

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

ORDER NO. R7-2008-0049

WASTE DISCHARGE REQUIREMENTS
FOR
MAGMA POWER COMPANY, LANDOWNER
IMPERIAL MAGMA LLC, LANDOWNER
J.R. SMITH, LANDOWNER
JOHN and ANNE ELMORE, LANDOWNER
CALENERGY OPERATING CORPORATION, OPERATOR
FOR J.J. ELMORE POWER PLANT CLASS II HOLDING POND
Salton Sea Known Geothermal Resource Area – Imperial County

The California Regional Water quality Control Board, Colorado River Basin Region (Regional Water Board), finds that:

1. The J.J. Elmore Power Plant and associated wellfield is a 47-megawatt geothermal power generating facility located in the Salton Sea Known Geothermal Resource Area (KGRA), approximately seven (7) miles west of the town of Calipatria at S $\frac{1}{2}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 27, T11S, R13E, SBB&M, Imperial County, as shown on Attachment A, attached hereto and made part of this Order by reference. The Facility is approximately 2500 feet south of the South Shore of the Salton Sea.

Discharger

2. The J. J. Elmore Power Plant located at 786 West Sinclair Road, Calipatria, is operated by CalEnergy Operating Corporation, a wholly owned subsidiary of CE Generation.
3. J.J. Elmore Power Plant and the property in which the J.J. Elmore Power Plant is located (including its geothermal brine holding pond) is owned by Magma Power Company, 7030 Gentry Road, Calipatria, CA 92233.
4. Ownership of properties associated with J.J. Elmore Power Plant geothermal production and injection wells, are as follows:
 - a. Elmore 12, 13 and Elmore I.W. 6: Imperial Magma LLC
551 W. Main Street, Suite 1
Brawley, CA 92227
 - b. Elmore 14, 15, and 16: J.R. Smith
593 Gonder Road
Brawley, CA 92227
 - c. Elmore I.W. 3, 4, 5 and 6: John and Anne Elmore
696 No. Eighth Street
Brawley, CA 92227
 - d. Smith I.W. 1 and 2: J.R. Smith
Gonder Road
Brawley, CA 92227

Definitions

5. Terms used in this Board Order:
 - a. **Facility** – The entire parcel of property where J.J. Elmore Power Plant industrial operation or related geothermal industrial activities are conducted.
 - b. **Waste Management Unit (WMU)** – The brine holding pond is a WMU.
 - c. **Discharger** – the term “Discharger” means any person who discharges waste that could affect the quality of the waters of the State, and includes any person who owns the land or waste management unit, or who is responsible for the operation of a waste management unit. Specifically, the terms “Discharger” or “Dischargers” in this Order refer to CalEnergy, Magma Power Company, Imperial Magma LLC, J.R. Smith, and John and Anne Elmore.

Facility

6. Within the facility, CalEnergy operates a holding pond with a capacity of about 1,629,000 gallons. The holding pond is used to temporarily retain geothermal brines prior to reinjection and to hold solids that have fallen out of the geothermal brines during the process. The holding pond is also used to retain geothermal brines and cooling tower blow-down during emergency situations, maintenance operations, spills and water from hydroblasting, portable shower effluent, vehicle wash station effluent, and water from plant conveyance system. The location of the pond is shown in Attachment B attached hereto and made part of this Order by reference.
7. Brine is routinely piped from the brine pond back to the clarifier for reuse in the geothermal process. A submersible pump moves the brine from the pond through a piping system to the clarifier where it reenters the process flow. While moving from the pond to the clarifier, the brine passes through a shaker for processing. The shaker uses screens to remove suspended solid particles from the brine. The exiting brine is sent to the clarifier where the material enters the brine processing flow and continues to move through the system where additional solids are removed as filter cake prior to reinjection.
8. The J.J. Elmore Power Plant uses steam from the hot (450° to 500° F) geothermal brines extracted from 2,500 to 9,500 feet below ground surface to turn turbines that produce electricity.
9. The Facility well-field consists of production and injection wells. The well sites typically include the well, the wellhead system, and pipelines.
10. The Facility also contains a Makeup Water Pond to store water from nearby agricultural canals used for cooling towers (Attachment B).
11. There are no domestic wells within 500 feet of the Facility or well field described in Findings No. 1 through 4 above.
12. Currently there are six (6) mud sumps at the J. J. Elmore facility. All six (6) mud sumps are included in a multiple facility mud sump closure plan scheduled to be completed by the year 2011.

