

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2018-XXXX

WASTE DISCHARGE REQUIREMENTS

FOR
SIERRA PACIFIC INDUSTRIES
OROVILLE CEDAR MILL
BUTTE COUNTY

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

1. On 2 October 2017, Sierra Pacific Industries (SPI) submitted a Report of Waste Discharge (RWD) that describes existing and proposed additions to its Oroville Cedar Mill (Facility). The Facility produces process wastewater that discharges to land. Additional information to complete the RWD was submitted on 25 October 2017.
2. Sierra Pacific Industries (hereafter "Discharger") owns and operates the Facility that generates the waste and the land discharge areas and is responsible for compliance with these Waste Discharge Requirements (WDRs).
3. The Facility is located at 3025 South 5th Avenue, in Oroville, CA, Section 19, T19N, R4E, MDB&M. The Facility occupies Assessor's Parcel Numbers (APN) 035-440-020 and 035-440-021, as shown on Attachment A, which is attached hereto and made part of this Order by reference.
4. WDRs Order 5-00-207, adopted by the Central Valley Water Board on 15 September 2000, prescribes requirements for the discharge. Order 5-00-207 did not specify a flow of wastewater for the Facility. This WDR order is considered backlogged as the permit was due for renewal in 2015. Therefore, Order 5-00-207 will be rescinded and replaced with this Order.

Existing Facility and Discharge

5. Cedar logs are transported to the Facility where they are scaled, sorted, and decked. While in storage, the logs are sprinkled continuously from an onsite well with approximately 865,000 gallons per day (gpd) of fresh groundwater and/or storm water runoff mixed with log deck drainage pumped from the 5 acre recycle/disposal (Pond). The pond is approximately 7 feet deep and can hold an estimated 14 acre feet (ft.) of water with 2 ft. of freeboard. It is estimated that < 2% of the water sprinkled on the logs makes it to the Pond or roughly 17,300 gpd. The log processing operation consists of de-barking and dimension milling of primarily fencing products.
6. Milled cedar lumber is treated indoors, in a closed process, with Kop-Coat NP-2© to control sap stain. Kop-Coat NP-2© is an anti-sap stain and wood preservative. Lumber is submerged in this product for 2 minutes, raised and allowed to drip over the

drip tank and drip pans. Residual product that collects in the drip pan is returned to the dip tank by means of a sump pump. Treated and dried lumber is then wrapped and stacked outdoors on an asphalt paved area prior to shipping.

7. A maximum of approximately 83 million board feet of lumber products are produced at the Facility annually. The Facility operates year-round.
8. One on-site supply well is located on the northeast portion of the Facility and provides supplemental water for log deck sprinkling. This well is approximately 135 feet deep and produces approximately 1,000 gallons per minute (gpm). A new well has been drilled and constructed in the northeast portion of the sawmill area to replace the existing damaged but functional well in the same area of the Facility. The new well is anticipated to be put into service in the near future and the original well will be designated as emergency backup supply.
9. Sawdust from the mill and bark from the de-barking process is stored in bins and sold as landscaping materials. The Facility's domestic wastewater is discharged to the sanitary sewer that connects to the wastewater treatment plant operated by the Sewerage Commission-Oroville Region. Domestic drinking water is provided by California Water Service. An above ground diesel storage tank is located in the northeast portion of the Facility in a concrete secondary containment structure. Fluids and lubricants are also stored under cover in this location.
10. The saw mill and log deck area is approximately 21 acres and graded such that runoff from this area and potential excess log deck sprinkling runoff are conveyed to the concrete debris collection basin prior to entering the Pond. The runoff to the Pond is recycled as sprinkling water, evaporates, or percolates to groundwater. No storm water leaves the property.
11. Log yard debris collected from the paved surfaces and the bark separator and Pond bottom debris, consisting of wood waste and bark, is periodically removed and sold either as landscape mulch or soil amendment.

Proposed Facility and Discharge Changes

12. SPI is constructing a bark processing facility (Bark Plant) that will use grinding and screening equipment to process bark & wood waste to produce soil amendments and decorative landscape mulch. The Bark Plant is located northeast and adjacent to the existing Facility on parcel 035-440- 022 (see Attachment B). It will consist of 6 acres of paved surface and 4 acres of gravel based surface and will receive bark from other SPI facilities. The bark processing will be through dry mechanical means and will not produce process wastewater.
13. Stormwater runoff from the Bark Plant is routed through a newly constructed ditch to the existing log yard Pond located on the south end of the Facility and is the only

discharge from the Bark Plant. Stormwater is conveyed under the rail track through a new culvert to an open ditch then through another new culvert into the Pond.

