California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-2002-0076
NPDES PERMIT NO. CA0024571
I.D. NO. 1B85026RHUM

WASTE DISCHARGE REQUIREMENTS

FOR

FAIRHAVEN POWER COMPANY

Humboldt County

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

1. Fairhaven Power Company (hereinafter permittee) submitted a Report of Waste Discharge dated June 1, 2001, and applied for renewal of its Permit to discharge wastewater from its 17 megawatt, woodwaste-fired, steam-electric power generation facility under the National Pollutant Discharge Elimination System (NPDES). Supplemental information was submitted on January 8, 2002. The facility is located on the Samoa Peninsula in Section 20, T5N, R1W, HB&M at Latitude 40°48'43" North and Longitude 124°12'33" West, as shown on Attachment A incorporated herein and made part of this Order.

2. Wastes produced by the facility include:

    a. Particulates removed from boiler flue gases by a dust collector and electrical precipitator
    b. Ash from the boiler
    c. Blowdown from boilers and cooling towers
    d. Drainage from wood fuel storage areas
    e. Sanitary sewage from employee restrooms

3. Boiler blowdown, cooling tower blowdown, and demineralizer back flushing is discharged to the Pacific Ocean via the Samoa Pacific Cellulose, LLC, Samoa Pulp Mill ocean outfall, which has an "initial dilution" of 115:1. This discharge point is described as Serial Number 001 (SN 001) in NPDES Permit No. CA0005894 for Samoa Pacific Cellulose, LLC. The effluent line connects to the Samoa Pacific Cellulose, LLP outfall downstream from Manhole No. 5, which is the monitoring point for the pulp mill. Monitoring data collected by the pulp mill does not reflect any input by Fairhaven Power Company. The average daily flow of wastewater from the permittee is 500,000 gallons per day.

4. Sanitary wastes from employee facilities (washrooms, restrooms) are discharged to a septic tank/leach field system designed and constructed in accordance with Humboldt County regulations and Regional Water Board policies.

5. The primary wood storage areas are paved with asphalt and are managed and maintained to promote rapid storm water runoff to prevent the formation of leachates which could adversely impact ground and surface waters.

6. Fly ash from the dust collector and precipitator has been granted a label as a soil amendment by the California Department of Food and Agriculture and is applied on agricultural land when weather conditions permit. The quantity of fly ash generated is approximately 500 tons per month. The land application program has been granted a waiver from waste discharge requirements contingent upon use of approved Best Management Practices. Until it can be land applied, the fly ash is stored on-site. Order No. 96-92 regulated the on-site storage of fly ash, as does this Order. The Regional Water Board had approved an area to be used for the temporary storage of fly ash within a containment system designed by SHN Engineers. The approved storage area is paved, surrounded by K-rails and covered with a tarp to minimize wind borne loss of the ash and minimize the introduction of storm water.

7. Bottom ash is removed mechanically from the fuel burner is stored on-site. The storage area does not meet Title 27 regulations for storage. Staff is working with the permittee to address improper storage and disposal of bottom ash.

8. The permittee is presently governed by Waste Discharge Requirements (WDR) Order No. 96-92, NPDES Permit No. CA0024571, adopted by the Regional Water Board on December 5, 1996.

9. This facility is a minor discharger as defined in 40 CFR 122.21(j). This facility has a 2C classification for threat to water quality and complexity, pursuant to California Code of Regulations (CCR) § 2200.

10. The "Water Quality Control Plan for the North Coast Region" (Basin Plan) includes water quality objectives, implementation plans for point source and nonpoint source discharges, prohibitions, and statewide plans and policies.

    The "Water Quality Control Plan for Ocean Waters of California" (Ocean Plan) establishes beneficial uses and water quality objectives for waters of the Pacific Ocean adjacent to the California Coast outside of enclosed bays, estuaries, and coastal lagoons.

