

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

ORDER NO. R7-2002-0012

**WASTE DISCHARGE REQUIREMENTS  
FOR**

**BLYTHE ENERGY, LLC, OWNER  
FPL ENERGY OPERATING SERVICES, INC., OPERATOR  
BLYTHE ENERGY PROJECT  
WASTEWATER EVAPORATION PONDS  
Blythe - Riverside County**

The California Regional Water Quality Control Board, Colorado River Basin Region finds that:

1. On April 15, 2000, the Wisvest Corporation, a non-regulated subsidiary of Wisconsin Energy Corporation, submitted a report of waste discharge (ROWD) for discharge of non-hazardous wastewater into two (2) lined evaporation ponds. The project is now owned by Blythe Energy, LLC, which is a wholly owned subsidiary of FPL Energy, 700 Universe Boulevard, Juno, Florida 33408, Owner (hereinafter referred to as the discharger), P.O. Box 1210, Blythe, California, 92226. The Blythe Energy Project is located in Blythe, NW ¼, Section 33, T6S, R22 E, SBB&M, on private land in Riverside County. The site is located approximately 0.25 miles north of the Interstate 10 Freeway and directly east of the Blythe Airport.
2. The Blythe Energy Project is a 520 megawatt natural gas fired power generation facility. The discharger proposes to discharge two (2) different waste streams of non-hazardous industrial wastewater into two (2) lined evaporation ponds. The primary stream will be discharged from the circulating water treatment plant system designed to recover essentially all water for reuse, leaving only a small stream for disposal in the evaporation ponds. This stream will be brine, with very high concentrations of total dissolved solids (TDS) and other non-hazardous constituents. The second waste stream discharged to the ponds will be from blow-down from the heat recovery steam-generators, drain water from the oil water separator, and the waste stream from the reverse osmosis (RO) section of the de-mineralizer unit. The wastewater volume is expected to be minimal because the water in the system will be treated and recycled to provide total consumption (zero consumption) of water under optimal operating conditions. The discharger states that, in general, the typical flow rate from the two (2) waste streams will be approximately four (4) gallons-per-minute (GPM). Remaining wastewater will be discharged to the evaporation ponds.
3. Local ground water is used as a water supply for the Blythe Energy Project. The quality of local ground water is satisfactory for use in the water-cooling system, but must be treated prior to use with the Heat Recovery Steam Generators (HRSGs) and inlet air coolers, as well as for potable water for the plant. The discharger has provided a summary of the expected composition of the waste brine discharge to the evaporation ponds based on raw water analysis and the average raw water quality from the production wells. The method of cooling selected by the discharge relies on the use of water from on-site wells. To satisfy State Water Resource Policy 75-58, Ca. Energy Commission staff concluded that sources of inland water within the project vicinity other than the proposed groundwater are limited, thereby effectively reaching the same conclusion as the discharger.
4. Definition of terms used in this Board Order:

