

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION

ORDER NO. R4-2010-0xx

WASTE DISCHARGE REQUIREMENTS.  
FOR  
INTERNATIONAL RISK ASSUMPTION DOWNEY LLC  
BIOAUGMENTATION OF VOLATILE ORGANIC COMPOUNDS (VOC) IN GROUNDWATER AT  
FORMER NASA INDUSTRIAL PLANT

(FILE NO. 97-197 and CI-8724)

The California Regional Water Quality Control Board, Los Angeles Region, (hereafter Regional Board) herein finds that:

1. International Risk Assumption Downey LLC (hereafter Discharger) has filed a Report of Waste Discharge and applied for Waste Discharge Requirements to use a non-pathogenic (naturally derived, not genetically engineered) chlorinated-ethene degrading microbial consortium containing Dehalococcoides ethenogenes culture, either Shaw's SDC-9™ or SiREM's KB-1™, to bioremediate chlorinated volatile organic compounds (VOCs) in shallow groundwater through reductive dechlorination to environmentally acceptable, non-toxic ethene in groundwater at the Former NASA Industrial Plant (Site) identified below.
2. The Site encompasses approximately 155 acres located at 12214 Lakewood Boulevard in Downey, California (Latitude 33° 56' North, Longitude 118° 8' West, see Figure 1). The site is located in an industrial area and was used between approximately 1929 and 1998 for aeronautical and aerospace manufacturing. The National Aeronautics and Space Administration (NASA) acquired the property in the 1960's. During the Fourth Quarter, 2003 the Site was transferred from NASA to the City of Downey, California. As part of this transfer, IRAD entered into an Environmental Responsibility Assumption Agreement (ERAA) with the City of Downey under which IRAD assumed responsibility for conducting the required remediation of soil and groundwater impacted by past operations at the Site. The Site has been redeveloped and is used for retail, commercial/industrial, and hospital uses.
3. Under the direction of this Regional Board, NASA began to investigate potential environmental impacts at the Site in 1995. NASA prepared Environmental Baseline Surveys for the site to identify areas of potential concern.
4. From 1997 to 2003, NASA, through its environmental contractor, Earth Tech, Inc., conducted various environmental subsurface investigations at the site to identify and characterize the environmental issues related to the historical operations at former NASA Industrial Plant.
5. Following the property transfer in the fall of 2003, ARCADIS, retained by IRAD, has been conducting the required investigation and remediation of soil and groundwater that had been impacted by past operations at the former NASA property.
6. The onsite soil and groundwater investigations have identified two main areas of concern on the former NASA property. The first area is in the northern portion of the site near former Buildings 61, 244, and 287, with the impact of trichloroethylene (TCE) and tetrachloroethylene (PCE) in soil and/or groundwater. The second area was a TCE release located in the southern-central portion of the site. The Site-wide investigations show that the primary contaminants detected in soil and groundwater are TCE, PCE, and cis-1,2-dichloroethene (cis-1,2-DCE).

