

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. R3-2005-0043

For

**LOCAL WASTEWATER COLLECTION AGENCIES TRIBUTARY TO
CITY OF SANTA CRUZ
WASTEWATER TREATMENT FACILITY
SANTA CRUZ COUNTY**

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

1. **Permittee.** The Santa Cruz County Sanitation District (hereafter Permittee) collects wastewater in portions of Santa Cruz County not served by the City of Santa Cruz (City). The Permittee transports the collected wastewater to the City's wastewater treatment facility for treatment and discharge to the Pacific Ocean.
2. **Purpose of Order.** This Order includes sections of the City's existing Order that govern the Permittee's oversight of the collection system. This Order sets requirements for the collection system and upholds State water quality objectives.
3. **Facility owner and location.** The City owns and operates a wastewater collection, treatment and disposal system to provide sewerage service to the Permittee named in Finding No. 1.

The Permittee retains ownership and direct responsibility for wastewater collection and transport systems up to the point of discharge into interceptors owned and operated by the City. Attachment A of this Order shows the Permittee's collection system.
5. **Wastewater characteristics.** Municipal wastewater comprises domestic, commercial and industrial wastewater. The City and County conduct a pretreatment program to ensure industrial discharges do not upset the treatment plant or contain pollutants that pass through the plant to pollute the Pacific Ocean. Municipal wastewater often contain high levels of the following: suspended solids, pathogenic organisms, toxic pollutants not removed by the pretreatment program, nutrients, oxygen-demanding organic compounds, oil and grease, and other pollutants.
6. **Collection system characteristics.** Wastewater collection systems include sewers, pumps, and other structures necessary to convey wastewater to a treatment facility. Collection systems collect and transport the wastewater to a treatment and disposal facility.
7. **Permittee's responsibility.** It is the Permittee's responsibility to protect water quality to the greatest extent possible and to adequately maintain and operate the collection system. This responsibility includes overflow prevention, which may require restricting or prohibiting the volume, type, or concentration of wastes added to the system.
8. **Overflows defined.** A wastewater collection system overflow is a wastewater discharge from a collection system other than to the wastewater treatment plant. Temporary storage and conveyance facilities are part of the wastewater collection system and discharges of sewage to these facilities are not overflows.
9. **Effects of overflows.** Overflows can cause nuisance, exceedance of water quality objectives in surface waters, threaten public health, adversely affect aquatic life, and impair

- public recreational use and aesthetic enjoyment of the State's waters.
10. **Nuisance.** California Water Code Section 13050(m) defines a nuisance as anything that meets all of the following requirements: (1) It 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. **County Health Department Beach Monitoring.** In accordance with State statutes, the Santa Cruz County Health Department monitors ocean water for bacteria at public beaches and other water-contact recreation sites. If bacterial indicator organisms exceed State guidelines, the Health Department acts to protect the public health by posting beach warnings or closing beaches.
 12. **Overflow causes.** There are many causes of collection system overflows, including grease buildup, root and debris blockages, severe weather, flood damage, manhole structure failures, pump station mechanical failures, power outages, storm water or groundwater inflow/infiltration, failures due to collection system age, improper system operation and maintenance, vandalism, lack of capacity, and contractor-caused damages. Effective source control measures, operation, and maintenance prevent most significant overflows. This Order addresses preventable overflows.
 13. **Effects of WDRs.** These waste discharge requirements will:
 - a. Reduce the administrative burden of issuing individual waste discharge requirements to each Permittee (if Santa Cruz County creates new sanitation districts);
 - b. Provide a unified regional approach for reporting collection system overflows;
 - c. Provide uniform standards of performance, operations and maintenance of 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. Ease uniform enforcement.
 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 1,000 people per square mile), cities, and county areas designated by the State, and various state and federal facilities. If county areas named in this Order meet the Phase II Storm Water permit criteria, a future Phase II Municipal General Storm Water Discharge Permit will govern storm water management in these areas.
 15. **Basin Plan.** The Board adopted the *Water Quality Control Plan, Central Coastal Basin* (Basin Plan) 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. **Ocean Beneficial Uses.** Existing and anticipated beneficial uses of ocean waters near the collection system 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. **Inland Surface Waters Beneficial Uses.** Existing and anticipated beneficial uses of local inland surface waters most threatened by collection system overflows include:
 - a. Municipal and domestic supply, and

