

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION  
895 Aerovista Place , Suite 101  
San Luis Obispo, California 93401-7906**

**DRAFT ORDER NO. R3-2004-104**

**WASTE DISCHARGE REQUIREMENTS  
FOR CLASS I WASTEWATER SURFACE IMPOUNDMENTS  
AND  
FOR RENEWAL OF EXEMPTIONS TO THE TOXIC PITS CLEANUP ACT**

**DUKE ENERGY MOSS LANDING LLC  
MOSS LANDING FOSSIL FUELED POWER PLANT  
MONTEREY COUNTY**

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

1. Duke Energy Moss Landing LLC (hereafter Discharger) owns and operates the Moss Landing Power Plant located in the Monterey Bay area at Moss Landing adjacent to Elkhorn Slough in portions of Sections 7, 8, 17 and 18 T132S, R2E, Mount Diablo Base and Meridian, as shown on Attachments 1, 2 and 3, included as part of this Order. Moss Landing Power Plant, located in Monterey County, California, is a fossil fuel burning steam boiler power plant with an active electrical generating capacity of 2560 megawatts of electricity. The plant has six steam boiler generator units. Unit 6, with a single boiler, was completed in 1967 and Unit 7, with a single boiler, was completed in 1968. Units 1 and 2, each with two heat recovery steam generators or boilers, were completed in 2002.
2. Duke Energy Moss Landing LLC purchased the Moss Landing Power Plant from Pacific Gas and Electric Company (hereafter Previous Discharger) on July 1, 1998.
3. On January 30, 1998, the Board, at a regularly scheduled public meeting, conditionally amended WDR Order No. 94-106 to reflect ownership transfer of, and TPCA exemption transfer for, the Moss Landing Power Plant, from the Previous Discharger to the Discharger.
4. On March 21, 1988, the Previous Discharger submitted information that completed a Report of Waste Discharge (ROWD) for operation of surface impoundments at the Moss Landing Power Plant. The Regional Board subsequently issued Waste Discharge Requirements (WDR) Order No. 88-80 on June 10, 1988, regulating operation of the impoundments.
5. In 1985, the Previous Discharger also submitted to the United States Environmental Protection Agency Region IX (EPA) and California Department of Health Services (DHS and now called the Department of Toxic Substances Control, DTSC) a Part B Application for four hazardous waste surface impoundments located at Moss Landing Power Plant. The four surface impoundments were the Metal Cleaning Waste Ponds #1, #2 and #3 and the Oil Sludge Pond. On the basis of the permit application, EPA and DHS issued Hazardous Waste Facility Permits in June 1988. The permits contained operation, inspection, and waste analysis requirements, a contingency plan, closure and post closure plans, and ground water monitoring provisions.
6. In March 1993, the Previous Discharger submitted a revised Part B Permit application for the renewal of the Hazardous Waste Facility Permit issued by the California Department of Toxic Substances Control

