

Exhibit *A*

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

CEASE AND DESIST ORDER NO. R6V-2004-0038
WDID NO. 6B190107017

LOS ANGELES
COUNTY SANITATION DISTRICT NO. 14
VIOLATIONS OF WASTE DISCHARGE REQUIREMENTS
BOARD ORDER NO. R6V-2002-053
FOR
LANCASTER WATER RECLAMATION PLANT

Los Angeles County

The California Regional Water Quality Control Board, Lahontan Region (Regional Board) finds:

1. Waste Discharge Requirements and Discharger

On September 11, 2002, the Regional Board adopted Board Order No. R6V-2002-053 prescribing Waste Discharge Requirements (WDRs) for the Lancaster Water Reclamation Plant owned and operated by the Los Angeles County Sanitation District No. 14 (District). The District treats and disposes of approximately 12 million gallons per day (MGD) of wastewater. The District operates a 16 MGD secondary treatment facility and a 0.5 MGD tertiary treatment facility. For the purposes of this Cease and Desist Order (Order), the District is considered and referred to as the "Discharger."

2. Existing Discharges from the Lancaster Water Reclamation Plant

The effluent from the Lancaster Water Reclamation Plant is discharged to and/or reused at following locations:

- a. Storage in four storage reservoirs,
- b. Evaporation losses from the oxidation/storage ponds,
- c. Direct discharge of secondary treated effluent to Paiute Ponds and the adjacent impoundment area,
- d. Agricultural re-use of undisinfected secondary effluent at Nebeker Ranch,
- e. Direct discharge of disinfected tertiary effluent to Apollo Lakes Park from the Antelope Valley tertiary treatment plant

In the winter months, when evaporation rates are at a minimum, overflows from Paiute Ponds to Rosamond Dry Lake occur. Most of these overflows are effluent-induced; they would not occur if it were not for the discharges of wastewater to Paiute Ponds. The District uses the maximum winter storage potential in its storage reservoirs to minimize Paiute Pond discharges in the winter. The duration of effluent-induced overflows to Rosamond Dry Lake is approximately five months per winter season. In the winter 2003/2004, an estimated 1,931 million gallons (MG) overflowed from November 5, 2003 to April 14, 2004.

3. Threatened Violation of Waste Discharge Requirements

Board Order No. R6V-2002-053 contains the following General Requirements and Provisions.

"I. DISCHARGE SPECIFICATIONS

E. General Requirements and Prohibitions

6. Neither the treatment nor the discharge shall cause a nuisance as defined in Section 13050(m) of the California Water Code.

II. PROVISIONS

B. Schedules

4. Nuisance Condition Caused by Effluent-Induced Overflows

By **August 25, 2005**, the Discharger shall complete a project to eliminate the threatened nuisance condition created by overflows from Paiute Ponds to Rosamond Dry Lake, as described in Finding No. 7, and achieve compliance with General Requirements and Prohibition No. I.E.6."

4. Cause of Violations

A large portion of the effluent from the Lancaster Water Reclamation Plant is discharged to the Paiute Pond system. Paiute Pond (also sometimes spelled "Piute") is a shallow body of water which, in summer, consists mostly of sewage effluent. The Paiute Pond system was formed when the District constructed a dike across Amargosa Creek. Rosamond Dry Lake is downstream from Paiute Ponds, and is the receiving water for overflows from Paiute Ponds. Rosamond Dry Lake is completely within the boundaries of Edwards Air Force Base (EAFB). Historically, the effluent discharged to Paiute Ponds did not result in overflows to Rosamond Dry Lake. The effluent was either contained in the Paiute Pond system or lost through evaporation. In recent years, as a result of urban growth in the Lancaster area, wastewater flows have increased. These increased wastewater discharges to Paiute Ponds have caused overflows to Rosemond Dry Lake. These overflows have resulted in standing water on Rosemond Dry Lake during times when water would not otherwise be present on the lakebed. Additionally, these overflows have increased the length of time the lakebed is wet due to rain events.

