

AC



EDMUND G. BROWN JR.  
GOVERNOR

MATHEW RODRIGUEZ  
SECRETARY FOR ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

October 17, 2012

Mr. Dae Nam  
Westlake Park Square, LLC  
137 North Larchmont Boulevard, Suite 517  
Los Angeles, CA 90004

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
CLAIM NO.: 7001 2510 0000 4661 3756

GENERAL WASTE DISCHARGE REQUIREMENTS FOR GROUNDWATER CLEANUP AT  
PETROLEUM HYDROCARBON FUEL, VOLATILE ORGANIC COMPOUND AND/OR  
HEXAVALENT CHROMIUM IMPACTED SITES  
H&S FOOD AND GAS (FORMER)  
2000 WEST 3<sup>RD</sup> STREET, LOS ANGELES (CASE NO. 900570125) (PRIORITY B – 1)  
(UST CLEANUP FUND NO. 6332) (OSCA NO. B – 115) (GLOBAL NO. T0603701135)  
(ORDER NO. R4-2007-0019; SERIES NO. 181; CI NO. 9771)

Dear Mr. Nam:

We have completed our review of your application for coverage under the General Waste Discharge Requirements (WDR) utilizing Oxygen Releasing Compound (ORC) for groundwater remediation.

The site is former H&S Food And Gas Mart located at the southwest corner of West 3<sup>RD</sup> Street and South Westlake Avenue at 2000 West 3<sup>RD</sup> Street in the City of Los Angeles, California (Figure 1) (Latitude: 34°N 3' 44.38"; Longitude: 118°W 16' 19.05"). Previously, the site was a mini-market and fuel dispensing facility. In September 1990, one 550-gallon waste oil, two 4,000-gallon gasoline, and two 8,000-gallon gasoline underground storage tanks, dispensers, and associated piping were removed. Currently, the site is being redeveloped as a multistory building with subterranean parking, retail space, and residential housing. To accommodate the redevelopment of the site, all on-site monitoring wells were abandoned in August 2011.

Several site assessments were conducted from 1990 to the present. Site investigations indicated soil and groundwater contamination beneath the site. The most recent monitoring data (August 2011) reported a maximum total petroleum hydrocarbon as gasoline (TPH<sub>G</sub>) concentration of 228,644 µg/L; benzene concentration of 7,383 µg/L; methyl tertiary butyl ether (MTBE) concentration of 12,922 µg/L; and tertiary butyl alcohol (TBA) concentration of 177,615 µg/L.

Our August 31, 2010, directive letter approved the "Remedial Action Plan/Technical Workplan" (RAP), dated July 14, 2010, submitted by the Reynolds Group. The RAP proposed the over-excavation and off-site disposal of approximately 12,000 cubic yards of petroleum hydrocarbon impacted soil and the application of approximately 3,900 pounds of ORC prior to backfilling.

MAJBA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles



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Regional Board staff has determined that the proposed discharge meets the conditions specified in Order No. R4-2007-0019, "*Revised General Waste Discharge Requirements for Groundwater Remediation at Petroleum Hydrocarbon Fuel, Volatile Organic Compound and/or Hexavalent Chromium Impacted Sites (General WDR)*," adopted by the Los Angeles Regional Water Quality Control Board on March 1, 2007.

Enclosed are your Waste Discharge Requirements, consisting of General WDRs Board Order No. 2007-0019 and Monitoring and Reporting Program No. CI-9771, and Standard Provisions.

The WDRs issued shall not be terminated until Regional Board staff determines the WDRs are no longer needed for the subject site.

When submitting monitoring or technical reports to the Regional Board per these requirements, please include a reference to Compliance File No. CI-9771 to assure that the reports are directed to the appropriate file and staff. Do not combine other reports with your monitoring reports. Submit each type of report as a separate document.

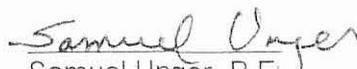
We are sending a copy of Order No. R4-2007-0019 only to the applicant. A copy of the Order will be furnished to anyone who requests it, or on line at:  
[http://www.waterboards.ca.gov/losangeles/board\\_decisions/adopted\\_orders/general\\_orders/r4-2007-0019/r4-2007-0019.pdf](http://www.waterboards.ca.gov/losangeles/board_decisions/adopted_orders/general_orders/r4-2007-0019/r4-2007-0019.pdf)

