CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

ORDER R3-2026-0014
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT NUMBER CA0049964

WASTE DISCHARGE REQUIREMENTS
FOR THE SOUTH COUNTY REGIONAL WASTEWATER TREATMENT AND RECLAMATION FACILITY

The following Discharger is subject to waste discharge requirements set forth in this Order:

Discharger	**South County Regional Wastewater Authority**
Name of Facility	**South County Regional Wastewater Treatment and Reclamation Facility**
Facility Address	**1500 Southside Drive** **Gilroy, CA 95020** **Santa Clara County**

Table 1. Discharge Location

Discharge Point	Effluent Description	Discharge Point Latitude (North)	Discharge Point Longitude (West)	Receiving Water
002	Disinfected Tertiary Domestic Wastewater	36°56'52" N	121°30'43" W	Pajaro River

This Order was adopted on:	**April 16, 2026**
This Order shall become effective on:	**July 1, 2026**
This Order shall expire on:	**June 30, 2031**

The Discharger shall file a Report of Waste Discharge as an application for reissuance of waste discharge requirements in accordance with title 23, California Code of Regulations and an application for reissuance of a National Pollutant Discharge Elimination System permit no later than **180 days prior to the Order expiration date**. The U.S. Environmental Protection Agency and the California Regional Water Quality Control Board, Central Coast Region have classified this discharge as follows: **Major discharge**.

I, Ryan E. Lodge, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of an order adopted by the California

Regional Water Quality Control Board, Central Coast Region on the date indicated above.

Ryan E. Lodge Digitally signed by Ryan E. Lodge
Date: 2026.05.13 11:08:13 -07'00'

Water Boards

Ryan E. Lodge, Executive Officer

TABLE OF CONTENTS

TABLE OF TABLES

TABLE OF ATTACHMENTS

1. FACILITY INFORMATION

Information describing the South County Regional Wastewater Authority's (Discharger) South County Regional Wastewater Treatment and Reclamation Facility and collections systems (Facility) is summarized on the cover page and in sections 1 and 2 of the Fact Sheet (Attachment F). Section 1 of the Fact Sheet also includes information regarding the Facility's permit application.

2. FINDINGS

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

2.1. Legal Authorities.

This Order serves as waste discharge requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the California Water Code (commencing with section 13260). This Order is also issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the United States Environmental Protection Agency (U.S. EPA) and chapter 5.5, division 7 of the California Water Code (commencing with section 13370). It shall serve as a National Pollutant Discharge Elimination System (NPDES) permit authorizing the Discharger to discharge into waters of the United States at the discharge location described in Table 1 subject to the WDRs in this Order.

2.2. Background and Rationale for Requirements.

The Central Coast Water Board developed the requirements in this Order based on information submitted as part of the permit application, through monitoring and reporting programs, and other available information. The Fact Sheet (Attachment F), which contains background information and rationale for the requirements in this Order, is hereby incorporated into and constitutes findings for this Order. Attachments A through E are also incorporated into this Order.

2.3. Provisions and Requirements Implementing State Law.

The Central Coast Water Board finds that none of the provisions and requirements herein implement state law and that all of the provisions and requirements are required or authorized under the CWA.

2.4. Water Reclamation Requirements for Recycled Water Production and Use.

This Order regulates only the discharge of treated wastewater to the Pajaro River. The Discharger also discharges treated wastewater to percolation ponds adjacent to Llagas Creek and produces disinfected tertiary recycled water; these activities are covered under Order R3-2020-0020, *General Waste Discharge Requirements for Discharges from Domestic Wastewater Systems with Flows Greater than*

100,000 Gallons Per Day, and any subsequent revisions to that Order[1]. Order R3-2020-0020 allows the production of disinfected tertiary recycled wastewater in compliance with applicable state and local requirements regarding the production of reclaimed wastewater, including those requirements established by the State Water Resources Control Board (State Water Board) Division of Drinking Water (DDW) in title 22, sections 60301-60357 of the California Code of Regulations, Water Recycling Criteria. Additionally, Order R3-2020-0020 includes water reclamation requirements for the Facility pursuant to DDW's recommendations submitted to the Central Coast Water Board. The distribution and offsite reuse of recycled water produced by the Facility is subject to the State Water Board's Order WQ 2016-0068-DDW, *Water Reclamation Requirements for Recycled Water Use,* and any subsequent revisions to that Order[2] or other applicable permit, dependent on final use of the recycled water. If the use of recycled water changes, it may be covered under a different applicable permit.

2.5. Response to Climate Change.

Climate change refers to observed changes in regional weather patterns such as temperature, precipitation, and storm frequency and size. On the local scale, within urbanized areas, climate change may directly impact groundwater and surface water supply; drainage, flooding, and erosion patterns; and ecosystems and habitat. This shift in climate, combined with California's growing population, has increased reliance on pumping, conveying, treating, and heating water, increasing the water sector's greenhouse gas emissions. The State Water Board's Resolution 2017-0012, *Comprehensive Response to Climate Change*, requires a proactive response to climate change in all California Water Board actions, with the intent to embed climate change consideration into all programs and activities. Aligning with Resolution 2017-0012, this Order supports beneficial reuse of effluent to offset potable water supplies for irrigation in agricultural fields, which promotes water supply resiliency for the region. Climate change planning requirements for this facility, including assessing hazards and vulnerabilities, identifying resiliency actions, and developing an adaptation strategy are included in Order R3-2020-0020.

2.6. Human Right to Water.

California Water Code section 106.3 establishes the policy that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. On January 26, 2017, the Central Coast Water Board adopted Resolution R3-2017-0004, which adopts the human right to water as a core value and affirms the realization of the human right to water and protecting human health as the Central Coast Water Board's top

[1] Unless stated otherwise, all references to Order R3-2022-0020 in this Order refer as well to any subsequent revisions to the order.
[2] Unless stated otherwise, all references to Order WQ 2016-0068-DDW in this Order refer as well to any subsequent revisions to the order.

priorities. Consistent with the human right to water stated in California Water Code section 106.3, subdivision (a), and the Central Coast Water Board's Resolution R3-2017-0004, this Order promotes actions that advance the human right to water and discourages actions that delay or impede opportunities for communities to secure safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

2.7. Disadvantaged Community Status.

Environmental justice principles call for the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income in the development, adoption, implementation, and enforcement of all environmental laws, regulations, and policies that affect every community's natural resources and the places people live, work, play, and learn. The Central Coast Water Board implements regulatory activities and water quality projects in a manner that ensures the fair treatment of all people, including underrepresented communities. Underrepresented communities include but are not limited to disadvantaged communities (DACs), severely disadvantaged communities (SDACs), economically distressed areas (EDAs), tribes, environmentally disadvantaged communities (EnvDACs), and members of fringe communities. Furthermore, the Central Coast Water Board is committed to providing all interested persons the opportunity to participate in the public process and provide meaningful input to decisions that affect communities. To meet environmental justice principles, this Order considers the disadvantaged community status of the Discharger and the areas around the discharge. Using 2020 census data, the California Department of Water Resources Disadvantaged Community (DAC) Mapping Tool[3] identifies two block groups in the Gilroy area as disadvantaged communities and one block group in the Morgan Hill area as a severely disadvantaged community. This is approximately 3.5 percent of Gilroy's population and 1.5 percent of Morgan Hill's population. The tool defines a DAC as a census block with a median household income between $47,203 and $62,938 and an SDAC as a census block with a median household income below $47,203. The DAC census blocks in Gilroy have median household incomes of $61,375 and $47,315. The SDAC census block in Morgan Hill has a median household income of $42,130.

2.8. Notification of Interested Persons.

The Central Coast Water Board notified the Discharger and interested agencies and persons of its intent to prescribe WDRs for the discharge and provided them with an opportunity to submit their written comments and recommendations. Details of the notification are provided in the Fact Sheet, Attachment F.

[3] The DAC Mapping Tool is used to inform statewide Integrated Water Resources Management (IRWM), Sustainable Groundwater Monitoring Act (SGMA), and California Water Plan implementation efforts and can be found at the following website: http://gis.water.ca.gov/app/dacs/.

2.9. Consideration of Public Comment.

The Central Coast Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the public hearing are provided in the Fact Sheet, Attachment F.

THEREFORE, IT IS HEREBY ORDERED that this Order supersedes Order R3-2017-0028, except for enforcement purposes; and, in order to meet the provisions contained in division 7 of the California Water Code (commencing with section 13000) and regulations adopted thereunder and the provisions of the CWA and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements of this Order. This action in no way prevents the Central Coast Water Board from taking enforcement action for violations of the previous Order.

3. DISCHARGE PROHIBITIONS

3.1. Discharge of treated wastewater at a location or in a manner other than as described by this Order at Discharge Point 002 or as specifically regulated by Order R3-2020-0020, with compliance for this Order measured at EFF-002 as described in the monitoring and reporting program (MRP), Attachment E, is prohibited.

3.2. The discharge of any waste to a water of the United States not specifically authorized by this Order, excluding stormwater regulated by State Water Board Order 2014-0057-DWQ, NPDES CAS000001, as amended by Order WQ 2015-0122 DWQ & Order WQ 2018-0028 DWQ, *Waste Discharge Requirements for Stormwater Associated with Industrial Activities Excluding Construction Activities*, and any subsequent revisions thereto[4], is prohibited.

3.3. The overflow or bypass of wastewater from the Discharger's collection, treatment, or disposal facilities and the subsequent discharge of untreated or partially treated wastewater, except as provided for in Attachment D, Standard Provision 1.7 (Bypass), is prohibited.

3.4. Wet weather daily discharge of tertiary treated wastewater shall not exceed 9.0 million gallons per day (MGD) to the Pajaro River and shall occur only during the months of November through April, when flow in the Pajaro River is greater than 180 MGD, and when flow in the Pajaro River is below 6,004 MGD, as measured at the Chittenden gauging station.

3.5. The discharge of fecal coliform bacteria originating from human sources at Discharge Point 002 to the Pajaro River is prohibited.

3.6. The discharge of radioactive substances is prohibited.

3.7. The discharge of tertiary treated wastewater at Discharge Point 002 shall not contain floating material, including solids, liquids, foams, and scum.

---

[4] Unless stated otherwise, all references to Order 2014-0057 DWQ in this Order refer as well to any subsequent revisions to the order.

4. EFFLUENT LIMITATIONS

4.1. Effluent Limitations – Discharge Point 002

4.1.1. When discharging to the Pajaro River, the Discharger shall maintain compliance with the following effluent limitations in Table 2 at Discharge Point 002, with compliance measured at Monitoring Location EFF-002 as described in the MRP, Attachment E.

Table 2. Effluent Limitations at Discharge Point 002

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily
Biochemical Oxygen Demand 5-day at 20 degrees Celsius (°C) (BOD5)	Milligram per liter (mg/L)	10	15	20
Total Suspended Solids (TSS)	mg/L	10	15	20
pH [1]	standard units	7.0–8.3 at all times		
Nitrate (as N)	mg/L	5		10
Un-ionized Ammonia (as N)	mg/L	0.025		0.050
Total Dissolved Solids (TDS)	mg/L	1,000		
Sodium	mg/L	200		
Chloride	mg/L	250		
Sulfate	mg/L	250		
Boron	mg/L	1.0		
Chlorine, Total Residual [2]	mg/L			Non-Detect[3]
Copper, Total Recoverable	Micrograms per liter (µg/L)	20		42
Lead, Total Recoverable	µg/L	2.1		4.2
Chlorodibromomethane	µg/L	0.40		0.80
Dichlorobromomethane	µg/L	0.45		0.90
Trihalomethanes, Total	µg/L	80		160
Chloroform	µg/L	60		120
Cyanide, Total (as CN)	µg/L	5.2		10

[1] Applied as an instantaneous effluent limitation.

[2] Total chlorine residual monitoring is only required when chlorine is used for disinfection and or cleaning/maintenance purposes. The Discharger shall specify with the monthly, quarterly, and annual SMRs if chlorination occurred during the monitoring period.

[3] Chlorine concentrations shall at no time exceed detection levels as determined by amperometric titration or another equally sensitive method.

4.1.2. **Percent Removal**: The average monthly percent removal of BOD 5-day at 20°C and TSS shall not be less than 85 percent.

4.1.3. **Chronic Toxicity Maximum Daily Effluent Limitation (MDEL)** is exceeded if a chronic toxicity test using the most sensitive species, as defined in section 7.2 of this Order and the section 5 of the MRP (Attachment E), and analyzed using the test of significant toxicity (TST) statistical approach, results in a “Fail” at the in-stream waste concentration (IWC) for the sub-lethal endpoint measured in the test and a “Percent Effect” greater than or equal to 50 percent for the survival endpoint or greater than or equal 50 percent for the sub-lethal endpoint if the test does not have a survival endpoint. If multiple species are tested, the MDEL is exceeded if any of the tested species meets the failure criteria at the IWC.

4.1.4. **Chronic Toxicity Median Monthly Effluent Limitation (MMEL)** is exceeded when more than one most sensitive species chronic aquatic toxicity tests initiated in a calendar month shall result in a “fail” at the IWC for any endpoint (see section 5 of the MRP (Attachment E)).

4.1.5. **Turbidity**

4.1.5.1. Daily average turbidity shall be less than or equal to 2 NTU.

4.1.5.2. Turbidity shall be less than 10 NTU at all times.

4.1.5.3. Turbidity shall not exceed 5 NTU for more than 5 percent of the time.

4.1.6. **Bacteria.** The following Total Coliform Bacteria effluent limits apply at Discharge Point 002 (with compliance measured at Monitoring Location EFF-002).

4.1.6.1. The 7-day median concentration shall be less than 2.2 most probable number (MPN)/100 mL.

4.1.6.2 Total Coliform concentrations shall not exceed 23 MPN/100 mL in more than one sample in any 30-day period.

4.1.6.3 Total Coliform concentrations shall be less than 240 MPN/100 mL at all times.

4.1.7. **Interim Effluent Limitations – Not Applicable**

4.2. Land Discharge Specifications – Not Applicable

See discussion in section 4.6 of the Fact Sheet.

4.3. Recycling Specifications – Not Applicable

See discussion in section 4.7 of the Fact Sheet.

5. RECEIVING WATER LIMITATIONS

5.1. Surface Water Limitations – Not Applicable.

See discussion in section 5.1.1 of the Fact Sheet.

5.2. Groundwater Limitations – Not Applicable

See discussion in section 5.2 of the Fact Sheet.

6. PROVISIONS

6.1. Standard Provisions

6.1.1. The Discharger shall comply with all federal Standard Provisions included in Attachment D.

6.1.2. The Discharger shall comply with Central Coast Water Board Standard Provisions in Attachment D. In the event that there is any conflict, duplication, or overlap between provisions specified by this Order, the more stringent provision shall apply.

6.2. Monitoring and Reporting Program (MRP) Requirements

The Discharger shall comply with the MRP, and future revisions thereto, in Attachment E of this Order. All monitoring shall be conducted according to 40 C.F.R. 136, *Guidelines Establishing Test Procedures for Analysis of Pollutants*.

6.3. Special Provisions

6.3.1. **Reopener Provisions**

6.3.1.1. This Order may be reopened for modification, or revocation and reissuance, as a result of the detection of a reportable priority pollutant generated by special conditions included in this Order. These special conditions may be, but are not limited to, fish tissue sampling, aquatic toxicity, monitoring requirements on internal waste stream(s), and monitoring for surrogate parameters. Upon reopening, additional requirements may be included in this Order as a result of the special condition monitoring data.

6.3.1.2. This Order may be reopened and modified in accordance with NPDES regulations at 40 Code of Federal Regulations (C.F.R.) parts 122 and 124, as necessary. Causes for taking such actions include, but are not limited to, failure to comply with any condition of this Order, endangerment to human health or the environment resulting from the permitted activity, or acquisition of newly obtained information which would have justified the application of different conditions if known at the time of Order adoption and issuance.

6.3.1.3. This Order may be reopened for modification to include additional effluent limitations if monitoring establishes that the discharge causes, has the reasonable potential to cause, or contributes to an excursion above any applicable water quality objective.

6.3.1.4. This Order may be reopened and modified to re-evaluate reasonable potential for acute toxicity and establish acute toxicity effluent limitations, if warranted, after the evaluation of new data and information.

6.3.1.5 This Order may be reopened for modification to revise the aquatic toxicity provisions if the Supreme Court determines that the test of significant toxicity cannot be used in NPDES permits and the State Water Board suspends or revises the aquatic toxicity water quality standards.

6.3.2. **Special Studies, Technical Papers and Additional Monitoring Requirements**

6.3.2.1. **Toxicity Reduction Requirements**

For compliance with the Basin Plan's narrative toxicity objective and Statewide Toxicity Provisions, this Order requires the Discharger to conduct chronic whole effluent toxicity (WET) testing, as specified in the MRP. Furthermore, this provision requires the Discharger to investigate the causes of and identify corrective actions to reduce or eliminate effluent toxicity.

When chronic toxicity is detected in the effluent (reported as "Fail"), during discharge to the Pajaro River or if the MDEL is exceeded when not discharging to the Pajaro River, the Discharger shall resample immediately, retest, and report the results to the Executive Officer.

If the discharge has either 1) any combination of two or more MDEL or MMEL violations within a single calendar month or two successive calendar months (when discharging to the Pajaro River) or 2) exceedance of the MDEL during an accelerated monitoring test (when not discharging to the Pajaro River), the Discharger is required to initiate a toxicity reduction evaluation (TRE) in accordance with an approved TRE work plan and take actions to mitigate the impact of the discharge and prevent recurrence of toxicity. A TRE is a site-specific study conducted in a stepwise process to identify the source(s) of toxicity and the effective control measures for effluent toxicity. TREs are designed to identify the causative agents and sources of whole effluent toxicity, evaluate the effectiveness of the toxicity control options, and confirm the reduction in effluent toxicity. This provision includes requirements for the Discharger to update and submit its TRE work plan and includes procedures for MMEL toxicity monitoring, accelerated monitoring, and TRE initiation:

6.3.2.1.1. **TRE Work Plan**. Within 90 days of the effective date of this Order, the Discharger shall submit to the Central Coast Water Board an updated TRE work plan for approval by the Executive Officer. The TRE work plan shall outline the procedures for identifying the sources of and reducing or eliminating effluent toxicity. The TRE work plan must be developed in accordance with U.S. EPA guidance and be of adequate detail to allow the Discharger to immediately initiate a TRE as required in this provision.

6.3.2.1.2. **MMEL Monitoring, Accelerated Monitoring and TRE Initiation**. When a routine toxicity monitoring test results in a "Fail" at the IWC during discharge to the Pajaro River and the testing meets all test acceptability criteria (TAC), the Discharger shall initiate MMEL monitoring as required in the MMEL monitoring specifications in the MRP. The Discharger shall initiate a TRE to address effluent toxicity if any WET testing results more than one exceedance of the effluent limitations during a single calendar month or two consecutive calendar months.

When the MDEL is exceeded when not discharging to the Pajaro River and the testing meets all TAC, the Discharger shall initiate accelerated monitoring as required in the accelerated monitoring specifications in the MRP. The Discharger shall initiate a TRE to address effluent toxicity if there is an exceedance of the MDEL during accelerated monitoring.

6.3.3. **Best Management Practices and Pollution Prevention**

6.3.3.1. **Pollutant Minimization Program**

The Discharger shall develop and conduct a pollutant minimization program (PMP) as further described below when there is evidence (e.g., sample results reported as DNQ when the effluent limitation is less than the MDL, sample results from analytical methods more sensitive than those methods required by this Order, presence of aquatic toxicity, health advisories for fish consumption, results of benthic or aquatic organism tissue sampling) that a priority pollutant is present in the effluent above an effluent limitation and as described in 6.3.3.1.1 or 6.3.3.1.2. If a sample result, or the arithmetic mean or median of multiple sample results, is below the RL, and there is evidence that the priority pollutant is present in the effluent above an effluent limitation and the discharger conducts a PMP (as described in section 2.4.5.1 of the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*), the discharger shall not be deemed out of compliance.

6.3.3.1.1. A sample result is reported as DNQ and the effluent limitation is less than the RL; or

6.3.3.1.2. A sample result is reported as ND and the effluent limitation is less than the MDL, using definitions described in Attachment A and reporting protocols described in MRP section 11.2.4.

6.3.3.1.3. The PMP is subject to approval by the Executive Officer and shall include, but not be limited to, the following:

6.3.3.1.3.1. An annual review and semiannual monitoring of potential sources of the reportable priority pollutant(s), which may include fish tissue monitoring and other bio-uptake sampling;

6.3.3.1.3.2. Quarterly monitoring for the reportable priority pollutant(s) in the influent to the wastewater treatment system;

6.3.3.1.3.3. Submittal of a control strategy designed to proceed toward the goal of maintaining concentrations of the reportable priority pollutant(s) in the effluent at or below the effluent limitation;

6.3.3.1.3.4. Implementation of appropriate cost-effective control measures for the reportable priority pollutant(s), consistent with the control strategy; and

6.3.3.1.3.5. An annual status report that shall be sent to the Central Coast Water Board including:

6.3.3.1.3.5.1. All PMP monitoring results for the previous year;

6.3.3.1.3.5.2. A list of potential sources of the reportable priority pollutant(s);

6.3.3.1.3.5.3. A summary of all actions undertaken pursuant to the control strategy; and

6.3.3.1.3.5.4. A description of actions to be taken in the following year.

6.3.4. **Construction, Operation, and Maintenance Specifications**

6.3.4.1. The Facility shall be operated as specified under Standard Provision 1.4 of Attachment D.

6.3.4.2. **Additional Specifications for Discharges of Tertiary Treated Wastewater to the Pajaro River at Discharge Point 002**

6.3.4.2.1. Discharge of tertiary treated wastewater to the Pajaro River shall occur only during the months of November through April, defined as the “Period of Authorized Discharge,” on an as needed basis, to facilitate the proper maintenance and safe operation of the percolation ponds.

6.3.4.2.2. Discharges to the Pajaro River shall occur only when flow in the Pajaro River is greater than 180 MGD, as measured at a gauging station near the point of discharge, or when flow in the Pajaro River is below 6,004 MGD, as measured at the Chittenden gauging station.

6.3.4.3. **Chlorine Disinfection.** If chlorine is used for disinfection, a CT value (the product of the concentration of a disinfectant and the contact time) of not less than 450 mg-min/L shall be maintained at all times with a modal contact time of at least 90 minutes based on a discharge rate of 9.0 MGD.

6.3.4.4. **UV Disinfection**. If ultraviolet (UV) light is used for disinfection, the Discharger shall operate the UV disinfection system in compliance at all times with the Discharger’s title 22 engineering report approved by the Division of Drinking Water, the Division of Drinking Water’s recommendations, and the Discharger’s operations plan approved by the Division of Drinking Water.

6.3.4.5. **Odor.** Objectionable odors originating at the Facility shall not be perceivable beyond the limits of the Facility.

6.3.5. **Special Provisions for Publicly Owned Treatment Works (POTWs)**

6.3.5.1. **Biosolids.** The handling, management, and disposal of sludge and solids derived from wastewater treatment must comply with applicable provisions of

U.S. EPA regulations at 40 C.F.R. sections 257, 258, 501, and 503, including all monitoring, record keeping, and reporting requirements.

Solids and sludge treatment, storage, and disposal or reuse shall not create a nuisance, such as objectionable odors or flies, and shall not result in ground water contamination. Sites for solids and sludge treatment and storage shall have adequate facilities to divert surface water runoff from adjacent areas to protect the boundaries of such sites from erosion, and to prevent drainage from treatment and storage sites.

The treatment, storage, disposal, or reuse of sewage sludge and solids shall not cause waste material to be in a position where it is, or can be, conveyed from the treatment and storage sites and deposited into waters of the State. The Discharger is responsible for assuring that all biosolids produced at its facility are used or disposed of in accordance with the above rules, regardless of whether the Discharger uses or disposes of the biosolids itself, or transfers them to another party for further treatment, use, or disposal. The Discharger is responsible for informing subsequent preparers, appliers, and disposers of the requirements that they must adhere to these rules.

6.3.5.2. **Pretreatment.** The Discharger shall be responsible for the performance for all pretreatment requirements contained in 40 C.F.R. part 403 and shall be subject to enforcement actions, penalties, fines, and other remedies by the U.S. EPA, or other appropriate parties, as provided in the CWA, as amended (33 USC 1351 et seq.). The Discharger shall implement and enforce its approved POTW Pretreatment Program. The Discharger's approved POTW Pretreatment Program is hereby made an enforceable condition of this Order. U.S. EPA or the Central Coast Water Board may initiate enforcement action against an industrial user for noncompliance with applicable standards and requirements as provided in the CWA.

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

The Discharger shall perform the pretreatment functions as required in 40 C.F.R. part 403, including, but not limited to the following:

6.3.5.2.1. Implement the necessary authorities as provided in 40 C.F.R. section 403.8 (f) (1);

6.3.5.2.2. Enforce the pretreatment requirements under 40 C.F.R. sections 403.5 and 403.6;

6.3.5.2.3. Implement the programmatic functions as provided in 40 C.F.R. section 403.8 (f) (2); and

6.3.5.2.4. Provide the requisite funding and personnel to implement the pretreatment program as provided in 40 C.F.R. section 403.8 (f) (3).

The Discharger shall submit annually a report to the U.S. EPA Region 9, the Central Coast Water Board, and the State Water Resources Control Board describing the Discharger's pretreatment activities over the previous 12 months. In the event that the Discharger is not in compliance with conditions or requirements of this Order affected by the pretreatment program, it shall also include reasons for non-compliance and a statement how and when it shall comply. This annual report is due by February 1st of each year and shall contain, but not be limited to, the contents described in the "Pretreatment Reporting Requirements" contained in the Attachment E Monitoring and Reporting Program.

The Discharger shall comply, and ensure affected "indirect dischargers" comply, with section II.D.1 of the "Standard Provisions and Reporting Requirements."

6.3.6. **Other Special Provisions**

6.3.6.1. **Discharges of Stormwater.** For the control of stormwater discharged from the site of the wastewater treatment and disposal facilities, if applicable, the Discharger shall seek authorization to discharge under and meet the requirements of the State Water Board's Water Quality Order 2014-0057-DWQ, as amended by Order WQ 2015-0122 DWQ & Order WQ 2018-0028 DWQ, NPDES CAS000001, *Waste Discharge Requirements for Discharges of Stormwater Associated with Industrial Activities Excluding Construction Activities*.

6.3.6.2. **Requirements for Sanitary Sewer Systems.** The Discharger is subject to the requirements of and must separately comply with State Water Board Order 2022-0103-DWQ, *Statewide Waste Discharge Requirements General Order for Sanitary Sewer Systems*, including monitoring and reporting requirements, and any subsequent revisions to that order[5]. Order 2022-0103-DWQ, adopted on December 6, 2022, requires public, private, or other non-governmental entities that own or operate sanitary sewer systems with greater than one mile of sewer lines to apply for coverage and comply with requirements. The purpose of the General Order for Sanitary Sewer Systems is to promote proper and efficient management, operation, and maintenance of sanitary sewer systems and to minimize the occurrences and impacts of sanitary sewer overflows. The cities of Gilroy and Morgan Hill own and operate sanitary sewer collection systems tributary to the South County Regional Wastewater Treatment Facility and are enrolled in Order 2022-0103-DWQ, therefore this order is not applicable to the Discharger.

6.3.6.3. **Salt and Nutrient Management** Salt and nutrient management requirements for this Facility are included in Order R3-2020-0020.

[5] Unless stated otherwise, all references to Order 2022-0103-DWQ in this Order refer as well to any subsequent revisions to the order.

6.3.6.4. **Climate Change Adaptation Program** Climate change planning requirements for this Facility, including assessing hazards and vulnerabilities, identifying resiliency actions, and developing an adaptation strategy are included in Order R3-2020-0020.

6.3.7. **Compliance Schedules – Not Applicable**

7. COMPLIANCE DETERMINATION

Compliance with the effluent limitations contained in section 4 of this Order will be determined as specified below:

7.1. General

Compliance with effluent limitations for reportable pollutants shall be determined using sample reporting protocols defined in the MRP this Order. For purposes of reporting and administrative enforcement by the Central Coast Water Board and State Water Board, the Discharger shall be deemed out of compliance with effluent limitations if the concentration of the reportable pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reported minimum level (ML).

7.2. Chronic Toxicity

The discharge is subject to determination of "Pass" or "Fail" from a chronic toxicity test using the TST statistical t-test approach described in *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document* (EPA 833-R-10-003, 2010), Appendix A, Figure A-1 and Table A-1, and Appendix B, Table B-1.

The null hypothesis (H_o) for the TST statistical approach is:

> Mean discharge "instream" waste concentration (IWC) response ≤0.75 × Mean control response.

A test result that rejects this null hypothesis is reported as "Pass." A test result that does not reject this null hypothesis is reported as "Fail."

The MDEL for chronic toxicity is exceeded when a chronic toxicity test, analyzed using the TST statistical approach, results in "Fail" for the sub-lethal endpoint and the "Percent Effect" is greater than or equal to 50 percent for the survival endpoint or the sub-lethal endpoint if there is no survival endpoint.

The MMEL for chronic toxicity is exceeded and a violation will be flagged when more than one toxicity tests initiated in a calendar month during discharge to the Pajaro River result in a "Fail" in accordance with the TST approach for any endpoint.

The MDEL and MMEL for chronic toxicity are set at the IWC for the discharge (100 percent effluent) and expressed in units of the TST statistical approach ("Pass" or

"Fail," "Percent Effect"). All NPDES effluent monitoring for the chronic toxicity effluent limitations shall be reported using the 100 percent effluent concentration and negative control, expressed in units of the TST. The TST hypothesis (H_o) (see above) is statistically analyzed using the IWC and a negative control. Effluent toxicity tests shall be run at the IWC using *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (EPA-821-R-02-013, 2002).

7.3. Multiple Sample Data

When determining compliance with a measure of central tendency (arithmetic mean, geometric mean, median, etc.) of multiple samples analyses and the data set contains one or more reported determinations of DNQ, or ND, the Discharger shall compute the median in place of the arithmetic mean in accordance with the procedure below. Any sample result(s) from sample(s) collected when no discharge to the Pajaro River was occurring shall not be used in computing the arithmetic mean for effluent limit compliance determination.

7.3.1. The data set shall be ranked from low to high, ranking the reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.

7.3.2. The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both of the points are ND or DNQ, in which case the median value shall be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ.

7.4. Average Monthly Effluent Limitation (AMEL)

If the average of daily discharges over a calendar month exceeds the AMEL for a given parameter, an alleged violation will be flagged and the Discharger will be considered out of compliance for each day of that month for that parameter (e.g., resulting in 31 days of non-compliance in a 31-day month). The average of daily discharges over the calendar month that exceeds the AMEL for a parameter will be considered out of compliance for that month only. If only a single sample is taken during the calendar month and the analytical result for that sample exceeds the AMEL, the Discharger will be considered out of compliance for that calendar month. For any one calendar month during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar month.

7.5. Average Weekly Effluent Limitation (AWEL)

If the average of daily discharges over a calendar week exceeds the AWEL for a given parameter, an alleged violation will be flagged and the Discharger will be considered out of compliance for each day of that week for that parameter, resulting in seven days of non-compliance. The average of daily discharges over

the calendar week that exceeds the AWEL for a parameter will be considered out of compliance for that week only. If only a single sample is taken during the calendar week and the analytical result for that sample exceeds the AWEL, the Discharger will be considered out of compliance for that calendar week. For any one calendar week during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar week.

7.6. Maximum Daily Effluent Limitation (MDEL)

If a daily discharge exceeds the MDEL for a given parameter, an alleged violation will be flagged, and the Discharger will be considered out of compliance for that parameter for that one day only within the reporting period. For any one day during which no sample is taken, no compliance determination can be made for that day.

7.7. Compliance Conditions for Required Monitoring When No Discharge to Pajaro River

If monitoring samples are taken from EFF-002 while no discharge was occurring to the Pajaro River, the results will not be used to determine compliance with effluent limits for this Order.

If required annual chronic toxicity monitoring occurs during conditions of no discharge to the Pajaro River, and the results exceed the MDEL, the Discharger will conduct the accelerated monitoring requirements, as set forth in the MRP Attachment E, section 5.

ATTACHMENT A – DEFINITIONS

Acute Aquatic Toxicity Test
A test to determine an adverse effect (usually lethality) on a group of aquatic test organisms during a short-term exposure (e.g., 24, 48, or 96 hours).

Alternative Hypothesis
A statement used to propose a statistically significant relationship in a set of given observations. Under the TST approach, when the null hypothesis is rejected, the alternative hypothesis is accepted in its place, indicating a relationship between variables and an acceptable level of toxicity.

Ambient Water
For aquatic toxicity purposes, ambient water refers to a sample taken from the water body of concern that may or may not be influenced by a discharge.

Arithmetic Mean (μ)
Also called the average, is the sum of measured values divided by the number of samples. For ambient water concentrations, the arithmetic mean is calculated as follows:

$$\text{Arithmetic mean } (\mu) = \frac{\Sigma x}{n}$$

where: Σx is the sum of the measured ambient water concentrations, and n is the number of samples.

Average Monthly Effluent Limitation (AMEL)
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.

Average Weekly Effluent Limitation (AWEL)
The highest allowable average of daily discharges over a calendar week (Sunday through Saturday), calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Bioaccumulative
Those substances taken up by an organism from its surrounding medium through gill membranes, epithelial tissue, or from food and subsequently concentrated and retained in the body of the organism.

Bioassay
A test used to evaluate the relative potency of a chemical or a mixture of chemicals by comparing its effect on a living organism with the effect of a standard preparation on the same type of organism.

Biostimulatory
The presence of substances or environmental conditions that promote the growth and activity of microorganisms within a body of water. These substances, known as biostimulatory drivers, can include nutrients such as nitrogen and phosphorus, organic matter, or changes in factors such as temperature, altered physical habitat, or hydrology. The unchecked increase in microbial growth, often stimulated by an excess of nutrients such as nitrogen and phosphorus, can lead to eutrophication, an over-enrichment of water bodies that can negatively impact water quality and aquatic ecosystems. This can cause nuisance conditions and adversely affect beneficial uses of the water.

Calendar Month(s)
A period of time from a day of one month to the day before the corresponding day of the next month if the corresponding day exists, or if not to the last day of the next month (e.g., from January 1 to January 31, from June 15 to July 14, or from January 31 to February 28).

Calendar Quarter
A period of time defined as three consecutive calendar months.

Calendar Year
A period of time defined as twelve consecutive calendar months.

Carcinogenic
Pollutants are substances that are known to cause cancer in living organisms.

Chronic Aquatic Toxicity Test
A test to determine an adverse effect (sublethal or lethal) on a group of aquatic test organisms during an exposure of duration long enough to assess sub-lethal effects. Compliance with the effluent limitation for chronic toxicity in this Order is demonstrated by conducting chronic toxicity tests for the effluent as described in section 7.15 of this Order and section 5 of the MRP (Attachment E), and in accordance with the TST statistical approach.

Coefficient of Variation (CV)
CV is a measure of the data variability and is calculated as the estimated standard deviation divided by the arithmetic mean of the observed values.

Continuous Dischargers
Facilities that discharge without interruption throughout their operating hours, except for infrequent shutdowns for maintenance, process changes, or other similar activities, and that discharge throughout the calendar year.