Board Orders

13. The first Board Order (Board Order No. 87-063) for the Facility was adopted in July 1987. This Board Order was updated by Board Order No. 91-052 in November 1991 to include an expansion of the Facility. Board Order No. 91-052 was updated by Board Order No. 94-016 to comply with section 13263 of the California Water Code and to incorporate the applicable provisions of Chapter 15, Division 3, Title 23 California Code of Regulations. The current Board Order (Board Order No. R7-2003-0076) updated Board Order No. 94-016 to comply with applicable provisions of Title 27 of the California Code of Regulations.
14. Board Order R7-2003-0076 is being updated to include recently installed background and compliance wells for the existing brine holding pond.

Geothermal Brines

15. Geothermal fluids in this portion of the Salton Sea KGRA average 25% (by weight) dissolvable solids. Although these fluids may be classified as hazardous in accordance with the criteria listed in Section 66699, Title 22 of the California Code of Regulations, geothermal fluids are exempt from regulation as hazardous waste by Health & Safety Code section 25143.1, subdivision (a).
16. Solids collecting in the holding pond are known to have elevated levels of lead (Pb) and arsenic (As). The solids are occasionally removed, and disposed of at a Class I Hazardous Waste Landfill.

Geothermal Brine Holding Pond - Class II Surface Impoundment

17. The brine holding pond has a capacity of about 1,629,000 gallons, and is regulated by the Regional Water Board as a Class II designated waste facility. The holding pond is used to retain geothermal brines prior to re-injection, and to hold solids that precipitate from brines when they reach the earth's surface. The location of the holding pond is shown on Attachment B.
18. The brine holding pond is also used to retain geothermal brines and cooling tower blow-down during emergency situations and maintenance operations, prior to reinjection to the geothermal resource. Additionally, the holding pond is used to hold geothermal brine collected from unauthorized spills or releases and water from the hydroblasting, portable shower effluent, vehicle washing station effluent, and wash down water from the plants conveyance system.
19. The holding pond berms are approximately eight (8) feet above existing grade and lined with a synthetic plastic liner (36 mil reinforced PVC) covered with a eight (8) inch sand bedding which in turn is covered with one (1) foot of cement stabilized sand with a specified compaction of 90 percent modified proctor density for protection from physical damage. The geomembrane liner is underlain by one (1) foot of compacted fill (class II mill run granular fill compacted to 90 percent) and two (2) feet of clay compacted to 80 percent modified proctor density.

20. A Leak Detection System (LDS) is located beneath the membrane liner, and consists of five (5) perforated four (4) inch diameter pipes emplaced in gravel and vented to the side of the pond by three (3) inch diameter PVC pipes. The perforated line drains to test well sumps with riser pipes outside the pond. The sumps are numbered TW-1, TW-2, TW-3, TW-4, and TW-5. The sumps are inspected quarterly to observe if brine is collecting in the LDS due to a breach of the membrane liner.
21. A conveyance system is located underfoot throughout the plant to collect wastewater generated from plant cleanups and washdowns. The conveyance system is concrete lined and covered by an open grate. Wash-down water is discharged through the conveyance system to the brine holding pond.

Other Waste Streams

22. The Facility is not allowed to discharge, treat, or compost the following wastes:
 - a. Municipal solid waste;
 - b. Sludge (including sewage sludge, water treatment sludge, and industrial sludge);
 - c. Septage;
 - d. Liquid waste, unless specifically approved by this Board Order or by the Regional Water Board Executive Officer;
 - e. Oily and greasy liquid waste, unless specifically approved by this Board Order or by the Regional Water Board Executive Officer;
 - f. Hot, burning waste materials or ash; and,
 - g. Filter cake. Hazardous filter cake must be discharged at a Class I Hazardous Waste Landfill.
23. Any hazardous waste generated or stored at the Facility shall be contained and disposed of pursuant to federal and state regulations.

