

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2005-XXXX

NPDES NO. CA0085154

WASTE DISCHARGE REQUIREMENTS
FOR
VISALIA MEDICAL CLINIC, INC.
TULARE COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Board) finds that:

1. Visalia Medical Clinic, Inc. (hereafter Discharger), a California corporation, owns and operates an outpatient medical clinic approximately 2 ½ miles west of Visalia as shown on Attachment A, a part of this Order.
2. This Order regulates the discharge of non-contact cooling water to Mill Creek, a water of the United States. The discharge was governed by Waste Discharge Requirements (WDRs) Order No. 97-119, originally adopted by this Regional Board on 20 June 1997. Order No. 97-119 expired on 1 June 2002 and was formally rescinded on 25 April 2003. The Discharger submitted a Report of Waste Discharge, dated 21 April 2003, and applied for a permit to continue the discharge of pollutants under the National Pollutant Discharge Elimination System (NPDES).
3. The Discharger's effluent consists of non-contact cooling water from the Visalia Medical Clinic's 150-ton air conditioning unit at 5400 W. Hillsdale in Visalia, California. Residual chlorine is present in the discharge, though the Discharger does not add chemicals to its cooling water. The residual chlorine in the discharge is likely from the supply water. The discharge to Mill Creek occurs at Discharge 001, as shown on Attachment A. The discharge is not treated and flow is intermittent over a 24-hour period because the air-conditioning unit is turned off nightly.
4. The Discharger's Report of Waste Discharge describes the discharge as follows:

Average Daily Flow Rate:	207,427 gallons per day
Maximum Daily Flow Rate:	235,000 gallons per day
Average Daily Temperature:	91 ° F Summer; 84° F Winter
Average Daily pH:	7.2 standard units
5. Source water for the clinic is provided by California Water Service Company. Supply water was monitored on 3 April 2003. Based on this sample, characteristics of the supply water include the following:

Constituent

Total Dissolved Solids (TDS)	200 mg/L
Conductivity @ 25 ° C	266 µmhos/cm
pH	6.9 standard units

The Discharger did not report on chlorine concentrations in the supply water.

6. Representatives of the Regional Board conducted an NPDES compliance evaluation inspection of the Discharger's facility on 20 January 2003. At the time of the inspection, the Discharger had not kept any logs of daily flow and had not submitted monthly or annual monitoring reports since December 2000. The Discharger recommenced monitoring in March 2003.

The facility submitted data taken March through October 2003. Based on these data, the characteristics of the discharge are as follows:

<u>Constituent</u>	<u>Average of All Samples (March – October 2003)</u>
Temperature	80.5 °F
Total Dissolved Solids (TDS)	205 mg/L (2 samples)
Conductivity @ 25 ° C	261 µmhos/cm
pH	6.9 – 8.1 standard units (range)
Chlorine (Total)	0.44 mg/L (2 samples)

RECEIVING WATER BENEFICIAL USES

7. The Regional Board has adopted the *Water Quality Control Plan for the Tulare Lake Basin, Second Edition* (hereafter Basin Plan). The Basin Plan designates beneficial uses, establishes water quality objectives (WQOs), and contains implementation programs and policies to achieve WQOs for all waters of the Basin. These requirements implement the Basin Plan.
8. Discharge 001 occurs at a point in the SE¼ of Section 27, T18S, R24E, MDB&M. Mill Creek is an ephemeral stream tributary to Cross Creek approximately 10 miles downstream of the discharge. During wet years, Cross Creek discharges to the Tule River, approximately 15 miles downstream of the confluence of Mill Creek with Cross Creek. The site lies within the Kaweah Delta Hydrologic Area (558.10) in the South Valley Floor Hydrologic Unit.

9. The Basin Plan designates the beneficial uses of Valley Floor Waters, such as Mill Creek and Cross Creek as:
 - agricultural supply (AGR);
 - industrial service supply (IND);
 - industrial process supply (PRO);
 - water contact recreation (REC-1);
 - non-contact water recreation (REC-2);
 - warm freshwater habitat (including spawning) (WARM);
 - wildlife habitat (WILD);
 - support of rare, threatened, or endangered species (RARE); and
 - groundwater recharge (GWR).
10. The ephemeral nature of Mill Creek means that no consistent receiving water dilution is available to buffer pollutants and help protect the designated beneficial uses. The discharge cannot contain pollutants in concentrations that cause harm to agricultural production, public health, or aquatic life. The lack of dilution results in more stringent limitations for attainment of narrative criteria to protect agricultural beneficial uses and aquatic life.
11. Based on information from the “Lines of Equal Elevation of Water Wells in Unconfined Aquifer,” published by the Department of Water Resources in Spring 1995, the depth of groundwater in the region is about 95 feet below ground surface. The designated beneficial uses of the underlying groundwater are municipal and domestic supply, agricultural supply, industrial service supply, industrial process supply, water contact recreation, and non-contact water recreation.

