

**US ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne St.
San Francisco, CA 94105**

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

NPDES PERMIT NO. CA0005241

In compliance with the provisions of the Clean Water Act (“CWA”) (Public Law 92-500, as amended, 33 USC1251 et seq.), the following discharger is authorized to discharge from the identified facility at the outfall location(s) specified below, in accordance with the effluent limits, monitoring requirements, and other conditions set forth in this permit and in the attached EPA Region 9 “Standard Federal NPDES Permit Conditions,” dated June 3, 2002.

Discharger Name	Dry Creek Rancheria
Discharger Address	P.O. Box 607 Geyserville, CA 95441
Facility Name	Dry Creek Rancheria Wastewater Treatment Plant
Facility Location Address	3250 Highway 128 East Geyserville, CA 95441

Outfall Number	General Type of Waste Discharged	Outfall Latitude	Outfall Longitude	Receiving Water
001	Wastewater treatment plant effluent	N. 38° 42' 06"	W. 122° 51' 26"	Unnamed Tributary to Russian River

This permit was issued on:	November 29, 2017
This permit shall become effective on:	January 1, 2018
This permit shall expire at midnight on:	December 31, 2022

In accordance with 40 CFR 122.21(d), the discharger shall submit a new application for a permit at least 180 days before the expiration date of this permit, unless permission for a date no later than the permit expiration date has been granted by the Director.

Signed this 29 day of November, 2017, for the Regional Administrator.

_____/s/_____
Tomás Torres, Director
Water Division

TABLE OF CONTENTS

Part I	EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS	3
A.	Final effluent limits and Monitoring Requirements	3
B.	Table 1. Final Effluent Limits and Monitoring Requirements – Outfall Numbers 001..	3
C.	Discharge Flow Limitations	4
D.	Reclaimed Water Limitations.....	4
E.	Receiving Water Limitations	5
F.	Sample locations	7
G.	Monitoring and Reporting Requirements	7
Part II.	STANDARD CONDITIONS	10
Part III.	SPECIAL CONDITIONS.....	10
A.	Erosion Protection	10
B.	Surface Water Discharge Operations Plan and Report	10
C.	Permit Reopener(s).....	10
D.	Twenty-four Hour Reporting of Noncompliance.....	10
E.	Whole Effluent Toxicity (WET) Requirements	11
Part IV.	BIOSOLIDS	15
PART V.	ATTACHMENTS.....	21
Attachment A:	Standard Permit Conditions	21
Standard Conditions	Established by EPA Region 9 for All NPDES Permits	28
Attachment B:	Definitions	33
Attachment C:	Location Map.....	35
Attachment D:	Wastewater Flow Schematic	36

Part I EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Final effluent limits and Monitoring Requirements

Dry Creek Rancheria (“permittee”) is authorized to discharge treated wastewater from Outfall 001 in compliance with the final effluent limits and monitoring requirements specified in Table 1. Compliance with these requirements is monitored at monitoring locations M-001 and M-Influent. The discharge of pollutants at any point other than the outfall number 001 to unnamed tributary (and then to Russian River) specifically authorized in this permit is prohibited.

B. Table 1. Final Effluent Limits and Monitoring Requirements – Outfall Numbers 001

Parameter	Maximum Allowable Discharge Limits			Monitoring Requirements		Notes
	Average Monthly	Maximum Daily	Units	Frequency ¹	Sample Type	
ALL OUTFALLS						
Flow rate	n/a	n/a	MGD	continuous	meter	(2), (3), (4)
pH	Within 6.5 and 8.5 at all times		S.U.	once/day	discrete	(3)
TSS	10	15	mg/L	once/week	composite	(7)
BOD	10	15	mg/L	once/week	composite	(7)
Nitrate	10		mg/L	once/week	composite	
Total Coliform		23	MPN/100 ml	once/week	discrete	(5)
Turbidity	2	5	NTU	once/week	discrete	(2), (3), (8)
Settleable solids	1	2	mg/L	once/week	discrete	
Total Residual Chlorine	0.01	0.02	mg/L	once/discharge	discrete	
Ammonia	n/a	n/a	mg/L	once/week	composite	(2)
Total Dissolved Solids	n/a	n/a	mg/L	once/week	composite	(2)
Priority Pollutant scan	n/a	n/a		once/permit term	composite	(2), (6)
Whole effluent toxicity	n/a	n/a		once/permit term	composite	(2), (6)

1. If there is no discharge from an outfall during any one month period, report “C” in the “No Discharge” box on the Discharge Monitoring Report for that month. For monthly and annual monitoring requirements, the permittee does not have to sample the effluent if there is no discharge in that month or year, respectively. Monthly and annual monitoring requirements apply to each outfall independently.
2. No effluent limits are set at this time, but monitoring and reporting is required.
3. Flow, pH, and turbidity shall be taken as field measurements at the time of sampling.
4. Discharge prohibition also applies per Part I.C.
5. Reclaimed water must be monitored once per week for Turbidity and once per week for Total Coliform Bacteria. Total Coliform Bacteria shall not exceed 23 MPN/100 ml as a weekly median.

6. The priority pollutant analyses must be completed once during the five-year permit term, preferably concurrent with one whole effluent toxicity test.
7. Both the influent and the effluent shall be monitored for Biochemical Oxygen Demand (5-day) and Suspended Solids by concentration. The arithmetic mean of effluent samples collected over a monthly period shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected over the same time period. (i.e., Must demonstrate 85% removal of BOD and TSS). Mass effluent limitations for TSS and BOD are 13 lbs/day (annual); 25 lbs/day (weekly) or 33 lbs./day (daily maximum).
8. The average turbidity shall not exceed 2 NTU. Turbidity shall not exceed 5 NTU more than 5 percent of the time within a 24-hour period. At no time shall the turbidity exceed 10 NTU.

C. Discharge Flow Limitations

The permittee shall minimize the discharge of advanced treated wastewater effluent to surface waters at all times by maximizing available irrigation, recycle, and re-use of treated wastewater.

There shall be no discharge of wastewater effluent to the Russian River or its tributaries from May 15 through September 30 each year.

During the period of October 1 through May 14, discharges of wastewater shall not exceed one percent of the flow of the Russian River. For purposes of this permit, compliance with the discharge rate limitation is determined as follows: 1) the discharge of advanced treated wastewater shall be adjusted at least once daily to avoid exceeding, to the extent practicable, one percent of the most recent daily flow measurement of the Russian River as measured at the Cloverdale USGS Gaging Station # 11463000, and; 2) in no case shall the total volume of advanced treated wastewater discharged in a calendar month exceed one percent of the total volume of the Russian River at the Cloverdale USGS Gaging Station in the same calendar month. During periods of discharge, the Cloverdale USGS Gaging Station shall be read at least once daily, and the effluent flow shall be set for no greater than one percent of the flow of the River at the time of the daily reading. At the beginning of the discharge season, the monthly flow volume comparisons shall be based on the date when the discharge commenced to the end of the calendar month. At the end of the discharge season, the monthly flow volume shall be based on the first day of the calendar month to the date when the discharge ceased for the season.

During the period of October 1 through May 14, the permittee shall notify EPA if the discharge of stored wastewater from on-site storage exceeds 50,000 gallons per day.

D. Reclaimed Water Limitations

1. The Tribe has voluntarily agreed to meet the majority of the criteria contained in Title 22, California Code of Regulations for use of reclaimed water used on the Rancheria property. Therefore, the following requirements apply:
2. Reclaimed water shall be monitored once per week for turbidity and once per week for total coliform.
3. All reclamation equipment, pumps, pipes, valves, and outlets shall be appropriately marked to differentiate them from potable facilities. All reclamation distribution system piping shall be purple or adequately wrapped with purple tape.

