

California Regional Water Quality Control Board  
North Coast Region

ORDER NO. R1-2000-45  
NPDES PERMIT NO. CA0006955  
ID NO. 1B801790SON

WASTE DISCHARGE REQUIREMENTS

FOR

FULTON PROCESSORS, INCORPORATED  
Fulton, California

Sonoma County

The California Regional Water Quality Control Board, North Coast Region (hereinafter the Regional Water Board), finds that:

1. Fulton Processors, Inc. (hereinafter permittee) submitted a Report of Waste Discharge dated February 16, 1999 and applied for renewal of its Permit to discharge treated wastewater under the National Pollutant Discharge Elimination System (NPDES) from its poultry processing facility in Fulton, California. The application was considered complete on March 24, 2000.
2. The permittee operates a poultry processing plant, with associated wastewater treatment and disposal facilities, located in the community of Fulton, in the W 1/2 of Section 32, T8N, R8W, as shown on Attachment "A", incorporated herein and made a part of this Order. Attachment "B" to this Order shows the wastewater system components at Fulton Processors.
3. The wastewater treatment facilities at the Fulton processing plant are designed to provide secondary treatment for an average of 0.25 million gallons per day of poultry processing wastes generated at the processing plant. No domestic wastes are discharged to the treatment facility. Treatment includes pretreatment of wastewater by solids separation, chemical addition, sedimentation and fat skimming followed by aeration in three aerated lagoons, chlorination and discharge to a 8.3 million gallon storage lagoon. Treated water from the storage lagoon is used to irrigate approximately 90 acres of pastureland and walnut tree orchards (Discharge Serial 002). From October 1 through May 14 of each year, water from the storage pond may be discharged to Mark West Creek via an overland flow treatment system (Discharge Serial 001) at rates of up to 1% of the flow of Mark West Creek as measured at the Laughlin Road Bridge (since 1988, all treated water has been disposed via irrigation and discharges to Mark West Creek have not been needed).
4. Solids generated during the pretreatment process are hauled offsite to an approved disposal site. Any remaining solids are retained and reduced to insignificant volume in the aerated lagoons.
5. This facility is a minor discharger as defined by the U.S. Environmental Protection Agency (40 CFR§ 122.2).

6. The Water Quality Control Plan for the North Coast Region (Basin Plan) includes water quality objectives, implementation plans for point source and nonpoint source discharges and statewide plans and policies.

The Basin Plan also includes a prohibition against discharge to the Russian River and its tributaries during the period May 15 through September 30 and all other periods when the waste discharge flow is greater than one percent of the receiving stream's flow as set forth in NPDES permits.

7. The Basin Plan does not fully comply with Clean Water Act Section 303(c)(2)(B) in that it does not provide numerical standards for the EPA-designated Priority pollutants for which EPA has published criteria.
8. The Basin Plan contains a narrative objective (standard) for toxicity that requires:

All waters shall be maintained free of toxic substances in concentrations that are toxic to, or produce detrimental physiological responses in human, plant, animal, or aquatic life. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, bioassays of appropriate duration, or other appropriate methods as specified by the Regional Water Board.

The survival of aquatic life in surface waters subjected to a waste discharge, or other controllable water quality factors, shall not be less than that for the same water body in areas unaffected by the waste discharge, or when necessary for other control water that is consistent with the requirements for "experimental water" as described in Standard Methods for the Examination of Water and Wastewater, 18<sup>th</sup> Edition (1992). As a minimum, compliance with this objective as stated in the previous sentence shall be evaluated with a 96-hour bioassay.

In addition, effluent limits based upon acute bioassays of effluents will be prescribed. Where appropriate, additional numerical receiving water objectives for specific toxicants will be established as sufficient data become available, and source control of toxic substances will be encouraged.

9. The Regional Water Board's consideration of water quality-based effluent limitations includes whole effluent toxicity pursuant to 40 CFR 122.44(d). The permittee's discharge has very low potential to cause nonattainment of toxicity standards as a result of the Regional Water Board's summer discharge prohibition and winter discharge dilution requirements.
10. The US EPA promulgated in 40 CFR 131.36 "Toxics criteria for states not complying with Clean Water Act Section 303(c)(2)(B)" (the "National Toxics Rule"), which is applicable to the Russian River and its tributaries and includes those criteria designated at 40 CFR 131.36(d)(10). The U.S. EPA has also promulgated numeric criteria for additional priority toxic pollutants in the "California Toxics Rule." The State Water Resources Control Board has adopted a "Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California" to implement the priority toxic pollutant

criteria. Sufficient effluent and receiving water data does not exist to determine whether effluent limitations for any of the criteria in the California Toxics Rule are needed. Therefore, this permit requires additional monitoring for those pollutants. This permit will be reopened to establish effluent limitations if they are needed, based on the monitoring data and the procedure contained in the implementation policy. The Regional Water Board has considered the applicable factors stipulated at 40 CFR 122.44(d)(1)(ii) and finds that there is no reasonable potential for excursions above the pollutants contained in the National Toxics Rule, or other non-toxic pollutants, except as provided in Section B, "Effluent Limitations."

