

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

BOARD ORDER R7-2016-0024

WASTE DISCHARGE REQUIREMENTS
FOR
PALM SPRINGS FREEWAY DEVELOPMENT, LLC, OWNER/OPERATOR
WASTEWATER TREATMENT SYSTEM
Palm Springs – Riverside County

The California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) finds that:

1. On May 20, 2015, Palm Springs Freeway Development, LLC, owner/operator, (Discharger) submitted a Report of Waste Discharge (ROWD) to obtain Waste Discharge Requirements (WDRs) for a proposed 65-room hotel and two fast food restaurants (Project) to be located at 610 West Garnett Avenue, Palm Springs, CA 92262. Palm Springs Freeway Development, LLC, is also the landowner. The WDRs for this new Project are necessary for the operation and discharge of treated domestic wastewaters from an advanced onsite wastewater treatment and disposal system. . On June 19, 2015, Colorado River Basin Water Board staff requested a revised ROWD, which was received on June 20, 2015. On July 7, 2015, Colorado River Basin Water Board staff again requested additional information, which was received on July 20, 2015.
2. The Project will be located on a 3.02-acre area of land that includes Riverside County Assessor's Parcel Nos. 666-430-013, 014, 018, and 019 that lie within the City of Palm Springs in Section 15, Township 3 South, Range 4 East, San Bernardino Baseline & Meridian. Attachment A, Parcel Map depicts this information and shows the general vicinity of the Project and is made part of this Board Order by this reference. The latitude and longitude coordinates are 33.9033 degrees north and 116.5478 degrees west.
3. The Facility is assigned California Integrated Water Quality System (CIWQS) number CW-813297, Waste Discharger Identification (WDID) number 7A331364001, and GeoTracker Global ID number GT-WDD100009059.
4. The Project will consist of 65-room hotel with manager quarters including kitchen and personal laundry, and two fast food restaurants with drive through windows. The restaurants are approved by the City of Palm Springs for a 2,400 square-foot (sq. ft) restaurant to seat 100 persons, and a 1,800 sq. ft restaurant to seat 80 persons. Each restaurant will have a drive through window, which will be open 24 hours per day and will generate 200 trips (meals) per day. The hotel will use 3,500 gallons per day (gpd), and the two restaurants in total will utilize 6,000 gpd, for a total design flow of 9,500 gpd. Based on the information provided in the ROWD and additional correspondence, the combined waste stream from these sources is high strength wastewater in character.

Wastewater Treatment System and Discharge

5. The Discharger proposes to install an advanced Wastewater Treatment System (WWTS or Facility) that will be designed to meet the effluent limits contained in this Board Order.

The design may include physical, biological, and chemical treatment elements, and will cite operational and maintenance protocols to assure compliance with the requirements of this Board Order. Prior to construction, the design of the WWTS will be submitted for review by the Colorado River Basin Water Board staff. Technical documents submitted in the ROWD indicate the WWTS needs to include treatment to remove oil and grease and reduce Biochemical Oxygen Demand (BOD) to establish influent that is domestic wastewater in character. Attachment B, Site Layout shows the location of the proposed WWTS.

6. The Facility is located within the Mission Springs Water District (MSWD) service area. MSWD is planning to construct a centralized municipal wastewater treatment plant and collection system in the vicinity of the facility. The Discharger will install MSWD compliant piping, which will be stubbed out to be used to connect to the MSWD sewer system, if and when it becomes available.
7. Based on the information provided in the ROWD, the Discharger asserts that the treatment system will be designed to meet the following performance characteristics:

<u>Constituent</u>	<u>Units</u>	<u>Influent</u>	<u>Effluent Daily</u>	<u>Effluent Weekly Average</u>	<u>Effluent Monthly Average</u>
20° C BOD ₅ ¹	mg/L ²	600-1,000	65	45	30
TSS ³	mg/L	80-130	65	45	30
Total Nitrogen	mg/L	70-90	20	15	10
TDS ⁴	mg/L				source water+400
pH	s.u. ⁵				7-9

Hydrogeologic Conditions

8. Precipitation in the Palm Springs area averages about 5 inches per year. Annual evapotranspiration rate is approximately 70 inches.
9. The Whitewater River storm water channel is located approximately 2,000 feet to the southwest of the Project.
10. There are no domestic wells within one mile of the WWTS seepage pits.
11. The seepage pits overlay an aquifer of high quality groundwater. The discharger states that the depth to groundwater is approximately 300 feet.
12. Water supply to the vicinity is from MSWD located in the Coachella Hydrologic Unit, Garnet Hill Hydrologic Subunit. TDS in the water supply averages about 325 mg/L based on data reported in MSWD's 2013 water quality report.
13. Regional groundwater flow in the area is generally from the west to the east.

¹ 5-day biochemical oxygen demand at 20 degrees Celsius

² milligrams per Liter

³ Total Suspended Solids

⁴ Total Dissolved Solids

⁵ standard units

14. Soil at the site of the proposed WWTP seepage pits has not yet been characterized. However, the Discharger states in the ROWD that a soils analysis will be conducted for the design of the seepage pits. This analysis is required to be submitted prior to construction.