In accordance with regulations adopted by the State Water Resource Control Board (State Board) in September 2004 regarding electronic submittal of information (ESI), the Discharger has been electronically submitting Underground Storage Tank Program (UST) technical reports to the State Board GeoTracker system under the UST Global ID T0603701135. To comply with this MRP, the Discharger shall upload the MRP monitoring reports to Geotracker under both Global ID T0603701135 (continuing) and WDR 100001840 (new). For more information regarding the WDR Global ID, please see the ESI training video at:  
<https://waterboards.webex.com/waterboards/ldr.php?AT=pb&SP=MC&rID=44145287&rKey=7dad4352c990334b>

To avoid paying future annual fees, please submit a written request for termination of your enrollment under the general permit in a separate letter when your project has been completed and the permit is no longer needed. Be aware that the annual fee covers the fiscal year billing period beginning July 1 and ending June 30 of the following year. You are required to pay the full annual fee if your request of termination is made after the beginning of the fiscal year.

If you have any questions, please contact Mr. Eric Wu at (213) 620 – 6683 or [ewu@waterboards.ca.gov](mailto:ewu@waterboards.ca.gov). Questions regarding underground storage tank issues should be forwarded to Mr. Daniel P. Piroton at (213) 576 – 6714 or [dpirotton@waterboards.ca.gov](mailto:dpirotton@waterboards.ca.gov).

Sincerely,

  
Samuel Unger, P.E.  
Executive Officer

Mr. Dae Nam  
H&S Food And Mart (Former)  
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Enclosures: 1. Board Order No. R4-2007-0019  
2. Monitoring and Reporting Program No. CI-9771  
3. Standard Provisions

cc: Ms. Kathy Jundt, State Water Resource Control Board,  
Underground Storage Tank Cleanup Fund  
Ms. Puong Ly, Water Replenishment District of Southern California  
Captain Matthew Gatewood, Los Angeles City Fire Department,  
Underground Storage Tank Program  
Mr. Eloy Luna, Los Angeles City Fire Department,  
Underground Storage Tank Program  
Mr. Ed Reynolds, The Reynolds Group

STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION  
MONITORING AND REPORTING PROGRAM NO. CI-9771  
FOR  
WESTLAKE PARK SQUARE, LLC  
(FORMER H&S FOOD AND MART)  
2000 WEST 3<sup>RD</sup> STREET, LOS ANGELES, CA  
(ORDER NO. R4-2007-0019; SERIES NO. 181)

I. REPORTING REQUIREMENTS

- A. Westlake Park Square, LLC (hereinafter Discharger) shall implement this monitoring program on the effective date of the enrollment under Regional Board Order No. R4-2007-0019. The first monitoring report under this program shall be received at the Regional Board by **January 15, 2013**. Subsequent monitoring reports shall be received at the Regional Board according to the following schedule:

<u>Monitoring Period</u>	<u>Report Due</u>
January – June	July 15 <sup>th</sup>
July – December	January 15 <sup>th</sup>

- B. If there is no discharge or injection during any reporting period, the report shall so state.
- C. Laboratory analyses – all chemical, bacteriological, and toxicity analyses shall be conducted at a laboratory certified for such analyses by the California Department of Health Services Environmental Laboratory Accreditation Program (ELAP). A copy of the laboratory certification shall be provided each time a new and/or renewal certification is obtained from ELAP.
- D. The method limits (MLs) employed for effluent analyses shall be lower than the permit limits established for a given parameter, unless the Discharger can demonstrate that a particular ML is not attainable and obtains approval for a higher ML from the Regional Board Executive Officer (Executive Officer). The Discharger shall submit a list of the analytical methods employed for each test and the associated laboratory quality assurance/quality control (QA/QC) procedures upon request by the Regional Board.
- E. Groundwater samples must be analyzed within allowable holding time limits as specified in 40 CFR Part 136. All QA/QC samples must be run on the same dates when samples were actually analyzed. The Discharger shall make available for inspection and/or submit the QA/QC documentation upon request by Regional Board staff.
- F. Each monitoring report must affirm in writing that “All analyses were conducted at a laboratory certified for such analyses by the California Department of Health Services and in accordance with current United States Environmental Protection Agency (USEPA) guideline procedures or as specified in this Monitoring Program.” Proper chain of custody procedures must be followed and a copy of the completed chain of custody form shall be submitted with the report.

