

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

**ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R7-2007-0030  
MANDATORY MINIMUM PENALTY  
IN THE MATTER OF  
ORMAT NEVADA SECOND IMPERIAL GEOTHERMAL COMPANY, OWNER/OPERATOR  
NPDES PERMIT NO. CA7000003  
HEBER – IMPERIAL COUNTY**

This order to assess Administrative Civil Liability (ACL) pursuant to California Water Code (CWC) Section 13385 is issued to Ormat Nevada, Inc. (hereinafter Discharger), based on a finding of violations of National Pollutant Discharge Elimination System (NPDES) Waste Discharge Requirements (WDRs) Board Order No. R7-2005-0065 (NPDES Permit No. CA7000003).

The Colorado River Basin Regional Water Quality Control Board (Regional Board) finds the following:

1. Ormat Nevada, Inc. 6225 Neil Road, Suite 300, Reno, NV 89511-1136, owns and operates a geothermal power plant, located at 855 Dogwood Drive, Heber, CA 92249.
2. The power plant is located in Imperial County, south of the City of Heber in the NE ¼ of Section 4, T17S, R14E, SBB&M.
3. The Discharger uses naturally occurring geothermal steam to run turbines, which produce electricity in its cooling operations. Incoming water is treated with chemicals to prevent fouling, corrosion, and growth of microorganisms.
4. The Discharger uses Imperial Irrigation District canal water in the cooling tower. Incoming water is treated with the following chemicals:

<u>Chemicals</u>	<u>Purpose</u>
Power Chem 3856	Dispersant scale/corrosion inhibitor
Power Chem 3742	Biodispersant/microbial agent
Power Chem 2860	Microorganism growth control agent
Power Chem 2890	Microorganism growth control agent
Power Chem 2812	Liquid chlorine to control microorganism growth
Power Chem 2899	Microorganism growth control agent
Power Chem 6215L	Halogen scavenger to consume free halogen

5. The discharger discharges cooling tower blowdown wastewater into the Beech Drain. The wastewater flows from the Beech Drain into the New River and then into the Salton Sea. Beech Drain, New River, and Salton Sea are waters of the United States.
6. CWC Section 13385(h)(1) requires the Regional Board to assess a mandatory minimum penalty (MMP) of three thousand dollars (\$3,000) for each serious violation.

7. CWC Section 13385(h)(2) states, in part, the following:

“For the purpose of this section, a ‘serious violation’ means any waste discharge that violates the effluent limitations...for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more, or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more.”

8. CWC Section 13385(i) requires the Regional Board to assess a mandatory minimum penalty (MMP) of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the discharger does any of the following four or more times in a six-month period:
- a. Violates a waste discharge requirement effluent limitation.
  - b. Fails to file a report pursuant to Section 13260.
  - c. Files an incomplete report pursuant to Section 13260.
  - d. Violates a toxicity effluent limitation contained in the applicable WDRs where the WDRs do not contain pollutant-specific effluent limitations for toxic pollutants.

9. CWC Section 13385(i)(2) states:

“For the purposes of this section [13385] a ‘period of six consecutive months’ means the period commencing on the date that one of the violations described in this subdivision occurs and ending 180 days after that date.”

10. CWC Section 13385(l) states:

“(1) In lieu of assessing penalties pursuant to subdivision (h) or (i), the state board or regional board, with the concurrence of the discharger, may direct a portion of the penalty amount to be expended on a supplemental environmental project (SEP) in accordance with the enforcement policy of the state board. If the penalty amount exceeds fifteen thousand dollars (\$15,000), the portion of the penalty amount that may be directed to be expended on a supplemental environmental project may not exceed fifteen thousand dollars (\$15,000) plus 50 percent of the penalty amount that exceeds fifteen thousand dollars (\$15,000).

