

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

**DRAFT
ORDER No. R1-2016-0002**

**GENERAL WASTE DISCHARGE REQUIREMENTS
FOR
DISCHARGES OF WINE, BEVERAGE AND FOOD PROCESSOR WASTE TO LAND
IN THE NORTH COAST REGION**

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

1. Order No. R1-2016-0002 serves as General Waste Discharge Requirements (hereafter General WDRs or Order) for eligible wine, beverage and food processing facilities in the North Coast Region that meet the requirements established in this Order.
2. For purposes of this Order, the types of wine, beverage and food (WBF) processing facilities that are eligible to apply for coverage under this Order include wineries, breweries, cider houses, non-alcoholic beverage producers, distilleries, post-slaughter cut and wrap meat processing facilities, fruit and vegetable processors, and dairy product manufacturers.
3. Discharges to land from such eligible WBF processing facilities have certain common characteristics, such as similar constituents, concentrations of constituents, flow ranges, and treatment, disposal and reuse techniques.
4. This Order covers the discharge of WBF processing waste to land for the purpose of disposal or reuse. Reuse activities covered by this Order include the use of treated process wastewater as irrigation or frost protection water on agricultural land or landscaping and the use of nonhazardous decomposable solid waste as a soil amendment pursuant to best management practices.
5. For the purpose of this Order, WBF processing waste includes but is not limited to pomace, lees, fruit and vegetable matter, soil, washwater, cooling water, and any stormwater sent to the WBF processor wastewater collection, treatment, and disposal system.
6. The discharge of WBF processing solids to land poses a minimal threat to waters of the state provided the Discharger complies with the conditions of this Order.

LEGAL AND REGULATORY FRAMEWORK

7. California Water Code (Water Code) section 13260 subdivision (a) requires that any person discharging waste or proposing to discharge waste, other than to a community sewer system, that could affect the quality of the waters of the state, to file a Report of Waste Discharge (ROWD) with the Regional Water Board to obtain coverage under Waste Discharge Requirements (WDRs) or a waiver of WDRs. "Waste" is defined in Water Code section 13050 subdivision (d).
8. Water Code section 13263 subdivision (i) authorizes the Regional Water Board to prescribe general WDRs for a category of discharges if the discharges are produced by the same or similar operations, involve the same or similar types of waste, require the same or similar treatment standards, and are more appropriately regulated under general WDRs than individual WDRs.
9. Discharges to land from wine, beverage and food processor waste treatment and disposal systems have certain common characteristics, such as similar constituents, concentrations of constituents, disposal techniques, flow ranges and they require the same or similar treatment standards. These types of discharges are more appropriately regulated under General Waste Discharge Requirements (General WDRs).
10. The Regional Water Board has historically regulated such discharges through the adoption of individual WDRs, enrollments under Order No. R1-2002-0012, General Waste Discharge Requirements for Discharges of Winery Waste to Land (Winery Order), or through the issuance or adoption of waivers of WDRs. This Order establishes conditions and requirements for discharges of WBF processing wastewater to land.
11. The Regional Water Board adopted the Winery Order on March 28, 2002. The Winery Order authorizes discharges to land from enrolled facilities' winery process wastewater treatment and disposal systems. The Winery Order contains effluent limits, and regulates the application of treated wastewater to land for the purpose of frost protection and irrigation and the application of processing wastes at agronomic rates. Surface and subsurface wastewater disposal systems are eligible for coverage under the Winery Order. A General Monitoring and Reporting Program allows determination of compliance with effluent limits, receiving water limitations and discharge prohibitions. The Winery Order was developed in compliance with California Environmental Quality Act (CEQA). An Initial Study and Negative Declaration for the Winery Order were adopted by the Regional Water Board on March 28, 2002.
12. Discharges of process waste to land by beverage and food processing facilities, other than wineries, have historically been authorized under individual facility specific WDRs. These individual WDRs are on average 22 years old and in need of updating.

BASIN PLAN

13. All Orders adopted by the Regional Water Board are required to implement the Water Quality Control Plan for the North Coast Region (Basin Plan). Therefore, this Order requires the Discharger to comply with all applicable Basin Plan provisions, including any prohibitions and water quality objectives governing the discharge.
14. Pursuant to the Basin Plan, the existing and potential beneficial uses of groundwater within the North Coast Region include: Municipal and Domestic Supply (MUN), Agricultural Supply (AGR), Industrial Supply (IND), Industrial Process Supply (PROC), Freshwater Replenishment (FRSH), Aquaculture (AQUA), and Native American Culture (CUL).

