

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

STAFF SUMMARY REPORT (James Parrish)  
MEETING DATE: May 10, 2017

**ITEM**                    **5A**

**SUBJECT:**            **East Bay Dischargers Authority (EBDA), EBDA Common Outfall, San Leandro; City of Hayward, Hayward Water Pollution Control Facility and Collection System, Hayward; City of San Leandro, San Leandro Water Pollution Control Plant and Collection System, San Leandro; Oro Loma Sanitary District and Castro Valley Sanitary District, Water Pollution Control Plant and Collection System, San Lorenzo; Union Sanitary District, Raymond A. Boege Alvarado Wastewater Treatment Plant and Collection System, Union City; Livermore-Amador Valley Water Management Agency; Alameda County – Reissuance of NPDES Permit**

**CHRONOLOGY:** January 2012 - Permit reissued

**DISCUSSION:**      This Revised Tentative Order (Appendix A) would reissue the NPDES permit for the EBDA Common Outfall, four municipal treatment plants, and their associated collection systems. EBDA is one of the largest dischargers in this region because it includes the combined flows from six treatment plants (two of which have their own NPDES permits; see items 5B and 5C). Each plant treats and disinfects wastewater from its service area and pumps it to a dechlorination facility EBDA owns and operates in San Leandro. EBDA discharges the combined wastewater through the EBDA Common Outfall, about seven miles offshore in Central San Francisco Bay. EBDA and its member agencies serve a population of about 750,000 in Alameda County. They discharge about 60 million gallons per day.

EBDA and the Bay Area Clean Water Agencies (BACWA) submitted comments (Appendix B) on a draft order circulated for public review. We prepared a Response to Comments (Appendix C) and revised the tentative order where appropriate.

EBDA and BACWA believe the Revised Tentative Order's total residual chlorine limit of 0.0 mg/L that is required by the Basin Plan encourages dischargers to use excess sodium bisulfite to ensure consistent compliance. EBDA proposed three alternative approaches to demonstrate compliance with the chlorine limit and thus reduce bisulfite use. While we do not disagree with the benefits of reduced bisulfite use, as explained in our Response to Comments, we did not find a legal basis to support changing the total residual chlorine limit, particularly since the Basin Plan mandates the 0.0 mg/L chlorine limit. To appropriately address this issue, we have started to work with EBDA and BACWA management on the next steps for developing a Basin Plan amendment for the Board's consideration that

would incorporate U.S. EPA's total residual chlorine water quality objectives into the Basin Plan and ultimately allow us to amend EBDA's chlorine limit. We expect EBDA to indicate its willingness to pursue this approach at the Board meeting.

**RECOMMEN-  
DATION:**

Adoption of the Revised Tentative Order

**FILE:**

CW- 222123

**APPENDICES:**

- A. Revised Tentative Order
- B. Comments
- C. Response to Comments

Appendix A  
Revised Tentative Order



**San Francisco Bay Regional Water Quality Control Board**

**REVISED TENTATIVE ORDER No. R2-2017-00XX  
NPDES No. CA0037869**

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

**Table 1. Discharger Information**

<b>Discharger</b>	East Bay Dischargers Authority (EBDA) and its member agencies: City of Hayward City of San Leandro Oro Loma Sanitary District Castro Valley Sanitary District Union Sanitary District Livermore-Amador Valley Water Management Agency (LAVWMA)
<b>Facility Name</b>	EBDA Common Outfall City of Hayward Water Pollution Control Facility and collection system City of San Leandro Water Pollution Control Plant and collection system Oro Loma and Castro Valley Sanitary Districts Water Pollution Control Plant and collection system Raymond A. Boege Alvarado Wastewater Treatment Plant and collection system LAVWMA Export and Storage Facilities
<b>Facility Address</b>	EBDA Common Outfall: 14150 Monarch Bay Drive San Leandro, CA 94577 Alameda Country
<b>CIWQS Place Number</b>	222123

**Table 2. Discharge Locations**

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	Secondary Treated Municipal Wastewater and Zone 7 Reverse Osmosis Reject Water	37.62556°	-122.13056°	Lower San Francisco Bay

**Table 3. Administrative Information**

This Order was adopted on:	<Date>
This Order shall become effective on:	July 1, 2017
This Order shall expire on:	June 30, 2022
CIWQS Regulatory Measure Number	<XX>

The Discharger shall file a Report of Waste Discharge for updated WDRs in accordance with California Code of Regulations, title 23, and as an application for reissuance of a National Pollutant Discharge Elimination System (NPDES) permit no later than:	September 30, 2021
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.

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Bruce H. Wolfe, Executive Officer

## Contents

I.	Facility Information .....	4
II.	Findings.....	4
III.	Discharge Prohibitions.....	4
IV.	Effluent Limitations and Discharge Specifications .....	6
V.	Receiving Water Limitations .....	7
VI.	Provisions.....	8
	A. Standard Provisions .....	8
	B. Monitoring and Reporting .....	9
	C. Special Provisions .....	9
	1. Reopener Provisions.....	9
	2. Effluent Characterization Study and Report .....	9
	3. Pollutant Minimization Program .....	10
	4. Special Provisions for Publicly-Owned Treatment Works (POTWs).....	13
	5. Other Special Provisions .....	14

## Tables

Table 1.	Discharger Information.....	1
Table 2.	Discharge Locations .....	1
Table 3.	Administrative Information .....	1
Table 4.	Influent Flow Limitations .....	5
Table 5.	Effluent Limitations.....	6
Table 6.	Copper Action Plan.....	14
Table 7.	Cyanide Action Plan .....	14

## Attachments

Attachment A –	Definitions .....	A-1
Attachment B –	Facility Map.....	B-1
Attachment C –	Process Flow Diagram.....	C-1
Attachment D –	Federal Standard Provisions .....	D-1
Attachment E –	Monitoring and Reporting Program (MRP).....	E-1
Attachment F –	Fact Sheet .....	F-1
Attachment G –	Regional Standard Provisions and Monitoring and Reporting Requirements .....	G-1
Attachment H –	Pretreatment Requirements .....	H-1

## I. FACILITY INFORMATION

Information describing the East Bay Dischargers Authority (EBDA) Common Outfall and each EBDA member agency's treatment plant and their collection systems (collectively, the Facility) is summarized in Table 1 and 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 a National Pollutant Discharge Elimination System (NPDES) permit authorizing the Discharger to discharge into waters of the United States as listed in Table 2 subject to the WDRs in this Order.
- 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 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 through H are also incorporated into this Order.
- C. Provisions and Requirements Implementing State Law.** Provision VI.C.5.e (Anaerobically-Digestible Material) of this Order implements State law only. It is not required or authorized under the federal CWA; consequently, a violation of Provision VI.C.5.e is subject to the enforcement remedies available under the Porter-Cologne Water Quality Control Act.
- 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. R2-2012-0004 (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 than described in this Order is prohibited.



- B.** Bypass of untreated or partially-treated wastewater to waters of the United States is prohibited, except as provided for in Attachment D section I.G or as follows. Bypass of Discharge Point No. 001 to the shallow water outfalls located at the City of San Leandro or Oro Loma Sanitary District treatment plants may occur as long as the following conditions are met:
1. The Discharger maximizes discharge through the EBDA Common Outfall;
  2. The Discharger maximizes onsite storage at EBDA member agency facilities after factoring in precipitation projections and anticipated wet weather storage needs;
  3. The Discharger complies with the effluent and receiving water limitations contained in this Order; and
  4. The Discharger operates the Facility as designed and in accordance with operation and maintenance manuals, which shall include standard operating procedures for wet weather bypasses.

The maximum capacity of the EBDA Common Outfall is typically 189.1 MGD. Bypass could occur at lesser flows if the maximum capacity for the City of San Leandro or Oro Loma Sanitary District to discharge to the EBDA pipeline were reduced due to elevated groundwater conditions, storm tide pressure on the outfall diffusers, or the anticipated engineering response time to bypass before projected influent flows flood a facility or adjacent property. If the Discharger bypasses the EBDA Common Outfall when the flow is less than 189.1 MGD, the Discharger shall describe in its next self-monitoring report (1) the flow rate discharged from the EBDA Common Outfall upon commencing the bypass, and (2) the reasons for the maximum capacity being lower than 189.1 MGD.

- C.** Discharge at Discharge Point No. 001 is prohibited when treated wastewater does not receive an initial dilution of at least 79:1, as modeled. Compliance shall be achieved by proper operation and maintenance of the discharge outfall to ensure that it (or its replacement, in whole or part) is in good working order and is consistent with or can achieve better mixing than that described in Fact Sheet section IV.C.4.a. The Discharger shall address measures taken to ensure this in its application for permit reissuance.
- D.** Average dry weather influent flow, as measured at individual treatment plants, shall not exceed the flows in Table 4. Average dry weather influent flow shall be determined from three consecutive dry weather months (May 1 to October 31) each year, with compliance measured at the monitoring locations listed in Table 4 as described in the Monitoring and Reporting Program (MRP, Attachment E).

**Table 4. Influent Flow Limitations**

Facility	Monitoring Location	Average Dry Weather Flow (MGD)
City of Hayward	INF-002A	18.5
City of San Leandro	INF-002B	7.6
Oro Loma/Castro Valley	INF-002C	20.0
Union Sanitary District	INF-002D	33.0 <sup>[1]</sup>

Footnote:

<sup>[1]</sup> The average dry weather flow for the Union Sanitary District may be increased to 38.0 MGD upon completion of the tasks identified in Provision VI.C.5.c.

- E. 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.** The Discharger shall comply with the following effluent limitations at each individual treatment plant and at Discharge Point No. 001 (EBDA Common Outfall), with compliance measured at Monitoring Locations EFF-002A through EFF-002D and EFF-001 as described in the MRP.

**Table 5. Effluent Limitations**

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
<b>Individual Treatment Plant Effluent Limitations</b> <sup>[2]</sup>						
Carbonaceous Biochemical Oxygen Demand, 5-day @ 20°C	mg/L	25	40	---	---	---
Total Suspended Solids	mg/L	30	45	---	---	---
pH <sup>[1]</sup>	standard units	---	---	---	6.0	9.0
<b>EBDA Common Outfall Effluent Limitations</b> <sup>[3]</sup>						
Oil and Grease	mg/L	10	---	20	---	---
Chlorine, Total Residual	mg/L	---	---	---	---	0.0
Total Ammonia	mg/L as N	91	---	120	---	---
Copper, Total Recoverable	µg/L	53	---	69	---	---
Cyanide, Total	µg/L	21	---	40	---	---
Dioxin-TEQ	µg/L	1.4 x 10 <sup>-8</sup>	---	2.8 x 10 <sup>-8</sup>	---	---

Unit Abbreviations:

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

Footnote:

- <sup>[1]</sup> 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.
- <sup>[2]</sup> Compliance shall be measured at Monitoring Locations EFF-002A through EFF-002D as described in the MRP.
- <sup>[3]</sup> Compliance shall be measured at Monitoring Location EFF-001 as described in the MRP.

- B. **Percent Removal.** The average monthly carbonaceous biochemical oxygen demand (5-day @ 20°C) (CBOD<sub>5</sub>) and total suspended solids (TSS) percent removal at each individual treatment plant shall not be less than 85 percent (i.e., in each calendar month, the arithmetic mean of CBOD<sub>5</sub> and TSS, by concentration, for effluent samples collected at Monitoring Locations EFF-002A through EFF-002D as described in the MRP, shall not exceed 15 percent of the arithmetic mean of CBOD<sub>5</sub> and TSS, by concentration, for influent samples collected at Monitoring Locations INF-002A through INF-002D as described in the MRP at approximately the same times during the same periods).

- C. Enterococcus.** The geometric mean enterococci bacteria concentration of all samples in a calendar month shall not exceed 240 most probable number per 100 milliliters (MPN/100 mL) at Discharge Point No. 001, with compliance measured at Monitoring Location EFF-001D as described in the MRP.
- D. Fecal Coliform Bacteria.** The discharge at Discharge Point No. 001 shall meet the following fecal coliform bacteria limitations, with compliance measured at Monitoring Location EFF-001D as described in the MRP:
1. The geometric mean value of all fecal coliform bacteria samples in a calendar month shall not exceed 500 most probable number per 100 milliliters (MPN/100 mL), and
  2. The 11-sample 90<sup>th</sup> percentile value of all fecal coliform bacteria samples in a calendar month shall not exceed 1,100 MPN/100 mL.
- E. Acute Toxicity.** The discharge 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. 11-sample median value of not less than 90 percent survival, and
  2. 11-sample 90<sup>th</sup> percentile 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 or fewer bioassay tests also show less than 90 percent survival.
- **11-sample 90th percentile.** A bioassay test showing survival of less than 70 percent represents a violation of this effluent limit if one or more of the past ten or fewer bioassay tests also show less than 70 percent survival.

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 Table 5 of this Order, then such toxicity shall 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. 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, or will cease to have, a reasonable potential to cause or contribute to adverse impacts on water quality or beneficial uses of the receiving waters.
- b.** If new or revised 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 stormwater 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 station 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	2/Year

The samples shall be analyzed for the priority 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 Programs, 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-7 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. The Discharger need not resubmit data and information already submitted electronically into CIWQS; however, it shall reference the monthly monitoring reports where it provided such information.

#### **3. Pollutant Minimization Program**

- a.** The Discharger shall continue to improve its existing Pollutant Minimization Programs to promote minimization of pollutant loadings to each treatment plant and therefore to the receiving waters.
- b.** Each EBDA member agency shall submit an annual report no later than February 28 or August 30 each year. For reports due February 28, the reporting period shall be January

through December. For reports due August 30, the reporting period shall be July through June. 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, each EBDA member agency 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 EBDA member agency intends to estimate and identify pollutant sources. The EBDA member agency shall include sources or potential sources not directly within the ability or authority of the EBDA member agency 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 EBDA member agency's pollutants of concern. The EBDA member agency may implement the tasks by itself or participate in group, regional, or national tasks that address its pollutants of concern. The EBDA member agency 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.** Each EBDA member agency 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 EBDA member agency may provide a forum for employees to provide input.
- vi. Continuation of Public Outreach Program.** Each EBDA member agency 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 EBDA member agency shall coordinate with other agencies as appropriate.
- vii. Discussion of criteria used to measure Pollutant Minimization Program and task effectiveness.** Each EBDA member agency 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 V.I.C.3.b.iii, iv, v, and vi.

- viii. Documentation of efforts and progress.** This discussion shall detail all of the EBDA member agency's Pollutant Minimization Program activities during the reporting year.
- ix. Evaluation of Pollutant Minimization Program and task effectiveness.** The EBDA member agency 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, each EBDA member agency 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 Pollutant Minimization Programs 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 Programs 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 Publicly-Owned Treatment Works (POTWs)**

- a. Pretreatment Program.** Each EBDA member agency shall implement and enforce its approved pretreatment program in accordance with federal pretreatment regulations (40 C.F.R. part 403); pretreatment standards promulgated under CWA sections 307(b), 307(c), and 307(d); pretreatment requirements specified under 40 C.F.R. section 122.44(j); and the requirements in Attachment H, "Pretreatment Requirements." The Discharger's responsibilities include, but are not limited to, the following:
  - i.** Enforcement of the National Pretreatment Standards of 40 C.F.R. sections 403.5 and 403.6;
  - ii.** Implementation of its pretreatment program in accordance with legal authorities, policies, procedures, and financial provisions described in the National Pretreatment Program (40 C.F.R. part 403);
  - iii.** Submission of reports to the State Water Board and the Regional Water Board as described in Attachment H; and
  - iv.** Evaluation of the need to revise local limits under 40 C.F.R. section 403.5(c)(1) and, within 180 days following the effective date of this Order, submission of a report describing the changes, with a plan and schedule for implementation.

The Castro Valley Sanitary District shall, within 180 days of the effective date of this Order, develop and submit to the Regional Water Board an individual pretreatment program, or pursue a multi-jurisdictional agreement with the Oro Loma Sanitary District. If a multi-jurisdictional agreement is developed, it shall identify each district's responsibilities for implementing the pretreatment program within its jurisdiction.

#### **b. Sludge and Biosolids Management**

- i.** Sludge and biosolids treatment and storage shall not create a nuisance, such as objectionable odors or flies, or result in groundwater contamination.
- ii.** Sludge and biosolids treatment and storage site shall have facilities adequate to divert surface runoff from adjacent areas, 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.
- iii.** 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 applicable regulations prior to commencement of any such activity.

- c. **Collection System Management.** The Discharger is subject to the requirements of, and shall comply with, State Water Board Order No. 2006-0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, as amended by State Water Board Order No. WQ 2013-0058-EXEC and any subsequent order updating these requirements.

**5. Other Special Provisions**

- a. **Copper Action Plan.** The Discharger shall implement pretreatment, source control, and pollution prevention for copper in accordance with the following tasks and time schedule:

**Table 6. Copper Action Plan**

Task	Compliance Date
<p><b>1. Implement Copper Control Program</b> Continue implementing existing programs to reduce identified copper sources, including, as applicable, taking the following actions:</p> <ul style="list-style-type: none"> <li>a. Providing education and outreach to the public (e.g., focusing on proper pool and spa maintenance and plumbers’ roles in reducing corrosion);</li> <li>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</li> <li>c. Educating plumbers, designers, and maintenance contractors for pools and spas to encourage best management practices that minimize copper discharges.</li> </ul>	<p>Implementation shall be ongoing</p>
<p><b>2. Implement Additional Actions</b> If the Regional Water Board notifies the Dischargers that the three-year rolling mean dissolved copper concentration in Central or Lower San Francisco Bay exceeds 2.2 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 February 28 or August 30 (at least 90 days following notification)</p>
<p><b>3. Report Status</b> 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 February 28 or August 30 each year</p>

- b. **Cyanide Action Plan.** The Discharger shall implement monitoring and surveillance, pretreatment, source control, and pollution prevention for cyanide in accordance with the following tasks and time schedule:

**Table 7. Cyanide Action Plan**

Task	Compliance Date
<p><b>1. Review Potential Cyanide Sources</b> 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 February 28 or August 30, 2018</p>
<p><b>2. Implement Cyanide Control Program</b> Implement a control program to minimize cyanide discharges consisting, at a minimum, of the following elements:</p>	<p>Implementation shall be ongoing</p>

Task	Compliance Date
<p>a. Inspect each potential source to assess the need to include that source in the control program.</p> <p>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).</p> <p>c. Develop and distribute educational materials regarding the need to prevent cyanide discharges to sources included in the control program.</p> <p>d. Prepare an emergency monitoring and response plan to be implemented if a significant cyanide discharge occurs.</p> <p>If a plant's influent cyanide concentration exceeds 17 µg/L, the Discharger shall collect a follow-up sample within 5 days of becoming aware of the laboratory results. If the results of the follow-up sample also exceed 17 µg/L, then a "significant cyanide discharge" is occurring.</p>	
<p><b>3. Implement Additional Measures</b></p> <p>If the Regional Water Board notifies the Dischargers 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.</p>	<p>With next annual pollution prevention report due February 28 or August 30 (at least 90 days following notification)</p>
<p><b>4. Report Status of Cyanide Control Program</b></p> <p>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.</p>	<p>With annual pollution prevention report due February 28 or August 30 each year</p>

- c. Flow Capacity Increase.** When Union Sanitary District completes proposed upgrades to its wastewater treatment plant, it shall submit the following documentation and wait for written Executive Officer concurrence prior to increasing its average dry weather flow capacity to 38.0 MGD:
- i.** Certification by a licensed professional affirming that the upgrades have been constructed as designed and that the reliability, capability, and performance of the wastewater facility upgrades will maintain compliance with waste discharge requirements. Hydraulic and organic loading capacities of the treatment facilities shall be evaluated by appropriate combinations of desk-top analyses and treatment process stress testing to simulate design peak loading conditions. The evaluation shall include treatment process operations under both dry weather and wet weather design flow conditions, and effluent disposal capacity including storage and discharge to land through reclamation.
  - ii.** Compliance with all applicable provisions of CEQA (California Public Resources Code Division 13, Chapter 3, Section 21100 et seq.)
  - iii.** Updates to the Operations and Maintenance Manual and Contingency Plan to include the facility upgrades, including financial provisions; and
  - iv.** The specific date Union Sanitary District proposes to commence its increased average dry weather flow.

- d. Wet Weather Bypasses.** If the Discharger wishes the Regional Water Board to consider continuing its approval of certain wet weather bypasses (see Discharge Prohibition III.B) when it considers permit reissuance, the Discharger shall submit with its application for reissuance justification based on Attachment D section I.G.3 and assess any adverse effects of such bypasses. Specifically, the Discharger shall report the frequency and volume of wet weather bypasses that took place during this Order term, and evaluate a reasonable range of bypass alternatives that includes all feasible measures to reduce or eliminate the volume or frequency of these wet weather bypasses. The Discharger shall implement all feasible alternatives or, for feasible alternatives that cannot be implemented immediately, provide an implementation schedule that is as short as practicable.
- e. Anaerobically-Digestible Material.** 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 ( $\mu$ )**

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 wasteload 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 ( $\sigma$ )**

Measure of variability calculated as follows:

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

where:

x is the observed value;

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

n is the number of samples.

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

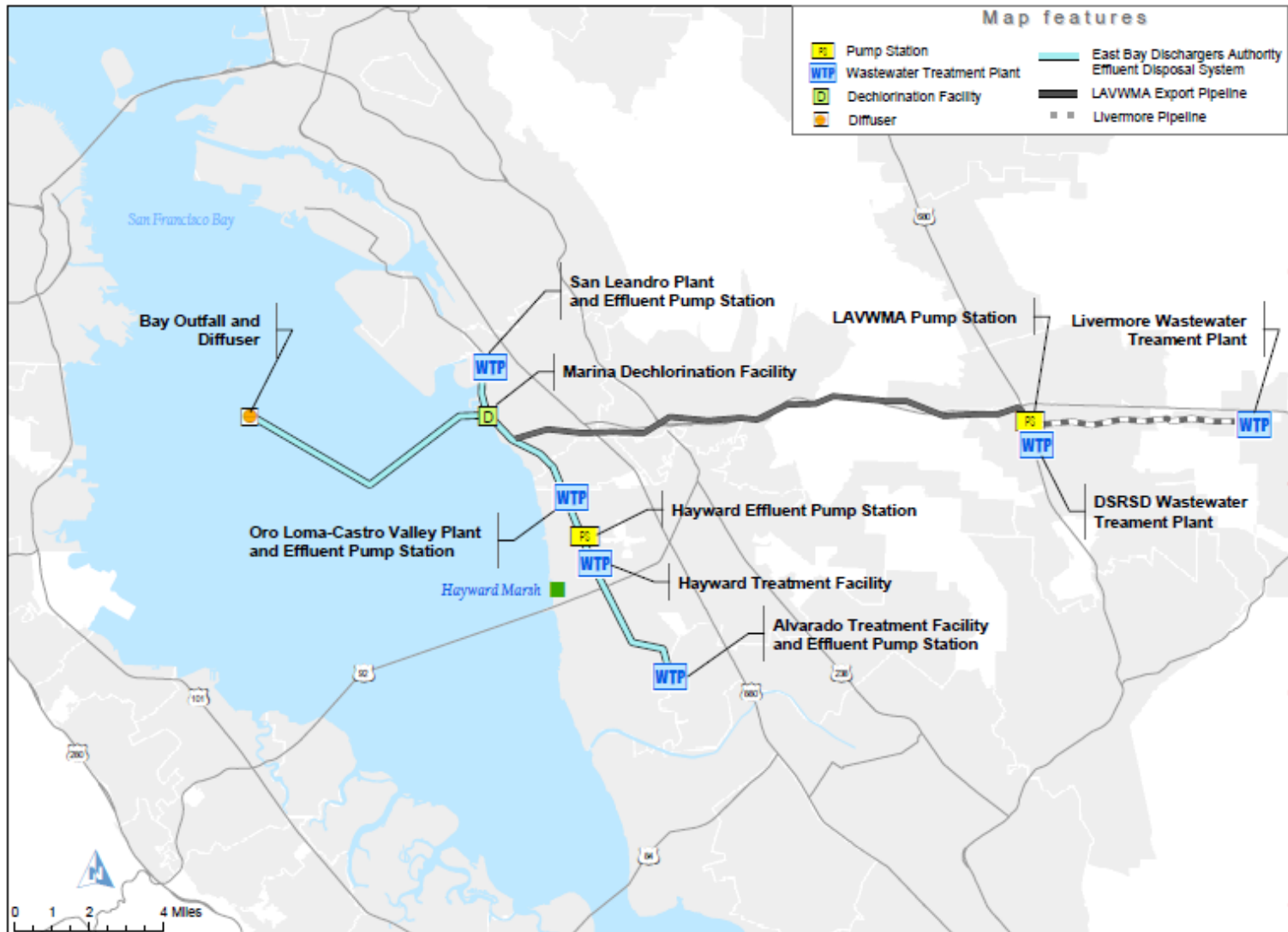
Study conducted in a step-wise process designed to identify the causative agents of effluent or ambient toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in toxicity. The first steps of the TRE consist of the collection of 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; for permit termination, revocation and reissuance, or modification; or 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 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 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, 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 assuring 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 prior notice, if possible at least 10 days before the date of the bypass. The notice shall be sent to the Regional Water Board. As of December 21, 2020, a notice shall also be submitted electronically to the initial recipient defined in Standard Provisions – Reporting V.J below. Notices shall comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. (40 C.F.R. § 122.41(m)(3)(i).)

**b. Unanticipated bypass.** The Discharger shall submit a notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below (24-hour notice). The notice shall be sent to the Regional Water Board. As of December 21, 2020, a notice shall also be submitted electronically to the initial recipient defined in Standard Provisions – Reporting V.J below. Notices shall comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. (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(1)(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 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. chapter 1, subchapter N. Monitoring must be conducted according to sufficiently sensitive test methods approved under 40 C.F.R. part 136 for the analysis of pollutants or pollutant parameters or required under 40 C.F.R. chapter 1, subchapter N. For the purposes of this paragraph, a method is sufficiently sensitive when:
  1. The method minimum level (ML) is at or below the level of the effluent limitation established in the permit for the measured pollutant or pollutant parameter, and either (a) the method ML is at or below the level of the applicable water quality criterion for the measured pollutant or pollutant parameter, or (b) the method ML is above the applicable water quality criterion but the amount of the pollutant or pollutant parameter in a facility's discharge is

high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge; or

2. The method has the lowest ML of the analytical methods approved under 40 C.F.R. part 136 or required under 40 C.F.R. chapter 1, subchapter N, for the measured pollutant or pollutant parameter.