Site-Specific Conditions

14. The Facility lies in the northeast portion of the Sacramento Valley near the western Sierra Nevada foothills at an elevation of approximately 160 feet above mean sea level. The nearest surface water is the Feather River, located approximately 1 mile west of the Facility. Topographic relief of the area is relatively flat to gently southwest sloping.
15. Soil information was obtained from the Natural Resources Conservation Service (NRCS) Web Soil Survey. Based on the Soil Survey, the predominant soil in the existing and proposed Bark Plant area are identified as Xerorthents loamy sand, with hydrologic soil group classification A. In summary, the Xerorthents loamy sand is composed primarily of dredged spoil tailings and similar soils from gravelly alluvium that are typically excessively drained with very low runoff.
16. The mean annual temperature in the area varies between 49° and 75° degrees Fahrenheit (°F). Summer temperatures can reach to over 100° F, while winter temperatures can drop to the mid 20°s F range. The average annual precipitation is 30.66 inches (National Oceanic and Atmospheric Administration [NOAA], 2017) with the majority of precipitation occurring in the winter months. The average annual evaporation rate is 52 inches per year based on information obtained from the California Irrigation Management Information System.
17. The Facility is in an area zoned by the City as M-2, Intensive Industrial; current land use in the vicinity of the Facility consists of forest products manufacturing and storage, biomass to energy operations, wastewater treatment and vacant property.

Groundwater Conditions

18. Based on the logs of existing groundwater monitoring wells MW-1, MW-2, and MW-3, fill material (dredge tailings) was encountered in each of the boreholes from the surface to approximately 5-6 feet below ground surface (bgs). Quaternary alluvium consisting of clayey gravel with sand was encountered from the base of the fill material to approximately 8-10 feet bgs. Silty clay, clayey sand, sand/silt and silt/gravel mixtures were encountered below the clayey gravel.
19. The average depth to groundwater is approximately 17 feet bgs in monitoring well MW-1, approximately 10 feet bgs in monitoring well MW-2 and approximately 7 feet bgs in monitoring well MW-3. The groundwater flow direction is generally northeast under hydraulic gradients generally ranging from 0.006 feet per foot (ft./ft.) to 0.02 ft./ft. Based on historical groundwater surface elevation measurements, the groundwater appears to be mounded in the immediate vicinity of the Pond, which may be inducing a limited localized gradient and flow direction. Hence the current

groundwater monitoring system doesn't appear to have a true downgradient well location.

20. The United States Geological Survey (USGS) National Water Information System Web Interface was queried for available wells with water quality data in the vicinity of the Facility. Two sets of well data were found, one well approximately 1-mile northeast of the Facility (section 20 of township 19 north, range 4 east) 335 feet deep and a second well 500 feet northeast of the Facility (section 20 of township 19 north, range 4 east) and 152 feet deep. Regional groundwater is reported to be south/southwest based on USGS data.
21. Samples from these 2 USGS wells taken between 1957 and 2006 indicate TDS ranging from 240 to 300 mg/l and Specific Conductance ranging from 380 to 430 uS/cm. Based on the depth of the wells, they are assumed to be perforated or screened in the Laguna Formation, which occurs beneath the alluvium in the vicinity of the Feather River (DWR, 2014).

Basin Plan, Beneficial Uses, and Regulatory Considerations

22. The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition, revised July 2016* (hereafter Basin Plan) designates beneficial uses, establishes water quality objectives, contains implementation plans and policies for protecting waters of the basin, and incorporates by reference plans and policies adopted by the State Water Board. Pursuant to California Water Code section 13263(a), waste discharge requirements must implement the Basin Plan.
23. Local drainage is to the Feather River. The beneficial uses of the Feather River, as stated in the Basin Plan are: municipal; and domestic supply; agricultural supply; water contact recreation; non-contact water recreation; warm freshwater habitat; cold freshwater habitat; spawning, reproduction, and/or early development.
24. The beneficial uses of underlying groundwater as set forth in the Basin Plan are municipal and domestic supply, agricultural supply, industrial service supply and industrial process supply.
25. The Basin Plan establishes narrative water quality objectives for chemical constituents, tastes and odors, and toxicity in groundwater. It also sets forth a numeric objective for total coliform organisms.
26. The Basin Plan's numeric water quality objective for bacteria requires that the most probable number (MPN) of coliform organisms over any seven-day period shall be less than 2.2 per 100 mL in MUN groundwater.

