

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER NO. \_\_\_\_\_

WASTE DISCHARGE REQUIREMENTS  
FOR  
SULARA ENTERPRISES, INC.  
FOR  
POST-CLOSURE MAINTENANCE OF DRILLING MUD DISPOSAL FACILITY  
GLENN COUNTY

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

1. Waste Discharge Requirements (WDR) Order No. 98-162, issued to Valley Rock Products, Inc. and adopted by the Regional Water Board on 24 July 1998, prescribes requirements for closure and post-closure maintenance of a Drilling Mud Disposal Facility (Facility).
2. On 15 May 2003, Valley Rock Products, Inc. formed a new corporation, Sulara Enterprises, Inc., to manage the Facility. Sulara Enterprises, Inc. (hereafter Discharger) owns and operates the Facility on Assessor's Parcel No. 024-33-0-011. On 10 September 2004, the Regional Water Board adopted Order No. R5-2004-0127 amending WDR Order No. 98-162 to reflect the Facility ownership change.
3. The 33.59 acre Facility is located approximately one mile south of Orland, in Section 4, T21N, R3W, MDB&M, as shown in Attachment A, which is incorporated herein and made part of this Order. Access to the site is from County Road J. Waste disposal activities occurred on approximately 8.4 acres of the Facility.

**WASTE MANAGEMENT UNIT DESIGN, OPERATION, AND CLOSURE**

4. The Discharger began operating the Drilling Mud Disposal Facility in 1970 and ceased accepting wastes in September 1991. The Facility initially consisted of one waste management unit (Unit), an unlined gravel pit that was used for disposal of drill cuttings and mud from gas well construction. A lined surface impoundment used to evaporate water that was pumped from the Unit was operated over two wet seasons. The Discharger ceased pumping water to the surface impoundment in 1994, and by 1997, the liner had disintegrated and was removed to allow for gravel extraction in the area. The drilling mud disposal Unit and the former surface impoundment area are shown on Attachment B, which is incorporated herein and made part of this Order.
5. Historic operations consisted of transporting drilling mud to the Facility and discharging the waste to the Unit. Drill cuttings were discharged to the east side of the Unit and then periodically pushed and graded inside of the Unit.

6. The Unit was excavated to an elevation of 206 feet above mean sea level (MSL) at the western side of the Facility tapering to an elevation of 220 feet MSL along the eastern side of the Facility. Groundwater elevations fluctuate between 204 and 219 feet MSL. A significant portion of the waste at the bottom of the Unit is in contact with groundwater during high groundwater periods. Wastes at the lowest elevations of the Unit are in continuous contact with groundwater. The waste is estimated to be 22 feet thick at the west end of the Unit and five to 12 feet thick along the eastern side of the Unit.
7. In 1997, review of groundwater monitoring data identified elevated concentrations of Total Dissolved Solids (TDS), Sodium, Chloride, and Sulfate. In response, WDR Order No. 98-162 and Cease and Desist Order No. 99-117 were issued requiring submittal and implementation of Evaluation Monitoring and Corrective Action Monitoring Programs.
8. In 2001, corrective action measures were implemented and the Facility underwent final closure. Final closure was accomplished by consolidating drilling mud waste from the east half of the Unit into the west half of the Unit, construction of an engineered soil embankment along the east side of the Unit to buttress wastes, and construction of a final cover system over the waste. The final cover system consisted of a two-foot thick foundation layer of drilling mud, overlain by a low-permeability layer ( $1 \times 10^{-6}$  cm/sec) composed of imported clay, overlain by a one-foot thick vegetative layer. A drainage ditch was also constructed around the perimeter of the Unit to convey storm water away from the Unit.
9. On 24 June 2005, the Regional Water Board rescinded Cease and Desist Order No. 99-117. These revised WDRs implement applicable provisions of Title 27 and prescribe requirements for post-closure maintenance of the Facility.

