

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401-7906**

WASTE DISCHARGE REQUIREMENTS ORDER NO. R3-2004-0123

For

**LOCAL WASTEWATER COLLECTION AGENCIES TRIBUTARY TO
THE CITY OF SANTA BARBARA
EL ESTERO WASTEWATER TREATMENT FACILITY
SANTA BARBARA COUNTY**

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

PERMITTEES

1. All agencies, municipalities, counties, districts or other public bodies, which own or have responsibility for wastewater collection systems or any facilities that collect or convey wastewater in the portions of Santa Barbara County served by the City of Santa Barbara (City) are named as Permittees in this Order. Since all of the Permittees are tributary to the City of Santa Barbara El Estero Wastewater Treatment Facility (Treatment Facility), the City may lead a steering committee for all entities tributary to the Treatment Facility, to facilitate compliance by each Permittee with the requirements of this Order. The known Permittees are as follows:

County of Santa Barbara – Mission Canyon Sewer District (County Service Area 12)

If ownership or operational oversight changes for any Permittee covered under this Order, or if any new Permittee is established, they shall be subject to this Order.

PURPOSE OF ORDER

2. The purpose of this Order is to replace portions of existing Waste Discharge Requirements Order No. 99-40 (NPDES Permit No. CA0048143), *Waste Discharge Requirements for the City of Santa Barbara El Estero Wastewater Treatment Plant and Local Sewering Entity, Santa Barbara County*. Those

portions of NPDES Permit No. CA0048143 regulating wastewater collection systems tributary to the Treatment Facility are incorporated within this Waste Discharge Requirements Order, separate from the City's Permit. This Order sets specific wastewater collection system requirements for the Permittees and upholds State water quality standards.

FACILITY OWNERS AND LOCATIONS

3. The City owns and operates a wastewater collection, treatment and disposal system to provide sewerage service to the Permittees named in Finding No. 1 (Attachment A)
4. The Permittees retain ownership and direct responsibility for wastewater collection and transport systems up to the point of discharge into interceptors owned and operated by the City.

GENERAL INFORMATION

5. Untreated wastewater mainly consists of domestic, commercial and industrial wastewater collected in a wastewater collection system.
6. A wastewater collection system includes sewers, pipes, pumps, or other structures that convey wastewater to a treatment facility. Properly designed, operated, and maintained wastewater collection systems are meant to collect and transport all of the wastewater that

- flows into them to a publicly owned treatment works.
7. It is incumbent upon the Permittees to protect the environment to the greatest degree possible and ensure their local wastewater collection systems are properly protected and utilized. This responsibility includes preventing overflows and may include restricting or prohibiting the volume, type, or concentration of wastes added to the system.
 8. A wastewater collection system overflow (overflow) or sewage spill, describes each instance of a discharge of sewage from a wastewater collection system other than to the wastewater treatment plant. Temporary storage and conveyance facilities (such as vaults, temporary piping, construction trenches, wet wells, impoundments, tanks, etc.) are considered part of the wastewater collection system, and discharges of sewage to these facilities are not considered overflows.
 9. Overflows may consist of varying mixtures of domestic, industrial, and commercial wastewater, and often contains high levels of suspended solids, pathogenic organisms, toxic pollutants, nutrients, oxygen demanding organic compounds, oil and grease, and other pollutants. Overflows may cause nuisance, exceed applicable water quality standards when the sewage is discharged to surface waters of the State, pose a threat to public health, adversely affect aquatic life, and impair public recreational use and aesthetic enjoyment of surface waters.
 10. California Water Code Section 13050(m) defines a nuisance as anything that meets all of the following requirements: (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property; (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and; (3) Occurs during, or as the result of, the treatment or disposal of wastes.
 11. Overflows can occur from publicly owned wastewater collection systems and from privately owned systems. If an overflow occurs near the ocean or has potential to reach beaches by either direct discharge to the ocean or entering the storm drains leading to the ocean, a beach warning or a beach closure may occur. In accordance with State statutes, the Santa Barbara County Health Department monitors ocean water at public beaches and water-contact recreation areas by conducting bacteriological testing of the ocean water. Elevated concentrations of bacteria can be indicative of contamination by human sewage and other wastes such as urban and agriculture runoffs which may increase the risk of human disease. When bacterial indicator organisms exceed the State guidelines for beaches, the jurisdictional County Health Department takes appropriate actions such as posting beach warnings or conducting beach closures to ensure public safety.
 12. Overflows have a variety of causes, including but not limited to grease buildup, root and debris blockages, severe weather, flood damage, manhole structure failures, pump station mechanical failures, power outages, storm or ground water inflow/infiltration, collection system age and construction material failures, improper system operation and maintenance, vandalism, lack of capacity, and contractor caused damages. Many overflows are preventable with adequate and appropriate source control measures, and operation and maintenance of the wastewater collection system. This Order addresses preventable overflows.
 13. The issuance of a single waste discharge requirements order to the Permittees will:
 - a. Reduce the administrative burden of issuing individual waste discharge requirements to each Permittee;
 - b. Provide for a unified regional approach for the reporting and database tracking of sanitary sewer overflows;
 - c. Provide consistent and uniform standards of performance, operations and

