

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Derek Whitworth)
MEETING DATE: June 9, 2010

ITEM **5B**

SUBJECT: **The Exploratorium, Bay Water Heating and Cooling System, Piers 15 and 17, City and County of San Francisco - Issuance of New NPDES Permit**

CHRONOLOGY: The Board has not previously considered this discharge

DISCUSSION: This Revised Tentative Order (Appendix A) would issue a new NPDES permit for the Exploratorium's Piers 15 & 17 Bay Water Heating and Cooling System. This facility will take water from San Francisco Bay and use the thermal content of the water, through heat exchangers, to both heat and cool the Exploratorium buildings before discharge back to the Bay. The use of Bay water, along with solar panels, is expected to minimize reliance on carbon-based fuels to serve the buildings' energy needs.

The intake equipment has been designed to minimize adverse impacts on aquatic life. The scale of the intake is much smaller than traditional power plant intakes. The system is designed to have a maximum intake flow of not more than 0.50 million gallons per day.

The Exploratorium submitted comments (Appendix B), and we believe our response (Appendix C) and the revisions contained in the Revised Tentative Order resolve them all. We expect this item to remain uncontested.

RECOMMEN-
DATION: Adoption of the Revised Tentative Order

CIWQS: Place ID: 749047, Regulatory Measure: 372940

APPENDICES: A. Revised Tentative Order
 B. Comments
 C. Response to Comments

Appendix A. Revised Tentative Order



Linda S. Adams
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Arnold Schwarzenegger
Governor

REVISED TENTATIVE ORDER NO. R2-2010-00XX NPDES NO. CA0030198

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

Table 1. Discharger Information

Discharger	The Exploratorium
Name of Facility	Exploratorium Bay Water Heating and Cooling System
Facility Address	Piers 15 & 17, The Embarcadero
	San Francisco, CA 94111
	San Francisco County
The U.S. Environmental Protection Agency (USEPA) and the Regional Water Quality Control Board have classified this discharge as a major discharge.	

The discharge by the Exploratorium's Bay Water Heating and Cooling System from the discharge point identified below is subject to waste discharge requirements as set forth in this Order.

Table 2. Discharge Location

Discharge Points	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
E-001	Return heating and cooling water	37° 47' 27" N	122° 23' 05" W	San Francisco Bay Central Basin

Table 3. Administrative Information

This Order was adopted by the Regional Water Board on:	June 9, 2010
This Order shall become effective on:	October 1, 2010
This Order shall expire on:	September 30, 2015
CIWQS Regulatory Measure Number	372940
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.

Bruce H. Wolfe, Executive Officer

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Attachments

- Attachment A – Definitions
- Attachment B – Maps showing location of the Facility
- Attachment C – Treatment Plant Process Flow Diagram
- Attachment D – Federal Standard Provisions
- Attachment E – Monitoring and Reporting Program (MRP)
- Attachment F – Fact Sheet
- Attachment G – Regional Standard Provisions, and Monitoring and Reporting Requirements

I. FACILITY INFORMATION

The Exploratorium (Discharger) is subject to the waste discharge requirements set forth in this Order:

Table 4. Facility Information

Discharger	The Exploratorium
Name of Facility	Bay Water Heating and Cooling System
Facility Address	Piers 15 & 17, The Embarcadero
	San Francisco, CA 94111
	San Francisco County
Facility Contact, Title, and Phone	Laura R. Zander, Chief Operating Officer (415) 563 7337
Discharger Mailing Address	3601 Lyon Street, San Francisco, CA 94123
CIWQS Party Number	520957
CIWQS Facility Place Number	749047
Facility Operator	The Exploratorium, 3601 Lyon Street, San Francisco, CA 94123
CIWQS Operator Number	520956
Facility Operator Contact	415 563 7337
Type of Facility	Non Profit Corporation
Facility Design Flow	0.50 MGD maximum

II. FINDINGS

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

- A. Background.** The Discharger, by application dated January 28, 2010, has applied for issuance of Waste Discharge Requirements (WDRs) and a permit to discharge wastewater into Central San Francisco Bay under the National Pollutant Discharge Elimination System (NPDES). 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 facility will consist of the buildings at Piers 15 and 17 that will house the Exploratorium equipment and resources now located at the Palace of Fine Arts on 3601 Lyon Street in San Francisco. The Port of San Francisco owns the Piers and buildings, which the Exploratorium, a non-profit corporation, will lease.

The proposal is to use San Francisco Bay water both to heat and cool the buildings. Water will be drawn from a point underneath Pier 15. Two pumps will be installed, each pulling water through 28.3 square foot intake screens with 1.75 mm slot sized openings that would result in an intake velocity of 0.12 feet per second (ft/s) if the pumps were run at maximum intake capacity. Cleaning the intake screens will be performed using automatic brush-cleaning systems and manual cleaning as appropriate. The water will then pass through 30 micron microscreens (with automatic backwash) prior to the holding tank. Before the water is pumped through the heat exchangers, it will be

exposed to UV light to minimize fouling. The material of contact used in the heat exchange is titanium, known for its resistance to corrosion.

After heat exchange, the water will be discharged through four nozzles that effectively spray the water over the surface of the receiving water. The temperature of the effluent water will be measured in the pipe down stream of the heat exchange and prior to contact with receiving water.

Bay water temperature varies from a minimum of 50°F in winter to a maximum of 67°F in summer. The heat pump system is designed to use 60°F chilled water; thus San Francisco Bay water will only be used when the Bay water temperature is at or below 59°F. On peak cooling days and when the water temperature rises above 59°F, a high efficiency chiller/heat pump will supplement the Bay water cooling and supply 60°F chilled water to the building.

The average daily discharge flow for the Exploratorium heating and cooling system is anticipated to be 0.25 million gallons per day (MGD) peaking at 0.33 MGD. The maximum design daily discharge flow is 0.50 MGD which would result in an intake screen velocity of less than 0.12 ft/s. The estimates for average daily use are based on expected heating and cooling needs within the buildings and, since the pumps are variable speed, will vary according to needs.

Attachment B includes maps of the area around the piers, and Attachment C shows the flow schematic of the process.

- C. Legal Authorities.** This Order is issued pursuant to Clean Water Act (CWA) section 402 and implements regulations adopted by the U.S. Environmental Protection Agency (USEPA). This Order is also issued pursuant to California Water Code (CWC) Chapters 5.5, Division 7, commencing with section 13370. It serves as an NPDES permit for point source discharge from the Exploratorium to surface waters. This Order also serves as Waste Discharge Requirements pursuant to CWC Article 4, Chapter 4, Division 7, commencing with section 13260.
- D. Background and Rationale for Requirements.** The Regional Water Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and other available information. The Fact Sheet (Attachment F), which contains background information and rationale for requirements of the Order, is hereby incorporated into this Order and constitutes part of the findings for this Order. Attachments A through E and G are also incorporated into this Order.
- E. California Environmental Quality Act (CEQA).** Under CWC section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA.
- F. Technology-Based Effluent Limitations.** CWA Section 301(b) and NPDES regulations at 40 CFR 122.44 require that permits include conditions meeting applicable technology-based requirements at minimum and any more stringent effluent limitations necessary to meet applicable water quality standards.
- G. Water Quality-Based Effluent Limitations.** CWA section 301(b) and NPDES regulations at 40 CFR §122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards.

NPDES regulations at 40 CFR §122.44(d)(1)(i) mandate that permits include effluent limitations for all pollutants that are or may be discharged at levels that have the reasonable potential to cause or contribute to an exceedance of a water quality standard, including numeric and narrative objectives within a standard. Where reasonable potential has been established for a pollutant that has no numeric criterion or objective, water quality-based effluent limitations (WQBELs) must be established using (1) USEPA criteria guidance under CWA section 304(a), supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting the state’s narrative criterion, supplemented with other relevant information, as provided in 40 CFR 122.44(d)(1)(vi).

H. Water Quality Control Plans. *The Water Quality Control Plan for the San Francisco Bay Basin* (Basin Plan) is the Regional Water Board’s master water quality control planning document. It designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. It also includes programs of implementation to achieve water quality objectives. The Basin Plan was duly adopted by the Regional Water Board and approved by the State Water Resources Control Board (State Water Board), the Office of Administrative Law, and USEPA. Requirements of this Order implement the Basin Plan.

The Basin Plan implements State Water Board Resolution No. 88-63, which establishes State policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply (MUN). Because of the marine influence on receiving waters of San Francisco Bay, total dissolved solids levels in San Francisco Bay exceed 3,000 milligrams per liter (mg/L) and thereby meet an exception to State Water Board Resolution No. 88-63. The MUN designation is therefore not applicable to the receiving water.

Beneficial uses, noted in the Basin Plan, are listed in Table 5:

Table 5. Beneficial Uses of Central San Francisco Bay

Discharge Point	Receiving Water Name	Beneficial Uses
E-001	San Francisco Bay Central Basin	Industrial Service Supply (IND) Industrial Process Supply (PROC) Ocean, Commercial and Sport Fishing (COMM) Shellfish Harvesting (SHELL) Estuarine Habitat (EST) Fish Migration (MIGR) Preservation of Rare and Endangered Species (RARE) Fish Spawning (SPWN) Wildlife Habitat (WILD) Water Contact Recreation (REC1) Non-Contact Water Recreation (REC2) Navigation (NAV)

The State Water Board adopted the *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water 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. Requirements of this Order implement the Thermal Plan.

- I. CWA, Section 316(b).** This section of the Clean Water Act requires that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact. Adverse environmental impacts can be caused by impingement of marine life on intake screens and filters and entrainment of smaller marine organisms as the water is passed through the heat exchangers.
- J. 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 40 criteria in the NTR apply 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 applied in the State. USEPA amended the CTR on February 13, 2001. These rules contain water quality criteria for priority pollutants.
- K 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 USEPA promulgated for California through the NTR and the priority pollutant objectives the Regional Water Board established in the Basin Plan. The SIP became effective on May 18, 2000, with respect to the priority pollutant criteria USEPA promulgated 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.
- L. Alaska Rule.** On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards become effective for CWA purposes [65 Federal Regulations 24641 (April 27, 2000) (codified at 40 CFR 131.21)]. 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.** This Order contains all necessary technology-based and water quality based effluent limits for individual pollutants. The water quality-based effluent limitations consist of a restriction on temperature, as required by the Thermal Plan. These limits are not more stringent than required by the CWA.
- N. Antidegradation Policy.** NPDES regulations at 40 CFR 131.12 require that State water quality standards include an antidegradation policy consistent with federal policy. The State Water Board established California's antidegradation policy through State Water Board Resolution No. 68-16, which incorporates the federal antidegradation policy where the federal policy applies under federal law and requires that existing water quality be maintained unless degradation is justified based on specific findings. The Basin Plan implements, and incorporates by reference, both State and federal antidegradation policies. The potential for the discharge to degrade water quality is discussed in detail in the Fact Sheet (Section III.C.5).

- P. Anti-Backsliding Requirements.** CWA sections 402(o)(2) and 303(d)(4) and NPDES regulations at 40 CFR 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. This is a new permit and thus anti-backsliding requirements do not apply.
- Q. 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). This Order requires compliance with effluent limits, receiving water limits, and other requirements to protect the beneficial uses of waters of the State. The Discharger is responsible for meeting all requirements of applicable State and federal laws pertaining to threatened and endangered species.
- R. Monitoring and Reporting.** 40 CFR 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. CWC sections 13267 and 13383 authorize the Regional Water Board to require technical and monitoring reports. The Monitoring and Reporting Program (Attachment E) establishes monitoring and reporting requirements to implement federal and State requirements.
- S. Standard and Special Provisions.** Standard Provisions, which apply to all NPDES permits in accordance with 40 CFR 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 CFR 122.42, are provided in Attachment D. The Discharger must comply with all standard provisions and with those additional conditions that are applicable under 40 CFR 122.42. The Regional Water Board has also included in this Order special provisions applicable to the Discharger, including but not limited to the Regional Standard Provisions in Attachment G. A rationale for the special provisions is provided in the Fact Sheet (Attachment F).
- T. Provisions and Requirements Implementing State Law.** No provisions or requirements in this Order are included to implement State law only. All provisions and requirements are required or authorized under the federal CWA; consequently, violations of these provisions and requirements are subject to the enforcement remedies that are available for NPDES violations.
- U. 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 written comments and recommendations. Details of the notification are provided in the Fact Sheet (Attachment F).
- V. 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 (Attachment F).

IT IS HEREBY ORDERED that to meet the provisions contained in Division 7 of the California Water Code 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 of wastewater at a location or in a manner different from that described in this Order is prohibited.
- B. The effluent flow, as measured at Monitoring Location E-001, as described in the attached Monitoring and Reporting Plan (MRP) (Attachment E), shall not exceed 0.50 MGD.

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

Discharge of thermal waste water shall not exceed the following limitations:

- 1. The temperature of the discharge to the receiving water at monitoring location EFF-001 shall not exceed a daily average of 4°F greater than the ambient water measured at intake INF-001 described in the Monitoring and Reporting Program (MRP), Attachment E.
- 2. In the event that chlorine is used at any time in the process for cleaning purposes, the chlorine concentration as measured at Discharge Point EFF-002, described in the MRP, shall not exceed 0.0 mg/L.

V. RECEIVING WATER LIMITATIONS

- 1. The discharge shall not cause the following conditions in Central San Francisco Bay:
 - a. Floating, suspended, or deposited macroscopic particulate matter or foams;
 - b. Bottom deposits or aquatic growths to the extent that such deposits or growths cause nuisance or adversely affect beneficial uses;
 - c. Alteration of turbidity or apparent color beyond present natural background levels;
 - d. Visible, floating, suspended, or deposited oil and other products of petroleum origin; or
 - e. Toxic or other deleterious substances to be present in concentrations or quantities that will cause deleterious effects on wildlife, waterfowl, or other aquatic biota, or that render any of these unfit for human consumption, either at levels created in the receiving waters or as a result of biological concentration.

VI. PROVISIONS

A. Standard Provisions

- 1. **Federal Standard Provisions.** The Discharger shall comply with the Federal Standard Provisions included in Attachment D of this Order.
- 2. **Regional Standard Provisions.** The Discharger shall comply with all applicable items of the Regional Standard Provisions, and Monitoring and Reporting Requirements (Supplement to Attachment D) for NPDES Wastewater Discharge Permits (Attachment G), including amendments thereto. Items that are not applicable include, for example, I.C.1, Contingency

Plan; I.C.2, Spill Prevention Plan; I.D.2, Wastewater Facilities Status Report; I.J, Storm Water Pollution Prevention Plan; and I.K, Biosolids Management.

B. Monitoring and Reporting Program (MRP) Requirements

The Discharger shall comply with the MRP (Attachment E) and future revisions thereto, including sampling and reporting requirements in the two standard provisions listed in VI.A.

C. Special Provisions

1. Reopener Provisions

The Regional Water Board may modify or reopen this Order prior to its expiration date in any of the following circumstances as allowed by law:

- a. If present or future investigations demonstrate that the discharges governed by this Order will have a reasonable potential to cause or contribute to adverse impacts on water quality or beneficial uses of the receiving waters.
- b. If new or revised WQOs or Total Maximum Daily Loads (TMDLs) come into effect for the San Francisco Bay estuary and contiguous water bodies (whether statewide, regional, or site-specific). In such cases, effluent limitations in this Order may be revised as necessary to reflect updated WQOs and wasteload allocations in TMDLs. The absence of effluent limitations in this Order is not intended to restrict in any way future modifications based on legally adopted WQOs or TMDLs, or as otherwise permitted under federal regulations governing NPDES permit modifications.
- c. If translator or other water quality studies provide a basis for determining that a permit condition should be modified.
- d. If State Water Board precedential decisions, new policies, new laws, or new regulations on chronic toxicity or total chlorine residual become available.
- e. If an administrative or judicial decision on a separate NPDES permit or WDR addresses requirements similar to this discharge.
- f. Or as otherwise authorized by law.

The Discharger may request permit modifications based on the above. The Discharger shall include with any such request an antidegradation and anti-backsliding analysis.

2. Effluent Characterization for Selected Constituents

The Discharger shall monitor and evaluate the discharge at EFF-001 for the constituents listed in the Regional Standard Provisions (Attachment G) according to the sampling frequency specified in the attached MRP (Attachment E).

The Discharger shall evaluate whether concentrations of any constituent increase. The Discharger shall investigate the cause of any such increase. The investigation may include, but need not be limited to, an increase in the effluent monitoring frequency, monitoring of

internal process streams, and monitoring influent sources. This requirement may be satisfied through identification of these constituents as “pollutants of concern” in the Discharger’s Pollutant Minimization Program described in Provision VI.C.3, below. A summary of the data evaluation and source investigation activities shall also be reported to the Regional Water Board no later than 180 days prior to the Order expiration date with the application for permit reissuance.

3. Best Management Practices and Pollution Minimization

- a. The Discharger shall develop and conduct a Pollutant Minimization Program (PMP) as further described below when there is evidence (e.g., sample results reported as DNQ when the effluent limitation is less than the MDL, sample results from analytical methods more sensitive than those methods required by this Order, presence of whole effluent toxicity, health advisories for fish consumption, results of benthic or aquatic organism tissue sampling) that a priority pollutant is originating in the discharge from the heating and cooling system above an effluent limitation and either:
 - i A sample result is reported as DNQ and the effluent limitation is less than the RL, or
 - ii A sample result is reported as ND and the effluent limitation is less than the MDL, using definitions described in the SIP.
- b. If triggered by the reasons in **a. above**, the Discharger’s PMP shall include, but not be limited to, the following actions and submittals acceptable to the Regional Water Board:
 - i A review of the potential sources of reported priority pollutant(s) found in the discharge, which may include fish tissue monitoring and other bio-uptake sampling, or alternative measures approved by the Executive Officer when it is demonstrated that influent monitoring is unlikely to produce useful analytical data;
 - ii Submittal of a control strategy designed to proceed toward the goal of maintaining concentrations of the reportable priority pollutant(s) in the effluent at or below the effluent limitation;
 - iii Implementation of appropriate cost-effective control measures for the reportable priority pollutant(s), consistent with the control strategy; and
 - iv Annual reports, acceptable to the Executive Officer, and due no later than February 28 of each calendar year, that shall specifically address the following items:
 - (1) All PMP monitoring results;
 - (2) List of potential sources of the reportable priority pollutant(s);
 - (3) Summary of all actions undertaken pursuant to the control strategy; and
 - (4) Description of actions to be taken in the following year.

ATTACHMENT A – DEFINITIONS

Arithmetic Mean (μ), 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:

$$\text{Arithmetic mean} = \mu = \Sigma x / n$$

where: Σx 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) is 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 pollutants are 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) 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 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 this Order), 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) are those sample results less than the RL, but greater than or equal to the laboratory's MDL.

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

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 include, but are not limited to, the Sacramento-San Joaquin Delta, as defined in California 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 are all surface waters of the State that do not include the ocean, enclosed bays, or estuaries.

Instantaneous Maximum Effluent Limitation is 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 is 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) means 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 is 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) 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) 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 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) are those sample results less than the laboratory's MDL.

Ocean Waters are 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 are substances for which degradation or decomposition in the environment is nonexistent or very slow.

Pollutant Minimization Program (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 California Water Code section 13263.3(d), shall be considered to fulfill the PMP requirements.

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

Standard Deviation (σ) 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;
- μ is the arithmetic mean of the observed values; and
- n is the number of samples.

