iv. Contain the signature and engineering license number of the engineer preparing the certification report affixed to the report. If reasonable, the certification report shall be submitted prior to beginning construction. FPUD shall not initiate a discharge from an existing treatment facility at a daily flow rate in excess of its previously approved design capacity until:

(1) The certification report is received by the San Diego Water Board,

(2) The San Diego Water Board has received written notification of completion of construction (new treatment facilities and expansions only),

(3) An inspection of the facility has been made by the San Diego Water Board or their designated representatives (new treatment facilities and expansions only), and

(4) The San Diego Water Board has provided FPUD with written authorization to discharge at a daily flow rate in excess of its previously approved design capacity.

e. All waste treatment, containment, and disposal facilities shall be protected against 100-year peak stream flows as defined by the San Diego County flood control agency.

f. All waste treatment, containment, and disposal facilities shall be protected against erosion, overland runoff, and other impacts resulting from a 100-year, 24-hour storm event.

g. This Order expires on September 27, 2017, after which, the terms and conditions of this permit are automatically continued pending issuance of a new permit, provided that all requirements of USEPA's NPDES regulations at 40 CFR 122.6 and the State's regulations at CCR Title 23, section 2235.4 regarding the continuation of expired permits and waste discharge requirements are met.

h. FPUD's wastewater treatment facilities shall be operated and maintained in accordance with the operations and maintenance manual prepared by FPUD pursuant to the Clean Water Grant Program. A copy of this manual shall be at or near the treatment and disposal facilities and shall be available to operating personnel at all times.

i. A copy of this Order shall be posted at a prominent location at or near the treatment and disposal facilities and shall be available to operating personnel at all times.

B. Monitoring and Reporting Program (MRP) Requirements

FPUD shall comply with the MRP, and future revisions thereto, in Attachment E of this Order.

C. Special Provisions

1. Reopener Provisions

a. This Order may be reopened for modification to include an effluent limitation if monitoring establishes that the discharge causes, has the reasonable potential to cause, or contributes to an excursion above an Ocean Plan Table B water quality objective.

b. This Order may be reopened for modification of the receiving waters monitoring requirements, as the San Diego Water Board determines. The modification(s) can include, but is (are) not limited to, recommendations from Southern California Coastal Water Research Project (SCCWRP) or creation of a Regional Monitoring Program.

c. This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following;

i. Violation of any terms or conditions of this Order.

ii. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts.

iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of a request by FPUD for modifications, revocation and reissuance, or termination of this Order does not stay any condition of this Order. Notification by FPUD of planned operational or facility changes, or anticipated noncompliance with this Order does not stay any condition of this Order.

d. If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under section 307 (a) of the CWA for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in this Order, the San Diego Water Board may institute proceedings under these regulations to modify or revoke and reissue the Order to conform to the toxic effluent standard or prohibition.

e. This Order may be re-opened and modified, to incorporate in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include requirements for the implementation of the watershed management approach.

f. This Order may be reopened and modified, in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include new Minimum Levels (MLs).

g. This Order may be re-opened and modified to revise effluent limitations as a result of future Basin Plan Amendments, or the adoption of a total maximum daily load (TMDL) for the receiving water.

h. This Order may be re-opened upon submission by FPUD of adequate information, as determined by this San Diego Water Board, to provide for dilution credits or a mixing zone, as may be appropriate.

i. This Order may be re-opened and modified to revise the toxicity language once that language becomes standardized.

j. This Order may also be re-opened and modified, revoked and reissued, or terminated in accordance with the provisions of 40 CFR 122.44, 122.62 to 122.64, 125.62, and 125.62. Causes for taking such actions include, but are not limited to, failure to comply with any condition of this Order and permit, and endangerment to human health or the environment resulting from the permitted activity.

2. Special Studies, Technical Reports and Additional Monitoring Requirements

a. Spill Prevention and Response Plans

i. For purposes of this section, a spill is a discharge of treated or untreated wastewater that occurs at or downstream of the Facility headworks in violation of Discharge Prohibition III.A of this Order, or a discharge of other materials related to treatment and operations of the Facility. This section does not include sanitary sewer overflows (SSOs) from the sewage collection system that are reportable under separate waste discharge requirements, not incorporated herein.

ii. FPUD shall maintain and implement a Spill Prevention Plan (SPP) for the facilities owned and/or operated by FPUD in an up-to-date condition and shall amend the SPP whenever there is a change (e.g., in the design, construction, operation, or maintenance of the sewerage system or sewerage facilities) which materially affects the potential for spills. FPUD shall review and amend the SPP as appropriate after each spill from the Facility. The SPP and any amendments thereto shall be subject to the approval of the San Diego Water Board and shall be modified as directed by the San Diego Water Board. FPUD shall submit the SPP and any amendments thereto to the San Diego Water Board upon request of the San Diego Water Board. FPUD shall ensure that the up-to-date SPP is readily available to the sewerage system personnel at all times and that the sewerage system personnel are familiar with it.

iii. FPUD shall maintain and implement a Spill Response Plan (SRP) for the Facility in an up-to-date condition and shall amend the SRP, as necessary. FPUD shall review and amend the SRP as appropriate after each spill from the Facility. The SRP and any amendments thereto shall be subject to the approval of the San Diego Water Board and shall be modified as directed by the San Diego Water Board. FPUD shall submit the SRP and any amendments thereto to the San Diego Water Board upon request of the San Diego Water Board. FPUD shall ensure that the up-to-date SRP is readily available to the sewerage system personnel at all times and that the sewerage system personnel are familiar with it.

b. Spill Reporting Requirements

FPUD shall report treated and untreated wastewater spills downstream of the plant headworks as defined in section VI.C.2.a.i above in accordance with the following procedures:

i. If a spill results in a discharge of treated or untreated wastewater downstream of the plant headworks that is equal to or exceeds 1,000 gallons, and/or results in a discharge to a drainage channel and/or surface water, and/or results in a discharge to a storm drain that was not fully captured and returned to the sanitary sewer system, FPUD shall:

(a) Report the spill to the San Diego Water Board by telephone, by voice mail, or by FAX within 24 hours from the time FPUD becomes aware of the spill. FPUD shall inform the San Diego Water Board of the date of the spill, spill location and its final destination, time the spill began and ended, estimated total spill volume, and type of spill material.

(b) Submit a written report, as well as any additional pertinent information, to the San Diego Water Board no later than five days from the time FPUD becomes aware of the spill.

