

California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-2002-0012

GENERAL WASTE DISCHARGE REQUIREMENTS
FOR DISCHARGES OF WINERY WASTE TO LAND

All Counties

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

1. Section 13260(a) of the California Water Code (CWC) requires that any person discharging waste or proposing to discharge waste within any region, other than to a community sewer system, that could affect the quality of the waters of the state, file a Report of Waste Discharge (ROWD).
2. Discharges to land from winery waste treatment and disposal systems have certain common characteristics, such as similar constituents, concentrations of constituents, disposal techniques, flow ranges and they require the same or similar treatment standards. These types of discharges are more appropriately regulated under General Waste Discharge Requirements (General WDRs).
3. These General WDRs are intended to regulate discharges of winery waste that may affect waters of the state for which a waiver of WDRs or an individual set of WDRs are not appropriate. Only entities generating winery waste discharges to land (hereinafter discharger) in amounts that may affect waters of the state shall be eligible for coverage under these General WDRs.
4. Winery waste is defined as waste that is a byproduct of operations that produce wine. Winery waste includes: pomace (e.g., grape skins, stems, and seeds), lees, bottle and barrel rinse water, and equipment/floor wash water. Winery waste does not include waste produced by agricultural operations associated with the growing of wine grapes.
5. Whether an individual discharge of winery waste may affect waters of the state and be inappropriate for a waiver of WDRs varies according to factors such as the quality of the waste, soil characteristics, groundwater elevation, and others. Within the North Coast Region there is a wide variability in the volume and quality of winery waste discharges. Small volumes of wastewater discharge generally pose a minimal threat to water quality. Larger volume systems typically require a higher level of oversight, have more complicated treatment and disposal systems and, when problems occur, can directly impact water quality and

beneficial uses. Determinations of whether a winery should be covered by WDRs or is appropriate for a waiver of WDRs will be made on a case-by-case basis. In general, however, the Regional Water Board finds that winery waste discharges may affect waters of the state and are inappropriate for a waiver of WDRs if they are associated with either: (1) commercial operations; or (2) operations producing over 200 gallons of wine per year.

6. An unpermitted discharger of winery waste must submit an application for coverage under the General WDRs within 180 days of the adoption of this Order as explained in **APPLICATION PROCEDURES A.1**.
7. A discharge of winery waste covered by individual WDRs will be considered for coverage under the General WDRs when the individual WDRs come up for review/renewal, which occurs approximately every five years. Regional Water Board staff will notify the discharger of the eligibility for coverage under the General WDRs as explained in **APPLICATION PROCEDURES A.2**.
8. A discharge covered by a waiver of WDRs will be considered for coverage under the General WDRs upon expiration of the waiver. CWC Section 13269 states that all waivers of WDRs for discharges of winery waste will expire on January 1, 2003. When these waivers expire, Regional Water Board staff will notify the addresses of all affected dischargers on file to submit an application for coverage under these General WDRs.
9. The Regional Water Board has considered the range of types of winery discharges and finds that these discharges are either of category 3-C, 3-B, or 2-B as those categories are defined in the Threat to Water Quality and Complexity in the fee schedule listed in Section 2200 of Title 23, California Code of Regulations (CCR).
10. All WDRs in the North Coast Region are required to implement the *Water Quality Control Plan for the North Coast Region* (Basin Plan). Therefore, these General WDRs require dischargers to comply with all applicable Basin Plan provisions, including any prohibitions and water quality objectives, governing the discharge.
11. This Order establishes minimum standards only for discharges of winery waste. The discharger shall comply with any more stringent standards in the Basin Plan. In the event of a conflict between the provisions of this Order and the Basin Plan, the more stringent provision prevails.
12. The beneficial uses of any receiving waters in the North Coast Region may include some or all of the following:
 - a. municipal and domestic supply (MUN)
 - b. agricultural supply (AGR)
 - c. industrial service supply (IND)
 - d. industrial process (PROC)

e. groundwater recharge	(GWR)
f. freshwater replenishment	(FRSH)
g. navigation	(NAV)
h. hydropower generation	(POW)
i. water contact recreation	(REC1)
j. noncontact water recreation	(REC2)
k. commercial and sport fishing	(COMM)
l. warm freshwater habitat	(WARM)
m. cold freshwater habitat	(COLD)
n. preservation of areas of special biological significance	(BIOL)
o. inland saline water habitat	(SAL)
p. wildlife habitat	(WILD)
q. preservation of rare and endangered species	(RARE)
r. marine habitat	(MAR)
s. migration of aquatic organisms	(MIGR)
t. spawning, reproduction, and/or early development	(SPWN)
u. shellfish harvesting	(SHELL)
v. estuarine habitat	(EST)
w. aquacultural	(AQUA)

