

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

STANDARD PROVISIONS AND REPORTING REQUIREMENTS  
FOR  
WASTE DISCHARGE REQUIREMENTS  
(National Pollutant Discharge Elimination System)

February 2004

A. **GENERAL PROVISIONS**

1. Any violation of this Order constitutes a violation of the Federal Clean Water Act (CWA) and the California Water Code (CWC) and, therefore, may result in enforcement action under either or both laws.
2. The Clean Water Act provides that any person who violates a portion of this Order implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day for each violation. Any person who willfully or negligently violates this Order with regard to these sections of the CWA is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both.
3. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another; protect the Discharger from liability under federal, state, or local laws; or guarantee the Discharger a capacity right in the receiving waters.
4. The Discharger shall allow representatives of the Regional Water Quality Control Board (hereafter Board), the State Water Resources Control Board (hereafter State Board) and the United States Environmental Protection Agency (hereafter U.S. EPA), upon presentation of credentials, at reasonable hours, to:
  - a. enter premises where wastes are treated, stored, or discharged and facilities in which any required records are kept;
  - b. copy any records required to be kept under terms and conditions of this Order;
  - c. inspect facilities, monitoring equipment, practices, or operations regulated or required by this Order; and
  - d. sample, photograph or video tape any discharge, waste, waste unit or monitoring device.
5. If the Discharger's wastewater treatment plant is publicly owned or subject to regulation by the California Public Utilities Commission, it shall be supervised and operated by persons possessing certificates of appropriate grade according to Title 23, California Code of Regulations (CCR), Division 3, Chapter 14.
6. The Discharger shall at all times properly operate and maintain all facilities, and systems of treatment and control including sludge use and disposal facilities (and related appurtenances) that are installed or used to achieve compliance with this Order.

Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by the Discharger only when necessary to achieve compliance with this Order.

7. 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 failing to disclose fully all relevant facts;
- c. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; and
- d. a material change in the character, location, or volume of discharge.

The causes for modification include:

- a. New regulations. New regulations have been promulgated under Section 405(d) of the Clean Water Act, or the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued.
- b. Land application plans. When required by a permit condition to incorporate a land application plan for beneficial reuse of sewage sludge, to revise an existing land application plan, or to add a land application plan.
- c. Change in sludge use or disposal practice. Under 40 Code of Federal Regulations (CFR) 122.62(a)(1), a change in the Discharger's sludge use or disposal practice is a cause for modification of the permit. It is cause for revocation and reissuance if the Discharger requests or agrees.

The Regional Board may review and revise this Order at any time upon application of any affected person or the Board's own motion.

8. The filing of a request by the Discharger for modification, revocation and reissuance, or termination of this Order, or notification of planned changes or anticipated noncompliance, does not stay any condition of this Order.

The Discharger shall furnish, within a reasonable time, any information the Board or U.S. EPA may request to determine compliance with this Order or whether cause exists for modifying or terminating this Order. The Discharger shall also furnish to the Board, upon request, copies of records required to be kept by this Order.

9. If a toxic effluent standard or prohibition (including any scheduled compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the CWA, or amendments thereto, for a toxic pollutant that is present in the discharge authorized herein, and such standard or prohibition is more stringent than any limitation upon such pollutant in this Order, the Board will revise or modify this Order in accordance with such toxic effluent standard or prohibition.

The Discharger shall comply with effluent standards and prohibitions within the time provided in the regulations that establish those standards or prohibitions, **even if this Order has not yet been modified.**

10. If more stringent applicable water quality standards are approved, pursuant to Section 303 of the CWA, or amendments thereto, the Board will revise and modify this Order in accordance with such more stringent standards.

11. This Order shall be modified, or alternately revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the CWA, if the effluent standard or limitation so issued or approved:
  - a. contains different conditions or is otherwise more stringent than any effluent limitation in the Order; or
  - b. controls any pollutant limited in the Order.

The Order, as modified or reissued under this paragraph, shall also contain any other requirements of the CWA then applicable.