Daily Discharge
Daily Discharge is defined as either: (1) the total mass of the constituent discharged over the calendar day (12:00 am through 11:59 pm) or any 24-hour period that reasonably represents a calendar day for purposes of sampling (as specified in the permit), for a constituent with limitations expressed in units of mass or; (2) the unweighted arithmetic mean measurement of the constituent over the day for a constituent with limitations expressed in other units of measurement (e.g., concentration).

The daily discharge may be determined by the analytical results of a composite sample taken over the course of one day (a calendar day or other 24-hour period defined as a day) or by the arithmetic mean of analytical results from one or more grab samples taken over the course of the day.

For composite sampling, if one day is defined as a 24-hour period other than a calendar day, the analytical result for the 24-hour period will be considered as the result for the calendar day in which the 24-hour period ends.

Detected, but Not Quantified (DNQ)
DNQ are those sample results less than the reporting limit (RL), but greater than or equal to the laboratory's MDL. Sample results reported as DNQ are estimated concentrations.

Dilution Credit
Dilution Credit is the amount of dilution granted to a discharge in the calculation of a water quality-based effluent limitation, based on the allowance of a specified mixing zone. It is calculated from the dilution ratio or determined through conducting a mixing zone study or modeling of the discharge and receiving water.

Dilution Ratio
The critical low flow of the upstream receiving water divided by the flow of the effluent discharged.

Effluent Concentration Allowance (ECA)
ECA is a value derived from the water quality criterion/objective, dilution credit, and ambient background concentration that is used, in conjunction with the coefficient of variation for the effluent monitoring data, to calculate a long-term average (LTA) discharge concentration. The ECA has the same meaning as waste load allocation (WLA) as used in U.S. EPA guidance (*Technical Support Document for Water Quality-based Toxics Control*, March 1991, second printing, EPA/505/2-90-001).

Enclosed Bays
Enclosed bays means indentations along the coast that enclose an area of oceanic water within distinct headlands or harbor works. Enclosed bays include all bays where the narrowest distance between the headlands or outermost harbor works is less than 75 percent of the greatest dimension of the enclosed portion of the bay. Enclosed bays include, but are not limited to, Humboldt Bay, Bodega Harbor,

Tomales Bay, Drake's Estero, San Francisco Bay, Morro Bay, Los Angeles-Long Beach Harbor, Upper and Lower Newport Bay, Mission Bay, and San Diego Bay. Enclosed bays do not include inland surface waters or ocean waters.

Estimated Chemical Concentration
The estimated chemical concentration that results from the confirmed detection of the substance by the analytical method below the minimum level (ML) value.

Estuaries and Coastal Lagoons
Estuaries means waters, including coastal lagoons, located at the mouths of streams that serve as areas of mixing for fresh and ocean waters. Coastal lagoons and mouths of streams that are temporarily separated from the ocean by sandbars shall be considered estuaries. Estuarine waters shall be considered to extend from a bay or the open ocean to a point upstream where there is no significant mixing of fresh water and seawater. Estuarine waters included, but are not limited to, the Sacramento-San Joaquin Delta, as defined in California Water Code section 12220, Suisun Bay, Carquinez Strait downstream to the Carquinez Bridge, and appropriate areas of the Smith, Mad, Eel, Noyo, Russian, Klamath, San Diego, and Otay rivers. Estuaries do not include inland surface waters or ocean waters.

Grab Sample
Grab Sample means an individual sample collected during a period of time not to exceed 15 minutes. Grab samples shall be collected during normal peak loading conditions for the parameter of interest, which may or may not occur during hydraulic peaks.

Flow-Through Acute Toxicity Testing Systems
A toxicity testing system where an effluent sample is either pumped continuously from the sampling point directly to a dilutor system or collected and placed in a tank adjacent to the test laboratory and pumped continuously from the tank to a dilutor system.

Inland Surface Waters
All surface waters of the state that do not include the ocean, enclosed bays, or estuaries.

Insignificant Dischargers
National Pollutant Discharge Elimination System (NPDES) discharges that are determined to be a very low threat to water quality by the permitting authority.

Instantaneous Maximum Effluent Limitation
The highest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous maximum limitation).

Instantaneous Minimum Effluent Limitation
The lowest allowable value for any single grab sample or aliquot (i.e., each grab

sample or aliquot is independently compared to the instantaneous minimum limitation).

Instream Waste Concentration (IWC)

The concentration of effluent in the receiving water after mixing as determined by the permitting authority. For purposes of aquatic toxicity testing for non-stormwater NPDES dischargers, the IWC shall be as described in section III.C.1 of the Toxicity Provisions. For assessing whether receiving waters meet the numeric water quality objectives (WQOs), the undiluted ambient water shall be used as the IWC in the TST as indicated in section III.B.3 of the Toxicity Provisions.

Maximum Daily Effluent Limitation (MDEL)
The highest allowable daily discharge of a pollutant, over a calendar day (or 24-hour period). 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 arithmetic mean measurement of the pollutant over the day. For the purposes of chronic and acute aquatic toxicity, an MDEL is an effluent limitation based on the outcome of the TST approach and the resulting percent effect at the IWC, as described in sections III.C.5 and III.C.6 of the Toxicity Provisions.

Maximum Daily Effluent Target (MDET)
For the purposes of chronic and acute aquatic toxicity, an MDET is a target used to determine whether a Toxicity Reduction Evaluation (TRE) should be conducted. Not meeting the MDET is not a violation of an effluent limitation.

Median
The middle measurement in a set of data. The median of a set of data is found by first arranging the measurements in order of magnitude (either increasing or decreasing order)

If the number of measurements (n) is odd, then:

$$\text{median} = \frac{X_{(n+1)}}{2}$$

If n is even, then:

$$\text{median} = \frac{X_{\frac{n}{2}} + X_{\frac{n}{2}+1}}{2}$$

(i.e., the midpoint between the (n/2 and ((n/2)+1))).

Median Monthly Effluent Limitation (MMEL)
For the purposes of chronic and acute aquatic toxicity, an MMEL is an effluent

limitation based on a maximum of three independent toxicity tests, analyzed using the TST, as described in sections III.C.5 and III.C.6 of the Toxicity Provisions.

Median Monthly Effluent Target (MMET)
For the purposes of chronic and acute aquatic toxicity, an MMET is a target based on a maximum of three independent toxicity tests used to determine whether a TRE should be conducted. Not meeting the MMET is not a violation of an effluent limitation.

Method Detection Limit (MDL)
MDL is the minimum concentration of a substance that can be reported with 99 percent confidence that the measured concentration is distinguishable from method blank results, as defined in 40 Code of Federal Regulations (C.F.R.) part 136, Attachment B.

Minimum Level (ML)
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 by a specific analytical procedure, assuming that all the method specified sample weights, volumes, and processing steps have been followed.

Mixing Zone
Mixing Zone is a limited volume of receiving water that is allocated for mixing with a wastewater discharge where water quality criteria can be exceeded without causing adverse effects to the overall water body.

MMEL Compliance Tests
For the purposes of chronic and acute aquatic toxicity, MMEL compliance tests are a maximum of two tests that are used in addition to the routine monitoring test to determine compliance with the chronic and acute aquatic toxicity MMEL and MDEL.

MMET Tests
For the purposes of chronic and acute aquatic toxicity, for dischargers not required to comply with numeric chronic toxicity effluent limitations, MMET tests are a maximum of two tests that are used in addition to the routine monitoring test to determine whether a TRE should be conducted.

Most Sensitive Species
The single species selected from an array of test species to be used in a single species laboratory test series to determine toxic effects of effluent or ambient water.

Non-Continuous Dischargers
Dischargers that do not discharge in a continuous manner or do not discharge throughout the calendar year (e.g., intermittent and seasonal dischargers).

Non-NPDES Dischargers
Dischargers of waste that could affect the quality of waters of the state that are not regulated by the NPDES program.

Non-Stormwater NPDES Dischargers
Dischargers that are regulated pursuant to one or more NPDES permit(s), excluding any discharges subject to the United States Code title 33 section 1342(p). This includes dischargers that discharge a combination of treated municipal or industrial wastewater and stormwater.

Nonpoint Source
A source that does not meet the definition of a point source, as defined below.

Not Detected (ND)
Sample results which are less than the laboratory's MDL.

Null Hypothesis
A statement used in statistical testing that has been put forward either because it is believed to be true or because it is to be used as a basis for argument, but has not been proved.

Percent Effect
For the purposes of acute and chronic aquatic toxicity, the percent effect refers to the value that denotes the difference in response between the test concentration and the control, divided by the mean control response, and multiplied by 100.

Ocean Waters
The territorial marine waters of the State, as defined by California law, to the extent these waters are outside of enclosed bays, estuaries, and coastal lagoons. Discharges to ocean waters are regulated in accordance with the State Water Board's California Ocean Plan.

Percent Effect
The value that denotes the difference in response between the test concentration and the control, divided by the mean control response, and multiplied by 100.

Permitting Authority
The State Water Board or a regional water board that issues a permit, waste discharge requirements, water quality certification, or other authorization for the discharge or proposed discharge of waste. To the extent that the action is delegable, the term "Permitting Authority" can include the Executive Officer or Executive Director.

Persistent Pollutants
Persistent pollutants are substances for which degradation or decomposition in the environment is nonexistent or very slow.

Point Source
Any discernible, confined and discrete conveyance including, but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

Pollutant
Defined in section 502(6) of the CWA as "dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water."

Pollutant Minimization Program (PMP)
PMP means waste minimization and pollution prevention actions that include, but are not limited to, product substitution, waste stream recycling, alternative waste management methods, and education of the public and businesses. The goal of the PMP shall be to reduce all potential sources of a priority pollutant(s) through pollutant minimization (control) strategies, including pollution prevention measures as appropriate, to maintain the effluent concentration at or below the water quality-based effluent limitation. Pollution prevention measures may be particularly appropriate for persistent bioaccumulative priority pollutants where there is evidence that beneficial uses are being impacted. The Central Coast Water Board may consider cost effectiveness when establishing the requirements of a PMP. The completion and implementation of a pollution prevention plan, if required pursuant to California Water Code section 13263.3(d), shall be considered to fulfill the PMP requirements.

Pollution Prevention
Pollution prevention means any action that causes a net reduction in the use or generation of a hazardous substance or other pollutant that is discharged into water and includes, but is not limited to, input change, operational improvement, production process change, and product reformulation (as defined in California Water Code section 13263.3). Pollution prevention does not include actions that merely shift a pollutant in wastewater from one environmental medium to another environmental medium, unless clear environmental benefits of such an approach are identified to the satisfaction of the State Water Board or Central Coast Water Board.

Publicly Owned Treatment Works (POTW)
Facilities owned by a state or municipality that store, treat, recycle, and reclaim municipal sewage or industrial wastes of a liquid nature. Similar facilities that are privately, instead of publicly, owned are included in this definition for purposes of section III of the Toxicity Provisions.

Reasonable Potential
A designation used for a waste discharge that is projected or calculated to cause or contribute to an instream excursion above a water quality standard.

Regulatory Management Decision (RMD)
The decision that represents the maximum allowable error rates and thresholds for toxicity and non-toxicity that would result in an acceptable risk to aquatic life.

Replicates
Two or more independent organism exposures of the same treatment (i.e., effluent concentration) within a toxicity test. Replicates are typically conducted with separate test chambers and test organisms, each having the same effluent concentration.

Reporting Level (RL)
The RL is the ML (and its associated analytical method) chosen by the Discharger for reporting and compliance determination from the MLs included in this Order, including an additional factor if applicable as discussed herein. The MLs included in this Order correspond to approved analytical methods for reporting a sample result that are selected by the Central Coast Water Board either from Appendix 4 of the State Implementation Policy (SIP) in accordance with section 2.4.2 of the SIP or established in accordance with section 2.4.3 of the SIP. The ML is based on the proper application of method-based analytical procedures for sample preparation and the absence of any matrix interferences. Other factors may be applied to the ML depending on the specific sample preparation steps employed. For example, the treatment typically applied in cases where there are matrix-effects is to dilute the sample or sample aliquot by a factor of ten. In such cases, this additional factor must be applied to the ML in the computation of the RL.

Response
A measured biological effect (e.g., survival, reproduction, growth) as a result of exposure to a stimulus.

Routine Monitoring
Required monitoring that occurs during a permit term.

Source of Drinking Water
Any water designated as municipal or domestic supply (MUN) in a Central Coast Water Board *Water Quality Control Plan for the Central Coastal Basin* (Basin Plan).

Species Sensitivity Screening
An analysis to determine the single most sensitive species from an array of test species to be used in a single species laboratory test series.

Standard Deviation (σ)
Standard deviation is a measure of variability that is calculated as follows:

$$\text{Standard Deviation } (\sigma) = \frac{\Sigma(X-\mu)^2}{(n-1)^{0.5}}$$

where: x is the observed value; μ is the arithmetic mean of the observed values; and n is the number of samples.

Stormwater
As defined at 40 C.F.R. section 122.26(b)(13) (Nov. 16, 1990), which states, "Storm water means storm water runoff, snow melt runoff, and surface runoff and drainage."

Test of Significant Toxicity (TST)
A statistical approach used to analyze aquatic toxicity test data, as described in section IV.B.1.c of the Toxicity Provisions.

Toxicity Identification Evaluation (TIE)
Techniques used to identify the unexplained cause(s) of toxic event. A TIE involves selectively removing classes of chemicals through a series of sample manipulations, effectively reducing complex mixtures of chemicals in natural waters to simple components for analysis. Following each manipulation, the toxicity sample is assessed to see whether the toxicant class removed was responsible for the toxicity.

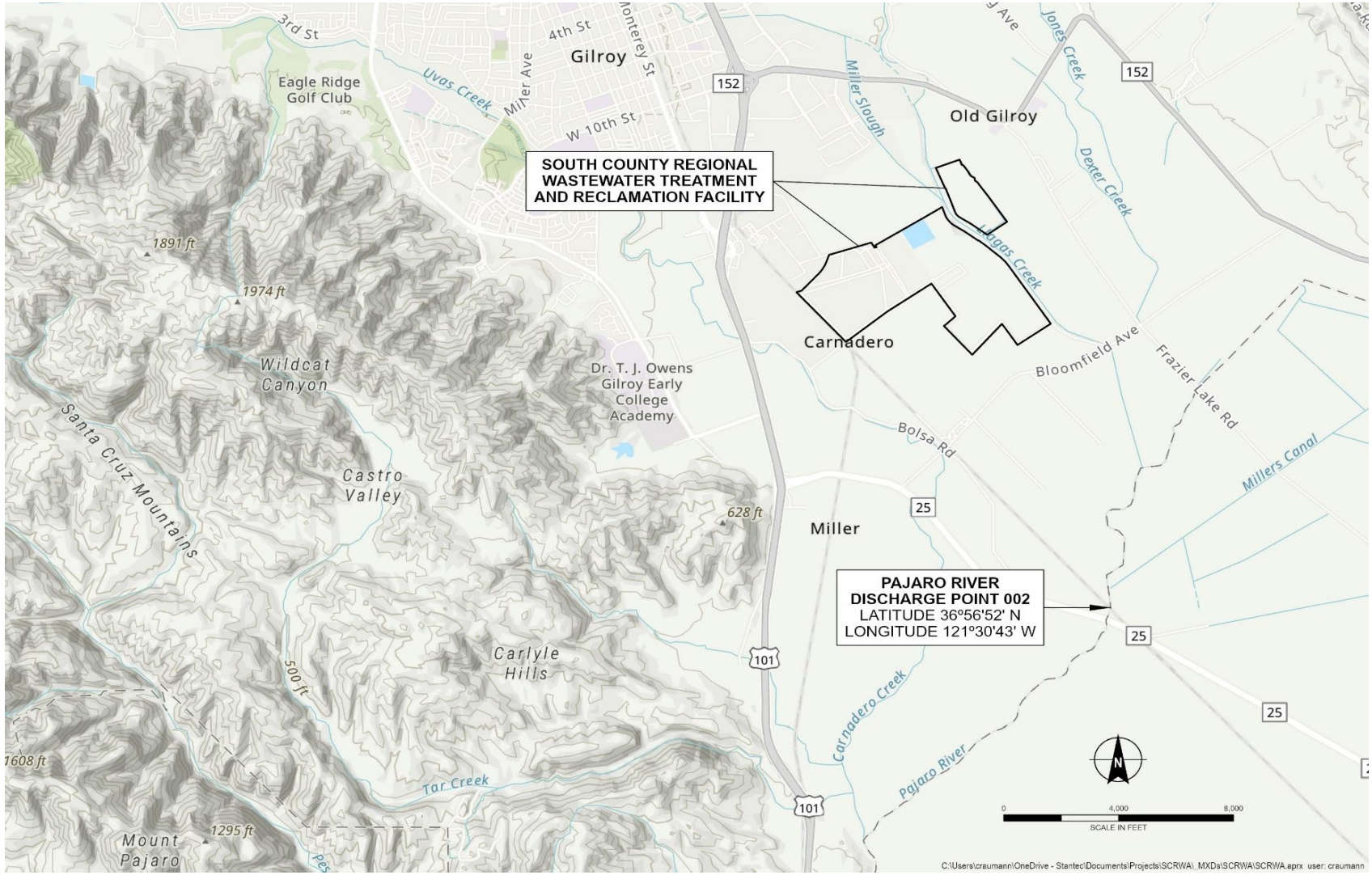
Toxicity Reduction Evaluation (TRE)
TRE is a study conducted in a step-wise process designed to identify the causative agents of effluent or ambient toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in toxicity. The first steps of the TRE consist of the collection of data relevant to the toxicity, including additional toxicity testing, and an evaluation of facility operations and maintenance practices, and best management practices. A toxicity identification evaluation (TIE) may be required as part of the TRE, if appropriate. (A TIE is a set of procedures to identify the specific chemical(s) responsible for toxicity. These procedures are performed in three phases (characterization, identification, and confirmation) using aquatic organism toxicity tests.)

Toxicity Provisions
Refers to the *State Policy for Water Quality Control: Toxicity Provisions,* which is also for included in the *Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California*.

Turbidity
A measure of the amount of suspended particles (e.g. algae, sediment, organic matter, etc.) in water. Suspended particles diffuse sunlight, absorb heat, clog fish gills, foul gravel substrates in waterbodies, and may carry pathogens and pollutants. Turbidity caused by suspended sediment can be an indicator of erosion. Turbidity is generally reported in nephelometric turbidity units (NTUs).

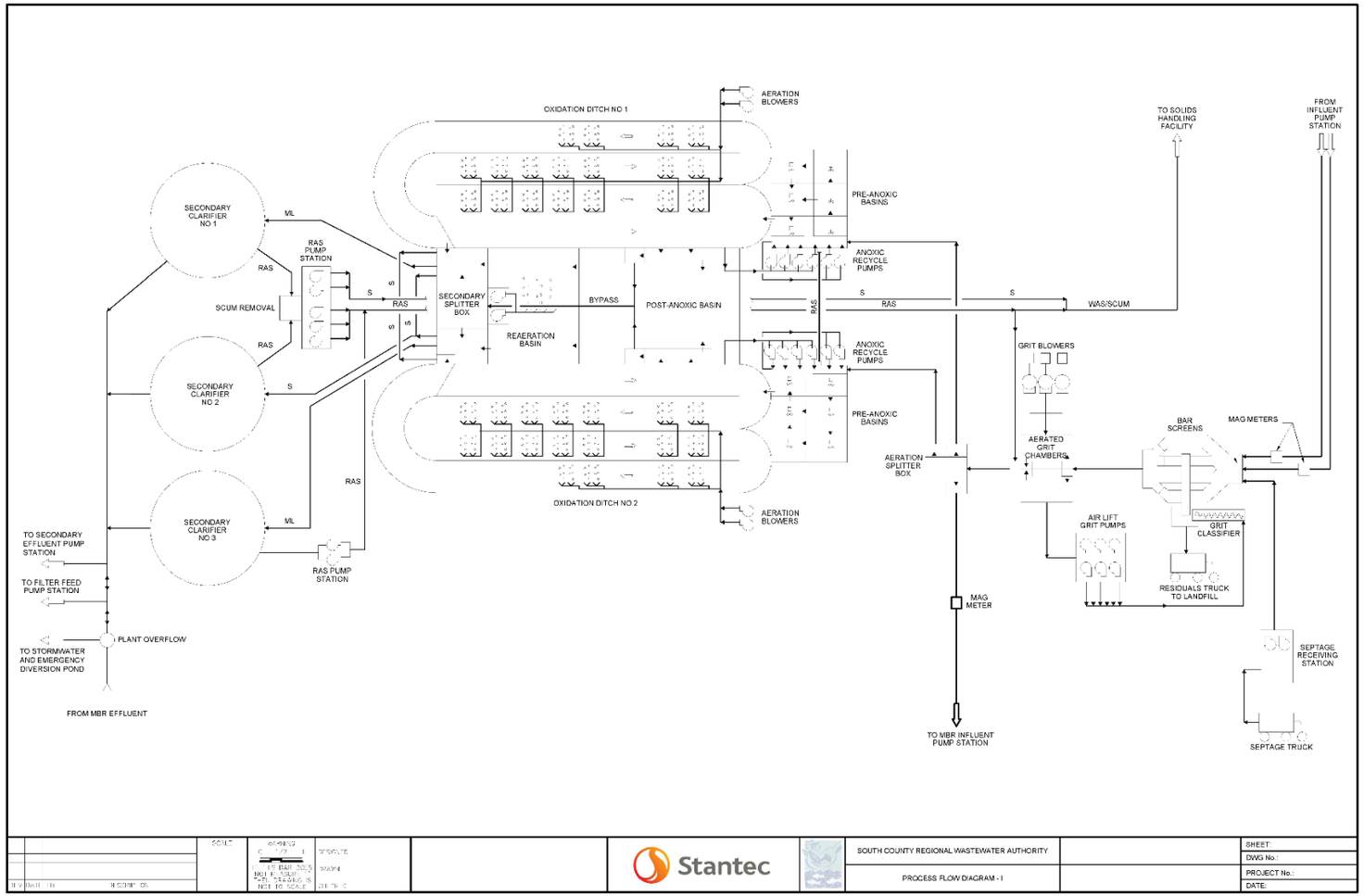
Water Reclamation
The treatment of wastewater to render it suitable for reuse, the transportation of treated wastewater to the place of use, and the actual use of treated wastewater for a direct beneficial use or controlled use that would not otherwise occur.

ATTACHMENT B – MAP

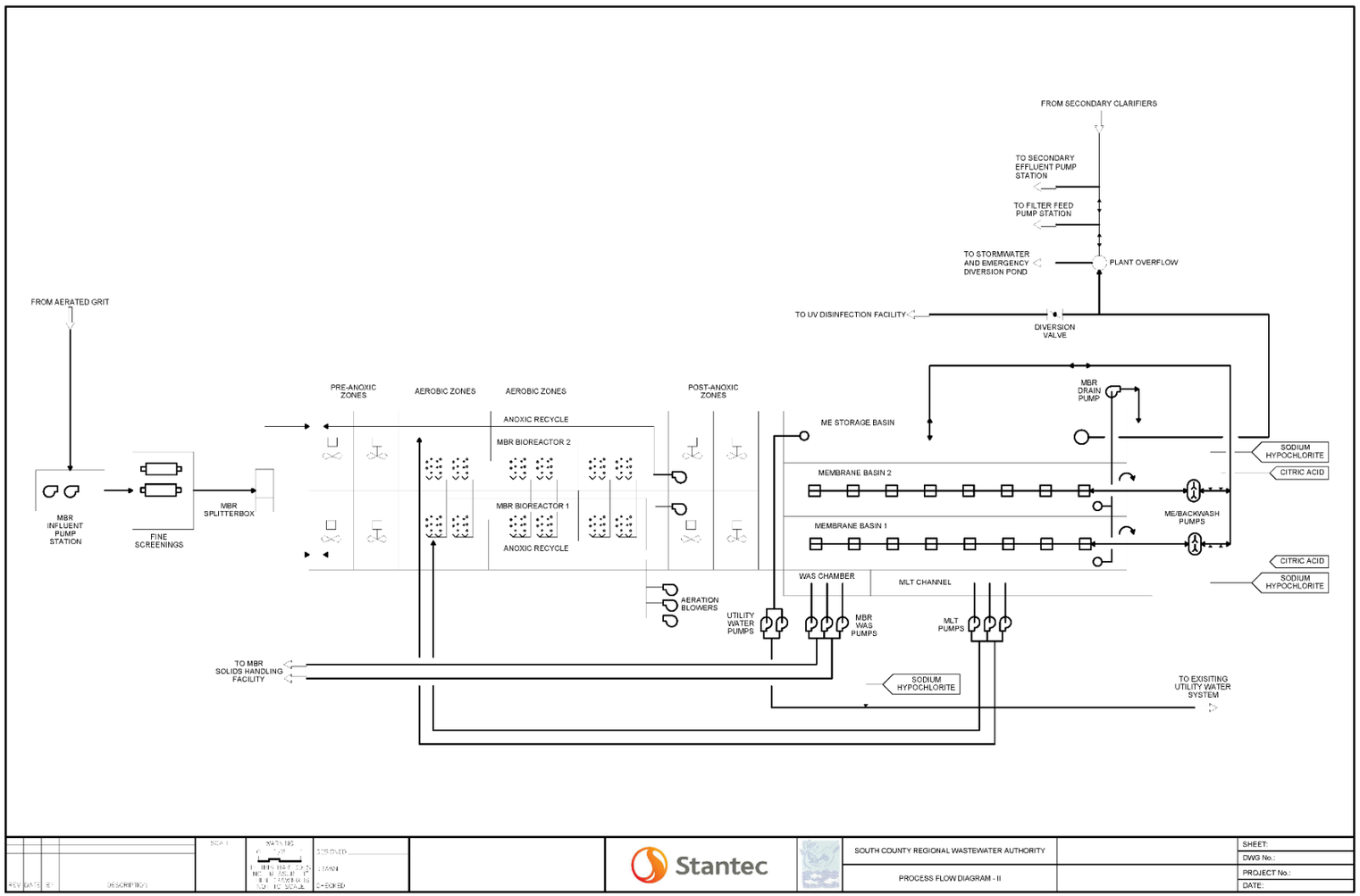


ATTACHMENT C – FLOW SCHEMATICS

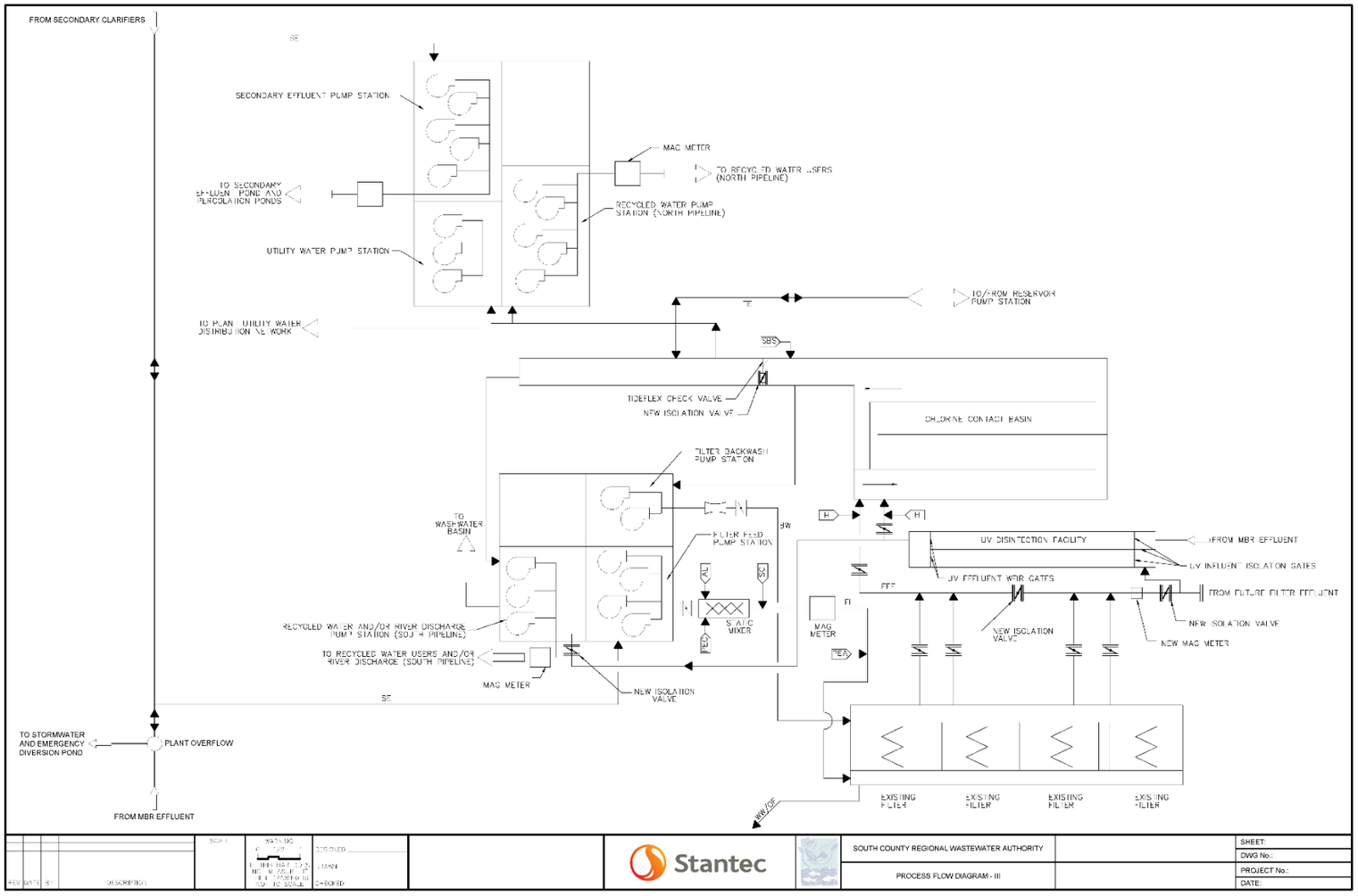
C1 – FLOW SCHEMATIC – SECONDARY TREATMENT FACILITIES



C2 – FLOW SCHEMATIC—TERTIARY TREATMENT AND RECYCLED WATER FACILITIES



C3 – FLOW SCHEMATIC—MEMBRANE BIOREACTOR EXPANSION



ATTACHMENT D – STANDARD PROVISIONS

1. STANDARD PROVISIONS – PERMIT COMPLIANCE

1.1. Duty to Comply

1.1.1. The Discharger must comply with all terms, requirements, and conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (Water Code) and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; denial of a permit renewal application; or a combination thereof. (40 Code of Federal Regulations (C.F.R.) 122.41(a); Water Code sections 13261, 13263, 13265, 13268, 13000, 13001, 13304, 13350, 13385.)

1.1.2. The Discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement. (40 C.F.R. 122.41(a)(1).)

1.2. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Discharger 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 Order. (40 C.F.R. 122.41(c).)

1.3. Duty to Mitigate

The Discharger shall take all reasonable steps to minimize or prevent any discharge in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment. (40 C.F.R. 122.41(d).)

1.4. Proper Operation and Maintenance

The Discharger 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 Discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance also include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Discharger only when necessary to achieve compliance with the conditions of this Order. (40 C.F.R. 122.41(e).)

1.5. Property Rights

1.5.1. This Order does not convey any property rights of any sort or any exclusive privileges. (40 C.F.R. 122.41(g).)

1.5.2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations. (40 C.F.R. 122.5(c).)

1.6. Inspection and Entry

The Discharger shall allow the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board), State Water Resources Control Board (State Water Board), United States Environmental Protection Agency (U.S. EPA), and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to (33 U.S.C. 1318(a)(4)(B); 40 C.F.R. 122.41(i); Water Code sections 13267, 13383):

1.6.1. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order (33 U.S.C. 1318(a)(4)(B)(i); 40 C.F.R. 122.41(i)(1); Water Code sections 13267, 13383);

1.6.2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order (33 U.S.C. 1318(a)(4)(B)(ii); 40 C.F.R. 122.41(i)(2); Water Code sections 13267, 13383);

1.6.3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order (33 U.S.C. 1318(a)(4)(B)(ii); 40 C.F.R. 122.41(i)(3); Water Code sections 13267, 13383); and

1.6.4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the Water Code, any substances or parameters at any location. (33 U.S.C. 1318(a)(4)(B); 40 C.F.R. 122.41(i)(4); Water Code sections 13267, 13383.)

1.7. Bypass

1.7.1. Definitions

1.7.1.1. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility. (40 C.F.R. 122.41(m)(1)(i).)

1.7.1.2. “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 that 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. (40 C.F.R. 122.41(m)(1)(ii).)

1.7.2. **Bypass not exceeding limitations.** The Discharger may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not

subject to the provisions listed in Standard Provisions – Permit Compliance 1.7.3, 1.7.4, and 1.7.5 below. (40 C.F.R. 122.41(m)(2).)

1.7.3. **Prohibition of bypass.** Bypass is prohibited, and the Central Coast Water Board may take enforcement action against a Discharger for bypass, unless (40 C.F.R. 122.41(m)(4)(i)):

1.7.3.1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage (40 C.F.R. 122.41(m)(4)(i)(A));

1.7.3.2. 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 that occurred during normal periods of equipment downtime or preventive maintenance (40 C.F.R. 122.41(m)(4)(i)(B)); and

1.7.3.3. The Discharger submitted notice to the Central Coast Water Board as required under Standard Provisions – Permit Compliance 1.7.5 below. (40 C.F.R. 122.41(m)(4)I(C).)

1.7.4. The Central Coast Water Board may approve an anticipated bypass, after considering its adverse effects, if the Central Coast Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance 1.7.3 above. (40 C.F.R. 122.41(m)(4)(ii).)

1.7.5. **Notice**

1.7.5.1. **Anticipated bypass.** If the Discharger knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least 10 days before the date of the bypass. The notice shall be sent to the Central Coast Water Board. As of December 21, 2023, all notices must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting 5.10 below. Notices shall comply with 40 C.F.R. part 3, 40 C.F.R. 122.22, and 40 C.F.R. part127. (40 C.F.R. 122.41(m)(3)(i).)

1.7.5.2. **Unanticipated bypass.** The Discharger shall submit a notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below (24-hour notice). The notice shall be sent to the Central Coast Water Board. As of December 21, 2023, all notices must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting 5.10 below. Notices shall comply with 40 C.F.R. part 3, 40 C.F.R. 122.22, and 40 C.F.R. part 127. (40 C.F.R. 122.41(m)(3)(ii).)

1.8. Upset

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 Discharger. An upset does not include

noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (40 C.F.R. 122.41(n)(1).)

1.8.1. **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 Standard Provisions – Permit Compliance 1.8.2 below 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. (40 C.F.R. 122.41(n)(2).)

1.8.2 **Conditions necessary for a demonstration of upset.** A Discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that (40 C.F.R. 122.41(n)(3)):

1.8.2.1. An upset occurred and that the Discharger can identify the cause(s) of the upset (40 C.F.R. 122.41(n)(3)(i));

1.8.2.2. The permitted facility was, at the time, being properly operated (40 C.F.R. 122.41(n)(3)(ii));

1.8.2.3. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting 5.5.2.2 below (24-hour notice) (40 C.F.R. 122.41(n)(3)(iii)); and

1.8.2.4. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance 1.3 above. (40 C.F.R. 122.41(n)(3)(iv).)

1.8.3**. Burden of proof.** In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof. (40 C.F.R. 122.41(n)(4).)

2. STANDARD PROVISIONS – PERMIT ACTION

2.1. General

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition. (40 C.F.R. 122.41(f).)

