

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

BOARD ORDER NO. R6T-2009-0020
WDID NO. 6A257504401

REVISED WASTE DISCHARGE REQUIREMENTS
FOR

**COUNTY OF MODOC AND THE U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT
CEDARVILLE (EAST) LANDFILL**

Modoc County

The California Regional Water Quality Control Board, Lahontan Region (Water Board) finds:

1. Discharger

The Cedarville (East) Landfill has been operated by the County of Modoc. All operations are on public lands of the United States Department of the Interior, Bureau of Land Management (BLM). For the purpose of this Water Board Order (Order), the County of Modoc and the BLM are collectively referred to as the "Discharger." Hereinafter, the term "Discharger" will be used to signify the scheme of primary responsibility for the County of Modoc (as the operator) and secondary responsibility for the BLM (as the land owner) for compliance action specified in the Order as they affect the surface waters and groundwaters of Surprise Valley.

2. Landfill

For the purposes of this Order, the Cedarville (East) Landfill is referred to as the "Landfill." The Landfill was established in 1984 to receive municipal wastes, construction wastes, household refuse and ashes, street refuse and agricultural waste. Septage and chemical toilet waste was not accepted. Land disposal operations ceased in 1993. The Landfill was capped with a soil cover in 2002.

3. Permit History

Board Order No. 6-84-64 adopted June 21, 1984
Established Waste Discharge Requirements (WDRs) for the Landfill

Board Order No. 6-93-100-06 adopted September 9, 1993
Amended the WDRs to incorporate the requirement of title 40, Code of Federal Regulations, Parts 257 and 258 (Subtitle D) as implemented in the State of California under State Water Resources Control Board (State Water Board) Resolution No. 93-62.

4. Reason for Action

The Water Board is revising the WDRs to reflect the closure of the Landfill and to require the Discharger to achieve compliance with the post-closure requirements of section 20164 and section 20380, title 27, California Code of Regulations (27 CCR). This Order prescribes post-closure requirements including the remediation of releases to the unsaturated zone and groundwater, which differ from the present requirements. This Order also requires the Discharger to demonstrate the availability of financial resources to conduct post-closure maintenance activities.

5. Closure History

The California Integrated Waste Management Board (CIWMB) approved the *Final Closure and Post-Closure Maintenance Plan* (FCPCMP), Cedarville, on March 9, 2004. The FCPCMP was submitted in August 1998 with Addendum 1 *Native Cover Justification* dated June 2002. Water Board staff issued comments dated May 5, 1999 in general support of pursuing the proposed alternative cover design using native soil.

The Landfill completed closure construction in 2002. The *Final Closure Completion Report*, dated October 2006, was accepted by the CIWMB and the Solid Waste Local Enforcement Agency Representing Lassen, Modoc, and Sierra Counties (LEA) on November 13, 2006, and was accepted by the Water Board's Executive Officer on November 5, 2007. The CIWMB considered the site formally closed and in the post-closure period on November 26, 2007. On December 26, 2007, the CIWMB released the remaining balance of Closure Funds to the Discharger.

6. Description of the Landfill

The Landfill is 60 acres in size, of which approximately 2.09 acres have been used for disposal operations. The Landfill is located approximately 7.5 miles east of Cedarville (estimated population 800) off U.S. Highway 299 in E ½, NE ¼, SW ¼, and W ½, NW ¼, SE ¼ of Section 34, T43N, R17E, MDB&M, as shown on Attachments A and B, which are made part of this order.

The disposal practice at the Landfill consisted of spreading and compaction of waste in an open trench with the weekly application of soil cover. The Landfill received approximately 475 tons of waste annually. Metals were salvaged and greenwaste and wood waste were consolidated and burned. Waste handling operations are no longer conducted at the site.

The Landfill currently does not have a vadose zone monitoring system or groundwater monitoring wells to monitor a potential release from the closed landfill.

7. Waste Classification

The Landfill received municipal solid waste derived from the community of Cedarville. The waste is defined in 27 CCR section 20220 and section 20230 as inert and non-hazardous solid waste, respectively.

8. Waste Management Unit Classification

Pursuant to 27 CCR section 20260 the Landfill was classified as a Class III waste management unit.