Toxicity Reduction Evaluation (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 – FACILITY LOCATION AND VIEW

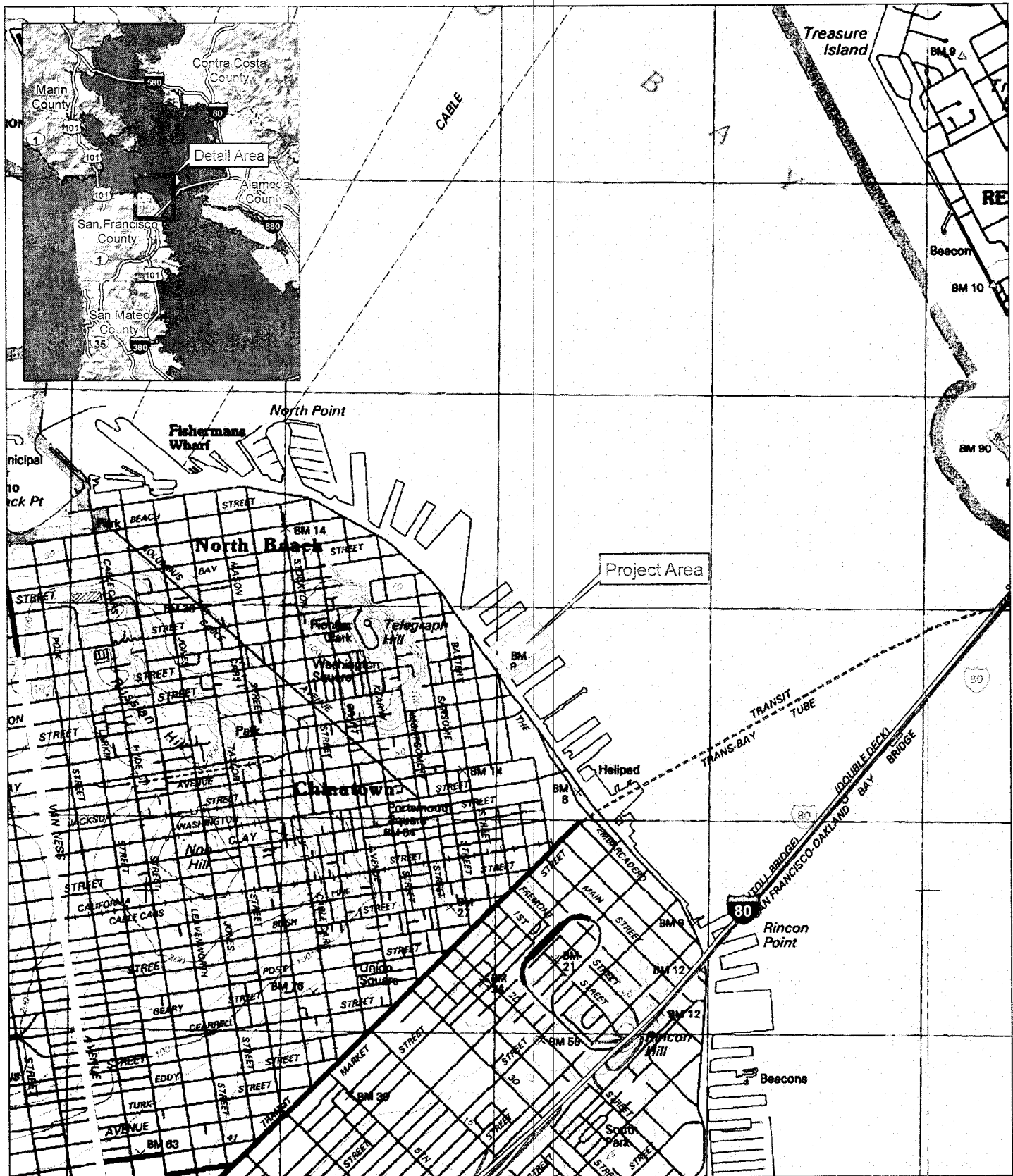


Figure 1. Project Area Location Map

Exploratorium Relocation Project
 Piers 15 and 17
 San Francisco, California

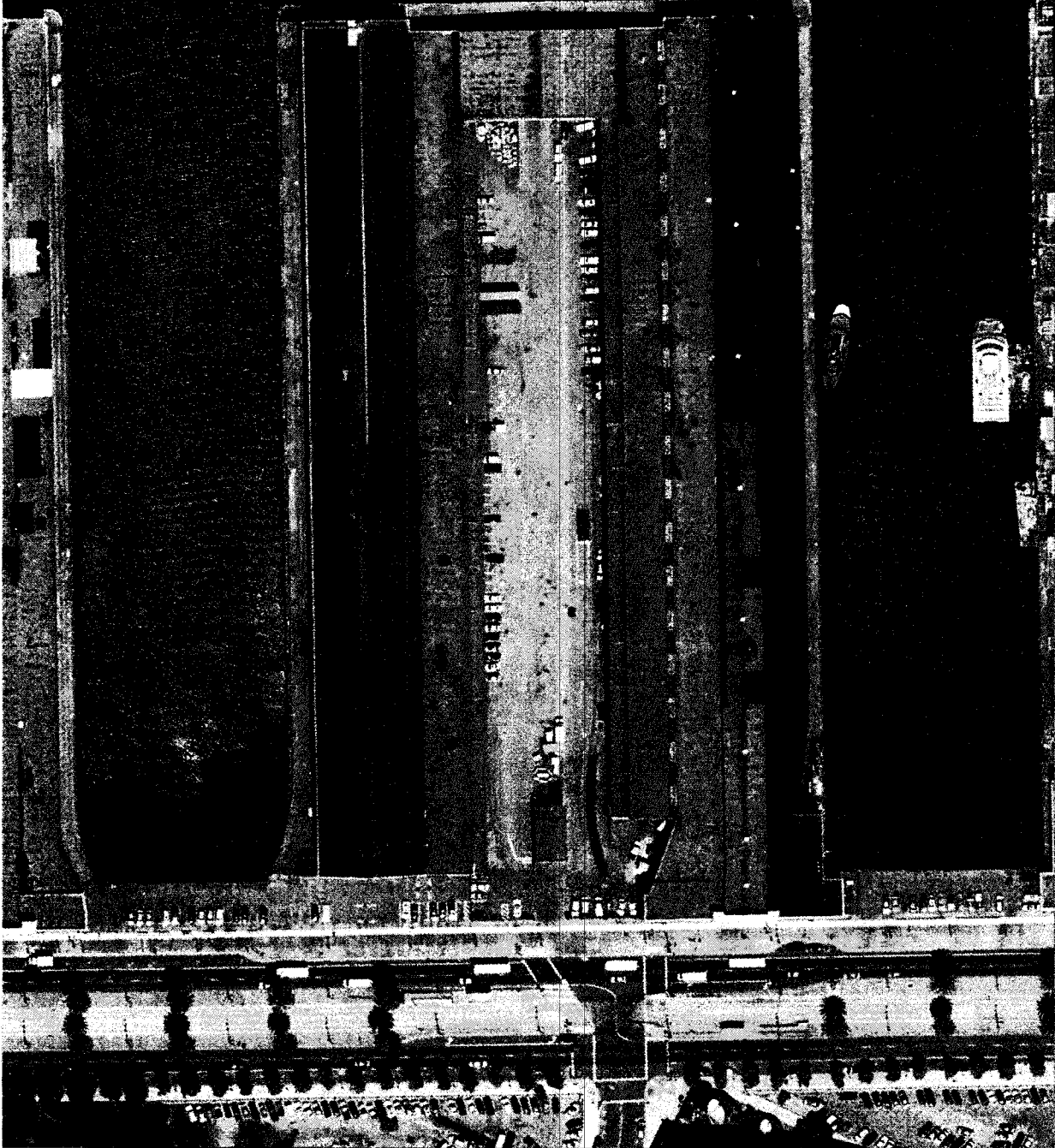


0 1,000 2,000
 Feet



ENVIRONMENTAL CONSULTANTS

Map Date: September 2009
 Map By: Derek Chan
 Base Source: USGS
 Filepath: L:\ACAD2000\19000\19121\GIS\ArcMap\Figure1.mxd



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Exploratorium Relocation
Project

Piers 15 and 17
San Francisco,
California

Figure 2.
Aerial View of the
Project Area

This map is representational only, and
not meant for use in detailed design.



Map Date: Sept. 05
Map By: Sandra Gilmore
Map No.: SACAD200118000101210318/Arch/Map/figure 2.mxd
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ATTACHMENT C – PROCESS FLOW DIAGRAMS

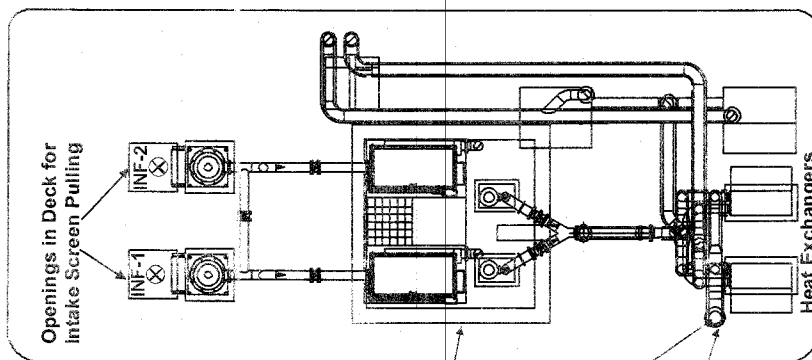
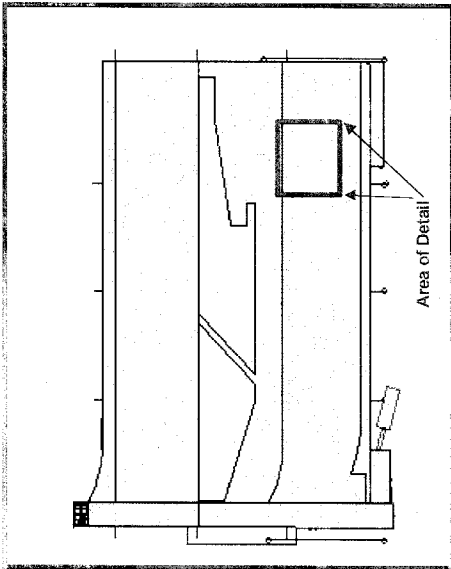


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Exploratorium Relocation
 Project

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 San Francisco,
 California

**Figure 4.
 Bay Water Heating
 and Cooling System
 Intake and Discharge
 Points**

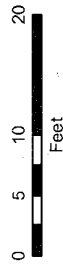


Bay Water Holding Tank

In-line Access for
 EFF-1 and EFF-2

Bay Water Return System

*This map is representational only, and
 not meant for use in detailed design.*



Map Date: Jan 10
 Source: Data: ERCO and Ramsey Engineers
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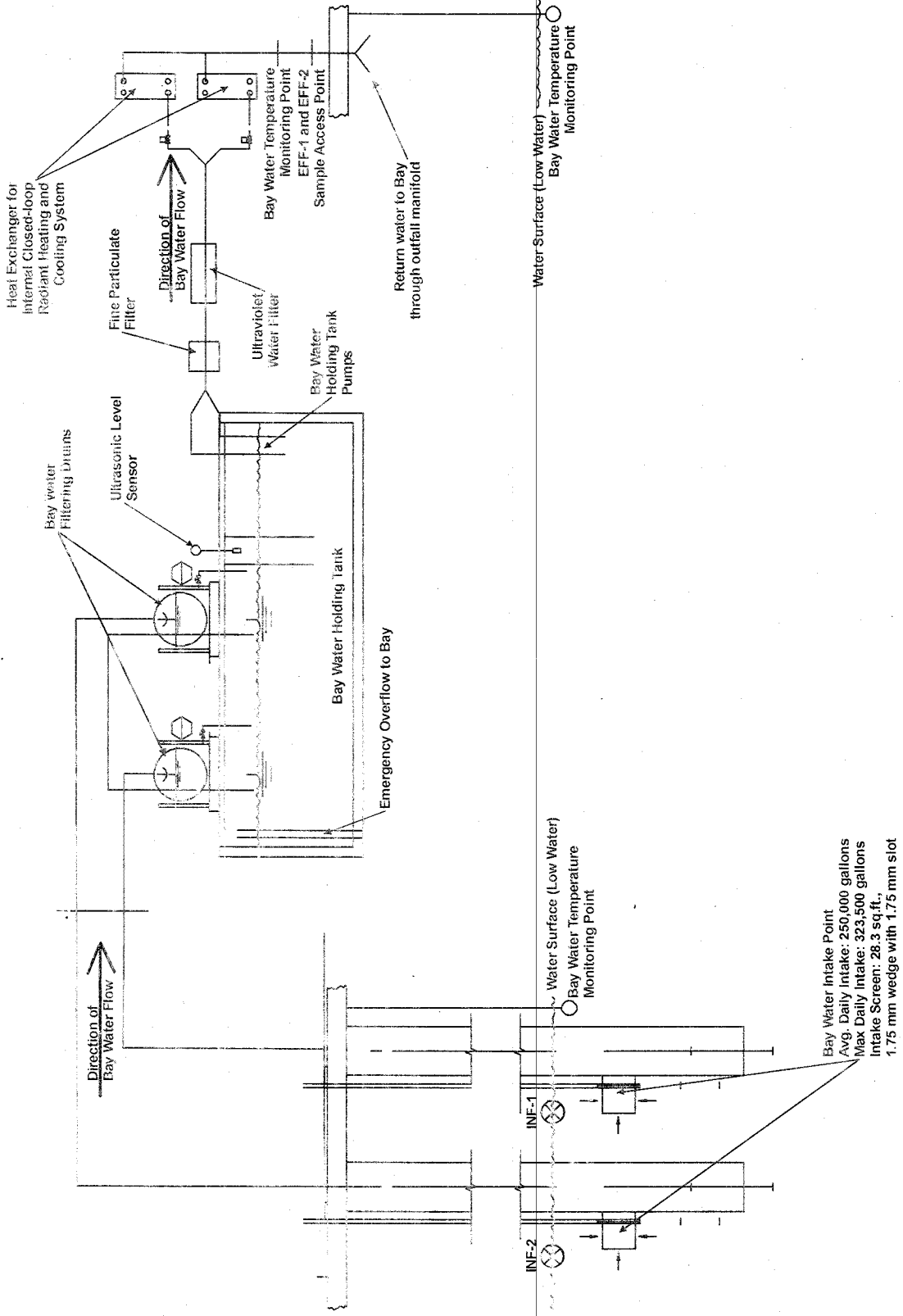
Exploratorium Relocation
 Project

Piers 15 and 17
 San Francisco,
 California

Figure 3.
 Bay Water Heating
 and Cooling System
 Flow Diagram

This map is representational only, and
 not meant for use in detailed design.

Map Date: Jan 10
 Source Data: EBDD and Rumsey Engineers
 File Path: I:\ACAD\2000\18000\19121\
 GIS\Arch\Map\Dec 09\Figure 3_ Revised.mxd



Bay Water Intake Point
 Avg. Daily Intake: 250,000 gallons
 Max Daily Intake: 323,500 gallons
 Intake Screen: 28.3 sq.ft.,
 1.75 mm wedge with 1.75 mm slot

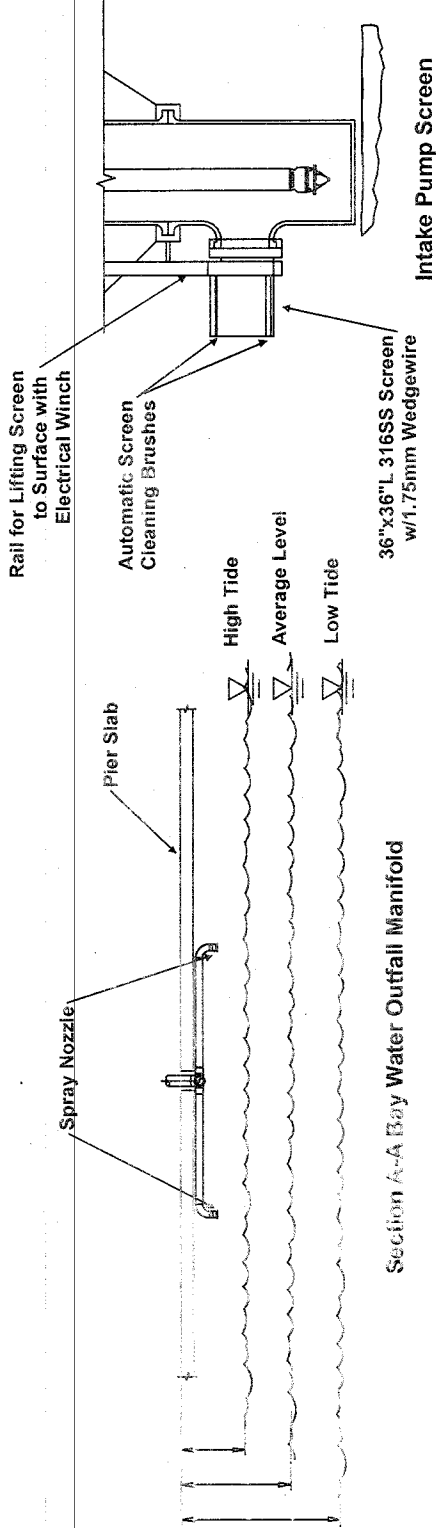
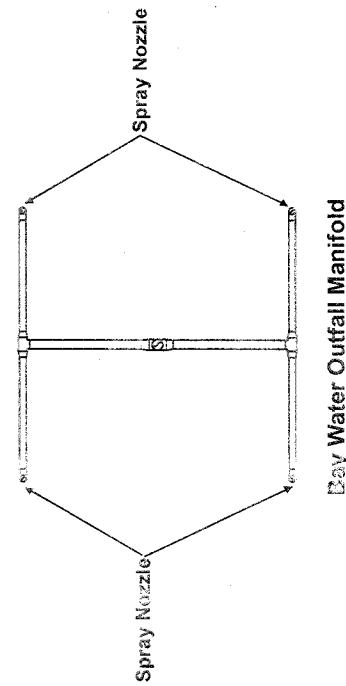
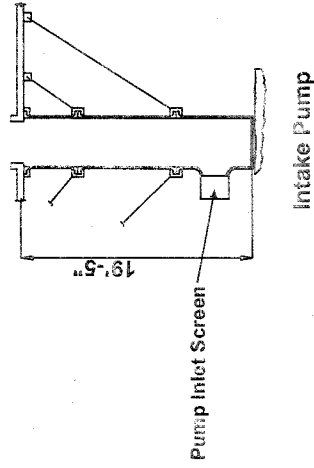


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Exploratorium Relocation
 Project

Piers 15 and 17
 San Francisco,
 California

Figure 5.
Bay Water Intake
and Outfall Details



This map is representational only, and not meant for use in detailed design.

Map Date: Dec 09
 Source Data: EBD and Rumsey Engineers
 Map By: S. J. ...
 Project: ...
 GIS ArcMap/Doc: 09 Figure 5.mxd

ATTACHMENT C – PROCESS FLOW DIAGRAMS

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 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 §22.41(g).)
2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations. (40 CFR §122.5(c).)

F. Inspection and Entry

The Discharger shall allow the Regional Water 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 CFR §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 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 Water Code, 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 Regional Water Board may take enforcement action against a Discharger for bypass, unless (40 CFR § 122.41(m)(4)(i)):
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage (40 CFR §122.41(m)(4)(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 Regional Water Board as required under Standard Provisions – Permit Compliance I.G.5 below. (40 CFR §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 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 an upset, and before an action for noncompliance, is final administrative action subject to judicial review. (40 CFR §122.41(n)(2).)
2. Conditions necessary for a demonstration of upset. A Discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that (40 CFR §122.41(n)(3)):
 - a. An upset occurred and that the Discharger can identify the cause(s) of the upset (40 CFR §122.41(n)(3)(i));
 - b. The permitted facility was, at the time, being properly operated (40 CFR §122.41(n)(3)(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 Regional Water Board. The Regional Water Board may require modification or revocation and reissuance of this 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 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 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 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 Part 503), the Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Water Board Executive Officer at any time. (40 CFR §122.41(j)(2).)
- B. Records of monitoring information shall include:
 1. The date, exact place, and time of sampling or measurements (40 CFR §122.41(j)(3)(i));

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

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

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

V. STANDARD PROVISIONS – REPORTING

A. Duty to Provide Information

The Discharger shall furnish to the Regional Water Board, 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 CFR §122.41(h); Water 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 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 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 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 Regional 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 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 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:

“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) in this Order. (40 CFR §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 CFR §122.41(l)(4)(i).)
3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 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 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 Regional Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours. (40 CFR §122.41(l)(6)(iii).)

F. Planned Changes

The Discharger shall give notice to the Regional Water Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when (40 CFR §122.41(l)(1)):

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in section 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 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 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 Regional 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 Regional Water Board is authorized to enforce the terms of this Order 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 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 this 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

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ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP)

National Pollutant Discharge Elimination System (NPDES) regulations at 40 CFR 122.48 require that all NPDES permits specify monitoring and reporting requirements. California Water Code (CWC) sections 13267 and 13383 also authorize the Regional Water Quality Control Board (Regional Water Board) to require technical and monitoring reports. This MRP establishes monitoring and reporting requirements that implement federal and State regulations.

I. GENERAL MONITORING PROVISIONS

- A.** The Discharger shall comply with this MRP, and with all of the requirements contained in the Regional Standard Provisions (Attachment G). The MRP may be amended by the Executive Officer pursuant to U.S. Environmental Protection Agency (USEPA) regulations at 40 CFR Parts 122.62, 122.63, and 124.5.
- B.** All analyses shall be conducted using current USEPA methods, methods that have been approved by the USEPA Regional Administrator pursuant to 40 CFR Part 136.4 and 40 CFR 136.5, or equivalent methods that are commercially and reasonably available and that provide quantification of sampling parameters and constituents sufficient to evaluate compliance with applicable effluent limits and to perform reasonable potential analyses. Equivalent methods must be more sensitive than those specified in 40 CFR 136, must be specified in the permit, and must be approved for use by the Executive Officer following consultation with the State Water Quality Control Board (State Water Board) Quality Assurance Program.
- C.** Sampling and analysis of additional constituents is required pursuant to the Regional Standard Provisions (Attachment G).
- D.** Laboratories analyzing monitoring samples shall be certified by the California Department of Public Health (CDPH) under the Environmental Laboratory Accreditation Program (ELAP) in accord with CWC section 13176 and shall include in reports quality assurance/quality control data.
- E.** For compliance and reasonable potential monitoring, analyses shall be conducted using commercially available and reasonably achievable detection levels that are lower than the WQOs or the effluent limitations, whichever are lower.

II. MONITORING LOCATIONS

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

Table E-1. Monitoring Station Locations

Type of Sampling Location	Monitoring Location Name	Monitoring Location Description
Influent	INF-001	Any point in the cooling plant that represents the ambient inflow and precedes the filtration and ultraviolet part of the process.
Effluent	EFF-001	At the point where the cooling water effluent meets the receiving water.
Effluent	EFF-002	Any point after heat exchange but prior to mixing with receiving water.

III. INFLUENT MONITORING REQUIREMENTS

The Discharger shall monitor influent to the Plant at INF-001 as follows.

