California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-2002-0031
(Amended on May 5, 2011)
W.DNPDES PERMIT NO. CA0024171
I.D. NO. 1B83056OMEN

WASTE DISCHARGE REQUIREMENTS

FOR

ARTHUR H. HARWOOD,
MORRIS J. HARWOOD,
CALVIN HARWOOD,
JACKSON VALLEY INDUSTRIES LLC,
HARWOOD PRODUCTS, INC.
BRANSCOMB SAWMILL
AND
WOODWASTE DISPOSAL SITE
CLASS III WASTE MANAGEMENT UNIT

Mendocino County

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

1. Arthur H. Harwood, Morris J. Harwood, Calvin Harwood, Jackson Valley Industries LLC, and Harwood Products, Inc. (hereinafter Ppermittees), 14210 Branscomb Rd, Branscomb, CA 95417 (hereinafter Facility), submitted a Report of Waste Discharge dated March 22, 1999, and applied for renewal of its Permit to discharge storm water runoff and treated process water from its Branscomb sawmill and woodwaste disposal site under the National Pollutant Discharge Elimination System (NPDES).

2.Wastewater that is generated, treated, and discharged is described as follows:

c.Storm water runoff that has contacted raw materials (logs), products (lumber), and by-products (wood chips and bark) discharges from the approximately 14-acre log deck and lumber yard through settling basins to the South Fork Eel River at Discharge Serial Number 002 (latitude 39° 39' 20" N and longitude 123° 37' 58" W).

d.Treated process water from the lumber edgers, log deck sprinklers, and vehicle exterior power washer discharge to Discharge Serial Number 001 on the South Fork Eel River (latitude 39° 39' 15" N and longitude 123° 37' 47" W). The power wash water goes through a separation tank and catch basin before discharge, and the log deck sprinkle water and edger water are directed through a recycle pond and catch basin before discharge.

c. Domestic wastes from the mill complex discharge to a subsurface septic/tank leach field system.

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~~3.The Report of Waste Discharge included a Workplan for reducing discharge of turbid water and sediment from the Facility. The Workplan was in response to highly elevated turbidity data gathered on a December 1997 inspection by Regional Water Board staff and reoccurring instances of high turbidity. Completed improvements include adding a sedimentation basin with downspout culverts to hold run-off from the lumberyard area, replacing several ditches with culverts, re-grading logyard areas to reduce erosion, placing extensive base rock in the logyards, and paving the by-product area and parts of the logyard area.~~

~~4.A dip tank containing approximately 10,000 gallons of chemical solution for wood treatment was installed at the Facility in 2000. The two treatment chemicals are Britewood XL, a fungicide used as an anti-stain treatment, and Sol-Brite E, a strong acid used for iron stain control. The concentrated chemicals are brought on-site and directly pumped into the storage tanks by the manufacturer. The permittee dilutes Britewood XL 100 to 1 with water and dilutes Sol-Brite E 250 to 1 with water.~~

~~The entire chemical application process is indoors. The unit of precut lumber is placed in the dip tank for approximately one minute. When the unit is removed from the tank, unbonded chemicals have approximately one minute to drip back into the tank. The unit is removed on outfeed chains, and the area under the chains is surrounded by cemented berms. Drip pans extend approximately 75 feet under the chains and return excess material to the tank. The entire system is designed to recover 100 percent of chemicals that have not bonded to the wood.~~

~~Treated wood is wrapped with water resistant covering and is stored outside, where it is exposed to rainfall. Britewood XL is known to be toxic to fish. The permittee has tested for propiconazole, one of two active ingredients of Britewood XL, in the storm water discharge from the treatment/storage area and has found it to be nondetectable at a 5.0 µg/L detection limit.~~

~~5.~~2. ~~Associated with the sawmill is a~~A 27-acre woodwaste disposal site (landfill) is located ~~directly behind the mill~~ in the E ½, Section 22 and the W ½ Section 23, T21N, R16W, MDB&M, as shown on Attachment A, incorporated herein and made part of this order.

When the sawmill operateds, t~~T~~he ~~site~~landfill receiveds~~s~~ woodwaste (reject wood products, log ends, edger sawdust) and log deck cleanup wastes (a mixture of bark and dirt) from the sawmill and the log storage yard. The site is designed as a series of benches progressing up the hillside. Total capacity of the site is 886,620 cubic yards. Approximately 201,340 cubic yards of capacity remained in 2002, ~~which~~ equat~~es~~ing to a 12-year remaining life. Final design of the site is based on final landfill contours shown in the 1989 Report of Waste Discharge, with minor modifications due to initial design oversights.

The site is underlain by soils in the Hugo series consisting of loam underlain by parent material of sandstone and shale. Vadose z~~Z~~one monitoring is not appropriate for this site due to shallow groundwater.

Two principal sources of groundwater occur at the site. A seasonal perched aquifer occurs within the first and second order stream channels of Buck Creek and No Name Creek. Shallow groundwater flow occurs within the pervious

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alluvial sediments overlying the less permeable bedrock. Groundwater flow direction within the shallow aquifer follows stream channel gradients. Groundwater recharge to the shallow aquifer is primarily from precipitation and runoff from adjacent slopes.

Deep bedrock groundwater occurs in open fractures and joints as fracture flow and appears to be confined. Groundwater recharge to the bedrock aquifer is by deep percolation of precipitation, subsurface inflow and minor percolation from streams. Because of the open, interconnecting, closely spaced joints and fractures encountered in the bedrock, groundwater flow directions are expected to approximately follow the slope of the ground surface.

The landfill is not located near a known Holocene fault. The nearest fault is the Maacama Fault, which is 13 miles east of the site. Based on information from the Federal Emergency Management Agency, the landfill is not within a 100-year flood plain.

