California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-2000-17
NPDES PERMIT NO. CA0006688
I.D. NO. 1A800520SIS

WASTE DISCHARGE REQUIREMENTS

FOR

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME
AND PACIFICORP
IRON GATE HATCHERY

Siskiyou County

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

1. On October 4, 1999, the State of California, Department of Fish and Game (Department) submitted a Report of Waste Discharge and applied for renewal of its Permit to discharge wastewater under the National Pollutant Discharge Elimination System (NPDES) from the Iron Gate Salmon and Steelhead Hatchery. The hatchery is owned by Pacificorp (formerly the Pacific Power and Light Company) of Portland, Oregon. The Department and Pacificorp are hereafter referred to jointly as the discharger.

2. The Iron Gate Salmon and Steelhead Hatchery is located adjacent to the Klamath River in SW 1/4 of Section 9, the NW 1/4 of Section 16, and the NE 1/4 of Section 17, T47N, R5W, MDB&M. Figure 1 shows the location of the hatchery.

3. The discharger obtains its water supply from Iron Gate Reservoir and maintains flows through the hatchery facilities that range from an average of 16.1 mgd to a maximum 31.9 mgd. Wastes generated by various features of the fish cultivation process are acquired in the flows and subsequently discharged at several points to the Klamath River, a water of the United States.

4. The discharger operates and maintains a rearing pond waste treatment system which consist of a collection line, two settling ponds with concrete outlet structures, and an outfall. The facility provides treatment of fish waste and wastewater emanating from the production ponds during periodic cleaning operations. All treated wastewater is discharged to the Klamath River.

5. The report of waste discharge identifies five existing discharges which are described as follows:

**Discharge 001 (Fish Ladder)**

Flows ranging from 7.75 to 12.92 mgd are either diverted directly to the fish ladder or passed through the fish holding ponds to the ladder and then discharged into the tailrace below the Iron Gate Powerhouse.

**Discharge 002 (Steelhead Return Line)**

Following the taking of eggs in the spawning house, steelhead are returned to the Klamath River at a point adjacent to the fish ladder via the steelhead return line. The discharge contains no nutrients, additives or other wastes with the exception of an anesthetic which is used and discharged occasionally during the fall, winter and spring months. The quantities of anesthetic used are sufficiently small such that initial dilution in the receiving water reduces the concentration of anesthetic to nondetectable levels.

**Discharge 003 (Aerator Overflow)**

Excess flow not routed through the hatchery facilities is bypassed directly to the Klamath River adjacent to the Iron Gate Powerhouse via the aerator overflow line. The discharge contains no wastes derived from the hatchery operation. The combined maximum flow of Discharges 002 and 003 is 1.42 mgd.

**Discharge 005 and 006 (Production Ponds/Settling Ponds**

The fish production pond system is the significant waste-producing feature of the hatchery. Flows ranging from 7.75 to 15.5 mgd carrying wastes from the care and feeding of immature fish are discharged from the production ponds directly into the Klamath River at the rearing-pond distribution box (005) and at the settling ponds outfall (006), a point 352 feet downstream from the rearing-pond distribution box. Additionally, during production pond cleaning, anticipated flows ranging from 1.9 to 5.5 mgd, comprised of rearing-pond cleaning waste, egg incubator overflow and hatchery floor washwater is released into the Klamath River via the two settling ponds outfall (006). Maximum wastes loads containing metabolic wastes, unconsumed food, algae, silt, and detritus, occur during periodic cleaning operations. During cleaning activities in hatchery rearing ponds, waste material scrubbed from the raceways and associated waste generated by fish cultural activities is acquired by the flows and removed during treatment processes in the settling ponds. All wastewater emanating from production ponds during cleaning operations is treated and discharged to the Klamath River.

6. Wastes generated during the care and feeding of the fish include suspended solids and settleable solids. Wastes also result from the chemical treatment of fish for disease control. The Environmental Protection Agency (EPA) and the Food and Drug Administration (FDA) have approved 39 chemicals for use in aquaculture facilities. The permittee indicates that salt (NaCl) is used routinely each week. Other EPA/FDA-approved chemicals are used at the facility as needed.

7. This facility is a minor discharger as defined by the U.S. Environmental Protection Agency.

8. The Water Quality Control Plan for the North Coast Region (Basin Plan) includes water quality objectives, implementation plans for point source and nonpoint source discharges, prohibitions and statewide plans and policies.

9. The Basin Plan does not fully comply with Clean Water Act Section 303(c)(2)(B) in that it does not provide numerical standards for the U.S. EPA-designated priority pollutants for which U.S. EPA has published criteria.

