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CENTRAL VALLEY REGION

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[TENTATIVE] MONITORING & REPORTING PROGRAM (MRP)
R5-2023-####



ORDER INFORMATION

Order Type(s):	Monitoring & Reporting Program (MRP)
Status:	TENTATIVE
Program:	Title 27 Discharges to Land
Region 5 Office:	Fresno
Discharger(s):	Bell-Carter Olive Company, Inc.
Facility:	Former Brine Pond
Address:	S. Monson Ave. between E. Parlier Ave. and Manning Ave.
County:	Fresno County
Parcel Nos.:	378-021-19
WDID:	5D102068001
Prior Order(s):	R5-2005-0114 & 77-006

CERTIFICATION

I, PATRICK PULUPA, Executive Officer, hereby certify that the following is a full, true, and correct copy of the order adopted by the California Regional Water Quality Control Board, Central Valley Region, on _____ October 2023.

PATRICK PULUPA,
Executive Officer

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GLOSSARY

AMR	Annual Monitoring Report
CalRecycle	California Department of Resources Recycling and Recovery
CAMP	Corrective Action Monitoring Program
C.F.R.....	Code of Federal Regulations
CIWQS	California Integrated Water Quality System Project
COCs	Constituents of Concern
DMP	Detection Monitoring Program
DWR.....	California Department of Water Resources
EC	Electrical Conductivity
ELAP	State Water Board's Environmental Laboratory Accreditation Program (formerly administered by California Department of Public Health)
EMP	Evaluation Monitoring Program
EW	Extraction Well
Five-Year COCs	Five-Year Constituents of Concern
GeoTracker	State Water Board's Data Management System for Sites with Potential Groundwater Impact
GP.....	Gas Probe
LCRS.....	Leachate Collection and Removal System
LF	Landfill
LFG	Landfill Gas
MDL.....	Method Detection Limit

Method TO-15 VOCs.....	Volatile Organic Compounds associated with USEPA Method TO-15
MRP	Monitoring and Reporting Program
MSW	Municipal Solid Waste
MSWLF	Municipal Solid Waste Landfill
N/A	Not Applicable
PID	Photo Ionization Detector
POC	Point of Compliance for Water Quality Protection Standard
QA/QC.....	Quality Assurance/Quality Control
Qualified Professional	Professional Civil Engineer or Geologist licensed by the State of California
RCRA	Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.
RL.....	Reporting Limit
ROWD / JTD	Report of Waste Discharge / Joint Technical Document
SCAP	Sample Collection and Analysis Plan
SGP.....	Soil Pore Gas
SI.....	Surface Impoundment
SMR	Semiannual Monitoring Report
SPRRs / Standard Provisions	Standard Provisions and Reporting Requirements for Nonhazardous Solid Waste Discharges Regulated by Subtitle D and/or Title 27 Municipal Solid Waste Facilities, December 2015 Edition
TDS	Total Dissolved Solids

Title 27California Code of Regulations, Title 27
USEPA.....United States Environmental Protection Agency
VOCs.....Volatile Organic Compounds
WDRs.....Waste Discharge Requirements
WMUWaste Management Unit
WQPSWater Quality Protection Standard

UNITS

ft³ / minCubic Feet per Minute
°FDegrees Fahrenheit
Gallons/Day.....Gallons per Day
mg/LMilligrams per Liter
µg/L.....Micrograms per Liter
µmhos/cm.....Microsiemens per Centimeter
µg/cm³Micrograms per Cubic Centimeter
NTUsNephelometric Turbidity Units
% Vol.....Percent by Volume
Inches HgInches of Mercury (Barometric Pressure)
MM Hg VacuumMillimeters of Mercury (Barometric Pressure)

PREFACE

Adopted by the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) pursuant to California Water Code (Water Code) section 13267, subdivision (b)(1), this Order establishes a Monitoring and Reporting Program (MRP) for Bell-Carter Olive Company, Inc. (Discharger), which owns and maintains the Former Brine Pond, Bell-Carter Olive Co., Orange Cove (Facility) in Fresno County. Additional information regarding the Facility is set forth in the enumerated findings of Waste Discharge Requirements Order R5-2023-XXXX (WDRs Order). Except as otherwise provided in the following MRP, these findings are incorporated herein.

