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Agency Secretary

California Regional Water Quality Control Board

Central Coast Region

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Arnold Schwarzenegger
Governor

ORDER NO. R3-2006-0026
NPDES NO. CA0001465

The following Discharger is authorized to discharge in accordance with the conditions set forth in this Order:

Discharger	Chevron Pipe Line Company
Name of Facility	Chevron Estero Marine Terminal
Facility Address	4000 Highway One
	Morro Bay, CA 93442
	San Luis Obispo County

The Discharger is authorized to discharge from the following discharge points as set forth below:

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	Treated Groundwater	35 ° 24' 25" N	120 ° 53' 05" W	Pacific Ocean
002	Storm water discharge	35 ° 24' 45" N	120 ° 51' 25" W	Pacific Ocean
003	Hill Plant retention basin discharge	35 ° 25' 20" N	120 ° 51' 10" W	Toro Creek
004	Shore Plant retention basin discharge	35 ° 24' 50" N	120 ° 52' 00" W	Toro Creek
005	Shore Plant Spill Containment Basin	35 ° 24' 50" N	120 ° 52' 15" W	Toro Creek

This Order was adopted by the Regional Water Board on:	**May 12, 2006**
This Order shall become effective on:	**May 12, 2006**
This Order shall expire on:	**May 12, 2011**
The U.S. Environmental Protection Agency (U.S. EPA) and the Regional Water Board have classified this discharge as a minor discharge.	
The Discharger shall file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, by November 12, 2010, as application for issuance of new waste discharge requirements.	

IT IS HEREBY ORDERED, that Order No. 00-082 is rescinded upon the effective date of this Order except for enforcement purposes, and, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted therein, and the provisions of the federal Clean Water Act (CWA), and regulations and guidelines adopted therein, the Discharger shall comply with the requirements in this Order.

I, Roger Briggs, Executive Officer, do hereby certify the following is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Coast Region, on May 12, 2006.

_____

Roger Briggs, Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
REGION 3, CENTRAL COAST REGION

ORDER NO. R3-2006-0026
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I. FACILITY INFORMATION

The following Discharger is authorized to discharge in accordance with the conditions set forth in this Order:

Discharger	Chevron Pipe Line Company
Name of Facility	Chevron Estero Marine Terminal
Facility Address	4000 Highway One Morro Bay, CA 93442 San Luis Obispo County
Facility Contact, Title, and Phone	Joe Gonzalez, Facility Manager (805) 772-2611
Mailing Address	SAME
Type of Facility	Non-Publicly Owned Treatment Works (non-POTW)
Facility Design Flow	0.21 million gallons per day

II. FINDINGS

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

A. **Background.** Chevron Pipe Line Company (hereinafter Discharger) is currently discharging under Order No. 00-082 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0001465. The Discharger submitted a Report of Waste Discharge, dated April 29, 2005, and applied for a NPDES permit renewal to discharge up to 0.21 million gallons per day (MGD) of treated wastewater from Chevron Estero Marine Terminal, hereinafter Facility. Staff deemed the application complete in writing on July 5, 2005. The permit expired October 27, 2005, but continues in force until the effective date of the new permit, in accordance with 40 CFR Part 122.6.

B. **Facility Description.** The Discharger owns and operates Chevron Estero Marine Terminal, a former oil tanker loading terminal. The Discharger is currently decommissioning the facility and proposes to utilize a temporary wastewater treatment system to treat up to a monthly average of 0.21 MGD of wastewater generated during the planned decommissioning and remediation projects on the site and the decommissioning of the out-of-service submarine loading lines and off-site pipelines. The treatment system will consist of several 21,000-gallon capacity portable storage tanks, an oil/water separator where separate phase petroleum will be decanted and transferred to a poly tank, two bag filters to remove sediment, two 2,000-pound liquid-phase granular activated carbon canisters, and a treated water tank. A diagram of the treatment process is provided in Attachment C of this permit. Wastewater is discharged from Discharge Point 001 (exact location noted on page 1 of Order) to the Pacific Ocean, a water of the United States within the Estero Bay Hydrologic Unit. Storm water is discharged from Discharge Points 002 through 005 (exact locations noted on page 1 of Order) from storm water detention basins, which are vastly oversized and rarely overflow. Discharge Point 002 discharges to an unnamed tributary of the Pacific Ocean, while Discharge Points 003 through 005 discharge into Toro Creek, which then flows into the Pacific Ocean. The facility is not currently in use; therefore, the storm water detention basins have little potential to contain pollutants relative to Discharge Point 001. A site map and topographic map of the area around the facility is included in this permit as Attachment B-1 and B-1-1.

C. **Legal Authorities.** This Order is issued pursuant to section 402 of the Federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and Chapter 5.5, Division 7 of the California Water Code (CWC). It shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to Article 4, Chapter 4 of the CWC for discharges that are not subject to regulation under CWA section 402.

D. **Background and Rationale for Requirements**. The Central Coast Water Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and through special studies. Attachments A through F, which contain background information and rationale for Order requirements, are hereby incorporated into this Order and, thus, constitute part of the Findings for this Order.

E. Ocean Plan. The State Water Resources Control Board (State Board) most recently adopted the *Water Quality Control Plan, Ocean Waters of California* (California Ocean Plan) on December 3, 2001. The Ocean Plan contains objectives and requirements governing discharges to the Pacific Ocean.

F. Basin Plan. The *Water Quality Control Plan, Central Coastal Basin* (Basin Plan), was adopted by the Board and approved on September 8, 1994. The Basin Plan incorporates statewide plans and policies by reference and contains a strategy for protecting water bodies of beneficial use.

G. Beneficial Uses. Existing and applicable beneficial uses for the Pacific Ocean at Estero Bay, and Toro Creek are as follows:

Discharge Point	Receiving Water Name	Beneficial Uses
001, 002	Pacific Ocean at Estero Bay	Existing: Water contact recreation (REC-1); Non-contact water recreation (REC-2); Industrial service supply (IND); Navigation (NAV); Marine habitat (MAR); Shellfish harvesting (SHELL); Commercial and sport fishing (COMM); Rare, threatened, or endangered species (RARE); Wildlife habitat (WILD); Migration of aquatic organisms (MIGR); Spawning, reproduction, and/or early development (SPWN).
003, 004, 005	Toro Creek	Existing: Municipal and domestic supply (MUN); Agricultural supply (AGR); Ground water recharge (GWR); Water contact recreation (REC-1); Non-contact water recreation (REC-2); Wildlife habitat (WILD); Cold fresh water habitat (COLD); Warm fresh water habitat (WARM); Migration of aquatic organisms (MIGR); Spawning, reproduction and/or early development (SPWN); Preservation of rare and endangered species (RARE); Estuarine habitat (EST); Freshwater replenishment (FRSH); Commercial and Sport Fishing (COMM).

H. California Environmental Quality Act (CEQA). This action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.) in accordance with Section 13389 of the CWC.

I. **California Water Code Section 13241.** This Order contains restrictions on individual pollutants that are no more stringent than required by the federal Clean Water Act. Individual pollutant restrictions consist of technology-based restrictions and water quality-based effluent limitations. There are no technology-based effluent limitations in this permit, as discussed below in II.J. Water quality-based effluent limitations have been scientifically 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 California Toxics Rule, the California Toxics Rule is the applicable standard pursuant to 40 Code of Federal Regulations (CFR) 131.38. The scientific procedures for calculating the individual water quality-based effluent limitations are based on the California Ocean Plan, which has been approved by USEPA on December 3, 2001. All beneficial uses and water quality objectives contained in the Basin Plan were approved under state law and submitted to and approved by USEPA prior to May 30, 2000. Any water quality objectives and beneficial uses submitted to USEPA prior to May 30, 2000, but not approved by USEPA before that date, are nonetheless "applicable water quality standards for purposes of the [Clean Water] Act" pursuant to 40 CFR 131.21(c)(1). As stated in Attachment F, certain water quality objectives and beneficial uses implemented by this Order are contained in the Ocean Plan which was approved by USEPA, and are applicable water quality standards pursuant to 40 CFR 131.21(c)(2). Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the technology-based requirements of the Clean Water Act and the applicable water quality standards for purposes of the Clean Water Act. The Dischargers have not submitted economic information regarding the cost of complying with this those requirements.

J. **Technology-based Effluent Limitations.** The Code of Federal Regulations (CFR) at 40 CFR §122.44(a) requires that permits include applicable technology-based limitations and standards. However, applicable technology-based limitations and standards have not been established for the Chevron Estero Marine Terminal facility, a non-Publicly Owned Treatment Works (non-POTW). This Order will not include technology-based effluent limitations based on treatment standards, but does include water quality objectives. The Central Coast Water Board has considered the water quality objectives listed in CWC §13241 in establishing requirements and Best Professional Judgment (BPJ) in accordance with 40 CFR §125.3.

K. **Water Quality-based Effluent Limitations.** Section 122.44(d) of 40 CFR requires that permits include water quality-based effluent limitations (WQBELs) to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water. Where numeric water quality objectives have not been established, 40 CFR §122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA section 304(a), proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information, or an indicator parameter.

L. **Anti-Degradation.** The discharge authorized in this permit is expected to maintain receiving water quality and associated beneficial uses of the receiving waters. Discharge in accordance with limitations and specifications of this permit is not expected to degrade water quality. Accordingly, this permit is consistent with the requirements of State Water Resources Control Board Resolution No. 68-16 (commonly called the *Anti-Degradation Policy*).

M. **Anti-Backsliding.** 40 CFR Section 122.44(l) requires effluent limitations for reissued NPDES permits be at least as stringent as the previous permit, unless certain grounds for "backsliding" apply. All effluent limitations in the proposed Order are at least as stringent as the previous permit and comply with Anti-Backsliding provisions.

N. **Monitoring and Reporting.** Section 122.48 of 40 CFR requires that all NPDES permits specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWC authorize the Central Coast Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program establishes monitoring and reporting requirements to implement federal and State requirements. This Monitoring and Reporting Program is provided in Attachment E.

In addition to the Effluent Limitation (Table IV-1) and the Water Quality Objectives (Tables IV-2,3,4) in the Ocean Plan, other constituents of concern to be monitored during operation of the treatment system include total petroleum hydrocarbons in the carbon range of C4 to C40, benzene, toluene, ethylbenzene, total xylenes (collectively referred to as BTEX), methyl tert-butyl ether (MTBE), and polycyclic aromatic hydrocarbons (PAHs).

O. **Mandatory Penalties**. Section 13385(h) et seq. of the California Water Code requires the Central Coast Water Board to impose mandatory penalties for certain effluent limit violations. Section 13385(h) et seq. applies to effluent discharged to Toro Creek and the Pacific Ocean from this Discharger.

P. **Standard and Special Provisions.** Standard Provisions, which in accordance with 40 CFR §§122.41and 122.42, apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D. The Central Coast Water Board has also included in this Order special provisions applicable to the Discharger. A rationale for the special provisions contained in this Order is provided in the attached Fact Sheet (Attachment F).

Q. **Notification of Interested Parties.** The Central Coast Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet (Attachment F) of this Order.

R. **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) of this Order.

S. **Privilege to Discharge.** A permit and the privilege to discharge waste into waters of the State is conditional upon the discharge complying with provisions of Division 7 of the California Water Code and of the Clean Water Act (as amended or as supplemented by implementing guideline and regulations); and with any more stringent effluent limitations necessary to implement water quality control plans, to protect beneficial uses, and to prevent nuisance.

III. DISCHARGE PROHIBITIONS

A. Discharge of treated wastewater at locations other than those described in the table on page 1 of this Order is prohibited.

B. The bypass or overflow of untreated wastewater or wastes to surface waters or surface water drainage courses is prohibited, except, in the case of bypasses, as allowed in Standard Provision I.A.7 of Attachment D, *Federal Standard Provisions*.

C. Discharge other than storm runoff and discharge of industrial storm runoff at any location other than described in the permit is prohibited.

D. Discharge of pollutants limited by this NPDES permit in amounts higher than authorized by this permit to a storm drain system or water of the state is prohibited. Discharge of toxic pollutants not specifically named in this permit shall be governed by requirements in 40 CFR 122.42(a).

E. Discharge of pollutants of primary concern (oil and grease, total petroleum hydrocarbons in the carbon range C4 to C40, benzene, toluene, ethylbenzene, total xylenes, methyl tert-butyl ether (MTBE), and polycyclic aromatic hydrocarbons (PAHs)) from Discharge Points 002 through 005 is prohibited.

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

Effluent Limitations – Discharge Point 001

A. The discharge of treated wastewater shall maintain compliance with the following effluent limitations at Discharge Point 001, with compliance measured at Monitoring Location 001 as described in the attached Monitoring and Reporting Program (Attachment E):

Table IV-1 – Effluent Limitations for Major Constituents and Properties of Wastewater

Parameter	Units of Measurement	Effluent Limitations		
		30-Day Average	7-Day Average	Daily Maximum
Grease & Oil*	mg/L	25	40	75
Settleable Solids	ml/L	1.0	1.5	3.0
pH	pH Units	6 to 9 at all times		
Turbidity	NTU	75	100	225

* For flows less than 0.21 MGD, mass emission shall not exceed the "Maximum Mass Emission Rate" (from Standard Provisions and Reporting Requirements).

