
Central Valley Regional Water Quality Control Board

25 July 2016

Joe Martinez
Martinez Ranches
8542 Halley Road
Winters, CA 95694

CERTIFIED MAIL
91 7199 9991 7035 8421 0574

REVIEW OF REPORT OF WASTE DISCHARGE AND REQUEST FOR MONITORING INFORMATION, MARTINEZ RANCHES, SOLANO COUNTY

The Central Valley Regional Water Quality Control Board (hereafter "Central Valley Water Board") was made aware of this facility due a nuisance complaint from Solano County staff that wastewater was being applied to county owned roads for dust control. In response to the complaint, Central Valley Water Board staff issued a Notice of Violation (NOV) to Martinez Ranches on 7 December 2015 which included a request for a wastewater compliance plan and Report of Waste Discharge (RWD). The Central Valley Water Board reviewed a RWD dated 20 April 2016 for the Martinez Ranches in Solano County. The wastewater disposal compliance plan was received on 28 January 2016 and the RWD was received on 21 April 2016.

Background

The Discharger specializes in tree nut crops and has a small walnut and pistachio hulling operation. Approximately 3,500 tons of nuts (after the removal of the soft hulls) are processed seasonally. In September, approximately 20,000 gallons of wastewater are generated annually from hulling pistachios, and approximately 180,000 gallons annually are generated from walnut hulling between October and November. Wastewater collects in a concrete trench beneath the huller and drains to a buried, open top 20,000 gallon steel tank, as shown on Attachment B. Wastewater is temporarily stored in the steel tank and then pumped into a tanker truck for transport to one of the nearby ranches within Solano County and then dispersed along orchard perimeter roads, owned by the Discharger, as a dust suppressant.

Based on the RWD, the Discharger generates approximately 3,600 tons of waste solids per year. The residual solids are placed in trailers and immediately hauled off to one of several orchards and used as a soil amendment. A manure spreader is used so that application rates are relatively consistent across the receiving orchards and fields.

The Discharger only hulls and dries the pistachios and walnuts. Additional processing, such as brining, is not conducted at the Discharger's facility.

Issues

No water quality data for groundwater or wastewater has been collected for this facility. Based on information from other walnut huller facilities, the quality of the walnut wastewater is such that untreated or minimally treated wastewater is generally acceptable to use for irrigation and dust control. Discharge of the walnut wastewater is covered under the Waiver for Small Food Processors, Wineries, and Related Agricultural Processors within the Central Valley Region (Order R5-2015-0005-0072). A Notice of Applicability (NOA) has been issued for the walnut wastewater discharge only. Because the Discharger processes pistachios, there are concerns regarding the quality of the wastewater because limited studies have been conducted on pistachio wastewater. The limited amount of available pistachio wastewater characterization data shows that high concentrations of biochemical oxygen demand (BOD₅) and potassium are typically associated with pistachio hulling.

Additional characterization of pistachio wastewater is needed before a determination can be made regarding how to address and monitor the wastewater. Until a determination is made based on the characterization data, pistachio wastewater must be stored or hauled off-site to a permitted facility that accepts this type of wastewater. Waste discharge requirements for the disposal of pistachio wastewater will be addressed once the data have been evaluated.

The attached MRP is issued to Martinez Ranches (the Discharger) pursuant to Water Code 13267 which authorizes the Central Valley Water Board to require the submittal of technical and monitoring reports. Additional information and investigation are required for the facility before Waste Discharge Requirements (WDRs) can be adopted. The attached Monitoring and Reporting Program (MRP) R5-2016-0811 requires monitoring of wastewater during the processing season.

Legal Provisions

Analytical data are needed to characterize the pistachio wastewater to determine appropriate discharge requirements for the facility. There are currently no groundwater monitoring wells located on-site and the quality of the wastewater has not been determined. Although the volume of wastewater generated from pistachio hulling (approximately 20,000 gallons per year [gpy]) is significantly less than the volume produced from walnut hulling (approximately 180,000 gpy), there is insufficient information available on the quality of pistachio wastewater.

Water Code section 13267 states, in relevant part:

In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste... that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional 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 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.

Section 13268 of the California Water Code states, in part:

(a) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267.... is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).

(b)(1) Civil liability may be administratively imposed by a regional board...in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

In order to determine the quality of the pistachio wastewater and to obtain information necessary to develop WDRs, the Discharger is ordered to monitor the wastewater and to submit monitoring reports as required by the attached Monitoring and Reporting Plan (MRP). Martinez Ranches owns and operates the nut processing facility at 8542 Halley Road, Winters and is responsible for the waste discharged from the facility.