The MRP also contains supplemental findings related to monitoring and reporting activities, and/or Facility conditions. For the purposes of California Code of Regulations (CCR), title 27 (Title 27) (e.g., §§ 21720, 20380-20435), the findings and provisions of this Order are conversely incorporated as part of the WDRs Order as well.

Although adopted with the WDRs Order, this is a separate order subject to subsequent revision by the Executive Officer in accordance with delegated authority per Water Code section 13223. For the purposes of Title 27, such revisions shall be automatically incorporated as part of the WDRs Order.

MONITORING & REPORTING PROGRAM

IT IS HEREBY ORDERED, pursuant to Water Code section 13267: that all previously issued Monitoring and Reporting Program(s) for the Facility are rescinded (except for enforcement purposes); and that the Discharger, their agents, employees and successors shall comply with the following Revised Monitoring and Reporting Program (Revised MRP). The Discharger shall not implement any changes until a revised MRP is issued by the Central Valley Water Board or its Executive Officer.

A. General Provisions

1. Incorporation of Standard Provisions

The Discharger shall comply with all relevant provisions of the *Standard Provisions and Reporting Requirements for Nonhazardous Solid Waste Discharges Regulated by Title 27 and/or Subtitle D, April 2016 Edition* (SPRRs or Standard Provisions), which are incorporated herein. See, e.g., SPRRs section I (*Standard Monitoring Specifications*) and section J (*Response to Release*).

2. Monitoring Provisions in WDRs Order

The Discharger shall comply with all "Monitoring Provisions" in the Facility's operative Title 27 WDRs Order, which are also incorporated herein.

3. Compliance with Title 27

The Discharger shall comply with all of Title 27 provisions as they pertain to activities described in this MRP (including SPRRs).

4. Sample Collection and Analysis Plan (SCAP)

All samples shall be collected, preserved, and transported in accordance with the approved Sample Collection and Analysis Plan (SCAP) and the Quality Assurance/Quality Control (QA/QC) standards specified therein. The Discharger may use alternative analytical test methods (including new USEPA-approved methods), provided that the alternative methods have method detection limits (MDLs) equal to or lower than the analytical methods specified in this MRP and are identified in the approved SCAP.

B. Detection Monitoring Program (DMP)

To detect a release at the earliest possible time (see Title 27, § 20420, subd. (b)), the Discharger shall implement a Detection Monitoring Program (DMP) for groundwater, surface water, and the unsaturated zone in accordance with the provisions of Title 27, particularly sections 20415 and 20420. Groundwater detection monitoring networks shall be revised (as needed).

1. Groundwater

a. Required Network

The Facility's groundwater monitoring well network consists of the wells listed in **Table 1**.¹ As of the date of this Order, the network does not meet the requirements of Title 27. (Title 27, § 20415, subd. (b).) WDRs Order R5-2023-XXXX requires the Discharger to submit a workplan to bring its groundwater monitoring network into compliance with the requirements of Title 27.

Table 1—Groundwater Monitoring Well Network

Well	Program	Status
MW-1	Background	DRY
MW-1D	Background	DRY
MW-2	Detection	DRY
MW-2D	Detection	Insufficient water to sample
MW-3	Detection	DRY
MW-3D	Detection	DRY
MW-4	Detection	DRY
MW-4D	Detection	DRY
MW-5	Detection	Inactive*

* MW-5 was vandalized. An obstruction occurs approximately 7 feet from the former bottom.