12. The provisions of this Order are severable. If any provision of this Order is found invalid, the remainder of this Order shall not be affected.
13. By-pass (the intentional diversion of waste streams from any portion of a treatment facility or collection system, except those portions designed to meet variable effluent limits) is prohibited except under the following conditions:
  - a. (1) by-pass 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 by-pass; severe property damage does not mean economic loss caused by delays in production);  
**and**
    - (2) there were no feasible alternatives to by-pass, such as the use of auxiliary treatment facilities or retention of untreated waste; this condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a by-pass that would otherwise occur during normal periods of equipment downtime or preventive maintenance;
  - b. (1) by-pass is required for essential maintenance to assure efficient operation;  
**and**
    - (2) neither effluent nor receiving water limitations are exceeded;  
**and**
      - (3) the Discharger notifies the Board ten days in advance.

The permittee shall submit notice of an unanticipated by-pass as required in paragraph B.1. below.

14. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with effluent limitations because of factors beyond the reasonable control of the Discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, failure to

implement an appropriate pretreatment program, or careless or improper action. A Discharger that wishes to establish the affirmative defense of an upset in an action brought for noncompliance shall demonstrate, through properly signed, contemporaneous operating logs, or other evidence, that:

- a. an upset occurred due to identifiable cause(s);
- b. the permitted facility was being properly operated at the time of the upset;
- c. notice of the upset was submitted as required in paragraph B. 1.; and
- d. remedial measures were implemented as required under paragraph A. 17.

In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof.

15. This Order is not transferable to any person except after notice to the Board. The Board may modify or revoke and reissue the Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the CWA.
16. Except for data determined to be confidential under Section 13267 of the CWC, all reports prepared in accordance with terms of this Order shall be available for public inspection at the offices of the Board and U.S. EPA. Effluent data are not confidential.
17. The Discharger shall take all reasonable steps to minimize any adverse effects to waters of the State or users of those waters resulting from any discharge or sludge use or disposal in violation of this Order. Reasonable steps shall include such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge or sludge use or disposal.
18. The fact that it would have been necessary for the Discharger to halt or reduce the permitted activity in order to comply with this Order shall not be a defense for violating this Order.
19. The Discharger shall ensure compliance with any existing or future pretreatment standard promulgated by U.S. EPA under Section 307 of the CWA, or amendment thereto, for any discharge to the municipal system.
20. The discharge of any radiological, chemical or biological warfare agent or high-level, radiological waste is prohibited.
21. A copy of this Order shall be maintained at the discharge facility and be available at all times to operating personnel. Key operating personnel shall be familiar with its content.
22. Neither the treatment nor the discharge shall create a condition of nuisance or pollution as defined by the CWC, Section 13050.

## **B. GENERAL REPORTING REQUIREMENTS**

1. In the event the Discharger does not comply or will be unable to comply for any reason, with any prohibition, daily maximum effluent limitation, or receiving water limitation of this Order, the Discharger shall notify the Board by telephone (916) 464-3291 [*Note: Current phone numbers for all three Regional Board offices may be found on the internet at [http://www.swrcb.ca.gov/rwqcb5/contact\\_us](http://www.swrcb.ca.gov/rwqcb5/contact_us).*] within 24 hours of having knowledge of such noncompliance, and shall confirm this notification in writing within five days, unless the Board waives

confirmation. The written notification shall state the nature, time, duration, and cause of noncompliance, and shall describe the measures being taken to remedy the current noncompliance and prevent recurrence including, where applicable, a schedule of implementation. Other noncompliance requires written notification as above at the time of the normal monitoring report.

2. Safeguard to electric power failure:
  - a. The Discharger shall provide safeguards to assure that, should there be reduction, loss, or failure of electric power, the discharge shall comply with the terms and conditions of this Order.
  - b. Upon written request by the Board the Discharger shall submit a written description of safeguards. 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.
  - c. Should the treatment works not include safeguards against reduction, loss, or failure of electric power, or should the Board not approve the existing safeguards, the Discharger shall, within ninety days of having been advised in writing by the Board that the existing safeguards are inadequate, provide to the Board and U.S. EPA a schedule of compliance for providing safeguards such that in the event of reduction, loss, or failure of electric power, the Discharger shall comply with the terms and conditions of this Order. The schedule of compliance shall, upon approval of the Board, become a condition of this Order.
3. The Discharger, upon written request of the Board, shall file with the Board a technical report on its preventive (failsafe) and contingency (cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events. This report may be combined with that required under B.2.