Table IV-2 – Effluent Limitations for the Protection of Marine Aquatic Life – Derived from Ocean Plan Table B

Constituents	Units of Measurement	6-Month Median [1]	Daily Maximum [2]	Instantaneous Maximum [3]
Arsenic	mg/L	0.08	0.47	1.2
Cadmium	mg/L	0.02	0.06	0.16
Chromium (Hex)[4]	mg/L	0.03	0.13	0.32
Copper	mg/L	0.02	0.16	0.45
Lead	mg/L	0.03	0.13	0.32
Mercury	µg/L	0.63	2.6	6.4
Nickel	mg/L	0.08	0.32	0.80
Selenium	mg/L	0.24	0.96	2.4
Silver	mg/L	0.01	0.04	0.11
Zinc	mg/L	0.20	1.2	3.1
Cyanide[5]	mg/L	0.02	0.06	0.16
Total Chlorine Residual[6]	mg/L	0.03	0.13	0.96
Ammonia (as N)	mg/L	9.6	38.0	96.0
Phenolic Compounds (non chlorinated)	mg/L	0.48	1.9	4.8
Chronic Toxicity	TUc	--	16.0	--
Chlorinated	mg/L	0.02	0.06	0.16

[1] The six-month median shall apply as a moving median of daily values for any 180-day period in which daily values represent flow weighted average concentrations within a 24-hour period. For intermittent discharges, the daily value shall be considered to equal zero for days on which no discharge occurred. The six-month median limit on daily mass emissions shall be determined using the six-month median effluent concentration as Ce and the observed flow rate Q in millions of gallons per day (each variable referring to Equation 3 of the Ocean Plan). Also see Order Section VII, *Compliance Determination*, below.

[2] The daily maximum shall apply to flow weighted 24-hour composite samples. The daily maximum mass emission shall be determined using the daily maximum effluent concentration limit as Ce and the observed flow rate Q in millions of gallons per day (each variable referring to Equation 3 of the Ocean Plan). Also see Order Section VII, *Compliance Determination*, below.

[3] The instantaneous maximum shall apply to grab sample determinations. Also see Order Section VII, *Compliance Determination*, below.

[4] Dischargers may, at their option, meet this limitation as a total chromium limitation.

[5] If a Discharger can demonstrate to the satisfaction of the Central Coast Water Board (subject to USEPA approval) that an analytical method is available to reliably distinguish between strongly and weakly complexed cyanide, effluent limitations for cyanide may be met by the combined measurement of free cyanide, simple alkali metal cyanides, and weakly complexed organometallic cyanide complexes. In order for the analytical method to be acceptable, the recovery of free cyanide from metal complexes must be comparable to that achieved by the approved method in 40 CFR PART 136, as revised July 1, 2003, or later.

[6] Water quality objectives for total chlorine residual applying to intermittent discharges not exceeding two hours shall be determined using the following equation:

$$\log y = -0.43 (\log x) + 1.8$$

where: y = the water quality objective (in µg/L) to apply when chlorine is **being discharged**; and
x = the duration of uninterrupted chlorine discharge in minutes.

The applicable effluent limitation must then be determined using Equation No. 1 from the Ocean Plan.

Constituents	Units of Measurement	6-Month Median [1]	Daily Maximum [2]	Instantaneous Maximum [3]
Phenolics				
Endosulfan	µg/L	0.14	0.29	0.43
Endrin	µg/L	0.03	0.06	0.10
Arsenic	mg/L	0.08	0.47	1.2
HCH	µg/L	0.06	0.13	0.19
Radioactivity	Not to exceed limits specified in Title 17, Division 1, Chapter 5, Subchapter 4, Group 3, Article 3, Section 30253 of the California Code of Regulations. Reference to Section 30253 is prospective including future changes to any incorporated provisions of federal law, as the changes take effect.			

Table IV-3 – Effluent Limitations for the Protection Of Human Health – Non-Carcinogens – Derived from Ocean Plan Table B

Constituent	Units of Measurement	30-Day Average
Acrolein	mg/L	3.5
Antimony	mg/L	19.0
Bis(2-chloroethoxy) Methane	mg/L	0.07
Bis(2-chloroisopropyl) Ether	mg/L	19.0
Chlorobenzene	mg/L	9.1
Chromium (III)	g/L	3.0
Di-n-butyl Phthalate	mg/L	56.0
Dichlorobenzenes	mg/L	82.0
1,1-dichloroethylene	mg/L	110.0
Diethyl Phthalate	g/L	530.0
Dimethyl Phthalate	mg/L	13.0
4,6-dinitro-2-methylphenol	mg/L	3.5
2,4-dinitrophenol	mg/L	0.06
Ethylbenzene	mg/L	65.0
Fluroanthene	mg/L	0.24
Hexachlorocyclopentadiene	g/L	0.93
Isophorone	mg/L	2.4
Nitrobenzene	mg/L	0.08
Thallium	g/L	0.22
Toluene	mg/L	1.4
1,1,2,2-tetrachloroethane	mg/L	19.0
Tributyltin	g/L	0.02
1,1,1-trichloroethane	mg/L	8.6
1,1,2-trichloroethane	mg/L	690.0

Table IV-4 – Effluent Limitations for the Protection Of Human Health – Carcinogens – Derived from Ocean Plan Table B

Constituent	Units of Measurement	30-Day Average
Acrylonitrile	µg/L	1.6
Aldrin	ng/L	0.35
Benzene	µg/L	94.0

Constituent	Units of Measurement	30-Day Average
Benzidine	µg/L	0.001
Beryllium	µg/L	0.53
Bis(2-chlororethyl) Ether	µg/L	0.72
Bis(2-ethylhexyl) Phthalate	µg/L	56.0
Carbon tetrachloride	µg/L	14.0
Chlordane[7]	ng/L	0.37
Chloroform	µg/L	2100.0
DDT[8]	ng/L	2.7
1,4-dichlorbenzene	µg/L	290.0
3,3-dichlorobenzidine	µg/L	0.13
1,2-dichloroethane	mg/L	2.1
Dichloromethane	mg/L	7.2
1,3-dichloropropene	mg/L	0.14
Dieldrin	ng/L	0.64
2,4-dinitrotoluene	µg/L	42.0
1,2-diphenylhydrazine	µg/L	2.6
Halomethanes[9]	mg/L	2.1
Heptachlor[10]	µg/L	0.01
Hexachlorobenzene	ng/L	3.4
Hexachlorobutadiene	µg/L	220.0
Hexachloroethane	µg/L	40.0
N-nitrosodimethylamine	mg/L	0.12
N-nitrosodiphenylamine	µg/L	40.0
PAHs[11]	µg/L	0.14
PCBs[12]	ng/L	0.30
TCDD Equivalents[13]	pg/L	0.06
Tetrachloroethylene	mg/L	1.6
Toxaphene	ng/L	3.4
Trichlororethylene	µg/L	430.0
2,4,6-trichlorophenol	µg/L	4.6
Vinyl Chloride	µg/L	580.0

[7] Chlordane shall mean the sum of chlordane-alpha, chlordane-gamma, chlordane-alpha, chlordane-gamma, nonachlor-alpha, nonachlor-gamma, and oxychlordane.

[8] DDT shall mean the sum of 4,4'DDT, 2,4'DDT, 4,4'DDE, 4,4'DDD, and 2,4'DDD.

[9] Halomethanes shall mean the sum of bromoform, bromomethane (methyl bromide), chloromethane (methyl chloride), chlorodibromomethane, and dichlorobromomethane.

[10] Heptachlor shall mean the sum of heptachlor and heptachlor epoxide.

[11] PAHs (polynuclear aromatic hydrocarbons) shall mean the sum of acenaphthylene, anthracene, 1,2-benzanthracene, 3,4-benzofluoranthene, benzo(k)fluoranthene, 1,12-benzoperylene, benzo(a)pyrene, chrysene, dibenzo(ah)anthracene, fluorene, indeno(1,2,3-cd)pyrene, phenanthrene, and pyrene.

[12] PCBs (polychlorinated biphenyls) shall mean the sum of chlorinated biphenyls whose analytical characteristics resemble those of Aroclor-1016, Aroclor-1221, Aroclor-1232, Aroclor-1242, Aroclor-1248, Aroclor-1254, and Aroclor-1260.

[13] TCDD Equivalents shall mean the sum of the concentrations of chlorinated dibenzodioxins (2,3,7,8-CDDs) and chlorinated dibenzofurans (2,3,7,8-CDFs) multiplied by their respective toxicity factors, as listed in Appendix I of the Ocean Plan.

B. Effluent daily dry weather flow shall not exceed a monthly average of 0.21 MGD.

C. Effluent shall be essentially free of materials and substances that:

1. Float or become floatable upon discharge.

2. May form sediments that degrade benthic communities or other aquatic life.

3. Accumulate to toxic levels in marine waters, sediments or biota.

4. Decrease the natural light to benthic communities and other marine life.

5. Result in aesthetically undesirable discoloration of the ocean surface.

D. Effluent limitations derived from Ocean Plan Tables A and B (provided in the tables in Section A.1.a, above) shall apply to the Discharger's total effluent, of whatever origin (i.e., gross, not net, discharge), except where otherwise specified in the Ocean Plan.

E. The discharge of waste shall not cause water quality objectives established in the California Ocean Plan, Table B, to be exceeded in the receiving water upon completion of initial dilution, except that objectives indicated for radioactivity shall apply directly to the undiluted waste effluent.

F. The effluent limitations of this Order are based on California Ocean Plan criteria and equations as applicable therein, using a minimum initial dilution of 15:1 (seawater:effluent). If the actual dilution ratio is found to be different, then the ratio will be recalculated and this Order revised when and as appropriate.

G. The minimum initial dilution is the lowest average initial dilution within any single month of the year. Dilution estimates shall be based on observed waste flow characteristics, observed receiving water density structure, and the assumption that no currents (of sufficient strength to influence the initial dilution process) flow across the discharge structure.

H. If only one sample is collected during the time period associated with an effluent limitation or water quality objective (e.g., 30-day average or 6-month median), the single measurement shall be used to determine compliance with the effluent limitation for the entire time period.

I. Any significant change in waste flow shall be cause for reevaluating effluent limitations.

V. RECEIVING WATER LIMITATIONS

A. Surface Water Limitations for Discharge Points 001 and 002 (Pacific Ocean)

Receiving water limitations are based on water quality objectives contained in the Ocean Plan and Basin Plan and are a required part of this Order. These receiving water limitations are

designed to minimize the influence of the discharge to the receiving water. The discharge shall comply with the following:

1. **Physical Characteristics**

   a. Floating particulates and grease and oil shall not be visible on the ocean surface.

   b. The discharge of "waste" shall not cause aesthetically undesirable discoloration of the ocean surface.

   c. "Natural light" shall not be "significantly" reduced at any point outside the "zone of initial dilution" as the result of the discharge of "waste."

   d. The rate of deposition of inert solids and the characteristics of inert solids in ocean sediments shall not be changed such that benthic communities are degraded.

   e. Temperature of the receiving water shall not be altered to adversely affect beneficial uses. (Provisions regulating the thermal aspects of waste discharged to the ocean are set forth in the Water Quality Control Plan for the Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California.)

   f. Storm water discharges shall not adversely impact human health or the environment.

2. **Chemical Characteristics**

   a. The dissolved oxygen concentration shall not at any time be depressed more than 10 percent from that which occurs naturally, or fall below 5.0 mg/L, as the result of the discharge of oxygen demanding "waste" materials. The mean annual dissolved oxygen concentration shall not be less than 7.0 mg/L.

   b. The pH shall not be changed at any time more than 0.2 units from that which occurs naturally, and shall be within the range of 7.0 to 8.5 at all times.

   c. The dissolved sulfide concentrations of waters in and near sediments shall not be "significantly" increased above that present under natural conditions.

   d. The concentrations of substances set forth in Table B of the Ocean Plan shall not be increased in marine sediments to that which would "degrade" indigenous biota.

   e. The concentration of organic materials in marine sediments shall not be increased to that which would "degrade" marine life.

   f. Nutrient materials shall not cause objectionable aquatic growth or "degrade" indigenous biota.

3. **Biological Characteristics**

a. Marine communities, including vertebrate, invertebrate, and plant species, shall not be "degraded."

b. The natural taste, odor, and color of fish, "shellfish," or other marine resources used for human consumption shall not be altered.

c. The concentration of organic materials in fish, "shellfish", or other marine resources used for human consumption shall not bioaccumulate to levels that are harmful to human health.

4. **Radioactivity**

a. Discharge of radioactive "waste" shall not "degrade" marine life.

b. Radionuclides shall not be present in concentrations that are deleterious to human, plant, animal, or aquatic life; or result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life.

5. **General Standards**

a. The discharge shall not cause a violation of any applicable water quality objective or standard for receiving waters adopted by the Central Coast Water Board or the State Water Board, as required by the Clean Water Act and regulations adopted there under.

b. Waste management systems that discharge to the ocean must be designed and operated in a manner that will maintain the indigenous marine life and a healthy and diverse marine community.

c. Waste effluents shall be discharged in a manner that provides sufficient initial dilution to minimize the concentrations of substances not removed in the treatment.

B. Surface Water Limitations for Discharge Points 003, 004 and 005 (Toro Creek)

Receiving water limitations are based on water quality objectives contained in the Ocean Plan and Basin Plan and are a required part of this Order. These receiving water limitations are designed to minimize the influence of the discharge to the receiving water. The discharge shall comply with the following:

1. **Physical Characteristics**

a. Oil, grease or other particulates shall not be visible on the creek surface water.

a. Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increase in turbidity attributable to controllable water quality factors shall not exceed the following limits in receiving water:

i. Five NTU, where natural turbidity is less than 25 NTU
ii. Twenty percent, where natural turbidity is between 25 and 50 NTU

iii. Ten NTU, where natural turbidity is between 50 and 100 NTU
iv. Ten percent, where natural turbidity is greater than 100 NTU

b. Floating material, including solids, liquids, foams, and scum shall not cause nuisance or adversely affect the beneficial uses of Toro Creek.

c. Deposition of settleable material in Toro Creek shall not cause nuisance or adversely affect beneficial uses.

d. The discharge of "waste" shall not cause aesthetically undesirable discoloration of Toro Creek; particularly discoloration in Toro Creek greater than 15 units or 10 percent above natural background color, whichever is greater.

e. Storm water discharges shall not adversely impact human health or the environment.

