

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

RESOLUTION NO. 73-16

ADOPTING A POLICY STATEMENT RELATIVE TO RESPONSIBILITIES OF WASTE DISCHARGERS AND PROCEDURE FOR FILING SELF-MONITORING AND/OR TECHNICAL REPORTS AND RESCINDING RESOLUTION NO. 70-43 AND RESOLUTION NO. 70-44.

WHEREAS

Subdivision (a) of Section 13225 of the California Water Code provides that each regional board, with respect to its region, shall obtain coordinated action in water quality control, including the prevention and abatement of water pollution and nuisance;

Subdivision (b) of Section 13267 of the California Water Code provides that a California Regional Water Quality Control Board may require that any person discharging or proposing to discharge waste within its region or any citizen or domiciliary or political agency or entity of this State discharging or proposing to discharge waste outside of its region that could affect the quality of waters within its region shall furnish under penalty of perjury such technical or monitoring program reports as the board may specify; provided that the burden, including costs of such reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained therefrom.

Section 13268 of the California Water Code states that any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267 or falsifying any information provided therein is guilty of a misdemeanor;

Section 13383 of the California Water Code states that the State Board or regional boards may require dischargers of pollutants to navigable waters or to public treatment systems to establish and maintain records, make reports, install, use and maintain monitoring equipment or methods, including, where appropriate, biological monitoring methods, sample effluent as prescribed, and provide other information as may be reasonably required;

Subdivision (b) of Section 13387 of the California Water Code states that any person who knowingly makes any false statement, representation, record, report, plan or other document filed with a regional board or the State Board, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this division shall be punished by a fine of not more than ten thousand dollars (\$10,000), or by imprisonment in a county jail for not more than six months or by both;

The principal purposes of a monitoring program by a waste discharger, also referred to as self-monitoring program are: (1) to document compliance with waste discharge requirements and prohibitions established by this Regional Board, (2) to facilitate self-policing by the waste discharger in the prevention and abatement of pollution arising from waste discharge, (3) to develop or assist in the development of effluent and other limitations, waste discharge and other prohibitions, national standards of performance, pretreatment and toxicity standards, and other standards and (4) to prepare water and waste water quality inventories;

This Regional Board finds that there is a need for a policy statement to further define the responsibilities of waste dischargers with respect to technical or self-monitoring programs and to establish a procedure to be followed in the development of detailed specifications for required self-monitoring program or technical reports;

NOW, THEREFORE BE IT RESOLVED THAT

This Regional Board requires that all waste dischargers shall be subject to self-monitoring programs;

The following procedure is adopted by this Regional Board for the development of detailed specifications for self-monitoring programs or technical reports pursuant to Subdivision (b) of Section 13267 of the California Water Code:

- A. The Board's Executive Officer will prepare tentative detailed written specifications and will transmit these to the waste discharger with waste discharge requirements and/or NPDES permits for review and comment.
- B. The waste discharger shall, by the date specified, submit in writing to the Regional Board his comments on the work specified by the Executive Officer.
- C. The Executive Officer will consider the comments submitted by the discharger and other agencies prior to finalization of the self-monitoring program.
- D. This Regional Board authorizes the Executive Officer to order waste dischargers to perform a self-monitoring program prior to or at the time waste discharge requirements and/or NPDES permits are adopted by the Board or, in the case of self-monitoring program modification, within 30 days after receipt by the discharger of the modified program.
- E. The Regional Board will review the Executive Officer's specifications for any particular waste discharge upon request of either the Executive Officer or the discharger and will:
 1. Direct the Executive Officer to order the discharger to perform the self-monitoring program as specified, or

2. Direct the Executive Officer to make appropriate changes to the self-monitoring program and order the discharger to perform the program;
- F. Self-monitoring programs may be reviewed at any time subsequent to the effective date upon written notice from the Executive Officer or upon written request from the discharger and program modifications will be developed using the procedure stated above.
- G. In the development of a new self-monitoring program or the modification of an existing self-monitoring program, the Executive Officer may consider phased implementation of certain program elements by incorporating a time schedule in the program specifications for those elements for which a new laboratory procedure has to be established and/or needed equipment has to be procured and installed.

