

SUPPORTING DOCUMENT NO. 2

Tentative Order No. R9-2008-0138 and
Attachment A. Application/Report of Waste
Discharge Package

(Changes from the version submitted for
public comment are underlined)

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

ORDER NO. R9-2008-0138

**GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF
TREATED GROUNDWATER FROM VOLATILE ORGANIC COMPOUND
CLEANUP SITES TO LAND IN THE SAN DIEGO REGION**

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. On June 12, 2003, this Regional Board adopted Order No. R9-2003-0111 (hereinafter the Order), General Waste Discharge Requirements for Discharges of Treated Groundwater from Volatile Organic Compound Cleanup Sites to Land in the San Diego Region. Order No. R9-2003-0111 established discharge specifications, provisions, and monitoring and reporting requirements related to the reinjection of treated groundwater generated during cleanup of sites contaminated with volatile organic compounds.
2. Order No. R9-2008-0138 was prepared as a result of the Regional Board's review and past experience administering Order No. R9-2003-0111. Order No. R9-2008-0138 was developed to maintain protection of groundwater, streamline Regional Board time expended on responding to violations, and ensure that the costs associated with documenting compliance with this order bear a reasonable relationship to the need for the actions, specifically the protection of water quality and beneficial uses.
3. Petroleum hydrocarbon fuel and volatile organic chemicals (VOCs) have been detected in groundwater, at various cleanup sites throughout the San Diego Region that cause or threaten to cause adverse impacts to beneficial uses of groundwater.
4. Cleanup of VOCs in groundwater at many of these sites involves the extraction of polluted groundwater for above ground treatment in a system that removes the VOCs.
5. Disposal options for treated groundwater are becoming limited in the San Diego Region (9) because local wastewater treatment systems may lack the capacity to accept treated groundwater. Disposal of treated groundwater to surface water is problematic because, in most cases, the treated groundwater does not meet the effluent limitations for inorganic constituents contained in the Regional Board NPDES Permit which regulates this type of discharge.

6. Another disposal option for treated groundwater is to discharge it to the subsurface by direct injection through a well, or by rapid percolation or infiltration through the soil. If the treated groundwater is returned to the same aquifer from which it was extracted, there should be no adverse impacts to the receiving water quality or to beneficial uses from the discharge.
7. The extracted groundwater and the receiving groundwater are from the same aquifer if the groundwaters are in direct hydraulic connection, in the same hydrogeologic unit and approximate depth interval, and if the extraction and discharge points are in the same vicinity.
8. Parts of the San Diego Region contain groundwater with ambient background concentrations of chemical constituents that exceed applicable water quality objectives for these constituents. Discharges of treated groundwater from these areas to the same aquifer would exceed water quality objectives but still pose a low threat to water quality and beneficial uses because the treated groundwater would have the same or better water quality than the receiving groundwater. Further, the removal of VOC pollutants in the treatment process would impart a net benefit to groundwater quality at the site.
9. Disposal of treated groundwater by spray irrigation could pose a significant threat to the quality of the receiving groundwater because the uptake of water by plants in the spray field could concentrate chemical constituents in soil that would leach to groundwater in high concentrations during subsequent irrigation cycles. Thus, this Order does not regulate disposal of treated groundwater by spray irrigation.
10. A technical assessment of the geochemistry of the extracted groundwater (influent), and the receiving groundwater prior to the discharge will provide the data needed to ensure that the extracted groundwater will be reinjected into the same water bearing unit and that receiving groundwater quality will not be degraded by the discharge.
11. Monitoring contaminants of concern in the extracted groundwater (influent) and treated groundwater (effluent) will provide the data needed to ensure that the treatment system is effectively removing contaminants of concern and receiving groundwater quality is not degraded by the discharge.
12. Discharges of wastes to land for treatment, storage, or disposal are prohibited unless the Regional Board has issued valid Waste Discharge Requirements (WDRs) for that discharge.

13. Discharges of treated groundwater to land are more appropriately regulated under general WDRs than individual WDRs because the discharges are a low threat to water quality and because general WDRs would:
 - a. simplify and expedite the process by which these discharges are regulated;
 - b. reduce Regional Board time expended on preparing and considering individual WDRs for each project;
 - c. provide another disposal option in areas where disposal to a sanitary sewer system is not possible due to lack of capacity;
 - d. enhance and protect surface water quality by providing alternatives to the discharge of wastewater to surface waters; and
 - e. provide a level of protection comparable to individual, site-specific WDRs.
14. Discharges of extracted groundwater to surface water and discharges to storm water conveyance systems in the San Diego Region are regulated under general NPDES permits adopted by the Regional Board in other orders.
15. The Regional Board may require any discharger regulated under this Order to be regulated under individual WDRs with specific requirements if the discharger has been notified in writing that individual WDRs are required. This notice shall include a brief statement of the reasons for this decision, a Standard Form 200 for filing a Report of Waste Discharge (ROWD), a statement setting a deadline for the discharger to submit the ROWD, and a statement that on the effective date of the individual requirements the discharge is no longer regulated under this Order.
16. The Regional Board, acting in accordance with section 13240 *et seq.* of the California Water Code, adopted the " Water Quality Control Plan for the San Diego Basin (Basin Plan) on September 8, 1994. The State Water Resources Control Board (SWRCB) subsequently approved the Basin Plan on December 13, 1994, and the Office of Administrative Law approved the Basin Plan on April 26, 1995. Subsequent amendments to the Basin Plan have also been adopted by the Regional Board and approved by the SWRCB. The Basin Plan designates the beneficial uses, water quality objectives, and prohibitions, which are incorporated herein. The requirements contained in this Order are consistent with the Basin Plan.