2. **Chemical Characteristics**

a. The discharge of "waste" shall not cause the pH of Toro creek to be depressed below 6.5, raised above 8.3, or changed more than 0.5 from normal ambient pH.

b. Dissolved oxygen in Toro Creek shall not be depressed below 7.0 mg/L.

c. The discharge of "waste" shall not alter the suspended sediment load in a manner that causes nuisance or adversely affects beneficial uses.

a. The discharge of "waste" shall not increase suspended material, the concentrations of toxic metals, and inorganic chemicals in the creek that may adversely affect beneficial uses.

3. **Biological Characteristics**

a. Aquatic growth from discharge shall not cause nuisance or adversely affect beneficial uses.

b. The concentration of organic materials in fish, "shellfish", or other marine resources used for human consumption shall not bioaccumulate to levels that are harmful to human health.

4. **Radioactivity**

Radionuclides shall not be present in concentrations that are deleterious to human, plant, animal, or aquatic life; or result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life.

VI. PROVISIONS

A. Standard Provisions

1. **Federal Standard Provisions.** The Discharger shall comply with all Standard Provisions included in Attachment D of this Order.

2. **Regional Water Board Standard Provisions.** The Discharger shall comply with the Central Coast Water Board Standard Provisions included in Attachment D-1 of this Order.

B. Monitoring and Reporting Program Requirements

The Discharger shall comply with the Monitoring and Reporting Program, and future revisions thereto, in Attachment E of this Order.

C. Special Provisions

1. Storm Water Provisions

a. The Discharger shall continue to comply with the Storm Water Pollution Prevention (SWPP) Plan established in October of 2000. The SWPP Plan describes the industrial storm water discharges at the facility and describes storm water management controls. As stated in the Waste Discharge Requirements (WDRs) No. 00-082, the SWPP Plan shall be reviewed and updated as appropriate by October 1, every year.

b. Once the proposed wastewater facility is developed, the Discharger shall remain in strict accordance with the storm water monitoring and reporting program established in the SWPP Plan.

c. Best Management Practices and Pollution Prevention requirements established in the 2000 SWPP Plan shall also continue to be implemented by the Discharger.

2. Operation of GAC Canisters

The granular activated carbon (GAC) system shall be operated and monitored in accordance with the Monitoring and Reporting Program, refer to Attachment E.

3. Rescission of Order

After Chevron Estero Marine Terminal facility decommissioning is complete and discharges associated with these cleanup efforts are terminated, this permit may be rescinded by the Central Coast Water Board.

VII. COMPLIANCE DETERMINATION

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

A. 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.

B. 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 7 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.

C. 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 1 day only within the reporting period. For any 1 day during which no sample is taken, no compliance determination can be made for that day.

D. Instantaneous Minimum Effluent Limitation.
If the analytical result of a single grab sample is lower than the instantaneous minimum effluent limitation for a parameter, a violation will be flagged and the discharger will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both are lower than the instantaneous minimum effluent limitation would result in two instances of non-compliance with the instantaneous minimum effluent limitation).

E. Instantaneous Maximum Effluent Limitation.
If the analytical result of a single grab sample is higher than the instantaneous maximum effluent limitation for a parameter, a violation will be flagged and the discharger will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both exceed the instantaneous maximum effluent limitation would result in two instances of non-compliance with the instantaneous maximum effluent limitation).

F. Six-month Median Effluent Limitation.
If the median of daily discharges over any 180-day period exceeds the six-month median effluent limitation for a given parameter, an alleged violation will be flagged and the discharger will be

considered out of compliance for each day of that 180-day period for that parameter. The next assessment of compliance will occur after the next sample is taken. If only a single sample is taken during a given 180-day period and the analytical result for that sample exceeds the six-month median, the Discharger will be considered out of compliance for the 180-day period. For any 180-period during which no sample is taken, no compliance determination can be made for the six-month median limitation.

ATTACHMENT A – DEFINITIONS

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.

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 1 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.

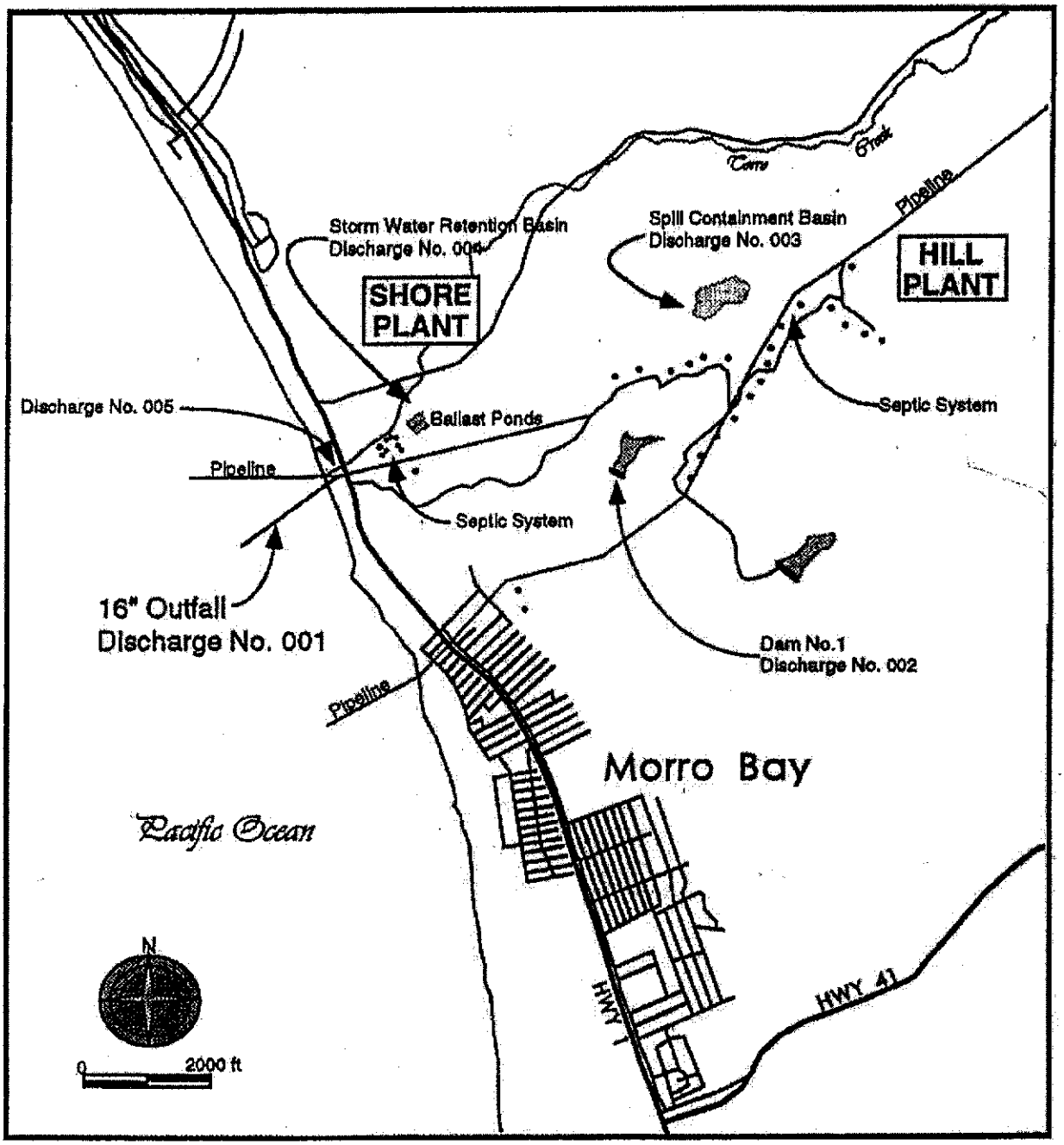
Instantaneous Maximum Effluent Limitation: the highest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous maximum limitation).

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).

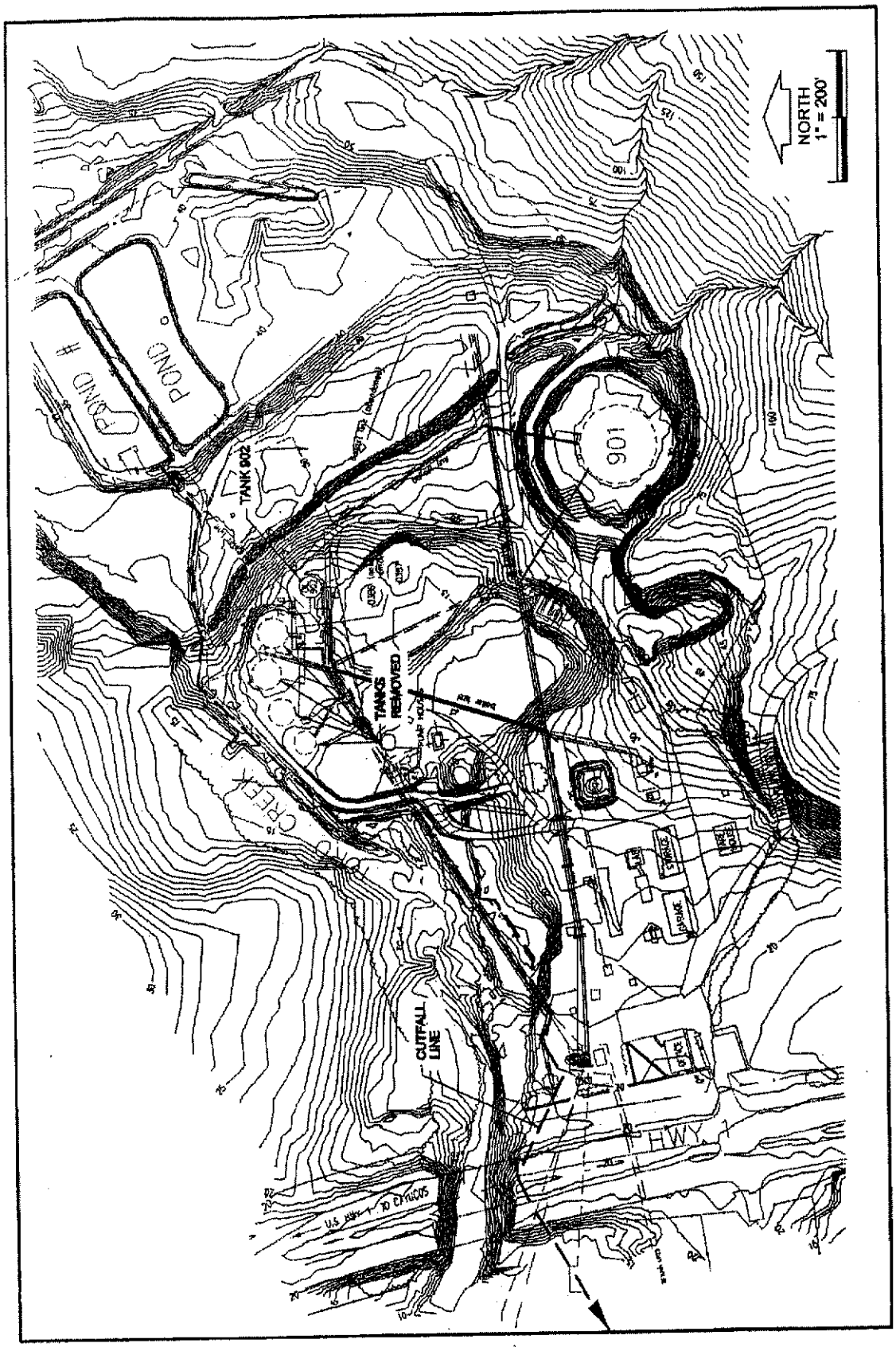
Maximum Daily Effluent Limitation (MDEL): the highest allowable daily discharge of a pollutant.

Six-month Median Effluent Limitation: the highest allowable moving median of all daily discharges for any 180-day period.