11. The beneficial uses of the Russian River and its tributaries include:

- a. municipal and domestic supply
- b. agricultural supply
- c. industrial service supply
- d. industrial process supply
- e. groundwater recharge
- f. water contact recreation
- g. non-contact water recreation
- h. warm freshwater habitat
- i. cold freshwater habitat
- j. wildlife habitat
- k. preservation of rare and endangered species
- l. fish migration
- m. fish spawning

The beneficial uses of areal groundwater include:

- a. municipal and domestic supply
- b. agricultural supply
- c. industrial process supply

12. Effluent limitations and toxic and pretreatment effluent standards established pursuant to Sections 208(b), 301, 302, 303(d), 304, 306, 307, and 403 of the Clean Water Act and amendments thereto are applicable to the permittee.

13. Discharges from Fulton Processors have been governed by a permit that was most recently renewed by the Regional Water Board on August 25, 1994 (Order No. 94-103). The facility has been in consistent compliance with the terms and conditions of that permit.

14. The action to renew an NPDES Permit is exempt from certain provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.), in accordance with Section 13389 of the California Water Code. In addition, this project is exempt from the provisions of the California Environmental Quality Act of 1970 as an existing facility (Title 14, Division 7, Chapter 3, Section 15301).

15. The Regional Water Board has notified the permittee and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations.
16. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.
17. This Order will serve as a National Pollutant Discharge Elimination System Permit pursuant to Section 402 of the Clean Water Act, or amendments thereto, and will take effect upon adoption by the Regional Water Board.
18. The Laguna de Santa Rosa (Laguna) is listed as an impaired water body pursuant to Section 303(d) of the Clean Water Act. In April of 1995 a Laguna Total Maximum Daily Load was established and approved by EPA to address dissolved oxygen, and ammonia and nitrogen loadings. This permit contains an ammonia effluent limitation to ensure that this discharge does not contribute to ammonia toxicity in the receiving waters. Staff are also reevaluating the waste reduction goals in the TMDL, and this permit requires additional receiving water monitoring to develop data to determine whether water quality based effluent limitations for dissolved oxygen and nitrogen are necessary. This NPDES Permit may be reopened to make any appropriate effluent limitation revisions.

THEREFORE, IT IS HEREBY ORDERED that Waste Discharge Requirements (Order No. 94-103) are rescinded and the permittee, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

A. DISCHARGE PROHIBITIONS

1. The discharge of waste to land that is not under the control of the permittee is prohibited, except as authorized under D. Solids Disposal.
2. The discharge of any waste not specifically regulated by this Permit is prohibited.
3. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code (CWC) is prohibited. [Health and Safety Code, Section 5411].
4. The discharge of untreated waste from anywhere within the collection, treatment, or disposal facilities is prohibited.
5. The discharge of waste to Mark West Creek during the period May 15 through September 30 each year is prohibited.
6. During the period of October 1 through May 14, discharges of wastewater shall not exceed one percent of the flow of Mark West Creek as measured at the Laughlin Road Bridge.
7. The mean daily flow of waste to the wastewater treatment plant shall not exceed 0.25 mgd averaged over a period of 30 days.

8. The permittee shall notify the Regional Water Board at least 48 hours before any discharge, or threatened discharge, to Mark West Creek.

B. EFFLUENT LIMITATIONS

Discharge to Pasture Irrigation (Discharge Serial 002)

<u>Constituent</u>	<u>Units</u>	<u>30-Day Average<sup>1</sup></u>	<u>Daily Maximum</u>
BOD (5-day, 20°C)	mg/l	50	80
Suspended Solids	mg/l	50	80
Settleable Solids	ml/l/hr	0.1	0.2
Total Coliform Organisms	MPN/100 ml	2.2 <sup>d</sup>	23

Discharge to Mark West Creek (Discharge Serial 001)

