

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION

ORDER NO. R1-2009-0090
WDID. No. 1A03126RDN

WASTE DISCHARGE REQUIREMENTS

FOR

SMITH RIVER RANCHERIA
WASTEWATER TREATMENT FACILITY

Del Norte County

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

1. The Smith River Rancheria (hereinafter Discharger) owns and operates a wastewater treatment facility (WWTF), which provides wastewater treatment and disposal for Rancheria property in Smith River, Del Norte County. The WWTF is located adjacent to Highway 101 and north of North Indian Road at longitude 41°57'30.35"N latitude 124°12'13.37"W. The leachfield parcel is located between Highway 101 and Ocean View Drive, approximately 2 miles north of the WWTF at longitude 41°59'02.83"N latitude 124°11'59.74"W, as shown in Attachment A, incorporated herein and made part of this Order.
2. The Discharger has developed the WWTF after several attempts to resolve wastewater treatment and disposal issues on the Rancheria. The WWTF consists of headworks, flow equalization basin and a membrane biological reactor which will produce tertiary treated wastewater with advanced treatment for nutrient removal. A schematic of the proposed WWTF is shown in Attachment B, a part of this Order.
3. The Discharger is currently governed by Waste Discharge Requirements (WDRs) Order No. 97-10-DWQ and Monitoring and Reporting Program No. R1-2003-0122 (Revised) adopted by the Executive Officer on August 16, 2004.
4. For the purposes of this Order, the term "wastewater treatment facility" shall mean the sewage collection and conveyance systems, the wastewater treatment system, wastewater pump stations, and the effluent disposal system.
5. The Discharger submitted a Report of Waste Discharge (ROWD) on February 19, 2008. The Discharger submitted additional information to complete the ROWD, and the ROWD was deemed complete on March 13, 2009.

Wastewater Collection and Treatment System

6. The Discharger provides sewer service for domestic and commercial users within the Rancheria. The WWTF is designed for an average daily dry weather flow (ADWF) of 58,000 gallons per day (gpd). The current average dry weather flow is approximately 2,000 gpd.
7. The wastewater collection system will collect wastewater from the tribal facilities including the: casino, restaurant, hotel, mini-mart, water treatment filters, community center, health center and tribal housing. The Discharger is responsible for operation and maintenance of the wastewater collection system.
8. The Discharger will maintain backup power at the WWTF and lift stations for emergency operations and for prolonged power outages.
9. On May 2, 2006, the State Water Resources Control Board (State Water Board) adopted State Water Board Order 2006-0003-DWQ, Statewide General WDRs for Sanitary Sewer Systems. The Discharger must enroll under the General WDRs.
10. The facility lies within the Smith River Hydrologic Unit Area No. 103.00 (Rowdy Creek Hydrologic Subarea- 103.12), as depicted on interagency hydrologic maps prepared by the Department of Water Resources in August 1986.

Basin Plan, Beneficial Uses and Regulatory Considerations

11. The Water Quality Control Plan for the North Coast Region (Basin Plan) contains implementation plans and policies for protecting waters of the basin, and incorporates by reference plans and policies adopted by the State Water Board. Pursuant to Water Code section 13263(a), waste discharge requirements must implement the Basin Plan.
12. Surface water drainage from the Smith River Rancheria and the WWTF is to Gilbert Creek and the Pacific Ocean, in the Smith River Hydrologic Unit. The existing and potential beneficial uses of the Smith River Hydrologic Unit include:
 - a. municipal and domestic supply (MUN)
 - b. agricultural supply (AGR)
 - c. industrial service supply (IND)
 - d. process water supply (PRO)
 - e. freshwater replenishment (FRSH)
 - f. navigation (NAV)
 - g. hydropower generation (POW)
 - h. water contact recreation (REC-1)
 - i. non-contact water recreation (REC-2)
 - j. commercial and sport fishing (COMM)
 - k. cold freshwater habitat (COLD)
 - l. wildlife habitat (WILD)
 - m. rare, threatened, or endangered species (RARE)

