

STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION  
81 Higuera Street, Suite 200  
San Luis Obispo, California 93401-5427

WASTE DISCHARGE REQUIREMENTS ORDER NO. 99-99  
Waste Discharger Identification No. 3 359907001

For

NATURAL SELECTIONS FOODS, INC.,  
SAN BENITO COUNTY

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

1. Bob Wright filed a Report of Waste Discharge on January 20, 1999, in accordance with Section 13260 of the California Water Code. The report was filed on behalf of Goodman/Rubin Family Trust (hereafter Discharger) for authorization to discharge waste water from Natural Selections Foods.
2. The facility is at assessor's parcel Number 12-02-14 and the discharge point will be 12-02-14,15 (Latitude: 36° 52' 20" and longitude: 12° 32' 33").
3. Natural Selections Foods is located at 1721 San Juan Highway, San Juan Bautista. The Discharger proposes to construct and operate an on-site wastewater treatment and disposal system for domestic waste, as well as continued usage of the existing process water disposal system. Both facilities are shown on Attachment A of this Order.
4. The domestic treatment facilities will consist of a conventional septic tank followed by a mound distribution system. These facilities are designed to accommodate 300 people per day (150 workers in two shifts) at an estimated 15 gallons per person. Design capacity of the system is 4,500 gallons per day (gpd).
5. Process water will be routed through three 1,500 gallon septic style settling tanks for solids removal, followed by a percolation pond and/or used to irrigate Natural Selections' 36 acres of alfalfa. This system is designed to handle 80,000 gpd of process water, however flows will not exceed 70,000 gpd.
6. Evaluation of the soil in the area of the proposed mound disposal system performed on March 9, 1999 showed that the current depth to groundwater is 8.5 feet and flow direction is presumed to be North-East. The true gradient will be determined in a groundwater investigation pursuant to this Order. The highest recorded groundwater of 5 feet was recorded during the winter of 1997-1998. The Discharger has been required according to "Monitoring and Reporting Program No. 99-99" to measure depth to groundwater up and down gradient from the mound system on a monthly basis. The soil is Sorrento silty clay loam with a percolation rate for the proposed mound system area of 9 min/in. Topography is level with <2% slopes.
7. Neither discharge has previously been regulated by the Board.
8. The *Water Quality Control Plan, Central Coastal Basin*, (Basin Plan) was adopted by the Board on November 17, 1989 and approved by the State Water Resources Control Board on August 16, 1990. The Regional Board

- approved amendments to the plan on February 11, 1994 and September 8, 1994. The Basin Plan incorporates statewide plans and policies by reference and contains a strategy for protecting beneficial uses of State waters.
9. Present and anticipated beneficial uses of groundwater in the vicinity of the discharge include:
    - a) Domestic and municipal Supply;
    - b) Agricultural supply; and,
    - c) Industrial process supply, and
    - d) Industrial service supply.
  10. The nearest surface water to the discharge are on-site drainage ways on the South and East sides of the property which lead to an unnamed tributary of San Juan Creek. This water body lies over 1,000 feet to the South-West of the discharge point. The beneficial uses of this creek include.
    - a. Water contact recreation;
    - b. Non-contact water recreation, including aesthetic enjoyment;
    - c. Industrial water supply; and
    - d. Wildlife habitat.
  11. The Discharger received a Negative Declaration from the County of San Benito for the original project on June 15, 1983. The Notice of Determination was in accordance with the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.) and the California Code of Regulations and determined there are no significant adverse environmental effects associated with this project. The County is currently investigating possible mitigation measures regarding this expansion.
  12. Discharge of waste is a privilege, not a right, and authorization to discharge is conditional upon the discharge complying with provisions of Division 7 of the California Water Code and any more stringent effluent limitations necessary to implement water quality control plans, to protect beneficial uses, and to prevent nuisance. Compliance with this Order should assume this and mitigate any potential adverse changes in water quality due to discharge.

13. On July 21, 1999, the Board notified the Discharger and interested agencies and persons of its intent to issue waste discharge requirements for the discharge and has provided them with a copy of the proposed Order and an opportunity to submit written views and comments.
14. After considering all comments pertaining to this discharge during a public hearing on **October 22, 1999**, this Order was found consistent with the above findings.

**IT IS HEREBY ORDERED**, pursuant to authority in Section 13263 of the California Water Code, Goodman/Rubin Family Trust, its agents, successors, and assigns, may discharge waste at Natural Selection Foods, providing compliance is maintained with the following:

(Note: other prohibitions and conditions, definitions, and the method of determining compliance are contained in the attached "Standard Provisions and Reporting Requirements for Waste Discharge Requirements" dated January 1984.)

Throughout these requirements footnotes are listed to indicate the source of requirements specified. Requirement footnotes are designated by an "A" for the Administrative Procedures Manual, and by a "B" for the Basin Plan.

Requirements without footnotes are based on staff's professional judgement.

