

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION R5-2015-0005

APPROVING
WAIVER OF WASTE DISCHARGE REQUIREMENTS

FOR

SMALL FOOD PROCESSORS, WINERIES AND
RELATED AGRICULTURAL PROCESSORS
WITHIN THE CENTRAL VALLEY REGION

The California Regional Water Quality Control Board, Central Valley Region (hereafter Central Valley Water Board), finds that:

1. Water Code section 13260(a) requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the State, other than into a community sewer system, shall file with the appropriate Regional Water Board a report of waste discharge (RWD) containing such information and data as may be required by that Regional Water Board.
2. Pursuant to Water Code section 13263, the Central Valley Water Board has a statutory obligation to prescribe waste discharge requirements (WDRs) for each discharge of waste, except where the Central Valley Water Board finds that a waiver of WDRs for a specific type of discharge is not against the public interest as described in Water Code section 13269.
3. Water Code sections 13260(b) and 13269 authorize the Central Valley Water Board to waive WDRs and RWDs, respectively, for specific types of discharge where such a waiver is not against the public interest, is conditional, and may be terminated by the Board at any time.
4. In 1999, Water Code section 13269 was amended by the California Legislature. Following this amendment, any waiver must automatically expire after five years, unless the Board that issued the waiver reviews the terms of the waiver at a public hearing and determines that the waiver is consistent with any applicable state or regional water quality control plan and is in the public interest.
5. On 26 March 1982, the Central Valley Water Board adopted Resolution 82-036, which waived WDRs for 23 categories of discharges, including "food processing wastes spread on land". The Central Valley Water Board acted as lead agency for this project under the California Environmental Quality Act (CEQA; Public Resources Code section 21000 et seq.), and determined that the adoption of Resolution 82-036 would not cause a significant environmental impact. Therefore, in accordance with CEQA, the Board approved a Negative Declaration dated 23 December 1981.

6. On 11 July 2003, the Central Valley Water Board adopted Resolution R5-2003-0106, *A Waiver of Waste Discharge Requirements for Small Food Processors, Including Wineries, Within the Central Valley Region* to provide a streamlined permitting process for its numerous small food processing facilities and wineries. As required by Water Code section 13269, Resolution R5-2003-0106 expired on 11 July 2008.
7. On 8 October 2009, the Central Valley Water Board adopted Resolution R5-2009-0097, *A Waiver of Waste Discharge Requirements for Small Food Processors, Including Wineries, Within the Central Valley Region* to renew the 2003 waiver. As required by Water Code section 13269, Resolution R5-2009-0097 expired on 8 October 2014.
8. The Central Valley Water Board, in compliance with the Water Code, has reviewed the previously-issued waiver set forth in Resolution R5-2009-0097 and has determined that a waiver for the discharges to land previously regulated under Resolution R5-2009-0097 poses a low threat to the quality of waters of the State and is consistent with all applicable state or regional water quality control plans, and thus should be renewed. Further, the Board has determined that expanding applicability of the waiver to discharges of greater annual volume than allowed under the previous waiver poses a low threat to the quality of waters of the State and is consistent with all applicable state or regional water quality control plans.
9. The activities subject to this Resolution are those that result in the generation and disposal of waste, which is defined in Water Code section 13050(d). Due to the nature of the waste, such discharges could affect the quality of waters of the state.
10. With the exception of pistachio hullers and a few walnut hullers whose cases were referred to the Board by local agencies, the nut hulling industry has not previously been regulated by the Board. In order to provide regulatory coverage for nut hullers, the Board began working with their representatives in early 2014 with the intent of making this Waiver available to them. However, though the Board recognizes that nut hulling operations generally pose a relatively minor threat to water quality, the Board does not have sufficient information at this time to conclude that the full range of waste management practices utilized by nut hullers is fully protective of water quality. This Waiver authorizes only those practices that are well understood not to cause water quality impacts. Although nut hullers whose practices meet the conditions of this Waiver can apply for coverage under this Waiver, it is not the Board's intent to mandate that all nut hullers conform to the conditions of discharge before Board staff have the opportunity to further characterize the wastes produced by nut hullers and evaluate the best management practices employed by this industry. Accordingly, nut hullers are not required to enroll under this Waiver. Nut hullers that choose to be regulated under an individual order may submit a Report of Waste Discharge.
11. The discharge of waste in compliance with the conditions of this Resolution poses a limited threat to waters of the state, but could affect the quality of the waters of the state. If not properly managed, waste constituents discharged to land may migrate to

groundwater or commingle with storm water runoff into surface water and affect water quality and its beneficial uses.

12. Salinity in discharges from facilities regulated by this Resolution has been occurring since before and after the initial 1982 waiver. This Resolution continues to regulate the salinity of those discharges. Waiver enrollees and industry representatives are encouraged to participate in the development and implementation of salinity and nutrient management plans through the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) initiative.
13. Because discharges of waste in the manner described in this Resolution could affect the quality of the waters of the state, such discharges are subject to Water Code sections 13260 and 13263.
14. The Board's waiver of WDRs for discharges that will cause no or insignificant impairment to water quality and that pose little risk of creating a nuisance condition is not against the public interest, because this action will reduce the operating cost of regulated facilities that produce innocuous or small amounts of waste, are protective of the environment, and allow Central Valley Water Board staff to direct resources towards addressing waste discharges that have significant potential to degrade water quality or create nuisance conditions.
15. Water Code section 13269 states:

Monitoring requirements shall be designed to support the development and implementation of the waiver program, including, but not limited to, verifying the adequacy and effectiveness of the waiver's conditions. In establishing monitoring requirements, the regional board may consider the volume, duration, frequency, and constituents of the discharge; the extent and type of existing monitoring activities, including, but not limited to, existing watershed-based, compliance, and effectiveness monitoring efforts; the size of the project area; and other relevant factors. Monitoring results shall be made available to the public. ... The state board or a regional board may waive the monitoring requirements described in this subdivision for discharges that it determines do not pose a significant threat to water quality.

Although waste discharges that comply with this Resolution do not pose a significant threat to water quality, the Central Valley Water Board is not waiving monitoring requirements for all discharges regulated under this Resolution. However, groundwater monitoring and analysis is not necessary due to the low volume of the discharges, the fact that waste character is well known, the nature and concentrations of the waste constituents, existing monitoring information from other regulated facilities, and information about salinity that will become available through the CV-SALTS initiative.

16. For purposes of this conditional waiver, the "Basin Plan" is one of the following:
 - a. The Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition, or
 - b. The Water Quality Control Plan for the Tulare Lake Basin, Second Edition.
17. The designated beneficial uses of groundwater in the Central Valley Region as specified in the Basin Plans are municipal and domestic water supply, agricultural supply, industrial service supply, and industrial process supply.
18. The beneficial uses of surface water in the Central Valley Region are specified in each Basin Plan for specific water bodies including major rivers, creeks, and lakes, and also apply to tributaries to these water bodies. These beneficial uses potentially include municipal and domestic supply; agricultural supply; industrial service supply; industrial process supply; groundwater recharge; freshwater replenishment; navigation; hydropower generation; water contact recreation; non-contact water recreation; commercial and sport fishing; aquaculture; warm freshwater habitat; cold freshwater habitat; estuarine habitat; wildlife habitat; preservation of biological habitats of special significance; preservation of rare, threatened, or endangered species; migration of aquatic organisms; spawning, reproduction, and/or early development; and shellfish harvesting.
19. State Water Resources Control Board Resolution 68-16 ("Policy with Respect to Maintaining High Quality Waters of the State") (hereafter Resolution 68-16) prohibits degradation of groundwater quality unless it has been shown that:
 - a. The degradation is consistent with the maximum benefit to the people of the State;
 - b. The degradation will not unreasonably affect present and anticipated future beneficial uses;
 - c. The degradation does not result in water quality less than that prescribed in state and regional policies, including violation of one or more water quality objectives; and
 - d. The discharger employs best practicable treatment or control (BPTC) to minimize degradation.
20. This Resolution allows an increase in the volume of wastewater discharged compared to the 2009 waiver, but is still consistent with the 1982 waiver, which did not impose volume limits on the discharges. Although the Board previously considered Resolution 68-16 with respect to regulation of small food processors, the Board makes the following findings regarding compliance with Resolution 68-16.
21. Because of the variability of soil and groundwater conditions throughout the Central Valley Region, it is not possible to state with certainty that no discharge regulated under, and in compliance with, this Resolution will degrade groundwater quality. However, even if it occurs, such degradation will not exceed applicable groundwater quality

objectives. In addition, this Resolution includes specific requirements and conditions which constitute BPTC for the type of discharges regulated by this Resolution. These requirements and conditions will minimize degradation, prevent exceedance of any water quality objectives, and prevent impacts to beneficial uses.