10. The Basin Plan contains a narrative objective (standard) for toxicity that requires:

    All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, bioassay of appropriate duration or other appropriate methods as specified by the Regional Water Board.

    The survival of aquatic life in surface waters subjected to a waste discharge, or other controllable water quality factors, shall not be less than that for the same water body in areas unaffected by the waste discharge, or when necessary for other control water that is consistent with the requirements for "experimental water" as described in **Standard Methods for the Examination of Water and Wastewater** 18th Edition (1992). As a minimum, compliance with this objective as stated in the previous sentence shall be evaluated with a 96-hour bioassay.

    In addition, effluent limits based upon acute bioassays of effluent will be prescribed. Where appropriate, additional numerical receiving water objectives for specific toxicants will be established as sufficient data become available, and source control of toxic substances will be encouraged.

11. The Regional Water Board's consideration of water quality-based effluent limitations includes whole effluent toxicity pursuant to 40 CFR 122.44(d). The permittee's discharge has very low potential to cause nonattainment of toxicity standards due to minimal chemical treatment of fish and high discharge dilution in the receiving waters.

12. The U.S. EPA promulgated in 40 CFR 131.36 "Toxics criteria for states not complying with Clean Water Act Section 303(c)(2)(B)", which is applicable to the Klamath River and its tributaries and includes those criteria designated at 40 CFR 131.36(d)(10). The Regional Water Board has considered the applicable factors stipulated at 40 CFR 122.44(d)(1)(ii) and finds that there is no reasonable potential for excursions above ambient criteria promulgated in Part 131.

13. The beneficial uses of the Klamath River and its tributaries include:

    a. minicipal and domestic supply
    b. agricultural supply
    c. industrial service supply
    d. industrial process
    e. groundwater recharge
    f.. freshwater replenishment
    g. hydropower generation
    h. water contact recreation
    i. non-contact water recreation
    j. warm freshwater habitat
    k. cold freshwater habitat
    l. wildlife habitat
    m. preservation of rare and endangered species
    n. migration of aquatic organisms
    o. spawning, reproduction, and/or early development

14. Effluent limitations, and toxic and pretreatment effluent standards established pursuant to Sections 208(b), 301, 302, 303(d), 304, 306, and 307, of the Clean Water Act and amendments thereto are applicable to the discharge.

15. The permitted discharge is consistent with the antidegradation provision of 40 CFR 131.12 and State Water Resources Control Board Resolution No. 68-16. The impact on existing water quality will be insignificant.

16. The discharger is presently governed by Waste Dicharge Requirements Order No. 94-132, adopted by the Board on December 8 , 1994. The Order expired on December 8, 1999 and needs to be renewed.

17. The action to renew an NPDES Permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.), in accordance with Section 13389 of the California Water Code and Title 14 Section 15301 of the California Code of Regulations.

18. The Regional Water Board has notified the permittee and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations.

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

20. This Order will serve as a National Pollutant Discharge Elimination System Permit pursuant to Section 402 of the Clean Water Act, or amendments thereto, and will take effect upon adoption by the Regional Water Board.

THEREFORE, IT IS HEREBY ORDERED that Waste Discharge Requirements Order No. 94-132 are rescinded and the permittee, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

## A. DISCHARGE PROHIBITIONS

1. The discharge of waste to land that is not under the control of the permittee is prohibited, except as authorized under D. Solids Disposal.

2. The discharge of effluent containing detectable levels of chemicals used for the treatment and control of disease, other than salt (NaCl), to the Klamath River or its tributaries is prohibited.

3. The discharge of waste resulting from cleaning activities to the Klamath River is prohibited.

4. The bypass of pond cleaning waste around the pollution-control pond is prohibited.

5. The discharge of any waste not specifically regulated by this Permit is prohibited.

6. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code (CWC) is prohibited. [Health and Safety Code, Section 5411]

## B. EFFLUENT LIMITATIONS

### Discharge 005

1. The discharge of effluent to the Klamath River in excess of the following limitations is prohibited:

| Constituent | Unit | 30 day Average[a] | Daily Maximum[b] |
|---|---|---|---|
| Suspended Solids[c] | mg/l | 8 | 15 |
| | lb./day[d] | 1,034 | 1,939 |
| Settleable Solids[c] | ml/l | .1 | .2 |
| Hydrogen Ion | pH Not less than 6.5 nor greater than 8.5 | | |
| Flow | mgd | ----- | 15.5 |

### Discharge 006

2. The discharge of effluent to the Klamath River in excess of the following limitations is prohibited:

| Constituent | Unit | 30 Day Average[a] | Daily Maximum[b] |
|---|---|---|---|
| Suspended Solids[c] | mg/l | 8 | 15 |
| | lbs./day | 367 | 688 |
| Settleable Solids[c] | ml/l | 0.1 | 0.2 |
| Hydrogen Ion | pH Not less than 6.5 nor greater 8.5 | | |
| Flow | mgd | ----- | 5.5 |

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[a] The arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days.

