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Arnold Schwarzenegger
Governor

ORDER NO. R1-2006-0027
NPDES NO. CA0024520

The following Discharger is authorized to discharge in accordance with the conditions set forth in this Order:

Discharger	Sierra-Pacific Industries
Name of Facility	Arcata Division Sawmill
Facility Address	2593 New Navy Base Road
	Arcata CA 95521
	Humboldt

The Discharger is authorized to discharge **from** the following discharge points as set forth below:

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	log deck runoff	40°, 52', 5" N	124°, 9', 10" W	freshwater wetland

This Order was adopted by the Regional Water Board on:	May 17, 2006
This Order shall become effective on:	June 16, 2006
This Order shall expire on:	May 17, 2011
The U.S. Environmental Protection Agency (U.S. EPA) and the Regional Water Board have classified this discharge as a minor discharge.	
The Discharger shall file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of the Order expiration date as application for issuance of new waste discharge requirements.	

IT IS HEREBY ORDERED, that Order No. R1-2002-0042 is rescinded upon the effective date of this Order except for enforcement purposes, and, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted therein, and the provisions of the federal Clean Water Act (CWA), and regulations and guidelines adopted therein, the Discharger shall comply with the requirements in this Order.

I, Catherine E. Kuhlman, Executive Officer, do hereby certify the following is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on May 17, 2006

Catherine E. Kuhlman, Executive Officer

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
REGION 1, NORTH COAST REGION**

ORDER NO. R1-2006-0027
NPDES NO. CA0024520

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I. FACILITY INFORMATION

The following Discharger is authorized to discharge in accordance with the conditions set forth in this Order:

Discharger	Sierra-Pacific Industries
Name of Facility	Arcata Division Sawmill
Facility Address	2593 New Navy Base Road
	Arcata CA 95521
	Humboldt
Facility Contact, Title, and Phone	Gordon V. Amos, Division Manager, (707) 443-3111
Mailing Address	P.O. Box 1189, Arcata CA 95518
Type of Facility	Sprinkled Log Deck
Facility Design Flow	0.6 million gallons per day

II. FINDINGS

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

- A. **Background.** Sierra-Pacific Industries (hereinafter Discharger) is currently regulated by Order No. R1-2002-0042 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0024520. The Discharger submitted a Report of Waste Discharge, dated 6 October 2005, and applied for a NPDES permit renewal to discharge up to 600,000 gallons per day of wastewater from the sprinkled log deck of their Arcata Division Sawmill. The application was deemed complete on 11 October 2005.
- B. **Facility Description.** The Discharger owns and operates a sprinkled log storage deck, hereinafter Facility. The runoff treatment system consists of two detention basins in series. Wastewater is discharged from Discharge 001 (see table on cover page) to a freshwater wetland, a water of the United States within the Eureka Plain hydrologic unit. This order recognizes this freshwater wetland as a receiving water in conformance with prior regulatory decisions by other agencies. This freshwater wetland is neither a freshwater impoundment nor a coastal stream or natural drainageway flowing directly to the ocean in the context of the Water Quality Control Plan for the North Coast Region. This freshwater wetland is not tributary to any impoundment or any coastal stream or natural drainageway flowing directly to the Ocean. Attachment B provides a topographic map of the area around the facility. Attachment C provides a flow schematic of the facility.
- C. **Legal Authorities.** This Order is issued pursuant to section 402 of the Federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and Chapter 5.5, Division 7 of the California Water Code (CWC). It shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to Article 4, Chapter 4 of the CWC for any discharges that are not subject to regulation under CWA section 402.
- D. **Background and Rationale for Requirements.** The Regional Water Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and through special studies. Attachments A through F, which contain background information and rationale for Order requirements, are hereby incorporated into this Order and, thus, constitute part of the Findings for this Order.
- E. **California Environmental Quality Act (CEQA).** This action to adopt an NPDES permit is exempt from chapter 3 of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.) in accordance with Section 13389 of the CWC.
- F. **Technology-based Effluent Limitations.** Title 40 of the Code of Federal Regulations (40 CFR) at §122.44(a) requires that permits include applicable technology-based limitations and standards. This Order includes technology-based effluent limitations based on Effluent

Limitations Guidelines and Standards for the Timber Products Processing Category in 40 CFR Part 429. A detailed discussion of the technology-based effluent limitations development is included in the Fact Sheet (Attachment F).

G. Water Quality-based Effluent Limitations. Section 122.44(d) of 40 CFR requires that permits include water quality-based effluent limitations (WQBELs) to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water. Where numeric water quality objectives have not been established, 40 CFR §122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA section 304(a), proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information, or an indicator parameter.

H. Water Quality Control Plans. The Regional Water Board adopted a Water Quality Control Plan for the North Coast Region (hereinafter Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. In addition, State Water Resources Control Board (State Water Board) Resolution No. 88-63 requires that, with certain exceptions, the Regional Water Board assign the municipal and domestic supply use to water bodies that do not have beneficial uses listed in the Basin Plan. Beneficial uses applicable to freshwater wetlands are as follows:

Discharge Point	Receiving Water Name	Beneficial Uses
001	Freshwater wetlands	<p><u>Existing:</u> Wetland habitat (WET).</p> <p><u>Potential:</u> Municipal and domestic water supply (MUN), agricultural supply (AGR), industrial service supply (IND), groundwater recharge (GWR), freshwater replenishment (FRESH), navigation (NAV), contact (REC-1) and non-contact (REC-2) water recreation, commercial and sport fishing (COMM), warm freshwater habitat (WARM), cold freshwater habitat (COLD), wildlife habitat (WILD), preservation or rare, threatened or endangered species (RARE), migration of aquatic organisms (MIGR), spawning, reproduction, and/or early development (SPWN), shellfish harvesting (SHELL), estuarine habitat (EST), aquaculture (AQUA), native American culture (CUL), flood peak attenuation/flood water storage (FLD), and water quality enhancement (WQE).</p>

The State Water Board adopted a *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California* (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. This plan contains temperature objectives for inland surface waters.

Requirements of this Order specifically implement the applicable Water Quality Control Plans.

- I. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on December 22, 1992, which was amended on May 4, 1995 and November 9, 1999, and the CTR on May 18, 2000, which was amended on February 13, 2001. The Regional Water Board Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. These rules include water quality criteria for priority pollutants and are applicable to this discharge.
- J. **State Implementation Policy.** On March 2, 2000, State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP became effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Boards in their basin plans, with the exception of the provision on alternate test procedures for individual discharges that have been approved by USEPA Regional Administrator. The alternate test procedures provision was effective on May 22, 2000. The SIP became effective on May 18, 2000. The SIP includes procedures for determining the need for and calculating WQBELs and requires dischargers to submit data sufficient to do so.
- K. **Compliance Schedules and Interim Requirements.** Section 2.1 of the SIP provides that, based on a discharger's request and demonstration that it is infeasible for an existing discharger to achieve immediate compliance with an effluent limitation derived from a CTR criterion, compliance schedules may be allowed in an NPDES permit. Unless an exception has been granted under Section 5.3 of the SIP, a compliance schedule may not exceed 5 years from the date that the permit is issued or reissued, nor may it extend beyond 10 years from the effective date of the SIP (or May 18, 2010) to establish and comply with CTR criterion-based effluent limitations. Where a compliance schedule for a final effluent limitation exceeds 1 year, the Order must include interim numeric limitations for that constituent or parameter. Where allowed by the Water Quality Control Plan for the North Coast Region, compliance schedules and interim effluent limitations or discharge specifications may also be granted to allow time to implement a new or revised water quality objective. This Order does not include compliance schedules and interim effluent limitations or discharge specifications.
- L. **Antidegradation Policy.** Section 131.12 of 40 CFR requires that State water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution 68-16, which incorporates the requirements of the federal antidegradation policy. Resolution 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. As discussed in detail in the Fact Sheet (Attachment F) the permitted discharge is consistent with the antidegradation provision of 40 CFR §131.12 and State Water Board Resolution 68-16.
- M. **Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at 40 CFR § 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those

in the previous permit, with some exceptions where limitations may be relaxed. Some effluent limitations in this Order are less stringent than those in the previous Order. The effluent limit in the previous permit was not an enforceable limit but was a narrative requirement to implement best management practices. This permit replaces that effluent limit with reference to a specific treatment system and incorporates an effluent limit (performance standard) based on the technology-based limit in the CWA. This change is based on new information not available at that time that justifies the change and does not constitute backsliding.

- N. **Monitoring and Reporting.** Section 122.48 of 40 CFR requires that all NPDES permits specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWA authorize the Regional Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program establishes monitoring and reporting requirements to implement federal and State requirements. This Monitoring and Reporting Program is provided in Attachment E.
- O. **Standard and Special Provisions.** Standard Provisions, which in accordance with 40 CFR §§122.41 and 122.42, apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D. The Regional Water Board has also included in this Order special provisions applicable to the Discharger. A rationale for the special provisions contained in this Order is provided in the attached Fact Sheet (Attachment F).

- P. **Notification of Interested Parties.** The Regional Water Board has notified the Discharger 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. Details of notification are provided in the Fact Sheet (Attachment F) of this Order.
- Q. **Consideration of Public Comment.** The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet (Attachment F) of this Order.

III. DISCHARGE PROHIBITIONS

- A. The discharge of any waste not disclosed by the Permittee or not within the reasonable contemplation of the Regional Water Board is prohibited.
- B. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code (CWC) is prohibited.
- C. The discharge of domestic waste, treated or untreated, to surface waters is prohibited.
- D. The discharge of waste at any point not described in Finding II.B. or authorized by any State Water Board or other Regional Water Board permit is prohibited.

