

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

ORDER NO. 89-001
NPDES NO. CA0104451

WASTE DISCHARGE REQUIREMENTS
FOR
NILAND SANITARY DISTRICT
Niland - Imperial County

The California Regional Water Quality Control Board, Colorado River Basin Region, finds that:

1. Niland Sanitary District (hereinafter also referred to as the discharger), P.O. Box 40, Niland, California 92257, submitted an NPDES Application for Permit to Discharge on September 22, 1988. Said application is assigned Application No. CA0104451.
2. The discharger presently discharges a peak monthly average daily flow of 192,000 gallons-per-day of wastewater from an activated sludge type treatment plant, which is designed for an average daily flow of 300,000 gallons-per-day, into "R" Drain in the SW 1/4 of Section 9, T11S, R14E, SBB&M. The wastewater then flows approximately 4 miles to Salton Sea.
3. The discharger discharges sewage sludge into trenches dug within the fenced area of the treatment plant.
4. The Water Quality Control Plan for the Colorado River Basin Region was adopted on November 14, 1984.
5. The primary purpose of drains in the Imperial Valley is for conveyance of surface and subsurface drainage in support of agricultural production. The beneficial uses of water in the Imperial Valley drains are:
 - a. Freshwater replenishment for Salton Sea.
 - b. Warmwater habitat for fish and wildlife.
 - c. Recreation - non-water contact.
6. The discharge has been subject to waste discharge requirements adopted in Board Order No. 84-10 (NPDES No. CA0104451) which allows discharge to "R" Drain.
7. In accordance with Water Code Section 13389, the issuance of waste discharge requirements for this discharge is exempt from the provisions of the California Environmental Quality Act described in Chapter 3 (commencing with Section 21100 et. seq.), Division 13 of the Public Resources Code.

6-30-93
Expired — New
Permit issued #93-036

8. The purpose of this Order is to renew waste discharge requirements contained in Board Order No. 84-10.
9. The Board has notified the discharger and interested agencies and persons of its intent to renew waste discharge requirements for the said discharge and has provided them with an opportunity for a public meeting and an opportunity to submit their written views and recommendations, if any.
10. The Board in a public meeting heard and considered all comments pertaining to the existing discharge.
11. This Order shall serve as a National Pollutant Discharge Elimination System Permit pursuant to Section 402 of the Federal Clean Water Act, or amendments thereto, and shall take effect at the end of ten days from date of adoption provided the EPA Regional Administrator has no objections.

IT IS HEREBY ORDERED that the discharger, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Federal Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

A. Effluent Limitations

1. Representative samples of wastewater discharged to "R" Drain shall not contain constituents in excess of the following limits:

<u>Constituent</u>	<u>Unit</u>	<u>30-Day Arithmetic Mean Discharge Rate¹</u>	<u>7-Day Arithmetic Mean Discharge Rate²</u>
20°C BOD ₅	mg/l	30	45
Suspended Solids	mg/l	30	45
Settleable Matter	ml/l	0.3	0.5

2. The 30-day average percent removal of the pollutant parameter BOD₅ and suspended solids shall not be less than 85 percent.
3. The effluent values for pH shall be maintained within the limits of 6.0 to 9.0.

¹ 30-Day mean: The arithmetic mean of pollutant parameter values of samples collected in a period of 30 consecutive days.

² 7-Day mean: The arithmetic mean of pollutant parameter values of samples collected in a period of 7 consecutive days.

B. Receiving Water Limitations

1. Wastewater discharged to "R" Drain shall not:
 - a. Depress the dissolved oxygen content of said Drain below 5.0 mg/l.
 - b. Cause presence of oil, grease, scum, sludge or solids.
 - c. Contain heavy metals or associated chemicals or pesticides in concentrations toxic to fish and other aquatic life.
2. This discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Board or the State Water Resources Control Board as required by the Federal Clean Water Act and regulations adopted thereunder.

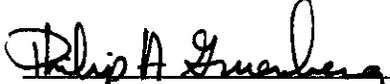
C. Provisions

1. Neither the treatment nor the discharge of wastewater shall create pollution or a nuisance as defined in Division 7 of the California Water Code.
2. Adequate measures shall be taken to assure that flood or surface drainage waters do not erode or otherwise render portions of the discharge facilities inoperable.
3. Sewage sludge discharged in accordance with Finding No. 3 (above shall originate only from the Niland Sanitary District's treatment works).
4. Sewage sludge shall not be discharged to any natural or artificial channel.
5. This Order includes the attached "Monitoring and Reporting Program No. 89-001", and future revisions thereto, as specified by the Executive Officer, and Standard Provisions, dated December 23, 1985.
6. Bioassays shall be performed quarterly to evaluate the toxicity of the discharged wastewater in accordance with the following procedures:
 - a. Within 4 months of the effective date of this Order, the discharger shall begin conducting bioassays on the fish species *Pimephales promelas* (fathead minnow) and *Ceriodaphnia*. Fish bioassays shall be performed according to the protocol given in EPA/600/4-85/014 - Short Term Methods for Estimating the Chronic Toxicity of Effluent and Receiving Waters to Freshwater Organisms.

