

# CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

## SAN FRANCISCO BAY REGION

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**ORDER NO. R2-2009-00xx**  
**NPDES NO. CA0038440**

### WASTE DISCHARGE REQUIREMENTS FOR THE EAST BAY MUNICIPAL UTILITY DISTRICT, SPECIAL DISTRICT NO. 1 WET WEATHER FACILITIES (WWFs) ALAMEDA AND CONTRA COSTA COUNTIES

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

**Table 1. Discharger Information**

<b>Discharger</b>	East Bay Municipal Utility District, Special District No. 1
<b>Name of Facility</b>	Wet Weather Facilities (WWFs)
<b>Facility Address</b>	1. Point Isabel WWF, 2755 Point Isabel Street, Richmond, CA 94804 (Contra Costa County)
	2. San Antonio Creek WWF, 225 5th Avenue, Oakland, CA 94606 (Alameda County)
	3. Oakport WWF, 5597 Oakport Street, Oakland, CA 94621 (Alameda County)
The U.S. Environmental Protection Agency (USEPA) and the Regional Water Quality Control Board have classified these discharges as minor discharges.	

The discharge by East Bay Municipal Utility District, Special District No. 1 from the discharge points identified below is subject to waste discharge requirements as set forth in this Order:

**Table 2. Discharge Location**

<b>Discharge Point</b>	<b>Effluent Description</b>	<b>Discharge Point Latitude</b>	<b>Discharge Point Longitude</b>	<b>Receiving Water</b>
001	Primary-treated wastewater	37°53'43"N	122°19'24"W	Richmond Inner Harbor, part of central San Francisco Bay
002	Primary-treated wastewater	37°47'30"N	122°15'44"W	Oakland Inner Harbor, part of lower San Francisco Bay
003	Primary-treated wastewater	37°45'39"N	122°12'52"W	East Creek Slough, about 700 feet upstream of lower San Francisco Bay

**Table 3. Administrative Information**

This Order was adopted by the Regional Water Quality Control Board on:	January 14, 2009
This Order shall become effective on:	January 14, 2009
This Order shall expire on:	January 13, 2014
The Discharger shall file a Report of Waste Discharge in accordance with title 23, California Code of Regulations, as application for issuance of new waste discharge requirements no later than:	180 days prior to the Order expiration date

I, Bruce H. Wolfe, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on January 14, 2009.

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Bruce H. Wolfe, Executive Officer

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**I. FACILITY INFORMATION**

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

**Table 4. Facility Information**

<b>Discharger</b>	East Bay Municipal Utility District, Special District No. 1
<b>Name of Facility #1</b>	Point Isabel WWF
<b>Facility Address</b>	2755 Point Isabel Street
	Richmond, CA 94804
	Contra Costa County
<b>Facility Contact, Title, and Phone</b>	Donald Hickman, Wastewater Treatment Superintendent (510) 287-1456
	Kurt Haunschild, Manager of Wastewater Treatment (510) 287-1407
<b>Mailing Address</b>	P.O. Box 24055, Oakland, CA 94623
<b>Type of Facility</b>	Publicly-Owned Wet Weather Facility
<b>Facility Design Flow</b>	100 million gallons per day
<b>Name of Facility #2</b>	San Antonio Creek WWF
<b>Facility Address</b>	225 5th Avenue
	Oakland, CA 94606
	Alameda County
<b>Facility Contact, Title, and Phone</b>	Donald Hickman, Wastewater Treatment Superintendent (510) 287-1456
	Kurt Haunschild, Manager of Wastewater Treatment (510) 287-1407
<b>Mailing Address</b>	P.O. Box 24055, Oakland, CA 94623
<b>Type of Facility</b>	Publicly-Owned Wet Weather Facility
<b>Facility Design Flow</b>	51 million gallons per day
<b>Name of Facility#3</b>	Oakport WWF
<b>Facility Address</b>	5597 Oakport Street
	Oakland, CA 94621
	Alameda County
<b>Facility Contact, Title, and Phone</b>	Donald Hickman, Wastewater Treatment Superintendent (510) 287-1456
	Kurt Haunschild, Manager of Wastewater Treatment (510) 287-1407
<b>Mailing Address</b>	P.O. Box 24055, Oakland, CA 94623
<b>Type of Facility</b>	Publicly-Owned Wet Weather Facility
<b>Facility Design Flow</b>	158 million gallons per day

## II. FINDINGS

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter Regional Water Board), finds:

**A. Background.** East Bay Municipal Utility District, Special District No. 1 (hereinafter Discharger) is currently discharging pursuant to Order No. R2-2005-0047 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0038440. On May 1, 2007, after own-motion review, the California State Water Resources Control Board (State Water Board) adopted Order No. WQ 2007-0004 (the “Remand Order”) requiring the Regional Water Board to revise Order No. R2-2005-0047 so that it complies with Section 301(b) of the Clean Water Act. This effectively requires that the Discharger comply with secondary treatment or cease discharge.

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

**B. Facility Description.** The Discharger owns and operates WWFs at (1) Point Isabel WWF: 2755 Point Isabel Street, Richmond, CA 94804, (2) San Antonio Creek WWF: 225 5th Avenue, Oakland, CA 94606 and (3) Oakport WWF: 5597 Oakport Street, Oakland, CA 94621.

The WWFs are part of an interceptor system (see attached Figure 1) owned and operated by the Discharger. This system includes the North and South Interceptors (with a combined length of 29 miles), Adeline Interceptor, South Foothill Interceptor, and Alameda Interceptor. The interceptor system has a hydraulic capacity of 760 mgd. The interceptor system also includes 15 pump stations, five overflow structures and a million-gallon wet weather storage basin along the Alameda Interceptor.

The Point Isabel WWF provides storage for peak wet weather flows diverted from the North Interceptor. If influent flows persist and take up the storage capacity of the units, the WWF provides treatment consisting of coarse screens, bar screens, grit chambers, and sedimentation/disinfection basins. Screenings are disposed of at a landfill; grit and sludge are returned to the interceptor. The effluent is discharged from Discharge Point 001 (see table on cover page) through a submerged diffuser about 300 feet offshore at a depth of 8 feet below mean low tide line to Richmond Inner Harbor, part of central San Francisco Bay, a water of the United States. Attachment B provides a map of the area around the facility.

