

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD COLORADO RIVER BASIN REGION

Office
73-720 Fred Waring Dr. #100
Palm Desert, CA 92260

WaterBoards.ca.gov/Coloradoriver/

ORDER R7-2020-0012



Order Information

Dischargers: Cindy Wingate d/b/a/ Wingate Company
Facility: Lime-Sulfur Processing Plant
Address: 3556 Dogwood Road, Imperial, California
92251
County: Imperial County
WDID: 7A132149001
GeoTracker ID: WDR100036481
Prior Order(s): 81-57, 86-046, 91-044, R7-2003-0132

I, PAULA RASMUSSEN, Executive Officer, hereby certify that the following is a full, true, and correct copy of the order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on June 24, 2020.

Original signed by _____

PAULA RASMUSSEN,
Executive Officer

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

ORDER R7-2020-0012

WASTE DISCHARGE REQUIREMENTS
FOR
CINDY WINGATE D/B/A WINGATE COMPANY, OWNER/OPERATOR
LIME-SULFUR PROCESSING PLANT
IMPERIAL, IMPERIAL COUNTY

The California Regional Water Quality Control Board, Colorado River Basin Region (Regional Water Board) hereby makes the following Findings:

1. Cindy Wingate d/b/a Wingate Company (Discharger) owns and operates a Lime-Sulfur Processing Plant (Facility), that produces a lime-sulfur solution (or calcium polysulfide) product used for agricultural applications. The manufacturing process involves conveying a calcium polysulfide solution to concrete settling basins that separate out the solids. The separated solids (gypsum) are then moved to an adjacent field, stockpiled and allowed to dry. The Facility is assigned California Integrated Water Quality System (CIWQS) Number 7A132149001 and GeoTracker Global Identification Number WDR100036481.
2. The Facility is located on 3556 Dogwood Road, Imperial, California 92251. The Facility is located about four (4) miles south of Brawley in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 28, T14S, R14E, SBB&M. The longitude and latitude coordinates are 115° 32' 34.57" degrees North and 32° 54' 04.27" degrees West, respectively. The Facility location is shown in **Attachment A** – Vicinity Map, made part of the Order by reference.
3. The Facility was most recently regulated by Waste Discharge Requirements (WDRs) in Order R7-2003-0132, adopted by the Regional Water Board on November 5, 2003.
4. On January 31, 2020, the Discharger submitted an application and Report of Waste Discharge (ROWD) to the Regional Water Board, applying for updated WDRs for the Facility.
5. This Order updates the WDRs to reflect current site operations and to comply with current laws and regulations applicable to the discharge. Accordingly, this Order supersedes Order R7-2003-0132 upon the effective date of this Order, except for enforcement purposes.

Current Facility Operations

6. The Facility produces a lime-sulfur solution that is sold to a distributor, who in turn sells it to agricultural growers for use as an amendment to irrigation water for

reclaiming alkaline soil. Composition of the dried product consists of sulfur and calcium with a ratio of 74% sulfur to 26% calcium. Currently, the dry product is also used by one grower as a soil amendment.

7. The lime-sulfur solution is made in batches in steel boilers and then conveyed to two concrete settling basins that have holding capacities of 30,000 gallons and 50,000 gallons, respectively. The solution is conveyed to the settling basins at rate of approximately 8,000 gallons per day, when in production. The settling basins allow time for the solids to separate from the liquid, then the finished liquid product is pumped into storage tanks. Incidental discharge of wastewater to groundwater may occur from the settling basins and form the stockpiled material. The Facility does not directly discharge production process wastewater to any disposal unit.
8. The process of cooking and conveying the calcium polysulfide solution to the settling basins is a one-day process taking approximately eight hours. Once conveyed to the settling basins, the calcium polysulfide solution is allowed to settle overnight for approximately 16 hours. Solids removal from the settling basins is completed after approximately 10 batches have been processed in the basins. After the solids have reached a certain level in the settling basins, the solids are removed using a wheel loader and taken to an adjacent field to an onsite stockpile drying area. Previously, settled solids were transported to a field to the north of the Facility where the solids were spread out and allowed to dry. That practice was discontinued, and the settled solids are now transported to a field to the east of the Facility, stockpiled and allowed to dry. The location of each settling basin and the gypsum stockpile is shown in **Attachment B** – Site Map.
9. Calcium polysulfide has fungicidal and secondary acaricidal activity, and is used to control powdery mildews, anthracnose, scab, and other plant diseases, as well as spider mites. Calcium polysulfide is registered for feed and food uses on a variety of agricultural and non-agricultural uses.
10. The Discharger's Self-Monitoring Reports (SMRs) for the discharge period from the first quarter to the third quarter of 2000, reported the following characteristics of the discharged wastewater into the settling basins:

Table 1. Discharge Characteristics

Constituents	Units	Average Quarterly
Total volume of solution conveyed to settling basins	Gallons	1,800
Amount of solid residue removed from the surface holding area	Pounds	3,000