Infiltrating rainfall and waste decomposition generate leachate in the waste disposal cells. Leachate is a nonhazardous liquid waste which contains pollutants that could be released at concentrations in excess of applicable water quality objectives or could cause degradation of waters of the state. Landfill leachate must be collected and managed as a designated waste, which is defined in Section 20210 of Chapter 3, Division 2, Title 27 of the California Code of Regulations (CCR).

Storm water runoff from the landfill is collected in drainage ditches and culvert downspouts and routed through sedimentation basins. The sedimentation basins discharge to a tributary to the South Fork Eel River ~~through Discharge Serial No. 001 or No. 003~~. Leachate seeps collect in three collection trenches and drain via pipe to a clay-lined leachate collection pond at the base of the landfill's eastern slope. The pond is emptied as needed to maintain at least two feet of freeboard. Leachate removed from the pond is sprinkled on the access roads or inactive surfaces of the landfill for irrigation or dust control during periods of dry weather. ~~During wet weather, leachate is used to sprinkle logs on the log deck.~~

~~The permittee has instituted a wood recycling program at the Facility, in order to reduce the woodwaste stream. A screener plant was established to make the recycling process more efficient. Woodwaste is converted into useful products such as sawdust, shavings, chips, playground fiber, boiler fuel, landscape bark, shredded redwood bar, fire blocking, and firewood.~~

~~6.The permittee is presently governed by Waste Discharge Requirements Order No. 94-111, adopted by the Regional Water Board on September 22, 1994.~~

~~6.This facility is a minor discharger as defined in 40 CFR 122.21(j). This facility has a 2B rating for threat to water quality and complexity, pursuant to California Code of Regulations (CCR), Title 23, Section 2200.~~

~~8~~4. Effective July 18, 1997, the water quality regulations for waste disposal facilities formerly contained in Chapter 15, Title 23, CCR, and the solid waste regulations formerly in Title 14 CCR, were recodified into Chapters 1 through 7, Subdivision 1, Division 2, Title 27 CCR (Title 27). Chapter 15 is, therefore, no longer applicable to this facility. The landfill meets criteria contained in Title 27 for a

Class III Waste Management Unit.

5~~9~~. The "Water Quality Control Plan for the North Coast Region" (Basin Plan) includes water quality objectives, implementation plans for point source and nonpoint source discharges, prohibitions, and statewide plans and policies.

~~The Basin Plan also includes a prohibition of wastewater discharges to the South Fork Eel River during the period May 15 through September 30 and all other periods when the waste discharge flow is greater than one percent of the receiving water's flow.~~

~~10. The Basin Plan contains a narrative objective (standard) for toxicity that requires:~~

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

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

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

~~11. The permittee has prepared a Storm Water Pollution Prevention Plan (SWPP Plan) and has implemented the provisions of the SWPP Plan. The SWPP Plan includes source identification, practices to reduce or eliminate pollutant discharge to storm water, an assessment of potential pollutant sources, a materials inventory, a preventive maintenance program, spill prevention and response procedures, general storm water management practices, employee training, record keeping, and elimination of nonstorm water discharges to the storm water system. It also includes a storm water monitoring plan to verify the effectiveness of the SWPP Plan. Storm water discharges are regulated by this permit.~~

~~12. The State Water Resources Control Board (State Water Board) adopted the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (also known as the State Implementation Plan or SIP) on March 2, 2000. All provisions of the SIP became effective as of May 22, 2000. The SIP applies to discharges of toxic pollutants into the inland surface waters, enclosed bays, and estuaries of California subject to regulation under the state's Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code) and the federal Clean Water Act (CWA). The SIP establishes: (1) implementation provisions for priority pollutant criteria promulgated by the United States Environmental Protection Agency (U.S. EPA)~~

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~~through the National Toxics Rule (NTR) and through the California Toxics Rule (CTR), and for priority pollutant objectives established by Regional Water Boards in their basin plans; (2) monitoring requirements for 2,3,7,8-TCDD equivalents; and (3) chronic toxicity control provisions.~~

~~13. Insufficient background and effluent data exist to determine whether any of the priority pollutants for which criteria have been established under provisions of the SIP are, or may be, discharged at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard. In accordance with the SIP, the Regional Water Board has issued a 13267(b) Order to require the permittee to obtain the data. The 13267(b) Order requires sampling for NTR, CTR and additional priority pollutants to determine if the discharge has a reasonable potential to cause or contribute to water quality impacts. The requirements contained in the 13267(b) Order list specific constituents, detection levels, acceptable time frames and report requirements. As required by the SIP, the time schedule from the 13267(b) letter is reproduced in this permit as Provision 24. After the data are gathered, the reasonable potential analysis (RPA) will be performed and the permit reopened to include additional numerical limitations, if necessary.~~

~~14~~6. The beneficial uses of the South Fork Eel River and its tributaries include:

a. agricultural supply
b. municipal and domestic supply
c. industrial service supply
d. groundwater recharge
e. water contact recreation
f. noncontact water recreation
g. commercial and sport fishing
h. cold freshwater habitat
i. wildlife habitat
j. preservation of rare, threatened or endangered species
k. migration of aquatic organisms
l. spawning, reproduction, and/or early development
m. aquaculture

~~15.~~7. Beneficial uses of areal groundwaters include:

a. domestic water supply
b. agricultural water supply
c. industrial service supply
d. industrial process supply

~~16. Effluent limitations, and toxic and pretreatment effluent standards established pursuant to Sections 208(b), 301, 302, 303(d), 304, 306, and 307 of the CWA and amendments thereto are applicable to the permittee.~~