¹ Non-background monitoring wells at the Point of Compliance constitute "Monitoring Points" for purposes of the Water Quality Protection Standard (WQPS).

b. Sample Collection and Analysis

Groundwater samples shall be collected from each well and analyzed for Monitoring Parameters listed in **Table 2** (Physical Parameters) and **Table 3** (Constituent Parameters), in accordance with the specified schedule for each parameter. (Title 27, § 20420, subds. (e)-(f).)

Table 2—Groundwater Detection Monitoring, Physical Parameters

Physical Parameter	GeoTracker Code	Units	Sampling Frequency	Reporting Frequency
Temperature	TEMP	°C	Semiannually	Semiannually
Groundwater Elevation	ELEV	Feet & hundredths, MSL	Semiannually	Semiannually
Electrical Conductivity	EC	µmhos/cm	Semiannually	Semiannually
pH	PH	pH Units	Semiannually	Semiannually
Turbidity	TURB	NTUs	Semiannually	Semiannually

See Glossary for definitions of terms and abbreviations in table.

Table 3—Groundwater Detection Monitoring, Constituent Parameters

Constituent Parameter	GeoTracker Code	Units	Sampling Frequency	Reporting Frequency
Total Dissolved Solids (TDS)	TDS	mg/L	Semiannually	Semiannually
Chloride	CL	mg/L	Semiannually	Semiannually
Nitrate as N		mg/L	Semiannually	Semiannually
Sodium		mg/L	Semiannually	Semiannually

See Glossary for definitions of terms and abbreviations in table.

c. Constituents of Concern

Constituents of Concern are waste constituents, reaction products, and hazardous constituents that are reasonably expected to be in or derived from waste contained in a Waste Management Unit (WMU). (Title 27, § § 20164, 20395.)

Table 4—Groundwater Detection Monitoring Constituents of Concern

Constituents of Concern (COC)	GeoTracker Code	Units	Sampling Frequency	Reporting Frequency
Standard minerals*	(various)	mg/L	Every 5 Years	Every 5 Years

* Analyses shall include all major cations and anions, include a verification that the analysis is complete (i.e., a cation/anion balance).

See Glossary for definitions of terms and abbreviations in table.

d. Groundwater Conditions

The Discharger shall monitor the Groundwater Conditions specified in **Table 5** with the result of such monitoring being reported semiannually per **Section E.1.²** (Title 27, § 20415, subd. (b)(1).)

Table 5—Groundwater Detection Monitoring, Groundwater Conditions

Groundwater Condition	GeoTracker Code	Monitoring Frequency	Reporting Frequency
Elevation (Well-Specific)	ELEV	Semiannually	Semiannually
Gradient		Semiannually	Semiannually
Flow Rate		Semiannually	Semiannually

2. Unsaturated Zone

There are no unsaturated zone monitoring requirements for the Facility.

3. Surface Water

There are no surface water monitoring requirements for the Facility.

² To the extent feasible, this information shall be determined separately for: (1) the uppermost aquifer; (2) any zones of perched water; and (3) any additional zone of saturation monitored based upon water level elevations taken prior to the collection of the water quality data submitted in the report. (Title 27, § 20415, subd. (e)(15).)

4. Summary of Water Quality Protection Standard (WQPS) Components

The Water Quality Protection Standard (WQPS) is the Title 27 analytical framework through which an individual WMU is monitored for releases and impacts to water quality, i.e., the Detection Monitoring Program (DMP). (See Title 27, § 20390, subd. (a).) As explained in further detail below, for the duration of the Compliance Period, the Monitoring Points situated at a WMU's Point of Compliance are sampled and analyzed for Monitoring Parameters indicative of a release. If concentrations of Constituents of Concern exceed Concentration Limits, the results are confirmed through Retesting Procedures.