13. The beneficial uses for areal ground waters include:
 - a. domestic water supply
 - b. agricultural water supply
 - c. industrial service supply
 - d. industrial process supply
14. This Order does not preempt or supersede the authority of municipalities, flood control agencies, or other local agencies to prohibit, restrict, or control discharges of waste subject to their jurisdiction.
15. This Order is intended to cover both existing and new discharges of winery waste. The adoption of WDRs for existing discharges of winery waste is exempt from the California Environmental Quality Act (CEQA) under Title 14, California Code of Regulations Section 15261 or Section 15301 as ongoing or existing projects.
16. The Regional Water Board has adopted a Negative Declaration in compliance with CEQA for new discharges of winery waste. New discharges of winery waste in compliance with this Order will not result in a significant impact on the environment.
17. This Order is consistent with the provisions of State Water Resources Control Board (State Water Board) Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California." The Order does not allow degradation of water quality.

18. The Regional Water Board has notified potential dischargers and all other known interested parties of the intent to prescribe WDRs as described in this Order.
19. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the proposed discharge.

THEREFORE, IT IS HEREBY ORDERED that dischargers of winery waste, in order to meet the provisions contained in Division 7 of the CWC and regulations adopted thereunder, shall comply with the following:

A. APPLICATION PROCEDURES

1. Within 180 days of the adoption of this Order, unpermitted dischargers of winery waste must file an application for coverage under the General WDRs as described below. Unpermitted dischargers include all dischargers of winery waste other than those covered by a waiver of WDRs or individual WDRs. Unpermitted dischargers of winery waste who fail to submit an application before the deadline will be subject to enforcement under CWC Section 13264 and other applicable law.
2. Dischargers shall seek coverage under these General WDRs by filing: (1) an application (either a standard application for WDRs (Report of Waste Discharge), a Form 200, or an equivalent document); and (2) an annual fee.¹ A completed Notice of Intent, designed to include winery wastewater information necessary for determination of applicability, will also serve as an application. Once approved by the Executive Officer, the Notice of Intent form will be attached as Attachment "A". The Regional Water Board staff will review the application and will make a preliminary determination of whether coverage under these General WDRs, individual WDRs, or a waiver of WDRs is appropriate. Facilities that utilize a wastewater treatment system other than those covered under this Order may not be appropriate for coverage under these General WDRs and may be subject to individual WDRs. Regional Water Board Staff will notify the discharger in writing of its preliminary determination. The preliminary determination will notify the discharger of the type of CEQA compliance required to support a determination that the discharge is covered.
3. If the preliminary determination indicates that coverage under this Order is appropriate, the discharger must: (1) publish a description of the project in a newspaper of general circulation in the area of the proposed discharge and provide proof of such posting, and (2) distribute copies of the notice to nearby residences or businesses and provide proof of such distribution.

¹ The annual fee for coverage will depend on whether the discharge corresponds to a Threat to Water Quality and Complexity of 3-C, 3-B, or 2-B as defined in the fee schedule listed in 23 CCR 2200. The annual fees for these categories of discharge are currently \$200, \$400, or \$1,200 respectively.

4. Coverage under these Waste Discharge Requirements shall not take effect until: (1) the discharger's application is determined to be complete; (2) at least thirty (30) calendar days have passed since the notices mentioned in the preceding paragraph (Application Procedure A.3.) have been posted and distributed; (3) the Regional Water Board has complied with CEQA; and (4) the discharger has received written notification from the Executive Officer or the Regional Water Board stating that coverage under this order is appropriate. The Executive Officer shall not issue this notification upon finding that coverage of the project in question under this Order has caused or will likely cause significant public controversy. For such controversial projects, the determination of whether coverage under this Order is appropriate will be made by the Regional Water Board at a regularly scheduled board meeting.
5. A determination by the Executive Officer that a specific discharge is appropriately covered under these General WDRs creates no vested right to continued future coverage. The Regional Water Board may decide, based on good cause, to rescind coverage of a specific discharge under these General WDRs. Such a discharge may be eligible for coverage under a waiver of WDRs, another set of General WDRs, individual WDRs, and/or an National Pollutant Discharge Elimination System (NPDES) permit. If the Regional Water Board decides to regulate a discharge covered by these General WDRs a waiver of WDRs, under another set of General WDRs, under individual WDRs and/or an NPDES permit, the applicability of these General WDRs to the discharge is immediately terminated on the date the coverage under the other set of General WDRs takes effect, or on the effective date of the waiver of WDRs, individual WDRs or NPDES permit.

