CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. R2-2006-0057
REVISED WASTE DISCHARGE REQUIREMENTS AND RESCISSION OF WASTE DISCHARGE REQUIREMENTS ORDER NO. 94-166 FOR:

MIRANT DELTA, LLC
OILY WATER COLLECTION POND
PITTSBURG POWER PLANT
PITTSBURG, CONTRA COSTA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region, hereinafter called the Board, finds that:

Facility Ownership and Site Description

1. Mirant Delta, LLC (hereinafter called Discharger) presently owns and operates the Pittsburg Power Plant (hereinafter called the Facility). Southern Energy Delta, LLC purchased the Facility from Pacific Gas and Electric (PG&E) on April 16th, 1999. On January 19, 2001, Southern Energy Delta, LLC changed its corporate name to Mirant Delta, LLC.

   The Facility is located at 696 West Tenth Street, in the City of Pittsburg, adjacent to the south shore of Suisun Bay. The Pittsburg Marina is located on the eastern side of the Facility, and undeveloped land is located on the southern and western borders of the Facility. The plant has three natural gas-fired generating units with a combined capacity of approximately 1357 megawatts.

Prior Board Actions

2. October 20, 1999: The Board issued amended Waste Discharge Requirements Order No. 99-084 to Southern Energy Delta, LLC, which amended the waste discharge requirements contained in Order No. 94-166. Order No. 99-084 reflected the new ownership and transferred the Toxic Pits Cleanup Act (TPCA) exemptions from PG&E to Southern Energy Delta.

   October 20, 2002: The Board issued amended WDR Order No. R2-2002-0080, which rescinded Order No. 99-084 and amended Order No. 94-166 to reflect the name change from Southern Energy Delta, LLC to Mirant Delta, LLC.

Purpose of Order

3. The primary objectives of this Order are to: 1) update the Waste Discharge Requirements and associated Monitoring and Reporting Program to reflect closure of all but one of the surface impoundments at the site; 2) remove requirements for compliance with the Toxic Pits Closure Act (TPCA) since these regulations no longer apply to the Facility; and 3) bring the Waste Discharge Requirements for the Facility into compliance with Title 27 of the California Code of Regulations (CCR).

Portions of the Facility Regulated Under This Order

4. This order pertains to the remaining Class II surface impoundment at the facility. Previously, wastewaters from operation and maintenance of the Facility were stored and treated in four Class I hazardous waste and three Class II designated waste surface impoundments. The four Class I impoundments (now closed) were subject to regulation under Title 23, Chapter 15. The Class I impoundments were also subject to the Toxic Pits Cleanup Act (TPCA) provisions found in the Health and Safety Code, and to federal regulations under RCRA. Two of the three Class II surface impoundments were closed in the mid-1990s. The remaining Class II surface impoundment is the focus of this Order and is regulated under Title 27 CCR.

Class I Surface Impoundments

5. The Discharger formerly operated four Class I hazardous surface impoundments at the Facility. The former Class I impoundments are identified as follows:

   a. Boiler Chemical Cleaning Solution Pond (BCCSP)
   b. Boiler Chemical Cleaning Rinse Pond (BCCRP)
   c. Air Preheater Wash Pond (APWP)
   d. Demineralizer Neutralization Pond (DNP)

6. Three of the Class I surface impoundments (BCCSP, BCCRP, and APWP) were formerly used for the temporary storage and non-continuous batch treatment of restricted hazardous waste (as defined in the Toxic Pits Cleanup Act) resulting from the cleaning operations of the boilers. The DNP was used for the temporary storage and continuous treatment of wastewater from the regeneration of demineralizers. More specific information on former uses of the Class I ponds is provided below:

   a. <u>Boiler Chemical Cleaning Solution Pond (BCCSP)</u>

   The BCCSP received wastewater from the initial draining of boilers. The major constituents generally present in wastewaters discharged to the BCCSP were ammonia, bicarbonate, bromide, carbonate, chloride, chromium, copper, fluoride, iron, nickel, sodium, thiourea, EDTA, and zinc.

b. Boiler Chemical Cleaning Rinse Pond (BCCRP)

The BCCRP received wastewater from the rinses that followed the initial chemical draining of the boilers. The major constituents generally present in wastewaters discharged to the BCCRP included ammonia, bicarbonate, bromide, carbonate, chloride, chromium, copper, fluoride, iron, nickel, sodium, thiourea, EDTA and zinc.

c. Air Preheater Wash Pond (APWP)

Water received from the Contra Costa Water District and/or taken from Suisun Bay is used for the air preheater, fireside, and stack washes. Wastewater from these washes was directed to the APWP. The major constituents of the wastewater discharged to the APWP included chromium, copper, iron, nickel, sodium, sulfate, vanadium, and zinc.

d. Demineralizer Neutralization Pond (DNP)

Regenerant wastes from the cation/anion demineralizer systems were discharged to the DNP. These wastewaters were neutralized as they entered the pond. These wastewater contained bicarbonate, calcium, chloride, fluoride, magnesium, potassium, sodium, and sulfate ions.

The liquid supernatant from these ponds was filtered and then discharged along with plant once-through cooling water to Suisun Bay pursuant to NPDES Permit No. CA0004880. Sludges removed from the ponds were transported to an offsite Class I facility by a licensed hazardous waste transporter.

7. In 2004, the Discharger decontaminated and closed the four Class I hazardous waste surface impoundments at the facility in accordance with an approved Closure Plan and clarifying documents. Closure consisted of removal of all wastes from the units, decontamination of the liners, piping, and related appurtenances, and analytical testing of samples collected to confirm decontamination. The closure also included a soil and groundwater assessment to determine if releases had been identified from the Class I units. The assessment concluded that there had been no impact to groundwater and soil from the operation of these units.

   The Department of Toxic Substances Control (DTSC) provided lead agency oversight of the closure of the Class I impoundments. On April 28, 2005, DTSC acknowledged clean-closure of the Class I units. Board staff reviewed the Closure Certification Report, and determined that the Closure Requirements of Chapter 15 and TPCA have been achieved. The facility no longer operates Class I surface impoundments subject to Chapter 15 regulations and TPCA.

8. Consistent with the closure requirements, the facility was required to conduct groundwater monitoring for the Class I regulated units at one month and at one year intervals following closure approval. The Discharger performed post-closure monitoring of groundwater in the vicinity of the closed Class I impoundments under the DTSC

Hazardous Wastes Facility Permit (EPA Id. No. CAT 080011695). The final groundwater monitoring event (one year following closure) was completed in April 2006. Since the ponds have been clean-closed, as confirmed by the monthly and annual monitoring, no further groundwater monitoring relating to the Class I units is required.

Class II Surface Impoundments

9. The current and former Class II surface impoundments at the Facility are as follows:
   a. Oily Water Effluent Pond (OWEP) (Closed 1993))
   b. Clarifier Sludge Pond (CSP) (Closed 1995)
   c. Oily Water Collection Pond (OWCP) (Currently in operation)

   Board staff reviewed and approved the construction of the Class II surface impoundments. In a Board letter dated June 9, 1989, an exemption was granted from the regulatory requirement that required a five-foot separation between the waste and the highest anticipated groundwater elevation.

   As noted above, of these Class II impoundments, only the OWCP remains in use. The OWEP and CSP were closed as described below.

10. The Oily Water Effluent Pond (OWEP) was removed from service in 1987 and closed in 1993, consistent with the closure plan submitted to the Board. Closure consisted of the removal and offsite disposal of liners, concrete, and other appurtenances. At the conclusion of the removal, soil samples were collected to confirm the effectiveness of the closure. The results of the OWEP closure were summarized in a Clean Closure Certification report submitted to the Board in October 1994. The Board approved closure of the OWEP in 1994 by approving the Discharger's OWEP clean closure certification document.

