying the ECA times the ratio of the MDEL multiplier to the AMEL multiplier from Table 2 of the SIP.
- ❑ From Table 2 of the SIP, when CV = 0.6 (the default value when there are less than 10 data points in the data set) and n = 4 (the default value when the sampling frequency is monthly or less), the MDEL multiplier at the 99th percentile occurrence probability equals 3.11, and the AMEL multiplier at the 95th percentile occurrence probability equals 1.55.

WQBELs for aluminum, arsenic, barium, mercury, and selenium, based on methodology of the SIP, are determined as follows.

Pollutant	ECA	MDEL/AMEL Multiplier	AMEL	MDEL
Aluminum	1.0 mg/L	2.01	1.0 mg/L	2.0 mg/L
Arsenic	50 µg/L	2.01	50 µg/L	100 µg/L
Barium	1.0 mg/L	2.01	1.0 mg/L	2.0 mg/L
Mercury	0.05 µg/L	2.01	0.05 µg/L	0.1 µg/L
Selenium	20 µg/L	2.01	20 µg/L	40 µg/L

- When the most stringent applicable water quality criterion is established for the protection of aquatic life (cadmium, chromium, copper, lead, nickel, silver, and zinc), a long term average concentration (LTA) is determined by multiplying the ECA times a factor (a multiplier) to account for effluent variability. The LTA is a target of treatment performance.
- From Table 1 of the SIP, the ECA multipliers for calculating LTAs at the 99<sup>th</sup> percentile occurrence probability are 0.321 (acute multiplier) and 0.527 (chronic multiplier). LTAs are calculated as follows.

	ECA		ECA Multiplier		LTA (µg/L)	
	Acute	Chronic	Acute	Chronic	Acute	Chronic
Cadmium	-	0.4 µg/L	0.321	0.527	-	0.21
Chromium (6)	16 µg/L	11 µg/L	0.321	0.527	5.14	5.8
Copper	14 µg/L	9.3 µg/L	0.321	0.527	4.5	4.9
Lead	82 µg/L	3.2 µg/L	0.321	0.527	26	1.69
Nickel	470 µg/L	52 µg/L	0.321	0.527	151	27
Silver	4.1 µg/L	-	0.321	0.527	1.3	-
Zinc	-	4.0 µg/L	0.321	0.527	-	2.1

- AMELs and MDELs are calculated by multiplying the most limiting LTA for each pollutant times a multiplier that accounts for averaging periods and exceedance frequencies of the effluent limitations, and for the AMEL, the effluent monitoring frequency. Here, the CV was set equal to 0.6 (CV = 0.6) and the sampling frequency was set equal to 4 (n = 4). A 99<sup>th</sup> percentile occurrence probability was used to determine the MDEL multiplier and a 95<sup>th</sup> percentile occurrence probability was used to determine the AMEL multiplier. From Table 2 of the SIP, the MDEL multiplier is 3.11, and the AMEL multiplier is 1.55. Final WQBELs are determined as follows.

	LTA	MDEL Multiplier	AMEL Multiplier	MDEL (µg/L)	AMEL (µg/L)
Cadmium	0.21	3.11	1.55	0.65	0.33
Chromium	5.14	3.11	1.55	16	8.0
Copper	4.5	3.11	1.55	14	7.0
Lead	1.69	3.11	1.55	5.3	2.6
Nickel	27	3.11	1.55	84	42
Silver	1.3	3.11	1.55	4.0	2.0
Zinc	2.1	3.11	1.55	6.5	3.3

## 5. Whole Effluent Toxicity (WET)

Whole effluent toxicity (WET) limitations protect receiving water quality from the aggregate toxic effect of a mixture of pollutants in the effluent. WET tests measure the degree of response of exposed aquatic test organisms to an effluent. The WET approach allows for protection of the narrative “no toxics in toxic amounts” criterion while implementing numeric criteria for toxicity. There are two types of WET tests - acute and chronic. An acute toxicity test is conducted over a short time period and measures mortality. A chronic toxicity test is conducted over a longer period of time and may measure mortality, reproduction, and growth.

The Basin Plan specifies a narrative objective for toxicity, requiring that all waters be maintained free of toxic substances in concentrations that are toxic to, or which produce detrimental physiological responses in human, plant, animal, or aquatic life. Survival of aquatic life in surface waters subjected to a waste discharge or other controllable water quality conditions shall not be less than that for the same water body in areas unaffected by the waste discharge or for another control water.