9. Water Quality Protection Standard

The Water Quality Protection Standard consists of constituents of concern (including monitoring parameters), concentration limits, monitoring points, and the point of compliance. The standard applies over the active life of the Landfill, closure and post-closure maintenance period, and the compliance period. The constituents of concern, monitoring points, and point of compliance are described in Monitoring and Reporting Program R6T-2009-0020, which is attached to and made a part of this Order.

10. Data Analysis Methods

A data analysis method of reviewing the collected monitoring data is necessary for the earliest possible detection of a significant release of waste from the Landfill. 27 CCR section 20420 requires a method to analyze the monitoring data. Monitoring and Reporting Program No. R6T-2009-0020 requires the Discharger to submit a method to review the collected monitoring data.

11. Detection Monitoring

Pursuant to 27 CCR section 20385, the Discharger shall conduct a Detection Monitoring Program (DMP). The Discharger has provided information that shows that an engineered alternative to groundwater monitoring (i.e., vadose zone monitoring) will detect, at the earliest possible time, any release from the Landfill. The Discharger's monitoring proposal is consistent with 27 CCR section 20385(e) that allows for an engineered alternative to prescriptive standards.

12. Evaluation Monitoring

An Evaluation Monitoring Program (EMP) is required, pursuant to 27 CCR section 20425, to evaluate evidence of a release if detection monitoring and/or verification procedures indicate evidence of a release.

13. Corrective Action

A Corrective Action Program (CAP) to remediate detected releases from the Landfill may be required pursuant to 27 CCR section 20430, if results of an EMP warrant a CAP.

14. Site Hydrogeology

The Landfill is underlain by Holocene alluvial sand and silt deposits. The groundwater beneath the Landfill exists under confined and unconfined conditions in this region of the Surprise Valley Hydrologic Unit. Onsite borings indicated that groundwater is deeper than 42 feet below ground surface (bgs). A livestock well, one mile to the north, indicates that groundwater is 61 feet bgs. Groundwater quality in the vicinity is acceptable for livestock purposes. Artesian flows from wells 1.5 miles downgradient from the Landfill (in Section 32) show high concentrations of naturally occurring boron, fluoride, sodium and sulfate.

15. Site Surface Hydrology

There is no perennial surface water flow across the site. The Landfill is within the Surprise Valley Hydrologic Unit 641.20. Middle Alkali Lake is approximately 5 miles west and downgradient of the Landfill.

16. Site Topography

The land slopes to the west. Site topography is shown on Attachment B.

17. Climate

The annual precipitation in the area of the Landfill is less than 13 inches, which mainly occurs in the winter months. Evapotranspiration for the area is approximately 43 inches per year.

18. Land Uses

There is no habitable structure within 1,000 feet of the property boundary. Adjacent land use within 1,000 feet of the Landfill is open space and high desert rangeland.

19. Closure and Post-Closure Maintenance

The FCPCMP was submitted in August 1998 with Addendum 1 dated June 2002. The FCPCMP proposed closure of waste, and an extended period of post closure maintenance. Currently there are no monitoring wells at the Landfill.

The FCPCMP for the Landfill consisted of an alternative cover system to the prescriptive standard. The alternative cover consists of 30-inches of compacted soil (foundation layer) overlain by 6-inches of uncompacted soil (vegetation layer). The landfill cover was planted with native vegetation to encourage evapo-transpiration. The Landfill was capped in accordance with the CIWMB and LEA approved FCPCMP. This alternative cover meets or exceeds the prescribed performance criteria in 27 CCR.

This Order is the Water Board's approval of the FCPCMP. This Order requires that the Discharger review the plan annually to determine if significant changes in the operation of the Landfill warrant an update of the plan. This Order will remain in effect until it is determined there are no water quality problems or threat to water quality, or until new regulatory requirements are issued.

20. Financial Assurance

The Discharger must obtain and maintain assurances of financial responsibility for initiating and completing corrective action for all known or reasonably foreseeable releases (27 CCR section 20380 and section 22222). This Order requires the Discharger to demonstrate in an annual report that the amount of financial assurance is adequate.

21. Receiving Waters

The receiving waters are the groundwaters of the Surprise Valley Ground Water Hydrologic Unit 641.20 (Department of Water Resources Basin No. 6-12).

22. Lahontan Basin Plan

The Water Board adopted a Water Quality Control Plan for the Lahontan Basin (Basin Plan), which became effective on March 31, 1995. This Order implements the Basin Plan.