The San Antonio Creek WWF treatment system provides treatment to peak wet weather flows diverted from the South Interceptor. Treatment consists of grit removal, fine screening, and disinfection. Both screenings and grit are returned to the interceptor. The effluent is discharged from Discharge Point 002 (see table on cover page) to Oakland Inner Harbor, part of lower San Francisco Bay, a water of the United States. Attachment B provides a map of the area around the facility.

The Oakport WWF provides storage for peak wet weather flows diverted from the South Interceptor. If influent flows persist and take up the storage capacity of the units, the WWF provides treatment consisting of coarse screens and sedimentation/disinfection basins. Both screenings and sludge are returned to the interceptor. The effluent is discharged from Discharge Point 003 (see table on cover page) to East Creek Slough, which flows to Oakland Inner Harbor, part of lower San Francisco Bay, a water of the United States. Attachment B provides a map of the area around the facility.

- 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 (commencing with section 13370). 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, division 7 of the Water Code (commencing with section 13260).
- D. Background and Rationale for Requirements.** The Regional Water Board developed the requirements in this Order based on (1) information submitted in connection with the issuance of Regional Water Board Order No. R2-2005-0047, (2) information submitted through monitoring and reporting programs, (3) the State Water Board's Remand Order and (4) other available information. The Fact Sheet (Attachment F), which contains background information and rationale for Order requirements, is hereby incorporated into this Order and constitutes part of the Findings for this Order. Attachments A through D and G are also incorporated into this Order.
- E. California Environmental Quality Act (CEQA).** Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA, Public Resources Code sections 21100-21177.
- F. Technology-based Effluent Limitations.** Section 301(b) of the CWA and implementing USEPA permit regulations at section 122.44, title 40 of the Code of Federal Regulations<sup>1</sup>, require that permits allowing discharges include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards. Because this Order does not allow any discharges, no such conditions are required.
- G. Water Quality-Based Effluent Limitations.** Section 301(b) of the CWA and section 122.44(d) require that permits allowing discharges include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards. Because this Order does not allow any discharges, no such limitations are required.
- H. Water Quality Control Plans.** The Regional Water Board adopted a Water Quality Control Plan for the San Francisco Bay 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

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<sup>1</sup> All further regulatory references are to title 40 of the Code of Federal Regulations unless otherwise indicated.

plan. Because this Order does not allow any discharges, effluent limitations based on the Basin Plan are not required.

The State Water Board adopted the *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California* (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. This plan contains temperature objectives for surface waters. Because this Order does not allow any discharges, effluent limitations based on the Thermal Plan are not required.

- I. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on December 22, 1992, and later amended it on May 4, 1995 and November 9, 1999. About forty criteria in the NTR applied in California. On May 18, 2000, USEPA adopted the CTR. The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was amended on February 13, 2001. These rules contain water quality criteria for priority pollutants. Because this Order does not allow any discharges, effluent limitations based on the NTR and CTR are not required.
- J. **State Implementation Policy.** On March 2, 2000, the State Water Board adopted the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Policy or SIP). The SIP became effective on April 28, 2000 with respect to the priority pollutant criteria promulgated for California by the USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Board in the Basin Plan. The SIP became effective on May 18, 2000 with respect to the priority pollutant criteria promulgated by the USEPA through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005 that became effective on July 13, 2005. The SIP establishes implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control. Because this Order does not allow any discharges, effluent limitations based on the SIP are not required.
- K. **Compliance Schedules and Interim Requirements.** Section 2.1 of the SIP provides that, based on a Discharger's request and demonstration that it is infeasible for an existing Discharger to achieve immediate compliance with an effluent limitation derived from a CTR criterion, compliance schedules may be allowed in an NPDES permit. Unless an exception has been granted under section 5.3 of the SIP, a compliance schedule may not exceed 5 years from the date that the permit is issued or reissued, nor may it extend beyond 10 years from the effective date of the SIP (or May 18, 2010) to establish and comply with CTR criterion-based effluent limitations. Where a compliance schedule for a final effluent limitation exceeds 1 year, the Order must include interim numeric limitations for that constituent or parameter. Where allowed by the Basin Plan, compliance schedules and interim effluent limitations or discharge specifications may also be granted to allow time to implement a new or revised water quality objective. This Order does not include compliance schedules, interim effluent limitations or discharge specifications.

- L. Alaska Rule.** On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards (WQS) become effective for CWA purposes. (40 C.F.R. § 131.21; 65 Fed. Reg. 24641 (April 27, 2000).) Under the revised regulation (also known as the Alaska rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000 may be used for CWA purposes, whether or not approved by USEPA.
- M. Stringency of Requirements for Individual Pollutants.** Because this Order does not allow any discharges, it is the most stringent possible order for all individual pollutants.
- N. Antidegradation Policy.** Section 131.12 requires that the state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies. Because this Order does not allow any discharges, it is consistent with the antidegradation provisions of section 131.12 and State Water Board Resolution No. 68-16.
- O. Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at title 40, Code of Federal Regulations section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. Because this Order prohibits all discharges from the WWFs, there are no effluent limitations in this Order, and this Order is more stringent than the previous permit, which did allow discharges from the WWFs.
- P. Endangered Species Act.** This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). By prohibiting all discharges from the WWFs, this Order protects the beneficial uses of waters of the state. The discharger is responsible for meeting all requirements of the applicable Endangered Species Act.
- Q. Monitoring and Reporting.** Section 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results relating to compliance with effluent limitations. Because this Order prohibits all discharges from the WWFs there are no effluent limitations – and, therefore, no monitoring or reporting requirements – in this Order. Nevertheless, consistent with Standard Provisions (see below), the Discharger must still notify the Regional Water Board and submit a written report if either discharge prohibition is violated. Also, monitoring and reporting are required under the accompanying Cease & Desist Order.



- R. Standard and Special Provisions.** Standard Provisions, which apply to all NPDES permits in accordance with section 122.41, and additional conditions applicable to specified categories of permits in accordance with section 122.42, are provided in Attachment D. The discharger must comply with all standard provisions – and additional conditions under section 122.42 – that are applicable, taking into account the discharge prohibitions in this Order. There are no Special Provisions in this Order.
- S. Notification of Interested Parties.** The Regional 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 of this Order.
- T. Consideration of Public Comment.** The Regional 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 of this Order.

