CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION

DRAFT
ORDER No. R1-2014-0041

GENERAL WASTE DISCHARGE REQUIREMENTS for DISCHARGES OF WINE, BEVERAGE AND FOOD PROCESSOR WASTE TO LAND

IN THE NORTH COAST REGION

The Permittees described below in Table 1 may apply for coverage under these General Waste Discharge Requirements (Order). Upon receiving notification of coverage under the Order by the Regional Water Board Executive Officer, the Permittee shall be subject to the provisions, prohibitions, and discharge specifications set forth in the Order.

Table 1. Permittee Information

Permittee	Any person who owns and/or operates a wine, beverage or food processing facility that discharges wine, beverage or food processing waste to land.
The Permittee is required to pay an annual fee (i.e., waste discharge permit fee) as determined by the Regional Water Quality Control Board, and pursuant to California Water Code (Water Code) section 13260 *et seq*. The annual fee is based on the threat to water quality and complexity of the discharge in accordance with California Code of Regulations (Cal. Code Regs.) title 23 section 2220. Permittees enrolled under this Order will be assigned a threat to water quality and complexity rating of 2-B, 2-C, 3-B or 3-C and will be assessed the corresponding fee for Discharge to Land sites, plus any applicable surcharges.	

Discharges of wine, beverage and food processor waste to land, as identified in Table 2 below, are subject to the waste discharge requirements set forth in this Order.

Table 2. Discharge Location

Discharge Point(s)	Discharge Description	Discharge Point Latitude(s)	Discharge Point Longitude(s)	Receiving Water(s)
Various locations throughout the North Coast Region	Non-hazardous process wastewater and processing solid waste	Various	Various	groundwater

I, Matthias St. John, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on November 20, 2014.

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Matthias St. John, Executive Officer

I. FACILITY INFORMATION

The following Permittees are subject to waste discharge requirements as set forth in this Order:

Table 3. Facility Information

Permittee	Any person who owns and/or operates a wine, beverage or food processing facility that discharges wine, beverage or food processing waste to land.
Type of Facility	Eligible wine, beverage and food processing facilities include, but are not limited to: wineries, breweries, cider houses, non-alcoholic beverage producers, distilleries, post-slaughter cut and wrap meat processing facilities, fruit and vegetable processors and dairy product manufactures that discharge 1,500 gallons per day (gpd) or more of process wastewater to land.
Location	Throughout the North Coast Region
Process Wastewater Discharge Flow Rate*	1,500 gpd or greater, as measured during the peak production period for the facility, on a day when flows are suspected to be the greatest.
*Facilities with discharge flow rates less than 1,500 gpd should apply for coverage under the Conditional Waiver for Wine, Beverage and Food Processor Waste to Land.	

II. FINDINGS

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

A. Basis and Rationale for Requirements. The Regional Water Board developed the requirements in this Order based on information submitted by wine, beverage and food processors regulated by the Regional Water Board through individual or general Waste Discharge Requirements (WDRs). Information included Reports of Waste Discharge (ROWD), technical reports, Notices of Intent, Self-Monitoring Reports and other available information. The Fact Sheet (Attachment D) contains facility information, legal authorities, and rationale for Order requirements. The Fact Sheet is hereby incorporated into this Order and constitutes part of the Findings for this Order. Attachments A through C are also incorporated into this Order.

B. Background and Facility Description. Wine, beverage and food processor waste has a potential to impact water quality. The Regional Water Board has historically regulated such discharges through the adoption of individual WDR Orders, enrollment under General WDRs for Discharges of Winery Waste to Land (Order No. R1-2002-0012), or through the issuance or adoption of a waiver of WDRs This Order will cover discharges of wine, beverage or food processing wastewater to land at volumes equal to or exceeding 1,500 gpd during peak production periods. Additional background information, including a description of the facilities covered by the Order, is included in the Fact Sheet.