“(2) For the purposes of this section, a ‘supplemental environmental project’ means an environmentally beneficial project that a person agrees to undertake, with the approval of the regional board, that would not be undertaken in the absence of an enforcement action under this section.”

11. On February 19, 2002, the State Water Resources Control Board adopted Resolution No. 2002-0040 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on July 30, 2002. In accordance with Section IX of the Enforcement Policy, among other requirements, SEPs proposed by the Discharger must “enhance the beneficial uses of the waters of the State, provide a benefit to the public at large, and

that, at the time they are included in an ACL action, are not otherwise required of the discharger.” (Enforcement Policy, pp. 42-43).

12. On June 29, 2005, the Regional Board adopted WDRs Order No. R7-2005-0065 (NPDES Permit No. CA7000003) for Ormat Nevada, Inc. to regulate discharges of waste from Ormat Nevada, Inc. 2<sup>nd</sup> Imperial Geothermal Power Plant facility.
13. WDRs Board Order R7-2005-0065 contains the following effluent discharge limitations:

[1.a.] Final Effluent Limitations – Discharge Point 001 (Beech Drain)

“The discharge of noncontact cooling tower blowdown condensate shall maintain compliance with the following effluent limitations at Discharge Point 001, with compliance measured at Monitoring Location M-001 as described in the attached Monitoring and Reporting Program.”

[2.a.] Interim Effluent Limitations

“During the period beginning June 29, 2005 and ending before May 18, 2010, the discharge of cooling tower blowdown shall maintain the following limitations at Discharge Point 001, with compliance measured at Monitoring Location M-001 as described in the attached Monitoring and Reporting Program (Attachment E). These interim effluent limitations shall apply in lieu of the corresponding final effluent limitations specified for the same parameters during the time period indicated in this provision.”

Constituents	Units	Effluent Limitations	
		Average Monthly	Maximum Daily
Copper	µg/L	100	100
	lbs/ day <sup>1</sup>	1.3	1.3
Zinc	µg/L	130	130
	lbs/day	1.6	1.6

14. Monitoring Reports submitted by the Discharger show that the wastewater discharged from the Discharger’s geothermal power facility to the Beech Drain was in violation of its WDRs effluent limitations cited in Finding No. 13 above. A summary of each violation of Board Order R7-2005-0065 is contained in Attachment “A,” which is incorporated in and made a part of this ACL Order No. R7-2007-0030 by reference.
15. The total amount of the MMPs for the violations cited in Attachment “A” is \$30,000.
16. On January 12, 2007, the Regional Board Assistant Executive Officer issued ACL Complaint No. R7-2007-0020 proposing that the Discharger pay thirty thousand dollars (\$30,000) in ACL (MMP) for the violations.

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<sup>1</sup> Based on a flow of 1.5 mgd

17. The Regional Board has notified the Discharger and the general public of its intent to hold a hearing on this matter within 90 days from the date the Complaint was issued unless the Discharger waives its right to a hearing under CWC Section 13323(b). The Discharger waived its right to a hearing on this matter as set forth in Attachment "B".
18. On February 1, 2007 the Discharger proposed the implementation of a SEP described in Attachment "B", which is made a part of this ACL Order by reference. The Regional Board approves the SEP as proposed. The ACL Complaint was rescinded on February 8, 2007.
19. The Regional Board heard and considered all comments pertaining to this matter in a public meeting.
20. Issuance of this Order is exempt from the provision of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) in accordance with Section 15321(a)(2) ("Enforcement Actions by Regulatory Agencies"), Title 14, California Code of Regulations.