11. The beneficial uses of the Pacific Ocean include:

    a. industrial water supply
    b. water contact recreation
    c. non contact water recreation
    d. aesthetic enjoyment
    e. navigation
    f. commercial and sport fishing
    g. mariculture
    h. preservation and enhancement of areas of special biological significance
    i. preservation and enhancement of rare and endangered species
    j. marine habitat
    k. fish migration
    l. fish spawning
    m. shellfish harvesting

12. The beneficial uses of shallow groundwater on the Samoa Peninsula include domestic water supply. The uncertainty of the supply and the susceptibility of this water to degradation from over-pumping, percolation of sewage, salinity increases from dredged material disposal, and other activities has encouraged development by the Humboldt Bay Municipal Water District of a peninsula-wide public water system.

13. Effluent limitations are established for this discharge pursuant to two different sources. Effluent limitations for the discharge of boiler blowdown and cooling water have been established pursuant to 40 CFR 423, which specifies technology-based effluent limit guidelines for steam electric power plants. The Ocean Plan adopted by the State Water Resources Control Board (State Water Board) sets forth effluent quality requirements in Table A and Table B. Table A limitations are not applicable to the permittee's process wastewater because effluent guidelines pursuant to the federal Clean Water Act (40CFR, Parts 63 and 430) have been established. Table B limitations are applicable to the entire discharge. Water quality based effluent limits were included only for those constituents which are likely to be present in the discharge. Sampling for Table B constituents will occur once during the lifetime of the Permit. Ocean Plan discharge prohibitions and general provisions are applicable to the discharge.

14. The permittee has storm water discharges associated with industrial activities, category "vii" as defined in 40 CFR Section 122.26(b)(14). The permittee described storm water discharges, appropriate pollution prevention practices, and best management practices in a completed Notice of Intent dated April 24, 2001, and submitted it to the State Water Resources Control Board (State Water Board) pursuant to the Statewide General Permit Program. Storm water discharges are, therefore, regulated by the Statewide General Permit Order No. 97-03-DWQ (NPDES No. CAS000001), WDID No. 1B12S016487.

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

16. Effluent limitations, and toxic and pretreatment effluent standards established pursuant to Sections 208(b), 301, 302, 303(d), 304, 306, 307, and 403 of the CWA and amendments thereto are applicable to the permittee.

17. The permitted discharge is consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Board Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California*. The impact on existing water quality will be insignificant.

18. The action to renew an NPDES Permit is exempt from Chapter 3 of the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq., in accordance with Section 13389 of the California Water Code, and is also exempt from CEQA pursuant to Title 14, California Code of Regulations, Section 15301.

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

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

21. This Order will serve as a NPDES Permit pursuant to Section 402 of the Clean Water Act, or amendments thereto, and will take effect upon adoption by the Regional Water Board.

THEREFORE, IT IS HEREBY ORDERED that Waste Discharge Requirements Order No. 96-92 is rescinded and the permittee, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

A. DISCHARGE PROHIBITIONS

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

2. The discharge of waste to Humboldt Bay is prohibited.

3. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code (CWC) is prohibited.

4. The discharge of domestic waste, treated or untreated, to surface waters or to the ground surface is prohibited.

5. The discharge of waste to land that is not owned by, or under agreement to use by, the permittee is prohibited.

6. The discharge of toxic pollutants in violation of effluent standards or prohibitions established under Section 307(a) of the federal Clean Water Act is prohibited.

7. The intentional introduction of pollutant-free wastewater to the collection, treatment, and disposal system for purposes of dilution is prohibited. The discharge of noncontact cooling water is not subject to this prohibition.

8. The discharge of waste to the shallow usable groundwaters of the Samoa Peninsula is prohibited. Notwithstanding this prohibition, the discharge of sanitary wastes from employee facilities in compliance with the North Coast Basin Plan Policy on the Control of Water Quality With Respect to On-site Waste Treatment and Disposal Practices is authorized.

