

California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-2005-0036
NPDES PERMIT NO. CA0006670
I.D. NO. 1B80073OHUM

WASTE DISCHARGE REQUIREMENTS

FOR

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME
MAD RIVER FISH HATCHERY

Humboldt County

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

1. The State of California, Department of Fish and Game (hereinafter Permittee) submitted a Report of Waste Discharge on August 2, 2004, and applied for renewal of its Permit to discharge hatchery wastewater under the National Pollutant Discharge Elimination System (NPDES).
2. The Permittee obtains water from a series of wells adjacent to the Mad River to maintain flows through the hatchery of approximately 7.5 million gallons per day (mgd). Wastes generated during the care and feeding of fish may include suspended and settleable solids, salt, and disease control agents. Fish wastes and wastewater generated in hatchery raceways is discharged to two evaporation/percolation ponds located at the north end of the hatchery and adjacent to the river.
3. Fish ladder discharge 001: From December 1st to April 1st, up to 1.1 mgd of water is passed through the adult fish holding tanks and discharged through the fish ladder directly into the river. The majority of this flow is normally well water through the hatchery raceways.
4. Spawning house discharge 002: From December 1st to May 15th, up to 0.5 mgd of water is discharged from the spawning house into the Mad River downstream of the fish ladder. The discharge contains egg incubator overflow water, floor wash water, and small quantities of carbon dioxide used as an anesthetic in the spawning operation.
5. Production pond settling basin discharge 003: Flows of up to 5.9 mgd carrying wastes from the care and feeding of immature fish are discharged to settling basin consisting of two evaporation/percolation ponds. During cleaning activities in the hatchery raceway, waste material consisting of metabolic wastes, unconsumed food, algae, silt, and detritus is carried by the flow to the settling basin. All wastewater from the production ponds during cleaning operations is contained in these basins with no discharge to the Mad River.

6. Fish release water discharge 004: Up to 1.5 million gallons of water may be released from the raceways to convey fish directly to the Mad River. This is a single annual event between March 15th and April 15th.
7. The Permittee is presently governed by Waste Discharge Requirements Order No. R1-2000-33, adopted by the Regional Water Board on April 27, 2000.
8. This facility is not a major discharger as defined in 40 CFR 122.2. Pursuant to California Code of Regulations (CCR) §2200, the Permittee is assessed an annual fee based on a flow of (7.5) mgd.
9. 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. The Basin Plan also includes a prohibition of wastewater discharges to the Mad River during the period May 15 through September 30 and all other periods when the waste discharge flow is greater than one percent of the receiving water's flow.
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). At 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. This Permittee is a fish hatchery with designated Standard Industrial Code (SIC) 0921. Fish hatcheries do not generate storm water associated with industrial activity as defined at 40CFR122.26.
12. The State Water Board adopted the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (also known as the State Implementation Plan or SIP) on March 2, 2000. All provisions of the SIP became effective as of May 22, 2000. The SIP applies to discharges of toxic pollutants into the

inland surface waters, enclosed bays, and estuaries of California subject to regulation under the state's Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code) and the federal Clean Water Act (CWA). The SIP establishes: (1) implementation provisions for priority pollutant criteria promulgated by the United States Environmental Protection Agency (U.S. EPA) through the National Toxics Rule (NTR) and through the California Toxics Rule (CTR), and for priority pollutant objectives established by Regional Water Boards in their basin plans; (2) monitoring requirements for 2,3,7,8-TCDD equivalents; and (3) chronic toxicity control provisions.

13. The beneficial uses of the Mad River include:
 - a. municipal and domestic supply
 - b. agricultural supply
 - c. industrial service supply
 - d. industrial process supply
 - e. groundwater recharge
 - f. hydropower generation
 - g. water contact recreation
 - h. noncontact water recreation
 - i. commercial and sport fishing
 - j. warm freshwater habitat
 - k. cold freshwater habitat
 - l. wildlife habitat
 - m. preservation of rare, threatened or endangered species
 - n. migration of aquatic organisms
 - o. spawning, reproduction, and/or early development
 - p. estuarine habitat
 - q. aquaculture

14. Beneficial uses of areal groundwaters include:
 - a. domestic water supply
 - b. agricultural water supply
 - c. industrial service supply
 - d. industrial process supply

15. Effluent limitations, and toxic and pretreatment effluent standards established pursuant to Sections 208(b), 301, 302, 303(d), 304, 306, and 307 of the CWA and amendments thereto are applicable to the Permittee.