Hydrogeologic Conditions

11. The Facility is located in Imperial Valley within the Salton Trough area of southeast California. The Salton Trough is a tectonically active zone containing numerous faults associated with the San Andreas Fault Zone. The Facility is located on the north-central portion of the trough and is underlain by deltaic and lacustrine formations associated with the Colorado River delta. Bedrock in this part of the Salton Trough is approximately three miles below ground surface.
12. The regional groundwater flow direction within the Imperial Valley is toward the Salton Sea, a closed basin with a surface elevation of approximately 225 feet below sea level. The Facility is located approximately 120 feet below sea level; groundwater flows in a general northwest direction.
13. Groundwater at the Facility has not previously been investigated. This Order adds requirements for semi-annual groundwater monitoring to verify compliance with water quality objectives and to track any incremental degradation from the discharge. The nearest locations where groundwater has been characterized are within a one to two-mile radius to the south and east of the Facility. Three clustered wells monitored by the USGS in the 1960's and 1980's show a TDS concentration in areal groundwater ranging from 10,000 to 40,000 mg/L. Regional groundwater flow direction, in general, is to the northwest. Groundwater depth, gradient, and quality in the area of the Facility area may be influenced, at times, by irrigation of adjacent agricultural fields and by recharge from nearby canals.
14. There are no known groundwater supply wells in the vicinity of the Facility.
15. Water used at the Facility is obtained from Imperial Irrigation District (IID) from a nearby canal that has a total dissolved solids (TDS) concentration of about 800 mg/L. IID is an irrigation district that delivers Colorado River water to the Imperial Valley.
16. Climate in the region is arid. Climatological data obtained from 1903 to 2015 indicate an average seasonal precipitation of 3.15 inches, and an average annual pan evaporation rate greater than 100 inches.
17. The Facility is not in close proximity to any perennial surface waters. The closest surface waters are the All American Canal and New River. Other surface waters in the area of the Facility consist of canals and agricultural drains operated and maintained by IID.

Basin Plan, Beneficial Uses, and Regulatory Considerations

18. The Water Quality Control Plan for the Colorado River Basin Region (Basin Plan), adopted on November 17, 1993 and most recently amended on January 8, 2019, designates beneficial uses, establishes water quality objectives, and contains

implementation programs and policies to achieve those objectives for all waters addressed through the plan. Pursuant to Water Code section 13263, subdivision (a), WDRs must implement the Basin Plan and take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Water Code section 13241.

19. The Facility is located within the Imperial Hydrologic Unit, and the Basin Plan designates the following beneficial uses for groundwater:
 - a. Municipal Supply (MUN), and
 - b. Industrial Supply (IND).
20. The Basin Plan notes that the actual MUN usage of the Imperial Hydrologic Unit “is limited only to a small portion of that ground water unit.” Pursuant to State Water Board Resolution 88-63 (as revised by Resolution 2006-0008), also known as the “Sources of Drinking Water” Policy, all surface waters and groundwaters of the state are considered to be suitable, or potentially suitable, for municipal or domestic water supply and should be so designated by the Regional Water Boards. However, a waterbody may be exempted from such designation if the TDS in the waterbody exceeds 3,000 mg/L and the waterbody is not reasonably expected to supply a public water system. The Basin Plan incorporates the Sources of Drinking Water Policy by reference. First-encountered groundwater beneath the Facility is not currently used for municipal supply purposes because of its relatively high salt concentrations (TDS > 3,000 mg/L) and is not reasonably expected to supply a public water system.
21. This Order establishes WDRs pursuant to division 7, chapter 4, article 4 of the Water Code for discharges that are not subject to regulation under Clean Water Act section 402 (33 U.S.C. §1342). These WDRs implement numeric and narrative water quality objectives for groundwater and surface waters established by the Basin Plan and other applicable state and federal laws and policies.
22. The discharge authorized by this Order, except for discharges of residual sludge and solid waste, are exempt from the solid waste requirements of California Code of Regulations, title 27, section 20005 et seq. This exemption is based on section 20090, subdivision (b) of title 27 of the California Code of Regulations, which provides that discharges of wastewater to land, including but not limited to evaporation ponds, percolation ponds, or subsurface leachfields are not subject to the requirements of title 27 if the following exemption conditions are met:
 - a. The applicable regional water board has issued WDRs, reclamation requirements, or waived such issuance.

- b. The discharge is in compliance with the applicable water quality control plan; and
 - c. The wastewater does not need to be managed according to chapter 11, division 4.5, title 22 of the California Code of Regulations as a “hazardous waste.”
23. The discharge of waste authorized by these WDRs satisfies the conditions to be exempted from the requirements of title 27 of the California Code of Regulations, because (1) the discharge is regulated by these WDRs; (2) these WDRs will ensure the discharge complies with the Basin Plan; and (3) the discharge is not characterized as “hazardous waste.”
24. Consistent with Water Code section 13241, the Regional Water Board, in establishing the requirements contained herein, considered factors including, but not limited to, the following:
- a. Past, present, and probable future beneficial uses of water.
 - b. Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto.
 - c. Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area.
 - d. Economic considerations.
 - e. The need for developing housing within the region(s).
 - f. The need to develop and use recycled water.
25. Water Code section 13267 authorizes the Regional Water Board to require technical and monitoring reports. The monitoring and reporting requirements in Monitoring and Reporting Program (MRP) R7-2020-0012 are necessary to demonstrate compliance with this Order. The State Water Board’s electronic database, GeoTracker Information Systems, facilitates the submittal and review of monitoring and reporting documents. The burden, including costs, of the MRP bears a reasonable relationship to the need for the information and the benefits to be obtained from that information.
26. Pursuant to Water Code section 13263, subdivision (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.