B. EFFLUENT LIMITATIONS

1. Representative samples of boiler and cooling tower blowdown and demineralizer backflushing that is discharged into the ocean outfall described in Finding 3 must not contain constituents in excess of the following limits:

Constituents	Units	Daily Maximum	30-Day Average
Free Available Chlorine	mg/l	0.5	0.2
Total Chromium	mg/l	0.2	0.2
Zinc	mg/l	1.0	1.0
Hydrogen Ion	pH	Within the range of 6.0 to 9.0	

2. There shall be no detectable amounts of any of the 126 priority pollutants (40 CFR Part 423, Appendix A) contained in chemicals added for cooling tower maintenance, except for those noted above.

3. Representative samples of low volume wastes (wastes other than boiler and cooling tower blowdown) shall not contain constituents in excess of the following limits:

Constituents	Units	Daily Maximum	30-Day Average
Total Suspended Solids	mg/l	100	30
Grease and Oil	mg/l	20	15
Hydrogen Ion	Standard units	Within the range of 6.0 to 9.0	

4. There shall be no acute toxicity in the effluent. Compliance with this effluent limitation shall be determined in accordance with **F. GENERAL PROVISIONS** 17. The permittee will be considered in compliance with this limitation when the survival of aquatic organisms in a 96-hour bioassay of undiluted waste complies with the following:

   a. Minimum for any one bioassay: 70% survival
   b. Median for any three or more consecutive bioassays: at least 90% survival

5. Toxic Materials Limitations. The discharge of any effluent to the Pacific Ocean through the ocean outfall described in Finding 3, prior to commingling with effluent for the Samoa Pacific Cellulose facility, in excess of the following limits is prohibited:

OBJECTIVES FOR PROTECTION OF MARINE AND AQUATIC LIFE

Parameter	Units	6-Month Median	Daily Maximum	Instantaneous Maximum
Copper	mg/l	0.12	1.2	3.2
Lead	mg/l	0.23	0.93	2.3
Zinc	mg/l	1.4	8.4	22.3
Acute Toxicity	TUa	---	---	---
Chronic Toxicity	TUc	115	---	---

C. RECEIVING WATER LIMITATIONS

The discharge of waste shall not cause the following water quality objectives to be violated upon completion of initial dilution:[a]

1. Bacterial Characteristics

   a. Body-Contact Standards

      Within a zone bounded by the shoreline and a distance of 1000 feet from the shoreline or the 30-foot depth contour, whichever is farther from the shoreline, and in areas outside this zone used for body-contact sports, as determined by the Regional Water Board, but including all kelp beds, the following bacterial objectives shall be maintained throughout the water column:

      i. Samples of water from each sampling station shall have a density of total coliform organisms of less than 1,000 per 100 mL (10 per mL); provided that not more than 20 percent of the samples at any sampling station, in any 30-day period, may exceed 1,000 per 100 mL (10 per mL), and provided further that no single sample when verified by a repeat sample taken within 48 hours shall exceed 10,000 per 100 mL (100 per mL).
      ii. The fecal coliform density based on a minimum of five samples for any 30-day period shall not exceed a geometric mean of 200 per 100 mL nor shall more than 10 percent of the total samples during any 60-day period exceed 400 per 100 mL.
      iii. Measurements of enterococcus density shall be conducted at all stations where total and fecal coliform measurements are required. The geometric mean enterococcus density shall not exceed 24 organisms per 100 mL for a 30-day period or 12 organisms per 100 mL for a six-month period. The geometric mean shall be a moving average based on no fewer than 5 samples per month evenly spaced over the time interval.

   b. Shellfish Harvesting Standards

      At all areas where shellfish may be harvested for human consumption as determined by the Regional Water Board, the following bacteriological objectives shall be maintained throughout the water column: In any 30-day period, the median total coliform concentration shall not exceed 70 per 100 mL, and not more than 10 percent of the samples shall exceed 230 per 100 mL.