Groundwater

24. Data from other CalEnergy wells and onsite well E-1 indicate that groundwater occurs 5 (five) to 15 feet below ground surface, and has a TDS concentration of about 35,000 mg/l. Natural recharge in this arid region is low. However, millions of acre-feet have been added to shallow aquifers from canal seepage and tiled agricultural drains, which provide a source of relatively freshwater replenishment to the Salton Sea
25. Five (5) groundwater wells are monitored semi-annually to evaluate for a release to groundwater from the brine holding pond. The wells, numbered EMV-1 through EMV-5, were installed in March 2008. Wells EMV-1, EMV-2, EMV-3, and EMV-4 surround the holding pond. Well EMV-5 is approximately 75 feet east of the pond. A previously installed well (E-1), described as a background well in earlier Board Orders, is located approximately 65 feet east of the pond. In March 2008, groundwater in well E-1 was

measured at a depth of 5.5 feet below ground surface (bgs). Groundwater analytical results for well E-1, also obtained in March 2008, indicate that TDS levels in groundwater collected from well E-1 were at a concentration of 33,600 mg/L. The site is located in close proximity to the Salton Sea. Therefore, groundwater in the area of the Facility has naturally occurring high TDS.

26. Monitoring and Reporting Program No. R7-2008-0049 and the requirement to install groundwater monitoring wells are necessary to determine compliance with WDRs and Facility impacts, if any, to receiving water.

Regional Geology

27. The Facility is located within the Salton Trough, a closed basin located below sea level separated from the Gulf of California by the Colorado River Delta. The Trough is a structural and topographic depression containing thousands of feet of heterogeneous Tertiary and Quaternary aged lacustrine and deltaic sediments associated with the Colorado River delta. The area is a tectonically active and has numerous faults related to the San Andreas Fault Zone. The lowest area of the basin is the Salton Sea at 227 feet below mean sea level.

Basin Plan

28. The Water Quality Control Plan for the Colorado River Basin Region of California (Basin Plan) was adopted on November 17, 1993, and designates the beneficial uses of ground and surface waters in this Region.
29. The beneficial uses of groundwater in the Imperial Hydrological Unit are:
 - a. *Municipal Supply (MUN)
 - b. Industrial Supply (IND)

*With respect to the MUN designation, the Basin Plan states: "At such time as the need arises to know whether a particular aquifer which has no known existing MUN use should be considered as a source of drinking water, the Regional Board will make such a determination based on the criteria listed in the 'Sources of Drinking Water Policy' in Chapter 2 of the Basin Plan. An indication of MUN for a particular hydrologic unit indicates only that at least one of the aquifers in that unit currently supports a MUN beneficial use. For example, the actual MUN usage of the Imperial Hydrologic Unit is limited only to a small portion of that ground water unit."

30. Groundwater in the area of the Facility has naturally occurring high TDS (over 30,000 mg/l), and therefore no municipal beneficial use.

Surface Water

31. Surface waters in the area of the Facility include the Imperial Irrigation District (IID) irrigation canals and surface drains, the Alamo River, and the Salton Sea.

32. The beneficial uses of surface waters in the Salton Sea KGRA are as follows:

Imperial Valley Drains

- a. Freshwater Replenishment (FRSH)
- b. Water Contact Recreation (RECI)
- c. Noncontact Water Recreation (RECII)
- d. Warm Freshwater Habitat (WARM)
- e. Wildlife Habitat (WILD)
- f. Preservation of Rare, Threatened, or Endangered Species (RARE)

Alamo River

- a. Fresh Water Replenishment (FRSH)
- b. Water Contact Recreation (RECI)
- c. Noncontact Water Recreation (RECII)
- d. Warm Freshwater Habitat (WARM)
- e. Wildlife Habitat (WILD)
- f. Hydropower Generation (POW)
- g. Preservation of Rare, Threatened, or Endangered Species (RARE)

Salton Sea

- a. Aquaculture (AQUA)
- b. Industrial Service Supply (IND)
- c. Water Contact Recreation (RECI)
- d. Noncontact Water Recreation (RECII)
- e. Warm Water Habitat (WARM)
- f. Wildlife Habitat (WILD)
- g. Preservation of Rare, Threatened, or Endangered Species (RARE)

Climate

33. The Facility is located in a desert environment in the northern part of Imperial Valley. The climate is characterized by hot summers and mild winters. Precipitation averages 2.5 to 3.0 inches per year, and surface evaporation averages 100 inches per year.