Basin Plan, Beneficial Uses, and Regulatory Considerations

15. The Water Quality Control Plan for the Colorado River Basin Region of California (Basin Plan), which was adopted on November 17, 1993, and amended on November 13, 2012, designates the beneficial uses of ground and surface waters in this Region, and contains implementation programs and policies to achieve water quality objectives including narrative objectives for ground water quality, in Chapter 3, section IV, Ground Water Objectives.
16. The discharge is within the Coachella Hydrologic Unit, Garnet Hill Subunit. The beneficial uses of groundwater in the Coachella Hydrologic Unit include:
 - a. Municipal supply (MUN),
 - b. Industrial supply (IND), and
 - c. Agricultural supply (AGR).
17. WDRs implement numeric and narrative water quality objectives for ground and surface waters established by the Basin Plan. The numeric objectives for groundwater designated for municipal and domestic supply are the maximum contaminant levels (MCLs) specified in sections 64431, 64444, and 64678 of Title 22 of the California Code of Regulations (CCR), and the bacteriological limits specified in section 64426.1 of Title 22, CCR.
18. 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. This order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.
19. Section 13267 of the California Water Code (CWC) authorizes the Colorado River Basin Water Board to require technical and monitoring reports. The Monitoring and Reporting Program (MRP) establishes monitoring and reporting requirements to implement federal and state requirements.
20. This Order establishes WDRs pursuant to Division 7, Chapter 4, Article 4, of the CWC for discharges that are not subject to regulation under Clean Water Act (CWA) section 402 (33 U.S.C. section 1342).
21. Pursuant to CWC section 13263(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.
22. The discharge authorized by this Board Order, and treatment and storage facilities associated with discharges of treated municipal wastewater, except for discharges of residual sludge and solid waste, are exempt from the requirements of the Consolidated Regulations for Treatment, Storage, Processing, or Disposal of Solid Waste, as set forth in Title 27, CCR, Division 2, Subdivision 1. This exemption is based on section 20090(a)

of Title 27, which states in relevant part that discharges of domestic sewage or treated effluent are exempt provided that such discharges are regulated by WDRs, or for which WDRs have been waived, and which are consistent with applicable water quality objectives, and treatment or storage facilities associated with municipal WWTS's, provided that residual sludge or solid waste from WWTS's shall be discharged only in accordance with the applicable Title 27 provisions.

Groundwater Degradation

23. State Water Board Resolution 68-16, "Policy with Respect to Maintaining High Quality Waters of the State"(Resolution 68-16) states:

"Whenever the existing quality of water is better than the quality established in policies as of the date on which such policies become effective, such existing high quality will be maintained until it has been demonstrated to the State that any change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies."

Resolution 68-16 further states:

"Any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control [BPTC] of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained."

24. Some degradation of groundwater from the discharge to the seepage pits 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;
- c. Is limited to waste constituents typically encountered in domestic wastewater; and
- d. Does not result in the loss of any beneficial use as prescribed in the applicable basin plan, or violation of any water quality objective.

25. The discharge of wastewater from the WWTS, as permitted herein, reflects BPTC. The controls assure the discharge does not create a condition of pollution or nuisance, and that water quality will be maintained, which is consistent with the anti-degradation provisions of Resolution 68-16. The WWTS incorporates:

- a. Technology for secondary treated domestic wastewater;
- b. Solids handling facilities;
- c. An operation and maintenance manual;
- d. Staffing and training to assure proper operation and maintenance

26. Due to the proposed discharge flow of less than 10,000 gallons per day, and the

requirement to connect to the MSWD centralized sewer once it becomes available, it is anticipated that some degradation of groundwater quality may occur, but it is not expected to be significant. In addition, groundwater quality objectives should not be violated.

Constituents of Concern

27. Constituents in domestic wastewater effluent that present the greatest risk to groundwater quality are nitrogen, coliforms (pathogen-indicator organisms), and TDS. The WWTS meeting the effluent limits prescribed in this Board Order provides substantial removal of soluble organic matter, solids, and some nitrogen treatment.
28. Title 22, CCR section 64431, Maximum Contaminant Level (MCL) for Nitrate plus Nitrite as Nitrogen is 10 mg/L and the MCL for Nitrite as Nitrogen is 1 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. The Discharger's ROWD reports that the proposed WWTS will discharge a Total Nitrogen concentration less than 10 mg/L.
29. While secondary treatment reduces fecal coliform densities by 90 to 99%, the remaining organisms in effluent are still 10^5 to 10^6 MPN/100 mL (*United States Environmental Protection Agency, Design Manual, Municipal Wastewater Disinfection; October 1986*). Given the depth to groundwater, reported to be approximately 300 feet, it is not likely that pathogen-indicator bacteria will reach groundwater at densities exceeding those prescribed in Title 22, CCR. In addition, the nearest domestic water production well is located over 500 feet from the seepage pits. Therefore, it is not anticipated that groundwater will be degraded by pathogen-indicator bacteria.
30. The typical incremental addition of dissolved salts from domestic water usage is 150 to 380 mg/L. Domestic water supply to the community has an average of about 325. The Discharger reports in the ROWD that the anticipated incremental increase over domestic water supply will be less than 400 mg/L above source water. Title 22, Secondary MCLs for domestic supply specifies a "recommended" consumer acceptance contaminant level of 500 mg/L and "upper" consumer acceptance contaminant level of 1,000 mg/L if it is neither reasonable nor feasible to provide more suitable waters (CCR, Title 22, section 64449, Table 64449-B) for TDS in drinking water. The Colorado River Water Board is responsible for implementing the State Water Resources Control Board's Salt and Nutrient Management Plan (SNMP). As a means of implementing the SNMP programmatically, the TDS effluent limit in this Board Order will be limited to 300 mg/L above the domestic water supply. The discharge as proposed should have a TDS concentration within the recommended concentration range for TDS and less than the "upper" consumer acceptance contaminant level of 1,000 mg/L.