- (DTSC). The permit application was for the continued operations of three hazardous waste surface impoundments: Metal Cleaning Waste Ponds #1, #2 and #3. The March 1993 Part B Permit application included a groundwater monitoring program presented in a Ground Water Monitoring Plan dated March, 1993.
7. DTSC issued a Hazardous Waste Facility Permit, EPA ID Number CAT 08001165, effective March 13, 1995, (with an expiration date of March 12, 2005), for the three hazardous waste surface impoundments: Metal Cleaning Waste Ponds #1, #2 and #3. The current iteration, Revision #3, was issued on August 5, 2002, following Class 1 Permit modifications. On July 14, 2004, the Discharger submitted an application to DTSC for renewal of the Hazardous Waste Facility Permit.
  8. Groundwater monitoring is currently conducted pursuant to the "Groundwater Monitoring Plan, Hazardous Waste Part B Permit Application...", July 2001, Revision 7 (Ground Water Monitoring Plan), which is incorporated into the August 5, 2002 Revision 3 of the Hazardous Waste Facility Permit
  9. The Previous Discharger closed the Oil Sludge Pond, which was included in the 1988 permits. The Oil Sludge Pond was part of the oil water treatment system. The Previous Discharger submitted to the Board a closure certification report for the Oil Sludge Pond dated March 20, 1989, with Revision 2 dated August 30, 1990. The Board approved closure of the Oil Sludge Pond on June 26, 1991.
  10. In December 1991, the Previous Discharger submitted a report entitled "Financial Assurance and Monitoring Program." This submittal (revised in November 1992) was a requirement of the California Code of Regulations, Title 23, Chapter 15 (Chapter 15). The report provided information to show the Previous Discharger was in compliance for the three Class I surface impoundments with the financial assurance requirements of Chapter 15, Section 2550.0. Additionally, the Discharger demonstrated compliance with the financial assurance requirements of Chapter 15, Section 2550.0 on September 2, 1998, and filed financial assurance documents with DTSC on March 1, 2004.
  11. The Discharger operates three on-site Class I hazardous waste surface impoundments (as shown on Attachments 3 and 4 included as part of this Order) for the treatment and temporary storage of wastes generated during operation of the plant. These surface impoundments provide treatment of wastes prior to discharge to surface waters pursuant to National Pollutant Discharge Elimination System (NPDES) Permit CA0006254, Order No. 00-041. The Class I surface impoundments are described as follows:
    - a. The Metal Cleaning Waste Ponds #1 and #2 (MCWP #1 and MCWP #2), are adjoining surface impoundments constructed of reinforced concrete and lined with three 80-mil high density polyethylene synthetic liners with two leachate detection, collection, and removal systems (LDCRSs) and a ground water detection, collection, and removal system (GDCRS). MCWP#1 and #2 have a combined estimated volume capacity of 1,700,000 gallons.
    - b. Metal Cleaning Waste Pond #3 (MCWP#3) is constructed of reinforced concrete, and has three 80-mil high density polyethylene liners with two LDCRSs and one GDCRS. MCWP#3 has an estimated volume capacity of 377,000 gallons.
  12. The hazardous waste surface impoundments identified in Finding No. 10 subject to Chapter 15 and the Toxic Pits Cleanup Act of 1984 as administered by the Board. These impoundments are also subject to Title 22, Division 4.5, Chapter 20 of the California Code of Regulations as administered by DTSC.

13. The Discharger inspects the surface impoundments daily and maintains findings in an Operating Record. Annually, after the removal of the majority of the wastes contained in the surface impoundments, the impoundments are inspected for integrity. An annual inspection report is submitted to DTSC and the Board.
14. The Discharger generates wastes during operation and maintenance of the Plant and in emergency situations. These wastes may be classified as non-hazardous, hazardous or restricted hazardous wastes pursuant to California Code of Regulations Title 22, Division 4, Chapter 30 and California Health and Safety Code Division 20, Chapter 6.5, Section 25122.7. Analyses of the wastes discharged to the surface impoundments indicate they may be hazardous wastes or restricted hazardous wastes due to pH or metal concentrations. Characterization of these wastes is included in the Operating Record for the surface impoundments and in the DTSC permit application.
15. The wastes identified in Finding No. 13 above may be treated by sedimentation, pH neutralization and adjustment and metals precipitation. Following a period of settling, the supernatant from the surface impoundment(s) is tested to confirm compliance with the NPDES permit and then discharged to the circulating water system.
16. Metal precipitate sludges accumulated in the surface impoundments are removed at least annually.
17. Soils beneath the site are alluvial and terrace deposits of interbedded sands, silts, and clays extending to several thousand feet of depth. Further detailed descriptions of the regional and site specific geology are presented in the Ground Water Monitoring Plan.
18. The groundwater table is approximately 20 feet below grade and approximately 5 feet above Mean Sea Level (MSL) in the vicinity of the impoundments.
19. Regional ground water flow direction in the uppermost aquifer in the vicinity of the surface impoundments is generally westerly toward Moss Landing Harbor and Monterey Bay, although in the immediate vicinity of the surface impoundments, the groundwater flow gradient is generally flat (as shown on Attachment 5 included as part of this order). Detailed descriptions of the regional and site specific hydrology are presented in the Ground Water Monitoring Plan.
20. The Discharger and Previous Discharger have been conducting ground water monitoring since 1984. The first quarterly ground water monitoring event pursuant to the June 1988 Hazardous Waste Facility Permit occurred in October 1988.
21. The September 8, 1994 Water Quality Control Plan, Central Coastal Basin, (Basin Plan) incorporates State Board plans and policies by reference and contains a strategy for protecting beneficial uses of State waters.
22. Beneficial uses of ground water in the vicinity (within 1/2 mile) of the surface impoundments include: Agricultural Supply, Domestic Supply and Industrial Supply. This ground water is a potential source of drinking water as identified in the Toxic Pits Cleanup Act of 1984 (TPCA).
23. TPCA is codified as California Health and Safety Code, Division 20, Chapter 6.5, Article 9.5, Section 25208, et. seq. TPCA contains prohibitions (in Sections 25208.4 (a) and 25208.4 (c)) against the three

impoundments but allows for exemptions (in Sections 25208.4 (b) and 25208.16, respectively) to those prohibitions, provided certain findings are made.