B. DISCHARGE PROHIBITIONS

1. The discharge of any waste not specifically regulated by this Order is prohibited.
2. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the CWC, is prohibited.
3. The discharge of waste to land that is not under the control of the discharger is prohibited, except as authorized under Section **E. SOLIDS DISPOSAL**.
4. The discharge of untreated or partially treated winery waste from anywhere within the collection, treatment, or disposal facility is prohibited.
5. Untreated winery process wastewater shall be discharged solely to the wastewater treatment system at all times.
6. The discharge of wastewater, other than winery wastewater, into a winery wastewater surface treatment system is prohibited.

7. The discharge of waste to surface waters is prohibited.
8. The discharge of domestic waste, treated or untreated, to surface waters is prohibited.
9. The use of treated winery process wastewater shall be restricted to designated vineyards, pastures, or landscape irrigation areas under the control of the discharger.
10. Treated winery wastewater shall not be applied to the irrigation areas within two days of a forecasted rain event, during rainfall, 48 hours after a rainfall event or when soils are saturated.
11. Bypass or overflow of treated or untreated winery waste is prohibited and shall be reported to the Regional Water Board as soon as possible.
12. The direct or indirect discharge of any waste to surface waters or surface water drainage courses is prohibited.
13. The discharge of waste that is not authorized by these General WDRs or other Order or waiver by the Regional Water Board is prohibited.
14. The discharge of waste classified as "hazardous," or "designated," as defined in CCR, Title 23, Chapter 15, Section 2521(a) and CWC Section 13173, respectively, to any part of the wastewater disposal system is prohibited.

C. EFFLUENT LIMITATIONS

1. The discharge of treated winery process wastewater to land by spray irrigation or frost protection shall not contain constituents in excess of the following limits:

<u>Constituent</u>	<u>Unit</u>	<u>Daily Maximum</u>
BOD (20° C, 5-day) ²	mg/l	80
Total Suspended Solids	mg/l	80
Settleable Solids	ml/l	1.0

2. The discharge of treated winery process wastewater to land by method of drip irrigation shall not contain constituents in excess of the following limits:

<u>Constituent</u>	<u>Unit</u>	<u>Maximum</u>
BOD (20° C, 5-day)	mg/l	160
Total Suspended Solids	mg/l	80
Settleable Solids	ml/l	1.0

² Five-day, 20° Celsius Biochemical Oxygen Demand

3. The mean daily flow of winery wastewater shall not exceed the capacity stated in the application, in gallons per day, averaged over a calendar month except as provided for in C.4.
4. The mean daily winery process wastewater flow shall not exceed the capacity of the treatment facility stated in the application, in gallons per day, as averaged over the crush period.³
5. The maximum daily winery process wastewater flow shall not exceed the capacity stated in the application.
6. For aerated or oxidation pond systems receiving treated winery process wastewater, the following additional requirements apply:
 - a. The dissolved oxygen concentration in the treatment/holding ponds shall not be less than 1.0 mg/l at any time.
 - b. A minimum freeboard, consistent with pond design but not less than two feet, shall be maintained at all times in any pond containing winery wastewater, except with prior authorization by the Regional Water Board Executive Officer.

D. GROUNDWATER LIMITATIONS

1. The storage and disposal of treated winery wastewater shall not cause or contribute to a statistically significant degradation of groundwater quality.
2. The storage and disposal of the treated winery wastewater shall not cause alterations of groundwaters that result in taste or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses.

E. SOLIDS DISPOSAL

1. Collected screenings, sludges, and other solids removed from liquid wastes that will not and/or cannot be used agronomically shall be disposed of at a legal point of disposal, and in accordance with the State Water Board promulgated provisions of Title 27, Division 2 of the California Code of Regulations or as waived pursuant to Section 13269 of the CWC.
2. Cultivated lands that receive solid wastes from the wine making process shall be managed to prevent ponding, runoff and erosion.