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Effluent Limitations – Discharge Point 001

1. Final Effluent Limitations – Discharge Point 001

- a. The discharge of log deck runoff shall maintain compliance with the following effluent limitations at Discharge Point 001, with compliance measured at Monitoring Location M-001 as described in the attached Monitoring and Reporting Program (Attachment E):

Parameter	Units	Effluent Limitations			
		Monthly Average	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
hydrogen ion	pH	--	--	6.0	9.0

- b. There shall be no acute toxicity in the effluent. The permittee will be considered in compliance with this limitation when the survival of aquatic organisms in a 96-hour bioassay of undiluted waste complies with the following:
 - i. Minimum for any one bioassay: 70% survival
 - ii. Median for any three or more consecutive bioassays: at least 90% survival
- c. The discharge of debris (as defined in Attachment A) is prohibited.

V. RECEIVING WATER LIMITATIONS

A. Surface Water Limitations

The Basin Plan has receiving water objectives for Humboldt Bay and its tributaries. The discharge shall not cause the following:

1. The discharge shall not cause the pH of the receiving waters to be raised above 8.5.
2. The discharge shall not cause the receiving waters to contain floating materials, including, but not limited to, solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.
3. 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.
4. The discharge shall not cause the receiving waters to contain toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life.
5. The discharge shall not cause an individual pesticide or combination of pesticides to be present in concentrations that adversely affect beneficial uses. There shall be no bioaccumulation of pesticide concentrations found in bottom sediments or aquatic life as a result of the discharge.
6. 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.
7. 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 Board as required by the Federal Clean Water Act and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal Clean Water Act, or amendments thereto, the Regional Water Board will revise and modify this Permit in accordance with the more stringent standards.

B. Groundwater Limitations (*not applicable*)

VI. PROVISIONS

A. Standard Provisions

1. **Federal Standard Provisions.** The Discharger shall comply with all Standard Provisions included in Attachment D of this Order.
2. **Regional Water Board Standard Provisions.** *(not applicable)*

B. Monitoring and Reporting Program Requirements

The discharger shall comply with the Monitoring and Reporting Program, and future revisions thereto, in Attachment E of this Order.

C. Special Provisions *(not applicable)*

VII. COMPLIANCE DETERMINATION

Compliance with the effluent limitations contained in Section IV of this Order will be determined as specified below:

A. Average Monthly Effluent Limitation (AMEL).

If the average of daily discharges over a calendar month exceeds the AMEL for a given parameter, an alleged violation will be flagged and the discharger will be considered out of compliance for each day of that month for that parameter (e.g., resulting in 31 days of non-compliance in a 31-day month). The average of daily discharges over the calendar month that exceeds the AMEL for a parameter will be considered out of compliance for that month only. For purposes of Mandatory Minimum Penalties, a violation of an AMEL will be considered as one violation. Depending on the nature of the violation, the Regional Water Board may, however, pursue discretionary civil penalties for the remaining days of violation. If only a single sample is taken during the calendar month and the analytical result for that sample exceeds the AMEL, the discharger will be considered out of compliance for that calendar month. For any one calendar month during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar month.

B. Average Weekly Effluent Limitation (AWEL).

If the average of daily discharges over a calendar week exceeds the AWEL for a given parameter, an alleged violation will be flagged and the discharger will be considered out of compliance for each day of that week for that parameter, resulting in 7 days of non-compliance. The average of daily discharges over the calendar week that exceeds the AWEL for a parameter will be considered out of compliance for that week only. For purposes of Mandatory Minimum Penalties, a violation of an AWEL will be considered as one violation. Depending on the nature of the violation, the Regional Water Board may, however, pursue discretionary civil penalties for the remaining days of violation. If only a single sample is taken during the calendar week and the analytical result for that sample exceeds the AWEL, the discharger will be considered out of compliance for that calendar week. For any one calendar week during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar week.

C. Maximum Daily Effluent Limitation (MDEL).

If a daily discharge exceeds the MDEL for a given parameter, an alleged violation will be flagged and the discharger will be considered out of compliance for that parameter for that 1 day only within the reporting period. For any 1 day during which no sample is taken, no compliance determination can be made for that day.

D. Instantaneous Minimum Effluent Limitation.

If the analytical result of a single grab sample is lower than the instantaneous minimum effluent limitation for a parameter, a violation will be flagged and the discharger will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both are lower than the instantaneous minimum effluent limitation would result in two instances of non-compliance with the instantaneous minimum effluent limitation).

E. Instantaneous Maximum Effluent Limitation.

If the analytical result of a single grab sample is higher than the instantaneous maximum effluent limitation for a parameter, a violation will be flagged and the discharger will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both exceed the instantaneous maximum effluent limitation would result in two instances of non-compliance with the instantaneous maximum effluent limitation).

F. Six-month Median Effluent Limitation.

If the median of daily discharges over any 180-day period exceeds the six-month median effluent limitation for a given parameter, an alleged violation will be flagged and the discharger will be considered out of compliance for each day of that 180-day period for that parameter. The next assessment of compliance will occur after the next sample is taken. If only a single sample is taken during a given 180-day period and the analytical result for that sample exceeds the six-month median, the discharger will be considered out of compliance for the 180-day period. For any 180-period during which no sample is taken, no compliance determination can be made for the six-month median limitation.

ATTACHMENT A – DEFINITIONS

Average Monthly Effluent Limitation (AMEL): 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.

Average Weekly Effluent Limitation (AWEL): the highest allowable average of daily discharges over a calendar week (Sunday through Saturday), calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

BMPs: means “best management practices.” Best management practices means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of “waters of the United States.” BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Daily Discharge: Daily Discharge is defined as either: (1) the total mass of the constituent discharged over the calendar day (12:00 am through 11:59 pm) or any 24-hour period that reasonably represents a calendar day for purposes of sampling (as specified in the permit), for a constituent with limitations expressed in units of mass or; (2) the unweighted arithmetic mean measurement of the constituent over the day for a constituent with limitations expressed in other units of measurement (e.g., concentration).

The daily discharge may be determined by the analytical results of a composite sample taken over the course of one day (a calendar day or other 24-hour period defined as a day) or by the arithmetic mean of analytical results from one or more grab samples taken over the course of the day.

For composite sampling, if 1 day is defined as a 24-hour period other than a calendar day, the analytical result for the 24-hour period will be considered as the result for the calendar day in which the 24-hour period ends.

Debris: The term “debris” means woody material such as bark, twigs, branches, heartwood or sapwood that will not pass through a 2.54 cm (1.0 in) diameter round opening and is present in the discharge from a wet storage facility.

First runoff-producing storm event: The term “first runoff-producing storm event” means the first precipitation sequence following any log deck sprinkler use meeting all of the following criteria:

1. Detention basin cleanout has been completed in advance of the onset of the precipitation.
2. The precipitation causes overflow from the detention basin to the freshwater wetland.
3. Required weekly and monthly analyses are reported for a sample of that overflow.

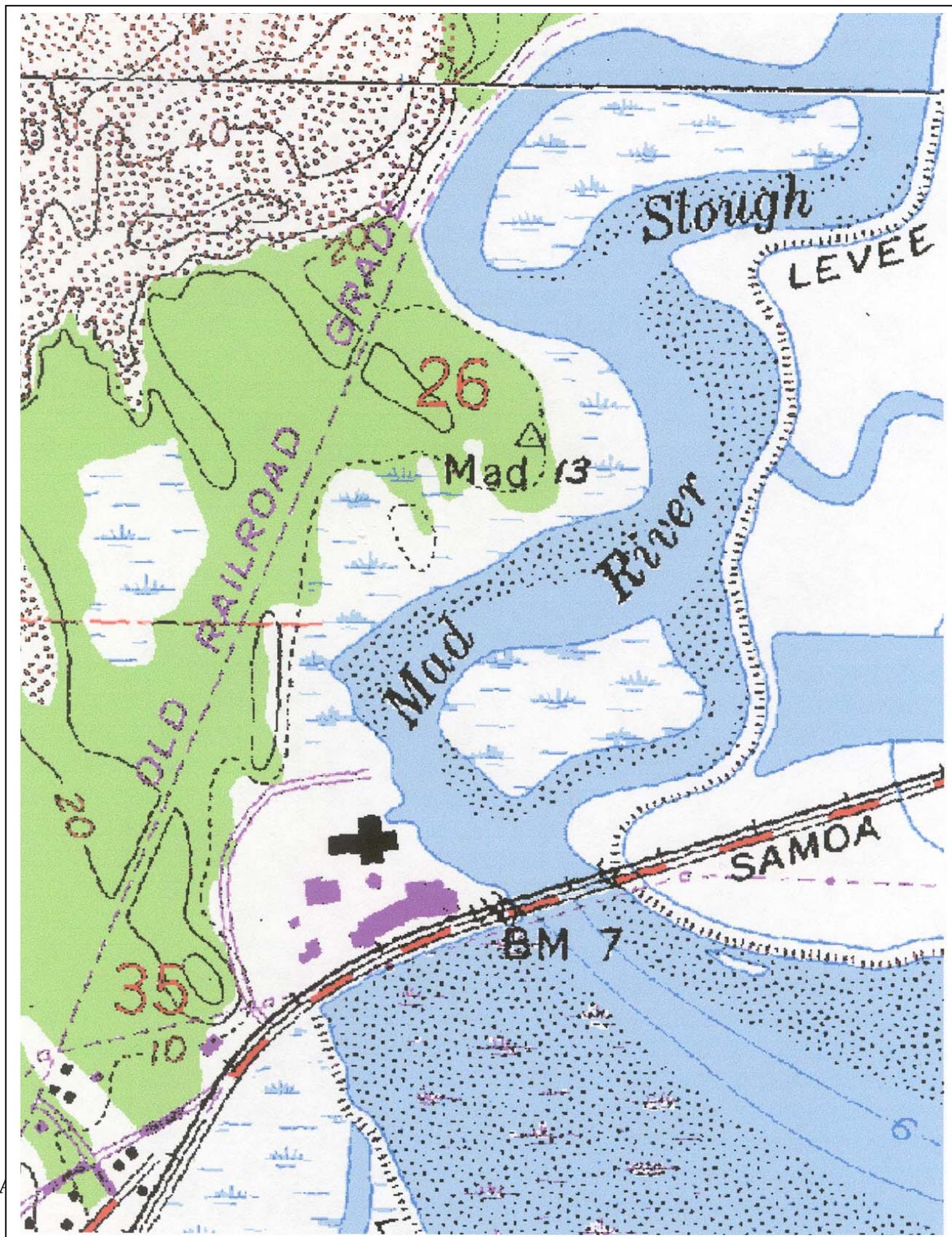
Instantaneous Maximum Effluent Limitation: the highest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous maximum limitation).

