

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

**STANDARD PROVISIONS, GENERAL MONITORING AND
REPORTING REQUIREMENTS**

"ATTACHMENT C"

A. General Provisions

1. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the discharger from his liabilities under federal, state, or local laws, nor guarantee the discharger a capacity right in the receiving waters.
2. These requirements do not exempt the operator of the waste disposal facility from compliance with any other laws, regulations, or ordinances which may be applicable; they do not legalize this waste disposal facility, and they leave unaffected any further restraints on the disposal of wastes at this site which may be contained in other statutes or required by other agencies.
3. Due to Comply [40 CFR 122.41(a)][CWC 133811]
 - a. The discharger must comply with all of the terms, requirements, and conditions of this order. Any violation of this order constitutes a violation of the Clean Water Act, its regulations and the California Water Code, and is grounds for enforcement action, Order termination, Order revocation and reissuance, denial of an application for reissuance; or a combination thereof.
 - b. The discharger 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 Order has not yet been modified to incorporate the requirement. If a toxic effluent standard or prohibition is established for toxic pollutant which is present in the discharge authorized herein and such standard or prohibition is more stringent than any limitation upon such pollutant in this Order, the Board will revise or modify this Order in accordance with such toxic effluent standard or prohibition and so notify the discharger.

4. Duty to Mitigate [40 CFR 122.41(d)]
 - a. The discharger shall take all reasonable steps to minimize or prevent any discharge that has a reasonable likelihood of adversely affecting human health or the environment.
5. Proper Operation and Maintenance [40 CFR 122.41(e)]
 - a. The discharger shall at all times properly operate and maintain all facilities and systems of treatment and control including sludge use and disposal facilities (and related appurtenances) that are installed or used by the discharger to achieve compliance with this Order. 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 system that are installed by a discharger only when necessary to achieve compliance with the conditions of this Order.
 - b. A copy of these waste discharge specifications shall be maintained at the discharge facility so as to be available at all times to operating personnel.
6. Permit Actions [40 CFR 122.41(f)][CWC 13263(e)][40 CFR 122.44(b)(1)]
 - a. This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the discharger for a modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
 - b. The discharge shall not cause a violation of any applicable water quality standards 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. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal Clean Water Act, and amendments thereto, the Board will revise and modify this Order in accordance with such more stringent standards.
 - c. Any discharge of wastes at any point(s) other than specifically described in this Order is prohibited, and constitutes a violation of the Order.
 - d. If the discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the discharger must apply for and obtain a new Order.

- e. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to:
 - (1) Violation of any term or condition contained in this Order;
 - (2) Obtaining this Order by misrepresentation, or failure to disclose all relevant facts;
 - (3) A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- 7. Property Rights [40 CFR 122.41(g)][CWC 13263(g)]
 - a. This Order does not convey any property rights of any sort, or any exclusive privilege.
- 8. Duty to Provide Information [40 CFR 122.41(h)]
 - a. The discharger shall furnish, within a reasonable time, any information the Regional Board, the State Board, or EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The discharger shall also furnish to the Regional Board, upon request, copies of records required to be kept by this Order.
- 9. Inspection and Entry [40 CFR 122.41(h)]
 - a. The Regional Board, the State Board, EPA, and other authorized representatives shall be allowed:
 - (1) Entry upon premises where a regulated facility is located or conducted, or where records are kept under conditions of this Order;
 - (2) Access to copy any records that are kept under the conditions of this Order;
 - (3) To inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
 - (4) To photograph, sample, and monitor for the purpose of assuring compliance with this Order, or as otherwise authorized by the Clean Water Act and the California Water Code.

10. Bypass and Upset [40 CFR 122.41(m)][40 CFR 122.41(h)]

a. Definitions

- (1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility whose operation is necessary to maintain compliance with the terms and conditions of this Order.
- (2) "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond, the reasonable control of the discharger. An upset does not include noncompliance to then extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- (3) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which 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. Prohibition of Bypass

- (1) Bypass 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;
 - (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 discharger submitted a notice at least ten days in advance of the need for a bypass to the Regional Board.

