

# **ATTACHMENT F**

## **Waste Discharge Requirements and Water Quality Certification for the South Bay Salt Pond Restoration Project, Phase 2**

### **Standard Provisions and Reporting Requirements**

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION  
August 1993

STANDARD PROVISIONS AND REPORTING REQUIREMENTS

for

NON-NPDES WASTEWATER DISCHARGE PERMITS

**A. GENERAL PROVISIONS**

1. Neither the treatment nor the discharge of pollutants shall create a pollution, contamination, or nuisance as defined by Section 13050 of the California Water Code.
2. Duty to Comply
  - a. The discharger must comply with all of the conditions of this permit. Any permit noncompliance constitutes a violation of the Porter-Cologne Water Quality Control Act and/or Basin Plan and is grounds for enforcement action.
  - b. The filing of a request by the discharger for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

3. Duty to Mitigate

The discharger shall take all reasonable steps to minimize or prevent any discharge in violation of this order and permit which has a reasonable likelihood of adversely affecting public health or the environment, including such accelerated or additional monitoring as requested by the Board or Executive Officer to determine the nature and impact of the violation.

4. All facilities used for transport, treatment, or disposal of wastes shall be adequately protected against overflow or washout as the result of a 100-year frequency flood.
5. Collection, treatment, storage and disposal systems shall be operated in a manner that precludes public contact with wastewater, except where excluding the public is inappropriate, warning signs shall be posted.

6. Property Rights

This Order and Permit 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 the property of another, nor protect the discharger from liabilities under federal, state or local laws.

7. Inspection and Entry

The Board or its authorized representatives shall be allowed:

- a. Entry upon premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of the order and permit;

- b. Access to and copy at reasonable times any records that must be kept under the conditions of the order and permit;
- c. To inspect at reasonable times any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under the order and permit; and
- d. To photograph, sample, and monitor at reasonable times for the purpose of assuring compliance with the order and permit.

#### **8. Permit Actions**

This Order and Permit may be modified, revoked and reissued, or terminated in accordance with applicable State regulations. Cause for taking such action includes, but is not limited to any of the following:

- a. Violation of any term or condition contained in the Order and Permit;
- b. Obtaining the Order and Permit by misrepresentation, or by failure to disclose fully all relevant facts; and
- c. Endangerment to public health or environment that can only be regulated to acceptable levels by order and permit modification or termination.

#### **9. Duty to Provide Information**

The discharger shall furnish, within a reasonable time, any information the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit. The discharger shall also furnish to the Board, upon request, copies of records required to be kept by its permit.

#### **10. Waste Stream Diversion**

The intentional diversion of waste streams from any portion of a treatment facility or authorized waste disposal system is prohibited. The Board may take enforcement action against the discharger for such diversions unless:

- a. Waste stream diversion was unavoidable to prevent loss of life, personal injury, or severe property damage. (Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a diversion. Severe property damage does not mean economic loss caused by delays in production.);
- b. There were no feasible alternatives to the diversion, such as the use of auxiliary treatment facilities, retention of untreated wastes, 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 judgment to prevent a diversion which occurred during normal periods of equipment downtime or preventive maintenance; and
- c. The discharger submitted advance notice of the need for a diversion to the Board. If the discharger knows in advance of the need for a diversion, it shall submit prior notice, if possible at least 10 days before the date of the diversion.

**11. Availability**

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

**12. Continuation of Expired Permit**

This permit continues in force and effect until a new permit is issued or the Board rescinds the permit. Only those dischargers authorized to discharge under the expiring permit are covered by the continued permit.

**B. TREATMENT RELIABILITY**

1. The discharger shall, at all times, properly operate and maintain all facilities and systems of treatment disposal and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with this order and permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. All of these procedures shall be described in an Operation and Maintenance Manual. The discharger shall keep in a state of readiness all systems necessary to achieve compliance with the conditions of this order and permit. 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 Board.
2. Safeguard to electric power failure:
  - a. The discharger shall, within ninety (90) days of the effective date of this permit, submit to the Board for approval a description of the existing safeguards provided to assure that, should there be reduction, loss, or failure of electric power, the discharger shall comply with the terms and conditions of its Order. Such safeguards may include alternate power sources, standby generators, retention capacity, operating procedures or other means. A description of the safeguards provided shall include an analysis of the frequency, duration, and impact of power failures experienced over the past five years on effluent quality and on the capability of the discharger to comply with the terms and conditions of the Order. The adequacy of the safeguards is subject to the approval of the Board.
  - b. Should the Board not approve the existing safeguards, the discharger shall, within ninety (90) days of having been advised by the Board that the existing safeguards are inadequate, provide to the Board a schedule of compliance for providing safeguards such that in the event of reduction, loss, or failure of electric power, the permittee shall comply with the terms and conditions of this permit. The schedule of compliance shall, upon approval of the Board Executive Officer, become a condition of the Order.
  - c. If the discharger already has approved plan(s), the plan shall be revised and updated as specified in the plan or whenever there has been a material change in design or operation. A revised plan shall be submitted to the Board within ninety (90) days of the material change.
3. Waste treatment facilities subject to this order and permit shall be supervised and operated by persons possessing certificates of appropriate grade pursuant to Division 4, Chapter 14, Title 23 of the California Code of Regulations. (See Definition E. 4)

## **C. GENERAL REPORTING REQUIREMENTS**

### **1. Signatory Requirements**

- a. All reports required by the order and permit and other information requested by the Board shall be signed by a principal owner or operator, or by a duly authorized representative of that person.

