

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

STAFF SUMMARY REPORT (Vincent Christian)
MEETING DATE: May 11, 2016

ITEM: **5B**

SUBJECT: **Mt. View Sanitary District, Mt. View Sanitary Wastewater Treatment Plant and Wastewater Collection System, Martinez, Contra Costa County —**
Reissuance of NPDES Permit

CHRONOLOGY: November 2010 – Permit reissued

DISCUSSION: This Revised Tentative Order (Appendix A) would reissue the NPDES permit for the District's 3.2 million-gallons-per-day wastewater treatment plant and collection system. The Revised Tentative Order would update permit requirements and call upon the District to develop and implement a management plan for McNabney Marsh, a downstream receiving water tributary to Peyton Slough and Carquinez Strait that the District partially owns and manages.

The District submitted the comments on the tentative order circulated for public comment and requested straightforward revisions to the new marsh management requirements and reduced sampling frequencies (Appendix B). As described in the Response to Comments (Appendix C), we made revisions where appropriate and all revisions are reflected in the Revised Tentative Order.

We expect this item to remain uncontested.

RECOMMEN-
DATION: Adoption of the Tentative Order

File: CW-241815

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

Appendix A

San Francisco Bay Regional Water Quality Control Board

REVISED TENTATIVE ORDER No. R2-2016-00XX
NPDES No. CA0037770

The following discharger is subject to waste discharge requirements (WDRs) set forth in this Order.

Table 1. Discharger Information

Discharger	Mt. View Sanitary District
Facility Name	Mt. View Sanitary District Wastewater Treatment Plant and its collection system
Facility Address	3800 Arthur Road Martinez, CA 94553 Contra Costa County
CIWQS Place Number	241815

Table 2. Discharge Locations

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	Advanced Secondary-Treated Municipal Wastewater	38.021111	-122.103611	Peyton Slough, a tributary to Carquinez Strait

Table 3. Administrative Information

This Order was adopted on:	<DATE>
This Order shall become effective on:	July 1, 2016
This Order shall expire on:	June 30, 2021
CIWQS Regulatory Measure Number	<TBD>
The Discharger shall file a Report of Waste Discharge as an application for reissuance of WDRs in accordance with California Code of Regulations, title 23, and an application for reissuance of a National Pollutant Discharge Elimination System (NPDES) permit no later than:	November 30, 2020
The U.S. Environmental Protection Agency (U.S. EPA) and the California Regional Water Quality Control Board, San Francisco Bay Region, have classified this discharge as follows:	Major

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

Bruce H. Wolfe, Executive Officer

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I. FACILITY INFORMATION

Information describing the Mt. View Sanitary District Wastewater Treatment Plant and its collection system (collectively, the Facility) is summarized in Table 1 and in Fact Sheet (Attachment F) sections I and II.

II. FINDINGS

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

- A. Legal Authorities.** This Order serves as WDRs pursuant to California Water Code article 4, chapter 4, division 7 (commencing with § 13260). This Order is also issued pursuant to federal Clean Water Act (CWA) section 402 and implementing regulations adopted by U.S. EPA and Water Code chapter 5.5, division 7 (commencing with § 13370). It shall serve as an NPDES permit for point source discharges from the Facility to surface waters.
- B. Background and Rationale for Requirements.** The Regional Water Board developed the requirements in this Order based on information the Discharger submitted as part of its application, information obtained through monitoring and reporting programs, and other available information. The Fact Sheet (Attachment F) contains background information and rationale for the requirements in this Order and is hereby incorporated into and constitutes findings for this Order. Attachments A through E, and G are also incorporated into this Order.
- C. Provisions and Requirements Implementing State Law.** Provisions VI.C.5 and VI.C.6 implement State law only. They are not required or authorized under the federal CWA; consequently, violations of these provisions are not subject to the enforcement remedies available for NPDES violations.
- D. Notification of Interested Parties.** The Regional Water Board notified the Discharger and interested agencies and persons of its intent to prescribe these WDRs and provided an opportunity to submit written comments and recommendations. The Fact Sheet provides details regarding the notification.
- E. Consideration of Public Comment.** The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. The Fact Sheet provides details regarding the public hearing.

THEREFORE, IT IS HEREBY ORDERED that Order No. R2-2010-0114 (previous order) is rescinded upon the effective date of this Order except for enforcement purposes, and, in order to meet the provisions of Water Code division 7 (commencing with § 13000) and regulations adopted thereunder and the provisions of the CWA and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order. This action in no way prevents the Regional Water Board from taking enforcement action for past violations of the previous order.

III. DISCHARGE PROHIBITIONS

- A.** Discharge of treated wastewater at a location or in a manner different from that described in this Order is prohibited.

- B.** The bypass of untreated or partially-treated wastewater to waters of the United States is prohibited, except as provided for in Attachment D sections I.G.2 and I.G.3.

Diverting wastewater around the plant’s biotower is not considered a bypass (1) during essential maintenance or for process control to ensure efficient operation; and (2) when the discharge complies with the effluent and receiving water limits in this Order. The Discharger shall report diversions around the biotower in its monthly monitoring reports and shall monitor ammonia as specified in the Monitoring and Reporting Program (MRP, Attachment E).

- C.** Average dry weather influent flow in excess of 3.2 MGD is prohibited. Average dry weather influent flow shall be determined from three consecutive dry weather months each year, with compliance measured at Monitoring Location EFF-001 as described in the MRP.

- D.** Any sanitary sewer overflow that results in a discharge of untreated or partially-treated wastewater to waters of the United States is prohibited.

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Effluent Limitations

1. Effluent Limitations – Discharge Point No. 001

The Discharger shall comply with the following effluent limitations at Discharge Point No. 001, with compliance measured at Monitoring Location EFF-001 (or EFF-002 for ammonia) as described in the MRP.

Table 4. Effluent Limitations

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Biochemical Oxygen Demand, 5-day @ 20°C (BOD ₅)	mg/L	15	25	---	---	---
Total Suspended Solids (TSS)	mg/L	15	25	---	---	---
Oil and Grease	mg/L	10	---	20	---	---
pH ^[1]	standard units	---	---	---	6.5	8.5
Ammonia, Total	mg/L as N	1.6	---	4.7	---	---
Dioxin-TEQ	µg/L	1.4E-08	---	2.8E-08	---	---
Copper, Total Recoverable	µg/L	11	---	15	---	---
Cyanide, Total	µg/L	7.0	---	13	---	---
Benzo(a)Anthracene	µg/L	0.049	---	0.098	---	---

Unit Abbreviations:

mg/L = milligrams per liter
 mg/L as N = milligrams per liter as nitrogen
 µg/L = micrograms per liter

Footnote:

^[1] If the Discharger monitors pH continuously, pursuant to 40 C.F.R. section 401.17, the Discharger shall be in compliance with this pH limitation provided that both of the following conditions are satisfied: (i) the total time during which the pH is outside the required range shall not exceed 7 hours and 26 minutes in any calendar month; and (ii) no individual excursion from the required pH range shall exceed 60 minutes.

- B. Percent Removal.** The average monthly percent removal of BOD₅ and TSS at Discharge Point No. 001 shall not be less than 85 percent (i.e., in each calendar month, the arithmetic mean of BOD₅ and TSS, by concentration, of effluent samples collected at Monitoring Location EFF-001 as described in the MRP, shall not exceed 15 percent of the arithmetic mean of the BOD₅ and TSS, by concentration, of influent samples collected at Monitoring Location INF-001 as described in the MRP at approximately the same times during the same period).
- C. Enterococcus.** At Discharge Point No. 001, the geometric mean enterococcus bacteria concentration of all samples in each calendar month shall not exceed 35 most probable number per 100 milliliters (MPN/100 mL), with compliance measured at Monitoring Location EFF-001 as described in the MRP.
- D. Whole Effluent Acute Toxicity.** Discharges at Discharge Point No. 001 shall meet the following acute toxicity limitations, with compliance measured at Monitoring Location EFF-001 as described in the MRP:
1. An 11-sample median value of not less than 90 percent survival; and
 2. A single-sample maximum value of not less than 70 percent survival.

These acute toxicity limitations are defined as follows:

- **11-sample median.** A bioassay test showing survival of less than 90 percent represents a violation of this effluent limit if five or more of the past ten bioassay tests also show less than 90 percent survival.
- **Single sample maximum.** A bioassay test showing survival of less than 70 percent represents a violation of this effluent limit.

If the Discharger can demonstrate that toxicity exceeding the levels cited above is caused by ammonia and that the ammonia in the discharge complies with the ammonia effluent limits in this Order, then such toxicity does not constitute a violation of this effluent limitation.

V. RECEIVING WATER LIMITATIONS

- A.** The discharge shall not cause the following conditions to exist in receiving waters at any place:
1. Floating material, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses;
 2. Alteration of suspended sediment in such a manner as to cause nuisance or adversely affect beneficial uses, or detrimental increase in the concentrations of toxic pollutants in sediments or aquatic life;
 3. Suspended material in concentrations that cause nuisance or adversely affect beneficial uses;
 4. Bottom deposits or aquatic growths to the extent that such deposits or growths cause nuisance or adversely affect beneficial uses;
 5. Alteration of temperature beyond present natural background levels;

6. Changes in turbidity that cause nuisance or adversely affect beneficial uses or increases from normal background light penetration or turbidity greater than 10 percent in areas where natural turbidity is greater than 50 nephelometric turbidity units;
 7. Coloration that causes nuisance or adversely affects beneficial uses;
 8. Visible, floating, suspended, or deposited oil or other products of petroleum origin; or
 9. Toxic or other deleterious substances in concentrations or quantities that cause deleterious effects on wildlife, waterfowl, or other aquatic biota, or render any of these unfit for human consumption, either at levels created in the receiving waters or as a result of biological concentration.
- B.** The discharge shall not cause the following limits to be exceeded in receiving waters at any place within one foot of the water surface:
1. Dissolved Oxygen 5.0 mg/L, minimum

The median dissolved oxygen concentration for any three consecutive months shall not be less than 80% of the dissolved oxygen content at saturation. When natural factors cause concentrations less than that specified above, the discharge shall not cause further reduction in ambient dissolved oxygen concentrations.
 2. Dissolved Sulfide Natural background levels
 3. pH The pH shall not be depressed below 6.0 or raised above 9.0. The discharge shall not cause changes greater than 0.5 pH units in normal ambient pH levels.
 4. Nutrients Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.
- C.** The discharge shall not cause a violation of any water quality standard for receiving waters adopted by the Regional Water Board or State Water Resources Control Board (State Water Board) as required by the CWA and regulations adopted thereunder. If more stringent water quality standards are promulgated or approved pursuant to CWA section 303, or amendments thereto, the Regional Water Board may revise or modify this Order in accordance with the more stringent standards.

VI. PROVISIONS

A. Standard Provisions

1. The Discharger shall comply with all “Standard Provisions” in Attachment D.
2. The Discharger shall comply with all applicable provisions of the “Regional Standard Provisions, and Monitoring and Reporting Requirements for NPDES Wastewater Discharge Permits” (Attachment G).

B. Monitoring and Reporting

The Discharger shall comply with the MRP (Attachment E) and future revisions thereto, and applicable sampling and reporting requirements in Attachments D and G.

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 have or will have a reasonable potential to cause or contribute to, or will cease to have, adverse impacts on water quality or beneficial uses of the receiving waters.
- b.** If new or revised water quality objectives or total maximum daily loads (TMDLs) come into effect for San Francisco Bay or contiguous water bodies (whether statewide, regional, or site-specific). In such cases, effluent limitations in this Order may be modified as necessary to reflect the updated water quality objectives and wasteload allocations in the TMDLs. Adoption of the effluent limitations in this Order is not intended to restrict in any way future modifications based on legally-adopted water quality objectives or TMDLs or as otherwise permitted under federal regulations governing NPDES permit modifications.
- c.** If translator, dilution, 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 are adopted.
- e.** If an administrative or judicial decision on a separate NPDES permit or WDRs addresses requirements similar to this discharge.
- f.** If the Discharger requests adjustments in effluent limits due to the implementation of stormwater diversion pursuant to the Municipal Regional Stormwater Permit (Permit No. CAS612008) for redirecting dry weather and first flush discharges from the storm drain system to the sanitary sewer system as a storm water pollutant control strategy.
- g.** Or as otherwise authorized by law.

The Discharger may request a permit modification based on any of the circumstances above. With any such request, the Discharger shall include antidegradation and anti-backsliding analyses.

2. Effluent Characterization Study and Report

- a. Study Elements.** The Discharger shall continue to characterize and evaluate the discharge from the following discharge point to verify that the “no” or “unknown” reasonable potential analysis conclusions of this Order remain valid and to inform the next permit reissuance. The Discharger shall collect representative samples at the

monitoring stations set forth below, as defined in the MRP, at no less than the frequency specified below:

<u>Discharge Point</u>	<u>Monitoring Location</u>	<u>Minimum Frequency</u>
001	EFF-001	Once per year

The samples shall be analyzed for the pollutants listed in Attachment G, Table C, except for those pollutants with effluent limitations where the MRP already requires more frequent monitoring, and except for those pollutants for which there are no water quality criteria (see Fact Sheet Table F-7). Compliance with this requirement shall be achieved in accordance with the specifications of Attachment G sections III.A.1 and III.A.2.

The Discharger shall evaluate on an annual basis if concentrations of any of these pollutants significantly increase over past performance. The Discharger shall investigate the cause of any such increase. The investigation may include, but need not be limited to, an increase in monitoring frequency, monitoring of internal process streams, and monitoring of influent sources. The Discharger shall establish remedial measures addressing any increase resulting in reasonable potential to cause or contribute to an excursion above applicable water quality objectives. This requirement may be satisfied through identification of the constituent as a “pollutant of concern” in the Discharger’s Pollutant Minimization Program, described in Provision VI.C.3.

b. Reporting Requirements

- i. Routine Reporting.** The Discharger shall, within 45 days of receipt of analytical results, report the following in the transmittal letter for the appropriate self-monitoring report:
 - (a)** Indication that a sample for this characterization study was collected; and
 - (b)** Identity of pollutants detected at or above applicable water quality criteria (see Fact Sheet Table F-8 for the criteria) and the detected concentrations of those pollutants.
- ii. Annual Reporting.** The Discharger shall summarize the annual data evaluation and source investigation in the annual self-monitoring report.
- iii. Final Report.** The Discharger shall submit a final report that presents all these data with the application for permit reissuance.

3. Pollutant Minimization Program

- a.** The Discharger shall continue to improve its existing Pollutant Minimization Program to promote minimization of pollutant loadings to the treatment plant and therefore to the receiving waters.
- b.** The Discharger shall submit an annual report no later than August 31 each year. Each annual report shall include at least the following information:

- i. Brief description of treatment plant.** The description shall include the service area and treatment plant processes.
- ii. Discussion of current pollutants of concern.** Periodically, the Discharger shall analyze its circumstances to determine which pollutants are currently a problem and which pollutants may be potential future problems. This discussion shall include the reasons for choosing the pollutants.
- iii. Identification of sources for pollutants of concern.** This discussion shall include how the Discharger intends to estimate and identify pollutant sources. The Discharger shall include sources or potential sources not directly within the ability or authority of the Discharger to control, such as pollutants in the potable water supply and air deposition.
- iv. Identification of tasks to reduce the sources of pollutants of concern.** This discussion shall identify and prioritize tasks to address the Discharger's pollutants of concern. The Discharger may implement the tasks by itself or participate in group, regional, or national tasks that address its pollutants of concern. The Discharger is strongly encouraged to participate in group, regional, or national tasks that address its pollutants of concern whenever it is efficient and appropriate to do so. An implementation timeline shall be included for each task.
- v. Outreach to employees.** The Discharger shall inform employees about the pollutants of concern, potential sources, and how they might be able to help reduce the discharge of these pollutants of concern into the treatment facilities. The Discharger may provide a forum for employees to provide input.
- vi. Continuation of Public Outreach Program.** The Discharger shall prepare a pollution prevention public outreach program for its service area. Outreach may include participation in existing community events, such as county fairs; initiating new community events, such as displays and contests during Pollution Prevention Week; conducting school outreach programs; conducting plant tours; and providing public information in newspaper articles or advertisements, radio or television stories or spots, newsletters, utility bill inserts, or web sites. Information shall be specific to target audiences. The Discharger shall coordinate with other agencies as appropriate.
- vii. Discussion of criteria used to measure Pollutant Minimization Program and task effectiveness.** The Discharger shall establish criteria to evaluate the effectiveness of its Pollutant Minimization Program. This discussion shall identify the specific criteria used to measure the effectiveness of each task in Provisions VI.C.3.b.iii, iv, v, and vi.
- viii. Documentation of efforts and progress.** This discussion shall detail all of the Discharger's Pollutant Minimization Program activities during the reporting year.
- ix. Evaluation of Pollutant Minimization Program and task effectiveness.** This Discharger shall use the criteria established in Provision VI.C.3.b.vii to evaluate the program and task effectiveness.

- x. Identification of specific tasks and timelines for future efforts.** Based on the evaluation, the Discharger shall explain how it intends to continue or change its tasks to more effectively reduce the amount of pollutants flowing to the treatment plant and, subsequently, in its effluent.

- c.** The Discharger shall develop and conduct a Pollutant Minimization Program as further described below when there is evidence that a priority pollutant is present in the effluent above an effluent limitation (e.g., sample results reported as detected but not quantified [DNQ] when the effluent limitation is less than the method detection limit [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, or results of benthic or aquatic organism tissue sampling) and either:

 - i.** A sample result is reported as DNQ and the effluent limitation is less than the Reporting Level (RL); or
 - ii.** A sample result is reported as not detected (ND) and the effluent limitation is less than the MDL, using definitions in Attachment A and reporting protocols described in the MRP.

- d.** If triggered by the reasons set forth in Provision VI.C.3.c, above, the Discharger's Pollutant Minimization Program shall include, but not be limited to, the following actions and submittals:

 - i.** Annual review and semi-annual monitoring of potential sources of the reportable priority pollutants, which may include fish tissue monitoring and other bio-uptake sampling, or alternative measures when source monitoring is unlikely to produce useful analytical data;
 - ii.** Quarterly monitoring for the reportable priority pollutants in the influent to the Facility. The Executive Officer may approve alternative measures when influent monitoring is unlikely to produce useful analytical data;
 - iii.** Submittal of a control strategy designed to proceed toward the goal of maintaining concentrations of the reportable priority pollutants in the effluent at or below the effluent limitation;
 - iv.** Implementation of appropriate cost-effective control measures for the reportable priority pollutants, consistent with the control strategy; and
 - v.** Inclusion of the following specific items within the annual report required by Provision VI.C.3.b above:

 - (a)** All Pollutant Minimization Program monitoring results for the previous year;
 - (b)** List of potential sources of the reportable priority pollutants;
 - (c)** Summary of all actions undertaken pursuant to the control strategy; and
 - (d)** Description of actions to be taken in the following year.

4. Special Provisions for Municipal Facilities

- a. Sludge and Biosolids Management.** All sludge and biosolids shall be disposed of, managed, or reused in accordance with all applicable requirements of 40 C.F.R. part 503 and the additional requirements set forth below:
- i.** All sludge and biosolids shall be disposed of, managed, or reused in a municipal solid waste landfill; through land application; as a Class A compost; through a waste-to-energy facility or another recognized and approved technology; in a sludge-only landfill; or in a sewage sludge incinerator in accordance with 40 CFR part 503.
 - ii.** Sludge and biosolids treatment, storage, and disposal, or reuse, shall not create a nuisance, such as objectionable odors or flies, or result in groundwater contamination.
 - iii.** The sludge and biosolids treatment and storage site shall have facilities adequate to divert surface runoff from adjacent area, to protect site boundaries from erosion, and to prevent any conditions that would cause drainage from the materials in the storage site. Adequate protection is defined as protection from at least a 100-year storm and the highest possible tidal state that may occur.
 - iv.** Sludge or biosolids disposed in a municipal solid waste landfill shall meet the requirements of 40 CFR part 258.
 - v.** This Order does not authorize permanent onsite sludge or biosolids storage or disposal. A Report of Waste Discharge shall be filed and the site brought into compliance with all applicable regulations prior to commencement of any such activity.
- b. Collection System Management.** The Discharger shall properly operate and maintain its collection system (see Attachment D section I.D), report any noncompliance (see Attachment D sections V.E.1 and V.E.2), and mitigate any discharge from its collection system that violates this Order (see Attachment D section I.C).

The *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems* (General Collection System WDRs), State Water Board Order No. 2006-0003 DWQ as amended by State Water Board Order No. WQ 2013-0058-EXEC, has requirements for operation and maintenance of separate sanitary sewer collection systems and for reporting and mitigating sanitary sewer overflows from the separate sanitary sewer portion of the Discharger's collection system. While the Discharger must comply with both the General Collection System WDRs and this Order, the General Collection System WDRs more clearly and specifically stipulate requirements for operation and maintenance and for reporting and mitigating sanitary sewer overflows. Implementation of the General Collection System WDRs for proper operation and maintenance and mitigation of sanitary sewer overflows will satisfy the corresponding federal NPDES requirements specified in Attachment D (as supplemented by Attachment G). Following the notification and reporting requirements in the General Collection System WDRs will satisfy the corresponding federal NPDES reporting requirements specified in Attachment D (as supplemented by Attachment G) for sanitary sewer overflows from the separate sanitary sewer portion of the collection system.

5. Moorhen Marsh Management Plan Update

The Discharger shall implement its March 2013 Moorhen Marsh Management Plan, including but not limited to all measures identified to (1) maintain and improve water quality, (2) maintain levees and other control structures, and (3) control noxious weeds and maintain and improve habitat. No later than February 1 each year, the Discharger shall review and, if necessary, update the Moorhen Marsh Management Plan. The Discharger shall summarize the changes in its annual report (MRP section VII.B.2.b). Each update shall describe any necessary revisions, management activities completed during the previous calendar year (e.g., levy upgrades or vegetation removal), and activities planned for the next year. The updates shall incorporate plans for monitoring and managing pollutants of concern (e.g., ammonia and nutrients) for Moorhen Marsh, including monitoring locations, monitoring results from the past year, and monitoring plans for the next year.

6. McNabney Marsh Management Plan

The Discharger shall develop a McNabney Marsh Management Plan to guide the management of the marsh, according to the following schedule:

- a. Draft McNabney Marsh Management Plan.** No later than August 1, 2016, the Discharger shall submit a draft McNabney Marsh Management Plan. The draft plan shall contain management objectives, a description of the roles and responsibilities of all parties involved with the management of McNabney Marsh (including the operation of the tide gate), an implementation strategy, and a water quality control plan. In developing the objectives and strategy of the draft plan, the District shall also consider and include measures that address the potential effects of sea level rise. The Discharger shall distribute the draft plan to the East Bay Regional Park District, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and the public for review and comment.
- b. Final McNabney Marsh Management Plan.** No later than February 1, 2017, the Discharger shall submit a final McNabney Marsh Management Plan that addresses all comments received, if any, regarding the draft management plan.
- c. Annual McNabney Marsh Management Plan Update.** No later than February 1 each year (starting in 2018), the Discharger shall review and, if necessary, update its McNabney Marsh Management Plan. The annual review shall address any comments from the East Bay Regional Park District, California Department of Fish and Wildlife, or U.S. Fish and Wildlife Service received too late to be reflected in the final plan due February 1, 2017. If the plan is revised, the Discharger shall summarize the changes in its annual report (MRP section VII.B.2.b). Each update shall describe any plan revisions, list all activities done over the previous calendar year, and describe all planned activities over the next calendar year.