EFFLUENT LIMITATIONS AND REASONABLE POTENTIAL ANALYSES

12. The U.S. Environmental Protection Agency (USEPA) adopted the *National Toxics Rule* (NTR) on 22 December 1992 and the *California Toxics Rule* (CTR) on 18 May 2000. These Rules contain water quality standards applicable to this discharge. On 2 March 2000, the SWRCB adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (known as the State Implementation Policy or SIP), which contains guidance on implementation of the NTR and CTR.
13. The federal Clean Water Act (CWA) mandates the implementation of effluent limitations that are as stringent as necessary to meet water quality standards established pursuant to state or federal law (33 U.S.C., § 1311(b)(1)(C); 40 CFR § 122.44(d)(1)). NPDES permits must incorporate discharge limitations necessary to ensure that water quality standards are met. This requirement applies to narrative criteria as well as to criteria specifying maximum amounts of particular pollutants. Pursuant to federal regulations, 40 CFR 122.44(d)(1)(i), NPDES permits must contain limitations that control all pollutants that “are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard, including state narrative criteria for water quality.” Federal regulations, 40 CFR 122.44(d)(1)(vi), further provide that “[w]here a state has not established a water quality criterion for a specific chemical pollutant that is present in an effluent at a

concentration that causes, has the reasonable potential to cause, or contributes to an excursion above a narrative criterion within an applicable State water quality standard, the permitting authority must establish effluent limits.”

14. Based on information submitted as part of the application and as directed by monitoring and reporting programs, the discharge has a reasonable potential to cause or contribute to an in-stream excursion above a water quality standard for the non-CTR constituents total residual chlorine and pH.
15. The Discharger was issued an Order on 27 February 2001, pursuant to California Water Code (CWC) Section 13267, requiring effluent and receiving water monitoring meeting the requirements of the SIP. These data were required to assist the Regional Board in conducting reasonable potential analyses (RPAs).
16. On 15 January 2002, the Discharger submitted effluent data for priority pollutants to the Regional Board for a sample taken on 21 May 2001. The Discharger submitted additional effluent data for priority pollutants and other constituents for a sample taken on 24 April 2003. The Discharger did not submit receiving water data for any constituents beyond those included in monthly receiving water monitoring requirements in the previous Order (i.e., dissolved oxygen, pH, turbidity, temperature, and conductivity). Effluent CTR/SIP sampling was incomplete, as the data submitted did not contain results for 35 constituents. Additional CTR/SIP sampling is necessary and is required by this Order.
17. Section 1.3 of the SIP requires this Regional Board to impose water quality-based effluent limitations for a priority pollutant if (a) the maximum effluent concentration (MEC) is greater than the most stringent CTR or NTR criterion or applicable site-specific Basin Plan objective, or (b) the ambient background concentration is greater than the CTR or NTR criterion or applicable site-specific Basin Plan objective and the pollutant is detected in the effluent, or (c) other information is available to determine that a water quality-based effluent limitation is necessary to protect beneficial uses.
18. The RPA for CTR constituents was based on available effluent monitoring data from the samples collected on 21 May 2001 and 24 April 2003. Based on the RPA methodology in the SIP, no constituents have been found to have reasonable potential to cause or contribute to an excursion above water quality objectives or water quality criteria in the receiving water. Many of the constituents were not detected in the effluent and many do not have applicable numeric water quality criteria or objectives to be compared against the MEC. Based on the RPA, no effluent limitations currently are required for priority pollutants; however, the RPA will be reexamined as additional data become available.
19. The Basin Plan contains narrative objectives requiring that: “All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life” and “Waters shall not contain chemical constituents in concentrations that adversely affect beneficial uses.” The Basin Plan requires the application of the most stringent objective necessary to ensure that surface water and groundwater do not contain chemical constituents, toxic substances, radionuclides, or taste and odor producing substances that adversely affect beneficial uses. As described above, when a reasonable

potential exists for exceeding a narrative objective, federal regulations mandate numeric effluent limitations and the Basin Plan establishes a procedure for translating the narrative objectives into numeric effluent limitations.

