



NAPA SANITATION DISTRICT
Industrial User Permit 2017 - 2019
(Winery) Permit # 2084-15

In accordance with the provisions of the Napa Sanitation District Code:

Facility Name: **Mi Sueño Winery** / **Enterprise Wine Company** **BW-CA-6101 BWN-CA-21283**
Operator Name: **Rolando Herrera, Owner**
Facility Address: **910 Enterprise Way, Suite M, Napa CA 94558**
Facility Permittee: **Mi Sueño Winery**
Facility Contact: **Rolando Herrera, Owner**
Facility Telephone: **(707) 258-6358**
Mailing Address: **910 Enterprise Way, Napa CA 94558**
Facility Category: **Winery**
Website: **www.misuenowinery.com**
Permit Number: **2084-15**
SIC: **2084-Winery**
Permitted EDU: **111.46 EDU (based on three-year average water use for calendar years 2013-2015, less irrigation use, at a strength factor of 11.25, minus 1.0 EDU for Carpet One and assuming 1.0 EDU for domestic wastewater flow)**
Purchased EDU: **10.55, purchased in 1986, based on the square footage formula for a commercial building (10.55 EDU was purchased for the entire building and Mi Sueño Winery occupies only part of the building)**

Title 5 of the Napa Sanitation District (District) Code permits payment of capacity fees prior to the issuance of a building permit based on average daily flow, BOD and TSS data for the anticipated peak 30-day period, with the three parameters applied for a formula to determine Equivalent Dwelling Units (EDU). In 1986, the property developer, applied for a building permit for Facility and the District assessed the equivalent of 10.55 EDU for the entire building of which Mi Sueño Winery occupies a portion.

2013 Flow (gallons)	2014 Flow (gallons)	2015 Flow (gallons)	3-YR Avg Flow (gallons)	Landscape Irrigation (gallons)	Strength Factor	EDU
1,064,160	1,134,640	809,400	1,002,733	90,000 *	11.25	111.46

*Assumed irrigation use based on estimated irrigation area and planting type.

The special capacity recognized in this permit is explicitly limited. This permit shall not be binding or extend to the landlord and/or future tenants, whose rights have been expressly reserved. It does not run with the land, is not owned by the User or the landowner, and is not transferable to a non-affiliated entity. In particular, property owners may not rely upon the capacity recognized herein for future users other than the User, and the User may not transfer the recognized capacity to other premises. In addition, the recognized capacity is not transferrable in conjunction with the sale or transfer of the User to a non-affiliated entity. The



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limited recognition of the capacity reflects the User's current and historic operations within the District while also ensuring that the capacity is recognized only so long as the User's operations remain on the premises.

The capacity recognized by the District applies to User's domestic sanitary waste and industrial process waste. Applying a 1.0 EDU capacity allocation to User's domestic sanitary waste and 1.0 EDU to Carpet One, 111.46 EDU is available to User for its industrial process waste. Based on the above data, a capacity charge equivalent to 111.46 EDU is recognized for industrial wastewater discharge allowance so long as the User's operations on the premises continue. Notwithstanding anything to the contrary herein, any exceedance of the recognized capacity may be subject to the applicable provisions of District Code section 5.02.

This facility is hereby authorized to discharge industrial wastewater from the above-identified facility and through the outfalls identified herein into the Napa Sanitation District sewer system in accordance with the conditions set forth in this permit. Compliance with this permit shall be deemed as compliance to the Notice of Violation issued by the District February 12, 2015; and no retroactive or past sewer service charges shall be assessed prior to January 1, 2015. Compliance with this permit does not relieve the User of its obligation to comply with any or all applicable pretreatment regulations, standards or requirements under local, State, and Federal laws, including any such regulations, standards, requirements, or laws that may become effective during the terms of this permit. Noncompliance with any term or condition of this permit shall constitute a violation of the Napa Sanitation District Code.

This permit shall be a 3-year term effective on 06-22-2017 and expire at midnight on 06-21-2020.