Table E-2. Influent Monitoring

Parameter	Units ⁽¹⁾	Sample Type ⁽¹⁾	Minimum Sampling Frequency
Flow Rate ⁽²⁾	MGD	Continuous Daily	Continuous
Temperature	°F	Continuous/Grab	Once/Week

Footnotes for Table E-2

⁽¹⁾ Unit Abbreviations

MG = Million Gallons

MGD = Million Gallons per Day

Continuous/Grab = Continuous when using electronic sensing and recording device

Continuous Daily = Measured and recorded continuously

⁽²⁾ Flows shall be monitored continuously and the following shall be reported in quarterly self-monitoring reports:

Daily average flow (MGD)

Daily total flow volume (MG)

Maximum flow rate (MGD)

Monthly total flow volume (MG)

IV. EFFLUENT MONITORING REQUIREMENTS

The Discharger shall monitor treated effluent from the Plant at EFF-002 or EFF-001 as applicable:

Table E-3. Effluent Monitoring

Parameter	Units	Sample Type	Minimum Sampling Frequency	Monitoring Point
Temperature	°F	Grab	Once/Week	EFF-001 & EFF-002
Priority Pollutants ⁽¹⁾	µg/L	Grab	Once/Five Years ⁽²⁾	EFF-002
Chlorine	mg/L	Grab	Every time chlorine is used.	EFF-002

Footnote for Table E-3

⁽¹⁾ Sampling for priority pollutants is described in Attachment G.

V. RECEIVING WATER MONITORING REQUIREMENTS

The Discharger shall inspect receiving water in the vicinity of the discharge at least once per quarter for:

- a. Floating, suspended, or deposited macroscopic particulate matter or foams;
- b. Bottom deposits or aquatic growths to the extent that such deposits or growths cause nuisance or adversely affect beneficial uses;
- c. Alteration of, turbidity, or apparent color beyond present natural background levels;
- d. Visible, floating, suspended, or deposited oil and other products of petroleum origin; or
- e. Toxic or other deleterious substances present in concentrations or quantities that will cause deleterious effects on wildlife, waterfowl, or other aquatic biota, or that render any of these unfit for human consumption, either at levels created in the receiving waters or as a result of biological concentration.

VI. REPORTING REQUIREMENTS

A. General Monitoring and Reporting Requirements

The Discharger shall comply with all standard provisions (Attachments D and G) related to monitoring, reporting, and recordkeeping.

B. Self Monitoring Reports (SMRs)

1. At any time during the term of this Order, the State or Regional Water Board may notify the Discharger to electronically submit SMRs and use the State Water Board's California Integrated Water Quality System (CIWQS) Program Web site (<http://www.waterboards.ca.gov/ciwqs/index.html>). Until such notification is given, the Discharger shall submit paper copy SMRs.
2. The Discharger shall submit quarterly and annual SMRs including the results of all required monitoring using USEPA-approved methods or other test methods specified in this Order for each calendar month. If the Discharger monitors any pollutant more frequently than required by this Order, the results of this monitoring shall be included in the calculations and reporting of the data submitted in the SMR. Quarterly SMRs shall be due on the 30th day of the following calendar month, covering samples collected during the previous quarter. Annual Reports shall be due on February 1 following each calendar year.
3. Monitoring periods and reporting for all required monitoring shall be completed according to the following schedule:

Table E-4. Monitoring Periods and Reporting Schedule

Sampling Frequency	Monitoring Period Begins On...	Monitoring Period
Continuous	Day after permit effective date	All
Daily	Day after permit effective date	Midnight through 11:59 p.m. or any 24 hour period that reasonably represents a calendar day for purposes of sampling.
Quarterly	Closest of January 1, April 1, July 1, or October 1 following (or on) permit effective date	January 1 through March 31 April 1 through June 30 July 1 through September 30 October 1 through December 31
Annually	January 1 following (or on) permit effective date	January 1 through December 31
Once per 5 years	At least 1 year prior to expiration of the permit	At a time when sampling can characterize the discharge event

C. Discharge Monitoring Reports

- As described in section VI.B.1 above, at any time during the term of this Order, the State or Regional Water Board may notify the Discharger to electronically submit SMRs that will satisfy federal requirements for submittal of Discharge Monitoring Reports (DMRs). Until such notification is given, the Discharger shall submit DMRs in accordance with the requirements described below.
- Once notified to submit paper DMRs, the DMRs must be signed and certified as required by the standard provisions (Attachment D). The Discharger shall submit the original DMR and one copy of the DMR to one of the addresses listed below:

Standard Mail	FedEx/UPS/Other Private Carriers
State Water Resources Control Board Division of Water Quality c/o DMR Processing Center PO Box 100 Sacramento, CA 95812-1000	State Water Resources Control Board Division of Water Quality c/o DMR Processing Center 1001 I Street, 15 th Floor Sacramento, CA 95814

- All discharge monitoring results must be reported on the official USEPA pre-printed DMR forms (EPA Form 3320-1). Forms that are self-generated will not be accepted unless they follow the exact same format as EPA Form 3320-1.

D. Other Reports

The Discharger shall report the results of any special studies, monitoring, and reporting required by Section VI.C.2 (Special Studies, Technical Reports, and Additional Monitoring Requirements) of the Order with the first quarterly SMR following the respective due date.

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 Exploratorium Bay Water Heating and Cooling System.

Table F-1. Facility Information

WDID	2 386067001
Discharger	The Exploratorium
Name of Facility	Exploratorium Bay Water Heating and Cooling System
Facility Address	Pier 15 The Embarcadero,
	San Francisco, CA 94111
	San Francisco County
Facility Contact, Title, Phone	Laura Zander, Chief Operating Officer, The Exploratorium, 3601 Lyon Street, San Francisco, CA 94123 Phone (415) 563 7337
Authorized Person to Sign and Submit Reports	as above
Mailing & Billing Address	The Exploratorium, 3601 Lyon Street, San Francisco, CA 94123
CIWQS Discharger Party Number	520957
CIWQS Facility Place Number	749047
Facility Operator	The Exploratorium, 3601 Lyon Street, San Francisco, CA 94123
Facility Operator Contact	Laura Zander (415) 563 7337
CIWQS Operator Number	520956
Type of Facility	Bay Water Heating and Cooling System
Major or Minor Facility	Minor
Threat to Water Quality	1
Complexity	A
Pretreatment Program	No
Reclamation Requirements	No
Facility Design Flow	0.50 MGD maximum
Watershed	San Francisco Bay
Receiving Water	San Francisco Bay Central Basin
Receiving Water Type	Marine

- A. The Exploratorium (Discharger) is an internationally recognized museum that provides access to education about science, nature, art, human perception, and technology to over 500,000 visitors

annually. The Exploratorium is currently located at the Palace of Fine Arts, 3601 Lyon Street, San Francisco. After about 38 years in this location, the Exploratorium has outgrown its current building. It is proposing to relocate to Piers 15 and 17 to provide a new single facility that offers ample space to accommodate substantial growth in its exhibit education, and research programs, as well as administrative space and functions.

The Discharger proposes to draw water from San Francisco Bay at a point under Pier 15 and to use that water for cooling and heating the buildings on the Pier. Bay water would be drawn from the Bay, screened, filtered, and disinfected with UV light before passing through heat exchangers and being returned to the Bay at a discharge point under Pier 15. During routine operations no chemicals will be added to the water.

The National Oceanic and Atmospheric Administration National Marine Fisheries Service prepared a consultation letter (May 28, 2010) on the impacts of the proposed development. The letter reviewed the potential impacts due to water intakes for operation of the heating and cooling system and stated that any effects on federally protected species could be discounted. Therefore, this Order does not contain any additional requirements related to impingement or entrainment at the intake.

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 Discharger is not currently regulated and has applied for a National Pollutant Discharge Elimination System (NPDES) permit. It has been assigned Permit No. CA0030138.
- C.** The Discharger filed a Report of Waste Discharge and submitted an application for an NPDES permit on January 29, 2010.

II. FACILITY DESCRIPTION

A. Description of Bay Water Heating and Cooling System

A heating and cooling system using Bay water is proposed to heat and cool the future Exploratorium buildings. This innovative and highly energy efficient system has been designed to reduce the buildings’ heating and cooling energy use by over 60% compared to California’s strict Title 24 Energy Code. A rooftop solar system will generate enough electricity to offset the entire buildings’ electricity use. In addition, the elimination of gas-burning boilers will make the buildings carbon-free. Figures 1 and 2 in Attachment C to the Order show the location and overview of the existing Piers 15 & 17 buildings. Figures 3, 4 and 5 of Attachment C show schematic representations of the system, locations of intake and outfalls and sampling locations, and details of the proposed system.

The system will operate only when needed to heat and cool the buildings (i.e., it is a variable system that will only operate only when needed). Since the Bay water temperature varies from a minimum of approximately 50°F in the winter to a maximum of approximately 67°F in the summer and the buildings are designed to use 60°F chilled water, the system will typically be used only when the Bay water temperature is at or below 59°F, although the system is designed

to do partial cooling at higher water temperatures. On peak cooling days and when the water temperature rises above 59°F, a high efficiency chiller/heat pump will supplement the Bay water cooling and supply 60°F chilled water to the buildings.

Redundancy of equipment is provided to allow for regular cleaning and maintenance of system components. Two vertical turbine intake pumps will operate in parallel to meet the peak load. There will be two intake screens with 1.75 mm wedgewire (#69 wire) and effective screen areas of 28.3 square foot. At the total permitted maximum load of 0.5 MGD, assuming 30 percent fouling, this will result in a maximum approach velocity of not more than 0.12 ft/sec . This intake approach velocity is below the 0.5 ft/s intake velocity specified in 40 CFR §125.84(b)(2) and 40CFR§125.84(c)(1) for new facilities that withdraw cooling water. This minimizes impingement and entrainment of species of concern within the hydraulic zone of influence. There will be automatic and manual cleaning of the two low pressure microscreen drum filters that provide particulate removal of the water down to 30 microns to prevent fouling of the heat exchangers. The water will be sterilized using UV light, and no chemicals will be used in normal operation. Heat will be transferred through two heat exchangers designed to handle 50 percent of the peak building cooling load under normal operation. They will be each sized to handle two-thirds of the peak load.

Water will be returned to the Bay through an outfall manifold with four spray nozzles fixed beneath the Pier. When the buildings need cooling, the discharge water will be slightly warmer than the incoming water. When the buildings are in need of heating, the discharge water will generally be cooler than the ambient water.

B. Discharge Points and Receiving Waters

The receiving water and the location of the discharge point are shown in Table F-2 below and Attachment B. Compliance monitoring is conducted at Monitoring Locations INF-001, EFF-001, and EFF-002, as described in the attached Monitoring and Reporting Program (MRP) in Attachment E and Attachment C, Figures 3, 4, and 5.

Table F-2. Outfall Location

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
EFF-001	Returned heating and cooling water	37° 47' 27" N	122° 23' 5" W	San Francisco Bay Central Basin

C. Summary of Existing Requirements and Self-Monitoring Report Data

This is a new discharge, and there are no existing requirements.

D. Compliance Summary

Not applicable

E. Planned Changes

This is a new facility; no changes are planned.

III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

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

A. Legal Authorities

This Order is issued pursuant to the Clean Water Act (CWA) section 402 and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA). The Order is also pursuant to California Water Code (CWC) Chapter 5.5, Division 7 (commencing with section 13370). It shall serve as an NPDES permit for point source discharges from the Plant to surface waters. This Order also serves as a WDR pursuant to CWC Article 4, Chapter 4, Division 7 (commencing with section 13260).

B. California Environmental Quality Act (CEQA)

Under CWC §13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA.

C. State and Federal Regulations, Policies, and Plans

1. Water Quality Control Plans. The *Water Quality Control Plan for the San Francisco Bay Basin* (Basin Plan) is the Regional Water Board's master water quality control planning document. It designates beneficial uses and water quality objectives (WQOs) for waters of the State, including surface waters and groundwater. It also includes programs of implementation to achieve water quality objectives. The Basin Plan was adopted by the Regional Water Board and approved by the State Water Board, the Office of Administrative Law, and USEPA. Requirements of this Order implement the Basin Plan.

The Basin Plan implements State Water Board Resolution No. 88-63, which establishes State policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply (MUN). Because of the marine influence on receiving waters of San Francisco Bay, total dissolved solids levels in San Francisco Bay commonly (and often significantly) exceed 3,000 mg/L and thereby meet an exception to State Water Board Resolution No. 88-63. The designation MUN does not apply to the Central San Francisco Bay. Beneficial uses are as follows:

Table F-3. Beneficial Uses

Discharge Point	Receiving Water Name	Beneficial Use(s)
EFF-001	San Francisco Bay Central Basin	Industrial Service Supply (IND) Industrial Process Supply (PROC) Ocean, Commercial and Sport Fishing (COMM) Shellfish Harvesting (SHELL) Estuarine Habitat (EST) Fish Migration (MIGR) Preservation of Rare and Endangered Species (RARE) Fish Spawning (SPWN) Wildlife Habitat (WILD) Water Contact Recreation (REC1) Non-Contact Water Recreation (REC2) Navigation (NAV)

The State Water Board adopted the *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water 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. Requirements of this Order implement the Thermal Plan.

2. **CWA, Section 316(b).** This section of the Clean Water Act requires that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact. Adverse environmental impacts can be caused by impingement of marine life on intake screens and filters and entrainment of smaller marine organisms as the water is passed through the heat exchangers.

3. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on December 22, 1992, and amended it on May 4, 1995 and November 9, 1999. About 40 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 applied in the state. USEPA amended the CTR on February 13, 2001. These rules contain water quality criteria for priority toxic pollutants, which apply to Central San Francisco Bay.

4. **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 USEPA promulgated for California through the NTR and the priority pollutant objectives the Regional Water Board established in the Basin Plan. The SIP became effective on May 18, 2000, with respect to the priority pollutant criteria USEPA promulgated 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.

5. **Alaska Rule.** On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards become effective for CWA purposes [40 CFR 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.
6. **Antidegradation Policy.** 40 CFR 131.12 requires that State water quality standards include an antidegradation policy consistent with federal policy. The State Water Board established California's antidegradation policy through State Water Board Resolution No. 68-16 which 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 State and federal antidegradation policies. As discussed in section IV.D, the permitted discharge is consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Board Resolution No. 68-16.
7. **Anti-Backsliding Requirements.** CWA Sections 402(o)(2) and 303(d)(4) and NPDES regulations at 40 CFR 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed. This is a new permit and anti-backsliding requirements do not apply.

IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

The CWA requires point source dischargers to control the amount of conventional, non-conventional, and toxic pollutants discharged into waters of the United States. The control of pollutants discharged is established through effluent limitations and other requirements in NPDES permits. There are two principal bases for effluent limitations in the NPDES regulations: 40 CFR 122.44(a) requires that permits include applicable technology-based limitations and standards; 40 CFR 122.44(d) requires that permits include water quality-based effluent limitations (WQBELs) to attain and maintain applicable numeric and narrative water quality criteria (WQC) to protect the beneficial uses of the receiving water.

Specific factors affecting the development of limitations and requirements in this Order are discussed as follows.

A. Discharge Prohibitions

1. **Discharge Prohibition III.A (No discharge other than that described in this Order):** This prohibition is based on CWC section 13260, which requires filing a Report of Waste Discharge before discharges can occur. Discharges not described in the Report of Waste Discharge, and subsequently in this Order, are prohibited.
2. **Discharge Prohibition III.B (Effluent flow not to exceed permitted flow):** This prohibition is based on the fact that an exceedance of the permitted maximum flow of the cooling system of 0.50 MGD may result in lowering the reliability of achieving compliance with water quality requirements. "Exceeding the permitted maximum limit of 0.5 MGD

would result in increasing the flow velocity through the screen above 0.12 ft/s, to levels that could result in increased impingement of marine organisms on the screen.

- 3. Basin Plan Prohibition:** The Basin Plan, Table 4-1, prohibits the discharge of any wastewater that has particular characteristics of concern to beneficial uses at any point at which the wastewater does not receive a minimum initial dilution of at least 10:1. The purpose of this prohibition is to provide an added degree of protection from the continuous effects of waste discharge, provide a buffer against the effects of abnormal discharges caused by malfunction, minimize public contact with undiluted waste, and reduce the visual impacts of waste discharge. In this case, none of these reasons for this prohibition apply. The only discharge is intake water from the point of discharge. There is no treatment so abnormal treatment cannot occur; the discharge water will have nearly the same properties as the intake water and no pollutants will be added to impair the receiving waters. Therefore, a prohibition against discharges with less than 10:1 is unnecessary for this discharge.

B. Technology-Based Effluent Limitations

1. Scope and Authority

The CWA requires that technology-based effluent limitations be established based on several levels of controls.

- Best practicable treatment control technology (BPT) is based on the average of the best performance by plants within an industrial category or subcategory. BPT standards apply to toxic, conventional, and nonconventional pollutants.
- Best available technology economically achievable (BAT) represents the best existing performance of treatment technologies that are economically achievable within an industrial point source category. BAT standards apply to toxic and nonconventional pollutants.
- Best conventional pollutant control technology (BCT) is a standard applicable to existing industrial point sources of conventional pollutants including BOD, TSS, fecal coliform, pH, and oil and grease. The BCT standard is established after considering the “cost reasonableness” of the relationship between the cost of attaining a reduction in effluent discharge and the benefits that would result, and also the cost effectiveness of additional industrial treatment beyond BPT.
- New source performance standards (NSPS) that represent the best available demonstrated control technology standards. The intent of NSPS guidelines is to set limitations that represent state-of-the-art treatment technology for new sources.

The CWA requires USEPA to develop effluent limitations, guidelines and standards (ELGs) representing application of BPT, BCT, BAT, and NSPS. CWA Section 402(a)(1) and 40 CFR 125.3 authorize the use of best professional judgment (BPJ) to derive technology-based effluent limitations on a case-by-case basis where ELGs are not available for certain industrial categories and/or pollutants of concern. Where BPJ is used, the permit writer must consider specific factors outlined in 40 CFR 125.3.

USEPA has not established ELGs for this type of source therefore NSPS requirements do not apply. BPT, BAT, and BCT must be determined on the basis of BPJ. Based on BPJ no numeric technology-based effluent limitations are established for this Order. Narrative (BMP-based) requirements represent BPT, BAT, BCT. Numeric limits are inappropriate because the discharge comes from a relatively rare and innovative process that changes the intake water very little (removes TSS and treats the water with UV light). In establishing these technology-based requirements, the factors specified in 40 CFR §125.3(d), as shown in the table below, were considered.

Table F-4. Factors Considered Pursuant to 40 CFR 125.3(d)

Factors	Considerations
Cost relative to benefits	The cost of imposing these limits is reasonable given that passive treatments (BMPs) prevent or reduce discharge of pollutants at relatively low cost compared to more aggressive wastewater treatment technologies.
Comparison of cost and pollutant reductions from publicly owned treatment works to cost and pollutant reductions from BMPs	No wastewater treatment to remove pollutants occurs; therefore, the cost is considerably less than if it were treated at a publicly owned treatment works.
Age of equipment and facilities	The facility is new. The design incorporates all required equipment.
Process employed	There is no processing of the intake water before discharge.
Engineering aspects of various controls	No engineering controls are required.
Process changes	No specific processes are required.
Non-water quality environmental impacts	No non-water quality impacts are foreseeable.

2. Applicable Technology-Based Effluent Limitations

There are no applicable technology-based effluent limit guidelines (ELGs) established for water used to dispose thermal waste. The Regional Water Board established narrative (BMP-based) limitations because numeric limits are not practicable. The narrative limits in this Order are based on BPJ.

C. Water Quality-Based Effluent Limitations (WQBELs)

1. Scope and Authority

40 CFR 122.44(d)(1)(i) requires permits to include WQBELs for pollutants that are or may be discharged at levels that cause, have reasonable potential to cause, or contribute to an excursion above any state water quality standard (Reasonable Potential). The process for determining Reasonable Potential and, when necessary, calculating WQBELs is intended to (1) protect the designated beneficial uses of the receiving water specified in the Basin Plan

and (2) achieve applicable Water Quality Objectives contained in the California Toxics Rule (CTR), National Toxics Rule (NTR), and the Basin Plan and other State plans and policies.

2. Applicable Beneficial Uses and Water Quality Criteria and Objectives

The water quality criteria (WQC) and water quality objectives (WQOs) applicable to the receiving waters for this discharge are from the Basin Plan; the CTR, established by USEPA at 40 CFR 131.38; and the NTR, established by USEPA at 40 CFR 131.36. Some pollutants have WQC or WQOs established by more than one of these three sources.

- a. **Basin Plan.** The Basin Plan specifies numeric WQOs for 10 priority toxic pollutants, as well as narrative WQOs for toxicity and bioaccumulation in order to protect beneficial uses. The pollutants for which the Basin Plan specifies numeric objectives are arsenic, cadmium, chromium (VI), copper in freshwater, lead, mercury, nickel, silver, zinc, and cyanide. The narrative toxicity objective states in part, “[a]ll waters shall be maintained free of toxic substances in concentrations that are lethal to or that produce other detrimental responses in aquatic organisms.” The narrative bioaccumulation objective states in part, “[c]ontrollable water quality factors shall not cause a detrimental increase in concentrations of toxic substances found in bottom sediments or aquatic life. Effects on aquatic organisms, wildlife, and human health will be considered.” Effluent limitations and provisions contained in this Order are based on available information to implement these objectives.
- b. **CTR.** The CTR specifies numeric aquatic life criteria for 23 toxic pollutants and numeric human health criteria for 57 toxic pollutants. These criteria apply to all inland surface waters and enclosed bays and estuaries of the San Francisco Bay Region, although Basin Plan Tables 3-3 and 3-4 contain numeric objectives for certain toxic pollutants that supersede the CTR criteria in some circumstances.
- c. **NTR.** The NTR establishes numeric aquatic life criteria for selenium and numeric human health criteria for 33 toxic pollutants for waters of San Francisco Bay upstream to and including Suisun Bay and the Sacramento River Delta. These criteria apply to Central San Francisco Bay, the receiving water for this Discharge.
- d. **Thermal Plan.** The State Thermal Plan (*Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California, 1975*) defines “thermal waste” as cooling water and industrial process water used for the purpose of transporting waste heat. It further defines a specific water quality objective for new discharges of thermal waste, which is to have a temperature no greater than 4°F above the natural temperature of the receiving water.
- e. **Basin Plan Receiving Water Salinity Policy.** The Basin Plan (like the CTR and the NTR) states that the salinity characteristics (i.e., freshwater vs. saltwater) of the receiving water shall be considered in determining the applicable WQOs. Freshwater objectives apply to discharges to waters with salinities equal to or less than one part per thousand (ppt) at least 95 percent of the time. Saltwater criteria apply to discharges to waters with salinities equal to or greater than 10 ppt at least 95 percent of the time in a normal water year. For discharges to water with salinities in between these two categories, or tidally influenced freshwaters that support estuarine beneficial uses, the criteria are to be the

lower of the salt or freshwater criteria (the latter calculated based on ambient hardness) for each substance.