- a) Waste Management Facility (WMF) – The entire parcel of property where waste discharge operations are conducted.
  - b) Waste Management Unit (WMU) – An area of land, or a portion of a waste management facility, where waste is discharged. The term includes containment and ancillary features for precipitation and drainage control and monitoring.
  - c) Discharger – Discharger means any person who discharges waste that could affect the quality of the waters to the state, and include any person who owns a waste management unit or who is responsible for the operation of a waste management unit (Title 27, California Code of Regulations).
5. The following are the waste streams that will be discharged to the double lined ponds:
- a) Circulating Cooling Water System Blowdown: Sodium hypochlorite or equivalent will be used as a biocide in the cooling tower to prevent biological growth and remain as acids and amines in the wastewater. Adjusting the pH of the cooling tower basin water with sulfuric acid minimizes scale buildup in the condenser. Sulfate salts in the wastewater are the result of sulfuric acid addition. To further inhibit scale formation, an organic phosphate solution may be fed into the circulating water system as a sequestering agent in an amount proportional to the circulating water blowdown.
  - b) Heat Recovery Steam Generator (HRSG) Blowdown: Treated and untreated water are combined to be used at the steam generator. A steam-driven turbine generator at the power block produces electrical energy. Water removed from the HRSG system will be taken to the circulating cooling water system where it will make up a part of the cooling water requirement.
  - c) Air Inlet Chiller Cooling Tower Blowdown: Water removed from the inlet chiller cooling towers is made up of water discharged from the main cooling tower that is cycled up to approximately 11 times the concentration of TDSs in the raw water. The blowdown water from the air inlet chiller cooling tower is directed to the wastewater RO and evaporator for water purification and reuse.
  - d) Reverse Osmosis Unit Wastewater Discharge: The reverse osmosis (RO) units treat the wastewater blowdown from the chiller condenser tower. The brine wastewaters generated by the RO units contain relatively high concentrations of total dissolved solids (TDSs). Wastewater generated at the RO units is either re-circulated back to the cooling water system for reuse, or discharged to the evaporation ponds. The waste brine from the RO unit is directed to a brine concentrator (evaporator) for further water recovery. The evaporator recovers water from the RO brine stream through vapor compression. Part of the recovered cleaned water is directed to a polishing unit where the water is highly purified for use in the steam cycle (HRSG). The remaining water is returned to the circulating cooling water system. The highly concentrated brine waste from the evaporator is then discharged to the evaporation pond.
  - e) Demineralizer Unit Wastewater Discharge: The demineralizer units purify by ion exchange. Wastewater from the demineralizing water treatment system will consist of the reject steam from the RO units. The RO reject steam will contain the constituents of the raw water supply, concentrated approximately four times. These waste streams will be directed to the circulating cooling water system for reuse.

- f) Plant Drains-Oil/Water Separator: Miscellaneous plant drainage will consist of area washdown, sample drainage, condensation, and drainage from facility equipment areas. Water from these areas will be collected in a system of floor drains, sumps, and pipes and routed to the wastewater collection system. This water will be routed through an oil/water separator as required to prevent oil from entering the water system.
6. All wastes produced at Blythe Energy Project will be collected, treated if necessary, and disposed of at appropriate waste disposal sites, acceptable to the Regional Board's Executive Officer. Wastes generated at the project site will include cooling tower blowdown, solid nonhazardous, hazardous (liquid and solid), and sanitary wastewater. Solid waste will also be generated in the evaporation ponds. These wastes will be periodically removed by drying the pond completely and removing the dried solids. These wastes will primarily be composed of the minerals that were dissolved in the ground water source. These wastes will be disposed at a permitted off site landfill, acceptable to the Regional Board's Executive Officer. Sanitary wastewater is defined as those wastes generated from sinks, toilets, and other sanitary facilities. Sanitary wastes will be disposed of on site through a septic system and leach field.
7. Two (2) evaporation ponds will have a combined evaporation surface of approximately 16 acres of equal size, 8 acres each. The storage volume at high water level is about 91 acre-feet per pond. The liner system is constructed as follows:
- a) A 60 mil HDPE upper liner, the HDPE liners shall consist of a smooth geomembrane type polyethylene resin;
  - b) A drainage net that consists of a geosynthetic drainage material consisting of two (2) sets of HDPE strands to form a diamond shaped net to allow for low-resistance fluid flow;
  - c) A lower 60 mil HDPE geomesh liner; and
  - d) An unreinforced geosynthetic clay liner consisting of a layer of sodium bentonite between two geotextiles resting on compacted subgrade material.

Construction of the two (2) evaporation ponds will allow each pond to be taken out of service periodically to allow complete evaporation and removal of the brine sludge. The brine sludge will be profiled and disposed of at an appropriate off-site solid waste disposal facility in accordance with local, state, and federal regulations.