Section 4.0 of the Basin Plan requires a chronic toxicity limitation for all discharges that will cause, have the reasonable potential to cause, or contribute to chronic toxicity in receiving waters; and Order No. 00-013 included effluent limitations for both acute and chronic toxicity. Because discharges from this facility occur infrequently and for short duration, Order No. R3-2005-0057 is retaining only the acute limitation of the previous Order, as a chronic limitation is not meaningful (i.e., the discharge will not cause, have the reasonable potential to cause, or contribute to chronic toxicity in receiving waters) and is not practical in such circumstances. Section 8.3.2 of the chronic WET methods manual (*Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, Fourth Edition, October 2002, EPA-821-R-02-013) states that when “tests are conducted off-site, a minimum of three samples are collected. If these samples are collected on Test Days 1, 3, and 5, the first sample would be used for test initiation, and for test solution renewal on Day 2. The second sample would be used for test solution renewal on Days 3 and 4. The third sample would be used for test solution renewal on Days 5, 6, and 7.” Here, because the Discharger is expected to discharge for periods of only 3 – 4 days or less, the chronic WET test methods are likely inapplicable. Moreover, the short expected duration of any discharges diminishes the discharge’s potential chronic effects. The Discharger’s continuing efforts to close the process water circuit at the Olive Springs Quarry have resulted in discharges that occur less and less frequently and for shorter durations – discharges too infrequent and too short to cause, have the reasonable potential to cause, or contribute to chronic toxicity in the receiving water. Regional Board staff views such efforts as resulting in a material alteration at the permitted facility that has occurred since a chronic toxicity limitation was first included in the facility’s discharge permit. Therefore, the removal of the chronic toxicity effluent limitation from the proposed Order does not conflict with the CWA’s anti-backsliding provisions.

Proposed Order No. R3-2005-0057 includes an acute toxicity limitation that requires survival of test organisms exposed to 100 percent effluent to not be significantly reduced, as determined by a t-test, when compared to the survival of control organisms. The Discharger must maintain a Toxicity Reduction Evaluation (TRE) Workplan, which describes steps that the Discharger intends to follow in the event that acute toxicity is detected in the discharge to Soquel Creek. When monitoring measures acute toxicity in the effluent above the limitation established by the Order, the Discharger must resample, if the discharge is continuing, and retest for acute toxicity. The Executive Officer will then determine whether to initiate enforcement action, whether to require the Discharger to implement a Toxicity Reduction Evaluation, or to implement other measures.

**D. Final Effluent Limitations**

The following table summarizes the technology based and water quality based numeric effluent limitations established for Discharge Point 002 by proposed Order No. R3-2005-0057

Constituent	Units	Effluent Limitation	
		Average Monthly	Daily Maximum

Constituent	Units	Effluent Limitation	
		Average Monthly	Daily Maximum
pH	pH units	6.0 – 9.0	
TSS	mg/L	-	50
Settleable Solids	mL/L	0.3	-
Aluminum	mg/L	1.0	2.0
Arsenic	µg/L	50	100
Barium	mg/L	1.0	2.0
Cadmium	µg/L	0.3	0.7
Chromium	µg/L	8.0	16
Copper	µg/L	7.0	14
Lead	µg/L	2.6	5.3
Mercury	µg/L	0.05	0.1
Nickel	µg/L	42	84
Selenium	µg/L	20	40
Silver	µg/L	2.0	4.0
Zinc	µg/L	3.3	6.5
Acute Toxicity	% Survival	-	100 <sup>1</sup>

<sup>1</sup>Survival of test organisms exposed to 100 percent effluent shall not be significantly reduced, as determined by a t-test, when compared to the survival of control organisms.

**E. Groundwater Effluent Limitations**

The effluent limitations included in proposed Order No. R3-2005-0057 protect groundwater quality and beneficial uses.

**F. Interim Effluent Limitations**

The Order does not establish interim effluent limitations.

**G. Land Discharge Specifications**

The Order is not applicable to discharges to land.

**H. Reclamation Specifications**

The Order is not applicable to reclaimed wastewater.

**V. RATIONALE FOR RECEIVING WATER LIMITATIONS**

Surface water quality is a result of many factors, some unrelated to the discharge. This Order considers these factors and is designed to minimize the adverse effects of the discharge on Soquel Creek. Effluent limitations within the proposed Order generally include the receiving water limitations of the previous Order; however these limitations have been supplemented and modified to reflect the water quality objectives of the Basin Plan for all inland surface waters.

**VI. MONITORING AND REPORTING REQUIREMENTS**

40 CFR 122.48 requires all NPDES permits to require recording and reporting of monitoring results. CWC Sections 13267 and 13383 authorize regional boards to require technical and monitoring reports. The Monitoring and Reporting Program, Attachment E of this Order, establishes monitoring and reporting requirements to implement federal and State requirements. The following text provides the rationale for the monitoring and reporting requirements contained in proposed Monitoring and Reporting Program No. R3-2005-0057.