Required Actions

IT IS HEREBY ORDERED that, pursuant to California Water Code section 13267, Martinez Ranches is required to determine the quality of the pistachio wastewater and to submit a monitoring report.

An MRP is attached to this letter and defines the requirements to characterize the pistachio wastewater. Samples will be collected from the storage tank every two weeks and analyzed for the constituents identified in the MRP. Sampling is only required during the processing season. The monitoring report is required to be submitted to the Central Valley Water Board for review and approval.

The monitoring report is required pursuant to Water Code section 13267. Failure to submit reports, or submittal of incomplete reports, subjects the Discharger to a maximum liability of \$1,000 per day per late report.

DOCUMENT SUBMITTALS

All monitoring reports and other correspondences should be converted to searchable Portable Document Format (PDF) and submitted electronically. Documents less than 50 MB should be emailed to:

centralvalleysacramento@waterboards.ca.gov.

To ensure that your submittal is routed to the appropriate staff person, the following information should be included in the body of the email or any documentation submitted to the mailing address for this office:

Facility Name: Martinez Ranches, Solano County		
Program: Non-15 Compliance	Order R5-2016-0811	CIWQS Place ID: 820292

Documents that are 50 MB or larger should be transferred to a CD, DVD, or flash drive and mailed to:

Central Valley Regional Water Quality Control Board
ECM Mailroom
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Dina Calanchini in our Permitting section will manage this case along with developing appropriate waste discharge requirements. Dina is your point of contact for any questions about this letter and attachments. You may contact Dina at (916) 464-4740 or at dcalanchini@waterboards.ca.gov.