11. The Clarifier Sludge Pond (CSP) was taken out of service in 1994 -1995 and replaced by four above-ground storage tanks located within the shell of the former impoundment to manage clarifier wastes. The CSP was clean-closed in 1995, and the Water Board issued a letter certifying clean closure on October 13, 1995. Closure consisted of the decontamination, removal, and offsite disposal of the surface impoundment HDPE liners. At the conclusion of the removal, soil samples were collected to confirm the effectiveness of the closure. The results indicated that there were no significant impacts to soil or water quality, and a report summarizing the closure was submitted in 1995.

12. The Oily Water Collection Pond (OWCP) is the only remaining active Class II impoundment at the Facility. This Order covers operation of the OWCP. The OWCP is used for the temporary storage of non-hazardous wastewater received from building drains, fuel oil tank containment areas, and certain stormwater runoff from the Facility. The wastewater then flows into an API separator and dissolved air flotation tank for treatment.

In 1988, the OWCP was retrofitted with two HPDE liners (80 mil and 60 mil), with a geonet and geotextile layer between the liners. The leachate collection system consists of standpipes installed between the liners at the engineered low point of the unit. The impoundment is underlain with 4-inch thick concrete. This liner system was installed and designed consistent with the requirements of State regulations and approved by the Board.

Groundwater monitoring of the OWCP is conducted using well ML-7 (A-1) as the compliance point monitor. Well ML-9 (A-5) is an upgradient well used for data comparison purposes. A series of other monitoring wells screened in the same water zone as the compliance point well (ML-10, ML-8, ML-11, ML-9, and well A-6) are used for water level measurement and for the preparation of groundwater potentiometric surface maps.

The Discharger is required to demonstrate that the OWCP does not receive or contain hazardous wastes. Sediment or sludge from the OWCP is collected and analyzed annually and, if hazardous levels of any constituent are found, the sediment is to be handled as hazardous waste and further discharges to the OWCP suspended. Previous analyses have shown the sludge to be non-hazardous.

Hydrogeology

13. Stratigraphy:

Several stratigraphic units have been identified beneath the Facility. In ascending order are the following layers:

a. a deep clay layer at least 35 feet thick underlies the entire site.
b. a continuous silty sand to sandy gravel layer approximately 23-38 feet thick.
c. a discontinuous clay to clayey sand layer approximately ten feet thick.
d. interbedded organic and inorganic clays, averaging 12 to 15 feet thick. In the area near the Class II impoundment, a peat-filled channel is present with a maximum thickness of 25 feet encountered at the site. The peat-filled channel exists only in a limited area in the vicinity of the Class I surface impoundments.
e. Silty sand, sandy gravel, and low-plasticity clay consisting of artificial fill up to about seven feet thick.

Water Bearing Zones:

Three aquifers have been identified below the Facility. The upper aquifer is a semi-confined aquifer that underlies the entire area where the former Class I and Class II surface impoundments were located. Second, a perched groundwater zone of limited extent exists along the northwest area of the Facility. The perched aquifer exists beneath the Class II surface impoundments and to a limited extent beneath the former Class I impoundments. Third, a deep confined aquifer exists beneath the Facility. The Discharger believes that the deep aquifer will not be influenced by a release from the surface impoundments, and also considers it unlikely that the water quality of the upper aquifer or perched groundwater zone will be influenced by the deep aquifer.

Upper Aquifer Hydrology:
The upper aquifer beneath the impoundments is tidally influenced by Suisun Bay. The Discharger has recorded groundwater direction reversals during high and low tides. However, the time-averaged groundwater flow is directed to the northeast.

The Discharger has reported that wells screened within the upper aquifer are capable of yielding at least 15 gallons per minute. Pump tests performed on the upper aquifer indicate that hydraulic conductivity ranges from 850 to 1,300 gpd/ft^2, transmissivity varies between 17,000 and 27,260 gpd/ft, and storativity has been calculated to be about 0.0033. The Discharger has estimated the horizontal hydraulic gradient to be 0.0006, and the groundwater flow velocity to be 0.27 feet per day.

Perched Water Zone Hydrology:
The Discharger has indicated that wells screened within the perched water zone yield less than 100 gallons per day. Pump tests performed on the perched aquifer indicate that hydraulic conductivity is less than 10 gpd/ft^2, and a transmissivity of 125 gpd/ft was calculated. The Discharger has estimated the horizontal hydraulic gradient to be 0.01, and the groundwater flow velocity to be 0.16 feet per day. Further, the pump tests have indicated that there is no communication between the perched water zone and the upper aquifer; and, the perched water zone shows little or no response to Suisun Bay tidal fluctuations. The Discharger has indicated that the perched water zone is most likely recharged by surface water infiltration.

14. Earthquakes posing a threat to the Facility and the surface impoundments could occur along the San Andreas, Hayward, Calaveras-Concord, and Clayton-Greenville fault zones. The Clayton-Greenville fault is the closest active fault to the Facility; located approximately 5 miles southwest of the Facility. The Discharger has estimated peak ground acceleration at the Facility of 0.30g for the maximum credible earthquake, and 0.25g was estimated for the maximum probable earthquake.

Basin Plan

15. The Board adopted a revised Water Quality Plan for the San Francisco Bay Basin (Basin Plan) on January 21, 2004. This updated and consolidated plan represents the Board's master water quality control planning document. The revised Basin Plan was approved by the State Water Resources Control Board and the Office of Administrative Law on July 22, 2004 and October 4, 2004, respectively, and approved by the U.S. Environmental Protection Agency, Region IX on January 5, 2005. A summary of regulatory provisions is contained in 23 CCR 3912. The Basin Plan defines beneficial uses and water quality objectives for waters of the State, including both surface water and groundwater.

Beneficial Uses

16. The existing and potential beneficial uses of Suisun Bay and contiguous water bodies are:

    a. Water contact recreation
    b. Non-contact water recreation
    c. Wildlife habitat

d. Preservation of rare and endangered species
e. Estuarine habitat
f. Fish migration and spawning
g. Industrial service supply
h. Navigation
i. Commercial and sport fishing
j. Shellfish harvesting, and
k. Municipal and domestic supply.

17. The existing and potential beneficial uses of the groundwater in the area are:

a. Municipal and domestic supply
b. Industrial process and service supply, and
c. Agricultural supply.

California Environmental Quality Act

18. This action is an Order to enforce the laws and regulations administered by the Board. This action is categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15308, Title 14, California Code of Regulations.

Other Requirements

19. The Discharger is required to implement the Self Monitoring Program attached to this Order.

20. The Discharger is required to submit a Financial Assurance Mechanism and Monitoring Program Submittals to comply with Title 27 requirements.

Rescission of Previous Order

21. Board Order Number 94-166 is hereby rescinded.

Notice and Meeting

22. The Board has notified the Discharger and interested agencies and persons of its intent under California Water Code Section 13263 to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

23. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED pursuant to the authority in Section 13263 of the California Water Code (CWC), Title 27, Division 2, Subdivision 1 of the California Code of Regulations (27CCR) that the Dischargers, their agents, successors, and assigns shall meet the applicable provisions contained in 27 CCR, and shall comply with the following:

A. PROHIBITIONS

1. The discharge of hazardous waste at or from this Facility, including to the OWCP, is prohibited. For the purposes of this Order, the term "hazardous waste" is as defined in Section 20164 of Title 27.

2. The discharge of wastes which: 1) have the potential to cause corrosion or decay, or otherwise reduce or impair the integrity of the containment structures; 2) if mixed or commingled with other wastes in the unit, could produce a violent reaction including heat, pressure, fire, explosion, or the production of toxic by-products; 3) require a higher level of containment than provided by the unit; 4) are "restricted hazardous wastes", or 5) impair the integrity of the containment structures, are prohibited per Section 20200(2)(b) of Title 27.

3. The discharge of pollutants from the OWCP onto land, into groundwater or surface water, except as allowed by a site-specific NPDES permit, is prohibited.

4. Neither the treatment nor the discharge of waste shall create a condition of pollution, contamination or nuisance as defined in Section 13050 of the California Water Code.

5. Wastes shall not be disposed in any position where they could migrate from the disposal site to adjacent geologic materials, waters of the State or of the United States during disposal operations, closure, and during the post-closure maintenance period, per Section 20310(a) of Title 27.