In the case of pollutants or pollutant parameters for which there are no approved methods under 40 C.F.R. part 136 or otherwise required under 40 C.F.R. chapter 1, subchapter N, monitoring must be conducted according to a test procedure specified in this Order for such pollutants or pollutant parameters. (40 C.F.R. §§ 122.21(e)(3), 122.41(j)(4), 122.44(i)(1)(iv).)

#### **IV. STANDARD PROVISIONS—RECORDS**

- A. 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, V.B.5, and V.B.6 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).)
6. Any person providing the electronic signature for documents described in Standard Provisions – V.B.1, V.B.2, or V.B.3 that are submitted electronically shall meet all relevant requirements of Standard Provisions – Reporting V.B, and shall ensure that all relevant requirements of 40 C.F.R. part 3 (Cross-Media Electronic Reporting) and 40 C.F.R. part 127 (NPDES Electronic Reporting Requirements) are met for that submission. (40 C.F.R § 122.22(e).)

### **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. As of December 21, 2016, all reports and forms must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting V.J and comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. (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. chapter 1, subchapter N, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Regional Water Board or State 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 report shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The report 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.

For noncompliance related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (i.e., combined sewer overflow, sanitary sewer overflow, or bypass event), type of overflow structure (e.g., manhole, combined sewer overflow outfall), discharge volume untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the event, and whether the noncompliance was related to wet weather.

As of December 21, 2020, all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events must be submitted to the Regional Water Board and must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting V.J. The reports shall comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. The Regional Water Board may also require the Discharger to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section. (40 C.F.R. § 122.41(l)(6)(i).)

2. The following shall be included as information that must be reported within 24 hours:
  - 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).)

### **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. For noncompliance related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports shall contain the information described in Standard Provision – Reporting V.E and the applicable required data in appendix A to 40 C.F.R. part 127. The Regional Water Board may also require the Discharger to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section. (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).)

### **J. Initial Recipient for Electronic Reporting Data**

The owner, operator, or duly authorized representative is required to electronically submit NPDES information specified in appendix A to 40 C.F.R. part 127 to the initial recipient defined in 40 C.F.R. section 127.2(b). U.S. EPA will identify and publish the list of initial recipients on its website and in the Federal Register, by state and by NPDES data group [see 40 C.F.R. § 127.2(c)]. U.S. EPA will update and maintain this list. (40 C.F.R. § 122.41(l)(9).)

## **VI. STANDARD PROVISIONS—ENFORCEMENT**

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

## VII. ADDITIONAL PROVISIONS—NOTIFICATION LEVELS

### A. Non-Municipal Facilities

Existing manufacturing, commercial, mining, and silvicultural Dischargers shall notify the Regional Water Board as soon as they know or have reason to believe (40 C.F.R. § 122.42(a)):

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following “notification levels” (40 C.F.R. § 122.42(a)(1)):
  - a. 100 micrograms per liter ( $\mu\text{g/L}$ ) (40 C.F.R. § 122.42(a)(1)(i));
  - b. 200  $\mu\text{g/L}$  for acrolein and acrylonitrile; 500  $\mu\text{g/L}$  for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter (mg/L) for antimony (40 C.F.R. § 122.42(a)(1)(ii));
  - c. Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 C.F.R. § 122.42(a)(1)(iii)); or
  - d. The level established by the Regional Water Board in accordance with section 122.44(f). (40 C.F.R. § 122.42(a)(1)(iv).)
2. That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following “notification levels” (40 C.F.R. § 122.42(a)(2)):
  - a. 500 micrograms per liter ( $\mu\text{g/L}$ ) (40 C.F.R. § 122.42(a)(2)(i));
  - b. 1 milligram per liter (mg/L) for antimony (40 C.F.R. § 122.42(a)(2)(ii));
  - c. Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 C.F.R. § 122.42(a)(2)(iii)); or
  - d. The level established by the Regional Water Board in accordance with section 122.44(f). (40 C.F.R. § 122.42(a)(2)(iv).)

### B. 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)

### Contents

I.	General Monitoring Provisions.....	E-2
II.	Monitoring Locations.....	E-2
III.	Influent Monitoring Requirements .....	E-3
IV.	Effluent Monitoring Requirements .....	E-4
V.	Toxicity Testing Requirements.....	E-5
	A. Acute Toxicity.....	E-5
	B. Chronic Toxicity.....	E-6
VI.	Receiving water Monitoring Requirements .....	E-9
VII.	Pretreatment and Biosolids Monitoring Requirements .....	E-10
VIII.	Reporting Requirements .....	E-11
	A. General Monitoring and Reporting Requirements .....	E-11
	B. Self-Monitoring Reports (SMRs).....	E-11
	C. Discharge Monitoring Reports (DMRs).....	E-14
IX.	Modifications to Attachment G .....	E-14
X.	Modifications to Attachment H .....	E-17

### Tables

Table E-1.	Monitoring Locations.....	E-2
Table E-2.	Influent Monitoring.....	E-3
Table E-3.	Effluent Monitoring .....	E-4
Table E-4.	Pretreatment and Biosolids Monitoring .....	E-10
Table E-5.	CIWQS Reporting.....	E-11
Table E-6.	Monitoring Periods .....	E-12

## 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.
- C. The Discharger shall ensure that results of the Discharge Monitoring Report-Quality Assurance (DMR-QA) Study or most recent Water Pollution Performance Evaluation Study are submitted annually to the State Water Board at the following address:

State Water Resources Control Board  
Quality Assurance Program Officer  
Office of Information Management and Analysis  
1001 I Street, Sacramento, CA 95814

### 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**

Sample Type	Monitoring Location Name	Monitoring Location Description <sup>[1]</sup>
Influent (City of Hayward)	INF-002A	Points in the individual treatment plant headworks at which all waste tributary to the treatment system is present and preceding any phase of treatment.
Influent (City of San Leandro)	INF-002B	
Influent (Oro Loma/Castro Valley Sanitary Districts)	INF-002C	
Influent (Union Sanitary District)	INF-002D	
Effluent (EBDA Common Outfall)	EFF-001	Point in the EBDA Common Outfall between the point of discharge and the point at which all waste tributary to the outfall is present. This location may be the same as Monitoring Location EFF-001D. <i>Discharge Point: Latitude 37.62556 Longitude -122.13056</i>

Sample Type	Monitoring Location Name	Monitoring Location Description <sup>[1]</sup>
Effluent (EBDA Common Outfall)	EFF-001D	Point in the disinfection system at which adequate contact with the disinfectant has occurred.
Effluent (City of Hayward)	EFF-002A	Points in the individual treatment plants at which adequate disinfection has occurred and just prior to where the individual treatment plants transfer control of their effluent to EBDA.
Effluent (City of San Leandro)	EFF-002B	
Effluent (Oro Loma/Castro Valley Sanitary Districts)	EFF-002C	
Effluent (Union Sanitary District)	EFF-002D	
Biosolids (City of Hayward)	BIO-002A	Biosolids at individual treatment plants.
Biosolids (City of San Leandro)	BIO-002B	
Biosolids (Oro Loma/Castro Valley Sanitary Districts)	BIO-002C	
Biosolids (Union Sanitary District)	BIO-002D	

Footnote:

<sup>[1]</sup> Latitudes and longitudes are approximate for administrative purposes.

### III. INFLUENT MONITORING REQUIREMENTS

The Discharger shall monitor treatment plant influent at Monitoring Locations INF-002A through INF-002D as follows:

**Table E-2. Influent Monitoring**

Parameter	Units	Sample Type	Minimum Sampling Frequency
Flow <sup>[1]</sup>	MGD	Continuous	Continuous/D
Carbonaceous Biochemical Oxygen Demand (5-day @ 20°C) (CBOD <sub>5</sub> ) <sup>[2]</sup>	mg/L	C-24	1/Week
Total Suspended Solids (TSS) <sup>[2]</sup>	mg/L	C-24	3/Week
Cyanide, Total <sup>[3]</sup>	µg/L	Grab	1/Quarter

Unit Abbreviations:

MGD = million gallons per day  
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



3/Week = three times per week  
1/Week = once per week  
1/Quarter = once per quarter

Footnotes:

- [1] The following flow information shall be reported in monthly self-monitoring reports:
- daily average flow (MGD)
  - total monthly flow volume (MG)
- [2] CBOD<sub>5</sub> and TSS samples shall be collected concurrently with effluent samples.
- [3] 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 Standard Method edition.

#### IV. EFFLUENT MONITORING REQUIREMENTS

The Discharger shall monitor individual treatment plant effluent and combined effluent discharged to the EBDA Common Outfall at Monitoring Locations EFF-002A through EFF-002D and EFF-001 (or, for enterococcus and fecal coliform bacteria, EFF-001D) as follows. Anticipated bypasses of the EBDA Common Outfall approved under Discharge Prohibition III.B should not affect effluent quality and thus shall not be subject to the accelerated monitoring requirements in Attachment G section A.3.b.6.

**Table E-3. Effluent Monitoring**

Parameter	Units	Sample Type <sup>[2],[3]</sup>	Minimum Sampling Frequency
<b>Individual Treatment Plants – Monitoring Locations EFF-002A through EFF-002D</b>			
Flow <sup>[1]</sup>	MG/MGD	Continuous	Continuous/D
pH	standard units	Grab	2/Week
Carbonaceous Biochemical Oxygen Demand (5-day @ 20°C) (CBOD <sub>5</sub> ) <sup>[4]</sup>	mg/L	C-24	1/Week
Total Suspended Solids (TSS) <sup>[4]</sup>	mg/L	C-24	3/Week
<b>EBDA Common Outfall – Monitoring Location EFF-001 (or EFF-001D)</b>			
Flow <sup>[1]</sup>	MG/MGD	Continuous	Continuous/D
Total Residual Chlorine <sup>[5]</sup>	mg/L	Continuous	Continuous/D or 1/Hour
Oil and Grease	mg/L	Grab	1/Quarter
Enterococcus Bacteria	MPN/100mL <sup>[6]</sup>	Grab	2/Week
Fecal Coliform Bacteria	MPN/100mL <sup>[6]</sup>	Grab	2/Week
Acute Toxicity <sup>[7]</sup>	% survival	C-24	1/2 Months <sup>[9]</sup>
Chronic Toxicity <sup>[8]</sup>	TU <sub>c</sub>	C-24	1/2 Months <sup>[9]</sup>
Copper, Total Recoverable	µg/L	C-24	1/Month
Cyanide, Total	µg/L	Grab	1/Month
Dioxin-TEQ	µg/L	Grab	2/Year
Ammonia, Total	mg/L as N	C-24	2/Month

Unit Abbreviations:

MG = million gallons  
MGD = million gallons per day  
mg/L = milligrams per liter  
mg/L as N = milligrams per liter as nitrogen  
µg/L = micrograms per liter  
MPN/100 mL = most probable number per 100 milliliters  
% = percent  
TU<sub>c</sub> = chronic toxicity units

Sampling Types and Frequencies:

C-24	=	24-hour Composite
Continuous	=	measured continuously
Continuous/D	=	measured continuously, and recorded and reported daily
1/Hour	=	once per hour
3/Week	=	three times per week
2/Week	=	twice per week
1/Week	=	once per week
2/Month	=	twice per month
1/Month	=	once per month
1/2 Months	=	once every two months
1/Quarter	=	once per quarter
2/Year	=	twice per year

Footnotes:

- [1] The following flow information shall be reported in monthly self-monitoring reports:
- daily average flow (MGD)
  - total monthly flow volume (MG)
- [2] The 24-hour composites may be made up of discrete grab samples collected over the course of a day and volumetrically or mathematically flow-weighted. Samples for inorganic pollutants may be combined prior to analysis. Samples for organic pollutants shall be analyzed separately. If only one grab sample is collected, it shall be collected during peak flow.
- [3] Grab samples shall be collected coincident with composite samples collected for the analysis of regulated parameters.
- [4] CBOD<sub>5</sub> and TSS samples shall be collected concurrently with influent samples. CBOD<sub>5</sub> and TSS percent removal shall be reported for each calendar month in accordance with section IV.B of the Order.
- [5] Effluent residual chlorine concentrations shall be monitored continuously or, at a minimum, every hour. The Discharger shall describe all excursions of the chlorine limit in the transmittal letter of self-monitoring reports as required by Attachment G section V.C.1.a. If monitoring continuously, the Discharger shall report through data upload to CIWQS, from discrete readings of the continuous monitoring every hour on the hour, the maximum for each day and any other discrete hourly reading that exceed the effluent limit, and, for the purpose of mandatory minimum penalties required by Water Code section 13385(i), compliance shall be based only on these discrete readings. The Discharger shall retain continuous monitoring readings for at least three years. The Regional Water Board reserves the right to use all continuous monitoring data for discretionary enforcement.
- The Discharger may elect to use a continuous on-line monitoring system for measuring or determining that residual dechlorinating agent is present. This monitoring system may be used to prove that anomalous residual chlorine exceedances measured by on-line chlorine analyzers are false positives and are not valid total residual chlorine detections because it is chemically improbable to have chlorine present in the presence of sodium bisulfite. If Regional Water Board staff finds convincing evidence that chlorine residual exceedances are false positives, the exceedances are not violations of this Order's total residual chlorine limit.
- [6] Results may be reported as Colony Forming Units (CFU)/100 mL if the laboratory method used provides results in CFU/100 mL.
- [7] Acute bioassay tests shall be performed in accordance with MRP section V.A.
- [8] Chronic bioassay tests shall be performed in accordance with MRP section V.B.
- [9] Acute bioassay tests may be performed concurrently with chronic bioassay tests in accordance with MRP section V.A. If after one year the Discharger has complied with the acute effluent limitations and not exceeded the chronic toxicity accelerated monitoring triggers, the minimum monitoring frequency shall be reduced to once per quarter until such time that the Discharger fails to comply with the acute effluent limitations or exceeds the chronic toxicity accelerated monitoring triggers.

## V. TOXICITY TESTING REQUIREMENTS

### A. 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. Static renewal acute toxicity bioassays may be substituted if flow-through bioassays are not practicable. These bioassays shall be performed according to the most up-to-date acute toxicity 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*, 5<sup>th</sup> 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.

Alternatively, compliance with the acute toxicity effluent limitations may be evaluated at Monitoring Location EFF-001 by measuring survival of test organisms exposed to 96-hour, 100 percent effluent using the most recently promulgated 96-hour critical life stage toxicity tests as described 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). If these protocols prove unworkable, the Executive Officer may require that acute toxicity bioassays be performed using the acute toxicity protocol.

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. 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 acute toxicity samples prior to performing bioassays to minimize ammonia toxicity interference.
4. 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. 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 alternating days.
- b. **Test Species.** The test species shall be fathead minnow (*Pimephales promelas*) 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 every two months.
- ii.** The Discharger shall accelerate monitoring to monthly after exceeding a three-sample median of 10 chronic toxicity unit (TUc) or a single-sample maximum of 20 TUc. Based on the TUc 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 triggers 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. Bioassays shall be conducted in compliance with the most recently promulgated test methods, as shown in Appendix E-2. 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 trigger may be determined after test samples are adjusted to remove the influence of those substances. The adjustment shall not remove the influence of other substances. Written acknowledgement that the Executive Officer concurs with the Discharger's demonstration 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<sub>25</sub> or EC<sub>25</sub> (see MRP Appendix E-1). If the IC<sub>25</sub> or EC<sub>25</sub> 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<sub>15</sub>, IC<sub>25</sub>, IC<sub>40</sub>, and IC<sub>50</sub> values (or EC<sub>15</sub>, EC<sub>25</sub>, EC<sub>40</sub>, and EC<sub>50</sub>) as percent effluent
  - vii. TU<sub>c</sub> values (100/NOEL) and upper and lower confidence intervals
  - viii. Mean percent mortality ( $\pm$ s.d.) after 96 hours in 100% effluent (if applicable)
  - ix. IC<sub>50</sub> or EC<sub>50</sub> 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 as TUC's.

## 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 a 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 a 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 (i.e., compliance with the triggers in section V.B.1.c.ii).
- 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 trigger.
- 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.

## **VI. RECEIVING WATER MONITORING REQUIREMENTS**

The Discharger shall continue to participate in the Regional Monitoring Program, which collects data on pollutants and toxicity in San Francisco Bay water, sediment, and biota.

## VII.PRETREATMENT AND BIOSOLIDS MONITORING REQUIREMENTS

The Discharger shall comply with the following pretreatment monitoring requirements for influent at Monitoring Locations INF-002A through INF-002D, effluent at Monitoring Locations EFF-002A through EFF-002D, and biosolids at Monitoring Locations BIO-002A through BIO-002D. The EBDA member agencies shall report summaries of analytical results in annual pretreatment reports in accordance with Attachment H. If instructed to do so, the Discharger shall report biosolids analytical results with its electronic self-monitoring reports by manual entry, by EDF/CDF, or as an attached file.

**Table E-4. Pretreatment and Biosolids Monitoring**

Constituents	Sampling Frequency			Sample Type	
	Influent INF-002A through INF-002D <sup>[6]</sup>	Effluent EFF-002A through EFF-002D <sup>[6]</sup>	Biosolids BIO-002A through BIO-002D	Influent and Effluent	Biosolids <sup>[7]</sup>
VOC <sup>[1]</sup>	1/Year	1/Year	1/Year	Grab <sup>[7]</sup>	Grab
BNA <sup>[2]</sup>	1/Year	1/Year	1/Year	Grab	Grab
Metals and Other Elements <sup>[3]</sup>	1/Year	1/Month	1/Year	C-24 <sup>[8]</sup>	Grab
Hexavalent Chromium <sup>[4]</sup>	1/Year	1/Month	1/Year	Grab	Grab
Mercury <sup>[5]</sup>	1/Year	1/Month	1/Year	Grab or C-24 <sup>[8]</sup>	Grab
Cyanide, Total <sup>[9]</sup>	1/Quarter	1/Month	1/Year	Grab	Grab

Sample Types:

C-24 = 24-hour composite

Grab = grab sample

Sampling Frequencies:

1/Month = once per month

1/Quarter = once per quarter

1/Year = once per year

Footnotes:

<sup>[1]</sup> VOC: volatile organic compounds

<sup>[2]</sup> BNA: base/neutrals and acid extractable organic compounds

<sup>[3]</sup> Metals and other elements are arsenic, cadmium, copper, lead, nickel, selenium, silver, and zinc.

<sup>[4]</sup> The Discharger may choose to monitor and report total chromium instead of hexavalent chromium. Samples collected for total chromium measurements may be 24-hour composites.

<sup>[5]</sup> 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, except when levels are expected to exceed 10 µg/L, in which case use of ultra-clean sampling and analysis shall be optional.

<sup>[6]</sup> Influent and effluent monitoring conducted in accordance with MRP Tables E-2 and E-3 may be used to satisfy these pretreatment monitoring requirements.

<sup>[7]</sup> Biosolids samples shall be composites of the biosolids to be disposed. Biosolids collection and monitoring shall comply with the requirements specified in Attachment H, Appendix H-4.

<sup>[8]</sup> If an automatic compositor is used, the Discharger shall obtain 24-hour composite samples through flow-proportioned composite sampling. Alternatively, 24-hour composite samples may consist of discrete grab samples combined (volumetrically flow-weighted) prior to analysis or mathematically flow-weighted.

<sup>[9]</sup> 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 Standard Method edition.

## VIII. 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 MRP 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) website ([http://www.waterboards.ca.gov/water\\_issues/programs/ciwqs](http://www.waterboards.ca.gov/water_issues/programs/ciwqs)). 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 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 Provision VI.C.2 (Effluent Characterization Study and Report) 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 <sup>[1]</sup>	Discharger may use this method for all results or keep records



Parameter	Method of Reporting	
	EDF/CDF data upload or manual entry	Attached File
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 <sup>[2]</sup>
Volume and Duration of Blended Discharge <sup>[3]</sup>		Required for all blended effluent discharges
Analytical Method		Not required (Discharger may select "data unavailable") <sup>[1]</sup>
Collection Time Analysis Time		Not required (Discharger may select "0:00") <sup>[1]</sup>

Footnotes:

- <sup>[1]</sup> 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.
- <sup>[2]</sup> 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).
- <sup>[3]</sup> The requirement for volume and duration of blended discharge applies only if this Order authorizes the Discharger to discharge blended effluent.

The Discharger shall arrange all reported data in a tabular format and summarize the data to clearly illustrate whether the Facility is operating in compliance with the 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/Hour	Order effective date	Every one-hour period, beginning at midnight (e.g., 12:00 a.m. through 12:59 a.m.)
3/Week 2/Week 1/Week	First Sunday following or on Order effective date	Sunday through Saturday
2/Month 1/Month	First day of calendar month following or on Order effective date	First day of calendar month through last day of calendar month
1/2 Months	Closest January 1, March 1, May 1, July 1, September 1, or November 1 before or after Order effective date <sup>[1]</sup>	First day of calendar month through last day of calendar month

Sampling Frequency	Monitoring Period Begins On...	Monitoring Period
1/Quarter	Closest January 1, April 1, July 1, October 1 before or after Order effective date <sup>[1]</sup>	January 1 through March 31 April 1 through June 30 July 1 through September 30 October 1 through December 31
2/Year	Closest January 1 or July 1 before or after Order effective date <sup>[1]</sup>	January 1 through June 30 July 1 through December 31
1/Year	Closest January 1 before or after Order effective date <sup>[1]</sup>	January 1 through December 31
Once	Order effective date	Once during Order term such that result is included with application for permit reissuance

Footnote:

<sup>[1]</sup> 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)**

DMRs are U.S. EPA reporting requirements. The Discharger shall electronically certify and submit DMRs together with SMRs using the Electronic Self-Monitoring Reports module eSMR 2.5 or the latest upgraded version. Electronic DMR submittal shall be in addition to electronic SMR submittal. Information about electronic DMR submittal is available at the DMR website at [http://www.waterboards.ca.gov/water\\_issues/programs/discharge\\_monitoring](http://www.waterboards.ca.gov/water_issues/programs/discharge_monitoring).

## **IX. 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 DNQ or 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 Plants<sup>1</sup>

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;
- 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;

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<sup>1</sup> 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) 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*

## **X. MODIFICATIONS TO ATTACHMENT H**

This MRP modifies Attachment H as indicated below:

### **A. Attachment H, Appendix H-3, Signature Requirements for Pretreatment Annual and Semiannual Reports, is revised as follows.**

The pretreatment annual and semiannual reports shall be signed by a principal executive officer, ranking elected official, or other duly authorized employee who is responsible for the overall operation of the Discharger (POTW - 40 CFR section 403.12[m]). Signed copies of the reports shall be submitted to the State Water Board and the Regional Water Board through the electronic self-monitoring report (eSMR) module of the California Integrated Water Quality System (CIWQS). Signed copies of the reports shall also be submitted electronically to U.S. EPA at [R9Pretreatment@epa.gov](mailto:R9Pretreatment@epa.gov) or as instructed otherwise.

**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 IC<sub>25</sub> or EC<sub>25</sub>. If the IC<sub>25</sub> or EC<sub>25</sub> 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. EC<sub>25</sub> 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 IC<sub>25</sub> 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 <sup>[1]</sup>	
		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 <sup>[2]</sup>	0	1 or 2	3
Marine/Estuarine	4	3 or 4	0
Total number of tests	4	5	3

**Footnotes:**

- <sup>[1]</sup> (a) Marine refers to receiving water salinities greater than 10 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.
- <sup>[2]</sup> 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

### Contents

I.	Permit Information.....	F-3
II.	Facility Description.....	F-5
	A. Wastewater and Biosolids Treatment.....	F-5
	B. Discharge Point and Receiving Waters .....	F-8
	C. Previous Requirements and Monitoring Data .....	F-8
	D. Compliance Summary .....	F-10
	E. Planned Changes .....	F-11
III.	Applicable Plans, Policies, and Regulations.....	F-12
IV.	Rationale For Effluent Limitations and Discharge Specifications .....	F-15
	A. Discharge Prohibitions .....	F-15
	B. Technology-Based Effluent Limitations .....	F-17
	1. Scope and Authority .....	F-17
	2. Effluent Limitations .....	F-17
	C. Water Quality-Based Effluent Limitations (WQBELs) .....	F-18
	1. Scope and Authority .....	F-18
	2. Beneficial Uses and Water Quality Criteria and Objectives .....	F-18
	3. Need for WQBELs (Reasonable Potential Analysis).....	F-22
	4. Effluent Limitations .....	F-27
	D. Discharge Requirement Considerations .....	F-32
V.	Rationale for Receiving Water Limitations .....	F-33
VI.	Rationale for Provisions.....	F-33
	A. Standard Provisions .....	F-33
	B. Monitoring and Reporting .....	F-33
	C. Special Provisions .....	F-34
	1. Reopener Provisions.....	F-34
	2. Effluent Characterization Study and Report .....	F-34
	3. Pollutant Minimization Program .....	F-34
	4. Special Provisions for Publicly-Owned Treatment Works (POTWs).....	F-34
	5. Other Special Provisions .....	F-35
VII.	Rationale for Monitoring and Reporting Program (MRP) .....	F-36
VIII.	Public Participation .....	F-38

### Tables

Table F-1. Facility Information.....	F-3
Table F-2. Previous Effluent Limitations and Monitoring Data.....	F-8
Table F-3. Collection System and SSO Rates (SSO/100 miles).....	F-11
Table F-4. Beneficial Uses.....	F-13
Table F-5. Secondary Treatment Standards.....	F-17
Table F-6. Site-Specific Translators .....	F-22
Table F-7. Reasonable Potential Analysis .....	F-23
Table F-8. WQBEL Calculations.....	F-29
Table F-9. Monitoring Requirements Summary.....	F-37

**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**

<b>WDID</b>	2 019123001
<b>CIWQS Place ID</b>	222123
<b>Discharger</b>	East Bay Dischargers Authority (EBDA) and its member agencies: City of Hayward City of San Leandro Oro Loma Sanitary District Castro Valley Sanitary District Union Sanitary District Livermore-Amador Valley Water Management Agency (LAVWMA)
<b>Facility Name</b>	EBDA Common Outfall City of Hayward Water Pollution Control Facility and collection system City of San Leandro Water Pollution Control Plant and collection system Oro Loma and Castro Valley Sanitary Districts Water Pollution Control Plant and collection system Raymond A. Boege Alvarado Wastewater Treatment Plant and collection system LAVWMA Export and Storage Facilities
<b>Facility Address</b>	EBDA Common Outfall: 14150 Monarch Bay Drive San Leandro, CA 94577 Alameda Country
<b>Facility Contact, Title, Phone</b>	Michael S. Connor, General Manager, (510) 278-5910
<b>Person Authorized to Sign and Submit Reports</b>	Same as facility contact
<b>Mailing Address</b>	East Bay Dischargers Authority 2651 Grant Avenue San Lorenzo, CA 94580
<b>Billing Address</b>	Same as mailing address
<b>Facility Type</b>	Publicly-Owned Treatment Works (POTW)
<b>Major or Minor Facility</b>	Major
<b>Threat to Water Quality</b>	1
<b>Complexity</b>	A
<b>Pretreatment Program</b>	Yes
<b>Reclamation Requirements</b>	Regional Water Board Order No. 96-011
<b>Mercury and PCBs Requirements</b>	NPDES Permit No. CA0038849
<b>Nutrients Requirements</b>	NPDES Permit No. CA0038873

	Agency	2015 Average Dry Weather Flow (MGD)	Facility Permitted Flow – Average Dry Weather Flow (MGD)	Proposed Average Dry Weather Flow (MGD)	Facility Design Flow – Peak Wet Weather Flow (MGD)
<b>Facility Permitted Flow</b>	<b>EBDA</b>				
	City of Hayward	10.0	18.5	18.5	35.0
	City of San Leandro	4.3	7.6	7.6	22.3
	Oro Loma/Castro Valley Sanitary Districts	10.3	20.0	20.0	69.2
	Union Sanitary District	21.6	33.0	38.0	42.9
	<b>EBDA Total</b>	45.1	79.1	84.1	169.4
	<b>LAVWMA Total</b>	15.1	28.7	35.0	41.2
	<b>Total</b>	60.2	107.8 <sup>[1]</sup>	119.1	189.1 <sup>[2]</sup>
<b>Watershed</b>	San Francisco Bay				
<b>Receiving Water</b>	Lower San Francisco Bay				
<b>Receiving Water Type</b>	Marine				

Footnotes:

<sup>[1]</sup> This total flow is the permitted average dry weather flow to be discharged at the EBDA Common Outfall.