EFFLUENT LIMITATIONS FOR NON-CTR CONSTITUENTS

20. **Flow and pH:** Effluent limitations for flow and pH were included in the previous Order. The flow limitation in this Order has been reduced to reflect updated maximum daily flow value reported in the Report of Waste Discharge. The pH limitation has been revised from the previous Order and is based on the Basin Plan, which requires that the pH of receiving waters not be depressed below 6.5, or raised above 8.3 standard units, or changed at any time more than 0.3 units from normal ambient pH. The pH effluent limitation is based on application of this water quality objective at the point of discharge.
21. **Total Residual Chlorine:** Effluent samples taken by the Discharger on 21 May 2001 and 24 April 2003 had chlorine concentrations (based on field tests) of 0.28 mg/l or 280 µg/l and 0.60 mg/l or 600 µg/l respectively. USEPA's recommended acute and chronic aquatic life criteria for chlorine are 19 µg/l and 11 µg/l respectively. Based on this information, the discharge of chlorine in the facility's effluent has the reasonable potential to cause or contribute to an excursion of the narrative toxicity objective from the Basin Plan. Effluent limitations for total residual chlorine calculated as 0.01 mg/L as a monthly average and 0.02 mg/L as a daily maximum using procedures in USEPA's *Technical Support Document for Water Quality-based Toxics Control* (1991) are appropriate to protect the designated beneficial uses of WARM in Mill Creek. Based on the monitoring data available, it appears the discharger cannot consistently comply with the established limitations, and a compliance time schedule is needed. However, as the Basin Plan narrative toxicity objective is not a new objective, a schedule of compliance for total residual chlorine is not included in this Order. A separate Time Schedule Order shall be proposed to provide the Discharger time to comply with the total residual chlorine effluent limitations. This Order also includes both effluent and water supply monitoring requirements for total residual chlorine. Water supply monitoring is included in order to determine whether the residual chlorine in the discharge is from the water supply.

RECEIVING WATER LIMITATIONS

22. Receiving water limitations in this Order are based on the water quality objectives in the Basin Plan and are established to protect the designated beneficial uses for the receiving waters.

GROUNDWATER LIMITATIONS

23. The Basin Plan requires the application of the most stringent objective necessary to ensure that groundwaters do not contain chemical constituents, toxic substances, radionuclides, or taste and odor producing substances in concentrations that adversely affect designated beneficial uses. In addition, Resolution 68-16 requires the Regional Board, in regulating discharge of waste, to maintain high quality waters of the State. The discharge to Mill Creek is not expected to degrade groundwater. No potential sources of groundwater degradation have been

associated with the discharge permitted herein. Consequently, this permit does not allow the discharge to cause underlying groundwater to contain waste constituents in concentrations greater than natural background quality.

GENERAL FINDINGS

24. CWC Section 13267 states, in part:

(a) A regional board, in establishing...waste discharge requirements... may investigate the quality of any waters of the state within its region. (b)(1) In conducting an investigation specified in [Section 13267] subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

25. CWC Section 13383 states:

(a) The state board or a regional board may establish monitoring, inspection, entry, reporting, and recordkeeping requirements, as authorized by Section 13377 or by subdivisions (b) and (c) of this section, for any person who discharges pollutants....

(b) The state board or the regional boards may require any person subject to this section to establish and maintain monitoring equipment or methods, including, where appropriate, biological monitoring methods, sample effluent as prescribed, and provide other information as may be reasonably required.

(c) The state board or a regional board may inspect the facilities of any person subject to this section pursuant to the procedure set forth in subdivision (c) of Section 13267.

26. Federal regulations at 40 CFR 122.48 require all NPDES permits to specify:

(b) Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring.

(c) Applicable reporting requirements based upon the impact of the regulated activity as specified in §122.44...

27. Monitoring and Reporting Program No. **XXXX** is necessary to determine compliance with this Order.

28. The permitted discharge is consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Resources Control Board Resolution 68-16. Compliance with these

requirements will result in the use of best practicable treatment or control of the discharge, maintain high quality waters of the State, not unreasonably affect beneficial uses, and not result in water quality less than that described in the Regional Board's policies (e.g., quality that exceeds water quality objectives). Providing best practicable treatment for this industrial discharge will protect water quality from being degraded when compared to background water quality. The impact on existing water quality will be insignificant.