### **WASTE CHARACTERISTICS AND CLASSIFICATION**

10. In 1990, the Discharger estimated that approximately 148,000 cubic yards of waste had been disposed in the Unit. This waste was originally classified as "inert waste" based on data from the 1988 Report of Waste Discharge. However, waste disposal activities caused a release of pollutants in excess of applicable Water Quality Objectives, and the in-place drilling mud waste was reclassified as designated waste in former WDR Order No. 97-032.
11. "Designated waste" is defined in California Water Code, §13173, as a nonhazardous waste that consists of, or contains pollutants which, under ambient environmental conditions at the waste management unit, could be released at concentrations in excess of applicable water quality standards, or which could cause degradation of waters of the state.

### **SITE DESCRIPTION**

12. Two significant geologic units underlie the Facility. Pleistocene to recent age alluvium of the Stony Creek fan occurs from the surface down to between 40 and 125 feet below ground surface (bgs). These gravely, sandy loam soils immediately underlying the Unit

are highly permeable. Underlying the Stony Creek alluvial fan is Pliocene to Pleistocene age Tehama Formation. Beneath the Tehama Formation, at depths of several hundred feet, are marine sedimentary deposits.

13. While not expressed at the surface, the closest Holocene fault to the Facility is the Corning Fault. This fault, a groundwater barrier, underlies Orland. It trends north-to-south, dips steeply east, and displaces the Tehama Formation at about 1,000 feet below grade surface. Recently measured, likely related earthquakes (January 2009) are about 2 on the Richter Scale. The nearest Holocene fault with surface expression is the Bartlett Springs Fault, which lies about 50 miles southwest of Orland. Current satellite data indicate a slip rate of about eight millimeters/year. This fault, part of the San Andreas Fault system, has a maximum credible earthquake >7 on the Richter Scale.
14. Land uses surrounding the facility are zoned for agriculture to the north and west, agriculture and industrial to the east, and industrial to the south.
15. The facility receives an average of approximately 19 inches of precipitation per year as measured at the Orland Station. The mean evaporation is 85 inches per year as measured at the Orland Station.
16. The 100-year, 24-hour precipitation event is estimated to be 4.54 inches as reported in Department of Water Resources Bulletin No. 195, "Rainfall Analysis for Drainage Design, Vol. II", October 1976.
17. The waste management facility is not located within the 100-year flood plain, but is within Flood Zone C designation, based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map, Community-Panel Number 0600570375B.

### **SURFACE WATER AND GROUNDWATER CONDITIONS**

18. The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basin, Fourth Edition* (hereafter Basin Plan), designates beneficial uses, establishes water quality objectives, and contains implementation plans and policies for all waters of the Basin.
19. Surface drainage is toward the southeast in unnamed channels and waterways that are tributary to the Sacramento River approximately 11 miles away in the Orland Hydrologic Subarea (520.22) of the Sacramento Hydrologic Basin.
20. The designated beneficial uses of the Sacramento River apply to its tributaries, including the unnamed channels and waterways southeast of the Facility. The beneficial uses of the Sacramento River, as specified in the Basin Plan, are municipal and domestic supply, agricultural supply, industrial service and process supply, water contact and non-contact water recreation, warm and cold fresh water habitat, preservation of rare, threatened and endangered species, and groundwater recharge.

21. The first encountered groundwater is generally about 22 feet below the native ground surface in the vicinity of the Unit. Groundwater elevations range from approximately 204 feet MSL to 225 feet MSL.
22. Monitoring data indicates background groundwater quality has an electrical conductivity (EC) ranging between 403 and 1304 micromhos/cm, with total dissolved solids (TDS) ranging between 211 and 520 mg/l.
23. The direction of groundwater flow is generally toward the southeast. The groundwater gradient on 18 June 2008 was 0.0039 feet per foot.
24. A private domestic water supply well services an occupied residence just north of the landfill Unit.
25. The designated beneficial uses of the groundwater, as specified in the Basin Plan, are domestic and municipal, agricultural, and industrial supply.

