

## Lahontan Regional Water Quality Control Board

April 30, 2015

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### **Notice of Violation and Requirement for Report of Waste Discharge, CG Roxane LLC, Crystal Geyser Olancha Water Bottling Facility, 1210 South Hwy 395, Olancha, Inyo County**

Lahontan Regional Water Quality Control Board (Lahontan Water Board) staff has reviewed CG Roxane LLC's Phase 1 Site Groundwater Investigation Report (Phase 1 Report) for the above-referenced site. The February 16, 2015 report, prepared by Geosyntec Consultants Inc. and received via email on February 17, 2015, was submitted pursuant to Lahontan Water Board Investigative Order No. R6V-2014-0063 (Investigative Order). The Phase 1 Report presents the results of groundwater investigation activities and laboratory analyses of samples from eleven (11) boring/hydropunch locations in the vicinity of the three wastewater ponds (Arsenic Pond, East Pond, and Fire Pond) located at CG Roxane LLC's Olancha Water Bottling Facility (Facility). The Phase 1 Report also presents analytical results of wastewater samples from the ponds and other wastewater sources at the site. The Phase 1 Report provides data documenting that wastewater discharges from the Facility have adversely impacted groundwater quality beneath, and likely adjacent to, the Facility.

#### **Notice of Violation**

The results of the Phase 1 investigation document that the Facility's unauthorized waste discharges have caused groundwater quality to be degraded and polluted in violation of the Lahontan Water Board's *Water Quality Control Plan for the Lahontan Region* (Basin Plan). The Basin Plan contains the following waste discharge prohibition:

"The discharge of waste that causes violation of any narrative or numeric water quality objective contained in this Plan is prohibited."

The Basin Plan contains the following narrative water quality objective for groundwater:

"Ground waters designated as MUN shall not contain concentrations of chemical constituents in excess of the maximum contaminant level (MCL) or secondary maximum contaminant level (SMCL) based upon drinking water standards specified in the following provisions of Title 22 of the California Code of Regulations which are incorporated by reference into this plan: Table 64431-A of Section 64431 (Inorganic Chemicals), Table 64431-B of Section 64431 (Fluoride), Table 64444-A of Section 64444 (Organic Chemicals), Table 64449-A of Section 64449 (Secondary Maximum Contaminant Levels-Consumer Acceptance Limits), and Table 64449-B of Section 64449 (Secondary Maximum Contaminant Levels-Ranges). This

incorporation-by-reference is prospective including future changes to the incorporated provisions as the changes take effect.

Waters designated as AGR shall not contain concentrations of chemical constituents in amounts that adversely affect the water for beneficial uses (i.e., agricultural purposes).

Ground waters shall not contain concentrations of chemical constituents that adversely affect the water for beneficial uses."

The Facility is located over the Owens Valley Groundwater Basin (Dept. of Water Resources Groundwater Basin No. 6-12). The Basin Plan identifies the following beneficial uses for groundwater in the Owens Valley Groundwater Basin:

Municipal and Domestic Supply (MUN)	Agricultural Supply (AGR)
Industrial Service Supply (IND)	Freshwater Replenishment (FRSH)
Wildlife Habitat (WILD)	

The Phase 1 Report contains data showing the adverse impact the Facility's waste discharge system components have had upon groundwater quality. There are multiple results showing where groundwater concentrations of numerous constituents increased significantly between up-gradient and down-gradient sampling locations. For example, dissolve arsenic concentrations up-gradient of the Arsenic Pond were measured at 3.0 micrograms per liter ( $\mu\text{g/L}$ ), while the down-gradient sample measured 3,600  $\mu\text{g/L}$ . The maximum contaminant level (MCL) for arsenic is 10  $\mu\text{g/L}$  (California Code of Regulations, title 22, Table 64431-A of section 64431 (Inorganic Chemicals)). This situation also represents an adverse impact to the water for beneficial uses. Exceeding the MCL for arsenic and adversely affecting the water for beneficial uses constitutes a violation of the water quality objective cited, above. Violating the water quality objective cited, above, violates the Basin Plan waste discharge prohibition cited, above.

### **Required Action**

CG Roxane LLC will continue to investigate the extent of impacts upon soils, surface water, and groundwater resulting from its waste discharge practices at the Facility pursuant to Lahontan Water Board's Amended Investigative Order (forthcoming). Additionally, CG Roxane LLC will complete the enclosed Report of Waste Discharge and submit the supplemental information identified in the following paragraphs. The Report of Waste Discharge and supplemental information must be submitted by **September 11, 2015**.

This compliance date will allow CG Roxane LLC to complete its Phase 2 investigative activities and report, as required by the Amended Investigative Order. Information required to be included in the Phase 2 Investigation Report will also be necessary to satisfy the Report of Waste Discharge requirements discussed, below.

### **Requirement for Report of Waste Discharge**

State law assigns responsibility for protection of water quality within the Lahontan Watershed Basin to the Lahontan Water Board. The Lahontan Basin Plan contains policies that the Lahontan Water Board uses with other laws and regulations to protect water quality within the region.