7. Copper Action Plan

The Discharger shall implement source control, and pollution prevention for copper in accordance with the following tasks and time schedule:

Table 5. Copper Action Plan

Task	Compliance Date
<p>1. Implement Copper Control Program Continue implementing existing program described in the Discharger’s plan dated August 31, 2011, to reduce identified copper sources, including, as applicable, taking the following actions:</p> <ul style="list-style-type: none"> a. Providing education and outreach to the public (e.g., focusing on proper pool and spa maintenance and plumbers’ roles in reducing corrosion); b. If corrosion is a significant copper source, working cooperatively with local water purveyors to reduce and control water corrosivity, as appropriate, and ensuring that local plumbing contractors implement best management practices to reduce corrosion in pipes; and c. Educating plumbers, designers, and maintenance contractors for pools and spas to encourage best management practices that minimize copper discharges. 	<p>Implementation shall be ongoing.</p>
<p>2. Implement Additional Actions If the Regional Water Board notifies the Discharger that the three-year rolling mean copper concentration in Central or Lower San Francisco Bay exceeds 2.8 µg/L, then within 90 days of the notification, evaluate the effluent copper concentration trend and, if it is increasing, develop and begin implementation of additional measures to control copper discharges. Report the conclusion of the trend analysis and provide a schedule for any new actions to be taken within the next 12 months.</p>	<p>With next annual pollution prevention report due August 31 (at least 90 days following notification)</p>
<p>3. Report Status Submit an annual report documenting copper control program implementation that evaluates the effectiveness of the actions taken, including any additional actions required by Task 2 above, and provides a schedule for actions to be taken within the next 12 months.</p>	<p>With annual pollution prevention report due August 31 each year</p>

8. Cyanide Action Plan

The Discharger shall implement monitoring and surveillance, source control and pollution prevention for cyanide in accordance with the following tasks and time schedule:

Table 6. Cyanide Action Plan

Task	Compliance Date
<p>1. Review Potential Cyanide Sources Submit an up-to-date inventory of potential cyanide sources. If no cyanide source is identified, tasks 2 and 3, below, are not required unless the Discharger receives a request to discharge detectable levels of cyanide to the sewer. In this case, notify the Executive Officer and implement tasks 2 and 3.</p>	<p>With annual pollution prevention report due August 31, 2017</p>
<p>2. Implement Cyanide Control Program Implement a control program to minimize cyanide discharges consisting, at a minimum, of the following elements:</p> <ul style="list-style-type: none"> a. Inspect each potential source to assess the need to include that source in the control program. b. Inspect sources included in the control program annually. Inspection elements may be based on U.S. EPA guidance, such as <i>Industrial User Inspection and Sampling Manual for POTWs</i> (EPA 831-B-94-01). c. Develop and distribute educational materials regarding the need to prevent cyanide discharges to sources included in the control program. d. Prepare an emergency monitoring and response plan to be implemented if a significant cyanide discharge occurs. <p>If the plant influent cyanide concentration exceeds 6.0 µg/L, the Discharger shall</p>	<p>Implementation shall be ongoing.</p>

Task	Compliance Date
collect a followup sample within 5 days of becoming aware of the laboratory results. If the results of the followup sample also exceed 6.0 µg/L, then a “significant cyanide discharge” is occurring.	
3. Implement Additional Measures If the Regional Water Board notifies the Discharger that ambient monitoring shows cyanide concentrations are 1.0 µg/L or higher in the main body of San Francisco Bay, then within 90 days of the notification, commence actions to identify and abate cyanide sources responsible for the elevated ambient concentrations, report on the progress and effectiveness of the actions taken, and provide a schedule for actions to be taken within the next 12 months.	With next annual pollution prevention report due August 31 (at least 90 days following notification)
4. Report Status of Cyanide Control Program Submit an annual report documenting cyanide control program implementation and addressing the effectiveness of actions taken, including any additional cyanide controls required by Task 3, above, and provide a schedule for actions to be taken within the next 12 months.	With annual pollution prevention report due August 31 each year

9. Standard Operating Procedures for Resource Recovery

If the Discharger receives hauled-in anaerobically-digestible material for injection into an anaerobic digester, the Discharger shall notify the Regional Water Board and develop and implement Standard Operating Procedures for this activity. The Standard Operating Procedures shall be developed prior to initiation of hauling. The Standard Operating Procedures shall address material handling, including unloading, screening or other processing prior to anaerobic digestion, and transportation; spill prevention; spill response; avoidance of the introduction of materials that could cause interference, pass through, or upset of the treatment processes; avoidance of prohibited material; vector control; odor control; operation and maintenance; and the disposition of any solid waste segregated from introduction to the digester. The Discharger shall train its staff on the Standard Operating Procedures and maintain records for a minimum of three years for each load received, describing the hauler, waste type, and quantity received. In addition, the Discharger shall maintain records for a minimum of three years for the disposition, location, and quantity of cumulative pre-digestion segregated solid waste hauled offsite.

ATTACHMENT A – DEFINITIONS

Arithmetic Mean (μ)

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

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

Average Monthly Effluent Limitation (AMEL)

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

Average Weekly Effluent Limitation (AWEL)

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

Bioaccumulative

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

Known to cause cancer in living organisms.

Coefficient of Variation

Measure of data variability calculated as the estimated standard deviation divided by the arithmetic mean of the observed values.

Daily Discharge

Either: (1) the total mass of the constituent discharged over the calendar day (12:00 am through 11:59 pm) or any 24-hour period that reasonably represents a calendar day for purposes of sampling (as specified in the permit) for a constituent with limitations expressed in units of mass; or (2) the unweighted arithmetic mean measurement of the constituent over the day for a constituent with limitations expressed in other units of measurement (e.g., concentration).

The daily discharge may be determined by the analytical results of a composite sample taken over the course of one day (a calendar day or other 24-hour period defined as a day) or by the arithmetic mean of analytical results from one or more grab samples taken over the course of the day.

For composite sampling, if 1 day is defined as a 24-hour period other than a calendar day, the analytical result for the 24-hour period is considered the result for the calendar day in which the 24-hour period ends.

Detected, but Not Quantified (DNQ)

Sample result less than the RL, but greater than or equal to the laboratory's MDL. Sample results reported as DNQ are estimated concentrations.

Dilution Credit

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 by conducting a mixing zone study or modeling the discharge and receiving water.

Effluent Concentration Allowance (ECA)

Value derived from the water quality criterion/objective, dilution credit, and ambient background concentration that is used, in conjunction with the CV 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 U.S. EPA guidance (*Technical Support Document For Water Quality-based Toxics Control*, March 1991, second printing, EPA/505/2-90-001).

Enclosed Bay

Indentation along the coast that encloses an area of oceanic water within a 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

Concentration that results from the confirmed detection of the substance below the ML value by the analytical method.

Estuaries

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 are considered estuaries. Estuarine waters are 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 Water Code section 12220, Suisun Bay, Carquinez Strait downstream to the Carquinez Bridge, and appropriate areas of the Smith, Mad, Eel, Noyo, Russian, Klamath, San Diego, and Otay rivers. Estuaries do not include inland surface waters or ocean waters.

Inland Surface Waters

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

Instantaneous Maximum Effluent Limitation

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

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)

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

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 n/2 and n/2+1).

Method Detection Limit (MDL)

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 40 C.F.R. part 136, Attachment B, revised as of July 3, 1999.

Minimum Level (ML)

Concentration at which the entire analytical system gives 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

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

Not Detected (ND)

Sample results less than the laboratory's MDL.

Persistent Pollutants

Substances for which degradation or decomposition in the environment is nonexistent or very slow.

Pollutant Minimization Program

Program of 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 Pollutant Minimization Program is to reduce all potential sources of a priority pollutant 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. Cost effectiveness may be considered when establishing the requirements of a Pollutant Minimization Program. The completion and implementation of a Pollution Prevention Plan, if required pursuant to Water Code section 13263.3(d), is considered to fulfill Pollutant Minimization Program requirements.

Pollution Prevention

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

Reporting Level (RL)

ML (and its associated analytical method) chosen by the Discharger for reporting and compliance determination from the MLs included in this Order, including an additional factor if applicable as discussed herein. 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 SIP Appendix 4 in accordance with SIP section 2.4.2 or established in accordance with SIP section 2.4.3. 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.

Source of Drinking Water

Any water designated as having a municipal or domestic supply (MUN) beneficial use.

Standard Deviation (σ)

Measure of variability calculated as follows:

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

where:

x is the observed value;

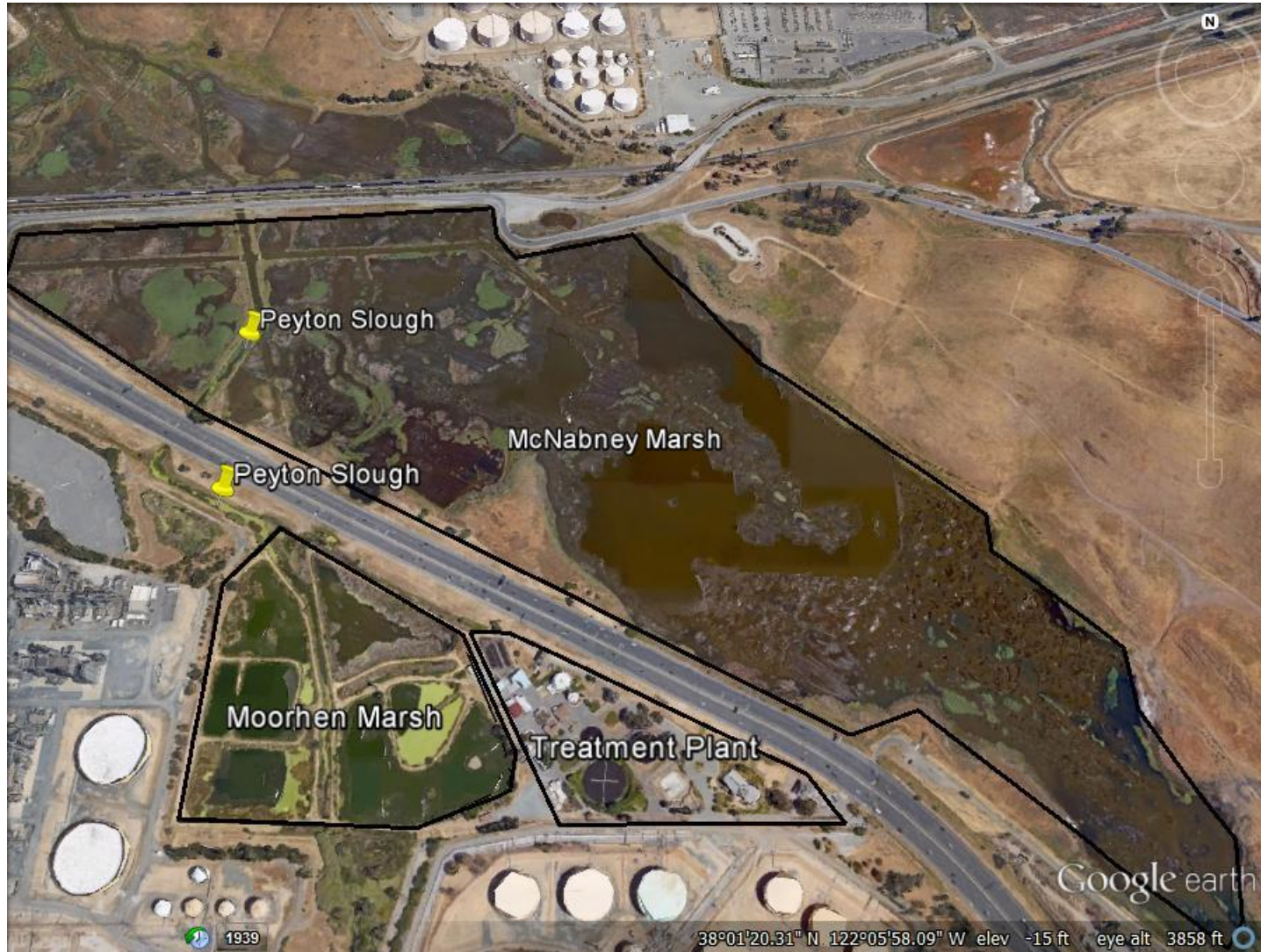
μ is the arithmetic mean of the observed values; and

n is the number of samples.

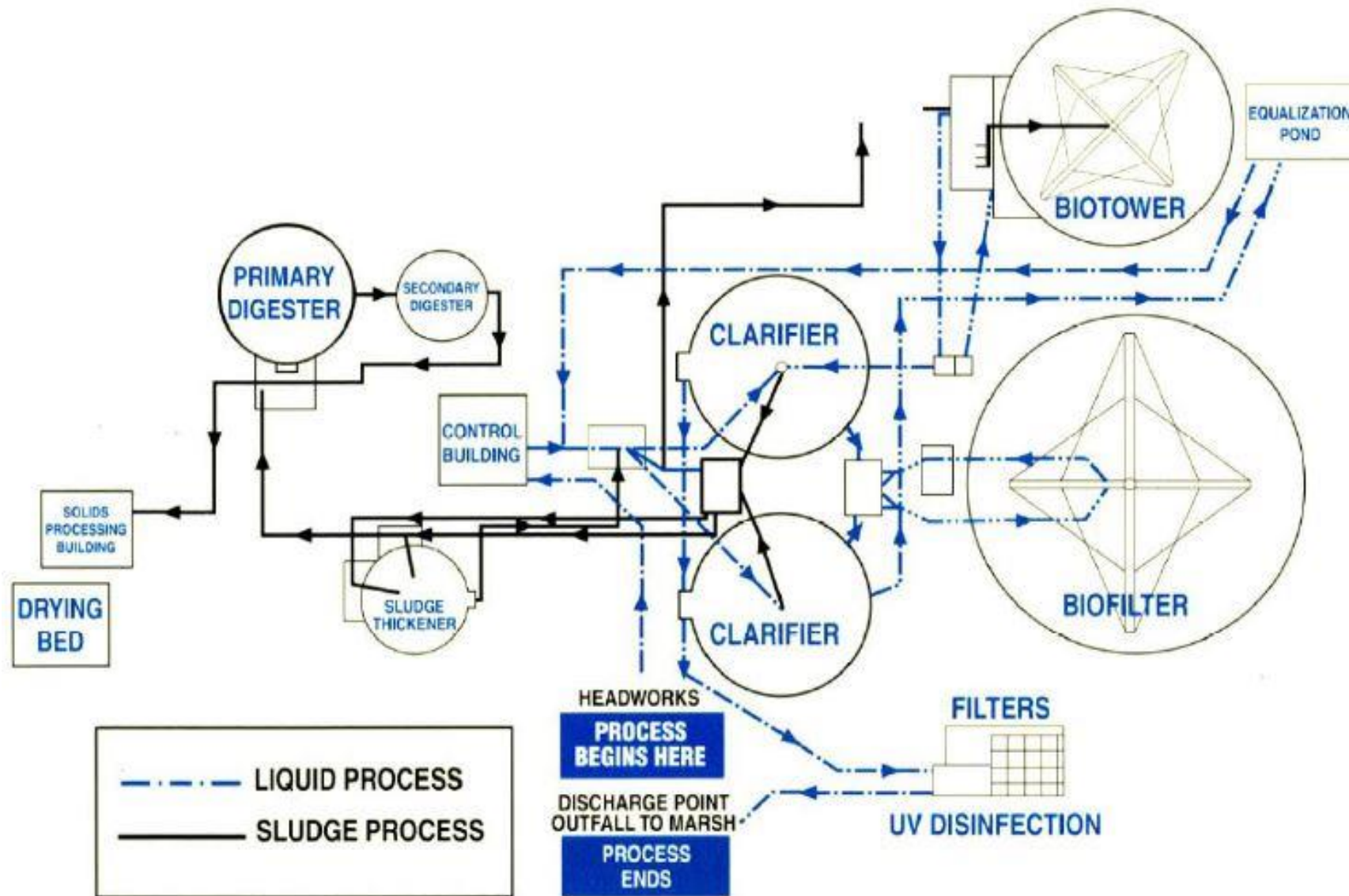
Toxicity Reduction Evaluation (TRE)

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 chemicals responsible for toxicity. These procedures are performed in three phases (characterization, identification, and confirmation) using aquatic organism toxicity tests.

ATTACHMENT B – FACILITY MAP



ATTACHMENT C – PROCESS FLOW DIAGRAM



ATTACHMENT D –STANDARD PROVISIONS

I. STANDARD PROVISIONS – PERMIT COMPLIANCE

A. Duty to Comply

1. The Discharger must comply with all of the terms, requirements, and 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; permit termination, revocation and reissuance, or modification; denial of a permit renewal application; or a combination thereof. (40 C.F.R. § 122.41(a); Wat. Code §§ 13261, 13263, 13265, 13268, 13000, 13001, 13304, 13350, 13385.)
2. The Discharger shall comply with effluent standards or prohibitions established under CWA section 307(a) for toxic pollutants and with standards for sewage sludge use or disposal established under CWA section 405(d) within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement. (40 C.F.R. § 122.41(a)(1).)

B. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order. (40 C.F.R. § 122.41(c).)

C. Duty to Mitigate

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

D. Proper Operation and Maintenance

The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Discharger only when necessary to achieve compliance with the conditions of this Order. (40 C.F.R. § 122.41(e).)

E. Property Rights

1. This Order does not convey any property rights of any sort or any exclusive privileges. (40 C.F.R. § 122.41(g).)
2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations. (40 C.F.R. § 122.5(c).)

F. Inspection and Entry

The Discharger shall allow the Regional Water Board, State Water Board, U.S. EPA, 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 (33 U.S.C. § 1318(a)(4)(B); 40 C.F.R. § 122.41(i); Wat. Code, §§ 13267, 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 (33 U.S.C. § 1318(a)(4)(B)(i); 40 C.F.R. § 122.41(i)(1); Wat. Code, §§ 13267, 13383);
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order (33 U.S.C. § 1318(a)(4)(B)(ii); 40 C.F.R. § 122.41(i)(2)); Wat. Code, §§ 13267, 13383);
3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order (33 U.S.C. § 1318(a)(4)(B)(ii); 40 C.F.R. § 122.41(i)(3); Wat. Code, §§ 13267, 13383); and
4. Sample or monitor, at reasonable times, for the purposes of ensuring Order compliance or as otherwise authorized by the CWA or the Water Code, any substances or parameters at any location. (33 U.S.C. § 1318(a)(4)(B); 40 C.F.R. § 122.41(i)(4); Wat. Code, §§ 13267, 13383.)

G. Bypass

1. Definitions

- a. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility. (40 C.F.R. § 122.41(m)(1)(i).)
- b. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 C.F.R. § 122.41(m)(1)(ii).)

2. **Bypass not exceeding limitations.** The Discharger may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance I.G.3, I.G.4, and I.G.5 below. (40 C.F.R. § 122.41(m)(2).)

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

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage (40 C.F.R. § 122.41(m)(4)(i)(A));
- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of

- equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance (40 C.F.R. § 122.41(m)(4)(i)(B)); and
- c. The Discharger submitted notice to the Regional Water Board as required under Standard Provisions – Permit Compliance I.G.5 below. (40 C.F.R. § 122.41(m)(4)(i)(C).)
- 4. Approval.** The Regional Water Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Water Board determines that it will meet the three conditions listed in Standard Provisions—Permit Compliance I.G.3 above. (40 C.F.R. § 122.41(m)(4)(ii).)
- 5. Notice**
- a. **Anticipated bypass.** If the Discharger knows in advance of the need for a bypass, it shall submit a notice, if possible at least 10 days before the date of the bypass. (40 C.F.R. § 122.41(m)(3)(i).)
 - b. **Unanticipated bypass.** The Discharger shall submit notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below (24-hour notice). (40 C.F.R. § 122.41(m)(3)(ii).)

H. Upset

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the Discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (40 C.F.R. § 122.41(n)(1).)

- 1. Effect of an upset.** An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Standard Provisions – Permit Compliance I.H.2 below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. (40 C.F.R. § 122.41(n)(2).)
- 2. Conditions necessary for a demonstration of upset.** A Discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that (40 C.F.R. § 122.41(n)(3)):
 - a. An upset occurred and that the Discharger can identify the cause(s) of the upset (40 C.F.R. § 122.41(n)(3)(i));
 - b. The permitted facility was, at the time, being properly operated (40 C.F.R. § 122.41(n)(3)(ii));
 - c. The Discharger submitted notice of the upset as required in Standard Provisions—Reporting V.E.2.b below (24-hour notice) (40 C.F.R. § 122.41(n)(3)(iii)); and

d. The Discharger complied with any remedial measures required under Standard Provisions—Permit Compliance I.C above. (40 C.F.R. § 122.41(n)(3)(iv).)

3. Burden of proof. In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof. (40 C.F.R. § 122.41(n)(4).)

II. STANDARD PROVISIONS—PERMIT ACTION

A. General

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition. (40 C.F.R. § 122.41(f).)

B. Duty to Reapply

If the Discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the Discharger must apply for and obtain a new permit. (40 C.F.R. § 122.41(b).)

C. Transfers

This Order is not transferable to any person except after notice to the Regional Water Board. The Regional Water Board may require modification or revocation and reissuance of the Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the CWA and the Water Code. (40 C.F.R. §§ 122.41(l)(3), 122.61.)

III. STANDARD PROVISIONS – MONITORING

A. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. (40 C.F.R. § 122.41(j)(1).)

B. Monitoring results must be conducted according to test procedures approved under 40 C.F.R. part 136 for the analyses of pollutants unless another method is required under 40 C.F.R. subchapters N or O. In the case of pollutants for which there are no approved methods under 40 C.F.R. part 136 or otherwise required under 40 C.F.R. subchapters N or O, monitoring must be conducted according to a test procedure specified in this Order for such pollutants. (40 C.F.R. §§ 122.41(j)(4), 122.44(i)(1)(iv).)

IV. STANDARD PROVISIONS—RECORDS

A. Except for records of monitoring information required by this Order related to the Discharger's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 C.F.R. part 503), the Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Water Board Executive Officer at any time. (40 C.F.R. § 122.41(j)(2).)

B. Records of monitoring information shall include the following:

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

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

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

V. STANDARD PROVISIONS—REPORTING

A. Duty to Provide Information

The Discharger shall furnish to the Regional Water Board, State Water Board, or U.S. EPA within a reasonable time, any information which the Regional Water Board, State Water Board, or U.S. EPA 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 U.S. EPA copies of records required to be kept by this Order. (40 C.F.R. § 122.41(h); Wat. Code, §§ 13267, 13383.)

B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or U.S. EPA shall be signed and certified in accordance with Standard Provisions—Reporting V.B.2, V.B.3, V.B.4, and V.B.5 below. (40 C.F.R. § 122.41(k).)
2. For a corporation, all permit applications shall be signed by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. (40 C.F.R. § 122.22(a)(1).)

For a partnership or sole proprietorship, all permit applications shall be signed by a general partner or the proprietor, respectively. (40 C.F.R. § 122.22(a)(2).)

