CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

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Regional Board Website (https://www.waterboards.ca.gov/centralvalley)

[TENTATIVE] MONITORING & REPORTING PROGRAM R5-2024-XXXX

ORDER INFORMATION

Order Type(s):	Monitoring & Reporting Program (MRP)
Status:	TENTATIVE
Program:	Non-15 Discharges to Land
Region 5 Office:	Fresno
Discharger(s):	Midway Peaking, LLC and PAO Investments LLC
Facility:	Midway Peaking
Address:	43627 W. Panoche Road, Firebaugh, CA 93622
County:	Fresno County
Parcel Nos.:	027-060-82SU
CIWQS ID:	720036
Prior Order(s):	R5-2009-0052

CERTIFICATION

I, PATRICK PULUPA, Executive Officer, hereby certify that the following is a full, true, and correct copy of the order adopted by the California Regional Water Quality Control Board, Central Valley Region, on _____ December 2024.

_____

PATRICK PULUPA
Executive Officer

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GLOSSARY

bgs.....Below Ground Surface

µg/L.....Micrograms per Liter

µmhos/cm .....Micromhos per Centimeter

mg/L.....Milligrams per Liter

MRP .....Monitoring and Reporting Program

MW.....Monitoring Well

SPRRsStandard Provisions and Reporting Requirements

Title 22.....California Code of Regulations, Title 22

Title 23.....California Code of Regulations, Title 23

Unified Guidance.....*Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities, Unified Guidance* (USEPA, 2009)

USEPA.....United States Environmental Protection Agency

WDRs.....Waste Discharge Requirements

(findings begin on next page)

PREFACE

Adopted by the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) pursuant to Water Code section 13267, subdivision (b)(1), this Order establishes a Monitoring and Reporting Program (MRP) for the Midway Peaking, LLC and PAO Investments, LLC (Dischargers), which owns and/or operates the Midway Peaking (Facility) in Fresno County. Additional information regarding the Facility is set forth in the enumerated findings of Waste Discharge Requirements Order R5-2024-XXXX (WDRs Order). Except as otherwise provided in the following MRP, these findings are incorporated herein.

The Dischargers shall not implement any changes to this MRP unless and until the Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopts, or the Executive Officer issues, a revised MRP. This MRP Order may be separately revised by the Executive Officer, in accordance with their delegated authority under Water Code section 13223.

REQUIREMENTS

IT IS HEREBY ORDERED, pursuant to Water Code section 13267, that the Dischargers shall comply with the following Monitoring and Reporting Program (MRP).

A. General Monitoring Requirements

1. Flow Monitoring

Hydraulic flow rates shall be measured at the monitoring points specified in this MRP. Central Valley Water Board staff shall approve any proposed changes to flow monitoring locations prior to implementation of the change. All flow monitoring systems shall be appropriate for the conveyance system (i.e., open channel flow or pressure pipeline) and liquid type. Unless otherwise specified, each flow meter shall be equipped with a flow totalizer to allow reporting of cumulative volume as well as instantaneous flow rate. Flow meters shall be calibrated at the frequency recommended by the manufacturer; typically, at least once per year and records of calibration shall be maintained for review upon request.

2. Monitoring and Sampling Locations

Samples shall be obtained at the monitoring points specified in this MRP. Central Valley Water Board staff shall approve any proposed changes to sampling locations prior to implementation of the change. The Dischargers shall monitor the following locations to demonstrate compliance with the requirements of this Order:

Table 1—Monitoring and Sampling Locations

Location	Description
INF	Influent Flow Meter
AG-1	Reclaimed agricultural source water sample location prior to treatment
GW-1	On-site well source water sample location prior to treatment
SI	Where representative sample of evaporation/percolation pond water can be obtained
MW-1 MW-2 MW-3	Groundwater monitoring sample locations

3. Sampling and Sample Analysis

All samples shall be representative of the volume and nature of the discharge or matrix of material sampled. Except as specified otherwise in this MRP, grab samples will be considered representative of water, wastewater, soil, solids/sludges and groundwater.