Instantaneous Minimum Effluent Limitation: the lowest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous minimum limitation).

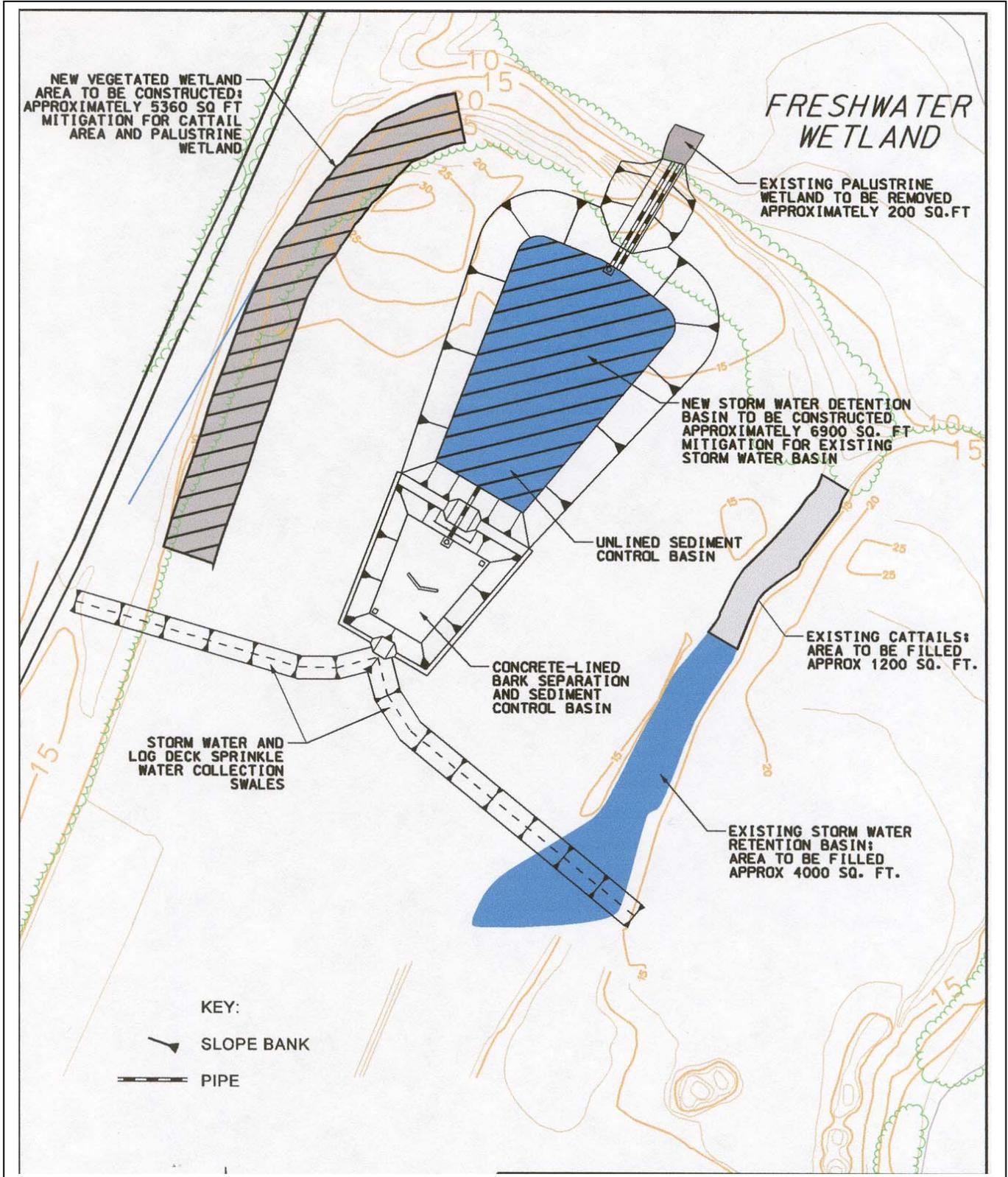
Maximum Daily Effluent Limitation (MDEL): the highest allowable daily discharge of a pollutant.

Six-month Median Effluent Limitation: the highest allowable moving median of all daily discharges for any 180-day period.

ATTACHMENT B – TOPOGRAPHIC MAP



ATTACHMENT C – FLOW SCHEMATIC



ATTACHMENT D – FEDERAL STANDARD PROVISIONS

I. STANDARD PROVISIONS – PERMIT COMPLIANCE

A. Duty to Comply

1. The Discharger must comply with all of the conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (CWC) and is grounds for enforcement action, for permit termination, revocation and reissuance, or denial of a permit renewal application [40 CFR §122.41(a)].
2. The Discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not been modified to incorporate the requirement [40 CFR §122.41(a)(1)].

B. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Discharger 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 Order [40 CFR §122.41(c)].

C. Duty to Mitigate

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

D. Proper Operation and Maintenance

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

E. Property Rights

1. This Order does not convey any property rights of any sort or any exclusive privileges [40 CFR §122.41(g)].

2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations [40 CFR §122.5(c)].

F. Inspection and Entry

The Discharger shall allow the Regional Water Quality Control Board (RWQCB), State Water Resources Control Board (SWRCB), United States Environmental Protection Agency (USEPA), and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to [40 CFR §122.41(i)] [CWC 13383(c)]:

1. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order [40 CFR §122.41(i)(1)];
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order [40 CFR §122.41(i)(2)];
3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order [40 CFR §122.41(i)(3)];
4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the CWC, any substances or parameters at any location [40 CFR §122.41(i)(4)].

G. Bypass

1. Definitions
 - a. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility [40 CFR §122.41(m)(1)(i)].
 - b. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities, which 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 [40 CFR §122.41(m)(1)(ii)].
2. Bypass not exceeding limitations – The Discharger may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance

to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance I.G.3 and I.G.5 below [40 CFR §122.41(m)(2)].

3. Prohibition of bypass – Bypass is prohibited, and the Regional Water Board may take enforcement action against a Discharger for bypass, unless [40 CFR §122.41(m)(4)(i)]:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage [40 CFR §122.41(m)(4)(A)];
 - 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 back-up 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 [40 CFR §122.41(m)(4)(B)]; and
 - c. The Discharger submitted notice to the Regional Water Board as required under Standard Provision – Permit Compliance I.G.5 below [40 CFR §122.41(m)(4)(C)].
4. The Regional Water Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance I.G.3 above [40 CFR §122.41(m)(4)(ii)].
5. Notice
 - a. Anticipated bypass. If the Discharger knows in advance of the need for a bypass, it shall submit a notice, if possible at least 10 days before the date of the bypass [40 CFR §122.41(m)(3)(i)].
 - b. Unanticipated bypass. The Discharger shall submit notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below [40 CFR §122.41(m)(3)(ii)].

H. Upset

Upset means 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 [40 CFR §122.41(n)(1)].

1. 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 paragraph H.2 of this section are 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 [40 CFR §122.41(n)(2)].

2. Conditions necessary for a demonstration of upset. A Discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that [40 CFR §122.41(n)(3)]:
 - a. An upset occurred and that the Discharger can identify the cause(s) of the upset [40 CFR §122.41(n)(3)(i)];
 - b. The permitted facility was, at the time, being properly operated [40 CFR §122.41(n)(3)(i)];
 - c. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b [40 CFR §122.41(n)(3)(iii)]; and
 - d. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above [40 CFR §122.41(n)(3)(iv)].
3. Burden of proof. In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof [40 CFR §122.41(n)(4)].

II. STANDARD PROVISIONS – PERMIT ACTION

A. General

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition [40 CFR §122.41(f)].

B. Duty to Reapply

If the Discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the Discharger must apply for and obtain a new permit [40 CFR §122.41(b)].

C. Transfers

This Order is not transferable to any person except after notice to the Regional Water Board. The Regional Water Board may require modification or revocation and reissuance of the Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the CWA and the CWC [40 CFR §122.41(l)(3)] [40 CFR §122.61].

III. STANDARD PROVISIONS – MONITORING

- A.** Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity [40 CFR §122.41(j)(1)].
- B.** Monitoring results must be conducted according to test procedures under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503 unless other test procedures have been specified in this Order [40 CFR §122.41(j)(4)] [40 CFR §122.44(i)(1)(iv)].

IV. STANDARD PROVISIONS – RECORDS

- A.** Except for records of monitoring information required by this Order related to the Discharger's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), the Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Water Board Executive Officer at any time [40 CFR §122.41(j)(2)].

B. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements [40 CFR §122.41(j)(3)(i)];
2. The individual(s) who performed the sampling or measurements [40 CFR §122.41(j)(3)(ii)];
3. The date(s) analyses were performed [40 CFR §122.41(j)(3)(iii)];
4. The individual(s) who performed the analyses [40 CFR §122.41(j)(3)(iv)];
5. The analytical techniques or methods used [40 CFR §122.41(j)(3)(v)]; and
6. The results of such analyses [40 CFR §122.41(j)(3)(vi)].

C. Claims of confidentiality for the following information will be denied [40 CFR §122.7(b)]:

1. The name and address of any permit applicant or Discharger [40 CFR §122.7(b)(1)]; and
2. Permit applications and attachments, permits and effluent data [40 CFR §122.7(b)(2)].

V. STANDARD PROVISIONS – REPORTING

A. Duty to Provide Information

The Discharger shall furnish to the Regional Water Board, SWRCB, or USEPA within a reasonable time, any information which the Regional Water Board, SWRCB, or USEPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Discharger shall also furnish to the Regional Water Board, SWRCB, or USEPA copies of records required to be kept by this Order [40 CFR §122.41(h)] [CWC 13267].

B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Regional Water Board, SWRCB, and/or USEPA shall be signed and certified in accordance with paragraph (2.) and (3.) of this provision [40 CFR §122.41(k)].
2. All permit applications shall be signed as follows:
 - a. For a corporation: By a responsible corporate officer. For the purpose of this section, 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, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures [40 CFR §122.22(a)(1)];
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively [40 CFR §122.22(a)(2)]; or
 - c. For a municipality, State, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA) [40 CFR §122.22(a)(3)].

3. All reports required by this Order and other information requested by the Regional Water Board, SWRCB, or USEPA shall be signed by a person described in paragraph (b) of this provision, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described in paragraph (2.) of this provision [40 CFR §122.22(b)(1)];
 - b. The authorization specified 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 (a duly authorized representative may thus be either a named individual or any individual occupying a named position) [40 CFR §122.22(b)(2)]; and
 - c. The written authorization is submitted to the Regional Water Board, SWRCB, or USEPA [40 CFR §122.22(b)(3)].
4. If an authorization under paragraph (3.) of this provision is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (3.) of this provision must be submitted to the Regional Water Board, SWRCB or USEPA prior to or together with any reports, information, or applications, to be signed by an authorized representative [40 CFR §122.22(c)].
5. Any person signing a document under paragraph (2.) or (3.) 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)].

C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program in this Order [40 CFR §122.41(l)(4)].

2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Water Board or SWRCB for reporting results of monitoring of sludge use or disposal practices [40 CFR §122.41(l)(4)(i)].
3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, 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 DMR or sludge reporting form specified by the Regional Water Board [40 CFR §122.41(l)(4)(ii)].
4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order [40 CFR §122.41(l)(4)(iii)].

D. 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 no later than 14 days following each schedule date [40 CFR §122.41(l)(5)].

E. Twenty-Four Hour Reporting

1. The Discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. 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 reoccurrence of the noncompliance [40 CFR §122.41(l)(6)(i)].
2. The following shall be included as information that must be reported within 24 hours under this paragraph [40 CFR §122.41(l)(6)(ii)]:
 - a. Any unanticipated bypass that exceeds any effluent limitation in this Order [40 CFR §122.41(l)(6)(ii)(A)].
 - b. Any upset that exceeds any effluent limitation in this Order [40 CFR §122.41(l)(6)(ii)(B)].
 - c. Violation of a maximum daily discharge limitation for any of the pollutants listed in this Order to be reported within 24 hours [40 CFR §122.41(l)(6)(ii)(C)].

3. The Regional Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours [40 *CFR* §122.41(l)(6)(iii)].

F. Planned Changes

The Discharger shall give notice to the Regional Water Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when [40 *CFR* §122.41(l)(1)]:

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) [40 *CFR* §122.41(l)(1)(i)]; 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 this Order nor to notification requirements under 40 *CFR* Part 122.42(a)(1) (see Additional Provisions—Notification Levels VII.A.1) [40 *CFR* §122.41(l)(1)(ii)].
3. The alteration or addition results in a significant change in the Discharger's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan [40 *CFR* §122.41(l)(1)(iii)].

G. Anticipated Noncompliance

The Discharger shall give advance notice to the Regional Water Board or SWRCB of any planned changes in the permitted facility or activity that may result in noncompliance with General Order requirements [40 *CFR* §122.41(l)(2)].

H. Other Noncompliance

The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting E.3, E.4, and E.5 at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.E [40 *CFR* §122.41(l)(7)].

I. Other Information

When the Discharger 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, SWRCB, or USEPA, the Discharger shall promptly submit such facts or information [*40 CFR §122.41(l)(8)*].

VI. STANDARD PROVISIONS – ENFORCEMENT

- A.** The CWA provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than one (1) year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than two (2) years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than three (3) years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than six (6) years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Clean Water Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions [*40 CFR §122.41(a)(2)*] [*CWC 13385 and 13387*].
- B.** Any person may be assessed an administrative penalty by the Regional Water Board for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day, during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000 [*40 CFR §122.41(a)(3)*].
- C.** The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon

conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both [40 CFR §122.41(j)(5)].

- D.** The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Order, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both [40 CFR §122.41(k)(2)].

VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

A. Non-Municipal Facilities

Existing manufacturing, commercial, mining, and silvicultural dischargers shall notify the Regional Water Board as soon as they know or have reason to believe [40 CFR §122.42(a)]:

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" [40 CFR §122.42(a)(1)]:
 - a. 100 micrograms per liter ($\mu\text{g/L}$) [40 CFR §122.42(a)(1)(i)];
 - b. 200 $\mu\text{g/L}$ for acrolein and acrylonitrile; 500 $\mu\text{g/L}$ for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter (mg/L) for antimony [40 CFR §122.42(a)(1)(ii)];
 - c. Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [40 CFR §122.42(a)(1)(iii)]; or
 - d. The level established by the Regional Water Board in accordance with 40 CFR §122.44(f) [40 CFR §122.42(a)(1)(iv)].
2. That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" [40 CFR §122.42(a)(2)]:
 - a. 500 micrograms per liter ($\mu\text{g/L}$) [40 CFR §122.42(a)(2)(i)];
 - b. 1 milligram per liter (mg/L) for antimony [40 CFR §122.42(a)(2)(ii)];

- c. Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [40 CFR §122.42(a)(2)(iii)]; or
- d. The level established by the Regional Water Board in accordance with 40 CFR §122.44(f) [40 CFR §122.42(a)(2)(iv)].

B. Publicly-Owned Treatment Works (POTWs)

All POTWs shall provide adequate notice to the Regional Water Board of the following [40 CFR §122.42(b)]:

1. Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to Sections 301 or 306 of the CWA if it were directly discharging those pollutants [40 CFR §122.42(b)(1)]; and
2. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of adoption of the Order [40 CFR §122.42(b)(2)].

Adequate notice shall include information on the quality and quantity of effluent introduced into the POTW as well as any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW [40 CFR §122.42(b)(3)].

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ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP)

The Code of Federal Regulations (CFR) at 40 CFR §122.48 requires that all NPDES permits specify monitoring and reporting requirements. CWC sections 13267 and 13383 also authorize the Regional Water Quality Control Board (RWQCB) to require technical and monitoring reports. This MRP establishes monitoring and reporting requirements, which implement the federal and California regulations.

I. GENERAL MONITORING PROVISIONS (NOT APPLICABLE)

II. MONITORING LOCATIONS

The Discharger shall establish the following monitoring locations to demonstrate compliance with the effluent limitations, discharge specifications, and other requirements in this Order:

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
--	M-INF	Water supply to the log deck sprinklers
001	M-001	Overflow from the 2 nd detention basin
--	R-001	Outflow from the freshwater wetland upstream of tidal influence

III. INFLUENT MONITORING REQUIREMENTS

A. Monitoring Location M-INF

1. The Discharger shall monitor log deck sprinkler feed at M-INF as follows:

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
flow	gallon	total	daily	meter

IV. EFFLUENT MONITORING REQUIREMENTS

A. Monitoring Location M-001

1. The Discharger shall monitor second detention basin overflow at M-001 as follows from the beginning of each log deck sprinkling sequence through the first runoff-producing storm event terminating that sprinkling sequence:

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Hydrogen ion	pH	grab	weekly	40CFR136
96-hour survival	%	grab	monthly	Rainbow trout <i>(Oncorhynchus mykiss)</i>
Chronic toxicity	Survival, growth, or reproduction	grab	annually	water flea <i>Ceriodaphnia dubia</i> fathead minnow <i>Pimephales promelas</i> and green alga <i>Selanastrum capricornutum.</i>
1,1 Dichloroethane	ug/L	grab	Autumn, 2007	Gas Chromatography
1,1 Dichloroethene	ug/L	grab	Autumn, 2007	Gas Chromatography
1,1,1 Trichloroethane	ug/L	grab	Autumn, 2007	Gas Chromatography
1,1,2 Trichloroethane	ug/L	grab	Autumn, 2007	Gas Chromatography
1,1,2,2 Tetrachloroethane	ug/L	grab	Autumn, 2007	Gas Chromatography
1,2 Dichlorobenzene (volatile)	ug/L	grab	Autumn, 2007	Gas Chromatography
1,2 Dichloroethane	ug/L	grab	Autumn, 2007	Gas Chromatography
1,2 Dichloropropane	ug/L	grab	Autumn, 2007	Gas Chromatography
1,3 Dichlorobenzene (volatile)	ug/L	grab	Autumn, 2007	Gas Chromatography
1,3 Dichloropropene (volatile)	ug/L	grab	Autumn, 2007	Gas Chromatography
1,4 Dichlorobenzene (volatile)	ug/L	grab	Autumn, 2007	Gas Chromatography
Acrolein	ug/L	grab	Autumn, 2007	Gas Chromatography
Acrylonitrile	ug/L	grab	Autumn, 2007	Gas Chromatography
Benzene	ug/L	grab	Autumn, 2007	Gas Chromatography
Bromoform	ug/L	grab	Autumn, 2007	Gas Chromatography
Bromomethane	ug/L	grab	Autumn, 2007	Gas Chromatography
Carbon Tetrachloride	ug/L	grab	Autumn, 2007	Gas Chromatography
Chlorobenzene	ug/L	grab	Autumn, 2007	Gas Chromatography
Chlorodibromo-methane	ug/L	grab	Autumn, 2007	Gas Chromatography
Chloroethane	ug/L	grab	Autumn, 2007	Gas Chromatography
Chloroform	ug/L	grab	Autumn, 2007	Gas Chromatography
Chloromethane	ug/L	grab	Autumn, 2007	Gas Chromatography
Dichlorobromo-methane	ug/L	grab	Autumn, 2007	Gas Chromatography
Dichloromethane	ug/L	grab	Autumn, 2007	Gas Chromatography
Ethylbenzene	ug/L	grab	Autumn, 2007	Gas Chromatography
Tetrachloroethene	ug/L	grab	Autumn, 2007	Gas Chromatography
Toluene	ug/L	grab	Autumn, 2007	Gas Chromatography

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
trans-1,2 Dichloroethylene	ug/L	grab	Autumn, 2007	Gas Chromatography
Trichloroethene	ug/L	grab	Autumn, 2007	Gas Chromatography
Vinyl Chloride	ug/L	grab	Autumn, 2007	Gas Chromatography
1,2 Benzanthracene	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
1,2 Dichlorobenzene (semivolatile)	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
2 Chlorophenol	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
2,4 Dichlorophenol	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
1,2 Diphenylhydrazine	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
1,2,4 Trichlorobenzene	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
1,3 Dichlorobenzene (semivolatile)	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
1,4 Dichlorobenzene (semivolatile)	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
2,4 Dimethylphenol	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
2,4 Dinitrophenol	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
2,4 Dinitrotoluene	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
2,4,6 Trichlorophenol	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
2,6 Dinitrotoluene	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
2- Nitrophenol	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
2-Chloroethyl vinyl ether	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
2-Chloronaphthalene	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
3,3' Dichlorobenzidine	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
3,4 Benzofluoranthene	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
4 Chloro-3-methylphenol	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
4,6 Dinitro-2-methylphenol	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
4- Nitrophenol	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
4-Bromophenyl phenyl ether	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
4-Chlorophenyl phenyl ether	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
Acenaphthene	ug/L	grab	Autumn, 2007	High Pressure Liquid Chromatography
Acenaphthylene	ug/L	grab	Autumn, 2007	High Pressure Liquid Chromatography
Anthracene	ug/L	grab	Autumn, 2007	High Pressure Liquid Chromatography
Benzidine	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
Benzo(a) pyrene(3,4 Benzopyrene)	ug/L	grab	Autumn, 2007	High Pressure Liquid Chromatography
Benzo(g,h,i)perylene	ug/L	grab	Autumn, 2007	High Pressure Liquid Chromatography
Benzo(k)fluoranthene	ug/L	grab	Autumn, 2007	High Pressure Liquid Chromatography
bis 2-(1-Chloroethoxyl) methane	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
bis(2-chloroethyl) ether	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
bis(2-Chloroisopropyl) ether	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
bis(2-Ethylhexyl) phthalate	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
Butyl benzyl phthalate	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
Chrysene	ug/L	grab	Autumn, 2007	High Pressure Liquid Chromatography
di-n-Butyl phthalate	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
di-n-Octyl phthalate	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
Dibenzo(a,h)-anthracene	ug/L	grab	Autumn, 2007	High Pressure Liquid Chromatography
Diethyl phthalate	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
Dimethyl phthalate	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
Fluoranthene	ug/L	grab	Autumn, 2007	High Pressure Liquid Chromatography
Fluorene	ug/L	grab	Autumn, 2007	High Pressure Liquid Chromatography
Hexachloro-cyclopentadiene	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
Hexachlorobenzene	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
Hexachlorobutadiene	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
Hexachloroethane	ug/L	grab	Autumn, 2007	Gas Chromatography

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
				/Mass Spectrometry
Indeno(1,2,3,cd)-pyrene	ug/L	grab	Autumn, 2007	High Pressure Liquid Chromatography
Isophorone	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
N-Nitroso diphenyl amine	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
N-Nitroso-dimethyl amine	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
N-Nitroso -di n-propyl amine	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
Naphthalene	ug/L	grab	Autumn, 2007	High Pressure Liquid Chromatography
Nitrobenzene	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
Pentachlorophenol	ug/L	grab	Autumn, 2007	EPA 8151M
Phenanthrene	ug/L	grab	Autumn, 2007	High Pressure Liquid Chromatography
Phenol	ug/L	grab	Autumn, 2007	Gas Chromatography /Mass Spectrometry
Pyrene	ug/L	grab	Autumn, 2007	High Pressure Liquid Chromatography
Antimony	ug/L	grab	Autumn, 2007	Inductively Coupled Plasma/Mass Spectrometry
Arsenic	ug/L	grab	Autumn, 2007	Gaseous Hydride Atomic Absorption
Beryllium	ug/L	grab	Autumn, 2007	Inductively Coupled Plasma/Mass Spectrometry
Cadmium	ug/L	grab	Autumn, 2007	Inductively Coupled Plasma/Mass Spectrometry
Chromium (total)	ug/L	grab	Autumn, 2007	Inductively Coupled Plasma/Mass Spectrometry
Chromium VI	ug/L	grab	Autumn, 2007	Inductively Coupled Plasma/Mass Spectrometry
Copper	ug/L	grab	Autumn, 2007	Inductively Coupled Plasma/Mass Spectrometry
Cyanide	ug/L	grab	Autumn, 2007	Inductively Coupled Plasma/Mass Spectrometry
Lead	ug/L	grab	Autumn, 2007	Inductively Coupled Plasma/Mass Spectrometry
Mercury	ug/L	grab	Autumn, 2007	Cold Vapor Atomic Absorption
Nickel	ug/L	grab	Autumn, 2007	Inductively Coupled Plasma/Mass Spectrometry
Selenium	ug/L	grab	Autumn, 2007	Gaseous Hydride Atomic Absorption
Silver	ug/L	grab	Autumn, 2007	Inductively Coupled Plasma/Mass Spectrometry
Thallium	ug/L	grab	Autumn, 2007	Inductively Coupled

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
				Plasma/Mass Spectrometry
Zinc	ug/L	grab	Autumn, 2007	Inductively Coupled Plasma/Mass Spectrometry
4,4'-DDD	ug/L	grab	Autumn, 2007	Gas Chromatography
4,4'-DDE	ug/L	grab	Autumn, 2007	Gas Chromatography
4,4'-DDT	ug/L	grab	Autumn, 2007	Gas Chromatography
a-Endosulfan	ug/L	grab	Autumn, 2007	Gas Chromatography
a-Hexachloro-cyclohexane	ug/L	grab	Autumn, 2007	Gas Chromatography
Aldrin	ug/L	grab	Autumn, 2007	Gas Chromatography
b-Endosulfan	ug/L	grab	Autumn, 2007	Gas Chromatography
b-Hexachloro-cyclohexane	ug/L	grab	Autumn, 2007	Gas Chromatography
Chlordane	ug/L	grab	Autumn, 2007	Gas Chromatography
d-Hexachloro-cyclohexane	ug/L	grab	Autumn, 2007	Gas Chromatography
Dieldrin	ug/L	grab	Autumn, 2007	Gas Chromatography
Endosulfan Sulfate	ug/L	grab	Autumn, 2007	Gas Chromatography
Endrin	ug/L	grab	Autumn, 2007	Gas Chromatography
Endrin Aldehyde	ug/L	grab	Autumn, 2007	Gas Chromatography
Heptachlor	ug/L	grab	Autumn, 2007	Gas Chromatography
Heptachlor Epoxide	ug/L	grab	Autumn, 2007	Gas Chromatography
Lindane(g-Hexachloro-cyclohexane)	ug/L	grab	Autumn, 2007	Gas Chromatography
PCB 1016	ug/L	grab	Autumn, 2007	Gas Chromatography
PCB 1221	ug/L	grab	Autumn, 2007	Gas Chromatography
PCB 1232	ug/L	grab	Autumn, 2007	Gas Chromatography
PCB 1242	ug/L	grab	Autumn, 2007	Gas Chromatography
PCB 1248	ug/L	grab	Autumn, 2007	Gas Chromatography
PCB 1254	ug/L	grab	Autumn, 2007	Gas Chromatography
PCB 1260	ug/L	grab	Autumn, 2007	Gas Chromatography
Toxaphene	ug/L	grab	Autumn, 2007	Gas Chromatography

V. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS (INCLUDED ABOVE)

VI. LAND DISCHARGE MONITORING REQUIREMENTS (NOT APPLICABLE)

VII. RECLAMATION MONITORING REQUIREMENTS (NOT APPLICABLE)

VIII. RECEIVING WATER MONITORING REQUIREMENTS – SURFACE WATER

A. Monitoring Location R-001

1. The Discharger shall monitor the freshwater wetland at R-001 as follows:

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
hydrogen ion	pH	grab	monthly	40CFR136

IX. OTHER MONITORING REQUIREMENTS *(NOT APPLICABLE)*

X. REPORTING REQUIREMENTS

A. General Monitoring and Reporting Requirements

1. The Discharger shall comply with all Standard Provisions (Attachment D) related to monitoring, reporting, and recordkeeping.