- b. The bioassay test specified above in 4.a. shall be performed quarterly for a period of at least one year (minimum of four tests per organism).
 - c. When the program described above in 4.a. and 4.b. has been completed, this permit will be reopened. At that time, effluent variability will be calculated and a numerical effluent limit established for toxicity. Compliance monitoring shall then be based on annual bioassays of the organism which showed greater sensitivity during the effluent characterization program. Selection of the more sensitive species will be made by the Regional Board.
7. This Order expires (5) years from January 25, 1989 and the discharger shall file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, at least 180 days in advance of such date as an application for issuance of new waste discharge requirements.
 8. Facilities shall be available to keep the plant in operation in the event of commercial power failure.
 9. The discharger's wastewater treatment plant shall be supervised and operated by persons possessing certification of appropriate grade pursuant to Subchapter 14, Chapter 4, Title 23, California Code of Regulations.
 10. The discharger shall exclude from the wastewater treatment plant any liquid or solid waste which could adversely effect the plant operation or effluent quality. The excluded liquid or solid waste shall be disposed of in accordance with applicable regulations.

IT IS FURTHER ORDERED that Board Order No. 84-10 be superseded by this Order.

I, Phil Gruenberg, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on January 25, 1989.


Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

MONITORING AND REPORTING PROGRAM NO. 89-001
FOR
NILAND SANITARY DISTRICT
Niland - Imperial County

Location of Discharge: "R" Drain in the SW 1/4 of Section 9, T11S, R14E, SBB&M

EFFLUENT MONITORING

Wastewater discharged into "R" Drain shall be monitored for the following constituents. All samples shall be taken between 6 a.m. and 6 p.m. A sampling station shall be established at the point of discharge and shall be located where representative samples of effluent can be obtained.

<u>Constituent</u>	<u>Unit</u>	<u>Type of Sample</u>	<u>Sampling Frequency</u>
20°C BOD ₅	mg/l	8-Hr. Composite	Monthly
Suspended Solids	mg/l	8-Hr. Composite	Monthly
Settleable Matter	ml/l	Grab at Peak Flow	Weekly
Flow	Gallons	Daily ¹	Reported Monthly
Bioassay			Quarterly for 1st year - Yearly Thereafter
pH	Units	Grab	Weekly

INFLUENT MONITORING

The wastewater influent to the treatment facilities shall be monitored for 20°C BOD₅ and for Suspended Solids, on a quarterly basis as an 8-Hr. Composite.

REPORTING

Monthly and weekly monitoring reports shall be submitted to the Regional Board by the 15th day of the following month. Quarterly reports shall be submitted by January 15, April 15, July 15, and October 15 of each year. Yearly reports shall be submitted by January 15th of the following year.

¹For each day with average monthly flow calculated

Submit monitoring reports to:

California Regional Water Quality Control Board
Colorado River Basin Region
73-271 Highway 111, Suite 21
Palm Desert, CA 92260

A copy of the Discharge Monitoring Report shall also be sent to:

Regional Administrator
Environmental Protection Agency
Region 9, Attn: 65/MR, W-3
215 Fremont Street
San Francisco, CA 94105

