

California Regional Water Quality Control Board  
North Coast Region

ORDER NO. R1-2004-0024  
NPDES PERMIT NO. CA0024473  
I.D. NO. 1A84005ODN

WASTE DISCHARGE REQUIREMENTS

FOR

CRESCENT CITY HARBOR DISTRICT  
SEAFOOD-PROCESSING WASTEWATER TREATMENT FACILITY

Del Norte County

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

1. The Crescent City Harbor District (hereinafter Permittee) submitted a Report of Waste Discharge dated November 22, 2002 and applied for renewal of its Permit to discharge wastewater under the National Pollutant Discharge Elimination System (NPDES) from the seafood-processing wastewater treatment facility serving Crescent City harbor. The term of this Permit is five years.
2. Seafood processing consists of fish filleting, fish cleaning, crab cleaning, and mechanical shrimp peeling. Processing is seasonal and not all species are processed every day. Chlorine bleach is used to clean the processing areas. A rotating self-cleaning screen is used to treat up to 800,000 gallons of process wastewater per day (MGD). A 500,000-gallon holding tank is available for flow equalization. The holding tank is bypassed during periods of low flow. Up to 1,000 gallons is discharged weekly to exercise the wastewater pumps during nonprocessing periods. Wastewater is discharged into the Pacific Ocean through the Crescent City municipal wastewater treatment plant outfall. The municipal wastewater discharge is regulated by NPDES Permit No. CA0022756. The outfall is located immediately south of the Battery Point Lighthouse at 41°44'38" north, 124°12'38" west. Solids captured on the screen are sent to Hambro Forest Products for conversion to fertilizer and soil amendments.
3. The Permittee is currently governed by Waste Discharge Requirements Order No. 98-26, adopted by the Regional Water Board on June 26, 1998.
4. This facility is not a major discharger as defined in 40 CFR 122.2. The Permittee is rated as Category 2 threat to water quality and Category B complexity; however, pursuant to Title 23, California Code of Regulations (CCR), Section 2200, the Permittee is assessed an annual fee based on a flow of 0.8 MGD.
5. 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, prohibitions, and statewide plans and policies. The "Water Quality Control Plan for Ocean Waters of California" (Ocean Plan) establishes beneficial uses and water quality objectives for waters of the Pacific Ocean adjacent to the California Coast outside of enclosed bays, estuaries and coastal

lagoons. The Ocean Plan requires emphasis on chronic, rather than acute toxicity for ocean discharges with minimum initial dilution factors of less than 100 to 1. Testing for chronic toxicity is required by the accompanying Monitoring and Reporting Program.

6. The existing and potential beneficial uses of the Pacific Ocean at Crescent City include:
  - a. industrial service supply
  - b. industrial process supply
  - c. navigation
  - d. water contact recreation
  - e. noncontact water recreation
  - f. commercial and sport fishing
  - g. wildlife habitat
  - h. preservation of rare and endangered species
  - i. marine habitat
  - j. migration of aquatic organisms
  - k. spawning, reproduction, and/or early development
  - l. shellfish harvesting
  - m. aquaculture
7. 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 CWA and amendments thereto are applicable to the Permittee.
8. The permitted discharge is consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Board Resolution No. 68-16, Statement of Policy with Respect to Maintaining High Quality of Waters in California. The impact on existing water quality will be insignificant.
9. This action to renew an NPDES Permit is exempt from Chapter 3 of the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq., in accordance with Section 13389 of the California Water Code (CWC). In addition, this action is exempt from CEQA pursuant to Title 14, California Code of Regulations (CCR), section 15301, as an activity involving the permitting of an existing facility that involves negligible or no expansion of an existing use.
10. 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.
11. The Regional Water Board, in public meetings on May 12, 2004, heard and considered all comments pertaining to the discharge.
12. This Order will serve as a National Pollutant Discharge Elimination System Permit pursuant to Section 402 of the CWA, and amendments thereto, and will take effect 30 days after adoption by the Regional Water Board.

THEREFORE, IT IS HEREBY ORDERED that Waste Discharge Requirements Order No. 98-26 is rescinded and the Permittee, in order to meet the provisions contained in Division 7 of the CWC and regulations adopted thereunder, and the provisions of the CWA and regulations and guidelines adopted thereunder, shall comply with the following:

**A. DISCHARGE PROHIBITIONS**

1. The discharge of any waste not disclosed by the Permittee and of any waste disclosed by the Permittee but not reasonably anticipated to occur is prohibited.
2. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the CWC is prohibited. [Health and Safety Code, Section 5411]
3. The discharge of sludge from the holding tank is prohibited.
4. The discharge of untreated waste or partially treated waste from anywhere within the collection, treatment, or disposal facility, except as provided for bypasses under the conditions in **G. GENERAL PROVISIONS** 13 of this Order, is prohibited.