maintenance of sewage collection systems;

- d. Provide statewide reporting consistency pursuant to Assembly Bill (AB) 285 (adopted on October 4, 2001) and the State Water Resources Control Board's reporting requirements per AB 285 (Water Code Sections 13193 and 13271); and
- e. Facilitate uniform enforcement for violations.

RELEVANT REGULATIONS

- 14. **Storm Water** – The State Water Resources Control Board's (State Board's) Storm Water Program regulates municipalities with populations less than 100,000, including urbanized areas (areas with a population of 50,000 and density greater than 1000 people per square mile), cities, and county areas designated by the State based on site-specific criteria, and various state and federal facilities. If county areas named in this Order meet the Phase II Storm Water permit criteria, storm water management in these areas will be regulated by a future Phase II Municipal General Storm Water Discharge Permit.
- 15. **Basin Plan** - The *Water Quality Control Plan, Central Coastal Basin* (Basin Plan) was adopted by the Regional Board on September 8, 1994. The Basin Plan incorporates statewide plans and policies by reference and contains a strategy for protecting beneficial uses of the Pacific Ocean.
- 16. **Beneficial Uses** - Existing and anticipated beneficial uses of ocean waters in the vicinity of the discharge include:
 - a. Water contact recreation;
 - b. Non-contact water recreation, including aesthetic enjoyment;
 - c. Industrial water supply;
 - d. Navigation;
 - e. Marine habitat;
 - f. Shellfish harvesting;
 - g. Preservation of Rare and Endangered Species;
 - h. Ocean commercial and sport fishing; and

i. Wildlife habitat.

- 17. **Authority to Prohibit Discharge** - California Water Code Section 13243 provides that a Regional Board, in a basin plan or waste discharge requirements, may specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted. The requirements specified in this Order are consistent with both the Basin Plan and Water Code Section 13243.
- 18. **CEQA** - These waste discharge requirements apply to existing wastewater collection systems and are exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et. seq.) in accordance with Section 15301, Article 19, Chapter 3, Division 6, Title 14 of the California Code of Regulations. In addition, this Order is a prohibition of discharge, and as such, is exempt from the provisions of the California Environmental Quality Act, in accordance with Title 14, California Code of Regulations, Chapter 3, Section 15308.

GENERAL FINDINGS

- 19. **Monitoring Program** - Monitoring and Reporting Program No. R3-2004-0123 is included as part of this Order. The Monitoring Program requires overflow reports and periodic wastewater collection system reports to verify compliance with this Order.
- 20. **Public Notice** - On July 23, 2004, the Regional Board notified the Permittees and interested agencies and persons of its intent to issue waste discharge requirements for the discharge and has provided them with a copy of the proposed Order and an opportunity to submit written comments, and scheduled a public hearing.
- 21. **Public Hearing** - In a public hearing on October 22, 2004, the Regional Board heard and considered all comments pertaining to the discharge and found this Order consistent with the above findings.