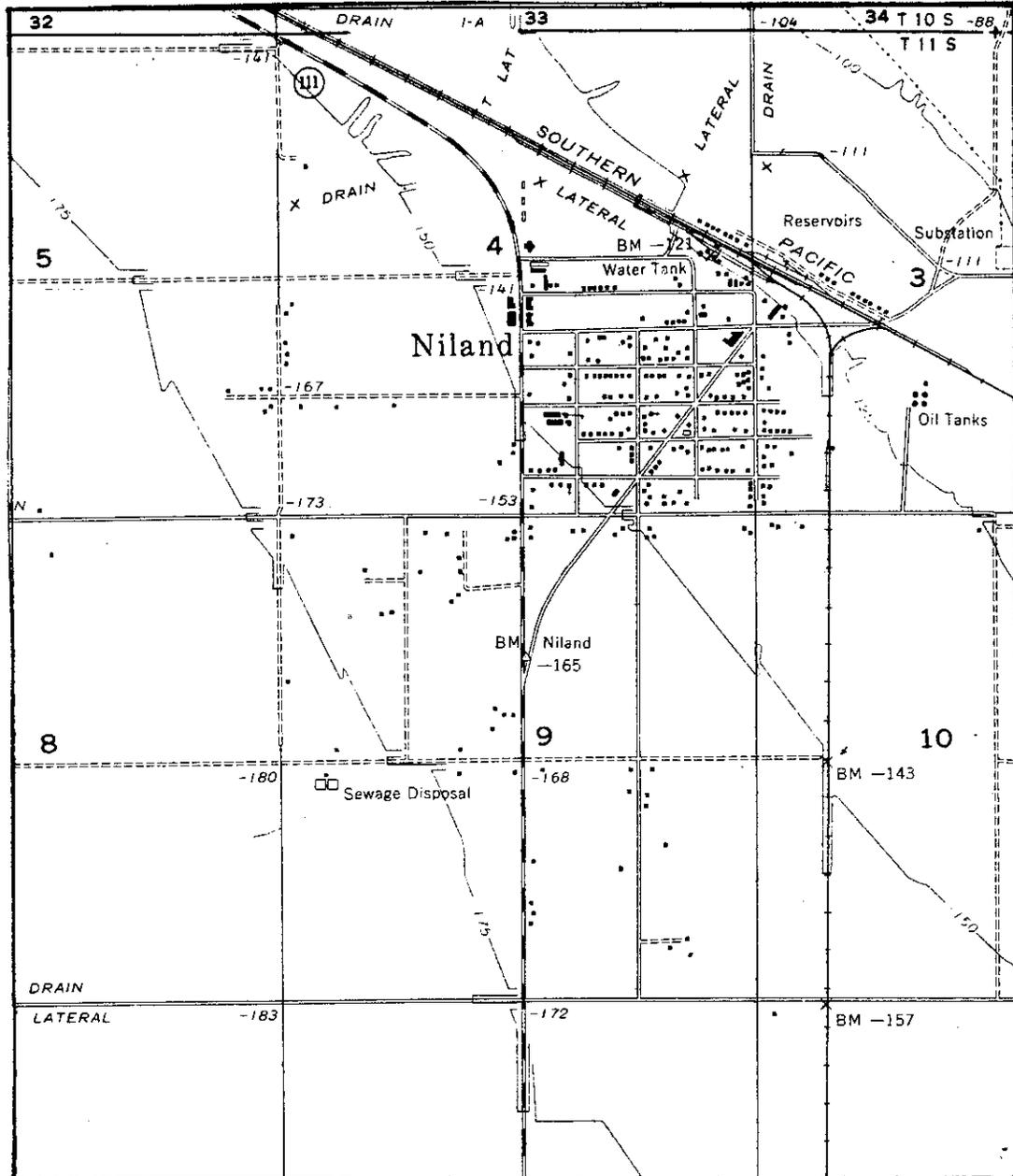
ORDERED BY:


Executive Officer

January 25, 1989

Date

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - 7



Scale:
1" = 2000'

SITE MAP
NILAND SANITARY DISTRICT
Imperial County
SW $\frac{1}{4}$ of Section 9, T11S, R14E, SBB&M

Order No. 89-001

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

**STANDARD PROVISIONS
FOR
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
December 23, 1985**

1. The permittee must comply with all of the terms, requirements and conditions of this permit. Any violation of this permit constitutes violation of the Clean Water Act, its regulations and the California Water Code, and is grounds for enforcement action, permit termination, permit revocation and reissuance, denial of application for permit reissuance; or a combination thereof. (40 CFR 122.41 (a))*
2. 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 112.41 (a) (1))
3. The Clean Water Act (CWA) provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, or 308 of the CWA is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing these sections of the CWA is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. (40 CFR 122.41 (a)(2))

The California Water Code provides that any person who violates a waste discharge requirement (same as permit condition), or a provision of the California Water Code is subject to civil penalties of up to \$5,000 per day, \$10,000 per day, or \$25,000 per day of violation, or when the violation involves the discharge of pollutants, is subject to civil penalties of up to \$10 per gallon per day or \$20 per gallon per day of violation; or some combination thereof, depending on the violation, or upon the combination of violations.*

Violation of any of the provisions of the NPDES program or of any of the provisions of this permit may subject the violator to any of the penalties described herein, or any combination thereof, at the discretion of the prosecuting authority; except that only one kind of penalty may be applied for each kind of violation.*

4. 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. (40 CFR 122.41 (b))

*These paragraphs are added or modified pursuant to the California Water Code.