27. The Basin Plan's narrative water quality objectives for chemical constituents, at a minimum, require waters designated as domestic or municipal supply to meet the MCLs specified in Title 22 of the California Code of Regulations (hereafter Title 22). The Basin Plan recognizes that the Central Valley Water Board may apply limits more stringent than MCLs to ensure that waters do not contain chemical constituents in concentrations that adversely affect beneficial uses.
28. The narrative toxicity objective requires that groundwater be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, animal, plant, or aquatic life associated with designated beneficial uses.
29. Quantifying a narrative water quality objective requires a site-specific evaluation of those constituents that have the potential to impact water quality and beneficial uses. The Basin Plan states that when compliance with a narrative objective is required to protect specific beneficial uses, the Central Valley Water Board will, on a case-by-case basis, adopt numerical limitations in order to implement the narrative objective.
30. In the absence of specific numerical water quality limits, the Basin Plan methodology is to consider any relevant published criteria. General salt tolerance guidelines, such as *Water Quality for Agriculture* by Ayers and Westcot and similar references indicate that yield reductions in nearly all crops are not evident when irrigation water has an EC less than 700 $\mu\text{mhos/cm}$. There is, however, an eight- to ten-fold range in salt tolerance for agricultural crops and the appropriate salinity values to protect agriculture in the Central Valley are considered on a case-by-case basis. It is possible to achieve full yield potential with waters having EC up to 3,000 $\mu\text{mhos/cm}$ if the proper leaching fraction is provided to maintain soil salinity within the tolerance of the crop.
31. The Central Valley Water Board is developing amendments to the Basin Plan to incorporate new strategies for addressing ongoing salt and nitrate accumulation in the waters and soils of the Central Valley. Strategies currently under consideration may:
 - a. Alter the way the Board calculates available assimilative capacity for nitrate, which could result in new or modified requirements for nitrate management;
 - b. Require dischargers to implement actions identified under an interim salinity permitting approach; and/or
 - c. Establish alternate compliance approaches that would allow dischargers to participate in efforts to provide drinking water to local communities in consideration for longer compliance time schedules.

Should the Board adopt amendments to the Basin Plan to effectuate such strategies; these waste discharge requirements may be amended or modified to incorporate any newly-applicable requirements.

32. The stakeholder-led Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) initiative has been coordinating efforts to implement new salt and nitrate management strategies. The Board expects dischargers that may be affected by new salt and nitrate management policies to coordinate with the CV-SALTS initiative.

Antidegradation Analysis

33. State Water Resources Control Board Resolution 68-16 (“Policy with Respect to Maintaining High Quality Waters of the State”) (hereafter Resolution 68-16) prohibits degradation of groundwater unless it has been shown that:
- a. The degradation is consistent with the maximum benefit to the people of the state.
 - b. The degradation will not unreasonably affect present and anticipated future beneficial uses.
 - c. The degradation does not result in water quality less than that prescribed in state and regional policies, including violation of one or more water quality objectives, and
 - d. The discharger employs best practicable treatment or control (BPTC) to minimize degradation.
34. Degradation of groundwater by some of the typical waste constituents associated with discharges from a saw mill, after effective source control, treatment, and control measures are implemented, would be consistent with the maximum benefit to the people of the state. The Discharger’s operation provides 130 full time jobs and produces approximately 83 million board feet of finished cedar products. The Discharger anticipates providing an additional 20 full-time jobs as part of the facility expansion for the bark processing plant. The economic prosperity of valley communities and associated industry is of maximum benefit to the people of the State.
35. The Discharger has been monitoring groundwater quality at the site since 2000. Based on the data available, it is not possible to determine pre-1968 groundwater quality. Therefore, determination of compliance with Resolution 68-16 for this facility must be based on existing background groundwater quality.
36. Constituents of concern that have the potential to degrade groundwater quality include salts (primarily TDS, sodium, and chloride), turbidity, pH, chemical oxygen demand (COD), oil & grease, and tannins and lignins, as discussed below:

Constituent	Average Concentrations ⁵ (mg/L)			
	Effluent ¹	Background Groundwater ²	Downgradient Groundwater ³	Potential Water Quality Objective
TDS	--	230	224	450 ⁴ to 1,500 ⁸
Specific Conductance	--	312	289	700 ⁵ to 900 ⁸
pH	--	6.7	7.2	6.5 to 8.5 ⁸
Turbidity	--	9.2	351	1 to 5 ⁸
Oil & Grease	--	<1.4	1.6	--
COD	--	<3	47	0.010 ⁶
Tannins & Lignins	--	<0.10	3.78	--

- ¹ No Pond data was required in the original permit.
- ² Compiled from MW-1, data collected 2010-2017.
- ³ Compiled from MW-2 & MW-3, data collected from 2010-2017.
- ⁴ Lowest agricultural water quality goal.
- ⁵ Average of 2010 – 2017 data
- ⁶ Primary Maximum Contaminant Level.
- ⁷ Secondary Maximum Contaminant Level.
- ⁸ Secondary Maximum Contaminant Level range.

- a. **Total Dissolved Solids.** Background groundwater quality is spatially variable with respect to TDS. The 95% upper confidence limit on the mean background TDS concentration is 230 mg/L. TDS concentrations in monitoring wells within the Pond mound average 224 mg/L. Therefore, the discharge has not caused exceedance of the most stringent potential water quality objective for protection of MUN beneficial uses, which is the short-term maximum secondary MCL of 1,500 mg/L.
- b. **Specific Conductance.** The specific conductance values for samples collected from monitoring wells MW-2 and MW-3 are less than the lower interquartile range (25th percentile) of the historical specific conductance values in samples collected from monitoring well MW-1. The median values of MW-2 and MW-3 are less than the median value of MW-1, which suggest there is no significant dissolved ionic constituent contribution from the Pond. The median specific conductance values in samples collected from each of the monitoring wells are below the California Department of Public Health secondary drinking water maximum contaminant level (MCL) of 900 micromhos per centimeter (µmhos/cm) as a recommended level, and below 1,600 µmhos/cm as an upper level, and 2,200 µmhos/cm as a short-term maximum.
- c. The specific conductance values are stable, over time, in the three monitoring wells and appear to be consistent with specific conductance data collected from the USGS and DWR wells discussed above.

- d. **pH.** The pH values measured in the samples collected from monitoring wells MW-2 and MW-3 are generally greater than the upper bound of the 25th percentile for historical pH values in samples collected from monitoring well MW-1 (calculated using the hydrogen ion concentration then converting back to pH). The median pH values in samples collected from each of the monitoring wells meet the U.S. Environmental Protection Agency (EPA) secondary drinking water MCLs of between 6.5 and 8.5 units.

The pH values are near neutral and stable over time in the three monitoring wells.

- e. **Turbidity.** The turbidity values (not required by the WDR) measured in samples collected from monitoring well MW-2 are within or less than the 25th percentile of the turbidity values in samples collected from monitoring well MW-1. The turbidity values in samples collected from well MW-3 are generally greater than the 25th percentile of the turbidity values in samples collected from monitoring well MW-1. The median turbidity values in samples collected from background monitoring well MW-1 and the other two monitoring wells are greater than the California and EPA primary MCL of 1 nephelometric turbidity unit (NTU). The wide range of inter- and intra-well turbidities suggests the turbidity may be a function of well design, development, and sampling, rather than influence from the Pond.

However, the turbidity values are stable over time in the three monitoring wells with no discernable increasing or decreasing trends.

- f. **Oil and Grease.** There are insufficient detections of oil and grease in the background well MW-1 to calculate a 25th percentile. Oil and grease has only been detected two times since 2008 in samples collected from monitoring wells MW-2 and MW-3 and no discernable trends are observed. No water quality goals are established for oil and grease.
- g. **Chemical Oxygen Demand.** There are insufficient detections of chemical oxygen demand (COD) in the background well MW-1 to calculate a 25th percentile. However, the median COD concentrations measured in samples collected from monitoring wells MW-2 and MW-3 are greater than the median COD concentration of samples collected from monitoring well MW-1, with the median concentration calculated using non-detected concentrations at half the detection limit. The COD concentrations in the dataset appear to be stable with no discernable trends observed. However, the COD concentrations in samples collected from monitoring well MW-3 generally have higher variability than in samples collected from monitoring well MW-2, which may be a function of distance from the Pond. Water quality goals have not been established for COD.
- h. **Tannins and Lignins.** Because tannins and lignins has not been detected in background well MW-1, it is not possible to calculate a background 25th percentile distribution. The median tannins and lignins concentrations in

groundwater samples collected from monitoring wells MW-2 and MW-3 are 0.56 mg/l and 1.97 mg/l, respectively. Water quality goals have not been established for tannins and lignins.