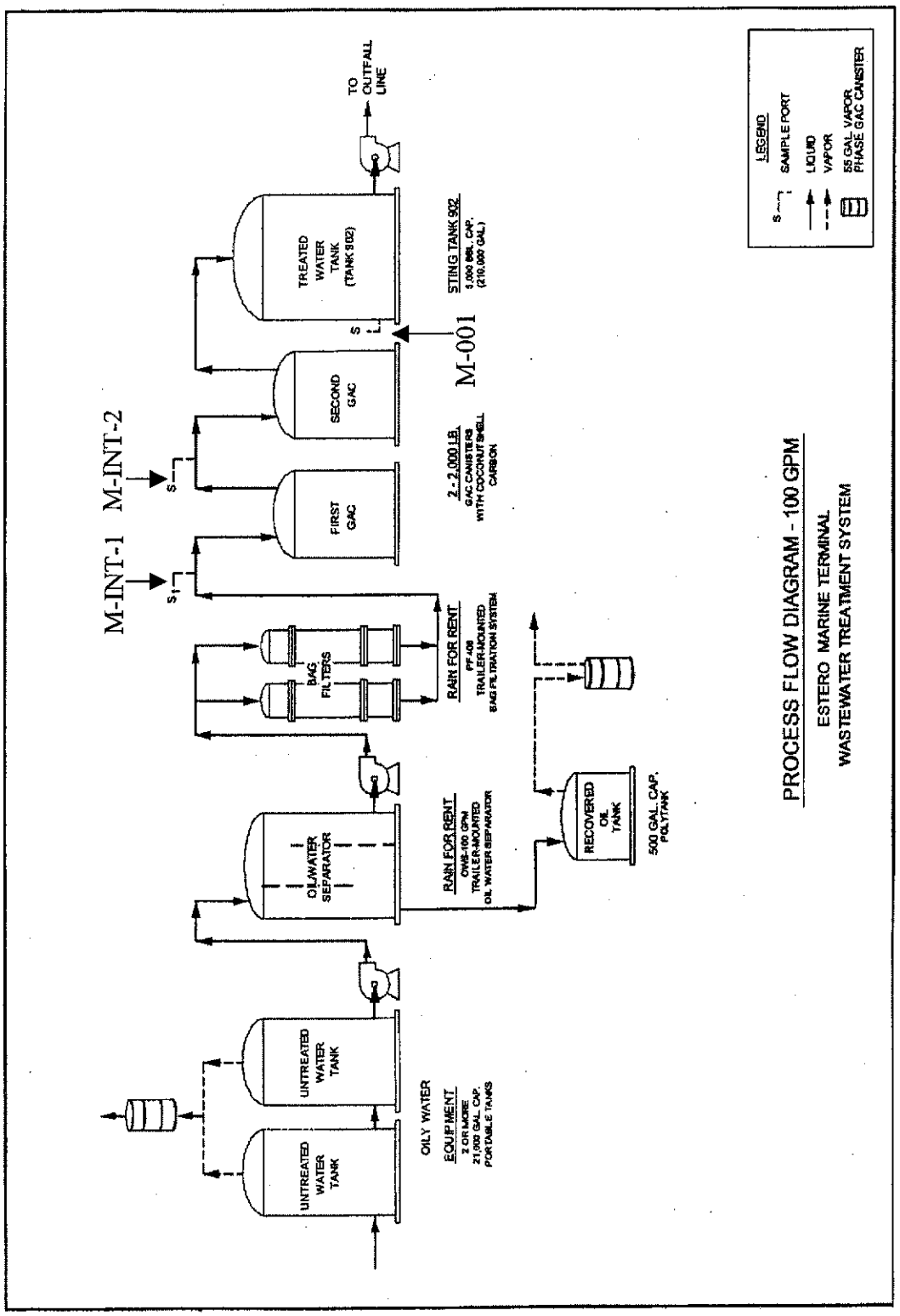
ATTACHMENT B – CHEVRON ESTERO MARINE TERMINAL SITE MAP



ATTACHMENT B-1 – TOPOGRAPHIC MAP – SHORE PLANT SITE PLAN



ATTACHMENT C – FLOW SCHEMATIC



ATTACHMENT D – FEDERAL STANDARD PROVISIONS

A

I. STANDARD PROVISIONS – PERMIT COMPLIANCE

A. Duty to Comply

1. The Discharger must comply with all of the conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (CWC) and is grounds for enforcement action, for permit termination, revocation and reissuance, or denial of a permit renewal application [*40 CFR §122.41(a)*].

2. The Discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not been modified to incorporate the requirement [*40 CFR §122.41(a)(1)*].

B. 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 CFR §122.41(c)*].

C. Duty to Mitigate

The Discharger shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment [*40 CFR §122.41(d)*].

D. 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 includes 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 CFR §122.41(e)*].

E. Property Rights

1. This Order does not convey any property rights of any sort or any exclusive privileges [*40 CFR §122.41(g)*].

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 CFR §122.5(c)*].

F. Inspection and Entry

The Discharger shall allow the Regional Water Quality Control Board (RWQCB), State Water Resources Control Board (SWRCB), United States Environmental Protection Agency (USEPA), 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 [*40 CFR §122.41(i)*] [*CWC 13383(c)*]:

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 [*40 CFR §122.41(i)(1)*];

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order [*40 CFR §122.41(i)(2)*];

3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order [*40 CFR §122.41(i)(3)*];

4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the CWC, any substances or parameters at any location [*40 CFR §122.41(i)(4)*].

G. Bypass

1. Definitions

   a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility [*40 CFR §122.41(m)(1)(i)*].

   b. "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 CFR §122.41(m)(1)(ii)*].

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 ensure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance I.G.3 and I.G.5 below [*40 CFR §122.41(m)(2)*].

3. Prohibition of bypass – Bypass is prohibited, and the Regional Water Board may take enforcement action against a Discharger for bypass, unless [*40 CFR §122.41(m)(4)(i)*]:

   a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage [*40 CFR §122.41(m)(4)(A)*];

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance [*40 CFR §122.41(m)(4)(B)*]; and

c. The Discharger submitted notice to the Regional Water Board as required under Standard Provision – Permit Compliance I.G.5 below [*40 CFR §122.41(m)(4)(C)*].

4. The Regional Water Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance I.G.3 above [*40 CFR §122.41(m)(4)(ii)*].

5. Notice

a. Anticipated bypass. If the Discharger knows in advance of the need for a bypass, it shall submit a notice, if possible at least 10 days before the date of the bypass [*40 CFR §122.41(m)(3)(i)*].

b. Unanticipated bypass. The Discharger shall submit notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below [*40 CFR §122.41(m)(3)(ii)*].

H. 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 permittee. 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 CFR §122.41(n)(1)*].

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 paragraph H.2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review [*40 CFR §122.41(n)(2)*].

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 CFR §122.41(n)(3)*]:

a. An upset occurred and that the Discharger can identify the cause(s) of the upset [*40 CFR §122.41(n)(3)(i)*];

b. The permitted facility was, at the time, being properly operated [*40 CFR §122.41(n)(3)(i)*];

c. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b [*40 CFR §122.41(n)(3)(iii)*]; and

d. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above [*40 CFR §122.41(n)(3)(iv)*].

3. Burden of proof. In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof [*40 CFR §122.41(n)(4)*].

II. STANDARD PROVISIONS – PERMIT ACTION

A. 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 CFR §122.41(f)*].

B. 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 CFR §122.41(b)*].

C. Transfers

This Order is not transferable to any person except after notice to the Regional Water Board. The Regional 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 CWC [*40 CFR §122.41(l)(3)*] [*40 CFR §122.61*].

III. STANDARD PROVISIONS – MONITORING

A. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity [*40 CFR §122.41(j)(1)*].

B. Monitoring results must be conducted according to test procedures under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503 unless other test procedures have been specified in this Order [*40 CFR §122.41(j)(4)*] [*40 CFR §122.44(i)(1)(iv)*].

IV. STANDARD PROVISIONS – RECORDS

A. Except for records of monitoring information required by this Order related to the Discharger's sewage sludge use and disposal activities, which shall be retained for a period of at least five

years (or longer as required by 40 CFR Part 503), the 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 Regional Water Board Executive Officer at any time [*40 CFR §122.41(j)(2)*].

B. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements [*40 CFR §122.41(j)(3)(i)*];
2. The individual(s) who performed the sampling or measurements [*40 CFR §122.41(j)(3)(ii)*];
3. The date(s) analyses were performed [*40 CFR §122.41(j)(3)(iii)*];
4. The individual(s) who performed the analyses [*40 CFR §122.41(j)(3)(iv)*];
5. The analytical techniques or methods used [*40 CFR §122.41(j)(3)(v)*]; and
6. The results of such analyses [*40 CFR §122.41(j)(3)(vi)*].

C. Claims of confidentiality for the following information will be denied [*40 CFR §122.7(b)*]:

1. The name and address of any permit applicant or Discharger [*40 CFR §122.7(b)(1)*]; and
2. Permit applications and attachments, permits and effluent data [*40 CFR §122.7(b)(2)*].

V. STANDARD PROVISIONS – REPORTING

A. Duty to Provide Information

The Discharger shall furnish to the Regional Water Board, SWRCB, or USEPA within a reasonable time, any information which the Regional Water Board, SWRCB, or USEPA 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 Regional Water Board, SWRCB, or USEPA copies of records required to be kept by this Order [*40 CFR §122.41(h)*] [*CWC 13267*].

B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Regional Water Board, SWRCB, and/or USEPA shall be signed and certified in accordance with paragraph (2.) and (3.) of this provision [*40 CFR §122.41(k)*].
2. All permit applications shall be signed as follows:

a. For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures [*40 CFR §122.22(a)(1)*];

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively [*40 CFR §122.22(a)(2)*]; or

c. For a municipality, State, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA) [*40 CFR §122.22(a)(3)*].

3. All reports required by this Order and other information requested by the Regional Water Board, SWRCB, or USEPA shall be signed by a person described in paragraph (b) of this provision, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

   a. The authorization is made in writing by a person described in paragraph (2.) of this provision [*40 CFR §122.22(b)(1)*];

   b. The authorization specified 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 CFR §122.22(b)(2)*]; and

   c. The written authorization is submitted to the Regional Water Board, SWRCB, or USEPA [*40 CFR §122.22(b)(3)*].

4. If an authorization under paragraph (3.) of this provision is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (3.) of this provision must be submitted to the Regional Water Board, SWRCB or USEPA prior to or together with any

reports, information, or applications, to be signed by an authorized representative [40 CFR §122.22(c)].

5. Any person signing a document under paragraph (2.) or (3.) of this provision 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 CFR §122.22(d)*].

C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program in this Order [*40 CFR §122.41(l)(4)*].

2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Water Board or SWRCB for reporting results of monitoring of sludge use or disposal practices [*40 CFR §122.41(l)(4)(i)*].

3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Regional Water Board [*40 CFR §122.41(l)(4)(ii)*].

4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order [*40 CFR §122.41(l)(4)(iii)*].

D. 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 CFR §122.41(l)(5)*].

E. Twenty-Four Hour Reporting

1. The Discharger shall report any noncompliance that 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 written submission shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of

noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance [*40 CFR §122.41(l)(6)(i)*].

2. The following shall be included as information that must be reported within 24 hours under this paragraph [*40 CFR §122.41(l)(6)(ii)*]:

   a. Any unanticipated bypass that exceeds any effluent limitation in this Order [*40 CFR §122.41(l)(6)(ii)(A)*].

   b. Any upset that exceeds any effluent limitation in this Order [*40 CFR §122.41(l)(6)(ii)(B)*].

   c. Violation of a maximum daily discharge limitation for any of the pollutants listed in this Order to be reported within 24 hours [*40 CFR §122.41(l)(6)(ii)(C)*].

   d. Violation of a discharge prohibition [Regional Water Board NPDES Standard Provisions, January 1985].

3. The Regional Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours [*40 CFR §122.41(l)(6)(iii)*].

F. Planned Changes

The Discharger shall give notice to the Regional 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 CFR §122.41(l)(1)*]:

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 40 CFR §122.29(b) [*40 CFR §122.41(l)(1)(i)*]; or

2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in this Order nor to notification requirements under 40 CFR Part 122.42(a)(1) (see Additional Provisions—Notification Levels VII.A.1) [*40 CFR §122.41(l)(1)(ii)*].

3. The alteration or addition results in a significant change in the Discharger's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan [*40 CFR §122.41(l)(1)(iii)*].

G. Anticipated Noncompliance

The Discharger shall give advance notice to the Regional Water Board or SWRCB of any planned changes in the permitted facility or activity that may result in noncompliance with General Order requirements [*40 CFR §122.41(l)(2)]*.

H. Other Noncompliance

The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting E.3, E.4, and E.5 at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.E [*40 CFR §122.41(l)(7)*].

I. 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 Regional Water Board, SWRCB, or USEPA, the Discharger shall promptly submit such facts or information [*40 CFR §122.41(l)(8)*].

VI. STANDARD PROVISIONS – ENFORCEMENT

A. The CWA provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $25,000 per day for each violation. The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than one (1) year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than two (2) years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than three (3) years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than six (6) years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of 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 Clean Water Act, 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 13385 and 13387*].

B. Any person may be assessed an administrative penalty by the Regional Water Board for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed $10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $25,000. Penalties for Class II violations are not to exceed $10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $125,000 [*40 CFR §122.41(a)(3)*].

C. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both [*40 CFR §122.41(j)(5)*].

D. 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 Order, including monitoring reports or reports of compliance or noncompliance 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)*].

VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

A. Non-Municipal Facilities

Existing manufacturing, commercial, mining, and silvicultural dischargers shall notify the Regional Water Board as soon as they know or have reason to believe [*40 CFR §122.42(a)*]:

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" [*40 CFR §122.42(a)(1)*]:

   a. 100 micrograms per liter (µg/L) [*40 CFR §122.42(a)(1)(i)*];

   b. 200 µg/L for acrolein and acrylonitrile; 500 µg/L for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter (mg/L) for antimony [*40 CFR §122.42(a)(1)(ii)*];

   c. Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [*40 CFR §122.42(a)(1)(iii)*]; or

d. The level established by the Regional Water Board in accordance with 40 CFR §122.44(f) [*40 CFR §122.42(a)(1)(iv)*].

2. That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" [*40 CFR §122.42(a)(2)*]:

   a. 500 micrograms per liter (µg/L) [*40 CFR §122.42(a)(2)(i)*];

   b. 1 milligram per liter (mg/L) for antimony [*40 CFR §122.42(a)(2)(ii)*];

   c. Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [*40 CFR §122.42(a)(2)(iii)*]; or

   d. The level established by the Regional Water Board in accordance with 40 CFR §122.44(f) [*40 CFR §122.42(a)(2)(iv)*].

ATTACHMENT D-1 – CENTRAL COAST WATER BOARD STANDARD PROVISIONS (JANUARY 1985)

A. General Permit Conditions:

Prohibitions:

1. Introduction of "incompatible wastes" to the treatment system is prohibited.

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

3. Discharge of "toxic pollutants" in violation of effluent standards and prohibitions established under Section 307(a) of the Clean Water Act is prohibited.

4. "Bypass" and "overflow" of untreated and partially treated waste is prohibited.

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

6. 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) flow through the system to the receiving water untreated; and,

   c) cause or "significantly contribute" to a violation of any requirement of this Order, is prohibited.

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

Provisions:

8. Collection, treatment, and discharge of waste shall not create a nuisance or pollution, as defined by Section 13050 of the California Water Code.

9. 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.

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

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

12. After notice and opportunity for a hearing, this order may be terminated 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 substantial change in character, location, or volume of the discharge.

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

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

    a) Promulgation of a new or revised effluent standard or limitation;

    b) A material change in character, location, or volume of the discharge;

    c) Access to new information that affects the terms of the permit, including applicable schedules;

    d) Correction of technical mistakes or mistaken interpretations of law; and,

    e) Other causes set forth under Sub-part D of 40 CFR Part 122.