~~17. The South Fork Eel is listed as an impaired water body for sediment and temperature pursuant to Section 303(d) of the CWA. A Total Maximum Daily Load (TMDL) was established in 1999 to address these loadings. The permittee's discharge contains sediment that could cause, have the reasonable potential to cause, or contribute to an increase in sediment levels in the South~~

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~~Fork Eel River. The permittee's discharge does not pose a threat to a change in temperature.~~

~~18. The permitted discharge is consistent with the antidegradation provision of 40 CFR 131.12 and State Water Board Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California*. The impact on existing water quality will be insignificant.~~

~~19. The action to renew an NPDES Permit is exempt from Chapter 3 of the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq., in accordance with Section 13389 of the California Water Code, and is also exempt from CEQA pursuant to Title 14, California Code of Regulations, Section 15301.~~

~~20.~~9. On July 1, 1999, the Mendocino County Planning Commission approved a Negative Declaration for the Woodwaste Disposal Site. The Regional Water Board, as a responsible agency under CEQA Guidelines Section 15096, has considered the Negative Declaration and has concluded that environmental impacts of the Woodwaste Disposal Site are mitigated.

~~2~~10. The Regional Water Board has notified the P~~p~~ermittees and interested agencies and persons of its intent to prescribe WDRs for the discharge and has provided them with an opportunity to submit their written comments and recommendations.

11. On May 5, 2011, the Regional Water Board adopted Order No. R1-2011-00XX (Rescission Order) rescinding point source discharge requirements pursuant to NPDES Permit No. CA0024171, which was contained within the originally adoption of Order No. R1-2002-0031. In the Rescission Order, the Regional Water Board ordered staff to amend Order No. R1-2002-0031 by deleting all NPDES-related language as shown in Attachment A to the Rescission Order and by adding Arthur H. Harwood, Morris J. Harwood, Calvin Harwood, and Jackson Valley Industries LLC as named parties. In the Rescission Order, the Regional Water Board also ordered the Permittees to apply, by June 30, 2011, for coverage under the *State Water Resources Control Board Water Quality Order No. 97-03-DWQ, NPDES General Permit No. CAS000001 and Waste Discharge Requirement for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities.*

~~22~~12. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.

~~23.This Order will serve as an NPDES Permit pursuant to Section 402 of the Clean Water Act, or amendments thereto, and will take effect upon adoption by the Regional Water Board.~~

THEREFORE, IT IS HEREBY ORDERED that ~~Waste Discharge Requirements Order No. 94-111 is rescinded and~~ the P~~p~~ermittees, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, ~~and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder,~~ shall comply with the following:

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~~A. DISCHARGE PROHIBITIONS (SAWMILL)~~

~~1.The discharge of any waste not specifically regulated by this Permit is prohibited.~~

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

~~3. The discharge of domestic waste, treated or untreated, to surface waters is prohibited.~~

~~4. The discharge of wood treatment chemicals or stain control fungicides to surface waters or to groundwater is prohibited.~~

~~5.The discharge of bark, twigs, or branches that will not pass through a one-inch diameter round opening is prohibited.~~

~~6.The discharge of sawdust and wood chips is prohibited.~~

~~7. The discharge of treated process water as described in Finding No. 2b to the South Fork Eel River or its tributaries is prohibited during the period May 15 through September 30 and all other periods when the waste discharge flow is greater than one percent of the receiving water flow. During the period of October 1 through May 14, discharges of wastewater shall not exceed one percent of the flow of the receiving waters.~~

~~B.~~A. DISCHARGE PROHIBITIONS (LANDFILL)

1. The discharge of wastes that are not described in Finding No. 3~~5~~ is prohibited.

2. The discharge of wastes outside of the designated disposal area as described in the Report of Waste Discharge is prohibited.

3. The treatment, storage, or disposal of waste, including leachate, shall not cause a pollution or nuisance as defined in CWC Section 13050 (l) and (m).

4. The P~~p~~ermittees shall not cause the concentration of any Constituent of Concern (COC), any waste constituent(s), reaction product(s), and hazardous constituent(s) that is reasonably expected to be in, or derived from, waste contained in a waste management unit, to exceed its respective concentration limit in any monitored medium. COCs are listed in the Monitoring and Reporting Program associated with this Order. The concentration limit for each monitoring parameter will be set at the background concentration. Data analysis will be performed in accordance with the approved Monitoring and Reporting Program.

5. The discharge of wastes, including leachate, to surface waters, surface water drainage systems, or groundwater is prohibited.

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6. The discharge of wastes within five feet of the highest anticipated elevation of the groundwater surface is prohibited.

7. The discharge of leachate to land which is not controlled by the P~~p~~ermittees is prohibited.

8. The discharge of waste to ponded water from any source is prohibited.

9. Ponding of liquids, including rainfall runoff and leachate, over solid waste disposal cells is prohibited.

10. The discharge of woodwaste to the woodwaste disposal site between October and May is prohibited unless approved, in writing, by the Executive Officer.