17. Discharges regulated by this Order are classified to be Category IIIB as defined in the Threat to Water Quality and Complexity in the current fee schedule listed in the California Code of Regulations (CCR) Title 23, section 2200.
18. SWRCB Resolution No. 68-16 requires that the Regional Board, in regulating the discharge of waste, maintain high quality waters of the State. The Regional Board must have sufficient grounds to adopt findings which demonstrate that any water quality degradation will be consistent with the maximum benefit to the people of the State, will not unreasonably affect beneficial uses; and will not result in water quality less than described in the Regional Board's policies. The impact on existing water quality will not be significant, and the treatment system will improve the quality of the affected groundwater. The permitted discharges are consistent with the provisions of Resolution No. 68-16.
19. Discharge of waste to wells by injection is regulated pursuant to the Underground Injection Control Program established by the United States Environmental Protection Agency under the Safe Drinking Water Act.¹ Discharges covered under this WDR are also subject to all applicable federal requirements for Class V wells, including notification requirements.
20. The following actions/discharges of waste to land are exempted from the requirements of Title 27 CCR:
 - a. underground injection is exempted by conditions specified in section 20090(c), and
 - b. actions taken by public agencies to cleanup and abate conditions of pollution or nuisance are exempt under conditions specified in section 20090(d).
21. This Order does not preempt or supercede the authority of municipalities, flood control agencies, or other local or State agencies to prohibit, restrict, or control discharges of waste subject to their jurisdiction.
22. This Order does not preempt, alter, or supersede the authority of Local Oversight Program Agencies to regulate cleanups at underground storage tank sites.
23. Discharger reliance on qualified professionals promotes proper planning, implementation, and long-term cost-effectiveness of investigation, and cleanup and abatement activities. Professionals should be qualified, licensed where applicable, and competent and proficient in the fields pertinent to the required activities. California Business and Professions

¹ Title 40 Code of Federal Regulations, Parts 144 to 146

Code sections 6735, 7835, and 7835.1 require that engineering and geologic evaluations and judgments be performed by, or under the direction of licensed professionals.

24. In accordance with the Governor's Executive Order requiring any proposed activity be reviewed to determine whether such activity will cause additional energy usage, this Regional Board has determined that implementation of these general WDRs will not result in a change in energy usage exceeding what would be used if site specific WDRs were issued for discharges of waste at these sites.
25. The adoption of Waste Discharge Requirements for the discharge of treated groundwater is considered a project under the California Environmental Quality Act (CEQA; Public Resources Code, section 21000 et seq.). The Regional Board is the lead agency for the project and adopted a Negative Declaration for the project in Resolution No. R9-2003-0167 on June 13, 2003, determining that there was no substantial evidence that discharges to land of wastes associated with the cleanup and abatement of groundwater containing volatile organic compounds would have a significant effect on the environment.
26. The Regional Board has notified potential dischargers, and interested persons of its intent to adopt waste discharge requirements for the discharge of wastes into groundwater.
27. The Regional Board in a public meeting heard and considered all comments received pertaining to this Order.

IT IS HEREBY ORDERED THAT in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, each Discharger regulated under these WDRs shall comply with the following requirements:

A. ELIGIBILITY

1. Persons proposing to discharge treated groundwater from VOC cleanup sites to land by direct injection through a well, or by rapid percolation or infiltration through soil, or other means that pose a low threat to receiving water quality (hereinafter discharger) shall apply to be regulated under these waste discharge requirements.

2. In establishing effluent limitations for the discharge, the Regional Board will consider non-VOC chemical constituents in the extracted groundwater (influent) prior to treatment on a constituent by constituent, and discharge by discharge basis provided that the discharger has demonstrated to the satisfaction of the Regional Board that the following conditions are met:
 - a. The extracted groundwater is from the same aquifer as the receiving groundwater. The discharger may demonstrate this condition by showing that:
 - i. the ambient background non-VOC chemical concentrations and water quality characteristics in the receiving groundwater, excluding any amount of the constituent in the discharge, is similar in concentration to that of the groundwater extracted for treatment; and
 - ii. the groundwater at the extraction and discharge points are in direct hydraulic connection, in the same hydrogeologic unit and approximate depth interval, and are reasonably close together, such that the ambient background water quality would be the same at those points.

The discharge may also provide any other applicable factors to determine if the extracted groundwater is from the same groundwater aquifer as the receiving groundwater.
 - b. The treatment process shall not alter non-VOC chemical concentrations in the effluent water in a manner that adversely affects water quality and beneficial uses.
3. The timing and location of the discharge does not cause adverse effects on water quality and beneficial uses that, absent the discharge, would not occur.
4. The discharger shall submit a complete ROWD and appropriate filing fee. The ROWD shall include:
 - a. A completed Standard Form 200 (Attachment A).
 - b. A copy of the Interim Remediation Action Plan (IRAP) or Corrective Action Plan (CAP) for the site including any conditions of implementation required by an oversight agency.
 - c. A sampling and analysis plan (SAP) specifying methods of analysis, and quality assurance/quality control methods. The plan must specify the specific monitoring locations and list of monitoring

parameters, which at a minimum shall include the constituents of concern (COCs), anticipated byproducts (including aqueous and vapor phase byproducts), and any other geochemical parameters potentially impacted by the treatment or reinjection, and other constituents as needed to assess impacts to water quality.