8. Local ground water is used as a water supply for the Blythe Energy Project. The source of all water will be from two (2) installed on-site ground water production wells (PW-1 and PW-2). These wells are equipped with pumps submerged at a depth of approximately 400 to 420 feet bgs and sized to convey 2500 GPM each. Production Well #1 (PW-1), is screened from 160 to 580 feet bgs with a total depth of 600 feet, and PW-2 is screened from 140 to 600 feet bgs and has a total depth of 620 feet. The current static ground water level is approximately 89 feet bgs. Based on an average specific capacity of 50 GPM per foot, each well is expected to be capable of producing 2500 GPM with a draw-down of approximately 50 feet. The ground water in the project area is of drinking water quality. The water is generally either sodium sulfate or sodium chloride enriched and has an average Total Dissolved Solids (TDS) concentration of 1,000 mg/L. Ground water must be treated prior to use in the site process.
9. The discharger states that the project site is located in the Colorado Desert Section of the Basin and Range physiographic province. Basins contain several thousands of feet of alluvium including unconsolidated to weakly consolidated sand, silt and gravel. In particular, the project site falls within the lower Colorado River Basin and is located on an alluvial terrace formed by historic river aggradation and degradation. No active or potentially active faults are known in the project area.

The nearest active fault is the southern segment of the San Andreas Fault, located about 60 miles southwest of the project area near the Salton Sea. The potentially active Blythe Graben Fault is located approximately 10 miles north of the site.

10. The subject site is located within the Colorado River Basin. Hydrogeology in the project area is principally described in the United States Geological Survey (USGS) Professional Paper 486-G "Geohydrology of the Parker-Blythe-Ciobola Area, Arizona and California" (1973). In addition, the California Department of Water Resources (DWR) and USGS have performed a number of other studies. The USGS and DWR collected hydrologic data in the site vicinity until 1978. Data since that time has not been collected on a systematic basis by any agency. Ground water in the site vicinity exists primarily under unconfined (water table) conditions. Flow is generally from north to south. Ground water recharge occurs as a combination of Colorado River water to the east, subsurface inflow from the Chuckwalla Basin and both surface and subsurface inflow from Palo Verde Valley drainage systems to the west, and recharge from precipitation infiltration. Ground water levels in the area fluctuate seasonally in response to the stage of the Colorado River, precipitation infiltration, and applied irrigation water. The average depth to ground water beneath the subject site is approximately 89 feet below ground surface (bgs). However, where perched aquifers are present, depth to ground water may be as shallow as 6 to 7 feet bgs. The average thickness of the aquifer in the site vicinity is 300 feet.
11. The project site is not within the immediate vicinity of any significant surface water bodies. The nearest significant surface water body is the Colorado River that is located approximately nine (9) miles due east. Storm water discharges from the project site is regulated under the statewide Amended General Industrial Activities Storm Water Permit.
12. The annual precipitation in the area is approximately 3.6 inches and the average temperature is 73.6 degrees Fahrenheit. The evaporation rate is approximately 90 inches annually.
13. Land uses at and surrounding the facility consist of the following:
  - a. Formerly and currently irrigated agricultural parcels
  - b. Blythe Municipal Airport (adjacent to the west)
  - c. Various maintained residences and outbuildings
  - d. Scattered grazing land
  - e. Open desert land
  - f. Riparian and wildlife habitat
14. The Water Quality Control Plan for the Colorado River Basin Region of California (Basin Plan) was adopted on November 17, 1993 and designates the beneficial uses of ground and surface waters in this Region.
15. The beneficial uses of waters in the Colorado Hydrological Unit are as follows:
  - a. Municipal Supply (MUN)
  - b. Industrial Supply (IND)
  - c. Agricultural Supply (AGR)
16. The beneficial uses of waters in the Colorado River are as follows:
  - a. Municipal Supply (MUN)
  - b. Industrial Supply (IND)
  - c. Agricultural Supply (AGR)