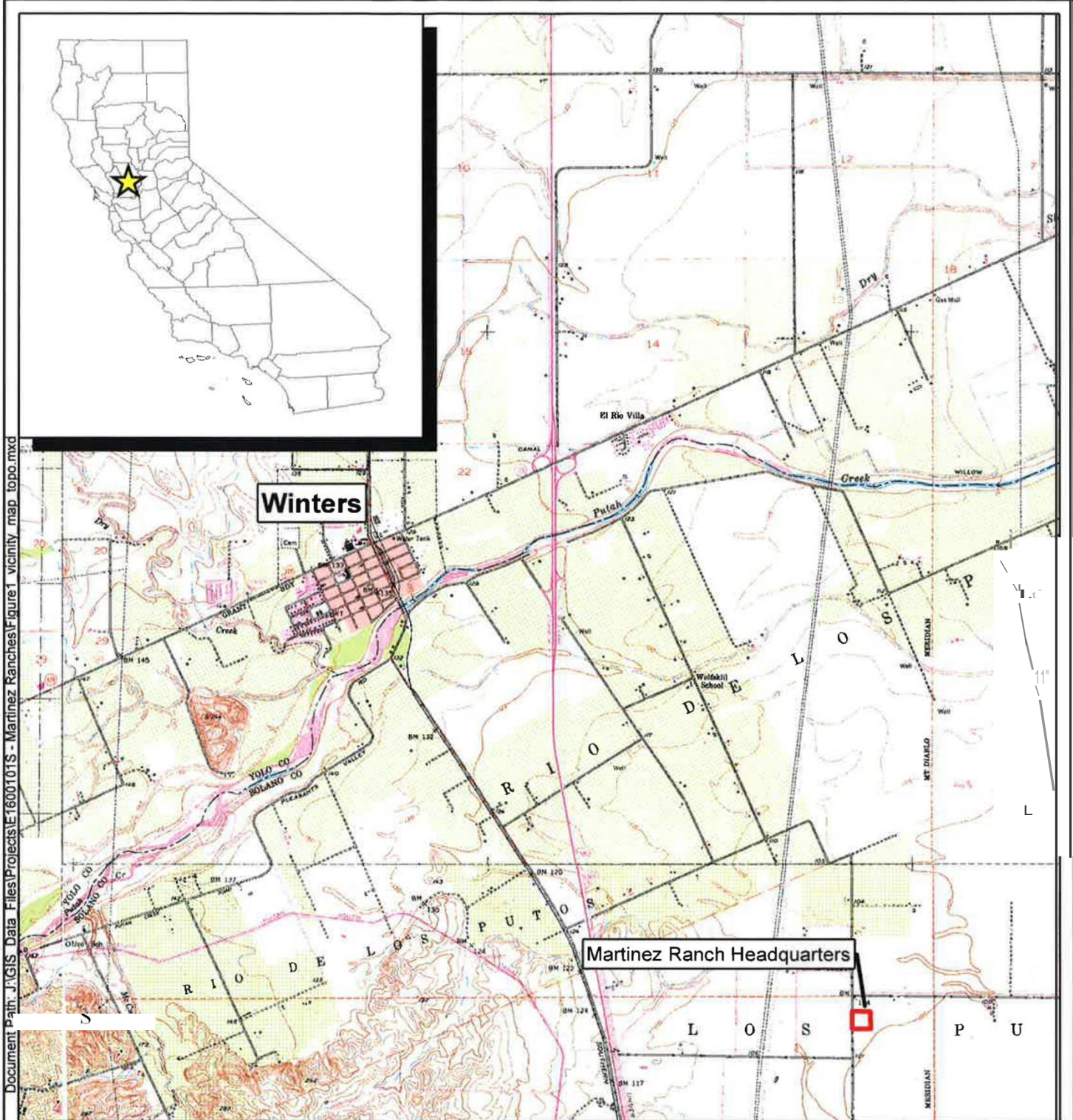


ANDREW ALTEVOGT
Assistant Executive Officer

Attachments:

- Attachment A: Site Location Map
- Attachment B: Site Plan
- Attachment C: Monitoring and Reporting Program
- Attachment D: Standard Provisions and Reporting Requirements

cc w/o attachments: Jeffery Bell, Solano County Environmental Health Department
cc w/ attachments: Kurt Balasek, Wallace Kuhl and Associates



Date Saved: 4/18/2016

Source: http://atlas.ca.gov/quads/38121e8_WINTERS.html

By: KG

Drawing Reference:
Martinez Ranches RWD,
April 2016





Approximate Scale
1 inch = 4,000 feet

**SITE LOCATION
MARTINEZ RANCHES
SOLANO COUNTY**



Legend

-  Approx. Location of Open Drain
-  Site Boundary

Drawing Reference:
Google Earth, 2016
RWD, April 2016



Approximate Scale
1 inch = 80 feet

**SITE PLAN
MARTINEZ RANCHES
SOLANO COUNTY**

ATTACHMENT C
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

MONITORING AND REPORTING PROGRAM R5-2016-0811

FOR

MARTINEZ RANCHES
SOLANO COUNTY

This Monitoring and Reporting Program (MRP) is issued pursuant to Water Code section 13267. Water Code section 13267(b) states, in part:

“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste...that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional 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 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.”

Martinez Ranches (the Discharger) shall not implement any changes to this MRP unless and until the Central Valley Water Board adopts, or the Executive Officer issues, a revised MRP. Changes to sample locations shall be established with concurrence of Central Valley Water Board staff, and a description of the revised locations shall be submitted for approval by the Executive Officer.

The time, date, and location of each sample shall be recorded on the sample chain of custody form. All analyses shall be performed in accordance with the *Standard Provisions and Reporting Requirements for Waste Discharge Requirements*, dated 1 March 1991 (Standard Provisions). Field test instruments (such as those used to measure pH) may be used provided that:

1. The operator is trained in proper use and maintenance of the instruments;
2. The instruments are field calibrated at the frequency recommended by the manufacturer;
3. The instruments are serviced and/or calibrated by the manufacturer at the recommended frequency; and
4. Field calibration reports are submitted as described in the “Reporting” section of the MRP.

Laboratory analytical procedures shall comply with the methods and holding times specified in the following (as applicable to the medium to be analyzed):

- *Methods for Organic Chemical Analysis of Municipal and Industrial Wastewater* (EPA);
- *Test Methods for Evaluating Solid Waste* (EPA);
- *Methods for Chemical Analysis of Water and Wastes* (EPA);
- *Methods for Determination of Inorganic Substances in Environmental Samples* (EPA);
- *Standard Methods for the Examination of Water and Wastewater* (APHA/AWWA/WEF); and

- *Soil, Plant and Water Reference Methods for the Western Region (WREP 125).*

Approved editions shall be those that are approved for use by the United States Environmental Protection Agency or the California Department of Public Health's Environmental Laboratory Accreditation Program (ELAP). The Discharger may propose alternative methods for approval by the Executive Officer. Where technically feasible, laboratory reporting limits shall be lower than the applicable water quality objectives for the constituents to be analyzed.