A nuisance condition is defined in the California Water Code Section 13050(m), as a condition that:

- "1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
- 2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

- 3) Occurs during, or as a result of the treatment or disposal of wastes."

EAFB is a community of people who fly, learn to fly, and support flight operation for the U.S. Air Force. EAFB has informed the Regional Board that the effluent-induced overflows that wet the lakebed on Rosamond Dry Lake preclude the use of the lakebed for its military mission.¹ The overflow of effluent to Rosamond Dry Lake results from the disposal of wastes, is an obstruction to the free use of the lakebed by the Air Force for mission-related purposes, and affects the entire community of EAFB. Therefore, the overflow of effluent to Rosamond Dry Lake constitutes a nuisance condition as defined by the Water Code.

In 2002, the Regional Board determined² that the overflows caused by discharges from the District constitute a nuisance condition. Board Order No. R6V-2002-053 requires the District to complete *"a project to eliminate the threatened nuisance condition created by overflows from Paiute Ponds to Rosamond Dry Lake"* and established an August 25, 2005 compliance date for achieving that requirement.

The Discharger has stated³ that it is not going to complete all of the necessary projects to eliminate effluent-induced overflows to Rosamond Dry Lake by the August 25, 2005 compliance date, and that such overflows are expected to be eliminated after April 2009. It has also stated that, during the winter months, it will continue its present practice of controlled discharge of effluent to Paiute Ponds in a manner "that does not create a nuisance condition for EAFB." This statement indicates that the District does not believe that its overflows create a nuisance condition. The Regional Board does not agree with this position and, in this Order, is establishing a new time schedule for the District to complete immediate corrective measures that will lead toward complete elimination of nuisance-causing overflows to Rosamond Dry Lake.

In a January 15, 2004 letter to the Regional Board, the District stated its intent to meet the August 25, 2005 deadline for completing a project to eliminate the nuisance condition. During the District's June 16, 2004 EIR certification hearing, District staff stated, as does the 2020 Plan, that the August 25, 2005 deadline in the WDRs is not now expected to be met. In a July 26, 2004 letter to the Regional Board, the District indicated that it "has never stated that the threatened nuisance condition will not be eliminated by this date" because it has managed flows to limit the Paiute Ponds overflow to only winter season. Still, EAFB stated in a July 22, 2004 letter that the "resultant flooding of the lakebed has resulted in a general lack of availability of our natural resource and constitutes a nuisance condition."

Thus, the District currently threatens to violate Discharge Specification I.E.6 and Provision B.4 of its WDRs because it has indicated that it will not meet the August 25, 2005 deadline to eliminate the nuisance condition created by effluent-induced overflows from Paiute Ponds to Rosamond Dry Lake. If effluent-induced overflows occur after August 25, 2005, the District will be in violation of its WDRs.

¹ Letters dated June 21, 2004 from Col. Masiello, Commander, 95th Air Base Wing, Edwards AFB and July 22, 2004 from Col. Drew Jeter, Edwards Air Force Base

² Board Order No. R6V-2002-053, Finding 7, Page 3

³ Page 17, Executive Summary, LWRP 2020 Plan

5. Lancaster Water Reclamation Plant 2020 Facilities Plan

The District has prepared the *Lancaster Water Reclamation Plant 2020 Facilities Plan* (2020 Plan) to address its current and future wastewater management needs by proposing construction of additional wastewater treatment and effluent disposal facilities.

On June 16, 2004, the District certified the Final Environmental Impact Report (EIR) associated with the 2020 Plan. Implementation of the 2020 Plan will result in both increased disposal capacity as well as a higher level of treatment to allow for numerous reuse options. The schedules in the 2020 Plan indicate that the facilities necessary to completely eliminate effluent-induced overflows from Paiute Ponds to Rosamond Dry Lake will not be completed until July 2008.⁴

6. Interim Corrective Actions

The District has committed to complete construction of all 2020 Plan, Stage V facilities by July 1, 2008. However, some of the facility components will be completed earlier. The District could reduce its discharge to Paiute Ponds in the winter, thereby reducing the volume and duration of effluent-induced overflow from Paiute Ponds to Rosamond Dry Lake, if it used these new facilities in conjunction with existing facilities and other immediate corrective measures. Reduced volume of effluent-induced overflows to Rosamond Dry Lake will result in less area of the lake being inundated and faster evaporation of the wetted area thereby reducing the duration and extent of the nuisance condition. The immediate corrective measures (interim actions) listed in Table 1 are feasible and should be implemented forthwith.