C. California Environmental Quality Act (CEQA). Waste discharges to land covered under this Order are subject to CEQA requirements. The Regional Water Board, acting as the lead agency, adopted an Initial Study and Negative Declaration for General WDRs for Discharges to Land by Winery Wastewater Treatment and Disposal Systems (General Winery WDRs) on March 28, 2002. These new General WDRs are intended to re-new and update those previously issued General Winery WDRs. Compliance with this Order is not expected to result in any significant physical changes to the environment or impacts that are substantially different than those described and analyzed in the Negative Declaration and Initial Study adopted in 2002. As such, this Order is consistent with prior CEQA documentation and the Regional Water Board finds that none of the factors in California Code of Regulations, title 14, section 15162 are triggered such that further environmental review is necessary.

With respect to discharges from new or expanded wine, beverage and food processing facilities that seek coverage under this Order, those facilities will have to provide the Regional Water Board with suitable CEQA documents adopted or certified by a local lead agency prior to enrolling under the Order. In cases where a local lead agency has not prepared CEQA documents, the Regional Water Board will have to make a determination that the new or expanded facility is covered by the previously adopted Negative Declaration/Initial Study, exempt from CEQA, or require the preparation of CEQA documents adequate for its use.

D. Antidegradation Policy. State Water Board Resolution 68-16 (the Antidegradation Policy) requires the disposal of waste into waters of the State be regulated to achieve the highest water quality consistent with the maximum benefit to the people of the State. The quality of some waters is higher than established by adopted policies and that higher quality water shall be maintained to the maximum extent possible consistent with the Antidegradation Policy. The Antidegradation Policy requires the following:

1. Higher quality water will be maintained until it has been demonstrated to the State that any change will be consistent with the maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of the water, and will not result in water quality less than prescribed in the policies.
2. Any activity that produces a waste and discharges to existing high quality waters will be required to meet WDRs that will result in the best practicable treatment or control of the discharge necessary to assure pollution or nuisance will not occur, and the highest water quality consistent with the maximum benefit to the people of the State will be maintained.

The Antidegradation Policy requires maintenance of high quality waters of the State unless limited degradation is consistent with the maximum benefit to the

people of the State. When issuing a Notice of Coverage (NOC) letter under this Order, the Executive Officer will require the Permittee to assure that Best Practicable Treatment or Control necessary to maintain the highest water quality consistent with the maximum benefit to the people of the State are implemented.

This Order addresses discharges to numerous groundwater bodies, each with its own chemical characteristics. There is not sufficient data to determine which receiving waters are high quality waters. To the extent a discharge covered under this Order may be to high quality waters, this Order limits degradation consistent with the Antidegradation Policy as described in the findings below.

Limited degradation of groundwater by some waste constituents associated with wine, beverage and food processor waste, after effective source control, treatment, and control measures are implemented, is consistent with the maximum benefit to the people of the state. The continued economic prosperity of communities and associated industry is of maximum benefit to the people of the state and provides sufficient justification for allowing the limited groundwater degradation that may occur pursuant to this Order.

Constituents of concern that have the potential to degrade groundwater include salinity and nutrients and minerals released from soil. The Order contains effluent limits for aboveground discharges and groundwater limitations for subsurface discharges. The Order includes a Monitoring and Reporting Program (MRP) that ensures the treatment is effective, water quality objectives will not be exceeded, and confirms that water quality will be maintained at a level that is protective of beneficial uses. Each of the wastewater constituents of concern are discussed below:

1. Salinity is a measure of dissolved solids in water. Excessive salinity can reduce the beneficial uses of water. Salinity can be affected by discharge of wastewater with elevated concentrations of Total Dissolved Solids (TDS). TDS consists of both volatile (organic) and fixed (inorganic) fractions. In a well operated land application system, volatile dissolved solids in percolate will be reduced to negligible concentrations. Additionally, the Facility-specific Salt and Nutrient Plan (FSNMP) includes a Salt and Pollutant Minimization component, which identifies all contribution sources of salinity and other pollutants entering into the process wastewater and the steps that will be taken to reduce these inputs.
2. Nitrogen is a nutrient present in wine, beverage and food process waste at a concentration that can degrade groundwater quality. The potential for degradation depends upon the wastewater treatment method and the environment into which the wastewater effluent is discharged. Nitrogen concentration reduction is not required in every situation, such as when

wastewater treatment and application is performed in a way that is protective of the beneficial uses of waters of the State.