15. Safeguards shall be provided to assure 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, operating procedures, or other precautions. Preventative and contingency plans for controlling and minimizing the affect 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 permit.

16. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Clean Water Act, or amendments thereto, the Board will revise and modify this Order in accordance with such more stringent standards.

17. 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.

B. General Monitoring Requirements:

1. Monitoring location, minimum sampling frequency, and sampling method for each parameter shall comply with the Monitoring and Reporting Program of this Order.

2. 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 (ref. paragraph F.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 (ref. paragraph F.14.).

3. Water quality analyses performed in order to monitor compliance with this permit shall be by a laboratory certified by the State Department of Health Services 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 Resources Control Board and the State Department of Fish and Game. If the laboratory used or proposed for use by the discharger is not certified by the California Department of Health Services or, where appropriate, the Department of Fish and Game due to restrictions in the State's laboratory certification program, the discharger 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.

4. 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.

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.

C. General Reporting Requirements:

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:

   a) 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.).

   b) 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.).

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

   d) A description of the exact method used for laboratory analysis. In general, analysis shall be conducted according to paragraph B.1 above, and Attachment D, Federal Standard Provision III.B. However, variations in procedure are acceptable to accommodate the special requirements of sediment analysis. All such variations must be reported with the test results.

   e) 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.

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.

3. The "permittee" 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.

4. Within 120 days after the discharger discovers, or is notified by the Regional 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 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 for waste treatment and/or disposal facilities before the waste flow rate equals the capacity of present units.

In addition to complying with Attachment D, Federal Standard Provision V.B, 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.

5. All "permittees" shall submit reports to the:

   California Regional Water Quality Control Board
   Central Coast Region
   895 Aerovista Place, Suite 101
   San Luis Obispo, CA 93401-7906

6. Transfer of control or ownership of a waste discharge facility must be preceded by a notice to the Regional Board at least 30 days in advance of the proposed transfer date. The notice must include a written agreement between the existing "permittee" and proposed "permittee" 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 Regional Board's receipt of a complete permit application. Please also see Attachment D, Federal Standard Provision II.C.

7. Except for data determined to be confidential under Section 308 of the Clean Water Act (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 Regional Board or Regional Administrator of EPA. Please also see Attachment D, Federal Standard Provision IV.C.

8. By January 30th of each year, the discharger shall submit an annual report to the Regional Board. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year. The discharger shall discuss the compliance record and corrective actions taken, or which may be needed, to bring the discharge into full compliance. The report shall address operator certification and provide a list of current operating personnel and their grade of certification. The report shall inform the Board of the date of the Facility's Operation and Maintenance Manual (including contingency plans as described in Provision A.16.), of the date the manual was last reviewed, and whether the manual is complete and valid for the current facility. The report shall restate, for the record, the laboratories used by the discharger to monitor compliance with effluent limits and provide a summary of performance relative to Section B above, *General Monitoring Requirements*.

E. Enforcement:

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.

2. Upon reduction, loss, or failure of the treatment facility, the "permittee" 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.

F. Definitions [Not otherwise included in Attachment A to this Order]:

1. "Bypass" means the diversion of waste streams from any portion of a treatment facility.

2. 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.

3. "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".

4. "Duly Authorized Representative" is one where:

   a) the authorization is made in writing by a person described in the signatory paragraph of Attachment D, Federal Standard Provision V.B;

   b) 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,

   c) the written authorization was submitted to the Regional Board.

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 paragraph F.4 and instantaneous maximum limits.

6. "Hazardous substance" means any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.

7. "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, but in no case 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 raise influent temperatures above 40°C (104°F) unless the treatment works is designed to accommodate such heat.

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

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 = $(C_1 \times C_2 \times ... \times C_n)^{1/n}$

   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.

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 flow rate or the average of measured daily flow rates over the period of interest.

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 F.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.

12. "Maximum Allowable Six-Month Median Mass Emission Rate" is a daily rate determined with the formulas in paragraph F.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.

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.

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 = $(X_1 + X_2 + ... + X_n) / n$

    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.

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.

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

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

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

19. "Primary Industry Category" means any industry category listed in 40 CFR Part 122, Appendix A.

20. "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):

    $C_{Effluent}$ Removal Efficiency (%) = 100 x $(1 - C_{effluent} / C_{influent})$

21. "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.

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

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

    a) Discharge a daily pollutant loading in excess of that allowed by contract with the "Permittee" or by Federal, 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 permit violation or prevents sewage 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 permit violations.

24. "Toxic Pollutant" means any pollutant listed as toxic under Section 307 (a) (1) of the Clean Water Act or under 40 CFR Part 122, Appendix D. Violation of maximum daily discharge limitations are subject to 24-hour reporting (Attachment D, Federal Standard Provision V.E.).

25. "Upset" means an exceptional incident causing noncompliance with technology-based permit 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.

26. "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 Resources Control Board.

Attachment E – Monitoring and Reporting Program – Table of Contents

ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP)

The Code of Federal Regulations (CFR) at 40 CFR §122.48 requires that all NPDES permits specify monitoring and reporting requirements. CWC sections 13267 and 13383 also authorize the Regional Water Quality Control Board (RWQCB) to require technical and monitoring reports. This MRP establishes monitoring and reporting requirements, which implement the Federal and California regulations. See Attachments D and D-1 for additional monitoring requirements.

I. MONITORING LOCATIONS

The Discharger shall establish the following monitoring locations to demonstrate compliance with the effluent limitations, discharge specifications, and other requirements in this Order:

Discharge Point Name	Monitoring Location Name	Monitoring Location Description (include Latitude and Longitude when available)
001	M-001	**Effluent Discharge to Outfall**
001	M-INT-1	**Prior to primary GAC canister**
001	M-INT-2	**Between primary and redundant GAC canister**

The Discharger shall provide latitude and longitude coordinates for the ocean station when reporting. Stations may be added, deleted, or relocated by the Central Coast Water Board, with EPA concurrence. Monitoring locations are shown on Attachment C.

II. EFFLUENT MONITORING REQUIREMENTS

Monitoring Location M-001

Representative samples of the effluent shall be collected at the specified frequencies after the last point of treatment.

The measurement of Ocean Plan Table B constituents and remaining priority toxic pollutants, except asbestos, in the effluent will be required under dry-weather conditions. The effluent monitoring program shall be in accordance with Tables II-2, II-3, and II-4 below.

Annual effluent sampling per Tables II-2, II-3, and II-4 shall be collected according to the following schedule: July 2006, June 2007, May 2008, April 2009, March 2010.

If any constituents listed in Tables II-2, II-3, and II-4 of this MRP are detected at concentrations exceeding the limits of Order No. R3-2006-0026, a new sample shall be collected and analyzed within one month for those constituents exceeding the applicable limit. Samples shall continue to be collected and analyzed monthly until the constituents no long exceed the limit for two consecutive months.

The Discharger shall monitor and analyze effluent discharged to the outfall at M-001 in accordance with the following schedule when discharge occurs within the specified sampling frequency:

Table II-1: Major Constituents and Properties of Wastewater

Parameter	Units	Sample Type	Minimum Sampling & Analysis Frequency
Average Daily Flow	MGD	Metered	Daily
Maximum Daily Flow	MGD	Calculated	Monthly
Mean Daily Flow	MGD	Calculated	Monthly
Grease and Oil *	mg/L	Grab	Weekly
Total Petroleum Hydrocarbons* (EPA Method 8015-Modified)	mg/L	Grab	Weekly
Chlorinated Phenolics[1]	mg/L	Grab	Quarterly
pH	--	Grab	Quarterly
Phenolic Compounds (Non-Chlorinated)	mg/L	Grab	Quarterly
Settleable Solids	ml/L	Grab	Quarterly
Total Suspended Solids	mg/L	Grab	Quarterly
Turbidity	NTU	Grab	Quarterly
Chronic Toxicity[2]	TUc	Grab	Once in life of permit (2007)

Table II-2: Ocean Plan Table B Pollutants – Protection of Marine Aquatic Life
(For applicable effluent limitations, see Table IV-2 of Order No. R3-2006-0026)

Parameter	Units	Sample Type	Minimum Sampling & Analysis Frequency
Ammonia	mg/L	Grab	Annually
Arsenic	mg/L	Grab	Annually
Cadmium	mg/L	Grab	Annually
Chromium (HEX)	mg/L	Grab	Annually
Copper	mg/L	Grab	Annually
Cyanide	mg/L	Grab	Annually
Endosulfan	µg/L	Grab	Annually
Endrin	µg/L	Grab	Annually
HCH	µg/L	Grab	Annually

* The primary constituents of concern to be monitored during operations of the treatment system include oil & grease, total petroleum hydrocarbons in carbon range of C4 to C40, benzene, toluene, ethylbenzene, total xylenes (collectively referred to as BTEX), methyl tert-butyl ether (MTBE), and polycyclic aromatic hydrocarbons (PAHs). These constituents have reasonable potential to be in the discharge, so more frequent monitoring is required.

[1] Monitoring of some constituent(s) may be waived if, to the satisfaction of the Central Coast Regional Board, the Discharger submits periodic certification that those substance(s) are not added to the waste stream, and that no change had occurred in activities that could cause such substance(s) to be present in the waste stream. Such waiver does not relieve the Discharger from the requirement to meet the limitations of Waste Discharge Requirements, Order No. R3-2006-0026, Effluent Limitations IV.A.

[2] If a discharge consistently exceeds chronic toxicity effluent limitation, toxicity identification evaluation (TIE) and a toxicity reduction evaluation (TRE) are required. The TIE/TRE shall include all reasonable steps to identify the sources of toxicity. Once the sources of toxicity are identified, the discharger shall take all reasonable steps necessary to reduce toxicity to the required level. Refer to Monitoring and Reporting Program Section IV.

Parameter	Units	Sample Type	Minimum Sampling & Analysis Frequency
Lead	mg/L	Grab	Annually
Mercury	µg/L	Grab	Annually
Nickel	mg/L	Grab	Annually
Selenium	mg/L	Grab	Annually
Silver	mg/L	Grab	Annually
Zinc	mg/L	Grab	Annually

Table II-3: Ocean Plan Table B Pollutants – Protection of Human Health – Non-Carcinogens
(For applicable effluent limitations, see Table IV-3 of Order No. R3-2006-0026)

Parameter	Units	Sample Type	Minimum Sampling & Analysis Frequency
Ethylbenzene*	mg/L	Grab	Weekly
Toluene*	mg/L	Grab	Weekly
Acrolein	mg/L	Grab	Once in life of permit (2007)
Antimony	mg/L	Grab	Once in life of permit (2007)
Bis(2-chloroethoxy) Methane	mg/L	Grab	Once in life of permit (2007)
Bis(2-chloroisopropyl) Ether	mg/L	Grab	Once in life of permit (2007)
Chlororbenzene	mg/L	Grab	Once in life of permit (2007)
Chromium (III)	g/L	Grab	Once in life of permit (2007)
Di-n-butyl Phthalate	mg/L	Grab	Once in life of permit (2007)
Dichlorobenzenes	mg/L	Grab	Once in life of permit (2007)
1,1-dichloroethylene	mg/L	Grab	Once in life of permit (2007)
Diethyl Phthalate	g/L	Grab	Once in life of permit (2007)
Dimethyl Phthalate	mg/L	Grab	Once in life of permit (2007)
4,6-dinitro-2-methylphenol	mg/L	Grab	Once in life of permit (2007)
2,4-dinitrophenol	mg/L	Grab	Once in life of permit (2007)
Fluoranthene	mg/L	Grab	Once in life of permit (2007)
Hexachlorocyclopentadiene	g/L	Grab	Once in life of permit (2007)
Isophorone	mg/L	Grab	Once in life of permit (2007)
Nitrobenzene	mg/L	Grab	Once in life of permit (2007)
Thallium	g/L	Grab	Once in life of permit (2007)
1,1,2,2-tetrachloroethane	mg/L	Grab	Once in life of permit (2007)
Tributyltin	g/L	Grab	Once in life of permit (2007)
1,1,1-trichloroethane	mg/L	Grab	Once in life of permit (2007)
1,1,2-trichloroethane	mg/L	Grab	Once in life of permit (2007)

* The primary constituents of concern to be monitored during operations of the treatment system include oil & grease, total petroleum hydrocarbons in carbon range of C4 to C40, benzene, toluene, ethylbenzene, total xylenes (collectively referred to as BTEX), methyl tert-butyl ether (MTBE), and polycyclic aromatic hydrocarbons (PAHs). These constituents have reasonable potential to be in the discharge, so more frequent monitoring is required.