- d. Ground Water Recharge (GWR)
  - e. Aquaculture (AQ)
  - f. Water Contact Recreation (REC I)<sup>1, 2</sup>
  - g. Noncontact Water Recreation (REC II)<sup>3</sup>
  - h. Warm Water Habitat (WARM)
  - i. Wildlife Habitat (WILD)
  - j. Preservation of Rare, Endangered or Threatened Species (RARE)<sup>3</sup>
  - k. Cold Freshwater Habitats
17. The SWRCB adopted Order No. 97-03-DWQ, specifying waste discharge requirements (WDRs) for discharges of storm water associated with industrial activities, excluding construction activities, and requiring submittal of a Notice of Intent by industries to be covered under the Permit.
  18. Federal regulations for storm water discharges were promulgated by the U.S. Environmental Protection Agency on November 16, 1990 (40 CFR parts 122, 123, and 124). The regulations require specific categories of facilities which discharge storm water associated with industrial activity to obtain NPDES permits and to implement Best Conventional Pollutant Technology (BCT) to reduce or eliminate industrial storm water pollution.
  19. The Blythe Energy Project is exempt from Chapter 3 of the California Environmental Quality Act (CEQA). See section 21080.5 of the Public Resources Code, and California Code of Regulations, Title 14, section 15251 subd. (k). The California Energy Commission (CEC) has completed its formal review to complete all CEQA requirements, and has issued a Final Commission Decision dated March 21, 2001. The Final Commission Decision meets the requirements of California Code of Regulations, Title 14, section 15253, subd. (b). The CEC identified and evaluated a number of potential impacts over which the Regional Board has jurisdiction and evaluated. Except as discussed below, the Regional Board does not have jurisdiction over any other impacts evaluated by the CEC and did not evaluate them.

1. IMPACT:

The evaporation ponds could attract birds and other wildlife. The water directed to these ponds will contain some level of contaminants, which will increase in suspension and at the bottom of the ponds due to evaporation. The California Energy Commission's Final Commission Decision (FCD) requires the following mitigation measures:

MITIGATION MEASURE: The evaporation ponds will be monitored by plant personnel for bird and wildlife losses, as required by Condition of Certification BIO-6.

MITIGATION MEASURE: The evaporation ponds (following start of operation when liquid is in the ponds) will be monitored twice monthly, as required by Condition of Certification BIO-7.

MITIGATION MEASURE: The water quality in the evaporation ponds will be monitored monthly for the first three years of operation, as required by

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<sup>1</sup> Unauthorized use.

<sup>2</sup> The only Rec 1 usage that is known to occur is from infrequent fishing.

<sup>3</sup> RARE = Rare, endangered, or threatened wildlife exists in or utilizes some of these waterway(s). If the RARE beneficial use may be affected by a water quality control decision, responsibility for substantiation of the existence of rare, endangered, or threatened species on a case-by-case basis is upon the California Department of Fish and Game on its own initiative and/or at the request of the Regional Board; and such substantiation must be provided with a reasonable time frame as approved by the Regional Board.

Condition of Certification BIO-8.

FINDING:

The recommended mitigation measures will be implemented by the discharger as described in the CEC's Final Commission Decision. In addition, the water quality in the evaporation ponds, ground water and vadose zone shall be sampled as required by Section III of Monitoring and Reporting Program R7-2002-0012, including any revisions ordered by the Executive Officer. These measures will mitigate the impact of the evaporation ponds on bird and wildlife habitat to a less-than significant level.

2. IMPACT:

Stormwater runoff from the plant site could have an adverse effect on the waters of the State. The project area will cover approximately 76 acres, with about 30 acres occupied by the power plant and switchgard. Stormwater runoff from paved main plant areas is to be directed to evaporation ponds, while runoff from other locations on the property is to be either contained in the bermed area located along the southeast portion of the property, or discharged to local drainage channels along Hobsonway and Bock Boulevard to the west of the site through a National Pollutant Discharge Elimination System (NPDES) stormwater permit. (Final Commission Decision, p.183.) The CEC's Final Commission Decision requires the following mitigation measures:

MITIGATION MEASURE: The discharger will obtain coverage under and comply with the requirements of the General Stormwater Construction Activity Permit (General Permit No. CAS000002) and the General Industrial Activity Storm Water Permit (General Permit No. CAS000001), as required by Conditions of Certification SOILS&WATER-1 and 3.

MITIGATION MEASURE: The discharger shall obtain CEC staff approval for a final erosion control and revegetation plan prior to beginning any clearing, grading or excavation activities, as required by Condition of Certification SOILS&WATER-2.

MITIGATION MEASURE: The discharger will obtain WDRs from the Regional Board, as required by Condition of Certification SOILS&WATER-9.