### **GROUNDWATER MONITORING**

26. Five wells (MW-1, MW-2, MW-3, MW-4, and MW-10) make up the current groundwater monitoring system. Seven other monitoring wells (MW-1A, MW-3A, MW-5, MW-6, MW-7, MW-8, and MW-9) have been used in the past to assess groundwater quality, but these wells are no longer in use. Monitoring wells MW-5, MW-6, MW-7, and MW-8 were installed in 1989 as part of a groundwater evaluation study. At the time of installation, these wells were at the edge of the drilling mud. Data from these wells were inconclusive, so monitoring of these wells ceased. In 1999, as part of a corrective action evaluation, a piezometer was installed through the drilling mud in the central portion of the Unit and was designated MW-9. MW-9 was monitored for a short time, showing groundwater levels below the bottom of the drilling mud waste, and monitoring of this well was soon discontinued. Monitoring wells MW-5 and MW-9 were destroyed during Facility closure activities in 2001. Wells MW-6, MW-7, and MW-8 were completely removed in 2001-2002 as gravel was mined east of the consolidated closed Unit. Wells MW-1A and MW-3A were previously monitored because the Discharger suspected that some of the site wells had been tampered with. Well MW-10 was installed in 2000 approximately ½ mile hydraulically downgradient of the Facility because groundwater modeling estimated that the leading edge of a salt plume may have moved that far off-site. The Discharger's consultant suggests that MW-10 is no longer needed for groundwater monitoring at the Facility due to "its considerable distance from the closed disposal cell, its proximity to a dairy, and seven years of consistent, generally improving water-quality data".
27. These revised WDRs will require proper abandonment of wells MW-1A, MW-3A, and MW-10 under permit from Glenn County.
28. The disposal Unit at the Facility is unlined and there is no unsaturated zone monitoring system present.

29. The Discharger's detection monitoring program for groundwater at the Unit satisfies the requirements contained in Title 27.

### **GROUNDWATER DEGRADATION**

30. Review of groundwater monitoring data in 1997 found elevated concentrations of TDS, Sodium, Chloride, and Sulfate. WDR Order No. 98-162 reclassified the drilling mud waste from inert to designated (See Findings 7, 10, and 11 above). Statistical evaluation of groundwater monitoring data for the entire period of record finds concentrations of most constituents decreasing in downgradient wells since monitoring began. The downward trend began once disposal of drilling mud ceased in the early 1990s. Notable exceptions to the general downward trend are increasing trends for pH and Electrical Conductivity in downgradient well MW-4. Overall, statistical trends in downgradient wells indicate that water quality at the Facility has improved since monitoring began.
31. Statistical trends for the post-closure period since 2001 indicate that groundwater quality at the Facility has stabilized, with the exception of Alkalinity. Alkalinity shows increasing trends both up gradient and downgradient of the Facility, which is likely unrelated to disposal activities.
32. Site closure, the Discharger's preferred remedial alternative in response to elevated salinity in groundwater at the Facility, appears to have improved water quality since the post-closure maintenance period began in 2001. Therefore, these revised WDRs shall effectively end the Evaluation Monitoring and Corrective Action Monitoring Programs required by WDR Order No. 98-162, and instead require compliance with the groundwater Detection Monitoring Program requirements of 27 CCR.

### **FINANCIAL ASSURANCES**

33. In July 2004, the Discharger submitted cost estimates in the amount of \$184,814.00 for the remaining 28 years of post-closure maintenance of the Unit. The post-closure maintenance cost estimate includes specific activities related to repair and potential corrective action at the Unit. Therefore, separate cost estimates and a demonstration of adequate financial resources for completing corrective action are not currently required.
34. On 13 January 2005, the Discharger submitted an Irrevocable Letter of Credit in the amount of \$184,814.00 for post-closure maintenance of the Unit. This amount has not been updated for inflation, so these WDRs require amending the post-closure maintenance cost estimates to reflect inflation since 2005 and submittal of an annual report calculating the increase in the cost estimates for post-closure maintenance due to the inflation factor calculation for the previous calendar year. The Discharger is required to increase the monetary amount of the financial mechanism for post-closure maintenance each year based on the annual inflation factor calculation.