THEREFORE, IT IS HEREBY ORDERED, that Order No. R2-2005-0047 and the accompanying Time Schedule Order No. R2-2005-0048 are 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 Water Code (commencing with section 13000) and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA) and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order.

### III. DISCHARGE PROHIBITIONS

- A.** Discharge from the WWFs to waters of the State is prohibited
- B.** Any sanitary sewer overflow that results in a discharge of untreated or partially treated wastewater to waters of the United States is prohibited.

### IV. PROVISIONS

#### A. Standard Provisions

- 1. Federal Standard Provisions.** The Discharger shall comply with all Standard Provisions included in Attachment D of this Order that are applicable in light of the discharge prohibitions in this Order.
- 2. Regional Water Board Standard Provisions.** The Discharger shall comply with all applicable items of the Standard Provisions and Reporting Requirements for NPDES Surface Water Discharge Permits, August 1993 (Attachment G), and any amendments thereto. Where provisions or reporting requirements specified in this Order and Attachment G are different for equivalent or related provisions or reporting requirements given in the Standard Provisions in Attachment D, the specifications of this Order and/or Attachment F shall apply in areas where those provisions are more stringent. Duplicative requirements in the federal Standard Provisions in VI.A.1.2, above (Attachment D) and the regional Standard Provisions (Attachment G) are not

separate requirements. A violation of a duplicative requirement does not constitute two separate violations.

**B. Monitoring and Reporting Program (MRP) Requirements**

Consistent with Standard Provisions and Reporting Requirements (Attachment G), the Discharger shall notify the Regional Water Board and submit a written report if it violates Discharge Prohibition III.A or III.B.

**C. Special Provision: Reopener:** The Regional Water Board may modify or reopen this Order prior to its expiration date as authorized by law.

## **ATTACHMENT A – DEFINITIONS**

### **Arithmetic Mean ( $\mu$ )**

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

Arithmetic mean =  $\mu = \Sigma x / n$       where:  $\Sigma x$  is the sum of the measured ambient water concentrations, and  $n$  is the number of samples.

### **Average Monthly Effluent Limitation (AMEL)**

The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

### **Average Weekly Effluent Limitation (AWEL)**

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

### **Bioaccumulative**

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

### **Carcinogenic**

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

### **Coefficient of Variation (CV)**

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

### **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.

### **Detected, but Not Quantified (DNQ)**

DNQ are those sample results less than the RL, but greater than or equal to the laboratory's MDL.

### **Dilution Credit**

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

### **Effluent Concentration Allowance (ECA)**

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

### **Enclosed Bays**

Enclosed Bays means indentations along the coast that enclose an area of oceanic water within distinct headlands or harbor works. Enclosed bays include all bays where the narrowest distance between the headlands or outermost harbor works is less than 75 percent of the greatest dimension of the enclosed portion of the bay. Enclosed bays include, but are not limited to, Humboldt Bay, Bodega Harbor, Tomales Bay, Drake's Estero, San Francisco Bay, Morro Bay, Los Angeles-Long Beach Harbor, Upper and Lower Newport Bay, Mission Bay, and San Diego Bay. Enclosed bays do not include inland surface waters or ocean waters.

### **Estimated Chemical Concentration**

The estimated chemical concentration that results from the confirmed detection of the substance by the analytical method below the ML value.

### **Estuaries**

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

### **Inland Surface Waters**

All surface waters of the State that do not include the ocean, enclosed bays, or estuaries.

### **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, over a calendar day (or 24-hour period). For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the arithmetic mean measurement of the pollutant over the day.

### **Median**

The middle measurement in a set of data. The median of a set of data is found by first arranging the measurements in order of magnitude (either increasing or decreasing order). If the number of measurements ( $n$ ) is odd, then the median =  $X_{(n+1)/2}$ . If  $n$  is even, then the median =  $(X_{n/2} + X_{(n/2)+1})/2$  (i.e., the midpoint between the  $n/2$  and  $n/2+1$ ).

### **Method Detection Limit (MDL)**

MDL is 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, Part 136, Attachment B, revised as of July 3, 1999.

### **Minimum Level (ML)**

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

### **Mixing Zone**

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

### **Not Detected (ND)**

Sample results which are less than the laboratory's MDL.

### **Ocean Waters**

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

### **Persistent Pollutants**

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

### **Pollutant Minimization Program (PMP)**

PMP means waste minimization and pollution prevention actions that include, but are not limited to, product substitution, waste stream recycling, alternative waste management

methods, and education of the public and businesses. The goal of the PMP shall be to reduce all potential sources of a priority pollutant(s) through pollutant minimization (control) strategies, including pollution prevention measures as appropriate, to maintain the effluent concentration at or below the water quality-based effluent limitation. Pollution prevention measures may be particularly appropriate for persistent bioaccumulative priority pollutants where there is evidence that beneficial uses are being impacted. The Regional 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 Water Code section 13263.3(d), shall be considered to fulfill the PMP requirements.

### **Pollution Prevention**

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

### **Reporting Level (RL)**

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

### **Satellite Collection System**

The portion, if any, of a sanitary sewer system owned or operated by a different public agency than the agency that owns and operates the wastewater treatment facility that a sanitary sewer system is tributary to.

### **Source of Drinking Water**

Any water designated as municipal or domestic supply (MUN) in a Regional Water Board Basin Plan.

### **Standard Deviation ( $\sigma$ )**

Standard Deviation is a measure of variability that is calculated as follows:

$$\sigma = (\sum[(x - \mu)^2]/(n - 1))^{0.5}$$

where:

x is the observed value;