<sup>[2]</sup> This total does not equal the sum of the EBDA and LAVWMA peak wet weather flows. The maximum LAVWMA flow to the EBDA system is 41.2 MGD, which includes Zone 7 reverse osmosis reject water. However, by agreement between LAVWMA and EBDA, in the event of peak wet weather flows to the EBDA system from the EBDA member agencies (169.4 MGD), LAVWMA can only discharge 19.7 MGD to the EBDA system. NPDES Permit No. CA0038679 authorizes LAVWMA to discharge its remaining 21.5 MGD peak wet weather flow to San Lorenzo Creek. Therefore, the total peak daily wet weather flow at the EBDA Common Outfall is the sum of 169.4 MGD from EBDA member agencies and 19.7 MGD from LAVWMA.

**A.** The East Bay Dischargers Authority (EBDA) and its member agencies are a Joint Exercise of Power Agency (JEPA). Member agencies separately own and operate their treatment plants and wastewater collection systems (see Table F-1). The Livermore Amador Valley Water Management Agency (LAVWMA) is another JEPA, whose member agencies are the Dublin San Ramon Services District and City of Livermore. While LAVWMA is subject to this Order, the Dublin San Ramon Services District and City of Livermore operate pursuant to NPDES Permit Nos. CA0037613 and CA0038008. EBDA, its member agencies, and LAVWMA (collectively, the Discharger) discharge secondary treated wastewater collected from their respective service areas and reverse osmosis reject water from the Alameda County Flood Control and Water Conservation District (Zone 7 Water Agency) through the EBDA Common Outfall to Lower San Francisco Bay.

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

**B.** The Discharger is regulated pursuant to NPDES Permit No. CA0037869. The Discharger was previously subject to Order No. R2-2012-0004 (previous order). Order No. R2-2016-0008 amended Order No. R2-2012-0004 to provide for an alternative monitoring program and remains in effect with this Order. The Discharger filed a Report of Waste Discharge and submitted an application for reissuance of its Waste Discharge Requirements (WDRs) and NPDES permit on August 31, 2016.

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 requirements for continuation of expired permits. (40 C.F.R § 122.6[d].)

- C. 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.
- D. LAVWMA and the Union Sanitary District have separate NPDES permits (Nos. CA0038679 and CA0038733) for wet weather discharges. The Union Sanitary District, the East Bay Regional Park District, and EBDA also have an NPDES permit (No. CA0038636) to discharge to Hayward Marsh through the EBDA pipeline.
- E. 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. **Locations and Service Areas.** EBDA is comprised of five member agencies: City of Hayward, Oro Loma Sanitary District, Castro Valley Sanitary District, City of San Leandro, and Union Sanitary District. The member agencies convey treated wastewater to the Marina Dechlorination Facility, located at 14150 Monarch Bay Drive in San Leandro. LAVWMA and its member agencies, Dublin San Ramon Services District and City of Livermore, also convey wastewater to the Marina Dechlorination Facility. Attachment C shows a map of the EBDA and LAVWMA member agency facilities.
  - a. **City of Hayward Water Pollution Control Facility.** The City of Hayward Water Pollution Control Facility is located at 3700 Enterprise Avenue in Hayward. It provides secondary treatment of domestic, commercial, and industrial wastewater for the City of Hayward, serving a population of about 153,000.
  - b. **City of San Leandro Water Pollution Control Plant.** The City of San Leandro Water Pollution Control Plant is located at 3000 Davis Street in San Leandro. It provides secondary treatment of domestic, commercial, and industrial wastewater for the northern portion of the City of San Leandro, serving a population of about 60,000.
  - c. **Oro Loma and Castro Valley Sanitary Districts Water Pollution Control Plant.** The Oro Loma and Castro Valley Sanitary Districts jointly own a wastewater treatment plant located at 2600 Grant Avenue in San Lorenzo. It provides secondary treatment of domestic, commercial, and industrial wastewater for the communities of San Lorenzo,

Ashland, Cherryland, and Fairview, and portions of the cities of San Leandro and Hayward, serving a population of about 190,000.

- d. Raymond A. Boege Alvarado Wastewater Treatment Plant.** The Raymond A. Boege Alvarado Wastewater Treatment Plant is located at 5072 Benson Road. It provides secondary treatment of domestic, commercial, and industrial wastewater for the cities of Fremont, Newark, and Union City, serving a population of about 343,500.
- e. LAVWMA Export and Storage Facilities.** The LAVWMA export and storage facility is located at 7176 Johnson Drive in Pleasanton. It receives, exports, and stores secondary treated domestic, commercial, and industrial wastewater from the cities of Dublin, Livermore, and Pleasanton, serving a population of about 224,300. LAVWMA wastewater also contains reverse osmosis reject water from the Zone 7 Water Agency that is mixed with the Dublin San Ramon Services District's final effluent. This reject water results from the Zone 7 Water Agency's Demineralization and Brine Disposal Project, which removes salts from groundwater in the Zone 7 Water Agency's jurisdiction.

## 2. Collection Systems

- a. City of Hayward.** The City of Hayward collection system conveys wastewater to the City of Hayward Water Pollution Control Facility. It is a separate sewer system comprised of approximately 325 miles of publicly-owned pipes and 9 lift stations.
- b. City of San Leandro.** The City of San Leandro collection system conveys wastewater to the City of San Leandro Water Pollution Control Plant. It is a separate sewer system comprised of approximately 130 miles of publicly-owned pipes and 13 lift stations.
- c. Oro Loma and Castro Valley Sanitary Districts.** The Oro Loma Sanitary District collection system conveys wastewater to the Oro Loma and Castro Valley Sanitary Districts Water Pollution Control Plant. It is a separate sewer system comprised of approximately 272 miles of publicly-owned pipes and 14 lift stations. The Castro Valley Sanitary District collection system also conveys wastewater to the Oro Loma and Castro Valley Sanitary Districts Water Pollution Control Plant. It is a separate sewer system comprised of approximately 148 miles of publicly-owned pipes and 9 lift stations.
- d. Union Sanitary District.** The Union Sanitary District collection system conveys wastewater to the Raymond A. Boege Alvarado Wastewater Treatment Plant. It is a separate sewer system comprised of approximately 811 miles of publicly-owned pipes, 4 lift stations and 3 pump stations.
- e. LAVWMA.** The collection systems serving LAVWMA are covered by NPDES Permit Nos. CA0037613 and CA0038008.

## 3. Wastewater Treatment

- a. City of Hayward Water Pollution Control Facility.** The City of Hayward Water Pollution Control Facility can provide secondary treatment for an average daily dry



- weather design flow of 18.5 million gallons per day (MGD). In 2015, the average daily dry weather flow was 10.0 MGD. The treatment process consists of comminution, grit removal, primary sedimentation, flow equalization, trickling filtration, activated sludge aeration, secondary clarification, and chlorine disinfection. The plant also has 240 acres of out-of-service oxidation ponds that can be used for emergency storage (e.g., during peak wet weather).
- b. City of San Leandro Water Pollution Control Plant.** The City of San Leandro Water Pollution Control Plant can provide secondary treatment for an average daily dry weather design flow of 7.6 MGD. In 2015, the average daily dry weather flow was 4.3 MGD. The treatment process consists of screening, grit removal, primary sedimentation, flow equalization, trickling filtration, activated sludge aeration, secondary clarification, and chlorine disinfection. The plant also has five acres of out-of-service oxidation ponds that can be used for emergency storage.
  - c. Oro Loma and Castro Valley Sanitary Districts Water Pollution Control Plant.** The Oro Loma and Castro Valley Sanitary Districts Water Pollution Control Plant can provide secondary treatment for an average daily dry weather design flow of 20.0 MGD. In 2015, the average daily dry weather flow was 10.3 MGD. The treatment process consists of screening, grit removal, primary sedimentation, activated sludge aeration, secondary clarification, and chlorine disinfection.
  - d. Raymond A. Boege Alvarado Wastewater Treatment Plant.** The Raymond A. Boege Alvarado Wastewater Treatment Plant can provide secondary treatment for an average daily dry weather design flow of 33.0 MGD. In 2015, the average daily dry weather flow was 21.6 MGD. The treatment process consists of screening, primary sedimentation, activated sludge aeration, secondary clarification, and chlorine disinfection.

The Union Sanitary District routes up to 5.0 MGD of treated wastewater from this plant to Hayward Marsh through the EBDA pipeline, but may cease to do so during this Order term. To improve its wet weather capacity, it may acquire an adjacent basin for emergency storage.

- e. Marina Dechlorination Facility.** The Marina Dechlorination Facility dechlorinates treated and disinfected effluent from the EBDA and LAVWMA member agencies using sodium bisulfite.

#### **4. Sludge and Biosolids Management.**

- a. City of Hayward Water Pollution Control Facility.** Sludge at the City of Hayward Water Pollution Control Facility is anaerobically digested, dewatered in dewatering beds, and air dried for up to two years. The City hauls dried biosolids to an authorized disposal site for use as alternative daily cover.
- b. City of San Leandro Water Pollution Control Plant.** Sludge at the City of San Leandro Water Pollution Control Plant is anaerobically digested, dewatered using a belt filter press, and air dried. The City hauls dried biosolids to an authorized disposal site or

applies the biosolids to land as Class A Exceptional Quality biosolids (see Attachment G section I.K.1).

- c. **Oro Loma and Castro Valley Sanitary Districts Water Pollution Control Plant.** Sludge at the Oro Loma and Castro Valley Sanitary Districts Water Pollution Control Plant is anaerobically digested, dewatered using a belt filter press, and air dried in a solar drying facility. The districts haul dried biosolids to an authorized disposal site.
- d. **Raymond A. Boege Alvarado Wastewater Treatment Plant.** Sludge at the Raymond A. Boege Alvarado Wastewater Treatment Plant is thickened, anaerobically digested, and dewatered using centrifuges. The Union Sanitary District hauls dried biosolids to an authorized disposal site. Up to 25 percent of the biosolids are composted offsite to make Class A Exceptional Quality biosolids (see Attachment G section I.K.1).

5. **Stormwater Management.** The Discharger is not required to be covered under the State Water Board’s statewide NPDES permit for stormwater discharges associated with industrial activities (NPDES General Permit CAS000001) because all stormwater at the individual plants and pump stations is collected and directed to the headworks of the plants for treatment. Stormwater does not interact with the Marina Dechlorination Facility because all treatment units and chemicals associated with the facility are indoors.

**B. Discharge Point and Receiving Waters**

The Discharger discharges treated effluent to Lower San Francisco Bay through the EBDA Common Outfall (Discharge Point No. 001). The outfall’s diffuser is located 37,000 feet offshore and is submerged 23.5 feet under the water surface. The diffuser consists of 251 six-inch bell mouth riser ports that split into 2 three-inch perpendicular discharge points. Lower San Francisco Bay is located in the Lower San Francisco Bay Basin watershed between the San Francisco-Oakland Bay Bridge and the San Mateo-Hayward Bridge. In August 2016, EBDA completed a two-week diver and remote operated vehicle inspection of the outfall and concluded that it is in good working order. The outfall meets the requirements to be considered a deep water discharge as defined in Basin Plan section 4.6.1.

**C. Previous Requirements and Monitoring Data**

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

**Table F-2. Previous Effluent Limitations and Monitoring Data**

Parameter	Units	Effluent Limitations			Monitoring Data (3/2012 – 8/2016)		
		Monthly Average	Weekly Average	Daily Maximum	No. of Samples / No. Below Detection Limit	Highest Daily Discharge	Average ±Standard Deviation <sup>[1]</sup>
<b>City of Hayward – Monitoring Location EFF-002A</b>							
Carbonaceous Biochemical Oxygen Demand (5-day @ 20°C)(BOD <sub>5</sub> )	mg/L	25	40	---	452/0	21	7.7±2.9

Parameter	Units	Effluent Limitations			Monitoring Data (3/2012 – 8/2016)		
		Monthly Average	Weekly Average	Daily Maximum	No. of Samples / No. Below Detection Limit	Highest Daily Discharge	Average ±Standard Deviation <sup>[1]</sup>
Total Suspended Solids (TSS)	mg/L	30	45	---	952/0	36	10±5
pH	standard units	6.0 – 9.0			1,618/0	6.0-7.9 <sup>[3]</sup>	7.3±0.2
<b>City of San Leandro – Monitoring Location EFF-002B</b>							
Carbonaceous Biochemical Oxygen Demand (5-day @ 20°C)(BOD <sub>5</sub> )	mg/L	25	40	---	561/0	135 <sup>[2]</sup>	13±8
Total Suspended Solids (TSS)	mg/L	30	45	---	973/0	79 <sup>[2]</sup>	12±6
pH	standard units	6.0 – 9.0			483/0	6.7-7.6 <sup>[3]</sup>	7.2±0.1
<b>Oro Loma/Castro Valley Sanitary Districts – Monitoring Location EFF-002C</b>							
Carbonaceous Biochemical Oxygen Demand (5-day @ 20°C)(BOD <sub>5</sub> )	mg/L	25	40	---	479/0	22	4.5±2.4
Total Suspended Solids (TSS)	mg/L	30	45	---	963/0	59 <sup>[2]</sup>	5.7±3.8
pH	standard units	6.0 – 9.0			481/0	7.1-7.6 <sup>[3]</sup>	7.3±0.1
<b>Union Sanitary District – Monitoring Location EFF-002D</b>							
Carbonaceous Biochemical Oxygen Demand (5-day @ 20°C)(BOD <sub>5</sub> )	mg/L	25	40	---	469/0	19	6.8±2.3
Total Suspended Solids (TSS)	mg/L	30	45	---	1,669/0	34	16±4
pH	standard units	6.0 – 9.0			480/0	6.8-7.4 <sup>[3]</sup>	7.1±0.1 <sup>[4]</sup>
<b>EBDA Common Outfall – Monitoring Location EFF-001</b>							
Oil and Grease	mg/L	10	---	20	18/7	7	2.9±2.1
Chlorine, Total Residual	mg/L	---	---	0.0 <sup>[5]</sup>	1,364/0	<sup>[6]</sup>	<sup>[6]</sup>
Ammonia, Total	mg/L as N	93	---	130	223/0	43	32±5
Copper, Total Recoverable	µg/L	53	---	78	52/0	11	7.7±0.9
Cyanide, Total	µg/L	21	---	42	52/39	5.3	2.1±1.1
Dioxin-TEQ	µg/L	1.4 x 10 <sup>-08</sup>	---	2.8 x 10 <sup>-08</sup>	7/0	1.4 x 10 <sup>-09</sup>	5.5 x 10 <sup>-10</sup> ±6.8 x 10 <sup>-10</sup>

Parameter	Units	Effluent Limitations			Monitoring Data (3/2012 – 8/2016)		
		Monthly Average	Weekly Average	Daily Maximum	No. of Samples / No. Below Detection Limit	Highest Daily Discharge	Average ±Standard Deviation <sup>[1]</sup>
Acute Toxicity	% survival	Not less than 90% (11-sample median)			23/0	85 <sup>[7]</sup>	97±5
		Not less than 70% (11-sample 90 <sup>th</sup> percentile)					
Chronic Toxicity	TU <sub>c</sub>	No chronic toxicity in the discharge as discharged			8/8	< 2.0	1.0±0.0
Enterococcus Bacteria	MPN/100 mL	Monthly geometric mean not greater than 242 MPN/100 mL			522/31	3,106 <sup>[8]</sup>	50±220
Total Coliform Bacteria	MPN/100 mL	500 MPN/100 mL (5-sample geometric mean)			511/34	1,600 <sup>[8]</sup>	40±140
		1,100 MPN/100 mL (11-sample 90 <sup>th</sup> percentile)					

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  
 % = percent

Footnotes:

- <sup>[1]</sup> Except for dioxin-TEQ, one half of the detection limit was used for all values below the detection limit. For dioxin-TEQ, zero was used for values below the detection limit.
- <sup>[2]</sup> The Discharger did not violate the monthly or weekly average effluent limitation in this instance because the maximum reported concentration is a daily value.
- <sup>[3]</sup> The highest and lowest reported pH.
- <sup>[4]</sup> Calculated from the daily maximum and daily minimum values.
- <sup>[5]</sup> Instantaneous maximum.
- <sup>[6]</sup> All values were reported as nondetect.
- <sup>[7]</sup> The lowest single-sample percent survival was 85 percent.
- <sup>[8]</sup> The Discharger did not violate the monthly geometric mean or 90<sup>th</sup> percentile effluent limitation in this instance because the maximum reported concentration is a daily value.

**D. Compliance Summary**

**1. City of San Leandro Water Pollution Control Plant.** The City of San Leandro exceeded its CBOD average weekly effluent limitation of 45 mg/L with a weekly average of 60 mg/L on January 14, 2015. The exceedance occurred because the City of San Leandro rerouted the piping from to its existing fixed film reactor (trickling filter) to a new one in order to bring the new one online. The City installed an additional aeration tank to handle the increased organic load from temporarily bypassing the filtration portion of the treatment system. The increased organic load into the aeration tanks resulted in a migration of solids between the tanks. As a result of this incident, the City developed a fixed film reactor failure contingency plan for instances when shutting down or replacing its fixed film reactor may be necessary. This contingency plan should prevent solids migration and facilitate operational control between the aeration tanks in instances of higher organic loading. This violation was not

subject to a mandatory minimum penalty because the effluent limitation was not exceeded by 40 percent, and no formal enforcement was initiated.

- 2. Collection System.** The table below shows the Discharger’s sanitary sewer overflow (SSO) rates (total SSOs per 100 miles of collection system) for the last five years, the length and age of the collection systems, and comparisons to other systems in the San Francisco Bay Region. SSOs that reach waters of the United States may violate Prohibition III.E of this Order.

**Table F-3. Collection System and SSO Rates (SSO/100 miles)**  
(Values based on CIWQS data analysis completed in October 2016)<sup>[1]</sup>

	<b>Length (miles)</b>	<b>Average Age (years)</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
City of Hayward	325	39	1.9	1.9	2.2	4.0	0.6
City of San Leandro	130	65	2.3	2.3	2.3	3.1	0
Oro Loma Sanitary District	272	62	1.4	0.4	0.4	1.1	1.1
Castro Valley Sanitary District	148	55	0.6	3.4	7.4	4.7	5.4
Union Sanitary District	811	36	0.6	0.6	0.4	0.7	0.5
Alameda County median of 11 large systems (>100 miles)	272	36	1.6	1.9	1.9	3.1	1.1
San Francisco Bay Region median of 45 large systems (>100 miles)	230	44	5.1	5.0	4.5	5.5	3.8
San Francisco Bay Region median of 132 systems	46	45	4.8	5.2	5.2	6.3	3.7

Footnote:

<sup>[1]</sup> 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 majority of the Discharger’s SSO rates were at or below the medians of large collection systems (greater than or equal to 100 miles) in Alameda County throughout the last five years, except for 2013, when three of the five collection system SSO rates were above the Alameda County median. The Discharger’s SSO rates were below the San Francisco Bay Region medians for all large collection systems and for systems of all sizes, except for 2013 and 2015, when the Castro Valley Sanitary District exceeded the regional median. To improve its collection system, the Castro Valley Sanitary District plans to replace approximately 1.6 percent of its collection system each year for the next five years. The length-weighted average age of the Discharger’s collection systems is 45 years, which is similar to other large collection systems in Alameda County and the San Francisco Bay Region.

**E. Planned Changes**

The Discharger plans to complete the following projects during this Order term. These changes 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 wastewater treatment or collection systems. Their inclusion here does not imply Regional Water Board authorization. The Discharger must obtain any necessary permits or permit modifications to implement these changes.

1. **EBDA.** EBDA plans to upgrade and refurbish effluent pumps and drivers at several pump stations throughout its system, and replace on-line monitoring at the Marina Dechlorination Facility.
2. **City of Hayward.** The City of Hayward plans to install bar screens, screen washers, and compactors at its plant headworks, replace its aged trickling filter, replace the Motor Control Center at its effluent pump station, increase its reclaimed water system capacity, and begin construction on a new Title 22 tertiary recycled water system.
3. **City of San Leandro.** The City of San Leandro plans to install high efficiency turbo blowers in its aeration basins, a cogeneration power and heat system, and solar power panels.
4. **Castro Valley Sanitary District.** The Castro Valley Sanitary District plans to spend approximately \$22 million on a significant overhaul to repair and replace collection system pipelines to minimize SSOs.
5. **Oro Loma Sanitary District.** The Oro Loma Sanitary District may optimize its existing aeration basins and secondary clarifiers to implement nitrogen load reductions through denitrification. This project is conceptual and has not yet been approved by the District's Board. Upon approval and completion of the denitrification project, the District plans to seek approval to intermittently discharge to its nearshore outfall during wet weather.
6. **Union Sanitary District.** The Union Sanitary District may cease discharging to Hayward Marsh. To prevent exceeding the plant's flow capacity, the District may acquire and begin using an adjacent basin for emergency storage during wet weather.

The District also plans to increase its average daily dry weather flow capacity from 33.0 MGD to 38.0 MGD. The upgrades necessary to increase its capacity by the additional 5.0 MGD are unlikely to occur within this Order term; however, like the previous order, this Order authorizes this change, subject to conditions set forth in Provision VI.C.5.c of the Order.

### 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 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 authorizing the Discharger to discharge into waters of the United States at the discharge location described in Table 2 subject to the WDRs in this Order.

#### 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 (CEQA), Public Resources Code division 13, chapter 3 (commencing with § 21100). Provisions and requirements in this Order implementing State law only are further exempt from CEQA pursuant to the categorical exemption for existing facilities (Cal. Code Regs., tit. 14, § 15301). Regarding Union Sanitary

District’s future emergency storage basin, no observable impact to waters of the State is reasonably foreseeable because the Union Sanitary District will only use the basin approximately once every 10 years. In addition, the basin will hold high quality wastewater treated to Secondary Treatment Standards. The Union Sanitary District will empty the basin as soon as discharge capacity becomes available. Consequently, any percolation to groundwater would be limited and have no adverse impact on groundwater quality. Use of the emergency storage basin is therefore exempt from CEQA under the general rule that “CEQA applies only to projects that have the potential for causing a significant effect on the environment” (Cal. Code Regs., tit. 40, § 15061, subd. (b)(3)[“common sense” exemption]).

**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 (WQOs), 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 establishes 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 Lower San Francisco Bay, total dissolved solids exceed 3,000 mg/L; therefore, Lower San Francisco Bay meets an exception to State Water Board Resolution No. 88-63. Beneficial uses applicable to Central San Francisco Bay are as follows:

**Table F-4. Beneficial Uses**

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

**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.

**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 federal 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 Fact Sheet section IV.D.2.)
- 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 Fact Sheet section IV.D.1.)
- 7. Endangered Species Act Requirements.** This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code §§ 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. §§ 1531 to 1544). This Order requires compliance with effluent limits, receiving water limits, and other requirements to protect beneficial uses, including protecting rare, threatened, or endangered species. The Discharger is responsible for meeting all Endangered Species Act requirements.
- 8. Sludge and Biosolids.** U.S. EPA administers 40 C.F.R. Part 503, Standards for the Use or Disposal of Sewage Sludge, which regulates the final use or disposal of sewage sludge generated during the treatment of domestic sewage in a municipal wastewater treatment facility. This Order does not authorize any act that violates those requirements. The Discharger is responsible for meeting all applicable requirements of 40 C.F.R. Part 503.



## 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.

Lower San Francisco Bay is listed as impaired by chlordane, DDT, dieldrin, dioxin compounds (including 2,3,7,8-TCDD), furan compounds, invasive species, mercury, PCBs, dioxin-like PCBs, and trash. 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 mercury and PCBs TMDLs apply to this discharge and are implemented through NPDES Permit No. CA0038849.