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7. Shallow groundwater beneath the Site is first encountered at depths ranging from approximately 60 to 80 feet below ground surface. Shallow groundwater is unconfined and occurs within the Bellflower Aquitard. The Exposition and Gage Aquifers are present beneath the Bellflower Aquitard. The Bellflower Aquitard comprises the upper portion of the Lakewood Formation and generally occurs from land surface to depths of approximately 105 to 130 feet beneath the Site and appears to be laterally continuous across the Site. The Bellflower Aquitard is comprised primarily of a heterogeneous mixture of low permeability silts and clays, with lenses and layers of sandy or gravelly clay, silty sand, and sand identified in some areas. The Bellflower Aquitard is known to have relatively low hydraulic conductivities and regional groundwater supply wells are not screened in and do not produce from this unit.
8. There are thirteen water supply wells located within an approximate one-mile radius of the Site. Three of the wells were identified as City of Compton wells, seven are Dominguez Water Corporation wells, two are Southern California Edison wells, and one is a Dominguez Memorial Seminary well. Available well construction information indicates that the depths to the tops of the screened intervals for these wells range from approximately 256 to 554 feet and are located in the deep aquifer system. The water supply well closest to the site is Compton Well No. 14 with the top of the screened interval at a depth of 436 feet, but this well is not currently an active water supply well. VOCs have not been detected in this well.
9. Under the oversight of the Regional Board, ARCADIS has been operating a side-wide in situ reactive zone (IRZ) system since November 2005 to remediate the VOC-impacted groundwater. The IRZ system promotes enhanced reductive dechlorination (RED) of chlorinated solvents by biostimulation of the native microbial community. This groundwater remediation process is currently carried out through injecting carbohydrate solution quarterly into the VOC-impacted groundwater under General Waste Discharge Requirements (WDR), Order No. R4-2002-0030, CI No. 8724 (enrolled on March 22, 2004).
10. Although the current IRZ system has reduced trichloroethene (TCE) concentrations in the center of the plume from 1,700 micrograms per liter (m/L) in 2003 to 9 m/L in 2008, performance monitoring data indicate that complete reductive dechlorination is not occurring efficiently in the vicinity of Line 1000 because of the presence of cis-1,2-dichloroethene (cis-1,2-DCE) and vinyl chloride, and lack of significant ethane production. To further enhance late-stage dechlorination in the Line 1000, ARCADIS proposed to use bioaugmentation with selected bacteria cultures SDC-9™ or KB-1™ in addition to the current IRZ system. ARCADIS submitted the June 6, 2008 "Bioaugmentation Workplan" (Workplan), and the November 20, 2009 "Supplemental Bioaugmentation Culture Information," along with an application package for a site specific WDR for the proposed bioaugmentation application. The Workplan was subsequently approved by the Executive Officer on February 25, 2010.
11. The approved Workplan presents the rationale and procedures for pilot-scale implementation of enhanced in-situ bioremediation at the subject treatment area to remediate VOCs in shallow groundwater (Bellflower Aquitard) using carbon source amendments (i.e. molasses solution) and bioaugmentation with SDC-9™ or KB-1™.
12. During the pilot study, both carbon source amendments and selected bacteria cultures SDC-9™ or KB-1™ will be injected through permanently installed wells to evaluate the effectiveness of delivery and biologic reduction of chlorinated VOCs.