4. All use areas where recycled water is used that are accessible to the public shall be posted with signs that are visible to the public, in a size no less than 4 inches high by 8 inches wide, that include the following wording: "Recycled water - Do Not Drink" and the international symbol for non-potable water.
5. No physical connection shall be made or allowed to exist between any system and any separate system conveying potable water.
6. Direct or windblown spray of reclaimed water shall be confined to the designated land application area and shall be prevented from entering outdoor eating areas, dwellings, drinking water facilities, food handling facilities, and other locations where the public may be present. In addition, direct or windblown spray of reclaimed water shall not enter surface watercourses.
7. Application of wastewater to land shall not be applied to irrigation areas that exceed vegetative demand or field capacity, nor be applied to irrigation areas during periods when uncontrolled runoff may occur.
8. Areas irrigated with reclaimed water shall be managed to prevent ponding and conditions conducive to the proliferation of mosquitoes and other disease vectors, and to avoid creation of a public nuisance or health hazard. Irrigation water shall infiltrate completely within a 24-hour period.
9. A 15-foot buffer zone shall be maintained between any watercourse and the wetted area produced during land application of effluent.
10. A 50-foot buffer zone shall be maintained between any spring, domestic well or irrigation well and the wetted area produced during land application of effluent.

E. Receiving Water Limitations

1. The discharge shall not cause an individual pesticide or combination of pesticides to be present in concentrations that adversely affect beneficial uses. There shall be no bioaccumulation of pesticide concentrations found in bottom sediments or aquatic life. The discharge shall not cause the receiving waters to contain concentrations of pesticides in excess of the limiting concentrations set forth in Table 3-2 of the Water Quality Control Plan for the North Coast Region ("Basin Plan").
2. The waste discharge shall not cause the dissolved oxygen concentration of the receiving waters to be depressed below 7.0 mg/l. In the event that the receiving waters are determined to have dissolved oxygen concentration of less than 7.0 mg/l, the discharge shall not depress the dissolved oxygen concentration below the existing level.
3. The discharge shall not cause the pH of the receiving waters to be depressed below 6.5 nor raised above 8.5. Within this range, the discharge shall not cause the pH of the receiving waters to be changed at any time more than 0.5 units from that which occurs naturally. If the

pH of the receiving water is less than 6.5, the discharge shall not cause a further depression of the pH of the receiving water. If the pH of the receiving water is greater than 8.5, the discharge shall not cause a further increase in the pH of the receiving water.

4. The discharge shall not cause the turbidity of the receiving waters to be increased more than 20 percent above naturally occurring background levels.

5. The discharge shall not cause the receiving waters to contain floating materials, including, but not limited to, solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.

6. The discharge shall not cause the receiving waters to contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, that cause nuisance, or that adversely affect beneficial uses.

7. The discharge shall not cause coloration of the receiving waters that causes nuisance or adversely affects beneficial uses.

8. The discharge shall not cause bottom deposits in the receiving waters to the extent that such deposits cause nuisance or adversely affect beneficial uses.

9. The discharge shall not contain concentrations of biostimulants that promote objectionable aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses of the receiving waters.

10. The discharge shall not cause the receiving waters to contain toxic substances in concentrations that are toxic to, degrade, or that produce detrimental physiological responses in humans or animals or cause acute or chronic toxicity in plants or aquatic life.

11. The following temperature limitations apply to the discharge to the receiving waters:

a. When the receiving water is below 58⁰ F, the discharge shall cause an increase of no more than 4⁰ F in the receiving water, and shall not increase the temperature of the receiving water beyond 59⁰ F. No instantaneous increase in receiving water temperature shall exceed 4⁰ F at any time.

b. When the receiving water is between 59⁰F and 67⁰F, the discharge shall cause an increase of no more than 1⁰ F in the receiving water. No instantaneous increase in receiving water temperature shall exceed 1⁰ F at any time.

c. When the receiving water is above 68⁰ F, the discharge shall not cause an increase in temperature of the receiving water.

12. The discharge shall not cause the receiving waters to contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water that cause nuisance or that otherwise adversely affect beneficial uses.

13. This discharge shall not cause a violation of any applicable water quality standards for receiving waters, and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Clean Water Act, or amendments thereto, EPA will revise and modify this Permit in accordance with such more stringent standards.

14. The discharge shall not cause concentrations of chemical constituents to occur in excess of limits specified in Table 3-2 of the Basin Plan.

15. The discharge shall not cause concentrations of toxic pollutants in the water column, sediments, or biota that adversely affect beneficial uses.

F. Sample locations

1. Samples and measurements shall be representative of the volume and nature of the monitored discharge.

2. Samples shall be taken at the following locations:

- i) Influent samples shall be taken after the last addition to the collection system and prior to inplant return flow and the first treatment process, where representative samples can be obtained.
- ii) Effluent samples shall be taken after inplant return flows and the last treatment process and prior to mixing with the receiving water, where representative samples can be obtained. Samples may be taken prior to UV disinfection where a representative sample will be obtained.

G. Monitoring and Reporting Requirements

1. All monitoring shall be conducted in accordance with 40 CFR 136 test methods, unless otherwise specified in this permit. For influent and effluent analyses required in this permit, the permittee shall utilize 40 CFR 136 test methods with MDLs and MLs that are lower than the effluent limits in this permit. For parameters without an effluent limit, the permittee must use an analytical method at or below the level of the applicable water quality criterion for the measured pollutant or the amount of the pollutant is high enough that the method detects and quantifies the level of pollutant in the discharge. If all MDLs or MLs are higher than these effluent limits or criteria concentrations, then the permittee shall utilize the test method with the lowest MDL or ML. In this context, the permittee shall ensure that the laboratory utilizes a standard calibration where the lowest standard point is equal to or less than the ML. Influent and effluent analyses for metals shall measure "total recoverable metal", except as provided under 40 CFR 122.45(c).

2. As an attachment to the first DMR, the permittee shall submit, for all parameters with monitoring requirements specified in this permit:
- a. The test method number or title and published MDL or ML,
 - b. The preparation procedure used by the laboratory,
 - c. The laboratory's MDL for the test method computed in accordance with Appendix B of 40 CFR 136,
 - d. The standard deviation (S) from the laboratory's MDL study,

- e. The number of replicate analyses (n) used to compute the laboratory's MDL, and
 - f. The laboratory's lowest calibration standard.
As part of each DMR submittal, the permittee shall certify that there are no changes to the laboratory's test methods, MDLs, MLs, or calibration standards. If there are any changes to the laboratory's test methods, MDLs, MLs, or calibration standards, these changes shall be summarized in an attachment to the subsequent DMR submittal.
3. The permittee shall develop a Quality Assurance ("QA") Manual for the field collection and laboratory analysis of samples. The purpose of the QA Manual is to assist in planning for the collection and analysis of samples and explaining data anomalies if they occur. At a minimum, the QA Manual shall include the following:
- a. Identification of project management and a description of the roles and responsibilities of the participants; purpose of sample collection; matrix to be sampled; the analytes or compounds being measured; applicable technical, regulatory, or program-specific action criteria; personnel qualification requirements for collecting samples;
 - b. Description of sample collection procedures; equipment used; the type and number of samples to be collected including QA/Quality Control ("QC") samples; preservatives and holding times for the samples (see 40 CFR 136.3); and chain of custody procedures;
 - c. Identification of the laboratory used to analyze the samples; provisions for any proficiency demonstration that will be required by the laboratory before or after contract award such as passing a performance evaluation sample; analytical method to be used; MDL and ML to be reported; required QC results to be reported (e.g., matrix spike recoveries, duplicate relative percent differences, blank contamination, laboratory control sample recoveries, surrogate spike recoveries, etc.) and acceptance criteria; and corrective actions to be taken in response to problems identified during QC checks; and
 - d. Discussion of how the permittee will perform data review, report results, and resolve data quality issues and identify limits on the use of data.
4. Throughout all field collection and laboratory analyses of samples, the permittee shall use the QA/QC procedures documented in their QA Manual. If samples are tested by a contract laboratory, the permittee shall ensure that the laboratory has a QA Manual on file. A copy of the permittee's QA Manual shall be retained on the permittee's premises and available for review by regulatory authorities upon request. The permittee shall review its QA Manual annually and revise it, as appropriate.
5. Samples collected during each month of the reporting period must be reported on Discharge Monitoring Report forms, as follows:
- a. For a *maximum daily* permit limit or monitoring requirement when one or more samples are collected during the month, report either:

The *maximum value*, if the maximum value of all analytical results is greater than or equal to the ML; or
NODI (Q), if the maximum value of all analytical results is greater than or equal to the laboratory's MDL, but less than the ML; or
NODI (B), if the maximum value of all analytical results is less than the laboratory's MDL.