IT IS HEREBY ORDERED, pursuant to CWC Section 13385, the Discharger is assessed thirty thousand dollars (\$30,000) in ACL (MMP) for the violations set forth in Attachment "A". In lieu of paying an ACL in the amount of thirty thousand dollars (\$30,000), the Discharger shall pay a reduced penalty amount in accordance with CWC Section 13385(l) and shall implement the proposed SEP described in Attachment "B" in accordance with the following:

1. The Discharger shall comply with the State Board Enforcement Policy relating to implementation of SEPs.
2. The SEP shall be implemented in accordance with the Time Schedule stipulated in Attachment "C", appended to and made a part of this Board Order by reference. The Regional Board Executive Officer may modify the stipulated completion date and approve an alternative completion date for the SEP if he determines that a delay is necessary for a timely return of the Discharger to full and sustained compliance with its WDR, and is beyond the reasonable control of the Discharger. Under no circumstances may the completion date extend beyond 5 years from the date of this Order.
3. The suspended portion of the proposed ACL penalty of \$30,000 that is hereby directed to be expended on the SEP is \$22,500. The discharger shall pay within thirty (30) days of the date of this Order the remaining portion of \$7,500. Payment by check of this amount shall be made payable to the "State Water Pollution Cleanup and Abatement Account" and mailed to the address shown in paragraph 7 below.
4. If the Discharger completes a stipulated phase of the SEP to the satisfaction of the Executive Officer by the approved date, the corresponding portion of the ACL indicated in Attachment "C", \$22,500, shall be permanently suspended. Similarly, if the Discharger fails to complete any stipulated phase of the SEP to the satisfaction of the Executive Officer by the approved date, and the Executive Officer has not approved an extension in the completion date, the corresponding portion of the ACL shall become due and payable by the Discharger within 30 days of being so informed in writing.

Executive Officer by the approved date, and the Executive Officer has not approved an extension in the completion date, the corresponding portion of the ACL shall become due and payable by the Discharger within 30 days of being so informed in writing.

5. Previously suspended amounts do not relieve the discharger of the independent obligation to take necessary actions to achieve compliance.
6. Completion of the SEP shall be certified in writing by the Executive Officer. No portion of the ACL shall be suspended without a written certification issued by the Executive Officer.
7. The Discharger shall submit all unspent ACL amounts, made payable to the "State Water Pollution Cleanup and Abatement Account", to the following address:

California Regional Water Quality Control Board  
Colorado River Basin Region  
ATTN: Hilda Vasquez  
73-720 Fred Waring Drive, Suite 100  
Palm Desert, CA 92260

I, Robert Perdue, 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, Colorado River Basin Region, on March 21, 2007.

  
ROBERT PERDUE, Executive Officer

**ATTACHMENT "A"**

Summary of Violations of Board Order R7-2005-0065 and Mandatory Minimum Penalties

<b>Assessed Violation<sup>1</sup> No.</b>	<b>Description of Violation</b>	<b>Date Occurred</b>	<b>Is this a serious violation<sup>2</sup></b>	<b>Amount Assessed Dollars (\$)</b>
299903	Exceeded interim maximum daily of 100 µg/L for Copper. Reported as 139 µg/L	07/05/2005	Yes	3,000
299904	Exceeded interim maximum monthly of 100 µg/L for Copper. Reported as 139 µg/L	07/31/2005	Yes	3,000
423307	Exceeded interim maximum daily of 100 µg/L for Copper. Reported as 120 µg/L	04/03/2006	Yes	3,000
423308	Exceeded interim average monthly of 100 µg/L for Copper Reported as 120 µg	04/30/2006	Yes	3,000
449438	Exceeded interim average daily of 130 µg/L for Zinc Reported as 670 µg	07/05/2006	Yes	3,000
449439	Exceeded interim average daily of 1.6 lbs/day for Zinc Reported as 4.375 lbs/day	07/05/2006	Yes	3,000
449440	Exceeded interim average monthly of 130 µg/L for Zinc Reported as 670 µg	07/31/2006	Yes	3,000
449441	Exceeded interim average daily of 1.6 lbs/day for Zinc Reported as 4.375 lbs/day	07/31/2006	Yes	3,000
449443	Exceeded interim maximum monthly of 100 µg/L for Copper. Reported as 130 µg/L	08/01/2006	Yes	3,000
449444	Exceeded interim average monthly of 100 µg/L for Copper Reported as 130 µg	08/31/2006	Yes	3,000