When needed, nitrogen concentrations can be reduced in a number of ways, such as settling/clarifying, nitrification/denitrification, and/or by crop uptake and removal. The preferred method of nitrogen control is left to the wastewater system designer and will be documented in the required FSNMP. The FSNMP will include Nutrient Budget Calculations that will establish the nutrient application practices for each crop in each land application area. Nutrient application rates shall not approach a site's maximum ability to contain one or more nutrients through soil adsorption. If the nutrient budget shows that the nutrients generated by the Facility exceed the amount needed by crops in the land application area, then the Permittee must implement management practices that will prevent impacts to surface water or groundwater due to application of excess nutrients. Such practices may include obtaining access to additional land for nutrient application, or exporting the solid non-hazardous, decomposable processing waste to a permitted composting or landfill.

3. Biochemical Oxygen Demand (BOD) is a measure of the amount of dissolved oxygen needed by aerobic organisms to break down the organic material present in wastewater. This Order establishes an effluent limit for BOD of 60 lbs. per acre per day. This limitation is based on literature values for BOD loading in land disposal systems for food processing systems. Consequences of BOD overloading may result in an impact to groundwater quality by lowering the oxidation/reduction potential in the underlying soil resulting in potential mobilization of naturally present contaminants in soil such as iron and manganese. In a properly operated land application system, where the discharge complies with the Order, BOD overloading will not occur.

Additionally, this Order is expected to improve water quality in the areas where discharges of wine, beverage and food processing waste are currently taking place. This Order includes a requirement to develop a FSNMP, to apply waste at agronomic rates and to monitor groundwater. The previous Winery Order and individual WDRs Orders for specific wine, beverage and food processors did not have these requirements.

E. Notification of Interested Parties. The Regional Water Board has notified the potentially eligible Permittees and interested agencies and persons of its intent to prescribe General Waste Discharge Requirements for the discharge of wine, beverage and food processor waste to land and has provided them with an opportunity to submit their written comments and recommendations.

F. Consideration of Public Comment. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.

III. APPLICATION PROCESS

A. A Permittee seeking authorization to discharge under this Order shall submit to the Regional Water Board, a complete *Notice of Intent* (NOI) *to Comply with the Terms of the General Waste Discharge Requirements for Wine, Beverage and Food Processor Waste,* which will include the appropriate documentation of CEQA compliance. The NOI form is included as Attachment A of this Order. The information required with the NOI is equivalent to a ROWD.

B. Coverage under the General WDRs will take effect when the Permittee receives a NOC letter, the written notification of enrollment, signed by the Executive Officer.

C. Permittees proposing use of treated process wastewater on agricultural lands or landscape irrigation and the use of process solids as a soil amendment shall submit a FSNMP for approval by the Executive Officer.

D. The Regional Water Board reviews enrollments and may revoke any enrollment deemed inappropriate.

E. Wineries currently enrolled under the General Winery WDRs shall submit to the Regional Water Board an NOI for authorization to discharge under this Order, no later than 6 months after the date of the adoption of this Order.

F. Wine, beverage and food processing facilities covered under these General WDRs shall submit an updated NOI to the Regional Water Board when there is a change in activities at the facility that may affect the quality or quantity of the waste discharge.

G. This Order does not authorize the discharge from facilities that have not submitted a NOI, and have not received an NOC letter from the Executive Officer.

H. The Executive Officer may require any Permittee covered under these General WDRs to apply for and obtain individual WDRs. If individual WDRs are issued for a discharge, then the applicability of the General WDRs for the discharge is immediately terminated on the effective date of the individual WDRs.