By: _____ Issued _____

Andrew Damron, PE
Technical Services Director



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FINDINGS

1. The Napa Sanitation District discharges treated wastewater pursuant to a National Pollutant Discharge Elimination System ("NPDES") permit, San Francisco Bay Regional Water Quality Control Board Order No. R2-2016-0035, issued under Federal Clean Water Act section 402 and California Water Code sections 13370 and 13377 (NPDES No. CA0037575).
2. Under the terms of its NPDES permit, the District is required to implement and enforce an approved pretreatment program in accordance with federal pretreatment regulations set forth under 40 C.F.R. section 403.1 *et seq.*, which includes the issuance of permits to Industrial Users, which are defined as sources of non-domestic wastewater that discharge into the sewer system.
3. District Code Title 4 contains the District's approved pretreatment program.
4. Pursuant to District Code 4.04.020 – 4.04.040, the District has authority to regulate Industrial Users and require Industrial Users to obtain a discharge permit.
5. According to User, the following activities occur at the facility (check all that apply):
 - ☒ Receiving of grape fruit.
 - ☒ Crushing of grape fruit to produce juice.
 - ☒ Fermentation of grape juice to create wine.
 - ☒ Cleaning of equipment related to and associated with crush, aging, and/or fermentation using water and cleaning chemicals.
 - ☒ Storage of juice, fermenting juice and wine in stainless steel containers.
 - ☒ Storage of juice, fermenting juice and wine in barrels.
 - ☒ Filling, topping, or sampling, of wine in barrels.
 - ☒ Racking wine in barrels.
 - ☒ Cleaning of barrels with hot and/or cold water and/or cleaning chemicals.
 - ☒ Cleaning of tanks with hot and/or cold water and/or cleaning chemicals.
 - ☒ Bottling of wine.
 - ☒ Cleaning of equipment related to and associated with bottling using water and cleaning chemicals.
 - ☐ Other: _____
 - ☐ Other: _____
 - ☐ Other: _____



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Water, cleaning chemicals and residual wine is discharged untreated and unfiltered into the sewer. The industrial discharge authorized by this permit is limited to discharges associated with the foregoing activities.

6. User is an Industrial User because it discharges non-domestic wastewater in the form of winery waste into the District's sewer system.
7. As an Industrial User, the User is required under Napa Sanitation District Code 4.01.070 and 4.04.080 to obtain an Industrial User discharge permit because it discharged 891,340 gallons of high strength non-domestic winery waste into the sewer during calendar year 2014 as well as high volumes of high-strength non-domestic winery waste during previous years.
8. Napa Sanitation District Code 4.04.110 provides that "no person shall discharge or cause to be discharged any of the following water or wastewaters into public sewers," including pollutants that cause interference with the District's Publicly Owned Treatment Works, and wastewater containing pH lower than 6.0 or greater than 9.0. (See District Code 4.04.110 (C)(2), (C)(4), (F)(3).) Untreated winery waste has the potential to cause interference, and untreated winery waste typically has a pH value lower than 6.0.
9. The District determines that the discharge of User's untreated non-domestic wastewater into the sewer has the reasonable potential of interfering with and adversely affecting the District's Publicly Owned Treatment Works.

INDUSTRIAL USER PERMIT

SECTION A: SEWER SERVICE CHARGE (SSC) DETERMINATION

As of the effective date of this permit, User can either pay SSCs (a) based on measured actual flow and an assumed strength factor of 11.25 or (b) actual flow and sampled BOD and TSS, using the formula for sewer service charges established in District Code 5.01.060 for industrial users. The District will begin charging for SSCs based on this formula starting in January 2015. If option (a) is selected by User, the District will be responsible for monthly meter reading of the water meter. The facility will be credited with an estimated and assumed 420 gallons per day as domestic use (strength factor 1.0), and all other water use will be charged the strength factor of 11.25. Permittee has the option of installing, at its own expense, a wastewater flowmeter to calculate "actual flow" as the term is used above, and/or an irrigation submeter, to measure non-sewered water usage, said amount to be reduced from the SSC calculation. If option (b) is selected by User, actual water use measured by the flow meter will be used with a strength factor calculated by the sampled BOD and TSS. If User selects option (b) at any time, User will not be permitted to switch later back to option (a).

Sewer service charges are calculated in accordance with provisions of the Napa Sanitation District Code 5.01.060 and any current revisions. This facility will be billed monthly.



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Industrial User Waste Charges. If option (b) is selected, the monthly industrial waste charges for each industry shall be determined according to District Code 5.01.060 and 5.01.061, as may be modified by Ordinance, which currently includes the formula in Table I.