23. Beneficial Groundwater Uses

The present beneficial uses of the groundwaters of the Surprise Valley Hydrologic Unit 641.20 defined in the Basin Plan are:

- a. municipal and domestic supply (MUN);
- b. agricultural supply (AGR);
- c. Industrial (IND); and
- d. freshwater replenishment (FRSH).

24. California Environmental Quality Act

The action to revise WDRs for this Landfill involves only the change of status for the closed Landfill and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) in accordance with section 15301 of the CEQA Guidelines. Section 15301 applies, in part, because the change of status for the Landfill does not involve any expansion of use.

25. Policy for Maintaining High Quality Waters

State Water Board Resolution No. 68-16 requires the Water Board, in regulating the discharge of waste, to (A) maintain existing high quality waters of the State until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial uses, and will not result in water quality less than that described in State or Regional Water Board policies; and (B) require that any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters must meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.

Degradation of the quality of the waters of the State is not anticipated or authorized in the vicinity of the Landfill.

26. Storm Water Discharges

All storm water from the Landfill is to be regulated under the State Amended General Industrial Activities Storm Water National Pollutant Discharge Elimination System (NPDES) Permit, or a storm water permit for non-federal waters issued by the Water Board, whichever is appropriate.

27. Other Considerations and Requirements for Discharge

Pursuant to California Water Code section 13241, the requirements of this Order take into consideration:

- a. Past, present, and probable future beneficial uses of water.
This Order identifies past, present and probable future beneficial uses of water as described in Finding No. 23. The proposed discharge will not adversely affect present or probable future beneficial uses of water, including domestic

water supply, agricultural supply, industrial supply, and freshwater replenishment.

- b. Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto.
Finding Nos. 14, 15, and 21 describe the environmental characteristics and quality of water from this hydrographic unit.
- c. Water quality conditions that could reasonably be achieved through the coordinated control of all factors that affect water quality in the area.
The requirements of this Order will result in maintaining existing groundwater quality.
- d. Economic considerations.
This Order authorizes the Discharger to implement post-closure maintenance actions at the Landfill as proposed by the Discharger. The Order accepts the Discharger's proposed actions as meeting the best practicable control method for protecting groundwater quality from impacts from the Landfill.
- e. The need for developing housing within the region.
The Discharger is not responsible for developing housing within the region. This Order provides for post-closure maintenance of the Landfill.
- f. The need to develop and use recycled water.
There is currently no source of recycled water available to the Discharger. Additionally, the water requirements for post-closure maintenance are minimal.

28. Notification of Interested Parties

The Water Board has notified the Discharger and all known interested agencies and persons of its intent to adopt revised WDRs for the project.

29. Consideration of Interested Parties

The Water Board, in a public meeting held on May 13 and 14, 2009, heard and considered all comments pertaining to these WDRs.

IT IS HEREBY ORDERED that the Discharger must comply with the following:

I. DISCHARGE SPECIFICATIONS

A. Receiving Water Limitations

Discharges from the Landfill must not cause a violation of any applicable water quality standard for receiving water adopted by the Water Board or the State Water Board as required by the Federal Water Pollution Control Act, the California Water Code and regulations adopted thereafter. The discharge must not cause the presence of the following substances or conditions in groundwaters of the Surprise Valley Hydrologic Unit:

1. Bacteria-In ground waters designated as MUN, the median concentration of coliform organisms over any seven-day period must be less than 1.1/100 milliliters.
2. Chemical Constituents - Ground waters designated as MUN must not contain concentrations of chemical constituents in excess of the maximum contaminant level (MCL) or secondary maximum contaminant level (SMCL) based upon drinking water standards specified in the following provisions of Title 22 of the California Code of Regulations, which are incorporated by reference in this order: Table 64431-A of Section 64431 (Inorganic Chemicals), Table 64444-A of Section 64444 (Organic Chemicals), Table 64449-A of section 64449 (SMCLs - Consumer Acceptance Limits), and Table 64449-B of section 64449 (Secondary Maximum Contaminant Levels-Ranges). This incorporation-by-reference includes future changes as the changes take effect.
3. Radioactivity – Ground waters must not contain concentrations of radionuclides in excess of limits specified in Table 4 of section 64443 (radioactivity), title 22, CCR. This incorporation-by-reference includes future changes as the changes take effect.
4. Taste and Odors - Ground waters must not contain taste or odor-producing substances in concentrations that cause nuisance or that adversely affect beneficial uses. For ground waters designated as MUN, at a minimum, concentrations must not exceed adopted SMCLs specified in Table 64449-A of section 64449 (Secondary Maximum Contaminant Levels - Consumer Acceptance Limits) and Table 64449-B of section 64449 (SMCLs - Consumer Acceptance Contaminant Level Ranges), title 22, CCR. This incorporation-by-reference includes future changes as the changes take effect.
5. Nondegradation – State Water Board Resolution No. 68-16 “Statement of Policy With Respect to Maintaining High Quality of Waters In California,” known as the