Pursuant to Water Code sections 13160 and 13260, project proponents are required to file with the Lahontan Water Board a complete Report of Waste Discharge (ROWD) for discharges or proposed discharges of waste that could affect the quality of the waters of the state. In this case, the ROWD must fully describe and characterize the discharge, and be filed with the Lahontan Water Board by the date specified below, pursuant to section 13264. Pursuant to Water Code section 13261, failure to comply with this Requirement for Report of Waste Discharge may result in substantial civil or criminal penalties. The Lahontan Water Board may administratively impose fines of up to \$1,000 for each day that the violation occurs. If the Water Board refers the matter to the California Attorney General, fines may be imposed up to a maximum of \$5,000 for each day of violation.

Pursuant to Water Code section 13260, Lahontan Water Board is requiring CG Roxane LLC to submit a ROWD for the Olancha Water Bottling Facility by **September 11, 2015**. Once the ROWD is deemed complete, the Lahontan Water Board will prepare waste discharge requirements (WDRs) to govern the land disposal of wastes at the Olancha Facility. Environmental documents, technical reports, plans, diagrams, maps, mitigation and monitoring proposals, and other documents that characterize the discharge and its impacts upon receiving waters (surface water and groundwater) must be included with the ROWD. Enclosure 1 provides State Water Resources Control Board (State Water Board) Form 200 - Application for Report of Waste Discharge, which includes instructions on completing the application. Enclosure 2 provides responses to common questions regarding Form 200. Additional information regarding waste discharge requirements is available online at: [http://www.waterboards.ca.gov/water\\_issues/programs/land\\_disposal/waste\\_discharge\\_requirements.shtml](http://www.waterboards.ca.gov/water_issues/programs/land_disposal/waste_discharge_requirements.shtml).

Much of the information prepared in response to the Water Board's Investigative Order will be useful in preparing the ROWD and supplemental information. In addition to a complete and signed Form 200, your ROWD must also include a complete characterization of all waste streams generated at the Facility, including discharge rates/volumes. The ROWD must also include the following information and items:

- A narrative description of each facility process that generates a waste stream. The narrative must also identify all products added during each facility process and the purpose of each product, as it relates to the facility process being described.
- System (flow) diagrams illustrating facility processes that generate waste streams. The system diagrams must identify products added during facility processes, and where in the process they are added.
- Scaled plans illustrating the Facility's waste stream collection, waste treatment (e.g., pH adjustment), storage, and conveyance systems, including all waste treatment locations. The scaled plans must identify system materials also include plan details/typicals (plan and cross-sectional views) of collection (e.g., drains, floor trenches), waste treatment, storage, and conveyance systems.
- Scaled plans (plan and cross-sectional views) illustrating all Facility waste disposal facilities.
- A description and analysis (constituents) of background groundwater quality (up-gradient of the Facility) with the supporting data and information. The analysis must identify the

monitoring and/or supply wells from which data was obtained for the analysis, the well construction details for the wells used in the analysis, and groundwater elevation data. A scaled site map showing the locations of the wells used in the analysis must also be provided.

- A description and analysis of the Facility's impacts upon groundwater quality with the supporting data and information. The analysis must identify the monitoring and/or supply wells from which data was obtained for the analysis, the well construction details for the wells used in the analysis, and groundwater elevation data. A scaled site map showing the locations of the wells used in the analysis must also be provided.

Lahontan Water Board staff will review the ROWD and notify you if it is complete or if additional information is required. Please contact Lisa Scorallo at [Lisa.Scoralle@waterboards.ca.gov](mailto:Lisa.Scoralle@waterboards.ca.gov), (530) 542-5452, or Scott Ferguson at [Scott.Ferguson@waterboards.ca.gov](mailto:Scott.Ferguson@waterboards.ca.gov), (530) 542-5432, if you have any questions regarding these matters.



LAURI KEMPER, P.E.  
ASSISTANT EXECUTIVE OFFICER

Enclosures: Enclosure 1 - Form 200 Application  
Enclosure 2 - Application Q & A

cc (email only, w/enclosures):

Pierre Boulier/CG Roxane LLC  
Sebastien Guyard/CG Roxane LLC  
Mark Grivetti/Geosyntec Consultants  
Ryan Smith/Geosyntec Consultants  
Christopher Sanders  
Patty Z. Kouyoumdjian, Executive Officer/Lahontan Water Board  
Kim Niemeyer/State Water Board, Office of Chief Counsel  
Paul Ciccarella/State Water Board, Office of Enforcement  
Heidi Calvert/California Dept. of Fish and Wildlife  
Malcolm Clark/Sierra Club  
Mark Bagley/Owens Valley Committee  
Tom Platz/Triad, Holmes Associates  
Cathreen Richards/Inyo County Planning Department  
Marvin Moskowitz/Inyo County Environmental Health Services  
Joshua Hart/Inyo County Planning Dept.  
Bob Harrington/Inyo County Water Dept.  
Dustin Hardwick/Cartago Mutual Water Company  
Aaron Allen/U.S. Army Corps of Engineers  
Dave Stuck/California Dept. of Toxic Substances Control  
Glenn Forman/California Dept. of Toxic Substances Control

## INTRODUCTION

This application package constitutes a Report of Waste Discharge (ROWD) pursuant to California Water Code Section 13260. Section 13260 states that persons discharging or proposing to discharge waste that could affect the quality of the waters of the State, other than into a community sewer system, shall file a ROWD containing information which may be required by the appropriate Regional Water Quality Control Board (RWQCB).