2. Physical Characteristics

[a] Unless otherwise specified, terms used herein in this section shall have the same meaning as set forth in the Ocean Plan.

a. Floating particulates and grease and oil shall not be visible.
b. The discharge of waste shall not cause aesthetically undesirable discoloration of the ocean surface.
c. Natural light shall not be significantly reduced at any point outside the initial dilution zone as the result of the discharge of waste.
d. The rate of deposition of inert solids in the ocean sediments shall not be changed such that benthic communities are degraded.

3. Chemical Characteristics

a. The dissolved oxygen concentration shall not at any time be depressed more than ten percent from that which occurs naturally as a result of the discharge of oxygen-demanding waste materials.
b. The pH shall not be changed at any time more than 0.2 units from that which occurs naturally.
c. The dissolved sulfide concentration of waters in and near sediments shall not be significantly increased above that present under natural conditions.
d. The concentration of substances set forth in Table B of the Ocean Plan in marine sediments shall not be increased to levels that would degrade indigenous biota.
e. The concentration of organic materials in marine sediments shall not be increased to levels that would degrade marine life.
f. Nutrient materials shall not cause objectionable aquatic growths or degrade indigenous biota.

4. Toxic Material Limitations (Table B from the Ocean Plan), Receiving Water. The
discharge of waste shall not cause the following parameters to be present in the receiving water in excess of the following concentrations.

OBJECTIVES FOR PROTECTION OF MARINE AQUATIC LIFE

Parameter	units	6-month Median	daily maximum	Instantaneous Maximum
Arsenic	ug/1	8	32	80
Cadmium	ug/1	1	4	10
Chromium (hexavalent)[b]	ug/1	2	8	20
Copper	ug/1	3	12	30
Lead	ug/1	2	8	20
Mercury	ug/1	0.04	0.16	0.4
Nickel	ug/1	5	20	50
Selenium	ug/1	15	60	150

[b] The permittee may at its option monitor for total chromium. If the measured total chromium concentration exceeds the hexavalent chromium limitation, it will be assumed that the hexavalent chromium limitation was exceeded, unless the results of the hexavalent chromium analysis of a replicate sample indicate otherwise.

Parameter	units	6-month Median	daily maximum	Instantaneous Maximum
Silver	ug/1	0.7	2.8	7
Zinc	ug/1	20	80	200
Cyanide	ug/1	1	4	10
Chlorine[c]	ug/1	2	8	60
Ammonia(N)	ug/1	600	2,400	6,000
Toxicity	TUc	----	1.0	----
Phenolic Comp. (nonchlorinated)	ug/1	30	120	300
Phenolic Comp. (chlorinated)	ug/1	1	4	10
Endosulfan	ng/1	9	18	27
Endrin	ng/1	2	4	6
HCH	ng/1	4	8	12

LIMITATIONS FOR PROTECTION OF HUMAN HEALTH - NONCARCINOGENS

Parameter	Units	30-day Average
acrolein	ug/l	220
antimony	mg/l	1.2
bis (2-chloroethoxy) methane	ug/l	4.4
bis (2-chloroisopropyl) ether	mg/l	1.2
chlorobenzene	ug/l	570
chromium	mg/l	190
di-n-butyl phthalate	mg/l	3.5
dichlorobenzenes	mg/l	5.1
1,1-dicloroethylene	mg/l	7.1
diethyl phthalate	mg/l	33
dimethyl phthalate	mg/l	820
4,6-dinitro-2-methyphenol	ug/l	220
2,4-dinitrophenol	ug/l	4.0
ethylbenzene	mg/l	4.1
flouranthene	ug/l	15
hexachlorocyclopentadiene	ug/l	58
isophorone	mg/l	150
nitrobenzene	ug/l	4.9
thallium	ug/l	14
toluene	mg/l	85
1,1,2,2-tetrachloroethane	mg/l	1.2

[c] Water quality objectives for total chlorine residual applying to intermittent discharges not exceeding two hours shall be determined through the use of the following equation: Log y = -0.43 (log x) Where: y = the water quality objective (in ug/1) to apply when chlorine is being discharged : x = the duration of uninterrupted chlorine discharged in minutes.