The receiving water for this discharge, Central San Francisco Bay, is a salt water environment based on salinity data generated through the Regional Monitoring Program (RMP) at the Alameda (BB70), Oyster Point (BB30), and San Bruno Shoal (BB15) sampling stations between 1993 and 2001. During that period, the average salinity at the three sampling stations was 23.8 ppt; the minimum observed salinity levels were 12, 11, and 0.5 ppt. Because the salinity was greater than 10 ppt in at least 95 percent of these receiving water samples, the saltwater objectives from the Basin Plan, NTR, and CTR apply to this discharge.

- f. Site-Specific Metals Translators.** Because 40 CFR 122.45(c) requires that effluent limitations for metals be expressed as total recoverable metal, and applicable WQOs for metals are typically expressed as dissolved metal, translators must be used to convert metals concentrations from dissolved to total recoverable and vice versa. In the CTR, USEPA establishes default translators that are used in NPDES permitting activities; however, site-specific conditions, such as water temperature, pH, suspended solids, and organic carbon, greatly affect the form of metal (dissolved, filterable, or otherwise) that is present in the water and therefore available to cause toxicity. In general, the dissolved form of the metals is more available and more toxic to aquatic life than the filterable forms. Site-specific translators can be developed to account for site-specific conditions, thereby preventing exceedingly stringent or under protective WQOs.

For deep water discharges to the San Francisco Bay Central Basin, the Regional Water Board used a copper average monthly effluent limit (AMEL) translator of 0.74 and a copper maximum daily effluent limit (MDEL) translator of 0.88. as established in Regional Water Board Resolution No. R2-2007-0042, Table 7.2.2.

3. Determining the Need for WQBELs

40 CFR 122.44(d)(1)(i) requires permits to include WQBELs for all pollutants “which the Director determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any narrative or numeric criteria within a State water quality standard.” Thus, assessing whether a pollutant has “Reasonable Potential” is the fundamental step in determining whether or not a WQBEL is required. For non-priority pollutants, Regional Water Board staff used available monitoring data, the receiving water’s designated beneficial uses, and previous pollutant limitations to determine Reasonable Potential. For priority pollutants, Regional Water Board staff used the methods prescribed in SIP Section 1.3 to determine if the discharge demonstrates Reasonable Potential, as described below.

a. Reasonable Potential Analysis (RPA)

Using the methods prescribed in SIP section 1.3, RMP data were analyzed to determine if the discharge demonstrates Reasonable Potential to cause or contribute to exceedances of applicable WQOs. The RPA considers the maximum effluent concentration (MEC) for each pollutant based on existing data, while accounting for a limited data set and effluent variability. There are three triggers in determining Reasonable Potential.

- (1) The first trigger is activated if the MEC is greater than or equal to the lowest applicable WQO ($MEC \geq WQO$), which has been adjusted, if appropriate, for pH, hardness, and translator data. If the MEC is greater than or equal to the adjusted WQO, then that pollutant has Reasonable Potential and a WQBEL is required.
- (2) The second trigger is activated if the observed maximum ambient background concentration (B) is greater than the adjusted WQO ($B > WQO$) and the pollutant is detected in any of the effluent samples ($MEC > ND$).
- (3) The third trigger is activated if a review of other information determines that a WQBEL is required to protect beneficial uses, even though both MEC and B are less than the WQO. A limitation may be required under certain circumstances to protect beneficial uses.

The effluent was assumed to be the same water as the influent; therefore, the RPA is based on ambient water data, specifically the most recent RMP data collected since 2003 at Yerba Buena Island.

b. Ambient Background Data

Ambient background values were used to determine the inflow to the water cooling and heating system and, if necessary, to calculate effluent limitations.

The RMP station at Yerba Buena Island, located in Central San Francisco Bay, has been monitored for most of the inorganic (CTR constituent numbers 1–15) and some of the organic (CTR constituent numbers 16–126) priority pollutants, and these data were used as background and effluent data for the RPA.

The RMP does not monitor all the constituents listed in the CTR. To address these data gaps on May 15, 2003, a group of several San Francisco Bay Region dischargers (the Bay Area Clean Water Agencies, or BACWA) submitted a collaborative receiving water study, entitled the *San Francisco Bay Ambient Water Monitoring Interim Report (2003)*. This study includes monitoring results from sampling events in 2002 and 2003 for the priority pollutants the RMP does not monitor. The RPA was conducted and the WQBELs were calculated using RMP data from 2003 through 2009 for inorganics and organics at the Yerba Buena Island RMP station, and additional data from BACWA's *Ambient Water Monitoring: Final CTR Sampling Update (2004)* for the Yerba Buena Island RMP station.

c. Reasonable Potential Determination

The Exploratorium's Bay water heating and cooling system is not likely to result in the addition of any chemical pollutants to San Francisco Bay. As described above, the heating and cooling system will be self-contained, Bay water will not come into contact with materials or fluids that have the potential to contribute pollutants, and the water will be filtered at a number of locations by a combination of filtering drums and ultraviolet light (see Figure 3). The effluent will be similar to the intake water. Based on data from the RMP, water quality at the closest sampling station to the Exploratorium facility (BC10 at Yerba Buena Island) does not exceed state thresholds for any priority pollutant.

The MECs, most stringent applicable WQOs, and background concentrations used in the RPA are presented in Table F-9, along with the RPA results (Yes, No, or Undetermined) for each pollutant analyzed. Reasonable Potential was not assessed for all pollutants because there are not applicable WQOs for all pollutants and monitoring data are not available for others. Based on a review of the ambient data collected, no pollutants exhibited Reasonable Potential.

Table F-5. Reasonable Potential Analysis Summary

CTR #	Priority Pollutants	Maximum Effluent Concentration or Minimum DL ^{(a)(b)} (µg/L)	Governing WQO/WQC (µg/L)	Maximum Background or Minimum DL ^{(a)(b)} (µg/L)	RPA Results ^(c)
1	Antimony	1.8	4300	1.8	No
2	Arsenic	2.5	36	2.5	No
3	Beryllium	0.22	No Criteria	0.22	Ud
4	Cadmium	0.13	9.4	0.13	No
5a	Chromium (III)	Not Available	No Criteria	Not Available	Ud
5b	Chromium (VI)	44.4	50	4.4	No
6	Copper	2.6	3.1	2.6	No
7	Lead	0.80	8.5	0.80	No
8	Mercury (303d listed)	<0.0086	0.25	<0.0086	No
9	Nickel	3.7	8	3.7	No
10	Selenium	0.39	5.0	0.39	No
11	Silver	0.052	2.2	0.052	No
12	Thallium	0.21	6.3	0.21	No
13	Zinc	5.1	81	5.1	No
14	Cyanide	Non-detect ^(d)	1.0	Non-detect ^(e)	No
15	Asbestos	Not Available	No Criteria	Not Available	Ud
16	2,3,7,8-TCDD (303d listed)	Not Available	1.4E-08	Not Available	No
17	Acrolein	<0.5	780	<0.5	No
18	Acrylonitrile	0.03	0.66	0.03	No
19	Benzene	<0.05	71	<0.05	No
20	Bromoform	<0.5	360	<0.5	No
21	Carbon Tetrachloride	0.06	4.4	0.06	No
22	Chlorobenzene	<0.05	21000	<0.5	No
23	Chlorodibromomethane	<0.05	34	<0.05	No
24	Chloroethane	<0.05	No Criteria	<0.5	Ud
25	2-Chloroethylvinyl ether	<0.05	No Criteria	<0.5	Ud
26	Chloroform	<0.05	No Criteria	<0.5	Ud
27	Dichlorobromomethane	<0.05	46	<0.05	No
28	1,1-Dichloroethane	<0.05	No Criteria	<0.05	Ud
29	1,2-Dichloroethane	0.04	99	0.04	No
30	1,1-Dichloroethylene	<0.5	3.2	<0.5	No
31	1,2-Dichloropropane	<0.05	39	<0.05	No
32	1,3-Dichloropropylene	Not Available	1700	Not Available	Ud
33	Ethylbenzene	<0.5	29000	<0.5	No
34	Methyl Bromide	<0.5	4000	<0.5	No
35	Methyl Chloride	<0.5	No Criteria	<0.5	Ud
36	Methylene Chloride	0.5	1600	0.5	No
37	1,1,2,2-Tetrachloroethane	<0.05	11	<0.05	No
38	Tetrachloroethylene	<0.05	8.85	<0.05	No
39	Toluene	<0.3	200000	<0.3	No
40	1,2-Trans-Dichloroethylene	<0.5	140000	<0.5	No
41	1,1,1-Trichloroethane	<0.5	No Criteria	<0.5	Ud
42	1,1,2-Trichloroethane	<0.05	42	<0.05	No
43	Trichloroethylene	<0.5	81	<0.5	No
44	Vinyl Chloride	<0.5	530	<0.5	No

CTR #	Priority Pollutants	Maximum Effluent Concentration or Minimum DL ^{(a)(b)} (µg/L)	Governing WQO/WQC (µg/L)	Maximum Background or Minimum DL ^{(a)(b)} (µg/L)	RPA Results ^(c)
45	2-Chlorophenol	<1.2	400	<1.2	No
46	2,4-Dichlorophenol	<1.3	790	<1.3	No
47	2,4-Dimethylphenol	<1.3	2300	<1.3	No
48	2-Methyl- 4,6-Dinitrophenol	<1.2	765	<1.2	No
49	2,4-Dinitrophenol	<0.7	14000	<0.7	No
50	2-Nitrophenol	<1.3	No Criteria	<1.3	Ud
51	4-Nitrophenol	<1.6	No Criteria	<1.6	Ud
52	3-Methyl 4-Chlorophenol	<1.1	No Criteria	<1.1	Ud
53	Pentachlorophenol	<1.0	7.9	<1.0	No
54	Phenol	<1.3	4600000	<1.3	No
55	2,4,6-Trichlorophenol	<1.3	6.5	<1.3	No
56	Acenaphthene	0.0015	2700	0.0015	No
57	Acenaphthylene	0.00053	No Criteria	0.00053	Ud
58	Anthracene	0.0005	110000	0.0005	No
59	Benzidine	<0.0015	0.00054	<0.0015	No
60	Benzo(a)Anthracene	0.0053	0.049	0.0053	No
61	Benzo(a)Pyrene	0.0003	0.049	0.0003	No
62	Benzo(b)Fluoranthene	0.0046	0.049	0.0046	No
63	Benzo(ghi)Perylene	0.0027	No Criteria	0.0027	Ud
64	Benzo(k)Fluoranthene	0.0015	0.049	0.0015	No
65	Bis(2-Chloroethoxy)Methane	<0.3	No Criteria	<0.3	Ud
66	Bis(2-Chloroethyl)Ether	<0.3	1.4	<0.3	No
67	Bis(2-Chloroisopropyl)Ether	Not Available	170000	Not Available	Ud
68	Bis(2-Ethylhexyl)Phthalate	<0.5	5.9	<0.5	No
69	4-Bromophenyl Phenyl Ether	<0.23	No Criteria	<0.23	Ud
70	Butylbenzyl Phthalate	<0.52	5200	<0.52	No
71	2-Chloronaphthalene	<0.3	4300	<0.3	No
72	4-Chlorophenyl Phenyl Ether	<0.3	No Criteria	<0.3	Ud
73	Chrysene	0.0024	0.049	0.0024	No
74	Dibenzo(a,h)Anthracene	0.00064	0.049	0.00064	No
75	1,2-Dichlorobenzene	<0.8	17000	<0.8	No
76	1,3-Dichlorobenzene	<0.89	2600	<0.8	No
77	1,4-Dichlorobenzene	<0.8	2600	<0.8	No
78	3,3 Dichlorobenzidine	<0.001	0.077	<0.001	No
79	Diethyl Phthalate	<0.24	120000	<0.24	No
80	Dimethyl Phthalate	<0.24	2900000	<0.24	No
81	Di-n-Butyl Phthalate	<0.5	12000	<0.5	No
82	2,4-Dinitrotoluene	<0.27	9.1	<0.27	No
83	2,6-Dinitrotoluene	<0.29	No Criteria	<0.29	Ud
84	Di-n-Octyl Phthalate	<0.38	No Criteria	<0.38	Ud
85	1,2-Diphenylhydrazine	0.0037	0.54	0.0037	No
86	Fluoranthene	0.011	370	0.011	No
87	Fluorene	<0.002	14000	0.002	No
88	Hexachlorobenzene	0.00002	0.00077	0.00002	No
89	Hexachlorobutadiene	<0.3	50	<0.3	No
90	Hexachlorocyclopentadiene	<0.31	17000	<0.31	No
91	Hexachloroethane	<0.2	8.9	<0.2	No
92	Indeno(1,2,3-cd)Pyrene	0.004	0.049	0.004	No
93	Isophorone	<0.3	600	<0.3	No
94	Naphthalene	0.0023	No Criteria	0.0023	Ud
95	Nitrobenzene	<0.25	1900	<0.25	No
96	N-Nitrosodimethylamine	<0.3	8.1	<0.3	No
97	N-Nitrosodi-n-Propylamine	<0.001	1.4	<0.001	No
98	N-Nitrosodiphenylamine	<0.001	16	<0.001	No

CTR #	Priority Pollutants	Maximum Effluent Concentration or Minimum DL ^{(a)(b)} (µg/L)	Governing WQO/WQC (µg/L)	Maximum Background or Minimum DL ^{(a)(b)} (µg/L)	RPA Results ^(c)
99	Phenanthrene	0.0061	No Criteria	0.0061	Ud
100	Pyrene	0,0051	11000	0,0051	No
101	1,2,4-Trichlorobenzene	<0.3	No Criteria	<0.3	Ud
102	Aldrin	Not Available	0.00014	Not available6	No
103	Alpha-BHC	0.0005	0.013	0.0005	No
104	Beta-BHC	0.0004	0.046	0.0004	No
105	Gamma-BHC	0.0007	0.063	0.0007	No
106	Delta-BHC	0.00004	No Criteria	0.00004	Ud
107	Chlordane (303d listed)	0.0002	0.00059	0.0002	Ud
108	4,4'-DDT (303d listed)	0.00007	0.00059	0.00007	No
109	4,4'-DDE (linked to DDT)	0.0007	0.00059	0.0007	Ud
110	4,4'-DDD	0.0003	0.00084	0.0003	No
111	Dieldrin (303d listed)	0.000083	0.00014	0.000083	No
112	Alpha-Endosulfan	0.00003	0.0087	0.00003	No
113	beta-Endosulfan	0.00007	0.0087	0.00007	No
114	Endosulfan Sulfate	0.00008	240	0.00008	No
115	Endrin	0.00004	0.0023	0.00004	No
116	Endrin Aldehyde	Not Available	0.81	Not Available	Ud
117	Heptachlor	0.00002	0.00021	0.00002	No
118	Heptachlor Epoxide	0.00002	0.00011	0.00002	No
119-125	PCBs sum (303d listed)	0.0015	0.00017	0.0015	No
126	Toxaphene	Not Available	0.0002	Not Available	No
	Tributyltin	<0.001	0.0074	<0.001	No
	Total PAHs	0.26	15	0.26	Ud

Footnotes for Table F-11:

- (a) The Maximum Effluent Concentration (MEC) and maximum background concentration (B) are the actual detected concentrations unless preceded by a “<” sign, in which case the value shown is the minimum detection level (DL).
- (b) The MEC or B is “Not Available” when there are no monitoring data for the constituent.
- (c) RPA Results = Yes, if B > WQO/WQC and MEC is detected, or Trigger 3;
 = No, if B < WQO/WQC or all pollutants are undetected;
 = Undetermined (Ud), if no objectives have been promulgated or there are insufficient data.

(1) Constituents with limited data. In some cases, Reasonable Potential cannot be determined because ambient background concentrations are unavailable. The Discharger will monitor for these constituents in the effluent using analytical methods that provide the best feasible detection limits. When additional data become available, an RPA will be conducted to determine whether to add numeric effluent limitations to this permit or to continue monitoring.

(2) Pollutants with no Reasonable Potential. WQBELs are not included in this Order for constituents that do not demonstrate Reasonable Potential; however, monitoring for these pollutants is still required. If concentrations of these constituents are found to increase significantly, the Discharger is required to investigate the sources of the increases (See Provision VI.C.2.a of the Order). Remedial measures are required if the increases pose a threat to water quality in the receiving water.

D. Anti-backsliding

Since this is a new facility, there have been no previous effluent limits, and anti-backsliding cannot apply.

E. Antidegradation

State Board Resolution No. 68-16 is a policy for maintaining high quality of waters in California in accordance with federal Antidegradation Policy as set forth in 40 CFR 131.12. It provides that in certain circumstances water quality degradation is permissible when balanced against any benefits to the public of the proposed activity that causes the degradation. This determination must be made when issuing a new NPDES permit.

Two issues are of potential impact from the use of cooling water: (1) return of the water at an elevated temperature and (2) direct effects on marine organisms at the intake. These direct effects are through impingement of organisms on the intake screens as the water is pulled into the cooling system, and entrainment of organisms that pass through the screens and through the heat exchangers before being returned to the receiving waters.

Regarding temperature, the return water temperature will conform to the Thermal Plan in that the return water will not exceed the ambient water temperature by more than 4°F. These conditions will not harm beneficial uses of the receiving water.

Regarding intake effects, the intake of cooling water at 0.50 MGD is below the threshold for controls pursuant to federal regulation (40 CFR §125.81) set at 2 MGD for new facilities. There is currently no State policy on the use of cooling water for this type of application. (The Proposed Cooling Water Policy would not apply.) Although the usage is at relatively low levels, some degradation of marine life could occur.

Under State Board Resolution No. 68-16, an antidegradation analysis is required to address possible degradation related to temperature and intake effects. A complete antidegradation analysis is unnecessary however, and a simple antidegradation analysis is sufficient. This is because the reduction of water quality is localized, and it would only be minor.

The intake volume, at an average of 0.33 MGD, is very small compared to other facilities that use once-through cooling. For example the nearby Potrero Power Plant uses 200 MGD of cooling water. This small intake indicates that any impacted area is spatially localized and limited to the area around Pier 15. Requirements for cooling water intake structures under CWA Section 316(b) and 40 CFR § 125.80 to §125.124 only apply to structures that use more than 2 MGD. The water intake of this facility is only slightly more than 10% of the minimum that would be subject to these federal requirements.

CWA 316(b) regulations at 40 CFR §125.84(b)(2) and (c)(1) require that facilities using more than 2 MGD cooling water have a cooling water intake structure with a maximum through-screen design capacity of 0.5 ft/s. At this velocity the effect on marine organisms is minimized. This facility will have an intake screen velocity (allowing for 30% fouling) of 0.12 ft/s. The impingement effects would therefore be minor. Although there could also be adverse impacts due to entrainment of organisms through the sterilization and heat exchange system, the low flow would minimize such effects.

The minimal water quality degradation evaluated by this simple analysis must be balanced against the socioeconomic and public benefits of the activity in question.

In this case the use of cooling water through heat pumps to both heat and cool the buildings on Piers 15 and 17 will significantly reduce the use of fossil fuels that would otherwise be consumed. In conjunction with this system, there will be solar panels on the roof of the buildings to provide electrical energy to the grid to offset the power used to drive the heat pumps. This novel and energy efficient system is consistent with the endeavors of the Exploratorium, a non-profit educational organization. The solar powered heating and cooling system will be a functioning exhibit of the facility, showing how buildings can be both heated and cooled with minimum use of fossil fuels and carbon emissions.

The Regional Water Board finds that the possible effects on water quality through temperature and impingement and entrainment are minor due to the relatively small temperature differential and the low flow rate and volumes and that these minimal effects are outweighed by social, economic and public benefits.

V. RATIONALE FOR RECEIVING WATER LIMITATIONS

These limitations reflect applicable Basin Plan Chapter 3 WQOs.

VI. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

The principal purposes of a Monitoring and Reporting Plan (MRP) by a discharger are to:

- Document compliance with WDRs and prohibitions established by the Regional Water Board;
- Facilitate self-policing by the discharger in the prevention and abatement of pollution arising from waste discharge;
- Develop or assist in the development of limitations, discharge prohibitions, national standards of performance, pretreatment and toxicity standards, and other standards; and
- Prepare water and wastewater quality inventories.

The MRP is a standard requirement in almost all NPDES permits issued by the Regional Water Board, including this Order. It contains definitions of terms, specifies general sampling and analytical protocols, and sets out requirements for reporting violations and routine monitoring data in accordance with NPDES regulations, the CWC, and Regional Water Board policies. The MRP also defines the sampling stations and frequency, the pollutants to be monitored, and additional reporting requirements. Pollutants to be monitored include all parameters for which effluent limitations are specified. Monitoring for additional constituents, for which no effluent limitations are established, is also required to provide data for future RPAs.

The following provides the rationale for the monitoring and reporting requirements contained in the MRP (Attachment E).

A. Influent Monitoring

The influent is monitored for flow and temperature. This is to ensure compliance with the Order that the maximum flow shall not exceed 0.50 MGD and that the temperature of the discharged

water, before it reaches the receiving water, shall not be greater than 4°F above the temperature of the intake water.