~~B.EFFLUENT LIMITATIONS (SAWMILL AND LANDFILL)~~

~~1.The pH shall be not less than 6.5 nor greater than 8.5 when discharging to South Fork Eel River.~~

~~2. 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:~~

~~a. Minimum for any one bioassay: 70% survival~~
~~b. Median for any three or more consecutive bioassays: at least 90% survival~~

~~Compliance with this effluent limitation shall be determined in accordance with General Provision 20.~~

~~D. RECEIVING WATER LIMITATIONS~~

~~1. The waste discharge shall not cause the dissolved oxygen concentration of the receiving waters to be depressed below 7.0 mg/l. In the event that the receiving waters are determined to have dissolved oxygen concentration of less than 7.0 mg/l, the discharge shall not depress the dissolved oxygen concentration below the existing level.~~

~~2. The discharge shall not cause the pH of the receiving waters to be depressed below 6.5 nor raised above 8.5. Within this range, the discharge shall not cause the pH of the receiving waters to be changed at any time more than 0.5 units from that which occurs naturally.~~

~~3. The discharge shall not cause the turbidity of the receiving waters to be increased more than 20 percent above naturally occurring background levels.~~

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~~4. The discharge shall not cause the receiving waters to contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.~~

~~5. The discharge shall not cause the receiving waters to contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, that cause nuisance, or that adversely affect beneficial uses.~~

~~6. The discharge shall not cause coloration of the receiving waters that causes nuisance or adversely affects beneficial uses.~~

~~7. The discharge shall not cause bottom deposits in the receiving waters to the extent that such deposits cause nuisance or adversely affect beneficial uses.~~

~~8. The discharge shall not contain concentrations of biostimulants that promote objectionable aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses of the receiving waters.~~

~~9. The discharge shall not cause the receiving waters to contain toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Compliance with this objective shall be determined according to General Provision 20.~~

~~10. The discharge shall not cause a measurable temperature change in the receiving waters.~~

~~11. 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.~~

~~12. The discharge shall not cause the receiving waters to contain concentrations of pesticides or chemical constituents in excess of the limiting concentrations set forth in Table 3-2 of the Basin Plan.~~

~~13. 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.~~

~~14. 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 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 such more stringent standards.~~

~~E.~~B. SOLIDS DISPOSAL AND HANDLING REQUIREMENTS

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1. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed at a solid waste facility for which waste discharge requirements have been prescribed by a Regional Water Board. For purpose of this provision:

   a. "Woodwaste" includes bark, rock, and/or soil from the surface or perimeter of a log deck.
   b. "Waste Piles" include windrows, fills, or dikes of woodwaste wherein visually identifiable material of woody origin may be found at depths greater than one foot below the surface.
   c. "Waste Storage" occurs whenever a waste pile remains on the property more than 180 days.
   d. "Waste Treatment" includes burning of waste piles.

~~F.~~C. OPERATION REQUIREMENTS (LANDFILL)

1. Leachate removed from the landfill shall be discharged into the clay-lined surface impoundment. The impoundment shall have a minimum of two feet of freeboard at all times. Appropriate moisture content shall be maintained in the surface impoundment to prevent desiccation of the clay liner.

2. Leachate shall not be discharged below ground surface.
~~Leachate may be spray irrigated on inactive disposal cells or for dust control on roads in accordance with the leachate management plan approved by the Executive Officer.~~

3. Leachate removed from the landfill shall not be discharged into the landfill.

4. The Class III Waste Management Unit has an interim cover material designed and constructed to minimize percolation of precipitation through the woodwaste. Interim cover shall consist of clean, earthen material compacted to a minimum thickness of 6 inches and graded to drain away from the active area. Alternative covers, approved by the Executive Officer, are acceptable. Only the active face of the disposal cell shall be left exposed to rainfall. The active face shall not be excessively large for daily waste placement. Inactive areas shall be provided with intermediate cover material which shall consist of clean, earthen material compacted to a minimum thickness of 12 inches and graded to drain.

5. Surface drainage from tributary areas and internal site drainage from surface or subsurface sources shall not contact or percolate through wastes. Drainage ditches shall be located, to the maximum extent practicable, such that they do not cross over landfill areas. Site drainage over landfill areas shall be contained in man-made drainage conveyance structures such as corrugated metal pipe or in drainage ditches which are lined.

6. Waste disposal cells shall be designed and constructed to progress in an orderly and timely manner toward final landfill contours. Final contours of the landfill shall be constructed as shown in the 1989 Report of Waste Discharge, with slight modifications due to design oversights.

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~~G~~D. CONSTRUCTION SPECIFICATIONS (LANDFILL)

1. Precipitation and drainage control systems shall be designed and constructed to limit, to the greatest extent possible, ponding, infiltration, inundation, erosion, slope failure, washout, and overtopping from precipitation conditions of a 100-year, 24-hour storm event.

2. All containment structures shall be designed and constructed under the direct supervision of a California registered civil engineer or certified engineering geologist and shall be certified by that individual as meeting the prescriptive standards and performance goals of Title 27, CCR.

3. Materials used to construct liners or caps shall have appropriate physical and chemical properties to ensure containment of wastes over the operating life, closure, and post-closure maintenance period of the landfill.

4. Clay caps (used in final covers) shall be sloped to promote rapid lateral drainage and shall have a minimum thickness of 12 inches, a maximum permeability of $1x10^{6}$ cm/sec and a minimum relative compaction of 90 percent. In-place permeabilities of caps shall be determined in the field and in the laboratory using techniques approved by the Executive Officer. Construction methods and quality assurance procedures shall be sufficient to ensure that all parts of the cap meet the permeability and compaction requirements.

5. Final cover material to be placed over the landfill shall be designed and constructed to function with minimum maintenance and shall consist, at a minimum, of a two-foot thick foundation layer, overlain by a one-foot thick clay cap, which is overlain by a one-foot thick vegetative soil layer. The foundation layer shall be comprised of clean soil and compacted to a relative compaction of 90 percent. Installation of the final cover shall be under the direct supervision of a California registered civil engineer or certified engineering geologist. Final Construction Quality Assurance reports and as-built drawings shall be submitted to the Regional Water Board within 60 days of installation.

6. Vegetation shall be established immediately upon final closure of a disposal cell. Vegetation shall be selected to require a minimum of irrigation and maintenance and shall have a rooting depth not in excess of the vegetative soil layer thickness.