- b. For an *average weekly* or *average monthly* permit limit or monitoring requirement when only one sample is collected during the week or month, report either:
The *maximum value*, if the maximum value of all analytical results is greater than or equal to the ML; or
NODI (Q), if the maximum value of all analytical results is greater than or equal to the laboratory's MDL, but less than the ML; or
NODI (B), if the maximum value of all analytical results is less than the laboratory's MDL.
 - c. For an *average weekly* or *average monthly* permit limit or monitoring requirement when more than one sample is collected during the week or month, report:
The *average value* of all analytical results where 0 (zero) is substituted for *NODI (B)* and the laboratory's MDL is substituted for *NODI (Q)*.
6. In addition to information requirements specified under 40 CFR 122.41(j)(3), records of monitoring information shall include: the laboratory which performed the analyses and any comment, case narrative, or summary of results produced by the laboratory. The records should identify and discuss QA/QC analyses performed concurrently during sample analyses and whether project and 40 CFR 136 requirements were met. The summary of results must include information on initial and continuing calibration, surrogate analyses, blanks, duplicates, laboratory control samples, matrix spike and matrix spike duplicate results, and sample condition upon receipt, holding time, and preservation.
7. The permittee shall electronically submit Discharge Monitoring Reports using NetDMR (<https://www.epa.gov/netdmr>) and Biosolids/Sewage Sludge Reports using NeT (<https://www.epa.gov/compliance/national-pollutant-discharge-elimination-system-npdes-electronic-reporting-tool-net-fact>).
8. The permittee shall conduct effluent monitoring for the following parameters in the 4th year of the permit term.

Priority Toxics Pollutants. The permittee shall monitor for the full list of priority pollutants as listed in the Code of Federal Regulations (CFR) at 40 CFR Part 122 Appendix J, Table 2.

Hardness (CaCO₃). The permittee shall monitor for hardness in addition to priority pollutants.

Chronic Toxicity. The requirements for chronic toxicity are specified in Part III of this permit.

9. The permittee shall conduct monthly receiving water quality monitoring for pH, dissolved oxygen, turbidity, total dissolved solids, and temperature at the following locations when water is present in the receiving water. Monitoring shall be conducted prior to 9:00 a.m.

M001U - Outfall 001 Upstream: Stream P1, approx. 100' upstream of Outfall 001

M001D - Outfall 001 Downstream: Stream P1, at Rancheria Boundary

Part II. STANDARD CONDITIONS

The permittee shall comply with all EPA Standard Permit Conditions and Standard Conditions Established by EPA Region 9 for All NPDES Permits included in an attachment to this permit (see Attachment A).

Part III. SPECIAL CONDITIONS

A. Erosion Protection

The permittee shall design, install and maintain erosion protection measures to prevent erosion from the discharge point to receiving water.

B. Surface Water Discharge Operations Plan and Report

Within 90 days of permit effective date, the existing Surface Water Discharge Operations plan shall be reviewed and revised as necessary. This plan shall be prepared for use by plant personnel and shall detail procedures for determining discharge locations and discharge volumes in compliance with the permit. Procedures for adjusting discharges in order to prevent receiving water violations shall be detailed. The plan shall use background water quality data and flow as a basis for determining discharge volumes and locations.

The plan shall include the requirement to maintain a log of chlorine usage and the destination of effluent treated with chlorine (whether discharge is to surface waters or to reclaimed uses).

The permittee shall submit a yearly report documenting compliance with the Surface Water Discharge Operations plan and discharge limitations. The report shall at a minimum include documentation of compliance with all flow limitations including the 1% flow restriction to the Russian River and the prohibition of discharge to the Russian River from May 15 to September 30. The report shall include the total volume of treated wastewater re-used on-site, including total area of land irrigated. The report shall include a discussion of the expected reclamation activities for the upcoming year, including total acreage available for irrigation.

C. Permit Reopener(s)

In accordance with 40 CFR 122 and 124, this permit may be modified by EPA to include effluent limits, monitoring, or other conditions to implement new regulations, including EPA-approved water quality standards; or to address new information indicating the presence of effluent toxicity or the reasonable potential for the discharge to cause or contribute to exceedances of water quality standards.

D. Twenty-four Hour Reporting of Noncompliance

1. The permittee shall report any noncompliance which may endanger human health or the environment. The permittee is required to provide an oral report by directly speaking with an EPA and North Coast Regional Water Quality Control Board staff person within

24 hours from the time the permittee becomes aware of the circumstances. If the permittee is unsuccessful in reaching a staff person, the permittee shall provide notification by 9 a.m. on the first business day following the noncompliance. The permittee shall notify EPA and North Coast Regional Water Quality Control Board at the following telephone numbers:

U.S. Environmental Protection Agency
CWA Compliance Office
(415) 972-3505

North Coast Regional Water Quality Control Board
(707) 576-2701

The permittee shall follow up with a written submission within five days of the time the permittee becomes aware of noncompliance. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

1. The following shall be included as information which must be reported within 24 hours under this paragraph.

Any unanticipated bypass which exceeds any effluent limit in the permit (see 40 CFR 122.44(g)).

Any upset which exceeds any effluent limit in the permit.

Violation of a maximum daily discharge limit for any of the pollutants listed by the director in the permit to be reported within 24 hours (see 40 CFR 122.44(g)).

2. EPA may waive the written report on a case-by-case basis for reports required under paragraph A.1, if the oral report has been received within 24 hours.

E. Whole Effluent Toxicity (WET) Requirements

1. Monitoring Frequency

The permittee shall conduct chronic toxicity tests on 24-hour composite effluent samples. Chronic toxicity testing shall occur at least once during the permit term. At the beginning of the permit term, the permittee shall split a 24-hour composite effluent sample and concurrently conduct three toxicity tests using a fish, an invertebrate, and an alga species; the permittee shall then continue to conduct routine toxicity testing using the single, most sensitive species.

The most sensitive species is the fish, invertebrate, or alga species which demonstrates the largest percent effect level at the Instream Waste Concentration (IWC), where: $IWC \text{ percent effect level} = [(Control \text{ mean response} - IWC \text{ mean response}) \div Control \text{ mean response}] \times 100$.

Chronic toxicity test samples shall be collected for each point of discharge at the designated NPDES sampling station for the effluent (i.e., downstream from the last treatment process and any in-plant return flows where a representative effluent sample can be obtained). During fourth year of the permit, a split of each sample shall be analyzed for all other monitored parameters at the minimum frequency of analysis specified by the effluent monitoring program.

2. Freshwater Species and Test Methods

Species and short-term test methods for estimating the chronic toxicity of NPDES effluents are found in the fourth edition of *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (EPA/821/R-02/013, 2002; Table IA, 40 CFR Part 136).

The permittee shall conduct static renewal toxicity tests with the fathead minnow, *Pimephales promelas* (Larval Survival and Growth Test Method 1000.0); the daphnid, *Ceriodaphnia dubia* (Survival and Reproduction Test Method 1002.01); and the green alga, *Selenastrum capricornutum* (also named *Raphidocelis subcapitata*) (Growth Test Method 1003.0).

3. Chronic WET Permit Trigger

There is no chronic toxicity effluent limit for this discharge because there is no reasonable potential for the discharge to exceed the EPA's recommended water quality criterion for chronic toxicity. For this discharge, the determination of "Pass" or "Fail" from a single-effluent concentration chronic toxicity test at the IWC of 100 percent effluent is determined using the Test of Significant Toxicity (TST) approach described in *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document* (EPA 833-R-10-003, 2010). For any one chronic toxicity test, the chronic WET permit trigger that must be achieved is rejection of the null hypothesis (H_0):

IWC (100 percent effluent) mean response $\leq 0.75 \times$ Control mean response.