Nondegradation Objective, requires maintenance of existing high quality in surface waters, groundwaters, or wetlands. Whenever the existing quality of water is better than the quality of water established in the Basin Plan, such existing quality shall be maintained unless appropriate findings are made under Resolution No. 68-16.

II. REQUIREMENTS AND PROHIBITIONS

A. General

1. The discharge must not cause pollution, or a threatened pollution, as defined in section 13050 of the California Water Code.
2. The discharge must not cause a nuisance as defined in section 13050 of the California Water Code.
3. The discharge of solid wastes, leachate, or any other deleterious material to the ground waters of the Surprise Valley Ground Water Basin is prohibited.
4. The closed landfill must be protected from inundation, washout, or erosion of wastes and erosion of covering materials resulting from a storm or a flood having a recurrence interval of once in 100 years.
5. Surface drainage from tributary areas, and internal site drainage from surface or subsurface sources must not contact or percolate through solid wastes discharged at the site.
6. The exterior surfaces of the closed landfill must be graded to promote lateral runoff of precipitation and to prevent ponding.
7. Water used for dust control operations must be limited to a minimal amount. A "minimal amount" is defined as that amount which will not result in runoff.
8. All water used for dust control must not contain detectable concentrations of volatile organic compounds.
9. The Discharger shall remove and relocate any waste that is or has been discharged at the closed disposal site in violation of these requirements.
10. At any given time, the concentration limit for each constituent of concern must be equal to the background value of that constituent.
11. The concentration limits for each constituent of concern must not be exceeded.

12. The Discharger shall immediately notify the Water Board of any flooding, slope failure, or other change in site conditions, that could impair the integrity of waste containment facilities or of precipitation and drainage control structures.
13. Any discharge that causes violation of any narrative water quality objective contained in the Basin Plan, including the Nondegradation Objective, is prohibited.
14. Any discharge that causes violation of any numeric water quality objective contained in the Basin Plan is prohibited.
15. Where any numeric or narrative water quality objective or receiving waters limit contained in the Basin Plan is already being violated, any discharge that causes further degradation or pollution is prohibited.

B. Detection Monitoring Program

The Discharger shall maintain a DMP as required in 27 CCR section 20420.

C. Evaluation Monitoring Program

The Discharger shall maintain the EMP as long as there is evidence of a release from the Landfill as required in 27 CCR section 20425.

D. Corrective Action Program

The Discharger shall institute a CAP when required pursuant to 27 CCR section 20430, if the results of the EMP warrant a CAP.

III. DATA ANALYSIS

All data analyses methods (statistical or non-statistical) shall meet the requirements of 27 CCR section 20415(e)(9).

A. General Non-statistical Methods

Evaluation of data will be conducted using non-statistical methods to determine if any new releases from the Landfill have occurred. Non-statistical analysis shall be as follows.

1. Physical Evidence

Physical evidence can include vegetation loss, unexplained volumetric changes in the Landfill, groundwater mounding, soil discoloration, or surface gas

monitoring. Each annual report shall comment on the absence or presence of physical evidence of a release.

2. Time Series Plots

Each annual report must include time series plot for groundwater monitoring parameters. Time series plots are not required for parameters that have never been detected above their method detection limit (as specified by the applicable USEPA Method) or if there are less than four quarters of data. Evidence of a release may include trends of increasing concentrations of one or more constituent over time.

B. General Statistical Analysis Methods

For Detection Monitoring, the Discharger shall use statistical methods to analyze contaminants of concern and monitoring parameters that exhibit concentrations that equal or exceed their respective method detection limit in at least ten percent of applicable historical samples. The Discharger may propose and use any statistical method that meets the requirements of 27 CCR section 20415(e)(7). The report titled "Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities" (USEPA, 1989) or subsequent versions may also be used to select the statistical test to use for comparing detection monitoring well data to background monitoring data. All statistical methods and programs proposed by the Discharger are subject to Executive Officer approval.