- d. A copy of the Site Conceptual Model (SCM) for the site.
- e. A technical report, including a copy of laboratory data from samples of extracted groundwater and the receiving water. The report shall support the conclusion that extracted groundwater and receiving groundwater are from the same water bearing unit and that receiving groundwater quality will not be degraded by the discharge. At a minimum, data must be provided for pH, total dissolved solids, chloride, sulfate, nitrate as nitrogen and all monitoring parameters identified in the SAP.
- f. Certification that COCs are not present or are unlikely to be present in the effluent.
- g. A list and description of the proposed groundwater extraction wells, a description and schematic illustration of the treatment and disposal system, and a map showing the location of the extraction wells and proposed discharge point(s).
- h. At least one map and cross-section showing the areal and vertical extent of contaminants at the site.
- i. A description of site-specific hydrogeologic characteristics including significant water bearing zones, aquitards, hydraulic conductivity of the aquifer, and estimated infiltration rate for discharge of treated groundwater.
- j. Any additional information necessary to demonstrate that the proposed discharge meets the criteria for regulation under this order.
- k. If the information required in Requirements 4.e through 4.j is contained in the IRAP, CAP, or SCM, submission of these documents will satisfy Requirements 4.e through 4.j.

5. The discharger shall not commence with the discharge until the discharger receives a notification letter from the Regional Board indicating that the ROWD is complete and the proposed discharge is appropriately regulated under these general WDRs. If site specific WDRs are required, the discharge shall not commence until the site specific WDRs are issued.

B. PROHIBITIONS

1. The discharge of treated groundwater shall not cause a violation of the waste discharge prohibitions in the Basin Plan incorporated herein by reference.
2. Discharge of wastes to lands which have not been specifically described in the ROWD and for which valid waste discharge requirements are not in force are prohibited.
3. Discharges of treated or untreated solid or liquid waste to a navigable water or tributary of a navigable water are prohibited unless as authorized by an NPDES permit issued by this Regional Board (9).
4. The discharge shall not create a condition of pollution or nuisance.

C. DISCHARGE SPECIFICATIONS

1. Concentrations of volatile organic compounds (VOCs) in the treated groundwater (effluent) shall be less than or equal to the Practical Quantitation Limits (PQL) for those compounds. The PQL is the lowest concentration that can be consistently determined within plus or minus 20 percent of the true concentration by 75 percent of the laboratories tested in a performance evaluation study. Alternatively, if performance data are not available, the PQL for carcinogens is the Method Detection Limit (MDL) multiplied by five, and for non-carcinogens is the MDL multiplied by 10.
2. After five rounds of sampling have been conducted, if any non-VOC chemical constituents are monitored, the concentration in effluent shall not exceed the average concentration in the influent by more than one standard deviation.

D. PROVISIONS

1. The Regional Board may initiate enforcement action against the Discharger should the discharge of waste be in a manner which creates, or threatens to create conditions of pollution, contamination, or nuisance, as defined in Water Code section 13050.
2. The Discharger must comply with all conditions of this Order. Any noncompliance with this Order constitutes a violation of the Water Code and is grounds for (a) enforcement action; (b) termination, revocation and reissuance, or modification of this Order; or (c) denial of a ROWD in application for new or revised WDRs.
3. Under authority of Water Code section 13267(c), 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 do the following:
 - 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 Water Code, any substances or parameters at any location.
4. The Water Code provides that any person who intentionally or negligently violates any WDRs issued, reissued, or amended by this Regional Board shall be liable civilly in accordance with Water Code section 13350 (d), (e), or (f).
5. The Water Code provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this Order, or falsifying any information provided in the monitoring reports is guilty of a misdemeanor and is subject to a civil liability in accordance with Water Code section 13268.
6. The Discharger shall report any noncompliance that may endanger health or the environment. Any such information shall be provided orally to the Regional Board within 24 hours from the time the

Discharger becomes aware of the circumstances. A written submission shall also be provided within 5 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 Regional Board, 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.

7. If a need for a discharge bypass is known in advance, the Discharger shall submit prior notice (stating, at a minimum, the purpose, anticipated dates, duration, level of treatment, and volume of bypass) and, if at all possible, such notice shall be submitted at least 10 days prior to the date of the bypass. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility to other than as proposed in the IRAP or CAP.
8. The Discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.
9. In an enforcement action, that halting or reducing the permitted activity would have been necessary in order to maintain compliance with this Order shall not be a defense for the Discharger. 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 is failed, reduced, or lost.
10. Except for a discharge which is in compliance with these WDRs, 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, 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 Director of Environmental Health Services, County of San Diego in accordance with California Health and Safety Code section 5411.5, and 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 SWRCB 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.

11. Except for a discharge which is in compliance with these WDRs, 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 requirement does not require reporting of any discharge of less than 42 gallons² unless the discharge is also required to be reported pursuant to section 311 of the federal Clean Water Act or the discharge is in violation of a prohibition in the applicable Basin Plan.
12. A copy of this Order shall be maintained at the Discharger's facility and shall be available to operating personnel at all times.
13. The Discharger shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of five 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.
14. The Discharger shall furnish to the Regional Board, within a reasonable time, any information which the Regional Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The Discharger shall also furnish to the Regional Board, upon request, copies of records required to be kept by this Order.