WASTEWATER MONITORING

Wastewater sampling shall be conducted only during the pistachio processing season, which is generally September to November. The wastewater in the storage tank shall be monitored as specified below:

<u>Constituent</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Sampling Frequency</u> ^{1,2}	<u>Reporting Frequency</u> ²
Effluent Flow ³	gallons	Grab	Bi-weekly	Monthly
Electrical Conductivity	umhos/cm	Grab	Bi-weekly	Monthly
BOD	mg/L	Grab	Bi-weekly	Monthly
pH	pH units	Grab	Bi-weekly	Monthly
Total Dissolved Solids	mg/L	Grab	Bi-weekly	Monthly
Fixed Dissolved Solids	mg/L	Grab	Bi-weekly	Monthly
Volatile Dissolved Solids	mg/L	Grab	Bi-weekly	Monthly
Total Nitrogen	mg/L	Grab	Bi-weekly	Monthly
TKN	mg/L	Grab	Bi-weekly	Monthly
Nitrate as N	mg/L	Grab	Bi-weekly	Monthly
Chloride	mg/L	Grab	Bi-weekly	Monthly
Sodium	mg/L	Grab	Bi-weekly	Monthly
Potassium	mg/L	Grab	Bi-weekly	Monthly

¹ Bi-weekly is defined as taking place every two weeks.

² Sampling and reporting is only required during the pistachio processing season.

³ Cumulative flow for the duration of the processing season.

SOURCE WATER MONITORING

Source water quality for the supply water shall be monitored as described below.

<u>Constituent</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Sampling Frequency</u> ¹	<u>Reporting Frequency</u> ¹
Total Dissolved Solids	mg/L	Grab	Annually	Annually
Fixed Dissolved Solids	mg/L	Grab	Annually	Annually
Volatile Dissolved Solids	mg/L	Grab	Annually	Annually
Total Nitrogen	mg/L	Grab	Annually	Annually
TKN	mg/L	Grab	Annually	Annually
Nitrate as N	mg/L	Grab	Annually	Annually
Chloride	mg/L	Grab	Annually	Annually
Sodium	mg/L	Grab	Annually	Annually
Potassium	mg/L	Grab	Annually	Annually

¹ Sampling and reporting to be conducted once during the processing season.

REPORTING

All regulatory documents, submissions, materials, data, monitoring reports, and correspondence should be converted to a searchable Portable Document Format (PDF) and submitted electronically. Documents that are less than 50MB should be emailed to:

centralvalleysacramento@waterboards.ca.gov

Documents that are 50 MB or larger should be transferred to a CD, DVD, or flash drive and mailed to the following address:

Central Valley Regional Water Quality Control Board
 ECM Mailroom
 11020 Sun Center Drive, Suite 200
 Rancho Cordova, California 95670

To ensure that your submittals are routed to the appropriate staff, the following information block should be included in any correspondence used to transmit documents to this office:

Facility Name: Martinez Ranches, Solano County		
Program: Non-15 Compliance	Order R5-2016-0811	CIWQS Place ID: 820292

In reporting monitoring data, the Discharger shall arrange the data in tabular form so that the date, sample type (e.g., groundwater, etc.), and reported analytical result for each sample are readily discernible. The results of any monitoring done more frequently than required at the locations specified in the Monitoring and Reporting Program shall be reported to the Central Valley Water Board.

As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, all Groundwater Monitoring Reports shall be prepared under the direct supervision of a Registered Professional Engineer or Geologist and signed by the registered professional.

A. Monthly Monitoring Reports

Monthly reports shall be submitted to the Central Valley Water Board by the **1st day of the second month following the end of the reporting period** (e.g. the September monthly report is due by 1 November).

The Monthly Report shall include the following:

1. Results of bi-weekly wastewater sampling.
2. Specific dates for the beginning and ending of the season and activities conducted during each month, such as the types of nuts hulled, the volume of nuts processed, and an approximate volume of wastewater generated.
3. Results of source water sampling (once per processing season).
4. If requested, copies of laboratory analytical reports and calibration log page(s) verifying calibration of all hand-held monitoring instruments performed during the month.

A letter transmitting the self-monitoring reports shall accompany each report. Such a letter shall include a discussion of violations found during the reporting period, and actions taken or planned for correcting noted violations, such as operation 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. The transmittal letter shall contain the penalty of perjury statement by the Discharger, or the Discharger's authorized agent, as described in the Standard Provisions General Reporting Requirements Section B.3.