This package is to be used to start the application process for all waste discharge requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permits\* issued by a RWQCB except:

- a) Those landfill facilities that must use a joint Solid Waste Facility Permit Application Form, California Integrated Waste Management Board Form E-1-77; and
- b) General WDRs or general NPDES permits that use a Notice of Intent to comply or specify the use of an alternative application form designed for that permit.

### **This application package contains:**

1. Application/General Information Form for WDRs and NPDES Permits [Form 200 (10/97)].
2. Application/General Information Instructions.

### **Instructions**

Instructions are provided to assist you with completion of the application. If you are unable to find the answers to your questions or need assistance with the completion of the application package, please contact your RWQCB representative. *The RWQCBs strongly recommend that you make initial telephone or personal contact with RWQCB regulatory staff to discuss a proposed new discharge before submitting your application.* The RWQCB representative will be able to answer procedural and annual fee related questions that you may have. (See map and telephone numbers inside of application cover.)

All dischargers regulated under WDRs and NPDES permits must pay an annual fee, except dairies, which pay a filing fee only. The RWQCB will notify you of your annual fee based on an evaluation of your proposed discharge. Please do NOT submit a check for your first annual fee or filing fee until requested to do so by a RWQCB representative. Dischargers applying for reissuance (renewal) of an existing NPDES permit or update of an existing WDR will be billed through the annual fee billing system and are therefore requested NOT to submit a check with their application. Checks should be made payable to the State Water Resources Control Board.

### **Additional Information Requirements**

A RWQCB representative will notify you within 30 days of receipt of the application form and any supplemental documents whether your application is complete. If your application is incomplete, the RWQCB representative will send you a detailed list of discharge specific information necessary to complete the application process. The completion date of your application is normally the date when all required information, including the correct fee, is received by the RWQCB.

**\* NPDES PERMITS:** If you are applying for a permit to discharge to surface water, you will need an NPDES permit which is issued under both State and Federal law and may be required to complete one or more of the following Federal NPDES permit application forms: Short Form A, Standard Form A, Forms 1, 2B, 2C, 2D, 2E, and 2F. These forms may be obtained at a RWQCB office or can be ordered from the National Center for Environmental Publications and Information at (513) 891-6561.



State of California  
Regional Water Quality Control Board  
**APPLICATION/REPORT OF WASTE DISCHARGE  
GENERAL INFORMATION FORM FOR  
WASTE DISCHARGE REQUIREMENTS OR NPDES PERMIT**



**INSTRUCTIONS**  
**FOR COMPLETING THE APPLICATION/REPORT OF WASTE DISCHARGE  
GENERAL INFORMATION FORM FOR:  
WASTE DISCHARGE REQUIREMENTS/NPDES PERMIT**

If you have any questions on the completion of any part of the application, please contact your RWQCB representative. A map of RWQCB locations, addresses, and telephone numbers is located on the reverse side of the application cover.

**I. FACILITY INFORMATION**

You must provide the factual information listed below for ALL owners, operators, and locations and, where appropriate, for ALL general partners and lease holders.

**A. FACILITY:**

Legal name, physical address including the county, person to contact, and phone number at the facility.  
(**NO P.O. Box numbers!** If no address exists, use street and nearest cross street.)

**B. FACILITY OWNER:**

Legal owner, address, person to contact, and phone number. Also include the owner's Federal Tax Identification Number.

**OWNER TYPE:**

Check the appropriate Owner Type. The legal owner will be named in the WDRs/NPDES permit.

**C. FACILITY OPERATOR (The agency or business, not the person):**

If applicable, the name, address, person to contact, and telephone number for the facility operator. Check the appropriate Operator Type. If identical to B. above, enter "same as owner".

**D. OWNER OF THE LAND:**

Legal owner of the land(s) where the facility is located, address, person to contact, and phone number. Check the appropriate Owner Type. If identical to B. above, enter "same as owner".

**E. ADDRESS WHERE LEGAL NOTICE MAY BE SERVED:**

Address where legal notice may be served, person to contact, and phone number. If identical to B. above, enter "same as owner".

**F. BILLING ADDRESS**

Address where annual fee invoices should be sent, person to contact, and phone number. If identical to B. above, enter "same as owner".



**APPLICATION/REPORT OF WASTE DISCHARGE  
GENERAL INFORMATION FORM FOR  
WASTE DISCHARGE REQUIREMENTS OR NPDES PERMIT**

**II. TYPE OF DISCHARGE**

Check the appropriate box to describe whether the waste will be discharged to: A. Land, or B. Surface Water.

Check the appropriate box(es) which best describe the activities at your facility.