7. The P~~p~~ermittees shall install a sufficient number of permanent survey monuments on and near the landfill from which the elevation of disposal cells can be determined. Such monuments shall be installed by a licensed land surveyor or registered civil engineer.

~~H~~E. LANDFILL PROVISIONS

1. By September 15, 2002, the ~~p~~Permittees shall submit water quality protection standards for existing monitoring wells.

2. By May 16, 2003, the ~~p~~Permittees shall submit a Preliminary Closure and Post-closure Maintenance Plan to the Regional Water Board. The closure

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plan shall include the planned closure configuration for the landfill, final cover designs, and slope stability plans.

3. Sections 20950(f) and 20380(b), Title 27, CCR require that the Permittees establish a formal financial mechanism to fund Site closure post closure maintenance and known or reasonably foreseeable release from the facility. The financial assurance mechanism shall consist of an established mechanism pursuant to Title 27, CCR, approved by the Executive Officer. The ~~p~~Permittees ~~is~~are required to update approved cost estimates annually to account for inflation. ~~The financial assurance mechanism shall consist of an established mechanism pursuant to Title 27, CCR, approved by the Executive Officer.~~

4. By May 16, 2003, the ~~p~~Permittees shall submit a proposal to provide adequate financial assurance for closure, post-closure maintenance, and corrective action in conformance with existing regulations.

5. The ~~p~~Permittees shall submit construction specifications, installation procedures, and a Construction Quality Assurance plan to the Regional Water Board 45 days prior to commencing construction of the final cover.

6. The ~~p~~Permittees shall notify the Regional Water Board, when two years of adequate capacity remain in the landfill. The ~~p~~Permittees shall submit a revised closure plan and a plan describing future disposal needs and accommodations for the waste.

7. By October 1 of each year, any necessary erosion control measures shall be implemented and any necessary construction, maintenance, or repairs of drainage control facilities shall be completed to prevent erosion or flooding of the site. All disturbed areas (soil borrow areas and inactive disposal cells) shall be seeded with an appropriate grass mixture to minimize erosion. Rainfall runoff from all disturbed areas shall be controlled to minimize sedimentation in surface drainage courses downgradient of the site.

8. If the ~~p~~Permittees determines that a physical release from the waste management unit, as defined in Section 20425 of Title 27, CCR, has occurred, the ~~p~~Permittees shall:

   a. Immediately notify the Regional Water Board staff verbally and take all necessary corrective actions. Written notification should be provided within 7 days of occurrence.

   b. Within 90 days, institute an evaluation monitoring program, in accordance with the Section 20420 and Section 20425, Title 27, CCR.

9. Upon initial determination that there is statistical evidence of a release from the waste management unit, the ~~p~~Permittees:

   a. Shall immediately notify the Regional Water Board staff verbally of the finding and shall provide written notification by certified mail within 7 days. [Section 20420, Title 27, CCR]

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b. Shall immediately initiate the verification procedure to verify that there is statistically significant evidence of a release from the waste management unit. [Section 20420, Title 27, CCR]

10. Results of the verification procedure and initial statistical test shall be reported to the Regional Water Board by certified mail within 7 days of the last laboratory analysis. [Section 20415, Title 27, CCR]

11. If the verification procedure confirms there is statistically significant evidence of a release from the waste management unit, the ~~p~~Permittees shall:

    a. Within 30 days sample all monitoring points in the affected medium and determine the concentration of all constituents of concern. [Section 20420, Title 27, CCR]

    b. Within 90 days submit a revised Report of Waste Discharge proposing an evaluation program meeting provisions of Section 20425, Title 27, CCR.

    c. Within 180 days of verifying statistically significant evidence of a release from a waste management unit, submit an engineering feasibility study for a corrective action program. The corrective action program shall meet the requirements of Section 20430, Title 27, CCR at a minimum.

12. If the ~~p~~Permittees verify~~ies~~ that there has been a statistically significant release from the waste management unit, the ~~p~~Permittees may demonstrate that a source other than the waste management unit caused the evidence of a release or that the evidence is an artifact caused by an error in sampling, analysis, or the data analysis protocol. The ~~p~~Permittees may make a demonstration in addition to or in lieu of submitting an amended Report of Waste Discharge and an engineering feasibility study pursuant to Landfill Provision 7, above. The ~~p~~Permittees ~~is~~are not relieved of the requirements of Landfill Provision 7 above unless the demonstration report is accepted by the Executive Officer. In making a demonstration, the ~~p~~Permittees shall:

    a. Within 7 days of verifying evidence of a release, submit a report to the Regional Water Board by certified mail that the ~~p~~Permittees intends to make a demonstration pursuant to Section 20420, Title 27, CCR.

    b. Within 90 days of verifying evidence of a release, submit a report to the Regional Water Board that demonstrates that a source other than the waste management unit caused the apparent release.

    c. Within 90 days of verifying evidence of a release, submit an amended report of waste discharge to make any appropriate changes to the detection monitoring program.

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13. The ~~p~~Permittees shall notify the Regional Water Board by telephone immediately upon learning of any flooding, equipment failure, slope failure, or other change in site conditions which could impair the integrity of waste or leachate containment facilities or the precipitation and drainage control structures. Confirmation shall follow in writing within two weeks of the telephone notification.

14. The ~~p~~Permittees shall remove and relocate any wastes discharged at this site in violation of this Order.

15. The ~~p~~Permittees shall maintain a copy of this Order at the site so as to be available at all times to site operating personnel, who shall be familiar with its contents.

16. The ~~p~~Permittees shall comply with all relevant provisions of Title 27, CCR that are not specifically referred to in this Order.

17. The Regional Water Board considers the property owner to have a continuing responsibility for correcting any problems which may arise in the future as a result of this waste discharge or water applied to this property during subsequent use of the land for other purposes.