$\mu$  is the arithmetic mean of the observed values; and

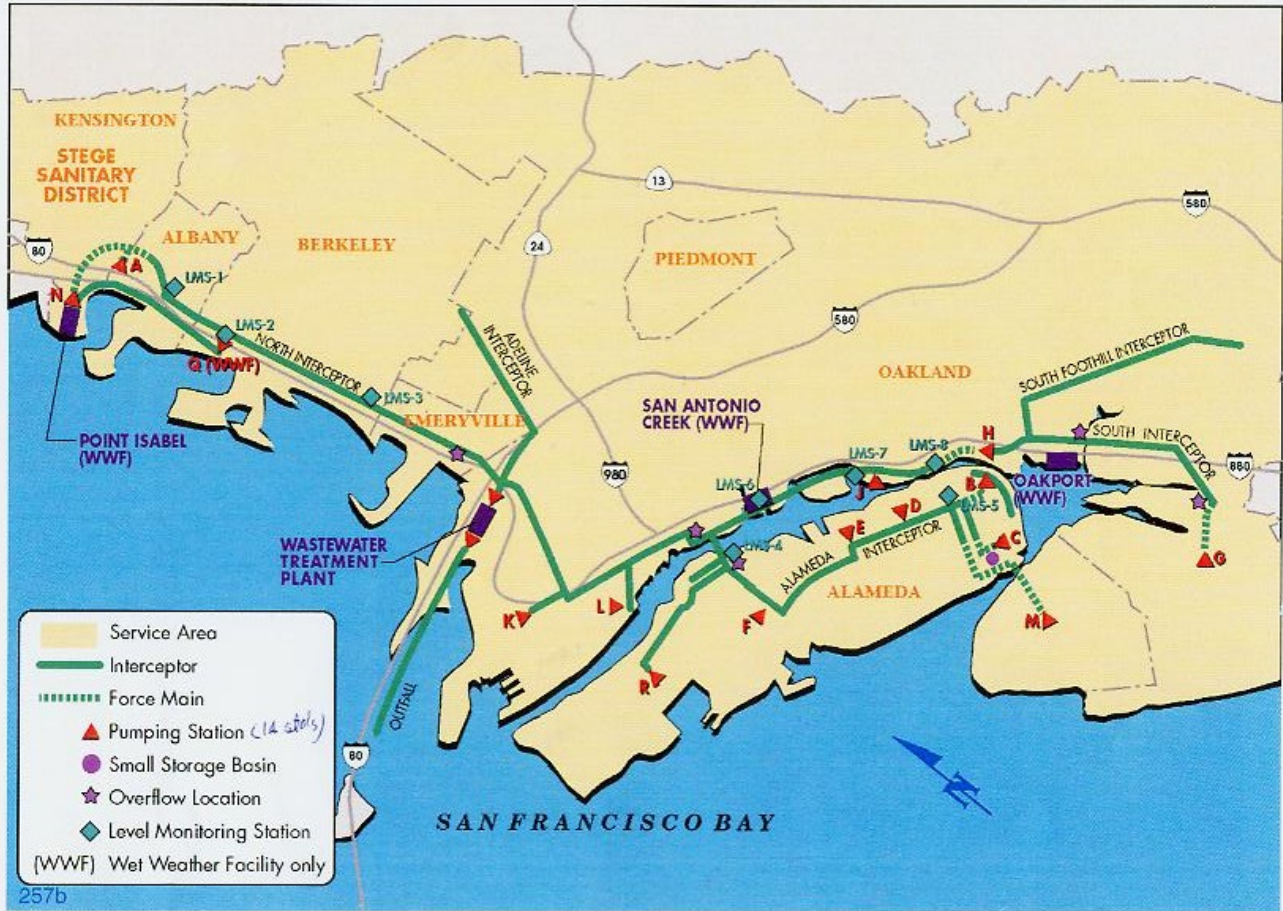
n is the number of samples.

### **Toxicity Reduction Evaluation (TRE)**

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

**ATTACHMENT B – MAP**

# WET WEATHER FACILITIES





**ATTACHMENT C – NOT USED**

## **ATTACHMENT D – STANDARD PROVISIONS (FEDERAL)**

### **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 and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. (40 C.F.R. § 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 C.F.R. § 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 C.F.R. § 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 C.F.R. § 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 C.F.R. § 122.41(e).)

#### **E. Property Rights**

1. This Order does not convey any property rights of any sort or any exclusive privileges. (40 C.F.R. § 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 C.F.R. § 122.5(c).)

## **F. Inspection and Entry**

The Discharger shall allow the Regional Water Board, State Water Board, 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 C.F.R. § 122.41(i); Wat. Code, § 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 C.F.R. § 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 C.F.R. § 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 C.F.R. § 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 Water Code, any substances or parameters at any location. (40 C.F.R. § 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 C.F.R. § 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 C.F.R. § 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 C.F.R. § 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 C.F.R. § 122.41(m)(4)(i)):
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage (40 C.F.R. § 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 C.F.R. § 122.41(m)(4)(i)(B)); and
  - c. The Discharger submitted notice to the Regional Water Board as required under Standard Provisions – Permit Compliance I.G.5 below. (40 C.F.R. § 122.41(m)(4)(i)(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 C.F.R. § 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 C.F.R. § 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 C.F.R. § 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 C.F.R. § 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 C.F.R. § 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 C.F.R. § 122.41(n)(3)):
  - a. An upset occurred and that the Discharger can identify the cause(s) of the upset (40 C.F.R. § 122.41(n)(3)(i));
  - b. The permitted facility was, at the time, being properly operated (40 C.F.R. § 122.41(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 C.F.R. § 122.41(n)(3)(iii)); and
  - d. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above. (40 C.F.R. § 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 C.F.R. § 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 C.F.R. § 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 C.F.R. § 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 Water Code. (40 C.F.R. § 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 C.F.R. § 122.41(j)(1).)
- B.** Monitoring results must be conducted according to test procedures under Part 136 or, in the case of sludge use or disposal, approved under Part 136 unless otherwise specified in Part 503 unless other test procedures have been specified in this Order. (40 C.F.R. § 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 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 C.F.R. § 122.41(j)(2).)

#### **B. Records of monitoring information shall include:**

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

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

- 1. The name and address of any permit applicant or Discharger (40 C.F.R. § 122.7(b)(1)); and
- 2. Permit applications and attachments, permits and effluent data. (40 C.F.R. § 122.7(b)(2).)

## **V. STANDARD PROVISIONS – REPORTING**

### **A. Duty to Provide Information**

The Discharger shall furnish to the Regional Water Board, State Water Board, or USEPA within a reasonable time, any information which the Regional 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 Regional Water Board, State Water Board, or USEPA copies of records required to be kept by this Order. (40 C.F.R. § 122.41(h); Wat. Code, § 13267.)