**Hazardous Waste - If you check the Hazardous Waste box, STOP and contact a representative of the RWQCB for further instructions.**

**Landfills - A separate form, APPLICATION FOR SOLID WASTE FACILITY PERMIT/WASTE DISCHARGE REQUIREMENTS, California Integrated Waste Management Board Form E-1-77, may be required. Contact a RWQCB representative to help determine the appropriate form for your discharge.**

**III. LOCATION OF THE FACILITY**

1. Enter the Assessor's Parcel Number(s) (APN), which is located on the property tax bill. The number can also be obtained from the County Assessor's Office. Indicate the APN for both the facility and the discharge point.
2. Enter the Latitude of the entrance to the proposed/existing facility and of the discharge point. Latitude and longitude information can be obtained from a U.S. Geological Survey quadrangle topographic map. Other maps may also contain this information.
3. Enter the Longitude of the entrance to the proposed/existing facility and of the discharge point.

**IV. REASON FOR FILING****NEW DISCHARGE OR FACILITY:**

A discharge or facility that is proposed but does not now exist, or that does not yet have WDRs or an NPDES permit.

**CHANGE IN DESIGN OR OPERATION:**

A material change in design or operation from existing discharge requirements. Final determination of whether the reported change is material will be made by the RWQCB.

**CHANGE IN QUANTITY/TYPE OF DISCHARGE:**

A material change in characteristics of the waste from existing discharge requirements. Final determination of whether the reported change would have a significant effect will be made by the RWQCB.

**CHANGE IN OWNERSHIP/OPERATOR:**

Change of legal owner of the facility. Complete Parts I, III, and IV only and contact the RWQCB to determine if additional information is required.

**WASTE DISCHARGE REQUIREMENTS UPDATE OR NPDES PERMIT REISSUANCE:**

WDRs must be updated periodically to reflect changing technology standards and conditions. A new application is required to reissue an NPDES permit which has expired.

**OTHER:**

If there is a reason other than the ones listed, please describe the reason on the space provided. (If more space is needed, attach a separate sheet.)



**APPLICATION/REPORT OF WASTE DISCHARGE  
GENERAL INFORMATION FORM FOR  
WASTE DISCHARGE REQUIREMENTS OR NPDES PERMIT**

**V. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

It should be emphasized that communication with the appropriate RWQCB staff is vital before starting the CEQA documentation, and is recommended before completing this application. There are Basin Plan issues which may complicate the CEQA effort, and RWQCB staff may be able to help in providing the needed information to complete the CEQA documentation.

Name the Lead Agency responsible for completion of CEQA requirements for the project, i.e., completion and certification of CEQA documentation.

Check YES or NO. Has a public agency determined that the proposed project is exempt from CEQA? If the answer is YES, state the basis for the exemption and the name of the agency supplying the exemption on the space provided. (Remember that, if extra space is needed, use an extra sheet of paper, but be sure to indicate the attached sheet under Section VII. Other.)

Check YES or NO. Has the "Notice of Determination" been filed under CEQA? If YES, give the date the notice was filed and enclose a copy of the Notice of Determination and the Initial Study, Environmental Impact Report, or Negative Declaration. If NO, check the box of the expected type of CEQA document for this project, and include the expected date of completion using the timelines given under CEQA. The date of completion should be taken as the date that the Notice of Determination will be submitted. (If not known, write "Unknown")

**VI. OTHER REQUIRED INFORMATION**

To be approved, your application MUST include a COMPLETE characterization of the discharge. If the characterization is found to be incomplete, RWQCB staff will contact you and request that additional specific information be submitted.

This application MUST be accompanied by a site map. A USGS 7.5' Quadrangle map or a street map, if more appropriate, is sufficient for most applications.

**VII. OTHER**

If any of the answers on your application form need further explanation, attach a separate sheet. Please list any attachments with the titles and dates on the space provided.

**VIII. CERTIFICATION**

Certification by the owner of the facility or the operator of the facility, if the operator is different from the owner, is required. The appropriate person must sign the application form.

Acceptable signatures are:

1. **for a corporation**, a principal executive officer of at least the level of senior vice-president;
2. **for a partnership or individual (sole proprietorship)**, a general partner or the proprietor;
3. **for a governmental or public agency**, either a principal executive officer or ranking elected/appointed official.

**DISCHARGE SPECIFIC INFORMATION**

In most cases, a request to supply additional discharge specific information will be sent to you by a representative of the RWQCB. If the RWQCB determines that additional discharge specific information is not needed to process your application, you will be so notified.