6. Activities associated with subsurface investigation and cleanup that will cause significant adverse migration of pollutants are prohibited.

7. The Discharger, or any future owner or operator of this site, shall not cause the following conditions to exist in waters of the State at any place outside the Facility as the result of operation of the impoundment:

   a. <u>Surface Water</u>

      i. Floating, suspended, or deposited macroscopic particulate matter or foam;
      ii. Bottom deposits or aquatic growth;
      iii. Adversely altered temperature, turbidity, or apparent color beyond natural background levels;
      iv. Visible, floating, suspended, or deposited oil or other products of petroleum origin; and
      v. Toxic or other deleterious substances to be present in concentrations or quantities which may cause deleterious effects on aquatic biota, wildlife or waterfowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentrations.

b. Groundwater

i. Groundwater shall not be degraded as a result of the waste disposal operation;
ii. Migration of pollutants through subsurface transport to waters of the State is prohibited.

c. Storm Water

Surface water collected within the surface impoundment shall not be discharged to waters of the State except as permitted by a site specific NPDES Permit.

B. OPERATING SPECIFICATIONS

1. Title 27, Section 20310, requires that Class II surface impoundments be designed and constructed to prevent migration of wastes from the impoundment to adjacent geologic materials, groundwater, or surface water, during discharge operations, and the closure and the post-closure maintenance periods.

2. The surface impoundment is designed to isolate wastes from Waters of the State pursuant to Title 27, Section 20250(b). This is accomplished by a composite liner system consisting of two low permeability liners and a leachate collection system.

3. The Discharger shall comply with all applicable provisions of Title 27, including provisions that are not specifically referred to in this Order.

4. The Discharger shall remediate soil and water contamination, which degrades or threatens to degrade water quality or adversely affect the beneficial uses of the waters of the State.

5. The pipeline discharge to the surface impoundment shall be equipped with devices, or fail-safe operating procedures, to prevent overfilling.

6. The surface impoundment shall be designed and constructed to prevent inundation, slope failure, and washout under conditions of a 24-hour storm with a 1000-year return frequency, and to prevent inundation or washout by floods with a 100-year return period. At all times, a minimum of two feet freeboard shall be maintained in the surface impoundment.

7. The Discharger shall operate the Leachate Collection and Removal System (LCRS) such that no leachate remains in any portion of LCRS. The system shall be designed and operated to function without clogging (Section 20340 of Title 27), shall be inspected monthly, and any accumulated fluid shall be removed.

8. The Discharger shall immediately report any rupture of the primary liner to the Board, and repair the primary liner if wastewater enters the LCRS through a rupture in the primary liner.

9. The Discharger shall ensure that all engineered structures (including, but not limited to, containment structures) of any part of the surface impoundment shall have a foundation capable of: 1) providing support for the structures; 2) withstanding hydraulic pressure gradients; and 3) preventing failure due to settlement, compression, or uplift and all effects of ground motions including the maximum credible earthquake event.

10. The existing containment, drainage, and monitoring systems at the facility shall be maintained as long as the wastes and leachate pose a threat to water quality. The Discharger shall continue the water quality-monitoring program, pursuant to Section 20410 of Title 27, as long as a threat of a release from the surface impoundment exists.

11. The Discharger shall operate the surface impoundment so as to isolate waste from waters of the State and to prevent a statistically significant monitoring parameter concentration from existing in the waters passing through the point of compliance, as defined in Section 20405 and 20420 in Title 27. The Discharger shall operate the surface impoundment so as to not exceed the concentration limits of the Self-Monitoring Program.

12. The Discharger shall install any additional groundwater and leachate monitoring devices required to fulfill the terms of any future Self-Monitoring Program issued by the Executive Officer.

13. If the Board determines that the Class II surface impoundment is polluting or threatening to pollute State waters, the Board may require the Discharger to cease discharging into the impoundment.

14. All reports pursuant to this Order shall be prepared under the supervision of a registered civil engineer, California-registered geologist, or certified engineering geologist.

15. This Board considers the property owner and site operator to have continuing responsibility for correcting any problems which arise in the future as a result of this waste discharge or related operations during the active life and post-closure maintenance period.

16. The Discharger shall comply with all requirements specified in the attached Self-Monitoring Program.

17. All samples shall be analyzed by State-certified laboratories, or laboratories accepted by the Board, using approved EPA methods for the type of analysis to be performed. All laboratories shall maintain quality assurance/quality control records for Board review. This provision does not apply to analyses that can only be reasonably performed onsite (e.g. temperature).

18. If the Executive Officer determines the existence of an imminent threat to surface or subsurface waters of the State, the Discharger may be required to install additional ground water, soil pore liquid, soil pore gas, or leachate monitoring devices.

C. PROVISIONS

1. The Discharger shall comply immediately, or as prescribed by the time schedule below, with all Prohibitions, Specifications and Provisions of this Order. All required submittals must be acceptable to the Executive Officer. The Discharger must also comply with all conditions of these WDRs. Violations may result in enforcement actions, including Board orders or court orders requiring corrective action or imposing civil monetary liability, or in modification or revocation of these waste discharge requirements by the Regional Board. [CWC Section 13261, 13263, 13265, 13267, 13268, 13300, 13301, 13304, 13340, 13350].

2. All technical and monitoring reports required pursuant to this Order are being requested pursuant to Section 13267 of the California Water Code. Failure to submit reports in accordance with schedules established by this Order or failure to submit a report of sufficient technical quality acceptable to the Executive Officer may subject the Discharger to enforcement action pursuant to Section 13268 of the California Water Code.

3. **Self Monitoring Program Plan:** The Discharger shall develop and submit a revised Self-Monitoring Program plan acceptable to the Executive Officer, which will meet the requirements of the current groundwater monitoring requirements of Title 27, sections 20380-20435. The plan shall include pond wastewater samples that shall be analyzed for the compounds that are likely to exist in the pond wastewater. The results of the analyses shall then be used to verify that no constituents exceed hazardous waste concentration criteria.

   PLAN DUE DATE: October 1, 2006.

4. **Self-Monitoring Program Implementation:** The Discharger shall implement the Self-Monitoring Program **within 6 months** upon receiving Board staff approval of the Discharger's revised Self Monitoring Program plan.

5. **Self-Monitoring Program Reporting:** The Discharger shall submit quarterly monitoring reports no later than 90 days following the end of the prior quarter of each year in accordance with the attached updated Self-Monitoring Program (Attachment A). As part of the March 31st report, the Discharger shall submit an annual monitoring report. Sample collection shall be conducted at all locations and frequencies specified in the updated Self-Monitoring Plan. The annual report to the Board shall cover the previous calendar year as described in Part A of the updated Self-Monitoring Program.

   REPORT DUE DATES:
   1st QUARTERLY REPORT – June 30th of each year
   2nd QUARTERLY REPORT – October 31st of each year
   3rd QUARTERLY REPORT – December 31st of each year
   4th QUARTERLY and ANNUAL REPORT – March 31st of each year

6. The Discharger shall inspect the LCRS weekly. All monitoring reports required pursuant to Provision C.5 shall include information demonstrating that the leachate control system is functioning properly. The summary shall document the monthly LCRS inspections and tabulate the volume of leachate removed from the LCRS. Consistent removal of liquid from the LCRS system must be immediately reported to the Board, and shall initiate an inspection of the pond liners. The report must include a description of all inspections and repairs to the pond liners. The annual report shall include a primary liner annual inspection from a licensed professional engineer in California.

7. **Operation and Maintenance Plan:** The Discharger shall submit an operation and maintenance plan, acceptable to the Executive Officer, including, but not necessarily limited to, the following:

    a. The monthly measurement and recording of leachate levels in the leachate collection and removal system;
    b. The scheduled periodic removal of all liquids and the scheduled periodic removal of surface impoundment sludge and the inspection of the liner/containment system;
    c. A contingency plan for freeboard violations; and
    d. A contingency plan for primary liner failure.