#### **A. PROHIBITIONS**

1. Discharge to areas other than those designated in Attachment A, is prohibited. Those areas include the proposed mound for domestic waste, and the pond and orchards for process waste.
2. Discharge of any wastes from the domestic treatment system including overflow, bypass, and seepage from transport, treatment, or disposal systems to adjacent drainageways or adjacent properties or on the soil surface is prohibited.

3. Discharge of any wastes from the process waste treatment system including overflow, bypass, and seepage from transport, treatment, or disposal systems to adjacent drainageways or adjacent properties is prohibited.
4. Bypass of either treatment facility and discharge of untreated or partially treated wastes directly to the disposal area is prohibited.
5. Discharge of process waste to the mound system or domestic waste to the irrigation system is prohibited.

#### B. DISCHARGE SPECIFICATIONS

1. Daily flow shall not exceed 4,500 gallons for domestic wastewater to the mound system, and shall not exceed 70,000 gallons for process and stormwater discharges to the irrigation fields.
2. Surface drainage shall be excluded from the mound disposal system.
3. Effluent discharged to the mound shall not have a pH of less than 6.5 or greater than 8.4.<sup>B</sup>

#### C. GROUND WATER LIMITATIONS

1. The discharge to the mound system shall not cause a significant increase of mineral constituent concentrations in underlying ground waters.
2. The fecal coliform count shall not exceed 2.2 MPN (Most Probable Number) at an established groundwater monitoring well between 25 and 50 feet down gradient of the mound system.

#### D. PROVISIONS

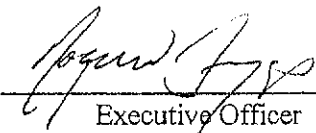
1. Discharger shall comply with "Monitoring and Reporting Program No. 99-99," as specified by the Executive Officer.<sup>A</sup>
2. Discharger shall comply with all items of the attached "Standard Provisions and Reporting

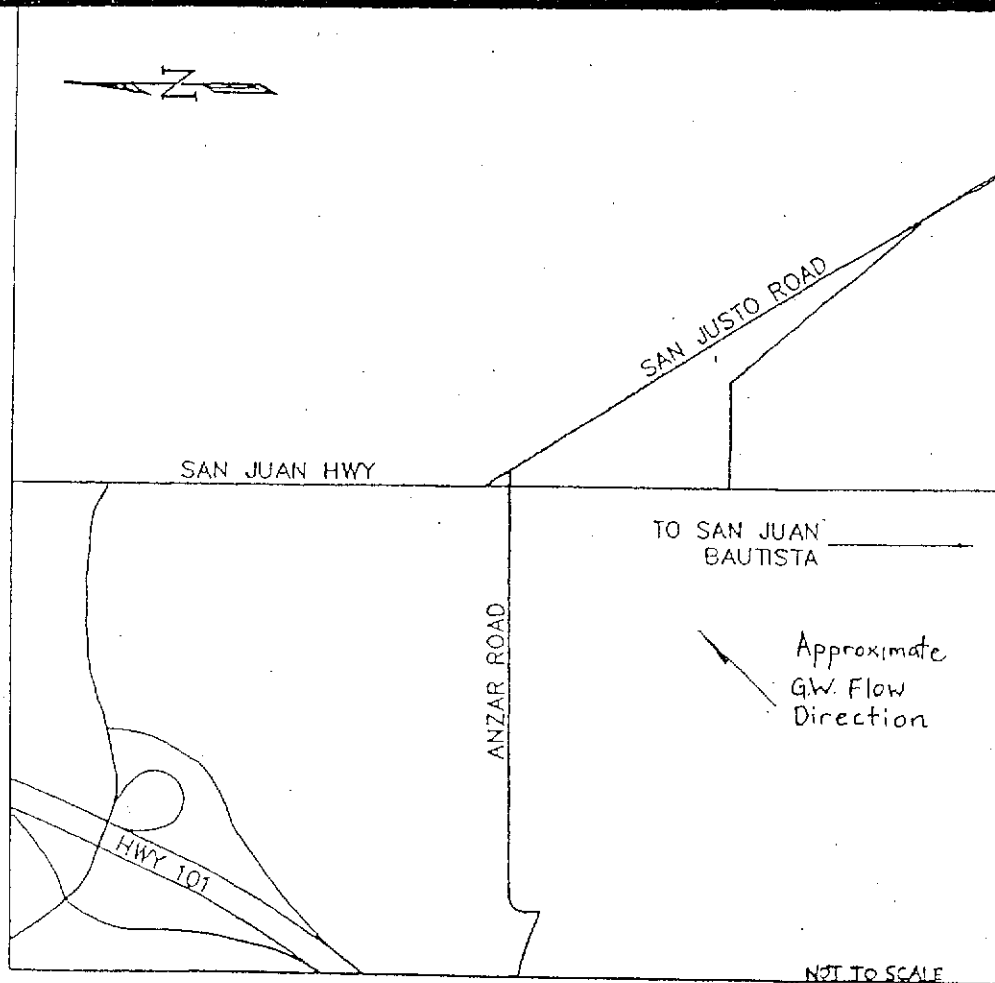
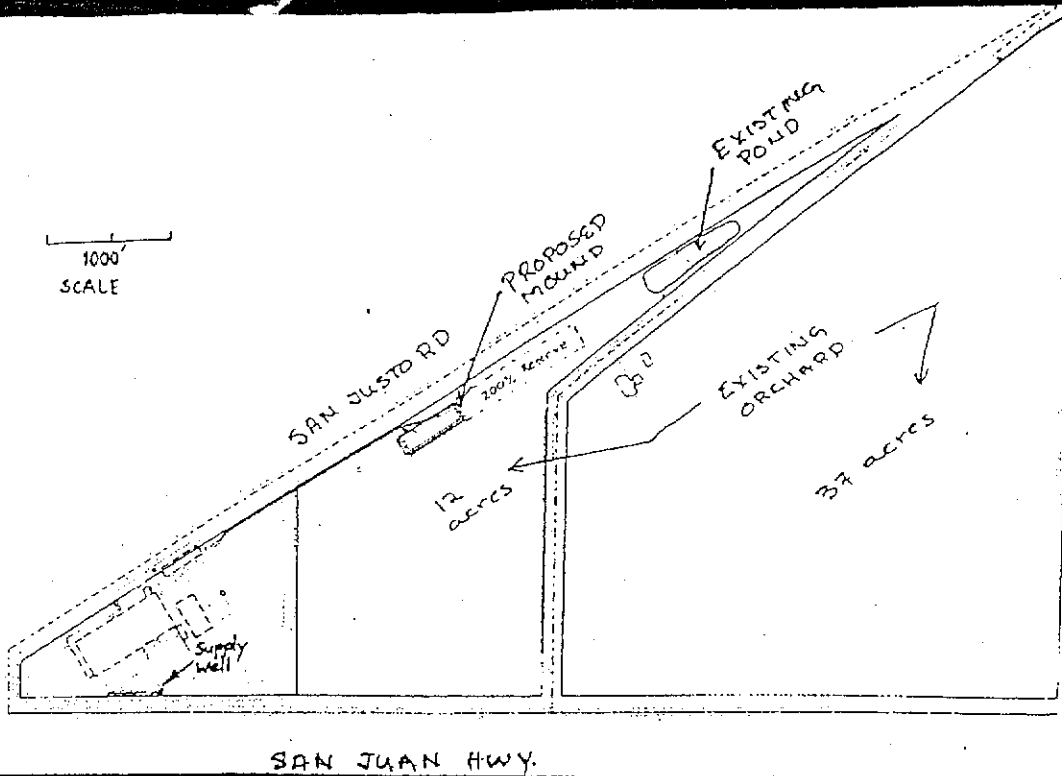
Requirements for Waste Discharge Requirements" dated January 1984.<sup>A</sup>

