

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

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FILE

27 June 1995

NOTICE

ADOPTED NEW WASTE DISCHARGE REQUIREMENTS
FOR
THE MORNING STAR PACKING COMPANY, INC. AND
MR. FRANK GOBEL
THE MORNING STAR TOMATO PACKING PLANT
COLUSA COUNTY

Mr. Chris Rufer, President
The Morning Star Packing Company
724 Main Street
Woodland, CA 95695

CERTIFIED MAIL
Z 175 115 255

TO ALL CONCERNED PERSONS AND AGENCIES:

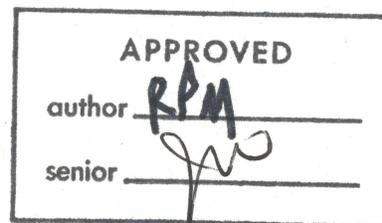
Waste Discharge Requirements Order No. 95-160 for the above named discharger was adopted by the California Regional Water Quality Control Board, Central Valley Region, on 23 June 1995. The Order was adopted as originally proposed.

ROBERT J. YEADON
Senior Engineer

RPM:ldj

Enclosures (Adopted Order & Standard Provisions)

cc w/o Encl: Department of Water Resources, Central District, Sacramento
Ms. Betsy Jennings, State Water Resources Control Board, Sacramento
Mr. Archie Matthews, State Water Resources Control Board, Sacramento
Office of Historic Preservation, Sacramento
Office of Drinking Water, Department of Health Services, Sacramento
Department of Fish and Game, Rancho Cordova
Colusa County Health Department, Colusa
Colusa County Planning Department, Colusa
Mr. Frank Gobelm, Williams
Mr. Gerald Harter, Harter Tomato Products Company, Yuba City



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. 95-160

WASTE DISCHARGE REQUIREMENTS
FOR
THE MORNING STAR PACKING COMPANY, LIMITED PARTNERSHIP
AND
MR. FRANK GOBEL
THE MORNING STAR TOMATO PACKING PLANT
COLUSA COUNTY

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

1. The Morning Star Packing Company, Limited Partnership (LTD), and Mr. Frank Gobel (hereafter Discharger) submitted a Report of Waste Discharge, dated 22 March 1995, and additional information, dated 12 January 1995, 6 March 1995 and 23 March 1995 for a tomato packing wastewater treatment and disposal facility. The property, totaling 906 acres, is owned by The Morning Star Packing Company (796 acres) and Mr. Frank Gobel (110 acres).
2. The Discharger has proposed to construct a tomato processing facility. The facility's primary process of making tomato paste consists of receiving, transporting by flume, washing, discarding, crushing, heating and screening tomatoes. The resulting tomato paste is heat sterilized, cooled and packaged. The tomato processing season lasts from approximately June to mid-October.
3. Wastewater will be generated by equipment cleaning, washing and conveying tomatoes and condensed vapors from the evaporation process. Wastewater from cleaning, washing and conveying tomatoes, approximately 4.3 million gallons per day (mgd), will be discharged to a settling pond then to approximately 670 acres of land for irrigation. Tail water from the irrigation system will be returned to the irrigation system. Wastewater from the evaporation process, approximately 58 mgd, will be discharged to a 60 acre cooling pond. Water from the cooling pond will be recycled to the processing plant, overflows will be discharged to the settling pond system. Attachment A is a schematic of the process flow.
4. Solid wastes from the process settling pond, cull tomatoes and vines, approximately 3,000 to 6,000 tons per year, and tomato pomace (seeds and skins), approximately 12,000 tons per year, will be discharged to land as a soil amendment, transported off-site or used as animal feed.
5. The tomato processing facility and wastewater system are in Sections 19, 20, 29, and 30, T15N, R2W, MDB&M, with surface water drainage to the Glenn-Colusa Canal tributary to the Colusa Basin Drain, as shown in Attachment B, which is attached hereto and part of the Order by reference.