State of California  
Regional Water Quality Control Board

**APPLICATION/REPORT OF WASTE DISCHARGE  
GENERAL INFORMATION FORM FOR  
WASTE DISCHARGE REQUIREMENTS OR NPDES PERMIT**



## I. FACILITY INFORMATION

**A. Facility:**

Name:			
Address:			
City:	County:	State:	Zip Code:
Contact Person:		Telephone Number:	

**B. Facility Owner:**

Name:			Owner Type (Check One)	
Address:			1. <input type="checkbox"/> Individual	2. <input type="checkbox"/> Corporation
City:			3. <input type="checkbox"/> Governmental Agency	4. <input type="checkbox"/> Partnership Agency
State:		Zip Code:	5. <input type="checkbox"/> Other: _____	
Contact Person:		Telephone Number:	Federal Tax ID:	

**C. Facility Operator (The agency or business, not the person):**

Name:			Operator Type (Check One)	
Address:			1. <input type="checkbox"/> Individual	2. <input type="checkbox"/> Corporation
City:			3. <input type="checkbox"/> Governmental Agency	4. <input type="checkbox"/> Partnership Agency
State:		Zip Code:	5. <input type="checkbox"/> Other: _____	
Contact Person:		Telephone Number:		

**D. Owner of the Land:**

Name:			Owner Type (Check One)	
Address:			1. <input type="checkbox"/> Individual	2. <input type="checkbox"/> Corporation
City:			3. <input type="checkbox"/> Governmental Agency	4. <input type="checkbox"/> Partnership Agency
State:		Zip Code:	5. <input type="checkbox"/> Other: _____	
Contact Person:		Telephone Number:		

**E. Address Where Legal Notice May Be Served:**

Address:			
City:	State:	Zip Code:	
Contact Person:		Telephone Number:	

**F. Billing Address:**

Address:			
City:	State:	Zip Code:	
Contact Person:		Telephone Number:	



APPLICATION/REPORT OF WASTE DISCHARGE GENERAL INFORMATION FORM FOR WASTE DISCHARGE REQUIREMENTS OR NPDES PERMIT



II. TYPE OF DISCHARGE

Check Type of Discharge(s) Described in this Application (A or B):

[ ] A. WASTE DISCHARGE TO LAND

[ ] B. WASTE DISCHARGE TO SURFACE WATER

Check all that apply:

- [ ] Domestic/Municipal Wastewater Treatment and Disposal
[ ] Cooling Water
[ ] Mining
[ ] Waste Pile
[ ] Wastewater Reclamation
[ ] Other, please describe:

- [ ] Animal Waste Solids
[ ] Land Treatment Unit
[ ] Dredge Material Disposal
[ ] Surface Impoundment
[ ] Industrial Process Wastewater

- [ ] Animal or Aquacultural Wastewater
[ ] Biosolids/Residual
[ ] Hazardous Waste (see instructions)
[ ] Landfill (see instructions)
[ ] Storm Water

III. LOCATION OF THE FACILITY

Describe the physical location of the facility.

1. Assessor's Parcel Number(s) Facility: Discharge Point:

2. Latitude Facility: Discharge Point:

3. Longitude Facility: Discharge Point:

IV. REASON FOR FILING

[ ] New Discharge or Facility [ ] Changes in Ownership/Operator (see instructions)
[ ] Change in Design or Operation [ ] Waste Discharge Requirements Update or NPDES Permit Reissuance
[ ] Change in Quantity/Type of Discharge [ ] Other:

V. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Name of Lead Agency:
Has a public agency determined that the proposed project is exempt from CEQA? [ ] Yes [ ] No
If Yes, state the basis for the exemption and the name of the agency supplying the exemption on the line below.
Basis for Exemption/Agency:
Has a "Notice of Determination" been filed under CEQA? [ ] Yes [ ] No
If Yes, enclose a copy of the CEQA document, Environmental Impact Report, or Negative Declaration. If no, identify the expected type of CEQA document and expected date of completion.
Expected CEQA Documents:
[ ] EIR [ ] Negative Declaration
Expected CEQA Completion Date:



APPLICATION/REPORT OF WASTE DISCHARGE GENERAL INFORMATION FORM FOR WASTE DISCHARGE REQUIREMENTS OR NPDES PERMIT



VI. OTHER REQUIRED INFORMATION

Please provide a COMPLETE characterization of your discharge. A complete characterization includes, but is not limited to, design and actual flows, a list of constituents and the discharge concentration of each constituent, a list of other appropriate waste discharge characteristics, a description and schematic drawing of all treatment processes, a description of any Best Management Practices (BMPs) used, and a description of disposal methods.

Also include a site map showing the location of the facility and, if you are submitting this application for an NPDES permit, identify the surface water to which you propose to discharge. Please try to limit your maps to a scale of 1:24,000 (7.5' USGS Quadrangle) or a street map, if more appropriate.

VII. OTHER

Attach additional sheets to explain any responses which need clarification. List attachments with titles and dates below:

Three horizontal lines for listing attachments.

You will be notified by a representative of the RWQCB within 30 days of receipt of your application. The notice will state if your application is complete or if there is additional information you must submit to complete your Application/Report of Waste Discharge, pursuant to Division 7, Section 13260 of the California Water Code.

VIII. CERTIFICATION

"I certify under penalty of law that this document, including all attachments and supplemental information, were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated 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."

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

FOR OFFICE USE ONLY

Table with 4 columns: Date Form 200 Received, Letter to Discharger, Fee Amount Received, Check #.