This Regional Board requires that:

1. Sample collection, storage and analyses shall be performed according to the latest edition of Standard Methods for the Examination of Water and Wastewater prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation, or other methods approved and specified by the Executive Officer of this Regional Board; including methods which are specified by State and/or Federal regulations.
2. Water and waste analyses shall be performed by a laboratory approved for these analyses by the State Department of Health or a laboratory approved by the Executive Officer. The Director of the laboratory whose name appears on the certification shall be responsible for all analytical work in his laboratory and shall sign all reports of such work submitted to the Regional Board;
3. All waste dischargers under self-monitoring programs routinely perform self-evaluation of requirement violations and take appropriate actions to correct violations where requirement violations are found;
4. All waste dischargers, at the time of submittal of self-monitoring program reports to this Regional Board, report on their requirement violations and corrective actions undertaken or planned by incorporating such information in their self-monitoring program reports;
5. Any spill of oil or other hazardous material shall be reported immediately to the Regional Board and the U. S. Coast Guard;
6. In the event the waste discharger is unable to comply with any of the conditions of waste discharge requirements and prohibitions due to
 - a. Maintenance work, construction work, or breakdown of waste treatment equipment,
 - b. Accidents caused by human error or negligence, or
 - c. Other causes such as acts of nature,

the discharger shall notify the Executive Officer by telephone as soon as he or his agents have knowledge of the incident and confirm this notification in writing within two weeks of the telephone notification. The written notification shall include pertinent information explaining reasons for the non-compliance and shall indicate what steps were taken to correct the problem and the dates thereof, and what steps are being taken to prevent the problem from recurring.

In addition, if the non-compliance is caused by Items a, b, or c above with respect to any of the effluent limits, the waste discharger shall promptly initiate a monitoring program to analyse the discharge at least once every day for those constituents for which the effluent limits have been violated. Such daily analyses shall continue until such time as the effluent limits have been attained, or until such time as the Executive Officer determines to be appropriate. The results of such monitoring programs shall be included in the Self-Monitoring Reports required by the Executive Officer;

7. Regular self-monitoring program reports shall include, but not be limited to:
 - a. A letter transmitting self-monitoring reports is to accompany each report. Such a letter shall include a discussion of requirement violations found during the report period and actions taken or planned for correcting violations. Monitoring reports and the letter transmitting reports shall be signed:
 - (1) In the case of corporations, by a principal executive officer at least of the level of vice-president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates.
 - (2) In the case of a partnership, by a general partner.
 - (3) In the case of a sole proprietorship, by the proprietor.
 - (4) In the case of a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
 - b. The letter shall contain a statement by the official, under penalty of perjury, that to the best of the signer's knowledge the report is true and correct.
 - c. A compliance self-evaluation sheet prepared by the discharger. The report format will be specified by the Regional Board.
 - d. Summary tabulations of the data to include for each constituent total number of analyses, maximum, minimum, and average values for each period. The report format will be specified by the Regional Board and will be the NPDES reporting form for dischargers with NPDES permits.
 - e. Tabulations of the results from each analysis by date, time, type of sample and station signed by the laboratory director;
8. By January 30 each year, the discharger shall submit an annual report to the Regional Board covering the previous calendar year. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year. In addition, the report shall contain a comprehensive discussion of the compliance record and the corrective actions taken or planned which may be needed to bring the discharger into full compliance with the waste discharge requirements;

BE IT FURTHER RESOLVED THAT:

Specifications that are ordered by the Executive Officer will be enforced pursuant to Section 13268 if not complied with by the waste discharger in accordance with the time schedule specified by the Executive Officer;

Notwithstanding the above requirements, this Regional Board reserves the right to require any waste discharger within its region to file a technical report relative to requirement violations and corrective action at any time that it finds such action to be necessary;

The Regional Board Resolution No. 70-43 and Resolution No. 70-44 are hereby rescinded and all Regional Board Resolutions, Orders and self-monitoring programs that have been referred to Resolution No. 70-43 and Resolution No. 70-44 are hereafter referred to this resolution; and

The Executive Officer of this Regional Board is instructed to transmit a copy of this resolution to all affected waste dischargers in its region.

I, Fred H. Dierker, Executive Officer, hereby certify that the foregoing is a full, true and correct copy of a Resolution as adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, at its regular meeting on September 25, 1973.

FRED H. DIERKER
Executive Officer