³ The crush period is defined as the time of year during which the winery is processing the seasonal grape harvest. A typical crush period is 60 days in length and may occur from August through November.

3. During wet weather conditions when solid wastes from the wine making process cannot be incorporated into the soil or hauled off-site for disposal, the solid wastes may be temporarily stored in a designated solids storage area out of the flood plain.
4. The discharge of leachate, from wine making process solids storage areas or rainfall runoff, which has come into contact with the solids being stored, to surface water is prohibited.
5. If accumulated sludge from a wastewater pond will be used as an agronomic addition to fields, a proposal containing, at a minimum, the following information will be submitted to the Regional Water Board before commencement of the project:
 - a. The physical properties of the sludge to be removed from the pond, including the volume and percent solids of the sludge.
 - b. A summary of laboratory results on an analysis of a composite sample of the stockpiled sludge. The constituents of concern are: cadmium, copper, lead, nickel, zinc and total nitrogen.
 - c. A statement verifying that neither hazardous waste nor domestic waste has been discharged to the ponds.
 - d. A description of the proposed land application areas, including a map, acreage and the crops to be grown thereupon. Calculations showing that the sludge will be applied at agronomic rates (based on nutrient uptake of the crop).
 - e. A project schedule. Projects should be winterized by October 15th, and completed by October 31st. Sludge shall be spread and incorporated into the soil in a manner to avoid erosion, runoff or any nuisances.

F. WATER RECLAMATION REQUIREMENTS

1. Reclaimed winery process waste water shall be managed in conformance with Title 22, Division 4, Chapter 3 of the California Code of Regulations.
2. The use of treated winery process wastewater that results in unreasonable use or waste of the treated wastewater is prohibited.
3. The use of treated winery process wastewater that creates a condition of pollution or nuisance is prohibited.
4. The discharger shall be responsible to ensure that all users of treated winery process wastewater comply with the terms and conditions of this Order.

5. Treated winery process wastewater shall be applied in such a manner so as not to exceed vegetative demand or field capacity.
6. The application of treated winery process waste water shall be managed to prevent ponding, runoff, and erosion.
7. All piping, valves, and outlets shall be marked to differentiate treated winery process wastewater from other sources of water.
8. There shall be no connection between a potable water supply and a treated winery process wastewater distribution system.
9. There shall be no irrigation or impoundment of winery wastewater within 100 feet of any water well.
10. Adequate measures shall be taken to prevent the breeding of insects and other vectors of health significance.
11. Warning signs shall be posted on the perimeter of every area in which winery wastewater is applied. The signs shall indicate use of non-potable water and shall be posted at least every 500 feet along the perimeter with a minimum of a sign at each corner and access road.

G. REQUIREMENTS

1. For Aerated or Oxidation Pond Systems, the following additional requirements apply:
 - a. If collected screenings, sludges, and other solids removed from liquid wastes are disposed of at a landfill, such disposal shall comply with CCR, Title 23, Section 2510, et seq. (Chapter 15).
 - b. The pond shall be operated and maintained to prevent inundation or washout due to floods with a 100-year return frequency.
 - c. The pond shall have sufficient capacity to accommodate wastewater flow, groundwater infiltration and inflow in the collection system, and seasonal precipitation during the rainy season.
 - d. All new ponds shall be sited, designed, constructed, and operated to ensure that wastes will be a minimum of five feet (5 ft.) above the highest anticipated elevation of underlying ground water.

- e. All ponds shall have a foundation or base capable of providing support for the structures, and capable of withstanding hydraulic pressure gradients to prevent failure due to settlement, compression, or uplift and all effects of ground motions resulting from at least the maximum probable earthquake, as certified by a registered civil engineer or certified engineering geologist.
2. For Constructed Wetland (CW) Systems, the Following Additional Requirements Apply:
 - a. Wastewater flow in the CW shall be completely subsurface.
 - b. A post-system final treatment pond shall be used before irrigation.
3. For Subsurface Disposal Systems, the following additional requirements apply:
 - a. The subsurface wastewater disposal system(s) shall be maintained so that at no time will wastewater surface at any location.
 - b. No part of the disposal system(s) shall extend to a depth where waste may pollute groundwater.
 - c. New winery wastewater systems shall reserve sufficient land area for possible future 100 percent replacement of the subsurface disposal area until such time as the discharger's facility is connected to a municipal sewerage system.
 - d. The system will comply with the "Policy on the Control of Water Quality with Respect to On-Site Waste Treatment and Disposal Practices" contained in the "Water Quality Control Plan, North Coast Region".