- (2) The discharger 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 discharger shall submit notice of an unanticipated bypass as required in Provision (B.5.a).

c. Conditions necessary for a demonstration of upset

- (1) A discharger that wishes to establish the affirmative defense of an upset in an action brought for non-compliance shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (a) An upset occurred and that the discharger can identify the cause(s) of the upset;
 - (b) The permitted facility was being properly operated by the time of the upset;
 - (c) The discharger submitted notice of the upset as required in Provision (B.5.a); and
 - (d) The discharger complied with any remedial measures required under 40 CFR 122.41(d).
- (2) 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.

d. Burden of proof

- (1) In any enforcement proceeding, the discharger seeking to establish the occurrence of an upset has the burden of proof.

11. Transfers [40 CFR 122.41(L)(3)][CWC 133771][40 CFR 122.61(a)(b)]

- a. This Order is not transferable to any person except after notice to the Regional Board. In the event of any change in name, ownership, or control of these waste disposal facilities, the discharger shall notify this Board of such change and shall notify the succeeding owner or operator of the existence of this Order by letter, copy of which shall be forwarded to the Board. The Regional Board may require modification or revocation and

reissuance of the Order to change the name of the discharger and incorporate such other requirements as may be necessary under the Clean Water Act.

12. Pollution, Contamination, or Nuisance [CWC 13050]

- a. Neither the treatment nor the discharge shall create a condition of pollution, contamination, or nuisance.

B. Monitoring and Reporting Requirements

1. Monitoring and Records (40 CFR 122.41(j))[Title 23, CCR, Div 3, Ch 14]

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. The discharger shall retain records of all monitoring information, including all calibration and maintenance monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the Report of Waste Discharge and application for this Order, for a period of at least five (5) 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 and shall be extended during the course of any unresolved litigation regarding this discharge.
- c. Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The duration of the discharge;
 - (4) The volume of discharge;
 - (5) The date(s) analyses were performed;
 - (6) The individual(s) who performed the analyses;
 - (7) The analytical techniques or methods used; and
 - (8) The results of such analyses.
- d. All sampling, sample preservation, and analyses must be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this Order.
- e. All chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by an appropriate governmental regulatory agency.

- f. The discharger shall calibrate and perform maintenance procedures on all monitoring instruments and to insure accuracy of measurements, or shall insure that both equipment activities will be conducted.
- g. The discharger shall have, and implement, an acceptable written quality assurance (QA) plan for laboratory analyses. The annual monitoring report required in Provision (B.4.b) shall also summarize the QA activities for the previous year. Duplicate chemical analyses must be conducted on a minimum of ten percent (10%) of the samples, or at least one sample per sampling period, whichever is greater. A similar frequency shall be maintained for analyzing spiked samples.
- h. When requested by the Board or EPA, the discharger will participate in the NPDES discharge monitoring report QA performance study. The discharger must have a success rate equal to or greater than 80%.
- i. Effluent samples shall be taken downstream of any addition to treatment works and prior to mixing with the receiving waters.
- j. For parameters where both 30-day average and maximum limits are specified but where the monitoring frequency is less than four times a month, the following procedure shall apply:
 - (1) Initially, not later than the first week of the second month after the adoption of this permit, a representative sample shall be obtained of each waste discharge at least once per week for at least four consecutive weeks and until compliance with the 30-day average limit has been demonstrated. Once compliance has been demonstrated, sampling and analyses shall revert to the frequency specified.
 - (2) If future analyses of two successive samples yield results greater than 90% of the maximum limit for a parameter, the sampling frequency for that para-meter shall be increased (within one week of receiving the laboratory result on the second sample) to a minimum of once weekly until at least four consecutive weekly samples have been obtained and compliance with the 30-day average limit has been demonstrated again and the discharger has set forth for the approval of the Executive Officer a program which ensures future compliance with the 30-day average limit.

- k. In the event the discharger is unable to comply with any of the conditions of this Order due to:

- (1) breakdown of waste treatment equipment;
- (2) accidents caused by human error or negligence; or
- (3) other causes such as acts of nature,

the discharger shall notify the Executive Officer by telephone as soon as he or his agents have knowledge of the incident and confirm this notification in writing within two weeks of the telephone notification. The written notification shall include pertinent information explaining reasons for the noncompliance and shall indicate what steps were taken to correct the problem and the dates thereof, and what steps are being taken to prevent the problem from recurring.

- l. If there is any storage of hazardous or toxic materials or hydrocarbons at this facility and if the facility is not manned at all times, a 24-hour emergency response telephone number shall be prominently posted where it can easily be read from the outside.