² As required by Water Code section 13272.

15. These waste discharge requirements are subject to review and revision by the Regional Board [CCR section 13263(e)].
16. This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:
 - a. Violation of any terms or conditions of this Order.
 - b. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts.
 - c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of a request by the Discharger for the modification, revocation and reissuance, termination of this Order, or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

17. 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.
18. Provisions of these waste discharge requirements are severable. If any provisions of these requirements are found invalid, the remainder of these requirements shall not be affected.
19. 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.
20. The Discharger shall file a new ROWD at least 120 days prior 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 wastes.

- b. Significant change in the treatment or disposal method (e.g., change in the method of treatment which would significantly alter the nature of the waste).
 - c. Change in the disposal area from that described in the findings of this Order.
 - d. Increase in flow beyond that specified in this Order.
 - e. Other circumstances that result in a material change in character, amount, or location of the waste discharge.
 - f. Any planned change in the regulated facility or activity which may result in noncompliance with this Order.
21. This Order is not transferable to any person except after notice to the Regional Board. The Discharger shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new owner containing a specific date for the transfer of this Order's responsibility and coverage between the current Discharger and the new owner. 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. The Regional Board may require modification or revocation and reissuance of this Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the Water Code.
22. Where the Discharger becomes aware that it failed to submit any relevant facts in a ROWD or submitted incorrect information in a ROWD or in any report to the Regional Board, it shall promptly submit such facts or information.
23. All reports, plans and documents required under this Order shall be prepared under the direction of appropriately qualified professionals. The lead professional performing engineering and geologic evaluations and judgments shall sign and/or affix their professional geologist or civil engineering license stamp to all technical reports, plans or documents submitted to the Regional Board as required by California Business and Professions Code sections 6735 and 7835.
24. The discharge of waste to, or infiltration to a surface water system must be regulated under a separate order as described in Finding 12.

25. This Order does not relieve the discharger of responsibility to obtain other necessary local, State, and federal permits to construct facilities necessary for groundwater extraction, disposal, or treatment in compliance with this Order; nor does this Order preclude imposing additional standards, requirements, or conditions.
26. If the discharger does not own the property at the discharge point, the discharge shall not commence until the property owner has granted permission to the discharger to discharge treated groundwater on the property. Further, the discharge shall not commence until an access agreement between the discharger and the property owner is signed by both parties and submitted to the Regional Board. The agreement must give the discharger adequate access to the property to operate, monitor and maintain the discharge system, and, if necessary, monitor the quality of the receiving groundwater.
27. The discharger shall notify the Regional Board by telephone within 24 hours, followed by written notification before the close of business on the seventh day in the event the discharger is unable to comply with any of the conditions of this Order due to discharges of waste resulting from:
 - a. failure of waste treatment and discharge equipment;
 - b. accident(s) caused by human error or negligence;
 - c. other causes such as acts of nature; or
 - d. site construction or development operations.
28. A contingency plan shall be developed and kept on site by the discharger. The contingency plan shall detail appropriate action to be taken in order to protect human health and the environment in case of any discharge of waste from failure of the operation of the treatment system.
29. Upon adoption, Order R9-2008-0138 supercedes General Order R9-2003-0111.

E. MONITORING AND REPORTING REQUIREMENTS

Under authority of Water Code section 13267, the discharger is required to comply with the following monitoring and reporting to ensure compliance with this Order:

1. The discharger is responsible for monitoring influent and effluent for all monitoring parameters on a monthly basis. Information in the monitoring reports shall be consistent with the sampling and analysis plan required in Eligibility Requirement Section A.4.c and shall contain sufficient information to demonstrate compliance with the discharge limitations.
2. In reporting the monitoring data, the discharger shall arrange the data in tabular form so that the date, constituents, concentrations, and monitoring locations are readily discernible. The data shall be summarized to demonstrate compliance with waste discharge requirements.
3. Samples and measurements collected as required herein shall be representative of the volume and nature of the monitored discharge and/or receiving water. All samples shall be collected from the monitoring points specified in this Order and described in the Sampling and Analysis Plan (SAP). Monitoring points shall not be changed without the Discharger providing notification and justification for the change to the Regional Board.
4. All analyses shall be performed in a laboratory certified to perform such analyses by the California Department of Public Health. The director of the laboratory whose name appears on the certification shall supervise all analytical work in his/her laboratory and shall sign all reports of such work submitted to the Regional Board.
5. Monitoring must be conducted according to U.S. Environmental Protection Agency (USEPA) test procedures "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (EPA Publication SW-846), unless other test procedures have been specified in the SAP.
6. If the discharger monitors any pollutants more frequently than required by this Order, using the most recent version of USEPA SW-846 methods, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharger's monitoring report. The increased frequency of monitoring shall also be reported.