**Table 1 – 2020 Plan Proposed Measures
to Reduce Overflow to Rosamond Dry Lake**

On-line	Project	Part of "2020" Plan ?
Nov 04	Operate Apollo tertiary plant in winter	No
Sep 05	1 MGD tertiary MBR package plant	No
Oct 05	Recycled water pipeline	Yes
Oct 06	Two permanent storage ponds (P1 & P2)	Yes
Oct 06	Two temporary storage ponds (T1 & T2)	No
Feb 07	Two permanent storage ponds (P3 & P4)	Yes

In the 2003-2004 winter there was an overflow of approximately 1,930 million gallons from Paiute Ponds to Rosamond Dry Lake. Using this baseline, the effect of implementing these immediate corrective measures is shown in Table 2, below. The detailed description of each interim measure is provided after Table 2.

⁴ Page 7-8, 2020 Plan

Table 2 – Effect of Implementing Interim Measures

Project	Amount in million gallons (MG)
a. Existing Antelope Valley tertiary plant operating in winter	48 MG
b. New 1 MGD tertiary treatment plant operating Nov – Mar with discharge to East Agricultural Area	150
c. New 1 MGD MBR plant operating Apr – Oct 2006 with discharge to the East Agricultural Area.	210
d. Use permanent ponds P1 & P2 based on yearly evaporation rate	280
e. Use temporary ponds T1 & T2 based on yearly evaporation rate	280
f. Winter storage in permanent ponds for reuse at Nebeker Ranch in following summer. Provides 1 MGD summer flows to new MBR facility.	210
g. Use permanent ponds P3 & P4 based on yearly evaporation rates	280
h. Make full use of the existing 7.5 MGD reuse pipeline to Nebeker Ranch by securing other uses in the area.	Variable

- a. The existing 0.5 MGD tertiary treatment plant provides recycled water to Los Angeles County's Apollo Park for eight months (April through November) out of the year. The District proposes to operate this plant during the winter to reduce the discharge to Paiute Ponds by 48 MG. During the 2004-2005 winter the District will need to secure a legal point of use for this high-quality treated water. Some uses may be covered by the Apollo Park WDRs and could be implemented immediately. However, if a new WDR was needed to authorize a currently unpermitted use, it is unlikely this level of reduction would occur in the 2004-2005 winter. In future winter seasons this treated wastewater could be disposed of at agronomic rates at the East Agricultural Area using the new recycled water pipeline.
- b. The District has proposed constructing a one MGD tertiary treatment plant using a Membrane Bioreactor (MBR) technology that would begin operation in September 2005. The District planned to operate this plant only during the winter (November through March) to treat approximately 150 MG of effluent and dispose of this effluent at its East Agricultural Area rather than discharge this effluent to Paiute Ponds. The District indicated it intends to implement this action before the winter of 2005/2006 and annually thereafter. According to the 2020 Plan, the District will complete construction of a pipeline and temporary pump station to transport tertiary treated wastewater to the East Agricultural Area by October 2005. The District will need approximately 1000 acres to dispose of this amount of effluent at agronomic rates when irrigation needs are at the minimum. The District has purchased at least 1,100 acres of land in this area and will acquire more to implement the 2020 Plan. This purchased acreage is not contiguous, and would require significant effort to place it all into agricultural operation. However, the District has the legal authority and sufficient time to condemn additional land in this area to implement this measure. The effluent would be disposed in the East Agricultural Area by irrigating crops at agronomic rates.
- c. Operation of the one MGD tertiary treatment plant for the remaining seven months of 2006 (April through October) and disposing of this effluent at the East Agricultural Area would reduce the discharge to the District's treatment and storage ponds and Paiute Ponds thereby increasing the storage capacity of these ponds during the winter of

2006/2007. The District could use this additional storage in the winter of 2006/2007 to reduce the discharge to Paiute Pond and the effluent-induced overflows to Rosamond Dry Lake. The effluent produced during these seven months would be disposed in the East Agricultural Area by irrigating crops at agronomic rates.