(c) The San Diego 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.

ii. If a spill results in a discharge of treated or untreated wastewater under 1,000 gallons and the discharge does not reach a drainage channel, surface waters, or storm drain, or reached a storm drain but was fully captured, FPUD is not required to notify the San Diego Water Board within 24 hours or provide a five-day written report.

iii. For spills of material other than treated or untreated wastewater that cause, may cause, or are caused by significant operational failure, or endangers or may endanger human health or the environment, FPUD shall notify the San Diego Water Board by telephone, by voice mail, or by FAX within 24 hours from the time FPUD becomes aware of the spill. FPUD shall inform the San Diego Water Board of the date of the spill, spill location and its final destination, time the spill began and ended, estimated total spill volume, and type of spill material.

iv. For all spills, FPUD shall include a detailed summary of spills in the monthly self-monitoring report for the month in which the spill occurred.

v. The spill reporting requirements contained in this Order do not relieve FPUD of responsibilities to report to other agencies, such as the California Emergency Management Agency (EMA) and the County of San Diego Department of Environmental Health Services.

c. Toxicity Reduction Requirements

If the performance goal for acute or chronic toxicity is exceeded in any one test, then within 15 days of the exceedance, FPUD shall begin conducting six additional tests, bi-weekly, over a 12 week period.

If either toxicity performance goal is exceeded in any of these six additional tests, then FPUD shall notify the San Diego Water Board. If the San Diego Water Board determines that the discharge consistently exceeds a toxicity performance goal, then FPUD shall initiate a Toxicity Reduction Evaluation (TRE)/Toxicity Identification Evaluation (TIE) in accordance with the TRE workplan, *Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants* (USEPA 833-B-99-002, 1999), and USEPA TIE guidance documents (Phase I, EPA/600/6-91/005F, 1992; Phase II, EPA/600/R-92/080, 1993; and Phase III, EPA/600/R-92/081, 1993). Once the source of toxicity is identified, FPUD shall take all reasonable steps to reduce the toxicity to meet the chronic toxicity performance goal identified in section IV.A.2.a of this Order.

Within 30 days of completion of the TRE/TIE, FPUD shall submit the results of the TRE/TIE, including a summary of the findings, data generated, a list of corrective actions necessary to achieve consistent compliance with all the performance goals of this Order and prevent recurrence of exceedances of those performance goals, and a time schedule for implementation of such corrective actions. The corrective actions and time schedule shall be modified at the direction of the San Diego Water Board.

If no toxicity is detected in any of these additional six tests, then FPUD may return to the testing frequency specified in the MRP.

d. Toxicity Reduction Evaluation (TRE)

FPUD shall review and update, as necessary, its TRE workplan in accordance with TRE procedures established by USEPA in the following guidance manuals.

i. *Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations* (EPA/600/2-88/070).

ii. *Toxicity Identification Evaluation, Phase I* (EPA/600/6-91/005F).

iii. *Methods for Aquatic Toxicity Identification Evaluations, Phase II* (EPA/600/R-92/080).

iv. *Methods for Aquatic Toxicity Identification Evaluations, Phase III* (EPA/600/R-92/081).

FPUD shall submit any revisions to its TRE workplan to the San Diego Water Board within 180 days of the adoption of this Order. The TRE workplan shall be subject to the approval of the San Diego Water Board and shall be modified as directed by the San Diego Water Board.

3. Best Management Practices and Pollution Prevention – Not Applicable

4. Construction, Operation and Maintenance Specifications – Not Applicable

5. Special Provisions for Wastewater Facilities (POTWs Only)

a. Treatment Plant Capacity

FPUD shall submit a written report to the San Diego Water Board within 90 days after the monthly average influent flow rate equals or exceeds 75 percent of the secondary treatment design capacity of the wastewater treatment and/or disposal facilities. FPUD's senior administrative officer shall sign a letter in accordance with Standard Provision V.B. (Attachment D of this Order) which transmits that report and certifies that that policy-making body is adequately informed of the influent flow rate relative to the Facility's design capacity. The report shall include the following:

i. Average influent daily flow for the calendar month, the date on which the maximum daily flow occurred, and the rate of that maximum flow.

ii. FPUD's best estimate of when the average daily influent flow for a calendar month will equal or exceed the design capacity of the facilities.

iii. FPUD's intended schedule for studies, design, and other steps needed to provide additional treatment for the wastewater from the collection system before the waste flow exceeds the capacity of present units.

b. Pretreatment Program

i. FPUD shall conduct an Industrial Waste Survey (IWS) of all the industrial users (IUs) in the service area of the Facility to determine whether any IUs are subject to pretreatment standards specified in 40 CFR Part 403. FPUD shall also perform a priority pollutant scan of the influent to the Facility. The IWS and priority pollutant monitoring is required during the 12-month period beginning on November 1, 2013. Based on results of the IWS, the priority pollutant scan, and the requirements of 40 CFR Part 403, FPUD shall submit a certification report indicating whether the Facility receives pollutants from any IU that would require FPUD to establish a pretreatment program in accordance with 40 CFR Part 403. The certification report, along with results of the IWS and priority pollutant monitoring, shall be submitted to the San Diego Water Board by December 1, 2014. If FPUD becomes aware of an IU in the service area of the Facility that would require development of a pretreatment program pursuant to 40 CFR Part 403, FPUD shall notify the San Diego Water Board and request a modification of this Order to include pretreatment program requirements. In such circumstances, FPUD shall develop and implement a pretreatment program in accordance with the requirements of CWA sections 307(b) and (c) and 402(b)(8) and 40 CFR Part 403. FPUD shall assure compliance with applicable federal and local pretreatment standards by the IUs within the service area of the Facility.

ii. The San Diego Water Board may amend this Order, at any time, to require FPUD to develop and implement an industrial pretreatment program pursuant to the requirements of 40 CFR Part 403 if the San Diego Water Board finds that the Facility receives pollutants from an IU that is subject to pretreatment standards, or if other circumstances so warrant.

c. Sludge (Biosolids) Disposal Requirements

i. The handling, treatment, use, management, and disposal of sludge and solids derived from wastewater treatment must comply with applicable provisions of CWA section 405 and USEPA regulations at 40 CFR Parts 257, 258, 501, and 503, including all monitoring, record keeping, and reporting requirements.

ii. Sludge and wastewater solids must be disposed of in a municipal solid waste landfill, reused by land application, or disposed of in a sludge-only landfill in accordance with 40 CFR Parts 258 and 503 and Title 23, Chapter 15 of the CCR. If FPUD desires to dispose of solids and/or sludge in a different manner, a request for permit modification must be submitted to the USEPA and the San Diego Water Board at least 180 days prior to beginning the alternative means of disposal.

iii. Sludge that is disposed of in a municipal solid waste landfill must meet the requirements of 40 CFR Part 258 pertaining to providing information to the public. In the annual self-monitoring report, FPUD shall include the amount of sludge placed in the landfill as well as the landfill to which it was sent.

iv. All requirements of 40 CFR Part 503 and 23 CCR Chapter 15 are enforceable whether or not the requirements of those regulations are stated in an NPDES permit or any other permit issued to FPUD.

v. FPUD shall take all reasonable steps to prevent and minimize any sludge use or disposal in violation of this Order that has a likelihood of adversely affecting human health or the environment.

vi. Solids and sludge treatment, storage, and disposal or reuse shall not create a nuisance, such as objectionable odors or flies, and shall not result in groundwater contamination.