    PLAN DUE DATE: October 1st, 2006

8. **Closure Plan:** The Discharger shall submit a Closure and Post-Closure Maintenance plan as outlined in Title 27, section 21090-21200.

    PLAN DUE DATE: December 1st, 2006

9. **Financial Assurance:** The Discharger shall maintain an Irrevocable Closure Fund, pursuant to Section 22207 (a) of Title 27, and shall submit a document demonstrating the existence and viability of the Closure Fund. The Closure Fund must provide sufficient funds to clean close the Class II surface impoundment and for the post-closure monitoring and maintenance of the site. For the purposes of planning the amount of the fund, the Discharger shall assume a post-closure period of at least 30 years. However, the post-closure maintenance period shall extend as long as the wastes pose a threat to water quality.

    REPORT DUE DATE: December 1st, 2006

10. The Discharger shall maintain a copy of this Order at the Facility so as to be available at all times to project personnel.

11. The Discharger shall comply with all Prohibitions, Specifications, and Provisions of this Order immediately upon adoption of this Order. All required submittals must be acceptable to the Executive Officer.

12. The Discharger must comply with all conditions of these waste discharge requirements. Violations may result in enforcement actions, including Board orders or court orders requiring corrective action or imposing civil monetary liability, or in modification or revocation of these waste discharge requirements by the Board (CWC Sections 13261, 13267, 13263, 13265, 13268, 13300, 13301, 13304, 13340, and 13350).

13. All technical and monitoring reports required by this Order are requested pursuant to Section 13267 of the California Water Code. Failure to submit reports in accordance with schedules established by this Order or failure to submit a report of sufficient technical quality to be acceptable to the Executive Officer may subject the Discharger to enforcement action pursuant to Section 13268 of the California Water Code.

14. Technical reports/plans, submitted by the Discharger, in compliance with the Prohibitions, Specifications, and Provisions of this Order, shall be submitted to the Board on the schedule specified herein. These reports/plans shall consist of a letter report that includes the following:

    a. Identification of any obstacles that may threaten compliance with the schedule; and

    b. In the event of non-compliance with any Prohibition, Specification or Provision of this Order, written notification which clarifies the reasons for non-compliance and which proposes specific measures and a schedule to achieve compliance. This written notification shall identify work not completed that was projected for completion, and shall identify the impact of non-compliance on achieving compliance with the remaining requirements of this Order.

15. If additional groundwater contamination or potential contamination is detected, the Discharger shall immediately notify the Board and the Local Enforcement Agency (LEA). The Discharger shall immediately initiate corrective action to stop and contain the migration of pollutants from the surface impoundment.

16. The Discharger shall remove and relocate any wastes that are discharged at this site in violation of these requirements.

17. The Discharger shall file a notification with this Board of any material change or proposed change in the character, location, or quantity of the waste discharge. Any proposed change in the boundaries of the disposal areas shall also be reported, in writing, to the Board.

18. The Discharger must notify the Executive Officer in writing at least 30 days in advance of any proposed transfer of this Order's responsibility and coverage to a new discharger. The notice must include a written agreement between the existing and new discharger containing a specific date for the transfer of this order's responsibility and coverage between the current Discharger and the new discharger. This agreement shall include an

acknowledgment that the existing Discharger is liable for violations up to the transfer date and that the new discharger is liable from the transfer date on. [CWC Sections 13267 and 13263]. Failure to submit the notification shall be considered a discharge without requirements, a violation of the California Water Code.

19. In accordance with California Water Code Section 13267(c), the Discharger shall, at any time, permit the Board or its authorized representative, upon presentation of credentials:

    a. Immediate entry upon the premises on which wastes are located or in which any required records are kept;

    b. Access to copy any records required to be kept under the terms and conditions of this Order;

    c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Order or by any other California State agency; and

    d. Sampling of any discharge, storm water, surface water, or groundwater governed by this Order.

20. The Discharger shall immediately notify the Board of any flooding, equipment failure, slope failure, or other change in site conditions that could impair the integrity of waste or leachate containment facilities or precipitation and drainage control structures associated with the OWCP. Any such failure shall be promptly corrected after approval of the method and schedule by the Executive Officer.

21. The Discharger shall notify the Board at least 180 days prior to beginning any intermediate or final closure activities. This notice shall include a statement that all closure activities will conform to the most recently approved closure plan and that the plan provides for site closure in compliance with all applicable regulations.

22. This Order does not convey any property rights of any sort or any exclusive privileges. These requirements do not authorize commission of any act causing injury to the property of another or of the public; do not convey any property rights; do not remove liability under Federal, State, or Local laws; and do not authorize the discharge of wastes without appropriate permits from other agencies or organizations, nor do they create a vested right for the Discharger to continue the waste discharge (CWC Sections 13263 (g)).

23. This Order is subject to Board review and updating, as necessary, to comply with changing State or Federal laws, regulations, policies, or guidelines; changes in the Board's Basin Plan; or changes in the discharge characteristics.

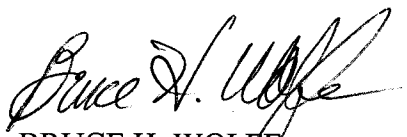
24. Provisions of these waste discharge requirements are severable. If any provisions of these requirements are found to be invalid, the remainder of these requirements shall not be affected.

25. Where the Discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the Board, it shall promptly submit and/or correct such facts or information (CWFC Sections 13260 and 13267).

26. Reporting of Hazardous Substance Release: If any hazardous substance is discharged in or on any waters of the State, or discharged or deposited where it probably will be, the Discharger shall report such discharge to the Board by calling (510) 622-2300 during regular office hours (Monday through Friday, 8 – 5). A written report shall be filed with the Board within five working days. The report shall describe: the nature of the hazardous substance, estimated quantity involved, duration of the incident, cause of the release, estimated size of the affected area, nature of the effect, corrective actions taken or planned, schedule of corrective actions planned, and person/agencies notified. This reporting is in addition to reporting to the Office of Emergency Services that is required pursuant to the Health and Safety Code.

27. The Discharger shall report any noncompliance that may endanger human health or the environment. Any such information shall be provided orally to the Executive Officer within 24 hours from the time the Discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours (CWC Sections 13263 and 13267).

I, Bruce H. Wolfe, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order of the California Regional Water Quality Control Board, San Francisco Bay Region, on September 13, 2006.



BRUCE H. WOLFE
EXECUTIVE OFFICER

Attachments:

Figure 1 Location Map
Figure 2 Site Map

Appendix I Monitoring & Reporting Program
Table 1: Class II Surface Impoundment: Constituents of Concern, Monitoring Parameters, and Water Quality Parameters
Attachment 1: Response to liquid in the Leachate Collection System
Attachment 2: Response Chart