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6. The Board adopted a Water Quality Control Plan, Third Edition, the Sacramento River Basin and the San Joaquin River Basin, which contains water quality objectives for all waters of the Basin. These requirements implement the Basin Plan.
7. The beneficial uses of the Colusa Basin Drain are municipal, industrial, and agricultural supply; recreation; esthetic enjoyment; navigation; ground water recharge; fresh water replenishment; hydropower generation; and preservation and enhancement of fish, wildlife, and other aquatic resources.
8. The beneficial uses of underlying ground water are domestic, industrial, and agricultural supply.
9. Colusa County has certified a final environmental impact report (EIR), in accordance with the California Environmental Quality Act (CEQA), (Public Resources Code Section 21000, et seq.) and the State CEQA Guidelines. The project as approved will not have a significant effect on water quality.
10. This discharge is exempt from the requirements of Title 23, CCR, Section 2510, et seq. (hereafter Chapter 15). The exemption, pursuant to Section 2511(b), is based on the following:
 - a. The Board is issuing waste discharge requirements, and
 - b. The discharge complies with the Basin Plan, and
 - c. The wastewater does not need to be managed according to 22 CCR, Division 4.5, Chapter 11, as a hazardous waste.
11. The Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for this discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
12. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that, The Morning Star Packing Company, LTD, and Mr. Frank Gobel, their agents, successors, and assigns, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

THE MORNING STAR PACKING COMPANY,
LIMITED PARTNERSHIP, AND
MR. FRANK GOBEL
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A. Discharge Prohibitions:

1. Discharge of wastes to surface waters or surface water drainage courses is prohibited.
2. Bypass or overflow of untreated or partially treated waste is prohibited.
3. Discharge of waste classified as 'hazardous' or 'designated', as defined in Sections 2521(a) and 2522(a) of Chapter 15, is prohibited.

B. Discharge Specifications:

1. The maximum daily discharge from the settling ponds shall not exceed 4.3 million gallons and the maximum daily discharge to the cooling ponds shall not exceed 58 million gallons.
2. Objectionable odors originating at this facility shall not be perceivable beyond the limits of the wastewater treatment and disposal areas.
3. As a means of discerning compliance with Discharge Specification No. 2, the dissolved oxygen content in the upper zone (1 foot) of wastewater in ponds and the irrigation distribution system shall not be less than 1.0 mg/l.
4. The treatment and land disposal facilities shall be designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-year return frequency.
5. Water in the irrigation disposal area shall be managed to prevent the breeding of mosquitos and to assure objectionable odors are not perceivable beyond the limits of the property line.
6. Ponds shall be managed to prevent breeding of mosquitos. In particular:
 - a. An erosion control program should assure that small coves and irregularities are not created around the perimeter of the water surface.

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- b. Weeds shall be minimized through control of water depth, harvesting, or herbicides.
 - c. Dead algae, vegetation, and debris shall not accumulate on the water surface.
7. Ponds shall have sufficient capacity to accommodate allowable wastewater flow and design seasonal precipitation and ancillary inflow and infiltration during the nonirrigation season. Design seasonal precipitation shall be based on total annual precipitation using a return period of 100 years, distributed monthly in accordance with historical rainfall patterns. Freeboard shall never be less than two feet (measured vertically to the lowest point of overflow).

C. Solids Disposal:

1. Collected screenings and other solids removed from liquid wastes shall be disposed of in a manner that is consistent with Chapter 15, Division 3, Title 23, of the California Code of Regulations and approved by the Executive Officer.
2. Any proposed change in solids use or disposal practice from a previously approved practice shall be reported to the Executive Officer at least 90 days in advance of the change.
3. By **1 November 1995**, the Discharger shall submit a solids disposal plan describing the annual volume of solids generated by the plant and specifying the disposal practices.
4. Neither the storage nor land application of solids shall cause a nuisance or condition of pollution as defined by the California Water Code, Section 13050.

D. Ground Water Limitations:

The discharge shall not cause underlying ground water to:

1. Contain waste constituents in concentrations statistically greater than background water quality.

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2. Contain chemicals, heavy metals, or trace elements in concentrations that adversely affect beneficial uses or exceed maximum contaminant levels specified in 22 CCR, Division 4, Chapter 15.
3. Contain taste or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses.
4. Have a pH less than 6.5 or greater than 8.5.

E. Provisions:

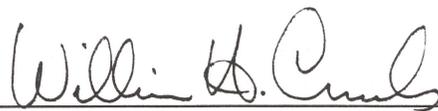
1. The Discharger shall comply with the Monitoring and Reporting Program No. 95-160, which is part of this Order, and any revisions thereto as ordered by the Executive Officer.
2. The Discharger shall comply with the "Standard Provisions and Reporting Requirements for Waste Discharge Requirements", dated 1 March 1991, which are attached hereto and by reference a part of this Order. This attachment and its individual paragraphs are commonly referenced as "Standard Provision(s)."
3. In the event of any change in control or ownership of land or waste discharge facilities described herein, the Discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to this office.
4. At least **90 days** prior to termination or expiration of any lease, contract, or agreement involving disposal or reclamation areas or off-site reuse of effluent, used to justify the capacity authorized herein and assure compliance with this Order, the Discharger shall notify the Board in writing of the situation and of what measures have been taken or are being taken to assure full compliance with this Order.
5. The Discharger must comply with all conditions of this Order, including timely submittal of technical and monitoring reports as directed by the Executive Officer. Violations may result in enforcement action, including Regional Board or court orders requiring corrective action or imposing civil monetary liability, or in revision or rescission of this Order.