18. The ~~p~~Permittees shall comply with all notice and reporting requirements of the State Department of Water Resources with regard to the construction, alteration, destruction, or abandonment of all monitoring wells used for compliance with this Order or with Monitoring and Reporting Program No. R1-2002-0031 as required by Section 13750 and 13755 of the California Water Code.

~~I~~F. GENERAL PROVISIONS

~~1.Duty to Reapply~~

~~This Permit expires on May 16, 2007. If the permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the permittee shall apply for and obtain a new Permit. The application, including a report of waste discharge in accordance with Title 23, California Code of Regulations, shall be received by the Regional Water Board no later than November 16, 2006. [40 CFR 122.41(b)]~~

~~The Regional Administrator of the U.S. EPA may grant permission to submit an application at a later date prior to the Permit expiration date; and the Regional Administrator of the U.S. EPA may grant permission to submit the information required by paragraphs (g)(7), (9), and (10) of 40 CFR 122.21 after the Permit expiration date. [40 CFR 122.21(d)(2)]~~

~~2.~~1. Duty to Comply

The ~~p~~Permittees shall comply with all conditions of this Permit. Any Permit noncompliance constitutes a violation of the ~~CWA and the~~ Porter-Cologne Water Quality Control Act and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification;

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or denial of a Permit renewal application. ~~[40 CFR 122.41(a)]~~

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

~~3.~~2. Enforcement

The[kvg1] Porter-Cologne Water Quality Control Act ~~CWA~~ provides that any person who violates a Permit condition ~~implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA~~ is subject to a civil penalty assessed ~~not to exceed $25,000~~ per day of violation. ~~Any person who negligently violates Permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment of not more than one year, or both. Higher penalties may be imposed for knowing violations and for repeat offenders. The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided under the CWA. [40 CFR 122.41 (a)(2)]~~

~~4.~~3. Duty to Mitigate

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

~~5.~~4. Proper Operation and Maintenance

The ~~p~~Permittees 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 ~~p~~Permittees to achieve compliance with this Permit. Proper operation and maintenance includes adequate laboratory control and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a ~~p~~Permittees only when necessary to achieve compliance with the conditions of this Permit. ~~[40 CFR 122.41(e)]~~

~~6.~~5. Permit Actions

This Permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

a. Violation of any terms or conditions of this Permit; or

b. Obtaining this Permit by misrepresentation or failure to disclose fully all relevant facts; or

c. A change in any condition that requires either a temporary or a permanent reduction or elimination of the authorized discharge; or

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d. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by Permit modification or termination.

~~If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the CWA for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this Permit, this Permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the permittee so notified. [40 CFR 122.44(b)]~~

The filing of a request by the ~~p~~Permittees for a Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any Permit condition. ~~[40 CFR 122.41(f)]~~

6. Property Rights

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

~~8.~~7. Duty to Provide Information

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

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

~~9.~~8. Inspection and Entry

The ~~p~~Permittees shall allow the Regional Water Board or~~,~~ State Water Board~~, U.S. EPA,~~ and/or other authorized representatives, upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the ~~p~~Permittee~~'s~~' premises where a regulated facility or activity is located or conducted, or where records are required to be kept under the conditions of this Permit;

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~~b.~~Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of this Permit;

b.

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by the CWA, any substances or parameters at any locations. ~~[40 CFR 122.41(i)]~~

~~10.~~9. Monitoring and Records

a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

b. The ~~p~~Permittees shall calibrate and perform maintenance procedures in accordance with manufacturer's specifications on all monitoring instruments and equipment to ensure accurate measurements. The ~~p~~Permittees shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Water Board, State Water Board, or U.S. EPA at any time. All monitoring instruments and devices used by the ~~p~~Permittees to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary, at least annually to ensure their continued accuracy.

c. Records of monitoring information shall include:

i. The date, exact place, and time of sampling or measurements;
ii. The individual(s) who performed the sampling or measurements;
iii. The date(s) analyses were performed;
iv. The individual(s) who performed the analyses;
v. The analytical techniques or methods used;
vi. The results of such analyses;
vii. The method detection limit (MDL); and
viii. The practical quantitation level (PQL) or the limit of quantitation (LOQ).

d. Unless otherwise noted, all sampling and sample preservation shall be in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association). All analyses shall be conducted according to test procedures under 40 CFR Part 136, unless other test

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procedures have been specified in this Permit or approved by the Executive Officer of the Regional Water Board (Executive Officer). Unless otherwise specified, all metals shall be reported as total metals. ~~Test fish for bioassays and test temperatures shall be specified by the Executive Officer. Bioassays shall be performed in accordance with guidelines approved by the Regional Water Board and the Department of Fish and Game.~~

~~11.~~10. Signatory Requirements

a. All Permit applications submitted to the Regional Water Board or~~,~~ State Water Board~~, and/or U.S. EPA~~ shall be signed by a general partner or the proprietor, the chief executive officer of the agency or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency, or a responsible corporate officer. For purposes of this provision, a responsible corporate officer means:

   i. A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
   ii. The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. Reports required by this Permit, other information requested by the Regional Water Board or~~,~~ State Water Board~~, or U.S. EPA, and Permit applications submitted for Group II storm water discharges under 40 CFR 122.26(b)(3)~~ may be signed by a duly authorized representative provided:

   i. The authorization is made in writing by a person described in paragraph (a) of this provision;
   ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
   iii. The written authorization is submitted to the Regional Water Board prior to, or together with, any reports, information, or applications signed by the authorized representative. ~~[40 CFR 122.22(b)(c)]~~