29. The action to adopt an NPDES permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code §21000, et seq.), requiring preparation of an environmental impact report or negative declaration in accordance with Section 13389 of the California Water Code.
30. The Discharger is not required to obtain coverage under a NPDES general industrial storm water permit. Storm water discharged from the Facility is not considered a "storm water discharge associated with an industrial activity" under 40 CFR 122.26(b)(14).
31. USEPA and the Regional Board have classified this discharge as a minor discharge.
32. The Discharger and interested agencies and persons were notified of the intent to prescribe waste discharge requirements for this discharge and have been provided with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
33. All comments pertaining to the discharge were heard and considered in a public meeting.
34. This Order shall serve as an NPDES permit pursuant to Section 402 of the CWA, and amendments thereto, and shall take effect upon the date of hearing, provided USEPA has no objections.
35. All the above and the supplemental information and details in the attached Fact Sheet and Attachments A and B, which are incorporated herein, were considered in establishing the conditions of discharge of this Order.

IT IS HEREBY ORDERED that, pursuant to CWC Sections 13263, 13267, 13377, and 13383, Visalia Medical Clinic, Inc., its agents, successors and assigns, in order to meet the provisions contained in Division 7 of the CWC and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

[Note: Other prohibitions, conditions, definitions, and some methods of determining compliance are contained in the attached "Standard Provisions and Reporting Requirements for Waste Discharge Requirements (National Pollutant Discharge Elimination System)" dated February 2004.]

A. Discharge Prohibitions:

1. Discharge of wastewater or pollutants at a location or in a manner different from that described in the Findings is prohibited.

B. Effluent Limitations (Discharge 001):

1. Effluent discharged from Discharge 001 shall not exceed the following limitations:

Constituents	Units	Average Monthly Limitation	Maximum Daily Limitation
Flow	mgd	---	0.24
Total Residual Chlorine	mg/L	0.01	0.02

2. The discharge shall not have a pH less than 6.5 standard units nor greater than 8.3 standard units at any time.

3. Survival of aquatic organisms in 96-hour bioassays of undiluted waste shall be no less than:

Minimum for any one bioassay ----- 70%
 Median for any three or more consecutive bioassays ---- 90%

C. Receiving Water Limitations

Receiving Water Limitations are based upon water quality objectives contained in the Basin Plan. As such, they are a required part of this permit. The discharge shall not cause the following in the receiving water:

1. Un-ionized ammonia to be present in amounts that adversely affect beneficial uses or that exceed 0.025 mg/L (as N).
2. The fecal coliform concentration based on a minimum of not less than five samples for any 30-day period shall not exceed a geometric mean of 200 MPN/100 ml or cause more than 10 percent of the total number of samples taken during any 30-day period to exceed 400 MPN/100 ml.
3. Biostimulatory substances to be present in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.
4. Chemical constituents in concentrations that adversely affect beneficial uses.
5. Discoloration that causes nuisance or adversely affects beneficial uses.

6. Concentrations of dissolved oxygen to fall below 5.0 mg/l. The monthly median dissolved oxygen concentration shall not fall below 85 percent of saturation in the main water mass, and the 95th percentile concentration shall not fall below 75 percent of saturation.
7. Floating material, including but not limited to solids, liquids, foams, and scum, in concentrations that create a nuisance or adversely affect beneficial uses.
8. Oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
9. The ambient pH to fall below 6.5, exceed 8.3, or change by more than 0.3 standard units from normal ambient pH.
10. Pesticides to be present in concentrations that adversely affect beneficial uses or an increase in pesticide concentrations in bottom sediments or aquatic life that adversely affect beneficial uses.
11. Radionuclides to be present in concentrations that are deleterious to human, plant, animal, or aquatic life nor which result in accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life.
12. Suspended sediment load and suspended sediment discharge rate to be altered in such a manner as to cause nuisance or adversely affect beneficial uses.
13. Substances in concentrations that result in deposition of material that causes nuisance or adversely affects beneficial uses.
14. Suspended material in concentrations that cause nuisance or adversely affect beneficial uses.
15. Taste or odor-producing substances in concentrations that cause nuisance, adversely affect beneficial uses, or impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin.
16. The ambient temperature to increase more than 5°F.
17. Toxic substances to be present in concentrations that produce detrimental physiologic responses in human, plant, animal, or aquatic life.
18. The turbidity to increase as follows:
 - a. More than 1 Nephelometric Turbidity Units (NTUs) where natural turbidity is between 0 and 5 NTUs.
 - b. More than 20 percent where natural turbidity is between 5 and 50 NTUs.