Antidegradation Analysis

27. State Water Board Resolution 68-16, entitled *Statement of Policy with Respect to Maintaining High Quality Waters in California* (Resolution 68-16), generally prohibits the Regional Water Board from authorizing discharges that will result in the degradation of high quality waters, unless it is demonstrated that any change in water quality will (a) be consistent with maximum benefit to the people of the state, (b) not unreasonably affect beneficial uses, and (c) not result in water quality less than that prescribed in state and regional policies (e.g., the violation of one or more water quality objectives). The Discharger must also employ best practicable treatment or control (BPTC) to minimize the degradation of high quality waters. High quality waters are surface waters or areas of groundwater that have a baseline water quality better than required by water quality control plans and policies.
28. When a receiving water body quality exceeds or just meets the applicable water quality objective due to naturally-occurring conditions prior to Board-authorized activities, it is not a high quality water and not subject to the requirements of Resolution 68-16. However, the Discharger is still required to use “best efforts” to control the discharge of waste.
29. The primary constituents of concern with the potential to degrade groundwater quality from incidental discharge from the Facility’s concrete settling basins and gypsum stockpile include elemental sulfur, calcium hydroxide, and TDS.
 - a. **Sulfur and Calcium Hydroxide.** Studies¹ reviewed by USEPA have shown that calcium polysulfide breaks down readily in the environment; specifically, calcium polysulfide is expected to rapidly dissociate in the presence of any moisture to form calcium cations (calcium hydroxide) and elemental sulfur. Since calcium polysulfide dissociates quickly in the environment, runoff and/or leaching of the parent into nearby water bodies is assumed to be negligible. As with the aquatic assessment, due to rapid breakdown, it is unlikely that repeated applications would result in the accumulation of calcium polysulfide on terrestrial forage materials. Accumulations on forage material, if any, would most likely be of sulfur and/or inert ingredients. The use of products containing calcium polysulfide, as the sole active ingredient, also would not present a human health hazard to the general public. This Order adds requirements for semi-annual groundwater monitoring for sulfur and calcium to verify compliance with water quality objectives and to track any incremental degradation from the discharge.
 - b. **TDS.** The TDS concentration of the calcium polysulfide product stored in the settling basins and residual solution in the gypsum stockpile is unknown. This Order includes semi-annual monitoring for the settling basins.

¹ USEPA, Registration Eligibility for Decision for Inorganic Polysulfides, 2005.

Background TDS concentrations in regional groundwater are estimated to range between 10,000 to 40,000 mg/L. Groundwater in the area of the proposed discharge is generally too saline for municipal use and is not of high quality. The Regional Water Board finds that groundwater near the site is not and cannot reasonably be expected to be a source of municipal or domestic supply water. Any incidental discharge is consistent with applicable water quality objectives in the Basin Plan.

30. The incidental discharge of wastewater from the settling basins reflects BPTC. The settling basins are located outside the 100-year floodplain and they are operated and maintained with a minimum of two (2) feet of freeboard at all times. Solids that accumulate in the settling ponds are periodically removed. The requirements contained in this Order minimize degradation to areal groundwater; they are designed to ensure that the discharge does not create a condition of pollution or nuisance, and that the beneficial uses of groundwater will be maintained, consistent with the antidegradation provisions of Resolution No. 68-16.
31. The incidental discharge is necessary to produce the lime-sulfur product used by local agricultural growers, which is an important benefit to the state. Limited degradation of groundwater, if any, by waste constituents associated with lime-sulfur processing, namely sulfur, TDS, and certain minerals, is consistent with the maximum benefit to the people of the state. The Discharger also supports the economic prosperity of the community by the employment of full-time and part-time personnel at the Facility. Accordingly, the discharge as authorized is consistent with the antidegradation provisions of Resolution 68-16.

Stormwater

32. Federal regulations for stormwater discharges were promulgated by the U.S. Environmental Protection Agency (USEPA) on November 16, 1990 (40 C.F.R. parts 122, 123, and 124) to implement the Clean Water Act's stormwater program set forth in Clean Water Act section 402(p) (33 U.S.C. § 1342(p)). In relevant part, the regulations require specific categories of facilities that discharge stormwater associated with industrial activity to "waters of the United States" to obtain National Pollutant Discharge Elimination System (NPDES) permits and to require control of such pollutant discharges using Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to prevent and reduce pollutants and any more stringent controls necessary to meet water quality standards.
33. The State Water Board adopted Order 2014-0057-DWQ (NPDES number CAS000001), *General Permit for Storm Water Discharges Associated with Industrial Activities* (Industrial General Permit), which became effective on July 1, 2015. The Industrial General Permit regulates discharges of stormwater associated with certain industrial activities, excluding construction activities, and requires

submittal of a Notice of Intent (NOI) to be covered under the permit. The Discharger filed an NOI and is regulated under Industrial General Permit (SMARTS No. 7 13I012303).

CEQA and Public Participation

34. Pursuant to California Code of Regulations, title 14, section 15301, the issuance of these WDRs, which govern the operation of an existing facility involving negligible or no expansion of use beyond that previously existing, is exempt from the provisions of the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq.
35. The Regional Water Board has notified the Discharger and all known interested agencies and persons of its intent to update the WDRs for this discharge and has provided them with an opportunity for a public meeting and to submit comments.
36. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, pursuant to Water Code sections 13263 and 13267, that Order R7-2003-0132 is rescinded, except for purposes of enforcement, and in order to meet the provisions contained in division 7 of the Water Code and regulations adopted thereunder, the Discharger shall comply with the following.