22. The economic prosperity of Central Valley communities benefits the people of the State. Dischargers that will be regulated under this Resolution are primarily very small facilities located in rural areas that do not have public sewer service. Small wineries and other small food processing businesses have become an important part of the local economy in several Central Valley Region counties because they employ people who work in the growing areas, processing facilities, and local tasting rooms and sales offices. In some areas, the proliferation of small wineries and other food processors has created a strong tourism-based economy that supports many other people who live and work in the area.

Prior to adoption of the 2003 waiver, most small food processors and wineries discharged all of their wastewater to septic systems regulated by the county environmental health departments. The level of treatment and control provided by septic systems is far less than is required by this Resolution, and discharges to septic systems pose a higher threat to groundwater quality than a well-managed land application and waste recycling program. Although treatment technology is available to reduce the mass of BOD and nitrify/denitrify the wastewater, the capital and operation/maintenance costs of such advanced treatment systems would likely be infeasible for the majority of small businesses that will be regulated by this Resolution. Experience with numerous larger food processors in the Central Valley Regional has shown that the threat to water quality posed by the BOD and nitrogen content of the waste can be adequately reduced by a well-managed land application/recycling program to prevent significant groundwater degradation, even in areas where groundwater is very shallow.

Therefore, the economic benefits derived from this low-cost, streamlined form of regulation support allowing limited, localized groundwater degradation as long as the terms of the Basin Plan are met.

23. Based on the above, this Resolution is consistent with Resolution 68-16 because it includes specific requirements and conditions of discharge that will minimize water quality degradation. Dischargers regulated under this Resolution are subject to enforcement action for any violations, and coverage under the conditional waiver can be terminated if the requirements and conditions are not met.
24. The Basin Plan's Antidegradation Implementation Policy states:

Pursuant to this policy, a Report of Waste Discharge, or any other similar technical report required by the Board pursuant to Water Code Section 13267, must include information regarding the nature and extent of the discharge and the potential for the discharge to affect surface or ground water quality in the region. This information must be presented as an analysis of the impacts and

potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives. The extent of information necessary will depend on the specific conditions of the discharge. For example, use of best professional judgment and limited available information may be sufficient to determine that ground or surface water will not be degraded. In addition, the discharger must identify treatment or control measures to be taken to minimize or prevent water quality degradation.

Dischargers submitting a Report of Waste Discharge to apply for coverage under this Resolution are not required to include a detailed site-specific analysis of the waste, groundwater conditions, or potential water quality impacts. As noted above, the character of food processing wastes is well-documented in the literature and Central Valley Water Board records. However, the Report of Waste Discharge technical information form developed for this Resolution requires complete disclosure of sufficient information about the operations of the facilities that will generate the waste to allow Central Valley Water Board staff to determine whether additional information is needed to show that the proposed discharge will be consistent with the conditions of this Resolution, and to determine whether coverage should be granted.

25. The Central Valley Water Board adopted a Negative Declaration when it adopted Resolution 82-036. The 1982 waiver (Resolution 82-036) and the associated 1981 Negative Declaration covered all land discharges of food processing waste, regardless of waste volume. Resolution 82-036 only required that dischargers of food processing waste follow an approved operating/maintenance plan. The previous waiver, Order R5-2009-0097 was more protective of water quality than the 1982 waiver because:
- a. It required the equivalent of an operating/maintenance plan within the application form;
 - b. It incorporated strict limits on the volume of waste that can be discharged to land, which in turn limits the size of facilities that may seek coverage; and
 - c. It required waste management practices as specific conditions of discharge.

A lead agency is only 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.)

Increasing the allowable annual wastewater discharge to 1,000,000 gallons per year and allowing the limited use of unlined ponds for temporary wastewater storage for certain industries constitutes a) an expansion of the discharge and b) a substantial change that triggers the CEQA environmental review process. The Central Valley Water Board, as lead agency, developed an Initial Study and Draft Mitigated Negative Declaration based on published information and data submitted by numerous regulated dischargers. The Board determined that the project would not cause any significant impacts to water

quality if discharges are conducted in compliance with this Order and adopted a Mitigated Negative Declaration on 5 February 2015.

In accordance with the mitigation measures included in the Initial Study, this Resolution limits the land-applied waste volume of facilities that may enroll and includes specific prohibitions and conditions of discharge that will prevent exceedance of any applicable water quality objective. Any limited degradation that may occur at some facilities complies with applicable standards in Resolution 68-16 and does not exceed any threshold of significance. There is no evidence of new or different effects on water quality from the discharges regulated by the proposed Resolution.

In addition, the action to adopt this Resolution is exempt from CEQA pursuant to California Code of Regulations, title 14, section 15301 to the extent that it applies to existing food processing discharges at facilities that constitute "existing facilities" as that term is used in section 15301, whether or not such facilities obtained coverage under the previous waiver.

However, existing facilities that expand or new facilities that are constructed after adoption of the proposed Waiver 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.

26. Federal regulations for storm water discharges have been promulgated by the U.S. Environmental Protection Agency (40 C.F.R. § 122, 123, 124) and require that specific categories of industrial facilities which discharge storm water obtain an NPDES permit. Most food processors that have uncovered outdoor processing areas are regulated under one of the specific categories. The State Water Board adopted Order 97-03-DWQ¹ (NPDES Permit No. CAS000001) specifying waste discharge requirements for discharges of storm water associated with industrial activities. Order 97-03-DWQ requires submittal of a Notice of Intent by all affected industrial storm water dischargers. Therefore, it is appropriate to require all parties applying for coverage under this waiver to show that the operation is already covered or specifically excluded from obtaining coverage under Order 97-03-DWQ or subsequent Order¹ by providing a copy one of the following:
- a. The Notice of Intent that has been submitted to apply for coverage under Order 97-03-DWQ or subsequent revision thereto; or
 - b. A Notice of Non-Applicability (NONA); or
 - c. A No Exposure Certification (NEC).

¹ Order 97-03-DWQ expires on 30 June 2015 and its replacement, Order 2014-0057-DWQ, becomes effective on 1 July 2015.

27. Section 13267(b) of the Water Code states:

In conducting an investigation specified in subdivision (a), the Regional Water Board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the Regional Water Board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the Regional Water Board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

The technical reports required by this Resolution and the attached Monitoring and Reporting Program R5-2015-0005 are necessary to evaluate compliance with this waiver. Each individual discharger operates the facility that generates the waste whose discharge is subject to this Resolution.

28. This waiver of WDRs is in the public interest, provided that the dischargers subject to the waiver do all of the following:
- a. Submit the required RWD or NOI and filing fee to the Central Valley Water Board as applicable;
 - b. Comply with the conditions of this Resolution, including the Monitoring and Reporting Program as applicable; and
 - c. Comply with applicable State Water Board and Central Valley Water Board plans and policies.
29. Pursuant to Water Code section 13263(g), discharge is a privilege, not a right, and adoption of this Resolution and the receipt of a formal notification of coverage under this Resolution from the Executive Officer, does not create a vested right to continue the discharge.
30. The dischargers and interested agencies and persons have been notified of the Central Valley Water Board's intent to conditionally waive waste discharge requirements for these discharges, and they have been provided an opportunity to submit written comments and an opportunity for a public hearing.
31. All comments pertaining to the discharges were heard and considered in a public hearing.

THEREFORE BE IT RESOLVED that in accordance with Water Code section 13269, the Central Valley Water Board adopts the “Waiver of Waste Discharge Requirements for Small Food Processors and Small Wineries” as set forth in Attachment A (hereafter informally referred to as “Small Food Processor Waiver” or “Waiver”), and it is hereby ordered that:

1. The Central Valley Water Board waives the requirement to obtain WDRs, and for some instances the requirement to submit fees, for discharge types that fulfill the conditions set forth in Attachment A of this Resolution.
2. Dischargers subject to the Waiver shall:
 - a. File a Report of Waste Discharge and submit fees (as required);
 - b. Comply with the conditions set forth in the Waiver, including its attachments; and
 - c. Comply with applicable State Water Board and Central Valley Water Board plans and policies.
3. This Waiver shall not create a vested right to discharge. All discharges authorized under this Waiver shall be considered a privilege, as provided for in Water Code section 13263.
4. Pursuant to Water Code section 13269, this action waiving the issuance of WDRs for certain specific types of discharges: (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 Central Valley Water Board from administering enforcement remedies (including civil liability) pursuant to the Water Code.
5. The Executive Officer or the Central Valley Water Board may terminate the applicability of the Waiver described herein as to any type of discharge or individual discharger at any time when such termination is in the public interest or the activity could affect the quality or beneficial uses of the waters of the State.
6. The Central Valley Water Board may review this Waiver at any time and may modify or terminate the Waiver in its entirety, as applicable for a specific type of discharge, or for individual dischargers, as is appropriate.
7. This Waiver shall expire on **5 February 2020**, unless terminated or renewed by the Central Valley Water Board.