- d. By October 2006, the District anticipates completing construction of two permanent storage reservoirs (Permanent Ponds 1 and 2). While these reservoirs were contemplated to store tertiary treated effluent, these reservoirs could be used during the winters of 2006/2007 and 2007/2008 to store approximately 280 MG of secondary treated effluent each winter instead of discharging this effluent to Paiute Ponds. This effluent should evaporate prior to the next winter season. The District plans to construct these ponds with a compacted soil liner. Some minor degradation of underlying groundwater may result. Before the District can implement this interim measure, the Regional Board will require the District to submit a groundwater degradation analysis. The Regional Board would determine if the proposed compacted soil liner and resulting degradation is acceptable. Before storing tertiary-treated effluent in these ponds, the ponds will require cleaning.
- e. The District has determined that it is technically feasible to construct two temporary, shallow, lined ponds (Temporary Ponds 1 and 2) on the footprint of where permanent Ponds 5 and 6 would be located in the second phase of the 2020 Plan implementation. These ponds could be completed by October 2006. The District could use these reservoirs during the winter of 2006/2007 and 2007/2008 to store approximately 280 MG of effluent each winter rather than discharge this effluent to Paiute Ponds. This should evaporate before the next winter season. The District could construct these ponds without any liner or with a compacted soil liner that would store treated secondary effluent and some minor degradation of underlying groundwater may result. Before the District can implement the interim measure, the Regional Board will require the District to submit a groundwater degradation analysis. The Regional Board will then determine if the proposed compacted soil liner and resulting degradation is acceptable. Before the permanent ponds are built in this area any residual material from the storage of secondary effluent would need to be cleaned-up.
- f. In the winter of 2006/2007, the District could store an additional 210 MG of secondary-treated effluent in Permanent Ponds 1 and 2 thereby reducing the volume of discharge to Paiute Ponds in the winter. This wastewater could then be blended with effluent being produced each day and delivered to Nebeker Ranch during the 2007 summer. During the seven summer months the District could operate the 1 MGD MBR treatment plant without reducing the volume of treated wastewater delivered to Nebeker Ranch.
- g. By February 2007, the District anticipates constructing two additional permanent storage reservoirs (Permanent Ponds 3 and 4). The District could use these reservoirs during the winter of 2007/2008 to store approximately 280 MG of secondary effluent instead of discharging this effluent to Paiute Ponds. This effluent should evaporate prior to the next winter season. The District plans to construct these ponds with a compacted soil liner. Some minor degradation of underlying groundwater may result. Before the District can implement this interim measure, the Regional Board will require the District to submit a groundwater degradation analysis. The Regional Board would

determine if the proposed compacted soil liner and resulting degradation is acceptable. Before storing tertiary-treated effluent in these ponds, the ponds will require cleaning.

- h. The Discharger currently uses a 24-inch diameter pipeline to transport undisinfected secondary effluent for irrigation of fodder crops at Nebeker Ranch. Nebeker Ranch is a privately owned 680-acre farm located approximately four miles west of the Lancaster Water Reclamation Plant. The Regional Board regulates the use of effluent at Nebeker Ranch with Water Recycling Requirements. While the pipeline has a maximum capacity of 7.5 MGD⁵, effluent flows to Nebeker Ranch averaged 3.7 MGD and reached a daily maximum of 6.4 MGD for the year 2003⁶. During the winter months Nebeker Ranch uses little effluent for irrigation as its crop water demands are at a minimum. If the District could develop wintertime uses of recycled wastewater in the area served by the pipeline, it could reduce the volume of wastewater discharged to Paiute Ponds. Therefore, the Discharger should evaluate other recycled water use areas that could be served by the existing pipeline.