A. Discharge Prohibitions

1. Discharge of waste classified as “hazardous,” as defined in California Code of Regulations, title 27, section 20164, or “designated,” as defined in Water Code section 13173 and California Code of Regulations, title 27, section 20164, is prohibited.
2. The overflow of process solution from the settling basins is prohibited.
3. The discharge of wastewater to a location or in a manner different from that described this Order is prohibited.
4. The discharge of wastewater to surface waters or surface drainage courses is prohibited, except as authorized under the Industrial General Permit or other appropriate NPDES permit.
5. The discharge of waste to land not owned or controlled by the Discharger, or not authorized for such use, is prohibited.
6. The storage, treatment, or disposal of wastes from the Facility shall not cause contamination, pollution, or nuisance as defined in Water Code section 13050, subdivisions (k), (l), and (m).

B. Discharge Specifications

1. The Discharger shall maintain sufficient freeboard in the settling basins to accommodate seasonal precipitation and to contain a 100-year storm event, but in no case no less than two (2) feet of freeboard (measured vertically). Freeboard shall be utilized for wake and waves of fluid motion and emergency or natural disaster purposes only.
2. The Facility shall be operated and maintained to prevent inundation or washout due to a 100-year storm event.
3. Adequate measures shall be taken to ensure that flood or surface drainage waters do not erode or otherwise render portions of the Facility inoperable.
4. The Discharger shall remove and properly dispose of any wastes discharged at this site that are in violation of these requirements.
5. Solid and/or semi-solid waste removed from the settling basins shall be discharged only at a waste disposal site approved by the Regional Board's Executive Officer to receive such waste. Upon abandonment of the Facility, all residual waste shall be removed and disposed of at a location approved to receive such wastes.
6. No wastes other than gypsum shall be stored in the drying field area. The Facility shall be managed to prevent breeding of mosquitoes.
7. Public contact with waste materials shall be precluded through such means as fences, signs, or other acceptable alternatives.
8. Objectionable odors originating at the Facility shall not be perceivable beyond the limits of the process and disposal areas.

C. Special Provisions

1. **Groundwater Monitoring Network Workplan**
 - a. Within **90 days** of adoption of this Order, the Discharger shall submit a technical report in the form of a workplan with milestones, time schedule for implementation, and technical rationale for the installation of a groundwater monitoring well network in the vicinity of the settling basins and the gypsum stockpile for approval by the Regional Water Board's Executive Officer. The groundwater monitoring well network shall include, at a minimum, one upgradient and two downgradient monitoring wells.

- b. **Within 60 days** of approval, the workplan shall be implemented in accordance with the time schedule.

2. Gypsum Stockpile Management Workplan

- a. Within **180 days** of the adoption of this Order, the Discharger shall submit a technical report in the form of a workplan with milestones, time schedule for implementation, and technical rationale for the management and removal of the gypsum stockpile for approval by the Regional Water Board's Executive Officer. The workplan shall include at a minimum, potential beneficial uses, potential disposal methods, and a means of minimizing the continued practice of stockpiling gypsum onsite.
 - b. **Within 60 days** of approval, the workplan shall be implemented in accordance with the time schedule.
3. **Requests for Extension.** If the Discharger is unable to comply with any of the above Special Provisions in compliance with the applicable schedule, the Discharger may request an extension with written approval of the Regional Water Board's Executive Officer. The extension request must be in writing and submitted as soon as a delay is recognized and prior to the compliance date. The extension request should include justification for the delay.

D. Standard Provisions

1. **Noncompliance.** The Discharger shall comply with all of the terms, requirements, and conditions of this Order and MRP R7-2020-0012. Noncompliance is a violation of the Porter-Cologne Water Quality Control Act (Water Code, § 13000 et seq.) and grounds for: (1) an enforcement action; (2) termination, revocation and reissuance, or modification of these waste discharge requirements; or (3) denial of an Order renewal application.
2. **Enforcement.** The Regional Water Board reserves the right to take any enforcement action authorized by law. Accordingly, failure to timely comply with any provisions of this Order may subject the Discharger to enforcement action. Such actions include, but are not limited to, the assessment of administrative civil liability pursuant to Water Code sections 13323, 13268, and 13350, a Time Schedule Order (TSO) issued pursuant to Water Code section 13308, or referral to the California Attorney General for recovery of judicial civil liability.
3. **Proper Operation and Maintenance.** The Discharger shall at all times properly operate and maintain all systems and components of collection, treatment, and control installed or used by the Discharger to achieve compliance with this Order. Proper operation and maintenance includes, but

- is not limited to, effective performance, adequate process controls, and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities/systems when necessary to achieve compliance with this Order. All systems in service or reserved shall be inspected and maintained on a regular basis. Records of inspections and maintenance shall be retained and made available to the Regional Water Board on request.
4. **Reporting of Noncompliance.** The Discharger shall report any noncompliance that may endanger human health or the environment. Information shall be provided orally to the Regional Water Board office and the Office of Emergency Services within twenty-four (24) hours of when the Discharger becomes aware of the incident. If noncompliance occurs outside of business hours, the Discharger shall leave a message on the Regional Water Board's office voicemail. A written report shall also be provided 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. All other forms of noncompliance shall be reported with the Discharger's next scheduled Self-Monitoring Report (SMR), or earlier if requested by the Regional Water Board's Executive Officer.
 5. **Duty to Mitigate.** The Discharger shall take all reasonable steps to minimize or prevent any discharge in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment.
 6. **Material Changes.** Prior to any modifications which would result in any 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 Water Board, and if required by the Regional Water Board, obtain revised requirements before any modifications are implemented.
 7. **Familiarity with Order.** The Discharger shall ensure that all site-operating personnel are familiar with the content of this Order and maintain a copy of this Order at the site.
 8. **Inspection and Entry.** 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 the premises regulated by this Order, or the place where records are kept under the conditions of this Order;