IV. DISCHARGE PROHIBITIONS

A. Discharge of any waste not specifically regulated by this Order is prohibited.

B. Discharge of wastes to surface waters or surface water drainage courses is prohibited.

C. Discharge of hazardous waste to the wine, beverage, or food processing wastewater treatment and disposal system is prohibited.

D. Discharge of domestic waste to the wine, beverage or food processing wastewater treatment system is prohibited.

E. Bypass or overflow of untreated or partially treated wine, beverage, or food processing waste from anywhere within the collection, treatment, or disposal system is prohibited.

F. The use of treated process wastewater on agricultural lands or landscape irrigation areas not under the control of the Permittee is prohibited, except as described in Facility-specific Salt and Nutrient Management Plan (FSNMP), as approved by the Executive Officer in the NOC letter.

G. The use of wine, beverage or food processing solid waste as a soil amendment on agricultural land that is not under the control of the Permittee is prohibited, except as described in the FSNMP, as approved by the Executive Officer in the NOC letter.

H. Treated process wastewater or processing solids shall not be applied to agricultural lands or landscape irrigation areas within 48 hours of a forecasted rain event, during rainfall, 48 hours after a rainfall event or when soils are saturated.

I. The storage of process solids shall not cause a discharge or threatened discharge to groundwater.

J. Creation of pollution, contamination, or nuisance as defined by section 13050 of the California Water Code (CWC) is prohibited.

V. EFFLUENT LIMITATIONS FOR ABOVE GROUND REUSE OR DISPOSAL

The following final effluent limitations apply to facilities covered under this Order that discharge treated process wastewater effluent above ground for the purpose of reuse or disposal.

A. The Permittee shall comply with the terms of the FSNMP and shall not land-apply the treated effluent at a rate greater than that identified as the maximum application rate in the FSNMP.

B. The treated effluent shall not contain constituents in excess of the following limits:

Table 4. Effluent Limitations

Constituent	Unit	Average Monthly Effluent Limit
Biochemical Oxygen Demand	pounds/acre/day	60
Ammonia	mg/l	1.5 **OR** as identified in the FSNMP
Nitrate as N	mg/l	10 **OR** as identified in the FSNMP
Nitrite	mg/l	1.0 **OR** as identified in the FSNMP
Total Dissolved Solids	mg/l	450
Sodium	mg/l	60
Chloride	mg/l	106

C. The discharge of treated effluent above ground to land for reuse or disposal shall not have a pH of less than 4.0 or greater than 9.0.

VI. GROUNDWATER LIMITATIONS

The following groundwater limitations apply to all facilities covered under this Order including those that dispose or reuse treated effluent aboveground and those that dispose process wastewater effluent below ground to a dispersal system, such as a leachfield, mound, at-grade, subsurface drip field or other type of system for final effluent treatment and subsurface discharge.

A. The collection, treatment, storage, reuse and disposal of process wastewater and solids shall not cause groundwater to:

1. Exceed a total coliform organism level of 1.1 MPN/100mL as a 7-day median.

2. Exhibit a pH of less than 6.5 or greater than 8.5 pH units.

B. The collection, treatment, storage, reuse and disposal of process wastewater and solids shall not cause or contribute to a statistically significant degradation of groundwater quality.

C. The collection, treatment, storage and disposal of process wastewater and solids shall not cause or contribute to levels of chemical constituents in groundwater that exceed the levels specified in California Code of Regulations, title 22, division 4, chapter 15, article 4.

D. The collection, treatment, storage, reuse and disposal of process wastewater and solids shall not cause or contribute to levels of radionuclides in groundwater in excess of the lists specified in California Code of Regulations, title 22, division 4, chapter 15, article 5, section 64443.

E. The collection, treatment, storage, reuse or disposal of process wastewater and solids shall not cause groundwater to contain taste- or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses.

VII. DISCHARGE SPECIFICATIONS

A. The mean daily flow of process wastewater shall not exceed the designed treatment and disposal capacity stated in the NOI, in gpd, averaged over a calendar month except as provided for in VII.B.