Most of these interim measures cannot be implemented unless the District applies for and receives WDRs from the Regional Board. Timely implementation of these measures necessitates the submittal of a complete report of waste discharge well in advance of the scheduled implementing of the interim measure. The Regional Board can only determine the discharge standards for the ponds after it considers the District's groundwater degradation analysis, unless no groundwater degradation is proposed. The design of the ponds will, in turn, be governed by the standards the Board adopts into the WDRs for the project. It is thus imperative for the District to apply for and receive WDRs in advance of designing the facilities.

7. Final Compliance

By fall of 2008, the District has proposed completing sufficient nitrogen removal and tertiary facilities to treat all of its influent during the winter of 2008/2009. This effluent could be disposed of at the East Agricultural Area by irrigating crops at agronomic rates. This action will result in the elimination of effluent-induced overflows from Paiute Ponds to Rosamond Dry Lake during the winter of 2008/2009. The completion of the treatment capacity in summer 2008 along with the conversion of the four permanent storage reservoirs to storage of tertiary effluent will give the District the ability to discontinue use of the interim measures and eliminate effluent-induced overflows.

8. California Water Code and California Code of Regulations

California Water Code Section 13301 states, in part, "When a regional board finds that a discharge of waste is taking place or threatening to take place in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule

⁵ Source: Table 4.2, Lancaster Water Reclamation Plant Annual Monitoring Report, 2003 for Monitoring and Reporting Program R6V-2003-053.

⁶ Source: Basil Hewitt, Los Angeles County Sanitation District No. 14, e-mail of June 30, 2004.

set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action.”

The California Code of Regulations, Title 23, Division 3, Chapter 9.1 states, in part:

“Section 2245. Immediate Corrective Measures.

- (a) Each discharger should be expected to construct emergency facilities or modify existing plant operation to achieve rapid compliance.
- (b) Emergency facilities which should be constructed immediately include chemical treatment, additional disinfection, ponding with or without aeration, receiving water mixing, aeration, and any other steps which can be immediately implemented.
- (c) Extra cost of such facilities is not a reasonable excuse for failure to construct them.
- (d) If necessary emergency facilities are not immediately provided, the board should consider further action against the discharger.”

9. California Environmental Quality Act

This enforcement action is being taken by this regulatory agency to enforce provisions of the California Water Code and, as such, it is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15308, Chapter 3, Division 6, Title 14, California Code of Regulations.

10. Notification of Interested Parties

The Regional Board notified the Dischargers and interested parties of a public hearing scheduled for the Regional Board meeting on July 26, 2004. At that meeting, the hearing was continued to the October 13-14, 2004 Regional Board meeting. During the public hearing conducted during both of these meetings, the Regional Board heard and considered all comments related to the proposed Order.

11. Petitions

Any person adversely affected by this action of the Regional Board may petition the State Water Resources Control Board (SWRCB) for review this action. The petition must be received by the SWRCB, Office of Chief Counsel, PO Box 100, Sacramento, CA 95812-0100, within 30 days of the date on which this action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

12. Reporting Requirements

The District is required to provide reports pursuant to this Order because it is discharging waste. The reporting requirements of this Order are needed to allow the Regional Board to track the

actions being taken by the Discharger in its efforts to achieve compliance with this Order, and to assess the water quality impacts of those actions.

IT IS HEREBY ORDERED that, in accordance with Section 13301 of the California Water Code, the Discharger shall cease and desist from threatening to discharge waste in violation of Discharge Specifications I.E.6 and Provision II.B.4 of WDRS prescribed in Board Order No. R6V-2002-053, by implementing the following actions.