22. **Right to Petition** - Any person affected by this action of the Regional Board may petition the State Board to review the action in accordance with Section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

IT IS HEREBY ORDERED pursuant to authority in sections 13243 and 13263 of the California Water Code, that the Permittees, their agents, successors, and assigns, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted there under, shall comply with the following:

As provided by CWC Section 13350(a), any person may be civilly liable if that person in violation of a waiver condition or waste discharge requirements, discharges waste, or causes waste to be deposited where it is discharged, into the waters of the State.

All technical and monitoring reports submitted pursuant to this Order are required pursuant to Section 13267 of the California Water Code. Failure to submit reports in accordance with schedules established by this Order, attachments to this Order, or failure to submit a report of sufficient technical quality to be acceptable to the Executive Officer, may subject the Permittee to enforcement action pursuant to Section 13268 of the California Water Code.

A. PROHIBITIONS

1. The discharge of untreated wastewater outside of the described wastewater collection systems and the Treatment Facility is prohibited.
2. The discharge of chlorine or any other toxic substance used for disinfection and cleanup of sewage overflows, to any surface water body is prohibited. (This prohibition does not apply to the chlorine in the potable water used for final wash down and clean up of overflows.)
3. Introduction of "incompatible wastes" to the treatment system is prohibited.

4. Introduction of pollutants into the collection, treatment or disposal system by an "indirect discharger" that:
 - a. inhibit or disrupt the treatment process, system operation, or the eventual use or disposal of sludge; or,
 - b. cause or "significantly contribute" to a violation of any requirement of this Order, is prohibited.
5. Introduction of "pollutant-free" wastewater to the collection, treatment and disposal system in amounts that threaten compliance with this Order is prohibited.

B. GENERAL PROVISIONS

1. Order Availability - A copy of this Order shall be maintained at appropriate locations and shall be available to wastewater collection system operation and maintenance personnel at all times.
2. Adequate Funding - The Permittee shall properly fund, manage, operate, and maintain, with adequately trained staff and/or contractors possessing adequate knowledge, skills, and abilities as demonstrated through a validated program at all times, all parts of the wastewater collection system owned and/or operated by the Permittee.
3. Adequate Capacity - The Permittee shall provide adequate capacity to convey base flows and peak flows, including wet weather related events to the minimum design criteria as defined in the Permittee's System Evaluation and Capacity Assurance Plan (developed in accordance with MRP Attachment 1, Section IX), for all parts of the collection system owned or operated by the Permittee.
4. The Permittee shall coordinate with the City on relevant matters concerning the wastewater collection systems, pretreatment program, source control program, and the wastewater treatment facility.

C. REPORTING PROVISIONS

1. The Permittee shall comply with "Monitoring and Reporting Program (MRP) No. R3-2004-0123, as specified by the Executive Officer.
2. The Permittee shall develop and implement a Wastewater Collection System Management Plan (Management Plan) in accordance with MRP No. R3-2004-0123. All elements of the Plan (outlined in MRP Attachment 1) shall be clearly labeled and addressed by the Permittee. If any element of MRP Attachment 1 is not appropriate or applicable to a Permittee's Management Plan, the report shall provide the rationale for not including that element in the Management Plan. The Management Plan shall be developed and implemented to assure compliance with these waste discharge requirements and shall be made available to the public or to a representative of the Regional Board, State Board or USEPA upon request.
3. The Permittee shall submit an annual report (as outlined in the MRP) to the Regional Board, and provide copy to the City, describing their coordination with the City's pretreatment activities over the previous twelve months.
4. The Permittee shall report any sewage overflows using the Sewage Overflow Reporting Form (MRP Attachment 2) or equivalent, as approved by the Regional Board Executive Officer.

D. IMPLEMENTATION REQUIREMENTS

1. Upon reduction, loss, or failure of the wastewater collection system resulting in an overflow, the Permittee shall, to the extent necessary to maintain compliance with this Order, take any necessary remedial actions to 1) control or limit the volume of wastewater discharged, 2) terminate the wastewater discharge as rapidly as possible, and 3) recover as much of the wastewater discharged as possible for proper disposal, including any wash down water. The Permittee shall implement all remedial actions to the extent

they may be applicable to the discharge, including the following:

- a. Interception and rerouting of wastewater flows around the collection line failure;
 - b. Vacuum truck recovery of wastewater overflows and wash down water;
 - c. Cleanup of debris of sewage origin at the overflow site;
 - d. Sample affected receiving water body upstream, at, and downstream of the overflow's point of entrance to ensure adequate clean-up;
 - e. Submit monitoring data to the Executive Officer within 30 days of sampling.
2. The discharge of untreated or partially treated wastewater is prohibited pursuant to Prohibition A.1, and shall constitute a violation of these discharge requirements unless the Permittee demonstrates through properly signed, contemporaneous operating logs, or other relevant evidence that the following criteria are met:
 - a. The discharge was caused by one or more severe natural conditions, including hurricanes, tornadoes, widespread flooding, earthquakes, tsunamis, and other similar natural conditions; and
 - b. There were no feasible alternatives to the discharge, such as the use of auxiliary treatment facilities, retention of untreated wastewater, reduction of inflow and infiltration, use of adequate backup equipment, or an increase in the capacity of the system. This provision is not satisfied if, in the exercise of reasonable engineering judgment, the Permittee should have installed auxiliary or additional collection system components, wastewater retention or treatment facilities, or adequate back-up equipment, or should have reduced inflow and infiltration.
 3. In any enforcement action, the Regional Board will consider the efforts of the Permittee to

contain, control, and clean up wastewater overflows from its collection system as part of its consideration of the factors required by Section 13327 of the California Water Code.

4. The Permittee shall develop and implement an Infiltration/Inflow and Spill Prevention Program (Program). The Program shall be reviewed and updated as necessary **by September 1 of every year**. The Program shall be incorporated into the Wastewater Collection System Management Plan as required by this Order, and outlined in MRP Attachment 1. The Program shall be developed in accordance with good engineering practices and shall address the following objectives:
 - a. Identify infiltration and inflow sources that may affect collection system or treatment facility operation or possibly result in overflow or exceed pump station capacity; and,
 - b. Identify, assign, and implement spill prevention measures and collection system management practices to ensure overflows and contribution of pollutants or "incompatible wastes" to the City's treatment system are minimized.

E. STANDARD PROVISIONS AND REPORTING REQUIREMENTS

1. Collection, treatment, and discharge of waste shall not create nuisance or pollution, as defined by Section 13050 of the California Water Code.
2. As necessary to assure safe and reliable collection, treatment, and disposal of waste and consistent compliance with this Order, the Permittee shall adopt and enforce a local source control program.
3. Facilities and systems for collection, treatment, and control of wastewater shall be properly operated and maintained. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staff and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.
4. Transport and treatment facilities and permanent disposal ponds shall be adequately protected against overflow, flooding, or washout as the result of a 100-year frequency flood or 100-year, 24-hour storm.
5. Operation of collection, treatment, and disposal systems shall be in a manner that precludes public contact with wastewater.
6. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed in a manner approved by the Executive Officer.
7. The Regional Board shall be allowed:
 - a. Entry upon premises where an effluent source is located or where records must be kept under the conditions of this Order;
 - b. Access to copy any records that must be kept under the conditions of this Order;
 - c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and,
 - d. To photograph, sample, and monitor for the purpose of showing compliance with this Order.
8. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to:
 - a. Violation of any term or condition contained in this Order;
 - b. Obtaining this Order by misrepresentation, or by failure to disclose fully all relevant facts;
 - c. 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,
- d. A material change in character, location, or volume of the discharge.
9. The Order does not authorize commission of any act causing injury to the property of another, does not convey any property rights of any sort, does not remove liability under federal, state, or local laws, and does not guarantee a capacity right.
 10. The Permittee shall take all reasonable steps to minimize or correct adverse impacts on the environment resulting from noncompliance with this Order.
 11. Provisions of this Order are severable. If any provision of the Order is found invalid, the remainder of the Order shall not be affected.
 12. The Permittee shall furnish, within a reasonable time, any information the Regional Board may request to determine compliance with this Order or to determine whether cause exists for modifying or terminating this Order.
 13. Safeguards shall be provided to assure maximal compliance with all terms and conditions of this Order. Safeguards shall include preventative and contingency plans and may also include alternative power sources, stand-by generators, retention capacity, operating procedures, dual pumping systems, or other precautions. Preventative and contingency plans for controlling and minimizing the effect of accidental discharges shall:
 - a. 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.
 - b. 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 Order.
 14. Physical facilities shall be designed and constructed according to accepted engineering practices 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.
 15. Should additional data become available through monitoring or investigation that indicates compliance with this Order is not adequately protecting ground water, the Regional Board will review and revise this Order as appropriate.
 16. Monitoring location, minimum sampling frequency, and sampling method for each parameter shall comply with the Monitoring and Reporting Program of this Order. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, entitled "Guidelines Establishing Test Procedures for Analysis of Pollutants," unless other test procedures have been specified in this Order.
 17. Water quality analyses performed in Order to monitor compliance with this Order shall be by a laboratory certified by the State Department of Health Services for the constituent(s) being analyzed.
 18. If the laboratory used or proposed for use by the Permittee is not certified by the California Department of Health Services due to restrictions in the State's laboratory certification program, the Permittee shall be considered in compliance with this provision provided:
 - a. Data results remain consistent with results of samples analyzed by the Regional Board;
 - b. 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 Regional Board; and,