## CEQA AND OTHER CONSIDERATIONS

35. The action to revise waste discharge requirements for this existing disposal facility is exempt from the provisions of the California Environmental Quality Act (CEQA), Public Resource Code §21000, et seq., and the CEQA guidelines, in accordance with Title 14, CCR, §15301.
36. Effective 18 July 1997, the water quality regulations for Class II and Class III disposal facilities formerly contained in Chapter 15, Title 23, California Code of Regulations (CCR) and the solid waste regulations formerly in Title 14, CCR, were consolidated into Chapters 1 through 7, Subdivision 1, Division 2, Title 27, CCR (Title 27 or 27 CCR).
37. This order implements:
  - a. *The Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition*; and
  - b. The prescriptive standards and performance goals of Title 27, California Code of Regulations, effective 18 July 1997, and subsequent revisions.

## PROCEDURAL REQUIREMENTS

38. All local agencies with jurisdiction to regulate land use, solid waste disposal, air pollution, and to protect public health have approved the use of the Facility for the discharge of waste to land stated herein.
39. The Regional Water Board notified the Discharger and interested agencies and persons of its intent to prescribe revised waste discharge requirements for this Facility, and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
40. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.
41. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board to review the action in accordance with Sections 2050 through 2068, Title 23, California Code of Regulations. The petition must be received by the State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, California 95812, within 30 days of the date that the Order is adopted. Copies of the laws and regulations applicable to the filing of a petition are available on the Internet at [http://www.waterboards.ca.gov/laws\\_regulations/](http://www.waterboards.ca.gov/laws_regulations/) and will be provided on request.

**IT IS HEREBY ORDERED** that WDR Order No. 98-162 is rescinded, and that Sulara Enterprises, Inc., its agents, successors, and assigns, in order to meet the provisions of Division 7 of the California Water Code and the regulations adopted thereunder, shall comply with the following:

## A. PROHIBITIONS

1. The discharge of any liquid, solid, designated, or hazardous waste at this facility is prohibited. For the purposes of this Order, the terms 'hazardous waste' and 'designated waste' are as defined in Division 2 of Title 27.
2. The discharge of solid waste or liquid waste to surface waters, surface water drainage courses, or groundwater is prohibited.
3. The discharge of wastes outside of a waste management unit or portions of a waste management unit specifically designed for their containment is prohibited.
4. Allowing surface water or precipitation to pond over buried waste within the Unit is prohibited.

## B. FACILITY SPECIFICATIONS

1. Wastes from the Facility shall not cause pollution or a nuisance as defined in California Water Code, Section 13050.
2. Wastes from this Facility shall not cause degradation of any water supply.
3. The Discharger shall maintain in good working order any facility, control system, or monitoring device installed to achieve compliance with the waste discharge requirements. Any repairs to such structures shall be completed **by 31 October of each year**. Descriptions of any necessary repairs or Facility maintenance shall be included with each Annual Monitoring Summary Report, in accordance with Monitoring and Reporting Program No. \_\_\_\_\_.
4. The Discharger shall complete proper destruction of wells MW-1A, MW-3A, and MW-10 under permit of Glenn County **before 31 December 2009**. A work plan describing the proposed well destruction procedures shall be submitted to the Executive Officer for review and approval at least 30 days prior to commencing well destruction activities. A description of the well destruction activities shall be included with the 2009 Annual Monitoring Summary Report, required pursuant to Monitoring and Reporting Program No. \_\_\_\_\_.
5. Repairs to the low-hydraulic conductivity layer of the final cover system over the Unit shall be carried out in accordance with an approved construction quality assurance (CQA) plan [27 CCR §21090(b)(1)(E)].
6. The post-closure monitoring period shall continue until the Regional Water Board determines that wastes remaining in the Unit no longer pose a threat to water quality [27 CCR §20950(a)(1)].