CEQA and Public Participation

31. In accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21000 et seq.) and implementing Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), the City of Palm Springs (City) acting as the Lead Agency, prepared an Initial Study and proposed Mitigated Negative Declaration (MND) for the construction of the Project. Based on the Initial Study, the City determined that although construction of the proposed facility could have a significant

effect on the environment, mitigating measures would avoid the effect to a point where no significant effect on the environment would occur. The City’s determination is reflected in the findings made in the MND adopted August 1, 2001. The City concluded in the MND that the proposed Project, with mitigation measures incorporated, will not have a significant effect on the environment. Colorado River Basin Water Board staff has reviewed the MND, as adopted, and supporting documents, and has determined that compliance with the mitigation measures and the requirements of this Board Order will prevent any significant impacts to water quality.

32. The Colorado River Basin Water Board has notified the Discharger and all known interested agencies and persons of its intent to draft WDRs for this discharge, and has provided them with an opportunity for a public meeting and an opportunity to submit comments.
33. The Colorado River Basin Water Board, in a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, in order to meet the provisions contained in Division 7 of the California Water Code, and regulations adopted thereunder, the Discharger shall comply with the following:

A. Effluent Limitations

1. Effluent discharged prior to disposal into the seepage pits shall not exceed the following effluent limits:

<u>Constituent</u>	<u>Units</u>	<u>Monthly Arithmetic Mean</u>	<u>Weekly Arithmetic Mean</u>	<u>Maximum</u>
20° C BOD ₅	mg/L	30	45	----
Total Suspended Solids	mg/L	30	45	----
Total Nitrogen	mg/L	10	15	20

2. Effluent from the WWTS into the seepage pits shall not have a pH below 6.0 or above 9.0.
3. The increase in concentration of TDS in the wastewater discharged to the seepage pits over that contained in the water supply to the community shall not exceed 300 mg/L.

B. Solids Handling

1. Solids accumulation in the WWTS shall be removed routinely for off-site disposal by an appropriately licensed hauler.

C. Discharge Prohibitions

1. Discharge of waste classified as “hazardous”, as defined in Title 23, CCR, section 2521(a), or “designated”, as defined in California Water Code section 13173, is prohibited.

2. Discharge of waste in a manner or character not described in the ROWD and herein is prohibited.
3. Discharge of treated wastewater at a location other than the designated disposal areas is prohibited.
4. The discharge of wastewater in excess of the treatment capacity of the Facility is prohibited.
5. The discharge of any wastewater from the facility to any surface waters or surface drainage courses is prohibited.
6. Discharge of waste to land not owned or authorized for such use by the Discharger is prohibited.
7. Surfacing or ponding of wastewater outside of the designated disposal locations is prohibited.
8. Bypass, overflow, discharge, or spill of untreated or partially treated waste is prohibited.

D. Discharge Specifications

1. The treatment or disposal of wastes from the WWTS shall not cause pollution or nuisance as defined in sections 13050(l) and 13050(m) of Division 7 of the California Water Code, respectively.
2. The Discharger shall coordinate with MSWD and comply with MSWD's ordinances and specifications for sanitary sewer connection and location of lateral stub-out.
3. 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.
4. Public contact with non-disinfected wastewater shall be precluded through such means as fences, signs, and other acceptable alternatives.
5. Objectionable odors originating at this facility shall not be perceivable beyond the limits of the wastewater treatment and disposal area.
6. There shall be no surface flow of wastewater away from the defined disposal seepage pit.
7. The WWTS shall be maintained to prevent sewage or treated effluent from surfacing or overflowing.
8. The Discharger shall connect to the MSWD centralized sewer system when it becomes available

E. Groundwater Limitations

1. Discharge from the WWTS shall not cause groundwater to:
 - a. Contain constituents in excess of California MCLs, as set forth in the California Code

of Regulations, Title 22, section 64426.1 for bacteriological constituents; section 64431 for inorganic chemicals; section 64444 for organic chemicals; and section 64678 for determination of exceedances of lead and copper action levels.

- b. Contain taste or odor-producing substances in concentrations that adversely affect beneficial uses as a result of human activity.

F. Special Provisions

1. **At least 180 days** prior to construction, for review by the Colorado River Basin Water Board staff, the Discharger shall submit a technical report that includes complete design documents of the WWTS, including the soils analysis, and a WWTS Process Flow Diagram. The technical report shall also include a detailed schedule to complete construction of the WWTS. The WWTS shall be designed to meet the effluent limitations and for the treatment of high strength wastewater from hotels and restaurants as described in the Project description of this Board Order.
2. **At least 3 days** prior to the start of construction of the WWTS, the Discharger shall submit copies of all local permits obtained for that purpose, and the Discharger shall notify verbally and via email Colorado River Basin Water Board staff for the purpose of establishing appointments for inspections.
3. **At least 30 days** prior to WWTS start up, the Discharger shall submit a Spill Prevention and Response Plan.
4. **At least 30 days** prior to WWTS start up, the Discharger shall submit a Sampling and Analysis Plan.
5. **Within 30 days** of Project completion, the Discharger shall submit a copy of the contract with the operator contracted for the maintenance and operation of the WWTS with the Operations and Maintenance Plan. The documentation shall include the detail necessary to demonstrate compliance to the Board Order, including solids management and cite contact information and required operator certification.
6. **Within 6 months** of Project completion, the Discharger shall submit a technical report that includes as-built documents illustrating the wastewater treatment system and seepage pits as well as lateral and other appurtenances required to connect to the MSWD centralized sewer system when and if it becomes available. The technical report shall include the latitude and longitude of the seepage pit and this information placed in GeoTracker as a geospatial data point.
7. Consistent with the City of Palm Springs Case 5.0856 Conditional Use Permit, the Discharger shall comply with the Sanitary Sewer Conditions of Approval. The Discharger shall connect to MSWD's sewer collection system when it becomes available.
8. **Within 6 months** of sewer service availability, the Discharger shall submit a technical report which includes a workplan and schedule to connect to the sanitary sewer collection system and abandon the WWTS seepage pits.