- b. Certification

All reports signed by a duly authorized representative under Provision C.1.a. shall contain the following certification:

"I certify under penalty of law that this document and all attachments are prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who managed 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."

2. Should the discharger discover that it failed to submit any relevant facts or that it submitted incorrect information in any report, it shall promptly submit the missing or correct information.

### **3. 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 permit, including monitoring reports or reports of compliance or noncompliance shall be subject to enforcement procedures as identified in Section F of these Provisions.

### **4. Transfers**

- a. This permit is not transferable to any person except after notice to the Board. The Board may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.
- b. Transfer of control or ownership of a waste treatment/disposal facility must be preceded by a notice to the Board at least 30 days in advance of the proposed transfer date. The notice must include a written agreement between the existing discharger and proposed discharger containing specific dates for transfer of responsibility, coverage, and liability between them. Whether an order and permit may be transferred without modification or revocation and reissuance is at the discretion of the Board. If order and permit modification or revocation and reissuance is necessary, transfer may be delayed 180 days after the Board's receipt of a complete application for waste discharge requirements.

## **5. Spill Prevention and Contingency Plans**

The discharger shall file with the Board, for Executive Officer review and approval within ninety (90) days after the effective date of this Order, a technical report or a statement that the existing plan(s) was reviewed and updated, as appropriate, on preventive (failsafe) and contingency (cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events. The technical report or updated revisions should:

- a. Identify the possible sources of accidental loss, untreated or partially treated waste bypass, and polluted drainage. Loading and storage areas, power outage, waste treatment unit outage, and failure of process equipment, tanks and pipes should be considered.
- b. Evaluate the effectiveness of present facilities and procedures and state when they became operational.
- c. Predict the effectiveness of the proposed facilities and procedures and provide an implementation schedule containing interim and final dates when they will be constructed, implemented, or operational.

This Board, after review of the technical report or updated revisions, 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. If the discharger already has an approved plan(s) he shall update them as specified in the plan(s).

## **6. Compliance Reporting**

### **a. Planned Changes**

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.

### **b. Compliance Schedules**

Reports of compliance or noncompliance with, or any progress reports on, interim and final compliance dates contained in any compliance schedule shall be submitted within 10 working days following each scheduled date unless otherwise specified within this order and permit. 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 10 working days of achieving full compliance, documenting full compliance

### **c. Anticipated Non-compliance**

A discharger must provide adequate notice to the Board of any substantial or material change in the volume or character of pollutants being introduced into the waste treatment system.

Adequate notice shall include information on the quality and quantity of influent introduced as well as any anticipated impact of the change on the quantity or quality of effluent to be discharged from the waste treatment system.

**d. Non-compliance Reporting (Twenty-four hour reporting:)**

- 1) The discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five working days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.**
- 2) The following shall be included as information that must be reported within 24 hours under this paragraph:**
  - i. Any unanticipated discharge not authorized by this permit,**
  - ii. Any waste treatment upset that exceeds any effluent limitation in this permit.**
  - iii. Violation of a maximum daily discharge limitation for any of the pollutants listed in this permit to be reported within 24 hours.**
- 3) The Board may waive the above-required written report on a case-by-case basis.**

**D. ENFORCEMENT**

- 1. The provision contained in this enforcement section shall not act as a limitation on the statutory or regulatory authority of the Board.**
- 2. Any violation of the permit constitutes violation of the California Water Code and regulations adopted thereunder and is the basis for enforcement action, permit termination, permit revocation and reissuance, denial of an application for permit reissuance; or a combination thereof.**
- 3. The 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 Board orders.**
- 4. 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 and permit.**

## E. DEFINITIONS

1. Duly authorized representative is one whose:
  - a. Authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as general manager in a partnership, 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
  - b. Written authorization is submitted to the Board. 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 Board prior to or together with any reports, information, or applications to be signed by an authorized representative.
2. 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 an overflow. It does not mean economic loss caused by delays in production.
3. Waste Stream Diversion means the intentional diversion of waste streams from any portion of treatment facility.
4. Waste Treatment Facility means either:
  - a. Any facility owned by a state, local, or federal agency and used in the treatment or reclamation of sewage and industrial wastes.
  - b. Any privately owned facility used in the treatment or reclamation of sewage and industrial wastes, and regulated by the Public Utilities Commission pursuant to Sections 216 and 230.6 of, and chapter 4 (commencing with Section 701) of Part 1 of Division 1, of the Public Utilities Code.
5. Waste, waste discharge, discharge of waste, and discharge are used interchangeably in this order and permit. The requirements of this order and permit are applicable to the entire volume of water, and the material therein, which is disposed of to surface and ground waters of the State of California.