The Discharger shall implement the above monitoring program on the first day of the month following adoption of this Order.

Ordered by:

PAMELA C. CREEDON, Executive Officer

25 July 2016

(Date)

ATTACHMENT D

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD CENTRAL VALLEY REGION

STANDARD PROVISIONS AND REPORTING REQUIREMENTS FOR WASTE DISCHARGE REQUIREMENTS

1 March 1991

A. General Provisions:

1. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, or protect the Discharger from liabilities under federal, state, or local laws. This Order does not convey any property rights or exclusive privileges.
2. The provisions of this Order are severable. If any provision of this Order is held invalid, the remainder of this Order shall not be affected.
3. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to:
 - a. Violation of any term or condition contained in this Order;
 - b. Obtaining this Order by misrepresentation, or failure to disclose fully all relevant facts;
 - c. A change in any condition that results in either a temporary or permanent need to reduce or eliminate the authorized discharge;
 - d. A material change in the character, location, or volume of discharge.
4. Before making a material change in the character, location, or volume of discharge, the discharger shall file a new Report of Waste Discharge with the Regional Board. A material change includes, but is not limited to, the following:
 - a. An increase in area or depth to be used for solid waste disposal beyond that specified in waste discharge requirements.
 - b. A significant change in disposal method, location or volume, e.g., change from land disposal to land treatment.
 - c. The addition of a major industrial, municipal or domestic waste discharge facility.
 - d. The addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the waste.

Waste Discharge to Land

5. Except for material determined to be confidential in accordance with California law and regulations, all reports prepared in accordance with terms of this Order shall be available for public inspection at the offices of the Board. Data on waste discharges, water quality, geology, and hydrogeology shall not be considered confidential.
6. The discharger shall take all reasonable steps to minimize any adverse impact to the waters of the state resulting from noncompliance with this Order. Such steps shall include accelerated or additional monitoring as necessary to determine the nature and impact of the noncompliance.
7. The discharger shall maintain in good working order and operate as efficiently as possible any facility, control system, or monitoring device installed to achieve compliance with the waste discharge requirements.
8. The discharger shall permit representatives of the Regional Board (hereafter Board) and the State Water Resources Control Board, upon presentations of credentials, to:
 - a. Enter premises where wastes are treated, stored, or disposed of and facilities in which any records are kept,
 - b. Copy any records required to be kept under terms and conditions of this Order,
 - c. Inspect at reasonable hours, monitoring equipment required by this Order, and
 - d. Sample, photograph and video tape any discharge, waste, waste management unit, or monitoring device.
9. For any electrically operated equipment at the site, the failure of which would cause loss of control or containment of waste materials, or violation of this Order, the discharger shall employ safeguards to prevent loss of control over wastes. Such safeguards may include alternate power sources, standby generators, retention capacity, operating procedures, or other means.
10. The fact that it would have been necessary to halt or reduce the permitted activity in Order to maintain compliance with this Order shall not be a defense for the discharger's violations of the Order.
11. Neither the treatment nor the discharge shall create a condition of nuisance or pollution as defined by the California Water Code, Section 13050.
12. The discharge shall remain within the designated disposal area at all times.

B. General Reporting Requirements:

1. In the event the discharger does not comply or will be unable to comply with any prohibition or limitation of this Order for any reason, the discharger shall notify the Board by telephone at **(916) 464-3291** *[Note: Current phone numbers for all three Regional Board offices may be found on the internet at http://www.swrcb.ca.gov/rwqcb5/contact_us.]* as soon as it or its agents

Waste Discharge to Land

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, and shall include a timetable for corrective actions.

2. The discharger shall have a plan for preventing and controlling accidental discharges, and for minimizing the effect of such events.

This plan shall:

- a. Identify the possible sources of accidental loss or leakage of wastes from each waste management, treatment, or disposal facility.
- b. Evaluate the effectiveness of present waste management/treatment units and operational procedures, and identify needed changes of contingency plans.
- c. Predict the effectiveness of the proposed changes in waste management/treatment facilities and procedures and provide an implementation schedule containing interim and final dates when changes will be implemented.

The Board, after review of the plan, may establish conditions that it deems necessary to control leakages and minimize their effects.

3. All reports shall be signed by persons identified below:
 - a. For a corporation: by a principal executive officer of at least the level of senior vice-president.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor.
 - c. For a municipality, state, federal or other public agency: by either a principal executive officer or ranking elected or appointed official.
 - d. A duly authorized representative of a person designated in 3a, 3b or 3c of this requirement if;
 - (1) the authorization is made in writing by a person described in 3a, 3b or 3c of this provision;
 - (2) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a waste management unit, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
 - (3) the written authorization is submitted to the Board

Any person signing a document under this Section shall make the following certification:

“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 the 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.”

