

ATTACHMENT A
CONDITIONS OF DISCHARGE
RESOLUTION R5-2015-XXXX

WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR
SMALL FOOD PROCESSORS, WINERIES AND
RELATED AGRICULTURAL PROCESSORS
WITHIN THE CENTRAL VALLEY REGION

A. Applicability

This Waiver shall only apply to small food processors and wineries that meet the criteria listed below. Coverage under this Waiver will only be granted to dischargers who meet the criteria, submit a complete Report of Waste Discharge or Notice of Intent (as applicable), and receive a Notice of Applicability signed by the Executive Officer.

1. The Waiver applies to all small food processors¹ that land apply less than 1,000,000 gallons of process wastewater per year² at reasonable agronomic loading rates for nutrients and reasonable hydraulic loading rates for water. Wineries may land apply all wastewater generated by processing less than 800 tons of grapes per year.
2. The Waiver applies to all small food processors that store any volume of process wastewater in tanks on-site prior to transporting it off-site for disposal at an appropriately permitted facility without limits as to the volume of wastewater managed in this manner.
3. The Waiver applies to small food processors that land apply residual solids associated with processing that results in generation of less than 1,000,000 gallons of wastewater per year. Wineries may land apply residual solids associated with processing up to 800 tons of grapes per year in compliance with the conditions specified herein.
4. Wastewater and residual solids storage and land application methods must comply with the Specific and General Conditions listed herein.

B. Regulatory Tiers and Application Requirements

Discharges authorized under this Waiver are grouped into three regulatory tiers based on the wastewater management practices employed and the amount of waste discharged to land. The application requirements, fees (if any), and monitoring and reporting requirements are linked to and commensurate with the complexity of the discharge regulated under each tier. The Waiver tiers are summarized in the following table and application requirements are discussed further below the table.

¹ For the purposes of this Waiver, the term "food processor" includes wineries, nut hulling operators, crop seed processors, and any other agricultural commodity processing operator that generates waste whose character is similar to that described in the Initial Study. Meat processors, slaughterhouses, and pistachio nut hullers are not eligible for enrollment under the Waiver.

² For a typical small winery, processing 800 tons of grapes to produce wine will typically yield no more than 1,000,000 gallons of process wastewater. For other food processors the volume of wastewater per ton of commodity processed will vary.

Waiver Tier	Allowed Management Practices and Discharge Amounts	Application Requirements and Fees
1	<ul style="list-style-type: none"> • Land application of up to 10,000 gallons of process wastewater per year for irrigation of landscaping or crops. • Land application of residual solids associated with generation of up to 10,000 gallons of process wastewater per year as a soil amendment for landscaped or cropped areas. 	<ul style="list-style-type: none"> • Submit a RWD (completed Form 200³ and Notice of Intent form⁴). • No fee is required. • Coverage is subject to approval by the Executive Officer, who will issue a Notice of Applicability granting coverage.
2	<ul style="list-style-type: none"> • Land application of up to 100,000 gallons of process wastewater per year for irrigation of landscaping or crops. • Land application of residual solids associated with generation of up to 100,000 gallons of process wastewater per year as a soil amendment for landscaped or cropped areas. 	<ul style="list-style-type: none"> • Submit a RWD (completed Form 200³ and Technical Information Form⁵). • Submit a one-time application fee for a threat and complexity rating of 3C⁶. • Coverage is subject to approval by the Executive Officer, who will issue a Notice of Applicability granting coverage.

³ Form 200 can be downloaded from the internet at http://www.waterboards.ca.gov/publications_forms/forms/docs/form200.pdf

⁴ A blank Notice of Intent form to apply for coverage under Tier 1 is in Attachment C.

⁵ A blank Technical Information Form to apply for coverage under Tiers 2 and 3 is included in Attachment C.

⁶ The annual fee is subject to review and revision by the State Water Resources Control Board each year. Any rate changes adopted by the State Water Board will become effective in the first annual billing cycle after adoption.