If any person discharging a waste that falls within the scope of the waiver fails to comply with the conditions of the waiver, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil

liability, or may take other enforcement actions. Failure to comply with the conditions of the waiver may result in the assessment of Administrative Civil Liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350 and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00p.m., 30 days after the date of this Resolution, except that if the thirtieth day following the date of this Resolution falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 5 February 2015.


PAMELA C. CREEDON, Executive Officer

ATTACHMENT A
CONDITIONS OF DISCHARGE
RESOLUTION R5-2015-0005

WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR
SMALL FOOD PROCESSORS, WINERIES AND
RELATED AGRICULTURAL PROCESSORS
WITHIN THE CENTRAL VALLEY REGION

A. Applicability

This Waiver shall only apply to small food processors and wineries that meet the criteria listed below. Coverage under this Waiver will only be granted to dischargers who meet the criteria, submit a complete Report of Waste Discharge or Notice of Intent (as applicable), and receive a Notice of Applicability signed by the Executive Officer.

1. The Waiver applies to all small food processors¹ that land apply less than 1,000,000 gallons of process wastewater per year² at reasonable agronomic loading rates for nutrients and reasonable hydraulic loading rates for water. Wineries may land apply all wastewater generated by processing less than 800 tons of grapes per year.
2. The Waiver applies to small food processors that land apply residual solids associated with processing that results in generation of less than 1,000,000 gallons of wastewater per year. Wineries may land apply residual solids associated with processing up to 800 tons of grapes per year in compliance with the conditions specified herein.
3. Wastewater and residual solids storage and land application methods must comply with the Specific and General Conditions listed herein.

B. Regulatory Tiers and Application Requirements

Discharges authorized under this Waiver are grouped into three regulatory tiers based on the wastewater management practices employed and the amount of waste discharged to land. The application requirements, fees (if any), and monitoring and reporting requirements are linked to and commensurate with the complexity of the discharge regulated under each tier. The Waiver tiers are summarized in the following table and application requirements are discussed further below the table.

¹ For the purposes of this Waiver, the term "food processor" includes wineries, nut hulling operators, crop seed processors, and any other agricultural commodity processing operator that generates waste whose character is similar to that described in the Initial Study. Meat processors, slaughterhouses, and pistachio nut hullers are not eligible for enrollment under the Waiver.

² For a typical small winery, processing 800 tons of grapes to produce wine will typically yield no more than 1,000,000 gallons of process wastewater. For other food processors the volume of wastewater per ton of commodity processed will vary.

Waiver Tier	Allowed Management Practices and Discharge Amounts	Application Requirements and Fees
1	<ul style="list-style-type: none"> • Land application of up to 10,000 gallons of process wastewater per year for irrigation of landscaping or crops. • Land application of residual solids associated with generation of up to 10,000 gallons of process wastewater per year as a soil amendment for landscaped or cropped areas. 	<ul style="list-style-type: none"> • Submit a RWD (completed Form 200³ and Notice of Intent form⁴). • No fee is required. • Coverage is subject to approval by the Executive Officer, who will issue a Notice of Applicability granting coverage.
2	<ul style="list-style-type: none"> • Land application of up to 100,000 gallons of process wastewater per year for irrigation of landscaping or crops. • Land application of residual solids associated with generation of up to 100,000 gallons of process wastewater per year as a soil amendment for landscaped or cropped areas. 	<ul style="list-style-type: none"> • Submit a RWD (completed Form 200³ and Technical Information Form⁵). • Submit a one-time application fee for a threat and complexity rating of 3C⁶. • Coverage is subject to approval by the Executive Officer, who will issue a Notice of Applicability granting coverage.

³ Form 200 can be downloaded from the internet at http://www.waterboards.ca.gov/publications_forms/forms/docs/form200.pdf

⁴ A blank Notice of Intent form to apply for coverage under Tier 1 is in Attachment C.

⁵ A blank Technical Information Form to apply for coverage under Tiers 2 and 3 is included in Attachment C.

⁶ The annual fee is subject to review and revision by the State Water Resources Control Board each year. Any rate changes adopted by the State Water Board will become effective in the first annual billing cycle after adoption.

Waiver Tier	Allowed Management Practices and Discharge Amounts	Application Requirements and Fees
3	<ul style="list-style-type: none"> • Land application of up to 1,000,000 gallons of process wastewater per year for irrigation of landscaping or crops with a minimum of 1.0 acres of land application area per 100,000 gallons of wastewater. • Land application of residual solids associated with generation of up to 1,000,000 gallons of process wastewater per year as a soil amendment for landscaped or cropped areas with a minimum of 1.0 acres of land application area per 100,000 gallons of wastewater. 	<ul style="list-style-type: none"> • Submit a RWD (completed Form 200³ and Technical Information Form⁵). • Submit an application fee for a threat and complexity rating of 3C⁶. An annual fee will be billed at the same rate for each subsequent year of coverage up to a maximum of 5 years following adoption of this Resolution. • Coverage is subject to approval by the Executive Officer, who will issue a Notice of Applicability granting coverage.

Each Discharger must submit a Report of Waste Discharge to apply for coverage under the Waiver as follows:

1. Existing dischargers, regardless of whether coverage was granted under the previous Waiver (Resolution R5-2009-0097) shall submit a Report of Waste Discharge and fee as applicable to apply for coverage under the Waiver within **90 days** of adoption of this Waiver^{7, 8}.
2. Existing dischargers who received a Notice of Applicability under Resolution R5-2009-0097 dated between 1 January 2014 and 31 December 2014, and whose discharge still qualifies for enrollment in Tiers 1 or 2, shall reaffirm their intent to comply with the requirements of this Resolution in writing within **90 days** of adoption of this Waiver. A Revised Notice of Applicability will be issued, but no additional fee will be required.
3. New small food processors that have not begun operation as of the date of adoption of this Waiver shall submit a Report of Waste Discharge at least **120 days** before the anticipated date of first discharge.
4. Any discharger issued a Notice of Applicability under this Waiver whose facilities or operations subsequently expand such that coverage under a higher tier of the Waiver is appropriate shall submit a new Report of Waste Discharge for the appropriate tier at least **120 days** before the anticipated date of increased discharge volume. For discharges that move from Tier 2 to Tier 3, a new fee is not required to apply for coverage under Tier 3, but

⁷ If an existing Discharger does not meet the applicability criteria above, the Discharger must cease any discharge to land or submit a Report of Waste Discharge to apply for individual WDRs within **120 days** of adoption of this Waiver.

⁸ This requirement does not apply to nut hulling operations. However, nut hulling facility operators may voluntarily apply for coverage.

the Discharger will become subject to the annual fee beginning in the first State fiscal year⁹ in which the tier change takes place.