16. The Mad River is listed as an impaired water body for temperature, turbidity, and sedimentation/siltation pursuant to Section 303(d) of the CWA. A Total Maximum Daily Load has not been established to address temperature, turbidity, and sedimentation/siltation loadings. An analysis of the Permittee's discharge determined that the discharge does not contain temperature and turbidity at levels which will cause, have the reasonable potential to cause, or contribute to increases in temperature and turbidity levels in the Mad River. This finding is based in part on increased monitoring and reporting requirements to confirm compliance with Receiving Water Limitations D.3. and D.10.

17. No analytical techniques have been identified to measure sedimentation/siltation in effluent samples. The monitoring and reporting program for this permit includes analyses to measure material which may subsequently be determined to contribute to sedimentation and siltation. This permit may be reopened if these measurements indicate the hatchery contributes significantly to sedimentation or siltation in the Mad River.
18. The permitted discharge is consistent with the antidegradation provision of 40 CFR 131.12 and State Water Board Resolution No. 68-16, Statement of Policy with Respect to Maintaining High Quality of Waters in California. The impact on existing water quality will be insignificant.
19. The action to renew an NPDES Permit is exempt from Chapter 3 of the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq., in accordance with Section 13389 of the California Water Code.
20. The Regional Water Board has notified the Permittee and interested agencies and persons of its intent to prescribe WDRs for the discharge and has provided them with an opportunity to submit their written comments and recommendations.
21. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.
22. This Order will serve as an NPDES 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. R1-2000-33 is 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 any waste not disclosed by the Permittee or not within the reasonable contemplation of the Regional Water Board is prohibited.
2. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code (CWC) is prohibited.
3. The discharge of waste to land that is not owned by or under agreement to use by the Permittee is prohibited.
4. The discharge of waste at any point not described in Finding 2, or authorized by any State Water Board or other Regional Water Board permit is prohibited.

5. The discharge of detectable levels of chemicals used for the treatment and control of disease, other than sodium chloride, shall be prohibited.
6. The discharge of waste resulting from cleaning activities shall be prohibited.
7. The discharge of wastewater effluent to the Mad River or its tributaries is prohibited during the period May 15 through September 30 each year.
8. During the period of October 1 through May 14, discharges of wastewater shall not exceed one percent of the flow of the Mad River. For purposes of this Permit, the flow in the Mad River shall be that flow measured at the highway 299 overpass (USGS Gage No. 11-4810.00).

B. EFFLUENT LIMITATIONS

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

<u>Constituent</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Maximum</u>
Suspended solids	mg/L	8	15
Suspended solids	lb/day	138	259
Settleable solids	ml/L	0.1	0.2
Hydrogen Ion	pH	Not less than 6.5 nor greater than 8.5	
Flow	MGD	7.5	-----

2. Not more than ten percent of critical life stage chronic toxicity bioassay determinations in any calendar year shall produce statistically significant deleterious effects to any test organism from exposure to undiluted effluent.

C. COMPLIANCE DETERMINATIONS

Sufficient sampling and analysis shall be conducted to determine compliance with effluent limitations in this Order.

1. Compliance with Single-Constituent Effluent Limitations.

The discharge is out of compliance with the effluent limitation if the concentration of the pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reported Minimum Level (ML). The ML is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specific sample weights, volumes and processing steps have been followed.

2. Compliance with Effluent Limitations Expressed as a Sum of Several Constituents.

The discharge is out of compliance with an effluent limitation that applies to the sum of a group of chemicals (e.g., PCBs) if the sum of the individual pollutant concentrations is greater than the effluent limitation. Individual pollutants of the group will be considered to have a concentration of zero if the constituent is reported as nondetect (ND) or Detected, but Not Quantified (DNQ).

3. Multiple Sample Data Reduction.

The concentration of the pollutant in the effluent may be estimated from the result of a single sample analysis or by a measure of the central tendency (arithmetic mean, geometric mean, median, etc.) of multiple sample analyses when all sample results are quantifiable (i.e., greater than or equal to the reported ML). When one or more sample results are reported as ND or DNQ, the central tendency concentration of the pollutant shall be the median value of the multiple samples. If, in an even number of samples, one or both of the middle values is ND or DNQ, the median will be the lower of the two middle values.

D. RECEIVING WATER LIMITATIONS

1. The waste discharge shall not cause the dissolved oxygen concentration of the receiving waters to be depressed below 7 mg/l. In the event that the receiving waters are determined to have dissolved oxygen concentration of less than 7 mg/l, the discharge shall not depress the dissolved oxygen concentration below the existing level.
2. The discharge shall 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 shall not cause the turbidity of the receiving waters to be increased more than 20 percent above naturally occurring background levels.
4. The discharge shall 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 shall 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 shall not cause coloration of the receiving waters that cause nuisance or adversely affects beneficial uses.