As shown in Fact Sheet section IV.C.3, the discharge is an insignificant source of chlordane, DDT, and dieldrin because these pollutants have not been detected in the discharge. The discharge is also not a source of invasive species because it is disinfected. Finally, it is not a source of trash because the discharge is screened and treated to secondary treatment standards. This Order contains effluent limitations for dioxin-TEQ based on water quality standards.

## 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. Discharge Prohibition III.A (Discharge different than described):** 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.
- 2. 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 approves certain wet-weather bypasses in accordance with 40 C.F.R. section 122.41(m)(4)(ii) (see Attachment D section I.G.4) as described below.

The EBDA member agencies' collection and treatment systems are generally designed for up to a 10-year storm; however, the capacity of the EBDA Common Outfall may be reduced by

as much as 10 MGD during peak wet weather events, when elevated groundwater levels increase infiltration into the EBDA pipeline, storm tide pressure on the outfall diffuser inhibits discharge, and anticipated engineering response time necessitates bypassing before projected influent flows flood a facility or adjacent property. Under such conditions, the City of San Leandro and Oro Loma Sanitary District treatment plants may be unable to convey all their treated wastewater through the EBDA pipeline to the EBDA Common Outfall. If that occurs, a portion of the City of San Leandro and Oro Loma Sanitary District effluent may need to be directed to overflow weirs to Lower San Francisco Bay. These wet weather bypasses meet the conditions listed in 40 C.F.R. section 122.41(m)(4)(i) (see Attachment D section I.G.3):

- a. The bypasses would be unavoidable to prevent personal injury and severe property damage because, if treated water could not be discharged, the collection system would back up and flood, causing sanitary sewer overflows and flooding into neighborhoods.
- b. There are no feasible alternatives to avoid the bypasses. When necessary to avoid bypasses, the Discharger uses the EBDA Common Outfall to its full capacity (e.g., considering groundwater elevation, storm tides, and engineering response time). The Discharger also fully uses available equalization and storage at the Oro Loma Sanitary District, Castro Valley Sanitary District, City of San Leandro, and City of Hayward facilities. In 2010, the Discharger began a program of wet weather flow capacity studies to evaluate feasible alternatives to using the wet weather outfalls. The Discharger also developed wet weather bypass Standard Operating Procedures. Additional measures are infeasible at this time. EBDA member agencies cannot construct additional storage because additional property is not available at their facilities, and the costs for acquiring additional property (millions of dollars) is impractical given the rare frequency of the discharges (approximately once every 10 years). For this reason, it is also infeasible to construct a higher-capacity pipeline to the EBDA Common Outfall or install new portions of the EBDA pipeline to significantly reduce infiltration.
- c. The Discharger submitted notice of these anticipated bypasses to the Regional Water Board with its Report of Waste Discharge on August 31, 2016.

The Regional Water Board may approve anticipated bypasses after considering their adverse effects. In this case, adverse effects will not occur because the bypasses will consist of secondary-treated wastewater that must comply with all effluent limits. Further, these bypasses will occur rarely and only during peak wet weather events, where tidal mixing will greatly dilute the discharge in Lower San Francisco Bay. Moreover, approving these bypasses potentially prevents more frequent discharges to San Lorenzo Creek covered by NPDES Permit No. CA0038679. Bypassing to Lower San Francisco Bay is preferable to discharging to San Lorenzo Creek because San Lorenzo Creek is a smaller, more sensitive water body, comprised entirely of shallow and fresh waters not subject to the strong tidal mixing that occurs in Lower San Francisco Bay.

- 3. Discharge Prohibition III.C (Discharge without initial dilution of at least 79:1):** This prohibition is based on the Discharger's revised *Anti-Degradation Analysis for Proposed Wastewater Treatment Plant Discharge Modification* (June 2, 2006), which determined that there is an initial (instantaneous) dilution of 79:1 at Discharge Point. No. 001. This Order's

ammonia effluent limitations are based on this initial dilution. Therefore, this prohibition is necessary to ensure that this Order’s effluent limitations remain protective of water quality.

- 4. Discharge Prohibition III.D (Average dry weather influent flows above individual discharge capacities):** This prohibition is based on each treatment plant’s design treatment capacity (i.e., the historic and tested reliability of the treatment plant). Exceeding the average dry weather flow design capacity of the individual plants (see Table 4 of the Order) could lower plant reliability with respect to complying with this Order’s requirements.
- 5. Discharge Prohibition III.E (Sanitary sewer overflows):** This prohibition is based on Basin Plan Table 4-1 (Discharge Prohibition 15) and the CWA, which 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 a surface water discharge of raw sewage or wastewater not meeting this Order’s effluent limitations is therefore prohibited under the CWA and the Basin Plan.

## B. Technology-Based 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. The Basin Plan contains additional requirements for certain pollutants.

**Table F-5. Secondary Treatment Standards**

Parameter	Monthly Average	Weekly Average
Biochemical Oxygen Demand, 5-day @ 20°C <sup>[1,2]</sup>	30 mg/L	45 mg/L
Carbonaceous Biochemical Oxygen Demand, 5-day @ 20°C <sup>[1,2]</sup>	25 mg/L	40 mg/L
Total Suspended Solids <sup>[2]</sup>	30 mg/L	45 mg/L
pH	6.0 – 9.0 standard units	

Unit Abbreviation:

mg/L= milligrams per liter

Footnotes:

<sup>[1]</sup> Carbonaceous biochemical oxygen demand limitations may be substituted for biochemical oxygen demand limitations.

<sup>[2]</sup> The monthly average percent removal, by concentration, is also not to be less than 85 percent.

### 2. Effluent Limitations

- a. Carbonaceous Biochemical Oxygen Demand (CBOD<sub>5</sub>), and Total Suspended Solids (TSS).** The CBOD<sub>5</sub> and TSS effluent limitations, including the 85 percent removal requirements, are 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. **Total Residual Chlorine.** The chlorine residual effluent limitation is based on Basin Plan Table 4-2. The Monitoring and Reporting Program (MRP, Attachment E) provides an allowance for determining false positives when using continuous devices because continuous instruments occasionally have anomalous spikes, and it is chemically improbable to have free chlorine present in the presence of sodium bisulfite. The allowance for using only on-the-hour measurements for mandatory minimum penalty assessment purposes under Water Code section 13385.1 is based on a 2004 strategy developed between the Regional Water Board and the Bay Area Clean Water Agencies.

## C. Water Quality-Based Effluent Limitations (WQBELs)

### 1. Scope and Authority

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.

### 2. Beneficial Uses and Water Quality Criteria and Objectives

Fact Sheet section III.C.1, above, identifies the beneficial uses of Lower San Francisco Bay. Water quality criteria and objectives to protect these beneficial uses are described below:

- a. **Basin Plan Objectives.** The Basin Plan specifies numerous water quality objectives, such as numeric objectives for 10 priority pollutants and un-ionized ammonia, and narrative objectives for toxicity and bioaccumulation.
  - i. **Ammonia.** Basin Plan section 3.3.20 contains water quality objectives for un-ionized ammonia of 0.025 mg/L (as nitrogen) as an annual median and 0.4 mg/L (as nitrogen) as a maximum for Lower San Francisco Bay. 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 of the receiving water.

To translate the un-ionized ammonia objectives to total ammonia criteria, pH, salinity, and temperature data were obtained from the Regional Monitoring Program (RMP) station nearest to the outfall (Yerba Buena station, BC10). The un-ionized fraction of the total ammonia was calculated using the following equation, which applies to waters with salinities greater than 10 parts per thousand (*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:

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

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)

The 90<sup>th</sup> percentile and median un-ionized ammonia fractions were then used to express the maximum and annual average un-ionized objectives as acute and chronic total ammonia criteria. This approach is consistent with U.S. EPA guidance on translating dissolved metal water quality objectives to total recoverable metal water quality objectives (USEPA, 1996, *The Metals Translator: Guidance for Calculating a Total Recoverable Limit from a Dissolved Criterion*, EPA Publication 823-B96-007). The equivalent acute and chronic total ammonia criteria are 12.4 mg/L and 1.26 mg/L (as nitrogen).

- ii. **Dioxin-TEQ.** The narrative bioaccumulative objective (Basin Plan section 3.3.2) 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 Lower 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 for 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 water quality-based effluent limits for dioxin or dioxin-like compounds should be included in NPDES permits and should be expressed using a TEQ scheme” (Fed. Reg. Vol. 65, No. 97, pages 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. § 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  $1.4 \times 10^{-8}$  µg/L for the protection of human health when aquatic organisms are consumed. This 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

- iii. Chronic Toxicity.** The narrative toxicity objective (Basin Plan section 3.3.18) 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.... 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. Attainment of this objective will be determined by analyses of indicator organisms, species diversity, population density, growth anomalies, or toxicity tests..., or other methods selected by the Water Board.”

For this Order, this narrative objective is translated into a numeric criterion of 1.0 chronic toxicity unit (TU<sub>c</sub>). At 1.0 TU<sub>c</sub>, there is no observable detrimental effect when the indicator organism is exposed to 100 percent effluent; therefore, 1.0 TU<sub>c</sub> is a direct translation of the narrative objective into a number. Moreover, in U.S. EPA’s *Technical Support Document for Water Quality-based Toxics Control* (EPA/505/2-90-001; see section 3.3.3, “Step 3: Decision Criteria for Permit Limit Development”), U.S. EPA recommends that 1.0 TU<sub>c</sub> be used as a criterion continuous concentration (typically a four-day average). It further states that reasonable potential is shown where an effluent is projected to cause an excursion above the criterion continuous concentration. This document applies here as guidance because it directly addresses effluent characterization for toxicity.

- 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 Central San Francisco Bay because it is not 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. These NTR criteria apply to Central San Francisco Bay.
- 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.

Lower San Francisco Bay is a saltwater environment based on salinity data collected through the RMP at the Yerba Buena sampling station (BC10) between 1993 and 2013. During that period, the average salinity was 25 ppt, with a range from 12 to 33 ppt. Because the salinity was greater than 10 ppt in 100 percent of the samples, the reasonable potential analysis and effluent limitations in this Order are based on saltwater water quality objectives.

- f. 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 metals, 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.

CTR default translators were used for all metals other than copper, nickel, and zinc. Basin Plan Table 7.2.1-2 sets forth site-specific copper translators. The Clean Estuary Partnership’s *North of Dumbarton Bridge Copper and Nickel Development and Selection of Final Translators* (March 2005) contains site-specific nickel translators. Additionally, this Order retains site-specific zinc translators from the previous order, which were calculated using RMP data collected between 1993 and 2003 at the Alameda RMP monitoring station (BB70) and two other Central San Francisco Bay stations near the EBDA Common Outfall (CB004W and CB006W). These translators are listed in the table below:

**Table F-6. Site-Specific Translators**

Parameter	Site Specific Translators	
	Acute	Chronic
Copper	0.87	0.73
Nickel	0.85	0.65
Zinc	0.46	0.30

**3. Need for WQBELs (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 March 2012 through July 2016 and ambient background data the RMP collected at the Yerba Buena sampling station (BC10) from March 1993 through August 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.

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, Ammonia, and Dioxin-TEQ**

**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. For ammonia and dioxin-TEQ, SIP section 1.3 is used as guidance. 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. Ammonia, cyanide, and copper exhibit reasonable potential by Trigger 1. In addition, Basin Plan sections 7.2.1.2 and 4.7.2.2 require copper and cyanide WQBELs for municipal wastewater treatment facilities. Dioxin-TEQ exhibits reasonable potential by Trigger 2.

**Table F-7. Reasonable Potential Analysis**

CTR No.	Priority Pollutants	C or Governing criterion or objective (µg/L)	MEC or Minimum DL (µg/L) <sup>[1][2]</sup>	B or Minimum DL (µg/L) <sup>[1][2]</sup>	RPA Results <sup>[3]</sup>
1	Antimony	4,300	0.48 DNQ	1.8	No
2	Arsenic	36	2.0	2.8	No
3	Beryllium	No Criteria	<0.02	0.22	U
4	Cadmium	9.3	0.10 DNQ	0.13	No
5a	Chromium (III) <sup>[4]</sup>	No Criteria	1.2	4.4	U
5b	Chromium (VI) <sup>[4]</sup>	50	1.2	4.4	No
<b>6</b>	<b>Copper</b>	<b>8.2</b>	<b>11</b>	<b>2.5</b>	<b>Yes</b> <sup>[5]</sup>
7	Lead	8.5	0.51	0.80	No
8	Mercury <sup>[6]</sup>	---	---	---	<sup>[6]</sup>
9	Nickel	13	12	3.7	No
10	Selenium	5.0	0.99 DNQ	0.39	No
11	Silver	2.2	0.093 DNQ	0.052	No
12	Thallium	6.3	<0.1	0.21	No

CTR No.	Priority Pollutants	C or Governing criterion or objective (µg/L)	MEC or Minimum DL (µg/L) <sup>[1][2]</sup>	B or Minimum DL (µg/L) <sup>[1][2]</sup>	RPA Results <sup>[3]</sup>
13	Zinc	196	31	5.1	No
<b>14</b>	<b>Cyanide</b>	<b>2.9</b>	<b>5.3</b>	<b>&lt;0.4</b>	<b>Yes<sup>[5]</sup></b>
15	Asbestos	No Criteria	Unavailable	Unavailable	U
16	2,3,7,8-TCDD	1.4E-08	<1.5E-07	8.2E-09	U
	<b>Dioxin-TEQ</b>	<b>1.4E-08</b>	<b>1.4E-09</b>	<b>5.3E-08</b>	<b>Yes</b>
17	Acrolein	780	<0.90	<0.50	No
18	Acrylonitrile	0.66	<0.31	0.030	No
19	Benzene	71	<0.10	<0.050	No
20	Bromoform	360	<0.14	<0.50	No
21	Carbon Tetrachloride	4.4	<0.11	0.060	No
22	Chlorobenzene	21,000	<0.12	<0.50	No
23	Chlorodibromomethane	34	<0.13	<0.050	No
24	Chloroethane	No Criteria	<0.11	<0.50	U
25	2-Chloroethylvinyl ether	No Criteria	<0.17	<0.50	U
26	Chloroform	No Criteria	1.6	<0.50	U
27	Dichlorobromomethane	46	0.20 DNQ	<0.05	No
28	1,1-Dichloroethane	No Criteria	<0.097	<0.050	U
29	1,2-Dichloroethane	99	<0.10	0.040	No
30	1,1-Dichloroethylene	3.2	<0.11	<0.50	No
31	1,2-Dichloropropane	39	<0.11	<0.050	No
32	1,3-Dichloropropylene	1,700	<0.10	<0.50	No
33	Ethylbenzene	29,000	<0.08	<0.50	No
34	Methyl Bromide	4,000	<0.23	<0.50	No
35	Methyl Chloride	No Criteria	<0.21	<0.50	U
36	Methylene Chloride	1,600	1.6	22	No
37	1,1,1,2-Tetrachloroethane	11	<0.12	<0.050	No
38	Tetrachloroethylene	8.9	<0.090	<0.050	No
39	Toluene	200,000	0.62	<0.30	No
40	1,2-Trans-Dichloroethylene	140,000	<0.16	<0.50	No
41	1,1,1-Trichloroethane	No Criteria	<0.14	<0.50	U
42	1,1,2-Trichloroethane	42	<0.098	<0.050	No
43	Trichloroethylene	81	<0.10	<0.50	No
44	Vinyl Chloride	525	<0.090	<0.50	No
45	2-Chlorophenol	400	<0.17	<1.2	No
46	2,4-Dichlorophenol	790	1.1 DNQ	<1.3	No
47	2,4-Dimethylphenol	2,300	<0.11	<1.3	No
48	2-Methyl- 4,6-Dinitrophenol	765	<0.89	<1.2	No
49	2,4-Dinitrophenol	14,000	<0.59	<0.70	No
50	2-Nitrophenol	No Criteria	<0.49	<1.3	U
51	4-Nitrophenol	No Criteria	<0.092	<1.6	U
52	3-Methyl 4-Chlorophenol	No Criteria	<0.18	<1.1	U
53	Pentachlorophenol	7.9	<1.7	<1.0	No
54	Phenol	4,600,000	<0.082	<1.3	No

CTR No.	Priority Pollutants	C or Governing criterion or objective (µg/L)	MEC or Minimum DL (µg/L) <sup>[1][2]</sup>	B or Minimum DL (µg/L) <sup>[1][2]</sup>	RPA Results <sup>[3]</sup>
55	2,4,6-Trichlorophenol	6.5	1.6 DNQ	<1.3	No
56	Acenaphthene	2,700	0.031 DNQ	0.0019	No
57	Acenaphthylene	No Criteria	<0.015	0.0013	U
58	Anthracene	110,000	<0.0097	0.00059	No
59	Benzidine	0.00054	<1.6	<0.0015	U
60	Benzo(a)Anthracene	0.049	<0.0074	0.0053	No
61	Benzo(a)Pyrene	0.049	<0.011	0.0033	No
62	Benzo(b)Fluoranthene	0.049	<0.0087	0.0046	No
63	Benzo(ghi)Perylene	No Criteria	<0.0076	0.0045	U
64	Benzo(k)Fluoranthene	0.049	<0.0061	0.0018	No
65	Bis(2-Chloroethoxy)Methane	No Criteria	<0.38	<0.30	U
66	Bis(2-Chloroethyl)Ether	1.4	<0.16	<0.00015	No
67	Bis(2-Chloroisopropyl)Ether	170,000	<0.12	Unavailable	No
68	Bis(2-Ethylhexyl)Phthalate	5.9	5.1 DNQ	<0.70	No
69	4-Bromophenyl Phenyl Ether	No Criteria	<0.13	<0.23	U
70	Butylbenzyl Phthalate	5,200	2.7 DNQ	0.0056	No
71	2-Chloronaphthalene	4,300	<0.089	<0.30	No
72	4-Chlorophenyl Phenyl Ether	No Criteria	<0.11	<0.30	U
73	Chrysene	0.049	<0.0078	0.0028	No
74	Dibenzo(a,h)Anthracene	0.049	<0.0087	0.00064	No
75	1,2-Dichlorobenzene	17,000	<0.13	<0.30	No
76	1,3-Dichlorobenzene	2,600	<0.17	<0.30	No
77	1,4-Dichlorobenzene	2,600	<0.14	<0.30	No
78	3,3 Dichlorobenzidine	0.077	<0.24	<0.001	U
79	Diethyl Phthalate	120,000	1.2 DNQ	<0.21	No
80	Dimethyl Phthalate	2,900,000	<0.11	<0.21	No
81	Di-n-Butyl Phthalate	12000	1.1 DNQ	0.016	No
82	2,4-Dinitrotoluene	9.1	<0.70	<0.27	No
83	2,6-Dinitrotoluene	No Criteria	<0.80	<0.29	U
84	Di-n-Octyl Phthalate	No Criteria	<0.50	<0.38	U
85	1,2-Diphenylhydrazine	0.54	<0.70	0.0037	No
86	Fluoranthene	370	0.079 DNQ	0.011	No
87	Fluorene	14,000	0.017 DNQ	0.0021	No
88	Hexachlorobenzene	0.00077	<0.11	2.2E-05	No
89	Hexachlorobutadiene	50	<0.087	<0.3	No
90	Hexachlorocyclopentadiene	17,000	<0.17	<0.3	No
91	Hexachloroethane	8.9	<0.097	<0.2	No
92	Indeno(1,2,3-cd)Pyrene	0.049	<0.0082	0.0040	No
93	Isophorone	600	<0.13	<0.3	No
94	Naphthalene	No Criteria	0.027 DNQ	0.013	U
95	Nitrobenzene	1,900	<0.11	<0.25	No
96	N-Nitrosodimethylamine	8.1	<0.077	<0.3	No
97	N-Nitrosodi-n-Propylamine	1.4	<0.17	<0.001	No

CTR No.	Priority Pollutants	C or Governing criterion or objective (µg/L)	MEC or Minimum DL (µg/L) <sup>[1][2]</sup>	B or Minimum DL (µg/L) <sup>[1][2]</sup>	RPA Results <sup>[3]</sup>
98	N-Nitrosodiphenylamine	16	<0.091	<0.001	No
99	Phenanthrene	No Criteria	0.047	0.0095	U
100	Pyrene	11,000	0.074	0.019	No
101	1,2,4-Trichlorobenzene	No Criteria	<0.12	<0.3	U
102	Aldrin	0.00014	<0.0029	2.8E-06	U
103	Alpha-BHC	0.013	<0.0029	0.00050	No
104	Beta-BHC	0.046	<0.0019	0.00041	No
105	Gamma-BHC	0.063	<0.0019	0.00070	No
106	Delta-BHC	No Criteria	<0.0029	5.3E-05	U
107	Chlordane	0.00059	<0.013	0.00018	U
108	4,4'-DDT	0.00059	<0.0038	0.00017	U
109	4,4'-DDE (linked to DDT)	0.00059	<0.0029	0.00069	U
110	4,4'-DDD	0.00084	<0.0019	0.00031	U
111	Dieldrin	0.00014	<0.0029	0.00026	U
112	Alpha-Endosulfan	0.0087	<0.0019	3.1E-05	No
113	Beta-Endosulfan	0.0087	<0.0019	6.9E-05	No
114	Endosulfan Sulfate	240	<0.0019	8.2E-05	No
115	Endrin	0.0023	<0.0019	4.0E-05	No
116	Endrin Aldehyde	0.81	<0.0029	Unavailable	U
117	Heptachlor	0.00021	<0.0029	1.9E-05	U
118	Heptachlor Epoxide	0.00011	<0.0019	9.4E-05	U
119-125	PCBs sum <sup>[4]</sup>	---	---	---	[4]
126	Toxaphene	0.0002	<0.00086	Unavailable	U
	<b>Ammonia</b>	<b>1.3</b>	<b>43</b>	<b>0.43</b>	<b>Yes</b>

Abbreviations:

MEC = maximum effluent concentration  
 B = background concentration  
 WQC = water quality criterion or objective  
 DL = minimum detection level  
 DNQ = detected but not quantified

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 ≥ 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] The maximum effluent and ambient background concentrations are the total chromium concentration. The chromium (III) and chromium (IV) concentrations are less than these values but unknown.
- [5] Reasonable potential is based in part on Basin Plan sections 7.2.1.2 and 4.7.2.2.
- [6] 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. **Acute Toxicity.** Basin Plan section 4.5.5.3.1 requires acute toxicity monitoring and limitations.
- d. **Chronic Toxicity.** The *Technical Support Document for Water Quality-based Toxics Control* allows for dilution credits to be considered when conducting a reasonable potential analysis. This Order establishes a chronic toxicity dilution credit of 10:1 ( $D = 9$ ) consistent with Basin Plan section 4.5.5.3.2, which allows chronic toxicity dilution credits “comparable to those allowed for numeric chemical-specific objectives.” Fact Sheet section IV.C.4.a.i establishes a comparable dilution credit of 10:1 for several non-bioaccumulative pollutants.

The Discharger conducted quarterly chronic toxicity tests during the previous order term. The maximum single-sample chronic toxicity result was below 2.0  $TU_c$ . Applying the dilution credit of 10:1 to 2.0  $TU_c$  (the most conservative assumption), the resulting toxicity is less than 1.0  $TU_c$ , which is also less than the translated chronic toxicity objective (1.0  $TU_c$ ). Therefore, there is no reasonable potential for chronic toxicity in the receiving water, and no WQBEL is required.

- e. **Enterococcus Bacteria.** Basin Plan Table 4-2A requires enterococcus effluent limitations for waters that support the water contact recreation beneficial use.
- f. **Fecal Coliform Bacteria.** Basin Plan Table 4-2A requires total coliform effluent limitations for waters that support the shellfish harvesting beneficial use. Footnote c allows substitution with fecal coliform limits provided that doing so will not result in unacceptable adverse impacts on beneficial uses (i.e., shellfish harvesting).
- e. **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.

#### 4. 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 ammonia.

- a. **Dilution Credits.** SIP section 1.4.2 allows dilution credits under certain circumstances. On June 2, 2006, the Discharger submitted a mixing zone study, *Anti-Degradation Analysis for Proposed Wastewater Treatment Plant Discharge Modification*. According

to the report, dilution was calculated using MIKE 21, a mathematical, two-dimensional, free-surface flow-modeling system used to simulate hydraulics in San Francisco Bay. The report estimated a conservative initial dilution of 79:1 (D=78) based on EBDA's proposed future average daily dry weather flow of 119.1 MGD. Thus, the actual initial dilution is greater at the current permitted flow of 107.8 MGD.

- i. Bioaccumulative Pollutants.** For certain bioaccumulative pollutants, dilution credit is denied. Specifically, these pollutants include dioxin and furan compounds, which appear on the CWA section 303(d) list for Lower San Francisco Bay because, based on available data on the concentrations of these pollutants in aquatic organisms, sediment, and the water column, they impair San Francisco Bay beneficial uses. The following factors suggest insufficient assimilative capacity in San Francisco Bay for these pollutants. Tissue samples taken from San Francisco Bay fish show the presence of these pollutants at concentrations greater than screening levels (*Contaminant Concentrations in Fish from San Francisco Bay*, May 1997). The results of a 1994 San Francisco Bay pilot study, presented in *Contaminated Levels in Fish Tissue from San Francisco Bay* (Regional Water Board, 1994), also show elevated levels of chemical contaminants in fish tissues. The Office of Environmental Health and Hazard Assessment completed a preliminary review of the data in the 1994 report and in December 1994 issued an interim consumption advisory covering certain fish species in San Francisco Bay due to the levels of some of these pollutants. The Office of Environmental Health and Hazard Assessment updated this advisory in a May 2011 report, *Health Advisory and Safe Eating Guidelines for San Francisco Bay Fish and Shellfish*, which still suggests insufficient assimilative capacity in San Francisco Bay for dioxins and furans.
- ii. Non-Bioaccumulative Pollutants (except ammonia).** For non-bioaccumulative pollutants (except ammonia), a conservative dilution credit of 10:1 (D = 9) has been assigned. The 10:1 dilution credit is based, in part, on Basin Plan Prohibition 1 (Table 4-1), which prohibits discharges with less than 10:1 dilution. SIP section 1.4.2 allows for limiting the dilution credit. The dilution credit is limited for the following reasons:

  - (a)** San Francisco Bay is a complex estuarine system with highly variable and seasonal upstream freshwater inflows and diurnal tidal saltwater inputs. SIP section 1.4.3 allows background conditions to be determined on a discharge-by-discharge or water body-by-water body basis. A water body-by-water body approach is taken here due to inherent uncertainties in characterizing ambient background conditions in a complex estuarine system on a discharge-by-discharge basis.
  - (b)** Because of the complex hydrology of San Francisco Bay, there are uncertainties in accurately determining an appropriate mixing zone. The models used to predict dilution do not consider the three dimensional nature of San Francisco Bay currents resulting from the interaction of tidal flushes and seasonal fresh water outflows. Being heavier and colder than fresh water, ocean salt water enters San Francisco Bay on a twice-daily tidal cycle, generally beneath the warmer fresh water that flows seaward. When these waters mix and interact, complex circulation patterns occur due to the varying densities of the fresh and ocean

waters. The complex patterns occur throughout San Francisco Bay, but are most prevalent in San Pablo Bay, Carquinez Strait, and Suisun Bay. The locations of this mixing and interaction change depending on the strength of each tide. Additionally, sediment loads from the Central Valley change on a long-term basis, affecting the depth of different parts of San Francisco Bay, resulting in alteration of flow patterns, mixing, and dilution at the outfall.