Storm Water

34. Federal regulations for storm water discharges promulgated by the U.S. Environmental Protection Agency (40 CFR Parts 122, 123, and 124) require specific categories of facilities that discharge storm water associated with industrial activity to obtain National Pollutant Discharge Elimination System permit, and to implement Best Conventional Pollutant Technology to reduce or eliminate industrial storm water pollution.

35. The State Water Resources Control Board adopted Order No. 97-03-DWQ (General Permit No. CAS000001) specifying WDRs for discharges of storm water associated with industrial activities, excluding construction activities, and requiring submittal of a Notice of Intent by industries to be covered under the Permit. Pursuant to a February 23, 1993 memorandum from the State Water Resources Control Board, Office of the Chief Counsel, Geothermal Power Plants are excluded from the regulations pertaining to storm water pollution.

CEQA

36. In accordance with Section 15301, Article 19, Chapter 3, Division 6, Title 14 of the California Code of Regulations, the issuance of these WDRs, which govern the operation of an existing Facility involving negligible or no expansion of use beyond that previously existing, is exempt from the provisions of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et. seq.)

Notification

37. The Board has notified the Discharger and all known interested agencies and persons of its intent to update WDRs for said discharge and has provided them with an opportunity for a public meeting, and an opportunity to submit comments.
38. The Board, in a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, Board Order No. R7-2003-0076 is rescinded, and that in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted there under, the Discharger shall comply with the following:

A. Specifications

1. The treatment or disposal of wastes at this Facility shall not cause pollution or nuisance, as defined in Section 13050 of the California Water Code.
2. The Discharger shall maintain the five (5) onsite groundwater monitoring wells (EMV-1, EMV-2, EMV-3, EMV-4 and EMV-5) in good working order at all times to ensure compliance with the monitoring provisions of this Order. Well maintenance may include, but need not be limited to, periodic well re-development to remove sediments.
3. Containment of waste shall be limited to the areas designated for such activity. Prior to implementing any revision or modification of the waste containment area, or any change in operation that alters the nature and constituents of the waste generated (including annual average volume of waste discharged/stored), the Discharger shall report all pertinent information in writing to the Regional Water Board and obtain revised requirements.
4. Two (2) years prior to anticipated closure of the Facility or any portion thereof, the Discharger shall submit, for review and approval by the Regional Water Board Executive Officer, a closure plan in accordance with Section 21769 of Title 27.
5. The closure plan shall include:
 - Facility location map;
 - Topographic maps;
 - Current monitoring and control systems;
 - Land uses;
 - Estimated closure date and schedule;
 - General closure description;
 - Other special requirements;
 - Revised closure cost estimates (if appropriate); and

Any other applicable requirements as specified in Title 27.

6. The Discharger shall notify the Regional Water Board Executive Officer at least 180 days prior to beginning any partial or final closure activity of the brine pond.
7. Mud sumps may not be used for storage of liquid waste including brines, well cleanout fluids or production fluids. Closure of all existing mud sumps shall be completed by 2011. The Discharger submitted a mud sump closure work plan for the Facility. A mud sump closure report will be submitted to Board staff after all mud sumps are properly abandoned.
8. Mud sumps shall have all drilling mud and cuttings tested and disposed of in accordance with applicable laws and regulations.
9. Unless otherwise approved by the Regional Water Board Executive Officer, all water quality monitoring analyses shall be completed at a laboratory certified for such analyses by the California Department of Public Health. All analyses shall be performed in accordance with the latest California Department of Health Services, Environmental Laboratory Accreditation Program (ELAP) rulings.
10. Prior to the use of new chemicals for control of microbes, pH, scale, and corrosion of cooling tower water and/or geothermal brine, the Discharger shall request review and approval by the Regional Water Board Executive Officer in writing, and obtain revised requirements.
11. Fluids and brine precipitates discharged to and/or contained in the holding pond shall not overflow the pond. Liquids shall maintain a minimum freeboard of two (2) feet at all times.
12. Fluids discharged by subsurface injection shall be injected below the fracture pressure of the receiving aquifer, and of the confining layer immediately above the receiving aquifer.
13. Final disposal of residual waste from brine pond cleanouts shall be accomplished to the satisfaction of the Regional Water Board Executive Officer.
14. The brine holding pond shall be designed, constructed, operated, and maintained to prevent inundation or washout due to floods having a predicted frequency of once in 100 years.
15. The following liquid wastes shall be fully contained and discharged into metal tanks, containers, or mud sumps approved by the Regional Water Board Executive Officer to receive this discharge:
 - a. geothermal well clean out fluid,
 - b. test and production fluid, and
 - c. production and injection well startups and cleanouts