FINDING:

The recommended mitigation measures must be implemented by the discharger as described in the CEC's Final Commission Decision. In addition, these WDRs require the discharger to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). These measures will mitigate the impact of stormwater runoff on the waters of the United States and of the State of California to a less-than-significant level.

3. IMPACT:

The evaporation ponds could leak or overflow causing wastewater to escape containment and possibly degrade the waters of the United States and the waters of California. The CEC's Final Commission Decision requires the following mitigation measure:

MITIGATION MEASURE: The discharger shall obtain WDRs, as required by Condition of Certification SOILS&WATER-9.

In addition, the discharge specifications require the following:

MITIGATION MEASURE: According to Specifications 5 and 6, each pond will be double-lined with flexible membrane liners and each pond will contain an independent leak detection and removal system (LDRS) between the upper and lower liner.

MITIGATION MEASURE: According to Specification 4, the evaporation ponds will have sufficient depth to allow for all of the following:

- Storage of the entire salt production for a period of 30 years plus 50 percent.
- Water level variations throughout the year due to changes in plant inflow, rainfall, and evaporation rates.
- Increases in water level when the evaporation rate is 90 percent of the mean evaporation rate for two successive years.
- Increases in inflow for a minimum period of two weeks should be the brine concentrator and reverse osmosis equipment become inoperative.
- Increases in the water level during pond maintenance, which assumes one cell will need maintenance for a period of two months.
- Increases in water level in the case of a 100-year rainfall event on top of the maximum water level resulting from water level variations.
- Freeboard above the maximum water level to provide the greater of 24 inches or the height of the wind wave run-up plus 12 inches.

MITIGATION MEASURE: Samples from the leachate collection system, the groundwater and the vadose zone will be collected, stored and analyzed as required by Section III of the Monitoring and Reporting Program R7-2002-0012.

These measures will mitigate the impact of potential leakage or spillage from the ponds on the waters of the United States and of the State of California to a less-than-significant level.

#### 4. CUMULATIVE IMPACTS:

The Regional Board concurs with the CEC's conclusions that the implementation of the mitigation measures discussed above will reduce all cumulative impacts on water quality to a less-than-significant level.

20. The monitoring and reporting requirements in Monitoring and Reporting Program No. R7-2002-0012 are necessary to determine compliance with these WDRs and to determine the facility's impacts, if

any, on ground water.

21. The Board has notified the discharger and all known interested agencies and persons of its intent to issue WDRs for the discharge and has provided them with an opportunity for a public meeting and an opportunity to submit comments.
22. The Board, in a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, that in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, the discharger shall comply with the following:

A. Discharge Specifications

1. The treatment or disposal of wastes at this facility shall not cause pollution or nuisance as defined in Section 13050 of Division 7 of the California Water Code.
2. A minimum depth of freeboard of two (2) feet shall be maintained at all times in the ponds.
3. The Blythe Energy Project shall be protected from any washout or erosion of wastes or covering material, and from inundation, which could occur as a result of floods having a predicted frequency of once in 100 years.
4. The inside depth of each pond shall provide:
  - a. Sufficient depth to provide storage of the entire discharge water and brine residue (sludge).
  - b. Sufficient depth to provide for normal water level variation throughout the year due to variations in plant inflow, rainfall, and the evaporation rates.
  - c. Sufficient additional depth to provide for the increase in water level that would occur when the evaporation rate is 90 percent of the mean evaporation rate for two (2) years in a row.
  - d. Sufficient additional depth to provide additional storage capacity for increased inflow for a minimum of two (2) weeks assuming the brine concentration and reverse osmosis (RO) equipment are both inoperable.
  - e. Sufficient depth to provide an allowance for an increase in water level during pond maintenance, assuming one (1) cell will need maintenance for a two (2) month period.
  - f. Sufficient additional depth to provide for the 100-year rainfall in addition to the maximum water level resulting from water level variations.
  - g. Sufficient freeboard above the maximum water level to provide the greater of 24 inches or the height of the wind wave run-up plus 12 inches.
5. Each pond shall be double lined. A leak detection and removal system shall be installed between the liners. The outer liner shall be a composite liner consisting of at least 12 inches of clay or bentonite panels with a hydraulic conductivity of no greater than  $1 \times 10^{-6}$  cm/sec or equivalent, and a flexible membrane liner of 60 mil high-density polyethylene (HDPE) or equivalent. The inner liner shall also be a flexible membrane liner of 60 mil HDPE or equivalent.
6. Each cell within each pond shall contain an independent leak detection and removal system (LDRS) between the inner and outer liners.