5. To apply for coverage under this Waiver, the Discharger shall submit a Report of Waste Discharge consisting of the following:
 - a. **For Tier 1:** A completed Form 200, Notice of Intent form, and a scaled map depicting land application areas and nearby surface waters¹⁰. Form 200 and instructions for completing it may be downloaded from the Internet at:
http://www.waterboards.ca.gov/publications_forms/forms/docs/form200.pdf
The Notice of Intent Form is included in Attachment C.
 - b. **For Tiers 2 and 3:** A completed Form 200, Technical Information Form, and a scaled map depicting land application areas and nearby surface waters⁹. Form 200 and instructions for completing it may be downloaded from the Internet at:
http://www.waterboards.ca.gov/publications_forms/forms/docs/form200.pdf
The Technical Information Form is included in Attachment C.
 - c. **For Tiers 2 and 3 only,** a fee for a threat and complexity of "3C" as described in Section 2200 of Title 23 of the California Code of Regulations. The fee shall be submitted in the form of a check made payable to *State Water Resources Control Board*. The current fee schedule can be downloaded from the Internet at:
<http://www.waterboards.ca.gov/resources/fees/#wdr>
Applicants are encouraged to contact Central Valley Water Board staff for assistance in determining the fee.
 - d. **For all tiers,** evidence that the operation is already covered or specifically excluded from obtaining coverage under NPDES General Permit CAS000001 specifying waste discharge requirements for discharges of storm water associated with industrial activities (either State Water Resources Control Board Order 97-03-DWQ or 2014-0057-DWQ, whichever is in effect on the date of the Report of Waste Discharge)¹¹. One of the following is acceptable:
 - i. A copy of the Notice of Intent that has been submitted to apply for coverage under Order 97-03-DWQ or subsequent revision thereto; or
 - ii. A Notice of Non-Applicability (NONA); or
 - iii. A No Exposure Certification (NEC).
 - e. **For all tiers,** a copy of any draft and final environmental review documents prepared to comply with the California Environmental Quality Act (CEQA) must be submitted unless:
 - i. The application is for an existing discharge and the discharge will not expand or otherwise change significantly during the term of the Waiver; or

⁹ The State fiscal year is 1 July through 30 June. Invoices for annual fees for a given fiscal year are typically issued by the State Water Board in the first four months of that fiscal year (i.e., in the fall).

¹⁰ Guidance for map development is provided in the Tier 2/3 Technical Information Form included in Attachment C.

¹¹ Order 2014-0057-DWQ becomes effective on 1 July 2015.

- ii. The local planning agency (city or county, as applicable) or another public agency has determined that the project, including the waste discharge (or expansion, changes, etc.) is exempt from CEQA review. In this case, submit a copy of the Notice of Exemption or other relevant correspondence issued by the planning agency.
- f. **For all tiers**, if requested by Central Valley Water Board staff, chemical analysis of the waste for key waste constituents, which typically include biochemical oxygen demand (BOD), total nitrogen, pH, and fixed dissolved solids (FDS).

C. Specific Conditions

Dischargers regulated under all Waiver tiers shall comply with the following Specific Conditions.

1. The discharge shall not create or threaten to create a condition of pollution, contamination, or nuisance as defined by Water Code section 13050.
2. The discharge of waste classified as “hazardous” under Title 23 of the California Code of Regulations section 2521 or as “designated” under Water Code section 13173 is prohibited.
3. The discharge of waste to wetlands, surface waters or surface water drainage courses is prohibited¹².
4. The use of ponds for wastewater treatment, storage, or disposal, except for seasonal temporary use of shallow storage ponds used for nut hulling wash water is prohibited.
5. Ponds may be used only for temporary storage of nut hulling wash water **between August 1st and December 31st each year** if all of the following conditions are met:
 - a. Ponds shall be operated and maintained to ensure compliance with Specific Condition C.3 above.
 - b. The water table shall be at least 5 feet below the base of any pond.
 - c. The pond water depth shall be no greater than 5 feet at any time in any pond.
 - d. A minimum of one feet of freeboard as measured from the water surface in any pond to the surrounding grade shall be maintained at all times.
 - e. The discharger shall begin land applying wastewater from each pond as soon as practical to minimize the duration of pond use and depth of water.
 - f. Discharge to any pond shall cease and all ponds shall be completely drained by **December 31st each year**. Draining includes removal of all water, visible residual solids and other organic matter.
 - g. Ponds shall be backfilled with soil, or runoff controls shall be installed to prevent storm water runoff from entering the pond **between January 1st and June 30th of the following year**.

¹² Surface waters include, but are not limited to, natural streams, lakes, wetlands, creeks, constructed agricultural drains, agricultural dominated waterways, irrigation and flood control channels, or other non-stream tributaries. Surface waters include all waters of the United States and their tributaries, interstate waters and their tributaries, intrastate waters, and all impoundments of these waters. For the purposes of this Waiver, surface waters do not include water in agricultural fields.

6. Process wastewater and residual solids shall not be discharged to any septic system or subsurface disposal systems such as a leach field.
7. Process wastewater and residual solids applied to land shall not contain stillage waste, water softener regeneration brine, boiler blowdown, or other high salinity waste.
8. **For Tiers 2 and 3**, Wastewater and residual solids land application areas shall be limited to those expressly described and mapped in the Report of Waste Discharge.
9. **For Tier 3 only**, The Discharger shall maintain and use at least one acre of cropland and/or landscaped area for each 100,000 gallons of wastewater and/or equivalent mass of residual solids applied to land each year. Land application areas for wastewater and residual solids may have a combined use (for example, a one-acre land application area may receive 100,000 gallons of wastewater plus the associated residual solids per year, etc.).
10. Objectionable odors due to the storage and/or land application of process wastewater or residual solids shall not be perceivable beyond the limits of the property owned by the Discharger.
11. The Discharger shall take all reasonable steps to reduce the salinity of the wastewater that is applied to land. These steps shall include, at a minimum:
 - a. Minimize the use of salt-containing additives in the process water and minimize the discharge of chemicals into the wastewater stream;
 - b. Minimize the use of non-biodegradable cleaners and other chemicals; and
 - c. When feasible, remove dry or solid wastes from equipment and floors before washing to prevent introduction of soluble waste constituents into the wastewater conveyance system.
12. If wastewater is stored on-site prior to land application or off-site for disposal:
 - a. Wastewater shall be fully contained in one or more tanks so that the waste does not contact the ground.
 - b. Wastewater shall be removed from storage tanks before capacity is reached and land applied or transported off-site for disposal immediately upon removal.
13. If wastewater is applied to land:
 - a. Wastewater shall not be applied to land during rainfall or when the ground is saturated.
 - b. Wastewater shall be applied to cropland or landscaped areas at a rate consistent with the water needs of the crop or vegetation grown in the land application area and at rates that do not exceed crop demand for nitrogen, including nitrogen loads from all sources (e.g., wastewater, residual solids, manure, and commercial fertilizer).
 - c. Wastewater shall not be applied within 25 feet of a water supply well.
 - d. Wastewater shall not be applied within 25 feet of a surface water or surface water drainage course unless the land application area is graded or bermed to prevent discharge of runoff into the drainage course.
 - e. Wastewater shall be evenly applied across the entire land application area.
14. If residual solids are temporarily stored on-site prior to land application or off-site for disposal:

- a. Residual solids shall be fully contained so that the waste does not contact the ground.
 - b. Residual solids shall be stored such that any leachate or storm water that contacts the waste is managed as wastewater in accordance with the conditions of this Waiver.
 - c. Residual solids drying and/or storage areas shall be designed, constructed, operated, and maintained to prevent the washout or inundation due to floods with a 100-year return frequency.
15. Residual solids shall be removed from storage tanks or areas before capacity is reached and land-applied or transported off-site for disposal immediately upon removal.
16. If residual solids are applied to land:
- a. Land application methods, rates, and management practices shall be in accordance with those proposed in the Report of Waste Discharge unless the Discharger finds that specific changes are necessary to ensure continued compliance with the conditions of the Waiver.
 - b. If residual solids that contain free liquids are applied to land, the Discharger shall ensure that all liquid is absorbed into the soil within 12 hours of application and that no liquid runs off the application area.
 - c. Residual solids shall be applied to land at rates that do not exceed crop demand for plant nutrients based on the nutrient content of the solids, the nutrient requirements of the crops or other vegetation grown on the land application area, and the amount of other forms of fertilizer used.
 - d. Residual solids shall be evenly applied across the entire land application area.
 - e. Grape stems or other dry, nonputrescible¹³ matter (e.g., dry nut hulls) may be segregated from the rest of the residual solids and applied to the Discharger's property, including dirt roads, for erosion or dust control. However, such waste must be applied in a manner that prevents displacement by runoff into surface waters during storm events.
 - f. On-site composting is not authorized by this Waiver. Any on-site composting shall comply with the composting regulations found in Title 14 of the California Code of Regulations, Division 7, Chapter 3.1 and is subject to regulation by the Central Valley Water Board under a separate permit or waiver, as applicable.
17. Land application of putrescible solids¹² shall be conducted in accordance with the following requirements, which are in addition to those in Specific Condition C.16 above:
- a. Residual solids shall not be applied within 25 feet of a surface water drainage course unless the land application area is graded or bermed to prevent discharge of runoff into the drainage course.
 - b. Residual solids shall not be applied within 25 feet of a water supply well.
 - c. Residual solids shall not be applied to land during rainfall or when the land application area is saturated.

¹³ For the purpose of this Waiver, putrescible solids are residual solids that contain readily decomposable organic matter and moisture such that they are likely to create objectionable odors and attract insects under ambient outdoor conditions.