G. Standard Provisions

1. The Discharger shall comply with all of the conditions of this Board Order. Noncompliance is a violation of the Porter-Cologne Water Quality Control Act (CWC, section 13000 et seq.), and is grounds for enforcement action.
2. The Discharger shall comply with the Electronic Submittal of Information (ESI) requirements by submitting all correspondence and reports required under Monitoring and Reporting Program (MRP) R7-2016-0024, and future revisions thereto, including groundwater monitoring data and discharge location data (latitude and longitude), correspondence, and pdf monitoring reports to the State Water Resources Control Board GeoTracker database. Documents that are 2.0 MB or larger should be broken down into smaller electronic files, labelled properly and uploaded into GeoTracker.
3. All technical reports required in conjunction with this Order are required pursuant to Section 13267 of the CWC, and 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 report is true, complete, and accurate.
4. In accordance with California 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 specified herein that contain work plans, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professionals, even if not explicitly stated. Each technical report submitted by the Discharger shall contain a statement of qualifications of the responsible licensed professionals as well as the professional's signature and/or stamp of the seal. Additionally, to the extent that preparation of a required technical report involves field activities, field activities shall be conducted under the direct supervision of one or more of these professionals.
5. The Discharger shall not cause degradation of any water supply in accordance with State Water Board Resolution 68-16.
6. Standby power generating facilities shall be available to operate the plant during a commercial power failure.
7. Adequate measures shall be taken to assure that flood or surface drainage waters do not erode or otherwise render portions of the discharge facilities inoperable.
8. The WWTS shall be supervised and operated by persons possessing certification of appropriate grade pursuant to section 3680, Chapter 26, Division 3, Title 23 of the California Code of Regulations.
9. 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 Board Order. Proper operation and maintenance includes 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 Board 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 Colorado River Basin Water Board's Executive Officer on request.

10. The Discharger shall ensure that all site-operating personnel are familiar with the content of this Board Order, and shall maintain a copy of this Board Order at the site.
11. The Discharger shall allow the Colorado River Basin 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 Board Order, or the place where records are kept under the conditions of this Board Order;
 - b. Have access to and copy, at reasonable times, records kept under the conditions of this Board Order;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Board Order; and
 - d. Sample or monitor at reasonable times, for the purpose of assuring compliance with this Board Order or as otherwise authorized by the California Water Code, any substances or parameters at this location.
12. Disposal of oil and grease, septage, screenings, and other solids collected from liquid wastes shall be pursuant to Title 27, and the review and approval of the Colorado River Basin Water Board Executive Officer.
13. The Discharger shall provide a report to the Colorado River Basin Water Board when it determines that the plant'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.
14. Prior to implementing a modification that results in a material change in the quality or quantity of wastewater treated or discharged, or a material change in the location of discharge, the Discharger shall report all pertinent information in writing to the Colorado River Basin Water Board, and obtain revised requirements.
15. **Thirty (30) days** prior to a change in owner or operator of the Project and/or the WWTS, the Discharger shall notify the Colorado River Basin Water Board verbally and via email and transmit a copy of this Board Order notifying the succeeding owner/operator of its responsibility.
16. **Within Thirty (30) days** of a change in ownership and/or the operator of the WWTS, the new owner/operator shall submit an updated Form 200 to the Colorado River Basin Water Board requesting appropriate changes for this Board Order.
17. The Discharger shall provide adequate notice to the Colorado River Basin Water Board Executive Officer of the following:
 - a. The introduction of pollutants into any treatment facility described in the Findings of

- this Board Order if the pollutants were discharged directly;
- b. Any substantial change in the volume or character of pollutants introduced into any treatment facility described in the Findings of this Board Order, by an existing or new source; and
 - c. Any planned physical alteration or addition to the facilities described in this Board Order, or change planned in the Discharger's sludge use or disposal practice, where such alterations, additions, or changes may justify the application of Board Order conditions that are different from or absent in the existing Board Order, including notification of additional disposal sites not reported during the Board Order application process, or not reported pursuant to an approved land application plan.
18. The Discharger shall report orally, any noncompliance that may endanger human health or the environment. The noncompliance shall be reported immediately to the Colorado River Basin Water Board's Executive Officer at (760) 346-7491, and the California Office of Emergency Services at (800) 852-7550 as soon as:
- a. The Discharger has knowledge of the discharge,
 - b. Notification is possible, and
 - c. Notification will not substantially impede cleanup or other emergency measures.

During non-business hours, the Discharger shall leave a message on the Colorado River Basin Water Board's office voice recorder at the above listed number. Incident information shall be provided orally as soon as possible and within 24 hours from the time the Discharger becomes aware of the incident. A written report shall also be provided within five (5) 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. The Discharger shall report all intentional or unintentional spills in excess of one thousand (1,000) gallons occurring within the WWTS or collection system to the Colorado River Basin Water Board office in accordance with the above time limits.