# **California Environmental Protection Agency**

## **Bill of Rights for Environmental Permit Applicants**

California Environmental Protection Agency (Cal/EPA) recognizes that many complex issues must be addressed when pursuing reforms of environmental permits and that significant challenges remain. We have initiated reforms and intend to continue the effort to make environmental permitting more efficient, less costly, and to ensure that those seeking permits receive timely responses from the boards and departments of the Cal/EPA. To further this goal, Cal/EPA endorses the following precepts that form the basis of a permit applicant's "Bill of Rights."

1. Permit applicants have the right to assistance in understanding regulatory and permit requirements. All Cal/EPA programs maintain an Ombudsman to work directly with applicants. Permit Assistance Centers located throughout California have permit specialists from all the State, regional, and local agencies to identify permit requirements and assist in permit processing.
2. Permit applicants have the right to know the projected fees for review of applications, how any costs will be determined and billed, and procedures for resolving any disputes over fee billings.
3. Permit applicants have the right of access to complete and clearly written guidance documents that explain the regulatory requirements. Agencies must publish a list of all information required in a permit application and of criteria used to determine whether the submitted information is adequate.
4. Permit applicants have the right of timely completeness determinations for their applications. In general, agencies notify the applicant within 30 days of any deficiencies or determine that the application is complete. California Environmental Quality Act (CEQA) and public hearing requests may require additional information.
5. Permit applicants have the right to know exactly how their applications are deficient and what further information is needed to make their applications complete. Pursuant to California Government code Section 65944, after an application is accepted as complete, an agency may not request any new or additional information that was not specified in the original application.
6. Permit applicants have the right of a timely decision on their permit application. The agencies are required to establish time limits for permit reviews.
7. Permit applicants have the right to appeal permit review time limits by statute or administratively that have been violated without good cause. For state environmental agencies, appeals are made directly to the Cal/EPA Secretary or to a specific board. For local environmental agencies, appeals are generally made to the local governing board or, under certain circumstances, to Cal/EPA. Through this appeal, applicants may obtain a set date for a decision on their permit and, in some cases, a refund of all application fees (ask boards and departments for details).
8. Permit applicants have the right to work with a single lead agency where multiple environmental approvals are needed. For multiple permits, all agency actions can be consolidated under a lead agency. For site remediation, all applicable laws can be administered through a single agency.
9. Permit applicants have the right to know who will be reviewing their application and the time required to complete the full review process.

# APPLICATION Q & A

## 1. Do I need a permit to discharge waste?

If the operation or discharges from your property or business affects California's surface, coastal, or groundwater, you may need to obtain a permit to discharge waste from the appropriate Regional Water Quality Control Board (Regional WQCB).

If you are discharging pollutants (or proposing to) into surface waters, you must file completed federal National Pollutant Discharge Elimination System (NPDES) permit application forms with the appropriate Regional Board. Form 200 is to accompany the federal forms.

For other types of discharges, such as those affecting groundwater or in a diffused manner (e.g., erosion from soil disturbance or waste discharges to land) you must file a Report of Waste Discharge with the appropriate Regional Board in order to obtain Waste Discharge Requirements (WDRs). Form 200 is the basic form to be used.

For specific situations, the Regional WQCB may waive the requirement to obtain a WDR for discharges to land or may determine that a proposed discharge can be permitted more effectively through enrollment in a general NPDES permit or general WDR.

Typical activities that affect water include, but are not limited to, the following:

- Discharge of process wastewater not discharging to a sewer (factories, cooling water, etc.)
- Confined Animal facilities (dairies, feedlots, etc.)
- Waste containments (landfills, waste ponds, etc.)
- Construction sites
- Boatyards and shipyards
- Discharges of pumped groundwater and cleanups (underground tank cleanups, dewatering, spills)
- Material handling areas draining to storm drains
- Sewage treatment facilities
- Filling of wetlands
- Dredging, filling, and disposal of dredge wastes
- Commercial activities not discharging to a sewer (e.g. factory waste water, storm drain)
- Waste discharges to land

If there is a discharge of stormwater from your facility, you should visit our Stormwater page to find out if you need a Stormwater Permit in addition to any other permit. {put link in here}

## 2. Who must apply?

The owner or operator (depending on who controls day-to-day operations) of the facility must sign and submit the form.

## 3. What forms do I need?

### WDRs

For discharge of waste to land, use **FORM 200**

### NPDES

For discharges to surface waters, you will need Form 200 and one or more of the following federal NPDES permit application forms:

- For General Information to be completed in conjunction with Forms 2B, 2C, 2D, 2E, 2F, Short Form A and Standard Form A, use **FORM 200**
- For Publicly-Owned Treatment Works serving 10,000 persons or less, use **SHORT FORM A**

- For Publicly-Owned Treatment Works serving over 10,000 persons or treating significant industrial waste, use **STANDARD FORM A**
- For Publicly-Owned Treatment Works, use **FORM 2A**
- For Concentrated animal feeding operations and aquatic animal production facilities. New applications or renewals, use **FORM 2B**
- For existing manufacturing, commercial, mining, and silvicultural operations (including federal facilities), use **FORM 2C**
- For New manufacturing, mining, commercial and silvicultural operations, use **FORM 2D**
- For New applications or renewals for nonmanufacturing facilities, trailer parks, service stations, laundromats, commercial facilities, etc., use **FORM 2E**
- For Stormwater discharges associated with industrial activity, use **FORM 2F**, or see our Stormwater Page {Put link in here}

These application forms may be obtained at a Regional Board office or can be ordered from the National Center for Environmental Publications and Information at (513) 891-6561. Or, you may download the forms by clicking on the links provided.