vii. The solids and sludge treatment and storage site shall have adequate facilities to divert surface water runoff from adjacent areas to protect the boundaries of the site from erosion, and to prevent drainage from the treatment and storage site. Adequate protection is defined as protection, at the minimum, from a 100-year storm and protection from the highest possible tidal stage that may occur.

viii. The discharge of sewage sludge and solids shall not cause waste material to be in position where it is, or can be, conveyed from the treatment and storage sites and deposited in waters of the State.

ix. FPUD shall submit an annual report to the USEPA and the San Diego Water Board containing monitoring results and pathogen and vector attraction reduction requirements, as specified by 40 CFR Part 503. FPUD shall also report the quantity of sludge removed from the Facility and the disposal method. This self-monitoring report shall be postmarked by February 19 of each year and report for the period of the previous calendar year.

d. Collection System

On May 2, 2006, the State Water Board adopted State Water Board Order No. 2006-0003, a Statewide General WDR for Sanitary Sewer Systems. Order No. 2006-0003 requires that all public agencies that currently own or operate sanitary sewer systems apply for coverage under the General WDR. FPUD shall be subject to all applicable requirements of Order No. 2006-0003 and any future revisions thereto, the requirements of which are not incorporated herein.

Regardless of the coverage obtained under Order No. 2006-0003, FPUD's collection system is part of the treatment system that is subject to this Order. As such, pursuant to federal regulations, FPUD must properly operate and maintain its collection system [40 CFR 122.41(e)], report any non-compliance [40 CFR 122.41(l)(6) and (7)], and mitigate or prevent any discharge from the collection system in violation of this Order [40 CFR 122.41(d)].

6. Other Special Provisions – Not Applicable

7. Compliance Schedules

Prior to terminating disinfection of the Facility effluent, FPUD must submit a plan and time schedule that outlines the tasks and approaches to achieve full compliance with bacteria receiving water limitations, contained within the Ocean Plan, outside of the initial dilution zone of the Oceanside OO. The time schedule shall include timelines for design, construction and implementation of any new or improved facilities needed for compliance.

VII. COMPLIANCE DETERMINATION

Unless otherwise provided for by this Order, such as Standard Provisions I.G and I.H of Attachment D, or for just cause to decide otherwise, compliance with the effluent limitations contained in section IV of this Order will be determined as specified below:

A. Compliance with 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 FPUD will be considered out of compliance for each day of that month for that parameter (e.g., resulting in 31 days of noncompliance 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 the month only. If only a single sample is taken during the calendar month and the analytical result for that sample exceeds the AMEL, FPUD 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. Compliance with Average Weekly Effluent Limitation (AWEL)

If the average of daily discharges over a calendar week (Sunday through Saturday) exceeds the AWEL for a given parameter, an alleged violation will be flagged and FPUD will be considered out of compliance for each day of that week for that parameter, resulting in 7 days of noncompliance. 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, FPUD 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. Compliance with Maximum Daily Effluent Limitation (MDEL)

The MDEL shall apply to flow weighted 24-hour composite samples, or grab, as specified in the MRP (Attachment E of this Order). If a daily discharge exceeds the MDEL for a given parameter, an alleged violation will be flagged and FPUD will be considered out of compliance for that parameter for that one day only within the reporting period. For any one day during which no sample is taken, no compliance determination can be made for that day.

D. Compliance with Instantaneous Minimum Effluent Limitation

The instantaneous minimum effluent concentration limitation shall apply to grab sample determinations. 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 FPUD 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 noncompliance with the instantaneous minimum effluent limitation.)

E. Compliance with Instantaneous Maximum Effluent Limitation

The instantaneous maximum effluent concentration limitation shall apply to grab sample determinations. 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 FPUD 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 noncompliance with the instantaneous minimum effluent limitation.)

F. Compliance with 6-Month Median Effluent Limitation

If the median of daily discharges over any 180-day period exceeds the 6-month median effluent limitation for a given parameter, an alleged violation will be flagged and FPUD 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 6-month median, FPUD will be considered out of compliance for the 180-day period. For any 180-day period during which no sample is taken, no compliance determination can be made for the 6-month median limitation.

G. Mass and Concentration Limitations

Compliance with mass and concentration effluent limitations for the same parameter shall be determined separately with their respective limitations. When the concentration of a constituent in an effluent sample is determined to be "Not Detected" (ND) or "Detectable but not quantifiable" (DNQ), the corresponding mass emission rate (MER) determined from that sample concentration shall also be reported as "ND" or "DNQ".

H. Percent Removal

Compliance with percent removal requirements for monthly average percent removal of carbonaceous biochemical oxygen demand and total suspended solids shall be determined separately for each wastewater treatment facility discharging through an outfall. For each wastewater treatment facility, the monthly average percent removal is the average of the calculated daily discharge percent removals only for days on which the constituent concentration is monitored in both the influent and effluent of the wastewater treatment facility at location specified in the MRP (Attachment E of this Order) within a calendar month.

The percent removal for each day shall be calculated according to the following equation:

$$\text{Daily discharge percent removal} = \frac{\textit{Influent concentration} - \textit{Effluent concentration}}{\textit{Influent concentration}} \times 100\%$$

I. Ocean Plan Provisions for Table B Constituents

1. Sampling Reporting Protocols

a. FPUD must report with each sample result the reported Minimum Level (ML) and the laboratory's current Method Detection Limit (MDL).

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

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

ii. Sample results less than the reported ML, 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 shorted to "Est. Conc.").

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

2. Compliance Determination

Sufficient sampling and analysis shall be required to determine compliance with the effluent limitation.

a. Compliance with Single-constituent Effluent Limitations

FPUD shall be deemed out of compliance with an effluent limitation or discharge specification if the concentration of the constituent in the monitoring sample is greater than the effluent limitation or discharge specification and greater than or equal to the ML.

b. Compliance with Effluent Limitations Expressed as a Sum of Several Constituents

FPUD is out of compliance with an effluent limitation that applies to the sum of a group of chemicals (e.g., PCBs) 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, median, etc.) of multiple sample analyses when all sample results are quantifiable (i.e., greater than or equal to the reported ML). 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 the lower of the two middle values.

d. Mass Emission Rate

The mass emission rate (MER), in pounds per day, shall be obtained from the following calculation for any calendar day:

Mass Emission Rate (lb/day) = 8.34 x Q x C

In which Q and C are the flow rate in million gallons per day and the constituent concentration in mg/L, respectively, and 8.34 is a conversion factor (lb/gallon of water). If a composite sample is taken, then C is the concentration measured in the composite sample and Q is the average flow rate occurring during the period over which the samples are composited.

e. Bacterial Standards and Analysis

i. The geometric mean used for determining compliance with bacterial standards is calculated with the following equation:

Geometric Mean = $(C_1 \times C_2 \times \ldots \times C_n)^{1/n}$

Where n is the number of days samples were collected during the period and C is the concentration of bacteria (CFU/100 mL) found on each day of sampling.