ANTIDegradation ANALYSIS

15. State Water Board Resolution 68-16, the Statement of Policy with Respect to Maintaining High Quality Waters of California (hereafter the Antidegradation Policy) requires the disposal of waste into waters of the state be regulated to achieve the highest water quality consistent with the maximum benefit to the people of the state. The quality of some waters is higher than established by adopted policies and that higher quality water shall be maintained to the maximum extent possible consistent with the Antidegradation Policy. The Antidegradation Policy requires the following:
 - a. Higher quality water will be maintained until it has been demonstrated to the state that any change will be consistent with the maximum benefit to the people of the state, will not unreasonably affect present and anticipated beneficial use of the water, and will not result in water quality less than prescribed in the policies.
 - b. Any activity that produces a waste and discharges to existing high quality waters will be required to meet WDRs that will result in the best practicable treatment or control of the discharge necessary to assure pollution or nuisance will not occur, and the highest water quality consistent with the maximum benefit to the people of the state will be maintained.
16. When seeking permit coverage under this Order, the Discharger must demonstrate the Best Practicable Treatment or Control necessary to maintain the highest water quality consistent with the maximum benefit to the people of the state will be implemented.
17. This Order addresses discharges to numerous groundwater bodies, each with its own characteristics. If a discharge to high quality waters takes place, this Order limits degradation consistent with the Antidegradation Policy as described in the findings below.
18. Constituents of concern that have the potential to degrade groundwater include salinity, and nutrients and minerals released from soil. This Order contains effluent limits for aboveground discharges and groundwater limitations for both subsurface and

aboveground discharges. This Order includes a Monitoring and Reporting Program (MRP) that ensures the Best Management Treatment or Control is effective, water quality objectives will not be exceeded, and confirms that water quality will be maintained at a level that is protective of beneficial uses. Each of the wastewater constituents of concern are discussed below:

- a. Salinity is a measure of dissolved solids in water. Excessive salinity can impact the beneficial uses of water. Salinity can be affected by discharges of wastewater with elevated concentrations of Total Dissolved Solids (TDS). TDS consists of both volatile (organic) and fixed (inorganic) fractions. In a well operated land application system, volatile dissolved solids in the water that percolates through the soil will be reduced to negligible concentrations. Additionally, this Order requires WBF processing facilities to identify sources of salinity and to implement practices to minimize discharges of salinity.
- b. Nitrogen is a nutrient present in WBF process waste at a concentration that can degrade groundwater quality. The potential for degradation depends upon the wastewater control and treatment method and the environment into which the wastewater effluent is discharged. Nitrogen concentration reduction is not required in every situation, such as when wastewater control and treatment and application are performed in a way that is protective of the beneficial uses of waters of the state.

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

- c. Biochemical Oxygen Demand (BOD) is a measure of the amount of dissolved oxygen needed by aerobic organisms to break down the organic material present in wastewater. This Order establishes an effluent limit for BOD of 100 pounds per acre per day for aboveground reuse or disposal. This limitation is based on literature values for BOD loading in land disposal systems for food processing systems. Consequences of BOD overloading may result in an impact to groundwater quality by lowering the oxidation/reduction potential in the underlying soil resulting in potential mobilization of naturally present contaminants in soil such as iron and

manganese. In a properly operated land application system, where the discharge complies with this Order, BOD overloading will likely not occur.

19. This Order is expected to improve water quality in the areas where discharges of WBF processing waste are currently taking place by addressing nutrients in the waste streams and requiring the monitoring of shallow groundwater to assess potential impacts. This Order will replace the Winery Order. The Winery Order did not identify nutrients or Total Dissolved Solids (TDS) as constituents of concern in winery processing waste and as such did not require Dischargers enrolled under the Winery Order to characterize the amount of nutrients or TDS in the process wastewater or process solids being discharged to land. This Order requires the characterization of the TDS content of the process wastewater and the nutrient content of the process wastewater and solids. This Order requires that either nutrient effluent limitations based on water quality objectives be met prior to discharge; that the waste be applied at a rate equal to the nutrient up-take level of the vegetation being grown (i.e., the agronomic rate); or that the subsurface or at-grade treatment and disposal system be designed to treat nutrients to a level meeting water quality objectives. Groundwater monitoring is required for all subsurface and at-grade treatment and disposal systems to confirm compliance with conditions and requirements in this Order. Groundwater monitoring is additionally required for those WBF processing facilities that produce 10,000 gallons per day (gpd) or greater of process wastewater.
20. This Order is consistent with the Antidegradation Policy because it includes specific requirements and conditions of discharge to minimize water quality degradation. Information obtained as a result of the Monitoring and Reporting Program (MRP) will confirm that best practicable treatment and control methods are implemented.
21. The Discharger is required to submit to the Regional Water Board a complete Form 200 (Appendix A) and Technical Information Form (TIF) (Appendix B) when applying for coverage under this Order. The technical information required in the TIF will disclose sufficient information about the operations of the facilities and the waste being generated to allow Regional Water Board staff to determine whether the proposed discharge qualifies for coverage under this Order.
22. Reporting of the Discharger's efforts to achieve sustained water quality protection is required in the quarterly monitoring reports, as per MRP No. R1-2016-0002 (Appendix C) that are due to the Regional Water Board on a quarterly schedule. The Annual Summary, to be included with the first quarter monitoring report, shall document compliance with the conditions of this Order.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