### **B. Signatory and Certification Requirements**

1. All applications, reports, or information submitted to the Regional 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 C.F.R. § 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 C.F.R. § 122.22(a)(3).)
3. All reports required by this Order and other information requested by the Regional 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 C.F.R. § 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 C.F.R. § 122.22(b)(2)); and
  - c. The written authorization is submitted to the Regional Water Board and State Water Board. (40 C.F.R. § 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 Regional Water Board and State Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative. (40 C.F.R. § 122.22(c).)

5. Any person signing a document under Standard Provisions – Reporting V.B.2 or V.B.3 above shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.” (40 C.F.R. § 122.22(d).)

### **C. Monitoring Reports**

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program (Attachment E) in this Order. (40 C.F.R. § 122.22(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 State Water Board for reporting results of monitoring of sludge use or disposal practices. (40 C.F.R. § 122.41(l)(4)(i).)
3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under Part 136 or, in the case of sludge use or disposal, approved under Part 136 unless otherwise specified in 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 C.F.R. § 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 C.F.R. § 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 C.F.R. § 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 C.F.R. § 122.41(l)(6)(i).)

2. The following shall be included as information that must be reported within 24 hours under this paragraph (40 C.F.R. § 122.41(l)(6)(ii)):
  - a. Any unanticipated bypass that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(A).)
  - b. Any upset that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(B).)
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 C.F.R. § 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 C.F.R. § 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 section 122.29(b) (40 C.F.R. § 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 C.F.R. § 122.41(l)(1)(ii).)

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

## **G. Anticipated Noncompliance**

The Discharger shall give advance notice to the Regional 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 C.F.R. § 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 C.F.R. § 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, State Water Board, or USEPA, the Discharger shall promptly submit such facts or information. (40 C.F.R. § 122.41(l)(8).)

### **VI. STANDARD PROVISIONS – ENFORCEMENT**

- A.** The Regional Water Board is authorized to enforce the terms of this permit under several provisions of the Water Code, 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 Regional Water Board of the following (40 C.F.R. § 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 C.F.R. § 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 C.F.R. § 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 C.F.R. § 122.42(b)(3).)

## ATTACHMENT F – FACT SHEET

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## 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.

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

### I. PERMIT INFORMATION

The following table summarizes administrative information related to the facility.

**Table F-1. Facility Information**

<b>WDID</b>	2 019014002
<b>Discharger</b>	East Bay Municipal Utility District, Special District No. 1
<b>Name of Facility #1</b>	Point Isabel WWF
<b>Facility Address</b>	2755 Point Isabel Street
	Richmond, CA 94804
	Contra Costa County
<b>Facility Contact, Title, and Phone</b>	Donald Hickman, Wastewater Treatment Superintendent (510) 287-1456 Kurt Haunschild, Manager of Wastewater Treatment (510) 287-1407
<b>Authorized Person to Sign and Submit Reports</b>	Same
<b>Mailing Address</b>	P.O. Box 24055, Oakland, CA 94623
<b>Billing Address</b>	Same
<b>Type of Facility</b>	Publicly-Owned Wet Weather Facility
<b>Major or Minor Facility</b>	Minor
<b>Threat to Water Quality</b>	2
<b>Complexity</b>	A
<b>Pretreatment Program</b>	Y
<b>Reclamation Requirements</b>	Not Applicable
<b>Facility Permitted Flow</b>	0 gallons per day
<b>Facility Design Flow</b>	100 million gallons per day
<b>Watershed</b>	San Francisco Bay
<b>Receiving Water</b>	Richmond Inner Harbor, part of central San Francisco Bay
<b>Receiving Water Type</b>	enclosed bay

<b>WDID</b>	2 019014002
<b>Discharger</b>	East Bay Municipal Utility District, Special District No. 1
<b>Name of Facility #2</b>	San Antonio Creek WWF
<b>Facility Address</b>	225 5th Avenue
	Oakland, CA 94606
	Alameda County
<b>Facility Contact, Title, and Phone</b>	Donald Hickman, Wastewater Treatment Superintendent (510) 287-1456 Kurt Haunschild, Manager of Wastewater Treatment (510) 287-1407
<b>Authorized Person to Sign and Submit Reports</b>	Same
<b>Mailing Address</b>	P.O. Box 24055, Oakland, CA 94623
<b>Billing Address</b>	Same
<b>Type of Facility</b>	Publicly-Owned Wet Weather Facility
<b>Major or Minor Facility</b>	Minor
<b>Threat to Water Quality</b>	2
<b>Complexity</b>	A
<b>Pretreatment Program</b>	Y
<b>Reclamation Requirements</b>	Not Applicable
<b>Facility Permitted Flow</b>	0 gallons per day
<b>Facility Design Flow</b>	51 million gallons per day
<b>Watershed</b>	San Francisco Bay
<b>Receiving Water</b>	Oakland Inner Harbor, part of lower San Francisco Bay
<b>Receiving Water Type</b>	enclosed bay

<b>WDID</b>	2 019014002
<b>Discharger</b>	East Bay Municipal Utility District, Special District No. 1
<b>Name of Facility #3</b>	Oakport WWF
<b>Facility Address</b>	5597 Oakport Street
	Oakland, CA 94621
	Alameda County
<b>Facility Contact, Title, and Phone</b>	Donald Hickman, Wastewater Treatment Superintendent (510) 287-1456
	Kurt Haunschild, Manager of Wastewater Treatment (510) 287-1407
<b>Authorized Person to Sign and Submit Reports</b>	Same
<b>Mailing Address</b>	P.O. Box 24055, Oakland, CA 94623
<b>Billing Address</b>	Same
<b>Type of Facility</b>	Publicly-Owned Wet Weather Facility
<b>Major or Minor Facility</b>	Minor
<b>Threat to Water Quality</b>	2
<b>Complexity</b>	A
<b>Pretreatment Program</b>	Y
<b>Reclamation Requirements</b>	Not Applicable
<b>Facility Permitted Flow</b>	0 gallons per day
<b>Facility Design Flow</b>	158 million gallons per day
<b>Watershed</b>	San Francisco Bay
<b>Receiving Water</b>	East Creek Slough, about 700 feet upstream of lower San Francisco Bay
<b>Receiving Water Type</b>	estuary/enclosed bay

**A.** East Bay Municipal Utility District, Special District No. 1 (hereinafter Discharger) is the owner and operator of three wet weather facilities (WWFs), known as the Point Isabel WWF, the San Antonio Creek WWF and the Oakport WWF (collectively, the Facility).