19. The Discharger shall report all instances of noncompliance. Reports of noncompliance shall be submitted with the Discharger's next scheduled Self-Monitoring Report due in accordance with the MRP, or earlier if requested by the Colorado River Basin Water Board's Executive Officer, or if required by an applicable standard for sludge use and disposal.
20. By-pass (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 Colorado River Basin Water Board may take enforcement action against the Discharger for by-pass unless:
- a. By-pass 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 by-pass. Severe property damage does not mean economic loss caused by delays in production; and

- There were no feasible alternatives to by-pass, 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 by-pass occurring during equipment downtime, or preventive maintenance.
- b. By-pass is:
- i. Required for essential maintenance to assure efficient operation; and
 - ii. Neither effluent nor receiving water limitations are exceeded; and
 - iii. The Discharger notifies the Colorado River Basin Water Board ten (10) days in advance.
21. In the event of an unanticipated by-pass, the Discharger shall immediately report the incident to the Colorado River Basin Water Board. During non-business hours, the Discharger shall leave a message on the Colorado River Basin Water Board office voice recorder. A written report shall be provided within five business days the Discharger is aware of the incident. The written report shall include a description of the by-pass, 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.
22. Federal regulations for storm water discharges require specific categories of facilities which discharge storm water associated with industrial activity (storm water) to obtain National Pollutant Discharge Elimination System (NPDES) permits and to implement Best Conventional Pollutant Technology (BCPT) and Best Available Technology Economically Achievable (BAT) to reduce or eliminate industrial storm water pollution.
23. All storm water discharges from this facility must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies, regarding discharges of storm water to storm water drain systems or other courses under their jurisdiction.
24. Storm water discharges from the facility shall not cause or threaten to cause pollution or contamination.
25. Storm water discharges from the facility shall not contain hazardous substances equal to or in excess of a reportable quantity listed in 40 CFR Part 117 and/or 40 CFR Part 302.
26. The Discharger is the responsible party for the waste discharge requirements and the monitoring and reporting program for the facility. The Discharger shall comply with all conditions of these waste discharge requirements. Violations may result in enforcement actions, including Colorado River Basin Water 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 Colorado River Basin Water Board.
27. This Board Order does not authorize violation of any federal, state, or local laws or regulations.
28. This Board 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, or infringement of federal, state, or local laws or regulations.

29. This Board Order may be modified, rescinded, or reissued, for cause. The filing of a request by the Discharger for a Board Order modification, rescission or reissuance, or notification of planned changes or anticipated noncompliance, does not stay any Board Order condition. Causes for modification include a change in land application plans, or sludge use or disposal practices, and adoption of new regulations by the State or Colorado River Basin Water Board (including revisions to the Basin Plan), or Federal government.

I, Jose L. Angel, 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, Colorado River Basin Region, on June 30, 2016.



JOSE L. ANGEL, P.E.
Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

MONITORING AND REPORTING PROGRAM R7-2016-0024
FOR
PALM SPRINGS FREEWAY DEVELOPMENT, LLC, OWNER/OPERATOR
ONSITE WASTEWATER TREATMENT SYSTEM
Palm Springs - Riverside County

Location of Discharge:
Latitude/Longitude, 33° 54' 12" N / 116° 32' 52"W

A. Monitoring

1. This Monitoring and Reporting Program (MRP) describes requirements for monitoring a wastewater system and groundwater quality (when needed). This MRP is issued pursuant to California Water Code (CWC) section 13267. The Discharger shall not implement any changes to this MRP unless and until a revised MRP is issued by the Executive Officer.
2. Water Code section 13267 states, in part:

“In conducting an investigation specified in subdivision (a), the Colorado River Basin Water Board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the Colorado River Basin Water Board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the Colorado River Basin Water Board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”
3. Water Code section 13268 states, in part:

“(a) (1) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of section 13267, or failing or refusing to furnish a statement of compliance as required by subdivision (b) of section 13399.2, or falsifying any information provided therein, is guilty of a misdemeanor, and may be liable civilly in accordance with subdivision (b). (b) (1) Civil liability may be administratively imposed by a Colorado River Basin Water Board in accordance with Article 2.5 (commencing with section 13323) of Chapter 5 for a violation of subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.”
4. The Discharger owns and operates the wastewater system that is subject to Board Order R7-2016-0024. The reports are necessary to ensure that the Discharger complies with the Order. Pursuant to Water Code section 13267, the Discharger shall implement the MRP and shall submit the monitoring reports described herein.

5. 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 sample chain of custody form. If composite samples are collected, the basis for sampling (time or flow weighted) shall be approved by Colorado River Basin Water Board staff.
6. 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 as described in the "Reporting" section of this MRP.
7. The collection, preservation and holding times of all samples shall be in accordance with U. S. Environmental Protection Agency (USEPA) approved procedures. Unless otherwise approved by the Colorado River Basin Water Board's Executive Officer, all analyses shall be conducted by a laboratory certified by the State Water Resources Control Board, Division of Drinking Water (DDW). All analyses shall be conducted in accordance with the latest edition of the "Guidelines Establishing Test Procedures for Analysis of Pollutants" (40 CFR Part 136), promulgated by the USEPA.
8. 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. In the event that continuous monitoring equipment is out of service for 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.
9. 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, copies of all reports required by this Board Order, and records of all data used to complete the application for this Board Order, for a period of at least five (5) years from the date of the sample, measurement, report or application. This period may be extended by request of the Colorado River Basin 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. The results of such analyses.
10. Samples shall be collected at the location specified in the WDRs. If no location is specified, sampling shall be conducted at the most representative sampling point available.
 11. Given the monitoring frequency prescribed by MRP R7-2016-0024, if only one sample is available for a given reporting period, compliance with monthly average, or weekly average Discharge Specifications, will be determined from that sample.
 12. If the facility is not in operation, or there is no discharge during a required reporting period, the Discharger shall forward a letter to the Colorado River Basin Water Board indicating that there has been no activity during the required reporting period.