5. 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))
6. The permittee shall take all reasonable steps to minimize or prevent any discharge that has a reasonable likelihood of adversely affecting human health or the environment. (40 CFR 122.41 (d))
7. 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 controls 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))
8. This permit may be modified, revoked and reissued, or terminated for cause. 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))
9. This permit does not convey any property rights of any sort, or any exclusive privilege. (40 CFR 122.41 (g))
10. The permittee shall furnish, within a reasonable time, any information the Regional Board or EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit. The permittee shall also furnish to the Regional Board, upon request, copies of records required to be kept by this permit. (40 CFR 122.41 (h))
11. The Regional Board, EPA, and other authorized representatives shall be allowed:
 - a. Entry upon premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of the permit;
 - b. Access to copy any records that are kept under the conditions of this permit;
 - c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - d. To photograph, sample, and monitor for the purpose of assuring compliance with this permit, or as otherwise authorized by the Clean Water Act. (40 CFR 122.41 (i))
12. Monitoring and records
 - a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - b. The permittee shall retain records of all monitoring information, including all calibration and maintenance 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 Board or EPA at any time.

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 perform the analyses;
- (v) The analytical techniques or methods used; and
- (vi) The results of such analyses.

d. Monitoring must be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this permit.

e. The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both. (40 CFR 122.41 (j))

13. All applications, reports, or information submitted to the Regional Board shall be signed and certified in accordance with 40 CFR 122.22 (40 CFR 122.41 (k) (l))

14. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both (40 CFR 122.41 (k)(2))

15. Reporting requirements

a. The permittee shall give advance notice to the Regional Board as soon as possible of any planned physical alterations or additions to the permitted facility.

b. The permittee shall give advance notice to the Regional Board of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

c. This permit is not transferable to any person except after notice to the Regional Board. The Regional Board may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

d. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

- (i) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
 - (ii) 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.
 - (iii) Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
- e. 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.
- f. Twenty-four hour reporting.
- (i) The permittee shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. 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 reoccurrence of the noncompliance.
 - (ii) The following shall be included as information that must be reported within 24 hours under this paragraph:
 - (a) Any unanticipated bypass that exceeds any effluent limitation in the permit.
 - (b) Any upset that exceeds any effluent limitation in the permit.
 - (c) Violation of a maximum daily discharge limitation for any of the pollutants listed in this permit to be reported within 24 hours.
 - (iii) The Regional Board may waive the above-required written report on a case-by-case basis.
- g. The permittee shall report all instances of noncompliance not otherwise reported under the above paragraphs at the time monitoring reports are submitted. The reports shall contain all information listed in paragraph 15(f) above. (40 CFR 122.41 (1))
16. Bypass (the intentional diversion of waste streams from any portion of a treatment facility) is prohibited. The Regional Board may take enforcement action against the discharger for bypass unless:
- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage. (Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production).
 - b. There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during

normal periods of equipment down time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass that could occur during normal periods of equipment downtime or preventive maintenance; and

- c. The permittee submitted a notice at least ten days in advance of the need for a bypass to the appropriate Regional Board.

The permittee may allow a bypass to occur that does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. In such a case, the above bypass conditions are not applicable.

The permittee shall submit notice of an unanticipated bypass as required in paragraph 15 (f) above. (40 CFR 122.41 (m))

17. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper action. A permittee that wishes to establish the affirmative defense of an upset in an action brought for noncompliance shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and that the permittee can identify the cause(s) of the upset;
- b. The permitted facility was being properly operated at the time of the upset;
- c. The permittee submitted notice of the upset as required in paragraph 15 (f) above; and
- d. The permittee complied with any remedial measures required under paragraph 5.

No determination made before an action for noncompliance, such as during administrative review of claims that noncompliance, was caused by an upset, is final administrative action subject to judicial review.

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

18. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Regional Board as soon as they know or have reason to believe:

- a. That any activity has occurred or will occur that would result in the discharge of any toxic pollutant that is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"

- (i) One hundred microgram per liter (100 ug/l);
- (ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
- (iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or

(iv) The level established by the Regional Board in accordance with (40 CFR 122.44 (f))

b. That they have begun or expect to begin to use or manufacture as an intermediate or final product of byproduct any toxic pollutant that was not reported in the permit application. (40 CFR 122.42 (a))

19. All POTW's must provide adequate notice to the Regional Board of:

a. Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to Sections 301 or 306 of the Clean Water Act, if it were directly discharging those pollutants.

b. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

Adequate notice shall include information on the quality and quantity of effluent introduced into the POTW as well as any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW. (40 CFR 122.42 (b))

END