I. INTERIM STANDARDS

The interim standards described below are intended to reduce the amount and duration of effluent-induced overflows from Paiute Ponds to Rosemond Dry Lake, and thereby minimizing the extent and duration of the conditions that contribute to the nuisance. As described in Finding No. 6, the Discharger can implement numerous immediate corrective measures. These measures will reduce the volume of discharge to Paiute Ponds through evaporation and reuse of effluent. These interim compliance standards require the Discharger to divert wastewater to disposal or reuse sites other than Paiute Ponds, significantly reducing the volume of effluent-induced overflows from Paiute Ponds to Rosamond Dry Lake. The Regional Board intends to measure compliance with these interim standards by either 1) determining the amount of wastewater the Discharger diverts during the winter months or 2) determining the effect of other interim actions on reducing the magnitude of the nuisance condition as measured by the volume and duration of effluent-induced overflows from Paiute Ponds to Rosamond Dry Lake.

- A. The Discharger must, between December 1, 2004 and March 31, 2005 divert 24 MG of effluent that otherwise would have been discharged into Paiute Ponds and dispose of this effluent at an alternative legal point of discharge.
 - 1. The Discharger may demonstrate compliance with this requirement by operating the existing 0.5 MGD tertiary treatment plant identified in Finding 6.a. of this Order during the four months that it currently does not operate the plant and by discharging the treated effluent to a permitted location other than Paiute Ponds.
 - 2. If the Discharger chooses, it may demonstrate compliance with this requirement by implementing another method that achieves an equivalent reduction in the nuisance condition.
- B. Beginning November 1, 2005, and annually thereafter until final compliance is achieved, the Discharger must, between November 1 and March 31 of the following year, divert 150 MG of effluent that would otherwise be discharged to Paiute Ponds and dispose of this volume at an alternative legal point of disposal.
 - 1. The Discharger may demonstrate compliance with this requirement by constructing and operating a one MGD tertiary treatment plant five months per year (November through March) as identified in Finding 6.b. of the Order and discharging the treated effluent to a permitted location other than Paiute Ponds. If the Discharger decides to implement this interim measure, it must submit a report of waste discharge to the Regional Board by June 14, 2005.

2. If the Discharger chooses, it may demonstrate compliance with this requirement by implementing another method that achieves an equivalent reduction in the nuisance condition. If the Discharger chooses to implement another compliance method it must submit its proposal to the Regional Board by June 14, 2005 along with a report of waste discharge if the proposal involves a new discharge or a material change to an existing regulated discharge.
- C. Beginning December 1, 2005, and annually thereafter until final compliance is achieved, the Discharger must, between December 1 and April 1 of the following year, divert 48 MG that would otherwise be discharged to Paiute Ponds and dispose of this volume at an alternative legal point of disposal.
1. The Discharger may demonstrate compliance with this requirement by operating the existing 0.5 MGD tertiary treatment plant identified in Finding 6.a. of this Order during the four months that it currently does not operate the plant and by discharging the treated effluent to a permitted location other than Paiute Ponds. If the Discharger decides to implement this interim measure, it must submit a report of waste discharge to the Regional Board by July 12, 2005 unless the Regional Board has already issued WDRs for the proposed disposal location and volume.
 2. If the Discharger chooses, it may demonstrate compliance with this requirement by implementing another method that achieves an equivalent reduction in the nuisance condition. If the Discharger chooses to implement another compliance method it must submit its proposal to the Regional Board by July 12, 2005 along with a report of waste discharge if the proposal involves a new discharge or a material change to an existing regulated discharge.
- D. Beginning April 1, 2006, and annually thereafter until final compliance is achieved, the Discharger must, between April 1 and October 31, increase the storage in its treatment and storage ponds and in Paiute Ponds by a total of 210 MG by discharging this wastewater at a legal point of disposal other than Paiute Ponds.
1. The Discharger may demonstrate compliance with this requirement by continuing to operate a one MGD tertiary treatment plant for seven summer months (April through October) as identified in Finding 6.c. of the Order and discharging the treated effluent to a permitted location other than Paiute Ponds. If the Discharger decides to implement this interim measure, it must submit a report of waste discharge to the Regional Board by July 12, 2005 unless the Regional Board has already issued WDRs for the proposed disposal location and volume.
 2. If the Discharger chooses, it may demonstrate compliance with this requirement by implementing another method that achieves an equivalent reduction in the nuisance condition. If the Discharger chooses to implement another compliance method it must submit its proposal to the Regional Board by November 10, 2005 along with a report of waste discharge if the proposal involves a new discharge or a material change to an existing regulated discharge.

