

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD COLORADO RIVER BASIN REGION

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ORDER R7-2022-0028



Order Information

Dischargers: Coachillin Energy Company LLC
Facility: Coachillin' Industrial Cultivation & Ancillary Canna-Business Park
Address: N. Indian Canyon Drive between 18th and 19th Avenues
County: Riverside County
WDID: 7A331366001
GeoTracker ID: WDR100039708

I, PAULA RASMUSSEN, 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, Colorado River Basin Region, on June 14, 2022.

Original Signed by _____

PAULA RASMUSSEN
Executive Officer

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ORDER R7-2022-0028
COACHILLIN ENERGY COMPANY LLC
WASTEWATER TREATMENT AND DISPOSAL FACILITY

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

ORDER R7-2022-0028

WASTE DISCHARGE REQUIREMENTS
FOR
COACHILLIN ENERGY COMPANY LLC, OWNER AND OPERATOR
COACHILLIN' INDUSTRIAL CULTIVATION & ANCILLARY CANNA-BUSINESS PARK
WASTEWATER TREATMENT AND DISPOSAL FACILITY
DESERT HOT SPRINGS, RIVERSIDE COUNTY

The California Regional Water Quality Control Board, Colorado River Basin Region (Regional Water Board) hereby makes the following Findings:

1. Coachillin Energy Company LLC (Discharger) owns and operates the Coachillin' Industrial Cultivation & Ancillary Canna-Business Park (Business Park). The domestic wastewater from the Business Park is treated and discharged on Assessor's Parcel Number 666-630-019 (Parcel -019) owned by Moreland CA Properties and located 1,400 feet east of the southeast corner of the Business Park. The Business Park and Parcel -019 are collectively referred to as the Facility. The Facility is assigned California Integrated Water Quality System (CIWQS) WDID 7A331366001 and GeoTracker Global Identification WDR100039708.
2. The Facility is located east of North Indian Canyon Drive, between 18th and 19th Avenues, in Desert Hot Springs, California. The Business Park is approximately square in shape, totals approximately 160 acres, and has been subdivided into numerous Assessor's Parcel Numbers. Parcel -019 totals 2.98 acres. The longitude and latitude coordinates for Parcel -019 are 33.911 North and 116.532 West, respectively. The Facility location is shown in **Attachment A** – Vicinity Map, incorporated herein and made part of the Order by reference.
3. The Facility was enrolled in the State Water Resources Control Board's (State Water Board) *General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems*, Order WQ-2014-0153-DWQ-R7002 (Small Domestic General Order). The Regional Water Board through the Executive Officer issued an initial Notice of Applicability (NOA) on December 5, 2017, enrolling the Facility under the Small Domestic General Order, and later issued a Revised NOA on February 14, 2019. However, Regional Water Board staff subsequently determined that site specific conditions required the discharge be regulated under individual waste discharge requirements (WDRs).
4. The Facility was then issued Waste Discharge Requirements (WDRs) on November 12, 2020, as Order R7-2020-0029. That Order identified the

discharge location as being in the southwest portion of the Business Park rather than on Parcel -019.

5. On June 22, 2021, the Discharger submitted a Form 200 and a Board Order Transfer Request Form to inform the Regional Water Board of a change in ownership and update the treatment and discharge location. This Order updates the ownership and location information for the Facility and supersedes the prior order (upon the effective date of this Order), except for enforcement purposes.

Facility Operations and Wastewater Treatment

6. The approximately 160-acre Business Park is a cooperative “canna-business” compound that, upon full build-out, will feature more than 3,000,000 square feet of cannabis cultivation, manufacturing, processing, laboratory testing, distribution, and touring/education facilities.
7. A wastewater treatment and disposal facility (WWTF) was installed on Parcel - 019 to treat domestic wastewater generated at the Business Park. The layout of the WWTF is depicted in **Attachment B** and is described below.
 - a. Domestic wastewater from the Business Park is collected via an onsite sewer pipeline network and flows by gravity to a sewer main located under Avenue 19 along the southern boundary of the Business Park. The sewer main drains by gravity eastward under Avenue 19 to just south of Parcel - 019, where it is diverted to a wet well located in the southeastern portion of Parcel -019.
 - b. Wastewater collects in the wet well until a pump is triggered, which pumps the wastewater from the wet well into an adjacent 10,000-gallon meander tank for pretreatment, which removes settleable solids and floating debris.
 - c. Effluent from the meander tank flows into two Orenco System AdvanTex Ax-Max treatment system modules with a combined treatment capacity of 7,500 gallons per day (gpd) and a peak flow rating of 15,000 gpd. The two Orenco modules consist of one AX-MAX300-42 module and one AX-MAX275-42 module. These AX-Max systems provide “primary” treatment that removes significant amounts of nutrients, biochemical oxygen demand (BOD), and total suspended solids (TSS). Bacteria within these systems oxidize organic nitrogen, ammonia (NH₃) and nitrite (NO₂) into nitrate (NO₃).
 - d. The effluent from the AX-Max modules is routed into a 7,500-gallon MBBRd+AX-MAX125-21 module for advanced (“secondary”) treatment, where a different type of bacteria reduces the nitrate (NO₃) into gaseous nitrogen (N₂) in a process sometimes referred to as “mineralization” or “denitrification”.

- e. Effluent from the MBBRd+AX-MAX125-21 system is pumped uphill to a leach field located in the northern portion of Parcel -019 for disposal. The leach field is approximately 200 feet wide by 150 feet long.
8. Mission Springs Water District (MSWD) is currently constructing a 1.5-million gpd regional Wastewater Treatment Plant (WWTP) on Little Morongo Road, about a half mile east of the Facility. The WWTP is expected to be ready to receive wastewater sometime in 2023. The Discharger has proposed connecting to MSWD's WWTP when it becomes available.

Hydrogeologic Conditions

9. Average annual precipitation for the area is about 4 inches, while average annual evaporation is over 80 inches. Temperatures in the area can reach 120° F during the summer.
10. Soils beneath the disposal areas consist of sands, silty sands, and gravelly sands.
11. One groundwater monitoring well was installed downgradient of the WWTF in 2019, before the WWTF was installed. The depth to groundwater in this well was 172.5 feet on June 8, 2021.
12. MSWD provides potable water service from a well located northeast of the Facility.
13. An onsite irrigation well located on APN 666-340-026 (as shown in Attachment A, Vicinity Map) provides irrigation water for the cannabis crops and non-potable use. Water pumped from the onsite irrigation well is stored in a water storage pond before being distributed for use.

