

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

ORDER NO. R7-2009-0062

**WASTE DISCHARGE REQUIREMENTS
FOR
KIEWIT PACIFIC CO., OWNER/OPERATOR
UNITED STATES BUREAU OF RECLAMATION, LAND OWNER
ALL AMERICAN CANAL LINING PROJECT – AGGREGATE WASHING FACILITY
Winterhaven – Imperial County**

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

Discharger

1. Kiewit Pacific Co., (hereinafter referred to as the Discharger), 2200 Columbia House Boulevard, Vancouver, WA 98661, submitted a Report of Waste Discharge on June 3, 2009, to obtain Waste Discharge Requirements (WDRs) for a new aggregate rinsing facility (hereinafter referred to as the Facility) located at Interstate 8 exit 159, South Ogilby Road, Winterhaven, California, 92283.
2. The Discharger owns and operates the Facility and proposes to discharge approximately 360,000 gallons per day (gpd) of wastewater into an onsite, unlined percolation pond located at latitude N 32 - 44.992' and longitude W 114 - 51.688'. A site location map (Attachment A) is incorporated herein and made a part of this Order.
3. The United States Bureau of Reclamation, 7301 Calle Agua Salada, Yuma, AZ 85364, is the owner of the land on which the Facility is located.

Facility

4. The Facility will be operational during the construction of the All American Canal (AAC) Lining Project which is expected to be from October 2009 through March 2010. The Facility will be dismantled and removed upon completion of the canal lining project. The percolation pond will be dried, graded and covered with native material from an adjacent area.
5. Process water for the washing of coarse aggregate is obtained from a construction dewatering well that has been installed and is operated as part of the AAC Lining Project. Water quality samples from the dewatering well indicate that the process water has a total dissolved solids (TDS) concentration of approximately 850 mg/L, a pH of approximately 8.0, and a total alkalinity of approximately 160 mg/L.
6. Coarse Aggregate is washed using a 3-deck wet screen. Aggregate is fed to the screen at a rate of up to 300 tons per hour. Water is fed to the wet screen at a rate of approximately 1,000 gallons per minute for up to six hours per day, resulting in a maximum daily discharge of 360,000 gallons. The layout of the Facility is depicted in Attachment B, incorporated herein and made a part of this Order.

7. No chemicals or other treatment products are used in the aggregate washing process.
8. Wastewater from washing the coarse aggregate is collected at the base of the wash screen and conveyed by piping into the settling/percolation pond. The settling/percolation pond is approximately 205 feet by 124 feet with an average depth of about 4 feet. The pond provides capacity for up to 380,300 gallons while maintaining at least 2 feet of freeboard.
9. Soils in the vicinity of the Facility and the settling/percolation pond are sandy and have high permeability. The Discharger reports that the slurry being discharged to the pond is expected to contain fine grained material in the #150 to #200 sieve sizes (75 to 100 microns).

Groundwater

10. The Discharger reports that groundwater in the vicinity of the Facility is an unconfined aquifer located approximately 30 feet below the ground surface (bgs).
11. The Water Quality Control Plan for the Colorado River Basin Region of California (Basin Plan), adopted on November 17, 1993, designates the beneficial uses of ground and surface waters in this Region.
12. The Facility is located in the Amos-Ogilby Hydrologic Unit. The designated beneficial use of groundwater in the Amos-Ogilby Hydrologic Unit is Municipal Supply (MUN).

Anti-degradation Policy

13. State Water Resources Control Board (State Water Board) Resolution No. 68-16 ("Policy with Respect to Maintaining High Quality Waters of the State"; hereafter Resolution No. 68-16) requires a Regional Water Board, in regulating the discharge of waste, to maintain high quality waters of the state (i.e., background water quality) until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in plans and policies (e.g., violation of any water quality objective). The discharge is required to meet WDRs that result in the best practicable treatment or control (BPTC) of the discharge necessary to assure pollution or nuisance will not occur, and the highest water quality consistent with maximum benefit to the people will be maintained.
14. Some degradation of groundwater from the settling/percolation pond is consistent with Resolution No. 68-16, provided that degradation:
 - a. Is confined to a reasonable area;
 - b. Is minimized by means of full implementation, regular maintenance, and optimal operation of BPTC measures; and
 - c. Does not result in water quality less than that prescribed in the applicable basin plan, including violation of any water quality objective.