Geothermal brines may be returned to the geothermal resource via reinjection.

16. Prior to the removal of solids accumulating in the concrete cooling tower basins, an analysis of the material must be conducted and the material must be disposed of in a manner consistent with that analysis and applicable laws and regulations.
17. Conveyance systems throughout the plant area shall be cleaned at least once every 90 days to prevent the buildup of solids, or when activity at the site creates the potential for release of solid materials from the conveyance systems.
18. Pipe maintenance and de-scaling activities that include hydroblasting or sandblasting shall be performed in a designated area to prevent wastes generated from these activities from impacting the environment. Water from the hydroblasting process shall be conveyed to the holding pond for injection into the geothermal resource, unless otherwise directed by the Executive Officer.
19. Public contact with wastes containing geothermal fluids shall be precluded through such means as fences, signs, or other acceptable alternatives.
20. The surface impoundment shall be managed and maintained to ensure its effectiveness, in particular:
 - a. erosion control measures shall be implemented to ensure small coves and irregularities are not created, and
 - b. solid material shall be removed in a manner that does not damage or compromise the integrity of the liner, or any component of the containment system.
21. Ninety (90) days prior to terminating discharge operations, the Discharger shall submit a work plan, for review and approval by the Regional Water Board Executive Officer, to determine the extent (if any) of contamination to natural geological materials and groundwater by the waste. One hundred twenty (120) days following work plan approval, the Discharger shall submit a technical contamination assessment report. A California Registered Civil Engineer or Certified Engineering Geologist shall prepare the work plan and technical contamination assessment report.
22. Upon ceasing operation at this Facility, all waste, natural geologic material contaminated by waste and surplus or unprocessed material, shall be removed from the site and disposed of in accordance with applicable laws and regulations. After removal of all wastes, the Discharger shall request in writing an inspection and approval by the Regional Water Board Executive Officer.
23. The Discharger shall maintain the established irrevocable bond for closure in an amount acceptable to the Regional Water Board Executive Officer, or provide other means to ensure financial security for closure. The amount of the bond may be changed to reflect updated closure cost adjusted for inflation at the discretion of the Regional Water Board Executive Officer.
24. Surface drainage from tributary areas or subsurface sources shall not contact or percolate through wastes discharged at this site.

25. The Discharger shall follow the Water Quality Protection Standard (WQPS) for detection monitoring established by the Regional Water Board. The following are parts of the WQPS, as established by the Regional Water Board Executive Officer:
 - a. The Discharger shall test for the monitoring parameters and the Constituents of Concern (COC) listed in Monitoring and Reporting Program No. R7-2008-0049 and revisions thereto.
 - b. Concentration Limits – for each monitoring point, the concentration limit for each monitoring parameter and constituent of concern (as stated in the Detection Monitoring Program), shall be its background value, as obtained during that reporting period.
 - c. The monitoring point of compliance wells are EMV-1, EMV-3 and EMV-4. The background wells are EMV-2 and EMV-5. These monitoring points were approved based on the calculated groundwater gradient at the site. A revised Monitoring and Reporting Program may be required if the groundwater gradient changes. All current and revised monitoring points must be approved by the Regional Water Board Executive Officer.
26. The Discharger shall report test results to the Regional Water Board for monitoring parameters listed in Monitoring and Reporting Program No. R7-2008-0049, and future revisions thereto. Monitoring parameters and COCs are subject to the most appropriate statistical or non-statistical test under Monitoring and Reporting Program No. R7-2008-0049, Part III A, and any revised Monitoring and Reporting Program approved by the Regional Water Board Executive Officer.
27. Water used for the process, dust control, and site maintenance (plant cleanup) shall be limited to the least amount necessary.
28. The Discharger shall not cause or permit the release of pollutants or waste constituents in a manner that may cause or contribute to a condition of contamination, nuisance, or pollution to occur.