- c. More than 10 NTUs where natural turbidity is between 50 and 100 NTUs.
- d. More than 10 percent where natural turbidity is greater than 100 NTU.

19. Violation of any applicable water quality standard for receiving waters adopted by the Regional Board or the State Water Resources Control Board pursuant to the Clean Water Act and regulations adopted thereunder.

D. Groundwater Limitations

- 1. The discharge shall not cause underlying groundwater to contain waste constituents in concentrations greater than natural background quality.

E. Provisions

- 1. The Discharger shall comply with Monitoring and Reporting Program No. **XXXXX**, which is part of this Order, and any revisions thereto as ordered by the Executive Officer.

When requested by USEPA, the Discharger shall complete and submit Discharge Monitoring Reports. The submittal date shall be no later than the submittal date specified in the Monitoring and Reporting Program for Discharger Self Monitoring Reports.

- 2. The Discharger shall comply with all the items of the "Standard Provisions and Reporting Requirements for Waste Discharge Requirements (NPDES)", dated February 2004, which are part of this Order.
- 3. The Discharger shall keep a copy of this Order, including its attachments and Standard Provisions, at the facility for reference by operating personnel. Key operating personnel shall be familiar with its contents.
- 4. The Discharger shall conduct the **chronic toxicity testing** specified in the Monitoring and Reporting Program. If the testing indicates that the discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above the water quality objective for toxicity, the Discharger shall initiate a Toxicity Identification Evaluation (TIE) to identify the causes of toxicity. Upon completion of the TIE, the Discharger shall submit a workplan to conduct a Toxicity Reduction Evaluation (TRE) and, after Regional Board evaluation, conduct the TRE. This Order will be reopened and a chronic toxicity limitation included and/or a limitation for the specific toxicant identified in the TRE included. Additionally, if the State Water Resources Control Board adopts a chronic toxicity water quality objective, this Order may be reopened and a limitation based on that objective included.
- 5. By **24 April 2006**, the Discharger shall submit effluent and receiving water monitoring (at R-1) sampling results for two separate sampling events. Receiving water shall be sampled twice for **all** priority pollutants (CTR constituents) and 2,3,7,8-TetraCDD congeners (SIP,

Section 3) as required by the CWC Section 13267 order dated 27 February 2001 described in Finding No. 15. Effluent shall be sampled twice for the constituents listed in the table below, for which monitoring results were not previously submitted. All sampling analyses shall meet the required minimum level (ML) as listed in Attachment B. The two sampling events for both the effluent and the receiving water shall occur in non-consecutive months.

- | | |
|----------------------------|------------------------------|
| ▪ 2,3,7,8-TCDD (Dioxin) | ▪ Methyl Chloride |
| ▪ 1,2,3,7,8-PentaCDD | ▪ 1,2-Trans-Dichloroethylene |
| ▪ 1,2,3,4,7,8-HexaCDD | ▪ Chlorophenol |
| ▪ 1,2,3,6,7,8-HexaCDD | ▪ 2,4-Dichlorophenol |
| ▪ 1,2,3,7,8,9-HexaCDD | ▪ 2,4-Dimethylphenol |
| ▪ 1,2,3,4,6,7,8-HeptaCDD | ▪ 2-Methyl-4,6-Dinitrophenol |
| ▪ OctaCDD | ▪ 2,4-Dinitrophenol |
| ▪ 2,3,7,8-TetraCDF | ▪ 2-Nitrophenol |
| ▪ 1,2,3,7,8-PentaCDF | ▪ 4-Nitrophenol |
| ▪ 2,3,4,7,8-PentaCDF | ▪ 3-Methyl-4-Chlorophenol |
| ▪ 1,2,3,4,7,8-HexaCDF | ▪ Pentachlorophenol |
| ▪ 1,2,3,6,7,8-HexaCDF | ▪ Phenol |
| ▪ 1,2,3,7,8,9-HexaCDF | ▪ 2,4,6-Trichlorophenol |
| ▪ 2,3,4,6,7,8-HexaCDF | ▪ 4-Bromophenyl Phenyl Ether |
| ▪ 1,2,3,4,6,7,8-HeptaCDF | ▪ Butylbenzyl Phthalate |
| ▪ 1,2,3,4,7,8,9-HeptaCDF | ▪ Di-n-Butyl Phthalate |
| ▪ OctaCDF | ▪ 1,2-Diphenylhydrazine |
| ▪ 2-Chloroethylvinyl Ether | |

Effluent and receiving water hardness and pH shall be monitored at the same time as priority pollutants.