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- G. Each monitoring report shall contain a separate section titled "Summary of Non-Compliance" which discusses the compliance record and the corrective actions taken or planned that may be needed to bring the discharge into full compliance with WDRs. This section shall be located at the front of the report and shall clearly list all non-compliance with WDRs, as well as all excursions of effluent limitations.
- H. The Discharger shall maintain all sampling and analytical results: date, exact place, and time of sampling; dates analyses were performed; analyst's name; analytical techniques used; and results of all analyses. Such records shall be retained for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge, or when requested by the Regional Board.
- I. If the Discharger performs analyses on any groundwater samples more frequently than required by this Order using approved analytical methods, the results of those analyses shall be included in the report.
- J. In reporting the monitoring data, the Discharger shall arrange the data in tabular form so that the date, the constituents, and the concentrations are readily discernible. The data shall be summarized to demonstrate compliance with the requirements and, where applicable, shall include results of receiving water observations.
- K. In accordance with regulations adopted by the State Water Resource Control Board (State Board) in September 2004 regarding electronic submittal of information (ESI), the Discharger has been electronically submitting Underground Storage Tank Program (UST) technical reports to the State Board GeoTracker system under the UST Global ID T0603701135. To comply with this MRP, the Discharger shall upload the MRP monitoring reports to Geotracker under both Global ID T0603701135 (continuing) and WDR100001840 (new).

## II. OXYGEN RELEASING COMPOUND MONITORING REQUIREMENTS

The semi-annual reports shall contain the following information:

1. Location map showing application area.
2. Written summary defining:
  - Depth of ORC application and depth to groundwater;
  - Quantity of ORC per area; and
  - Total amount of ORC applied at the site.
3. Groundwater monitoring wells shall not be used as ORC injection points to avoid reduction of groundwater monitoring network, data bias, well screen clogging and alternation.

III. GROUNDWATER MONITORING PROGRAM

A groundwater-monitoring program shall be designed to detect and evaluate impacts associated with the ORC application. The monitoring program shall consist of proposed up-gradient wells MW-5R and MW-6R (Figure 2); proposed source wells MW-10R, MW-14R, and MW-16R (Figure 2); and down-gradient wells MW-19, MW-20, MW-21 and MW-23 (Figure 1). A baseline monitoring and sampling shall be conducted one or two weeks prior to the proposed ORC application. Baseline monitoring will establish the initial conditions with respect to the contaminant levels. These sampling stations shall not be changed and any proposed change of monitoring locations shall be identified and approved by the Executive Officer. The Discharger shall conduct baseline sampling one or two weeks prior to ORC application and regular sampling with the required frequencies from the up-gradient, down-gradient, and source monitoring wells for the following constituents:

<u>CONSTITUENT</u>	<u>UNITS</u> <sup>1</sup>	<u>TYPE OF SAMPLE</u>	<u>MINIMUM FREQUENCY OF ANALYSIS</u>
pH <sup>2</sup>	PH units	Grab	Semi-Annually
Temperature <sup>2</sup>	<sup>o</sup> F	Grab	Semi-Annually
Oxidation-reduction potential <sup>2</sup>	Milivolts	Grab	Semi-Annually
Specific conductivity <sup>2</sup>	μmhos/cm	Grab	Semi-Annually
Ferrous iron	μg/L	Grab	Semi-Annually
Dissolved Oxygen <sup>2</sup>	μg/L	Grab	Semi-Annually
MTBE	μg/L	Grab	Semi-Annually
Tert-Butyl Alcohol (TBA)	μg/L	Grab	Semi-Annually
Di-isopropyl Ether (DIPE)	μg/L	Grab	Semi-Annually
Ethyl-t-Butyl Ether (ETBE)	μg/L	Grab	Semi-Annually
Tert-Amyl-Methyl Ether (TAME)	μg/L	Grab	Semi-Annually
Acetone	μg/L	Grab	Semi-Annually
Formaldehyde	μg/L	Grab	Semi-Annually
Total Petroleum Hydrocarbons as gasoline (TPH <sub>G</sub> )	μg/L	Grab	Semi-Annually
Carbon tetrachloride	μg/L	Grab	Semi-Annually
Benzene	μg/L	Grab	Semi-Annually
Ethylbenzene	μg/L	Grab	Semi-Annually
Toluene	μg/L	Grab	Semi-Annually