Influent Monitoring

13. Influent to the WWTS shall be monitored according to the following schedule:

<u>Constituent</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Monitoring Frequency</u>	<u>Reporting Frequency</u>
20°C BOD ₅ ¹	mg/L ²	Grab	Monthly	Monthly
Total Suspended Solids	mg/L	Grab	Monthly	Monthly
Oil and Grease	mg/L	Grab	Monthly	Monthly

WWTS Effluent Monitoring

14. Effluent from the WWTS prior to entering the seepage pit shall be monitored according to the following schedule:

<u>Constituent</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Monitoring Frequency</u>	<u>Reporting Frequency</u>
Flow	MGD ³	Flow Meter Reading	Daily	Monthly
20°C BOD ₅	mg/L	Grab	Twice Monthly	Monthly
Total Suspended Solids	mg/L	Grab	Twice monthly	Monthly
Nitrate as N	mg/L	Grab	Monthly	Monthly
Nitrite as N	mg/L	Grab	Monthly	Monthly
Total Nitrogen	mg/L	Grab	Monthly	Monthly

¹ 5-day Biochemical Oxygen Demand at 20 degrees Celsius.

² milligrams per Liter

³ Million Gallons per Day

<u>Constituent</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Monitoring Frequency</u>	<u>Reporting Frequency</u>
pH	s.u. ⁴	Grab	Monthly	Monthly
Total Dissolved Solids	mg/L	Grab	Monthly	Monthly
Oil and Grease	mg/L	Grab	Monthly	Monthly
VOCs ⁵	µg/L ⁶	Grab	Annually	Annually

Domestic Water Supply

15. Domestic water supply samples shall be collected at the Project site and shall be monitored according to the following schedule:

<u>Constituent</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Monitoring Frequency</u>	<u>Reporting Frequency</u>
Total Dissolved Solids	mg/L	Grab	Monthly	Monthly

B. Reporting

1. The Discharger shall inspect and document any operation/maintenance problems by inspecting each unit process. In addition, calibration of flow meters and equipment shall be performed in a timely manner and documented. Operation and Maintenance reports shall be submitted to the Colorado River Basin Water Board Office annually.
2. The annual Operation and Maintenance report shall include the following:
 - a. Documentation showing the calibration of flow meters and equipment as performed in a timely manner annually;
 - b. Modifications and updates to the Operation and Maintenance Manual;
 - c. Operator certification status update including number of staff and grade certification.
 - d. Modifications and updates to the Discharger’s waste water ordinance or rules and regulations.
3. The Discharger shall report annually on the quantity, location and method of disposal of all septage and similar solid materials being produced at the WWTS. If no septage is disposed of during the year being reported, the Discharger shall state “No Septage Removed” in the annual monitoring report.
4. Monitoring reports shall be certified under penalty of perjury to be true and correct, and shall contain the required information at the frequency designated in this MRP.

⁴ standard pH units

⁵ Analysis of Volatile Organic Compounds is to be accomplished using the USEPA test methods 601 and 602 or 624

⁶ micrograms per liter

5. Each Report must contain an affirmation in writing that states:

"All analyses were conducted at a laboratory certified for such analyses by and in accordance with current USEPA procedures or as specified in this Monitoring and Reporting Program."

6. Each Report shall contain the following completed declaration:

"I certify under the 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. 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 a fine and imprisonment.


Executed on the _____ day of _____ at _____

_____(Signature)

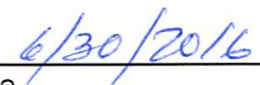
_____(Title)"

7. The monitoring reports, and other information requested by the Colorado River Basin Water Board, shall be signed by a principal executive officer or ranking elected official.
8. 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 Colorado River Basin Water Board's Executive Officer.
9. The Discharger shall attach a cover letter to the monitoring reports. The information contained in the cover letter shall clearly identify violations of the WDRs; discuss corrective actions taken or planned and the proposed time schedule of corrective actions. Identified violations should include a description of the requirement that was violated and a description of the violation.
10. Daily, weekly, and monthly monitoring shall be included in the monthly monitoring report. Monthly monitoring reports shall be submitted to the Colorado River Basin Water Board by the 15th day of the following month. Quarterly monitoring reports shall be submitted by January 15th, April 15th, July 15th and October 15th. Annual monitoring reports shall be submitted by January 31st of the following year.

11. The Discharger shall comply with the Electronic Submittal of Information (ESI) requirements by submitting all correspondence and reports required under Monitoring and Reporting Program (MRP) R7-2016-0024, and future revisions thereto, including groundwater monitoring data and discharge location data (latitude and longitude), correspondence, and pdf monitoring reports to the State Water Resources Control Board GeoTracker database. Documents that are 2.0 MB or larger should be broken down into smaller electronic files, labelled properly and uploaded into GeoTracker.