- d. The total annual loading rate for putrescible residual solids shall not exceed the rate specified in Specific Condition C.16.c, or a total thickness of two inches, whichever is more restrictive.

D. General Conditions

Dischargers regulated under all Waiver tiers shall comply with the following General Conditions.

1. The Discharger shall comply with Monitoring and Reporting Program R5-2015-XXXX in Attachment B, and with any revisions thereto as ordered by the Executive Officer.
2. The discharge of any waste not specifically regulated by this Waiver is prohibited unless the Discharger obtains WDRs, qualifies for coverage under another waiver, or obtains other permission from the Central Valley Water Board for the discharge of that waste.
3. Before making a material change in the character, location, or volume of discharge, the Discharger shall submit a new Report of Waste Discharge to the Central Valley Water Board. A material change includes, but is not limited to, the following:
 - a. An increase in area to be used for land application of wastewater or residual solids beyond that specified in the original RWD.
 - b. A significant change in disposal method, location of discharge or volume of waste discharged.
 - c. The addition of a new process or product by an industrial facility resulting in a change in the character or volume of waste.
4. A copy of the Waiver (including its attachments) and the Notice of Applicability shall be kept at the facility for reference by operating personnel. Key operating and site management personnel must be familiar with the documents.
5. The Report of Waste Discharge, monitoring reports, and any other information requested by the Central Valley Water Board shall be signed as follows:
 - a. For a corporation: by a principal executive officer of at least the level of senior vice-president or a duly authorized representative of that person.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor or a duly authorized representative of that person.
 - c. For a municipality or public agency: by either a principal executive officer or ranking elected or appointed official or a duly authorized representative of that person.
6. Any person signing a Report of Waste Discharge, monitoring report, or other technical report makes the following certification, whether written or implied:

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.

7. All technical and monitoring reports submitted pursuant to this Waiver are required pursuant to Water Code section 13267. Failure to submit reports in accordance with schedules established by this Waiver, the attachments of this Waiver, or failure to submit a report of sufficient technical quality, may subject the Discharger to enforcement action pursuant to Water Code section 13268.
8. This waiver is not transferable. 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 existence of this Waiver by letter and shall inform the new owner or operator of the requirement to submit a Report of Waste Discharge at least **120 days** before commencing operation of the facility. A copy of the letter shall be immediately forwarded to the Executive Officer.
9. In the event that the Discharger does not comply, or will be unable to comply, with any conditions of this Waiver, the Discharger shall notify Central Valley Water Board staff by telephone as soon as it or its agents have knowledge of such noncompliance or potential for noncompliance and shall confirm this notification in writing within two weeks. The written notification shall state the nature, time, and cause of noncompliance, shall describe the measures being taken to prevent recurrences, and shall include a timeline for corrective actions.
10. The Discharger shall permit Central Valley Water Board representatives to (a) enter premises where wastes are stored or disposed of, (b) copy any records required to be kept under the terms of this Waiver, (c) inspect monitoring equipment required by this Waiver, and (d) sample, photograph, and video tape any discharge, waste, waste management unit, or monitoring device.
11. The Discharger shall comply with all federal, state, county, and local laws and regulations pertaining to the discharge.
12. It shall not be a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce its activity in order to maintain compliance with conditions of this Waiver.
13. The Discharger must comply with all conditions of this Waiver, including timely submittal of all monitoring reports as applicable. Violations may result in enforcement action as described in the Waiver Resolution.
14. Except for material determined to be confidential in accordance with California law and regulations, all reports prepared in accordance with terms of this Waiver will be available for public inspection at the Central Valley Water Board offices. Data on waste discharges, water quality, geology, and hydrogeology will not be considered confidential.

ATTACHMENT B
MONITORING AND REPORTING PROGRAM
RESOLUTION R5-2015-0005
WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR
SMALL FOOD PROCESSORS, WINERIES AND
RELATED AGRICULTURAL PROCESSORS
WITHIN THE CENTRAL VALLEY REGION

Table of Contents

Monitoring and Reporting Program R5-2015-0005	B-1
Annual Monitoring Report Form.....	B-5

MONITORING AND REPORTING PROGRAM R5-2015-0005

FOR

WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR
SMALL FOOD PROCESSORS AND WINERIES
WITHIN THE CENTRAL VALLEY REGION

This Monitoring and Reporting Program (MRP) describes requirements for monitoring discharges from small food processors and wineries that are regulated under Resolution R5-2015-0005, *Waiver of Waste Discharge Requirements for Small Food Processors and Small Wineries within the Central Valley Region* (the Waiver).

This MRP is issued pursuant to Section 13267 of the California Water Code. The Discharger shall not implement any changes to this MRP unless and until a revised MRP is issued by the Executive Officer.

Each Discharger granted coverage under the Waiver shall submit an annual monitoring report no later than **1 February** of each year. The report shall describe process waste management activities during the previous calendar year, and shall contain the following information. Dischargers are encouraged to use the attached *Annual Monitoring Report* form for this purpose, but are not required to do so.

TIER 1 – Annual Monitoring and Information Requirements

- A. A statement verifying that no more than 10,000 gallons of wastewater and associated residual solids were applied to land.
- B. A statement verifying compliance with the discharge conditions and specifications of the Waiver.
- C. For any nut huller that used a wash water storage pond, a statement verifying compliance with Specific Conditions 5.a through 5.f.
- D. A discussion of any violations of the Waiver conditions during the reporting period and actions taken or planned for correcting noted violations, such as operational or facility modifications. If the Discharger has previously submitted a report describing corrective actions and/or a time schedule for implementing the corrective actions, reference to the previous correspondence will be satisfactory.
- E. The certification statement on Page B-4.

TIER 2 – Annual Monitoring Report Requirements

- A. A statement verifying that no more than 100,000 gallons of wastewater and associated residual solids were applied to land.

- B. A statement verifying compliance with the discharge conditions and specifications of the Waiver.
- C. A discussion of any violations of the Waiver conditions during the reporting period and actions taken or planned for correcting noted violations, such as operational or facility modifications. If the Discharger has previously submitted a report describing corrective actions and/or a time schedule for implementing the corrective actions, reference to the previous correspondence will be satisfactory.
- D. Commodity processing
 - 1. Data table showing the monthly amount (weight or volume) of commodities processed during the calendar year (e.g., a winery would report tons of grapes crushed).
- E. Wastewater management and land application
 - 1. A data table showing the total gallons of wastewater produced each month during the calendar year.
 - 2. A statement specifying how flow measurements were made.
 - 3. A description of how wastewater was fully contained such that waste did not contact the ground (except for nut huller wash water ponds) during periods of storage and so that application to land did not occur during periods of precipitation or when the ground was saturated.
 - 4. An estimate of the total nitrogen loading to the land application area for the calendar year, with calculations showing the contribution from each nitrogen source in lb/ac/year.
 - 5. A discussion of actions taken to reduce the salinity of the wastewater applied to land.
- F. Residual solids management and land application
 - 1. An estimation of the amount of residual solids generated each month.
 - 2. A description of how and where residual solids were stored.
 - 3. The amount of residual solids disposed of on-site and the amount of residual solids removed for disposal off-site.
 - 4. A description of how residual solids were fully contained such that waste did not contact the ground during periods of storage and so that application to land did not occur during periods of precipitation or when the ground was saturated.
- G. Land application area
 - 1. The total acreage that wastewater and/or residual solids were applied and whether they were applied to the same area.
 - 2. A data table showing the volume of wastewater and amount of residual solids land applied each month during the calendar year.
 - 3. The crop(s) or vegetation grown.
 - 4. A description of how wastewater and residual solids were applied evenly over the entire acreage and how runoff was kept out of surface waters.

H. Wastewater ponds (nut hullers only)

1. Approximate maximum pond water depth that occurred during the monitoring year.
2. Date that ponds were either backfilled or controls were installed to prevent storm water runoff into the ponds
3. Description of controls installed to prevent storm water runoff into the ponds.