- iii. **Ammonia.** For ammonia, the conservatively estimated initial dilution of 79:1(D=78) has been assigned. This is justified because ammonia, a non-persistent pollutant, quickly disperses and degrades to a non-toxic state, and cumulative toxicity associated with other discharges containing elevated ammonia concentrations is unlikely. Therefore, granting full dilution credit based on the modeled initial dilution is protective of water quality.
- b. **WQBEL Calculations.** For pollutants with reasonable potential (except acute toxicity, enterococcus bacteria, and fecal coliform), average monthly effluent limitations (AMELs) and maximum daily effluent limitations (MDELs) were calculated as shown below:

**Table F-8. WQBEL Calculations**

PRIORITY POLLUTANTS	Copper	Cyanide	Dioxin-TEQ	Total Ammonia (acute)	Total Ammonia (chronic)
Units	µg/L	µg/L	µg/L	mg/L N	mg/L N
Basis and Criteria type	CTR Aquatic Criteria	CTR Aquatic Criteria	CTR Aquatic Criteria	Basin Plan Aquatic Life	Basin Plan Aquatic Life
Criteria - Acute	-----	-----	-----	12	-----
Criteria - Chronic	-----	-----	-----	-----	1.3
Site-Specific Objective Criteria - Acute	3.9	9.4	-----	-----	-----
Site-Specific Objective Criteria - Chronic	2.5	2.9	-----	-----	-----
Water Effects ratio (WER)	2.4	1	1	1	1
Lowest WQO	6.0	2.9	1.4E-08	12	1.3
Site-Specific Translator - MDEL	0.87	-----	-----	-----	-----
Site-Specific Translator - AMEL	0.73	-----	-----	-----	-----
Dilution Factor (D)	9	9	0	78	78
No. of samples per month	4	4	4	4	30 <sup>[1]</sup>
Aquatic life criteria analysis required? (Y/N)	Y	Y	Y	Y	Y
HH criteria analysis required? (Y/N)	N	Y	Y	N	N
Applicable Acute WQO	11	9.4	-----	12	-----
Applicable Chronic WQO	8.2	2.9	-----	-----	1.3
HH criteria	-----	2.2E+05	1.4E-08	-----	-----
Background (Maximum Conc for Aquatic Life calc)	2.6	0.40	5.3E-08	0.43	0.14
Background (Average Conc for Human Health calc)	-----	-----	2.0E-08	-----	-----

PRIORITY POLLUTANTS	Copper	Cyanide	Dioxin-TEQ	Total Ammonia (acute)	Total Ammonia (chronic)
Units	µg/L	µg/L	µg/L	mg/L N	mg/L N
Is the pollutant on the 303d list and/or bioaccumulative (Y/N)?	N	N	Y	N	N
ECA acute	85	90	-----	944	-----
ECA chronic	59	25	-----	-----	89
ECA HH	-----	2.2E+05	1.4E-08	-----	-----
No. of data points <10 or at least 80% of data reported non detect? (Y/N)	N	N	Y	N	N
Avg of effluent data points	7.6	2.1	-----	31	31
Std Dev of effluent data points	1.0	1.1	-----	4.3	4.3
CV calculated	0.14	0.52	N/A	0.14	0.14
CV (Selected) – Final	0.14	0.52	0.60	0.14	0.14
ECA acute mult99	0.73	0.36	-----	0.74	-----
ECA chronic mult99	0.85	0.57	-----	-----	0.98
LTA acute	62	32	-----	695	-----
LTA chronic	51	14	-----	-----	88
minimum of LTAs	51	14	-----	695	88
AMEL mult95	1.1	1.5	1.6	1.1	1.0
MDEL mult99	1.4	2.8	3.1	1.4	1.4
AMEL (aquatic life)	57	21	-----	775	91
MDEL (aquatic life)	69	40	-----	944	119
MDEL/AMEL Multiplier	1.2	1.9	2.0	1.2	1.3
AMEL (human health)	-----	2.2E+05	1.4E-08	-----	-----
MDEL (human health)	-----	4.1+05	2.8E-08	-----	-----
minimum of AMEL for Aq. life vs HH	57	21	1.4E-08	775	91
minimum of MDEL for Aq. Life vs HH	69	40	2.8E-08	944	119
Previous order limit - AMEL	53	21	1.4E-08	93	93
Previous order limit - MDEL	78	42	2.4E-08	130	130
<b>Final limit - AMEL</b>	<b>53</b>	<b>21</b>	<b>1.4E-08</b>	<sup>[2]</sup>	<b>91</b>
<b>Final limit - MDEL</b>	<b>69</b>	<b>40</b>	<b>2.4E-08</b>	<sup>[2]</sup>	<b>120</b>

Footnotes:

<sup>[1]</sup> 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).



<sup>[2]</sup> The final ammonia WQBELs are based on the chronic water quality objective because they result in lower effluent concentrations.

- c. Acute Toxicity.** This Order includes acute toxicity effluent limitations based on Basin Plan Table 4-3 assuming monthly sampling. 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. Enterococcus Bacteria.** This Order includes enterococcus effluent limitations based on Basin Plan Table 4-2A.

The Discharger conducted a study from January 18 to February 14, 2011, to verify that an alternate enterococcus limit would not adversely affect beneficial uses in Lower San Francisco Bay. In *Study to Verify Protectiveness of Alternative Fecal Coliform Limits, Final Report* (February 22, 2011), the Discharger sampled bacteria at four locations near Discharge Point No. 001. For enterococcus, the maximum single concentration was 20 MPN/100 mL and the maximum five-sample geometric mean was 12 MPN/100 mL. These concentrations were below the enterococcus water quality objectives for water contact recreation (no single sample greater than 104 MPN/100 mL and a five-sample monthly geometric mean no greater than 35 MPN/100 mL). Basin Plan section 4.5.5.1 states that the bacteria effluent limitations in Basin Plan Table 4-2A may be adjusted to account for dilution in a manner consistent with SIP procedures. The following equation from SIP section 1.4 was used to calculate the enterococcus effluent limitation:

$$\text{Effluent limits} = C + D \times (C - B)$$

where:

- C = Basin Plan water quality objective
- D = dilution credit
- B = background concentration

Using a conservative dilution of 10:1 (D=9), a background concentration of 12 MPN/100 mL (maximum geometric mean), and the water quality objective of 35 MPN/100 mL (five-sample geometric mean), the resulting monthly geometric mean enterococcus effluent limitation is 240 MPN/100 mL. Therefore, consistent with Basin Plan Table 4-2A and Basin Plan section 4.5.5.1, this Order retains the previous effluent limitation for enterococcus at Discharge Point No. 001 because it is protective of the water contact recreation beneficial use.

- f. Fecal Coliform Bacteria.** This Order includes fecal coliform effluent limitations based on Basin Plan Table 4-2A footnote c (substituting total coliform limitations with fecal coliform limitations).

The Discharger's study, *Study to Verify Protectiveness of Alternative Fecal Coliform Limits, Final Report* (February 22, 2011), verified that alternate fecal coliform limitations do not adversely affect beneficial uses in Lower San Francisco Bay. The study was conducted when the Discharger was complying with the fecal coliform limitations. It

showed that, at the same time, water quality objectives were met in the receiving water. For fecal coliform, the maximum single concentration was 17 MPN/100 mL and the maximum median concentration was 2 MPN/100 mL in the receiving water. These concentrations were well below the fecal coliform water quality objectives for shellfish harvesting (90th percentile no greater than 43 MPN/100 mL and monthly median no greater than 14 MPN/100 mL). Therefore, consistent with Basin Plan Table 4-2A, this Order retains the previous effluent limitations for fecal coliform of 500 MPN/100 mL (monthly geometric mean) and 1,100 MPN/100 mL (11-sample 90<sup>th</sup> percentile) because they are protective of the shellfish harvesting beneficial use.

#### 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(i), which generally require effluent limitations in a reissued permit to be as stringent as those in the previous permit. The requirements of this Order are at least as stringent as those in the previous order.
- 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. It continues the status quo with respect to the level of discharge authorized in the previous order, which was adopted in accordance with antidegradation policies and thus serves as the baseline by which to measure whether degradation will occur. This Order does not allow for a reduced level of treatment or an increase in effluent limitations relative to those in the previous order.

The previous order authorized increasing the total average dry weather flow to 119.1 MGD, concluding that the Union Sanitary District's and LAVWMA's proposed flow increases of 5.0 MGD and 6.3 MGD would not degrade water quality. The Discharger's *Anti-Degradation Analysis for Proposed Wastewater Treatment Plant Discharge* (June 2, 2006) found that the overall flow increase would increase maximum annual pollutant loads from all dischargers to San Francisco Bay by less than 0.15 percent. Because the increase would be very small compared to the size of San Francisco Bay, the increase—and related pollutants—would not be observable, particularly considering the continuous tidal mixing and flushing that occurs. This Order re-authorizes the same total increase and, therefore, complies with federal and State antidegradation policies.

Union Sanitary District's use of a future emergency storage basin will not degrade groundwater quality because Union Sanitary District will only use the basin approximately once every 10 years. In addition, the basin will hold high quality wastewater treated to Secondary Treatment Standards. The Union Sanitary District will empty the basin as soon as discharge capacity becomes available. Consequently, any percolation to groundwater would be limited and have no adverse impact on groundwater quality.

- 3. Stringency of Requirements for Individual Pollutants.** This Order contains both technology-based effluent limitations and WQBELs for individual pollutants. The technology-based requirements implement minimum, applicable federal technology-based requirements. In addition, this Order contains more stringent WQBELs 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. Regional Water Board Order No. R2-2016-0008 allows the Discharger to opt for certain alternative monitoring requirements.

## 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 Water Code 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 Publicly-Owned Treatment Works (POTWs)

- a. **Pretreatment Program.** This provision is based on 40 C.F.R. part 403. The Discharger implements a pretreatment program due to the nature and volume of industrial influent to the individual treatment plants. This provision lists the Discharger’s responsibilities regarding its pretreatment program and requires compliance with the provisions in Attachment H, “Pretreatment Requirements.”
- b. **Sludge and Biosolids Management.** This provision is based on Basin Plan section 4.17. “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.
- c. **Collection System Management.** The Discharger’s collection systems (see Fact Sheet section II.A.2) are part of the facilities regulated through this Order. This provision requires compliance with State Water Board Order No. 2006-0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, as amended by State Water Board Order No. WQ 2013-0058-EXEC and any subsequent order updating these requirements. These State Water Board WDRs require public agencies that own or operate sanitary sewer systems with one or more miles of sewer lines to enroll for coverage and comply with requirements to develop sanitary sewer management plans and report sanitary sewer overflows, among other provisions and prohibitions. The State Water Board WDRs contain requirements for operation and maintenance of collection systems and for reporting and mitigating sanitary sewer overflows that are more extensive and, therefore, more stringent than the standard provisions in Attachments D

and G. Compliance with the State Water Board WDRs will satisfy the corresponding requirements in Attachments D and G.

## 5. Other Special Provisions

- a. **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. The EBDA member agencies submitted inventories of potential copper sources in August 2010 with their 2009 annual pollution prevention reports and continue to submit inventories with their annual reports. This Order requires the Discharger to implement source control and pollution prevention for identified sources. 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 2011-2015 indicate no degradation of San Francisco Bay water quality with respect to copper (<http://www.sfei.org/pages/copper-site-specific-objective-3-year-rolling-averages-0>).
- b. **Cyanide Action Plan.** This provision is based on Basin Plan section 4.7.2.2 and is necessary to ensure that use of cyanide site-specific objectives is consistent with antidegradation policies. The threshold for considering influent cyanide concentrations to indicate a possible “significant cyanide discharge” in the Discharger’s service area is set at 17 µg/L. This concentration is the 99<sup>th</sup> percentile cyanide concentration of all individual treatment plant influent samples during the previous order term. Because most (99 percent) of the influent cyanide concentrations were less than 17 µg/L, if influent concentrations above this level were observed, there could be a significant cyanide source.
- c. **Flow Capacity Increase.** This provision is necessary for the Regional Water Board to know when Union Sanitary District’s average daily dry weather flow capacity increases and to ensure that plant upgrades can effectively and reliably handle the increased flows.
- d. **Wet Weather Bypasses.** This provision is necessary if the Discharger seeks Regional Water Board approval for wet weather bypasses to occur in the next permit term. It requires the Discharger to justify approval in accordance with 40 C.F.R. sections 122.41(m)(4)(i) and (ii) (see Attachment D section I.G).
- e. **Anaerobically-Digestible Material.** Standard Operating Procedures are required for dischargers that accept hauled waste food, 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.

Some POTWs choose to accept organic material, such as waste food, fats, oils, and grease, into their anaerobic digesters to increase production of methane and other biogases for energy production and to prevent such materials from being discharged into

the collection system and potentially causing sanitary sewer overflows. The California Department of Resources Recycling and Recovery has proposed to exclude POTWs from Process Facility/Transfer Station permit requirements when the same activities are regulated under WDRs or NPDES permits. The proposed exclusion is restricted to anaerobically-digestible materials that have been prescreened, slurried, processed, and conveyed in a closed system for co-digestion with regular sewage sludge. The exclusion is based on the facility developing Standard Operating Procedures for proper handling, processing, tracking, and management.

## 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.** Influent monitoring at Monitoring Locations INF-002A through INF-002D is necessary to understand Facility operations and to evaluate compliance with Prohibition III.D, which prohibits average dry weather influent flow greater than the individual treatment plant permitted flows in Table 4 of the Order. Influent CBOD<sub>5</sub> and TSS monitoring is necessary to evaluate compliance with this Order's 85 percent removal requirement. Basin Plan section 4.7.2.2 requires influent cyanide monitoring because this Order is based on site-specific cyanide water quality objectives.
- 2. Effluent Monitoring.** Effluent monitoring at Monitoring Location EFF-001 is necessary to understand Facility operations, to evaluate compliance with this Order's effluent limitations, and to conduct future reasonable potential analyses. Effluent monitoring at Monitoring Locations EFF-002A through EFF-002D is also necessary to understand Facility operations and to evaluate compliance with this Order's effluent limitations. Effluent monitoring at Monitoring Location EFF-001D (after disinfection and before dechlorination) is necessary to evaluate compliance with this Order's bacteria effluent limitations. Enterococcus and fecal coliform bacteria monitoring can occur at Monitoring Location EFF-001 if bacteria regrowth does not significantly interfere with the monitoring results.
- 3. Toxicity Testing.** Acute and chronic 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 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. A chronic toxicity screening phase study, as described in MRP Appendix E-1, is needed following any significant change in the nature of the effluent and at least prior to permit reissuance to ensure that toxicity tests continue to be conducted with the most sensitive organism.

This Order allows the Discharger to conduct acute toxicity tests by measuring survival of test organisms during chronic toxicity tests using 100 percent effluent (versus standard toxicity tests). These tests will be at least as sensitive as those conducted under the previous order because the test organisms will be younger.

Because the Discharger elected to participate in the *Alternate Monitoring and Reporting Requirements for Municipal Wastewater Dischargers for the Purpose of Adding Support to the San Francisco Bay Regional Monitoring Program* (Order No. R2-2016-0008), it did not conduct a chronic toxicity screening phase study for this permit reissuance. The Discharger’s March 2011 final chronic toxicity screening report found fathead minnow (*Pimephales promelas*) to be the most sensitive species.

4. **Receiving Water Monitoring.** RMP participation is necessary to characterize the receiving water and the effects of the discharge has on it. The RMP involves collecting data on pollutants and toxicity in San Francisco Bay water, sediment, and biota.
5. **Pretreatment and Biosolids Monitoring.** The pretreatment and biosolids monitoring requirements for influent, effluent, and biosolids are necessary to evaluate compliance with the Discharger’s pretreatment program.
6. **Other Monitoring Requirements.** Pursuant to CWA section 308, U.S. EPA requires dischargers to participate in a Discharge Monitoring Report-Quality Assurance (DMR-QA) Study Program. The program annually evaluates the analytical abilities of laboratories that perform or support NPDES permit-required monitoring. The program applies to discharger laboratories and contract laboratories. There are two options to comply: (1) dischargers can obtain and analyze DMR-QA samples, or (2) pursuant to a waiver U.S. EPA issued to the State Water Board, dischargers can submit results from the most recent Water Pollution Performance Evaluation Study. Dischargers must submit results annually to the State Water Board, which then forwards the results to U.S. EPA.

**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 or Order No. R2-2016-0008.

**Table F-9. Monitoring Requirements Summary**<sup>[1] [2]</sup>

Parameter	Influent INF-002A through INF-002D	Effluent EFF-001 (or EFF-001D)	Alternate Effluent EFF-001 (or EFF-001D) <sup>[3]</sup>	Effluent EFF-002A through EFF-002D	Biosolids BIO-002A through BIO-002D
Flow	Continuous/D	Continuous/D	Continuous/D	Continuous/D	---
pH	---	---	---	2/Week	---
Carbonaceous Biochemical Oxygen Demand (5-day @ 20°C)	1/Week	---	---	1/Week	---
Total Suspended Solids	3/Week	---	---	3/Week	---
Total Residual Chlorine	---	Continuous/D or 1/Hour	Continuous/D or 1/Hour	---	---
Oil and Grease	---	1/Quarter	1/Quarter	---	---
Enterococcus Bacteria	---	2/Week	2/Week	---	---
Fecal Coliform Bacteria	---	2/Week	2/Week	---	---
Acute Toxicity	---	1/2 Months	1/2 Months	---	---
Chronic Toxicity	---	1/2 Months	1/2 Months	---	---
Copper, Total Recoverable	---	1/Month	1/Month	---	---

Parameter	Influent INF-002A through INF-002D	Effluent EFF-001 (or EFF-001D)	Alternate Effluent EFF-001 (or EFF-001D) <sup>[3]</sup>	Effluent EFF-002A through EFF-002D	Biosolids BIO-002A through BIO-002D
Cyanide, Total	1/Quarter	1/Month	1/Month	---	1/Year
Dioxin-TEQ	---	2/Year	Once	---	---
Ammonia	---	2/Month	2/Month	---	---
Priority Pollutants <sup>[4]</sup>	---	2/Year	Once (VOCs, BNAs, and chlorinated pesticides); 2/Year (remaining priority pollutants)	---	---
VOC	1/Year	1/Year	Once	1/Year	1/Year
BNA	1/Year	1/Year	Once	1/Year	1/Year
Metals and Other Elements	1/Year	1/Month	1/Month	1/Month	1/Year
Hexavalent Chromium	1/Year	1/Month	1/Month	1/Month	1/Year
Mercury	1/Year	1/Month	1/Month	1/Month	1/Year

Sampling Frequencies:

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

- 1/Hour = once per hour
- 3/Week = three times per week
- 2/Week = twice per week
- 1/Week = once per month
- 2/Month = twice per month
- 1/Month = once per month
- 1/2 Months = once every two months
- 1/Quarter = once per quarter
- 2/Year = twice per year
- 1/Year = once per year
- Once = once per permit term

Footnotes:

- <sup>[1]</sup> Receiving water monitoring shall be satisfied by participating in the RMP.
- <sup>[2]</sup> The Discharger shall also comply with the monitoring requirements in the Mercury and PCBs Watershed Permit (NPDES Permit No. CA0038849) and the Nutrients Watershed Permit (NPDES Permit No. CA0038873).
- <sup>[3]</sup> These monitoring frequencies apply only if and when the Discharger elects to participate in the Alternate MRP (Regional Water Board Order No. R2-2016-0008).
- <sup>[4]</sup> This monitoring is required by Provision VI.C.2 of the Order.

## 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 *Tri-Valley 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 Officer at the Regional Water Board at 1515 Clay Street, Suite 1400, Oakland, California 94612, to the attention of James Parrish.

For full staff response and Regional Water Board consideration, the written comments were due at the Regional Water Board office by 5:00 p.m on **April 3, 2017.**

**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 10, 2017**  
Time: 9:00 am  
Location: Elihu Harris State Office Building  
1515 Clay Street, 1<sup>st</sup> Floor Auditorium  
Oakland, CA 94612

Contact: James Parrish, (510) 622-2381, James.Parrish@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](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 James Parrish, at (510) 622-2381, or James.Parrish@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

## Contents

<b>I. STANDARD PROVISIONS - PERMIT COMPLIANCE.....</b>	<b>G-1</b>
A. Duty to Comply .....	G-1
B. Need to Halt or Reduce Activity Not a Defense .....	G-1
C. Duty to Mitigate .....	G-1
1. Contingency Plan .....	G-1
2. Spill Prevention Plan.....	G-2
D. Proper Operation & Maintenance.....	G-2
1. Operation and Maintenance (O&M) Manual.....	G-2
2. Wastewater Facilities Status Report .....	G-2
3. Proper Supervision and Operation of Publicly Owned Treatment Works (POTWs) .....	G-3
E. Property Rights.....	G-3
F. Inspection and Entry.....	G-3
G. Bypass .....	G-3
H. Upset.....	G-3
I. Other .....	G-3
J. Storm water .....	G-3
1. Storm water Pollution Prevention Plan (SWPP Plan).....	G-3
2. Source Identification.....	G-4
3. Storm water Management Controls .....	G-5
4. Annual Verification of SWPP Plan.....	G-6
K. Biosolids Management .....	G-6
<b>II. STANDARD PROVISIONS – PERMIT ACTION.....</b>	<b>G-7</b>
<b>III. STANDARD PROVISIONS – MONITORING .....</b>	<b>G-7</b>
A. Sampling and Analyses .....	G-7
1. Use of Certified Laboratories.....	G-7
2. Use of Appropriate Minimum Levels .....	G-7
3. Frequency of Monitoring .....	G-7
B. Biosolids Monitoring.....	G-10
1. Biosolids Monitoring Frequency .....	G-10
2. Biosolids Pollutants to Monitor .....	G-10
C. Standard Observations.....	G-10
1. Receiving Water Observations .....	G-10
2. Wastewater Effluent Observations .....	G-11
3. Beach and Shoreline Observations .....	G-11
4. Land Retention or Disposal Area Observations.....	G-11
5. Periphery of Waste Treatment and/or Disposal Facilities Observations .....	G-12
<b>IV. STANDARD PROVISIONS – RECORDS .....</b>	<b>G-12</b>
A. Records to be Maintained.....	G-12
B. Records of monitoring information .....	G-12
1. Analytical Information.....	G-12
2. Flow Monitoring Data.....	G-12
3. Wastewater Treatment Process Solids .....	G-13
4. Disinfection Process.....	G-13
5. Treatment Process Bypasses .....	G-13
6. Treatment Facility Overflows .....	G-14
C. Claims of Confidentiality .....	G-14
<b>V. STANDARD PROVISIONS – REPORTING .....</b>	<b>G-14</b>
A. Duty to Provide Information .....	G-14

B. Signatory and Certification Requirements .....G-14  
C. Monitoring Reports .....G-14  
    1. Self Monitoring Reports .....G-14  
D. Compliance Schedules .....G-18  
E. Twenty-Four Hour Reporting .....G-18  
    1. Spill of Oil or Other Hazardous Material Reports .....G-18  
    2. Unauthorized Discharges from Municipal Wastewater Treatment Plants .....G-19  
F. Planned Changes .....G-22  
G. Anticipated Noncompliance .....G-22  
H. Other Noncompliance.....G-22  
I. Other Information.....G-22  
**VI. STANDARD PROVISION – ENFORCEMENT ..... G-22**  
**VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS ..... G-22**  
**VIII. DEFINITIONS ..... G-22**

**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
  - e. Predict the effectiveness of the proposed facilities and procedures, and provide an implementation schedule containing interim and final dates when they will be constructed, implemented, or operational.

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

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

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

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

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

**E. Property Rights** – Not Supplemented

**F. Inspection and Entry** – Not Supplemented

**G. Bypass** – Not Supplemented

**H. Upset** – Not Supplemented

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

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

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

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

**1. Storm Water Pollution Prevention Plan (SWPP Plan)**

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

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

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

## 2. Source Identification

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

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



### 3. Storm Water Management Controls

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

a. Storm water pollution prevention personnel

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

b. Good housekeeping

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

c. Spill prevention and response

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

d. Source control

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

e. Storm water management practices

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

f. Sediment and erosion control

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

g. Employee training

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

h. Inspections

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

i. Records

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

**4. Annual Verification of SWPP Plan**

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

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

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

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

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](http://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;

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<sup>1</sup> 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.