7. There shall be no discharge of liquid wastes at this site unless approved by the Regional Board's Executive Officer.
8. The discharger shall use the constituents listed in Monitoring and Reporting Program No. R7-2002-0012 and revisions thereto, as "Monitoring Parameters". These monitoring parameters are subject to the most appropriate statistical or non-statistical test under Monitoring and Reporting Program No. R7-2002-0012, Part III, and any revised Monitoring and Reporting Program approved by the Regional Board's Executive Officer.
9. The discharger shall implement the attached Monitoring and Reporting Program No. R7-2002-0012, and revisions thereto, in order to detect, at the earliest opportunity, any unauthorized discharge of waste constituents from the WMF, or any unreasonable impairment of beneficial uses associated with (caused by) discharges of waste to the WMF.
10. The discharger shall not cause the concentration of any Constituent of Concern (COC) or monitoring parameter to exceed its respective background value in any monitored medium at any Monitoring Point assigned to Detection Monitoring pursuant to Part II.B.4 of the attached Monitoring and Reporting Program No. R7-2002-0012, and revisions thereto.
11. The discharger shall follow the Water Quality Protection Standards (WQPS) for detection monitoring established by the Regional Board in this Board Order pursuant to Title 27. The following are five (5) parts of WQPS as established by the Regional Board (the terms if art used in this Board Order regarding monitoring are defined in Part I of the attached Monitoring and Reporting Program No. R7-2002-0012, and revisions thereto, which is hereby incorporated by reference):
  - a. The discharger shall test for the monitoring parameters and the COC at frequencies specified and listed in Monitoring and Reporting Program No. R7-2002-0012 and revisions thereto.
  - b. Concentration Limit – The concentration limits for each monitoring parameter and COC, for each monitoring point (as stated in detection Monitoring Program Part II), shall be its background value as obtained during that reporting period.
  - c. Monitoring points and background monitoring points for detection monitoring shall be those listed in Part II.B. of the attached Monitoring and Reporting Program No. R7-2002-0012, and any revised Monitoring and Reporting Program approved by the Regional Board's Executive Officer.
  - d. The Points of Compliance are shown in Part II.B of the attached Monitoring and Reporting Program No. R7-2002-0012.
  - e. Compliance Period – The estimated duration of the compliance period for this WMF is six (6) years. Each time the Standard is not met (i.e., releases discovered), the Landfill begins a compliance period on the date the Regional Board directs the dischargers to begin an Evaluation Monitoring Program. If the dischargers' Corrective Action Program (CAP) has not achieved compliance with the standard by the scheduled end of the compliance period, the compliance period is automatically extended until the WMF has been in continuous compliance for at least three (3) consecutive years.
12. The discharger shall not cause the release of pollutants, or waste constituents in a manner which could cause a condition of contamination, or pollution to occur, as indicated by the most appropriate statistical (or non-statistical) data analysis method and retest method listed in Part III of the attached

Monitoring and Reporting Program No. R7-2002-0012, and revisions thereto.

B. Prohibitions

1. The direct discharge of any wastes to any surface waters or surface drainage courses is prohibited.
2. The discharge of waste to land not owned or controlled by the discharger is prohibited.
3. The discharge or deposit of hazardous waste (as defined in Chapter 15) at this site is prohibited.
4. The discharge shall neither cause nor contribute to the contamination or pollution of ground water via the release of waste constituent in either liquid or gaseous phase.
5. The discharger shall not cause nor contribute in the concentration of waste constituents in soil-pore gas, soil-pore liquid, soil, or other geologic materials outside of the unit if such waste constituents could migrate to waters of the State, in either the liquid or the gaseous phase, and cause a condition of contamination or pollution.