Waiver Tier	Allowed Management Practices and Discharge Amounts	Application Requirements and Fees
3	<ul style="list-style-type: none"> • Land application of up to 1,000,000 gallons of process wastewater per year for irrigation of landscaping or crops with a minimum of 1.0 acres of land application area per 100,000 gallons of wastewater. • Land application of residual solids associated with generation of up to 1,000,000 gallons of process wastewater per year as a soil amendment for landscaped or cropped areas with a minimum of 1.0 acres of land application area per 100,000 gallons of wastewater. 	<ul style="list-style-type: none"> • Submit a RWD (completed Form 200³ and Technical Information Form⁵). • Submit an application fee for a threat and complexity rating of 3C⁶. An annual fee will be billed at the same rate for each subsequent year of coverage up to a maximum of 5 years following adoption of this Resolution. • Coverage is subject to approval by the Executive Officer, who will issue a Notice of Applicability granting coverage.

Each Discharger must submit a Report of Waste Discharge to apply for coverage under the Waiver as follows:

1. Existing dischargers, regardless of whether coverage was granted under the previous Waiver (Resolution R5-2009-0097) shall submit a Report of Waste Discharge and fee as applicable to apply for coverage under the Waiver within **90 days** of adoption of this Waiver^{7, 8}.
2. Existing dischargers who received a Notice of Applicability under Resolution R5-2009-0097 dated between 1 January 2014 and 31 December 2014, and whose discharge still qualifies for enrollment in Tiers 1 or 2, shall reaffirm their intent to comply with the requirements of this Resolution in writing within **90 days** of adoption of this Waiver. A Revised Notice of Applicability will be issued, but no additional fee will be required.
3. New small food processors that have not begun operation as of the date of adoption of this Waiver shall submit a Report of Waste Discharge at least **120 days** before the anticipated date of first discharge.
4. Any discharger issued a Notice of Applicability under this Waiver whose facilities or operations subsequently expand such that coverage under a higher tier of the Waiver is appropriate shall submit a new Report of Waste Discharge for the appropriate tier at least **120 days** before the anticipated date of increased discharge volume. For discharges that move from Tier 2 to Tier 3, a new fee is not required to apply for coverage under Tier 3, but

⁷ If an existing Discharger does not meet the applicability criteria above, the Discharger must cease any discharge to land or submit a Report of Waste Discharge to apply for individual WDRs within **120 days** of adoption of this Waiver.

⁸ This requirement does not apply to nut hulling operations. However, nut hulling facility operators may voluntarily apply for coverage.

the Discharger will become subject to the annual fee beginning in the first State fiscal year⁹ in which the tier change takes place.

5. To apply for coverage under this Waiver, the Discharger shall submit a Report of Waste Discharge consisting of the following:

- a. **For Tier 1:** A completed Form 200, Notice of Intent form, and a scaled map depicting land application areas and nearby surface waters¹⁰. Form 200 and instructions for completing it may be downloaded from the Internet at:

http://www.waterboards.ca.gov/publications_forms/forms/docs/form200.pdf

The Notice of Intent Form is included in Attachment C.

- b. **For Tiers 2 and 3:** A completed Form 200, Technical Information Form, and a scaled map depicting land application areas and nearby surface waters⁹. Form 200 and instructions for completing it may be downloaded from the Internet at:

http://www.waterboards.ca.gov/publications_forms/forms/docs/form200.pdf

The Technical Information Form is included in Attachment C.

- c. **For Tiers 2 and 3 only,** a fee for a threat and complexity of "3C" as described in Section 2200 of Title 23 of the California Code of Regulations. The fee shall be submitted in the form of a check made payable to *State Water Resources Control Board*. The current fee schedule can be downloaded from the Internet at:

<http://www.waterboards.ca.gov/resources/fees/#wdr>

Applicants are encouraged to contact Central Valley Water Board staff for assistance in determining the fee.