For a municipality, state, federal, or other public agency, 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 U.S. EPA). (40 C.F.R. § 122.22(a)(3).)

- 3.** All reports required by this Order and other information requested by the Regional Water Board, State Water Board, or U.S. EPA shall be signed by a person described in Standard Provisions – Reporting V.B.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a.** The authorization is made in writing by a person described in Standard Provisions—Reporting V.B.2 above (40 C.F.R. § 122.22(b)(1));
 - b.** The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 C.F.R. § 122.22(b)(2)); and
 - c.** The written authorization is submitted to the Regional Water Board and State Water Board. (40 C.F.R. § 122.22(b)(3).)
- 4.** If an authorization under Standard Provisions – Reporting V.B.3 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Standard Provisions—Reporting V.B.3 above must be submitted to the Regional Water Board and State Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative. (40 C.F.R. § 122.22(c).)
- 5.** Any person signing a document under Standard Provisions—Reporting V.B.2 or V.B.3 above shall make the following certification:

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

C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program in this Order. (40 C.F.R. § 122.22(l)(4).)
2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Water Board or State Water Board for reporting results of monitoring of sludge use or disposal practices. (40 C.F.R. § 122.41(l)(4)(i).)
3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 C.F.R. part 136, or another method required for an industry-specific waste stream under 40 C.F.R. subchapters N or O, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Regional Water Board. (40 C.F.R. § 122.41(l)(4)(ii).)
4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order. (40 C.F.R. § 122.41(l)(4)(iii).)

D. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Order, shall be submitted no later than 14 days following each schedule date. (40 C.F.R. § 122.41(l)(5).)

E. Twenty-Four Hour Reporting

1. The Discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. (40 C.F.R. § 122.41(l)(6)(i).)
2. The following shall be included as information that must be reported within 24 hours under this paragraph (40 C.F.R. § 122.41(l)(6)(ii)):
 - a. Any unanticipated bypass that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(A).)
 - b. Any upset that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(B).)
3. The Regional Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours. (40 C.F.R. § 122.41(l)(6)(iii).)

F. Planned Changes

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

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 C.F.R. section 122.29(b) (40 C.F.R. § 122.41(l)(1)(i)); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this Order. (Alternatively, for an existing manufacturing, commercial, mining, or silvicultural discharge as referenced in 40 C.F.R. section 122.42(a), this notification applies to pollutants that are subject neither to effluent limitations in this Order nor to notification requirements under 40 C.F.R. section 122.42(a)(1) (see Additional Provisions—Notification Levels VII.A.1).) (40 C.F.R. § 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 C.F.R. § 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 this Order's requirements. (40 C.F.R. § 122.41(l)(2).)

H. Other Noncompliance

The Discharger shall report all instances of noncompliance not reported under Standard Provisions—Reporting V.C, V.D, and V.E above at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision—Reporting V.E above. (40 C.F.R. § 122.41(l)(7).)

I. Other Information

When the Discharger becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Water Board, State Water Board, or U.S. EPA, the Discharger shall promptly submit such facts or information. (40 C.F.R. § 122.41(l)(8).)

VI. STANDARD PROVISIONS – ENFORCEMENT

- A. The Regional Water Board is authorized to enforce the terms of this permit under several provisions of the Water Code, including, but not limited to, sections 13268, 13385, 13386, and 13387.

VII. ADDITIONAL PROVISIONS—NOTIFICATION LEVELS

A. Publicly-Owned Treatment Works (POTWs)

All POTWs shall provide adequate notice to the Regional Water Board of the following (40 C.F.R. § 122.42(b)):

- 1.** Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to CWA sections 301 or 306 if it were directly discharging those pollutants (40 C.F.R. § 122.42(b)(1)); and
- 2.** Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of adoption of this Order. (40 C.F.R. § 122.42(b)(2).)
- 3.** Adequate notice shall include information on the quality and quantity of effluent introduced into the POTW as well as any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW. (40 C.F.R. § 122.42(b)(3).)

ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP)

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ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP)

Clean Water Act section 308 and 40 C.F.R. sections 122.41(h), 122.41(j)-(l), 122.44(i), and 122.48 require that all NPDES permits specify monitoring and reporting requirements. Water Code sections 13267 and 13383 also authorize the Regional Water Board to establish monitoring, inspection, entry, reporting, and recordkeeping requirements. This MRP establishes monitoring, reporting, and recordkeeping requirements that implement federal and State laws and regulations.

I. GENERAL MONITORING PROVISIONS

- A. The Discharger shall comply with this MRP. The Executive Officer may amend this MRP pursuant to 40 C.F.R. sections 122.62, 122.63, and 124.5. If any discrepancies exist between this MRP and the “Regional Standard Provisions, and Monitoring and Reporting Requirements (Supplement to Attachment D) for NPDES Wastewater Discharge Permits” (Attachment G), this MRP shall prevail.
- B. The Discharger shall conduct all monitoring in accordance with Attachment D, section III, as supplemented by Attachment G. Equivalent test methods must be more sensitive than those specified in 40 C.F.R. section 136 and must be specified in this permit.

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 Locations

Sampling Location Type	Monitoring Location Name	Monitoring Location Description ^[1]
Influent	INF-001	A point in the plant headworks at which all waste tributary to the treatment system is present (formerly I-001). <i>Latitude 38.019411, Longitude -122.100628</i>
Effluent	EFF-001	A point prior to the point of discharge to Moorhen Marsh where all phases of treatment of the wastewater are complete and all waste tributary to this point is present (formerly E-001). <i>Latitude 38.021111, Longitude -122.103611</i>
Effluent	EFF-002	A point where treated water is discharged from Moorhen Marsh to Peyton Slough (formerly B-Weir). <i>Latitude 38.021125, Longitude -122.103622</i>
Receiving Water	RSW-001	A point in McNabney Marsh, south of the corner of Waterbird Way and Waterfront Road (formerly McN-B). <i>Latitude 38.024853, Longitude -122.101114</i>
Receiving Water	RSW-002	A point in the southeastern part of McNabney Marsh (formerly McN-C). <i>Latitude 38.021111, Longitude -122.103611</i>
Receiving Water	RSW-003	A point in Upper Peyton Slough, located upstream of Pond A discharge weir (formerly C-R). <i>Latitude 38.019272, Longitude -122.094556</i>
Receiving Water	RSW-004	A point in Upper Peyton Slough, located 30 feet upstream of culvert under Waterfront Road (formerly C-3). <i>Latitude 38.025617, Longitude -122.105483</i>
Biosolids	BIO-001	Biosolids (treated sludge)

Footnote:

^[1] Latitudes and longitudes are approximate for administrative purposes.

III. INFLUENT MONITORING REQUIREMENTS

The Discharger shall monitor plant influent at Monitoring Location INF-001 as follows:

Table E-2. Influent Monitoring

Parameter	Units	Sample Type	Minimum Sampling Frequency
Biochemical Oxygen Demand (5-day @ 20°C)(BOD ₅)	mg/L	C-24	1/Week
Total Suspended Solids (TSS)	mg/L	C-24	1/Week
Cyanide, Total	µg/L	Grab	1/Year
Benzo(a)Anthracene	µg/L	Grab	2/Year ^[1]

Abbreviations:

MGD = million gallons per day
 MG = million gallons
 mg/L = milligrams per liter
 µg/L = micrograms per liter

Sampling Types and Frequencies:

C-24 = 24-hour composite sample
 Grab = grab sample
 Continuous = measured continuously
 Continuous/D = measured continuously, and recorded and reported daily
 1/Week = once per week
 1/Year = once per year
 2/Year = twice per year

Footnote:

^[1] To be collected concurrently with effluent sample.

IV. EFFLUENT MONITORING REQUIREMENTS

The Discharger shall monitor plant effluent at Monitoring Location EFF-001 as follows:

Table E-3. Effluent Monitoring

Parameter	Units	Sample Type	Minimum Sampling Frequency
Flow ^[1]	MGD/MG	Continuous	Continuous/D
Biochemical Oxygen Demand (5-day @ 20°C)(BOD ₅)	mg/L	C-24	1/Week
Total Suspended Solids (TSS)	mg/L	C-24	1/Week
Oil and Grease ^[2]	mg/L	Grab	1/Quarter
pH ^{[3][4]}	standard units	Continuous or Grab	1/Day
Temperature ^[4]	°C	Grab	1/Day
Enterococcus	MPN/100 mL ^[5]	Grab	3/Week
Acute Toxicity ^[6]	% survival	Flow-through	1/Month
Chronic Toxicity ^[7]	TU _c	C-24	1/Year
Ammonia, Total ^[4]	mg/L as N	C-24 or Grab	1/Month ^[8]
Copper, Total Recoverable	µg/L	C-24	1/Month
Cyanide, Total ^[9]	µg/L	Grab	1/Month
Dioxin-TEQ	µg/L	Grab	1/Year
Benzo(a)Anthracene	µg/L	Grab	1/Quarter

Unit Abbreviations:

MGD	= million gallons per day
MG	= million gallons
mg/L	= milligrams per liter
µg/L	= micrograms per liter
mg/L as N	= milligrams per liter as nitrogen
°C	= degrees Celsius
% survival	= percent survival
MPN/100 mL	= most probable number per 100 milliliters
TU _c	= chronic toxicity units
% saturation	= percent saturation

Sampling Types and Frequencies:

C-24	= 24 hour composite
Grab	= grab sample
Continuous	= measured continuously
Continuous/D	= measured continuously, and recorded and reported daily
1/Week	= once per week
3/Week	= three times per week
1/Month	= once per month
1/Quarter	= once per quarter
1/Year	= once per year

Footnotes:

- [1] The following flow information shall be reported in monthly self-monitoring reports:
- Daily average flow (MGD)
 - Monthly average flow (MGD)
 - Total monthly flow volume (MG)
 - Maximum and minimum daily average flow rates (MGD)
- [2] Oil and grease sampling and analysis shall be conducted in accordance with U.S. EPA Method 1664A.
- [3] If pH is monitored continuously, the minimum and maximum pH for each day shall be reported in self-monitoring reports.
- [4] Ammonia, temperature, and pH monitoring shall occur concurrently at the same location to allow for calculation of the un-ionized ammonia fraction. Ammonia, temperature, and pH samples may be collected at Monitoring Location EFF-002.
- [5] Results may be reported as colony-forming units per 100 milliliters (CFU/100 mL) if the laboratory method used provides results in CFU/100 mL.
- [6] Acute bioassay tests shall be performed in accordance with MRP section V.A.
- [7] Chronic bioassay tests shall be performed in accordance with MRP section V.B.
- [8] The monitoring frequency for ammonia shall be once per day when the biotower is not operating.
- [9] The Discharger may, at its option, analyze for cyanide as weak acid dissociable cyanide using protocols specified in Standard Method Part 4500-CN-I, U.S. EPA Method OI 1677, or an equivalent method in the latest edition. The Executive Officer must approve use of the alternative analysis method.

V. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS

A. Whole Effluent Acute Toxicity

1. Compliance with the acute toxicity effluent limitations shall be evaluated at Monitoring Location EFF-001 by measuring survival of test organisms exposed to 96-hour continuous flow-through bioassays.
2. Test organisms shall be fathead minnow (*Pimephales promelas*). Alternatively, the Executive Officer may specify a more sensitive organism or, if testing a particular organism proves unworkable, the most sensitive organism available.
3. All bioassays shall be performed according to the most up-to-date protocols in 40 C.F.R. part 136, currently *Methods for Measuring the Acute Toxicity of Effluents and Receiving*

Water to Freshwater and Marine Organisms, 5th Edition (EPA-821-R-02-012). If these protocols prove unworkable, the Executive Officer and the Environmental Laboratory Accreditation Program may grant exceptions in writing upon the Discharger's request with justification.

4. If the Discharger demonstrates that specific identifiable substances in the discharge are rapidly rendered harmless upon discharge to the receiving water, compliance with the acute toxicity limit may be determined after test samples are adjusted to remove the influence of those substances. Written acknowledgement that the Executive Officer concurs with the Discharger's demonstration and that the adjustment will not remove the influence of other substances must be obtained prior to any such adjustment. The Discharger may manually adjust the pH of whole effluent acute toxicity samples prior to performing bioassays to minimize ammonia toxicity interference.
5. Bioassay water monitoring shall include, on a daily basis, pH, dissolved oxygen, ammonia (if toxicity is observed), temperature, hardness, and alkalinity. These results shall be reported. If final or intermediate results of an acute bioassay test indicate a violation or threatened violation (e.g., the percentage of surviving test organisms is less than 70 percent), the Discharger shall initiate a new test as soon as practical and shall investigate the cause of the mortalities and report its findings in the next self-monitoring report. The Discharger shall repeat the test until a test fish survival rate of 90 percent or greater is observed. If the control fish survival rate is less than 90 percent, the bioassay test shall be restarted with new fish and shall continue as soon as practical until an acceptable test is completed (i.e., control fish survival rate is 90 percent or greater).

B. Whole Effluent Chronic Toxicity

1. Monitoring Requirements

- a. **Sampling.** The Discharger shall collect 24-hour composite effluent samples at Monitoring Location EFF-001 for critical life stage toxicity tests as indicated below. For toxicity tests requiring renewals, the Discharger shall collect 24-hour composite samples on consecutive or alternating days.
- b. **Test Species.** The test species shall be inland silverside (*Menidia beryllina*), unless a more sensitive species is identified. If using this species proves unworkable, the Executive Officer may specify a different species in writing upon the Discharger's request with justification

The Discharger shall conduct a screening chronic toxicity test as described in Appendix E-1, or as described in applicable State Water Board plan provisions that become effective after adoption of this Order, following any significant change in the nature of the effluent. If there is no significant change in the nature of the effluent, the Discharger shall conduct a screening test and submit the results with its application for permit reissuance. Upon completion of the chronic toxicity screening, the Discharger shall use the most sensitive species to conduct subsequent monitoring.

- c. **Frequency.** Chronic toxicity monitoring shall be as specified below:

- i. The Discharger shall monitor routinely once per year.
- ii. The Discharger shall accelerate monitoring to monthly after either exceeding a three-sample median of 1 chronic toxicity unit (TU_c) or a single-sample maximum of 2 TU_c . Based on the TU_c results, the Executive Officer may specify a different frequency for accelerated monitoring to ensure that accelerated monitoring provides useful information.
- iii. The Discharger shall return to routine monitoring if accelerated monitoring does not exceed the trigger in ii, above.
- iv. If accelerated monitoring confirms consistent toxicity in excess of the trigger in ii, above, the Discharger shall continue accelerated monitoring and initiate toxicity reduction evaluation (TRE) procedures in accordance with section V.B.3, below.
- v. The Discharger shall return to routine monitoring after implementing appropriate elements of the TRE, and either the toxicity drops below the trigger in ii, above, or, based on the TRE results, the Executive Officer determines that accelerated monitoring would no longer provide useful information.

Monitoring conducted pursuant to a TRE shall satisfy the requirements for routine and accelerated monitoring while the TRE is underway.

- d. **Methodology.** Sample collection, handling, and preservation shall be in accordance with U.S. EPA protocols. In addition, bioassays shall be conducted in compliance with the most recently promulgated test methods, as shown in Appendix E-2. These are *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms*, currently first edition (EPA/600/R-95-136), *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms*, currently third edition (EPA-821-R-02-014) and *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, currently fourth edition (EPA-821-R2-02-013). If these protocols prove unworkable, the Executive Officer and the Environmental Laboratory Accreditation Program may grant exceptions in writing upon the Discharger's request with justification. If the Discharger demonstrates that specific identifiable substances in the discharge are rapidly rendered harmless upon discharge to the receiving water, compliance with the chronic toxicity limit may be determined after test samples are adjusted to remove the influence of those substances. Written acknowledgement that the Executive Officer concurs with the Discharger's demonstration and that the adjustment will not remove the influence of other substances must be obtained prior to any such adjustment.
- e. **Dilution Series.** The Discharger shall conduct tests at 100%, 50%, 25%, 10%, and 5%. The "%" represents percent effluent as discharged. Test sample pH may be controlled to the level of the effluent sample as received prior to being salted up.

2. Reporting Requirements

- a. The Discharger shall provide toxicity test results with self-monitoring reports and shall include the following, at a minimum, for each test:
 - i. Sample date
 - ii. Test initiation date
 - iii. Test species
 - iv. End point values for each dilution (e.g., number of young, growth rate, percent survival)
 - v. No Observable Effect Level (NOEL) values in percent effluent. The NOEL shall equal the IC_{25} or EC_{25} (see MRP Appendix E-1). If the IC_{25} or EC_{25} cannot be statistically determined, the NOEL shall equal to the No Observable Effect Concentration (NOEC) derived using hypothesis testing. The NOEC is the maximum percent effluent concentration that causes no observable effect on test organisms based on a critical life stage toxicity test.
 - vi. IC_{15} , IC_{25} , IC_{40} , and IC_{50} values (or EC_{15} , EC_{25} , EC_{40} , and EC_{50}) as percent effluent
 - vii. TU_c values ($100/NOEL$, where $NOEL = IC_{25}$, EC_{25} , or $NOEC$)
 - viii. Mean percent mortality (\pm s.d.) after 96 hours in 100% effluent (if applicable)
 - ix. IC_{50} or EC_{50} values for reference toxicant tests
 - x. Available water quality measurements for each test (e.g., pH, dissolved oxygen, temperature, conductivity, hardness, salinity, and ammonia)
- b. The Discharger shall provide the results of the most recent three chronic toxicity tests and the three-sample median in self-monitoring reports.

3. Toxicity Reduction Evaluation (TRE)

- a. The Discharger shall prepare a generic TRE work plan within 90 days of the effective date of this Order to be ready to respond to toxicity events. The Discharger shall review and update the work plan as necessary so that it remains current and applicable to the discharge and discharge facilities.
- b. Within 30 days of exceeding the chronic toxicity trigger in section V.B.1.c.ii, above, the Discharger shall submit a TRE work plan, which shall be the generic work plan revised as appropriate for this toxicity event after consideration of available discharge data.
- c. Within 30 days of completing an accelerated monitoring test observed to exceed the trigger in section V.B.1.c.ii, above, the Discharger shall initiate a TRE in accordance with a TRE work plan that incorporates any and all Executive Officer comments.

- d.** The TRE shall be specific to the discharge and be in accordance with current technical guidance and reference materials, including U.S. EPA guidance materials. The Discharger shall conduct the TRE as a tiered evaluation as summarized below:
 - i.** Tier 1 shall consist of basic data collection (routine and accelerated monitoring).
 - ii.** Tier 2 shall consist of evaluation of treatment process optimization, including operational practices and in-plant process chemicals.
 - iii.** Tier 3 shall consist of a toxicity identification evaluation (TIE).
 - iv.** Tier 4 shall consist of evaluation of options for additional effluent treatment processes.
 - v.** Tier 5 shall consist of evaluation of options for modifications of in-plant treatment processes.
 - vi.** Tier 6 shall consist of implementation of selected toxicity control measures, and follow-up monitoring and confirmation of implementation success.
- e.** The Discharger may end the TRE at any stage if monitoring finds there is no longer consistent toxicity.
- f.** The objective of the TIE shall be to identify the substance or combination of substances causing the observed toxicity. The Discharger shall employ all reasonable efforts using currently available TIE methodologies.
- g.** As toxic substances are identified or characterized, the Discharger shall continue the TRE by determining the sources and evaluating alternative strategies for reducing or eliminating the toxic substances from the discharge. The Discharger shall take all reasonable steps to reduce toxicity to levels below the chronic toxicity limit.
- h.** Many recommended TRE elements parallel required or recommended efforts related to source control, pollution prevention, and stormwater control programs. TRE efforts should be coordinated with such efforts. To prevent duplication of efforts, evidence of complying with requirements or recommended efforts of such programs may be acceptable to demonstrate compliance with TRE requirements.
- i.** Chronic toxicity may be episodic and identification of causes of and reduction of sources of chronic toxicity may not be successful. Regional Water Board enforcement considerations will be based in part on the Discharger's actions and efforts to identify and control or reduce sources of consistent toxicity.

VI. RECEIVING WATER MONITORING REQUIREMENTS

The Discharger shall monitor receiving waters at Monitoring Locations RSW-001 through RSW-004 as follows:

Table E-4. Receiving Water Monitoring

Constituents	Units	Sample Type	Minimum Sampling Frequency
pH ^[1]	standard units	Grab	1/Quarter
Temperature ^[1]	°C	Grab	1/Quarter
Ammonia, Total ^[1]	mg/L as N	Grab	1/Quarter
Organic Nitrogen, Total	mg/L as N	Grab	1/Quarter
Nitrate	mg/L as N	Grab	1/Quarter
Nitrite	mg/L as N	Grab	1/Quarter
Phosphorus, Total	mg/L	Grab	1/Quarter
Dissolved Oxygen ^[2]	mg/L	Grab	1/Quarter
Dissolved Sulfides ^[2]	mg/L	Grab	1/Quarter
Salinity ^[1]	ppt	Grab	1/Quarter
Hardness	mg/L as CaCO ₃	Grab	1/Quarter
Standard Observations ^[3]	---	---	1/Quarter

Unit Abbreviations:

mg/L = milligrams per liter
 mg/L as N = milligrams per liter as nitrogen
 ppt = parts per thousand
 °C = degrees Celsius
 mg/L as CaCO₃ = milligrams per liter as calcium carbonate

Sample Types and Frequencies:

Grab = grab sample
 1/Quarter = once per quarter

Footnotes:

- ^[1] Ammonia, temperature, salinity, and pH monitoring shall occur concurrently to allow for calculation of the un-ionized ammonia fraction.
^[2] Sulfide samples shall be run when dissolved oxygen is less than 2.0 mg/L.
^[3] Standard Observations are described in Attachment G section III.C.1.

VII. 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, with modifications shown in sections IX and X, below.

B. Self-Monitoring Reports (SMRs)

- 1. SMR Format.** The Discharger shall electronically submit SMRs using the State Water Board’s California Integrated Water Quality System (CIWQS) Web site (<http://www.waterboards.ca.gov/ciwqs/index.html>). The CIWQS website will provide additional information for SMR submittal in the event of a planned service interruption for electronic submittal.
- 2. SMR Due Dates and Contents.** The Discharger shall submit SMRs by the due dates, and with the contents, specified below:

- a. **Monthly SMRs** — Monthly SMRs shall be due 30 days after the end of each calendar month, covering that calendar month. The monthly SMR shall contain the applicable items described in sections V.B and V.C of both Attachments D and G of this Order. See Provision VI.C.2 (Effluent Characterization Study and Report) of this Order for information that must also be reported with monthly SMRs.

Monthly SMRs shall include all new monitoring results obtained since the last SMR was submitted. If the Discharger monitors any pollutant more frequently than required by this Order, the Discharger shall include the results of such monitoring in the calculations and reporting for the SMR.

- b. **Annual SMR** — Annual SMRs shall be due February 1 each year, covering the previous calendar year. The annual SMR shall contain the items described in sections V.C.1.f of Attachment G. See also Provisions VI.C.2 (Effluent Characterization Study and Report) and VI.C.4.a (Sludge and Biosolids Management) of the Order for requirements to submit reports with the annual SMR.