- n. migration of aquatic organisms (MIGR)
 - o. spawning, reproduction, and/or development (SPWN)
 - p. estuarine (EST)
 - q. aquaculture (AQUA)
 - r. native american culture (CUL)
13. Beneficial uses of areal groundwaters include:
- a. municipal and domestic water supply (MUN)
 - b. agricultural water supply (AGR)
 - c. industrial water supply (IND)
 - d. process water supply (PRO)
 - e. freshwater replenishment to surface waters (FRSH)
14. The Basin Plan identifies numerical water quality objectives for waters designated as municipal supply. Waters designated for use as domestic or municipal supply shall not contain concentrations of chemical constituents in excess of the limits specified in California Code of Regulations, title 22, sections 64435 (Tables 2 and 3) and 64444.5 (Table 5), and listed in Table 3-2 of the Basin Plan. The Basin Plan's incorporation of these provisions by reference is prospective, and includes future changes to the incorporated provisions as the changes take effect.
15. The Basin Plan contains narrative water quality objectives for chemical constituents, tastes and odors, and toxicity. The chemical constituent objective requires that groundwater shall not contain chemical constituents in concentrations that adversely affect beneficial uses. The tastes and odors objective requires that groundwater shall not contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, or that cause nuisance or adversely affect beneficial uses. The toxicity objective requires that groundwater be maintained free of toxic substances in concentrations that produce detrimental physiological responses in humans, plants or animals.
16. As required by Water Code section 13263, these WDRs are crafted to implement the Basin Plan, and in so doing, the Regional Water Board has taken into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other (including previous) waste discharges, the need to prevent nuisance, and considerations of the provisions of Water Code section 13241.
17. A mitigated negative declaration was prepared and certified by the Del Norte County Planning Department on November 23, 2007, to satisfy the requirements of the California Environmental Quality Act (Pub. Resources Code section 21000 et. seq.).

18. State Water Resources Control Board (State Water Board) Resolution No. 68-16 (hereafter Resolution 68-16 or the "Antidegradation Policy") requires the Regional Water Board, in regulating the discharge of waste, to maintain high quality waters of the state until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in the Regional Water Board's policies (e.g., quality that exceeds water quality objectives). The permitted discharge is consistent with Resolution 68-16. The discharge of tertiary treated wastewater with advanced treatment for nutrient removal is anticipated to meet water quality objectives.
19. Water Code section 13267 allows the regional board to require dischargers to furnish, under penalty of perjury, technical or monitoring program reports. The attached Monitoring and Reporting Program is issued pursuant to Water Code section 13267, and is necessary to assure compliance with these waste discharge requirements. The burden, including costs, of these reports bears a reasonable relationship to the need for the report and the benefits to be obtained from the reports.

Storm Water Management

20. The USEPA, on 16 November 1990, promulgated storm water regulations (40 Code of Federal Regulations, Parts 122, 123, and 124) that require specific categories of industrial facilities which discharge storm water to obtain NPDES permits and to implement Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology to reduce or eliminate industrial storm water pollution.
21. The WWTF does not have storm water discharges to surface waters. Storm water falling within the confines of the WWTF is retained within the WWTF and allowed to percolate in place. Storm water run-on from surrounding areas is diverted around the WWTF.

Reporting and Public Noticing

22. The attached Monitoring and Reporting Program No. R1-2009-0090, and Attachments A and B are part of this Order. The Executive Officer of the Regional Water Board retains discretion to modify the Monitoring and Reporting Program.
23. The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for this discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

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

THEREFORE, IT IS HEREBY ORDERED that Waste Discharge Requirements Order No. 97-10-DWQ is rescinded, and the Discharger, in order to meet the provisions contained in Division 7 of the Water Code and regulations adopted thereunder, shall comply with the following:

A. DISCHARGE PROHIBITIONS

1. The discharge of any waste not disclosed by the Discharger or not within the reasonable contemplation of the Regional Water Board is prohibited.
2. Creation of a pollution, contamination, or nuisance, as defined by Water Code section 13050, is prohibited.
3. The discharge of sludge is prohibited, except as authorized under Section E. (Solids Disposal and Handling).
4. The discharge or reclamation of untreated or partially treated waste from anywhere within the collection, treatment, or disposal facility is prohibited, except as provided for in Prohibition A.5.
5. Any sanitary sewer overflow (SSO) that results in a discharge of untreated or partially treated wastewater to (a) waters of the State, (b) groundwater, or (c) land, and that creates a pollution, contamination, or nuisance as defined in Water Code section 13050, subdivision (m) is prohibited.
6. The discharge into the WWTF of hazardous wastes,¹ including any flammable, explosive, or corrosive wastes is prohibited.
7. The discharge of grease trap wastes into the WWTF is prohibited.
8. The average daily dry weather flow of waste into the WWTF in excess of 0.058 million gallons per day (mgd), as determined from the lowest consecutive 30-day mean daily flow from May 1 to November 30 is prohibited.
9. The discharge of liquid or solid waste other than municipal wastewater into the WWTF is prohibited.

B. EFFLUENT LIMITATIONS

¹ "Hazardous waste" is defined under California Code of Regulations, Article 1, title 22, section 66261.3 et seq..

1. Representative samples of the wastewater discharged to the leachfield shall not contain constituents in excess of the following limits:

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<u>Constituent</u>	<u>Units</u>	<u>Monthly Average</u> ²	<u>Daily Maximum</u> ³
BOD (20° C, 5-day)	mg/L	10	20
Suspended Solids	mg/L	10	20
pH	pH units	6.0-9.0	6.0-9.0
Nitrate (as N)	mg/L	10	10

C. DISCHARGE SPECIFICATIONS

1. Disposal of treated effluent shall be confined to the disposal areas as defined in this Order.
2. No waste constituent shall be released or discharged, or placed where it will be released or discharged, in a concentration or in a mass that causes violation of the Basin Plan's water quality objectives for groundwaters.
3. Objectionable odor originating at the facility shall not be perceivable beyond the limits of the wastewater treatment and disposal areas.
4. Public contact with wastewater shall be precluded or controlled through such means as fences and signs, or acceptable alternatives.
5. The Discharger shall operate all systems and equipment to maximize treatment of wastewater and optimize the quality of the discharge.
6. The WWTF shall have sufficient treatment, storage, and disposal capacity to accommodate allowable wastewater flow (0.058 mgd), design seasonal precipitation, and ancillary infiltration and inflow during the winter months. Design seasonal precipitation shall be based on total annual precipitation using a return period of 100 years, distributed monthly in accordance with historical rainfall patterns.

D. GROUNDWATER LIMITATIONS

1. The collection, storage, and disposal of wastewater shall not cause or contribute to a statistically significant degradation of groundwater quality.
2. The collection, storage, and disposal of wastewater shall not cause groundwater to contain taste- or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses.

² 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.

³ The maximum sample of all samples collected in a calendar day.