Accrued Mandatory Minimum Penalties: \$30,000

**Total: \$30,000**

**ATTACHMENT "B"**

<sup>1</sup> California Integrated Water Quality System (CIWQS)

<sup>2</sup> As defined by CWC 13385(h), (i)

**ORMAT**<sup>®</sup>



February 1, 2007

Mr. Jose L. Angel  
Assistant Executive Officer  
California Regional Water Quality Control Board  
Colorado River Basin Region  
73-720 Fred Waring Drive, Suite 100  
Palm Desert, CA 92260

Re: Administrative Civil Liability Complaint No. R7-2007-0020

Dear Mr. Angel:

Ormat Nevada Second Imperial Geothermal Company, Heber, Imperial County proposes to fund a supplemental environmental project (SEP) in lieu of a portion of the proposed \$30,000 penalty. We propose to fund the Salton Sea Authority's SEP for Imperial Valley Wetlands Operation and Maintenance with \$22,500 and pay the remaining \$7,500 administrative civil liability to the "State Water Pollution Cleanup and Abatement Account" pending Board approval.

We are, again, pleased that we have not only eliminated a discharge to the Beech Drain but are supporting a restoration project for the Salton Sea.

Please call me at 760-353-8200 ext. 421 if you have any questions or need more information.

Sincerely,

Lee Jensen  
Heber Plant Manager

cc: Yoram Bronicki, Ormat Nevada, Inc.  
Charlene Wardlow, Ormat Nevada, Inc.

**ORMAT Nevada**

6225 Neil Road, Suite 300, Reno, NV, 89511-1136 • Telephone (775) 356-9029 • Facsimile (775) 356-9039

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FEB 05 2007

REGION 7

## Supplemental Environmental Projects For Region 7

**Name of Organization:** Salton Sea Authority  
78-401 Highway 111, Suite T  
La Quinta, CA 92253  
[info@saltonsea.ca.gov](mailto:info@saltonsea.ca.gov)

**Contact Person:** Dan Cain, project Manager  
[DCain@saltonsea.ca.gov](mailto:DCain@saltonsea.ca.gov)

**Name of Project:** Imperial Valley Wetlands Operation and Maintenance

**Location of Project:** Imperial County

**Categories of SEP relevance:** Pollution Prevention, Reduction, and Environmental Education

**Project Description:** The Citizens Congressional Task Force on the New River has three constructed wetlands in the Imperial Valley. One is located off of Weinert Rd. and is fed by water from the Rice 3 Drain. The second wetland project is located in Brawley and pumps water from the New River. The third wetland is located adjacent to the City of Westmorland's wastewater treatment plant and treats effluent from that treatment plant. The Salton Sea Authority (SSA) is working in conjunction with the Bureau of Reclamation (BOR), Imperial Irrigation District, and Desert Wildlife Unlimited as members of the Task Force to construct two more wetland sites. These sites are identified as Shank Road/Alamo River Wetlands (AR21) and Holtville/Alamo River Wetlands (AR30), and will be constructed along the Alamo River. The requested SEP funding will be allocated for O&M for the new Shank Road site, and the existing Imperial and the Brawley wetlands. The estimated yearly

**Cost of project:** \$32,450

**ATTACHMENT "C"**

STIPULATED TIME SCHEDULE FOR THE IMPLEMENTATION OF SUPPLEMENTAL  
ENVIRONMENTAL PROJECT

<b>Phase No</b>	<b>Description of SEP</b>	<b>Completion Date</b>	<b>Due Date</b>	<b>Portion of ACL That May Be Suspended</b>
1	Imperial Valley Wetlands Operation and Maintenance	March 24, 2008	Final report due on or before April 25, 2008	\$22,500