23. Waste discharges to land covered under this Order are subject to CEQA requirements. The Regional Water Board, acting as the lead agency, adopted an Initial Study and Negative Declaration for the Winery Order on March 28, 2002. This Order is intended to

replace the previously issued Winery Order and to expand coverage to other beverage and food processors (Project).

24. The Regional Water Board, as the lead agency, is required to prepare a new or subsequent CEQA document if there is a substantial change in the Project that could cause new significant environmental effects or a substantial increase in the severity of previously identified effects. (Pub. Resources Code § 21166; Cal. Code Regs., tit. 14, § 15162.) While compliance with this Order is not expected to result in any significant physical changes to the environment or impacts that are substantially different than those described and analyzed in the 2002 adopted Negative Declaration and Initial Study, the Regional Water Board has developed a new Initial Study and Draft Mitigated Negative Declaration to document this conclusion.
25. In accordance with the mitigation measures included in the Initial Study, this Order limits the concentration of constituents to either water quality objectives in the WBF processing wastewater or at agronomic rates for the WBF processing wastewater that is reused for irrigation in the land application area. Subsurface discharges to disposal fields or flood application discharges to spreading basins are required to meet a minimum separation to groundwater and be designed for the unique characteristics of the process wastewater. All discharges are required to meet groundwater water quality objectives. This Order includes specific prohibitions and conditions of discharge that will protect the beneficial uses of surface water or groundwater.
26. Existing WBF processing facilities that expand or new WBF processing facilities that are constructed after adoption of this Order are subject to local agency approvals, permits, and possibly a project-level CEQA review, at which time potential adverse impacts to other resources must be evaluated and appropriate mitigation measures implemented.
27. The Regional Water Board, as lead agency, provided notice of intent to adopt a mitigated negative declaration for this Order on October 23, 2015 (Cal. Code Regs., tit. 14, § 15072). The mitigated negative declaration reflects the Regional Water Board's independent judgment and analysis. After considering the document and comments received during the public review process, the Regional Water Board hereby determines that the Project, with mitigation measures, will not have a significant effect on the environment and adopts the mitigated negative declaration. The documents or other materials, which constitute the record, are located at 5550 Skylane Blvd, Suite A, Santa Rosa, CA 95403. The Regional Water Board will file a Notice of Determination within five days from the issuance of this Order. Mitigation measures necessary to reduce or eliminate significant impacts on the environment and monitoring and reporting are incorporated as conditions of approval below.

TITLE 27 EXEMPTION

28. The wastewater treatment, storage, and disposal activities described in this Order are exempt from the requirements of Consolidated Regulations for Treatment, Storage,

Processing, or Disposal of Solid Waste, as set forth in California Code of Regulations, title 27, section 20005, et seq. (hereafter title 27). The activities are exempt from title 27 requirements pursuant to section 20090 so long as the activity meets, and continues to meet, all preconditions listed:

- a. Subparagraph (b) Wastewater—Discharges of wastewater to land, including but not limited to evaporation ponds, percolation ponds, spreading basins or subsurface leach fields if the following conditions are met:
 - i. the applicable Regional Water Board has issued WDRs, reclamation requirements, or waived such issuance;
 - ii. the discharge is in compliance with the applicable water quality control plan; and
 - iii. the wastewater does not need to be managed according to California Code of Regulations, title 22, chapter 11, division 4.5, as a hazardous waste.
- b. Subparagraph (f) Soil Amendments—Use of nonhazardous decomposable waste as a soil amendment pursuant to applicable best management practices, provided that Regional Water Boards may issue waste discharge or reclamation requirements for such use.