[b] Single sample maximum value.

[c] This limitation represents an allowable incremental increase above that concentration present in the influent water. The concentration of constituents in the influent shall be subtracted from the final effluent concentration for the purpose of applying this effluent limitation.

d The daily discharge (lbs./day) is obtained from the following calculation of any calendar day:

$$\frac{8.34}{N}\sum_{i}^{N} Q_i C_i$$

in which N is the number of samples analyzed in any calendar day. $Q_i$ and $C_i$ are the flow rate (mgd) and the constituent concentration (mg/l), respectively, which are associated with each of the N grab samples which may be taken in any calendar day. If a composite sample is taken, $C_i$ is the concentration measured in the composite sample; and $Q_i$ is the average flow rate occurring during the period over which samples are composited.

## C. RECEIVING WATER LIMITATIONS

1. The waste discharge must not cause the dissolved oxygen concentration of the receiving waters to be depressed below 7.0 mg/l. In the event that the receiving waters are determined to have dissolved oxygen concentration of less than 7.0 mg/l, the discharge shall not depress the dissolved oxygen concentration below the existing level.

2. The discharge must not cause the pH of the receiving waters to be depressed below 6.5 nor raised above 8.5. Within this range, the discharge shall not cause the pH of the receiving waters to be changed at any time more than 0.5 units from that which occurs naturally.

3. The discharge must not cause the turbidity of the receiving waters to be increased more than 20 percent above naturally occurring background levels.

4. The discharge must not cause the receiving waters to contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.

5. The discharge must not cause the receiving waters to contain taste or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, that cause nuisance, or that adversely affect beneficial uses.

6. The discharge of waste must not cause esthetically undesirable discoloration of the receiving waters.

7. The discharge must not cause bottom deposits in the receiving waters to the extent that such deposits cause nuisance or adversely affect beneficial uses.

8. The discharge must not contain concentrations of biostimulants which promote objectional aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses of the receiving waters.

9. The discharge must not cause the receiving waters to contain toxic substances in concentrations that are toxic to, degrade, or that produce detrimental physiological responses in humans or animals or cause acute or chronic toxicity in plants or aquatic life.

10. The discharge must not cause a measurable temperature change in the receiving waters.

11. The discharge must not cause the receiving waters to contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water that cause nuisance or that otherwise adversely affect beneficial uses.

12. This discharge must not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Water Board or the State Water Board as required by the Federal Water Pollution Control Act, and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal Water Pollution Control Act, or amendments thereto, the Regional Water Board will revise and modify this Permit in accordance with such more stringent standards.

13. The discharge must not cause concentrations of contaminants to occur at levels which are harmful to human health in waters which are existing or potential sources of drinking water.

14. The discharge must not cause concentrations of toxic pollutants in the water column, sediments, or biota that adversely affect beneficial uses.

15. The discharge must not cause acute nor chronic toxicity in the receiving waters.

## D. SOLIDS DISPOSAL

1. Collected screenings, sludges, and other solids, including dead fish, removed from liquid wastes shall be disposed of at a legal point of disposal, and in accordance with the State Water Board promulgated provisions of Title 27, Division 2, of the California Code of Regulations or as waived pursuant to Section 13269 of the California Water Code.

2. A report describing solids handling, disposal method and final disposition of solids and/or fish carcasses shall be submitted to the Regional Water Board the permittee within 60 days of the effective date of this permit.