<u>Constituent</u>	<u>Units</u>	<u>30-Day Average<sup>1</sup></u>	<u>7-Day Average<sup>2</sup></u>	<u>Daily Maximum</u>
BOD (5-day, 20°C)	mg/l	30	45	60
	lbs./day <sup>3</sup>	65	95	125
Suspended Solids	mg/l	30	45	60
	lbs/day <sup>3</sup>	65	95	125
Settleable Solids	ml/l/hr	0.1	--	0.2
Total Coliform Organisms	MPN/100 ml	--	2.2 <sup>4</sup>	23
Grease and Oil	mg/l	15	--	20
Ammonia	mg/l			0.25

1. There shall be no detectable levels of chlorine discharged to Mark West Creek.
2. The survival of test fish in 96-hour (static or continuous flow) bioassays in undiluted effluent samples shall equal or exceed 90% survival 70% of the time, and 70% survival 100% of the time.

<sup>1</sup> The arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days.

<sup>2</sup> The arithmetic mean of the values for effluent samples collected in a period of 7 consecutive days.

<sup>3</sup> The daily discharge rate in lbs./day is obtained from the following calculation:

$$\text{Daily Discharge (lbs./day)} = \frac{\sum_{i=1}^N Q_i C_i}{N}$$

<sup>8.34</sup>

in which N is the number of samples analyzed in any calendar day. Q<sub>i</sub> and C<sub>i</sub> are the flow rate (mgd) and the constituent concentration (mg/l), respectively, which are associated with each of the N grab samples, which may be taken in any calendar day. If a composite sample is taken, C<sub>i</sub> is the concentration measured in the composite sample; and Q<sub>i</sub> is the average flow rate occurring during the period over which samples are composited.

<sup>4</sup> Median over 7 consecutive days.

3. The arithmetic mean of the BOD (5-day, 20°C) and suspended solids values by weight for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the values, by weight, for influent samples collected at approximately the same times during the same period (85% removal).

### C. RECEIVING WATER LIMITATIONS

1. The waste discharge shall not cause the dissolved oxygen concentration of the receiving waters to be depressed below 7.0 mg/l. In the event that the receiving waters are determined to have dissolved oxygen concentration of less than 7.0 mg/l, the discharge shall not depress the dissolved oxygen concentration below the existing level.
2. The discharge shall not cause the pH of the receiving waters to be depressed below 6.5 nor raised above 8.5. Within this range, the discharge shall not cause the pH of the receiving waters to be changed at any time, more than 0.5 units from, that which occurs naturally. If the pH of the receiving water is less than 6.5, the discharge shall not cause a further depression of the pH of the receiving water. If the pH of the receiving water is greater than 8.5, the discharge shall not cause a further increase in the pH of the receiving water.
3. The discharge shall not cause the turbidity of the receiving waters to be increased more than 20 percent above naturally occurring background levels.
4. The discharge shall not cause the receiving waters to contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.
5. The discharge shall not cause the receiving waters to contain taste or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, that cause nuisance, or that adversely affect beneficial uses.
6. The discharge of waste shall not cause esthetically undesirable discoloration of the receiving waters.
7. The discharge shall not cause bottom deposits in the receiving waters to the extent that such deposits cause nuisance or adversely affect beneficial uses.
8. The discharge shall not contain concentrations of biostimulants, which promote objectionable aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses of the receiving waters.
9. The discharge shall not cause the receiving waters to contain toxic substances in concentrations that are toxic to, degrade, or that produce detrimental physiological responses in humans or animals or cause acute or chronic toxicity in plants or aquatic life.
10. The discharge shall not cause a measurable temperature change in the receiving waters.

11. The discharge shall not cause bioaccumulation of pesticide, fungicide, wood treatment chemical, or other toxic pollutant concentrations in bottom sediments or aquatic life to levels, which are harmful to human health.
12. The discharge shall not cause the receiving waters to contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water that cause nuisance or that otherwise adversely affect beneficial uses.
13. This discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Water Board or the State Water Resources Control Regional Water Board as required by the Federal Clean Water Act (CWA), and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the CWA, or amendments thereto, the Regional Water Board will revise and modify this Permit in accordance with such more stringent standards.
14. The discharge shall not cause concentrations of contaminants to occur at levels which are harmful to human health in waters which are existing or potential sources of drinking water.
15. The discharge shall not cause concentrations of toxic pollutants in the water column, sediments, or biota that adversely affect beneficial uses.

#### D. SOLIDS DISPOSAL

1. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of at a legal point of disposal, and in accordance with the provisions of Title 23, Division 3, Chapter 15 of the California Code of Regulations.