A test result that rejects this null hypothesis is reported as "Pass" on the DMR form. A test result that does not reject this null hypothesis is reported as "Fail" on the DMR form. To calculate either "Pass" or "Fail", the permittee shall follow the instructions in *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document*, Appendix A. If a test result is reported as "Fail", then the permittee shall follow Section 6 (Accelerated Toxicity Testing and TRE/TIE Process) of this permit. The Permittee shall also report "percent mean response at IWC" on DMR form.

4. Quality Assurance

- a. Quality assurance measures, instructions, and other recommendations and requirements are found in the test methods manual previously referenced. Additional requirements are specified, below.
- b. This discharge is subject to a determination of "Pass" or "Fail" from a single-

effluent concentration chronic toxicity test at the IWC (for statistical flowchart and procedures, see *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document*, Appendix A, Figure A-1). The chronic IWC for this discharge is 100 percent effluent.

- c. Effluent dilution water and control water should be standard synthetic dilution water, as described in the test methods manual *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (EPA/821/R-02/013, 2002). If the dilution water is different from test organism culture water, then a second control using culture water shall also be used.
- d. If organisms are not cultured in-house, then concurrent testing with a reference toxicant shall be conducted. If organisms are cultured in-house, then monthly reference toxicant testing is sufficient. Reference toxicant tests and effluent toxicity tests shall be conducted using the same test conditions (e.g., same test duration, etc.).
- e. All multi-concentration reference toxicant test results must be reviewed and reported according to EPA guidance on the evaluation of concentration-response relationships found in *Method Guidance and Recommendations for Whole Effluent Toxicity (WET) Testing (40 CFR 136)* (EPA 821-B-00-004, 2000).
- f. If either the reference toxicant or effluent toxicity tests do not meet all test acceptability criteria in the test methods manual, then the permittee shall resample and retest within 14 days.
- g. If the discharged effluent is chlorinated, then chlorine shall not be removed from the effluent sample prior to toxicity testing without written approval by the permitting authority.
- h. pH drift during a toxicity test may contribute to arti-factual toxicity when pH-dependent toxicants (e.g., ammonia, metals) are present in the effluent. To determine whether or not pH drift is contributing to arti-factual toxicity, the permittee shall conduct three sets of side-by-side toxicity tests in which the pH of one treatment is controlled at the pH of the effluent while the pH of the other treatment is not controlled, as described in Section 11.3.6.1 of *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (EPA/821/R-02/013, 2002). Toxicity is confirmed to be arti-factual and due to pH drift when no toxicity above the chronic WET permit limit or trigger is observed in the treatments controlled at the pH of the effluent. Upon this confirmation and following written approval by the permitting authority, the permittee may use the procedures outlined in Section 11.3.6.2 of the chronic freshwater test methods manual to control effluent sample pH during the toxicity test.

5. Initial Investigation TRE Workplan

Within 90 days of the permit effective date, the permittee shall prepare and submit a copy of its Initial Investigation Toxicity Reduction Evaluation (TRE) Workplan (1-2 pages) to EPA for review. This plan shall include steps the permittee intends to follow if toxicity is measured above the chronic toxicity monitoring triggers and should include, at minimum:

- a. A description of the investigation and evaluation techniques that would be used to identify potential causes and sources of toxicity, effluent variability, and treatment system efficiency.
- b. A description of methods for maximizing in-house treatment system efficiency, good housekeeping practices, and a list of all chemicals used in operations at the facility.
- c. If a Toxicity Identification Evaluation (TIE) is necessary, an indication of who would conduct the TIEs (i.e., an in-house expert or outside contractor).

6. Accelerated Toxicity Testing and TRE/TIE Process

- a. If a chronic toxicity monitoring trigger is exceeded and the source of toxicity is known (e.g., a temporary plant upset), then the permittee shall conduct one additional toxicity test using the same species and test method. This test shall begin within 14 days of receipt of test results exceeding a chronic toxicity monitoring trigger. If the additional toxicity test does not exceed a chronic toxicity monitoring trigger, then the permittee may return to its regular testing frequency.
- b. If a chronic toxicity monitoring trigger is exceeded and the source of toxicity is not known, then the permittee shall conduct four additional toxicity tests using the same species and test method, approximately every two weeks, over an eight week period. This testing shall begin within 14 days of receipt of test results exceeding a chronic toxicity monitoring trigger. If none of the additional toxicity tests exceed a chronic toxicity monitoring trigger, then the permittee may return to its regular testing frequency.
- c. If one of the additional toxicity tests (in paragraphs a or b) exceeds a chronic toxicity monitoring trigger, then, within 14 days of receipt of this test result, the permittee shall initiate a TRE using the same species and test method and, as guidance, EPA manual *Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants* (EPA 833-B- 99-002, August 1999). In conjunction, the permittee shall develop and implement a Detailed TRE Workplan which shall include: further actions undertaken by the permittee to investigate, identify, and correct the causes of toxicity; actions the permittee will take to mitigate the impact of the discharge and prevent the recurrence of toxicity; and a schedule for these actions.
- d. The permittee may initiate a Toxicity Identification Evaluation (TIE) as part of a TRE to identify the causes of toxicity, using as guidance EPA manuals: *Toxicity Identification Evaluation: Characterization of Chronically Toxic*

Effluents, Phase I (EPA/600/6-91/005F, May 1992); *Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R- 92/080, September 1993); and *Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/081, September 1993).

7. Reporting of Chronic Toxicity Monitoring Results

- a. The permittee shall report on the DMR for the month in which the toxicity test was conducted: “Pass” or “Fail” (based on the Welch’s t-test result). Permittee shall also report the calculated “percent mean response at IWC”, where:

$$\text{percent mean response at IWC} = ((\text{Control mean response} - \text{IWC mean response}) \div \text{Control mean response}) \times 100$$

- b. The permittee shall submit a full laboratory report for all toxicity testing as an attachment to the DMR for the month in which the toxicity test was conducted. The laboratory report shall contain: the toxicity test results; the dates of sample collection and initiation of each toxicity test; all results for effluent parameters monitored concurrently with the toxicity test(s); and progress reports on TRE/TIE investigations.
- c. The permittee shall notify the permitting authority in writing within 14 days of exceedance of the chronic WET permit limit or trigger. This notification shall describe actions the permittee has taken or will take to investigate, identify, and correct the causes of toxicity; the status of actions required by this permit; and schedule for actions not yet completed; or reason(s) that no action has been taken.

8. Permit Reopener for Chronic Toxicity

In accordance with 40 CFR Parts 122 and 124, this permit may be modified to include effluent limitations or permit conditions to address chronic toxicity in the effluent or receiving waterbody, as a result of the discharge; or to implement new, revised, or newly interpreted water quality standards applicable to chronic toxicity.

Part IV. BIOSOLIDS

“Biosolids” means non-hazardous sewage sludge, as defined in 40 CFR 503.9. Sewage sludge that is hazardous, as defined in 40 CFR 261, must be disposed of in accordance with the Resource Conservation and Recovery Act.

A. General Requirements

All biosolids generated by the permittee shall be used or disposed of in compliance with the applicable portions of:

1. 40 CFR 503 - for biosolids that are land applied, placed in a surface disposal site (dedicated land disposal site, monofill, or sludge-only parcel at a municipal landfill), or

incinerated;

2. 40 CFR 258 - for biosolids disposed of in a municipal solid waste landfill (with other material);
3. 40 CFR 257 - for all biosolids use and disposal practices not covered under 40 CFR 258 or 503.

40 CFR 503, Subpart B (land application) sets requirements for biosolids that are applied for the purpose of enhancing plant growth or for land reclamation. 40 CFR 503, Subpart C (surface disposal) sets requirements for biosolids that are placed on the land for the purpose of disposal.