2.2. Duty to Reapply

If the Discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the Discharger must apply for and obtain a new permit. (40 C.F.R. 122.41(b).)

2.3. Transfers

This Order is not transferable to any person except after notice to the Central Coast Water Board. The Central Coast Water Board may require modification or revocation and reissuance of the Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the CWA and the Water Code. (40 C.F.R. 122.41(l)(3), 122.61.)

3. STANDARD PROVISIONS – MONITORING

3.1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. (40 C.F.R. 122.41(j)(1).)

3.2. Monitoring must be conducted according to test procedures approved under 40 C.F.R. part 136 for the analyses of pollutants unless another method is required under 40 C.F.R. chapter 1, subchapter N. Monitoring must be conducted according to sufficiently sensitive test methods approved under 40 C.F.R. part 136 for the analysis of pollutants or pollutant parameters or as required under 40 C.F.R. chapter 1, subchapter N. For the purposes of this paragraph, a method is sufficiently sensitive when:

3.2.1. The method minimum level (ML) is at or below the level of the most stringent effluent limitation established in the permit for the measured pollutant or pollutant parameter, and either the method ML is at or below the level of the most stringent applicable water quality criterion for the measured pollutant or pollutant parameter or the method ML is above the applicable water quality criterion but the amount of the pollutant or pollutant parameter in the facility's discharge is high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge; or

3.2.2. The method has the lowest ML of the analytical methods approved under 40 C.F.R. part 136 or required under 40 C.F.R. chapter 1, subchapter N for the measured pollutant or pollutant parameter. In the case of pollutants or pollutant parameters for which there are no approved methods under 40 C.F.R. part 136, or otherwise required under 40 C.F.R. chapter 1, subchapter N, monitoring must be conducted according to a test procedure specified in this Order for such pollutants or pollutant parameters. (40 C.F.R. 122.21(e)(3), 122.41(j)(4), 122.44(i)(1)(iv).)

4. STANDARD PROVISIONS – RECORDS

4.1. Record Retention

The Discharger 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 Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or

application. This period may be extended by request of the Central Coast Water Board Executive Officer at any time. (40 C.F.R. 122.41(j)(2).)

4.2. Records of monitoring information shall include:

4.2.1. The date, exact place, and time of sampling or measurements (40 C.F.R. 122.41(j)(3)(i));

4.2.2. The individual(s) who performed the sampling or measurements (40 C.F.R. 122.41(j)(3)(ii));

4.2.3. The date(s) analyses were performed (40 C.F.R. 122.41(j)(3)(iii));

4.2.4. The individual(s) who performed the analyses (40 C.F.R. 122.41(j)(3)(iv));

4.2.5. The analytical techniques or methods used (40 C.F.R. 122.41(j)(3)(v)); and

4.2.6. The results of such analyses. (40 C.F.R. 122.41(j)(3)(vi).)

4.3. Claims of confidentiality for the following information will be denied (40 C.F.R. 122.7(b)):

4.3.1. The name and address of any permit applicant or Discharger (40 C.F.R. 122.7(b)(1)); and

4.3.2. Permit applications and included attachments, permits, and effluent data. (40 C.F.R. 122.7(b)(2).)

5. STANDARD PROVISIONS – REPORTING

5.1. Duty to Provide Information

The Discharger shall furnish to the Central Coast Water Board, State Water Board, or U.S. EPA within a reasonable time, any information which the Central Coast Water Board, State Water Board, or U.S. EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Discharger shall also furnish to the Central Coast Water Board, State Water Board, or U.S. EPA copies of records required to be kept by this Order.
(40 C.F.R. 122.41(h); Water Code sections 13267, 13383.)

5.2. Signatory and Certification Requirements

5.2.1. All applications, reports, or information submitted to the Central Coast Water Board, State Water Board, and/or U.S. EPA shall be signed and certified in accordance with Standard Provisions – Reporting 5.2.2, 5.2.3, 5.2.4, 5.2.5, and 5.2.6 below. (40 C.F.R. 122.41(k).)

5.2.2. All permit applications shall be signed 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. (40 C.F.R. 122.22(a)(1).)

5.2.3. All reports required by this Order and other information requested by the Central Coast Water Board, State Water Board, or U.S. EPA shall be signed by a person described in Standard Provisions – Reporting 5.2.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

5.2.3.1. The authorization is made in writing by a person described in Standard Provisions – Reporting 5.2.2 above (40 C.F.R. 122.22(b)(1));

5.2.3.2. 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 a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 C.F.R. 122.22(b)(2)); and

5.2.3.3. The written authorization is submitted to the Central Coast Water Board and State Water Board. (40 C.F.R. 122.22(b)(3).)

5.2.4. If an authorization under Standard Provisions – Reporting 5.2.3 above 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 Standard Provisions – Reporting 5.2.3 above must be submitted to the Central Coast Water Board and State Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative. (40 C.F.R. 122.22(c).)

5.2.5. Any person signing a document under Standard Provisions – Reporting 5.2.2 or 5.2.3 above 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." (40 C.F.R. 122.22(d).)

5.2.6. Any person providing the electronic signature for documents described in Standard Provisions – 5.2.1, 5.2.2, or 5.2.3 that are submitted electronically shall meet all relevant requirements of Standard Provisions – Reporting 5.2, and shall ensure that all relevant requirements of 40 C.F.R. part 3 (Cross-Media Electronic Reporting) and 40 C.F.R. part 127 (NPDES Electronic Reporting Requirements) are met for that submission. (40 C.F.R 122.22(e).)

5.3. Monitoring Reports

5.3.1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program (Attachment E) in this Order. (40 C.F.R. 122.41(l)(4).)

5.3.2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Central Coast Water Board or State Water Board. All reports and forms must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting 5.10 and comply with 40 C.F.R. part 3, 40 C.F.R. 122.22, and 40 C.F.R. part 127. (40 C.F.R. 122.41(l)(4)(i).)

5.3.3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 C.F.R. part 136, or another method required for an industry-specific waste stream under 40 C.F.R. chapter 1, subchapter N, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Central Coast Water Board or State Water Board.
(40 C.F.R. 122.41(l)(4)(ii).)

5.3.4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order.
(40 C.F.R. 122.41(l)(4)(iii).)

5.4. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Order, shall be submitted no later than 14 days following each schedule date.
(40 C.F.R. 122.41(l)(5).)

5.5. Twenty-Four Hour Reporting

5.5.1. The Discharger shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A report shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The report 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.

For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (i.e., combined sewer overflow, sanitary sewer overflow, or bypass event), type of overflow structure (e.g., manhole, combined sewer overflow outfall), discharge volume untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the event, and whether the noncompliance was related to wet weather.

As of December 21, 2023, all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events must be submitted to the Central Coast Water Board and must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting 5.10 The reports shall comply with 40 C.F.R. part 3, 40 C.F.R. 122.22, and 40 C.F.R. part 127. The Central Coast Water Board may also require the Discharger to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section. (40 C.F.R. 122.41(l)(6)(i).)

5.5.2. The following shall be included as information that must be reported within 24 hours:

5.5.2.1. Any unanticipated bypass that exceeds any effluent limitation in this Order. (40 C.F.R. 122.41(l)(6)(ii)(A).)

5.5.2.2. Any upset that exceeds any effluent limitation in this Order. (40 C.F.R. 122.41(l)(6)(ii)(B).)

5.5.3. The Central Coast Water Board may waive the above required written report on a case-by-case basis if an oral report has been received within 24 hours. (40 C.F.R. 122.41(l)(6)(ii)(B).)

5.6. Planned Changes

The Discharger shall give notice to the Central Coast Water Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when (40 C.F.R. 122.41(l)(1)):

5.6.1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in section 122.29(b) (40 C.F.R. 122.41(l)(1)(i)); or

5.6.2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this Order. (40 C.F.R. 122.41(l)(1)(ii).)**;** or

5.7. Anticipated Noncompliance

The Discharger shall give advance notice to the Central Coast Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with this Order's requirements. (40 C.F.R. 122.41(l)(2).)

5.8. Other Noncompliance

The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting 5.3, 5.4, and 5.5 above at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting 5.5 above. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports shall contain the information described in Standard Provision – Reporting 5.5 and the applicable required data in appendix A to 40 C.F.R. part 127. The Central Coast Water Board may also require the Discharger to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section. (40 C.F.R. 122.41(l)(7).)

5.9 Other Information

When the Discharger 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 Central Coast Water Board, State Water Board, or U.S. EPA, the Discharger shall promptly submit such facts or information.
(40 C.F.R. 122.41(l)(8).)

5.10. Initial Recipient for Electronic Reporting Data

The owner, operator, or the duly authorized representative is required to electronically submit NPDES information specified in appendix A to 40 C.F.R. part 127 to the initial recipient defined in 40 C.F.R. section 127.2(b). U.S. EPA will identify and publish the list of initial recipients on its website and in the Federal Register, by state and by NPDES data group [see 40 C.F.R. 127.2(c)]. U.S. EPA will update and maintain this listing. (40 C.F.R. 122.41(l)(9).)

6. STANDARD PROVISIONS – ENFORCEMENT

6.1. The Central Coast Water Board is authorized to enforce the terms of this permit under several provisions of the Water Code, including, but not limited to, sections 13268, 13350, 13385, 13386, and 13387.

6.2. The CWA provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the CWA, 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 CWA, 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 CWA, or any condition or limitation implementing any

of such sections in a permit issued under section 402 of the CWA, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the CWA, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than one 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 two years, or both. Any person who knowingly violates 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 three 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 CWA, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the CWA, 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 a 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, 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 (40 CFR § 122.41(a)(2); CWC section 13385 and 13387).

6.3. Any person may be assessed an administrative penalty by the Administrator of USEPA, or an administrative civil liability by the Central Coast Water Board, or State Water Board for violating section 301, 302, 306, 307, 308, 318 or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the CWA. 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. (40 CFR § 122.41(a)(3).)

6.4. 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 two 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 four years, or both. (40 CFR § 122.41(j)(5).)

6.5. 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 six months per violation, or by both. (40 CFR § 122.41(k)(2).)

7. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

7.1. Non-Municipal Facilities – Not Applicable

7.2 Publicly Owned Treatment Works (POTWs)

All POTWs shall provide adequate notice to the Central Coast Water Board of the following (40 C.F.R. 122.42(b)):

7.2.1. Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to sections 301 or 306 of the CWA if it were directly discharging those pollutants (40 C.F.R. 122.42(b)(1)); and

7.2.2. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of adoption of the Order. (40 C.F.R. 122.42(b)(2).)

7.2.3. Adequate notice shall include information on the quality and quantity of effluent introduced into the POTW as well as any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW. (40 C.F.R. 122.42(b)(3).)

8. CENTRAL COAST WATER BOARD STANDARD PROVISIONS

8.1. Central Coast Standard Provisions – Prohibitions

8.1.1. Introduction of “incompatible wastes” to the treatment system is prohibited.

8.1.2. Discharge of high-level radiological waste and of radiological, chemical, and biological warfare agents is prohibited.

8.1.3. Discharge of “toxic pollutants” in violation of effluent standards and prohibitions established under section 307(a) of the CWA is prohibited.

8.1.4. Discharge of sludge, sludge digester or thickener supernatant, and sludge drying bed leachate to drainageways, surface waters, or the ocean is prohibited.

8.1.5. Introduction of pollutants into the collection, treatment, or disposal system by and “indirect discharger” that:

8.1.5.1. Inhibit or disrupt the treatment process, system operation, or the eventual use or disposal of sludge; or,

8.1.5.2. Flow through the system to the receiving water untreated; and,

8.1.5.3. Cause or “significantly contribute” to a violation of any requirement of this Order, is prohibited.

8.1.6. Introduction of “pollutant free” wastewater to the collection, treatment, and disposal system in amounts that threaten compliance with this order is prohibited.

8.2. Central Coast Standard Provisions – Provisions

8.2.1. All facilities used for transport or treatment of wastes shall be adequately protected from inundation and washout as the result of a 100-year frequency flood.

8.2.2. Operation of collection, treatment, and disposal systems shall be in a manner that precludes public contact with wastewater.

8.2.3. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed in a manner approved by the Executive Officer.

8.2.4. Publicly owned wastewater treatment plans shall be supervised and operated by persons possessing certificates of appropriate grade pursuant to title 23 of the California Administrative Code.

8.2.5. After notice and opportunity for a hearing, this order may be terminated for cause, including, but not limited to:

8.2.5.1. Violation of any term or condition contained in this order;

8.2.5.2. Obtaining this order by misrepresentation, or by failure to disclose fully all relevant facts;

8.2.5.3. A change in any condition or endangerment to human health or environment that requires a temporary or permanent reduction or elimination of the authorized discharge; and,

8.2.5.4. A substantial change in character, location, or volume of the discharge.

8.2.6. Provisions of this permit are severable. If any provision of the permit is found invalid, the remainder of the permit shall not be affected.

8.2.7. After notice and opportunity for hearing, this order may be modified or revoked and reissued for cause, including:

8.2.7.1. Promulgation of a new or revised effluent standard or limitation;

8.2.7.2. A material change in character, location, or volume of the discharge;

8.2.7.3. Access to new information that affects the germs of the permit, including applicable schedules;

8.2.7.4. Correction of technical mistakes or mistaken interpretations of law; and,

8.2.7.5. Other causes set forth under Sub-part D of 40 C.F.R. part 122.

8.2.8. Safeguards shall be provided to ensure maximal compliance with all terms and conditions of this permit. Safeguards shall include preventative and contingency

plans and may also include alternative power sources, stand-by generators, retention capacity, operative procedures, or other precautions. Preventative and contingency plans for controlling and minimizing the effect of accidental discharges shall:

8.2.8.1. Identify possible situations that could cause “upset,” “overflow,” or “bypass,” or other noncompliance. (Loading and storage areas, power outage, waste treatment unit outage, and failure of process equipment, tanks and pipes should be considered).

8.2.8.2. Evaluate the effectiveness of present facilities and procedures and describe procedures and steps to minimize or correct any adverse environmental impact resulting from noncompliance with the permit.

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

8.2.10. The discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the discharger to achieve compliance with the conditions of this order. Electrical and mechanical equipment shall be maintained in accordance with appropriate practices and standards, such as NFPA 70B, Recommended Practice for Electrical Equipment Maintenance; NFPA 70E, Standard for Electrical Safety in the Workplace; ANSI/NETA MTS Standard for Maintenance: Testing Specifications for Electrical Power Equipment and Systems, or procedures established by insurance companies or industry resources.

8.2.11. If the discharger’s Facilities are equipped with SCADA or other systems that implement wireless, remote operation, the discharger should implement appropriate safeguards against unauthorized access to the wireless systems. Standards such as NIST SP 800-53, Recommended Security Controls for Federal Information Systems, can provide guidance.

8.2.12. Production and use of reclaimed water is subject to the approval of the Central Coast Water Board. Production and use of reclaimed water shall be in conformance with recycling criteria established in chapter 3, title 22, of the California Code of Regulations and chapter 7, division 7, of the Water Code. An engineering report pursuant to section 60323, title 22, of the California Code of Regulations is required and a waiver or water recycling requirements from the Central Coast Water Board is required before reclaimed water is supplied for any use, or to any user, not specifically identified and approved either in this Order or another order issued by the Central Coast Water Board.

8.3. Central Coast Standard Provisions – General Monitoring Requirements

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

For example, if copper is monitored annually and results exceed the six-month median numerical effluent limitation in the permit, monitoring of copper must be increased to a frequency of at least once every two months (Central Coast Standard Provisions – Definitions 1.7.13.). If suspended solids are monitored weekly and results exceed the weekly average numerical limit in the permit, monitoring of suspended solids must be increased to at least four (4) samples every week (Central Coast Standard Provisions – Definitions 1.7.14.).

8.3.2. Water quality analyses performed in order to monitor compliance with this permit shall be by a laboratory certified by the Division of Drinking Water for the constituent(s) being analyzed. Bioassay(s) performed in order to monitor compliance with this permit shall be in accord with guidelines approved by the State Water Board and the California Department of Fish and Wildlife. If the laboratory used or proposed for use by the discharger is not certified by the Division of Drinking Water or, where appropriate, the Department of Fish and Wildlife due to restrictions in the State's laboratory certification program, the discharger shall be considered in compliance with this provision provided:

8.3.2.1. Data results remain consistent with results of samples analyzed by the Central Coast Water Board;

8.3.2.2. A quality assurance program is used at the laboratory, including a manual containing steps followed in this program that is available for inspections by the staff of the Central Coast Water Board; and,

8.3.2.3. Certification is pursued in good faith and obtained as soon as possible after the program is reinstated.

8.3.3. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. Samples shall be taken during periods of peak loading conditions. Influent samples shall be samples collected from the combined flows of all incoming wastes, excluding recycled wastes. Effluent samples shall be samples collected downstream of the last treatment unit and tributary flow and upstream of any mixing with receiving waters.

8.3.4. All monitoring instruments and devices used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy.

8.4. Central Coast Standard Provisions – General Reporting Requirements

8.4.1. Reports of marine monitoring surveys conducted to meet receiving water monitoring requirements of the Monitoring and Reporting Program shall include at least the following information:

8.4.1.1. A description of climatic and receiving water characteristics at the time of sampling (weather observations, floating debris, discoloration, wind speed and direction, swell or wave action, time of sampling, tide height, etc.).

8.4.1.2. A description of sampling stations, including differences unique to each station (e.g., station location, grain size, rocks, shell litter, calcareous worm tubes, evident life, etc.).

8.4.1.3. A description of the sampling procedures and preservation sequence used in the survey.

8.4.1.4. A description of the exact method used for laboratory analysis. In general, analysis shall be conducted according to Central Coast Standard Provisions – 8.3.1 above, and Federal Standard Provision – Monitoring 3.2. However, variations in procedure are acceptable to accommodate the special requirements of sediment analysis. All such variations must be reported with the test results.

8.4.1.5. A brief discussion of the results of the survey. The discussion shall compare data from the control station with data from the outfall stations. All tabulations and computations shall be explained.

8.4.2. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule shall be submitted within 14 days following each scheduled date unless otherwise specified within the permit. If reporting noncompliance, the report shall include a description of the reason, a description and schedule of tasks necessary to achieve compliance, and an estimated date for achieving full compliance. A second report shall be submitted within 14 days of full compliance.

8.4.3. The Discharger shall file a Report of Waste Discharge or secure a waiver from the Executive Officer at least 180 days before making any material change or proposed change in the character, location, or plume of the discharge.

8.4.4. Within 120 days after the Discharger discovers, or is notified by the Central Coast Water Board, that monthly average daily flow will or may reach design capacity of waste treatment and/or disposal facilities within four (4) years, the Discharger shall file a written report with the Central Coast Water Board. The report shall include:

8.4.4.1. The best estimate of when the monthly average daily dry weather flow rate will equal or exceed design capacity; and,

8.4.4.2. A schedule for studies, design, and other steps needed to provide additional capacity for waste treatment and/or disposal facilities before the waste flow rate equals the capacity of present units.

In addition to complying with Federal Standard Provision – Reporting 5.2, the required technical report shall be prepared with public participation and reviewed, approved and jointly submitted by all planning and building departments having jurisdiction in the area served by the waste collection, treatment, or disposal facilities.

8.4.5. All Dischargers shall submit reports electronically to the:

California Regional Water Quality Control Board
Central Coast Region
centralcoast@waterboards.ca.gov
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906
California Integrated Water Quality System (CIWQS) Program website
(http://www.waterboards.ca.gov/water_issues/programs/ciwqs)

In addition, Dischargers with designated major discharges shall submit a copy of each document to:

Regional Administrator
U.S. EPA, Region 9
Attention: CWA Standards and Permits Office (WTR-5)
75 Hawthorne Street
San Francisco, California 94105
NeT e-reporting system (see https://www.cdx.epa.gov/)

8.4.6. Transfer of control or ownership of a waste discharge facility must be preceded by a notice to the Central Coast Water Board at least 30 days in advance of the proposed transfer date. The notice must include a written agreement between the existing Discharger and proposed Discharger containing specific date for transfer of responsibility, coverage, and liability between them. Whether a permit may be transferred without modification or revocation and reissuance is at the discretion of the Board. If permit modification or revocation and reissuance is necessary, transfer may be delayed 180 days after the Central Coast Water Board's receipt of a complete permit application. Please also see Federal Standard Provision – Permit Action 2.3.

8.4.7. Except for data determined to be confidential under CWA section 308 (excludes effluent data and permit applications), all reports prepared in accordance with this permit shall be available for public inspection at the office of the Central Coast Water Board or Regional Administrator of U.S. EPA. Please also see Federal Standard Provision – Records 4.3.

8.4.8. By January 30 of each year, the discharger shall submit an annual report to the Central Coast Water Board. The report shall contain the following:

8.4.8.1. Both tabular and graphical summaries of the monitoring data obtained during the previous year.

8.4.8.2. A discussion of the previous year's compliance record and corrective actions taken, or which may be needed, to bring the discharger into full compliance.

8.4.8.3. An evaluation of wastewater flows with projected flow rate increases over time and the estimated date when flows will reach Facility capacity.

8.4.8.4. A discussion of operator certification and a list of current operating personnel and their grades of certification.

8.4.8.5. The date of the Facility's Operation and Maintenance Manual (including contingency plans as described in Provision 8.2.9), the date the manual was last reviewed, and whether the manual is complete and valid for the current Facility.

8.4.8.6. A discussion of the laboratories used by the discharger to monitor compliance with effluent limits and a summary of performance relative to section 8.3, General Monitoring Requirements.

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

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

8.5. Central Coast Standard Provisions – General Pretreatment Provisions

8.5.1. Discharge of pollutants by "indirect dischargers" in specific industrial sub-categories (appendix C, 40 C.F.R. part 403), where categorical pretreatment standards have been established, or are to be established, (according to 40 C.F.R. chapter 1, subchapter N), shall comply with the appropriate pretreatment standards:

8.5.1.1. By the date specified therein;

8.5.1.2. Within three (3) years of the effective date specified therein, but in no case later than July 1, 1984; or,

8.5.1.3. If a new indirect discharger, upon commencement of discharge.

8.6. Central Coast Standard Provision – Enforcement

8.6.1. Any person failing to file a Report of Waste Discharge or other report as required by this permit shall be subject to a civil penalty not to exceed $5,000 per day.

8.6.2. Upon reduction, loss, or failure of the treatment Facility, the Discharger shall, to the extent necessary to maintain compliance with this permit, control production or all discharges, or both, until the Facility is restored or an alternative method of treatment is provided.

8.7. Central Coast Standard Provisions – Definitions (Not otherwise included in Attachment A to this Order)

8.7.1. A “composite sample" is a combination of no fewer than eight (8) individual samples obtained at equal time intervals (usually hourly) over the specified sampling (composite) period. The volume of each individual sample is proportional to the flow rate at the time of sampling. The period shall be specified in the Monitoring and Reporting Program ordered by the Executive Officer.

8.7.2. “Daily Maximum” limit means the maximum acceptable concentration or mass emission rate of a pollutant measured during a calendar day or during any 24-hour period reasonably representative of the calendar day for purposes of sampling. It is normally compared with results based on "composite samples” except for ammonia, total chlorine, phenolic compounds, and toxicity concentration. For all exceptions, comparisons will be made with results from a “grab sample”.

8.7.3. “Discharger", as used herein, means, as appropriate: (1) the Discharger, (2) the local sewering entity (when the collection system is not owned and operated by the Discharger), or (3) "indirect discharger" (where "Discharger" appears in the same paragraph as "indirect discharger”, it refers to the discharger.)

8.7.4. “Duly Authorized Representative" is one where:

8.7.4.1. The authorization is made in writing by a person described in the signatory paragraph of Federal Standard Provision 5.2.;

8.7.4.2. The authorization specifies either an individual or the occupant of a position having either responsibility for the overall operation of the regulated Facility, such as the plant manager, or overall responsibility for environmental matters of the company; and,

8.7.4.3. The written authorization was submitted to the Central Coast Water Board.

8.7.5. A "grab sample" is defined as any individual sample collected in less than 15 minutes. "Grab samples” shall be collected during peak loading conditions, which may or may not be during hydraulic peaks. It is used primarily in determining compliance with the daily maximum limits identified in Central Coast Standard Provision – Provision 8.7.2. and instantaneous maximum limits.

8.7.6. "Hazardous substance” means any substance designated under 40 C.F.R. part 116 pursuant to section 311 of the CWA.

8.7.7. "Incompatible wastes” are:

8.7.7.1. Wastes which create a fire or explosion hazard in the treatment works;

8.7.7.2. Wastes which will cause corrosive structural damage to treatment works, but in no case wastes with a pH lower than 5.0 unless the works is specifically designed to accommodate such wastes;

8.7.7.3. Solid or viscous wastes in amounts which cause obstruction to flow in sewers, or which cause other interference with proper operation of treatment works;

8.7.7.4. Any waste, including oxygen demanding pollutants (BOD, etc.), released in such volume or strength as to cause inhibition or disruption in the treatment works and subsequent treatment process upset and loss of treatment efficiency; and,

8.7.7.5. Heat in amounts that inhibit or disrupt biological activity in the treatment works or that raise influent temperatures above 40°C (104°F) unless the treatment works is designed to accommodate such heat.

8.7.8. "Indirect Discharger" means a non-domestic discharger introducing pollutants into a publicly owned treatment and disposal system.

8.7.9. "Log Mean" is the geometric mean. Used for determining compliance of fecal or total coliform populations, it is calculated with the following equation:

Log Mean = (C1 x C2 x...x Cn)1/n,
in which "n" is the number of days samples were analyzed during the period and any "C" is the concentration of bacteria (MPN/100 mL) found on each day of sampling. "n" should be five or more.

8.7.10. "Mass emission rate" is a daily rate defined by the following equations:

mass emission rate (lbs/day) = 8.34 x Q x C; and,

mass emission rate (kg/day) = 3.79 x Q x C,

where "C" (in mg/L) is the measured daily constituent concentration or the average of measured daily constituent concentrations and "Q" (in MGD) is the measured daily flowrate or the average of measured daily flow rates over the period of interest.

8.7.11. The "Maximum Allowable Mass Emission Rate," whether for a month, week, day, or six-month period, is a daily rate determined with the formulas in paragraph 8.7.10, above, using the effluent concentration limit specified in the permit for the period and the average of measured daily flows (up to the allowable flow) over the period.

8.7.12. "Maximum Allowable Six-Month Median Mass Emission Rate" is a daily rate determined with the formulas in Central Coast Standard Provision – Provision 8.7.10, above, using the "six-month Median" effluent limit specified in the permit, and the average of measured daily flows (up to the allowable flow) over a 180-day period.8.7.13

8.7.13. "Median" is the value below which half the samples (ranked progressively by increasing value) fall. It may be considered the middle value, or the average of two middle values.8.7.14.

8.7.14. "Monthly" Average" (or "Weekly Average", as the case may be) is the arithmetic mean of daily concentrations or of daily mass emission rates over the specified 30-day (or 7-day) period.

Average = (X1 + X2 + ... + Xn) / n

in which "n" is the number of days samples were analyzed during the period and "X" is either the constituent concentration (mg/l) or mass emission rate (kg/day or lbs/day) for each sampled day. "n" should be four or greater.

8.7.15. "Municipality" means a city, town, borough, county, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial waste, or other waste.

8.7.16. "Overflow" means the intentional or unintentional diversion of flow from the collection and transport systems, including pumping facilities.

8.7.17. "Pollutant-free wastewater" means inflow and infiltration, stormwaters, and cooling waters and condensates which are essentially free of pollutants.

8.7.18. "Primary Industry Category" means any industry category listed in 40 C.F.R. part 122, Appendix A.

8.7.19. "Removal Efficiency" is the ratio of pollutants removed by the treatment unit to pollutants entering the treatment unit. Removal efficiencies of a treatment plant shall be determined using "Monthly averages" of pollutant concentrations (C, in mg/l) of influent and effluent samples collected about the same time and the following equation (or its equivalent):

$$C_{effluent}\ \text{Removal Efficiency (\%)} = 100 \times (1 - C_{effluent} / C_{influent})$$

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

8.7.21. "Sludge" means the solids, residues, and precipitates separated from, or created in, wastewater by the unit processes of a treatment system.

8.7.22. To "significantly contribute" to a permit violation means an "indirect discharger" must:

8.7.22.1. Discharge a daily pollutant loading in excess of that allowed by contract with the Discharger or by Federal, State, or Local law;

8.7.22.2. Discharge wastewater which substantially differs in nature or constituents from its average discharge;

8.7.22.3. Discharge pollutants, either alone or in conjunction with discharges from other sources, which results in a permit violation or prevents sewage sludge use or disposal; or

8.7.22.4. Discharge pollutants, either alone or in conjunction with pollutants from other sources that increase the magnitude or duration of permit violations.

8.7.23. "Toxic Pollutant" means any pollutant listed as toxic under Section 307 (a) (1) of the CWA or under 40 C.F.R. part 122, Appendix D. Violation of maximum daily discharge limitations are subject to 24-hour reporting (Federal Standard Provisions 5.5.).

8.7.24. “Zone of Initial Dilution" means the region surrounding or adjacent to the end of an outfall pipe or diffuser ports whose boundaries are defined through calculation of a plume model verified by the State Water Board.

ATTACHMENT E – MONITORING AND REPORTING PROGRAM
TABLE OF CONTENTS

TABLE OF TABLES

ATTACHMENT E – MONITORING AND REPORTING PROGRAM

Section 308 of the federal Clean Water Act (CWA) and sections 122.41(h), (j)-(l), 122.44(i), and 122.48 of title 40 of the Code of Federal Regulations (40 C.F.R.) require that all NPDES permits specify monitoring and reporting requirements. California Water Code sections 13267 and 13383 also authorize the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) to establish monitoring, inspection, entry, reporting, and recordkeeping requirements. This monitoring and reporting program (MRP) establishes monitoring, reporting, and recordkeeping requirements that implement the federal and California laws and/or regulations.

1. GENERAL MONITORING PROVISIONS

1.1 Quarterly monitoring may be performed any time during the monitoring quarter (calendar year), but samples representative of two consecutive quarterly periods must be separated by at least one month. Unless otherwise specified in this MRP, annual sampling shall be performed any time during the calendar year, but samples representative of two consecutive annual periods must be obtained at least six months apart.

1.2. Laboratories analyzing monitoring samples shall be certified by the State Water Resources Control Board (State Water Board), in accordance with the provisions of California Water Code section 13176 and must include quality assurance/quality control data with their reports.

1.3. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring locations specified in this MRP and, unless otherwise specified, before the monitored flow joins or is diluted by any other waste stream, body of water, or substance. Monitoring locations shall not be changed without notification to and approval of the Central Coast Water Board.

1.4. Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than ±10 percent from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration, and operation of acceptable flow measurement devices can be obtained from the following references:

1.4.1. *A Guide to Methods and Standards for the Measurement of Water Flow*, U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 421, May 1975, 96 pp. http://nvlpubs.nist.gov/nistpubs/Legacy/SP/nbsspecialpublication421.pdf

1.4.2. *Water Measurement Manual*, U.S. Department of Interior, Bureau of Reclamation, Second Edition, Revised Reprint, 1974, 327 pp. https://www.usbr.gov/tsc/techreferences/mands/wmm/index.htm

1.4.3. *Flow Measurement in Open Channels and Closed Conduits*, U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 484, October 1977, 982 pp. https://nvlpubs.nist.gov/nistpubs/Legacy/SP/nbsspecialpublication484v2.pdf

1.4.4. NPDES Compliance Inspection Manual, Chapter 6 – Flow Measurement, U.S. Environmental Protection Agency (U.S. EPA), Office of Water Enforcement, Publication Number 305-K-17-001, January 2017, 918 pp. https://www.epa.gov/compliance/compliance-inspection-manual-national-pollutant-discharge-elimination-system

1.5. All monitoring instruments and devices used by the Discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy. All flow measurement devices shall be calibrated at least once per year to ensure continued accuracy of the devices.

1.6. Monitoring results, including noncompliance, shall be reported at intervals and in a manner specified in this MRP.

1.7. Unless otherwise specified by this MRP, all monitoring shall be conducted according to test procedures established at 40 C.F.R. part 136, Guidelines Establishing Test Procedures for Analysis of Pollutants. All analyses shall be conducted using the lowest practical quantitation limit achievable using the specified methodology. Where effluent limitations are set below the lowest achievable quantitation limits, pollutants not detected at the lowest practical quantitation limits will be considered in compliance with effluent limitations. Analysis for toxic pollutants listed by the California Toxics Rule shall also adhere to guidance and requirements contained in the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (2005) (State Implementation Policy or SIP).

1.8. Monitoring and sampling periods are defined as follows unless otherwise specified in this MRP:

- **Daily**: Midnight through 11:59 PM or any 24-hour period that reasonably represents a calendar day for purposes of sampling.
- **Weekly**: Sunday through Saturday (Note: For weekly monitoring and sampling periods that start in one monthly reporting period but end in the next, the Discharger may report the weekly data in the monthly monitoring report containing the last day of the weekly period.)
- **Monthly**: 1st day of calendar month through last day of calendar month.
- **Annually**: January 1st through December 31st

1.9. The Discharger shall ensure that the results of the discharge monitoring report-quality assurance (DMR-QA) study or the most recent water pollution performance evaluation study are submitted annually to the State Water Board Quality Assurance Officer (State Water Board QA Officer) at QualityAssurance@Waterboards.ca.gov.

1.10. The Discharger may submit the same data to satisfy sampling requirements for this Order used to satisfy requirements in other orders as long as it meets all sampling criteria, including but not limited to method detection limit and reporting limit.

2. MONITORING LOCATIONS

The Discharger shall establish the following monitoring locations in Table E-1 to demonstrate compliance with the effluent limitations, discharge specifications, and other requirements in this Order[6].

Table E-1. Monitoring Station Locations

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
---	INF-001	Influent wastewater at the plant headworks, prior to treatment and following all significant input of wastewater to the treatment system
002	EFF-002	Disinfected tertiary-treated wastewater at a point after all treatment and prior to contact with the receiving water
---	RSW-011	Receiving water at a representative location in Pajaro River at least 100 feet upstream of Discharge Point 002
---	RSW-012	Receiving water at a representative location in Pajaro River at least 100 feet downstream of Discharge Point 002
Biosolids	BIO-001	Biosolids at the last point in the biosolids handling process where representative samples of residual

[6] The Facility has other monitoring station locations to support compliance with other permits, including (a) EFF-001, for secondary-treated wastewater prior to discharge to the percolation ponds, and (b) EFF-003, for tertiary-treated wastewater prior to discharge to the recycled water distribution system. These locations are not shown in the Table E-1 as they are not associated with the NPDES discharge to the Pajaro River.

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
		solids from the treatment process can be obtained

3. INFLUENT MONITORING REQUIREMENTS

3.1. Monitoring Location INF-001

3.1.1. The Discharger shall monitor influent to the Facility at Monitoring Location INF-001 as shown in Table E-2 when discharging to the Pajaro River.

Table E-2. Influent Monitoring

Parameter	Units	Sample Type	Minimum Sampling Frequency when discharging to at Discharge Point 002
Daily Flow [1]	MGD	Metered	Continuous
Instantaneous Maximum Flow [2]	MGD	Metered	Continuous
Maximum Daily Flow [3]	MGD	Metered	Continuous
Biochemical Oxygen Demand 5-day @ 20°C (BOD5) [4]	mg/L	24-hr Composite [5]	1/Week
Total Suspended Solids (TSS) [4]	mg/L	24-hr Composite [5]	1/Week

[1] The Discharger shall report the mean daily flow for each day and the mean daily flow for each month.