**B. EFFLUENT LIMITATIONS FOR CONVENTIONAL POLLUTANTS.**

1. Wastes discharged to the Pacific Ocean (Discharge Serial No. 001) during seafood processing shall not contain constituents in excess of the following limits:

Constituent	Units	Monthly Average <sup>a</sup>	Daily Maximum
Suspended Solids	lb/1000 lb bottom fish	2.0	3.6
	lb/1000 lb crab	2.7	8.1
	lb/1000 lb shrimp	54	160
Oil and Grease	lb/1000 lb bottom fish	0.55	1.0
	lb/1000 lb crab	0.61	1.8
	lb/1000 lb shrimp	42	126
pH	Units	Within limit of 6.0 and 9.0 at all times	

2. Wastes discharged to the Pacific Ocean (Discharge Serial No. 001) during pump maintenance shall not contain constituents in excess of the following limits:

Constituent	Units	Monthly Average <sup>a</sup>	Daily Maximum
Flow	gal/week	--	1000
Total Suspended Solids	mg/L	--	60
Oil and Grease	mg/L	25	40
Settleable Solids	ml/L	1.0	1.5
Turbidity	NTU	75	100
pH	Units	Within limit of 6.0 and 9.0 at all times	

<sup>a</sup> The arithmetic mean of the values for effluent samples collected in a calendar month.

**C. EFFLUENT LIMITATIONS FOR TOXIC POLLUTANTS**

1. Wastes discharged to the Pacific Ocean (Discharge Serial No. 001) shall not contain toxic constituents in excess of the following limits (constituents are as described and defined in the Ocean Plan):

(Limiting Concentrations expressed as micrograms per liter)

<u>Constituent</u>	<u>6-Month Median<sup>1</sup></u>	<u>Monthly Average<sup>2</sup></u>	<u>Daily Maximum<sup>3</sup></u>	<u>Instantaneous Maximum<sup>4</sup></u>
Acrylonitrile	--	2.1	--	--
Ammonia	13,000	--	50,000	130,000
Antimony	--	25,000	--	--
Benzene	--	124	--	--
bis(2-ethylhexyl)phthalate	--	74	--	--
Cadmium	21	--	84	210
Chlorine Residual (total)	42	--	170	1300
Chromium (hexavalent) <sup>5</sup>	42	--	170	420
Copper	23	--	210	600
1,1-dichloroethylene	--	19	--	--
Lead	42	--	170	420
Mercury	0.83	--	3.4	8.4
Nickel	105	--	420	1050
Zinc	260	--	1460	4000

2. Mass emission limitations, expressed in pounds per day, for any toxic constituent shall be calculated as 0.00834 times the product of the concentration specified above and the average dry weather design flow of 0.8 million gallons per day. The six-month median limit on daily mass emissions shall be determined using the six-month median effluent concentration and the mean flow rate over the six-month period. The daily maximum mass limitation shall be determined using the

<sup>1</sup> The 6-month median shall apply as a moving median of daily values for any 180-day period in which daily values represent flow weighted average concentrations within a 24 hour period. If only one sample is collected during the 180-day period, the single measurement shall be used to determine compliance with the effluent limitation for the entire time period.

<sup>2</sup> The arithmetic mean of all daily determinations made during a calendar month. Where less than daily sampling is required, the average shall be determined by the summation of all the measured daily discharges divided by the number of days during the calendar month when the measurements were made. If only one sample is collected during that period of time, the value of the single sample shall constitute the monthly average.

<sup>3</sup> The daily maximum shall apply to flow-weighted 24-hour composite samples. The daily maximum is defined as the maximum result of all samples collected in a calendar day.

<sup>4</sup> The instantaneous maximum shall apply to grab sample determinations for Ocean Plan Table B constituents. Each value collected in a calendar day is evaluated independently and compared to the limitation.

<sup>5</sup> The Permittee may meet this limit as a total chromium limit.

daily maximum effluent concentration limit and the observed flow rate on the day the sample was collected. The instantaneous maximum mass limitation shall be determined using the instantaneous maximum effluent concentration limit and the observed flow rate at the time the grab sample was collected.