C. Provisions

1. The discharger shall comply with Monitoring and Reporting Program No. R7-2002-0012, and revisions thereto, as specified by the Regional Board's Executive Officer.
2. Prior to any modifications in this facility which would result in material change in the quality or quantity of wastewater treated or discharged, or any material change in the location of discharge, the discharger shall report all pertinent information in writing to the Regional Board and obtain revised requirements before any modifications are implemented.
3. Prior to any change in ownership or management of this operation, the discharger shall transmit a copy of this Board Order to the succeeding owner/operator, and forward a copy of the transmittal letter to the Regional Board.
4. The discharger shall ensure that all site-operating personnel are familiar with the content of this Board Order, and shall maintain a copy of this Board Order at the site.
5. This Board Order does not authorize violation of any federal, state, or local laws or regulations.
6. Facilities shall be available to keep the plant in operation in the event of commercial power failure.
7. The discharger shall allow the Regional Board, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:
  - a. Enter upon the premises regulated by this Board Order, or the place where records must be kept under the conditions of this Board Order;
  - b. Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this Board Order;
  - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Board Order; and
  - d. Sample or monitor at reasonable times, for the purpose of assuring compliance with this Board Order or as otherwise authorized by the California Water Code, any substances or parameters

at this location.

8. This Board Order does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
9. Unless otherwise approved by the Regional Board's Executive Officer, all analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. All analyses shall be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants", promulgated by the USEPA.
10. All regulated disposal systems shall be readily accessible for sampling and inspection.
11. Adequate measures shall be taken to assure that flood or surface drainage waters do not erode or otherwise render portions of the discharge facilities inoperable.
12. The discharger is the responsible party for the WDRs and the Monitoring and Reporting Program for the facility. The discharger shall comply with all conditions of these WDRs. Violations may result in enforcement actions, including Regional Board Orders or court orders, requiring corrective action or imposing civil monetary liability, or in modification or revocation of these WDRs by the Regional Board.
13. The discharger shall furnish, under penalty of perjury, technical monitoring program reports, and such reports shall be submitted in accordance with the specifications prepared by the Regional Board's Executive Officer. Such Specifications are subject to periodic revisions as may be warranted.
14. All containment structures and erosion and drainage control systems shall be designed and constructed under direct supervision of a California Registered Civil Engineer or Certified Engineering Geologist, and shall be certified by the individual as meeting the appropriate prescriptive standards and performance goals of Title 27.
15. The Regional Board considers the property owner to have a continuing responsibility for correcting any problems which may arise in the future as a result of this waste discharge.
16. The discharger shall, within 48 hours of a significant earthquake event, submit to the Regional Board a detailed post-earthquake report describing any physical damages to the containment features, groundwater monitoring and/or leachate control facilities and a corrective action plan to be implemented at the Landfill.
17. The discharger shall submit a Notice of Intent (NOI) to the SWRCB to be covered under the Statewide General NPDES Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 97-03-DWQ, NPDES No. CAS000001. The discharger shall comply with all the discharge prohibitions, receiving water limitations, and provisions of the General Permit.
18. The discharger shall submit a sampling and monitoring plan for storm water discharges to the Regional Board's Executive Officer for review and approval no later than 90 days after the adoption of this Board Order. The plan shall meet the minimum requirements of Section B, Monitoring and Reporting Requirements of the Statewide General NPDES Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 97-03-DWQ, NPDES No. CAS000001.
19. Within 180 days of the adoption of this Board Order, the discharger shall submit to the Regional Board, in accordance with Section 20380(b) of Title 27, assurance of financial responsibility acceptable to the Regional Board's Executive Officer for initiating and completing corrective action

for all known or reasonable foreseeable release for the WMU.

20. One (1) year prior to the anticipated closure of the facility or any unit (portion) thereto, the discharger shall submit to the Regional Board, for review and approval by the Regional Board's Executive Officer, a final closure and post-closure maintenance plan in accordance with Title 27. The final closure and post-closure maintenance plan shall include seismicity studies.
21. This Board Order is subject to Regional Board review and updating, as necessary, to comply with changing state or federal laws, regulations, policies, or guidelines, or changes in the discharger characteristics.

I, Philip A. Gruenberg, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on June 26, 2002.

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Executive Officer