3. The Discharger shall identify or construct at least three representative groundwater monitoring wells. The wells will be used to evaluate impacts of this discharge upon the first encountered groundwater in the vicinity of the mound system. At least one of the downgradient wells will be constructed between 25 and 50 feet down gradient of the mound system to monitor coliform levels. A report verifying construction of these monitoring wells shall be submitted to the Executive Officer by **December 9, 1999**. The report shall include monitoring well locations, well logs, monitoring results for those constituents listed in Monitoring and Reporting Program 99-99, and an evaluation of groundwater gradient. The report shall be certified by a registered engineer or other qualified professional.
4. Farm equipment or other vehicles shall be excluded from parking on the mound system.
5. Pursuant to Title 23, Division 3, Chapter 9, of the California Code of Regulations, the Discharger must submit a written report to the Executive Officer not later than **April 22, 2004**, addressing:<sup>A</sup>
  - a) Whether there will be changes in the continuity, character, location, or volume of the discharge; and,
  - b) Whether, in their opinion, there is any portion of the Order that is incorrect, obsolete, or otherwise in need of revision.
6. Should pumps fail for any reason, current capacity is adequate to handle only 24 hours of flow. Discharger shall have plans ready for a storage capacity increase to at least 48 hours worth of flow through the addition of a separate dosing chamber (or other means), in the event that current capacity limits are shown to be insufficient. Capacity will be considered insufficient if any of the following occurs:

- a) for any reason, untreated effluent overflows from the treatment chamber, or is in any way discharged to the surrounding land;
- b) the number of employees at Natural Selections Foods exceeds the design limits of the system (300 employees in a 24 hour period); or
- c) two or more of the pumps in the existing dosing chamber fail for any reason.

I, **Roger W. Briggs, 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 Coast Region, on October 22, 1999.