Groundwater and Wastewater Monitoring

14. Wastewater samples are collected on a monthly basis before and after treatment (influent and effluent, respectively) to evaluate the effectiveness of the treatment process. These samples are analyzed for waste-related constituents, including Total Suspended Solids (TSS), Biological Oxygen Demand (BOD), Total Dissolved Solids (TDS), nitrate (NO₃), nitrite (NO₂), and total Kjeldahl nitrogen (TKN, which is nitrogen bound within organic molecules).
15. Chemical testing results for TSS and BOD indicate the treatment process is reducing the concentrations of these parameters to below discharge limits. Chemical testing results for TDS indicate the treatment process is not reducing TDS concentrations, which is to be expected, and that the TDS of the effluent periodically exceeds discharge limits. These results are summarized below as Table 1.

Table 1. Influent and effluent concentrations for TSS, BOD and TDS

Date	TSS Inf.	TSS Eff.	BOD Inf.	BOD Eff.	TDS Inf.	TDS Eff.
5/25/2021	160	11	90	ND	450	380
6/8/2021	140	12	110	54	440	470
7/27/2021	130	7	150	ND	--	430
8/31/2021	240	2	170	ND	590	500
10/26/2021	620	7	150	19	700	580
11/23/2021	140	ND	69	ND	580	610
12/14/2021	180	ND	97	9.7	680	690
1/4/2022	320	4	370	ND	690	560
2/2/2022	880	ND	510	ND	800	690
Limit	--	30	--	30	--	580

ND means not detected.
 NA means not applicable
 Inf. means influent
 Eff. means effluent

16. Chemical testing results for nitrogen indicate that the treatment process is not reducing nitrogen to below discharge limits. Initially, nitrogen remained primarily as TKN, which is nitrogen still bound within organics. More recently, the TKN is being reduced to nitrate, but does not meet the nitrate limit of 10 mg/L. These results are summarized below as Table 2.

Table 2. Influent and Effluent concentrations for various forms of nitrogen

Date	TKN Inf.	TKN Eff.	NO2 Inf.	NO2 Eff.	NO3 Inf.	NO3 Eff.	Total N Inf.	Total N Eff.
5/25/2021	65	32	<0.1	<0.1	<0.20	<0.20	65	32
6/8/2021	36	39	<0.1	6.7	<0.20	0.23	36	46
7/27/2021	180	22	<0.1	0.7	<0.20	1.7	180	24
8/31/2021	97	22	<0.1	11	<0.20	11	97	45
10/26/2021	160	27	<0.1	<0.1	<0.20	5.5	160	32
11/23/2021	140	6.5	<0.1	0.1	<0.20	39	140	46
12/14/2021	15	1.4	<0.1	6.7	<0.20	44	15	53
1/4/2022	120	0.9	<0.1	0.2	0.31	45	120	46
2/2/2022	180	<0.1	<0.1	<0.1	<0.20	50	180	50
Limit	--	--	--	1	--	10	--	10

TKN means total Kjeldahl nitrogen
 NO2 means Nitrite (NO₂)
 NO3 means Nitrate (NO₃)
 Inf. means influent
 Eff. means effluent

17. The quantity of wastewater generated by the Facility averaged less than 800 gallons per day (gpd) between August 2021 and February 2022, which is about 10 percent of the design flow rate. The Discharger states that the low flow rate is responsible for the system failing to meet discharge limits for nitrogen.
18. The Discharger installed one groundwater monitoring well in 2019 to monitor the potential impact of the proposed wastewater disposal. The well was installed immediately downgradient of the WWTS, at the location shown on **Attachment B**.
19. Data collected from the fourth quarter of 2019 to the third quarter of 2020 provides ambient background groundwater conditions.
20. Groundwater samples are currently collected semi-annually. The initial testing results and the results from 2021 are almost identical, as summarized below in Table 3. These results indicate that as of December 2021, the discharge has not adversely affected groundwater.

Table 3. Groundwater Monitoring Well data

Constituents	Background Low Conc.	Background High Conc.	2021 1st Semi-Annual	2021 2nd Semi-Annual
pH (standard units)	7.4	7.4	7.59	7.63
Total Dissolved Solids (mg/L)	190	220	210	210
Nitrate (mg/L)	<0.20	<0.20	<0.20	<0.20
Sodium (mg/L)	33	34	35	34
Chloride (mg/L)	3.6	4.3	4	4.7
Total Coliform (MPN/100 ml)	<1.8	1.1	<1.8	4.5
Depth to Groundwater (ft)	176.8	172.0	172.5	172.5

Notes: Background sampling occurred from the 4th quarter 2019 and the 3rd quarter of 2020.

Basin Plan, Beneficial Uses, and Regulatory Considerations

21. The Water Quality Control Plan for the Colorado River Basin Region (Basin Plan)¹ designates beneficial uses, establishes water quality objectives (WQOs), and contains implementation programs and policies to achieve those WQOs for all waters addressed through the plan. Pursuant to Water Code section 13263, subdivision (a), WDRs must implement the Basin Plan and take into consideration the beneficial uses to be protected, the WQOs reasonably required for that

¹ The Basin Plan was adopted on November 17, 1993, and most recently amended on January 8, 2019.

purpose, other waste discharges, the need to prevent nuisance, and the provisions of Water Code section 13241.

22. The Facility is located within the Mission Creek Subarea of the Coachella Hydrologic Subunit, and the Basin Plan designates the following beneficial uses for groundwater:
 - a. Municipal and Domestic Supply (MUN),
 - b. Industrial Services Supply (IND), and
 - c. Agricultural Supply (AGR).
23. This Order establishes WDRs pursuant to division 7, chapter 4, article 4 of the Water Code for discharges that are not subject to regulation under Clean Water Act section 402 (33 U.S.C. § 1342).
24. These WDRs implement the Basin Plan's numeric and narrative WQOs for groundwater and surface waters established by the Basin Plan and other applicable state and federal laws and policies. The numeric WQOs for MUN-designated groundwater include the maximum contaminant levels (MCLs) for drinking water specified in California Code of Regulations, title 22 (Title 22), section 64421 et seq. The Basin Plan also contains a narrative WQO that MUN-designated groundwater shall not contain taste- or odor-producing substances at concentrations that adversely affect beneficial uses as a result of human activity.
25. It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. (Wat. Code, § 106.3.) This Order promotes that policy by requiring discharges to meet MCLs protective human health, ensuring that water is safe for domestic use.
26. The discharge authorized by this Order, except for discharges of residual sludge and solid waste, are exempt from the solid waste requirements of California Code of Regulations, title 27, section 20005 et seq. (Title 27). This exemption is based on section 20090, subdivisions (a) and (b) of Title 27, which provides that discharges of domestic sewage or wastewater to land, including but not limited to evaporation ponds, percolation ponds, or subsurface leach fields are not subject to the requirements of Title 27 if the following exemption conditions are met:
 - a. The applicable regional water board has issued WDRs, reclamation requirements, or waived such issuance;
 - b. The discharge is in compliance with the applicable water quality control plan; and
 - c. The wastewater does not need to be managed according to chapter 11, division 4.5, Title 22 as a "hazardous waste."