**4. What is the application fee?**

Except for dairies, there is no application fee. You will be required to submit a payment which will serve as your first annual fee to complete your application. Except for dairies, all permitted dischargers must pay our annual fee. You will be billed for your annual fee. Failure to pay your annual fee may subject you to civil penalties, including fines. The Regional WQCB will notify you of your annual fee.

**6. How do I get Started?**

The process begins when you request an application from the appropriate Regional WQCB, or download it from this site. You must then file an application with the Regional Board. You will be asked to describe the wastes involved, the setting for the discharge, and the method of treatment or containment.

Once the application is completed and filed, the Regional WQCB staff will draft a permit. Issuance of the permit is by Regional Board order after a public hearing.

**7. How do I get an NPDES permit or WDRs?**

**NPDES**

The steps to obtain an NPDES permit are as follows:

1. File Form 200 and the appropriate federal NPDES application forms with the Regional Board. Anyone proposing to discharge must file a complete application at least 180 days before beginning the activity.
2. Regional Board staff reviews the application for completeness and may request additional information
3. Once the application is determined to be complete, Regional Board staff forwards it to the US Environmental Protection Agency (USEPA) within 15 days. USEPA has 30 days to review the application for completeness and to request additional information from the discharger. After the request for additional information is met, USEPA has 30 days to forward comments to the Regional Board.
4. Regional Board staff determines if they should issue the NPDES permit or prohibit the discharge. If a permit should be issued, Regional Board staff prepares a proposed permit and forwards a copy to USEPA for review.
5. USEPA review the application and has 30 days to object or submit comments to the Regional Board. USEPA may request an additional 60 days to review the proposed permit.
6. Following USEPA's review, Regional Board staff prepares a "Notice of Public Hearing" and mails it to the discharger with instructions for circulation. Regional Board staff also mails the public notice and proposed permit to persons and public agencies with known interest in the project. Regional Board staff may modify the proposed permit prior to the public hearing based on comments received from the discharger and interested parties.
7. The discharger must publish the notice for one day and submit proof of having complied with the instructions to the Regional Board within 15 days after the posting or publication.
8. The Regional Board holds a public hearing with at least 30 day public notification. The Regional Board may adopt the proposed permit or modify it and adopt it at the public hearing by majority vote.

USEPA has 10 days to object to the adopted permit, and the objection must be satisfied before the permit becomes effective.

The entire Regional Board review and permit issuance process takes approximately six months, but may take longer depending upon the nature of the discharge and public concerns.

### **WDRs**

The steps to obtain Waste Discharge Requirements are as follows:

1. File the Report of Waste Discharge form (FORM 200) with the necessary supplemental information with the Regional Board at least 120 days before beginning to discharge waste.
2. Regional Board staff reviews the application for completeness and may request additional information.
3. Once the application is complete, Regional Board staff determines whether the Regional Board should adopt WDRs, prohibit the discharge, or waive the WDRs.
4. If WDRs should be issued, Regional Board staff prepares proposed WDRs, and distributes them to persons and public agencies with known interest in the project for a minimum of 30 day comment period. Regional Board staff may modify the proposed WDRs based upon comments received from the discharger and interested parties.
5. The Regional Board holds a public hearing with at least a 30 day public notification. The Regional Board may adopt the proposed WDRs or modify and adopt them at the public hearing by majority vote.

The entire process for developing and adopting the requirements normally takes about three months.

**8. What is the annual fee?**

See application fee.

**9. How long is this permit in effect?**

Waste Discharge Requirements (WDRs) are in effect until such time as you terminate your discharge, or until revoked by the Regional WQCB. NPDES permits expire after 5 years and must be reissued.

**10. How can I avoid the most common mistakes made in applying for this permit?**

It is highly recommended that you contact the appropriate RWQCB **BEFORE** you start to fill out the Form 200 (and any other accompanying forms). Discussion with RWQCB staff before hand can save you a lot of time and effort.

**11. What are the regulations that apply to this permit? Where can I get copies?**

Discharges in California are regulated under the California Water Code. Discharges to surface waters are regulated additionally under the Clean Water Act and 40 Code of Federal Regulations (CFR).

**12. Questions? Call...**

You should contact the appropriate RWQCB if you have any questions or concerns regarding the use of this Form. Please see the State map to determine the appropriate RWQCB you should contact. Telephone numbers for the RWQCBs are listed beside the map.