3. Specifications for Submitting SMRs to CIWQS — The Discharger shall submit analytical results and other information using one of the following methods:

Table E-5. CIWQS Reporting

Parameter	Method of Reporting	
	EDF/CDF data upload or manual entry	Attached File
All parameters identified in influent, effluent, and receiving water monitoring tables (except Dissolved Oxygen and Temperature)	Required for all results	
Dissolved Oxygen Temperature	Required for monthly maximum and minimum results only ^[1]	Discharger may use this method for all results or keep records
Antimony Arsenic Beryllium Cadmium Chromium Copper Cyanide Lead Mercury Nickel	Selenium Silver Thallium Zinc Dioxins & Furans (by U.S. EPA Method 1613) Other Pollutants (by U.S. EPA Methods 601, 602, 608, 610, 614, 624, and 625)	Required for all results ^[2]
Analytical Method	Not required (Discharger may select “data unavailable”) ^[1]	
Collection Time Analysis Time	Not required (Discharger may select “0:00”) ^[1]	

Footnotes:

- ^[1] The Discharger shall continue to monitor at the minimum frequency specified in this MRP, keep records of the measurements, and make the records available upon request.
- ^[2] These parameters require EDF/CDF data upload or manual entry regardless of whether monitoring is required by this MRP or other provisions of this Order (except for biosolids, sludge, or ash provisions).

The Discharger shall arrange all reported data in a tabular format and summarize data to clearly illustrate whether the Facility is operating in compliance with effluent limitations. The Discharger is not required to duplicate the submittal of data entered in a tabular format within CIWQS. When electronic submittal of data is required and CIWQS does not provide for entry into a tabular format, the Discharger shall electronically submit the data in a tabular format as an attachment.

4. Monitoring Periods. Monitoring periods for all required monitoring shall be as set forth below unless otherwise specified:

Table E-6. Monitoring Periods

Sampling Frequency	Monitoring Period Begins On...	Monitoring Period
Continuous	Order effective date	All times
1/Week 2/Week 3/Week	First Sunday following or on Order effective date	Sunday through Saturday
1/Month	First day of calendar month following or on Order effective date	First day of calendar month through last day of calendar month
1/Quarter	Closest March 1, June 1, September 1, or December 1 before or after Order effective date ^[1]	March 1 through May 31 June 1 through August 31 September 1 through November 30 December 1 through February 28
1/Year	Closest January 1 before or after Order effective date ^[1]	January 1 through December 31
2/Year	Closest January 1 or July 1 before or after Order effective date ^[1]	January 1 through June 30 July 1 through December 31

Footnote:

^[1] Monitoring performed during the previous order term may be used to satisfy monitoring required by this Order.

5. RL and MDL Reporting. The Discharger shall report with each sample result the Reporting Level (RL) and Method Detection Limit (MDL) as determined by the procedure in 40 C.F.R. part 136. The Discharger shall report the results of analytical determinations for the presence of chemical constituents in a sample using the following reporting protocols:

- a. Sample results greater than or equal to the RL shall be reported as measured by the laboratory (i.e., the measured chemical concentration in the sample).
- b. Sample results less than the RL, but greater than or equal to the laboratory’s MDL, shall be reported as “Detected, but Not Quantified,” or DNQ. The estimated chemical concentration of the sample shall also be reported.

For purposes of data collection, the laboratory shall write the estimated chemical concentration next to DNQ. The laboratory may, if such information is available, include numerical estimates of the data quality for the reported result. Numerical estimates of data quality may be percent accuracy (+/- a percentage of the reported value), numerical ranges (low to high), or any other means the laboratory considers appropriate.

- c. Sample results less than the laboratory’s MDL shall be reported as “Not Detected”, or ND.

- d. The Discharger shall instruct laboratories to establish calibration standards so that the minimum level (ML) value (or its equivalent if there is differential treatment of samples relative to calibration standards) is the lowest calibration standard. At no time is the Discharger to use analytical data derived from extrapolation beyond the lowest point of the calibration curve.

6. **Compliance Determination.** Compliance with effluent limitations for priority pollutants shall be determined using sample reporting protocols defined above and in the Fact Sheet and Attachments A, D, and G. For purposes of reporting and administrative enforcement by the Regional Water Board and State Water Board, the Discharger shall be deemed out of compliance with effluent limitations if the concentration of the priority pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the RL.

C. Discharge Monitoring Reports (DMRs)

The Discharger shall electronically certify and submit DMRs with SMRs using the Electronic Self-Monitoring Reports module eSMR 2.5 or the latest upgraded version. Information about electronic DMR submittal is available at the DMR website at http://www.waterboards.ca.gov/water_issues/programs/discharge_monitoring.

VIII. MODIFICATIONS TO ATTACHMENT G

This MRP modifies Attachment G as indicated below:

A. Attachment G section V.C.1.c.2 is revised as follows:

- 2) When determining compliance with an average monthly or maximum daily effluent limitation, and more than one sample result is available, 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.

B. Attachment G sections V.C.1.f and V.C.1.g are revised as follows, and section V.C.1.h (Reporting data in electronic format) is deleted:

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 (this summary table is not required if the Discharger has submitted the year's monitoring results to CIWQS in electronic reporting format by EDF/CDF upload or manual entry);
- 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 (this item is not required if the Discharger has submitted the year's monitoring results to CIWQS in electronic reporting format by EDF/CDF upload or manual entry);
- 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 stormwater 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 addressed as follows, unless the Discharger submits SMRs electronically to CIWQS:

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 – *Deleted*

C. Attachment G sections V.E.2, V.E.2.a, and V.E.2.c are revised as follows, and sections V.E.2.b (24-hour Certification) and V.E.2.d (Communication Protocol) are deleted:

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 supersede requirements imposed on the Discharger by the Executive Officer by letter of May 1, 2008.

a. Two (2)-Hour Notification

For any unauthorized discharges that enter 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 California Office of Emergency Services (CalOES, currently 800-852-7550), the local health officers or directors of environmental health with jurisdiction over the affected water bodies, and the Regional Water Board. Timely notification by the Discharger to CalOES also satisfies notification to the Regional Water Board. Notification 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 – *Deleted*
- c. 5-day Written Report

Within five business days, the Discharger shall submit a written report 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 – *Deleted*

APPENDIX E-1
CHRONIC TOXICITY
DEFINITION OF TERMS AND SCREENING PHASE REQUIREMENTS

I. Definition of Terms

- A. No observed effect level (NOEL) for compliance determination is equal to IC₂₅ or EC₂₅. If the IC₂₅ or EC₂₅ cannot be statistically determined, the NOEL shall be equal to the NOEC derived using hypothesis testing.
- B. Effective concentration (EC) is a point estimate of the toxicant concentration that would cause an adverse effect on a quantal, “all or nothing,” response (such as death, immobilization, or serious incapacitation) in a given percent of the test organisms. If the effect is death or immobility, the term lethal concentration (LC) may be used. EC values may be calculated using point estimation techniques such as probit, logit, and Spearman-Kärber. EC₂₅ is the concentration of toxicant (in percent effluent) that causes a response in 25 percent of the test organisms.
- C. Inhibition concentration (IC) is a point estimate of the toxicant concentration that would cause a given percent reduction in a nonlethal, nonquantal biological measurement, such as growth. For example, an IC₂₅ is the estimated concentration of toxicant that would cause a 25 percent reduction in average young per female or growth. IC values may be calculated using a linear interpolation method such as U.S. EPA's Bootstrap Procedure.
- D. No observed effect concentration (NOEC) is the highest tested concentration of an effluent or a toxicant at which no adverse effects are observed on the aquatic test organisms at a specific time of observation. It is determined using hypothesis testing.

II. Chronic Toxicity Screening Phase Requirements

- A. The Discharger shall perform screening phase monitoring:
 - 1. Subsequent to any significant change in the nature of the effluent discharged through changes in sources or treatment, except those changes resulting from reductions in pollutant concentrations attributable to source control efforts, or
 - 2. Prior to permit reissuance. Screening phase monitoring data shall be included in the NPDES permit application for reissuance. The information shall be as recent as possible, but may be based on screening phase monitoring conducted within 5 years before the permit expiration date.
- B. Design of the screening phase shall, at a minimum, consist of the following elements:
 - 1. Use of test species specified in Appendix E-2, attached, and use of the protocols referenced in those tables.

2. Two stages:
 - a. Stage 1 shall consist of a minimum of one battery of tests conducted concurrently. Selection of the type of test species and minimum number of tests shall be based on Appendix E-2 (attached).
 - b. Stage 2 shall consist of a minimum of two test batteries conducted at a monthly frequency using the three most sensitive species based on the Stage 1 test results.
 3. Appropriate controls.
 4. Concurrent reference toxicant tests.
 5. Dilution series of 100%, 50%, 25%, 12.5%, 6.25%, and 0%, where “%” is percent effluent as discharged, or as otherwise approved by the Executive Officer if different dilution ratios are needed to reflect discharge conditions.
- C. The Discharger shall submit a screening phase proposal. The proposal shall address each of the elements listed above. If within 30 days, the Executive Officer does not comment, the Discharger shall commence with screening phase monitoring.

**APPENDIX E-2
 SUMMARY OF TOXICITY TEST SPECIES REQUIREMENTS**

Table AE-1. Critical Life Stage Toxicity Tests for Estuarine Waters

Species	(Scientific Name)	Effect	Test Duration	Reference
Alga	<i>(Skeletonema costatum)</i> <i>(Thalassiosira pseudonana)</i>	Growth rate	4 days	1
Red alga	<i>(Champia parvula)</i>	Number of cystocarps	7–9 days	3
Giant kelp	<i>(Macrocystis pyrifera)</i>	Percent germination; germ tube length	48 hours	2
Abalone	<i>(Haliotis rufescens)</i>	Abnormal shell development	48 hours	2
Oyster Mussel	<i>(Crassostrea gigas)</i> <i>(Mytilus edulis)</i>	Abnormal shell development; percent survival	48 hours	2
Echinoderms - Urchins Sand dollar	<i>(Strongylocentrotus purpuratus, S. franciscanus)</i> <i>(Dendraster excentricus)</i>	Percent fertilization or larval development	1 hour or 72 hours	2
Shrimp	<i>(Americamysis bahia)</i>	Percent survival; growth	7 days	3
Shrimp	<i>(Holmesimysis costata)</i>	Percent survival; growth	7 days	2
Topsmelt	<i>(Atherinops affinis)</i>	Percent survival; growth	7 days	2
Silversides	<i>(Menidia beryllina)</i>	Larval growth rate; percent survival	7 days	3

Toxicity Test References:

1. American Society for Testing Materials (ASTM). 1990. Standard Guide for Conducting Static 96-Hour Toxicity Tests with Microalgae. Procedure E 1218-90. ASTM, Philadelphia, PA.
2. Short-term Methods for Estimating the Chronic Toxicity of Effluent and Receiving Waters to West Coast Marine and Estuarine Organisms. EPA/600/R-95/136. August 1995.
3. Short-term Methods for Estimating the Chronic Toxicity of Effluent and Receiving Waters to Marine and Estuarine Organisms. EPA/821/R-02/014. October 2002.

Table AE-2. Critical Life Stage Toxicity Tests for Fresh Waters

Species	(Scientific Name)	Effect	Test Duration	Reference
Fathead minnow	<i>(Pimephales promelas)</i>	Survival; growth rate	7 days	4
Water flea	<i>(Ceriodaphnia dubia)</i>	Survival; number of young	7 days	4
Alga	<i>(Selenastrum capricornutum)</i>	Final cell density	4 days	4

Toxicity Test Reference:

1. Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, fourth Edition Chronic manual (EPA-821-R-02-013, October 2002).

Table AE-3. Toxicity Test Requirements for Stage One Screening Phase

Requirements	Receiving Water Characteristics		
	Discharges to Coast	Discharges to San Francisco Bay ^[1]	
		Ocean	Marine/Estuarine
Taxonomic diversity	1 plant 1 invertebrate 1 fish	1 plant 1 invertebrate 1 fish	1 plant 1 invertebrate 1 fish
Number of tests of each salinity type: Freshwater ^[2]	0	1 or 2	3
Marine/Estuarine	4	3 or 4	0
Total number of tests	4	5	3

Footnotes:

- ^[1] (a) Marine refers to receiving water salinities greater than 1 part per thousand (ppt) at least 95 percent of the time during a normal water year.
 (b) Freshwater refers to receiving water with salinities less than 1 ppt at least 95 percent of the time during a normal water year.
 (c) Estuarine refers to receiving water salinities that fall between those of marine and freshwater, as described above.
- ^[2] The freshwater species may be substituted with marine species if:
 - (a) The salinity of the effluent is above 1 ppt greater than 95 percent of the time, or
 - (b) The ionic strength (TDS or conductivity) of the effluent at the test concentration used to determine compliance is documented to be toxic to the test species.

ATTACHMENT F - FACT SHEET

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ATTACHMENT F – FACT SHEET

This Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order. As described in section II.B of the Order, the Regional Water Board incorporates this Fact Sheet as findings supporting the issuance of the Order.

I. PERMIT INFORMATION

The following table summarizes administrative information related to the facility:

Table F-1. Facility Information

WDID	2 0710290001
CIWQS Place ID	241815
Discharger	Mt. View Sanitary District
Facility Name	Mt. View Sanitary District Wastewater Treatment Plant and its collection system
Facility Address	3800 Arthur Road Martinez, CA 94553 Contra Costa County
Facility Contact, Title, Phone	Neal Allen District Manager (925) 228-5635
Authorized Person to Sign and Submit Reports	Same as facility contact.
Mailing Address	P.O. Box 2757 Martinez, CA 94553
Billing Address	Same as mailing address
Facility Type	Publicly-Owned Treatment Works
Major or Minor Facility	Major
Threat to Water Quality	2
Complexity	A
Pretreatment Program	No
Reclamation Requirements	No
Mercury and PCBs Requirements	NPDES Permit No. CA0038849
Nutrients Requirements	NPDES Permit No. CA0038873
Permitted Flow	3.2 million gallons per day (MGD) – average daily dry weather design flow
Design Flow	3.2 MGD – average dry weather design flow 10.9 MGD – peak wet weather design flow
Watershed	Suisun
Receiving Water	Peyton Slough, a tributary to McNabney Marsh and Carquinez Strait
Receiving Water Type	Estuarine

- A. The Mt. View Sanitary District (Discharger) owns the Mt. View Sanitary District Wastewater Treatment Plant and its collection system (collectively, the Facility). The plant provides advanced secondary treatment of wastewater collected from its service area and discharges it to Peyton Slough, a tributary of McNabney Marsh and Carquinez Strait. All are waters of the United States within the Suisun watershed.

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 regulated pursuant to National Pollutant Discharge Elimination System (NPDES) Permit No. CA0037770. The Discharger was previously subject to the NPDES permit in Order No. R2-2010-0114 (previous order), which became effective on January 1, 2011. The Discharger filed a Report of Waste Discharge and submitted an application for reissuance of its Waste Discharge Requirements (WDRs) and NPDES permit on June 25, 2015.

The discharge is also regulated under NPDES Permit Nos. CA0038849 and CA0038873, which establish requirements on mercury, polychlorinated biphenyls (PCBs), and nutrients from wastewater discharges to San Francisco Bay. This Order does not affect those permits.

The Discharger is authorized to discharge subject to WDRs in this Order at the discharge location described in Table 2 of this Order. Regulations at 40 C.F.R. section 122.46 limit the duration of NPDES permits to a fixed term not to exceed five years. Accordingly, Table 3 of this Order limits the effective period for the discharge authorization. Pursuant to California Code of Regulations, title 23, section 2235.4, the terms and conditions of an expired permit are automatically continued pending reissuance of the permit if the Discharger complies with all federal NPDES regulation requirements for continuation of expired permits.

- C.** When applicable, State law requires dischargers to file a petition with the State Water Resources Control Board (State Water Board), Division of Water Rights, and receive approval for any change in the point of discharge, place of use, or purpose of use of treated wastewater that decreases the flow in any portion of a watercourse. The State Water Board retains separate jurisdictional authority to enforce such requirements under Water Code 1211. This is not an NPDES permit requirement.

II. FACILITY DESCRIPTION

A. Wastewater and Biosolids Treatment

- 1. Location and Service Area.** The plant is located at 3800 Arthur Road in Martinez. It provides advanced secondary treatment of domestic and non-domestic wastewater from unincorporated areas of Martinez and portions of the City of Martinez. The Facility currently serves approximately 18,500 people and 270 businesses within a service area of about 4,100 acres. Attachment B contains maps of the Facility area.
- 2. Collection System.** The collection system includes 73 miles of sewer collection lines and four pump stations.
- 3. Wastewater Treatment.** The plant can provide advanced secondary treatment for an average daily dry weather design flow of 3.2 million gallons per day (MGD). The treatment system consists of screening, primary clarification, trickling filtration, ammonia removal nitrification bio-tower, secondary sedimentation, advanced secondary sand filtration, and UV disinfection. Attachment C provides a plant flow schematic.

Following disinfection, the wastewater flows through a 21-acre constructed wetland

(Moorhen Marsh) for “polishing” treatment to remove ammonia and other pollutants before being discharged to Peyton Slough at Discharge Point No. 001. The average discharge flow for July 2014 through June 2015 was 1.27 MGD.

4. **Sludge and Biosolids Management.** Sludge is thickened, anaerobically digested, dewatered in a centrifuge, and placed as alternative daily cover at the B&J Landfill in Dixon. Seasonally, sludge volume is further reduced in drying beds prior to placement in the landfill. Runoff from the drying beds is collected and pumped back to the headworks.
5. **Stormwater Management.** The Discharger is not required to comply with the State Water Board’s statewide NPDES permit for stormwater discharges associated with industrial activities (NPDES General Permit No. CAS000001) because all stormwater flows that contact equipment or sewage at the plant and the pump stations serving the plant are collected and directed to the plant headworks for treatment.

B. Discharge Point and Receiving Waters

Discharge of treated effluent to Peyton Slough occurs at Discharge Point No. 001. Peyton Slough flows through an estuarine tidal marsh (McNabney Marsh) and ultimately to Carquinez Strait through a tide gate downstream of McNabney Marsh.

C. Previous Requirements and Monitoring Data

The table below presents the effluent limitations contained in the previous order and representative monitoring data from the previous order term:

Table F-2. Previous Effluent Limitations and Monitoring Data

Parameter	Units	Effluent Limitations			Monitoring Data (7/11 – 7/15)		
		Monthly Average	Weekly Average	Daily Maximum	No. of Samples / No. Below Detection Limit	Highest Daily Discharge	Average ±Standard Deviation [1]
Biochemical Oxygen Demand (BOD)	mg/L	30	45	---	212/137	13	3.4±2.0
Total Suspended Solids (TSS)	mg/L	30	45	---	212/65	26	3.9±3.4
Oil and Grease	mg/L	10	---	20	18/10	3.6	1.5±1.1
pH	standard units	6.5 – 8.5			2984/0	6.5-7.9 [2]	7.2±0.2 [3]
Enterococcus	MPN/100 mL	[2]	---	---	642/523	2,400 [4]	4.5±95 [4]
Copper, Total	µg/L	8.3	---	11.4	52/0	8.8	6.2±1.1
Dioxin-TEQ	µg/L	1.4 x 10 ⁻⁸	---	2.8 x 10 ⁻⁸	4/4	[5]	[5]
Benzo(a)Anthracene	µg/L	0.049	---	0.098	12/12	[5]	[5]
Ammonia, Total	mg/L as N	1.6	---	4.7	80/3	5.9	0.3±0.7
Acute Toxicity	% Survival	Not less than 90% (11-Sample Median)			51/0	90 [6]	98±2.5
		Not less than 70% (11-Sample 90th Percentile)					
Chronic Toxicity	TUc	No chronic toxicity in the discharge as discharged			5/5	1.0	1.0±0.0

Unit Abbreviations:

mg/L = milligrams per liter
 µg/L = micrograms per liter
 mg/L as N = milligrams per liter as nitrogen
 MPN/100 mL = most probable number per 100 milliliters
 % Survival = percent survival
 TUc = chronic toxicity units

Footnotes:

- ^[1] One half of the detection limit was used for all values below the detection limit.
- ^[2] The highest and lowest reported pH value.
- ^[3] Calculated from the daily maximum and daily minimum values.
- ^[4] The next highest value was 23 MPN/100 mL. Without the value of 2,400 MPN/100 mL, the average and standard deviation was 0.7±1.1 MPN/100 mL.
- ^[5] All values were below the detection limit.
- ^[6] The lowest single-sample percent survival was 90 percent.

D. Compliance Summary

- 1. Treatment Plant.** The Discharger violated an effluent limitation once during the previous order term through June 2015. On March 24, 2011, the copper concentration was 16.0 µg/L, which was above the maximum daily effluent limit of 11.4 µg/L. The violation occurred during extreme wet weather when wastewater flow exceeded the capacity of the sand filter and had to be routed around it. On November 19, 2012, the Regional Water Board issued a \$3,000 mandatory minimum penalty for the violation (Order No. R2-2012-0071).
- 2. Collection System.** To the extent that some sanitary sewer overflows (SSOs) reached waters of the United States, the Discharger may have violated Prohibition III.D. The table below shows the Discharger’s SSO rates (total SSOs per 100 miles of collection system) and other information, together with those for the county and region:

Table F-3. Collection System and SSO Rates (SSO/100 miles)

(Values based on CIWQS data analysis completed in January 2015)^[1]

	Length (miles)	Average Age (years)	2011	2012	2013	2014
Discharger	78	38	13.3	9.3	7.7	7.7
Contra Costa County median of 6 medium systems (10-99 miles)	55	44	8.3	8.7	8.0	5.6
San Francisco Bay Region median of 49 medium systems (10-99 miles)	38	42	5.9	9.3	11.5	6.5
San Francisco Bay Region median of all 132 systems	42	44	4.0	4.6	4.5	2.7

Footnote:

^[1] The State Water Board’s *Enrollee’s Guide to the SSO Database* defines “Total number of SSOs per 100 miles of Sewer” as “...the number of SSOs, for which the reporting enrollee is responsible, for every 100 miles of pipe or sewer lines in an enrollee’s sanitary sewer system. Due to the large variation in facility specific characteristics, this metric should only be viewed as a rough comparison of the operation and maintenance performance of enrollees and their sanitary sewer systems.”

The Discharger’s SSO rates have improved during the previous order term. In addition, the SSO rates over the last three years are similar to the Contra Costa County and San Francisco Bay Region medians for medium-sized collection systems. The average age of the Discharger’s collection system, 38 years, is less than local and regional averages. In 2015, the Discharger budgeted over \$4.2 million for capital improvement projects. This level of funding is expected to rehabilitate approximately 3.4 miles, or 4.4 percent, of the

Discharger's 78-mile collection system per year. (This rehabilitation rate is based on the annual capital expenditure the Discharger reported for 2015, divided by an estimated low-end \$1 million cost per mile of collection system rehabilitation, divided by the total miles of collection system.)

E. Planned Changes.

The changes described below are for informational purposes only and are not requirements of this Order, except to the extent that they pertain to increasing or ensuring the reliability of treatment or wastewater collection systems. Their inclusion here does not imply Regional Water Board authorization. The Discharger must obtain any necessary permits or permit modifications to implement the changes.

The Discharger is studying whether it is economically feasible to recycle treated wastewater for reuse at the nearby Shell Martinez Refinery. If feasible, the project may be implemented. This project could reduce pollutant discharges to Peyton Slough.