#### E. PROVISIONS

1. Duty to Comply
  - a. The permittee shall comply with all of the conditions of this Permit. Any permit noncompliance constitutes a violation of the Clean Water Act and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. [40 CFR 122.41(a)]
  - b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Permit has not yet been modified to incorporate the requirement. [40 CFR 122.41(a)(1)]



2. Duty to Reapply

- a. This permit expires on June 22, 2005. If the permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the permittee must apply for and obtain a new permit. The application, including a report of waste discharge in accordance with Title 23, California Code of Regulations must be received by the Regional Water Board no later than December 22, 2004. [40 CFR 122.41(b)]
- b. The Regional Administrator of the Environmental Protection Agency may grant permission to submit an application at a later date prior to the permit expiration date; and the Regional Administrator of the Environmental Protection Agency may grant permission to submit the information required by paragraphs (g)(7), (9), and (10) of 40 CFR 122.21 after the permit expiration date. [40 CFR 122.21(d)(2)]

3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit. [40 CFR 122.41(c)]

4. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this Permit, which has a reasonable likelihood of adversely affecting human health or the environment. [40 CFR 122.41(d)]

5. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with this Permit. Proper operation and maintenance includes adequate laboratory control and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a permittee only when necessary to achieve compliance with the conditions of this Permit. [40 CFR 122.41(e)]

6. Permit Actions

- a. This Permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:
  - 1) Violation of any terms or conditions of this Permit; or
  - 2) Obtaining this Permit by misrepresentation or failure to disclose fully all relevant facts; or
  - 3) A change in any condition that requires either a temporary or a permanent reduction or elimination of the authorized discharge; or

- 4) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.
- b. The Regional Water Board may also review and revise this Permit at any time upon application of any person, or on the Regional Water Board's own motion. [CWC 13263(e)]
- c. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant to this Permit, this Permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the permittee so notified. [40 CFR 122.41(f)]
- d. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition. [40 CFR 122.41(f)]

## 7. Property Rights

This Permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. [40 CFR 122.41(g)]

## 8. Duty to Provide Information

- a. The permittee shall furnish the Regional Water Board, State Water Resources Control Board (SWRCB), or Environmental Protection Agency (EPA), within a reasonable time, any information which the Regional Water Board, SWRCB, or EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit or to determine compliance with this Permit. The permittee shall also furnish to the Regional Water Board, upon request, copies of records required to be kept by this Permit. [40 CFR 122.41(h)]
- b. The permittee shall conduct analysis on any sample provided by EPA as part of the Discharge Monitoring Quality Assurance (DMQA) program. The results of any such analysis shall be submitted to EPA's DMQA manager.

## 9. Inspection and Entry

The permittee shall allow the Regional Water Board, SWRCB, EPA, and/or other authorized representatives upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any locations. [40 CFR 122.41(i)]

10. Monitoring and Records

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. The permittee shall calibrate and perform maintenance procedures in accordance with manufacturer's specifications on all monitoring instruments and equipment to ensure accurate measurements. The permittee 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 Permit, and records of all data used to complete the application for this Permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Water Board, SWRCB, or EPA at any time. All monitoring instruments and devices used by the permittee to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary, at least annually to ensure their continued accuracy.
- c. Records of monitoring information shall include:
  1. The date, exact place, and time of sampling or measurements;
  2. The individual(s) who performed the sampling or measurements;
  3. The date(s) analyses were performed;
  4. The individual(s) who performed the analyses;
  5. The analytical techniques or methods used; and
  6. The results of such analyses.
  7. The method detection limit (MDL); and
  8. The practical quantitation level (PQL) or the limit of quantitation (LOQ).
- d. Unless otherwise noted, all sampling and sample preservation shall be in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association). All analyses must be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this Permit. Unless otherwise specified, all metals shall be reported as total metals. Test fish for bioassays and test temperatures shall be specified by the Regional Water Board. Bioassays shall be performed in accordance with guidelines approved by the Regional Water Board and the Department of Fish and Game.

## 11. Signatory Requirements

- a. All permit applications, reports, or information submitted to the Regional Water Board, SWRCB, and/or EPA shall be signed by either a principal executive officer or ranking elected official. [40 CFR 122.22(a)]
- b. Reports required by this Permit, other information requested by the Regional Water Board, SWRCB, or EPA, and permit applications submitted for Group II stormwater discharges under 40 CFR 122.26(b)(3) may be signed by a duly authorized representative provided:
  - i. the authorization is made in writing by a person described in paragraph (a) of this provision;
  - ii. 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 well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
  - iii. the written authorization is submitted to the Regional Water Board prior to or together with any reports, information, or applications signed by the authorized representative. [40 CFR 122.22(b)(c)]
- c. Any person signing a document under paragraph (a) or (b) of this provision shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."  
[40 CFR 122.22(d)]

## 12. Reporting Requirements

- a. Planned changes: The permittee shall give notice to the Regional Water Board as soon as possible of any planned physical alteration or additions to the permitted facility. Notice is required under this provision only when:
  - 1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
  - 2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are

subject neither to effluent limitations in the permit, nor the notification requirements under Provision 12 (g).