7. Throughout the post-closure maintenance period, the Discharger shall maintain the structural integrity and effectiveness of all containment structures, maintain the final cover system as necessary and correct the effects of settlement and other adverse factors that may occur, maintain all monitoring systems, and prevent erosion and off-site discharges of sediment.
8. **By 1 July 2009**, the Discharger shall provide proof to Regional Water Board staff that the deed to the Drilling Mud Disposal Facility property, or some other instrument that is normally examined during title searches, has been modified to include, in perpetuity, a notation to any potential purchasers of the property stating that:
  - a. The parcel has been used for disposal of drilling mud waste; and
  - b. Land use options for the parcel are restricted in accordance with the post-closure land uses set forth in the Post-Closure Maintenance Plan and in these WDRs for the Facility.

#### **Protection From Storm Events**

9. The Unit shall be maintained to prevent inundation or washout due to flooding events with a 100-year return period. Precipitation and drainage control systems shall be maintained to accommodate the anticipated volume of precipitation and peak flows from surface runoff under 100-year, 24-hour precipitation conditions.
10. Internal site drainage from surface or subsurface sources shall not contact or be allowed to percolate through the Unit. Precipitation and storm water shall not be allowed to pond over the Unit. Surface and subsurface drainage from outside of the Facility shall be diverted from the Unit [27 CCR §20365(e)].
11. The Discharger shall immediately notify Regional Water Board staff of any flooding, unpermitted discharge of waste off-site, equipment failure, slope failure, or other change in site conditions that could impair the integrity of waste containment facilities or precipitation and drainage control structures.
12. **Annually, prior to the anticipated rainy season and no later than 31 October of each year**, any necessary erosion control measures shall be implemented, and any necessary construction, maintenance, or repairs of precipitation and drainage control facilities shall be completed to prevent erosion or flooding of the Facility. Descriptions of any necessary repairs or Facility maintenance shall be included with each Annual Monitoring Summary Report, in accordance with Monitoring and Reporting Program No. \_\_\_\_\_.

### C. FINANCIAL ASSURANCES

1. The Discharger shall maintain financial assurances demonstrating financial responsibility for post-closure maintenance at the Facility. The assurances of financial responsibility shall name the Regional Water Board as beneficiary and shall provide that funds for post-closure maintenance shall be available to the Regional Board upon the issuance of any order under California Water Code, Division 7, Chapter 5.
2. The Discharger shall submit for Executive Officer review and approval **by 1 June of each year**, a report calculating the increase in the cost estimates for corrective action and post-closure maintenance due to the inflation factor for the previous calendar year, in accordance with Title 27, Section 22236. The Discharger shall increase the monetary amounts of the financial mechanism(s) required by Title 27 based upon the inflation factor calculation **by 1 October annually**. Each Annual Monitoring Summary Report required by Monitoring and Reporting Program No. \_\_\_\_\_ shall include a discussion of the adequacy of the financial assurance mechanisms and provide proof that the financial assurance mechanism(s) have been increased in accordance with the annual inflation factor calculation.