C. Verification Procedures

1. The Discharger must immediately initiate verification procedures as specified below whenever there is a determination by the Discharger or Water Board Executive Officer that there is statistical or non-statistical evidence of a release. If the Discharger declines the opportunity to conduct verification procedures, the Discharger must submit a technical report as described below under the heading Technical Report Without Verification Procedures.
2. The verification procedure must only be performed for the constituent(s) that has shown evidence of a release, and must be performed for those monitoring points at which a release is indicated.
3. The Discharger must either conduct a composite retest using data from the initial sampling event with all data obtained from the resampling event or must conduct a discrete retest in which only data obtained from the resampling event must be analyzed in order to verify evidence of a release.

4. The Discharger must report to the Water Board by certified mail the results of the verification procedure, as well as all concentration data collected for use in the retest, within seven days of the last laboratory analysis.
5. The Discharger must determine, within 45 days after completion of sampling, whether there is statistically significant evidence of a release from the Landfill at each monitoring point. If there is statistically significant evidence of a release, the Discharger must immediately notify the Water Board by certified mail. The Executive Officer may make an independent finding that there is statistical evidence of a release.
6. If the Discharger or Executive Officer verifies evidence of a release, the Discharger is required to submit, within 90 days of a determination that there is or was a release, a technical report pursuant to section 13267(b) of the California Water Code. The report must propose an EMP **OR** make a demonstration to the Water Board that there is a source other than the Landfill that caused evidence of a release.

D. Technical Report Without Verification Procedures

If the Discharger chooses not to initiate verification procedures, a technical report must be submitted pursuant to section 13267(b) of the California Water Code. The report must propose an EMP **OR** make a demonstration that the release did not originate from the Landfill.

IV. PROVISIONS

A. Rescission of Waste Discharge Requirements

Board Orders No. 6-84-64 and 6-93-100-06 for the Cedarville East Landfill are hereby rescinded.

B. Standard Provisions

The Discharger must comply with the "Standard Provisions for Waste Discharge Requirements," dated September 1, 1994, in Attachment C, which is made part of this Order.

C. Monitoring and Reporting

1. Pursuant to the California Water Code section 13267(b), the Discharger must comply with the Monitoring and Reporting Program No. R6T-2009-0020 or as specified by the Executive Officer.
2. The Discharger must comply with the "General Provisions for Monitoring and Reporting," dated September 1, 1994, which is attached to and made part of the Monitoring and Reporting Program.

V. TIME SCHEDULE

A. Vadose Zone or Groundwater Monitoring

The Discharger currently is only monitoring and maintaining the landfill cover. The Discharger must also monitor the vadose zone or the groundwater. If the Discharger installs a vadose zone monitoring system and if a release from the landfill is confirmed by vadose zone monitoring, then the Discharger must also monitor the groundwater.

1. **By July 15, 2010**, the Discharger must submit a Workplan to install a vadose zone monitoring system that can fully assess future impacts to groundwater, **or** a Workplan to install groundwater monitoring wells.
2. **By September 30, 2011** the Discharger must complete installation of the vadose zone monitoring system or groundwater monitoring wells.

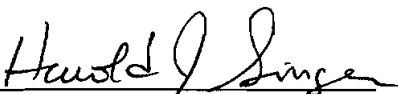
B. Known or Reasonably Foreseeable Release Plan

By December 31, 2010, the Discharger must submit a plan for addressing a known or reasonably foreseeable release (KRFR Plan) from the Landfill in accordance with the requirements in 27 CCR. The KRFR Plan must include a cost estimate to implement the plan. The KRFR Plan and cost estimate to implement the plan must be prepared by, or under the supervision of, a California certified engineering geologist or a California registered civil engineer.