ii. For all bacterial analyses, sample dilutions should be performed so the range of values extends from 2 to 16,000 CFU (colony-forming units). The detection methods used for each analysis shall be reported with the results of the analysis. Detection methods used for coliforms (total and fecal) shall be those listed in 40 CFR Part 136 or any improved method determined by the San Diego Water Board (and approved by USEPA) to be appropriate. Detection methods used for enterococcus shall be those presented in USEPA publication USEPA 600/4-85/076, *Test Methods for Escherichia coli and Enterococci in Water by Membrane Filter Procedure*, listed under 40 CFR Part 136, or any other method approved by the San Diego Water Board.

f. Single Operational Upset

A single operational upset (SOU) that leads to simultaneous violations or more than one pollutant parameter shall be treated as a single violation and limits FPUD's liability in accordance with the following conditions:

i. A SOU is broadly defined as a single unusual event that temporarily disrupts the usually satisfactory operation of a system in such a way that it results in violation of multiple pollutant parameters.

ii. A Discharger may assert SOU to limit liability only for those violations which FPUD submitted notice of the upset as required in Section I.H of Attachment D of this Order.

iii. For purposes outside of CWC section 13385(h) and (i), determination of compliance and civil liability (including any more specific definition of SOU), the requirements for Dischargers to assert the SOU limitation of liability, and the manner of counting violations, shall be in accordance with the USEPA Memorandum "Issuance of Guidance Interpreting Single Operational Upset" (September 27, 1989).

iv. For purposes of CWC section 13385(h) and (i), determination of compliance and civil liability (including any more specific definition of SOU, the requirements for Dischargers to assert the SOU) limitation of liability, and the manner of counting violations shall be in accordance with CWC section 13385(f)(2).

J. Chronic Toxicity

Chronic toxicity is used to measure the acceptability of waters for supporting a healthy marine biota until approved methods are developed to evaluate biological response. Evaluation of the chronic toxicity performance goal established in section IV.A.2 of this Order for Discharge Point No. 001 shall be determined using critical life stage toxicity tests in accordance with procedures prescribed by the Ocean Plan and restated in the MRP (Attachment E of this Order). Chronic toxicity shall be expressed as Toxic Units Chronic (TUc), where:

$$TUc = 100 / NOEL$$

where NOEL is the No Observed Effect Level and is expressed as the maximum percent of effluent that causes no observable effect on a test organism, as determined by the result of a critical life stage toxicity test.

ATTACHMENT A – DEFINITIONS

Acute Toxicity

a. Acute Toxicity (TUa)
Expressed in Toxic Units Acute (TUa)

$$TUa = \frac{100}{96\text{-hr } LC_{50}}$$

b. Lethal Concentration 50% (LC_{50})

LC_{50} (percent waste giving 50% survival of test organisms) shall be determined by static or continuous flow bioassay techniques using standard marine test species as specified in 2009 California Ocean Plan (hereinafter Ocean Plan) Appendix III. If specific identifiable substances in wastewater can be demonstrated by the discharger as being rapidly rendered harmless upon discharge to the marine environment, but not as a result of dilution, the LC_{50} may be determined after the test samples are adjusted to remove the influence of those substances.

When it is not possible to measure the 96-hour LC_{50} due to greater than 50 percent survival of the test species in 100 percent waste, the toxicity concentration shall be calculated by the expression:

$$TUa = \frac{\log (100 - S)}{1.7}$$

where:

S = percentage survival in 100% waste. If S > 99, TUa shall be reported as zero.

Anti-Backsliding
Provisions in the Clean Water Act (CWA) and USEPA regulations [CWA 303 (d) (4); CWA 402 (o); Code of Federal Regulations (CFR) 122.44 (l)] require a reissued permit to be as stringent as the previous permit with some exceptions.

Antidegradation
Policies which ensure protection of water quality for a particular body where the water quality exceeds levels necessary to protect fish and wildlife propagation and recreation on and in the water. This also includes special protection of waters designated as outstanding natural resource waters. Antidegradation plans are adopted by the State to minimize adverse effects on water.

Applicable Standards and Limitations
All State, interstate, and federal water quality standards and limitations to which a discharge, a sewage sludge use or disposal practice, or a related activity is subject under the CWA, including effluent limitations, water quality standards, standards of performance, toxic effluent standards or prohibitions, best management practices, pretreatment standards, and standards for sewage sludge use or disposal under sections 301, 302, 303, 304, 306, 307, 308, 403, and 405 of CWA.

Areas of Special Biological Significance (ASBS)
Those areas designated by the State Water Board as ocean areas requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable. All Areas of

Special Biological Significance are also classified as a subset of STATE WATER QUALITY PROTECTION AREAS.

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.

Beneficial Uses of waters of the State may be protected against quality degradation include, but are not limited to, domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.

Best Management Practices (BMPs)
Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Best Professional Judgment (BPJ)
The method used by permit writers to develop technology-based NPDES permit conditions on a case-by-case basis using all reasonably available and relevant data.

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

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

Biosolids
Sewage sludge that is used or disposed through land application, surface disposal, incineration, or disposal in a municipal solid waste landfill.

Carbonaceous Biochemical Oxygen Demand (CBOD)
The measurement of oxygen required for carbonaceous oxidation of a nonspecific mixture of organic compounds. Interference caused by nitrifying bacteria in the standard 5-day BOD test is eliminated by suppressing the nitrification reaction.

Certifying Official
All applications, including notices of intent (NOIs), must be signed as follows:

For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. 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.

Chemical Oxygen Demand (COD)
A measure of the oxygen-consuming capacity of inorganic and organic matter present in wastewater. COD is expressed as the amount of oxygen consumed in mg/L. Results do not necessarily correlate to the biochemical oxygen demand (BOD) because the chemical oxidant may react with substances that bacteria do not stabilize.

Chlordane
Shall mean the sum of chlordane-alpha, chlordane-gamma, chlordene-alpha, chlordene-gamma, nonachlor-alpha, nonachlor-gamma, and oxychlordane.

Chronic Toxicity
This parameter shall be used to measure the acceptability of waters for supporting a healthy marine biota until improved methods are developed to evaluate biological response.

a. Chronic Toxicity (TUc)

Expressed as Toxic Units Chronic (TUc)

$$TUc = \frac{100}{NOEL}$$

b. No Observed Effect Level (NOEL)

The 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 a critical life stage toxicity test listed in Ocean Plan Appendix III.

Composite Sample
Sample composed of two or more discrete samples of at least 100 milliliters collected at periodic intervals during the operating hours of a facility over a 24-hour period. The aggregate sample will reflect the average water quality covering the compositing or sample period. For volatile pollutants, aliquots must be combined in the laboratory immediately before analysis. The composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically.

Conventional Pollutants
Pollutants typical of municipal sewage, and for which municipal secondary treatment plants are typically designed; defined at 40 CFR 401.16 as BOD, Total Suspended Solids (TSS), fecal coliform bacteria, oil and grease, and pH.