III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

A. Legal Authorities

This Order serves as WDRs pursuant to California Water Code article 4, chapter 4, division 7 (commencing with § 13260) for discharges to land and/or waters of the State. This Order is also issued pursuant to Clean Water Act (CWA) section 402 and implementing regulations adopted by U.S. EPA and Water Code chapter 5.5, division 7 (commencing with § 13370). It shall serve as an NPDES permit for point source discharges from this facility to surface waters.

B. California Environmental Quality Act

Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act, Public Resources Code division 13, chapter 3 (commencing with § 21100).

C. State and Federal Regulations, Policies, and Plans

1. Water Quality Control Plan. The Regional Water Board adopted the *Water Quality Control Plan for the San Francisco Bay Basin* (Basin Plan), which designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Requirements in this Order implement the Basin Plan. In addition, this Order implements State Water Board Resolution No. 88-63, which established State policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. Because of the marine influence on Carquinez Strait, total dissolved solids levels exceed 3,000 mg/L; therefore, Carquinez Strait meets an exception to State Water Board Resolution No. 88-63. The table below lists beneficial uses of Peyton Slough:

Table F-4. Beneficial Uses

Discharge Point	Receiving Water	Beneficial Uses	
001	Peyton Slough	Industrial Service Supply (IND) Ocean, Commercial, and Sport Fishing (COMM) Fish Spawning (SPWN) Estuarine Habitat (EST) Wildlife Habitat (WILD)	Water Contact Recreation (REC1) Non-Contact Water Recreation (REC2) Navigation (NAV) Fish Migration (MIGR) Preservation of Rare and Endangered Species (RARE)

2. **Sediment Quality.** The State Water Board adopted the *Water Quality Control Plan for Enclosed Bays and Estuaries – Part 1, Sediment Quality* on September 16, 2008, and it became effective on August 25, 2009. This plan supersedes other narrative sediment quality objectives and establishes new sediment quality objectives and related implementation provisions for specifically defined sediments in most bays and estuaries. This Order implements the sediment quality objectives of this plan for both the existing and proposed discharges.
3. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** U.S. EPA adopted the NTR on December 22, 1992, and amended it on May 4, 1995, and November 9, 1999. About 40 criteria in the NTR apply in California. On May 18, 2000, U.S. EPA adopted the CTR. The CTR promulgated new toxics criteria for California and incorporated the previously adopted NTR criteria that applied in the State. U.S. EPA amended the CTR on February 13, 2001. These rules contain water quality criteria for priority pollutants.
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 U.S. EPA 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 U.S. EPA 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. **Antidegradation Policy.** Federal regulations at 40 C.F.R. section 131.12 require that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California’s antidegradation policy through State Water Board Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California*, which is deemed to incorporate 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 Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. Permitted discharges must be consistent with the antidegradation provisions of 40 C.F.R. section 131.12 and State Water Board Resolution No. 68-16. (See section IV.D.2 Antidegradation.)

- 6. Anti-Backsliding Requirements.** CWA sections 402(o) and 303(d)(4) and 40 C.F.R. section 122.44(l) restrict backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed. (See section IV.D.1 Anti-Backsliding.)

D. Impaired Waters on CWA 303(d) List

In July 2015, U.S. EPA approved a revised list of impaired waters prepared pursuant to CWA section 303(d), which requires identification of specific water bodies where it is expected that water quality standards will not be met after implementation of technology-based effluent limitations on point sources. Where it has not done so already, the Regional Water Board plans to adopt total maximum daily loads (TMDLs) for pollutants on the 303(d) list. TMDLs establish wasteload allocations for point sources and load allocations for non-point sources and are established to achieve the water quality standards for the impaired waters.

Carquinez Strait is 303(d) listed as impaired by chlordane, DDT, dieldrin, dioxins and furans, mercury, PCBs, selenium, and invasive species. On February 12, 2008, U.S. EPA approved a TMDL for mercury in San Francisco Bay. On March 29, 2010, U.S. EPA approved a TMDL for PCBs in San Francisco Bay. The TMDLs for mercury and PCBs apply to this discharge and are implemented through NPDES Permit No. CA0038849. As shown in Fact Sheet section IV.C.3, the discharge is not a significant source of chlordane, DDT, dieldrin, dioxins, or furans because these pollutants have not been detected in the discharge. The discharge is not a source of invasive species because it is disinfected. It is not a significant source of selenium because discharge concentrations of this pollutant are consistently below water quality objectives.

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: 40 C.F.R. section 122.44(a) requires that permits include applicable technology-based limitations and standards; and 40 C.F.R. section 122.44(d) requires that permits include water quality-based effluent limitations to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of receiving waters.

A. Discharge Prohibitions

1. Prohibitions in this Order

- a. Discharge Prohibition III.A (Discharge in a manner different from that described in this Order):** This prohibition is based on 40 C.F.R. section 122.21(a) and Water Code section 13260, which require filing an application and Report of Waste Discharge before a discharge can occur. Discharges not described in the application and Report of Waste Discharge, and subsequently in this Order, are prohibited.
- b. Discharge Prohibition III.B (Bypass):** This prohibition is based on 40 C.F.R. section 122.41(m) (see Attachment D section I.G).

This Order does not consider diverting wastewater around the biotower to be a bypass during essential maintenance or for process control to ensure efficient operation, as long as the discharge complies with the effluent and receiving water limits in this Order. When the biotower is not operating, the treatment marshes still provide biological treatment.

- c. Discharge Prohibition III.C (Average dry weather influent flow in excess of 3.2 MGD):** This Order prohibits an average dry weather influent flow greater than 3.2 MGD. This prohibition is based on the plant's design treatment capacity (i.e., the historic and tested reliability of the treatment plant). Exceeding the average dry weather flow design capacity could result in lowering the reliability of achieving compliance with requirements.
- d. Discharge Prohibition III.D (Sanitary sewer overflows):** Basin Plan Table 4-1 (Discharge Prohibition 15) and the CWA prohibit the discharge of wastewater to surface waters, except as authorized under an NPDES permit. Publicly-owned treatment works must achieve secondary treatment at a minimum and any more stringent limitations necessary to meet water quality standards (33 U.S.C. § 1311[b][1][B and C]). A sanitary sewer overflow that results in the discharge of raw sewage or wastewater not meeting this Order's effluent limitations to surface waters is therefore prohibited under the CWA and the Basin Plan. (See Fact Sheet section VI.C.4.c.)

2. Exceptions to Basin Plan Discharge Prohibition

Basin Plan Table 4-1, Discharge Prohibition 1, prohibits discharges not receiving a minimum initial dilution of at least 10:1 and discharges into shallow waters or dead-end sloughs. Basin Plan section 4.2 provides for exceptions under certain circumstances:

- An inordinate burden would be placed on the Discharger relative to the beneficial uses protected, and an equivalent level of environmental protection can be achieved by alternate means;
- A discharge is approved as part of a reclamation project;
- Net environmental benefits will be derived as a result of the discharge; or
- A discharge is approved as part of a groundwater cleanup project.

The Basin Plan further states:

Significant factors to be considered by the Regional Water Board in reviewing requests for exceptions will be the reliability of the discharger's system in preventing inadequately treated wastewater from being discharged to the receiving water and the environmental consequence of such discharges.

This Order grants an exception to Basin Plan Discharge Prohibition 1 for the following reasons:

- Avoiding discharge to shallow waters is an inordinate burden. The Discharger would have to build an outfall pipe about two miles in length to reach deep water in Carquinez Strait. The outfall pipe would have to cross public and private properties and would have

to go through sensitive wetland habitat. The costs and permitting issues related to such a project would be prohibitive.

- The Facility’s treatment process provides an equivalent level of protection because the discharge meets the BOD and TSS effluent limits in Table 4 of the Order, which reflect advanced secondary treatment. This provides a level of protection equivalent to building a deepwater outfall.
- The discharge provides a net environmental benefit by providing high quality freshwater to 40 acres of constructed wetland habitat (Moorhen Marsh) that would otherwise not exist. The Discharger operates Moorhen Marsh to provide polishing treatment of plant effluent and wildlife habitat. The marsh provides a diverse freshwater habitat and refuge for an array of migratory and year-round wildlife and provides opportunities for bird watching, photography, and other wildlife-related activities.

B. Conventional and Non-Conventional Pollutant Effluent Limitations

1. Scope and Authority

CWA section 301(b) and 40 C.F.R. section 122.44 require that permits include conditions meeting technology-based requirements, at a minimum, and any more stringent effluent limitations necessary to meet water quality standards. The discharges authorized by this Order must meet minimum federal technology-based requirements based on the Secondary Treatment Standards at 40 C.F.R. section 133 as summarized below. In addition, the 30-day average percent removal for biochemical oxygen demand (BOD₅) (or carbonaceous biochemical oxygen demand, CBOD₅) and total suspended solids (TSS), by concentration, is not to be less than 85 percent. The Basin Plan contains additional requirements for certain pollutants.

Table F-5. Secondary Treatment Standards

Parameter	Monthly Average	Weekly Average
BOD ₅ ^[1,2]	30 mg/L	45 mg/L
CBOD ₅ ^[1,2]	25 mg/L	40 mg/L
TSS ^[2]	30 mg/L	45 mg/L
pH	6.0 – 9.0 standard units	

Unit Abbreviation:

mg/L= milligrams per liter

Footnotes:

^[1] CBOD₅ effluent limitations may be substituted for BOD₅ limitations.

^[2] The monthly average percent removal, by concentration, is not to be less than 85 percent.

2. Effluent Limitations

- a. BOD₅ and TSS.** The weekly and average monthly limitations are more stringent than the Secondary Treatment Standards and the limits specified in Basin Plan Table 4-2. The more stringent limits are comparable to the limitations of other advanced-secondary treatment plants in the San Francisco Bay region. The more stringent limits provide a basis for an exception to Basin Plan Prohibition 1. Effluent monitoring indicates that the

Discharger can meet these limits. The BOD and TSS 85 percent removal requirement is based on the Secondary Treatment Standards and Basin Plan Table 4-2.

- b. Oil and Grease.** The oil and grease effluent limitations are based on Basin Plan Table 4-2.
- c. pH.** The pH effluent limitations are based on the Secondary Treatment Standards and Basin Plan Table 4-2.
- d. Enterococcus.** The enterococcus effluent limitation is based on Basin Plan Table 4-2A.

C. Toxic Pollutant Effluent Limitations

1. Scope and Authority

For toxic pollutants, this Order contains water quality-based effluent limitations (WQBELs) that implement water quality objectives that protect beneficial uses. CWA section 301(b) and 40 C.F.R. section 122.44(d) require that permits include limitations more stringent than federal technology-based requirements where necessary to achieve applicable water quality standards. According to 40 C.F.R. section 122.44(d)(1)(i), permits must include effluent limitations for all pollutants that are or may be discharged at levels that have a 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, but there is no numeric criterion or objective, WQBELs must be established using (1) U.S. EPA 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 a narrative criterion, supplemented with relevant information (40 C.F.R. § 122.44[d][1][vi]). The process for determining reasonable potential and calculating WQBELs is intended to achieve applicable water quality objectives and criteria and protect designated uses of receiving waters as specified in the Basin Plan. This Order imposes numeric effluent limitations for toxic pollutants with reasonable potential to cause or contribute to exceedances of water quality standards.

2. Beneficial Uses and Water Quality Criteria and Objectives

Discharge Point No. 001 discharges to Peyton Slough. Fact Sheet section III.C.1, above, identifies the beneficial uses of Peyton Slough. Water quality criteria and objectives to protect these beneficial uses are described below:

- a. Basin Plan Objectives.** The Basin Plan specifies numeric water quality objectives for 10 priority pollutants and narrative water quality objectives for toxicity and bioaccumulation. The narrative toxicity objective states, “All 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, “Controllable 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.”
- b. CTR Criteria.** The CTR specifies numeric aquatic life and human health criteria for numerous priority pollutants. These criteria apply to inland surface waters and enclosed

bays and estuaries. Some human health criteria are for consumption of “water and organisms” and others are for consumption of “organisms only.” The criteria applicable to “organisms only” apply to Peyton Slough, a tributary to Carquinez Strait because neither is a source of drinking water.

- c. **NTR Criteria.** The NTR establishes numeric aquatic life and human health criteria for a number of toxic pollutants for San Francisco Bay waters upstream to and including Suisun Bay and the Sacramento-San Joaquin Delta. The NTR criteria apply to Peyton Slough, a tributary to Carquinez Strait.
- d. **Sediment Quality Objectives.** The *Water Quality Control Plan for Enclosed Bays and Estuaries – Part 1, Sediment Quality* contains a narrative water quality objective: “Pollutants in sediments shall not be present in quantities that, alone or in combination, are toxic to benthic communities in bays and estuaries of California.” This objective is to be implemented by integrating three lines of evidence: sediment toxicity, benthic community condition, and sediment chemistry. The policy requires that if the Regional Water Board determines that a discharge has reasonable potential to cause or contribute to an exceedance of this objective, it is to impose the objective as a receiving water limit.
- e. **Receiving Water Salinity.** Basin Plan section 4.6.2 (like the CTR and NTR) states that the salinity characteristics (i.e., freshwater vs. saltwater) of the receiving water are to be considered in determining the applicable water quality objectives. Freshwater criteria 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 waters with salinities between these two categories, or tidally-influenced freshwaters that support estuarine beneficial uses, the water quality objectives are the lower of the salt or freshwater objectives (the latter calculated based on ambient hardness) for each substance.

The receiving water for this discharge is an estuarine environment based on salinity data generated through the Regional Monitoring Program (RMP) at the Pacheco Creek (BF10) sampling station between 1993 and 2001. In that period, the receiving water’s minimum salinity was 0.0 ppt, maximum salinity was 12.8 ppt, and average salinity was 4.4 ppt. The salinity was between 1 and 10 ppt in 33 percent of receiving water samples. Therefore, the reasonable potential analysis and WQBELs are based on the lower of the freshwater and saltwater water quality criteria and objectives.

- f. **Receiving Water Hardness.** Ambient hardness data were used to calculate freshwater water quality objectives that are hardness dependent. Receiving water monitoring for hardness was conducted at Peyton Slough monitoring locations C-1, C-2, C-3, and C-R from July 2011 through June 2015. Hardness ranged from 79 to 3,800 mg/L as CaCO₃. Hardness results above 400 mg/L were censored, and the adjusted geometric mean of the remaining data (289 mg/L as CaCO₃) was used to calculate the water quality objectives for hardness-dependent pollutants.
- g. **Site-Specific Metals Translators.** Effluent limitations for metals must be expressed as total recoverable metal (40 C.F.R. § 122.45[c]). Since the water quality objectives for metals are typically expressed as dissolved metal, translators must be used to convert

metals concentrations from dissolved to total recoverable and vice versa. The CTR contains default translators; however, site-specific conditions, such as water temperature, pH, total suspended solids, and organic carbon may affect the form of metal (dissolved, non-filterable, or otherwise) present and therefore available to cause toxicity. In general, dissolved metals are more available and more toxic to aquatic life than other forms. Site-specific translators can account for site-specific conditions, thereby preventing overly stringent or under-protective water quality objectives.

For copper, site-specific translators are based on data from the Discharger’s *Mt. View Sanitary District Copper Translator Study* (August 2012). The Discharger assessed geographic and seasonable variability by comparing receiving water samples collected at three receiving water locations and variability over a 10-month period (i.e., July 2011 – April 2012). Final translators were calculated from the fractional dissolved data for 38 samples. The data were transformed by cubing the results to achieve a normal distribution. The chronic translator is based on the median sample (0.51), and the acute translator is based on the 90th percentile (0.64). As discussed in Fact Sheet section VI.D.1, these new translators result in less stringent WQBELs.

For nickel, this Order uses site-specific translators the Clean Estuary Partnership developed, as set forth in the *North of Dumbarton Bridge Copper and Nickel Development and Selection of Final Translators* report (March 2005): 0.27 and 0.57 (monthly and daily). CTR default translators were used for all other metals.

Table F-6. Site-Specific Translators

Parameter	Site Specific Translators	
	Acute	Chronic
Copper	0.64	0.51
Nickel	0.57	0.27

3. Need for Water Quality-Based Effluent Limitations (Reasonable Potential Analysis)

Assessing whether a pollutant has reasonable potential to exceed a water quality objective is the fundamental step in determining whether a WQBEL is required.

- a. Available Information.** The reasonable potential analysis for this Order is based on effluent monitoring data the Discharger collected from July 2011 through June 2015 and ambient background data the RMP collected at the Yerba Buena station (BC10) from 1993 through 2013, supplemented by additional Bay Area Clean Water Agencies data from *San Francisco Bay Ambient Water Monitoring Interim Report* (2003) and *Ambient Water Monitoring: Final CTR Sampling Update* (2004). SIP section 1.4.3 requires that background water quality data be representative of the ambient receiving water that will mix with the discharge. RMP monitoring station BC10, relative to other RMP stations, fits SIP guidance for establishing background conditions at Discharge Point No. 001.

For ammonia, the reasonable potential analysis used effluent and receiving water monitoring data the Discharger collected from July 2011 through June 2015.

In some cases, reasonable potential cannot be determined because effluent data are limited or ambient background concentrations are unavailable. Provision VI.C.2 of the Order requires the Discharger to continue monitoring for these constituents in its effluent

using analytical methods that provide the best feasible detection limits. When additional data become available, further analysis will be conducted to determine whether numeric effluent limitations are necessary.

This Order does not contain WQBELs for constituents that do not demonstrate reasonable potential; however, Provision VI.C.2 of the Order still requires monitoring for those pollutants. If concentrations are found to have increased significantly, Provision VI.C.2 of the Order requires the Discharger to investigate the sources of the increases and implement remedial measures if the increases pose a threat to receiving water quality.

b. Priority Pollutants

- i. Methodology.** SIP section 1.3 sets forth the methodology used for this Order for assessing whether a priority pollutant has reasonable potential to exceed a water quality objective. The analysis begins with identifying the maximum effluent concentration (MEC) observed for each pollutant based on available effluent concentration data and the ambient background concentration (B). SIP section 1.4.3 states that ambient background concentrations are either the maximum ambient concentration observed or, for water quality objectives intended to protect human health, the arithmetic mean of observed concentrations. There are three triggers in determining reasonable potential:
 - (a) Trigger 1** is activated if the maximum effluent concentration is greater than or equal to the lowest applicable water quality objective ($MEC \geq$ water quality objective).
 - (b) Trigger 2** is activated if the ambient background concentration observed in the receiving water is greater than the lowest applicable water quality objective ($B >$ water quality objective) *and* the pollutant is detected in any effluent sample.
 - (c) Trigger 3** is activated if a review of other information indicates that a WQBEL is needed to protect beneficial uses.
- ii. Analysis.** The maximum effluent concentrations, most stringent applicable water quality criteria and objectives, and ambient background concentrations used in the analysis are presented in the following table, along with the reasonable potential analysis results (yes, no, or unknown) for each pollutant. Reasonable potential was not determined for all pollutants because there are not water quality objectives for all pollutants, and monitoring data are unavailable for others.

Benzo(a)anthracene exhibits reasonable potential by Trigger 1. Basin Plan sections 7.2.1.2 and 4.7.2.2 require copper and cyanide WQBELs.

Table F-7. Reasonable Potential Analysis

CTR No.	Priority Pollutants	C or Governing criterion or objective (µg/L)	MEC or Minimum DL (µg/L) ^{[1][2]}	B or Minimum DL (µg/L) ^{[1][2]}	RPA Results ^[3]
1	Antimony	4,300	0.3	1.8	No
2	Arsenic	36	1.1	2.81	No
3	Beryllium	No Criteria	<0.06	0.22	U
4	Cadmium	1.03	0.05	0.13	No
5a	Chromium (III)	494	0.23	4.4	U
5b	Chromium (VI)	11	<0.9	4.4	No
6	Copper	11.7	8.8	2.6	Yes
7	Lead	2.7	0.13	0.8	No
8	Mercury	---	---	---	^[4]
9	Nickel	30	2.8	3.7	No
10	Selenium	5.0	0.68	0.39	No
11	Silver	2.2	<0.02	0.052	No
12	Thallium	6.3	<0.05	0.21	No
13	Zinc	86	24	5.1	No
14	Cyanide	2.9	2.6	<0.4	Yes
15	Asbestos	No Criteria	Not Available	Not Available	U
16	2,3,7,8-TCDD	1.40E-08	<1.8E-06	8.20E-09	No
17	Acrolein	780	<1.7	<0.5	No
18	Acrylonitrile	0.66	<0.69	0.03	No
19	Benzene	71	<0.18	<0.05	No
20	Bromoform	360	<0.15	<0.5	No
21	Carbon Tetrachloride	4.4	<0.16	0.06	No
22	Chlorobenzene	21,000	<0.18	<0.5	No
23	Chlorodibromomethane	34	<0.17	<0.05	No
24	Chloroethane	No Criteria	<0.38	<0.5	U
25	2-Chloroethylvinyl ether	No Criteria	<0.28	<0.5	U
26	Chloroform	No Criteria	<0.19	<0.5	U
27	Dichlorobromomethane	46	<0.16	<0.05	No
28	1,1-Dichloroethane	No Criteria	<0.19	<0.05	U
29	1,2-Dichloroethane	99	<0.18	0.04	No
30	1,1-Dichloroethylene	3.2	<0.21	<0.5	No
31	1,2-Dichloropropane	39	<0.18	<0.05	No
32	1,3-Dichloropropylene	1,700	<0.16	<0.5	No
33	Ethylbenzene	29,000	<0.26	<0.5	No
34	Methyl Bromide	4,000	<0.17	<0.5	No
35	Methyl Chloride	No Criteria	<0.23	<0.5	U
36	Methylene Chloride	1,600	<0.2	22	No
37	1,1,2,2-Tetrachloroethane	11	<0.1	<0.05	No
38	Tetrachloroethylene	8.85	<0.19	<0.05	No
39	Toluene	200,000	<0.19	<0.3	No
40	1,2-Trans-Dichloroethylene	140,000	<0.22	<0.5	No
41	1,1,1-Trichloroethane	No Criteria	<0.19	<0.5	U