The technical report shall:

- a. Identify the possible sources of spills, leaks, untreated waste by-pass, and contaminated 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.

The Board, after review of the technical report, may establish conditions, which it deems necessary to control accidental discharges and to minimize the effects of such events. Such conditions shall be incorporated as part of this Order, upon notice to the Discharger.

4. The Discharger shall file with the Board a Report of Waste Discharge at least 180 days before making any material change in the character, location, or volume of the discharge. A **material change** includes, but is not limited to, the following:
  - a. Adding a major industrial waste discharge to a discharge of essentially domestic sewage, or adding a new process or product by an industrial facility resulting in a change in the character of

- the waste.
- b. Significantly changing the disposal method or location, such as changing the disposal to another drainage area or water body.
  - c. Significantly changing the method of treatment.
  - d. Increasing the discharge flow beyond that specified in the Order.
5. A publicly owned treatment works (POTW) whose waste flow has been increasing, or is projected to increase, shall estimate when flows will reach hydraulic and treatment capacities of its treatment and disposal facilities. The projections shall be made in January, based on the last three years' average dry weather flows, peak wet weather flows and total annual flows, as appropriate. When any projection shows that capacity of any part of the facilities may be exceeded in four years, the Discharger shall notify the Board by **31 January**. A copy of the notification shall be sent to appropriate local elected officials, local permitting agencies and the press. Within 120 days of the notification, the Discharger shall submit a technical report showing how it will prevent flow volumes from exceeding capacity or how it will increase capacity to handle the larger flows. The Board may extend the time for submitting the report.
6. A manufacturing, commercial, mining, or silvicultural discharger shall notify the Board as soon as it knows or has reason to believe:
- a. That any activity has occurred or will occur that would result in the discharge of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels":
    - (1) 100 micrograms per liter ( $\mu\text{g}/\text{l}$ );
    - (2) 200  $\mu\text{g}/\text{l}$  for acrolein and acrylonitrile; 500  $\mu\text{g}/\text{l}$  for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter ( $\text{mg}/\text{l}$ ) for antimony;
    - (3) five times the maximum concentration value reported for that pollutant in the Report of Waste Discharge; or
    - (4) the level established by the Board in accordance with 40 CFR 122.44(f).
  - b. That it expects to begin to use or manufacture, as an intermediate or final product or by-product, any toxic pollutant that was not reported in the Report of Waste Discharge.
7. A POTW shall provide adequate notice to the Board of:
- a. any new introduction of pollutants into the POTW from an indirect discharger that would be subject to Sections 301 or 306 of the CWA if it were directly discharging those pollutants, and
  - b. any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of adoption of the Order, and
  - c. any planned physical alterations or additions to the permitted facility, or changes planned in the Discharger's sludge use or disposal practice, where such alterations, additions, or changes may justify the application of permit conditions that are different from or absent in the existing permit including notification of additional disposal sites not reported during the permit application

process, or not reported pursuant to an approved land application plan.

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

8. The Discharger shall give advance notice to the Board of any planned changes in the permitted facility or activity that may result in noncompliance with this Order.
9. The Discharger shall submit technical reports as directed by the Executive Officer.
10. Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Order, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both.

### C. PROVISIONS FOR MONITORING

1. All analyses shall be performed in accordance with the latest edition of *Guidelines Establishing Test Procedures for Analysis of Pollutants*, promulgated by U.S. EPA (40 CFR 136) or other procedures approved by the Board.
2. 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 a certified laboratory is not available to the Discharger, analyses performed by a noncertified laboratory will be accepted provided a Quality Assurance-Quality Control Program is instituted by the laboratory. A manual containing the steps followed in this program must be kept in the laboratory and shall be available for inspection by Board staff. The Quality Assurance-Quality Control Program must conform to U.S. EPA guidelines or to procedures approved by the Board.  
Unless otherwise specified, all metals shall be reported as Total Metals.  
Unless otherwise specified, bioassays shall be performed in the following manner:
  - a. Acute bioassays shall be performed in accordance with guidelines approved by the Board and the Department of Fish and Game or in accordance with methods described in U.S. EPA's manual for measuring acute toxicity of effluents (EPA-821-R-02-012 and subsequent amendments).
  - b. Short-term chronic bioassays shall be performed in accordance with U.S. EPA guidelines (EPA-821-R-02-013 and subsequent amendments).
3. Laboratories that perform sample analyses must be identified in all monitoring reports submitted to the Board and U.S. EPA.
4. The Discharger 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.
5. Effluent samples shall be taken downstream of the last addition of wastes to the treatment or discharge works where a representative sample may be obtained prior to mixing with the receiving waters. Samples shall be collected at such a point and in such a manner to ensure a representative sample of the discharge.
6. All monitoring and analysis instruments and devices used by the Discharger to fulfill the prescribed