## **A. Influent Monitoring**

This section is not applicable because the Discharger is not required by this Order to monitor influent.

## **B. Effluent Monitoring**

Section 308 of the Clean Water Act and U.S. EPA implementing regulations at 40 CFR 122.44 (i) require monitoring in permits to determine compliance with effluent limitations. Monitoring may also be required to gather data to develop effluent limitations or to monitor impacts of discharges on receiving water quality.

Monitoring and Reporting Program No. R3-2005-0057, Attachment E of this Order, requires effluent monitoring at Monitoring Locations M-002 (process wastewater discharges) and M-001, M-003, M-004, and M-005 (storm water discharges and the groundwater seep). Following is a summary of significant changes in the effluent monitoring requirements of Order No. R3-2005-0057 from Order No. 00-013.

### **1. General Effluent Monitoring Requirement Modifications**

Monitoring locations are designated as M-001, M-002, etc. for effluent monitoring locations, and as R-001U, R-001D, etc. for upstream and downstream receiving water monitoring stations. The Board is implementing this naming system to provide a consistent naming system in all NPDES permits for point source discharges.

### **2. Process Wastewater Effluent Monitoring Modifications**

- Chronic toxicity monitoring is no longer required, because there is only an acute toxicity (not a chronic toxicity) limitation in the discharge permit. Chronic toxicity monitoring is not as meaningful as acute toxicity monitoring when discharges are intermittent and for short duration.
- Monitoring requirements for flow, suspended and settleable solids, pH, turbidity, acute toxicity, and metals remain unchanged from Order No. 00-013. Samples shall be collected only when a discharge is occurring at M-002.
- Hardness monitoring of effluent has been discontinued. Hardness is important in determining the aquatic toxicity of certain metals; and therefore hardness monitoring has been discontinued in effluent but added as a receiving water monitoring requirement.

### **4. Storm Water Effluent Monitoring Modifications**

The General Storm Water Permit for Industrial Activities (97-03-DWQ) specifies monitoring requirements for storm water runoff.

## **C. Whole Effluent Toxicity Testing Requirements**

### **1. Test Species and Methods**

Acute toxicity testing shall be performed in accordance with U.S. EPA Method 2000.0 of the *Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms*, 5th ed. October 2002. EPA-821-R-02-012.

### **2. Definition of Acute Toxicity**

Acute toxicity tests are short-term tests designed to measure the effects of agents on aquatic species during a short portion of their life span. Acute toxicity tests most often measure effects on survival over a 24 to 96 hour period using a concentration-response relationship. Acute toxicity is defined as significantly reduced survival of test organisms at 100 percent effluent compared to a control using a statistical t-test. The fathead minnow shall be used to measure acute toxicity and the results shall be reported as pass (P) or fail (F) when using a statistical t-test.

### 3. Definition of Chronic Toxicity

Chronic toxicity measures a sub-lethal effect (e.g., reduced growth) to experimental test organisms exposed to an effluent compared to that of the control organisms. The no observed effect concentration (NOEC) is the maximum tested concentration in a medium that does not cause known adverse effects upon chronic exposure in the species in question (i.e. the highest effluent concentration to which organisms are exposed in a chronic test that causes no observable adverse effects on the test organisms). Examples of chronic toxicity include but are not limited to measurements of toxicant effects on reproduction, growth, and sub-lethal effects that can include behavioral, physiological, and biochemical effects. Test results shall be reported in TUc, where  $TUc = 100/NOEC$ . For this discharge, chronic toxicity is defined by an exceedances of a chronic toxicity discharge limitation.

### D. Receiving Water Monitoring

The Monitoring and Reporting Program, Attachment E of this Order, includes requirements for receiving water monitoring at Monitoring Locations R-001U (upstream) and R-001D (downstream). Following is a summary of significant changes in the receiving water monitoring requirements of Order No. R3-2005-0057 from Order No. 00-013.

- Order No. R3-2005-0057 establishes two receiving water monitoring stations – one upstream and one downstream of Discharge Point 002. The previous Order has established 5 receiving water monitoring stations.
- Receiving water monitoring is required only during the California rainy season, as Order No. R3-2005-0057 assumes that discharges from the facility will occur only during that period from October through April.
- Receiving water monitoring is required on a monthly basis only at the upstream and downstream monitoring locations. Order No. 00-013 had required monitoring on a weekly basis at five receiving water monitoring locations.
- Temperature and pH monitoring of receiving water has been eliminated as discharges from the quarry site will not alter receiving water pH or temperature.
- Flow rate (within Soquel Creek) monitoring has been eliminated as this information is generated by the U.S. Geological Survey at its Monitoring Station No. 11160000 on Soquel Creek at Soquel, California.
- Monitoring for metals in receiving water (upstream only) is required one time during the permit term to characterize background conditions.
- Hardness monitoring (downstream only) is required annually, during the rainy season, so that the toxicity of hardness dependent metals can be assessed by the Regional Board.