### D. MONITORING SPECIFICATIONS

1. The Discharger shall collect all data necessary for selecting appropriate data analysis methods for establishing background values for each constituent of concern (COC) and for each monitoring parameter [Title 27 §20420(c)].
2. The Discharger shall submit **by 1 July 2009**, for review and approval, a Sample Collection and Analysis Plan. The Sample Collection and Analysis Plan shall at a minimum include:
  - a. Information regarding the competency and training of staff or personnel responsible for performing sampling activities
  - b. Sample collection procedures describing purging techniques, sampling equipment, and decontamination of sampling equipment;
  - c. Sample preservation information and shipment procedures;
  - d. Sample analytical methods and procedures;
  - e. Sample quality assurance/quality control (QA/QC) procedures; and
  - f. Chain of Custody control.
3. The Discharger shall submit **by 1 July 2009** an updated Water Quality Protection Standard Report that also proposes a data analysis method and includes a detailed description of the criteria to be used for determining “measurably significant” evidence of a release from the Unit and for determining compliance

with the Water Quality Protection Standard [Title 27 §20415(e)(6) and (7)]. The Water Quality Protection Standard shall consist of the constituents of concern (COC), concentration limits, and the point of compliance. The Water Quality Protection Standard shall apply for the duration of the remaining post-closure maintenance period, and any compliance period under Title 27 §20410 [Title 27 §20390].

4. The Discharger shall comply with the Water Quality Protection Standard, once it is approved by the Executive Officer. The concentrations of the constituents of concern (COC) in waters passing the Point of Compliance shall not exceed the concentration limits established in the Water Quality Protection Standard.
5. Once a data analysis method is approved, the Discharger shall use it after each sampling event required pursuant to Monitoring and Reporting Program No. \_\_\_\_\_, to evaluate the monitoring data and determine if there is “measurably significant” evidence of a release from the Unit.
6. If the data analysis method described above indicates that a release from the Unit has tentatively been identified, then the Discharger shall implement a verification procedure/retest option, in accordance with Title 27, Sections 20415(e)(8)(E) and 20420(j)(2).
7. **Verification procedure/retest option** - If the Discharger determines that there is preliminary indication of a release, then the Discharger shall immediately notify Regional Water Board staff by phone or e-mail and, within seven days of such indication, shall collect at least one new (retest) sample from the monitoring point where the release is preliminarily indicated. Written notification shall be provided to Regional Water Board staff by certified mail within seven days of the determination.
8. If, after completing the verification procedure above, the Discharger determines that there is measurably significant or physical evidence of a release from the Unit at any monitoring point, then the Discharger shall comply with requirements of Title 27, Section 20420(k) “Responding to a Release” and immediately implement the following actions:
9. **Physical Evidence of a Release** – If the Discharger determines that there is physical evidence of a release, then the Discharger shall immediately notify Regional Water Board staff by phone or e-mail of such a determination. Written notification shall be provided to Regional Water Board staff by certified mail within seven days of the determination.

10. **Release has been verified** – If the release verification was made based upon sampling and analysis for the monitoring parameters (or COC) required by Monitoring and Reporting Program No. \_\_\_\_\_, then the Discharger shall immediately sample all monitoring points in the affected medium at the Unit and determine the concentration of all COC.
11. Within 90 days of verifying measurably significant or physical evidence of a release, the Discharger shall provide an Amended Report of Waste Discharge to make appropriate changes to the detection monitoring program.
12. If the Discharger determines that there is measurably significant evidence of a release from the Unit, then the Discharger may demonstrate that a source other than the Unit caused the evidence of a release or that the evidence is an artifact caused by an error in sampling, analysis, or statistical evaluation or by natural variation in the groundwater, in accordance with Title 27, Section 20420(k)(7).

## **E. PROVISIONS**

3. The Discharger shall comply with Monitoring and Reporting Program No. \_\_\_\_\_ (MRP), which is attached to and made part of this Order. This compliance includes, but is not limited to, maintenance of waste containment facilities, precipitation and drainage controls, and all monitoring equipment. The MRP also requires groundwater monitoring and documentation of regularly scheduled Standard Observations throughout the remaining post-closure maintenance period. A violation of Monitoring and Reporting Program No. \_\_\_\_\_ is a violation of these waste discharge requirements.
4. The Discharger shall comply with all applicable provisions of Title 27 that are not specifically referred to in this Order.
5. All reports and transmittal letters shall be signed by persons identified below and include the signatory statement of Provision E.3.e below:
  - a. For a corporation: by a principal executive officer of at least the level of senior vice-president;
  - b. For a partnership or sole proprietorship: by a general partner or the proprietor;
  - c. For a municipality, state, federal or other public agency: by either a principal executive officer or ranking elected or appointed official; or
  - d. A duly authorized representative of a person designated in a, b or c above if;
    - 1) The authorization is made in writing by a person described in a, b, or c of this provision;