Total xylenes	µg/L	Grab	Semi-Annually
Naphthalene	µg/L	Grab	Semi-Annually
Methane	µg/L	Grab	Semi-Annually
Total organic carbon	µg/L	Grab	Semi-Annually
Total dissolved solids	mg/L	Grab	Semi-Annually
Sulfate	mg/l	Grab	Semi-Annually
Chloride	mg/L	Grab	Semi-Annually
Boron	mg/L	Grab	Semi-Annually
Carbon dioxide	mg/L	Grab	Semi-Annually
Manganese	µg/L	Grab	Semi-Annually
Total iron	µg/L	Grab	Semi-Annually
Alkalinity	µg/L	Grab	Semi-Annually
Chromium (VI) <sup>3</sup>	mg/L	Grab	Semi-Annually <sup>3</sup>
Total Chromium <sup>3</sup>	mg/L	Grab	Semi-Annually <sup>3</sup>

<sup>1</sup> mg/L: milligrams per liter; µg/L: micrograms per liter; µmhos/cm: microohms per centimeter; °F: degree Fahrenheit.

<sup>2</sup> Field instrument will be used to test for this constituent.

<sup>3</sup> The Discharger is required to monitor for total chromium and chromium six in the baseline, second and fourth semi-annual sampling. If detected at any of these sampling events, the total chromium and chromium six must be monitored semi-annually thereafter.

All groundwater monitoring reports must include, at minimum, the following:

- a. Well identification, date and time of sampling;
- b. Sampler identification, and laboratory identification;
- c. Quarterly observation of groundwater levels, recorded to 0.01 feet mean sea level and groundwater flow direction.

#### IV. MONITORING FREQUENCIES

Specifications in this monitoring program are subject to periodic revisions. Monitoring requirements may be modified or revised by the Executive Officer based on review of monitoring data submitted pursuant to this Order. Monitoring frequencies may be adjusted to a less frequent basis or parameters and locations dropped by the Executive Officer if the Discharger makes a request and the request is backed by statistical trends of monitoring data submitted.

V. CERTIFICATION STATEMENT

Each report shall contain the following declaration:

"I certify under penalty of law that this document, including all attachments and supplemental information, was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_.

\_\_\_\_\_ (Signature)

\_\_\_\_\_ (Title)"

VI. PUBLIC DOCUMENTS

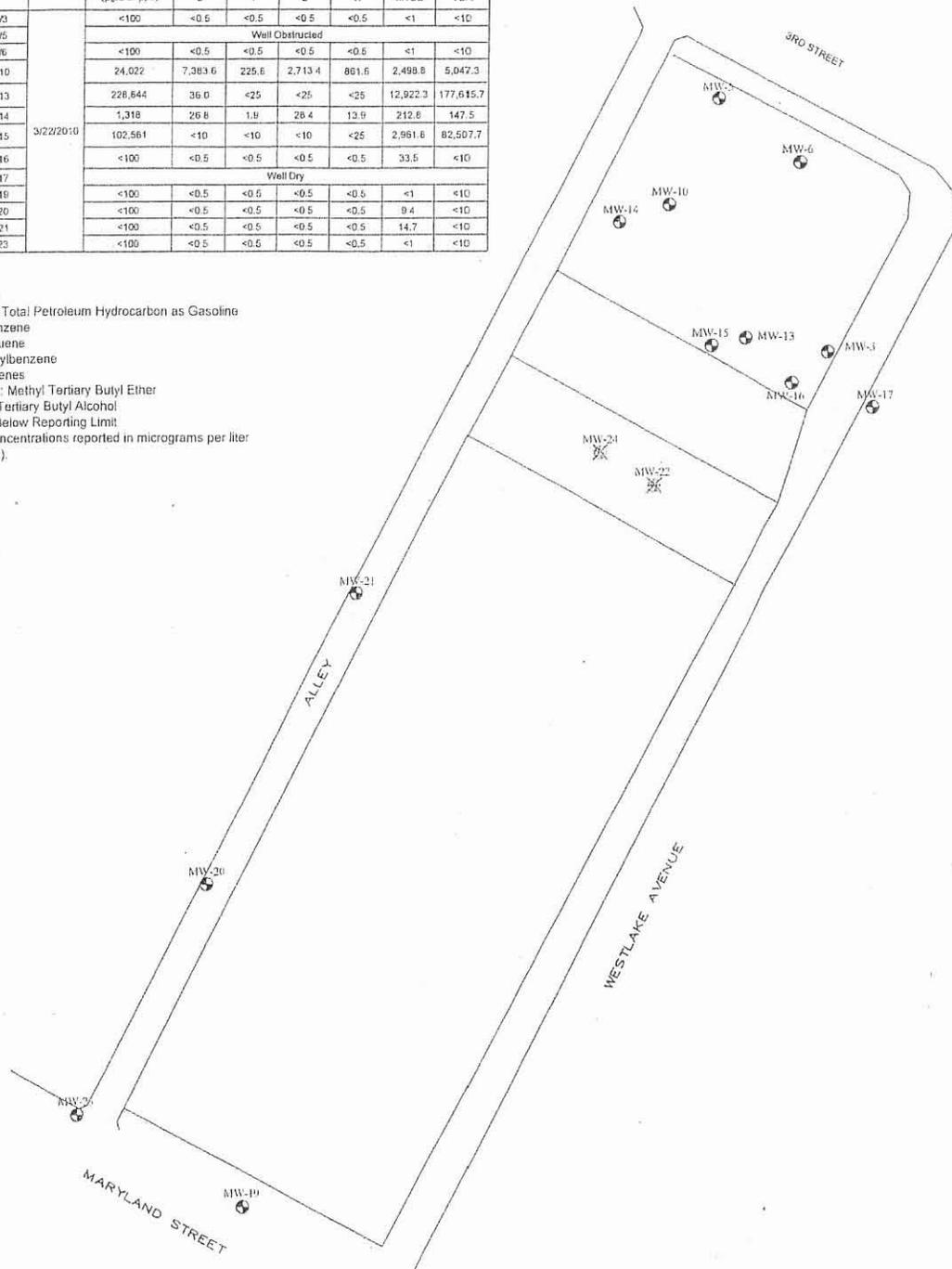
These records and reports are public documents and shall be made available for inspection during normal business hours at the office of the California Regional Water Quality Control Board, Los Angeles Region.