**E. PROVISIONS**

1. Duty to Comply

The permittee must comply with all of the conditions of this Permit. Any Permit noncompliance constitutes a violation of the Clean Water Act and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or denial of a Permit renewal application. [40 CFR 122.41(a)]

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Permit has not yet been modified to incorporate the requirement. [40 CFR 122.41(a)(1)]

2. Duty to Reapply

This permit expires on February 24, 2005. If the permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the permittee must apply for and obtain a new permit. The application, including a report of waste discharge in accordance with Title 23, California Code of Regulations must be received by the Regional Water Board no later than August 24, 2004. [40 CFR 122.41(b)]

The Regional Administrator of the Environmental Protection Agency may grant permission to submit an application at a later date prior to the permit expiration date; and the Regional Administrator of the Environmental Protection Agency may grant permission to submit the information required by paragraphs(g)(7), (9), and (10) of 40 CFR 122.21 after the permit expiration date. [40 CFR 122.21(d)(2)]

3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit. [40 CFR 122.41(c)]

4. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this Permit which has a reasonable likelihood of adversely affecting human health or the environment. [40 CFR 122.41(d)]

5. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with this Permit. Proper operation and maintenance includes adequate laboratory control and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a permittee only when necessary to achieve compliance with the conditions of this Permit. [40 CFR 122.41(e)]

6. Permit Actions

This Permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

a. Violation of any terms or conditions of this Permit; or

b. Obtaining this Permit by misrepresentation or failure to disclose fully all relevant facts; or

c. A change in any condition that requires either a temporary or a permanent reduction or elimination of the authorized discharge; or

d. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by Permit modification or termination.

The Regional Water Board may also review and revise this Permit at any time upon application of any person, or on the Regional Water Board's own motion. [CWC 13263 (e)]

If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this Permit, this Permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the permittee so notified. [40 CFR 122.44(b)]

The filing of a request by the permittee for a Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any Permit condition. [40 CFR 122.41(f)]

7. Property Rights

This Permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. [40 CFR 122.41(g)]

8. Duty to Provide Information

The permittee shall furnish the Regional Water Board, State Water Board, or U.S. EPA, within a reasonable time, any information which the Regional Water Board, State Water Board, or U.S. EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit or to determine compliance with this Permit. The permittee shall also furnish to the Regional Water Board, upon request, copies of records required to be kept by this Permit. [40 CFR 122.41(h)]

The permittee shall conduct analysis on any sample provided by U.S. EPA as part of the Discharge Monitoring Quality Assurance (DMQA) program. The results of any such analysis shall be submitted to U.S. EPA's DMQA manager.

9. Inspection and Entry

The permittee shall allow the Regional Water Board, State Water Board, U.S. EPA, and/or other authorized representatives upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any locations. [40 CFR 122.41(i)]

10. Monitoring and Records

a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

b. The permittee shall calibrate and perform maintenance procedures in accordance with manufacturer's specifications on all monitoring instruments and equipment to ensure accurate measurements. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least three years from the date of the sample, measurement,

c. report, or application. This period may be extended by request of the

Regional Water Board, State Water Board, or U.S. EPA at any time. All monitoring instruments and devices used by the permittee to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary, at least annually to ensure their continued accuracy.

d. Records of monitoring information shall include:

i. The date, exact place, and time of sampling or measurements;
ii. The individual(s) who performed the sampling or measurements;
iii. The date(s) analyses were performed;
iv. The individual(s) who performed the analyses;
v. The analytical techniques or methods used; and
vi. The results of such analyses.
vii. The method detection limit (MDL); and
viii. The practical quantitation level (PQL) or the limit of quantitation (LOQ).

e. Unless otherwise noted, all sampling and sample preservation shall be in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association). All analyses must be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this Permit or approved by the Executive Officer of the Regional Water Board. Unless otherwise specified, all metals shall be reported as total metals. Test fish for bioassays and test temperatures shall be specified by the Executive Officer of the Regional Water Board. Bioassays shall be performed in accordance with guidelines approved by the Regional Water Board and the Department of Fish and Game.

11. Signatory Requirements

a. All Permit applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or U.S. EPA shall be signed by either a principal executive officer or ranking elected official. [40 CFR 122.22(a)]

b. Reports required by this Permit, other information requested by the Regional Water Board, State Water Board, or U.S. EPA, and Permit applications submitted for Group II storm water discharges under 40 CFR 122.26(b)(3) may be signed by a duly authorized representative provided:

i. the authorization is made in writing by a person described in paragraph (a) of this provision;

ii. the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and

iii. the written authorization is submitted to the Regional Water Board prior to or together with any reports, information, or applications signed by the authorized representative. [40 CFR 122.22(b)(c)]

c. Any person signing a document under paragraph (a) or (b) of this provision shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted, is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." [40 CFR 122.22(d)]

12. Reporting Requirements

a. Planned changes: The permittee shall give notice to the Regional Water Board as soon as possible of any planned physical alteration or additions to the permitted facility. Notice is required under this provision only when:

i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the Permit, nor the notification requirements under Provision 12 (g)*.