a. Compliance Period

The “compliance period” is the minimum time for which a water quality monitoring will be required—i.e., equal to the sum of active years and the closure period. (Title 27, § 20410.) The period restarts each time an Evaluation Monitoring Program (EMP) is initiated for a given WMU. (Id., §§ 20410(a), 20415, 20425.) If a WMU is in corrective action, the period continues until it is demonstrated that the WMU has been in continuous compliance with its WQPS for at least three years. (Id., § 20410, subd. (c).)

b. Monitoring Points

For WQPS purposes, a “monitoring point” is any well, device, or location where monitoring is conducted, and is specified in the Facility's WDRs and subject to the WQPS. (Title 27, § 20164.) Monitoring Points are listed in **Section B** (Detection Monitoring Program)—specifically **Table 1** (Groundwater).

c. Point of Compliance (POC)

The Point of Compliance (POC) is a vertical plane at the WMU's hydraulically downgradient limit, extending through the uppermost underlying aquifer. (Title 27, §§ 10164, 20405(a).) The Facility's POC monitoring wells are listed below in **Table 1**.

d. Constituents of Concern (COC)

Constituents of Concern (COC) are waste constituents, reaction products, and hazardous constituents that are reasonably expected to be in or derived from waste contained in a WMU. (Title 27, §§ 20164, 20395.)

e. Monitoring Parameters

Monitoring Parameters are a predetermined set of COC and measurable physical characteristics (e.g., temp., electrical conductivity, pH), which serve as reliable indicators of a WMU release, and for which samples will therefore be routinely analyzed. (Title 27, §§ 20164, 20395(a), 20420(e)-(f).) For the purposes of this MRP, the Monitoring Parameters are those in Table 1

f. Five-Year COCs

In addition to the Monitoring Parameters described above, this Order requires the quinquennial analysis of samples for a larger range of constituents that are reasonably expected to be found in, or derived from, the waste contained within each unit at the Facility. (Title 27, §§ 20395, 20420(g).)

g. Concentration Limits

The Concentration Limit for each COC is the “background concentration,” as determined by the statistical methods outlined in subdivision (e)(8) of Title 27, section 20415.³ (Title 27, § 20400, subds. (a), (b).) The approved methods use interwell statistical analysis.

Unless expressly rejected by the Executive Officer in writing, these Concentration Limits shall be incorporated as part of this Order.

h. Retesting Procedures

If monitoring results indicate measurably significant evidence of a release, as described in Section I.45 of the SPRRs (Standard Monitoring Specifications), the Discharger shall apply the following:

- i. **Non-Statistical Retesting Procedures (SPRRs, § I.46)** for analytes detected in less than 10 percent of background samples (e.g., non-naturally occurring COCs); and

³ Concentration Limits are initially proposed by the Discharger, then reviewed and approved by the Central Valley Water Board (subject to any necessary revisions). The limits specified herein are approved and incorporated as part of the Facility’s WDRs.

- ii. **Statistical Retesting Procedures (SPRRs, § I.46)** for analytes detected in at least 10 percent of background samples (e.g., naturally occurring COCs).

C. Additional Facility Monitoring

1. Annual Facility Inspections

Prior to 30 September of each year, the Discharger shall inspect the Facility to assess repair and maintenance needs for drainage control systems, cover systems and groundwater monitoring wells; and preparedness for winter conditions (e.g., erosion and sedimentation control). If repairs are made as result of the annual inspection, problem areas shall be photographed before and after repairs. Any necessary construction, maintenance, or repairs shall be completed by 31 October. See **Section D.2** for Reporting Requirements.

2. Pavement Integrity Monitoring and Maintenance

The Discharger shall conduct a pavement integrity monitoring and maintenance program in accordance with a Pavement Integrity Monitoring and Maintenance Program Plan included in the approved Post-Closure Maintenance Plan. The plan shall contain a schedule for submittal of monitoring and maintenance reports.