B. The mean daily process wastewater flow shall not exceed the designed peak capacity of the treatment and disposal system stated in the NOI, in gpd, as averaged over the crush or peak production period of the facility.

C. The maximum daily process wastewater flow shall not exceed the maximum design capacity of the treatment and disposal system as stated in the application.

VIII. DESIGN SPECIFICATIONS

A. Process wastewater shall be captured, and treated separately from domestic wastewater.

B. Process wastewater treatment and disposal systems shall be designed for the maximum daily flow of wastewater and organic loading generated, including flows from precipitation.

C. Process wastewater treatment ponds shall be lined with either a relatively impermeable membrane, two feet of soil with a permeability of less than 10^{-6} centimeters per second, or an engineered alternative approved by the Executive Officer in the NOC letter.

D. Process wastewater ponds shall be designed to contain all wastewater flows and rainfall during the rainy season and be operated and maintained to prevent inundation or washout due to floods with a 100-year return frequency.

E. Process wastewater ponds shall have a foundation or base capable of providing support for the structures and capable of withstanding hydraulic pressure gradients to prevent failure due to settlement, compression, or uplift and all effects of ground motions resulting from at least the maximum probable earthquake, as certified by a registered civil engineer or certified engineering geologist.

F. Process wastewater ponds shall maintain at least two (2) feet of freeboard at all times, except with prior authorization from the Executive Officer.

G. The dissolved oxygen concentration in the upper one (1) foot zone of an aerated or oxidation pond system shall not be less than 1.0 mg/l at any time.

H. For Subsurface Disposal Systems, the following requirements apply:

1. The system shall be designed for the unique characteristics of the process wastewater, and should consider the removal of screenable solids prior to discharge to the tank; adequate detention time for solids separation, the use of effluent filters and the use of dual disposal fields for periods of wastewater loading and resting.

2. The distance between any soil absorption system's trench bottom and groundwater shall not be less than five feet, unless approved by the Executive Officer in the NOC letter.

3. Infiltration surface should be sized based on organic loading, or hydraulic loading, whichever is more conservative.

4. The subsurface wastewater disposal system(s) shall be maintained so that at no time will wastewater surface at any location.

5. No part of the disposal system(s) shall extend to a depth where waste may pollute groundwater.

6. New winery wastewater systems shall reserve sufficient land area for possible future 100 percent replacement of the subsurface disposal area.

7. The solids accumulation in the septic tanks shall be measured at least annually and cleaned when it appears that either the bottom of the scum layer will be within (3) inches of the bottom of the outlet device or the sludge level will be within ten (8) inches of the outlet device before the next scheduled inspection or the combined thickness of sludge and scum exceeds 1/3 of the tank depth of the first compartment.

8. Dual disposal field systems shall be operated in a regular rotating sequence, with rotation frequency no less than semi-annually.

I. Process wastewater treatment and disposal systems should be designed to minimize chemical addition and maintenance.

IX. SOLIDS DISCHARGE SPECIFICATIONS

A. All screenings, sludges and other solid waste removed from liquid wastes shall be collected from screens, sumps, ponds, and tanks as needed to ensure optimal system operation.

B. Collected screenings, sludges, and other solids removed from liquid wastes that will not and/or cannot be used agronomically shall be disposed of at a legal point of disposal, and in accordance with the State Water Board promulgated provisions of Title 27, Division 2 of the California Code of Regulations or as waived pursuant to Water Code section 13269.

C. Agricultural lands that receive the non-hazardous, decomposable, solid processing wastes as a soil amendment shall be managed to prevent ponding, runoff and erosion.

D. During wet weather conditions when the solid processing wastes cannot be incorporated into the soil or hauled off-site for disposal, the wastes may be temporarily stored in a designated solids storage area out of the flood plain.

E. The discharge to surface waters of leachate from the process solid waste storage area, or rainfall runoff which has come into contact with the solids being stored, is prohibited.