- b. Have access to and copy, at reasonable times, records kept under the conditions of this Order;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
 - d. Sample or monitor at reasonable times, for the purpose of assuring compliance with this Order or as otherwise authorized by the Water Code, any substances or parameters at this location.
9. **Records Retention.** The Discharger shall retain copies of all reports required by this Order and the associated MRP. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. Records may be maintained electronically. 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.
10. **Change in Ownership.** This Order is not transferable to any person without written approval by the Regional Water Board's Executive Officer. Prior to any change in ownership of this operation, the Discharger shall notify the Regional Water Board's Executive Officer in writing at least 30 days in advance. The notice must include a written transfer agreement between the existing owner and the new owner. At a minimum, the transfer agreement must contain a specific date for transfer of responsibility for compliance with this Order and an acknowledgment that the new owner or operator is liable for compliance with this Order from the date of transfer. The Regional Water Board may require modification or revocation and reissuance of this Order to change the name of the Discharger and incorporate other requirements as may be necessary under the Water Code.
11. **Format of Technical Reports.** The Discharger shall furnish, under penalty of perjury, technical monitoring program reports, and such reports shall be submitted in accordance with California Code of Regulations, title 23, division 3, chapter 30, as groundwater raw data uploads electronically over the Internet into the State Water Board's [GeoTracker database](#). Documents that are normally mailed by the Discharger to the Regional Water Board, such as regulatory documents, narrative monitoring reports or materials, and correspondence, shall also be uploaded into GeoTracker in the appropriate Microsoft Office software application format, such as Word or Excel files, or as a Portable Document Format (PDF) file. Large documents must be split into appropriately labelled, manageable file sizes and uploaded into GeoTracker.

12. **Qualified Professionals.** In accordance with Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of California registered professionals (i.e., civil engineer, engineering geologist, geologist, etc.) competent and proficient in the fields pertinent to the required activities. All technical reports required under this Order that contain work plans, describe the conduct of investigations and studies, or contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately-qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall contain a statement of qualifications of the responsible licensed professional(s) as well as the professional's signature and/or stamp of the seal. Additionally, all field activities are to be conducted under the direct supervision of one or more of these professionals.
13. **Certification Under Penalty of Perjury.** All technical reports required in conjunction with this Order shall include a statement by the Discharger, or an authorized representative of the Discharger, certifying under penalty of perjury under the laws of the State of California, that the reports were prepared under his or her supervision in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information submitted, and that based on his or her inquiry of the person or persons who manage the system, the information submitted is, to the best of his or her knowledge and belief, true, complete, and accurate.
14. **Violation of Law.** This Order does not authorize violation of any federal, state, or local laws or regulations.
15. **Property Rights.** This Order does not convey property rights of any sort, or exclusive privileges, nor does it authorize injury to private property or invasion of personal rights.
16. **Modification, Revocation, Termination.** This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for an Order modification, rescission, or reissuance, or the Discharger's notification of planned changes or anticipated noncompliance, does not stay any Order condition. Causes for modification include, but are not limited to, the violation of any term or condition contained in this Order, a material change in the character, location, or volume of discharge, a change in land application plans or sludge use/disposal practices, or the adoption of new regulations by the State Water Board, Regional Water Board (including revisions to the Basin Plan), or federal government.

17. **Severability.** The provisions of this Order are severable. If any provision of this Order is found invalid, the remainder of these requirements shall not be affected.

Any person aggrieved by this Regional Water Board action may petition the State Water Board for review in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. The State Water Board must receive the petition by 5:00 p.m. on the 30th day after the date of this Order; if the 30th day falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the statutes and regulations applicable to filing petitions are available on the State Water Board's [website](#) or can be provided upon request.

