

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Drive, Suite 101
San Luis Obispo, California 93401**

**GENERAL WASTE DISCHARGE REQUIREMENTS
ORDER NO. R3-2004-0066
For
DISCHARGES OF FRUIT AND VEGETABLE PROCESSING WASTE**

And

**CATEGORICAL WAIVER OF REPORT OF WASTE DISCHARGE and WASTE DISCHARGE
REQUIREMENTS
For
CERTAIN SMALL DISCHARGES OF FRUIT AND VEGETABLE PROCESSING WASTE**

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

What is Fruit and Vegetable Processing Waste?

1. Fruit and vegetable processing waste for purposes of this Order is defined as any byproduct of the cutting, cleaning, cooling, drying, sorting, juicing, or packaging of fruits or vegetables, excluding wastes from wineries and mushroom farms. Discharge of winery waste is regulated by General Waste Discharge Requirements for Discharges of Winery Waste, Order No. R3-2002-0084. Fruit and vegetable processing waste includes, but is not limited to, fruit and vegetable matter, soil, wash water (which may contain cleaning and disinfection chemicals and pesticides), cooling water (which may contain descaling compounds, and anticorrosion chemicals), water softener waste brine, and impacted stormwater. Typical fruit and vegetable processing wastewater can have elevated levels of organic matter, solids, nutrients, and salts with swings in pH, requiring physical, biological, and/or chemical treatment.

Basis for General Waste Discharge Requirements

2. California Water Code Section 13260 requires any entity discharging waste or proposing to discharge waste, other than to a community

sewer system, that could affect the quality of the waters of the State, to file a Report of Waste Discharge with the Regional Board.

3. Whether an individual discharge of fruit and vegetable processing waste may affect the quality of waters of the State depends on the quantity of waste, the quality of waste, extent of treatment, soil characteristics, distance to surface water, depth to groundwater, and other factors.
4. In general, waste discharges from fruit and vegetable processing operations that discharge to other than a community sewer system (hereafter "Discharger" or "Facility") may affect waters of the State and are required to submit a Report of Waste Discharge to the Regional Board.
5. The *Notice of Intent (NOI) to Comply with the Terms of the General Waste Discharge Requirements for Discharges of Fruit and Vegetable Processing Waste* (Attachment B) is equivalent to a Report of Waste Discharge.
6. In accordance with California Water Code Section 13263(i), fruit and vegetable processing facilities covered under these General Waste Discharge Requirements for Discharges of Fruit and Vegetable Processing

Waste (hereafter "General WDRs"), (a) produce waste by similar operations, (b) involve similar types of waste, (c) require similar treatment standards, and (d) are more appropriately regulated under General WDRs than individual WDRs.

Basis for Waivers as to a Type of Discharge

7. Section 13269 of the California Water Code provides that a regional board may waive the requirement to provide a report of waste discharge or waste discharge requirements as to a type of discharge if the regional board determines that the waiver is consistent with the Basin Plan and other applicable water quality control plans and is in the public interest. A waiver may not exceed five years in duration, but may be renewed by the Regional Board. A waiver must be conditional and may be terminated at any time.
8. In general, a facility that discharges less than 5,000 GPD of fruit and vegetable processing waste and is located in an area where the depth to groundwater is greater than 100 feet poses no significant threat to water quality. Where the discharger provides documentation of these conditions and the Executive Officer determines that the discharge will comply with the Basin Plan, a waiver of the requirements to provide a report of waste discharge (CWC Section 13260(a)) and to obtain waste discharge requirements (CWC Section 13263) is in the public interest. The waiver of monitoring requirements pursuant to CWC Section 13269(a)(3) is also appropriate.
9. A facility that discharges greater than 5,000 GPD but less than 10,000 GPD of fruit and vegetable processing waste may pose a minimal threat to water quality. If a discharger submits a complete NOI documenting this flow rate and no significant threat to water quality, a waiver of waste discharge requirements (CWC Section 13263(a)) is in the public interest. The waiver of monitoring requirements pursuant to CWC Section 13269(a)(3) is also appropriate.

Who Must Apply¹?

10. **Fruit and Vegetable Processing Facilities Without WDRs** – Any fruit and vegetable processing facility that currently discharges to other than a community sewer system without WDRs must apply for coverage under the General WDRs below or enroll in the waiver for small discharges.
11. **Fruit and Vegetable Processing Facilities with Individual WDRs** – A fruit and vegetable processing facility currently covered by individual WDRs will be considered for coverage under the General WDRs when the individual WDRs are scheduled for review or renewal. The date of review is specified within the individual WDRs.

Application Process

12. The process to apply for coverage under these General WDRs is described in Section A below.
13. **Fruit and Vegetable Processing Facility Application Waiver** – "Small" fruit and vegetable processing facilities discharging less than 5000 gallons per day (GPD), with depth to groundwater at their disposal area greater than 100 feet generally pose no significant threat to water quality and may not be required to apply for coverage under these General WDRs. The process to obtain a Small Fruit and Vegetable Processing Application Waiver of is described in Section A below.
14. **Fruit and Vegetable Processing Facility Waiver of WDRs** – Fruit and vegetable processing facilities discharging less than 10,000 GPD with adequate depth and sufficiently large disposal areas may be eligible for a waiver of WDRs. The process to obtain a Small Fruit and vegetable Processing Waiver of WDRs is described in Section A below.

Is a Fee Required?

¹ If you have any questions about whether you must apply for coverage under these General WDRs, you may contact Regional Board staff at (805) 549-3147.

15. **Annual Fee** – An annual fee is required for coverage under the General WDRs. The annual fee depends on the discharge's Threat to Water Quality and Complexity Rating, as defined in the fee schedule in California Code of Regulations Title 23, Division 3, Chapter 9, Section 2200. The Threat to Water Quality and Complexity Rating for discharges covered by these General WDRs will be II-B, II-C, III-B, or III-C. Facilities will be assigned a threat to water quality and complexity rating upon review of their application. Dischargers must submit their required annual fee prior to enrollment in the General Order.
16. **Application Fee** – An application fee is required for the waiver of WDRs for discharges greater than 5,000 gpd and less than 10,000 gpd. The Threat to Water Quality and Complexity Rating for discharges eligible for the waiver of WDRs is III-C or III-B. Facilities eligible for the waiver of WDRs will be assigned a threat to water quality and complexity rating upon review of their application. Dischargers must submit their required application fee prior to enrollment in the waiver of WDRs associated with this General Order. No application fee is required for the waiver of WDRs for discharges less than 5,000 gpd.