- c. Certification is pursued in good faith and obtained as soon as possible after the program is reinstated.
19. All monitoring instruments and devices used by the Permittee to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy.
 20. The Permittee shall maintain records of all monitoring information, including all calibration and maintenance records; all original strip chart recordings for continuous monitoring instrumentation; the date, exact place, and time of sampling; the individual who performed the sampling; the date analysis was performed; the laboratory and individual who performed the analysis; the analytical techniques used; and results. Records shall be maintained for a minimum of three years. This period may be extended during the course of any unresolved litigation or when requested by the Regional Board.
 21. Any noncompliance that may endanger health or the environment shall be reported orally within 24 hours from the time the Permittee becomes aware of the circumstances (**telephone: 805-549-3147**). Unless waived by the Executive Officer of the Regional Board, a written report shall be submitted within five (5) days of awareness and shall contain a description of the noncompliance and its cause; the period of noncompliance (including exact dates and times) or anticipated duration; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. This provision includes, but is not limited to:
 - a. Violation of a discharge prohibition;
 - b. Any "upset", "overflow", or "bypass";
 - c. Violation of a discharge limitation for any "hazardous substance."

Written reports of overflows shall include, but not be limited to, no less information than is required on the current overflow reporting form (see MRP Attachment 2), or equivalent, as approved by the Regional Board Executive Officer. Any additional information shall be reported as an attachment thereto, or in the form of status reports and/or a final report for incidents and cleanups of longer duration.
 22. Within 120 days after the Permittee discovers, or is notified by the Regional Board, that monthly average daily flow will or may reach design capacity of the wastewater collection system within four (4) years, the Permittee shall file a written report with the Regional Board. The report shall include:
 - a. The best estimate of when the monthly average daily dry weather flow rate will equal or exceed design capacity; and,
 - b. A schedule for studies, design, and other steps needed to provide additional capacity before the waste flow rate equals the present capacity.

In addition, 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 system.
 23. Except for data determined to be confidential under Section 13267(b) of the California Water Code, all reports prepared in accordance with this Order shall be available for public inspection at the office of the Regional Board.
 24. Should the Permittee discover that it failed to submit any relevant facts or that it submitted incorrect information in a report, it shall promptly submit the missing or incorrect information.
 25. All reports shall be signed as below:

- a. For a corporation; by a principle executive officer of at least the level of vice president;
 - b. For a partnership or sole proprietorship; by a general partner or the proprietor, respectively;
 - c. For a public agency; by either a principal executive officer or ranking elected official; or,
 - d. Their "duly authorized representative."
26. Any person signing a report makes the following certification, whether it is expressed or implied:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

27. The Permittee must notify the Regional Board whenever there is a substantial change in the volume or character of pollutants being introduced into the wastewater system. Notice shall include information on the quality and quantity of waste being introduced to the system and the anticipated impact of the waste upon collection and treatment system.
28. The Permittee must notify the Regional Board as soon as it knows or has reason to believe that it, or an indirect discharger, has begun, or expects to begin, use or manufacture of a "toxic waste" or "hazardous substance" not reported in the Report of Waste Discharge that may, directly or indirectly, discharge into the treatment and disposal system.