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.

Daily Maximum Limit
The maximum allowable daily discharge of pollutant. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the 24-hour period. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that 24-hour period.

DDT
Shall mean the sum of 4,4'DDT, 2,4'DDT, 4,4'DDE, 2,4'DDE, 4,4'DDD, and 2,4'DDD.

Degrade (Degradation)
Degradation shall be determined by comparison of the waste field and reference site(s) for characteristic species diversity, population density, contamination, growth anomalies, debility, or supplanting of normal species by undesirable plant and animal species. Degradation occurs if there are significant differences in any of three major biotic groups, namely, demersal fish, benthic invertebrates, or attached algae. Other groups may be evaluated where benthic species are not affected, or are not the only ones affected.

Detected, but Not Quantified (DNQ)
Sample results that are less than the reported Minimum Level, but greater than or equal to the laboratory's method detection limit (MDL).

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

Dichlorobenzenes
Shall mean the sum of 1,2- and 1,3-dichlorobenzene.

Discharge when used without qualification means the discharge of a pollutant. Discharge of a pollutant means:

1. Any addition of any pollutant or combination of pollutants to waters of the United States from any point source, or

2. Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft that is being used as a means of transportation.

This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances

owned by a state, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect Discharger.

Discharge Monitoring Report (DMR) means the USEPA uniform form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees. DMRs must be used by approved states as well as by USEPA. The USEPA will supply DMRs to any approved state upon request. The USEPA national forms may be modified to substitute the state agency name, address, logo, and other similar information, as appropriate, in place of USEPA's.

Downstream Ocean Waters
Waters downstream or down current with respect to ocean currents.

Dredged Material
Any material excavated or dredged from the navigable waters of the United States, including material otherwise referred to as "spoil".

Effluent Limitation
Any restriction imposed by an Order on quantities, discharge rates, and concentrations of pollutants that are discharged from point sources into waters of the United States, the waters of the contiguous zone, or the ocean, except performance goals.

Endosulfan
The sum of endosulfan-alpha and -beta and endosulfan sulfate.

Grab Sample
An individual sample of at least 100 milliliters collected at a randomly selected time over a period not exceeding 15 minutes. The sample is taken from a waste stream on a one-time basis without consideration of the flow rate of the waste stream and without consideration of time of day.

Halomethanes shall mean the sum of bromoform, bromomethane (methyl bromide), and chloromethane (methyl chloride).

HCH shall mean the sum of the alpha, beta, gamma (Lindane), and delta isomers of hexachlorocyclohexane.

Initial Dilution
The process that results in the rapid and irreversible turbulent mixing of wastewater with ocean water around the point of discharge.

For a submerged buoyant discharge, characteristic of most municipal and industrial wastes that are released from the submarine outfalls, the momentum of the discharge and its initial buoyancy act together to produce turbulent mixing. Initial dilution in this case is completed when the diluting wastewater ceases to rise in the water column and first begins to spread horizontally.

For shallow water submerged discharges, surface discharges, and non-buoyant discharges, characteristic of cooling water wastes and some individual discharges, turbulent mixing results primarily from the momentum of discharge. Initial dilution, in these cases, is considered to be completed when the momentum induced velocity of the discharge ceases to produce significant mixing of the waste, or the diluting plume reaches a fixed distance from the discharge to be specified by the San Diego Water Board, whichever results in the lower estimate for initial dilution.

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).

Kelp Beds
For purposes of the bacteriological standards of the Ocean Plan, are significant aggregations of marine algae of the genera Macrocystis and Nereocystis. Kelp beds include the total foliage canopy of Macrocystis and Nereocystis plants throughout the water column.

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

Method Detection Limit (MDL)
The minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero, as defined in Title 40 of the Code of Federal Regulations (CFR), Part 136, Attachment B.

Minimum Level (ML)
The concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method specified sample weights, volumes, and processing steps have been followed.

Natural Light
Reduction of natural light may be determined by the San Diego Water Board by measurement of light transmissivity or total irradiance, or both, according to the monitoring needs of the San Diego Water Board.

Not Detected (ND)
Those sample results less than the laboratory's MDL.

Nuisance
CWC section 13050, subdivision (m), defines nuisance as anything which meets all of the following requirements:

1. Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
2. Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
3. Occurs during, or as a result of, the treatment or disposal of wastes.

Ocean Waters
The territorial marine waters of the State as defined by California law to the extent these waters are outside of enclosed bays, estuaries, and coastal lagoons. If a discharge outside the territorial waters of the State could affect the quality of the waters of the State, the discharge may be regulated to assure no violation of the Ocean Plan will occur in ocean waters.

PAHs (polynuclear aromatic hydrocarbons)
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.

PCBs (polychlorinated biphenyls)
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.

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

Publicly Owned Treatment Works (POTW)
The term Publicly Owned Treatment Works or POTW means a treatment works as defined by section 212 of the Clean Water Act, which is owned by a State or municipality [as defined by section 502(4) of the Act]. This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

POTW Treatment Plant
The term POTW Treatment Plant means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

Reported Minimum Level
The ML (and its associated analytical method) chosen by the Discharger for reporting and compliance determination from the MLs included in this Order. The MLs included in this Order correspond to approved analytical methods for reporting a sample result that are selected by the San Diego Water Board either from Appendix II of the Ocean Plan in accordance with section III.C.5.a of the Ocean Plan or established in accordance with section III.C.5.b of the Ocean Plan. The ML is based on the proper application of method-based analytical procedures for sample preparation and the absence of any matrix interferences. Other factors may be applied to the ML depending on the specific sample preparation steps employed. For example, the treatment typically applied in cases where there are matrix-effects is to dilute the sample or sample aliquot by a factor of ten. In such cases, this additional factor must be applied to the ML in the computation of the reported ML.

Sanitary Sewer Overflow (SSO)
Any overflow, spill, release, discharge, or diversion of untreated or partially treated wastewater from a sanitary sewer system. SSOs include:

1. Overflows or releases of untreated or partially treated wastewater that reach waters of the United States;
2. Overflows or releases of untreated or partially treated wastewater that do not reach waters of the United States; and
3. Wastewater backups into buildings and on private property that are caused by blockages or flow conditions within the publicly/federally-owned portion of a sanitary sewer system.

Sanitary Sewer System
Any system of pipes, pump stations, sewer lines, or other conveyances, upstream of a wastewater treatment plant headworks used to collect and convey wastewater to the wastewater treatment facility. Temporary storage and conveyance facilities (such as vaults, temporary piping, construction trenches, wet wells, impoundments, tanks, etc.) are considered to be part of the sanitary sewer system, and discharges into these temporary storage facilities are not considered to be SSOs

Secondary Treatment Standards
Technology-based requirements for direct discharging municipal sewage treatment facilities. Standards are based on a combination of physical and biological processes typical for the treatment of pollutants in municipal sewage. Standards are expressed as a minimum level of effluent quality in terms of: BOD_5, TSS, and pH (except as provided for special considerations and treatment equivalent to secondary treatment).