27. The discharge of waste authorized by these WDRs satisfies the conditions to be exempted from the requirements of Title 27, because (1) the discharge is regulated by these WDRs; (2) these WDRs will ensure the discharge complies with the Basin Plan; and (3) the discharge will not be of a “hazardous waste.”
28. Consistent with Water Code section 13241, the Regional Water Board, in establishing the requirements contained herein, considered factors including, but not limited to, the following:
 - a. Past, present, and probable future beneficial uses of water.
 - b. Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto.
 - c. Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area.
 - d. Economic considerations.
 - e. The need for developing housing within the region(s).
 - f. The need to develop and use recycled water.
29. This Order and the separately-adopted Monitoring and Reporting Program R7-2022-0028 (MRP) are also issued pursuant to Water Code section 13267, subdivision (b)(1), which authorizes the Regional Water Board to require technical and monitoring reports. The monitoring and reporting requirements in the MRP are necessary to demonstrate compliance with this Order. The State Water Resources Control Board’s (State Water Board’s) electronic database, GeoTracker Information Systems, facilitates the submittal and review of monitoring and reporting documents. The burden, including costs, of the MRP bears a reasonable relationship to the need for that information and the benefits to be obtained from that information.
30. Pursuant to Water Code section 13263, subdivision (g), the discharge of waste is a privilege, not a right, and adoption of this Order does not create a vested right to continue the discharge. The discharge of waste is a privilege, not a right, and adoption of this Order does not create a vested right to continue the discharge. (Wat. Code, § 13263, subd. (g).)

Antidegradation Analysis

31. State Water Board Resolution 68-16, entitled *Statement of Policy with Respect to Maintaining High Quality Waters in California* (Resolution 68-16), generally prohibits the Regional Water Board from authorizing discharges that will result in the degradation of high quality waters, unless it is demonstrated that any change in water quality will (a) be consistent with maximum benefit to the people of the state,

(b) not unreasonably affect beneficial uses, and (c) not result in water quality less than that prescribed in state and regional policies (e.g., the violation of one or more water quality objectives). The discharger must also employ best practicable treatment or control (BPTC) to minimize the degradation of high quality waters. High quality waters are surface waters or areas of groundwater that have a baseline water quality better than required by water quality control plans and policies.

32. Some degradation of groundwater from the discharge to the infiltration basins is consistent with Resolution 68-16, provided that the degradation:
 - a. Is confined to a reasonable area;
 - b. Is minimized by means of full implementation, regular maintenance, and optimal operation of BPTC measures by the Discharger;
 - c. Is limited to waste constituents typically encountered in domestic wastewater;
 - d. Does not unreasonably affect any beneficial uses of groundwater prescribed in the Basin Plan, and will not result in the violation of any WQO; and
 - e. Is consistent with the maximum benefit to the people of the state.
33. Constituents in the wastewater effluent that present the greatest risk to degrade groundwater include: nitrogen, TDS, and pathogens. Each of these constituents is discussed below:
34. The treatment technology installed by the Discharger should result in a sizeable reduction of waste constituents of concern from the waste stream, though effluent monitoring indicates it has not yet achieved discharge targets for nitrogen. Discharge of wastewater treated to meet the discharge limits should not result in significant groundwater degradation due in part to the relatively low discharge flow conditions (currently less than 800 gpd and estimated to be about 7,500 gpd at full buildout).
 - a. **Nitrogen.** The Primary Maximum Contaminant Level (MCL) found in Title 22, section 64431 for nitrate plus nitrite as nitrogen is 10 mg/L. To account for the fate of transport for the various components of total nitrogen, as a conservative value, it is assumed that all nitrogen present converts to nitrate/nitrite. Background total nitrogen is less than 1 mg/L. To verify no degradation due to nitrogen is occurring, this Order requires monthly testing of the effluent for Kjeldahl nitrogen, nitrite and nitrate, and semi-annual testing of the groundwater for nitrate nitrogen. This Order also provides an average monthly effluent limit for total nitrogen of 10 mg/L.

- b. **TDS.** The Secondary MCL for TDS includes a “recommended” consumer acceptance level of 500 mg/L, and an “upper” consumer acceptance level of 1,000 mg/L if it is neither reasonable nor feasible to provide more suitable waters. (See Cal. Code Regs., tit. 22, § 64449.) TDS concentrations in the onsite groundwater monitoring well were 190 mg/L before the Facility started treating wastewater. TDS in the potable water supplied by MSWD was 190 mg/L. The typical incremental increase of dissolved salts due to domestic water usage ranges from 150 to 380 mg/L. TDS concentrations in the effluent between October 2021 and February 2022 ranged from 560 to 690 mg/L and averaged 620 mg/L. This Board Order retains the TDS effluent limitation of 580 mg/L. This Board Order will also require the Discharger to provide a TDS Impact Evaluation Report and Work Plan. To evaluate the incremental degradation due to TDS concentrations in the effluent, this Order includes semi-annual TDS monitoring in the groundwater monitoring well.
 - b. **Total Coliform.** Secondary treatment reduces fecal coliform densities by 90 to 99 percent but the number of organisms remaining in the effluent is still high; 10^5 to 10^6 most probable number (MPN)/100 mL (U.S. Environmental Protection Agency (USEPA), *Design Manual: Municipal Wastewater Disinfection*, USEPA/625/1-86/021, October 1986.). Given the depth to groundwater, which is approximately 175 feet, it is not likely that pathogen-indicator bacteria will reach groundwater in excess of that prescribed in Title 22, section 64426.1, due to significant attenuation and removal in the soils in the vadose zone. To evaluate the potential degradation to groundwater due to pathogens, this Order includes semi-annual *E. coli* and *Total Coliform* monitoring in the groundwater monitoring well.
35. The discharge of wastewater to the leachfield, as permitted herein, reflects BPTC. The discharge is confined to a reasonable area. The WDRs contained in this Order minimize degradation to areal groundwater; they are designed to ensure that the discharge does not create a condition of pollution or nuisance, and that the beneficial uses of groundwater will be maintained, consistent with the antidegradation provisions of Resolution No. 68-16.
36. Even when the concentrations of TDS and nitrate in the effluent meet the discharge limits, limited degradation of groundwater by some of the typical waste constituents associated with domestic wastewater is anticipated. The limited degradation is anticipated to be well within the assimilative capacity of the groundwater and will not adversely affect the beneficial uses of the groundwater. The Business Park creates business opportunities for the community and the local public agencies and is of maximum benefit to the people of the state. Accordingly, the discharge, as authorized, is consistent with the antidegradation provisions of Resolution 68-16, and the applicable WQOs.