H. GENERAL PROVISIONS

1. Adequate measures shall be taken to assure that flood or surface drainage waters do not erode or otherwise damage the discharge facilities.
2. The wastewater system shall be located where it will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding or substantial erosion or siltation on- or off-site.
3. The discharger shall ensure that all site-operating personnel are familiar with the contents of this Order and shall maintain a copy of this Order at the site.
4. Prior to any modifications in the discharger's facility which would result in a material change in the quality or quantity of wastewater treated or discharged, or any material change in the location of discharge, the discharger shall report all

pertinent information in writing to the Regional Water Board and obtain confirmation from the Regional Water Board that such modifications do not disqualify the discharger from coverage under these General WDRs. Either confirmation or new WDRs shall be obtained before any modifications are implemented.

5. The discharger shall comply with General Monitoring and Reporting Program No. R1-2002-0012, and any future revisions, as specified by the Regional Water Board's Executive Officer.
6. The Regional Water Board's Executive Officer and the Director of the County Environmental Health Department or equivalent agency shall be notified immediately of any failure of the wastewater containment facilities. Such failure shall be promptly corrected in accordance with the requirements of this Order.
7. A copy of this Order shall be maintained at the discharge facility and be available at all times to operating personnel.
8. The discharger at all times shall properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with conditions of this Order. The discharger shall keep in a state of readiness all systems necessary to achieve compliance with the conditions of this Order. All systems, both those in service and reserve, shall be inspected and maintained on a regular basis. Records shall be kept of the tests and made available to the Regional Water Board.
9. This Order does not convey any property rights or exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, do not protect the discharger from liability under federal, state, or local laws, and do not create a vested right to continue to discharge wastewater.
10. This Order does not relieve the discharger from responsibility to obtain other necessary local, state, and federal permits to construct facilities necessary for compliance with this Order, nor does this Order prevent imposition of additional standards, requirements, or conditions by any other regulatory agency.
11. If land disturbance (excluding agricultural activity) is five (5) acres or more, the applicant will need to apply for a Construction Activities Storm Water Permit prior to commencement of construction. At such time that acreage limits are reduced under Phase II of the NPDES Storm Water Program, land disturbance of 1 acre or more will be subject to the Storm Water Permit. If storm water runoff from any industrial processing area is to be discharged to any surface water, coverage under the National Pollution Discharge Elimination System (NPDES) General Permit No. CSA000001-Discharges Of Storm Water Associated With Industrial Activities Excluding Construction Activities Permit will be required.

12. The discharger shall allow the Regional Water Board or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the premises where a regulated facility or activity is located or conducted or where records are required to be kept under the conditions of this Order;
 - b. Have access to and copy at reasonable times any records required to be kept under the conditions of this Order;
 - c. Inspect, at reasonable times, any facilities, equipment, practices, or operations regulated or required under this Order; and
 - d. Sample, photograph, video record, and/or monitor at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the CWC, any substances or parameters at this location.
13. All regulated disposal systems shall be readily accessible for sampling and inspection.
14. The Regional Water Board will review this Order periodically and will revise requirements when necessary.
15. Severability

Provisions of these waste discharge requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected.
16. Change in Discharge

The discharger shall promptly report to the Regional Water Board any material change in the character, location, or volume of the discharge.
17. Change in Ownership

In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the discharger, the discharger shall notify the succeeding owner or operator of the following items by letter, a copy of which shall be forwarded to the Regional Water Board:

 - a. existence of this Order, and
 - b. the status of the dischargers' annual fee account

18. Vested Rights

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the discharger from his liability under federal, state, or local laws, nor create a vested right for the discharger to continue the waste discharge.