b. Water contact recreation

18. **Authority to Prohibit Discharge** - California Water Code Section 13243 provides that a Regional Board, in a basin plan or waste discharge requirements, may specify 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.
19. **California Environmental Quality Act (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.
20. **Monitoring Program**. Monitoring and Reporting Program No. R3-2005-0043 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.
21. **Public Notice**. On February 3, 2005, the 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 May 13, 2005, the 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 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 State Board must receive the petition 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 Permittee, its agents, successors, and assigns, to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, 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 (EO), may subject the Permittee to enforcement action pursuant to Section 13268 of the California Water Code.

A. PROHIBITIONS

The following are prohibited:

1. The discharge of untreated wastewater outside the described wastewater collection system and the Treatment Facility.
2. The discharge of chlorine or any other toxic substance used for disinfection and cleanup of sewage overflows to any surface water body. (This prohibition does not apply to the chlorine already present in the potable water used for final wash down and cleanup of overflows.)
3. Introduction of "incompatible wastes" to the treatment system.
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 biosolids; or,
 - b. Cause or "significantly contribute" to a violation of any requirement of this Order.
5. Introduction of "pollutant-free" wastewater to the collection, treatment and disposal system in amounts that threaten compliance with this Order.

B. PROVISIONS

1. **Order Availability.** The Permittee shall keep a copy of this Order at appropriate locations and shall make it available to wastewater collection system operation and maintenance personnel at all times.
2. **Adequate Funding.** The Permittee shall fund, manage, operate, and maintain - with adequately trained staff or contractors with adequate knowledge, skills, and abilities demonstrated through a validated training program - all parts of the wastewater collection system owned or operated by the Permittee.
3. **Adequate Capacity.** The Permittee shall provide adequate collection system capacity to convey base flows and peak flows.
4. **City Coordination.** 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.
5. **New Sanitation Districts.** If ownership or operational oversight changes for the Permittee, or if a new sanitation district is established to collect municipal wastewater, the district shall be subject to this Order.

C. REPORTING PROVISIONS

1. The Permittee shall comply with "Monitoring and Reporting Program (MRP) No. R3-2005-0043, as specified by the EO. The EO may revise the MRP.
2. The Permittee shall submit an annual report to the Board, and provide a copy to the City, describing its coordination with the City's pretreatment activities over the previous twelve months.
3. The Permittee shall report any sewage overflows using the Sewage Overflow Reporting Form (MRP Attachment 2) or equivalent, as approved by the EO.