The Discharger shall submit the ML and the Method Detection Limit (MDL) with the reported results for each constituent. The MDL should be as close as practicable to the USEPA MDL determined by the procedure found in 40 CFR Part 136. The results of analytical determinations for the presence of chemical constituents in a sample shall use the following reporting protocols:

- a. Sample results greater than or equal to the reported ML shall be reported as measured by the laboratory.
- b. Sample results less than the reported ML, but greater than or equal to the laboratory's MDL, shall be reported as "Detected but Not Quantified," or DNQ. The estimated chemical concentration of the sample shall also be reported.
- c. For the purposes of data collection, the laboratory shall write the estimated chemical concentration next to DNQ as well as the words "Estimated Concentration." Numerical estimates of data quality may be by percent accuracy (+ or - a percentage of the reported value), numerical ranges (low to high), or any other means considered appropriate by the laboratory.
- d. Sample results that are less than the laboratory's MDL shall be reported as "Not Detected" or ND.

The **24 April 2006** deadline specified above does not supersede the deadlines in the CWC Section 13267 Order dated 27 February 2001. The due dates in said Order may be used for the purpose of calculating potential administrative civil liability should assessment become necessary.

6. All technical reports required herein that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code, Sections 6735, 7835, and 7835.1. To demonstrate compliance with Title 16, CCR, Sections 415 and 3065, all technical reports must contain a statement of the qualifications of the responsible registered professional(s). As required by these laws, completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work.
7. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to this office.

To assume operation under this Order, the succeeding owner or operator must apply in writing to the Executive Officer requesting transfer of the Order. The request must contain the requesting entity's full legal name, the State of incorporation if a corporation, address and telephone number of the persons responsible for contact with the Regional Board and a statement. The statement shall comply with the signatory paragraph of Standard Provision D.6 and state that the new owner or operator assumes full responsibility for compliance with this Order. Failure to submit the request shall be considered a discharge without requirements, a violation of the California Water Code. Transfer shall be approved or disapproved in writing by the Executive Officer.

8. The Board may modify or reopen this Order prior to its expiration date in any of the following circumstances:
 - a. If present or future investigations demonstrate that the discharge governed by this Order has a reasonable potential to cause or contribute to adverse impacts on water quality and/or beneficial uses of the receiving waters;
 - b. New or revised water quality objectives (WQOs) come into effect for the receiving water. In such cases, effluent limitations in this permit will be modified as necessary to reflect updated WQOs. Adoption of effluent limitations contained in this Order is not intended to restrict in any way future modifications based on legally adopted WQOs or as otherwise permitted under federal regulations governing NPDES permit modifications;
 - c. If translator or other water quality studies provide a basis for determining that a permit condition(s) should be modified. The Discharger may request permit modification on this basis. The Discharger shall include in any such request an antidegradation and antibacksliding analysis.

9. The Discharger must comply with all conditions of this Order, including timely submittal of technical and monitoring reports as directed by the Executive Officer. Instances of noncompliance shall be reported in accordance with Standard Provision No. B.1. Violations may result in enforcement action, including Regional Board or court orders requiring corrective action or imposing civil monetary liability, or in modification or revocation of this Order.
10. The Discharger shall use the best practicable control techniques currently available to comply with terms of this Order.
11. Prior to making any change in the discharge point, place of use, or purpose of use of the wastewater, the Discharger shall obtain approval of, or clearance from the State Water Resources Control Board (Division of Water Rights).
12. This Order expires on **20 October 2010**, and the Discharger must file a Report of Waste Discharge in accordance with Title 23, CCR at least 180 days prior to the expiration date of this Order (i.e., by 23 April 2010) to apply for renewal of waste discharge requirements if it wishes to continue the discharge.

I, THOMAS R. PINKOS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on _____.

THOMAS R. PINKOS, Executive Officer