24. The exemptions for the subject impoundments were originally granted by WDR Order No. 87-187, adopted December 4, 1987. Upon adoption of WDR Order 88-80 on June 10, 1988, WDR Order No. 87-187 was rescinded and the exemptions were continued by WDR Order No. 88-80. The exemptions were continued by subsequent orders and have been granted by WDR Order No. 99-132 since November 19, 1999.
25. On May 29, 1992, the Previous Discharger submitted a Report of Waste Discharge (ROWD) for renewal of the TPCA exemptions. The ROWD was determined complete and the TPCA exemptions were renewed by Order No. 92-123 on October 9, 1992. On November 18, 1994, Order No. 94-106 was adopted which rescinded Order No. 92-123, renewed its exemptions and contain operational and monitoring requirements. On November 19, 1999, Order No. 99-132 was adopted and Order No. 94-106 was rescinded.
26. The Discharger submitted a February 20, 2004 ROWD for renewal of the TPCA exemptions and operational and monitoring requirements contained in Order No. 99-132. This Order (No. R3-2004-104) rescinds Order No. 99-132 and renews the TPCA exemptions and operational and monitoring requirements.
27. In renewing the TPCA exemptions for the subject surface impoundments, the Board makes the following findings based on the record in this matter. The Discharger's February 20, 2004, ROWD also certifies the following findings as accurate.
  - a. H&S SECTION 25208.4 b 2 A:  
  
No hazardous waste constituents have migrated from the surface impoundments into the vadose zone or the waters of the state in concentrations that pollute the vadose zone, or pollute, or threaten to pollute, the waters of the state.
  - b. H&S SECTION 25208.4 b 2 B:  
  
Continuing the operation of the surface impoundments does not pose a significant potential of hazardous waste constituents migrating from the surface impoundments into the vadose zone or the waters of the state, thus polluting the vadose zone, or polluting, or threatening to pollute, these waters.
  - c. H&S SECTION 25208.16 a 1:  
  
No extremely hazardous wastes are currently being discharged into the surface impoundments, and
    1. The records of the person applying for an exemption indicate that no extremely hazardous wastes have been discharged into the surface impoundment and
    2. Extremely hazardous wastes are not present in the surface impoundment, in the vadose zone, or in the waters of the state.

## d. H&amp;S SECTION 25208.16 a 2:

The surface impoundment is used for the purpose of temporary storage and noncontinuous batch treatment, all hazardous wastes [resulting from discharge of restricted hazardous waste] are removed after each batch treatment within 30 days of discharge [of restricted hazardous waste] into the impoundment, and the surface impoundment is visually inspected prior to each use and tested for integrity at least annually and complies with subdivision (a) of Section 25208.7. Reports of these tests are filed with the regional board.

## e. H&amp;S SECTION 25208.16 a 3:

The surface impoundment is in compliance with construction criteria and ground water monitoring requirements of Section 25208.5 and a hydrogeological assessment report has been filed pursuant to Section 25208.8.

## 28. The Discharger is in substantial compliance with the following regulatory requirements for its TPCA impoundments:

## a. Toxic Pits Cleanup Act

- i. Liner - TPCA requires a double liner. The surface impoundments are constructed of reinforced concrete and lined with three 80-mil high-density polyethylene synthetic liners.
- ii. Leachate Collection and Recovery - TPCA requires a leachate collection and recovery system. The surface impoundments are constructed with two leachate detection, collection, and removal systems.
- iii. Ground Water Monitoring - TPCA requires ground water monitoring to be conducted in accordance with the Federal Resource Conservation and Recovery Act of 1976. A ground water monitoring program is being conducted in accordance with that Act.