MONITORING AND REPORTING PROGRAM

29. The monitoring and reporting program requirements in this Order and MRP No. R1-2016-0002 (Appendix C) are necessary to determine compliance with the conditions of this Order and to determine the discharges impacts, if any, on groundwater.

PUBLIC NOTIFICATION

30. The Regional Water Board has notified the public, all known potential Dischargers and all other known interested parties of the intent to adopt this Order.

PUBLIC MEETING

31. The Regional Water Board conducted a public hearing on January 28, 2016, in Santa Rosa, California and considered all evidence concerning this matter.

THEREFORE, IT IS HEREBY ORDERED that pursuant to Water Code sections 13263, subdivision (a), and 13267, the Regional Water Board adopts this “General Waste Discharge Requirements for the Discharge of Wine, Beverage and Food Processor Waste to Land” and requires Dischargers subject to this Order shall comply with the following:

APPLICATION PROCESS

1. A Discharger seeking authorization to discharge under this Order shall submit to the Regional Water Board, a complete Form 200 and Technical Information Form (TIF). For new and expansion of existing facilities, the TIF shall include the appropriate documentation of facility specific CEQA compliance. The Form 200 and TIF are included as Appendix A and B of this Order. The information required with the Form 200 and TIF is equivalent to a ROWD.
2. Upon review of the Form 200 and TIF, Regional Water Board staff will determine if coverage under this Order is appropriate. The Regional Water Board Executive Officer will issue a Notice of Coverage (NOC) letter when coverage under this Order has been authorized. Coverage under this Order will take effect on the issue date of the NOC letter.
3. A Discharger proposing to either: 1) apply treated process wastewater to land at concentrations exceeding effluent limits for ammonia, nitrate or nitrite; or 2) apply non-hazardous solid, decomposable processor waste to land as a source of nutrients and a soil amendment; shall submit a FNMP for approval by the Regional Water Board Executive Officer.
4. Wineries currently enrolled under the Winery Order shall submit to the Regional Water Board a Form 200 and TIF for authorization to discharge under this Order, no later than 6 months after the date of the adoption of this Order.
5. WBF processing facilities subject to this Order shall submit an updated Form 200 and TIF to the Regional Water Board when there is a change in activities at the facility that may affect the quality or quantity of the waste discharge.
6. This Order does not authorize the discharge from facilities that have not submitted a Form 200 and TIF, and have not received an NOC letter from the Regional Water Board.
7. Enrollment in this Order: (a) is conditional; (b) may be terminated at any time; (c) does not permit an illegal activity; (d) does not preclude the need for permits which may be required by other local or governmental agencies; and (e) does not preclude the Regional Water Board from administering enforcement remedies (including civil penalties) pursuant to the Water Code and other applicable law.

DISCHARGE PROHIBITIONS

1. Discharge of any waste not specifically regulated by this Order is prohibited.
2. Discharge of wastes to surface waters or surface water drainage courses is prohibited.

3. Discharge of hazardous waste to the WBF processing wastewater treatment and disposal system is prohibited.
4. Discharge of domestic waste to the WBF processing wastewater treatment system is prohibited.
5. Bypass or overflow of untreated or partially treated WBF processing waste from anywhere within the collection, treatment, or disposal system is prohibited.
6. The use of treated WBF process wastewater on land application areas not under the control of the Discharger is prohibited, except as described and documented in an FNMP, as approved by the Regional Water Board Executive Officer in the NOC letter.
7. The use of WBF processing solid waste as a soil amendment on agricultural land that is not under the control of the Discharger is prohibited, except as described and documented in the FNMP, as approved by the Regional Water Board in the NOC letter.
8. The application of treated WBF process wastewater or processing solids to the land application area is prohibited during the following times:
 - a. Within 24 hours of a forecasted precipitation event with a greater than 50-percent probability of occurring;
 - b. During a precipitation event;
 - c. Within 24 hours after a precipitation event of a ½ or more or that results in a storm water discharge from the land application area; and
 - d. When the land application area surface soil is saturated.
9. The discharge of leachate from the storage of WBF processing solid waste to groundwater is prohibited.
10. The discharge of leachate or WBF process solids from the WBF process solid waste storage area to surface waters, or storm water runoff that has come into contact with the solids being stored, is prohibited.
11. Creation of pollution, contamination, or nuisance as defined by section 13050 of the Water Code is prohibited.