7. The discharge shall not cause bottom deposits in the receiving waters to the extent that such deposits cause nuisance or adversely affect beneficial uses.
8. The discharge shall not contain concentrations of biostimulants that promote objectionable aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses of the receiving waters.
9. The discharge shall not cause the receiving waters to contain 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 shall be determined according to **F. General Provision** 17 and 18.
10. The discharge shall not cause a measurable temperature change in the receiving waters.
11. The discharge shall not cause an individual pesticide or combination of pesticides to be present in concentrations that adversely affect beneficial uses. There shall be no bioaccumulation of pesticide concentrations found in bottom sediments or aquatic life.
12. The discharge shall not cause an individual antibiotic, other medicinal agent, or combination of antibiotics or other medicinal agents, to be present in concentrations that adversely affect beneficial uses.
13. The discharge shall not cause the receiving waters to contain concentrations of pesticides in excess of the limiting concentrations set forth in Table 3-2, of the Basin Plan.
14. The discharge shall 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.
15. This discharge shall 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 Clean Water Act and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal Clean Water Act, or amendments thereto, the Regional Water Board will revise and modify this Permit in accordance with the more stringent standards.
16. The discharge shall not cause concentrations of chemical constituents to occur in excess of limits specified in Table 3-2 of the Basin Plan.

E. GROUNDWATER LIMITATIONS

1. The collection, storage, and use of wastewater or recycled water shall not degrade groundwater quality.

2. The collection, storage, and use of wastewater or recycled water shall not cause groundwaters to contain taste- or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses.
3. The collection, storage, and use of wastewater or recycled water shall not cause concentrations of chemicals in groundwater to exceed limits set forth in CCR Title 22, Chapter 15, Articles 4 and 5.
4. The collection, storage, and use of wastewater or recycled water shall not cause concentrations of radionuclides in groundwater to exceed limits set forth in CCR Title 22, Chapter 15, Articles 4 and 5.
5. The collection, storage, and use of wastewater or recycled water shall not cause concentrations of chemicals in groundwater designated agricultural supply (AGR) in amounts that adversely affect such beneficial use.
6. In groundwater used for domestic or municipal supply, the collection, storage, and use of recycled water shall not cause the median of the most probable number of coliform organisms over any 7-day period to be greater than 1.1 MPN/100 ml or greater than 1 colony/100 ml.

F. GENERAL PROVISIONS

1. Duty to Reapply

This Permit expires on June 21, 2010. If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee shall apply for and obtain a new Permit. The application, including a report of waste discharge in accordance with Title 23, California Code of Regulations, shall be received by the Regional Water Board no later than December 21, 2009. [40 CFR 122.41(b)]

The Regional Administrator of the U.S. EPA may grant permission to submit an application at a later date prior to the Permit expiration date. [40 CFR 122.21(d)(1)]

2. Duty to Comply

The Permittee shall comply with all conditions of this Permit. Any Permit noncompliance constitutes a violation of the CWA 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 CWA 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)]

3. Enforcement

The CWA provides that any person who violates a Permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA 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 CWA. [40 CFR 122.41 (a)(2)]

4. Duty to Mitigate

The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this Permit that 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.

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 CWA 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 that 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, including but not limited to, the information required under "Monitoring and Reporting Program Order No. R1-2005-0036, attached hereto. 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)]

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 required to be kept under the conditions of this Permit;
- b. Have access to and copy, at reasonable times, any records that are required to 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 CWA, 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, 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.
- c. 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;
 - 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).
- d. 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 shall 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 (Executive Officer). 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. 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 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.
- 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 part 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 that are subject neither to effluent limitations in the Permit, nor the notification requirements under **F. General Provision** 12(f).
- b. Anticipated noncompliance: The Permittee shall give advance notice to the Regional Water Board of any planned changes in the permitted facility or activity

that may result in noncompliance with Permit requirements.

- c. Transfers: This Permit is not transferable.
- d. Monitoring reports: Monitoring results shall be reported at the intervals specified in the self-monitoring program. The Permittee shall submit an annual report to the Regional Water Board such that it is received no later than February 28 following the annual reporting period. 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 that 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.
- e. 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 such that they are received by the Regional Water Board via fax, e-mail, or postal service no later than 14 days following each schedule date.
- f. 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.