B. Prohibitions

1. The discharge of solid geothermal waste (i.e., brine particulates or precipitates) to the holding pond as a final form of disposal is prohibited, unless authorized by the Regional Water Board Executive Officer.
2. The Discharger is prohibited from discharging, treating or composting the following wastes:
 - a. Municipal solid waste;
 - b. Sludge (including sewage sludge, water treatment sludge, and industrial sludge);
 - c. Septage;

- d. Liquid waste, unless specifically approved by this Order or by the Regional Water Board Executive Officer;
 - e. Oily and greasy liquid waste; unless specifically approved by this Order or by the Regional Water Board Executive Officer;
 - f. Hot, burning waste materials or ash; and
 - g. Filter cake. Hazardous filter cake must be discharged at a Class I Hazardous Waste Landfill.
3. The Geothermal brine holding pond shall receive only the following waste streams:
- a. Geothermal brine and brine precipitates (solids);
 - b. Wastewater generated from plant cleanups and washdowns discharged via conveyance system,
 - c. Cooling tower blow down water,
 - d. Portable shower effluent,
 - e. Water from hydroblasting and;
 - f. Vehicle washing station effluent

The discharge of waste streams a. - f. (above) to an area other than the holding pond is strictly forbidden

4. The Discharger shall not cause degradation of any groundwater aquifer or water supply.
5. The discharge of waste to land not owned or controlled by the Discharger is prohibited.
6. Use of geothermal fluids or cooling tower liquids for dust control on access roads, well pads, or other locations is prohibited.
7. The discharge of hazardous or designated waste to an area other than waste management units authorized to receive such waste is prohibited.
8. The direct or indirect discharge of wastes to surface water or surface drainage courses is strictly prohibited. Holding pond fluids shall not enter canals, or surface and subsurface drains.
9. The treatment or disposal of wastes at this facility shall not cause pollution or nuisance as defined in Section 13050 of the California Water Code.
10. The Discharger shall not cause the concentration of any Constituent of Concern or Monitoring Parameter to exceed its respective background value in any monitored medium at any Monitoring Point assigned for Detection Monitoring pursuant to Monitoring and Reporting Program No. R7-2008-0049.

C. Provisions

1. Notwithstanding the joint identification of "Discharger" in Findings No. 2, 3, and 4 above, the Board shall communicate directly with CalEnergy Operating Corporation for purposes of day-to-day communication regarding compliance with terms of this Order.

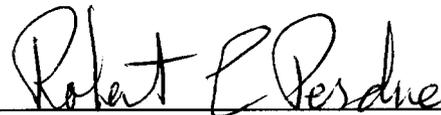
In this context, CalEnergy Operating Corporation shall be considered the party with primary responsibility for ensuring day-to-day compliance with this order and related regulatory matters. Correspondence and notifications between the Regional Board and CalEnergy Operating Corporation shall be as if to or from all parties identified in Findings No. 2, 3, and 4 as “Discharger”.