TABLE 1
SEWER SERVICE UNIT ASSIGNMENT FORMULA*

Parameter	Cost Allocation	Assumed Loading (1.0 Unit)
Flow	50%	210 gal/day
BOD	25%	175 mg/L
TSS	25%	200 mg/L

Step 1: Flow Factor = Daily Flow ÷ 210 gals/day or Annual Flow ÷ 76,650 gals/year

Step 2: Strength Factor = $0.50 + (\text{BOD} \div 175 \times 0.25) + (\text{TSS} \div 200 \times 0.25)$

Step 3: Equivalent Dwelling Units (EDUs) = (Flow Factor) x (Strength Factor)

Step 4: Monthly Sewer Service Charge = (EDUs) x (Current Rate per EDU) ÷ 12

* Formula is designed to provide a multiplier for high-strength flows. Minimum assignment is 1.0 service unit.

SECTION B: CAPACITY CHARGE DETERMINATION

The District has recognized a special capacity right of 111.46 EDU. If there is an exceedance or User desires to purchase additional capacity, the provisions of District Code section 5.02 shall apply to such exceedance or additional purchase.



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SECTION C: PERMIT REQUIRED

Every Significant Industrial User (SIU) and any other Industrial User (IU) deemed necessary by the Napa Sanitation District must be issued an Industrial User Permit. (District Code 4.04.040). In order for employees of Users to be informed of District requirements, Users shall post in a conspicuous place and make available to their employees, copies of these regulations together with such other wastewater information and notices which may be furnished by the District from time to time directed toward more effective water pollution prevention. (District Code 4.04.170(L)). If the permittee wishes to continue to discharge after the expiration date of this permit, an application must be filed for a renewal permit in accordance with the requirements of the Napa Sanitation District Code. The application shall be produced a minimum of 90 days before the expiration date of the User's existing individual wastewater discharge permit. (District Code 4.04.040(I)).

SECTION D: PROHIBITIONS

GENERAL PROHIBITIONS

User may not introduce into the POTW any pollutant(s), which may cause Pass Through or Interference.

The User shall comply with provisions of Section D (General Prohibitions) and Section E (Facility Wastewater Discharge Limitations) of this permit.

The User is prohibited from discharging wastes with the following characteristics [as designated in 40 CFR 403.5(b)];

1. Pollutants that will create a fire or explosion hazard.
2. Pollutants that will cause corrosive structural damage, but in no case discharges with a pH lower than 5.0.
3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference.
4. Oxygen demanding pollutants discharged at a flow rate and/or pollutant concentration which will cause interference with the POTW.
5. Heat in amounts which will inhibit biological activity in the POTW resulting in interference; in no case shall discharges cause the POTW influent to exceed 40°C (104°F).
6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that cause Interference or Pass through.
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
8. Any trucked or hauled pollutants, except at discharge points designated by the POTW.



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SECTION E: FACILITY WASTEWATER DISCHARGE LIMITATIONS

Any Industrial User who discharges directly into the sanitary sewer will abide by the following local limits in the following table:

LOCAL LIMITS: All units are in mg/L unless otherwise specified

SUBSTANCE	LIMIT
Aluminum (Al)	5.00
Ammonia (NH ₃ -N)	36.00
Antimony	0.702
Arsenic (As)	0.025
Beryllium (Be)	0.10
Boron (B)	0.63
Cadmium (Cd)	0.016
Chloride (Cl ⁻)	225.00
Chrome (Total Cr)	1.13
Cobalt (Co)	0.05
Copper (Cu)	0.388
Cyanide (CN)	0.03
Fluoride (F)	1.00
Iron (Fe)	5.00
Lead (Pb)	0.102
Manganese	1.15
Mercury (Hg)	0.0057

SUBSTANCE	LIMIT
Molybdenum (Mo)	0.048
Nickel (Ni)	0.043
O&G (non-polar)	50.00
O&G (polar)	75.00
PAH	0.72
pH	6.0-9.0 SU
Phenol	0.09
Salinity (EC)	1.50 dS/m (mmhos/cm)
Selenium (Se)	0.026
Silver (Ag)	0.224
Sodium (Na)	90.00
Sulfide, Dissolved	0.10
Thallium	0.999
TDS	836.00
Vanadium (V)	0.10
VOC's (EPA 608)	1.0% LEL
Zinc (Zn)	0.762

Any waters or wastes containing a toxic or poisonous substance in sufficient quantities to injure or interfere with or create any hazard in the sewage treatment process, effluent quality, sludge quality, or receiving water quality requirements to humans, animals or plant life is prohibited.