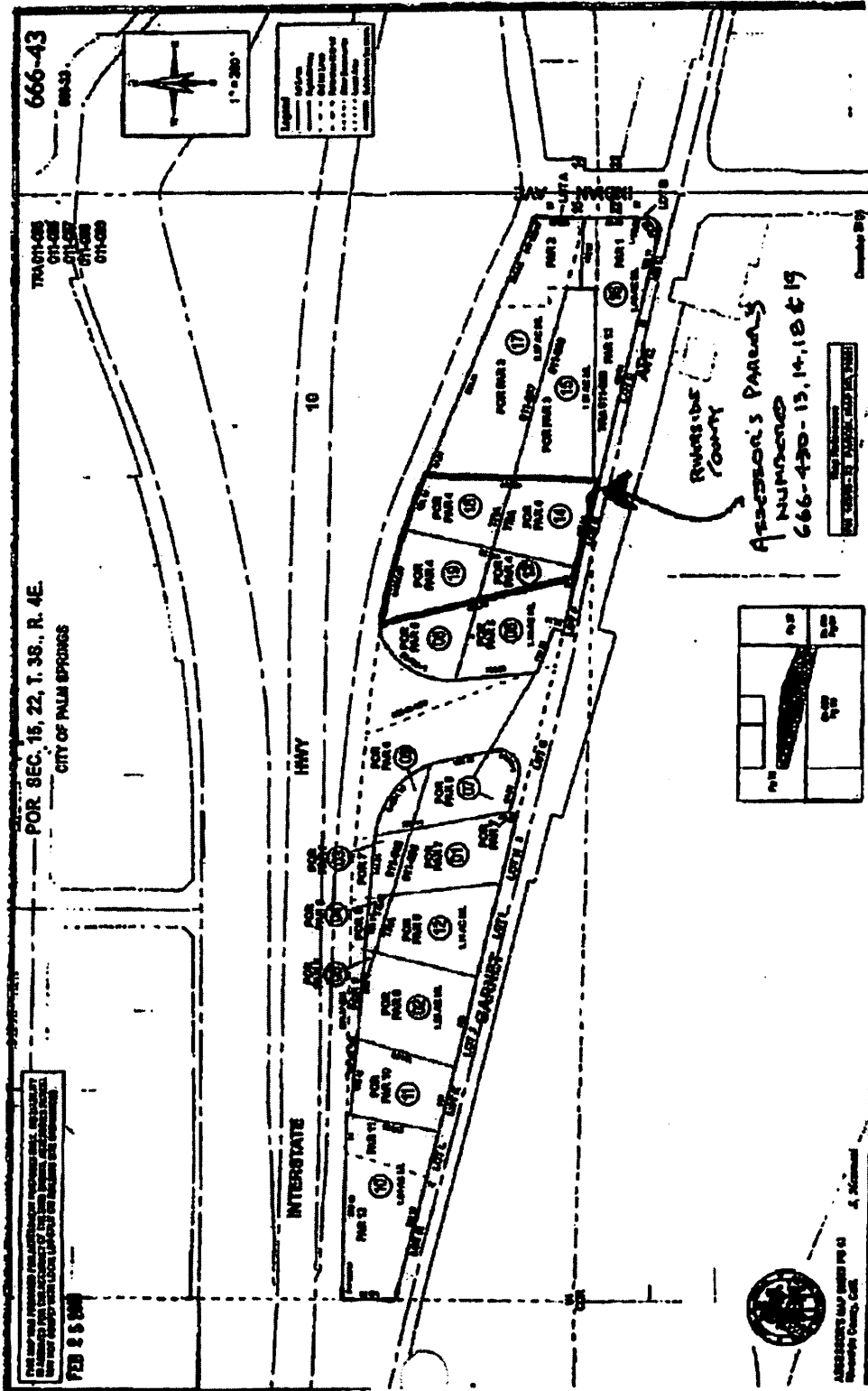


JOSE L. ANGEL, P.E.
Executive Officer



Date

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
 COLORADO RIVER BASIN REGION