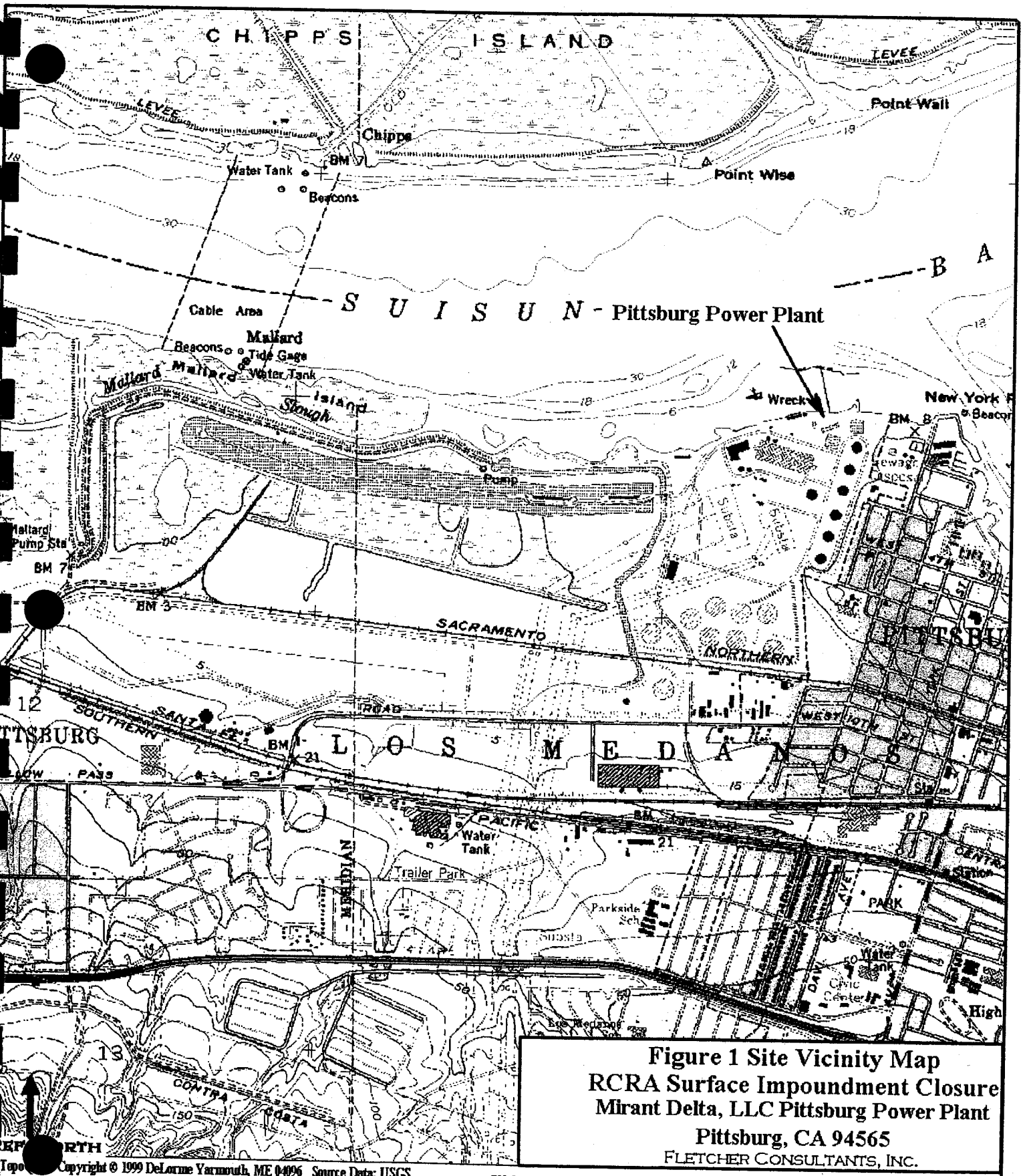
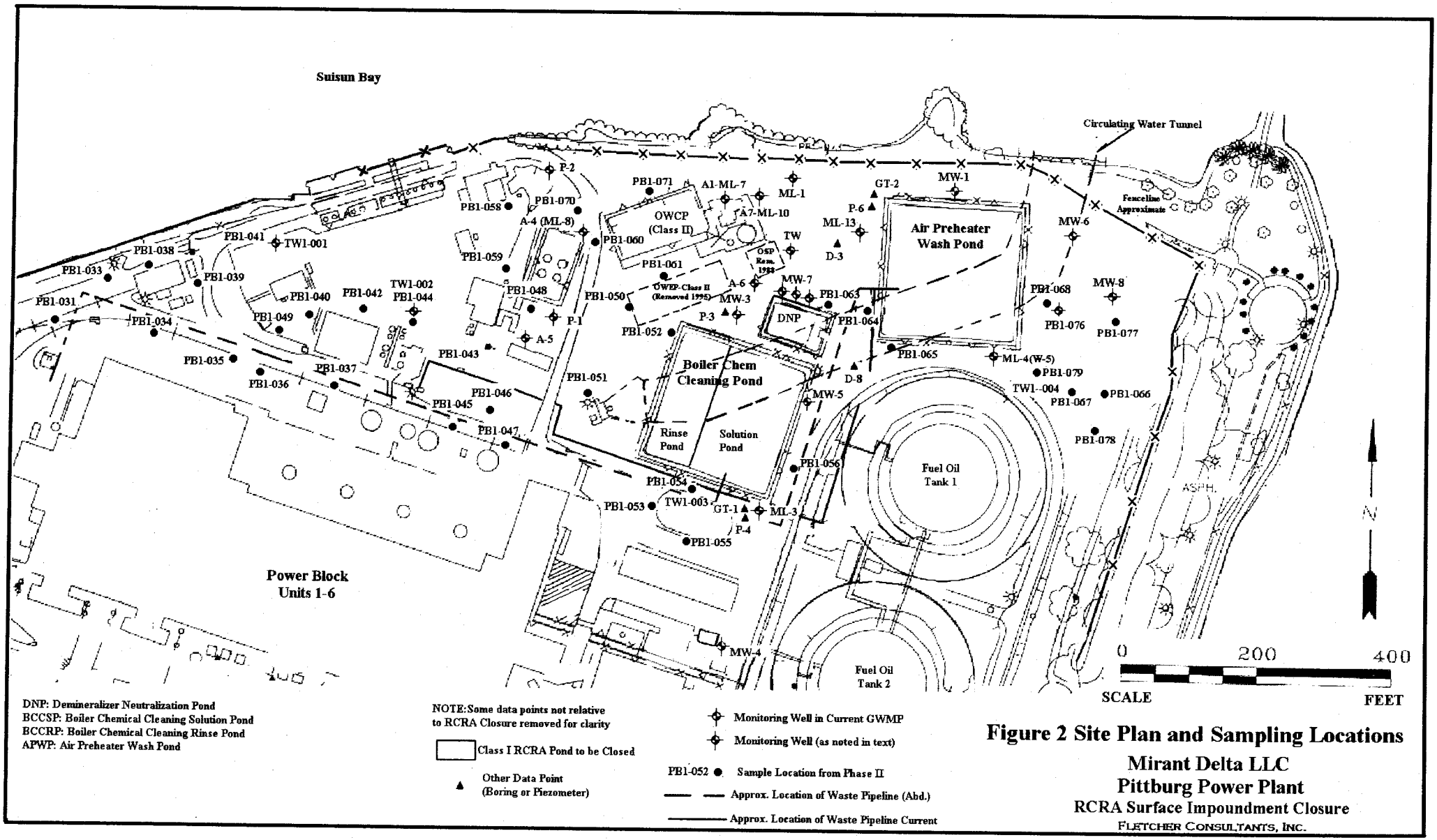


Figure 1 Site Vicinity Map
RCRA Surface Impoundment Closure
Mirant Delta, LLC Pittsburg Power Plant
Pittsburg, CA 94565
FLETCHER CONSULTANTS, INC.



DNP: Demineralizer Neutralization Pond
BCCSP: Boiler Chemical Cleaning Solution Pond
BCCRP: Boiler Chemical Cleaning Rinse Pond
APWP: Air Preheater Wash Pond

NOTE: Some data points not relative to RCRA Closure removed for clarity

Class I RCRA Pond to be Closed

Other Data Point (Boring or Piezometer)

Monitoring Well in Current GWMP

Monitoring Well (as noted in text)

PB1-052 Sample Location from Phase II

Approx. Location of Waste Pipeline (Abd.)

Approx. Location of Waste Pipeline Current

Figure 2 Site Plan and Sampling Locations

Mirant Delta LLC
Pittburg Power Plant
RCRA Surface Impoundment Closure
FLETCHER CONSULTANTS, INC.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

SELF-MONITORING AND REPORTING PROGRAM

FOR

OILY WATER COLLECTION POND
MIRANT DELTA, LLC
PITTSBURG POWER PLANT
PITTSBURG, CONTRA COSTA COUNTY

ORDER NO. R2-2006-0057

CONSISTS OF

PARTS I, II, and III

PART I

A. GENERAL

Reporting responsibilities of waste dischargers are specified in Sections 13225(a), 13267(b), 13383, and 13387(b) of the California Water Code and this Board's Resolution No. 73-16. This Monitoring and Reporting Program (M&RP) is issued in accordance with Provision C.16 and Board Order No. R2-2006-xxxx.