- d. **For all tiers,** evidence that the operation is already covered or specifically excluded from obtaining coverage under NPDES General Permit CAS000001 specifying waste discharge requirements for discharges of storm water associated with industrial activities (either State Water Resources Control Board Order 97-03-DWQ or 2014-0057-DWQ, whichever is in effect on the date of the Report of Waste Discharge)¹¹. One of the following is acceptable:

- i. A copy of the Notice of Intent that has been submitted to apply for coverage under Order 97-03-DWQ or subsequent revision thereto; or
- ii. A Notice of Non-Applicability (NONA); or
- iii. A No Exposure Certification (NEC).

- e. **For all tiers,** a copy of any draft and final environmental review documents prepared to comply with the California Environmental Quality Act (CEQA) must be submitted unless:

- i. The application is for an existing discharge and the discharge will not expand or otherwise change significantly during the term of the Waiver; or

⁹ The State fiscal year is 1 July through 30 June. Invoices for annual fees for a given fiscal year are typically issued by the State Water Board in the first four months of that fiscal year (i.e., in the fall).

¹⁰ Guidance for map development is provided in the Tier 2/3 Technical Information Form included in Attachment C.

¹¹ Order 2014-0057-DWQ becomes effective on 1 July 2015.

- ii. The local planning agency (city or county, as applicable) or another public agency has determined that the project, including the waste discharge (or expansion, changes, etc.) is exempt from CEQA review. In this case, submit a copy of the Notice of Exemption or other relevant correspondence issued by the planning agency.
- f. **For all tiers**, if requested by Central Valley Water Board staff, chemical analysis of the waste for key waste constituents, which typically include biochemical oxygen demand (BOD), total nitrogen, pH, and fixed dissolved solids (FDS).

C. Specific Conditions

Dischargers regulated under all Waiver tiers shall comply with the following Specific Conditions.

1. The discharge shall not create or threaten to create a condition of pollution, contamination, or nuisance as defined by Water Code section 13050.
2. The discharge of waste classified as “hazardous” under Title 23 of the California Code of Regulations section 2521 or as “designated” under Water Code section 13173 is prohibited.
3. The discharge of waste to wetlands, surface waters or surface water drainage courses is prohibited¹².
4. The use of ponds for wastewater treatment, storage, or disposal, except for seasonal temporary use of shallow storage ponds used for nut hulling wash water is prohibited.
5. Ponds may be used only for temporary storage of nut hulling wash water **between August 1st and December 31st each year** if all of the following conditions are met:
 - a. Ponds shall be operated and maintained to ensure compliance with Specific Condition C.3 above.
 - b. The water table shall be at least 5 feet below the base of any pond.
 - c. The pond water depth shall be no greater than 5 feet at any time in any pond.
 - d. A minimum of one feet of freeboard as measured from the water surface in any pond to the surrounding grade shall be maintained at all times.
 - e. The discharger shall begin land applying wastewater from each pond as soon as practical to minimize the duration of pond use and depth of water.
 - f. Discharge to any pond shall cease and all ponds shall be completely drained by **December 31st each year**. Draining includes removal of all water, visible residual solids and other organic matter.
 - g. Ponds shall be backfilled with soil, or runoff controls shall be installed to prevent storm water runoff from entering the pond **between January 1st and June 30th of the following year**.

¹² Surface waters include, but are not limited to, natural streams, lakes, wetlands, creeks, constructed agricultural drains, agricultural dominated waterways, irrigation and flood control channels, or other non-stream tributaries. Surface waters include all waters of the United States and their tributaries, interstate waters and their tributaries, intrastate waters, and all impoundments of these waters. For the purposes of this Waiver, surface waters do not include water in agricultural fields.