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13. A groundwater sampling and analysis program will be conducted prior to, during, and post addition to closely monitor groundwater effects. Groundwater monitoring will be conducted from up to 14 existing site groundwater monitoring wells and any additional wells deemed necessary to monitor performance within the respective treatment areas. Analysis will include (1) field parameters (e.g., temperature, conductivity, DO, turbidity, and ORP), (2) VOCs, (3) electron donor parameters (e.g., chemical oxygen demand [COD] or total organic carbon [TOC]), (4) redox sensitive parameters (e.g., ferrous iron, sulfate, nitrate, and methane), (5) bioactivity parameters (e.g., alkalinity and pH), and (6) bacterial DNA analysis by Quantitative Polymerase Chain Reaction test (qPCR) to identify the amount of indigenous dehalococcoides spp. strains.
14. Progressive changes in local groundwater quality will occur over a relatively short period of time, leading to an overall groundwater quality improvement. The bacterial population added to ensure complete reduction of TCE daughter products will only grow in the area where amendments (food source) are added. The spread of the bacterial population will be limited to anaerobic areas near and around the amendment injection points during and from a period of time after amendment addition, and will be controlled by areas where the groundwater system is aerobic.
15. Control measures would be implemented if carbohydrate solution and Dehalococcoides ethenogenes (DHE) associated with the bioaugmentation culture were detected in monitoring points outside the treatment zone. These measures would involve stopping further addition of amendments to the groundwater. After this control measure has been implemented the remaining amendments in the groundwater will naturally break down, effectively removing food source and allowing the groundwater system to return to more aerobic conditions. The bioaugmentation culture (Shaw's SDC-9™ culture or SiREM's KB-1™ culture) requires an electron donor/carbon source amendment (food), VOCs, and anaerobic conditions to survive. Given these growth requirements, the bioaugmentation culture will not survive due to the loss of the food source and anaerobic conditions.
16. If the above mentioned control measure does not prevent the offsite migration of the carbohydrate solution and/or the bioaugmentation cultures, a contingency plan, involving the installation of a hydraulic containment system, will be implemented. The slow rate of groundwater flow within and down gradient of the pilot study areas allows for sufficient time to complete design, installation, and implementation of a hydraulic containment system if necessary.
17. Any injection of a solution into the groundwater is a discharge of waste as defined by the California Water Code. However, the discharge of carbohydrate solution with chlorinated-ethene degrading consortium SDC-9™ or KB-1™ is intended to provide more effective remediation of chlorinated VOC-impacted groundwater and is expected to significantly reduce the anticipated site cleanup time as compared to pump-and-treat technology or enhanced in-situ bioremediation without addition of SDC-9™ or KB-1™.
18. The application of carbon source amendments independent of the addition of SDC-9™ or KB-1™ to groundwater may result in temporary adverse impacts to groundwater quality, but impacts that may result will be localized, and of short-term duration, and will not impact any existing or prospective uses of groundwater. The addition of a carbohydrate solution with SDC-9™ or KB-1™ will improve groundwater conditions by ensuring complete degradation of VOCs.
19. On January 24, 2002, this Regional Board adopted General Waste Discharge Requirements for Groundwater Remediation at Petroleum Hydrocarbon Fuel and/or Volatile Organic Compound

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Impacted Sites (Order No. R4-2002-0030). This Order permits the injection of selected carbon source amendments (i.e. lactate, edible oils, ethanol, etc.) proposed for use at this Site. On July 22, 2003, the Discharger was granted coverage under the General WDR (Series 047) and issued Monitoring and Reporting Program No. CI-8724 for the injection of carbon source amendments for groundwater remediation. Subsequent to adoption of the initial General WDR, Order No. R4-2002-0030 has been revised six times to cover the use of additional materials including ozone. The latest revision of the Order (Order No. R4-2007-0019) was adopted on March 1, 2007, and supersedes the previous version.

20. The General WDR prescribed for the Site does not cover the use of SDC-9™ or KB-1™, therefore, these site-specific waste discharge requirements have been developed for the addition of SDC-9™ or KB-1™ at this Site and will also cover the injection of the carbohydrate solution currently covered under the existing General WDR. Once these site-specific waste discharge requirements have been adopted, the enrollment under the existing General WDR will be rescinded. If the bioaugmentation pilot test at Line 1000 proves successful, the application will be expanded to cover additional bioaugmentation locations onsite. The Discharger shall submit an amended remedial action work plan for the use of enhanced in-situ bioremediation with SDC-9™ or KB-1™ at any other areas within the Site. Once the amended work plan is approved by the Regional Board's Executive Officer, the expanded use of enhanced in-situ bioremediation with SDC-9™ or KB-1™ will be included under the coverage of these site-specific waste discharge requirements and the monitoring and reporting program will be modified as appropriate.
21. The Regional Board adopted a revised Water Quality Control Plan for the Los Angeles Region on June 13, 1994. The Plan contains beneficial uses and water quality objectives for the Central Groundwater Basin. The requirements contained in this Order, as they are met, will be in conformance with the goals of the Plan.
22. The beneficial uses for the Central Groundwater Basin are municipal and domestic water supply, industrial service and process supply, and agricultural supply.
23. The permitted discharge is consistent with the anti-degradation provisions of State Water Resources Control Board Resolution No. 68-16 (Anti-degradation Policy). The discharge may result in some localized temporary exceedances of background concentrations of total organic carbon, iron, manganese, arsenic, TDS, and certain microorganisms. However, after the injection of amendments and selected bacteria culture, these parameters are not anticipated to exceed the primary or secondary standards to the extent that these parameters do not already exceed the respective standard. Moreover, any parameter change resulting from the discharge:
  - a. Will be consistent with maximum benefit to the people of the State.
  - b. Will not unreasonably affect present and anticipated beneficial uses of such water, and
  - c. Will not result in water quality less than that prescribed in the Water Quality Control Plan for Central Groundwater Basin.
24. The Regional Board has assumed lead agency role for this project under the California Environmental Quality Act (Public Resources Code section 21000 et seq.) and has conducted an Initial Study in accordance with section 15063 of the "State CEQA Guidelines" at California Code of Regulations, title 14, section 15000 et seq. Based upon the Initial Study, the Regional Board prepared a Mitigated Negative Declaration that the project, as mitigated, will not have a significant adverse effect on the environment.