The time, date, and location of each sample shall be recorded on the sample chain of custody form. All analyses shall be performed in accordance with the *Standard Provisions and Reporting Requirements for Waste Discharge Requirements*, dated 1 March 1991 (SPRRs).

Field test instruments (such as those used to measure pH, electrical conductivity, dissolved oxygen, wind speed, and precipitation) may be used provided that:

- The operator is trained in proper use and maintenance of the instruments;
- The instruments are field calibrated at the frequency recommended by the manufacturer;
- The instruments are serviced and/or calibrated by the manufacturer at the recommended frequency; and
- Field calibration reports are submitted as described in the “Reporting” section of this MRP.

Laboratory analytical procedures shall comply with the methods and holding times specified in the following (as applicable to the medium to be analyzed):

- *Methods for Organic Chemical Analysis of Municipal and Industrial Wastewater* (USEPA);
- *Test Methods for Evaluating Solid Waste* (USEPA);
- *Methods for Chemical Analysis of Water and Wastes* (USEPA);
- *Methods for Determination of Inorganic Substances in Environmental Samples* (USEPA);
- *Standard Methods for the Examination of Water and Wastewater* (APHA/AWWA/WEF); and
- *Soil, Plant and Water Reference Methods for the Western Region* (WREP 125).

Approved editions shall be those that are approved for use by the USEPA or the State Water Resources Control Board's (State Water Board) Environmental Laboratory Accreditation Program (ELAP). The Dischargers may propose alternative methods for approval. Where technically feasible, laboratory reporting limits shall be lower than the applicable water quality objectives for the constituents to be analyzed.

If monitoring consistently shows no significant variation in a constituent concentration or parameter after at least 12 months of monitoring, the Dischargers may request this MRP be revised to reduce monitoring frequency. The proposal must include adequate technical justification for reduction in monitoring frequency.

B. Specific Monitoring Requirements

1. Influent Monitoring

Influent flow rates shall be monitored upstream of the evaporation/percolation pond. At a minimum, influent shall be monitored as specified below:

Table 2—Influent Monitoring Requirements

Constituent	Units	Sample Type	Monitoring Frequency	Reporting Frequency
Flow	gallons per day	Meter	Continuous	Quarterly

2. Source Water Monitoring

The source water shall be monitored every calendar quarter at a point prior to any water treatment at the Facility. Source water monitoring shall include the following:

Table 3—Source Water Monitoring Requirements

Constituent	Units	Sample Type	Monitoring Frequency	Reporting Frequency
Flow	gallons per day	Meter	Monthly	Semiannually
pH	pH Units	Grab	Quarterly	Semiannually
Electrical Conductivity	micromhos per centimeter	Grab	Quarterly	Semiannually
General Minerals[1]	mg/L	Grab	Quarterly	Semiannually
Arsenic	mg/L	Grab	Quarterly	Semiannually
Barium	mg/L	Grab	Quarterly	Semiannually
Boron	mg/L	Grab	Quarterly	Semiannually
Fluoride	mg/L	Grab	Quarterly	Semiannually
Iron	mg/L	Grab	Quarterly	Semiannually
Nitrate (as NO_3)	mg/L	Grab	Quarterly	Semiannually
Silica, Total	mg/L	Grab	Quarterly	Semiannually
Selenium	mg/L	Grab	Quarterly	Semiannually
Vanadium	mg/L	Grab	Quarterly	Semiannually
Dissolved Inorganics[2]	µg/L	Grab	Annually	Annually

[1] See Attachment A. [2] See Attachment B.

