



Central Coast Regional Water Quality Control Board

October 25, 2022

Scott Duffield
General Manager
Heritage Ranch
Community Services District
4870 Heritage Road
Paso Robles, CA 93446
Email: scott@heritageranchcsd.com

VIA ELECTRONIC AND CERTIFIED MAIL
Certified Mail No. 7019 1640 0000 7909 9918

Dear Mr. Duffield:

TIME SCHEDULE ORDER NO. R3-2022-0046, HERITAGE RANCH COMMUNITY SERVICES DISTRICT WASTEWATER TREATMENT PLANT, SAN LUIS OBISPO COUNTY, NPDES PERMIT NO. CA0048941, WDID 401013001

This letter transmits final Time Schedule Order (TSO) No. R3-2022-0046 for the Heritage Ranch Community Services District (District) Wastewater Treatment Plant as adopted by the Regional Water Quality Control Board, Central Coast Region, at its regularly scheduled public meeting on October 14, 2022.

The TSO is effective upon adoption and requires full compliance with the copper, un-ionized ammonia, and nitrate final effluent limitations in Waste Discharge Requirements Order No. R3-2017-0026 ¹, National Pollutant Discharge Elimination System (NPDES) permit No. CA0048941 **no later than September 30, 2027**.

Please see the TSO for detailed requirements, including but not limited to milestone completion and reporting dates, and quarterly progress reporting. The District's first project milestone, "*Complete and submit preliminary design report*", is due for completion **by December 31, 2022**, and the report submittal for that milestone is due **by January 16, 2023**. The District's first quarterly progress report for the fourth quarter of 2022 (October through December) is **due no later than February 1, 2023**. Former TSO No. R3-2018-0011 is terminated.

¹ Order No. R3-2017-0026 expires on November 30, 2022. Central Coast Water Board staff intend to issue a separate letter administratively extending the Order until a new NPDES permit is issued.

If you have any questions, please contact Leah Lemoine at leah.lemoine@waterboards.ca.gov or (805) 549-3159, or Harvey Packard at harvey.packard@waterboards.ca.gov or (805) 542-4639.

Sincerely,

Matthew T. Keeling
Executive Officer

Attachment: Time Schedule Order No. R3-2022-0046

cc:

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Skyler Jewell, Heritage Ranch Owners Association, sjewell@hroa.us
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File Location:

ECM# 230132

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 AEROVISTA PLACE, SUITE 101
SAN LUIS OBISPO, CA 93401**

TIME SCHEDULE ORDER NO. R3-2022-0046

**REQUIRING THE
HERITAGE RANCH COMMUNITY SERVICES DISTRICT
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT NO. CA0048941, WASTE DISCHARGE REQUIREMENTS
ORDER NO. R3-2017-0026**

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

1. The Heritage Ranch Community Services District (hereafter Discharger) owns and operates wastewater collection, treatment, and disposal facilities to provide sewerage service to the district.
2. On September 21, 2017, the Central Coast Water Board adopted Waste Discharge Requirements (WDRs) Order No. R3-2017-0026 regulating the discharge of secondary-treated effluent from the Discharger's wastewater treatment plant (WWTP) to spray fields and an unnamed drainage tributary to Nacimiento River. Order No. R3-2017-0026 serves as a National Pollutant Discharge Elimination System (NPDES) permit (NPDES No. CA0048941). Order No. R3-2017-0026 expires on November 30, 2022. The Discharger submitted a Report of Waste Discharge to renew the permit on June 2, 2022.
3. Reissuance of a permit for the Discharger before Order No. R3-2017-0026 expires is impracticable due to the pending replacement of the Discharger's wastewater treatment facility and staff time and resource constraints.
4. Under California Code of Regulations, title 23, section 2235.4, the terms and conditions of an expired NPDES permit are automatically continued pending issuance of a new permit if all requirements of the federal NPDES regulations on continuation of expired permits are complied with. 40 C.F.R. § 122.6(a) states that the terms of an expiring NPDES permit may continue if the permittee has timely submitted a renewal application and through no fault of the permittee, the permitting authority "does not issue a new permit before the expiration date of the previous permit (for example, when issuance is impracticable due to time or resource constraints)."
5. To avoid unnecessary expenditure of staff resources, Order No. R3-2017-0026, NPDES No. CA0048941, will be administratively continued pending issuance of a permit regulating the Discharger's new facility, described in this Time Schedule Order

and expected to be operational in 2027. Central Coast Water Board staff will collect additional information from the final design report and construction summaries required by this Time Schedule Order, or from the Discharger as needed for the permit renewal.