Stormwater

37. Federal regulations for stormwater discharges were promulgated by the U.S. Environmental Protection Agency on November 16, 1990 (40 C.F.R. parts 122, 123, and 124) to implement the Clean Water Act's stormwater program set forth in Clean Water Act section 402, subdivision (p) (33 U.S.C. § 1342(p)). In relevant part, the regulations require specific categories of facilities that discharge stormwater associated with industrial activity to "waters of the United States" to obtain National Pollutant Discharge Elimination System (NPDES) permits and to require control of such pollutant discharges using Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to prevent and reduce pollutants and any more stringent controls necessary to meet water quality standards.
38. The State Water Board adopted Order 2014-0057-DWQ (NPDES number CAS000001), *General Permit for Storm Water Discharges Associated with Industrial Activities* (Industrial General Permit), which became effective on July 1, 2015. The Industrial General Permit regulates discharges of stormwater associated with certain industrial activities, excluding construction activities, and requires submittal of a Notice of Intent (NOI) to be covered under the permit. Facilities used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage with a design flow of one million gallons per day or more, or that are required to have an approved pretreatment program under 40 Code of Federal Regulations part 403, are required to enroll under the Industrial General Permit. At this time, the Facility is not required to enroll under the Industrial General Permit, because the design treatment capacity is less than 1 million gallons per day.

CEQA and Public Participation

39. Pursuant to California Code of Regulations, title 14, section 15301, the issuance of these WDRs, which govern the operation of an existing facility involving negligible or no expansion of use beyond that previously existing, is exempt from the provisions of the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq.
40. The Regional Water Board has notified the Discharger and all known interested agencies and persons of its intent to issue WDRs for this discharge and has provided them with an opportunity for a public meeting and to submit comments.
41. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED that Order R7-2020-0029 is rescinded upon the effective date of this Order, except for enforcement purposes, and, in order to meet the provisions contained in division 7 of the Water Code, and regulations adopted thereunder, the Discharger shall comply with the following:

A. Effluent Limitations

1. The average monthly discharge flow into the Facility shall not exceed 7,500 gpd.
2. The effluent discharged into the leachfield shall not exceed the following limits:

Constituents	Units	Monthly Average	Weekly Average
Biochemical Oxygen Demand (20° C BOD ₅)	mg/L	30	45
Total Suspended Solids (TSS)	mg/L	30	45
Total Nitrogen	mg/L	10	--
Total Dissolved Solids (TDS)	mg/L	580	--

B. Discharge Prohibitions

1. Discharge of waste classified as “hazardous,” as defined in Title 27, section 20164, or “designated,” as defined in Water Code section 13173 and Title 27, section 20164, is prohibited.
2. Discharge of industrial wastewater (e.g., cannabis cultivation wastewater) into the Facility wastewater system is prohibited.
3. The discharge of wastewater to surface waters or surface drainage courses is prohibited.
4. The overflow of wastewater from the leachfield is prohibited.
5. The discharge of wastewater to a location or in a manner different from that described in this Order is prohibited.
6. The discharge of wastewater to land not owned or controlled by the Discharger, or not authorized for such use, is prohibited.
7. Bypass or overflow of untreated or partially treated waste is prohibited, except as permitted in Standard Condition F.12.
8. The storage, treatment, or disposal of wastes from the Facility shall not cause contamination, pollution, or nuisance as defined in Water Code section 13050, subdivisions (k), (l), and (m).

C. Receiving Water Limitations

1. The discharge of wastewater from the Facility shall not cause groundwater to exceed applicable WQOs; acquire taste, odor, toxicity, or color that create nuisance conditions; impair beneficial uses; or contain constituents in excess of the MCLs, as set forth in Title 22. (See, e.g., § 64426.1 [bacteriological constituents], § 64431 [inorganics]; § 64444 [organics], § 64678 [lead and copper].)

D. Discharge Specifications

1. Adequate measures shall be taken to ensure that flood or surface drainage waters do not erode or otherwise render portions of the discharge facilities inoperable.
2. All treatment, storage, and disposal areas shall be designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-year return frequency.
3. Public contact with wastewater shall be precluded through such means as fences, signs, or other acceptable alternatives.
4. Objectionable odors originating at the Facility shall not be perceivable beyond the limits of the Facility boundary.
5. There shall be no surface flow of wastewater away from the leachfield.
6. The Discharger shall not accept wastewater in excess of the treatment capacity of the Facility.

E. Sludge and Solids Limitations

1. Disposal of oil and grease, biosolids, screenings, and other solids collected from liquid wastes shall be pursuant to Title 27.
2. Sludge use and disposal shall comply with federal and state laws and regulations, including permitting requirements, and technical standards in 40 Code of Federal Regulations part 503.
3. Any proposed change in use or disposal of biosolids requires the approval of the Regional Water Board's Executive Officer, and USEPA Regional Administrator, who must be notified at least **90 days** in advance of the change.
4. The Discharger shall maintain a permanent log of all solids hauled away from Parcel -019 for use/disposal elsewhere and shall provide a summary of the volume, type (screenings, grit, raw sludge, digested sludge), use

(agricultural, composting, etc.), and the destination in accordance with the MRP. Sludge that is stockpiled at Parcel -019 shall be sampled and analyzed for those constituents listed in the sludge monitoring section of the MRP, and as required by 40 Code of Federal Regulations part 503. The results of the analyses shall be submitted per the MRP.

F. Special Provisions

None

G. Standard Provisions

1. **Noncompliance.** The Discharger shall comply with all of the terms, requirements, and conditions of this Order and MRP R7-2022-0028. Noncompliance is a violation of the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) and grounds for: (1) an enforcement action; (2) termination, revocation and reissuance, or modification of these WDRs; or (3) denial of an order renewal application.
2. **Enforcement.** The Regional Water Board reserves the right to take any enforcement action authorized by law. Accordingly, failure to timely comply with any provisions of this Order may subject the Discharger to enforcement action. Such actions include, but are not limited to, the assessment of administrative civil liability pursuant to Water Code sections 13323, 13268, and 13350, a Time Schedule Order (TSO) issued pursuant to Water Code section 13308, or referral to the California Attorney General for recovery of judicial civil liability.
3. **Proper Operation and Maintenance.** The Discharger shall at all times properly operate and maintain all systems and components of collection, treatment, and control installed or used by the Discharger to achieve compliance with this Order. Proper operation and maintenance includes, but is not limited to, effective performance, adequate process controls, and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities/systems when necessary to achieve compliance with this Order. All systems in service or reserved shall be inspected and maintained on a regular basis. Records of inspections and maintenance shall be retained and made available to the Regional Water Board on request.
4. **Reporting of Noncompliance.** The Discharger shall report any noncompliance that may endanger human health or the environment. Information shall be provided orally to the Regional Water Board office and the Office of Emergency Services (OES) within 24 hours of when the Discharger becomes aware of the incident. If noncompliance occurs outside of business hours, the Discharger shall leave a message on the Regional Water Board's office voicemail. A written report shall also be provided within