D. Reporting Requirements

Table 6—Summary of Required Reports

Section	Report	Deadline
§ E.1	Semiannual Monitoring Reports (SMRs)	15 April (March) 15 November (October)
§ E.2	Annual Facility Inspection Reports	15 November
§ E.3	Financial Assurances Reports	1 June

Section	Report	Deadline
§ E.4	Water Quality Protection Standard Reports	Proposed Revisions (excluding Concentration Limits)

1. Semiannual Monitoring Reports (SMRs)

The Discharger shall submit Semiannual Monitoring Reports (SMRs) by 15 April (March) and 15 November (October). SMRs shall contain the following materials and information:

- a. A statement affirming that all sampling activities referenced in the report were conducted in accordance with the approved SCAP (see § A.4).
- b. Map(s)/aerial photograph(s) depicting locations of all observation stations, monitoring points referenced in the report.
- c. In tabulated format, all monitoring data required to be reported on a semiannual basis, including Groundwater Conditions and Monitoring Parameters.
- d. For each groundwater monitoring point referenced in the SMR:
 - i. The times each water level measurement was taken;
 - ii. The type of pump or other device used to purge and elevate pump intake level relative to screening interval;
 - iii. The purging methods used to stabilize water in the well bore before sampling (including pumping rate);
 - iv. The equipment and methods used for monitoring pH, temperature and electrical conductivity (EC) during purging activity, and the results of such monitoring;
 - v. Methods for disposing of purged water; and
 - vi. The type of device used for sampling, if different than the one used for purging.
- e. Evaluation of concentrations for all Constituent Parameters and Five-Year COCs (when analyzed), comparison to current

Concentration Limits, and results of any Retesting Procedures per **Section B.4.h**.

- f. In the event of a verified exceedance of Concentration Limit(s), any actions taken per Section J of the SPRRs (*Response to Release*) for wells and/or constituents not already specifically addressed in Corrective Action Monitoring under this MRP.
- g. Evaluation as to effectiveness of existing monitoring and control facilities, and runoff/run-on control facilities.
- h. Laboratory statements of results of all analyses evaluating compliance with the WDRs.

2. Annual Facility Inspection Report

By 15 November, the Discharger shall submit a report with results of the Annual Facility Inspection per **Section D.2**. The report shall discuss any repair measures implemented, any preparations for winter, and include photographs of any problem areas and repairs.

3. Financial Assurances Report

By 1 June of each year, the Discharger shall submit an annual financial assurances report that updates the financial assurances for corrective action and post-closure maintenance. (See WDRs Order.)

4. Water Quality Protection Standard Report

Any proposed changes⁴ to the Water Quality Protection Standard (WQPS) components (§ B.4), other than periodic update of the Concentration Limits (§ B.4.f), shall be submitted in a WQPS Report for review and approval. The report shall be certified by a “Qualified Professional” (§ B), and contain the following:

⁴ If subsequent sampling of the background monitoring point(s) indicates significant water quality changes due to either seasonal fluctuations or other reasons unrelated to onsite waste management activities, the Discharger may request modification of the WQPS.

- a. *Potentially Affected Waterbodies*—An identification of all distinct bodies of surface water and groundwater potentially affected by a WMU release (including, but not limited to, the uppermost aquifer and any permanent or ephemeral zones of perched groundwater underlying the Facility);
- b. *Map of Monitoring Points*—A map of all groundwater monitoring points (including all background/upgradient and Point of Compliance monitoring points);
- c. *Groundwater Movement*—An evaluation of perennial direction(s) of groundwater movement within the uppermost zone(s);
- d. *Statistical Method for Concentration Limits*—A proposed statistical method for calculating Concentration Limits for Monitoring Parameters and Five-Year COCs (see § 0) detected in at least 10 percent of the background data (naturally-occurring constituents) using a statistical procedure from subdivisions (e)(8)(A)-(D) or (e)(8)(E) of Title 27, section 20415; and
- e. *Retesting Procedure*—A retesting procedure to confirm or deny measurably significant evidence of a release (Title 27, §§ 20415(e)(8)(E), 20420(j)(1)-(3)).