- 4) Estimated quantity and duration of the unauthorized discharge (to the extent known), and the estimated amount recovered;
- 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](http://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](http://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 Discharges<sup>1</sup> from  
Municipal Wastewater Treatment Plants

<b>Discharger is required to:</b>	<b>Agency Receiving Information</b>	<b>Time frame</b>	<b>Method for Contact</b>
1. Notify	California Emergency Management Agency (Cal EMA)	As soon as possible, but not later than <b>2 hours</b> 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 <b>2 hours</b> after becoming aware of the unauthorized discharge.	Depends on local health department
	Regional Water Board	As soon as possible, but not later than <b>2 hours</b> after becoming aware of the unauthorized discharge.	Electronic <sup>2</sup> <a href="http://www.wbers.net">www.wbers.net</a>
2. Certify	Regional Water Board	As soon as possible, but not later than <b>24 hours</b> after becoming aware of the unauthorized discharge.	Electronic <sup>3</sup> <a href="http://www.wbers.net">www.wbers.net</a>
3. Report	Regional Water Board	Within <b>5 business days</b> of becoming aware of the unauthorized discharge.	Electronic <sup>4</sup> <a href="http://www.wbers.net">www.wbers.net</a>

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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:

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

or

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

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

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

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

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

In which “N” is the number of samples analyzed in any calendar day and “Q<sub>i</sub>” and “C<sub>i</sub>” 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<sub>i</sub>” is the concentration measured in the composite sample and “Q<sub>i</sub>” 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<sub>t</sub>” 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 <sup>5</sup>	Minimum Levels <sup>6</sup> (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) <sup>7</sup>	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) <sup>8</sup>												
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 <sup>-</sup> C or I				5								
15.	Asbestos (only required for dischargers to MUN waters) <sup>9</sup>	0100.2 <sup>10</sup>												
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										

<sup>5</sup> 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.

<sup>6</sup> 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.

<sup>7</sup> 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).

<sup>8</sup> 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).

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

<sup>10</sup> 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 <sup>5</sup>	Minimum Levels <sup>6</sup> (µg/l)											
			GC	GCMS	LC	Color	FAA	GFAA	ICP	ICP MS	SPGFAA	HYD RIDE	CVAA	DCP
23.	Chlorodibromomethane	601	0.5	2										
24.	Chloroethane	601	0.5	2										
25.	2-Chloroethylvinyl Ether	601	1	1										
26.	Chloroform	601	0.5	2										
75.	1,2-Dichlorobenzene	601	0.5	2										
76.	1,3-Dichlorobenzene	601	0.5	2										
77.	1,4-Dichlorobenzene	601	0.5	2										
27.	Dichlorobromomethane	601	0.5	2										
28.	1,1-Dichloroethane	601	0.5	1										
29.	1,2-Dichloroethane	601	0.5	2										
30.	1,1-Dichloroethylene or 1,1-Dichloroethene	601	0.5	2										
31.	1,2-Dichloropropane	601	0.5	1										
32.	1,3-Dichloropropylene or 1,3-Dichloropropene	601	0.5	2										
34.	Methyl Bromide or Bromomethane	601	1.0	2										
35.	Methyl Chloride or Chloromethane	601	0.5	2										
36.	Methylene Chloride or 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 Benzo(b)fluoranthene	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									

CTR No.	Pollutant/Parameter	Analytical Method <sup>5</sup>	Minimum Levels <sup>6</sup> (µg/l)													
			GC	GCMS	LC	Color	FAA	GFAA	ICP	ICP MS	SPGFAA	HYD RIDE	CVAA	DCP		
87.	Fluorene	610 HPLC		10	0.1											
92.	Indeno(1,2,3-cd) Pyrene	610 HPLC		10	0.05											
100.	Pyrene	610 HPLC		10	0.05											
68.	Bis(2-Ethylhexyl)Phthalate	606 or 625	10	5												
70.	Butylbenzyl Phthalate	606 or 625	10	10												
79.	Diethyl Phthalate	606 or 625	10	2												
80.	Dimethyl Phthalate	606 or 625	10	2												
81.	Di-n-Butyl Phthalate	606 or 625		10												
84.	Di-n-Octyl Phthalate	606 or 625		10												
59.	Benzidine	625		5												
65.	Bis(2-Chloroethoxy)Methane	625		5												
66.	Bis(2-Chloroethyl)Ether	625	10	1												
67.	Bis(2-Chloroisopropyl)Ether	625	10	2												
69.	4-Bromophenyl Phenyl Ether	625	10	5												
71.	2-Chloronaphthalene	625		10												
72.	4-Chlorophenyl Phenyl Ether	625		5												
73.	Chrysene	625		10	5											
78.	3,3'-Dichlorobenzidine	625		5												
82.	2,4-Dinitrotoluene	625	10	5												
83.	2,6-Dinitrotoluene	625		5												
85.	1,2-Diphenylhydrazine (note) <sup>11</sup>	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													

<sup>11</sup> 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 <sup>5</sup>	Minimum Levels <sup>6</sup> (µg/l)											
			GC	GCMS	LC	Color	FAA	GFAA	ICP	ICP MS	SPGFAA	HYD RIDE	CVAA	DCP
114.	Endosulfan Sulfate	608	0.05											
115.	Endrin	608	0.01											
116.	Endrin Aldehyde	608	0.01											
117.	Heptachlor	608	0.01											
118.	Heptachlor Epoxide	608	0.01											
119-125	PCBs: Aroclors 1016, 1221, 1232, 1242, 1248, 1254, 1260	608	0.5											
126.	Toxaphene	608	0.5											



**ATTACHMENT H – PRETREATMENT REQUIREMENTS**

CALIFORNIA REGIONAL WATER QUALITY CONTROL  
BOARD  
SAN FRANCISCO BAY REGION

**ATTACHMENT H**  
**PRETREATMENT PROGRAM PROVISIONS**  
For  
**NPDES POTW WASTEWATER DISCHARGE PERMITS**

March 2011  
*(Corrected May 2011)*

TABLE OF CONTENTS	Page
I. Pretreatment Program Provisions.....	H-1
II. APPENDIX H-1.....	H-3
REQUIREMENTS FOR PRETREATMENT ANNUAL REPORTS	
A. Cover Sheet.....	H-3
B. Introduction.....	H-3
C. Definitions.....	H-4
D. Discussion of Upset, Interference and Pass Through.....	H-4
E. Influent, Effluent and Biosolids Monitoring Results.....	H-4
F. Inspection, Sampling and Enforcement Programs.....	H-4
G. Updated List of Regulated SIUs.....	H-5
H. SIU (categorical and non-categorical) Compliance Activities.....	H-6
I. Baseline Monitoring Report Update.....	H-7
J. Pretreatment Program Changes.....	H-8
K. Pretreatment Program Budget.....	H-8
L. Public Participation Summary.....	H-8
M. Biosolids Storage and Disposal Practice.....	H-9
N. Other Pollutant Reduction Activities.....	H-9
O. Other Subjects.....	H-9
P. Permit Compliance System (PCS) Data Entry Form.....	H-9
III. APPENDIX H-2.....	H-10
REQUIREMENTS FOR JANUARY-JUNE PRETREATMENT SEMIANNUAL REPORT	
A. Influent, Effluent and Biosolids Monitoring.....	H-10
B. Industrial User Compliance Status.....	H-10
C. Discharger’s Compliance with Pretreatment Program Requirements.....	H-11
IV. APPENDIX H-3.....	H-12
SIGNATURE REQUIREMENTS FOR PRETREATMENT ANNUAL AND SEMIANNUAL REPORTS	
V. APPENDIX H-4.....	H-13
REQUIREMENTS FOR INFLUENT, EFFLUENT AND BIOSOLIDS MONITORING	
A. Reduction of Monitoring Frequency.....	H-13
B. Influent and Effluent Monitoring.....	H-13
C. Biosolids Monitoring.....	H-14

## **Attachment H: Pretreatment Program Provisions**

- A.** The Discharger shall be responsible and liable for the performance of all Control Authority pretreatment requirements contained in 40 CFR 403, including any regulatory revisions to Part 403. Where a Part 403 revision is promulgated after the effective date of the Discharger's permit and places mandatory actions upon the Discharger as Control Authority but does not specify a timetable for completion of the actions, the Discharger shall complete the required actions within six months from the issuance date of this permit or six months from the effective date of the Part 403 revisions, whichever comes later.

(If the Discharger cannot complete the required actions within the above six-month period due to the need to process local adoption of sewer use ordinance modifications or other substantial pretreatment program modifications, the Discharger shall notify the Executive Officer in writing at least 60 days prior to the six-month deadline. The written notification shall include a summary of completed required actions, an explanation for why the six month deadline cannot be met, and a proposed timeframe to complete the rest of the required actions as soon as practical but not later than within twelve months of the issuance date of this permit or twelve months of the effective date of the Part 403 revisions, whichever comes later. The Executive Officer will notify the Discharger in writing within 30 days of receiving the request if the extension is not approved.)

The United States Environmental Protection Agency (U.S. EPA), the State and/or other appropriate parties may initiate enforcement action against a nondomestic user for noncompliance with applicable standards and requirements as provided in the Clean Water Act (Act).

- B.** The Discharger shall enforce the requirements promulgated under Sections 307(b), 307(c), 307(d) and 402(b) of the Act with timely, appropriate and effective enforcement actions. The Discharger shall cause nondomestic users subject to Federal Categorical Standards to achieve compliance no later than the date specified in those requirements or, in the case of a new nondomestic user, upon commencement of the discharge.
- C.** The Discharger shall perform the pretreatment functions as required in 40 CFR 403 and amendments or modifications thereto including, but not limited to:
- 1.** Implement the necessary legal authorities to fully implement the pretreatment regulations as provided in 40 CFR 403.8(f)(1);
  - 2.** Implement the programmatic functions as provided in 40 CFR 403.8(f)(2);
  - 3.** Publish an annual list of nondomestic users in significant noncompliance as provided per 40 CFR 403.8(f)(2)(viii);
  - 4.** Provide for the requisite funding and personnel to implement the pretreatment program as provided in 40 CFR 403.8(f)(3); and
  - 5.** Enforce the national pretreatment standards for prohibited discharges and categorical standards as provided in 40 CFR 403.5 and 403.6, respectively.

- D.** The Discharger shall submit annually a report to U.S. EPA Region 9, the State Water Board and the Regional Water Board describing its pretreatment program activities over the previous calendar year. In the event that the Discharger is not in compliance with any conditions or requirements of the Pretreatment Program, the Discharger shall also include the reasons for noncompliance and a plan and schedule for achieving compliance. The report shall contain, but is not limited to, the information specified in Appendix H-1 entitled, “Requirements for Pretreatment Annual Reports.” The annual report is due each year on February 28.
- E.** The Discharger shall submit a pretreatment semiannual report to U.S. EPA Region 9, the State Water Board and the Regional Water Board describing the status of its significant industrial users (SIUs). The report shall contain, but is not limited to, information specified in Appendix H-2 entitled, “Requirements for Pretreatment Semiannual Reports.” The semiannual report is due July 31 for the period January through June. The information for the period July through December of each year shall be included in the Annual Report identified in Appendix H-1. The Executive Officer may exempt the Discharger from the semiannual reporting requirements on a case by case basis subject to State Water Board and U.S. EPA’s comment and approval.
- F.** The Discharger shall conduct the monitoring of its treatment plant’s influent, effluent, and sludge (biosolids) as described in Appendix H-4 entitled, “Requirements for Influent, Effluent and Sludge (Biosolids) Monitoring.” (The term “biosolids,” as used in this Attachment, shall have the same meaning as wastewater treatment plant “sludge” and will be used from this point forward.) The Discharger shall evaluate the results of the sampling and analysis during the preparation of the semiannual and annual reports to identify any trends. Signing the certification statement used to transmit the reports shall be deemed to certify the Discharger has completed this data evaluation. A tabulation of the data shall be included in the pretreatment annual report as specified in Appendix H-4. The Executive Officer may require more or less frequent monitoring on a case by case basis.

## APPENDIX H-1

### REQUIREMENTS FOR PRETREATMENT ANNUAL REPORTS

The Pretreatment Annual Report is due each year on February 28 and shall contain activities conducted during the previous calendar year. The purpose of the Annual Report is to:

- Describe the status of the Discharger's pretreatment program; and
- Report on the effectiveness of the program, as determined by comparing the results of the preceding year's program implementation.

The report shall contain, at a minimum, the following information:

#### A. Cover Sheet

The cover sheet shall include:

1. The name(s) and National Pollutant Discharge Elimination System (NPDES) permit number(s) of the Discharger(s) that is part of the Pretreatment Program;
2. The name, address and telephone number of a pretreatment contact person;
3. The period covered in the report;
4. A statement of truthfulness; and
5. The dated signature of a principal executive officer, ranking elected official, or other duly authorized employee who is responsible for overall operation of the Publicly Owned Treatment Works (POTW) (40 CFR 403.12(m)).

#### B. Introduction

This section shall include:

1. Any pertinent background information related to the Discharger and/or the nondomestic user base of the area;
2. List of applicable interagency agreements used to implement the Discharger's pretreatment program (e.g., Memoranda of Understanding (MOU) with satellite sanitary sewer collection systems); and
3. A status summary of the tasks required by a Pretreatment Compliance Inspection (PCI), Pretreatment Compliance Audit (PCA), Cleanup and Abatement Order (CAO), or other pretreatment-related enforcement actions required by the Regional Water Board or the U.S. EPA. A more detailed discussion can be referenced and included in the section entitled, "Program Changes," if needed.

### **C. Definitions**

This section shall include a list of key terms and their definitions that the Discharger uses to describe or characterize elements of its pretreatment program, or the Discharger may provide a reference to its website if the applicable definitions are available on-line.

### **D. Discussion of Upset, Interference and Pass Through**

This section shall include a discussion of Upset, Interference or Pass Through incidents, if any, at the Discharger's treatment plant(s) that the Discharger knows of or suspects were caused by nondomestic user discharges. Each incident shall be described, at a minimum, consisting of the following information:

1. A description of what occurred;
2. A description of what was done to identify the source;
3. The name and address of the nondomestic user responsible;
4. The reason(s) why the incident occurred;
5. A description of the corrective actions taken; and
6. An examination of the local and federal discharge limits and requirements for the purposes of determining whether any additional limits or changes to existing requirements may be necessary to prevent other Upset, Interference or Pass Through incidents.

### **E. Influent, Effluent and Biosolids Monitoring Results**

The Discharger shall evaluate the influent, effluent and biosolids monitoring results as specified in Appendix H-4 in preparation of this report. The Discharger shall retain the analytical laboratory reports with the Quality Assurance and Quality Control (QA/QC) data validation and make these reports available upon request.

This section shall include:

1. Description of the sampling procedures and an analysis of the results (see Appendix H-4 for specific requirements);
2. Tabular summary of the compounds detected (compounds measured above the detection limit for the analytical method used) for the monitoring data generated during the reporting year as specified in Appendix H-4;
3. Discussion of the investigation findings into any contributing sources of the compounds that exceed NPDES limits; and
4. Graphical representation of the influent and effluent metal monitoring data for the past five years with a discussion of any trends.

## **F. Inspection, Sampling and Enforcement Programs**

This section shall include at a minimum the following information:

1. Inspections: Summary of the inspection program (e.g., criteria for determining the frequency of inspections and inspection procedures);
2. Sampling Events: Summary of the sampling program (e.g., criteria for determining the frequency of sampling and chain of custody procedures); and
3. Enforcement: Summary of Enforcement Response Plan (ERP) implementation including dates for adoption, last revision and submission to the Regional Water Board.

## **G. Updated List of Regulated SIUs**

This section shall contain a list of all of the federal categories that apply to SIUs regulated by the Discharger. The specific categories shall be listed including the applicable 40 CFR subpart and section, and pretreatment standards (both maximum and average limits). Local limits developed by the Discharger shall be presented in a table including the applicability of the local limits to SIUs. If local limits do not apply uniformly to SIUs, specify the applicability in the tables listing the categorical industrial users (CIUs) and non-categorical SIUs. Tables developed in Sections 7A and 7B can be used to present or reference this information.

1. CIUs - Include a table that alphabetically lists the CIUs regulated by the Discharger as of the end of the reporting period. This list shall include:
  - a. Name;
  - b. Address;
  - c. Applicable federal category(ies);
  - d. Reference to the location where the applicable Federal Categorical Standards are presented in the report;
  - e. Identify all deletions and additions keyed to the list submitted in the previous annual report. All deletions shall be briefly explained (e.g., closure, name change, ownership change, reclassification, declassification); and
  - f. Information, calculations and data used to determine the limits for those CIUs for which a combined waste stream formula is applied.
2. Non-categorical SIUs - Include a table that alphabetically lists the SIUs not subject to any federal categorical standards that were regulated by the Discharger as of the end of the reporting period. This list shall include:
  - a. Name;

- b. Address;
- c. A brief description of the type of business;
- d. Identify all deletions and additions keyed to the list submitted in the previous annual report. All deletions shall be briefly explained (e.g., closure, name change, ownership change, reclassification, declassification); and
- e. Indicate the applicable discharge limits (e.g., different from local limits) to which the SIUs are subject and reference to the location where the applicable limits (e.g., local discharge limits) are presented in the report.

#### **H. SIU (categorical and non-categorical) Compliance Activities**

The information required in this section may be combined in the table developed in Section 7 above.

**1. Inspection and Sampling Summary:** This section shall contain a summary of all the SIU inspections and sampling activities conducted by the Discharger and sampling activities conducted by the SIU over the reporting year to gather information and data regarding SIU compliance. The summary shall include:

- a. The number of inspections and sampling events conducted for each SIU by the Discharger;
- b. The number of sampling events conducted by the SIU. Identify SIUs that are operating under an approved Total Toxic Organic Management Plan;
- c. The quarters in which the above activities were conducted; and
- d. The compliance status of each SIU, delineated by quarter, and characterized using all applicable descriptions as given below:
  - (1) Consistent compliance;
  - (2) Inconsistent compliance;
  - (3) Significant noncompliance;
  - (4) On a compliance schedule to achieve compliance (include the date final compliance is required);
  - (5) Not in compliance and not on a compliance schedule; and
  - (6) Compliance status unknown, and why not.

**2. Enforcement Summary:** This section shall contain a summary of SIU compliance and enforcement activities during the reporting year. The summary may be included in the summary



table developed in section 8A and shall include the names and addresses of all SIUs affected by the actions identified below. For each notice specified in enforcement action “i” through “iv,” indicate whether it was for an infraction of a federal or local standard/limit or requirement.

- a. Warning letters or notices of violations regarding SIUs’ apparent noncompliance with or violation of any federal pretreatment categorical standards and/or requirements, or local limits and/or requirements;
- b. Administrative Orders regarding the SIUs’ apparent noncompliance with or violation of any federal pretreatment categorical standards and/or requirements, or local limits and/or requirements;
- c. Civil actions regarding the SIUs’ apparent noncompliance with or violation of any federal pretreatment categorical standards and/or requirements, or local limits and/or requirements;
- d. Criminal actions regarding the SIUs’ apparent noncompliance with or violation of any federal pretreatment categorical standards and/or requirements, or local limits and/or requirements;
- e. Assessment of monetary penalties. Identify the amount of penalty in each case and reason for assessing the penalty;
- f. Order to restrict/suspend discharge to the Discharger; and
- g. Order to disconnect the discharge from entering the Discharger.

**3. July-December Semiannual Data:** For SIU violations/noncompliance during the semiannual reporting period from July 1 through December 31, provide the following information:

- a. Name and facility address of the SIU;
- b. Indicate if the SIU is subject to Federal Categorical Standards; if so, specify the category including the subpart that applies;
- c. For SIUs subject to Federal Categorical Standards, indicate if the violation is of a categorical or local standard;
- d. Indicate the compliance status of the SIU for the two quarters of the reporting period; and
- e. For violations/noncompliance identified in the reporting period, provide:
  - (1) The date(s) of violation(s);
  - (2) The parameters and corresponding concentrations exceeding the limits and the discharge limits for these parameters; and

- (3) A brief summary of the noncompliant event(s) and the steps that are being taken to achieve compliance.

### **I. Baseline Monitoring Report Update**

This section shall provide a list of CIUs added to the pretreatment program since the last annual report. This list of new CIUs shall summarize the status of the respective Baseline Monitoring Reports (BMR). The BMR must contain the information specified in 40 CFR 403.12(b). For each new CIU, the summary shall indicate when the BMR was due; when the CIU was notified by the Discharger of this requirement; when the CIU submitted the report; and/or when the report is due.

### **J. Pretreatment Program Changes**

This section shall contain a description of any significant changes in the Pretreatment Program during the past year including, but not limited to:

1. Legal authority;
2. Local limits;
3. Monitoring/ inspection program and frequency;
4. Enforcement protocol;
5. Program's administrative structure;
6. Staffing level;
7. Resource requirements;
8. Funding mechanism;
9. If the manager of the Discharger's pretreatment program changed, a revised organizational chart shall be included; and
10. If any element(s) of the program is in the process of being modified, this intention shall also be indicated.

### **K. Pretreatment Program Budget**

This section shall present the budget spent on the Pretreatment Program. The budget, either by the calendar or fiscal year, shall show the total expenses required to implement the pretreatment program. A brief discussion of the source(s) of funding shall be provided. In addition, the Discharger shall make available upon request specific details on its pretreatment program expense amounts such as for personnel, equipment, and chemical analyses.

## **L. Public Participation Summary**

This section shall include a copy of the public notice as required in 40 CFR 403.8(f)(2)(viii). If a notice was not published, the reason shall be stated.

## **M. Biosolids Storage and Disposal Practice**

This section shall describe how treated biosolids are stored and ultimately disposed. If a biosolids storage area is used, it shall be described in detail including its location, containment features and biosolids handling procedures.

## **N. Other Pollutant Reduction Activities**

This section shall include a brief description of any programs the Discharger implements to reduce pollutants from nondomestic users that are not classified as SIUs. If the Discharger submits any of this program information in an Annual Pollution Prevention Report, reference to this other report shall satisfy this reporting requirement.

## **O. Other Subjects**

Other information related to the Pretreatment Program that does not fit into any of the above categories should be included in this section.

## **P. Permit Compliance System (PCS) Data Entry Form**

The annual report shall include the PCS Data Entry Form. This form shall summarize the enforcement actions taken against SIUs in the past year. This form shall include the following information:

1. Discharger's name,
2. NPDES Permit number,
3. Period covered by the report,
4. Number of SIUs in significant noncompliance (SNC) that are on a pretreatment compliance schedule,
5. Number of notices of violation and administrative Orders issued against SIUs,
6. Number of civil and criminal judicial actions against SIUs,
7. Number of SIUs that have been published as a result of being in SNC, and
8. Number of SIUs from which penalties have been collected.

## APPENDIX H-2

### REQUIREMENTS FOR JANUARY-JUNE PRETREATMENT SEMIANNUAL REPORT

The pretreatment semiannual report is due on July 31 for pretreatment program activities conducted from January through June unless an exception has been granted by the Regional Water Board's Executive Officer (e.g., pretreatment programs without any SIUs may qualify for an exception to the pretreatment semiannual report). Pretreatment activities conducted from July through December of each year shall be included in the Pretreatment Annual Report as specified in Appendix H-1. The pretreatment semiannual report shall contain, at a minimum the following information:

#### A. Influent, Effluent and Biosolids Monitoring

The influent, effluent and biosolids monitoring results shall be evaluated in preparation of this report. The Discharger shall retain analytical laboratory reports with the QA/QC data validation and make these reports available upon request. The Discharger shall also make available upon request a description of its influent, effluent and biosolids sampling procedures. Violations of any parameter that exceed NPDES limits shall be identified and reported. The contributing source(s) of the parameters that exceed NPDES limits shall be investigated and discussed.

#### B. Significant Industrial User Compliance Status

This section shall contain a list of all SIUs that were not in consistent compliance with all pretreatment standards/limits or requirements for the reporting period. For the reported SIUs, the compliance status for the previous semiannual reporting period shall be included. Once the SIU has determined to be out of compliance, the SIU shall be included in subsequent reports until consistent compliance has been achieved. A brief description detailing the actions that the SIU undertook to come back into compliance shall be provided.

For each SIU on the list, the following information shall be provided:

1. Name and facility address of the SIU;
2. Indicate if the SIU is subject to Federal Categorical Standards; if so, specify the category including the subpart that applies;
3. For SIUs subject to Federal Categorical Standards, indicate if the violation is of a categorical or local standard;
4. Indicate the compliance status of the SIU for the two quarters of the reporting period; and
5. For violations/noncompliance identified in the reporting period, provide:
  - a. The date(s) of violation(s);
  - b. The parameters and corresponding concentrations exceeding the limits and the discharge limits for these parameters; and

- c. A brief summary of the noncompliant event(s) and the steps that are being taken to achieve compliance.

### **C. Discharger's Compliance with Pretreatment Program Requirements**

This section shall contain a discussion of the Discharger's compliance status with the Pretreatment Program Requirements as indicated in the latest Pretreatment Compliance Audit (PCA) Report or Pretreatment Compliance Inspection (PCI) Report. It shall contain a summary of the following information:

1. Date of latest PCA or PCI report;
2. Date of the Discharger's response;
3. List of unresolved issues; and
4. Plan(s) and schedule for resolving the remaining issues.

### APPENDIX H-3

#### SIGNATURE REQUIREMENTS FOR PRETREATMENT ANNUAL AND SEMIANNUAL REPORTS

The pretreatment annual and semiannual reports shall be signed by a principal executive officer, ranking elected official, or other duly authorized employee who is responsible for the overall operation of the Discharger (POTW - 40 CFR 403.12[m]). Signed copies of the reports shall be submitted to the State Water Board and the Regional Water Board through the electronic self-monitoring report (eSMR) module of the California Integrated Water Quality System (CIWQS). Signed copies of the reports shall also be submitted electronically to U.S. EPA at R9Pretreatment@epa.gov or as instructed otherwise.

Pretreatment Program Reports  
Clean Water Act Compliance Office (WTR-7)  
Water Division  
Pacific Southwest Region  
U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105-3901

Submit electronic copies only to State and Regional Water Boards:  
Pretreatment Program Manager  
Regulatory Unit  
State Water Resources Control Board  
Division of Water Quality-15th Floor  
1001 I Street  
Sacramento, CA 95814  
DMR@waterboards.ca.gov  
NPDES\_Wastewater@waterboards.ca.gov

Pretreatment Coordinator  
NPDES Wastewater Division  
SF Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

(Submit the report as a single Portable Document Format (PDF) file to the Pretreatment Coordinator's folder in the Regional Water Board's File Transfer Protocol (FTP) site. The instructions for using the FTP site can be found at the following internet address:  
[http://www.waterboards.ca.gov/sanfranciscobay/publications\\_forms/documents/FTP\\_Discharger\\_Guide-12-2010.pdf](http://www.waterboards.ca.gov/sanfranciscobay/publications_forms/documents/FTP_Discharger_Guide-12-2010.pdf).)