- 2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a Unit, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
  - 3) The written authorization is submitted to the Regional Board.
- e. Any person signing a document in accordance with this Provision shall make the following certification:
- “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.”
6. Failure to comply with any Waste Discharge Requirement, Monitoring and Reporting Program requirement, or other order or prohibition issued, reissued, or amended by the Regional Water Board or the State Water Resources Control Board, or intentionally or negligently discharging waste, or causing or permitting waste to be deposited where it is discharged into the waters of the state and creates a condition of pollution or nuisance, is a violation of these Waste Discharge Requirements and the California Water Code, which can result in the imposition of civil monetary liability [CWC §13350(a)].
  7. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to [CWC §13381]:
    - a) Violation of any term or condition contained in this Order;
    - b) Obtaining this Order by misrepresentation, or failure to disclose fully all relevant facts;
    - c) A change in any condition that results in either a temporary or permanent need to reduce or eliminate the authorized discharge; or
    - d) A material change in the character, location, or volume of discharge.
  8. Representatives of the Board may inspect the Facility to ascertain compliance with the waste discharge requirements. The inspection shall be made with the consent of the owner or possessor of the Facility or, if the consent is refused, with a duly issued warrant. However, in the event of an emergency affecting public health or safety, an inspection may be made without consent or the issuance of a warrant [CWC §13267(c)].

9. To assume ownership or operation under this Order, the succeeding owner or operator must apply in writing to the Regional Water Board requesting transfer of the Order within 14 days of assuming ownership or operation of this Facility. The request must contain the requesting entity's full legal name, the State of incorporation if a corporation, the name and address and telephone number of the persons responsible for contact with the Regional Water Board, and a statement. The statement shall comply with the signatory requirements contained in Provision E.3 above and state that the new owner or operator assumes full responsibility for compliance with this Order. Failure to submit the request shall be considered a discharge without requirements, a violation of the California Water Code. Transfer of this Order shall be approved or disapproved by the Regional Water Board.
10. The Regional Board will review this Order periodically and may revise requirements when necessary.
11. Technical and monitoring reports required for compliance with this Order are requested pursuant to California Water Code (CWC), Section 13267(b). Failure to furnish reports by specified deadlines or falsifying information in the reports are misdemeanors that may be liable civilly in accordance with Section 13268(b) of the California Water Code [CWC §13268(a)].
12. The Discharger shall complete the tasks outlined in these WDRs and the attached Monitoring and Reporting Program No. \_\_\_\_\_ in accordance with the following time schedule:

<b>Task</b>	<b>Compliance Date</b>
a. Complete proper destruction of monitoring wells MW-1A, MW-3A, and MW-10. (See Facility Specification B.4).	<b>By 31 December 2009</b>
b. Provide proof of deed notation and land use restriction. (See Facility Specification B.8).	<b>By 1 July 2009</b>
c. Submit a Sample Collection and Analysis Plan. (See Monitoring Specification D.2).	<b>By 1 July 2009</b>
d. Provide an updated Water Quality Protection Standard Report with proposed data analysis method. (See Monitoring Specification D.3).	<b>By 1 July 2009</b>

I, Pamela C. Creedon, Executive Officer, do hereby certify the foregoing is a full, true and

correct copy of an Order adopted by the California Regional Water Quality Control Board,  
Central Valley Region, on \_\_\_\_\_.

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PAMELA C. CREEDON, Executive Officer

DPS: sae  
2/26/2009