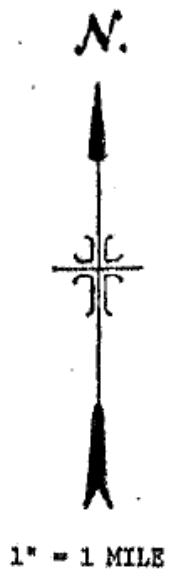
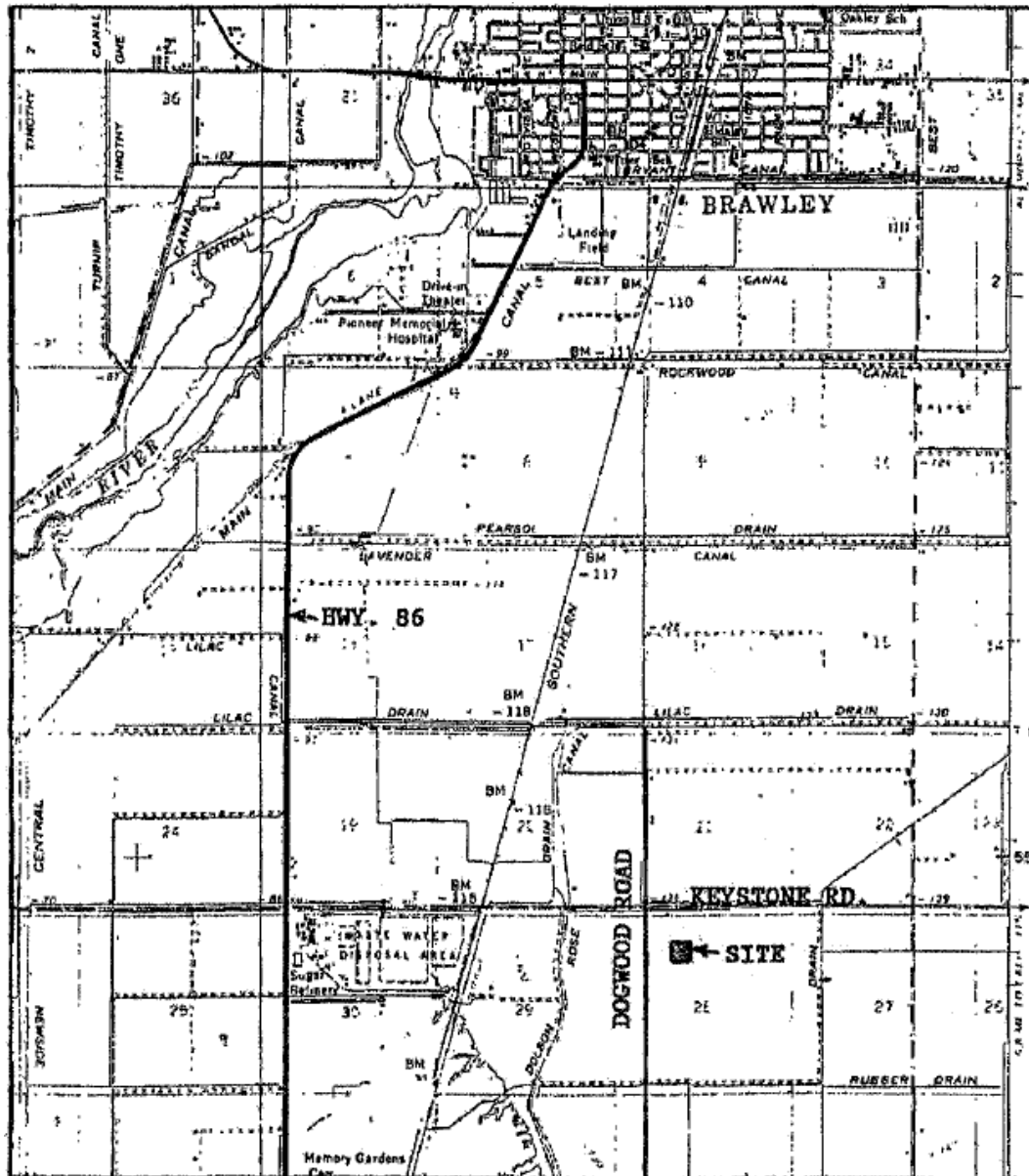
Order Attachments