4. Technical and monitoring reports specified in this Order are requested pursuant to Section 13267 of the Water Code. Failing to furnish the reports by the specified deadlines and falsifying information in the reports, are misdemeanors that may result in assessment of civil liabilities against the discharger.
5. The discharger shall mail a copy of each monitoring report and any other reports required by this Order to:

California Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114

Note: Current addresses for all three Regional Board offices may be found on the internet at http://www.swrcb.ca.gov/rwqcb5/contact_us or the current address if the office relocates.

C. Provisions for Monitoring:

1. All analyses shall be made in accordance with the latest edition of: (1) *Methods for Organic Chemical Analysis of Municipal and Industrial Wastewater* (EPA 600 Series) and (2) *Test Methods for Evaluating Solid Waste* (SW 846-latest edition). The test method may be modified subject to application and approval of alternate test procedures under the Code of Federal Regulations (40 CFR 136).
2. Chemical, bacteriological, and bioassay analysis shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. In the event a certified laboratory is not available to the discharger, analyses performed by a noncertified laboratory will be accepted provided a Quality Assurance-Quality Control Program is instituted by the laboratory. A manual containing the steps followed in this program must be kept in the laboratory and shall be available for inspection by Board staff. The Quality Assurance-Quality Control Program must conform to EPA guidelines or to procedures approved by the Board.

Unless otherwise specified, all metals shall be reported as Total Metals.

3. The discharger shall retain records of all monitoring information, including all calibration and maintenance records, all original strip chart recordings of continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to

Waste Discharge to Land

complete the application for this Order. Records shall be maintained for a minimum of three years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board Executive Officer.

Record of monitoring information shall include:

- a. the date, exact place, and time of sampling or measurements,
 - b. the individual(s) who performed the sampling of the measurements,
 - c. the date(s) analyses were performed,
 - d. the individual(s) who performed the analyses,
 - e. the laboratory which performed the analysis,
 - f. the analytical techniques or methods used, and
 - g. the results of such analyses.
4. All monitoring instruments and devices used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated at least yearly to ensure their continued accuracy.
 5. The discharger shall maintain a written sampling program sufficient to assure compliance with the terms of this Order. Anyone performing sampling on behalf of the discharger shall be familiar with the sampling plan.
 6. The discharger shall construct all monitoring wells to meet or exceed the standards stated in the State Department of Water Resources *Bulletin 74-81* and subsequent revisions, and shall comply with the reporting provisions for wells required by Water Code Sections 13750 through 13755.22

D. Standard Conditions for Facilities Subject to California Code of Regulations, Title 23, Division 3, Chapter 15 (Chapter 15)

1. All classified waste management units shall be designed under the direct supervision of a California registered civil engineer or a California certified engineering geologist. Designs shall include a Construction Quality Assurance Plan, the purpose of which is to:
 - a. demonstrate that the waste management unit has been constructed according to the specifications and plans as approved by the Board.
 - b. provide quality control on the materials and construction practices used to construct the waste management unit and prevent the use of inferior products and/or materials which do not meet the approved design plans or specifications.
2. Prior to the discharge of waste to any classified waste management unit, a California registered civil engineer or a California certified engineering geologist must certify that the waste management unit meets the construction or prescriptive standards and performance goals in Chapter 15, unless an engineered alternative has been approved by the Board. In the case of an engineered alternative, the registered civil engineer or a certified engineering geologist must

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certify that the waste management unit has been constructed in accordance with Board-approved plans and specifications.

3. Materials used to construct liners shall have appropriate physical and chemical properties to ensure containment of discharged wastes over the operating life, closure, and post-closure maintenance period of the waste management units.
4. Closure of each waste management unit shall be performed under the direct supervision of a California registered civil engineer or a California certified engineering geologist.