The permittee is responsible for assuring that all biosolids produced at its facility are used or disposed of in accordance with these rules, whether the permittee uses or disposes of the biosolids, itself, or transfers the biosolids to another party for further treatment, use, or disposal. The permittee is responsible for informing subsequent preparers, applicators, and disposers of the requirements that they must meet under these rules.

4. Duty to mitigate: The permittee shall take all reasonable steps to prevent or minimize any biosolids use or disposal which has a likelihood of adversely affecting human health or the environment.
5. No biosolids shall be allowed to enter wetlands or other waters of the United States.
6. Biosolids treatment, storage, use, or disposal shall not contaminate groundwater.
7. Biosolids treatment, storage, use, or disposal shall not create a nuisance such as objectionable odors or flies.
8. The permittee shall assure that haulers transporting biosolids off site for treatment, storage, use, or disposal take all necessary measures to keep the biosolids contained. All haulers must have spill clean-up procedures. Trucks hauling biosolids that are not classified as Class A, as defined at 40 CFR 503.32(a), shall be cleaned as necessary after loading and after unloading so as to have no biosolids on the exterior of the truck body or wheels. Trucks hauling biosolids that are not Class A shall be tarped. Trucks hauling biosolids that are not Class A may not be used for hauling food or feed crops after unloading the biosolids, unless the permittee submits, for EPA approval, a hauling description of how trucks will be thoroughly cleaned prior to adding food or feed.
9. If biosolids are stored over two years from the time they are generated, then the permittee must ensure compliance with all surface disposal requirements under 40 CFR 503, Subpart C, or must submit a written notification to EPA and North Coast Water Board with the information under 40 CFR 503.20(b) demonstrating the need for longer temporary storage. During temporary storage (of any length of time) for biosolids that are not Class A, whether on the facility site or off-site, adequate procedures must be taken to restrict public access and access by domestic animals.
10. Any biosolids treatment, disposal, or storage site shall have facilities adequate to: divert surface runoff from adjacent areas, protect the site boundaries from erosion, and prevent any conditions that would cause drainage from the materials at the site to escape from the site. Adequate protection is defined as protection from at least a 100-year storm event and from the highest tidal stage that may occur.
11. There shall be adequate screening at the treatment plant headworks and/or at the biosolids treatment units to ensure that all pieces of metal, plastic, glass, and other inert objects with a diameter greater than 3/8" are removed.

B. Inspection and Entry

The EPA, North Coast Water Board, or an authorized representative thereof, upon presentation of credentials, shall be allowed by the permittee, directly or through contractual arrangements with their biosolids management contractors, to:

1. Enter upon all premises where biosolids produced by the permittee are treated, stored, used, or disposed of, either by the permittee or another party to whom the permittee transfers the biosolids for treatment, storage, use, or disposal;
2. Have access to and copy any records that must be kept under the conditions of this permit or 40 CFR 503, by the permittee or another party to whom the permittee transfers the biosolids for further treatment, storage, use, or disposal; and
3. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations used in biosolids treatment, storage, use, or disposal by the permittee or another party to whom the permittee transfers the biosolids for treatment, use, or disposal.

C. Monitoring

1. Biosolids shall be monitored for the following constituents, at the frequency specified in paragraph 3.b: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium, zinc, organic nitrogen, ammonia-nitrogen, and total solids. This monitoring shall be conducted using the methods in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (EPA publication SW-846), as required in 40 CFR 503.8(b)(4). All results must be reported on a 100% dry weight basis. Records of all analyses must state on each page of the laboratory report whether the results are expressed in “100% dry weight” or “as is”.
2. The constituents in paragraph 3.a shall be monitored at the following frequency, based on the volume of sewage solids generated per year:

Volume Generated (dry metric tons per year)	Monitoring Frequency *
>0 - <290	Once per year
290 - <1,500	Four times per year
1,500 - <15,000	Six times per year
≥15,000	12 times per year

*If biosolids are removed for use or disposal on a routine basis, then monitoring should be scheduled at regular intervals throughout the year. If biosolids are stored for an extended period of time prior to use or disposal, then monitoring may occur either at regular intervals, or prior to use or disposal corresponding to tonnage accumulated during the period of storage.

3. Class 1 facilities (facilities with pretreatment programs or other facilities designated as Class 1 by the Regional Administrator) and Federal facilities with >5 mgd influent flow shall sample biosolids twice per year for pollutants listed under CWA section 307(a), using best practicable detection limits.

D. Pathogen and Vector Control

Prior to land application, the permittee shall demonstrate that biosolids meet Class A or Class B pathogen reduction levels using one of the alternatives listed under 40 CFR 503.32.

1. Prior to disposal in a surface disposal site, the permittee shall demonstrate that the biosolids meet Class B pathogen reduction levels or shall ensure that the site is covered at the end of each operating day. If pathogen reduction is demonstrated using a Process to Significantly/Further Reduce Pathogens, then the permittee shall maintain daily records of the operating parameters used to achieve this reduction.

If pathogen reduction is demonstrated by testing for fecal coliform and/or other pathogens, then samples must be drawn at the frequency described in paragraph 3.b, above. If Class B pathogen reduction levels are demonstrated using fecal coliform, then at least seven grab samples must be drawn during each sampling event and a geometric mean calculated from these seven samples.

The following sample holding times between sample collection and sample analysis shall not be exceeded: fecal coliform - 24 hours when cooled to 4 °C if composted, mesophilically digested, or aerobically digested, 6 hours otherwise; Salmonella sp. - 24 hours when cooled to 4 °C; enteric viruses - 2 weeks when frozen; helminth ova - one month when cooled to 4 °C.

2. For biosolids that are land applied or placed in a surface disposal site, the permittee shall track and keep records of the operational parameters used to achieve the Vector Attraction Reduction requirements in 40 CFR 503.33(b).

E. Surface Disposal

If biosolids are placed in a surface disposal site (dedicated land disposal site or monofill), then a qualified groundwater scientist shall develop a groundwater monitoring program for the site, or shall certify that the placement of biosolids on the site will not contaminate an aquifer.

F. Landfill Disposal

Biosolids placed in a municipal landfill shall be tested by the Paint Filter Liquids Test (Method Number 9095 in SW-846) at the frequency indicated in paragraph 3.b, above, or more often if necessary, to demonstrate that there are no free liquids.

G. Notification and Reporting

The permittee, either directly or through contractual arrangements with their biosolids management contractors, shall comply with the following notification requirements:

- a. Notification of noncompliance: The permittee shall notify EPA and North Coast Water Quality Control Board of any noncompliance within 24 hours, if the noncompliance may seriously endanger health or the environment. For other instances of noncompliance, the permittee shall notify EPA and North Coast Water

Quality Control Board, in writing, within five working days of becoming aware of the circumstances. The permittee shall require their biosolids management contractors to notify EPA and North Coast Water Quality Control Board of any noncompliance within these same timeframes.

- b. Interstate notification: If biosolids are shipped to another State, Tribal Lands, or Territory, then the permittee shall send a 60-day prior notice of the shipment to permitting authorities in the receiving State, Tribal Lands, or Territory, and EPA Regional Office.
- c. Land Application:
 - i. Prior to using any biosolids from this facility (other than composted biosolids) at a new or previously unreported site, the permittee shall notify EPA and North Coast Water Quality Control Board. The notification shall include: a description and topographic map of the proposed site(s), names and addresses of the applier and site owner, and a list of any state or local permits which must be obtained. The plan shall include a description of the crops or vegetation to be grown, proposed loading rates, and determination of agronomic rates.

If any biosolids within a given monitoring period do not meet the pollutant limits for metals under 40 CFR 503.13, then the permittee (or its contractor) must pre-notify EPA and determine the cumulative metals loading to date at that site, as required in 40 CFR 503.12.