[2] The Discharger shall report the instantaneous maximum flow for each day.

[3] The Discharger shall report the daily maximum flow for each day and maximum daily flow for each month.

[4] Collection of influent BOD5 and TSS samples shall occur on the same days that effluent samples are collected.

[5] Composite samples may be taken by a proportional sampling device approved by the Executive Officer or by grab samples composited in proportion to flow. In compositing grab samples, the sampling interval shall not exceed one hour.

4. EFFLUENT MONITORING REQUIREMENTS

4.1. Monitoring Location EFF-002

4.1.1. The Discharger shall monitor effluent discharged at Discharge Point 002 at Monitoring Location EFF-002 as specified in Table E-3. All parameters in Table E-3, with the exception of flow and the sampling requirements that must be performed once per five years, must be sampled at least once per Period of Authorized Discharge, defined as during the months of November through April, from EFF-002 even if no effluent is discharged to the Pajaro River for an entire Period of Authorized Discharge. Parameters with sampling requirements that must be performed once per five years must be monitored from EFF-002 every five years even if no effluent is discharged to the Pajaro River for the entire five years. The Discharger must monitor at EFF-002 and report the results of the monitoring. If more than one analytical test method is listed for a given parameter, the Discharger must select from the listed methods and corresponding minimum level.

Table E-3. Effluent Monitoring at EFF-002

Parameter	Units	Sample Type	Minimum Sampling Frequency when discharging at Discharge Point 002 [1]
Daily Flow [2]	MGD	Metered	Continuous
Instantaneous Maximum Flow [3]	MGD	Metered	Continuous
Maximum Daily Flow [4]	MGD	Metered	Continuous
BOD5 [5]	mg/L	Grab	1/Week
TSS [5]	mg/L	Grab	1/Week
Settleable Solids	milliliter per liter (mL/L)	Grab	1/Week
Oil and Grease	mg/L	Grab	1/Month
pH[6]	standard units	Grab	1/Day
Chlorine Used [7]	lbs./day	Calculated	Continuous
Chlorine Residual [7]	mg/L	Metered	Continuous

Parameter	Units	Sample Type	Minimum Sampling Frequency when discharging at Discharge Point 002 [1]
Modal Contact Time [7]	Minutes	Metered/ Calculated	Continuous
Turbidity	Nephelometric Turbidity Units (NTU)	Metered	Continuous
Dissolved Oxygen	mg/L	Grab	1/Week
Temperature[6]	°F	Instantaneous	1/Day
Color	Color units	Grab	1/Month
Un-ionized Ammonia (as N) [6]	mg/L	Calculated	1/Week
Total Ammonia (as N) [6]	mg/L	Grab	1/Week
Nitrate (as N)	mg/L	Grab	1/Week
Total Kjeldahl Nitrogen (as N)	mg/L	Grab	1/Month
Nitrite (as N)	mg/L	Grab	1/Month
Orthophosphate (as P)	mg/L	Grab	1/Month
Total Phosphorus (as P)	mg/L	Grab	1/Month
Total Dissolved Solids (TDS)	mg/L	Grab	1/Month
Sodium	mg/L	Grab	1/Month
Chloride	mg/L	Grab	1/Month
Sulfate	mg/L	Grab	1/Month
Boron	mg/L	Grab	1/Month
Alkalinity	mg/L	Grab	1/Month
Calcium	mg/L	Grab	1/Month
Carbonate	mg/L	Grab	1/Month
Electrical Conductivity	µmhos/cm	Grab	1/Month
Fluoride	mg/L	Grab	1/Month
Aluminum	µg/L	Grab	1/Month
Magnesium	mg/L	Grab	1/Month
Copper, Total Recoverable	µg/L	24-hour Composite	1/Month

Parameter	Units	Sample Type	Minimum Sampling Frequency when discharging at Discharge Point 002 [1]
Iron, Total Recoverable	µg/L	Grab	1/Month
Lead, Total Recoverable	µg/L	24-hour Composite	1/Month
Zinc, Total Recoverable	µg/L	Grab	1/Month
Manganese	mg/L	Grab	1/Month
Potassium	mg/L	Grab	1/Month
Chlorodibromomethane	µg/L	Grab	1/Month[8]
Dichlorobromomethane	µg/L	Grab	1/Month[8]
Trihalomethanes, Total	µg/L	Grab	1/Month[8]
Chloroform	µg/L	Grab	1/Month
Cyanide, Total (as CN)	µg/L	Grab	1/Month
Fecal Coliform Bacteria	MPN/100mL	Grab	1/Week
Total Coliform Bacteria	MPN/100mL	Grab	1/Week
Chronic Toxicity[9]	"Pass/Fail and Percent Effect" (TST)	24-Hour composite	1/Month
Methylene Blue Activated Substances (MBAS)	µg/L	24-Hour composite	1/Month
Chlorpyrifos	µg/L	24-hr Composite	1/Year
Diazinon	µg/L	24-hr Composite	1/Year
California Toxics Rule (CTR) Pollutants [10], [11], [14]	µg/L	24-hr Composite / Grab [15]	1/Five Years
2,3,7,8-TCDD equivalent [11], [14	µg/L	24-hr Composite	1/Five Years
Title 22 Pollutants [12], [13], [14]	µg/L	24-hr Composite	1/Five Years

[1] If the Facility does not discharge for an entire Period of Authorized Discharge, the sampling frequency for all parameters is once per Period of Authorized Discharge, except for: flow, which must be continuously monitored; and CTR Pollutants, 2,3,7,8-TCDD equivalent, and Title 22 Pollutants, which remain at 1/Five years.

[2] The Discharger shall report the daily mean daily flow for each day and the mean daily flow for each month; if no discharge occurs the Discharger may report that condition on the certified cover letter accompanying the monthly report.

[3] The Discharger shall report the instantaneous maximum flow for each day; if no discharge occurs the Discharger may report that condition on the certified cover letter accompanying the monthly report.

[4] The Discharger shall report the daily maximum flow for each day and maximum daily flow for each month; if no discharge occurs the Discharger may report that condition on the certified cover letter accompanying the monthly report.

[5] Collection of influent BOD5 and TSS samples shall occur on days that effluent samples are collected if discharging to the Pajaro River. BOD5 and TSS percent removal shall be reported for each calendar month.

[6] Temperature and pH are to be measured at the same time the total ammonia sample is collected. Results shall be used to calculate and report un-ionized ammonia concentrations.

[7] Chlorine monitoring is only required when chlorine is used for disinfection. The Discharger shall specify within the self-monitoring report if chlorination took place during the monitoring period.

[8] Monitoring for this parameter shall be reduced to once per year upon the discontinuation of chlorine disinfection and three continuous non-detect results for each parameter. Monitoring for this parameter shall return to monthly upon the detection of this parameter within the effluent until a minimum of three consecutive non-detect results are observed.

[9] Chronic toxicity monitoring shall be conducted according to the requirements established in section 5 of this MRP.

[10] The 126 pollutants with applicable water quality objectives established by the California Toxics Rule (CTR) at 40 C.F.R. 131.38.

[11] Analyses, compliance determination, and reporting for these pollutants shall adhere to applicable provisions of the State Implementation Policy (SIP). The Discharger shall instruct its analytical laboratory to establish calibration standards so that the minimum levels (MLs) presented in Appendix 4 of the SIP are the lowest calibration standards. The Discharger and its analytical laboratory shall select MLs that are below applicable water quality criteria of the CTR, and when applicable water quality criteria are below all MLs, the Discharger and its analytical laboratory shall select the lowest ML.

[12] Analytical methods shall adhere to the detection limits for purposes of reporting (DLRs) established by title 22 of the California Code of Regulations, division 4, chapter 15, section 64432 (inorganics) and section 64445.1 (organics).

[13] The title 22 pollutants are those pollutants for which the Division of Drinking Water has established maximum contaminant levels (MCLs) at title 22, division 4, chapter 15, sections 64431 (inorganic chemicals) and 64444 (organic chemicals) of the California Code of Regulations.

[14] 24-hour composite samples shall be collected one time within the 12-month period before application is made to renew the waste discharge requirements for the Facility.

[15] The sample type for volatile priority pollutants and cyanide shall be grab samples. The sample type for all other CTR pollutants shall be 24-hour composite samples.

4.1.2. **Physical Observation and Visual and Odor Monitoring of Effluent**. In conducting monthly effluent sampling between November and April and on the first day of each intermittent discharge, a log shall be kept of the physical observation and visual and odor monitoring of effluent conditions at EFF-002. Notes on effluent conditions shall be summarized in the monitoring report. The Discharger shall submit the methods and criteria for monitoring in the first submittal; and the methods and criteria shall be subject to the approval of the Executive Officer. The log shall record the presence or absence of:

- Floating matter, visible films, sheens, or coatings
- Discoloration
- Odor

5. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS

5.1. Chronic Toxicity Monitoring Requirements

5.1.1. **Routine Chronic Toxicity Monitoring Frequency.** The Discharger shall perform routine chronic toxicity testing at least once per Period of Authorized Discharge, even if there is no discharge to the Pajaro River. Additionally, the Discharger shall conduct at least one chronic toxicity test every calendar month during which there is expected to be at least 15 days of discharge to the Pajaro River. Initiation of the routine monitoring test shall be at a time that would allow any required Median Monthly Effluent Limitation (MMEL) compliance tests to be initiated within the same calendar month as the routine monitoring test. For the purposes of chronic toxicity, the calendar month starts from the initiation of routine monitoring and continues until the corresponding day of the following month. As specified in Section III.C.4 of the Toxicity Provisions, when there is no

effluent available to complete a routine monitoring test or MMEL compliance test, the test shall not be required, and routine monitoring continues at the frequency specified in the permit. This allowance does not relieve the Discharger of the requirement to conduct routine chronic toxicity monitoring at the frequency specified in this Order, including at least once per Period of Authorized Discharge.

5.1.2. **Discharge Instream Waste Concentration (IWC).** The IWC for this discharge is 100 percent effluent.

5.1.3. **Most Sensitive Species.** When performing routine chronic toxicity monitoring, the Discharger may either use all three chronic freshwater species and methods described in Table 1 of the Toxicity Provisions (Table E-4 below) or the Discharger may perform a species sensitivity screening, consistent with the Toxicity Provisions and described below, to determine the most sensitive species to use for chronic freshwater toxicity testing. If the Discharger performs the species sensitivity screening and identifies the most sensitive species, the Discharger must inform the Central Coast Water Board of the results. This Order may be updated to describe the most sensitive species. If the Discharger elects to use all three chronic freshwater species, each routine chronic toxicity test must use all three species.

5.1.4. **Sample Volume and Holding Time.** The total sample volume shall be determined by the specific toxicity test method used. Sufficient sample volume of the effluent shall be collected to perform the required toxicity test. All toxicity tests shall be conducted as soon as possible following sample collection. No more than 36 hours shall elapse before the conclusion of sample collection and test initiation.

5.1.5. **Chronic Freshwater Species and Test Methods.** The Discharger shall conduct chronic toxicity tests on effluent samples at the discharge IWC for the discharge in accordance with species and test methods in *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 C.F.R. part 136). Approved tests methods for chronic toxicity are listed in Table E-4 below. In no case shall these species be substituted with another test species unless written authorization from the Central Coast Water Board is received.

Table E-4. Approved Tests for Chronic Toxicity – Freshwater

Species	Effect	Test Duration (days)	Test Method
Fathead Minnow (*Pimephales promelas*)	Larval Survival and Growth	7	Larval Survival and Growth Test Method 1000.0

Water Flea (*Ceriodaphnia dubia*)	Survival and Reproduction	6 to 8 days	Survival and Reproduction Test Method 1002.0
Green Alga (*Selenastrum capricornutum*)	Growth	4 days	Growth Test Method 1003.0

5.1.6. **Median Monthly Effluent Limitation (MMEL) Compliance Monitoring.** If a chronic toxicity test conducted during routine monitoring during discharge to the Pajaro River results in a "Fail" at the IWC, the Discharger shall conduct a maximum of two chronic toxicity MMEL compliance tests. If multiple species were tested during routine monitoring, only the species resulting in a "Fail" at the IWC shall be retested during the MMEL compliance tests. The MMEL compliance tests shall be initiated within the same calendar month that the first routine chronic toxicity test was initiated that resulted in a "Fail" at the IWC. If the first chronic toxicity MMEL compliance test results in a "Fail" at the IWC, then the second chronic toxicity MMEL compliance test is not required. MMEL compliance tests are not required if the discharge has ceased and there was insufficient time to conduct the MMEL tests.

5.1.7. **Chronic Species Sensitivity Screening.** When performing chronic toxicity monitoring, the Discharger may either use all three chronic freshwater species and methods described in Table 1 of the Toxicity Provisions (Table E-4 above) or the Discharger may perform a species sensitivity screening, consistent with the Toxicity Provisions and described as follows:

The Discharger shall conduct four species sensitivity screening tests. Typically, this is required within 18 months of the effective date of this Order or four species sensitivity screening tests within one year of submitting the ROWD for a Facility, with one set of screenings conducted in each quarter for four consecutive quarters. However, since the discharge is intermittent and not expected to be at least 15 days of discharge, the first four annual routine WET tests can also be used for the sensitivity screening, if they are conducted at the IWC and with all three test species. For each set of species sensitivity screenings, the Discharger shall collect a single effluent sample to initiate and concurrently conduct three toxicity tests using the fish, invertebrate, and alga species referenced in Table E-4 above. If scheduling allows, this sample should also be analyzed for the parameter(s) required on a monthly and quarterly frequency in Table E-2, during that given month. As allowed under the test method for the *Ceriodaphnia dubia* and the *Pimephales promelas*, a second and third sample shall be collected for use as test solution renewal water as the seven-day toxicity test progresses. Samples for the species sensitivity screening shall be tested using the IWC, a control, and analyzed using the TST approach.

After the fourth set of species sensitivity screening, the species that exhibits the highest "Percent Effect" at the discharge IWC shall be used for routine monitoring during the permit term. If the percent effect is less than or equal to zero percent

effect for each species, or all percent effect values are the same during the species sensitivity screening test, the Discharger shall either use the species that was most sensitive during the previous permit term for routine monitoring or repeat the species sensitivity screening for all species to confirm the results of the first screening before selecting the most sensitive species to use for routine monitoring. If two consecutive species sensitivity screening tests demonstrate that the percent effect for all species exhibit less than or equal to zero percent, the Discharger may select the species to be used for routine monitoring during the permit term.

During the calendar month, toxicity tests used to determine the most sensitive test species shall be reported as effluent compliance monitoring results for the MDEL and MMEL for chronic toxicity if discharge occurring to the Pajaro River at the time of the monitoring.

5.1.8. **Quality Assurance and Additional Requirements.** Quality assurance measures, instructions, and other recommendations and requirements are found in the test methods manual referenced above. Additional requirements are specified below.

5.1.8.1. The discharge is subject to determination of “Pass” or “Fail” and “Percent (%) Effect” for chronic toxicity tests using the TST approach described in *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document* (EPA 833-R10-003, 2010), Appendix A, Figure A-1, and Table A-1 and Appendix B, Table B-1. The null hypothesis (Ho) for the TST approach is: mean discharge IWC response ≤ 0.75 × mean control response. A test result that rejects this null hypothesis is reported as “Pass.” A test result that does not reject this null hypothesis is reported as “Fail.” This is a t-test (formally Student’s t-test), a statistical analysis comparing two sets of replicate observations in the case of WET, only two test concentrations (i.e., a control and IWC). The purpose of this statistical test is to determine if the means of the two sets of observations are different (i.e., if the IWC or receiving water concentration differs from the control (the test result is “Pass” or “Fail”). The Welch’s t-test employed by the TST statistical approach is an adaptation of Student’s t-test and is used with two samples having unequal variances. The relative “Percent Effect” at the discharge IWC is defined and reported as: ((mean control response - mean discharge IWC response) ÷ mean control response) × 100.

5.1.8.2. The MDEL for chronic toxicity is exceeded and a violation will be flagged when a toxicity test during routine monitoring during discharge to the Pajaro River results in “Fail” for the sub-lethal endpoint in accordance with the TST approach and the “Percent Effect” is greater than or equal to 50 percent for the survival endpoint or the sub-lethal endpoint if there is no survival endpoint.

5.1.8.3. The MMEL for chronic toxicity is exceeded and a violation will be flagged when more than one toxicity tests in a calendar month that were collected during

discharge to the Pajaro River result in a “Fail” in accordance with the TST approach for any endpoint.

5.1.8.4. If the effluent toxicity test does not meet all test acceptability criteria (TAC) specified in the referenced test method, *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (EPA-821-R-02-013, 2002) then the Discharger must resample and re-test within 14 days.

5.1.8.5. Dilution water and control water, including brine controls, shall be laboratory water prepared and used as specified in the test methods manual. If dilution water or control water is different from test organism culture water, then a second control using culture water shall also be used.

5.1.8.6. Monthly reference toxicant testing is sufficient if in accordance *with Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (EPA-821-R-02-013, 2002). All reference toxicant test results should be reviewed and reported using the effects concentration at 25 percent (EC25).

5.1.8.7. The Discharger shall perform toxicity tests on final effluent samples. Chlorine in the final effluent sample may be removed prior to conducting toxicity tests in order to simulate the dechlorination process at the Facility. Ammonia, however, shall not be removed from the effluent sample prior to toxicity testing, unless explicitly authorized under this section of this MRP and the rationale is explained in the Fact Sheet (Attachment F).

5.1.9. **Notification.** The Discharger shall notify the Central Coast Water Board of a violation of a toxicity MDEL or MMEL that occurred during discharge to the Pajaro River as soon as the Discharger learns of the violation, but no later than 24 hours of the Discharger’s receiving the monitoring results. The notification shall describe actions the Discharger has taken or will take to investigate and correct the cause(s) of toxicity. The Discharger shall notify the Central Coast Water Board of a chronic toxicity test that results in a “fail” no later than 24 hours of the Discharger receiving the monitoring results. The notification must describe actions the Discharger has taken or will take to investigate and correct the cause(s) of toxicity.

5.1.10. **Routine Reporting.** The SMR shall include a full laboratory report for each chronic toxicity test. This report shall be prepared using the format and content of the test methods manual in section 10 of *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (EPA-821-R-02-013, 2002), Report Preparation, and shall include:

5.1.10.1. The valid toxicity test results for the TST statistical approach, reported as “Pass” or “Fail” and “Percent Effect” at the chronic toxicity IWC for the discharge. All toxicity test results (whether identified as valid or otherwise) conducted during the calendar month shall be reported on the SMR due date specified in Table E-10.

5.1.10.2. Summary water quality measurements for each toxicity test (e.g., pH, dissolved oxygen, temperature, conductivity, hardness, salinity, chlorine, ammonia).

5.1.10.3. The statistical analysis used in *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document* (EPA 833-R-10-003, 2010) Appendix A, Figure A-1 and Table A-1, and Appendix B, Table B-1.

5.1.10.4. Statistical program (e.g., TST calculator, CETIS, etc.) output results, including graphical plots, for each toxicity test.

5.1.10.5. Tabular data and graphical plots clearly showing the laboratory's performance for the reference toxicant for the previous 20 tests and the laboratory's performance for the control mean, control standard deviation, and control coefficient of variation for the previous 12-month period.

5.1.10.6. Any additional quality assurance/quality control (QA/QC) documentation or any additional chronic toxicity-related information, upon written request from the Central Coast Water Board.

5.2. Accelerated Monitoring Requirements

5.2.1. When a chronic toxicity MDEL is exceeded during routine annual toxicity monitoring conducted in the absence of discharge at Discharge Point No. 002, and the testing meets all TAC, the Discharger shall initiate accelerated monitoring to confirm the effluent toxicity.

5.2.2. The Discharger shall implement an accelerated monitoring frequency consisting of performing three toxicity tests in a six-week period following the first failed test results.

5.2.3. If implementation of the generic toxicity reduction evaluation (TRE) work plan indicates the source of the exceedance of the effluent limitation or toxicity trigger (for instance, a temporary plant upset), then only one additional test is necessary. If exceedance of the MDEL is detected in this test, the Discharger will continue with accelerated monitoring requirements or implement the toxicity reduction evaluation.

5.2.4. If none of the three tests indicated exceedance of the effluent limitation, then the Discharger may return to the normal testing frequency.

5.3. Toxicity Reduction Evaluation (TRE) Process

5.3.1. A TRE shall be triggered if testing indicates any of the following:

5.3.1.1. Two or more MDEL or MMEL violations within a single calendar month or within two successive calendar months when discharging to the Pajaro River.

5.3.1.2. Following exceedance of the MDEL during an accelerated monitoring test (when not discharging to the Pajaro River).

5.3.1.3. If a TRE is triggered prior to the completion of the accelerated monitoring, the accelerated monitoring schedule may be terminated or used as necessary in performing the TRE.

5.3.2. If necessary, as part of a TRE, the TIE shall be conducted to identify and evaluate toxicity in accordance with procedures recommended by the U.S. EPA, which include the following:

5.3.2.1. *Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I,* (U.S. EPA, 1992a);

5.3.2.2. *Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures, Second Edition* (U.S. EPA, 1991a);

5.3.2.3. *Methods for Aquatic Toxicity Identification Evaluations: Phase II Toxicity Identification Procedures for Sampling Exhibiting Acute and Chronic Toxicity* (U.S. EPA, 1993a); and

5.3.2.4. *Methods for Aquatic Toxicity Identification Evaluations: Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity* (U.S. EPA, 1993b).

5.3.3. As part of the TRE investigation, the Discharger shall be required to implement its TRE Work Plan. The Discharger shall take all reasonable steps to control toxicity once the source of the toxicity is identified. A failure to conduct required toxicity tests or a TRE within a designated period shall result in appropriate enforcement action. Recommended guidance in conducting a TRE includes the following:

5.3.3.1. *Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants*, August 1999, EPA/833B-99/002; and

5.3.3.2. *Clarifications Regarding Toxicity Reduction and Identification Evaluations in the National Pollutant Discharge Elimination System Program* dated March 27, 2001, U.S. EPA Office of Wastewater Management, Office of Regulatory Enforcement.

5.3.4. The Central Coast Water Board may also require the Discharger conduct a TRE if other information indicates toxicity (e.g., results of additional monitoring, results of monitoring at a higher concentration than the IWC, fish kills, intermittent recurring toxicity), or if there is no effluent available to complete routine monitoring, a MMEL Compliance Test, or accelerated monitoring.

6. LAND DISCHARGE MONITORING REQUIREMENTS – Not Applicable

The Discharger's previous NPDES permit, R3-2017-0028, provided regulatory coverage for discharges of wastes to land, specifically to the Facility's percolation ponds. This Order does not cover land discharges. The Discharger's enrollment in Order R3-2020-0020 provides regulatory coverage and monitoring and reporting requirements for land discharge to the Facility's percolation ponds.

6.1. Groundwater Monitoring Requirements – Not Applicable

The previous permit included groundwater receiving water limitations. Because this Order no longer provides regulatory coverage for discharges of wastes to land, the groundwater limitations are no longer included in this Order. The Discharger is enrolled in Order R3-2020-0020, which includes groundwater limitations that are at least as stringent as the limitations that were included in the previous permit and includes various requirements for the protection of groundwater quality.

7. RECYCLING MONITORING REQUIREMENTS – Not Applicable

The Discharger's previous NPDES permit, R3-2017-0028, provided regulatory coverage for the production and onsite use of recycled water. This Order does not cover recycled water production and onsite use. The Discharger's enrollment in Order R3-2020-0020 provides regulatory coverage and monitoring and reporting requirements for recycled water production and onsite use.

8. RECEIVING WATER MONITORING REQUIREMENTS

8.1. Monitoring Locations RSW-011 and RSW-012

8.1.2. The Discharger shall monitor receiving waters in the Pajaro River at monitoring locations RSW-011 and RSW-012. Receiving water monitoring shall occur concurrently with effluent monitoring at EFF-002 at times when there is discharge from EFF-002 to the Pajaro River. If no discharge occurs during the Period of Authorized Discharge, monitoring at RSW-011 must be conducted at least once per Period of Authorized Discharge between November and April for the parameters listed in Table E-5, except for parameters with minimum sampling frequency of once per five years. Discrete discharge periods are defined by lapses in discharge flows of 24 hours or more. When discrete discharges occur at Discharge Point EFF-002, receiving water monitoring shall occur at least once during the first discrete discharge period of the sampling period.

Table E-5. Receiving Water Monitoring Requirements

Parameter	Units	Sample Type	Minimum Sampling Frequency when discharging at Discharge Point 002
Daily Flow[1]	MGD	Metered	1/Quarter
BOD5	mg/L	Grab	1/Quarter

Parameter	Units	Sample Type	Minimum Sampling Frequency when discharging at Discharge Point 002
TSS	mg/L	Grab	1/Quarter
Nitrate	mg/L	Grab	1/Quarter
Nitrite	mg/L	Grab	1/Quarter
Total Ammonia[2]	mg/L	Grab	1/Quarter
Un-ionized Ammonia[2]	mg/L	Calculated	1/Quarter
Total Kjeldahl Nitrogen	mg/L	Grab	1/Quarter
Phosphorous, Total (as P)	mg/L	Grab	1/Quarter
Orthophosphate (as P)	mg/L	Grab	1/Quarter
Chlorophyll α	mg/L	Grab	1/Quarter
TDS	mg/L	Grab	1/Quarter
Sodium	mg/L	Grab	1/Quarter
Chloride	mg/L	Grab	1/Quarter
Sulfate	mg/L	Grab	1/Quarter
Boron	mg/L	Grab	1/Quarter
Aluminum	mg/L	Grab	1/Quarter
Manganese	mg/L	Grab	1/Quarter
Potassium	mg/L	Grab	1/Quarter
Dissolved Oxygen	mg/L	Grab	1/Quarter
Temperature[2]	°F	Grab	1/Quarter
pH[2]	Standard units	Grab	1/Quarter
Turbidity	NTU	Grab	1/Quarter
Fecal Coliform Bacteria	MPN/100 mL	Grab	1/Quarter
Total Coliform	CFU/100mL	Grab	1/Quarter
Alkalinity	mg/L	Grab	1/Quarter
Bicarbonate	mg/L	Grab	1/Quarter
Calcium	mg/L	Grab	1/Quarter
Carbonate	mg/L	Grab	1/Quarter
Fluoride	mg/L	Grab	1/Quarter
Electrical Conductivity	µmhos/cm	Grab	1/Quarter
Magnesium	mg/L	Grab	1/Quarter
Copper, Total Recoverable	µg/L	Grab	1/Quarter
Iron, Total Recoverable	µg/L	Grab	1/Quarter

Parameter	Units	Sample Type	Minimum Sampling Frequency when discharging at Discharge Point 002
Zinc, Total Recoverable	µg/L	Grab	1/Quarter
Chlorodibromomethane	µg/L	Grab	1/Quarter[3]
Dichlorobromomethane	µg/L	Grab	1/Quarter[3]
Trihalomethanes, Total	µg/L	Grab	1/Quarter[3]
Chloroform	µg/L	Grab	1/Quarter
Cyanide, Total (as CN)	µg/L	Grab	1/Quarter
Hardness (as $CaCO_3$)	mg/L	Grab	1/Quarter
Methylene Blue Activated Substances	µg/L	Grab	1/Quarter
CTR Pollutants [4] [5]	µg/L	Grab	1/5 years[8]
2,3,7,8-TCDD equivalent [5]	µg/L	Grab	1/5 years [8]
Title 22 Pollutants [6] [7]	µg/L	Grab	1/5 years[8]

[1] Pajaro River flow shall be measured and reported data shall be obtained from the Chittenden monitoring location.

[2] Temperature and pH are to be measured at the same time the total ammonia sample is collected. Results shall be used to calculate and report unionized ammonia concentrations.

[3] Monitoring for this parameter shall be reduced to once per year upon the discontinuation of chlorine disinfection and three continuous non-detect results for each parameter at EFF-002. Monitoring for this parameter shall return to quarterly upon the detection of this parameter within the effluent until a minimum of three consecutive non-detect results are observed.

[4] Those 126 pollutants with applicable water quality objectives established by the California Toxics Rule (CTR) at 40 C.F.R. 131.38.

[5] Analyses, compliance determination, and reporting for these pollutants shall adhere to applicable provisions of the SIP. The Discharger shall instruct its analytical laboratory to establish calibration standards so that the minimum levels (MLs) presented in Appendix 4 of the SIP are the lowest calibration standards. The Discharger and its analytical laboratory shall select MLs that are below applicable water quality criteria of the CTR. If an applicable water quality criterion is below all MLs, the Discharger and its analytical laboratory shall select the lowest ML.

[6] Analytical methods shall adhere to the detection limits for purposes of reporting (DLRs) established by title 22 of the California Code of Regulations, division 4, chapter 15, section 64432 (inorganics) and section 64445.1 (organics).

[7] Title 22 pollutants are those pollutants for which the Division of Drinking Water has established maximum contaminant levels (MCLs) at title 22, division 4, chapter 15, sections 64431 (inorganic chemicals) and 64444 (organic chemicals) of the California Code of Regulations.

[8] Samples shall be collected one time within the 12-month period before application is made to renew waste discharge requirements for the Facility.

8.2 Physical Observation and Visual and Odor Monitoring of Receiving Waters

In conducting the receiving water sampling, a log shall be kept of the receiving water conditions at RSW-011 and RSW-012 and in the reach bounded by RSW-011 and RSW-012. Receiving water conditions shall be summarized in the monitoring report. The Discharger shall submit the methods and criteria for monitoring in the first submittal; and the methods and criteria shall be subject to the approval of the Executive Officer. The summary in the monitoring report shall include documentation of the presence or absence of:

- Floating or suspended matter, visible films, sheens, or coatings
- Discoloration
- Bottom deposits
- Odor

9. BIOSOLIDS MONITORING, NOTIFICATION, AND REPORTING

9.1 Biosolids Monitoring

Biosolids shall be tested for the metals required in 40 C.F.R. section 503.16 (for land application) or section 503.26 (for surface disposal), using the methods in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods* (SW-846), as required in 503.8(b)(4), at the following minimum frequencies in Table E-6.

Table E- 6. Biosolids Monitoring Frequency

Volume (dry metric tons)[1]	Sampling and Analysis Frequency[2], [3]
0-290	Once per year
290-1,500	Once per quarter
1,500-15,000	Once per 60 days
>15,000	Once per month

[1] For accumulated, previously untested biosolids, the Discharger shall develop a representative sampling plan, including number and location of sampling points, and collect representative samples.

[2] Test results shall be expressed in mg pollutant per kg biosolids on a 100% dry weight basis.

[3] If the Discharger's biosolids are directly land applied without further treatment by another preparer, biosolids to be land applied shall be tested for organic-N, ammonium-N, and nitrate-N at the frequencies required above.

Biosolids shall be analyzed for the constituents in Table E-7 and as described in sections 9.1.1 through 9.1.6, as appropriate.

Table E- 7. Biosolids Monitoring Requirements

Parameter	Units[1]	Sample Type	Minimum Sampling Frequency
Quantity Removed	Dry metric tons or yards	Measured	During Removal
Location of Reuse/Disposal	Site		During Removal
Moisture Content	Percent	Grab	Per Table E-6
Ammonia, Total as N	Milligrams per kilogram (mg/kg)	Grab	Per Table E-6
Nitrate, Total as N	mg/kg	Grab	Per Table E-6
Total Phosphorus	mg/kg	Grab	Per Table E-6
pH	Standard units	Grab	Per Table E-6
Oil and Grease	mg/kg	Grab	Per Table E-6
Arsenic	mg/kg	Grab	Per Table E-6
Boron	mg/kg	Grab	Per Table E-6
Cadmium	mg/kg	Grab	Per Table E-6
Chromium (Total)	mg/kg	Grab	Per Table E-6 (
Copper	mg/kg	Grab	Per Table E-6
Lead	mg/kg	Grab	Per Table E-6
Mercury	mg/kg	Grab	Per Table E-6
Molybdenum	mg/kg	Grab	Per Table E-6
Nickel	mg/kg	Grab	Per Table E-6
Selenium	mg/kg	Grab	Per Table E-6
Silver	mg/kg	Grab	Per Table E-6
Zinc	mg/kg	Grab	Per Table E-6

[1] Total sample (including solids and any liquid portion) to be analyzed and results reported as mg/kg based on the dry weight of the sample.

9.1.1. Prior to land application, the Discharger shall demonstrate that the biosolids meet Class A or Class B pathogen reduction levels by one of the methods listed in 40 C.F.R. section 503.32 (unless transferred to another preparer who demonstrates pathogen reduction). Prior to disposal at a surface disposal site, the Discharger shall demonstrate that the biosolids meet Class B levels or shall ensure that the site is covered at the end of each operating day. The following applies when biosolids from the Discharger are directly land applied as Class B, without further treatment by a second preparer. If pathogen reduction is demonstrated using a "Process to Significantly/Further Reduce Pathogens," the Discharger shall maintain daily records of the operating parameters used to achieve this reduction. If pathogen reduction is demonstrated by testing for fecal coliforms and/or pathogens, samples must be drawn at the frequency in Table E-6 above. For fecal coliform, at least seven grab samples must be drawn during each monitoring event and a geometric mean calculated from these seven samples.

9.1.2. For biosolids that are land applied or placed in a surface disposal site, the Discharger shall track and keep records of the operational parameters used to achieve vector attraction reduction requirements in 40 C.F.R. section 503.33(b).

9.1.3. Class 1 facilities (facilities with pretreatment programs or others designated as Class 1 by the Regional Administrator) and federal facilities with greater than five million gallons per day (MGD) influent flow shall sample biosolids for pollutants listed under Section 307(a) of the Clean Water Act (as required in the pretreatment section of the permit for POTW's with pretreatment programs). Class 1 facilities and federal facilities greater than five MGD shall test dioxins/dibenzofurans using a detection limit of less than one pg/g at the time of their next priority pollutant scan if they have not done so within the past five years, and once per five years thereafter.

9.1.4. The biosolids shall be tested annually, or more frequently if necessary, to determine hazardousness in accordance 40 C.F.R. part 261.

9.1.5. If biosolids are placed in a surface disposal site (dedicated land disposal site or monofill), 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.

9.1.6. Biosolids placed in a municipal landfill shall be tested by the paint filter liquids test (EPA Method 9095) at the frequency in Table E-6 above or more often if necessary to demonstrate that there are no free liquids.

9.2. Biosolids Notification

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

9.2.1. Annual biosolids production in dry metric tons and percent solids.

9.2.2. A schematic drawing showing biosolids handling facilities (e.g., digesters, lagoons, drying beds, incinerators) and a solids flow diagram.

9.2.3. A narrative description of biosolids dewatering and other treatment processes, including process parameters. For example, if biosolids are digested, report average temperature and retention time of the digesters. If drying beds are used, report depth of application and drying time. If composting is used, report the temperature achieved and duration.

9.2.4. A description of disposal methods, including the following information as applicable related to the disposal methods used at the Facility. If more than one method is used, include the percentage and tonnage of annual biosolids production disposed by each method.