E. SOLIDS HANDLING AND DISPOSAL

1. Sludge, as used in this document, means the solid, semisolid, and liquid residues removed during primary, secondary, or advanced wastewater treatment processes. Solid waste refers to grit and screenings generated during preliminary treatment. Residual sludge means sludge that will not be subject to further treatment at the WWTF. Biosolids refers to sludge that has been treated and tested and shown to be capable of being beneficially and legally used pursuant to federal and state regulations as a soil amendment for agriculture, silviculture, horticulture, and land reclamation activities.
2. Sludge and solid waste shall be removed from screens, sumps, ponds, and tanks as needed to ensure optimal plant operation.
3. Treatment and storage of sludge generated by the WWTF shall be confined to the WWTF property, and shall be conducted in a manner that precludes infiltration of waste constituents into soils at concentrations that will violate the Basin Plan's water quality objectives for groundwaters.
4. Any storage of residual sludge, solid waste, and biosolids at the WWTF shall be temporary, and the waste shall be controlled and contained in a manner that minimizes leachate formation and precludes infiltration of waste constituents into soils at concentrations that will violate the Basin Plan's water quality objectives for groundwaters.
5. Residual sludge, biosolids, and solid waste shall be disposed of in a manner approved by the Executive Officer and consistent with title 27 of the California Code of Regulations. Removal for further treatment, disposal, or reuse at disposal sites (i.e., landfills, WWTFs, composting sites, soil amendment sites) operated in accordance with valid waste discharge requirements issued by a regional water quality control board will satisfy this specification.
6. Use of biosolids as a soil amendment shall comply with valid waste discharge requirements issued by a regional water quality control board. In most cases, this will mean the General Biosolids Order (State Water Resources Control Board Water Quality Order No. 2000-10-DWQ, General Waste Discharge Requirements for the Discharge of Biosolids to Land for Use as a Soil Amendment in Agricultural, Silvicultural, Horticultural, and Land Reclamation Activities). For a biosolids use project to be covered by the General Biosolids Order, the Discharger must file a complete Notice of Intent and receive a Notice of Applicability for each project.
7. Use and disposal of biosolids shall comply with the self-implementing federal regulations under title 40 of the Code of Federal Regulations (CFR), section 503, which are subject to enforcement by the USEPA, not the Regional Water

Board. If during the life of this Order, the State accepts primacy for implementation of 40 CFR 503, then the Regional Water Board may also initiate enforcement where appropriate.

F. GENERAL PROVISIONS

1. Availability

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

2. Enforcement

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

3. 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.

4. Sanitary Sewer Overflows

- a. The Discharger shall comply with the requirements of State Water Board Order 2006-0003-DWQ and any future revisions thereto.
- b. In addition to SSO reporting requirements in State Water Board Order 2006-0003-DWQ, the Discharger shall report SSOs orally⁴ to the Regional Water Board staff in accordance with the following:
 - i. SSOs in excess of 1,000 gallons or any SSO that results in sewage reaching surface water, or if it is likely that more than 1,000 gallons has escaped the collection system, shall be reported immediately by telephone.
 - ii. SSOs that result in a sewage spill between 5 and 1,000 gallons that does not reach a waterway shall be reported by telephone within 24 hours.
 - iii. Information to be provided verbally includes:

⁴ Oral reporting means direct contact with a Regional Water Board staff person. The oral report may be given in person or by telephone. After business hours, oral contact must be made by calling the State Office of Emergency Services at (800) 852-7550 or the Regional Water Board spill officer at (707) 576-2220.

- a. Name and contact information of caller
- b. Date, time and location of SSO occurrence
- c. Estimates of spill volume, rate of flow, and spill duration
- d. Surface water bodies impacted, if any
- e. Cause of spill
- f. Cleanup actions taken or repairs made
- g. Responding agencies.

5. Operation and Maintenance

The Discharger 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 Discharger to achieve compliance with this Order. 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 Discharger only when necessary to achieve compliance with the conditions of this Order.

The Discharger shall maintain records of maintenance, monitoring and operation which verify compliance with permit provisions for a minimum of 3 years.

The Discharger shall submit to the Regional Water Board by December 31, 2009 an Operation and Maintenance Manual (O&M Manual) that it has developed for the facility. The Discharger shall update the O&M Manual, as necessary, to conform with changes in operation and maintenance of the WWTF. The O&M Manual shall be readily available to operating personnel on-site. The O&M Manual shall include the following:

- a. Description of the treatment plant table of organization showing the number of employees, duties and qualifications and plant attendance schedules (daily, weekends and holidays, part-time, etc.). The description should include documentation that the personnel are knowledgeable and qualified to operate the treatment facility so as to achieve the required level of treatment at all times.
- b. Detailed description of operation, maintenance and inspection of force mains, treatment processes, process control instrumentation and equipment.
- c. Description of laboratory and quality assurance procedures.