B. Effluent Monitoring

The MRP requires routine effluent monitoring for temperature to ensure compliance with the temperature limit of 4°F above ambient conditions. Monitoring for priority pollutants is to be conducted in accordance with the frequency and methods described in the MRP (Attachment E) and the Regional Standard Provisions (Attachment G). This monitoring is necessary to provide data for a Reasonable Potential Analysis to be conducted for permit reissuance.

C. Receiving Water Monitoring

This monitoring is necessary to evaluate compliance with the Order's receiving water limits. The Basin Plan, Section 3.3, provides objectives for surface waters including those that can be observed visually.

VII. RATIONALE FOR PROVISIONS

A. Standard Provisions (Provision VI.A)

Standard Provisions, which in accordance with 40 CFR 122.41 and 122.42 apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D of this Order. 40 CFR 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. 40 CFR 123.25(a)(12) allows the state to omit or modify conditions to impose more stringent requirements. The Regional Standard Provisions (Attachment G) supplement the Federal Standard Provisions. In accordance with 40 CFR 123.25, this Order also omits federal conditions that address enforcement authority specified in 40 CFR 122.41(j)(5) and (k)(2) because the enforcement authority under CWC is more stringent. In lieu of these conditions, this Order incorporates by reference CWC section 13387(e).

B. Monitoring and Reporting Requirements (Provision VI.B)

The Discharger is required to monitor the permitted discharges in order to evaluate compliance with permit conditions. Monitoring requirements are contained in the MRP (Attachment E) and the Regional Standard Provisions (Attachment G). This provision requires compliance with these documents and is based on 40 CFR 122.63 and CWC section 13267.

C. Special Provisions (Provision VI.C)

1. Reopener Provisions

These provisions are based on 40 CFR Part 123 and allow modification of this Order and its effluent limitations as necessary in response to updated information.

2. Effluent Characterization Study

This Order does not include effluent limitations for priority pollutants, but this provision requires the Discharger to monitor for these pollutants as described in Attachment G and as specified in the MRP (Attachment E). If concentrations of any of these constituents in the outfall are significantly greater than ambient levels, the Discharger is required to investigate the source of the increases and establish remedial measures if the increases result in reasonable potential to cause or contribute to an excursion above the applicable WQOs.

3. Best Management Practices and Pollution Minimization

This provision is based on SIP Section 2.4.5.

VIII. PUBLIC PARTICIPATION

The Regional Water Board is considering the issuance of WDRs that will serve as an NPDES permit for the Exploratorium's discharge. As a step in the WDR adoption process, the Regional Water Board developed tentative WDRs. The Regional Water Board encouraged public participation in the WDR adoption process.

A. Notification of Interested Parties

The Regional Water Board notified the Discharger and interested agencies and persons of its intent to prescribe WDRs for the discharge and provided them with an opportunity to submit written comments and recommendations. Notification was provided through the The Recorder on April 9, 2010.

B. Written Comments

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 attention of Derek Whitworth at the Regional Water Board at the address on the cover page of this Order.

To receive full consideration and a response, written comments should be received at the Regional Water Board offices by 5:00 p.m. on **May 10, 2010**.

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: **June 9, 2010**
Time: 9:00 am
Location: Elihu Harris State Office Building
1515 Clay Street, 1st Floor Auditorium
Oakland, CA 94612

Contact: Derek Whitworth, (510) 622-2349, email DWhitworth@waterboards.ca.gov

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.

Dates and venues may change. The Regional Water Board Web address is <http://www.waterboards.ca.gov/sanfranciscobay> where one can access the current agenda for changes in dates and locations.

D. Waste Discharge Requirements Petitions

Any aggrieved person may petition the State Water 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, 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., except from noon to 1:00 p.m., Monday through Friday and other days stipulated that the Office be closed. 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 these WDRs and NPDES permit should contact the Regional Water Board, reference this facility, and provide a name, address, phone number and preferably an email address.

G. Additional Information

Requests for additional information or questions regarding this Order should be directed to Derek Whitworth at (510) 622-2349 (e-mail at DWhitworth@waterboards.ca.gov)

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ATTACHMENT G
REGIONAL STANDARD PROVISIONS, AND MONITORING
AND REPORTING REQUIREMENTS
(SUPPLEMENT TO ATTACHMENT D)

For

NPDES WASTEWATER DISCHARGE PERMITS

March 2010

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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

**REGIONAL STANDARD PROVISIONS, AND MONITORING AND
REPORTING REQUIREMENTS
(SUPPLEMENT TO ATTACHMENT D)**

FOR

NPDES WASTEWATER DISCHARGE PERMITS

APPLICABILITY

This document applies to dischargers covered by a National Pollutant Discharge Elimination System (NPDES) permit. This document does not apply to Municipal Separate Storm Sewer System (MS4) NPDES permits.

The purpose of this document is to supplement the requirements of Attachment D, Standard Provisions. The requirements in this supplemental document are designed to ensure permit compliance through preventative planning, monitoring, recordkeeping, and reporting. In addition, this document requires proper characterization of issues as they arise, and timely and full responses to problems encountered. To provide clarity on which sections of Attachment D this document supplements, this document is arranged in the same format as Attachment D.

I. STANDARD PROVISIONS - PERMIT COMPLIANCE

A. Duty to Comply – Not Supplemented

B. Need to Halt or Reduce Activity Not a Defense – Not Supplemented

C. Duty to Mitigate – This supplements I.C. of Standard Provisions (Attachment D)

- 1. Contingency Plan** - The Discharger shall maintain a Contingency Plan as originally required by Regional Water Board Resolution 74-10 and as prudent in accordance with current municipal facility emergency planning. The Contingency Plan shall describe procedures to ensure that existing facilities remain in, or are rapidly returned to, operation in the event of a process failure or emergency incident, such as employee strike, strike by suppliers of chemicals or maintenance services, power outage, vandalism, earthquake, or fire. The Discharger may combine the Contingency Plan and Spill Prevention Plan into one document. Discharge in violation of the permit where the Discharger has failed to develop and implement a Contingency Plan as described below will be the basis for considering the discharge a willful and negligent violation of the permit pursuant to California Water Code Section 13387. The Contingency Plan shall, at a minimum, contain the provisions of a. through g. below.

- a. Provision of personnel for continued operation and maintenance of sewerage facilities during employee strikes or strikes against contractors providing services.

- b. Maintenance of adequate chemicals or other supplies and spare parts necessary for continued operations of sewerage facilities.
 - c. Provisions of emergency standby power.
 - d. Protection against vandalism.
 - e. Expeditious action to repair failures of, or damage to, equipment and sewer lines.
 - f. Report of spills and discharges of untreated or inadequately treated wastes, including measures taken to clean up the effects of such discharges.
 - g. Programs for maintenance, replacement, and surveillance of physical condition of equipment, facilities, and sewer lines.
- 2. Spill Prevention Plan** - The Discharger shall maintain a Spill Prevention Plan to prevent accidental discharges and minimize the effects of such events. The Spill Prevention Plan shall:
- a. Identify the possible sources of accidental discharge, untreated or partially treated waste bypass, and polluted drainage;
 - b. Evaluate the effectiveness of present facilities and procedures, and state when they became operational; and
 - c. Predict the effectiveness of the proposed facilities and procedures, and provide an implementation schedule containing interim and final dates when they will be constructed, implemented, or operational.

This Regional Water Board, after review of the Contingency and Spill Prevention Plans or their updated revisions, may establish conditions it deems necessary to control accidental discharges and to minimize the effects of such events. Such conditions may be incorporated as part of the permit upon notice to the Discharger.

D. Proper Operation & Maintenance – This supplements I.D of Standard Provisions (Attachment D)

- 1. Operation and Maintenance (O&M) Manual** - The Discharger shall maintain an O&M Manual to provide the plant and regulatory personnel with a source of information describing all equipment, recommended operational strategies, process control monitoring, and maintenance activities. To remain a useful and relevant document, the O&M Manual shall be kept updated to reflect significant changes in treatment facility equipment and operational practices. The O&M Manual shall be maintained in usable condition and be available for reference and use by all relevant personnel and Regional Water Board staff.
- 2. Wastewater Facilities Status Report** - The Discharger shall regularly review, revise, or update, as necessary, its Wastewater Facilities Status Report. This report shall document how the Discharger operates and maintains its wastewater collection, treatment, and disposal facilities to ensure that all facilities are adequately staffed, supervised, financed, operated,

maintained, repaired, and upgraded as necessary to provide adequate and reliable transport, treatment, and disposal of all wastewater from both existing and planned future wastewater sources under the Discharger's service responsibilities.

- 3. Proper Supervision and Operation of Publicly Owned Treatment Works (POTWs) -** POTWs shall be supervised and operated by persons possessing certificates of appropriate grade pursuant to Division 4, Chapter 14, Title 23 of the California Code of Regulations.

E. Property Rights – Not Supplemented

F. Inspection and Entry – Not Supplemented

G. Bypass – Not Supplemented

H. Upset – Not Supplemented

I. Other – This section is an addition to Standard Provisions (Attachment D)

1. Neither the treatment nor the discharge of pollutants shall create pollution, contamination, or nuisance as defined by California Water Code Section 13050.
2. Collection, treatment, storage, and disposal systems shall be operated in a manner that precludes public contact with wastewater, except in cases where excluding the public is infeasible, such as private property. If public contact with wastewater could reasonably occur on public property, warning signs shall be posted.
3. If the Discharger submits a timely and complete Report of Waste Discharge for permit reissuance, this permit continues in force and effect until a new permit is issued or the Regional Water Board rescinds the permit.

J. Storm Water – This section is an addition to Standard Provisions (Attachment D)

These provisions apply to facilities that do not direct all storm water flows from the facility to the wastewater treatment plant headworks.

1. Storm Water Pollution Prevention Plan (SWPP Plan)

The SWPP Plan shall be designed in accordance with good engineering practices and shall address the following objectives:

- a. To identify pollutant sources that may affect the quality of storm water discharges; and
- b. To identify, assign, and implement control measures and management practices to reduce pollutants in storm water discharges.

The SWPP Plan may be combined with the existing Spill Prevention Plan as required in accordance with Section C.2. The SWPP Plan shall be retained on-site and made available upon request of a representative of the Regional Water Board.

2. Source Identification

The SWPP Plan shall provide a description of potential sources that may be expected to add significant quantities of pollutants to storm water discharges, or may result in non-storm water discharges from the facility. The SWPP Plan shall include, at a minimum, the following items:

- a. A topographical map (or other acceptable map if a topographical map is unavailable), extending one-quarter mile beyond the property boundaries of the facility, showing the wastewater treatment facility process areas, surface water bodies (including springs and wells), and discharge point(s) where the facility's storm water discharges to a municipal storm drain system or other points of discharge to waters of the State. The requirements of this paragraph may be included in the site map required under the following paragraph if appropriate.
- b. A site map showing the following:
 - 1) Storm water conveyance, drainage, and discharge structures;
 - 2) An outline of the storm water drainage areas for each storm water discharge point;
 - 3) Paved areas and buildings;
 - 4) Areas of actual or potential pollutant contact with storm water or release to storm water, including but not limited to outdoor storage and process areas; material loading, unloading, and access areas; and waste treatment, storage, and disposal areas;
 - 5) Location of existing storm water structural control measures (i.e., berms, coverings, etc.);
 - 6) Surface water locations, including springs and wetlands; and
 - 7) Vehicle service areas.
- c. A narrative description of the following:
 - 1) Wastewater treatment process activity areas;
 - 2) Materials, equipment, and vehicle management practices employed to minimize contact of significant materials of concern with storm water discharges;
 - 3) Material storage, loading, unloading, and access areas;
 - 4) Existing structural and non-structural control measures (if any) to reduce pollutants in storm water discharges; and
 - 5) Methods of on-site storage and disposal of significant materials.

- d. A list of pollutants that have a reasonable potential to be present in storm water discharges in significant quantities.

3. Storm Water Management Controls

The SWPP Plan shall describe the storm water management controls appropriate for the facility and a time schedule for fully implementing such controls. The appropriateness and priorities of controls in the SWPP Plan shall reflect identified potential sources of pollutants. The description of storm water management controls to be implemented shall include, as appropriate:

- a. Storm water pollution prevention personnel

Identify specific individuals (and job titles) that are responsible for developing, implementing, and reviewing the SWPP Plan.

- b. Good housekeeping

Good housekeeping requires the maintenance of clean, orderly facility areas that discharge storm water. Material handling areas shall be inspected and cleaned to reduce the potential for pollutants to enter the storm drain conveyance system.

- c. Spill prevention and response

Identify areas where significant materials can spill into or otherwise enter storm water conveyance systems and their accompanying drainage points. Specific material handling procedures, storage requirements, and cleanup equipment and procedures shall be identified, as appropriate. The necessary equipment to implement a cleanup shall be available, and personnel shall be trained in proper response, containment, and cleanup of spills. Internal reporting procedures for spills of significant materials shall be established.

- d. Source control

Source controls include, for example, elimination or reduction of the use of toxic pollutants, covering of pollutant source areas, sweeping of paved areas, containment of potential pollutants, labeling of all storm drain inlets with “No Dumping” signs, isolation or separation of industrial and non-industrial pollutant sources so that runoff from these areas does not mix, etc.

- e. Storm water management practices

Storm water management practices are practices other than those that control the sources of pollutants. Such practices include treatment or conveyance structures, such as drop inlets, channels, retention and detention basins, treatment vaults, infiltration galleries, filters, oil/water separators, etc. Based on assessment of the potential of various sources to contribute pollutants to storm water discharges in significant quantities, additional storm water management practices to remove pollutants from storm water discharges shall be implemented and design criteria shall be described.

f. Sediment and erosion control

Measures to minimize erosion around the storm water drainage and discharge points, such as riprap, revegetation, slope stabilization, etc., shall be described.

g. Employee training

Employee training programs shall inform all personnel responsible for implementing the SWPP Plan. Training shall address spill response, good housekeeping, and material management practices. New employee and refresher training schedules shall be identified.

h. Inspections

All inspections shall be done by trained personnel. Material handling areas shall be inspected for evidence of, or the potential for, pollutants entering storm water discharges. A tracking or follow up procedure shall be used to ensure appropriate response has been taken in response to an inspection. Inspections and maintenance activities shall be documented and recorded. Inspection records shall be retained for five years.

i. Records

A tracking and follow-up procedure shall be described to ensure that adequate response and corrective actions have been taken in response to inspections.

4. Annual Verification of SWPP Plan

An annual facility inspection shall be conducted to verify that all elements of the SWPP Plan are accurate and up-to-date. The results of this review shall be reported in the Annual Report to the Regional Water Board described in Section V.C.f.

K. Biosolids Management – This section is an addition to Standard Provisions (Attachment D)

Biosolids must meet the following requirements prior to land application. The Discharger must either demonstrate compliance or, if it sends the biosolids to another party for further treatment or distribution, must give the recipient the information necessary to ensure compliance.

1. Exceptional quality biosolids meet the pollutant concentration limits in Table III of 40 CFR Part 503.13, Class A pathogen limits, and one of the vector attraction reduction requirements in 503.33(b)(1)-(b)(8). Such biosolids do not have to be tracked further for compliance with general requirements (503.12) and management practices (503.14).
2. Biosolids used for agricultural land, forest, or reclamation shall meet the pollutant limits in Table I (ceiling concentrations) and Table II or Table III (cumulative loadings or pollutant concentration limits) of 503.13. They shall also meet the general requirements (503.12) and management practices (503.14) (if not exceptional quality biosolids) for Class A or Class B pathogen levels with associated access restrictions (503.32) and one of the 10 vector attraction reduction requirements in 503.33(b)(1)-(b)(10).
3. Biosolids used for lawn or home gardens must meet exceptional quality biosolids limits.

4. Biosolids sold or given away in a bag or other container must meet the pollutant limits in either Table III or Table IV (pollutant concentration limits or annual pollutant loading rate limits) of 503.13. If Table IV is used, a label or information sheet must be attached to the biosolids packing that explains Table IV (see 503.14). The biosolids must also meet the Class A pathogen limits and one of the vector attraction reduction requirements in 503.33(b)(1)-(b)(8).

II. STANDARD PROVISIONS – PERMIT ACTION – Not Supplemented

III. STANDARD PROVISIONS – MONITORING

A. Sampling and Analyses – This section is a supplement to III.A and III.B of Standard Provisions (Attachment D)

1. Use of Certified Laboratories

Water and waste analyses shall be performed by a laboratory certified for these analyses in accordance with California Water Code Section 13176.

2. Use of Appropriate Minimum Levels

Table C lists the suggested analytical methods for the 126 priority pollutants and other toxic pollutants that should be used, unless a particular method or minimum level (ML) is required in the MRP.

For priority pollutant monitoring, when there is more than one ML value for a given substance, the Discharger may select any one of the analytical methods cited in Table C for compliance determination, or any other method described in 40 CFR part 136 or approved by USEPA (such as the 1600 series) if authorized by the Regional Water Board. However, the ML must be below the effluent limitation and water quality objective. If no ML value is below the effluent limitation and water quality objective, then the method must achieve an ML no greater than the lowest ML value indicated in Table C. All monitoring instruments and equipment shall be properly calibrated and maintained to ensure accuracy of measurements.

3. Frequency of Monitoring

The minimum schedule of sampling analysis is specified in the MRP portion of the permit.

a. Timing of Sample Collection

- 1) The Discharger shall collect samples of influent on varying days selected at random and shall not include any plant recirculation or other sidestream wastes, unless otherwise stipulated by the MRP.
- 2) The Discharger shall collect samples of effluent on days coincident with influent sampling unless otherwise stipulated by the MRP or the Executive Officer. The Executive Officer may approve an alternative sampling plan if it is demonstrated to be representative of plant discharge flow and in compliance with all other permit requirements.

- 3) The Discharger shall collect grab samples of effluent during periods of day-time maximum peak effluent flows (or peak flows through secondary treatment units for facilities that recycle effluent flows).
- 4) Effluent sampling for conventional pollutants shall occur on at least one day of any multiple-day bioassay test the MRP requires. During the course of the test, on at least one day, the Discharger shall collect and retain samples of the discharge. In the event a bioassay test does not comply with permit limits, the Discharger shall analyze these retained samples for pollutants that could be toxic to aquatic life and for which it has effluent limits.
 - i. The Discharger shall perform bioassay tests on final effluent samples; when chlorine is used for disinfection, bioassay tests shall be performed on effluent after chlorination-dechlorination; and
 - ii. The Discharger shall analyze for total ammonia nitrogen and calculate the amount of un-ionized ammonia whenever test results fail to meet the percent survival specified in the permit.

b. Conditions Triggering Accelerated Monitoring

- 1) If the results from two consecutive samples of a constituent monitored in a 30-day period exceed the monthly average limit for any parameter (or if the required sampling frequency is once per month and the monthly sample exceeds the monthly average limit), the Discharger shall, within 24 hours after the results are received, increase its sampling frequency to daily until the results from the additional sampling show that the parameter is in compliance with the monthly average limit.
- 2) If any maximum daily limit is exceeded, the Discharger shall increase its sampling frequency to daily within 24 hours after the results are received that indicate the exceedance of the maximum daily limit until two samples collected on consecutive days show compliance with the maximum daily limit.
- 3) If final or intermediate results of an acute bioassay test indicate a violation or threatened violation (e.g., the percentage of surviving test organisms of any single acute bioassay test is less than 70 percent), the Discharger shall initiate a new test as soon as practical, and the Discharger shall investigate the cause of the mortalities and report its findings in the next self monitoring report (SMR).
- 4) The Discharger shall calibrate chlorine residual analyzers against grab samples as frequently as necessary to maintain accurate control and reliable operation. If an effluent violation is detected, the Discharger shall collect grab samples at least every 30 minutes until compliance with the limit is achieved, unless the Discharger monitors chlorine residual continuously. In such cases, the Discharger shall continue to conduct continuous monitoring as required by its permit.
- 5) When a bypass occurs (except one subject to provision III.A.3.b.6 below), the Discharger shall monitor flows and collect samples on a daily basis for all constituents at affected discharge points that have effluent limits for the duration of

the bypass (including acute toxicity using static renewals), except chronic toxicity, unless otherwise stipulated by the MRP.

- 6) Unless otherwise stipulated by the MRP, when a bypass approved pursuant to Attachment D, Standard Provisions, Sections I.G.2 or I.G.4, occurs, the Discharger shall monitor flows and, using appropriate procedures as specified in the MRP, collect and retain samples for affected discharge points on a daily basis for the duration of the bypass. The Discharger shall analyze for total suspended solids (TSS) using 24-hour composites (or more frequent increments) and for bacteria indicators with effluent limits using grab samples. If TSS exceeds 45 mg/L in any composite sample, the Discharger shall also analyze the retained samples for that discharge for all other constituents that have effluent limits, except oil and grease, mercury, dioxin-TEQ, and acute and chronic toxicity. Additionally, at least once each year, the Discharger shall analyze the retained samples for one approved bypass discharge event for all other constituents that have effluent limits, except oil and grease, mercury, dioxin-TEQ, and acute and chronic toxicity. This monitoring shall be in addition to the minimum monitoring specified in the MRP.

c. Storm Water Monitoring

The requirements of this section only apply to facilities that are not covered by an NPDES permit for storm water discharges and where not all site storm drainage from process areas (i.e., areas of the treatment facility where chemicals or wastewater could come in contact with storm water) is directed to the headworks. For storm water not directed to the headworks during the wet season (October 1 to April 30), the Discharger shall:

- 1) Conduct visual observations of the storm water discharge locations during daylight hours at least once per month during a storm event that produces significant storm water discharge to observe the presence of floating and suspended materials, oil and grease, discoloration, turbidity, and odor, etc.
- 2) Measure (or estimate) the total volume of storm water discharge, collect grab samples of storm water discharge from at least two storm events that produce significant storm water discharge, and analyze the samples for oil and grease, pH, TSS, and specific conductance.