### E. Other Monitoring Requirements

None

## VII. RATIONALE FOR PROVISIONS

### A. Standard Provisions

Standard Provisions, which in accordance with 40 CFR §§122.41 and 122.42 apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D to the Order.

### B. Special Provisions

#### 1. Re-Opener Provisions

The Order may be modified in accordance with the requirements set forth at 40 CFR 122 and 124, to include appropriate conditions or limits based on newly available information and/or data, or to implement any, new State water quality objectives that are approved by the U.S. EPA. This provision is particularly important to this Order because of the lack of available CTR and Title 22

priority pollutant data at the writing of this Order. When this data becomes available, this Order will be reopened to include WQBELs as appropriate from the RPA.

**2. Special Studies and Additional Monitoring Requirements**

This section is not applicable because, at the writing of this Order, no special studies or additional monitoring is required by this Order.

**3. Best Management Practices and Pollution Prevention**

Order No. R3-2005-0057 applies to discharges of treated wastewater and storm water from Discharge Points 001 – 005. Discharge Point 001 contains storm water runoff and a ground water seep. Discharge Point 002 contains commingled process wastewater and storm water runoff. All other discharge from the Olive Springs Quarry is stormwater and is can be discharged only in accordance with the requirements of the SWPPP, Attachment H of this Order.

**4. Compliance Schedules**

This section is not applicable because compliance schedules were not developed by this Order.

**5. Timber Harvesting Plan**

This section requires the Discharger to collect, treat and monitor runoff from the timber harvesting area delineated in the approved Timber Harvesting Plan.

**VIII. CONSTRUCTION, OPERATION, AND MAINTENANCE SPECIFICATIONS**

The requirement to inspect, install, and have in proper operational condition all erosion and sediment control systems necessary to assure compliance with this Order is retained from Order No. 00-013.

**IX. SPECIAL PROVISIONS FOR MUNICIPAL FACILITIES**

This section is not applicable as the facility is not a POTW.

**X. PUBLIC PARTICIPATION**

The California Regional Water Quality Control Board, Central Coast Region (Regional Board) is considering the issuance of waste discharge requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System (NPDES) permit for Olive Springs Quarry. As a step in the WDR adoption process, the Regional Board staff has developed tentative WDRs. The Regional Board encourages public participation in the WDR adoption process.

**A. Notification of Interested Parties**

The Regional Board has notified the permittee and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. The Board notified the Santa Cruz County Environmental Health Services, the Monterey Bay National Marine Sanctuary, the California Department of Fish and Game and Jonathan Nelson. Only the permittee responded to orally recommend removing provisions addressing stormwater management from the proposed permit because the Industrial Activities General Permit already regulates wastewater discharges from the site. Staff concurred and changed the proposed permit accordingly.

**B. Written Comments**

The staff determinations are tentative. Interested persons are invited to submit written comments concerning these tentative WDRs. Comments should be submitted either in person or by mail to the Executive Office at the Regional Board at the address above on the cover page of this Order.

To be fully responded to by staff and considered by the Regional Board, written comments should be received at the Regional Board offices by 5:00 p.m. on **May 13, 2005**.

### **C. Public Hearing**

The Regional Board will hold a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

Date: **July 8, 2005**  
Time: **8:30 a.m.**  
Location: **Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401-7906**

Interested persons are invited to attend. At the public hearing, the Regional Board will hear testimony, if any, pertinent to the discharge, WDRs, and permit. Oral testimony will be heard; however, for accuracy of the record, important testimony should be in writing. Please be aware that dates and venues may change. Our web address is <http://www.waterboards.ca.gov/centralcoast/> where you can access the current agenda for changes in dates and locations.

### **D. Waste Discharge Requirements Petitions**

Any aggrieved person may petition the State Water Resources Control Board to review the decision of the Regional Board regarding the final WDRs. The petition must be submitted within 30 days of the Regional Board's action to the following address:

State Water Resources Control Board  
Office of Chief Counsel  
P.O. Box 100, 1001 I Street  
Sacramento, CA 95812-0100

### **E. Information and Copying**

The Report of Waste Discharge (RWD), related documents, tentative effluent limitations and special provisions, comments received, and other information are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Regional Board by calling (805) 549-3147.

### **F. Register of Interested Persons**

Any person interested in being placed on the mailing list for information regarding the WDRs and NPDES permit should contact the Regional Board, reference this facility, and provide a name, address, and phone number.

### **G. Additional Information**

Requests for additional information or questions regarding this order should be directed to Mike Higgins at (805) 542-4649.