Is Monitoring Required?

17. Monitoring and Reporting Program No. R3-2004-0066 (General MRP) is part of the General WDRs and is included as Attachment A. The General MRP requires the Discharger to perform regular monitoring and reporting of water supply, fruit and vegetable production, chemical usage, effluent, septic system, disposal area, and solid waste disposal. Groundwater and disposal area soils monitoring may also be required. The General MRP may be modified by the Executive Officer. Discharges subject to a waiver are not required to perform monitoring except as directed by the Executive Officer pursuant to Water Code section 13267.

Basis of Requirements

18. **Basin Plan** – The *Water Quality Control Plan, Central Coast Basin* (Basin Plan) was adopted by the Regional Board on September 8, 1994. The Basin Plan incorporates State Board plans and policies by reference and contains a strategy for protecting beneficial uses of surface and ground waters throughout the Region. These General WDRs require Dischargers to comply with all applicable provisions of the Basin Plan.
19. This Order establishes minimum standards for discharges of fruit and vegetable processing waste. The Discharger shall comply with any more stringent relevant 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.
20. **Beneficial Uses** – Existing and potential beneficial uses of ground water within the Central Coast Region include municipal and domestic supply, agricultural supply, and industrial process and service supply.

Regulatory Considerations

21. **Storm Water** – Fruit and vegetable processing facilities that discharge storm water runoff offsite may have to obtain coverage under the *Statewide General Storm Water Permit for Industrial Activities*. Facilities should contact Regional Board storm water program staff at (805) 549-3147 to determine their applicability.
22. 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.
23. **California Environmental Quality Act, Existing Vegetable Processing Facilities** – The action to adopt these General WDRs and Categorical Waivers is intended to maintain water quality. Discharges authorized under these General WDRs from existing facilities that have not expanded the amount of waste they discharge are categorically exempt from the provisions of the California Environmental Quality Act ("CEQA", Public Resources Code sections 21000 et seq.) pursuant to sections

15301, exemption for existing projects and 15308, actions by regulatory agencies for the protection of the environment.

24. **California Environmental Quality Act, New and Expanded Fruit and Vegetable Processing Facilities** – Discharges from new fruit and vegetable processing facilities and expanded existing fruit and vegetable processing facilities may not be covered by these General WDRs or a waiver until after CEQA requirements have been satisfied.
 25. **Anti-Degradation** – This Order is consistent with the provisions of State Water Resources Control Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California."
 26. **Public Notification** – The Regional Board has notified all known potential Dischargers and all other known interested parties of the intent to adopt these General WDRs.
 27. **Public Meeting** – The Regional Board, in a public meeting on July 9, 2004, heard and considered all comments pertaining to the adoption of these General WDRs.
- THEREFORE, IT IS HEREBY ORDERED** that, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted there under, a Discharger of fruit and vegetable processing waste shall comply with the following:
- A. APPLICATION PROCESS**
1. A Discharger seeking authorization to discharge under these General WDRs shall submit a complete *Notice of Intent (NOI)* to *Comply with the Terms of the General Waste Discharge Requirements for Discharges of Fruit and Vegetable Processing Waste* and first annual fee (payable to the State Water Resources Control Board) to the Executive Officer. The NOI is included as Attachment B of these General WDRs. The information required with the NOI is equivalent to a Report of Waste Discharge.
 2. Coverage under the General WDRs or a categorical waiver for small discharges will be extended to a Discharger when it receives a letter of approval from the Executive Officer.
 3. Public notification and Regional Board review of the Executive Officer's intent to authorize a discharge under this Order may delay authorization to discharge under this Order.
 4. Dischargers covered under this Order (either under General WDRs or a waiver) shall submit an updated NOI to the Executive Officer when there is any change in the information submitted within its original NOI, or any change in activities at the facility, that may affect the quality or quantity of the waste discharge.
 5. This Order does not authorize any discharges from facilities that have not submitted a Notice of Intent or that have not received authorization to discharge from the Executive Officer.
 6. The Executive Officer may require any Discharger authorized to discharge under General WDRs or a waiver to apply for and obtain individual WDRs. If individual WDRs are issued for a discharge, then the applicability of General WDRs or a waiver for the discharge is immediately terminated on the effective date of the alternative individual WDRs.
 7. **Fruit and Vegetable Processing Facility Application Waiver** – A small Facility discharging less than 5,000 GPD that poses no significant threat to water quality may not be required to apply for coverage under these General WDRs if the facility satisfies the following:
 - a. Contact Regional Board staff (805/549-3147) to describe your operation and discuss its applicability;
 - b. Provide adequate proof that depth to groundwater at the disposal area is greater than 100 feet. Depth to groundwater may be reduced to 20 feet if wastewater is incorporated into or

- reused as irrigation water and applied at reasonable agronomic rates;
- c. Allow Regional Board staff to visit your facility if deemed necessary by staff;
 - d. Submit written certification under penalty of perjury stating you will voluntarily comply with the Prohibitions, Recommendations, and Specifications of these General WDRs;
 - e. For new or expanded facilities, provide a copy of a final CEQA document adopted by a lead agency.
 - f. Receive written notification from the Executive Officer that the requirements to apply for and obtain WDRs are waived, pursuant to California Water Code Section 13269 and this Order.

This waiver is intended for facilities that pose no significant threat to water quality. Following enrollment in the waiver, changes to the facility may render a waiver inappropriate. As a result, when there is any change in the information submitted, or any change in activities at the facility, that may affect the quality or quantity of the waste discharge, the Discharger shall submit written notification to the Executive Officer.