9.2.4.1. For landfill disposal include:

9.2.4.1.1. The Central Coast Water Board WDR numbers that regulate the landfills used,

9.2.4.1.2. The present classifications of the landfills used, and

9.2.4.1.3. The names and locations of the facilities receiving biosolids.

9.2.4.2. For land application include:

9.2.4.2.1. The location of the site(s),

9.2.4.2.2. The Central Coast Water Board's WDR numbers that regulate the site(s),

9.2.4.2.3. The application rate in lbs./acre/year (specify wet or dry), and

9.2.4.2.4. Subsequent uses of the land.

9.2.4.3. For offsite application by a licensed hauler and composter include:

9.2.4.3.1. The name, address and U.S. EPA license number of the hauler and composter.

9.2.4.3.2. Copies of analytical data required by other agencies (i.e., U.S. EPA or county health department) and licensed disposal facilities (i.e., landfill, land application, or composting facility) for the previous year.

9.3 Representative Samples

A representative sample of residual solids (biosolids) shall be obtained from the last point in the handling process (i.e., in the dumpster just prior to removal) and shall be analyzed for total concentrations for comparison with total threshold limit concentration (TTLC) criteria. The waste extraction test shall be performed on any constituent when the total concentration of the waste exceeds ten times the soluble threshold limit concentration (STLC) limit for that substance. Twelve discrete representative samples shall be collected at separate locations in the biosolids ready for disposal. These 12 samples shall be composited to form one sample for constituent analysis. For accumulated, previously untested biosolids, the Discharger shall develop a representative sampling plan including number and location of sampling points and collect representative samples.

9.4. Reporting

All reports must be submitted annually, by February 19, to cover the previous calendar year reporting period, through the Net e-reporting system (see https://www.cdx.epa.gov/ and https://www.epa.gov/biosolids for more information).

10. OTHER MONITORING REQUIREMENTS

10.1. Pretreatment Monitoring

By February 1 of each year, the Discharger shall submit an annual report to the State Water Board, Central Coast Water Board, and U.S. EPA describing the Discharger's pretreatment activities over the previous 12 months. In the event that the Discharger is not in compliance with any pretreatment condition of this Order or resulting from pretreatment audits or compliance inspections, then the Discharger shall also include the reasons for noncompliance and state how and when the Discharger will comply with such conditions and requirements. This report shall contain, but not be limited to, the following information:

10.1.1. A summary of analytical results from representative, flow-proportioned, 24-hour composite sampling of the plant's effluent and sludge as provided in the relevant sections of this MRP. The Discharger shall also provide any influent, effluent, or sludge monitoring data for nonpriority pollutants which the Discharger believes may be causing or contributing to interference, pass-through, or adversely impacting sludge quality. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 C.F.R. part 136 and amendments thereto.

10.1.2. A discussion of upset, interference, or pass-through incidents, if any, at the POTW, that the Discharger knows or suspects were caused by industrial users of the POTW system. The discussion shall include the reasons why incidents occurred, corrective actions taken, and, if known, the name and address of the industrial user(s) responsible. Discussions shall also include a review of applicable pollutant limitations to determine whether any additional limitations or changes to existing requirements may be necessary to prevent pass-through, interference, or noncompliance with sludge disposal requirements.

10.1.3. The cumulative number of industrial users that the Discharger has notified regarding baseline monitoring reports and the cumulative number of industrial user responses.

10.1.4. An updated list of the Discharger's industrial users, including their names and addresses, or a list of deletions and additions keyed to a previously submitted list. The Discharger shall provide a brief explanation for each deletion. The list shall identify the industrial users subject to federal categorical standards by specifying which set(s) of standards are applicable. The list shall indicate which categorical industries, or specific pollutants from each industry, are subject to local limitations that are more stringent than the federal categorical standards. The Discharger shall also list the non-categorical industrial users that are subject only to local discharge limitations. The Discharger shall characterize the compliance status of each industrial user by employing the following descriptions.

10.1.4.1. In compliance with baseline monitoring report requirements (where applicable);

10.1.4.2. Consistently achieving compliance;

10.1.4.3. Inconsistently achieving compliance;

10.1.4.4. Significantly violated applicable pretreatment requirements defined by 40 C.F.R. 403.8 (f)(2)(vii);

10.1.4.5. On a schedule to achieve compliance (include the date final compliance is required);

10.1.4.6. Not achieving compliance and not on a compliance schedule; or

10.1.4.7. The Discharger does not know the industrial user's compliance status.

A report describing the compliance status of any industrial user characterized by descriptions in Items 10.1.4.3. through 10.1.4.7., above, shall be submitted quarterly from the annual report date to the State Water Board, Central Coast Water Board, and U.S. EPA. The report shall identify the specific compliance status of each such industrial user. This quarterly reporting requirement shall commence upon issuance of this Order. Quarterly reports shall be submitted May 1, August 1, and November 1. The fourth quarter report shall be incorporated in the annual report (February 1). Quarterly reports shall briefly describe POTW compliance with audit/pretreatment compliance inspection requirements. If none of the aforementioned conditions exist, at a minimum, a letter indicating that all industries are in compliance and no violations or changes to the pretreatment program have occurred during the quarter must be submitted.

10.1.4.8. A summary of inspection and sampling activities conducted by the Discharger during the past year to gather information and data regarding industrial users. The summary shall include the following:

10.1.4.8.1. Names and addresses of the industrial users subject to surveillance by the Discharger and an explanation of whether they were inspected, sampled, or both and the frequency of these activities at each user; and

10.1.4.8.2. Conclusions or results from the inspection or sampling of each industrial user.

10.1.4.9. A summary of compliance and enforcement activities during the past year. The summary shall include names and addresses of the industrial users affected by the following actions.

10.1.4.9.1. Warning letters or notices of violation regarding the industrial users' apparent noncompliance with federal categorical standards or local discharge limitations. For each industrial user, identify whether the apparent violation concerned the federal categorical standards or local discharge limitations;

10.1.4.9.2. Administrative orders regarding the industrial users' noncompliance with federal categorical standards or local discharge limitations. For each industrial user, identify whether the violation concerned the federal categorical standards or local discharge limitations;

10.1.4.9.3. Civil actions regarding the industrial users' noncompliance with federal categorical standards or local discharge limitations. For each industrial user, identify whether the violation concerned the federal categorical standards or local discharge limitations;

10.1.4.9.4. Criminal actions regarding the industrial users' noncompliance with federal categorical standards or local discharge limitations. For each industrial user, identify whether the violation concerned federal categorical standards or local discharge limitations;

10.1.4.9.5. Assessment of monetary penalties. For each industrial user, identify the amount of the penalties;

10.1.4.9.6. Restriction of flow to the POTW; and

10.1.4.9.7. Disconnection from discharge to the POTW.

10.1.4.10. Description of any significant changes in operating the pretreatment program, which differ from the information in the Discharger's approved POTW pretreatment program including, but not limited to, changes concerning:

10.1.4.10.1. The program's administrative structure;

10.1.4.10.2. Local industrial discharge limitations;

10.1.4.10.3. Monitoring program and monitoring frequencies;

10.1.4.10.4. Legal authority or enforcement policy;

10.1.4.10.5. Funding mechanisms;

10.1.4.10.6. Resource requirements; and

10.1.4.10.7. Staffing levels.

10.1.4.11. A summary of the annual pretreatment budget, including costs of pretreatment program functions and equipment purchases.

10.1.4.12. A summary of public participation activities to involve and inform the public.

10.1.4.13. A description of any changes in sludge disposal methods and a discussion of any concerns not described elsewhere in the report. The pretreatment quarterly and annual reports shall be signed by a principal executive officer, ranking elected official, or other duly authorized employee who is responsible for the overall operation of the Discharger (40 C.F.R. section 403.12(m)). The Discharger shall submit signed copies of the reports to the State Water Board and the Central Coast Water Board electronically through the SMR module of CIWQS. Signed copies of the reports shall also be submitted electronically to U.S. EPA at R9Pretreatment@epa.gov or as instructed otherwise.

10.2. Discharge Monitoring Report-Quality Assurance (DMR-QA) Study Program

Under section 308 of the CWA (33 U.S.C. 1318), U.S. EPA requires major and selected minor dischargers under the NPDES Program to participate in the

annual DMR-QA study program. The DMR-QA study program evaluates the analytical ability of laboratories that routinely perform or support self-monitoring analyses required by NPDES permits. There are two options to satisfy the requirements of the DMR-QA study program: (1) The Discharger can obtain and analyze a DMR-QA sample as part of the DMR-QA study or (2) per the waiver issued by U.S. EPA to the State Water Board, the Discharger can submit the results of the most recent water pollution performance evaluation study from its own laboratories or its contract laboratories. A water pollution performance evaluation study is similar to the DMR-QA Study. Thus, it also evaluates a laboratory's ability to analyze wastewater samples to produce quality data that ensure the integrity of the NPDES program. The Discharger shall ensure that the results of the DMR-QA study or the results of the most recent water pollution performance evaluation study are submitted annually to the State Water Board. The State Water Board's quality assurance program officer will send the DMR-QA study results or the results of the most recent water pollution performance evaluation study to U.S. EPA's DMR-QA coordinator and quality assurance manager.

11. REPORTING REQUIREMENTS

11.1. General Monitoring and Reporting Requirements

The Discharger shall comply with all federal Standard Provisions and Central Coast Water Board Standard Provisions (Attachment D) related to monitoring, reporting, and recordkeeping.

11.2. Self-Monitoring Reports (SMRs)

11.2.1. The Discharger shall electronically submit SMRs using the State Water Board's California Integrated Water Quality System (CIWQS) Program website (http://www.waterboards.ca.gov/water_issues/programs/ciwqs). The CIWQS website will provide additional information for SMR submittal in the event there will be a planned service interruption for electronic submittal. The Discharger shall use the current version of the permittee entry template (PET) tool to configure data into the applicable CIWQS data format and shall update that template according to this Order (e.g., add/delete parameters, revise limits, update monitoring locations, etc.). Blank versions of the latest PET tool are available at

http://www.waterboards.ca.gov/water_issues/programs/ciwqs/chc_npdes.shtml.

11.2.2. The Discharger shall report in the SMR the results for all monitoring specified in this MRP under sections 3-9. The Discharger shall submit SMRs including the results of all required monitoring using U.S. EPA-approved test methods or other test methods specified in this Order. SMRs are to include all new monitoring results obtained since the last SMR was submitted. If the Discharger monitors any pollutant more frequently than required by this Order, the results of this monitoring shall be included in the calculations and reporting of the data submitted in the SMR.

11.2.3. Sampling and monitoring as required by this MRP shall begin on the effective date of this Order. The Discharger shall complete all required monitoring and reporting according to the schedule in Table E-8 unless otherwise directed by the Executive Officer.

Table E-8. Monitoring Periods and Reporting Schedule

SMR Name	Permit Section for Monitoring and Sampling Data Included in Report	SMR Submittal Frequency	SMR Due Date
NPDES Monitoring Report	MRP Sections 3 (Influent), 4 (Effluent) and 5 (Whole Effluent Toxicity)	Monthly	First day of second calendar month following period of sampling
Updated initial investigation TRE Workplan	Order Section 6.3.2.1	Once per Permit Term	Within 90 days of the permit effective date
Incident TRE/TIE Workplan	Order Section 6.3.2.1	As directed	When directed by Executive Officer
Updated Pollutant Minimization Plan	Order Section 6.3.3.1	Once per Permit Term	When directed by Executive Officer
NPDES Monitoring Report	MRP Section 4 (Effluent) and MRP Section 8 (Receiving Water)	Once per Five Years	270 days prior to permit expiration
NPDES Monitoring Report	MRP Section 8 (Receiving Water)	Quarterly	First day of second calendar month following monitoring period
Biosolids Technical Report	MRP Section 9 (Biosolids)	Annually	February 19 following calendar year of monitoring https://cdx.epa.gov/
Pretreatment Quarterly Report	MRP Section 10.1.4.7 (Pretreatment Monitoring)	Quarterly	May 1 August 1 November 1

SMR Name	Permit Section for Monitoring and Sampling Data Included in Report	SMR Submittal Frequency	SMR Due Date
Pretreatment Annual Report [1]	MRP Section 10.1 (Pretreatment Monitoring)	Annually	February 1, the year following sampling
Discharge Monitoring Report-Quality Assurance (DMR-QA) Study	MRP Section 10.2	Annually	When requested by U.S. EPA and the State Water Board's Quality Assurance Program Officer
Summary Report	Attachment D, Standard Provision, 8.4.8	Annually	January 30 following calendar year of monitoring
Report of Waste Discharge	Permit Renewal Application	One Time	180 days prior to permit expiration date

[1] The annual pretreatment report shall incorporate the fourth quarter pretreatment report.

11.2.4. **Reporting Protocols.** The Discharger shall report with each sample result the applicable reporting level (RL) and the current method detection limit (MDL), as determined by the procedure in 40 C.F.R. part 136. The Discharger shall report the results of analytical determinations for the presence of chemical constituents in a sample using the following reporting protocols:

11.2.4.1. Sample results greater than or equal to the RL shall be reported as measured by the laboratory (i.e., the measured chemical concentration in the sample).

11.2.4.2. Sample results less than the RL, but greater than or equal to the laboratory's MDL, shall be reported as "Detected, but Not Quantified," or DNQ. The estimated chemical concentration of the sample shall also be reported. For the purposes of data collection, the laboratory shall write the estimated chemical concentration next to DNQ. The laboratory may, if such information is available, include numerical estimates of the data quality for the reported result. Numerical estimates of data quality may be percent accuracy (± a percentage of the reported value), numerical ranges (low to high), or any other means considered appropriate by the laboratory.

11.2.4.3. Sample results less than the laboratory's MDL shall be reported as "Not Detected," or ND.

11.2.4.4. Dischargers are to instruct laboratories to establish calibration standards so that the ML value (or its equivalent if there is differential treatment of samples relative to calibration standards) is the lowest calibration standard. At no time is the Discharger to use analytical data derived from extrapolation beyond the lowest point of the calibration curve.

11.2.5. **Compliance Determination.** Compliance with effluent limitations for priority pollutants shall be determined using sample reporting protocols defined above and Attachment A. For purposes of reporting and administrative enforcement by the Central Coast Water Board and State Water Board, the Discharger shall be deemed out of compliance with effluent limitations if effluent was being discharged to Pajaro River and the concentration of the priority pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the RL.

11.2.6. **Multiple Sample Data.** When determining compliance with an AMEL, AWEL, or MDEL for priority pollutants and more than one sample result is available, the Discharger shall compute the arithmetic mean unless the data set contains one or more reported determinations of “Detected, but Not Quantified” (DNQ) or “Not Detected” (ND). In those cases, the Discharger shall compute the median in place of the arithmetic mean in accordance with the below procedure. Any sample result(s) from sample(s) collected when no discharge to the Pajaro River was occurring shall not be used in computing the arithmetic mean for effluent limit compliance determination.

11.2.6.1. The data set shall be ranked from low to high, ranking the reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.

11.2.6.2. The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both of the points are ND or DNQ, in which case the median value shall be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ.

11.2.7. The Discharger shall submit SMRs in accordance with the following requirements:

11.2.7.1. The Discharger shall arrange all reported data in a tabular format. The data shall be summarized to clearly illustrate whether the Facility is operating in compliance with interim and/or final effluent limitations. The Discharger is not required to duplicate the submittal of data that is entered in a tabular format within CIWQS. When electronic submittal of data is required and CIWQS does not provide for entry into a tabular format within the system, the Discharger shall electronically submit the data in a tabular format as an attachment.

11.2.7.2. The Discharger shall attach a cover letter to the SMR. The information contained in the cover letter shall clearly identify violations of the waste discharge requirements; discuss corrective actions taken or planned; and the proposed time schedule for corrective actions. Identified violations must include a description of the requirement that was violated and a description of the violation.

11.2.7.3. The Discharger shall electronically self-report all violations of the waste-discharge requirements using the CIWQS self-reported violations function.

11.3. Discharge Monitoring Reports (DMRs)

11.3.1. DMRs are U.S. EPA reporting requirements. The Discharger shall electronically certify and submit DMRs together with SMRs using Electronic Self-Monitoring Reports module eSMR 2.5 or any upgraded version. Electronic DMR submittal shall be in addition to electronic SMR submittal. Information about electronic DMR submittal is available at the DMR website at: (http://www.waterboards.ca.gov/water_issues/programs/discharge_monitoring).

11.4. Other Reports

11.4.1. The Discharger shall report the results of any special studies including, toxicity reduction requirements in section 6.3.2.1 of the Order or PMP required in section 6.3.3.1 of the Order. The Discharger shall submit reports with the first monthly SMR scheduled to be submitted on or immediately following the report due date.

ATTACHMENT F – FACT SHEET
Table of Contents

TABLE OF TABLES

ATTACHMENT F – FACT SHEET

As described in section 2.2 of this Order, the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) incorporates this Fact Sheet as findings of the Central Coast Water Board supporting the issuance of this Order. This Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order.

This Order has been prepared under a standardized format to accommodate a broad range of discharge requirements for dischargers in California. Only those sections or subsections of this Order that are specifically identified as "not applicable" have been determined to not apply to this Discharger. Sections or subsections of this Order not specifically identified as "not applicable" are applicable to this Discharger.

1. PERMIT INFORMATION

The following table summarizes administrative information related to the Facility.

Table F-1. Facility Information

WDID	3 430100001
Discharger	South County Regional Wastewater Authority
Name of Facility	South County Regional Wastewater Treatment and Reclamation Facility
Facility Address	1500 Southside Drive, Gilroy, CA 95020, Santa Clara County
Facility Contact, Title and Phone	Bret Swain, Senior Engineer; (408) 846-8842
Authorized Person to Sign and Submit Reports	Bret Swain, Senior Engineer; (408) 846-8842
Mailing Address	1500 Southside Drive, Gilroy, CA 95020
Billing Address	1500 Southside Drive, Gilroy, CA 95020
Type of Facility	Publicly Owned Treatment Works (POTW)
Major or Minor Facility	Major
Threat to Water Quality	2
Complexity	A
Pretreatment Program	Yes

Recycling Requirements	Production and onsite use: Order R3-2020-0020, *General Waste Discharge Requirements for Discharges from Domestic Wastewater Systems with Flows Greater than 100,000 Gallons Per Day* Distribution and offsite use: Order WQ 2016-0068-DDW, *Water Reclamation Requirements for Recycled Water Use*
Facility Permitted Flow	9.0 million gallons per day (MGD) wet weather discharge to the Pajaro River (tertiary treatment capacity)
Facility Design Flow	8.5 MGD (average dry weather secondary treatment capacity) 11 MGD once Facility upgrade is complete and Discharger has provided notification to the Executive Officer (average dry weather secondary treatment capacity) 9.0 MGD (tertiary treatment capacity)
Watershed	Pajaro River Watershed
Receiving Water	Pajaro River
Receiving Water Type	Inland surface water

1.1. The South County Regional Wastewater Authority (hereinafter Discharger) is the owner and operator of the South County Regional Wastewater Treatment and Reclamation Facility (hereinafter Facility), a publicly owned treatment works (POTW).

For the purposes of this Order, references to the "discharger" or "permittee" in applicable federal and state laws, regulations, plans, or policy are held to be equivalent to references to the Discharger herein.

1.2. The Discharger is regulated pursuant to National Pollutant Discharge Elimination System (NPDES) permit CA0049964. It was previously regulated by Order R3-2017-0028, which was adopted on September 1, 2017, became effective on December 1, 2017, and expired on November 30, 2022. Regulations at 40 CFR section 122.46 limit the duration of NPDES permits to a fixed term not to exceed five years. However, pursuant to California Code of Regulations, title 23, section 2235.4 and 40 CFR section 122.6 subd. (d), the terms and conditions of an expired permit are automatically continued pending reissuance of the permit if the Discharger complies with all federal NPDES requirements for continuation of expired permits. The Discharger filed a Report of Waste Discharge (ROWD) and submitted an application for reissuance of its waste discharge requirements (WDRs) and NPDES permit on March 24, 2022. The ROWD was deemed complete and the terms and conditions of the 2017 NPDES Permit were administratively extended and remained in effect until the adoption of this Order. Recent site visits Water Board staff conducted to the facility were on March 5, 2025 and September 10, 2025.

1.3. The Facility discharges secondary treated wastewater to 37 percolation ponds (the discharge to the percolation ponds is covered under Order R3-2020-0020)

and disinfected tertiary treated wastewater to the Pajaro River, a water of the United States, under emergency wet weather conditions.

1.4. When applicable, state law requires dischargers to file a petition with the State Water Resources Control Board (State Water Board), Division of Water Rights and receive approval for any change in the point of discharge, place of use, or purpose of use of treated wastewater that decreases the flow in any portion of a watercourse. The State Water Board retains separate jurisdictional authority to enforce any applicable requirements under California Water Code section 1211. This is not an NPDES permit requirement.

1.5. On May 29, 1998, Central Coast Water Board adopted Master Water Reclamation Requirements Order 98-052, which regulated the Discharger's production, distribution, and use of recycled water. Previously in Order R3-2017-0028, the Central Coast Water Board included specifications related to recycled water production and distribution. Since the recycled water distribution and offsite use is now covered under State Water Board Order 2016-0068-DDW and the production and onsite use of recycled water is covered under Central Coast Water Board Order R3-2020-0020, this NPDES Order no longer contains requirements related to recycled water production and distribution.

2. FACILITY DESCRIPTION

2.1. Description of Wastewater and Biosolids Treatment and Controls

The Facility provides municipal wastewater treatment and disposal for the cities of Gilroy and Morgan Hill. The Facility consists of an influent pump station (with two overflow retention basins), as well as a secondary treatment plant with a headworks (influent screening and aerated grit), pre-anoxic basins, oxidation ditches, post-anoxic basins, reaeration basin, and secondary clarifiers along with a tertiary treatment plant with anthracite media filters, UV or chlorine disinfection, and dechlorination. An ultraviolet (UV) light disinfection system has been installed and approved for use by the Division of Drinking Water. A membrane bioreactor (MBR) with additional headworks is being constructed for parallel operation with the existing oxidation ditches and clarifiers and will be permitted to operate after completion and startup testing. Before the addition of the MBR, the secondary treatment facilities are rated to treat an average dry weather flow of 8.5 MGD. With the addition of the membrane bioreactor, secondary treatment facilities are rated to treat an average dry weather flow of 11 MGD, and the tertiary treatment facilities have a capacity of 9.0 MGD.

This Order regulates the discharge of tertiary treated wastewater to the Pajaro River, during specific wet weather conditions. The Discharger primarily discharges secondary treated wastewater to a system of 37 percolation ponds adjacent to Llagas Creek, with a combined area of 395 acres. The Discharger also produces disinfected tertiary recycled water. Secondary treated effluent is regulated under Order R3-2020-0020, *General Waste Discharge Requirements for Discharges from Domestic Wastewater Systems with Flows Greater than 100,000 Gallons Per*

Day. Order R3-2020-0020 allows the production of disinfected tertiary recycled wastewater in compliance with applicable state and local requirements regarding the production of reclaimed wastewater, including those requirements established by the State Water Resources Control Board (State Water Board) Division of Drinking Water (DDW) in title 22, sections 60301-60357 of the California Code of Regulations, Water Recycling Criteria. Additionally, Order R3-2020-0020 includes water reclamation requirements for the Facility pursuant to DDW's recommendations submitted to the Central Coast Water Board. The distribution and offsite reuse of recycled water produced by the Facility is subject to the State Water Board's Order WQ 2016-0068-DDW, *Water Reclamation Requirements for Recycled Water Use*. If the use of recycled water changes, it may be covered under a different applicable permit.

The 37 percolation ponds have an estimated average disposal capacity of 11 MGD. The pond system is typically run in irrigation mode, where the goals are to minimize water in storage and to maximize percolative and evaporative area. Effluent is typically applied so that the water infiltrates within 12 days of application and soil then rests for at least 2 days before reapplication. Effluent is typically applied to each pond in a layer between 6 to 12 inches deep, with a maximum depth of 18 inches. Ponds must be disked or plowed annually during the dry season to break up accumulated soils and keep the soils aerated. Pond storage capacity is approximately 320 million gallons.

Tertiary treated recycled water from the Facility is distributed for beneficial reuse. Demand for reclaimed water averages between 2 and 3 MGD, with higher usage in the summer months. Discharge of tertiary treated wastewater to the Pajaro River occurs only during the months of November through April, on an as needed basis, to facilitate the proper maintenance and safe operation of the percolation ponds.

Biosolids are dewatered using belt presses. Dewatered biosolids are transported by Synagro for beneficial reuse in Dos Palos. Grit and screenings are disposed of at the Kirby Canyon landfill in Morgan Hill.

2.2. Discharge Points and Receiving Waters

Tertiary treated effluent may be discharged under emergency wet weather conditions to the Pajaro River, a water of the U.S., via Discharge Point 002 (36° 57 00" N; 121° 30' 43" W).

2.3. Summary of Existing Requirements and Self-Monitoring Report Data

The previous order, R3-2017-0028, provided regulatory coverage for the discharge of tertiary treated effluent to the Pajaro River from Discharge Point 002. No discharges to the Pajaro River (EFF-002) occurred over the previous permit term and no effluent monitoring from Discharge Point 002 was triggered. Table F-2 contains the historic effluent limitations for discharge from Discharge Point 002.

Table F-2. Historic Effluent Limitations for Discharge Point 002

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily
Flow	MGD	---	---	9.0
Biochemical Oxygen Demand 5-day @ 20°C (BOD5)	mg/L	10	---	20
Total Suspended Solids (TSS)	mg/L	10	---	20
Nitrate (as N)	mg/L	5	---	10
Un-ionized Ammonia (as N)	mg/L	0.025	---	0.050
pH	standard units	7.0 – 8.3 at all times		
Total Dissolved Solids (TDS)	mg/L	1,000	---	---
Sodium	mg/L	200	---	---
Chloride	mg/L	250	---	---
Sulfate	mg/L	250	---	---
Boron	mg/L	1.0	---	---
Chlorine, Total Residual	mg/L	---	---	[1]
Copper, Total Recoverable	µg/L	20	---	42
Lead, Total Recoverable	µg/L	2.1	---	4.2
Chlorodibromomethane	µg/L	0.40	---	0.80
Dichlorobromomethane	µg/L	0.45	---	0.90
Trihalomethanes, Total	µg/L	80	---	160

[1] Chlorine concentrations shall at no time exceed detection levels as determined by amperometric titration or another equally sensitive method.

2.4. Compliance Summary

2.4.1**. Effluent Compliance Summary.** No discharges to the Pajaro River (EFF-002) occurred over the previous permit term and no effluent or Pajaro River receiving water exceedances have been identified. The previous permit regulated discharges to land as well and there were violations, however, all discharges to land are addressed in R3-2020-0020. The five chloride violations from December 1, 2017 to June 1, 2025, with a maximum concentration of 205 mg/L, are not relevant to discharges to surface water as they occurred under a secondary-treated wastewater discharge land application limit of 200 mg/L. The concentrations were well below the applicable 250 mg/L limit for the tertiary treated wastewater discharge to EFF-002 and therefore is not predictive of noncompliance for the tertiary effluent.

2.4.2. **Pretreatment Compliance Summary**. On August 4, 2020, and December 16, 2021, the Central Coast Water Board, PG Environmental (a U.S. EPA contractor), and State Water Resources Control Board conducted a pretreatment compliance audit of the Discharger's pretreatment program. At the time of the audit, the Discharger was in the process of updating its sewer use ordinance, local limits, and enforcement response plan (ERP). The Discharger provided updated sewer use ordinance, local limits, and enforcement response plan documents in April 2021 to the Central Coast Water Board for review and approval. Review of the updated sewer use ordinance and ERP were incorporated in this pretreatment compliance audit.

The 2020 pretreatment compliance audit and review of the sewer use ordinance and enforcement response plan revealed deficiencies with the Discharger's pretreatment program, including, but not limited to, uncertainty associated with sample locations and application of limits for industrial users, slug discharge notification, compliance of self-monitoring requirements with 40 C.F.R. 403.12(g)(3) and 40 C.F.R. 403.12(g)(3), records retention, and review of the joint powers authority (JPA) agreement. On March 14, 2022, the State Water Resources Control Board transmitted the 2020 pretreatment compliance audit report to the Discharger with a requirement to respond to the required and recommended actions by May 16, 2022. The audit report detailed required and recommended actions to assist in improving the Discharger's pretreatment program. The 2020 pretreatment compliance audit can be obtained by contacting Central Coast Water Board staff at centralcoast@waterboards.ca.gov.

On October 16, 2023, Central Coast Regional Water Quality Control Board and State Water Resources Control Board staff met with the Discharger and its consultant Larry Walker and Associates to discuss outstanding items related to the 2020 pretreatment compliance audit. On November 18, 2023, the Discharger submitted updated pretreatment program documents. The State Water Resources Control Board approved the submittal on December 12, 2023. The Discharger adopted the updated sewer use ordinance on April 3, 2024.

2.5. Planned Changes

The Discharger has not indicated that any additional changes to the Facility, beyond the addition of the newly constructed membrane bioreactor previously described, are anticipated during the term of the Order.

3. APPLICABLE PLANS, POLICIES, AND REGULATIONS

The requirements contained in this Order are based on the requirements and authorities described in this section.

3.1. Legal Authorities

This Order serves as WDRs pursuant to article 4, chapter 4, division 7 of the California Water Code (commencing with section 13260). This Order is also issued pursuant to section 402 of the federal Clean Water Act (CWA), implementing regulations promulgated by the U.S. Environmental Protection Agency (U.S. EPA), and chapter 5.5, division 7 of the California Water Code (commencing with section 13370). It shall serve as an NPDES permit authorizing the Discharger to discharge into waters of the United States at the discharge location described in Table 1 subject to the WDRs in this Order.

3.2. California Environmental Quality Act (CEQA)

Under California Water Code section 13389, this action to adopt an NPDES permit for the discharge of waste to surface waters is exempt from the California Environmental Quality Act (CEQA) provisions in Public Resources Code, division 13, chapter 3.

3.3. State and Federal Laws, Regulations, Policies, and Plans

3.3.1. **Water Quality Control Plan.** The Central Coast Water Board adopted its *Water Quality Control Plan for the Central Coastal Basin* (Basin Plan), which designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Requirements in this Order implement the Basin Plan. In addition, the Basin Plan implements State Water Board Resolution 88-63, which established state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. Beneficial uses established by the Basin Plan for the Pajaro River are presented below:

Table F-3. Basin Plan Beneficial Uses

Discharge Point	Receiving Water Name	Beneficial Use(s)
002	Pajaro River	Municipal and Domestic Supply (MUN) Agricultural Supply (AGR) Industrial Process Supply (PRO) Groundwater Recharge (GWR) Water Contact (REC-1) Non-Contact Recreation (REC-2) Wildlife Habitat (WILD) Cold Freshwater Habitat (COLD) Warm Freshwater Habitat (WARM) Migration of Aquatic Organisms (MIGR) Fish Spawning (SPWN) Freshwater Replenishment (FRSH)

Discharge Point	Receiving Water Name	Beneficial Use(s)
		Commercial and Sport Fishing (COMM)

3.3.2. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** U.S. EPA adopted the NTR on December 22, 1992, and later amended it on May 4, 1995, and November 9, 1999. About forty criteria in the NTR applied in California. On May 18, 2000, U.S. EPA adopted the CTR. The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was amended on February 13, 2001. These rules contain federal water quality criteria for priority pollutants.

3.3.3. **State Implementation Policy.** On March 2, 2000, the State Water Board adopted its *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP became effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the U.S. EPA through the NTR and to the priority pollutant objectives established by the Central Coast Water Board in the Basin Plan. The SIP became effective on May 18, 2000, with respect to the priority pollutant criteria promulgated by the U.S. EPA through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005, that became effective on July 13, 2005. The SIP establishes implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control. Requirements of this Order implement the SIP.

3.3.4. **Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California (ISWEBE Plan)**. The ISWEBE Plan includes several parts and sections that have been adopted by the State Water Board over time. The applicable parts and sections are discussed below.

On May 2, 2017, the State Water Board adopted ISWEBE Plan Part 2: *Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions* (Mercury Provisions). With ISWEBE Plan Part 2's approval, the State Water Board approved one new narrative and four new numeric mercury water quality objectives that apply to inland surface waters, enclosed bays, and estuaries of the state that have any of the following beneficial use designations: COMM, CUL, T-SUB, WILD, MAR, RARE, WARM, COLD, EST, or SAL. The provisions of ISWEBE Plan Part 2 are to be implemented through NPDES permits and WDRs, among other actions the Regional Water Boards may take. Further discussion on the most stringent water quality objective is discussed in section 4.3.6.11. of this Fact Sheet.

On August 7, 2018, the State Water Board adopted ISWEBE Plan Part 3: *Bacteria Provisions and a Water Quality Standards Variance Policy* (Bacteria Provisions), which establishes water quality objectives for reasonable protection of people that recreate within all surface waters, enclosed bays, and estuaries of the state that have the water contact recreation beneficial use (REC-1). The provisions of

ISWEBE Plan Part 3 are to be implemented through NPDES permits and WDRs, among other actions the Regional Water Boards may take. See section 4.3.6.1. of this Fact Sheet for more information. Since this Order retains effluent limitations and discharge requirements equivalent to the DDW Title 22 disinfected tertiary reclamation criteria that are more stringent than the Statewide Bacteria Objectives, the Statewide Bacteria Objectives have not been implemented in this Order.

On December 1, 2020, the State Water Board adopted State Policy for Water Quality Control: Toxicity Provisions (Toxicity Provisions) which established statewide numeric water quality objectives for both acute and chronic toxicity, using the TST, and a program of implementation to control toxicity. On October 5, 2021, the State Water Board adopted a resolution confirming that the Toxicity Provisions were adopted as a State Policy for Water Quality Control, for all inland surface waters, enclosed bays, estuaries, and coastal lagoons of the state, regardless of their status as waters of the United States. The Toxicity Provisions establish a uniform regulatory approach to provide consistent protection of aquatic life beneficial uses and protect aquatic habitats and life from the effects of known and unknown toxicants. The Toxicity Provisions were approved by OAL on April 25, 2022, and by U.S.EPA on May 1, 2023.

On December 14, 2023, the State Water Board applied for U.S. EPA Region IX review and approval of a limited-use alternative test procedure (ATP), for the use of one-effluent concentration when conducting whole effluent toxicity (WET) testing, pursuant to 40 Code of Federal Regulations section 136.5 (Aug. 28, 2017). The application is specific to acute or chronic WET tests in Table 1 of the application when using the Test of Significant Toxicity (TST) statistical approach (U.S. EPA, 2010) for analyzing the data. The application is being sought for all dischargers or facilities in the State of California and their associated laboratories. The ATP application is still pending with U.S. EPA.

The use of the TST have been the subject of litigation. In December 2024, the Second District Court of Appeal upheld the use of the TST in an NPDES permit in the case Camarillo Sanitary District v. California Regional Water Quality Control Board - Los Angeles Region.

A separate legal challenge to the State Water Board's adoption of the Toxicity Provisions originated in Fresno County Superior Court on July 18, 2022, through a petition for writ of mandate filed by Camarillo Sanitary District, City of Simi Valley, City of Thousand Oaks, Central Valley Clean Water Association, and Clean Water SoCal (formerly known as Southern California Alliance of Publicly Owned Treatment Works) (Petitioners) . One of the claims was that the Toxicity Provisions was inconsistent with the Clean Water Act. On October 9, 2023, the superior court denied the petition in its entirety.