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25. The Regional Board has notified the Discharger and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for this discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written comments and recommendations. The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge and to the tentative requirements.

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

**A. Discharge Limits**

1. The Discharger shall not cause the groundwater outside of the remediation area to exceed background concentrations of chloride and TDS established prior to start of remediation.
2. The discharge of carbohydrate solution with chlorinated-ethene degrading consortium, referred to as either Shaw's SDC-9™ or SiREM's KB-1™, into the groundwater shall be only performed while this Order is in force.
3. During this remediation, the injection volume of carbohydrate solution and the injection volume of either Shaw's SDC-9™ or SiREM's KB-1™ shall not exceed the amount as specified approved June 6, 2008 "Bioaugmentation Workplan" at the Site, unless approved by the Executive Officer.
4. Discharge duration shall not exceed more than two years, unless approved by the Executive Officer.

**B. Discharge Specifications**

1. The Discharger shall stop further addition of amendments to the groundwater if carbon source amendment and *Dehalococcoides* associated with either Shaw's SDC-9™ or SiREM's KB-1™ are observed to be migrating off-site. After this control measure has been implemented the remaining amendments in the groundwater will naturally break down, effectively removing food source and allowing the groundwater system to return to more aerobic conditions. Either Shaw's SDC-9™ or SiREM's KB-1™ will not survive due to the loss of the food source. Furthermore, either Shaw's SDC-9™ or SiREM's KB-1™ is sensitive to oxygenated water.
2. The Discharger shall not cause either Shaw's SDC-9™ or SiREM's KB-1™, the amendment, and the by-products of the bioremediation process to migrate outside of the treatment area established by the Discharger and approved by the Executive Officer.
3. The discharge of carbohydrate solution with either Shaw's SDC-9™ or SiREM's KB-1™ or any by-products into any surface water or surface water drainage course is prohibited.
4. The Discharger shall not cause the groundwater to contain taste or odor producing substances in concentrations that cause nuisance or adversely affect beneficial uses outside the treatment area.
5. The Discharger shall not cause the groundwater to contain concentrations of chemical substances or its by-products, including either Shaw's SDC-9™ or SiREM's KB-1™ in amounts that adversely affect any designated beneficial use as a result of the injection of solution.

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6. The Discharger shall implement hydraulic control to prevent off-site migration if necessary.