I. The certification statement on Page B-4.

TIER 3 – Annual Monitoring Report Requirements

- A. A statement verifying that no more than 1,000,000 gallons of wastewater and associated residual solids were applied to land.
- B. A statement verifying that all waste applied to land was applied evenly to at least one acre of land per 100,000 gallons of wastewater.
- C. A statement verifying compliance with the discharge conditions and specifications of the Waiver.
- D. A discussion of any violations of the Waiver conditions during the reporting period and actions taken or planned for correcting noted violations, such as operational or facility modifications. If the Discharger has previously submitted a report describing corrective actions and/or a time schedule for implementing the corrective actions, reference to the previous correspondence will be satisfactory.
- E. Commodity processing
 1. Data table showing the monthly amount (weight or volume) of commodities processed during the calendar year (e.g., wineries would report tons of grapes crushed)
- F. Wastewater management and land application
 1. A data table showing the total gallons of wastewater produced each month during the calendar year.
 2. A statement specifying how flow measurements were made.
 3. A description of how wastewater was fully contained such that waste did not contact the ground (except for nut huller wash water ponds) during periods of storage and so that application to land did not occur during periods of precipitation or when the ground was saturated.
 4. An estimate of the total nitrogen loading to the land application area for the calendar year, with calculations showing the contribution from each nitrogen source in lb/ac/year.
 5. A discussion of all actions taken to reduce the salinity of the wastewater applied to land.
- G. Residual solids management and land application
 1. An estimation of the amount of residual solids generated.

2. A description of how and where residual solids were stored prior to land application or off-site disposal.
3. The amount of residual solids applied on-site and the amount of residual solids removed for disposal off-site.
4. A description of how residual solids were fully contained such that waste did not contact the ground during periods of storage and so that application to land did not occur during periods of precipitation or when the ground was saturated.

H. Land application area

1. A satellite aerial photo or scaled map marked to show the boundaries of wastewater and residual solids application.
2. A data table showing the monthly volume of wastewater and amount of residual solids applied per one acre. Describe how the volume of wastewater flow and amount of residual solids were measured or estimated.
3. The total acreage that wastewater and/or residual solids were applied and whether they were applied to the same area.
4. The crop(s) or vegetation grown in the land application area, dates of planting and dates of harvest (as applicable).
5. A description of how wastewater and residual solids were applied to ensure even application over the entire acreage and how tailwater runoff was kept out of surface waters.

I. Wastewater ponds (nut hullers only)

1. Approximate maximum pond water depth that occurred during the monitoring year.
2. Date that ponds were either backfilled or controls were installed to prevent storm water runoff into the ponds
3. Description of controls installed to prevent storm water runoff into the ponds.

J. The certification statement on Page B-4.

For all Tiers:

If the Discharger elects not to use the attached monitoring report form, a transmittal letter shall accompany each *Annual Monitoring Report*. The letter shall clearly identify the Discharger name, facility name, mailing address, and county. The transmittal letter shall contain the following certification statement and the signature of the Discharger or the Discharger's authorized representative:

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.

The Discharger shall implement the above monitoring program as of the date of the Notice of Applicability granting coverage under the Waiver.

Annual Monitoring Reports shall be submitted as a digital file (pdf format) to the email address provided in the Notice of Applicability.



PAMELA C. CREEDON, Executive Officer

2/5/2015

Date

RTM/ALO: 2/12/15

MONITORING AND REPORTING PROGRAM R5-2015-0005

ANNUAL MONITORING REPORT FORM

Note: The following is an Annual Monitoring Report form that complies with the reporting requirements set forth in the Waiver and the MRP. Dischargers are not required to use this form, but are encouraged to do so. Any monitoring report forms developed by a discharger must contain the same information and comply with the Waiver and the MRP. The Annual Monitoring Report is due no later than 1 February of the following year.

Annual Monitoring Reports shall be scanned and submitted as a digital file (pdf format) to the email address provided in the Notice of Applicability.

**RESOLUTION R5-2015-0005
CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR
SMALL FOOD PROCESSORS, WINERIES AND RELATED AGRICULTURAL
PROCESSORS WITHIN THE CENTRAL VALLEY REGION**

ANNUAL MONITORING REPORT FOR _____
(year)

Facility Owner: _____

Facility Name: _____

Facility Address: _____

County: _____

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments, and that based upon my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine.

(signature)

(date)

(printed name)

(phone)

INSTRUCTIONS

- TIER 1 facilities complete Sections A - C
- TIER 2 facilities complete Sections A - H
- TIER 3 facilities complete Sections A - I

A. TYPE OF OPERATION (check all appropriate boxes)

- | | |
|---|--|
| <input type="checkbox"/> Winery | <input type="checkbox"/> Cannery |
| <input type="checkbox"/> Brewery | <input type="checkbox"/> Nut Huller |
| <input type="checkbox"/> Olive Oil Processing | <input type="checkbox"/> Seed Washing |
| <input type="checkbox"/> Seed Oil Processing | <input type="checkbox"/> Meat processing |
| <input type="checkbox"/> OTHER – describe: | |
-

B. VERIFY COMPLIANCE WITH THE CONDITIONS OF DISCHARGE

- 1.a _____ **For TIER 1 facilities** – Was more than 10,000 gallons of wastewater or associated residual solids applied to land?
- 1.b _____ **For TIER 2 facilities** – Was more than 100,000 gallons of wastewater or associated residual solids applied to land?
- 1.c _____ **For TIER 3 facilities** – Was more than 1,000,000 gallons of wastewater or associated residual solids applied to land or applied at a rate greater than 100,000 gallons per acre?
2. _____ Was wastewater or residual solids associated with slaughterhouses (or other meat processing) discharged to land?
3. _____ Was stillage, water softener regeneration brine, reverse osmosis brine, boiler blowdown, or other high salinity wastes discharged to land?
4. _____ Was wastewater discharged to a septic system?
5. _____ Was a pond used for treatment, storage, or disposal of wastewater (other than a pond used for nut hulling wash water)?
6. _____ Was process waste applied to land not owned by the Discharger?
7. _____ Did temporarily stored process waste contact the ground prior to land application (other than nut hulling wash water in a pond)?
8. _____ Was process waste applied to land during rainfall or when the land application area was saturated?
9. _____ Did process waste application occur such that it was not evenly distributed over the land application area?
10. _____ Was process waste applied in such a way that the water or nutrient needs of the crop or vegetation in the land application area were exceeded?

11. _____ Was process waste applied less than 25 feet from surface water or a surface water drainage course without a berm or an uphill grade in place?

Were residual solids stored on-site prior to land application or off-site disposal? _____

If YES, answer questions 12 and 13.

12. _____ Did residual solids or the run-off from residual solids contact the ground during storage?

13. _____ Were residual solids stored in an area that may experience washout or inundation due to floods with a 100-year return frequency?

Were residual solids applied to land? _____

If YES, answer questions 14 through 22.

14. _____ Did land application methods, rates, or management practices differ than what was described in the Report of Waste Discharge?

15. _____ Did residual solid application occur such that it was not evenly distributed over the land application area?

16. _____ Did the residual solids contain free liquid that took more than 12 hours to absorb into the soil after application?

17. _____ Did free liquid from the residual solids run-off the application area?

18. _____ Were residual solids, process wastewater, and fertilizers applied at agronomic rates greater than the nutrient needs of the crop or vegetation on the land application area?

19. _____ Did segregated dry, nonputrescible matter (e.g., grape stems or dry nut hulls) used for erosion or dust control enter surface waters during storm events?

20. _____ Were putrescible solids applied less than 25 feet from a surface water drainage course without a berm or an uphill grade in-place?

21. _____ Were putrescible solids applied to land during rainfall or when the land application area is saturated?

22. _____ Did the total annual loading rate for putrescible solids exceed the nitrogen agronomic rate for crops or vegetation on the land application area, or a total thickness of two inches, whichever was more restrictive?

For Nut Hullers Using Ponds

23. _____ Did ponds contain process waste between January 1st and July 31st?

24. _____ Was the pond water depth greater than five feet deep at any time?

25. _____ Was the freeboard measured from the water surface in any pond to the surrounding grade less than one foot at any time?

TIER 2 AND TIER 3 – ADDITIONAL INFORMATION

D. COMMODITY PROCESSING

Amount of Processed Commodities			
	Commodity 1 name: _____ (units:)	Commodity 2 name: _____ (units:)	Commodity 3 name: _____ (units:)
Month			
January			
February			
March			
April			
May			
June			
July			
August			
September			
October			
November			
December			
Total			

E. WASTEWATER DISPOSAL

1. Volume of produced wastewater.

Month	Wastewater Production (gallons)
January	
February	
March	
April	
May	
June	
July	
August	
September	
October	
November	
December	
Total	

2. Describe how the above wastewater volumes were measured.

3. Describe how wastewater was contained such that waste did not contact the ground (except for nut huller wash water ponds) during periods of storage and so that application to land did not occur during periods of precipitation or when the ground was saturated.