CTR No.	Priority Pollutants	C or Governing criterion or objective (µg/L)	MEC or Minimum DL (µg/L) ^{[1][2]}	B or Minimum DL (µg/L) ^{[1][2]}	RPA Results ^[3]
42	1,1,2-Trichloroethane	42	<0.16	<0.05	No
43	Trichloroethylene	81	<0.2	<0.5	No
44	Vinyl Chloride	525	0.25	<0.5	No
45	2-Chlorophenol	400	<0.8	<1.2	No
46	2,4-Dichlorophenol	790	<0.99	<1.3	No
47	2,4-Dimethylphenol	2,300	<0.87	<1.3	No
48	2-Methyl- 4,6-Dinitrophenol	765	<0.68	<1.2	No
49	2,4-Dinitrophenol	14,000	<0.83	<0.7	No
50	2-Nitrophenol	No Criteria	<0.89	<1.3	U
51	4-Nitrophenol	No Criteria	<0.57	<1.6	U
52	3-Methyl 4-Chlorophenol	No Criteria	<0.91	<1.1	U
53	Pentachlorophenol	4.95	<0.68	<1	No
54	Phenol	4,600,000	<0.57	<1.3	No
55	2,4,6-Trichlorophenol	6.5	<0.97	<1.3	No
56	Acenaphthene	2700	<0.011	0.0019	No
57	Acenaphthylene	No Criteria	<0.023	0.0013	U
58	Anthracene	110,000	<0.03	0.00059	No
59	Benzidine	0.00054	<5	<0.0015	U
60	Benzo(a)Anthracene	0.049	0.07	0.0053	Yes
61	Benzo(a)Pyrene	0.049	<0.011	0.0033	No
62	Benzo(b)Fluoranthene	0.049	<0.011	0.0046	No
63	Benzo(ghi)Perylene	No Criteria	<0.023	0.0045	U
64	Benzo(k)Fluoranthene	0.049	<0.011	0.0018	No
65	Bis(2-Chloroethoxy)Methane	No Criteria	<0.93	<0.3	U
66	Bis(2-Chloroethyl)Ether	1.4	<0.8	<0.00015	No
67	Bis(2-Chloroisopropyl)Ether	170,000	<0.68	Not Available	No
68	Bis(2-Ethylhexyl)Phthalate	5.9	1.9	<0.7	No
69	4-Bromophenyl Phenyl Ether	No Criteria	<0.8	<0.23	U
70	Butylbenzyl Phthalate	5,200	<0.8	0.0056	No
71	2-Chloronaphthalene	4,300	<0.98	<0.3	No
72	4-Chlorophenyl Phenyl Ether	No Criteria	<0.99	<0.3	U
73	Chrysene	0.049	<0.011	0.0028	No
74	Dibenzo(a,h)Anthracene	0.049	<0.023	0.00064	No
75	1,2-Dichlorobenzene	17,000	<0.27	<0.3	No
76	1,3-Dichlorobenzene	2,600	<0.18	<0.3	No
77	1,4-Dichlorobenzene	2,600	<0.18	<0.3	No
78	3,3 Dichlorobenzidine	0.077	<5	<0.001	U
79	Diethyl Phthalate	120,000	<0.8	<0.21	No
80	Dimethyl Phthalate	2,900,000	<0.97	<0.21	No
81	Di-n-Butyl Phthalate	12,000	<0.68	0.016	No
82	2,4-Dinitrotoluene	9.1	<0.8	<0.27	No
83	2,6-Dinitrotoluene	No Criteria	<0.91	<0.29	U
84	Di-n-Octyl Phthalate	No Criteria	<0.57	<0.38	U

CTR No.	Priority Pollutants	C or Governing criterion or objective (µg/L)	MEC or Minimum DL (µg/L) ^{[1][2]}	B or Minimum DL (µg/L) ^{[1][2]}	RPA Results ^[3]
85	1,2-Diphenylhydrazine	0.54	<0.9	0.0037	U
86	Fluoranthene	370	<0.03	0.011	No
87	Fluorene	14,000	<0.011	0.0021	No
88	Hexachlorobenzene	0.00077	<0.8	0.000022	U
89	Hexachlorobutadiene	50	<0.68	<0.3	No
90	Hexachlorocyclopentadiene	17,000	<0.8	<0.3	No
91	Hexachloroethane	8.9	<0.68	<0.2	No
92	Indeno(1,2,3-cd)Pyrene	0.049	<0.023	0.0040	No
93	Isophorone	600	<0.93	<0.3	No
94	Naphthalene	No Criteria	<0.023	0.013	U
95	Nitrobenzene	1,900	<0.95	<0.25	No
96	N-Nitrosodimethylamine	8.1	<0.57	<0.3	No
97	N-Nitrosodi-n-Propylamine	1.4	<0.91	<0.001	No
98	N-Nitrosodiphenylamine	16	<0.57	<0.001	No
99	Phenanthrene	No Criteria	<0.011	0.0095	U
100	Pyrene	11,000	<0.03	0.019	No
101	1,2,4-Trichlorobenzene	No Criteria	<0.68	<0.3	U
102	Aldrin	0.00014	<0.004	0.0000028	U
103	Alpha-BHC	0.013	<0.005	0.00050	No
104	Beta-BHC	0.046	<0.004	0.00041	No
105	Gamma-BHC	0.063	<0.004	0.00070	No
106	Delta-BHC	No Criteria	<0.004	0.000053	U
107	Chlordane	0.00059	<0.005	0.00018	U
108	4,4'-DDT	0.00059	<0.004	0.00017	U
109	4,4'-DDE	0.00059	<0.0003	0.00069	U
110	4,4'-DDD	0.00084	<0.004	0.00031	U
111	Dieldrin	0.00014	<0.004	0.00026	U
112	Alpha-Endosulfan	0.0087	<0.004	0.000031	U
113	Beta-Endosulfan	0.0087	<0.005	0.000069	U
114	Endosulfan Sulfate	240	<0.005	0.000082	No
115	Endrin	0.0023	<0.005	0.00004	U
116	Endrin Aldehyde	0.81	<0.005	Not Available	No
117	Heptachlor	0.00021	<0.0005	0.000019	U
118	Heptachlor Epoxide	0.00011	<0.004	0.000094	U
119-125	PCBs sum	---	---	---	[4]
126	Toxaphene	0.0002	<0.2	Not Available	U

Footnotes:

- [1] The maximum effluent concentration and ambient background concentration are the actual detected concentrations unless preceded by a "<" sign, in which case the value shown is the minimum detection level (DL).
- [2] The maximum effluent concentration or ambient background concentration is "unavailable" when there are no monitoring data for the constituent.

- ^[3] RPA Results = Yes, if $MEC \geq WQC$, $B > WQC$ and MEC is detected, or Trigger 3
= No, if MEC and B are $< WQC$ or all effluent data are undetected
= Unknown (U) if no criteria have been promulgated or data are insufficient.
- ^[4] SIP section 1.3 excludes from its reasonable potential analysis procedure priority pollutants for which a TMDL has been developed. TMDLs have been developed for mercury and PCBs in San Francisco Bay. Mercury and PCBs from wastewater discharges are regulated by NPDES Permit No. CA0038849, which implements the San Francisco Bay Mercury and PCBs TMDLs.

- c. Whole Effluent Acute Toxicity.** Basin Plan section 4.5.5.3.1 requires acute toxicity monitoring and limitations, implying there is reasonable potential for the discharge to cause or contribute to exceedances of the acute toxicity water quality objective.
- d. Whole Effluent Chronic Toxicity.** Basin Plan section 3.3.18 states, “There shall be no chronic toxicity in ambient waters. Chronic toxicity is a detrimental biological effect on growth rate, reproduction, fertilization success, larval development, population abundance, community composition, or any other relevant measure of the health of an organism, population, or community.”

For this Order, this narrative objective is translated into a numeric criterion of 1.0 chronic toxicity unit (TU_c). Toxic units are an indicator of the pollutant of concern (i.e., toxicity). At 1.0 TU_c , there is no observable detrimental effect when an indicator organism is exposed to 100 percent effluent; therefore, 1.0 TU_c is a direct translation of the narrative objective into a number. Moreover, in *Technical Support Document for Water Quality-based Toxics Control* (Technical Support Document or TSD) (EPA/505/2-90-001, section 3.3.3, “Step 3: Decision Criteria for Permit Limit Development,” page 60), U.S. EPA recommends that 1.0 TU_c be used as a criterion continuous concentration, which generally implies a four-day average (TSD, Appendix D, page D-2). The Discharger conducted yearly chronic toxicity tests with no toxicity observed. All samples were reported as 1 TU_c . Therefore, there is no reasonable potential for chronic toxicity in the receiving water to exceed the toxicity objective, and no WQBEL is required.

e. Ammonia

- i. Methodology.** The ammonia reasonable potential analysis is based on the procedure outlined in the *Technical Support Document for Water Quality-based Toxics Control* (Technical Support Document) (EPA/505/2-90-001, March 1991). According to the Technical Support Document, the reasonable potential analysis can be performed based on the receiving water concentration projected using effluent data or actual measured receiving concentrations. Both values may be compared directly with the Basin Plan un-ionized objectives. The following summarizes the steps using effluent data:
- Step 1. Determine the number of total observations (n) for a set of effluent data and determine the highest value from that data set (the maximum effluent concentration or MEC).
 - Step 2. Determine the coefficient of variation (CV) from the data set. For a data set where $n < 10$, the CV is estimated to equal 0.6. For a data set where $n \geq 10$, the CV is calculated as the standard deviation divided by the mean.
 - Step 3. Determine an appropriate ratio, R , for projecting a selected upper bound concentration (e.g., the 99th or 95th percentile) assuming a lognormal

distribution. To do this, the percentile represented by the MEC in a data set of “n” samples, p_n , needs to be determined based on the desired confidence interval, e.g., 95% or 99%. The 95% confidence interval was used for evaluating reasonable potential for ammonia for this Order.

$$P_n = (1 - \text{confidence interval})^{1/n}$$

Then C_{P_n} and $C_{\text{upper bound}}$ corresponding to the MEC percentile (P_n) and the selected upper bound percentile (typically 99th percentile) need to be calculated using the following equation.

$$C_p = \exp(Z_p\sigma - 0.5\sigma^2)$$

In this equation, $\sigma^2 = \ln(CV^2 + 1)$, p is the percentile (upper bound or p_n), and Z_p is the standard normal distribution value for the percentile p (available from statistical references).

The ratio, R , is then determined to be:

$$R = C_{\text{upperbound}}/C_{P_n}$$

- Step 4. Multiply the MEC by the ratio, R , determined in Step 3, and use this value with the appropriate dilution to project the receiving water concentration (RWC).

$$\text{RWC} = \text{MEC} \times R / \text{dilution ratio}$$

- Step 5. Compare the projected receiving water concentration to the applicable water quality objective. If a receiving water concentration is greater than or equal to the objective, then there is reasonable potential.

- ii. **Ammonia Objective.** Basin Plan section 3.3.20 contains water quality objectives for un-ionized ammonia of 0.025 mg/L as an annual median and 0.16 mg/L as a maximum for Central San Francisco Bay and upstream. Effluent and receiving water data are available for total ammonia but not un-ionized ammonia because (1) sampling and laboratory methods are unavailable to analyze for un-ionized ammonia and (2) the fraction of total ammonia that exists in the toxic un-ionized form depends on pH, salinity, and temperature.

Total ammonia concentrations (as nitrogen) were translated into un-ionized ammonia concentrations for comparison with the Basin Plan un-ionized objectives based on the following equation, which applies to waters with salinities greater than 10 parts per trillion (*Ambient Water Quality Criteria for Ammonia (Saltwater)*–1989, EPA Publication 440/5-88-004, 1989):

$$\text{Fraction of NH}_3 = \frac{1}{1 + 10^{(pK - pH)}}$$

For salinity > 10 ppt:

$$pK = 9.245 + 0.116(I) + 0.0324(298 - T) + \frac{0.0415(P)}{(T)}$$

For salinity < 10 ppt:

$$pK = 0.09018 + \frac{2729.92}{T}$$

where:

$$I = \text{Molal ionic strength of saltwater} = \frac{19.9273(S)}{(1,000 - 1.005109(S))}$$

S = Salinity (parts per thousand)

T = Temperature (Kelvin)

P = Pressure (one atmosphere)

iii. Analysis

(a) **Effluent Approach.** Effluent un-ionized ammonia concentrations were calculated using the pH and temperature data collected on the same days as the ammonia samples were collected. There were 59 data points ($n=59$). The MEC was 0.021 mg/L when expressed as un-ionized ammonia (as nitrogen). The confidence interval was set at 95 percent. The percentile represented by the MEC (P_n) was calculated to be 0.950, indicating that the MEC represents the 95th percentile of all observed ammonia effluent data. With the upper bound set at the 99th percentile, the R value was determined to be 1.26 (C_{pn} was 1.65 and $C_{upper\ bound}$ was 2.01). For purpose of this analysis, no dilution was assumed; therefore, the projected receiving water concentration was 0.026 mg/L, which is less than the Basin Plan un-ionized ammonia acute objective of 0.16 mg/L.

The highest running annual median was calculated and compared with the chronic objective, which is expressed as an annual median. No projection is needed to establish the central tendency of the data. The maximum annual median, 0.0072 mg/L, is less than the annual median objective of 0.025 mg/L.

(b) **Receiving Water Approach.** Receiving water monitoring data for total ammonia, pH, salinity, and temperature indicate no reasonable potential based on 101 samples collected for in Peyton Slough and McNabney Marsh. Monitoring occurred about 30 feet from the discharge location and downstream at various locations in McNabney Marsh. The maximum un-ionized ammonia concentration (0.06 mg/L) does not exceed the maximum water quality objective (0.16 mg/L). The highest running annual median un-ionized ammonia concentration (0.006 mg/L) does not exceed the annual median objective (0.025 mg/L).

(c) **Conclusion.** There is reasonable potential for ammonia based on Trigger 3; thus this Order contains ammonia WQBELs to ensure that the discharge will not cause or contribute to exceedance of the Basin Plan objective. The discharge occurs in a sensitive shallow-water habitat and it receives little dilution. The Discharger was successful in the previous order term at operating the plant to treat ammonia concentrations to below Basin Plan objectives. However, without regulatory assurance that nitrification will continue, the un-ionized ammonia in the effluent could increase and cause or contribute to toxicity outside of the mixing zone.

Therefore, WQBELS will protect against potential toxic impacts from the discharge. WQBELS also avoid backsliding.

- f. Sediment Quality.** Pollutants in some receiving water sediments may be present in quantities that alone or in combination are toxic to benthic communities. Efforts are underway to identify stressors causing such conditions. However, to date there is no evidence directly linking compromised sediment conditions to the discharges subject to this Order; therefore, the Regional Water Board cannot draw a conclusion about reasonable potential for these discharges to cause or contribute to exceedances of the sediment quality objectives. Nevertheless, the Discharger continues to participate in the RMP, which monitors San Francisco Bay sediment and seeks to identify stressors responsible for degraded sediment quality. Thus far, the monitoring has provided only limited information about potential stressors and sediment transport. The Regional Water Board is exploring options for obtaining additional information that may inform future analyses.
- g. Dioxin-TEQ.** The Basin Plan narrative water quality objective for bioaccumulative substances states, “Many pollutants can accumulate on particulates, in sediments, or bioaccumulate in fish and other aquatic organisms. Controllable 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.”

Because it is the consensus of the scientific community that dioxins and furans associate with particulates, accumulate in sediments, and bioaccumulate in the fatty tissue of fish and other organisms, the Basin Plan’s narrative bioaccumulation water quality objective applies to these pollutants. Elevated levels of dioxins and furans in San Francisco Bay fish tissue demonstrate that the narrative bioaccumulation water quality objective is not being met. U.S. EPA has therefore placed Central San Francisco Bay on its 303(d)-list of receiving waters where water quality objectives are not being met after imposition of applicable technology-based requirements.

When the CTR was promulgated, U.S. EPA stated its support of the regulation of dioxin and dioxin-like compounds through the use of toxicity equivalencies (TEQs). U.S. EPA stated, “For California waters, if the discharge of dioxin or dioxin-like compounds has reasonable potential to cause or contribute to a violation of a narrative criterion, numeric WQBELS for dioxin or dioxin-like compounds should be included in NPDES permits and should be expressed using a TEQ scheme” (65 Fed. Reg. 31695-31696, May 18, 2000). This Order uses a TEQ scheme based on a set of toxicity equivalency factors (TEFs) the World Health Organization developed in 1998, and a set of bioaccumulation equivalency factors (BEFs) U.S. EPA developed for the Great Lakes region (40 C.F.R. part 132, Appendix F) to convert the concentration of any congener of dioxin or furan into an equivalent concentration of 2,3,7,8-tetrachlorinated dibenzo-p-dioxin (2,3,7,8-TCDD). Although the 1998 World Health Organization scheme includes TEFs for dioxin-like PCBs, they are not included in this Order’s TEQ scheme. The CTR has established a specific water quality criterion for PCBs, and dioxin-like PCBs are included in the analysis of total PCBs.

The CTR establishes a numeric water quality objective for 2,3,7,8-TCDD of 1.4×10^{-8} µg/L for the protection of human health when aquatic organisms are consumed. The CTR criterion is used as a criterion for dioxin-TEQ because dioxin-TEQ represents a toxicity weighted concentration equivalent to 2,3,7,8-TCDD, thus translating the narrative bioaccumulation objective into a numeric criterion.

TEFs and BEFs are used to express measured concentrations of 16 dioxin congeners in effluent and background samples as equivalent 2,3,7,8-TCDD concentrations. For each sample, the sum of these equivalent concentrations is the dioxin-TEQ concentration. All samples were non-detects. This Order establishes dioxin-TEQ WQBELs because the ambient background receiving water dioxin TEQ concentration (5.3×10^{-8} µg/L) exceeds the CTR numeric criterion for 2,3,7,8-TCDD (1.4×10^{-8} µg/L), and dioxins are a known pollutant of concern for the Region and often identified within wastewater treatment effluent. This is comparable to Trigger 3 in the SIP methodology. Therefore, there is reasonable potential that dioxin-TEQ in the discharge could cause or contribute to exceedance of the bioaccumulation water quality objective, and WQBELs are needed to protect against potential toxic impacts. WQBELs also avoid backsliding.

4. Water Quality-Based Effluent Limitations

WQBELs were developed for the pollutants determined to have reasonable potential to cause or contribute to exceedances of water quality objectives. The WQBEL calculations are based on the procedures specified in SIP section 1.4, which are required for priority pollutants. SIP section 1.4 is used as guidance for dioxin-TEQ and ammonia.

- a. **Dilution Credits.** Basin Plan Section 4.7.2.2 specifies a dilution credit of D=2.25 for cyanide. This Order grants no other dilution credits.
- b. **WQBEL Calculations.** For those pollutants with reasonable potential, average monthly effluent limitations (AMELs) and maximum daily effluent limitations (MDELs) were calculated as shown in the table below:

Table F-8. WQBEL Calculations

PRIORITY POLLUTANTS	Cyanide	Copper	Benzo(a) anthracene	Dioxin-TEQ	Total Ammonia (acute)	Total Ammonia (chronic)
Units	µg/L	µg/L	µg/L	µg/L	mg/L N	mg/L N
Basis and Criteria type	Basin Plan SSO	Basin Plan SSO	CTR HH	CTR HH	Basin Plan Aquatic Life	Basin Plan Aquatic Life
Criteria -Acute	-----	-----	-----	----	4.76	-----
Criteria -Chronic	-----	-----	-----	-----	-----	1.40
Site-Specific Objective Criteria -Acute	9.4	15	-----	-----	-----	-----
Site-Specific Objective Criteria -Chronic	2.9	12	-----	----	-----	-----
Water Effects ratio (WER)	1	2.4	1	1	1	1
Lowest WQO	2.9	12	0.049	1.4E-08	4.76	1.40
Site-Specific Translator - MDEL	-----	-----	-----	----	-----	-----
Site-Specific Translator - AMEL	-----	-----	-----	----	-----	-----
Dilution Factor (D)	2.25	0	0	0	0	0

PRIORITY POLLUTANTS	Cyanide	Copper	Benzo(a) anthracene	Dioxin- TEQ	Total Ammonia (acute)	Total Ammonia (chronic)
Units	µg/L	µg/L	µg/L	µg/L	mg/L N	mg/L N
No. of samples per month	4	4	4	4	4	30 ^[1]
Aquatic life criteria analysis required? (Y/N)	Y	Y	N	N	Y	Y
HH criteria analysis required? (Y/N)	Y	N	Y	Y	N	N
Applicable Acute WQO	9.4	15	-----	----	4.76	-----
Applicable Chronic WQO	2.9	12	-----	----	-----	1.40
HH criteria	2.2E+05	-----	4.9E-02	1.4E-08	-----	-----
Background (Maximum Conc for Aquatic Life calc)	0.40	2.50	-----	----	0.199	0.199
Background (Average Conc for Human Health calc)	0.40	-----	0.01	5.3E-08	-----	-----
Is the pollutant on the 303d list and/or bioaccumulative (Y/N)?	N	N	N	Y	N	N
ECA acute	30	15	-----	----	4.8	-----
ECA chronic	8.5	12	-----	----	-----	1.4
ECA HH	7.1E+05	-----	4.4E-01	1.4E-08	-----	-----
No. of data points <10 or at least 80% of data reported non detect? (Y/N)	N	N	Y	Y	N	N
Avg of effluent data points	1.43	6.2	0.02	----	0.27	0.27
Std Dev of effluent data points	0.61	1.3	0.02	----	0.33	0.33
CV calculated	0.43	0.21	N/A	----	1.25	1.25
CV (Selected) - Final	0.43	0.21	0.60	0.6	1.25	1.25
ECA acute mult99	0.42	0.63	-----	----	0.17	0.17
ECA chronic mult99	0.63	0.79	-----	----	0.31	0.86
LTA acute	12	9.3	-----	----	0.8	-----
LTA chronic	5.3	9.2	-----	----		1.2
minimum of LTAs	5.3	9.2	-----	----	0.8	1.2
AMEL mult95	1.4	1.2	1.6	1.6	2.2	2.2
MDEL mult99	2.4	1.6	3.1	3.1	6.0	6.0
AMEL (aquatic life)	7.0	11	-----	----	1.7	1.7
MDEL(aquatic life)	13	15	-----	----	4.8	7.2
MDEL/AMEL Multiplier	1.7	1.3	2.0	2.0	2.7	2.7
AMEL (human health)	7.1E+05	-----	0.049	1.4E-08	-----	-----
MDEL (human health)	1.2E+06	-----	0.098	2.8E-08	-----	-----
minimum of AMEL for Aq. life vs HH	7.0	11	0.049	1.4E-08	1.7	1.7
minimum of MDEL for Aq. Life vs HH	13	15	0.098	2.8E-08	4.8	7.2

PRIORITY POLLUTANTS	Cyanide	Copper	Benzo(a) anthracene	Dioxin-TEQ	Total Ammonia (acute)	Total Ammonia (chronic)
Units	µg/L	µg/L	µg/L	µg/L	mg/L N	mg/L N
Previous order limit - AMEL	-----	8.3	0.049	1.4E-08	1.6	1.6
Previous order limit - MDEL	-----	11	0.098	2.8E-08	4.7	4.7
Final limit - AMEL	7.0	11	0.049	1.4E-08	1.6	1.6
Final limit - MDEL	13	15	0.098	2.8E-08	4.7	4.7

Footnote:

^[1] Statistical adjustments were made to the total ammonia WQBEL calculations. The SIP assumes a 4-day average concentration and a monthly sampling frequency of 4 days per month to calculate effluent limitations based on chronic criteria, but the Basin Plan chronic water quality objective for un-ionized ammonia is based on an annual median instead of the typical 4-day average. Therefore, a 365-day average and a monitoring frequency of 30 days per month (the maximum daily sampling frequency in a month since the averaging period for the chronic criteria is longer than 30 days) were used. These statistical adjustments are supported by U.S. EPA’s *Water Quality Criteria; Notice of Availability; 1999 Update of Ambient Water Quality Criteria for Ammonia* (64 Fed. Reg. 71974-71980, December 22, 1999).

5. Whole Effluent Acute Toxicity

This Order includes effluent limitations for whole effluent acute toxicity based on Basin Plan Table 4-3. Based on Basin Plan section 3.3.20, if the Discharger can demonstrate that ammonia causes acute toxicity in excess of the acute toxicity limitations in this Order, and that the ammonia in the discharge complies with the ammonia effluent limitations in this Order, then such toxicity does not constitute a violation of the effluent limitations for whole effluent acute toxicity.