## APPENDIX H-4

### REQUIREMENTS FOR INFLUENT, EFFLUENT AND BIOSOLIDS MONITORING

The Discharger shall conduct sampling of its treatment plant’s influent, effluent and biosolids at the frequency shown in **the pretreatment requirements table** of the Monitoring and Reporting Program (MRP, Attachment E). When sampling periods coincide, one set of test results, reported separately, may be used for those parameters that are required to be monitored by both the influent and effluent monitoring requirements of the MRP and the Pretreatment Program. The Pretreatment Program monitoring reports as required in Appendices H-1 and H-2 shall be transmitted to the Pretreatment Program Coordinator.

#### A. Reduction of Monitoring Frequency

The minimum frequency of Pretreatment Program influent, effluent, and biosolids monitoring shall be dependent on the number of SIUs identified in the Discharger’s Pretreatment Program as indicated in Table H-1.

<b>Table H-1: Minimum Frequency of Pretreatment Program Monitoring</b>	
Number of SIUs	Minimum Frequency
< 5	Once every five years
> 5 and < 50	Once every year
> 50	Twice per year

If the Discharger’s required monitoring frequency is greater than the minimum specified in Table H-1, the Discharger may request a reduced monitoring frequency for that constituent(s) as part of its application for permit reissuance if it meets the following criteria:

The monitoring data for the constituent(s) consistently show non-detect (ND) levels for the effluent monitoring and very low (i.e., near ND) levels for influent and biosolids monitoring for a minimum of eight previous years’ worth of data.

The Discharger’s request shall include tabular summaries of the data and a description of the trends in the industrial, commercial, and residential customers in the Discharger’s service area that demonstrate control over the sources of the constituent(s). The Regional Water Board may grant a reduced monitoring frequency in the reissued permit after considering the information provided by the Discharger and any other relevant information.

#### B. Influent and Effluent Monitoring

The Discharger shall monitor for the parameters using the required sampling and test methods listed in **the pretreatment table** of the MRP. Any test method substitutions must have received prior written Executive Officer approval. Influent and effluent sampling locations shall be the same as those sites specified in the MRP.

The influent and effluent samples should be taken at staggered times to account for treatment plant detention time. Appropriately staggered sampling is considered consistent with the requirement for

collection of effluent samples coincident with influent samples in Section III.A.3.a(2) of Attachment G. All samples must be representative of daily operations. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto. For effluent monitoring, the reporting limits for the individual parameters shall be at or below the minimum levels (MLs) as stated in the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (2000) [also known as the State Implementation Policy (SIP)]; any revisions to the MLs shall be adhered to. If a parameter does not have a stated ML, then the Discharger shall conduct the analysis using the lowest commercially available and reasonably achievable detection levels.

The following report elements should be used to submit the influent and effluent monitoring results. A similarly structured format may be used but will be subject to Regional Water Board approval. The monitoring reports shall be submitted with the Pretreatment Annual Report identified in Appendix H-1.

1. Sampling Procedures, Sample Dechlorination, Sample Compositing, and Data Validation (applicable quality assurance/quality control) shall be performed in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto. The Discharger shall make available upon request its sampling procedures including methods of dechlorination, compositing, and data validation.
2. A tabulation of the test results for the detected parameters shall be provided.
3. Discussion of Results – The report shall include a complete discussion of the test results for the detected parameters. If any pollutants are detected in sufficient concentration to upset, interfere or pass through plant operations, the type of pollutant(s) and potential source(s) shall be noted, along with a plan of action to control, eliminate, and/or monitor the pollutant(s). Any apparent generation and/or destruction of pollutants attributable to chlorination/dechlorination sampling and analysis practices shall be noted.

### **C. Biosolids Monitoring**

Biosolids should be sampled in a manner that will be representative of the biosolids generated from the influent and effluent monitoring events except as noted in (3. below. The same parameters required for influent and effluent analysis shall be included in the biosolids analysis. The biosolids analyzed shall be a composite sample of the biosolids for final disposal consisting of:

1. Biosolids lagoons – 20 grab samples collected at representative equidistant intervals (grid pattern) and composited as a single grab, or
2. Dried stockpile – 20 grab samples collected at various representative locations and depths and composited as a single grab, or
3. Dewatered biosolids - daily composite of 4 representative grab samples each day for 5 days taken at equal intervals during the daily operating shift taken from a) the dewatering units or b) each truckload, and shall be combined into a single 5- day composite.



The U.S. EPA manual, POTW Sludge Sampling and Analysis Guidance Document, August 1989, containing detailed sampling protocols specific to biosolids is recommended as a guidance for sampling procedures. The U.S. EPA manual Analytical Methods of the National Sewage Sludge Survey, September 1990, containing detailed analytical protocols specific to biosolids, is recommended as a guidance for analytical methods.

In determining if the biosolids are a hazardous waste, the Discharger shall adhere to Article 2, “Criteria for Identifying the Characteristics of Hazardous Waste,” and Article 3, “Characteristics of Hazardous Waste,” of Title 22, California Code of Regulations, sections 66261.10 to 66261.24 and all amendments thereto.

The following report elements should be used to submit the biosolids monitoring results. A similarly structured form may be used but will be subject to Regional Water Board approval. The results shall be submitted with the Pretreatment Annual Report identified in Appendix H-1.

- Sampling Procedures and Data Validation (applicable quality assurance/quality control) shall be performed in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto. The Discharger shall make available upon request its biosolids sampling procedures and data validation methods.
- Test Results – Tabulate the test results for the detected parameters and include the percent solids.
- Discussion of Results – Include a complete discussion of test results for the detected parameters. If the detected pollutant(s) is reasonably deemed to have an adverse effect on biosolids disposal, a plan of action to control, eliminate, and/or monitor the pollutant(s) and the known or potential source(s) shall be included. Any apparent generation and/or destruction of pollutants attributable to chlorination/dechlorination sampling and analysis practices shall be noted.

The Discharger shall also provide a summary table presenting any influent, effluent or biosolids monitoring data for non-priority pollutants that the Discharger believes may be causing or contributing to interference, pass through or adversely impacting biosolids quality.



# Appendix B

## Comments





EAST BAY DISCHARGERS AUTHORITY  
2651 Grant Avenue  
San Lorenzo, CA 94580-1841  
(510) 278-5910  
FAX (510) 278-6547

*A Joint Powers Public Agency*

April 3, 2017

Mr. Bruce Wolfe, Executive Officer  
California Regional Water Quality Control Board  
San Francisco Bay Region  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

Attn: James Parrish

**COMMENTS ON TENTATIVE ORDER FOR REISSUANCE OF EBDA NPDES  
PERMIT NO. CA 0037869**

Dear Mr. Wolfe:

The East Bay Dischargers Authority (EBDA) and its member agencies, in conjunction with the City of Livermore (Permit No. CA0038008) and the Dublin San Ramon Services District (DSRSD) (Permit No. CA0037613), hereby submit the following comments on the Tentative Order (TO) for reissuance of EBDA's NPDES Permit No. CA0037869. The comments also apply to the equivalent permit conditions contained in the Livermore and DSRSD NPDES TOs.

EBDA has one major comment and several minor comments. The major comment is to request inclusion in the NPDES permit of a Reporting Level (RL) of 0.3 mg/L for purposes of evaluating compliance with the total residual chlorine (TRC) effluent limit of 0.0 mg/L. The minor comments include requests to further adjust monitoring parameters and associated frequencies to better provide useful information to address current water quality concerns and associated management decisions.

**TRC COMPLIANCE**

**Current EBDA Dechlorination and Discharge Operations**

EBDA operates and maintains the Marina Dechlorination Facility (MDF) that adds sodium bisulfite (SBS) to remove chlorine residual from the combined discharges of its contributing agencies. The bisulfite control system is set to add additional dechlorinating chemical above the minimum calculated (stoichiometric) amount required to remove all the measured chlorine residual (i.e. operating with a safety factor). This intentional overdosing procedure is followed to be able to demonstrate mathematically that the effluent is consistently in compliance with the 0.0 mg/L chlorine residual effluent limit.

The dechlorinated effluent is conveyed via a seven-mile deepwater outfall to Lower San Francisco Bay west of the Oakland Airport to the outfall's 251 diffusers located approximately 23.5 feet below the water surface. The EBDA outfall has been conveying dechlorinated effluent with a positive bisulfite residual for many years.

EBDA's *Anti-Degradation Analysis for Proposed Wastewater Treatment Plant Discharge Modification* (June 2, 2006) contains a summary of the results of the EBDA dilution study demonstrating an acute initial dilution of 79:1 at the currently permitted design capacity ADWF of 119.1 mgd. That study also found an acute initial dilution of 95:1 at the prior (August 2000) permitted design ADWF of 97.1 mgd. The initial dilution currently being achieved is likely considerably greater than 95:1 given reduced flows due to the drought and water conservation measures (2015 ADWF of 60.2 mgd or one-half of the approved design flow). Inspections, repairs, and improvements made to the outfall and diffuser system in 2016 have further enhanced the level of initial dilution.

**Issue: Significant Overdosing of Dechlorinating Chemical Required to Ensure Continuous Compliance with 0.0 mg/L Instantaneous Maximum TRC Limit**

The 0.0 mg/L instantaneous maximum TRC effluent limitation in the TO is based on Basin Plan Table 4-2 (the same numeric value since the 1982 Basin Plan). Table 4-2 is silent on how TRC compliance is to be determined but continuous (or hourly) monitoring is typically required in POTW permits including the EBDA TO.

TRC was originally expressed as a narrative limit in the 1975 Basin Plan (p. 5-4):

"Wastewaters shall not contain residual chlorine upon discharge to surface waters. It is suggested that control of chlorine removal be based on maintenance of a minimal SO<sub>2</sub> residual or equivalent techniques to avoid overdosing of chemicals used in chlorine removal." (emphasis added)

It can be seen that as far back as 1975 it was understood that it is difficult to precisely balance chlorination and dechlorination processes to prevent measureable effluent chlorine residual without overdosing of dechlorination chemicals. As noted above, to minimize the potential for effluent limit violations and mandatory minimum penalty (MMP) assessment, most Bay POTWs add excess amounts of sodium bisulfite (1-2 ppm or more) beyond that theoretically needed to neutralize the remaining measured chlorine residual to ensure the absence of TRC in their discharge.<sup>1</sup>

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<sup>1</sup> Excess SBS is required to compensate for inaccuracies in on-line TRC analyzers and limitations of those analyzers and the associated SBS feed systems to respond immediately to changing TRC levels. Higher SBS residuals provide a greater buffer against those limitations and reduce the likelihood of TRC effluent violations.

EBDA adds approximately 200,000 gallons of 25% SBS to its effluent each year. Bay area POTWs, based on those participating in the Bay Area Chemical Consortium (a pooled purchasing group) are projected in FY 2017-2018 to use in the range of 3.5 million gallons of SBS at a cost of over \$3.5 million.

Although non-toxic at the concentrations normally present in POTW effluents, excess SBS consumes oxygen in the receiving water. Reductions in the levels of excess dechlorinating agent would thus provide a direct environmental benefit.

### **Request: Modify TRC Compliance Evaluation Measures to Allow for Reduced SBS Overdosing While Continuing to Protect Water Quality**

As part of its NPDES Permit Application package, EBDA submitted a technical memo to the Regional Water Board (RWB) identifying the need for and recommendations for three alternative TRC compliance evaluation measures (NPDES Permit Reissuance – Chlorine Residual Issue, EOA, Inc., September 12, 2016). That memo (copy attached) presented three non-exclusive lines of evidence in support of alternative TRC compliance measures as follows with each then described below:

- 1) Adopt a reporting limit (RL) for TRC when using continuous monitoring systems
- 2) Provide an allowance for TRC dissipation in the EBDA outfall in evaluating compliance with the TRC effluent limit
- 3) Adopt a TRC WQBEL based on the EPA 1-hour average water quality criterion of 0.019 mg/L and EBDA dilution credit of 79:1

#### **1. Preferred Alternative. Add Reporting Limit (RL) Language for TRC to the Monitoring and Reporting Program (MRP) Table E-3 Footnote 5**

In the EBDA TO the process for determining compliance with toxics effluent limitations is specified in the MRP Section VIII.B.6 Compliance Determination (p. E-13) as follows:

“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.” (emphasis added)

Therefore a violation does not occur unless the effluent concentration is both greater than the effluent limitation and the associated RL. Although most POTWs are currently reporting TRC values of zero for compliance purposes, it is widely understood that the on-line analyzers cannot reliably measure TRC down to that level. However, unlike

laboratory benchtop analyzers, there is no widely accepted method for determining the RL for an on-line analyzer. The State Water Board (SWB) as part of an effort develop a new Chlorine Residual Policy (draft 2006), did conduct a study “to determine the lowest feasible reporting level for continuous monitoring of TRC and SO<sub>3</sub> (sulfite) in complex wastewater matrices based on the best technology currently available.”

Testing was conducted at six wastewater treatment plants during June – August 2007 including EBDA, DSRSD, EBMUD, Napa SD, SBSA (now SVCW), and Sacramento Regional County SD (now Regional San) of continuous measurement of chlorine and sulfite in wastewaters. Representatives from the equipment manufacturers were present to maintain the on-line instruments. An Informal Technical Advisory Team (for peer review) was established that included among others Dr. David Sedlack of UC Berkeley.

The study consisted of three test types: 1) spike recovery of TRC and SO<sub>3</sub> standards, 2) response time in TRC and SO<sub>3</sub> online measurements, and 3) comparisons between benchtop and online TRC analyzers. TRC and SO<sub>3</sub> were measured in batch-mixed effluents from each of the test facilities that provided low concentrations of analyte in varied wastewater matrices.

The study provided the following findings and recommendations regarding a RL for TRC in wastewater effluent:

*This study found that the measurement of very low-concentrations of TRC in wastewater effluents is not a feasible method to demonstrate compliance with the proposed 0.011 and 0.019 mg/L TRC Objectives. The variability associated with measurements at or below 0.2 mg/L TRC extends below the concentrations of the proposed TRC objectives. {EBDA note: also below a 0.0 mg/L TRC limit}*

*However, the variability associated with the measurement of 0.3 mg/L does not extend below the proposed Objectives. This data indicates that measurements of 0.3 mg/L TRC and above will reliably represent the presence of TRC in wastewater effluent. Therefore, the data from both the spike-recovery tests and the comparison tests support the use of 0.3 mg/L as a reporting level for TRC in wastewater effluent. (emphasis added)*

The State Board did not issue a final version of the report (or of the proposed Chlorine Residual Policy) and although the report cautions “do not cite or quote” (because of its draft status), this peer-reviewed study nevertheless represents the most relevant evaluation of low-level TRC measurement and RL in wastewater effluent believed to be currently available.



(California State Water Resources Control Board, Division of Water Quality. April 2008. Draft Report. *Investigation of Continuous Online Measurement of Chlorine and Sulfite in Wastewaters: Implications for Water Quality Regulation*).

Requested TO Change Based on the results of the SWB study cited above it is requested that the underlined language below establishing an RL of 0.3 mg/L for TRC compliance determination purposes, be added to the beginning of the existing Footnote 5 to the EBDA TO MRP Table E-3 on page E-4. We believe that this can be accomplished within the existing regulatory framework.

(5) The Discharger shall calibrate and maintain total residual chlorine analyzers to reliably quantify values of 0.3 mg/L and greater. This 0.3 mg/L shall be the minimum level (ML) and reporting limit (RL) for total residual chlorine. Effluent residual chlorine concentrations shall be monitored continuously or, at a minimum, every hour. The Discharger shall describe all excursions of both the chlorine limit and the RL in the transmittal letter of self-monitoring reports as required by Attachment G section V.C.1.a. If monitoring continuously, the Discharger shall report through data upload to CIWQS, from discrete readings of the continuous monitoring every hour on the hour, the maximum for each day and any other discrete hourly reading that exceed the effluent limit, and, for the purpose of mandatory minimum penalties required by Water Code section 13385(i), compliance shall be based only on these discrete readings. The Discharger shall retain continuous monitoring readings for at least three years. The Regional Water Board reserves the right to use all continuous monitoring data for discretionary enforcement.

The Discharger may elect to use a continuous on-line monitoring system for measuring or determining that residual dechlorinating agent is present. This monitoring system may be used to prove that anomalous residual chlorine exceedances measured by on-line chlorine analyzers are false positives and are not valid total residual chlorine detections because it is chemically improbable to have chlorine present in the presence of sodium bisulfite. If Regional Water Board staff finds convincing evidence that chlorine residual exceedances are false positives, the exceedances are not violations of this Order's total residual chlorine limit.

## **2. Optional Alternative. Provide an Allowance for TRC Dissipation in the EBDA Outfall in Evaluating Compliance with the TRC Effluent Limit**

The EBDA September 12, 2016 "Chlorine Residual Issue" memo (copy attached) provided an extensive analysis of TRC decay rates within the EBDA pipeline transmission system as a surrogate for TRC decay rates within the EBDA outfall. TRC compliance is measured at the Marina Dechlorination Facility at effluent monitoring

location EFF-001. This location is prior to the effluent being released into and conveyed approximately 37,000 feet offshore to the diffuser section where the effluent is released through 251 six-inch bell mouth riser ports that split into 2 three-inch perpendicular discharge points. The effluent after initial mixing receives a dilution of at least 95:1. Any TRC present decays significantly while being transported through this system given that the interior circumference of these pipes in a dechlorinated effluent environment is coated with both inorganic constituents and organic biofilms that rapidly react with chlorine. These chemical reactions very quickly convert the reactive chlorine into the harmless chloride ion, which is already present in estuarine waters at 30,000 fold higher concentrations.

EBDA calculated TRC decay rates based on actual measured TRC concentrations in the “on land” portion of the effluent line between discharge from the City of San Leandro WPCP and entering the Marina Dechlorination Facility (before dechlorination and release to the outfall. The calculated detention time in this “on land” portion of the effluent line is very similar to the calculated detention time between the MDF and the EBDA outfall diffusers.

Based on the measured decay ratios it was calculated that a dry season TRC limit of 0.35 mg/L and a wet season TRC limit of 0.22 mg/L would conservatively result in a non-detectable TRC level prior to discharge to the Bay.

Requested TO Change If Option 1 is not adopted, based on the above TRC decay analysis, it is requested that the TRC compliance determination language be modified to indicate that EBDA would be deemed in compliance with the 0.0 mg/L TRC limit if the measured TRC concentration at EFF-001 was at or below 0.35 mg/L in the dry season and at or below 0.22 mg/L during wet weather events.

### **3. Optional Alternative. Adopt a TRC WQBEL Based on the EPA 1-hour Average Water Quality Criterion of 0.019 mg/L and EBDA Dilution Factor of 78:1**

In its 2006 draft Chlorine Residual Policy the State Water Resources Control Board (SWRCB) proposed to adopt EPA’s TRC water quality criteria (WQC) of 0.019 mg/L (as a 1-hr average) and 0.011 mg/L (as a 4-day average). These WQC are very close to (and with appropriate rounding, equivalent to) the Basin Plan’s 0.0 mg/L TRC instantaneous maximum effluent limit.

Actual dilution is routinely used for calculating chlorine residual and bacterial effluent limits for ocean dischargers pursuant to the SWB Ocean Plan. As an example, the North San Mateo County Sanitation District (NSMCSD) Wastewater Treatment Plant NPDES permit (Order No. R2-2012-0013) contains the following TRC effluent limits based on an initial dilution of 70:1 (per anti-backsliding from the 2006 permit) and the Ocean Plan TRC WQOs:

- 6-month median = 0.14 mg/L
- Daily Maximum = 0.57 mg/L
- Instantaneous Maximum = 4.3 mg/L

The EBDA permit uses the 78:1 dilution factor for calculating the ammonia effluent limits. Following SIP procedures, a maximum daily effluent limit (MDEL) for TRC can be calculated based on the 0.019 mg/L EPA 1-hour average objective, the same ammonia dilution factor for the EBDA outfall (78:1 at design flow), a background concentration of zero, and a default coefficient of variation (CV) value of 0.6.

The resulting MDEL value would be 1.5 mg/L. (Note that if a dilution factor of 94:1 were used, the resulting MDEL would be 1.8 mg/L). The relevant calculations were included in the attached September 12, 2016 Chlorine Residual Issued memo. This approach demonstrates that because of the high dilution rate achieved by the EBDA outfall, this TRC effluent limit for would be protective of receiving water quality. It is recognized that the EPA TRC WQC have not yet been adopted by the SWB or RWB.

Requested TO Change If Option 1 is not adopted, replace the 0.0 mg/L Basin Plan performance based limit with a 1-hour average WQBEL of 1.5 mg/L.

TRC Field Verification Monitoring If TRC Options 1 or 2 are adopted, EBDA would conduct a limited term field verification study measuring TRC levels in the effluent prior to release from the first diffuser in the outfall. EBDA would conduct background monitoring at the diffuser first under current operating conditions, then in a series of testing as TRC levels at the MDF discharge were progressively increased from 0.0 mg/L, to 0.1 mg/L, 0.2 mg/L, to 0.3 mg/L and potentially higher to investigate the range of safety factor involved in operating at a 0.3 mg/L target level. EBDA would develop a workplan for RWB staff approval prior to initiating the field verification monitoring.

## **OTHER MINOR REQUESTED CHANGES**

### **Reduce Chronic and Acute Toxicity Monitoring Frequencies**

EBDA appreciates the changes included in the TO to allow for conducting acute toxicity tests by measuring survival of test organisms during chronic toxicity tests using 100% effluent. As part of the NPDES permit application package, EBDA submitted data summaries showing long-term consistent compliance with both the acute toxicity effluent limits and with the chronic toxicity triggers. EBDA believes that this long-term consistent compliance supports a reduction in chronic toxicity monitoring not an increase (from quarterly to every other month (1/2 months)).

We recognize and appreciate that acute monitoring was reduced from monthly to 1/2 months. However, we requested and still believe it is fully justified, to reduce acute toxicity monitoring to 1/year based on over 20 years of consistent compliance. The chronic toxicity test provides much more useful toxicity assessment results based on growth, a more sensitive sub-lethal endpoint, in addition to acute toxicity mortality. EBDA's effluent consistently shows chronic toxicity of <2 TUc, a factor of five below the 3-sample median chronic toxicity trigger of 10 TUc and a factor of 10 below the single sample trigger 20 TUc.

EBDA requests that the following be added to Footnote (9) of MRP Table E-3:

"After 12 months (6 tests) showing consistent compliance with both the acute and chronic toxicity limits and triggers, acute and chronic toxicity monitoring frequency will be reduced to quarterly."

#### **Reinsert Toxicity Reduction Evaluation Language (MRP Section V.B.3.i, p. E-9)**

EBDA requests that the language cited below from the current EBDA permit be reinserted into the revised TO. EBDA believes it is important that the inherent challenges in conducting successful TREs be acknowledged in the permit. BACWA has previously provided to the RWB a summary of TREs conducted by Bay-area POTWs and the very limited success in identifying causing of toxicity (see recent BACWA comment letter on City of Pacifica TO scheduled for April 2017 adoption).

"i. The Regional Water Board recognizes that chronic toxicity may be episodic and identification of causes of and reduction of sources of chronic toxicity may not be successful in all cases. The Regional Water Board's consideration of enforcement actions will be based in part on the Discharger's actions and efforts to identify and control or reduce sources of consistent toxicity."

#### **Clarify Standard Provisions 24-Hour Reporting Language (Attachment D, Standard Provisions – Reporting, section V.E.1, p. D-8)**

EBDA believes that the relatively newly added language excerpted below from the above cited Standards Provisions section, is at best confusing and in places appears to conflict with the requirements of State Water Board Order No. 2006-0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems. EBDA requests that the language below be clarified to remove apparent reporting conflicts with the SWB WDR, or perhaps most simply be deleted as it largely appears redundant.

"For noncompliance related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (i.e.,

combined sewer overflow, sanitary sewer overflow, or bypass event), type of overflow structure (e.g., manhole, combined sewer overflow outfall), discharge volume untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the event, and whether the noncompliance was related to wet weather.”

#### **Cyanide Action Plan Influent Triggers (Permit Provisions VI.C.5.b, p. 15)**

EBDA has two concerns about the new influent cyanide triggers. First, EBDA submitted an analysis of 8 years of monthly influent and effluent monitoring for all 6 of the contributing POTWs. By far the vast majority of results were non-detect (generally <3 ug/L) and there were no patterns of consistent back to back elevated results. Furthermore EBDA does not believe that influent monitoring is likely to provide actionable information relative to tracking down significant sources of cyanide, if any were to appear. Individual industrial discharger monitoring conducted according to their POTW issued Pretreatment Program permits is much more direct way to assess likely sources. Second, EBDA is concerned that as we continually strive for lower detection limits and improved monitoring techniques (to minimize cyanide false positive results), the influent trigger value may get lowered. If the influent trigger is to be retained, we request that it be fixed at its current level.

#### **Pretreatment and Biosolids Monitoring Table E-4 (MRP p. E-10)**

EBDA appreciates that the many of the monitoring frequencies in Table E-4 were reduced from those in the current NPDES permit. As part of our NPDES application package we had submitted a very comprehensive analysis of 8 years of influent, effluent, and biosolids data as called for in NPDES permit Attachment H, Appendix H-4, to justify Table E-4 monitoring reductions (see: Pretreatment (Table E-5) Monitoring Frequency Reductions, August 31, 2016 memo to EBDA by EOA, Inc.).

We believe that that analysis supported even further reductions in monitoring frequencies (e.g., 1/5 years instead of 1/year) for these CTR Priority Pollutants. We question the utility of monitoring for these priority pollutants, which were identified by EPA over 40 years ago and have not changed since. Some of these pollutants have been banned or are no longer in use. Most of the organics are below detection limits in the effluents and biosolids. The detectable metals are almost all present at levels well below their corresponding water quality objectives or biosolids land application criteria.