19. After notice and opportunity for a hearing, coverage of an individual discharge under this Order may be terminated or modified for cause, including but not limited to the following:

- a. Violation of any term or condition contained in this Order;
- b. Obtaining this Order by misrepresentation or failure to disclose all relevant facts;
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d. A change in a wastewater treatment system to a configuration that is not eligible for coverage under this Order;
- e. Violation of any term or condition contained in this Order;
- f. Obtaining this Order by misrepresentation or failure to disclose all relevant facts;
- g. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- h. A change in a wastewater treatment system to a configuration that is not eligible for coverage under this Order.

20. The discharger shall furnish, within a reasonable time, any information the Regional Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the discharger's coverage under this Order. The Discharger shall also furnish to the Regional Water Board, upon request, copies of all records required to be kept by this Order.

21. Unless otherwise approved by the Regional Water Board's Executive Officer, all analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. All analyses shall be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants," promulgated by the U.S. Environmental Protection Agency (U.S. EPA.

22. The discharger shall retain records of all monitoring information including all calibration and maintenance records, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of three years from the date of the sample, measurement, or report. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Water Board's Executive Officer.
23. The discharger shall immediately remove any wastes that are discharged at the site regulated by this Order in violation of these requirements.
24. All performed maintenance and noncompliance issues shall be reported with the monitoring reports as required.
25. Adequate measures shall be taken to assure that unauthorized persons are effectively excluded from contact with the wastewater disposal facility(s).
26. The discharger shall comply with all of the conditions of this Order. Any noncompliance with this Order constitutes a violation of the Porter-Cologne Water Quality Control Act and/or Basin Plan and is grounds for an enforcement action.
27. The Regional Water Board may impose administrative civil liability, may refer a discharger to the State Attorney General to seek civil monetary penalties, may seek injunctive relief, or take other appropriate enforcement action as provided in the California Water Code or federal law for violation of State Water Board or Regional Water Board orders.
28. The discharger shall comply with all of the conditions contained in the Standard Provisions included with this Order.
29. Monitoring

The discharger shall comply with the Contingency Planning and Notification Requirements Order No. 74-151 and the Monitoring and Reporting Program No. R1-2002-0012 and any modifications to these documents as specified by the Regional Water Board Executive Officer. Such documents are attached to this Order and incorporated herein. Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services.

30. Inspections

The discharger shall permit authorized staff of the Regional Water Board:

- a. entry upon premises in which an effluent source is located or in which any required records are kept;
- b. access to copy any records required to be kept under terms and conditions of this Order;
- c. inspection of monitoring equipment or records; and
- d. sampling of any discharge.

31. Noncompliance

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

- a. breakdown of waste treatment equipment;
- b. accidents caused by human error or negligence; or
- c. other causes such as acts of nature;

the discharger shall notify the Regional Water Board 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 the steps taken to correct the problem and the dates thereof, and the steps being taken to prevent the problem from recurring.

32. Planned Changes

The discharger shall file with the Regional Water Board an application at least 120 days before making any material change or proposed change in the character, location or volume of the discharge.

33. Compliance Schedules

Reports of compliance or noncompliance with interim and final requirements contained in any compliance schedule of this order shall be submitted no later than 14 days following each schedule date. If reporting noncompliance, the report shall include a description of the reason for failure to comply, a description and schedule of tasks necessary to achieve compliance and an estimated date for achieving full compliance. A final report shall be submitted within ten working days of achieving full compliance, documenting full compliance.

34. Other Noncompliance

The discharger shall report all instances of noncompliance not reported under WATER RECLAMATION REQUIREMENTS F.31, F.32, and F.33 at the time monitoring reports are submitted. The reports shall contain the information listed in WATER RECLAMATION REQUIREMENT F.33.

35. Other Information

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 Water Board, the discharger shall promptly submit such facts or information.

36. False Reporting

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 Order, including monitoring reports or reports of compliance or noncompliance shall be subject to enforcement procedures as identified in the Order and/or in these Standard Provisions.

37. Anticipated Noncompliance

The discharger shall give advance notice to the Regional Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with waste discharge requirements.

I. ENFORCEMENT PROVISIONS

1. The provisions in this enforcement section shall not act as a limitation on the statutory or regulatory authority of the Regional Water Board.
2. Any violation of this Order constitutes violation of the California Water Code and regulations adopted thereunder and is basis for enforcement action, termination of the Order, revocation and reissuance of the Order, denial of an application for reissuance of the Order or a combination thereof.
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.

Certification

I, Susan Warner, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on March 28, 2002.

Susan A. Warner
Executive Officer

(generalwdrsfornineries)