3. Evaporation/Percolation Pond Monitoring

Evaporation/percolation pond samples shall be collected in the evaporation/percolation pond in a location opposite of the intake. At a minimum, the evaporation/percolation pond shall be monitored as specified below:

Table 4—Evaporation/Percolation Pond Monitoring Requirements

Constituent	Units	Sample Type	Monitoring Frequency	Reporting Frequency
Freeboard	0.1 feet	Measurement	Monthly	Quarterly
Berm Condition	--	Observation	Monthly	Quarterly
pH	pH Units	Grab	Quarterly	Semiannually
Electrical Conductivity	µmhos/cm	Grab	Quarterly	Semiannually
General Minerals[1]	mg/L	Grab	Quarterly	Semiannually
Arsenic	mg/L	Grab	Quarterly	Semiannually
Barium	mg/L	Grab	Quarterly	Semiannually
Boron	mg/L	Grab	Quarterly	Semiannually
Fluoride	mg/L	Grab	Quarterly	Semiannually
Iron	mg/L	Grab	Quarterly	Semiannually
Nitrate (as NO_3)	mg/L	Grab	Quarterly	Semiannually
Silica, Total	mg/L	Grab	Quarterly	Semiannually
Selenium	mg/L	Grab	Quarterly	Semiannually
Vanadium	mg/L	Grab	Quarterly	Semiannually
Dissolved Inorganics[2]	µg/L	Grab	Annually	Annually

[1] See Attachment A. [2] See Attachment B.

4. Groundwater Monitoring

The Dischargers shall maintain the groundwater monitoring well network. If a groundwater monitoring well is dry for more than four consecutive sampling events or is damaged, the Dischargers shall submit a work plan and proposed time schedule to replace the well. The well shall be replaced following approval of the work plan.

Prior to construction of any groundwater monitoring wells, the Dischargers shall submit plans and specifications for approval. Once installed, all new wells shall be added to the groundwater monitoring network.

Prior to purging or sampling, the groundwater depth shall be measured in each well to the nearest 0.01 feet. Groundwater elevations shall then be calculated to determine groundwater gradient and flow direction.

Low or no-purge sampling methods are acceptable, if described in an approved Sampling and Analysis Plan. Otherwise, each monitoring well shall be purged of at least 3 to 5 casing volumes until pH, electrical conductivity and turbidity have stabilized prior to sampling. Groundwater monitoring for all monitoring wells shall include, at a minimum, the following:

Table 5—Groundwater Monitoring Requirements

Constituent	Units	Sample Type	Monitoring Frequency	Reporting Frequency
Depth to Groundwater	0.01 feet	Measurement	Quarterly	Semiannually
Groundwater Elevation	0.01 feet	Calculation	Quarterly	Semiannually
Gradient	feet/feet	Calculation	Quarterly	Semiannually
Gradient Direction	degrees	Calculation	Quarterly	Semiannually
pH	pH Units	Grab	Quarterly	Semiannually
Electrical Conductivity	µmhos/cm	Grab	Quarterly	Semiannually
Arsenic	mg/L	Grab	Quarterly	Semiannually
Barium	mg/L	Grab	Quarterly	Semiannually
Boron	mg/L	Grab	Quarterly	Semiannually
Fluoride	mg/L	Grab	Quarterly	Semiannually
Iron	mg/L	Grab	Quarterly	Semiannually
Nitrate (as NO_3)	mg/L	Grab	Quarterly	Semiannually
Silica, Total	mg/L	Grab	Quarterly	Semiannually
Selenium	mg/L	Grab	Quarterly	Semiannually
Vanadium	mg/L	Grab	Quarterly	Semiannually

Constituent	Units	Sample Type	Monitoring Frequency	Reporting Frequency
General Minerals[1]	mg/L	Grab	Quarterly	Semiannually
Dissolved Inorganics[2]	µg/L	Grab	Annually	Annually

5. Residual Solids Monitoring

The Dischargers shall monitor the residual solids generated and disposed of on a monthly basis. The following shall be monitored and reported:

a. Volume of Solids Generated. Solids include grit and screenings generated during cooling tower cleaning.

b. Volume Disposed of Off-Site. Describe the disposal method (e.g. animal feed, land application, off-site composting, landfill, etc.); the amount disposed (tons); the location of disposal; and the name of the hauling company.

6. Facility Monitoring

The Dischargers shall perform regular visual inspections **quarterly**. Results of these regular visual inspections shall be included in the semiannual monitoring reports.