  
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Executive Officer



VICINITY MAP  
ATTACHMENT A

STATE OF CALIFORNIA  
 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
 CENTRAL COAST REGION  
 81 Higuera Street, Suite 200  
 San Luis Obispo, CA 93401-5427

MONITORING AND REPORTING PROGRAM NO. 99-99  
 Waste Discharger Identification No. 3 359907001

For

NATURAL SELECTIONS FOODS, INC.,  
 SAN BENITO COUNTY

**WATER SUPPLY MONITORING**

Representative samples of the water supply well shall be collected and analyzed as follows:

<u>Constituent</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Minimum Sampling and Analyzing Frequency</u>
Total Dissolved Solids	mg/l	Grab	Annually (April)
Sodium	mg/l	Grab	" "
Chloride	mg/l	Grab	" "
Nitrogen Series (Organic, Ammonia, Nitrite, Nitrate) all as (N)	mg/l	Grab	" "

**EFFLUENT MONITORING**

Effluent samples shall be collected from the final pump chamber and analyzed as follows:

<u>Constituent<sup>B</sup></u>	<u>Units</u>	<u>Type of Sample</u>	<u>Minimum Sampling and Analyzing Frequency</u>
Daily Flow	GPD	*Event counter	Continuous
pH	-	Grab	Annually (August)
Total Dissolved Solids	mg/l	Grab	" "
Sodium	mg/l	Grab	" "
Chloride	mg/l	Grab	" "
Nitrogen Series as (N)	mg/l	Grab	" "
Nitrogen Series as (N)	g per acre/ day	Calculated (from Annual Nitrogen sample)	

\* An even counter shall be installed on the pump station to record total pumping times. Flow shall be calculated as follows: Number of events x dosage = gallons per day.

**GROUND WATER MONITORING**

Discharger shall install or locate monitoring wells upgradient and downgradient of the disposal area. Discharger shall be responsible for determining direction of groundwater flow and level to determine the appropriate location and depth of upgradient and downgradient monitoring wells. Prior to the installation of monitoring wells,

Discharger must submit to the Executive Officer (EO) a report discussing the proposed location and depth of the monitoring wells and the technical justification of the proposal. The monitoring wells shall meet or exceed well standards contained in the State Water Resource Control Board Guidelines for Mound Systems. Discharger shall also comply with the monitoring well reporting provisions of Section 13750 through 13755 of the California Water Code.

Monitoring wells are intended to monitor effects of the discharge on ground water. However, installation of monitoring wells may be waived if Discharger can demonstrate that there are mitigating factors such that the discharge will not adversely impact ground water quality. A report discussing results of studies or investigations justifying presence of mitigating factors may be submitted to the Executive Officer for review and approval. If the Executive Officer agrees with the findings of the report, ground water monitoring may be waived. These mitigating factors may include, but not be limited to, any or all of the following:

1. Depth to ground water is so great that when coupled with other factors may prevent pollutants from reaching or adversely affecting ground water quality.
2. Geologic features i.e. soil type, permeability, presence of geological layer prohibiting migration of pollutants to ground water, etc.
3. Ground water has sufficient assimilative capacity due to the magnitude of the aquifer.

Ground water samples shall be collected from representative upgradient and downgradient monitoring wells and analyzed as follows:

<u>Constituent</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Minimum Sampling and Analyzing Frequency</u>
Depth to groundwater	ft	Measured	Monthly
Fecal Coliform	MPN	Grab	Annually (April)
Nitrogen (Series) (N)	mg/l	Grab	" "
Total Dissolved Solids	mg/l	Grab	" "
Sodium Chloride	mg/l	Grab	" "

#### SEPTIC TANK MONITORING

<u>Parameter</u>	<u>Units</u>	<u>Type of Measurement</u>	<u>Minimum Inspection Frequency</u>
Sludge Depth and Scum Thickness in Each Compartment	Inches	Staff Gauge	Annually (April)
Distance Between Bottom of Scum Layer and Outlet Device	Inches	Staff Gauge	" "
Distance Between Top of Sludge Layer and Outlet Device	Inches	Staff Gauge	" "

Proof of annual septic tank pumping (both chambers) may be submitted in lieu of septic tank monitoring.

Septic tanks shall be pumped when any one of the following conditions exist in the first compartment, or may occur before the next inspection:

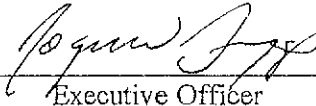
- a. The combined thickness of sludge and scum exceeds one-third of the tank depth; or,
- b. The scum layer is within three inches of the outlet device; or,
- c. The sludge layer is within eight inches of the outlet device.

**DISPOSAL AREA MONITORING**

The disposal area shall be inspected weekly for surfacing effluent, saturated surface areas, and odors. Evidence of any condition of this nature shall be reported to the Executive Officer within 24 hours of knowing of such conditions, and promptly investigated and remedied. A record shall be kept of dates and nature of observations and remedies and when groundwater approaches levels that could affect the operation of the mound system.

**REPORTING**

Reports shall be submitted annually by the 30th of September and shall contain all data collected or calculated over the previous year. It shall also contain a narrative summary of any exceptions pursuant to Disposal Area Monitoring described above.<sup>9</sup> Data should be both digital and hard copy.