2. The Discharger shall implement the attached Monitoring and Reporting Program No. R7-2008-0049 and revisions thereto as specified by the Regional Water Board Executive Officer to detect at the earliest opportunity any unauthorized discharge of waste constituents from the Facility, or any impairment of beneficial uses associated with brine or waste discharges to the holding pond.
3. The Discharger shall use the constituents listed in Monitoring and Reporting Program No. R7-2008-0049 and revisions thereto, as “Monitoring Parameters.”
4. The Discharger shall furnish, under the penalty of perjury, technical monitoring program reports, submitted in accordance with the specifications requested by the Regional Water Board Executive Officer. Such specifications are subject to periodic revision as may be warranted.
5. Unless otherwise approved by Regional Water Board Executive Officer, all analyses shall be conducted at a laboratory certified for such analyses by the California Department of Public Health. All analyses shall be conducted in accordance with the latest California ELAP rulings.
6. This Board Order is subject to Regional Water Board review and update to comply with any change in state or federal laws, regulations, policies or guidelines
7. The laboratory shall use the lowest obtainable reporting limits for groundwater samples required by the monitoring. All analyses shall be performed in accordance with the latest California Environmental Accreditation Program (ELAP) rulings..
8. Prior to any change in ownership or operation, the Discharger shall transmit a copy of this Board Order to the succeeding owner/operator, and forward a copy of the transmittal letter to the Regional Water Board.
9. Prior to a modification that results in material change in the quality or quantity of waste discharge, or a material change in the location of waste discharge, the Discharger shall report all pertinent information in writing to the Regional Water Board Executive Officer and obtain revised requirements.
10. All permanent containment structures, and erosion and drainage control systems, shall be certified by a California Registered Civil Engineer or Certified Engineering Geologist to meet prescriptive standards and performance goals.
11. The Discharger shall ensure that all site-operating personnel are familiar with the content of this Board Order, and shall maintain a copy of this Board Order at the site.
12. The Board Order does not authorize violation of any federal, state, or local laws or regulations.

13. The Discharger shall allow the Regional Water Board, or an authorized representative, upon presentation of credentials and other documents required by law, to:
 - a. Enter the premises regulated by this Board Order, or the place where records are kept under the conditions of this Board Order;
 - b. Have access to and copy, at reasonable times, records kept under the condition of this Board Order;
 - c. Inspect at reasonable times facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Board Order; and
 - d. Sample or monitor at reasonable times, for the purpose of assuring compliance with this Board Order or as otherwise authorized by the California Water Code, any substance or parameter at this location.
14. The Discharger shall comply with all of the conditions of this Board Order. Any noncompliance constitutes a violation of the Porter-Cologne Water Quality Act (Wat. Code, § 13000 et seq.), and is grounds for enforcement action.
15. The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the Discharger to achieve compliance with this Board Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures.
16. This Board Order does not convey property rights of any sort, or any exclusive privilege, nor does it authorize injury to private property, or invasion of personal rights, nor infringement of federal, state, or local laws or regulations.
17. The Discharger shall comply with the following:
 - a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - b. The Discharger shall retain (i.) records of all monitoring information, (ii.) copies of all reports required by this Board Order, and (iii.) records of all data used to complete the application for this Board Order for a period of at least five (5) years from the date of the sample, measurement, report or application. This period may be extended by the Regional Water Board Executive Officer.
 - c. Records of monitoring information shall include:
 1. The date, exact place, and time of sampling or measurement;
 2. The individual performing the sampling or measurement;
 3. The date analysis is performed;
 4. The individual responsible for reviewing the analysis; and
 5. The result of the analysis.

- d. Monitoring shall be conducted according to test procedures described in the Monitoring and Reporting Program, unless other test procedures have been specified in this Board Order, or approved by the Regional Water Board Executive Officer.
18. Monitoring systems shall be readily accessible for sampling and inspection.
19. The Discharger is responsible for the WDRs and Monitoring and Reporting Program for the Facility. The Discharger shall comply with all conditions of the WDRs. Violations may result in enforcement action, including Regional Water Board or court orders requiring corrective action or imposing civil monetary liability, or modification or revocation of WDRs by the Regional Water Board.
20. The Discharger may be required to submit technical reports as directed by the Regional Water Board Executive Officer.
21. Procedures for preparing samples for analysis shall be consistent with Monitoring and Reporting Program No. R7-2008-0049, and revisions thereto. Monitoring reports shall be certified to be true and correct, and signed, under penalty of perjury, by an authorized official of the company.
22. All monitoring shall be conducted pursuant to Title 27 of the California Code of Regulations.

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 June 25, 2008.



ROBERT PERDUE
Executive Officer