## b. Resource Conservation and Recovery Act

- i. Liners - The Hazardous and Solid Wastes Amendment of 1984 (Amendment), Section 3004(o), Minimum Technology Requirements, requires double liners and leachate collection and removal systems under hazardous waste surface impoundments. The Amendment provides for alternative designs. The surface impoundments are constructed of reinforced concrete and lined with three 80-mil high density polyethylene synthetic liners with two leachate detection, collection, and removal systems.
- ii. Ground Water Monitoring - Section 3004(p) of the Amendment requires ground water monitoring of the uppermost aquifer be performed at all hazardous waste facilities. A ground water monitoring program for the surface impoundments is being conducted in accordance with that Amendment.

## c. Chapter 15

Chapter 15, Section 2510 (b) and (c) allows engineering alternatives, provided such alternatives comply with the intent of the regulations. The Discharger utilized an engineering alternative design to comply with some Chapter 15 requirements identified in this Finding. This alternative design was approved by the Board in 1988 and is described in Finding No. 27 of this Order.

- i. Siting - Hazardous waste management units must be immediately underlain by a sufficient thickness of natural geologic materials of low permeability ( $1 \times 10^{-7}$  cm/sec) and situated at least five feet above ground water.
- ii. Unsaturated Zone Monitoring - Unsaturated zone monitoring is required, when feasible.
- iii. Liner - A double liner system is required. One liner is to include two feet of compacted clay or other impermeable material.
- iv. Leachate Collection and Removal Systems (LCRS) - An LCRS is required between liners.
- v. Ground Water Monitoring - Ground water monitoring satisfying specific conditions is required.

29. The Discharger used a specific engineering alternative design to comply with some requirements identified in Finding No. 26, above. The alternative liner and leachate collection system consists of three 80-mil thick high-density polyethylene liners alternating with two HDPE geonet leachate collection and removal systems. A third collection and removal system on the bottom (tertiary) layer prevents encroachment by ground water.

30. Regarding the operation and compliance history of the impoundments:

- a. The three surface impoundments identified in Finding No. 10 are occasionally used for temporary storage and non-continuous batch treatment of restricted hazardous wastes. All restricted hazardous wastes have been batch treated or removed within 30 days of discharge to the surface impoundments. This use is covered by the TPCA exemption under Health & Safety Code section 25208.16 as long as the restricted hazardous wastes do not contain specified concentrations of cyanide or PCBs.
- b. The three surface impoundments are visually inspected prior to each use by routine daily inspections and are tested for integrity annually.
- c. Four primary liner leaks occurred due to accidental puncturing or tearing between 1988 and 1994. All leaks were discovered, reported, repaired and tested within allowable time limits. Leaked liquids were collected by the primary LCRS on all four occasions. No leachate has been detected in the secondary LCRS for each of the three impoundments. No leaks or repairs occurred between 1994 and 1998; however, in 2003, the Discharger repaired several seams as an engineering recommendation. In June 2004, leachate was detected and removed from the primary (uppermost)

- LCRS of MCWP 1 and MCWP 3. There was no leachate detected or removed from the secondary LCRS for MCWP 1 or MCWP 3. As of early August 2004, MCWP 1 had been removed from service until the liner is repaired, inspected, tested and certified by a Professional Engineer and liquid in MCWP 3 had been lowered below the leak elevation and sludge was being removed and filter pressed to facilitate liner repair.
- d. Liquid, believed to be rainwater and/or ground water, based on pH and specific conductivity, is removed from the MCWP #1 and #3 ground water detection and removal system (GDCRS) and pumped into the impoundments on a regular bases during the rain seasons.
  - e. Ground water samples from specific monitoring wells were resampled, reanalyzed and reported as required by Order No. 99-132 and other agency hazardous waste permits. Statistically significant increases have been detected for, ammonia, bromide, total chromium, fluoride, iron, sulfate and zinc. On March 26, 2004, Duke Moss Landing LLC submitted a permit modification request to DTSC. The request proposed a change from a modified statistical analysis methodology to a tolerance interval method for evaluating statistics generated from ground water monitoring data.
  - f. Groundwater from downgradient monitoring well W-3 and other vicinity wells have had increased total chromium and chromium 6 concentrations. This is the subject of separate investigations. The absence of leachate in LDCRSs for the three impoundments and the absence of correlation between groundwater concentrations and discharges to the impoundments support the conclusion that the impoundments are not the source of the chromium.
31. These waste discharge requirements are for an existing facility and are exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.) in accordance with Sections 15301 and 15302, Chapter 3, Title 14, of the California Code of Regulations.
32. The Discharger posted Public Notice No. R3-2004-104 in the local U. S. Post Office on August 26, 2004 and published Public Notice No. R3-2004-104 in the Salinas Californian, a local newspaper of general circulation, on August 27, 2004 and August 28, 2004. Those public notices notified the public of the Board's intent to consider waste discharge requirements for these discharges on October 22, 2004 in Santa Barbara, CA, notified of the availability of the proposed order and related materials and solicited comments on same. On September 20, 2004, the Board mailed notice to the Discharger and interested agencies and persons of its intent to adopt waste discharge requirements for these discharges and by subsequently providing a copy of the proposed order. The Discharger and interested agencies and persons were provided an opportunity to submit written comments on this proposed order.
33. After consideration of all comments pertaining to the discharge, during a public hearing on October 22, 2004, this order was found consistent with the above findings.