6. Process wastewater and residual solids shall not be discharged to any septic system or subsurface disposal systems such as a leach field.
7. Process wastewater and residual solids applied to land shall not contain stillage waste, water softener regeneration brine, boiler blowdown, or other high salinity waste.
8. **For Tiers 2 and 3**, Wastewater and residual solids land application areas shall be limited to those expressly described and mapped in the Report of Waste Discharge.
9. **For Tier 3 only**, The Discharger shall maintain and use at least one acre of cropland and/or landscaped area for each 100,000 gallons of wastewater and/or equivalent mass of residual solids applied to land each year. Land application areas for wastewater and residual solids may have a combined use (for example, a one-acre land application area may receive 100,000 gallons of wastewater plus the associated residual solids per year, etc.).
10. Objectionable odors due to the storage and/or land application of process wastewater or residual solids shall not be perceivable beyond the limits of the property owned by the Discharger.
11. The Discharger shall take all reasonable steps to reduce the salinity of the wastewater that is applied to land. These steps shall include, at a minimum:
 - a. Minimize the use of salt-containing additives in the process water and minimize the discharge of chemicals into the wastewater stream;
 - b. Minimize the use of non-biodegradable cleaners and other chemicals; and
 - c. When feasible, remove dry or solid wastes from equipment and floors before washing to prevent introduction of soluble waste constituents into the wastewater conveyance system.
12. If wastewater is stored on-site prior to land application or off-site for disposal:
 - a. Wastewater shall be fully contained in one or more tanks so that the waste does not contact the ground.
 - b. Wastewater shall be removed from storage tanks before capacity is reached and land applied or transported off-site for disposal immediately upon removal.
13. If wastewater is applied to land:
 - a. Wastewater shall not be applied to land during rainfall or when the ground is saturated.
 - b. Wastewater shall be applied to cropland or landscaped areas at a rate consistent with the water needs of the crop or vegetation grown in the land application area and at rates that do not exceed crop demand for nitrogen, including nitrogen loads from all sources (e.g., wastewater, residual solids, manure, and commercial fertilizer).
 - c. Wastewater shall not be applied within 25 feet of a water supply well.
 - d. Wastewater shall not be applied within 25 feet of a surface water or surface water drainage course unless the land application area is graded or bermed to prevent discharge of runoff into the drainage course.
 - e. Wastewater shall be evenly applied across the entire land application area.
14. If residual solids are temporarily stored on-site prior to land application or off-site for disposal:

- a. Residual solids shall be fully contained so that the waste does not contact the ground.
 - b. Residual solids shall be stored such that any leachate or storm water that contacts the waste is managed as wastewater in accordance with the conditions of this Waiver.
 - c. Residual solids drying and/or storage areas shall be designed, constructed, operated, and maintained to prevent the washout or inundation due to floods with a 100-year return frequency.
15. Residual solids shall be removed from storage tanks or areas before capacity is reached and land-applied or transported off-site for disposal immediately upon removal.
16. If residual solids are applied to land:
- a. Land application methods, rates, and management practices shall be in accordance with those proposed in the Report of Waste Discharge unless the Discharger finds that specific changes are necessary to ensure continued compliance with the conditions of the Waiver.
 - b. If residual solids that contain free liquids are applied to land, the Discharger shall ensure that all liquid is absorbed into the soil within 12 hours of application and that no liquid runs off the application area.
 - c. Residual solids shall be applied to land at rates that do not exceed crop demand for plant nutrients based on the nutrient content of the solids, the nutrient requirements of the crops or other vegetation grown on the land application area, and the amount of other forms of fertilizer used.
 - d. Residual solids shall be evenly applied across the entire land application area.
 - e. Grape stems or other dry, nonputrescible¹³ matter (e.g., dry nut hulls) may be segregated from the rest of the residual solids and applied to the Discharger's property, including dirt roads, for erosion or dust control. However, such waste must be applied in a manner that prevents displacement by runoff into surface waters during storm events.
 - f. On-site composting is not authorized by this Waiver. Any on-site composting shall comply with the composting regulations found in Title 14 of the California Code of Regulations, Division 7, Chapter 3.1 and is subject to regulation by the Central Valley Water Board under a separate permit or waiver, as applicable.
17. Land application of putrescible solids¹² shall be conducted in accordance with the following requirements, which are in addition to those in Specific Condition C.16 above:
- a. Residual solids shall not be applied within 25 feet of a surface water drainage course unless the land application area is graded or bermed to prevent discharge of runoff into the drainage course.
 - b. Residual solids shall not be applied within 25 feet of a water supply well.
 - c. Residual solids shall not be applied to land during rainfall or when the land application area is saturated.