b. Anticipated noncompliance: The permittee will give advance notice to the Regional Water Board of any planned changes in the permitted facility or activity which may result in noncompliance with Permit requirements.

c. Transfers: This Permit is not transferable.

d. Definitions: The following definitions shall apply unless specified in this Permit;

i. "Daily discharge" means the discharge of a pollutant measured during a calendar day of any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant

discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" shall be the concentrations of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during the sampling day.

ii. "Daily average" discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

iii. "Daily Maximum" discharge limitations means that highest allowable "daily discharge" during the calendar month.

e. Monitoring reports: Monitoring results shall be reported at the intervals specified in the self monitoring program. By January 30 of each year, the permittee shall submit an annual report to the Regional Water Board. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year. In addition, the permittee 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 Permit. If the permittee monitors any pollutant more frequently than required by this Permit, using test procedures approved under 40 CFR Part 136 or as specified in this Permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

f. Compliance schedules: Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit shall be submitted no later than 14 days following each schedule date.

g. Noncompliance reporting: The permittee shall report any noncompliance at the time monitoring reports are submitted. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance.

The following events shall be reported orally as soon as the permittee becomes aware of the circumstances, and the written report shall be provided within five days of that time.

i. Any unanticipated bypass that violates any prohibition or exceeds any effluent limitation in the Permit.

ii. Any upset that exceeds any effluent limitation in the Permit.

iii. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Regional Water Board in this Permit.

iv. Any noncompliance that may endanger health or the environment.

The Executive Officer may waive the above-required written report.

h. Other information: Where the permittee becomes aware that it failed to submit any relevant facts in a Permit application, or submitted incorrect information in a Permit application or in any report to the Regional Water Board, the permittee shall promptly submit such facts or information. [40 CFR 122.41(1)]

13. Bypass

The intentional diversion of waste streams from any portion of a treatment facility is prohibited.

14. Enforcement

The Clean Water Act provides that any person who violates a Permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed $25,000 per day of violation. Any person who negligently violates Permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment of not more than one year, or both. Higher penalties may be imposed for knowing violations and for repeat offenders. The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided under the Clean Water Act.

15. Availability

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

16. Change in Discharge

In the event of a material change in the character, location, or volume of a discharge, (including any point or nonpoint discharge to land or groundwater) the permittee shall file with this Regional Water Board a new report of waste discharge at least 180 days before making any such change. [CWC Section 13376]. A material change includes, but is not limited to, the following:

a. 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.

b. Significant change in disposal method, e.g., change from a land disposal to a direct discharge to water, or change in the method of treatment which would significantly alter the characteristics of the waste.

c. Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area, significantly removed from the original area, potentially causing different water quality or nuisance problems.

d. Increase in area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. [CCR Title 23 Section 2210]

17. Severability

Provisions of these waste discharge requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected.

18. Monitoring

The Regional Water Board or State Water Board may require the permittee to establish and maintain records, make reports, install, use, and maintain monitoring equipment or methods (including where appropriate biological monitoring methods), sample effluent as prescribed, and provide other information as may be reasonably required. [CWC Section 13267 and 13383].

The permittee must comply with the Contingency Planning and Notification Requirements Order No. 74-151 and the Monitoring and Reporting Program No. R1-2000-17 and any modifications to these documents as specified by the Executive Officer. Such documents are attached to this Permit and incorporated herein. The permittee shall file with the Regional Water Board technical reports on self monitoring work performed according to the detailed specifications contained in any monitoring and reporting program as directed by the Regional Water Board.

Chemical, bacteriological, and bioassay analyses 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 permittee, analyses performed by a noncertified laboratory will be accepted provided a quality assurance/quality control program is instituted by the laboratory, and a manual containing the steps followed in this program is kept in the laboratory and made available for inspection by staff of the Regional Water Board. The quality assurance/quality control program must conform to U.S. EPA or State Department of Health Services guidelines.

All Discharge Monitoring Reports shall be sent to:

California Regional Water Quality Control Board
North Coast Region
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

19. Toxicity Reduction Evaluations

The permittee shall conduct a toxicity reduction evaluation (TRE) if the discharge consistently exceeds an acute or chronic toxicity effluent limitation. Once the source of toxicity is identified, the permittee shall take all reasonable steps necessary to reduce toxicity to the required level.

Certification

I, Lee A. Michlin, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on February 24, 2000.

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Lee A. Michlin
Executive Officer

(IRONGHP0)