Table II-4: Ocean Plan Table B Pollutants – Protection of Human Health – Carcinogens
(For applicable effluent limitations, see Table IV-4 of Order No. R3-2006-0026)

Parameter	Units	Sample Type	Minimum Sampling & Analysis Frequency
Benzene*	µg/L	Grab	Weekly
Methyl Tertiary Butly Ether*	µg/L	Grab	Weekly
PAHs*	µg/L	Grab	Weekly
Total xylenes*	µg/L	Grab	Weekly
Acrylonitrile	µg/L	Grab	Once in life of permit (2007)
Aldrin	ng/L	Grab	Once in life of permit (2007)
Benzidine	µg/L	Grab	Once in life of permit (2007)
Beryllium	µg/L	Grab	Once in life of permit (2007)
Bis(2-chlororethyl) Ether	µg/L	Grab	Once in life of permit (2007)
Bis(2-ethylhexyl) Phthalate	µg/L	Grab	Once in life of permit (2007)
Carbon tetrachloride	µg/L	Grab	Once in life of permit (2007)
Chlordane	ng/L	Grab	Once in life of permit (2007)
Chloroform	µg/L	Grab	Once in life of permit (2007)
DDT	ng/L	Grab	Once in life of permit (2007)
1,4-dichlorbenzene	µg/L	Grab	Once in life of permit (2007)
3,3-dichlorobenzidine	µg/L	Grab	Once in life of permit (2007)
1,2-dichloroethane	mg/L	Grab	Once in life of permit (2007)
Dichloromethane	mg/L	Grab	Once in life of permit (2007)
Dieldrin	ng/L	Grab	Once in life of permit (2007)
1,3-dichloropropene	mg/L	Grab	Once in life of permit (2007)
2,4-dinitrotoluene	µg/L	Grab	Once in life of permit (2007)
1,2-diphenylhydrazine	µg/L	Grab	Once in life of permit (2007)
Halomethanes	mg/L	Grab	Once in life of permit (2007)
Heptachlor	µg/L	Grab	Once in life of permit (2007)
Hexachlorobenzene	ng/L	Grab	Once in life of permit (2007)
Hexachlorobutadiene	µg/L	Grab	Once in life of permit (2007)
Hexachloroethane	µg/L	Grab	Once in life of permit (2007)
N-nitrosodimethylamine	mg/L	Grab	Once in life of permit (2007)
N-nitrosodiphenylamine	µg/L	Grab	Once in life of permit (2007)
PCBs	ng/L	Grab	Once in life of permit (2007)
TCCD Equivalents	pg/L	Grab	Once in life of permit (2007)
Tetrachloroethylene	mg/L	Grab	Once in life of permit (2007)
Toxaphene	ng/L	Grab	Once in life of permit (2007)

* The primary constituents of concern to be monitored during operations of the treatment system include oil & grease, total petroleum hydrocarbons in carbon range of C4 to C40, benzene, toluene, ethylbenzene, total xylenes (collectively referred to as BTEX), methyl tert-butyl ether (MTBE), and polycyclic aromatic hydrocarbons (PAHs). These constituents have reasonable potential to be in the discharge, so more frequent monitoring is required.

Parameter	Units	Sample Type	Minimum Sampling & Analysis Frequency
Trichloroethylene	µg/L	Grab	Once in life of permit (2007)
2,4,6-trichlorophenol	µg/L	Grab	Once in life of permit (2007)

III. INTERNAL MONITORING REQUIREMENTS

Monitoring Location M-INT-1 and M-INT-2

Representative samples of the internal process, M-INT-1 and M-INT-2, shall be collected at the specified frequencies. Samples taken at M-INT-2 shall be analyzed as soon as possible (under a two-week turn around time) to evaluate for potential treatment system breakthrough, or for replacement of carbon media and rotation of GAC canisters.

The Discharger shall monitor and analyze the internal process monitoring at M-INT-1 and M-INT-2 in accordance with the following schedule:

Table III-1: Internal Process Monitoring Constituents

Parameter	Units	Sample Type	Minimum Sampling & Analysis Frequency
Grease & Oil	mg/L	Grab	Weekly
Total Petroleum Hydrocarbons (EPA Method 8015-Modified)	mg/L	Grab	Weekly
Benzene	µg/L	Grab	Weekly
Toluene	mg/L	Grab	Weekly
Ethylbenzene	mg/L	Grab	Weekly
Methyl Tertiary Butyl Ether	µg/L	Grab	Weekly
PAHs	µg/L	Grab	Weekly

IV. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS

A. Chronic Toxicity Testing

Chronic Toxicity (TUc) = 100/NOEL. The No Observed Effect Level (NOEL) is expressed as the maximum percent effluent or receiving water that causes no observable effect on a test organism, as determined by the result of critical life stage toxicity test to measure TUc. Other species or protocols will be added to the list after the State Water Resources Control Board review and approval. A minimum of three test species with approved test protocols shall be used to measure compliance with the toxicity objective. If possible, the test species shall include a fish, an invertebrate, and an aquatic plant. After a screening period of no fewer than three tests, monitoring can be reduced to the most sensitive species. Dilution and control water should be obtained from an unaffected area of receiving waters. The sensitivity of the test organisms to a reference toxicant shall be determined concurrently with each bioassay test and reported with the test results.

Table IV-1 – Approved Tests – Chronic Toxicity TUc
(Table III-1 from Appendix III of the Ocean Plan)

Species	Effect	Tier	Reference
Giant kelp, Macrocystis pyrifera	Percent germination; germ tube length	1	1, 3
Red abalone, Haliotis rufescens	Abnormal shell development	1	1, 3
Oyster, Crassostrea gigas; mussels, Mytilus spp.	Abnormal shell development; percent survival	1	1, 3
Urchin, Strongylocentrotus purpuratus; sand dollar, Dendraster excentricus	Percent normal development	1	1, 3
Urchin, Strongylocentrotus purpuratus; sand dollar, Dendraster excentricus	Percent fertilization	1	1, 3
Shrimp, Holmesimysis costata	Percent survival; growth	1	1, 3
Shrimp, Mysidopsis bahia	Percent survival; growth; fecundity	2	2, 4
Topsmelt, atherinops affinis	Larval growth rate; percent survival	1	1, 3
Silversides, menidia beryllina	Larval growth rate; percent survival	2	2, 4

Approved Tests – Chronic Toxicity TUc Table Notes

The first tier methods are the preferred toxicity tests for compliance monitoring. A Regional Board can approve the use of a second tier test method for waste discharges if first tier organisms are not available.

Protocol References from the Approved Tests – Chronic Toxicity TUc Table

1. Chapman, G.A., D.L. Denton, and J.M. Lazorchak. 1995. Short-term methods for estimating the chronic toxicity of effluents and receiving waters to west coast marine and estuarine organisms. U.S. EPA Report No. EPA/600/R-95/136.

2. Klemm, D.J., G.E. Morrison, T.J. Norberg-King, W.J. Peltier, and M.A. Heber. 1994. Short-term methods for estimating the chronic toxicity of effluents and receiving water to marine and estuarine organisms. U.S. EPA Report No. EPA-600-4-91-003.

3. SWRCB. 1996. Procedures Manual for Conducting Toxicity Tests Developed by the Marine Bioassay Project. 96-1WQ.

4. Weber, C.I., W.B. Horning, I.I., D.J. Klemm, T.W. Nieheisel, P.A. Lewis, E.L. Robinson, J.Menkedick and F. Kessier (eds). 1988. Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms. EPA/600/4-87/028. National Information Service, Springfield, VA.

B. Toxicity Identification / Reduction Evaluations

If toxicity monitoring shows a violation of toxicity limitations of this Order or a toxicity objective in Table B of the Ocean Plan, the Discharger shall increase the frequency of toxicity testing to once per week and submit the results within 15 days of the conclusion of each test to

the Central Coast Water Board Executive Officer. The Executive Officer will determine whether to initiate enforcement action and/or whether to require the Discharger to conduct a Toxicity Reduction Evaluation (TRE). The TRE shall include all reasonable steps to identify the source(s) of toxicity. Once sources of toxicity are identified, the Discharger shall take reasonable steps necessary to reduce toxicity to the required level.

The basis of the TRE shall be the following (or later revised editions):

- EPA's *Methods for Aquatic Toxicity Identification Evaluations: Phase I, Toxicity Characterization Procedures,* 2nd Edition, 1991b (EPA 600-6-91-003)
- EPA's *Methods for Aquatic Toxicity Identification Evaluations: Phase II, Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity*, 1993a (EPA 600-R-92-080)
- EPA's *Methods for Aquatic Toxicity Identification Evaluations: Phase III, Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity,* 1993b (EPA 600-R-92-081)
- EPA's *Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants* (EPA 833-B-99-002), August 1999

The Discharger shall initiate a TRE according to the following schedule:

Task	Time Schedule
a. Take all reasonable measures necessary to immediately reduce toxicity, where source is known.	Within 24 hours of identification of non-compliance
b. Submit to the Executive Officer a TRE study plan describing the toxicity reduction procedures to be employed.	Within 60 days of identification of non-compliance
c. Initiate the TRE (includes Toxicity Identification Evaluation or TIE according to the above EPA methods)	To be determined by the Executive Officer
d. Conduct the TRE following the procedures in the plan.	To be determined by the Executive Officer
e. Submit the results of the TRE, including summary of findings, required corrective action, and all results and data.	Within 60 days of completions of the TRE
f. Implement corrective actions to meet permit limits and conditions	Within 7 days of notification by the Executive Officer
g. Return to regular monitoring after implementing corrective measures and approval by the EO.	One-year period or as specified in the plan

V. OTHER MONITORING REQUIREMENTS

A. Ocean Outfall Inspection

At least once per year (in the same month annually) the Discharger shall visually inspect the entire outfall and diffuser structure (e.g. divers, dye study) to note its structural integrity, excessive corrosion, and any cracks, breaks, leaks, plugged ports, or other actual or potential malfunctions. The outfall inspection will also check for possible external blockage of ports by sand and/or silt deposition. The Discharger shall report all finding and actions, including any

observed cracks, breaks, or malfunctions to the Executive Officer in the applicable annual report. The month for inspection specified by the Discharger shall be a month of good underwater visibility.

B. Storm Water Monitoring

The Discharger shall continue to comply with the Storm Water Pollution Prevention (SWPP) Plan established in October of 2000. The SWPP Plan describes the industrial storm water discharges at the facility and describes storm water management controls. As stated in the Waste Discharge Requirements (WDRs) No. 00-082, the SWPP Plan shall be reviewed and updated as appropriate by October 1, every year. Records of all storm water monitoring information and copies of all reports required by this Permit shall be retained for a period of at least five years from the date of sample, observation, or report. Storm water monitoring results shall be reported in the quarterly self-monitoring report.

VI. MINIMUM LEVEL

The Minimum Levels identified in the Ocean Plan represent the lowest concentration of a pollutant that can be quantitatively measured in a sample given the current state of performance in analytical chemistry methods in California. These Minimum Levels were derived from data provided by state-certified analytical laboratories in 1997 and 1998 for pollutants regulated by the California Ocean Plan, and shall be used until new values are adopted by the State Water Resources Control Board.

The 2001 California Ocean Plan (Ocean Plan) establishes Minimum Levels (and their associated analytical methods) for discharger reporting. Minimum Levels represent the lowest quantifiable concentration in a sample based on the proper application of method-specific analytical procedures and the absence of matrix interferences. Minimum Levels also represent the lowest standard concentration in the calibration curve for a specific analytical technique after the application of appropriate method-specific factors*.

* Common analytical practices may require different treatment of the sample relative to the calibration standard. Some examples are given below:

Substance or Grouping	Method-Specific Treatment	Most Common Factor
Volatile Organics	No differential treatment	1
Semi-Volatile Organics	Samples concentrated by extraction	1000
Metals	Samples diluted or concentrated	½ , 2 , and 4
Pesticides	Samples concentrated by extraction	100

Other factors may be applied to the Minimum Level depending on the specific sample preparation steps employed. For example, the treatment typically applied when there are matrix effects is to dilute the sample or sample aliquot by a factor of ten (10). In such cases, this additional factor must be applied during the computation of the reporting limit. Application of such factors will alter the reported Minimum Level.

In accordance with the Ocean Plan, all Minimum Levels that are below the effluent limitations of Order No. R3-2006-00026 are included herein (see Tables VI-1 through VI-4 of this MRP). In instances where effluent limitations were lower than all of the Ocean Plan Minimum Levels, the lowest Minimum Level was included. In the latter case, the Minimum Levels above the lowest level were omitted to prevent their mistaken application (indicated by "N/A" in the shaded areas within Tables VI-1 through VI-4 of this MRP). The Minimum Levels prescribed herein were transcribed from Appendix II of the Ocean Plan. The reported Minimum Level is the Minimum Level (and its associated analytical method) chosen by the Discharger for reporting and compliance determination from the Minimum Levels included below.

Dischargers are to instruct their laboratories to establish calibration standards so that the Minimum Level (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. The Discharger's laboratory may employ a calibration standard lower than the Minimum Level in accordance with the Ocean Plan, Section C.4.b, *Deviations from Minimum Levels in Appendix II* (included below).

Deviations from Minimum Levels in Appendix II of the Ocean Plan

The Central Coast Water Board, in consultation with the State Water Board's Quality Assurance Program, must establish a Minimum Level to be included in the permit in any of the following situations:

1. A pollutant is not listed in Appendix II of the Ocean Plan.

2. The Discharger agrees to use a test method that is more sensitive than those described in 40 CFR 136 (revised May 14, 1999).

3. The Discharger agrees to use a Minimum Level lower than those listed in Appendix II of the Ocean Plan.

4. The Discharger demonstrates that their calibration standard matrix is sufficiently different from that used to establish the Minimum Level in Appendix II of the Ocean Plan and proposes an appropriate Minimum Level for their matrix.

5. A Discharger uses an analytical method having a quantification practice that is not consistent with the definition of Minimum Level (e.g., U.S. EPA methods 1613, 1624, 1625).

Tables VI-1 through VI-4 of this MRP list the applicable Minimum Levels in four major chemical groupings: volatile chemicals, semi-volatile chemicals, inorganics, pesticides & PCB's. "No Data" is indicated by "--".