Annually, prior to the anticipated rainy season, but no later than **15 September**, the Dischargers shall conduct an inspection of the Facility. The inspection shall assess any damage to the drainage control system, groundwater monitoring wells, the evaporation/percolation pond's condition and its available capacity for the wet season.

Any necessary construction, maintenance, or repairs of the drainage control system, groundwater monitoring wells, and the evaporation/percolation pond shall be completed by **15 October**.

The Dischargers shall inspect all drainage facilities for damage **within 7 days** following major storm events. Necessary interim repairs shall be completed **within 10 days** of the inspection and permanent repairs shall be completed when feasible. The Dischargers shall report any damage and subsequent repairs **within 45 days** of completion of the repairs, including photographs of the problem and the repairs.

C. Reporting Requirements

1. Semiannual Monitoring Reports

The Dischargers shall submit Semiannual Monitoring Reports (SMRs) on **28 August** (1 January to 30 June) and **28 February** (1 July to 31 December). SMRs shall contain the following materials and information:

a. Results of Influent Monitoring, including calculated values for total flow and average daily flow for each month, and total annual flow to date.

b. Results of Source Water Monitoring.

c. Results of Evaporation/Percolation Pond Monitoring.

d. Results of Groundwater Monitoring including:

   i. A narrative description of all preparatory, monitoring, sampling, and sample handling for groundwater monitoring.

   ii. A field log for each well documenting depth to groundwater; method of purging; parameters measured before, during, and after purging; sample preparation (e.g., filtering); and sample preservation.

   iii. Calculation of the groundwater elevation at each monitoring well, and determination of groundwater flow direction and gradient on the date of measurement.

   iv. Summary data tables of historical and current water table elevations and analytical results.

   v. A scaled map showing relevant structures and features of the facility, the locations of monitoring wells, surface waters, and groundwater elevation contours referenced to an appropriate datum (e.g., NGVD).

e. Results of Residual Solids Monitoring if disposal occurred during the monitoring period.

f. A copy of inspection log page(s) documenting inspections completed during the quarter.

g. A copy of calibration log page(s) verifying calibration of all hand-held monitoring instruments performed during the quarter.

i. Results of the regular visual inspections performed during the monitoring period.

2. Annual Reporting (Second (2nd) Semiannual Reports)

The Second (2nd) Semiannual Monitoring Report for each year shall serve as an annual report (though it need not be separately titled as such) and shall include the following.

a. Total annual influent flow, average monthly flows for each month of the year, and the average dry weather flow compared to the flow limitations of the WDRs.

b. Concentration v. time graphs for each monitored constituent using all historic groundwater monitoring data. Each graph shall show the background groundwater concentration range.

c. An evaluation of the groundwater quality beneath the site and determination of compliance with WDRs based on statistical analysis for each constituent monitored for each compliance well. Include all calculations and data input/analysis tables derived from use of statistical software, as applicable.

d. An evaluation of the performance of the evaporation/percolation pond and evaporation units, including discussion of capacity issues, and inflow rates, nuisance conditions, and a forecast of the flows anticipated in the next year, as described in SPRRs Provision E.4

e. A discussion of any incidents of noncompliance and the corrective actions taken to restore compliance, as well as any planned or proposed actions needed to bring the discharge into full compliance with the waste discharge requirements.

f. Monitoring equipment maintenance and calibration records, as described in SPRRs Provision C.4.

g. A discussion of any data gaps and potential deficiencies or redundancies in the monitoring system or reporting program.

h. A discussion of the results of the annual facility inspection. The report shall discuss any repair measures implemented, any preparations for winter, and include photographs of any problem areas and repairs.

3. General Reporting Provisions

A transmittal letter shall accompany each monitoring report. The transmittal letter shall include a discussion of all violations of the WDRs and this MRP during the reporting period and actions taken or planned for correcting each violation. If the Dischargers has previously submitted a report describing corrective actions taken and/or a time schedule for implementing the corrective actions, reference to the previous correspondence will be satisfactory.