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

**B.** The Facility discharges wastewater to San Francisco Bay, a water of the United States, and is currently regulated by Order No. R2-2005-0047 which was adopted on September 21, 2005 and expires on March 31, 2010.

**C.** On May 1, 2007, after own-motion review, the California State Water Resources Control Board (State Water Board) adopted Order No. WQ 2007-0004 (the “Remand Order”), requiring the Regional Water Board to revise Order No. R2-2005-0047 so that it complies with Section 301(b) of the Clean Water Act. This effectively requires that the Discharger comply with secondary treatment or cease discharge.

## **II. FACILITY DESCRIPTION**

### **A. Description of Wastewater and Biosolids Treatment or Controls**

The Discharger owns and operates WWFs at (1) Point Isabel WWF: 2755 Point Isabel Street, Richmond, CA 94804, (2) San Antonio Creek WWF: 225 5th Avenue, Oakland, CA 94606 and (3) Oakport WWF: 5597 Oakport Street, Oakland, CA 94621.

The WWFs are part of an interceptor system (see attached Figure 1) owned and operated by the Discharger. This system includes the North and South Interceptors (with a combined length of 29 miles), Adeline Interceptor, South Foothill Interceptor, and Alameda Interceptor. The interceptor system has a hydraulic capacity of 760 mgd. The interceptor system also includes 15 pump stations, five overflow structures and a million-gallon wet weather storage basin along the Alameda Interceptor.

The Point Isabel WWF provides storage for peak wet weather flows diverted from the North interceptor. If influent flows persist and take up the storage capacity of the units, the WWF provides treatment consisting of coarse screens, bar screens, grit chambers, and sedimentation/disinfection basins. Screenings are disposed of at a landfill; grit and sludge are returned to the interceptor.

The San Antonio Creek WWF treatment system provides treatment of peak wet weather flows diverted from the South Interceptor. Treatment consists of grit removal, fine screening, and disinfection. Both screenings and grit are returned to the interceptor.

The Oakport WWF provides storage for peak wet weather flows diverted from the South Interceptor. If influent flows persist and take up the storage capacity of the units, the WWF provides treatment consisting of coarse screens and sedimentation/disinfection basins. Both screenings and sludge are returned to the interceptor.

### **B. Discharge Points and Receiving Waters**

This Order prohibits discharges from the WWFs. Historically, (1) the Point Isabel WWF has discharged from Discharge Point 001 (latitude 37°53'43"N and longitude 122°19'24"W) through a submerged diffuser about 300 feet offshore at a depth of 8 feet below mean low tide line to Richmond Inner Harbor, part of central San Francisco Bay, (2) the San Antonio Creek WWF has discharged from Discharge Point 002 (latitude 37°47'30"N and longitude 122°15'44"W) to Oakland Inner Harbor, part of lower San Francisco Bay, and (3) the Oakport WWF has discharged from Discharge Point 003 (latitude 37°45'39"N and longitude 122°12'52"W) to East Creek Slough, which flows to Oakland Inner Harbor, part of lower San Francisco Bay.

### **C. Summary of Existing Requirements and Self-Monitoring Report (SMR) Data**

Previous requirements authorize discharges from the WWFs and impose limitations on total coliform organisms, chlorine residual, pH, copper, lead, mercury, nickel, silver and zinc in the discharges. In this case, a summary of effluent limitations is unnecessary since this Order prohibits discharge from the three WWFs. Because the Discharger will

not be able to immediately cease discharge from the three WWFs, a Cease and Desist Order accompanies this Order. To illustrate the historic frequency of WWF discharges, the following summary is provided:

Discharge Frequency from October 15, 2003 to April 15, 2008  
 (Number of discharges per year per facility)

Facility	Targeted Discharge Frequency	Actual Discharge Frequency
Point Isabel	10	9.2
San Antonio	10	2.6
Oakport	10	9.2

Total Discharge Volume from October 15, 2003 to April 15, 2008  
 (Total volume discharged from all three WWFs)

Season	TARGETED DISCHARGE VOLUME, MG	Actual Discharge Volume, MG
2003-2004	100	243.5
2004-2005	100	288
2005-2006	100	558.5
2006-2007	100	58.6
2007-2008	100	206.4

Annual Discharge Volume from Each Facility from October 15, 2003 to April 15, 2008  
 (Volume discharged per facility per year)

Facility	Season	Season total, MG	Volume of discharge events, MG		
			Minimum	Maximum	Average
Point Isabel	2003-2004	120.5	1.2	38.3	17.2
	2004-2005	158	1.1	36	12.2
	2005-2006	232.7	0.4	51	12.9
	2006-2007	11.6	3.9	7.7	5.8
	2007-2008	72.4	1.2	28.1	12.1
San Antonio	2003-2004	13	2.6	3.7	3.3
	2004-2005	0	N/A	N/A	N/A
	2005-2006	30.5	3	14.8	10.2
	2006-2007	0	N/A	N/A	N/A
	2007-2008	1	1	1	1
Oakport	2003-2004	110	1	36	22
	2004-2005	130	1	23	10
	2005-2006	295.3	1	63	16.4
	2006-2007	47	1	25	15.7
	2007-2008	133	5	44	19



#### **D. Compliance Summary**

Because this Order prohibits discharges, it contains no limitations, and therefore, a discussion of compliance with existing requirements is unnecessary.

#### **E. Planned Changes**

The Discharger has not reported any planned changes of its operations to the Regional Water Board.

### **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 (commencing with section 13370). 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, division 7 of the Water Code (commencing with section 13260).

#### **B. California Environmental Quality Act (CEQA)**

Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA, Public Resources Code sections 21100 through 21177.

#### **C. State and Federal Regulations, Policies, and Plans**

**1. Water Quality Control Plans.** The Regional Water Quality Control Board (Regional Water Board) adopted a Water Quality Control Plan for the San Francisco Bay (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, the Basin Plan implements State Water Resources Control Board (State Water Board) Resolution No. 88-63, which established state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply.