D IMPLEMENTATION REQUIREMENTS

1. The Permittee shall develop and implement a Wastewater Collection System Management Plan (Management Plan) in accordance with MRP No. R3-2005-0043. The Permittee shall address and clearly label all Plan elements (outlined in MRP Attachment 1). If any element of MRP Attachment 1 is not appropriate or applicable to a Permittee's Management Plan, the report shall justify not including that element in the Management Plan. The Management Plan shall be developed and implemented to ensure compliance with these waste discharge requirements and shall be made available to the public or to a representative of the Board, State Board, or USEPA upon request.
2. If collection system failure causes an overflow, the Permittee shall, to the extent necessary to maintain compliance with this Order, act to 1) limit the discharge's volume 2) stop the discharge as soon as possible, and 3) recover as much of the discharge as possible for proper disposal, including wash down water. The Permittee shall implement applicable remedial actions, which may include the following:
 - a. Intercept and reroute wastewater flows around the failure site;
 - b. Recover overflows and wash down water;
 - c. Cleanup sewage debris at the overflow site;
 - d. Sample affected receiving water upstream, at, and downstream of the overflow's point of entrance to ensure adequate clean-up; and
 - e. Submit monitoring data to the EO within 30 days of sampling.
3. Prohibition A.1 prohibits the discharge of untreated or partially treated wastewater, which is 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.
4. In enforcement actions, the Board will consider the Permittee's efforts to contain, control and clean up overflows in consideration of the factors required by CWC section 13327.
 5. The Permittee shall develop and implement an Infiltration/Inflow and Spill Prevention Program (Program). The Permittee shall review and update the Program by September 1 of every year. The Permittee shall incorporate the Program 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, result in overflow or exceed pump station capacity; and,
 - b. Identify and implement spill prevention measures and collection system management practices to minimize overflows and contribution of pollutants or "incompatible wastes" to the City's treatment system.
- E. STANDARD PROVISIONS AND REPORTING REQUIREMENTS**
1. Collection, treatment, and discharge of waste shall not create nuisance or pollution, as defined by CWC section 13050.
 2. As necessary to ensure 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. The Permittee shall operate and maintain systems for collection, treatment, and control of wastewater. Proper operation and maintenance includes effective performance, adequate funding, adequate operational staff and training, and adequate laboratory and process controls, including quality assurance procedures.
 4. The Permittee shall adequately protect transport and treatment facilities and permanent disposal ponds against overflow, flooding, or washout as the result of a 100-year frequency flood or 100-year, 24-hour storm.
 5. The Permittee shall operate collection, treatment, and disposal systems in a manner that prevents public contact with wastewater.
 6. The Permittee shall dispose of collected screenings, sludges, and other solids removed from liquid wastes in a manner approved by the EO.
 7. The Board's staff 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, the Board may terminate or modify this Order 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 threat to health or water quality that requires the discharge to cease or decline; and,
 - d. A material change in the discharge's character, location, or volume.
9. The Order does not authorize the Permittee to commit an act injurious to the property of another, does not convey property rights, does not remove liability under federal, state, or local laws, and does not guarantee a capacity right.
 10. The Permittee shall take reasonable steps to minimize or correct adverse effects on water quality 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 Board may request to determine compliance with this Order or to determine whether cause exists to modify or terminate this Order.
 13. The Permittee shall provide safeguards to ensure maximal compliance with this Order's terms and conditions. Safeguards shall include preventive and contingency plans, and may include alternative power sources, stand-by generators, retention power capacity, operating procedures, dual pumping systems, or other precautions. Preventive 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. If data becomes available that indicates compliance with this Order does not adequately protecting groundwater, the 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. The Permittee shall monitor according to analytical procedures in 40CFR136 unless this Order specifies other test procedures.
 17. A laboratory certified by the State Department of Health Services shall perform analyses to monitor compliance with this Order.
 18. If the laboratory used or proposed for use by the Permittee is not certified by the California Department of Health Services (DHS) 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 Board;
 - b. The laboratory uses a quality assurance program, which includes an operations manual that is available for inspections by the Board; and,
 - c. The laboratory pursues and obtains certification as soon as possible after DHS reinstates the program.
 19. The Permittee shall maintain and calibrate monitoring equipment to ensure its continued accuracy.
 20. The Permittee shall maintain records of monitoring information, including calibration and maintenance records; original strip chart recordings; the date, place, and time of sampling; the person who performed the sampling; the analysis date; the laboratory and person who performed the analysis; the analytical techniques used; and results. The Permittee shall maintain the records for at least three years. This period may be extended during the course of any unresolved litigation or when requested by the Board.
 21. The Permittee shall report any noncompliance that threatens public health or water quality

within 24 hours from the time the Permittee learns of the event (telephone: 805-549-3147). Unless waived by the EO, the Permittee shall submit a written report within five days of learning of the event. The report shall describe 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. 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 no less information than required on the current overflow reporting form (see MRP Attachment 2), or equivalent, as approved by the EO. The Permittee shall attach additional information to the report.

22. Within 120 days after the Permittee determines monthly average daily flow will likely reach design capacity within four (4) years, the Permittee shall submit a report to the EO. 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 to the extent possible and in consultation with entities or 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 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 principal 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 shall notify the Board whenever there is a substantial change in the volume or character of pollutants introduced into the wastewater system. Notice shall include information on the quality and quantity of the waste and the anticipated adverse effects of the waste upon the system.
28. The Permittee shall notify the 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 shall 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 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 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.25d);
 - 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 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, released in sufficient volume or strength to inhibit or disrupt the treatment works; 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 so designed.
5. "Indirect Discharger" means a nondomestic discharger introducing pollutants into a publicly owned treatment and disposal system.
6. "Pollutant-free wastewater" means wastewaters which are 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 EO'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 EO not later than May 19, 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.

SANTA CRUZ COUNTY SANITATION DISTRICT



ATTACHMENT A