In addition, the following events shall be reported orally as soon as possible, but no later than 24 hours from the time the Permittee becomes aware of the circumstances, and the written report shall be submitted such that an original signed written report is received by the Regional Water Board no later than 14 days after the event:

- i. Any unanticipated bypass that violates any prohibition or exceeds any effluent limitation in this Permit;
- ii. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Regional Water Board in this Permit; and
- iii. Any noncompliance that may endanger health or the environment. This shall include, but not be limited to, any release of untreated wastewater from the collection system that reaches, or has the potential to reach, surface waters or any release of untreated wastewater greater than 5 gallons to land.

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

- g. 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. Availability

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

14. 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:

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.

Any new introduction of pollutants into the WWTF from an indirect discharger that would be subject to Section 301 or 306 of the CWA if it were directly discharging those pollutants;

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 that would significantly alter the characteristics of the waste.

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. 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]

15. 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.

16. 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 shall comply with Monitoring and Reporting Program No. R1-2005-0036 and any modifications as specified by the Executive Officer. The monitoring and reporting program is 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.

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

U.S. EPA, Region 9
Attn: WTR-7, NPDES/DMR
75 Hawthorne Street
San Francisco, CA 94105

17. Acute Toxicity Control Provision

Compliance with the Basin Plan narrative toxicity objective shall be achieved in accordance with the following:

Testing procedures specified in *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms* (U.S. EPA Report No. EPA 600/4-90-027F, 4th edition or subsequent editions), or other methods approved by the Executive Officer, shall be used. If the result of any single acute toxicity test is less than 70% survival, the Permittee shall take two more samples, one within 14 days, and one within 21 days of receiving the sample results. If two of the three samples do not comply with the acute toxicity effluent limitation, the Permittee shall initiate a Toxicity Identification Evaluation (TIE) in accordance with **F. General Provision 18**. If the two additional samples are in compliance with the acute toxicity effluent limitation, then a TIE will not be required. If the discharge has ceased before the additional samples could be collected, the discharger shall contact the Executive Officer within 21 days with a plan to demonstrate compliance with the

acute toxicity effluent limitation.

18. Toxicity Identification and Source Reduction Evaluations for Acute and Chronic Toxicity

The Permittee shall take steps necessary to identify and reduce the source of the toxicity in the effluent, if the discharge consistently exceeds an acute limit or a chronic trigger. The Toxicity Identification Evaluation shall be conducted in accordance with the *Methods for Aquatic Toxicity Identification Evaluations: Phases I-III* (EPA Publication 600/6-91/003, February 1991) or other methods approved by the Executive Officer. The Toxicity Reduction Evaluation shall be conducted in accordance with the *Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations* (EPA 600/2-88/070, April 1989) or the *Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants* (EPA 883-B-99-002, August 1999) or other methods approved by the Executive Officer. Once the source of toxicity is identified, the Permittee shall take all reasonable steps necessary to reduce toxicity to the required level.

19. Pollutant Minimization Program

The Permittee shall, as required by the Executive Officer, prepare a Pollutant Minimization Program in accordance with the SIP when there is evidence that the priority pollutant is present in the effluent above an effluent limitation, when a sample result is reported as detected and not quantified and the effluent limitation is less than the reported minimum level, or when a sample result is reported as not detected and the effluent limitation is less than the method detection limit.

20. Reopener

The Regional Water Board may modify, or revoke and reissue, this Order if present or future investigations demonstrate that the Permittee governed by this Order is causing or significantly contributing to, adverse impacts on water quality and/or beneficial uses of receiving waters.

In the event that the Regional Water Board's interpretation of the narrative toxicity objective is modified or invalidated by a State Water Board order, a court decision, or State or Federal statute or regulation, the effluent limitations for toxic pollutants contained in this Order may be revised to be consistent with the order, decision, statute or regulation.

In addition, the Regional Water Board may consider revising this Permit to make it consistent with the SIP and any State Water Board decisions arising from various petitions for rehearing, and litigation concerning the SIP, 303(d) list, and total maximum daily load (TMDL) program.

Certification

contained in this Order may be revised to be consistent with the order, decision, statute or regulation,

In addition, the Regional Water Board may consider revising this Permit to make it consistent with the SIP and any **State** Water Board decisions arising **from** various **petitions** for rehearing, and litigation **concerning** the **SIP, 303(d)** list, and total **maximum** daily load (TMDL) program.

Certification

I, Catherine E. Kuhlman, 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 June 21, 2005.



Catherine E. Kuhlman
Executive Officer

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