EFFLUENT LIMITATIONS FOR ABOVE GROUND REUSE OR DISPOSAL

1. The following effluent limitations apply to facilities covered under this Order that discharge treated WBF process wastewater effluent to the ground surface for the purpose of reuse or disposal.
 - a. The treated effluent shall not contain constituents in excess of the following limits:

Table 1 - Effluent Limitations

<u>Constituent</u>	<u>Unit</u>	<u>Average Monthly Effluent Limit</u>
Biochemical Oxygen Demand	pounds/acre/day	100 ¹
Ammonia as N	mg/l	1.5 ² OR as identified in the FNMP
Nitrate as N	mg/l	10.0 ³ OR as identified in the FNMP
Nitrite as N	mg/l	1.0 ³ OR as identified in the FNMP
Sodium	mg/l	60 ⁴
Chloride	mg/l	106 ⁵

- b. The Discharger shall discharge process wastewater effluent in a manner consistent with the approved FNMP.
- c. The treated effluent shall not have an instantaneous pH of less than 6.0 or greater than 9.0.

GROUNDWATER LIMITATIONS

1. The following groundwater limitations apply to all facilities covered under this Order including those that dispose or reuse treated effluent aboveground and those that dispose process wastewater effluent at grade or below ground to a spreading basin, leachfield or other type of dispersal system for final effluent treatment and subsurface discharge.
2. The collection, treatment, storage, reuse and disposal of process wastewater and solids shall not cause groundwater to:

¹ Nuisance threshold, Pollution Abatement in the Fruit and Vegetable Industry, United States Environmental Protection Agency (USEPA Publication 625/3-77-0007)

² Odor threshold, Amoore and Hautala 1983 and World Health Organization 2003

³ Drinking water threshold, California Primary Maximum Contaminant Level (MCL) for drinking water

⁴ Taste and odor threshold, USEPA Drinking Water Advisory

⁵ Agricultural supply threshold, Ayers, R. S. and D. W. Westcott, Water Quality for Agriculture, Food and Agriculture Organization of the United Nations - Irrigation and Drainage Paper No. 29, Rev. 1, Rome (1985)

- a. Exceed a total coliform organism level of 1.1 MPN/100mL as a 7-day median.
 - b. Exhibit an instantaneous pH of less than 6.5 or greater than 8.5 pH units.
3. The collection, treatment, storage, reuse and disposal of process wastewater and solids shall not cause or contribute to levels of chemical constituents in groundwater that exceed the levels specified in California Code of Regulations, title 22, division 4, chapter 15, article 4 and article 5.5.
 4. The collection, treatment, storage and disposal of process wastewater and solids shall not cause groundwater to contain concentrations of chemical constituents in amounts that adversely affect its use for agriculture.
 5. The collection, treatment, storage, reuse and disposal of process wastewater and solids shall not cause or contribute to levels of radionuclides in groundwater in excess of the lists specified in California Code of Regulations, title 22, division 4, chapter 15, article 5, section 64443.
 6. The collection, treatment, storage, reuse or disposal of process wastewater and solids shall not cause groundwater to contain substances in concentrations that cause nuisance or adversely affect beneficial uses.

DISCHARGE SPECIFICATIONS

1. The average daily flow of process wastewater shall not exceed the designed monthly average daily flow for the treatment or disposal system, as stated in the TIF.
2. The average daily flow of process wastewater shall not exceed the designed maximum daily flow for the treatment or disposal system, as stated in the TIF.
3. Process wastewater shall be captured, and treated separately from domestic wastewater.
4. Process wastewater ponds shall be operated and maintained to prevent inundation or washout due to floods with a 100-year return frequency.
5. The dissolved oxygen concentration in the treatment/holding ponds shall not be less than 1.0 mg/l at any time.
6. Process wastewater ponds shall maintain at least two (2) feet of freeboard, defined as the elevation difference between the liquid level in the pond and the top of the bank, at all times, except with prior authorization from the Regional Water Board Executive Officer.
7. Land application areas that receive treated process wastewater shall be managed to prevent ponding, runoff and erosion.

8. Subsurface disposal systems receiving WBF processing waste must comply with United States Environmental Protection Program (U.S. EPA), Underground Injection Control requirements. A subsurface disposal system receiving non-hazardous decomposable wastewater such as that generated by manufacturing, chemical processing, industrial fluid disposal, automotive repair, or recycling, and other than domestic wastewater, are classified as a Class V well. There are over 20 different Class V well types, including the subtype of Food Processing Disposal.