**C. Provisions:**

1. This Order includes the attached "Standard Provisions Applicable to Waste Discharge Requirements," which are incorporated herein by reference. If there is any conflict between provisions stated herein before and the attached "Standard Provisions," those provisions stated herein shall prevail.
2. Discharge of wastes to any point other than specifically described in this Order is prohibited and constitutes a violation thereof.
3. In the event of any change in name, ownership, or control of the Site, the Discharger shall notify this Regional Board in writing and shall notify any succeeding owner or operator of the existence of this Order by a letter, a copy of which shall be forwarded to this Regional Board.
4. A copy of these requirements shall be maintained at an on-site office and be available at all times to operating personnel.
5. In accordance with section 13260 of the Water Code, the Discharger shall file a report of any material change or proposed change in the character, location or volume of discharge.
6. The Discharger shall notify Regional Board immediately by telephone of any adverse condition resulting from this discharge or from operations producing this waste discharge, such notifications to be affirmed in writing within one week from the date of such occurrence.
7. This Regional Board considers the property operator and owner to have continuing responsibility of correcting any problem that may arise in the future as a result of this discharge.
8. All work must be performed by or under the direction of a registered civil engineer, registered geologist, or certified engineering geologist. A statement is required in all technical reports that the registered professional in direct responsible charge actually supervised or personally conducted all the work associated with the project.
9. The use of a carbohydrate solution with either Shaw's SDC-9™ or SiREM's KB-1™ shall not cause a condition of pollution or nuisance as defined by California Water Code, section 13050.
10. The Discharger shall comply with all conditions of this Order, including timely submittal of technical and monitoring reports as specified in the attached Monitoring and Reporting Program No. CI-8724. Violations of any conditions may result in enforcement action, including Regional Board or Court Order requiring corrective action or imposition of civil monetary liability, or revision, or rescission of the Order.
11. This Order does not exempt the Discharger from compliance with any other laws, regulations, or ordinances, which may be applicable. This Order does not legalize the waste treatment Site, and leaves unaffected any further restraints on the Site that may be contained in other statutes or required by other agencies.

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- 12. The Discharger shall cleanup and abate the effects of injecting amendment solution as specified in the WDR permit, including extraction of any by-products which adversely affect beneficial uses, and shall provide an alternate water supply source for municipal, domestic or other water use wells that become contaminated in exceedance of water quality objectives as a result of this discharge.
- 13. In accordance with section 13263 of the California Water Code, these requirements are subject to periodic review and revision by this Regional Board.
- 14. After notice and opportunity for a hearing, this Order may be terminated or modified for cause including, but not limited to:
  - a. Violation of any term or condition contained in this Order.
  - b. Obtaining this Order by misrepresentation, or failure to disclose all relevant facts.
  - c. A change in any condition that requires either a temporary or permanent reduction or elimination of authorized discharge.
- 15. The Regional Board, through its Executive Officer, will modify the Monitoring and Reporting Program, as necessary. The California Environmental Quality Act (CEQA) initial study and associated public comment were conducted once as part of the Waste Discharge Requirement (WDR) permit application process and will not be required for the expansion or modification of this remediation program.

**D. Expiration Date**

This Order expires on June 3, 2014.

The Discharger must file a Report of Waste Discharge in accordance with title 27, California Code of Regulations, not later than 180 days in advance of such date as application for issuance of new waste discharge requirements.

I, Tracy Egoscue, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region on June 3, 2010.

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Tracy Egoscue  
Executive Officer

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STANDARD PROVISIONS  
APPLICABLE TO WASTE DISCHARGE REQUIREMENTS

1. DUTY TO COMPLY

The discharger must comply with all conditions of these waste discharge requirements. A responsible party has been designated in the Order for this project, and is legally bound to maintain the monitoring program and permit. Violations may result in enforcement actions, including Regional Board orders or court orders requiring corrective action or imposing civil monetary liability, or in modification or revocation of these waste discharge requirements by the Regional Board. [CWC Section 13261, 13263, 13265, 13268, 13300, 13301, 13304, 13340, 13350]

2. GENERAL PROHIBITION

Neither the treatment nor the discharge of waste shall create a pollution, contamination or nuisance, as defined by Section 13050 of the California Water Code (CWC). [H&SC Section 5411, CWC Section 13263]

3. AVAILABILITY

A copy of these waste discharge requirements shall be maintained at the discharge facility and be available at all times to operating personnel. [CWC Section 13263]

4. CHANGE IN OWNERSHIP

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 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 acknowledgement 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]

5. CHANGE IN DISCHARGE

In the event of a material change in the character, location, or volume of a discharge, the discharger shall file with this Regional Board a new Report of Waste Discharge. [CWC Section 13260(c)]. A material change includes, but is not limited to, the following:

- (a) Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the Waste.