- E. Beginning **October 1, 2006**, and annually thereafter until final compliance is achieved, the Discharger must, between October 1 and March 1 of the following year, divert an additional 280 MG that would otherwise be discharged to Paiute Ponds and dispose of this volume at an alternative legal point of disposal.
1. The Discharger may demonstrate compliance with this requirement by diverting 280 MG of secondary treated effluent to two reservoirs for evaporation as described in Finding 6.d. If the Discharger decides to implement this interim measure, it must submit a report of waste discharge, including a ground water degradation analysis, if necessary, to the Regional Board by **May 13, 2006**.
 2. If the Discharger chooses, it may demonstrate compliance with this requirement by implementing another method that achieves an equivalent reduction in the nuisance condition. If the Discharger chooses to implement another compliance method it must submit its proposal to the Regional Board by **May 13, 2006** along with a report of waste discharge if the proposal involves a new discharge or a material change to an existing regulated discharge.
- F. Beginning **October 1, 2006**, and annually thereafter until final compliance is achieved, the Discharger must, between October 1 and March 31 of the following year, divert an additional 280 MG that would otherwise be discharged to Paiute Ponds and dispose of this volume at an alternative legal point of disposal.
1. The Discharger may demonstrate compliance with this requirement by constructing temporary shallow evaporation ponds on the footprint of the future reservoirs to divert for evaporation approximately 280 MG as described in Finding 6.e. If the Discharger decides to implement this interim measure, it must submit a report of waste discharge, including a ground water degradation analysis, if necessary, to the Regional Board by **May 13, 2006**.
 2. If the Discharger chooses, it may demonstrate compliance with this requirement by implementing another method that achieves an equivalent reduction in the nuisance condition. If the Discharger chooses to implement another compliance method it must submit its proposal to the Regional Board by **May 13, 2006** along with a report of waste discharge if the proposal involves a new discharge or a material change to an existing regulated discharge.
- G. Beginning **October 1, 2006**, and annually thereafter until final compliance is achieved, the Discharger must, between October 1 and March 31 of the following year, divert an additional 210 MG that would otherwise be discharged to Paiute Ponds and dispose of this volume at an alternative legal point of disposal.
1. The Discharger may demonstrate compliance with this requirement by diverting 210 MG of secondary treated effluent from Paiute Ponds to Permanent Ponds 1 and 2 for future delivery to the Nebeker Ranch as described in Finding 6.f. If the Discharger decides to implement this interim measure, it must submit a report of waste discharge to the Regional Board by **May 13, 2006** unless the

proposed discharge to ponds has been addressed in the report of waste discharge submitted pursuant to I.E.1. above.

2. If the Discharger chooses, it may demonstrate compliance with this requirement by implementing another method that achieves an equivalent reduction in the nuisance condition. If the Discharger chooses to implement another compliance method it must submit its proposal to the Regional Board by May 13, 2006 along with a report of waste discharge if the proposal involves a new discharge or a material change to an existing regulated discharge.
- H. Beginning October 1, 2007, and annually thereafter until final compliance is achieved, the Discharger must, between October 1 and March 31 of the following year, divert an additional 280 MG that would otherwise be discharged to Paiute Ponds and dispose of this volume at an alternative legal point of disposal.
1. The Discharger may demonstrate compliance with this requirement by diverting approximately 280 MG of secondary treated effluent to two reservoirs (Permanent Ponds 3 and 4) for evaporation as described in Finding 6.g. If the Discharger decides to implement this interim measure, it must submit a report of waste discharge, including a ground water degradation analysis, if necessary, to the Regional Board by May 13, 2007.
 2. If the Discharger chooses, it may demonstrate compliance with this requirement by implementing another method that achieves an equivalent reduction in the nuisance condition. If the Discharger chooses to implement another compliance method it must submit its proposal to the Regional Board by May 13, 2007 along with a report of waste discharge if the proposal involves a new discharge or a material change to an existing regulated discharge.
- I. **Ongoing** - Investigate the feasibility of using the existing pipeline capacity to provide effluent to additional lands for reuse at agronomic rates or other legal methods of effluent disposal and report progress made in Quarterly Reports.