five business days of the time the Discharger becomes aware of the incident. The written report shall contain a description of the noncompliance and its cause, the period of noncompliance, the anticipated time to achieve full compliance, and the steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. All other forms of noncompliance shall be reported with the Discharger's next scheduled Self-Monitoring Report (SMR), or earlier if requested by the Regional Water Board's Executive Officer or if required by an applicable standard for sludge use and disposal.

5. **Duty to Mitigate.** The Discharger shall take all reasonable steps to minimize or prevent any discharge in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment.
6. **Material Changes.** Prior to any modifications which would result in any material change in the quality or quantity of wastewater treated or discharged, or any material change in the location of discharge, the Discharger shall report all pertinent information in writing to the Regional Water Board, and if required by the Regional Water Board, obtain revised requirements before any modifications are implemented.
7. **Design Capacity Report.** The Discharger shall provide a report to the Regional Water Board when it determines that the Facility's average dry-weather flow rate for any month exceeds 80 percent of the design capacity. The report should indicate what steps, if any, the Discharger intends to take to provide for the expected wastewater treatment capacity necessary when the plant reaches design capacity.
8. **Operational Personnel.** The wastewater treatment units shall be supervised and operated by persons possessing certification of appropriate grade pursuant to Title 23, section 3680.
9. **Familiarity with Order.** The Discharger shall ensure that all site-operating personnel are familiar with the content of this Order and maintain a copy of this Order at Parcel -019.
10. **Inspection and Entry.** The Discharger shall allow the Regional Water Board, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:
 - a. Enter the premises regulated by this Order, or the place where records are kept under the conditions of this Order;
 - b. Have access to and copy, at reasonable times, records 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 purpose of assuring compliance with this Order or as otherwise authorized by the Water Code, any substances or parameters at this location.
- 11. **Records Retention.** The Discharger shall retain copies of all reports required by this Order and the associated MRP. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. Records may be maintained electronically. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Water Board's Executive Officer.
- 12. **Change in Ownership.** This Order is not transferable to any person without written approval by the Regional Water Board's Executive Officer. Prior to any change in ownership of this operation, the Discharger shall notify the Regional Water Board's Executive Officer in writing at least 30 days in advance. The notice must include a written transfer agreement between the existing owner and the new owner. At a minimum, the transfer agreement must contain a specific date for transfer of responsibility for compliance with this Order and an acknowledgment that the new owner or operator is liable for compliance with this Order from the date of transfer. The Regional Water Board may require modification or revocation and reissuance of this Order to change the name of the Discharger and incorporate other requirements as may be necessary under the Water Code.
- 13. **Bypass.** Bypass (i.e., the intentional diversion of waste streams from any portion of the treatment facilities, except diversions designed to meet variable effluent limits) is prohibited. The Regional Water Board may take enforcement action against the Discharger for bypass unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage. Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to be inoperable, or substantial and permanent loss of natural resources reasonably expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays due to disruption of business activities; and
 - b. There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities or retention of untreated waste. This condition is not satisfied if adequate back-up equipment was not

installed to prevent bypass occurring during equipment downtime, or preventative maintenance; or

- c. Bypass is (1) required for essential maintenance to ensure efficient operation; (2) neither effluent nor receiving water limitations are exceeded and (3) the Discharger notifies the Regional Water Board ten (10) days in advance.

In the event of an unanticipated bypass, the Discharger shall immediately report the incident to the Regional Water Board. During non-business hours, the Discharger shall leave a message on the Regional Water Board's office voicemail. A written report shall be provided within five (5) business days after the Discharger is aware of the incident. The written report shall include a description of the bypass, any noncompliance, the cause, period of noncompliance, anticipated time to achieve full compliance, and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

14. **Backup Generators.** Standby, power generating facilities shall be available to operate the wastewater treatment equipment during a commercial power failure.
15. **Format of Technical Reports.** The Discharger shall furnish, under penalty of perjury, technical monitoring program reports, and such reports shall be submitted in accordance with Title 23, division 3, chapter 30, as raw data uploads electronically over the Internet into the State Water Board's GeoTracker database, found at: <https://geotracker.waterboards.ca.gov/>. Documents that are normally mailed by the Discharger to the Regional Water Board, such as regulatory documents, narrative monitoring reports or materials, and correspondence, shall also be uploaded into GeoTracker in the appropriate Microsoft Office software application format, such as Word or Excel files, or as a Portable Document Format (PDF) file. Large documents must be split into appropriately labelled, manageable file sizes and uploaded into GeoTracker.
16. **Qualified Professionals.** In accordance with Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of California registered professionals (i.e., civil engineer, engineering geologist, geologist, etc.) competent and proficient in the fields pertinent to the required activities. All technical reports required under this Order that contain work plans, describe the conduct of investigations and studies, or contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall contain a statement of

qualifications of the responsible licensed professional(s) as well as the professional's signature and/or stamp of the seal. Additionally, all field activities are to be conducted under the direct supervision of one or more of these professionals.

17. **Certification Under Penalty of Perjury.** All technical reports required in conjunction with this Order shall include a statement by the Discharger, or an authorized representative of the Discharger, certifying under penalty of perjury under the laws of the State of California, that the reports were prepared under his or her supervision in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information submitted, and that based on his or her inquiry of the person or persons who manage the system, the information submitted is, to the best of his or her knowledge and belief, true, complete, and accurate.
18. **Violation of Law.** This Order does not authorize violation of any federal, state, or local laws or regulations.
19. **Property Rights.** This Order does not convey property rights of any sort, or exclusive privileges, nor does it authorize injury to private property or invasion of personal rights.
20. **Modification, Revocation, Termination.** This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for an Order modification, rescission, or reissuance, or the Discharger's notification of planned changes or anticipated noncompliance, does not stay any Order condition. Causes for modification include, but are not limited to, the violation of any term or condition contained in this Order, a material change in the character, location, or volume of discharge, a change in land application plans or sludge use/disposal practices, or the adoption of new regulations by the State Water Board, Regional Water Board (including revisions to the Basin Plan), or federal government.
21. **Severability.** The provisions of this Order are severable. If any provision of this Order is found invalid, the remainder of these requirements shall not be affected.