7. All monitoring instruments and equipment used by the discharger to fulfill the prescribed monitoring program shall be properly calibrated and maintained as necessary to ensure their continued accuracy.
8. The discharger shall retain records of all monitoring information, including all calibration and maintenance records and copies of all reports required by this Order. Records shall be maintained for a minimum of five 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.
9. Records of monitoring information shall include:
 - a. the date, identity of sample, Monitoring Point from which it was collected, and time of sampling or measurement;
 - b. the individual(s) who performed the sampling or measurements;
 - c. date and time that analyses were started and completed, and the name of the personnel performing each analysis;
 - d. the analytical techniques or method used, including method of preserving the sample and the identity and volumes of reagents used;
 - e. results of analyses, and the Method Detection Limit and PQL for each parameter; and
 - f. laboratory quality assurance results.
10. In the event of failure to submit any relevant facts or submittal of incorrect information in any report to the Regional Board, the discharger shall promptly submit such facts or information.
11. At any time when the requirements of this Order are not met, the discharger shall submit a written statement of the actions undertaken or proposed that will bring the discharge into full compliance with requirements at the earliest time and submit a timetable for correction.
12. Whenever wastes associated with the discharge under this Order are transported to a different disposal site the following shall be reported in the monitoring report:
 - a. type and quantity of wastes;
 - b. name and address of the hauler (or method of transport if other than by hauling); and

- c. location of the final point(s) of disposal.
13. All technical reports submitted in response to this order shall be signed and/or stamped by appropriately qualified and licensed professional engineers or geologists as required by California Business and Professions Code sections 6735 and 7835.
14. All applications, reports, or information to be submitted to the Regional Board shall be signed and certified as follows:
- a. The Report of Waste Discharge shall be signed as follows:
 - i. For a corporation, by a principal executive officer or at least the level of vice president;
 - ii. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; and
 - iii. For a municipality, State, federal, or other public agency, by either a principal executive officer or ranking elected official;
 - b. All other reports required by this Order and other information required by the Executive Officer shall be signed by a person designated in paragraph (a) of this provision, or by a duly authorized representative of that person. An individual is a duly authorized representative only if:
 - i. The authorization is made in writing by a person described in paragraph (a) of this provision;
 - ii. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated facility or activity; and
 - iii. The written authorization is submitted to the Regional Board.
15. Any person signing a document under this Section shall make the following certification:
- "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." [Water Code section 13263, 13267, and 13268].

- 16. Each report shall be sent under cover of a transmittal letter summarizing the essential points of each report. The transmittal letter shall include a discussion of any requirement violations found and actions taken or planned for correcting the violations. If no violations occurred, this shall be so stated in the transmittal letter.
- 17. The discharger shall submit quarterly groundwater monitoring reports to the Regional Board no later than 30 days following the end of the quarter according to the following schedule:

Monitoring Period	Due Date for Report
First Quarter (January –March)	Due no later than April 30
Second Quarter (April-June)	Due no later than July 30
Third Quarter (July-September)	Due no later than October 30
Fourth Quarter (October-December)	Due no later than January 30

- 18. The discharger shall submit reports required under this Order, or other information required by the Regional Board to the following address:

California Regional Water Quality Control Board,
 San Diego Region
 9174 Sky Park Court, Suite 100
 San Diego, CA 92123-4340

- 19. The Discharger shall comply with electronic reporting requirements of Title 23 CCR Division 3, section 3893, including the provision that complete copies of all reports be submitted in PDF format, and include the signed transmittal letter and professional certification. Electronic submittals are due according to the same schedule as the paper copies. To comply with [section 3893, Title 23, CCR](#); your update to the GeoTracker database must include the following minimum information:
 - a. Data generated after the effective date of the regulations by chemical analysis of soil, vapor, or water samples (including surface water, groundwater and influent/effluent water samples from remediation systems), shall be submitted in Electric Data File (EDF) format;
 - b. The latitude and longitude of any permanent monitoring well for which data is reported in EDF format, accurate to within 1 meter and referenced to a minimum of two reference points from the California Spatial Reference System (CSRS-H), if available;

- c. The surveyed elevation relative to a geodetic datum of any permanent monitoring well;
- d. The elevation of groundwater in any permanent monitoring well relative to the surveyed elevation;
- e. A site map or maps showing the location of all sampling points referred to in the report;
- f. The depth to the screened interval and the length of screened interval for any permanent monitoring well;
- g. Boring logs, in PDF format; and
- h. A complete copy of the report, in PDF format, which includes the signed transmittal letter and professional certification.

The GeoTracker website address is <http://geotracker.waterboards.ca.gov>. Deadlines for electronic submittals coincide with deadlines for paper copy submittals.

F. NOTIFICATIONS

- 1. No discharge of wastes into waters of the State, whether or not such discharge is made pursuant to waste discharge requirements, shall create a vested right to continue such discharge. All discharges of waste into waters of the State are privileges, not rights.
- 2. These requirements are not issued pursuant to section 402 of the Clean Water Act (33 USC 1342) and have not been officially reviewed by the USEPA.
- 3. Water Code section 13350 provides that any person who intentionally or negligently violates any waste discharge requirements issued, reissued, or amended by this Regional Board is subject to up to \$15,000 per day of violation.

Dated this 12th day of November 2008

BY THE EXECUTIVE OFFICER

TENTATIVE

John Robertus, Executive Officer
November 12, 2008

INTRODUCTION

This application package constitutes a Report of Waste Discharge (ROWD) pursuant to California Water Code Section 13260. Section 13260 states that persons discharging or proposing to discharge waste that could affect the quality of the waters of the State, other than into a community sewer system, shall file a ROWD containing information which may be required by the appropriate Regional Water Quality Control Board (RWQCB).