6. WDRs Order No. R3-2017-0026 prescribes final effluent limits for copper, nitrate, and un-ionized ammonia as shown in Table 1.

Table 1 – Final Effluent Limits

Pollutant	Units	Average Monthly	Maximum Daily
Copper, total recoverable	µg/L	11	22
Nitrate (as N)	mg/L	-	10
Un-ionized ammonia	mg/L	0.025	-

NEED FOR TIME SCHEDULE ORDER

7. The Discharger is unable to comply with WDRs Order No. R3-2017-0026 copper and un-ionized ammonia final effluent limitations. The contributions of copper and un-ionized ammonia in WWTP effluent are predominately from the community municipal drinking water distribution system and wastewater sources. Specifically, copper pipe corrosion is leaching copper into the water distribution system and therefore into the wastewater collection system, and domestic wastewater contains ammonia.
8. The Discharger is unable to comply with WDRs Order No. R3-2017-0026 nitrate final effluent limitations. The Discharger anticipated that possible operational changes made to meet the un-ionized ammonia final effluent limitation could disrupt the nitrogen balance at the WWTP. Changes in pH and aeration to reduce un-ionized ammonia concentrations in WWTP effluent may adversely affect the Discharger's ability to comply with nitrate effluent limitations in WDRs Order No. R3-2017-0026.
9. On May 21, 2018, the Central Coast Water Board Executive Officer issued Time Schedule Order No. R3-2018-0011. Time Schedule Order No. R3-2018-0011 includes copper, nitrate, and un-ionized ammonia interim effluent limits and requires evaluation of drinking water distribution system orthophosphate addition, the potential design and construction of an alternate pH adjustment system, quarterly reporting, and a time schedule requiring the Discharger to achieve compliance with the final effluent limitations for copper, nitrate, and un-ionized ammonia in Order No. R3-2017-0026 no later than November 30, 2022.
10. In 2021, the Discharger reported that despite its actions in compliance with Time Schedule Order No. R3-2018-0011, the Discharger would not be able to comply with the copper, nitrate, and un-ionized ammonia final effluent limitations in WDRs Order No. R3-2017-0026 by November 30, 2022. The Discharger requested a new time schedule order to allow for the funding, design, and construction of an entirely new wastewater treatment facility.

11. The Discharger cannot consistently comply with the copper, un-ionized ammonia, and nitrate final effluent limitations in WDRs Order No. R3-2017-0026 and must implement additional actions to reach compliance. The effluent limitations are new regulatory requirements, new or modified control measures are necessary to comply with the effluent limitations, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days. As a result, a discharge of waste from the current facility is taking place that threatens to violate requirements prescribed by the Central Coast Water Board.

MANDATORY MINIMUM PENALTY EXEMPTION

12. Pursuant to Water Code section 13385(j)(3), violations of the final effluent limits for copper, nitrate, and un-ionized ammonia in WDRs Order No. R3-2017-0026 are not subject to Water Code section 13385 subdivisions (h) and (i) mandatory minimum penalties if the Discharger complies with all of the requirements of a time schedule order and all of the following conditions are met:
 - a. The time schedule order specifies the actions that the discharger is required to take in order to correct the violations that would otherwise be subject to subdivisions (h) and (i).
 - b. The regional board finds that the discharger is not able to consistently comply with one or more of the effluent limitations established in the waste discharge requirements applicable to the waste discharge.
 - c. The regional board establishes a time schedule for bringing the waste discharge into compliance with the final effluent limitation that is as short as possible and does not exceed five years in length, taking into account the technological, operational, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the effluent limitation.
 - d. For time schedules that exceed one year from the effective date of the time schedule order, the schedule shall include interim requirements and the dates for their achievement. The interim requirements shall include both of the following:
 - e. Effluent limitations for the pollutant or pollutants of concern.
 - f. Actions and milestones leading to compliance with the effluent limitation.
 - g. The discharger has prepared and is implementing in a timely and proper manner, or is required by the regional board to prepare and implement, a pollution prevention plan pursuant to Water Code section 13263.3.

Time Schedule Order No. R3-2018-0011 satisfied the above bulleted requirements. This Time Schedule Order No. R3-2022-0046 also satisfies these requirements.