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6. Mr Frank Gobel, as owner of a limited segment of the real property at which the discharge will occur, is ultimately responsible for ensuring compliance with these requirements. The Morning Star Packing Company, LTD, retains primary responsibility for compliance with these requirements, including day-to-day operations and monitoring. Enforcement actions will be taken against Mr. Frank Gobel only in the event that enforcement actions against The Morning Star Packing Company, LTD, are ineffective or would be futile, or that enforcement is necessary to protect public health or the environment.
7. A copy of this Order shall be kept at the discharge facility for reference by operating personnel. Key operating personnel shall be familiar with its contents.
8. The Board will review this Order periodically and will revise requirements when necessary.

I, WILLIAM H. CROOKS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 23 June 1995.



WILLIAM H. CROOKS, Executive Officer

RPM/ldj

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

MONITORING AND REPORTING PROGRAM NO. 95-160

FOR
THE MORNING STAR PACKING COMPANY, LIMITED PARTNERSHIP, AND
MR. FRANK GOBEL
THE MORNING STAR TOMATO PACKING PLANT
COLUSA COUNTY

Specific sample station locations shall be established under direction of the Board's staff and a description of the stations shall be attached to this Order.

Prior to construction, plans and specifications for ground water monitoring wells shall be submitted to Board staff for review and approval.

POND MONITORING

Sampling shall be conducted when wastewater is present for each of the settling and cooling ponds and shall include:

<u>Constituent</u>	<u>Units</u>	<u>Sample type</u>	<u>Frequency</u>
pH	pH units	grab	monthly
freeboard	feet	measurement	monthly
electrical conductivity	μ hos/cm	grab	monthly
dissolved oxygen	mg/l	grab	monthly
levee condition	---	observation	monthly
color	---	observation	monthly
odors	---	observation	monthly

GROUND WATER MONITORING

A minimum of three ground water monitoring wells, one up gradient and two down gradient, shall be constructed around the settling pond. Prior to construction, plans and specifications for ground water monitoring wells shall be submitted to Board staff for review and approval.

THE MORNING STAR PACKING COMPANY,
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<u>Constituent</u>	<u>Units</u>	<u>Sample type</u>	<u>Frequency</u>
elevation ¹	feet/100	measurement	monthly
electrical conductivity	µmhos/cm	grab	monthly
pH	pH units	grab	monthly
standard minerals ²	various	grab	twice annually

¹ The ground water elevations shall be used to calculate, and the monitoring report shall include, the gradient and direction of ground water flow.

² standard minerals shall be sampled prior to the start, and at the end, of the tomato processing season and shall include, at least, total dissolved solids, chlorides, sulfate, nitrate, alkalinity, calcium, pH, hardness, ammonia and phosphate.

IRRIGATION AREA MONITORING

The irrigation disposal area shall be inspected at least monthly and observations made of standing water, runoff and odors.

REPORTING

In reporting the monitoring data, the Discharger shall arrange the data in tabular form so that the date, the constituents, and the concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly the compliance with waste discharge requirements.

Monthly monitoring reports shall be submitted to the Regional Board by the **20th day** of the following month.

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 Board.

Upon written request of the Board, the Discharger shall submit a report to the Board by **30 January** of each year. The report shall contain both tabular and graphical summaries of the

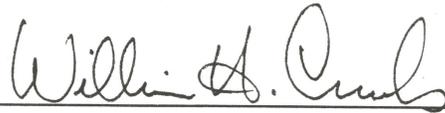
THE MORNING STAR PACKING COMPANY,
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monitoring data obtained during the previous year. In addition, the Discharger shall discuss the compliance record and the corrective actions taken or planned which may be needed to bring the discharge into full compliance with the waste discharge requirements.

The Discharger shall implement the above monitoring program as of the date of this Order.