Disposal systems that are classified as Class V wells must be registered with U.S. EPA either by completing the online form at:

<http://www.epa.gov/region9/water/groundwater/uic.html> , or by completing and submitting Form 7520-16: Inventory of Injection Wells. Form 7520-16 is available at: <http://epa.gov/region09/water/groundwater/uic-pdfs/7520-16.pdf>.

9. For subsurface disposal systems, the following discharge requirements apply:
 - a. The subsurface wastewater disposal system(s) shall be maintained so that at no time will wastewater surface at any location.
 - b. The solids accumulation in the septic tanks shall be managed in accordance with sections IV. A and B of MRP No. R1-2016-0002.
10. For at-grade spreading basins, the following discharge requirements apply:
 - a. Spreading basins shall be operated in a regular rotating sequence.
 - b. Wastewater contained in the spreading basins shall be no deeper than four inches.
 - c. The spreading basin shall not contain ponded wastewater for a period of time exceeding twenty four hours.
 - d. Spreading basins shall maintain at least two (2) feet of freeboard, defined as the elevation difference between the liquid level in the basin and the top of the bank, at all times, except with prior authorization from the Regional Water Board Executive Officer.

DESIGN SPECIFICATIONS

1. Process wastewater treatment and disposal systems shall be designed for the maximum daily flow of wastewater and organic loading generated, including flows from precipitation.
2. Process wastewater treatment ponds that are constructed or expanded, by footprint area or capacity, following the adoption date of this Order shall be lined with either a relatively impermeable membrane or two feet of soil with a permeability of less than 10^{-6} centimeters per second, or an equivalent engineered alternative approved by the Regional Water Board Executive Officer in the NOC letter.

3. Process wastewater treatment ponds constructed prior to the adoption date of this Order where the type of existing lining systems is unknown shall be evaluated for permeability within 5 years of the date of the NOC letter. The Permeability Evaluation shall take place when the pond is emptied for operational and maintenance activities such as solids removal. Results of the Permeability Evaluation shall be submitted to the Regional Water Board. Ponds found to be leaking will be required to comply with Design Specifications 2 of this Order no later than 1 year following submittal of the Permeability Evaluation. As an alternative to lining the pond, the Discharger may have a registered professional engineer or geologist propose and conduct groundwater monitoring to demonstrate that any vertical and lateral leakage from the pond does not adversely impact the underlying groundwater quality. Prior to conducting a groundwater study, the Discharger must propose a groundwater monitoring and reporting plan for review and approval by the Regional Water Board Executive Officer. The groundwater monitoring and reporting plan shall be submitted to the Regional Water Board no later than 1 year following submittal of the Permeability Evaluation. The Regional Water Board Executive Officer may require the submittal of a treatment pond Permeability Evaluation every 10 years for all treatment ponds for the purpose of verifying the ponds do not leak.
4. Process wastewater treatment and storage ponds shall be designed with a storage capacity adequate to contain process wastewater flows and precipitation.
5. Process wastewater ponds shall have a foundation or base capable of providing support for the structure and capable of withstanding hydraulic pressure gradients to prevent failure due to settlement, compression, or uplift and all effects of ground motions resulting from at least the maximum probable earthquake, as certified by a registered civil engineer or certified engineering geologist.
6. Process wastewater treatment and storage ponds are prohibited from having an overflow pipe.
7. For subsurface disposal systems, the following design requirements apply:
 - a. The system shall be designed for the unique characteristics of the process wastewater, and shall include the removal of screenable solids prior to discharge to the tank and adequate detention time for solids separation.
 - b. The distance between any soil absorption system's trench bottom and groundwater shall not be less than five feet, unless approved by the Regional Water Board Executive Officer in the NOC letter.
 - c. Infiltration surface shall be sized based on organic loading, or hydraulic loading, whichever results in a more conservative design.
 - d. No part of the disposal system(s) shall extend to a depth where waste may pollute groundwater.

- e. New subsurface disposal systems shall reserve sufficient land area for possible future 100 percent replacement of the subsurface disposal area.
8. For at-grade spreading basins, the following design requirements apply:
 - a. The distance between the bottom of the spreading basins and groundwater shall not be less than five feet, unless approved by the Regional Water Board Executive Officer in the NOC letter.
 - b. The bed slope of the spreading basins shall be maintained to ensure even distribution of wastewater and prevent standing water.
9. Process wastewater treatment and disposal systems should be designed to minimize chemical addition and maintenance.