### **TPCA EXEMPTIONS**

The Board HEREBY GRANTS to Duke Energy Moss Landing LLC, for its Moss Landing Power Plant, Hazardous Waste Surface Impoundments (MCWP #1, #2, and #3), exemptions from the prohibitions specified by California Health and Safety Code Sections 25208.4 (a) and 25208.4 (c). The exemptions are granted pursuant to California Health and Safety Code Sections 25208.4 (b) and 25208.16, respectively.

**IT IS HEREBY ORDERED THAT** Duke Energy Moss Landing LLC, in order to meet the provisions contained in Division 7 of the California Water Code and Regulations adopted thereunder, and to meet applicable provisions of the Health and Safety Code, shall comply with the following at its Moss Landing Power Plant Class I surface impoundments:

**A. PROHIBITIONS**

1. The discharge (placement, disposal, or storage) of liquid extremely hazardous wastes or extremely hazardous wastes containing free liquids into surface impoundments is prohibited.
2. The discharge of any wastes from the surface impoundments to ground waters of the State or to the unsaturated zone surrounding the surface impoundments is prohibited.
3. The discharge of any wastes from the surface impoundments to any surface waters of the State is prohibited, unless allowed pursuant to an approved National Pollutant Discharge Elimination System permit.
4. The discharge (placement, disposal, or storage) of any liquid hazardous wastes or hazardous wastes containing free liquids, into surface impoundments, not in compliance with construction and prescriptive requirements of Chapter 15 of Title 23 and Section 25208.5(a) of the Health and Safety Code (or an approved engineering alternative), is prohibited.
5. The discharge (placement, disposal, or storage) of any restricted hazardous wastes, produced as a result of operations and maintenance of the Power Plant, into a surface impoundment not in compliance with the construction and prescriptive requirements of Chapter 15 of Title 23 and Section 25208.5(a) of the Health and Safety Code, or an approved engineering alternative, is prohibited.
6. The discharge (placement, disposal, or storage) of any restricted hazardous wastes into the surface impoundments, other than for temporary storage and non-continuous batch treatment of wastes identified in Finding 13 of this Order, is prohibited.
7. The discharge (placement, disposal, or storage) of any restricted hazardous wastes containing cyanide wastes or polychlorinated biphenyls, as specified in Section 25122.7 of the Health and Safety Code is prohibited.
8. The discharge (placement, disposal or storage) of wastes as identified in the Findings of this Order outside MCWP1, MCWP2, or MCWP3 as shown on Attachment 3 is prohibited, with the following exceptions:
  - a. Discharge through permitted in-line sumps is allowed, and,
  - b. Wastestreams permitted for NPDES and /or impoundment discharge may be discharged through the ocean outfall, in compliance with the applicable NPDES permit.