Ordered by:



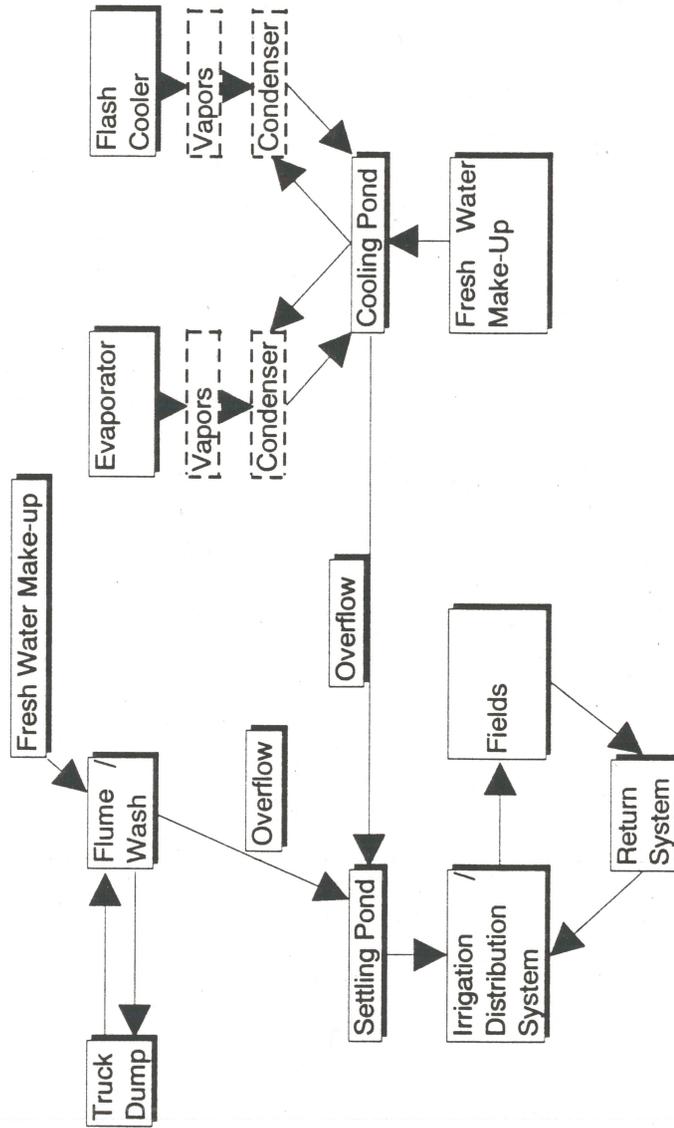
WILLIAM H. CROOKS, Executive Officer

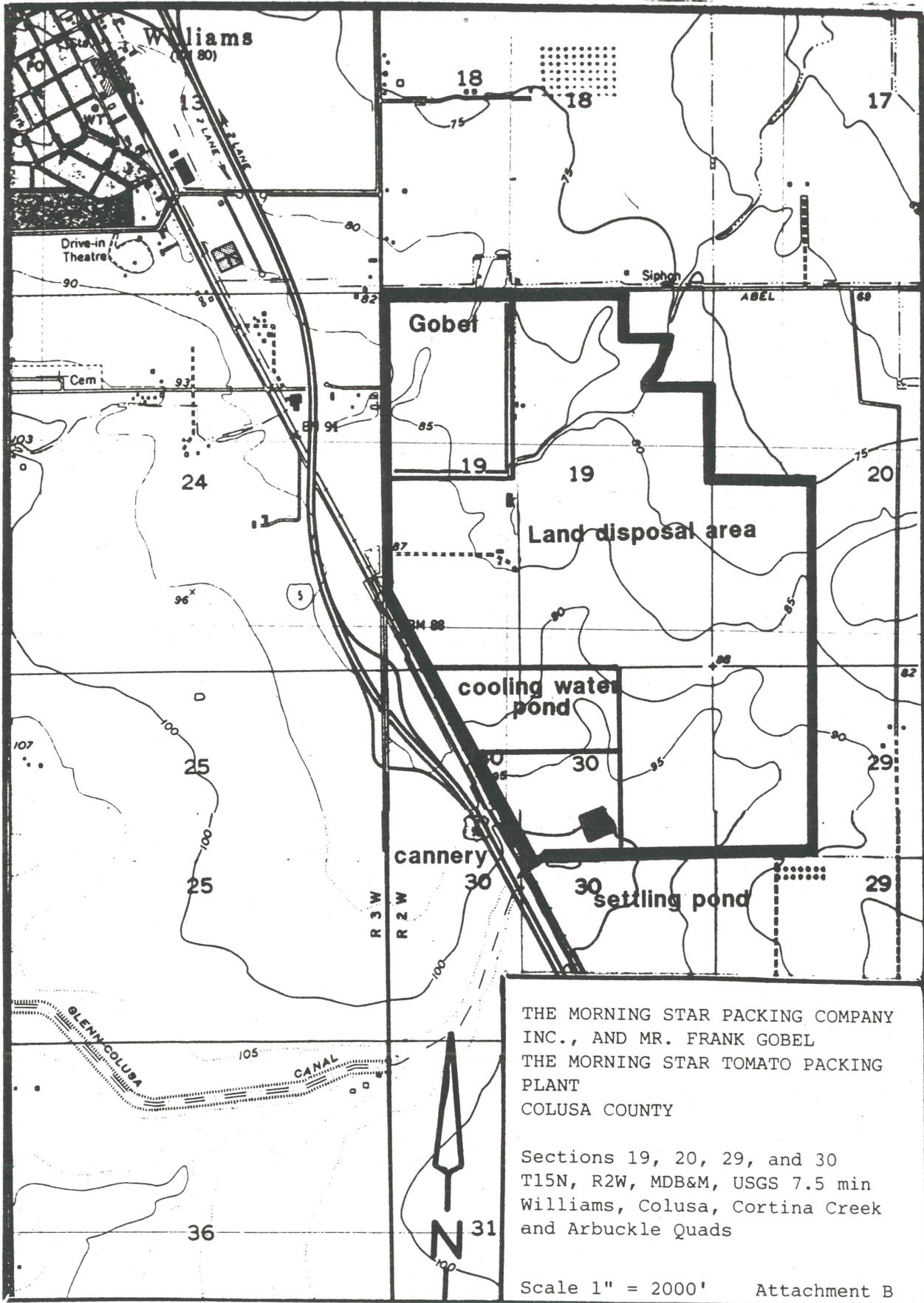
23 June 1995

(Date)

RPM/l dj

The Morning Star Packing Company Process Water Flow





THE MORNING STAR PACKING COMPANY
 INC., AND MR. FRANK GOBEL
 THE MORNING STAR TOMATO PACKING
 PLANT
 COLUSA COUNTY

Sections 19, 20, 29, and 30
 T15N, R2W, MDB&M, USGS 7.5 min
 Williams, Colusa, Cortina Creek
 and Arbuckle Quads

Scale 1" = 2000' Attachment B

THE MORNING STAR PACKING COMPANY INC. AND
MR. FRANK GOBEL
THE MORNING STAR TOMATO PACKING PLANT
COLUSA COUNTY

INFORMATION SHEET

The Morning Star Packing Company, Inc. and Mr. Frank Gobel have proposed to construct a tomato processing facility. The facility's primary process of making tomato paste consists of receiving, transporting by flume, washing, discarding, crushing, heating and screening tomatoes. The resulting tomato paste is heat sterilized, cooled and packaged. The tomato processing season lasts from approximately June to mid-October. The processing facility is owned and operated by The Morning Star Packing Company. The disposal property, totaling 906 acres, is owned by The Morning Star Packing Company (796 acres) and Mr. Frank Gobel (110 acres).

Wastewater will be generated by equipment cleaning, washing and conveying tomatoes and condensed vapors from the evaporation process. Wastewater from cleaning, washing and conveying tomatoes, approximately 4.3 million gallons per day (mgd), will be discharged to a settling pond then to approximately 670 acres of land for irrigation. Tail water from the irrigation system will be returned to the settling ponds. Wastewater from the evaporation process, approximately 58 mgd, will be discharged to a 60 acre cooling pond. Water from the cooling pond will be recycled to the processing plant, overflows will be discharged to the settling pond system.

Solid wastes from the process settling pond, cull tomatoes and vines, approximately 3,000 to 6,000 tons per year, and tomato pomace (seeds and skins), approximately 12,000 tons per year, will be discharged to land as a soil amendment, transported off-site or used as animal feed. A report of the specific disposal practices is required by the proposed permit.

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** 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

Waste Discharge to Land

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

Waste Discharge to Land

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

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 complete the application for this Order. Records shall be maintained for a minimum of three

Waste Discharge to Land

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

Waste Discharge to Land

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:

Waste Discharge to Land

- 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.

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- 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