- d. Description of safeguards to assure that, should there be reduction, loss, or failure of electric power, the Discharger will be able to comply with requirements of this Order.
- e. Description of preventive (fail-safe) and contingency (response and cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events. These plans shall identify the possible sources (such as loading and storage areas, power outage, waste treatment unit failure, process equipment failure, tank and piping failure) of accidental discharges, untreated or partially treated waste bypass, and polluted drainage.

6. Change in Discharge

The Discharger shall promptly report to the Regional Water Board any material change in the character, location, or volume of the discharge. Any material change in the project must receive approval by the Regional Water Board.

7. 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 Discharger, the Discharger shall notify the succeeding owner or operator of the following items by letter, a copy of which shall be forwarded to the Regional Water Board:

- a. existence of this Order, and
- b. the status of the Dischargers' annual fee account.

8. 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 Discharger from liability under federal, state, or local laws, nor create a vested right for the Discharger to continue the waste discharge.

The Regional Water Board may modify or revoke this Order if monitoring results indicate that continued operation of the WWTF would violate water quality objectives or impair beneficial uses. The Regional Water Board may revoke, add to, or modify the requirements of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

9. Monitoring

The Discharger shall comply with the Monitoring and Reporting Program and any modifications to these documents as specified by the Executive Officer. Such documents are attached to this Order and incorporated herein. Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services and shall conform to State Department of Health Services guidelines.

10. Signatory Requirements

- a. All permit applications submitted to the Regional Water Board or State Water Board shall be signed by a principal Executive Officer, ranking elected official, or responsible corporate officer.
- b. Reports required by this Order, other information requested by the Regional Water Board, 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.
- c. Any person signing a document under paragraph (a) or (b) of this provision shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted, is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there

are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

11. Inspections

The Discharger shall permit authorized staff of the Regional Water Board to:

- a. enter premises in which an effluent source is located or in which any required records are kept;
- b. access for copying any records required to be kept under terms and conditions of this Order; and
- c. inspect monitoring equipment or records; and
- d. sample any discharge.

12. Noncompliance

In the event the Discharger is unable to comply with any of the conditions of this Order due to:

- a. breakdown of waste treatment equipment;
- b. accidents caused by human error or negligence; or
- c. other causes such as acts of nature;

the Discharger shall notify the Executive Officer by telephone as soon as it or its agents have knowledge of the incident and confirm this notification in writing within two weeks 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.

13. Revision of Requirements

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

14. Operator Certification

Supervisors and operators of municipal wastewater treatment plants shall possess a certificate of appropriate grade in accordance with title 23, California Code of Regulations, section 3680. The State Water Board may accept experience in lieu of qualification training. In lieu of a properly certified wastewater treatment plant operator, the State Water Board may approve use of a water treatment plant operator of appropriate grade certified by the State Department of Health Services where water reclamation is involved.

15. Adequate Capacity

Whenever a wastewater treatment plant will reach design capacity within four years, the Discharger shall notify the Regional Water Board. A copy of such notification shall be sent to appropriate local elected officials, local permitting agencies, and the press. Factors to be evaluated in assessing reserve capacity shall include, at a minimum; (1) comparison of the wet weather design flow with the highest daily flow; and (2) comparison of the average dry weather design flow with the lowest monthly flow. The Discharger shall demonstrate that adequate steps are being taken to address the capacity problem. The Discharger shall submit a technical report to the Regional Water Board showing how flow volumes will be prevented from exceeding capacity, or how capacity will be increased, within 120 days after providing notification to the Regional Water Board, or within 120 days after receipt of Regional Water Board notification that the treatment works will reach capacity within four years. The time for filing the required technical report may be extended by the Regional Water Board. An extension of 30 days may be granted by the Executive Officer, and longer extensions may be granted by the Regional Water Board itself.

Certification

I, 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 October 29, 2009.

Catherine Kuhlman
Executive Officer