B. Self Monitoring Reports (SMRs)

1. At any time during the term of this permit, the State or Regional Water Board may notify the Discharger to electronically submit self-monitoring reports. Until such notification is given, the Discharger shall submit self-monitoring reports in accordance with the requirements described below.
2. The Discharger shall submit monthly Self Monitoring Reports including the results of all required monitoring using USEPA-approved test methods or other test methods specified in this Order. Monthly reports shall be due on the 1st day of the second month following the end of each calendar month.
3. Monitoring periods and reporting for all required monitoring shall be completed according to the following schedule:

Sampling Frequency	Monitoring Period Begins On...	Monitoring Period	SMR Due Date
Continuous	17 June 2006	All	First day of second calendar month following month of sampling
X / hour	17 June 2006	Hourly	First day of second calendar month following month of sampling
X / day	17 June 2006	(Midnight through 11:59 PM) or any 24-hour period that reasonably represents a calendar day for purposes of sampling.	First day of second calendar month following month of sampling
X / week	18 June 2006	Sunday through Saturday	First day of second calendar month following month of sampling
X / month	1 July 2006	1 st day of calendar month through last day of calendar month	First day of second calendar month following month of sampling
X / quarter	1 July 2006	January 1 through March 31 April 1 through June 30 July 1 through September 30 October 1 through December 31	May 1 August 1 November 1 February 1
X / semi-annual period	1 July 2006	January 1 through June 30 July 1 through December 31	August 1 February 1

4. The Discharger shall report with each sample result the applicable Minimum Level (ML) and the current Method Detection Limit (MDL), as determined by the procedure in 40 CFR Part 136.

5. The Discharger shall arrange all reported data in a tabular format. The data shall be summarized to clearly illustrate whether the facility is operating in compliance with interim and/or final effluent limitations.
6. The Discharger shall attach a cover letter to the SMR. The information contained in the cover letter shall clearly identify violations of the WDRs; discuss corrective actions taken or planned; and the proposed time schedule for corrective actions. Identified violations must include a description of the requirement that was violated and a description of the violation.
7. SMRs must be submitted to the Regional Water Board, signed and certified as required by the standard provisions (Attachment D), to the address listed below:

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

C. Discharge Monitoring Reports (DMRs)

1. As described in Section X.B.1 above, at any time during the term of this permit, the State or Regional Water Board may notify the discharger to electronically submit self-monitoring reports. Until such notification is given, the Discharger shall submit discharge monitoring reports (DMRs) in accordance with the requirements described below.
2. DMRs must be signed and certified as required by the standard provisions (Attachment D). The Discharge shall submit the original DMR and one copy of the DMR to the address listed below:

State Water Resources Control Board
Discharge Monitoring Report Processing Center
Post Office Box 671
Sacramento, CA 95812

3. All discharge monitoring results must be reported on the official USEPA pre-printed DMR forms (EPA Form 3320-1). Forms that are self-generated or modified cannot be accepted.

D. Other Reports *(not applicable)*

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ATTACHMENT F – FACT SHEET

As described in Section II of this Order, this Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order.

I. PERMIT INFORMATION

The following table summarizes administrative information related to the facility.

WDID	1B83065OHUM
Discharger	Sierra-Pacific Industries
Name of Facility	Arcata Division Sawmill
Facility Address	2593 New Navy Base Road
	Arcata CA 95521
	Humboldt County
Facility Contact, Title and Phone	Gordon V. Amos, Division Manager, (707)443-3111
Authorized Person to Sign and Submit Reports	Gordon V. Amos, Division Manager, (707) 443-3111
Mailing Address	PO Box 1189, Arcata CA 95518
Billing Address	(SAME)
Type of Facility	Industrial with SIC code 2421
Major or Minor Facility	Minor
Threat to Water Quality	2
Complexity	A
Pretreatment Program	No
Reclamation Requirements	(not applicable)
Facility Permitted Flow	0.6 million gallons per day
Facility Design Flow	0.6 million gallons per day
Watershed	Eureka Plain
Receiving Water	Freshwater Wetland
Receiving Water Type	Freshwater Wetland

- A. Sierra-Pacific Industries (hereinafter Discharger) is the owner and operator of their Arcata Division Sawmill (hereinafter Facility).
- B. The Facility discharges wastewater to a freshwater wetland, a water of the United States, and is currently regulated by Order R1-2002-0042 which was adopted on 22 August 2002 and expires on 26 June 2007.
- C. The Discharger filed a report of waste discharge and submitted an application for renewal of its Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permit dated 6 October 2005 and received on 11 October 2005. A site visit was

conducted on 2 December 2005, to observe operations and collect additional data to develop permit limitations and conditions.

II. FACILITY DESCRIPTION

A. Description of Wastewater and Biosolids Treatment or Controls

Log deck runoff will be routed through settling basins and skimmers to remove floating debris and settleable matter.

B. Discharge Points and Receiving Waters

Overflow from the settling basins discharges to a freshwater wetland. The area now covered by the freshwater wetland was hay pasture while the sawmill stored logs in the adjacent Mad River Slough. The area was historically a wetland which had been subject to agricultural activities. The current freshwater wetland was formed about 1970 when sprinkled log storage on the former pasture replaced floating log storage in Mad River Slough. This permit recognizes the discharge into this wetland as the compliance point for effluent and receiving water limits.

C. Summary of Existing Requirements and Self-Monitoring Report (SMR) Data

Effluent limitations contained in the existing Order for discharges from the sprinkled log deck are summarized in the table below. No monitoring data is available, because there has been no discharge to sample.

Parameter (units)	Effluent Limitation		
	Minimum	Median	Maximum
pH	6.5	--	8.5
Bioassay % survival	70	90	--

D. Compliance Summary

The permittee has avoided compliance issues by impounding runoff to prevent discharge from the sprinkled log deck.

E. Planned Changes

Water is applied to Douglas fir logs within a portion of the facility known as the log deck. The water is applied via sprinkler heads from an on-site water supply well at a flow rate of up to 1 cubic foot per second. The permittee proposes to construct drainage improvements for log deck runoff.

Sprinkle water and storm water flow from the log deck area will flow through a series of two basins. Floating materials will be removed from the first basin as the water flows through one of two baffled outlets. Larger suspended particulate matter will also drop out of suspension in this basin. This basin will be asphalt or concrete lined to allow heavy equipment to clean it out regularly. The second basin is designed to have quiescent flow and sufficient residence time to allow additional settleable solids to drop out of suspension.

III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

The requirements contained in the proposed Order are based on the requirements and authorities described in this section.

A. Legal Authorities

This Order is issued pursuant to section 402 of the Federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and Chapter 5.5, Division 7 of the California Water Code (CWC). It shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to Article 4, Chapter 4 of the CWC for discharges that are not subject to regulation under CWA section 402.

B. California Environmental Quality Act (CEQA)

This action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.) in accordance with Section 13389 of the CWC.

C. State and Federal Regulations, Policies, and Plans

- 1. Water Quality Control Plans.** The Regional Water Board adopted a Water Quality Control Plan for the North Coast Region (hereinafter Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. In addition, State Water Resources Control Board (State Water Board) Resolution No. 88-63 requires that, with certain exceptions, the Regional Water Board assign the municipal and domestic supply use to water bodies that do not have beneficial uses listed in the Basin Plan. Beneficial uses applicable to freshwater wetlands are as follows:

Discharge Point	Receiving Water Name	Beneficial Uses
001	Freshwater wetlands	<u>Existing:</u> Wetland habitat (WET). <u>Potential:</u> Municipal and domestic water supply (MUN), agricultural supply (AGR), industrial service supply (IND), groundwater recharge (GWR), freshwater replenishment (FRESH), navigation (NAV), contact (REC-1) and non-contact (REC-2) water recreation, commercial and sport fishing (COMM), warm freshwater habitat (WARM), cold freshwater habitat (COLD), wildlife habitat (WILD), preservation or rare, threatened or endangered species (RARE), migration of aquatic organisms (MIGR), spawning, reproduction, and/or early development (SPWN), shellfish harvesting (SHELL), estuarine habitat (EST), aquaculture (AQUA), native American culture (CUL), flood peak attenuation/flood water storage (FLD), and water quality enhancement (WQE).

2. **Thermal Plan.** The State Water Board adopted a *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California* (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. This plan contains temperature objectives for inland surface waters.
3. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on December 22, 1992, which was amended on May 4, 1995 and November 9, 1999, and the CTR on May 18, 2000, which was amended on February 13, 2001. These rules include water quality criteria for priority pollutants and are applicable to this discharge.
4. **State Implementation Policy.** On March 2, 2000, State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP became effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Boards in their basin plans, with the exception of the provision on alternate test procedures for individual discharges that have been approved by USEPA Regional Administrator. The alternate test procedures provision was effective on May 22, 2000. The SIP became effective on May 18, 2000. The SIP includes procedures for determining the need for and calculating water quality-based effluent limitations (WQBELs), and requires Dischargers to submit data sufficient to do so.
5. **Antidegradation Policy.** Section 131.12 of 40 CFR requires that State water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution 68-16, which incorporates the requirements of the federal antidegradation policy. Resolution 68-16 requires that existing water quality is maintained unless

degradation is justified based on specific findings. As discussed in detail in this Fact Sheet, the permitted discharge is consistent with the antidegradation provision of 40 CFR §131.12 and State Water Board Resolution 68-16.