monitoring program shall be properly maintained and calibrated as necessary, at least yearly, to ensure their continued accuracy.

7. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Order shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or be imprisoned for not more than two years per violation, or by both.
8. The Discharger shall retain records of all monitoring information, including all calibration and maintenance records, all original strip chart recordings of continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Board Executive Officer.
9. The records of monitoring information shall include:
  - a. the date, exact place, and time of sampling or measurements,
  - b. the individual who performed the sampling of measurements,
  - c. the date(s) analyses were performed,
  - d. the individual(s) who performed the analyses,
  - e. the laboratory which performed the analyses,
  - f. the analytical techniques or methods used, and
  - g. the results of such analyses.

#### **D. REPORTING REQUIREMENTS FOR MONITORING**

1. The Discharger shall file with the Board technical reports on self-monitoring performed according to the detailed specifications contained in the Monitoring and Reporting Program attached to this Order.
2. Monitoring reports shall be submitted on forms to be supplied by the Board to the extent that the information reported may be entered on the forms. Alternate forms may be approved for use by the Board.
3. The results of all monitoring required by this Order shall be reported to the Board, and shall be submitted in such a format as to allow direct comparison with the limitations and requirements of this Order. Unless otherwise specified, discharge flows shall be reported in terms of the monthly average and the daily maximum discharge flows.
4. The results of analyses performed in accordance with specified test procedures, taken more frequently than required at the locations specified in the Monitoring and Reporting Program, shall be reported to the Board and used in determining compliance.
5. Upon written request of the Board, the Discharger shall submit a summary monitoring report to the Board. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year(s).
6. All reports shall be signed by a person identified below:
  - a. **For a corporation:** by a principal executive officer of at least the level of senior vice-president.

- b. **For a partnership or sole proprietorship:** by a general partner or the proprietor, respectively.
- c. **For a municipality, state, federal or other public agency:** by either a principal executive officer or ranking elected or appointed official.
- d. A duly authorized representative of a person designated in 6a, 6b or 6c of this requirement if:
  - (1) the authorization is made in writing by a person described in 6a, 6b, or 6c of this provision,
  - (2) 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, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position), and
  - (3) the written authorization is submitted to the Board.

Each person signing a report required by this Order or other information requested by the Board 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."*

The Discharger shall mail a copy of each monitoring report and any other reports required by this Order to:

Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, #200  
Rancho Cordova, CA 95670-6114

*Note: Current addresses for all three Regional Board offices may be found on the internet at [http://www.swrcb.ca.gov/rwqcb5/contact\\_us](http://www.swrcb.ca.gov/rwqcb5/contact_us).*

In addition, dischargers designated as a "major" discharger shall transmit a copy of all monitoring reports to U.S. EPA (see address in Provision G. 10).

**E. DEFINITIONS:**

- 1. The **daily discharge rate** is obtained from the following calculation for any calendar day:

$$\text{Daily discharge rate (lbs/day)} = \frac{8.34}{N} \sum_{I=1}^N Q_i C_i$$

In which N is the number of samples analyzed in a day.  $Q_i$  and  $C_i$  are the flow rate (mgd) and the

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

2. The **monthly or weekly average discharge rate** is the total of daily discharge rates during a calendar month or week, divided by the number of days in the month or week that the facility was discharging.

Where less than daily sampling is required by this permit, the monthly or weekly average discharge rate shall be determined by the summation of all the daily discharge rates divided by the number of days during the month or week for which the rates are available.