The principal purposes of a M&RP are: (1) to document compliance with waste discharge requirements and prohibitions established by the Board, (2) to facilitate the prevention and abatement of pollution arising from waste discharge, (3) to develop or assist in the development of standards of performance, and toxicity standards, and (4) to assist the Discharger in complying with the requirements of Title 27 of the California Code of Regulations (CCR).

B. SAMPLING AND ANALYTICAL METHODS

Sample collection, storage, and analysis shall be performed according to the most recent version of Standard USEPA Methods, and in accordance with an approved sampling and analysis plan. Water and waste analysis shall be performed by a laboratory approved for these analyses by the State of California. Specific methods of analysis must be identified. If methods other than USEPA-approved methods or Standard Methods are used, the exact methodology must be submitted for review and must be approved by the Executive Officer prior to use. The director of the laboratory, or the director's designee, shall supervise all analytical work in his/her laboratory and shall sign all reports of such work submitted to the Board. All monitoring instruments and equipment shall be properly calibrated and maintained to ensure accuracy of measurements. In addition, the Discharger is responsible for seeing that the laboratory analysis of all samples from Monitoring Points and Background Monitoring Points meets the following restrictions:

1. The methods of analysis and the detection limits used must be appropriate for the expected concentrations. For detection monitoring of any constituent or parameter that is found in concentrations which produce more than 50% non-numerical determinations [i.e., "trace" or "ND"] in data from Background Monitoring Periods, the analytical method used in the Detection Limit Study (defined in Part I.B.2) or equivalent should be used to meet or exceed the derived performance standards for Minimum Detection Limits (MDLs) and Practical Quantitation Limits (PQLs) (defined in Parts I.C.7 and I.C.8).

2. MDLs and PQLs shall be derived by the laboratory for each selected analytical procedure applicable for the range of expected concentrations conducted under a Detection Limit Study (DLS). The DLS will be preformed using representative groundwater matrix and reflecting the detection and quantitation capabilities of the specific analytical procedure and equipment used by the laboratory. Results of the DLS will be submitted within six months of the effective date of this Order. If based upon review of the groundwater data, either the Executive Officer or the Discharger determine that an additional DLS is needed, the Discharger will perform additional DLS's as needed.

3. All Quality Assurance/Quality Control (QA/QC) data shall be reported, along with the sample results to which it applies, including the analytical method, recovery rates, relative percent difference and the results of equipment and method blanks, matrix spiked samples, the frequency of quality control analysis, matrix background samples and lab control samples. In addition, analysis results for method blanks or spike recovery shall be reported unadjusted.

4. Statistical procedures for determining the significance of analytical results need not be performed for common laboratory contaminants (i.e., methylene chloride, acetone, diethylhexyl phthalate, and di-n-octyl phthalate). Nevertheless, analytical results involving detection of these analytes in any background or downgradient sample shall be reported and flagged for easy reference by Board staff.

5. Unknown chromatographic peaks shall be reported and flagged for easy identification. When unknown peaks are encountered, Board staff may require an estimate of the concentration of the unknown analyte, and may require that second column or second method confirmation procedures be performed in an attempt to identify and more accurately quantify the unknown analyte.

6. In cases where contaminants are detected in QA/QC samples [i.e., field, trip, or lab blanks], the accompanying sample results shall be appropriately reported.

7. The MDL shall always be calculated such that it represents a concentration associated with a 99% reliability of a non-zero result.

C. DEFINITION OF TERMS

1. The "**Monitored Media**" are those water-bearing media that are monitored pursuant to this M&RP. The monitored media at this facility is the ground water in the perched water zone, in any other portion of the zone of saturation in which it would be reasonable to anticipate that waste constituents migrating from the surface impoundment could be detected.

2. The "**Constituents of Concern [COC]**" are those constituents which are likely to be in the waste in the facility or which are likely to be derived from waste constituents, in the event of a release. The Constituents of Concern for the facility are listed in Table 1 of this appendix.

3. The "**Monitoring Parameters**" are a subset of the constituents of concern and are parameters used for the majority of monitoring activity. The Monitoring Parameters designated for the facility are listed in Table 1. Monitoring Parameters are used to indicate leakage from the facility into the monitored media by comparing the monitoring results with the maximum allowable concentration limits established for a given monitored sector. For a detection monitoring program, the monitoring parameters provide a possible indication of a release. During a corrective action period, monitoring parameters provide a means to evaluate the effectiveness of the corrective action.

4. **"Standard Observations"** along the perimeter of the surface impoundment refers to:

a) Evidence of liquid leaving the surface impoundments, estimated size of affected area (identified on site map), and flow rate;
b) Evidence of erosion of surface impoundment containment structures.
c) Monitoring of surface impoundment leachate levels.

5. **"Standard Analysis and Measurements"** refers to:

a) Turbidity [only for water samples], in NTU;
b) Water elevation to the nearest 1/100th foot above mean sea level [only for ground water monitoring]; and
c) Sampling and statistical analysis of the Monitoring Parameters.

6. **"Matrix Effect"** refers to any increase in the MDL or PQL for a given constituent as a result of the presence of other constituents -- either of natural origin or introduced through a release -- that are present in the sample of water.

7. **"Method Detection Limit [MDL]"**, for a given analytical laboratory using a given analytical method to detect a given constituent means the MDL determined by the DLS.

8. **"Practical Quantitation Limit [PQL]"**, for a given analytical laboratory using a given analytical method to detect a given constituent means the lowest constituent concentration derived from the DLS (defined in Part B.2) that the laboratory can regularly quantify within specified limits of precision that are acceptable to the Executive Officer.

9. **"Sample & Analysis Period"** means the duration separating sampling and analysis events from monitoring points or wells, for a given type of monitoring from the time the next iteration of that event. Unless otherwise specified in this M&RP, the period for sampling and analysis for the Monitoring Parameters is quarterly. The period for sampling and analysis of all Constituents of Concern (COC), is quarterly until at least one year of data is collected, thereafter at least annually for the first five years from the date of issuance of this M&RP, and then once every five years after the fifth Annual Report unless the Executive Officer requests to continue the once-per-year COC Sampling and Analysis Event. The sampling and analysis for Monitoring Parameters was modified in the second quarter of 2005 to reflect closure of the Class I units at the facility.

10. **"Sample & Analysis Event"** means the point in time that sampling and analysis is performed from monitoring points or wells, for a given type of monitoring. Unless otherwise specified in this M&RP, the sampling and analysis for the Monitoring Parameters will be quarterly, and the sampling and analysis of all Constituents of Concern will be during the 4th quarter Sampling and Analysis Period.

11. **"Reporting Period"** means the duration separating the submittal of a monitoring report from the time the next iteration of that report is scheduled for submittal. The

Reporting Period for the Annual Summary Report extends from January 1 to December 31. The due date for any given report will be 90 days after the end of its Reporting Period, unless otherwise stated.

12. **"Receiving Waters"** refers to any surface water that actually or potentially receives surface or ground waters which pass over, through, or under waste materials or contaminated soils. In this case the following surface water bodies are considered receiving waters: Suisun Bay, and the San Francisco Bay.

13. **"Control Chart"** means a graphical method for evaluating whether a process is or is not in a state of statistical control. X-Bar control charts evaluate the process level or subgroup differences in terms of the subgroup average.