8. **Fruit and Vegetable Processing Facility Waiver of WDRs** – A Facility discharging less than 10,000 GPD that poses no significant threat to water quality may have WDRs waived if they satisfy the following:
 - a. Submit a complete Report of Waste Discharge/NOI to the Regional Board,
 - b. Provide adequate documentation that the Facility is designed to comply with the Prohibitions, Recommendations, and Specifications of these General WDRs;
 - c. Depth to groundwater and size of disposal area are sufficiently large to prevent impacts to groundwater;
 - d. Allow Regional Board staff to visit your facility if deemed necessary by staff;
 - e. Submit written certification under penalty of perjury stating you will voluntarily comply with the Prohibitions, Recommendations, and Specifications of these General WDRs;
 - f. Receive written notification from the Executive Officer that the requirement

to apply for WDRs is waived, pursuant to California Water Code Section 13269 and this Order.

In processing these requests for waiver of WDRs, Regional Board staff will view recycled water use within your facility and crop or landscaping irrigation disposal/reuse favorably.

This waiver is intended for facilities that pose no significant threat to water quality but due to slightly larger size than Facilities qualifying for the Application Waiver require greater Regional Board staff review. Facilities qualifying for the Fruit and Vegetable Processing Facility Waiver of WDRs will be required to submit an application fee associated with a threat to water quality designation of III-C or III-B as determined by Regional Board staff.

9. Following review of the NOI, staff may determine that the enrolling the facility in the waiver is appropriate. Following enrollment, changes to the facility may render a waiver inappropriate. As a result, when there is any change in the information submitted within its original NOI, or any change in activities at the facility, that may affect the quality or quantity of the waste discharge, the Discharger shall submit an updated NOI to the Executive Officer.

B. PROHIBITIONS

1. The discharge of any waste to surface waters is prohibited.
2. The discharge of any wastes including overflow, bypass, seepage, and overspray, from transport, treatment, storage, or disposal systems to adjacent drainageways or adjacent properties not authorized by the Executive Officer is prohibited.
3. The discharge of any wastewater within 100 feet of any domestic, agricultural, or industrial water supply well is prohibited. Variances for agricultural or facility process water supply wells (non-domestic uses only) may be granted by the Executive Officer to facilitate water reuse if sufficient information

indicates that the beneficial uses of groundwater will not be significantly threatened. Additional monitoring of these wells may be required to verify beneficial uses are protected.

4. The discharge of waste other than fruit or vegetable processing wastewater (e.g., domestic wastewater) into a surface treatment and disposal system (ponds, spreading basins) is prohibited.
5. The discharge of waste classified as "hazardous," or "designated," as defined in California Code of Regulations, Title 22, Section 66261.3 et. seq. and California Water Code Section 13173, respectively, to any part of the wastewater system is prohibited.
6. The discharge or reuse of waste on land that is not under the control of the discharger is prohibited unless specifically authorized by the Executive Officer.
7. Bypass or overflow of treated or untreated vegetable processing waste from transport, treatment, and disposal facilities is prohibited.
8. Creation of a condition of pollution, contamination, or nuisance, as defined by of California Water Code Section 13050, is prohibited.

C. RECOMMENDATIONS

Pollutant Source Control Guidelines

1. Water-conserving devices should be used to minimize wastewater generation.
2. Use of cleaning chemicals should be minimized. Use of peracetic acid or ozonated washwater is preferred for cleaning and disinfection.
3. When using water-softening devices, canister-type water softeners or similar alternatives should be used to prevent the discharge of salt brine. Where self-regenerating water softeners are used, the number of connections to the water softener should be minimized.

Design Guidelines

4. Large solids should be separated from fruit and vegetable processing wastewater through redundant screening and removal systems (e.g., screened floor drains, rotary drum screens, and/or settling basins) prior to further treatment and disposal.
5. Fruit and vegetable processing wastewater treatment and disposal systems should be designed to accommodate projected future growth in fruit or vegetable processing.
6. Fruit and vegetable processing wastewater treatment and disposal systems should beneficially reuse (e.g., for irrigation or dust abatement) wastewater wherever feasible and appropriate.
7. Where the disposal area's soil buffering capacity may be insufficient, wastewater pH should be neutralized to between 6.0 and 8.5 prior to disposal or reuse. Otherwise, disposal area soils or groundwater monitoring may be required.
8. To prevent odor nuisance and impacts to groundwater where treated fruit and vegetable processing wastewater is discharged to land, organic loading rate should not exceed a 30-day average of 100 pounds of Biochemical Oxygen Demand (BOD₅) per acre per day.
9. The use of septic systems, particularly subsurface absorption systems, for fruit and vegetable processing wastewater is discouraged. However, if septic systems are used, they shall be designed for the unique characteristics of the wastewater. In particular, the following conditions should be addressed by the septic system design:
 - a. Materials likely to pass through a septic tank, which may clog and destroy a soil absorption system, should be excluded from the septic system.
 - b. Fruit and vegetable processing wastewater flow fluctuates and solids must have time to settle, therefore large septic tanks and effluent filters are required to prevent solids from passing into and degrading soil absorption

- systems. The hydraulic detention time of septic tanks should be no less than 48 hours at peak flows. Soil absorption system sizing shall be based on the average daily flow during the peak flow week.
- c. Septic tank(s) contents should be easily accessible to inspect solids levels, pump out solids, and clean and replace effluent filters.
 - d. The organic content of fruit and vegetable processing wastewater effluent from septic tanks, as measured by Biochemical Oxygen Demand (BOD₅), is generally greater than that of domestic wastewater. The organic matter can cause excessive slime formation that may clog a soil absorption system if the soil absorption system is not periodically rested. Dual soil absorption systems are necessary to allow alternating wastewater loading and resting.
 - e. Inspection risers should be installed in soil absorption systems to monitor water levels.
10. Fruit and vegetable processing wastewater treatment and disposal systems should be designed to minimize chemical addition and maintenance.