This package is to be used to start the application process for all waste discharge requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permits* issued by a RWQCB except:

- a) Those landfill facilities that must use a joint Solid Waste Facility Permit Application Form, California Integrated Waste Management Board Form E-1-77; and
- b) General WDRs or general NPDES permits that use a Notice of Intent to comply or specify the use of an alternative application form designed for that permit.

This application package contains:

1. Application/General Information Form for WDRs and NPDES Permits [Form 200 (10/97)].
2. Application/General Information Instructions.

Instructions

Instructions are provided to assist you with completion of the application. If you are unable to find the answers to your questions or need assistance with the completion of the application package, please contact your RWQCB representative. *The RWQCBs strongly recommend that you make initial telephone or personal contact with RWQCB regulatory staff to discuss a proposed new discharge before submitting your application.* The RWQCB representative will be able to answer procedural and annual fee related questions that you may have. (See map and telephone numbers inside of application cover.)

All dischargers regulated under WDRs and NPDES permits must pay an annual fee, except dairies, which pay a filing fee only. The RWQCB will notify you of your annual fee based on an evaluation of your proposed discharge. Please do NOT submit a check for your first annual fee or filing fee until requested to do so by a RWQCB representative. Dischargers applying for reissuance (renewal) of an existing NPDES permit or update of an existing WDR will be billed through the annual fee billing system and are therefore requested NOT to submit a check with their application. Checks should be made payable to the State Water Resources Control Board.

Additional Information Requirements

A RWQCB representative will notify you within 30 days of receipt of the application form and any supplemental documents whether your application is complete. If your application is incomplete, the RWQCB representative will send you a detailed list of discharge specific information necessary to complete the application process. The completion date of your application is normally the date when all required information, including the correct fee, is received by the RWQCB.

*** NPDES PERMITS:** If you are applying for a permit to discharge to surface water, you will need an NPDES permit which is issued under both State and Federal law and may be required to complete one or more of the following Federal NPDES permit application forms: Short Form A, Standard Form A, Forms 1, 2B, 2C, 2D, 2E, and 2F. These forms may be obtained at a RWQCB office or can be ordered from the National Center for Environmental Publications and Information at (513) 891-6561.



APPLICATION/REPORT OF WASTE DISCHARGE GENERAL INFORMATION FORM FOR WASTE DISCHARGE REQUIREMENTS OR NPDES PERMIT



INSTRUCTIONS FOR COMPLETING THE APPLICATION/REPORT OF WASTE DISCHARGE GENERAL INFORMATION FORM FOR: WASTE DISCHARGE REQUIREMENTS/NPDES PERMIT

If you have any questions on the completion of any part of the application, please contact your RWQCB representative. A map of RWQCB locations, addresses, and telephone numbers is located on the reverse side of the application cover.

I. FACILITY INFORMATION

You must provide the factual information listed below for ALL owners, operators, and locations and, where appropriate, for ALL general partners and lease holders.

- A. FACILITY: Legal name, physical address including the county, person to contact, and phone number at the facility. (NO P.O. Box numbers! If no address exists, use street and nearest cross street.)
B. FACILITY OWNER: Legal owner, address, person to contact, and phone number. Also include the owner's Federal Tax Identification Number. OWNER TYPE: Check the appropriate Owner Type. The legal owner will be named in the WDRs/NPDES permit.
C. FACILITY OPERATOR (The agency or business, not the person): If applicable, the name, address, person to contact, and telephone number for the facility operator. Check the appropriate Operator Type. If identical to B. above, enter "same as owner".
D. OWNER OF THE LAND: Legal owner of the land(s) where the facility is located, address, person to contact, and phone number. Check the appropriate Owner Type. If identical to B. above, enter "same as owner".
E. ADDRESS WHERE LEGAL NOTICE MAY BE SERVED: Address where legal notice may be served, person to contact, and phone number. If identical to B. above, enter "same as owner".
F. BILLING ADDRESS: Address where annual fee invoices should be sent, person to contact, and phone number. If identical to B. above, enter "same as owner".



APPLICATION/REPORT OF WASTE DISCHARGE GENERAL INFORMATION FORM FOR WASTE DISCHARGE REQUIREMENTS OR NPDES PERMIT



II. TYPE OF DISCHARGE

Check the appropriate box to describe whether the waste will be discharged to: A. Land, or B. Surface Water.

Check the appropriate box(es) which best describe the activities at your facility.

Hazardous Waste - If you check the Hazardous Waste box, STOP and contact a representative of the RWQCB for further instructions.

Landfills - A separate form, APPLICATION FOR SOLID WASTE FACILITY PERMIT/WASTE DISCHARGE REQUIREMENTS, California Integrated Waste Management Board Form E-1-77, may be required. Contact a RWQCB representative to help determine the appropriate form for your discharge.

III. LOCATION OF THE FACILITY

- 1. Enter the Assessor's Parcel Number(s) (APN), which is located on the property tax bill. The number can also be obtained from the County Assessor's Office. Indicate the APN for both the facility and the discharge point.
2. Enter the Latitude of the entrance to the proposed/existing facility and of the discharge point. Latitude and longitude information can be obtained from a U.S. Geological Survey quadrangle topographic map. Other maps may also contain this information.
3. Enter the Longitude of the entrance to the proposed/existing facility and of the discharge point.