F. If accumulated sludge from a wine, beverage or food processor wastewater treatment pond is to be used as a soil amendment on agricultural lands, a proposal containing, at a minimum, the following information shall be submitted to the Regional Water Board for approval:

1. The physical properties of the sludge to be removed from the pond, including the volume and percent solids of the sludge.

2. A summary of laboratory results on an analysis of a composite sample of the stockpiled sludge. The constituents of concern are: cadmium, chromium, copper, lead, nickel, zinc and total nitrogen. If deemed necessary by the Executive Officer, additional constituents of concern may need to be monitored and/or a leachability test of the sludge may be required.

3. A statement verifying that neither hazardous waste nor domestic waste has been discharged to the ponds.

4. A description of the proposed land application areas, including a map denoting water courses, acreage and the crops to be grown thereupon.

5. Calculations showing that the sludge will be applied at agronomic rates (based on nutrient uptake of the crop).

6. A project schedule. Sludge application shall be confined to the dry season, between April 15th and October 15th of each year. Sludge shall be spread and incorporated into the soil in a manner to prevent erosion, runoff or any nuisance conditions.

X. GENERAL PROVISIONS

Failure to comply with provisions or requirements of this Order, or violation of other applicable laws or regulations governing discharges from the permitted wine, beverage or food processing facility, may subject the Permittee to administrative or civil liabilities, criminal penalties, and/or other enforcement remedies to ensure compliance. Additionally, certain violations may subject the Permittee to civil or criminal enforcement from appropriate local, state, or federal law enforcement entities. The Permitee shall comply with the following provisions:

A. Availability. A copy of this Order and the associated Monitoring and Reporting Program shall be maintained at the wine, beverage or food processing facility and be available at all times to operating personnel.

B. Enforcement. The Permittee shall implement the project as described in the NOI. Violation of any requirements contained in this Order subject the Permittee to enforcement action, including civil liability, under the Water Code.

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

D. Operation and Maintenance. The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Permittee to achieve compliance with this Order. Proper operation and maintenance includes appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Permittee only when necessary to achieve compliance with the conditions of this Order.

1. A detailed description of safe and effective operation and maintenance of treatment processes, process control instrumentation, and equipment.

2. All process and equipment inspection and maintenance schedules.

3. A description of safeguards to assure that, should there be reduction, loss, or failure of electric power, the Permittee will be able to comply with requirements of this Order.

4. A description of preventive (fail-safe) and contingency (response and cleanup) plans for controlling accidental discharges, and for minimizing the effect of

such events. These plans shall identify the possible sources (such as loading and storage areas, power outage, waste treatment unit failure, process equipment failure, tank and piping failure) of accidental discharges, untreated or partially treated waste bypass, and polluted drainage.

E. Change in Discharge. The Permittee shall promptly report to the Regional Water Board any material change in the character, location, or volume of the discharge. The Permittee shall submit design proposals for new wastewater treatment systems to the Regional Water Board Executive Officer for review prior to construction and demonstrate that the system complies with the Water Code and title 27 of the California Code of Regulations. Design and operation plans must include features and best management practices (BMPs) to protect groundwater and prevent exceedances of groundwater quality objectives.

F. Change in Ownership. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Permittee, the Permittee shall notify the succeeding owner or operator of existence of this Order, and the status of the Permittee's annual fee account; a copy of which shall be forwarded to the Regional Water Board.

G. Vested Rights. This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the Permittee from liability under federal, state, or local laws, nor create a vested right for the Permittee to continue the waste discharge.

H. Monitoring and Reporting. The Permittee shall comply with the Monitoring and Reporting Program and any modifications to these documents as specified by the Regional Water Board Executive Officer. Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Public Health and shall conform to State Department of Public Health guidelines. The Permittee shall comply with the MRP and future revisions thereto, in Attachment B of this Order.

I. Records Retention. The Permittee shall maintain records of all monitoring information, including calibration and maintenance records and all 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.