15. The discharge of coarse aggregate wash water to the settling/percolation pond, as permitted herein, reflects best practicable treatment and control. The BPTC measures assure that the discharge does not create a condition of pollution or nuisance, and that the highest water quality defined by the physical and chemical nature of the local groundwater will be maintained, which is consistent with the anti-degradation provisions of Resolution No. 68-16. The settling/percolation pond will be:
 - a. Constructed outside the 100-year floodplain;
 - b. Operated and maintained with a minimum of two (2) feet of freeboard at all times; and
 - c. Dried out, regraded, and covered with native material after completion of the AAC Lining Project.
16. The constituent in aggregate wash water that presents the greatest risk to groundwater is total dissolved solids (TDS). Wastewater from the Facility is not recycled and so will not have a major impact on the TDS concentration of the discharge. The WDRs contained in this Order minimize the risk of degradation to areal groundwater. The proposed project conserves California's fresh water resources and is consistent with maximum benefit to the people of the State. Accordingly the discharge, as authorized, is consistent with the anti-degradation provisions of Resolution No. 68-16.

Storm Water

17. Federal regulations for storm water discharges were promulgated by the United States Environmental Protection Agency (USEPA; 40 CFR Parts 122, 123, and 124). The regulations require specific categories of facilities discharging storm water associated with industrial activity to obtain National Pollutant Discharge Elimination System (NPDES) permits and to implement Best Conventional Pollutant Technology and Best Available Technology Economically Achievable to reduce or eliminate industrial storm water pollution.
18. The State Water Board adopted Order No. 99-08-DWQ (General Permit No. CAS000002), specifying WDRs for discharges of storm water associated with construction activities, and requiring submittal of a Notice of Intent by dischargers to be covered under the General Permit.
19. The Imperial Irrigation District has submitted an NOI and obtained coverage under Order No. 99-08-DWQ for the entire All-American Canal Lining Project under WDID No. 713C342592. A SWPPP has been prepared and is being implemented at the site by the Discharger to address aggregate washing, grading, concrete batch plant, and concrete paving operations at the site.

California Environmental Quality Act

20. The United States Bureau of Reclamation (BOR), as the owner of the All American Canal, is responsible for conducting the environmental review required by the National Environmental Policy Act (NEPA) for the AAC Lining Project (Project). The Imperial Irrigation District (IID) is the Lead Agency, as that term is defined in the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), for conducting the environmental review required under CEQA for the Project. The BOR and IID prepared a Joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) and concluded that no significant environmental impacts would occur in connection with the proposed AAC Lining Project. Accordingly, the BOR executed a Record of Decision on July 29, 1994 and the IID filed the Final EIS/EIR and Notice of Determination with the Imperial County Clerk on August 17, 1994.
21. The Council on Environmental Quality (CEQ), as set forth in "The 40 Most Asked Questions" concerning NEPA (46 Fed. Reg. 18026 (1981)), requires the careful reexamination and analysis of any EIS that is more than 5 years old (Question 32) to determine if an EIS supplement is necessary. The BOR prepared a Supplemental Information Report (SIR), dated January 12, 2006, and determined that no significant changes in the project or its impact on the environment had occurred and that the 1994 Record of Decision and Final EIS was still valid.
22. The Regional Water Board has reviewed the Final EIR/EIS, Record of Decision, Notice of Determination, Supplemental Information Report, and other relevant documents and, based on its review, concluded that compliance with these WDRs should prevent or mitigate to a less than significant level any potential water quality impacts associated with the Project.
23. The Board has notified the Discharger and all known interested agencies and persons of its intent to issue WDRs for this Facility, and has provided them with an opportunity for a public meeting and an opportunity to submit comments.
24. Pursuant to California Water Code (CWC) Section 13263(g), the discharge of waste is a privilege, not a right, and adoption of this Order does not create a vested right to continue the discharge.
25. 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 CWC and regulations adopted thereunder, the Discharger shall comply with the following:

A. Effluent Limitations

1. The hydrogen ion (pH) of the waste water shall be maintained within the limits of 6.0 to 9.0.
2. The average daily wastewater flow to the evaporation/percolation ponds shall not exceed 360,000 gpd.