Ordered by:   
Executive Officer  
Date: 11-4-99



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION

JANUARY, 1984

STANDARD PROVISIONS AND REPORTING REQUIREMENTS  
for  
WASTE DISCHARGE REQUIREMENTS

CONTENTS:

- A. General Conditions
- B. General Monitoring Requirements
- C. General Reporting Requirements
- D. Bypasses or Upsets
- E. Enforcement
- F. Definitions (Defines terms that appear in quotes)

A. General Permit Conditions:

Prohibitions:

1. Introduction of "incompatible wastes" to the treatment system is prohibited. (See F.9.)
2. Discharge of chemical and biological warfare agents is prohibited.
3. Discharge of "toxic wastes" is prohibited. (See F.18.)
4. Introduction of pollutants into the collection, treatment, or disposal system by an "indirect discharger" that:
  - a. inhibit or disrupt the treatment process, system operation, or the eventual use or disposal of sludge; or,
  - b. cause or "significantly contribute" to a violation of any requirement of this Order, is prohibited. (See F.17.)
5. Introduction of "pollutant-free" wastewater to the collection, treatment, and disposal system in amounts that threaten compliance with this order is prohibited. (See F.14.)

Provisions:

6. Production and use of reclaimed water shall conform with reclamation criteria established in Title 22, Chapter 3, of the California Code of Regulations. For uses of reclaimed water not addressed in Title 22 and not in the main body of this order, use is subject to review and dependent upon approval by the Executive Officer before use may begin (For uses addressed in Title 22, see C.8.).
7. Collection, treatment, and discharge of waste shall not create nuisance or pollution, as defined by Section 13050 of the California Water Code.

8. As necessary to assure safe and reliable collection, treatment, and disposal of waste and consistent compliance with this order, the discharger shall adopt and enforce a local source control program. (See C.16.)
9. Objectionable odors originating at this facility shall not be perceivable beyond the limits of the wastewater treatment and disposal areas.
10. The discharger shall prevent formation of a habitat for carriers of pathogenic microorganisms in any part of the treatment and disposal system.
11. Petroleum products, grease, and scum shall not be visible on disposal ponds.
12. Facilities and systems for collection, treatment, and control of wastewater shall be properly operated and maintained. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staff and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.
13. Transport and treatment facilities and permanent disposal ponds shall be adequately protected against overflow, flooding, or washout as the result of a 100-year frequency flood or 100-year, 24-hour storm.
14. All disposal areas shall be on land owned or controlled by the discharger.
15. Operation of collection, treatment, and disposal systems shall be in a manner that precludes public contact with wastewater.
16. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed in a manner approved by the Executive Officer.
17. Publicly owned wastewater treatment plants shall be supervised and operated by persons possessing certificates of appropriate grade pursuant to Title 23 of the California Code of Regulations.
18. The Regional Board shall be allowed:
  - a. entry upon premises where an effluent source is located or where records must be kept under the conditions of this order;
  - b. access to copy any records that must be kept under the conditions of this order;
  - c. to inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this order; and,

- d. to photograph, sample, and monitor for the purpose of showing compliance with this order.
19. 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 by failure to disclose fully all relevant facts;
    - c. a change in any condition or endangerment to human health or environment that requires a temporary or permanent reduction or elimination of the authorized discharge; and,
    - d. a material change in character, location, or volume of the discharge.
  20. This order does not authorize commission of any act causing injury to the property of another, does not convey any property rights of any sort, does not remove liability under federal, state, or local laws, and does not guarantee a capacity right.
  21. The discharger shall take all reasonable steps to minimize or correct adverse impacts on the environment resulting from non-compliance with this order.
  22. Provisions of this order are severable. If any provision of the order is found invalid, the remainder of the order shall not be affected.
  23. The discharger shall furnish, within a reasonable time, any information the Regional Board may request to determine compliance with this order or to determine whether cause exists for modifying or terminating this order.
  24. Safeguards shall be provided to assure maximal compliance with all terms and conditions of this order. Safeguards shall include preventative and contingency plans and may also include alternative power sources, stand-by generators, retention capacity, operating procedures, or other precautions. Preventative and contingency plans for controlling and minimizing the effect of accidental discharges shall:
    - a. identify possible situations that could cause "upset", "overflow" or "bypass", or other noncompliance. (Loading and storage areas, power outage, waste treatment unit outage, and failure of process equipment, tanks, and pipes should be considered.)

- b. evaluate the effectiveness of present facilities and procedures and describe procedures and steps to minimize or correct any adverse environmental impact resulting from noncompliance with the order.
25. Physical Facilities shall be designed and constructed according to accepted engineering practice and shall be capable of full compliance with this order when properly operated and maintained. Proper operation and maintenance shall be described in an Operation and Maintenance Manual. Facilities shall be accessible during the wet-weather season.
26. Should additional data become available through monitoring or investigation that indicates compliance with this order is not adequately protecting ground water, the Regional Board will review and revise this order as appropriate.