D. SPECIFICATIONS

Design Specifications

1. Physical facilities shall be designed and constructed according to accepted engineering practice and shall be capable of full compliance with this order.
2. Fruit and vegetable processing wastewater shall be captured, treated, and disposed of separately from domestic wastewater. Combined subsurface disposal may be authorized in writing by the Executive Officer.
3. Wastewater treatment and disposal systems shall be designed for the maximum daily flow of wastewater and organic loading generated, including seasonal, vegetable type, or precipitation impacts to maximum daily flow.

4. Wastewater flow rates shall be measured with an accurate flow measurement method or device.
5. Wastewater treatment ponds shall be lined with either a relatively impermeable membrane, two feet of soil with a permeability of less than 10⁻⁶ centimeters per second, or an engineered alternative approved in writing by the Executive Officer. A variance from this requirement may be approved by the Executive Officer for facilities with low organic load wastewater (e.g. wash and cooling facilities with very little additional processing).
6. Wastewater treatment facilities shall be designed to contain all wastewater flows and rainfall, including inflow and infiltration, from any 100-year, 24-hour storm event.
7. Wastewater treatment ponds shall have foundations or bases 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.
8. Subsurface soil absorption systems shall be designed in accordance with Section VIII.D.3 of the Basin Plan.
9. No part of the disposal system(s) shall extend to a depth where waste may pollute groundwater.
10. The wastewater system shall not be located where it will alter the existing drainage pattern of the site, including alteration of the course of a stream or river.

Effluent Limitations

11. Fruit and vegetable processing wastewater flow shall not exceed the design capacity of the treatment and disposal system.
12. The organic loading rate of fruit and vegetable processing wastewater discharged to land shall not exceed a 30-day average of 100 pounds of

Biochemical Oxygen Demand (BOD₅) per acre per day or a peak load of up to 300 pounds of BOD₅ per acre per day. If the discharger demonstrates that spreading basins are applicable and a higher loading rate is technically justified, the Executive Officer may approve a higher loading rate not to exceed a 30-day average of 300 pounds of BOD₅ or a peak load up to 600 pounds of BOD₅ per acre per day.

Groundwater Limitations

13. The discharge shall not cause a statistically significant increase of mineral constituent concentrations in underlying groundwater.
 14. The discharge shall not cause groundwater downgradient of the disposal area to exceed applicable Sub-basin/Sub-Area median groundwater objectives as documented in Appendices A32-35 of the Basin Plan.
 15. The discharge shall not cause the pH of underlying groundwater to exceed 8.3 or recede below 6.5.
 16. The discharge shall not cause nitrate concentrations in groundwater downgradient of the disposal area to exceed 10 mg/l (as N).
 17. The discharge shall not cause concentrations of chemicals and radionuclides in groundwater to exceed limits set forth in Title 22 of the California Code of Regulations or Table 3.8 of the Basin Plan.
 18. The discharge shall not cause groundwater to contain concentrations of organic chemicals in excess of the limiting concentrations set forth in California Code of Regulations, Title 22, Chapter 15, Article 5.5, Section 64444, Table 64444-A.
 19. The discharge shall not cause groundwater to contain taste or odor producing substances in concentrations that adversely affect beneficial uses.
 20. The discharge shall not cause groundwater to contain concentration of chemical constituents in amounts that adversely affect the agricultural supply beneficial use.
 21. No controllable water quality factor shall significantly degrade the quality of any groundwater resource or adversely affect long-term soil productivity.
- #### Operation Specifications
22. Wastewater treatment and containment ponds shall have sufficient freeboard, no less than two feet (measured vertically, from the water surface up to the point on the surrounding berm or dike having the lowest elevation) and shall be designed and constructed to prevent overtopping as a result of windy storm conditions and the maximum probable earthquake. Lesser freeboard, no less than one foot, may be approved by the Executive Officer if documented by a registered civil engineer that structural integrity and required capacity will not be compromised with proposed freeboard.
 23. Ponds shall contain permanent markers indicating depth and freeboard.
 24. The dissolved oxygen concentration in the upper zone (one foot) of aerated or oxidation pond systems shall not be less than 1.0 mg/L at any time.
 25. Ponds shall be managed to prevent breeding of mosquitoes and other vectors.
 - a. An erosion control program shall ensure small coves and irregularities are not created around the perimeter of the water surface.
 - b. Weeds shall be minimized through control of water depth, harvesting, or herbicides.
 - c. Dead algae, vegetation, and debris shall not be allowed to accumulate on the water surface.
 26. Where spreading basins are used for treatment and disposal, the spreading basins shall be operated in a regular rotating sequence, with a rotation frequency no less than weekly, or as agreed upon by the Executive Officer. The spreading basin bed slope shall be maintained to ensure even distribution of wastewater.

27. Solids accumulation in all septic tanks shall be measured at least annually and cleaned when it appears that either the bottom of the scum layer will be within four (4) inches of the bottom of the outlet device or the sludge level will be within ten (10) inches of the outlet device before the next scheduled inspection.
28. Dual leachfield systems shall be operated in a regular rotating sequence, with a rotation frequency no less than annually.

Solids Disposal Specifications

29. Collected screenings and other solids removed from liquid wastes that will not or cannot be used agronomically shall be disposed of at a legal point of disposal, and in accordance with Title 27, Division 2 of the California Code of Regulations.
30. In no case shall accumulated sludge from a wastewater pond be used as an agronomic addition to fields without written authorization from the Executive Officer.
31. If accumulated biosolids from a wastewater pond will be used as an agronomic addition to fields, a proposal containing, at a minimum, the following information shall be submitted in writing to the Executive Officer before commencement:
 - a. The physical properties of the sludge to be removed from the pond, including the volume and percent solids.
 - b. A summary of laboratory analytical results for a composite sludge sample. At a minimum, the analyses shall include pH, cadmium, chromium, copper, lead, nickel, zinc, and total nitrogen. A leachability test of the sludge may be required if deemed necessary by the Executive Officer.
 - c. Descriptions of the proposed land application areas, including a map denoting watercourses, approximate depth to groundwater, acreage and the crops to be grown thereupon.
 - d. Calculations showing the sludge will be applied at reasonable agronomic rates (based on nutrient uptake of the crop).