- m. The discharger shall notify the Board of:

- (1) new introduction into such works of pollutants from a source which could be a new source as defined in section 306 of the Federal Clean Water Act, or amendments thereto, if such source were discharging pollutants to the waters of the United States,
- (2) new introductions of pollutants into such works from a source which would be subject to Section 301 of the Federal Clean Water Act, or amendments thereto, if substantial change in the volume or character of pollutants being introduced into such works by a source introducing pollutants into such works at the time the waste discharge requirements were adopted.

Notice shall include a description of the quantity and quality of pollutants and the impact of such change on the quantity and quality of effluent from such publicly owned treatment works. A substantial change in volume is considered an increase of ten percent in the mean dry-weather flow rate. The discharger shall forward a copy of such notice directly to the Regional Administrator.

- n. The discharger shall notify the Board not later than 120 days in advance of implementation of any plans to alter production capacity of the product line of the manufacturing, producing or processing facility by more than ten

percent. Such notification shall include estimates of proposed production rate, the type of process, and projected effects on effluent quality. Notification shall include submittal of a new report of waste discharge appropriate filing fee.

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

- (1) that any activity has occurred or will occur that would result in the discharge of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels:"

- (a) One hundred micrograms per liter (100 µg/l);
- (b) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
- (c) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
- (d) The level established by the Regional Board in accordance with 40 CFR 122.44(f).

- (2) that they have begun or expect to begin to use or manufacture intermediate or final product or byproduct of any toxic pollutant that was not reported on their application.

2. Signatory Requirements [40 CFR 122.41(k)][40 CFR 122.221]

- a. All applications, reports, or information submitted to the Regional Board shall be signed:

- (1) In the case of corporations, by a principal executive officer at least of the level of vice-president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates;
- (2) In the case of a partnership, by a general partner;
- (3) In the case of a sole proprietorship, by the proprietor;
- (4) In the case of municipal, state or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

- b. Each monitoring report must affirm in writing that "all analyses were conducted at a laboratory certified for such analyses by the Department of Health Services or approved by the Executive Officer and in accordance with current EPA guideline procedures or as specified in this Monitoring Program".

- c. Each report shall contain the following completed declaration:

"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 a fine and imprisonment for knowing violations.

Executed on the ____ day of _____, 20__, at _____.

_____(Signature)

_____(Title)"

3. Monitoring Reports [40 CFR 122.41(l)(4)]

- a. Monitoring results shall be reported at the intervals specified in the permit.
- b. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms approved by the Regional Board or the State Board for reporting results of monitoring of pollutants and sludge use or disposal practices.
- c. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this permit.
- d. The discharger shall file a technical report with this Board not later than 30 days after receipt of this Order, relative to the operation and maintenance program for this waste disposal facility. The information to be contained in that report shall include as a minimum, the following:

- (1) The name and address of the person or company responsible for operation and maintenance of the facility.
- (2) Type of maintenance (preventive or corrective).
- (3) Frequency of maintenance, if preventive.

If an operation and maintenance report has been supplied to the Board previously and there have been no changes, a second report need not be provided.

- e. The discharger shall file with the Board a report of waste discharge at least 120 days before making any material change or proposed change in the character, location or volume of the discharge.
- f. Monitoring results shall be reported at the intervals specified in the monitoring and Reporting Program.
 - (1) Monitoring results must be reported on a DMR.
 - (2) If the discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 CFR Part 136 or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - (3) Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this Order.
- g. The discharger shall file with the Board technical reports on self monitoring work performed according to the detailed specifications contained in any Monitoring and Reporting Programs as directed by the Executive Officer.
- h. In reporting the monitoring data, the discharger shall arrange the data in tabular form so that the date, the constituents, and the concentrations are readily discernable. The data shall be summarized to demonstrate compliance with waste discharge requirements and, where applicable, shall include results of receiving water observations.
- i. For every item where the requirements are not met, the discharger shall submit a statement of the actions undertaken or proposed which will bring the discharge into full compliance with requirements at the earliest time and submit a timetable for correction.

- j. The discharger shall include in the annual report, an annual summary of the quantities of all chemicals, listed by both trade and chemical names, which are used for cooling and/or boiler water treatment and which are discharged.
- k. If no flow occurred during the reporting period, the monitoring report shall so state.
- l. For any analyses performed for which no procedure is specified in the EPA guidelines or in the monitoring and Reporting Program, the constituent or parameter analyzed and the method or procedure used must be specified in the monitoring report.
- m. In the event wastes are transported to a different disposal site during the report period, the following shall be reported in the monitoring report:
 - (1) Types of wastes and quantity of each type;
 - (2) Name and address for each hauler of wastes (or method of transport if other than by hauling); and
 - (3) Location of the final point(s) of disposal for each type of waste.