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

   "I certify under penalty of law that this document and all attachments

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

~~12.~~11. Reporting Requirements

a. Planned changes: The ~~p~~Permittees shall give notice to the Regional Water Board as soon as possible of any planned physical alteration or additions to the permitted facility. ~~Notice is required under this provision only when:~~

~~i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or~~
~~ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the Permit, nor the notification requirements under General Provision 12 (g).~~

b. Anticipated noncompliance: The ~~p~~Permittees shall give advance notice to the Regional Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with Permit requirements.

c. Transfers: This Permit is not transferable.

d. Monitoring reports: Monitoring results shall be reported to the Regional Water Board at the intervals specified in the self-monitoring program. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year. In addition, the ~~p~~Permittees shall discuss the compliance record and the corrective actions taken or planned that may be needed to bring the discharge into full compliance with the Permit. If the ~~p~~Permittees monitor~~s~~ any pollutant more frequently than required by this Permit, using test procedures approved under 40 CFR Part 136 or as specified in this Permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the ~~D~~SMR.

e. Compliance schedules: Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit shall be submitted such that they are received by the Regional Water Board via fax, e-mail, or postal service no later than 14 days following each schedule date.

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f. Noncompliance reporting: The ~~p~~Permittees shall report any noncompliance at the time monitoring reports are submitted. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance.

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

~~i.Any unanticipated bypass that violates any prohibition or exceeds any effluent limitation in this Permit;~~
~~ii.Any upset that exceeds any effluent limitation in this Permit; and~~
~~iii.~~i. Any noncompliance that may endanger health or the environment. ~~This shall include, but not be limited to, any release of untreated wastewater from the collection system that reaches, or has the potential to reach, surface waters or any release of untreated wastewater greater than 5 gallons to land.~~

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

g. Other information: Where the ~~p~~Permittees become~~s~~ aware that ~~it~~they failed to submit any relevant facts in a Permit application, or submitted incorrect information in a Permit application or in any report to the Regional Water Board, the ~~p~~Permittees shall promptly submit such facts or information. ~~[40 CFR 122.41(1)]~~

~~12.Bypass~~

~~a.Definitions:~~

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

~~b.Bypass not exceeding limitations: The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance or in accordance with~~

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~~an operating plan approved by the Executive Officer to assure efficient operation. These bypasses are not subject to the provisions of parts c and d of this provision.~~

~~c.Notice~~

~~i.Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.~~

~~ii.Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in General Provision 12(f)(i) of this permit.~~

~~d.Prohibition of bypass~~

~~i.Bypass is prohibited, and the Regional Water Board may take enforcement action against a permittee for bypass, unless:~~

~~(1)Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;~~

~~(2)There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and~~

~~(3)The permittee submitted notices as required under part c of this provision.~~

~~ii.The Executive Officer may approve an anticipated bypass, after considering its adverse effects, if the Executive Officer determines that it will meet the three conditions listed in part (d)(i) of this provision.~~

~~13.Upset~~

~~a.Definition. Upset [as defined in 40 CFR 122.41(n)] is an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.~~

~~b.Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of part c of this provision are met. No determination made during administrative review of claims that noncompliance was caused by upset, and~~

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~~before an action for noncompliance, is final administrative action subject to judicial review.~~

~~c.Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:~~

~~i.An upset occurred and that the permittee can identify the cause(s) of the upset;~~
~~ii.The permitted facility was at the time being properly operated;~~
~~iii.The permittee submitted notice of the upset as required by General Provision 12(f)(ii) of this permit; and~~
~~iv.The permittee complied with any remedial measures required under part d of this provision.~~

~~d.Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.~~

~~14.Existing Manufacturing, Commercial, Mining, and Silvicultural permittees~~

~~All existing manufacturing, commercial, mining, and silvicultural permittees shall notify the Regional Water Board as soon as they know or have reason to believe 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 Permit, if that discharge will exceed one hundred micrograms per liter (100 ug/l). [40 CFR 122.42(a)(2)]~~

~~16.~~12. Availability

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

~~17.~~13. Change in Discharge

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

a. Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the waste.

~~b.Any new introduction of pollutants into the WWTF from an indirect discharger that would be subject to Section 301or 306 of the CWA if it were directly discharging those pollutants;~~

~~c.~~b. Significant change in disposal method, e.g., change from a land disposal to a direct discharge to water, or change in the method of

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treatment that would significantly alter the characteristics of the waste.

~~d.~~c. Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area significantly removed from the original area, potentially causing different water quality or nuisance problems.

~~e.~~d. Increase in area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. [CCR Title 23 Section 2210]

~~18.~~14. Severability

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

~~19.~~15. Monitoring

The Regional Water Board or State Water Board may require the ~~p~~Permittees to establish and maintain records, make reports, install, use, and maintain monitoring equipment or methods (including, where appropriate, biological monitoring methods), sample effluent as prescribed, and provide other information as may be reasonably required. [CWC Section 13267 and 13383].

The ~~p~~Permittees shall~~)~~ comply with the Contingency Planning and Notification Requirements Order No. 74-151 and the Monitoring and Reporting Program No. R1-2002-0031 and any modifications to these documents as specified by the Executive Officer. Such documents are attached to this Permit and incorporated herein. The ~~p~~Permittees shall file with the Regional Water Board technical reports on self-monitoring work performed according to the detailed specifications contained in any monitoring and reporting program as directed by the Regional Water Board.

Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. In the event that analyses for certain constituents by a certified laboratory is infeasible, analyses by a noncertified laboratory may be approved by the Executive Officer. Conditions that must be met for Executive Officer approval include: a quality assurance/quality control program conforming to U.S. EPA or State Department of Health Services guidelines is instituted by the laboratory, and a manual containing the steps followed in this program is kept in the laboratory and made available for review by staff of the Regional Water Board. All Discharge Monitoring Reports shall be sent to:

California Regional Water Quality Control Board
North Coast Region
5550 Skylane Boulevard, Suite A

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Santa Rosa, CA 95403

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

~~19.Acute Toxicity Control Provision~~

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

~~a.Testing procedures specified in *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms* (U.S. EPA Report No. EPA 600/4-90-027F, 4th edition or subsequent editions), or other methods approved by the Executive Officer, shall be used.~~

~~b. If the result of any single acute toxicity test is less than 70% survival, the permittee shall take two more samples, one within 14 days, and one within 21 days of receiving the sample results. If two of the three samples do not comply with the acute toxicity effluent limitation, the permittee shall initiate a Toxicity Identification Evaluation (TIE) in accordance with General Provision 22. If the two additional samples are in compliance with the acute toxicity effluent limitation, then a TIE will not be required. If the discharge has ceased before the additional samples could be collected, the permittee shall contact the Executive Officer within 21 days with a plan to demonstrate compliance with the acute toxicity effluent limitation.~~

~~20.Chronic Toxicity Control Provision~~

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

~~a.Testing procedures specified in Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms (U.S. EPA Report, EPA/600/4-91/003, 2nd Edition, July 1994 or subsequent editions), Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms (U.S. EPA Report No. EPA-600-4-91-002, 3rd or subsequent editions), or other methods approved by the Executive Officer, shall be used.~~

~~b.If the result of any single chronic toxicity test does not comply with the chronic toxicity effluent limitation, the permittee shall take two more samples, one within 14 days, and one within 21 days of receiving the sample results. If two of the three samples do not comply with the chronic toxicity limitation, the permittee shall initiate a Toxicity Identification Evaluation (TIE) in accordance with General Provision 22. If the two additional samples are in compliance with the chronic toxicity requirement, then a TIE will not be required. If the~~

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~~discharge has ceased before the additional samples could be collected, the permittee shall contact the Executive Officer within 21 days with a plan to demonstrate compliance with the chronic toxicity effluent limitation.~~

~~c.Chronic Toxicity Screening Phase Requirements~~

~~i.The permittee shall perform screening phase monitoring at the start of its chronic toxicity monitoring program.~~

~~ii.Design of the screening phase shall, at a minimum, consist of the following elements:~~

~~(1)At least three test species with approved test protocols shall be used to measure compliance with the toxicity objective;~~

~~(2)If possible, the test species shall include a vertebrate, an invertebrate, and an aquatic plant;~~

~~(3)Use of test species specified in Tables 5 of the SIP and the list in Appendix II of the 1997 Ocean Plan, and use of the protocols referenced therein, or as approved by the Executive Officer;~~

~~(4)Appropriate controls; and~~

~~(5)Concurrent reference toxicant tests.~~

~~iii.After conducting the screening phase, the permittee may petition the Executive Officer to reduce the required testing to the most sensitive specie(s).~~

~~21.Toxicity Identification and Source Reduction Evaluations for Acute and Chronic Toxicity~~

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

~~23.~~16. Pollutant Minimization Program

The ~~p~~Permittees shall, as required by the Executive Officer, conduct a Pollutant Minimization Program in accordance with the SIP when there is evidence that the priority pollutant is present in the effluent above an effluent limitation, when a sample result is reported as detected and not quantified and the effluent limitation is less than the reported minimum

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level, or when a sample result is reported as not detected and the effluent limitation is less than the method detection limit.

~~23.Priority Pollutant Study~~

~~The discharge may contain constituents that have a reasonable potential to cause or contribute to an exceedance of NTR, CTR, water quality objectives, or supplemental constituents that could exceed Basin Plan numeric or narrative water quality objectives. The constituents are specifically listed in a 13267(b) Order for submission of a technical report issued by the Executive Officer on April 27, 2001. The permittee shall comply with the time schedule from the 13267(b) Order, which is summarized below:~~

~~Task~~	~~Compliance Date~~
~~Submit Sampling Plan for Priority Pollutant and Dioxin Studies~~	~~September 28, 2001 *(Completed)*~~
~~Submit data gathered from priority pollutant study~~	~~April 28, 2003~~
~~Submit data gathered from dioxin study~~	~~April 28, 2004~~

~~This Provision is intended to be consistent with the requirements of the13267(b) Order. The Permittee shall submit to the Executive Officer on or before each compliance due date, the specified document or a written report detailing compliance or noncompliance with the specific date and task. If noncompliance is reported, the permittee shall state the reasons for noncompliance and include an estimate of the date when the permittee will be in compliance. The permittee shall notify the Executive Officer by letter when it returns to compliance with the time schedule.~~

~~25.~~17. Reopener

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

In the event that the Regional Water Board's interpretation of the narrative toxicity objective is modified or invalidated by a State Water Board order, a court decision, or State or Federal statute or regulation, the effluent limitations for toxic pollutants contained in this Order may be revised to be consistent with the order, decision, statute or regulation.

In addition, the Regional Water Board may consider revising this Permit to make it consistent with the SIP and any State Water Board decisions arising from various petitions for rehearing, and litigation concerning the SIP, 303(d) list, and total maximum daily load (TMDL) program.

The Regional Water Board shall notice a reconsideration of this permit within 60 days of the date of the final judgment by the San Francisco Superior Court in Water Keepers Northern California, et al., Case No. 312513, for the purpose of modifying the permit to make it consistent with

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the judgment of the Court in this matter where any term, limitation, or provision is inconsistent with the judgment. The permit will be modified within the time period established by the Court in this matter.

Certification

I, ~~Susan A. Warner~~Catherine Kuhlman, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on May 5, 2011~~16, 2002~~.

~~Susan A. Warner~~Catherine Kuhlman
Executive Officer

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