- e. A project schedule. Sludge application shall be confined to the dry season, between April 15 and October 15 each year. Sludge shall be spread and incorporated into the soil in a manner to prevent erosion, runoff or nuisance conditions.
- f. A statement verifying that no hazardous waste or domestic waste has been discharged to the ponds.

Wastewater Recycling/Re-Use Specifications

32. Fruit and vegetable processing wastewater shall not be applied to land, where stormwater contacting wastewater is not fully contained, within 24 hours of a forecasted rain event, during rainfall, 24 hours after a rainfall event, or when soils are saturated.
33. Fruit and vegetable processing wastewater shall be applied in such a manner so as not to exceed agronomic rates.
34. Land application of treated fruit and vegetable processing wastewater shall be managed to prevent ponding, runoff, and erosion.
35. There shall be no connection between a potable water supply and a treated fruit and vegetable processing wastewater distribution system.
36. All piping, valves, and outlets shall be marked to differentiate treated fruit and vegetable process wastewater from other sources of water.

E. STANDARD PROVISIONS

1. The Discharger shall comply with Monitoring and Reporting Program R3-2004-0066, included as Attachment A of these General WDRs, and any revisions prescribed thereto by the Executive Officer.
2. A copy of these General WDRs shall be kept at the discharge facility for reference by operating personnel. Key operating and site management personnel shall be familiar with its contents.

3. The Discharger shall take all reasonable steps to prevent any discharge in violation of these General WDRs.
4. The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) to achieve compliance with these General WDRs. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with these General WDRs.
5. The Discharger shall furnish the Regional Board, within a reasonable time, any information that the Board may request to determine compliance with these General WDRs.
6. The Discharger shall allow the Regional Board or its authorized representatives to:
 - a. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records pertinent to this Order are kept;
 - b. Inspect and photograph any facilities, equipment (including monitoring and control equipment), practices, or operations pertinent to this Order;
 - c. Have access to and copy any records pertinent to this Order; and
 - d. Sample or monitor for the purposes of assuring compliance with this Order.
7. All technical and monitoring reports submitted pursuant to this Order are required pursuant to Section 13267 of the California Water Code. The monitoring reports are necessary to determine the water quality impacts, if any, of the discharge, and to assess compliance with these General WDRs. Failure to submit reports in accordance with schedules established by this Order or attachments to this Order, or failure to submit a report of sufficient technical quality to be acceptable to the Executive Officer, may subject the discharger to enforcement action pursuant to Section 13268 of the California Water Code. The Regional Board will base all enforcement actions on the date of Order adoption.
8. All reports, NOI, or other documents required by these General WDRs, and other information requested by the Regional Board shall be signed by a person described below or by a duly authorized representative of that person.
 - a. For a corporation: by a responsible corporate officer such as: (1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; (2) any other person who performs similar policy or decision-making functions for the corporation; or (3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor.
9. Any person signing a document under Provision 8 makes the following certification, whether written or implied:

"I certify under penalty of law this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure 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 there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
10. The Discharger shall give notice to the Regional Board as soon as possible of any planned alterations to the permitted facility that may change the nature or concentration of pollutants in the discharge.

11. Violations of these General WDRs may result in enforcement actions as authorized under the California Water Code.
12. This Order does not authorize commission of any act causing injury to the property of another, does not convey any property rights of any sort, does not remove liability under federal, state, or local laws, and does not guarantee a capacity right.
13. Requirements of this Order are severable. If any requirement of the Order is found invalid, the remainder of the Order shall not be affected.
14. 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 existence of these General WDRs by letter, a copy of which shall be immediately forwarded to the Executive Officer.
15. In the event the discharger wishes to terminate authorization under these General WDRs, the

Discharger shall submit a Notice of Termination (NOT). A Regional Board staff inspection of the facility may be required prior to terminating coverage. Termination from coverage will occur on the date specified in the NOT, unless notified otherwise. All discharges shall cease before the date of termination, and any discharges on or after this date shall be considered in violation of these General WDRs unless covered by other WDRs.

16. These General WDRs will be reviewed on or about **July 9, 2009**, or sooner at the discretion of the Regional Board. A discharger enrolled under these General WDRs will be automatically enrolled under the reissued General WDRs, unless a NOT is submitted to terminate coverage. The waiver provisions of this Order shall terminate on **July 9, 2009** unless renewed by the Regional Board. Upon termination of the waiver provisions, any enrollment of a facility in the waiver shall also terminate, and each such facility shall file a NOI or report of waste discharge forthwith.

I, **Roger W. Briggs, 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, Central Coast Region, on July 9, 2004.


FOR Roger W. Briggs
Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

JANUARY, 1984

STANDARD PROVISIONS AND REPORTING REQUIREMENTS
for
WASTE DISCHARGE REQUIREMENTS

CONTENTS:

- A. General Conditions
- B. General Monitoring Requirements
- C. General Reporting Requirements
- D. Bypasses or Upsets
- E. Enforcement
- F. Definitions (Defines terms that appear in quotes)

A. General Permit Conditions:

Prohibitions:

1. Introduction of "incompatible wastes" to the treatment system is prohibited. (See F.9.)
2. Discharge of chemical and biological warfare agents is prohibited.
3. Discharge of "toxic wastes" is prohibited. (See F.18.)
4. Introduction of pollutants into the collection, treatment, or disposal system by an "indirect discharger" that:
 - a. inhibit or disrupt the treatment process, system operation, or the eventual use or disposal of sludge; or,
 - b. cause or "significantly contribute" to a violation of any requirement of this Order, is prohibited. (See F.17.)
5. Introduction of "pollutant-free" wastewater to the collection, treatment, and disposal system in amounts that threaten compliance with this order is prohibited. (See F.14.)