Sewage Sludge
Sewage sludge means any solid, semi-solid, or liquid residue removed during the treatment of municipal waste water or domestic sewage. Sewage sludge includes, but is not limited to, solids removed during primary, secondary, or advanced waste water treatment, scum, septage, portable toilet pumpings, type III marine sanitation device pumpings (33 CFR Part 159), and sewage sludge products. Sewage sludge does not include grit or screenings, or ash generated during the incineration of sewage sludge. [40 CFR 122.2]

Shellfish
Organisms identified by the State of California Department of Public Health as shellfish for public health purposes (i.e., mussels, clams, and oysters).

Significant Difference
Defined as a statistically significant difference in the means of two distributions of sampling results at the 95 percent confidence level.

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

State Water Quality Protection Areas (SWQPAs)
Non-terrestrial marine or estuarine areas designated to protect marine species or biological communities from an undesirable alteration in natural water quality. All AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE (ASBS) that were previously designated by the State Water Board in Resolution Nos. 74-28, 74-32, and 75-61 are now also classified as a subset of State Water Quality Protection Areas and require special protections afforded by the Ocean Plan.

Technology-Based Effluent Limit
A permit limit for a pollutant that is based on the capability of a treatment method to reduce the pollutant to a certain concentration.

Toxic Pollutant
Pollutants or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Administrator of USEPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, (including malfunctions in reproduction), or physical deformations, in such organisms or their offspring. Toxic pollutants also include those pollutants listed by the Administrator under CWA section 307(a)(1) and 40 CFR §401.15 or any pollutant listed under section 405(d) which relates to sludge management.

Toxicity Identification Evaluation (TIE)
A TIE is a set of procedures that seek to identify the specific chemical(s) responsible for toxicity. These procedures are generally performed in three phases (characterization, identification, and confirmation using aquatic organism toxicity tests).

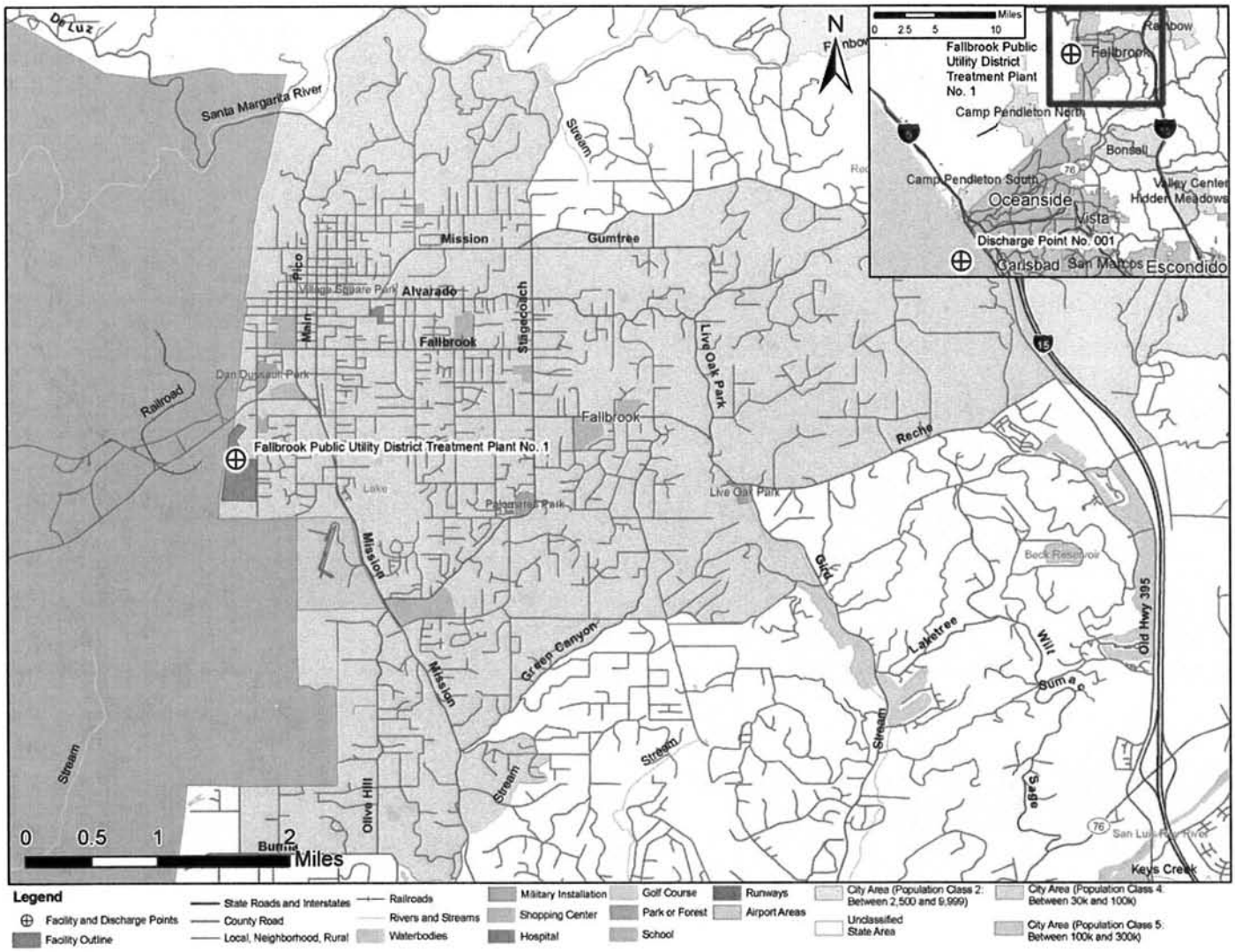
Toxicity Reduction Evaluation (TRE)
A study conducted in a step-wise process designed to identify the causative agents of effluent or ambient toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in toxicity. The first steps of the TRE consist of the collection of data relevant to the toxicity, including additional toxicity testing, and an evaluation of facility operations and maintenance practices, and best management practices. A TIE may be required as part of the TRE, if appropriate.