The User and the District entered into a consent order, dated October 5, 2015, concerning the actions that the User will take to meet the applicable requirements relating to the pH of the User's discharge into the sanitary sewer. The User shall continue to report sampling data to the District consistent with the requirements of the consent order during this Industrial User permit term.

SECTION F: SPECIAL CONDITIONS

The following are additional conditions that are required for the term of this permit.

1. The disposal of wastes not permitted to be discharged into the POTW, including, but not limited to, sludge, spent chemicals, and hazardous materials, shall be done in accordance with all applicable Federal, State and local laws, regulations and ordinances including:



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Section 405 of the Clean Water Act (CWA); Subtitles C & D of the Resource Conservation and Recovery Act (RCRA); and Title 22, Division 4, Chapter 30 of the California Administrative Code (CAC). A record or manifest of disposal shall be maintained and available for review by the District. The required "Waste Haulers Report" must be completed and a copy furnished within 30 days to the District by the discharger. (District Code 4.04.120(F)).

2. All potentially hazardous laboratory wastes must be lab-packed and hauled to an approved facility for disposal according to the appropriate State or Federal protocols. All expired or unwanted chemicals or materials may not be disposed of into the sewer system. Recycling of any usable products or materials should be employed whenever possible. Manifests of all hauled wastes must be kept on file at the facility for at least 3 years and be available for review upon the District inspector's request.
3. Material Safety Data Sheets (MSDS) and/or Global Harmonizing System (GHS) information for all chemicals and materials must be kept at the facility and be available for review upon the Napa Sanitation District inspector's request.
4. The maximum industrial waste concentration allowable to be discharged to the sanitary sewer is as set forth in the Napa Sanitation Code for discharge to the Socol Facility.
5. Authorized Discharge: Discharge to the sanitary sewer is allowed during the months of January through December.
6. Day and Time of Discharge(s): Continuous 24 hours/day, 7 days/week, during the months stated above.
7. Leaves, lees, stems, and sludge are not allowed for discharge to the sanitary sewer.
8. During any period that the sampler and/or flow meter malfunctions, the meter shall be repaired or replaced immediately (ASAP); otherwise the highest previous month period flow and/or strength will be averaged and used for the period during the flow meter malfunction.
9. Right of Entry: Representatives of the District shall be permitted to enter all properties served by the District in accordance with District Code.
10. Monitoring Requirements and Schedule: If Permittee installs sampling equipment (Section A, option b.), the following schedule is for the facility process discharge location unless noted otherwise.

Parameter	Sample Type	Monitoring Frequency
TSS (mg/L)	24-hour composite	1 time/week
BOD (mg/L)	24-hour composite	1 time/week
pH	Grab	1 time/week



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This facility shall have a California Department of Health Services certified Commercial Laboratory approved by the Napa Sanitation District collect and perform the above analyses. A monthly report shall be submitted to the District to include the following: Flow measurement for each 24-hour sampling event, BOD, Total Suspended Solid, and pH results for each test event; the total monthly flow as well as monthly average for BOD and Total Suspended Solid. Also include on the report the total number of samples collected during a sampling event. The results of this report provide the District with the necessary loading information to be used for this facility billing. All correspondence including but not limited to applications, reports, data, or information submitted to the District must contain the Signatory Requirement as required in Section I-5 of this permit.

If Permittee installs sampling equipment (Section A, option b.), this facility shall monitor its final discharge for all the above pollutants. This facility will be responsible for all monitoring costs which include but are not limited to the following: Sample collection time, analysis, sampling and flow metering equipment (including O & M costs), inspections, report preparations, etc. A report shall be prepared acceptable to the District. If Permittee installs sampling equipment (Section A, option b.), this report is due to the District on the 30th of each following month.

SECTION G: GENERAL PROVISIONS

1. Severability

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 the remainder of this permit, shall not be affected thereby.

2. Duty to comply

The User must comply with all conditions of this permit. Failure to comply with the requirements of this permit may be grounds for administrative action, or enforcement proceedings including civil or criminal penalties, injunctive relief, and summary abatement.