Provisions:

6. Production and use of reclaimed water shall conform with reclamation criteria established in Title 22, Chapter 3, of the California Administrative Code. For uses of reclaimed water not addressed in Title 22 and not in the main body of this order, use is subject to review and dependent upon approval by the Executive Officer before use may begin (For uses addressed in Title 22, see C.8.).
7. Collection, treatment, and discharge of waste shall not create nuisance or pollution, as defined by Section 13050 of the California Water Code.

8. As necessary to assure safe and reliable collection, treatment, and disposal of waste and consistent compliance with this order, the discharger shall adopt and enforce a local source control program. (See C.16.)
9. Objectionable odors originating at this facility shall not be perceivable beyond the limits of the wastewater treatment and disposal areas.
10. The discharger shall prevent formation of a habitat for carriers of pathogenic microorganisms in any part of the treatment and disposal system.
11. Petroleum products, grease, and scum shall not be visible on disposal ponds.
12. Facilities and systems for collection, treatment, and control of wastewater shall be properly operated and maintained. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staff and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.
13. Transport and treatment facilities and permanent disposal ponds shall be adequately protected against overflow, flooding, or washout as the result of a 100-year frequency flood or 100-year, 24-hour storm.
14. All disposal areas shall be on land owned or controlled by the discharger.
15. Operation of collection, treatment, and disposal systems shall be in a manner that precludes public contact with wastewater.
16. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed in a manner approved by the Executive Officer.
17. Publicly owned wastewater treatment plants shall be supervised and operated by persons possessing certificates of appropriate grade pursuant to Title 23 of the California Administrative Code.
18. The Regional Board shall be allowed:
 - a. entry upon premises where an effluent source is located or where records must be kept under the conditions of this order;
 - b. access to copy any records that must be kept under the conditions of this order;
 - c. to inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this order; and,

- d. to photograph, sample, and monitor for the purpose of showing compliance with this order.
19. After notice and opportunity for a hearing, this order may be terminated or modified for cause, including, but not limited to:
 - a. violation of any term or condition contained in this order;
 - b. obtaining this order by misrepresentation, or by failure to disclose fully all relevant facts;
 - c. a change in any condition or endangerment to human health or environment that requires a temporary or permanent reduction or elimination of the authorized discharge; and,
 - d. a material change in character, location, or volume of the discharge.
 20. This order does not authorize commission of any act causing injury to the property of another, does not convey any property rights of any sort, does not remove liability under federal, state, or local laws, and does not guarantee a capacity right.
 21. The discharger shall take all reasonable steps to minimize or correct adverse impacts on the environment resulting from non-compliance with this order.
 22. Provisions of this order are severable. If any provision of the order is found invalid, the remainder of the order shall not be affected.
 23. The discharger shall furnish, within a reasonable time, any information the Regional Board may request to determine compliance with this order or to determine whether cause exists for modifying or terminating this order.
 24. Safeguards shall be provided to assure maximal compliance with all terms and conditions of this order. Safeguards shall include preventative and contingency plans and may also include alternative power sources, stand-by generators, retention capacity, operating procedures, or other precautions. Preventative and contingency plans for controlling and minimizing the effect of accidental discharges shall:
 - a. identify possible situations that could cause "upset", "overflow" or "bypass", or other noncompliance. (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 describe procedures and steps to minimize or correct any adverse environmental impact resulting from noncompliance with the order.

25. Physical Facilities shall be designed and constructed according to accepted engineering practice and shall be capable of full compliance with this order when properly operated and maintained. Proper operation and maintenance shall be described in an Operation and Maintenance Manual. Facilities shall be accessible during the wet-weather season.

26. Should additional data become available through monitoring or investigation that indicates compliance with this order is not adequately protecting ground water, the Regional Board will review and revise this order as appropriate.

B. General Monitoring Requirements:

1. Monitoring location, minimum sampling frequency, and sampling method for each parameter shall comply with the Monitoring and Reporting Program of this order. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, entitled "Guidelines Establishing Test Procedures for Analysis of Pollutants," unless other test procedures have been specified in this order.

2. If results of monitoring a pollutant appear to violate effluent limitations based on a weekly, monthly, 30-day, or six-month period, but compliance or non-compliance cannot be validated because sampling is too infrequent, the frequency of sampling must be increased to validate the test within the next monitoring period. The increased frequency must be maintained until the Executive Officer agrees the original monitoring frequency may be resumed.

For example, if suspended solids are monitored weekly and results exceed the weekly average numerical limit in the order, monitoring of suspended solids must be increased to at least four (4) samples every week (ref. paragraph F.1.).

3. Water quality analyses performed in order to monitor compliance with this order shall be by a laboratory certified by the State Department of Health Services for the constituent(s) being analyzed.

If the laboratory used or proposed for use by the discharger is not certified by the California Department of Health Services due to restrictions in the State's laboratory certification program, the discharger shall be considered in compliance with this provision provided:

a. Data results remain consistent with results of samples analyzed by the Regional Board;

- b. A quality assurance program is used at the laboratory, including a manual containing steps followed in this program that is available for inspections by the staff of the Regional Board; and,
 - c. Certification is pursued in good faith and obtained as soon as possible after the program is reinstated.
4. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. Samples shall be taken during periods of peak loading conditions. Influent samples shall be samples collected from the combined flows of all incoming wastes, excluding recycled wastes. Effluent samples shall be samples collected downstream of the last treatment unit.
 5. If any parameter is monitored at locations specified in the order more frequently than required and is analyzed using approved test procedures, the results shall be included in calculations and reports.
 6. All monitoring instruments and devices used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy.
 7. The discharger shall maintain records of all monitoring information, including all calibration and maintenance records; all original strip chart recordings for continuous monitoring instrumentation; the date, exact place, and time of sampling; the individual who performed the sampling; the date analysis was performed; the laboratory and individual who performed the analysis; the analytical techniques used; and results. Records shall be maintained for a minimum of three years. This period may be extended during the course of any unresolved litigation or when requested by the Board.