Ordered by: Samuel Unger  
Samuel Unger, P.E.  
Executive Officer

Date: October 17, 2012

SAMPLE ID	SAMPLE DATE	EPA 8015		EPA 8260B (µg/L or ppb)					
		TPH-GASOLINE		B	T	E	X	MTBE	TBA
		(µg/L or ppb)							
MW3		<100	<0.5	<0.5	<0.5	<0.5	<1	<10	
MW5		Well Obstructed							
MW6		<100	<0.5	<0.5	<0.5	<0.5	<1	<10	
MW10		24,022	7,383.6	225.8	2,713.4	861.6	2,498.8	5,047.3	
MW13		228,644	36.0	<25	<25	<25	12,922.3	177,615.7	
MW14		1,318	26.8	1.9	26.4	13.9	212.6	147.5	
MW15	3/22/2010	102,561	<10	<10	<10	<25	2,961.6	82,507.7	
MW16		<100	<0.5	<0.5	<0.5	<0.5	33.5	<10	
MW17		Well Dry							
MW19		<100	<0.5	<0.5	<0.5	<0.5	<1	<10	
MW20		<100	<0.5	<0.5	<0.5	<0.5	9.4	<10	
MW21		<100	<0.5	<0.5	<0.5	<0.5	14.7	<10	
MW23		<100	<0.5	<0.5	<0.5	<0.5	<1	<10	

Notes:  
 -TPH : Total Petroleum Hydrocarbon as Gasoline  
 -B: Benzene  
 -T: Toluene  
 -E: Ethylbenzene  
 -X: Xylenes  
 -MTBE: Methyl Tertiary Butyl Ether  
 -TBA: Tertiary Butyl Alcohol  
 -<#: Below Reporting Limit  
 -All concentrations reported in micrograms per liter (µg/L).



Project Details	
Name	H2S Foods
Address	2000 West 3rd St., Los Angeles, CA
Number	4976
Company Information	
Address	520 West 1st Street,ustin, CA
Telephone	(714) 750-8897
Fax	(714) 750-6476



Figure Details	
SITE PLAN WITH GROUNDWATER RESULTS	
Figure #	Figure 1
Revised Date	March 28, 2011
Scale	1" = 60'

General Notes	
	- Groundwater Monitoring Well Location
	- Vapor Extraction Well Location
	- Air Spares Well Location
	- Wells Abandoned



WEST 3RD STREET

SOUTH WESTLAKE AVENUE

ALLEY

APARTMENT BUILDING

- General Notes**
- MW-1 - Groundwater Monitoring Well Location to be Abandoned ( 9 Wells)
  - AS-1 - Air Separating Well Location to be Abandoned ( 2 Wells)
  - MW-SR - Reinstalled Groundwater Monitoring Wells ( 5 Wells)

**Project Details**

Name: H&S Food and Gas  
Address: 2000 W. 3rd St., Los Angeles, CA  
Number: 4976