TABLE VI-1: Minimum Levels – Volatile Chemicals

(Table II-1 from Appendix II of the Ocean Plan)

		Minimum Level (µg/L)	
Volatile Chemicals	**CAS Number**	**GC Method [a]***	**GCMS Method [b]***
Acrolein	107028	2	5
Acrylonitrile	107131	2	2
Benzene	71432	0.5	2
Bromoform	75252	0.5	2
Carbon Tetrachloride	56235	0.5	2
Chlorobenzene	108907	0.5	2
Chlorodibromomethane	124481	0.5	2
Chloroform	67663	0.5	2
1,2-Dichlorobenzene (volatile)	95501	0.5	2
1,3-Dichlorobenzene (volatile)	541731	0.5	2
Dichlorobromomethane	75274	0.5	2
1,1-Dichloroethane	75343	0.5	1
1,2- Dichloroethane	107062	0.5	2
1,1-Dichloroethylene	75354	0.5	2
Dichloromethane	75092	0.5	2
1,3-Dichloropropene (volatile)	542756	0.5	2
Ethyl benzene	100414	0.5	2
Methyl Bromide	74839	1	2
Methyl Chloride	74873	0.5	2
1,1,2,2-Tetrachloroethane	79345	0.5	2
Tetrachloroethylene	127184	0.5	2
Toluene	108883	0.5	2
1,1,1-Trichloroethane	71556	0.5	2
1,1,2-Trichloroethane	79005	0.5	2
Trichloroethylene	79016	0.5	2
Vinyl Chloride	75014	0.5	2

Table VI-1 Notes:

a) GC Method = Gas Chromatography

b) GCMS Method = Gas Chromatography / Mass Spectrometry

* To determine the lowest standard concentration in an instrument calibration for these techniques, use the given ML (see Ocean Plan, Chapter III, Section C.5, *Use of Minimum Levels).*

TABLE VI-2: Minimum Levels – Semi Volatile Chemicals
(Table II-2 from Appendix II of the Ocean Plan)

		Minimum Level (µg/L)			
Semi-Volatile Chemicals	**CAS Number**	**GC Method [a,*]**	**GCMS Method [b,*]**	**HPLC Method [c,*]**	**COLOR Method [d]**
Acenapthylene	208968	--	10	0.2	--
Anthracene	120127	--	10	2	--
Benzidine	92875	--	5	--	--
Benzo(a)anthracene	56553	--	10	2	--
Benzo(a)pyrene	50328	--	10	2	--
Benzo(b)fluoranthene	205992	--	10	10	--
Benzo(g,h,i)perylene	191242	--	5	0.1	--
Benzo(k)floranthene	207089	--	10	2	--
Bis 2-(1-Chloroethoxy) methane	111911	--	5	--	--
Bis(2-Chloroethyl)ether	111444	N/A	1	--	--
Bis(2-Chloroisopropyl)ether	39638329	10	2	--	--
Bis(2-Ethylhexyl) phthalate	117817	10	5	--	--
2-Chlorophenol	95578	2	5	--	--
Chrysene	218019	--	10	5	--
Di-n-butyl phthalate	84742	--	10	--	--
Dibenzo(a,b)anthracene	53703	--	10	0.1	--
1,2-Dichlorobenzene (semivolatile)	95504	2	2	--	--
1,3-Dichlorobenzene (semivolatile)	541731	2	1	--	--
1,4-Dichlorobenzene (semivolatile)	106467	2	1	--	--
3,3-Dichlorobenzidine	91941	--	5	--	--
2,4-Dichlorophenol	120832	1	5	--	--
1,3-Dichlororpropene	542756	--	5	--	
Diethyl phthalate	84662	10	2	--	--
Dimethyl phthalate	131113	10	2	--	--
2,4-Dimethylphenol	105679	1	2	--	--
2,4-Dinitrophenol	51285	5	5	--	--
2,4-Dinitrotoluene	121142	10	5	--	--
1,2-Diphenylhydrazine	122667	--	1	--	--
Fluoranthene	206440	10	1	0.05	--
Fluorene	86737	--	10	0.1	--
Hexachlorobenzene	118741	N/A	1	--	--
Hexachlorobutadiene	87683	5	1	--	--
Hexachlorocyclopentadiene	77474	5	5	--	--
Hexachloroethane	67721	5	1	--	--
Indeno(1,2,3-cd)pyrene	193395	--	10	0.05	--
Isophorone	78591	10	1	--	--
2-methyl-4,6-dinitrophenol	534521	10	5	--	--
3-methyl-4-chlorophenol	59507	5	1	--	--
N-nitrosodi-n-propylamine	621647	10	5	--	--

Semi-Volatile Chemicals	CAS Number	GC Method [a,*]	GCMS Method [b,*]	HPLC Method [c,*]	COLOR Method [d]
N-nitrosodimethylamine	62759	10	5	--	--
N-nitrosodiphenylamine	86306	10	1	--	--
Nitrobenzene	98953	10	1	--	--
2-Nitrophenol	88755	--	10	--	--
4-Nitrophenol	100027	5	10	--	--
Pentachlorophenol	87865	1	5	--	--
Phenanthrene	85018	--	5	0.05	--
Phenol	108952	1	1	--	50
Pyrene	129000	--	10	0.05	--
2,4,6-Trichlorophenol	88062	10	10	--	--

Table VI-2 Notes:

a) GC Method = Gas Chromatography

b) GCMS Method = Gas Chromatography / Mass Spectrometry

c) HPLC Method = High Pressure Liquid Chromatography

d) COLOR Method = Colorimetric

* To determine the lowest standard concentration in an instrument calibration curve for this technique, multiply the given ML by 1000 (see Ocean Plan, Chapter III, Section C.5, *Use of Minimum Levels).*

TABLE VI-3: Minimum Levels – Inorganics
(Table II-3 from Appendix II of the Ocean Plan)

		Minimum Level (µg/L)								
Inorganic Substances	CAS Number	COLOR Number	DCP Method	FAA Method	GFAA Method	HYDRIDE Method	ICP Method	ICPMS Method	SPGFAA Method	CVAA Method
Antimony	7440360	--	1000	10	5	0.5	50	0.5	5	--
Arsenic	7440382	20	N/A	--	2	1	10	2	2	--
Beryllium	7440417	--	N/A	N/A	0.5	--	2	0.5	1	--
Cadmium	7440439	--	N/A	10	0.5	--	10	0.2	0.5	--
Chromium (total)	--	--	N/A	50	2	--	10	0.5	1	--
Chromium (VI)	18540299	10	--	5	--	--	--	--	--	--
Copper	7440508	--	N/A	20	5	--	10	0.5	2	--
Cyanide	57125	5	--	--	--	--	--	--	--	--
Lead	7439921	--	N/A	20	5	--	5	0.5	2	--
Mercury	7439976	--	--	--	--	--	--	0.5	--	0.2
Nickel	7440020	--	N/A	50	5	--	20	1	5	--
Selenium	7782492	--	1000	--	5	1	10	2	5	--
Silver	7440224	--	N/A	10	1	--	10	0.2	2	--
Thallium	7440280	--	N/A	10	2	--	10	1	5	--
Zinc	7440666	--	1000	20	--	--	20	1	10	--

Table VI-3 Notes:

a) COLOR Method = Colorimetric

b) DCP Method = Direct Current Plasma

c) FAA Method = Flame Atomic Absorption

d) GFAA Method = Graphite Furnace Atomic Absorption

e) HYDRIDE Method = Gaseous Hydride Atomic Absorption

f) ICP Method = Inductively Coupled Plasma

g) ICPMS Method = Inductively Coupled Plasma / Mass Spectrometry

h) SPGFAA Method = Stabilized Platform Graphite Furnace Atomic Absorption (i.e. US EPA 200.9)

i) CVAA Method = Cold Vapor Atomic Absorption

* To determine the lowest standard concentration in an instrument calibration curve for these techniques, use the given ML (see Ocean Plan, Chapter III, Section C.5, *Use of Minimum Levels*).

TABLE VI-4: Minimum Levels – Pesticides & PCB's
(Table II-4 from Appendix II of the Ocean Plan)

		Minimum Level (µg/L)
Pesticides – PCB's	**CAS Number**	**GC Method a,***
Aldrin	309002	0.005
Chlordane	57749	0.1
4,4'-DDD	72548	0.05
4,4'-DDE	72559	0.05
4,4'-DDT	50293	0.01
Dieldrin	60571	0.01
a-Endosulfan	959988	0.02
b-Endosulfan	33213659	0.01
Endosulfan Sulfate	1031078	0.05
Endrin	72208	0.01
Heptachlor	76448	0.01
Heptachlor Epoxide	1024573	0.01
a-Hexachlorocyclohexane	319846	0.01
b-Hexachlorocyclohexane	319857	0.005
d-Hexachlorocyclohexane	319868	0.005
g-Hexachlorocyclohexane (Lindane)	58899	0.02
PCB 1016	--	0.5
PCB 1221	--	0.5
PCB 1232	--	0.5
PCB 1242	--	0.5
PCB 1248	--	0.5
PCB 1254	--	0.5
PCB 1260	--	0.5
Toxaphene	8001352	0.5

Table VI-4 Notes:
a) GC Method = Gas Chromatography
* To determine the lowest standard concentration in an instrument calibration curve for this technique, multiply the given ML by 100 (see Ocean Plan, Chapter III, Section C.5, *Use of Minimum Levels*).

Procedures, calibration techniques, and instrument/reagent specifications used to determine compliance with Ocean Plan Table B shall conform to the requirements of federal regulations (40 CFR PART 136, revised edition of July 1, 2003, or later). All methods are specified in Tables VI-1 through VI-4 of this MRP.

Laboratories analyzing monitoring data shall be certified by the California Department of Health Services, in accordance with the provisions of California Water Code, Section 13176, and must include quality assurance / quality control data and their reports.

VII. SAMPLE REPORTING PROTOCOLS

Dischargers must report with each sample result the reported Minimum Level (selected by the Discharger in accordance with MRP Section VI, *Minimum Levels*, above, and Section III. C.4 of the Ocean Plan) and the laboratory's current Method Detection Limit (MDL).

Dischargers must also report the results of analytical determinations for the presence of chemical constituents in a sample using the following reporting protocols:

A. Sample results greater than or equal to the reported Minimum Level must be reported "as measured" by the laboratory (i.e. the measured chemical concentration in the sample).

B. Sample results less than the reported Minimum Level, but greater than or equal to the laboratory's MDL, must be reported as "Detected, but Not Quantified", or DNQ. The laboratory must write the estimated chemical concentration of the sample next to DNQ as well as the words "Estimated Concentration" (may be shortened to "Est. Conc.").

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

VIII. COMPLIANCE DETERMINATION

Sufficient sampling and analysis is required to determine compliance with the effluent limitations.

A. Compliance with Single-Constituent Effluent Limitations

Dischargers are out of compliance with the effluent limitation if the concentration of the pollutant (see Section X.C below) in the monitoring sample is greater than the effluent limitation and greater than or equal to the reported Minimum Level.

B. Compliance with Effluent Limitations expressed as a Sum of Several Constituents

Dischargers are out of compliance with an effluent limitation which applies to the sum of a group of chemicals (e.g., PCB's) if the sum of the individual pollutant concentrations is greater than the effluent limitation. Individual pollutants of the group will be considered to have a concentration of zero if the constituent is reported as ND or DNQ.

C. Multiple Sample Data Reduction

The concentration of the pollutant in the effluent may be estimated from the result of a single sample analysis or by a measure of central tendency (arithmetic mean, geometric mean, media, etc.) of multiple sample analyses when all sample results are quantifiable (i.e., greater than or equal to the reported Minimum Level). When one or more sample results are reported as ND or DNQ, the central tendency concentration of the pollutant shall be the median (middle) value of the multiple samples. If, in an even number of samples, one or both of the middle values is ND or DNQ, the median will be lower of the two middle values.

IX. REPORTING REQUIREMENTS

A. General Monitoring and Reporting Requirements

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

B. Self Monitoring Reports (SMRs)

1. At any time during the term of this permit, the State or Regional Water Board may notify the Discharger to electronically submit self-monitoring reports. Until such notification is given, the Discharger shall submit self-monitoring reports in accordance with the requirements described below.

2. The Discharger shall submit monthly, quarterly, semiannual, annual Self Monitoring Reports including the results of all required monitoring using USEPA-approved test methods or other test methods specified in this Order. Monthly reports shall be submitted by the last day of the month following the month of sampling; Quarterly reports shall be due on April 30th, July 30th, October 30th and January 30th following each calendar quarter; Semi-annual reports shall be due on July 30th and January 30th following each semi-annual period; Annual reports shall be due on January 30th following each calendar year. When wastewater treatment process is inactive, i.e. no effluent discharge, a letter may be submitted in lieu of the Self Monitoring Reports.

3. Monitoring periods and reporting for all required monitoring shall be completed according to the following schedule:

Table XI-1 – Monitoring Period Definitions

Sampling Frequency	Monitoring Period Begins On…	Monitoring Period	SMR Due Date
Continuous	The day after permit effective date	All	Last day of calendar month following month of sampling
X / hour	The day after permit effective date	Hourly	Last day of calendar month following month of sampling
X / day	The day after permit effective date	(Midnight through 11:59 PM) or any 24-hour period that reasonably represents a calendar day for purposes of sampling.	Last day of calendar month following month of sampling
X / week	The Sunday following permit effective date or on permit effective date if on a Sunday	Sunday through Saturday	Last day of calendar month following month of sampling
X / month	The first day of calendar month following permit effective date or on permit effective date if that date is first day of the month	1st day of calendar month through last day of calendar month	Last day of calendar month following month of sampling
X / quarter	The closest of January 1, April 1, July 1, or October 1 following (or on) permit effective date	January 1 through March 31 April 1 through June 30 July 1 through September 30 October 1 through December 31	April 30 July 30 October 30 January 30
X / semi-annual period	Closest of January 1 or July 1 following (or on) permit effective date	January 1 through June 30 July 1 through December 31	July 30 January 30
X / year	January 1 following (or on) permit effective date	January 1 through December 31	January 30

4. The Discharger shall report with each sample result the applicable Minimum Level (ML) and the current Method Detection Limit (MDL), as determined by the procedure in 40 CFR Part 136.

5. 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.

6. The Discharger shall attach a cover letter to the SMR. The information contained in the cover letter shall clearly identify violations of the WDRs; 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.

7. SMRs must be submitted to the Central Coast Water Board, signed and certified as required by the standard provisions (Attachment D), to the address listed below:

   Central Coast Regional Water Quality Control Board
   895 Aerovista Place, Suite 101
   San Luis Obispo, CA 93401-7906

C. Discharge Monitoring Reports (DMRs)

1. As described in Section X.B.1 above, at any time during the term of this permit, the State or Regional Water Board may notify the Dischargers to electronically submit self-monitoring reports. Until such notification is given, the Dischargers shall submit discharge-monitoring reports (DMRs) in accordance with the requirements described below.