The permittee shall notify the applier of 40 CFR 503-requirements that are applicable to the applier, including applier certification that management practices, site restrictions, and vector attraction reduction requirements have been met. The permittee shall require the applier to certify at the end of 38 months following the application of Class B biosolids, that the harvesting restrictions in effect for up to 38 months have been met.

- d. Surface Disposal: Prior to disposal at a new or previously unreported site, the permittee shall notify EPA and North Coast Water Quality Control Board. The notice shall include: a description and topographic map of the proposed site, depth to groundwater, whether the site is lined or unlined, site operator, site owner, and any State or local permits. The notice shall describe procedures for ensuring restricted public access and grazing restrictions for three years following site closure. The notice shall include a groundwater monitoring plan, or a description of why groundwater monitoring is not required.
- e. The permittee shall submit an annual biosolids report to the EPA Region 9 Biosolids Coordinator by February 19 of each year for the period covering the previous calendar year. This report shall include:
 - i. The amount of biosolids generated that year and the amount of biosolids accumulated from previous years, in dry metric tons.
 - ii. Results of all pollutant monitoring required in the Monitoring section, above, reported on a 100% dry weight basis.
 - iii. Demonstrations and certifications of pathogen reduction methods and vector attraction reduction methods, as required in 40 CFR 503.17 and 503.27.

- iv. Names, mailing addresses, and street addresses of persons who received biosolids for storage, further treatment, or disposal in a municipal waste landfill, or for other use or disposal methods not covered above, and the tonnages delivered to each.
- v. For land application sites, the following information must be submitted by the permittee, unless the permittee requires its biosolids management contractors to report this information directly to the EPA Region 9 Biosolids Coordinator:

The locations of land application sites used that calendar year (with field names and numbers), size of each field applied to, applier, and site owner; the volumes applied to each field (in wet tons and dry metric tons), nitrogen applied, and calculated plant available nitrogen; the crop planted, date of planting, and date of harvesting; for biosolids exceeding 40 CFR 503.13 Table 3 pollutant concentrations, the locations of sites where applied and cumulative metals loading at that site to date; certifications of management practices in 40 CFR 503.14 and certifications of site restrictions in 40 CFR 503.17(b)(6).

- vi. For surface disposal sites: The locations of sites, site operator, site owner, and size of parcel on which disposed; the results of any required groundwater monitoring; certifications of management practices in 40 CFR 503.24; and for closed sites, the date of site closure and certifications of management practices for the three years following site closure.
- vii. All reports shall be submitted to:

U.S. EPA, WTR-2-3
Regional Biosolids Coordinator
75 Hawthorne St.
San Francisco, CA 94105-3901

PART V. ATTACHMENTS

Attachment A: Standard Permit Conditions

A. All NPDES Permits

In accordance with 40 CFR 122.41, the following conditions apply to all NPDES permits and are expressly incorporated into this permit.

a. *Duty to comply; at 40 CFR 122.41(a).*

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

- i. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under 405(d) of the CWA within the time provided in the regulations that established these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
- ii. The CWA provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The CWA provides that any person who *negligently* violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both. Any person who *knowingly* violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not

more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, such as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

- iii. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.

1. *Duty to reapply; at 40 CFR 122.41(b).*

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

2. *Need to halt or reduce activity not a defense; at 40 CFR 122.41(c).*

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. *Duty to mitigate; at 40 CFR 122.41(d).*

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

4. *Proper operation and maintenance; at 40 CFR 122.41(e).*

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. 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 which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

5. *Permit actions; at 40 CFR 122.41(f).*

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

6. *Property rights; at 40 CFR 122.41(g).*
This permit does not convey any property rights of any sort, or any exclusive privilege.
7. *Duty to provide information; at 40 CFR 122.41(h).*
The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.
8. *Inspection and entry; at 40 CFR 122.41(i).*
The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:
 - a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.
9. *Monitoring and records; at 40 CFR 122.41(j).*
 - a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample measurement, report or application. This period may be extended by request of the Director at any time.
 - c. Records of monitoring information shall include:

- (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed
 - (iv) The individuals(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
- d. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR part 503, unless other test procedures have been specified in the permit.
 - e. 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 permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

10. Signatory requirement; at 40 CFR 122.41(k).

- a. All applications, reports, or information submitted to the Director shall be signed and certified. (See 40 CFR 122.22.)
- b. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

11. Reporting requirements; at 40 CFR 122.41(l).

- a. Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alternations or additions to the permitted facility. Notice is required only when:
 - (i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
 - (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).
 - (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, an such alteration, addition, or change

may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;

- b. Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- c. Transfers. This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the CWA. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory.)
- d. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - (i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.
 - (ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or, in the case of sludge use or disposal, approved under 40 CFR part 503, or as specified in the permit, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.
 - (iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.
- e. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- f. Twenty-four hour reporting.
 - (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been

corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

(A) *Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR 122.41(g).)*

(B) *Any upset which exceeds any effluent limitation in the permit.*

(C) *Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours. (See 40 CFR 122.44(g).)*

The Director may waive the written report on a case-by-case basis for reports under 40 CFR 122.41(l)(6)(ii) of this section if the oral report has been received within 24 hours.

- g. Other noncompliance. The permittee shall report all instances of noncompliance not reported under 40 CFR 122.41(l)(4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (l)(6) of this section.
- h. Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

12. *Bypass; at 40 CFR 122.41(m).*

a. *Definitions.*

(i) *“Bypass” means the intentional diversion of waste streams from any portion of a treatment facility.*

(ii) *“Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.*

b. *Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 40 CFR 122.41(m)(3) and (m)(4) of this section.*

c. *Notice.*

- (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
 - (ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (l)(6) of this section (24-hour notice).
- d. Prohibition of bypass.
- (i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
 - (A) *Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;*
 - (B) *There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and*
 - (C) *The permittee submitted notices as required under paragraph (m)(3) of this section.*
 - (ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (m)(4)(i) of this section.

13. *Upset; at 40 CFR 122.41(n).*

- a. Definition. “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent cause by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (n)(3) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (i) An upset occurred and that the permittee can identify the cause(s) of the upset;

- (ii) The permitted facility was at the time being properly operated; and
- (iii) The permittee submitted notice of the upset as required in paragraph (1)(6)(ii)(B) of this section (24 hour notice).
- (iv) The permittee complied with any remedial measures required under paragraph (d) of this section.
- d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

Standard Conditions Established by EPA Region 9 for All NPDES Permits

1. Duty to reapply; at 40 CFR 122.21(d).
 - a. *Any POTW with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Director. (The Director shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)*
 - b. *All other permittees with currently effective permits shall submit a new application 180 days before the existing permit expires, except that:*
 - (1) *the Regional Administrator may grant permission to submit an application later than the deadline for submission otherwise applicable, but no later than the permit expiration date.*
2. Signatories to permit applications and reports; at 40 CFR 122.22
 - a. Applications. All permit applications shall be signed as follows:
 - (1) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to

responsible corporate officers identified in 40 CFR 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under 40 CFR 122.22(a)(1)(ii) rather than to specific individuals.

- (2) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- b. All reports required by permits, and other information requested by the Director shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:*
- (1) The authorization is made in writing by a person described in paragraph (a) of this section;
 - (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, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters of the company, (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 Director.
- c. Changes to authorization. If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.*
- d. Certification. Any person signing a document under paragraph (a) or (b) of this section 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.”