#### **D. COMPLIANCE DETERMINATIONS**

Sufficient sampling and analysis shall be conducted to determine compliance with **C. EFFLUENT LIMITATIONS FOR TOXIC POLLUTANTS** of this Order.

1. Compliance with Single-Constituent Effluent Limitations.

The discharge is out of compliance with the effluent limitation if the concentration of the pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reported Minimum Level (ML). The ML is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specific sample weights, volumes and processing steps have been followed. A table of MLs is included as an appendix to this Order.

2. Compliance with Effluent Limitations expressed as a Sum of Several Constituents.

The discharge is out of compliance with an effluent limitation that applies to the sum of a group of chemicals if the sum of the individual pollutant concentrations is greater than the effluent limitation. Individual pollutants of the group will be considered to have a concentration of zero if the constituent is reported as nondetect (ND) or is below the method detection limit (MDL).

3. Multiple Sample Data Reduction.

The concentration of the pollutant in the effluent may be estimated from the result of a single sample analysis or by a measure of the central tendency (arithmetic mean, geometric mean, median, etc.) of multiple sample analyses when all sample results are quantifiable (i.e., greater than or equal to the reported ML). When one or more sample results are reported as ND or detected but not quantified (DNQ), the central tendency concentration of the pollutant shall be the median value of the multiple samples. If, in an even number of samples, one or both of the middle values is ND or DNQ, the median will be the lower of the two middle values.

4. Aquatic life water quality objectives for cadmium, chromium, copper, lead, nickel, silver, and zinc are based on acid-soluble fractions. Compliance with effluent limitations for these constituents shall be determined using the total recoverable method or a method approved by the State Water Board's Executive Director and U.S. EPA.

## **E. RECEIVING WATER LIMITATIONS**

The discharge of waste shall not cause the following water quality objectives to be violated upon completion of initial dilution:

1. Physical Characteristics.
  - a. Floating particulates and grease and oil shall not be visible.
  - b. The discharge of waste shall not cause aesthetically undesirable discoloration of the ocean surface.
  - c. Natural light shall not be significantly reduced at any point outside the initial dilution zone as the result of the discharge of waste.
  - d. The rate of deposition of inert solids in the ocean sediments shall not be changed such that benthic communities are degraded.
2. Chemical Characteristics.
  - a. The dissolved oxygen concentration shall not at any time be depressed more than ten percent from that which occurs naturally as a result of the discharge of oxygen-demanding waste materials.
  - b. The pH shall not be changed at any time more than 0.2 units from that which occurs naturally.
  - c. The dissolved sulfide concentration of waters in and near sediments shall not be significantly increased above that present under natural conditions.
  - d. The concentration of substances set forth in **C. EFFLUENT LIMITATIONS FOR TOXIC POLLUTANTS 1** in marine sediments shall not be increased to levels that would degrade indigenous biota.
  - e. The concentration of organic materials in marine sediments shall not be increased to levels that would degrade marine life.
  - f. Nutrient materials shall not cause objectionable aquatic growths or degrade indigenous biota.
3. Biological Characteristics
  - a. Marine communities, including vertebrate, invertebrate, and plant species, shall not be degraded.
  - b. The natural taste, odor, and color of fish, shellfish, or other marine resources used for human consumption shall not be altered.
  - c. The concentration of organic materials in fish, shellfish, or other marine resources used for human consumption shall not bioaccumulate to levels that are harmful to human health.

4. General Standards

- a. The 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 Board as required by the CWA and regulations adopted thereunder.
- b. The discharge to the Pacific Ocean shall be essentially free of:
  - i. Material that is floatable or will become floatable upon discharge.
  - ii. Settleable material or substances that may form sediments that will degrade benthic communities or other aquatic life.
  - iii. Substances that will accumulate to toxic levels in marine waters, sediments, or biota.
  - iv. Substances that significantly decrease natural light to benthic communities and other marine life.
  - v. Materials that result in aesthetically undesirable discoloration of the ocean surface.
- c. Waste shall be discharged in a manner that provides sufficient initial dilution to minimize the concentrations of substances not removed in the treatment.
- d. The discharge shall be such that, in the view of oceanographic characteristics and current patterns:
  - i. Pathogenic organisms and viruses are not present in areas where shellfish are harvested for human consumption or in areas used for swimming or other body-contact sports.
  - ii. Natural water quality conditions are not altered in areas designated as being of special biological significance.
  - iii. Maximum protection is provided to the marine environment.
- e. The discharge shall not interfere with the attainment or maintenance of that water quality which ensures the protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife and allows recreational activities in and on the water.