The grab samples shall be taken during the first 30 minutes of the discharge. If collection of the grab samples during the first 30 minutes is impracticable, grab samples may be taken during the first hour of the discharge, and the Discharger shall explain in the Annual Report why the grab sample(s) could not be taken in the first 30 minutes.

- 3) Testing for the presence of non-storm water discharges shall be conducted no less than twice during the dry season (May 1 to September 30) at all storm water discharge locations. Tests may include visual observations of flows, stains, sludges, odors, and other abnormal conditions; dye tests; TV line surveys; or analysis and validation of accurate piping schematics. Records shall be maintained describing the method used, date of testing, locations observed, and test results.

- 4) Samples shall be collected from all locations where storm water is discharged. Samples shall represent the quality and quantity of storm water discharged from the facility. If a facility discharges storm water at multiple locations, the Discharger may sample a reduced number of locations if it establishes and documents through the monitoring program that storm water discharges from different locations are substantially identical.
- 5) Records of all storm water monitoring information and copies of all reports required by the permit shall be retained for a period of at least three years from the date of sample, observation, or report.

d. Receiving Water Monitoring

The requirements of this section only apply when the MRP requires receiving water sampling.

- 1) Receiving water samples shall be collected on days coincident with effluent sampling for conventional pollutants.
- 2) Receiving water samples shall be collected at each station on each sampling day during the period within one hour following low slack water. Where sampling during lower slack water is impractical, sampling shall be performed during higher slack water. Samples shall be collected within the discharge plume and down current of the discharge point so as to be representative, unless otherwise stipulated in the MRP.
- 3) Samples shall be collected within one foot of the surface of the receiving water, unless otherwise stipulated in the MRP.

B. Biosolids Monitoring – This section supplements III.B of Standard Provisions (Attachment D)

When biosolids are sent to a landfill, sent to a surface disposal site, or applied to land as a soil amendment, they must be monitored as follows:

1. Biosolids Monitoring Frequency

Biosolids disposal must be monitored at the following frequency:

Metric tons biosolids/365 days	Frequency
0-290	Once per year
290-1500	Quarterly
1500-15,000	Six times per year
Over 15,000	Once per month

(Metric tons are on a dry weight basis)

2. Biosolids Pollutants to Monitor

Biosolids shall be monitored for the following constituents:

Land Application: arsenic, cadmium, copper, mercury, molybdenum, nickel, lead, selenium, and zinc

Municipal Landfill: Paint filter test (pursuant to 40 CFR 258)

Biosolids-only Landfill or Surface Disposal Site (if no liner and leachate system): arsenic, chromium, and nickel

C. Standard Observations – This section is an addition to III of Standard Provisions (Attachment D)

1. Receiving Water Observations

The requirements of this section only apply when the MRP requires standard observations of the receiving water. Standard observations shall include the following:

- a. *Floating and suspended materials* (e.g., oil, grease, algae, and other macroscopic particulate matter): presence or absence, source, and size of affected area.
- b. *Discoloration and turbidity*: description of color, source, and size of affected area.
- c. *Odor*: presence or absence, characterization, source, distance of travel, and wind direction.
- d. *Beneficial water use*: presence of water-associated waterfowl or wildlife, fisherpeople, and other recreational activities in the vicinity of each sampling station.
- e. *Hydrographic condition*: time and height of corrected high and low tides (corrected to nearest National Oceanic and Atmospheric Administration location for the sampling date and time of sample collection).
- f. *Weather conditions*:
 - 1) Air temperature; and
 - 2) Total precipitation during the five days prior to observation.

2. Wastewater Effluent Observations

The requirements of this section only apply when the MRP requires wastewater effluent standard observations. Standard observations shall include the following:

- a. *Floating and suspended material of wastewater origin* (e.g., oil, grease, algae, and other macroscopic particulate matter): presence or absence.
- b. *Odor*: presence or absence, characterization, source, distance of travel, and wind direction.

3. Beach and Shoreline Observations

The requirements of this section only apply when the MRP requires beach and shoreline standard observations. Standard observations shall include the following:

- a. *Material of wastewater origin*: presence or absence, description of material, estimated size of affected area, and source.
- b. *Beneficial use*: estimate number of people participating in recreational water contact, non-water contact, or fishing activities.

4. Land Retention or Disposal Area Observations

The requirements of this section only apply to facilities with on-site surface impoundments or disposal areas that are in use. This section applies to both liquid and solid wastes, whether confined or unconfined. The Discharger shall conduct the following for each impoundment:

- a. Determine the amount of freeboard at the lowest point of dikes confining liquid wastes.
- b. Report evidence of leaching liquid from area of confinement and estimated size of affected area. Show affected area on a sketch and volume of flow (e.g., gallons per minute [gpm]).
- c. Regarding odor, describe presence or absence, characterization, source, distance of travel, and wind direction.
- d. Estimate number of waterfowl and other water-associated birds in the disposal area and vicinity.

5. Periphery of Waste Treatment and/or Disposal Facilities Observations

The requirements of this section only apply when the MRP specifies periphery standard observations. Standard observations shall include the following:

- a. *Odor*: presence or absence, characterization, source, and distance of travel.
- b. *Weather conditions*: wind direction and estimated velocity.

IV. STANDARD PROVISIONS – RECORDS

A. Records to be Maintained – This supplements IV.A of Standard Provisions (Attachment D)

The Discharger shall maintain records in a manner and at a location (e.g., wastewater treatment plant or Discharger offices) such that the records are accessible to Regional Water Board staff. The minimum period of retention specified in Section IV, Records, of the Federal Standard Provisions shall be extended during the course of any unresolved litigation regarding the subject discharge, or when requested by the Regional Water Board or Regional Administrator of USEPA, Region IX.

A copy of the permit shall be maintained at the discharge facility and be available at all times to operating personnel.

B. Records of monitoring information shall include – This supplements IV.B of Standard Provision (Attachment D)

1. Analytical Information

Records shall include analytical method detection limits, minimum levels, reporting levels, and related quantification parameters.

2. Flow Monitoring Data

For all required flow monitoring (e.g., influent and effluent flows), the additional records shall include the following, unless otherwise stipulated by the MRP:

- a. Total volume for each day; and
- b. Maximum, minimum, and average daily flows for each calendar month.

3. Wastewater Treatment Process Solids

- a. For each treatment unit process that involves solids removal from the wastewater stream, records shall include the following:
 - 1) Total volume or mass of solids removed from each collection unit (e.g., grit, skimmings, undigested biosolids, or combination) for each calendar month or other time period as appropriate, but not to exceed annually; and
 - 2) Final disposition of such solids (e.g., landfill, other subsequent treatment unit).
- b. For final dewatered biosolids from the treatment plant as a whole, records shall include the following:
 - 1) Total volume or mass of dewatered biosolids for each calendar month;
 - 2) Solids content of the dewatered biosolids; and
 - 3) Final disposition of dewatered biosolids (disposal location and disposal method).

4. Disinfection Process

For the disinfection process, these additional records shall be maintained documenting process operation and performance:

- a. For bacteriological analyses:
 - 1) Wastewater flow rate at the time of sample collection; and

- 2) Required statistical parameters for cumulative bacterial values (e.g., moving median or geometric mean for the number of samples or sampling period identified in this Order).
- b. For the chlorination process, when chlorine is used for disinfection, at least daily average values for the following:
 - 1) Chlorine residual of treated wastewater as it enters the contact basin (mg/L);
 - 2) Chlorine dosage (kg/day); and
 - 3) Dechlorination chemical dosage (kg/day).

5. Treatment Process Bypasses

A chronological log of all treatment process bypasses, including wet weather blending, shall include the following:

- a. Identification of the treatment process bypassed;
- b. Dates and times of bypass beginning and end;
- c. Total bypass duration;
- d. Estimated total bypass volume; and
- e. Description of, or reference to other reports describing, the bypass event, the cause, the corrective actions taken (except for wet weather blending that is in compliance with permit conditions), and any additional monitoring conducted.

6. Treatment Facility Overflows

This section applies to records for overflows at the treatment facility. This includes the headworks and all units and appurtenances downstream. The Discharger shall retain a chronological log of overflows at the treatment facility and records supporting the information provided in section V.E.2.

C. Claims of Confidentiality – Not Supplemented

V. STANDARD PROVISIONS – REPORTING

A. Duty to Provide Information – Not Supplemented

B. Signatory and Certification Requirements – Not Supplemented

C. Monitoring Reports – This section supplements V.C of Standard Provisions (Attachment D)

1. Self Monitoring Reports

For each reporting period established in the MRP, the Discharger shall submit an SMR to the Regional Water Board in accordance with the requirements listed in this document and at the frequency the MRP specifies. The purpose of the SMR is to document treatment performance, effluent quality, and compliance with the waste discharge requirements of this Order.

a. Transmittal letter

Each SMR shall be submitted with a transmittal letter. This letter shall include the following:

- 1) Identification of all violations of effluent limits or other waste discharge requirements found during the reporting period;
- 2) Details regarding violations: parameters, magnitude, test results, frequency, and dates;
- 3) Causes of violations;
- 4) Discussion of corrective actions taken or planned to resolve violations and prevent recurrences, and dates or time schedule of action implementation (if previous reports have been submitted that address corrective actions, reference to the earlier reports is satisfactory);
- 5) Data invalidation (Data should not be submitted in an SMR if it does not meet quality assurance/quality control standards. However, if the Discharger wishes to invalidate any measurement after it was submitted in an SMR, a letter shall identify the measurement suspected to be invalid and state the Discharger's intent to submit, within 60 days, a formal request to invalidate the measurement. This request shall include the original measurement in question, the reason for invalidating the measurement, all relevant documentation that supports invalidation [e.g., laboratory sheet, log entry, test results, etc.], and discussion of the corrective actions taken or planned [with a time schedule for completion] to prevent recurrence of the sampling or measurement problem.);
- 6) If the Discharger blends, the letter shall describe the duration of blending events and certify whether blended effluent was in compliance with the conditions for blending; and
- 7) Signature (The transmittal letter shall be signed according to Section V.B of this Order, Attachment D – Standard Provisions.).

b. Compliance evaluation summary

Each report shall include a compliance evaluation summary. This summary shall include each parameter for which the permit specifies effluent limits, the number of

samples taken during the monitoring period, and the number of samples that exceed applicable effluent limits.

c. Results of analyses and observations

- 1) Tabulations of all required analyses and observations, including parameter, date, time, sample station, type of sample, test result, method detection limit, method minimum level, and method reporting level, if applicable, signed by the laboratory director or other responsible official.
- 2) When determining compliance with an average monthly effluent limitation and more than one sample result is available in a month, the Discharger shall compute the arithmetic mean unless the data set contains one or more reported determinations of detected but not quantified (DNQ) or nondetect (ND). In those cases, the Discharger shall compute the median in place of the arithmetic mean in accordance with the following procedure:
 - i. The data set shall be ranked from low to high, reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.
 - ii. The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both of the points are ND or DNQ, in which case the median value shall be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ.

If a sample result, or the arithmetic mean or median of multiple sample results, is below the reporting limit, and there is evidence that the priority pollutant is present in the effluent above an effluent limitation and the Discharger conducts a Pollutant Minimization Program, the Discharger shall not be deemed out of compliance.

- 3) Dioxin-TEQ Reporting: The Discharger shall report for each dioxin and furan congener the analytical results of effluent monitoring, including the quantifiable limit (reporting level), the method detection limit, and the measured concentration. The Discharger shall report all measured values of individual congeners, including data qualifiers. When calculating dioxin-TEQ, the Discharger shall set congener concentrations below the minimum levels (ML) to zero. The Discharger shall calculate and report dioxin-TEQs using the following formula, where the MLs, toxicity equivalency factors (TEFs), and bioaccumulation equivalency factors (BEFs) are as provided in Table A:

$$\text{Dioxin-TEQ} = \sum (C_x \times \text{TEF}_x \times \text{BEF}_x)$$

where: C_x = measured or estimated concentration of congener x
 TEF_x = toxicity equivalency factor for congener x
 BEF_x = bioaccumulation equivalency factor for congener x

Table A

Minimum Levels, Toxicity Equivalency Factors,
and Bioaccumulation Equivalency Factors

Dioxin or Furan Congener	Minimum Level (pg/L)	1998 Toxicity Equivalency Factor (TEF)	Bioaccumulation Equivalency Factor (BEF)
2,3,7,8-TCDD	10	1.0	1.0
1,2,3,7,8-PeCDD	50	1.0	0.9
1,2,3,4,7,8-HxCDD	50	0.1	0.3
1,2,3,6,7,8-HxCDD	50	0.1	0.1
1,2,3,7,8,9-HxCDD	50	0.1	0.1
1,2,3,4,6,7,8-HpCDD	50	0.01	0.05
OCDD	100	0.0001	0.01
2,3,7,8-TCDF	10	0.1	0.8
1,2,3,7,8-PeCDF	50	0.05	0.2
2,3,4,7,8-PeCDF	50	0.5	1.6
1,2,3,4,7,8-HxCDF	50	0.1	0.08
1,2,3,6,7,8-HxCDF	50	0.1	0.2
1,2,3,7,8,9-HxCDF	50	0.1	0.6
2,3,4,6,7,8-HxCDF	50	0.1	0.7
1,2,3,4,6,7,8-HpCDF	50	0.01	0.01
1,2,3,4,7,8,9-HpCDF	50	0.01	0.4
OCDF	100	0.0001	0.02

d. Data reporting for results not yet available

The Discharger shall make all reasonable efforts to obtain analytical data for required parameter sampling in a timely manner. Certain analyses require additional time to complete analytical processes and report results. For cases where required monitoring parameters require additional time to complete analytical processes and reports, and results are not available in time to be included in the SMR for the subject monitoring period, the Discharger shall describe such circumstances in the SMR and include the data for these parameters and relevant discussions of any observed exceedances in the next SMR due after the results are available.

e. Flow data

The Discharger shall provide flow data tabulation pursuant to Section IV.B.2.

f. Annual self monitoring report requirements

By the date specified in the MRP, the Discharger shall submit an annual report to the Regional Water Board covering the previous calendar year. The report shall contain the following:

- 1) Annual compliance summary table of treatment plant performance, including documentation of any blending events;
- 2) Comprehensive discussion of treatment plant performance and compliance with the permit (This discussion shall include any corrective actions taken or planned, such as changes to facility equipment or operation practices that may be needed to achieve compliance, and any other actions taken or planned that are intended to improve performance and reliability of the Discharger's wastewater collection, treatment, or disposal practices.);
- 3) Both tabular and graphical summaries of the monitoring data for the previous year if parameters are monitored at a frequency of monthly or greater;
- 4) List of approved analyses, including the following:
 - (i) List of analyses for which the Discharger is certified;
 - (ii) List of analyses performed for the Discharger by a separate certified laboratory (copies of reports signed by the laboratory director of that laboratory shall not be submitted but be retained onsite); and
 - (iii) List of "waived" analyses, as approved;
- 5) Plan view drawing or map showing the Discharger's facility, flow routing, and sampling and observation station locations;
- 6) Results of annual facility inspection to verify that all elements of the SWPP Plan are accurate and up to date (only required if the Discharger does not route all storm water to the headworks of its wastewater treatment plant); and
- 7) Results of facility report reviews (The Discharger shall regularly review, revise, and update, as necessary, the O&M Manual, the Contingency Plan, the Spill Prevention Plan, and Wastewater Facilities Status Report so that these documents remain useful and relevant to current practices. At a minimum, reviews shall be conducted annually. The Discharger shall include, in each Annual Report, a description or summary of review and evaluation procedures, recommended or planned actions, and an estimated time schedule for implementing these actions. The Discharger shall complete changes to these documents to ensure they are up-to-date.).

g. Report submittal

The Discharger shall submit SMRs to:

California Regional Water Quality Control Board
 San Francisco Bay Region
 1515 Clay Street, Suite 1400
 Oakland, CA 94612
 Attn: NPDES Wastewater Division

h. Reporting data in electronic format

The Discharger has the option to submit all monitoring results in an electronic reporting format approved by the Executive Officer. If the Discharger chooses to submit SMRs electronically, the following shall apply:

- 1) *Reporting Method*: The Discharger shall submit SMRs electronically via a process approved by the Executive Officer (see, for example, the letter dated December 17, 1999, "Official Implementation of Electronic Reporting System [ERS]" and the progress report letter dated December 17, 2000).
- 2) *Monthly or Quarterly Reporting Requirements*: For each reporting period (monthly or quarterly as specified in the MRP), the Discharger shall submit an electronic SMR to the Regional Water Board in accordance with the provisions of Section V.C.1.a-e, except for requirements under Section V.C.1.c(1) where ERS does not have fields for dischargers to input certain information (e.g., sample time). However, until USEPA approves the electronic signature or other signature technologies, Dischargers that use ERS shall submit a hard copy of the original transmittal letter, an ERS printout of the data sheet, and a violation report (a receipt of the electronic transmittal shall be retained by the Discharger). This electronic SMR submittal suffices for the signed tabulations specified under Section V.C.1.c(1).
- 3) *Annual Reporting Requirements*: Dischargers who have submitted data using the ERS for at least one calendar year are exempt from submitting the portion of the annual report required under Section V.C.1.f(1) and (3).

D. Compliance Schedules – Not supplemented

E. Twenty-Four Hour Reporting – This section supplements V.E of Standard Provision (Attachment D)

1. Spill of Oil or Other Hazardous Material Reports

- a. Within 24 hours of becoming aware of a spill of oil or other hazardous material that is not contained onsite and completely cleaned up, the Discharger shall report by telephone to the Regional Water Board at (510) 622-2369.
- b. The Discharger shall also report such spills to the State Office of Emergency Services [telephone (800) 852-7550] only when the spills are in accordance with applicable reporting quantities for hazardous materials.
- c. The Discharger shall submit a written report to the Regional Water Board within five working days following telephone notification unless directed otherwise by Regional Water Board staff. A report submitted electronically is acceptable. The written report shall include the following:
 - 1) Date and time of spill, and duration if known;
 - 2) Location of spill (street address or description of location);

- 3) Nature of material spilled;
- 4) Quantity of material involved;
- 5) Receiving water body affected, if any;
- 6) Cause of spill;
- 7) Estimated size of affected area;
- 8) Observed impacts to receiving waters (e.g., oil sheen, fish kill, water discoloration);
- 9) Corrective actions taken to contain, minimize, or clean up the spill;
- 10) Future corrective actions planned to be taken to prevent recurrence, and schedule of implementation; and
- 11) Persons or agencies notified.

2. Unauthorized Discharges from Municipal Wastewater Treatment Plants¹

The following requirements apply to municipal wastewater treatment plants that experience an unauthorized discharge at their treatment facilities and are consistent with and supercede requirements imposed on the Discharger by the Executive Officer by letter of May 1, 2008, issued pursuant to California Water Code Section 13383.

a. Two (2)-Hour Notification

For any unauthorized discharges that result in a discharge to a drainage channel or a surface water, the Discharger shall, as soon as possible, but not later than two (2) hours after becoming aware of the discharge, notify the State Office of Emergency Services (telephone 800-852-7550), the local health officers or directors of environmental health with jurisdiction over the affected water bodies, and the Regional Water Board. The notification to the Regional Water Board shall be via the Regional Water Board's online reporting system at www.wbers.net, and shall include the following:

- 1) Incident description and cause;
- 2) Location of threatened or involved waterway(s) or storm drains;
- 3) Date and time the unauthorized discharge started;
- 4) Estimated quantity and duration of the unauthorized discharge (to the extent known), and the estimated amount recovered;

¹ California Code of Regulations, Title 23, Section 2250(b), defines an unauthorized discharge to be a discharge, not regulated by waste discharge requirements, of treated, partially treated, or untreated wastewater resulting from the intentional or unintentional diversion of wastewater from a collection, treatment or disposal system.

- 5) Level of treatment prior to discharge (e.g., raw wastewater, primary treated, undisinfected secondary treated, and so on); and
- 6) Identity of the person reporting the unauthorized discharge.

b. 24-hour Certification

Within 24 hours, the Discharger shall certify to the Regional Water Board, at www.wbers.net, that the State Office of Emergency Services and the local health officers or directors of environmental health with jurisdiction over the affected water bodies have been notified of the unauthorized discharge.

c. 5-Day Written Report

Within five business days, the Discharger shall submit a written report, via the Regional Water Board's online reporting system at www.wbers.net, that includes, in addition to the information required above, the following:

- 1) Methods used to delineate the geographical extent of the unauthorized discharge within receiving waters;
- 2) Efforts implemented to minimize public exposure to the unauthorized discharge;
- 3) Visual observations of the impacts (if any) noted in the receiving waters (e.g., fish kill, discoloration of water) and the extent of sampling if conducted;
- 4) Corrective measures taken to minimize the impact of the unauthorized discharge;
- 5) Measures to be taken to minimize the chances of a similar unauthorized discharge occurring in the future;
- 6) Summary of Spill Prevention Plan or O&M Manual modifications to be made, if necessary, to minimize the chances of future unauthorized discharges; and
- 7) Quantity and duration of the unauthorized discharge, and the amount recovered.

d. Communication Protocol

To clarify the multiple levels of notification, certification, and reporting, the current communication requirements for unauthorized discharges from municipal wastewater treatment plants are summarized in Table B that follows.