2. DMRs must be signed and certified as required by the standard provisions (Attachment D). The Discharge shall submit the original DMR and one copy of the DMR to the address listed below:

   State Water Resources Control Board
   Discharge Monitoring Report Processing Center
   Post Office Box 671
   Sacramento, CA 95812

3. All discharge monitoring results must be reported on the official U.S. EPA pre-printed DMR forms (EPA Form 3320-1). Forms that are self-generated or modified cannot be accepted.

Attachment F – Fact Sheet – Table of Contents

ATTACHMENT F – FACT SHEET

As described in Section II of this Order, this Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order.

I. PERMIT INFORMATION

The following table summarizes administrative information related to the facility.

WDID	3 402005001
Discharger	Chevron Pipe Line Company
Name of Facility	Chevron Estero Marine Terminal
Facility Address	4000 Highway One
	Morro Bay, California 93442
	San Luis Obispo County
Facility Contact, Title and Phone	Joe Gonzalez, Facility Manager, (805) 772-2611
Authorized Person to Sign and Submit Reports	Joe Gonzalez, Facility Manager, (805) 772-2611
Mailing Address	SAME
Billing Address	SAME
Type of Facility	Non-POTW, Private Company; Former oil tanker loading terminal
Major or Minor Facility	Minor
Threat to Water Quality	2
Complexity	B
Pretreatment Program	No
Facility Permitted Flow	0.21 million gallons per day (MGD)
Facility Design Flow	0.21 million gallons per day (MGD)
Watershed	Estero Bay Hydrologic Unit
Receiving Water	Pacific Ocean and Toro Creek
Receiving Water Type	Saltwater and Freshwater

A. Chevron Pipe Line Company (hereinafter Discharger) is the owner and operator of Chevron Estero Marine Terminal (hereinafter Facility), a former oil tanker loading terminal.

B. The Facility discharges wastewater to the Pacific Ocean at Estero Bay, a water of the United States and is currently regulated by Order No. 00-082 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0001465, which was adopted by the Central Coast Water Board on October 27, 2000. The permit expired October 27, 2005, but continues in force until the effective date of the new permit, in accordance with 40 CFR Part 122.6.

C. The Discharger filed a report of waste discharge and submitted an application for renewal of its Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permit on April 29, 2005. Central Coast Water Board staff visited the site on July 27, 2005 to observe operations and collect additional data to develop permit limitations and conditions.

II. FACILITY DESCRIPTION

A. **Description of Wastewater and Solids Treatment.** The Discharger is currently decommissioning the Estero Marine Terminal facilities. They propose to utilize a temporary wastewater treatment system to treat wastewater generated during the decommissioning and planned remediation projects on the site and the decommissioning of the out-of-service submarine loading lines and off-site pipelines. The treatment system will consist of several 21,000-gallon capacity portable storage tanks, an oil/water separator where separate phase petroleum will be decanted and transferred to a poly tank, two bag filters to remove sediment, two 2,000-pound liquid-phase granular activated carbon canisters, and a treated water tank. This treated water tank has a capacity of 210,000 gallons. The design average daily flow rate is 0.21 MGD. Any solids generated during the treatment process will be settled out, removed, and mixed with the soils that are excavated as part of the proposed remediation project.

B. **Discharge Points and Receiving Waters.** Wastewater is discharged to the Pacific Ocean through a 3,000-foot outfall/diffuser system. The outfall (Discharge Point 001) terminates in the Pacific Ocean at Estero Bay (35°24'25" N. Latitude, 120° 53'05" W. Longitude) in approximately 50 feet of water. The minimum initial dilution ratio of seawater to effluent is 15:1. Additionally, storm water is discharged from Discharge Points 002 through 005; however, discharges from these oversized storm water detention basins are rare and have no reasonable potential to exceed the water quality objectives contained in the Ocean Plan and Basin Plan. Therefore, no California Toxic Rule effluent limits are necessary for Discharge Points 002 through 005. Of the storm water detention basins, Discharge Point 002 discharges to an unnamed tributary of the Pacific Ocean at Estero Bay. Discharge Points 003 through 005 discharge to Toro Creek, which terminates in the Pacific Ocean at Estero Bay.

C. **Compliance Summary.** The facility has been unused since the previous permit. Therefore, no discharging of wastewater has occurred, and the Discharger has not committed any violations during the last five years.

D. **Planned Changes.** Presently, the Discharger is decommissioning the facility and is proposing a wastewater treatment system for the discharges associated with this cleanup. The system that will be used by the Discharger is described in section II-A, above. After decommissioning and cleanup of the facility is complete, the Discharge plans to cease discharges and remove the wastewater treatment system.

III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

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

A. Legal Authorities

This Order is issued pursuant to section 402 of the Federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and Chapter 5.5, Division 7 of the California Water Code (CWC). It shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste

Discharge Requirements (WDRs) pursuant to Article 4, Chapter 4 of the CWC for discharges that are not subject to regulation under CWA section 402.

B. California Environmental Quality Act (CEQA)

This action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.) in accordance with Section 13389 of the CWC.

C. State and Federal Regulations, Policies, and Plans

1. **Water Quality Control Plans**. The Regional Water Board adopted a Water Quality Control Plan for the Central Coast Region (hereinafter Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. In addition, State Water Resources Control Board (State Water Board) Resolution No. 88-63 requires that, with certain exceptions, the Regional Water Board assign the municipal and domestic supply use to water bodies that do not have beneficial uses listed in the Basin Plan.

   The State Water Board revised the Water Quality Control Plan, Ocean Waters of California (Ocean Plan) on December 3, 2001, and updates it periodically. The Ocean Plan contains water quality objectives and other requirements governing discharges to the Pacific Ocean. Beneficial uses applicable to the Pacific Ocean and Toro Creek are as follows:

Discharge Point	Receiving Water Name	Beneficial Uses
001, 002	Pacific Ocean at Estero Bay	Existing: Water contact recreation (REC-1); Non-contact water recreation (REC-2); Industrial service supply (IND); Navigation (NAV); Marine habitat (MAR); Shellfish harvesting (SHELL); Commercial and sport fishing (COMM); Rare, threatened, or endangered species (RARE); Wildlife habitat (WILD); Migration of aquatic organisms (MIGR); Spawning, reproduction, and/or early development (SPWN).
003, 004, 005	Toro Creek	Existing: Municipal and domestic supply (MUN); Agricultural supply (AGR); Ground water recharge (GWR); Water contact recreation (REC-1); Non-contact water recreation (REC-2); Wildlife habitat (WILD); Cold fresh water habitat (COLD); Warm fresh water habitat (WARM); Migration of aquatic organisms (MIGR);

Discharge Point	Receiving Water Name	Beneficial Uses
		Spawning, reproduction and/or early development (SPWN); Preservation of rare and endangered species (RARE); Estuarine habitat (EST); Freshwater replenishment (FRSH); Commercial and Sport Fishing (COMM).

2. **Anti-Degradation Policy.** Section 131.12 of 40 CFR requires that State water quality standards include an anti-degradation policy consistent with the federal policy. The State Water Board established California's anti-degradation policy in State Water Board Resolution 68-16, which incorporates the requirements of the federal anti-degradation policy. Resolution 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings. As discussed in detail in this Fact Sheet, the permitted discharge is consistent with the anti-degradation provision of 40 CFR §131.12 and State Water Board Resolution 68-16.

3. **Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and 40 CFR §122.44(l) prohibit 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. All effluent limitations in the Order are at least as stringent as the effluent limitations in the previous Order.

4. **Monitoring and Reporting Requirements.** Section 122.48 of 40 CFR requires that all NPDES permits specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWC authorize the Regional Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program (MRP) establishes monitoring and reporting requirements to implement federal and State requirements. This MRP is provided in Attachment E.

5. **Mandatory Penalties.** Section 13385(h) et seq. of the California Water Code requires the Central Coast Water Board to impose mandatory penalties for certain effluent limit violations. Section 13385(h) et seq. applies to effluent discharged to Toro Creek and the Pacific Ocean from this Discharger.

IV. SUMMARY AND RATIONALE OF CHANGES TO PERMIT REQUIREMENTS

Change	Section	Reason
1. Effluent acute toxicity monitoring requirement removed from Permit.	Permit, Table IV-1	Toxicity testing is based on the minimum initial dilution factor for ocean waste discharges establishes. The requirements for conducting testing for acute toxicity and/or chronic toxicity are explained in the Ocean Plan. According to the requirements, "Dischargers shall conduct chronic toxicity testing if the minimum initial dilution of the effluent falls below 100:1 at the edge of the mixing zone." Since the minimum initial dilution of the effluent is 15:1 for the Discharger, only chronic toxicity testing is necessary.
2. Effluent monitoring frequency for primary constituents of concern has been increased from quarterly and annually to weekly.	Monitoring and Reporting Program, Table II-1, 2, 3, 4	These constituents clearly have reasonable potential to be in the discharge, so more frequent monitoring is appropriate.
3. Monitoring was added at internal locations within the wastewater treatment process; locations, M-INT-1 and M-INT-2.	Monitoring and Reporting Program, Section III	To evaluate for potential treatment system breakthrough, or for replacement of carbon media and rotation of GAC canisters.

V. PUBLIC PARTICIPATION

The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) is considering the issuance of waste discharge requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System (NPDES) permit for Chevron Estero Marine Terminal. As a step in the WDRs adoption process, the Central Coast Water Board staff has developed tentative WDRs. The Regional Water Board encourages public participation in the WDRs adoption process.

A. Notification of Interested Parties

The Central Coast Water Board notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and provided them with an opportunity to submit their written comments and recommendations. Notification was provided through the publication in the San Luis Obispo County Tribune on March 30, 2006, and through

direct mailing of the Draft NPDES permit to all known interested agencies and persons on February 6, 2006. Written comments were due April 30, 2006.

B. Written Comments

Comment 1: The **Chevron Pipe Line Company** submitted written comments on March 16, 2006, regarding the Facility Description. The comments are included verbatim here:

> "Namely, we ask that the Facility Description make reference to using the proposed temporary wastewater treatment system during the planned decommissioning of the out of service submarine loading lines and the off-site pipelines that served Estero Marine Terminal.
>
> We also wish to advise on our progress in satisfying RWQCB and San Luis Obispo County remedial action plan (RAP) conditions of approval, so that we may address the petroleum hydrocarbon impact at the facility. Pending conditions of approval, implementation of our RAP may occur as early as Fall 2006 or Fall 2007. The pending conditions include the issuance of permits from the U.S. Army Corps of Engineers and California Department of Fish and Game, and endangered species consultation with the U.S. Fish and Wildlife Service."

Staff Response 1: Staff added Chevron Pipe Line Company's suggestion for this addition to the Facility Description of Order and the Fact Sheet (Attachment F).

The status of the remedial action plan is discussed in the Staff Report.

Staff also made changes to the units in MRP Tables II-1 through III-1 to be consistent with units established in the Order, Tables IV-1 through IV-4.

C. Public Hearing

The Regional Water Board will hold a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

Date: **May 12, 2006**
Time: **8:30 a.m.**
Location: **Regional Board Hearing Room**
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Interested persons are invited to attend. At the public hearing, the Regional Water Board will hear testimony, if any, pertinent to the discharge, WDRs, and permit. Oral testimony will be heard; however, for accuracy of the record, important testimony should be in writing.

Please be aware that dates and venues may change. Our web address is www.waterboards.ca.gov/centralcoast, where you can access the current agenda for changes in dates and locations.

D. Waste Discharge Requirements Petitions

Any aggrieved person may petition the State Water Resources Control Board to review the decision of the Regional Water Board regarding the final WDRs. The petition must be submitted within 30 days of the Regional Water Board's action to the following address:

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100, 1001 I Street
Sacramento, CA 95812-0100

Persons may find additional instructions for filing petitions at: http://www.waterboards.ca.gov/html/petitions.html, or may request them from Central Coast Water Board staff shown below in Fact Sheet Section VIII.G.

E. Information and Copying

The Report of Waste Discharge (RWD), related documents, tentative effluent limitations and special provisions, comments received, and other information 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 or faxing Sue Gerdsen at (805) 549-3465 (phone) or (805) 788-3521 (fax).

F. 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.

G. Additional Information

Requests for additional information or questions regarding this order should be directed to **Allison Millhollen at (805) 549-3882 or** amillhollen@waterboards.ca.gov, or Harvey Packard at (805) 542-4639 or hpackard@waterboards.ca.gov.

Date _____

California Regional Water Quality Control Board
Central Coast Region
Attn: Monitoring and Reporting Review Section
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Dear Mr. Briggs:

Monitoring Report Transmittal Form

Facility Name: _____

Address: _____

Contact Person: _____
Job Title: _____
Phone Number: _____

WDR/NPDES Order Number: _____

Types of Report (circle all): **Monthly** **Quarterly** **Semi-Annual** **Annual**

Month(s) (circle applicable months*): **JAN** **FEB** **MAR** **APR** **MAY** **JUN** **JUL** **AUG** **SEP** **OCT** **NOV** **DEC**

***Annual Reports** (circle the first month of the reporting period)

Year: _____

Violation(s) (Place an X by the appropriate choice): ____ **No** (there are no violations to report) ____ **Yes**

If Yes is marked (complete a-g):

a) Parameter(s) in Violation: _____

b) Section(s) of WDR/NPDES Violated: _____

c) Reported Value(s)

d) WDR/NPDES Limit/Condition:

e) Dates of Violation(s)
(reference page of report/data sheet):

f) Explanation of Cause(s):
(attach additional information as needed)

g) Corrective Action(s):
(attach additional information as needed)

In accordance with the Standard Provisions and Reporting Requirements, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision following a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my knowledge of the person(s) who manage the system, or those directly responsible for data gathering, 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.

If you have any questions or require additional information, please contact me at the number provided above.

Sincerely,

Signature

Printed Name

Title