6. **Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and 40 CFR §122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, subject to various exceptions. Some effluent limitations in the Order are less stringent than those in the previous Order. As discussed in this Fact Sheet, these changes to effluent limitations are consistent with the anti-backsliding requirements of the CWA and federal regulations.
7. **Monitoring and Reporting Requirements.** Section 122.48 of 40 CFR requires that all NPDES permits specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWA authorize the Regional Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program (MRP) establishes monitoring and reporting requirements to implement federal and State requirements. This MRP is provided in Attachment E.

D. Impaired Water Bodies on CWA 303(d) List (*not applicable*)

E. Other Plans, Policies and Regulations (*not applicable*)

IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

The CWA requires point source discharges to control the amount of conventional, non-conventional, and toxic pollutants that are discharged into the waters of the United States. The control of pollutants discharged is established through effluent limitations and other requirements in NPDES permits. There are two principal bases for effluent limitations: 40 CFR §122.44(a) requires that permits include applicable technology-based limitations and standards; and 40 CFR §122.44(d) requires that permits include water quality-based effluent limitations to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water. Where numeric water quality objectives have not been established, three options exist to protect water quality: 1) 40 CFR §122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA section 304(a); 2) proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information may be used; or 3) an indicator parameter may be established.

A. Discharge Prohibitions

1. **Discharge Prohibition III. A. The discharge of any waste not disclosed by the Permittee or not within the reasonable contemplation of the Regional Water Board is prohibited.**

This prohibition is based on the Basin Plan, previous Order, and State Water Resources Control Board Order WQO 2002-0012 regarding the petition of Waste Discharge Requirements Order No. 01-072 for the East Bay Municipal Utility District and Bay Area Clean Water Agencies. In SWRCB Order WQO 2002-0012, the State Water Board found that this prohibition is acceptable in permits, but should be interpreted to apply only to constituents that are either not disclosed by the discharger or are not reasonably anticipated to be present in the discharge, but have not been disclosed by the discharger. It specifically does not apply to constituents in the discharge that do not have “reasonable potential” to exceed water quality objectives.

The State Water Board has stated that the only pollutants not covered by this prohibition are those which were “disclosed to the permitting authority and . . . can be reasonably contemplated.” (In re the Petition of East Bay Municipal Utilities District et al., (SWRCB 2002) Order No. WQ 2002-0012, p. 24.) The case cited in that order by the State Water Board reasoned that the permittee is liable for discharges “not within the reasonable contemplation of the permitting authority . . . , whether spills or otherwise” (Piney Run Preservation Assn. v. County Commissioners of Carroll County, Maryland (4th Cir. 2001) 268 F.3d 255, 268.) Thus, State Water Board authority provides that, to be permissible, the constituent discharged (1) must have been disclosed by the permittee and (2) can be reasonably contemplated by the Regional Water Board.

The Regional Water Board has the authority to determine whether the discharge of a constituent is “reasonably contemplated.” The Piney Run case makes clear that the permittee

is liable for discharges “not within the reasonable contemplation of the permitting authority . . . , whether spills or otherwise” (268 F.3d 255, 268 [italics added].) In other words, whether or not the Permittee reasonably contemplates the discharge of a constituent is not relevant. What matters is whether the Permittee disclosed the constituent to the Regional Water Board or whether the presence of the pollutant in the discharge can otherwise be reasonably contemplated by the Regional Water Board at the time of permit adoption.

2. **Discharge Prohibition III.B. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code (CWC) is prohibited.**

This prohibition is based on CWC Section 13050.

3. **Discharge Prohibition III.C. The discharge of domestic waste, treated or untreated, to surface waters is prohibited.**

This prohibition is based on the Basin Plan policy on the control of water quality with respect to on-site waste treatment and disposal practices.

4. **Discharge Prohibition III.D. The discharge of waste at any point not described in Finding II.B. or authorized by any State Water Board or other Regional Water Board permit is prohibited.**

This is a general prohibition that allows the Permittee to discharge waste only in accordance with waste discharge requirements. It is based on Sections 301 and 402 of the federal CWA and CWC Section 13263.

B. Technology-Based Effluent Limitations

1. Scope and Authority

As required by Sections 301, 304 (b) and (c), 306 (b) and (c), 307 (b) and (c) and 316(b) of the CWA, the U.S. EPA specified effluent limitations guidelines for existing sources in the wet storage subcategory of the timber products processing point source category.

2. Applicable Technology-Based Effluent Limitations

Effluent Limitation IV.A.1.a. The pH shall be within the range of 6.0 to 9.0.

This limitation represents the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT) specified at 40CFR429.101.

The previous order specified a pH limitation of 6.5 to 8.5. This permit includes the less restrictive pH limitation of 6.0 to 9.0 from federal effluent guidelines. A permit may be

renewed, reissued, or modified to contain a less stringent effluent limitation if technical mistakes or mistaken interpretations of law were made in issuing the previous permit. (33 USC § 1342 (o)(2)(B)(ii).) The more restrictive pH effluent limitation was a mistaken application of basin plan water quality objectives for different receiving waters. The basin plan specifies a pH water quality objective of 6.5 to 8.5 for most receiving waters from the Russian River to Redwood Creek. The basin plan specifies a unique pH objective of not more than 8.5 and not less than natural background levels for receiving waters of the Eureka Plain, including the freshwater wetland receiving this discharge.

Effluent Limitation IV.A.1.c. The discharge of debris (as defined in Attachment A) is prohibited.

This prohibition represents the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT) specified at 40CFR429.101.

The previous order included Effluent Limitation B.3. requiring the discharge of woody material such as heartwood or sapwood, bark, twigs, branches, wood chips, or sawdust that will pass through a one-inch diameter round opening shall be reduced to the maximum extent practicable by the implementation of best management practices (BMPs) approved by the Executive Officer. A permit may be renewed, reissued, or modified to contain a less stringent effluent limitation if new information has become available that was not previously available that justifies the application of a less stringent effluent limitation. (33 USC § 1342 (o)(2)(B)(i).) The report of waste discharge specified BMPs superior to those developed in response to the previous effluent limitation. Those BMPs are described in sufficient detail to eliminate the need for that effluent limitation in this permit. Accordingly, the effluent limitation from the previous order is omitted from this permit because BMPs specified in the report of waste discharge present new information not available at that time that justifies the change.

**Summary of Technology-based Effluent Limitations
Discharge Point 001**

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Hydrogen ion	pH	--	--	--	6.0	9.0
debris	any	--	--	--	--	0

C. Water Quality-Based Effluent Limitations (WQBELs)

1. Scope and Authority

NPDES regulations at 40 CFR 122.44 (d) (1) (i) require permits to include WQBELs for pollutants (including toxicity) that are or may be discharged at levels that cause, have reasonable potential to cause, or contribute to an excursion above any state water quality standard.

2. Applicable Beneficial Uses and Water Quality Criteria and Objectives

Beneficial uses identified in the Basin plan for receiving waters within the Eureka Plain Hydrologic Unit are described in Section II. B of this Fact Sheet. Water quality criteria applicable to these beneficial uses are included in the NTR and the CTR, which contain numeric criteria for 126 priority, toxic pollutants, and in the Basin Plan, which contains narrative and numeric criteria for several pollutants and pollutant parameters. For receiving water with the beneficial use of municipal and domestic supply, the Basin Plan designates the primary Maximum Contaminant Levels (MCLs) established by the Department of Health Services at Title 22 of the California Code of Regulations as applicable water quality criteria.

3. Determining the Need for WQBELs

NPDES regulations at 40 CFR 122.44 (d) require effluent limitations to control all pollutants which are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard.

The SIP, statewide policy that became effective on May 22, 2000, establishes procedures to implement water quality criteria from the NTR and CTR and for priority, toxic pollutant objectives established in the Basin Plan. The implementation procedures of the SIP include methods to determine reasonable potential (for pollutants to cause or contribute to excursions above State water quality standards) and to establish numeric effluent limitations, if necessary, for those pollutants which show reasonable potential.

The SIP Section 1.3 requires the Regional Board to use all available, valid, relevant, and representative receiving water and effluent data and information to conduct a reasonable potential analysis. The following data was available to the Regional Water Board staff to perform a reasonable potential analysis.

- Log Deck Runoff, identified as Detention Pond Outfall, sampled on February 22, 2001 and analyzed for cadmium, chromium, copper, nickel, lead, zinc, and five chlorinated phenolic compounds.
- Receiving Water (freshwater wetland) sampled on March 13, 2003 and analyzed for the CTR pollutants.

- Log Deck Sprinkle Runoff, sampled April 13, 2004 and analyzed for cadmium, chromium, copper, nickel, lead, zinc, and five chlorinated phenolic compounds

Some freshwater water quality criteria for metals are hardness dependent; i.e., as hardness decreases, the toxicity of certain metals increases, and the applicable water quality criteria become correspondingly more stringent. For the reasonable potential analysis Regional Board staff has used a receiving water hardness concentration of 136 mg/L CaCO₃, based on data generated by the Discharger in its analysis of receiving water samples collected on March 13, 2003.

To conduct the reasonable potential analysis, the Regional Water Board identified the maximum observed effluent (MEC) and background (B) concentrations for each toxic pollutant from receiving water and effluent (log deck runoff) data provided by the Discharger and compared this data to the most stringent applicable water quality criterion (C) for each pollutant from the NTR, CTR, and the Basin Plan. Section 1.3 of the SIP establishes three triggers for a finding of reasonable potential.