SOLIDS DISCHARGE SPECIFICATIONS

1. All screenings, sludges and other solid waste removed from process wastewater shall be collected from screens, sumps, ponds, and tanks as needed to ensure optimal system operation.
2. Collected screenings, sludges, and other solids removed from process wastewater that will not and/or cannot be used agronomically shall be disposed of at a legal point of disposal, and in accordance with the State Water Resources Control Board promulgated provisions of title 27, division 2 of the California Code of Regulations.
3. Land application areas that receive non-hazardous, decomposable, solid WBF processing wastes as a soil amendment shall be managed to prevent ponding, runoff and erosion.
4. During wet weather conditions when the solid WBF processing wastes cannot be incorporated into the soil or hauled off-site for disposal, the wastes shall be temporarily stored in a designated, covered, solids storage area. The storage area shall be managed to prevent discharges of leachate to groundwater and discharges of leachate or solids to surface waters, or stormwater runoff that has come in contact with the solids.
5. If accumulated sludge from a WBF processor wastewater treatment pond is to be used as a soil amendment on agricultural lands, a proposal containing, at a minimum, the following information shall be submitted to the Regional Water Board for approval:
 - a. The physical properties of the sludge to be removed from the pond, including the volume and percent solids of the sludge.
 - b. A summary of laboratory results on an analysis of a composite sample of the stockpiled sludge. The constituents of concern are: cadmium, chromium, copper, lead, nickel, zinc and total nitrogen. If deemed necessary by the Regional Water Board Executive Officer, additional constituents of concern may need to be monitored and/or a leachability test of the sludge may be required.

- c. A statement verifying that neither hazardous waste nor domestic waste has been discharged to the ponds.
- d. A description of the proposed land application areas, including a map denoting water courses, acreage and the crops to be grown thereupon.
- e. Calculations showing that the sludge will be applied at agronomic rates (based on nutrient uptake of the crop).
- f. A project schedule. Sludge application shall be confined to the dry season, which is generally between April 15th and October 15th of each year. Sludge shall be spread and incorporated into the soil in a manner to prevent erosion, runoff or any nuisance conditions.

GENERAL PROVISIONS

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

1. Availability

A copy of this Order and the associated MRP shall be maintained at the WBF processing facility and be available at all times to operating personnel.

2. Enforcement

The Discharger shall implement the project as described in the Form 200 and TIF. 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. 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 appropriate standard operating 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 an updated Operation and Maintenance Manual (O&M Manual) for the systems of treatment and control that are installed or used by the Discharger to achieve compliance with this Order. The Discharger shall update the O&M Manual, as necessary, to conform to changes in operation and maintenance of the wastewater treatment and disposal systems. The O&M Manual shall be readily available to operating personnel on-site. The O&M Manual shall include the following:

- a. A detailed description of safe and effective operation and maintenance of treatment processes, process control instrumentation, and equipment.
- b. All process and equipment inspection and maintenance schedules.
- c. A 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.
- d. A description of preventive and contingency 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.

5. 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. The Discharger shall submit an updated Form 200, TIF and design proposals for the new process wastewater treatment system to the Regional Water Board for review prior to the change in discharge.

6. Change in Ownership

The Discharger is required to notify the Regional Water Board of any change in ownership or control of land or waste discharge facilities presently covered by this Order. Coverage under this Order is not transferable. In the event of any change in control or ownership, the Discharger shall also notify the succeeding owner or operator of the existence of this Order by letter and shall inform the new owner or operator of the requirement to submit a Form 200 at least 120 days before commencing operation of the facility. A copy of the letter shall be immediately forwarded to the Regional Water Board Executive Officer.

The succeeding owner or operator, in order to obtain authorization for discharges regulated by this Order, must apply in writing to the Regional Water Board Executive Officer, requesting coverage under this Order. This request must include the submittal of a complete Form 200 which includes identification of the new owner or operator, the reasons for the change, and effective date of the change. Discharges conducted without submittal of this request will be considered discharges without waste discharge requirements, which are violations of the Water Code section 13260.

7. 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.

8. Monitoring and Reporting

The Discharger shall comply with the MRP and any modifications to these documents as specified by the Regional Water Board Executive Officer. Chemical analyses shall be conducted at a laboratory certified for such analyses by the State Water Resources Control Board, Division of Drinking Water (DDW) and shall conform to DDW guidelines. The Discharger shall comply with the MRP and future revisions thereto, in Appendix C of this Order.

9. Records Retention

The Discharger shall maintain records of all monitoring information, including calibration and maintenance records and all strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Water Board Executive Officer.