For other than weekly or monthly periods, compliance shall be based upon the average of all rates available during the specified period.

3. The **monthly or weekly average concentration** is the arithmetic mean of measurements made during a calendar month or week, respectively.
4. The **daily maximum discharge rate** means the total discharge by weight during one day.
5. The **daily maximum concentration** is the greatest concentration found in grab or composite samples analyzed for one day.
6. A **grab sample** is an individual sample collected in less than 15 minutes.
7. Unless otherwise specified, a **composite sample** is a combination of individual samples collected over the specified sampling period:
  - a. at equal time intervals, with a maximum interval of one hour, and
  - b. at varying time intervals (average interval one hour or less) so that each sample represents an equal portion of the cumulative flow.

The duration of the sampling period shall be specified in the Monitoring and Reporting Program. The method of compositing shall be reported with the results.

8. **Sludge** means the solids, residues, and precipitates separated from, or created in, wastewater by the unit processes of a treatment system.
9. **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 the two middle values.
10. **Overflow** means the intentional or unintentional diversion of flow from the collection and transport systems, including pumping facilities.

**F. PRETREATMENT PROGRAM REQUIREMENTS** (Applies to dischargers required to establish pretreatment programs by this Order.)

The Discharger shall be responsible for the performance of all pretreatment requirements contained in 40 CFR Part 403 and shall be subject to enforcement actions, penalties, fines, and other remedies by the U.S. EPA, or other appropriate parties, as provided in the CWA, as amended (33 USC 1351, et. seq.)

The Discharger shall implement and enforce its Approved publicly owned treatment works (POTW) Pretreatment Program. The Discharger's Approved POTW Pretreatment Program is hereby made an enforceable condition of this permit. U.S. EPA may initiate enforcement action against an industrial user for noncompliance with applicable standards and requirements as provided in the Act.

The Discharger shall enforce the requirements promulgated under Sections 307(b), (c), and (d) and Section 402(b) of the CWA. The Discharger shall cause industrial users subject to Federal Categorical Standards to achieve compliance no later than the date specified in those requirements or, in the case of a new industrial user, upon commencement of the discharge.

1. The Discharger shall perform the pretreatment functions as required in 40 CFR Part 403 including, but not limited to:
  - a. Implement the necessary legal authorities as provided in 40 CFR 403.8(f)(1).
  - b. Enforce the pretreatment requirements under 40 CFR 403.5 and 403.6.
  - c. Implement the programmatic functions as provided in 40 CFR 403.8(f)(2), in particular, the publishing of a list of significant violators.
  - d. Provide the requisite funding and personnel to implement the pretreatment program as provided in 40 CFR 403.8(f)(3).

**G. ANNUAL PRETREATMENT REPORT REQUIREMENTS** (Applies to dischargers required to establish pretreatment programs by this Order.)

The Discharger shall submit annually a report to the Board, with copies to US U.S. EPA Region 9 and the State Board, describing the Discharger's pretreatment activities over the previous 12 months. In the event that the Discharger is not in compliance with any conditions or requirements of this Order, including noncompliance with pretreatment audit/compliance inspection requirements, then the Discharger shall also include the reasons for noncompliance and state how and when the Discharger shall comply with such conditions and requirements.

An annual report shall be submitted by **28 February** or as otherwise specified in the Order and include at least the following items:

1. A summary of analytical results from representative, flow proportioned, 24-hour composite sampling of the POTW's influent and effluent for those pollutants U.S. EPA has identified under Section 307(a) of the CWA which are known or suspected to be discharged by industrial users.

The Discharger is not required to sample and analyze for asbestos until U.S. EPA promulgates an applicable analytical technique under 40 CFR 136. Sludge shall be sampled during the same 24-hour period and analyzed for the same pollutants as the influent and effluent sampling and analysis. The sludge analyzed shall be a composite sample of a minimum of 12 discrete samples taken at equal time intervals over the 24-hour period. Wastewater and sludge sampling and analysis shall be performed at least annually. The discharger shall also provide any influent, effluent or sludge monitoring data for nonpriority pollutants which may be causing or contributing to Interference, Pass-Through or adversely impacting sludge quality. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto.