The tannins and lignins concentrations are stable in the samples collected from monitoring wells MW-2 and MW-3 since 2010, but exhibited a slight increasing trend prior to 2010.

37. This Order establishes effluent and groundwater limitations for the Facility that will not unreasonably threaten present and anticipated beneficial uses or result in groundwater quality that exceeds water quality objectives set forth in the Basin Plan.
- a. Limited groundwater data indicates that groundwater has been degraded beyond background groundwater quality by the previous discharge and the discharge could pose a threat of degradation in the future. The requirements of this Order do not allow degradation to occur above applicable water quality standards.
 - b. However no true downgradient compliance well has been established at the site, degradation so far has only been observed in the mounded water below the pond.
38. The Discharger provides treatment and control of the discharge that incorporates: Wastewater flow, and depth monitoring, visual inspections of; paved product and Log Deck storage areas, storm water/log deck sprinkler system collection ditches, floating debris weir, pond/berm monitoring & maintenance program, and a motorized debris sweeper to clean paved areas. These BMPs have been effective in minimizing degradation from facility's activities.

Other Regulatory Considerations

39. In compliance with Water Code section 106.3, it is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.
40. Based on the current threat and complexity of the discharge, the facility will now be classified as 2C as defined below:
- a. Category 2 threat to water quality: "Those discharges of waste that could impair the designated beneficial uses of the receiving water, cause short-term violations of water quality objectives, cause secondary drinking water standards to be violated, or cause a nuisance."
 - b. Category C complexity, defined as: "Any discharger for which waste discharge requirements have been prescribed pursuant to Section 13263 of the Water Code not included in Category A or Category B. Included are dischargers having no waste treatment systems or that must comply with best management practices,

dischargers having passive treatment and disposal systems, or dischargers having waste storage systems with land disposal.”

41. Title 27 of the California Code of Regulations (hereafter Title 27) contains regulatory requirements for the treatment, storage, processing, and disposal of solid waste. However, Title 27 exempts certain activities from its provisions. Discharges regulated by this Order are exempt from Title 27 pursuant to provisions that exempt domestic sewage, wastewater, and reuse. Title 27, section 20090 states in part:

The following activities shall be exempt from the SWRCB-promulgated provisions of this subdivision, so long as the activity meets, and continues to meet, all preconditions listed:

- a. Wastewater - Discharges of wastewater to land, including but not limited to evaporation ponds, percolation ponds, or subsurface leach fields if the following conditions are met:
- 1) The applicable RWQCB has issued WDRs, reclamation requirements, or waived such issuance;
 - 2) The discharge is in compliance with the applicable water quality control plan; and
 - 3) The wastewater does not need to be managed according to Chapter 11, Division 4.5, Title 22 of this code as a hazardous waste . . .
- b. Reuse - Recycling or other use of materials salvaged from waste, or produced by waste treatment, such as scrap metal, compost, and recycled chemicals, provided that discharges of residual wastes from recycling or treatment operations to land shall be according to applicable provisions of this division.

42. The discharge authorized herein, and the treatment and storage facilities associated with the discharge, are exempt from the requirements of Title 27 as follows:

- a. Discharges to the Pond are exempt pursuant to Title 27, section 20090(b) because they are discharge of wastewater to land and:
- 1) The Central Valley Water Board is issuing WDRs.
 - 2) The discharge is in compliance with the Basin Plan, and;
 - 3) The treated effluent discharged to the ponds does not need to be managed as hazardous waste.

43. The U.S. EPA published *Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities, Unified Guidance* (hereafter “Unified Guidance”) in 2009. As stated in the Unified Guidance, the document:

...is tailored to the context of the RCRA groundwater monitoring regulations ...