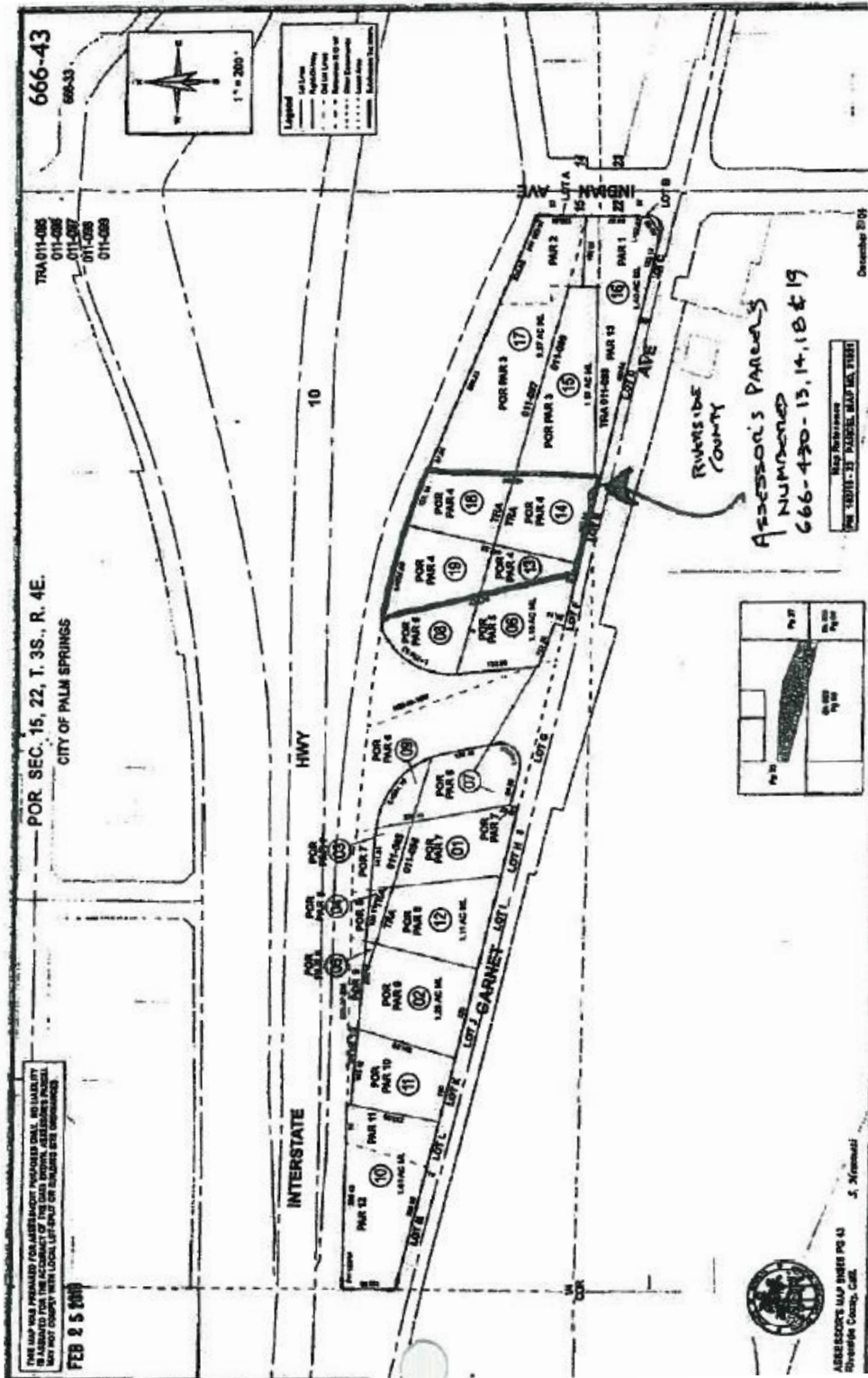


PALM SPRINGS FREEWAY DEVELOPMENT, LLC, OWNER/OPERATOR
 ONSITE WASTEWATER TREATMENT SYSTEM

Palm Springs – Riverside County

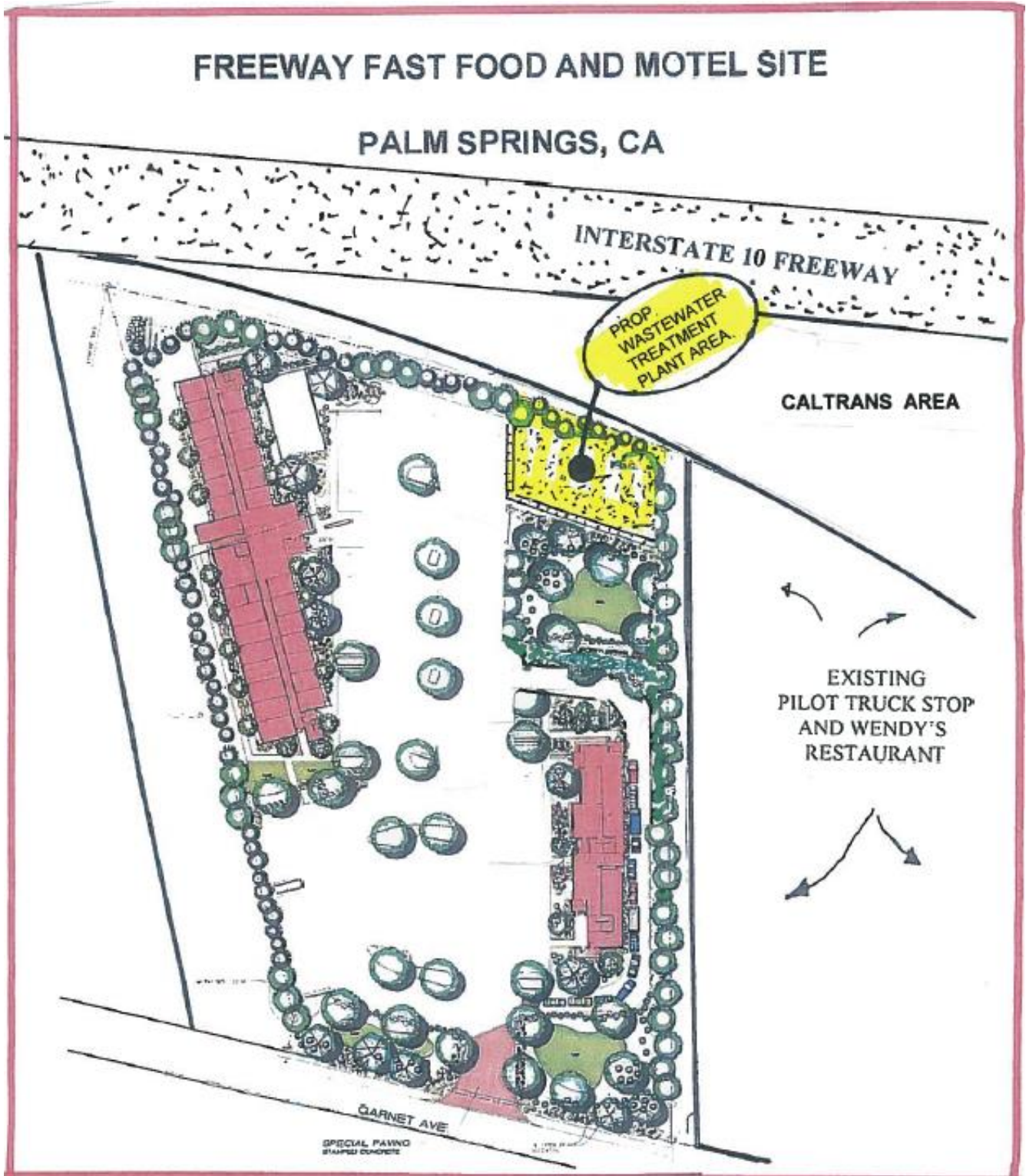
Facility Location: Latitude/Longitude, 33° 54' 12" N / 116° 32' 52" W

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
 COLORADO RIVER BASIN REGION



PALM SPRINGS FREEWAY DEVELOPMENT, LLC, OWNER/OPERATOR
 ONSITE WASTEWATER TREATMENT SYSTEM
 Palm Springs – Riverside County
 Facility Location: Latitude/Longitude," 33° 54' 12" N / 116° 32' 52"W

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION



PALM SPRINGS FREEWAY DEVELOPMENT, LLC
ONSITE WASTEWATER TREATMENT SYSTEM