Discharges from Point Isabel and San Antonio Creek WWFs enter central and lower San Francisco Bay. Discharge from Oakport WWF enters East Creek Slough at its confluence with lower San Francisco Bay. The Basin Plan at section 2.2.1 states that the beneficial uses of any specifically identified water body generally apply to its

tributary streams. The Basin Plan does not specifically identify beneficial uses for East Creek Slough, but does identify present and potential uses for lower San Francisco Bay, to which East Creek Slough, is tributary. It is therefore appropriate to apply the Basin Plan's tributary rule in determining the beneficial uses of East Creek Slough, by applying designated uses for lower San Francisco Bay. Common beneficial uses for central and lower San Francisco Bay, as identified in the Basin Plan, are:

- a. Commercial and sport fishing
- b. Estuarine habitat
- c. Industrial service supply
- d. Fish migration
- e. Navigation
- f. Preservation of rare and endangered species
- g. Water contact and non-contact recreation
- h. Shellfish harvesting
- i. Fish spawning
- j. Wildlife habitat

In addition to the above beneficial uses, central San Francisco Bay has additional beneficial use for water for industrial activities.

Requirements of this Order implement the Basin Plan.

- 2. National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on December 22, 1992, and later amended it on May 4, 1995 and November 9, 1999. About forty criteria in the NTR applied in California. On May 18, 2000, USEPA adopted the CTR. The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was amended on February 13, 2001. These rules contain water quality criteria for priority pollutants. Requirements of this Order implement the NTR and CTR.
- 3. State Implementation Policy.** On March 2, 2000, the State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP became effective on April 28, 2000 with respect to the priority pollutant criteria promulgated for California by the USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Board in the Basin Plan. The SIP became effective on May 18, 2000 with respect to the priority pollutant criteria

promulgated by the USEPA through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005 that became effective on July 13, 2005. The SIP establishes implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control. Requirements of this Order implement the SIP.

4. **Alaska Rule.** On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards (WQS) become effective for CWA purposes (40 C.F.R. § 131.21, 65 Fed. Reg. 24641 (April 27, 2000)). Under the revised regulation (also known as the Alaska rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000, may be used for CWA purposes, whether or not approved by USEPA.
5. **Antidegradation Policy.** Section 131.12 requires that the state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. The permitted discharge must be consistent with the antidegradation provisions of section 131.12 and State Water Board Resolution No. 68-16. Because this Order does not allow any discharges, it is consistent with the antidegradation provisions of section 131.12 and State Water Board Resolution No. 68-16.
6. **Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at title 40, Code of Federal Regulations<sup>1</sup> section 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. Because this Order prohibits all discharges from the WWFs, there are no effluent limitations in this Order, and this Order is more stringent than the previous permit, which did allow discharges from the WWFs.

#### D. Impaired Water Bodies on CWA 303(d) List

On June 28, 2007, the USEPA approved a revised list of impaired water bodies prepared by the State [hereinafter referred to as the 303(d) list], pursuant to provisions of CWA section 303(d) requiring identification of specific water bodies where it is expected that water quality standards will not be met after implementation of technology-based effluent limitations on point sources. Lower and Central San

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<sup>1</sup> All further regulatory references are to title 40 of the Code of Federal Regulations unless otherwise indicated.

Francisco Bay are listed as impaired waterbodies. The pollutants impairing these water bodies include chlordane, DDT, dieldrin, dioxin compounds, exotic species, furan compounds, mercury, PCBs, dioxin-like PCBs, and selenium. The SIP requires final effluent limitations for all 303(d)-listed pollutants to be based on total maximum daily loads (TMDLs) and associated waste load allocations (WLAs). Because this Order prohibits discharge, it contains no effluent limitations, and a detailed discussion of the Regional Water Board’s process of developing TMDLs, WLAs and resulting effluent limitations is, therefore, unnecessary.

**E. Other Plans, Policies and Regulations**

This Order is not based on any other plans, policies or regulations.

**IV. RATIONALE FOR DISCHARGE PROHIBITIONS**

**1. Discharge Prohibition III.A (no discharge from WWFs):** As mentioned earlier, the Remand Order effectively requires that the Discharger comply with secondary treatment and CTR requirements or cease discharge.

The WWFs do not comply with secondary treatment requirements, as illustrated by the following data:

Effluent Conventional Pollutant Concentration Data for Point Isabel WWF (From January 1, 2003 through December 31, 2007)

Conventional Pollutants	Data Count	Max.	Min.	Median	Mean
CBOD <sub>5</sub> , mg/L	33	82	16	33	41.21
TSS, mg/L	31	100	24	37	45.48
Oil & Grease, mg/L	31	16	2.5	6	6.97
Total Coliform, MPN/100 ml	62	16000	<2	4	913.71
Fecal Coliform, MPN/100 ml	40	7	<2	<2	2.13

U = Analyte not detected.

Mean calculated using MDL value for non-detect results.

Out of hold data was included in calculations.

Effluent Conventional Pollutant Concentration Data for San Antonio Creek WWF (From January 1, 2003 through December 31, 2007)

Conventional Pollutants	Data Count	Max.	Min.	Median	Mean
CBOD <sub>5</sub> , mg/L	5	54	17	44	36.8
TSS, mg/L	5	160	62	110	107.8
Oil & Grease, mg/L	5	7	4	4.3	4.98
Total Coliform, MPN/100 ml	6	1300	13	80	332.7
Fecal Coliform, MPN/100 ml	5	14	4	4	8

U = Analyte not detected.

Mean calculated using MDL value for non-detect results.  
 Out of hold data was included in calculations.

Effluent Conventional Pollutant Concentration Data for Oakport WWF (From January 1, 2003 through December 31, 2007)

Conventional Pollutants	Data Count	Max.	Min.	Median	Mean
CBOD <sub>5</sub> , mg/L	27	140	23	89	58
TSS, mg/L	27	94	33	60	62
Oil & Grease, mg/L	26	4700	4	9.35	190.61
Total Coliform, MPN/100 ml	46	5000	<2	4	236.17
Fecal Coliform, MPN/100 ml	38	80	<2	<2	5.7

U = Analyte not detected.

Mean calculated using MDL value for non-detect results.  
 Out of hold data was included in calculations.