C. General Reporting Requirements:

1. Monitoring results shall be reported at intervals and in a manner specified in the Monitoring and Reporting Program of this order.
2. Monitoring reports shall be submitted on State Water Resource Control Board Form Q2 or an acceptable alternate form. A master copy of the form will be supplied by the Regional Board upon request.
3. Any noncompliance that may endanger health or the environment shall be reported orally within 24 hours from the time the discharger becomes aware of the circumstances (telephone: 805-549-3147). Unless waived by the Executive Officer of the Regional Board, a written report shall be submitted within five (5) days of awareness and shall contain a description of the noncompliance and its cause; the period of noncompliance (including exact dates and times) or anticipated duration; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. This provision includes, but is not limited to:

- a. violation of a discharge prohibition;
 - b. any "upset", "overflow", or "bypass";
 - c. violation of a discharge limitation for any "hazardous substance."
4. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule shall be submitted within 14 days following each scheduled date unless otherwise specified within the order. If reporting noncompliance, the report shall include a description of the reason, a description and schedule of tasks necessary to achieve compliance, and an estimated date for achieving full compliance. A second report shall be submitted within 14 days of full compliance.
 5. All instances of noncompliance not reported under paragraph numbers C.3. and C.4., above, shall be submitted along with monitoring reports. The report shall contain the information listed in paragraph C.3.
 6. Reports shall be submitted in advance of any planned changes in the permitted facility or activity that may result in noncompliance.
 7. The "discharger" shall file a report of waste discharge or secure a waiver from the Executive Officer at least 120 days before making any material change or proposed change in the character, location, or volume of the discharge.
 8. An engineering report as specified by Section 60323, Chapter 3, Title 22, of the California Administrative Code, is required, and written approval of the Executive Officer must be received by the discharger and user, before reclaimed water is supplied for any uses and to any users other than those enumerated in this Order.
 9. Within 120 days after the discharger discovers, or is notified by the Regional Board, that monthly average daily flow will or may reach design capacity of waste treatment and/or disposal facilities within four (4) years, the discharger shall file a written report with the Regional Board. The report shall include:
 - a. the best estimate of when the monthly average daily dry weather flow rate will equal or exceed design capacity; and,
 - b. a schedule for studies, design, and other steps needed to provide additional capacity for waste treatment and/or disposal facilities before the waste flow rate equals the capacity of present units.

In addition to complying with paragraphs C.14.c and C.15, the required technical report shall be prepared with public participation and reviewed, approved and jointly submitted by all planning and building departments having jurisdiction in the area served by the waste collection, treatment, or disposal facilities.

10. The "discharger" shall submit reports to the:
California Regional Water
Quality Control Board
Central Coast Region
81 Higuera St., Suite 200
San Luis Obispo, CA 93401-5427
11. Transfer of control or ownership of a waste discharge facility must be preceded by a notice to the Regional 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 date for transfer of responsibility, coverage, and liability between them. Whether an order may be transferred without modification and a public hearing is at the discretion of the Board. If order modification is necessary, transfer may be delayed 120 days after the Regional Boards receipt of a complete Report of Waste Discharge.
12. Except for data determined to be confidential under Section 13267 (b) of the California Water Code, all reports prepared in accordance with this order shall be available for public inspection at the office of the Regional Board.
13. Should the discharger discover that it failed to submit any relevant facts or that it submitted incorrect information in a report, it shall promptly submit the missing or correct information.
14. All reports shall be signed as follows:
 - a. For a corporation; by a principle executive officer of at least the level of vice president;
 - b. For a partnership or sole proprietorship; by a general partner or the proprietor, respectively;
 - c. For a public agency; by either a principal executive officer or ranking elected official; or,
 - d. Their "duly authorized representative."
15. Any person signing a report makes the following certification, whether its expressed or implied:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

16. By January 30 of each year, the discharger shall submit an annual report to the Regional Board. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year. The discharger shall discuss the compliance record and corrective actions taken, or which may be needed, to bring the discharge into full compliance. The report shall address operator certification and provide a list of current operating personnel and their grade of certification. The report shall inform the Board of the date of the Facility's Operation and Maintenance Manual (including contingency plans as described in Provision A.24.), of the date the manual was last reviewed, and whether the manual is complete and valid for the current facility. The report shall restate, for the record, the laboratories used by the discharger to monitor compliance with effluent limits and provide a summary of performance relative to section B, General Monitoring Requirements.

If the facility treats industrial or domestic wastewater and there is no provision for periodic sludge monitoring in the Monitoring and Reporting Program, the report shall include a summary of sludge quantities, analyses of its chemical and moisture content, and its ultimate destination.

If appropriate, the report shall also evaluate the effectiveness of the local source control or pretreatment program using the State Water Resources Control Board's "Guidelines for Determining the Effectiveness of Local Pretreatment Program."

17. The discharger must notify the Regional Board whenever there is a substantial change in the volume or character of pollutants being introduced into the wastewater system. Notice shall include information on the quality and quantity of waste being introduced to the system and the anticipated impact of the waste upon the quantity and quality of the aggregate discharge.
18. The discharger must notify the Regional Board as soon as it knows or has reason to believe that it or an indirect discharger has begun, or expects to begin, use or manufacture of a "toxic waste" or "hazardous substance" not reported in the Report of Waste Discharge that may, directly or indirectly, discharge into the treatment and disposal system.

D. Bypasses or Upsets

1. Bypass

- a. If the discharger knows in advance of the need for a "bypass," it shall submit notice to the Executive Officer at least 10 days before the "bypass."

- b. Enforcement action will be taken against the discharger for "bypass" unless:
- (i) "Bypass" was unavoidable to prevent loss of life, personal injury, or "severe property damage";
 - (ii) There was no feasible alternative to the "bypass," such as use of auxilliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment down-time. (This condition is not satisfied if adequate back-up equipment could have been installed to prevent a "bypass" which occurred during normal periods of equipment down-time or preventive maintenance); and,
 - (iii) The discharger submitted notice to the Executive Officer as specified in paragraphs C.3. and D.1.a., above.