**F. SOLIDS DISPOSAL AND HANDLING REQUIREMENTS**

1. All collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of in accordance with the State Water Board promulgated provisions of Title 27, Division 2, of the California Code of Regulations, and with the Water Quality Control Plan for Ocean Waters of California (California Ocean Plan). If the Permittee desires to dispose of solids or sludge by a different

method, a request for permit modification shall be submitted to the North Coast Regional Water Board 180 days prior to the alternative disposal.

2. Solids and sludge treatment, storage, and disposal or reuse shall not create a nuisance, such as objectionable odors or flies, and shall not result in groundwater contamination.

## **G. GENERAL PROVISIONS**

### **1. Duty to Comply**

The Permittee shall comply with all conditions of this Order. Any instance of noncompliance with this Order constitutes a violation of the CWA 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)]

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement. [40 CFR 122.41(a)(1)]

### **2. Duty to Reapply**

This Permit expires on May 12, 2009. If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee shall apply for and obtain a new Permit. The application, including a report of waste discharge in accordance with Title 23, California Code of Regulations, shall be received by the Regional Water Board no later than November 9, 2008 [40 CFR 122.41(b)].

The Regional Administrator of the U.S. EPA or the Executive Officer may grant permission to submit an application at a later date prior to the Order expiration date. [40 CFR 122.21(d)(1)]

### **3. Enforcement**

The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA 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 CWA. [40 CFR 122.41(a)(2)].

4. Duty to Mitigate

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

5. Proper Operation and Maintenance

- a. 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 Order. Proper operation and maintenance includes adequate laboratory quality control and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by the Permittee only when necessary to achieve compliance with the conditions of this Order. [40 CFR 122.41(e)]
- b. The Permittee shall comply with this provision by submitting to the Regional Water Board within 180 days of the effective date of this Order an updated Operation and Maintenance (O&M) Manual. The Permittee shall update the O&M Manual, as necessary, to conform with changes in operation and maintenance of the WWTF. The O&M Manual shall be readily available to operating personnel onsite. The O&M Manual shall include the following:
  - i. Description of the treatment plant table of organization showing the number of employees, duties and qualifications and plant attendance schedules (daily, weekends and holidays, part-time, etc). The description should include documentation that the personnel are knowledgeable and qualified to operate the treatment facility so as to achieve the required level of treatment at all times.
  - ii. Detailed description of safe and effective operation and maintenance of treatment processes, process control instrumentation and equipment.
  - iii. Description of laboratory and quality assurance procedures.
  - iv. Process and equipment inspection and maintenance schedules.
  - v. Description of safeguards to assure that, should there be reduction, loss, or failure of electric power, the Permittee will be able to comply with requirements of this Order.
  - vi. Description of preventive (fail-safe) and contingency (response and cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events. These plans shall identify the possible sources (such as loading and storage areas, power outage, waste treatment unit failure, process equipment failure, tank and piping failure) of accidental discharges, untreated or partially treated waste bypass, and polluted drainage.

6. Permit Actions

- a. This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:
  - i. Violation of any terms or conditions of this Order; or
  - ii. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts; or
  - iii. A change in any condition that requires either a temporary or a permanent reduction or elimination of the authorized discharge; or
  - iv. 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. 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 CWA for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this Order, this Order shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the Permittee so notified. [40 CFR 122.44(b)]
- c. 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 Order 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), and CWC sections 13002 and 13263(g)]

8. Duty to Provide Information

The Permittee shall furnish the Regional Water Board, State Water Board, or U.S. EPA, within a reasonable time, any information that the Regional Water Board, State Water Board, or U.S. EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. The Permittee shall also furnish to the Regional Water Board, upon request, copies of records required to be kept by this Order. [40 CFR 122.41(h)]

The Permittee shall conduct analysis on any sample provided by U.S. EPA as part of the Discharge Monitoring Quality Assurance (DMQA) program. The results of any such analysis shall be submitted to U.S. EPA's DMQA manager.