Any person aggrieved by this Regional Water Board action may petition the State Water Board for review in accordance with Water Code section 13320 and Title 23, section 2050 et seq. The State Water Board must receive the petition by 5:00 p.m. 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 p.m. on the next business day. Copies of the statutes and regulations applicable to filing petitions are available on the State Water Board's website and can be provided upon request.

ORDER R7-2022-0028
COACHILLIN ENERGY COMPANY LLC
WASTEWATER TREATMENT AND DISPOSAL FACILITY

18

Order Attachments

Attachment A—Vicinity Map

Attachment B—Site Map

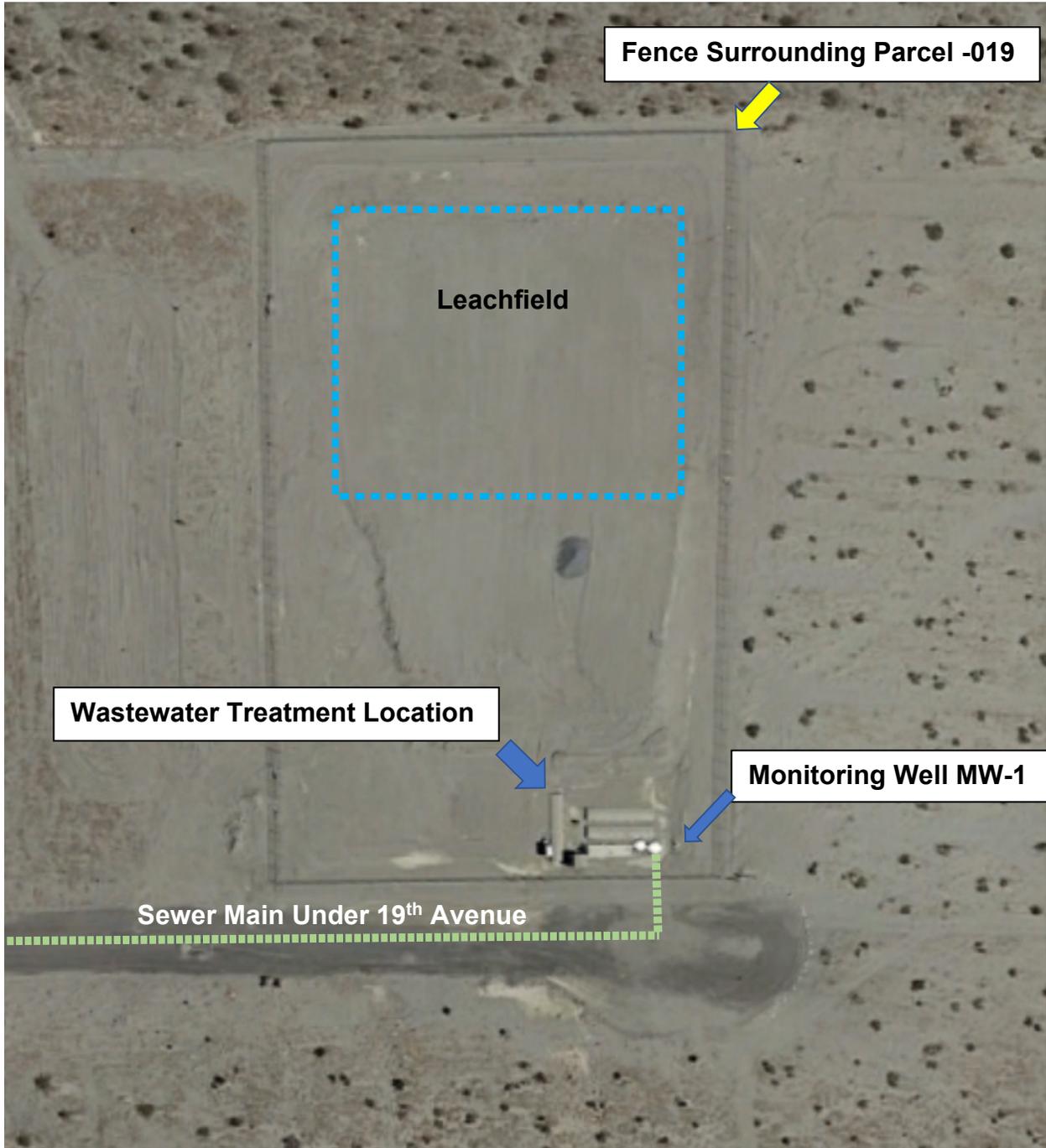
Attachment C—Flow Schematic

Monitoring and Reporting Program R7-2022-0028

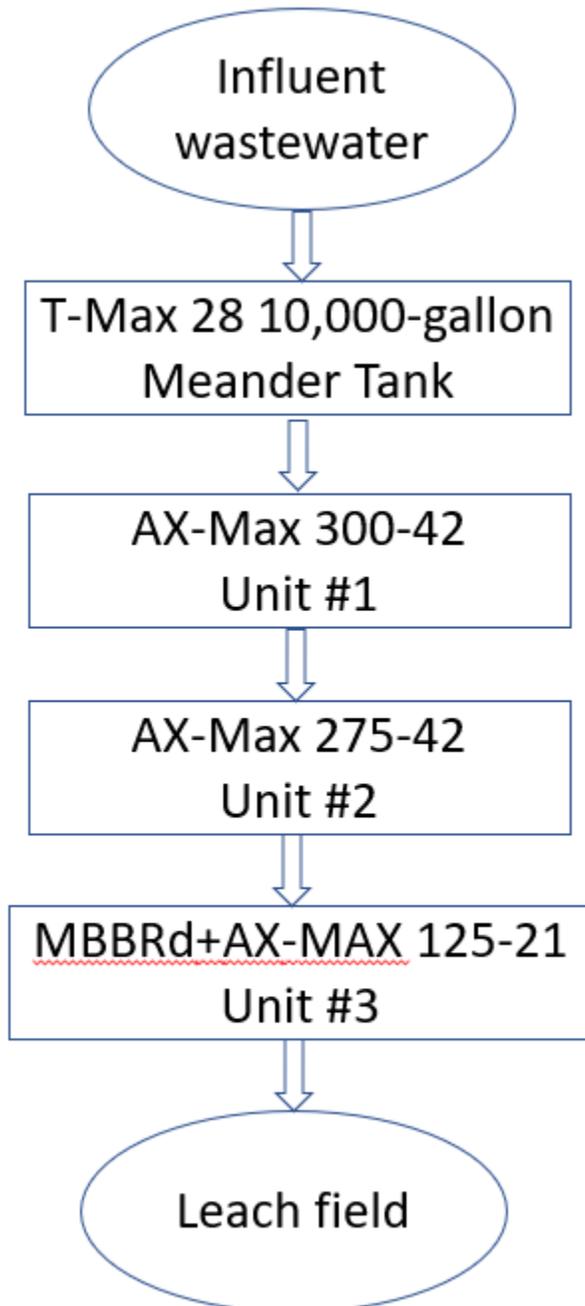
ATTACHMENT A—VICINITY MAP



ATTACHMENT B—SITE MAP



ATTACHMENT C—FLOW SCHEMATIC



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

MONITORING AND REPORTING PROGRAM R7-2022-0028

FOR
COACHILLIN ENERGY COMPANY LLC, OWNER AND OPERATOR
COACHILLIN' INDUSTRIAL CULTIVATION & ANCILLARY CANNA-BUSINESS PARK
WASTEWATER TREATMENT AND DISPOSAL FACILITY
DESERT HOT SPRINGS, RIVERSIDE COUNTY

This Monitoring and Reporting Program (MRP) is issued pursuant to Water Code section 13267 and describes requirements for monitoring the relevant wastewater system and groundwater quality. The Coachillin Energy Company LLC (Discharger) shall not implement any changes to this MRP unless and until a revised MRP is issued by the Regional Water Board or its Executive Officer.

The Discharger owns and operates the wastewater system that is subject to Order R7-2022-0028. Pursuant to Water Code section 13267, the Discharger shall implement the MRP and shall submit monitoring reports described herein. The reports are necessary to ensure that the Discharger complies with the Order.

A. Sampling and Analysis General Requirements

1. **Testing and Analytical Methods.** The collection, preservation, and holding times of all samples shall be in accordance with U.S. Environmental Protection Agency (USEPA)-approved procedures. All analyses shall be conducted in accordance with the latest edition of either the USEPA's *Guidelines Establishing Test Procedures for Analysis of Pollutants Under the Clean Water Act* (40 C.F.R. part 136) or *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods Compendium* (SW-846), unless otherwise specified in the MRP or approved by the Regional Water Board's Executive Officer.
2. **Laboratory Certification.** All analyses shall be conducted by a laboratory certified by the State Water Board, Division of Drinking Water's Environmental Laboratory Accreditation Program (ELAP), unless otherwise approved by the Regional Water Board's Executive Officer.
3. **Reporting Levels.** All analytical data shall be reported with method detection limits (MDLs) and with either the reporting level or limits of quantitation (LOQs) according to 40 Code of Federal Regulations part 136, Appendix B. The laboratory reporting limit for all reported monitoring data shall be no greater than the practical quantitation limit (PQL).

4. **Sampling Location(s).** Samples shall be collected at the location(s) specified in the WDRs. If no location is specified, sampling shall be conducted at the most representative sampling point available.
5. **Representative Sampling.** All samples shall be representative of the volume and nature of the discharge or matrix of material sampled. The time, date, and location of each grab sample shall be recorded on the chain of custody form for the sample. If composite samples are collected, the basis for sampling (time or flow weighted) shall be approved by Regional Water Board staff.