Parameter	Units	30-day Average
tributyltin	ng/l	1.4
1,1,1-trichloroethane	mg/l	540
1,1,2-trichloroethane	mg/l	43

LIMITATIONS FOR PROTECTION OF HUMAN HEALTH – CARCINOGENS

Parameter	Units	30-day Average
acrylonitrile	ug/l	0.10
aldrin	ng/l	0.022
benzene	ug/l	5.9
benzidine	ng/1	0.069
beryllium	ng/l	33
bis (2-chloroetyhyl) ether	ug/l	0.045
bis (2-ethylhexyl) phthalate	ug/l	3.5
carbon tetrachloride	ug/l	0.90
chlordane	ng/l	0.023
chloroform	mg/l	0.13
DDT	ng/l	0.17
1,4-dichlorobenzene	ug/l	18
3,3-dichlorobenzidine	ng/l	8.1
1,2,-dichloroethane	mg/l	0.13
dichloromethane	mg/l	0.45
1,3-dichloropropene	ug/l	8.9
dieldrin	ng/l	0.040
2,4-dinitrotoluene	ug/l	2.6
1,2-diphenylhydrazine	ug/l	0.16
halomethanes	mg/l	0.13
heptachlor	ng/l	0.72
hexachlorobenzene	ng/l	0.21
hexachlorobutadiene	ug/l	14
hexachloroethane	ug/l	2.5
n-nitrosodimethylamine	ug/l	7.3
n-nitrosodiphenylamine	ug/l	2.5
PAHs	ng/l	8.8
PCBs	ng/l	0.019
TCDD Equivalents	pg/l	0.0039
tetrachloroethylene	ug/l	99
toxaphene	ng/l	0.21
trichloroethylene	ug/l	27
2,4,6-trichlorophenol	ug/l	0.29
vinyl chloride	ug/l	36

5. Biological Characteristics

   a. Marine communities, including vertebrate, invertebrate, and plant species, shall not be degraded.
   b. The natural taste, odor, and color of fish, shellfish, or other marine resources used for human consumption shall not be altered.
   c. The concentration of organic materials in fish, shellfish, or other marine resources used for human consumption shall not bioaccumulate to levels that are harmful to human health.

6. General Standards

   a. The discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Water Board or the State Water Board as required by the Clean Water Act and regulations adopted thereunder.
   b. The discharge shall be essentially free of:

      i. Material that is floatable or will become floatable upon discharge.
      ii. Settleable material or substances that may form sediments that will degrade benthic communities or other aquatic life.
      iii. Substances that will accumulate to toxic levels in marine waters, sediments, or biota.
      iv. Substances that significantly decrease natural light to benthic communities and other marine life.
      v. Materials that result in aesthetically undesirable discoloration of the ocean surface.

   c. Waste effluent shall be discharged in a manner that provides sufficient initial dilution to minimize the concentrations of substances not removed in the treatment.
   d. Location of waste discharges must be determined after a detailed assessment of the oceanographic characteristics and current patterns to assure that:

      i. Pathogenic organisms and viruses are not present in areas where shellfish are harvested for human consumption or in areas used for swimming or other body-contact sports.
      ii. Natural water quality conditions are not altered in areas designated as being of special biological significance.
      iii. Maximum protection is provided to the marine environment.
      iv. The discharge does not adversely affect recreational beneficial uses such as surfing and beach walking.

   e. The discharge shall not interfere with the attainment or maintenance of that water quality which ensures the protection and propagation of a balanced

indigenous population of shellfish, fish, and wildlife and allows recreational activities in and on the water.

D. SOLIDS DISPOSAL AND HANDLING REQUIREMENTS

1. Ash generated at the facility shall be stored in a Title 27 compliant area with an impermeable cover until it can be hauled away for land application.

2. Bottom ash shall be either disposed at a solid waste facility for which waste discharge requirements have been prescribed by a Regional Water Board or disposed in a manner approved by the Executive Officer.