3. Duty to Mitigate

The User shall take all reasonable steps to minimize or correct any adverse impact to the public treatment plant or the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

4. Permit Modification

This permit may be modified for good causes including, but not limited to, the following:

- a. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements, or changes in fee structure approved by the District



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- b. Material or substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not considered in drafting the effective permit
 - c. A change in any condition in either the IU or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge
 - d. Information indicating that the permitted discharge poses a threat to the District's collection and treatment systems, POTW personnel or the receiving waters
 - e. Violation of any terms or conditions of the permit that are not corrected within seven (7) days of receiving notice of such violation
 - f. Misrepresentation or failure to disclose fully all-relevant facts in the permit application
 - g. Revision of or a grant of variance from such categorical standards pursuant to 40 CFR 403.13
 - h. To correct typographical or other errors in the permit

Upon request of the User, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

The filing of a request by the User for a permit modification, revocation and reissuance, or termination, or a notice of planned changes or anticipated noncompliance, does not stay any permit condition.

5. Permit Termination

This permit may be terminated for the following reasons:

- a. Falsifying reports
- b. Tampering with monitoring equipment
- c. Refusing to allow timely access to the facility premises and records
- d. Failure to meet effluent limitations
- e. Failure to pay fines
- f. Failure to pay sewer service charges or capacity charges (including any exceedance fees or leased capacity charges)
- g. Failure to meet compliance schedules

6. Permit Appeals

The User may petition to appeal the terms of this permit within thirty 30 days receipt of this permit.

This petition must be in writing; failure to submit a petition for review shall be deemed a waiver of the appeal. In its petition, the User must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the permit.

The Napa Sanitation District Board (Board) shall not stay the effectiveness of this permit, pending reconsideration. If, after considering the petition and any arguments put forth by the Napa Sanitation



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District Manager (Manager) or designee, the Board determines that reconsideration is proper, it shall remand the permit back to the Manager for reissuance. Those permit provisions reconsidered by the Manager shall be stayed pending reissuance.

A Board of Directors' decision not to reconsider a final permit shall be considered final administrative action for purposes of judicial review. The User may seek judicial review of the Boards' final action within the appropriate statute of limitations.

7. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of Federal, State, or local laws or regulations.

8. Nontransferability of Permits

This permit and its conditions apply only to holder of the permit and cannot be transferred to anyone else.

9. Continuation of Expired Permits

An expired permit will continue to be effective and enforceable until the permit is reissued if:

- a. The User has submitted a complete permit application at least ninety (90)-days prior to the expiration date of the user's existing permit.
- b. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the User.

10. Dilution

The User shall not increase the use of potable or process water or, in any way attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

11. Definitions

The terms used in this permit shall have the same meanings as defined in the District's Code and Enforcement Response Plan.

12. Prohibitive Standards

The User shall comply with all discharge standards in the Napa Sanitation District Code.

13. Compliance with Applicable Pretreatment Standards and Requirements



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Compliance with this permit does not relieve the User from its obligations regarding compliance with any and all applicable local, State and Federal pretreatment standards and requirements including any such standards or requirements that may become effective during the term of this permit.

SECTION H. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The User 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 User to achieve compliance with the conditions of this permit at the owners expense and to the satisfaction of the District and accessible at all times to District personnel.

2. Duty to Halt or Reduce Activity

Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the User shall, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation of the treatment facility is restored or an alternate method of treatment is provided.

3. Bypass of Treatment Facilities

- a. Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury, or severe property damage or no feasible alternatives exist.
- b. The User may allow bypass to occur which does not cause effluent limitations to be exceeded, but only if it is also for essential maintenance to assure efficient operation.
- c. Notification of bypass:
 1. Anticipated bypass. If the User knows in advance of the need for a bypass, it shall submit prior written notice, at least ten days before the date of the bypass, to the District.
 2. Unanticipated bypass. The User shall immediately notify the District and submit a written notice to the POTW within 5 days. This report shall specify:
 - i. A description of the bypass, and its cause, including its duration;
 - ii. Whether the bypass has been corrected;
 - iii. The steps being taken or to be taken to reduce, eliminate and prevent a reoccurrence of the bypass.



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SECTION I: ADDITIONAL REPORTING REQUIREMENTS

1. Planned Changes

In order for the District to deny or condition, the User shall give notice to the District 90 days prior to any facility expansion, production increase, or process modifications that result in new or substantially increased discharges or a change in the nature of the discharge.

2. Anticipated Noncompliance

The User shall give advance notice to the District of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

3. Automatic Resampling

If the results of the User's wastewater analysis indicate a violation has occurred, the District must notify the User within 24 hours of becoming aware of the violation and may require repeat of the sampling and pollutant analysis for 5 consecutive working days of normal operation. If the analysis results in compliance, scheduled sampling will resume. The results of this repeat analysis will be submitted in writing within 30 days after becoming aware of the violation.