3. Transfer of permits; at 40 CFR 122.61.

- a. *Transfers by modification. Except as provided in paragraph (b) of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under 40 CFR 122.62(b)(2)), or a minor modification made (under 40 CFR 122.63(d)), to identify the new permittee and incorporate such other requirements as may be necessary under CWA.*
- b. *Automatic transfers. As an alternative to transfers under paragraph (a) of this section, any NPDES permit may be automatically transferred to a new permittee if:*
 - (1) *The current permittee notifies the Director at least 30 days in advance of the proposed transfer date in paragraph (b)(2) of this section;*
 - (2) *The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and*
 - (3) *The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this subparagraph may also be a minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (b)(2) of this section.*

4. Minor modifications of permits; at 40 CFR 122.63.

Upon the consent of the permittee, the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, without following the procedures in 40 CFR 124. Any permit modification not processed as a minor modification under this section must be made for cause and with 40 CFR 124 draft permit and public notice as required in 40 CFR 122.62. Minor modifications may only:

- a. *Correct typographical errors;*
- b. *Require more frequent monitoring or reporting by the permittee.*
- c. *Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement; or*

- d. *Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Director;*
 - e. *(1) Change the construction schedule for a discharger which is a new source. No such change shall affect a discharger's obligation to have all pollution control equipment installed and in operation prior to discharge under 40 CFR 122.29.*
 - (1) Delete a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits*
 - f. *[Reserved]*
 - g. *Incorporate conditions of a POTW pretreatment program that has been approved in accordance with the procedures in 40 CFR 403.11 (or a modification thereto that has been approved in accordance with the procedures in 40 CFR 403.18) as enforceable conditions of the POTW's permits.*
5. Termination of permits; at 40 CFR 122.64.
- a. *The following are causes for terminating a permit during its term, or for denying a permit renewal application:*
 - (1) Noncompliance by the permittee with any conditions of the permit;
 - (2) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;
 - (3) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or
 - (4) A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit (for example, plant closure or termination of discharge by connection to a POTW).
 - b. *The Director shall follow the applicable procedures in 40 CFR 124 or 22 of this chapter, as appropriate (or State procedures equivalent to part 124) in terminating any NPDES permit under this section, except that if the entire discharge is permanently terminated by elimination of the flow or by connection to a POTW (but not by land application or disposal into a well), the Director may terminate the permit by notice to the permittee. Termination by notice shall be effective 30 days after notice is sent, unless the permittee objects within that time. If the permittee objects during that period, the Director shall follow 40 CFR 124 or*

applicable State procedures for termination. Expedited permit termination procedures are not available to permittees that are subject to pending State and/or Federal enforcement actions including citizen suits brought under State or Federal law. If requesting expedited permit termination procedures, a permittee must certify that it is not subject to any pending State or Federal enforcement actions including citizen suits brought under State or Federal law. State-authorized NPDES programs are not required to use part 22 of this chapter's procedures for NPDES permit terminations.

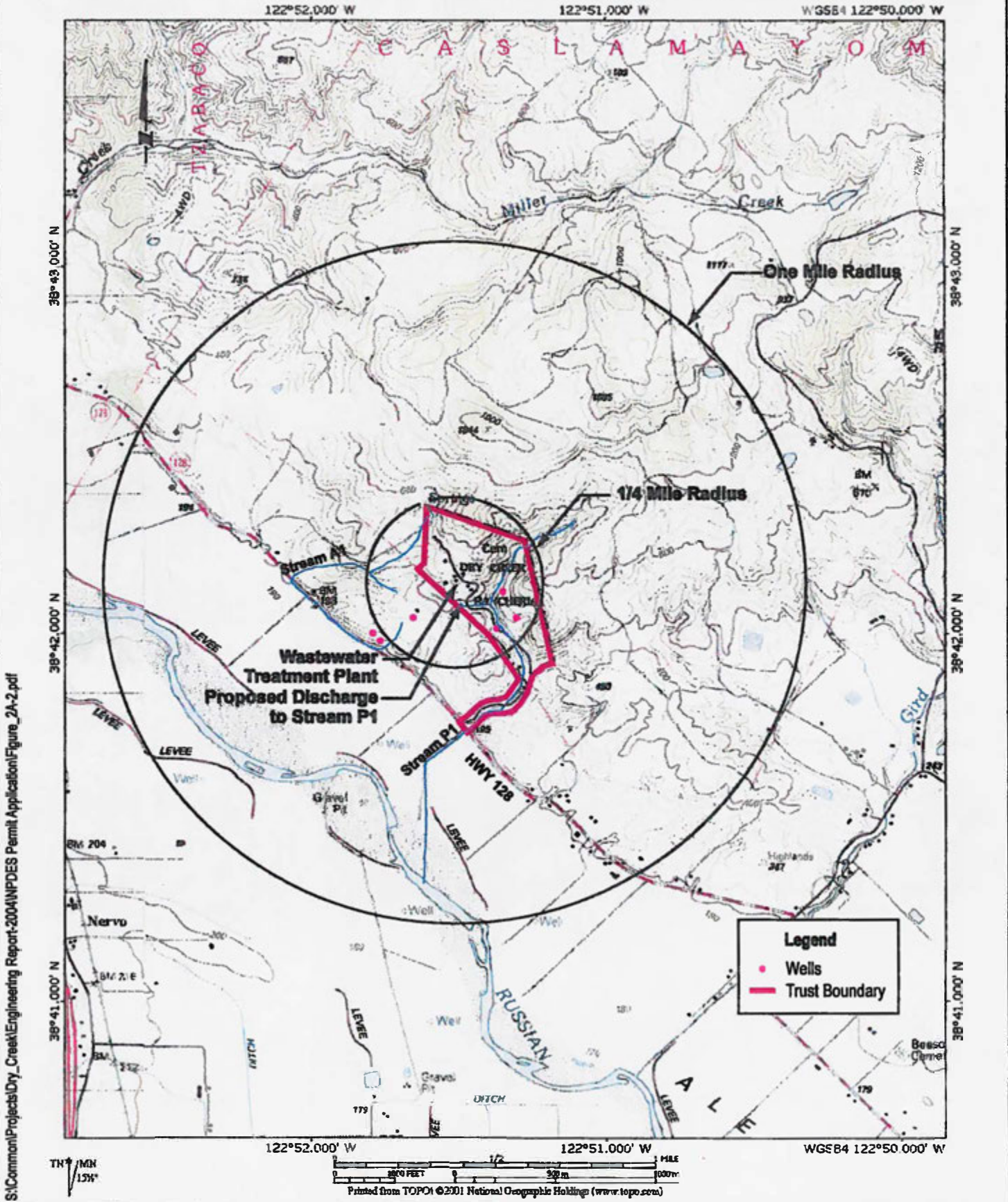
6. Availability of Reports; pursuant to CWA section 308
Except for data determined to be confidential under 40 CFR 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator. As required by the CWA, permit applications, permits, and effluent data shall not be considered confidential.
7. Removed Substances; pursuant to CWA section 301
Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials entering waters of the U.S.
8. Severability; pursuant to CWA section 512
The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and remainder of this permit, shall not be affected thereby.
9. Civil and Criminal Liability; pursuant to CWA section 309
Except as provided in permit conditions on "Bypass" and "Upset", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.
10. Oil and Hazardous Substances Liability; pursuant to CWA section 311
Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the CWA.
11. State, Tribe, or Territory Law; pursuant to CWA section 510
Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties established pursuant to any applicable State, Tribe, or Territory law or regulation under authorities preserved by CWA section 510.

Attachment B: Definitions

1. “Average monthly discharge limitation” means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
2. “Average weekly discharge limitation” means the highest allowable average of “daily discharges” over a calendar week, calculated as the sum of all “daily discharges” measured during a calendar week divided by the number of “daily discharges” measured during that week.
3. “Best Management Practices” or “BMPs” are schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural, and/or managerial practices to prevent or reduce the pollution of waters of the U.S. BMPs include treatment systems, operating procedures, and practices to control: plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may further be characterized as operational, source control, erosion and sediment control, and treatment BMPs.
4. A “composite” sample means a time-proportioned mixture of not less than eight discrete aliquots obtained at equal time intervals (e.g., 24-hour composite means a minimum of eight samples collected every three hours). The volume of each aliquot shall be directly proportional to the discharge flow rate at the time of sampling, but not less than 100 ml. Sample collection, preservation, and handling shall be performed as described in the most recent edition of 40 CFR 136.3, Table II. Where collection, preservation, and handling procedures are not outlined in 40 CFR 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.
5. A “daily discharge” means the “discharge of a pollutant” measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the “daily discharge” is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the day.
6. A “daily maximum allowable effluent limitation” means the highest allowable “daily discharge.”
7. A “DMR” is a “Discharge Monitoring Report” that is an EPA uniform national form, including any subsequent additions, revisions, or modifications for reporting of self-monitoring results by the permittee.
8. A “grab” sample is a single sample collected at a particular time and place that represents the composition of the discharge only at that time and place. Sample collection, preservation, and handling shall be performed as described in the most recent edition of 40 CFR 136.3, Table II. Where collection, preservation, and handling procedures are not outlined in 40 CFR 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.
9. The “method detection limit” or “MDL” is the minimum concentration of an analyte that can be detected with 99% confidence that the analyte concentration is greater than zero, as defined by a specific laboratory method in 40 CFR 136. The procedure for determination of a laboratory MDL is in 40 CFR 136, Appendix B.