D. RECORDS TO BE MAINTAINED

Written reports shall be maintained by the discharger or laboratory, and shall be retained for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge or when requested by the Board. Such records shall show the following for each sample:

1. Identity of sample and of the Monitoring Point or Background Monitoring Point from which it was taken, along with the identity of the individual who obtained the sample;

2. Date and time of sampling;

3. Date that analyses were started and completed, and the name of the personnel performing each analysis;

4. Complete procedure used, including method of preserving the sample, and the identity of reagents used;

5. Calculation of results; and,

6. Results of analyses, including the MDL and PQL for each analysis.

E. REPORTS TO BE FILED WITH THE BOARD

1. A written **Quarterly Monitoring Report** for the Class II surface impoundment shall be submitted quarterly. The fourth Quarterly Monitoring Report will be the **"Annual Report"**. The reports shall be comprised of at least the following:

a. **Letter of Transmittal** A letter transmitting the essential points in each report shall accompany each report. Such a letter shall include a discussion of any requirement violations found since the last such report was submitted, and shall describe actions taken or planned for correcting those violations. If the Discharger has previously submitted a detailed time schedule for correcting said requirement violations, a reference to the correspondence transmitting such schedule will be satisfactory. If no violations have

occurred since the last submittal, this shall be stated in the letter of transmittal. Monitoring reports and the letter transmitting the monitoring reports shall be signed by a principal executive officer at the level of vice president or above, or by his/her duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates. The letter shall contain a statement by the official, under penalty of perjury, that to the best of the signer's knowledge the report is true, complete, and correct.

b. Each Monitoring Report shall include a compliance evaluation summary. The summary shall contain at least:

1) **Groundwater Data:** For each monitored ground water body, a description and graphical presentation of the rate and direction of ground water flow under/around the facility, based upon water level elevations taken during the collection of the water quality data submitted in the report;

2) **Pre-Sampling Purge for Samples Obtained From Wells:** For each monitoring well addressed by the report, a description of the method and time of water level measurement, of the type of pump used for purging and the placement of the pump in the well, and of the method of purging (the pumping rate, the equipment and methods used to monitor field pH, temperature, and conductivity during purging, the calibration of the field equipment, results of the pH temperature, conductivity, and turbidity testing, the well recharge rate, and the method of disposing of the purge water);

3) **Sampling:** For each Monitoring Point and Background Monitoring Point addressed by the report, a description of the type of pump -- or other device -- used and its placement for sampling, and a detailed description of the sampling procedure [number and description of the samples, field blanks, travel blanks, and duplicate samples taken, the type of containers and preservatives used, the date and time of sampling, the name of the person taking the samples and statement which indicates that the person actually taking the samples is qualified to take samples, and any other observations].

c. A map or aerial photograph showing the locations of observation stations and Monitoring Points;

d. For each Monitoring Report include laboratory statements of results of all analyses demonstrating compliance with Part I.B.;

e. An evaluation of the effectiveness of the leachate monitoring and control facilities.

f. A summary and certification of completion of all Standard Observations [Part I.C.4.] for the facility, for the perimeter of the facility, and for the Receiving Waters; and

g. The quantity and types of wastes discharged to the impoundment since submittal of the last such report. (To be reported quarterly).

2. CONTINGENCY REPORTING

a. The Discharger shall report by telephone, immediately after discovery, evidence of a significant release that may pose an imminent threat to surface or subsurface waters of the State from the Class II surface impoundment or beyond any boundary of the Facility. A written report shall be filed with the Board within seven days, containing at least the following information:

1) A map showing the location(s) of release;
2) An estimate of the flow rate;
3) A description of the nature of the discharge (e.g., all pertinent observations and analyses); and
4) Corrective measures underway or proposed.

b. Should the statistical comparison [Part III] indicate, for any Constituent of Concern or Monitoring Parameter, that a statistically significant release is tentatively identified, the Discharger shall immediately notify the Board verbally as to the Monitoring Point(s) and constituent(s) or parameter(s) involved, shall provide written notification by certified mail within seven days of such determination, and shall follow the Discharger's approved discrete retest procedure. If the retest confirms the existence of a significant release, the Discharger shall carry out the requirements of Part I.E.2.d. In any case, the Discharger shall inform the Board of the outcome of the retest as soon as the results are available, following up with written results submitted by certified mail within seven days of completing the retest.

c. If either the Discharger or the Board determines that there is significant physical evidence of a release, the Discharger shall immediately notify the Board of this fact by certified mail [or acknowledge the Board's determination] and shall carry out the requirements of Part I.E.2.d. for all potentially-affected monitored media.

d. If the Discharger concludes that a release, or a statistically significant increase in contaminant concentration, has occurred:

1) Then the Discharger shall, within thirty days, sample for all Constituents of Concern at all Monitoring Points and submit them for laboratory analysis. Within seven days of receiving the laboratory analytical results, the Discharger shall notify the Board, by certified mail, of the concentration of all Constituents of Concern at each Monitoring Point. Because this scan is not to be tested against background, only a single datum is required for each Constituent of Concern at each Monitoring Point;

2) The Discharger shall, within 90 days of discovering the release, submit a Revised Report of Waste Discharge proposing an Evaluation Monitoring Program meeting

the requirements of; and

3) The Discharger shall, within 180 days of discovering the release, submit a preliminary engineering feasibility study meeting the requirements of Title 27 to provide for a corrective action or improve any existing corrective action.

3. ANNUAL SUMMARY REPORT

The Discharger shall submit an annual report to the Board covering the previous monitoring year. The Reporting Period ends December 31. This report shall contain:

a. **Graphical Presentation of Analytical Data.** For each Monitoring Point and any Background Monitoring Points, submit in graphical format the laboratory analytical data for all samples taken on a quarterly frequency. Each such graph shall plot the concentration of one or more constituents over time for a given Monitoring Point or Background Monitoring Point, at a scale appropriate to show trends or variations in water quality. All graphs for a given constituent shall be plotted at the same scale to facilitate visual comparison of monitoring data. On the basis of any aberrations noted in the plotted data, the Executive Officer may direct the Discharger to carry out a preliminary investigation, the results of which will determine whether or not a release is indicated;

b. All monitoring analytical data obtained during the previous years' Reporting Periods, presented in tabular form as well as on a Compact Disc (CD), in a file format acceptable to the Executive Officer. The Board regards the submittal of data in hard copy and on diskette as the form necessary for statistical analysis, in that this facilitates periodic review by the Board's statistical consultant;

c. A comprehensive discussion of the compliance record, and the result of any corrective actions taken or planned which may be needed to bring the Discharger into full compliance with the waste discharge requirements;

d. A written summary of the groundwater and, if applicable, soil-pore gas analyses, indicating any changes made since the previous annual report; and

e. An evaluation of the effectiveness of the leachate monitoring/control facilities.

Part II: MONITORING AND OBSERVATION SCHEDULE

A. WASTE MONITORING - Report quarterly, as part of the Monitoring Report

1. Record the total volume of wastewater discharged to the surface impoundment during each quarter.

2. Record a description of the waste stream.

B. WATER SAMPLING / ANALYSIS FOR MONITORING

1. **Thirty-Day Sample Procurement Limitation.** For any monitored medium, the samples taken from all Monitoring Points and Background Monitoring Points to satisfy the data analysis requirements for a given Reporting Period shall all be taken within a span not exceeding 30 days, and shall be taken in a manner that insures sample independence to the greatest extent feasible. Ground water sampling shall also include an accurate determination of the ground water surface elevation and field parameters [temperature, electrical conductivity, turbidity] for that Monitoring Point or Background Monitoring Point. Ground water elevations taken prior to purging the well and sampling for Monitoring Parameters shall be used to fulfill the Spring and Fall ground water flow rate/direction analyses. Statistical or non-statistical analysis shall be carried out as soon as the data is available, in accordance with Part III of this program.

2. **Monitoring Points and Background Monitoring Points For Each Monitored Medium:** The Discharger shall sample Monitoring Points and Background Monitoring Points, in accordance with the sampling schedule given in Table 1.

3. **Quarterly Determination of Ground Water Flow Rate/Direction:** The Discharger shall measure the water level in each well and determine ground water flow rate and direction in each ground water body described in Part II.B.2. once per quarter, including the times of expected highest and lowest elevations of the water level for the respective ground water body. This information shall be included in the quarterly monitoring reports required under Part I.