[however, t]here are enough commonalities with other regulatory groundwater monitoring programs ... to allow for more general use of the tests and methods in the Unified Guidance... Groundwater detection monitoring involves either a comparison between different monitoring stations ... or a contrast between past and present data within a given station... The Unified Guidance also details methods to compare background data against measurements from regulatory compliance points ... [as well as] techniques for comparing datasets against fixed numerical standards ... [such as those] encountered in many regulatory programs.

The statistical data analysis methods in the Unified Guidance are appropriate for determining whether the discharge complies with Groundwater Limitations of this Order.

44. The State Water Board adopted Order 2014-0057-DWQ (NPDES General Permit CAS000001) specifying waste discharge requirements for discharges of storm water associated with industrial activities, and requiring submittal of a Notice of Intent by all affected industrial dischargers. The Discharger has submitted a Notice of Non-Applicability (NONA) exempting coverage under General Storm water Permit.

45. Water Code section 13267(b)(1) states:

In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region ... shall furnish, under penalty of perjury, technical or monitoring program reports which the board requires. The burden, including costs of these reports, shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

The technical reports required by this Order and the attached Monitoring and Reporting Program R5-2018-XXXX are necessary to ensure compliance with these waste discharge requirements. The Discharger owns and operates the facility that discharges the waste subject to this Order.

46. The California Department of Water Resources sets standards for the construction and destruction of groundwater wells (hereafter DWR Well Standards), as described in *California Well Standards Bulletin 74-90* (June 1991) and *Water Well Standards: State of California Bulletin 97-81* (December 1981). These standards, and any more stringent standards adopted by the state or county pursuant to Water Code section 13801, apply to all monitoring wells used to monitor the impacts of wastewater storage or disposal governed by this Order.

47. The action to adopt waste discharge requirements for this existing facility is exempt from the provisions of the California Environmental Quality (CEQA), in accordance with the California Code of Regulations, title 14, section 15301.

48. The City of Oroville has previously determined that the operation of this facility does not require the County to undertake a discretionary approval under the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.). All wastewater management systems at the facility have already been installed and are currently in use. This Order places additional requirements on the continued operation of the facility in order to ensure the protection of waters of the state. The issuance of this Order is therefore exempt from the provisions of CEQA in accordance with California Code of Regulations, title 14, section 15301, which exempts the "operation, repair, maintenance, [and] permitting ... of existing public or private structures, facilities, mechanical equipment, or topographical features" from environmental review.
49. On 7 July 2017 the City of Oroville also determined that the addition of the Bark Plant at the facility was categorically exempt from CEQA under Section 21080 of the Public Resources Code.
50. Pursuant to Water Code section 13263(g), discharge is a privilege, not a right, and adoption of this Order does not create a vested right to continue the discharge.

Public Notice

51. All the above and the supplemental information and details in the attached Information Sheet, which is incorporated by reference herein, were considered in establishing the following conditions of discharge.
52. The Discharger and interested agencies and persons have been notified of the Central Valley Water Board's intent to prescribe waste discharge requirements for this discharge, and they have been provided an opportunity to submit written comments and an opportunity for a public hearing.
53. All comments pertaining to the discharge were heard and considered in a public hearing.

IT IS HEREBY ORDERED that WDR Order 5-00-207 is rescinded and, pursuant to Water Code sections 13263 and 13267, the Discharger, its agents, successors, and assigns, in order to meet the provisions contained in Division 7 of the Water Code and regulations adopted hereunder, shall comply with the following:

A. Discharge Prohibitions

1. Discharge of wastes to surface waters or surface water drainage courses is prohibited.
2. Discharge of waste classified as 'hazardous', as defined in the California Code of Regulations, title 22, section 66261.1 et seq., is prohibited.

3. Discharge of waste classified as 'designated', as defined in CWC Section 13173, in a manner that causes violation of groundwater limitations, is prohibited.
4. Bypass around, or overflow from, the settling/recycling pond(s) or designated overflow pond(s) is prohibited.
5. Discharge of waste at a location or in a manner different from that described in the Findings is prohibited.
6. The discharge of toxic substances into the wastewater ponds such that biological treatment mechanisms are disrupted is prohibited.