B. General Monitoring Requirements:

1. Monitoring location, minimum sampling frequency, and sampling method for each parameter shall comply with the Monitoring and Reporting Program of this order. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, entitled "Guidelines Establishing Test Procedures for Analysis of Pollutants," unless other test procedures have been specified in this order.
2. If results of monitoring a pollutant appear to violate effluent limitations based on a weekly, monthly, 30-day, or six-month period, but compliance or non-compliance cannot be validated because sampling is too infrequent, the frequency of sampling must be increased to validate the test within the next monitoring period. The increased frequency must be maintained until the Executive Officer agrees the original monitoring frequency may be resumed.

For example, if suspended solids are monitored weekly and results exceed the weekly average numerical limit in the order, monitoring of suspended solids must be increased to at least four (4) samples every week (ref. paragraph F.1.).

3. Water quality analyses performed in order to monitor compliance with this order shall be by a laboratory certified by the State Department of Health Services for the constituent(s) being analyzed.

If the laboratory used or proposed for use by the discharger is not certified by the California Department of Health Services due to restrictions in the State's laboratory certification program, the discharger shall be considered in compliance with this provision provided:

- a. Data results remain consistent with results of samples analyzed by the Regional Board;

- b. A quality assurance program is used at the laboratory, including a manual containing steps followed in this program that is available for inspections by the staff of the Regional Board; and,
  - c. Certification is pursued in good faith and obtained as soon as possible after the program is reinstated.
4. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. Samples shall be taken during periods of peak loading conditions. Influent samples shall be samples collected from the combined flows of all incoming wastes, excluding recycled wastes. Effluent samples shall be samples collected downstream of the last treatment unit.
  5. If any parameter is monitored at locations specified in the order more frequently than required and is analyzed using approved test procedures, the results shall be included in calculations and reports.
  6. All monitoring instruments and devices used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy.
  7. The discharger shall maintain records of all monitoring information, including all calibration and maintenance records; all original strip chart recordings for continuous monitoring instrumentation; the date, exact place, and time of sampling; the individual who performed the sampling; the date analysis was performed; the laboratory and individual who performed the analysis; the analytical techniques used; and results. Records shall be maintained for a minimum of three years. This period may be extended during the course of any unresolved litigation or when requested by the Board.

C. General Reporting Requirements:

1. Monitoring results shall be reported at intervals and in a manner specified in the Monitoring and Reporting Program of this order.
2. Monitoring reports shall be submitted on State Water Resource Control Board Form Q2 or an acceptable alternate form. A master copy of the form will be supplied by the Regional Board upon request.
3. Any noncompliance that may endanger health or the environment shall be reported orally within 24 hours from the time the discharger becomes aware of the circumstances (telephone: 805-549-3147). Unless waived by the Executive Officer of the Regional Board, a written report shall be submitted within five (5) days of awareness and shall contain a description of the noncompliance and its cause; the period of noncompliance (including exact dates and times) or anticipated duration; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. This provision includes, but is not limited to:

- a. violation of a discharge prohibition;
  - b. any "upset", "overflow", or "bypass";
  - c. violation of a discharge limitation for any "hazardous substance."
4. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule shall be submitted within 14 days following each scheduled date unless otherwise specified within the order. If reporting noncompliance, the report shall include a description of the reason, a description and schedule of tasks necessary to achieve compliance, and an estimated date for achieving full compliance. A second report shall be submitted within 14 days of full compliance.
  5. All instances of noncompliance not reported under paragraph numbers C.3. and C.4., above, shall be submitted along with monitoring reports. The report shall contain the information listed in paragraph C.3.
  6. Reports shall be submitted in advance of any planned changes in the permitted facility or activity that may result in noncompliance.
  7. The "discharger" shall file a report of waste discharge or secure a waiver from the Executive Officer at least 120 days before making any material change or proposed change in the character, location, or volume of the discharge.
  8. An engineering report as specified by Section 60323, Chapter 3, Title 22, of the California Code of Regulations, is required, and written approval of the Executive Officer must be received by the discharger and user, before reclaimed water is supplied for any uses and to any users other than those enumerated in this Order.
  9. Within 120 days after the discharger discovers, or is notified by the Regional Board, that monthly average daily flow will or may reach design capacity of waste treatment and/or disposal facilities within four (4) years, the discharger shall file a written report with the Regional Board. The report shall include:
    - a. the best estimate of when the monthly average daily dry weather flow rate will equal or exceed design capacity; and,
    - b. a schedule for studies, design, and other steps needed to provide additional capacity for waste treatment and/or disposal facilities before the waste flow rate equals the capacity of present units.

In addition to complying with paragraphs C.14.c and C.15, the required technical report shall be prepared with public participation and reviewed, approved and jointly submitted by all planning and building departments having jurisdiction in the area served by the waste collection, treatment, or disposal facilities.