3. This Permit does not authorize waste discharge to land except for the discharge of domestic wastes to an on-site sewage disposal system, which meets the limitations contained in the Regional Water Board's Basin Plan. Collected screenings, sludges, and other solids (including residual solids that collect in storage tanks etc.) shall be disposed of at a legal solid waste disposal facility. Solid waste disposal sites used in California shall be regulated by waste discharge requirements prescribed by a Regional Water Quality Control Board.

E. SPECIAL PROVISIONS

1. Storm water discharges permitted by this Order shall be managed by implementation of the Storm Water Pollution Prevention Plan (and BMPs) described in Finding 14 of this Order and as updated by the permittee to reflect changed conditions at this facility.

F. GENERAL PROVISIONS

1. Duty to Reapply

   This Permit expires on August 22, 2007. If the permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the permittee shall apply for and obtain a new Permit. The application, including a report of waste discharge in accordance with Title 23, California Code of Regulations, shall be received by the Regional Water Board no later than February 22, 2007. [40 CFR 122.41(b)]

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

2. Duty to Comply

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

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

3. Enforcement

The CWA provides that any person who violates a Permit condition 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 violation. Any person who negligently violates Permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment of not more than one year, or both. Higher penalties may be imposed for knowing violations and for repeat offenders. The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided under the CWA. [40 CFR 122.41 (a)(2)]

4. Duty to Mitigate

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

5. Proper Operation and Maintenance

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

6. Permit Actions

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

a. Violation of any terms or conditions of this Permit; or
b. Obtaining this Permit by misrepresentation or failure to disclose fully all relevant facts; or
c. A change in any condition that requires either a temporary or a permanent reduction or elimination of the authorized discharge; or
d. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by Permit modification or termination.

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

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

7. Property Rights

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

8. Duty to Provide Information

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

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

9. Inspection and Entry

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

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records are required to be kept under the conditions of this Permit;
b. Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of this Permit;
c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
d. Sample or monitor at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by the CWA, any substances or parameters at any locations. [40 CFR 122.41(i)]

10. Monitoring and Records

a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
b. The permittee shall calibrate and perform maintenance procedures in accordance with manufacturer's specifications on all monitoring instruments and equipment to ensure accurate measurements. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Water Board, State Water Board, or U.S. EPA at any time. All monitoring instruments and devices used by the permittee to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary, at least annually to ensure their continued accuracy.

c. Records of monitoring information shall include:

i. The date, exact place, and time of sampling or measurements;
ii. The individual(s) who performed the sampling or measurements;
iii. The date(s) analyses were performed;
iv. The individual(s) who performed the analyses;
v. The analytical techniques or methods used;
vi. The results of such analyses;
vii. The method detection limit (MDL); and
viii. The practical quantitation level (PQL) or the limit of quantitation (LOQ).

d. Unless otherwise noted, all sampling and sample preservation shall be in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association). All analyses shall be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this Permit or approved by the Executive Officer of the Regional Water Board (Executive Officer). Unless otherwise specified, all metals shall be reported as total metals. Test fish for bioassays and test temperatures shall be specified by the Executive Officer. Bioassays shall be performed in accordance with guidelines approved by the Regional Water Board and the Department of Fish and Game.

11. Signatory Requirements

a. All Permit applications submitted to the Regional Water Board, State Water Board, and/or U.S. EPA shall be signed by a general partner or the proprietor, the chief executive officer of the agency or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency, or a responsible corporate officer. For purposes of this provision, a responsible corporate officer means:

i. A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
ii. The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

i. The authorization is made in writing by a person described in paragraph (a) of this provision;
ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
iii. The written authorization is submitted to the Regional Water Board prior to, or together with, any reports, information, or applications signed by the authorized representative. [40 CFR 122.22(b)(c)]

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

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

12. Reporting Requirements

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

i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the Permit, nor the notification requirements under **F. GENERAL PROVISIONS** 12 (f).