Trigger 1. If the MEC is greater than C, there is reasonable potential, and an effluent limitation is required.

Trigger 2. If B is greater than C, and the pollutant is detected in effluent (MEC > ND), there is reasonable potential, and an effluent limitation is required.

Trigger 3. After review of other available and relevant information, a permit writer may decide that a WQBEL is required. Such additional information may include, but is not limited to: the facility type, the discharge type, solids loading analyses, lack of dilution, history of compliance problems, potential toxic impact of the discharge, fish tissue residue data, water quality and beneficial uses of the receiving water, CWA 303 (d) listing for the pollutant, and the presence of endangered or threatened species or their critical habitat.

The reasonable potential analysis for the Sierra Pacific Arcata Sawmill did not highlight any pollutant as having the reasonable potential to cause or contribute to exceedances of applicable water quality criteria. The following table summarizes the reasonable potential analysis for each priority, toxic pollutant that has been measured (reported at detectable concentrations) in receiving water and effluent based on the Discharger's monitoring data. No other pollutants with applicable, numeric water quality criteria from the NTR, CTR, and the Basin Plan were measured above detectable concentrations.

Pollutant	C	MEC	B	RPA Result
Arsenic	50 µg/L, MCL for drinking water from Dept. of Health Services regulations at Title 22 of the CA Code of Regulations	-	19µg/L (3/13/03)	No

Pollutant	C	MEC	B	RPA Result
Chromium ^A	50 µg/L, MCL for drinking water from Dept. of Health Services regulations at Title 22 of the CA Code of Regulations	17 µg/L expressed as total chromium (2/13/01)	-	No
Mercury	0.050 µg/L, human health criterion from the CTR	-	0.00421 µg/L (3/13/03)	No
Nickel	68 and 610 µg/L, freshwater aquatic life, chronic and acute criterion from the CTR based on receiving water hardness of 136 mg/L CaCO ₃	16 µg/L (2/13/01)	-	No
Zinc	160 µg/L, freshwater aquatic life, chronic and acute criteria from the CTR based on receiving water hardness of 136 mg/L CaCO ₃	41 µg/L (2/13/01)	-	No

^A Regional Water Board staff used the primary drinking water MCL for total chromium as the most stringent applicable water quality criterion, although chronic and acute criteria of the CTR for hexavalent chromium for protection of fresh water aquatic life are 11 and 16 µg/L. Analytical results provided by the Discharger for chromium in effluent are expressed as total metal. Because Regional Water Board staff do not believe that log deck operations are a possible source of hexavalent chromium, the drinking water MCL, which is expressed as total chromium, was used in the reasonable potential analysis.

4. WQBEL Calculations

Because the reasonable potential analysis did not highlight any toxic pollutants as having the reasonable potential to cause or contribute to exceedances of applicable water quality criteria, the Order does not establish water quality based effluent limitations for toxic pollutants.

5. Whole Effluent Toxicity (WET)

Toxicity Control Provisions

Federal regulations (40 CFR 122.44(d)) require that effluent limitations be established for pollutants, including whole effluent toxicity, when a discharge has the reasonable potential to cause or contribute the exceedance of the State water quality standard, including State narrative objectives for water quality. Toxicity Provisions are consistent with the U.S. EPA guidance document “Regions 9 and 10 Guidance for Implementing Whole Effluent Toxicity Testing Programs.” Chronic toxicity tests are

required by the SIP to determine compliance with Basin Plan narrative objective for toxicity.

Acute Toxicity

Acute toxicity effluent limitations are contained in Effluent Limitation IV.A.1.b.

Chronic Toxicity

No chronic toxicity data are available for the discharge from Discharge Serial No. 001 to determine whether there is reasonable potential for the discharge to exceed the narrative water quality objective for toxicity; therefore, annual monitoring for chronic toxicity is required in the Order. Accordingly, the Permittee is required to conduct short-term chronic toxicity tests after a one-year screening period to determine the most sensitive test species.

The Permittee is required to conduct short-term tests with the water flea, *Ceriodaphnia dubia* (survival and reproduction test), the fathead minnow, *Pimephales promelas* (larval survival and growth test), and the green alga, *Selanastrum capricornutum*. Initially, the Permittee is required to determine the most sensitive test species and monitor the discharge for chronic toxicity using that species annually for three years, whereupon, the Permittee will repeat the screening procedure during the fifth year to confirm the most sensitive species. If reasonable potential to exceed the narrative water quality objective is found to exist, a chronic toxicity limitation may be included at the time of permit renewal. The Basin Plan does not at this time allow a mixing zone for this discharge. Until such time as a mixing zone is established for this parameter, reasonable potential will be based on results of chronic toxicity tests of overflow from the second detention basin.

D. Final Effluent Limitations (not applicable)

V. RATIONALE FOR RECEIVING WATER LIMITATIONS

A. Surface Water

Receiving water limitations contained in this permit are derived from Chapter 3 of the Basin Plan. Several of the receiving water limitations were modified to more accurately reflect Basin Plan objectives for inland surface waters, enclosed bays, and estuaries contained in Chapter 3 of the Basin Plan. The following paragraphs explain several significant receiving water limitations.)

1. **Receiving Water Limitation V.A.1.** The discharge shall not cause the pH of the receiving waters to be raised above 8.5.

The Basin Plan water quality objective for pH states the pH shall not be raised above 8.5.

2. **Receiving Water Limitation V.A.7. 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 Clean Water Act and regulations adopted thereunder.
- b. The discharge 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.
- c. Waste effluent shall be discharged in a manner that provides sufficient initial dilution to minimize the concentrations of substances not removed in the treatment.

B. Groundwater (*not applicable*)

VI. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

Section 122.48 of 40 CFR requires all NPDES permits to specify recording and reporting of monitoring results. Sections 13267 and 13383 of the California Water Code authorize the Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program, Attachment E of this Order, establishes monitoring and reporting requirements to implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements contained in the Monitoring and Reporting Program for this facility.

A. Influent Monitoring

Daily records of volume of water supplied to the log deck sprinklers are required to determine the timing of process wastewater discharge monitoring.

B. Effluent Monitoring

1. Effluent monitoring is only required when runoff contains process wastewater produced by sprinkling logs decked in wet storage. Following cessation of summer sprinkling, effluent monitoring will continue through annual detention basin cleanout and subsequent rinsing by the first runoff-producing storm event. Subsequent storm water runoff will be sampled and analyzed as required by the State Water Resources Control Board Industrial Activities Storm Water General Permit
2. Weekly analysis of pH is required to verify compliance with Effluent Limitation IV.A.1.a.
3. One-time monitoring of priority pollutants is required for reasonable potential analysis at the time of permit reissuance.

C. Whole Effluent Toxicity Testing Requirements

Effluent monitoring is only required when runoff contains process wastewater produced by sprinkling logs decked in wet storage. Monthly analysis of acute toxicity is required to verify compliance with Effluent Limitation IV.A.1.b. Annual analysis of chronic toxicity is required for compliance with the State Implementation Policy (SIP) of the California Toxics Rule (CTR).

D. Receiving Water Monitoring

1. Surface Water

Monthly analysis of pH is required to verify compliance with Receiving Water Limitation V.A.1.

2. Groundwater *(not applicable)*

E. Other Monitoring Requirements *(not applicable)*

VII. RATIONALE FOR PROVISIONS

A. Standard Provisions

Standard Provisions, which in accordance with 40 CFR §§122.41 and 122.42, apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D to the Order.

VIII. PUBLIC PARTICIPATION

The California Regional Water Quality Control Board, North Coast Region (Regional Water Board) is considering the issuance of waste discharge requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System (NPDES) permit for Sierra-Pacific Industries Arcata Division Sawmill. As a step in the WDR adoption process, the Regional Water Board staff has developed tentative WDRs. The Regional Water Board encourages public participation in the WDR adoption process.

A. Notification of Interested Parties

The Regional Water Board has notified the Discharger 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. Notification was provided through the Eureka Times Standard on March 8, 2006

B. Written Comments

The staff determinations are tentative. Interested persons are invited to submit written comments concerning these tentative WDRs. Comments should be submitted either in person or by mail to the Executive Office at the Regional Water Board at the address above on the cover page of this Order.

To be fully responded to by staff and considered by the Regional Water Board, written comments should be received at the Regional Water Board offices by 5:00 p.m. on April 27, 2006.

C. Public Hearing

The Regional Water Board will hold a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

Date: **May 17, 2006**
Time: **9 a.m.**
Location: **1800 Riverwalk**
Fortuna, California

Interested persons are invited to attend. At the public hearing, the Regional Water Board will hear testimony, if any, pertinent to the discharge, WDRs, and permit. Oral testimony will be heard; however, for accuracy of the record, important testimony should be in writing.

Please be aware that dates and venues may change. Our web address is <http://www.waterboards.ca.gov/northcoast/agenda/pending.html> where you can access the current agenda for changes in dates and locations.

D. Waste Discharge Requirements Petitions

Any aggrieved person may petition the State Water Resources Control Board to review the decision of the Regional Water Board regarding the final WDRs. The petition must be submitted within 30 days of the Regional Water Board's action to the following address:

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100, 1001 I Street
Sacramento, CA 95812-0100

E. Information and Copying

The Report of Waste Discharge (RWD), related documents, tentative effluent limitations and special provisions, comments received, and other information are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Regional Water Board by calling (707) 576-2665.

F. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding the WDRs and NPDES permit should contact the Regional Water Board, reference this facility, and provide a name, address, and phone number.

G. Additional Information

Requests for additional information or questions regarding this order should be directed to Albert Wellman at awellman@waterboards.ca.gov.