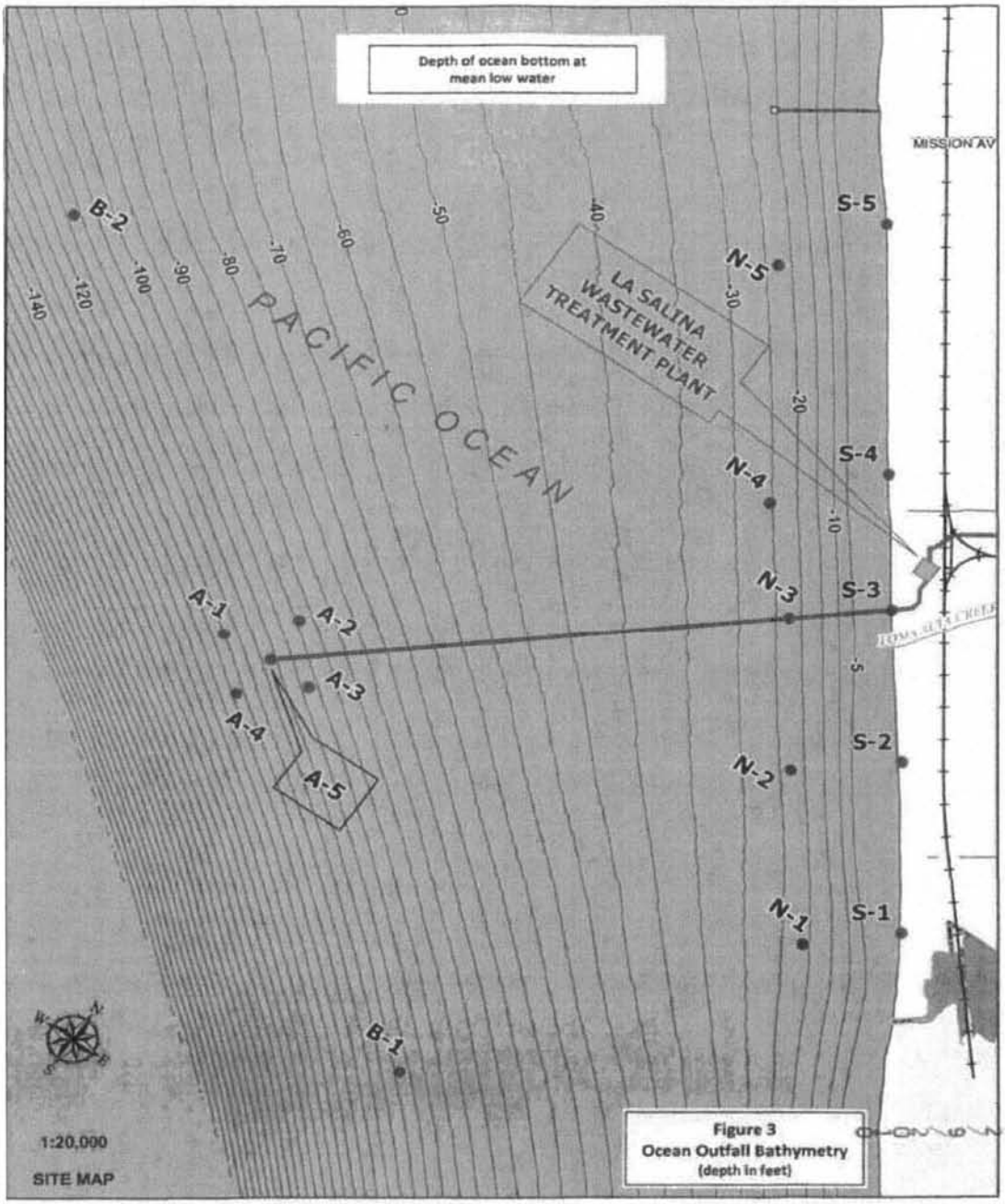
Treatment Plant Capacity
For purposes of this Order, an average dry weather monthly effluent flow (May to October) of 2.7 MGD, and an average wet weather monthly effluent flow (November to April) of 3.6 mgd.

Untreated or Partially Treated Wastewater
Any volume of waste discharged from the sanitary sewer system upstream of a wastewater treatment plant headworks.

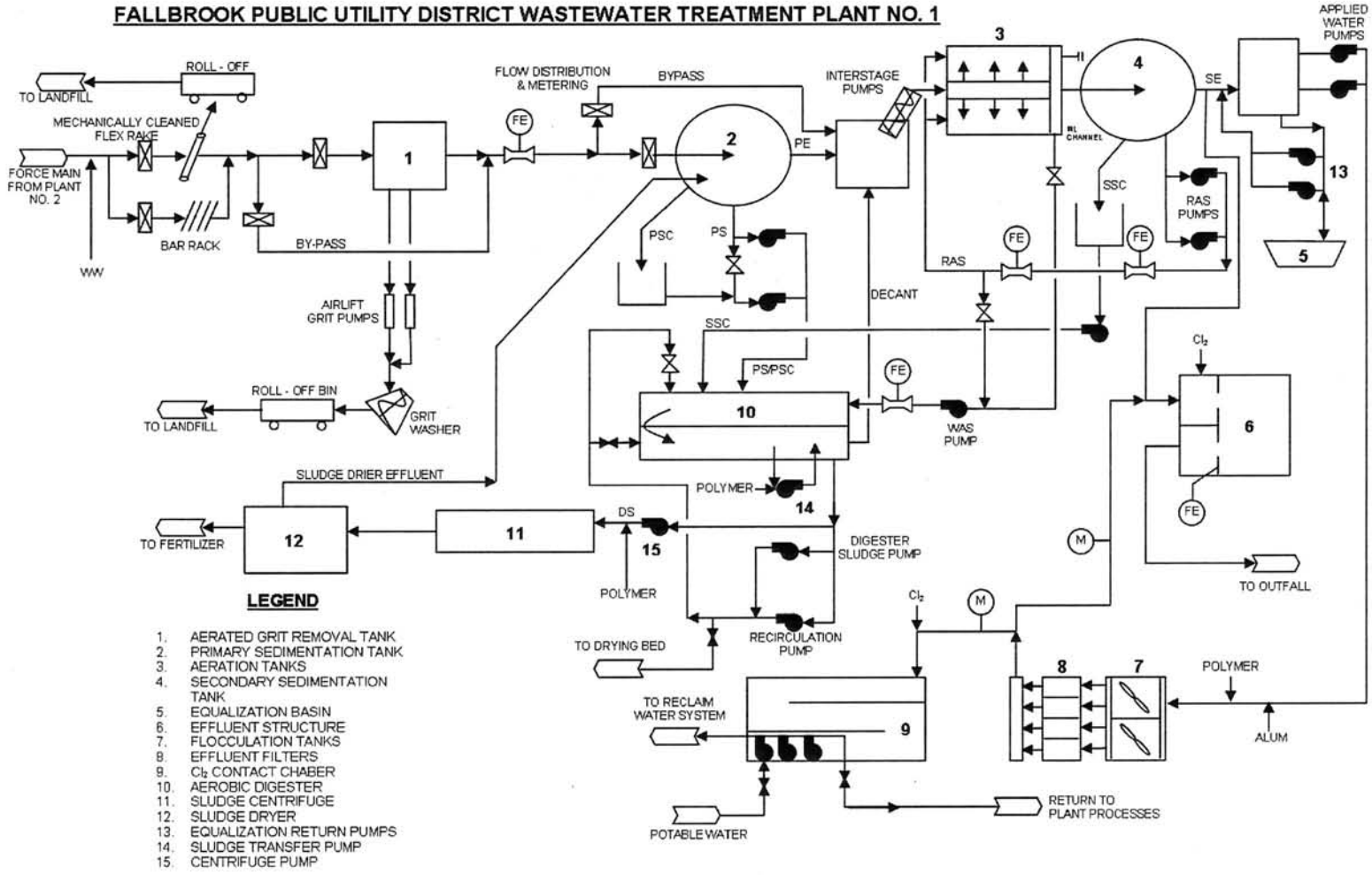
Waste
As used in the Or

Attachment B – Map




Depth of ocean bottom at mean low water
MISSION AV
PACIFIC OCEAN
LA SALINA WASTEWATER TREATMENT PLANT
B-2
S-5
N-5
S-4
N-4
S-3
N-3
A-1
A-2
A-3
A-4
A-5
S-2
N-2
S-1
N-1
B-1
-140
-120
-100
-90
-80
-70
-60
-50
-40
-30
-20
-10
-5
0
1:20,000
SITE MAP
Figure 3
Ocean Outfall Bathymetry
(depth in feet)