E. Conditions Applicable to Discharge Facilities Exempted from Chapter 15 Under Section 2511

1. If the discharger's wastewater treatment plant is publicly owned or regulated by the Public Utilities Commission, it shall be supervised and operated by persons possessing certificates of appropriate grade according to California Code of Regulations, Title 23, Division 4, Chapter 14.
2. By-pass (the intentional diversion of waste streams from any portion of a treatment facility, except diversions designed to meet variable effluent limits) is prohibited. The Board may take enforcement action against the discharger for by-pass unless:
 - a. (1) By-pass was unavoidable to prevent loss of life, personal injury, or severe property damage. (Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a by-pass. Severe property damage does not mean economic loss caused by delays in production); and
 - (2) There were no feasible alternatives to by-pass, such as the use of auxiliary treatment facilities or retention of untreated waste. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a by-pass that would otherwise occur during normal periods of equipment downtime or preventive maintenance; or
 - b. (1) by-pass is required for essential maintenance to assure efficient operation; and
 - (2) neither effluent nor receiving water limitations are exceeded; and
 - (3) the discharger notifies the Board ten days in advance.

The permittee shall submit notice of an unanticipated by-pass as required in paragraph B.1. above.

3. A discharger that wishes to establish the affirmative defense of an upset (see definition in E.6 below) in an action brought for noncompliance shall demonstrate, through properly signed, contemporaneous operating logs, or other evidence, that:

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- a. an upset occurred and the cause(s) can be identified;
- b. the permitted facility was being properly operated at the time of the upset;
- c. the discharger submitted notice of the upset as required in paragraph B.1. above; and
- d. the discharger complied with any remedial measures required by waste discharge requirements.

In any enforcement proceeding, the discharger seeking to establish the occurrence of an upset has the burden of proof.

4. A discharger whose waste flow has been increasing, or is projected to increase, shall estimate when flows will reach hydraulic and treatment capacities of its treatment, collection, and disposal facilities. The projections shall be made in January, based on the last three years' average dry weather flows, peak wet weather flows and total annual flows, as appropriate. When any projection shows that capacity of any part of the facilities may be exceeded in four years, the discharger shall notify the Board by **31 January**.
5. Effluent samples shall be taken downstream of the last addition of wastes to the treatment or discharge works where a representative sample may be obtained prior to disposal. Samples shall be collected at such a point and in such a manner to ensure a representative sample of the discharge.
6. Definitions
 - a. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with effluent limitations because of factors beyond the reasonable control of the Discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper action.
 - b. The monthly average discharge is the total discharge by volume during a calendar month divided by the number of days in the month that the facility was discharging. This number is to be reported in gallons per day or million gallons per day.

Where less than daily sampling is required by this Order, the monthly average shall be determined by the summation of all the measured discharges by the number of days during the month when the measurements were made.
 - c. The monthly average concentration is the arithmetic mean of measurements made during the month.
 - d. The "daily maximum" **discharge** is the total discharge by volume during any day.

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- e. The “daily maximum” **concentration** is the highest measurement made on any single discrete sample or composite sample.
- f. A “grab” sample is any sample collected in less than 15 minutes.
- g. Unless otherwise specified, a composite sample is a combination of individual samples collected over the specified sampling period;
 - (1) at equal time intervals, with a maximum interval of one hour
 - (2) at varying time intervals (average interval one hour or less) so that each sample represents an equal portion of the cumulative flow.

The duration of the sampling period shall be specified in the Monitoring and Reporting Program. The method of compositing shall be reported with the results.

7. Annual Pretreatment Report Requirements:

Applies to dischargers required to have a Pretreatment Program as stated in waste discharge requirements.)

The annual report shall be submitted **by 28 February** and include, but not be limited to, the following items:

- a. A summary of analytical results from representative, flow-proportioned, 24-hour composite sampling of the influent and effluent for those pollutants EPA has identified under Section 307(a) of the Clean Water Act which are known or suspected to be discharged by industrial users.

The discharger is not required to sample and analyze for asbestos until EPA promulgates an applicable analytical technique under 40 CFR (Code of Federal Regulations) Part 136. Sludge shall be sampled during the same 24-hour period and analyzed for the same pollutants as the influent and effluent sampling analysis. The sludge analyzed shall be a composite sample of a minimum of 12 discrete samples taken at equal time intervals over the 24-hour period. Wastewater and sludge sampling and analysis shall be performed at least annually. The discharger shall also provide any influent, effluent or sludge monitoring data for nonpriority pollutants which may be causing or contributing to Interference, Pass Through or adversely impacting sludge quality. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto.

- b. A discussion of Upset, Interference, or Pass Through incidents, if any, at the treatment plant which the discharger knows or suspects were caused by industrial users of the system. The discussion shall include the reasons why the incidents occurred, the corrective actions taken and, if known, the name and address of the industrial user(s) responsible. The discussion shall also include a review of the applicable pollutant limitations to determine whether any

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additional limitations, or changes to existing requirements, may be necessary to prevent Pass Through, Interference, or noncompliance with sludge disposal requirements.