On December 19, 2023, three of the Petitioners filed a notice of appeal of the Fresno Superior Court's decision upholding the Toxicity Provisions. On August 5, 2025, the Fifth District Court of Appeal issued a published opinion holding that the TST statistical approach, which is an integral component of the Toxicity

Provisions, cannot be utilized in NPDES permitting to evaluate WET data because the TST is not an approved method under 40 Code of Federal Regulations Part 136. The Court of Appeal did not, however, disturb the Toxicity Provisions' use of the TST as a part of its water quality objectives. The State Water Board prevailed on all other claims in the litigation. The Court of Appeal's decision became final on September 4, 2025.

On September 15, 2025, the State Water Board filed a petition for review of the Fifth Circuit Court of Appeal's decision with the California Supreme Court. On November 12, 2025, the California Supreme Court granted review. The issues to be briefed and argued are limited to the issues raised in the State Water Board's petition for review.

Pending the California Supreme Court's review, the opinion of the Fifth Circuit Court of Appeal is not binding on the Water Boards. However, the opinion may be cited, not only for its persuasive value, but also for the limited purpose of establishing the existence of a conflict in authority.

In accordance with Water Code sections 13146 and 13247, the Regional Board must fully implement the water quality objectives and their implementation procedures in the Toxicity Provisions. The numeric water quality objectives for chronic and acute toxicity established by the Toxicity Provisions, which are based on the TST, were approved by U.S. EPA and remain in effect. As such, the numeric water quality objectives continue to serve as the applicable federal water quality standards in California.

The Water Boards must also continue to comply with federal Clean Water Act NPDES regulations for determining reasonable potential and establishing applicable water quality-based effluent limitations (WQBELs). NPDES regulations (40 CFR § 122.44(d)(1)(vii)(A)) require that all WQBELs be derived from and comply with all applicable water quality standards. Moreover, although the Toxicity Provisions left in place narrative water quality objectives for aquatic toxicity in regional water board water quality control plans (basin plans), the Toxicity Provisions did supersede basin plan provisions and portions of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP) for implementing narrative water quality objectives. As such, there are currently no basin plan or SIP procedures in effect for implementing narrative water quality objectives to determine reasonable potential as required by 40 CFR § 122.44(d)(1)(ii). As a result, the Regional Board must fully implement all of the Toxicity Provisions.

This Order implements the Mercury and Toxicity Provisions.

3.3.5. **Human Right to Water.** In compliance with California Water Code section 106.3, it is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes the intent of that policy by requiring discharges to meet water quality objectives established in the Basin Plan

that are based on drinking water maximum contaminant levels and designed to protect human health and ensure that water is safe for domestic use.

3.3.6. **Antidegradation Policy.** Federal regulation 40 C.F.R. section 131.12 requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California*. Resolution 68-16 is deemed to incorporate the federal antidegradation policy where the federal policy applies under federal law. Resolution 68-16 requires that existing water quality be maintained unless degradation is justified by specific findings. The Central Coast Water Board's Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies. The permitted discharge must be consistent with the antidegradation provision of 40 C.F.R. section 131.12 and State Water Board Resolution 68-16.

3.3.7. **Anti-Backsliding Requirements.** Sections 402(o) and 303(d)(4) of the CWA and federal regulations at 40 C.F.R. section 122.44(l) restrict backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed.

3.3.8. **Endangered Species Act Requirements.** This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C. sections 1531 to 1544). This Order requires compliance with effluent limits and other requirements to protect the beneficial uses of waters of the state. The Discharger is responsible for meeting all applicable requirements of the endangered species acts.

3.3.9. **Sewage Sludge and Biosolids.** This Order does not authorize any act that results in violation of requirements administered by U.S. EPA to implement 40 C.F.R. part 503, Standards for the Use or Disposal of Sewage Sludge. These standards regulate the final use or disposal of sewage sludge that is generated during the treatment of domestic sewage in a municipal wastewater treatment facility. The Discharger is responsible for meeting all applicable requirements of 40 C.F.R. part 503 that are under U.S. EPA's enforcement authority.

3.4. Impaired Waterbodies on the CWA Section 303(d) List

CWA section 303(d) requires states to identify and make a list of specific water bodies where water quality standards are not expected to be met after implementation of technology-based effluent limitations on point sources. For all CWA section 303(d) listed water bodies and pollutants, the Central Coast Water Board must develop and implement total maximum daily loads (TMDLs) that specify waste load allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources.

The *2024 Integrated Report for Clean Water Act 303(d) List and 305(b) Report* was partially approved by USEPA on December 13, 2024, and is the most recent integrated report. The 2024 303(d) list identifies the Pajaro River as impaired for boron, chlordane, chloride, chlorpyrifos, chromium, DDD, DDT, dieldrin, *Escherichia coli*, imidacloprid, manganese, nickel, nitrate, oxyfluorfen, dissolved oxygen, PCBs, pH, sedimentation/siltation, selenium, sodium, toxicity, and turbidity. TMDLs have been developed for fecal coliform, nutrients, chlorpyrifos and diazinon, and sediment.

3.4.1. **Sediment TMDL**. On December 2, 2005, the Regional Water Board adopted Resolution No. R3-2005-0132, amending the Basin Plan to implement a TMDL for sediment in the Pajaro River Watershed, including the Pajaro River. The TMDL was approved by USEPA on May 3, 2007. The TMDL is fully approved and effective. The TMDL finds that discharges of chlorpyrifos and diazinon from irrigated agriculture caused exceedances of the water quality objectives for toxicity and pesticides and assigns responsible parties load allocations for sediment. See section 4.3.6.8. of this Fact Sheet for a discussion on the NPDES non-stormwater discharge requirements as the Discharger is not expected to contribute to the impairment of the Pajaro River.

3.4.2. **Fecal Coliform TMDL**. On March 20, 2009, the Central Coast Water Board adopted Resolution R3-2009-0008, amending the Basin Plan to implement a TMDL for fecal coliform in the Pajaro River watershed, including the Pajaro River. The TMDL was approved by the State Water Board on April 20, 2010, the Office of Administrative Law on July 12, 2010, and by U.S. EPA on August 3, 2010. The TMDL is fully approved and effective. This Order implements the requirements of this Fecal Coliform TMDL. See section 4.3.6.2. of this Fact Sheet for more information.

3.4.3. **Chlorpyrifos and Diazinon TMDL.** On July 11, 2013, the Central Coast Water Board adopted Resolution R3-2013-0011, amending the Basin Plan to implement a TMDL for chlorpyrifos and diazinon in the Pajaro River watershed, including the Pajaro River. The TMDL was approved by U.S. EPA on November 12, 2013, and is now in effect. This Order implements the requirements of the Chlorpyrifos and Diazinon TMDL. See section 4.3.6.6. of this Fact Sheet for more information.

3.4.4. **Nutrient TMDL.** On July 30, 2015, the Central Coast Water Board adopted Resolution R3-2015-0004, amending the Basin Plan to implement a nutrient TMDL for nitrate, un-ionized ammonia, and orthophosphate in the Pajaro River watershed, including the Pajaro River. The TMDL was approved by U.S. EPA on October 6, 2016. The TMDL is fully approved and effective. Nutrient TMDL in 2015 superseded the Pajaro River Nitrate TMDL from 2005. This Order implements the requirements of this Nutrient TMDL. See section 4.3.6.4. of this Fact Sheet for more information.

3.5. Other Plans, Polices and Regulations

3.5.1. **State Water Board Order 2014-0057-DWQ, as amended by Order WQ 2015-0122 DWQ & Order WQ 2018-0028 DWQ, NPDES CAS000001, *Waste Discharge Requirements for Stormwater Associated with Industrial Activities Excluding Construction Activities* (Industrial Stormwater General Permit)**. The Industrial Stormwater General Permit, adopted April 1, 2014, effective July 1, 2015, and amended August 4, 2015, and November 6, 2018, is applicable to POTWs with a design capacity greater than 1.0 MGD. The purpose of the Industrial Stormwater General Permit is to regulate stormwater discharges associated with industrial activities.

3.5.2. **State Water Board Order WQ 2022-0103-DWQ, *Statewide Waste Discharge Requirements, General Order for Sanitary Sewer Systems***. Order WQ 2022-0103-DWQ, which became effective on June 5, 2023, is applicable to all "federal and state agencies, municipalities, counties, districts, and other public entities that own or operate sanitary sewer systems greater than one mile in length that collect or convey untreated or partially treated wastewater to a publicly owned treatment facility in the State of California." The purpose of Order WQ 2022-0103-DWQ is to promote the proper and efficient management, operation, and maintenance of sanitary sewer systems and to minimize the occurrences and impacts of sanitary sewer overflows. The cities of Gilroy and Morgan Hill own and operate sanitary sewer collection systems tributary to the South County Regional Wastewater Treatment Facility and are enrolled in Order WQ 2022-0103-DWQ.

3.5.3. **Environmental Justice and Advancing Racial Equity.** When issuing or reissuing individual waste discharge requirements or waivers of waste discharge requirements that regulate an activity or a facility that may impact a disadvantaged or tribal community and that includes a time schedule in accordance with subdivision (c) of Water Code section 13263 for achieving an applicable water quality objective, an alternative compliance path that allows time to come into compliance with water quality objectives, or a water quality variance, the Central Coast Water Board shall make a finding on potential environmental justice, tribal impact, and racial equity considerations. (Water Code § 13149.2, effective Jan. 1, 2023). Water Code section 189.7 requires the Central Coast Water Board to conduct outreach to disadvantaged and/or tribal communities when adopting individual waste discharge requirements. In accordance with the Water Boards' efforts to advance racial equity, the Central Coast Water Board is also committed to developing and implementing policies and programs to advance racial equity and environmental justice so that race can no longer be used to predict life outcomes and outcomes for all groups are improved.

Upon review of readily available information, the Central Coast Water Board finds that this Order regulates a discharge that does not disproportionately impact the water quality of an economically disadvantaged community or a tribal community. Similarly, this Order does not include a time schedule, alternative compliance path, or variance. Therefore, Water Code section 13149.2 does not apply to this permit reissuance. Nevertheless, the Central Coast Water Board has conducted

outreach consistent with Water Code section 189.7 by reaching out to surrounding communities and tribal communities about this Order. Additionally, the Board has considered any environmental justice concerns within the Board's authority, in accordance with the Water Boards' efforts to advance racial equity. The Order requires the Discharger to meet water quality standards to protect public health and the environment, thereby benefiting all persons and communities within the Region.

4. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

The CWA requires point source dischargers to control the amount of conventional, non-conventional, and toxic pollutants that are discharged into waters of the United States. The control of pollutants discharged is established through effluent limitations and other requirements in NPDES permits. There are two principal bases for effluent limitations in the Code of Federal Regulations: 40 C.F.R. section 122.44(a) requires that permits include applicable technology-based limitations and standards and 40 C.F.R. section 122.44(d) requires that permits include water quality-based effluent limitations to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of receiving waters. When numeric water quality objectives have not been established, but a discharge has the reasonable potential to cause or contribute to exceedances of water quality standards described at 40 C.F.R. section 122.44 (d), then 1) water quality-based effluent limitations (WQBELS) may be established using a calculated water quality criterion derived from a proposed state criterion or an explicit State policy or regulation interpreting its narrative criterion, 2) WQBELs may be established on a case-by-case basis using U.S. EPA criteria guidance published under CWA Section 304 (a), or 3) WQBELs may be established using an indicator parameter for the pollutant of concern.

Several specific factors affecting the development of limitations and requirements in this Order are discussed below.

4.1. Discharge Prohibitions

4.1.1. **Discharge Prohibition 3.1. (No discharge at a location or in a manner except as described by the Order).** This Order authorizes a single, specific point of discharge to surface waters, and the limitations and conditions established by the Order are based on specific information provided by the Discharger and gained by the Central Coast Water Board through site visits, review of monitoring reports, and other information. Discharges to surface waters at locations not contemplated by this Order or discharges of a character not contemplated by this Order are therefore viewed as inconsistent with CWA section 402's prohibition against discharges of pollutants except in compliance with the CWA's permit requirements, effluent limitations, and other enumerated provisions. This prohibition is retained from the previous permit.

4.1.2. **Discharge Prohibition 3.2. (The discharge of any waste not specifically regulated by this Order is prohibited).** Because limitations and conditions of the Order are based on specific information provided by the Discharger and specific

wastes described by the Discharger, the limitations and conditions of the Order do not adequately address waste streams not contemplated during drafting of the Order. To prevent the discharge of such waste streams that may be inadequately regulated, the Order prohibits the discharge of any waste to waters of the State that was not described to the Central Coast Water Board during the process of permit reissuance, unless such discharge is authorized by another order issued by the Central Coast Water Board or the State Water Board. This prohibition has been retained from the previous Order.

4.1.3. **Discharge Prohibition 3.3. (The overflow, bypass, or overspray of wastewater from the Discharger's facilities and the subsequent discharge of untreated or partially treated wastewater, except as provided for in Attachment D, Standard Provision 1.7. (Bypass), is prohibited).** The discharge of untreated or partially treated wastewater from the Discharger's collection, treatment, or disposal facilities represents an unauthorized bypass pursuant to 40 C.F.R. section 122.41(m) or an unauthorized discharge, which poses a threat to human health and/or aquatic life, and therefore, is explicitly prohibited by this Order. This prohibition has been retained from the previous Order.

4.1.4. **Discharge Prohibition 3.4 (Wet weather flows).** This prohibition is based on the design treatment capacity of the Facility and ensures the Facility is operated within capacity. The purpose of the prohibition is to ensure that effluent flows do not exceed the treatment plant's tertiary treatment processes design capacities, and thereby, to ensure efficient treatment of wastewater. Wet weather daily discharge of tertiary treated wastewater averaged monthly shall not exceed 9.0 MGD to the Pajaro River and shall occur only during the months of November through April, when flow in the Pajaro River is greater than 180 MGD, and when flow in the Pajaro River is below 6,004 MGD, as measured at the Chittenden gauging station.

4.1.5. **Discharge Prohibition 3.5 (Discharge of fecal coliform to the Pajaro River is prohibited).** This prohibition is retained from the previous permit and implements the TMDL for fecal coliform bacteria for the Pajaro River watershed, adopted by the Central Coast Water Board through Order R3-2009-0008.

4.1.6. **Discharge Prohibition 3.6. (The discharge of radioactive substances is prohibited).** This prohibition is added in this Order. This prohibition is consistent with the requirements of the Basin Plan to protect beneficial uses against radiological hazards.

4.1.7. **Discharge Prohibition 3.7. (The discharge of floating material, including solids, liquids, foams, and scum at Discharge Point 002 is prohibited).** This prohibition was added in this Order to ensure compliance with the Basin Plan's narrative objectives for floating materials.

4.1.8. **Discharge prohibitions removed.**

4.1.8.1. Removed prohibition “Creation of a condition of pollution, contamination, or nuisance, as define by Section 13050 of the CWC is prohibited.” This prohibition was removed following the U.S. Supreme Court decision *City and County of San Francisco, California v. Environmental Protection Agency* (2025) 145 S.Ct. 704. Further discussion of this Supreme Court decision and the removal of certain prohibitions and/or receiving water limitations is set forth in section 5.1 of the Fact Sheet.

4.1.8.2 Removed prohibition “The discharge of sludge, residues, or any other wastes into surface waters or into any area where they may enter surface water is prohibited. This prohibition was removed as it is duplicative of the Central Coast Standard Provision 8.1.4 which states, “Discharge of sludge, sludge digester or thickener supernatant, and sludge drying bed leachate to drainageways, surface waters, or the ocean is prohibited.”

4.2. Technology-Based Effluent Limitations

4.2.1. Scope and Authority

Section 301(b) of the CWA and implementing U.S. EPA permit regulations at 40 C.F.R. section 122.44 require that permits include conditions meeting applicable technology-based requirements at a minimum and any more stringent effluent limitations necessary to meet applicable water quality standards. When the U.S. EPA has not yet developed technology-based standards for a particular industry or a particular pollutant, CWA section 402(a)(1) and U.S. EPA regulations at 40 C.F.R. section 125.3 authorize the use of best professional judgment (BPJ) to derive technology-based effluent limitations on a case-by-case basis. When BPJ is used, the permit writer must consider specific factors outlined at 40 C.F.R. section 125.3.

The discharge authorized by this Order must meet minimum federal technology-based requirements based on secondary treatment standards at 40 C.F.R. part 133 as summarized below:

Table F-4. Secondary Treatment Requirements

Parameter	Units	Average Monthly	Average Weekly
BOD5 [1]	mg/L	30	45
TSS[1]	mg/L	30	45
pH [2]	standard units	6.0[3]	9.0[4]

[1] The 30-day average percent removal shall not be less than 85 percent.

[2] The secondary treatment standards require the pH of the effluent to be no lower than 6.0 and no greater than 9.0 standard units. However, this technology-based effluent limitation is not as stringent as the water quality-based effluent limitations (WQBELs) for pH as discussed in

section 4.3.6.4. of this Fact Sheet; therefore, this Order continues from the last order the more-stringent WQBELs for pH, and does not include a TBEL for pH.

[3] Instantaneous minimum value.

[4] Instantaneous maximum value.

4.2.2. **Applicable Technology-Based Effluent Limitations**

Pursuant to 40 C.F.R. §122.45(e) for noncontinuous discharges, effluent limitations in this Order are expressed as concentration-based limits. This Order added average weekly effluent limits expressed in terms of concentration. In addition, pursuant to the exceptions to mass limitations provided in 40 C.F.R. section 122.45(f)(1), some effluent limitations are not expressed in terms of mass, such as pH and temperature, as well as when the applicable standards are expressed in terms of concentration and mass limitations are not necessary to protect the beneficial uses of the receiving waters.

4.2.2.1. The following table summarizes technology-based effluent limitations established by this Order for discharges to the Pajaro River at Discharge Point 002.

Table F-5. Technology-Based Effluent Limitations – Discharge Point 002

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily
BOD5 [1]	mg/L	10	15	20
TSS [1]	mg/L	10	15	20

[1] The average monthly percent removal of BOD5 and TSS shall not be less than 85 percent.

4.2.2.1.1. **BOD5 and TSS.** All technology-based effluent limitations are retained from the previous permit and average weekly effluent limits added in this Order for BOD5 and TSS. Federal regulations at 40 C.F.R. part 133 establish the minimum weekly and monthly average level of effluent quality attainable by secondary treatment for BOD5 and TSS. Here, the effluent limitations for BOD5 and TSS in this Order are more stringent than the minimum required by the federal regulations. A daily maximum effluent limitation for BOD5 and TSS is included in the Order to ensure that the treatment works are not organically overloaded and operate in accordance with design capabilities. Tertiary treatment is necessary to protect the beneficial uses of the receiving stream, and the final effluent limitations for BOD5 and TSS are based on the technical capability of the tertiary processes. In addition, 40 C.F.R. section 133.102 describes the minimum level of effluent quality attainable by secondary treatment, states that the 30-day average percent removal shall not be less than 85 percent.

4.3. Water Quality-Based Effluent Limitations (WQBELs)

4.3.1. **Scope and Authority**

CWA section 301(b) and 40 C.F.R. section 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards.

Section 122.44(d)(1)(i) of 40 C.F.R. requires that permits include effluent limitations for all pollutants that are or may be discharged at levels that have the reasonable potential to cause or contribute to an exceedance of a water quality standard, including numeric and narrative objectives within a standard. Where reasonable potential has been established for a pollutant, but there is no numeric criterion or objective for the pollutant, WQBELs must be established using: (1) U.S. EPA criteria guidance under CWA section 304(a), supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting the state's narrative criterion, supplemented with other relevant information, as provided in section 122.44(d)(1)(vi).

The process for determining reasonable potential and calculating WQBELs when necessary is intended to protect the designated uses of the receiving water as specified in the Basin Plan and achieve applicable water quality objectives and criteria that are contained in other state plans and policies and any applicable water quality criteria contained in the CTR and NTR.

4.3.2. Applicable Beneficial Uses and Water Quality Criteria and Objectives

Beneficial uses described by the Basin Plan for the Pajaro River are presented in section 3.3.1 of this Fact Sheet. Water quality criteria applicable to this receiving water are established by the CTR, the NTR, Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California (ISWEBE), and by the Basin Plan.

4.3.3. Determining the Need for WQBELs

NPDES regulations at 40 C.F.R. section 122.44(d) require effluent limitations to control all pollutants that are or may be discharged at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard.

The SIP, statewide policy that became effective on May 22, 2000, establishes procedures to implement water quality criteria from the NTR and CTR and for priority toxic pollutant objectives established in the Basin Plan. The implementation procedures of the SIP include methods to determine reasonable potential (for pollutants to cause or contribute to excursions above state water quality standards) and to establish numeric effluent limitations, if necessary, for those pollutants that show reasonable potential.

Some freshwater water quality criteria for metals are hardness dependent; i.e., as hardness decreases, the toxicity of certain metals increases and the applicable water quality criteria become correspondingly more stringent. Central Coast Water Board staff used hardness data collected by the Central Coast Ambient Monitoring Program for the Pajaro River at Betabel Road, which is located

immediately downstream from Discharge Point No. 002. The average hardness for the Pajaro River at Betabel Road was 460.6 mg/L as $CaCO_3$ based on 13 samples from 2005-2017, with a minimum of 190 mg/L as $CaCO_3$; these values were used to determine hardness-base criteria.

To conduct the RPA, the Central Coast Water Board identified the maximum observed effluent (MEC) and background (B) concentrations for each priority toxic pollutant from receiving water and effluent data provided by the Discharger and compared this data to the most stringent applicable water quality criterion (C) for each pollutant from the NTR, CTR, Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California, and the Basin Plan. Section 1.3 of the SIP establishes three triggers for a finding of reasonable potential.

4.3.3.1. **Trigger 1.** If the MEC is greater than C, there is reasonable potential, and an effluent limitation is required.

4.3.3.2. **Trigger 2.** If B is greater than C, and the pollutant is detected in effluent (MEC > ND), there is reasonable potential, and an effluent limitation is required.

4.3.3.3. **Trigger 3.** After reviewing other available and relevant information, a permit writer may decide that a WQBEL is required. Such additional information may include, but is not limited to the facility type, the discharge type, solids loading analyses, lack of dilution, history of compliance problems, potential toxic impact of the discharge, fish tissue residue data, water quality and beneficial uses of the receiving water, CWA 303(d) listing for the pollutant, and the presence of endangered or threatened species or their critical habitat.

The Facility has not discharged over the term of the previous permit term, thus effluent data for Discharge Point 002 is not available to evaluate reasonable potential. However, section 1.3 of the SIP allows for the consideration of other information to evaluate reasonable potential. The Discharger provided water quality monitoring data for tertiary effluent, which was from Discharge Point 003, recycled water from February 2022. Because the wastewater discharged to Pajaro River via Discharge Point 002 will be composed completely of tertiary effluent, this data is expected to be representative of discharges to Discharge Point 002. In this case, an RPA was conducted using effluent monitoring data for each priority, toxic, or title 22 pollutant for which data was available from December 1, 2017, to June 1, 2025.

Pollutants for which reasonable potential has been demonstrated to cause or contribute to an exceedance of water quality objectives have effluent limitations established in this Order. Reasonable potential was determined for chloroform and total cyanide. Effluent limitations for these parameters have been established in this Order.

Effluent limitations for Discharge Point 002 have been retained from Order R3-2017-0028 for pollutants for which the reasonable potential analysis was inconclusive.

A summary of the RPA is provided in Table F-6.

Table F-6. Summary of RPA Results

CTR #	Parameter	Units	N[1]	MEC[2]	Most Stringent Criteria	Background	RPA Result[3]	Basis[4]
Priority Pollutants								
1	Antimony, Total Recoverable	µg/L	1	<0.800	6	-	No	Primary MCL
2	Arsenic, Total Recoverable	µg/L	2	1.7	10	-	No	Primary MCL
3	Beryllium	µg/L	1	<0.200	4	-	No	CA Prim. MCL
4	Cadmium, Total Recoverable	µg/L	1	<0.240	5	-	No	CA Prim. MCL
	Chromium (III)	µg/L	0	No Data	460	-	Ud	CTR
5a	Chromium (total)	µg/L	1	<2.000	50	-	No	CA. Prim MCL
5b	Chromium (VI)	µg/L	1	<0.300	10	-	No	CA. Prim MCL
6	Copper, Total Recoverable	µg/L	1	4.4	16	-	Ud	CTR - Chronic
7	Lead, Total Recoverable	µg/L	1	0.24	7.2	-	Ud	CTR - Chronic
8	Mercury, Total Recoverable	µg/L	2	<0.060	0.012	-	Ud	Mercury Provisions
9	Nickel, Total Recoverable	µg/L	1	19	100	-	No	CA Prim. MCL
10	Selenium, Total Recoverable	µg/L	1	<1.200	5	-	No	CTR - Chronic
11	Silver, Total Recoverable	µg/L	1	0.45	12	-	No	CTR - Acute
12	Thallium, Total Recoverable	µg/L	1	No Data	1.7	-	Ud	CTR

CTR #	Parameter	Units	N[1]	MEC[2]	Most Stringent Criteria	Background	RPA Result[3]	Basis[4]
13	Zinc, Total Recoverable	µg/L	1	55	200	-	No	BP
14	Cyanide, Total (as CN)	µg/L	1	10	5.2	-	Yes	CTR
15	Asbestos	Million Fibers /L	1	<2.600	7	-	No	CTR
16	2,3,7,8 TCDD (Dioxin)	µg/L	1	No Data	0.000000013	-	Ud	CTR
17	Acrolein	µg/L	1	<0.900	320	-	No	CTR
18	Acrylonitrile	µg/L	1	<0.400	0.059	-	Ud	CTR
19	Benzene	µg/L	3	<0.100	1.0	-	No	CA Prim. MCL
20	Bromoform	µg/L	1	<0.300	4.3	-	No	CTR
21	Carbon Tetrachloride	µg/L	3	<0.300	0.25	-	Ud	CTR
22	Chlorobenzene	µg/L	3	<0.200	70	-	No	CA Prim. MCL
23	Chlorodibromomethane (aka Dibromochloromethane)	µg/L	0	No Data	0.401	-	Ud	CTR
24	Chloroethane	µg/L	1	<0.400	No Criteria	-	Uc	No criteria
25	2-Chloroethylvinyl ether	µg/L	1	<0.700	No Criteria	-	Uc	No criteria
26	Chloroform	µg/L	2	68	60	-	Yes	NAWQC
27	Dichlorobromomethane	µg/L	0	No Data	0.56	-	Ud	CTR
28	1,1-Dichloroethane	µg/L	3	<0.200	5	-	No	CA Prim. MCL
29	1,2-Dichloroethane	µg/L	3	<0.100	0.38	-	No	CTR
	cis-1,2-Dichloroethene	µg/L	2	<0.100	6	-	No	CA Prim. MCL

CTR #	Parameter	Units	N[1]	MEC[2]	Most Stringent Criteria	Background	RPA Result[3]	Basis[4]
30	1,1-Dichloroethylene	µg/L	0	No Data	0.057	-	Ud	CTR
31	1,2-Dichloropropane	µg/L	3	<0.200	0.52	-	No	CTR
32	1,3-Dichloropropylene	µg/L	0	No Data	0.5	-	Ud	CA Prim. MCL
33	Ethylbenzene	µg/L	3	<0.200	300	-	No	CA Prim. MCL
34	Methyl Bromide (aka Bromomethane)	µg/L	1	<0.400	48	-	No	CTR
35	Methyl Chloride (aka chloromethane)	µg/L	1	<0.400	No Criteria	-	Uc	No criteria
36	Methylene Chloride	µg/L	3	<0.400	4.7	-	No	CTR
37	1,1,2,2-Tetrachloroethane	µg/L	3	<0.200	0.17	-	Ud	CTR
38	Tetrachloroethylene (aka Tetrachloroethene)	µg/L	3	<0.200	0.8	-	No	CTR
39	Toluene	µg/L	3	<0.300	150	-	No	CA Prim. MCL
40	1,2-Trans-Dichloroethylene	µg/L	3	<0.300	10	-	No	CA Prim. MCL
41	1,1,1-Trichloroethane	µg/L	3	<0.400	200	-	No	CA Prim. MCL
42	1,1,2-Trichloroethane	µg/L	3	<0.200	0.6	-	No	CTR
43	Trichloroethylene (aka Trichloroethene)	µg/L	3	<0.300	2.7	-	No	CTR
44	Vinyl Chloride	µg/L	3	<0.400	0.5	-	No	CA Prim. MCL
45	2-Chlorophenol	µg/L	1	<0.400	120	-	No	CTR
46	2,4-Dichlorophenol	µg/L	1	<0.700	93	-	No	CTR

CTR #	Parameter	Units	N[1]	MEC[2]	Most Stringent Criteria	Background	RPA Result[3]	Basis[4]
47	2,4-Dimethylphenol	µg/L	1	<1.000	540	-	No	CTR
48	4,6-dinitro-o-resol (aka 2-methyl-4,6-Dinitrophenol aka 4,6-Dinitro-2-methylphenol)	µg/L	1	<3.000	13.4	-	No	CTR
49	2,4-Dinitrophenol	µg/L	1	<5.000	70	-	No	CTR
50	2-Nitrophenol	µg/L	1	<3.000	No Criteria	-	Uc	No criteria
51	4-Nitrophenol	µg/L	1	<3.000	No Criteria	-	Uc	No criteria
52	3-Methyl-4-Chlorophenol (aka P-chloro-m-resol aka 4-Chloro-3-methylphenol)	µg/L	1	<1.000	No Criteria	-	Uc	No criteria
53	Pentachlorophenol	µg/L	2	<2.00	0.28	-	Ud	CTR
54	Phenol, Single Compound	µg/L	0	No Data	21000	-	Ud	BP
55	2,4,6-Trichlorophenol	µg/L	1	<0.700	2.1	-	No	CTR
56	Acenaphthene	µg/L	1	<0.200	1200	-	No	CTR
57	Acenaphthylene	µg/L	1	<2.00	No Criteria	-	Uc	No criteria
58	Anthracene	µg/L	1	<0.090	9600	-	No	CTR
59	Benzidine	µg/L	1	<3.000	0.00012	-	Ud	CTR
60	Benzo(a)Anthracene	µg/L	1	<0.200	0.0044	-	Ud	CTR
61	Benzo(a)Pyrene	µg/L	2	<0.020	0.0044	-	Ud	CTR
62	Benzo(b)Fluoranthene	µg/L	1	<0.200	0.0044	-	Ud	CTR
63	Benzo(ghi)Perylene	µg/L	1	<0.100	No Criteria	-	Uc	No criteria
64	Benzo(k)Fluoranthene	µg/L	1	<0.200	0.0044	-	Ud	CTR

CTR #	Parameter	Units	N[1]	MEC[2]	Most Stringent Criteria	Background	RPA Result[3]	Basis[4]
65	Bis(2-Chloroethoxy)Methane	µg/L	1	<0.900	No Criteria	-	Uc	No criteria
66	Bis(2-Chloroethyl)Ether	µg/L	1	<0.900	0.031	-	Ud	CTR
67	Bis(2-Chloroisopropyl)Ether	µg/L	1	<1.000	1400	-	No	CTR
68	Bis(2-Ethylhexyl) Phthalate (aka Di(2-ethylhexyl) Phthalate)	µg/L	2	<0.410	1.8	-	No	CTR
69	4-Bromophenyl Phenyl Ether	µg/L	1	<1.000	No Criteria	-	Uc	No criteria
70	Butylbenzyl Phthalate	µg/L	1	<3.000	3000	-	No	CTR
71	2-Chloronaphthalene	µg/L	2	<1.000	1700	-	No	CTR
72	4-Chlorophenyl Phenyl Ether	µg/L	1	<0.900	No Criteria	-	Uc	No criteria
73	Chrysene	µg/L	1	<0.200	0.0044	-	Ud	CTR
	Diazinon	µg/L	1	<0.022	0.05	-	No	CA Prim. MCL
74	Dibenzo(a,h)Anthracene	µg/L	1	<0.100	0.0044	-	Ud	CTR
75	1,2-Dichlorobenzene	µg/L	4	<0.200	600	-	No	CA Prim. MCL
76	1,3-Dichlorobenzene	µg/L	2	<0.400	400	-	No	CTR
77	1,4-Dichlorobenzene	µg/L	4	<0.100	5	-	No	CA Prim. MCL
78	3,3-Dichlorobenzidine	µg/L	1	<2.000	0.04	-	Ud	CTR
79	Diethyl Phthalate	µg/L	1	<1.000	23000	-	No	CTR
80	Dimethyl Phthalate	µg/L	1	<2.000	313000	-	No	CTR

CTR #	Parameter	Units	N[1]	MEC[2]	Most Stringent Criteria	Background	RPA Result[3]	Basis[4]
81	Di-n-Butyl Phthalate	µg/L	1	<6.000	2700	-	No	CTR
82	2,4-Dinitrotoluene	µg/L	1	<0.800	0.11	-	Ud	CTR
83	2,6-Dinitrotoluene	µg/L	1	<8.000	No Criteria	-	Uc	No criteria
84	Di-n-Octyl Phthalate	µg/L	1	<2.000	No Criteria	-	Uc	No criteria
85	1,2-Diphenylhydrazine	µg/L	1	<0.600	0.04	-	Ud	CTR
86	Fluoranthene	µg/L	1	<0.070	300	-	No	CTR
87	Fluorene	µg/L	1	<0.200	1300	-	No	CTR
88	Hexachlorobenzene	µg/L	2	<0.010	0.00075	-	Ud	CTR
89	Hexachlorobutadiene	µg/L	1	<0.800	0.44	-	Ud	CTR
90	Hexachlorocyclopentadiene	µg/L	2	0.14	50	-	No	CA Prim. MCL
91	Hexachloroethane	µg/L	1	<0.600	1.9	-	No	CTR
92	Indeno(1,2,3-cd)Pyrene	µg/L	1	<0.030	0.0044	-	Ud	CTR
93	Isophorone	µg/L	1	<0.900	8.4	-	No	CTR
94	Naphthalene	µg/L	1	<0.900	No Criteria	-	Uc	No criteria
95	Nitrobenzene	µg/L	1	<0.900	17	-	No	CTR
96	N-Nitrosodimethylamine	µg/L	1	<0.700	0.00069	-	Ud	CTR
97	N-Nitrosodi-n-Propylamine	µg/L	1	<0.800	0.005	-	Ud	CTR
98	N-Nitrosodiphenylamine	µg/L	1	<1.000	5	-	No	CTR
99	Phenanthrene	µg/L	1	<1.000	No Criteria	-	Uc	No criteria
100	Pyrene	µg/L	1	<0.200	960	-	No	CTR

CTR #	Parameter	Units	N[1]	MEC[2]	Most Stringent Criteria	Background	RPA Result[3]	Basis[4]
101	1,2,4-Trichlorobenzene	µg/L	3	<0.400	5	-	No	CA Prim. MCL
102	Aldrin	µg/L	1	<0.002	0.00013	-	Ud	CTR
103	alpha-BHC	µg/L	1	<0.004	0.0039	-	Ud	CTR
104	beta-BHC	µg/L	1	<0.004	0.014	-	No	CTR
105	gamma-BHC	µg/L	1	<0.004	0.019	-	No	CTR
106	delta-BHC	µg/L	1	<0.002	No Criteria	-	Uc	No criteria
107	Chlordane	µg/L	1	<0.030	0.00057	-	Ud	CTR
108	4,4'-DDT	µg/L	1	<0.003	0.00059	-	Ud	CTR
109	4,4'-DDE	µg/L	1	<0.004	0.00059	-	Ud	CTR
110	4,4'-DDD	µg/L	1	<0.005	0.00083	-	Ud	CTR
111	Dieldrin	µg/L	1	<0.005	0.00014	-	Ud	CTR
112	alpha-Endosulfan	µg/L	1	<0.004	0.056	-	No	CTR
113	beta-Endolsulfan	µg/L	1	<0.005	0.056	-	No	CTR
114	Endosulfan Sulfate	µg/L	1	<0.003	110	-	No	CTR
115	Endrin	µg/L	1	<0.010	0.036	-	No	CTR
116	Endrin Aldehyde	µg/L	1	<0.004	0.76	-	No	CTR
117	Heptachlor	µg/L	1	<0.010	0.00021	-	Ud	CTR
118	Heptachlor Epoxide	µg/L	1	<0.010	0.0001	-	Ud	CTR
119-125	PCBs sum	µg/L	1	<0.200	0.00017	-	Ud	CTR
126	Toxaphene	µg/L	1	<0.400	0.0002	-	Ud	CTR
Non-Priority Pollutants								
Drinking Water Quality Objectives								
	Aluminum	µg/L	1	89	200	-	No	CA Sec. MCL
	Barium	µg/L	1	79	1000	-	No	CA Prim. MCL
	Fluoride	mg/L	1	0.21	1	-	No	BP
	Nitrite, Total (as N)	mg/L	1	<0.050	1	-	No	CA Prim. MCL
	Methyl tert-butyl ether	µg/L	2	<0.500	5	-	No	CA Sec. MCL

CTR #	Parameter	Units	N[1]	MEC[2]	Most Stringent Criteria	Background	RPA Result[3]	Basis[4]
	Styrene	µg/L	2	<0.500	100	-	No	CA Prim. MCL
	Alachlor	µg/L	1	<0.100	2	-	No	CA Prim. MCL
	Atrazine	µg/L	1	<0.011	1	-	No	CTR - Acute
	Bentazon	µg/L	1	<0.200	18	-	No	CA Prim. MCL
	Carbofuran	µg/L	1	<0.400	18	-	No	CA Prim. MCL
	2,4-D	µg/L	1	<1.000	70	-	No	CA Prim. MCL
	Dalapon	µg/L	1	<2.000	200	-	No	CA Prim. MCL
	Dibromochloropropane (aka 1,2-Dibromo-3-Chloropropane)	µg/L	2	<0.008	0.2	-	No	CA Prim. MCL
	Di(2-ethylhexyl)adipate	µg/L	0	No Data	400	-	Ud	CA Prim. MCL
	Dinoseb	µg/L	1	<0.200	7	-	No	CA Prim. MCL
	Diquat	µg/L	1	<0.600	20	-	No	CA Prim. MCL
	Endothall	µg/L	1	<20.000	100	-	No	CA Prim. MCL
	Ethylene Dibromide (aka 1,2-Dibromoethane)	µg/L	2	<0.010	0.05	-	No	CA Prim. MCL
	Glyate	µg/L	1	<10.000	700	-	No	CA Prim. MCL
	Methoxychlor	µg/L	1	<0.020	30	-	No	CA Prim. MCL
	Molinate	µg/L	1	<0.030	20	-	No	CA Prim. MCL

CTR #	Parameter	Units	N[1]	MEC[2]	Most Stringent Criteria	Background	RPA Result[3]	Basis[4]
	Oxamyl	µg/L	1	<0.900	50	-	No	CA Prim. MCL
	Picloram	µg/L	1	<0.100	500	-	No	CA Prim. MCL
	Simazine	µg/L	1	<0.020	4	-	No	CA Prim. MCL
	Thiobencarb	µg/L	1	<0.030	1	-	No	CA Sec. MCL
	2,4,5-TP (Silvex)	µg/L	1	<0.200	50	-	No	CA Prim. MCL
	Trichlorofluoromethane	µg/L	2	<0.500	150	-	No	CA Prim. MCL
	1,1,2-Trichloro-1,2,2-Trifluoroethane	µg/L	3	No Data	1200	-	Ud	CA Prim. MCL
	Xylenes	µg/L	2	<0.200	1750	-	No	CA Prim. MCL
	Foaming Agents (MBAS)	µg/L	0	No Data	200	-	Ud	BP
	Trihalomethanes, Total	µg/L	2	90	80	-	Yes	MCL
Basin Plan Water Quality Objectives for Agricultural Water Use								
	Iron, Total	µg/L	1	<50.000	5000	-	No	BP
	Manganese, Total	µg/L	1	8.8	200	-	No	BP
	Vanadium, Total	µg/L	1	ND	100	-	No	BP
Pajaro River at Chittenden Surface Water Quality Objectives								
	Total Dissolved Solids	mg/L	1	840	1000	-	Ud	BP
	Boron	mg/L	1	0.33	1.0	-	Ud	BP
	Chloride	mg/L	1	220	250	-	Ud	BP
	Sulfate, Total (as SO_4)	mg/L	1	82	250	-	Ud	BP
	Sodium	mg/L	1	150	200	-	Ud	BP

[1] Number of data points available for the RPA.