4. Duty to Provide Information

The User shall furnish to the District, within 5 days, any information which the District may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The User shall also, upon request, furnish to the District, within 10 days, any records required by this permit.

5. Signatory Requirements

All correspondence including but not limited to applications, reports, data, or information submitted to the District must contain the following certification statement:

"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".

6. Operating Upsets

Any User that experiences an upset in operations that places the User in a temporary state of noncompliance with the provisions of either this permit or with Napa Sanitation District Code Section 4.04 shall inform the District Plant Manager and Plant Operator within 24 hours of becoming aware of



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the upset. The numbers to call are (707) 258-6091 (Plant Manager) and (707) 258-6051 (Plant Operator).

A written follow-up report of the upset shall be filed by the User with the District within five (5) days. The report shall specify:

- a. Description of the upset, the cause(s) thereof and the upset's impact on the User's compliance status;
- b. Duration of noncompliance, including exact dates and times of noncompliance, and if not corrected, the anticipated time the noncompliance is expected to continue; and
- c. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset.

The report must also demonstrate that the treatment facility was being operated in a prudent and workmanlike manner.

A documented and verified operating upset shall be an affirmative defense to any enforcement action brought against the User for violations attributable to the upset event.

SECTION J: ENFORCEMENT

1. Annual Publication

A list of all industrial users found to be in significant noncompliance during the twelve- (12) previous months is annually published by the District in the Napa Register. (District Code 4.04.180(C)). Accordingly, the User is apprised that significant noncompliance with this permit may lead to an enforcement action and may result in publication of its name in an appropriate newspaper in accordance with this section.

2. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the User from civil and / or criminal penalties for noncompliance as established in the Napa Sanitation District Code or State or Federal laws or regulations.

3. Penalties for Violations of Permit Conditions

The Napa Sanitation District Code and its amendments provide that any Industrial User who violates a permit condition shall be liable for a civil penalty not less than \$1,000.00 (one thousand dollars) per day of such violation. Any Industrial User who willfully or negligently violates permit conditions is subject to criminal penalties or a fine of up to \$25,000.00 (twenty-five thousand dollars) per day of such violation, or imprisonment for 1 (one) year, or both. The User may also be subject to sanctions under State and/or Federal law.



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4. Recovery of Costs Incurred

In addition to civil and criminal liability, the User violating any of the provisions of this permit or Section 4.04 of the Code or causing damage to or otherwise inhibiting the Napa Sanitation District wastewater disposal system shall be liable to the Napa Sanitation District for any expense, loss, or damage caused by such violation of discharge. The Napa Sanitation District shall bill the User for the costs incurred by the District for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay constitutes a separate violation of the Code.

5. Enforcement Response Plan

All Users are subject to all the provisions for the District's Enforcement Response Plan. This Plan details specific violations, circumstances, and enforcement responses (including fines, notices of violations and Administrative Orders).



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SECTION K: CERTIFICATION STATEMENT

I, the undersigned, certify that this firm's operation and its resultant wastewater discharge will achieve consistent compliance with the Napa Sanitation District Code, Permit requirements (as detailed herein), and applicable Federal and State discharge regulations and requirements. If the wastewater discharge does not meet all the applicable regulations, the IU is responsible to modify manufacturing equipment, limit or halt production facility causing noncompliance, install wastewater pretreatment equipment, or perform whatever is necessary to meet the waste discharge requirements. I am aware that there are significant penalties for violation of the regulations, requirements and conditions of this permit, the Napa Sanitation District Code, and the State and Federal Government, including the possibility of fine and imprisonment.

To be signed by an authorized representative of the Industrial User. An authorized representative may be:

- a. A responsible corporate officer (president, vice-president, or secretary-treasurer) in charge of a principal business function, etc.
- b. A general partner or proprietor (if the IU receiving the permit is a partnership or sole proprietorship).
- c. A duly authorized representative of the individual as described in 40 CFR 403.12, if:
 - a. the authorization is made in writing;
 - b. the authorization specifies either an individual or a position having responsibility for the overall operation of the facility or environmental matters for the company; and
 - c. the written authorization is submitted to the Control Authority;
- d. A reauthorized individual that satisfies the requirements in 40 CFR 403.12.

Signature: _____

Title: _____

Owner

Date: _____

6/13/17