D. Discharge Requirement Considerations

- 1. Anti-backsliding.** This Order complies with the anti-backsliding provisions of CWA sections 402(o) and 303(d)(4) and 40 C.F.R. section 122.44(l), which generally require effluent limitations in a reissued permit to be as stringent as those in the previous permit. The copper limits in this Order are less stringent than those in the previous order because they were calculated based on site-specific objectives. CWA section 303(d)(4)(B) allows effluent limits to be revised for water bodies that meet water quality standards if such revisions are consistent with antidegradation policies, as they are in this case (see Fact Sheet section IV.D.2 below).
- 2. Antidegradation.** This Order complies with the antidegradation provisions of 40 C.F.R. section 131.12 and State Water Board Resolution No. 68-16. Although this Order contains less stringent copper effluent limits than the previous order, it does not allow a reduced level of treatment, and Provision VI.C.7 of this Order contains a copper action plan to prevent any unanticipated increase in copper discharges. The revised limits reflect a change in the calculation of copper concentrations in the effluent, not a substantive increase in the amount of copper allowed to be discharged, and no water quality degradation is expected to occur as the result of the less stringent limits. Therefore, in accordance with Administrative Procedures Update No. 90-004, a simple antidegradation analysis is sufficient.
- 3. Stringency of Requirements for Individual Pollutants.** This Order contains both technology-based and water quality-based effluent limitations for individual pollutants. The

technology-based requirements implement minimum, applicable federal technology-based requirements. In addition, this Order contains more stringent effluent limitations as necessary to meet water quality standards. Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement CWA requirements.

This Order's WQBELs have been derived to implement water quality objectives that protect beneficial uses. The beneficial uses and water quality objectives have been approved pursuant to federal law and are the applicable federal water quality standards. To the extent that WQBELs were derived from the CTR, the CTR is the applicable standard pursuant to 40 C.F.R. section 131.38. The procedures for calculating these WQBELs are based on the CTR, as implemented in accordance with the SIP, which U.S. EPA approved on May 18, 2000. U.S. EPA approved most Basin Plan beneficial uses and water quality objectives prior to May 30, 2000. Beneficial uses and water quality objectives submitted to U.S. EPA prior to May 30, 2000, but not approved by U.S. EPA before that date, are nonetheless "applicable water quality standards for purposes of the CWA" pursuant to 40 C.F.R. section 131.21(c)(1). U.S. EPA approved the remaining beneficial uses and water quality objectives so they are applicable water quality standards pursuant to 40 C.F.R. section 131.21(c)(2).

V. RATIONALE FOR RECEIVING WATER LIMITATIONS

The receiving water limitations in sections V.A and V.B of the Order are based on Basin Plan narrative and numeric water quality objectives. The receiving water limitation in section V.C of the Order requires compliance with federal and State water quality standards in accordance with the CWA and regulations adopted thereunder.

VI. RATIONALE FOR PROVISIONS

A. Standard Provisions

Attachment D contains standard provisions that apply to all NPDES permits in accordance with 40 C.F.R. section 122.41 and additional conditions applicable to specific categories of permits in accordance with 40 C.F.R. section 122.42. The Discharger must comply with these provisions. The conditions set forth in 40 C.F.R. sections 122.41(a)(1) and (b) through (n) apply to all state-issued NPDES permits and must be incorporated into permits either expressly or by reference.

In accordance with 40 C.F.R. section 123.25(a)(12), states may omit or modify conditions to impose more stringent requirements. Attachment G contains standard provisions that supplement the federal standard provisions in Attachment D. This Order omits the federal conditions that address enforcement authority specified in 40 C.F.R. sections 122.41(j)(5) and (k)(2) because the State's enforcement authority under the Water Code is more stringent. In lieu of these conditions, this Order incorporates Water Code section 13387(e) by reference.

B. Monitoring and Reporting

CWA section 308 and 40 C.F.R. sections 122.41(h), 122.41(j)-(l), 122.44(i), and 122.48 require that NPDES permits specify monitoring and reporting requirements. Water Code sections 13267 and 13383 also authorize the Regional Water Board to establish monitoring, inspection, entry, reporting, and recordkeeping requirements. The MRP establishes monitoring, reporting, and

recordkeeping requirements that implement federal and State requirements. For more background regarding these requirements, see Fact Sheet section VII.

C. Special Provisions

1. Reopener Provisions

These provisions are based on 40 C.F.R. sections 122.62 and 122.63 and allow modification of this Order and its effluent limitations as necessary in response to updated water quality objectives, regulations, or other new and relevant information that may become available in the future, and other circumstances as allowed by law.

2. Effluent Characterization Study and Report.

This Order does not include effluent limitations for priority pollutants that do not demonstrate reasonable potential, but this provision requires the Discharger to continue monitoring for these pollutants as described in the MRP and Attachment G. Monitoring data are necessary to verify that the “no” and “unknown” reasonable potential analysis conclusions of this Order remain valid. This requirement is authorized pursuant to CWC section 13267 and is necessary to inform the next permit reissuance and to ensure that the Discharger takes timely steps in response to any unanticipated change in effluent quality during the term of this Order.

3. Pollutant Minimization Program.

This provision is based on Basin Plan section 4.13.2 and SIP section 2.4.5.

4. Special Provisions for Municipal Facilities

- a. **Sludge and Biosolids Management.** This provision is based on Basin Plan section 4.17 and 40 C.F.R. parts 257 and 503. “Sludge” refers to the solid, semisolid, and liquid residue removed during primary, secondary, and advanced wastewater treatment processes. “Biosolids” refers to sludge that has been treated and may be beneficially reused.
- b. **Collection System Management.** This provision explains this Order’s requirements as they relate to the Discharger’s collection system and promotes consistency with the State Water Board’s Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (General Collection System WDRs), Order No. 2006-0003-DWQ as amended by Order No. WQ 2013-0058-EXEC. The General Collection System WDRs contain requirements for collection system operation and maintenance, and for reporting and mitigating sanitary sewer overflows. They also require agencies to develop sanitary sewer management plans and report all sanitary sewer overflows. The Discharger must comply with both the General Collection System WDRs and this Order.

5. Moorhen Marsh Management Plan

This requirement is necessary to ensure that Moorhen Marsh is operated in a way that prevents nuisance conditions.

6. McNabney Marsh Management Plan

This requirement is necessary to ensure that receiving water limits are met and that McNabney Marsh is operated in a way that maximizes wildlife habitat and prevents nuisance conditions. The Peyton Slough marsh complex (Peyton Slough and McNabney Marsh) is a tidally-influenced estuarine wetland connected to Carquinez Strait through a restricted channel controlled by a tide gate about one mile from Carquinez Strait. The Discharger and the East Bay Regional Park District co-own McNabney Marsh, the 140 acres upstream of the tide gate, and are the primary agencies responsible for managing it. The Discharger helps manage McNabney Marsh with advice from the Peyton Slough Wetland Advisory Committee and other entities; however, there is currently no formal plan for managing the marsh. This provision requires such a plan.

7. Copper Action Plan

This provision is based on Basin Plan section 7.2.1.2 and is necessary to ensure that use of copper site-specific objectives is consistent with antidegradation policies. This Order requires the Discharger to implement pretreatment, source control, and pollution prevention for identified sources. The Discharger submitted an inventory of potential copper sources on March 1, 2011. No significant copper sources were found. Additional actions may be necessary depending on the three-year rolling mean copper concentration in Central or Lower San Francisco Bay. Data the San Francisco Estuary Institute compiled for 2010-2013 indicate no degradation of San Francisco Bay water quality with respect to copper (<http://www.sfei.org/content/copper-site-specific-objective-3-year-rolling-averages>).

8. Cyanide Action Plan

This provision is based on Basin Plan section 4.7.2.2. It is necessary to ensure that use of cyanide site-specific objectives is consistent with antidegradation policies. Task 2 requires a source investigation if influent concentrations are above 6.0 µg/L. This concentration is twice the cyanide reporting level; exceeding this value would suggest that there could be a significant new cyanide source.

9. Standard Operating Procedures Requirement for Resource Recovery

Standard Operating Procedures are required for dischargers that accept hauled waste fats, oil, and grease for injection into anaerobic digesters. The development and implementation of Standard Operating Procedures for management of these materials is intended to allow the California Department of Resources Recycling and Recovery to exempt operations from separate and redundant permitting programs. If the Discharger does not accept fats, oil, and grease for resource recovery purposes, it is not required to develop and implement Standard Operating Procedures.

VII. RATIONALE FOR MONITORING AND REPORTING PROGRAM (MRP)

Attachment E contains the MRP for this Order. It specifies sampling stations, pollutants to be monitored (including all parameters for which effluent limitations are specified), monitoring frequencies, and reporting requirements. The following provides the rationale for these requirements:

A. MRP Requirements Rationale

1. **Influent Monitoring.** BOD₅ and TSS monitoring is necessary to evaluate compliance with this Order’s 85 percent removal requirement. Basin Plan section 4.7.2.2 requires cyanide monitoring because this Order is based on site-specific cyanide water quality objectives. Benzo(a)anthracene monitoring is necessary to determine whether benzo(a)anthracene detected in effluent is also present in influent.
2. **Effluent Monitoring.** Effluent flow monitoring is necessary to evaluate compliance with Prohibition III.C. Monitoring other constituents is necessary to evaluate compliance with effluent limits and to understand Facility operations.
3. **Whole Effluent Toxicity Testing.** Acute and chronic whole effluent toxicity tests are necessary to evaluate compliance with the acute toxicity effluent limitations and to conduct future reasonable potential analyses. Chronic toxicity tests are also necessary to evaluate whether chronic toxicity exceeds the triggers for accelerated monitoring and Toxicity Reduction Evaluations based on Basin Plan sections 4.5.5.3.2 and 4.5.5.3.3 and Basin Plan Table 4-5.

Inland silverside (*Menidia beryllina*) will be used for routine chronic toxicity monitoring because the Discharger’s April 2015 chronic toxicity screening study recommended this species as the most appropriate. Consistent with Basin Plan section 4.5.5.3.4, the Discharger is required to conduct a chronic toxicity screening phase study, as described in MRP Appendix E-1, prior to permit reissuance.

4. **Receiving Water Monitoring.** Monitoring for most receiving water parameters is necessary to evaluate compliance with the receiving water limits. Monitoring for hardness, ammonia, temperature, pH, and salinity are necessary to complete future reasonable potential analyses.
5. **Biosolids Monitoring.** Biosolids monitoring is required pursuant to 40 C.F.R. part 503 or 40 C.F.R. part 258 depending on the disposal method.

B. Monitoring Requirements Summary. The table below summarizes routine monitoring requirements. This table is for informational purposes only. The actual requirements are specified in the MRP and elsewhere in this Order.

Table F-9. Monitoring Requirements Summary

Parameter	Influent INF-001	Effluent EFF-001	Receiving Water RSW-001 through RSW-004	Biosolids BIO-001
Flow		Continuous/D	---	
BOD ₅	1/Week	1/Week	---	
TSS	1/Week	1/Week	---	
Oil and Grease	---	1/Quarter	---	
pH	---	1/Day	1/Quarter	
Temperature	---	1/Day	1/Quarter	
Enterococcus	---	3/Week	Support RMP	
Acute Toxicity	---	1/Month	---	
Chronic Toxicity	---	1/Year	---	
Ammonia, Total	---	1/Month ^[1]	1/Quarter ^[2]	

Parameter	Influent INF-001	Effluent EFF-001	Receiving Water RSW-001 through RSW-004	Biosolids BIO-001
Copper, Total Recoverable	---	1/Month	Support RMP	
Cyanide, Total	1/Year	1/Month	Support RMP	
Dioxin-TEQ	---	1/Year	Support RMP	
Benzo(a)Anthracene	2/Year	1/Quarter	Support RMP	
Dissolved Oxygen	---	---	1/Quarter	
Dissolved Sulfides	---	---	1/Quarter	
Organic Nitrogen	---	---	1/Quarter	
Nitrate	---	---	1/Quarter	
Nitrite	---	---	1/Quarter	
Phosphorus	---	---	1/Quarter	
Salinity	---	---	1/Quarter	
Hardness	---	---	1/Quarter	
Standard Observations	---	---	1/Quarter	
Other Priority Pollutants		1/Year	Support RMP	
Paint Filter Test				1/Year

Sampling Frequencies:

Continuous/D = measured continuously, and recorded and reported daily

- 1/Day = once per day
- 1/Week = once per week while discharge occurs
- 3/Week = three times per week
- 1/Month = once per month
- 1/Quarter = once per quarter
- 1/Year = once per year
- 2/Year = twice per year

Footnote:

- ^[1] Ammonia, temperature, and pH monitoring must occur concurrently at the same location to allow for calculation of the un ionized ammonia fraction. Ammonia, temperature, and pH samples may be collected at Monitoring Location EFF-002.
- ^[2] The monitoring frequency for ammonia shall be once per day when the biotower is not operating.

VIII. PUBLIC PARTICIPATION

The Regional Water Board considered the issuance of WDRs that will serve as an NPDES permit for the Facility. As a step in the WDR adoption process, Regional Water Board staff developed tentative WDRs and 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 an opportunity to submit written comments and recommendations. Notification was provided through the *Contra Costa Times*. The public had access to the agenda and any changes in dates and locations through the Regional Water Board’s website at <http://www.waterboards.ca.gov/sanfranciscobay>.

B. Written Comments. Interested persons were invited to submit written comments concerning the tentative WDRs as explained through the notification process. Comments were to be submitted either in person or by mail to the Executive Office at the Regional Water Board at 1515 Clay Street, Suite 1400, Oakland, California 94612, to the attention of Vince Christian.

For full staff response and Regional Water Board consideration, the written comments were due at the Regional Water Board office by 5:00p.m on March 21, 2016.

C. Public Hearing. The Regional Water Board held a public hearing on the tentative WDRs during its regular meeting at the following date and time, and at the following location:

Date: May 11, 2016
Time: 9:00 am
Location: Elihu Harris State Office Building
1515 Clay Street, 1st Floor Auditorium
Oakland, CA 94612

Contact: Vince Christian, (510) 622-2336, vchristian@waterboards.ca.gov.

Interested persons were invited to attend. At the public hearing, the Regional Water Board heard testimony pertinent to the discharge, WDRs, and permit. For accuracy of the record, important testimony was requested to be in writing.

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

D. Reconsideration of Waste Discharge Requirements. Any aggrieved person may petition the State Water Board to review the Regional Water Board decision regarding the final WDRs. The State Water Board must receive the petition at the following address within 30 calendar days of the Regional Water Board action:

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

For instructions on how to file a petition for review, see http://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml.

E. Information and Copying. The Report of Waste Discharge, related supporting documents, and comments received are on file and may be inspected at the address above at any time between 9:00 a.m. and 5:00 p.m., Monday through Friday. Copying of documents may be arranged by calling (510) 622-2300.

F. Register of Interested Persons. Any person interested in being placed on the mailing list for information regarding the WDRs and NPDES permit should contact the Regional Water Board, reference the Facility, and provide a name, address, and phone number.

G. Additional Information. Requests for additional information or questions regarding this Order should be directed to Vince Christian, at (510) 622-2336, or vchristian@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.

B. 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.

C. Property Rights – Not Supplemented

D. Inspection and Entry – Not Supplemented

E. Bypass – Not Supplemented

F. Upset – Not Supplemented

G. 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.

H. 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.

I. 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 U.S. EPA (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:

<u>Metric tons biosolids/365 days</u>	<u>Frequency</u>
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 U.S. EPA, 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 U.S. EPA 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 PROVISION – 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:

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

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 ⁵	Minimum Levels ⁶ (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
	Chromium (total) ⁷	SM 3500					50	2	10	0.5	1			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) ⁸												
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) ⁹	0100.2 ¹⁰												
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										
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										

⁵ The suggested method is the U.S. EPA Method unless otherwise specified (SM = Standard Methods). The Discharger may use another U.S. EPA-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.

⁶ 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., U.S. EPA 200.9); Hydride = Gaseous Hydride Atomic Absorption; CVAA = Cold Vapor Atomic Absorption; DCP = Direct Current Plasma.

⁷ Analysis for total chromium may be substituted for analysis of chromium (III) and chromium (VI) if the concentration measured is below the lowest hexavalent chromium criterion (11 µg/l).

⁸ The Discharger shall use ultra-clean sampling (U.S. EPA Method 1669) and ultra-clean analytical methods (U.S. EPA Method 1631) for mercury monitoring. The minimum level for mercury is 2 ng/l (or 0.002 µg/l).

⁹ MUN = Municipal and Domestic Supply. This designation, if applicable, is in the Findings of the permit.

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

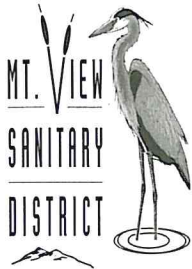
CTR No.	Pollutant/Parameter	Analytical Method ⁵	Minimum Levels ⁶ (µg/l)											
			GC	GCMS	LC	Color	FAA	GFAA	ICP	ICP MS	SPGFAA	HYD RIDE	CVAA	DCP
24.	Chloroethane	601	0.5	2										
25.	2-Chloroethylvinyl Ether	601	1	1										
26.	Chloroform	601	0.5	2										
75.	1,2-Dichlorobenzene	601	0.5	2										
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 Dichloromethane	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 Benzofluoranthene	610 HPLC		10	10									
63.	Benzo(ghi)Perylene	610 HPLC		5	0.1									
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									

CTR No.	Pollutant/Parameter	Analytical Method ⁵	Minimum Levels ⁶ (µg/l)													
			GC	GCMS	LC	Color	FAA	GFAA	ICP	ICP MS	SPGFAA	HYD RIDE	CVAA	DCP		
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) ¹¹	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													
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													

¹¹ 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 ⁵	Minimum Levels ⁶ (µg/l)											
			GC	GCMS	LC	Color	FAA	GFAA	ICP	ICP MS	SPGFAA	HYD RIDE	CVAA	DCP
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



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BOARD OF DIRECTORS

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J. Daniel Adams

LEGAL COUNSEL

Randolph W. Leptien

ENGINEER

March 21, 2016

Mr. Vince Christian
Water Resource Control Engineer
California Regional Water Quality Control Board,
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612
By email: Vince.Christian@waterboards.ca.gov

Subject: Comments on Tentative Order for Mt. View Sanitary District Wastewater Treatment Plant (Reissuance of NPDES Permit No. CA0037770)

Dear Mr. Christian:

The Mt. View Sanitary District (District) is submitting the following comments on the Tentative Order issued for the Mt. View Sanitary District Wastewater Treatment Plant (WWTP) on February 19, 2016. For the past 40 years, the District has consistently produced high quality effluent that is used to maintain wetlands and enhance wildlife habitat. During the upcoming permit term, the District plans to undertake studies and implement projects to reduce effluent solids and nutrient concentrations, improve marsh management, increase the beneficial use of biosolids, and develop a recycled water program. The monitoring and reporting changes outlined in the following comments will ensure funding and staff time are available to conduct these activities.

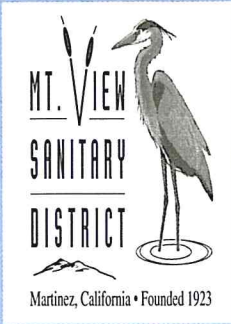
The proposed additions are shown as underlined text and the proposed changes are shown as ~~strikethrough~~.

Comment No. 1 – Moorhen Marsh Management Plan Update
Provision VI.C.5. (page 12)

The District reviews and updates the Moorhen Marsh Management Plan on an annual basis and summarizes results of the review in its annual reports. The Marsh Management Plan is maintained onsite for implementation by operations staff and is accessible to Regional Water Board staff during site inspections. Submittal of the entire Marsh Management Plan with the District's annual report is unnecessary. The following changes are requested to reduce annual reporting requirements.

5. Moorhen Marsh Management Update

The Discharger shall implement its March 2013 Moorhen Marsh Management Plan, including but not limited to all measures identified to (1) maintain and



improve water quality, (2) maintain levees and other control structures, and (3) control noxious weeds and maintain and improve habitat. No later than February 1 each year, the Discharger shall review and, if necessary, update the Moorhen Marsh Management Plan. The Discharger shall summarize the changes in ~~submit the most current version of the management plan with~~ its annual report (MRP Section VII.B.2.b.). Each update shall describe any necessary revisions, management activities completed during the previous calendar year (e.g., levy updates or vegetation removal), and activities planned for next year. The updates shall incorporate plans for monitoring and managing pollutants of concern (e.g., ammonia and nutrients) for Moorhen Marsh, including monitoring locations, monitoring results from the past year, and monitoring plans for the next year.

Comment No. 2 – McNabney Marsh Management Plan Provision VI.C.6. (page 12)

As defined, the scope of the Draft McNabney Marsh Management Plan is premature and too prescriptive for an August 1, 2016 submittal. In particular, the requirements for master plan design, odor control, and algae control will require more studies, data collection and funding than can be accomplished in the next 16 months. Algae growth and odors are most likely caused by stagnant warm water in the marsh, but further hydrological studies and scientific data collection are required to test that hypothesis. If the cause is related to stagnant water, the simple solution would be to prevent water from ponding in the marsh from spring until winter. The District currently does not have control over marsh hydrodynamics to make that change. The pending replacement of the railroad bridge (which could increase the ability to drain the marsh during low tide; earliest possible construction is summer 2019) and completion of an Ecoservices mitigation project (which could afford some flexibility in tide gate management) may provide more hydrodynamic control. The District will work toward development of a master plan and a water quality control plan that addresses odors and algae growth that can be incorporated into the McNabney Marsh Management Plan but does anticipate completion of either element before 2020-2021.

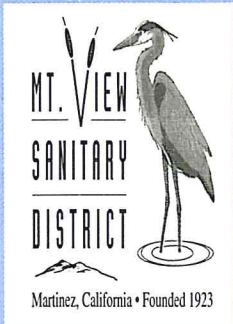
The District will review and update the McNabney Marsh Management Plan on an annual basis and summarize the results of the review in its annual reports. The McNabney Marsh Management Plan will be maintained onsite for implementation by operations staff and will be accessible to Regional Water Board staff during site inspections. Submittal of the entire McNabney Marsh Management Plan with the District's annual report is unnecessary.

The following changes are requested to reduce the scope of the Draft McNabney Marsh Management Plan and annual reporting requirements.

6. McNabney Marsh Management

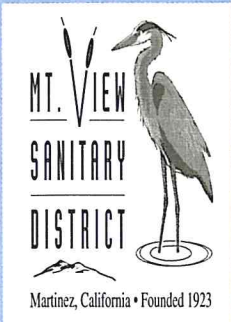
The Discharge shall develop a McNabney Marsh Management Plan to guide the management of the marsh, according to the following schedule:

- a. Draft McNabney Marsh Management Plan.** No later than August 1, 2016, the Discharger shall submit a draft McNabney Marsh Management Plan. The draft plan shall contain management objectives, ~~a master plan design, a~~



description of the roles and responsibilities of all parties involved with the management of McNabney Marsh (including the operation of the tide gate), an implementation strategy, and a water quality control plan ~~to reduce odors and algae growth~~. The Discharger shall distribute the draft plan to the East Bay Regional Park District, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and the public for review and comment.