9. Inspection and Entry

The Permittee shall allow the Regional Water Board, State Water Board, U.S. EPA, the Department of Health Services 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 required to be kept under the conditions of this Order;
- b. Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of this Order;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
- d. Sample or monitor at reasonable times, for the purposes of assuring compliance to this Order, or as otherwise authorized by the CWA, 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 Order, and records of all data used to complete the application for this Order, 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, State Water Board, or U.S. 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, but at least annually to ensure their continued accuracy.
- c. Records of monitoring information shall include:
  - i. The date, exact place, and time of sampling or measurements;

- ii. The individual(s) who performed the sampling or measurements;
  - iii. The date(s) analyses were performed;
  - iv. The individual(s) who performed the analyses;
  - v. The analytical techniques or methods used;
  - vi. The results of such analyses;
  - vii. The reported Minimum Level (ML) and the laboratory's current method detection limit (MDL).
- 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 shall be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this Order or approved by the Executive Officer. Unless otherwise specified, all metals shall be reported as total recoverable metals. Toxicity bioassays shall be performed in accordance with the provisions of this Permit.

11. Signatory Requirements

- a. All permit applications submitted to the Regional Water Board, State Water Board, and/or U.S. EPA shall be signed by a general partner or the proprietor, the chief executive officer of the agency or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency, or a responsible corporate officer. For purposes of this provision, a responsible corporate officer means:
  - i. A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
  - ii. The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b. Reports required by this Order, other information requested by the Regional Water Board, State Water Board, or U.S. EPA, and permit applications submitted for Group II storm water 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:
  - i. 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
  - ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in this Order, nor the notification requirements under paragraphs (f) and (g) of this provision.
- b. **Anticipated noncompliance:** The Permittee shall give advance notice to the Regional Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.
- c. **Transfers:** This Permit is not transferable.

- d. **Monitoring reports:** Monitoring results shall be reported at the intervals specified in the self-monitoring program. The Permittee shall submit an annual report to the Regional Water Board such that it is received no later than February 28 following the annual reporting period. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year and other information as required by the Monitoring and Reporting Program. In addition, the Permittee shall discuss the compliance record and the corrective actions taken or planned that may be needed to bring the discharge into full compliance with the Order. If the Permittee monitors any pollutant more frequently than required by this Order, using test procedures approved under 40 CFR Part 136 or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the self-monitoring report.
- e. **Compliance schedules:** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Order shall be submitted such that they are received by the Regional Water Board via fax, e-mail, or postal service no later than 14 days following each schedule date.
- f. **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.

In addition, the following events shall be reported orally as soon as possible, but no later than 24 hours from the time the Permittee becomes aware of the circumstances, and the written report shall be submitted such that an original signed written report is received by the Regional Water Board no later than 14 days after the event:

- i. Any unanticipated bypass that violates any prohibition or exceeds any effluent limitation in this Order;
- ii. Any upset that exceeds any effluent limitation in this Order;
- iii. Any noncompliance that may endanger health or the environment except as provided elsewhere in this Permit.

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

- g. **Other information:** Where 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.

13. Bypass

a. Definitions:

- i. Bypass [as defined in 40 CFR 122.41(m)] is the intentional diversion of waste streams from any portion of a treatment facility.
- ii. Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass not exceeding limitations. The Permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance or in accordance with an operating plan approved by the Executive Officer to assure efficient operation. These bypasses are not subject to the provisions of parts c and d below.

c. Notice

- i. Anticipated bypass. If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of the bypass.
- ii. Unanticipated bypass. The Permittee shall submit notice of an unanticipated bypass as required in **G. GENERAL PROVISIONS 12.f.** of this Permit.

d. Prohibition of bypass

- i. Bypass is prohibited, and the Regional Water Board may take enforcement action against a Permittee for bypass, unless:
  - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
  - (C) The Permittee submitted notices as required under **G. GENERAL PROVISIONS 13.c.** of this Permit.
- ii. The Executive Officer may approve an anticipated bypass, after considering its adverse effects, if the Executive Officer determines that it

will meet the three conditions listed above in **G. GENERAL PROVISIONS** 13.d.i. above.

14. Upset

- a. Definition. Upset [as defined in 40 CFR 122.41(n)] is an exceptional incident in which there is unintentional and temporary noncompliance with technology-based Permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based Permit effluent limitations if the requirements of (c), below, are not met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c. Conditions necessary for a demonstration of upset. A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - i. An upset occurred and that the Permittee can identify the cause(s) of the upset;
  - ii. The permitted facility was at the time being properly operated;
  - iii. The Permittee submitted notice of the upset as required in **G. GENERAL PROVISIONS** 12.f. of this Permit; and
  - iv. The Permittee complied with any remedial measures required under paragraph (d) of this section.
- d. Burden of proof. In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

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

16. 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]

17. 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.

18. Monitoring

The Regional Water Board or State Water Board 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 Sections 13267 and 13383][40CFR122.48].