IV. REASON FOR FILING

NEW DISCHARGE OR FACILITY:

A discharge or facility that is proposed but does not now exist, or that does not yet have WDRs or an NPDES permit.

CHANGE IN DESIGN OR OPERATION:

A material change in design or operation from existing discharge requirements. Final determination of whether the reported change is material will be made by the RWQCB.

CHANGE IN QUANTITY/TYPE OF DISCHARGE:

A material change in characteristics of the waste from existing discharge requirements. Final determination of whether the reported change would have a significant effect will be made by the RWQCB.

CHANGE IN OWNERSHIP/OPERATOR:

Change of legal owner of the facility. Complete Parts I, III, and IV only and contact the RWQCB to determine if additional information is required.

WASTE DISCHARGE REQUIREMENTS UPDATE OR NPDES PERMIT REISSUANCE:

WDRs must be updated periodically to reflect changing technology standards and conditions. A new application is required to reissue an NPDES permit which has expired.

OTHER:

If there is a reason other than the ones listed, please describe the reason on the space provided. (If more space is needed, attach a separate sheet.)



**APPLICATION/REPORT OF WASTE DISCHARGE
GENERAL INFORMATION FORM FOR
WASTE DISCHARGE REQUIREMENTS OR NPDES PERMIT**

**V. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

It should be emphasized that communication with the appropriate RWQCB staff is vital before starting the CEQA documentation, and is recommended before completing this application. There are Basin Plan issues which may complicate the CEQA effort, and RWQCB staff may be able to help in providing the needed information to complete the CEQA documentation.

Name the Lead Agency responsible for completion of CEQA requirements for the project, i.e., completion and certification of CEQA documentation.

Check YES or NO. Has a public agency determined that the proposed project is exempt from CEQA? If the answer is YES, state the basis for the exemption and the name of the agency supplying the exemption on the space provided. (Remember that, if extra space is needed, use an extra sheet of paper, but be sure to indicate the attached sheet under Section VII. Other.)

Check YES or NO. Has the "Notice of Determination" been filed under CEQA? If YES, give the date the notice was filed and enclose a copy of the Notice of Determination and the Initial Study, Environmental Impact Report, or Negative Declaration. If NO, check the box of the expected type of CEQA document for this project, and include the expected date of completion using the timelines given under CEQA. The date of completion should be taken as the date that the Notice of Determination will be submitted. (If not known, write "Unknown")

VI. OTHER REQUIRED INFORMATION

To be approved, your application MUST include a COMPLETE characterization of the discharge. If the characterization is found to be incomplete, RWQCB staff will contact you and request that additional specific information be submitted.

This application MUST be accompanied by a site map. A USGS 7.5' Quadrangle map or a street map, if more appropriate, is sufficient for most applications.

VII. OTHER

If any of the answers on your application form need further explanation, attach a separate sheet. Please list any attachments with the titles and dates on the space provided.

VIII. CERTIFICATION

Certification by the owner of the facility or the operator of the facility, if the operator is different from the owner, is required. The appropriate person must sign the application form.

Acceptable signatures are:

1. for a corporation, a principal executive officer of at least the level of senior vice-president;
2. for a partnership or individual (sole proprietorship), a general partner or the proprietor;
3. for a governmental or public agency, either a principal executive officer or ranking elected/appointed official.

DISCHARGE SPECIFIC INFORMATION

In most cases, a request to supply additional discharge specific information will be sent to you by a representative of the RWQCB. If the RWQCB determines that additional discharge specific information is not needed to process your application, you will be so notified.



State of California Regional Water Quality Control Board APPLICATION/REPORT OF WASTE DISCHARGE GENERAL INFORMATION FORM FOR WASTE DISCHARGE REQUIREMENTS OR NPDES PERMIT



I. FACILITY INFORMATION

A. Facility:

Form A: Facility information fields including Name, Address, City, County, State, Zip Code, Contact Person, and Telephone Number.

B. Facility Owner:

Form B: Facility Owner information fields including Name, Address, City, State, Zip Code, Contact Person, Telephone Number, Federal Tax ID, and Owner Type (Individual, Corporation, Governmental Agency, Partnership, Other).

C. Facility Operator (The agency or business, not the person):

Form C: Facility Operator information fields including Name, Address, City, State, Zip Code, Contact Person, Telephone Number, and Operator Type (Individual, Corporation, Governmental Agency, Partnership, Other).

D. Owner of the Land:

Form D: Owner of the Land information fields including Name, Address, City, State, Zip Code, Contact Person, Telephone Number, and Owner Type (Individual, Corporation, Governmental Agency, Partnership, Other).

E. Address Where Legal Notice May Be Served:

Form E: Address Where Legal Notice May Be Served fields including Address, City, State, Zip Code, Contact Person, and Telephone Number.

F. Billing Address:

Form F: Billing Address fields including Address, City, State, Zip Code, Contact Person, and Telephone Number.