10. The "discharger" shall submit reports to the:

California Regional Water  
Quality Control Board  
Central Coast Region  
81 Higuera St., Suite 200  
San Luis Obispo, CA 93401-5427

11. Transfer of control or ownership of a waste discharge facility must be preceded by a notice to the Regional Board at least 30 days in advance of the proposed transfer date. The notice must include a written agreement between the existing discharger and proposed discharger containing specific date for transfer of responsibility, coverage, and liability between them. Whether an order may be transferred without modification and a public hearing is at the discretion of the Board. If order modification is necessary, transfer may be delayed 120 days after the Regional Board's receipt of a complete Report of Waste Discharge.
12. Except for data determined to be confidential under Section 13267 (b) of the California Water Code, all reports prepared in accordance with this order shall be available for public inspection at the office of the Regional Board.
13. Should the discharger discover that it failed to submit any relevant facts or that it submitted incorrect information in a report, it shall promptly submit the missing or correct information.
14. All reports shall be signed as follows:
- For a corporation; by a principle executive officer of at least the level of vice president;
  - For a partnership or sole proprietorship; by a general partner or the proprietor, respectively;
  - For a public agency; by either a principal executive officer or ranking elected official; or,
  - Their "duly authorized representative."
15. Any person signing a report makes the following certification, whether its expressed or implied:

"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."

16. By January 30 of each year, the discharger shall submit an annual report to the Regional Board. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year. The discharger shall discuss the compliance record and corrective actions taken, or which may be needed, to bring the discharge into full compliance. The report shall address operator certification and provide a list of current operating personnel and their grade of certification. The report shall inform the Board of the date of the facility's Operation and Maintenance Manual (including contingency plans as described in Provision A.24.), of the date the manual was last reviewed, and whether the manual is complete and valid for the current facility. The report shall restate, for the record, the laboratories used by the discharger to monitor compliance with effluent limits and provide a summary of performance relative to section B, General Monitoring Requirements.

If the facility treats industrial or domestic wastewater and there is no provision for periodic sludge monitoring in the Monitoring and Reporting Program, the report shall include a summary of sludge quantities, analyses of its chemical and moisture content, and its ultimate destination.

If appropriate, the report shall also evaluate the effectiveness of the local source control or pretreatment program using the State Water Resources Control Board's "Guidelines for Determining the Effectiveness of Local Pretreatment Program."

17. The discharger must notify the Regional Board whenever there is a substantial change in the volume or character of pollutants being introduced into the wastewater system. Notice shall include information on the quality and quantity of waste being introduced to the system and the anticipated impact of the waste upon the quantity and quality of the aggregate discharge.
18. The discharger must notify the Regional Board as soon as it knows or has reason to believe that it or an indirect discharger has begun, or expects to begin, use or manufacture of a "toxic waste" or "hazardous substance" not reported in the Report of Waste Discharge that may, directly or indirectly, discharge into the treatment and disposal system.

#### D. Bypasses or Upsets

##### 1. Bypass

- a. If the discharger knows in advance of the need for a "bypass," it shall submit notice to the Executive Officer at least 10 days before the "bypass."



- b. Enforcement action will be taken against the discharger for "bypass" unless:
- (i) "Bypass" was unavoidable to prevent loss of life, personal injury, or "severe property damage";
  - (ii) There was no feasible alternative to the "bypass," such as use of auxilliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment down-time. (This condition is not satisfied if adequate back-up equipment could have been installed to prevent a "bypass" which occurred during normal periods of equipment down-time or preventive maintenance); and,
  - (iii) The discharger submitted notice to the Executive Officer as specified in paragraphs C.3. and D.1.a., above.

2. Upset

A discharger seeking to establish the occurrence of an "upset" has the burden of proof. A discharger who wishes to establish the affirmative defense of "upset" shall demonstrate, through properly signed, contemporaneous operating logs or other relative evidence that:

- a. an "upset" occurred and the discharger can identify the specific cause(s) of the "upset"; and,
- c. the facility was at the time of "upset" being properly operated; the discharger submitted notice of "upset" within 24 hours; and the discharger took all reasonable steps to minimize or correct any adverse impact on the environment.

E. Enforcement:

1. The discharger must comply with all conditions of this order. Non-compliance violates state law and is grounds for enforcement action or modification of the existing order.
2. Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of section 13267 of the California Water Code, or falsifying any information provided therein, is guilty of a misdemeanor.
3. The discharger and any person who violates waste discharge requirements and/or who intentionally or negligently discharges waste or causes or permits waste to be deposited where it is discharged into surface waters of the state may be liable for civil and/or criminal remedies, as appropriate, pursuant to sections 13350, 13385, and 13387 of the California Water Code.

4. Upon reduction, loss, or failure of any part of the wastewater facility, the discharger shall, to the extent necessary to maintain compliance with this order, control production or all discharges, or both, until the facility is restored or an acceptable interim method of treatment or disposal is provided. Should enforcement action be brought against the discharger, the necessity to halt or reduce the permitted activity in order to obtain compliance with the conditions of this order shall not be a defense.