Table B

Summary of Communication Requirements for Unauthorized Discharges¹ from
Municipal Wastewater Treatment Plants

Discharger is required to:	Agency Receiving Information	Time frame	Method for Contact
1. Notify	California Emergency Management Agency (Cal EMA)	As soon as possible, but not later than 2 hours after becoming aware of the unauthorized discharge.	Telephone – (800) 852-7550 (obtain a control number from Cal EMA)
	Local health department	As soon as possible, but not later than 2 hours after becoming aware of the unauthorized discharge.	Depends on local health department
	Regional Water Board	As soon as possible, but not later than 2 hours after becoming aware of the unauthorized discharge.	Electronic ² www.wbers.net
2. Certify	Regional Water Board	As soon as possible, but not later than 24 hours after becoming aware of the unauthorized discharge.	Electronic ³ www.wbers.net
3. Report	Regional Water Board	Within 5 business days of becoming aware of the unauthorized discharge.	Electronic ⁴ www.wbers.net

¹ California Code of Regulations, Title 23, Section 2250(b), defines an unauthorized discharge to be a discharge, not regulated by waste discharge requirements, of treated, partially treated, or untreated wastewater resulting from the intentional or unintentional diversion of wastewater from a collection, treatment or disposal system.

² In the event that the Discharger is unable to provide online notification within 2 hours of becoming aware of an unauthorized discharge, it shall phone the Regional Water Board’s spill hotline at (510) 622-2369 and convey the same information contained in the notification form. In addition, within 3 business days of becoming aware of the unauthorized discharge, the Discharger shall enter the notification information into the Regional Water Board’s online system in electronic format.

³ In most instances, the 2-hour notification will also satisfy 24-hour certification requirements. This is because the notification form includes fields for documenting that OES and the local health department have been contacted. In other words, if the Discharger is able to complete all the fields in the notification form within 2 hours, certification requirements are also satisfied. In the event that the Discharger is unable to provide online certification within 24 hours of becoming aware of an unauthorized discharge, it shall phone the Regional Water Board’s spill hotline at (510) 622-2369 and convey the same information contained in the certification form. In addition, within 3 business days of becoming aware of the unauthorized discharge, the Discharger shall enter the certification information into the Regional Water Board’s online system in electronic format.

⁴ If the Discharger cannot satisfy the 5-day reporting requirements via the Regional Water Board’s online reporting system, it shall submit a written report (preferably electronically in pdf) to the appropriate Regional Water Board case manager. In cases where the Discharger cannot satisfy the 5-day reporting requirements via the online reporting system, it must still complete the Regional Water Board’s online reporting requirements within 15 calendar days of becoming aware of the unauthorized discharge.

F. Planned Changes – Not supplemented

G. Anticipated Noncompliance – Not supplemented

H. Other Noncompliance – Not supplemented

I. Other Information – Not supplemented

VI. STANDARD PROVISIONS – ENFORCEMENT – Not Supplemented

VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS – Not Supplemented

VIII. DEFINITIONS – This section is an addition to Standard Provisions (Attachment D)

More definitions can be found in Attachment A of this NPDES Permit.

1. Arithmetic Calculations

- a. Geometric mean is the antilog of the log mean or the back-transformed mean of the logarithmically transformed variables, which is equivalent to the multiplication of the antilogarithms. The geometric mean can be calculated with either of the following equations:

$$\text{Geometric Mean} = \text{Anti log} \left(\frac{1}{N} \sum_{i=1}^N \text{Log}(C_i) \right)$$

or

$$\text{Geometric Mean} = (C_1 * C_2 * \dots * C_N)^{1/N}$$

Where “N” is the number of data points for the period analyzed and “C” is the concentration for each of the “N” data points.

- b. Mass emission rate is obtained from the following calculation for any calendar day:

$$\text{Mass emission rate (lb/day)} = \frac{8.345}{N} \sum_{i=1}^N Q_i C_i$$

$$\text{Mass emission rate (kg/day)} = \frac{3.785}{N} \sum_{i=1}^N Q_i C_i$$

In which “N” is the number of samples analyzed in any calendar day and “Q_i” and “C_i” are the flow rate (MGD) and the constituent concentration (mg/L) associated with each of the “N” grab samples that may be taken in any calendar day. If a composite sample is taken, “C_i” is the concentration measured in the composite sample and “Q_i” is the average flow rate occurring during the period over which the samples are composited. The daily concentration of a constituent measured over any calendar day shall be determined from the flow-weighted average of the same constituent in the combined waste streams as follows:

$$C_d = \text{Average daily concentration} = \frac{1}{Q_t} \sum_{i=1}^N Q_i C_i$$

In which “N” is the number of component waste streams and “Q” and “C” are the flow rate (MGD) and the constituent concentration (mg/L) associated with each of the “N” waste streams. “Q_t” is the total flow rate of the combined waste streams.

- c. Maximum allowable mass emission rate, whether for a 24-hour, weekly 7-day, monthly 30-day, or 6-month period, is a limitation expressed as a daily rate determined with the formulas in the paragraph above, using the effluent concentration limit specified in the permit for the period and the specified allowable flow.
- d. POTW removal efficiency is the ratio of pollutants removed by the treatment facilities to pollutants entering the treatment facilities (expressed as a percentage). The Discharger shall determine removal efficiencies using monthly averages (by calendar month unless otherwise specified) of pollutant concentration of influent and effluent samples collected at about the same time and using the following equation (or its equivalent):

$$\text{Removal Efficiency (\%)} = 100 \times [1 - (\text{Effluent Concentration} / \text{Influent Concentration})]$$

2. Biosolids means the solids, semi-liquid suspensions of solids, residues, screenings, grit, scum, and precipitates separated from or created in wastewater by the unit processes of a treatment system. It also includes, but is not limited to, all supernatant, filtrate, centrate, decantate, and thickener overflow and underflow in the solids handling parts of the wastewater treatment system.
3. Blending is the practice of recombining wastewater that has been biologically treated with wastewater that has bypassed around biological treatment units.
4. Bottom sediment sample is (1) a separate grab sample taken at each sampling station for the determination of selected physical-chemical parameters, or (2) four grab samples collected from different locations in the immediate vicinity of a sampling station while the boat is anchored and analyzed separately for macroinvertebrates.
5. Composite sample is a sample composed of individual grab samples collected manually or by an automatic sampling device on the basis of time or flow as specified in the MRP. For flow-based composites, the proportion of each grab sample included in the composite sample shall be within plus or minus five percent (+/-5%) of the representative flow rate of the waste stream being measured at the time of grab sample collection. Alternatively, equal volume grab samples may be individually analyzed with the flow-weighted average calculated by averaging flow-weighted ratios of each grab sample analytical result. Grab samples comprising time-based composite samples shall be collected at intervals not greater than those specified in the MRP. The quantity of each grab sample comprising a time-based composite sample shall be a set of flow proportional volumes as specified in the MRP. If a particular time-based or flow-based composite sampling protocol is not specified in the MRP, the Discharger shall determine and implement the most representative sampling protocol for the given parameter subject to Executive Officer approval.
6. Depth-integrated sample is defined as a water or waste sample collected by allowing a sampling device to fill during a vertical traverse in the waste or receiving water body being sampled. The

Discharger shall collect depth-integrated samples in such a manner that the collected sample will be representative of the waste or water body at that sampling point.

7. Flow sample is an accurate measurement of the average daily flow volume using a properly calibrated and maintained flow measuring device.
8. Grab sample is an individual sample collected in a short period of time not exceeding 15 minutes. Grab samples represent only the condition that exists at the time the wastewater is collected.
9. Initial dilution is the process that results in the rapid and irreversible turbulent mixing of wastewater with receiving water around the point of discharge.
10. Overflow is the intentional or unintentional spilling or forcing out of untreated or partially treated wastes from a transport system (e.g., through manholes, at pump stations, and at collection points) upstream from the treatment plant headworks or from any part of a treatment plant facility.
11. Priority pollutants are those constituents referred to in 40 CFR Part 122 as promulgated in the Federal Register, Vol. 65, No. 97, Thursday, May 18, 2000, also known as the California Toxics Rule, the presence or discharge of which could reasonably be expected to interfere with maintaining designated uses.
12. Storm water means storm water runoff, snow melt runoff, and surface runoff and drainage. It excludes infiltration and runoff from agricultural land.
13. Toxic pollutant means any pollutant listed as toxic under federal Clean Water Act section 307(a)(1) or under 40 CFR 401.15.
14. Untreated waste is raw wastewater.
15. Waste, waste discharge, discharge of waste, and discharge are used interchangeably in the permit. The requirements of the permit apply to the entire volume of water, and the material therein, that is disposed of to surface and ground waters of the State of California.

Table C

List of Monitoring Parameters and Analytical Methods

CTR No.	Pollutant/Parameter	Analytical Method ¹	Minimum Levels ² (µg/l)											
			GC	GCMS	LC	Color	FAA	GFAA	ICP	ICP MS	SPGFAA	HYD RIDE	CVAA	DCP
1.	Antimony	204.2					10	5	50	0.5	5	0.5		1000
2.	Arsenic	206.3				20		2	10	2	2	1		1000
3.	Beryllium						20	0.5	2	0.5	1			1000
4.	Cadmium	200 or 213				10	0.5	10	0.25	0.5				1000
5a.	Chromium (III)	SM 3500												
5b.	Chromium (VI)	SM 3500				10	5							1000
6.	Copper	200.9					25	5	10	0.5	2			1000
7.	Lead	200.9					20	5	5	0.5	2			10,000
8.	Mercury	1631 (note) ³												
9.	Nickel	249.2					50	5	20	1	5			1000
10.	Selenium	200.8 or SM 3114B or C						5	10	2	5	1		1000
11.	Silver	272.2					10	1	10	0.25	2			1000
12.	Thallium	279.2					10	2	10	1	5			1000
13.	Zinc	200 or 289					20		20	1	10			
14.	Cyanide	SM 4500 CN ⁻ C or I				5								
15.	Asbestos (only required for dischargers to MUN waters) ⁴	0100.2 ⁵												
16.	2,3,7,8-TCDD and 17 congeners (Dioxin)	1613												
17.	Acrolein	603	2.0	5										
18.	Acrylonitrile	603	2.0	2										
19.	Benzene	602	0.5	2										
33.	Ethylbenzene	602	0.5	2										
39.	Toluene	602	0.5	2										

¹ The suggested method is the USEPA Method unless otherwise specified (SM = Standard Methods). The Discharger may use another USEPA-approved or recognized method if that method has a level of quantification below the applicable water quality objective. Where no method is suggested, the Discharger has the discretion to use any standard method.

² Minimum levels are from the *State Implementation Policy*. They are the concentration of the lowest calibration standard for that technique based on a survey of contract laboratories. Laboratory techniques are defined as follows: GC = Gas Chromatography; GCMS = Gas Chromatography/Mass Spectrometry; LC = High Pressure Liquid Chromatography; Color = Colorimetric; FAA = Flame Atomic Absorption; GFAA = Graphite Furnace Atomic Absorption; ICP = Inductively Coupled Plasma; ICPMS = Inductively Coupled Plasma/Mass Spectrometry; SPGFAA = Stabilized Platform Graphite Furnace Atomic Absorption (i.e., USEPA 200.9); Hydride = Gaseous Hydride Atomic Absorption; CVAA = Cold Vapor Atomic Absorption; DCP = Direct Current Plasma.

³ The Discharger shall use ultra-clean sampling (USEPA Method 1669) and ultra-clean analytical methods (USEPA Method 1631) for mercury monitoring. The minimum level for mercury is 2 ng/l (or 0.002 µg/l).

⁴ MUN = Municipal and Domestic Supply. This designation, if applicable, is in the Findings of the permit.

⁵ *Determination of Asbestos Structures over 10 [micrometers] in Length in Drinking Water Using MCE Filters*, USEPA 600/R-94-134, June 1994.

CTR No.	Pollutant/Parameter	Analytical Method ¹	Minimum Levels ² (µg/l)											
			GC	GCMS	LC	Color	FAA	GFAA	ICP	ICP MS	SPGFAA	HYD RIDE	CVAA	DCP
20.	Bromoform	601	0.5	2										
21.	Carbon Tetrachloride	601	0.5	2										
22.	Chlorobenzene	601	0.5	2										
23.	Chlorodibromomethane	601	0.5	2										
24.	Chloroethane	601	0.5	2										
25.	2-Chloroethylvinyl Ether	601	1	1										
26.	Chloroform	601	0.5	2										
75.	1,2-Dichlorobenzene	601	0.5	2										
76.	1,3-Dichlorobenzene	601	0.5	2										
77.	1,4-Dichlorobenzene	601	0.5	2										
27.	Dichlorobromomethane	601	0.5	2										
28.	1,1-Dichloroethane	601	0.5	1										
29.	1,2-Dichloroethane	601	0.5	2										
30.	1,1-Dichloroethylene or 1,1-Dichloroethene	601	0.5	2										
31.	1,2-Dichloropropane	601	0.5	1										
32.	1,3-Dichloropropylene or 1,3-Dichloropropene	601	0.5	2										
34.	Methyl Bromide or Bromomethane	601	1.0	2										
35.	Methyl Chloride or Chloromethane	601	0.5	2										
36.	Methylene Chloride or Dichlorormethane	601	0.5	2										
37.	1,1,2,2-Tetrachloroethane	601	0.5	1										
38.	Tetrachloroethylene	601	0.5	2										
40.	1,2-Trans-Dichloroethylene	601	0.5	1										
41.	1,1,1-Trichloroethane	601	0.5	2										
42.	1,1,2-Trichloroethane	601	0.5	2										
43.	Trichloroethene	601	0.5	2										
44.	Vinyl Chloride	601	0.5	2										
45.	2-Chlorophenol	604	2	5										
46.	2,4-Dichlorophenol	604	1	5										
47.	2,4-Dimethylphenol	604	1	2										
48.	2-Methyl-4,6-Dinitrophenol or Dinitro-2-methylphenol	604	10	5										
49.	2,4-Dinitrophenol	604	5	5										
50.	2-Nitrophenol	604		10										
51.	4-Nitrophenol	604	5	10										
52.	3-Methyl-4-Chlorophenol	604	5	1										
53.	Pentachlorophenol	604	1	5										
54.	Phenol	604	1	1		50								
55.	2,4,6-Trichlorophenol	604	10	10										
56.	Acenaphthene	610 HPLC	1	1	0.5									
57.	Acenaphthylene	610 HPLC		10	0.2									
58.	Anthracene	610 HPLC		10	2									
60.	Benzo(a)Anthracene or 1,2 Benzanthracene	610 HPLC	10	5										
61.	Benzo(a)Pyrene	610 HPLC		10	2									
62.	Benzo(b)Fluoranthene or 3,4 Benzo(b)fluoranthene	610 HPLC		10	10									
63.	Benzo(ghi)Perylene	610 HPLC		5	0.1									

CTR No.	Pollutant/Parameter	Analytical Method ¹	Minimum Levels ² (µg/l)											
			GC	GCMS	LC	Color	FAA	GFAA	ICP	ICP MS	SPGFAA	HYD RIDE	CVAA	DCP
64.	Benzo(k)Fluoranthene	610 HPLC		10	2									
74.	Dibenzo(a,h)Anthracene	610 HPLC		10	0.1									
86.	Fluoranthene	610 HPLC	10	1	0.05									
87.	Fluorene	610 HPLC		10	0.1									
92.	Indeno(1,2,3-cd) Pyrene	610 HPLC		10	0.05									
100.	Pyrene	610 HPLC		10	0.05									
68.	Bis(2-Ethylhexyl)Phthalate	606 or 625	10	5										
70.	Butylbenzyl Phthalate	606 or 625	10	10										
79.	Diethyl Phthalate	606 or 625	10	2										
80.	Dimethyl Phthalate	606 or 625	10	2										
81.	Di-n-Butyl Phthalate	606 or 625		10										
84.	Di-n-Octyl Phthalate	606 or 625		10										
59.	Benzidine	625		5										
65.	Bis(2-Chloroethoxy)Methane	625		5										
66.	Bis(2-Chloroethyl)Ether	625	10	1										
67.	Bis(2-Chloroisopropyl)Ether	625	10	2										
69.	4-Bromophenyl Phenyl Ether	625	10	5										
71.	2-Chloronaphthalene	625		10										
72.	4-Chlorophenyl Phenyl Ether	625		5										
73.	Chrysene	625		10	5									
78.	3,3'-Dichlorobenzidine	625		5										
82.	2,4-Dinitrotoluene	625	10	5										
83.	2,6-Dinitrotoluene	625		5										
85.	1,2-Diphenylhydrazine (note) ⁶	625		1										
88.	Hexachlorobenzene	625	5	1										
89.	Hexachlorobutadiene	625	5	1										
90.	Hexachlorocyclopentadiene	625	5	5										
91.	Hexachloroethane	625	5	1										
93.	Isophorone	625	10	1										
94.	Naphthalene	625	10	1	0.2									
95.	Nitrobenzene	625	10	1										
96.	N-Nitrosodimethylamine	625	10	5										
97.	N-Nitrosodi-n-Propylamine	625	10	5										
98.	N-Nitrosodiphenylamine	625	10	1										
99.	Phenanthrene	625		5	0.05									
101.	1,2,4-Trichlorobenzene	625	1	5										
102.	Aldrin	608	0.005											
103.	α-BHC	608	0.01											
104.	β-BHC	608	0.005											
105.	γ-BHC (Lindane)	608	0.02											
106.	δ-BHC	608	0.005											
107.	Chlordane	608	0.1											
108.	4,4'-DDT	608	0.01											
109.	4,4'-DDE	608	0.05											
110.	4,4'-DDD	608	0.05											

⁶ Measurement for 1,2-Diphenylhydrazine may use azobenzene as a screen: if azobenzene is measured at >1 ug/l, then the Discharger shall analyze for 1,2-Diphenylhydrazine.

CTR No.	Pollutant/Parameter	Analytical Method ¹	Minimum Levels ² (µg/l)											
			GC	GCMS	LC	Color	FAA	GFAA	ICP	ICP MS	SPGFAA	HYD RIDE	CVAA	DCP
111.	Dieldrin	608	0.01											
112.	Endosulfan (alpha)	608	0.02											
113.	Endosulfan (beta)	608	0.01											
114.	Endosulfan Sulfate	608	0.05											
115.	Endrin	608	0.01											
116.	Endrin Aldehyde	608	0.01											
117.	Heptachlor	608	0.01											
118.	Heptachlor Epoxide	608	0.01											
119-125	PCBs: Aroclors 1016, 1221, 1232, 1242, 1248, 1254, 1260	608	0.5											
126.	Toxaphene	608	0.5											

Appendix B. Comments

April 7, 2010

Derek Whitworth
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, California 94612

Re: Exploratorium NPDES Permit Tentative Order

Dear Mr. Whitworth,

WRA is submitting this letter on behalf of our client, The Exploratorium. The Exploratorium is a non-profit institution in San Francisco focused on developing children's interest in science.

We appreciate the opportunity to comment on the Tentative Order to issue a National Pollution Discharge Elimination System (NPDES) permit for the new Exploratorium Bay Water Heating and Cooling System. We have reviewed the Tentative Order and wish to provide comment on a few key issues related to the operation, management and monitoring of the facility. The key issues that we are concerned with include:

1. Flow exceedance requirement III.B on page 8 of the NPDES permit
2. Inspection and Entry provisions contained in Attachment D, page D-2
3. Various plans listed in Attachment G, pages G-1 through G-7
4. Requirements related to biosolids, disinfection and treatment processes documentation (Appendix G)
5. Cooling Water Intake Effects Study, pages 10 and 11 of the tentative permit.

Detailed comments regarding these issues are contained below.

1. Flow Exceedance Requirement III.B, page 8 NPDES permit

Requirement III.B on page 8 of the NPDES permit currently reads that the effluent discharge "shall not exceed 0.33 MGD". This requirement is based on the estimated intake volume provided by the Exploratorium as part of the NPDES permit application. This estimated volume is based on expected heating and cooling needs, accounting for the climatic variables that determine the volume of intake and discharge needed for the system operation. While this estimate is accurate given the modeling performed for the system, it is an estimate, and therefore carries with it a certain degree of uncertainty that can only be resolved after the system becomes operational. We are concerned that the permit language does not allow for the uncertainty contained in this estimate. Therefore we would like to see this language modified to reflect this uncertainty (which may be as much as +/- 30% depending on weather conditions), or that allowance be given to amend this requirement during the course of the permit based on observations while the System is operational.

2. Inspection and Entry provisions contained in Attachment D, page D-2

We are concerned that the Inspection and Entry provisions listed on page D-2 do not include information regarding advance notice to the Exploratorium for facility inspection. Given the complexities of the Exploratorium's lease agreement with the Port of San Francisco, together with the standard operating hours of the Exploratorium, we have concerns about the potential strain an unannounced visit could place on staff resources. Therefore, the Exploratorium would like to request that advance notice be given prior to inspection of the facility to ensure that sufficient staff are on hand to fulfill the needs of the inspector's visit, while still maintaining day-to-day operations. We would also request that inspections be limited to normal museum operating hours to avoid the need for staff overtime, which could affect the budget for this non-profit institution.