If no wastes are transported offsite during the reporting period, a statement to that effect shall be submitted.
- n. The discharger shall submit to the Board, together with the first monitoring report required by this permit, a list of all chemicals and proprietary additives which could affect this waste discharge, including quantities of each. Any subsequent changes in types and/or quantities shall be reported promptly.
- o. The discharger shall report all instances of non-compliance not otherwise reported at the time monitoring reports are submitted. The reports shall contain all information listed in Provision (B.5.a).
- p. Each monitoring report shall state whether or not there was any change in the discharge as described in the Order during the reporting period.
- q. Analytical data reported as "less than" for the purpose of reporting compliance with permit limitations shall be the same or lower than the permit limit(s) established for the given parameter.

- r. The discharger shall mail a copy of each monitoring report to:

INFORMATION TECHNOLOGY
CALIFORNIA REGIONAL WATER QUALITY
CONTROL BOARD - LOS ANGELES REGION
320 W. 4TH STREET, SUITE 200
LOS ANGELES, CA 90013

A copy of such monitoring report for those discharges designated as a major discharge shall also be mailed to:

REGIONAL ADMINISTRATOR
ENVIRONMENTAL PROTECTION AGENCY
REGION 9
75 Hawthorne Street
San Francisco, CA 94105

- s. If the discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the discharger must apply for and obtain a new Order.

4. Compliance Schedules [40 CFR 122.41(l)(5)]

- a. Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedule of this Order shall be submitted no later than 14 days following, each schedule date.
- b. By March 1 of each year, the discharger shall submit an annual report to the Board. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year. In addition, the discharger 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 waste discharge requirements.
- c. This Board requires the discharger to file with the Board, within 90 days after the effective date of this Order, a technical report on his preventive (failsafe) and contingency (cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events. The technical report should:

- (1) Identify the possible sources of accidental loss, untreated waste bypass, and contaminated drainage. Loading and storage areas, power outage, waste treatment unit outage, and failure of process equipment, tanks and pipes should be considered.
- (2) Evaluate the effectiveness of present facilities and procedures and state when they become operational.
- (3) Describe facilities and procedures needed for effective preventive and contingency plans.
- (4) Predict the effectiveness of the proposed facilities and procedures and provide an implementation schedule contingent interim and final dates when they will be constructed, implemented, or operational.

This Board, after review of the technical report, may establish conditions which it deems necessary to control accidental discharges and to minimize the effects of such events.

Such conditions may be incorporated as part of this Order, upon notice to the discharger.

5. Twenty-four Hour Reporting [40 CFR 122.41(l)(6)]

- a. The discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided verbally within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger 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.
- b. The following shall be included as information that must be reported within 24 hours under this paragraph:
 - (1) Any unanticipated bypass that exceeds any effluent limitation in the Order.
 - (2) Any upset that exceeds any effluent limitation in the Order.
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed in this Order to be reported within 24 hours.

The Regional Board may waive the above-required written report on a case-by-case basis.

6. Other Noncompliance [40 CFR 122.41(l)(7)]
 - a. The discharger shall report all instances of noncompliance not reported under Provisions (B.3), (B.4), and (B.5) at the time monitoring reports are submitted. The reports shall contain the information listed in Provision (B.5).
7. Other Information [40 CFR 122.41(l)(8)]
 - a. When the discharger 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 Board, the State Board, or USEPA, the discharger shall promptly submit such facts or information.
8. Planned Changes [40 CFR 122.41(l)(1)]
 - a. The discharger shall give advance notice to the Regional Board as soon as possible of any planned physical alterations or additions to the facility or of any planned changes in the facility or activity that may result in noncompliance with requirements.
 - (1) 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 Part 122.29(b); or
 - (2) 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 to notification requirements under 40 CFR Part 122.42(a)(1); or
 - (3) The alteration or addition results in a significant change in the discharger's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

9. Anticipated Noncompliance [40 CFR 122.41(l)(2)]

- a. The discharger shall give advance notice to the Regional Board of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.

C. Enforcement Provisions [40 CFR 122.41][CWC Sections 13384 and 13387]

1. The California Water Code provides that any person who violates a waste discharge requirement 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 \$25 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 Order 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.