B. Discharge Specifications

1. No waste constituent shall be released, discharged, or placed where it will cause a violation of the Groundwater Limitations of this Order.
2. Wastewater treatment, storage, and disposal shall not cause pollution or a nuisance as defined by Water Code section 13050.
3. The discharge shall remain within the permitted wastewater conveyance structures and containment ponds at all times.
4. The Discharger shall operate all systems and equipment to optimize the quality of the discharge.
5. All conveyance, treatment, storage, and disposal systems shall be designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-year return frequency.
6. Objectionable odors shall not be perceivable beyond the limits of the property where the waste is generated, treated, and/or discharged at an intensity that creates or threatens to create nuisance conditions.
7. As a means of ensuring compliance with Discharge Specification C.6, the dissolved oxygen (DO) content in the upper one foot of any wastewater treatment or storage pond shall not be less than 1.0 mg/L for three consecutive sampling events. Notwithstanding the DO monitoring frequency specified in the monitoring and reporting program, If the DO in any single pond is below 1.0 mg/L for any single sampling event, the Discharger shall implement daily DO monitoring of that pond until the minimum DO concentration is achieved for at least three consecutive days. If the DO in any single pond is below 1.0 mg/L for three consecutive days, the Discharger shall report the findings to the Regional Water Board in accordance with General Reporting Requirement B.1 of the Standard Provisions and Reporting Requirements. The written notification shall

include a specific plan to resolve the low DO results within 30 days of the first date of violation.

8. The Discharger shall design, construct, operate, and maintain all ponds sufficiently to protect the integrity of containment dams and berms and prevent overtopping and/or structural failure. The operating freeboard in any pond shall never be less than two (2) feet (measured vertically from the lowest possible point of overflow). As a means of management and to discern compliance with this requirement, the Discharger shall install and maintain in each pond a permanent staff gauge with calibration marks that clearly show the water level at design capacity and enable determination of available operational freeboard.
9. Wastewater treatment, storage, and disposal ponds or structures shall have sufficient capacity to accommodate allowable wastewater flow, design seasonal precipitation, and ancillary inflow and infiltration during the winter while ensuring continuous compliance with all requirements of this Order. Design seasonal precipitation shall be based on total annual precipitation using a return period of 100 years, distributed monthly in accordance with historical rainfall patterns.
10. On or about **1 October** of each year, available capacity shall at least equal the volume necessary to comply with Discharge Specifications C.8 and C.9.
11. All ponds and open containment structures shall be managed to prevent breeding of mosquitoes. The Discharger shall obtain a memorandum of understanding with Shasta County Mosquito Vector and Control to maintain best management practices to control vector populations.
12. Newly constructed or rehabilitated berms or levees (excluding internal berms that separate ponds or control the flow of water within a pond) shall be designed and constructed under the supervision of a California Registered Civil Engineer.
13. Wastewater contained in any unlined pond shall not have a pH less than 6.0 or greater than 9.0.
14. The Discharger shall monitor debris accumulation in the wastewater storage ponds at least every five years, and shall periodically remove debris as necessary to maintain adequate storage capacity. Specifically, if the estimated volume of debris in the reservoir exceeds five percent of the permitted reservoir capacity, the Discharger shall complete debris cleanout within 12 months after the date of the estimate.

C. Groundwater Limitations

Release of waste constituents from any portion of the Facility shall not cause groundwater to:

1. Contain constituents in concentrations that exceed either the Primary or Secondary MCLs established in Title 22 of the California Code of Regulations.
2. Contain taste or odor-producing constituents, toxic substances, or any other constituents in concentrations that cause nuisance or adversely affect beneficial uses.
3. Compliance with these limitations shall be determined annually based on comparison of groundwater concentrations to applicable WQOs.

D. Solids Disposal Specifications

Sludge, as used in this document, means the solid, semisolid, and liquid organic matter removed from wastewater treatment, settling, and storage vessels or ponds. Solid waste refers to solid inorganic matter removed by screens and soil sediments from washing of unprocessed fruit or vegetables. Except for waste solids originating from meat processing, residual solids means organic food processing byproducts such as culls, pulp, stems, leaves, and seeds that will not be subject to treatment prior to disposal or land application.

1. Sludge and solid waste shall be removed from screens, sumps, ponds, and clarifiers as needed to ensure optimal operation and adequate storage capacity.
2. Any handling and storage of sludge, solid waste, and residual solids shall be controlled and contained in a manner that minimizes leachate formation and precludes infiltration of waste constituents into soils in a mass or concentration that will violate the groundwater limitations of this Order.
3. If removed from the site, sludge, solid waste, and residual solids shall be disposed of in a manner approved by the Executive Officer and consistent with Title 27, division 2. Removal for reuse as animal feed, or land disposal at facilities (i.e., landfills, composting facilities, soil amendment sites operated in accordance with valid waste discharge requirements issued by a Regional Water Board) will satisfy this specification.
4. Any proposed change in solids use or disposal practice shall be reported in writing to the Executive Officer at least **180 days** in advance of the change.