EBDA encourages the RWB (in collaboration with BACWA) to initiate revisions to Attachment H that has not been updated since March 2011. An update is needed in part to develop more refined guidelines for monitoring reductions rather than being based solely on the total number of Significant Industrial Users (SIU) present in a POTWs service area. The EBDA analysis included an example of a three tier SIU categorization

Mr. Bruce Wolfe  
April 3, 2017  
Page 10

approach based on an SIU's likelihood of discharging significant amounts of Priority Pollutants that could be used as a starting point for the update. EBDA notes that there is overlap (and some confusion) regarding Table E-4 requirements and Regional Water Board 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 "AMR" Order allows Dischargers to opt for certain alternative (i.e. reduced frequency) monitoring requirements.

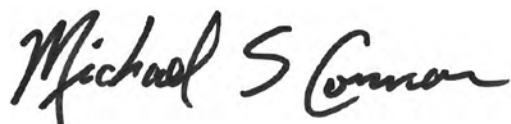
EBDA contributed the required amount to the RMP to qualify for coverage under the AMR Order. Most of EBDA's effluent organics monitoring requirements were reduced to 1/5 years under that Order. However that Order does not currently allow for reductions in metals monitoring frequencies or for any reductions in any parameters for influent or biosolids monitoring frequencies. EBDA suggests that the RWB expand the above AMR Order to cover more constituents and possibly influent and biosolids.

Finally, to better clarify the full suite of all (multiple) NPDES permit monitoring requirements EBDA requests that the RWB modify the Fact Sheet Table F-9 to reflect the AMR, Mercury and PCB Watershed Permit, and the Nutrient Watershed Permit requirements. Alternatively these various Tables, and the Effluent Characterization Provision VI.C.2 in the EBDA permit, could have additional text or footnotes added to cross reference related requirements in these other Permits.

## Summary

The Authority, its member agencies, and the LAVWMA agencies appreciate the opportunity to provide these comments. We look forward to working with Regional Water Board staff on this permit reissuance. Please let me know if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Michael S Connor". The signature is written in a cursive, flowing style.

Michael S. Connor, Ph.D.  
General Manager

Attachment – NPDES Permit Reissuance – Chlorine Residual Issue (EOA Technical Memo to EBDA dated September 12, 2016)



April 3, 2017

James Parrish  
1515 Clay Street, Suite 1400  
Oakland, CA 94612  
(510) 622-2451

VIA EMAIL: [jparrish@waterboards.ca.gov](mailto:jparrish@waterboards.ca.gov)

**Subject:** Comments on the Tentative Order R2-2017-00XX, NPDES No. CA0037869, for the East Bay Dischargers Authority

Dear Mr. Parrish:

The Bay Area Clean Water Agencies (BACWA) appreciates the opportunity to comment on Tentative Order R2-2017-00XX, NPDES No. CA0037869, for the East Bay Dischargers Authority (EBDA). BACWA is a joint powers agency whose members own and operate publicly-owned treatment works (POTWs) and sanitary sewer systems that collectively provide sanitary services to over 7.1 million people in the nine-county San Francisco Bay (SF Bay) Area. BACWA members are public agencies, governed by elected officials and managed by professionals who protect the environment and public health.

Most of BACWA's member agencies disinfect their effluent using chlorine. In Basin Plan Table 4-2, chlorine is given an instantaneous limit of 0.0 mg/L in effluent, which is an interpretation of the Basin Plan's narrative toxicity objective. Region 2 is the only Region in California where the Basin Plan assigns a limit of 0.0 mg/L. Other Basin Plans in California either include effluent limits up to 0.1 mg/L for chlorine, or include only the narrative toxicity objective. Because chlorine is monitored continuously, chlorine residuals are the most likely constituent to lead to an effluent quality violation in our Region. POTWs that use chlorine for disinfection dechlorinate using sodium bisulfite (SBS). To avoid violations, operators routinely overdose the effluent with SBS, costing agencies millions of dollars per year in aggregate, and exerting oxygen demand in the receiving water, with no water quality benefit.

EBDA is interested in exploring alternatives to the 0.0 mg/L instantaneous chlorine residual effluent limit that leads to wasteful dosing of SBS. BACWA commented during the 2015 Triennial Review process that we would be willing to contribute resources to address this issue either through the Basin Planning process, or through alternative implementation of the existing limit. Since the Regional Water Board did not identify review of the chlorine residual limit as a Basin Planning priority in 2015, the Regional Water Board may still consider alternative implementation of the existing limit by changing how the point of compliance is determined.

Chlorine quickly decays during discharge through an outfall, and NPDES permits in other regions account for such decay. In Massachusetts, for example, in addition to using a non-zero water quality objective for receiving waters and giving dilution credit, they calculate the rate of chlorine decay in the outfall pipeline and set effluent limits accordingly<sup>1</sup>. Because EBDA discharges through a 7-mile long outfall, it is expected that chlorine in their effluent would experience considerable decay prior to discharge. EBDA and other agencies that discharge through long outfalls could provide evidence, through benchtop studies, literature review, or in some cases, measured chlorine concentrations in their systems, of chlorine decay prior to discharge. If the Regional Water Board used these studies to assign a higher concentration of allowable chlorine measured in the effluent, this would significantly reduce dosing of SBS throughout the San Francisco Bay Area. EBDA, is particularly well suited to generate this evidence, since they can provide measured rates of chlorine decay from different parts of their system receiving chlorinated effluent flows from their different member agency facilities.

Besides consideration of chlorine die-off in the outfall, EBDA has also identified other potential alternatives for implementing a non-zero effluent limit for chlorine residual, which are 1) granting dilution credit for chlorine residual; or 2) establishing a continuous monitoring reporting limit for chlorine residual in the effluent. BACWA would also support any of the three approaches identified by EBDA.

BACWA appreciates the opportunity to comment on EBDA's Tentative Order and thanks you for considering our input.

Respectfully Submitted,

*David R. Williams*

David R. Williams  
Executive Director  
Bay Area Clean Water Agencies

cc: BACWA Executive Board

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<sup>1</sup> See Massachusetts Water Resource Authority's NPDES Permit No. MA0103284, Attachment H:  
<http://www.epa.gov/region1/eco/mwra/pdf/h.pdf>



Appendix C  
Response to Comments



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

**RESPONSE TO WRITTEN COMMENTS**

on Tentative Order for

East Bay Dischargers Authority, City of Hayward, City of San Leandro, Oro Loma  
Sanitary District, Castro Valley Sanitary District, Union Sanitary District  
Livermore-Amador Valley Water Management Agency

On April 3, 2017, the Regional Water Board received written comments from the East Bay Dischargers Authority and the Bay Area Clean Water Agencies on a tentative order (TO) distributed on March 3, 2017, for public comment.

Regional Water Board staff has 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, refer to the comment letters.

All revisions to the TO in response to comments are shown with underline text for additions and strikethrough ~~text~~ for deletions.

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**East Bay Dischargers Authority (EBDA)**

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**EBDA Comment 1:** *EBDA seeks to modify the measures used to evaluate total residual chlorine (TRC) compliance because EBDA applies excess sodium bisulfite to demonstrate consistent compliance with the current 0.0 mg/L instantaneous maximum effluent limit. EBDA adds approximately 200,000 gallons of sodium bisulfite solution to its effluent each year. While the sodium bisulfite is not toxic at the concentration used, excess sodium bisulfite consumes oxygen in the receiving water. An alternative approach for evaluating compliance could result in less sodium bisulfite use, which could also reduce costs and the amount of chemicals discharged to San Francisco Bay.*

*EBDA recognizes that Basin Plan Table 4-2 requires the 0.0 mg/L instantaneous maximum TRC effluent limit. However, the Basin Plan allows some flexibility in how compliance with that limit is determined. EBDA proposes three approaches:*

**Option 1:** *Adopt a TRC reporting level of 0.3 mg/L. EBDA proposes a reporting level of 0.3 mg/L based on a State Water Board draft study, "Investigation of Continuous Online Measurement of Chlorine and Sulfite in Wastewaters: Implications for Water Quality Regulation" (April 2008), that recommends 0.3 mg/L as a TRC reporting level. According to the draft study, TRC measurements below 0.3 mg/L showed a high degree of variability, whereas measurements of 0.3 mg/L and above were more reliable. Monitoring and Reporting Program section VIII.B.6 of the TO states that priority pollutant effluent concentrations that exceed both effluent limits and*

reporting levels are to be deemed out of compliance with the limits. The Regional Water Board could apply this concept to TRC.

**Option 2:** *Allow for TRC decay in the EBDA Common Outfall when evaluating compliance with the TRC effluent limit. EBDA measures TRC at the Marina Dechlorination Facility before discharge to the EBDA Common Outfall, located approximately seven miles offshore. Because the interior of the EBDA outfall pipeline is coated with inorganic constituents and organic biofilms, EBDA expects TRC to rapidly react and form harmless chloride ions within the pipeline. EBDA provided a study, “Chlorine Residual Issue” (September 2016), that calculated a TRC decay rate based on actual TRC concentrations within the EBDA facility. The study calculated that dry season and wet season TRC concentrations of 0.35 mg/L and 0.22 mg/L at the Marina Dechlorination Facility correspond to non-detectable TRC concentrations prior to discharge at the EBDA Common Outfall.*

**Option 3:** *Replace the current TRC effluent limit with a water-quality based effluent limit based on U.S. EPA’s acute water quality criterion of 0.019 mg/L and anticipated dilution at the EBDA Common Outfall. EBDA points out that dilution is used to calculate TRC effluent limits for ocean discharges in accordance with the California Ocean Plan. The maximum daily effluent limit calculated using the State Implementation Policy as guidance would be 1.5 mg/L.*

*EBDA recommends that the Regional Water Board adopt Option 1. If the Regional Water Board were to adopt Option 1 or 2, EBDA indicates its willingness to conduct tests to verify that targeting 0.3 mg/L TRC at the outfall would not threaten to water quality.*

**Response to EBDA Comment 1:** We do not recommend changes to the TO. While we do not disagree that we should evaluate whether the 0.0 mg/L instantaneous maximum TRC effluent limit specified in the Basin Plan continues to be the most efficient way to protect water quality, it is inappropriate to do so on a permit by permit basis. We address each EBDA proposal below:

**Option 1: Adopt a reporting level of 0.3 mg/L for TRC.**

We disagree that a TRC reporting level of 0.3 mg/L is necessary or appropriate. Because the Regional Water Board has not established a TRC minimum level<sup>1</sup> (or reporting level), EBDA is free to determine its own based on its analytical system. The TO places some constraints on this freedom, however. In accordance with 40 C.F.R. section 122.21(e), Monitoring and Reporting Program section III.B requires that monitoring be conducted using sufficiently sensitive test methods. In part, this means that test methods must achieve minimum levels at or below effluent limits. If this is impossible, test methods must achieve the lowest possible minimum level. This is also consistent with State Implementation Plan section 2.4.2, which states that, when no established minimum level is below the effluent limit, the selected test method must achieve a reporting level equal to the lowest minimum level available.

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<sup>1</sup> A “minimum level” is the concentration at which an entire analytical system gives a recognizable signal and acceptable calibration point. In other words, it is the concentration at which an analytical system can confidently quantify a result. A reported value below the minimum level is just an estimate.

Because the TRC effluent limit is 0.0 mg/L, EBDA's TRC analysis method should achieve the lowest minimum level available.

The basis for EBDA proposing a minimum level of 0.3 mg/L is a 2008 draft study for a draft chlorine policy proposed in 2006 that the State Water Board never adopted. The 2008 study is marked "do not cite or quote." TRC analytical systems today can achieve much lower minimum levels. The State Water Board's Drinking Water System Discharges to Waters of the United States permit (Order No. WQ 2014-0194-DWQ) and the Regional Water Board's Filter Backwash from Drinking Water Filter Facilities permit (Order No. R2-2016-0009) establish a TRC minimum level of 0.1 mg/L for field analyzers, the latter citing the Missouri Department of Natural Resources' *Total Residual Chlorine Study* (November 2004). Continuous on-line analyzers (calibrated using titration or other methods) should perform at least as well as field analyzers. Therefore, EBDA's TRC reporting level should be no higher than 0.1 mg/L.

**Option 2: Allow for TRC decay in the EBDA Common Outfall.**

Based on available information, we recommend against adjusting the effluent limit to reflect the TRC decay that takes place between the Marina Dechlorination Station monitoring location and the EBDA Common Outfall. EBDA's study was based on few conservative assumptions. For example, it determined dry season and wet season decay rates based on average TRC concentrations over a one-year period measured at an "upstream" San Leandro treatment plant monitoring location and the "downstream" Marina Dechlorination Station. Using long-term average conditions is inappropriate in the context of acutely toxic TRC. Moreover, EBDA's study did not determine a TRC concentration at the Marina Dechlorination Station corresponding to 0.0 mg/L TRC at the EBDA Common Outfall. It determined a higher value corresponding to 0.05 mg/L at the outfall (its purported detection limit). Basin Plan Table 4-2 requires that the effluent TRC concentration be 0.0 mg/L when discharged.

**Option 3: Adopt a water quality-based effluent limit.**

We recommend against adopting a water quality-based TRC effluent limit specific to this permit. Doing so would not eliminate the need to comply with Basin Plan Table 4-2, which requires that all treatment facilities comply with an instantaneous maximum TRC effluent limit of 0.0 mg/L. This technology-based effluent limit represents the minimum level of treatment that treatment plants must achieve. A water quality-based effluent limit that accounts for TRC dilution in San Francisco Bay would be less stringent. Clean Water Act section 301(b) and 40 C.F.R. section 122.44 require that permits include the more stringent of any technology-based and water quality-based requirements.

The Basin Plan contains different requirements for discharges to the Pacific Ocean versus discharges to other waters. Basin Plan section 4.5.4 requires ocean discharges to comply with the California Ocean Plan, which specifies a water quality-based approach for TRC, thereby allowing for dilution credits in establishing effluent limits. Basin Plan section 4.5.5.1 requires discharges to other waters, such as EBDA's

discharge, to comply with Basin Plan Table 4-2, which includes the 0.0 mg/L TRC limit.

Subsequent to receiving EBDA’s and BACWA’s comments on the TRC limit, we have discussed the issue with EBDA and BACWA management and identified the next steps in developing a Basin Plan amendment for Board consideration that would adopt U.S. EPA’s TRC water quality criteria. Such an amendment, once approved, would be implemented through a regionwide permit amendment, which could modify EBDA’s and all other permits’ TRC limit consistent with the State Implementation Plan.

**EBDA Comment 2:** *EBDA appreciates that the TO allows it to conduct acute toxicity tests using chronic toxicity test methods. Chronic toxicity test methods provide a comprehensive toxicity assessment based on growth and mortality. However, EBDA believes that its consistent compliance with acute toxicity limits and chronic toxicity triggers justifies a decrease in chronic toxicity monitoring, not an increase from quarterly to once every other month. EBDA requests that the bimonthly acute and chronic toxicity monitoring frequency be reduced to quarterly after a full year of consistent toxicity compliance.*

**Response to EBDA Comment 2:** We agree with reducing the acute and chronic toxicity monitoring frequency to once per quarter after one year of consistent compliance with the acute toxicity effluent limitations and not exceeding the chronic toxicity accelerated monitoring triggers. EBDA has demonstrated over 20 years of consistent acute toxicity compliance and did not exceed the chronic toxicity accelerated monitoring triggers during the last permit term. We revised Monitoring and Reporting Program Table E-3 as follows:

**Table E-3. Effluent Monitoring**

Parameter	Units	Sample Type <sup>[2],[3]</sup>	Minimum Sampling Frequency
<b>Individual Treatment Plants – Monitoring Locations EFF-002A through EFF-002D</b>			
⋮	⋮	⋮	⋮
<b>EBDA Common Outfall – Monitoring Location EFF-001 (or EFF-001D)</b>			
⋮	⋮	⋮	⋮
Fecal Coliform Bacteria	MPN/100mL <sup>[6]</sup>	Grab	2/Week
Acute Toxicity <sup>[7]</sup>	% survival	C-24	1/2 Months <sup>[9]</sup>
Chronic Toxicity <sup>[8]</sup>	TUc	C-24	1/2 Months <sup>[9]</sup>
Copper, Total Recoverable	µg/L	C-24	1/Month
⋮	⋮	⋮	⋮

Unit Abbreviations:

⋮

Sampling Types and Frequencies:

⋮

Footnotes:

⋮

<sup>[8]</sup> Chronic bioassay tests shall be performed in accordance with MRP section V.B.

<sup>[9]</sup> Acute bioassay tests may be performed concurrently with chronic bioassay tests in accordance with MRP section V.A. If after one year the Discharger has complied with the acute effluent limitations and not exceeded the chronic toxicity accelerated monitoring triggers, the minimum monitoring frequency shall be reduced to once per quarter until such time that

the Discharger fails to comply with the acute effluent limitations or exceeds the chronic toxicity accelerated monitoring triggers.

**EBDA Comment 3:** *EBDA requests that language currently in the EBDA permit that describes how the Regional Water Board will use its enforcement discretion if and when EBDA is implementing an approved toxicity reduction evaluation work plan be reinserted into the TO. EBDA believes the permit should acknowledge the challenges in conducting successful toxicity reduction evaluations.*

**Response to EBDA Comment 3:** We disagree. It is unnecessary to specify in a permit how the Regional Water Board will use its enforcement discretion. The Clean Water Act and California Water Code provide no basis for establishing within an NPDES permit how the Water Board will exercise its enforcement discretion. The State Water Board's Enforcement Policy (April 4, 2017) provides guidance for implementing the Regional Water Board's enforcement program. The significance and severity of violations, compliance history, and good-faith efforts to eliminate noncompliance are among the criteria the Regional Water Board uses to prioritize its enforcement efforts. Consistent with the Enforcement Policy, the Regional Water Board strives to be fair, firm, and consistent, while recognizing the unique facts of each case.

**EBDA Comment 4:** *EBDA believes that new language regarding 24-hour reporting for sanitary sewer overflows and bypass events in Attachment D – Standard Provisions is confusing and requests that it be clarified to remove apparent reporting conflicts with the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (State Water Board Order No. 2006-0003-DWQ).*

**Response to EBDA Comment 4:** Attachment D does not contain a new 24-hour “reporting” requirement. It continues to require “oral notification” within 24 hours in specific circumstances. The 24-hour oral notification is not subject to U.S. EPA's new Electronic Reporting Rule, which requires electronic reporting of sanitary sewer overflows and bypass events within five days starting December 21, 2020. State Water Board staff is working with U.S. EPA to determine the best way to implement the new rule by that deadline. However, the reporting requirements and deadlines set forth in the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (last amended by Order No. WQ 2013-00558-EXEC) continue to be at least as stringent as those in Attachment D. Therefore, compliance with the Statewide General Waste Discharge Requirements will continue to satisfy the corresponding Attachments D requirements.

**EBDA Comment 5:** *EBDA requests removal of the numeric influent cyanide trigger from the Cyanide Action Plan in Table 7 of the TO. EBDA's influent and effluent cyanide data have been largely non-detect for the past eight years. EBDA believes that individual industrial monitoring conducted through pretreatment programs is more useful for assessing cyanide sources. EBDA strives to improve monitoring techniques and implement lower detection limits, and is concerned that its efforts could result in a lower influent cyanide trigger in the future. If the influent trigger is retained, EBDA requests that it remain at its current level for some time.*

**Response to EBDA Comment 5:** We disagree. Basin Plan section 4.7.2.2 requires influent cyanide monitoring to ensure that site-specific cyanide objectives for San Francisco Bay comply with federal antidegradation policies. We include the numeric influent cyanide trigger to clarify

the meaning of “significant cyanide discharge.” We do not anticipate that including this trigger will significantly affect EBDA member agency operations. An EBDA member agency must exceed the trigger twice in a row before activating the requirement to implement a response plan to investigate cyanide sources. We believe the 17 µg/L trigger is reasonable because it is based on the 99<sup>th</sup> percentile of EBDA member agency influent cyanide data. In the unlikely event that an EBDA member agency were to exceed this trigger twice in a row, a cyanide source investigation would be appropriate. As for maintaining this trigger beyond the five-year term of this Order, we decline to constrain how the Regional Water Board might act during a future permit reissuance.

**EBDA Comment 6:** *EBDA appreciates reducing the pretreatment program monitoring frequency to once per year for most pollutants. EBDA believes that its analysis of eight years of influent, effluent, and biosolids data justifies further reducing the monitoring frequencies to once every five years (once per permit term). EBDA contends that the basis for monitoring these pollutants is outdated. Some of the pollutants have been banned or are no longer in use. EBDA encourages the Regional Water Board, in collaboration with the Bay Area Clean Water Agencies, to revise Attachment H (last updated in March 2011) to refine the guidelines for establishing pretreatment monitoring frequencies such that they are not based on the number of significant industrial users present in a discharger’s service area.*

*EBDA also requests modifying Fact Sheet Table F-9 to reflect the monitoring frequencies set forth in the Alternate Monitoring and Reporting Program (Order No. R2-2016-0008), the Mercury and PCBs Watershed Permit (Order No. R2-2012-0096), and the Nutrients Watershed Permit (Order No. R2-2014-0014).*

**Response to EBDA Comment 6:** We disagree that pretreatment monitoring frequencies should be further reduced. Attachment H Table H-1 specifies minimum pretreatment monitoring frequencies based on the number of significant industrial users a discharger has. Each EBDA member agency has more than five significant industrial users, the threshold for the annual monitoring requirement.

In March 2011, the Regional Water Board amended all NPDES permits with pretreatment requirements to update Attachment H. In doing so, it collaborated with the Bay Area Clean Water Agencies and included opportunities for public comment. Little has changed since then that gives cause for reconsideration. The number of significant industrial users present in a discharger’s service area remains a reasonable basis for determining pretreatment monitoring frequencies.

Regarding the request to modify Fact Sheet Table F-9, we decline to include monitoring requirements from the watershed permits because they will be reissued during this Order’s five-year term and their monitoring requirements may change. However, we agree to include the monitoring frequencies set forth in the Alternate Monitoring and Reporting Program and add a footnote that refers to the watersheds permits. We revised Table F-9 as follows:



**Table F-9. Monitoring Requirements Summary** <sup>[1] [2]</sup>

<b>Parameter</b>	<b>Influent INF-002A through INF-002D</b>	<b>Effluent EFF-001 (or EFF-001D)</b>	<b>Alternate Effluent EFF-001 (or EFF-001D)</b> <sup>[3]</sup>	<b>Effluent EFF-002A through EFF-002D</b>	<b>Biosolids BIO-002A through BIO-002D</b>
Flow	Continuous/D	Continuous/D	Continuous/D	Continuous/D	---
pH	---	---	---	2/Week	---
Carbonaceous Biochemical Oxygen Demand (5-day @ 20°C)	1/Week	---	---	1/Week	---
Total Suspended Solids	3/Week	---	---	3/Week	---
Total Residual Chlorine	---	Continuous/D or 1/Hour	<u>Continuous/D or 1/Hour</u>	---	---
Oil and Grease	---	1/Quarter	<u>1/Quarter</u>	---	---
Enterococcus Bacteria	---	2/Week	<u>2/Week</u>	---	---
Fecal Coliform Bacteria	---	2/Week	<u>2/Week</u>	---	---
Acute Toxicity	---	1/2 Months	<u>1/2 Months</u>	---	---
Chronic Toxicity	---	1/2 Months	<u>1/2 Months</u>	---	---
Copper, Total Recoverable	---	1/Month	<u>1/Month</u>	---	---
Cyanide, Total	1/Quarter	1/Month	<u>1/Month</u>	---	1/Year
Dioxin-TEQ	---	2/Year	<u>Once</u>	---	---
Ammonia	---	2/Month	<u>2/Month</u>	---	---
Priority Pollutants <sup>[4]</sup>	---	2/Year	<u>Once (VOCs, BNAs, and chlorinated pesticides); 2/Year (remaining priority pollutants)</u>	---	---
VOC	1/Year	1/Year	<u>Once</u>	1/Year	1/Year
BNA	1/Year	1/Year	<u>Once</u>	1/Year	1/Year
Metals and Other Elements	1/Year	1/Month	<u>1/Month</u>	1/Month	1/Year
Hexavalent Chromium	1/Year	1/Month	<u>1/Month</u>	1/Month	1/Year
Mercury	1/Year	1/Month	<u>1/Month</u>	1/Month	1/Year

Sampling Frequencies:

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

⋮

Once = once per permit term

Footnotes:

<sup>[1]</sup> Receiving water monitoring shall be satisfied by participating in the RMP.

<sup>[2]</sup> The Discharger shall also comply with the monitoring requirements in the Mercury and PCBs Watershed Permit (NPDES Permit No. CA0038849) and the Nutrients Watershed Permit (NPDES Permit No. CA0038873).

~~<sup>[2]</sup> As long as the Discharger elects to participate in the Alternate MRP, the Discharger may monitor only once.~~

<sup>[3]</sup> These monitoring frequencies apply only if and when the Discharger elects to participate in the Alternate MRP (Regional Water Board Order No. R2-2016-0008), the Discharger may monitor only once for VOCs, BNAs, and chlorinated pesticides; and twice per year for the remaining priority pollutants.

<sup>[4]</sup> This monitoring is required by Provision VI.C.2 of the Order.

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## Bay Area Clean Water Agencies (BACWA)

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**BACWA Comment:** *The San Francisco Bay Region is the only California region whose Basin Plan assigns a TRC limit of 0.0 mg/L. Other Basin Plans either specify TRC effluent limits up to 0.1 mg/L or include only the narrative toxicity objective. Because TRC is typically monitored continuously, it is the most likely source of effluent limit violations. Therefore, publicly-owned treatment works routinely dechlorinate their effluent by adding excess sodium bisulfite, which exerts oxygen demand in receiving waters and offers no other water quality benefit.*

*In 2015, during the Basin Plan Triennial Review process, BACWA indicated its willingness to contribute resources to address excessive sodium bisulfite use, either through a Basin Plan amendment or an alternative implementation scheme. BACWA points out that NPDES permits prepared outside this region account for TRC decay in their effluent limits. EBDA and other dischargers that discharge through long outfalls could provide studies and literature reviews to document the TRC decay. Considering TRC decay when establishing TRC effluent limits would significantly reduce sodium bisulfite discharges. BACWA also supports EBDA's other suggestions regarding the TRC limits.*

**Response to BACWA Comment:** See our response to EBDA Comment 1.