- b. Final McNabney Marsh Management Plan.** No later than February 1, 2017, the Discharger shall submit a final McNabney Marsh Management Plan that addresses all comments received, if any, regarding the draft management plan.
- c. Annual McNabney Marsh Management Plan.** No later than February 1 each year, the Discharger shall review and, if necessary, update its McNabney Marsh Management Plan. The annual review shall address any comments received from the the East Bay Regional Parks District, California Department of Fish and Wildlife, or U.S. Fish and Wildlife Service received too late to be reflected in the final plan due February 1, 2017. If the plan is revised, the Discharger shall summarize the changes in ~~submit updated plan with~~ its annual report (MRP, Section VII.B.2.b.). Each update shall describe any plan revisions, list all activities done over the previous calendar year, and describe all planned activities over the next calendar year.

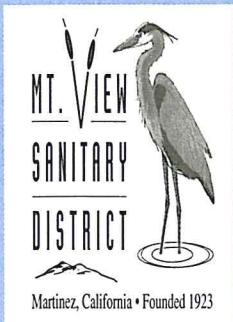


Comment No. 3 – Acute Toxicity Test Frequency

Attachment E, Effluent Monitoring Requirements, Table E-3 (Page E-3)

The District conducts monthly continuous flow-through bioassays to assess compliance with acute toxicity effluent limitations. The results for the last 5+ years are shown in the table provided below. Out of sixty-nine tests performed, the minimum survival was 90% and the minimum 11-sample median was 95%. The results demonstrate extraordinary compliance with the prescribed effluent limitations of 70% survival (minimum) and 11-sample median of 90% (minimum). The effort and expense of the monthly test is the biggest burden managed by the District's laboratory and the monthly monitoring does not seem to provide any important information.

Date	% Survival	11-Sample Median	Date	% Survival	11-Sample Median	Date	% Survival	11-Sample Median
6/8/2010	95		5/1/2012	100	100	4/1/2014	100	100
7/7/2010	95		6/5/2012	95	100	5/6/2014	95	100
8/3/2010	100		7/10/2012	100	100	6/3/2014	100	100
9/14/2010	90		8/7/2012	100	100	7/8/2014	100	100
10/5/2010	95		9/11/2012	95	100	8/5/2014	100	100
11/2/2010	100		10/2/2012	95	100	9/9/2014	100	100
12/7/2010	100		11/6/2012	95	100	10/7/2014	100	100
1/6/2011	90		12/6/2012	95	95	11/4/2014	100	100
2/1/2011	95		1/8/2013	95	95	12/2/2014	100	100
3/1/2011	95		2/5/2013	95	95	1/6/2015	100	100
4/5/2011	90	95	3/5/2013	100	95	2/3/2015	95	100
5/3/2011	100	95	4/17/2013	95	95	3/3/2015	100	100
6/6/2011	100	95	5/7/2013	100	95	4/7/2015	100	100
7/12/2011	100	95	6/4/2013	95	95	5/5/2015	100	100
8/2/2011	100	100	7/9/2013	100	95	6/2/2015	100	100
9/7/2011	100	100	8/6/2013	90	95	7/7/2015	100	100
10/4/2011	100	100	9/10/2013	100	95	8/4/2015	100	100
11/1/2011	100	100	10/1/2013	100	95	9/9/2015	100	100
12/8/2011	100	100	11/5/2013	100	95	10/6/2015	100	100
1/10/2012	100	100	12/3/2013	95	95	11/3/2015	100	100
2/7/2012	100	100	1/7/2014	100	97.5	12/1/2015	95	100
3/6/2012	95	100	2/4/2014	100	100	1/5/2016	100	100
4/3/2012	100	100	3/4/2014	100	100	2/3/2016	100	100
Minimum % Survival		90		Minimum 11-Sample Median		95		
Average % Survival		98.0		Average 11-Sample Median		98.7		



A reduction in test frequency from monthly to quarterly is warranted based on the District's excellent historical performance. In addition, the type of sample utilized by the District is incorrectly identified as 24-hour composite, instead of flow-through. The following specific changes are requested.

Table E-3. Effluent Monitoring

Parameter	Units	Sample Type	Minimum Sampling Frequency
Acute Toxicity	% survival	C 24 <u>Flow-through</u>	1 /Month <u>1</u> /Quarter

Comment No. 4 – Effluent Monitoring for Benzo(a)Anthracene and Cyanide
Attachment E, Table E-3 (Page E-3)

Benzo(a)anthracene was detected in the District's effluent just two times during the last 10 years and both results were DNQ (less than the Reporting Level). Monthly monitoring for benzo(a) anthracene will divert funds and staff efforts from investigation to testing and is not expected to provide useful results. Cyanide was detected in the District's effluent just one time during the last 5 years and the result was DNQ. Both constituents are part of the District's Pollution Prevention Program and potential sources are being investigated. The District requests quarterly monitoring for benzo(a)anthracene and cyanide. The specific changes are shown below.

Table E-3. Effluent Monitoring

Parameter	Units	Sample Type	Minimum Sampling Frequency
Cyanide, Total ^[9]	µg/L	Grab	1 /Month <u>1</u> /Quarter
Benzo(a)Anthracene	µg/L	Grab	1 /Month <u>1</u> /Quarter

Comment No. 5 – Flow Monitoring Requirements

Attachment E, Table E-3, footnote [1] (Page E-4)

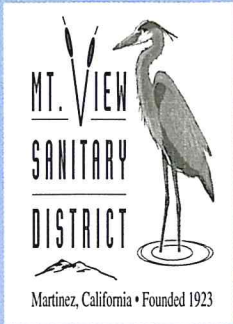
The District continuously measures the treated effluent flowrate as it leaves the WWTP and enters Moorhen Marsh. The following change is needed to accurately describe the District's flow monitoring practices.

[1] ~~Effluent flow shall be monitored continuously and the Flows shall be calculated based on influent and reclamation flow monitoring.~~ The following flow information shall be reported in monthly self-monitoring reports.

Comment No. 6 – Planned Changes during Next Permit Term

Attachment F, Facility Description II.E. (Page F-8)

The District is conducting a feasibility study that will determine if effluent treated within Moorhen Marsh can be utilized at a nearby refinery as cooling water. If the



District's effluent can be economically diverted for this purpose, the recycled water project may be implemented during the upcoming permit term. To provide background and context for a possible NPDES permit amendment or adoption of new water recycling requirements, the District wishes to include the following information in the Tentative Order.

E. Planned Changes

~~The Discharger has not proposed any changes for this permit term.~~ The Discharger is performing a study to determine whether it is economically feasible to return the Discharger's effluent from a point within Moorhen Marsh immediately prior to the existing discharge point to Peyton Slough and retreat the effluent for industrial use. Any potential industrial reuse would be a cooperative project with Contra Costa Water District and Central Contra Costa Sanitary District to provide recycled water to the Shell Martinez Refinery. The project may be implemented during this permit term.

Comment No. 7 – Dioxin-TEQ RPA Results

Attachment F, Table F-7 (Page F-17)

The following changes are requested to accurately describe 2,3,7,8-TCDD and Dioxin-TEQ effluent monitoring results and identify the rationale for Dioxin-TEQ effluent limitations.

Table F-7. Reasonable Potential Analysis

CTR No.	Priority Pollutants	C or Governing Criterion or objective (ug/l)	MEC or Minimum DL (ug/L)	B or Minimum DL (ug/L)	RPA Results
16	2,3,7,8-TCDD	1.40E-08	<1.6E-07 <1.83E-06	8.20E-09	No
	Dioxin-TEQ	1.40E-08	<1.6E-07	5.32E-08	Yes

Comment No. 8 – Influent Monitoring

Attachment F, Rationale for Monitoring and Reporting Program VII.A.1. (Page F-29)

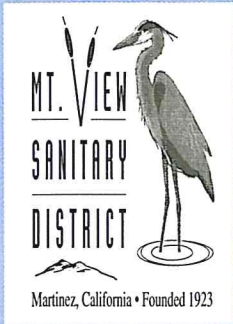
The following change is needed to correctly describe the District's flow monitoring regime.

- Influent Monitoring.** ~~Influent flow monitoring is necessary to understand Facility operations.~~ BOD5 and TSS monitoring is necessary to evaluate compliance with this Order's 85 percent removal requirement. Basin Plan section 4.7.2.2 requires cyanide monitoring because this Order is based on site-specific cyanide water quality objectives.

Comment No. 9 – Biosolids Monitoring

Attachment F, Rationale for Monitoring and Reporting Program VII.A.5. (Page F-30)

The following changes are needed to accurately specify biosolids monitoring requirements in accordance with the selected disposal method.



5. **Biosolids Monitoring.** Biosolids monitoring is also required pursuant to 40 C.F.R. part 503 or 40 C.F.R. part 258~~and~~, depending on the disposal method, 40 C.F.R. part 258.

The District appreciates the time and considerations granted by Regional Water Board staff during development of the Tentative Order. Please contact me at (925) 228-5635 (or by email, nallen@mvsd.org) if you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neal Allen", is positioned above the printed name.

Neal Allen
District Manager

Cc: Lilia Corona, licorona@mvsd.org
Bill Johnson, bill.johnson@waterboards.ca.gov
Lila Tang, lila.tang@waterboards.ca.gov
Denise Conners, denisec@lwa.com

Appendix C

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

RESPONSE TO WRITTEN COMMENTS

on Tentative Order for
Mt. View Sanitary District
Martinez, Contra Costa County

The Regional Water Board received written comments from Mt. View Sanitary District on a tentative order distributed for public comment on February 19, 2016. Regional Water Board staff summarized the comments, shown below in *italics* (paraphrased for brevity), and followed each comment with a response. For the full content and context of the comments, please refer to the comment letter.

All revisions to the tentative order are shown with underline text for additions and strikethrough ~~text~~ for deletions.

Mt. View Sanitary District Comments

District Comment 1: *The District suggests not requiring the Moorhen Marsh Management Plan to be submitted each year in its entirety. It prefers to provide annual updates as it has in the past.*

Response: We agree and revised Provision VI.C.5 (Moorhen Marsh Management Plan Update) as follows:

The Discharger shall implement its March 2013 Moorhen Marsh Management Plan, including but not limited to all measures identified to (1) maintain and improve water quality, (2) maintain levees and other control structures, and (3) control noxious weeds and maintain and improve habitat. No later than February 1 each year, the Discharger shall review and, if necessary, update the Moorhen Marsh Management Plan. The Discharger shall summarize the changes in ~~submit the most current version of the management plan with~~ its annual report (MRP section VII.B.2.b). Each update shall describe any necessary revisions, management activities completed during the previous calendar year (e.g., levy upgrades or vegetation removal), and activities planned for the next year. The updates shall incorporate plans for monitoring and managing pollutants of concern (e.g., ammonia and nutrients) for Moorhen Marsh, including monitoring locations, monitoring results from the past year, and monitoring plans for the next year.

District Comment 2: *The District requests that the McNabney Marsh Management Plan scope be revised (1) to eliminate the requirement for a master plan design, and (2) to remove the requirement to specify measures that address odors and algae growth. The District does not object to these tasks per se, but believes they are premature because more studies are needed to understand the causes of marsh odors and algae growth and the studies cannot be completed by August 2016. Algae growth and odors are likely caused by stagnant warm water in the marsh but this hypothesis needs to be tested. The District anticipates developing a master plan that includes odor and algae control before 2021. The District also suggests not requiring the McNabney Marsh Management Plan to be submitted each year in its entirety. It prefers to provide annual updates.*

Response: We agree and, in addition to the basis explained below in Staff-Initiated Changes, revised Provision VI.C.6 (McNabney Marsh Management Plan) as follows:

The Discharger shall develop a McNabney Marsh Management Plan to guide the management of the marsh, according to the following schedule:

- a. **Draft McNabney Marsh Management Plan.** No later than August 1, 2016, the Discharger shall submit a draft McNabney Marsh Management Plan. The draft plan shall contain management objectives, ~~a master plan design~~, a description of the roles and responsibilities of all parties involved with the management of McNabney Marsh (including the operation of the tide gate), an implementation strategy, and a water quality control plan ~~to reduce odors and algae growth~~. In developing the objectives and strategy of the draft plan, the District shall also consider and include measures that address the potential effects of sea level rise. The Discharger shall distribute the draft plan to the East Bay Regional Park District, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and the public for review and comment.
:

- c. **Annual McNabney Marsh Management Plan Update.** No later than February 1 each year (starting in 2018), the Discharger shall review and, if necessary, update its McNabney Marsh Management Plan. The annual review shall address any comments ~~received~~ from the East Bay Regional Park District, California Department of Fish and Wildlife, or U.S. Fish and Wildlife Service received too late to be reflected in the final plan due February 1, 2017. If the plan is revised, the Discharger shall summarize the changes in ~~submit updated plan with~~ its annual report (MRP section VII.B.2.b). Each update shall describe any plan revisions, list all activities done over the previous calendar year, and describe all planned activities over the next calendar year.

District Comment 3: *The District requests that the acute toxicity monitoring frequency be reduced from monthly to quarterly based on historical acute toxicity results that show consistent compliance. It also requests that Monitoring and Reporting Program Table E-3 be revised to reflect that acute toxicity testing is to be done with flow-through samples, not composites.*

Response: We partly disagree. While the District has a good acute toxicity compliance record, this does not guarantee future compliance. Acute toxicity monitoring is necessary to prevent impacts to the receiving water from a mixture of pollutants or unknown toxicants in effluent. This type of whole effluent monitoring is needed to detect impacts from new, currently unregulated pollutants or mixtures of pollutants. As products and pollutants change over time, a monthly frequency is appropriate to make sure any changes in effluent quality are detected in a timely manner so that corrective measures can be initiated. Moreover, the Regional Water Board allowed for significantly reduced toxicant pollutant monitoring for municipal wastewater treatment plants at its March 9, 2016, meeting when it adopted Order No. R2-2016-0008 (Alternate Monitoring and Reporting Requirements for Municipal Wastewater Dischargers for the Purpose of Adding Support to the San Francisco Bay Regional Monitoring Program [RMP]). This reduction of chemical-specific pollutant monitoring increases the importance of whole effluent acute toxicity monitoring. Monthly acute toxicity monitoring is also consistent with existing monitoring requirements for most other discharges of similar size.

We agree that acute toxicity should be measured using flow-through tests and revised Monitoring and Reporting Program Table E-3 as follows (the changes shown include some made in response to comments 4 and 5 below):

Table E-3. Effluent Monitoring

Parameter	Units	Sample Type	Minimum Sampling Frequency
Flow ^[1]	MGD/MG	Calculation <u>Continuous</u>	Continuous/D
Biochemical Oxygen Demand (5-day @ 20°C)(BOD ₅)	mg/L	C-24	1/Week
⋮	⋮	⋮	⋮
Enterococcus	MPN/100 mL ^[5]	Grab	3/Week
Acute Toxicity ^[6]	% survival	C-24 <u>Flow-through</u>	1/Month
Chronic Toxicity ^[7]	TU _c	C-24	1/Year
⋮	⋮	⋮	⋮
Dioxin-TEQ	µg/L	Grab	1/Year
Benzo(a)Anthracene	µg/L	Grab	1/Month <u>1/Quarter</u>

⋮

Footnotes:

^[1] ~~Flows shall be calculated based on influent and reclamation flow monitoring.~~ The following flow information shall be reported in monthly self-monitoring reports:

- Daily average flow (MGD)
- Monthly average flow (MGD)
- Total monthly flow volume (MG)
- Maximum and minimum daily average flow rates (MGD)

⋮

District Comment 4: *The District requests to reduce the benzo(a)anthracene and cyanide monitoring frequencies from monthly to quarterly. The District says benzo(a)anthracene was detected twice in the past ten years and both results were below the reporting level. It also says cyanide was detected once and that result was also below the reporting level. It says that it addresses these pollutants through its pollution prevention program.*

Response: We partly agree. We did not revise the cyanide monitoring frequency because the District consistently detects cyanide in its effluent. From July 2011 through April 2015, it detected cyanide in 14 of 16 samples. Benzo(a)anthracene was detected in 2 of 17 effluent samples over the past ten years. For benzo(a)anthracene effluent monitoring, we agree to change the frequency to quarterly (from the previous order’s twice per year) but added semi-annual influent monitoring to determine if source control measures are needed. Contrary to the District’s comments, it has not included benzo(a)anthracene in its pollution prevention program. Pursuant to Provision VI.C.3.c of the permit, the District is required to develop a pollution minimization program for pollutants detected but not quantified (below the reporting limit) when the effluent limit is also below the reporting limit. Influent monitoring will help the District comply with Provision VI.C.3.d by determining whether benzo(a)anthracene detected in effluent is also present in influent. In addition to the changes to Monitoring and Reporting Program Table E-3 shown in our response to Comment 2, we revised Monitoring and Reporting Program Table E-2 as follows:

Table E-2. Influent Monitoring

Parameter	Units	Sample Type	Minimum Sampling Frequency
Biochemical Oxygen Demand (5-day @ 20°C)(BOD ₅)	mg/L	C-24	1/Week
Total Suspended Solids (TSS)	mg/L	C-24	1/Week
Cyanide, Total	µg/L	Grab	1/Year

Parameter	Units	Sample Type	Minimum Sampling Frequency
<u>Benzo(a)Anthracene</u>	<u>µg/L</u>	<u>Grab</u>	<u>2/Year</u> ^[1]

⋮

Sampling Types and Frequencies:

⋮

1/Year = once per year

2/Year = twice per year

Footnote:

^[1] To be collected concurrently with effluent sample.

We revised Table E-6 as follows:

Table E-6. Monitoring Periods

Sampling Frequency	Monitoring Period Begins On...	Monitoring Period
Continuous	Order effective date	All times
⋮	⋮	⋮
<u>1/Year</u>	<u>Closest January 1 before or after Order effective date</u> ^[1]	January 1 through December 31
<u>2/Year</u>	<u>Closest January 1 or July 1 before or after Order effective date</u> ^[1]	<u>January 1 through June 30</u> <u>July 1 through December 31</u>

We revised Fact Sheet section VII.A.1 as follows (the changes shown include some made in response to Comment 8 below):

Influent Monitoring. ~~Influent flow monitoring is necessary to understand Facility operations.~~ BOD₅ and TSS monitoring is necessary to evaluate compliance with this Order's 85 percent removal requirement. Basin Plan section 4.7.2.2 requires cyanide monitoring because this Order is based on site-specific cyanide water quality objectives. Benzo(a)anthracene monitoring is necessary to determine whether benzo(a)anthracene detected in effluent is also present in influent.

We revised Fact Sheet Table F-9 as follows:

Table F-9. Monitoring Requirements Summary

Parameter	Influent INF-001	Effluent EFF-001	Receiving Water RSW-001 through RSW-004	Biosolids BIO-001
Flow		Continuous/D	---	
⋮	⋮	⋮	⋮	⋮
Dioxin-TEQ	---	1/Year	Support RMP	
Benzo(a)Anthracene	— <u>2/Year</u>	1/Month <u>1/Quarter</u>	Support RMP	
Dissolved Oxygen	---	---	1/Quarter	
⋮	⋮	⋮	⋮	⋮

Sampling Frequencies:

⋮

1/Year = once per year

2/Year = twice per year

⋮

District Comment 5: *The District requests to change its flow monitoring “sample type” to “continuous,” not “calculation” to reflect its existing practice.*

Response: We agree and revised Monitoring and Reporting Program Table E-3 as shown in our response to Comment 3.

District Comment 6: *The District requests that the Fact Sheet mention the possibility of recycling treated wastewater for use as cooling water at a nearby refinery.*

Response: We agree and revised Fact Sheet section II.E (Planned Changes) as follows:

The Discharger has not proposed any changes for this permit term. The changes described below are for informational purposes only and are not requirements of this Order, except to the extent that they pertain to increasing or ensuring the reliability of treatment or wastewater collection systems. Their inclusion here does not imply Regional Water Board authorization. The Discharger must obtain any necessary permits or permit modifications to implement the changes.

The Discharger is studying whether it is economically feasible to recycle treated wastewater for reuse at the nearby Shell Martinez Refinery. If feasible, the project may be implemented. This project could reduce pollutant discharges to Peyton Slough.

District Comment 7: *The District requests to change Fact Sheet Table F-7 to correct the 2,3,7,8-TCDD maximum effluent concentration and to add the dioxin-TEQ maximum effluent concentration.*

Response: We partly agree. We did not add dioxin-TEQ to the table because it is not a priority pollutant, and it is adequately discussed in Fact Sheet section IV.C.3.g. However, we revised Fact Sheet Table F-7 as follows:

Table F-7. Reasonable Potential Analysis

CTR No.	Priority Pollutants	C or Governing criterion or objective (µg/L)	MEC or Minimum DL (µg/L) ^{[1][2]}	B or Minimum DL (µg/L) ^{[1][2]}	RPA Results ^[3]
1	Antimony	4,300	0.3	1.8	No
⋮	⋮	⋮	⋮	⋮	⋮
15	Asbestos	No Criteria	Not Available	Not Available	U
16	2,3,7,8-TCDD	1.40E-08	<1.6E-07 <1.8E-06	8.20E-09	No
17	Acrolein	780	<1.7	<0.5	No
⋮	⋮	⋮	⋮	⋮	⋮

District Comment 8: *The District requests to revise the Fact Sheet to reflect that the Monitoring and Reporting Program does not require influent flow monitoring.*

Response: We agree and revised Fact Sheet section VII.A.1 as shown in our response to Comment 4.

District Comment 9: *The District requests to change the Fact Sheet basis for biosolids monitoring to correctly reflect regulatory requirements.*

Response: We agree and revised Fact Sheet section VII.A.5 as follows:

Biosolids Monitoring. Biosolids monitoring is also required pursuant to 40 C.F.R. part 503 or 40 C.F.R. part 258 ~~and, depending on the disposal method, 40 C.F.R. part 258.~~

Water Board Staff-Initiated Revisions

Staff revised Provision VI.C.6.a as shown in response to Comment 2 to ensure that the McNabney Marsh Management Plan considers the potential effects of sea level rise, which could be important because the marsh is below sea level, and tide gates are used to prevent inundation.

Staff also revised Fact Sheet section IV.D.3 as shown below to more clearly explain why water quality degradation will not occur as a result of the less stringent copper limits.

Antidegradation. This Order complies with the antidegradation provisions of 40 C.F.R. section 131.12 and State Water Board Resolution No. 68-16. Although this Order contains less stringent copper effluent limits than the previous order, it does not allow a reduced level of treatment, and Provision VI.C.7 of this Order contains a copper action plan to prevent any unanticipated increase in copper discharges. The revised limits reflect a change in the calculation of copper concentrations in the effluent, not a substantive increase in the amount of copper allowed to be discharged, and no water quality degradation is expected to occur as the result of the less stringent limits. Therefore, in accordance with Administrative Procedures Update No. 90-004, a simple antidegradation analysis is sufficient. ~~In accordance with Administrative Procedures Update No. 90-004, a simple antidegradation analysis is sufficient because adoption of this Order will produce at most minor effects that will not result in a significant reduction of water quality. A significant reduction of water quality will not occur because, although this Order contains less stringent copper effluent limits than the previous order, it does not allow a reduced level of treatment and Provision VI.C.7 of this Order contains a copper action plan to prevent any unanticipated increase in copper discharges. Thus, no water quality degradation is expected to occur as the result of the less stringent limits.~~