[2] If there is a detected value, the highest reported value is summarized in the table. If there are no detected values, if available, the lowest MDL is summarized in the table.

[3] RPA Results:

= Yes, if MEC > WQO/WQC or B > WQO/WQC and MEC is detected;

= No, if MEC and B are < WQO/WQC or all effluent data are not detected;

= (Uc) Undetermined, if no criteria have been promulgated;

= (Ud) Undetermined, for lack of data. As described in section 1.3 in the SIP, if monitoring results show non-detect for all samples of a pollutant and if all reported detection limits of the pollutant in the effluent are greater than or equal to the C value, the RWQCB shall require additional monitoring for the pollutant in place of a water quality-based effluent limitation. For pollutants with a result of Ud, additional monitoring is established through this permit. For pollutants with a result of Ud that had an effluent limitation in the previous permit, the effluent limitation is retained.

[4] Basis of most stringent criteria

CTR - California Toxics Rule

CA Prim. MCL - California Primary MCL

CA Sec. MCL - California Secondary MCL

EPA Prim. MCL - EPA Primary MCL

EPA Sec. MCL - EPA Secondary MCL

NAWQC - National Ambient Water Quality Criteria

BP - Central Coast Water Board Basin Plan

Mercury Provisions - SWRCB 2017-0027 - Part 2 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California - Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions.

4.3.4. **WQBEL Calculations**

As detailed in Table F-6, reasonable potential has been determined for total trihalomethanes, chloroform, and total cyanide. Several additional priority pollutants that had effluent limitations in the previous permit resulted in Ud, due to lack of background water quality data in the Pajaro River. This Order adds effluent limitations for chloroform and total cyanide and retains effluent limitations for total recoverable copper, total recoverable lead, chlorodibromomethane, dichlorobromomethane, and trihalomethanes. The method of calculating their effluent limitations follows the calculation procedures described below, with calculations for chlorodibromomethane shown as an example.

Step 1: For each water quality criterion or objective, an effluent concentration allowance (ECA) is calculated from the following equation to account for dilution and background levels of each pollutant.

$ECA = C + D (C – B)$, when $C > B$, and
$ECA = C$ when $C \leq B$,

Where,

C = the applicable water quality criterion (adjusted for receiving water hardness and expressed as total recoverable metal, if applicable).

D = the dilution credit (here D = 0, as the Central Coast Water Board has no information with which to justify credit for dilution).

B = the background concentration

As discussed above, for this Order, dilution was not allowed; therefore:

ECA = C

Step 2: For each ECA based on an aquatic life criterion, the long-term average discharge condition (LTA) is determined by multiplying the ECA times a factor (multiplier), which adjusts the ECA to account for effluent variability. The multiplier varies depending on the coefficient of variation (CV) of the data set and whether it is an acute or chronic criterion/objective. Table 1 of the SIP provides pre-calculated values for the multipliers based on the value of the CV. When the data set contains fewer than 10 sample results, or 80 percent or more of the data are reported as non-detect (ND), the CV is set equal to 0.6. Derivation of the multipliers is presented in Section 1.4 of the SIP.

$LTA_{acute} = ECA_{acute} \times Multiplier_{acute\ 99}$
$LTA_{chronic} = ECAchronic \times Multiplier_{chronic\ 99}$

Step 3: WQBELs, including an AMEL and a MDEL, are calculated using the most limiting (the lowest) LTA. The LTA is multiplied by a factor that accounts for averaging periods and exceedance frequencies of the effluent limitations and, for the AMEL, the effluent monitoring frequency. Here, the sampling frequency is set equal to 4 (n = 4). The 99th percentile occurrence probability was used to determine the MDEL multiplier and a 95th percentile occurrence probability was used to determine the AMEL multiplier. Table 2 of the SIP presents the MDEL and AMEL multipliers as a function of the CV. When the data set contains fewer than 10 sample results, or when 80 percent or more of the data set is reported as non-detect (ND), the CV is set equal to 0.6. Otherwise, the CV is calculated as the standard deviation divided by the mean.

Step 4: Calculate the WQBELs by multiplying the LTA by a factor (multiplier). WQBELs are expressed as AMEL and MDEL. The multiplier is a statistically based factor that adjusts the LTA for the averaging periods and exceedance frequencies of the criteria and objectives and the effluent limitations. The value of the multiplier varies depending on the probability basis, the coefficient of variation (CV) of the data set, the number of samples (for AMEL), and whether it is a monthly or daily limitation. Table 2 of the SIP provides pre-calculated

values for the multipliers based on the value of the CV and the number of samples. Equations to develop the multipliers in place of using values in the tables are provided in section 1.4, step 5 of the SIP and will not be repeated here.

$AMEL_{aquatic\ life} = LTA \times AMEL_{multiplier\ 95}$

$MDEL_{aquatic\ life} = LTA \times MDEL_{multiplier\ 99}$

AMEL multipliers are based on a 95th percentile occurrence probability, and the MDEL multipliers are based on the 99th percentile occurrence probability. If the number of samples is fewer than four, the default number of samples to be used is four. Equations provided in section 1.4, step 5 of the SIP are used to develop the AMEL and MDEL for aquatic life.

Step 5: For the ECA based on human health, set the AMEL equal to the $ECA_{human\ health}$

$AMEL_{human\ health} = ECA_{human\ health}$

For chlorodibromomethane:

$AMEL_{human\ health} = 0.401$ ug/L

Step 6: Calculate the MDEL for human health by multiplying the AMEL by the ratio of $Multiplier_{MDEL}$ to the $Multiplier_{AMEL}$. Table 2 of the SIP provides pre-calculated ratios to be used in this calculation based on the CB and the number of samples.

$MDEL_{human\ health} = AMEL_{human\ health} \times (Multiplier_{MDEL} / Multiplier_{AMEL})$

For chlorodibromomethane:

$MDEL_{human\ health} = 0.401$ ug/L x 2.01 = 0.80 ug/L.

Step 7: Select the lower of the AMEL and MDEL based on aquatic life and human health as the water quality based effluent limit for the permit.

For chlorodibromomethane, the $AMEL_{human\ health}$ and $MDEL_{human\ health}$ were 0.40 ug/L and 0.80 ug/L respectively. Therefore, the human health criteria-based effluent limitation was more stringent and was considered in the permit. This Order adds effluent limitations for chloroform and cyanide as shown in Table F-7.

Table F-7. Summary of Limitation Calculations

Parameter	ECA (ug/L)	MDEL/AMEL Multiplier	MDEL (ug/L)	AMEL (ug/L)
Chloroform	60	3.11/1.5 = 2.01	120	60
Cyanide	5.2	3.11/1.5 = 2.01	10	5.2

As previously discussed, the previous Order established effluent limitations for chlorodibromomethane, dichlorobromomethane, trihalomethanes, and retained effluent limitations for lead and copper. The effluent limitations for these parameters have been retained in this Order. For lead and copper, receiving water and effluent data is not available to re-evaluate the presence of these pollutants within the effluent discharged to Pajaro River, the reasonable potential for these parameters remains.

Table F-8. Retained Effluent Limitations

Parameter	MDEL (ug/L)	AMEL (ug/L)
Chlorodibromomethane	0.80	0.40
Dichlorobromomethane	0.90	0.45
Trihalomethanes, Total	160	80
Copper, Total Recoverable	42	20
Lead, Total Recoverable	4.2	2.1

4.3.5. **Whole Effluent Toxicity (WET)**

Aquatic toxicity is the adverse response of aquatic organisms from exposure to chemical or physical agents or their synergistic effects in effluent or ambient water. Acute aquatic toxicity refers to adverse response (typically lethality) from a short-term exposure. Chronic aquatic toxicity generally refers to longer exposure duration and measures of both lethal and sub-lethal adverse response. WET testing protects receiving waters from the aggregate toxic effect of a mixture of pollutants that may be present in effluent.

The Basin Plan establishes a narrative toxicity water quality objective, which states that all waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Survival of aquatic organisms in surface waters subjected to a waste discharge or other controllable water quality conditions shall not be less than that for the same waterbody in areas unaffected by the waste discharge or for another control water. The WET approach allows for protection of the narrative “no toxics in toxic amounts” criterion while implementing numeric criteria for toxicity.

For compliance with the Basin Plan's narrative toxicity objective and the 2022 Toxicity Provisions, this Order requires the Discharger to conduct WET testing for chronic toxicity in accordance with the test of significant toxicity (TST) statistical approach, as specified in section 5 of the MRP (Attachment E).

4.3.5.1. **Test of Significant Toxicity (TST)**

In 2010, U.S. EPA endorsed the TST statistical hypothesis testing approach, described in the *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document* (EPA 833-R-10-003, 2010), Appendix A, Figure A-1 and Table A-1, as an improved hypothesis-testing tool to evaluate data from U.S EPA's toxicity test methods. The TST hypothesis testing approach more reliably identifies toxicity—in relation to the chronic (0.25 or more) and acute (0.20 or more) mean responses of regulatory management concern—than the no observed effect concentration (NOEC) hypothesis-testing approach previously used.

On December 1, 2020, the State Water Board adopted Resolution No. 2020-0044, establishing the *Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries* (ISWEBE Plan) and adopting statewide numeric WQOs for both acute and chronic toxicity and a program of implementation to control toxicity, which are collectively known as the Toxicity Provisions. The Toxicity Provisions, which were revised on October 5, 2021, standardize the regulation of aquatic toxicity for all non-oceanic surface waters.[7] U.S. EPA's test of significant toxicity design, or TST, approach is an essential component of the Toxicity Provisions as it forms the basis for utilizing numeric WQOs and acts as the primary means of determining compliance with WET effluent limitations. This Order requires application of the TST approach for statistical analysis of WET data.

4.3.5.1.1. **Test of Significant Toxicity Design**

The TST null hypothesis (Ho) for acute toxicity is: "mean discharge IWC response ≤0.80 × mean control response," where 0.80 is the regulatory management decision (RMD). The TST null hypothesis (Ho) for chronic toxicity is: "mean discharge IWC response ≤0.75 × mean control response," where 0.75 is the RMD. The null hypotheses for acute and chronic toxicity described in the TST are assigned as numeric WQOs for acute and chronic toxicity in sections II.C.1 and II.C.2 of the Toxicity Provisions. A test result that rejects the null hypothesis is reported as "Pass." A test result that does not reject this null hypothesis is reported as "Fail." The TST approach is a t-test (formally Student's t-test), a statistical analysis comparing two sets of replicate observations—in the case of WET tests, only two test concentrations (i.e., a

[7] The Toxicity Provisions were approved by the Office of Administrative Law on April 25, 2022, and by U.S. EPA on May 1, 2023.

control and IWC). The purpose of this statistical test is to determine if the means of the two sets of observations are different (i.e., if the IWC or receiving water concentration differs from the control (the test result is “Pass” or “Fail”)). The Welch’s t-test employed by the TST statistical approach is an adaptation of Student’s t-test and is used with two samples having unequal variances.

The MDEL for chronic toxicity is exceeded when a chronic toxicity test, analyzed using the TST statistical approach, results in “Fail” for the sub-lethal endpoint and the “Percent Effect” is greater than or equal to 50 percent for the survival endpoint or the sub-lethal endpoint if there is no survival endpoint. The MMEL for chronic toxicity is exceeded and a violation will be flagged when two or more toxicity tests initiated in a calendar month, or in consecutive calendar months, during discharge to the Pajaro River result in a “Fail” in accordance with the TST approach for any endpoint.

The MDEL and MMEL for chronic toxicity are set at the IWC for the discharge and expressed in units of the TST statistical approach (“Pass” or “Fail,” “Percent Effect”). All NPDES effluent monitoring for chronic toxicity effluent limitations shall be reported using the 100 percent effluent concentration and negative control, expressed in units of the TST. The TST hypothesis (Ho, *supra*) is statistically analyzed using the IWC and a negative control. Effluent toxicity tests shall be run using a multi-concentration test design when required by *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (EPA-821-R-02-013, 2002).

Compliance with the toxicity limitation is demonstrated by rejecting the null hypothesis and reporting “Pass.” When a routine toxicity monitoring test results in a “Fail” at the IWC during discharge to the Pajaro River and the testing meets all test acceptability criteria (TAC), the Discharger shall initiate MMEL monitoring as required in the MMEL monitoring specifications in the MRP. The Discharger shall initiate a TRE to address effluent toxicity if any WET testing results in two or more exceedances of the effluent limitations during a single calendar month or two consecutive calendar months.

When the MDEL is exceeded when not discharging to the Pajaro River and the testing meets all TAC, the Discharger shall initiate accelerated monitoring as required in the accelerated monitoring specifications in the MRP. The Discharger shall initiate a TRE to address effluent toxicity if there is an exceedance of the MDEL during accelerated monitoring.

See section III.B.3 of the Toxicity Provisions for a detailed step-by-step description of the TST statistical method.

4.3.5.2. **WET Reasonable Potential Analysis**

The Toxicity Provisions provide that POTW dischargers that are authorized to discharge at a rate equal to or greater than 5.0 MGD and are required to have

a pretreatment program have reasonable potential for chronic aquatic toxicity, and therefore a reasonable potential analysis is not required. The Facility meets these criteria, so a reasonable potential analysis for chronic aquatic toxicity was not performed. Rather this Order includes chronic toxicity effluent limitations and monitoring requirements required pursuant to the Toxicity Provisions, Section III.C.5.

4.3.6. **Basin Plan, TMDLs, and Bacteria Provisions**

4.3.6.1. **Bacteria Provisions**. On August 7, 2018, the State Water Board adopted Part 3 of the *Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California – Bacteria Provisions* and the *Water Quality Standards Variance Policy* (Bacteria Provisions). The Bacteria Water Quality Objectives established in the Bacteria Provisions supersede any numeric water quality objective for bacteria for the REC-1 beneficial use contained in a water quality control plan before the effective date of the Bacteria Provision. However, the Statewide Bacteria Provisions provide that where a permit, waste discharge requirement (WDR), or waiver of WDR includes an effluent limitation or discharge requirement that is derived from a water quality objective or other guidance to control bacteria (for any beneficial use) that is more stringent than the Bacteria Water Quality Objective, the Bacteria Water Quality Objective would not be implemented in the permit, WDR, or waiver of WDR. Since this Order retains effluent limitations and discharge requirements equivalent to the DDW Title 22 disinfected tertiary reclamation criteria that are more stringent than the Statewide Bacteria Objectives, the Statewide Bacteria Objectives have not been implemented in this Order.

4.3.6.2. **Fecal Coliform Bacteria TMDL.** On March 20, 2009, the Central Coast Water Board adopted Resolution R3-2009-0008, amending the Basin Plan to implement a TMDL for fecal coliform in the Pajaro River watershed, including the Pajaro River. The TMDL was approved by the State Water Board on April 20, 2010, the Office of Administrative Law on July 12, 2010, and by U.S. EPA on August 3, 2010. The TMDL is fully approved and effective. The TMDL establishes a waste load allocation (WLA) of “zero loading allowed from this source” for the Discharger. The previous order implemented this WLA as a discharge prohibition for the discharge of fecal coliform bacteria originating from human sources at Discharge Point 002 to the Pajaro River. Consistent with the requirements of the TMDL, this Order retains the discharge prohibition for the discharge of fecal coliform bacteria originating from human sources via Discharge Point 002.

4.3.6.3. **Un-ionized Ammonia.** The Basin Plan establishes a water quality objective for un-ionized ammonia (NH3) of 0.025 mg/L. The Basin Plan water quality objective for un-ionized ammonia (NH3) at Discharge Point 002 is retained from the previous Order.

4.3.6.4. **Nutrients.** The previous order established effluent limitations for nitrate of 5 mg/L as a 30-day average and 10 mg/L as a daily maximum, based on the title 22 MCL. In December 2005, the Central Coast Water Board adopted Resolution R3-2005-0131, amending the Basin Plan to implement a TMDL for nitrate in the Pajaro River watershed, including the Pajaro River.

In addition to the nitrate TMDL, on July 30, 2015, the Central Coast Water Board adopted Resolution R3-2015-0004, amending the Basin Plan to implement a nutrient TMDL for nitrate, un-ionized ammonia, and orthophosphate in the Pajaro River watershed, including the Pajaro River. The TMDL was approved by U.S. EPA on October 6, 2016. The TMDL is fully approved and effective. Consistent with the WLAs specified within the nitrate TMDL, this permit retains the effluent limitations for nitrate established in the previous order.

The nutrient TMDL specifically states, "*Based on available information, the existing effluent limitations and conditions in Order R3-2010-0009 would be expected to be capable of implementing and attaining the proposed waste load allocations identified in these TMDLs.*"

Consistent with the WLAs specified within the nutrient TMDL, this Order retains the effluent limitations for nitrate and un-ionized ammonia established in previous orders. Numeric limitations for orthophosphate are not required at this time. It is anticipated that limiting nitrate in the effluent will minimize eutrophication, achieve water quality objectives, protect beneficial uses, and meet the intent of the TMDL. In addition, receiving water monitoring requirements have been retained from the previous Order for phosphorus, orthophosphate, chlorophyll a, and dissolved oxygen. This receiving water monitoring will provide data to evaluate if further measures are necessary to comply with the TMDL during future order revisions or renewals.

4.3.6.5. **pH.** The previous order established effluent limitations for pH based on the MUN water quality objective of 6.5 to 8.3 standard units (s.u.). The Pajaro River's beneficial uses include WARM (protection of warm freshwater habitat). Section II.A.2.a of the Basin Plan establishes WQOs for pH for waters designated as WARM of 7.0 and 8.5 s.u. The effluent limitations established in the Order must be protective of all beneficial uses of the receiving water. Thus, a pH range of 7.0 to 8.3 s.u. has been established and is protective of all applicable beneficial uses of the Pajaro River.

4.3.6.6. **Chlorpyrifos and Diazinon.** On July 11, 2013, the Central Coast Water Board adopted Resolution R3-2013-0011, amending the Basin Plan to implement a TMDL for chlorpyrifos and diazinon in the Pajaro River watershed, including the Pajaro River. The TMDL was approved by U.S. EPA on November 12, 2013, and is now in effect. The TMDL finds that discharges of chlorpyrifos and diazinon from irrigated agriculture caused exceedances of

the water quality objectives for toxicity and pesticides and assigns responsible parties load allocations. The TMDL specifies that the requirements for discharges from irrigated lands regulated under agricultural orders, currently R3-2021-0040, will result in achieving the TMDL and that no other regulatory mechanism is required to implement and achieve the TMDL.

Typically, if a TMDL does not assign a waste load allocation (WLA) to a specific point source, the WLA is assumed to be zero, and no discharge of the pollutant is allowable. However, the TMDL specifically states that "no other regulatory mechanism is required to implement and achieve these TMDLs;" thus it is clear that the implementation of a WLA of zero within NPDES permits for point sources is not intended. Further, there is no data available to indicate that chlorpyrifos or diazinon is present in the Facility's effluent and contributing to the impairment of the receiving water. After considering the requirements of the TMDL, the lack of effluent data, and the infrequent discharge from the Facility, effluent limitations for chlorpyrifos and diazinon are not established in this Order. For future evaluation to verify that the Facility is not contributing to the impairment of the receiving water, effluent monitoring for chlorpyrifos and diazinon is required. The previous Order reflected an intent to require chlorpyrifos and diazinon monitoring in the supporting rationale in its fact sheet, but the requirement was inadvertently not carried into its MRP. This Order requires monitoring of chlorpyrifos and diazinon by expressly including it in MRP.

4.3.6.7. **Turbidity.** The Basin Plan establishes a narrative effluent limitation for turbidity that states, "Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses." The Basin Plan further establishes allowable numeric increases to the receiving water. The previous Order contained turbidity effluent limitations:

- Daily average turbidity shall be less than or equal to 2 NTU.
- Turbidity shall be less than 10 NTU at all times.
- Turbidity shall not exceed 5 NTU for more than 5 percent of the time.

These effluent limitations are typical of similar facilities that discharge tertiary treated wastewater and are necessary to protect the narrative water quality objective. This Order retains the effluent limitations from the previous Order, which are sufficient to implement the narrative effluent limitation for turbidity in the Basin Plan.

4.3.6.8. **Sediment**. On December 2, 2005, the Central Coast Water Board adopted Resolution R3-2005-0132, amending the Basin Plan to implement a TMDL for sediment in the Pajaro River watershed, including the Pajaro River. The TMDL was approved by U.S. EPA on May 3, 2007, and is now in effect. The TMDL finds that discharges of chlorpyrifos and diazinon from irrigated agriculture

caused exceedances of the water quality objectives for toxicity and pesticides and assigns responsible parties load allocations for sediment.

The TMDL specifies that the key regulatory mechanisms for implementation include NPDES permits for stormwater discharges, waste discharge requirements for sand and gravel mining operations, waivers of waste discharge requirements for irrigated agriculture and timber harvest activities, and individual or cooperative nonpoint source pollution control programs for all other discharge types. Additionally, TMDL section 7.4, Implementation and Tracking and TMDL Evaluation, specifies implementation within NPDES stormwater permits for MS4 municipalities, but is silent on NPDES discharges for non-stormwater discharges. Non-stormwater point sources are not identified as contributors to the impairment.

Typically, if a TMDL does not provide a waste load allocation (WLA) to a specific point source, the WLA is assumed to be zero, and no discharge of the pollutant is allowable. However, the TMDL specifies the regulatory mechanisms to implement and achieve the TMDL and does not specify implementation via NPDES permits for non-stormwater discharges.

Consistent with the requirements of the TMDL and the previous order, this Order does not establish specific actions or effluent limitations for the Discharger for sediment. The Discharger is not expected to contribute to the impairment of Pajaro River.

4.3.6.9. **TDS, Sulfate, Chloride, Boron, and Sodium.** The effluent limitations for TDS, chloride, sulfate, boron, and sodium are summarized below:

Table F-9. Effluent Limitations for Salinity at Discharge Point 002

Parameter	Units	Average Monthly
TDS	mg/L	1,000
Chloride	mg/L	250
Sodium	mg/L	200
Sulfate	mg/L	250
Boron	mg/L	1.0

This Order retains average monthly effluent limitations for TDS, sodium, chloride, sulfate, and boron from the previous Order. These limitations reflect water quality objectives established in Table 3-7 of the Basin Plan for the Pajaro River at Chittenden, applied as end-of-pipe effluent limitations.

4.3.6.10. **Chlorine.** Water quality-based effluent limitations from the previous permit for chlorine are retained from the previous order to be protective of receiving water objectives.

The Discharger currently uses ultraviolet (UV) light for disinfection, and the option to use chlorine disinfection is maintained. Due to lack of effluent and receiving water data, the results of the reasonable potential analysis were inconclusive for chlorine, so the effluent limitation was retained. Chlorine is acutely toxic to aquatic life, and U.S. EPA has developed National Ambient Water Quality Criteria (NAWQC) for protection of freshwater aquatic life for chlorine residual. The recommended 4-day average (chronic) and 1-hour average (acute) criteria for chlorine residual are 0.011 mg/L and 0.019 mg/L, respectively. These criteria are below typical detection limits for chlorine residual analysis. As such, the previous order established an effluent limitation of non-detect at all times as determined by amperometric titration or another equally sensitive method. This effluent limitation is protective of the Basin Plan's narrative toxicity objective. The effluent limitation in the previous Order for chlorine of non-detect has been retained.

4.3.6.11. **Mercury Water Quality Objective.** As described in section 3.3.4 of this Fact Sheet, This Order implements the adopted ISWEBE Plan Part 2: Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions (Mercury Provisions). The Statewide Mercury Provisions establish a Sport Fish Water Quality Objective of an average 0.2 mg/kg methylmercury fish tissue concentration within a calendar year for waters with the beneficial uses established for the Pajaro River of commercial and sport fishing (COMM), Wildlife Habitat (WILD), Cold Fresh Water Habitat (COLD), and Warm Fresh Water Habitat (WARM). This fish tissue objective corresponds to a water column concentration of 0.012 µg/L of total mercury for flowing water bodies (e.g., rivers, creeks, streams, and waters with tidal mixing).Therefore, the Sport Fish Water Quality Objective is applicable and is the most stringent objective for reasonable potential analysis (RPA) completed to determine water quality-based effluent limitations (WQBELS).

4.4. Final Effluent Limitation Considerations

4.4.1. Anti-Backsliding Requirements

In section 5.1 of the Order and section 5 of the Fact Sheet, this Order removes generalized receiving water limitations contained in the Discharger's prior waste discharge requirements. Removal of receiving water limits is not subject to the anti-backsliding rules, which apply to effluent limitations only. Even if the anti-backsliding rules applied, however, the removal of these requirements is consistent with the U.S. Supreme Court's holding in *City and County of San Francisco, California v. Environmental Protection Agency* (2025) 145 S.Ct. 704. Moreover, as discussed in section 3 and section 4.1 of the Order, and in the Fact Sheet, the Central Coast Water Board has included additional requirements, such as new effluent limitations for cyanide and chloroform (discussed in sections 4.3.6.4 and 4.3.4 of this Fact Sheet), new effluent and receiving water monitoring for MBAS, and new effluent monitoring for oil and grease (discussed in sections 5.1.1.15 and 5.1.1.3 of this Fact Sheet), and new prohibitions (discussed in sections 4.1 of this Fact Sheet) to ensure the

discharge complies with Clean Water Act section 301(b)(1)(C) (33 U.S.C. § 1311(b)(1)(C)). Similarly, the Order retains monitoring from the previous permit in the receiving water (see, MRP and section 5.1 of the Fact Sheet) and reopener provisions to ensure that appropriate data is gathered and that any additional effluent limitations can be added, if necessary.

As a result, the discharge does not authorize violations of water quality standards, and the removal of the generalized receiving water limitation does not authorize the additional discharge of pollutants or authorize the violation of water quality standards. The Order does not, therefore, authorize either backsliding or further degradation of water quality.

4.4.2. **Antidegradation Policies**

40 CFR § 131.12 requires that state water quality standards include an antidegradation policy consistent with the federal antidegradation policy. On October 28, 1968, the State Water Board established California's antidegradation policy when it adopted Resolution 68-16, *Statement of Policy with Respect to Maintaining the Quality of the Waters of the State*. Resolution 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings. In State Water Board Order 86-17 and an October 7, 1987 guidance memorandum, the State Water Board has interpreted Resolution 68-16 to be fully consistent with the federal antidegradation policy contained in 40 CFR section 131.12. Similarly, CWA section 303(d)(4)(B) and 40 CFR section 131.12 require that all permitting actions be consistent with the federal antidegradation policy. Together, the state and federal antidegradation policies are designed to ensure that a water body will not be degraded resulting from the permitted discharge. The Central Coast Water Board's Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies.

This Order retains all final effluent limitations from the previous Order with no relaxation or removal of any existing limits.

There are no changes to the permitted flows to the Pajaro River. The discharge continues to be regulated to ensure that all applicable water quality objectives are met and that beneficial uses of the receiving water are protected.

Under federal and state antidegradation policies (40 C.F.R. 131.12, State Waer Board Resolution 68-16), new or increased discharges are permissible when they comply with water quality standards and protect beneficial uses. This Order maintains or improves environmental protections and does not result in degradation of the receiving water.

4.4.3. **Stringency of Requirements for Individual Pollutants**

This permit contains both technology-based and water quality-based effluent limitations for individual pollutants. The technology-based effluent limitations consist of restrictions on flow, BOD, TSS, and pH. This permit's technology-based pollutant restrictions implement the minimum applicable federal

technology-based requirements. In addition, this permit contains effluent limitations more stringent than the minimum federal technology-based requirements that are necessary to meet water quality standards. For pH, both technology-based effluent limitations and water quality-based effluent limitations are applicable. The more stringent of these effluent limitations are implemented by this Order. These limitations are not more stringent than required by the CWA.

Water quality-based effluent limitations have been derived to implement water quality objectives that protect beneficial uses. Both the beneficial uses and the water quality objectives have been approved pursuant to federal law and are the applicable federal water quality standards. To the extent that toxic pollutant water quality-based effluent limitations were derived from the CTR, the CTR is the applicable standard pursuant to 40 C.F.R. 131.38. The procedures for calculating the individual water quality-based effluent limitations for priority pollutants are based on the CTR implemented by the SIP, which was approved by U.S. EPA on May 18, 2000. Any water quality objectives and beneficial uses submitted to U.S. EPA prior to May 30, 2000, but not approved by U.S. EPA before that date, are nonetheless “applicable water quality standards for purposes of the CWA” pursuant to 40 C.F.R. 131.21(c)(1). Collectively, this Order’s restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA.

4.4.4. **Summary of Final Effluent Limitations**

4.4.4.1. **Effluent Limitations.** The following effluent limitations are applicable to the discharge of disinfected tertiary treated wastewater from the Facility at Discharge Point 002.

Table F-10. Final Effluent Limitations for EFF-002

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily
Biochemical Oxygen Demand 5-day at 20 degrees Celsius (°C) (BOD5)	Milligram per liter (mg/L)	10	15	20
Total Suspended Solids (TSS)	mg/L	10	15	20
pH [1]	standard units	7.0–8.3 at all times		
Nitrate (as N)	mg/L	5		10
Un-ionized Ammonia (as N)	mg/L	0.025		0.050
Total Dissolved Solids (TDS)	mg/L	1,000		
Sodium	mg/L	200		
Chloride	mg/L	250		
Sulfate	mg/L	250		
Boron	mg/L	1.0		
Chlorine, Total Residual[2]	mg/L			Non-Detect[3]
Copper, Total Recoverable	Micrograms per liter (µg/L)	20		42
Lead, Total Recoverable	µg/L	2.1		4.2
Chlorodibromomethane	µg/L	0.40		0.80
Dichlorobromomethane	µg/L	0.45		0.90
Trihalomethanes, Total	µg/L	80		160
Chloroform	µg/L	60		120
Cyanide, Total (as CN)	µg/L	5.2		10

[1] Applied as an instantaneous effluent limitation.

[2] Total chlorine residual monitoring is only required when chlorine is used for disinfection and or cleaning/maintenance purposes. The Discharger shall specify with the monthly, quarterly, and annual SMRs if chlorination occurred during the monitoring period.

[3] Chlorine concentrations shall at no time exceed detection levels as determined by amperometric titration or another equally sensitive method.

4.4.4.1.2. **Percent Removal**: The average monthly percent removal of BOD 5-day at 20°C and TSS shall not be less than 85 percent.

4.4.4.1.3. **Chronic Toxicity Maximum Daily Effluent Limitation (MDEL)** is exceeded if a chronic toxicity test using the most sensitive species, as defined in section 7.2 of this Order and the section 5 of the MRP (Attachment E), and analyzed using the test of significant toxicity (TST) statistical approach, results in a "Fail" at the in-stream waste concentration (IWC) for the sub-lethal endpoint measured in the test and a "Percent Effect" greater than or equal to 50 percent for the survival endpoint or greater than or equal 50 percent for the sub-lethal endpoint if the test does not have a survival endpoint. If multiple species are tested, the MDEL is exceeded if any of the tested species meets the failure criteria at the IWC.

