California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-2000-16
NPDES PERMIT NO. CA 0023574
I.D. NO. 1B83009OMEN

WASTE DISCHARGE REQUIREMENTS

FOR

COVELO COMMUNITY SERVICES DISTRICT

Mendocino County

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

1. The Covelo Community Services District (hereinafter permittee) submitted a Report of Waste Discharge dated February 5, 1999, and applied for renewal of its Permit to discharge treated sewage under the National Pollutant Discharge Elimination System (NPDES). The term of this permit is five years.

2. The permittee operates a sewage collection and treatment system with a design capacity of 80,000 gallons per day and peak wet weather flows of 384,000 per day. The permittee participated in the Clean Water Grant Program for construction of a treatment facility consisting of four oxidation ponds followed by filter beds, disinfection and dechlorination. Treated effluent may be discharged to Grist Creek at 39° 47'2" North, 123° 14'37" West during wet winters. During dry weather months evaporation and percolation are sufficient to prevent discharge to surface waters. Grist Creek is tributary to the Eel River.

3. This facility is a minor discharger as defined by the U.S. Environmental Protection Agency (U.S. EPA).

4. 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 for the North Coast Region also includes a prohibition against discharge of waste to the Eel River during the period of May 15 through September 30 and all other periods when the receiving stream's flow is less than 100 times greater than the waste flow.

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

6. The Basin Plan contains a narrative objective 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 19th Edition (1995). As a minimum, compliance with this objective as stated in the previous sentence shall be evaluated with a 96-hour bioassay.

This Basin Plan objective is addressed in Effluent Limit B.6 and Receiving Water Limitation C.9.

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.

7. The Regional Water Board's consideration of water quality-based effluent limitations includes whole effluent toxicity pursuant to 40 CFR 122.44(d). The permittee's discharge has very low potential to cause nonattainment of toxicity standards as a result of the Regional Water Board's summer discharge prohibition and winter discharge dilution requirements.

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

9. The permittee has storm water discharges associated with industrial activities, category "ix" as defined in 40 CFR Section 122.26(b)(14). The permittee described storm water discharges, appropriate pollution prevention practices and best management practices in a completed Notice of Intent dated April 17,1997 and submitted it to the State Water Board pursuant to the Statewide General Permit Program.

10. The permittee has prepared a Storm Water Pollution Prevention Plan (SWPP Plan) and has implemented the provisions of the SWPP Plan. The SWPP Plan includes source identification, practices to reduce or eliminate pollutant discharge to storm water, an assessment of potential pollutant sources, a materials inventory, a preventative maintenance program, spill prevention and response procedures, general storm water management practices, employee training, recordkeeping, and elimination on non-storm water discharges to the storm water system. It also includes a storm water monitoring plan to verify the effectiveness of the SWPP Plan.

11. Due to the large number of storm water discharges and the complex nature of storm water discharges, it is not feasible at this time to establish numerical storm water discharge effluent limits for those facilities which are not covered in 40 CFR Subchapter N. Instead, implementation of the provisions of this Permit constitutes compliance with BAT/BCT requirements and requirements to achieve water quality standards. Best Management Practices (BMPs) to control and abate the discharge of pollutants in storm water are authorized where numeric effluent limits are infeasible

and the BMPs are reasonably necessary to achieve compliance with effluent limitations or water quality standards.

12. The beneficial uses of the Eel River include:

    a. municipal and domestic supply
    b. agricultural supply
    c. industrial supply
    d. migration of aquatic organisms
    e. groundwater recharge
    f. marine habitat
    g. estuarine habitat
    i. water contact recreation
    j. non-contact water recreation
    k. commercial and sport fishing
    l. rare, threatened, or endangered species
    m. spawning, reproduction, and/or early development
    n. wildlife habitat

13. Beneficial uses of areal groundwaters include:

    a. domestic water supply
    b. agricultural water supply
    c. industrial service supply
    d. industrial process supply

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

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

16. The discharger is presently governed by Waste Discharge Requirements Order No. 93-2, adopted by the Regional Water Board on January 28, 1993.

17. The action to renew an NPDES Permit is exempt from certain provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.), in accordance with Section 13389 of the California Water Code and Title 14 Section 15301 of the California Code of Regulations.

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

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

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

THEREFORE, IT IS HEREBY ORDERED that Waste Discharge Requirements Order No. 93-2 are rescinded and the permittee, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

A. DISCHARGE PROHIBITIONS

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

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

3. The discharge of sludge is prohibited, except as authorized under **D. SOLID DISPOSAL.**

4. The discharge of untreated waste from anywhere within the collection, treatment, or disposal facility is prohibited.

5. The discharge of waste from the Covelo Wastewater Treatment Plant to Grist Creek during the period May 15 through September 30 each year is prohibited.