II. FINAL COMPLIANCE

By October 1, 2008, eliminate the effluent-induced overflows from Paiute Ponds to Rosamond Dry Lake by implementing the projects described in the Discharger's 2020 Facilities Plan or by some alternate means that achieves compliance.

- A. If the Discharger intends to achieve compliance by implementing the project described in its 2020 Facilities Plan, it shall comply with the following:
1. Initiate construction of the new pipeline by November 1, 2004
 2. Submit a report of waste discharge for the new storage and disposal sites by November 30, 2004
 3. Complete design of the new storage reservoirs by May 1, 2005
 4. Initiate construction of the new pump station by July 1, 2005
 5. Initiate construction of the new storage reservoirs by August 1, 2005

6. Complete design of the new treatment facilities by April 1, 2006
7. Initiate construction of the new treatment facilities by July 1, 2006

- B. If the Discharge intends to achieve timely compliance by an alternative method, it must submit a detailed plan and implementation schedule for all facilities necessary to achieve compliance by June 1, 2005. The schedule must, at a minimum, identify milestones for the following: 1) compliance with the California Environmental Quality Act, 2) submission of a report of waste discharge for any new storage or disposal areas or materially altered existing discharges, and 3) for completing design, initiating construction and completing construction of each component of the necessary facilities.

III. REPORTING

Pursuant to Section 13267 of the California Water Code, beginning **January 15, 2005**, and every three months, on or before January 15, April 15, July 15, and October 15, the District must submit the following quarterly status reports until final compliance is achieved. The reports must include, but not be limited to:

- A. A description of the progress made to date implementing the requirements of Sections I. and II of this Order;
- B. The results of all actions the District has taken to comply with Section I.I. of this Order. If the District identifies a project, other than those identified in this order, that will result compliance with this Order, then the report must include the submittal of an implementation time schedule and each following report must describe progress towards implementation of the project.
- C. The status of planning, design, construction and implementation of any other measures that are necessary or that the Discharger proposes to achieve compliance with this Order;
- D. The identification of any compliance dates that the Discharger anticipates will be missed, along with the rationale for the delay in accomplishing the specific task and projected new compliance dates;
- E. The measured overflow rates and dates of overflow from Paiute Ponds to Rosamond Dry Lake; and
- F. The measured volume of effluent discharged to Paiute Ponds on a monthly basis.

IV. RESCISSION OF PORTIONS OF BOARD ORDER NO. R6V-2003-053

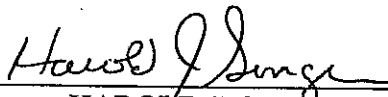
The above reporting requirements supercede the status-reporting requirements contained in Section II.B.4 of Board Order R6V-2002-053, and the new reporting requirements become effective immediately upon adoption of this Order.

V. TIME EXTENSIONS FOR COMPLIANCE

The compliance dates and reduction amounts required in this order are based, in part, upon an assumption that weather conditions will be average and that no unforeseen obstacles will cause delays for the discharger. If the discharger faces circumstances which are not within its control, and that will either delay compliance dates or affect reduction amounts, it may apply to the Regional Board for more time to bring the facility into compliance. The Regional Board will consider such time extensions based upon the facts contained in the request, and whether and to what extent the delays were out of the discharger's control.

Failure to comply with the terms or conditions of the Order may result in additional enforcement action by the Regional Board. The Executive Officer is authorized to initiate, as needed, referral of this matter to the Attorney General of the State of California for the imposition of Administrative Civil Liability for failure to comply with this Order, injunctive relief, or for any other legal action as he may deem appropriate.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on October 13, 2004.



HAROLD J. SINGER
EXECUTIVE OFFICER