J. Signatory Requirement. All ROWD applications submitted to the Regional Water Board shall be signed by a principal Executive Officer, ranking elected official, or responsible corporate officer.

1. For purposes of this provision, a responsible corporate officer means:

a. 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

b. The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. Reports required by this Order and other information requested by the Regional Water Board may be signed by a duly authorized representative provided:

a. The authorization is made in writing by a person described in paragraph (a) of this provision;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the entity; and

c. The written authorization is submitted to the Regional Water Board prior to or together with any reports, information, or applications signed by the authorized representative.

3. Any person signing a document under paragraph (a) or (b) of this provision shall make the following certification:

a. "*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."

K. Inspections. The Permittee shall permit authorized staff of the Regional Water Board the following:

1. Entrance to the premises in which treatment, collection or management of waste occurs, where an effluent source is located or in which any records required by this Order are kept;

2. Access to inspect and copy any monitoring equipment or records required for compliance with terms and conditions of this Order; and

3. Access to sample any discharge or monitoring location associated with the Facility.

L. Noncompliance. In the event the Permittee is unable to comply with any of the conditions of this Order due to breakdown of waste treatment equipment, accidents caused by human error or negligence, or other causes such as acts of nature, the Permittee shall notify the Regional Water Board Executive Officer by telephone as soon as it or its agents have knowledge of the incident and confirm this notification in writing within five (5) business days of the telephone notification. The written notification shall include pertinent information explaining reasons for the noncompliance and shall indicate the steps taken to correct the problem and the dates thereof, and the steps being taken to prevent the problem from recurring.

M. Revision Requirements. The Regional Water Board will review this Order periodically and may revise requirements when necessary.

XI. 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). The arithmetic mean of all samples collected in a calendar month, calculated as the sum of all samples in a calendar month divided by the number of samples. If only one sample is collected in a calendar month, that sample result will constitute the monthly average and daily maximum results for the purpose of determining compliance with effluent limitations.

If the average of daily discharges over a calendar month exceeds the AMEL for a given parameter, this will represent a single violation, though 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). 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. The Discharger

will only be considered out of compliance for days when the discharge occurs. For any one calendar month during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar month.

B. **Maximum Daily Effluent Limitation (MDEL)**. If a daily discharge (or when applicable, the median determined by subsection B, above, for multiple sample data of a daily discharge) exceeds the MDEL for a given parameter, 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.

C. **Instantaneous Minimum Effluent Limitations**. If the analytical result of a single grab sample is lower than the instantaneous minimum effluent limitation for a parameter, 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).

D. **Instantaneous Maximum Effluent Limitations**. If the analytical result of a single grab sample is higher than the instantaneous maximum effluent limitation for a parameter, 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).

E. **BOD Effluent Limitation**. The mass of BOD discharged to each discrete field within the land application area (LAA) shall not exceed a daily maximum 60 pounds per acre per day. Compliance with this requirement shall be determined using the following formula:

$$M = \frac{C \times V \times (8.345)}{A}$$

Where M = daily BOD mass for a given field in pounds per acre per day (lb/ac/day);

C = BOD monitoring result for the last calendar month in milligrams per liter (mg/L);

V = total volume of effluent discharged to the field on that day in millions of gallons (MG);

A = Area of the field irrigated in acres; and

8.345 = units conversion factor for mg/L and MG to pounds.

F. **Bacteriological Limitations.** The median is the central tendency concentration of the pollutant. The data set shall be ranked from low to high, ranking the Non-Detect (ND) concentrations lowest, Detected, Not Qualified (DNQ) determinations next, followed by quantified values. The order of the individual ND and DNQ determinations is not important. The median value is determined based on the number of data points in the

data set. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, the median is the average of the two middle values, unless one or both points are ND or DNQ, in which case the median value shall be the lower of the two middle data points. DNQ is lower than a detected value, and ND is lower than DNQ. Compliance with the 7-day median will be determined as a rolling median during periods when sampling occurs more frequently than weekly. During periods when sampling is weekly, this requirement shall apply to each weekly sample.