C. Financial Assurance Documents.

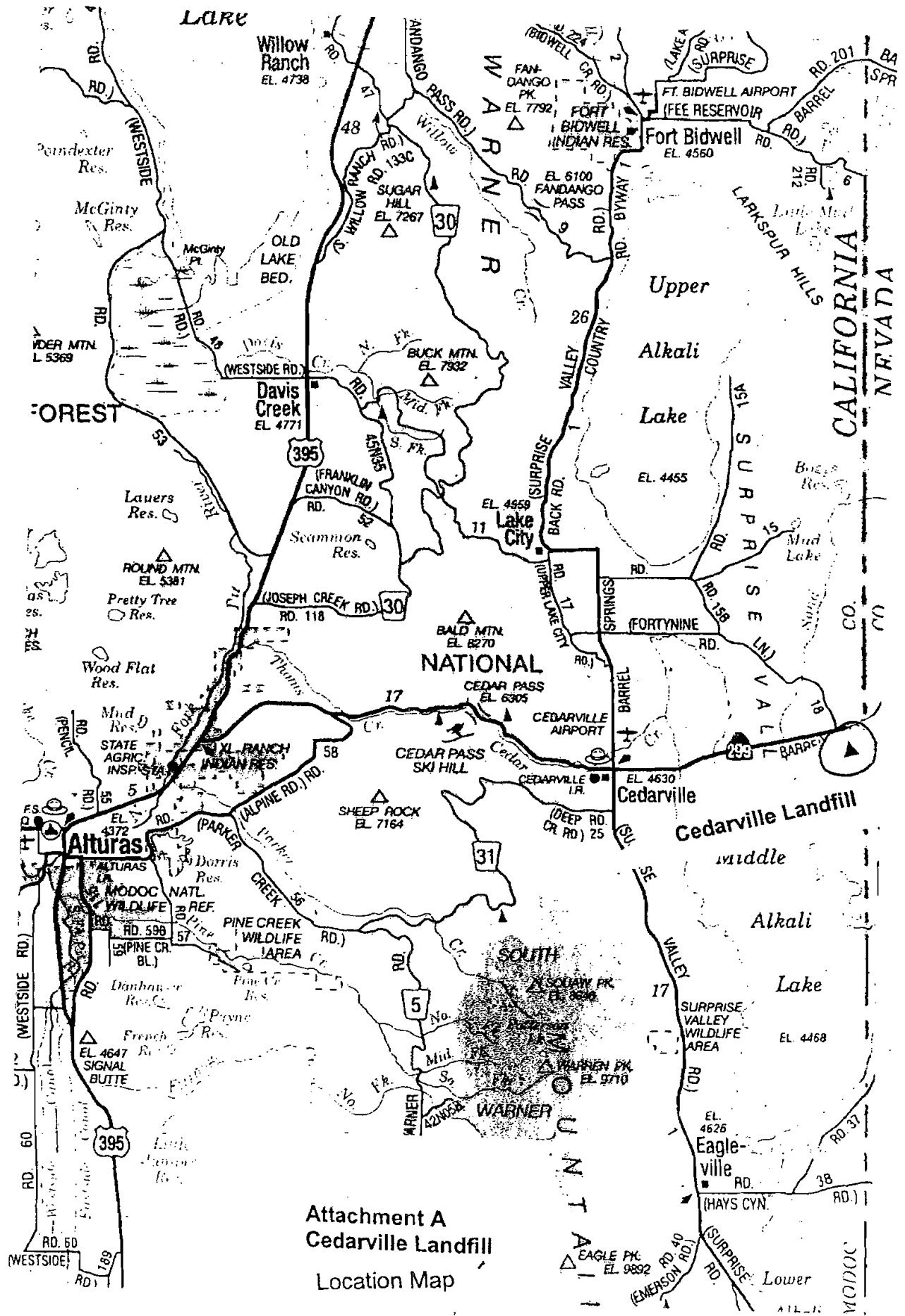
By February 15, 2011 the Discharger must submit Instruments of Financial Assurance acceptable to the Water Board and adequate to cover the costs of a known or reasonably foreseeable release from the Landfill and to conduct post-closure maintenance activities. **By February 15 of every year** the Discharger must submit an annual report of the amount of financial assurance necessary to implement the KRFR Plan.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by California Regional Water Quality Control Board, Lahontan Region, on May 13, 2009.