**Figure Details**

Figure 1: SITE PLAN WITH ABANDONED WELLS AND PROPOSED NEW WELLS FOLLOWING EXCAVATION

Figure 2: Figure 2

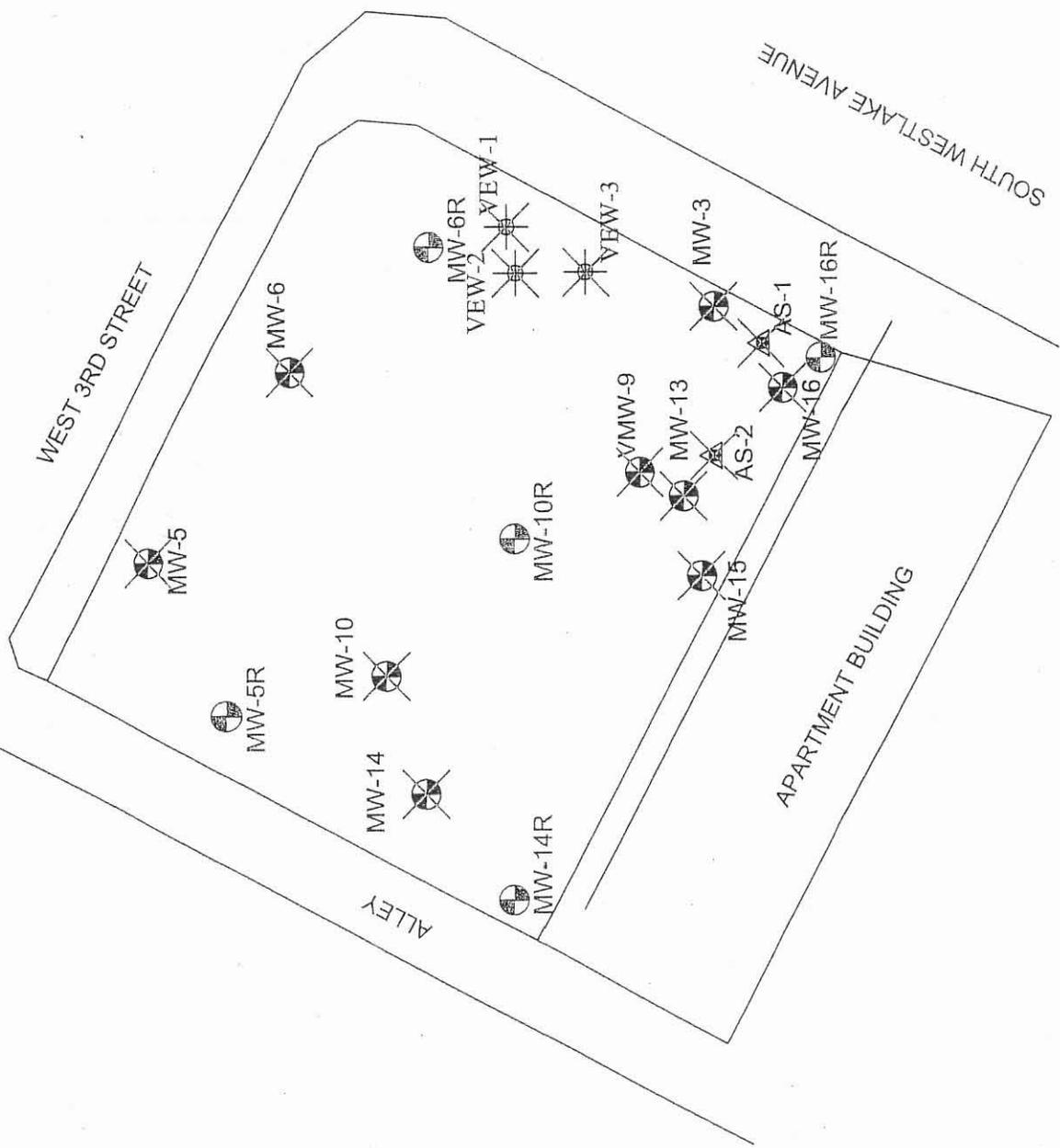
Revision Date: November 2011

Scale: 1" = 40'

Approximate Scale

**Company Information**

Address: 520 West 1st Street, Los Angeles, CA 92780  
Telephone: (714) 750-5597  
Fax: (714) 750-6476