E. Provisions

1. A discharger whose waste flow has been increasing, or is projected to increase, shall estimate when flows will reach hydraulic and treatment capacities of its treatment, collection, and disposal facilities. The projections shall be made in January, based on the last three years' average dry weather flows, peak wet weather flows and total annual flows, as appropriate. When any projection shows that capacity of any part of the facilities may be exceeded in four years, the discharger shall notify the Central Valley Water Board by **31 January**.

2. In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain work plans for investigations and studies, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall bear the professional's signature and stamp.
3. The Discharger shall submit the technical reports and work plans required by this Order for consideration by the Executive Officer, and incorporate comments the Executive Officer may have in a timely manner, as appropriate. Unless expressly stated otherwise in this Order, the Discharger shall proceed with all work required by the foregoing provisions by the due dates specified.
4. The Discharger shall comply with Monitoring and Reporting Program R5-2018-XXXX, which is part of this Order, and any revisions thereto as ordered by the Executive Officer. The submittal dates of Discharger self-monitoring reports shall be no later than the submittal date specified in the MRP.
5. The Discharger shall comply with the "Standard Provisions and Reporting Requirements for Waste Discharge Requirements", dated 1 March 1991, which are attached hereto and made part of this Order by reference. This attachment and its individual paragraphs are commonly referenced as "Standard Provision(s)."
6. The Discharger shall comply with all conditions of this Order, including timely submittal of technical and monitoring reports. On or before each report due date, the Discharger shall submit the specified document to the Central Valley Water Board or, if appropriate, a written report detailing compliance or noncompliance with the specific schedule date and task. If noncompliance is being reported, then the Discharger shall state the reasons for such noncompliance and provide an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Central Valley Water Board in writing when it returns to compliance with the time schedule. Violations may result in enforcement action, including Central Valley Water Board or court orders requiring corrective action or imposing civil monetary liability, or in revision or rescission of this Order.
7. The Discharger 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 Discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of

back-up or auxiliary facilities or similar systems that are installed by the Discharger when the operation is necessary to achieve compliance with the conditions of this Order.

8. The Discharger shall use the best practicable cost-effective control technique(s) including proper operation and maintenance, to comply with this Order.
9. As described in the Standard Provisions, the Discharger shall report promptly to the Central Valley Water Board any material change or proposed change in the character, location, or volume of the discharge.
10. The Discharger shall report to the Central Valley Water Board any toxic chemical release data it reports to the State Emergency Response Commission within 15 days of reporting the data to the Commission pursuant to section 313 of the "Emergency Planning and Community Right to Know Act of 1986."
11. At least **90 days** prior to termination or expiration of any lease, contract, or agreement involving disposal or recycling areas or off-site reuse of effluent, used to justify the capacity authorized herein and assure compliance with this Order, the Discharger shall notify the Central Valley Water Board in writing of the situation and of what measures have been taken or are being taken to assure full compliance with this Order.
12. In the event of any change in control or ownership of the facility, the Discharger must notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to the Central Valley Water Board.
13. To assume operation as Discharger under this Order, the succeeding owner or operator must apply in writing to the Executive Officer requesting transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, the name and address and telephone number of the persons responsible for contact with the Central Valley Water Board, and a statement. The statement shall comply with the signatory paragraph of Standard Provision B.3 and state that the new owner or operator assumes full responsibility for compliance with this Order. Failure to submit the request shall be considered a discharge without requirements, a violation of the CWC. If approved by the Executive Officer, the transfer request will be submitted to the Central Valley Water Board for its consideration of transferring the ownership of this Order at one of its regularly scheduled meetings.
14. A copy of this Order including the MRP, Information Sheet, Attachments, and Standard Provisions, shall be kept at the discharge facility for reference by operating personnel. Key operating personnel shall be familiar with its contents.

15. The Central Valley Water Board will review this Order periodically and will revise requirements when necessary.

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order may result in the assessment of Administrative Civil Liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350 and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

I, PAMELA C. CREEDON, 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 on ___

PAMELA C. CREEDON, Executive Officer