6. **Instrumentation and Calibration.** All monitoring instruments and devices used by the Discharger shall be properly maintained and calibrated to ensure their continued accuracy. Any flow measurement devices shall be calibrated at least once per year to ensure continued accuracy of the devices. In the event that continuous monitoring equipment is out of service for a period greater than 24 hours, the Discharger shall obtain representative grab samples each day the equipment is out of service. The Discharger shall correct the cause(s) of failure of the continuous monitoring equipment as soon as practicable. The Discharger shall report the period(s) during which the equipment was out of service and if the problem has not been corrected, shall identify the steps which the Discharger is taking or proposes to take to bring the equipment back into service and the schedule for these actions.
7. **Field Test Instruments.** Field test instruments (such as those used to test pH, dissolved oxygen, and electrical conductivity) may be used provided that:
 - a. The user is trained in proper use and maintenance of the instruments;
 - b. The instruments are field calibrated prior to monitoring events at the frequency recommended by the manufacturer;
 - c. Instruments are serviced and/or calibrated by the manufacturer at the recommended frequency; and
 - d. Field calibration reports are submitted.
8. **Records Retention.** The Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, for a minimum of five (5) years from the date of the sampling or measurement. This period may be extended by request of the Regional Water Board's

Executive Officer at any time. Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurement(s);
- b. The individual(s) who performed the sampling or measurement(s);
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or method used; and
- f. All sampling and analytical results, including:
 - i. units of measurement used;
 - ii. minimum reporting limit for the analyses;
 - iii. results less than the reporting limit but above the method detection limit (MDL);
 - iv. data qualifiers and a description of the qualifiers;
 - v. quality control test results (and a written copy of the laboratory quality assurance plan);
 - vi. dilution factors, if used; and
 - vii. sample matrix type.

B. Monitoring Requirements

1. **Effluent Monitoring**—The AX treatment system effluent shall be monitored for the following:

Table 1. Effluent Monitoring

Constituents	Units	Sample Type	Sample Frequency	Reporting Frequency
Total Suspended Solids	mg/L	Grab	Monthly	Quarterly
20° C BOD ₅	Standard Units	Grab	Monthly	Quarterly
Settleable Solids	mg/L	Grab	Monthly	Quarterly
Total Dissolved Solids	mg/L	Grab	Monthly	Quarterly
pH	mg/L	Grab	Monthly	Quarterly

Constituents	Units	Sample Type	Sample Frequency	Reporting Frequency
Total Nitrogen (Kjeldahl, Nitrite and Nitrate)	mg/L	Grab	Monthly	Quarterly
Volatile Organic Chemicals (VOCs)	ug/L ²	Grab	Annually	Annually

2. **Influent Monitoring** – Influent to the AX Treatment System shall be monitored for the following:

Table 2. Influent Monitoring

Constituents	Units	Sample Type	Sample Frequency	Reporting Frequency
Flow	mg/L	Measurement	Monthly	Quarterly
Total Suspended Solids	mg/L	Grab	Monthly	Quarterly
20° C BOD ₅	Standard Units	Grab	Monthly	Quarterly
Settleable Solids	mg/L	Grab	Monthly	Quarterly
Total Dissolved Solids	mg/L	----	Monthly	Quarterly
pH	mg/L	Grab	Monthly	Quarterly
Total Nitrogen (Kjeldahl, Nitrite and Nitrate)	mg/L	Grab	Monthly	Quarterly

3. **Water Supply Monitoring**—Water supply from the onsite source water well shall be monitored for the following:

² Micrograms per liter

Table 3. Water Supply Monitoring

Constituents	Units	Sample Type	Sample Frequency	Reporting Frequency
Standard Minerals ³	mg/L	Grab	Quarterly	Annually
pH	pH units	Measurement	Quarterly	Quarterly

4. **Leachfield Monitoring** – The leachfield shall be monitored for the following:

Table 4. Leachfield Monitoring

Constituents	Monitoring Type	Inspection Frequency	Reporting Frequency
Pump Controllers, Automatic Valves, etc. ⁴	Observation	Quarterly	Quarterly
Nuisance Odor Condition	Observation	Quarterly	Quarterly
Saturated Soil Conditions ⁵	Observation	Quarterly	Quarterly
Plant Growth ⁶	Observation	Quarterly	Quarterly
Vectors or Animal Burrowing ⁷	Observation	Quarterly	Quarterly
Leachfield Condition	Observation	Quarterly	Quarterly

³ At a minimum, “Standard Minerals” includes: total dissolved solids, calcium, chloride, fluoride, iron, magnesium, manganese, nitrate, potassium, sodium, sulfate, barium, total alkalinity (including alkalinity series), and hardness.

⁴ All pump controllers and automatic distribution valves shall be inspected for proper operation as recommended by the manufacturer.

⁵ Inspect a disposal area for saturated conditions. If a mound system is used, inspect perimeter base for signs of wastewater seepage or saturated soil conditions.

⁶ Shallow-rooted plants are generally desirable, deep-rooted plants such as trees shall be removed as necessary.

⁷ Evidence of animals burrowing shall be immediately investigated and burrowing animal populations controlled as necessary.

5. **Groundwater Monitoring** – On site groundwater monitoring well shall be monitored for the following:

Table 5. Groundwater Monitoring

Constituents	Units	Sample Type	Sample Frequency	Reporting Frequency ⁸
Groundwater Elevation ⁹	0.01 Feet	Calculated	Semi-Annually	Semi-Annually
Depth to Groundwater	0.01 Feet	Measurement	Semi-Annually	Semi-Annually
pH	Std. Units	Grab	Semi-Annually	Semi-Annually
Total Dissolved Solids	mg/L	Grab	Semi-Annually	Semi-Annually
Nitrate as Nitrogen	mg/L	Grab	Semi-Annually	Semi-Annually
Sodium	mg/L	Grab	Semi-Annually	Semi-Annually
Chloride	mg/L	Grab	Semi-Annually	Semi-Annually
Total Coliform Organisms ¹⁰	MPN/100 mL	Grab	Semi-Annually	Semi-Annually
E. coli	MPN/100 mL	Grab	Semi-Annually	Semi-Annually
Volatile Organic Chemicals (VOCs)	ug/L	Grab	Annually	Annually

⁸ Analysis of data by a California-licensed professional is required at least annually.

⁹ Groundwater elevation shall be based on depth to water using a surveyed measuring point elevation on the well and a surveyed reference elevation.

¹⁰ Using a minimum of 15 tubes or three dilutions.

C. Reporting Requirements

1. Self-monitoring reports (SMRs) shall be submitted within 15 days of the end of the period being monitored. Quarterly SMRs shall be submitted by **January 15th, April 15th, July 15th, and October 15th**. Semi-Annual SMRs shall be submitted by **January 15th and July 15th**. Annual SMRs shall be submitted by **January 15th** of the following year and may be combined with the semi-annual report due at the same time.
2. Quarterly and Semi-Annual SMRs shall include, at a minimum, the following:
 - a. **Cover Letter.** A transmittal letter summarizing the essential points in the report.
 - b. **Summary of Monitoring Data.** Tables of the data collected. Each row shall be a monitoring event and each column shall be a separate parameter at a single location (or a single average, as appropriate).
 - c. **Compliance Summary.** Identification of any violations found since the last report was submitted, and actions taken or planned for correcting each violation. If the Discharger previously submitted a report describing corrective actions and/or a time schedule for implementing the corrective actions, reference to the previous correspondence will be satisfactory. If no violations have occurred since the last submittal, this shall be stated.
3. Annual SMRs shall include, at a minimum, the following:
 - a. **Cover Letter.** A transmittal letter summarizing the essential points in the report.
 - b. **Maps.** Maps depicting the Facility layout and the location of sampling points.
 - c. **Summary of Monitoring Data.** Tables of the data collected. The tables shall include all of the data collected to-date at each monitoring point, organized in chronological order, with the oldest data in the top row and progressively newer data in rows below the top row. Each row shall be a monitoring event and each column shall be a separate parameter at a single location (or a single average, as appropriate).
 - d. **Graphical Display.** Graphs depicting monitoring parameters through time, with the concentrations being the y-axis and time

being the x-axis. Logarithmic scales can be used for values that vary by orders of magnitude. Individual graphs can combine multiple locations or multiple chemicals if that allows the data to be compared more easily.

- e. **Compliance Summary.** Identification of any violations found since the last report was submitted, and actions taken or planned for correcting each violation. If the Discharger previously submitted a report describing corrective actions and/or a time schedule for implementing the corrective actions, reference to the previous correspondence will be satisfactory. If no violations have occurred since the last submittal, this shall be stated.
4. SMRs shall be certified under penalty of perjury to be true and correct. Each SMR submitted to the Regional Water Board shall contain the following completed declaration:

"I declare under the penalty of law that I have personally examined and am familiar with the information submitted in this document, 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 for knowing violations.

Executed on the _____ day of _____ at _____

_____ (Signature)

_____ (Title)"

5. The SMRs and any other information requested by the Regional Water Board shall be signed by a principal executive officer or ranking elected official. A duly authorized representative of the Discharger may sign the documents if:
- a. The authorization is made in writing by the person described above;
 - b. The authorization specified an individual or person having responsibility for the overall operation of the regulated disposal system; and
 - c. The written authorization is submitted to the Regional Water Board's Executive Officer.

6. The results of any analysis taken more frequently than required at the locations specified in this MRP shall be reported to the Regional Water Board.
7. As specified in Standard Provision G.15, technical reports shall be prepared by or under the direction of appropriately qualified professional(s). Each technical report submitted shall contain a statement of qualification of the responsible licensed professional(s) as well as the professional's signature and/or stamp of the seal.
8. As specified in Standard Provision G.14, the Discharger shall comply with Electronic Submittal of Information (ESI) requirements by submitting all correspondence and reports required under MRP R7-2022-0028 and any future revision(s) hereto, including groundwater monitoring data and discharge location data (latitude and longitude), correspondence, and PDF monitoring reports to the State Water Board's GeoTracker database. Documents too large to be uploaded into GeoTracker should be broken down into smaller electronic files and labelled properly prior to uploading into GeoTracker.