b. Anticipated noncompliance: The permittee 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 Permit requirements.
c. Transfers: This Permit is not transferable.
d. Monitoring reports: Monitoring results shall be reported at the intervals specified in the self-monitoring program. The permittee shall submit an annual report to the Regional Water Board such that it is received no later than February 28 following the annual reporting period. The report shall

contain both tabular and graphical summaries of the monitoring data obtained during the previous year. In addition, the permittee shall discuss the compliance record and the corrective actions taken or planned that may be needed to bring the discharge into full compliance with the Permit. If the permittee monitors any pollutant more frequently than required by this Permit, using test procedures approved under 40 CFR Part 136 or as specified in this Permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

e. Compliance schedules: Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit shall be submitted such that they are received by the Regional Water Board via fax, e-mail, or postal service no later than 14 days following each schedule date.

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

   In addition, the following events shall be reported orally as soon as possible, but no later than 24 hours from the time the permittee becomes aware of the circumstances, and the written report shall be submitted such that an original signed written report is received by the Regional Water Board no later than 14 days after the event:

   i. Any unanticipated bypass that violates any prohibition or exceeds any effluent limitation in this Permit;
   ii. Any upset that exceeds any effluent limitation in this Permit;
   iii. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Regional Water Board in this Permit; and
   iv. Any noncompliance that may endanger health or the environment. This shall include, but not be limited to, any release of untreated wastewater from the collection system that reaches, or has the potential to reach, surface waters or any release of untreated wastewater greater than 5 gallons to land.

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

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

13. Availability

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

14. Change in Discharge

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

a. Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the waste.
b. Any new introduction of pollutants into the WWTF from an indirect discharger that would be subject to Section 301or 306 of the CWA if it were directly discharging those pollutants;
c. Significant change in disposal method, e.g., change from a land disposal to a direct discharge to water, or change in the method of treatment that would significantly alter the characteristics of the waste.
d. Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area significantly removed from the original area, potentially causing different water quality or nuisance problems.
e. Increase in area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. [CCR Title 23 Section 2210]

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. Monitoring

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

The permittee shall comply with the Contingency Planning and Notification Requirements Order No. 74-151 and the Monitoring and Reporting Program No. R1-2002-0076 and any modifications to these documents as specified by the Executive Officer. Such documents are attached to this Permit and incorporated

herein. The permittee shall file with the Regional Water Board technical reports on self-monitoring work performed according to the detailed specifications contained in any monitoring and reporting program as directed by the Regional Water Board.

Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. In the event that analyses for certain constituents by a certified laboratory is infeasible, analyses by a noncertified laboratory may be approved by the Executive Officer. Conditions that must be met for Executive Officer approval include: a quality assurance/quality control program conforming to U.S. EPA or State Department of Health Services guidelines is instituted by the laboratory, and a manual containing the steps followed in this program is kept in the laboratory and made available for review by staff of the Regional Water Board.

All Discharge Monitoring Reports shall be sent to:

California Regional Water Quality Control Board
North Coast Region
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

U.S. EPA, Region 9
Attn: WTR-7, NPDES/DMR
75 Hawthorne Street
San Francisco, CA 94105

17. Acute Toxicity Control Provision

Compliance with the Basin Plan narrative toxicity objective shall be achieved in accordance with the following:

a. Testing procedures specified in *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms* (U.S. EPA Report No. EPA 600/4-90-027F, 4th edition or subsequent editions), or other methods approved by the Executive Officer, shall be used.
b. If the result of any single acute toxicity test is less than 70% survival, the permittee shall take two more samples, one within 14 days, and one within 21 days of receiving the sample results. If two of the three samples do not comply with the acute toxicity effluent limitation, the permittee shall initiate a Toxicity Identification Evaluation (TIE) in accordance with **F. GENERAL PROVISIONS** 19. If the two additional samples are in compliance with the acute toxicity effluent limitation, then a TIE will not be required. If the discharge has ceased before the additional samples could be collected, the

discharger shall contact the Executive Officer within 21 days with a plan to demonstrate compliance with the acute toxicity effluent limitation.