If the Discharger fails to comply with any of the requirements of this Time Schedule Order, then mandatory minimum penalties will apply based on the final effluent limits for copper, nitrate, and un-ionized ammonia in WDRs Order No. R3-2017-0026.

13. Pursuant to Water Code section 13385(j)(3)(C)(ii)(II), the Central Coast Water Board may extend time schedule orders for up to an additional five years upon showing that a discharger is making diligent progress toward bringing the waste discharge into compliance with the final effluent limitations and that the additional time is necessary to comply with the final effluent limitations. The Discharger satisfies this condition as follows:

- a. After the issuance of Time Schedule Order No. R3-2018-0011, the Discharger continued to implement operational changes to the existing wastewater treatment system and drinking water distribution system. The Discharger increased the free orthophosphate residuals in the water distribution system to 2 mg/L to reduce corrosion. Subsequent copper testing did not show any further reduction in copper levels in the effluent. The Discharger discussed orthophosphate feed rates with its chemical vendor and determined there is no benefit to increasing free orthophosphate residuals beyond 1 mg/L in the water distribution system.
- b. In the fourth quarter of 2019, the Discharger determined the operational changes implemented were insufficient to meet the copper, unionized ammonia, and nitrate requirements of WDRs Order No. R3-2017-0026. The Discharger hired MKN and Associates to conduct an analysis to determine what process modifications could be made to the existing treatment plant to meet permit requirements. In 2021, MKN and Associates determined that the existing wastewater treatment system was not capable of meeting permit requirements and that an entirely new facility was necessary.
- c. In the latter half of 2021, the Discharger hired WSC Consultants to facilitate the project chartering process for a new facility, characterize flows, loads and hydraulic capacity of the existing system, identify funding sources, develop conceptual site layouts, and begin preliminary engineering tasks for the new project. In 2022, the Discharger and WSC Consultants have continued progress toward securing construction funding, developing cost estimates, initiating permitting and environmental work, and beginning design and procurement efforts for the new facility.
- d. The Discharger estimates completion of funding, final designs, and bidding in 2025, and construction and start-up of the new facility in 2027. Complete facility commissioning and full compliance with final effluent limitations in Order No. R3-2017-0026 is projected for September 2027.

14. Water Code section 13385(j)(3)(C)(ii)(II) also requires a public hearing prior to the extension of a time schedule order issued under Water Code section 13385(j). This Time Schedule Order was therefore provided for the Central Coast Water Board's consideration at a public hearing.

This Time Schedule Order requires the Discharger to comply with a time schedule that will allow the Discharger to achieve full compliance with copper, nitrate, and unionized ammonia final effluent limitations in WDRs Order No. R3-2017-0026 within five years of adoption of the Time Schedule Order. This time schedule is as short as possible, considering the technological, operational, and economic factors that affect

the design, development, and implementation of the control measures that are necessary to comply with the effluent limitations.

COPPER INTAKE CREDITS

15. On October 6, 2020, the Discharger requested the use of intake credits when determining compliance with copper interim and final effluent limits. The source water for the Facility's collection system is the same waterbody into which the treated effluent discharge eventually returns. When effluent discharged from the WWTP contains copper at the same or lower concentrations as the source water, there is no net increase in concentrations or loads to the source/receiving water. Effluent copper concentrations can therefore be adjusted with intake credits to account for the source water contribution. This adjustment does not eliminate the need for the new wastewater treatment facility but does allow for a more accurate characterization of the Discharger's contribution of copper to its effluent discharge.
16. The Discharger calculated copper intake credits based on Section 1.4.4 of the State Implementation Policy. The methodology and calculations are detailed in the Discharger's September 30, 2020 memorandum titled "Updated Calculation of Copper Intake Credits for Heritage Ranch Community Services District's Wastewater Treatment Facility". The method is summarized as follows:
 - a. Determine the total copper load of intake water measured quarterly at River Well 14,
 - b. Determine load contribution into potable water system (assumes a 10% loss due to filter backwash),
 - c. Determine the total effluent load using effluent flow and quarterly effluent copper concentration,
 - d. Determine adjusted effluent load by subtracting copper load into potable water system,
 - e. Determine adjusted effluent concentration using adjusted effluent load and average effluent flow, and,
 - f. Use adjusted effluent concentration to determine compliance with interim and final effluent limits.
17. The interim effluent limits in this Time Schedule Order are the same as those that the Central Coast Water Board established in Time Schedule Order No. R3-2018-0011 and are based on facility performance. This Time Schedule Order acknowledges the Discharger's use of copper intake credits for the amount of copper already present in the source water, and thereby to determine compliance with interim and final effluent limits based on the Discharger's actual contribution of copper to the effluent.