**MAILING LIST FOR CRYSTAL GEYSER ROXANE:**

**CG Roxane LLC Olancha Water Bottling Facility, Olancha, Inyo County (4-17-15)**

<p>Pierre Boulier, Plant Manager CG Roxane, LLC 1210 South Highway 395 Olancha, CA 93549 Email: <a href="mailto:p.boulier@cgroxane.com">p.boulier@cgroxane.com</a> Phone: 760-764-2885</p>	<p>Malcolm Clark, Chair Sierra Club- Range of Light Group PO Box 1973 Mammoth Lakes, CA 93546-3328 Email: <a href="mailto:wmalcolm.clark@gmail.com">wmalcolm.clark@gmail.com</a> Phone: 760-924-5639</p>
<p>Page Beykpour, Executive Vice President CG Roxane, LLC 2330 Marinship Way, Suite 190 Sausalito, CA 94965 Email: <a href="mailto:p.beykpour@cgroxane.com">p.beykpour@cgroxane.com</a> Phone: 415-339-8200</p>	<p>Mark Bagley, Executive Director Owens Valley Committee P.O. Box 77 Bishop, CA 93515 Email: <a href="mailto:m.bagley@verizon.net">m.bagley@verizon.net</a> Phone:</p>
<p>Sebastien Guyard CG Roxane, LLC 1400 Mary's Drive Weed, CA 96094 Email: <a href="mailto:s.guyard@cgroxane.com">s.guyard@cgroxane.com</a> Phone: (530) 938-1831</p>	<p>Heidi Calvert California Dept. of Fish and Wildlife 407 West Line Street, #1 Bishop, CA 93514 Email: <a href="mailto:Heidi.Calvert@wildlife.ca.gov">Heidi.Calvert@wildlife.ca.gov</a> Phone: 760-872-0751</p>
<p>Tom Platz Triad/Holmes Associates P.O. Box 1570 Mammoth Lakes, CA 93546 Email: <a href="mailto:tplatz@thainc.com">tplatz@thainc.com</a> Phone: 760-934-7588</p>	<p>Mark Grivetti Geosyntec Consultants 924 Anacapa Street, Suite 4A Santa Barbara, CA 93101 Email: <a href="mailto:MGrivetti@geosyntec.com">MGrivetti@geosyntec.com</a> Phone: 805-897-3800</p>
<p>Cathreen Richards, Senior Planner Inyo County Planning Department 168 North Edwards Street Post Office Drawer L Independence, CA 93526 <a href="mailto:crichards@inyocounty.us">crichards@inyocounty.us</a> Phone: 760-878-0447</p>	<p>Ryan Smith Geosyntec Consultants 924 Anacapa Street, Suite 4A Santa Barbara, CA 93101 Email: <a href="mailto:RSmith@geosyntec.com">RSmith@geosyntec.com</a> Phone: 805-897-3800</p>
<p>Dustin Hardwick Cartago Mutual Water Company P.O. Box 102 Olancha, CA 93549 Email: <a href="mailto:dhardwick@calruralwater.org">dhardwick@calruralwater.org</a> Phone: (760) 920-0842</p>	<p>Christopher Sanders <a href="mailto:cms@eslawfirm.com">cms@eslawfirm.com</a></p>

<p>Aaron Allen, United States Army Corps of Engineers  Email: <a href="mailto:Aaron.O.Allen@usace.army.mil">Aaron.O.Allen@usace.army.mil</a></p>	<p>Dave Stuck  California Dept of Toxic Substances Control  PO Box 806  Sacramento, CA 95812-0806  Email: <a href="mailto:Dave.Stuck@dtsc.ca.gov">Dave.Stuck@dtsc.ca.gov</a>  Phone: 818-717-6652</p>
<p>Glenn Forman  California Dept of Toxic Substances Control  PO Box 806  Sacramento, CA 95812-0806  Email: <a href="mailto:Glenn.Forman@dtsc.ca.gov">Glenn.Forman@dtsc.ca.gov</a>  Phone: 818.717.6672</p>	<p>Bob Harrington, Water Director  Inyo County Water Department  135 South Jackson St  PO Box 337  Independence, CA 93526  <a href="mailto:bharrington@inyocounty.us">bharrington@inyocounty.us</a></p>
<p>Kim Niemeyer  State Water Resources Control Board,  Office of Chief Counsel  Email:  <a href="mailto:Kim.Niemeyer@waterboards.ca.gov">Kim.Niemeyer@waterboards.ca.gov</a>  Phone: 916-341-5547</p>	<p>Paul Ciccarelli  State Water Resources Control Board, Office of Enforcement  Email: <a href="mailto:Paul.Ciccarelli@waterboards.ca.gov">Paul.Ciccarelli@waterboards.ca.gov</a>  Phone: 916-322-3227</p>
<p>Marvin Moskowitz, Director  Inyo County Environmental Health Department  207 W. South St.  Bishop, CA 93514  <a href="mailto:mmoskowitz@inyocounty.us">mmoskowitz@inyocounty.us</a></p>	<p>Joshua Hart, Planning Director  Inyo County Planning Department  168 North Edwards Street  Post Office Drawer L  Independence, CA 93526  <a href="mailto:jhart@inyocounty.us">jhart@inyocounty.us</a></p>