- b. Anticipated noncompliance: The permittee shall give advance notice to the Regional Water Board of any planned changes in the permitted facility or activities, which may result in noncompliance with, permit requirements.
- c. Transfers: This Permit is not transferable.
- d. Definitions: The following definitions shall apply unless specified in this permit;
  - 1) "Daily discharge" means the discharge of a pollutant measured during a calendar day of any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" shall be the concentrations of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during the sampling day.
  - 2) "Daily average" discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
  - 3) "Daily Maximum" discharge limitations means that highest allowable "daily discharge" during the calendar month.
- e. Monitoring reports: Monitoring results shall be reported at the intervals specified in the self-monitoring program. By January 30 of each year, the permittee shall submit an annual report to the Regional Water Board. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year. In addition, the permittee shall discuss the compliance record and the corrective actions taken or planned, which may be needed to bring the discharge into full compliance with the permit. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
- f. Compliance schedules: Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- g. Noncompliance reporting: The permittee shall report any noncompliance at the time monitoring reports are submitted. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times and, if the noncompliance has not been corrected, the anticipated time it is

expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance.

The following events shall be reported orally as soon as the permittee becomes aware of the circumstances, and a written report shall be provided within five days of that time.

- 1) Any unanticipated bypass that violates any prohibition or exceeds any effluent limitation in the permit.
- 2) Any upset that exceeds any effluent limitation in the permit.
- 3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Regional Water Board in this Permit.
- 4) Any noncompliance that may endanger health or the environment.

The Executive Officer may waive the above-required written report.

- h. Other information: When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Water Board, the permittee shall promptly submit such facts or information. [40 CFR 122.41(1)]

13. Bypass

The intentional diversion of waste streams from any portion of a treatment facility is prohibited.

14. Upset

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof. [40 CFR 122.41(n)]

15. Enforcement

The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of violation. Any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment of not more than one year, or both. Higher penalties may be imposed for knowing violations and for repeat offenders. The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided under the Clean Water Act.

16. Availability

A copy of this Permit shall be maintained at the discharge facility and be available at all times to operating personnel.

17. Change in Discharge

In the event of a material change in the character, location, or volume of a discharge, (including any point or nonpoint discharge to land or groundwater) the permittee shall file with this Regional Water Board a new report of waste discharge at least 180 days before making any such change. [CWC Section 13376]. A material change includes, but is not limited to, the following:

- a. Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the waste.
- b. Significant change in disposal method, e.g., change from a land disposal to a direct discharge to water, or change in the method of treatment which would significantly alter the characteristics of the waste.
- c. Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area, significantly removed from the original area, potentially causing different water quality or nuisance problems.
- d. Increase in area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. [CCR Title 23 Section 2210]

18. Severability

Provisions of these waste discharge requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected.

19. Monitoring

The Regional Water Board or SWRCB may require the permittee to establish and maintain records, make reports, install, use, and maintain monitoring equipment or methods (including where appropriate biological monitoring methods), sample effluent as prescribed, and provide other information as may be reasonably required. [CWC Section 13267 and 133834].

The permittee must comply with the Contingency Planning and Notification Requirements Order No. 74-151 and the Monitoring and Reporting Program No. R1-2000-45 and any modifications to these documents as specified by the Executive Officer of the Regional Water Board. Such documents are attached to this Permit and incorporated herein. The permittee shall file with the Regional Water Board technical reports on self monitoring work performed according to the detailed specifications contained in any monitoring and reporting program as directed by the Regional Water Board.

Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. In the event a certified laboratory is not available to the permittee, analyses performed by a noncertified laboratory will be accepted provided:

- a. A quality assurance/quality control program is instituted by the laboratory. A manual containing the steps followed in this program must be kept in the laboratory and shall be available for inspection by staff of the Regional Water Board. The quality assurance/quality control program must conform to EPA or State Department of Health Services guidelines.
- b. The laboratory will become certified within the shortest practicable time if the State certification program is resumed.

#### Certification

I, Lee A. Michlin, 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 Regional Water Board, North Coast Region, on June 22, 2000

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Lee A. Michlin  
Executive Officer