2. The Federal Clean Water Act (CWA) provides that any person who violates a permit condition or any requirement imposed in a pretreatment program implementing sections 301, 302, 306, 307, 308, 318 or 405 of the CWA is subject to a civil penalty not to exceed \$25,000 per day of 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. Any person who knowingly violates permit conditions implementing these sections of the CWA is subject to a fine of not less than \$5,000, or more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or by both.
3. It shall not be a defense for a discharger 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 Order.
4. The Clean Water Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, or other document submitted or required to be maintained under this Order, or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this act, shall upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 2 years per violation, or by both.

D. Definitions

1. "Composite sample" means, for flow rate measurements, the arithmetic mean of no fewer than eight individual measurements taken at equal intervals for 24 hours or for the duration of discharge, whichever is shorter.

"Composite sample" means, for other than flow rate measurement,

- a. A combination of at least eight individual portions obtained at equal time intervals for 24 hours, or the duration of the discharge, whichever is shorter. The volume of each individual portion shall be directly proportional to the discharge flow rate at the time of sampling; or
- b. A combination of at least eight individual portions of equal volume obtained over a 24-hour period. The time interval will vary such that the volume of wastewater discharged between samplings remains constant.

The compositing period shall equal the specified sampling period, or 24 hours, if no period is specified.

- c. "Daily discharge" means:
 - (1) For flow rate measurements, the average flow rate measured during a calendar day or during any 24-hour period reasonably representative of the calendar day for purposes of sampling.
 - (2) For pollutant measurements, the concentration or mass emission rate measured during a calendar day or during any 24-hour period reasonably representative of the calendar day for purposes of sampling.
- d. The "daily discharge rate" shall be obtained from the following calculation for any calendar day:

$$\text{Daily discharge rate} = \frac{8.34}{N} \sum_{i=1}^N (Q_i)(C_i)$$

in which N is the number of samples analyzed in any calendar day, Q_i and C_i are the rate (MGD) and the constituent concentration (mg/l) respectively, which are associated with each of the N grab samples which may be taken in any calendar day. If a composite sample is taken, C_i is the concentration measured in the composite sample and Q_i is the average flow rate occurring during the period over which samples are composited.

- e. "Daily maximum" limit means the maximum acceptable "daily discharge" for pollutant measurements. Unless otherwise specified, the results to be compared to the "daily maximum" limit are based on composite samples."
- f. "Duly authorized representative" is one whose:
 - (1) Authorization is made in writing by a principal executive officer or ranking elected official;
 - (2) 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. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
 - (3) Written authorization is submitted to the Regional Board and EPA Region 9. If an authorization becomes no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements above must be submitted to the Regional Board and EPA Region 9 prior to or together with any reports, information, or applications to be signed by an authorized representative.
- g. "Grab sample" is defined as any individual sample collected in a short period of time not exceeding 15 minutes. "Grab samples" shall be collected during normal peak loading conditions for the parameter of interest, which may or may not be during hydraulic peaks. It is used primarily in determining compliance with "daily maximum" limits and the "instantaneous maximum" limits.
- h. "Hazardous substance" means any substance designated under 40 CFR 116 pursuant to Section 311 of the Clean Water Act.
- i. "Heavy metals" are for purposes of this Order, arsenic, cadmium, chromium, copper, lead, mercury, silver, nickel, and zinc.
- j. "Instantaneous maximum" concentration is defined as the maximum value measured from any single "grab sample."

- k. "Median" of an ordered set of values is the value which the values above and below is an equal number of values, or which is the arithmetic mean of the two middle values, if there is no one middle value.
- l. "Priority pollutants" are those constituents referred to in 40 CFR 401.15 and listed in the EPA NPDES Application Form 2C, pp. V-3 through V-9.
- m. "6-month median" means a moving "median" of daily values for any 180-day period in which daily values represent flow-weighted average concentrations within a 24-hour period. For intermittent discharges, the daily value shall be considered to equal zero for days on which no discharge occurred.
- n. "7-day" and "30-day average" shall be the arithmetic average of the values of daily discharge calculated using the results of analyses of all samples collected during any 7 and 30 consecutive calendar day periods, respectively.
- o. "Toxic pollutant" means any pollutant listed as toxic under section 307(a)(1) of the Clean Water Act or under 40 CFR 122, Appendix D.