APPLICATION/REPORT OF WASTE DISCHARGE GENERAL INFORMATION FORM FOR WASTE DISCHARGE REQUIREMENTS OR NPDES PERMIT



II. TYPE OF DISCHARGE

Check Type of Discharge(s) Described in this Application (A or B):

[] A. WASTE DISCHARGE TO LAND

[] B. WASTE DISCHARGE TO SURFACE WATER

Check all that apply:

- Domestic/Municipal Wastewater Treatment and Disposal
Cooling Water
Mining
Waste Pile
Wastewater Reclamation
Other, please describe:

- Animal Waste Solids
Land Treatment Unit
Dredge Material Disposal
Surface Impoundment
Industrial Process Wastewater

- Animal or Aquacultural Wastewater
Biosolids/Residual
Hazardous Waste (see instructions)
Landfill (see instructions)
Storm Water

III. LOCATION OF THE FACILITY

Describe the physical location of the facility.

1. Assessor's Parcel Number(s) Facility: Discharge Point:

2. Latitude Facility: Discharge Point:

3. Longitude Facility: Discharge Point:

IV. REASON FOR FILING

- New Discharge or Facility
Change in Design or Operation
Change in Quantity/Type of Discharge
Changes in Ownership/Operator (see instructions)
Waste Discharge Requirements Update or NPDES Permit Reissuance
Other:

V. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Name of Lead Agency:

Has a public agency determined that the proposed project is exempt from CEQA? [] Yes [] No

If Yes, state the basis for the exemption and the name of the agency supplying the exemption on the line below.

Basis for Exemption/Agency:

Has a "Notice of Determination" been filed under CEQA? [] Yes [] No

If Yes, enclose a copy of the CEQA document, Environmental Impact Report, or Negative Declaration. If no, identify the expected type of CEQA document and expected date of completion.

Expected CEQA Documents:

- [] EIR [] Negative Declaration

Expected CEQA Completion Date:



APPLICATION/REPORT OF WASTE DISCHARGE GENERAL INFORMATION FORM FOR WASTE DISCHARGE REQUIREMENTS OR NPDES PERMIT



VI. OTHER REQUIRED INFORMATION

Please provide a COMPLETE characterization of your discharge. A complete characterization includes, but is not limited to, design and actual flows, a list of constituents and the discharge concentration of each constituent, a list of other appropriate waste discharge characteristics, a description and schematic drawing of all treatment processes, a description of any Best Management Practices (BMPs) used, and a description of disposal methods. Also include a site map showing the location of the facility and, if you are submitting this application for an NPDES permit, identify the surface water to which you propose to discharge. Please try to limit your maps to a scale of 1:24,000 (7.5' USGS Quadrangle) or a street map, if more appropriate.

VII. OTHER

Attach additional sheets to explain any responses which need clarification. List attachments with titles and dates below:

Two horizontal lines for listing attachments.

You will be notified by a representative of the RWQCB within 30 days of receipt of your application. The notice will state if your application is complete or if there is additional information you must submit to complete your Application/Report of Waste Discharge, pursuant to Division 7, Section 13260 of the California Water Code.

VIII. CERTIFICATION

"I certify under penalty of law that this document, including all attachments and supplemental information, were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."
Print Name: _____ Title: _____
Signature: _____ Date: _____

FOR OFFICE USE ONLY

Table with 4 columns: Date Form 200 Received, Letter to Discharger, Fee Amount Received, Check #.

California Environmental Protection Agency Bill of Rights for Environmental Permit Applicants

California Environmental Protection Agency (Cal/EPA) recognizes that many complex issues must be addressed when pursuing reforms of environmental permits and that significant challenges remain. We have initiated reforms and intend to continue the effort to make environmental permitting more efficient, less costly, and to ensure that those seeking permits receive timely responses from the boards and departments of the Cal/EPA. To further this goal, Cal/EPA endorses the following precepts that form the basis of a permit applicant's "Bill of Rights."

1. Permit applicants have the right to assistance in understanding regulatory and permit requirements. All Cal/EPA programs maintain an Ombudsman to work directly with applicants. Permit Assistance Centers located throughout California have permit specialists from all the State, regional, and local agencies to identify permit requirements and assist in permit processing.
2. Permit applicants have the right to know the projected fees for review of applications, how any costs will be determined and billed, and procedures for resolving any disputes over fee billings.
3. Permit applicants have the right of access to complete and clearly written guidance documents that explain the regulatory requirements. Agencies must publish a list of all information required in a permit application and of criteria used to determine whether the submitted information is adequate.
4. Permit applicants have the right of timely completeness determinations for their applications. In general, agencies notify the applicant within 30 days of any deficiencies or determine that the application is complete. California Environmental Quality Act (CEQA) and public hearing requests may require additional information.
5. Permit applicants have the right to know exactly how their applications are deficient and what further information is needed to make their applications complete. Pursuant to California Government code Section 65944, after an application is accepted as complete, an agency may not request any new or additional information that was not specified in the original application.
6. Permit applicants have the right of a timely decision on their permit application. The agencies are required to establish time limits for permit reviews.
7. Permit applicants have the right to appeal permit review time limits by statute or administratively that have been violated without good cause. For state environmental agencies, appeals are made directly to the Cal/EPA Secretary or to a specific board. For local environmental agencies, appeals are generally made to the local governing board or, under certain circumstances, to Cal/EPA. Through this appeal, applicants may obtain a set date for a decision on their permit and, in some cases, a refund of all application fees (ask boards and departments for details).
8. Permit applicants have the right to work with a single lead agency where multiple environmental approvals are needed. For multiple permits, all agency actions can be consolidated under a lead agency. For site remediation, all applicable laws can be administered through a single agency.
9. Permit applicants have the right to know who will be reviewing their application and the time required to complete the full review process.