Attachment A—Site Map

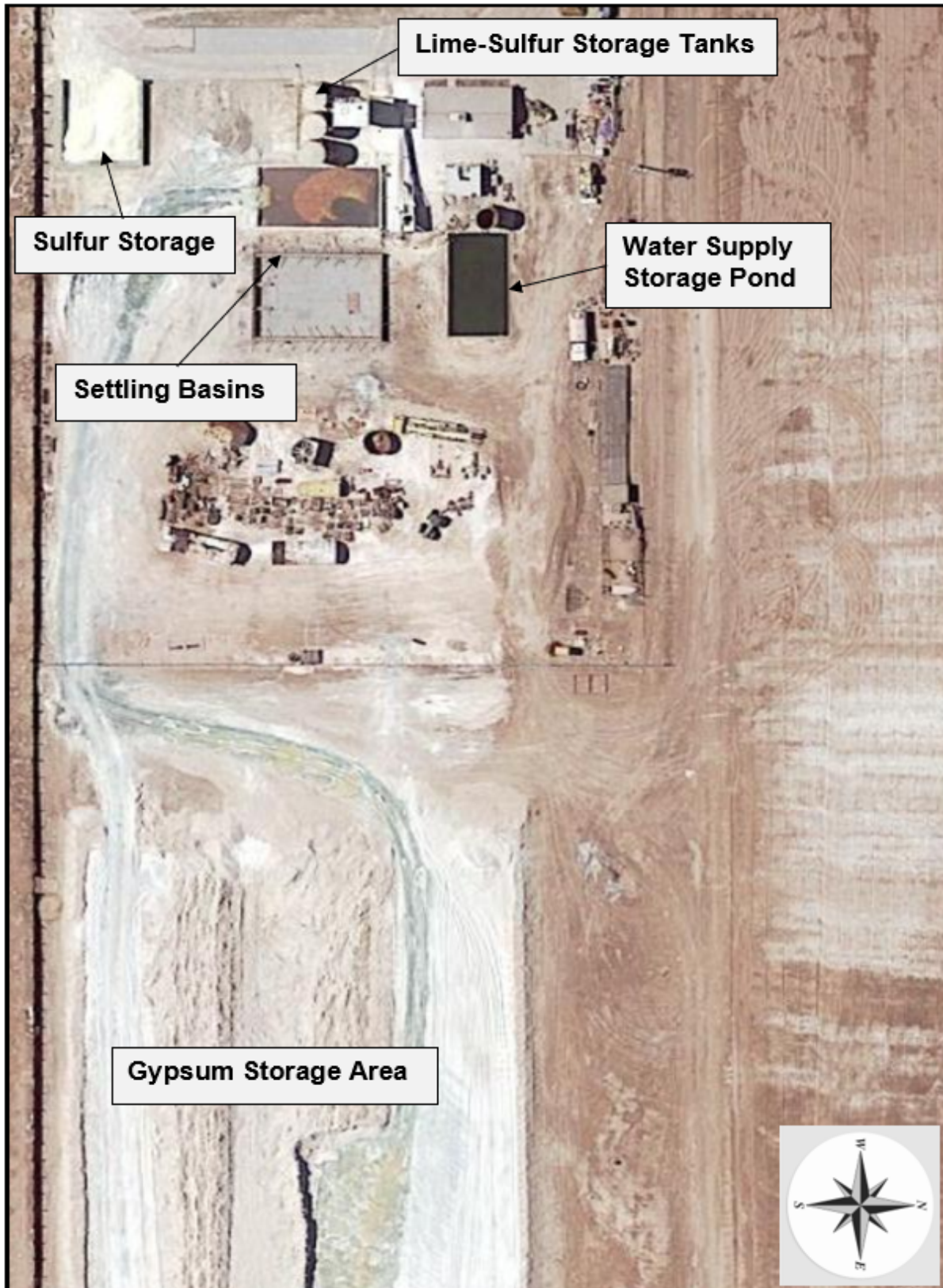
Attachment B—Vicinity Map

Monitoring and Reporting Program R7-2020-0012

Attachment A—Vicinity Map



Attachment B—Site Map



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN

Attachment C—
MONITORING AND REPORTING PROGRAM R7-2020-0012

FOR
WINGATE COMPANY, OWNER/OPERATOR
LIME-SULFUR PROCESSING PLANT
IMPERIAL, IMPERIAL COUNTY

This Monitoring and Reporting Program (MRP) is issued pursuant to Water Code section 13267 and describes requirements for monitoring the relevant wastewater system and groundwater quality. The Discharger shall not implement any changes to this MRP unless and until a revised MRP is issued by the California Regional Water Quality Control Board, Colorado River Basin Region (Regional Water Board) or its Executive Officer.

The Discharger owns and operates the waste disposal system that is subject to Order R7-2020-0012. The reports required herein are necessary to ensure that the Discharger complies with the Order. Pursuant to Water Code section 13267, the Discharger shall implement the MRP and shall submit monitoring reports described herein.

A. Sampling and Analysis General Requirements

- 1. Testing and Analytical Methods.** The collection, preservation, and holding times of all samples shall be in accordance with US Environmental Protection Agency (USEPA) approved procedures. All analyses shall be conducted in accordance with the latest edition of either the USEPA's *Guidelines Establishing Test Procedures for Analysis of Pollutants Under the Clean Water Act* (40 C.F.R. part 136) or *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods Compendium* (SW-846), unless otherwise specified in the MRP or approved by the Regional Water Board's Executive Officer.
- 2. Laboratory Certification.** All analyses shall be conducted by a laboratory certified by the State Water Board, Division of Drinking Water's Environmental Laboratory Accreditation Program (ELAP), unless otherwise approved by the Regional Water Board's Executive Officer.
- 3. Reporting Levels.** All analytical data shall be reported with method detection limits (MDLs) and with either the reporting level or limits of quantitation (LOQs) according to 40 Code of Federal Regulations part 136, Appendix B. The laboratory reporting limit for all reported monitoring data shall be no greater than the practical quantitation limit (PQL).
- 4. Sampling Location(s).** Samples shall be collected at the location(s) specified in the WDRs. If no location is specified, sampling shall be conducted at the most representative sampling point available.

5. **Representative Sampling.** All samples shall be representative of the volume and nature of the discharge or matrix of material sampled. The time, date, and location of each grab sample shall be recorded on the chain of custody form for the sample. If composite samples are collected, the basis for sampling (time or flow weighted) shall be approved by Regional Water Board staff.
6. **Instrumentation and Calibration.** All monitoring instruments and devices used by the Discharger shall be properly maintained and calibrated to ensure their continued accuracy. Any flow measurement devices shall be calibrated at least once per year to ensure continued accuracy of the devices. In the event that continuous monitoring equipment is out of service for a period greater than 24 hours, the Discharger shall obtain representative grab samples each day the equipment is out of service. The Discharger shall correct the cause(s) of failure of the continuous monitoring equipment as soon as practicable. The Discharger shall report the period(s) during which the equipment was out of service and if the problem has not been corrected, shall identify the steps which the Discharger is taking or proposes to take to bring the equipment back into service and the schedule for these actions.
7. **Field Test Instruments.** Field test instruments (such as those used to test pH, dissolved oxygen, and electrical conductivity) may be used provided that:
 - a. The user is trained in proper use and maintenance of the instruments,
 - b. The instruments are field calibrated prior to monitoring events at the frequency recommended by the manufacturer,
 - c. Instruments are serviced and/or calibrated by the manufacturer at the recommended frequency, and
 - d. Field calibration reports are submitted.
8. **Records Retention.** The Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, for a minimum of five (5) years from the date of the sampling or measurement. This period may be extended by request of the Regional Water Board's Executive Officer at any time. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurement(s),
 - b. The individual(s) who performed the sampling or measurement(s),
 - c. The date(s) analyses were performed,
 - d. The individual(s) who performed the analyses,

- e. The analytical techniques or method used, and
- f. All sampling and analytical results, including:
 - i. units of measurement used,
 - ii. minimum reporting limit for the analyses,
 - iii. results less than the reporting limit but above the method detection limit (MDL),
 - iv. data qualifiers and a description of the qualifiers,
 - v. quality control test results (and a written copy of the laboratory quality assurance plan),
 - vi. dilution factors, if used, and
 - vii. sample matrix type.