4.4.4.1.4. **Chronic Toxicity Median Monthly Effluent Limitation (MMEL)** is exceeded when more than one most sensitive species chronic aquatic toxicity tests initiated in a calendar month shall result in a "fail" at the IWC for any endpoint (see section 5 of the MRP (Attachment E)).

4.4.4.1.5. **Turbidity:**

4.4.4.1.5.1. Daily average turbidity shall be less than or equal to 2 NTU.

4.4.4.1.5.2. Turbidity shall be less than 10 NTU at all times.

4.4.4.1.5.3. Turbidity shall not exceed 5 NTU for more than 5 percent of the time.

4.4.4.1.6. **Bacteria.** The following Total Coliform Bacteria effluent limits apply at Discharge Point 002 (with compliance measured at Monitoring Location EFF-002).

4.4.4.1.6.1. The 7-day median concentration shall be less than 2.2 most probable number (MPN)/100 mL.

4.4.4.1.6.2. Total Coliform concentrations shall not exceed 23 MPN/100 mL in more than one sample in any 30-day period.

4.4.4.1.6.3. Total Coliform concentrations shall be less than 240 MPN/100 mL at all times.

4.5. Interim Effluent Limitations – Not Applicable

4.6. Land Discharge Specifications

The previous permit included land discharge specifications because it provided regulatory coverage for discharges to land via the percolation ponds near Llagas Creek. This Order no longer provides regulatory coverage for these discharges. Instead, they are covered under Order R3-2020-0020.

4.7. Recycling Specifications

The previous permit included recycled water specifications related to the production and onsite use of disinfected tertiary recycled wastewater in compliance with applicable state and local requirements regarding the production and use of reclaimed wastewater, including those requirements in the State Water Board's Recycled Water Policy and those established by DDW at title 22, sections

60301-60357 of the California Code of Regulations, Water Recycling Criteria. This Order no longer provides regulatory coverage for the production and onsite use of recycled water. Instead, they are covered under Order R3-2020-0020.

5. RATIONALE FOR RECEIVING WATER LIMITATIONS

5.1. Surface Water

5.1.1. **Review of Receiving Water Limitations**.

This Order removes generalized receiving water limitations contained in the Discharger's prior waste discharge requirements that made the Discharger responsible for the quality of the water in the body of water into which the permittee discharges pollutants, without specifying specific requirements (e.g., effluent limitations) or other actions the Discharger must take that apply at or before the discharge point. The Central Coast Water Board took this action to address the U.S. Supreme Court's decision in *City and County of San Francisco vs. U.S. Environmental Protection Agency* (2025) 145 S.Ct. 704 (*CCSF),* holding that NPDES permits issued by the U.S. EPA may not include end result requirements—provisions that do not spell out what a permittee must do or refrain from doing; rather, they make a permittee responsible for the quality of the water in the body of water into which the permittee discharges pollutants.[8] The Central Coast Water Board reviewed the remaining permit requirements and concluded that additional requirements were necessary to ensure the discharge satisfies the requirements of Clean Water Act section 301(b)(1)(C), namely, that the permit include any more stringent limitation, including those necessary to meet water quality standards.

Two prohibitions for discharge of floating material and for the prohibition of discharge of radioactive materials were added to this Order to ensure that water quality objectives are sufficiently protected. Finally, this Order added effluent and receiving water monitoring at least annually for methylene blue activated substances (MBAS) and effluent monitoring for oil and grease for future reasonable potential analysis.

Should monitoring data indicate the need for additional pollutant controls or provisions, prohibitions, and/or effluent limitations, this NPDES permit contains a general re-opener provision that allows the Central Coast Water Board to amend the permit to include them to ensure receiving water quality objectives are met. Finally, as an additional assurance, this Order prohibits operational changes that would significantly impact the character of the waste discharge.

[8] While the board removed generalized receiving water limitations in furtherance of the U.S. Supreme Court's decision interpreting the Clean Water Act's NPDES requirements, the board may decide in the future to include similar requirements as a matter of state authority.

Below is a summary of the specific considerations for the removal of receiving water limitations and evaluations of monitoring requirements, effluent limitations, and prohibitions not otherwise discussed in this section.

5.1.1.1. Color requirements. The Basin Plan has receiving water quality objectives for color that were incorporated into previous permits as receiving water limitations. The color of water can be influenced by suspended and dissolved particles. Water body coloration can be attributed to several natural and artificial causes, including elevated organic activity with algal growth and the presence of soluble minerals[9]. Effluent limits have been established for the tertiary treated wastewater (and this is not used for drinking water) for substances that may cause or contribute discoloration including dissolved metals, organic compounds, total suspended solids, and nutrients. Based on the data available and the nature of the discharge it is likely that this water quality objective will be achieved without additional requirements. To ensure that this is the case and to ensure that water quality is protected, additional monitoring is required. This Order retains monitoring of the effluent and receiving water for TSS and adds visual monitoring for color and other potential nuisance conditions to support future reasonable potential analysis.

5.1.1.2. Taste and odors requirements. The Basin plan has a narrative water quality objective for taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh (in receiving waters), and these have been incorporated into previous permits as receiving water limitations. No data exists to perform a reasonable potential analysis for the discharge. Although the nature of the discharge indicates that it is unlikely this water quality objective will be violated for tertiary treated wastewater discharges in the Central Coast Region (and this water is not used for drinking water), and no effluent limitations are included in this Order. However, this Order adds monitoring of the receiving water and effluent for odor to support future reasonable potential analysis.

5.1.1.3. Floating material requirements. The previous order contained narrative water quality objectives from the Basin Plan for floating materials. These were incorporated into previous orders as narrative receiving water limits and have been incorporated into this Order as a prohibition, Prohibition 3.7: The discharge of tertiary treated wastewater at Discharge Point 002 shall not contain floating material, including solids, liquids, foams, and scum. To ensure that this is the case and to ensure water quality is protected, additional monitoring is required. This Order adds effluent monitoring for oil and grease and visual monitoring of the receiving water and effluent for floating materials including floating material, visible films, sheens or coating. This Order can be reopened if necessary to add effluent limitations.

5.1.1.4. Suspended material requirements. The previous order contained receiving water limitations relative to narrative water quality objectives in the Basin Plan

[9] State Water Board Color of Water Fact Sheet 3.1.5.9, https://www.waterboards.ca.gov/water_issues/programs/swamp/docs/cwt/guidance/3159.pdf

for suspended material. Suspended materials can affect water quality by reducing water clarity and light penetration and contamination from these substances can impact both aquatic and human health and can adversely impact beneficial uses[10]. This Order retains monitoring and effluent limits for total suspended solids, turbidity, and nutrients. As a result, it is probable that this water quality objective will be achieved without the need for additional requirements.

5.1.1.5. Settleable substances requirements. The previous order contained receiving water limitations relative to narrative water quality objectives in the Basin Plan for settleable substances. These constituents can affect water quality by adversely impacting beneficial uses, such as by smothering aquatic habitats, carrying pollutants, harming aquatic organisms, and impacting recreational use[11]. To ensure water quality is protected, this Order retains settleable solids effluent monitoring and adds visual monitoring of receiving waters for deposition of settleable materials.

5.1.1.6. Biostimulatory substances requirements. The Basin Plan contains a biostimulatory narrative water quality objective (WQO) that has been incorporated into previous orders as a receiving water limitation. Biostimulatory substances, including nutrients can be found in discharges from wastewater treatment facilities[12]. This Order retains effluent limitations for nutrients of the previous Order for BOD, nitrate, and ammonia. This Order implements this water quality objective and the Nutrient TMDL as discussed in section 4.3.6.4 of Fact Sheet.

5.1.1.7. Suspended sediments requirements. The previous order contained receiving water limitations relative to narrative water quality objectives in the Basin Plan for suspended sediments. Suspended sediments can affect water quality by reducing water clarity, carrying pollutants, and settling and smothering aquatic habitats[10]. To ensure water quality is protected, this Order retains settleable solids effluent monitoring and adds visual monitoring of receiving waters for deposition.

5.1.1.8. Toxicity requirements. The Basin Plan contains a narrative water quality objective for toxicity that has been incorporated into previous orders as a receiving water limitation. However, with the adoption of the Toxicity Provisions in 2023, numeric aquatic toxicity water quality objectives were established along with required effluent limitations and/or targets for non-stormwater NPDES permits to ensure the protection of aquatic life beneficial uses in receiving waters. This Order adds chronic whole effluent toxicity effluent limitations and

---

[10] State Water Board Turbidity Fact Sheet 3.1.5.9, https://www.waterboards.ca.gov/water_issues/programs/swamp/docs/cwt/guidance/3150en.pdf
[11] State Water Board Sediment Fact Sheet 3.6.1.0, https://www.waterboards.ca.gov/water_issues/programs/swamp/docs/cwt/guidance/3610.pdf
[12] EPA, *Nutrient Pollution Sources and Solutions: Wastewater*, https://www.epa.gov/nutrientpollution/sources-and-solutions-wastewater

requires monitoring of chronic whole effluent toxicity. This Order retains effluent limitations for un-ionized ammonia (NH3 as N), complying with both the Basin Plan numeric limits and TMDL waste load allocations. Elevated levels of ammonia are known to be toxic to aquatic organisms, so effluent limitations ensure that the aquatic life beneficial use in the Basin Plan is protected in the receiving water.

5.1.1.9. Turbidity requirements. The Basin Plan includes numeric turbidity water quality objectives that are based on existing turbidity in the receiving waters. Turbidity reduces light penetration, stresses aquatic life, and impairs uses such as habitat support, recreation, and drinking water supply[10]. Numeric turbidity receiving water limits were incorporated into the previous order as receiving water limitations and effluent limitations. This Order retains monitoring requirements and effluent limitations for turbidity to protecting beneficial uses.

5.1.1.10. pH requirements. The previous order contained pH receiving water limitations relative to narrative water quality objectives in the Basin Plan, monitoring requirements, and effluent limitations. This Order retains monitoring requirements and effluent limits for pH to protect beneficial uses.

5.1.1.11. Dissolved oxygen requirements. The Basin Plan contains dissolved oxygen numeric water quality objectives that have been incorporated into previous orders as receiving water limitations. The most common causes of dissolved oxygen depression in water can result from increases in water temperature, algal blooms, and organic waste.[13] This Order retains monitoring and effluent limits for nutrients and BOD, parameters which if in excess could support algal blooms. No data exists to perform a reasonable potential analysis for the discharge points. Discharge to the Pajaro River of tertiary treated wastewater may only occur during moderate to high flow conditions between November and April. Although the nature of the discharge indicates that it is unlikely this water quality objective will be violated, to ensure that this is the case, monitoring dissolved oxygen in the effluent and receiving water has been retained. This Order can be reopened if necessary to add effluent limitations.

5.1.1.12. Temperature requirements. The previous order included a narrative receiving water limitation for temperature.[14] There currently is no data to conduct reasonable potential analysis for temperature. In this case, however, the discharge during high flow conditions during the wet month of the year and the nature of the discharge indicates that it is unlikely this water quality objective will be violated. This Order includes monitoring of temperature in the receiving water and effluent. The monitoring will be used in the future to evaluate whether

---

[13] State Water Board *Dissolved Oxygen Fact Sheet* 3.1.1.0, https://www.waterboards.ca.gov/water_issues/programs/swamp/docs/cwt/guidance/3110en.pdf

[14] The receiving water limit from the Central Coast Basin Plan: “At no time or place shall the temperature be increased by more than 5°F above natural receiving water temperature.”. This narrative limitation could be expressed as either a receiving water or effluent limitation.

the discharge can cause or contribute to a change in natural temperature to increase by more than 5 degrees Fahrenheit.

5.1.1.13. Un-ionized ammonia requirements. The Basin Plan contains a numeric water quality objective for un-ionized ammonia that was incorporated into previous orders as a receiving water limitation and an effluent limitation. Receiving water monitoring, effluent monitoring, and effluent limits for un-ionized ammonia (NH3 as N) are retained in this Order implementing the nutrient TMDL and to ensure protection of aquatic life beneficial uses.

5.1.1.14. Pesticide and combination of pesticides requirements. The Basin Plan has numeric and narrative water quality objectives for pesticides, and the previous Order contained receiving water limitations. As part of the WQBEL evaluation an RPA was conducted on the CTR pollutants which include pesticides. There is no reasonable potential based on existing data for pesticides. This Order retains effluent and receiving water monitoring for pesticides to support future reasonable potential analysis, and if necessary, this Order can be reopened to add effluent limitations. In addition, chronic toxicity monitoring and limits are established in this Order.

5.1.1.15. Organic substances requirements for phenol, methylene blue activated substances (MBAS), total phenols, PCBs, phthalate esters. The last order had numeric receiving water limits for these organic substances and effluent monitoring for all but MBAS. An RPA was completed for phenol, total phenols, PCBs, phthalate esters and no reasonable potential was found for these organic substances based on available data. No data was available for MBAS and effluent and receiving water monitoring requirements have been added for MBAS in this Order. This Order retains effluent and receiving water monitoring requirements for organic priority pollutants from the California Toxics Rule, which includes phenol, PCBs, and phthalate esters. This Order can be reopened if necessary to add effluent limitations.

5.1.1.16. Radioactive requirements. The Basin Plan has narrative water quality objectives for radionuclides that were previously translated as receiving water limitations the past Order. This Order adds a prohibition on discharging radioactive substances to protect beneficial uses.

5.1.1.17. Drinking water requirements. The Basin Plan contains numeric receiving water objectives to protect municipal (drinking water) beneficial uses. The prior Order translated this into receiving water limits and monitoring of effluent for pollutants specified for drinking water within title 22 of the California Code of Regulations. The Central Coast Water Board assessed the title 22 pollutants for reasonable potential to degrade water quality and none were found to have reasonable potential based on the primary MCLs. However, this Order retains the effluent and receiving water monitoring requirements to protect the municipal beneficial use of surface water. The Order can be reopened if necessary to add effluent limitations.

5.1.1.18. Pajaro River Hydrologic Unit water quality objectives requirements. The Basin Plan contains numeric water quality objectives for TDS, chloride, sulfate, boron, and sodium to preserve existing water quality. In the last Order, these were translated to receiving water limitations and effluent limitations for discharge to the Pajaro River. This Order retains the effluent limitations for TDS, chloride, sulfate, boron, and sodium, which will protect the beneficial uses of Pajaro River. Section 4.3.6.9 of this Fact Sheet explains the retention of the effluent limits for TDS, chloride, sulfate, boron and sodium.

5.1.1.19. Hardness-dependent metal requirements. The Basin Plan has numeric water quality objectives for hardness-dependent metals. In the last Order these were translated into receiving water limits, and copper and lead, hardness-dependent metals, had effluent limits. The effluent limitations are retained in this Order for copper and lead. Monitoring requirements for effluent and receiving water is retained in this Order, to facilitate future reasonable potential analysis, and this Order can be reopened to add effluent limitations if necessary.

5.1.1.20. Bacteria requirements. In the past Order there were receiving water requirements and effluent limitations for total coliform based on water quality objectives in the Basin Plan. There also was a prohibition on fecal coliform which implemented the Pajaro River watershed Fecal Coliform TMDL (2005). This Order retains the prohibition for discharging fecal coliform implementing the fecal coliform TMDL.

This Order retains total coliform effluent limitations based on the Title 22 disinfection or equivalent reclamation criteria, which are more stringent than the Statewide Bacteria Objectives in the Bacteria Provisions, as explained in section 4.3.6.1 of this Fact Sheet. This Order also includes receiving water monitoring for total coliform to provide upstream and down stream context during discharge events.

5.2. Groundwater

The previous Order included groundwater receiving water limitations. Because this Order no longer provides regulatory coverage for discharges to land, the groundwater limitations are no longer included in this Order. The Discharger is enrolled in Order R3-2020-0020, which includes groundwater limitations that are at least as stringent as the limitations that were included in the previous Order and includes various requirements for the protection of groundwater quality.

6. RATIONALE FOR PROVISIONS

6.1. Standard Provisions

Standard Provisions, which apply to all NPDES permits in accordance with 40 C.F.R. section 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 C.F.R. section 122.42 are provided in Attachment

D. The Discharger must comply with all standard provisions and with those additional conditions that are applicable under section 122.42.
Sections 122.41(a)(1) and (b) through (n) of 40 C.F.R. establish conditions that apply to all state-issued NPDES permits. These conditions must be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to the regulations must be included in the Order. Section 123.25(a)(12) of 40 C.F.R. allows the state to omit or modify conditions to impose more stringent requirements. In accordance with 40 C.F.R. section 123.25, this Order omits federal conditions that address enforcement authority specified in 40 C.F.R. section 122.41(j)(5) and (k)(2) because the enforcement authority under the California Water Code is more stringent. In lieu of these conditions, this Order incorporates by reference California Water Code section 13387(e).

6.2. Special Provisions

6.2.1. **Reopener Provisions**

The Order may be modified in accordance with the requirements set forth at 40 C.F.R. parts 122 and 124 to include appropriate conditions or limits based on newly available information or to implement any new state water quality objectives that are approved by the U.S. EPA. As effluent is further characterized through additional monitoring or if a need for additional effluent limitations becomes apparent after additional effluent characterization, the Order will be reopened to incorporate such limitations.

This Order may be reopened for modification to include an effluent limitation if monitoring establishes that the discharge causes, has the reasonable potential to cause, or contributes to an excursion above a water quality objective.

6.2.2. **Special Studies and Additional Monitoring Requirements**

6.2.1.1. **Whole Effluent Toxicity.**

The Basin Plan states, “All waters shall be maintained free of toxic substances in concentrations which are toxic to, or which produce detrimental physiological responses in, human, plant, animal, or aquatic life. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, toxicity bioassays of appropriate duration, or other appropriate methods as specified by the Regional Water Board.” The Basin Plan further states on page 53, “Survival of aquatic life in surface waters subjected to a waste discharge or other controllable water quality condition, shall not be less than that for the same waterbody in areas unaffected by the waste discharge…” and that effluent limitations based upon acute bioassays of effluent will be prescribed where appropriate. This Order establishes chronic monitoring requirements, and chronic toxicity effluent limitations in accordance with the 2022 Toxicity Provisions, which incorporates the narrative objectives of the Basin Plan. As noted in the 2022 Toxicity Provisions, chronic toxicity monitoring and limits are typically more stringent than acute toxicity monitoring or effluent limits.

When a routine toxicity monitoring test results in a “Fail” at the IWC during discharge to the Pajaro River and the testing meets all test acceptability criteria (TAC), the Discharger shall initiate MMEL monitoring as required in the MMEL monitoring specifications in the MRP. The Discharger shall initiate a TRE to address effluent toxicity if any WET testing results in more than one exceedance of the effluent limitations during a single calendar month or two consecutive calendar months.

When the MDEL is exceeded when not discharging to the Pajaro River and the testing meets all TAC, the Discharger shall initiate accelerated monitoring as required in the accelerated monitoring specifications in the MRP. The Discharger shall initiate a TRE to address effluent toxicity if there is an exceedance of the MDEL during accelerated monitoring.

The Discharger is required to submit a TRE work plan in accordance with U.S. EPA guidance, which shall include further steps to be taken by the Discharger to investigate, identify, and correct the causes of toxicity; actions the Discharger will take to mitigate the effects of the discharge and prevent the recurrence of toxicity; and a schedule for these actions. This provision also includes requirements to conduct the TIE process, if necessary, as part of the TRE, in accordance with the work plan.

6.2.3. **Best Management Practices and Pollution Prevention**

6.2.3.1. **Pollutant Minimization Program.**

The Discharger is required to minimize the discharge of pollutants in compliance with the requirements of section 2.4.5.1 of the SIP. The goal of the pollutant minimization program is to reduce all potential sources of priority pollutants through pollutant minimization strategies to maintain the effluent concentration at or below water quality-based effluent limitations.

6.2.4 **Construction, Operation, and Maintenance Specifications**

6.2.4.1 This Order requires the Discharger to operate the Facility consistent with the requirements of 40 C.F.R. 122.41(e), summarized in section 1.4 of Attachment D.

6.2.4.2 Specifications regarding the discharge of tertiary treated wastewater to the Pajaro River have been retained from the previous order. Flow limitations are based on a 2004 report submitted by the Discharger titled “Effluent Management Plan, South County Regional Wastewater Authority.” The low river flow limitation for discharge of 180 MGD reportedly ensures a minimum available dilution of 20:1. A high river flow limitation of 6,004 MGD reportedly ensures the Discharger does not contribute to downstream flooding events. These specifications ensure appropriate discharge conditions on which the discharge requirements of this Order are based.

6.2.5. **Special Provisions for Publicly Owned Treatment Works (POTWs)**

6.2.5.1. **Pretreatment.**

Section 307(b) of the CWA and 40 C.F.R. part 403 require publicly owned treatment works to develop and implement an acceptable industrial pretreatment program. A pretreatment program is required to prevent the introduction of pollutants that may interfere with treatment plant operations or sludge disposal and prevent pass through of pollutants that exceed water quality objectives, standards, or permit limitations. Pretreatment requirements are imposed pursuant to 40 C.F.R. part 403.

6.2.5.2. **Collection System.**

The State Water Board issued Water Quality Order 2022-0103-DWQ, General Waste Discharge Requirements for Sanitary Sewer Systems (General Order) on December 6, 2022. The General Order requires public agencies that own or operate sanitary sewer systems with sewer lines one mile of pipe or greater to enroll for coverage and comply with the General Order. The General Order requires agencies to develop sanitary sewer management plans and report all sanitary sewer overflows, among other requirements and prohibitions.

The General Order contains requirements for operations and maintenance of collection systems and for reporting and mitigating sanitary sewer overflows that are more extensive, and therefore, more stringent than the requirements under federal standard provisions. The cities of Gilroy and Morgan Hill own and operate sanitary sewer collection systems tributary to the South County Regional Wastewater Treatment Facility and are enrolled in Order 2022-0103-DWQ.

6.2.5.3. **Biosolids.**

Provisions regarding sludge handling and disposal ensure that such activities will comply with all applicable regulations. 40 C.F.R. part 503 sets forth U.S. EPA's final rule for the use and disposal of biosolids, or sewage sludge, and governs the final use or disposal of biosolids. The intent of this federal program is to ensure that sewage sludge is used or disposed of in a way that protects both human health and the environment.

U.S. EPA's regulations require that producers of sewage sludge meet certain reporting, handling, and disposal requirements. As the U.S. EPA has not delegated the authority to implement the sludge program to the State of California, the enforcement of sludge requirements that apply to the Discharger remains under U.S. EPA's jurisdiction at this time. U.S. EPA, not the Central Coast Water Board, will oversee compliance with 40 C.F.R. part 503.

6.2.5.4. **Discharges of Stormwater.**

Discharges of stormwater from POTWs with a design capacity greater than 1.0 MGD are applicable for coverage under State Water Board Order 2014-0057-DWQ, as amended by Order WQ 2015-0122 DWQ & Order WQ 2018-0028 DWQ, NPDES CAS000001, Waste Discharge Requirements for Dischargers of Stormwater Associated with Industrial Activities Excluding Construction Activities.

The Discharger has enrolled for coverage under the Industrial Stormwater General Permit.

6.2.5. **Other Special Provisions**

6.2.5.1. **Salt and Nutrient Management Plan.**

The previous permit required the Discharger to develop and implement a salt and nutrient management plan. The Discharger is now enrolled in Order R3-2020-0020, which incorporates the salt and nutrient management plan requirements which requirements are based on the Recycled Water Policy. The previous Order requirements for specific conductance monitoring in the influent were removed in this Order, monitoring for the Salt and Nutrient Management Plan will be in Order R3-2020-0020.

6.2.5.2. **Climate Change Adaptation Program.**

The Central Coast Water Board is addressing the threats of climate change and flooding by including provisions in new orders that ensure climate change mitigation and adaptation strategies are implemented. There is widespread scientific consensus that climate change is occurring and will continue at an accelerating rate into the future. Extreme weather events, including drought, high-intensity precipitation, flooding, and extreme heat have occurred through much of California in recent years and are projected to increase in frequency, extent, or intensity due to climate change.

Climate change has the potential to impact discharging facilities through inundation, storm impacts, and erosion, increasing the risk of accidental discharge that results in discharge permit violations. These events have significant implications for wastewater treatment and operations, such as increased corrosion, deposition of solids, infiltration, overflows, inundation of facilities, impairment of treatment processes, and disruption of power or electrical components. Due to the long-term nature of these risks, there is a need to avoid piecemeal or reactionary adaptation and instead undertake proactive, long-term planning with consideration of various adaptation strategies that both keep facilities safe, maintain safe discharging practices, and avoid impacts to resources.

Climate change adaptation planning, reporting, and implementation requirements are incorporated into the Discharger's enrollment in Order R3-2020-0020.

6.2.6. **Compliance Schedules – Not Applicable**

7. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

CWA section 308 and 40 C.F.R. sections 122.41(h), (j)-(l), 122.44(i), and 122.48 require that all NPDES permits specify monitoring and reporting requirements. California Water Code section 13383 authorizes the Central Coast Water Board to establish monitoring, inspection, entry, reporting, and recordkeeping requirements related to discharges to navigable waters or publicly owned treatment works.

California Water Code section 13267 further authorizes the Central Coast Water Board to establish such requirements related to discharges of waste to any waters of the state within its region. The MRP, Attachment E of this Order, establishes monitoring, reporting, and recordkeeping requirements that implement federal and state requirements. The following provides the rationale for the inclusion of the monitoring and reporting requirements contained in the MRP for this Facility to ensure compliance with Order requirements to ensure protection of water quality and beneficial uses. The burden, including costs, of these requirements bears a reasonable relationship to the need for and benefits to be obtained through the provision of these reports.

7.1. Influent Monitoring

In addition to influent flow monitoring, monitoring for BOD and TSS is required to determine compliance with the Order's percent removal requirement for these pollutants. The previous Order requirements for specific conductance monitoring in the influent was removed in this Order as discussed in section 6.5.2.1 of this Fact Sheet and all other influent monitoring requirements have been retained from Order R3-2017-0028.

7.2. Effluent Monitoring

Effluent monitoring is necessary to determine compliance with effluent limitations and evaluate compliance with applicable water quality objectives and criteria. Effluent monitoring requirements have been retained from Order R3-2017-0028. The frequency of monitoring for chronic toxicity was increased from annual to monthly and annual monitoring of chlorpyrifos and diazinon was included in the MRP, as discussed in section 4.3.6.6 of this Fact Sheet. This Order's MRP adds requirements to conduct effluent monitoring at least once a year (or once per every five years, as specified) regardless of whether there is discharge to the Pajaro River in inform future RPAs. This Order establishes additional monitoring for methylene blue activated substances, and oil and grease, as discussed in section 5.1 of this Fact Sheet. Monitoring requirements chloroform and total cyanide have increased from once per permit term to monthly to determine compliance with newly established effluent limitations and inform future RPAs.

7.2.1 **Compliance Conditions for Required Monitoring When No Discharge to Pajaro River**

If monitoring samples are taken while no discharge was occurring to the Pajaro River, the results will not be used to determine compliance with effluent limits for this Order.

If required annual chronic toxicity monitoring occurs during conditions of no discharge and results in exceedances of the MDEL, the Discharger will conduct the accelerated monitoring requirements.

7.3. Whole Effluent Toxicity Testing Requirements

Chronic toxicity monitoring requirements have been updated in accordance with the 2020 Toxicity Provisions in the ISWEBE Plan. The chronic toxicity effluent limitations protect the narrative WQO in the Basin Plan and comply with the requirement in the Toxicity Provisions to establish chronic effluent limitations for facilities with permitted discharges greater than 5.0 MGD and a pretreatment program. Updated requirements are in section 6.3.2.1 of the Order and the required monitoring are in section 5 of the MRP (Attachment E).

7.4. Receiving Water Monitoring

7.4.1. Surface Water

Surface water and receiving water monitoring requirements are necessary to evaluate compliance with water quality objectives and the protection of beneficial uses. Surface water and receiving water monitoring in this Order is focused on the Pajaro River and is revised from the previous Order to reflect changes to the receiving water monitoring program in Attachment E, including simplification of flow monitoring to Daily Flow (MGD) and addition of monitored parameters chloroform, cyanide, total coliform and MBAS. If no discharge occurs, monitoring at RSW-011 must be conducted at least once per Period of Authorized Discharge between November and April for the parameters listed in Attachment E, except for parameters with a minimum sampling frequency of once per five years.

7.5. Land Discharge Monitoring

The previous Order included monitoring requirements for land discharge and Llagas Creek because it also regulated discharges of treated wastewater to the Facility's percolation ponds adjacent to Llagas Creek. This Order does not regulate those land discharge activities. Land discharge requirements, including applicable monitoring for the percolation ponds and associated Llagas Creek monitoring designed to confirm that the land discharges are not affecting the creek, are addressed under Order R3-2020-0020, as described in section 4.6 of this Fact Sheet. Accordingly, land discharge and Llagas Creek monitoring are not included in this Order.

7.6. Groundwater Monitoring

The previous Order included groundwater monitoring requirements because it also regulated land discharge activities with the potential to affect groundwater. This Order does not regulate discharges to land. Groundwater protection requirements and associated monitoring for land-based wastewater management activities are addressed under Order R3-2020-0020, as described in section 5.2 of this Fact Sheet. Accordingly, groundwater monitoring is not included in this Order.

7.7. Recycled Water Monitoring

The previous Order included monitoring requirements related to recycled water operations. This Order does not regulate recycled water production, storage, or reuse activities. Those activities are addressed under Order R3-2020-0020 and WQ 2016-0068-DDW, as described in section 4.7 of this Fact Sheet. Accordingly, recycled water monitoring is not included in this Order.

7.8. Other Monitoring Requirements

7.8.1. Discharge Monitoring Report-Quality Assurance (DMR-QA) Study Program

Under the authority of section 308 of the CWA (33 U.S.C. 1318), U.S. EPA requires major and selected minor dischargers under the NPDES Program to participate in the annual DMR-QA Study Program. The DMR-QA Study Program evaluates the analytical ability of laboratories that routinely perform or support self-monitoring analyses required by NPDES permits. There are two options to satisfy the requirements of the DMR-QA Study Program: (1) The Discharger can obtain and analyze a DMR-QA sample as part of the DMR-QA study or (2) per the waiver issued by U.S. EPA to the State Water Board, the Discharger can submit the results of the most recent water pollution performance evaluation study from its own laboratories or its contract laboratories. A water pollution performance evaluation study is similar to the DMR-QA study. Thus, it also evaluates a laboratory's ability to analyze wastewater samples to produce quality data that ensures the integrity of the NPDES program. The Discharger shall ensure that the results of the DMR-QA study or the results of the most recent water pollution performance evaluation study are submitted annually to the State Water Board. The State Water Board's quality assurance program officer will send the DMR-QA study results or the results of the most recent water pollution performance evaluation study to U.S. EPA's DMR-QA coordinator and quality assurance manager.

7.8.2. Biosolids/Sludge Monitoring

All biosolids generated at the Facility must be disposed of, treated, or applied to land in accordance with federal regulations contained in 40 C.F.R. section 503. These requirements are enforceable by USEPA.

Biosolids monitoring shall be reported in the annual report in accordance with 40 C.F.R. 503. Biosolids monitoring requirements in this Order are based on the 2017 Order but have been reorganized and revised. Specifically, biosolids provisions are now grouped in section 9 of Attachment E, Biosolids Monitoring, Notification, and Reporting. Tables have been moved and renumbered including Table E-6, Biosolids Monitoring Frequency, and Table E-7, Biosolids Monitoring Requirements. Some requirements were also relocated from the monitoring table to associated text or footnotes. For example, where biosolids are directly land applied without further treatment by another preparer, this Order continues to require testing for organic-N, ammonium-N, and nitrate-N through the Table E-6 footnote. At the same time, some parameters in the previous Order's biosolids monitoring requirements are no longer expressly listed in Table E-7, including

total Kjeldahl nitrogen, antimony, barium, beryllium, cobalt, thallium, tin, vanadium, pesticides, organic lead, and PCBs. This Order continues to require certain biosolids pollutant testing elsewhere in Attachment E, section 9, including metals required by 40 C.F.R. part 503 and section 307(a) pollutant sampling for Class 1 facilities.

7.8.3. **Pretreatment Monitoring**

Pretreatment monitoring shall be reported in the annual report in accordance with requirements in 40 C.F.R. 403.8. Pretreatment monitoring requirements have been retained from the previous order.

8. PUBLIC PARTICIPATION

The Central Coast Water Board is considering the issuance of WDRs that serve as an NPDES permit for the South County Regional Wastewater Treatment and Reclamation Facility. As a step in the WDR adoption process, Central Coast Water Board staff developed tentative WDRs and encourages public participation in the WDR adoption process.

8.1. Notification of Interested Persons

On January 15, 2026, the Central Coast Water Board sent a letter to California Native American Tribes in Santa Clara County ab in which it invited the Tribes to provide input on the permitting process and offered the Tribes opportunities to request consultation with Central Coast Water Board.

Additionally, the Central Coast Water Board notified the Discharger and interested agencies and persons on January 16, 2026 of its intent to issue this NPDES permit for the discharge and provided an opportunity to submit written comments and recommendations through direct emails to known interested persons. Notification was also provided via a posting on the Central Coast Water Board's website on January 16, 2026.

The public has access to the agenda and any changes in dates and locations through the Central Coast Water Board's website at http://www.waterboards.ca.gov/centralcoast/

8.2. Written Comments

Interested persons were invited to submit written comments by 12:00 p.m. on February 17, 2026 concerning these WDRs as provided through the notification process.

To be fully responded to by staff and considered by the Central Coast Water Board, the written comments were due at the Central Coast Water Board office by 12:00 p.m**.** on February 17, 2026.

8.3. Public Hearing

The Central Coast Water Board held a public hearing on the proposed WDRs during its regular Board meeting on the following date and time and at the following location:

Date:	April 16-17, 2026
Time:	9:00 a.m.-5:00 p.m.
Location:	Link to video and teleconference are provided at https://www.waterboards.ca.gov/centralcoast/board_info/agendas/2026/2026_agendas.html

Interested persons were invited to attend. At the public hearing, the Central Coast Water Board heard testimony pertinent to the discharge, WDRs, and permit. For accuracy of the record, important testimony is requested in writing.

8.4. Reconsideration of Waste Discharge Requirements

Any person aggrieved by this action of the Central Coast Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., within 30 calendar days of the date of adoption of this Order at the following address, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day:

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100, 1001 I Street
Sacramento, CA 95812-0100

Or by email at waterqualitypetitions@waterboards.ca.gov

For instructions on how to file a petition for review, see the State Water Board's website on instructions for filing water quality petitions at: https://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml.

8.5. Information and Copying

The Report of Waste Discharge, other supporting documents, and comments received are on file and may be inspected at the address above at any time between 8:00 a.m. and 5:00 p.m., Monday through Friday. Copying of documents may be arranged through the Central Coast Water Board by calling (805) 549-3147.

8.6. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding the WDRs and NPDES permit should contact the Central Coast Water Board**,** reference this Facility, and provide a name, address, and phone number.

8.7. Additional Information

Requests for additional information or questions regarding this order should be directed to Sarah Bragg-Flavan at (805) 542-4636 or Sarah.Bragg-Flavan@waterboards.ca.gov.