The WWFs also do not comply with CTR requirements, as illustrated by the following data:

Maximum Effluent Concentrations (MECs) Exceeding CTR Requirements for Point Isabel WWF (From 2001 through 2007)

Toxic Pollutants	CTR (µg/L)	MEC (µg/L)
Copper	3.7	53
Lead	8.5	18
Mercury	0.051	0.3
Nickel	8.3	26
Silver	2.2	20.3
Zinc	86	158
Cyanide	1	30
Dioxin TEQ	0.000000014	0.00000197
Dichlorobromomethane	46	52
4,4-DDT	0.00059	0.011
4,4-DDE	0.00059	0.00097
4,4-DDD	0.00084	0.0059
Dieldrin	0.00014	0.0029
Endrin	0.002	0.003
Heptachlor Expoxide	0.00011	0.0057

Maximum Effluent Concentrations (MECs) Exceeding CTR Requirements for San Antonio Creek WWF (From 2001 through 2007)

Toxic Pollutants	CTR (µg/L)	MEC (µg/L)
Copper	3.7	61
Lead	8.5	36.1

Toxic Pollutants	CTR (µg/L)	MEC (µg/L)
Mercury	0.051	0.46
Nickel	8.3	26
Silver	2.2	23
Zinc	86	194
Cyanide	1	28
Dioxin TEQ	0.000000014	0.00000276
Chrysene	0.049	0.066
4,4-DDT	0.00059	0.0037
4,4-DDE	0.00059	0.00097
Dieldrin	0.00014	0.00077

Maximum Effluent Concentrations (MECs) Exceeding CTR Requirements for Oakport WWF  
 (From 2001 through 2007)

Toxic Pollutants	CTR (µg/L)	MEC (µg/L)
Copper	3.7	86.2
Lead	8.5	36.8
Mercury	0.051	0.17
Nickel	8.3	22
Silver	2.2	78
Zinc	86	216
Cyanide	1	11
Dioxin TEQ	0.000000014	0.00000542
Tetrachloroethylene	8.85	74
Bis(2-Ethylhexyl)Phthalate	5.9	18
Hexachlorobenzene	0.00077	0.023
4,4-DDT	0.00059	0.0087
4,4-DDE	0.00059	0.00097
4,4-DDD	0.00084	0.015
Dieldrin	0.00014	0.022

Because the WWFs do not comply with secondary treatment or CTR requirements, to comply with the Remand Order, this Order requires that the Discharger cease discharge.

**2. Discharge Prohibition III.B (no sanitary sewer overflows to waters of the United States):** Discharge Prohibition No. 15 from Table 4-1 of the Basin Plan, and the Clean Water Act prohibits the discharge of wastewater to surface waters except as authorized under an NPDES permit. As indicated above, discharges from the WWFs must achieve secondary treatment, at a minimum, and any more stringent limitations that are necessary to achieve water quality standards (33 U.S.C Section 1311(b) (1)(B) and (C).) Thus, a sanitary sewer overflow that results in the discharge of raw sewage, or sewage not meeting secondary treatment, to surface waters is prohibited under the Clean Water Act and the Basin Plan.

## **V. RATIONALE FOR RECEIVING WATER LIMITATIONS**

Because this Order prohibits discharge, it does not allow any impact on receiving water, and a discussion of the rationale for allowing any such impacts is, therefore, unnecessary.

## **VI. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS**

Section 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results relating to compliance with effluent limitations. Because this Order prohibits all discharges from the WWFs, however, there are no effluent limitations – and, therefore, no monitoring or reporting requirements – in this Order. Nevertheless, consistent with Standard Provisions (see below), the Discharger must still notify the Regional Water Board and submit a written report if either discharge prohibition is violated. Also, monitoring and reporting are required under the accompanying Cease & Desist Order.

## **VII. RATIONALE FOR PROVISIONS**

### **A. Standard Provisions**

Standard Provisions, which apply to all NPDES permits in accordance with section 122.41, and additional conditions applicable to specified categories of permits in accordance with section 122.42, are provided in Attachment D. The discharger must comply with all standard provisions – and additional conditions under section 122.42 – that are applicable, taking into account the discharge prohibitions in this Order.

Section 122.41(a)(1) and (b) through (n) establish conditions that apply to all State-issued NPDES permits. These conditions must be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to the regulations must be included in the Order. Section 123.25(a)(12) allows the state to omit or modify conditions to impose more stringent requirements. In accordance with section 123.25, this Order omits federal conditions that address enforcement authority specified in sections 122.41(j)(5) and (k)(2) because the enforcement authority under the Water Code is more stringent. In lieu of these conditions, this Order incorporates by reference Water Code section 13387(e).

## **B. Special Provisions**

This Order does not contain any Special Provisions.

## **VIII. PUBLIC PARTICIPATION**

The Regional Water Board is considering the issuance of waste discharge requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System (NPDES) permit for the Discharger's Point Isabel, San Antonio Creek and Oakport Wet Weather Facilities (WWFs). As a step in the WDR adoption process, the Regional Water Board staff has developed tentative WDRs. The Regional Water Board encourages public participation in the WDR adoption process.

### **A. Notification of Interested Parties**

The Regional 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. Notification was provided through the following: (a) paper and electronic copies of this Order were relayed to the Discharger, and (b) the Alameda Times-Star published a notice that this item would appear before the Board on January 14, 2009.

### **B. Written Comments**

The staff determinations are tentative. Interested persons are invited to submit written comments concerning these tentative WDRs. Comments must be submitted either in person or by mail to the Executive Office at the Regional Water Board at the address above on the cover page of this Order.

To be fully responded to by staff and considered by the Regional Water Board, written comments must be received at the Regional Water Board offices by 5:00 p.m. on **December 15, 2008**.

### **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: January 14, 2009  
Time: 9:00 a.m.  
Location: Elihu Harris State Office Building  
1515 Clay Street, 1st Floor Auditorium  
Oakland, CA 94612

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/sanfranciscobay/](http://www.waterboards.ca.gov/sanfranciscobay/) 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

#### **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 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Regional Water Board by calling (510) 622-2300.

#### **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 Regional 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 Robert Schlipf at (510) 622-2478 or [RSchlipf@waterboards.ca.gov](mailto:RSchlipf@waterboards.ca.gov).

## **ATTACHMENT G – STANDARD PROVISIONS (STATE)**

The following document is part of this Order, but is not physically attached due to volume. It is available on the internet at:

[http://www.swrcb.ca.gov/rwqcb2/board\\_info/agendas/2002/april/res74-10standprov.doc](http://www.swrcb.ca.gov/rwqcb2/board_info/agendas/2002/april/res74-10standprov.doc)

- Standard Provisions and Reporting Requirements, August 1993