**B. SPECIFICATIONS**



1. All hazardous waste, resulting from discharge of restricted hazardous waste into an impoundment, shall be removed within 30 days of discharge.
2. Wastes other than those identified in the Findings of this Order and liquid collected in the LCRS and GDCRS shall not be discharged to the surface impoundments.
3. The Discharger shall inspect all leachate and ground water collection and removal systems and respond as specified in Monitoring and Reporting Program No. R3-2004-104.
4. The Discharger shall inspect each surface impoundment as specified in Monitoring and Reporting No. R3-2004-104. Copies of the annual surface impoundment inspection report shall be submitted to the Board.
5. The treatment, placement, disposal or storage of waste shall not create a nuisance or pollution as defined in Section 13050(l) and (m) of the Water Code.
6. Fluids within the impoundment's ground water collection layer shall be removed as they become pumpable. These fluids shall not contact the bottom (or any portion) of the overlying LCRS.
7. A minimum freeboard of two feet shall be maintained in all surface impoundment exterior containment at all times.
8. Direct pipeline discharge to surface impoundments shall be either equipped with devices or have fail-safe operating procedures to prevent overfilling. Discharges shall be stopped in the event of any containment system failure that causes a threat to water quality.
9. The Discharger shall allow an authorized representative of the Regional Board to:
  - a. Enter at reasonable times upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;
  - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
  - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the conditions of this Order; and,
  - d. Sample or monitor at reasonable times, for the purposes of assuring compliance or as otherwise authorized by law, any substances or parameters at any location regulated by this Order.

### **C. WATER QUALITY PROTECTION STANDARDS**

Groundwater monitoring procedures and protection standards specified by the current approved Hazardous Waste Facility Permit must be implemented. Those procedures and standards are subject to change as the Hazardous Waste Facility Permit is revised and/or renewed.

The procedures and standards in effect at the time of adoption of these Waste Discharge Requirements (WDR) are specified by the "Groundwater Monitoring Plan, Hazardous Waste Part B Permit Application...", July 2001, Revision 7 (Groundwater Monitoring Plan), which is incorporated into the August 5, 2002 Revision 3 of the Hazardous Waste Facility Permit. See Attachments 4 and 6 for monitoring well locations and Attachment 7 for sample analytes, as specified by the Groundwater Monitoring Plan.

#### **D. PROVISIONS**

1. Order No. 99-132, "Waste Discharge Requirements for Class I Wastewater Surface Impoundments And For Renewal Of Exemptions To The Toxic Pits Cleanup Act, Duke Energy Moss Landing LLC, Moss Landing Fossil Fueled Power Plant, Monterey County" adopted by the Board on November 19, 1999, is hereby rescinded.
2. Discharger shall comply with "Monitoring and Reporting Program No. R3-2004-104," as specified by the Executive Officer.
3. Discharger shall comply with all items of the attached "Standard Provisions and Reporting Requirements for Waste Discharge Requirements," dated January, 1984, except Item Nos. A.3., A.4., A.8., A.11., A.17., C.16., D.1., and D.2.
4. The Board shall be notified by telephone within twenty-four (24) hours from the time of discovery of any containment structure failure or detection of migrating contaminant outside the containment system at the regulated surface impoundments. A written account of the incident, the steps taken to remedy the problem, a plan and schedule for resolution of the problem, and a proposal to prevent the problem from recurring shall be submitted to the Board within 15 working days of the discovery, unless granted an extension by the Executive Officer.
5. The Discharger shall apply for renewal of exemptions to Health and Safety Code Sections 25208.4(a) and Section 25208.4(c) for the impoundments every five years, with the next application due February 1, 2009. The renewal application shall include a Report of Waste Discharge, appropriate filing fees, and any additional information required by the Executive Officer.
6. All notifications required by this Order to be made to the Regional Board also shall be made to the California Department of Toxic Substances Control as follows:

California Environmental Protection Agency  
Department of Toxic Substances Control  
Northern California Permitting and Corrective Action Branch  
8800 Cal Center Drive  
Sacramento, California 95826-3200
7. The Board maintains the right to revoke at any time the exemptions granted by this Order, if it determines that a surface impoundment granted an exemption is polluting or threatening to pollute waters of the State or if hazardous wastes are migrating from a surface impoundment in

concentrations which pollute or threaten to pollute these waters.

8. This Order is subject to Board review and update, as necessary, to comply with current State and Federal laws, regulations, policies, or guidelines. Board review may occur in increments not to exceed five years from the effective date of this Order. This Order is not intended to prevent implementation of more stringent or restrictive requirements by another agency.

**I, ROGER W. BRIGGS, 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 Coast Region, on October 22, 2004.

\_\_\_\_\_  
Executive Officer

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Date

**ATTACHMENTS**

- 1, 2, and 3 Vicinity and Site maps
4. Impoundment and monitoring points map.
5. Groundwater elevation map.
6. Monitoring point map
7. Monitoring parameters