¹³ For the purpose of this Waiver, putrescible solids are residual solids that contain readily decomposable organic matter and moisture such that they are likely to create objectionable odors and attract insects under ambient outdoor conditions.

- d. The total annual loading rate for putrescible residual solids shall not exceed the rate specified in Specific Condition C.16.c, or a total thickness of two inches, whichever is more restrictive.

D. General Conditions

Dischargers regulated under all Waiver tiers shall comply with the following General Conditions.

1. The Discharger shall comply with Monitoring and Reporting Program R5-2015-XXXX in Attachment B, and with any revisions thereto as ordered by the Executive Officer.
2. The discharge of any waste not specifically regulated by this Waiver is prohibited unless the Discharger obtains WDRs, qualifies for coverage under another waiver, or obtains other permission from the Central Valley Water Board for the discharge of that waste.
3. Before making a material change in the character, location, or volume of discharge, the Discharger shall submit a new Report of Waste Discharge to the Central Valley Water Board. A material change includes, but is not limited to, the following:
 - a. An increase in area to be used for land application of wastewater or residual solids beyond that specified in the original RWD.
 - b. A significant change in disposal method, location of discharge or volume of waste discharged.
 - c. The addition of a new process or product by an industrial facility resulting in a change in the character or volume of waste.
4. A copy of the Waiver (including its attachments) and the Notice of Applicability shall be kept at the facility for reference by operating personnel. Key operating and site management personnel must be familiar with the documents.
5. The Report of Waste Discharge, monitoring reports, and any other information requested by the Central Valley Water Board shall be signed as follows:
 - a. For a corporation: by a principal executive officer of at least the level of senior vice-president or a duly authorized representative of that person.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor or a duly authorized representative of that person.
 - c. For a municipality or public agency: by either a principal executive officer or ranking elected or appointed official or a duly authorized representative of that person.
6. Any person signing a Report of Waste Discharge, monitoring report, or other technical report makes the following certification, whether written or implied:

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.

7. All technical and monitoring reports submitted pursuant to this Waiver are required pursuant to Water Code section 13267. Failure to submit reports in accordance with schedules established by this Waiver, the attachments of this Waiver, or failure to submit a report of sufficient technical quality, may subject the Discharger to enforcement action pursuant to Water Code section 13268.
8. This waiver is not transferable. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this Waiver by letter and shall inform the new owner or operator of the requirement to submit a Report of Waste Discharge at least **120 days** before commencing operation of the facility. A copy of the letter shall be immediately forwarded to the Executive Officer.
9. In the event that the Discharger does not comply, or will be unable to comply, with any conditions of this Waiver, the Discharger shall notify Central Valley Water Board staff by telephone as soon as it or its agents have knowledge of such noncompliance or potential for noncompliance and shall confirm this notification in writing within two weeks. The written notification shall state the nature, time, and cause of noncompliance, shall describe the measures being taken to prevent recurrences, and shall include a timeline for corrective actions.
10. The Discharger shall permit Central Valley Water Board representatives to (a) enter premises where wastes are stored or disposed of, (b) copy any records required to be kept under the terms of this Waiver, (c) inspect monitoring equipment required by this Waiver, and (d) sample, photograph, and video tape any discharge, waste, waste management unit, or monitoring device.
11. The Discharger shall comply with all federal, state, county, and local laws and regulations pertaining to the discharge.
12. It shall not be a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce its activity in order to maintain compliance with conditions of this Waiver.
13. The Discharger must comply with all conditions of this Waiver, including timely submittal of all monitoring reports as applicable. Violations may result in enforcement action as described in the Waiver Resolution.
14. Except for material determined to be confidential in accordance with California law and regulations, all reports prepared in accordance with terms of this Waiver will be available for public inspection at the Central Valley Water Board offices. Data on waste discharges, water quality, geology, and hydrogeology will not be considered confidential.