STANDARD PROVISIONS  
APPLICABLE TO WASTE DISCHARGE REQUIREMENTS

1. DUTY TO COMPLY

The discharger must comply with all conditions of these waste discharge requirements. A responsible party has been designated in the Order for this project, and is legally bound to maintain the monitoring program and permit. Violations may result in enforcement actions, including Regional Board orders or court orders requiring corrective action or imposing civil monetary liability, or in modification or revocation of these waste discharge requirements by the Regional Board. [CWC Section 13261, 13263, 13265, 13268, 13300, 13301, 13304, 13340, 13350]

2. GENERAL PROHIBITION

Neither the treatment nor the discharge of waste shall create a pollution, contamination or nuisance, as defined by Section 13050 of the California Water Code (CWC). [H&SC Section 5411, CWC Section 13263]

3. AVAILABILITY

A copy of these waste discharge requirements shall be maintained at the discharge facility and be available at all times to operating personnel. [CWC Section 13263]

4. CHANGE IN OWNERSHIP

The discharger must notify the Executive Officer, in writing at least 30 days in advance of any proposed transfer of this Order's responsibility and coverage to a new discharger containing a specific date for the transfer of this Order's responsibility and coverage between the current discharger and the new discharger. This agreement shall include an acknowledgement that the existing discharger is liable for violations up to the transfer date and that the new discharger is liable from the transfer date on. [CWC Sections 13267 and 13263]

5. CHANGE IN DISCHARGE

In the event of a material change in the character, location, or volume of a discharge, the discharger shall file with this Regional Board a new Report of Waste Discharge. [CWC Section 13260(c)]. A material change includes, but is not limited to, the following:

- (a) Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the Waste.

November 7, 1990  
WDR

Standard Provisions Applicable to  
Waste Discharge Requirements

- (b) Significant change in disposal method, e.g., change from a land disposal to a direct discharge to water, or change in the method of treatment which would significantly alter the characteristics of the waste.
- (c) Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area significantly removed from the original area potentially causing different water quality or nuisance problems.
- (d) Increase in flow beyond that specified in the waste discharge requirements.
- (e) Increase in the area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. [CCR Title 23 Section 2210]

6. REVISION

These waste discharge requirements are subject to review and revision by the Regional Board. [CCR Section 13263]

7. TERMINATION

Where the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the Regional Board, it shall promptly submit such facts or information. [CWC Sections 13260 and 13267]

8. VESTED RIGHTS

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, do not protect the discharger from his liability under Federal, State or local laws, nor do they create a vested right for the discharger to continue the waste discharge. [CWC Section 13263(g)]

9. SEVERABILITY

Provisions of these waste discharge requirements are severable. If any provision of these requirements are found invalid, the remainder of the requirements shall not be affected. [CWC Section 921]

Standard Provisions Applicable to  
Waste Discharge Requirements

10. OPERATION AND MAINTENANCE

The discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with conditions of this Order. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Order. [CWC Section 13263(f)]

11. HAZARDOUS RELEASES

Except for a discharge which is in compliance with these waste discharge requirements, any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with Section 8574.7) of Chapter 7 of Division 1 of Title 2 of the Government Code, and immediately notify the State Board or the appropriate Regional Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of Section 13271 of the Water Code unless the discharger is in violation of a prohibition in the applicable Water Quality Control plan. [CWC Section 1327(a)]

12. PETROLEUM RELEASES

Except for a discharge which is in compliance with these waste discharge requirements, any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Article 3.5 (commencing with Section 8574.1) of Chapter 7 of Division 1 of Title 2 of the Government Code. This provision does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Section 311 of the Clean Water Act or the discharge is in violation of a prohibition in the applicable Water Quality Control Plan. [CWC Section 13272]

Standard Provisions Applicable to  
Waste Discharge Requirements

13. ENTRY AND INSPECTION

The discharger shall allow the Regional Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:

- (a) Enter 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 this Order; and
- (d) Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order, or as otherwise authorized by the California Water Code, any substances or parameters at any location. [CWC Section 13267]

14. MONITORING PROGRAM AND DEVICES

The discharger shall furnish, under penalty of perjury, technical monitoring program reports; such reports shall be submitted in accordance with specifications prepared by the Executive Officer, which specifications are subject to periodic revisions as may be warranted. [CWC Section 13267]

All monitoring instruments and devices used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy. All flow measurement devices shall be calibrated at least once per year, or more frequently, to ensure continued accuracy of the devices. Annually, the discharger shall submit to the Executive Office a written statement, signed by a registered professional engineer, certifying that all flow measurement devices have been calibrated and will reliably achieve the accuracy required.