2. A discussion of Upset, Interference, or Pass-Through incidents, if any, at the treatment plant which the Discharger knows or suspects were caused by industrial users of the POTW. The discussion shall include the reasons why the incidents occurred, the corrective actions taken and, if known, the name

and address of the industrial user(s) responsible. The discussion shall also include a review of the applicable pollutant limitations to determine whether any additional limitations, or changes to existing requirements, may be necessary to prevent Pass-Through, Interference, or noncompliance with sludge disposal requirements.

3. The cumulative number of industrial users that the Discharger has notified regarding Baseline Monitoring Reports and the cumulative number of industrial user responses.
4. An updated list of the Discharger's industrial users including their names and addresses, or a list of deletions and additions keyed to a previously submitted list. The Discharger shall provide a brief explanation for each deletion. The list shall identify the industrial users subject to federal categorical standards by specifying which set(s) of standards are applicable. The list shall indicate which categorical industries, or specific pollutants from each industry, are subject to local limitations that are more stringent than the federal categorical standards. The Discharger shall also list the noncategorical industrial users that are subject only to local discharge limitations. The Discharger shall characterize the compliance status through the year of record of each industrial user by employing the following descriptions:
  - a. complied with baseline monitoring report requirements (where applicable);
  - b. consistently achieved compliance;
  - c. inconsistently achieved compliance;
  - d. significantly violated applicable pretreatment requirements as defined by 40 CFR 403.8(f)(2)(vii);
  - e. complied with schedule to achieve compliance (include the date final compliance is required);
  - f. did not achieve compliance and not on a compliance schedule; and
  - g. compliance status unknown.

A report describing the compliance status of each industrial user characterized by the descriptions in items c. through g. above shall be submitted for each calendar quarter **within 21 days of the end of the quarter**. The report shall identify the specific compliance status of each such industrial user and shall also identify the compliance status of the POTW with regards to audit/pretreatment compliance inspection requirements. If none of the aforementioned conditions exist, at a minimum, a letter indicating that all industries are in compliance and no violations or changes to the pretreatment program have occurred during the quarter must be submitted. The information required in the fourth quarter report shall be included as part of the annual report. This quarterly reporting requirement shall commence upon issuance of this Order.

5. A summary of the inspection and sampling activities conducted by the Discharger during the past year to gather information and data regarding the industrial users. The summary shall include:
  - a. the names and addresses of the industrial users subjected to surveillance and an explanation of whether they were inspected, sampled, or both and the frequency of these activities at each user; and
  - b. the conclusions or results from the inspection or sampling of each industrial user.
6. A summary of the compliance and enforcement activities during the past year. The summary shall

include the names and addresses of the industrial users affected by the following actions:

- a. Warning letters or notices of violation regarding the industrial users' apparent noncompliance with federal categorical standards or local discharge limitations. For each industrial user, identify whether the apparent violation concerned the federal categorical standards or local discharge limitations.
  - b. Administrative orders regarding the industrial users noncompliance with federal categorical standards or local discharge limitations. For each industrial user, identify whether the violation concerned the federal categorical standards or local discharge limitations.
  - c. Civil actions regarding the industrial users' noncompliance with federal categorical standards or local discharge limitations. For each industrial user, identify whether the violation concerned the federal categorical standards or local discharge limitations.
  - d. Criminal actions regarding the industrial users noncompliance with federal categorical standards or local discharge limitations. For each industrial user, identify whether the violation concerned the federal categorical standards or local discharge limitations.
  - e. Assessment of monetary penalties. For each industrial user identify the amount of the penalties.
  - f. Restriction of flow to the POTW.
  - g. Disconnection from discharge to the POTW.
7. A description of any significant changes in operating the pretreatment program which differ from the information in the Discharger's approved Pretreatment Program including, but not limited to, changes concerning: the program's administrative structure, local industrial discharge limitations, monitoring program or monitoring frequencies, legal authority or enforcement policy, funding mechanisms, resource requirements, or staffing levels.
  8. A summary of the annual pretreatment budget, including the cost of pretreatment program functions and equipment purchases.

Duplicate signed copies of these reports shall be submitted to the Board and the

State Water Resources Control Board  
Division of Water Quality  
P.O. Box 100  
Sacramento, CA 95812-0100

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