3. The TDS concentration in the settling/percolation pond shall not exceed 1,250 mg/l.

B. Specifications

1. The treatment or disposal of wastes at this facility shall not cause pollution or nuisance as defined in Sections 13050 of Division 7 of the CWC.
2. A minimum depth of freeboard of two (2) feet shall be maintained at all times in all surface impoundments.
3. The settling/percolation pond shall be protected from any washout, erosion, or inundation which could occur as a result of floods having a predicted frequency of once in 100 years.
4. Ponds shall be managed to prevent breeding of mosquitoes as follows:
 - a. An erosion control program shall be implemented to assure that small coves and irregularities are not created around the inside slopes of the pond.
 - b. Weeds shall be minimized through control of water depth, harvesting, and other methods that are protective of water quality.
 - c. Dead algae, vegetation, and debris shall not accumulate on the water surface.
5. The discharge shall not cause degradation of any ground or surface water.
6. Discharge into the settling/percolation pond shall cease in event of any failure in the system that threatens the beneficial water uses.

C. Prohibitions

1. The direct discharge of any wastewater to any surface water or surface drainage courses is prohibited.
2. The discharge of process wastewater to a location or in a manner different from that described in Findings No. 4-8 above is prohibited.
3. The discharge or deposit of hazardous waste (as defined in Title 27 of the California Code of Regulations), and other wastes that pose a potential threat to water quality at this facility is prohibited.

D. Provisions


1. The Discharger shall comply with "Monitoring and Reporting Program No. R7-2009-0062 and future revisions thereto, as specified by the Regional Water Board's Executive Officer.

2. 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 Water Board.
3. Prior to any modifications in this facility, which would result in material change in the quality or quantity of discharge, or any material change in the location of the discharge, the Discharger shall report all pertinent information in writing to the Regional Water Board and obtain revised requirements before any modifications are implemented.
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. The Regional Water Board will review this Board Order periodically and may revise requirements when necessary.
7. The Discharger shall allow the Regional Water 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 CWC, any substances or parameters at this location.
8. The Discharger shall comply with all of the conditions of this Board Order. Any noncompliance with this Board Order constitutes a violation of the Porter-Cologne Water Quality Control Act and is grounds for enforcement action.
9. 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.
10. Unless otherwise approved by the Regional Water Board's Executive Officer, all analyses shall be conducted at a laboratory certified for such analyses by the California Department of Public Health. All analyses shall be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants", promulgated by the United States Environmental Protection Agency.

11. 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 Water Board Orders or court orders, requiring corrective action or imposing civil monetary liability or in modification or revocation of these WDRs by the Regional Water Board.
12. The Discharger shall retain records of all monitoring information including all calibration and maintenance records, copies of all reports required by this Board Order, and records of all data used to complete the application for this Board Order. Records shall be maintained for a minimum of three (3) years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Water Board's Executive Officer.
13. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling and measurements.
 - b. The individual(s) who performed the sampling or measurements.
 - c. The date(s) analyses were performed.
 - d. The individual(s) who performed the analysis.
 - e. The analytical techniques or methods used.
 - f. The result of such analysis.
14. The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), that are installed or used by the Discharger to achieve compliance with conditions of this Board Order.
15. 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 Water Board's Executive Officer. Such specifications are subject to periodic revisions as may be warranted.
16. The Discharger shall immediately notify the Regional Water Board by phone at (760) 346-7491, the local health officer or directors of environmental health with jurisdiction over affected water bodies and the Office of Emergency Services by phone at (800) 852-7550 to report any noncompliance that may endanger human health or the environment as soon as: (1) the Discharger has knowledge of the discharge, (2) notification is possible, and (3) notification can be provided without substantially impeding cleanup or other emergency measures. During non-business hours, the Discharger shall leave a voice message on the Regional Water Board's voice recorder.
17. As soon as possible, but no later than twenty-four (24) hours after becoming aware of a discharge to a drainage channel or a surface water, the Discharger shall submit to the Regional Water Board a certification that the State Office of Emergency Services and the local health officer or directors of environmental health with jurisdiction over the affected water bodies have been notified of the discharge.

18. A written report shall be provided to the Regional Water Board within five (5) business days of the time the Discharger becomes aware of the incident. The written report shall contain a description of the noncompliance and its cause, the period of noncompliance, the anticipated time to achieve full compliance, and the steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Discharger shall report all intentional or unintentional spills in excess of one thousand (1,000) gallons occurring within the facility or collection system to the Regional Water Board in accordance with the above time limits.

I, Robert Perdue, 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 September 17, 2009.



ROBERT PERDUE
Executive Officer