- c. The cumulative number of industrial users that the discharger has notified regarding Baseline Monitoring Reports and the cumulative number of industrial user responses.
- d. An updated list of the discharger's industrial users including their names and addresses, or a list of deletions and additions keyed to a previously submitted list. The discharger shall provide a brief explanation for each deletion. The list shall identify the industrial users subject to federal categorical standards by specifying which set(s) of standards are applicable. The list shall indicate which categorical industries, or specific pollutants from each industry, are subject to local limitations that are more stringent than the federal categorical standards. The discharger shall also list the noncategorical industrial users that are subject only to local discharge limitations. The discharger shall characterize the compliance status through the year of record of each industrial user by employing the following descriptions:
 - (1) Complied with baseline monitoring report requirements (where applicable);
 - (2) Consistently achieved compliance;
 - (3) Inconsistently achieved compliance;
 - (4) Significantly violated applicable pretreatment requirements as defined by 40 CFR 403.8(f)(2)(vii);
 - (5) Complied with schedule to achieve compliance (include the date final compliance is required);
 - (6) Did not achieve compliance and not on a compliance schedule;
 - (7) Compliance status unknown.

A report describing the compliance status of any industrial user characterized by the descriptions in items (d)(3) through (d)(7) above shall be **submitted quarterly from the annual report date** to EPA and the Board. The report shall identify the specific compliance status of each such industrial user. This quarterly reporting requirement shall commence upon issuance of this Order.

- e. A summary of the inspection and sampling activities conducted by the discharger during the past year to gather information and data regarding the industrial users. The summary shall include but not be limited to, a tabulation of categories of dischargers that were inspected and sampled; how many and how often; and incidents of noncompliance detected.

Waste Discharge to Land

- f. A summary of the compliance and enforcement activities during the past year. The summary shall include the names and addresses of the industrial users affected by the following actions:
- (1) Warning letters or notices of violation regarding the industrial user's apparent noncompliance with federal categorical standards or local discharge limitations. For each industrial user, identify whether the apparent violation concerned the federal categorical standards or local discharge limitations;
 - (2) Administrative Orders regarding the industrial user's noncompliance with federal categorical standards or local discharge limitations. For each industrial user, identify whether the violation concerned the federal categorical standards or local discharge limitations;
 - (3) Civil actions regarding the industrial user's noncompliance with federal categorical standards or local discharge limitations. For each industrial user, identify whether the violation concerned the federal categorical standards or local discharge limitations;
 - (4) Criminal actions regarding the industrial user's noncompliance with federal categorical standards or local discharge limitations. For each industrial user, identify whether the violation concerned the federal categorical standards or local discharge limitations.
 - (5) Assessment of monetary penalties. For each industrial user identify the amount of the penalties;
 - (6) Restriction of flow to the treatment plant; or
 - (7) Disconnection from discharge to the treatment plant.
- g. A description of any significant changes in operating the pretreatment program which differ from the discharger's approved Pretreatment Program, including, but not limited to, changes concerning: the program's administrative structure; local industrial discharge limitations; monitoring program or monitoring frequencies; legal authority of enforcement policy; funding mechanisms; resource requirements; and staffing levels.
- h. A summary of the annual pretreatment budget, including the cost of pretreatment program functions and equipment purchases.
- i. A summary of public participation activities to involve and inform the public.
- j. A description of any changes in sludge disposal methods and a discussion of any concerns not described elsewhere in the report.

Duplicate signed copies of these reports shall be submitted to the Board and:

Regional Administrator
U.S. Environmental Protection Agency W-5
75 Hawthorne Street
San Francisco, CA 94105

and

State Water Resource Control Board
Division of Water Quality
P.O. Box 100
Sacramento, CA 95812

Revised January 2004 to update addresses and phone numbers

Monitoring Report Submittal Transmittal Form

Attn: Kenny Croyle (916) 464-4676
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114

Discharger: Martinez Ranches
Name of Facility: Martinez Ranches
WDRs Order Number: R5-2016-0811
WDID:
County: Solano

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

Check all that apply:

Monthly Monitoring Report for the month of _____

Violation Notification

During the monitoring period, there were / were not (circle one) any violations of the WDRs.

1. The violations were:

2. Have the violations been corrected? Yes / No. If no, what will be done to correct the violations:

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: _____