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- (b) Significant change in disposal method, e.g., change from a land disposal to a direct discharge to water, or change in the method of treatment which would significantly alter the characteristics of the waste.
- (c) Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area significantly removed from the original area potentially causing different water quality or nuisance problems.
- (d) Increase in flow beyond that specified in the waste discharge requirements.
- (e) Increase in the area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. [CCR Title 23 Section 2210]

6. REVISION

These waste discharge requirements are subject to review and revision by the Regional Board. [CCR Section 13263]

7. TERMINATION

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 Regional Board, it shall promptly submit such facts or information. [CWC Sections 13260 and 13267]

8. VESTED RIGHTS

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, do not protect the discharger from his liability under Federal, State or local laws, nor do they create a vested right for the discharger to continue the waste discharge. [CWC Section 13263(g)]

9. SEVERABILITY

Provisions of these waste discharge requirements are severable. If any provision of these requirements are found invalid, the remainder of the requirements shall not be affected. [CWC Section 921]

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10. OPERATION AND MAINTENANCE

The discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with conditions of this Order. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Order. [CWC Section 13263(f)]

11. HAZARDOUS RELEASES

Except for a discharge which is in compliance with these waste discharge requirements, any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with Section 8574.7) of Chapter 7 of Division 1 of Title 2 of the Government Code, and immediately notify the State Board or the appropriate Regional Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of Section 13271 of the Water Code unless the discharger is in violation of a prohibition in the applicable Water Quality Control plan. [CWC Section 1327(a)]

12. PETROLEUM RELEASES

Except for a discharge which is in compliance with these waste discharge requirements, any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Article 3.5 (commencing with Section 8574.1) of Chapter 7 of Division 1 of Title 2 of the Government Code. This provision does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Section 311 of the Clean Water Act or the discharge is in violation of a prohibition in the applicable Water Quality Control Plan. [CWC Section 13272]

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13. ENTRY AND INSPECTION

The discharger shall allow the Regional Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:

- (a) Enter upon the discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;
- (b) Have access to and copy, at reasonable times, any records that must be 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 purposes of assuring compliance with this Order, or as otherwise authorized by the California Water Code, any substances or parameters at any location. [CWC Section 13267]

14. MONITORING PROGRAM AND DEVICES

The discharger shall furnish, under penalty of perjury, technical monitoring program reports; such reports shall be submitted in accordance with specifications prepared by the Executive Officer, which specifications are subject to periodic revisions as may be warranted. [CWC Section 13267]

All monitoring instruments and devices used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy. All flow measurement devices shall be calibrated at least once per year, or more frequently, to ensure continued accuracy of the devices. Annually, the discharger shall submit to the Executive Office a written statement, signed by a registered professional engineer, certifying that all flow measurement devices have been calibrated and will reliably achieve the accuracy required.

Unless otherwise permitted by the Regional Board Executive officer, all analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. The Regional Board Executive Officer may allow use of an uncertified laboratory under exceptional circumstances, such as when the closest laboratory to the monitoring location is outside the State boundaries and therefore not subject to certification. All analyses shall be required to be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants" [40CFR Part 136] promulgated by the U.S. Environmental Protection Agency. [CCR Title 23, Section 2230]

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15. TREATMENT FAILURE

In an enforcement action, it shall not be a defense for the discharger that it would have been necessary to halt or to reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the treatment facility, the discharger shall, to the extent necessary to maintain compliance with this Order, control production or all discharges, or both, until the facility is restored or an alternative method of treatment is provided. This provision applies, for example, when the primary source of power of the treatment facility fails, is reduced, or is lost. [CWC Section 13263(f)]