29. The Permittee must comply with all conditions of this Order. Noncompliance violates state law and is grounds for enforcement action or modification of the existing Order.
30. Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of section 13267 of the California Water Code, or falsifying any information provided therein, is guilty of a misdemeanor.
31. The Permittee and any person who violates waste discharge requirements and/or who intentionally or negligently discharges waste or causes or permits waste to be deposited where it is discharged into surface waters of the state may be liable for civil and/or criminal remedies, as appropriate, pursuant to sections 13350, 13385, and 13387 of the California Water Code.

F. DEFINITIONS

1. "Bypass" means the diversion of waste streams around any portion of a treatment facility to the disposal area or from the treatment facility to a non-authorized location.
2. A "Duly Authorized Representative" is a person or title for which:
 - a. The authorization is made in writing by a person described in the signatory paragraph of this document (See Item No. E.25);
 - b. The authorization specifies either an individual or the occupant of a position having responsibility for the overall operation of the regulated facility, such as the plant manager; and,
 - c. The written authorization was submitted to the Regional Board.
3. "Hazardous substance" means any substance designated as hazardous in the California Water Code, Division 7, Section 13050.

4. "Incompatible wastes" are:
 - a. Wastes which create a fire or explosion hazard in the treatment works;
 - b. Wastes which will cause corrosive structural damage to treatment works, including all wastes with a pH lower than 5.0 unless the works is specifically designed to accommodate such wastes;
 - c. Solid or viscous wastes in amounts which cause obstruction to flow in sewers, or which cause other interference with proper operation of treatment works;
 - d. 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,
 - e. Heat in amounts that inhibit or disrupt biological activity in the treatment works or that raises influent temperatures above 40°C (104°F) unless the treatment works is designed to accommodate such heat.
5. "Indirect Discharger" means a nondomestic discharger introducing pollutants into a publicly owned treatment and disposal system.
6. "Pollutant-free wastewater" means infiltration and inflow, storm waters, and cooling waters and condensates which are essentially free of pollutants.
7. "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. "To significantly contribute" to a waste discharge requirement violation means an "indirect discharger" must:
 - a. Discharge a daily pollutant loading in excess of that allowed by contract with the Permittee or by state or local law;
 - b. Discharge wastewater which substantially differs in nature or constituents from its average discharge;
 - c. Discharge pollutants, either alone or in conjunction with discharges from other sources, which results in a waste discharge requirement violation or prevents sludge use or disposal; or,
 - d. Discharge pollutants, either alone or in conjunction with pollutants from other sources, that increase the magnitude or duration of waste discharge requirement violations.
9. "Toxic waste" means any toxic and persistent waste which falls within the following categories:
 - a. PCB's
 - b. Pesticides
 - c. Toxic Metals
 - d. Cyanides
 - e. Halogenated Organics
 - f. Non-halogenated volatile organics
10. "Upset" means an exceptional incident causing noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the Permittee. It does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

G. STORM WATER MANAGEMENT PROVISIONS

1. If the Permittee implements storm water diversion projects, the Permittee shall coordinate with the City in developing a monitoring program subject to the Executive Officer's approval. The purpose of the monitoring is to establish a baseline data set for constituents present in the storm water system. The Permittee, in coordination with

the City, shall evaluate the potential impacts to the wastewater treatment system. The monitoring program should include, but not be limited to, sampling locations, sampling frequency, and constituents to be sampled.

H. REPORT OF WASTE DISCHARGE

1. Pursuant to Title 23, Chapter 3, Subchapter 9, of the California Code of Regulations, the Permittee must submit a written report to the Executive Officer not later than April 22, 2009, addressing:

- a. Whether there will be changes in the continuity, character, location, or volume of the discharge;
- b. Whether, in their opinion, there is any portion of the Order that is incorrect, obsolete, or otherwise in need of revision; and,
- c. Summary of any instances of non-compliance with the requirements of this Order or associated Monitoring and Reporting Program.

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Central Coast Region, on October 22, 2004.

Roger W. Briggs
Executive Officer

Date