HAROLD J. SINGER
EXECUTIVE OFFICER

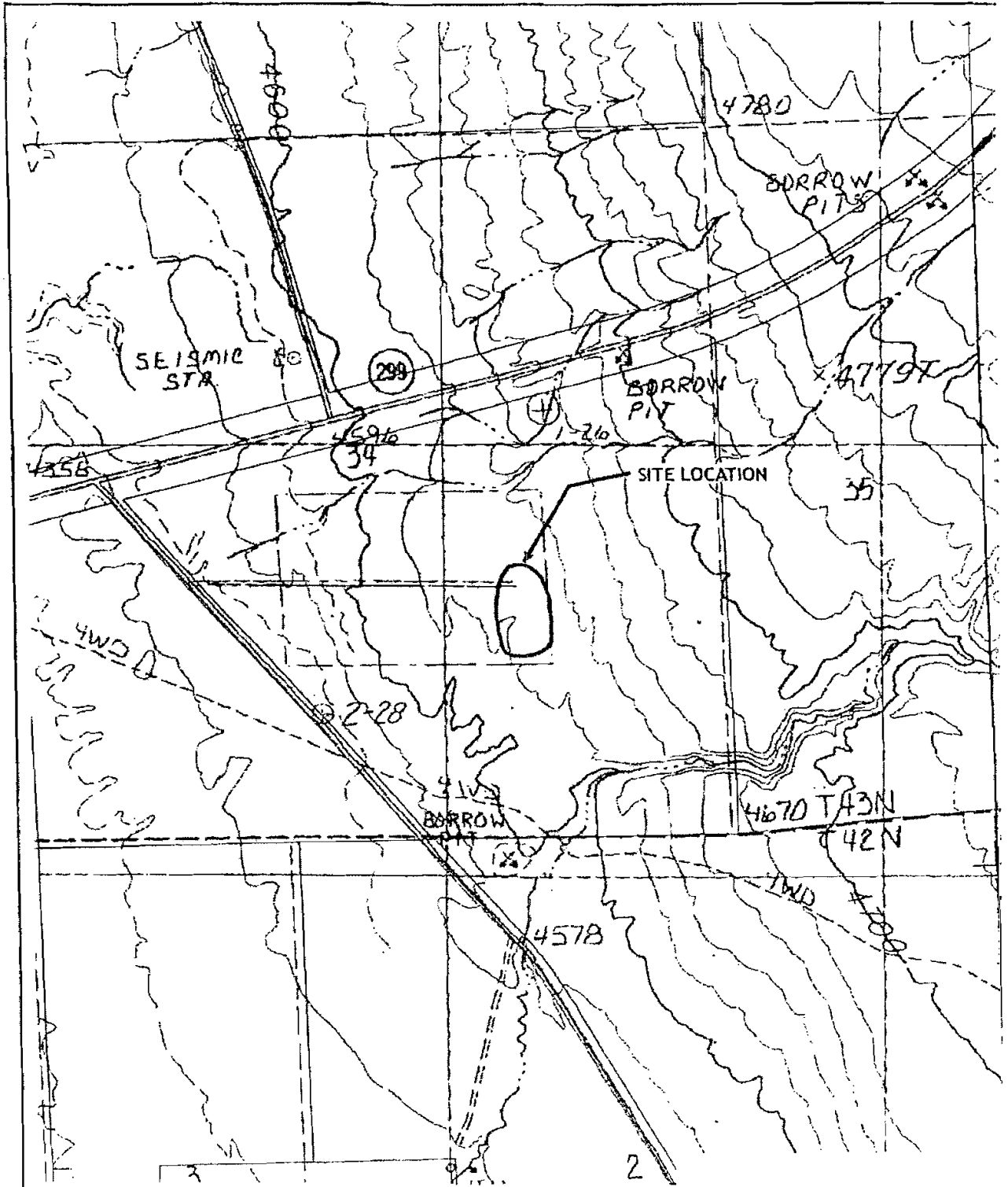
- Attachments:
- A. Location Map
 - B. USGS Topo map
 - C. Standard Provisions for Waste Discharge Requirements

ATTACHMENT A



Attachment A
Cedarville Landfill
Location Map

ATTACHMENT B



Attachment B
Cedarville Landfill

VESTRA
SOURCE: USGS

0 285 570 1,140 1,710 2,280 Feet

USGS TOPO MAP
CEDARVILLE LANDFILL
MODOC COUNTY, CALIFORNIA

ATTACHMENT C

ATTACHMENT C

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD LAHONTAN REGION

STANDARD PROVISIONS FOR WASTE DISCHARGE REQUIREMENTS

1. Inspection and Entry

The Discharger shall permit Regional Board staff:

- a. to enter upon premises in which an effluent source is located or in which any required records are kept;
- b. to copy any records relating to the discharge or relating to compliance with the Waste Discharge Requirements (WDRs);
- c. to inspect monitoring equipment or records; and
- d. to sample any discharge.