5. General Reporting Provisions

a. Transmittal Letters

Each report submitted under this MRP shall be accompanied by a Transmittal Letter providing a brief overview of the enclosed report, as well as the following:

- i. Any violations found since the last report was submitted, a description of all actions undertaken to correct the violation (referencing any previously submitted time schedules for compliance), and whether the violations were corrected; and
- ii. A statement from the submitting party, or its authorized agent, signed under penalty of perjury, certifying that, to the best of the signer's knowledge, the contents of the enclosed report are true, accurate and complete.

b. Monitoring Data and Reports

i. Electronic Submission via GeoTracker

All reports with monitoring data (e.g., SMRs and AMRs) shall be submitted electronically via the State Water Board's [Geotracker Database](https://geotracker.waterboards.ca.gov) (<https://geotracker.waterboards.ca.gov>). After uploading a report, the Discharger shall notify Central Valley Water Board staff via email at CentralValleyFresno@WaterBoards.ca.gov. The following information shall be included in the body of the email:

Attention:	Title 27 Unit
Report Title:	[Title of Report]
GeoTracker Global ID:	L10005791661
Facility Name:	Former Brine Pond
County:	Fresno County
CIWQS Place ID:	245945

ii. Data Presentation and Formatting

In reporting monitoring data, the Discharger shall arrange the data in tabular form so that the date, the constituents, the concentrations, and the units are readily discernible. Additionally, data shall be summarized in a manner that clearly illustrates compliance/noncompliance with WDRs.

iii. Non-Detections / Reporting Limits

Unless the reporting limits (RL) are specified in the same table, non-detections and sub-RL concentrations shall be reported as "< [limit]" (e.g., "< 5 µg/L").

iv. Units

Absent specific justification, all monitoring data shall be reported in the units specified herein.

c. Compliance with SPRRs

All reports submitted under this MRP shall comply with applicable provisions of the SPRRs, including those in Section I (Standard Monitoring Specifications) and Section J (Response to Release).

d. Additional Requirements for Monitoring Reports

Every monitoring report submitted under this MRP (e.g., SMRs [§ E.1], AMRs [§ E.2]) shall include a discussion of relevant field and laboratory tests, and the results of all monitoring conducted at the site shall be reported to the Central Valley Water Board in accordance with the reporting schedule above for the calendar period in which samples were taken or observations made.

E. Record Retention Requirements

The Discharger shall maintain permanent records of all monitoring information, including without limitation: calibration and maintenance records; original strip chart recordings of continuous monitoring instrumentation; copies of all reports required by this MRP; and records of all data used to complete the application for WDRs. Such records shall be legible, and show the following for each sample:

1. Sample identification and the monitoring point or background monitoring point from which it was taken, along with the identity of the individual who obtained the sample;
2. Date, time and manner of sampling;
3. Date and time that analyses were started and completed, and the name of the personnel and laboratory performing each analysis;
4. A complete list of procedures used (including method of preserving the sample, and the identity and volumes of reagents used);
5. A calculation of results; and
6. The results of all analyses, as well as the MDL and PQL for each analysis (all peaks shall be reported).

ENFORCEMENT

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, 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 Valley Water Board reserves its right to take any enforcement actions authorized by law.

ADMINISTRATIVE REVIEW

Any person aggrieved by this Central Valley Water Board action may petition the State Water Board for review in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. To be timely, the petition must be received by the State Water Board by 5:00 pm on the 30th day after the date of this Order; if the 30th day falls on a Saturday, Sunday or state holiday, the petition must be received by the State Water Board by 5:00 pm on the next business day. The law and regulations applicable to filing petitions are available on the [State Water Board website](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) (http://www.waterboards.ca.gov/public_notices/petitions/water_quality). Copies will also be provided upon request.