6. During the period of October 1 through May 14, discharges of wastewater shall not exceed one percent of the flow of Grist Creek as measured at the discharge location.

7. Storm water discharges permitted by this Order shall be managed by implementation of the Storm Water Pollution Prevention Plan (and BMPs) described in Finding 10 of this Order and as updated by the permittee to reflect changed conditions at this facility.

B. EFFLUENT LIMITATIONS

1. Representative sample of the discharge must not contain constituents in excess of the following limits:

Constituent	Monthly Unit	Weekly Average[a]	Daily Average[b]	Maximum
BOD (20°C, 5-day)	mg/l	30	45	60
Suspended Solids	mg/l	30	45	60
Settleable Solids	ml/l 0.1	---	0.2	
Coliform Organisms (Total)	MPN/100 ml	23[c]	---	230
Hydrogen Ion	pH	Not less than 6 nor greater than 9		

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

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

[c] median

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2. A minimum chlorine residual of 1.5 mg/l shall be maintained at the end of the disinfection process.

3. Treated wastewater discharged to Grist Creek or its tributaries shall not contain detectable levels of chlorine.

4. The arithmetic mean of the BOD (20°C, 5-day) and Suspended Solids values by weight for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the values, by weight, for influent samples collected at approximately the same times during the same period (85 percent removal).

5. The mean daily dry weather flow of waste shall not exceed 0.08 mgd averaged over a period of a calendar month.

6. The survival of test fish in 96-hour [static or continuous flow] bioassays in undiluted effluent samples shall equal or exceed 90 percent survival 67 percent of the time, and 70 percent survival 100 percent of the time.

7. Storm water discharges permitted by this Order shall be managed by implementation of the Storm Water Pollution Prevention Plan (and BMPs) described in Finding 10 of this Order and as updated by the permittee to reflect changed conditions at this facility.

C. RECEIVING WATER LIMITATIONS

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

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

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

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

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

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

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

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

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

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

11. The discharge must not cause bioaccumulation of pesticide, fungicide, wood treatment chemical, or other toxic pollutant concentrations in bottom sediments or aquatic life to levels which are harmful to human health.

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

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

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

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

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

D. SOLIDS DISPOSAL

1. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of at a legal point of disposal, and in accordance with the State Water Board promulgated provisions of Title 27, Division 2, of the California Code of Regulations.

2. The permittee is encouraged to comply with the State guidance manual issued by the Department of Health Services titled "Manual of Good Practice for Landspreading of Sewage Sludge".

3. Any proposed change in sludge use or a disposal practice from a previously approved practice shall be reported to the Executive Officer at least 90 days in advance of the change.

4. Use and disposal of sewage sludge shall comply with existing federal and state laws and regulations, including permitting requirements and technical standards contained in 40 CFR 503.

E. PROVISIONS

1. Duty to Comply

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

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

2. Duty to Reapply

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

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

3. Need to Halt or Reduce Activity Not a Defense

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

4. Duty to Mitigate

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

5. Proper Operation and Maintenance

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

6. Permit Actions

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

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

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

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

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

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

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

7. Property Rights

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

8. Duty to Provide Information

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

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

9. Inspection and Entry

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

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

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

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

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

10. Monitoring and Records

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

b. The permittee shall calibrate and perform maintenance procedures in accordance with manufacturer's specifications on all monitoring instruments and equipment to ensure accurate measurements. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all

data used to complete the application for this Permit, for a period of at least three years from the date of the sample, measurement, 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; and
vi. The results of such analyses.
vii. The method detection limit (MDL); and
viii. The practical quantitation level (PQL) or the limit of quantitation (LOQ).

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 must be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this Permit or approved by the Executive Officer of the Regional Water

Board. Unless otherwise specified, all metals shall be reported as total metals. Test fish for bioassays and test temperatures shall be specified by the Executive Officer of the Regional Water Board. Bioassays shall be performed in accordance with guidelines approved by the Regional Water Board and the Department of Fish and Game.

11. Signatory Requirements

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

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

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

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

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

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

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

12. Reporting Requirements

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

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

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

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

c. Transfers: This Permit is not transferable.

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

i. "Daily discharge" means the discharge of a pollutant measured during a calendar day of any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" shall be the concentrations of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during the sampling day.