The transmittal letter shall contain a statement by the Dischargers or the Dischargers' authorized agent certifying under penalty of perjury that the report is true, accurate and complete to the best of the signer's knowledge. The transmittal letter shall contain the following penalty of perjury statement and shall be signed by the Dischargers or the Dischargers' authorized agent:

> *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.*

In reporting monitoring data, the Dischargers shall arrange the data in tabular form so that the date, sample type (e.g., effluent, groundwater, etc.), and reported analytical result for each sample are readily discernible. The data shall be summarized in such a manner to clearly illustrate compliance with waste discharge requirements and spatial or temporal trends, as applicable. The results of any monitoring done more frequently than required at the locations specified in the Monitoring and Reporting Program shall be reported in the next scheduled monitoring report.

Laboratory analysis reports shall be included in the monitoring reports. In addition, all laboratory reports must be retained for a minimum of three years in accordance with SPRRs Provision C.3. For a Discharger conducting any of its own analyses, reports must also be signed and certified by the chief of the laboratory.

In addition to the requirements of SPRRs Provision C.3, monitoring information shall include the method detection limit (MDL) and the reporting limit (RL) or practical quantitation limit (PQL). If the regulatory limit for a given constituent is less than the RL (or PQL), then any analytical results for that constituent that are below the RL (or PQL) but above the MDL shall be reported and flagged as estimated.

All monitoring reports that involve planning, investigation, evaluation or design, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to Business and Professions Code sections 6735, 7835, and 7835.1.

All reports with monitoring data (e.g., SMRs and AMRs) shall be submitted electronically via the State Water Board's Geotracker Database (https://geotracker.waterboards.ca.gov). After uploading a report, the Dischargers shall notify Central Valley Water Board staff via email at CentralValleyFresno@waterboards.ca.gov. The following information shall be included in the body of the email:

Attention:	Compliance & Enforcement Unit
Report Title:	[Title of Report]
GeoTracker Upload ID:	
Geotracker Global ID:	WDR100047041
Facility Name:	Midway Peaking
County:	Fresno County

Every monitoring report submitted under this MRP (e.g., SMRs [§ E.1], AMRs [§ E.2]) shall include a discussion of relevant field and laboratory tests, and the results of all monitoring conducted at the site shall be reported to the Central Valley Water Board in accordance with the reporting schedule above for the calendar period in which samples were taken or observations made.

LIST OF ATTACHMENTS

Attachment A—General Minerals

Attachment B—Dissolved Inorganics

ENFORCEMENT

If, in the opinion of the Executive Officer, the Dischargers fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order may result in the assessment of Administrative Civil Liability of up to $1,000 per violation, per day, depending on the violation, pursuant to Water Codesection 13268. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

ADMINISTRATIVE REVIEW

Any person aggrieved by this Central Valley Water Board action may petition the State Water Board for review in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. To be timely, the petition must be received by the State Water Board by 5:00 pm on the 30th day after the date of this Order; if the 30th day falls on a Saturday, Sunday or state holiday, the petition must be received by the State Water Board by 5:00 pm on the next business day. The law and regulations applicable to filing petitions are available on the State Water Board website (http://www.waterboards.ca.gov/public_notices/petitions/water_quality). Copies will also be provided upon request.

ATTACHMENT A—GENERAL MINERALS

Constituent
Alkalinity (as $CaCO_3$)
Bicarbonate (as $CaCO_3$)
Carbonate (as $CACO_3$)
Hardness (as $CaCO_3$)
Calcium
Chloride
Magnesium
Potassium
Sodium
Total Dissolved Solids (TDS)

ATTACHMENT B—DISSOLVED INORGANICS

Constituent
Aluminum
Antimony
Arsenic
Barium
Beryllium
Cadmium
Chromium
Cobalt
Copper
Cyanide
Iron
Lead
Manganese
Mercury
Molybdenum
Nickel
Selenium
Silver
Sulfide
Thallium
Tin
Vanadium
Zinc