Attachment C – Flow Schematic



ATTACHMENT D – STANDARD PROVISIONS

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 modification; 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 CWA 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 yet 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 San Diego Water Board, State Water Board, U.S. 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):

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)); and

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 assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance I.G.3, I.G.4, and I.G.5 below. (40 CFR 122.41(m)(2))

3. Prohibition of bypass. Bypass is prohibited, and the San Diego 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)(i)(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)(i)(B)); and

c. The Discharger submitted notice to the San Diego Water Board as required under Standard Provisions – Permit Compliance I.G.5 below. (40 CFR 122.41(m)(4)(i)(C))

4. The San Diego Water Board may approve an anticipated bypass, after considering its adverse effects, if the San Diego 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 (24-hour notice). (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 Discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (40 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 Standard Provisions – Permit Compliance I.H.2 below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. (40 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 22.41(n)(3)(ii));

c. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b below (24-hour notice) (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 San Diego Water Board. The San Diego 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); 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); 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 San Diego Water Board 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 San Diego Water Board, State Water Board, or USEPA within a reasonable time, any information which the San Diego Water Board, State Water Board, 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 San Diego Water Board, State Water Board, 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 San Diego Water Board, State Water Board, and/or USEPA shall be signed and certified in accordance with Standard Provisions – Reporting V.B.2, V.B.3, V.B.4, and V.B.5 below. (40 CFR 122.41(k))
2. All permit applications shall be signed 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 San Diego Water Board, State Water Board, or USEPA shall be signed by a person described in Standard Provisions – Reporting V.B.2 above, 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 Standard Provisions – Reporting V.B.2 above (40 CFR 122.22(b)(1));

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 CFR 122.22(b)(2)); and

c. The written authorization is submitted to the San Diego Water Board and State Water Board. (40 CFR 122.22(b)(3))

4. If an authorization under Standard Provisions – Reporting V.B.3 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Standard Provisions – Reporting V.B.3 above must be submitted to the San Diego Water Board and State Water Board 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 Standard Provisions – Reporting V.B.2 or V.B.3 above shall make the following certification[1]:

   "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 (Attachment E of 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 San Diego Water Board or State Water Board for reporting results of monitoring of sludge use or disposal practices. (40 CFR 122.41(l)(4)(i))

[1] On March 3, 2000, USEPA issued a memorandum stating that a certification of "accuracy" in information submissions is a certification that the information provided is "accurate" as the layperson uses the term, rather than "accurate" as that term is used to describe the quantifiable performance of a measurement system. In USEPA documents associated with testing procedures for measuring whole effluent toxicity, the Agency stated that the "accuracy" of toxicity tests cannot be determined in a meaningful way. When a person certifies that the submission of WET testing information is "accurate" to the best of their knowledge and belief, the person certifies that the results obtained using the WET testing procedures are faithfully and truthfully transcribed on the information submission, and that the results were, in fact, results that were obtained using the specified testing procedures.

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 San Diego 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))

3. The San Diego 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 San Diego 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 that are not subject to effluent limitations in this Order. (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 San Diego Water Board or State Water Board 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 V.C, V.D, and V.E above at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.E above. (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 San Diego Water Board, State Water Board, or USEPA, the Discharger shall promptly submit such facts or information. (40 CFR 122.41(l)(8))

VI. STANDARD PROVISIONS – ENFORCEMENT

A. The San Diego Water Board is authorized to enforce the terms of this permit under several provisions of the CWC, including, but not limited to, sections 13385, 13386, and 13387.

VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

A. Publicly-Owned Treatment Works (POTWs)

All POTWs shall provide adequate notice to the San Diego Water Board of the following (40 CFR 122.42(b)):

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

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

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

ATTACHMENT E – MONITORING AND REPORTING PROGRAM

Table of Contents

I. General Monitoring Provisions E-2
II. Monitoring Locations E-3
III. Influent Monitoring Requirements E-4
A. Monitoring Location M-INF E-4
IV. Effluent Monitoring Requirements E-4
A. Monitoring Location M-001 ..... E-4
V. Whole Effluent Toxicity Testing Requirements E-8
VI. Land Discharge Monitoring Requirements – Not Applicable E-10
VII. Reclamation Monitoring Requirements – Not Applicable E-10
VIII. Receiving Water Monitoring Requirements – Surface Water E-10
A. Surf Zone Water Quality Monitoring E-10
B. Near Shore Water Quality Monitoring E-11
C. Off Shore Water Quality Monitoring E-12
D. Benthic Monitoring E-13
E. Additional Biological Monitoring – Demersal Fish and Macroinvertebrates E-13
IX. Other Monitoring Requirements E-14
A. Kelp Bed Canopy E-14
B. Regional Monitoring E-15
C. Solids Monitoring E-15
X. Reporting Requirements E-15
A. General Monitoring and Reporting Requirements E-15
B. Self Monitoring Reports (SMRs) E-16
C. Discharge Monitoring Reports (DMRs) E-19
D. Other Reports E-19

List of Tables

Table E-1. Monitoring Station Locations E-3
Table E-2. Influent Monitoring at M-INF E-4
Table E-3. Effluent Monitoring at M-001 ..... E-4
Table E-4. Effluent Monitoring at M-001 or M-002 ..... E-5
Table E-5. Whole Effluent Toxicity Testing E-8
Table E-6. Approved Test for Chronic Toxicity E-9
Table E-7. Near Shore Water Quality Reduced Monitoring Requirements E-11
Table E-8. Near Shore Water Quality Intensive Monitoring Requirements E-11
Table E-9. Off Shore Water Quality Reduced Monitoring Requirements E-12
Table E-10. Off Shore Water Quality Intensive Monitoring Requirements E-12
Table E-11. Sediment Monitoring Requirements E-13
Table E-12. Infauna Monitoring Requirements E-13
Table E-13. Demersal Fish and Macroinvertebrates Monitoring Requirements E-14
Table E-14. Monitoring Periods and Reporting Schedule E-16