4. Describe actions taken to reduce the salinity of the wastewater applied to land.

F. RESIDUAL SOLIDS DISPOSAL

1. Estimated amount of generated residual solids.

Month	Residual Solids Generation (□ pounds or □ tons)
January	
February	
March	
April	
May	
June	
July	
August	
September	
October	
November	
December	
Total	

2. Describe how and where residual solids were stored prior to land application or off-site disposal.

3. Provide the amount of residual solids that were land applied on-site and the amount of residual solids removed for disposal off-site.

On-site land application: _____ □ pounds or □ tons

Off-site disposal: _____ □ pounds or □ tons

4. Describe how residual solids were contained such that waste did not contact the ground during periods of storage and so that application to land did not occur during periods of precipitation or when the ground was saturated.

G. LAND APPLICATION AREA

1. Provide the total area that wastewater and residual solids were applied.

Wastewater land application area: _____ square feet or acres

Residual solids land application area: _____ square feet or acres

Were wastewater and residual solids applied to the same land application area? _____

2. Provide the date or date range that wastewater or residual solids were land applied.

Date or Date Range	Type of Application
_____	<input type="checkbox"/> Wastewater and/or <input type="checkbox"/> Residual Solids
_____	<input type="checkbox"/> Wastewater and/or <input type="checkbox"/> Residual Solids
_____	<input type="checkbox"/> Wastewater and/or <input type="checkbox"/> Residual Solids
_____	<input type="checkbox"/> Wastewater and/or <input type="checkbox"/> Residual Solids
_____	<input type="checkbox"/> Wastewater and/or <input type="checkbox"/> Residual Solids
_____	<input type="checkbox"/> Wastewater and/or <input type="checkbox"/> Residual Solids
_____	<input type="checkbox"/> Wastewater and/or <input type="checkbox"/> Residual Solids
_____	<input type="checkbox"/> Wastewater and/or <input type="checkbox"/> Residual Solids
_____	<input type="checkbox"/> Wastewater and/or <input type="checkbox"/> Residual Solids
_____	<input type="checkbox"/> Wastewater and/or <input type="checkbox"/> Residual Solids
_____	<input type="checkbox"/> Wastewater and/or <input type="checkbox"/> Residual Solids
_____	<input type="checkbox"/> Wastewater and/or <input type="checkbox"/> Residual Solids
_____	<input type="checkbox"/> Wastewater and/or <input type="checkbox"/> Residual Solids
_____	<input type="checkbox"/> Wastewater and/or <input type="checkbox"/> Residual Solids

3. Describe crop(s) or vegetation grown on the land application area (distinguish between crops irrigated with wastewater and crops grown in soil amended with residual solids).

4. Describe how wastewater and residual solids were applied evenly over the entire acreage of the land application area and how runoff was kept out of surface waters.

H. WASTEWATER PONDS (NUT HULLERS ONLY)

1. Provide the date that the ponds were backfilled or describe the controls installed to prevent storm water runoff into the ponds.

TIER 3 - ADDITIONAL INFORMATION

I. LAND APPLICATION AREA

1. Provide a satellite or scaled map showing the showing the boundaries of wastewater and residual solids application.
2. Provide the volume of wastewater and amount of residual solids land applied per acre during the calendar year.

Month	Wastewater Applied to Land		Residual Solids Applied to Land	
	(acres)	(gallons)	(acres)	(□ pounds or □ tons)
January				
February				
March				
April				
May				
June				
July				
August				
September				
October				
November				
December				
	Total		Total	

3. Describe how the above measurements of wastewater volume and amount of residual solids were made.

ATTACHMENT C
APPLICATION FORMS

RESOLUTION R5-2015-0005

WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR
SMALL FOOD PROCESSORS, WINERIES AND
RELATED AGRICULTURAL PROCESSORS
WITHIN THE CENTRAL VALLEY REGION

Table of Contents

Tier 1 Notice of Intent	C-1
Tier 2 and 3 Report of Waste Discharge Technical Info Form	C-2

TIER 1 NOTICE OF INTENT

RESOLUTION R5-2015-0005

WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR
SMALL FOOD PROCESSORS AND SMALL WINERIES

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, CENTRAL VALLEY REGION

Facility Name

Facility Owner

I am hereby submitting to the Central Valley Water Board the following information:

Discharge Description

I am applying for coverage under Tier 1 of Resolution R5-2015-0005 (Waiver). I have read the Waiver and understand the discharge requirements and tier structure applicability of the Waiver. I will comply with all conditions of the Waiver as set forth in Waiver Attachment A. I operate the facility that generates the waste that will be discharged and I own the land where the discharge will occur. In order to show compliance with NPDES General Permit CAS000001, which specifies waste discharge requirements for discharges of storm water associated with industrial activities, I am submitting (*check one*):

- A copy of the Notice of Intent that has been submitted to apply for coverage under Order 97-03-DWQ or subsequent revision thereto; or
- A Notice of Non-Applicability (NONA); or
- A No Exposure Certification (NEC).

In accordance with the Tier 1 requirements of the Waiver, I will (*check all that apply*):

- Land apply no more than 10,000 gallons of wastewater to my land application area per year.
- Use storage tanks and dispose of wastewater at a permitted treatment facility (tank and haul) for any wastewater in excess of 10,000 gallons per year.
- Land apply residual solids associated with the generation of no more than 10,000 gallons of wastewater to my land application area per year.
- Dispose of any excess residual solids off-site in compliance with the Waiver and applicable regulations.

Certification Statement

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Signature: _____ Phone: _____

Printed Name: _____ Date: _____

**REPORT OF WASTE DISCHARGE TECHNICAL INFORMATION FORM
FOR TIER 2 AND TIER 3 FACILITIES**

RESOLUTION R5-2015-0005
WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR
SMALL FOOD PROCESSORS AND SMALL WINERIES

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, CENTRAL VALLEY REGION

Complete all applicable sections of this form. The Executive Officer will not issue a Notice of Applicability unless the Report of Waste Discharge is complete and demonstrates that the Waiver (Resolution R5-2015-0005) is applicable to the proposed discharge.

Facility Name

Facility Owner

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments, and that based upon my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine.

(signature)

(date)

(printed name)

(phone)

A. FACILITY MAPS/PLANS

1. Site Location Map: provide a scaled topographical map that depicts the location of the facility, property lines, land application area, on-site wells, streets, and nearby surface waters and wetlands.
2. Processing Facility and Discharge Area Plan: provide a scaled plan that depicts the processing facility, wastewater pipelines, wastewater storage structures, residual solids storage areas, storm water drainage features, and all land application areas.
3. Other Maps or Plans (Optional): provide other maps, plans, or sketches as desired to illustrate typical design features to supplement your response to the questions below.

There are several online tools that are useful to develop the required maps and plans:

- Many Internet search engines provide scaled street maps and/or aerial photos that can be adapted for use.
- TopoQuest (<http://www.topoquest.com/find.php>) allows you to download portions of United States Geological Survey topographic maps that show topography and surface waters. These can be printed directly or imported into most software applications.
- Legible hand drawn maps are acceptable.

B. TYPE OF OPERATION (check all that apply)

- | | |
|--|--|
| <input type="checkbox"/> Winery | <input type="checkbox"/> Cannery |
| <input type="checkbox"/> Brewery | <input type="checkbox"/> Nut Huller |
| <input type="checkbox"/> Olive Oil Processing | <input type="checkbox"/> Seed Washing |
| <input type="checkbox"/> Seed Oil Processing | <input type="checkbox"/> Meat processing |
| <input type="checkbox"/> OTHER - Describe and Provide SIC Code _____ | |

Standard Industrial Classification (SIC) codes for all industries can be found on the Internet at <http://www.osha.gov/pls/imis/sicsearch.html>

C. FACILITY HISTORY (check the appropriate box and the answer the associated questions)

1. New facility (no operations to date by current owner)

- a. _____ Planned or Actual (select one) construction completion date.
- b. _____ Planned operations start date
- c. _____ Planned date of first discharge to land
- d. _____ Has the local planning department determined whether the project requires an environmental review to comply with the California Environmental Quality Act (CEQA)?