2. Reporting Requirements

- a. Pursuant to California Water Code 13267(b), the Discharger shall immediately notify the Regional Board by telephone whenever an adverse condition occurred as a result of this discharge; written confirmation shall follow within two weeks. An adverse condition includes, but is not limited to, spills of petroleum products or toxic chemicals, or damage to control facilities that could affect compliance.
- b. Pursuant to California Water Code Section 13260 (c), any proposed material change in the character of the waste, manner or method of treatment or disposal, increase of discharge, or location of discharge, shall be reported to the Regional Board. Any such proposal shall be reported to the Regional Board at least 120 days in advance of implementation. This shall include, but not be limited to, all significant soil disturbances.
- c. The Owners/Discharger of property subject to WDRs shall be considered to have a continuing responsibility for ensuring compliance with applicable WDRs in the operations or use of the owned property. Any change in the ownership and/or operation of property subject to the WDRs shall be reported to the Regional Board. Notification of applicable WDRs shall be furnished in writing to the new owners and/or operators and a copy of such notification shall be sent to the Regional Board.
- d. If a Discharger becomes aware that any information submitted to the Regional Board is incorrect, the Discharger shall immediately notify the Regional Board, in writing, and correct that information.

- e. Reports required by the WDRs, and other information requested by the Regional Board, must be signed by a duly authorized representative of the Discharger. Under Section 13268 of the California Water Code, any person failing or refusing to furnish technical or monitoring reports, or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in an amount of up to one thousand dollars (\$1,000) for each day of violation.
- f. If the Discharger becomes aware that their WDRs (or permit) are no longer needed (because the project will not be built or the discharge will cease) the Discharger shall notify the Regional Board in writing and request that their WDRs (or permit) be rescinded.

3. Right to Revise WDRs

The Regional Board reserves the privilege of changing all or any portion of the WDRs upon legal notice to and after opportunity to be heard is given to all concerned parties.

4. Duty to Comply

Failure to comply with the WDRs may constitute a violation of the California Water Code and is grounds for enforcement action or for permit termination, revocation and re-issuance, or modification.

5. Duty to Mitigate

The Discharger shall take all reasonable steps to minimize or prevent any discharge in violation of the WDRs which has a reasonable likelihood of adversely affecting human health or the environment.

6. Proper Operation and Maintenance

The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Discharger to achieve compliance with the WDRs. Proper operation and maintenance includes adequate laboratory control, where appropriate, and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by the Discharger, when necessary to achieve compliance with the conditions of the WDRs.

7. Waste Discharge Requirement Actions

The WDRs may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for waste discharge requirement modification, revocation and re-issuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any of the WDRs conditions.

8. Property Rights

The WDRs do not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

9. Enforcement

The California Water Code provides for civil liability and criminal penalties for violations or threatened violations of the WDRs including imposition of civil liability or referral to the Attorney General.

10. Availability

A copy of the WDRs shall be kept and maintained by the Discharger and be available at all times to operating personnel.

11. Severability

Provisions of the WDRs are severable. If any provision of the requirements is found invalid, the remainder of the requirements shall not be affected.

12. Public Access

General public access shall be effectively excluded from treatment and disposal facilities.

13. Transfers

Providing there is no material change in the operation of the facility, this Order may be transferred to a new owner or operation. The owner/operator must request the transfer in writing and receive written approval from the Regional Board's Executive Officer.

14. Definitions

- a. "Surface waters" as used in this Order, include, but are not limited to, live streams, either perennial or ephemeral, which flow in natural or artificial water courses and natural lakes and artificial impoundments of waters. "Surface waters" does not include artificial water courses or impoundments used exclusively for wastewater disposal.
- b. "Ground waters" as used in this Order, include, but are not limited to, all subsurface waters being above atmospheric pressure and the capillary fringe of these waters.

15. Storm Protection

All facilities used for collection, transport, treatment, storage, or disposal of waste shall be adequately protected against overflow, washout, inundation, structural damage or a significant reduction in efficiency resulting from a storm or flood having a recurrence interval of once in 100 years.