OTHER REGULATORY REQUIREMENTS

18. Water Code section 13300 states, in relevant part:

“Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.”

19. Water Code section 13267 states, in relevant part:

“In conducting an investigation . . . , 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.”

20. The Central Coast Water Board needs the reports required by Table 3 to ensure the Discharger’s compliance with this Time Schedule Order and timely achievement of full compliance with the final effluent limitations in WDRs Order No. R3-2017-0026 through replacement of the Discharger’s wastewater treatment plant.

21. The cost of the technical reporting required in this Time Schedule Order is estimated to be approximately \$11,000 over five years.¹ Completing the quarterly reporting and the design and construction milestone reporting will demonstrate the Discharger’s compliance with this Time Schedule Order and progress towards achieving compliance with final permit limits that are protective of water quality. Thus, the burden, including costs, of the technical reporting requirements bears a reasonable relationship to their need and the benefits to be obtained. The evidence supporting

¹ For quarterly reports, Central Coast Water Board staff estimated the need for three hours to complete each report, at \$150 per hour, with four reports per year over five years (or 20 reports) [3 hours/report x \$150/hour x 20 reports = \$9,000]. For the design/construction reports, staff estimated two hours per report for seven reports [2 hours/report x \$150/hour x 7 reports = \$2,100].

this requirement is discussed above. More detailed information is available in the Central Coast Water Board's public file on this matter.

22. The Central Coast Water Board has delegated to its Executive Officer under Water Code section 13223 the authority to issue a time schedule order pursuant to Water Code section 13300 and directives to furnish technical and monitoring reports under Water Code sections 13367 and 13383.
23. The Central Coast Water Board publicly noticed this Time Schedule Order from August 2, 2022, through September 5, 2022, and received no comments.
24. This enforcement action is taken for the protection of the environment and as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000, et seq.) in accordance with California Code of Regulations, title 14, section 15321.

IT IS HEREBY ORDERED that, except for enforcement purposes, Time Schedule Order No. R3-2018-0011 is terminated on the effective date of this Time Schedule Order No. R3-2022-0046, and that pursuant to Water Code sections 13267, 13383, and 13300, Heritage Ranch Community Services District must comply with the requirements of this Time Schedule Order:

1. Copper, nitrate, and un-ionized ammonia effluent concentrations must not exceed the following interim effluent limits:

Table 2 –Interim Effluent Limits

Constituent	Units	Average Monthly	Maximum Daily
Copper, Total Recoverable	µg/L	18	25
Nitrate (as N)	mg/L	Not Applicable	17
Un-ionized Ammonia	mg/L	2	Not Applicable

2. The Discharger must comply with the following time schedule:

Table 3 – Wastewater Treatment Plant Replacement Project Compliance Schedule

Required Milestone Actions	Milestone Compliance Due Dates
Submit quarterly progress reports. Reports must include but not be limited to discussion of overall progress in implementing the requirements of this Time Schedule Order and achieving full compliance with WDRs Order No. R3-2017-0026 with any laboratory reports as	1st Quarter (Jan-Mar) – Report Due by May 1st 2nd Quarter (Apr-Jun) – Report Due by Aug 1st