10. Signatory Requirement

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

- a. For purposes of this provision, a responsible corporate officer means:
 - i. A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
 - ii. The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b. Reports required by this Order and other information requested by the Regional Water Board 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, superintendent, position of equivalent

- responsibility, or an individual or position having overall responsibility for environmental matters for the entity; 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 the following:

- a. Entrance to the premises in which treatment, collection or management of waste occurs, where an effluent source is located or in which any records required by this Order are kept;
- b. Access to inspect and copy any monitoring equipment or records required for compliance with terms and conditions of this Order; and
- c. Access to sample any discharge or monitoring location associated with the Facility.

12. Noncompliance

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

13. Revision Requirements

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

COMPLIANCE DETERMINATION

Compliance with the effluent limitations, the groundwater limitations, and the discharge specifications contained in this Order will be determined as specified below.

1. **Average Monthly Effluent Limitation (AMEL)**

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

If the average of daily discharges over a calendar month exceeds the AMEL for a given parameter, this will represent a single violation, though the Discharger will be considered out of compliance for each day of that month for that parameter (e.g., resulting in 31 days of non-compliance in a 31-day month). If only a single sample is taken during the calendar month and the analytical result for that sample exceeds the AMEL, the Discharger will be considered out of compliance for that calendar month. The Discharger will only be considered out of compliance for days when the discharge occurs.

2. **Instantaneous Minimum Effluent Limitations**

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

3. **Instantaneous Maximum Effluent Limitations**

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

4. **BOD Effluent Limitation**

The mass of BOD discharged to land shall not exceed a daily maximum of 100 pounds per acre per day. Compliance with this requirement shall be determined using the following formula:

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

Where:

M = BOD mass for a given field in pounds per acre per day (lb/ac/day);
C = reported BOD monitoring result for the last calendar month in milligrams per liter (mg/L);
V = total volume of effluent discharged to the field on that day in millions of gallons (MG);
A = Area of the field irrigated in acres; and 8.345 = units conversion factor for converting the product of mg/L and MG to pounds.

5. Bacteriological Limitations

The median is the central tendency concentration of the pollutant. The data set shall be ranked from low to high, ranking the Non-Detect (ND) concentrations lowest, Detected, Not Qualified (DNQ) determinations next, followed by quantified values. The order of the individual ND and DNQ determinations is not important. The median value is determined based on the number of data points in the data set. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, the median is the average of the two middle values, unless one or both points are ND or DNQ, in which case the median value shall be the lower of the two middle data points. DNQ is lower than a detected value, and ND is lower than DNQ. Compliance with the 7-day median will be determined as a rolling median during periods when sampling occurs more frequently than weekly. During periods when sampling is weekly, this requirement shall apply to each weekly sample.

6. Average Daily Treatment System Flow

The average daily treatment system flow is the total volume of WBF processing wastewater sent through the treatment system during a calendar month divided by the number of days in the month. The number shall be reported in gallons per day. Compliance will be determined by comparing the computed average daily treatment system flow to the design average daily treatment system capacity reported in the TIF. If the computed average daily treatment system flow exceeds the design average daily treatment system capacity, the Discharger will be considered out of compliance for that parameter for that month.

7. Average Daily Disposal System Flow

The average daily disposal system flow is the total volume of WBF processing wastewater being disposed during a calendar month divided by the number of days in the month. The number shall be reported in gallons per day. Compliance will be determined by comparing the computed average daily disposal system flow to the design average daily disposal system capacity reported in the TIF. If the computed average daily disposal system flow exceeds the design average daily disposal system capacity, the Discharger will be considered out of compliance for that parameter for that month.

8. Maximum Daily Treatment System Flow

Compliance shall be determined by comparing the computed average daily treatment system flow to the design maximum daily treatment system flow capacity reported in the TIF. If the computed average daily treatment system flow exceeds the design maximum daily treatment system capacity, the Discharger will be considered out of compliance for that parameter for that month.

9. Maximum Daily Disposal System Flow

Compliance shall be determined by comparing the computed average daily disposal system flow to the design maximum daily disposal system flow capacity reported in the TIF. If the computed average daily disposal system flow exceeds the design maximum daily disposal system capacity, the Discharger will be considered out of compliance for that parameter for that month.

I, Matthias St. John, 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 January 28, 2016.

Matthias St. John
Executive Officer

151022_WBFP_WDR_Order

Appendices

Appendix A: Form 200

Appendix B: Technical Information Form (TIF)

Appendix C: Monitoring and Reporting Program (MRP)

Appendix D: Facilities Nutrient Management Plan (FNMP)