4. **"Direct Monitoring" of All Constituents of Concern .** In the absence of a release being indicated **(1)** for a Monitoring Parameter, **(2)** based upon physical evidence, pursuant to Part I.E.2.c., or **(3)** by a study required by the Executive Officer based upon anomalies noted during visual inspection of graphically-depicted analytical data [Part I.E.3.a.], **then** the Discharger shall sample all Monitoring Points (specified in Table 1) and Background Monitoring Points for water-bearing media for all Constituents of Concern every fifth year, beginning with the year of the effective date of this Monitoring and Reporting Program, with successive direct monitoring efforts being carried out alternately in the Spring of one year (Reporting Period ends March 31] and the Fall of the fifth year thereafter [Reporting Period ends September 30].

5. **Initial Background Determination:** For the purpose of establishing an initial pool of background data for any new Constituent of Concern at each Background Monitoring Point in each monitored medium.

   a. Whenever a new Constituent of Concern is added to the Water Quality Protection Standard, including any added by the adoption of this Order, the Discharger shall collect at least one sample quarterly for at least one year from each Background Monitoring Point in each monitored medium and analyze for the newly-added constituent(s); and

   b. Whenever a new Background Monitoring Point is added, including any added by this Order, the Discharger shall sample it at least quarterly for at least one year, analyzing for all Constituents of Concern and Monitoring Parameters.

6. **Monitoring Points and Background Monitoring Points For Each Monitored Medium:**
   The Discharger shall sample the Monitoring Points and Background Monitoring Points in accordance with the sampling schedule listed in Table 1.

C. LEACHATE COLLECTION AND REMOVAL SYSTEM MONITORING

1. The Discharger shall, on a weekly basis, inspect, monitor leachate levels, and determine rate of liner leakage, for the Class II impoundment's leachate collection and removal system (LCRS). All pumpable liquids shall be pumped from the LCRS, and the volume pumped shall be measured and recorded. The results of the weekly inspections shall be maintained by the Discharger and a summary reported in the quarterly report submittals.

2. Records of liquid levels and volumes of liquid removed from the LCRS shall be reviewed weekly and compared to the previous data.

3. If greater than five gallons of leachate is removed from a LCRS standpipe during a weekly inspection, the frequency of inspections shall be increased to once per day. If the amount of leachate removed from the primary system is greater than 30 gallons per day for two consecutive days, the surface impoundment will be emptied and removed from service. The sludge will be removed from the impoundment and the liner repaired. Prior to returning the surface impoundment to service, the liners will be tested to assure there is no leakage through the liners.

Part III: STATISTICAL ANALYSIS OF SAMPLE DATA DURING A DETECTION MONITORING PROGRAM

The Discharger has proposed and has received approval for the statistical method outlined in Section 7.0 of the Groundwater Monitoring Plan (revised June 1994) which will hereby be used to evaluate groundwater data for the Class II surface impoundment.

The approved statistical procedure meets the definition for an Alternate Statistical Method (ASM) pursuant to Title 27. The approved statistical method consist of an X-Bar Control Chart, a procedure to evaluate non-detects, a procedure to manage quality control data, and a list of proposed PQLs to be updated later by the Detection Limit Study. The proposed ASM outlined in the procedure to determine a Statistical Significant Increase and a Double Discrete Retest for confirmation statistics.

The Groundwater Monitoring Plan contains a list of Constituents of Concern, Monitoring Parameters, Points of Compliance, Monitoring Points, frequency for sampling and statistical analysis, and procedure to establish and update Concentration Limits pursuant to Title 27 in defining the Water Quality Protection Standards and complying with the Detection Monitoring Program Performance Standards.

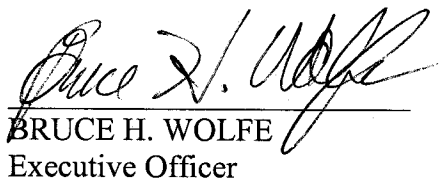
The four RCRA Class I Surface Impoundments at the Facility were decontaminated and clean-closed consistent with the approved Closure Plan in 2004. The Department of Toxic Substances Control (DTSC) acknowledged clean closure of the Class I impoundments in a Technical Completeness Determination letter dated April 28, 2005. Groundwater monitoring for the Class I units has been terminated, and the Class I ponds are considered formally closed. Groundwater monitoring for the Class II unit will continue consistent with this Order.

I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing Monitoring and Reporting Program:

1. Will be developed in accordance with the procedure set forth in this Board's Resolution 73-16 in order to obtain data and documentation of compliance with waste discharge requirements established by this Board.

2. Is effective within 90 days upon adoption of this Order.

3. May be reviewed at any time subsequent to the effective date upon written notice from the Executive Officer or request from the Discharger upon which revisions may be ordered by the Executive Officer or the Board.



BRUCE H. WOLFE
Executive Officer

September 13, 2006
Effective Date

TABLE 1

CLASS II SURFACE IMPOUNDMENT MONITORING SPECIFICATIONS

LIST OF MONITORING PARAMETERS, CONSTITUENTS OF CONCERN, AND WATER QUALITY PARAMETERS

Constituents of Concern	**Oily Water Collection Pond** well monitored: A-1 (ML-7)	**Background Well** well monitored: A-5 (ML-9)
Carbonate/ Bicarbonate	WQ	WQ
Calcium	WQ	WQ
Magnesium	WQ	WQ
Sulfate	WQ	WQ
TPH (8015/3550)	MP	WQ

LEGEND:
MP = Monitoring Parameter
WQ = Water Quality Parameter

Frequency of Monitoring

a. Monitoring Parameter - Quarterly sampling with statistical analysis
b. Water Quality Parameter – Quarterly sampling for one year, then annual sampling without statistical analysis

ATTACHMENT 1
RESPONSE TO LIQUID IN THE LEACHATE COLLECTION SYSTEM

After comparing the actual volume detected in the standpipe with the Response Chart (Attachment 2) the appropriate response, as described below will be performed.

EMERGENCY RESPONSE

The operating foreman, supervisor, or qualified individual, with the assistance of plant personnel, will evaluate the Oily Water Collection Pond Log, and the Operator's assessment of the situation. All notifications to the agencies will be done by plant personnel. Liquids in the leachate system will be sampled and analyzed to determine the source of the liquid.

RESPONSE LEVEL 1

A. If normal plant operations for the OWCP are in progress, continue the operation and discharge the liquids into the pond.
B. Follow the normal treatment procedures before emptying the leaking pond.
C. Inspect and repair the primary liner at next annual inspection. Prove a performance standard of no leakage through the repaired liners, before putting the surface impoundment into operation.

RESPONSE LEVEL 2

A. Notify the Board, consistent with the provisions of the WDR.
B. If normal plant operations for the OWCP are in progress, continue the operation and discharge the liquids into the pond.
C. Follow the normal treatment procedures before emptying the leaking pond.
D. Inspect and repair all liner systems at the next annual inspection. Prove a performance standard of no leakage through the repaired liners, before putting the surface impoundment into operation.

RESPONSE LEVEL 3

A. Notify immediately and provide in writing an evaluation of the potential for unauthorized discharge from the impoundment to the Board, consistent with the provisions of the WDR.
B. Discontinue all discharges to the pond. If possible, route all discharges to a non-leaking pond.
C. Transfer contents of leaking pond to a non-leaking pond (if possible).
D. Expedite normal treatment and discharge procedures.
E. Remove leaking pond from service.
F. Inspect and repair primary liner. Prove a performance standard of no leakage through the repaired liners, before putting the surface impoundment into operation.

ATTACHMENT 2
REVISED RESPONSE CHART

Mirant Delta, LLC
Pittsburg Power Plant

Oily Water Collection Pond
Class II Surface Impoundment

		Leachate Collected (gal/day)	
	If < 5 gallons/day Response Level 1	If > 5 gallons/day Response Level 2	If >30 gal/day—for two Consecutive Days Response Level 3
Response	Normal Operations; continue weekly inspections and leachate monitoring	Begin Daily Inspection of Leachate Collection Removal System; All Liquids shall be pumped and volumes recorded.	Remove Pond from Service. Repair liners and test to assure no leakage