Unless otherwise permitted by the Regional Board Executive officer, all analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. The Regional Board Executive Officer may allow use of an uncertified laboratory under exceptional circumstances, such as when the closest laboratory to the monitoring location is outside the State boundaries and therefore not subject to certification. All analyses shall be required to be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants" [40CFR Part 136] promulgated by the U.S. Environmental Protection Agency. [CCR Title 23, Section 2230]

Standard Provisions Applicable to  
Waste Discharge Requirements

15. TREATMENT FAILURE

In an enforcement action, it shall not be a defense for the discharger that it would have been necessary to halt or to reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the treatment facility, the discharger shall, to the extent necessary to maintain compliance with this Order, control production or all discharges, or both, until the facility is restored or an alternative method of treatment is provided. This provision applies, for example, when the primary source of power of the treatment facility fails, is reduced, or is lost. [CWC Section 13263(f)]

16. DISCHARGE TO NAVIGABLE WATERS

Any person discharging or proposing to discharge to navigable waters from a point source (except for discharge of dredged or fill material subject to Section 404 of the Clean Water Act and discharge subject to a general NPDES permit) must file an NPDES permit application with the Regional Board. [CCR Title 2 Section 22357]

17. ENDANGERMENT TO HEALTH AND ENVIRONMENT

The discharger shall report any noncompliance which may endanger health or the environment. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. The following occurrence(s) must be reported to the Executive Office within 24 hours:

- (a) Any bypass from any portion of the treatment facility.
- (b) Any discharge of treated or untreated wastewater resulting from sewer line breaks, obstruction, surcharge or any other circumstances.
- (c) Any treatment plan upset which causes the effluent limitation of this Order to be exceeded. [CWC Sections 13263 and 13267]

18. MAINTENANCE OF RECORDS

The discharger shall retain records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and record of all data used

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to complete the application for this Order. Records shall be maintained for a minimum of three years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board Executive Officer.

Records of monitoring information shall include:

- (a) The date, exact place, and time of sampling or measurement;
  - (b) The individual(s) who performed the sampling or measurement;
  - (c) The date(s) analyses were performed;
  - (d) The individual(s) who performed the analyses;
  - (e) The analytical techniques or method used; and
  - (f) The results of such analyses.
19. (a) All application reports or information to be submitted to the Executive Office shall be signed and certified as follows:
- (1) For a corporation – by a principal executive officer or at least the level of vice president.
  - (2) For a partnership or sole proprietorship – by a general partner or the proprietor, respectively.
  - (3) For a municipality, state, federal, or other public agency – by either a principal executive officer or ranking elected official.
- (b) A duly authorized representative of a person designated in paragraph (a) of this provision may sign documents if:
- (1) The authorization is made in writing by a person described in paragraph (a) of this provision.
  - (2) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated facility or activity; and
  - (3) The written authorization is submitted to the Executive Officer.

Any person signing a document under this Section shall make the following certification:

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"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. [CWC Sections 13263, 13267, and 13268]"

20. OPERATOR CERTIFICATION

Supervisors and operators of municipal wastewater treatment plants and privately owned facilities regulated by the PUC, used in the treatment or reclamation of sewage and industrial waste shall possess a certificate of appropriate grade in accordance with Title 23, California Code of Regulations Section 3680. State Boards may accept experience in lieu of qualification training. In lieu of a properly certified wastewater treatment plant operator, the State Board may approve use of a water treatment plant operator of appropriate grade certified by the State Department of Health Services where reclamation is involved.

Each plant shall be operated and maintained in accordance with the operation and maintenance manual prepared by the municipality through the Clean Water Grant Program [CWC Title 23, Section 2233(d)]

ADDITIONAL PROVISIONS APPLICABLE TO  
PUBLICLY OWNED TREATMENT WORKS' ADEQUATE CAPACITY

21. Whenever a publicly owned wastewater treatment plant will reach capacity within four years the discharger shall notify the Regional Board. A copy of such notification shall be sent to appropriate local elected officials, local permitting agencies and the press. The discharger must demonstrate that adequate steps are being taken to address the capacity problem. The discharger shall submit a technical report to the Regional Board showing flow volumes will be prevented from exceeding capacity, or how capacity will be increased, within 120 days after providing notification to the Regional Board, or within 120 days after receipt of notification from the Regional Board, of a finding that the treatment plant will reach capacity within four years. The time for filing the required technical report may be extended by the Regional Board. An extension of 30 days may be granted by the Executive Officer, and longer extensions may be granted by the Regional Board itself. [CCR Title 23, Section 2232]