Required Milestone Actions	Milestone Compliance Due Dates
<p>appendices. Each quarterly report must also highlight the progress achieved since the previous report.</p> <p>The progress reports must detail the Discharger's actions implemented towards achieving compliance with WDRs Order No. R3-2017-0026, including but not limited to acquiring funding, design, and construction.</p>	<p>3rd Quarter (Jul-Sep) – Report Due by Nov 1st</p> <p>4th Quarter (Oct-Dec) – Report due by Feb 1st</p>
<p>Complete and submit preliminary design report</p>	<p>December 31, 2022 (milestone completion)</p> <p>January 16, 2023 (report submittal)</p>
<p>Complete and submit 60% design report</p>	<p>October 31, 2023 (milestone completion)</p> <p>November 15, 2023 (report submittal)</p>
<p>Complete and submit final design report</p>	<p>March 31, 2024 (milestone completion)</p> <p>April 15, 2024 (report submittal)</p>
<p>Award Construction Contract and submit report summarizing completion</p>	<p>January 31, 2025 (milestone completion)</p> <p>February 17, 2025 (report submittal)</p>
<p>Complete 30% of construction and submit report summarizing completion</p>	<p>October 31, 2025 (milestone completion)</p> <p>November 17, 2025 (report submittal)</p>
<p>Complete 80% of construction and submit report summarizing completion</p>	<p>October 31, 2026 (milestone completion)</p> <p>November 16, 2026 (report submittal)</p>
<p>Complete construction and submit report summarizing completion</p>	<p>February 28, 2027 (milestone completion)</p> <p>March 15, 2027 (report submittal)</p>
<p>Complete facility commissioning and achieve full compliance with final effluent limitations in WDRs Order No. R3-2017-0026 and submit detailed Project Completion Report and, as a separate</p>	<p>September 30, 2027 (milestone completion)</p> <p>October 13, 2027 (Project Completion Report and Operations and Maintenance Manual submittals)</p>

Required Milestone Actions	Milestone Compliance Due Dates
file, the Operations and Maintenance Manual.	

3. The Discharger must continue to implement and update as needed the previously developed Pollution Prevention Plan for copper, nitrate, and un-ionized ammonia that must meet the requirements specified in Water Code section 13263.3(d)(3) for publicly owned treatment works.
4. This Order acknowledges the Discharger's application of copper concentration intake credits in the method described in the findings above. Upon written request from the Discharger, the Central Coast Water Board Executive Officer may approve in writing revisions to that method.
5. All reports must be submitted under discharger signed/certified cover letter to the California Integrated Water Quality System (CIWQS). Where applicable, all reports shall also include laboratory reports from an Environmental Laboratory Accreditation Program (ELAP)-certified laboratory. The Central Coast Water Board Executive Officer may require revisions to the form or types of data and information reported and the manner of submittal.
6. All reports required by this Time Schedule Order must be signed by either a principal executive officer or ranking elected official or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the owner of the regulated facility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
 - c. The written authorization is submitted to the Central Coast Water Board.
7. Any person signing a report required by this Time Schedule Order must make the following certification:

“I certify under penalty of perjury that this document and all attachments were prepared by me, or under my direction or supervision, following a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. To the best of my knowledge and belief, this document and all attachments are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”

8. If the Discharger is unable to perform any activity or submit any documentation in compliance with the deadlines set forth above, the Discharger may request, in writing, an extension of the time. The extension request must include justification for the delay and be submitted at least thirty days prior to the respective deadline to be considered complete and timely unless waived by the Executive Officer.
9. If, in the opinion of the Executive Officer, the Discharger fails to comply with any provisions of this Time Schedule Order or fails to consistently demonstrate substantive progress towards achieving full compliance with final effluent limitations in WDRs Order No. R3-2017-0026, then the Executive Officer may terminate this Time Schedule Order. In that case, or if compliance with the final effluent limitations of WDRs Order No. R3-2017-0026 is not achieved by the full compliance dates shown above in Table 3, the Discharger would not be exempt from the mandatory minimum penalties for violation of those effluent limitations and may also be subject to issuance of a cease and desist order in accordance with CWC section 13301. Alternatively, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this order may result in the assessment of administrative civil liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350 and 13385. The Central Coast Water Board reserves its right to take any enforcement action authorized by law.
10. The Executive Officer may modify the time schedule in this Time Schedule Order to permit a specified task or tasks to be completed at later dates if the Discharger demonstrates and the Executive Officer determines that the delay was beyond the reasonable control of the Discharger to avoid.
11. The Discharger must comply with all provisions of WDRs Order No. R3-2017-0026 that are not in conflict with this Time Schedule Order.
12. Any person aggrieved by this action of the Central Coast Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of the order, except that if the thirtieth day following the date of the order falls on a Saturday, Sunday, or state holiday, the petition must be received by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the internet at the [State Water Resources Control Board's Water Quality Petitions website](#), or will be provided upon request.
13. This Time Schedule Order is effective upon adoption.

I, Matthew T. Keeling, Executive Officer, do hereby certify that this Time Schedule Order is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Central Coast Region, on October 14, 2022.

Matthew T. Keeling, Executive Officer

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