The Permittee shall comply with the Contingency Planning and Notification Requirements Order No. 74-151 and the Monitoring and Reporting Program No. R1-2004-0024 (which are issued pursuant to CWC Sections 13267 and 13383) and any modifications to these documents as specified by the Executive Officer. Such documents are attached to this Order 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 that analyses for certain constituents by a certified laboratory is infeasible, analyses by a noncertified laboratory may be approved by the Executive Officer. Conditions that must be met for Executive Officer approval include: a quality assurance/quality control program conforming to U.S. EPA or State Department of Health Services guidelines is instituted by the laboratory, and a manual containing the steps followed in this program is kept in the laboratory and made available for review by staff of the Regional Water Board.

All Discharge Monitoring Reports shall be sent to:

California Regional Water Quality Control Board  
North Coast Region  
5550 Skylane Boulevard, Suite A  
Santa Rosa, CA 95403

U.S. EPA, Region 9  
Attn: WTR-7, NPDES/DMR  
75 Hawthorne Street  
San Francisco, CA 94105

19. Pollutant Minimization Program

The Permittee shall, as required by the Executive Officer, conduct a Pollutant Minimization Program in accordance with the Ocean Plan when there is evidence that the priority pollutant is present in the effluent above an effluent limitation, when a sample result is reported as detected and not quantified and the effluent limitation is less than the reported minimum level, or when a sample result is reported as not detected and the effluent limitation is less than the method detection limit.

20. Reopener

The Regional Water Board may modify or revoke and reissue this Order and Permit if present or future investigations demonstrate that the Permittee governed by this Order is causing, or significantly contributing to, adverse impacts on water quality and/or beneficial uses of receiving waters.

21. Chronic Toxicity Control Provision

Compliance with the Basin Plan narrative toxicity objective shall be achieved in accordance with the following:

- a. Testing procedures specified in Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms (U.S. EPA Report, EPA/600/4-91/003, 2<sup>nd</sup> Edition, July 1994 or subsequent editions), Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms (U.S. EPA Report No. EPA-600-4-91-002, 3<sup>rd</sup> or subsequent editions), or other methods approved by the Executive Officer, shall be used.
- b. If the result of any single chronic toxicity test does not comply with the chronic toxicity effluent limitation, the Permittee shall take two more samples, one within 14 days, and one within 21 days of receiving the sample results. If two of the three samples do not comply with the chronic toxicity limitation, the Permittee shall initiate a Toxicity Identification Evaluation (TIE) in accordance with **G. GENERAL PROVISIONS 23**. If the two additional samples are in compliance with the chronic toxicity requirement, then a TIE will not be required. If the discharge has ceased before the additional samples could be collected, the Permittee shall contact the Executive Officer within 21

days with a plan to demonstrate compliance with the chronic toxicity effluent limitation.

22. Chronic Toxicity Screening Phase Requirements

The Permittee shall perform screening phase monitoring at the start of its chronic toxicity monitoring program. Design of the screening phase shall, at a **minimum**, consist of the following elements:

- a. At least three test species with approved test protocols shall be used to measure compliance with the toxicity objective;
- b. The test species shall include a vertebrate, an invertebrate, and an aquatic plant as described in Monitoring and Reporting Program No. **R1-2004-0024**;
- c. Use of test protocols referenced in the 2001 Ocean Plan, or as approved by the Executive Officer:
- d. Appropriate controls; and
- e. Concurrent reference toxicant tests.

**After** conducting the screening phase, the Permittee may petition the Executive Officer to reduce the required testing to the most sensitive **species(s)**.

23. Toxicity Identification and Source Reduction Evaluations for Acute and Chronic Toxicity

The Permittee shall take steps necessary to **identify** and reduce the source of the toxicity in the effluent, if the discharge consistently exceeds an acute **limit** or a chronic trigger. The Toxicity Identification Evaluation shall be conducted in accordance with the ***Methods for Aquatic Toxicity Identification Evaluations: Phases I-III*** (EPA Publication 600/6-91/003, February 1991) or other methods approved by the Executive **Officer**. The Toxicity Reduction Evaluation shall be conducted in accordance with the ***Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations*** (EPA 600/2-88/070, April 1989) or the ***Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants*** (EPA 883-B-99-002, August 1999) or other methods approved by the Executive Officer. Once the source of toxicity is identified, the Permittee shall take **all** reasonable steps necessary to reduce toxicity to the required level.

Certification

I, Catherine E. Kuhlman, 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, North Coast Region, on May 12, 2004.



Catherine E. Kuhlman  
Executive **Officer**