F. Definitions:

1. "Average" or "Mean" is the arithmetic mean of daily concentrations over the specified period

$$\text{Average} = \frac{1}{N} (X_1 + X_2 + \dots + X_N),$$

in which "N" is the number of days samples were analyzed during the period and "X" is either the constituent concentration (mg/l) or flow for each sampled day. To be valid, "N" must be four or greater.

2. "Bypass" means the diversion of waste streams around any portion of a treatment facility to the disposal area or from the treatment facility to a nonauthorized location.
3. A "composite sample" is a combination of no fewer than eight (8) individual samples obtained at equal time intervals (usually hourly) over the specified sampling (composite) period. The volume of each individual sample is proportional to the flow rate at time of sampling. The period shall be specified in the Monitoring and Reporting Program ordered by the Executive Officer.
4. "Daily Discharge" means the discharge of a pollutant measured during a calendar day or during any 24-hour period reasonably representative of the calendar day for purposes of sampling.
5. "Daily Maximum" limit means the maximum acceptable concentration or mass emission rate of a pollutant measured during a calendar day or during any 24-hour period reasonably representative of the calendar day for purposes of sampling. Its normally compared with results based on "composite samples."
6. "Duly Authorized Representative" is one where:
  - a. the authorization is made in writing by a person described in the signatory paragraph (C.14:a,b, or c) of this document;
  - b. the authorization specifies either an individual or the occupant of a position having responsibility for the overall operation of the regulated facility, such as the plant manager; and,
  - c. the written authorization was submitted to the Regional Board.

7. A "grab sample" is defined as any individual sample collected in less than 15 minutes. "Grab samples" shall be collected during peak loading conditions, which may or may not be during hydraulic peaks.
8. "Hazardous substance" means any substance designated as hazardous or extremely hazardous in sections 66680 or 66685 of the California Code of Regulations (Title 22, Division 4, Chapter 30, Article 9).
9. "Incompatible wastes" are:
  - a. Wastes which create a fire or explosion hazard in the treatment works;
  - b. Wastes which will cause corrosive structural damage to treatment works, including all wastes with a pH lower than 5.0 unless the works is specifically designed to accommodate such wastes;
  - c. Solid or viscous wastes in amounts which cause obstruction to flow in sewers, or which cause other interference with proper operation of treatment works;
  - d. Any waste, including oxygen demanding pollutants (BOD, etc), released in such volume or strength as to cause inhibition or disruption in the treatment works and subsequent treatment process upset and loss of treatment efficiency; and,
  - e. Heat in amounts that inhibit or disrupt biological activity in the treatment works or that raise influent temperatures above 40°C (104°F) unless the treatment works is designed to accommodate such heat.
10. "Indirect Discharger" means a nondomestic discharger introducing pollutants into a publicly owned treatment and disposal system.
11. "Log Mean" is the geometric mean. Used for determining compliance of fecal or total coliform populations, it is calculated with the following equation:

$$\text{Log Mean} = (C_1 \times C_2 \times C_N)^{1/N},$$

in which "N" is the number of days samples were analyzed during the period and any "C" is the concentration of bacteria (MPN/100 ml) found on each day of sampling. To be valid, "N" must be five or more.

12. "Median" is the value below which half the samples (ranked progressively by increasing value) fall. It may be considered the middle value, or the average of two middle values. To be valid, three or more values are required.
13. "Overflow" means the intentional or unintentional diversion of flow from the collection and transport systems, including pumping facilities, and from disposal areas.

14. "Pollutant-free wastewater" means infiltration and inflow, storm waters, and cooling waters and condensates which are essentially free of pollutants.
15. "Severe property damage" means substantial physical damage to property, damage to treatment facilities which causes them to become inoperable, or substantial and permanent loss to natural resources which can reasonably be expected to occur in the absence of a "bypass." It does not mean economic loss caused by delays in production.
16. "Sludge" means the solids, residues, and precipitates separated from, or created in, wastewater by the unit processes of a treatment system.
17. To "significantly contribute" to a waste discharge requirement violation means an "indirect discharger" must:
  - a. Discharge a daily pollutant loading in excess of that allowed by contract with the discharger or by state or local law;
  - b. Discharge wastewater which substantially differs in nature or constituents from its average discharge;
  - c. Discharge pollutants, either alone or in conjunction with discharges from other sources, which results in a waste discharge requirement violation or prevents sludge use or disposal; or,
  - d. Discharge pollutants, either alone or in conjunction with pollutants from other sources, that increase the magnitude or duration of waste discharge requirement violations.
18. "Toxic waste" means any toxic and persistent waste which falls within the following categories:
  - a. PCB's
  - b. Pesticides
  - c. Toxic Metals
  - d. Cyanides
  - e. Halogenated Organics
  - f. Non-halogenated volatile organics
19. "Upset" means an exceptional incident causing noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the discharger. It does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.