B. Monitoring Requirements

1. **Lime-Sulfur Solution Monitoring.** Solution in the settling basins shall be monitored as follows:

Table 2. Settling Basin Monitoring

Constituents	Units	Sample Type	Reporting Frequency
Daily Flow Volume	gallons	Estimate	Semi-Annual
Calcium	mg/L	Grab	Semi-Annual
Sulfur	mg/L	Grab	Semi-Annual
Total Dissolved Solids (TDS)	mg/L	Grab	Semi-Annual
Hydrogen Ion (pH)	s.u. ²	Grab	Semi-Annual
General Minerals ³	mg/L	Grab	Annual

² Standard Units

³ General Minerals shall include Alkalinity (as CaCO₃), Carbonate (as CaCO₃), Bicarbonate (as CaCO₃), Hardness (as CaCO₃), TDS, Chloride, Potassium, Calcium, Sodium, Sulfate, and Magnesium.

2. **Groundwater Monitoring.** Once there is an approved groundwater monitoring network in place, the Discharger shall monitor groundwater as follows:

Table 3. Groundwater Monitoring

Constituents	Units	Sample Type	Reporting Frequency
Depth to groundwater	ft	measurement	Semi-Annual
Calcium	mg/L	Grab	Semi-Annual
Sulfur	mg/L	Grab	Semi-Annual
Total Dissolved Solids (TDS)	mg/L	Grab	Semi-Annual
pH	S.U.	Grab	Semi-Annual
General Minerals	mg/L	Grab	Annual

3. **Solids Monitoring.** Solids material removed from the settling basins shall be monitored as follows:

Table 4. Solids Monitoring:

Constituents	Units	Monitoring Frequency
Volume of Gypsum Produced	Pounds	Semi-Annual
Volume of Gypsum Removed	Pounds	Semi-Annual
Name and Location of Final Reclaim Facility	Name and Address	Annual

4. **Water Supply Monitoring.** Water supply to the facility shall be monitored for the following:

Table 5. Water Supply Monitoring

Constituent	Reporting Frequency
TDS	Semi-Annual

Constituent	Reporting Frequency
General Minerals	Annual

C. Reporting Requirements

1. Reporting Schedule

- a. Semi-Annual Self-Monitoring Reports (SMRs) shall be submitted by **April 15th and October 15th**. Annual SMRs shall be submitted by **January 31st** of the following year.

2. SMRs shall include, at a minimum, the following:

- a. **Cover Letter.** A transmittal letter summarizing the essential points in the report.
- b. **Maps.** Maps depicting the Facility layout and the location of geothermal wells.
- c. **Summary of Monitoring Data.** Tables of the data collected. The tables shall include all of the data collected to-date for all monitoring locations, organized in chronological order, with the oldest data in the top row and progressively newer data in rows below the top row. Each row shall be a monitoring event and each column shall be a separate parameter at a single location (or a single average, as appropriate).
- d. **Graphical Display.** Graphs depicting monitoring parameters through time, with the concentrations being the y-axis and time being the x-axis. Logarithmic scales can be used for values that vary by orders of magnitude. Individual graphs can combine multiple locations or multiple chemicals if that allows the data to be compared more easily.
- e. **Spill/Leak Summary.** For all occurrences of spills/leaks during the reporting period, a summary of each incident detailing the essential points of the cause of the spill/leak shall be transmitted. The summary shall include estimated volumes of liquid or solids that have spilled outside containment, and a description of the management practices addressing each spill or leak occurring during the reporting period.
- f. **Compliance Summary.** Identification of any violations found since the last report was submitted, and actions taken or planned for correcting each violation. If the Discharger previously submitted a report describing corrective actions and/or a time schedule for implementing the corrective

actions, reference to the previous correspondence will be satisfactory. If no violations have occurred since the last submittal, this shall be stated.

- g. **Annual Summary.** For the Annual SMR, the Discharger shall submit a summary of all monitoring analyses and reporting requirements. The Report shall include a narrative description of the Facility's compliance record and all methods implemented to comply with the Order.
3. SMRs shall be certified under penalty of perjury to be true and correct. Each SMR submitted to the Regional Water Board shall contain the following completed declaration:
- "I declare under the penalty of law that I have personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
- Executed on the _____ day of _____ at _____
_____(Signature)
_____(Title)"
4. The SMRs and any other information requested by the Regional Water Board shall be signed by a principal executive officer or ranking elected official. A duly authorized representative of the Discharger may sign the documents if:
- a. The authorization is made in writing by the person described above;
 - b. The authorization specified an individual or person having responsibility for the overall operation of the regulated disposal system; and
 - c. The written authorization is submitted to the Regional Water Board's Executive Officer.
5. The results of any sampling or analysis performed more frequently than required in this MRP shall be reported to the Regional Water Board.
6. As specified in Standard Provision D.13, technical reports shall be prepared by or under the direction of appropriately qualified professional(s). Each technical report submitted shall contain a statement of qualification of the responsible licensed professional(s) as well as the professional's signature and/or stamp of the seal.

7. As specified in Standard Provision D.12, the Discharger shall comply with Electronic Submittal of Information (ESI) requirements by submitting all correspondence and reports required under MRP 2020-0012 and any future revision(s) thereto, including discharge location data (latitude and longitude), correspondence, and PDF monitoring reports to the State Water Board's GeoTracker database. Documents too large to be uploaded into GeoTracker should be broken down into smaller electronic files and labelled properly prior to uploading into GeoTracker.