16. DISCHARGE TO NAVIGABLE WATERS

Any person discharging or proposing to discharge to navigable waters from a point source (except for discharge of dredged or fill material subject to Section 404 of the Clean Water Act and discharge subject to a general NPDES permit) must file an NPDES permit application with the Regional Board. [CCR Title 2 Section 22357]

17. ENDANGERMENT TO HEALTH AND ENVIRONMENT

The discharger shall report any noncompliance which may endanger health or the environment. Any such information shall be provided verbally 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 and its cause; 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. The following occurrence(s) must be reported to the Executive Office within 24 hours:

- (a) Any bypass from any portion of the treatment facility.
- (b) Any discharge of treated or untreated wastewater resulting from sewer line breaks, obstruction, surcharge or any other circumstances.
- (c) Any treatment plan upset which causes the effluent limitation of this Order to be exceeded. [CWC Sections 13263 and 13267]

18. MAINTENANCE OF RECORDS

The discharger shall retain records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and record of all data used

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to complete the application for this Order. Records shall be maintained for a minimum of three years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board Executive Officer.

Records of monitoring information shall include:

- (a) The date, exact place, and time of sampling or measurement;
  - (b) The individual(s) who performed the sampling or measurement;
  - (c) The date(s) analyses were performed;
  - (d) The individual(s) who performed the analyses;
  - (e) The analytical techniques or method used; and
  - (f) The results of such analyses.
19. (a) All application reports or information to be submitted to the Executive Office shall be signed and certified as follows:
- (1) For a corporation – by a principal executive officer or at least the level of vice president.
  - (2) For a partnership or sole proprietorship – by a general partner or the proprietor, respectively.
  - (3) For a municipality, state, federal, or other public agency – by either a principal executive officer or ranking elected official.
- (b) A duly authorized representative of a person designated in paragraph (a) of this provision may sign documents if:
- (1) The authorization is made in writing by a person described in paragraph (a) of this provision.
  - (2) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated facility or activity; and
  - (3) The written authorization is submitted to the Executive Officer.

Any person signing a document under this Section shall make the following certification:

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Standard Provisions Applicable to  
Waste Discharge Requirements

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments 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. [CWC Sections 13263, 13267, and 13268]"

20. OPERATOR CERTIFICATION

Supervisors and operators of municipal wastewater treatment plants and privately owned facilities regulated by the PUC, used in the treatment or reclamation of sewage and industrial waste shall possess a certificate of appropriate grade in accordance with Title 23, California Code of Regulations Section 3680. State Boards may accept experience in lieu of qualification training. In lieu of a properly certified wastewater treatment plant operator, the State Board may approve use of a water treatment plant operator of appropriate grade certified by the State Department of Health Services where reclamation is involved.

Each plan shall be operated and maintained in accordance with the operation and maintenance manual prepared by the municipality through the Clean Water Grant Program [CWC Title 23, Section 2233(d)]

ADDITIONAL PROVISIONS APPLICABLE TO  
PUBLICLY OWNED TREATMENT WORKS' ADEQUATE CAPACITY

21. Whenever a publicly owned wastewater treatment plant will reach capacity within four years the discharger shall notify the Regional Board. A copy of such notification shall be sent to appropriate local elected officials, local permitting agencies and the press. The discharger must demonstrate that adequate steps are being taken to address the capacity problem. The discharger shall submit a technical report to the Regional Board showing flow volumes will be prevented from exceeding capacity, or how capacity will be increased, within 120 days after providing notification to the Regional Board, or within 120 days after receipt of notification from the Regional Board, of a finding that the treatment plant will reach capacity within four years. The time for filing the required technical report may be extended by the Regional Board. An extension of 30 days may be granted by the Executive Officer, and longer extensions may be granted by the Regional Board itself. [CCR Title 23, Section 2232]

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