10. The “minimum level” or “ML” is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed in a specific analytical procedure, assuming that all the method-specific sample weights, volumes, and processing steps have been followed (as defined in EPA’s draft National Guidance for the Permitting, Monitoring, and Enforcement of Water Quality-Based Effluent Limitations Set Below Analytical Detection/Quantitative Levels, March 22, 1994). If a published method-specific ML is not available, then an interim ML shall be calculated. The interim ML is equal to 3.18 times the published method-specific MDL rounded to the nearest multiple of 1, 2, 5, 10, 20, 50, etc. (When neither an ML nor MDL are available under 40 CFR 136, an interim ML should be calculated by multiplying the best estimate of detection by a factor of 3.18; when a range of detection is given, the lower end value of the range of detection should be used to calculate the ML.) At this point in the calculation, a different procedure is used for metals, than non-metals:
11. For metals, due to laboratory calibration practices, calculated MLs may be rounded to the nearest whole number.
12. For non-metals, because analytical instruments are generally calibrated using the ML as the lowest calibration standard, the calculated ML is then rounded to the nearest multiple of (1, 2, or 5) x 10ⁿ, where n is zero or an integer. (For example, if an MDL is 2.5 µg/l, then the calculated ML is: 2.5 µg/l x 3.18 = 7.95 µg/l. The multiple of (1, 2, or 5) x 10ⁿ nearest to 7.95 is 1 x 10¹ = 10 µg/l, so the calculated ML, rounded to the nearest whole number, is 10 µg/l.)
13. A “NODI(B)” means that the concentration of the pollutant in a sample is not detected. NODI(B) is reported when a sample result is less than the laboratory’s MDL.
14. A “NODI(Q)” means that the concentration of the pollutant in a sample is detected but not quantified. NODI(Q) is reported when a sample result is greater than or equal to the laboratory’s MDL, but less than the ML.
15. A “WQBEL” is a “Water Quality-Based Effluent Limitation” that is protective of water quality standards.

Attachment C: Location Map



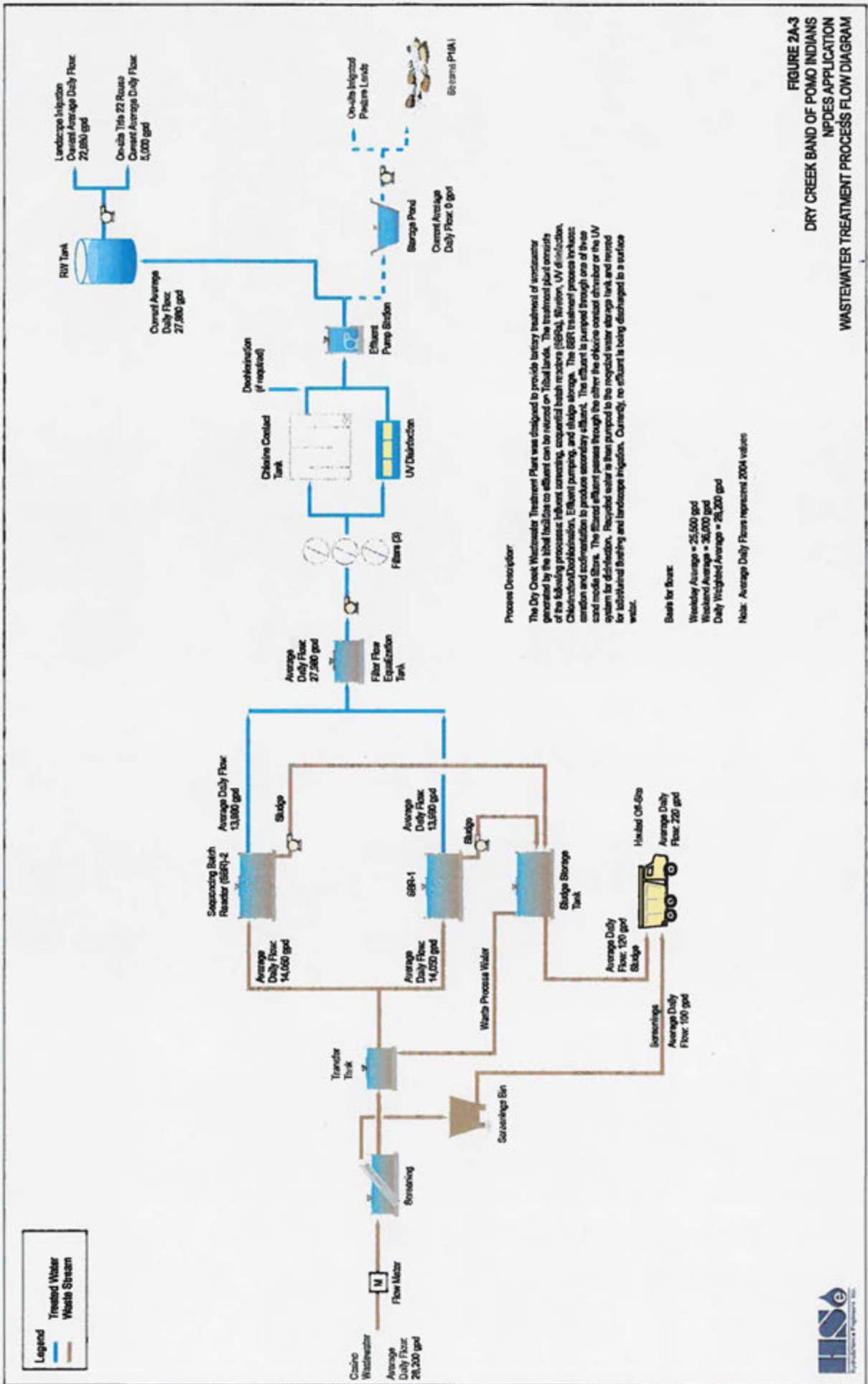
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Source: TOPOI



FIGURE 2A-2
DRY CREEK BAND OF POMO INDIANS
NPDES APPLICATION
LOCATION/TOPOGRAPHIC MAP

Attachment D: Wastewater Flow Schematic



Process Description

The Dry Creek Wastewater Treatment Plant was designed to provide tertiary treatment of wastewater generated by the hotel facilities on effluent can be recycled on Tidal lands. The treatment plant consists of the following processes: influent screening, equalized batch reactors (SBRs), filtration, UV disinfection, Chlorination/Disinfection, Effluent pumping, and sludge storage. The SBR treatment process involves aeration and sedimentation to produce secondary effluent. The effluent is pumped through one of three sand media filters. The filtered effluent passes through the other the chlorine contact chamber or the UV system for disinfection. Recycled water is then pumped to the recycled water storage tank and is used for toilet flushing and landscape irrigation. Currently, no effluent is being discharged to a surface water.

Basin for Basin

Wastewater Average = 25,500 gpd
 Wastewater Average = 35,000 gpd
 Daily Weighted Average = 26,300 gpd

Note: Average Daily Flows represent 2004 values

FIGURE 2A-3
DRY CREEK BAND OF POMO INDIANS
NPDES APPLICATION
WASTEWATER TREATMENT PROCESS FLOW DIAGRAM