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

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

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

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

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

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

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

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

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

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

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

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

13. Bypass

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

14. Upset

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof. [40 CFR 122.41(n)]

15. Enforcement

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

16. Existing Manufacturing, Commercial, Mining, and Silvicultural permittees

All existing manufacturing, commercial, mining, and silvicultural permittees must notify the Regional Water Board as soon as they know or have reason to believe that any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Permit, if that discharge will exceed one hundred micrograms per liter (100 ug/l).
[40 CFR 122.42(a)(2)]

17. Availability

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

18. Change in Discharge

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

a. Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the waste.

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

c. Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area, significantly

removed from the original area, potentially causing different water quality or nuisance problems.

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

19. 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.

20. Monitoring

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

The permittee must comply with the Contingency Planning and Notification Requirements Order No. 74-151 and the Monitoring and Reporting Program No.R1-2000-16 and any modifications to these documents as specified by the Executive Officer. Such documents are attached to this Permit and incorporated herein. The permittee shall file with the Regional Water Board technical reports on self monitoring work performed according to the detailed specifications contained in any monitoring and reporting program as directed by the Regional Water Board.

Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. In the event a certified laboratory is not available to the permittee, analyses performed by a noncertified laboratory will be accepted provided a quality assurance/quality control program is instituted by the laboratory, and a manual containing the steps followed in this program is kept in the laboratory and made available for inspection by staff of the Regional Water Board. The quality assurance/quality control program must conform to U.S. EPA or State Department of Health Services guidelines.

21. National Pretreatment Standards: Prohibited Discharges

a. General prohibitions. Pollutants introduced into POTWs by a non-domestic source shall not pass-through [40 CFR403.3(n)] the POTW or interfere [40 CFR 403.3(i)] with the operation or performance of the works. These general prohibitions and the specific prohibitions in paragraph (b) of this provision apply to all non-domestic sources introducing pollutants into a POTW whether or not the source is subject to other National Pretreatment Standards or any national, state, or local Pretreatment Requirements.

b. Specific prohibitions. In addition, the following pollutants shall not be introduced into a POTW:

i. Pollutants which create a fire or explosion hazard in the POTW;

ii. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such discharges;

iii. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference:

iv. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW; and

v. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40°C (104°F) unless the Regional Water Board upon request of the POTW approves alternate temperature limits.

vi. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

vii. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

viii. Any trucked or hauled pollutant, except at discharge points designated by the POTW.

c. When specific limits must be developed by a POTW.

i. POTWs developing POTW Pretreatment Programs pursuant to 40 CFR 403.8 shall develop and enforce specific limits to implement the prohibitions listed in paragraphs (a) and (b) of this provision.

ii. All POTWs shall, in cases where pollutants contributed by User(s) result in interference or pass-through, and such violation is likely to recur, develop and enforce specific effluent limits for Industrial User(s), and all other users, as appropriate, which, together with appropriate changes in the POTW Treatment Plant's facilities or operations, are necessary to ensure renewed and continued compliance with the POTW's NPDES Permit or sludge use or disposal practices.

iii. Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.

d. Local limits. Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a POTW in accordance with paragraph (c) above, such limits shall be deemed Pretreatment Standards for the purposes of Section 307(d) of the Clean Water Act. [40 CFR 403.5(a) through (d)]

22. Operator Certification

Supervisors and operators of municipal wastewater treatment plants shall possess a certificate of appropriate grade in accordance with Title 23, California Code of Regulations, Section 3680. The State Water Board may accept experience in lieu of qualification training. In lieu of a properly certified wastewater treatment plant operator, the State Water Board may approve use of a water treatment plant operator of appropriate grade certified by the State Department of Health Services where water reclamation is involved.

23. Adequate Capacity

Whenever a publicly owned wastewater treatment plant will reach capacity within four years, the discharger shall notify the Regional Water Board. A copy of such notification shall be sent to appropriate local elected officials, local permitting agencies, and the press. The discharger must demonstrate that adequate steps are being taken to address the capacity problem. The discharger shall submit a technical report to the Regional Water Board showing how flow volumes will be prevented from exceeding capacity, or how capacity will be increased, within 120 days after providing notification to the Regional Water Board, or within 120 days after receipt of Regional Water Board notification, that the POTW will reach capacity within four years. The time for filing the required technical report may be extended by the Regional Water Board. An extension of 30 days may be granted by the Executive Officer, and longer extensions may be granted by the Regional Water Board itself. [CCR Title 23, Section 2232]

24. Toxicity Reduction Evaluations

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

Certification

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

_____
Lee A. Michlin
Executive Officer

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