If YES, include a copy of either (check the submitted item):

- A Notice of Exemption or letter stating the project is not subject to CEQA review, or
- A copy of the certified CEQA document (Negative Declaration, Mitigated Negative Declaration or Final Environmental Impact Report, as applicable)

2. Existing facility covered under the previous waiver (Resolution R5-2009-0097)

- a. _____ Date of Notice of Applicability
- b. _____ Did you discharge process wastewater to land under the previous waiver?
- c. _____ Did you discharge residual solids to land under the previous waiver?
- d. _____ Did you comply with all of the requirements of the previous waiver?
- e. _____ Has this facility expanded since the Notice of Applicability was issued?
- f. _____ Do you plan to expand within the next five years?
- g. _____ Do you plan to discharge process wastewater to land under the current waiver?
- h. _____ Do you plan to discharge residual solids to land under the current waiver?
- i. _____ Will you be able to comply with the conditions of the current waiver, including after any planned expansion in the next five years?
- j. _____ If not, when do you plan to submit a Report of Waste Discharge to apply for individual Waste Discharge Requirements?

3. Existing facility not covered under the previous waiver (Resolution R5-2009-0097)

- a. _____ How long have you operated this facility?
- b. _____ Do you plan to expand within the next five years?
- c. _____ Will you be able to comply with the conditions of the current waiver, including after any planned expansion?
If NO, when do you plan to submit a Report of Waste Discharge to apply for individual Waste Discharge Requirements? _____
- d. How do you currently manage the disposal of process wastewater and residual solids? (A brief description is sufficient).

D. STORM WATER PERMIT COVERAGE

- Is the facility covered under NPDES General Permit CAS000001 specifying waste discharge requirements for discharges of storm water associated with industrial activities (either State Water Resources Control Board Order 97-03-DWQ or 2014-0057-DWQ, whichever is in effect on the date of the Report of Waste Discharge)?
1. _____

If YES, provide the WDID number assigned to the facility (from the acknowledgment letter issued by the State Water Board). _____

If NO, include a copy of either (check the item included with your application):

- A copy of the Notice of Intent that has been submitted to apply for coverage under Order 97-03-DWQ or subsequent revision thereto.
- A copy of the submitted Notice of Non-Applicability (NONA).
- A copy of the submitted No Exposure Certification (NEC).

E. OPERATIONAL INFORMATION

1. How many tons of produce or commodity will be processed per year? (Estimates are acceptable)

_____ tons in 2015	_____ tons in 2018
_____ tons in 2016	_____ tons in 2019
_____ tons in 2017	_____ tons in 2020

2. When is the primary processing season for this facility? (Example: June through October)

3. _____ Does this facility have operations that generate process wastewater or residual solids at other times of the year?

If YES, describe: _____

4. Describe all operations and activities that generate process wastewater.

F. WASTEWATER INFORMATION

1. _____ Does this facility have a self-regenerating water softener (one that you add salt to)?
2. _____ Does this facility have a boiler?
3. _____ Does this facility have evaporative cooling systems that are periodically flushed and refreshed with fresh water?
4. _____ Does this facility discharge stillage wastes?
5. If you answered YES to any of the above questions (F.1 – 4), describe how you will segregate these high strength/high salinity wastes and dispose of them off-site.

6. _____ Does this facility utilize acid or caustic cleaning solutions or sanitizing solutions such as sodium hypochlorite (bleach)?

If YES, list by chemical formulation, concentration, and volume used per year.

<u>Chemical Formulation</u>	<u>Concentration and Units</u>	<u>Volume (gallons per year)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

7. _____ Does this facility use other chemicals that will be present in the wastewater?

If YES, list by chemical formulation, concentration, and volume used per year.

<u>Chemical Formulation</u>	<u>Concentration and Units</u>	<u>Volume (gallons per year)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

8. Provide estimated monthly wastewater flows for each month of the year. (Exclude saline waste streams that will be segregated for separate disposal.)

Volume (gallons)	Month	Volume (gallons)	Month
_____	January	_____	July
_____	February	_____	August
_____	March	_____	September
_____	April	_____	October
_____	May	_____	November
_____	June	_____	December
Annual Total			

9. _____ Do you expect that your wastewater flows will increase over the next five years?
 If YES, what is the expected maximum annual volume in gallons? _____

10. _____ Is the total volume of wastewater in F.8 or F.9 greater than 100,000 gallons?
 If YES, the facility will be enrolled under Tier 3 or have a means to measure generated wastewater volume (excluding saline waste streams that will be segregated for separate disposal) and discharge no more than 100,000 gallons per year.

_____ Will the facility use a flow meter?
 If YES, describe the type and location of the flow meter that will be used:

 If NO, describe method to estimate the volume generated per month (e.g., monitoring tank levels or other means):

11. _____ Is your process area covered in a way that prevents storm water from commingling with wastewater?

12. Describe the wastewater collection system and how it is routed to the storage system (runoff protection, floor drains, pumps, gravity flow pipe, etc.)

13. Describe the wastewater storage system (number, size, and type of tanks; secondary containment systems; pump systems; spillage/overflow prevention features, etc.)

G. RESIDUAL SOLIDS INFORMATION

1. _____ Does the facility generate residual organic solids, such as pulp, skins, stems, and/or seeds?
 If NO, move to Section H.

2. Describe the types of solids generated:

3. Provide an estimate of the weight of residual solids generated each month

Weight (tons)	Month	Weight (tons)	Month
_____	January	_____	July
_____	February	_____	August
_____	March	_____	September
_____	April	_____	October
_____	May	_____	November
_____	June	_____	December
Annual Total			

4. How do you propose to dispose of the residual solids? (check all that apply and provide required information)

- a. Waste landfill

Disposal Site - name: _____
 contact info: _____
 Hauler - name: _____
 contact info: _____

- b. Animal feed

Disposal Site - name: _____
 contact info: _____
 Hauler - name: _____
 contact info: _____

- c. Off-site composting or other recycling

Disposal Site - name: _____
 contact info: _____
 Hauler - name: _____
 contact info: _____

d. On-site land application as a soil amendment

5. Describe how residual solids will be collected and stored prior to off-site disposal or on-site land application.

6. Describe the measures used to prevent nuisance conditions (odor and flies) during storage of residual solids.

H. LAND APPLICATION AREA INFORMATION

- 1. _____ What is the size of the land application area? acres or square feet
- 2. _____ Will wastewater and residual solids be applied to the same area?

If NO, provide the size of the area used to apply wastewater and the size of the area used to apply residual solids.

_____ Size of wastewater land application area. acres or square feet

_____ Size of residual solids land application area. acres or square feet

For questions 3 & 4, distinguish between the wastewater land application area and residual solids land application area.

3. Describe the crops or type of vegetation grown on the land application area(s), the growing season, and harvesting practices.

4. Describe how the land application area(s) will be designed, operated and maintained to prevent off-site discharge of process wastewater.

Information about wastewater applied to land

5. Provide estimated volume of wastewater applied to land for each month of the year. (Saline waste streams are not allowed to be discharged to land.)

Volume (gallons)	Month	Volume (gallons)	Month
_____	January	_____	July
_____	February	_____	August
_____	March	_____	September
_____	April	_____	October
_____	May	_____	November
_____	June	_____	December
Annual Total			

6. _____ What is the estimated average total nitrogen content of the wastewater in mg/L?

Winery and food processing industry associations typically provide characteristic nitrogen values based on the processed commodity.

Examples of such organizations are:
 The Wine Institute (<http://www.wineinstitute.org>), and
 The California League of Food Processors (<http://www.clfp.com>)

7. Describe how the salinity of the wastewater applied to land will be minimized.

8. Describe the irrigation system and how wastewater will be applied evenly over the land application area.

Answer the remaining questions only if residual solids will be applied to land

9. Provide the amount of residual solids applied to land for each month of the year.

Amount	Month	Amount	Month
<input type="checkbox"/> tons/acre or		<input type="checkbox"/> tons/acre or	
<input type="checkbox"/> inches		<input type="checkbox"/> inches	
_____	January	_____	July
_____	February	_____	August
_____	March	_____	September
_____	April	_____	October
_____	May	_____	November
_____	June	_____	December
Annual Total			

10. _____ What is the moisture content of the solids? weight percent

11. _____ What is the nitrogen content of the solids? percent or mg/Kg as dry weight basis

12. Describe how the solids will be transported to the land application area and evenly spread out.

I. WASTEWATER POND INFORMATION (nut hullers only)

1. _____ Is the groundwater water table greater than 5 feet below the base of all ponds?

2. _____ What is the maximum water depth that will be in any pond at any time? (feet)

3. _____ Will the freeboard, as measured from the water surface in the ponds to the surrounding grade, be less than one foot at any time?

4. _____ Will the pond be completely drained, including removal of visible residual solids and organic matter, by December 31st of each year?

5. Describe the controls that will be in place to prevent storm water runoff from entering the pond between January 1st and June 30th of the following year.