18. Chronic Toxicity Control Provision

Compliance with the Basin Plan narrative toxicity objective shall be achieved in accordance with the following:

a. Testing procedures specified in Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms (U.S. EPA Report, EPA/600/4-91/003, 2nd Edition, July 1994 or subsequent editions), Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms (U.S. EPA Report No. EPA-600-4-91-002, 3rd or subsequent editions), or other methods approved by the Executive Officer, shall be used.
b. If the result of any single chronic toxicity test does not comply with the chronic toxicity effluent limitation, the permittee shall take two more samples, one within 14 days, and one within 21 days of receiving the sample results. If two of the three samples do not comply with the chronic toxicity limitation, the permittee shall initiate a Toxicity Identification Evaluation (TIE) in accordance with **F. GENERAL PROVISIONS** 19. If the two additional samples are in compliance with the chronic toxicity requirement, then a TIE will not be required. If the discharge has ceased before the additional samples could be collected, the discharger shall contact the Executive Officer within 21 days with a plan to demonstrate compliance with the chronic toxicity effluent limitation.

c. Chronic Toxicity Screening Phase Requirements

i. The permittee shall perform screening phase monitoring at the start of its chronic toxicity monitoring program.
ii. Design of the screening phase shall, at a minimum, consist of the following elements:
(1) At least three test species with approved test protocols shall be used to measure compliance with the toxicity objective;
(2) If possible, the test species shall include a vertebrate, an invertebrate, and an aquatic plant;
(3) Use of test species specified in Tables 5 of the SIP and the list in Appendix II of the 1997 Ocean Plan, and use of the protocols referenced therein, or as approved by the Executive Officer;
(4) Appropriate controls; and
(5) Concurrent reference toxicant tests.

iii. After conducting the screening phase, the permittee may petition the Executive Officer to reduce the required testing to the most sensitive specie(s).

19. Toxicity Identification and Source Reduction Evaluations for Acute and Chronic Toxicity

The permittee shall take steps necessary to identify and reduce the source of the toxicity in the effluent, if the discharge consistently exceeds an acute limit or a chronic trigger. The Toxicity Identification Evaluation shall be conducted in accordance with the *Methods for Aquatic Toxicity Identification Evaluations: Phases I-III* (EPA Publication 600/6-91/003, February 1991) or other methods approved by the Executive Officer. The Toxicity Reduction Evaluation shall be conducted in accordance with the *Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations* (EPA 600/2-88/070, April 1989) or the *Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants* (EPA 883-B-99-002, August 1999) or other methods approved by the Executive Officer. Once the source of toxicity is identified, the permittee shall take all reasonable steps necessary to reduce toxicity to the required level.

20. Pollutant Minimization Program

The permittee shall, as required by the Executive Officer, conduct a Pollutant Minimization Program in accordance with the SIP when there is evidence that the priority pollutant is present in the effluent above an effluent limitation, when a sample result is reported as detected and not quantified and the effluent limitation is less than the reported minimum level, or when a sample result is reported as not detected and the effluent limitation is less than the method detection limit.

21. Reopener

The Regional Water Board may modify, or revoke and reissue, this Order if present or future investigations demonstrate that the permittee governed by this Order is causing or significantly contributing to, adverse impacts on water quality and/or beneficial uses of receiving waters.

In the event that the Regional Water Board's interpretation of the narrative toxicity objective is modified or invalidated by a State Water Board order, a court decision, or State or Federal statute or regulation, the effluent limitations for toxic pollutants contained in this Order may be revised to be consistent with the order, decision, statute or regulation.

In addition, the Regional Water Board may consider revising this Permit to make it consistent with the SIP and any State Water Board decisions arising from various petitions for rehearing, and litigation concerning the SIP, 303(d) list, and total maximum daily load (TMDL) program.

Certification

I, Susan A. 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 August 22, 2002.

Susan A. Warner
Executive Officer

(Fairhaven permit-final 823)