3. Various plans listed in Attachment G, pages G-1 through G-7

Many of the plans listed in Attachment G either do not appear to be applicable to the type of facility being permitted at the Exploratorium, or are covered by other plans that have been developed to fulfill requirements of other agencies and permits. Specific plans are listed below.

a. Contingency Plan

The requirements listed in Regional Water Board Resolution 74-10 appear to be applicable to municipal wastewater and other public facilities that are not similar in purpose or operation to the Bay Water Heating and Cooling System. Provisions (a), (b), and (e) all have specific application to sewage facility operation and maintenance. Since the Bay Water Heating and Cooling System does not involve sewage facilities, these provisions should not be applicable to the facility. Provision (c) is not necessary to protect water quality for this facility, since in the event of power failure, the system would simply not be operational, and no intake or discharge would occur. Such a temporary cessation would not result in any harm to water quality given the purpose and operation of the system. With respect to provision (d), the location of the facility in the secure basement of the new Exploratorium, is sufficient to protect against vandalism, and if vandalism occurred, the system could simply be temporarily shut down with no negative affect on water quality. Provision (f) is not applicable to the Bay Water Heating and Cooling System because it does not involve treatment of waste, and the System does not involve treatment of waste. Provision (g) of the Contingency Plan is covered by the Operation and Maintenance Manual for the System. In addition, system equipment failure or malfunction would not affect water quality at the outfall since the bay water is maintained in a separate circuit from all other building systems. Based on these facts, the development of a Contingency Plan does not appear to be applicable to the Bay Water Heating and Cooling System and we request that The Exploratorium not be required to prepare this plan.

b.) Spill Prevention Plan

Storage areas for hazardous materials have been identified as part of the Operations Plan for The Exploratorium. No hazardous materials will be stored in the Bay Water Heating and Cooling room. The Exploratorium's Environmental Protection Plan also contains provisions for handling

and storage of hazardous waste to meet requirements of the Port of San Francisco. Similar to the provisions for the Contingency Plan, provision (a) of the Spill Prevention Plan is directly related to facilities that treat waste. The information in provisions (b) and (c) were provided as part of the original permit application for the Bay Water Heating and Cooling System. A change in facilities at this location would require a modification to the NPDES permit and would be addressed as part of that process, if such action becomes necessary. Based on these facts, the requirement to prepare a Spill Prevention Plan does not appear to apply to the Exploratorium facility, and on that basis we believe a Spill Prevention Plan should not be required.

c.) Wastewater Facilities Status report, and Publically Owned Treatment Works (POTWs) provisions

The requirements listed under provisions D.2 and D.3 in Appendix G are both pertinent only to facilities that treat waste water, and are therefore not applicable to the Exploratorium facility. Therefore, we believe that these plans should not be required as part of the permit for the Bay Water Heating and Cooling System.

d.) Storm Water Pollution and Prevention Plan (SWPPP)

Piers and over-water structures owned by the Port of San Francisco generally do not require preparation of a SWPPP because no land disturbance activities take place during the modification of such structures. Piers and docks are suspended over water by support pilings and similar structures, and therefore modifications to these structures do not result in disturbance of land that could cause soil erosion, the subject matter that is addressed through a SWPPP. Instead, the Port of San Francisco requires entities who modify existing piers and docks to prepare an Environmental Protection Plan (EPP), in addition to the standard Storm Water Control Plan. Coordination between the Port and Regional Water Quality Control Board regarding these procedures is well established, and were coordinated as part of this project during the application for Section 401 Water Quality Certification between the Port and Marla Lafer of the Regional Water Quality Control Board. Additionally, the facility being permitted as part of this NPDES permit will be located in a fully enclosed basement within the new Exploratorium, and will therefore not result in soil disturbance, and will not be subjected to rainfall during construction or during operation. A SWPPP is not required by regulation for the Exploratorium Project, and should not be required as part of the NPDES permit.

4. Requirements related to biosolids, disinfection and treatment processes documentation (Appendix G)

There are numerous requirements in Appendix G of the NPDES permit for the maintenance of plans and documentation related to biosolids management, chemical disinfection processes, and treatment processes, including treatment overflows. The Exploratorium Bay Water Heating and Cooling System will not engage in the processes that these requirements govern. The System does not involve treatment of biosolids, does not propose any type of chemical disinfection process, does not involve water treatment, and therefore will not result in any overflow of treated or untreated water. Based on these facts, the requirements related to biosolids management, disinfection, and water treatment processes should not be required of the Exploratorium Bay

Water Heating and Cooling System. Since the System does not involve these components, no records will be kept related to those processes.

5. Cooling Water Intake Effects Study, pages 10 and 11 of the tentative permit.

We are most concerned about the Cooling Water Intake Study described in Special Condition 2.b. of the NPDES permit. The primary source of concern regarding this study is the significant cost of the study to a non-profit institution compared to the value of the information that might be obtained from performing the study. The design process for the facility went to great lengths to ensure that the potential effects to fish species from the intake would be minimized. The intakes have been designed to be well below the established water intake impact thresholds for both the National Marine Fisheries Service and California Department of Fish and Game, the agencies with direct jurisdiction, extensive experience, and expertise over these matters. The size of the screen, combined with the size of the screen mesh at the proposed intake result in intake velocities that exceed the standards set by these resource agencies. Additionally, the screens were designed for the maximum intake velocity of the system. Since it is not expected that the system will need to operate at peak intake velocity, the actual intake velocity is expected to be lower than the already low design velocity.

As part of the permitting process for the new Exploratorium facility construction, the National Marine Fisheries Service has conducted its own independent and thorough review of all aspects of the project, including the Bay Water Heating and Cooling system. The California Department of Fish and Game was also contacted as part of this process, and was provided the permit application documentation describing the Bay Water Heating and Cooling System. Neither of the resource agencies with direct regulatory purview over this subject matter have identified significant impacts that would occur as a result of the intake. The National Marine Fisheries Service has determined that no significant adverse effect will occur as a result of the intakes.

In numerous locations within the NPDES permit document, the Regional Water Quality Control Board takes a similar position with regard to the effects of the intakes (though it does state in other areas that potential effects could occur). Table F-4 on page F-10 of the permit states that "No non-water quality impacts are foreseeable". On page F-18, the permit states that "The impingement effects would be minor" and "...the low flow would minimize such effects". The justification for requiring this study, as stated on page F-20, is based on requirements that similar studies be performed for different types of facilities that use "in excess of 2 MGD", a daily intake that is more than 6 times the anticipated daily intake of water at the Exploratorium.

The Exploratorium believes that the money that would be spent to conduct the Cooling Water Intake Effects Study could be much more effectively spent in a manner that is consistent with our nonprofit mission. The costs of performing this study as outlined in the Tentative Order are significant to the Exploratorium's annual operating budget. We do not believe that it is a reasonable requirement to conduct this study based on the following factors:

- a) The intakes have been designed to function well below the thresholds established by agencies with direct regulatory authority over matters related to fisheries and fish species (National Marine Fisheries Service and California Department of Fish and Game)

- b) Coordination with those agencies during the permitting process has resulted in a determination that no significant adverse effects would occur to fisheries or fish species as a result of the operation of the intakes
- c) As part of the NPDES permit, the Regional Water Quality Control Board determined that the effects to fisheries and fish species would be minor due to the designed very low intake velocities
- d) The value of conducting the Cooling Water Intake Effects Study, and use of the information obtained by conducting the study, is not made clear as part of the permit application.

We would like to see the requirement to perform this study removed from the final permit. However, if it is not possible to completely remove the requirement to perform the Cooling Water Intake Effects Study, we request that, at minimum, allowance be given to reduce the intensity of the study as it is currently proposed. Suggested elements to modify in the study design include:

- 1. Removal of task a(i), as the scope, intent, and area surveyed as part of this element is unclear and does not provide data that is relevant to studying the effects of the intake. Sufficient data exists from existing research surveys conducted in the area to develop a list of species that are known to occur in the vicinity.
- 2. Reduction of the impingement, entrainment, and intake velocity studies from four days to one, or at most, two days
- 3. Reduction in the number of visual observations from eight days to the same number of days required for impingement and entrainment. Impingement studies require dive surveys, while entrainment surveys may not necessitate diving given the design of this system. Therefore, doubling the number of visual inspection requirements doubles the number of survey days that are required.

While these changes will significantly reduce the cost of the study proposed in the permit, the costs remain significant even with this reduced scope.

Thank you again for the opportunity to comment on the tentative order to issue the proposed NPDES permit.

Sincerely,

Justin Semion
Senior Associate Aquatic Ecologist

Cc: Laura Zander, Chief Operating Officer, The Exploratorium
James Suh, Wilson Meany Sullivan

Appendix C. Response to Comments

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

RESPONSE TO WRITTEN COMMENTS

**ON THE ISSUANCE OF WASTE DISCHARGE REQUIREMENTS FOR THE
EXPLORATORIUM'S BAY WATER HEATING AND COOLING SYSTEM**

Comments were received from:

Justin Semion
Senior Associate Aquatic Ecologist
WRA Environmental Consultants
269-G East Francisco Blvd,
San Rafael, CA 94901

On behalf of

Laura R. Zander, Chief Operating Officer
The Exploratorium
3601 Lyon St1
San Francisco, CA 94123

The Tentative Order for The Exploratorium's Bay Water Heating and Cooling System at its new facility at Piers 15 & 17 was available for public comment from April 9, 2010, to May 10, 2010.

On May 10, 2010, Justin Semion, WRA Environmental Consultants, submitted comments on behalf of Laura Zander, Chief Operating Officer for The Exploratorium. These comments, in full, along with our responses, follow.

Comment 1. Flow Exceedance Requirement III.B page 8 NPDES permit Requirement III.B on page 8 of the NPDES permit currently reads that the effluent discharge "shall not exceed 0.33 MGD". This requirement is based on the estimated intake volume provided by The Exploratorium as part of the NPDES permit application. This estimated volume is based on expected heating and cooling needs, accounting for the climatic variables that determine the volume of intake and discharge needed for the system operation. While this estimate is accurate given the modeling performed for the system, it is an estimate, and therefore carries with it a certain degree of uncertainty that can only [be] resolved after the system becomes operational. We are concerned that the permit language does not allow for the uncertainty contained in this estimate. Therefore we would like to see this language modified to reflect this uncertainty (which may be as much as +/- 30% depending on weather conditions), or that allowance be given to amend this requirement during the course of the permit based on observations while the System is operational."

Response to Comment 1

We revised the tentative order, in Table 4 and Finding B of the permit and Table F-1 in the Fact Sheet, to specify a permitted annual average flow rate of 0.33 MGD and a maximum flow rate of 0.5 MGD to accommodate potential variation as indicated in the comment.

Comment 2. Inspection and Entry provisions contained in Attachment D, page D-2

We are concerned that the Inspection and Entry provisions listed on page D-2 do not include information regarding advance notice to The Exploratorium for facility inspection. Given the complexities of The Exploratorium's lease agreement with the Port of San Francisco, together with the standard operating hours of The Exploratorium, we have concerns about the potential strain an unannounced visit could place on staff resources. Therefore, The Exploratorium would like to request that advance notice be given prior to inspection of the facility to ensure that sufficient staff are on hand to fulfill the needs of the inspector's visit, while still maintaining day-to-day operations. We would also request that inspections be limited to normal museum operating hours to avoid the need for staff overtime, which could affect the budget for this nonprofit institution.

Response to Comment 2.

Federal Standard Provisions, Attachment D, Section 1.F., Inspection and Entry, states that actions associated with entry shall be at reasonable times. Typically inspections occur only during normal working hours and include prior notice. Note that the Fact Sheet, Rationale for Provisions VI.A, clearly states Standard Provisions, which in accordance with 40 CFR 122.41 and 122.42 apply to all NPDES discharges and must be included in every NPDES permit. These Standard Provisions are provided in Attachment D of this Order and as such these conditions must be incorporated into the permit. We cannot amend these provisions.

Comment 3. Various plans listed in Attachment G, pages G-1 through G-7

Many of the plans listed in Attachment G either do not appear to be applicable to the type of facility being permitted at The Exploratorium, or are covered by other plans that have been developed to fulfill requirements of other agencies and permits. Specific plans are listed below.

a. Contingency Plan

The requirements listed in Regional Water Board Resolution 74-10 appear to be applicable to municipal wastewater and other public facilities that are not similar in purpose or operation to the Bay Water Heating and Cooling System. Provisions (a), (b), and (e) all have specific application to sewage facility operation and maintenance. Since the Bay Water Heating and Cooling System does not involve sewage facilities, these provisions should not be applicable to the facility. Provision (c) is not necessary to protect water quality for this facility, since in the event of power failure, the system would simply not be operational, and no intake or discharge would occur. Such a temporary

cessation would not result in any harm to water quality given the purpose and operation of the system. With respect to provision (d), the location of the facility in the secure basement of the new Exploratorium, is sufficient to protect against vandalism, and if vandalism occurred, the system could simply be temporarily shut down with no negative affect on water quality. Provision (f) is not applicable to the Bay Water Heating and Cooling System because it does not involve treatment of waste Provision (g) of the Contingency Plan is covered by the Operation and Maintenance Manual for the System. In addition, system equipment failure or malfunction would not affect water quality at the outfall since the bay water is maintained in a separate circuit from all other building systems. Based on these facts, the development of a Contingency Plan does not appear to be applicable to the Bay Water Heating and Cooling System and we request that The Exploratorium not be required to prepare this plan.

b.) Spill Prevention Plan

Storage areas for hazardous materials have been identified as part of the Operations Plan for The Exploratorium. No hazardous materials will be stored in the Bay Water Heating and Cooling room. The Exploratorium's Environmental Protection Plan also contains provisions for handling and storage of hazardous waste to meet requirements of the Port of San Francisco. Similar to the provisions for the Contingency Plan, provision (a) of the Spill Prevention Plan is directly related to facilities that treat waste. The information in provisions (b) and (c) were provided as part of the original permit application for the Bay Water Heating and Cooling System. A change in facilities at this location would require a modification to the NPDES permit and would be addressed as part of that process, if such action becomes necessary. Based on these facts, the requirement to prepare a Spill Prevention Plan does not appear to apply to The Exploratorium facility, and on that basis we believe a Spill Prevention Plan should not be required.

c.) Wastewater Facilities Status report, and Publically Owned Treatment Works (POTWs) provisions

The requirements listed under provisions D.2 and D.3 in Appendix G are both pertinent only to facilities that treat waste water, and are therefore not applicable to The Exploratorium facility. Therefore, we believe that these plans should not be required as part of the permit for the Bay Water Heating and Cooling System.

d.) Storm Water Pollution and Prevention Plan (SWPPP)

Piers and over-water structures owned by the Port of San Francisco generally do not require preparation of a SWPPP because no land disturbance activities take place during the modification of such structures. Piers and docks are suspended over water by support pilings and similar structures, and therefore modifications to these structures do not result in disturbance of land that could cause soil erosion, the subject matter that is addressed through a SWPPP. Instead, the Port of San Francisco requires entities who modify existing piers and docks to prepare an Environmental Protection Plan (EPP), in addition to the standard Storm Water Control Plan. Coordination between the Port and Regional Water Quality Control Board regarding these procedures is well established, and were coordinated as part of this project during the application for Section 401 Water

Quality Certification between the Port and Marla Lafer of the Regional Water Quality Control Board. Additionally, the facility being permitted as part of this NPDES permit will be located in a fully enclosed basement within the new Exploratorium, and will therefore not result in soil disturbance, and will not be subjected to rainfall during construction or during operation. A SWPPP is not required by regulation for The Exploratorium Project, and should not be required as part of the NPDES permit.

Response to Comment 3.

We revised the Tentative Order Provisions VI.A.2, Regional Standard Provisions, to further clarify that only applicable Attachment G requirements apply. For example, Regional Standard Provisions 1.C.1, Contingency Plan; 1.C.2, Spill Prevention Plan; 1.D.2, Wastewater Facilities Status Report; 1.J, Storm Water Pollution Prevention Plan; and 1.K, Biosolids Management do not apply.

Comment 4. Requirements related to biosolids, disinfection and treatment processes documentation (Appendix G)

There are numerous requirements in Appendix G of the NPDES permit for the maintenance of plans and documentation related to biosolids management, chemical disinfection processes, and treatment processes, including treatment overflows. The Exploratorium Bay Water Heating and Cooling System will not engage in the processes that these requirements govern. The System does not involve treatment of biosolids, does not propose any type of chemical disinfection process, does not involve water treatment, and therefore will not result in any overflow of treated or untreated water. Based on these facts, the requirements related to biosolids management, disinfection, and water treatment processes should not be required of The Exploratorium Bay 4 Water Heating and Cooling System. Since the System does not involve these components, no records will be kept related to those processes..

Response to Comment 4.

As indicated in Response to Comment 3 above, we revised Provision VI.A.2., Regional Standard Provisions, to further clarify that only applicable Attachment G requirements apply. Regional Standard Provision 1.K, Biosolids Management, does not apply.

Comment 5. Cooling Water Intake Effects Study, pages 10 and 11 of the tentative permit

We are most concerned about the Cooling Water Intake Study described in Special Condition 2.b. of the NPDES permit. The primary source of concern regarding this study is the significant cost of the study to a non-profit institution compared to the value of the information that might be obtained from performing the study. The design process for the facility went to great lengths to ensure that the potential effects to fish species from the intake would be minimized. The intakes have been designed to be well below the established water intake impact thresholds for both the National Marine Fisheries Service and California Department of Fish and Game, the agencies with direct jurisdiction, extensive experience, and expertise over these matters. The size of the

screen, combined with the size of the screen mesh at the proposed intake result in intake velocities that exceed the standards set by these resource agencies. Additionally, the screens were designed for the maximum intake velocity of the system. Since it is not expected that the system will need to operate at peak intake velocity, the actual intake velocity is expected to be lower than the already low design velocity.

As part of the permitting process for the new Exploratorium facility construction, the National Marine Fisheries Service has conducted its own independent and thorough review of all aspects of the project, including the Bay Water Heating and Cooling system. The California Department of Fish and Game was also contacted as part of this process, and was provided the permit application documentation describing the Bay Water Heating and Cooling System. Neither of the resource agencies with direct regulatory purview over this subject matter have identified significant impacts that would occur as a result of the intake. The National Marine Fisheries Service has determined that no significant adverse effect will occur as a result of the intakes.

In numerous locations within the NPDES permit document, the Regional Water Quality Control Board takes a similar position with regard to the effects of the intakes (though it does state in other areas that potential effects could occur). Table F-4 on page F-10 of the permit states that "No non-water quality impacts are foreseeable". On page F-18, the permit states that "The impingement effects would be minor" and "...the low flow would minimize such effects". The justification for requiring this study, as stated on page F-20, is based on requirements that similar studies be performed for different types of facilities that use "in excess of 2 MGD", a daily intake that is more than 6 times the anticipated daily intake of water at The Exploratorium.

The Exploratorium believes that the money that would be spent to conduct the Cooling Water Intake Effects Study could be much more effectively spent in a manner that is consistent with our nonprofit mission. The costs of performing this study as outlined in the Tentative Order are significant to The Exploratorium's annual operating budget. We do not believe that it is a reasonable requirement to conduct this study based on the following factors:

- a) The intakes have been designed to function well below the thresholds established by agencies with direct regulatory authority over matters related to fisheries and fish species (National Marine Fisheries Service and California Department of Fish and Game)*
- b) Coordination with those agencies during the permitting process has resulted in a determination that no significant adverse effects would occur to fisheries or fish species as a result of the operation of the intakes*
- c) As part of the NPDES permit, the Regional Water Quality Control Board determined that the effects to fisheries and fish species would be minor due to the designed very low intake velocities*

- d) *The value of conducting the Cooling Water Intake Effects Study, and use of the information obtained by conducting the study, is not made clear as part of the permit application.*

We would like to see the requirement to perform this study removed from the final permit. However, if it is not possible to completely remove the requirement to perform the Cooling Water Intake Effects Study, we request that, at minimum, allowance be given to reduce the intensity of the study as it is currently proposed. Suggested elements to modify in the study design include:

- 1. Removal of task a(i), as the scope, intent, and area surveyed as part of this element is unclear and does not provide data that is relevant to studying the effects of the intake. Sufficient data exists from existing research surveys conducted in the area to develop a list of species that are known to occur in the vicinity.*
- 2. Reduction of the impingement, entrainment, and intake velocity studies from four days to one, or at most, two days*
- 3. Reduction in the number of visual observations from eight days to the same number of days required for impingement and entrainment. Impingement studies require dive surveys, while entrainment surveys may not necessitate diving given the design of this system. Therefore, doubling the number of visual inspection requirements doubles the number of survey days that are required.*

While these changes will significantly reduce the cost of the study proposed in the permit, the costs remain significant even with this reduced scope.

Response to Comment 5

We revised the tentative order permit to reduce the intensity of the Cooling Water Intake Effects Study. Monitoring and sampling are now to be conducted on only two days. In addition, the revised tentative order provides that if the National Marine Fisheries Service provides documentation that this study is unnecessary then it is not required.

The commenter asserts that the study is unnecessary because the intakes are designed to be well below the established water intake impact thresholds and that the ...screens ... exceed the standards set by agencies with expertise over these matters. We are unaware of any such standards and the Discharger has provided no documentation to support this assertion. Nevertheless, we note that the State Water Board's recently adopted Policy on the Use of Water for Power Plant Cooling indicates that power plants should have intake velocities less than 0.5 feet/second to minimize impingement effects. This facility is being developed for a much lower intake velocity of 0.12 feet/second, so its effects will be considerably less.

The commenter also asserts that the National Marine Fisheries Service (in conjunction with the California Department of Fish and Game) "has conducted its own independent and thorough review of all aspects of the project" and "neither ... agency ... has

identified significant impacts that would occur as a result of the intake.” Despite several requests, we were unable to obtain documentation to support this assertion. However, the revised tentative order would allow the Discharger to forego this study if it can provide documentation that the National Marine Fisheries Service believes it to be unnecessary.

We agree that reducing the intensity of the study is warranted. On April 14, 2010, we discussed the potential impact of this facility on water quality, specifically impacts due to impingement and entrainment, with Dan Logan of the National Marine Fisheries Service. His concerns focused primarily on thermal impacts, adding that the screen size and approach velocity appeared to be at levels that would not significantly adversely impact marine organisms. The tentative order is consistent with the State’s Thermal Plan.