2. Upset

A discharger seeking to establish the occurrence of an "upset" has the burden of proof. A discharger who wishes to establish the affirmative defense of "upset" shall demonstrate, through properly signed, contemporaneous operating logs or other relative evidence that:

- a. an "upset" occurred and the discharger can identify the specific cause(s) of the "upset"; and,
- c. the facility was at the time of "upset" being properly operated; the discharger submitted notice of "upset" within 24 hours; and the discharger took all reasonable steps to minimize or correct any adverse impact on the environment.

E. Enforcement:

- 1. The discharger must comply with all conditions of this order. Non-compliance violates state law and is grounds for enforcement action or modification of the existing order.
- 2. Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of section 13267 of the California Water Code, or falsifying any information provided therein, is guilty of a misdemeanor.
- 3. The discharger and any person who violates waste discharge requirements and/or who intentionally or negligently discharges waste or causes or permits waste to be deposited where it is discharged into surface waters of the state may be liable for civil and/or criminal remedies, as appropriate, pursuant to sections 13350, 13385, and 13387 of the California Water Code.

4. Upon reduction, loss, or failure of any part of the wastewater facility, the discharger shall, to the extent necessary to maintain compliance with this order, control production or all discharges, or both, until the facility is restored or an acceptable interim method of treatment or disposal is provided. Should enforcement action be brought against the discharger, the necessity to halt or reduce the permitted activity in order to obtain compliance with the conditions of this order shall not be a defense.

F. Definitions:

1. "Average" or "Mean" is the arithmetic mean of daily concentrations over the specified period

$$\text{Average} = \frac{1}{N} (X_1 + X_2 + \dots + X_N),$$

in which "N" is the number of days samples were analyzed during the period and "X" is either the constituent concentration (mg/l) or flow for each sampled day. To be valid, "N" must be four or greater.

2. "Bypass" means the diversion of waste streams around any portion of a treatment facility to the disposal area or from the treatment facility to a nonauthorized location.
3. A "composite sample" is a combination of no fewer than eight (8) individual samples obtained at equal time intervals (usually hourly) over the specified sampling (composite) period. The volume of each individual sample is proportional to the flow rate at time of sampling. The period shall be specified in the Monitoring and Reporting Program ordered by the Executive Officer.
4. "Daily Discharge" means the discharge of a pollutant measured during a calendar day or during any 24-hour period reasonably representative of the calendar day for purposes of sampling.
5. "Daily Maximum" limit means the maximum acceptable concentration or mass emission rate of a pollutant measured during a calendar day or during any 24-hour period reasonably representative of the calendar day for purposes of sampling. Its normally compared with results based on "composite samples."
6. "Duly Authorized Representative" is one where:
 - a. the authorization is made in writing by a person described in the signatory paragraph (C.14:a,b, or c) of this document;
 - b. the authorization specifies either an individual or the occupant of a position having responsibility for the overall operation of the regulated facility, such as the plant manager; and,
 - c. the written authorization was submitted to the Regional Board.

7. A "grab sample" is defined as any individual sample collected in less than 15 minutes. "Grab samples" shall be collected during peak loading conditions, which may or may not be during hydraulic peaks.
8. "Hazardous substance" means any substance designated as hazardous or extremely hazardous in sections 66680 or 66685 of the California Administrative Code (Title 22, Division 4, Chapter 30, Article 9).
9. "Incompatible wastes" are:
 - a. Wastes which create a fire or explosion hazard in the treatment works;
 - b. Wastes which will cause corrosive structural damage to treatment works, including all wastes with a pH lower than 5.0 unless the works is specifically designed to accommodate such wastes;
 - c. Solid or viscous wastes in amounts which cause obstruction to flow in sewers, or which cause other interference with proper operation of treatment works;
 - d. Any waste, including oxygen demanding pollutants (BOD, etc), released in such volume or strength as to cause inhibition or disruption in the treatment works and subsequent treatment process upset and loss of treatment efficiency; and,
 - e. Heat in amounts that inhibit or disrupt biological activity in the treatment works or that raise influent temperatures above 40°C (104°F) unless the treatment works is designed to accommodate such heat.
10. "Indirect Discharger" means a nondomestic discharger introducing pollutants into a publicly owned treatment and disposal system.
11. "Log Mean" is the geometric mean. Used for determining compliance of fecal or total coliform populations, it is calculated with the following equation:
$$\text{Log Mean} = (C_1 \times C_2 \times C_N)^{1/N},$$
in which "N" is the number of days samples were analyzed during the period and any "C" is the concentration of bacteria (MPN/100 ml) found on each day of sampling. To be valid, "N" must be five or more.
12. "Median" is the value below which half the samples (ranked progressively by increasing value) fall. It may be considered the middle value, or the average of two middle values. To be valid, three or more values are required.
13. "Overflow" means the intentional or unintentional diversion of flow from the collection and transport systems, including pumping facilities, and from disposal areas.

14. "Pollutant-free wastewater" means infiltration and inflow, storm waters, and cooling waters and condensates which are essentially free of pollutants.
15. "Severe property damage" means substantial physical damage to property, damage to treatment facilities which causes them to become inoperable, or substantial and permanent loss to natural resources which can reasonably be expected to occur in the absence of a "bypass." It does not mean economic loss caused by delays in production.
16. "Sludge" means the solids, residues, and precipitates separated from, or created in, wastewater by the unit processes of a treatment system.
17. To "significantly contribute" to a waste discharge requirement violation means an "indirect discharger" must:
 - a. Discharge a daily pollutant loading in excess of that allowed by contract with the discharger or by state or local law;
 - b. Discharge wastewater which substantially differs in nature or constituents from its average discharge;
 - c. Discharge pollutants, either alone or in conjunction with discharges from other sources, which results in a waste discharge requirement violation or prevents sludge use or disposal; or,
 - d. Discharge pollutants, either alone or in conjunction with pollutants from other sources, that increase the magnitude or duration of waste discharge requirement violations.
18. "Toxic waste" means any toxic and persistent waste which falls within the following categories:
 - a. PCB's
 - b. Pesticides
 - c. Toxic Metals
 - d. Cyanides
 - e. Halogenated Organics
 - f. Non-halogenated volatile organics
19. "Upset" means an exceptional incident causing noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the discharger. It does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.